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SENATE—*Wednesday, April 18, 2007*

The Senate met at 8:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Oh God, our Father, we thank You for all the bright things of life. Help us to see them, to count them, and to remember them even in the midst of perplexing, painful situations. Today, direct our Senators in their work. May they express their gratitude for Your gifts by serving You and our Nation faithfully. Deliver them from the temptation to please others, particularly at the expense of honor, honesty, and truth. Rule over this legislative body for the welfare of the Nation and Your glory.

And, Lord, this week we thank You for the life and legacy of Liz Jeffords. Comfort Senator Jeffords, Leonard and Laura, and all those who grieve her passing.

We pray in the Name of Him who is the resurrection and the life. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 18, 2007.

To the Senate:

Under the provisions of rule 1 paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, first I ask unanimous consent, and it has been cleared by the minority, that the time spent with the prayer and pledge and my statement not be taken away from the hour on cloture on the two votes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, this morning there will be 60 minutes available to the Members to discuss the issues on which there will be cloture votes on the two motions to proceed. Time is equally divided and controlled between the two leaders or their designees. At approximately 9:30 a.m. the Senate will vote on the motion to invoke cloture on the motion to proceed to S. 3, the prescription drug bill. If cloture is not invoked on that motion, there will be 2 minutes of debate controlled equally by Senators LEAHY and SPECTER, after which time the Senate will proceed to a cloture vote on the motion to proceed to S. 378, the court security bill. If cloture is invoked on that motion, then I hope the managers can work together for expeditious consideration of this measure. Later I will have more to say about the schedule for the remainder of the week.

STYMIEING LEGISLATION

Mr. REID. Mr. President, on the first cloture vote dealing with prescription drugs, I think probably I have said enough to indicate my displeasure and disappointment with what has happened this week, for our inability to proceed on something that is so basic to the security of this Nation, the Intelligence authorization bill, which deals with our espionage efforts, our ability to collect intelligence from around the world. That was stopped on a strict party-line vote because the Vice President didn't want that. So that is enough said on that.

On the prescription drug issue, when all else fails I think we should look at common sense. What we are asking is that Medicare be able to negotiate for lower prices in the purchase of drugs for senior citizens. This is opposed by the pharmaceutical industry, the insurance industry, and HMOs because they have a sweetheart deal. They can negotiate for lower prices but Medicare can't.

You can throw around all the statistics you want, it is not going to lower prices. I call upon our common sense. Doesn't it make sense that Medicare should be able to compete with these HMOs and negotiate for lower price drugs? Of course. That is why AARP and dozens of other organizations that care about seniors, not about profits, are on the side of moving forward on this legislation. I hope there will be Senators on the other side of the aisle who will step up and allow us to move forward on this legislation.

Finally, it is hard to comprehend, but in addition to not being able to move forward on the issues relating to intelligence, and probably on prescription drug negotiations, we have been stymied in being able to bring forward a bill on court security. I hope it is just a small minority of Senators on the other side holding up this bill. We have had violence in courtrooms all over America. In Reno, NV, a disgruntled man did not like what a judge was doing on a divorce proceeding. He drove to a garage with his high-powered, deer-hunting rifle and fired, at almost 200 yards, through the window of the judge's chambers. The shot did not kill him but badly wounded him.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

We know what happened in Atlanta, GA, with someone who was in cahoots, basically, with one of the violent prisoners. As a result of that, people were killed.

In Illinois, a disgruntled litigant waited in the judge's home, and when the father and one of the children came home, he killed them both.

This legislation dealing with court security is extremely important. We just had this terrible incident in Blacksburg, VA, indicating how prone this country is to violence. This legislation dealing with court security allows grants to States to beef up the security in courtrooms. It will allow bulletproof glass, as should have been in the judge's chambers in Reno, NV, and metal detectors. It would allow jurisdictions to obtain metal detectors. It would limit what Federal judges have to list in their various personal papers. It would not be possible, if this legislation passes, for some disgruntled defendant, witness, or whatever the case might be, to go to the Internet and find out where the judge lives, as happened in Illinois. They would not have to disclose personal information like that. They would not have to disclose the jobs of family members so one of these violence-prone people could go to someone's place of business and hurt and injure a child or loved one of one of these judges who make difficult decisions.

This legislation is important to allow us to better understand and protect against disgruntled litigants. It increases the penalties for people who do these bad things, who harass prosecutors, judges, and witnesses.

It is very important legislation, and we should have already completed it. But here we are. We are going to have to move to proceed to it. Once—I hope—cloture is invoked, then we have 30 hours to wait before we get onto the bill. It would be a shame that we have to waste the time of our country, time that could be spent on valuable legislation that could be done here in this Chamber, waiting to move forward because of people not wanting to legislate.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business for 60 minutes with Senators permitted to speak therein with the time equally divided and controlled between the majority and Republican leaders or their designees.

Who yields time? The Senator from Arizona.

PRESERVING COMPETITION WITHIN MEDICARE

Mr. KYL. Mr. President, I would like to speak for a few minutes on the bill on which we will be voting in approximately an hour, as the majority leader just said. I would like to speak directly to the point he attempted to make, which was why should there be a problem with allowing the Federal Government to negotiate for drug prices for Medicare by repealing Medicare's so-called noninterference provision?

Nobody doesn't support negotiation. Negotiation is at the heart of the Medicare prescription drug benefit. I was there when it was written in the conference committee and there was a conscientious decision to ensure that there would be competition for lowering prices by specifically designating pharmacy benefit managers to do negotiating with the drug companies to bring the prices down. So the first myth is that Medicare somehow does not involve negotiations. It involves extensive negotiations. What it does not do is allow the Federal Government to interfere in those negotiations and, in effect, put itself in between patients and doctors and the drugs.

The Medicare Fair Prescription Drug Price Act of 2007, on which we will be voting cloture, turns this law upside-down and basically inserts the Government into this process under these decisions. The purpose may sound simple—the Government, using its negotiating clout, forcing drug companies to give seniors deep discounts—but if you take a closer look and peel away the layers, you realize it is nothing more than a promise running on empty, void of details and muddled by political rhetoric rather than sustained by the facts. Let's look at the facts.

First of all, Medicare Part D is working. When Congress crafted the bill, we heard from our constituents loudly and clearly. They wanted a prescription drug benefit that guaranteed access to affordable drugs and offered a choice of plans. They didn't want to be packed into a one-size-fits-all, Government-run plan that didn't fit their needs, and in fact they asked us to model the benefit after the plan that is available to Members of Congress. We did that. We chose access over restrictions, choice over Government control, and competition over price control. As a result, Medicare Part D is exceeding everyone's expectations. Approximately 90 percent of Medicare beneficiaries have some form of prescription drug coverage. The average premium was $22, in 2007, which is 42 percent lower than the Government projected initially. On average, seniors saved $1,200 on their prescription drug costs last year.

Eight out of ten Part D enrollees report they are satisfied with their current coverage, and the Congressional Budget Office estimates that the drug benefit will cost the taxpayers 30 percent less, $265 billion in savings over the next 10 years.

To sum it up, we have 90 percent Medicare beneficiaries with coverage, 80 percent satisfaction rate, and it costs 30 percent less than originally estimated. If it "ain't" broke, don't fix it.

The second fact, drug negotiation is at the heart of the Medicare bill. For the first time in history, health insurance plans and pharmaceutical companies and these benefit managers whom I mentioned are required to negotiate better prices for seniors, just like they do for Members of Congress. The noninterference provision, which first appeared in democratically sponsored legislation, prevents the Federal Government from interfering in those negotiations. It is a basic economic principle. In competitive markets, supply and demand interact, determining the price of the good or service. How do you get a good price? These pharmacy benefit managers I mentioned have significant market power.

Consider this fact: The three largest PBMs have nearly 200 million members, compared to Medicare's 44 million. So when you talk about the Government using its considerable bargaining clout because it would represent 44 million, appreciate that these pharmacy benefit managers represent 200 million. They insure all of these people—Americans in the private sector, as well as Americans who have Government insurance. So the private drug negotiators already enjoy a significant competitive advantage. They use that power to negotiate lower prices and, as I pointed out, that negotiation has worked.

Third, the secretarial negotiation cannot achieve any lower price without rationing choice in access. That was the testimony before the Senate Finance Committee, and I think every one of us appreciates that we should be very careful about anything which could restrict access to care for our seniors. When the Finance Committee marked up this bill last week, I looked forward to getting some clarity on exactly how Members contemplated this secretarial negotiation, how it would work.

To my disappointment, no one could explain exactly how it would work. In fact, my colleagues openly and candidly admitted they had no plan or any specifics. What they said was that the Secretary would have to use his imagination and that it could take a number of different forms.

So what we are buying, in effect, is a pig in a poke. Nobody knows what the Secretary would or could do in order to try to bring prices down; he would have to use his imagination.

I think it is appropriate for us to ask this kind of question before we buy into legislation that could so dramatically and negatively impact health care for our seniors. Restricting access could theoretically reduce lower prices if they were raised with some other program. That is the other downside to this legislation.

During the Finance Committee noninterference hearing, we heard testimony from Dr. Fiona Scott Morton, who is a Professor of Economics at the Yale School of Management. She made a couple of critical points. Individuals eligible to participate in Medicare Part D generate approximately 40 percent of prescription drug spending in the United States. The Secretary cannot negotiate a lower average price for such a large population; Medicare is the average.

So if it were somehow theoretically possible to reduce prices, they would have to go up somewhere else. That is the other point we established as well. There are many different organizations, including veterans organizations, that urged us to oppose this legislation because they understand that if you are somehow able to lower the prices for Medicare, they necessarily, arithmetically, have to go up somewhere else. The Veterans' Administration is one of those areas.

Let me quote from two letters, one received from the American Legion, which asks us to consider, and I quote:

> . . . the serious collateral damage that would result from repealing the noninterference provision.
>
> The VA is a health care provider, whereas Medicare is a health insurer. Any possible Medicare savings would likely result in a reciprocal cost to the VA. Compromising the noninterference provision by striking this section is not in the best interest of America's veterans and their families.

The American Legion is not alone. The Military Order of the Purple Heart sent a similar letter to the Hill. Bottom line here: Cost savings are the result of true efficiencies. Repealing the noninterference provision is just another way to shift costs at the expense of other consumers.

In conclusion, during this markup of this bill in the committee, I offered three amendments, each of which ensured important safeguards: No. 1, to prohibit cost shifting, as I mentioned, to entities such as Medicaid or veterans or the uninsured; No. 2, to require a certification of cost savings to Medicare beneficiaries if these negotiations were to occur; No. 3, a certification of four beneficiary protections: One, individual choice of a prescription drug plan; two, access to prescription drugs by prohibiting a government formulary or other tool to restrict drug access; three, guaranteed access to local pharmacies; and, four, no cost shifting to other payors, such as Medicaid, veterans or the uninsured. All three of these amendments were rejected. In fact, somebody called them a red herring. Well, restricting seniors' access to prescription drugs and increasing drug prices for all consumers are not red herrings, they are important issues which have not been adequately addressed in this legislation.

Repealing this noninterference provision would put the Government, not the individual in charge, and put seniors one step closer to a single Government-run designed formulary.

I appreciate and respect the goals of my colleagues. We all want to improve access to affordable health coverage. But with all due respect, they are wrong. A great deal of expert testimony and experience with Medicare Part D by millions of Americans has demonstrated they are wrong. So I urge my colleagues, when considering how to vote on this motion for cloture, to appreciate the fact that, first of all, there is a great benefit that is producing savings and is well appreciated by the American people; that there are organizations that are very much opposed to this, such as the VA, and that we would be very foolish, it seems to me, to adopt a piece of legislation such as this about which there is no consensus as to how the Secretary would utilize his authority to negotiate.

Mr. President, I ask unanimous consent to have printed at this point in the Record an editorial from the Wall Street Journal of today, April 18, 2007, which further amplifies the points I have made this morning.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Apr. 18, 2007]

BITTER PILLS

The Senate is scheduled to vote today on legislation to allow the government to negotiate drug prices under the 2003 Medicare prescription drug bill. Democrats and such liberal interest groups as AARP claim this would save money for seniors and taxpayers, but the more likely result is that seniors would find that fewer of their therapies are covered.

We opposed the prescription drug bill as a vast new entitlement, but there's no denying the program's innovation of using private-sector competition has worked far better than critics predicted. In the first year alone, the cost of Medicare Part D came in 30 percent below projections. The Congressional Budget Office calculates the 10-year cost of Medicare Part D will be a whopping $265 billion below original estimates.

Seniors are also saving money under this private competition model. Premiums for the drug benefit were expected to average $37 a month. Instead, premiums this year are averaging $22 a month—a more than 40 percent saving. Democrats don't like to be reminded that many of them wanted to lock in premiums at $35 a month back in 2003. No wonder recent polls find that about 80 percent of seniors say they're satisfied with their new Medicare drug benefits.

Democrats who opposed all of this private competition now say that government-negotiated prices will do even better. They must have missed the new study by the Lewin Group, the health policy consulting firm, which found that federal insurance programs that impose price controls typically hold down costs by refusing to cover some of the most routinely prescribed medicines for seniors. These include treatments for high cholesterol, arthritis, heartburn and glaucoma.

Supporters of federal price "negotiations"—really, an imposed price—also like to point to the example of the Veterans Health Administration, which negotiates prices directly with drug companies. But it turns out that the vaunted VHA drug program has a few holes of its own. The Lewin study examined the availability of the 300 drugs most commonly prescribed for seniors. It found that one in three—including such popular medicines as Lipitor, Crestor, Nexium and Celebrex—are not covered under VHA. However, 94 percent are covered under the private competition model of Medicare Part D. Fewer than one of five new drugs approved by the FDA since 2000 are available under VHA.

Here's the real kicker: Statistics released March 22 by the VHA and Department of Health and Human Services show that 1.16 million seniors who are already enrolled in the VHA drug program have nonetheless signed up for Medicare Part D. That's about one-third of the entire VHA case load. Why? Because these seniors have figured out that Medicare Part D offers more convenience, often lower prices, and better insurance coverage for their prescription drugs. In short, seniors are voting with their feet against the very price control system that Democratic leaders Harry Reid and Nancy Pelosi want to push them into.

Of course, the greatest threat from drug price controls is not to our wallets, but to public health. Price controls reduce the incentive for biotech and pharmaceutical companies to invest the $500 million to $1 billion that is often now required to bring a new drug to market. If government price controls erode the profits these companies can earn to produce these often life-saving medications, the pace of new drug development will almost certainly delay treatments for AIDS, cancer, heart disease and the like. Congress is proposing dangerous medicine, and if it becomes law seniors may be the first victims.

Mr. KYL. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, we have a very important vote we are going to take in a few minutes about whether we are going to be allowed to proceed—even to proceed—to a bill that would give the Secretary of Health and Human Services a very important tool to lower prices for prescription drugs.

With all due respect to my friends on the other side of the aisle, I hear very differently from seniors. First of all, they don't like, in Michigan, wading through 50, 60, 70 different insurance plans and all the paperwork to figure out what plan they are going to sign up for. They wanted us to go directly to Medicare which is, by the way, a Government-run program, one of the most successful in the U.S. Government.

They wanted us to be able to set up prescription drug coverage through Medicare. That wasn't done. Instead, we have this privatized system that was geared to making sure the industry would have the maximum amount of profit. That has been the focus, unfortunately, of this legislation, which is why we would see, in the middle of a prescription drug bill for seniors, actual language that says: You cannot negotiate for lower prices.

Now, we have an opportunity to change that, to take that language away. What are we hearing? Well, we are hearing all kinds of things, all kinds of things. On the one hand we hear: This will do nothing for seniors. It will not help seniors. It will not lower prices. On the other hand we hear: It is going to do all kinds of things that are very terrible for people.

Well, it can't be both. What we have going on is an orchestrated effort by the industry to keep things the way they are.

If we were able to get better prices for seniors, there would not be that big gap in coverage that I guess some folks think the seniors like. Seniors in Michigan do not like that. After they have paid some $2,100 in drug costs, going into a gap where the average price has actually gone up, they have no help. This is a very different world I am hearing from, the people in Michigan, rather than what we are hearing from the industry and from others who support this plan the way it is.

We can do better than this Medicare prescription drug benefit. Today is the opportunity to decide whose side you are on, either on the side of the industry that is doing great under this bill, record profits, or you are going to be on the side of the seniors who are asking us to help them, whatever way we can, get the best deal for them by lowering their prices.

I wish to go through a few of the myths and the scare tactics that have been out there, and there have been many, there is no question about it. First of all, we are hearing from the industry now in big ads—by the way, I should say, $135,000 an ad a day—by folks who say this bill would not do anything. It is the Washington Post and another Washington Post. We go on and we can see all of the papers that we read. We have seen these ads in the Congressional Daily—daily, millions and millions of dollars.

I woke up this morning to an ad on television I have seen many times: The Medicare prescription drug benefit, yes, it is doing great for them. It is not doing great for our seniors.

Here is one of the things they are saying: that 89 percent of the folks oppose negotiation, if it could limit access to new prescription drugs. What they are saying is, they are telling people they are going to limit access to new drugs, they are not going to be able to do research anymore.

In fact, this bill would not limit access to prescription medication. I have to say, with all due respect, the industry spends about 2½ times more on advertising and marketing than they do on research. We have a long way to go. We could cut out a couple of ads. One ad for $135,000, if it was not done, I wonder how much medicine that would buy for people? This is not about doing away with research. We know that. CBO says that. We know that as a fact. This is not about taking away access to medicine for people.

We are being told it will have an effect on other purchasers. The Congressional Budget Office, I asked them to put in writing, after our Finance hearing, whether this bill would do that. CBO anticipates that S. 3—the bill in front of us, the Medicare Prescription Drug Price Negotiation Act of 2007 as reported by the Finance Committee—would not have an effect on drug prices for other purchasers.

Unfortunately, my good friends, the veterans for whom we work hard, whom we have raised health care dollars for, have been told something different. That is very unfortunate. It is not true. It is a scare tactic. This bill does not do that. CBO, in fact, has indicated it does not do that.

We hear something else that I think is very important. We hear: Well, we should not compare this to the VA; the Veterans' Administration negotiates group prices for our veterans. In fact, the average difference in price is 58 percent.

Now, some go up to as high as 1,000 percent, a 1,000-percent difference. On Zocor, there is a 1,000-percent difference. It seems to me there is a little room for us to negotiate for those on Medicare within that 1,000 percent.

But we are told no. The problem is that the VA, first of all, gets lower prices because they do not offer as many drugs; you cannot go to the VA and get the drugs you need, which is also not true.

From a presentation overview of the VA pharmacy benefit, in a presentation that was made, comparing apples to apples, now they have compared on the other side of this argument chemical compounds as opposed to actual drugs.

But the fact is, under Medicare there are 4,300 different drugs available, 4,300. Under the VA, they dispense 4,700—not 4,300—4,778 specific drug products, specific drug products which represent the chemical compounds that have been used on the other side of the argument.

In fact, in addition to that, if you go to the VA and if on the list, the approved list, there is not the medicine you need, you can ask for an exception to get the medicine you need. In addition to the 4,778 different medicines available from the VA, last year they dispensed prescriptions for an additional 1,416 different drugs so our seniors, our veterans were able to get what they needed from the VA.

When we hear concerns about veterans health care, with all due respect—I hear a lot about driving too far to get tests, waiting too long to see a doctor—I do not hear about not being able to get medicine.

The fact is, the VA dispenses more different prescriptions at a lower price than this privatized system, what I view as a dismantling of Medicare that has taken place through the prescription drug benefit that is before us.

What we have is the ability today to take a vote on proceeding to a bill that 87 percent of the American public wants to see us pass. And this is the AARP. Now, I find it very interesting, on the one hand, we have got all the folks representing the industry doing well under this bill, putting in ads, doing surveys, talking to us through the television and the radio saying that seniors do not want to negotiate the best price because of all these scare tactics.

But when the group who represents seniors, the AARP, speaks, they tell us 87 percent of voters want us to move ahead. This is a tool. This is giving the Secretary the ability to use that tool in a way that is responsible and will lower prices for our seniors. This is a motion to proceed.

I hope we are not going to see what we have seen, unfortunately, too many times this year, as we have—in the new majority—worked hard to change the direction of this country. I hope we do not see our efforts stopped from even moving forward to debate this critical piece of legislation. Eighty seven percent of the American public has some common sense. They are saying: What are you doing? What are you doing that you would not give the Secretary the ability to negotiate the best price?

I hope we will join together overwhelmingly and vote to give us the opportunity to consider this bill, to be able to move forward on a basic policy of common sense to help our seniors, people on Medicare, get the lowest possible price for their medicine.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. May I inquire how much time this side of the aisle has remaining in morning business?

The ACTING PRESIDENT pro tempore. The Senator has a little over 20 minutes.

Mr. CORNYN. I see the distinguished ranking member of the Finance Committee here. I will speak briefly and then certainly yield the rest of our time to him.

There is a much larger question than has been addressed so far before the Senate this morning on this particular motion to proceed: that is, whether we are going to see the incremental growth of Government involved in intervening between decisions that should be made by patients in consultation with their doctors as a matter of individual choice. If, in fact, the advocates of this particular legislation are successful, it will be one step further down the road toward a single-payer system where the Government will decide what kind of health care we get and our family members receive rather than we as a matter of individual choice in consultation with our personal family doctor. That is a dangerous trend.

As my colleagues know, the Federal Government and Federal taxpayers pay for 50 percent of health care today. I am staggered by the suggestion that the Federal Government can somehow do a better job than the private sector through choice and competition in setting drug prices. Rather than a negotiation, this is like a take-it-or-leave-it offer with a gun to your head. The consequences, if this legislation is successful, will be that seniors will have fewer choices, Government will have grown that much bigger and interfered much more in the private choices we should all make as a matter of personal choice. The irony is, this is one of the Government programs—I would say rare Government programs—that actually works better than we thought it would. As a matter of fact, I voted for the Medicare prescription drug bill in 2003, but I was concerned when some of the estimates that came out of the Congressional Budget Office indicated it would actually cost a lot more than we originally thought. But this is a good news story.

What I don't understand is why our Democratic friends want to ruin a good thing that 80 percent of seniors who have access to this prescription drug plan say they like and 90 percent of seniors eligible have signed up for, saving on average $1,200 a year. Why in the world would we want to mess up a good thing? I don't understand it, unless it is that incremental step toward a single-payer, Government-run health care system that would be a bad direction, rather than leaving the private sector to provide choices and competition, which improves services and lowers price.

Listening to some of my colleagues on the other side of the aisle, to paraphrase H.L. Mencken, they live in dread that somebody somewhere is actually making a profit in a private enterprise. I don't particularly care if shareholders in a company decide they want to risk their money to invest in a competitive enterprise to provide me and my family a service that I want and like and need and do it at a price that is lower and a service quality that is better than the Federal Government. The fact that they make a profit, good for them. That is what this country is built on. That is why our economy is the envy of the world.

Competition provided in the prescription drug benefit has forced costs down far below what was anticipated. In 2007, the average premium for the benefit is $22 a month—40 percent less than projected. We have heard the statistics before, but they bear repeating. The Congressional Budget Office new budget estimates that for the next 10 years, the net Medicare cost for the prescription drug benefit will be more than 30 percent lower than originally forecast, $265 billion. I have only been in the Senate for 4½ years, but I don't think I have ever seen or even read about a Government program that actually came in under budget at a lower cost than originally projected. For some reason—and it escapes me—some of our colleagues here want to change that, and that is a mistake.

One of the editorials in one of my newspapers back in Texas, the Austin American Statesman, writes:

> The incoming majority of Congressional Democrats, it seems, has a problem: a promise to fix something—the new Medicare drug program—that might not need fixing.

The basic point is this: We passed a prescription drug benefit that uses market competition to provide critical medications to seniors at costs much lower than projected. The results so far demonstrate the familiar principle that competition and choice could bring lower prices, something that should not surprise any of us. I must say, I am surprised at the magnitude of the benefit and the magnitude of the savings and the way this has lived up or, I should say, even exceeded expectations.

Today in the Wall Street Journal there is an article entitled "Bitter Pills" which I ask unanimous consent to have printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. This speaks directly to the comments made by the Senator from Michigan about the Veterans' Administration. Let me briefly read this paragraph:

> Supporters of federal price "negotiations"—really, an imposed price—also like to point to the example of the Veterans Health Administration which negotiates prices directly with drug companies. But it turns out that the vaunted VHA program has a few holes of its own. The LEWIN study—

Which it alludes to earlier, a health policy consulting firm

> examined the availability of the 300 drugs most commonly prescribed for seniors. It found that one in three—including [the most] popular medicines as Lipitor, Crestor, Nexium and Celebrex—are not covered by the VHA.

Not covered. That is what the advocates of this legislation, I guess, believe is the ideal, to cover less drugs, and that is what the consequences of this legislation would be.

Let me read the last sentence:

> However, 94 percent of these drugs are covered under the private competition model of Medicare Part D. Fewer than one of five new drugs approved by the FDA since 2000 are available under the VHA plan.

If the right vote on this upcoming motion to proceed is to end the debate, it is not true that we haven't had debate. We are having the debate right now. But I believe the country would be better off, seniors would be better off, and choice and competition would remain available if we voted against the motion to proceed. That is how I intend to vote and urge my colleagues to do the same.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Apr. 18, 2007]

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The Senate is scheduled to vote today on legislation to allow the government to negotiate drug prices under the 2003 Medicare prescription drug bill. Democrats and such liberal interest groups as AARP claim this would save money for seniors and taxpayers, but the more likely result is that seniors would find that fewer of their therapies are covered.

We opposed the prescription drug bill as a vast new entitlement, but there's no denying the program's innovation of using private-sector competition has worked far better than critics predicted. In the first year alone, the cost of Medicare Part D came in 30 percent below projections. The Congressional Budget Office calculates the 10-year cost of Medicare Part will be a whopping $265 billion below original estimates.

Seniors are also saving money under this private competition model. Premiums for the drug benefit were expected to average $37 a month. Instead, premiums this year are averaging $22 a month—a more than 40 percent saving, Democrats don't like to be reminded that many of them wanted to lock in premiums at $35 a month back in 2003. No wonder recent polls find that about 80 percent of seniors say they're satisfied with their new Medicare drug benefits.

Democrats who opposed all of this private competition now say that government-negotiated prices will do even better. They must have missed the new study by the Lewin Group, the health policy consulting firm, which found that federal insurance programs that impose price controls typically hold down costs by refusing to cover some of the most routinely prescribed medicines for seniors. These include treatments for high cholesterol, arthritis, heartburn and glaucoma.

Supporters of federal price "negotiations"—really, an imposed price—also like to point to the example of the Veterans Health Administration, which negotiates prices directly with drug companies. But it turns out that the vaunted VHA drug program has a few holes of its own. The Lewin study examined the availability of the 300 drugs most commonly prescribed for seniors. It found that one in three—including such popular medicines as Lipitor, Crestor, Nexium and Celebrex—are not covered under VHA. However, 94 percent are covered under the private competition model of Medicare Part D. Fewer than one of five new drugs approved by the FDA since 2000 are available under VHA.

Here's the real kicker: Statistics released March 22 by the VHA and Department of Health and Human Services show that 1.16 million seniors who are already enrolled in the VHA drug program have nonetheless signed up for Medicare Part D. That's about one-third of the entire VHA case load. Why? Because these seniors have figured out that Medicare Part D offers more convenience, often lower prices, and better insurance coverage for their prescription drugs. In short,

> seniors are voting with their feet against the very price control system that Democratic leaders Harry Reid and Nancy Pelosi want to push them into.
>
> Of course, the greatest threat from drug price controls is not to our wallets, but to public health. Price controls reduce the incentive for biotech and pharmaceutical companies to invest the $500 million to $1 billion that is often now required to bring a new drug to market. If government price controls erode the profits these companies can earn to produce these often life-saving medications, the pace of new drug development will almost certainly delay treatments for AIDS, cancer, heart disease and the like. Congress is proposing dangerous medicine, and if it becomes law seniors may be the first victims.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. Parliamentary inquiry: How much time remains on our side?

The ACTING PRESIDENT pro tempore. The Senator has 20 minutes.

Mr. WYDEN. It is my intention to go a little less than 10 minutes. I know the distinguished chairman of the committee is here as well, and I want him to be able to speak for our side.

Mr. President, I have always tried to work in a bipartisan way on health care. I voted in favor of creating the Medicare prescription drug program. I do not favor the Government running everything in health care. In fact, I have introduced legislation that would ensure that the government would not run everything. I believe it is important that pharmaceutical companies be successful in developing new products and therapies for America's seniors and for patients who are suffering. I believe it is time for the Senate to right a wrong. Outlawing the Government from any and every opportunity to negotiate lower drug prices for millions of seniors and taxpayers is an instance of special interest overreaching. Everybody else in America negotiates. Employers negotiate. Labor unions negotiate. Individuals negotiate. Everybody tries to be a smart shopper. Certainly Medicare, with 43 million people's interest on the line, ought to do everything it possibly can to be a savvy shopper.

It is especially important that the Government not give up the right to negotiate when single-source drugs are involved. These are drugs where there is no competition and no therapeutic equivalent. For many patients, a single-source drug is essentially the only drug available. Cancer drugs often fall into this particular category. What this means is, seniors who depend on these cancer drugs for their very survival often face bills of thousands and thousands of dollars. In my hometown, it can often cost something like $400 for a particular injection. We are talking about treatment with these single-source drugs for those who are suffering, say, from leukemia, from kidney disease. For the life of me, I don't see how it is common sense to say that we are going to give up every single opportunity for all time for the Secretary of Health and Human Services to try to negotiate a better deal for those seniors on drugs where there is no competition.

Senator SNOWE and I have worked for more than 3 years in a bipartisan way to address the most important concerns of our colleagues who have questioned this proposal. We believe strongly that we should not have price controls in any shape or form. Price controls clearly impede innovation and the development of new therapies. We should not do that. Chairman BAUCUS has ensured that price controls would not be allowed under the measure before the Senate today.

Senator SNOWE and I also believe strongly that there should not be restrictive formularies. These formularies—to use technical health care lingo—essentially involve a list of drugs to which seniors could get access. We should not restrict the access of seniors to medicines. Senator SNOWE and I have made that a priority for more than 3 years. Chairman BAUCUS has addressed that as well.

We don't have any one-size-fits-all, run-from-Washington kind of pricing regimes. All we have said is: Let's make sure we can negotiate when it is critically important. I submit, in every one of these budget letters—I know the history has been hard to follow; one said this, one said that—every one has indicated that there can be savings when there are single-source drugs involved in negotiation. I emphasize that. For certain cancer drugs, where seniors can be spending thousands and thousands of dollars, there is the potential for savings when the Secretary has a role there.

Not a single person in the Congress today can imagine all of the scenarios possible that may come up in 10 or 20 years, what new drugs there may be that could cure or treat health problems. There can be situations in the future where, for example, a different Secretary of Health and Human Services would use negotiating authority to get savings that can't be anticipated for drugs that haven't even been contemplated today. It doesn't make sense for the Congress to preemptively outlaw future savings. It especially doesn't make sense when the American Association of Retired Persons, in an RX Watchdog Report that looked at nearly 200 drugs including the most commonly used brand-name medications, has found that seniors very often need medicines that carry price tags that have gone up twice the rate of inflation. So we have older people getting hit—almost clobbered—with these costs which are going up more than twice the rate of inflation.

I and others have said we want to be sensitive to the question of innovation. That is why we have not supported price controls. But when you are talking about drugs, such as certain cancer drugs, and the interests of older people, let us not say, for all time, and in every instance, we are going to forsake the opportunity to negotiate.

Given that is possible to negotiate savings for seniors, if you stand up at a town meeting anywhere in this country and say, well, gosh, that is no big deal, I think seniors and taxpayers would say, try to get us the most value out of this program. This is a program I voted for and that I have always tried to look at ways to improve. I think there are plenty of ways under the leadership of Chairman BAUCUS and Senator GRASSLEY we can improve this program.

Certainly, it is still far too complicated. You almost have to be a legal wizard to sort through some of these forms and to be able to compare the possibilities you might have for your coverage. So there are other steps that can be taken in a bipartisan way. But we ought to have a real debate in the Senate on one of the most important pocketbook issues of our time. This is what people talk about in coffee shops, in senior centers, and in community halls all across the country.

I think the proposal Chairman BAUCUS has developed in this area makes sense. It does not go over the line and impede pharmaceutical innovation. It ensures we are going to be on the side of trying to stand up for seniors when it comes to those drugs, such as the cancer drugs I have discussed this morning, when they have trouble affording them.

I hope our colleagues will vote for the motion to proceed and a chance for the Senate to have a real debate rather than this abridged kind of discussion where only a handful of Senators can participate.

I thank the chairman of the Finance Committee for making sure this gets to the floor and, particularly, my colleague, Senator SNOWE, who has worked with me on this issue in a bipartisan way for more than 3 years. If we get a chance to proceed, she and I will be offering an amendment to strengthen the proposal still further.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, in Shakespeare's time, the poor had little access to medicine. In "Measure for Measure," one of Shakespeare's plays, he wrote:

> The miserable have no other medicine, but only hope.

With the Medicare Modernization Act of 2003, we sought to give America's seniors, especially America's poorest seniors, something more than only hope. We sought to ensure that seniors had access to the affordable medicine they need.

When we crafted the Medicare drug benefit, we could only imagine how it would work. We really did not know. In some respects, our work was theoretical. We established a market-based approach in which any number of private insurers would compete to offer drug coverage. That was the foundation.

Even with a market-based design, we had tremendous concern that the market would not be able to offer drug coverage. As the former CMS Administrator said at the time:

> Private drug plans do not yet exist in nature.

We were starting from scratch.

In an abundance of caution, we went a step further than merely creating a market for drug coverage. We took what I am now convinced was a step too far: We tied the hands of the Secretary of Health and Human Services with what has come to be known as the "noninterference clause." We eliminated the Government's ability to intervene to get fair drug prices for seniors. Today, we consider a bill to repeal a portion of that noninterference clause created by the Medicare prescription drug program.

What is the noninterference clause? The noninterference clause prohibits the Secretary of Health and Human Services from "interfering" with the negotiations between drug manufacturers and pharmacies and drug plan sponsors. Essentially, this provision bans the Secretary from doing anything that would affect the prices Medicare pays for drugs. Another prong of this noninterference clause prohibits the Secretary from creating a single, national formulary and from setting prices under the Medicare drug benefit. The legislation before us today, however, leaves that part alone. Those prohibitions remain.

Now the Medicare drug benefit is in its second year. Our theory that private plans would offer and deliver Medicare drug coverage proved accurate. It is working for millions of Americans. It is giving them more than just hope. But it is not perfect, and in some cases it still may not be giving seniors affordable drugs. We are here today because we need to do all we can to make sure it works well for everyone. Looking at the program today, the noninterference clause is an unnecessary hindrance. It ties the Secretary's hands.

Free markets are usually the best solution. But markets sometimes fail. In this program, American taxpayers are spending more than $50 billion a year to deliver a prescription drug benefit to seniors. We may on occasion need the Secretary to roll up his sleeves and get more involved in the program. We want Secretaries of HHS to be able to use the tools at their disposal. We want them to help shape the drug benefit into a strong and thriving program. It is time to untie the Secretary's hands.

The bill before us today does not change the market-based approach of the drug benefit. It does not change that at all. This bill is not the first step toward Government-run health care, nothing close to it. This bill is not the first step toward a single-payer health care system. No way. Rather, the bill before us today aims simply to improve and strengthen the drug benefit. It is our way of fulfilling our promise to provide Medicare beneficiaries with access to affordable medicines. We should not allow the Government to sit idly by while seniors continue to pay high prices or even go without their medicine. That would be a dereliction of duty. Congress created this benefit to give seniors access to affordable drug coverage. Now we need to make sure the prices seniors pay at the pharmacy are low, too. That is the goal of this legislation.

So let us build on the Medicare Modernization Act of 2003. Let us seek to give America's seniors something more than only hope. Let us ensure that seniors truly have access to the affordable medicine they need.

Mr. President. I yield the floor and reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I have 12 minutes left; is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. GRASSLEY. Mr. President, I ask the Chair to please inform me when I have used 11 minutes.

Mr. President, we have a situation here where the latest argument has been that when we wrote the bill 4 years ago, providing pharmaceuticals for seniors under Medicare, we went one step too far by saying the Secretary of Health and Human Services should not interfere in plans negotiating drug prices.

Well, I want everybody to understand that we took this language from several different Democratic bills which had been introduced because I wanted this program to be as bipartisan as we could make it. So we had Senator Moynihan introducing President Clinton's bill in 1999 which had that language in it. We had a Daschle-Reid bill in the year 2001 which included that language. We had a House bill in 2001 which included that language. We had a Gephardt-Pelosi-Rangel-Stark-Dingell-Stabenow bill—Senator STABENOW now—which had this language in it.

So I want people to know that as to this language which they now think should not be in this legislation—the bipartisan approach—we took this language because we thought this would be one step further toward making this whole program bipartisan because we do not have enough bipartisanship in the Congress now. All of a sudden, everybody who thought this language was perfect language thinks this language—from Democratic pieces of legislation—ought to be struck out of this bipartisan bill. Obviously, as I said yesterday, and I say today, we have plans that are working. And if it ain't broke, don't fix it.

Mr. President, I have always been fond of jigsaw puzzles—spinning the pieces around, figuring out how the pieces of a puzzle all fit together, until you finally see the whole picture. This debate is a lot like working a jigsaw puzzle. I would like to have you take a look at a few of the pieces.

One piece is the House bill, H. 4, passed by the House. The House bill requires the Secretary to negotiate prices with drug manufacturers. The House bill also strikes the ban on Government price-setting. To date, the House authors have not explained why they wanted to authorize the Government to set prices.

The Congressional Budget Office said the House bill would not achieve any savings unless the Secretary was given the authority to establish a formulary or use some other tools to negotiate lower prices.

Let's look at another piece of the puzzle; that is, the bill before us, S. 3. The Senate bill authorizes the Government to take over Medicare's negotiations. It strikes the prohibition on Government interference in negotiations the prescription drug plans are doing today, negotiating with the drug companies to get drug prices down. The average cost of the 25 most used drugs by seniors is down 35 percent.

The Senate sponsors keep saying their bill "begins the process" for negotiation. But what about the negotiation that has been going on for 4 years under this bill? They say their language, by striking, is a step toward what they want.

As was the case in the House bill, H.R. 4, the Congressional Budget Office also says the Senate bill, S. 3, will not achieve any savings unless the Secretary establishes a national formulary or uses other tools to reduce drug prices.

So we have two bills, two pieces to our puzzle. But on Thursday night, in our Finance Committee markup of S. 3, we found a missing piece that helps us bridge the bills together and finally see the full picture of the puzzle.

On Thursday night, I offered an amendment that would prevent the Secretary from using preferred drug lists to limit access to approved prescription drugs. We have heard over and over again from our colleagues that neither H.R. 4 nor the Senate bill, S. 3, allows for a national formulary. But as all observers of the Medicaid Program know, States are not allowed to use formularies, but the courts have said States can use preferred drug lists. A preferred drug list is just like a formulary, only in sheep's clothing. It is a Government-controlled list of drugs a beneficiary can and cannot have; in other words, the Government saying what drugs you can use, not your doctor, or at least what drugs we are going to pay for. A national preferred drug list would have the same effect, then, as a national formulary.

So I thought: For all the talk about not allowing Government formularies, the proponents of S. 3 would embrace a provision banning preferred drug lists. If they really do not want to limit beneficiary access to drugs, it should have been an easy thing for them to support. So I offered that amendment to prohibit the Secretary from imposing a national preferred drug list. Much to my surprise, every Democrat in the committee voted against my amendment. When the proponents of Government negotiations defeated my amendment, they were, in fact, voting in favor of having the Government limit access to drugs. They voted for Government limits on access to drugs. They voted to have the Government tell beneficiaries which drugs they can have and which they cannot have, which is an intervention of Government between a doctor and a patient—that relationship we were working so hard to preserve when we wrote the bill in 2003.

We have the final piece of the puzzle allowing everything to fall into place.

What would H.R. 4 and S. 3 look like after they merged them together in conference between the House and Senate? Well, you can put two and two together and get an answer.

H.R. 4 requires the Secretary to negotiate drug prices and eliminate the ban on price setting. It is clear now that supporters of the Senate bill want the Government to set preferred drug lists because they voted against it when I offered that in committee, that the Secretary couldn't do that, preferred drug lists, which are just like formularies. They want the Government to determine what drugs seniors will be allowed to get coverage for. We have heard all this hooray about the VA and how they do things. Remember, the VA only pays for 23 percent of the drugs that seniors can get now under Part D.

The puzzle is complete. If we let S. 3 go to conference, we will have returned to us a bill that requires the Secretary to negotiate with drug manufacturers using price controls and a national preferred drug list. It couldn't be more clear.

We must not let that happen. We must put a stop to it and do it right here. Price control and a national preferred drug list are the tools they want the Government to have. They want to have the Federal Government take over Medicare prescription drug marketing, and that is absolutely the wrong thing to do. The Medicare drug benefit is working. "If it ain't broke, don't fix it." It is a testimony to the idea that the private market works, that Government-run health care is not the answer.

They say Medicare doesn't negotiate. That is not true. Medicare is negotiating today, just the way we set it up 4 years ago to negotiate. Medicare is negotiating through the market clout of its prescription drug plans, and the market-based model for Part D is working. Costs are far lower than expected. CBO projections for Part D dropped by $308 billion—32 percent lower. That is the 2007 baseline compared to the 2006 baseline. Premiums for beneficiaries are 40 percent lower. Seniors overwhelmingly approve of the benefit.

So why do supporters of this legislation hate the Medicare drug benefit so much? They hate it because nothing could be more damaging to the idea of Government-run health care than Part D, the way we wrote it 4 years ago. It is a free market plan, and it is a market that is working, and that is not their plan for how health care should work. Their view is that Government knows best.

So what do seniors and all Americans have to look forward to if this Trojan horse attack succeeds in a Government takeover of prescription drugs? Seniors can look forward to fewer choices. Gone will be the days when seniors can select from various plans to find one that suits them. If this bill passes, seniors will get only the drugs the Government selects for them.

Do you want a Government bureaucrat in your medicine cabinet? All other Americans will see higher prices for their prescription drugs, experts testified before the Finance Committee.

I will go ahead and use up the remaining minute.

CBO has said that everybody else's prices will go up. We have reams of evidence showing that price controls and Medicare will lead to higher drug costs for everybody else. That means higher prices for veterans. That means higher prices for the disabled, pregnant women, and children on Medicaid. That means higher prices for small business owners and families. If we don't stop this bill right now, that is what we have to look forward to.

We can and should stop this bill in its tracks. Vote against Government-controlled drug lists, vote against Government setting prices, vote against Government restriction on seniors' access to drugs.

Mr. President, everyone should move beyond the simpleminded rhetoric of sound bites and see the full picture because sound bites don't make sound policy.

I yield the floor.

Mr. WYDEN. Mr. President, parliamentary inquiry: How much time does our side have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 6½ minutes.

Mr. WYDEN. Mr. President, I have great respect for the Senator from Iowa, but I simply want to set the record straight with respect to a couple of points. The distinguished Senator from Iowa was talking about the House bill to a great extent. We are not dealing with the House bill. I want to be very clear what the Senate bill does.

All the Senate bill does is lift this restriction which bars the Secretary from ever having a role in negotiation. This bill—the measure that is before the Senate—does not take over the role of the private plans. The private plans would continue as they have since the program's inception: to sign the contracts, to conduct the various activities to make sure that seniors can purchase that coverage. There is no takeover of private plans, despite what has been suggested.

Point No. 2: In no way does the measure now before the Senate limit access to drugs for seniors. We have been told that under this particular measure, there would be huge restrictions with respect to seniors being able to get drugs, that there would be formularies established, a variety of prescriptive arrangements that would deny choice. That is not the case in this legislation.

Let's be clear. One, this is not the bill that is before the House. It is not the bill the House has acted on. Two, it simply lifts the restriction. Three, it doesn't take over the role of the private plans. The Secretary is simply complementing the role of the private plans. Four, under this particular measure, the Government would not limit access to drugs. There would be no restriction on drugs that seniors could get under this bill.

I only come back to the point I made earlier. This is about patients who are hurting. This is about those cancer patients, for example, who are taking drugs for which there is no competitive alternative, where there is no therapeutic alternative. Should we simply sit by and say that when they have to spend thousands and thousands for those cancer drugs—cancer drugs that are essential to their survival—are we going to say that we should give up any and every opportunity for the Secretary to try to negotiate a good price? I think we understand this is a straightforward issue. This is about whether we are going to have a real debate on one of the most important consumer issues of our time.

There are groups such as the AARP that have brought to the attention of every Senator what this means for their members. This is what people are talking about in coffee shops. They are talking about it in community centers. They are talking about it all across the country because they think when you have a program that has 43 million people, be the smartest shopper you possibly can.

We have the private plans out there already. The Baucus proposal—and I want to emphasize this—does not restrict the role of those private plans. It is going to go forward.

The question is, Should we make it possible for the Secretary of Health and Human Services to complement that role, to go beyond it and to say there may be some instances where we ought to negotiate? I voted for the Medicare prescription drug program. I do not support the idea of Government running everything in American health care, but it is time to right a wrong. This particular provision, which restricts the Secretary from ever negotiating, is an example of special interest overreaching.

The Senate ought to say today: We want to proceed to a real debate, not this abridged version where only a handful of Senators could participate. I am glad I could correct the record so that as we go to the vote, Senators understand that this bill is not the House bill, that this bill will not restrict the private plans, and it will not restrict access for seniors to medications. I urge our colleagues to vote for the motion to proceed.

Mr. FEINGOLD. Mr. President, one of the biggest flaws in the Medicare prescription drug benefit is that it does not adequately address the skyrocketing prices of prescription drugs. By denying the Government the ability to negotiate price discounts, the benefit actually takes away one of the best tools the Medicare Program could use in bringing down prescription drug prices.

That is why I am a cosponsor of legislation that would help address this fundamental flaw. The Medicare Prescription Drug Price Negotiation Act, S. 3, will remove language included in the Medicare Modernization Act that prohibits the Secretary of Health and Human Services from negotiating prescription drug prices with manufacturers. The legislation goes a step further to require much needed data that would set the stage for additional legislation to strengthen negotiation in the future. This bill is something that the entire Senate should support, and I am disappointed that the Senate is being prevented from even debating, let alone voting on, this important bill.

When I talk about the new Medicare prescription drug benefit during my travels around my home State of Wisconsin, I continually hear from constituents about how they cannot believe that the Federal Government cannot negotiate with pharmaceutical companies about the prices of prescription drugs.

We need to help Medicare beneficiaries obtain affordable prescription drugs while still ensuring the Federal Government keeps prescription drug costs down. By lowering the underlying cost of prescription drugs offered through the Medicare Program, we will not only be helping beneficiaries save money, but we will also save the Federal Government money.

In a time of mushrooming deficits, skyrocketing prescription drug costs and an aging population, we need to be smart about how we use taxpayer dollars. If we are going to keep Medicare solvent, we need to take strong action to keep health care costs down, especially the increasing costs of the prescription drugs the new Medicare Program will be providing. This is the fiscally responsible thing to do, and it is also the compassionate thing to do as keeping drugs affordable ensures access to prescriptions for 43 million seniors.

I support this legislation, but I also support an even stronger step. It makes sense at this time to impose a mandate on the Secretary of HHS to negotiate lower prices. The Secretary should also have the right tools to negotiate effectively.

This bill doesn't address formulary or price control authority for the Secretary. An ideal bill would at least examine these issues closely, yet these are not mentioned. Formulary power and price controls in Medicare Part D should be debated in the near future, and the reports required in S. 3 will provide needed information for that debate.

So while I would like a stronger bill today, I support today's legislation because it is a giant step forward from where we are today. I hope my colleagues who are currently blocking this important legislation will reconsider their actions.

Mr. MARTINEZ. Mr. President, today I wish to discuss an issue that is on the minds of millions of seniors—prescription drug access and pricing. I am here to defend Medicare Part D and the importance of competitive drug pricing, because it works.

Prescription drugs play a vital role in our health care system. Thanks to technological and scientific breakthroughs in pharmaceuticals, Americans are living longer and more productive lives than ever before.

There has been a remarkable rise in pharmaceutical drug access to our Nation's citizens. A generation ago, there were nowhere near as many prescription drugs available—today, there are effective drugs on the market that help people do just about anything. From drugs that reduce blood pressure and fight uncommon bacterial infections, to others that lower stress and protect immune systems in the fight against cancer, there has never been a time in history like this.

Members of Congress have—over the last decade or so—made many efforts to extend prescription drug access to as many Americans as possible, specifically seniors. The expense has been significant, but so have the results. This improvement to prescription drug access is due in large part to Medicare Part D.

The Medicare Part D prescription drug program has been successfully reducing drug costs for seniors, and as long as we leave it alone and let it run as it was intended to, millions of Americans will continue to benefit—this was the goal and the goal is being met.

I strongly oppose any efforts to repeal the noninterference clause, and I encourage my colleagues to do the same.

My colleagues on the other side of the aisle, however, are moving to eliminate the noninterference clause—written into the Medicare Modernization Act, MMA—which, in layman's terms, means that some Members of Congress would like to give the Government the ability to negotiate drug prices on behalf of consumers. Proponents of this move believe that Government negotiation of drug prices would lead to lower prices for the millions of Americans in need of prescription drugs. Yet that is not the full picture. The reality is that there is no proof that eliminating noninterference would reduce costs for seniors in need of low-cost prescription drugs; in fact, there is a chance that this approach could limit senior access to certain types of prescription drugs—this is because, in Government negotiating of drug prices, competition will be eliminated. This is to say that certain drug companies will simply back away from the table and choose not to participate.

As you can see, Government negotiation will not benefit the consumer. It actually hurts the consumer because it limits what prescription drugs are available to them.

For that reason, I feel strongly that moving in this direction and having this debate is not the best use of the Senate's time. Why are we debating a program that has been successful in providing drug coverage for our seniors and has done so while costing less than anticipated? Our seniors have a choice in their plans, and they are pleased with those options. We should be using this time to focus on those who lack any healthcare options. I am talking about the millions of uninsured people in this country.

My colleagues and I should be talking about ways to give these individuals a chance for health care coverage. We need to further examine the Tax Code and fix its glaring inequities. The Tax Code needs to be unbiased; where you work should not affect how much you pay for health care coverage or what kind of health care options you have.

Why can't all American workers—whether they work for a Fortune 500 company or the local bakery they started from scratch—have the ability to purchase health insurance with pretax dollars?

My bill, the TEA Act, will allow just that. Why aren't we talking about that?

What about Senator COBURN's Universal Health Care Choice and Access Act—why aren't we talking about that? His bill will help transform our health care system to one that focuses on prevention and helps to reestablish the doctor-patient relationship, while also empowering individuals to choose where their care is delivered.

I encourage us to get past this time-consuming and unnecessary Part D debate and turn toward issues that are in need of solutions. From the uninsured, to future budget insolvency, to the global war on terror, there is plenty—of substance—to discuss.

Mr. ENZI. Mr. President, today I wish to speak in opposition to the bill currently before the Senate.

First I would like to briefly review the status of the new Medicare law that Congress passed in November of 2003. That landmark legislation enacted the first major benefit expansion of the program since 1965 and placed increased emphasis on the private sector to deliver and manage benefits. It created a new voluntary outpatient prescription drug benefit to be administered by private entities. The legislation also expanded covered preventive services and created a specific process for overall program review if general revenue spending exceeded a specified threshold.

I am pleased to be able to report that this new program is working. All across the country, seniors are expressing their approval of the new benefit. In my State of Wyoming, the new Part D prescription drug benefit has been a huge success. Last year, I traveled around Wyoming and visited with seniors in Cheyenne, Douglas, Sheridan, Casper, Powell, and Rock Springs. I talked to folks all over the State and told them about the new program as I encouraged them to sign up for it. I also talked to a few of the pharmacists in Wyoming that worked so hard to make this program a success. I believe I can speak on behalf of many of my colleagues in saying thank you to the thousands of pharmacists throughout the country that did so much to implement this great program.

Today, about 89 percent of Wyoming seniors are receiving prescription drug coverage, an increase of 16 percent from last year. They remember what it used to be like when they tried to get their prescription medications and they don't want to go back. I have received hundreds of calls and letters from Wyoming seniors who like the way things are and don't want Congress interfering with their prescription drug plan because it is working for them. Five separate surveys show that more than 75 percent of all beneficiaries are satisfied with the way the program works.

Not only are about 90 percent of seniors now receiving prescription drugs, the program is costing less than originally expected. When is the last time a government program cost less than was estimated? I came to Washington in 1997, 10 years ago, and I don't know that I have ever seen a government program that spent less money than we expected. Private competition is working better than we envisioned and it is saving seniors and the government more and more money every day. Why should we change that?

For some reason my colleagues on the other side of the aisle have decided they need to "fix" a program that isn't broken. We have implemented a plan that is working and before we change it, we need to be sure about what we are doing and the effect it will have on the program and the impact it will ultimately have on seniors from coast to coast.

The bill now before the Senate would strike the noninterference clause from the Medicare law. The "noninterference" language in the Medicare law prevents the Federal Government from fixing prices on Medicare drugs or placing nationwide limits on the drugs that will be available to seniors and the disabled. I support this language 100 percent. Decisions on what drugs should be available should be made by seniors and their doctors, not by some central committee in Washington.

Under the Medicare Part D law, each prescription drug plan has its own list of preferred drugs. Each plan's list is different—some are broader, some are narrower. Each list, however, has at least two drugs from each therapeutic class of medications and everyone can find a plan that is advantageous to them.

The "noninterference" bill before us is not only unnecessary, but it could also prove to be harmful to the health of our nation's seniors. The "noninterference" language protects seniors and the disabled from having the government decide which drugs their doctors can prescribe. It maintains the sacred relationships that seniors have with their doctors, who know best about what particular drugs are right for their patients. Patients support this language, and they want us to maintain it.

I would like to repeat, we have already implemented a plan that is working. Yet the majority party wants to "fix" the Medicare drug benefit. It is ironic to me that they use the word "fix"—fix is exactly what this bill will lead to, the government "fixing" prices on drugs. It is not a bill about negotiating prices; it is a bill about fixing prices. As most Americans know, the Government doesn't negotiate in the Medicare program. It sets the prices that the Government will pay doctors and hospitals for serving seniors.

Setting the price is the same as price controls. And we saw what happened in the 1970s when we tried to control the price of gasoline. Do you remember the long lines at the gas pumps? Trying to control the price of gasoline was a complete disaster. Let's not experiment with giving government the ability to control the prices of prescription drugs.

Despite what some folks are reporting, the nonpartisan Congressional Budget Office has said over and over again that removing this language would not save the Government or seniors any money. It wouldn't save money because the Medicare prescription drug plans will have strong incentives to negotiate drug price discounts that would be as low—or lower—than anything the Government could negotiate. Additionally, many plans represent more people than Medicare, Medicaid, or the Veterans Administration, so the plans have greater purchasing power than the Government. To effectively negotiate, you need competing products, or you have to be willing to do without one of the products on which you are negotiating.

How many times does the Congressional Budget Office have to say that this bill will not save the Government any money before it starts to sink in? When will my friends on the other side of the aisle acknowledge that this bill will not save any money?

We do, however, know of something that will save the Federal Government and seniors money—competition among private plans. What has been proven to reduce costs—especially for seniors with low incomes—is the new Medicare drug benefit that we passed in 2003.

The competition among private plans is driving the cost of the program down. The average monthly premium has dropped by 42 percent, from an estimated $38 to $22—and there is a plan available in every state for less than $20 a month. So let me suggest letting competition work to drive the prices even lower instead of instituting government price controls that have failed in the past.

Also, because the program has choice, if the price of one plan goes up, beneficiaries can switch plans. It is important to remember that sometimes the prices will go up, because medical costs will go up as long as new technologies are invented that allow people to live longer, healthier lives.

Democrats want to change Part D to resemble the drug benefit program of the Veterans Administration. In the VA system, the Government sets a price on a drug it can get at the cheapest rate and limits or restricts access to those it can not get at cheap rates. As a result, the VA benefit excludes three out of four drugs available through Part D. Changing the Medicare Program to be as restrictive as the VA system is completely illogical.

Another thing about the VA system is that it can take a long time for new drugs to be included on the formulary—sometimes as long as 3 years.

Let me repeat that. It can take as long as 3 years for new, life-saving drugs to be included on the VA formulary.

Lastly, the VA owns the whole system, so you have to order your drugs from them or you have to fill your prescriptions at one of 350 government-run facilities nationwide. In contrast, seniors signing up for a Medicare prescription drug plan can choose their plan based on the pharmacy they want to use to fill their prescriptions. As a result of all of these things, more than 1 million retired veterans have signed up for Medicare in the last year. I talked to many veterans in Wyoming and they all told me that they signed up for Medicare Part D so they could finally get the drugs they needed that they couldn't get from the VA.

Unfortunately, my colleagues on the other side of the aisle want to make the Medicare Program more like the VA program. They want to take away a senior's ability to choose. The real thing we should be talking about is how we can change the VA program to be more like Medicare Part D.

The mark also contains a few other provisions relating to the comparative effectiveness of prescription drugs—a study that determines whether drug A is better than drug B at treating a disease. The mark also contains a provision authorizing consideration of comparative clinical effectiveness studies in developing and reviewing formularies under the Medicare prescription drug program. No surprise here, but the Congressional Budget Office stated no savings will result because of this section.

This is the first step of a dance the Democrats want to do called "cutting in on the relationship between doctors and patients." Decisions about what drugs patients should take should be made by doctors and patients. I think we should keep the Government out of the exam room.

To close, I would just like to remind folks of a few key points: (1) The Medicare Program is working. More seniors are getting the drugs they need at lower costs. (2) The bill before the Senate tries to "fix" something that isn't broken. (3) This bill will take away the choices seniors have about the drugs they use. (4) The Congressional Budget Office has stated several times that this bill will not produce any savings. (5) The bill tries to make the Medicare Program more like the Veterans program, but the Veterans program has fewer choices than the Medicare Program)—that is why over one million veterans have signed up for the Medicare Program.

We don't need meddling for the sake of meddling or a new system conjured up for political convenience. Let's stop wasting the time of this important body and move to a bill that can actually do some good for the American people.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I am going to proceed in leader time.

I rise in opposition to the effort to roll back the remarkable success of a prescription drug benefit that American seniors have been waiting for for decades and which millions of them now enjoy.

Republicans strongly oppose this effort to tamper with a program that is working extraordinarily well by every conceivable measure. In standing against those who would end it, we are standing up for the 32 million seniors in this country who enthusiastically support this terrific life-changing benefit.

But before I explain our reasons, I want to thank Senator GRASSLEY, who has been an extraordinarily effective leader on the Finance Committee, who has been right in the middle of this issue, going back to its formative stages in 2003, and has made a very articulate and persuasive case today for not tampering with this extraordinarily successful program.

Having said that, let's get right to the point. Republicans are on the side of seniors on this issue. There is simply no doubt about this. The only thing in question is why Democrats would even think about meddling with a drug benefit that has 92 percent coverage, 80 percent satisfaction, and which costs more than 30 percent—more than 30 percent—less than even the most daring bean counters estimated when we passed the bill.

Seniors who signed up for this benefit are saving an average of $1,200 a year on the cost of medicine, and taxpayers are saving billions—billions—$265 billion over the next 10 years less than anticipated.

Now, I ask everyone—anyone—in this Chamber: When was the last time a Government program came in under budget?

For those of you who may be watching on C–SPAN, that quietness was the sound of crickets and tumbleweed you just heard echoing from the Senate Chamber because I doubt a single Government program in modern history, let alone one this big and this important, has ever—ever—come in under budget. So it is a mystery why our Democratic friends would want to tamper with this Medicare benefit. If it isn't broke, why break it?

Now, the refrain we keep hearing from the other side is that we need competition, that drug prices will be even lower if we allow the Government to bargain for lower prices. Unfortunately, that is not true. The impartial Congressional Budget Office just sent us a letter saying there would be zero—that is zero—savings if Government stepped in and interfered with the current system. They sent the same letter to a Republican-controlled Congress last year.

The reason is simple. Prices have plummeted under Part D precisely because we have let private drug benefit managers, who already negotiate, into a Government drug program for the first time. They do the negotiating for us, and it is a good thing because they have much more leverage than we do. The three biggest drug negotiators, in fact, have four times as many members as the entire Medicare population.

Let me say that again. The three biggest drug negotiators have four times as many members as the entire Medicare population.

Look, you don't have to be a Milton Friedman to see that bigger negotiators are going to get better prices, and that is what we have right now with these drug benefit managers. Yet the other side wants to send a Medicare team to the negotiating table—a population with one-fourth the negotiating power. That is like sending a Little League pitcher up to the big leagues and handing him the ball for the big game. We already have aces on the mound, and they don't need any relief.

The point is, Republicans favor negotiation and competition, and our Democratic friends oppose it. Just look at the numbers. They speak for themselves. There is no way we could have achieved these savings if market competition and negotiation weren't at play. Secretary Leavitt said it pretty clearly just yesterday:

> There is rigorous, aggressive negotiation taking place right now.

That is why we are seeing such success and satisfaction with this program. But let's assume just for the sake of argument that price isn't an issue. Let's take price off the table for a moment. What about choice? What about choice? Here, too, Republicans are on the side of seniors. The VA model the Democrats are for some reason enamored with is inflexible and restrictive. It excludes three out of four drugs available through Part D, including some of the most innovative treatments for arthritis, high cholesterol, breast cancer, and other ailments. Veterans who want cutting-edge drugs like Crestor or Revlimid have to go elsewhere or they have to go without. The choice that 1 million of them have already made is to join the Part D Program—more than a third of them have signed up for the program over the last few years.

So let's sum it up. This seniors prescription drug benefit is popular. It is reaching millions of seniors. It is saving us billions of dollars. Veterans who have been using the program that our friends on the other side want us to imitate are signing up for this one in droves.

No wonder the former Democratic majority leader, Senator Daschle, and

President Clinton's Health Secretary were all for creating a program such as Part D before suddenly our friends on the other side decided to oppose it.

This debate is hardly worth having. The facts are plain. Tens of millions of seniors in this country have a great drug benefit program—cheap, comprehensive, and easy to use. Republicans aren't going to let anybody fool with them.

I strongly oppose cloture on the motion to proceed and urge my colleagues to vote likewise.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I have a parliamentary inquiry: Our side has 2 minutes to close; am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. WYDEN. As one who voted to establish the Medicare prescription drug program and believes in bipartisanship, my message today to colleagues on the other side and on this side is this: We can do better.

There are patients who are enrolled in this program—enrolled right now—who are heart transplant patients and patients suffering from cancer, who, while enrolled in the program, are seeing their medicines go up hundreds of dollars—hundreds and hundreds of dollars in 1 month. They are enrolled in this program that I have voted for.

I say to my colleagues, let us look at ways to do better. The private plans are going to continue to take the lead. This measure does not preempt the work of those private plans. But in the name of those seniors who are enrolled in this program, who are seeing their bills go up hundreds of dollars a month right now, let us not pass up the opportunity to do better.

If we don't vote for cloture and go to this bill, we will not even have a debate in the Senate on an issue with such immediate life-and-death implications for our people, and I simply think that is wrong. I wish to make this program better. I wish to make sure we take advantage of every opportunity to do that.

I urge our colleagues, in the name of seniors who are enrolled in the program today and are having difficulty paying their bills, to vote for cloture. Let us have a real debate on this legislation.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MEDICARE PRESCRIPTION DRUG PRICE NEGOTIATION ACT OF 2007—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3, which the clerk will report.

The bill clerk read as follows:

> Motion to proceed to calendar No. 118, S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 118, S. 3, Prescription Drugs.
>
> Dick Durbin, Amy Klobuchar, Ken Salazar, Edward Kennedy, Mark Pryor, Blanche L. Lincoln, Daniel K. Inouye, Byron L. Dorgan, Chuck Schumer, Max Baucus, Kent Conrad, Jeff Bingaman, John F. Kerry, Ron Wyden, Debbie Stabenow, Jay Rockefeller, Maria Cantwell, Harry Reid.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 42, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—42

Alexander
Allard
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Reid
Roberts
Sessions
Shelby
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Brownback
Johnson
McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 55, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider that vote.

The ACTING PRESIDENT pro tempore. The motion is entered.

Mr. OBAMA. Mr. President, I am extremely disappointed by the Senate's failure to consider a bill that would have placed the needs of seniors ahead of the profits of the health industry. Once again, a minority of the Senate has allowed the power and the profits of the pharmaceutical industry to trump good policy and the will of the American people.

We have a major crisis in this Nation, and that is the rising cost of health care. Over the last century, the Nation has witnessed tremendous advances in medical science and technology, and we now have treatments and cures for diseases and conditions that were at one time surely fatal.

Yet we are paying the price for this success. Health care, particularly the cost of drugs, is becoming increasingly unaffordable. Over the last decade the cost of drugs has quintupled, now totaling almost $200 billion. In 2005, the drug companies' profit was 16 percent of their revenues, compared to only 6 percent for all Fortune 500 firms. The total profit of the top 7 U.S. based drug companies was $34 billion in 2004, and, if you add it up, their CEOs were paid $91 million that same year. Clearly, the new drug benefit in Medicare has been a tremendous boon for the drug companies, adding to these extreme profits.

The growth in the cost of drugs has slowed in recent years, in part because of greater use of generic drugs. But given the pricetag, and the financial challenges of our health care system, we can—and must—take additional steps to curb how much we are spending on drugs.

Allowing the Federal Government to negotiate for lower drug prices in the Medicare Program would have been an important step forward in this regard. When you look at the prices the Federal Government has negotiated for our veterans and military men and women, it is clear that the government can—and should—use its leverage to lower prices for our seniors as well.

Drug negotiation is the smart thing to do and the right thing to do, and it is unconscionable that we were not able to take up this bill today.

Mr. WHITEHOUSE. Mr. President, I speak today in outrage that my colleagues on the other side of the aisle have chosen to block S. 3, the Medicare Prescription Drug Price Negotiation Act, from coming to the floor.

You meet a lot of people when you campaign for a seat in this esteemed body. You meet people of all ages, from all socioeconomic levels, from all ethnic and cultural backgrounds, liberal and conservative, rural and urban, healthy and ailing—you meet them all. These individuals bring personal voices to national issues. They educate us with their stories, and they trust us to be stewards of their experiences. I am sure my fellow freshman Senators will agree with me when I say that listening to these stories was the best part of running for U.S. Senate.

Sometimes these stories are uplifting tales about the triumphs of government: SCHIP providing health insurance to at-risk children, AmeriCorps helping young people serve communities throughout the Nation, The Family and Medical Leave Act allowing parents, spouses, and children the time to care for loved ones. But sometimes these stories are just the opposite—depressing, discouraging, disheartening tales of how the government has failed in its duty to support and safeguard our must vulnerable citizens.

I have hosted community dinners throughout my State. Some of the very saddest stories that Rhode Islanders shared with me were about their experiences with the Part D drug benefit. I would like to share with you a particularly touching story from Travis, who came to one of my community dinners in Woonsocket. Travis told me of his great-grandmother, a woman over 90 who was living independently, in a second or third story walk-up apartment building in Woonsocket. She, like other women her age, had signed up for a Part D plan, and was taking a number of prescription medications. One day, Travis's great-grandmother arrived at the pharmacy, only to be told that she was in the donut hole, that she would now be responsible for almost the entirety of her drug bill. His great-grandmother called Travis in despair. She would no longer be able to afford her apartment, or her independent lifestyle. She was forced to choose between her spirit of self-reliance and her health.

This is a tragedy. It is a human tragedy because no human being should be forced to choose between her dignity and her life, and it is a moral tragedy because this is a totally unnecessary choice. The Congressional Budget Office concludes that the privatization of the drug benefit—the choice not to simply add the drug program onto the established Medicare benefit—costs almost $5 billion a year. The Center for Economic and Policy Research reveals that the combined cost of privatization and failure to negotiate prices is more than $30 billion a year. I do not know about you, Mr. President, but I cannot look Travis in the eye and tell him that the reason his great-grandmother cannot afford her apartment is that the government needed to give it to pharmaceutical manufacturers, an industry that, in 2004, was three times more profitable than the median for all Fortune 500 companies—an industry that from 1995 to 2002 was the most profitable industry in the entire country.

I was not in the Senate when the drug benefit was created. I was not privy to the debates that went on here regarding the complexities and particulars of the bill. But I have a very hard time understanding how, with a successful Federal drug benefit model in place at the VA, this body created a new program that pays, on average, 70 percent more for drugs than the existing VA program, according to the Center for Economic and Policy Research. I understand that there are fundamental differences between the Veterans population and the senior population, between the Veterans system and the Medicare system, but 70 percent? This seems, to me, like a de-evolution of the policy making process. We are creating new programs that function less effectively and less efficiently than the ones we already had in place.

The real question is why. Have we gained something valuable for this extra cost? Can we justify the expensive and byzantine architecture of this program based on the promotion of other values? Some of my colleagues argue that the Part D drug benefit maximizes choice, and that choice is of fundamental importance in health insurance markets. Indeed, the bill succeeds here. In 2006, there were nearly 1,500 prescription drug plans offered throughout the Nation. Beneficiaries in 46 States had over 40 plans to choose from. This year, seniors everywhere in the country can choose between at least 45 plans. In my small state of Rhode Island alone, there will be 51 plans available.

But study after study, survey after survey, has shown us that, beyond a reasonable point, more plans do not add up to beneficiary or provider satisfaction. In fact, 73 percent of seniors think the Medicare prescription drug benefit is "too complicated." Sixty percent agree with the statement, "Medicare should select a handful of plans that meet certain standards, so seniors have an easier time choosing." Thirty-three percent think it is "somewhat difficult" or "very difficult" to enroll in a plan. In addition, 91 percent of pharmacists and 92 percent of doctors think the benefit is too complicated. It is time to admit that a plethora of plans does not add value to the program; it adds bewilderment and burden.

And do we have a system in place to deal with the confusion we have caused? No. We have 1–800–Medicare, which is adequate at its best, and inaccurate, unreliable, or altogether unreachable at its worst. But we need not rely on anecdotal evidence. GAO itself placed 500 calls to the Medicare help line in the middle of last year to make its own determination about the usefulness of the feature. Eighteen percent of calls received inaccurate responses, 8 percent of the responses were inappropriate given the question posed, 5 percent of the calls ended in disconnection, and 3 percent of responses were incomplete. In total, one-third of calls placed by GAO in this study were handled in an unacceptable fashion. Our mechanism to demystify the drug benefit for the average consumer is furthering the confusion of one-third of callers. This is a catastrophe.

A second value that some of my colleagues argue excuses the convoluted and costly nature of the drug benefit, is expanded coverage. More seniors have drug coverage now than they did before January 2006. No one disputes this. But insurance is not insurance unless it is there for you when you really need it. Our sicker seniors are reporting far more problems getting their prescription drugs than our healthy seniors are. Over 40 percent of seniors who describe themselves as in "fair" or "poor" health report problems filling a prescription under their Part D coverage, while only 12 percent of seniors in "excellent" or "very good" health report a problem. If Part D is failing to help the sick, it is failing to meet the basic definition of insurance.

Do I mean to say that providing some coverage is worse than being uninsured? No. But that was not the option on the table in 2003. We had the option to provide everyone with excellent coverage. We had the option to care equally and comprehensively for every elderly person in this country, healthy, sick, or in between. We did not. Instead, we chose to write checks to the pharmaceutical industry, we chose to write checks to private insurers, and we left our seniors to write their own.

What, then, can we do to fix this broken benefit? There is a lot we can do, and today is the first step. Today, we can allow the Secretary of Health and Human Services to negotiate directly with drug companies to lower prices for consumers. We can require the collection of data from prescription drug plans, so that our experts at CRS, at CBO, at GAO, or at MedPAC can better understand the operations of this program. We can require CBO to study whether or not market competition is truly reducing prices, as was the intent of privatization. We can increase transparency for our seniors, by making the prices of covered drugs available to the public on the CMS website. We can pass S. 3—the only thing standing in our way is Republican obstructionism.

I thank the majority leader and Senator BAUCUS for their commitment to our Nation's seniors, and I hope that my colleagues on the other side of the aisle will drop their obstructionist tactics and let us get to work on this bill. As important as it is, it is only a first step to fixing our Medicare Part D program. I hope we can soon take that step and then move on to the broader issues, for I believe there is much, much more to be done.

Mr. SPECTER. Mr. President, I voted for cloture to cut off debate on the motion to proceed because I think that the Senate should proceed to give full consideration to the proposed legislation which would authorize the Secretary of Health and Human Services to negotiate with the pharmaceutical companies under Medicare Part D coverage. In the past, I have favored such proposals because of the argument that the Secretary's bargaining power would result in lower negotiated prices.

In light of the conclusion by the Congressional Budget Office in a letter dated April 10, 2007 from Director Peter R. Orszag to Chairman MAX BAUCUS that the new authority to the Secretary "would have a negligible effect on federal spending because we anticipate that under the bill the Secretary would lack the leverage to negotiate prices across the broad range of covered Part D drugs that are more favorable than those obtained by PDPs [prescription drug plans] under current law." I have reviewed the negotiation process under existing laws.

The underlying facts are that the pharmacy benefit managers who negotiate prices for the prescription drug plans represent substantially more people than the Secretary would under Part D. For example, Medco represents 62 million people, Caremark represents 80 million and Wellpoint represents 30 million, contrasted to the 29 million people covered under Medicare Part D. Accordingly, it may be that the pharmacy benefit managers have even greater leverage than the Secretary would if the Secretary were authorized to negotiate prices. That is not certain because the negotiations between the pharmacy benefit managers and the pharmaceutical companies are conducted on a confidential basis, so that it is not known with certainty that the lowest prices are obtained or that the cost savings are all passed on to the prescription drug plans.

The latest Congressional Budget Office estimate for Part D costs is $388 billion below the original estimates, for the 10-year period from fiscal year 2007 to fiscal year 2016. That suggests the current system is working well.

Extended Senate floor deliberation would provide an opportunity to debate these issues and obtain greater detail on the facts.

One of the additional arguments favoring giving the Secretary power to negotiate was the analogy to the savings achieved through the negotiating power of the Department of Veterans Affairs. In analyzing the VA's bargaining power, it must be noted that the Veterans Department represents 4.4 million veterans, a much smaller number than represented by the pharmacy benefit managers. It is also important to note that among brand-name drugs listed on the 300 most popular drugs for seniors, only 42 percent are available to the VA plan because the pharmaceutical companies declined to provide some of the drugs because of their unwillingness to meet the price determined unilaterally by the VA. On the other hand, it is estimated that PDPs under Medicare Part D have access to 97 percent of the brandname drugs among the most favored 300 drugs. The Medicare Part D beneficiaries have an opportunity to select the prescription drug plans that best meet their prescription drug needs, with the opportunity to select a new plan on an annual basis.

Notwithstanding these factors, there may be answers and compelling arguments in support of the proposed legislation to give the Secretary negotiating authorities. A full debate by the Senate on these important issues would pose the opportunity to resolve these complicated questions and come to a reasoned judgment. The Senate will doubtless revisit this issue in the future. In the interim, I intend to inquire further and consider these issues in greater depth to determine what policies would best serve the interests of the beneficiaries of Medicare Part D.

COURT SECURITY IMPROVEMENT ACT OF 2007—MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate equally divided between the Senator from Vermont, Mr. LEAHY, and the Senator from Pennsylvania, Mr. SPECTER, prior to a vote on a motion to proceed to S. 378.

The Senator from Vermont.

Mr. LEAHY. Mr. President, this week we join in mourning the tragic killings at Virginia Tech on Monday. The innocent lives of students and professors are a terrible loss for their families and friends and for their community. It affects us all. We honor them and mourn their loss. I expect that in the days ahead, as we learn more about what happened, how it happened and perhaps why it happened, we will have debate and discussion and perhaps legislative proposals to consider.

For example, I know that Senator BOXER has introduced a School Safety Enhancement Act, S. 677, to allow matching grants for school security, including surveillance equipment, hotlines and tip lines and other measures.

We may need to further enhance the COPS in Schools Program begun by President Clinton. I look forward to working with Regina Schofield, the Assistant Attorney General for the Office of Justice Programs at the Department of Justice, Domingo Herraiz, the Director of the Bureau of Justice Assistance, and others to make improvements that can increase the safety and security of our children and grandchildren in schools and colleges.

Today, we may finally make progress on security in another important setting by turning to the Court Security Improvement Act of 2007, S. 378. Frankly, this legislation should have been enacted last year but was not. It should not be a struggle to enact these measures to improve court security. We are fortunate that we have not suffered another violent assault on judges and their families.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I concur with the statements by the chairman. We introduced court security during the 109th Congress after we had the brutal murders of the family of a Federal judge in Chicago. We have continuing problems. Rat poison was mailed to each of the nine Justices on the Supreme Court. There is no doubt that there is an urgent need for additional court security, in light of the attacks on the judges. The independence of our judiciary is fundamental in our society for the rule of law.

This bill passed by unanimous consent last December, but, unfortunately, it was not taken up by the House. We ought to consider it expeditiously, and I urge my colleagues to vote to invoke cloture.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 107, S. 378, the Court Security Improvement Bill.

Harry Reid, Jeff Bingaman, Chuck Schumer, Jack Reed, Byron L. Dorgan, Ron Wyden, Maria Cantwell, Dianne Feinstein, Daniel K. Inouye, Daniel K. Akaka, Jim Webb, Dick Durbin, Jay Rockefeller, S. Whitehouse, Barbara A. Mikulski, Ken Salazar, Edward M. Kennedy, Pat Leahy.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to consideration of S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 93, nays 3, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—93

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
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Klobuchar
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Landrieu
Lautenberg
Leahy
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Lieberman
Lincoln
Lott
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Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—3

Coburn
Gregg
Inhofe

NOT VOTING—4

Brownback
Johnson
McCain
Rockefeller

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 93, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, the motion to proceed has just passed, 93 to 3. We will bring before the Senate in fairly short order the Court Security Improvement Act of 2007. I rise today to speak in support of that act. It is a bill that is as simple as it is important.

At a time when judges are the subject of sometimes vitriolic criticism, when judges and their families have been made the targets of acts of violence and murder, when the independence of the judiciary must be maintained in a climate of violence, we should take these important steps to improve the safety of our judges and their families. This bill will do that by requiring the U.S. Marshals Service—which has oversight over the safety of the judicial branch—to consult with the Judicial Conference to determine security requirements of the judicial branch, and it authorizes $20 million for the Marshals Service to protect the judiciary further.

The bill also amends the Criminal Code to enhance penalties for the possession of dangerous weapons within Federal court facilities. This bill also extends and expands to family members the authority of the Judicial Conference to redact certain information from a judge's mandatory financial disclosure for security purposes.

The bill directs the Attorney General to report to Congress on the security of assistant U.S. attorneys arising from the prosecution of terrorists and violent gangs. I will speak in a moment to an incident that happened in my State.

The bill will increase criminal penalties for tampering with or retaliating against a witness, victim or informant, and it will authorize grant programs to expand witness and victim protection programs.

In my own experience as U.S. attorney in Rhode Island, I have been the subject of threats. Indeed, one man went to prison for threatening me. Prosecutors whom I sent to court we had fitted with body armor because of the security to their personal safety. We had prosecutors have extensive security systems installed in their homes to protect their security. That is one experience from one U.S. attorney in one 4-year term. Across this country, the need is very great.

In February, the Judiciary Committee held an important hearing where Supreme Court Justice Anthony Kennedy spoke to us about the need to preserve an independent judicial branch and to pass this bill. U.S. District Court Judge Brock Hornby also had important testimony regarding the need to pass this legislation. He said: "This bill will contribute significantly to the security of Federal judges and their families."

In short, it is long past time that this bill be enacted. Indeed, the core provisions of this bill have already passed the Senate twice last year, the second time by unanimous consent. So it is a little surprising that it is not being approved by unanimous consent at this time. But apparently some of our colleagues on the other side of the aisle have lodged an objection. Nevertheless, I am happy to spend whatever time is necessary to ensure passage of this important legislation.

The Framers of our Constitution understood the importance of an independent judiciary. As Alexander Hamilton noted in Federalist 78: "The independence of judges is equally requisite to guard the Constitution and the rights of individuals . . ."

While in this Chamber we may disagree on judicial nominations and we may argue over judicial philosophies, we should all, every one of us, agree to do everything we can to make sure the men and women who work in the judicial branch, who serve their communities in those important positions—and their families—are safe, as they make the important decisions lodged in their care.

I am pleased this bill has broad bipartisan support. I am pleased with the powerful results of the motion to proceed. I wish to commend particularly the efforts of Chairman LEAHY of the Judiciary Committee and our ranking member on the Judiciary Committee, Senator SPECTER, for their hard work on this issue. I look forward to supporting passage of this important legislation.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

BIPARTISANSHIP

Mr. DURBIN. Mr. President, we are a little over 100 days into the new congressional session. With new leadership, new management, there was hope—and still is—that we can find some ways to establish bipartisan cooperation. By its nature, the Senate almost requires it. Under Senate rules, anything that is serious and important takes 60 votes. In a Chamber with 100 Members, that is obviously a supermajority, and that requires cooperation. When Senator JOHNSON has recovered to the point that he is back on the Senate floor and we are at full complement, Senate Democrats will have 51 votes to the Republicans' 49. This means that on any given day, if we are going to pass or consider important legislation, it has to be bipartisan. We need help. We need Republicans to join with Democrats to bring it to 60 votes. That is the nature of the Senate.

Some people, particularly House Members—I used to be one—look at this as not only a quaint procedure but in many cases antiquated. I disagree. The nature of the Senate is reflected in the wisdom of the Founding Fathers who needed to create this body in order to have a U.S. Government. When they initially suggested that Congress would reflect the population of America, smaller States, such as those represented by the Presiding Officer, the State of Rhode Island, said: We don't have a chance. We are going to be overwhelmed by the big States such as Virginia and Massachusetts. So in their wisdom, they said: In the Senate, every State has two Senators, no matter how large or small.

In the Senate, when it came to rules, the rules reflected the same feeling, that minority rights would always be respected, that it would take a large majority vote to overcome those minority rights; in other words, 60 votes. At one time it was 67 votes. That 60-vote margin was added in the 1960s. As a result, to achieve anything in the Senate, we need to work together.

Unfortunately, in the first 100 days, there have been a few instances of cooperation but some other disappointing episodes. When we wanted to debate and have a vote about President Bush's proposal to send 20 or 30,000 more of our best and bravest American soldiers into the war in Iraq, when we wanted the Senate to go on record on that issue to debate it honestly so the American people and their strong feelings would be represented, we were stopped, stopped by the Republican minority. They would not allow us to go to the substance of that debate. They didn't want the Senate to spend its time considering a resolution going on record as to whether we approve or disapprove of the President's action.

I personally think the escalation of ground troops in Iraq is the wrong decision. This is a civil war, a war between Sunnis and Shias. Our sons and daughters are caught in the crossfire of that civil war, a war that is generated by a conflict within the Islamic religion that dates back 14 centuries. I don't believe sending 20 or 30 or 40,000 more American soldiers is going to change the conflict. Only the Iraqis can change it. I wanted to make that point in the debate and let those who defend the President's position to escalate the war make their point as well and bring it to a vote. That is what the Senate is supposed to be about. But the Republican minority, with the power given them under Senate rules, said: No, there will be no debate.

We couldn't find 60 votes to even have a debate on that issue. They stopped us. Earlier this week, they stopped us again. What was the measure in question? It was the reauthorization of the intelligence agencies of the Government. These agencies are critical to our national security. Intelligence is the first line of defense when it comes to terrorism. Senator JAY ROCKEFELLER of West Virginia is chairman of the Senate Intelligence Committee; Senator CHRIS BOND is the ranking Republican. The two of them worked on a bipartisan bill and brought it to the Senate floor. There was a lot of give and take. Senator ROCKEFELLER acceded to the requests of Senator BOND and vice versa. They brought this bill to the floor. For the first time in years, we were going to have an authorization bill that addressed some of the serious problems of intelligence gathering so that we can be safer. What happened? As it turned out, the Republican leadership decided they didn't want to have this debate. They didn't want this bill to be seriously considered and passed. On two different occasions this week, they refused to vote to give us 60 votes so we could consider this bill and pass it. We had to put it back on the calendar, take it off the floor.

Think about that. In the midst of a war in Iraq and Afghanistan, with all of the threats to the United States, a trip to an airport now becomes a half-hour commitment. As you take off your shoes and make sure your toothpaste is in a plastic bag and all of the things we go through that relate to terrorism, the Republican minority decided they didn't want us to debate and bring to a vote intelligence reauthorization. That was their decision.

For the second time, on a critical issue—first on the escalation of the troops in Iraq and then on the reauthorization of our intelligence agencies—the Republican minority has said: We don't want the debate. We don't want the Senate to act. It is within their power. That is what the Senate is all about. A minority, in this case 49 Republican Senators, was able to stop it.

But that was not the end of it. There was another issue, one that many of us consider to be very basic. It relates to the Medicare prescription Part D Program. Medicare prescription Part D is a program long overdue. When Medicare was created by President Johnson in the 1960s, it didn't include prescription drugs. Over the years, as more and better prescription drugs were discovered and invented and marketed, we understood that to keep people healthy, our parents and grandparents and disabled people needed access to affordable drugs.

For many years, many of us have supported the idea of including prescription drugs in the Medicare plan so seniors could have help in paying for them. When the bill came before us to vote on several years ago, when the Republicans were in control of this body, we wanted to add one provision. The one provision said the Medicare Program could bargain for less expensive, more affordable drugs. Private insurance companies could do the same, but the Medicare Program could offer prescription drugs to seniors on Medicare as one option, and then seniors could make a choice. Do they want to go with a private insurance company? Do they want to go with some other source for their prescription drugs under Medicare? Or do they want to go back to the Medicare plan?

Our thinking behind it is sound, because what we said is: We learned a lesson at the Veterans' Administration. In the Veterans' Administration we learned that to reduce the cost of prescription drugs for the men and women who serve in uniform and are now veterans, our Veterans' Administration bargains with pharmaceutical companies, and they have bargaining power. They buy in bulk. They buy at discount. Our veterans benefit from it. They get the best at the lowest prices, and it is good for them and for taxpayers.

Why can't our seniors under Medicare have the same opportunity? That was the point we wanted to make, a point that said: Medicare should be allowed to bargain bulk discounts, low prices for seniors so we can give them even a better deal than the current program offers. The pharmaceutical companies hate this idea like the devil hates holy water. The notion that they would face competition, that they would have to give bulk discounts, eats right into their profits, their bottom lines, and their CEOs' golden parachutes. They have been spending millions of dollars trying to convince America that this kind of bulk discount, this effort to have bargaining for lower prices, is somehow fundamentally wrong. They have spent a lot of money on it—full-page ads in newspapers, television advertising to try to convince Americans that having some competition when it comes to prescription drugs is plain wrong.

They didn't convince many, but they convinced enough, because earlier this morning we had a vote as to whether we would move to this proposal to allow Medicare to bargain for lower prescription drugs and, once again, the Republican minority stopped us. They don't want to have that debate. They don't want to face a vote. They want to make sure their friends in the pharmaceutical industry don't have to face competition. I am sure they feel their position is correct. I happen to believe my position is correct.

The nature of debate in the Senate is that we stand and talk and ultimately come to a vote. But on three separate occasions now, the Republican leadership has stopped the debate, stopped the debate on escalating troops in Iraq, when it comes to intelligence reauthorization, and when we try to reduce prescription drug prices for seniors.

It seems they want to do nothing. They want the Senate to come in, collect its paycheck, and go home; make a few speeches on the floor, wave a few flags, and head on home.

That is what happened around here for a long time. The do-nothing Congress of the last 2 years is the reason the voters came out and voted as they did last November. They said: We sent you to Washington to do something. We sent you to Washington to address issues that are meaningful and important to people across America. One of those issues is the war in Iraq. Another issue is homeland security. Certainly another issue is the cost of health insurance and the cost of prescription drugs. In the Democratic majority, we have tried to come to those issues. We have tried to move the debate to those issues. But the Republican minority has stopped us time and time again.

Ultimately, they will be held accountable for their strategy. That is what elections are all about. But we have a year and a half to go here, a year and a half more before another election. Are we going to waste all this time? Are we going to spend a little time addressing the issues that count: first and foremost, the war, but then keeping America safe? How about a national energy policy? Will the Republican minority stop us from debating that at a time when we know we are so dependent on foreign oil that we are sending hundreds of millions of dollars each day to countries around the world that disagree with our basic values because they happen to be supplying us with oil?

When it comes to issues such as global warming, will they use the same strategy to stop the debate so that for 2 more years things will get worse instead of better when it comes to the greenhouse gases and the global warming and climate change which we all know is a reality? They have the power to do it.

The only thing that can break the grip they have on the agenda and calendar of the Senate is if 10 of their Members have the courage to break ranks and join us. It is the only way we can come to these debates. So far a handful have edged across the line, put the toe in the water and said: Well, maybe we are with you on the debate. But it is never enough. It is always enough just to have a press release back home saying: We tried to help the Democrats—but never enough to get the job done. That is what we face.

Now comes this bill before us, the Court Security Improvement Act of 2007. This bill is the kind of bill which routinely passes in the Senate with no debate. The reason is, it isn't debatable. It comes down to a question of protecting the men and women who serve in the Federal judiciary.

This is an issue which is personal with me. In 2005, one of my close personal friends, a woman I appointed to the Federal court in Chicago, Joan Lefkow, went through a tragic personal experience. Someone invaded her home and murdered her husband and mother. Those killings were perpetrated by a disgruntled litigant who had his case dismissed by Judge Lefkow. It was an unwelcomed wake-up call for our country. It sensitized many of us to the vulnerability of our judges and their families.

It was not an isolated incident. Last year, a judge was shot in Reno, NV. In Louisville, KY, a man pleaded guilty to threatening to kill the Federal judge presiding over the outcome of his arson trial. In March 2005, three people were killed in an Atlanta courthouse, including a county judge. Just yesterday, there were reports that the car and garage of an Illinois State court judge on the north side of Chicago were damaged by gunshots.

The sad reality is that violence and threats against our judges are on the rise. Between 1996 and 2005, the number of threats and inappropriate communications toward judges went up dramatically—from 201 in 1996 to 943 in 2005. There may be many reasons for this increased violence against judges, but one of the most regrettable is the rise in criticism and condemnation of these fine men and women not only in the halls of Congress but on some of the shock radio shows that go on and pass as news on some cable channels and radio stations.

Justice Sandra Day O'Connor, a woman I respect, who recently retired from the Supreme Court, said recently:

> [T]he breadth and intensity of rage currently being leveled at the judiciary may be unmatched in American history.

It is time for the rage and irresponsible rhetoric to come to an end. It is also time for Congress to step up and increase protection for judges.

In 2005, Senator OBAMA, my junior colleague from Illinois, and I helped obtain an appropriation after the terrible Lefkow incident. We wanted to provide enough money so judges would have some basic protection in their home.

The bill we vote on today—the Court Security Improvement Act of 2007—is another important response. It passed the Senate last year on two different occasions. The House of Representatives refused to take it up. Let me touch on a couple important provisions in this bill, and then let me tell you why, at the end of these remarks, we have reached another terrible moment when it comes to considering a bill of this importance.

First, the bill has new criminal penalties for misusing personal information to threaten harm to judges and their families. It expands the definition of dangerous weapons that are banned from Federal courts. It extends and expands the ability of Federal judges to redact personal information from their financial disclosures that might endanger themselves or their families. It allocates more resources to the U.S. Marshals Service to protect Federal judges. It requires better coordination between the Marshals and the Federal judiciary. It authorizes State courts to receive Federal grant money to improve security. It is essential that we pass this legislation, and it is long overdue.

A year ago, on the first anniversary of the murders of her husband and mother, Judge Lefkow, of Chicago, released a statement. Here is what she said:

> The tragedies which we experienced have necessarily alerted me to the fragility of judicial security. Accordingly, I have made a commitment to all of my judicial sisters and brothers to do all in my power to help improve the safety of all judges in the years ahead. It is my fervent hope that nothing that happened in Chicago and Atlanta last year will ever be repeated.

Those are words we need to take to heart today. I commend Majority Leader HARRY REID for bringing up this bill. This Court Security Improvement Act is a legacy to the memory of those judges and family members whose lives were cut short by tragic, vicious acts of violence.

Judges should always feel secure in their courtrooms and safe at home. We owe it to them and their families to do everything we can to protect them.

As I said before, this is the kind of bill which Members would come to the floor and make a few statements on, such as I made, and then pass by a voice vote, for obvious reasons. Who is going to argue against this bill? Who believes our judges should not be safe in their courtrooms and at home? We cannot ignore the obvious. There are dangers to their lives, and we should act on them. But what has happened in the Senate from a procedural viewpoint reflects the argument I made earlier. A Senator on the Republican side, within his rights under the Senate rule, objected to this bill. Well, it was not enough he objected—he can do that; he could vote against it if that is his choosing—but he demanded we have what we call a cloture motion, that we postpone this bill for 30 hours before we take it up and consider it. That is his right. I will fight for his right to do so. But it reflects a mindset among some on the other side that is not constructive and not positive.

Hard as it is to believe, there are some who think the bill I described is an insidious part of the procedure of the Senate, and they call it an earmark—an earmark. This is not the kind of Jack Abramoff earmark where a fat cat lobbyist on K Street in Washington inserts a provision in the bill for one of his clients, which ends up with millions of dollars for his client and a fat fee for him to take home. Nothing in this bill inserts a dollar for any private entity, nor does it create any opportunity for a lobbyist to get fat and sassy. Yet some on the other side of the aisle are arguing this bill has to be stopped because it is an earmark. An earmark? An earmark to create a program to provide money for courts to make them safer? An earmark to increase the penalties for those who would harm our judges and their families?

They have corrupted the word "earmark" to the point where they think everything is an earmark. This bill is not. This bill emerged from the Senate Judiciary Committee, on which I serve, with strong bipartisan support. Instead of enacting it and moving on to other important bills, we have been bogged down again by procedural hurdles that are thrown at us from the other side of the aisle—something as basic and as fundamental as this bill.

Now, I am glad Republican Senators joined us in trying to stop this one Senator who believes he sees an earmark behind every bill and every bush. But the point is, if we are going to be constructive in the Senate—whether it is on the war or intelligence or reducing the cost of prescription drugs or protecting judges—we need much more bipartisan cooperation. As I said earlier, I will fight to the death to defend my colleagues' rights under the rules of the Senate. Those rules have been used by me and by other Senators, and that is why they are there. But common sense should prevail. I think the common good should prevail, and we should come together, Democrats and Republicans, and compromise and cooperate. That is one thing the American people are begging for: Start addressing the real problems, some that affect only a small number of Americans, as important as they may be, such as members of the Federal judiciary, and others that affect us all, such as the war in Iraq.

Isn't it time we put behind the do-nothing Congress, the do-nothing mentality, and start out on a new day in this Congress, trying to find bipartisan ways to cooperate and solve the real problems that face our country?

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALGERIA BOMBINGS

Mr. FEINGOLD. Mr. President, last Wednesday, April 11, terrorists exploded two bombs in Algiers, Algeria, killing 33 people and wounding over 200. The terrorist organization al-Qaida in the Islamic Maghreb took credit for the attacks, which targeted the Algerian Prime Minister's office and a police station.

The attack occurred 1 day—1 day—after three would-be suicide bombers blew themselves up in Casablanca, Morocco, killing a police officer in the process. A fourth individual was shot before he could detonate his bomb. It also preceded, by only 3 days, attacks by two more would-be suicide bombers in Casablanca, Morocco, this time outside the American consulate and the American Language Center. The consulate subsequently closed.

While a link between the Algeria bombings and the terrorists in Morocco has not yet been established, the confluence of these events demonstrates an increasingly deadly and dangerous situation in North Africa, for the region, for the United States, and for our friends and our allies.

The bombings should also remind us of the need to be more globally focused in the fight against al-Qaida and its affiliates, which must be our national security priority. Yet the administration, fixated on Iraq, remains narrow-minded in its focus and seemingly almost indifferent to last week's attacks in North Africa.

Until last fall, al-Qaida in the Islamic Maghreb was known as the Salafist Group for Preaching and Combat, or GSPC. It has been described by the State Department as a regional terrorist organization which recruits and operates in Algeria, Morocco, Nigeria, Mauritania, and Tunisia, as well as in Europe.

In 2005, GSPC killed 15 people at a military outpost in Mauritania. Police in France, Italy, and Spain have arrested individuals suspected of providing support to the organization. GSPC has also called France "public enemy number one." A French counterterrorism magistrate has described GSPC as the biggest terrorist threat facing his country today.

Last year, al-Qaida leadership announced its formal ties to the GSPC, raising concerns about the extension of al-Qaida's deadly reach. In testimony to the Senate Intelligence Committee this February, FBI Director Mueller warned of the possible consequences of this alliance, including to the United States. According to Mueller's testimony:

> Al-qaida has made efforts to align itself with established regional terrorist groups such as the GSPC that may expand the scope of the threat to the Homeland.

Despite this clear threat, our Nation barely took notice of the attacks last week. The State Department issued a brief statement. The White House said virtually nothing—or nothing. Vice President CHENEY mentioned them during a radio interview on Friday and again on Sunday, but only in passing, as a part of his repeated efforts to try to link 9/11 to the war in Iraq and to support an endless and disastrous war that is emboldening the members of al-Qaida and other terrorist organizations.

Let me read exactly what the Vice President said:

> We had—just this week there were attacks in Algeria and Morocco by al-Qaida, bombings that were aimed at killing innocent civilians. It is a global conflict, by anybody's measure. And it is clearly against some of the world's worst offenders, and Iraq is very much a part of that. It is, right now, the central front on that global conflict.

Amazingly, the only comments by the White House on these horrific attacks in north Africa were to insist that a terrorist attack in Algeria somehow proved that Iraq, more than 2,000 miles away, is the central front in the war on terrorism. The Vice President's assertions are not just factually wrong, they are offensive to the people murdered in Algeria last week, as well as their families and all those working hard to capture these terrorists. It is also indicative of everything that is wrong with this administration's national security policies.

We should be directing our attention and resources to combating the threat posed by al-Qaida and its affiliates, wherever they may be. As we all know, this is not a conventional war. It requires better intelligence, better cooperation with friends and allies, stronger regional institutions, and diplomatic and economic policies designed to deny terrorists safe havens. It is not easy, and I have enormous respect for the men and women in our intelligence community, diplomatic corps, military, and other elements of our Government who are working hard to protect us from this threat. We should provide them our full support, not only in terms of resources but also with an effective global counterterrorism strategy rather than the current myopic and misguided focus on Iraq.

First, we must improve our intelligence with regard to threats in Africa. The Intelligence authorization bill we were considering in the Senate earlier this week includes an amendment I offered with Senator ROCKEFELLER calling for more intelligence resources to be directed to Africa. If we are to protect our national interests on the continent, we must commit ourselves to understanding not only the terrorist organizations that operate there but regional conflicts, corruption, poor governance, endemic poverty, and the historic marginalization that has allowed terrorists and other threats to fester.

Second, we must expand and strengthen our diplomatic and foreign assistance activities in the continent. Our presence in far-flung parts of Africa, whether it be a new consulate or outpost or an expanded USAID development or public health program, exposes local populations to our Nation, linking us to parts of the world which, as we know, we can no longer afford to ignore. We need to help build strong governmental institutions that respect human rights and an equally vibrant civil society, while also strengthening the relationship between the two.

Third, we need military policies that place counterterrorism in the context of a larger, more comprehensive strategy. Policies such as the Trans-Sahara Counterterrorism Initiative are important, particularly in improving the capacities of local governments. But unless they are part of bilateral and multilateral policies that emphasize human rights and democratization and anticorruption, our military resources may be squandered or, worse, may be even directed in counterproductive ways. For this same reason, I have supported the establishment of an Africa Command within the Defense Department, while insisting that its mission be squarely within the broader strategic goals of the United States on the continent.

Fourth, we must develop effective policies for dealing with terrorist safe havens such as the one in the Sahel where al-Qaida in the Islamic Maghreb operates. According to the most recent State Department terrorism report, the organization not only trains, recruits, and operates in the region, it also raises money, including through smuggling. Clearly, confronting this organization requires addressing the root causes that have allowed it to develop and operate, whether they be poverty or corruption or the lack of government support to and presence in the region. We must develop comprehensive policies to confront these safe havens, including the settlement of regional conflicts and an adequate provision of economic and development assistance, so local populations can reject terrorist organizations.

Fifth, we must help governments in the region in their efforts to confront terrorist organizations. The most recent State Department terrorism report stated that, in Mali, the sheer size of the country and the limited resources of the Malian Government "hamper the effectiveness of military patrols and Border Patrol measures." The report also indicated Mauritania, another country where al-Qaida in the Islamic Maghreb operates, lacks funding and resources to combat terrorism.

In order to combat international terrorist organizations such as the al-Qaida in the Islamic Maghreb, we need regional strategies that address the capabilities and policies of all affected countries on a bilateral and multilateral basis. We must expand our assistance to these and other countries while ensuring that their counterterrorism policies are consistent with ours and that corruption and human rights abuses do not undermine efforts to combat terrorist organizations.

Sixth, we must work closely with our European allies. Al-Qaida in the Islamic Maghreb is a direct threat to Europe; our allies have every incentive to work with us. By working to establish mutually agreed upon approaches to counterterrorism, we can develop a strong, coordinated strategy that helps keep all of us safer.

Seventh, we must encourage regional institutions to confront terrorism. For example, the African Union has established a Center for Study and Research on Terrorism to combat terrorism throughout the continent. This center and other regional initiatives are worthy of far more attention and support than we have thus far provided.

Finally, we must at last recognize that the fight against al-Qaida is being undermined by the endless war in Iraq. As the NIE of last April concluded, the war has become a "cause celebre" for international terrorists. Moreover, tactics from Iraq are now being used around the world, including by terrorists in Algeria. As the State Department terrorism report noted:

> Using lessons from Iraq and wanting to reduce the level of casualties sustained in direct confrontation with Algerian security services, the GSPC carried out attacks using roadside improvised explosive devices. In one act on September 14, GSPC terrorists killed three Algerian soldiers and wounded two others in a military vehicle near Boumerdes by remotely detonating a roadside IED.

The horrific bombings last week in Algiers and the manifest threat in Morocco should remind us that our national security does not begin and end in Iraq. Indeed, Iraq remains a drain on our national attention to resources and an endless distraction from our real national security priorities, which is fighting al-Qaida and its affiliates. We cannot ignore the rest of the world to focus solely on Iraq. Al-Qaida is continuing and will continue to be a global terrorist organization. Contrary to what the administration has implied, al-Qaida is not abandoning its efforts to fight us globally so it can fight us in Iraq. No. Instead, it is forming alliances with groups like the GSPC, and it is seeking to attack us and our friends and allies around the world. By downplaying this threat, the administration is ignoring the lessons of September 11 and endangering our Nation.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE PART D

Ms. KLOBUCHAR. Mr. President, when Congress passes a law, the American people have every right to expect that their elected representatives will do what is best for them. But the country did not get a fair deal in 2003 when Congress passed the Medicare Part D prescription drug program. Today, the Senate had the opportunity to remedy this problem, and politics won out over providing affordable prescription drugs to our seniors.

Providing prescription drug coverage to millions of seniors is a very important benefit, and I very much support it, but Part D got off to a very rocky start. Seniors were overwhelmed and confused. Many were not enrolled in a timely fashion. When they were enrolled, there were serious, even life-threatening delays in getting the medication they needed. A number of States, including my own, declared public health emergencies and had to step in to fill the gap. At the time, my mom, a former second grade teacher, told me that Medicare Part D got the grade it deserved from the beginning. Since then, many of these early problems with implementation have been remedied.

Even today, however, Medicare Part D remains needlessly complex and confusing, with dozens of insurance companies involved, hundreds of different plans, and countless benefit structures, pricing tiers, and drug formularies, not to mention the "doughnut hole" which each year eats deeper into the wallets and pocketbooks of millions of seniors.

However, by far, the most serious flaw in the original law is the noninterference clause that expressly prohibits Medicare from negotiating lower prices from pharmaceutical companies. This prohibition is contrary to how Medicare handles its purchases of other goods and services. It is contrary to how both Medicaid and Veterans Affairs purchase medications for their beneficiaries. It is contrary to good business practices and to good government.

This prohibition has imposed substantial and unnecessary costs on America's taxpayers and seniors who are paying excessive prices for prescription drugs. An analysis last year by Merrill Lynch found that after Part D took effect, prices on popular brand-name drugs increased by 8.6 percent. This week, there is a new analysis from Families USA. It finds that the prices charged by the largest Part D plans for the 15 most commonly prescribed medications increased by an average of 9.2 percent during the past year. This increase is almost four times the general inflation rate, and it is nearly three times the cost of living adjustment that seniors received this year for their Social Security income. By banning the Government from negotiating discounts, Congress saddled seniors with inflated prices for their medications, while handing a huge financial windfall to the pharmaceutical industry.

As I travel throughout my State, Minnesotans tell me they are mystified and frustrated that the Government has tied its own hands when it comes to achieving huge cost savings with prescription drugs. The people of my State repeatedly tell me they want Medicare to use every possible tool to get the best prices. It is a simple principle of economics that consumers strike better deals when they band together and exercise their bargaining power. The power of many has much more leverage than the power of the few. Congress rejected this commonsense principle when it barred Medicare from negotiating drug prices. This is just plain wrong. When appropriate, the Government should be empowered to harness the collective bargaining power of 43 million Americans on Medicare to deliver low-cost medication to seniors.

We are now poised to give the Government the power to negotiate. The House has already passed a measure to do so. Now it is our turn, and it is our responsibility. This is a matter of fairness for our seniors who deserve affordable prices for their drugs, and it is a matter of fairness for American taxpayers who pay 75 percent of the bill for Medicare Part D.

Under current law, only individual insurance companies can negotiate Medicare drug prices. The pharmaceutical industry has tried to reassure Americans that this will inevitably produce the lowest prices because of competition. This explanation is unconvincing. Evidence and experience shows us that the present system often does not produce the fairest prices.

The pharmaceutical companies like to say that Part D Program costs are lower than projected, but beating artificial projections has not resulted in lower prices. Numerous studies show that Part D prices are significantly higher than prices for drugs and programs where negotiation is permitted.

For example, a review of drug prices in Florida last October reported that the lowest retail price—the price you get by just shopping around—is usually cheaper than the Medicare price for popular drugs.

In January of this year, a study by Families USA found that the top five Medicare Part D insurance companies serving two out of three enrollees charged prices at a median rate that were 58 percent higher than the same drugs provided to veterans through the VA. The study compared the lowest price available under Part D and the lowest VA price for the 20 most common medications prescribed to seniors. Celebrex, for arthritis, was 50 percent more expensive under Medicare Part D; Lipitor, for cholesterol and heart disease, was 51 percent more expensive; Nexium, for heartburn and acid reflux disease, was 65 percent more expensive.

If these aren't bad enough, consider these:

Fosamax was 205 percent more expensive under Part D. That is for osteoporosis; Protonix, for heartburn and acid reflux disease, was 435 percent more expensive; and Zocor, for cholesterol and heart disease, was over 1,000 percent more expensive.

With this tremendous disparity in drug prices, it simply defies common sense to assume Medicare is giving our seniors a good deal. They should be negotiating for better prices.

Maybe the discounts would not be as great as the VA gets because of the differences in those two programs. But how can anybody be satisfied when Medicare is paying prices that are, on average, 58 percent higher? Can we not at least try to get a better deal? Can't we even allow the possibility of negotiation by our Government with the drug companies?

Yet this administration and its Secretary of Health and Human Services have shown absolutely no interest in the potential of negotiation. In fact, the Secretary has been aggressively defiant about even the idea of it. This needs to change.

There is another reason we should not trust the assurances of the pharmaceutical industry that America's seniors are already getting the lowest prices possible. The Government can often negotiate bigger discounts than insurance companies, which represent smaller numbers of seniors. There is no good reason to arbitrarily foreclose this opportunity for gaining a price cut.

By Medicare's own calculations, Part D private plans are negotiating prices that are 73 percent of the average wholesale prices. But Medicaid pays only 51 percent, and the VA pays only 42 percent.

The Congressional Budget Office also agrees that the Government could be more effective than private plans in negotiating prices for unique drugs that have no competition.

Even limited savings on popular drugs could translate into billions of dollars. Consider Zocor and Lipitor, two top-selling prescription medications. If Medicare could negotiate prices in line with what the VA gets, the savings from those two drugs alone could be more than $2.8 billion each year. Even a fraction of this amount would still represent substantial savings. That would mean cheaper drugs for seniors, a better deal for taxpayers, and less Government spending.

The only real winners from a prohibition on negotiation are the pharmaceutical companies. They vigorously lobbied for the ban, knowing it would boost their profits, while denying fair prices to seniors and taxpayers. They paid big money to make sure they got a Medicare drug program that prohibited price negotiation, and now they are spending big money to keep that profitable ban in place.

Since 1998, the pharmaceutical industry has spent over $650 million on lobbying. In the past year and a half, they have spent a record $155 million. What are America's seniors supposed to think all that money goes for?

The drug industry employs some 1,100 lobbyists. That is two drug lobbyists for every Member of the Senate and House of Representatives. The pharmaceutical industry has fired up its lobbying machine again to oppose efforts to lift the ban.

The industry lobbying organization, PhRMA, has been running a massive advertising campaign in opposition to negotiating lower prices. It includes full-page ads in newspapers across the country. They have been buying these ads in my State, too. The most recent full-page ad appeared earlier this week in the Minneapolis Star Tribune. It tells Minnesotans how they are supposed to think. It uses quotes from USA Today and the Atlanta Journal Constitution.

With all due respect to these good newspapers, we Minnesotans know how to think for ourselves and how to reach our own conclusions. When it comes to Medicare Part D, the people of Minnesota have made up their minds. A statewide survey earlier this year found that fully 93 percent of Minnesotans want Medicare to have the power to bargain for lower prescription drug prices.

But the drug industry keeps using scare tactics, throwing around words such as "rationing" and "price controls." It ignores promising negotiation approaches that don't limit the drugs available to seniors and that do not involve price setting.

I have dealt with this before. In the last few years, I was actually accused of trying to ration Lipitor. That simply isn't so. My mom takes Lipitor. If people think I would advance a proposal that would take my mom's drugs away, they don't know my mom.

Allowing negotiation would not mean rationing, but lifting the ban on negotiations would cut into the hugely profitable windfall the drug industry has enjoyed, thanks to Medicare Part D. In the first 6 months after Medicare Part D went into effect, the profit for the top 10 drug companies increased by over $8 billion, which is a 27-percent jump.

It should be no surprise. Medicaid Part D has provided the drug companies with a surge of new Government-subsidized customers. And Congress has allowed the drug companies to charge excessive prices.

This has been especially true with the more than 6 million Americans who were transferred from Medicaid to Medicare under the Part D law. They are known as dual beneficiaries or dual eligibles because they are eligible for both Medicaid and Medicare. They now account for more than 25 percent of all Part D enrollees.

Before the Part D law took effect, Medicaid was already buying prescription drugs for these individuals under a "best price" rule. This meant the price a drug company offered Medicaid could not exceed the lowest price it received for that same drug in the private market.

These dual-eligible individuals are now covered only under Medicare Part D, which has no "best price" rule and, of course, no negotiating power either.

Two economists have analyzed last year's financial filings from the top drug companies. In a study released earlier this month, the two economists concluded these companies have gained substantial new profits because they no longer had to provide the rebates and discounts previously demanded by Medicaid. That is great for the drug industry, but it is not so great for all of us.

I grew up believing every dollar, every quarter, every penny counts. I remember saving all my quarters from baby sitting in a box in my room. I also believe that is true for our Government, for our taxpayers, and especially for our seniors. The average income for a retiree is about $15,000, with most living on a fixed income. Seniors need medications more than any other age group. For those over age 75, they depend on an average of almost eight prescription medications.

So for seniors, money and medications are a very serious matter. It must be a serious matter for us, too. By lifting the ban on price negotiations, we will continue to give seniors access to the medications they need and the same broad range of plans. The difference is that the Federal Government, representing all 43 million Medicare beneficiaries, will also be at the bargaining table.

It is time to lift the ban. It is time to negotiate with the powerful drug companies. It is time to help our seniors get the lower, fairer prices they deserve for the life-saving and life-enhancing medications they need.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, may I inquire as to where we are at this time.

The PRESIDING OFFICER. The Senate is considering the motion to proceed to S. 378.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX SIMPLIFICATION ACT OF 2007

Mr. CRAIG. Mr. President, yesterday was tax day 2007. I had hoped to come to the floor at that time, but we were busy on several other issues. I join with my friend and colleague, Senator SHELBY, as a cosponsor of S. 1040, which will replace our current broken tax system with a simple, what I call fair flat tax.

Over the years that I have served the State of Idaho in the Congress, I have looked numerous times at the concept of a flat tax and believe it to be by far a more preferable system for all our taxpayers to be involved in.

Only a few weeks ago, we debated the fiscal year 2008 budget resolution and some recurring points began to emerge. Over and over again, from both sides of the aisle, we heard about the repeal of the death tax, the repeal of the alternative minimum tax, the child tax credit, and marriage penalty relief, and problems associated with the so-called tax gap.

The average American listening to that debate, if they were not true students of the Tax Code or if, in fact, they hadn't been victims of that portion of the Tax Code, would have wondered in what kind of code the Senators were speaking or talking through at the moment.

Congress has offered temporary fixes to these problems for years, but these problems are merely symptoms of a larger problem that needs fixing. I believe the larger problem is we have a convoluted, broken Tax Code system today.

The current Tax Code is—well, let me use this as an example. In 2005, according to the IRS's own estimates, Americans spent 6.4 billion hours preparing their tax returns and a whopping $265 billion in related compliance costs. You know that if you make any kind of money at all and you can afford to, you start hiring attorneys and tax experts to find ways of manipulating yourself through the system, not necessarily to avoid taxes but maybe to provide some level of inheritance to your children and your grandchildren so Uncle Sam doesn't get it on your moment of death. The complication has increasingly grown over the years and, of course, the cost is phenomenal.

So, Mr. President, if you will bear with me for a moment, think about this analysis: Americans, if they had to wade through the 66,498 pages—that is right, 66,498 pages—of the Federal tax rules on a letter-size sheet of paper, that amount of pages would stand about 22 feet tall. That is about three times taller than I am with cowboy boots and a cowboy hat on. That is pretty significant stuff. Yet the average American is supposed to figure out how to get through that? That is why they spend $265 billion hiring the experts to figure out how to get them through it. The Tax Code's purpose is simply to fund the Federal Government, but we have turned it into a system loaded with preferences, deductions, credits and exceptions and, yes, other kinds of loopholes that cater to a special-interest tier and fail to treat all taxpayers fairly because we politically are manipulating where we want the money to go, how we want the economy to run, how we want the average person to spend or not spend his or her hard-earned wages in a way that is, by our definition, beneficial to the country, to the culture, to the economy at large.

The time for half-measures ought to be over. Fundamental reform is the only thing that will restore, in my opinion, fairness and simplicity to the system, and I have long thought a flat tax is the best approach toward reforming the code.

A flat tax, such as the one in S. 1040, will provide a simple flat rate of 19 percent, eliminate special preferences, end the double taxation of savings and investment, and provide a generous exemption based on family size.

Not everyone agrees—I am sure we all understand that—but that shouldn't stop the conversation, the fundamental debate, the energy of this Senate and this Congress becoming involved in reforming our Tax Code for the greater benefit of our country.

That is one of the reasons why I joined Senator WYDEN, a Democrat on the other side of the aisle, in launching a bipartisan Cleanse the Code Coalition. Although Members of the coalition disagree sharply about the best approach to tax reform, we all agree fundamentally that reform is imperative, that it is something that should embody the principles of simplicity, fairness, and fiscal responsibility.

Our current tax system is a handicap on our Nation's citizens, our businesses, and our economy. As we continue to increase our competitive character and compete with other economies around the world, those features of simplicity and fairness become increasingly important.

Our current tax system is a handicap. There is something that ought to be done about it. We will, again, tinker around the edges, as we did with the 2008 budget resolution that sets parameters for spending and for revenues and, once again, we will talk about it a great deal more than we will act on it. When we act, we will simply adjust and change and modify, and every time we do, in that illustrative picture I gave you, we will add another cowboy hat to the top of my head and make that 66,000-page stack of papers that is 22 feet tall a little taller for the average American to work their way through in frustration, sometimes in anger, sometimes in fear that they have failed to comply and the IRS is just around the corner.

I hope that a day will come in April, a year or two from now, when the process of filing a tax return is a simple sheet of paper: Here is how much I have made, you apply the 19 percent to it, it is all online, and you don't have to hire attorneys and accountants in great complication to weave your way through the morass of rules and regulations. And Americans for the first time could say: You know, that was a pretty easy task. I am a responsible citizen. I have paid my taxes.

As one who gains the great benefit of this country, while we may not necessarily like it, it ought to be an easy and painless task to do. That ought to be our challenge. That is why I am a part of the legislation and in support of it and why I am on the Senate floor today—to challenge my colleagues to think a little more about it. It ought not be a game of dodge and hide and replace and reshape. It truly ought to be one of saying to the average citizen: We want to make it easy, we want to make it simple for you to fulfill your responsibility in assisting your Government in paying for the necessary services it needs in a straightforward and, most importantly, simplistic way.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTIAL BIRTH ABORTION BAN UPHELD

Mr. BROWNBACK. Mr. President, I rise today with great hope in my heart that a step was taken forward on human dignity today. Earlier today, the U.S. Supreme Court upheld the partial-birth abortion ban passed by Congress in 2003, and I applaud the Court for this decision.

As many of my colleagues know, partial-birth abortion is one of the most heinous and grotesque forms of abortion. Science has shown that after 20 weeks, unborn children do indeed feel pain. Imagine the pain a prenatal baby feels as it is so savagely destroyed in the latter part of the pregnancy. It is incomprehensible that we should allow such a procedure to continue in our Nation, and I am thankful—I am thankful—the Congress passed this important ban, that President Bush signed it into law, and now the Supreme Court has upheld this in the face of a challenge. I think this is an important day for human dignity, that we are starting to recognize the dignity of everybody at all stages.

We had a big debate on the Senate floor last week about stem cells and whether we should destroy the youngest of human lives for research purposes. I don't think we should. We should extend dignity. But certainly we should extend dignity to a child who is very well developed in the womb and who is being aborted feeling great pain, the child itself. We should show dignity for that life. The Court is starting to express the fundamental right to life and the dignity of each life in the country, and what a great message to our Nation, what a great message to our world for us to have that.

The majority decision of the Court, authored by Justice Anthony Kennedy, recognizes that partial-birth abortion is not medically necessary. Far from it. Both mother and child deserve far better than abortion, particularly such an invasive, barbaric procedure as partial-birth abortion.

I am pleased that the Court states in its opinion:

> It is, however, precisely this lack of information concerning the way in which the fetus will be killed that is of legitimate concern to the State.

Citing Casey, the father of the Presiding Officer, supra, at 873, it states:

> States are free to enact laws to provide a reasonable framework for a woman to make a decision that has such profound and lasting meaning.
>
> The State has an interest in ensuring so grave a choice is well informed. It is self-evident that a mother who comes to regret her choice to abort must struggle with grief more anguished and sorrow more profound when she learns, only after the event, what she once did not know: that she allowed a doctor to pierce the skull—

Of a child, her child—

> and vacuum the fast developing brain of her unborn child . . .

The child is human and in her womb.

I repeat, today's decision by the Supreme Court puts hope in our hearts. Americans understand that life is a precious gift and worthy of respect and protection. Indeed, this deep belief is at the very root of our Nation's founding—of our Constitution. I believe our laws and the precedents of our courts ought to reflect this culture of respect for human life and human dignity at all stages, in all places; that every human life is precious, it is unique, it is sacred, and it is a child of a loving God. It applies to the child in the womb at whatever stage its development. It applies to a child in poverty. It applies to a child in Darfur. It is pro-life and it is whole-life, beginning to end, and that is as it should be.

I am delighted that the Supreme Court is moving forward to see the expression of life in the Constitution. I hope that someday we will see all life respected at all stages and protected in this land and around the world.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded, and I ask to proceed as in morning business.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

The Senator from Iowa is recognized.

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, yesterday was tax return filing day for most Americans for the 2006 tax year. While filing that 2006 tax return and paying tax owed for 2006 was stressful enough, for 23 million families who will be AMT taxpayers in 2007, there was added stress. That added stress is due to the fact that those 23 million families bear the uncertainty of whether there will be an AMT patch for the year 2007; in other words, for Congress to take action so the alternative minimum tax will not apply to an additional 23 million families for this year's earnings as the present law is going to do it. Congress, each year, has taken action so that would not happen. The big question is will Congress act soon enough so that the uncertainty of these 23 million taxpayers will not be realized.

This matters for taxpayers now because the first quarter estimated tax payments are due for the 2007 tax year. I have a chart here I wish to show that shows the form for the payment these 23 million families have to make, and why going through the trouble of filling this out is stressful for the 23 million taxpayers—in addition to having to pay all of this tax. Barring an extension in the "hold harmless" provisions that made certain that people who filed on 2006 earnings did not have to pay the AMT, if we do not take action for the year we are in, AMT exemptions then will return to the pre-2001 levels. Many Americans may be surprised to find in their 1040 ES instruction package that the AMT exemption amount for single taxpayers is decreasing from $42,550 in 2006 to $33,750 in the year we are in now for earnings, 2007. And for married taxpayers, the exemption amount is decreasing by nearly $20,000, from $62,550 down to $45,000.

You can see here on line 29 that these higher exemption amounts are there. To add insult to injury in this whole matter, certain credits will not be allowed against the alternative minimum tax in 2007, including the credit for child and dependent care expenses, credit for the elderly or the disabled, and education credits. And that is just to name a few.

The alternative minimum tax is not a new problem and has been with us for several decades. The individual minimum tax—that is a precursor to our AMT—was originally enacted in 1969 after Congress discovered that 155 taxpayers with incomes greater than $200,000—these are 1969 figures—were not paying any taxes at all.

As originally formulated, the individual minimum tax affected one out of a half-million taxpayers. Clearly that situation has changed now very dramatically in the last 30 years when today about 4 million taxpayers are paying the alternative minimum tax. If we do not do anything this year, 23 million more people will pay it on earnings they are making right now.

Although not its only flaw, the most significant defect of the alternative minimum tax is that it is not indexed for inflation. If it had been indexed for inflation, then obviously we would not have these 3 million people, or these potential 23 million people, having to worry about paying the alternative minimum tax.

This failure to reindex the exemption and the rate brackets, the parameters of the AMT system, is also a bipartisan problem.

Perhaps the most notable missed opportunity to index the AMT for inflation was the passage of the Tax Reform Act of 1986. Another missed opportunity was the Omnibus Budget Reconciliation Act in 1993, in which the exemption levels were not indexed but were increased to $33,750 for individuals and $45,000 for joint returns. But this was accomplished by an additional rate increase.

By the way, the 1993 tax increase passed this body with only Democratic votes. Once again, graduated rates were introduced, except this time they were 26 percent and 28 percent.

By tinkering with the rate and exemption level of the AMT, these bills were only doing what Congress has been doing on a bipartisan basis for almost 40 years, which is to undertake a wholly inadequate approach to a problem that keeps getting bigger. And by "keeps getting bigger," I mean it is applying now to 23 million taxpayers for earnings this year to whom it should not apply.

In 1999, the issue again had to be dealt with. At that time Congress passed the Taxpayers Refund and Relief Act of 1999. In the Senate, only Republicans voted for the bill. That bill in fact included a provision that actually repealed the entire alternative minimum tax. If this bill had not been vetoed by President Clinton, we would not even be talking about this today.

Later on, in 1999, an extenders bill, including a fix good through 2001, was enacted to hold AMT harmless for a little longer.

Most recently, in March of 2007, less than a month ago, this body, now under the control of the Democrats, voted against an amendment I sponsored to put some honesty back into the budgeting process and to stop spending amounts that are scheduled to come into the Federal coffers through the alternative minimum tax.

Take a minute to visit about that vote on my amendment to the budget resolution a month ago. That amendment would have amended the budget resolution for fiscal year 2008 in order to accommodate a full repeal of the alternative minimum tax, preventing the same 23 million people, both families and individuals whom I am talking about today, from being subject to the alternative minimum tax in 2007, not to mention the millions of families and individuals who will be hit by it in subsequent years.

You would think we would have seen a flood of bipartisan support for that amendment, given the numbers of families represented by my colleagues across the aisle who are now paying the alternative minimum tax in 2007. But, instead, true to form, not a single Democratic Senator voted for the amendment to provide relief from the alternative minimum tax and to stop spending money this country does not have and was not intended to get. If you get it from these 23 million people, it has the capability of ruining the middle class in America. We got not a single vote from the other side of the aisle.

So even though the alternative minimum tax is a problem that has been developing for a while, almost 40 years, Congress has had an opportunity to deal with the issue but has blocked attempts to deal with the issue thoroughly. Or, if Congress passed it, President Clinton vetoed it. Although on numerous occasions Congress has made adjustments to the exemption and in the rates, it has not engaged in a sustained effort to keep the alternative minimum tax from further absorbing the working people who are in middle-class America. Instead, despite temporary measures, the AMT has gone from being a threat to millions of taxpayers who were never supposed to be subject to a minimum tax, to being a reality when they sent in their estimated income tax payments to the IRS for the first quarter.

That the alternative minimum tax has grown grossly beyond its original purpose, which was to ensure that the wealthy were not exempt from an income tax, is indisputable, and that the alternative minimum tax is inherently flawed then falls into the commonsense category.

Despite widespread agreement that something needs to be done about the alternative minimum tax, agreement on what exactly to do is not so widespread. I suppose if there had been an agreement to repeal it, I would have gotten more than 44 votes on my amendment to the budget resolution a month ago. So you can use your mathematics. It is going to take at least seven more people to agree with me before we can get that done. And a major factor in the disagreement relates to massive amounts of money that the alternative minimum tax brings to the Federal Government. In 2004, the alternative minimum tax brought $12.8 billion into the Treasury. Projections show that the AMT balloons revenues in coming years. These projections are used to put together the budget using current law, so that is why this money that was never supposed to be collected is put into the budget by the Congressional Budget Office and by the Office of Management and Budget in the executive branch.

This is a bipartisan problem. Whether you have a Republican majority or Democratic majority in this body, it is going to be handled the same way. Republican and Democratic budgets, then, rely on the same source of revenue—even though it is a revenue that was never supposed to be collected. In 1969, it was never anticipated it would hit more than people with adjusted gross incomes, at that time, of $200,000; and if you brought that on for inflation now, it would be somewhat a bigger figure but it would not take in 3 million people as it does today and it wouldn't be taking in 23 million people as it will this very year.

This means the central problem in dealing with the AMT is not money that will come in, but people are counting on it to come in. I call it phantom income. Of course, for the 23 million people who file or have to file for this year's income, if we do not do something, it is going to bring in additional revenue, and it would not be phantom in that case, but it is phantom in the sense that if it was supposed to hit a few rich people and it is hitting 23 million middle-income Americans, it does not seem legitimate to count it as money coming into the Federal Treasury.

There are some people who would say we can only solve the alternative minimum tax problem if offsetting revenue can be found to replace the money the AMT is currently forecast to collect. Anyone who says this sees the forecast showing revenue being pushed up as a percentage of gross domestic product and, quite frankly, they like to spend more money so they want to keep it there.

These arguments are especially ridiculous when one considers that the alternative minimum tax was never meant to collect as much revenue; in other words, it is a failed policy. It is simply unfair to expect taxpayers to pay a tax they were never intended to pay. It is even more unfair to expect them to continue paying that tax once we get rid of it.

The reform or repeal of the AMT should not be offset because it is money we were never supposed to collect in the first place. So the way to solve this problem is to look on the other side of the ledger, on the spending side. Budget planners need to take off their rose-colored glasses when looking at the long-term revenue projections and read the fine print.

In general, it is a good idea to spend money within your means. That is true in this case as well. If we start trying to spend revenues we expect to collect in the future because of the alternative minimum tax, we will be living beyond our means. We need to stop assuming that record levels of revenue are available to be spent and recognize that the alternative minimum tax is a phony revenue source.

As we consider how to deal with the alternative minimum tax, we must first remember we do not have the option of not dealing with it if we want to maintain a middle class in America. The problem will only get worse every year and make any solution more difficult.

We must also be clear that the revenue the alternative minimum tax will not collect as a result of repeal or reform should not be offset as a condition of repeal or reform. We should not call it lost revenue because it is revenue we never had to begin with.

This week millions of families are beginning to feel the ramifications of that revenue vortex. I have outlined that the alternative minimum tax problem has been developing for decades, but I want to make clear that something distinctly different and more onerous is happening this year for alternative minimum taxpayers; that is, that for the first time in 6 years, there is no money in the budget to fix the alternative minimum tax even for 1 year. So the outlook for those 23 million people who are paying it right now on incomes earned this year is even a little bleaker than in recent years.

For the first time in 6 years, there is also no bill on the floor to deal with the issue. Now, there is the Baucus-Grassley bill that I do not think the Democratic leadership has put on the schedule yet but they ought to if they want to preserve the middle class.

At estimated tax payment time last year, folks were feeling a similar crunch on the alternative minimum tax. But the legislative posture on this point was significantly different. This time last year, the alternative minimum tax fix bill for 2006 had already passed in both the House and the Senate. At this time last year, the tax-writing committees were in conference on a tax package that included a fix to the alternative minimum tax for the year 2006 income and was enacted in May of 2006.

This year, those 23 million families facing a 2007 estimated tax payment have nothing to refer to but the IRS instruction package that is telling them it is time to start paying on the 2007 alternative minimum tax problem now.

It is time for Congress to wake up to this problem. It cannot wait until the end of this year. It cannot wait until the end of the next Presidential election. The time is now. So I implore my colleagues to join me in addressing this issue.

Perhaps the 23 million families who are feeling the absolutely maddening tax increase of 2007, beginning this week, will be inspired to act, and hopefully we will have a prairie fire of support for acting on this quickly and maybe even doing the right thing by repealing it entirely.

We just went through that time of the year where, for most people, the Tax Code transforms from an abstraction to a concrete reality. The same is true of tax relief. What may be an academic or policy discussion becomes something more when the men and women of our Nation actually work out how much of what they have earned they turn over to us in Congress to spend for them.

Thanks to the popular and bipartisan tax relief enacted in 2001 and 2003, virtually all Americans paid less in taxes this year than they did last year. There seems to be several Members of this body who view that as a bad thing to happen, who would rather take what others have earned and stuff it into the pork barrel.

I think that American workers are the best people to decide how to spend their money and that letting them keep as much of their own money as possible is very good.

As I said, Americans generally paid less this year than they did last year because of bipartisan tax relief. Last year I talked about the slim majority who have governed the Senate for the past several years. If tax relief hadn't been bipartisan, the 2000 tax relief bill would not have received the support of nearly a quarter of the Democratic caucus that year when the conference report came up for a rollcall vote.

However, this popular and bipartisan tax relief has been put at risk by Democratic majorities in the House and Senate. The Senate-passed budget resolution only provides 44 percent of the revenue room needed to make tax relief permanent; only 44 percent. The House-passed budget resolution provides zero percent of the revenue room necessary, which means that taxpayers face a serious risk of being hit with a wall of tax increases in 2011, as illustrated by this chart, the wall between what taxes are being paid now and what will be paid when 2011 happens.

According to the U.S. Treasury, a family of four with an income of $40,000 will be hit by a tax hike of $2,052 per year, every year. That is an increase for a family of four with an income of $40,000 a year, not rich people.

To see the consequences, we need to look past academic seminars and working papers and wordy editorials to see what this tax hike will mean for real people. For a family of four at $40,000, this tax wall of $2,052 of increased payment to the Federal Government is real and at that time will be a real problem.

Right now I want to walk through the specific components of the bipartisan tax relief that are at risk. This chart breaks down what could be a $407 billion tax increase over 5 years. Here is the tax increases of various parts of the 2001–2003 tax bills that have those subdivisions in it, and as these expire, income will be coming in this much more from various things that automatically happen.

Let me be clear on this: This is a tax increase that Congress is not going to vote for. This is a tax increase that Congress would not have guts enough to vote for. This is a tax increase that is automatically going to happen because the tax cuts of 2001 and 2003 sunset in 2010.

To anybody around this body who says they are not voting to increase taxes, we can stop this. If we stop this, we keep the present level of taxation, we would not be cutting taxes more. The policy we have had in place for this decade would stay in place the next decade. That is not a bad tax policy because of the increase of the 7.8 million new jobs. And that is Chairman Greenspan saying it is responsible for the recovery we have. As pointed out, almost everything statistically that we use to show that the economy is working, it is all very positive.

So let's look at some of these subdivisions of this 2001–2003 tax bill. Let's take the marginal tax rate cuts. We set up a brand-new 10-percent bracket that year in 2001 so that low-income people would not have to pay as much tax, if their first tax dollar is taxed at 10 percent, where it used to be taxed at 15 percent for lower income people.

That costs $203 billion over 5 years, according to the Joint Committee on Taxation. I am sorry. That included the 10-percent bracket. But I was talking about the marginal tax rate cut generally, including the 10-percent bracket. What I said about the 10-percent bracket, making it possible for low-income people to pay less tax on their first dollar, is also true.

But the $203 billion applies to all tax rates. The 10-percent bracket costs $78 billion over 5 years, all by itself. But that proposal reduces the taxes of approximately 100 million families and individuals across the Nation. When considering the rest of the marginal rates, it appears some folks think the 35-percent tax rate is too low of a top rate.

Well, guess what. Repealing the marginal tax rates hits small business, the biggest source of new jobs in America. It hits that class of people the most.

The Treasury Department estimates 33 million small business owners who are taxed on their business income at the individual rate benefits from the marginal tax rate cuts. Repealing these cuts would cause 33 million small business owners to pay a 13-percent penalty. Why do we want to kill the goose that laid the golden egg, and that is small business, where most of the jobs are created in America? It is the backbone of our economy.

Do Democratic leaders want to raise taxes on those taxpayers? Treasury also projects that small business gets over 80 percent of the benefits of the cut in the top two rates. Do we want to raise the tax rates of small business by 13 percent? Does that make any sense? Democratic leaders, what would you say about raising that amount of money from small business, a 13-percent tax increase, if Congress does nothing?

So obviously I am recommending we take action between now and that sunset to make sure a tax policy that has been good for the entire economy, according to Chairman Greenspan, stays in place to continue to create jobs above and beyond the 7.8 million jobs that are already created in this recovery.

Now, what about death tax relief? That package scores $102 billion over 5 years. Most of the revenue loss is attributable to increasing the exemption amount and dropping the rate to 45 percent on already-taxed property. Is it unreasonable to provide relief from the death tax? Why should death be an incident of taxation? Why should you have a fire sale, when you do not get as much for assets when someone dies in order to pay the taxes? Why not let the willing buyer or willing seller make a decision when the marketplace is going to work? Death is not the marketplace working. Is it unreasonable to provide that sort of relief, or should we raise the death tax on small business and family farms? That is what will happen if the bipartisan tax relief package is not extended.

Now we have the child tax credit. That is the fourth one down on the chart. Mr. President, 31.6 million families benefit from the child tax credit according to the Joint Committee on Taxation. How about the refundable piece that helped 16 million kids and their families? That proposal loses $41 billion over 5 years. I didn't think we would have a lot of takers on letting that one expire, but the Democratic leadership may be proving me wrong.

The next item on the list is the lower rates on capital gains and dividends. Thirty-three million Americans, a good number of them low-income seniors, benefit from the lower tax rates on capital gains and dividends. Some people try to portray this tax reduction as only for the idle rich. But the beneficiaries of this provision include working-class Americans who have spent a lifetime building up equity in property and securities and probably have their pension funds and their 401(k)s invested in the stock market.

Does the Democratic leadership think we should raise taxes on these 33 million families and individuals?

Take into consideration the fact that 25 years ago, only about 12, 15 percent of Americans had any investment in the stock market. Today it is between 55 and 60 percent because of 401(k)s, IRAs, and pensions.

Then we have the marriage penalty. Why would we ever think there should be a penalty on people being married? We finally did something about the marriage penalty. It is the first relief we delivered to that class of people in over 30 years. This proposal scores at $13 billion over 5 years. The Treasury estimates nearly 33 million married couples benefit from the abolition of the marriage penalty. Again, I don't think many folks would want to raise taxes on people just because they are married. Most of the folks who do want to raise taxes on married couples must be serving in the House and Senate because that is what is going to happen when this sunsets.

Another proposal is expensing for small business, meaning expensing of depreciable property, depreciable equipment, among other things. This is a commonsense bipartisan proposal. According to the Internal Revenue service, 6.7 million small businesses benefited from this provision in 2004. That is the most recent year for which we have statistics. If we don't make this provision permanent, small businesses face a tax increase of $12 billion in 5 years. When this sunsets—and the majority wants it to sunset—do they want to hurt small business? I think that is unwise tax policy.

Continuing on through the bipartisan tax relief package, let's look at the education tax relief provisions. This package helps Americans cope with college education costs. It scores at $2 billion over 5 years, and 16 million families and students benefited from this tax relief in 2004. In this era of rising higher education costs, should we gut tax benefits for families who want a college education for their kids? In order to keep competitive in the global economy, we ought to think about having the most educated workforce we can. Especially in the runup to the last election, I heard a lot about the importance of higher education and helping to ensure that costs do not keep people out of college. But college education is going to increase for middle-income people who are taking advantage of this tax exemption for college tuition. These provisions put those ideas into action and help people afford a college education. Does the Democratic leadership think scrapping them is good for our young people, good for our economy, good for middle-class families?

The last item on this chart is where both parents work and have to deal with childcare expenses. The tax relief package includes enhanced incentives for childcare expenses, and 5.9 million families across America benefit, according to the Joint Committee on Taxation. These provisions helped working mothers and fathers remain in the workforce while having a family. Does the Democratic leadership think we ought to take away these childcare benefits from working families?

I have taken my colleagues through about $407 billion of tax relief. It sounds a lot like an abstraction, but it provides relief to almost every American who pays income tax. I ask any of those who want to adjust or restructure the bipartisan tax relief, where would they cut in this package? Where would they cut? It would be very difficult, considering how this tax package has contributed to the revitalization of this economy, according to Chairman Greenspan, to touch it at all. It seems to me they would not want to kill the goose that laid the golden egg. Wouldn't they want to keep that goose laying those golden eggs into the next decade and do it today instead of waiting until 2010 to do it before it sunsets? The principle of the predictability of tax policy to get business to create jobs is very important. It is very unpredictable now. We get to 2009 and 2010, and we are not going to get the long-term investment until people know what the tax policy is. Some economists tell us this has a very detrimental impact on the economy.

When you ask what you would restructure or adjust, would you hit the 10-percent bracket, drive up taxes for low-income people, or would you hurt small business tax relief and kill the engine that creates most of the jobs, or would you eliminate the refundable child tax credit so parents, where both parents work, would have additional costs of working, and maybe one of them would have to leave the workforce, or do you want to kill small business and farmers by not reforming the estate tax, or do you want to penalize married people again by doing away with the marriage penalty relief?

What about dividend and capital gains relief, one of the tax bills that has brought $708 billion of new revenue because of increased economic activity, because we are letting 70, 80 million taxpayers decide how to spend their money instead of 16,000 corporate executives, if it is retained in the corporation instead of being given out in the form of dividends, or do you want to hurt people who are getting a college education because of the tuition tax credit or childcare generally?

In a smooth-running, with above-average levels of individual income tax as a percentage of gross domestic product, even with this tax relief package in place since 2001 and 2003, what area, I ask the people who want this to sunset and bring in more revenue because they want to spend more, would they adjust? Where would they restructure? Why undo a bipartisan tax cut that makes the Tax Code more progressive?

I say that without any hesitation whatsoever based upon the judgment of the Joint Committee on Taxation that those making more than $200,000 a year are paying a higher percentage of income tax than they were prior to the 2001 tax cut. As things stand right now, based upon the budget resolution that passed this body last month, bipartisan tax relief is in danger. The Democratic

Senate has only provided for 44 percent of the tax relief beyond 2010, and the Democratic House has not provided for any. I am sure much will be said of the high cost of tax relief, but those comments are inherently misleading. My colleagues need to think about the high cost to the American taxpayers when they are hit with the largest tax increase in the history of the country that is going to happen without even a vote of the Congress.

Federal revenues are already at historically high levels, and if something is not done soon Americans will be hit with an additional wall of tax increases, January 1, 2011. If what some have called tax cuts for the rich expire, a family of four with incomes of $40,000 will face an average tax increase of $2,052.

In order to protect the interests of working Americans, our collective Republican leadership has introduced a bill, S. 14, called the Invest in America Act, to ensure that this largest tax increase in history does not go into effect. This bill will help small businesses. It is going to help families afford college. It will help seniors who rely on capital gains or dividends for income. It will help working parents take care of their children.

Why doesn't the Democratic House want to do any of these things? Which 44 percent of tax relief does the Democratic Senate have in mind? When I say this Republican leadership bill invests in America, it maintains existing tax policy. It is going to make sure the taxpayer doesn't run up against this tax increase wall.

I want to end today, as I did in some remarks I made last week, by urging the Democratic caucus to tear down this wall. The Republican Congress is eager to work with them in bipartisan cooperation to promote a progressive and fair Tax Code and to prevent a wall of tax increases from crushing the American taxpayer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, may I ask, what is the business, what is the regular order?

The PRESIDING OFFICER. The Senate is considering the motion to proceed to S. 378.

Mr. BUNNING. Mr. President, I ask unanimous consent to speak as in morning business for about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. BUNNING. Mr. President, I wish to take a few minutes to talk about the vote we had earlier today on the Medicare noninterference provision, which prohibits the Secretary of the Department of Health and Human Services from getting involved in the negotiations between the private plans offering the Medicare drug benefit and the drug manufacturers.

I did not vote for cloture today because I support the Medicare prescription drug benefit. The benefit is working well. Seniors have access to drugs. They are saving money, and most beneficiaries are happy with the benefit. Removing the noninterference provisions, as the Democrats want to do in S. 3, would jeopardize the Medicare drug benefit and could force beneficiaries to rely on a one-size-fits-all big Government bureaucracy for their prescription drugs.

I was a strong supporter of the 2003 Medicare drug bill and worked very hard to get it passed. For too long, Medicare had not covered prescription drugs for seniors, even though many of these drugs are life sustaining and life enhancing. Since the drug bill was enacted, all Medicare beneficiaries have access to prescription drug coverage, and low-income beneficiaries receive substantial help in affording their prescription drugs.

One of the most important elements in the 2003 bill was allowing private plans to offer the prescription drug benefit. Under the bill, these plans negotiate with drug manufacturers for the prices on prescription drugs, and then market their benefits to beneficiaries.

Medicare beneficiaries have a choice of plans to select. In my State of Kentucky, there are 24 companies offering 54 plans. All of these plans are different, and each one of them offers a different formulary. Plans compete with each other by offering the best benefit, which may not mean the same thing to all 40 million Medicare beneficiaries. Some beneficiaries may not have many drug expenses each month, so they can go with a cheaper plan. Other beneficiaries may have more costly drug expenses and may need a plan that offers more coverage.

The point of having private companies offer the drug benefit was so seniors could pick the plan that works best for them. It is working, and seniors are saving a substantial amount of money. In fact, the average beneficiary is saving about $1,200. Ninety percent of Medicare-eligible beneficiaries have drug coverage, and 80 percent of them are satisfied with the program.

To me, this sounds like a success—a real success. Part of this success comes from the fact that we kept the Medicare bureaucrats out of the program. Traditionally, Medicare is a one-size-fits-all program that sets prices for doctors, hospitals, nursing homes, hospice care, ambulance providers—you name it.

Medicare beneficiaries should ask their doctors the next time they see them how fairly Medicare reimburses them. I suspect most doctors would say their reimbursements fall short of their actual costs, and they are constantly on the lookout for ways Medicare may try to change their reimbursement for the services they offer.

The drug benefit, however, is different. It allows the drug plans to negotiate directly with the manufacturers for prescription drugs. These plans, then, have to attract Medicare beneficiaries to join their program by offering the best possible benefit. A plan that does not offer a competitive benefit will not attract members. A plan that offers an attractive benefit will attract members to its rolls.

It is simple—really, it is—and it is working. The Democrats would have you believe Government negotiation is going to save money for Medicare and seniors. Unfortunately, they are wrong.

First of all, saying Medicare will "negotiate" is a fallacy. Medicare does not negotiate; it sets prices. Just ask your doctor how often the Medicare Program negotiates.

Second, the Democrats haven't said a word about how this new authority would actually work. There wasn't one word in S. 3 about what this negotiation would look like. Is Medicare going to negotiate for only a few drugs, as some Members have suggested? No one knows. Are they negotiating prices for all drugs? No one knows. Will the Secretary actually deny access to certain drugs if he doesn't get the price he wants? No one knows. It seems to me that before you undermine a successful, well-received program such as the Medicare prescription drug benefit, you better have the guts to tell people exactly how it is going to change.

Third, there is a real concern by experts in this area that Government price-setting for Medicare drugs could cause drug prices to increase for other payors, including Medicaid, the Veterans' Administration, and private purchasers. This hardly seems like a good plan.

Finally, the Congressional Budget Office has said repeatedly over the years that removing this provision has a negligible effect on Federal spending. In fact, CBO Directors under both Republican- and now Democratic-controlled Congresses have come to the same conclusion. Without Medicare creating a national formulary and limiting access to drugs, it is unlikely they would be able to get a significant discount on drugs.

I also wish to point out that this provision isn't new. In fact, prior to the passage of the 2003 Medicare drug bill, many Members of Congress had proposals to add a prescription drug benefit to Medicare. Many of these bills, including those by Democratic lawmakers, included a noninterference provision. For example, the former Democratic leader, Senator Daschle, in the Senate had a bill in 2000 that included such a provision. This bill was cosponsored by 26 Democratic Members still serving in Congress, including the current chairman of the Finance Committee, Senator BAUCUS. It is curious that this language was fine for Democratic bills but for some reason isn't fine presently for this bill.

The Medicare drug bill we passed in 2003 is working well. Beneficiaries have access to drugs, and people are saving money. Now is not the time to significantly alter the program and rip out the competition that is working so well.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTIONS

Mr. DORGAN. Mr. President, this morning, in one of the newspapers that covers Capitol Hill, there was a story with some complaints by the minority and the leader of the minority that the majority is filing what are called cloture motions. We are, in fact, filing cloture motions, and the reason we are doing it is because the minority doesn't want to move to debate the issues.

To give you an example, in recent days, we have had to file a cloture motion to have a vote on the Intelligence Authorization Bill. It turned out the minority, in nearly a unanimous vote, succeeded in blocking our ability to even debate the bill. That was the motion to proceed on the debate, not the debate itself. The question is: Shall we proceed to debate reauthorization of intelligence? The minority said we won't give you the permission to approve the motion to proceed. We are going to have to have you file cloture on that. We will then have a cloture vote and 40-plus will decide to march in against it. So you cannot proceed on the intelligence reauthorization.

On the issue of negotiating lower prescription drug prices, the minority says we won't allow you to go to the bill to negotiate lower drug prices under Medicare. You have to vote on a motion to proceed. They come over and, by and large, oppose the motion to proceed so we cannot go to negotiating lower drug prices for Medicare.

About an hour or two ago, we had to have a vote on going to the issue of court security—security in our court system. They required us to file cloture and have a vote on the motion to proceed to going to security for America's court system. It is unbelievable.

Let me go back for a moment on this issue of intelligence. They required us to file cloture on the motion to proceed. If there is anything critically needed by this Congress and this country—especially this country—it is to get this issue of intelligence right. Why is that important? We live in a very dangerous world. We face a lot of threats and challenges. We have been through the last half decade or more in a circumstance where the intelligence function in our Government has dramatically failed. The consequences of that have been life or death. Here are some examples:

We went to war with Iraq. We had many top secret briefings prior to the war given by our intelligence officials and top members of the administration. They told us, for example, that the country of Iraq threatened this country because it had mobile chemical weapons labs. They gave us substantial information about mobile chemical weapons labs in Iraq. It turns out now, much later, we discover that in fact those so-called laboratories didn't exist. The information our intelligence community gave Congress came from one source, a man who was named "Curve Ball," who was largely considered to be a drunk and a fabricator. A single source—someone considered to have been a drunk and a fabricator—convinced our intelligence community and this administration to tell us and the American people that Iraq threatened this country because they had mobile chemical weapons labs. We now understand that wasn't true, but it was part of the foundation upon which a decision was made to go to war.

Aluminum tubes for the reconstruction of a nuclear weapons program in Iraq—we were told there was a nuclear weapons program, the reconstruction of which will threaten our country and threaten the world. It turns out the administration and the intelligence community told us a half truth. Some in the administration felt the aluminum tubes specifically ordered by Iraq were for the purpose of reconstructing a nuclear capability. Others in the administration felt equally strongly that there was no such thing involved, that it was for rocketry; it didn't have anything to do with the reconstruction of a nuclear weapons program. The intelligence community did not tell Congress about that portion of the debate.

Yellowcake from Niger. The President told the Congress in briefings and intelligence sources upstairs that Iraq was attempting to procure yellowcake from Niger for the purpose of reconstituting its nuclear capability. It turns out that was based on falsified documents, fraudulent documents. Based on a lot of information, including yellowcake from Niger, and allegations about Iraq trying to secure it, aluminum tubes purchased it was alleged for the purpose of reconstructing a nuclear capability, or mobile chemical weapons labs, reports of which came from apparently one source, a single source, a drunk and fabricator who used to drive a taxicab in Baghdad. That was the basis, at least in part, on which to build a foundation that told this country a threat exists against the United States and we must take military action against the country of Iraq.

We know what has happened in the interim. This war with Iraq has cost an unbelievable amount of money and lives. It has cost this country dearly around the world. Now we are in a situation where, according to the latest National Intelligence Estimate that there is a civil war in Iraq. That is a combined judgment of all of the intelligence sources in our country and the top intelligence officers and folks in the administration.

It is not, as the President seems to suggest, the fight against al-Qaida in Iraq. Our National Intelligence Estimate tells us what it is. It is sectarian violence. There is some presence of al-Qaida in Anbar Province in Iraq, but principally what is happening in Iraq is not about al-Qaida and terrorists; it is about sectarian violence, committing acts of terror—Sunni against Shia and Shia against Sunni—and the most unbelievable acts of terror you can imagine.

In fact, the head of our intelligence has since said this, that the greatest terrorist threat to our country is with al-Qaida and its leadership, which is in a secure hideaway in Pakistan. These are the people who boasted about murdering innocent Americans on 9/11/2001. No, they have not been brought to justice. They are, according to the head of our intelligence services, in a secure hideaway in Pakistan.

What, then, should be our greatest goal? What should be our priority? Continuing in a civil war in Iraq, having our troops in the middle of a civil war in Iraq? Or deciding we are going to go after the terrorists who represent the greatest threat to our country, al-Qaida? That is not from me. The description of that comes from the head of our intelligence services in this country.

I have described the mistakes that were made. In fact, there was no oversight, of course, in the last few years in the Congress, none at all—no hearings, no oversight to talk about this. So I held oversight hearings as chairman of the Democratic Policy Committee. One day, I had four people come before the committee who previously had worked for the CIA, and others. One of whom was COL Larry Wilkerson, who served 17 years as a top assistant to Colin Powell, including when he was Secretary of State. He was there when the presentation was made at the United Nations. He said later that was the perpetration of a hoax on the American people.

I cannot pretend to know what went wrong or how. I know in the aftermath that this Congress, with the majority that existed last year, held no oversight hearings and didn't seem to care, wanted to keep it behind the curtain. I know this, however: Going forward, this country's future and this country's security depends on good intelligence. It depends on our getting it right, and it depends on our knowing what is happening. Reauthorizing the intelligence functions of our Government is critical.

It undermines our soldiers, in my judgment, for us not to take action to provide the very finest intelligence that can be available to us through reauthorizing our intelligence functions. It should have been done before, but it wasn't. It is brought to the floor now, but it will not be allowed to be debated because the minority says they don't want to reauthorize the intelligence functions under these conditions. I don't understand that. I think that shortchanges the American people.

But it is not just intelligence. Earlier today, the minority said we will not allow you to move forward on a domestic issue, and that is having the American people feel as though their Government is giving them the best deal possible by negotiating decent prices with the pharmaceutical industry for drugs that are purchased under Medicare. We hoped to have a debate about that. In 2000, the drug companies, the pharmaceutical companies, ran an advertising campaign in this country in support of creating a Medicare drug benefit. This is what they said: They touted a study that said private drug insurance will lower prices 30 to 39 percent. That is what they said.

We understand about prices. Mr. President, let me, if I might, show you two bottles that formerly contained medicine. This is Lipitor. The American people understand about drug pricing and the unfairness to the American people. This is a drug produced in Ireland. A lot of people take it to lower their cholesterol. These bottles are, as you can see, identical. They held tablets of Lipitor, made in the same plant, FDA approved—exactly the same medicine. The difference is this one was actually sent to Canada to be sold. This one was sent to the United States. Well, this one was twice as expensive to the U.S. consumer. The same pill made by the same company, made in the same manufacturing plant, sold in two different places—one in Canada and one in the United States—and Americans were told you pay double. And it is not just Canada. Almost any country I could name will be paying lower prices for the same drugs, because the American consumer is charged the highest prices.

We have legislation to try to respond to that. There is plenty of opposition in this Chamber. The first step in dealing with this is for the Government, as the institution that created the prescription drug benefit under Medicare, to be using its capability to buy in large quantities to reduce the price by negotiating with the pharmaceutical industry. But when the prescription drug plan for Medicare was put into place in this Chamber, then the Republicans in the majority said: We are going to prohibit the Federal Government from negotiating lower prices with the pharmaceutical industry.

That is almost unbelievable, when you think about it. Can you think of anybody in your hometown doing that—saying we are going to do business with somebody, but we are going to be prohibited from negotiating the best price? Well, nonetheless, that was the law, and so now we are trying to change it to say, no, we believe the Federal Government ought to be allowed to negotiate better prices for quantity discounts. Yet, now the minority party will not even allow us to continue because they force a cloture vote on a motion to proceed—not the bill itself, but on a motion to proceed to the bill—and they block it.

Well, the pharmaceutical industry had said if we pass prescription drug benefits in the Medicare Program, it would lower prices 30 to 39 percent. Has it done that? Well, no. I will give you examples: From November 2005 to April 2006—that is a half year—the prices charged for the 20 drugs most frequently prescribed to senior citizens increased by 3.7 percent, or about four times the rate of inflation. In the first quarter of 2006, drug prices shot up 3.9 percent, the highest first quarter increase in drug pricing in 6 years.

Now, some of my colleagues will argue that private plans are doing a terrific job of negotiating with drug companies. Well, we recently did a study on this subject. We did a study of 53 stand-alone Part D plans that are available in my State. We looked at the prices these plans paid for the 25 drugs most frequently prescribed to senior citizens. If those senior citizens bought the drugs at average Part D prices, it was $829. If you walked into the pharmacy downtown, it was $845. At Costco, it was $814. Where is the 30 to 39-percent discount here because the Federal Government has now become a giant purchaser? We used to get discounts under Medicaid—still do, in fact, under Medicaid, but those low-income senior citizens who migrated from Medicaid to Medicare mean we now pay more because we don't negotiate for lower prices with the prescription drug industry under Medicare. And that is the problem.

If all Secretary Leavitt would do as Secretary of HHS is to buy part D prescription drugs from Main Street pharmacies, Medicare will save money. I don't understand why those who are self-labeled as conservative would not be on the side of having the Federal Government make the best deal it can to save money when it is making bulk purchases of prescription drugs.

I understand part of what is happening. Part of what is happening is the pharmaceutical industry has a great deal of clout, and there is support for them in this Chamber. I don't come to the floor denigrating the industry. I don't like their pricing policies. I have told them that. The pharmaceutical industry produces some lifesaving medicine, some of it with research paid for by the American taxpayers through the National Institutes of Health and other venues, and some of it through their own research investment. They produce lifesaving medicines, and good for them. But lifesaving prescription drugs offer no miracles to those who can't afford to buy them, and pricing is an issue for all Americans.

With respect to the issue of senior citizens who are getting their prescription drugs now under the Medicare Program, pricing is an issue for the taxpayers because we are paying a much higher price than we should if we were to buy prescription drugs as we do in the veterans system, in the VA system. They are allowed to negotiate for lower prices in the VA system, and the result is dramatic.

We pay much lower prices for those prescription drugs because the Federal Government, as a very large producer, has the clout to negotiate lower prices. The Government is prevented specifically by law from doing the same thing with respect to the Medicare Part D Program, and it makes no sense at all.

I started by saying the minority party is now complaining in the newspapers this morning about the number of cloture motions that are filed in this Chamber. That is inconvenient, apparently, or they don't like it. I understand. But the fact is, the very party that complains about the cloture motions is objecting even to moving to a motion to proceed.

The motion is not shall we debate this issue, the motion is shall we proceed to the issue for a debate, and they are requiring that we file a cloture motion because they will not debate the motion to proceed, let alone the issue itself.

It was interesting that after the cloture motion failed on the motion to proceed because the minority blocked it, we had some people come to the floor to speak about the issue this morning to defend the pharmaceutical industry and say: No, the Federal Government shouldn't negotiate. It seems to me if they wanted to speak about the issue, why wouldn't they support the motion to proceed so we could actually get on the debate and they could debate on the issue rather than debate outside of what they have prevented?

I don't understand that. Maybe I shouldn't say that. I guess I do understand it. The complaint about our being required to file cloture motions comes from those who don't want to apparently go to intelligence reauthorization. They don't want to debate that bill, so they blocked it. They don't want to debate a provision that will allow us to negotiate lower prescription drug prices, so they blocked that bill. They forced us to have a vote on the motion to proceed on providing court security, for God's sake, in the shadow of the unspeakable tragedy and the heartbreak all of us feel with what has happened at Virginia Tech. The issue of court security ought not be controversial. Why on Earth should we be forced to file a cloture motion? Why should there be required a vote on the motion to proceed to something such as this issue? It doesn't make any sense.

The fact is, I have always said I think both political parties contribute something to this country. I believe that. We ought to get the best of what each can contribute to this country rather than what we often do, the worst of each. The best of what both parties can contribute to this country would give this country something to feel proud about. We ought to bring these issues to the floor of the Senate. Yes, reauthorize intelligence, yes, allow us to debate the issue of why shouldn't we negotiate lower priced prescription drugs on behalf of the taxpayers and on behalf of the American citizens. I held a hearing this morning on international trade. Yes, let's have that debate on the floor of the Senate. Why are we drowning in an $832 billion trade deficit? Why are American jobs being shipped off to China?

Let's have these debates on the floor of the Senate. Let's bring the bills out and have these debates rather than have exercises to try to block anybody from getting anything done. That is what has been happening. Block people from getting anything done and then go complain to the press that nothing is getting done—that is a very self-fulfilling prophecy but not very genuine, in my judgment.

I hope in the coming days and weeks—we have 6 weeks or so before there is a period of a few days off during the Memorial Day break—my hope is that during this period of time, we can move forward on some of these issues on the floor of the Senate, have aggressive debates, and try to get the best ideas that could come from both Republicans and Democrats and put them in legislation that will advance this country's interests.

This country deserves that debate on fiscal policy, on trade policy, on foreign policy, on a whole range of issues. This country deserves that from this Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Jersey.

TRAGEDY AT VIRGINIA TECH

Mr. MENENDEZ. Mr. President, I rise today with an incredibly heavy heart to talk about the tragedy at Virginia Tech. Today families and loved ones across the Nation are grieving. A community, a college, and a nation are struggling to mourn the loss of more than 30 of its best and brightest.

I rise to speak today because, as we know, it is not just Virginia that is suffering, but this is a pain that is felt all across the country. This tragedy hit particularly close to home in New Jersey. At least three New Jersey families have suffered unspeakable losses. They are enduring any parent's worst nightmare—losing a child.

These three young people had yet to carve out their path in life, but each had promising ambitions, dreams they hoped to fulfill, and diverse interests that would, no doubt, have left their mark in this world.

Matt LaPorte, a 20-year-old from Dumont, was a talented student and musician who hoped to serve in the Air Force. He was in the Air Force ROTC attending Virginia Tech on a scholarship. A former Boy Scout, Matt was known as a gifted cellist and was a drum major in his school's marching band.

Julia Pryde, from Middletown, had graduated from Virginia Tech with a degree in biological systems engineering and was working on her master's degree. She was drawn to environmental engineering and was interested in clean water issues in South America, a passion that would no doubt have led her to further travel and work abroad. Friends have described her as having a bright spirit and as someone who loved to see the world.

Michael Pohle, Jr., from Flemington, was preparing to graduate in just a few weeks. A biochemistry major, he was working on finding a job that was a good fit for him and that would keep him close to his girlfriend Marcy, whom he had planned to marry. A natural athlete, he was known for his outgoing personality and a glowing smile.

These were young, innocent, and promising lives lost in Monday's vicious attack. Those who knew and loved them may never be the same. We cannot mend the hole in the hearts of the families who are suffering, but we can honor each life lost and carry on their memory.

I join all of my fellow New Jerseyans in offering my condolences to the families and friends who knew and loved these three young people.

I also extend my thoughts and prayers to a fourth New Jersey family who has been watching over their son, Sean McQuade. I join them in hoping and praying for his full recovery.

My heart goes out to all the families who are suffering because of this senseless tragedy. Our Nation grieves with them, and we share in their sorrow.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, again, this morning the Senate voted overwhelmingly to proceed to the court security bill. Ninety-four Senators voted for cloture to bring debate to a close on the motion to proceed to the bill. Yet here we are still stuck in postcloture debate or, in fact, nondebate on that procedural step of going to the bill.

I have heard rumor that one Senator, a Senator on the Judiciary Committee the panel that unanimously reported this very bill, now has 10 amendments to propose. I say to him and to all Senators, that no amendments can be offered until we get to the bill. This objection is apparently what is preventing that.

Today, we may finally make progress on security in another important setting by turning to the Court Security Improvement Act of 2007, S. 378. Frankly, this legislation should have been enacted last year but was not. It should not be a struggle to enact these measures to improve court security. We are fortunate that we have not suffered another violent assault on judges and their families.

It was 2 years ago when the mother and husband of Judge Joan Lefkow of Chicago were murdered in their home. Judge Lefkow's courageous testimony in our committee hearing in May 2005 is something none of us will forget. We witnessed the horrific violence at the courthouse in Atlanta in which a Georgia State court judge was killed. And then last year there was the violence against a State judge in Nevada. Despite our efforts and the commitment of Senator DURBIN and Senator REID, despite Senate passage of this measure twice last year, Congress has yet finally to enact these measures to improve court security.

I introduced this bipartisan measure on January 24, 2007, along with Senator SPECTER, the majority leader, Senator DURBIN, Senator CORNYN, Senator KENNEDY, Senator HATCH, Senator SCHUMER and Senator COLLINS. Senator CARDIN also joined the bill as a cosponsor. House Judiciary Chairman JOHN CONYERS introduced an identical measure in the House also with bipartisan support. We hoped to send a signal with our bicameral, bipartisan introduction at the beginning of this year that we intended to move quickly to complete our work and increase legal protections for the Judiciary and their families.

The Judiciary Committee then held a remarkable hearing in February with Supreme Court Justice Anthony Kennedy. That hearing reminded us all of the need to provide resources and protections crucial to our Federal and State courts. We also discussed the critical need to preserve the independence of our Federal Judiciary so that it can continue to serve as a bulwark protecting individual rights and liberty. As the Judiciary Committee discussed in our hearings, the independent Judiciary faces many types of threats. I take all of these threats seriously, from the threats to judges' physical safety to rhetorical attacks by some affiliated with the political branches upon their independence. We cannot tolerate or excuse violence against judges, their families and those who serve our justice system.

Nor should we excuse the overheated rhetoric that has become so prominent in political campaigns lately. During the last few years, even as judges have come under physical attacks, we have seen federal judges compared to the Ku Klux Klan, called "the focus of evil," and in one unbelievable instance referred to as a threat "more serious than a few bearded terrorists who fly into buildings." A prominent television evangelist proclaimed the Federal Judiciary "the worst threat America has faced in 400 years—worse than Nazi Germany, Japan and the Civil War." We have seen some in Congress threaten the mass impeachments of judges with whom they disagree and heard comment that violence against judges could be brought on by their own rulings. That is irresponsible and dangerous.

Justice Sandra Day O'Connor has spoken out in recent years about the danger of this rhetoric and criticized the uncivil tone of attacks on the courts, noting that they pose a danger to the very independence of the Federal Judiciary. Like Justice O'Connor, Justice Kennedy urged us to find a more civil discourse about judges and their decisions. This high-pitched partisan rhetoric should stop, not just for the sake of our judges, but also for the independence of the Judiciary. Judicial fairness and independence are essential if we are to maintain our freedoms. During the last few years it has been the courts that have acted to protect our liberties and our Constitution. We ought to do all we can to protect them, physically and institutionally.

We can take a significant step today by passing the Court Security Improvement Act. This bill responds to the needs expressed by the Federal Judiciary for a greater voice in working with the U.S. Marshals Service to determine their security needs. It would enact new criminal penalties for the protections of judges, their families, and others performing official duties, expand resources available to state courts for their security, and provide additional protections for law enforcement officers.

Our Nation's Founders knew that without an independent Judiciary to protect individual rights from the political branches of Government, those rights and privileges would not be preserved. The courts are the ultimate check and balance in our system. We need to do our part to ensure that the dedicated women and men of our Judiciary have the resources, security, and independence necessary to fulfill their crucial responsibilities. We owe it to our judges to better protect them and their families from violence and to ensure that they have the peace of mind necessary to do their vital and difficult jobs. Our independent Judiciary is the envy of the world, and we must take care to protect and preserve it so that it may preserve, protect and defend the Constitution of the United States and the rights and liberties that define us as Americans.

I thank the majority leader for recognizing the significance of this bill and seeking to move to it. The Judiciary Committee voted unanimously to report the bill after its consideration. I have taken care to report the bill favorably to the Senate with a committee report, which has been available since last month.

I was disappointed that we could not gain the consent of the other side to adopt this measure, pass it and send it to the House for its consideration last month. An anonymous Republican objection has stalled Senate action in that regard. Last week, the majority leader sought consent to proceed to the bill, but that was prevented by Republican objection. The Senate has been required to file a cloture petition in order to consider the majority leader's motion to move to this bipartisan, court security legislation.

I do not know exactly who has objected or why. It is unfortunate. I have heard rumors that someone objects to the authorization for States, local governments, and Indian tribes to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes. That was a provision contained in the court security bill we passed last year. While other useful programs were required to be stripped from the bill, that one was retained when the Senate passed this measure last fall. I do not know why someone who agreed to that provision last year now finds authorizing a victim program objectionable. We are about to honor and recognize the importance of crime victims by commemorating National Crime Victims' Rights Week beginning this Sunday, April 22. I hope we can pass this bill with the authorization to prevent threats, intimidation and retaliation against victims of violent crime intact.

I look forward to Senate consideration and passage of this worthwhile legislation. I hope that secret holds and extraneous proposals will not be used to complicate its passage by the Senate and enactment by the Congress. We have a great deal to do. We have an ambitious agenda to assist the judicial branch. We need to extend needed temporary judgeships that are otherwise expiring and expired. We need to consider the important issue of judicial pay. We will need next year to take a comprehensive look at what additional judgeships are needed in the Federal Judiciary. I hope that those who have acted to delay us will work with us and get down to business. It is past time to enact this judicial security legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the chairman of the Judiciary Committee for stating that the debate we are having on this bill isn't really about the bill. The debate is about the process.

We had an election in November, and one of the things outlined by that was that Americans are concerned with excessive spending. There are some big facts that face us. Our judiciary is not nearly as at risk as our children and grandchildren are from the lack of cogent and disciplined spending by this body.

The reason we are at the place we are today is because I believe, and the vast majority of Americans agree with me, that we have to have priorities in how we spend our money. For us to be good stewards of the American taxpayers' dollars, we ought to establish priorities. This bill is a priority. I support the concepts behind the bill, and I will go through them in a minute. But what should be a greater priority for us is that we offer our children and grandchildren the same opportunities, the same freedoms, and the same liberties we enjoy.

The way the Senate works is something I believe needs to be changed, and I am willing to stand out here on every bill that comes to this floor to do exactly the same thing as I am going to do today. Here is the little problem that nobody—or very few in the Senate—wants to address. We react and create a good piece of legislation. This is a good piece of legislation. But we don't do the other half of our job, and the other half of our job is to get rid of the things that aren't working well.

Assume for a minute that every bill we authorize every year is done in a manner that says everything else in the Federal Government is working well. First of all, you ask the average citizen, and they would say: No, that isn't quite right. You go down, and everybody has a different complaint. But the fact is, we continue to authorize, we continue to authorize, and we continue to authorize, but we never go back and look at what isn't working and deauthorize.

My complaint with this bill isn't with the Senator from Pennsylvania.

He was very cooperative in trying to address my desires for us to deauthorize certain things that either have excess monies or programs that aren't efficient or aren't working as they were intended to. However, when approaching the chairman of the committee, he refused to even consider the idea that we ought to deauthorize something that isn't working in order to create this thing we all know is needed. It is a good piece of legislation, and we ought to pass it, and we will pass it. But the point that needs to be made to the American people, a point they agree with, is that authorizing a new piece of legislation is only half of our job. As a matter of fact, it shouldn't even be half. We ought to spend three-quarters of our time looking at what we are doing already that is authorized and making sure it is working efficiently. I don't think anybody in their right mind would disagree with that.

We, in my subcommittee in the 109th Congress, along with TOM CARPER, held 49 oversight hearings on the Federal Government. What we found is that of the discretionary budget, the non-Medicare, non-Social Security, non-Medicaid budget, $1 in every $5 we spend is either wasted, abused, defrauded, or duplicated. It hardly seems fair to a middle-income taxpayer out there, who only yesterday paid their taxes and got hit with an extra $1,500 or $2,000 under the AMT, that they would have to pay that extra money at a time when we are allowing $1 out of every $5 to be wastefully spent, misspent, abused, or defrauded.

So the idea behind what I sent to all of my fellow Senators at the beginning of the year—and the Senator from Vermont knows very well why I objected to coming to the floor without a motion to proceed, without a cloture on that; it is because he represents what I think has to be changed—that we have to be responsible stewards of the American taxpayers' dollars, and we are not.

The idea is to change the culture of how we work. How do we do that? Well, we don't do it by continuing to pass new authorizations without ever looking at what could be deauthorized to pay for what we are authorizing anew. What we do is we fail the test of being good stewards to the very people we represent. As I said, Senator SPECTER, the ranking member on the Judiciary Committee, was very cooperative in trying to find those offsets. I think he basically agrees with my contention that we ought to be about doing good things, but we also ought to be about getting rid of the things that aren't working.

It saddens me to think that all through this 110th Congress, I am going to be doing this on every new authorization that comes out here if my colleagues don't believe we ought to be changing the way we work. It is a simple request. It is easy to find the offsets. As the Senator from Pennsylvania knows, we had offsets for this bill in terms of deauthorizations. They weren't acceptable to the chairman because he disagrees with the underlying fundamental premise of what I believe is an absolute obligation for us in terms of being good stewards.

At the beginning of this Congress, I sent a letter to every Member of this body, and I outlined some principles under which I was going to work in this Congress. I am dedicated to those principles, and it doesn't have anything to do with me or anything to do with the parties. I don't care who is in the majority or who is in the minority.

It has to do with our future. That is what this is about. This is about fighting for our future and having a long-range vision rather than a short-term vision of putting out a fire somewhere.

The principles I outlined said that I would put a hold—and, by the way, the chairman this morning said there was an anonymous hold. That is not true. I very eloquently and directly communicated my hold on this bill. And the letter I sent to everybody in the Senate at the beginning of this Congress directed that I would be the one holding the bills. I said this:

If a bill creates or authorizes a new Federal program or activity, it must not duplicate an existing program or activity without deauthorizing the existing program. That is No. 1. And several bills I had last year were duplications.

No. 2 is, if a bill authorizes new spending, it must be offset by reductions in real authorized spending elsewhere. How are we ever going to control our deficit? And we do not have, as the administration said, a $170 billion deficit. Our real deficit, what we actually added to the debt last year, what we actually added to our children's debt, was about $340 billion. So when we are adding $340 billion every year to our kids' and grandkids' debt, isn't it incumbent upon us to do the necessary things to make sure that doesn't happen in the future? Well, one of the ways to do that is to look at programs which aren't working and are not effective and which do not need authorization.

What happens in the Senate is that the appropriators decide what will get spent and what won't get spent. But the authorizing committee, the committee that is charged with that area, never deauthorizes anything. So we have this continuing mounting of authorization, with limited dollars to go for it, which never forces real priorities or a debate over the priorities by the authorizing committees.

The third point I made is that if a program or activity currently receives funding from sources other than the Federal Government—i.e., a match—then we shouldn't increase the role of the Federal Government in terms of increasing the percentage the Federal Government pays. Take our $340 billion deficit. Every State, save one, has a surplus. They did last year, and they will this year. So if States have surpluses and we have a deficit, we shouldn't increase our role. We shouldn't be doing that.

Finally, if we create a new museum or some new cultural program, then we ought to endow it rather than set it up for its continuing cost. We should use the power of compound interest to help us save money in the future. If we really think something is important enough to invest in, we should endow that and use the power of compound interest with the idea that the endowment will earn enough money to take care of that program in the future rather than passing that new program off to our kids.

Four very simple things that I ask.

I also stated in that letter that if I thought something was unconstitutional, then I would object to it, also. However, that doesn't apply in this instance. There is a legitimate role for us here. This is a good piece of legislation. But it does lack one of the criteria under which I stated I would try to hold bills up. I have no intention of filibustering this bill. I have no intention of making it difficult to pass the bill. I have every intention to make it an issue with the American people that we are not doing our job and that we are better than that. We are better than that. The people in this body care. The question is, Do we care enough to put the elbow grease into doing what is necessary to preserve the future? I believe we do care. I believe we can, and I believe, with persistence—and the chairman and the ranking member know that if there is anything I am about, it is about being persistent—if it requires this type of structure in terms of bringing bills to the floor, then I am happy to oblige the Senate in that to continue to make the point.

Almost 2 years ago, maybe more than 2 years ago, the infamous bridge to nowhere was brought to light, which bought about the changes we are seeing in earmarks. It was one example, which really wasn't a fair example to the Senator who had that, but nevertheless it characterized and became the caricature for the bad habits we have in Congress.

My hope is that the American people will look at the commonsense approach I am trying to propose for us as we authorize new programs and say: That makes sense. Why would you continue funding things that don't work? Why would you continue authorizations for programs that aren't effective? Why would you continue authorizations for programs that are duplicative? Where one works good and one not so good, why shouldn't we put money into something that works good rather than not quite so good?

So the question is not whether we should have court security. Of course we should. The question is not whether this bill should pass. It should. The question is, How do we address this fact?

Every child who is born in this country today, every one of them, has a birth tax on them. It is now at $453,000 a child.

People say: How do you get that?

You take the $70 trillion in unfunded liabilities that we are going to transfer to this next 200 million children, and you can see what they are liable for.

Take 10 percent interest. If you took a 10-percent interest rate on $453,000, simple interest, to pay the interest on the debt, to cover what we are leaving to our children and grandchildren, is $45,300 a year.

The greatest moral question in our country today is not the war in Iraq, it is not who marries whom, it is not abortion, it is not child abuse, it is stealing the opportunity and the heritage this country has given us and taking that away from our children and grandchildren.

I know the Senator from Vermont is not happy with me for doing this. He believes it is fruitless. But it is the very real difference between he and I. I believe there is plenty in the Federal Government that is not working right that we ought to be about fixing, and one of the ways we do that is by forcing ourselves, before we do a new program, to look at the old programs and see what is wrong with them and clean them up. You can debate that. You can object to it. But the fact is, the vast majority of Americans agree with that.

We are going to be going through this multiple times this year until we get to the fact that we are doing what our oath tells us to do. That oath is to the Constitution. We cannot fulfill that oath if we continue to waste money on ineffective programs and authorize programs that are not accomplishing their goals. It is an oath that we violate, an oath to the Constitution but, more important, it is an oath we violate to the very people who sent us here.

Every dollar we waste today is a dollar that is not going to reduce that $453,000 for our children and grandchildren. One of the greatest joys I have in life today is that I have four grandchildren, each one of them unique, and the great pleasure of seeing your children through your grandchildren and reliving memories. That is always couched in the idea of what can I do to make sure the future is fair and a great opportunity is made available to them and all their peers throughout this country, no matter where they come from, what family they come from. Shouldn't they all have the same opportunities?

If you read what David Walker, the Comptroller General of the United States, has to say—and all you have to do is go on the Web site of the Government Accountability Office—what you find is we are on an unsustainable course. It is not what TOM COBURN says, it is what the head of the Government Accountability Office says. Things have to change. Every day we wait to change them costs us money and makes it more painful when we get around to changing them.

I plan, in a moment, on offering to proceed to the bill. We are out here today because the vision that was created for us, and the heritage that was created for us, is at risk. It is at risk because we do not want to change our culture. We don't want to be responsible. We want to pass but not oversee. We want to do the easy but not the hard. The hard is the thing that is going to secure the future for our children and our grandchildren.

It is easy for us to pass a port security bill. It is bipartisan. It is hard for us to do the very real work of making sure every penny, of the American taxpayers' dollars is spent in an efficient way, that it is not wasted.

Mr. President, if you think $1 in $5 of the discretionary budget of this country should not be wasted, if you think the Congress ought to be about looking at everything and saying, is it working, ought to be about getting rid of the $200 billion of waste, fraud, abuse, and duplication that is in our Federal Government today, then there is no way you could disagree with the principles I outlined to all the Senators in this body. Yet we find ourselves here at this point in time because the chairman of the Judiciary Committee refuses to agree with the premise that we owe it to our children and grandchildren. That is basically it because I am not about to do that. We do not believe that is necessary.

Something has to change if we are going to give our children and our grandchildren the benefits and the opportunity we have all experienced. I think that is worth taking some time on the floor, pushing the envelope to raise the awareness of the American people. I know I can't change this body through persuasion, through words. But what does change this body is the American people. The American people are the ones who send us here. If they will act, if they will put pressure on, then we will do what we are supposed to do. It is a shame we have to work it that way, but this last election proved that. It proved when we are not doing what we are supposed to be doing, the American people awaken, and they change who has the power, who has the representation.

What I am calling for is let's do that for the American people. Let's do it ahead of time. Let's not make them force a change, let's do what we were sent up to do.

With that I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I make a motion to proceed to the bill.

The PRESIDING OFFICER. The motion is pending. Is there further debate?

If not, the question is on agreeing to the motion.

The motion was agreed to.

COURT SECURITY IMPROVEMENT ACT OF 2007

The PRESIDING OFFICER. The Senate will now proceed to the consideration of S. 378, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 378) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment.

[Insert the part printed in italic]

S. 378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Security Improvement Act of 2007".

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

"(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.".

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

"The Judicial Conference shall consult with the Director of United States Marshals

Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.".

SEC. 102. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting "or a family member of that individual" after "that individual"; and

(2) in subparagraph (B)(i), by inserting "or a family member of that individual" after "the report".

SEC. 103. FINANCIAL DISCLOSURE REPORTS.

(a) EXTENSION OF AUTHORITY.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking "2005" each place that term appears and inserting "2009".

(b) REPORT CONTENTS.—Section 105(b)(3)(C) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(iv) the nature or type of information redacted;

"(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

"(vi) principles used to guide implementation of redaction authority; and

"(vii) any public complaints received in regards to redaction.".

SEC. 104. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking "and the Court of International Trade" and inserting ", the Court of International Trade, and any other court, as provided by law".

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting "and may otherwise provide for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened person in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.".

SEC. 105. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and assistant United States attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

"Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

"1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.".

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 118. Protection of individuals performing certain official duties

"(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available—

"(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official; or

"(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official,

shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) DEFINITIONS.—In this section—

"(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

"(2) the term 'covered official' means—

"(A) an individual designated in section 1114; or

"(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

"(3) the term 'crime of violence' has the meaning given the term in section 16; and

"(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"118. Protection of individuals performing certain official duties.".

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting "or other dangerous weapon" after "firearm".

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

"(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.".

SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) so that subparagraph (A) of subsection (a)(3) reads as follows:

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112;";

(2) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking "20 years" and inserting "30 years"; and

(B) in subparagraph (C), by striking "10 years" and inserting "20 years";

(3) in subsection (b), by striking "ten years" and inserting "20 years"; and

(4) in subsection (d), by striking "one year" and inserting "3 years".

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after "probation"; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking "20 years" and inserting "30 years";

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after "probation"; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking "ten years" and inserting "20 years"; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking "ten years" and inserting "20 years"; and

(2) by striking "six years" and inserting "10 years".

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) In General.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.".

(b) Authorization of Appropriations.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for each of the fiscal years 2007 through 2011 to carry out this subtitle.".

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) Correctional Options Grants.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) grants to State courts to improve security for State and local court systems."; and

(2) in subsection (b), by inserting after the period the following:

"Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.".

(b) Allocations.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(1) striking "80" and inserting "70";

(2) striking "and 10" and inserting "10"; and

(3) inserting before the period the following: ", and 10 percent for section 515(a)(4)".

(c) State and Local Governments to Consider Courts.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) Armor Vests.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting "and State and local court officers" after "tribal law enforcement officers"; and

(2) in subsection (b), by inserting "State or local court," after "government,".

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) Contents.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) In General.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

"(f) The Commission may—

"(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

"(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

"(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).".

(b) Sunset.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) In General.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after "hold office during good behavior," the following: "bankruptcy judges appointed under section 152 of this title, magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: "However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrates, rulemaking, governance, and administrative matters.".

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, is amended by striking "Northern Mariana Islands" the first place it appears and inserting "Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)”.

SEC. 505. REAUTHORIZATION OF THE ETHICS IN GOVERNMENT ACT.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking “2006” and inserting “2011”.

SEC. 506. FEDERAL JUDGES FOR COURTS OF APPEALS.

Section 44(a) of title 28, United States Code, is amended in the table—

(1) in the item relating to the District of Columbia Circuit, by striking “12” and inserting “11”; and

(2) in the item relating to the Ninth Circuit, by striking “28” and inserting “29”.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I wish to speak in favor of S. 378, the Court Security Improvement Act. But before I do, I wish to address remarks made this morning by the majority whip, the distinguished Senator from Illinois, for whom I have a lot of respect, but I have to tell you, I disagree with those comments, and I wish to take a few moments to explain why.

Throughout his comments, the Senator repeated the theme that Republicans were stopping debate on the floor and not allowing bills to be debated. I disagree with him, and I believe nothing could be farther from the truth. The truth is, as I see it, the majority has tried to force things through the Senate, and they have done so in a way that has denied the minority an opportunity to offer amendments and to allow this body, the so-called world's greatest deliberative body, to even have votes and make decisions on those important amendments.

This morning, the Democratic whip talked about our Founders' intent that “minority rights would always be respected.” In this body, minority rights are not being respected. That is the problem. So we have no choice but to assert the last protection against majority tyranny; that is, to object or vote against invoking cloture or closing off debate.

In the past, the majority has used cloture when necessary to move a bill forward, after debate has been exhausted, but the minority refuses to allow movement on the legislation. I think that is a perfectly legitimate use of the cloture motion.

By this date in the 109th Congress—the Congress just preceding the current Congress—Republicans, when they were in the majority, had filed cloture four times. In the 108th Congress—the immediately preceding Congress—at this point in time, when Republicans were in the majority, Republicans had filed cloture five times. In the 107th Congress, Republicans only filed cloture one time at this point in time.

By comparison, since the Democrats have now become the new majority in the Senate, Democrats have filed cloture 22 times. The question naturally arises: Why are Democrats using this divisive tactic so frequently to close off debate?

Well, I think my colleague from Illinois disclosed the reason this morning when he stated:

> Ultimately, they will be held accountable for their strategy. That is what elections are all about.

It is the view from this Senator, from my perspective, the Democrats are using this tactic to paint Republicans as obstructionists, when the exact opposite is true. The new Democratic majority in the Senate is refusing to allow full and fair debate on issue after issue and, more importantly, denying us an opportunity to offer amendments on important legislation and to simply have an up-or-down vote on those amendments.

I can tell you, from my perspective, Republicans do not enjoy the procedural clash any more than Democrats do. But it is necessary to protect this institution and, even more importantly, necessary to protect the rights afforded in the Senate to the minority.

We have been eager to engage in full debate, and we understand the rules that majorities will prevail when majorities have an opportunity to vote. But the rules do not permit the new majority, the Democrats, to unilaterally set the terms for the debate. Until the Democratic majority recognizes all Members of this body have the right to debate legislation, to offer amendments, and to have votes on those amendments, we will continue in this standoff.

It is true, I believe, that only the majority—the new Democratic majority—can fix this problem by simply allowing full debate to go forward and by allowing up-or-down votes on amendments on the Senate floor, which requires discussions, which requires negotiations, and, yes, it requires compromise.

Filing cloture—closing off debate—is an intensely aggressive move. It says: We do not want to hear your opinions. We do not want to hear your views. We do not want to consider your ideas on how to improve the legislation on the floor of the Senate. We want to shut down the debate, and we want to shove this legislation through the Senate. It is a “my way or the highway” approach to legislation. And do you know what. It does not work.

I would point out—and I guess it is fair to say if you have been in the Senate long enough—and I have not—but I have been told, if you have been in the Senate long enough, you will find yourself, at some points in your career, on the side of the majority, and at other times you will find yourself on the side of the minority. It is the way it works.

Last Congress, when Democrats were in the minority, they insisted that the filing of cloture turned the Senate into the House of Representatives—a refusal to allow open and broad debate, with hard majority rule. Here they are now, though, attempting to cut off debate at, it seems, almost every possible turn. It is the reason—and this is the consequence of it; it is not just complaining about it; this is the consequence that has a very real impact on the American people because the new majority, the Democratic majority, has refused an opportunity for full and fair debate and votes on amendments—that is the reason why Democrats have not sent any real legislation to the President for his signature after 3 months in power. They have chosen the hard edge of party politics instead of bipartisanship.

Our Democratic friends have chosen to pursue this agenda driven by campaign rhetoric instead of seeking the broad middle ground and trying to negotiate and to pass legislation on behalf of the American people. It is true that Democrats won the last election—and my congratulations to them—on a message of bipartisanship, on a message of, let's get things done. But their choices to date have not reflected any effort to seriously reach across the aisle to do that.

One example that comes to mind is on Iraq. My colleague from Illinois claimed:

> We were stopped, stopped by the Republican minority. They would not allow us to go to the substance of that debate. They didn't want the Senate to spend its time on the floor considering a resolution, going on record as to whether we approve or disapprove of the President's action.

The fact is, completely the opposite occurred. Republicans on this incredibly important debate asked only that we be allowed to discuss the issue fully, and the Democratic majority repeatedly attempted to ram through their resolution without offering any alternatives or any opportunity for alternative resolutions to be considered and voted on. We explained this on the Senate floor over and over during that discussion, but our colleagues in the majority simply turned a deaf ear to our concerns. When they finally allowed several options to be considered, we were able to have a full debate we had been asking for all along, and then the process moved forward.

I would point out that was on the 20th iteration of the resolutions on Iraq before we had an opportunity to have that debate, a vote, and to move the process forward.

My colleague from Illinois repeated several times this morning his hope that we could “find some ways to establish bipartisan cooperation.”

I say to my colleague, there is a way to do that. The majority must stop trying to ram legislation through and allow us to debate openly and to file relevant amendments and allow an up-or-down vote on those amendments.

My colleague from Illinois talked about the "do-nothing Congress" of last year—that was his phraseology—and placed sole blame for the current majority's lack of accomplishments on the minority's refusal to invoke cloture or close off debate. The Washington Post just this morning reported that only 26 percent of the public thinks the current Democratic majority in Congress has accomplished "a great deal" or "a good amount."

The fact is, this approach to legislating has not produced a single piece of significant legislation so far in this Congress due to the lack of bipartisanship and due to the lack of opportunity the minority has had to fully participate in the debate and shaping of legislation. Of the 17 laws enacted this Congress, 10 of those are naming of Federal properties. Let me say that again. Of the 17 pieces of legislation enacted in this Congress so far, 10 of them involve naming of Federal properties, Federal buildings, post offices and the like. Not one of the "six for '06" campaign promises has been passed by Congress.

The majority, to be sure, is blaming the minority for the lack of progress here based on the result of cloture votes, but let's look at the facts.

On the 9/11 bill, the recommendations of the 9/11 Commission, the House and the Senate passed different bills. Democratic leadership in neither body has brought up the other's bill so that those might be resolved in a conference committee.

On the minimum wage bill, the House and the Senate passed different versions, but no conferees have been appointed by either body.

On the emergency war supplemental, perhaps the most urgent piece of legislation we could possibly pass and send to the President to support the troops who are in harm's way as I speak, the House and the Senate passed different versions of the bill. The House, fresh off of a 2-week recess, has yet to appoint conferees to start working out the differences between the bills to get funding to our troops. This is especially damaging and reckless, considering the majority is insisting we send a bill to the President that has a timeline for withdrawal, a provision that has caused the President to promise to veto that legislation. That means before the troops can get the money they need—in other words, to get them the equipment they need during this war—before we can get them the money, we have to come up with a bill the President will sign. Yet the Democratic majority has continued to play politics and stall the bill.

On stem cell research, no conferees have been appointed. The same for the budget. The same for lobbying reform. The list goes on and on.

The distinguished Senator from Illinois, the Democratic whip, explained that due to the numbers in this body:

> On any given day, if we're going to pass or consider important legislation, it has to be bipartisan.

And that:

> If we're going to be constructive in the United States Senate, we need much more bipartisan cooperation.

He continued, saying:

> We should come together, Democrats and Republicans, and compromise and cooperate.

And asking,

> Isn't it time we really start out on a new day in the Congress trying to find bipartisan ways to cooperate and solve the real problems that face our country?

To that I say amen. It is past time for the new majority in this body to stop acting like they are Members of the House of Representatives who are going to be able to force their will by a simple majority through the Senate because this is not the House. This is the Senate. The only way we are going to be able to get any legislation passed is through bipartisan cooperation. The only way we are going to get that cooperation is to meet in the middle somehow, to debate as our constituents would expect us to debate, to take positions—yes, firmly held positions—based on our convictions. But then ultimately we need to have votes on amendments and votes on legislation and let the majority prevail. Let's send the bills to the President for his signature. That is the way it is supposed to work. That is the way it has not been working, but we know the way forward.

I have to tell my colleagues that I and my Republican colleagues would welcome the opportunity to sit down on a bipartisan basis and to reach a consensus on important issues such as how to preserve our entitlement programs, including Social Security, Medicaid, and Medicare by protecting their long-term solvency. How do we avoid passing the bills incurred by the baby boomer generation on down to our children and grandchildren? How can we expand health care access to more Americans? How can we solve our broken immigration system, along with the broken borders that pose a national security risk to each and every American citizen? After all, I have to believe that is the reason we ran for public office. That is the reason we wanted to be elected to serve in the Senate—whether we are a Republican or a Democrat—to make a difference for the American people, to make our country a better place, and to make tomorrow better for our children and grandchildren than it is today. Instead, we spend day after day taking partisan votes that lead to nothing but gridlock. This is the choice of the majority, not the choice of the minority.

After the first 100 days, the Congress is, again, at a fork in the road. So far the new majority has taken the path of partisanship, but we know that will not get us down the road to progress. I hope during the second 100 days of this new Congress, the new majority will pause and decide to take the road less traveled—the road of cooperation and accomplishment.

Mr. President, I want to speak briefly on the Court Security Improvement Act, a bill of which I am proud to be a cosponsor. As we have already heard, this bill is designed to address the critical issue of the security of our judges and courthouse personnel. I have to add as a personal note, this is not a matter of just some academic interest to me. I believe I am correct in that I am the only current Member of the Senate who has served as a member of the judiciary, in my case for 13 years in our State court system in Texas, both at the trial bench and at the Texas Supreme Court level. So this is more than a matter of academic interest to me. Protecting our men and women who personify the rule of law and all that it means is very important.

The dedicated men and women who work in America's courthouses, from the judges to the court reporters to the bailiffs, preside each day over difficult, contentious, and sometimes very emotional disputes.

These public servants, just like our police, are placed in harm's way by the very nature of their jobs. They fulfill essential roles that keep our democracy running smoothly, and I have the greatest respect for the people who try to do this job and try to do it well.

Unfortunately, violence directed at public servants is on the rise, from escalating violence against police officers to courthouse attacks—including in my State of Texas—these despicable actions threaten the administration of justice and threaten our ability to invoke the rule of law.

This Congress has the power, and now we must exercise it, to ensure that certain and swift punishment awaits those who engage in these unconscionable acts of violence. The administration of justice—indeed, the health of our very democracy—depends on our ability to attract dedicated public servants to work at our courthouses. So we must do everything in our power to provide adequate security to these men and women who are too often targeted for violence or harassment simply because of the position they hold and the decisions they are called upon to make.

As a former attorney general in my State, I had the responsibility of defending sentences on appeal of certain defendants who had been found guilty of violent acts. So I am acutely aware of the devastating effects criminal acts of violence have on not only the victims themselves but also on their families. Because I also used to be a judge, I am fortunate to have a number of close personal friends who continue to serve on our benches and work at our courthouses. I personally know judges and their families who have been victims of violence, and I have grieved with those victims and their families.

Our judges are impartial umpires of the law. We know they cannot help but disappoint some people because that is what they do—they make decisions. They determine winners and losers. Judges, witnesses, and courthouse personnel must not face threats and violence for simply doing their job.

The protection of the men and women who compose our judicial system and serve the public and law enforcement is essential to the proper administration of justice in our country. This important bill takes big steps toward providing additional protections on these dedicated public servants. I urge my colleagues to give it their full support.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT RULING ON ABORTION BAN

Mrs. FEINSTEIN. Mr. President, this morning, I heard my friend and colleague, Senator BROWNBACK, on the floor speaking about the decision of the Supreme Court. He and I both chair the Senate's Cancer Coalition, so it has been a great pleasure for me to work with him. But we have very different views when it comes to a woman's right to choose, and I would like to rise today to express my concern and deep dismay regarding the Supreme Court's decision in the case of Gonzales v. Carhart.

This judgment today is a major strike against a woman's right to choose. The Court, in this case, by a narrow 5-to-4 margin, has essentially enacted the first Federal abortion ban in this country and has struck down a primary requirement of Roe v. Wade—protection of the health of a mother.

In her dissent, Justice Ginsburg wrote:

> Today's decision is alarming. It refuses to take Casey and Stenberg seriously. It tolerates, indeed applauds, Federal intervention to ban nationwide a procedure found necessary and proper in certain cases by the American College of Obstetrics and Gynecologists. It blurs the line firmly drawn in Casey between pre-viability and post- viability abortions. And for the first time since Roe, the court blesses a prohibition with no exception safeguarding a woman's health.

This is simply shocking. It is shocking because this can affect any second-trimester abortion.

Just 7 years ago, the Supreme Court struck down this very ban in Stenberg v. Carhart in the year 2000. It struck it down out of concern that it did not provide adequate protections for a woman's health and that the law enacted was too vague. The Federal courts, the Fifth and the Ninth Circuits, have all examined this and opposed it. No Federal Court has upheld this abortion ban until today.

Now, what has changed in the 7 years? The answer is nothing, except the composition of the Court. The additions of Chief Justice Roberts and Justice Alito have accomplished what the Bush administration has sought from its earliest days—a court willing to further restrict a woman's right to choose.

When they appeared before the Judiciary Committee during their confirmation hearings, both Chief Justice Roberts and Justice Alito affirmed their respect for stare decisis as preeminent and a controlling factor. In these hearings, Chief Justice Roberts said, and I quote:

> People expect that the law is going to be what the court has told them the law is going to be. And that's an important consideration.

Justice Alito said, and I quote:

> I've agreed, I think numerous times during these hearings, that when a decision is reaffirmed, that strengthens its value as stare decisis.

With Justice O'Connor no longer on the Court, the majority of Justices ignored what Senator SPECTER referred to as "super precedent" in these hearings.

As Justice Ginsburg points out:

> The Court admits that "moral concerns" are at work, concerns that could yield prohibitions on any abortions.

She continues:

> Instead, the Court deprives women of the right to make an autonomous choice, even at the expense of their safety. This way of thinking reflects ancient notions about women's place in the family and under the Constitution—ideas that have long since been discredited.

The Court, now filled with Bush appointees, is replacing the judicial precedent that they promised to respect for their definition of morality. That is where I see us as being today. With this ruling, the Supreme Court has substituted the medical decisions of politicians for that of doctors.

In the Congressional findings of the legislation creating this ban, as well as the majority opinion of the Court, politicians and Justices decided what procedures are medically necessary and which are not. Justice Kennedy wrote, in today's majority decision, that the Court assumed the abortion ban would "be unconstitutional if it subjected women to significant health risks." He goes on to declare "safe medical options are available."

However, doctors who perform these procedures disagree. The American College of Obstetrics and Gynecology, the group that represents more than 90 percent of all OB/GYN specialists in the country, assembled an expert panel that identified several specific instances in which this procedure, intact dilation and extraction, has meaningful safety advantages over other medical options.

The procedure is safer for women with serious underlying medical conditions, including liver disease, bleeding and clotting disorders, and compromised immune systems.

Experts also testified that this procedure is significantly safer for women carrying fetuses with certain abnormalities, including severe hydrocephalus. That is when the head fills with water and is very often larger than the body. In these rare and heartbreaking cases in which a woman learns that something has gone tragically wrong in a pregnancy she very much wanted, no woman should be forced to bear the added burden of undergoing a medical procedure that is not the safest option.

The decision today unquestionably breaks new ground. I am extremely concerned that this has opened the door to a further judicial interference in what should be private medical decisions made by women, their partners, their religious beliefs, and their doctors. With this decision, the Roberts Court is signaling a new willingness to uphold additional restrictions on abortion, even those that do not expressly protect a woman's health. This is dangerous.

The Roberts Court has also opened the door for a major change in how it will determine whether a law unconstitutionally restricts a woman's rights. Generally, laws have been struck down when they are unconstitutional on their face, because if a law is unconstitutional for 10 people or 10 million people, then it should not stand. The Court is turning that analysis on its head. The Court's opinion today says it may uphold laws, even when they may be unconstitutional.

This means that in the future a woman could be put in an untenable situation. A woman facing a health crisis needs to act within days or weeks but instead would need to depend on the legal system. Let me give you an example.

A woman learns her pregnancy has gone tragically wrong and her health is at risk. She is told by the doctor that there exists a medical procedure that would help her, but it is banned. The alternatives will risk her health.

She has to go to court and argue that her constitutional rights, in this specific instance, have been violated.

We all know the wheels of justice spin slowly. It is doubtful the system could respond in a timely manner to a woman in this kind of crisis. If she can prove her case, she might be allowed to have the procedure, but the ban itself would still remain in place, requiring the next woman in a similar situation to have to successfully demonstrate that the law is unconstitutional. This is amazing. The Court, in effect, is requiring that women's health be at risk until it deems enough women have demonstrated the negative impact of the law on them. Requiring this type of legal challenge to any restriction on abortion will impact women in the most vulnerable situations.

I would like, for a moment, to quote Justice Ginsburg. She points out:

> Those views, this Court made clear in Casey, "are no longer consistent with our understanding of the family, the individual, or the Constitution." . . . Women, it is now acknowledged, have the talent, capacity, and right "to participate equally in the social life of this Nation."

In this, incidentally, she is quoting Sandra Day O'Connor in places in an earlier decision.

> Their ability to realize their full potential, the Court recognized, is intimately connected to "their ability to control their reproductive lives." . . . Thus, legal challenges to undue restrictions on abortion procedures do not seek to vindicate some generalized notion of privacy; rather, they center on a woman's autonomy to determine her life's course, and thus to enjoy equal citizenship stature.
>
> In keeping with this comprehension of the right to reproductive choice, the Court has consistently required that laws regulating abortion, at any stage of pregnancy and in all cases, safeguard a woman's health.

This is now out the window. It is monumental.

In conclusion, I remember what it was like when abortion was illegal in America. It was when I was a college student at Stanford. I watched the passing of the plate to collect money so young women could go to Tijuana for an abortion. I knew a woman who ended her life because she was pregnant. In the 1960s, while abortion was still illegal, as a member of the California Board of Terms and Parole, I sentenced women convicted of illegally performing abortions. I saw the morbidity that they caused by their procedures. It was barbaric in those days. So I am very concerned with this ruling.

The Court is taking the first major step back to these days of 30, 40 years ago. Young women today have not had these experiences. They have lived only in an era in which the Court recognized their autonomy, their right to make their own medical decisions. If I were a young woman today, I would be incredibly concerned that this era is drawing to a close. The threat on reproductive freedom is no longer theoretical. Today it is very real. All those who care about protecting a woman's right to privacy should take notice and make their voices heard.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I appreciate very much the minority allowing us to move to this bill, this most important bill, dealing with court security. But here we go again: nothing happening on it. I am willing to have Democrats and Republicans debate these amendments. There have been some that have been filed but not offered.

I just left a meeting in my office with the head of the U.S. Marshals Service. His name is John Clark. He indicated to me, among other things, that this year there has been a 17-percent increase in the threats against our Federal judges, Supreme Court Justices, and all our other Federal judges; about 11,000, I think that is what he told me. I may have that number a little bit wrong; I just left him a minute ago.

This is important legislation. It allows our Federal judges not to have to list the names of their children, where they live, where the individual judge lives. We had in Illinois a terrible situation where one of these disgruntled defendants in a criminal case went to some judge's home and waited for the family to come home and killed them.

We need to move this bill. I don't want a hue and cry from the minority that we are not allowing amendments; we want amendments. If people want to amend this bill, let them do it. But I am going to file cloture on this bill tonight for a Friday cloture vote. We have got to complete legislation around here. We cannot come here each day and sit around looking at each other. We should be doing some legislating.

If people do not like this bipartisan bill that is now before the Senate, offer an amendment to change it. I am not going to give my speech—I have given it too many times—on our being thwarted in efforts to move forward on improving the intelligence services of this country. I don't need to give a speech about our inability to negotiate for lower prices of prescription drugs. But we are now on court security. I had to file cloture on that. After cloture was invoked, they allowed us to move to the bill, saving us 27 hours or 28 hours on it. I do not think it is appropriate that we stand around here today and tomorrow.

We have a bill that is bipartisan to its very core, a competitiveness bill. Senator BINGAMAN, a Democrat, and Senator ALEXANDER, a Republican, have worked on this bill. This is their pride and joy. It is the legislation that will improve this country's ability to be more competitive scientifically. I want to move to that bill and finish it this week. I cannot while this is still around with nothing being done on it.

I alert everyone within the sound of my voice, if you don't like this bill, come and amend it. Lay down an amendment and we will debate it, we will table it, we will approve it, we will vote, and it won't be passed.

But our judges, our U.S. Marshals, our U.S. attorneys need this. In my heart I so understand the importance. I said this morning here, this legislation will also help State courts, not only Federal courts. In Washoe County, Reno, NV, a divorce proceeding was going forward. A very rich man, quite frankly, didn't like what was happening in the divorce proceeding, so this man killed his wife in her home—they were divorced, his ex-wife. The child was in the house, and he took her in the garage, slit her throat, killed her, took the car, drove to a garage, took his hunting rifle, and from 200 yards from a parking lot shot through a window and hit the judge.

That window should have had bulletproof glass in it. It didn't. This bill will allow local jurisdictions to have the ability to obtain items such as bulletproof glass.

We are living in a violent society. We have to, with our judiciary, which is so independent and strong, do what we can to protect it. I was in Ecuador with a congressional delegation. The President of that country, when I told him a little story—and we were in the Embassy. The President of Ecuador was standing next to me, and I told him about the 2000 Presidential election.

I said: You know, that is an interesting election. President Bush got less votes than the person he beat. The matter went to Florida where there was so much confusion and consternation in counting the votes there. The matter worked its way to the Supreme Court. The Supreme Court decided that George Bush would be President of the United States. The minute that was done, I said, in Ecuador: George Bush became my President.

In our great country, which is ruled by law, not by men, there was not a tire burned, a window broken, a demonstration held, because we are a country of laws, and George Bush became everybody's President. I did not like the decision of the Supreme Court; I disagreed with it. But that is the law, that is the law of our country.

When I finished, the President of Ecuador said: I only wish we had a court system like yours.

That is what this bill is all about, to try to have our court system one that is as strong as it has been.

So if my friends on the other side of the aisle come here and say, as they have done on a number of occasions: Well, we didn't have a chance to offer an amendment—we finished this vote early today. They have had all day to offer all of the amendments they wanted. Democrats had every opportunity, if they do not like this bill, to offer an amendment to change it. But we are going to complete this bill by Friday one way or the other.

Now, Mr. President, it is possible under the rules that when we vote on Friday on cloture on the bill—we are on the bill now. It could be 30 hours, but everyone here should understand, we are going to be in session 30 hours after cloture is invoked.

We are not going to play around here, and think, well, we will finish it next week. We are going to finish this bill this week, if it takes Saturday or Sunday or whatever it takes, and everyone should understand that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, pending before the Senate at this time is a bill to make our courts safer. This is an issue we take personally in Chicago because in 2005, one of our most respected Federal judges had her mother and husband killed in her home, murdered by an upset individual who didn't like the way he was treated in a courtroom. He stalked her family, invaded her home, killed her aging mother, and husband, who was the love of her life. I know this judge because I appointed her to the Federal bench. I have met her daughters and I know her close friends in Chicago. I think about her every time the issue of court security comes up. She is a wonderful woman who has devoted her life to public service. She has put in the time that we expect from real professionals. She has done her best to be fair and just. She works hard. We owe her security in the workplace and security for her family.

That is why Senator OBAMA and I introduced an appropriations bill right after this happened, trying to put some money into the U.S. Marshals Service to protect judges across the United States. That is what this bill is all about. There is nothing partisan about this legislation. There is nothing even controversial about it. This bill should have been passed quickly, sent to the House and approved because it makes a better effort to protect these judges in their homes, gives more resources to U.S. marshals, puts stiffer penalties in for those who harass and shoot at and kill those who serve us in the judiciary. This is basic common sense. Instead of taking up this bill and passing it quickly, as we should have to get it in place and to put the protections in place, it has been slowed down.

One of our colleagues is exercising his rights under the Senate rules. I said earlier I will fight for him to have the right to speak it, on any bill, to offer an amendment to it, to express himself, and to have the Senate decide finally what the decision will be on his amendment. I respect his right to do that. But instead we are going to slow this bill down for 2 days. We will have amendments filed, six, and they are just going to sit on the desk while the clock runs. Instead of moving to other legislation which is critically important we will just sit here. That is unfair. I don't think that is consistent with what the American people expect of the Senate.

I have called on my colleagues, the one who has six amendments filed and any who have other amendments, please bring them to the floor right now, within the next hour. Let's start the debate right now. Let's set them for a vote as quickly as possible. Let's stop these stall tactics on bills as basic as this, protecting the personal security of judges across America.

It is time for us to get down to business in the Senate. Look around at all the empty chairs. Look for the person who sponsored the amendments to this bill. You won't find him.

It is time for us to get down to business in the Senate. People expect us to. This week has been a pretty horrible week when you look at it. We came in here trying to pass a bill that would authorize intelligence agencies across our Government to make America safer, 16 different intelligence agencies, a bipartisan bill, worked on long and hard by Senator ROCKEFELLER, chairman of the Intelligence Committee, and his staff, and Senator BOND and his staff. The bill was ready to go, a bill which should have passed years ago, stopped in its tracks by the Republican minority that said, no. Vice President CHENEY objects to a provision in the bill relative to the interrogation of prisoners; imagine that he would raise that issue again. Therefore, all Republicans, with maybe a couple exceptions, are going to stop debate on the bill. That was strike 1.

Strike 2, a provision to amend the Medicare Prescription Drug Act so that we could have more competition and lower prices for seniors and disabled when they buy drugs. Some agree with it; some disagree. The pharmaceutical industry hates it; it cuts into their profits. It was worth a debate to see whether we could help seniors pay for their drugs and lower prices. But, no, the Republican minority said: No, we are not going to even debate that. We won't let you go to that. It is within their power to stop us, and they did it again.

Now comes this bill for court security, and for the third strike this week, the Republicans have said: No, we want to slow you down. We want to run out the clock. We want to put amendments on the table and not call them for consideration.

It is becoming increasingly clear what the Republican game plan is. We have seen it this week on three pieces of legislation. We see it with this bill. I have spoken to majority leader Senator REID who spoke moments ago. We have important business to do. In fact, we have business which is very bipartisan. This bill, which has been slowed down by one Republican Senator, has as cosponsors Senators SPECTER, CORNYN, COLLINS, and HATCH, all Republican Senators. It is a bipartisan bill. It is not even controversial. Why aren't we doing this? It isn't as if there are other things going on on the Senate floor. We are waiting on the Senators who want to stop or slow down this bill to finally come and do their business. It is not too much to ask. I understand we are all busy. From time to time we have to leave the Hill to go to a committee meeting. I know I filed an amendment and waited a while to call it. But now this Senator has had his time. He has had the whole day. We should call up one amendment before we go home, just in good faith, to indicate that this is really a serious effort, that there is a substantive reason to slow down this important legislation. We need to remind our colleagues of our responsibility to do the people's business.

IRAQ

I just joined the majority leader and others in meeting with the President of the United States to talk about the war in Iraq. I am glad we had this meeting. We didn't reach a new agreement or compromise. I wish we had. We started a dialog, and that is important. There were heartfelt emotions expressed at that meeting by many of us on both sides of the issue, by the President, as well as by Senator REID and myself and many others. Speaker PELOSI was there. The majority leader of the House, STENY HOYER, was in attendance, as was JIM CLYBORN, the majority whip, and the Republican leadership. We talked about the war in Iraq at length and where we need to go.

It is our belief that if we don't include language in the appropriations bill which says to the Iraqis that we are not going to stay there indefinitely, they are going to drag their feet forever when it comes to making the political reforms that are necessary. We are going to leave our soldiers stuck in the middle of a civil war. Mr. President, 3,311 Americans have died in service to this country while serving in Iraq. These are our best and bravest. They have given their lives, and they continue to give their lives while we debate and delay. It is time for us to move forward.

I suggested to the President in the moments that I had to express my point of view, if he won't accept a timetable for starting to bring American troops home, can't we at least hold the Iraqis to the timetable that they have offered us for political reform? They have missed deadline after deadline. They promised to bring their country together. They promised to bring their army into a leadership that will be effective. They have promised to try to resolve the old differences from the Baath Party under Saddam Hussein. Promise after promise after promise they have failed to keep while our soldiers fight and die every single day.

DARFUR

Despite the obvious differences from that meeting, there was one hopeful sign. We started the meeting, and I began by praising President Bush for delivering a speech today at the U.S. Holocaust Museum on the subject of the genocide in Darfur. It was the appropriate venue for the speech. The Holocaust Museum offers a powerful backdrop to consider the horrors of genocide. I am glad the President made this speech. I applaud him for making it. I had hoped that he would be a little bit stronger, but I understand, speaking personally with the President, that he wants to give new U.N. General Secretary Ban Ki-moon some time to use his office effectively.

The President essentially today, though, by every measure, gave Sudan a final warning, and it is about time. The President stated that within a "short period of time," to use his words, President Bashir of Sudan must take the following steps: Allow the deployment of the full joint African Union-United Nations peacekeeping force in the area of Darfur where somewhere near 400,000 people have been murdered and over 2 million displaced. The President of Sudan must also end support for the Jingaweit militia, reach out to rebel leaders, allow humanitarian aid to reach the people of Darfur, and end his obstructionism. If he does not, President Bush stated, the United States will respond.

First, the U.S. will tighten economic sanctions on the Sudanese Government and the companies it controls. Second, the President will also levy sanctions against individuals who are responsible for the violence. Third, the U.S. will introduce a new U.N. Security Council resolution to apply multilateral sanctions against the Government of Sudan and impose an expanded arms embargo. This resolution will impose a ban on Sudanese offensive military flights over Darfur.

Last fall the President's special envoy talked about a January 1st deadline after which the United States would impose sanctions that would cripple the Sudanese oil industry. That deadline is months behind us, and the sanctions the President outlined are not as potent as they might be in terms of truly hitting the oil industry as I hoped they would.

The U.N. resolution and multilateral sanctions would be a major step forward. If we don't see rapid progress from the Sudanese Government, I urge the President to both introduce the U.N. resolution and to call for a vote. Let's put the countries of the world on notice that they must stand and be on the record on ending this genocide in Darfur.

As I said, I understand President Bush is responding to a special request from U.N. Secretary General Ban Ki-moon who asked for some more time to negotiate. All I can say is, I hope the Secretary General's faith that real progress is being made is justified. At least on paper there has been a breakthrough in the last few days. The Sudanese Government has reportedly agreed to allowing 3,000 U.N. peacekeepers to deploy. But we have had promises like this in the past and no action.

China, Sudan's biggest supporter and biggest customer for its oil, has also started taking mutant, limited, but proactive steps in recent weeks to convince the Sudanese to move forward on peacekeeping. China's Assistant Foreign Minister recently toured refugee camps full of people from Darfur who had fled their homes. That is not a typical stop on a Chinese Government tour, a positive sign that China is not blind to the human rights abuses going on in Sudan. China has reportedly played an important role recently in urging the Sudanese Government to move forward.

At the same time, however, China continues to oppose sanctions even if Khartoum continues to obstruct peacekeeping. The Chinese Defense Minister recently announced that China is interested in developing military cooperation with Sudan, whatever that could possibly mean. As for Sudan, while Khartoum has said it will allow deployment of 3,000 U.N. peacekeepers, a new U.N. report details how the Sudanese Government is flying arms of heavy military equipment into Darfur.

This morning's New York Times has photographs of the Sudanese painting their airplanes to appear to be United Nations aircraft and African Union aircraft so that they can deceptively ship arms into this region that will be used to kill innocent people. That is the government we are dealing with in Khartoum. Sudan has promised to allow 3,000 U.N. peacekeepers and their equipment into Darfur. If it keeps the promise this time, it would be a start, but what is needed, as the President said today at the Holocaust Museum, is the full 21,000 combined U.N.-African Union force with the means and mandate to protect the people of Darfur. The people of Darfur have waited long enough for peace and security and the end of genocide. Now is the time to act.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am about to call up the managers' amendment the distinguished senior Senator from Pennsylvania and I have worked on.

So, Mr. President, I send to the desk, on behalf of myself and Senator SPECTER, an amendment.

The PRESIDING OFFICER. There is already a pending committee amendment.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, parliamentary inquiry: What is currently pending?

The PRESIDING OFFICER. What is currently pending is a committee-reported amendment to the bill.

Mr. LEAHY. Would that be the Feinstein-Kyl amendment?

The PRESIDING OFFICER. It is the language on page 20, starting at line 22: "Federal Judges For Courts Of Appeals."

Mr. LEAHY. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The committee amendment was agreed to.

AMENDMENT NO. 896

Mr. LEAHY. Mr. President, I believe the managers' amendment is at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. SPECTER, proposes an amendment numbered 896.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make technical changes)

On page 5, line 5, strike "any other court" and insert "the United States Tax Court".

On page 5, line 10, after "otherwise provide" insert ", when requested by the chief judge of the Tax Court,".

On page 5, line 13, strike "person" and insert "persons".

On page 5, between lines 15 and 16, insert the following:

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

On page 7, line 13, strike "**§ 118.**" and insert "**§ 119.**".

On page 9, strike line 1 and all that follows through the matter following line 4 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"119. Protection of individuals performing certain official duties.".

On page 19, strike line 18 and insert the following:

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under section 151 of title 28, United States Code.

(2) Magistrate judges appointed under section 631 of title 28, United States Code.

(3) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(4) Judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—The amendment made by

On page 20, line 6, strike "magistrates" and insert "magistrate judges".

On page 20, line 9, strike "**MAGISTRATES**" and insert "**MAGISTRATE JUDGES**".

On page 20, strike lines 17 through 22 and insert the following:

SEC. 505. FEDERAL JUDGES FOR COURTS OF APPEALS.

Mr. LEAHY. Mr. President, this amendment, on behalf of myself and Senator SPECTER, irons out a few remaining technical and jurisdictional issues relating to our Court Security Improvement Act of 2007. We are offering a managers' amendment that contains a few technical fixes, including grammatical changes and proper references to "magistrate judges."

This bipartisan amendment will make clear that additional protection provided to the Tax Court by the Marshals Service shall be reimbursed by the funds allocated to the Tax Court. We also clarify the construction of which officers qualify as "judges" so that all Federal judges are treated the same with regard to life insurance.

Senator LIEBERMAN raised an objection with regard to section 505, which provided for the reauthorization of the Ethics in Government Act. I understand that Chairman LIEBERMAN is currently working to reauthorize that legislation, so Senator SPECTER and I have agreed to remove it from our court security bill.

I note for my colleagues that no major policy changes relating to improving the security that our Federal judges receive appear in this managers' package. I thank the distinguished Senator from Pennsylvania, Mr. SPECTER, for working with me on this important legislation.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment—

Mr. LEAHY. Mr. President, I understand there is a concern on the other side of the aisle, and as the one who has the floor at this point, I withhold that request and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 891

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 891 be called up for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 891.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should offset the cost of new spending)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—(1) the national debt of the United States of America now exceeds $8,500,000,000;000;

(2) each United States citizen's share of this debt is approximately $29,183;

(3) every cent that the United States Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security;

(4) the power of the purse belongs to Congress;

(5) Congress authorizes and appropriates all Federal discretionary spending;

(6) for too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints Americans face everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources; and

(7) it is irresponsible for Congress to authorize new spending for programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

Mr. COBURN. Mr. President, this is a very simple amendment. It says: it is the sense of the Senate that we should not create new spending programs when we have to borrow money to pay for them; that, in fact, we ought to create priorities, that the priorities ought to be the same type of priorities that everybody in this country has to face every day with their own personal budget, that they cannot go out and use their credit card without having a consequence.

This is a very simple amendment. I wish to read it thoroughly so everybody understands what the amendment says. It says the following:

The Senate finds that—

(1) the national debt of the United States of America now exceeds $8,500,000,000,000;

(2) each United States citizen's share of this debt—

from the oldest to the youngest—

is approximately $29,183;

(3) every [penny] that the United States Government borrows and adds to this debt is money [that will be borrowed] from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security;

It also states:

(4) the power of the purse belongs to Congress;

(5) Congress authorizes and appropriates all Federal discretionary spending;

(6) for too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints [every American faces] everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources. . . .

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. COBURN. Mr. President, I am happy to yield for a question.

Mr. LEAHY. Mr. President, would this also include the hundreds of billions of dollars we have borrowed so far for the war in Iraq?

Mr. COBURN. Absolutely. I agree with that.

Mr. LEAHY. Would this mean we would not be able to continue to borrow money for the war in Iraq?

Mr. COBURN. This is a sense of the Senate. I would be happy for us not to borrow money. We had $200 billion a year in waste, fraud, abuse, and duplication outlined by the Federal Financial Management Subcommittee last year. Appropriators refused to look at that, ways to fund it. Mr. President, $200 billion—we could spend $100 billion on the war and $100 billion to lower the deficit. I would be very happy to apply this to everything we do. Every American has to do exactly the same thing with their own budget every day.

Mr. LEAHY. Mr. President, if I could continue for a moment, without the Senator losing his right to the floor. I share his concern about expenditures. I wish we were back in the days of President Clinton, where we built up a surplus and started paying down the Federal debt; other than what a Republican-controlled Congress voted for, which has tripled the national debt.

Mr. COBURN. The Senator makes a great point. The realistic fact is, we decreased the Federal debt $2 billion under the entire Clinton administration. Mr. President, $2 billion. One year we had a true surplus—a true surplus. That was the extent of it. And since then, and before then, we have borrowed the future of our children away.

To continue, this resolution states:

> (7) it is irresponsible for Congress to authorize new spending for programs that will result in borrowing from Social Security. . . .

I say to Social Security recipients, we borrowed $140 billion, last year, from Social Security to pay for things we were not willing to either trim down, make more efficient or eliminate in duplicative programs.

We also are borrowing from foreign governments. That is affecting our financial status. But most importantly, we are borrowing from future generations of Americans.

The amendment states:

> (b) . . . It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

It is very simple. A resolution has no impact of law. It says: We agree, here are the rules under which we ought to operate. It does not bind anybody. It says, if we are going to create new programs, we either ought to find a way where we do not borrow to pay for them or we ought to offset them by eliminating ineffective programs.

In 2001, as the Senator rightly noted, the Federal debt per person in this country was $21,000. It has risen almost $10,000 since 2001. A lot of people are quick to dismiss that figure, say it does not matter, we only need to worry about the debt and the deficits as compared to the economic growth in the size of our economy. A better rule of thumb is how Government growth compares to the growth of wages and earnings. Last fiscal year alone, the real Federal deficit increased in excess of $300 billion—a debt our children and grandchildren will repay. So $7.2 billion was spent each day, or $84,000 was spent per second—per second. If regular Americans must tighten their belts to live within their means, the Federal Government should do the same instead of authorizing new spending without offsetting similar spending.

Last year's interest costs alone were 8 percent of the total Federal budget. In contrast, the average American spends about 5 percent of their income as a percentage of their interest costs. The Federal Government spent $226 billion on interest costs alone. According to the Government Accountability Office, by the year 2030, interest will consume 25 percent—25 percent—of the Federal debt.

So why do I bring this resolution to the floor? I bring the resolution to the floor to make the point that when we authorize new programs, we ought to find the money to pay for them and we ought to reduce programs that aren't effective. We ought to look at the programs that aren't accomplishing what we want them to, we ought to eliminate duplicate programs where one works well and one doesn't work quite so well and put the money into the one that works well so we get good value for our dollars, and we ought to change the habits under which we work so we can all accomplish what we would like to see.

I would like to see middle-income wages rise in this country at a rate faster than they rise for the wealthy class. I would like to see opportunity enhanced in this country. I would like to see a balanced budget so we don't steal opportunity from our children and our grandchildren. I don't think most people disagree with that.

The reason we are out here debating this is I had a simple request: Let's just find some deauthorization amendments so that when we bring this new and very needed bill to the floor—and I agree and I think everybody on the Judiciary Committee agrees this is a good bill; it is going to pass—shouldn't we make some hard choices, just like every family makes? Instead, we choose not to. We decide we will pass a new bill. We will add $40 million a year to the cost to run the Government, but we won't deauthorize anything that is out there that is not working effectively. We won't fix the improper payments that are going on in this country to the tune of about $40 billion—that is billion with a "b." That is a thousand times more in improper payments than this bill costs. We won't do the hard work that is necessary.

Mr. DURBIN. Will the Senator yield for a question?

Mr. COBURN. I am happy to yield to the Senator. By the way, I enjoyed the Senator's speech on Darfur, and as the Senator from Illinois knows, I agree with him very much. I thank him for his efforts on the genocide that is now occurring in Darfur.

Mr. DURBIN. I thank the Senator from Oklahoma. He has been a stalwart in the effort for Darfur.

I would like to read a sentence to the Senator from Oklahoma and ask him what it means. It is a sentence from the underlying bill, which is an authorization bill. It relates to section 105. Here is what it says:

> In addition to any other amounts authorized to be appropriated for the U.S. Marshals Service, there are authorized to be appropriated for the U.S. Marshals Service to protect the judiciary $20 million for each of the fiscal years 2007 through 2011.

Now I would like to ask the Senator this: If we pass this bill authorizing $20 million to be appropriated to the U.S. Marshals Service to protect judges and then do not appropriate the money for that purpose, how much money will come out of the Federal Treasury going to the U.S. Marshals pursuant to this bill?

Mr. COBURN. None.

Mr. DURBIN. I would like to ask the Senator another question.

Mr. COBURN. I am happy to answer it.

Mr. DURBIN. Isn't that what this is all about?

Mr. COBURN. No, it is not.

Mr. DURBIN. You were claiming a reauthorization——

Mr. COBURN. Mr. President, reclaiming the floor, here is what it is about. The Senator from Illinois is a great advocate for those who are less fortunate in this country. That is what this is about. It is about changing the habits of the Senate.

I understand the appropriations process. I understand the authorization process. Changing the habits says we are not going to authorize new programs until we have done our homework on the programs that aren't effective. That is the whole purpose of this amendment.

I understand the Senator's consternation with my desire. I understand that most people inside Washington disagree. But I also understand that most people outside of Washington say that if you increase spending—authorized spending, not appropriated spending but authorized spending—$40 million and never look at what you can deauthorize, whenever we get to a surplus or when we get to a balanced budget, we are going to spend more money. We are not going to make the hard choices. That is exactly what happens. We can disagree with that but, in fact, that is how we got an $8.9 trillion deficit. That is how we ran a $300 billion-plus deficit this year. It is the process. It is the process where we have decided that authorization has minimal power to influence in this body and that appropriations has all power.

My point in making us debate this resolution on this bill and bringing it up is to say: Let's start the process where we start looking, as our oath charges us to do, at what doesn't work. Let's bring a bill that authorizes something that is very good and bring a bill that deauthorizes something that might get funding even though it is not effective.

I will give an example: the COPS Program. It is a very good program. It helps a lot of cities. Why shouldn't it be competitively bid? Why shouldn't the cities with the most need get the help with their police force rather than the cities whose Members put an earmark in for the COPS Program, and any money that doesn't go to true need comes back to the Federal Treasury? Why wouldn't we do that? Because that is hard work. Because we might alienate one group as we do what is best for everybody in America.

I understand the resistance to my efforts in challenging the way we operate in the Senate, and I understand the opposition to my techniques and methods in trying to accomplish that. However, as the Senator from Illinois knows, if I am a champion for anything, I am a champion for making sure we don't waste one penny anywhere. The best way to do that is to start having good habits in how we arrange what we are going to spend.

The fact is, it is very easy to find offsets in authorization because we have three times as much authorized as we actually spend. So the Senator's point is exactly true, but it doesn't direct us down to the problem. If we get in the habit of making the decision we are going to look at the programs that don't work, we are going to deauthorize the programs that don't work, guess what we will do. We eventually might get rid of the one $1 of every $5 on the discretionary side today that is either waste, fraud, abuse, or duplication—$1 in $5. No one in this body blows 20 percent of their personal budget on stuff that doesn't mean anything or have any return. Yet in the discretionary budget, everything except Medicare, Medicaid, and Social Security, that is exactly what we do. It is exactly what we do. So why would we not say: Let's change. Let's fulfill an obligation to two generations from us now. I know what I am doing today isn't going to have a great impact on the next appropriations bill or the next one after that or the one after that, but 5 years from now, it might have an impact.

The point is, let's live like everybody else out there. Let's not take the credit card and not look at the things we really should be looking at. Let's do some extra work. Let's try to accomplish what is best for everybody in this country, no matter what their economic station in life, no matter what their background, no matter what their position is. They all have a limited budget. They have to make choices. They have to make choices, and they have to prioritize things. The Senate doesn't; they just authorize another bill and never deauthorize anything else.

Mr. President, with that, I yield the floor and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I respect the Senator from Oklahoma. I respect his fiscal conservatism. I respect his belief that our budget deficit is a source of growing concern for all of us. He says we need to start with good habits. I believe we need to start with the right language. We need to understand what the Senator is asking us to consider.

He started by saying that no family in America has the luxury the Federal Government has of spending more than they bring in year after year, which is what our deficit does at the Federal level. No argument there. Let me use another family example. My wife and I have raised three children. Occasionally, we have given them some choices. A father could say to his son: You have $200 coming up for your birthday. Here are the choices you can make: You can buy a new suit—it wouldn't be a bad idea if you are going to go out for an interview—or you can buy that bicycle you have had your eye on for a long time that you want to take to college or I know you want to buy an iPod. OK. Make a choice, but you only get $200. Make one of those choices. I authorize your birthday gift to be spent on those three things, but I will not appropriate—I will not give you the $200 for all three, only for one. Three choices are on the table; you only get to choose one.

Authorization bills put choices on the table, and then the appropriations bills make a choice. It doesn't mean my son is going to get $600 at the end of the day; he only gets $200. He has to make a choice from the gifts I have authorized. The Senator from Oklahoma is arguing that giving my son a choice of three things means he is going to demand all three and get them. Wrong. It is a matter of discipline when it comes to the appropriations process. The authorization process is not the problem. We could authorize much more than we ultimately spend, and we do, but in the final reckoning, the budget resolution says you can only spend so much money. You can only spend $200 on your birthday, I say to my son, even though you are being given three authorized choices.

So when the Senator offers us this sense of the Senate, it sounds an awful lot like pay-go, which is now the process we are following in the Senate which says: If you want to spend some money, you have to find a way to increase a tax or cut spending in other areas. It is pay as you go. But the Senator from Oklahoma applies it to authorizations. It is a different world. Confusing the two is not going to help us reach a balanced budget; confusing the two creates confusion. Authorization is not appropriation.

Earmarks can be appropriations. I have seen them. I have done them. I have announced them in press releases. I am happy to do so to bring money back to my State as best I can for good reasons, and I stand by them and defend them. People challenge them. That is the nature of this business as I consider it.

The bottom line is, if I am authorized to have three bridges in Illinois, authorized to have three bridges in Illinois and only have money for one bridge to be appropriated, I have to make a choice. The people in my State have to make a choice. Life is about choices. It is not about what I might choose; it is what I ultimately have to choose—one bridge, one birthday gift. That is the appropriation. That is why this is so different.

Ordinarily, this resolution, until it gets to its resolved sense-of-the-Senate clause, is pretty easy to take. I might disagree with some of the rhetoric here and there, but when you end by arguing that an authorization is an expenditure of money, it is just not accurate. It doesn't state what happens here in Congress.

Mr. COBURN. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I am happy to yield for a question.

Mr. COBURN. Under your premise, only bills that are authorized get funded, correct?

Mr. DURBIN. But all bills that are authorized do not get appropriated.

Mr. COBURN. Except you are wrong. Last year, $220 billion of unauthorized programs were appropriated.

If I may—will the Senator yield to me? I am happy to yield back in a moment.

Mr. DURBIN. Sure.

Mr. COBURN. Let's carry your analogy a little further. What has really happened is you give your son $200, but the mandate is—you are going to spend $100 on a broken iPod or a used iPod, and you have $100 to buy down towards a good one, but you mandate that you spend $100 on the bad one. That is the analogy. That is why we ought to deauthorize programs that aren't working. That is why we ought to oversight aggressively every area of the Federal Government.

Let me take one other exception, and then I will be happy to yield back to the Senator.

Mr. DURBIN. Could I interrupt the Senator just to say this: This is getting painfully close to a debate, which rarely occurs on the floor of the Senate, so please proceed.

Mr. COBURN. I love it. I love to debate the Senator from Illinois.

I take a different tact, and the Senator knows that. I look at the oath I took when I came to the Senate. It didn't say "Oklahoma" in it; the Senator's didn't say "Illinois." What the oath says is to defend the Constitution of the United States and do what is best for the country as a whole and in the long term.

Now, the Senator—and I admire him greatly—admitted that he plays the game the way it is played. I am telling him that the American people are ready for the game to be played a different way—a totally different way. Part of that is looking at the authority under which we allow money to be spent and recognizing that if we are going to authorize something new, given the jam we are in, all you have to do is talk to David Walker and look at what is going to happen in the next two generations. Don't we have an obligation to look at the programs that are not authorized?

Would the Senator answer this question: When was the last time he saw a program deauthorized in this body?

Mr. DURBIN. I am happy to respond. I think the Senator has asked a good question but not the right question. When we fail to appropriate money for an authorized program, we are saying there is a higher priority. We are saying that authorized program may not be as valid or as valuable today as when it was enacted, and we make the choice. The Senator referred to this, and I know he didn't mean to demean the process in saying that I am "playing the game." I don't think I am "playing the game" when I do the best I can to help the 12½ million people I represent. If the Senator ran into a problem—and occasionally Oklahoma has a challenge—I will be there to help him, too. That is the nature of it. We try to represent our States and also do what is good for the Nation.

Secondly, if authorization is broken, as the Senator from Oklahoma says, the obvious answer is, either don't appropriate money for it, or when the appropriations bill comes to the floor, strike it and move the money to another program. You have the right to do that as a Senator. But the fact that the options or choices are out there doesn't mean that every one of them is going to be honored and appropriated.

Mr. COBURN. Mr. President, reclaiming the floor, if I might, the thing that strikes me is the Senator is a wonderful debater, except when he says the appropriators appropriating money on an authorized program—that is great, except the American public needs to know that 22 percent of what we appropriate has never been authorized. Never.

So the fact is, we say authorization means something, but it means nothing as far as the appropriations process goes. The real point of this debate is how do we grab hold of this problem, this behemoth of a problem that will face our children and grandchildren in the next 20 to 25 years, and do it in a way that will give us the greatest opportunity for them?

My idea—and obviously many people disagree with it—is I think we ought to start looking at every program. We ought to ask a couple of questions: Can we measure its effectiveness? Is there a metric on it that says this program is supposed to do this? Is there a metric there so we can measure it? I am of the mind to say that if you cannot measure something, you cannot manage it. Ninety percent of the programs have no metric in the Federal Government, so we don't know if they are working.

No. 2, is it a program that is still needed? We don't ever look at the authorizing level. The Senator would have us defer everything to appropriations, and that is what we actually do because 20 percent of what we appropriate is not authorized and everything we authorize isn't appropriated. So, obviously, authorizations are meaningless. So what we should do is eliminate authorizing committees and just have appropriations committees and we will all be on appropriations committees.

Third, we should ask, is this still a legitimate function of the Federal Government? When we ran a $300 billion-plus true deficit last year and every State, save one, had big surpluses, should we not ask the question: If we are doing things that really are not the Federal Government's role to do, and we have a deficit and the States have a surplus, should we not let them do it without our fingers taking 15 percent of the money as we send it back?

Mr. DURBIN. If the Senator will yield, I will make a constructive suggestion, not to make a debate point or anything else, but to serve his purposes. Can I suggest that instead of a sense-of-the-Senate resolution, the Senator from Oklahoma, when an authorization bill comes along, offer a sunset provision to be added to it to say that at a certain period of time this authorization ends and has to be reauthorized? Would that not serve his purpose?

Mr. COBURN. As a matter of fact, I did just that on the last 9/11 bill, and the Senator from Illinois voted against it. I voted to sunset it. I actually offered the amendment that said we should sunset it and look at it in 5 years, and the Senator from Illinois disagreed. He thought, no, we should not do that. This Senator must admit that he does have a constructive suggestion. I just wish he had voted that way when we had the amendment up.

Mr. DURBIN. I was reluctant to do this, but I am going to refer to a couple of votes of the Senator from Oklahoma. His amendment was to sunset the entire Department of Homeland Security. Also, on two separate occasions he voted against pay-as-you-go requiring 50 votes. Here are two different rollcalls where the Senator's vote would have made the difference.

Mr. COBURN. My amendment did not sunset the whole Department of Homeland Security. It was the grants process.

Mr. DURBIN. That is what keeps our country safe.

Mr. COBURN. It is made up of how we dole money out to the States rather than looking at the best interests of the country and looking at the risk base for national security and homeland security. I am basically for a true pay-go that says the options are two. One option said the only option is, if we won't cut spending, we will raise taxes. That is a pay-more, not a pay-go. It is pay more.

I am proud of those votes. I had consternation over it because I want to try to hold to those things. But the pay-go as outlined two times in the language was a vote for pay-more.

Will the Senator agree with me that there is waste, fraud, and abuse in the duplication of the Federal Government.

Mr. DURBIN. Absolutely.

Mr. COBURN. Will the Senator agree that since we had a $300 billion-plus deficit last year—$200 billion-plus if we weren't in the war in Iraq—if we took that off the table, would it not make sense for us to try to get rid of the waste, fraud, duplication, and abuse?

Mr. DURBIN. Of course. But I include the war in Iraq——

Mr. COBURN. It doesn't include the war. Let me finish my point.

Mr. DURBIN. I said I do include the war in Iraq.

Mr. COBURN. It was in there, but say we were not in the war and we were still down to $200 billion—let's take that off the table. Say we have a $200 billion deficit, and we can demonstrate from our subcommittee hearings $200 billion a year in waste, fraud, and abuse. Yet we did nothing about it. We did nothing.

I have enjoyed my debate with the Senator from Illinois. I ask that we vote on the question at hand. I thank him for his kindness.

Mr. DURBIN. Mr. President, I understand Senator SPECTER may have a comment he wants to make. I respect the Senator's view on the budget, though we disagree. We both understand the seriousness of the deficit. I don't think authorizations are the problem. For that reason, I will vote against this amendment. When we vote on a pay-go amendment, I hope you can join us.

Mr. COBURN. As long as it is not a pay-more amendment.

Mr. DURBIN. Frankly, it has to include taxes instead of spending.

I will yield the floor to the Senator from Pennsylvania, if he is prepared to speak. If not, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I have an amendment in my hand by Senator JOHN ENSIGN. I will send it to the desk. I ask unanimous consent to set aside the pending amendment and to have this called up.

Mr. LEAHY. Reserving the right to object, and I may, we are about to have a vote in connection with the amendment of the Senator from Oklahoma. If we are going to start talking about amendments for a couple of hours and bring up another one, we are not going to get anywhere on the bill for court security, which has been passed twice by this body. So I object.

The PRESIDING OFFICER (Ms. CANTWELL). Objection is heard.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, a great deal of what the Senator from Oklahoma has offered, I agree with; that is, that we ought to live within our means as a society. I have consistently supported constitutional amendments for balanced budgets, to require the Congress to live within its means, like States, cities, and we personally must live within our means. I have supported the line-item veto. I think the transparency for awards, also known as earmarks, will be an improvement of the current system.

I agree with what the Senator from Oklahoma has said about the problems created by the national debt and by the deficit. But the sense-of-the-Senate conclusion, I think, goes further than we can, realistically. The last paragraph says:

> It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

When you talk about living within our means and a balanced budget, in the line-item veto, I would agree with that; but when you talk about offsetting the authorizations, that goes to a point that I think goes too far because the legislative process has two steps. One step is the authorization and the second step is the appropriation.

It is common practice to have authorizations that will be substantially beyond what an appropriation will be. The real decisive factor is what money is appropriated, what money is spent, not what moneys can be authorized. But in structuring programs and authorizations, it is the common practice to put a figure in that is larger than may be used, but it is there for purposes of contingency, if more should be used, so that the real critical factor is the appropriations process.

I cannot agree with what the Senator from Oklahoma seeks to accomplish on tying the hands of the authorizers because of the established practice that I think is appropriate. For that reason, I regrettably cannot support what my colleague has offered, although I think the underlying purpose is very valid.

Mr. LEAHY. Madam President, if this was our Department of Justice authorization bill, these kinds of amendments could certainly be considered.

We are talking about a court security bill which has passed this body twice, which is urgently needed. I am trying to keep extraneous matters off it and have them offered on legislation where it is more appropriate.

AMENDMENT NO. 896

Mr. LEAHY. Madam President, I ask unanimous consent that the pending amendment be set aside and that the managers' package be considered and agreed to, and we revert to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 896) was agreed to.

AMENDMENT NO. 891

Mr. LEAHY. Madam President, my understanding is the managers' package has been agreed to and we are back on the Coburn amendment.

The PRESIDING OFFICER. Amendment No. 896 is agreed to, and the Coburn amendment is pending.

Mr. LEAHY. Madam President, I don't want to surprise my colleague from Oklahoma, I will in a moment move to table his amendment. Again, if this was a DOJ authorization bill—and I have presented and passed in this body DOJ authorization bills before—then if he wanted to bring the amendment up, we could vote it up or down. This is a different bill. We want it to be a clean bill.

Therefore, Madam President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Mississippi (Mr. LOTT) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—59

Akaka
Alexander
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Stevens
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—38

Allard
Baucus
Bayh
Brownback
Bunning
Burr
Chambliss
Coburn
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kohl
Kyl
Martinez
Roberts
Sessions
Shelby
Smith
Sununu
Tester
Thomas
Thune
Vitter

NOT VOTING—3

Johnson
Lott
McCain

The motion was agreed to.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent that I be able to speak in morning business.

Mr. REID. Madam President, I ask the distinguished Senator from Iowa, my dear friend, I have to file a cloture motion. It will take me just a minute.

Mr. GRASSLEY. Surely.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 107, S. 378, the Court Security Improvement bill.
>
> Robert Menendez, Sherrod Brown, Dick Durbin, Harry Reid, Ron Wyden, Debbie Stabenow, Patrick Leahy, Sheldon Whitehouse, Ted Kennedy, Tom Carper, Kent Conrad, Frank Lautenberg, Joe Lieberman, Claire McCaskill, Robert P. Casey, Patty Murray, Jay Rockefeller.

MORNING BUSINESS

Mr. REID. Madam President, I now ask unanimous consent we be allowed to proceed to a period of morning business with Senators permitted to speak therein. The Senator from Iowa wishes to speak for a half hour. After that, Senators will be recognized for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINISHING CONSIDERATION OF S. 378

Mr. REID. Madam President, if I could take another minute of the time of the distinguished Senator, we hope we can finish this bill tomorrow. That would be my desire. Tomorrow is Thursday. I am filing this tonight. The time ripens for voting on this Friday morning. But Friday morning occurs at 1 a.m. We have to finish this bill as soon as we can. I am alerting everyone, there could be a vote Friday morning at 1 a.m.

I also suggest that I have been trying for some time now to do a bipartisan bill that has been worked on by many Senators. There are 50 cosponsors of this legislation, dealing with competitiveness. On our side it will be managed by Senator BINGAMAN. It is my understanding on the other side it will be managed by Senator ALEXANDER. I hope we can have an agreement to move to that. I hope I do not have to file a motion to proceed to that piece of legislation. Remember, next week we need to complete work to send to the President the supplemental appropriations bill.

Having said that, I want to alert everyone I think it is too bad. This bill that is before the body now, the Court Security bill, has been passed by the Senate on two separate occasions. We have filed cloture; cloture was invoked. I appreciate very much the minority allowing us to move to the bill. But this afternoon I had a meeting with Mr. Clark, head of the U.S. Marshals Service. This year, threats to Federal judges have gone up 17 percent. We have had vile things done to judges all over the country, even in the State of Nevada, and we need to give Federal courts and local courts protection. We need to be a country that is ruled by the finest judicial system in the world, which we have now, and we cannot have bad people take away our court system—and violence can do that.

I hope we can finish this bill in a reasonable time tomorrow. If not, tomorrow will be a long night.

I appreciate very much my friend from Iowa allowing me to speak for a minute.

The PRESIDING OFFICER. The Senator from Iowa.

DRUG SAFETY

Mr. GRASSLEY. Madam President, today I wanted to speak on an issue I speak on many times, drug safety. Today is a little different approach to it, though, because earlier today the Committee on Health, Education, Labor, and Pensions began marking up S. 1082, the Food and Drug Administration Revitalization Act. For the first time in almost a decade we have an opportunity to reform, to improve, and to reestablish the FDA as an institution committed to making patient safety as important as bringing new drugs to the market.

S. 1082 presents a framework for the future of drug and device safety. I am gratified by some of its current contents and I express some disappointment about others. That is the purpose of my speaking to my colleagues.

First, I am gratified the bill attempts to address some of the overarching issues plaguing the FDA that have been repeatedly revealed by the investigations I conducted of the FDA over the last 3 years. In particular, S. 1082 takes a number of steps to address the issue of transparency, the issue of accountability, and the issue of respect for the scientific process that has been lacking for some time at the FDA. S. 1082, for example, requires that within 30 days of approval, the action package for approval of a new drug must be posted on the FDA's Web site. This requirement, however, only applies to a drug with an active ingredient that has not been previously approved by the FDA. The action package would contain all documents generated by the FDA related to the review of a drug application, including a summary review of all conclusions and, among other things, any disagreements and how these disagreements were resolved. If a supervisor disagreed with the review, then the supervisor's opposing review would be available to the public. And to address the many allegations that the Food and Drug Administration safety reviewers are sometimes coerced into changing their findings, I greatly welcome the provision that states a scientific review of an application is considered the work of the reviewer and must not be changed by FDA managers or the reviewer once that review is final.

The bill also takes steps to bring more resources to the FDA for drug safety, another matter I have been discussing for years. In addition, the bill requires the Food and Drug Administration's Drug Safety and Risk Management Advisory Committee to meet at least two times a year to address safety questions and to make recommendations regarding post-market studies.

I am also heartened to see that the bill incorporated several elements from the Dodd-Grassley bill entitled the Fair Access to Clinical Trials Act of 2007. S. 1082 ensures that the clinical trial registry includes trials of devices approved by the FDA. The bill requires a drug sponsor to certify at the time of the submission of a drug, biologics, or device application to the agency, that the sponsor has met all of the clinical trial registry requirements.

Last but not least, S. 1082 attempts to give the Food and Drug Administration some teeth by requiring specific civil penalties, monetary penalties for submission of false certification, and false or misleading clinical trial information.

These are, in my mind, some of the good things that are proposed in S. 1082. I wish to thank Chairman KENNEDY and Ranking Member ENZI in this regard.

I hope additions such as these, which strengthen S. 1082, will make it through the HELP Committee's vote as the committee considers further changes. As I said earlier, I am both gratified and disappointed by the contents of S. 1082.

I turn now to some of what I consider to be lacking in the bill, that in my mind fails to address some of the issues that are critical to reestablishing the FDA's mission and putting John Q. Public and not PhRMA at the helm of the FDA.

I commend the HELP Committee's attempt to ensure that the office responsible for post-market drug safety is involved in, among other things, decisions made regarding labeling and post-market studies by making specific references to that office throughout S. 1082. However, the bill does not address the outstanding critical problem that the office responsible for post-market drug safety lacks the independence, lacks the authority to promptly identify serious health risks and take necessary steps that will protect the public.

As I think we all agree, the Federal Drug Administration is in desperate need of major overhaul. Over the past 3 years, my investigations have demonstrated that the depth and the breadth of the problems plaguing the FDA on both the drug and device side ought to stand out in everybody's mind as something Congress ought to be dealing with. Senator DODD and I have written two bills that we believe will greatly enhance drug and device safety and improve transparency at the FDA and, most importantly, prevent another Vioxx debacle.

The Federal Drug Administration's Safety Act of 2007 and the Fair Access to Clinical Trials Act of 2007 are intended to address some of the problems plaguing the FDA at its very core. Those are the bills that are the Grassley-Dodd bill and the other is a Dodd-Grassley bill.

Let me be clear: Big PhRMA does not like these bills. FDA management does not like these bills. Lobbyists are spending hours upon hours lobbying against these bills. The Food and Drug Administration Revitalization Act does not embrace all the critical elements of the Dodd-Grassley and the Grassley-Dodd bill.

Let me ask each and every Member of the Senate the following: What is wrong with establishing a separate center within the FDA—not outside the FDA, within the FDA—with its only job being that of a watchdog for those drugs already in the market? What is wrong with supporting a group of committed FDA scientists who only watch for serious adverse effects that may pop up only occasionally, perhaps only 1 in 10,000 or 1 in 20,000? What is wrong with ensuring that all clinical trial results, regardless of their outcome, are available to the scientific community, health care practitioners, and the public? What is wrong with supporting a clinical trial registry and results database that also requires sponsors to reveal their negative trials? And what is wrong with giving the FDA strong enforcement tools to combat bad players?

I propose there is nothing wrong with any of these proposals, particularly the proposals that a new, separate, and independent center be created to address post-market surveillance, a proposal supported by Senator DODD and me, not once but twice.

I have heard the naysayers and the naysayers' many bogus arguments about why a new post-market drug safety center will not work. The arguments range from the absurd to the ridiculous.

I will also address a few of those for you today. One argument is the creation of a separate center will slow down the drug approval process and delay much needed drugs from those who need them.

This argument is, in plain English, a nonstarter. Why? Because this new center will be devoted to keeping an eye on drugs once they are already on the market, postmarketing surveillance.

Another argument is that a new postmarket drug safety center will create an unmanageable bureaucracy at the FDA. That is a bogus argument. Why would taking an already existing office at the Food and Drug Administration, moving it on an organizational chart and providing it with new authority to watch for unknown and unexpected adverse events be bad? It does not make sense.

These arguments at first blush made an impression on Dr. Steven Nissen, chair of the Department of Cardiovascular Medicine at Cleveland Clinic and immediate past president of the American College of Cardiology, who was not an original supporter of establishing a separate center within the FDA to address postmarketing surveillance.

But, over time, his views have changed. Dr. Nissen probed more, evaluated the facts more, and as he talked more to on-the-ground FDA staff members, Dr. Nissen changed his mind and told the American public so.

Dr. Nissen recently sent me a letter stating that not only does he support the Fair Access to Clinical Trials Act but also the Food and Drug Administration Safety Act. In other words, Dr. Nissen said:

> In particular, I support the creation of a new independent center within the FDA called the Center for Post-Market Evaluation and Research for drugs and biologics. Although I had previously expressed some concern about creating this center, I have become convinced that the separation of post-market surveillance from the Office of New Drugs represents the best opportunity to improve the performance of the FDA in handling drug safety issues.

I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLEVELAND CLINIC,
Cleveland, OH, March 29, 2007.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I share your concern about the need for a significant overhaul of the Food and Drug Administration to improve drug safety. Over the last several years, we have endured a series of disturbing revelations about the lack of vigilance by the FDA in monitoring drugs following approval. I have reviewed the two Bills that you and Senator DODD introduced, the Food & Drug Administration Safety Act of 2007 and the Fair Access to Clinical Act of 2007. I strongly support the passage of both of these Acts and believe that they will help protect the public health.

In particular, I support the creation of a new and independent center within the FDA called the Center for Post-Market Evaluation and Research for drugs and biologics (CPER). Although I had previously expressed some concern about creating this center, I have become convinced that the separation of postmarket surveillance from the Office of New Drugs represents the best opportunity to improve the performance of the FDA in handling drug safety issues.

Finally, I want to thank you and Senator DODD for your tireless efforts to promote public health through aggressive oversight of the Food and Drug Administration. Your leadership in this vital area has been invaluable and all of the 300 million Americans who rely upon drugs to protect their health are grateful for your steadfast efforts.

The views expressed in this letter are my own personal opinion and do not necessarily reflect the official views of my employer or the American College of Cardiology.

Sincerely,

STEVEN E. NISSEN, M.D.,
Chairman, Department of Cardiovascular Medicine, Cleveland Clinic, Immediate Past President, American College of Cardiology.

Mr. GRASSLEY. Coupled with Dr. Nissen's letter of support, I also received a letter from Dr. Curt Furberg, professor of public health science at Wake Forest University School of Medicine. Dr. Furberg is not only a professor of medicine, but he is also a member of the Food and Drug Administration Drug Safety and Risk Management Advisory Committee.

Dr. Furberg knows the FDA from the inside, and you might say he knows it inside-outside, in and out. In fact, even Dr. Furberg has written me to say he is supportive of creating a new center, and he is particularly supportive of creating a new enforcement tool to be used against bad players in the drug industry.

I also have that letter and would ask unanimous consent to have it printed in the RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WAKE FOREST,
SCHOOL OF MEDICINE,
March 15, 2007.

Hon. CHUCK GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: I am pleased that members of the U.S. Congress are taking constructive actions to address the major problems with drug safety. Your Bills—FDASA and the FACT Act—are excellent and, if passed, would greatly benefit the U.S. public.

My major concern relates to the FDA's lack of enforcement tools. Regulations and commitments of any kind have limited value if major and repeated violations involve no consequences. Drugmakers who suppress or delay submission of safety information to the FDA, stall label changes (especially new Black Box warnings) or fail to honor their commitments to complete post-market safety studies are rarely (if ever) penalized for their unacceptable behaviors. Thus, I particularly applaud the way your FDASA Bill would give the Director of the Center for Postmarket Evaluation and Research for Drugs and Biologics wide-ranging authority to take corrective action.

If I can be of any assistance in facilitating passage of this legislation, do not hesitate to call me.

Respectfully,

CURT D. FURBERG, MD, PHD,
Professor of Public Health Sciences, Member of the FDA Drug Safety and Risk Management Advisory Committee.

Mr. GRASSLEY. Madam President, if these two thoughtful leaders can come forward and support a new center that is devoted to watching drugs once they are on the market so that American consumers and their doctors know about a problem promptly, what is wrong with that? That is why I hope the HELP Committee will take a second look at the Dodd-Grassley bill. We have seen time and again that the FDA is not as good at this function as it should be. However, the reality is that the FDA needs to perform this function well because lives of American citizens and maybe around the world depend on it.

I wish to see a bill passed that prevents another Vioxx debacle. This Congress has an opportunity to make meaningful and positive changes. Let's not allow that opportunity to slip through our fingers.

MEDICARE

Madam President, I have another set of remarks that I wish to make dealing with the issue that we had before the Senate today, and that we had a cloture vote on, S. 3. Members on the other side of the aisle, including the assistant majority leader, said that Republicans do not want this debate. What are they talking about, do not want a debate about anything dealing with Medicare prescription drugs and all those sorts of things?

This body has debated the so-called prohibition on Government negotiation. The Senate had four votes on this issue. What is rather amusing to me about the statement that we do not want the debate is that they did not seem to want the debate when the Senate considered S. 1.

S. 1 was the Senate version of the Medicare drug law. That bill had a noninterference clause in it just like the current law does. It is that clause that the other side has distorted to come up with the absurd claim that no negotiations occur under the Medicare drug benefit. Not once, I repeat, not once during the entire time that S. 1 was on the Senate floor in the year 2003 did anyone on the other side of the aisle bring up this issue.

That is because this is not an issue of merit, it is simply one born out of political pandering. The assistant majority leader also talked about how Medicare should look like the VA because the VA seems to get lower prices.

The VA gets lower prices because the Government passed a law to guarantee itself an automatic discount that no one else can get. By law, that price is automatically 24 percent less than the average price paid by basically all non-Federal purchasers. That is not negotiation, that is a federally mandated price dictation, or you might call it a 24-percent discount, but it is federally mandated.

I agree that the logical question then is: Why not have Medicare get that price? Experts who testified at the Senate Finance Committee, even the VA itself at a 2001 hearing before the Committee on Veterans' Affairs gave us the answer: They said that giving the Medicare VA prices will increase prices for veterans. Now, why would anybody in this body want to increase prices for veterans?

Now I wish to turn to how the VA uses its own pharmacy benefit manager or PBM as we refer to them. The pharmacy benefit manager for the VA—the VA has one. In 1995, as part of an effort to better manage and monitor drug usage and purchasing and utilization oversight across the entire Veterans' Administration, the VA established its own benefit manager.

The VA did it because it wanted to have its pharmacy operation work similar to the private sector. They did it because, as stated in the VA news release, they wanted to maximize a developing business strategy in the private sector. That business strategy was getting lower prices on drugs in the private sector.

So here we have people holding out the VA as a model, which uses its own PBM to negotiate, and at the same time they are saying: Using PBMs in Medicare is wrong.

Remember, that process has brought 35-percent lower costs on the 25 most used drugs by seniors under the Medicare Program. I cannot help but see how that is a bit of irony when people say they want Medicare to negotiate like the VA negotiates.

Well, the VA negotiates through its PBM. So the funny thing is, the VA actually negotiates similar to Medicare drug plans. You heard that right, but let me state it again. The VA system for negotiating is just like the one already used by Medicare through prescription drug plans that seniors join.

If the VA's PBM looked at itself in the mirror, it would see a Medicare drug plan's PBM staring right back at it. There is another important difference between the VA and Medicare. The VA prescription drug benefit is just one part of the VA's health care delivery system. It is a very different system than Medicare.

The VA system requires veterans to use VA hospitals, to use VA physicians, to use the VA national formulary, to use their pharmacies, and to use their mail order pharmacy. Now, don't get me wrong. The VA has a good system that works for veterans. But what it comes down to is choice. So I have a chart I want you to look at. Under the Medicare prescription drug benefit, beneficiaries have choices. They can choose the plan they want, a plan that covers all their medicines. They can choose the doctor and the hospital they want. They can go to their local pharmacy.

Even the VA recognizes this fact. On its own Web site in a "frequently asked questions" page, the VA does not recommend that veterans cancel or decline coverage in Medicare because a veteran may want to consider the flexibility afforded by enrolling in both the VA plan and the Medicare plan.

For example, veterans enrolled in both programs may obtain prescription drugs that are not on the VA formulary if prescribed by a non-VA physician and filled at a local pharmacy.

Making all Part D programs look like the VA and its formulary then will severely restrict access and will severely restrict choice to the 44 million Medicare beneficiaries. Now, the other side says: No. No. We are not going to limit access to drugs. Yes, as I pointed out this morning, every Democrat on the Finance Committee cast a vote against my amendment that would have prohibited the Secretary from creating a national preferred drug list.

I had thought, for all the talk about not allowing a Government formulary, the proponents of S. 3 would embrace a provision banning preferred drug lists. If they do not want to limit beneficiaries' access to drugs, my amendment should have been easy for them to support.

But by voting against my amendment, they were voting in favor of the Government setting a preferred drug list. Now, the preferred drug list might sound like a good thing, but in reality it is not. It is a Government-controlled list of drugs that you can or cannot have because the Government is not going to pay for what they say you cannot have.

The preferred drug list then operates similar to a formulary. In my opinion, if it walks like a duck, if it quacks like a duck, then it is a duck. But that is not what the courts have found. So what does that mean for Medicare beneficiaries? It means that even though S. 3 prohibits the Secretary from using a formulary, it does not prohibit the Secretary from using a preferred drug list. It is clear now then from all this analysis and their votes on this amendment that supporters of this Senate bill want the Government to set a preferred drug list. They want the Government to determine for what seniors can get coverage.

A number of States have implemented preferred drug lists. Michigan, for example, has a preferred drug list. Here is what the Kaiser Family Foundation found in a 2003 case study on that preferred drug list:

> Fearing opposition from the pharmaceutical industry, the State sought virtually no input from providers, pharmacists, beneficiaries and manufacturers.

Continuing the quote:

> Ultimately the department [meaning Michigan] made only a few changes to the list of drugs on the Michigan preferred drug list in response to beneficiaries and provider concerns.

Both the Illinois House and the Illinois Senate resolutions were introduced in 2002 to establish a committee to oversee that State's preferred drug list.

The resolution noted that the creation of Illinois' preferred drug list "could lead to unintended consequences such as inferior health care, increased hospitalizations and emergency care, increased admissions into long-term care, and unnecessary patient suffering and potentially death."

In a statement about this bill, S. 345, the assistant majority leader said that: The Medicare-administered plan envisioned under this bill would have a preferred drug list.

So this morning I talked about fitting all of the pieces of a legislative puzzle together.

Here are some of those pieces: The bill approved by the House allows price controls. The bill that was before the

Senate does not prohibit the Secretary from dictating the drugs beneficiaries can get. We have Senator DURBIN's statement about his own bill and how he envisioned a preferred drug list.

So despite claims by those on the other side of the aisle, this bill is not harmless to senior citizens. If this Trojan horse attack succeeds in a Government takeover of the drug benefit, here is what seniors can look forward to: They can look forward to fewer choices. They can look forward to fewer opportunities to choose a plan that best meets their needs—the needs of 44 million senior citizens in America.

If the Senate bill were to pass, seniors will get only the drugs some Government bureaucrat determines they can have. All other Americans will see the prices of their prescription drugs going up. That is not me saying it. Professor Scott Morton of Yale University testified before the Senate Finance Committee to that mathematical fact, that if you have 44 million senior citizens, and you have the Government dictating the price, when you deal with that number of people, the price is going to go up for everybody. If that is what the other side calls harmless, I shudder to think what their definition of "harmful" might be.

We should have and did stop this bill in its tracks. Voting no was a vote against Government-controlled drug lists, Government setting prices, and Government restrictions on seniors' access to drugs. That was the right thing to do today, and I am glad the vote came out the way it did. I hope it stays that way because if it ain't broke, don't fix it.

(Mr. CASEY assumed the Chair.)

NATIONAL INFANT IMMUNIZATION WEEK

Mr. REID. Mr. President, I rise in recognition of National Infant Immunization Week, which is being held this year from April 21–28. In Nevada and throughout the country, State and local health departments, health care providers, parents, and other partners will be working together to make sure that all infants are protected against vaccine-preventable diseases. This week is also an opportunity for all of us to spread the message about getting immunized. Not only do immunizations give our children a healthy start to life, they also save lives and protect the American public's health.

Immunization against vaccine-preventable diseases is a tremendous success story. Due to the development of vaccines and immunization campaigns, infectious diseases that used to devastate entire communities have been reduced to record lows or eradicated outright. Thanks to immunizations, few Americans today have any direct knowledge of once commonplace scourges like polio, smallpox, measles, and diphtheria. For most of us, the deaths, suffering, and disability associated with these diseases are now known only through textbooks and old newspaper accounts.

The National Infant Immunization Week is a time to reflect on these achievements. More importantly, this week is also a reminder that we cannot lose ground by becoming complacent or taking the benefits of immunizations for granted. Approximately 1 million children in this country are not fully immunized by age two and many regions of the country have disturbingly low immunization rates. In my home State of Nevada, the immunization rate for infants and young children is ranked last in the country.

Fortunately, there are Federal and State programs that work to provide lifesaving vaccinations to children and adults who would otherwise have to go without. During this year's National Infant Immunization Week, I urge my colleagues in the Senate to support these efforts. By promoting access to immunizations against serious but preventable diseases, we can work to ensure that all Americans will benefit from this invaluable public health tool for generations to come.

EARTH DAY

Mr. REID. Mr. President, Sunday is the 37th anniversary of Earth Day. I have been pleased to read reports that people across the country are planning to come together to celebrate our environmental accomplishments and to renew their environmental commitment to future and current generations. Everyone should celebrate the major steps forward we have taken to achieve clean air and water, to reduce pollution, and to clean up hazardous waste sites.

Earth Day is celebrated because of the great work of former Senator Gaylord Nelson of Wisconsin. In 1970, he founded Earth Day to celebrate the environment and to bring attention to the legislative challenges facing those who want to want to protect the environment. Senator Nelson also cosponsored the Wilderness Act of 1964, a law that has been amazingly important to protecting Nevada's beauty.

Nevada is one of the many States that has greatly benefited from the increased environmental awareness that former Senator Nelson helped to cultivate. Nevada's dramatic landscapes from the high alpine lakes of the Ruby Mountains to the stark open spaces of the Black Rock Desert to the incredible Joshua tree forests in the Piute Valley have provided inspiration to generations of Nevadans. Protecting Nevada's wild lands ensured that those who follow us will have the same opportunity to find and experience these incredible places as we had.

The Wilderness Act of 1964, which was cosponsored by former Senator Nelson, has done tremendous things in Nevada. I have been proud to help designate nearly 2 million acres of wilderness across Nevada, in addition to creating the Sloan Canyon, Red Rock Canyon, and Black Rock Desert-High Rock Canyon National Conservation Areas and Great Basin National Park.

Protecting and serving our environment has always been one of my passions, and I have twice had the privilege to chair the Environment and Public Works Committee. During that time, I had the chance to write the Safe Drinking Water Act Amendments of 1996, to revise the Clean Air Act, and to improve the Endangered Species Act, Superfund, and the Clean Water Act. In each case, I advocated for laws that not only protect the environment but that are flexible, take advantage of market mechanisms, and reflect the unique needs and circumstances of the West.

I was always pleased that I was able to work in a bipartisan manner with my colleagues on the Environment and Public Works Committee. Republicans, Democrats, and Independents all understood that protecting the environment did not have to be a partisan issue, and I was glad that various presidents joined in our efforts. That is why it is so distressing today to see the current administration's policies pursued in such a manner because environmental issues could and should be bipartisan.

Each year, our understanding grows about how important it is to conserve and protect our land and its rich resources. While the current administration's environmental rollbacks are far too numerous to count, it started with attempts to loosen arsenic standards for drinking water and centers today around their total unwillingness to work together on a plan that will first stabilize and then reduce greenhouse gas emissions.

Global warming and climate change is the single greatest environmental challenge that will confront current and future generations. We have a moral obligation to address this issue and choosing to ignore this problem is madness and a luxury we do not have the time for. I once again urge my colleagues not to fall for the temptation of the administration's voluntary "technology-only" strategy. That strategy has only increased emissions and the risks associated with global warming.

The negative impacts that have been linked to global warming and climate change are also far too numerous to mention, but I am continually concerned about the impacts that climate change will have on water in Nevada. Most recently, the National Resources Conservation Service recorded that snowpack throughout the Sierra Nevada Mountains is only at 40 to 50 percent or normal. In eastern Nevada, due to decreases in the snowpack, the stream flow for the Humboldt River is expected to only be at 34 percent and the lower Colorado River at 19 percent of its average. A recent study published in Science said all but one of the 19 major climate models project that the Southwest is at the beginning of a deepening drought largely due to greenhouse gas concentration increases and global warming.

The challenge of eliminating our Nation's overdependence on oil and other greenhouse gas emitting fossil fuels will be a great test for our country and for the world. I believe that America can lead the way in developing new technologies to meet and pass this test. We can and must become more energy independent through the rapid development and diversification of clean, alternative, and renewable sources of energy. They will provide a steady, reliable energy supply, bolster our national security, protect the environment, and create new jobs and whole new industries. We must tap into our Nation's spirit of innovation and bring a new environmental ethic to our energy policy.

Every day, not just on Earth Day, we have to work together to protect our environment from threats so our children and our grandchildren and so on can drink clean water, breath clean air, and enjoy the vast open spaces and the natural beauty of Nevada, America, and the world. That much is for certain, and I look forward to bringing that commitment to everything that I and this Senate undertake.

TRIBUTE TO JOHN L. KIRKWOOD

Mr. DURBIN. Mr. President, today I honor the distinguished career of John L. Kirkwood and to congratulate him on his upcoming retirement. John Kirkwood is the current president and chief executive officer of the American Lung Association.

Mr. Kirkwood graduated from Northwestern University in Evanston, IL. Since then, his life has been dedicated to improving the health of our country.

Mr. Kirkwood served as executive director of the American Lung Association of Metropolitan Chicago from 1975 to 2001. During his tenure, he was instrumental in organizing the American Lung Association Asthma Clinical Research Network, the International Tuberculosis Foundation, the Illinois Coalition against Tobacco, the Chicago Asthma Consortium and the Combined Health Appeal of Illinois. His efforts have made it possible for more Illinoisans in the Chicago metropolitan area to breathe better today.

Luckily for the rest of the country, Mr. Kirkwood decided to expand his commitment beyond the Chicago area to improving the health of the entire Nation. As president and CEO of the American Lung Association, Mr. Kirkwood has expanded the ALA's commitment to research nationwide, strengthened the organization's advocacy programs, and improved knowledge and information transfer systems to assist patients suffering from lung disease.

As the leader of America's oldest national voluntary health organization, Mr. Kirkwood has shown an exemplary commitment to the health and social well-being of all Americans. Thanks to his work and his heartfelt dedication to the public's health, individuals in my State of Illinois and the Nation as a whole will breathe cleaner air and lead healthier, happier lives. We are fortunate for his years of dedication to the American Lung Association, and his leadership will be deeply missed.

Mr. President, I congratulate Mr. Kirkwood on his many accomplishments throughout a long and successful career. As he concludes this chapter of his professional life, I wish him many more years of happiness and accomplishment.

VOTE EXPLANATIONS

Mr. BROWNBACK. Mr. President, I regret that on April 16, I was unable to vote on the motion to invoke cloture on S. 372, the Intelligence Authorization Act for Fiscal Year 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 130, on the motion to invoke cloture on S. 372, I would not have voted to invoke cloture. My vote would not have altered the result of this motion.

Mr. President, I regret that on April 17, I was unable to vote, upon reconsideration, on the motion to invoke cloture on S. 372, the Intelligence Authorization Act for Fiscal Year 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 131, on the motion to invoke cloture on S. 372, I would not have voted to invoke cloture. My vote would not have altered the result of this motion.

Mr. President, I regret that on April 18, I was unable to vote on the motion to invoke cloture on the motion to proceed to S. 3, the Medicare Prescription Drug Price Negotiation Act of 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 132, on the motion to invoke cloture on S. 3, I would not have voted to invoke cloture. My vote would not have altered the result of this motion.

Mr. President, I regret that on April 18, I was unable to vote on the motion to invoke cloture on the motion to proceed to S. 378, the Court Security Improvement Act of 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 133, on the motion to invoke cloture on S. 378, I would have voted to invoke cloture. My vote would not have altered the result of this motion.

CIVIL WAR BATTLEFIELD PRESERVATION PROGRAM

Mr. WEBB. Mr. President, today I wish to discuss an issue that has held a special place in my life for many years, the preservation of our Nation's civil war battlefields. Our historic battlefields—outdoor classrooms where visitors may walk in the very footsteps of heroes from past generations—are under threat. More than 200,000 acres of historically significant battlefield land remain unprotected and are threatened by development pressures. That is why I urge my colleagues to fully fund the Civil War Battlefield Protection Program. This arm of the National Park Service is an invaluable tool to preserve our Nation's history.

In 1990, Congress established the Civil War Sites Advisory Commission, a blue-ribbon panel empowered to investigate the status of America's remaining Civil War battlefields. Congress also tasked the Commission with the mission of prioritizing these battlefields according to their historic importance and the threats to their survival. The Commission ultimately looked at the 10,000-plus battles and skirmishes of the Civil War and determined that 384 priority sites should be preserved. The results of the report were released in 1993 and they were not encouraging.

The 1993 Commission report recommended that Congress create a $10 million-a-year emergency program to save threatened Civil War battlefield land. The result was the Civil War Battlefield Preservation Program. To date, the Preservation Program, working with its partners, has saved 14,100 acres of land in 15 States.

The key to the success of the Preservation Program is that it achieves battlefield preservation through collaborative partnerships between State and local governments, the private sector and nonprofit organizations, such as the Civil War Preservation Trust. Matching grants provided by the program protect lands outside of the National Park Service boundaries and do not add to the Park Service's maintenance costs.

But for the Preservation Program and their partners with the Civil War Preservation Trust, we would have lost key sites from such national shrines at Antietam, Chancellorsville, Fredericksburg, Manassas, Harpers Ferry, Bentonville, Mansfield, and Champion

Hill. Their names still haunt us to this day. Had the Civil War Battlefield Preservation Program not intervened, the sites would have been lost forever to commercial and residential development. Now they have been protected for future generations to enjoy and learn about our Nation's history. They are islands of greenspace in a seemingly endless sea of commercial sprawl.

The need to protect our Nation's battlefields is far too great for any one well-intentioned Federal program. That is why the partnership with the Civil War Preservation Trust is so critical. This visionary preservation group is able to work with other foundations, State and local governments and their membership to match Federal funds by 100 percent. How often can we tout such an achievement with other Federal programs? The trust receives no financial gain from the Preservation Program and, working with their non-Federal partners, has raised more than $30 million to secure key battlefield sites in 15 States. They are in this fight for all the right reasons. This partnership truly serves as a model in bringing all stakeholders to the table to tackle pressing national issues.

For me, these hallowed grounds, these living memorials to the 620,000 Americans who sacrificed their lives to fight in the Civil War, have special, personal significance. Ancestors of mine fought on both sides during the war, including William Jewell, who was wounded in the Battle of Cedar Mountain in Culpeper County, VA, wounded again at Antietam and was finally killed in action at Chancellorsville on May 3, 1863. It is not every day you can visit these battlefield sites and have an immediate, direct connection with your ancestors. We must preserve these sites so that future generations might see and touch the very places where so many sacrifices were made, by soldiers and civilians alike, to settle the unresolved issues from the American Revolution of slavery and sovereignty. We are a stronger, more diverse and genuinely free nation because of these sacrifices.

I would remind my colleagues that the Preservation Program has enjoyed bipartisan, bicameral support since its creation. In 2002, program funding was authorized through the Civil War Battlefield Preservation Act at the level recommended by the Civil War Sites Advisory Commission—$10 million a year. The clock is ticking against these threatened historical sites given the pace of commercial development. Just last month, the Civil War Preservation Trust released its list of the 10 most threatened battlefield sites. Among them: Gettysburg; Fort Morgan, Alabama; Marietta, Georgia and three sites in the Commonwealth of Virginia. In 5 years there may be little left to protect. That is why I am here today to urge my colleagues to join me in requesting the full, authorized amount for the Preservation Program. These Federal funds will leverage millions more in private and other charitable donations; thereby increasing the trust's ability to preserve more threatened battlefield sites.

When the "Soldiers' National Cemetery" was dedicated at the Gettysburg battlefield in November 1863, President Lincoln spoke eloquently of the imperative to honor those who had given their "last full measure of devotion" 4 months earlier. The Civil War Battlefield Preservation Program allows us to carry on Lincoln's vision. I urge my colleagues to join me in seeking full funding for the program this fiscal year.

HONORING GARY J. LANG

Mr. GRASSLEY. Mr. President, I would like to take a moment today to honor the distinguished civil service career of a particularly remarkable senior law enforcement official. Mr. Gary J. Lang recently retired from his position as chief of staff of U.S. Immigration and Customs Enforcement in the Department of Homeland Security and in doing so, this special agent will leave behind a legacy of exceptional accomplishment and dedication to his country.

Over the years, Mr. Lang has successfully handled a series of professional challenges that truly distinguish him as one of our Nation's outstanding leaders. His entry into the Federal service in 1978 as an investigator with the Food and Drug Administration began a tradition in law enforcement to protect the public interest that exists to this day.

From his time at the FDA, through the Defense Investigative Service, and as a special agent with the U.S. Customs Service working in south Florida during an era known for its smuggling, drug trafficking and the related criminal violence, Mr. Lang demonstrated courage, honesty, and leadership in positions of increasing responsibility that have become defining characteristics of his career. He earned the respect of his colleagues and supervisors for his operational and managerial expertise in the field.

The Hill benefited from Mr. Lang's expert Federal law enforcement knowledge during the more than 4 years he spent supporting me through his work on various committees, including serving as special assistant for the Caucus on International Narcotics Control, as well as his time working with staff on the Judiciary and Finance Committees. The positive impact Gary had upon our initiatives through his expertise, dedication and memorable dignity was truly meaningful to me and our work effort.

More recently, in a headquarters management position as deputy executive director of operations/transition teams, Mr. Lang participated at the very center of the decision making that defined the investigative role the DHS would have in its mission to protect the public against acts of terror, and resulted in the creation of U.S. Immigration and Customs Enforcement, the second largest investigative agency in the Federal Government. And, as a senior executive, Mr. Lang served as assistant director for ICE's Office of Investigations, managing the operational activities of a staff of 7,000 across the Nation and around the world.

Mr. Lang most recently served as the chief of staff at ICE, where he spearheaded the advancement of the Assistant Secretary's mission-critical goals across the full spectrum of the agency's operations and administrative lines of business, through its staff of 16,000. He worked diligently to ensure that ICE maximizes the application of its strategic resources to enforce U.S. trade and immigration laws and to target and neutralize national-level homeland security risks under ICE's legal authorities. Mr. Lang leads by example, by holding himself and others accountable in achieving ICE's highest priority goals, in demanding a proactive approach in addressing emerging homeland security issues, and by setting the standard for dedication, morale and integrity throughout the ICE workforce.

Mr. Lang has distinguished himself at every level of Federal law enforcement and has engendered respect and appreciation from subordinates, peers, and leadership alike. I am glad to be able to congratulate him and honor his memorable career as it comes to a close after nearly 29 years in the Federal Government. We on the Hill wish both Gary and his wonderful wife Karyn the very best of luck for the future and thank them for their years of public service.

MATTHEW SHEPARD ACT

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On March 20, 2007, in Polk County, FL, Ryan Skipper, a gay man, picked up William Brown walking along the side of the road. Some time later Brown stabbed Skipper to death, then bragged about the killing. According to police, witnesses have said that Brown and another man planned the murder in advance and that their motivation was based on Skipper's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PEARL HARBOR

Mr. DORGAN. Mr. President, 2,403 American servicemembers lost their lives during the Japanese attack on Pearl Harbor. The men and women who survived that day of infamy led the United States, and our Allies, to victory in the Pacific during World War II.

Today I would like to specifically honor four of those survivors, the members of the North Dakota Pearl Harbor Survivor's Association. This group of four active members helps keep the memory of those who served so bravely alive: John Martin of Bismarck, ND; Clem Lonski of Jamestown, ND; Harold Bruchwein of Wahpeton, ND; and Agnes Shurr of Grand Forks, ND.

On behalf of the U.S. Senate, my fellow North Dakotans, and all Americans, I would like to commend and thank these four individuals not only for their bravery and valor in leading the fight over fascism 60 years ago, but also for their commitment and dedication to keep alive the memory of those who gave their lives in defense of freedom on December 7, 1941.

MORE WATER, MORE ENERGY, LESS WASTE ACT

Mr. SALAZAR. Mr. President, on Monday my colleagues, Senator BINGAMAN, Senator DOMENICI, Senator THOMAS and I introduced legislation, S. 1116, the More Water, More Energy, and Less Waste Act of 2007, to facilitate the use of water produced in connection with development of energy resources for irrigation and other beneficial uses in ways that will not adversely affect water quality or the environment.

The bill is similar to one that has been introduced during this Congress in the House by Representative MARK UDALL, H.R. 902, More Water and More Energy Act of 2007.

The bill's purpose is to help turn what is today an energy-industry problem into an opportunity. The development of energy resources frequently results in bringing to the surface water from underground sources. Energy producers seek to minimize the waters that are produced during extraction operations, but inevitably waters are produced and they must either be treated before being released to the surface or returned to the ground. In a few cases, the waters are clean enough to be used for livestock watering, irrigation or other beneficial purposes.

Especially in the water-short West, increasing the amount of water that can be used without adversely affecting water quality or the environment can increase water supplies for irrigation of crops, livestock watering, wildlife habitat, and recreational opportunities. Everyone will benefit from increased supplies of useable water, even if the supplies are temporary in nature, provided that the new water is of good quality and will not adversely affect the environment now or in the future.

Our bill would do two things:

First, it would direct the Commissioner of Reclamation, the Director of the U.S. Geological Survey, and the Director of the Bureau of Land Management to conduct a study to identify the technical, economic, environmental, and other obstacles to, one, reducing the quantity of produced water and, two, increasing the extent to which produced water can be used for irrigation and other purposes, without adversely affecting water quality or the environment, during or after energy development. The study would consider the legislative, administrative, and other actions that could reduce or eliminate those obstacles and the costs and benefits associated with reducing or eliminating those obstacles. Results of the study are to be reported to Congress within a year after enactment.

Second, it would provide grants for at least five projects to demonstrate, one, ways to optimize energy resource production by reducing the quantity of produced water generated or, two, feasibility, effectiveness, and safety of processes to increase the extent to which produced water may be recovered and made suitable for use for irrigation, municipal, or industrial uses, or other purposes without adversely affecting water quality or the environment.

The bill directs these pilot plants to be located in each of the Upper Basin States of the Colorado River, Colorado, Utah, Wyoming, and New Mexico, and in at least one of the Lower Basin States of the Colorado River, Arizona, Nevada or California. This is to assure that, together, the projects would demonstrate techniques applicable to a variety of geologic and other conditions.

Under the bill, the Federal Government could pay up to half the cost of building each plant. However, no more than $1 million would be paid for anyone project, and no Federal funds would be used for operating the projects.

In the water-short West, the produced waters are a virtually untapped resource, and the benefits of using them for irrigation and other purposes could be substantial. It is estimated that up to 18 million barrels of produced waters are generated each year from oil and gas operations. Finding ways to minimize the waters that are produced during oil and gas extraction and then putting to beneficial use those waters that are produced, is a win/win for everyone.

However, there are significant hurdles that must be overcome before produced waters can be used as a water resource in ways that do not adversely affect our water quality or harm our environment. The study required in our bill will bring our country closer to using this important untapped resource.

For the benefit of our colleagues, here is a summary of the bill's provisions:

SECTION BY SECTION SUMMARY OF THE "MORE WATER, MORE ENERGY, LESS WASTE ACT OF 2007"—S. 1116

Section One—provides a short title (the "More Water, More Energy, Less Waste Act of 2001"), sets forth several findings regarding the basis for the bill, and states the bill's purpose: "to optimize the production of energy resources by minimizing the amount of produced water, and by facilitating the use of produced water for irrigation and other purposes without adversely affecting water quality or the environment, and to demonstrate ways to accomplish these results."

Section Two—defines terms used in the bill.

Section Three—requires the Secretary of the Department of Interior, acting through the Commissioner of Reclamation, the Director of the United States Geological Survey, and the Director of the Bureau of Land Management, to conduct a study to identify (1) the technical, economic, environmental, and other obstacles to reducing the quantity of produced water; (2) the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for irrigation and other purposes, without adversely affecting water quality or the environment; (3) the legislative, administrative, and other actions that could reduce or eliminate those obstacles; and (4) the costs and benefits associated with reducing or eliminating those obstacles. Results of the study are to be reported to Congress within a year after enactment.

Section Four—provides that, subject to appropriation of funds, the Interior Department is to provide financial assistance for development of facilities to demonstrate the feasibility, effectiveness, and safety of processes to increase use of produced water for irrigation, municipal or industrial uses, or other purposes without adversely affecting water quality or the environment. The section specifies that assistance shall be provided for at least one project in each of the Upper Basin States (Colorado, Utah, Wyoming, and New Mexico) and one project in one of the Lower Basin States (Arizona, Nevada or California). Assistance to any facility cannot exceed $1 million and cannot be used for operation or maintenance. The section specifies that assistance under this bill can be in addition to other federal assistance under other provisions of law.

Section Five—requires the Interior Department to—(1) consult with the Department of Energy, EPA, and appropriate Governors and local officials; (2) review relevant information developed in connection with other research; (3) include as much of that information as Interior finds advisable in the report required by section 1; (4) seek the advice of people with relevant professional expertise and of companies with relevant industrial experience; and (5) solicit comments and suggestions from the public.

Section Six—specifies that nothing in the bill is to be construed as affecting—(1) the effect of any State law, or any interstate authority or compact, regarding the use of water or the regulation of water quantity or quality; or (2) the applicability of any Federal law or regulation.

Section Seven—authorizes appropriation of—(1) $1 million for the study required by section 1; and (2) $7.5 million to implement section 4.

ADDITIONAL STATEMENTS

CONGRATULATING THE OKLAHOMA GIRL SCOUTS

• Mr. INHOFE. Mr. President, I am honored today to congratulate 19 girls from Oklahoma for receiving the highest youth award in Girl Scouting, the Gold Award. I would like to honor Jamie Andrews, Tiffany Marie Cathey, Anna Elizabeth Davis, Alonna Marie Dray, Bridget Gibbons, Ashley Goodman, Justinn N. Hamby, Molly Elizabeth Henry, Laura Hopkins, Beth Johnson, Grace E. Lewis, Pammy Mackiewicz, Sarah Pierce, Alexanne E. Schallner, Haley Taylor, Joy-Lee Stowe, Kimberly L. Watson, Kaitlyn Willit, and Alicia Koch.

Girl Scouts of the USA, an organization serving more than 2.5 million girls, has awarded more than 25,000 Girl Scout Gold Awards to Senior Girl Scouts since the beginning of the program in 1980. To receive the award, a Girl Scout must fulfill four requirements: earn the Girl Scout Gold Leadership Award, earn the Girl Scout Gold Career Award, earn the Girl Scout Gold Become, Belong, Believe, Build Award, and design and implement a Girl Scout Gold Award Project. They also have to complete a plan for fulfilling the requirements of the award and follow through with close cooperation between a community consultant and an adult Girl Scout volunteer.

The Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. In achieving this prestigious award these young women show their dedication and commitment to their families, community, the Girl Scouts, and their country. I am honored to congratulate these recipients of this award from the State of Oklahoma.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 309. An act to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history, and for other purposes.

H.R. 609. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes.

H.R. 786. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes.

H.R. 815. An act to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard.

H.R. 865. An act to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska.

H.R. 886. An act to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes.

H.R. 1191. An act to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park.

H.R. 1515. An act to amend the Housing and Community Development Act of 1974 to treat certain communities as metropolitan cities for purposes of the community development block grant program.

H.R. 1677. An act to amend the Internal Revenue Code of 1986 to enhance taxpayer protections and outreach.

H.R. 1681. An act to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

The message also announced that the House agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 76. Concurrent resolution honoring the 50th Anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments.

H. Con. Res. 100. Concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 309. An act to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 609. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 786. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 815. An act to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard; to the Committee on Energy and Natural Resources.

H.R. 886. An act to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1191. An act to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park; to the Committee on Energy and Natural Resources.

H.R. 1515. An act to amend the Housing and Community Development Act of 1974 to treat certain communities as metropolitan cities for purposes of the community development block grant program; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1677. An act to amend the Internal Revenue Code of 1986 to enhance taxpayer protections and outreach; to the Committee on Finance.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 76. Concurrent resolution honoring the 50th Anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments; to the Committee on Foreign Relations.

H. Con. Res. 100. Concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1681. An act to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1549. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Apricots Grown in Designated Counties in Washington; Suspension of Container Regulations" (Docket No. AMS–FV–07–0031) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1550. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Increased Assessment Rate" (Docket No. AMS–FV–06–0225) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1551. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington; Modification of Administrative Rules Governing Committee Representation" (Docket No. AMS–FV–06–0182) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1552. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Almonds Grown in California; Outgoing Quality Control Requirements" (Docket No. AMS–FV–06–0181) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1553. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Exemption of Onions for Export" (Docket No. AMS–FV–07–0043) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1554. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 and Class 3 Spearmint Oil for the 2006–2007 Marketing Year" (Docket No. AMS–FV–07–0039) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1555. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Increased Assessment Rate" (Docket No. FV07–932–1 FR) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1556. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes in Hourly Fee Rates for Science and Technology Laboratory Services—Fiscal Year 2007–2009" ((RIN0581–AC48) (Docket No. ST–05–01)) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1557. A communication from the Administrator, .Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2006–07 Crop Natural Seedless Raisins" (Docket No. AMS–FV–07–0027) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1558. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the Army's Recruiter Incentive Pay Pilot Program; to the Committee on Armed Services.

EC–1559. A communication from the Assistant Secretary of the Army (Installations and Environment), transmitting, pursuant to law, a report relative to the costs, benefits, feasibility, and suitability of locating support functions for Fort Belvoir and the Engineering Proving Grounds on property in Springfield, Virginia; to the Committee on Armed Services.

EC–1560. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final List of Fisheries for 2007" (RIN0648–AU19) received on April 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1561. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the implementation of the Waste Isolation Pilot Plant Land Withdrawal Act during fiscal year 2005; to the Committee on Environment and Public Works.

EC–1562. A communication from the Secretary of Energy, transmitting, the report of draft legislation intended to implement the Convention on Supplementary Compensation for Nuclear Damage; to the Committee on Environment and Public Works.

EC–1563. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–61—2007–78); to the Committee on Foreign Relations.

EC–1564. A communication from the Secretary of State, transmitting, pursuant to law, a report relative to current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully; to the Committee on Foreign Relations.

EC–1565. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a certification related to the Global Fund to Fight AIDS, Tuberculosis and Malaria; to the Committee on Foreign Relations.

EC–1566. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the issuance of the required determination to waive certain restrictions on maintaining a Palestine Liberation Organization Office and on the receipt and expenditure of PLO funds for a period of six months; to the Committee on Foreign Relations.

EC–1567. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, the report of a proposal intended to extend the authorization of appropriations for the 1998 Tropical Forest Conservation Act through fiscal year 2010; to the Committee on Foreign Relations.

EC–1568. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Pay Administration (General)" (RIN3206–AK74) received on April 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1569. A communication from the Director, Insurance Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Waiver of Requirements for Continued Coverage During Retirement" (RIN3206–AI62) received on April 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1570. A communication from the Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions and Technical Corrections Affecting Requirements for Ex Parte and Inter Partes Reexamination" (RIN0651–AB77) received on April 16, 2007; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Douglas G. Myers, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

*Jeffrey Patchen, of Indiana, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

*Lotsee Patterson, of Oklahoma, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

*Stephen W. Porter, of the District of Columbia, to be a Member of the National Council on the Arts for a term expiring September 3, 2012.

*Cynthia Allen Wainscott, of Georgia, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

Mr. KENNEDY. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Public Health Service nominations beginning with Sunee R. Danielson and ending with Mary E. Evans, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

*Public Health Service nominations beginning with Arturo H. Castro and ending with David J. Lusche, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

*Public Health Service nominations beginning with David G. Addiss and ending with Allyson M. Alvarado, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

*Public Health Service nominations beginning with Daniel S. Miller and ending with Darin S. Wiegers, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security.

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself and Mr. Bayh):

S. 1138. A bill to enhance nuclear safeguards and to provide assurances of nuclear fuel supply to countries that forgo certain fuel cycle activities; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself, Mr. Salazar, Ms. Cantwell, and Mr. Sanders):

S. 1139. A bill to establish the National Landscape Conservation System; to the Committee on Energy and Natural Resources.

By Mr. DEMINT:

S. 1140. A bill to amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. Smith, Mr. Kerry, Ms. Snowe, and Mr. Harkin):

S. 1141. A bill to amend the Internal Revenue Code of 1986 to allow employees not covered by qualified retirement plans to save for retirement through automatic payroll deposit IRAs, to facilitate similar saving by the self-employed, and for other purposes; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. Lautenberg, Mr. Cochran, Mr. Warner, Mr. Wyden, Mr. Kennedy, Mr. Lieberman, Ms. Snowe, Mrs. Boxer, Mr. Kerry, Mr. Menendez, Ms. Cantwell, Mrs. Feinstein, Mr. Reed, Mrs. Murray, Ms. Collins, and Mr. Sununu):

S. 1142. A bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida:

S. 1143. A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 1144. A bill to provide for an assessment of the achievements by the Government of Iraq of benchmarks for political settlement and national reconciliation in Iraq; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. Hatch, Mr. Schumer, Mr. Cornyn, and Mr. Whitehouse):

S. 1145. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself, Mr. Thune, Mr. Tester, Mr. Burr, Mrs. Murray, Mr. Grassley, Mr. Wyden, Ms. Collins, Mr. Pryor, Mr. Enzi, Mrs. Lincoln, Ms. Snowe, Mr. Kerry, Mr. Bingaman, Mr. Smith, Mr. Baucus, and Mr. Dorgan):

S. 1146. A bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MURRAY:

S. 1147. A bill to amend title 38, United States Code, to terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as "Priority 8"); to the Committee on Veterans' Affairs.

By Mrs. CLINTON (for herself, Mr. Schumer, Mr. Leahy, and Mr. Sanders):

S. 1148. A bill to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself, Mr. Baucus, and Mr. Conrad):

S. 1149. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the interstate distribution of State-inspected meat and poultry if the Secretary of Agriculture determines that the State inspection requirements are at least equal to Federal inspection requirements and to require the Secretary to reimburse State agencies for part of the costs of the inspections; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. Enzi):

S. 1150. A bill to enhance the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. OBAMA:

S. 1151. A bill to provide incentives to the auto industry to accelerate efforts to develop more energy-efficient vehicles to lessen dependence on oil; to the Committee on Finance.

By Ms. CANTWELL:

S. 1152. A bill to promote wildland firefighter safety; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. Coleman):

S. 1153. A bill to require assessment of the impact on small business concerns of rules relating to internal controls, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Nebraska (for himself and Mr. Craig):

S. 1154. A bill to promote biogas production, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. Brownback, Ms. Landrieu, Mr. Allard, Mr. Harkin, Mrs. Murray, Mr. Roberts, Mr. Nelson of Nebraska, Mr. Salazar, Mr. Hagel, Mr. Thune, and Mr. Levin):

S. 1155. A bill to treat payments under the Conservation Reserve Program as rentals from real estate; to the Committee on Finance.

By Mr. DODD (for himself, Mr. Kennedy, Mr. Harkin, Mr. Bingaman, Mrs. Murray, Mrs. Clinton, and Mr. Brown):

S. 1156. A bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize the Best Pharmaceuticals for Children program; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALLARD:

S. Res. 154. A resolution demanding the return of the USS Pueblo to the United States Navy; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. Leahy):

S. Res. 155. A resolution expressing the sense of the Senate on efforts to control violence and strengthen the rule of law in Guatemala; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. Menendez, Mr. Leahy, and Mr. Obama):

S. Res. 156. A resolution commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of the players as student-athletes; considered and agreed to.

By Mr. REID (for himself, Mr. Lautenberg, Mr. Menendez, Mr. Akaka, Mr. Alexander, Mr. Allard, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Brown, Mr. Brownback, Mr. Bunning, Mr. Burr, Mr. Byrd, Ms. Cantwell, Mr. Cardin, Mr. Carper, Mr. Casey, Mr. Chambliss, Mrs. Clinton, Mr. Coburn, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Corker, Mr. Cornyn, Mr. Craig, Mr. Crapo, Mr. DeMint, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Isakson, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Ms. Klobuchar, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lott, Mr. Lugar, Mr. Martinez, Mr.

MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 157. A resolution extending the best wishes of the Senate to New Jersey Governor Jon S. Corzine and expressing the Senate's hope for his speedy and complete recovery; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BAYH, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mr. CASEY, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORKER, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GREGG, Mr. HAGEL, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. OBAMA, Mr. SALAZAR, Mr. SANDERS, Mr. SPECTER, Ms. STABENOW, and Mr. STEVENS):

S. Res. 158. A resolution designating April 20, 2007, as "National and Global Youth Service Day"; considered and agreed to.

By Mr. LOTT (for himself and Mr. CONRAD):

S. Res. 159. A resolution commending the Association for Advanced Life Underwriting on its 50th anniversary; considered and agreed to.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. Res. 160. A resolution recognizing the importance of Hot Springs National Park on the 175th anniversary of the enactment of the Act that authorized the establishment of Hot Springs Reservation; considered and agreed to.

By Mr. WEBB (for himself and Mr. WARNER):

S. Res. 161. A resolution honoring the life of Oliver White Hill, a pioneer in the field of American civil rights law, on the occasion of his 100th birthday; considered and agreed to.

By Mr. DURBIN (for himself, Mr. OBAMA, and Mr. STEVENS):

S. Con. Res. 28. A concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games; considered and agreed to.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. BAUCUS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

S. 67

At the request of Mr. INOUYE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 378

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

S. 534

At the request of Mr. BIDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 534, a bill to bring the FBI to full strength to carry out its mission.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 551

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 551, a bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 600

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 731

At the request of Mr. SALAZAR, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 731, a bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes.

S. 761

At the request of Mr. REID, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Delaware (Mr. BIDEN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 773

At the request of Mr. WARNER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 796

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 796, a bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 860

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 875

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 875, a bill to improve energy security of the United States through a 50 percent reduction in the oil intensity of the economy of the United States by 2030 and the prudent expansion of secure oil supplies, to be achieved by raising the fuel efficiency of the vehicular transportation fleet, increasing the availability of alternative fuel sources, fostering responsible oil exploration and production, and improving international arrangements to secure the global oil supply, and for other purposes.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 937

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 970

At the request of Mr. SMITH, the names of the Senator from Utah (Mr. BENNETT), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 992

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 992, a bill to achieve emission reductions and cost savings through accelerated use of cost-effective lighting technologies in public buildings, and for other purposes.

S. 1012

At the request of Ms. LANDRIEU, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1025

At the request of Mr. CHAMBLISS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1025, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 1042

At the request of Mr. ENZI, the names of the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. HAGEL), the Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. COCHRAN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Rhode Island (Mr. REED) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1062, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 1065

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Ms. STABENOW) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1065, a bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes.

S. 1087

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1087, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1122

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1122, a bill to improve the calculation of highway mileage to medium and large hub airports, and for other purposes.

S.J. RES. 1

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relative to require a balanced budget and protect Social Security surpluses.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 134

At the request of Mr. DURBIN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 134, a resolution designating September 2007 as "Adopt a School Library Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. BAYH):

S. 1138. A bill to enhance nuclear safeguards and to provide assurances of nuclear fuel supply to countries that forgo certain fuel cycle activities; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today with my colleague from Indiana, Senator BAYH, to introduce the Nuclear Safeguards and Supply Act of 2007.

The future of the Nuclear Non-Proliferation Treaty and the larger nonproliferation system it supports is in doubt. The existing safeguards regime used by the International Atomic Energy Agency (IAEA) has succeeded in forestalling nuclear weapons programs in the world's advanced industrial states, several of which were weighing the nuclear option 40 years ago. Unfortunately, this regime has failed to keep pace with the increase in the global availability of nuclear weapons technology, especially the technology and equipment for uranium enrichment and spent nuclear reactor fuel reprocessing, which can produce fissile material for weapons. Now the road to nuclear weapons can be traveled by determined countries with only a minimal industrial base. While the number of recognized nuclear weapon states has not dramatically increased over the years, the dangers of proliferation have become all too apparent as demonstrated by the A.Q. Khan network, the Iranian, North Korean, and Libyan examples.

The construction of facilities for the enrichment of uranium and reprocessing of spent nuclear fuel in new states, even for ostensibly peaceful purposes, poses an unacceptable long-term risk to the national security of the United States. The enrichment technology intended to produce fuel for reactors can also be used to create highly-enriched uranium for a nuclear weapon, and the plutonium that is produced from reprocessing spent fuel is also suitable for nuclear weapons and susceptible to diversion to terrorists. The spread of enrichment and reprocessing capabilities will dangerously increase the chances that new nations will develop nuclear weapons and that terrorists might obtain fissile or radiological materials for crude devices. It is therefore incumbent on the United States to lead an international effort to halt the expansion of enrichment and reprocessing to new countries.

We know President Bush shares our assessment of this situation. On February 11, 2004, he stated, "The world's leading nuclear exporters should ensure that states have reliable access at reasonable cost to fuel for civilian reactors, so long as those states renounce enrichment and reprocessing. Enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes."

The threats posed by new nuclear fuel cycle facilities in new states are made worse by the fact that the use of nuclear power is likely to increase, both in developed and developing countries. As energy costs have soared in recent years, many states are reexamining nuclear power as a potential source of electricity. Importantly, however, the expansion of nuclear power does not require—either technically or economically—the construction of enrichment or reprocessing facilities in countries that do not currently have them.

Senator BAYH and I believe the United States should adopt as a basic nonproliferation principle that countries who give up their own enrichment and reprocessing programs have an assurance, either bilateral or multilateral or both, of nuclear reactor fuel at reasonable prices. Today, the market provides the basic framework for commerce in and access to nuclear fuel, and should not be interrupted by government action, but the exchange of nuclear fuel and fuel services for enrichment and reprocessing capabilities is not currently explicit. This would also require that states agreeing to accept fuel services and leasing of fuel, in return for giving up joining the group of states possessing reprocessing and enrichment capabilities, would also consent to wide access and close monitoring of their nuclear energy activities, exceeding the requirements of the IAEA Additional Protocol. Related efforts in this area should also move forward in the [Nuclear Suppliers Group, where various nations have advocated a criteria-based approach to nuclear fuel supply.

Unfortunately, as the world looks to increase the number of civilian nuclear power plants, the IAEA, charged with ensuring that energy programs do not stray into weapons efforts through the verification of safeguards agreements, operates on a shortsighted budget with old equipment. This situation threatens the institution, and to some degree the nuclear stability that the IAEA's safeguards verification mandate supports. The IAEA is responsible for verifying that states do not violate their obligations under the Nuclear Nonproliferation Treaty (NPT). The IAEA monitors states' nuclear programs through safeguards agreements and additional protocols to ensure that nuclear material, equipment, and technology are used for declared, peaceful purposes.

Last November, I visited the IAEA and its Safeguards Analytical Laboratory (SAL), located just outside Vienna, Austria. Samples collected by IAEA inspectors during inspections are brought to the SAL to verify that safeguards obligations are being met and that there are no undeclared materials and activities. Unfortunately the laboratory's aging equipment and dangerous working conditions will hamper the important work done there, particularly as more samples arrive there and as more states expand their nuclear power infrastructure. Such a situation could, in the future, shut down a critical nonproliferation facility. The IAEA's nuclear materials analysis capability is vulnerable to a single point of failure given the situation at SAL. Laboratory staff is also severely limited in the time they can spend analyzing evidence in the "hot" or nuclear part of SAL because of the dilapidated air purification system in one part of the laboratory. Equally disturbing, SAL is still using equipment manufactured in the 1970's. If the IAEA is supposed to be the world's nuclear watchdog, the least we can do is to provide the people who work there with appropriate and effective tools to do their job.

Absent refurbishment of SAL, or the construction of a new IAEA facility with modem equipment, President Ronald Reagan's charge "trust but verify" will be abandoned because we have not taken action.

The SAL helped to discover the inconsistencies in Iran's cover-up of its nuclear weapons program. The analysis and questioning by inspectors prompted stonewalling by Tehran. The Iranian failure to provide information and access led the IAEA Board of Governors to refer the matter to the United Nations Security Council. While I wish this might have happened more quickly, the fact is that SAL, the network of laboratories in other Member States, and the IAEA's inspectors provided the evidence necessary to build consensus on Iranian violations.

The Lugar-Bayh legislation works to create both bilateral and multilateral assurances of nuclear fuel supply by specifically authorizing the President to pursue such mechanisms. Importantly, our legislation takes note of the fact that merely ensuring fuel supply is not enough to truly deal with the potential proliferation that could arise as a result of many more nuclear reactors being built around the world. Proliferation of fuel cycle technologies may continue, regardless of the ability of our Nation and others to craft layers of assurance in fuel supply. Our bill makes an important point—that fuel supply for new nuclear power is as important as the safeguards applied to nuclear power.

The Lugar-Bayh legislation makes it the policy of the United States to discourage the development of enrichment and reprocessing capabilities in additional countries, and to encourage the creation of bilateral and multilateral assurances of nuclear fuel supply, and ensure that all supply mechanisms operate in strict accordance with the IAEA safeguards system and do not result in any additional unmet verification burdens for the system. To ensure that SAL does not cease to function, we authorize an additional $10,000,000 for the refurbishment or possible replacement of the IAEA Safeguards Analytical Laboratory. We also authorize the Secretary of State, in cooperation with the Secretary of Energy and the Directors of the National Laboratories, and in consultation with the Secretary of Defense and the Director of National Intelligence, to pursue a program that will improve nuclear safeguards technology development.

With regard to fuel supply, our bill authorizes the President to create, consistent with existing law, bilateral and multilateral mechanisms to provide a reliable supply of nuclear fuel to those countries and groups of countries that adhere to policies designed to prevent the proliferation of nuclear weapons and that decide to forgo a national uranium enrichment program and spent nuclear fuel reprocessing facilities. Such mechanisms must confront the challenges of international politics, thus the authority contained in the bill is designed to provide a flexible framework, rather than a final set of requirements, for such mechanisms. The bill embraces both bilateral and multilateral fuel supply mechanisms, and calls for a report on the establishment of an International Nuclear Fuel Authority.

The United States cannot fix the IAEA's problems alone, but we must lead. An international diplomatic effort is required to raise the funds necessary to ensure that the IAEA has the resources and leadership it needs to continue its important mission. But the IAEA, its Member States and Board of Governors must also act. The Board must review and revise SAL staffing policies as they apply to professional staff working at SAL to ensure that it attracts and retains key personnel. Current policies are self-defeating and force experts out just as they are accumulating the level of experience and expertise necessary to succeed.

Not only is the existing IAEA infrastructure in desperate need of modernization, but a global nuclear power expansion will require a commensurate increase in IAEA capability. We must strengthen the organization to ensure that multiplying nuclear power facilities are not diverted to weapons work. This can and should be accompanied by better support to our own efforts in verification activities and technologies, such as through the Key Assets Verification Fund at the Department of State and the U.S. Program of Technical Assistance to IAEA Safeguards or POTAS.

If the world is at the dawn of a new nuclear power age, then there will be more facilities and materials for the IAEA to inspect and verify. The IAEA is not prepared for such a future, but there is still time to put the necessary investments in place to ensure that it continues its important role. The United States and other Member States have the ability to plan and make decisions now that will ensure a safer nuclear power option in the future. It is incumbent upon the United States to assist in the construction of the best possible safeguards system to provide for international peace and security. Peaceful uses of nuclear energy are only as good as the means to verify them.

The current budget of the IAEA cannot sustain further stress, nor can the world afford to allow another state to develop nuclear weapons in secret. The IAEA is underfunded to perform its current tasks and would be required to do much more should nuclear energy become more widespread. The Bush Administration must significantly increase funding to the IAEA to improve its ability to exercise its rights and meet its obligations. We hope this legislation will begin that process.

I look forward to working with my colleagues on the Committee on Foreign Relations on these important matters. I thank Senator BAYH for his partnership in this endeavor.

By Mr. BINGAMAN (for himself, Mr. SALAZAR, Ms. CANTWELL, and Mr. SANDERS):

S. 1139. A bill to establish the National Landscape Conservation System; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, together with Senators SALAZAR, CANTWELL, and SANDERS, I am pleased today to introduce legislation to codify the National Landscape Conservation System, the collection of national monuments, national conservation areas, wilderness areas, wild and scenic rivers and other remarkable landscapes on our public lands administered by the Bureau of Land Management.

The National Landscape Conservation System was established administratively by the Department of the Interior in 2000 and consists of all areas the BLM administers for conservation purposes. The concept behind grouping all of these areas into one system was to increase public awareness of the importance of these lands and to highlight the BLM's conservation of these areas and their cultural, historical, scientific, and ecological significance to the Nation.

Within my own State of New Mexico, the National Landscape Conservation System encompasses several nationally significant areas, including the rugged lava flows of El Malpais National Conservation Area, the unique cone-shaped rock formations of the Kasha-Katuwe Tent Rocks National Monument, the Rio Grande Wild and Scenic River, the Continental Divide National Scenic Trail and the El Camino Real de Tierra Adentro and Old Spanish Trail National Historic Trails, as well as over one million acres of wilderness and wilderness study areas.

However, because the NLCS was established administratively, it does not have the permanence that it would have if enacted legislatively. In addition, legislative enactment of the NLCS will help increase the attention to these important, congressionally protected areas, and hopefully will help ensure that the system remains a high priority within the BLM and the Department of the Interior. The bill does not create any new management authority and does not change the authorities for any of the previously designated areas within the system.

Given the broad public support for these areas, I expect this bill to be noncontroversial and it is my hope that it will be able to move quickly through the Congress and enactment into law.

I ask unanimous consent, that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Landscape Conservation System Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) SYSTEM.—The term "system" means the National Landscape Conservation System established by section 3(a).

SEC. 3. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) an outstanding natural area;

(D) a wilderness study area;

(E) a component of the National Trails System;

(F) a component of the National Wild and Scenic Rivers System; or

(G) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area, as designated under section 101(a) of the Steens Mountain Cooperative Management and Protection Act of 2000 (16 U.S.C. 460nnn–11(a));

(B) the Headwaters Forest Reserve; and

(C) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. SALAZAR. Mr. President, today Senator BINGAMAN and I are introducing the National Landscape Conservation System Act, a bill that will help protect some of our Nation's most treasured landscapes.

This bill, which we are introducing with Senators CANTWELL and SANDERS, will make permanent a system of management for the 26 million most spectacular acres of the 260 million acres that the Bureau of Land Management oversees.

The National Landscape Conservation System was created administratively in 2000 to guide the management of the national monuments, national conservation areas, national wild and scenic rivers, wilderness areas, wilderness study areas, and national historic and scenic trails that are under the BLM's authority.

Many of these lands are on par with our national parks in their beauty and value to the American people. Unfortunately, the National Landscape Conservation System has taken a backseat in our country's land conservation efforts. The NLCS has been shortchanged in funding in the President's budget year in and year out. There are not enough resources or staff to properly manage these lands, and we are hearing a growing number of reports that natural, cultural, and archaeological sites on NLCS lands are being overrun or destroyed. Last year, a report by the National Trust for Historic Preservation painted a disappointing portrait of how cultural resources are being managed on BLM lands.

At Colorado's Canyons of the Ancients National Monument, home to the highest density of cultural sites in America, 47 ancestral Puebloan sites were looted in the first half of 2006. With only one law enforcement officer for the entire monument, it is almost impossible to prevent this type of vandalism.

At McInnis Canyon National Conservation Area, also in Colorado, the one law enforcement officer splits his time with other lands overseen by the BLM field office. How is one officer to be expected to protect 1.3 million acres of BLM land?

This same unit of the NLCS shares an archaeologist with the Grand Junction, CO, field office. There is no way that an individual can oversee the archaeological surveys under way in the area's booming oil and gas fields while still ensuring that the conservation area's petroglyphs, fossils, and archaeological treasures are documented and protected.

The Secretary of the Interior took a good step in 2000 when he established the National Landscape Conservation System. The BLM should have additional resources and tools for the management of lands that the American people have determined to be of exceptional natural, cultural, recreational, scenic, or historic value. Unfortunately, this system has not come far in the last 7 years.

The administration provides no line item in the President's budget for the system, NLCS units have endured repeated funding cuts, and there are meager plans for where the system is going over the coming decades.

The bill that Senator BINGAMAN and I are introducing today takes the first step in improving the stewardship of these crown jewel BLM lands. It is a straightforward bill: it simply writes the National Landscape Conservation System into law, making it permanent for the enjoyment of future generations.

The bill does not change how any of the units in the system are managed. Grazing rights, water rights, and public access to the national monuments, the wilderness areas, and the conservation areas are unchanged.

The bill does, however, recognize that these landscapes are of great interest to the American people and should be managed to protect their values.

Over the coming decades, these lands will become more widely used and known. Americans are already coming to see these landscapes—places like canyons of the Ancients National Monument or Gunnison Gorge National Conservation Area—as treasures that match our great national parks and wildlife refuges.

This bill is a logical and needed step toward improving the management of the units that comprise the National Landscape Conservation. I thank Chairman BINGAMAN for his leadership on this issue, and I hope we will have an opportunity to move this bill through the Senate as quickly as possible.

By Mr. GREGG (for himself, Mr. LAUTENBERG, Mr. COCHRAN, Mr. WARNER, Mr. WYDEN, Mr. LIEBERMAN, Ms. SNOWE, Mrs. BOXER, Mr. KERRY, Mr. MENENDEZ, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. REED, Mrs. MURRAY, Ms. COLLINS, and Mr. SUNUNU):

S. 1142. A bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development; to the Committee on Commerce, Science, and Transportation.

Mr. GREGG. Mr. President, I rise today along with Senator LAUTENBERG to introduce the Coastal and Estuarine Land Protection Act. We are introducing this much needed coastal protection act along with Senators COCHRAN, WARNER, WYDEN, KENNEDY, LIEBERMAN, SNOWE, BOXER, KERRY, MENENDEZ, CANTWELL, FEINSTEIN, REED, MURRAY, COLLINS, and SUNUNU. In addition, this legislation is supported by the Trust for Public Land, The Nature Conservancy, Association of Fish and Wildlife Agencies, the Land Trust Alliance, The Conservation Fund, Restore America's Estuaries, The Ocean Conservancy, American Fly Fishing Trade Association, Society for the Protection of New Hampshire Forests, National Estuarine Research Reserve Association, Association of National Estuary Programs, Coastal States Organization, New Jersey Audubon Society, and the NY/NJ Baykeeper.

The Coastal and Estuarine Land Protection Act promotes coordinated land acquisition and protection efforts in coastal and estuarine areas by fostering partnerships between non-governmental organizations and Federal, State, and local governments. As clearly outlined by the U.S. Commission of Ocean Policy, these efforts are urgently needed. With Americans rapidly moving to the coast, pressures to develop critical coastal ecosystems are increasing. There are fewer and fewer undeveloped and pristine areas left in the Nation's coastal and estuarine watersheds. These areas provide important nursery habitat for two-thirds of the Nation's commercial fish and shellfish, provide nesting and foraging habitat for coastal birds, harbor significant natural plant communities, and serve to facilitate coastal flood control and pollutant filtration.

The Coastal and Estuarine Land Protection Act pairs willing sellers through community-based initiatives with sources of federal funds to enhance environmental protection. Lands can be acquired in full or through easements, and none of the lands purchased through this program would be held by the Federal Government. This bill puts land conservation initiatives in the hands of State and local communities. This new program, administered by the National Oceanic and Atmospheric Administration, would provide Federal matching funds to states with approved coastal management programs or to National Estuarine Research Reserves through a competitive grant process. Federal matching funds may not exceed 75 percent of the cost of a project under this program, and non-Federal sources may count in-kind support toward their portion of the cost share.

This coastal land protection program provides much needed support for local coastal conservation initiatives throughout the country. In New Hampshire, we have worked collaboratively with local communities, environmental groups, willing sellers, and the State to conserve lands around Great Bay, Sagamore Creek, Massacre Marsh, Hurd Farm, Moose Mountain, Winnicut Headwaters, Marden Woods, Sleeper Wetlands, and the Piscassic River Greenway. These lands are home to a wide variety of plants and animal species that are particularly threatened by encroaching development and environmental pollutants. By working with local communities to purchase lands or easements on these valuable parcels of land, New Hampshire has been able to successfully conserve the natural and scenic heritage of this vital estuary.

Programs like the Coastal and Estuarine Land Protection program will further enable other states to participate in these community-based conservation efforts in coastal areas. This program was modeled after the U.S. Department of Agriculture's successful Forest Legacy Program, which has conserved millions of acres of productive and ecologically significant forest land around the country.

I welcome the opportunity to offer this important legislation, with my good friend from New Jersey, Senator LAUTENBERG. I am thankful for his leadership on this issue, and look forward to working with him to make the vision for this legislation a reality, and to successfully conserve our coastal lands for their ecological, historical, recreational, and aesthetic values.

Mr. LAUTENBERG. Mr. President, I rise today to join Senator GREGG in our introduction of legislation that would help protect and preserve the valuable coastal and estuarine lands of our Nation.

Development of the Nation's coastal and estuarine areas poses an increasing threat to water quality, wildlife habitat, flood protection, and recreational opportunities. The U.S. Commission on Ocean Policy emphasized that intact coastal lands are vital to ensuring the ecological and economic health of coastal communities. However, as these areas are fragmented and disappear, so do the benefits they provide. The Coastal and Estuarine Land Protection Act (CELP) would authorize the National Oceanic and Atmospheric Administration (NOAA) as the lead Federal agency supporting State, local or private acquisition of land or conservation easements in undeveloped coastal areas in order to ensure their protection from development. The Joint Ocean Commission Initiative has identified enactment of the Coastal and Estuarine Land Protection Act as a high priority for improving our coastal resource management. This legislation builds upon the existing Coastal and Estuarine Land Conservation Program (CELCP) within NOAA. The Program allows States to compete for matching funds to acquire land or easements for the protection of sensitive coastal ecosystems. The Federal funds provided through this program help leverage additional State, local and private funding.

The CELCP complements private, Federal and State conservation programs. This program is based on the highly successful Forest Legacy program which is a Federal-State partnership program that supports efforts to protect environmentally sensitive forest lands. Permanent protection of lands in the coastal zone is also necessary to maintain and enhance coastal and estuarine areas for the benefit of the Nation, including protecting water quality, keeping public beachfront accessible, conserving wildlife habitat, and sustaining sport and commercial fisheries.

Coastal and estuarine areas are some of the most productive ecosystems on earth. They are home to countless plants, animals, birds, and fish. These are complex ecosystems that provide a foundation for marine life as well as protection of inland areas from storm damage. Over the last 150 years the national system of estuaries has decreased in size because of our growing coastal populations and short-sighted land-use planning. Today our coastal areas are home to over 150 million Americans, about 53 percent of the U.S. population, and over 180 million people visit the coasts each year. Due to the increasing pressures from development in low-lying areas, NOAA has estimated 80 percent of our Nations' coastal waters are impaired for human use and marine life.

The National Estuarine Research Reserve System (NERRS) established under the Coastal Zone Management Act is a network of 27 protected estuaries throughout the United States, including the Jacques Cousteau NERRS site in New Jersey. These are pristine areas that provide public education and conservation awareness, and serve as living laboratories for scientific research. The funds provided through the CELP program established by our legislation would promote the expansion of these estuarine areas and assist in keeping coastal ecosystems healthy and productive.

Federal funds help make New Jersey conservation possible. New Jersey's treasured natural resources—from the Meadowlands to the marshlands of Barnegat Bay—have substantially benefited from Federal support. The existing CELCP has aided in securing protection for over a thousand acres in New Jersey including lands for Gunning Island, Tuckerton Creek, and the Harbor Herons project. This week there will be a formal dedication of a 115-acre property, acquired with the aid of CELCP, on Potter Creek in Berkeley Township for public use and recreation. Lands have been protected in the Manahawkin Marsh, for wildlife habitat, including migratory birds along the Atlantic Flyway. In Ocean County, the CELCP helped secure the acquisition of 800 acres on Tuckerton Creek in Little Egg Harbor which is vital to protecting Atlantic white cedar stands and improving the water quality of the Barnegat Bay. These projects have successfully protected our coasts while sustaining human activity.

The coastal zone is essential to our country's prosperity and well-being. The coastal and estuarine lands are areas of national importance and they are vulnerable to human activities. From 2002 through 2006 twenty-five States have benefited from the CELCP. Now is the time for Congress to authorize this program to conserve lands that are vital to our Nation.

The bill Senator GREGG and I are introducing today, the Coastal and Estuarine Land Protection Act, will ensure an ongoing partnership between Federal, State, and local governments to support the economic and natural resource base of communities through the acquisition of coastal and estuarine lands. This legislation offers the opportunity for States to protect coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values and are threatened by conversion to other uses.

The organizations supporting this legislation include The Trust for Public Land, The American Littoral Society, NY/NJ Baykeeper, Association of Fish and Wildlife Agencies, Land Trust Alliance, Restore America's Estuaries, American Fly Fishing Trade Association, Society for the Protection of New Hampshire's Forests, National Estuarine Research Reserve Association, Association of National Estuary Programs, The Ocean Conservancy, Coastal States Organization, The Conservation Fund, The Nature Conservancy, and the New Jersey Audubon Society. I ask unanimous consent that a letter of support from these groups be printed in the RECORD.

I would like to thank Senator GREGG for his long-time leadership on this issue. I would also like to thank Senator MIKULSKI for her many years of support for this legislation. I look forward to continuing to work with Senator GREGG and my colleagues in the Senate to ensure its passage so that we can fill this vital need for coastal and estuarine protection.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 16, 2007.

Hon. JUDD GREGG,
Russell Senate Office Building,
Washington, DC.
Hon. FRANK LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS GREGG AND LAUTENBERG: On behalf of the organizations listed below, we would like to thank you for your longstanding support of coastal zone management and coastal land conservation. We are writing today in support of the Coastal and Estuarine Land Protection Act (CELP), which would formally codify the Coastal and Estuarine Land Conservation Program. This program was created by Congress in FY 2002 in order to "protect those coastal and estuarine areas with significant conservation, recreation, ecological, historical or aesthetic values, or that are threatened by conversion from their natural or recreational states to other uses." Thus far, this program has invested over $177 million towards 119 conservation projects in 25 of the nation's 35 coastal states. This federal investment has leveraged more than an equal amount of state, local and private funding, demonstrating the importance of coastal protection throughout the nation and the critical role of federal funding to its success.

Our nation's coastal zone is under significant pressures from unplanned development. In fact, it is estimated that by 2025, nearly 75 percent of the nation's population will live within 50 miles of the coast, in addition to millions more who enjoy America's storied coastlines. Across the nation, beaches and waterfronts have always been the destination of choice for Americans. Fully one-half of the nation's gross domestic product, $4.5 trillion annually, is generated in coastal watershed counties, inexorably linking our coastal zone with the economic health of the nation.

As a result of this economic boom, rapid, unplanned development has marred the once-pristine viewshed and substantially reduced public access to the coast. The resulting increase in impervious surfaces has correspondingly increased non-point source pollution and seriously degraded coastal and estuarine waters. The loss of coastal wetlands has drastically impaired estuaries, some of the most productive habitat on earth, and has exacerbated damage from coastal storms. The U.S. Commission on Ocean Policy has also stressed the importance of land conservation as part of its broader recommendations to Congress and the nation.

From our first-hand experience at the local level, we know that CELP will significantly leverage ongoing community-based conservation, and will provide a much needed boost to local efforts. Given the importance of healthy, productive and accessible coastal areas, a federal commitment to state and local coastal protection is a sound investment. The new legislation codifies the existing investment that Congress has already made to coastal protection and authorizes the program formally. We believe this is an important and necessary step to enhance efforts to ensure safe and accessible coastal waters.

We thank you for introducing this legislation, and look forward to working with you towards its enactment.

Sincerely,

Gary J. Taylor, Legislative Director, Association of Fish and Wildlife Agencies; Russell Shay, Director of Public Policy, Land Trust Alliance; Alan Front, Senior Vice President, The Trust for Public Land; Steven Bosak, Vice President for External Affairs, Restore America's Estuaries; Robert Ramsay, President, American Fly Fishing Trade Association; Jane A. Difley, President-Forester, Society for the Protection of New Hampshire's Forests; Angela Corridore, Executive Director, National Estuarine Research Reserve Association; Rich Innes, Executive Director, Association of National Estuary Programs; David Hoskins, Vice President for Government Affairs and General Counsel, The Ocean Conservancy; Kacky Andrews, Executive Director, Coastal States Organization; Lawrence A. Selzer, President, The Conservation Fund; Jimmie Powell, Director of Government Relations, The Nature Conservancy; Eric Stiles, Vice President for Conservation and Stewardship, New Jersey Audubon Society; Tim Dillingham, Executive Director, American Littoral Society (NJ).

By Mr. NELSON of Florida:

S. 1143. A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. NELSON of Florida. Mr. President, today I am introducing a bill designating the Jupiter Inlet Lighthouse and the 126 surrounding acres in Jupiter, Florida, as an "Outstanding Natural Area." The Jupiter Lighthouse is a local and regional icon, full of rich history and home to many endangered plant and animal species. Designating the lighthouse as an "Outstanding Natural Area" will preserve the rich cultural heritage and important ecological value of the site. This designation would give the Jupiter Inlet the distinction of being the sole East Coast representative of the National Landscape Conservation System—the eastern counterpart to the Yaquina Head Lighthouse in Oregon.

This bill is the product of the hard work and cooperation of many people in Florida, including the Town of Jupiter Island, the Town of Jupiter, the Board of County Commissioners of Palm Beach County, the Loxahatchee River Historical Society, and numerous others. I am also pleased that Representative TIM MAHONEY is introducing similar legislation in the House of Representatives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) the area surrounding the Jupiter Inlet Lighthouse in the State of Florida—

(A) is at the confluence of the Loxahatchee River and the Indian River Lagoon; and

(B) supports significant ecological values, including—

(i) endangered species of flora and fauna; and

(ii) imperiled natural communities rapidly vanishing in south Florida;

(2) the area surrounding the Lighthouse was first used by Native Americans over 4,000 years ago;

(3) Europeans made contact with the area surrounding the Lighthouse in the 17th century;

(4) the Lighthouse and the associated Oil House, which was constructed in 1860, are nationally recognized historical structures that should be preserved for present and future generations of people in the United States;

(5) the Lighthouse tells an important story about—

(A) the maritime history of southeast Florida;

(B) the prehistory and history of southeast Florida; and

(C) the role of southeast Florida in the Civil War, World War II, and the creation of the National Weather Service;

(6) the Lighthouse is listed on the National Register of Historic Places;

(7) the Lighthouse has been, and continues to be, a physical manifestation of the commitment of the Federal Government to maritime safety and security;

(8) the current operations and activities of the Coast Guard at Jupiter Inlet perpetuate the commitment described in paragraph (7);

(9) the Jupiter Inlet Lighthouse Outstanding Natural Area—

(A) would make a significant addition to the National Landscape Conservation System administered by the Bureau of Land Management; and

(B) would be the only unit of the National Landscape Conservation System located east of the Mississippi River;

(10) statutory protection is needed for the Lighthouse and the Federal land surrounding the Lighthouse to ensure that the natural and cultural resources continue to be—

(A) a part of the historic, cultural, and natural heritage of the United States; and

(B) a source of inspiration for the people of the United States;

(11) the actions of the Federal Government to protect and conserve the land and historic structures associated with the Outstanding Natural Area should not be construed, interpreted, or allowed to diminish or control ongoing or future Coast Guard operations or activities; and

(12) the Lighthouse and the Federal land surrounding the Lighthouse represent a true partnership of the highest order in which collaboration is, and would continue to be, an everyday reality leading to successful management and land stewardship by the Bureau of Land Management, Palm Beach County, Florida, the Town of Jupiter, Florida, the Village of Tequesta, Florida, the Loxahatchee River Historical Society, and the Coast Guard (collectively known as the "Jupiter Working Group") and other partners.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMANDANT.—The term "Commandant" means the Commandant of the Coast Guard.

(2) LIGHTHOUSE.—The term "Lighthouse" means the Jupiter Inlet Lighthouse located in Palm Beach County, Florida.

(3) LOCAL PARTNERS.—The term "Local Partners" includes—

(A) Palm Beach County, Florida;

(B) the Town of Jupiter, Florida;

(C) the Village of Tequesta, Florida; and

(D) the Loxahatchee River Historical Society.

(4) MANAGEMENT PLAN.—The term "management plan" means the management plan developed under section 5(a).

(5) MAP.—The term "map" means the map entitled "Jupiter Inlet Lighthouse: Outstanding Natural Area" and dated February 2007.

(6) OUTSTANDING NATURAL AREA.—The term "Outstanding Natural Area" means the Jupiter Inlet Lighthouse Outstanding Natural Area established by section 4(a).

(7) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) STATE.—The term "State" means the State of Florida.

SEC. 4. ESTABLISHMENT OF THE JUPITER INLET LIGHT HOUSE OUTSTANDING NATURAL AREA.

(a) ESTABLISHMENT.—Subject to valid existing rights, there is established for the purposes described in subsection (b) the Jupiter Inlet Lighthouse Outstanding Natural Area, the boundaries of which are depicted on the map.

(b) PURPOSES.—The purposes of the Outstanding Natural Area are to protect, conserve, and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of the Federal land surrounding the Lighthouse for the benefit of present generations and future generations of people in the United States, while—

(1) allowing certain recreational and research activities to continue in the Outstanding Natural Area; and

(2) ensuring that Coast Guard operations and activities are unimpeded within the boundaries of the Outstanding Natural Area.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management; and

(2) the Eastern States Office of the Bureau of Land Management in the State of Virginia.

(d) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, section 7, and any existing withdrawals under the Executive orders and public land order described in paragraph (2), the Federal land and any interests in the Federal land included in the Outstanding Natural Area are withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(2) DESCRIPTION OF EXECUTIVE ORDERS.—The Executive orders and public land order described in paragraph (1) are—

(A) the Executive Order dated October 22, 1854;

(B) Executive Order No. 4254 (June 12, 1925); and

(C) Public Land Order No. 7202 (61 Fed. Reg. 29758).

SEC. 5. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Commandant, shall develop a comprehensive management plan in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to—

(1) provide long-term management guidance for the public land in the Outstanding Natural Area; and

(2) ensure that the Outstanding Natural Area fulfills the purposes for which the Outstanding Natural Area is established.

(b) CONSULTATION; PUBLIC PARTICIPATION.—The management plan shall be developed—

(1) in consultation with appropriate Federal, State, county, and local government agencies, the Commandant, the Local Partners, the Loxahatchee River Historical Society, and other partners; and

(2) in a manner that ensures full public participation.

(c) EXISTING PLANS.—The management plan shall, to the maximum extent practicable, be consistent with existing resource plans, policies, and programs.

(d) INCLUSIONS.—The management plan shall include—

(1) objectives and provisions to ensure—

(A) the protection and conservation of the resource values of the Outstanding Natural Area; and

(B) the restoration of native plant communities and estuaries in the Outstanding Natural Area, with an emphasis on the conservation and enhancement of healthy, functioning ecological systems in perpetuity;

(2) objectives and provisions to maintain or recreate historic structures;

(3) an implementation plan for a program of interpretation and public education about the natural and cultural resources of the Lighthouse, the public land surrounding the Lighthouse, and associated structures;

(4) a proposal for administrative and public facilities to be developed or improved that—

(A) are compatible with achieving the resource objectives for the Outstanding Natural Area described in section 6(a)(1)(B); and

(B) would accommodate visitors to the Outstanding Natural Area;

(5) natural and cultural resource management strategies for the Outstanding Natural Area, to be developed in consultation with appropriate departments of the State, the Local Partners, and the Commandant, with an emphasis on resource conservation in the Outstanding Natural Area and the interpretive, educational, and long-term scientific uses of the resources; and

(6) recreational use strategies for the Outstanding Natural Area, to be prepared in consultation with the Local Partners, appropriate departments of the State, and the Coast Guard, with an emphasis on passive recreation.

(e) INTERIM PLAN.—Until a management plan is adopted for the Outstanding Natural Area, the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) shall be in effect.

SEC. 6. MANAGEMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the Local Partners and the Commandant, shall manage the Outstanding Natural Area—

(A) as part of the National Landscape Conservation System; and

(B) in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of the Outstanding Natural Area, including an emphasis on the restoration of native ecological systems.

(2) LIMITATION.—In managing the Outstanding Natural Area, the Secretary shall not take any action that precludes, prohibits, or otherwise affects the conduct of ongoing or future Coast Guard operations or activities on lots 16 and 18, as depicted on the map.

(b) USES.—Subject to valid existing rights and section 7, the Secretary shall only allow uses of the Outstanding Natural Area that the Secretary, in consultation with the Commandant and Local Partners, determines would likely further—

(1) the purposes for which the Outstanding Natural Area is established;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable laws.

(c) COOPERATIVE AGREEMENTS.—To facilitate implementation of the management plan and to continue the successful partnerships with local communities and other partners, the Secretary shall, in accordance with section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)), enter into cooperative agreements with the appropriate Federal, State, county, other local government agencies, and other partners (including the Loxahatchee River Historical Society) for the long-term management of the Outstanding Natural Area

(d) RESEARCH ACTIVITIES.—To continue successful research partnerships, pursue future research partnerships, and assist in the development and implementation of the management plan, the Secretary may, in accordance with section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)), authorize the conduct of appropriate research activities in the Outstanding Natural Area for the purposes described in section 4(b).

(e) ACQUISITION OF LAND.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire for inclusion in the Outstanding Natural Area any State or private land or any interest in State or private land that is—

(A) adjacent to the Outstanding Natural Area; and

(B) identified in the management plan as appropriate for acquisition.

(2) MEANS OF ACQUISITION.—Land or an interest in land may be acquired under paragraph (1) only by—

(A) donation;

(B) exchange with a willing party; or

(C) purchase from a willing seller.

(3) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any land or interest in land adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act under paragraph (1) shall be added to, and administered as part of, the Outstanding Natural Area.

(f) LAW ENFORCEMENT ACTIVITIES.—Nothing in this Act, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects—

(1) any maritime security, maritime safety, or environmental protection mission or activity of the Coast Guard;

(2) any border security operation or law enforcement activity by the Department of Homeland Security or the Department of Justice; or

(3) any law enforcement activity of any Federal, State, or local law enforcement agency in the Outstanding Natural Area.

(g) FUTURE DISPOSITION OF COAST GUARD FACILITIES.—If the Commandant determines, after the date of enactment of this Act, that Coast Guard facilities within the Outstanding Natural Area exceed the needs of the Coast Guard, the Commandant may relinquish the facilities to the Secretary without removal, subject only to any environmental remediation that may be required by law.

SEC. 7. EFFECT ON ONGOING AND FUTURE COAST GUARD OPERATIONS.

Nothing in this Act, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects ongoing or future Coast Guard operations or activities in the Outstanding Natural Area, including—

(1) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the Coast Guard High Frequency antenna site on lot 16;

(2) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the military family housing area on lot 18;

(3) the continued and future use of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the pier on lot 18;

(4) the existing lease of the Jupiter Inlet Lighthouse on lot 18 from the Coast Guard to the Loxahatchee River Historical Society; or

(5) any easements or other less-than-fee interests in property appurtenant to existing Coast Guard facilities on lots 16 and 18.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Ms. SNOWE:

S. 1144. A bill to provide for an assessment of the achievements by the Government of Iraq of benchmarks for political settlement and national reconciliation in Iraq; to the Committee on Foreign Relations.

Ms. SNOWE. Mr. President, I rise to speak to the monumental and consequential matter regarding the future course of the United States and our courageous men and women in uniform in Iraq.

Today, we are at a profoundly challenging moment in time, and at a critical crossroads with respect to our direction in this war. I know that none of us arrive at this question lightly. In my 28-year tenure in Congress, I have witnessed and participated in debates on such vital matters as Lebanon, Panama, the Persian Gulf, Somalia, Bosnia, and Kosovo. And indisputably, myriad, deeply-held beliefs and arguments were expressed on those pivotal matters—some in concert, some complementary, some in conflict. Yet, without question, all were rooted in mutual concern for—and love of—our great Nation. And there was—and should not be today—no question about our support for our brave and extraordinary troops.

It is therefore with the utmost respect for our troops that I today introduce a bill which allows them the ability to complete the mission they have selflessly undertaken, while assuring them that their valor shall not be unconditionally expended upon an Iraqi government which fails to respond in kind. This amendment requires that government to actually achieve previously agreed political and security benchmarks while the Baghdad Security Plan—commonly referred to as the "surge"—is in effect, or face the redeployment of those U.S. troops dedicated to that plan.

Specifically, this legislation would require that, 120 days after enactment—a point in time at which our military commanders have stated that they should know whether the surge will succeed—the Commander of Multi-National Forces, Iraq would report to Congress as to whether the Iraqi government has met each of six political and security-related benchmarks which it has already agreed to meet by that time. These six benchmarks are:

Iraqi assumption of control of its military . . .

Enactment of a Militia Law to disarm and demobilize militias and to ensure that such security forces are accountable only to the central government and loyal to the constitution of Iraq . . .

Completion of the constitutional review and a referendum held on special amendments to the Iraqi Constitution that ensure equitable participation in the government of Iraq without regard to religious sect or ethnicity . . .

Completion of provincial election law and preparation for the conduct of provincial elections that ensures equitable constitution of provincial representative bodies without regard to religious sect or ethnicity . . .

Enactment and implementation of legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner; and

Enactment and implementation of legislation that equitably reforms the de-Ba'athification process in Iraq.

The Iraqi Government must know that any opportunity gained from our increased troop levels in Baghdad is a window that we will soon close if it fails to take urgent action and show tangible results in tandem. If, at the end of 120 days, the Commander of Multi-National Forces, Iraq reports the Iraqi Government has not met the benchmarks, then the Commander should plan for the phased redeployment of the troops we provided for the Baghdad Security Plan, period.

That is why, under this amendment, after 120 days, should the Commander report that the Iraqi Government has failed to meet the benchmarks listed, he will then be required to present a plan for the phased redeployment of those combat troops sent to Iraq in support of the Baghdad Security Plan and to provide plans detailing the transition of the mission of the U.S. forces remaining in Iraq to one of logistical support, training, force protection, and targeted counter-terrorism operations—i.e., those functions set forth in the Iraq Study Group Report. As General Petraeus stated in March, "I have an obligation to the young men and women in uniform out here, that if I think it's not going to happen, to tell them that it's not going to happen, and there needs to be a change."

The message must be loud and clear—the Iraqi government must understand in no uncertain terms that our presence is neither open-ended nor unconditional, and I support setting conditions for a phased withdrawal. My concern with the supplemental appropriations bill stems from the fact that it mandates a specific date for troop withdrawal by requiring it to occur within 120 days of passage. This arbitrary timeline would telegraph a precise and immediate departure date to our enemies that I believe would jeopardize the security of our men and women remaining on the ground.

Moreover, this mandated, 120-day timetable does not place the necessary pressure and conditions on the Iraqi government to implement national reconciliation and solidify their own security. Rather, we should require that the Iraqi government complete work within 120 days on the specific, concrete benchmarks they have already agreed to that would lead to national reconciliation. If the Iraqis cannot meet these benchmarks within this 120-day period, our commanders should begin planning for the phased redeployment of the troops we deployed for the Baghdad Security Plan.

My colleagues may recall that I opposed the surge because I did not—and still do not—believe that additional troops are a substitute for political will and capacity. General Petraeus said last month that a political resolution is crucial because that is what will determine in the long run the success of this effort. I could not agree more. The fact is, America and the world require more than Iraq's commitment to accomplishing the benchmarks that will lead to a true national reconciliation—we must see actual results. The Iraqi Government must find the will to ensure that it represents and protects the rights of every Iraqi.

After our four-year commitment, Iraq's Government should not doubt that we must observe more than incremental steps toward political reconciliation we require demonstrable changes. While limited progress has been made on necessary legislative initiatives such as the Hydrocarbon Law, it is in fact a sheaf of laws and not just a single measure that must pass to ensure that all Iraqis have a share and stake in their government. Chief among these are constitutional amendments which will permit Iraqis of all ethnicities and confessions to be represented at the local level of government. Yet, so far, the review committee has yet to even finish drafts of these critical amendments.

I believe we were all encouraged by the recent Ambassadorial meetings in Baghdad and the follow-on ministerial conference called at the Iraqi government's request. These talks are vital to securing Iraq's border, reversing the flow of refugees, and stemming the foreign interference which exacerbates sectarian divisions. But we also look for the Iraqi government's leadership in dismantling the militias and strengthening the National Army so that it is truly a national institution that can provide the security so desperately desired by all Iraqis in every province.

We are now three months into the surge, and our troops have made gains in reducing the still horrific levels of violence on Baghdad through their heroic efforts. Yet it is deeply concerning to me that—mirroring the slowness with which the Iraqi government has moved on political reforms—their sacrifice remains by and largely unmatched by their Iraqi counterparts.

Two weeks ago, Leon Panetta, a member of the Iraq Study Group, wrote the following in a New York Times Op-Ed, ". . . every military commander we talked to felt that the absence of national reconciliation was the fundamental cause of violence in Iraq. As one American general told us, 'if the Iraqi government does not make political progress on reforms, all the troops in the world will not provide security.' " He went on to enumerate the progress or, more to the point, the lack of progress toward the agreed upon benchmarks and concluded that 'unless the United States finds new ways to bring strong pressure on the Iraqis, things are not likely to pick up any time soon.'"

In fact, over the past few months, many have come to the realization that political action by the Iraqi government is a paramount precursor to national reconciliation and stability and, without it, the Baghdad Security Plan is only a temporary, tactical fix for one specific location. And while we are hearing about incremental successes, I agree with Thomas Friedman who said recently in an interview, "there's only one metric for the surge working, and that is whether we're seeing a negotiation among Iraqis to share power, to stabilize the political situation in Iraq, which only they can do . . . telling me that the violence is down 10 percent or 8 percent here or 12 percent there, I don't really think that's the metric at all."

To this day, the public looks to the United States Senate to temper the passions of politics and to bridge divides. And if ever there were a moment when Americans are imploring us to live up to the moniker of "world's greatest deliberative body," that moment is upon us.

If I had a son or daughter or other family member serving in Iraq, I would want at least the assurance that someone was speaking up to tell the Iraqi government—and frankly our government as well—that my family's sacrifice must be matched by action and sacrifice on the part of the Iraqi government. I would want to know that the most profound of all issues was fully debated by those who are elected to provide leadership. For those of us who seek success in Iraq, and believe that a strategy predicated on political and diplomatic solutions—not merely increased troop levels—presents the strongest opportunity to reach that goal, let us coalesce around this bill, which will allow us to speak as one voice strong . . . together . . . and united in service to a purpose we believe to be right.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. SCHUMER, Mr. CORNYN, and Mr. WHITEHOUSE):

S. 1145. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, our patent system is grounded in the Constitution. Among the specifically enumerated powers of Congress in Article I, Section 8, stands the command to "promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective discoveries." Those discoveries have, since the founding of our Nation, made us the envy of the world. Our inventors, our research institutions, and the many companies that commercialize those discoveries have brought a wealth of new products and processes to our society; we have all been the beneficiaries of that creativity and hard work.

Vermont has long played an important role in bringing such inventions to the public, combining 'Yankee ingenuity' with lots of sweat equity. In fact, the very first U.S. patent was granted to Samuel Hopkins, a farmer in Pittsford, VT, who discovered a process for making potash. That ethic continues to the present day; just last year, inventors in IBM's Essex Junction plant received 360 patents 10 percent of IBM's total U.S. patents.

Vermont is special, of course, but not unique in this regard. American inventors are in every community, every company and school. They are individuals tinkering on the weekends in their garages. They are teams of PhDs in our largest corporations. They are scientists training students in laboratories at our colleges and universities. Our patent laws should support and reward all American innovators—independent inventors, small businesses, venture capitalists, academic researchers, and large corporations. To do so, we must update our patent laws. Crafted for an earlier time, when smokestacks rather than microchips were the emblems of industry, those laws have served well but need some refinements.

Senator HATCH and I introduced an earlier version of this bill, S. 3818, last August. At that time, I said we had taken the first step down a road to real, constructive patent reform, which could reduce the unnecessary burdens of litigation in the patent system and enhance the quality of patents granted by the Patent and Trademark Office. Senator HATCH wisely noted that we would have to have continuing conversations about issues that remained unresolved. We have spent the time since then hearing from all manner of interested parties, and indeed we have learned as much since we introduced S. 3818 as we had in the two years prior to its introduction.

In this Congress, the partnership is not only bipartisan but bicameral. We have reached not only across the aisle but across the Hill to work out a bill that joins the Senate and the House, Democrats and Republicans, so that today we are introducing a Leahy-Hatch bill in the Senate that mirrors a Berman-Smith bill in the House. The message is both strong and clear: We have a unified and resolute approach to improving the nation's patent system. We will all have time to focus on the bill's many provisions in the weeks to come, but I would highlight three significant changes we have made since last summer, aided by the many stakeholders in this process.

First, the Patent Reform Act of 2007 now includes a pure "first-to-file" system, which will inject needed clarity and certainty into the system. The United States stands alone among nations that grant patents in giving priority for a patent to the first inventor, as opposed to the first to file a patent application for a claimed invention. The result is a lack of international consistency, and a complex and costly system in the United States to determine inventors' rights. At the same time, our legislation provides important protections for inventors at universities, by permitting them to discuss publicly their work without losing priority for their inventions.

Second, poor patent quality has been identified as a key element of the law that needs attention. After a patent is issued, a party seeking to challenge the validity and enforceability of the patent has two avenues under current law: by reexamination proceeding at the USPTO or by litigation in federal district court. The former is used sparingly and some see it as ineffective; the latter, district court litigation, can be unwieldy and expensive. S. 3818 had created a new, post-grant review to provide an effective and efficient system for considering challenges to the validity of patents. The Patent Reform Act of 2007 has improved that system, and in particular, we have addressed concerns about misuse of the procedure. Post-grant review will include protections to avoid the possibility of misuse of the post-grant process. The Director is instructed to prescribe rules to prevent harassment or abuse, successive petitions are prohibited, and petitioners are barred from raising the same arguments in court.

Third, we are keenly aware that a sound patent system needs fair and equitable remedies. As products have become more complex, often involving hundreds or even thousands of patented aspects, litigation has not reliably produced damages awards in infringement cases that correspond to the value of the infringed patent. Our bill last summer was our first effort to ensure that damages awards accurately reflected the harm caused by infringement. Subsequent conversations with many affected parties have led us to language that, we believe, better serves that purpose and avoids potential pitfalls.

The Patent Reform Act of 2007 is also significant for what is not included. S. 3818 would have made three considerable changes to the patent laws that, upon further consideration and after listening to the affected parties, we have decided not to make in this year's legislation. First is the requirement that patent applicants not intentionally misrepresent a material fact or fail to disclose material information to the PTO. Candor and truthfulness are the backbone of the patent application system, and are protected by the inequitable conduct doctrine. S. 3818 would have weakened that doctrine, but it is preserved this year. Second, we maintain the traditional rule on attorneys' fees, instead of shifting fees and other expenses to the non-prevailing party as was proposed in S. 3818. Finally, we do not inject Congress into the ongoing litigation over the extra-territorial provision, section 271(f). S. 3818 would have repealed the provision in its entirety; the Patent Reform Act of 2007 does not, while the interpretation of the provision is currently pending before the Supreme Court. If the Court does not resolve that issue, we will revisit it in the legislative process.

If we are to maintain our position at the forefront of the world's economy, if we are to continue to lead the globe in innovation and production, if we are to continue to enjoy the fruits of the most creative citizens, then we must have a patent system that produces high quality patents, that limits counterproductive litigation over those patents, and that makes the entire system more streamlined and efficient. This bill is an important step towards that goal. I look forward to immediate and intense debate that will inform both the Members of Congress and the public about these improvements, that will allow us to further refine our legislation, and that will lead us to consideration on the Senate floor.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Patent Reform Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to title 35, United States Code.
Sec. 3. Right of the first inventor to file.
Sec. 4. Inventor's oath or declaration.
Sec. 5. Right of the inventor to obtain damages.
Sec. 6. Post-grant procedures and other quality enhancements.
Sec. 7. Definitions; patent trial and appeal board.
Sec. 8. Study and report on reexamination proceedings.
Sec. 9. Submissions by third parties and other quality enhancements.
Sec. 10. Venue and jurisdiction.
Sec. 11. Regulatory authority.
Sec. 12. Technical amendments.
Sec. 13. Effective date; rule of construction.

SEC. 2. REFERENCE TO TITLE 35, UNITED STATES CODE.

Whenever in this Act a section or other provision is amended or repealed, that amendment or repeal shall be considered to be made to that section or other provision of title 35, United States Code.

SEC. 3. RIGHT OF THE FIRST INVENTOR TO FILE.

(a) DEFINITIONS.—Section 100 is amended by adding at the end the following:

"(f) The term 'inventor' means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.

"(g) The terms 'joint inventor' and 'coinventor' mean any 1 of the individuals who invented or discovered the subject matter of a joint invention.

"(h) The 'effective filing date of a claimed invention' is—

"(1) the filing date of the patent or the application for patent containing the claim to the invention; or

"(2) if the patent or application for patent is entitled to a right of priority of any other application under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c), the filing date of the earliest such application in which the claimed invention is disclosed in the manner provided by the first paragraph of section 112.

"(i) The term 'claimed invention' means the subject matter defined by a claim in a patent or an application for a patent.

"(j) The term 'joint invention' means an invention resulting from the collaboration of inventive endeavors of 2 or more persons working toward the same end and producing an invention by their collective efforts.".

(b) CONDITIONS FOR PATENTABILITY.—

(1) IN GENERAL.—Section 102 is amended to read as follows:

"§ 102. Conditions for patentability; novelty

"(a) NOVELTY; PRIOR ART.—A patent for a claimed invention may not be obtained if—

"(1) the claimed invention was patented, described in a printed publication, or in public use or on sale—

"(A) more than one year before the effective filing date of the claimed invention; or

"(B) one year or less before the effective filing date of the claimed invention, other than through disclosures made by the inventor or a joint inventor or by others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

"(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

"(b) EXCEPTIONS.—

"(1) PRIOR INVENTOR DISCLOSURE EXCEPTION.—Subject matter that would otherwise qualify as prior art under subparagraph (B) of subsection (a)(1) shall not be prior art to a claimed invention under that subparagraph if the subject matter had, before the applicable date under such subparagraph (B), been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed directly or indirectly from the inventor, joint inventor, or applicant.

"(2) DERIVATION AND COMMON ASSIGNMENT EXCEPTIONS.—Subject matter that would otherwise qualify as prior art only under subsection (a)(2), after taking into account the exception under paragraph (1), shall not be prior art to a claimed invention if—

"(A) the subject matter was obtained directly or indirectly from the inventor or a joint inventor; or

"(B) the subject matter and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

"(3) JOINT RESEARCH AGREEMENT EXCEPTION.—

"(A) IN GENERAL.—Subject matter and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of paragraph (2) if—

"(i) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

"(ii) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

"(iii) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

"(B) For purposes of subparagraph (A), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by two or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

"(4) PATENTS AND PUBLISHED APPLICATIONS EFFECTIVELY FILED.—A patent or application for patent is effectively filed under subsection (a)(2) with respect to any subject matter described in the patent or application—

"(A) as of the filing date of the patent or the application for patent; or

"(B) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b) or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon one or more prior filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.".

(2) CONFORMING AMENDMENT.—The item relating to section 102 in the table of sections for chapter 10 is amended to read as follows:

"102. Conditions for patentability; novelty.".

(c) CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.—Section 103 is amended to read as follows:

"§ 103. Conditions for patentability; nonobvious subject matter

"A patent for a claimed invention may not be obtained though the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.''.

(d) REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.—Section 104, and the item relating to that section in the table of sections for chapter 10, are repealed.

(e) REPEAL OF STATUTORY INVENTION REGISTRATION.—

(1) IN GENERAL.—Section 157, and the item relating to that section in the table of sections for chapter 14, are repealed.

(2) REMOVAL OF CROSS REFERENCES.—Section 111(b)(8) is amended by striking ''sections 115, 131, 135, and 157'' and inserting ''sections 131 and 135''.

(f) EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.—Section 120 is amended by striking ''which is filed by an inventor or inventors named'' and inserting ''which names an inventor or joint inventor''.

(g) CONFORMING AMENDMENTS.—

(1) RIGHT OF PRIORITY.—Section 172 is amended by striking ''and the time specified in section 102(d)''.

(2) LIMITATION ON REMEDIES.—Section 287(c)(4) is amended by striking ''the earliest effective filing date of which is prior to'' and inserting ''which has an effective filing date before''.

(3) INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.—Section 363 is amended by striking ''except as otherwise provided in section 102(e) of this title''.

(4) PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.—Section 374 is amended by striking ''sections 102(e) and 154(d)'' and inserting ''section 154(d)''.

(5) PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.—The second sentence of section 375(a) is amended by striking ''Subject to section 102(e) of this title, such'' and inserting ''Such''.

(6) LIMIT ON RIGHT OF PRIORITY.—Section 119(a) is amended by striking ''; but no patent shall be granted'' and all that follows through ''one year prior to such filing''.

(7) INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Section 202(c) is amended—

(A) in paragraph (2)—

(i) by striking ''publication, on sale, or public use,'' and all that follows through ''obtained in the United States'' and inserting ''the 1-year period referred to in section 102(a) would end before the end of that 2-year period''; and

(ii) by striking ''the statutory'' and inserting ''that 1-year''; and

(B) in paragraph (3), by striking ''any statutory bar date that may occur under this title due to publication, on sale, or public use'' and inserting ''the expiration of the 1-year period referred to in section 102(a)''.

(h) REPEAL OF INTERFERING PATENT REMEDIES.—Section 291, and the item relating to that section in the table of sections for chapter 29, are repealed.

(i) ACTION FOR CLAIM TO PATENT ON DERIVED INVENTION.—Section 135(a) is amended to read as follows:

''(a) DISPUTE OVER RIGHT TO PATENT.—

''(1) INSTITUTION OF DERIVATION PROCEEDING.—An applicant may request initiation of a derivation proceeding to determine the right of the applicant to a patent by filing a request which sets forth with particularity the basis for finding that an earlier applicant derived the claimed invention from the applicant requesting the proceeding and, without authorization, filed an application claiming such invention. Any such request may only be made within 12 months after the date of first publication of an application containing a claim that is the same or is substantially the same as the claimed invention, must be made under oath, and must be supported by substantial evidence. Whenever the Director determines that patents or applications for patent naming different individuals as the inventor interfere with one another because of a dispute over the right to patent under section 101, the Director shall institute a derivation proceeding for the purpose of determining which applicant is entitled to a patent.

''(2) REQUIREMENTS.—A proceeding under this subsection may not be commenced unless the party requesting the proceeding has filed an application that was filed not later than 18 months after the effective filing date of the application or patent deemed to interfere with the subsequent application or patent.

''(3) DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.—In any proceeding under this subsection, the Patent Trial and Appeal Board—

''(A) shall determine the question of the right to patent;

''(B) in appropriate circumstances, may correct the naming of the inventor in any application or patent at issue; and

''(C) shall issue a final decision on the right to patent.

''(4) DERIVATION PROCEEDING.—The Board may defer action on a request to initiate a derivation proceeding until 3 months after the date on which the Director issues a patent to the applicant that filed the earlier application.

''(5) EFFECT OF FINAL DECISION.—The final decision of the Patent Trial and Appeal Board, if adverse to the claim of an applicant, shall constitute the final refusal by the Patent and Trademark Office on the claims involved. The Director may issue a patent to an applicant who is determined by the Patent Trial and Appeal Board to have the right to patent. The final decision of the Board, if adverse to a patentee, shall, if no appeal or other review of the decision has been or can be taken or had, constitute cancellation of the claims involved in the patent, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation by the Patent and Trademark Office.''.

(j) ELIMINATION OF REFERENCES TO INTERFERENCES.—(1) Sections 6, 41, 134, 141, 145, 146, 154, 305, and 314 are each amended by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

(2) Sections 141, 146, and 154 are each amended—

(A) by striking ''an interference'' each place it appears and inserting ''a derivation proceeding''; and

(B) by striking ''interference'' each additional place it appears and inserting ''derivation proceeding''.

(3) The section heading for section 134 is amended to read as follows:

''§ 134. Appeal to the Patent Trial and Appeal Board''.

(4) The section heading for section 135 is amended to read as follows:

''§ 135. Derivation proceedings''.

(5) The section heading for section 146 is amended to read as follows:

''§ 146. Civil action in case of derivation proceeding''.

(6) Section 154(b)(1)(C) is amended by striking ''INTERFERENCES'' and inserting ''DERIVATION PROCEEDINGS''.

(7) The item relating to section 6 in the table of sections for chapter 1 is amended to read as follows:

''6. Patent Trial and Appeal Board.''.

(8) The items relating to sections 134 and 135 in the table of sections for chapter 12 are amended to read as follows:

''134. Appeal to the Patent Trial and Appeal Board.
''135. Derivation proceedings.''.

(9) The item relating to section 146 in the table of sections for chapter 13 is amended to read as follows:

''146. Civil action in case of derivation proceeding.''.

(10) CERTAIN APPEALS.—Subsection 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

''(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to patent applications, derivation proceedings, and post-grant review proceedings, at the instance of an applicant for a patent or any party to a patent interference (commenced before the effective date of the Patent Reform Act of 2007), derivation proceeding, or post-grant review proceeding, and any such appeal shall waive any right of such applicant or party to proceed under section 145 or 146 of title 35;''.

SEC. 4. INVENTOR'S OATH OR DECLARATION.

(a) INVENTOR'S OATH OR DECLARATION.—

(1) IN GENERAL.—Section 115 is amended to read as follows:

''§ 115. Inventor's oath or declaration

''(a) NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.—An application for patent that is filed under section 111(a), that commences the national stage under section 363, or that is filed by an inventor for an invention for which an application has previously been filed under this title by that inventor shall include, or be amended to include, the name of the inventor of any claimed invention in the application. Except as otherwise provided in this section, an individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

''(b) REQUIRED STATEMENTS.—An oath or declaration under subsection (a) shall contain statements that—

''(1) the application was made or was authorized to be made by the affiant or declarant; and

''(2) such individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

''(c) ADDITIONAL REQUIREMENTS.—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

''(d) SUBSTITUTE STATEMENT.—

''(1) IN GENERAL.—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

''(2) PERMITTED CIRCUMSTANCES.—A substitute statement under paragraph (1) is permitted with respect to any individual who—

''(A) is unable to file the oath or declaration under subsection (a) because the individual—

''(i) is deceased;

''(ii) is under legal incapacity; or

''(iii) cannot be found or reached after diligent effort; or

"(B) is under an obligation to assign the invention but has refused to make the oath or declaration required under subsection (a).

"(3) CONTENTS.—A substitute statement under this subsection shall—

"(A) identify the individual with respect to whom the statement applies;

"(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

"(C) contain any additional information, including any showing, required by the Director.

"(e) MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

"(f) TIME FOR FILING.—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

"(g) EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and that claims the benefit under section 120 or 365(c) of the filing of an earlier-filed application, if—

"(1) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

"(2) a substitute statement meeting the requirements of subsection (d) was filed in the earlier filed application with respect to the individual; or

"(3) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

"(h) SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.—

"(1) IN GENERAL.—Any person making a statement required under this section may withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, the Director shall establish regulations under which such additional statements may be filed.

"(2) SUPPLEMENTAL STATEMENTS NOT REQUIRED.—If an individual has executed an oath or declaration under subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

"(3) SAVINGS CLAUSE.—No patent shall be invalid or unenforceable based upon the failure to comply with a requirement under this section if the failure is remedied as provided under paragraph (1).".

(2) RELATIONSHIP TO DIVISIONAL APPLICATIONS.—Section 121 is amended by striking "If a divisional application" and all that follows through "inventor.".

(3) REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.—Section 111(a) is amended—

(A) in paragraph (2)(C), by striking "by the applicant" and inserting "or declaration";

(B) in the heading for paragraph (3), by striking "AND OATH"; and

(C) by striking "and oath" each place it appears.

(4) CONFORMING AMENDMENT.—The item relating to section 115 in the table of sections for chapter 10 is amended to read as follows:

"115. Inventor's oath or declaration.".

(b) FILING BY OTHER THAN INVENTOR.—Section 118 is amended to read as follows:

"§ 118. Filing by other than inventor

"A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient.".

(c) SPECIFICATION.—Section 112 is amended—

(1) in the first paragraph—

(A) by striking "The specification" and inserting "(a) IN GENERAL.—The specification";

(B) by striking "of carrying out his invention" and inserting "or joint inventor of carrying out the invention"; and

(2) in the second paragraph—

(A) by striking "The specifications" and inserting "(b) CONCLUSION.—The specifications"; and

(B) by striking "applicant regards as his invention" and inserting "inventor or a joint inventor regards as the invention";

(3) in the third paragraph, by striking "A claim" and inserting "(c) FORM.—A claim";

(4) in the fourth paragraph, by striking "Subject to the following paragraph," and inserting "(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e),";

(5) in the fifth paragraph, by striking "A claim" and inserting "(e) REFERENCE IN MULTIPLE DEPENDENT FORM.—A claim"; and

(6) in the last paragraph, by striking "An element" and inserting "(f) ELEMENT IN CLAIM FOR A COMBINATION.—An element".

SEC. 5. RIGHT OF THE INVENTOR TO OBTAIN DAMAGES.

(a) DAMAGES.—Section 284 is amended—

(1) in the first paragraph—

(A) by striking "Upon" and inserting "(a) AWARD OF DAMAGES.—

"(1) IN GENERAL.—Upon";

(B) by aligning the remaining text accordingly; and

(C) by adding at the end the following:

"(2) RELATIONSHIP OF DAMAGES TO CONTRIBUTIONS OVER PRIOR ART.—The court shall conduct an analysis to ensure that a reasonable royalty under paragraph (1) is applied only to that economic value properly attributable to the patent's specific contribution over the prior art. In a reasonable royalty analysis, the court shall identify all factors relevant to the determination of a reasonable royalty under this subsection, and the court or the jury, as the case may be, shall consider only those factors in making the determination. The court shall exclude from the analysis the economic value properly attributable to the prior art, and other features or improvements, whether or not themselves patented, that contribute economic value to the infringing product or process.

"(3) ENTIRE MARKET VALUE.—Unless the claimant shows that the patent's specific contribution over the prior art is the predominant basis for market demand for an infringing product or process, damages may not be based upon the entire market value of that infringing product or process.

"(4) OTHER FACTORS.—In determining damages, the court may also consider, or direct the jury to consider, the terms of any nonexclusive marketplace licensing of the invention, where appropriate, as well as any other relevant factors under applicable law.";

(2) by amending the second undesignated paragraph to read as follows:

"(b) WILLFUL INFRINGEMENT .—

"(1) INCREASED DAMAGES.—A court that has determined that the infringer has willfully infringed a patent or patents may increase the damages up to three times the amount of damages found or assessed under subsection (a), except that increased damages under this paragraph shall not apply to provisional rights under section 154(d).

"(2) PERMITTED GROUNDS FOR WILLFULNESS.—A court may find that an infringer has willfully infringed a patent only if the patent owner presents clear and convincing evidence that—

"(A) after receiving written notice from the patentee—

"(i) alleging acts of infringement in a manner sufficient to give the infringer an objectively reasonable apprehension of suit on such patent, and

"(ii) identifying with particularity each claim of the patent, each product or process that the patent owner alleges infringes the patent, and the relationship of such product or process to such claim,

the infringer, after a reasonable opportunity to investigate, thereafter performed one or more of the alleged acts of infringement;

"(B) the infringer intentionally copied the patented invention with knowledge that it was patented; or

"(C) after having been found by a court to have infringed that patent, the infringer engaged in conduct that was not colorably different from the conduct previously found to have infringed the patent, and which resulted in a separate finding of infringement of the same patent.

"(3) LIMITATIONS ON WILLFULNESS.—(A) A court may not find that an infringer has willfully infringed a patent under paragraph (2) for any period of time during which the infringer had an informed good faith belief that the patent was invalid or unenforceable, or would not be infringed by the conduct later shown to constitute infringement of the patent.

"(B) An informed good faith belief within the meaning of subparagraph (A) may be established by—

"(i) reasonable reliance on advice of counsel;

"(ii) evidence that the infringer sought to modify its conduct to avoid infringement once it had discovered the patent; or

"(iii) other evidence a court may find sufficient to establish such good faith belief.

"(C) The decision of the infringer not to present evidence of advice of counsel is not relevant to a determination of willful infringement under paragraph (2).

"(4) LIMITATION ON PLEADING.—Before the date on which a court determines that the patent in suit is not invalid, is enforceable, and has been infringed by the infringer, a patentee may not plead and a court may not determine that an infringer has willfully infringed a patent. The court's determination of an infringer's willfulness shall be made without a jury.”; and

(3) in the third undesignated paragraph, by striking “The court” and inserting “(c) EXPERT TESTIMONY.—The court”.

(b) DEFENSE TO INFRINGEMENT BASED ON EARLIER INVENTOR.—Section 273 of title 35, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “of a method”; and

(ii) by striking “review period;” and inserting “review period; and”;

(B) in paragraph (2)(B), by striking the semicolon at the end and inserting a period; and

(C) by striking paragraphs (3) and (4);

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “for a method”; and

(ii) by striking “at least 1 year before the effective filing date of such patent, and” and all that follows through the period and inserting “and commercially used, or made substantial preparations for commercial use of, the subject matter before the effective filing date of the claimed invention.”;

(B) in paragraph (2)—

(i) by striking “The sale or other disposition of a useful end result produced by a patented method” and inserting “The sale or other disposition of subject matter that qualifies for the defense set forth in this section”; and

(ii) by striking “a defense under this section with respect to that useful end result” and inserting “such defense”; and

(C) in paragraph (3)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(3) in paragraph (7), by striking “of the patent” and inserting “of the claimed invention”; and

(4) by amending the heading to read as follows:

“§ 273. Special defenses to and exemptions from infringement”.

(c) TABLE OF SECTIONS.—The item relating to section 273 in the table of sections for chapter 28 is amended to read as follows:

“273. Special defenses to and exemptions from infringement.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any civil action commenced on or after the date of enactment of this Act.

SEC. 6. POST-GRANT PROCEDURES AND OTHER QUALITY ENHANCEMENTS.

(a) REEXAMINATION.—Section 303(a) is amended to read as follows:

“(a) Within 3 months after the owner of a patent files a request for reexamination under section 302, the Director shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On the Director's own initiative, and at any time, the Director may determine whether a substantial new question of patentability is raised by patents and publications discovered by the Director, is cited under section 301, or is cited by any person other than the owner of the patent under section 302 or section 311. The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.”.

(b) REEXAMINATION.—Section 315(c) is amended by striking “or could have raised”.

(c) REEXAMINATION PROHIBITED AFTER DISTRICT COURT DECISION.—Section 317(b) is amended—

(1) in the subsection heading, by striking “FINAL DECISION” and inserting “DISTRICT COURT DECISION”; and

(2) by striking “Once a final decision has been entered” and inserting “Once the judgment of the district court has been entered”.

(d) EFFECTIVE DATES.—Notwithstanding any other provision of law, sections 311 through 318 of title 35, United States Code, as amended by this Act, shall apply to any patent that issues before, on, or after the date of enactment of this Act from an original application filed on any date.

(e) POST-GRANT OPPOSITION PROCEDURES.—

(1) IN GENERAL.—Part III is amended by adding at the end the following new chapter:

“CHAPTER 32—POST-GRANT REVIEW PROCEDURES

“Sec.
“321. Petition for post-grant review.
“322. Timing and bases of petition.
“323. Requirements of petition.
“324. Prohibited filings.
“325. Submission of additional information; showing of sufficient grounds.
“326. Conduct of post-grant review proceedings.
“327. Patent owner response.
“328. Proof and evidentiary standards.
“329. Amendment of the patent.
“330. Decision of the Board.
“331. Effect of decision.
“332. Relationship to other pending proceedings.
“333. Effect of decisions rendered in civil action on future post-grant review proceedings.
“334. Effect of final decision on future proceedings.
“335. Appeal.

“§ 321. Petition for post-grant review

“Subject to sections 322, 324, 332, and 333, a person who is not the patent owner may file with the Office a petition for cancellation seeking to institute a post-grant review proceeding to cancel as unpatentable any claim of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim). The Director shall establish, by regulation, fees to be paid by the person requesting the proceeding, in such amounts as the Director determines to be reasonable.

“§ 322. Timing and bases of petition

“A post-grant proceeding may be instituted under this chapter pursuant to a cancellation petition filed under section 321 only if—

“(1) the petition is filed not later than 12 months after the grant of the patent or issuance of a reissue patent, as the case may be;

“(2)(A) the petitioner establishes a substantial reason to believe that the continued existence of the challenged claim in the petition causes or is likely to cause the petitioner significant economic harm; or

“(B) the petitioner has received notice from the patent holder alleging infringement by the petitioner of the patent; or

“(3) the patent owner consents in writing to the proceeding.

“§ 323. Requirements of petition

“A cancellation petition filed under section 321 may be considered only if—

“(1) the petition is accompanied by payment of the fee established by the Director under section 321;

“(2) the petition identifies the cancellation petitioner; and

“(3) the petition sets forth in writing the basis for the cancellation, identifying each claim challenged and providing such information as the Director may require by regulation, and includes copies of patents and printed publications that the cancellation petitioner relies upon in support of the petition; and

“(4) the petitioner provides copies of those documents to the patent owner or, if applicable, the designated representative of the patent owner.

“§ 324. Prohibited filings

“A post-grant review proceeding may not be instituted under paragraph (1), (2), or (3) of section 322 if the petition for cancellation requesting the proceeding identifies the same cancellation petitioner and the same patent as a previous petition for cancellation filed under the same paragraph of section 322.

“§ 325. Submission of additional information; showing of sufficient grounds

“The cancellation petitioner shall file such additional information with respect to the petition as the Director may require. The Director may not authorize a post-grant review proceeding to commence unless the Director determines that the information presented provides sufficient grounds to proceed.

“§ 326. Conduct of post-grant review proceedings

“(a) IN GENERAL.—The Director shall—

“(1) prescribe regulations, in accordance with section 2(b)(2), establishing and governing post-grant review proceedings under this chapter and their relationship to other proceedings under this title;

“(2) prescribe regulations setting forth the standards for showings of substantial reason to believe and significant economic harm under section 322(2) and sufficient grounds under section 325;

“(3) prescribe regulations establishing procedures for the submission of supplemental information after the petition for cancellation is filed; and

“(4) prescribe regulations setting forth procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding, and the procedures for obtaining such evidence shall be consistent with the purpose and nature of the proceeding.

“(b) POST-GRANT REGULATIONS.—Regulations under subsection (a)(1)—

“(1) shall require that the final determination in a post-grant proceeding issue not later than one year after the date on which the post-grant review proceeding is instituted under this chapter, except that, for good cause shown, the Director may extend the 1-year period by not more than six months;

“(2) shall provide for discovery upon order of the Director;

“(3) shall prescribe sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or unnecessary increase in the cost of the proceeding;

“(4) may provide for protective orders governing the exchange and submission of confidential information; and

“(5) shall ensure that any information submitted by the patent owner in support of any amendment entered under section 328 is made available to the public as part of the prosecution history of the patent.

“(c) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect on the economy, the integrity of the patent system, and the efficient administration of the Office.

"(d) CONDUCT OF PROCEEDING.—The Patent Trial and Appeal Board shall, in accordance with section 6(b), conduct each post-grant review proceeding authorized by the Director.

"§ 327. Patent owner response

"After a post-grant proceeding under this chapter has been instituted with respect to a patent, the patent owner shall have the right to file, within a time period set by the Director, a response to the cancellation petition. The patent owner shall file with the response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response.

"§ 328. Proof and evidentiary standards

"(a) IN GENERAL.—The presumption of validity set forth in section 282 shall not apply in a challenge to any patent claim under this chapter.

"(b) BURDEN OF PROOF.—The party advancing a proposition under this chapter shall have the burden of proving that proposition by a preponderance of the evidence.

"§ 329. Amendment of the patent

"(a) IN GENERAL.—In response to a challenge in a petition for cancellation, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

"(1) Cancel any challenged patent claim.

"(2) For each challenged claim, propose a substitute claim.

"(3) Amend the patent drawings or otherwise amend the patent other than the claims.

"(b) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted only for good cause shown.

"(c) SCOPE OF CLAIMS.—An amendment under this section may not enlarge the scope of the claims of the patent or introduce new matter.

"§ 330. Decision of the Board

"If the post-grant review proceeding is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged and any new claim added under section 329.

"§ 331. Effect of decision

"(a) IN GENERAL.—If the Patent Trial and Appeal Board issues a final decision under section 330 and the time for appeal has expired or any appeal proceeding has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable and incorporating in the patent by operation of the certificate any new claim determined to be patentable.

"(b) NEW CLAIMS.—Any new claim held to be patentable and incorporated into a patent in a post-grant review proceeding shall have the same effect as that specified in section 252 for reissued patents on the right of any person who made, purchased, offered to sell, or used within the United States, or imported into the United States, anything patented by such new claim, or who made substantial preparations therefore, prior to issuance of a certificate under subsection (a) of this section.

"§ 332. Relationship to other pending proceedings

"Notwithstanding subsection 135(a), sections 251 and 252, and chapter 30, the Director may determine the manner in which any reexamination proceeding, reissue proceeding, interference proceeding (commenced before the effective date of the Patent Reform Act of 2007), derivation proceeding, or post-grant review proceeding, that is pending during a post-grant review proceeding, may proceed, including providing for stay, transfer, consolidation, or termination of any such proceeding.

"§ 333. Effect of decisions rendered in civil action on future post-grant review proceedings

"If a final decision has been entered against a party in a civil action arising in whole or in part under section 1338 of title 28 establishing that the party has not sustained its burden of proving the invalidity of any patent claim—

"(1) that party to the civil action and the privies of that party may not thereafter request a post-grant review proceeding on that patent claim on the basis of any grounds, under the provisions of section 311, which that party or the privies of that party raised or had actual knowledge of; and

"(2) the Director may not thereafter maintain a post-grant review proceeding previously requested by that party or the privies of that party on the basis of such grounds.

"§ 334. Effect of final decision on future proceedings

"(a) IN GENERAL.—If a final decision under section 330 is favorable to the patentability of any original or new claim of the patent challenged by the cancellation petitioner, the cancellation petitioner may not thereafter, based on any ground which the cancellation petitioner raised during the post-grant review proceeding—

"(1) request or pursue a reexamination of such claim under chapter 31;

"(2) request or pursue a derivation proceeding with respect to such claim;

"(3) request or pursue a post-grant review proceeding under this chapter with respect to such claim; or

"(4) assert the invalidity of any such claim, in any civil action arising in whole or in part under section 1338 of title 28.

"(b) EXTENSION OF PROHIBITION.—If the final decision is the result of a petition for cancellation filed on the basis of paragraph (2) of section 322, the prohibition under this section shall extend to any ground which the cancellation petitioner raised during the post-grant review proceeding.

"§ 335. Appeal

"A party dissatisfied with the final determination of the Patent Trial and Appeal Board in a post-grant proceeding under this chapter may appeal the determination under sections 141 through 144. Any party to the post-grant proceeding shall have the right to be a party to the appeal.".

(f) CONFORMING AMENDMENT.—The table of chapters for part III is amended by adding at the end the following:

"32. Post-Grant Review Proceedings .. 321".

(g) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this subsection referred to as the "Director") shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (e) of this section

(2) APPLICABILITY.—The amendments made by subsection (e) shall take effect on the date that is 1 year after the date of the enactment of this Act and shall apply to patents issued before, on, or after that date, except that, in the case of a patent issued before that date, a petition for cancellation under section 321 of title 35, United States Code, may be filed only if a circumstance described in paragraph (2), (3), or (4) of section 322 of title 35, United States Code, applies to the petition.

(3) PENDING INTERFERENCES.—The Director shall determine the procedures under which interferences commenced before the effective date under paragraph (2) are to proceed, including whether any such interference is to be dismissed without prejudice to the filing of a cancellation petition for a post-grant opposition proceeding under chapter 32 of title 35, United States Code, or is to proceed as if this Act had not been enacted. The Director shall include such procedures in regulations issued under paragraph (1).

SEC. 7. DEFINITIONS; PATENT TRIAL AND APPEAL BOARD.

(a) DEFINITIONS.—Section 100 (as amended by this Act) is further amended—

(1) in subsection (e), by striking "or inter partes reexamination under section 311";

(2) by adding at the end the following:

"(k) The term 'cancellation petitioner' means the real party in interest requesting cancellation of any claim of a patent under chapter 31 of this title and the privies of the real party in interest.".

(b) PATENT TRIAL AND APPEAL BOARD.—Section 6 is amended to read as follows:

"§ 6. Patent Trial and Appeal Board

"(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Director. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

"(b) DUTIES.—The Patent Trial and Appeal Board shall—

"(1) on written appeal of an applicant, review adverse decisions of examiners upon application for patents;

"(2) on written appeal of a patent owner, review adverse decisions of examiners upon patents in reexamination proceedings under chapter 30; and

"(3) determine priority and patentability of invention in derivation proceedings under subsection 135(a); and

"(4) conduct post-grant opposition proceedings under chapter 32.

Each appeal and derivation proceeding shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings. The Director shall assign each post-grant review proceeding to a panel of 3 administrative patent judges. Once assigned, each such panel of administrative patent judges shall have the responsibilities under chapter 32 in connection with post-grant review proceedings.".

SEC. 8. STUDY AND REPORT ON REEXAMINATION PROCEEDINGS.

The Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office shall, not later than 3 years after the date of the enactment of this Act—

(1) conduct a study of the effectiveness and efficiency of the different forms of proceedings available under title 35, United States Code, for the reexamination of patents; and

(2) submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on the results of the study, including any of the Director's suggestions for amending the law, and any other recommendations the Director has with respect to patent reexamination proceedings.

SEC. 9. SUBMISSIONS BY THIRD PARTIES AND OTHER QUALITY ENHANCEMENTS.

(a) PUBLICATION.—Section 122(b)(2) is amended—

(1) by striking subparagraph (B); and

(2) in subparagraph (A)—

(A) by striking "(A) An application" and inserting "An application"; and

(B) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively.

(b) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—Section 122 is amended by adding at the end the following:

"(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

"(1) IN GENERAL.—Any person may submit for consideration and inclusion in the record of a patent application, any patent, published patent application or other publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

"(A) the date a notice of allowance under section 151 is mailed in the application for patent; or

"(B) either—

"(i) 6 months after the date on which the application for patent is published under section 122, or

"(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent,

whichever occurs later.

"(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

"(A) set forth a concise description of the asserted relevance of each submitted document;

"(B) be accompanied by such fee as the Director may prescribe; and

"(C) include a statement by the submitter affirming that the submission was made in compliance with this section.".

SEC. 10. VENUE AND JURISDICTION.

(a) VENUE FOR PATENT CASES.—Section 1400 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) Any civil action arising under any Act of Congress relating to patents, other than an action for declaratory judgment or an action seeking review of a decision of the Patent Trial and Appeal Board under chapter 13 of title 35, may be brought only—

"(1) in the judicial district where either party resides; or

"(2) in the judicial district where the defendant has committed acts of infringement and has a regular and established place of business.

"(c) Notwithstanding section 1391(c) of this title, for purposes of venue under subsection (b), a corporation shall be deemed to reside in the judicial district in which the corporation has its principal place of business or in the State in which the corporation is incorporated.".

(b) INTERLOCUTORY APPEALS.—Subsection (c)(2) of section 1292 of title 28, United States Code, is amended by adding at the end the following:

"(3) of an appeal from an interlocutory order or decree determining construction of claims in a civil action for patent infringement under section 271 of title 35.

Application for an appeal under paragraph (3) shall be made to the court within 10 days after entry of the order or decree, and proceedings in the district court under such paragraph shall be stayed during pendency of the appeal.".

SEC. 11. REGULATORY AUTHORITY.

Section 3(a) is amended by adding at the end the following:

"(5) REGULATORY AUTHORITY.—In addition to the authority conferred by other provisions of this title, the Director may promulgate such rules, regulations, and orders that the Director determines appropriate to carry out the provisions of this title or any other law applicable to the United States Patent and Trademark Office or that the Director determines necessary to govern the operation and organization of the Office.".

SEC. 12. TECHNICAL AMENDMENTS.

(a) JOINT INVENTIONS.—Section 116 is amended—

(1) in the first paragraph, by striking "When" and inserting "(a) JOINT INVENTIONS.—When";

(2) in the second paragraph, by striking "If a joint inventor" and inserting "(b) OMITTED INVENTOR.—If a joint inventor"; and

(3) in the third paragraph, by striking "Whenever" and inserting "(c) CORRECTION OF ERRORS IN APPLICATION.—Whenever".

(b) FILING OF APPLICATION IN FOREIGN COUNTRY.—Section 184 is amended—

(1) in the first paragraph, by striking "Except when" and inserting "(a) FILING IN FOREIGN COUNTRY.—Except when";

(2) in the second paragraph, by striking "The term" and inserting "(b) APPLICATION.—The term"; and

(3) in the third paragraph, by striking "The scope" and inserting "(c) SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.—The scope".

(c) REISSUE OF DEFECTIVE PATENTS.—Section 251 is amended—

(1) in the first paragraph, by striking "Whenever" and inserting "(a) IN GENERAL.—Whenever";

(2) in the second paragraph, by striking "The Director" and inserting "(b) MULTIPLE REISSUED PATENTS.—The Director";

(3) in the third paragraph, by striking "The provision" and inserting "(c) APPLICABILITY OF THIS TITLE.—The provisions"; and

(4) in the last paragraph, by striking "No reissued patent" and inserting "(d) REISSUE PATENT ENLARGING SCOPE OF CLAIMS.—No reissued patent".

(d) EFFECT OF REISSUE.—Section 253 is amended—

(1) in the first paragraph, by striking "Whenever" and inserting "(a) IN GENERAL.—Whenever"; and

(2) in the second paragraph, by striking "in like manner" and inserting "(b) ADDITIONAL DISCLAIMER OR DEDICATION.—In the manner set forth in subsection (a),".

(e) CORRECTION OF NAMED INVENTOR.—Section 256 is amended—

(1) in the first paragraph, by striking "Whenever" and inserting "(a) CORRECTION.—Whenever"; and

(2) in the second paragraph, by striking "The error" and inserting "(b) PATENT VALID IF ERROR CORRECTED.—The error".

(f) PRESUMPTION OF VALIDITY.—Section 282 is amended—

(1) in the first undesignated paragraph, by striking "A patent" and inserting "(a) IN GENERAL.—A patent";

(2) in the second undesignated paragraph, by striking "The following" and inserting "(b) DEFENSES.—The following"; and

(3) in the third undesignated paragraph, by striking "In actions" and inserting "(c) NOTICE OF ACTIONS; ACTIONS DURING EXTENSION OF PATENT TERM.—In actions".

SEC. 13. EFFECTIVE DATE; RULE OF CONSTRUCTION.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, the provisions of this Act shall take effect 12 months after the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.

(b) CONTINUITY OF INTENT UNDER THE CREATE ACT.—The enactment of section 102(b)(3) of title 35, United States Code, under section (3)(b) of this Act is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108–453; the "CREATE Act"), the amendments of which are stricken by section 3(c) of this Act. The United States Patent and Trademark Office shall administer section 102(b)(3) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the Patent and Trademark Office.

Mr. HATCH. Mr. President, I rise today to introduce with Senate Judiciary Committee Chairman PATRICK LEAHY the Patent Reform Act of 2007, S. 1145. S. 1145 represents years of careful negotiation and input from a wide-spectrum of stake holders. In fact, the 2006 Hatch-Leahy bill has served as a blueprint for this year's legislation and contains substantially similar language. Chairman LEAHY's desire to have a piece of legislation that is both bipartisan and bicameral is a great undertaking and represents a tremendous commitment by Congress to move forward in streamlining and strengthening our patent system.

The patent system is the bedrock of innovation, especially in today's global economy. Last year, more than 440,000 patent applications were filed at the United States Patent and Trademark Office (USPTO). The sheer volume of patent applications reflects the vibrant, innovative spirit that has made America a world-wide leader in science, engineering, and technology. Because America's ingenuity continues to fund our economy, we must protect new ideas and investments in innovation and creativity. Patents encourage technological advancement by providing incentives to invent, invest in, and disclose new technology. Now, more than ever, it is important to ensure efficiency and increased quality in the issuance of patents. This in turn creates an environment that fosters entrepreneurship and the creation of jobs: two significant pillars in our economy. In my home State of Utah alone, there are over 3,200 technology and 500 life science companies, and eight percent year-over-year growth. Utah leads the western States region in creating and sustaining these companies.

Additionally, the concentration of college graduates in Utah is contributing to the State's technological friendliness, attracting growth companies to Utah and creating new ones. There is a large, young adult population in Utah attending not only the two world-class research universities of the University of Utah and Utah State University, but also Brigham Young University, Utah Valley State College and Weber State University. These universities and colleges are strong economic drivers that encourage technology industry growth in my State.

For years, Chairman LEAHY and I have been working together to craft meaningful patent reform to address problems that have been identified through a series of hearings and discussions with stake holders. This bill addresses many of the problems with the substantive, procedural, and administrative aspects of the patent system, which governs how entities here in the United States apply for, receive, and eventually make use of patents.

The Patent Reform Act of 2007 includes provisions to improve patent quality. Many complaints about the current patent system deal with the number of suspect and over-broad patents that are issued. Because bad patents are generally of little value to productive companies, in many cases their value is maximized by using them as a basis for infringement suits against deep-pocket defendants. This bill institutes a robust post-grant review process so that third parties can challenge suspect patents in an administrative process, rather than through costly litigation. In the bill we introduced today, Section 6 has been tightened by including an anti-harassment provision to discourage companies from colluding and perpetually harassing one company. I am hopeful this will serve as a deterrent to those who seek to abuse post-grant review process.

In addition, S. 1145 is designed to harmonize U.S. law with the law of other countries by instituting a first-to-file system. The United States is the only significant country following the first-to-invent system, in which the right of the patent lies with the first inventor, rather than the first inventor to file for a patent. The Patent Reform Act of 2007 provides greater certainty because the filing date of an application can very rarely be challenged.

S. 1145 also seeks to provide fair and equitable remedies. Some claim that courts have allowed damages for infringement to be based on the market for an entire product when all that was infringed is a minor component of the product. The bill's language preserves the current rule that mandates that a damages award shall not be less than a reasonable royalty for the infringed patent, and further requires the court to conduct an analysis to ensure that when a reasonable royalty is the award, it reflects only the economic value of the patent's specific contribution over the prior art.

There are a few provisions I believe need further discussion. I was disappointed that the inequitable conduct provision from last year's bill was removed. Attorneys well know that the inequitable conduct defense has been overpleaded and has become a drag on the litigation process. I think last year's language struck the correct balance by focusing on the patentability of the claims in dispute and properly prevented parties from asserting the defense frivolously. Let me hasten to add that I do believe there should be consequences for misconduct. I believe that reforms to the inequitable conduct defense should focus on the nature of the misconduct and not permit the unenforceability of a perfectly valid patent on a meritorious invention. And, sanctions should be commensurate with the misconduct.

Moreover, establishing inequitable conduct is supposed to require independent proof that: (1) the information at issue was material; and (2) the person who failed to disclose it or made the misrepresentation had the specific intention of misleading the USPTO. The two elements have become linked, and courts often discount the intent requirement by finding that the information is "highly material." In fact, the materiality standard has become so inclusive that virtually anything now is portrayed as material. Information should only be considered material when it causes the USPTO to improperly grant patent claims. Using a standard of whether USPTO examiners would reject the claims is a good approximation of materiality because of the prima facie standard they use to determine whether the claims meet the requirements for patentability. Unfortunately, this bill preserves the status quo.

A provision that would provide attorneys' fees and costs to a prevailing party was also left out of this bill. I included this provision in last year's bill to discourage weak cases from clogging the already-burdened judicial system. This is not a new concept in the realm of intellectual property. In fact, I note, Section 505 of the Copyright Act clearly provides courts the discretion to award attorneys' fees and costs. It seems logical that we would provide the same discretion in S. 1145 and I look forward to discussing this issue with Chairman LEAHY.

We opted this year not to include a provision that would repeal Section 271(f) of Title 35, pending a Supreme Court decision that is expected soon. Section 271(f) creates a cause of action for infringement due to foreign sales when a component of a patented invention is supplied from this country, knowing that a component will be combined in an infringing manner outside the United States. In the event of an unfavorable ruling, Chairman LEAHY and I are committed to addressing this issue using the legislative process.

Patent law is vital to our Nation's ability to compete in the global economy. S. 1145 is designed to ensure that the United States remains at the forefront of developing and translating new ideas into tangible goods and services through an effective patent review and protection system.

This bill represents a commitment from Congress to move forward in streamlining and strengthening our patent system. I am hopeful that further refinements will be made to this bill during the legislative process. I am committed to moving this legislation forward and hope that we can join efforts to refine and enact this important bill.

By Mr. SALAZAR (for himself, Mr. THUNE, Mr. TESTER, Mr. BURR, Mrs. MURRAY, Mr. GRASSLEY, Mr. WYDEN, Ms. COLLINS, Mr. PRYOR, Mr. ENZI, Mrs. LINCOLN, Ms. SNOWE, Mr. KERRY, Mr. BINGAMAN, Mr. SMITH, Mr. BAUCUS, and Mr. DORGAN):

S. 1146. A bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SALAZAR. Mr. President, today I am introducing the Rural Veterans Healthcare Improvement Act of 2007, with my colleague from South Dakota, Senator THUNE, and my colleague from Montana, Senator TESTER. We are pleased to be joined by Senators BURR, MURRAY, GRASSLEY, WYDEN, COLLINS, PRYOR, ENZI, LINCOLN, SNOWE, KERRY, BINGAMAN, SMITH, BAUCUS, and DORGAN.

Over the last two years my colleagues have heard me speak repeatedly about the challenges that are facing rural America. In the America where I grew up—the America of farmers, ranchers, small business owners, and generations of close-knit families—it is getting more difficult to make a living, to access affordable healthcare, and to provide opportunities for kids to learn and grow.

The challenges facing veterans in rural communities are particularly grave. For generations, men and women from rural America have devoted themselves to the cause of freedom without hesitation and in numbers greatly beyond their proportion of the U.S. population. Yet we consistently overlook the unique challenges these men and women face after they return home to their families and friends in the heartland of America. When it comes to the VA healthcare system, we fail our Nation's rural veterans by not doing more to ensure they can access the high-quality health care they have earned. We owe them much better.

Over and over, I hear from veterans in my state about obstacles to care. In northwest Colorado, veterans must brave three and four hour drives on winding mountain roads to reach the VA hospital in Grand Junction.

In northeast Colorado I have heard from a veteran who must travel 500 miles round trip just to get a simple blood test at a VA hospital. I think most of my colleagues would agree with me that this is ludicrous.

I wish I could say these are isolated circumstances. Unfortunately, they are not. Because of gaps in the network of VA hospitals and clinics, we hear stories like this all the time.

Every day, veterans from rural communities throughout the country are forced to put off crucial treatment because they live too far from VA facilities and can't get the care they need. As a result, rural veterans die younger and suffer from more debilitating illnesses—all because our system is not equipped to address their needs and provide care accordingly. A 2004 study of over 750,000 veterans conducted by Dr. Jonathan Perlin, the Under Secretary for Health at the VA, consistently found that veterans living in rural areas are in poorer health than their urban counterparts.

Last year, we took an important first step in improving care for rural veterans. Thanks to the bipartisan efforts of my colleagues on the Veterans' Affairs Committee, we were able to create the Office of Rural Health within the VA. The Office of Rural Health is charged with working to reduce the wide disparities between care for rural and non-rural veterans by developing and refining policies and programs to improve care and services for rural veterans. Because nearly one in every four veterans is from a rural area, the creation of this Office of Rural Health is crucial if we are to live up to our promise to provide all of our Nation's veterans with high-quality services.

The bill we are introducing today, the Rural Veterans Healthcare and Improvement Act of 2007, builds on last year's work by giving direction and resources to the Office of Rural Health and by making healthcare more accessible to veterans in rural areas.

The bill tasks the Office of Rural Health with developing demonstration projects that would expand care in rural areas through partnerships between the VA, Centers for Medicare and Medicaid Services, and the Department of Health and Human Services at critical access hospitals and community health centers. The bill also instructs the Director of the Office of Rural Health to carry out demonstration projects in partnership with the Indian Health Service to improve healthcare for Native American veterans.

In addition, the Rural Veterans Healthcare Improvement Act of 2007 establishes centers of excellence to research ways to improve care for rural veterans. The centers would be based at VA medical centers with strong academic connections. The Office of Rural Health would establish between one and five centers across the country with the advice of an advisory panel.

The Rural Veterans Healthcare Improvement Act includes two key provisions that will help veterans in rural areas reach healthcare facilities.

First, the bill establishes the VetsRide grant program to provide innovative transportation options to veterans in remote rural areas. The bill tasks the Director of the Office of Rural Health to create a program that would provide grants of up to $50,000 to veterans' service organizations and State veterans' service officers to assist veterans with travel to VA medical centers and to improve healthcare access in remote rural areas. The bill authorizes $3 million per year for the grant program through 2012.

Secondly, the bill increases the reimbursement rates for veterans for their travel expenses related to VA medical care so that they are compensated at the same rate paid to federal employees.

Finally, our bill requires the VA to report to Congress on the assessment it is conducting of its fee-based healthcare policies. We need to improve the VA's fee-based healthcare policies to be more equitable and efficient in helping veterans in rural areas get the care they deserve.

With almost one-quarter of our Nation's veterans living in rural communities, and with the obstacles they face in accessing high-quality care, it is evident that we need to do a better job of making sure they receive the care they deserve. The creation of the Office of Rural Veterans Healthcare was a first step, and this legislation will move us further down the path toward improved care.

I want to again thank my colleague from South Dakota, Senator THUNE, and my colleague from Montana, Senator TESTER, for their efforts on this bill. We have a strong group of 17 Senators from both sides of the aisle behind this bill so far.

I know that each and every one of my colleagues deals with veterans' issues and feels a deep sense of gratitude towards the brave men and women who have fought for our freedom. I hope we can join together to move this legislation through Congress and send it to the President for his signature.

Mr. President, I yield the floor.

By Mrs. MURRAY:

S. 1147. A bill to amend title 38, United States Code, To terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as "Priority 8"); to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, I rise today to introduce the Honor Our Commitment to Veterans Act.

More than four years ago, the Bush Administration cut off enrollment of Priority 8 veterans in the VA healthcare system. Priority 8 veterans are those veterans without service-connected disabilities whose income is above a means tested level that varies across the country. Many of these so-called "high-income veterans" have annual incomes as low as $26,902.

When the Administration announced its intention to suspend healthcare enrollment for new Priority 8 veterans, they said that they were doing so in order to reduce the backlog and alleviate a longstanding funding crisis within the VA.

There is no doubt that the VA has problems. Nearly five years into this war, our veterans are facing lengthy waits just to get in the door to see a primary care physician. They are having trouble accessing critical mental health services, and some are waiting up to two years for benefits claims to be processed. These are real problems facing real people, and they deserve real solutions.

But instead of cutting off enrollment to veterans of modest means four years ago, the Bush Administration should have asked Congress for the resources necessary to address its shortcomings and increase access to this high quality health care system.

It is absolutely unacceptable that veterans in need of care are being prohibited from enrolling in the system that is supposed to serve them. Veterans who have fought hard to secure our freedoms shouldn't have to fight for access to health care at home. Our veterans deserve better.

That is why I am introducing the Honor Our Commitment to Veterans Act today, which would permit new Priority 8 veterans to enroll in the VA healthcare system.

According to a recent Congressional Research Service report, the VA estimates that if the enrollment freeze was lifted, approximately 273,000 Priority 8 veterans would have been eligible to receive medical care from VA in FY2006, and 242,000 Priority 8 veterans would be eligible in FY2007.

This legislation, which has been introduced in the House by Congressman STEVE ROTHMAN of New Jersey, would correct the injustice perpetrated in 2003 by allowing all new Priority 8 veterans to enroll in the VA healthcare system.

By Mr. KOHL (for himself, Mr. BAUCUS, and Mr. CONRAD):

S. 1149. A bill to amend the Federal Meat Inspection Act and the Poultry

Products Inspection Act to authorize the interstate distribution of State-inspected meat and poultry if the Secretary of Agriculture determines that the State inspection requirements are at least equal to Federal inspection requirements and to require the Secretary to reimburse State agencies for part of the costs of the inspections; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. KOHL. Mr. President, I am today introducing with Senators BAUCUS and CONRAD a bill that will eliminate the prohibition on interstate commerce in State-inspected meat and poultry products. Senator HATCH is also introducing a State meat inspection measure and I congratulate him on his bill. We are working together and in collaboration with the National Association of State Departments of Agriculture and a coalition of national, State, and local agricultural organizations on this effort. I expect our coalition to grow over time. Together, we intend to push for changes that will protect public health and safety and at the same time help state-inspected meat and poultry processors compete in new markets.

Removing the current prohibition will help level the playing field for small businesses and spur additional competition in the marketplace. It will help main street businesses—who often specialize in local, organic, grass-fed or artisinal products—meet emerging markets. And it will help livestock producers who want more options for marketing their livestock.

For too long, processors with State-inspected facilities have been unfairly constrained to selling only within their home States. Meanwhile, foreign-processed meat can be shipped anywhere in the United States so long as the originating Nation's inspection program is deemed equivalent to U.S. Federal standards. We want our State-inspected processors to be treated at least as well. This is an effort to give main street businesses the same opportunity our Government confers on foreign processors.

I look forward to working with Senators HATCH, BAUCUS and CONRAD and a number of our House colleagues on this topic in the months to come.

By Ms. SNOWE (for herself and Mr. COLEMAN):

S. 1153. A bill to require assessment of the impact on small business concerns of rules relating to internal controls, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I rise today with my colleague Senator COLEMAN, to introduce the "Small Business Regulatory Review Act." This is a targeted, non-controversial measure. It would ensure that the Securities and Exchange Commission (SEC) and the Public Company Accounting Oversight Board (PCAOB) fully consider the impacts of their final rules mandating how small public companies must comply with the internal control requirements of the Sarbanes-Oxley Act.

Our Nation's small stock companies are the cornerstone of our entrepreneurial economy, and it is essential that we carefully address the regulatory barriers that impede their growth.

The Sarbanes-Oxley Act was essential in restoring investor confidence after accounting fraud and massive company deceptions shook the public's trust in U.S. markets. The horrendous debacle of corporate greed from companies like Enron and Worldcom forced not only thousands of employees to lose their jobs, but also wiped out the life savings of many retirees. Now, as we refine Sarbanes-Oxley's regulations, we must carefully preserve investor protections and ensure company transparency and accountability.

In my home State of Maine, small publicly-traded companies are indispensable to the strength and renewal of our economy. However, the fact is that many of these small stock companies are struggling mightily with the cost and regulatory burden imposed by Sarbanes-Oxley compliance, regardless of their industry. Whether it's a utility company, a dairy pharmaceutical company that makes large animal vaccines, or a community bank that fears being smothered by the combined weight of Sarbanes-Oxley and banking regulations, it is crucial that Maine's home grown companies focus their energies on developing new products, entering new markets, and creating jobs—not on compliance.

This is why I rise today, with Senator COLEMAN, to introduce the "Small Business Regulatory Review Act of 2007." Our bill would require the SEC to conduct a small business analysis, consistent with the Regulatory Flexibility Act (RFA), before the SEC publishes its final rules on small business internal controls compliance. This non-controversial provision simply restates existing law, ensuring that the SEC conducts a final RFA analysis. As the SEC should already be conducting this analysis as part of its final rulemaking process, this bill will impose no additional delay.

Our bill would also require the SEC to publish a small business compliance guide, consistent with the Small Business Regulatory Enforcement Fairness Act (SBREFA). This compliance guide would explain, in plain language, the small business requirements under the rule. The SEC should publish this small businesses compliance guide when it publishes its final rule, so that small business understand the new requirements. As this non-controversial provision also restates existing law, this measure would impose no additional delay on the SEC's rulemaking process.

Regulations disproportionately affect small businesses and significantly hinder their competitiveness. In 2004, Senator ENZI and I jointly requested that the Government Accountability Office (GAO) study the effects of the Sarbanes-Oxley Act on small public companies' access to capital. The study found that the costs for complying with Sarbanes-Oxley were nine times greater for smaller companies than for large stock companies. We must reduce the burden imposed by Sarbanes-Oxley so that our small stocks in Maine, Minnesota, and across the country can continue to be some of the world's fastest growing and most innovative companies.

Finally, to address this disproportionate regulatory burden on small businesses, our bill would require that the GAO re-analyze the impact of these rules on small public companies two years after final rules are published. The GAO's report would include an assessment of the costs and time commitments the SEC and PCAOB requirements impose on small businesses and whether these costs are expected to decrease or increase in the future. Additionally, the final report would include recommendations, and regulatory alternatives, on how to simplify or improve the process of complying with SEC and PCAOB small company stock requirements. This provision simply ensures that the rules do not impose unintended, undue burdens on small businesses.

The "Small Business Regulatory Review Act of 2007" will help to ensure that small stock companies do not suffer from additional unintended consequences which harm their ability to compete, innovate, and grow—and, most importantly, create jobs.

By Mr. DORGAN (for himself, Mr. BROWNBACK, Ms. LANDRIEU, Mr. ALLARD, Mr. HARKIN, Mrs. MURRAY, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. SALAZAR, Mr. HAGEL, Mr. THUNE, and Mr. LEVIN):

S. 1155. A bill to treat payments under the Conservation Reserve Program as rentals from real estate; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am joined by Senator BROWNBACK and ten of our colleagues in introducing the Conservation Reserve Program Tax Fairness Act of 2007. This legislation clarifies once and for all that Conservation Reserve Program (CRP) payments received by active or retired farmers, or other landowners for that matter will be treated for Federal tax purposes as rental payments that are not subject to self-employment taxes.

Let me take a moment to describe this problem. For many years now, the Internal Revenue Service (IRS) has been taking the erroneous position that CRP payments received by farmers are self-employment income derived from a trade or business and therefore are subject to Self-Employment Contributions Act (SECA) taxes. Regrettably, the IRS and the Treasury Department proposed a new ruling late last year that not only requires active farmers to pay SECA taxes on CRP payments but expands similar tax treatment to CRP payments received by retired farmers and other landowners.

This latest ruling proposed by the IRS would impose a significant financial hardship on family farmers and others who have voluntarily agreed to take environmentally-sensitive lands out of farm production and place them in the Conservation Reserve Program in return for an annual rental payment from the Commodity Credit Corporation of the U.S. Department of Agriculture.

Today, North Dakota has some 3.4 million acres with about $112 million in rental payments in the CRP program. Left intact, the IRS's ruling would mean that farmers in North Dakota may owe an additional $16 million in Federal taxes this coming year. A typical North Dakota farmer with 160 acres of CRP would owe nearly $750 in new self-employment taxes because of the agency's ill-advised position.

If the IRS decides to pursue back taxes on returns filed by farmers in past years, the amount of taxes owed by individual farmers for CRP payments could amount to thousands of dollars. That would be devastating to many farmers and others who depend on CRP rental payments to make ends meet. As a result, the proposed change in our bill applies to CRP payments made in open tax years before, on, or after the date of its enactment.

We believe the IRS's position on the tax treatment of CRP payments is dead wrong. In our judgment, forcing CRP recipients to pay self-employment taxes on CRP payments is not what Congress intended, nor is it supportable in law. The U.S. Tax Court, the Federal court with the most expertise on tax issues, shares our view that the IRS position is improper. In fact, the U.S. Tax Court ruled in the late 1990's that CRP payments are properly treated by farmers as rental payments and, thus, not subject to self-employment taxes. Unfortunately, the IRS challenged the Tax Court decision and the Tax Court was later reversed by a Federal appellate court.

In February, IRS Commissioner Mark Everson sent a letter to me and a number of our colleagues who are concerned about this issue. In his letter, Commissioner Everson made clear that the IRS would not change its position that CRP payments are subject to self-employment tax as income derived from a trade or business—absent new statutory language passed by the Congress and enacted into law.

With the legislation we are introducing today, Congress will send a clear message to the IRS that its misguided effort to subject CRP payments to self-employment taxes is inappropriate and will not be allowed to stand. Our bill also makes sure that Federal trust funds that would have received SECA revenues but for the enactment of our bill are held harmless through the use of revenue transfers from the Treasury general fund.

Senator BROWNBACK and I ask our colleagues to support this much-needed tax relief for family farmers and other CRP recipients by cosponsoring the Conservation Reserve Program Tax Fairness Act. And we hope you will work with us to get this legislation enacted into law without delay.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. HARKIN, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, and Mr. BROWN):

S. 1156. A bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize the Best Pharmaceuticals for Children program; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Best Pharmaceuticals for Children Amendments of 2007, which is a bill to reauthorize the Best Pharmaceuticals for Children Act—BPCA. If Congress doesn't act, this successful program will expire on October I, 2007. I thank my colleagues Senators KENNEDY, HARKIN, BINGAMAN, MURRAY, CLINTON and BROWN who are joining me as original cosponsors of this important legislation.

I am pleased that Senators KENNEDY and ENZI, the distinguished chairman and ranking member of the Health Education Labor, and Pensions—HELP—Committee, have included this bill in the chairman's mark for S. 1082, which is expected to be voted on today in the HELP Committee.

I would also like to recognize the contributions and leadership of former Senator Mike De Wine, a friend and colleague, who always fought to ensure children would not be treated as second-class citizens when it came to drug and device development. He was a champion of BPCA along with me even when it wasn't popular to hold that view.

The story of the Best Pharmaceuticals for Children Act is one of huge success for children and their families. Children with a wide range of diseases such as HIV/AIDS, cancer, allergies, asthma, neurological and psychiatric disorders, and obesity can now lead healthier, more productive lives as a result of new information about the safety and efficacy of drugs they use to treat and manage their diseases where previously there was none.

Children are not simply little adults and results of the drug studies conducted under the BPCA have shown us that they should not be treated as such. Pediatric drug studies conducted. under the BPCA showed that children may have been exposed to ineffective drugs, ineffective dosing, overdosing, or side effects that were previously unknown.

Since the BPCA's passage in 1997 and its reauthorization in 2002, FDA has requested nearly 800 studies involving more than 45,000 children in clinical trials. Useful new pediatric information is now part of product labeling for 119 drugs. By comparison, in the 7 years prior to the BPCA's passage, only 11 studies of marketed drugs were completed. In the past 10 years, there has been a twentyfold increase in the number of drugs studied in infants, children, and adolescents since BPCA was enacted.

Labeling changes resulting from clinical studies under the BPCA have informed physicians of the proper dosing in the examples of Viracept, a protease inhibitor used in a combination therapy for the treatment of HIV, and Neurontin, a pain relief medication used to treat children with chronic pain. For children with epilepsy, the BPCA studies informed physicians that the drugs Keppra and Trileptal could be used safely and effectively at an even earlier age than previously known. Studies of Imitrex as a result of the BPCA showed no better results than placebo for the treatment of migraine headaches in adolescents. These same studies also showed serious adverse events due to Imitrex in pediatric populations and therefore the drug is not recommended to treat migraines in anyone less than 18 years of age.

Recent studies of the BPCA by the Government Accountability Office—GAO—and by several authors from Duke University in an article which appeared in the Journal of the American Medical Association—JAMA—have demonstrated that the program is a success and have identified opportunities to strengthen the program. Authors of the recent JAMA article found that outside of the BPCA, the FDA is limited in the number and scope of studies for which it can require pediatric data for existing products on the market.

Data from this article showed that only a minority of drugs studied under the BPC, about 20 percent, had more than $1 billion in annual sales. In fact, the median drug granted exclusivity was a small-market drug with annual sales of $180 million and 30 percent of drugs studied had sales less than $200 million. This article went on to say that a universal reduction in the length of pediatric exclusivity from 6 to 3 months would mean that products with small profit margins may not be submitted for pediatric testing.

The BPCA has always tried to strike the right balance between cost to consumers and benefits to children. I believe there is an ongoing need to evaluate the cost of the incentive as it relates to reaching the goal of having medications properly studied and labeled for children. In fact, that is why I strongly support a 5-year sunset of the BPCA.

After 10 years, experience and data has shown us that for a small number of drugs, pediatric exclusivity has far exceeded the "carrot" it was intended to provide for manufacturers. As the authors of the recent JAMA article noted, "our study shows that the Pediatric Exclusivity Program overcompensates blockbuster products for performing clinical trials in children, while other products have more modest returns on investment under this program."

The bill I am introducing today contains a reasonable, workable proposal to address cost concerns without jeopardizing the extraordinary success of BPCA. I have worked closely with the chairman and ranking member of the HELP Committee to craft this proposal into the form it appears in this legislation and in the bipartisan chairman's mark which is expected to be voted on in the HELP Committee today.

On March 27, the HELP Committee held a hearing, which I chaired, entitled "Ensuring Safe Medicines and Medical Devices for Children." We learned from pediatricians and a parent of five children, four of whom are HIV-positive, Mrs. Susan Belfiore, about the tremendous impact BPCA has had on the quality of life for countless numbers of children and their families. We received testimony with many suggestions for improvements to BPCA which I believe are reflected in this bill. I would also add that in the month since I circulated this bill as a draft, I received comments from several pharmaceutical companies. Some have been strongly supportive of this effort and many of their ideas and suggestions are incorporated in this bill.

The success of the BPCA has transformed the drug development process for children. It is my hope that we will achieve similar success with another piece of legislation I recently introduced called the Pediatric Medical Device Safety and Improvement Act. It is also contained within the chairman's mark to S. 1082 and I thank Chairman KENNEDY and Ranking Member ENZI for working with me to ensure that medical devices used in children are safe and are designed specifically for their use.

The BPCA has had a long history of bipartisan support and it has been my longstanding hope that this initiative will continue to be bipartisan as the chairman's mark to S. 1082 moves to the Senate floor. The safety of our Nation's children is not a partisan issue.

As the parent of two young children, I know that it is essential that products used in children's growing bodies, whether they be drugs or devices, are appropriately tested and designed specifically for their use. We must continue the tremendous success of BPCA and its complementary program, the Pediatric Research Improvement Act, of which I am an original cosponsor, by strengthening both programs through the reauthorization process this year. It is essential that we use the past experience of both programs to ensure they will continue to thrive in the future.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Best Pharmaceuticals for Children Amendments of 2007".

SEC. 2. PEDIATRIC STUDIES OF DRUGS.

(a) IN GENERAL.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ", and, at the discretion of the Secretary, may include preclinical studies";

(2) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking "(D)" both places it appears and inserting "(E)";

(B) in paragraph (1)(A)(ii), by striking "(D)" and inserting "(E)";

(C) by striking "(1)(A)(i)" and inserting "(A)(i)(I)";

(D) by striking "(ii) the" and inserting "(II) the";

(E) by striking "(B) if the drug is designated" and inserting "(ii) if the drug is designated";

(F) by striking "(2)(A)" and inserting "(B)(i)";

(G) by striking "(i) a listed patent" and inserting "(I) a listed patent";

(H) by striking "(ii) a listed patent" and inserting "(II) a listed patent";

(I) by striking "(B) if the drug is the subject" and inserting "(ii) if the drug is the subject";

(J) by striking "If" and all that follows through "subsection (d)(3)" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), if, prior to approval of an application that is submitted under section 505(b)(1), the Secretary determines that information relating to the use of a new drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), the applicant agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate, such changes are made within the timeframe requested by the Secretary—"; and

(K) by adding at the end the following:

"(2) EXCEPTION.—The Secretary shall not extend the period referred to in paragraph (1)(A) or in paragraph (1)(B) later than 9 months prior to the expiration of such period.";

(3) in subsection (c)—

(A) in paragraph (1)(A)(i), by striking "(D)" both places it appears and inserting "(E)";

(B) in paragraph (1)(A)(ii), by striking "(D)" and inserting "(E)";

(C) by striking "(1)(A)(i)" and inserting "(A)(i)(I)";

(D) by striking "(ii) the" and inserting "(II) the";

(E) by striking "(B) if the drug is designated" and inserting "(ii) if the drug is designated";

(F) by striking "(2)(A)" and inserting "(B)(i)";

(G) by striking "(i) a listed patent" and inserting "(I) a listed patent";

(H) by striking "(ii) a listed patent" and inserting "(II) a listed patent";

(I) by striking "(B) if the drug is the subject" and inserting "(ii) if the drug is the subject";

(J) by striking "If" and all that follows through "subsection (d)(3)" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and makes a written request to the holder of an approved application under section 505(b)(1) for pediatric studies (which shall include a timeframe for completing such studies), the holder agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate, such changes are made within the timeframe requested by the Secretary—"; and

(K) by adding at the end the following:

"(2) EXCEPTION.—The Secretary shall not extend the period referred to in paragraph (1)(A) or in paragraph (1)(B) later than 9 months prior to the expiration of such period.";

(4) by striking subsection (d) and inserting the following:

"(d) CONDUCT OF PEDIATRIC STUDIES.—

"(1) REQUEST FOR STUDIES.—

"(A) IN GENERAL.—The Secretary may, after consultation with the sponsor of an application for an investigational new drug under section 505(i), the sponsor of an application for a new drug under section 505(b)(1), or the holder of an approved application for a drug under section 505(b)(1), issue to the sponsor or holder a written request for the conduct of pediatric studies for such drug. In issuing such request, the Secretary shall take into account adequate representation of children of ethnic and racial minorities. Such request to conduct pediatric studies shall be in writing and shall include a timeframe for such studies and a request to the sponsor or holder to propose pediatric labeling resulting from such studies.

"(B) SINGLE WRITTEN REQUEST.—A single written request—

"(i) may relate to more than 1 use of a drug; and “(ii) may include uses that are both approved and unapproved.

“(2) WRITTEN REQUEST FOR PEDIATRIC STUDIES.—

“(A) REQUEST AND RESPONSE.—

“(i) IN GENERAL.—If the Secretary makes a written request for pediatric studies (including neonates, as appropriate) under subsection (b) or (c), the applicant or holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the applicant or holder to act on the request by—

“(I) indicating when the pediatric studies will be initiated, if the applicant or holder agrees to the request; or

“(II) indicating that the applicant or holder does not agree to the request and the reasons for declining the request.

“(ii) DISAGREE WITH REQUEST.—If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the applicant or holder does not agree to the request on the grounds that it is not possible to develop the appropriate pediatric formulation, the applicant or holder shall submit to the Secretary the reasons such pediatric formulation cannot be developed.

“(B) ADVERSE EVENT REPORTS.—An applicant or holder that, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, agrees to the request for such studies shall provide the Secretary, at the same time as submission of the reports of such studies, with all postmarket adverse event reports regarding the drug that is the subject of such studies and are available prior to submission of such reports.

“(3) MEETING THE STUDIES REQUIREMENT.—Not later than 180 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 180 days, whether the studies fairly respond to the written request, have been conducted in accordance with commonly accepted scientific principles and protocols, and have been reported in accordance with the requirements of the Secretary for filing.

“(4) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.”;

(5) by striking subsections (e) and (f) and inserting the following:

“(e) NOTICE OF DETERMINATIONS ON STUDIES REQUIREMENT.—

“(1) IN GENERAL.—The Secretary shall publish a notice of any determination, made on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section. Such notice shall be published not later than 30 days after the date of the Secretary's determination regarding market exclusivity and shall include a copy of the written request made under subsection (b) or (c).

“(2) IDENTIFICATION OF CERTAIN DRUGS.—The Secretary shall publish a notice identifying any drug for which, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, a pediatric formulation was developed, studied, and found to be safe and effective in the pediatric population (or specified subpopulation) if the pediatric formulation for such drug is not introduced onto the market within 1 year of the date that the Secretary publishes the notice described in paragraph (1). Such notice identifying such drug shall be published not later than 30 days after the date of the expiration of such 1 year period.

“(f) INTERNAL REVIEW OF WRITTEN REQUESTS AND PEDIATRIC STUDIES.—

“(1) INTERNAL REVIEW.—

“(A) IN GENERAL.—The Secretary shall create an internal review committee to review all written requests issued and all reports submitted on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, in accordance with paragraphs (2) and (3).

“(B) MEMBERS.—The committee under subparagraph (A) shall include individuals, each of whom is an employee of the Food and Drug Administration, with the following expertise:

“(i) Pediatrics.

“(ii) Biopharmacology.

“(iii) Statistics.

“(iv) Drugs and drug formulations.

“(v) Legal issues.

“(vi) Appropriate expertise pertaining to the pediatric product under review.

“(vii) One or more experts from the Office of Pediatric Therapeutics, including an expert in pediatric ethics.

“(viii) Other individuals as designated by the Secretary.

“(2) REVIEW OF WRITTEN REQUESTS.—All written requests under this section shall be reviewed and approved by the committee established under paragraph (1) prior to being issued.

“(3) REVIEW OF PEDIATRIC STUDIES.—The committee established under paragraph (1) shall review all studies conducted pursuant to this section to determine whether to accept or reject such reports under subsection (d)(3).

“(4) TRACKING PEDIATRIC STUDIES AND LABELING CHANGES.—The committee established under paragraph (1) shall be responsible for tracking and making available to the public, in an easily accessible manner, including through posting on the website of the Food and Drug Administration—

“(A) the number of studies conducted under this section;

“(B) the specific drugs and drug uses, including labeled and off-labeled indications, studied under this section;

“(C) the types of studies conducted under this section, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

“(D) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons such formulations were not developed;

“(E) the labeling changes made as a result of studies conducted under this section;

“(F) an annual summary of labeling changes made as a result of studies conducted under this section for distribution pursuant to subsection (k)(2); and

“(G) information regarding reports submitted on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007.”;

(6) in subsection (g)—

(A) in paragraph (1)—

(i) by striking “(c)(1)(A)(ii)” and inserting “(c)(1)(A)(i)(II)”; and

(ii) by striking “(c)(2)” and inserting “(c)(1)(B)”;

(B) in paragraph (2), by striking “(c)(1)(B)” and inserting “(c)(1)(A)(ii)”;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(D) by striking “LIMITATIONS.—A drug” and inserting “LIMITATIONS.—

“(1) IN GENERAL.—Notwithstanding subsection (c)(2), a drug”; and

(E) by adding at the end the following:

“(2) EXCLUSIVITY ADJUSTMENT.—

“(A) ADJUSTMENT.—

“(i) IN GENERAL.—With respect to any drug, if the organization designated under subparagraph (B) notifies the Secretary that the combined annual gross sales for all drugs with the same active moiety exceeded $1,000,000,000 in any calendar year prior to the time the sponsor or holder agrees to the initial written request pursuant to subsection (d)(2), then each period of market exclusivity deemed or extended under subsection (b) or (c) shall be reduced by 3 months for such drug.

“(ii) DETERMINATION.—The determination under clause (i) of the combined annual gross sales shall be determined—

“(I) taking into account only those sales within the United States; and

“(II) taking into account only the sales of all drugs with the same active moiety of the sponsor or holder and its affiliates.

“(B) DESIGNATION.—The Secretary shall designate an organization other than the Food and Drug Administration to evaluate whether the combined annual gross sales for all drugs with the same active moiety exceeded $1,000,000,000 in a calendar year as described in subparagraph (A). Prior to designating such organization, the Secretary shall determine that such organization is independent and is qualified to evaluate the sales of pharmaceutical products. The Secretary shall re-evaluate the designation of such organization once every 3 years.

“(C) NOTIFICATION.—Once a year at a time designated by the Secretary, the organization designated under subparagraph (B) shall notify the Food and Drug Administration of all drugs with the same active moiety with combined annual gross sales that exceed $1,000,000,000 during the previous calendar year.”.

(7) in subsection (i)—

(A) in the heading, by striking “SUPPLEMENTS” and inserting “CHANGES”;

(B) in paragraph (1)—

(i) in the heading, by inserting “APPLICATIONS AND” after “PEDIATRIC”;

(ii) by inserting “application or” after “Any”;

(iii) by striking “change pursuant to a report on a pediatric study under” and inserting “change as a result of any pediatric study conducted pursuant to”; and

(iv) by inserting “application or” after “to be a priority”; and

(C) in paragraph (2)(A), by—

(i) striking “If the Commissioner” and inserting “If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Commissioner”; and

(ii) striking “an application with” and all that follows through “on appropriate” and inserting “the sponsor and the Commissioner have been unable to reach agreement on appropriate”;

(8) by striking subsection (m);

(9) by redesignating subsections (j), (k), (l), and (n), as subsections (k), (m), (o), and (p), respectively;

(10) by inserting after subsection (i) the following:

“(j) OTHER LABELING CHANGES.—If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary determines that a pediatric study conducted under this section does or does not demonstrate that the drug that is the subject of the study is safe and effective, including whether such study results are inconclusive, in pediatric populations or subpopulations, the Secretary shall order the labeling of such product to include information about the results of the study and a statement of the Secretary's determination.";

(11) in subsection (k), as redesignated by paragraph (9)—

(A) in paragraph (1)—

(i) by striking "a summary of the medical and" and inserting "the medical, statistical, and"; and

(ii) by striking "for the supplement" and all that follows through the period and inserting "under subsection (b) or (c).";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) Dissemination of information regarding labeling changes.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary shall require that the sponsors of the studies that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(4)(F) distribute, at least annually (or more frequently if the Secretary determines that it would be beneficial to the public health), such information to physicians and other health care providers.";

(12) by inserting after subsection (k), as redesignated by paragraph (9), the following:

"(l) Adverse Event Reporting.—

"(1) Reporting in year one.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, during the 1-year period beginning on the date a labeling change is made pursuant to subsection (i), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109). In considering such reports, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such Committee regarding whether the Secretary should take action under this section in response to such reports.

"(2) Reporting in subsequent years.—Following the 1-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering such reports, the Director of such Office may provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such reports.

"(3) Effect.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.";

(13) by inserting after subsection (m), as redesignated by paragraph (9), the following:

"(n) Referral if Pediatric Studies Not Completed.—

"(1) In general.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, if pediatric studies of a drug have not been completed under subsection (d) and if the Secretary, through the committee established under subsection (f), determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates, as appropriate), the Secretary shall carry out the following:

"(A) For a drug for which a listed patent has not expired, make a determination regarding whether an assessment shall be required to be submitted under section 505B. Prior to making such determination, the Secretary may take not more than 60 days to certify whether the Foundation for the National Institutes of Health has sufficient funding at the time of such certification to initiate 1 or more of the pediatric studies of such drug referred to in the sentence preceding this paragraph and fund 1 or more of such studies in their entirety. Only if the Secretary makes such certification in the affirmative, the Secretary shall refer such pediatric study or studies to the Foundation for the National Institutes of Health for the conduct of such study or studies.

"(B) For a drug that has no listed patents or has 1 or more listed patents that have expired, determine whether there are funds available under section 736 to award a grant to conduct the requested studies pursuant to paragraph (2).

"(2) Funding of studies.—If, pursuant to paragraph (1), the Secretary determines that there are funds available under section 736 to award a grant to conduct the requested pediatric studies, then the Secretary shall issue a proposal to award a grant to conduct the requested studies. If the Secretary determines that funds are not available under section 736, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act for the conduct of studies.

"(3) Public notice.—The Secretary shall give the public notice of—

"(A) a decision under paragraph (1)(A) not to require an assessment under section 505B and the basis for such decision;

"(B) the name of any drug, its manufacturer, and the indications to be studied pursuant to a grant made under paragraph (2); and

"(C) any decision under paragraph (2) to refer a drug for inclusion on the list established under section 409I of the Public Health Service Act.

"(4) Effect of subsection.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of Title 18, United States Code.";

(14) in subsection (p), as redesignated by paragraph (9)—

(A) striking "6-month period" and inserting "3-month or 6-month period";

(B) by striking "subsection (a)" and inserting "subsection (b)"; and

(C) by striking "2007" both places it appears and inserting "2012".

(b) Effective Date.—Except as otherwise provided in the amendments made by subsection (a), such amendments shall apply to written requests under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) made after the date of enactment of this Act.

SEC. 3. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.

Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) List of Priority Issues in Pediatric Therapeutics.—

"(1) In general.—Not later than 1 year after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop and publish a priority list of needs in pediatric therapeutics, including drugs or indications that require study. The list shall be revised every 3 years.

"(2) Consideration of available information.—In developing and prioritizing the list under paragraph (1), the Secretary shall consider—

"(A) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

"(B) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

"(C) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators.

"(b) Pediatric Studies and Research.—The Secretary, acting through the National Institutes of Health, shall award funds to entities that have the expertise to conduct pediatric clinical trials or other research (including qualified universities, hospitals, laboratories, contract research organizations, practice groups, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct the drug studies or other research on the issues described in subsection (a). The Secretary may use contracts, grants, or other appropriate funding mechanisms to award funds under this subsection.";

(2) in subsection (c)—

(A) in the heading, by striking "Contracts" and inserting "Proposed Pediatric Study Requests";

(B) by striking paragraphs (4) and (12);

(C) by redesignating paragraphs (1), (2), and (3), as paragraphs (2), (3), and (4);

(D) by inserting before paragraph (2), as redesignated by subparagraph (C), the following:

"(1) Submission of proposed pediatric study request.—The Director of the National Institutes of Health shall, as appropriate, submit proposed pediatric study requests for consideration by the Commissioner of Food and Drugs for pediatric studies of a specific pediatric indication identified under subsection (a). Such a proposed pediatric study request shall be made in a manner equivalent to a written request made under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to the information provided on the pediatric studies to be conducted pursuant to the request. The Director of the National Institutes of Health may submit a proposed pediatric study request for a drug for which—

"(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act; or

"(ii) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act; and

"(B) there is no patent protection or market exclusivity protection for at least 1 form of the drug under the Federal Food, Drug, and Cosmetic Act; and

"(C) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.";

(E) in paragraph (2), as redesignated by subparagraph (C)—

(i) by inserting "based on the proposed pediatric study request for the indication or indications submitted pursuant to paragraph (1)" after "issue a written request";

(ii) by striking "in the list described in subsection (a)(1)(A) (except clause (iv))" and inserting "under subsection (a)"; and

(iii) by inserting "and using appropriate formulations for each age group for which the study is requested" before the period at the end;

(F) in paragraph (3), as redesignated by subparagraph (C)—

(i) in the heading, by striking "CONTRACTS";

(ii) by striking "paragraph (1)" and inserting "paragraph (2)";

(iii) by striking "or if a referral described in subsection (a)(1)(A)(iv) is made,";

(iv) by striking "for contract proposals" and inserting "for proposals"; and

(v) by inserting "in accordance with subsection (b)" before the period at the end;

(G) in paragraph (4), as redesignated by subparagraph (C)—

(i) by striking "contract"; and

(ii) by striking "paragraph (2)" and inserting "paragraph (3)";

(H) in paragraph (5)—

(i) by striking the heading and inserting "CONTRACTS, GRANTS, OR OTHER FUNDING MECHANISMS"; and

(ii) by striking "A contract" and all that follows through "is submitted" and inserting "A contract, grant, or other funding may be awarded under this section only if a proposal is submitted";

(I) in paragraph (6)(A)—

(i) by striking "a contract awarded" and inserting "an award"; and

(ii) by inserting ", including a written request if issued" after "with the study"; and

(3) by inserting after subsection (c) the following:

"(d) DISSEMINATION OF PEDIATRIC INFORMATION.—Not later than 1 year after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary, acting through the Director of the National Institutes of Health, shall study the feasibility of establishing a compilation of information on pediatric drug use and report the findings to Congress."

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $200,000,000 for fiscal year 2008; and

"(B) such sums as are necessary for each of the 4 succeeding fiscal years.

"(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.".

SEC. 4. REPORTS AND STUDIES.

(a) GAO REPORT.—Not later than January 31, 2011, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall submit to Congress a report that addresses the effectiveness of section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) in ensuring that medicines used by children are tested and properly labeled, including—

(1) the number and importance of drugs for children that are being tested as a result of the amendments made by this Act and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(2) the number and importance of drugs for children that are not being tested for their use notwithstanding the provisions of this Act and the amendments made by this Act, and possible reasons for the lack of testing, including whether the number of written requests declined by sponsors or holders of drugs subject to section 505A(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(g)(2)), has increased or decreased as a result of the amendments made by this Act;

(3) the number of drugs for which testing is being done and labeling changes required, including the date labeling changes are made and which labeling changes required the use of the dispute resolution process established pursuant to the amendments made by this Act, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the Pediatric Advisory Committee;

(4) any recommendations for modifications to the programs established under section 505A of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355a) and section 409I of the Public Health Service Act that the Secretary determines to be appropriate, including a detailed rationale for each recommendation; and

(5)(A) the efforts made by the Secretary to increase the number of studies conducted in the neonate population; and

(B) the results of those efforts, including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe.

(b) IOM STUDY.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine to conduct a study and report to Congress regarding the written requests made and the studies conducted pursuant to section 505A of the Federal Food, Drug, and Cosmetic Act. The Institute of Medicine may devise an appropriate mechanism to review a representative sample of requests made and studies conducted pursuant to such section in order to conduct such study. Such study shall—

(1) review such representative written requests issued by the Secretary since 1997 under subsections (b) and (c) of such section 505A;

(2) review and assess such representative pediatric studies conducted under such subsections (b) and (c) since 1997 and labeling changes made as a result of such studies; and

(3) review the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, and ethical issues in pediatric clinical trials.

SEC. 5. TRAINING OF PEDIATRIC PHARMACOLOGISTS.

(a) INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.—Section 452G(2) of the Public Health Service Act (42 U.S.C. 285g–10(2)) is amended by adding before the period at the end the following: ", including pediatric pharmacological research".

(b) PEDIATRIC RESEARCH LOAN REPAYMENT PROGRAM.—Section 487F(a)(1) of the Public Health Service Act (42 U.S.C. 288–6(a)(1)) is amended by inserting "including pediatric pharmacological research," after "pediatric research,".

SEC. 6. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking "and studies listed by the Secretary pursuant to section 409I(a)(1)(A) of the is Act and referred under section 505A(d)(4)(C) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(a)(d)(4)(C)" and inserting "and studies for which the Secretary issues a certification under section 505A(n)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(n)(1)(A))".

SEC. 7. CONTINUATION OF OPERATION OF COMMITTEE.

Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by adding at the end the following:

"(d) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory committee shall continue to operate during the 5-year period beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007.".

SEC. 8. PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.

Section 15 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(D) provide recommendations to the internal review committee created under section 505A(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(f)) regarding the implementation of amendments to sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a and 355c) with respect to the treatment of pediatric cancers."; and

(B) by adding at the end the following:

"(3) CONTINUATION OF OPERATION OF SUBCOMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Subcommittee shall continue to operate during the 5-year period beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007."; and

(2) in subsection (d), by striking "2003" and inserting "2009".

SEC. 9. EFFECTIVE DATE AND LIMITATION FOR RULE RELATING TO TOLL-FREE NUMBER FOR ADVERSE EVENTS ON LABELING FOR HUMAN DRUG PRODUCTS.

(a) IN GENERAL.—Notwithstanding subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act") and any other provision of law, the proposed rule issued by the Commissioner of Food and Drugs entitled "Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products", 69 Fed. Reg. 21778, (April 22, 2004) shall take effect on January 1, 2008, unless such Commissioner issues the final rule before such date.

(b) LIMITATION.—The proposed rule that takes effect under subsection (a), or the final rule described under subsection (a), shall, notwithstanding section 17(a) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(a)), not apply to a drug—

(1) for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355);

(2) that is not described under section 503(b)(1) of such Act (21 U.S.C. 353(b)(1)); and

(3) the packaging of which includes a toll-free number through which consumers can report complaints to the manufacturer or distributor of the drug.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 154—DEMANDING THE RETURN OF THE USS "PUEBLO" TO THE UNITED STATES NAVY

Mr. ALLARD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 154

Whereas the USS *Pueblo*, which was attacked and captured by the Navy of North Korea on January 23, 1968, was the first ship of the United States Navy to be hijacked on the high seas by a foreign military force in more than 150 years;

Whereas 1 member of the USS *Pueblo* crew, Duane Hodges, was killed in the assault, while the other 82 crew members were held in captivity, often under inhumane conditions, for 11 months;

Whereas the USS *Pueblo*, an intelligence collection auxiliary vessel, was operating in international waters at the time of the capture, and therefore did not violate the territorial waters of North Korea;

Whereas the capture of the USS *Pueblo* resulted in no reprisals against the Government or people of North Korea and no military action at any time; and

Whereas the USS *Pueblo*, though still the property of the United States Navy, has been retained by the Government of North Korea for more than 30 years, was subjected to exhibition in the North Korean cities of Wonsan and Hungham, and is now on display in Pyongyang, the capital city of North Korea: Now, therefore, be it

Resolved, That the Senate—

(1) demands the return of the USS *Pueblo* to the United States Navy; and

(2) directs the Secretary of the Senate to transmit copies of this resolution to the President, the Secretary of Defense, and the Secretary of State.

SENATE RESOLUTION 155—EXPRESSING THE SENSE OF THE SENATE ON EFFORTS TO CONTROL VIOLENCE AND STRENGTHEN THE RULE OF LAW IN GUATEMALA

Mr. DODD (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 155

Whereas warring parties in Guatemala ended a 36-year internal armed conflict with a peace agreement in 1996, but the country has since faced alarming levels of violence, organized crime, and corruption;

Whereas the alleged involvement of senior officials of the National Civilian Police in the murder of three Salvadoran parliamentarians and their driver, and the subsequent killing of four of the police officers while in custody underscored the need to purge and strengthen law enforcement and judicial institutions in Guatemala;

Whereas high-level officials of the Government of Guatemala have acknowledged the infiltration of organized criminal networks into the state apparatus and the difficulty of combating these networks when they are deeply entrenched in public institutions;

Whereas, in its 2006 Country Report on Human Rights Practices in Guatemala, the Department of State noted that police corruption was a serious problem in Guatemala and that there were credible allegations of involvement by individual police officers in criminal activity, including rapes, killings, and kidnappings;

Whereas, in its most recent report on Guatemala, the United Nations High Commissioner for Human Rights notes that impunity continues to undermine the credibility of the justice system in Guatemala and that the justice system is still too weak to confront organized crime and its powerful structures; and

Whereas, the Government of Guatemala and the United Nations signed an agreement on December 12, 2006, to establish the International Commission against Impunity in Guatemala (Comisión Internacional Contra la Impunidad en Guatemala—CICIG), to assist local authorities in investigating and dismantling the illegal security groups and clandestine organizations that continue to operate in Guatemala: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that the International Commission against Impunity in Guatemala is an innovative mechanism to support local efforts to confront the entrenched and dangerous problem posed by illegal armed groups and clandestine security organizations in Guatemala and their infiltration into state institutions;

(2) the Senate commends the Government of Guatemala, local civil society organizations, and the United Nations for such a creative effort;

(3) the Senate encourages the Guatemalan Congress to enact necessary legislation required to implement the International Commission against Impunity in Guatemala and other pending legislation needed to fulfill the 1996 peace agreement;

(4) the Senate calls on the Government of Guatemala and all sectors of society in Guatemala to unreservedly support the investigation and prosecution of illegal armed groups and clandestine security organizations; and

(5) the Senate reiterates its commitment to support the Government of Guatemala in its efforts to strengthen the rule of law in that country, including the dismantling of the clandestine groups, the purging of the police and judicial institutions, and the implementation of key justice and police reforms.

SENATE RESOLUTION 156—COMMENDING THE ACHIEVEMENTS OF THE RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM AND APPLAUDING THE CHARACTER AND INTEGRITY OF THE PLAYERS AS STUDENT-ATHLETES

Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. LEAHY, and Mr. OBAMA) submitted the following resolution; which was considered and agreed to:

S. RES. 156

Whereas under head coach C. Vivian Stringer the Rutgers University women's basketball team (referred to in this preamble as the "Lady Knights") finished an extraordinary 2006–2007 season with a 27–9 record;

Whereas, after losing 4 of their first 6 games, the Lady Knights refused to give up and spent their winter break in the gym honing their skills and working to become a better team for the rest the season;

Whereas, on March 6, 2007, the Lady Knights upset the top-seeded University of Connecticut team for their first-ever Big East Championship title;

Whereas the young women of the Lady Knights displayed great talent in their run to the Final Four of the women's National Collegiate Athletic Association (NCAA) tournament;

Whereas 5 freshmen played an integral role in the team's march to the championship game;

Whereas the Lady Knights showed enormous composure with tournament wins against teams playing in their home States;

Whereas, through hard work and determination, the young team fought through improbable odds to reach the NCAA title game;

Whereas the team was just the third number 4 seed in history to reach the championship;

Whereas the Lady Knights made school history as the first athletic team from Rutgers University to play for any national championship;

Whereas, during the 3 weeks of the tournament, the Lady Knights brought excitement to the NCAA tournament and captured the hearts of basketball fans throughout New Jersey and across the Nation;

Whereas Rutgers students, alumni, faculty, and staff, along with countless New Jerseyans are immensely proud of what the Lady Knights accomplished during the season;

Whereas the members of the team are excellent representatives of Rutgers University and of the State of New Jersey;

Whereas the young women of the Lady Knights are outstanding individuals who are striving to reach lifetime goals both on and off the basketball court;

Whereas the Lady Knights epitomize the term "student-athlete" with a combined B+ grade point average;

Whereas by excelling in academics, music, and community service, Katie Adams, Matee Ajavon, Essence Carson, Dee Dee Jernigan, Rashidat Junaid, Myia McCurdy, Epiphanny Prince, Judith Brittany Ray, Kia Vaughn, and Heather Zurich are great role models for young women across the Nation; and

Whereas the Lady Knights embody integrity, leadership, and class: Now, therefore, be it

Resolved, That the Senate—

(1) commends the amazing performance of Rutgers University women's basketball team in the National Collegiate Athletic Association tournament; and

(2) expresses its admiration for the achievements and character of this team of remarkable young women.

SENATE RESOLUTION 157—EXTENDING THE BEST WISHES OF THE SENATE TO NEW JERSEY GOVERNOR JON S. CORZINE AND EXPRESSING THE SENATE'S HOPE FOR HIS SPEEDY AND COMPLETE RECOVERY

Mr. REID (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr.

Coburn, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Corker, Mr. Cornyn, Mr. Craig, Mr. Crapo, Mr. DeMint, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Isakson, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Ms. Klobuchar, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lott, Mr. Lugar, Mr. Martinez, Mr. McCain, Mrs. McCaskill, Mr. McConnell, Ms. Mikulski, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Obama, Mr. Pryor, Mr. Reed, Mr. Roberts, Mr. Rockefeller, Mr. Salazar, Mr. Sanders, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Stevens, Mr. Sununu, Mr. Tester, Mr. Thomas, Mr. Thune, Mr. Vitter, Mr. Voinovich, Mr. Warner, Mr. Webb, Mr. Whitehouse, and Mr. Wyden) submitted the following resolution; which was considered and agreed to:

S. Res. 157

Whereas The Honorable Jon S. Corzine, the Governor of the State of New Jersey, served with distinction in the United States Senate from January 3, 2001, to January 17, 2006;

Whereas, during his time in the Senate, Governor Corzine made many friends in both political parties;

Whereas, on April 12, 2007, Governor Corzine was seriously injured in a major traffic accident;

Whereas Governor Corzine is in critical but stable condition in the Trauma Intensive Care Unit at Cooper University Hospital in Camden, New Jersey; and

Whereas Governor Corzine's many friends in the Senate are deeply concerned about the Governor and have had him in their thoughts since the tragic accident occurred: Now, therefore, be it

Resolved, That the Senate extends its best wishes to New Jersey Governor Jon S. Corzine and hopes for his speedy and complete recovery.

SENATE RESOLUTION 158—DESIGNATING APRIL 20, 2007, AS "NATIONAL AND GLOBAL YOUTH SERVICE DAY"

Ms. MURKOWSKI (for herself, Mr. Akaka, Mr. Alexander, Mr. Baucus, Mr. Bayh, Mrs. Boxer, Mr. Brown, Mr. Burr, Ms. Cantwell, Mr. Casey, Mrs. Clinton, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Corker, Mr. Craig, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Durbin, Mr. Feingold, Mrs. Feinstein, Mr. Gregg, Mr. Hagel, Mr. Kennedy, Mr. Kerry, Ms. Landrieu, Mr. Lautenberg, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lott, Mr. Martinez, Mr. Menendez, Ms. Mikulski, Mrs. Murray, Mr. Nelson of Nebraska, Mr. Nelson of Florida, Mr. Obama, Mr. Salazar, Mr. Sanders, Mr. Specter, Ms. Stabenow, and Mr. Stevens) submitted the following resolution; which was considered and agreed to:

S. Res. 158

Whereas National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities;

Whereas the goals of National and Global Youth Service Day are to—

(1) mobilize the youth of the United States to identify and address the needs of their communities through service and service-learning;

(2) support young people in embarking on a lifelong path of service and civic engagement; and

(3) educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas National and Global Youth Service Day, a program of Youth Service America, is the largest service event in the world and is being observed for the 19th consecutive year in 2007;

Whereas young people in the United States and in many other countries are volunteering more than in any other generation in history;

Whereas children and youth not only represent the future of the world, but also are leaders and assets today;

Whereas children and youth should be valued for the idealism, energy, creativity, and unique perspectives that they use when addressing real-world issues such as poverty, hunger, illiteracy, education, gang activity, natural disasters, climate change, and myriad other issues;

Whereas a fundamental and conclusive correlation exists between youth service and lifelong adult volunteering and philanthropy;

Whereas, through community service, young people of all ages and backgrounds build character and learn valuable skills sought by employers, including time management, decisionmaking, teamwork, needs-assessment, and leadership;

Whereas service-learning is a teaching and learning strategy that integrates meaningful community service with academic curriculum;

Whereas service-learning supports young people in mastering important curriculum content by helping them make meaningful connections between what they are studying and the challenges that they see in their own communities;

Whereas high quality service-learning has been found to increase student academic engagement, academic achievement scores, civic engagement, character development, and career aspirations;

Whereas a report by Civic Enterprises found that 47 percent of high school dropouts reported boredom as a primary reason for dropping out;

Whereas service-learning has been found to increase students' cognitive engagement, motivation to learn, and school attendance;

Whereas several private foundations and corporations in the United States support service-learning as a means to develop the leadership and workforce skills necessary for the competitiveness of the United States in the 21st century;

Whereas a report by America's Promise found that 94 percent of young people want to be involved in making the world a better place, but 50 percent say there should be more volunteer programs for people their age;

Whereas the same report found that one-third of young people say they lack adult role models who volunteer and help others;

Whereas a sustained investment by the Federal Government, business partners, schools, and communities could fuel the positive, long-term cultural change that will make service and service-learning a common expectation and a common experience for all young people;

Whereas National and Global Youth Service Day engages millions of young people worldwide with the support of 51 lead agencies, 40 international organizations, and 110 national partners;

Whereas National Youth Service Day inspired Global Youth Service Day, which occurs concurrently in more than 100 countries and is now in its 8th year;

Whereas a growing number of Global Youth Service Day projects involve youth working collaboratively across national and geographic boundaries, increasing intercultural understanding and promoting the sense that they are global citizens; and

Whereas both young people and their communities will benefit greatly from expanded opportunities to engage youth in meaningful volunteer service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youth of the United States and encourages the cultivation of a common civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 20, 2007, as "National and Global Youth Service Day"; and

(3) calls on the people of the United States to—

(A) observe the day by encouraging youth to participate in civic and community service projects and by joining them in such projects;

(B) recognize the volunteer efforts of the young people of the United States throughout the year; and

(C) support the volunteer efforts of young people and engage them in meaningful learning and decisionmaking opportunities today as an investment in the future of the United States.

SENATE RESOLUTION 159—COMMENDING THE ASSOCIATION FOR ADVANCED LIFE UNDERWRITING ON ITS 50TH ANNIVERSARY

Mr. LOTT (for himself and Mr. Conrad) submitted the following resolution; which was considered and agreed to:

S. Res. 159

Whereas, for 50 years, Association for Advanced Life Underwriting members have been increasingly strong advocates for advanced life insurance planning and its benefits to millions of Americans;

Whereas, the Association for Advanced Life Underwriting has helped educate Congress and the country about the trillions of dollars of protection, savings, and capital and millions of jobs provided by life insurance products;

Whereas, Association for Advanced Life Underwriting members have helped Americans with long-term estate, business, pension, and deferred compensation planning;

Whereas, Association for Advanced Life Underwriting members have been very active participants in our democracy, particularly at the Federal or congressional level, providing their real life, market-based expertise on issues involving life insurance;

Whereas, the Association for Advanced Life Underwriting has provided technical assistance on a variety of life insurance-related matters to the Department of the Treasury, the Internal Revenue Service, the Office of the Comptroller of the Currency, the Department of Labor, and the Financial Accounting Standards Board;

Whereas, the Association for Advanced Life Underwriting has advocated in both the Federal and State legislatures for reforms needed to assure that life insurance is used appropriately for the benefit of clients and the general public;

Whereas, the Association for Advanced Life Underwriting has worked to unify the life insurance industry to better advocate in the interests of the American public; and

Whereas, the Association for Advanced Life Underwriting has worked to reflect the high level of commitment, principles, and expertise of its members and leaders: Now, therefore, be it

Resolved, That—

(1) the Association for Advanced Life Underwriting is congratulated on its 50th anniversary; and

(2) the Association for Advanced Life Underwriting is wished continued success during its next 50 years.

SENATE RESOLUTION 160—RECOGNIZING THE IMPORTANCE OF HOT SPRINGS NATIONAL PARK ON THE 175TH ANNIVERSARY OF THE ENACTMENT OF THE ACT THAT AUTHORIZED THE ESTABLISHMENT OF HOT SPRINGS RESERVATION

Mrs. LINCOLN (for herself and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 160

Whereas, in 1803, the 47 hot springs that eventually received protection under the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70) formally became the property of the United States as part of the Louisiana Purchase;

Whereas, with the establishment of the Hot Springs Reservation, the concept in the United States of setting aside a nationally significant place for the future enjoyment of the citizens of the United States was first carried out 175 years ago in Hot Springs, Arkansas;

Whereas the Hot Springs Reservation protected 47 hot springs in the area of Hot Springs, Arkansas;

Whereas, in the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70), Congress required that "the hot springs in said territory, together with four sections of land, including said springs, as near the centre thereof as may be, shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated, for any other purpose whatever";

Whereas the Hot Springs Reservation was the first protected area in the United States;

Whereas the Act that authorized the establishment of the Hot Springs Reservation was enacted before the establishment of the Department of the Interior in 1849, and before the establishment of Yellowstone National Park as the first national park of the United States in 1872;

Whereas, in 1921, the Hot Springs Reservation was renamed "Hot Springs National Park" and became the 18th national park of the United States; and

Whereas the tradition of preservation and conservation that inspired the development of the National Park System, which now includes 390 units, began with the Act that authorized the establishment of the Hot Springs Reservation: Now, therefore, be it

Resolved, That on the 175th anniversary of the Act of Congress that authorized the establishment of the Hot Springs Reservation, the Senate recognizes the important contributions of the Hot Springs Reservation and the Hot Springs National Park to the history of conservation in the United States.

SENATE RESOLUTION 161—HONORING THE LIFE OF OLIVER WHITE HILL, A PIONEER IN THE FIELD OF AMERICAN CIVIL RIGHTS LAW, ON THE OCCASION OF HIS 100TH BIRTHDAY

Mr. WEBB (for himself and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 161

Whereas Oliver White Hill was born on May 1, 1907, in Richmond, Virginia, moved with his family to Roanoke, Virginia, and graduated from Dunbar High School in Washington, DC;

Whereas Mr. Hill earned his undergraduate degree from Howard University and received a law degree from Howard University School of Law in 1933, graduating second in his class behind valedictorian and future Supreme Court Justice Thurgood Marshall;

Whereas, in 1934, Mr. Hill became a member of the Virginia Bar and began his law practice in Roanoke, Virginia, and continued in Richmond, Virginia, in 1939, leading the Virginia legal team of the National Association for the Advancement of Colored People (NAACP) from 1940 to 1961 and serving as one of the principal attorneys on the historic Brown v. Board of Education case in 1954;

Whereas Mr. Hill interrupted his law practice to serve in the United States Armed Forces from 1943 to 1945, and was later appointed by President Harry S. Truman to a committee to study racism in the United States;

Whereas, in 1948, Mr. Hill became the first African-American elected to the Richmond, Virginia, City Council since Reconstruction, and later served in appointed capacities with the Federal Housing Administration and the then-newly-created Department of Housing and Urban Development;

Whereas Mr. Hill served as legal counsel in many of the Nation's most important civil rights cases concerning equal opportunity in education, employment, housing, transportation, and the justice system;

Whereas Mr. Hill has remained actively engaged with civic enterprises at the community, State, national, and international levels, and earned numerous accolades and awards, including the Presidential Medal of Freedom from President William Jefferson Clinton in 1999; the NAACP Spingarn Medal in 2005; and the dedication of a building on the grounds of the Virginia State Capitol in his honor by the Commonwealth of Virginia in 2005; and

Whereas Mr. Hill served as a mentor to generations of attorneys, activists, and public servants: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of Oliver White Hill, a pioneer in the field of American civil rights law, on the occasion of his 100th birthday.

SENATE CONCURRENT RESOLUTION 28—CONGRATULATING THE CITY OF CHICAGO FOR BEING CHOSEN TO REPRESENT THE UNITED STATES IN THE INTERNATIONAL COMPETITION TO HOST THE 2016 OLYMPIC AND PARALYMPIC GAMES, AND ENCOURAGING THE INTERNATIONAL OLYMPIC COMMITTEE TO SELECT CHICAGO AS THE SITE OF THE 2016 OLYMPIC AND PARALYMPIC GAMES

Mr. DURBIN (for himself, Mr. OBAMA, and Mr. STEVENS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 28

Whereas the City of Chicago has been selected by the United States Olympic Committee to represent the United States in its bid to host the 2016 Summer Olympic and Paralympic Games;

Whereas, by 2016, 20 years will have passed since the Summer Olympics were held in a city in the United States;

Whereas Chicago is a world-class city with remarkable diversity, culture, history, and people;

Whereas the citizens of Chicago take great pride in all aspects of their city and have a deep love for sports;

Whereas Chicago already holds a place in the international community as a city of immigrants from around the world, who are eager to be ambassadors to visiting Olympic athletes;

Whereas the Olympic and Paralympic Games will be played in the heart of Chicago so that athletes and visitors can appreciate the beauty of the downtown parks and lakefront;

Whereas Chicago is one of the transportation hubs of the world and can provide accessible transportation to international visitors through extensive rail, transit, and motorways infrastructure, combined with the world-class O'Hare and Midway International Airports;

Whereas the motto of the 2016 Olympic and Paralympic Games in Chicago would be "Stir the Soul," and the games would inspire citizens around the world, both young and old;

Whereas a Midwestern city has not hosted the Olympic Games since the 1904 games in St. Louis, Missouri, and the opportunity to host the Olympics would be an achievement not only for Chicago and for the State of Illinois, but also for the entire Midwest;

Whereas hosting the 2016 Olympic and Paralympic Games would provide substantial local, regional, and national economic benefits;

Whereas Mayor Richard M. Daley, Patrick Ryan, and members of the Chicago 2016 Committee have campaigned tirelessly to secure Chicago's bid to host the Olympic and Paralympic Games;

Whereas, through the campaign to be selected by the United States Olympic Committee, Chicago's citizens, officials, workers, community groups, and businesses have demonstrated their ability to come together to exemplify the true spirit of the Olympic Games and the City of Chicago; and

Whereas the Olympic and Paralympic Games represent the best of the human spirit and there is no better fit for hosting this event than one of the world's truly great cities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the City of Chicago on securing the bid to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games; and

(2) encourages the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

AMENDMENTS SUBMITTED AND PROPOSED

SA 888. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table.

SA 889. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 890. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 891. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra.

SA 892. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 893. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 894. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 895. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 896. Mr. LEAHY (for himself and Mr. SPECTER) proposed an amendment to the bill S. 378, supra.

SA 897. Mr. ENSIGN (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 888. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 507. OFFSET REQUIREMENT.

Any funds appropriated for the activities authorized by this Act shall be offset by an equal amount of funds appropriated to the Department of Justice that are unobligated which shall be returned to the Treasury for retirement of the national debt.

SA 889. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5___. PROHIBITION ON FUNDING TO THE DRUG POLICY ALLIANCE OF NEW MEXICO.

Notwithstanding any other provision of law, the Department of Justice may not provide any funds to the Drug Policy Alliance of New Mexico.

SA 890. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5___. PROHIBITION ON FUNDING TO ORGANIZATIONS THAT DO NOT OPPOSE THE LEGALIZATION OR DECRIMINALIZATION OF ILLEGAL DRUGS.

Notwithstanding any other provision of law, the Department of Justice may not provide any funds to any organization that does not explicitly oppose the legalization or decriminalization of illegal drugs.

SA 891. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC 5.___ SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the national debt of the United States of America now exceeds $8,500,000,000;000;

(2) each United States citizen's share of this debt is approximately $29,183;

(3) every cent that the United States Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security;

(4) the power of the purse belongs to Congress;

(5) Congress authorizes and appropriates all Federal discretionary spending;

(6) for too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints Americans face everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources; and

(7) it is irresponsible for Congress to authorize new spending for programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

SA 892. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5___. DEPARTMENT OF JUSTICE CONFERENCE EXPENSES.

(a) DEFINITION.—In this section, the term "conference" means a meeting that—

(1) is held for consultation, education, or discussion;

(2) includes participants who are not all employees of the same agency;

(3) is not held entirely at an agency facility;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

(b) LIMITATION.—Notwithstanding any other provision of law, the Department of Justice may not expend more than $35,000,000 for conferences in any fiscal year.

SA 893. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 507. COMPETITIVE BIDDING FOR COPS.

(a) GRANT COMPETITIVENESS.—Each grant made under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (COPS program) shall be—

(1) awarded on a competitive basis;

(2) given priority based on—

(A) demonstrated need; and

(B) demonstrated results or effective use of the funds; and

(3) made without consideration of report language accompanying enacted legislation.

(b) UNOBLIGATED FUNDS.—Any funds appropriated for the COPS program that are not obligated to a grantee through a competitive process shall be returned to the Treasury to pay down the national debt.

SA 894. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 5___. IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

(a) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end "The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.".

(b) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—

Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking "may" and inserting "shall"; and

(B) by striking "written statement to be inspected" and inserting "statement to be made ex parte and to be considered"; and

(2) in the third sentence—

(A) by striking "If the court enters an order granting relief following such an ex parte showing, the" and inserting "The"; and

(B) by inserting ", as well as any summary of the classified information the defendant seeks to obtain," after "text of the statement of the United States".

(c) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting ", AND ACCESS TO," after "OF";

(2) by inserting "(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—" before the first sentence; and

(3) by adding at the end the following:

"(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

"(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

"(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

"(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

"(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

"(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of inquiry not involving such classified information.".

SA 895. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

DIVISION B—RECIDIVISM REDUCTION AND SECOND CHANCE ACT OF 2007

SEC. 01. SHORT TITLE.

This division may be cited as the "Recidivism Reduction and Second Chance Act of 2007" or the "Second Chance Act of 2007".

SEC. 02. FINDINGS.

Congress finds the following:

(1) In 2002, over 7,000,000 people were incarcerated in Federal or State prisons or in local jails. Nearly 650,000 people are released from Federal and State incarceration into communities nationwide each year.

(2) There are over 3,200 jails throughout the United States, the vast majority of which are operated by county governments. Each year, these jails will release more than 10,000,000 people back into the community.

(3) Recent studies indicate that over ⅔ of released State prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years after release.

(4) According to the Bureau of Justice Statistics, expenditures on corrections alone increased from $9,000,000,000 in 1982, to $59,600,000,000 in 2002. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

(5) The Serious and Violent Offender Reentry Initiative provided $139,000,000 in funding for State governments to develop and implement education, job training, mental health treatment, and substance abuse treatment for serious and violent offenders. This Act seeks to build upon the innovative and successful State reentry programs developed under the Serious and Violent Offender Reentry Initiative, which terminated after fiscal year 2005.

(6) Between 1991 and 1999, the number of children with a parent in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. According to the Bureau of Prisons, there is evidence to suggest that inmates who are connected to their children and families are more likely to avoid negative incidents and have reduced sentences.

(7) Released prisoners cite family support as the most important factor in helping them stay out of prison. Research suggests that families are an often underutilized resource in the reentry process.

(8) Approximately 100,000 juveniles (ages 17 years and under) leave juvenile correctional facilities, State prison, or Federal prison each year. Juveniles released from secure confinement still have their likely prime crime years ahead of them. Juveniles released from secure confinement have a recidivism rate ranging from 55 to 75 percent. The chances that young people will successfully transition into society improve with effective reentry and aftercare programs.

(9) Studies have shown that between 15 percent and 27 percent of prisoners expect to go to homeless shelters upon release from prison.

(10) Fifty-seven percent of Federal and 70 percent of State inmates used drugs regularly before going to prison, and the Bureau of Justice Statistics report titled "Trends in State Parole, 1990–2000" estimates the use of drugs or alcohol around the time of the offense that resulted in the incarceration of the inmate at as high as 84 percent.

(11) Family-based treatment programs have proven results for serving the special populations of female offenders and substance abusers with children. An evaluation by the Substance Abuse and Mental Health Services Administration of family-based treatment for substance-abusing mothers and children found that 6 months after such treatment, 60 percent of the mothers remained alcohol and drug free, and drug-related offenses declined from 28 percent to 7 percent. Additionally, a 2003 evaluation of residential family-based treatment programs revealed that 60 percent of mothers remained clean and sober 6 months after treatment, criminal arrests declined by 43 percent, and 88 percent of the children treated in the program with their mothers remained stabilized.

(12) A Bureau of Justice Statistics analysis indicated that only 33 percent of Federal inmates and 36 percent of State inmates had participated in residential in-patient treatment programs for alcohol and drug abuse 12 months before their release. Further, over ⅓ of all jail inmates have some physical or mental disability and 25 percent of jail inmates have been treated at some time for a mental or emotional problem.

(13) State Substance Abuse Agency Directors, also known as Single State Authorities (in this paragraph referred to as "SSAs"), manage the publicly funded substance abuse prevention and treatment system of the Nation. SSAs are responsible for planning and implementing State-wide systems of care that provide clinically appropriate substance abuse services. Given the high rate of substance use disorders among offenders reentering our communities, successful reentry programs require close interaction and collaboration with each SSA as the program is planned, implemented and evaluated.

(14) According to the National Institute of Literacy, 70 percent of all prisoners function at the lowest literacy levels.

(15) Less than 32 percent of State prison inmates have a high school diploma or a higher level of education, compared to 82 percent of the general population.

(16) Approximately 38 percent of inmates who completed 11 years or less of school were not working before entry into prison.

(17) The percentage of State prisoners participating in educational programs decreased by more than 8 percent between 1991 and 1997, despite growing evidence of how educational programming while incarcerated reduces recidivism.

(18) The National Institute of Justice has found that 1 year after release, up to 60 percent of former inmates are not employed.

(19) Transitional jobs programs have proven to help people with criminal records to successfully return to the workplace and to the community, and therefore can reduce recidivism.

SEC. _03. SUBMISSION OF REPORTS TO CONGRESS.

Not later than January 31 of each year, the Attorney General shall submit each report received under this division or an amendment made by this division during the preceding year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

TITLE I—AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Subtitle A—Improvements to Existing Programs

SEC. 101. REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.

(a) ADULT AND JUVENILE OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) establishing or improving the system or systems under which—

"(A) correctional agencies and other criminal and juvenile justice agencies of the grant recipient develop and carry out plans to facilitate the reentry into the community of each offender in the custody of the jurisdiction involved;

"(B) the supervision and services provided to offenders in the custody of the jurisdiction involved are coordinated with the supervision and services provided to offenders after reentry into the community, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

"(C) the efforts of various public and private entities to provide supervision and services to offenders after reentry into the community, and to family members of such offenders, are coordinated; and

"(D) offenders awaiting reentry into the community are provided with documents (such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, and information on obtaining public assistance) useful in achieving a successful transition from prison, jail, or a juvenile facility;

"(2) carrying out programs and initiatives by units of local government to strengthen reentry services for individuals released from local jails, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

"(3) assessing the literacy, educational, and vocational needs of offenders in custody and identifying and providing services appropriate to meet those needs, including follow-up assessments and long-term services;

"(4) facilitating collaboration among the corrections (including community corrections), technical school, community college, business, nonprofit, workforce development, and employment service sectors—

"(A) to promote, where appropriate, the employment of people released from prison, jail, or a juvenile facility through efforts such as educating employers about existing financial incentives;

"(B) to facilitate the creation of job opportunities, including transitional jobs and time-limited subsidized work experience (where appropriate);

"(C) to connect offenders to employment (including supportive employment and employment services before their release to the community), provide work supports (including transportation and retention services), as appropriate, and identify labor market needs to ensure that education and training are appropriate; and

"(D) to address obstacles to employment that are not directly connected to the offense committed and the risk that the offender presents to the community and provide case management services as necessary to prepare offenders for jobs that offer the potential for advancement and growth;

"(5) providing offenders with education, job training, responsible parenting and healthy relationship skills training (designed specifically to address the needs of fathers and mothers in or transitioning from prison, jail, or a juvenile facility), English literacy education, work experience programs, self-respect and life skills training, and other skills useful in achieving a successful transition from prison, jail, or a juvenile facility;

"(6) providing structured post-release housing and transitional housing (including group homes for recovering substance abusers (with appropriate safeguards that may include single-gender housing)) through which offenders are provided supervision and services immediately following reentry into the community;

"(7) assisting offenders in securing permanent housing upon release or following a stay in transitional housing;

"(8) providing substance abuse treatment and services (including providing a full continuum of substance abuse treatment services that encompasses outpatient services, comprehensive residential services and recovery, and recovery home services) to offenders reentering the community from prison, jail, or a juvenile facility;

"(9) expanding family-based drug treatment centers that offer family-based comprehensive treatment services for parents and their children as a complete family unit, as appropriate to the safety, security, and well-being of the family;

"(10) encouraging collaboration among juvenile and adult corrections, community corrections, and community health centers to allow access to affordable and quality primary health care for offenders during the period of transition from prison, jail, or a juvenile facility to the community;

"(11) providing or facilitating health care services to offenders (including substance abuse screening, treatment, and aftercare, infectious disease screening and treatment, and screening, assessment, and aftercare for mental health services) to protect the communities in which offenders will live;

"(12) enabling prison, jail, or juvenile facility mentors of offenders to remain in contact with those offenders (including through the use of all available technology) while in prison, jail, or a juvenile facility and after reentry into the community, and encouraging the involvement of prison, jail, or a juvenile facility mentors in the reentry process;

"(13) systems under which family members of offenders are involved in facilitating the successful reentry of those offenders into the community (as appropriate to the safety, security, and well-being of the family), including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to function as a stable living situation during reentry, and involving family members in the planning and implementation of the reentry process;

"(14) creating, developing, or enhancing offender and family assessments, curricula, policies, procedures, or programs (including mentoring programs)—

"(A) to help offenders with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities (as appropriate to the safety, security, and well-being of the family), and become non-abusive parents or partners; and

"(B) under which particular attention is paid to the safety of children affected and the confidentiality concerns of victims, and efforts are coordinated with victim service providers;

"(15) maintaining the parent-child relationship, as appropriate to the safety, security, and well-being of the child as determined by the relevant corrections and child protective services agencies, including—

"(A) implementing programs in correctional agencies to include the collection of information regarding any dependent children of an offender as part of intake procedures, including the number, age, and location or jurisdiction of such children;

"(B) connecting those identified children with services as appropriate and needed;

"(C) carrying out programs (including mentoring) that support children of incarcerated parents, including those in foster care and those cared for by grandparents or other relatives (which is commonly referred to as kinship care);

"(D) developing programs and activities (including mentoring) that support parent-child relationships, as appropriate to the safety, security, and well-being of the family, including technology to promote the parent-child relationship and to facilitate participation in parent-teacher conferences, books on tape programs, family days, and visitation areas for children while visiting an incarcerated parent;

"(E) helping incarcerated parents to learn responsible parenting and healthy relationship skills;

"(F) addressing visitation obstacles to children of an incarcerated parent, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies; and

"(G) identifying and addressing obstacles to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of such offenders;

"(16) carrying out programs for the entire family unit, including the coordination of service delivery across agencies;

"(17) facilitating and encouraging timely and complete payment of restitution and fines by offenders to victims and the community;

"(18) providing services as necessary to victims upon release of offenders, including security services and counseling, and facilitating the inclusion of victims, on a voluntary basis, in the reentry process;

"(19) establishing or expanding the use of reentry courts and other programs to—

"(A) monitor offenders returning to the community;

"(B) provide returning offenders with—

"(i) drug and alcohol testing and treatment; and

"(ii) mental and medical health assessment and services;

"(C) facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;

"(D) provide and coordinate the delivery of other community services to offenders, including—

"(i) employment training;

"(ii) education;

"(iii) housing assistance;

"(iv) children and family support, including responsible parenting and healthy relationship skill training designed specifically to address the needs of incarcerated and transitioning fathers and mothers;

"(v) conflict resolution skills training;

"(vi) family violence intervention programs; and

"(vii) other appropriate services; and

"(E) establish and implement graduated sanctions and incentives;

"(20) developing a case management reentry program that—

"(A) provides services to eligible veterans, as defined by the Attorney General; and

"(B) provides for a reentry service network solely for such eligible veterans that coordinates community services and veterans services for offenders who qualify for such veterans services; and

"(21) protecting communities against dangerous offenders, including—

"(A) conducting studies in collaboration with Federal research initiatives in effect on the date of enactment of the Second Chance Act of 2007, to determine which offenders are returning to prisons, jails, and juvenile facilities and which of those returning offenders represent the greatest risk to community safety;

"(B) developing and implementing procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

"(C) using validated assessment tools to assess the risk factors of returning inmates, and developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely; and

"(D) developing and implementing procedures to identify efficiently and effectively those violators of probation, parole, or post-incarceration supervision who represent the greatest risk to community safety.".

(b) Juvenile Offender Demonstration Projects Reauthorized.—Section 2976(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(c)) is amended by striking "may be expended for" and all that follows through the period at the end and inserting "may be expended for any activity described in subsection (b).".

(c) Applications; Requirements; Priorities; Performance Measurements.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) by redesignating subsection (h) as subsection (o); and

(2) by striking subsections (d) through (g) and inserting the following:

"(d) Applications.—A State, unit of local government, territory, or Indian tribe, or combination thereof, desiring a grant under this section shall submit an application to the Attorney General that—

"(1) contains a reentry strategic plan, as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to pay for the program after the Federal funding is discontinued;

"(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations; and

"(3) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this section, and specifically explains how such measurements will provide valid measures of the impact of that program.

"(e) Requirements.—The Attorney General may make a grant to an applicant under this section only if the application—

"(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian tribe applying for a grant under this section;

"(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of offenders into their communities;

"(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

"(4) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community; and

"(5) includes the use of a State, local, territorial, or tribal task force, described in subsection (i), to carry out the activities funded under the grant.

"(f) Priority Considerations.—The Attorney General shall give priority to grant applications under this section that best—

"(1) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

"(2) include—

"(A) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

"(B) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities; and

"(C) coordination with families of offenders;

"(3) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

"(A) planning while offenders are in prison, jail, or a juvenile facility, pre-release transition housing, and community release;

"(B) establishing pre-release planning procedures to ensure that the eligibility of an offender for Federal or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services; and

"(C) delivery of continuous and appropriate drug treatment, medical care, job training and placement, educational services, or any other service or support needed for reentry;

"(4) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

"(5) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs; and

"(6) target high-risk offenders for reentry programs through validated assessment tools.

"(g) Uses of Grant Funds.—

"(1) Federal share.—

"(A) In general.—Except as provided in subparagraph (B), the Federal share of a grant received under this section may not exceed 75 percent of the project funded under such grant in fiscal year 2008.

"(B) Waiver.—Subparagraph (A) shall not apply if the Attorney General—

"(i) waives, in whole or in part, the requirement of this paragraph; and

"(ii) publishes in the Federal Register the rationale for the waiver.

"(2) Supplement not supplant.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

"(h) Reentry Strategic Plan.—

"(1) In general.—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5-year performance outcomes, and that uses, to the maximum extent possible, random assigned and controlled studies to determine the effectiveness of the program funded with a grant under this section. One goal of that plan shall be to reduce the rate of recidivism (as defined by the Attorney General, consistent with the research on offender reentry undertaken by the Bureau of Justice Statistics) for offenders released from prison, jail, or a juvenile facility who are served with funds made available under this section by 50 percent over a period of 5 years.

"(2) Coordination.—In developing a reentry plan under this subsection, an applicant shall coordinate with communities and stakeholders, including persons in the fields of public safety, juvenile and adult corrections, housing, health, education, substance abuse, children and families, victims services, employment, and business and members of nonprofit organizations that can provide reentry services.

"(3) Measurements of progress.—Each reentry plan developed under this subsection shall measure the progress of the applicant toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

"(i) Reentry Task Force.—

"(1) In general.—As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to—

"(A) examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders' time in prison, jail, or a juvenile facility on families and communities of offenders by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations; and

"(B) provide the analysis described in subsection (e)(4).

"(2) Membership.—The task force or other authority under this subsection shall be comprised of—

"(A) relevant State, tribal, territorial, or local leaders; and

"(B) representatives of relevant—

"(i) agencies;

"(ii) service providers;

"(iii) nonprofit organizations; and

"(iv) stakeholders.

"(j) Strategic Performance Outcomes.—

"(1) In general.—Each applicant shall identify in the reentry strategic plan developed under subsection (h), specific performance outcomes relating to the long-term goals of increasing public safety and reducing recidivism.

"(2) Performance outcomes.—The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—

"(A) reduction in recidivism rates, which shall be reported in accordance with the measure selected by the Director of the Bureau of Justice Statistics under section 234(c)(2) of the Second Chance Act of 2007;

"(B) reduction in crime;

"(C) increased employment and education opportunities;

"(D) reduction in violations of conditions of supervised release;

"(E) increased payment of child support;

"(F) increased housing opportunities;

"(G) reduction in drug and alcohol abuse; and

"(H) increased participation in substance abuse and mental health services.

"(3) OTHER OUTCOMES.—A grantee under this section may include in the reentry strategic plan developed under subsection (h) other performance outcomes that increase the success rates of offenders who transition from prison, jails, or juvenile facilities.

"(4) COORDINATION.—A grantee under this section shall coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicant, and shall consult with the Attorney General for assistance with data collection and measurement activities as provided for in the grant application materials.

"(5) REPORT.—Each grantee under this section shall submit an annual report to the Attorney General that—

"(A) identifies the progress of the grantee toward achieving its strategic performance outcomes; and

"(B) describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.

"(k) PERFORMANCE MEASUREMENT.—

"(1) IN GENERAL.—The Attorney General, in consultation with grantees under this section, shall—

"(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

"(B) identify sources and methods of data collection in support of performance measurement required under this section;

"(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

"(D) consult with the Substance Abuse and Mental Health Services Administration and the National Institute on Drug Abuse on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

"(2) COORDINATION.—The Attorney General shall coordinate with other Federal agencies to identify national and other sources of information to support performance measurement of grantees.

"(3) STANDARDS FOR ANALYSIS.—Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

"(l) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section in any fiscal year after the fiscal year in which a grantee receives a grant under this section, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

"(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

"(2) the reentry plan of the grantee includes performance measures to assess progress of the grantee toward a 10 percent reduction in the rate of recidivism over a 2-year period.

"(3) the grantee will coordinate with the Attorney General, nonprofit organizations (if relevant input from nonprofit organizations is available and appropriate), and other experts regarding the selection and implementation of the performance measures described in subsection (k).

"(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

"(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

"(2) ELIGIBLE ORGANIZATION.—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, that provides technical assistance and training to, and has special expertise and broad, national-level experience in, offender reentry programs, training, and research.

"(3) USE OF FUNDS.—The organization receiving a grant under paragraph (1) shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

"(A) provide education, training, and technical assistance for States, tribes, territories, local governments, service providers, nonprofit organizations, and corrections institutions;

"(B) collect data and best practices in offender reentry from demonstration grantees and others agencies and organizations;

"(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

"(D) disseminate information to States and other relevant entities about best practices, policy standards, and research findings;

"(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

"(F) develop and implement procedures to identify efficiently and effectively those violators of probation, parole, or supervision following release from prison, jail, or a juvenile facility who should be returned to prisons, jails, or juvenile facilities and those who should receive other penalties based on defined, graduated sanctions;

"(G) collaborate with the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, and the Federal Resource Center for Children of Prisoners;

"(H) develop a national reentry research agenda; and

"(I) establish a database to enhance the availability of information that will assist offenders in areas including housing, employment, counseling, mentoring, medical and mental health services, substance abuse treatment, transportation, and daily living skills.

"(4) LIMIT.—Of amounts made available to carry out this section, not more than 4 percent shall be available to carry out this subsection.

"(n) ADMINISTRATION.—Of amounts made available to carry out this section—

"(1) not more than 2 percent shall be available for administrative expenses in carrying out this section; and

"(2) not more than 2 percent shall be made available to the National Institute of Justice to evaluate the effectiveness of the demonstration projects funded under this section, using a methodology that—

"(A) includes, to the maximum extent feasible, random assignment of offenders (or entities working with such persons) to program delivery and control groups; and

"(B) generates evidence on which reentry approaches and strategies are most effective.".

(d) GRANT AUTHORIZATION.—Section 2976(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(a)) is amended by striking "States, Territories" and all that follows through the period at the end and inserting the following: "States, local governments, territories, or Indian tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 2976(o) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w), as so redesignated by subsection (c) of this section, is amended—

(1) in paragraph (1), by striking "$15,000,000 for fiscal year 2003" and all that follows and inserting "$50,000,000 for each of fiscal years 2008 and 2009."; and

(2) by amending paragraph (2) to read as follows:

"(2) LIMITATION.—Of the amount made available to carry out this section in any fiscal year, not more than 3 percent or less than 2 percent may be used for technical assistance and training.".

SEC. 102. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE OFFENDERS PROGRAM.

(a) REQUIREMENT FOR AFTERCARE COMPONENT.—Section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-1(c)), is amended—

(1) by striking the subsection heading and inserting "REQUIREMENT FOR AFTERCARE COMPONENT.—"; and

(2) by amending paragraph (1) to read as follows:

"(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services, which may include case management services and a full continuum of support services that ensure providers furnishing services under that program are approved by the appropriate State or local agency, and licensed, if necessary, to provide medical treatment or other health services.".

(b) DEFINITION.—Section 1904(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-3(d)) is amended to read as follows:

"(d) RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM DEFINED.—In this part, the term 'residential substance abuse treatment program' means a course of comprehensive individual and group substance abuse treatment services, lasting a period of at least 6 months, in residential treatment facilities set apart from the general population of a prison or jail (which may include the use of pharmacological treatment, where appropriate, that may extend beyond such period).".

(c) REQUIREMENT FOR STUDY AND REPORT ON AFTERCARE SERVICES.—The Attorney General, through the National Institute of Justice, and in consultation with the National

Institute on Drug Abuse, shall conduct a study on the use and effectiveness of funds used by the Department of Justice for aftercare services under section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by subsection (a) of this section, for offenders who reenter the community after completing a substance abuse program in prison or jail.

Subtitle B—New and Innovative Programs to Improve Offender Reentry Services

SEC. 111. STATE AND LOCAL REENTRY COURTS.

(a) IN GENERAL.—Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w et seq.) is amended by adding at the end the following:

"SEC. 2978. STATE AND LOCAL REENTRY COURTS.

"(a) GRANTS AUTHORIZED.—The Attorney General shall award grants, in accordance with this section, of not more than $500,000 to—

"(1) State and local courts; and

"(2) State agencies, municipalities, public agencies, nonprofit organizations, territories, and Indian tribes that have agreements with courts to take the lead in establishing a reentry court (as described in section 2976(b)(19)).

"(b) USE OF GRANT FUNDS.—Grant funds awarded under this section shall be administered in accordance with such guidelines, regulations, and procedures as promulgated by the Attorney General, and may be used to—

"(1) monitor juvenile and adult offenders returning to the community;

"(2) provide juvenile and adult offenders returning to the community with coordinated and comprehensive reentry services and programs such as—

"(A) drug and alcohol testing and assessment for treatment;

"(B) assessment for substance abuse from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

"(C) substance abuse treatment from a provider that is approved by the State, and licensed, if necessary, to provide medical and other health services;

"(D) health (including mental health) services and assessment;

"(E) aftercare and case management services that—

"(i) facilitate access to clinical care and related health services; and

"(ii) coordinate with such clinical care and related health services; and

"(F) any other services needed for reentry;

"(3) convene community impact panels, victim impact panels, or victim impact educational classes;

"(4) provide and coordinate the delivery of community services to juvenile and adult offenders, including—

"(A) housing assistance;

"(B) education;

"(C) employment training;

"(D) conflict resolution skills training;

"(E) batterer intervention programs; and

"(F) other appropriate social services; and

"(5) establish and implement graduated sanctions and incentives.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as preventing a grantee that operates a drug court under part EE at the time a grant is awarded under this section from using funds from such grant to supplement the drug court under part EE in accordance with paragraphs (1) through (5) of subsection (b).

"(d) APPLICATION.—To be eligible for a grant under this section, an entity described in subsection (a) shall, in addition to any other requirements required by the Attorney General, submit to the Attorney General an application that—

"(1) describes the program to be assisted under this section and the need for such program;

"(2) describes a long-term strategy and detailed implementation plan for such program, including how the entity plans to pay for the program after the Federal funding is discontinued;

"(3) identifies the governmental and community agencies that will be coordinated by the project;

"(4) certifies that—

"(A) all agencies affected by the program, including community corrections and parole entities, have been appropriately consulted in the development of the program;

"(B) there will be appropriate coordination with all such agencies in the implementation of the program; and

"(C) there will be appropriate coordination and consultation with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) of the State; and

"(5) describes the methodology and outcome measures that will be used to evaluate the program.

"(e) MATCHING REQUIREMENTS.—The Federal share of a grant under this section may not exceed 75 percent of the costs of the project assisted by such grant unless the Attorney General—

"(1) waives, wholly or in part, the matching requirement under this subsection; and

"(2) publicly delineates the rationale for the waiver.

"(f) ANNUAL REPORT.—Each entity receiving a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from the grant are expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

"(1) a summary of the activities carried out under the program assisted by the grant;

"(2) an assessment of whether the activities are meeting the need for the program identified in the application submitted under subsection (d); and

"(3) such other information as the Attorney General may require.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2008 and 2009 to carry out this section.

"(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

"(A) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

"(B) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.".

SEC. 112. GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part BB the following:

"PART CC—GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES

"SEC. 2901. AUTHORIZATION.

"The Attorney General shall carry out a grant program under which the Attorney General makes grants to States, units of local government, territories, Indian tribes, and other public and private entities for the purpose of establishing and administering task forces (to be known as 'Comprehensive and Continuous Offender Reentry Task Forces'), in accordance with this part.

"SEC. 2902. COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.

"(a) IN GENERAL.—For purposes of this part, a Comprehensive and Continuous Offender Reentry Task Force is a planning group of a State, unit of local government, territory, or Indian tribe that—

"(1) develops a community reentry plan, described in section 2903, for each juvenile and adult offender to be released from a correctional facility in the applicable jurisdiction;

"(2) supervises and assesses the progress of each such offender, with respect to such plan, starting on a date before the offender is released from a correctional facility and ending on the date on which the court supervision of such offender ends;

"(3) conducts a detailed assessment of the needs of each offender to address employment training, medical care, drug treatment, education, and any other identified need of the offender to assist in the offender's reentry;

"(4) demonstrates affirmative steps to implement such a community reentry plan by consulting and coordinating with other public and nonprofit entities, as appropriate;

"(5) establishes appropriate measurements for determining the efficacy of such community reentry plans by monitoring offender performance under such reentry plans;

"(6) complies with applicable State, local, territorial, and tribal rules and regulations regarding the provision of applicable services and treatment in the applicable jurisdiction; and

"(7) consults and coordinates with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) and the criminal justice agencies of the State to ensure that offender reentry plans are coordinated and delivered in the most cost-effective manner, as determined by the Attorney General, in consultation with the grantee.

"(b) CONSULTATION REQUIRED.—A Comprehensive and Continuous Offender Reentry Task Force for a county or other defined geographic area shall perform the duties described in paragraphs (1) and (2) of subsection (a) in consultation with representatives of—

"(1) the criminal and juvenile justice and correctional facilities within that county or area;

"(2) the community health care services of that county or area;

"(3) the drug treatment programs of that county or area;

"(4) the employment services organizations available in that county or area;

"(5) the housing services organizations available in the county or area; and

"(6) any other appropriate community services available in the county or area.

"SEC. 2903. COMMUNITY REENTRY PLAN DESCRIBED.

"For purposes of section 2902(a)(1), a community reentry plan for an offender is a plan relating to the reentry of the offender into the community and, according to the needs of the offender, shall—

"(1) identify employment opportunities and goals;

"(2) identify housing opportunities;

"(3) provide for any needed drug treatment;

"(4) provide for any needed mental health services;

“(5) provide for any needed health care services;

“(6) provide for any needed family counseling;

“(7) provide for offender case management programs or services; and

“(8) provide for any other service specified by the Comprehensive and Continuous Offender Reentry Task Force as necessary for the offender.

“SEC. 2904. APPLICATION.

“To be eligible for a grant under this part, a State or other relevant entity shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies. Such application shall contain such information as the Attorney General specifies.

“SEC. 2905. RULE OF CONSTRUCTION.

“Nothing in this part shall be construed as supplanting or modifying a sentence imposed by a court, including any terms of supervision.

“SEC. 2906. REPORTS.

“An entity that receives funds under this part for a Comprehensive and Continuous Offender Reentry Task Force during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of such Task Force during such fiscal year.

“SEC. 2907. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.”.

SEC. 113. PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS.

(a) AUTHORIZATION.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding after part CC the following:

“PART DD—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS

“SEC. 2911. GRANT AUTHORITY.

“(a) IN GENERAL.—The Attorney General may make grants to State and local prosecutors to develop, implement, or expand qualified drug treatment programs that are alternatives to imprisonment, in accordance with this part.

“(b) QUALIFIED DRUG TREATMENT PROGRAMS DESCRIBED.—For purposes of this part, a qualified drug treatment program is a program—

“(1) that is administered by a State or local prosecutor;

“(2) that requires an eligible offender who is sentenced to participate in the program (instead of incarceration) to participate in a comprehensive substance abuse treatment program that is approved by the State and licensed, if necessary, to provide medical and other health services;

“(3) that requires an eligible offender to receive the consent of the State or local prosecutor involved to participate in such program;

“(4) that, in the case of an eligible offender who is sentenced to participate in the program, requires the offender to serve a sentence of imprisonment with respect to the crime involved if the prosecutor, in conjunction with the treatment provider, determines that the offender has not successfully completed the relevant substance abuse treatment program described in paragraph (2);

“(5) that provides for the dismissal of the criminal charges involved in an eligible offender's participation in the program if the offender is determined to have successfully completed the program;

“(6) that requires each substance abuse provider treating an eligible offender under the program to—

“(A) make periodic reports of the progress of the treatment of that offender to the State or local prosecutor involved and to the appropriate court in which the eligible offender was convicted; and

“(B) notify such prosecutor and such court if the eligible offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program, consistent with Federal and State confidentiality requirements; and

“(7) that has an enforcement unit comprised of law enforcement officers under the supervision of the State or local prosecutor involved, the duties of which shall include verifying an eligible offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an eligible offender who has absconded from the facility of a substance abuse treatment provider or otherwise violated the terms and conditions of the program, consistent with Federal and State confidentiality requirements, and returning such eligible offender to court for sentencing for the crime involved.

“SEC. 2912. USE OF GRANT FUNDS.

“(a) IN GENERAL.—A State or local prosecutor that receives a grant under this part shall use such grant for expenses of a qualified drug treatment program, including for the following expenses:

“(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.

“(2) Payments for substance abuse treatment providers that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement.

“(3) Payments to public and nonprofit private entities that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to offenders participating in the program.

“(b) SUPPLEMENT AND NOT SUPPLANT.—Grants made under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this part.

“SEC. 2913. APPLICATIONS.

“To request a grant under this part, a State or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Each such application shall contain the certification by the State or local prosecutor that the program for which the grant is requested is a qualified drug treatment program, in accordance with this part.

“SEC. 2914. FEDERAL SHARE.

“The Federal share of a grant made under this part shall not exceed 75 percent of the total costs of the qualified drug treatment program funded by such grant for the fiscal year for which the program receives assistance under this part.

“SEC. 2915. GEOGRAPHIC DISTRIBUTION.

“The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this part is equitable and includes State or local prosecutors—

“(1) in each State; and

“(2) in rural, suburban, and urban jurisdictions.

“SEC. 2916. REPORTS AND EVALUATIONS.

“For each fiscal year, each recipient of a grant under this part during that fiscal year shall submit to the Attorney General a report with respect to the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

“SEC. 2917. DEFINITIONS.

“In this part:

“(1) STATE OR LOCAL PROSECUTOR.—The term ‘State or local prosecutor’ means any district attorney, State attorney general, county attorney, or corporation counsel who has authority to prosecute criminal offenses under State or local law.

“(2) ELIGIBLE OFFENDER.—The term ‘eligible offender’ means an individual who—

“(A) has been convicted, pled guilty, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

“(B) has never been charged with or convicted of an offense, during the course of which—

“(i) the individual carried, possessed, or used a firearm or dangerous weapon; or

“(ii) there occurred the use of force against the person of another, without regard to whether any of the behavior described in clause (i) is an element of the offense or for which the person is charged or convicted;

“(C) does not have 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm; and

“(D)(i) has received an assessment for alcohol or drug addiction from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate; and

“(ii) has been found to be in need of substance abuse treatment because that individual has a history of substance abuse that is a significant contributing factor to the criminal conduct of that individual.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

“(26) There are authorized to be appropriated to carry out part DD such sums as may be necessary for each of fiscal years 2008 and 2009.”.

SEC. 114. GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION.

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.) is amended by inserting after part II the following:

“PART JJ—GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION

“SEC. 3001. GRANTS AUTHORIZED.

“The Attorney General may make grants to States, units of local government, territories, and Indian tribes to develop, implement, and expand comprehensive and clinically-appropriate family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders.

“SEC. 3002. USE OF GRANT FUNDS.

“Grants made to an entity under section 3001 for a program described in such section may be used for the following:

"(1) Salaries, personnel costs, facility costs, and other costs directly related to the operation of that program.

"(2) Payments to providers of substance abuse treatment for providing treatment and case management to nonviolent parent drug offenders participating in that program, including comprehensive treatment for mental health disorders, parenting classes, educational classes, vocational training, and job placement.

"(3) Payments to public and nonprofit private entities to provide substance abuse treatment to nonviolent parent drug offenders participating in that program.

"SEC. 3003. PROGRAM REQUIREMENTS.

"A program for which a grant is made under section 3001 shall comply with the following requirements:

"(1) The program shall ensure that all providers of substance abuse treatment are approved by the State and are licensed, if necessary, to provide medical and other health services.

"(2) The program shall ensure appropriate coordination and consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 201(e) of the Second Chance Act of 2007).

"(3) The program shall consist of clinically-appropriate, comprehensive, and long-term family treatment, including the treatment of the nonviolent parent drug offender, the child of such offender, and any other appropriate member of the family of the offender.

"(4) The program shall be provided in a residential setting that is not a hospital setting or an intensive outpatient setting.

"(5) The program shall provide that if a nonviolent parent drug offender who participates in that program does not successfully complete the program the offender shall serve an appropriate sentence of imprisonment with respect to the underlying crime involved.

"(6) The program shall ensure that a determination is made as to whether a nonviolent drug offender has completed the substance abuse treatment program.

"(7) The program shall include the implementation of a system of graduated sanctions (including incentives) that are applied based on the accountability of the nonviolent parent drug offender involved throughout the course of that program to encourage compliance with that program.

"(8) The program shall develop and implement a reentry plan for each nonviolent parent drug offender that shall include reinforcement strategies for family involvement as appropriate, relapse strategies, support groups, placement in transitional housing, and continued substance abuse treatment, as needed.

"SEC. 3004. DEFINITIONS.

"In this part:

"(1) NONVIOLENT PARENT DRUG OFFENDERS.—The term 'nonviolent parent drug offender' means an offender who is—

"(A) a parent of an individual under 18 years of age; and

"(B) convicted of a drug (or drug-related) felony that is a nonviolent offense.

"(2) NONVIOLENT OFFENSE.—The term 'nonviolent offense' has the meaning given that term in section 2991(a).

"SEC. 3005. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2008 and 2009.".

SEC. 115. PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN.

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.), is amended—

(1) by redesignating part X as part KK; and

(2) by adding at the end the following:

"PART LL—PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN

"SEC. 3021. GRANTS AUTHORIZED.

"The Attorney General may make grants to States, units of local government, territories, and Indian tribes to provide prison-based family treatment programs for incarcerated parents of minor children.

"SEC. 3022. USE OF GRANT FUNDS.

"An entity that receives a grant under this part shall use amounts provided under that grant to—

"(1) develop, implement, and expand prison-based family treatment programs in correctional facilities for incarcerated parents with minor children, excluding from the programs those parents with respect to whom there is reasonable evidence of domestic violence or child abuse;

"(2) coordinate the design and implementation of such programs between appropriate correctional facility representatives and the appropriate governmental agencies; and

"(3) develop and implement a pre-release assessment and a reentry plan for each incarcerated parent scheduled to be released to the community, which shall include—

"(A) a treatment program for the incarcerated parent to receive continuous substance abuse treatment services and related support services, as needed;

"(B) a housing plan during transition from incarceration to reentry, as needed;

"(C) a vocational or employment plan, including training and job placement services; and

"(D) any other services necessary to provide successful reentry into the community.

"SEC. 3023. PROGRAM REQUIREMENTS.

"A prison-based family treatment program for incarcerated parents with respect to which a grant is made shall comply with the following requirements:

"(1) The program shall integrate techniques to assess the strengths and needs of immediate and extended family of the incarcerated parent to support a treatment plan of the incarcerated parent.

"(2) The program shall ensure that each participant in that program has access to consistent and uninterrupted care if transferred to a different correctional facility within the State or other relevant entity.

"(3) The program shall be located in an area separate from the general population of the prison.

"SEC. 3024. APPLICATIONS.

"To be eligible for a grant under this part for a prison-based family treatment program, an entity described in section 3021 shall, in addition to any other requirement specified by the Attorney General, submit an application to the Attorney General in such form and manner and at such time as specified by the Attorney General. Such application shall include a description of the methods and measurements the entity will use for purposes of evaluating the program involved and such other information as the Attorney General may reasonably require.

"SEC. 3025. REPORTS.

"An entity that receives a grant under this part for a prison-based family treatment program during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of that program during such fiscal year that—

"(1) is based on evidence-based data; and

"(2) uses the methods and measurements described in the application of that entity for purposes of evaluating that program.

"SEC. 3026. PRISON-BASED FAMILY TREATMENT PROGRAM DEFINED.

"In this part, the term 'prison-based family treatment program' means a program for incarcerated parents in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, physical therapy, prenatal care, sexual abuse therapy, relapse prevention, transportation, and vocational or GED training.

"SEC. 3027. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2008 and 2009.".

SEC. 116. GRANT PROGRAMS RELATING TO EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding at the end the following:

"PART MM—GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES

"SEC. 3031. GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

"(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and other public and private entities to—

"(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities; and

"(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1).

"(b) APPLICATION.—To be eligible for a grant under this section, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time and accompanied by such information as the Attorney General specifies.

"(c) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this section, the entity described in subsection (a) receiving that grant shall submit to the Attorney General a detailed report of the aggregate findings and conclusions of the evaluation described in subsection (a)(1), conducted by that entity and the recommendations of that entity to the Attorney General described in subsection (a)(2).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section for each of fiscal years 2008 and 2009.

"SEC. 3032. GRANTS TO IMPROVE EDUCATIONAL SERVICES IN PRISONS, JAILS, AND JUVENILE FACILITIES.

"(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes for the purpose of improving the academic and vocational education programs available to offenders in prisons, jails, and juvenile facilities.

"(b) APPLICATION.—To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

"(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.".

Subtitle C—Conforming Amendments

SEC. 121. USE OF VIOLENT OFFENDER TRUTH-IN-SENTENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.

Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended—

(1) in paragraph (2) by striking "and" at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) to carry out any activity described in section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)).".

TITLE II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

Subtitle A—Drug Treatment

SEC. 201. GRANTS FOR DEMONSTRATION PROGRAMS TO REDUCE DRUG USE AND RECIDIVISM IN LONG-TERM SUBSTANCE ABUSERS.

(a) AWARDS REQUIRED.—The Attorney General may make competitive grants to eligible partnerships, in accordance with this section, for the purpose of establishing demonstration programs to reduce the use of alcohol and other drugs by supervised long-term substance abusers during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser.

(b) USE OF GRANT FUNDS.—A grant made under subsection (a) to an eligible partnership for a demonstration program, shall be used—

(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership, with respect to the program for which a grant is awarded under this section;

(2) to develop and implement a program for supervised long-term substance abusers during the period described in subsection (a), which shall include—

(A) alcohol and drug abuse assessments that—

(i) are provided by a State-approved program; and

(ii) provide adequate incentives for completion of a comprehensive alcohol or drug abuse treatment program, including through the use of graduated sanctions; and

(B) coordinated and continuous delivery of drug treatment and case management services during such period; and

(3) to provide addiction recovery support services (such as job training and placement, peer support, mentoring, education, and other related services) to strengthen rehabilitation efforts for long-term substance abusers.

(c) APPLICATION.—To be eligible for a grant under subsection (a) for a demonstration program, an eligible partnership shall submit to the Attorney General an application that—

(1) identifies the role, and certifies the involvement, of each agency, organization, or researcher involved in such partnership, with respect to the program;

(2) includes a plan for using judicial or other criminal or juvenile justice authority to supervise the long-term substance abusers who would participate in a demonstration program under this section, including for—

(A) administering drug tests for such abusers on a regular basis; and

(B) swiftly and certainly imposing an established set of graduated sanctions for noncompliance with conditions for reentry into the community relating to drug abstinence (whether imposed as a pre-trial, probation, or parole condition, or otherwise);

(3) includes a plan to provide supervised long-term substance abusers with coordinated and continuous services that are based on evidence-based strategies and that assist such abusers by providing such abusers with—

(A) drug treatment while in prison, jail, or a juvenile facility;

(B) continued treatment during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser;

(C) addiction recovery support services;

(D) employment training and placement;

(E) family-based therapies;

(F) structured post-release housing and transitional housing, including housing for recovering substance abusers; and

(G) other services coordinated by appropriate case management services;

(4) includes a plan for coordinating the data infrastructures among the entities included in the eligible partnership and between such entities and the providers of services under the demonstration program involved (including providers of technical assistance) to assist in monitoring and measuring the effectiveness of demonstration programs under this section; and

(5) includes a plan to monitor and measure the number of long-term substance abusers—

(A) located in each community involved; and

(B) who improve the status of their employment, housing, health, and family life.

(d) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than September 30, 2008, the Attorney General shall submit to Congress a report that identifies the best practices relating to the comprehensive and coordinated treatment of long-term substance abusers, including the best practices identified through the activities funded under this section.

(2) FINAL REPORT.—Not later than September 30, 2009, the Attorney General shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term "eligible partnership" means a partnership that includes—

(A) the applicable Single State Authority for Substance Abuse;

(B) the State, local, territorial, or tribal criminal or juvenile justice authority involved;

(C) a researcher who has experience in evidence-based studies that measure the effectiveness of treating long-term substance abusers during the period in which such abusers are under the supervision of the criminal or juvenile justice system involved;

(D) community-based organizations that provide drug treatment, related recovery services, job training and placement, educational services, housing assistance, mentoring, or medical services; and

(E) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the office of a United States attorney).

(2) LONG-TERM SUBSTANCE ABUSER.—The term "long-term substance abuser" means an individual who—

(A) is in a prison, jail, or juvenile facility;

(B) has abused illegal drugs or alcohol for a significant number of years; and

(C) is scheduled to be released from prison, jail, or a juvenile facility during the 24-month period beginning on the date the relevant application is submitted under subsection (c).

(3) SINGLE STATE AUTHORITY FOR SUBSTANCE ABUSE.—The term "Single State Authority for Substance Abuse" means an entity designated by the Governor or chief executive officer of a State as the single State administrative authority responsible for the planning, development, implementation, monitoring, regulation, and evaluation of substance abuse services in that State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 202. OFFENDER DRUG TREATMENT INCENTIVE GRANTS.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes in an amount described in subsection (c) to improve the provision of drug treatment to offenders in prisons, jails, and juvenile facilities.

(b) REQUIREMENTS FOR APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) for a fiscal year, an entity described in that subsection shall, in addition to any other requirements specified by the Attorney General, submit to the Attorney General an application that demonstrates that, with respect to offenders in prisons, jails, and juvenile facilities who require drug treatment and who are in the custody of the jurisdiction involved, during the previous fiscal year that entity provided drug treatment meeting the standards established by the Single State Authority for Substance Abuse (as that term is defined in section 201) for the relevant State to a number of such offenders that is 2 times the number of such offenders to whom that entity provided drug treatment during the fiscal year that is 2 years before the fiscal year for which that entity seeks a grant.

(2) OTHER REQUIREMENTS.—An application under this section shall be submitted in such form and manner and at such time as specified by the Attorney General.

(c) ALLOCATION OF GRANT AMOUNTS BASED ON DRUG TREATMENT PERCENT DEMONSTRATED.—The Attorney General shall allocate amounts under this section for a fiscal year based on the percent of offenders described in subsection (b)(1) to whom an entity provided drug treatment in the previous fiscal year, as demonstrated by that entity in its application under that subsection.

(d) USES OF GRANTS.—A grant awarded to an entity under subsection (a) shall be used—

(1) for continuing and improving drug treatment programs provided at prisons, jails, and juvenile facilities of that entity; and

(2) to strengthen rehabilitation efforts for offenders by providing addiction recovery support services, such as job training and placement, education, peer support, mentoring, and other similar services.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.

SEC. 203. ENSURING AVAILABILITY AND DELIVERY OF NEW PHARMACOLOGICAL DRUG TREATMENT SERVICES.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and public and private organizations to establish pharmacological drug treatment services as part of the available drug treatment programs being offered by such grantees to offenders who are in prison or jail.

(b) CONSIDERATION OF PHARMACOLOGICAL TREATMENTS.—In awarding grants under this section to eligible entities, the Attorney General shall consider—

(1) the number and availability of pharmacological treatments offered under the program involved; and

(2) the participation of researchers who are familiar with evidence-based studies and are able to measure the effectiveness of such treatments using randomized trials.

(c) APPLICATIONS.—

(1) IN GENERAL.—To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies.

(2) INFORMATION REQUIRED.—An application submitted under paragraph (1) shall—

(A) provide assurances that grant funds will be used only for a program that is created in coordination with (or approved by) the Single State Authority for Substance Abuse (as that term is defined in section 201) of the State involved to ensure pharmacological drug treatment services provided under that program are clinically appropriate;

(B) demonstrate how pharmacological drug treatment services offered under the program are part of a clinically-appropriate and comprehensive treatment plan; and

(C) contain such other information as the Attorney General specifies.

(d) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

SEC. 204. STUDY OF EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall carry out a grant program under which the Attorney General may make grants to public and private research entities (including consortia, single private research entities, and individual institutions of higher education) to evaluate the effectiveness of depot naltrexone for the treatment of heroin addiction.

(b) EVALUATION PROGRAM.—To be eligible to receive a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application that—

(1) contains such information as the Attorney General specifies, including information that demonstrates that—

(A) the applicant conducts research at a private or public institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1101);

(B) the applicant has a plan to work with parole officers or probation officers for offenders who are under court supervision; and

(C) the evaluation described in subsection (a) will measure the effectiveness of such treatments using randomized trials; and

(2) is in such form and manner and at such time as the Attorney General specifies.

(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 to carry out sections 203 and 204 for each of fiscal years 2008 and 2009.

Subtitle B—Job Training

SEC. 211. TECHNOLOGY CAREERS TRAINING DEMONSTRATION GRANTS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to States, units of local government, territories, and Indian tribes to provide technology career training to prisoners.

(b) USE OF FUNDS.—A grant awarded under subsection (a) may be used to establish a technology careers training program to train prisoners during the 3-year period before release from prison, jail, or a juvenile facility for technology-based jobs and careers.

(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 212. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

"SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

"(a) DEFINITION.—For purposes of this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

"(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

"(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

"(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

"(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

"(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

"(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

"(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and career and technical education;

"(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

"(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

"(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

"(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

"(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

"(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

"(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

"(iii) attainment of employment both prior to and subsequent to release;

"(iv) success in employment indicated by job retention and advancement; and

"(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

"(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and career and technical education) and State industry programs;

"(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

"(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

"(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

"(1) annually report to the Secretary regarding—

"(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

"(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

"(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4), as necessary to document the attainment of project performance objectives; and

"(2) expend on each participating eligible student for an academic year, not more than the maximum Federal Pell Grant funded under section 401 of the Higher Education Act of 1965 for such academic year, which shall be used for—

"(A) tuition, books, and essential materials; and

"(B) related services such as career development, substance abuse counseling, parenting skills training, and health education.

"(e) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

"(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time); and

"(2) is 35 years of age or younger.

"(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

"(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

"(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal years 2008 and 2009.".

Subtitle C—Mentoring

SEC. 221. MENTORING GRANTS TO NONPROFIT ORGANIZATIONS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to nonprofit organizations for the purpose of providing mentoring and other transitional services essential to reintegrating offenders into the community.

(b) USE OF FUNDS.—A grant awarded under subsection (a) may be used for—

(1) mentoring adult and juvenile offenders during incarceration, through transition back to the community, and post-release;

(2) transitional services to assist in the reintegration of offenders into the community; and

(3) training regarding offender and victims issues.

(c) APPLICATION; PRIORITY CONSIDERATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) PRIORITY CONSIDERATION.—Priority consideration shall be given to any application under this section that—

(A) includes a plan to implement activities that have been demonstrated effective in facilitating the successful reentry of offenders; and

(B) provides for an independent evaluation that includes, to the maximum extent feasible, random assignment of offenders to program delivery and control groups.

(d) STRATEGIC PERFORMANCE OUTCOMES.—The Attorney General shall require each applicant under this section to identify specific performance outcomes related to the long-term goal of stabilizing communities by reducing recidivism (using a measure that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6)), and reintegrating offenders into society.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year and that identifies the progress of the grantee toward achieving its strategic performance outcomes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $15,000,000 for each of fiscal years 2008 and 2009.

SEC. 222. BUREAU OF PRISONS POLICY ON MENTORING CONTACTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall, in order to promote stability and continued assistance to offenders after release from prison, adopt and implement a policy to ensure that any person who provides mentoring services to an incarcerated offender is permitted to continue such services after that offender is released from prison. That policy shall permit the continuation of mentoring services unless the Director demonstrates that such services would be a significant security risk to the offender, incarcerated offenders, persons who provide such services, or any other person.

(b) REPORT.—Not later than September 30, 2008, the Director of the Bureau of Prisons shall submit to Congress a report on the extent to which the policy described in subsection (a) has been implemented and followed.

Subtitle D—Administration of Justice Reforms

CHAPTER 1—IMPROVING FEDERAL OFFENDER REENTRY

SEC. 231. FEDERAL PRISONER REENTRY PROGRAM.

(a) ESTABLISHMENT.—The Director of the Bureau of Prisons (in this chapter referred to as the "Director") shall establish a prisoner reentry strategy to help prepare prisoners for release and successful reintegration into the community, which shall require that the Bureau of Prisons—

(1) assess each prisoner's skill level (including academic, vocational, health, cognitive, interpersonal, daily living, and related reentry skills) at the beginning of the term of imprisonment of that prisoner to identify any areas in need of improvement prior to reentry;

(2) generate a skills development plan for each prisoner to monitor skills enhancement and reentry readiness throughout incarceration;

(3) determine program assignments for prisoners based on the areas of need identified through the assessment described in paragraph (1);

(4) ensure that priority is given to the reentry needs of high-risk populations, such as sex offenders, career criminals, and prisoners with mental health problems;

(5) coordinate and collaborate with other Federal agencies and with State and local criminal justice agencies, community-based organizations, and faith-based organizations to help effectuate a seamless reintegration of prisoners into their communities;

(6) collect information about a prisoner's family relationships, parental responsibilities, and contacts with children to help prisoners maintain important familial relationships and support systems during incarceration and after release from custody; and

(7) provide incentives for prisoner participation in skills development programs.

(b) INCENTIVES FOR PARTICIPATION IN SKILLS DEVELOPMENT PROGRAMS.—A prisoner who participates in reentry and skills development programs may, at the discretion of the Director, receive any of the following incentives:

(1) The maximum allowable period in a community confinement facility.

(2) A reduction in the term of imprisonment of that prisoner, except that such reduction may not be more than 1 year from the term the prisoner must otherwise serve.

(3) Such other incentives as the Director considers appropriate.

SEC. 232. IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.

(a) OBTAINING IDENTIFICATION.—The Director shall assist prisoners in obtaining identification (including a social security card, driver's license or other official photo identification, or birth certificate) prior to release.

(b) ASSISTANCE DEVELOPING RELEASE PLAN.—At the request of a direct-release prisoner, a representative of the United States Probation System shall, prior to the release of that prisoner, help that prisoner develop a release plan.

(c) DIRECT-RELEASE PRISONER DEFINED.—In this section, the term "direct-release prisoner" means a prisoner who is scheduled for release and will not be placed in pre-release custody.

SEC. 233. IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.

The Attorney General shall take such steps as are necessary to modify the procedures and policies of the Department of Justice with respect to the transition of offenders from the custody of the Bureau of Prisons to the community—

(1) to enhance case planning and implementation of reentry programs, policies, and guidelines;

(2) to improve such transition to the community, including placement of such individuals in community corrections facilities; and

(3) to foster the development of collaborative partnerships with stakeholders at the national and local levels to facilitate the exchange of information and the development of resources to enhance opportunities for successful offender reentry.

SEC. 234. DUTIES OF THE BUREAU OF PRISONS.

(a) DUTIES OF THE BUREAU OF PRISONS EXPANDED.—Section 4042(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(6) establish pre-release planning procedures that help prisoners—

"(A) apply for Federal and State benefits upon release (including Social Security Cards, Social Security benefits, and veterans' benefits); and

"(B) secure such identification and benefits prior to release, subject to any limitations in law; and

"(7) establish reentry planning procedures that include providing Federal prisoners with information in the following areas:

"(A) Health and nutrition.

"(B) Employment.

"(C) Literacy and education.

"(D) Personal finance and consumer skills.

"(E) Community resources.

"(F) Personal growth and development.

"(G) Release requirements and procedures.".

(b) Measuring the Removal of Obstacles to Reentry.—

(1) Program required.—The Director shall carry out a program under which each institution within the Bureau of Prisons codes the reentry needs and deficits of prisoners, as identified by an assessment tool that is used to produce an individualized skills development plan for each inmate.

(2) Tracking.—In carrying out the program under this subsection, the Director shall quantitatively track, by institution and Bureau-wide, the progress in responding to the reentry needs and deficits of individual inmates.

(3) Annual report.—On an annual basis, the Director shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that documents the progress of each institution within the Bureau of Prisons, and of the Bureau as a whole, in responding to the reentry needs and deficits of inmates. The report shall be prepared in a manner that groups institutions by security level to allow comparisons of similar institutions.

(4) Evaluation.—The Director shall—

(A) implement a formal standardized process for evaluating the success of each institution within the Bureau of Prisons in enhancing skills and resources to assist in reentry; and

(B) ensure that—

(i) each institution is held accountable for low performance under such an evaluation; and

(ii) plans for corrective action are developed and implemented as necessary.

(c) Measuring and Improving Recidivism Outcomes.—

(1) Annual report required.—

(A) In general.—At the end of each fiscal year, the Director shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing the statistics demonstrating the relative reduction in recidivism for inmates released by the Bureau of Prisons within that fiscal year and the 2 prior fiscal years, comparing inmates who participated in major inmate programs (including residential drug treatment, vocational training, and prison industries) with inmates who did not participate in such programs. Such statistics shall be compiled separately for each such fiscal year.

(B) Scope.—A report under this paragraph is not required to include statistics for a fiscal year that begins before the date of the enactment of this Act.

(C) Contents.—Each report under this paragraph shall provide the recidivism statistics for the Bureau of Prisons as a whole, and separately for each institution of the Bureau.

(2) Measure used.—In preparing the reports required by paragraph (1), the Director shall, in consultation with the Director of the Bureau of Justice Statistics, select a measure for recidivism (such as rearrest, reincarceration, or any other valid, evidence-based measure) that the Director considers appropriate and that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6).

(3) Goals.—

(A) In general.—After the Director submits the first report required by paragraph (1), the Director shall establish goals for reductions in recidivism rates and shall work to attain those goals.

(B) Contents.—The goals established under subparagraph (A) shall use the relative reductions in recidivism measured for the fiscal year covered by that first report as a baseline rate, and shall include—

(i) a 5-year goal to increase, at a minimum, the baseline relative reduction rate by 2 percent; and

(ii) a 10-year goal to increase, at a minimum, the baseline relative reduction rate by 5 percent within 10 fiscal years.

(d) Format.—Any written information that the Bureau of Prisons provides to inmates for reentry planning purposes shall use common terminology and language.

(e) Medical Care.—The Bureau of Prisons shall provide the United States Probation and Pretrial Services System with relevant information on the medical care needs and the mental health treatment needs of inmates scheduled for release from custody. The United States Probation and Pretrial Services System shall take this information into account when developing supervision plans in an effort to address the medical care and mental health care needs of such individuals. The Bureau of Prisons shall provide inmates with a sufficient amount of all necessary medications (which will normally consist of, at a minimum, a 2-week supply of such medications) upon release from custody.

SEC. 235. AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF PRISONS.

There are authorized to be appropriated to the Director to carry out sections 231, 232, 233, and 234 of this chapter, $5,000,000 for each of the fiscal years 2008 and 2009.

SEC. 236. ENCOURAGEMENT OF EMPLOYMENT OF FORMER PRISONERS.

The Attorney General, in consultation with the Secretary of Labor, shall take such steps as are necessary to implement a program to educate employers and the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) regarding incentives (including the Federal bonding program of the Department of Labor and tax credits) for hiring former Federal, State, or local prisoners.

SEC. 237. ELDERLY NONVIOLENT OFFENDER PILOT PROGRAM.

(a) Program Established.—

(1) In general.—Notwithstanding section 3624 of title 18, United States Code, or any other provision of law, the Director shall conduct a pilot program to determine the effectiveness of removing each eligible elderly offender from a Bureau of Prison facility and placing that offender on home detention until the date on which the term of imprisonment to which that offender was sentenced expires.

(2) Timing of placement in home detention.—

(A) In general.—In carrying out the pilot program under paragraph (1), the Director shall—

(i) in the case of an offender who is determined to be an eligible elderly offender on or before the date specified in subparagraph (B), place such offender on home detention not later than 180 days after the date of enactment of this Act; and

(ii) in the case of an offender who is determined to be an eligible elderly offender after the date specified in subparagraph (B) and before the date that is 3 years and 91 days after the date of enactment of this Act, place such offender on home detention not later than 90 days after the date of that determination.

(B) Date specified.—For purposes of subparagraph (A), the date specified in this subparagraph is the date that is 90 days after the date of enactment of this Act.

(3) Violation of terms of home detention.—A violation by an eligible elderly offender of the terms of home detention (including the commission of another Federal, State, or local crime) shall result in the removal of that offender from home detention and the return of that offender to the designated Bureau of Prisons institution in which that offender was imprisoned immediately before placement on home detention under paragraph (1).

(b) Scope of Pilot Program.—

(1) Participating designated facilities.—The pilot program under subsection (a) shall be conducted through at least 1 Bureau of Prisons institution designated by the Director as appropriate for the pilot program.

(2) Duration.—The pilot program shall be conducted during each of fiscal years 2008 and 2009.

(c) Program Evaluation.—

(1) In general.—The Director shall contract with an independent organization to monitor and evaluate the progress of each eligible elderly offender placed on home detention under subsection (a)(1) for the period that offender is on home detention during the period described in subsection (b)(2).

(2) Annual report.—The organization described in paragraph (1) shall annually submit to the Director and to Congress a report on the pilot program under subsection (a)(1), which shall include—

(A) an evaluation of the effectiveness of the pilot program in providing a successful transition for eligible elderly offenders from incarceration to the community, including data relating to the recidivism rates for such offenders; and

(B) the cost savings to the Federal Government resulting from the early removal of such offenders from incarceration.

(3) Program adjustments.—Upon review of the report submitted under paragraph (2), the Director shall submit recommendations to Congress for adjustments to the pilot program, including its expansion to additional facilities.

(d) Definitions.—In this section:

(1) Eligible elderly offender.—The term "eligible elderly offender" means an offender in the custody of the Bureau of Prisons who—

(A) is not less than 60 years of age;

(B) is serving a term of imprisonment after conviction for an offense other than a crime of violence (as that term is defined in section 16 of title 18, United States Code) and has served the greater of 10 years or ½ of the term of imprisonment of that offender;

(C) has not been convicted in the past of any Federal or State crime of violence;

(D) has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence; and

(E) has not escaped, or attempted to escape, from a Bureau of Prisons institution.

(2) HOME DETENTION.—The term "home detention" has the same meaning given the term in the Federal Sentencing Guidelines, and includes detention in a nursing home or other residential long-term care facility.

(3) TERM OF IMPRISONMENT.—The term "term of imprisonment" includes multiple terms of imprisonment ordered to run consecutively or concurrently, which shall be treated as a single, aggregate term of imprisonment for purposes of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

CHAPTER 2—REENTRY RESEARCH

SEC. 241. OFFENDER REENTRY RESEARCH.

(a) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may conduct research on juvenile and adult offender reentry, including—

(1) a study identifying the number and characteristics of minor children who have had a parent incarcerated, and the likelihood of such minor children becoming involved in the criminal justice system some time in their lifetime;

(2) a study identifying a mechanism to compare rates of recidivism (including rearrest, violations of parole, probation, post-incarceration supervision, and reincarceration) among States; and

(3) a study on the population of offenders released from custody who do not engage in recidivism and the characteristics (housing, employment, treatment, family connection) of that population.

(b) BUREAU OF JUSTICE STATISTICS.—The Bureau of Justice Statistics may conduct research on offender reentry, including—

(1) an analysis of special populations (including prisoners with mental illness or substance abuse disorders, female offenders, juvenile offenders, offenders with limited English proficiency, and the elderly) that present unique reentry challenges;

(2) studies to determine which offenders are returning to prison, jail, or a juvenile facility and which of those returning offenders represent the greatest risk to victims and community safety;

(3) annual reports on the demographic characteristics of the population returning to society from prisons, jails, and juvenile facilities;

(4) a national recidivism study every 3 years;

(5) a study of parole, probation, or post-incarceration supervision violations and revocations; and

(6) a study concerning the most appropriate measure to be used when reporting recidivism rates (whether rearrest, reincarceration, or any other valid, evidence-based measure).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 and 2009.

SEC. 242. GRANTS TO STUDY PAROLE OR POST-INCARCERATION SUPERVISION VIOLATIONS AND REVOCATIONS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General may make grants to States to study and to improve the collection of data with respect to individuals whose parole or post-incarceration supervision is revoked, and which such individuals represent the greatest risk to victims and community safety.

(b) APPLICATION.—As a condition of receiving a grant under this section, a State shall—

(1) certify that the State has, or intends to establish, a program that collects comprehensive and reliable data with respect to individuals described in subsection (a), including data on—

(A) the number and type of parole or post-incarceration supervision violations that occur with the State;

(B) the reasons for parole or post-incarceration supervision revocation;

(C) the underlying behavior that led to the revocation; and

(D) the term of imprisonment or other penalty that is imposed for the violation; and

(2) provide the data described in paragraph (1) to the Bureau of Justice Statistics, in a form prescribed by the Bureau.

(c) ANALYSIS.—Any statistical analysis of population data under this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 and 2009.

SEC. 243. ADDRESSING THE NEEDS OF CHILDREN OF INCARCERATED PARENTS.

(a) BEST PRACTICES.—

(1) IN GENERAL.—The Attorney General shall collect data and develop best practices of State corrections departments and child protection agencies relating to the communication and coordination between such State departments and agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

(2) CONTENTS.—The best practices developed under paragraph (1) shall include information related to policies, procedures, and programs that may be used by States to address—

(A) maintenance of the parent-child bond during incarceration;

(B) parental self-improvement; and

(C) parental involvement in planning for the future and well-being of their children.

(b) DISSEMINATION TO STATES.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall disseminate to States and other relevant entities the best practices described in subsection (a).

(c) SENSE OF CONGRESS.—It is the sense of Congress that States and other relevant entities should use the best practices developed and disseminated in accordance with this section to evaluate and improve the communication and coordination between State corrections departments and child protection agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

CHAPTER 3—CORRECTIONAL REFORMS TO EXISTING LAW

SEC. 251. CLARIFICATION OF AUTHORITY TO PLACE PRISONER IN COMMUNITY CORRECTIONS.

(a) PRE-RELEASE CUSTODY.—Section 3624(c) of title 18, United States Code, is amended to read as follows:

"(c) PRE-RELEASE CUSTODY.—

"(1) IN GENERAL.—The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

"(2) HOME CONFINEMENT AUTHORITY.—The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.

"(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during pre-release custody under this subsection.

"(4) NO LIMITATIONS.—Nothing in this subsection shall be construed to limit or restrict the authority of the Director of the Bureau of Prisons under section 3621.

"(5) REPORTING.—Not later than 1 year after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007 (and every year thereafter), the Director of the Bureau of Prisons shall transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report describing the Bureau's utilization of community corrections facilities. Each report under this paragraph shall set forth the number and percentage of Federal prisoners placed in community corrections facilities during the preceding year, the average length of such placements, trends in such utilization, the reasons some prisoners are not placed in community corrections facilities, and any other information that may be useful to the committees in determining if the Bureau is utilizing community corrections facilities in an effective manner.

"(6) ISSUANCE OF REGULATIONS.—The Director of Bureau of Prisons shall issue regulations pursuant to this subsection not later than 90 days after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007.".

(b) COURTS MAY NOT REQUIRE A SENTENCE OF IMPRISONMENT TO BE SERVED IN A COMMUNITY CORRECTIONS FACILITY.—Section 3621(b) of title 18, United States Code, is amended by adding at the end the following: "Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility shall have no binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person.".

SEC. 252. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL PRISONS.

Section 3621(e)(5)(A) of title 18, United States Code, is amended by striking "means a course of" and all that follows and inserting the following: "means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population (which may include the use of pharmocotherapies, where appropriate, that may extend beyond the 6-month period);".

SEC. 253. MEDICAL CARE FOR PRISONERS.

Section 3621 of title 18, United States Code, is further amended by adding at the end the following new subsection:

"(g) CONTINUED ACCESS TO MEDICAL CARE.—

"(1) IN GENERAL.—In order to ensure a minimum standard of health and habitability, the Bureau of Prisons shall ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine.

"(2) DEFINITION.—In this subsection, the term 'community confinement' has the meaning given that term in the application notes under section 5F1.1 of the Federal Sentencing Guidelines Manual, as in effect on the date of the enactment of the Second Chance Act of 2007.".

SEC. 254. CONTRACTING FOR SERVICES FOR POST-CONVICTION SUPERVISION OFFENDERS.

Section 3672 of title 18, United States Code, is amended by inserting after the third sentence in the seventh undesignated paragraph the following: "He also shall have the authority to contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community, including treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community.".

SA 896. Mr. LEAHY (for himself and Mr. SPECTER) proposed an amendment to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; as follows:

On page 5, line 5, strike "any other court" and insert "the United States Tax Court".

On page 5, line 10, after "otherwise provide" insert ", when requested by the chief judge of the Tax Court,".

On page 5, line 13, strike "person" and insert "persons".

On page 5, between lines 15 and 16, insert the following:

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

On page 7, line 13, strike "**§ 118.**" and insert "**§ 119.**".

On page 9, strike line 1 and all that follows through the matter following line 4 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"119. Protection of individuals performing certain official duties.".

On page 11, strike lines 10 through 17 and insert the following:

On page 19, strike line 18 and insert the following:

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under section 151 of title 28, United States Code.

(2) Magistrate judges appointed under section 631 of title 28, United States Code.

(3) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(4) Judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—The amendment made by

On page 20, line 6, strike "magistrates" and insert "magistrate judges".

On page 20, line 9, strike "**MAGISTRATES**" and insert "**MAGISTRATE JUDGES**".

On page 20, strike lines 17 through 22 and insert the following:

SEC. 505. FEDERAL JUDGES FOR COURTS OF APPEALS.

SA 897. Mr. ENSIGN (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

TITLE VI: NINTH CIRCUIT SPLIT

At the end of the bill, add the following:

SEC. 601. SHORT TITLE.

This title may be cited as the "The Circuit Court of Appeals Restructuring and Modernization Act of 2007".

SEC. 602. DEFINITIONS.

In this title:

(1) FORMER NINTH CIRCUIT.—The term "former ninth circuit" means the ninth judicial circuit of the United States as in existence on the day before the effective date of this title.

(2) NEW NINTH CIRCUIT.—The term "new ninth circuit" means the ninth judicial circuit of the United States established by the amendment made by section 603(2)(A).

(3) TWELFTH CIRCUIT.—The term "twelfth circuit" means the twelfth judicial circuit of the United States established by the amendment made by section 603(2)(B).

SEC. 603. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter preceding the table, by striking "thirteen" and inserting "fourteen"; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... California, Guam, Hawaii, Northern Mariana Islands."

and

(B) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington.".

SEC. 604. JUDGESHIPS.

(a) NEW JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate, 5 additional circuit judges for the new ninth circuit court of appeals, whose official duty station shall be in California.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENT OF JUDGES.—The President shall appoint, by and with the advice and consent of the Senate, 2 additional circuit judges for the former ninth circuit court of appeals, whose official duty stations shall be in California.

(2) EFFECT OF VACANCIES.—The first 2 vacancies occurring on the new ninth circuit court of appeals 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by this subsection shall not be filled.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 605. NUMBER OF CIRCUIT JUDGES.

The table contained in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... 20"

and

(2) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... 14".

SEC. 606. PLACES OF CIRCUIT COURT.

The table contained in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... Honolulu, Pasadena, San Francisco."

and

(2) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... Las Vegas, Phoenix, Portland, Seattle.".

SEC. 607. LOCATION OF TWELFTH CIRCUIT HEADQUARTERS.

The offices of the Circuit Executive of the Twelfth Circuit and the Clerk of the Court of the Twelfth Circuit shall be located in Phoenix, Arizona.

SEC. 608. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge of the former ninth circuit who is in regular active service and whose official duty station on the day before the effective date of this title—

(1) is in California, Guam, Hawaii, or the Northern Mariana Islands shall be a circuit judge of the new ninth circuit as of such effective date; and

(2) is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington shall be a circuit judge of the twelfth circuit as of such effective date.

SEC. 609. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior circuit judge of the former ninth circuit on the day before the effective date of this title may elect to be assigned to the new ninth circuit or the twelfth circuit as of such effective date and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 610. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 608, or

(2) who elects to be assigned under section 609,

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 611. APPLICATION TO CASES.

The following apply to any case in which, on the day before the effective date of this title, an appeal or other proceeding has been filed with the former ninth circuit:

(1) Except as provided in paragraph (3), if the matter has been submitted for decision, further proceedings with respect to the matter shall be had in the same manner and with the same effect as if this title had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this title been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings with respect to the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) If a petition for rehearing en banc is pending on or after the effective date of this title, the petition shall be considered by the court of appeals to which it would have been submitted had this title been in full force and effect at the time that the appeal or other proceeding was filed with the court of appeals.

SEC. 612. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES AMONG CIRCUITS.

Section 291 of title 28, United States Code, is amended by adding at the end the following:

"(c) The chief judge of the Ninth Circuit may, in the public interest and upon request by the chief judge of the Twelfth Circuit, designate and assign temporarily any circuit judge of the Ninth Circuit to act as circuit judge in the Twelfth Circuit.

"(d) The chief judge of the Twelfth Circuit may, in the public interest and upon request by the chief judge of the Ninth Circuit, designate and assign temporarily any circuit judge of the Twelfth Circuit to act as circuit judge in the Ninth Circuit.".

SEC. 613. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES AMONG CIRCUITS.

Section 292 of title 28, United States Code, is amended by adding at the end the following:

"(f) The chief judge of the United States Court of Appeals for the Ninth Circuit may in the public interest—

"(1) upon request by the chief judge of the Twelfth Circuit, designate and assign 1 or more district judges within the Ninth Circuit to sit upon the Court of Appeals of the Twelfth Circuit, or a division thereof, whenever the business of that court so requires; and

"(2) designate and assign temporarily any district judge within the Ninth Circuit to hold a district court in any district within the Twelfth Circuit.

"(g) The chief judge of the United States Court of Appeals for the Twelfth Circuit may in the public interest—

"(1) upon request by the chief judge of the Ninth Circuit, designate and assign 1 or more district judges within the Twelfth Circuit to sit upon the Court of Appeals of the Ninth Circuit, or a division thereof, whenever the business of that court so requires; and

"(2) designate and assign temporarily any district judge within the Twelfth Circuit to hold a district court in any district within the Ninth Circuit.

"(h) Any designations or assignments under subsection (f) or (g) shall be in conformity with the rules or orders of the court of appeals of, or the district within, as applicable, the circuit to which the judge is designated or assigned.".

SEC. 614. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this title may take such administrative action as may be required to carry out this title and the amendments made by this title. Such court shall cease to exist for administrative purposes 2 years after the date of enactment of this Act.

SEC. 615. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, including funds for additional court facilities.

SEC. 616. EFFECTIVE DATE.

Except as provided in section 604(c), this title and the amendments made by this title shall take effect 12 months after the date of enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 26, 2007, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 462, Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that S. 1112, a bill to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes, has been added to the agenda of the hearing scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources scheduled for Wednesday, April 25, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday April 18, 2007, at 9:30 a.m. in SD–106, Senate Dirksen Office Building. The title of this committee hearing is "Economic Challenges and Opportunities Facing American Agricultural Producers Today."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, April 18, 2007, at 10 a.m., in room 253 of the Russell Senate Office building. The purpose of this hearing is to examine how America's trade policy has impacted , the U.S. economy, consumers, and workers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, April 18, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to review the Coast Guard's proposed FY 2008 budget, and related oversight matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet for a hearing on Wednesday, April 18, 2007, at 2:30 p.m., in 406 Dirksen Senate Office Building. The agenda for the hearing is the nomination of Lieutenant General Robert L. Van Antwerp, Jr., to be Chief of Engineers and Commanding General of the United States Army Corps of Engineers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MENENDEZ. Mr. President I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Examining the Administration's Plan for Reducing the Tax Gap: What are the Goals, Benchmarks and Timetables?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 9:30 a.m. to hold a nomination hearing.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, April 18, 2007 at 10 a.m. in SH–216. We will be considering the following:

Agenda

1. S. 1082, The Prescription Drug User Fee Amendments of 2007, as amended by the Food and Drug Administration Revitilization Act.

2. The following nominations: Douglas G. Myers, of California, to be a

Member of the National Museum and Library Services Board; Jeffrey Patchen, of Indiana, to be a Member of the National Museum and Library Services Board; Lotsee Patterson, of Oklahoma, to be a Member of the National Museum and Library Services Board; Stephen Porter, of the District of Columbia, to be a Member of the National Council on the Arts; Cynthia Wainscott, of Georgia, to be a Member of the National Council on Disability.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Wednesday, April 18, 2007, at a time to coincide with the first vote and a place to be determined to consider pending committee business.

Agenda

Nonmination of Gregory B. Cade, of VA, to be Administrator of U.S. Fire Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 10 a.m., to conduct a hearing on Repealing Limitation on Party Expenditures on Behalf of Candidates in General Elections.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled "Sarbanes-Oxley and Small Business: Addressing Proposed Regulatory Changes and their Impact on Capital Markets," on Wednesday, April 18, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of Senate on Wednesday, April 18, 2007 to hold a Business Meeting to markup the nomination of Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans' Affairs, Congressional Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON THE LIBRARY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Joint Committee on the Library be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 2:15 p.m., to conduct its organization meeting for the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON PRINTING

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Joint Committee on Printing authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 2:30 p.m., to conduct its organization meeting for the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL AND THE SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Personnel and the Subcommittee on Readiness and Management Support be authorized to meet in open session during the session of the Senate on Wednesday, April 18, 2007, at 3 p.m., to receive testimony on the readiness impact of quality of life and family support programs to assist families of active duty, National Guard, and Reserve military personnel.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Mary Baker and Brett Youngerman, detailees with the Finance Committee, be granted floor privileges for the consideration of the prescription drug bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THANKING THE PARLIAMENTARIANS

Mr. SALAZAR. Mr. President, I thank our Parliamentarians, who always keep us in order in this Chamber, for their great work. They do a wonderful job.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 96-114, as amended, appoints the following individual to the Congressional Award Board: the Honorable JOHNNY ISAKSON of Georgia.

COMMENDING THE ACHIEVEMENTS OF THE RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 156, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 156) commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of the players as student-athletes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 156) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 156

Whereas under head coach C. Vivian Stringer the Rutgers University women's basketball team (referred to in this preamble as the "Lady Knights") finished an extraordinary 2006-2007 season with a 27-9 record;

Whereas, after losing 4 of their first 6 games, the Lady Knights refused to give up and spent their winter break in the gym honing their skills and working to become a better team for the rest the season;

Whereas, on March 6, 2007, the Lady Knights upset the top-seeded University of Connecticut team for their first-ever Big East Championship title;

Whereas the young women of the Lady Knights displayed great talent in their run to the Final Four of the women's National Collegiate Athletic Association (NCAA) tournament;

Whereas 5 freshmen played an integral role in the team's march to the championship game;

Whereas the Lady Knights showed enormous composure with tournament wins against teams playing in their home States;

Whereas, through hard work and determination, the young team fought through improbable odds to reach the NCAA title game;

Whereas the team was just the third number 4 seed in history to reach the championship;

Whereas the Lady Knights made school history as the first athletic team from Rutgers University to play for any national championship;

Whereas, during the 3 weeks of the tournament, the Lady Knights brought excitement to the NCAA tournament and captured the hearts of basketball fans throughout New Jersey and across the Nation;

Whereas Rutgers students, alumni, faculty, and staff, along with countless New Jerseyans are immensely proud of what the Lady Knights accomplished during the season;

Whereas the members of the team are excellent representatives of Rutgers University and of the State of New Jersey;

Whereas the young women of the Lady Knights are outstanding individuals who are striving to reach lifetime goals both on and off the basketball court;

Whereas the Lady Knights epitomize the term "student-athlete" with a combined B+ grade point average;

Whereas by excelling in academics, music, and community service, Katie Adams, Matee Ajavon, Essence Carson, Dee Dee Jernigan, Rashidat Junaid, Myia McCurdy, Epiphanny Prince, Judith Brittany Ray, Kia Vaughn, and Heather Zurich are great role models for young women across the Nation; and

Whereas the Lady Knights embody integrity, leadership, and class: Now, therefore, be it

Resolved, That the Senate—

(1) commends the amazing performance of Rutgers University women's basketball team in the National Collegiate Athletic Association tournament; and

(2) expresses its admiration for the achievements and character of this team of remarkable young women.

EXTENDING THE BEST WISHES OF THE SENATE TO NEW JERSEY GOVERNOR JON S. CORZINE

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 157, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 157) extending the best wishes of the Senate to New Jersey Governor Jon S. Corzine and expressing the Senate's hope for his speedy and complete recovery.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 157) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 157

Whereas The Honorable Jon S. Corzine, the Governor of the State of New Jersey, served with distinction in the United States Senate from January 3, 2001, to January 17, 2006;

Whereas, during his time in the Senate, Governor Corzine made many friends in both political parties;

Whereas, on April 12, 2007, Governor Corzine was seriously injured in a major traffic accident;

Whereas Governor Corzine is in critical but stable condition in the Trauma Intensive Care Unit at Cooper University Hospital in Camden, New Jersey; and

Whereas Governor Corzine's many friends in the Senate are deeply concerned about the Governor and have had him in their thoughts since the tragic accident occurred: Now, therefore, be it

Resolved, That the Senate extends its best wishes to New Jersey Governor Jon S. Corzine and hopes for his speedy and complete recovery.

NATIONAL AND GLOBAL YOUTH SERVICE DAY

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 158, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 158) designating April 20, 2007, as "National and Global Youth Service Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President I commend to my colleagues this resolution designating April 20, 2007, as National and Global Youth Service Day. This resolution recognizes and commends the significant community service efforts that youth are making in communities across the country and around the world on April 20 and every day. This resolution also encourages the citizens of the United States to acknowledge and support these volunteer efforts.

Over the weekend, beginning this Friday, April 20, youth from across the United States and the world will carry out community service projects in areas ranging from hunger to literacy to the environment. Through this service, many will embark on a lifelong path of service and civic engagement in more than 100 countries around the world.

This event is not isolated to one weekend a year. National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year.

The participation of youth in community service is not just a nice idea for a way to spend a Saturday afternoon. Youth who are engaged in volunteer service, according to recent studies, do better in school than their classmates who do not volunteer. Youth who engage in volunteering and other positive activities are also more likely to avoid risky behaviors, such as drug and alcohol use, crime, and promiscuity.

A recently released study conducted by the Corporation for National and Community Service points out some interesting findings about the attitudes and behaviors of youth toward volunteering and other forms of civic engagement.

The study found that: 74 percent of youth who volunteer do so at least in part through a religious organization, a schoolbased group, or a youth leadership organization such as Scouts or 4H. A youth from a family where at least one parent volunteers is almost twice as likely to volunteer as a youth with no family members who volunteer, and nearly three times as likely to volunteer on a regular basis. Youth from disadvantaged circumstances who volunteer demonstrate more positive civic attitudes and behaviors than similar youth who do not volunteer.

In an effort to recognize and support youth volunteers in my State, I would like to recognize some of the activities that will occur this year in Alaska in observance of National and Global Youth Service Day:

No. 1, Anchorage's Promise, which works to mobilize all sectors of the community to build the character and competence of Anchorage's children and youth is again sponsoring the annual Kids' Day event in Anchorage this year. Seventy different nonprofits and businesses will provide free kid-friendly activities to help families build an understanding of the importance of safe places for kids, providing a healthy start and future, the value of having a caring adult in the life of each youth, and why effective education can ensure that all youth have the skills needed to pursue college, vocational training and the field of work that they are interested in.

No. 2, Eielson Youth Programs will sponsor a Knit-a-Thon to benefit the women's shelter and the senior center. Volunteers will help instruct preteen and teenage knitters and will also knit projects. All participants are also asked to bring personal hygiene items to be donated to the shelter/center as part of the project.

No. 3, Aurora Elementary School on Elmendorf Air Force Base will be sponsoring a canned food drive in conjunction with a school dance. The price of admission to the dance is one can of food.

No. 4, Alaska Winter Stars, members of the cross-country ski teams from both Alaska Pacific University and University of Anchorage Alaska, will be hosting a fitness challenge and pledge booth at Kids Day this year. The goal is to bring awareness to the importance of good health and physical activity. Participants will be given the opportunity to test their fitness level and sign a pledge promising to be more active. More than 5,000 youth are expected to participate.

No. 5, on April 8, annual Prudential Alaska Spirit of Community Student Volunteer Service Recognition Ceremony will honor more than 150 Alaskan students for making a difference through outstanding volunteer service on National Youth Service Day. This ceremony highlights the outstanding partnerships between Alaskan nonprofit organizations and the business community. The ceremony is conducted in partnership with the Points of Light Foundation, President's Council on Service and Civic Participation, USA Freedom Corps, Prudential Financial, Corporation for National Service, the National Association of Secondary School Principals, Prudential Jack White Vista Real Estate, Key Bank of Alaska, Anchorage Daily News, Wells Fargo Bank, Anchorage Municipal Light and Power, Home State Mortgage, Alyeska Title Guaranty Agency, Jewel Lake Tastee Freez, Friends of Alaska Prudential Youth Leadership Institute, and other caring community organizations and individuals.

No. 6, teens in the Alaska Youth for Environmental Action program of the National Wildlife Federation will be urging individuals to take the "3-2-1 Pledge—change three incandescent lightbulbs to compact fluorescents, turn the thermostat down 2 degrees in cold weather, and unplug one appliance when not in use. The "3-2-1 Pledge" project has a goal to collect 5,000 signatures by April 2007. The goal will reduce carbon emissions in Alaska by an estimated 19.8 million pounds annually. Alaska Youth for Environmental Action is working in six communities: Sitka, Yakutat, Homer, Juneau, Anchorage and Fairbanks.

No. 7, Nerf Balls for Soldiers of Foreign Turf—students across Anchorage are invited to help build positive relations between our soldiers and the children they come in contact with in Iraq. Youth are encouraged to bring or purchase a new Nerf toy to the Egan Center during Kids Day. Funds will be used to raise money for more shipping, and the Nerf Balls will be shipped to Iraq for soldiers to use for relationship building.

No. 8, Pen Pal Cards For Kids—Clark Middle School students will help Anchorage's Promise Kids Day participants make cards and letters for children that can be used to encourage those who are over seas or in local hospitals.

No. 9, Boy Scouts—Scouting for Food Project—Boy Scouts of Troop 205 in Anchorage will be collecting canned food at Kids Day events for donation to the Alaska Food Bank.

No. 10, students from the West High School Junior ROTC and King Career Center Public Safety and Security Assistants programs will be on hand for Kids Day to help monitor exit doors, assist with handing out door prize tickets, and monitor elevators for safety. Students will also have the opportunity to mentor with adults in a variety of settings such as first aid, search and rescue, fire fighters, and Egan Center security.

No. 11, Cook Inlet Tribal Youth Council will share Alaska Native heritage by demonstrating Native games and by encouraging healthy active lifestyles at three locations in Anchorage on April 20.

No. 12, Summer Reading Program Work Party involves teen volunteers from the Anchorage Municipal Libraries in stuffing 4,000 bags with materials for the summer reading program. This program will help maintain student progress in reading by keeping kids reading all summer long.

No. 13, the Girl Scouts Susitna Council will be planting 95 tree seedlings in honor of Girl Scouts of the USA's 95th anniversary. The seedlings will be planted at the Bureau of Land Management's Campbell Creek Science Center in June. Every tree planted produces oxygen, removes air pollution, and fights soil erosion. In addition, the act of planting tree seedlings will instill a sense of stewardship among Girl Scouts that will be passed on to future generations. Future of Life, an organization whose mission is to ensure the future of life on Earth for all species, is providing 95 tree seedlings to each Girl Scout council across the United States, beginning in April and scheduled to coincide with the planting season for each area.

Many similar and wonderful activities will be taking place all across the Nation. I encourage all of my colleagues to visit the Youth Service America website—www.vsa.org—to find out about the selfless and creative youth who are contributing in their own States this year.

I thank my colleagues—Senators Akaka, Alexander, Baucus, Bayh, Boxer, Brown, Burr, Cantwell, Casey, Clinton, Cochran, Coleman, Collins, Corker, Craig, Dodd, Dole, Domenici, Durbin, Feingold, Feinstein, Gregg, Hagel, Kennedy, Kerry, Landrieu, Lautenberg, Levin, Lieberman, Lincoln, Lott, Martinez, Menendez, Mikulski, Murray, Ben Nelson, Bill Nelson, Obama, Salazar, Sanders, Specter, Stabenow, and Stevens—for standing with me as original cosponsors of this worthwhile legislation, which will ensure that youth across the country and the world know that all of their hard work is greatly appreciated.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 158) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 158

Whereas National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities;

Whereas the goals of National and Global Youth Service Day are to—

(1) mobilize the youth of the United States to identify and address the needs of their communities through service and service-learning;

(2) support young people in embarking on a lifelong path of service and civic engagement; and

(3) educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas National and Global Youth Service Day, a program of Youth Service America, is the largest service event in the world and is being observed for the 19th consecutive year in 2007;

Whereas young people in the United States and in many other countries are volunteering more than in any other generation in history;

Whereas children and youth not only represent the future of the world, but also are leaders and assets today;

Whereas children and youth should be valued for the idealism, energy, creativity, and unique perspectives that they use when addressing real-world issues such as poverty, hunger, illiteracy, education, gang activity, natural disasters, climate change, and myriad other issues;

Whereas a fundamental and conclusive correlation exists between youth service and lifelong adult volunteering and philanthropy;

Whereas, through community service, young people of all ages and backgrounds build character and learn valuable skills sought by employers, including time management, decisionmaking, teamwork, needs-assessment, and leadership;

Whereas service-learning is a teaching and learning strategy that integrates meaningful community service with academic curriculum;

Whereas service-learning supports young people in mastering important curriculum content by helping them make meaningful connections between what they are studying and the challenges that they see in their own communities;

Whereas high quality service-learning has been found to increase student academic engagement, academic achievement scores, civic engagement, character development, and career aspirations;

Whereas a report by Civic Enterprises found that 47 percent of high school dropouts reported boredom as a primary reason for dropping out;

Whereas service-learning has been found to increase students' cognitive engagement, motivation to learn, and school attendance;

Whereas several private foundations and corporations in the United States support service-learning as a means to develop the leadership and workforce skills necessary for the competitiveness of the United States in the 21st century;

Whereas a report by America's Promise found that 94 percent of young people want to be involved in making the world a better place, but 50 percent say there should be more volunteer programs for people their age;

Whereas the same report found that one-third of young people say they lack adult role models who volunteer and help others;

Whereas a sustained investment by the Federal Government, business partners, schools, and communities could fuel the positive, long-term cultural change that will make service and service-learning a common expectation and a common experience for all young people;

Whereas National and Global Youth Service Day engages millions of young people worldwide with the support of 51 lead agencies, 40 international organizations, and 110 national partners;

Whereas National Youth Service Day inspired Global Youth Service Day, which occurs concurrently in more than 100 countries and is now in its 8th year;

Whereas a growing number of Global Youth Service Day projects involve youth working collaboratively across national and geographic boundaries, increasing intercultural understanding and promoting the sense that they are global citizens; and

Whereas both young people and their communities will benefit greatly from expanded opportunities to engage youth in meaningful volunteer service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youth of the United States and encourages the cultivation of a common civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 20, 2007, as "National and Global Youth Service Day"; and

(3) calls on the people of the United States to—

(A) observe the day by encouraging youth to participate in civic and community service projects and by joining them in such projects;

(B) recognize the volunteer efforts of the young people of the United States throughout the year; and

(C) support the volunteer efforts of young people and engage them in meaningful learning and decisionmaking opportunities today as an investment in the future of the United States.

COMMENDING THE ASSOCIATION FOR ADVANCED LIFE UNDERWRITING ON ITS 50TH ANNIVERSARY

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 159 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 159) commending the Association for Advanced Life Underwriting on its 50th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 159) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 159

Whereas, for 50 years, Association for Advanced Life Underwriting members have been increasingly strong advocates for advanced life insurance planning and its benefits to millions of Americans;

Whereas, the Association for Advanced Life Underwriting has helped educate Congress and the country about the trillions of dollars of protection, savings, and capital and millions of jobs provided by life insurance products;

Whereas, Association for Advanced Life Underwriting members have helped Americans with long-term estate, business, pension, and deferred compensation planning;

Whereas, Association for Advanced Life Underwriting members have been very active participants in our democracy, particularly at the Federal or congressional level, providing their real life, market-based expertise on issues involving life insurance;

Whereas, the Association for Advanced Life Underwriting has provided technical assistance on a variety of life insurance-related matters to the Department of the Treasury, the Internal Revenue Service, the Office of the Comptroller of the Currency, the Department of Labor, and the Financial Accounting Standards Board;

Whereas, the Association for Advanced Life Underwriting has advocated in both the Federal and State legislatures for reforms needed to assure that life insurance is used appropriately for the benefit of clients and the general public;

Whereas, the Association for Advanced Life Underwriting has worked to unify the life insurance industry to better advocate in the interests of the American public; and

Whereas, the Association for Advanced Life Underwriting has worked to reflect the high level of commitment, principles, and expertise of its members and leaders: Now, therefore, be it

Resolved, That—

(1) the Association for Advanced Life Underwriting is congratulated on its 50th anniversary; and

(2) the Association for Advanced Life Underwriting is wished continued success during its next 50 years.

RECOGNIZING THE IMPORTANCE OF HOT SPRINGS NATIONAL PARK

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 160 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 160) recognizing the importance of Hot Springs National Park on the 175th anniversary of the enactment of the Act that authorized the establishment of Hot Springs Reservation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 160) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 160

Whereas, in 1803, the 47 hot springs that eventually received protection under the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70) formally became the property of the United States as part of the Louisiana Purchase;

Whereas, with the establishment of the Hot Springs Reservation, the concept in the United States of setting aside a nationally significant place for the future enjoyment of the citizens of the United States was first carried out 175 years ago in Hot Springs, Arkansas;

Whereas the Hot Springs Reservation protected 47 hot springs in the area of Hot Springs, Arkansas;

Whereas, in the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70), Congress required that "the hot springs in said territory, together with four sections of land, including said springs, as near the centre thereof as may be, shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated, for any other purpose whatever";

Whereas the Hot Springs Reservation was the first protected area in the United States;

Whereas the Act that authorized the establishment of the Hot Springs Reservation was enacted before the establishment of the Department of the Interior in 1849, and before the establishment of Yellowstone National Park as the first national park of the United States in 1872;

Whereas, in 1921, the Hot Springs Reservation was renamed "Hot Springs National Park" and became the 18th national park of the United States; and

Whereas the tradition of preservation and conservation that inspired the development of the National Park System, which now includes 390 units, began with the Act that authorized the establishment of the Hot Springs Reservation: Now, therefore, be it

Resolved, That on 175th anniversary of the Act of Congress that authorized the establishment of the Hot Springs Reservation, the Senate recognizes the important contributions of the Hot Springs Reservation and the Hot Springs National Park to the history of conservation in the United States.

HONORING THE LIFE OF OLIVER WHITE HILL

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 161 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 161) honoring the life of Oliver White Hill, a pioneer in the field of American civil rights law, on the occasion of his 100th birthday.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I join my colleague from Virginia, Senator WEBB, in recognition of the 100th birthday of an exceptional American. Oliver White Hill. I am proud to say that this champion of civil rights is a fellow Virginian whom I have come to know personally over these many years. It is my privilege today to join Senator WEBB in honor of this great man.

After earning his law degree from Howard University School of Law where, I might add, he finished as the salutatorian to none other than future Supreme Court Justice Thurgood Marshall—Oliver White Hill began his law practice in Roanoke, VA, moving soon thereafter to Richmond to serve the National Association for the Advancement of Colored People, or NAACP, as the leader of its legal team in our Commonwealth. In his work with the NAACP from 1940 to 1961, Mr. Hill contributed tremendously to the progression of civil rights in our country, particularly in his role as a principal attorney on the landmark case of Brown v. Board of Education in 1954.

Working diligently for the NAACP, Mr. Hill was legal counsel for many historic cases regarding equal opportunity in education, employment, housing, transportation, and justice.

As a person who has spent many years in public service, I have a special appreciation for the dignity with which Mr. Hill answered the call to duty throughout his career, first as a veteran of World War II, as the first African American elected to the Richmond City Council since the Reconstruction era, and later as a Federal appointee to the Federal Housing Administration and the Department of Housing and Urban Development.

It is my honor today to stand before the Senate in appreciation for the efforts of Mr. Hill on behalf of his country and his Commonwealth. Certainly, the legacy of his strong career in support of equal rights will continue to be felt through the determination of the many Americans mentored or inspired by Oliver White Hill, and I join with Senator WEBB in gratitude for his dedication and longevity.

Mr. WEBB. Mr. President, I commend to my colleagues a Senate resolution that I have cosponsored with my esteemed colleague, the senior senator from Virginia.

As my home State celebrates its 400th anniversary, this resolution recognizes one of Virginia's most esteemed citizens, as he is preparing to celebrate an important milestone of his own. Oliver White Hill, a pioneer in the field of American Civil Rights law, will soon celebrate his 100th birthday at a gathering of hundreds of his friends, family and other admirers in Richmond, VA. I am honored to be counted among the list of guests, and it is with immense pride and an even greater sense of humility that I filed this resolution honoring the life and work of Mr. Hill.

Oliver Hill was born on May 1, 1907 in Richmond, and his family later moved to Roanoke, VA, and then Washington, DC, where he graduated from Dunbar High School. After leaving Dunbar, Mr. Hill enrolled at Howard University, earning both an undergraduate and law degree from that fine institution. As a testament to his brilliance, he graduated second in his class, a group whose valedictorian was none other than legal giant and future Supreme Court Justice Thurgood Marshall.

Although much of America was racially segregated, Mr. Hill nonetheless became a member of the Virginia Bar in 1934, and began his law practice in Roanoke. He later moved to Richmond and began a remarkable tenure leading the Virginia legal team of the National Association for the Advancement of Colored People from 1940 to 1961. Often forgoing lucrative legal work in pursuit of equal rights under the law for African Americans, Mr. Hill worked as one the principal attorneys on the historic Brown vs. Board of Education case in 1954. His dedication to this nation was further demonstrated when, in the midst of World War II, Mr. Hill interrupted his private law practice to serve in the Armed Forces from 1943 to 1945.

Mr. Hill was appointed by President Harry S. Truman to a committee to study racism in the United States. In 1948, Mr. Hill made history as the first African-American elected to Richmond's City Council since the days of Reconstruction. His public service career also included stints at the Federal Housing Administration and at the Department of Housing and Urban Development during that agency's early days.

Over the years, Mr. Hill acted as legal counsel in numerous landmark civil rights cases. His work encompasses equal opportunity in education, employment, housing, transportation, and the justice system. Mr. Hill's age has not deterred him from continuing to actively engage in civic activities throughout the United States and the world. He has been received countless awards, including the Presidential Medal of Freedom from President William Jefferson Clinton in 1999, the prestigious Spingarn Medal from the NAACP in 2005, the dedication of a building in his honor on the grounds of the Virginia State Capitol in 2005 and professional accolades too numerous to count. Oliver Hill is living history, and an American of the finest order.

Generations of attorneys, activists and public servants, including myself, have been inspired and mentored by Oliver Hill. In recognition of his outstanding service to our country advancing the cause of freedom for all Americans, I am proud to have submitted this resolution in his honor on the occasion of his 100th birthday.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 161

Whereas Oliver White Hill was born on May 1, 1907, in Richmond, Virginia, moved with his family to Roanoke, Virginia, and graduated from Dunbar High School in Washington, DC;

Whereas Mr. Hill earned his undergraduate degree from Howard University and received a law degree from Howard University School of Law in 1933, graduating second in his class behind valedictorian and future Supreme Court Justice Thurgood Marshall;

Whereas, in 1934, Mr. Hill became a member of the Virginia Bar and began his law practice in Roanoke, Virginia, and continued in Richmond, Virginia, in 1939, leading the Virginia legal team of the National Association for the Advancement of Colored People (NAACP) from 1940 to 1961 and serving as one of the principal attorneys on the historic Brown v. Board of Education case in 1954;

Whereas Mr. Hill interrupted his law practice to serve in the United States Armed Forces from 1943 to 1945, and was later appointed by President Harry S. Truman to a committee to study racism in the United States;

Whereas, in 1948, Mr. Hill became the first African-American elected to the Richmond, Virginia, City Council since Reconstruction, and later served in appointed capacities with the Federal Housing Administration and the then-newly-created Department of Housing and Urban Development;

Whereas Mr. Hill served as legal counsel in many of the Nation's most important civil rights cases concerning equal opportunity in education, employment, housing, transportation, and the justice system;

Whereas Mr. Hill has remained actively engaged with civic enterprises at the community, State, national, and international levels, and earned numerous accolades and awards, including the Presidential Medal of Freedom from President William Jefferson Clinton in 1999; the NAACP Spingarn Medal in 2005; and the dedication of a building on the grounds of the Virginia State Capitol in his honor by the Commonwealth of Virginia in 2005; and

Whereas Mr. Hill served as a mentor to generations of attorneys, activists, and public servants: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of Oliver White Hill, a pioneer in the field of American civil rights law, on the occasion of his 100th birthday.

CONGRATULATING THE CITY OF CHICAGO

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 28, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 28) congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 28) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 28

Whereas the City of Chicago has been selected by the United States Olympic Committee to represent the United States in its bid to host the 2016 Summer Olympic and Paralympic Games;

Whereas, by 2016, 20 years will have passed since the Summer Olympics were held in a city in the United States;

Whereas Chicago is a world-class city with remarkable diversity, culture, history, and people;

Whereas the citizens of Chicago take great pride in all aspects of their city and have a deep love for sports;

Whereas Chicago already holds a place in the international community as a city of immigrants from around the world, who are eager to be ambassadors to visiting Olympic athletes;

Whereas the Olympic and Paralympic Games will be played in the heart of Chicago so that athletes and visitors can appreciate the beauty of the downtown parks and lakefront;

Whereas Chicago is one of the transportation hubs of the world and can provide accessible transportation to international visitors through extensive rail, transit, and motorways infrastructure, combined with the world-class O'Hare and Midway International Airports;

Whereas the motto of the 2016 Olympic and Paralympic Games in Chicago would be "Stir the Soul," and the games would inspire citizens around the world, both young and old;

Whereas a Midwestern city has not hosted the Olympic Games since the 1904 games in St. Louis, Missouri, and the opportunity to host the Olympics would be an achievement not only for Chicago and for the State of Illinois, but also for the entire Midwest;

Whereas hosting the 2016 Olympic and Paralympic Games would provide substantial local, regional, and national economic benefits;

Whereas Mayor Richard M. Daley, Patrick Ryan, and members of the Chicago 2016 Committee have campaigned tirelessly to secure Chicago's bid to host the Olympic and Paralympic Games;

Whereas, through the campaign to be selected by the United States Olympic Committee, Chicago's citizens, officials, workers, community groups, and businesses have demonstrated their ability to come together to exemplify the true spirit of the Olympic Games and the City of Chicago; and

Whereas the Olympic and Paralympic Games represent the best of the human spirit and there is no better fit for hosting this event than one of the world's truly great cities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the City of Chicago on securing the bid to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games; and

(2) encourages the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

COMMENDING GENERAL PETER J. SCHOOMAKER

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of and the Senate now proceed to consider S. Res. 139.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 139) commending General Peter J. Schoomaker for his extraordinary dedication to duty and service to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 139) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 139

Whereas General Peter J. Schoomaker, the 35th Chief of Staff of the United States Army, will be released from active duty in April 2007, after over 35 distinguished years of active Federal service;

Whereas General Schoomaker, a native of Wyoming, graduated from the University of Wyoming in 1969, served in a variety of command and staff assignments with both conventional and special operations forces, including participation in numerous combat operations, such as Desert One in Iran, Urgent Fury in Grenada, Just Cause in Panama, Desert Shield/Desert Storm in Southwest Asia, and Uphold Democracy in Haiti, and supported various worldwide joint contingency operations, including those in the Balkans;

Whereas General Schoomaker has been awarded the Defense Distinguished Service Medal, 2 Army Distinguished Service Medals, 4 Defense Superior Service Medals, 3 Legions of Merit, 2 Bronze Star Medals, 2 Defense Meritorious Service Medals, 3 Meritorious Service Medals, the Joint Service Commendation Medal, the Joint Service Achievement Medal, the Combat Infantryman Badge, the Master Parachutist Badge and HALO Wings, the Special Forces Tab, and the Ranger Tab;

Whereas General Schoomaker was recalled from retirement, spent the last 4 years of his career in the highest position attainable in the Army, and has proven himself a tremendous wartime leader who has demonstrated unselfish devotion to the Nation and the soldiers he leads;

Whereas General Schoomaker's efforts to prepare the Army to fight a long war today while transforming it for an uncertain and complex future have been unprecedented;

Whereas General Schoomaker has demonstrated strategic leadership and vision and has had a remarkably positive and lasting impact on the Army by leveraging the momentum of the Global War on Terror to accelerate the transformation of the Army;

Whereas General Schoomaker, through modularization, rebalancing the total Army, development of a force generation model, restationing, and restructuring the Future Combat Systems, kept the Army focused on developing capabilities to meet traditional, irregular, catastrophic, and disruptive challenges threatening the interests of the United States;

Whereas General Schoomaker recognized that technological and organizational change requires intellectual and emotional transformation and tirelessly cultivated a learning and adaptive Army culture, while reaffirming the predominance of the human dimension of war;

Whereas General Schoomaker reflected the spirit of the warrior ethos he sought to instill in the United States Army—always placing the mission first, never accepting defeat, never quitting, and never leaving a fallen comrade;

Whereas General Schoomaker exemplifies the nonnegotiable characteristics exhibited by all great leaders—a strong sense of duty, honor, courage, and a love of country;

Whereas General Schoomaker has been selfless in his service to the Nation through peace and war;

Whereas one of General Schoomaker's predecessors, George C. Marshall, once remarked that "it is not enough to fight, it is the spirit we bring to the fight that decides the issue"; and

Whereas when history looks back at the Army's 35th Chief of Staff, it will be clear that he had the spirit at a critical time in the Nation's history: Now, therefore, be it

Resolved, That the Senate—

(1) commends General Peter J. Schoomaker for his extraordinary dedication to duty and service to the United States throughout his distinguished career in the U.S. Army; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to General Peter J. Schoomaker.

HONORING THE LIFE OF ERNEST GALLO

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 88, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 88) honoring the life of Ernest Gallo.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 88) was agreed to.

The preamble was agreed to.

REAUTHORIZATION OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 117, H.R. 1003.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1003) to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

There being no objection, the Senate proceeded to consider the bill.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1003) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR THURSDAY, APRIL 19, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, April 19; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes controlled by the Republican leader or his designee and the final 30 minutes under the control of the majority leader or his designee; that at the close of morning business, the Senate resume consideration of S. 378, the court security bill: and that the mandatory quorum under rule XXII be waived with respect to the cloture motion filed on S. 378.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SALAZAR. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Thursday, April 19, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 18, 2007:

DEPARTMENT OF STATE

FREDERICK B. COOK, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.

JOSEPH ADAM ERELI, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF BAHRAIN.

RICHARD BOYCE NORLAND, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF STATE (ECONOMIC, ENERGY, AND AGRICULTURAL AFFAIRS), VICE JOSETTE SHEERAN SHINER.

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE JOSETTE SHEERAN SHINER.

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 18, 2007, withdrawing from further Senate consideration the following nomination:

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE LINWOOD HOLTON, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

HOUSE OF REPRESENTATIVES—*Wednesday, April 18, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. ESHOO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 18, 2007.

I hereby appoint the Honorable ANNA G. ESHOO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Ron Jackson, East Gaffney Baptist Church, Gaffney, South Carolina, offered the following prayer:

Eternal God, our Heavenly Father, Your praise will always be upon our lips because You are the wonderful counselor, the mighty God, the everlasting Father, the Prince of Peace.

We thank You for every blessing of life. You have been so good to us. We are grateful for the privilege of living and working in this great country.

Thank You for our President and every Member of this body. May there be love for You and love for one another because love never fails. Bless each marriage and strengthen every family.

Bless our military personnel around the world. Give each one strength, grace, wisdom and courage. Comfort those families who have experienced the death of a loved one in service of our country.

Loving Father, please minister to the devastated families, students and others who are dealing with the tragedy that has occurred at Virginia Tech University.

Now I pray that You would give wisdom and clear guidance to each Member of this body as they conduct our Nation's business today.

I offer this prayer in the wonderful name of our all sufficient Lord.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. STEARNS) come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CALENDAR WEDNESDAY

The SPEAKER pro tempore. Today is the day of Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk called the committees.

PARLIAMENTARY INQUIRIES

Mr. SESSIONS. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. I understand that the procedure that the Chair just went through is known as Calendar Wednesday. Is it correct that any bill reported by a committee and placed on the Union or House calendar could have been called up by the chairman as the committee name was read?

The SPEAKER pro tempore. A nonprivileged bill otherwise in order may be called up on formal authorization by the reporting committee.

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. H.R. 1429, Head Start Reauthorization, was reported out of the Ed and Labor Committee on March 23, 2007. Would it have been in order for the chairman or his designee to call up H.R. 1429 at this time?

The SPEAKER pro tempore. Clause 2(b) of rule XIII is sufficient authority for the chairman of a committee to call up a bill on Calendar Wednesday.

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Similarly, H.R. 493, the Genetic Information Nondiscrimination Act, was reported by the Ed and Labor Committee on March 5, 2007. Would it have been possible to call up H.R. 493 at this time?

The SPEAKER pro tempore. Yes.

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Is it in order for Mr. MCKEON, the ranking member of the Education and Labor Committee, to call up the bill under his committee's jurisdiction, Head Start?

The SPEAKER pro tempore. A committee member other than the chairman must have specific authorization of the committee to call up a bill on Calendar Wednesday.

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Is it in order for any member of the minority to call up a bill during the call of the committees?

The SPEAKER pro tempore. A committee member other than the chairman must have specific authorization of the committee to call up a bill on Calendar Wednesday.

□ 1010

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SESSIONS. Is the chairman of the committee the only person that is in order to call up a bill during the call of the committees on Calendar Wednesday?

The SPEAKER pro tempore. Calendar Wednesday business may only be called up on formal authorization by the reporting committee. Clause 2(b) of rule XIII is sufficient authority for the chairman of a committee to call up a bill on Calendar Wednesday.

INTRODUCTION OF THE REVEREND RON JACKSON, GUEST CHAPLAIN

(Mr. SPRATT asked and was given permission to address the House for 1 minute.)

Mr. SPRATT. Madam Speaker, today's opening prayer was given by the Reverend Ronald B. Jackson. Reverend Jackson serves as the minister of East Gaffney Baptist Church in Gaffney, South Carolina, a pulpit that he has filled with distinction since 1989.

Reverend Jackson's ministry is based in East Gaffney Baptist Church, but not confined there. He has a television ministry in Greenville and a radio ministry in Gaffney. He is a prominent preacher, for sure, but he is also a pastor who has been recognized for service throughout the Southeast. He has established, for example, a foundation to help needy ministers and their families called the Parsons' Pantry Fund.

Three years ago, Governor Sanford awarded him the Order of the Silver

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Crescent, our State's highest award for volunteer service.

Reverend Jackson has spread the gospel from the Second Baptist Church of Great Falls, South Carolina, where he was called to the pulpit, to Bethel Baptist Church in Charleston, South Carolina, and even to Bourbon Street in New Orleans, where he was assistant chaplain, before coming home to South Carolina and eventually settling in Gaffney.

Reverend Jackson is married to Karen A. Jackson. They have two children, Kimberly McMillin of Inman and Bryan Jackson of Gaffney; and three grandchildren. Karen also has a son, Brock Burgess, of Gaffney.

On behalf of the House, I want to thank Rev. Jackson for his inspiring prayer and the Speaker and Rev. Coughlin for asking him to open today's session.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 one-minute requests from each side.

THE IRAQ WAR

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, 4 years ago, the United States invaded Iraq, ostensibly to eliminate weapons of mass destruction. When no such weapons were found, instead of declaring victory and bringing the troops home, the administration in its arrogance decided to dismantle the major institutions of Iraqi society and settle into a long-term occupation in order to remake Iraq in our own image.

The dismantling of Iraqi institutions, the army, the Baath party, et cetera, led to the breakdown of the delicate balances in Iraqi society and the emergence of civil war between Sunnis and Shiites. The continuing occupation led, as occupations do, to the development of a nationalist insurgency.

Now we have Sunni, Shiites and the insurgents shooting at each other and all shooting at American troops. This will go on as long as the occupation continues. The only way out is for Congress to mandate a timetable for a phased withdrawal of our troops.

Only such a mandate can get the Iraqi Government to step up to the plate. As Defense Secretary Gates said yesterday, the strong feelings expressed in the Congress about the timetable probably has had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment. Only a mandated timetable for withdrawal will end the endless occupation and end the endless bloodshed of young Americans.

USING PATIENT CARE MANAGEMENT TO IMPROVE HEALTH CARE

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, eighty percent of health care dollars are spent treating chronic illnesses. These are complex cases where patients have multiple doctors, treatments, medications and tests. Errors can result from confusion and miscommunication, but case management can be effective in reducing these errors.

However, Medicare and Medicaid do not reimburse for patient care management. Unnecessary hospitalizations increased from about 1 percent for a patient with just one condition to 27 percent for a person with eight chronic conditions.

The Federal Government will pay billions to treat chronic illness that could have been prevented. The University of Pittsburgh Medical Center found that care management can reduce re-hospitalizations of diabetics by 75 percent. Another study reduced hospitalizations of patients with heart disease by 50 percent. We cannot continue to finance a broken health care system and expect different results.

We need to transform our health care system to make sure that we focus on patient safety, patient quality and patient choice. I urge my colleagues to learn more about patient management care programs by visiting my Web site at murphy.house.gov.

DEALING WITH VIOLENCE IN AMERICA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, environmental awareness has created an awareness of the urgency of collective action to save our planet. We need a similar commitment to dealing with violence in America. Would that the tragic events in Blacksburg, Virginia, which took 33 lives, be an isolated example of the effects of gun violence in America.

In fact, about 32 people perish each and every day in America in handgun-related incidents. The level of violence in our society constitutes a national emergency. I am offering the following approach to change America's direction, away from death and disintegration and towards life and social cohesiveness. First, passage of legislation to create a Cabinet level Department of Peace and Nonviolence, H.R. 808; second, passage of H.R. 676 to create Medicare for all, not-for-profit health care system focusing on mental health care issues; and, third, a ban on handguns, legislation which I am currently drafting.

America is being engulfed in violence every day. Let's show that we have the wisdom and the courage to come from our hearts to meet this challenge.

GO GATORS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, as we continue to mourn the recent tragedy at Virginia Tech, we are reminded once again how fragile life is. Notwithstanding this tragedy, I would like to take a short moment to acknowledge the accomplishments of the University of Florida, which I represent in Gainesville, for repeating as men's national basketball champions.

This historic championship makes the Gators the first team since 1991–1992 to win back-to-back national titles and become only the seventh school ever to repeat as champions. With the Gators' 84–75 victory over the Ohio State Buckeyes, Florida remains the only school in the NCAA history to hold both the men's basketball and football championship titles in the same year.

The Florida Gators are excellent representatives of both the university and the great State of Florida in their focused persistence and unassailable desire to succeed. My colleagues, I take great pride in representing the University of Florida and congratulate Coach Billy Donovan and the entire university on this great accomplishment.

THE NEW DEMOCRATIC CONGRESS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, over the past 3 months, the new Democratic Congress has reached across the aisle to work with Republicans on legislation that is going to produce positive results for the American people. We vowed to run this House differently than the Republicans, and since day one, we have lived up to that promise.

During our first 100 hours, we passed legislation increasing the minimum wage, reducing the cost of prescription drugs, making college more affordable, securing our Nation by implementing the 9/11 recommendations and ending subsidies for big oil companies.

Since that time, we passed legislation that changes the direction of the war in Iraq, but also fully funding our troops and supporting our veterans. At the end of last month, we also passed a budget resolution that balances our budget within 5 years, something that the Bush administration and his budgets have not been able to do.

Not only is our budget fiscally responsible, it also increases the funding for children's health care, for education and for veterans health care, all without raising taxes. Yes, we are going in a new direction.

IMMIGRATION

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, most of us just returned from 2 weeks talking with constituents. In the Third District of Texas, folks only had one thing on their mind, illegal immigration.

They were hopping mad that illegal immigrants come into this country at all. They told me any proposal that would grant automatic American citizenship to illegal immigrants would be blanket amnesty, and they're right.

People have waited years to become American citizens through the legal proper channels. Granting blanket amnesty to untold millions of illegal immigrants undercuts the merits of creating a legal citizenship program. Just like in the 1980s, if we grant amnesty now, many more illegal immigrants will simply flock into our country and demand their day for amnesty. America must be a Nation that respects the rule of law and enforces it.

□ 1020

TIME FOR NEW DIRECTION IN IRAQ

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, during the President's weekly radio address, he accused the Democrats of spending 68 days pushing legislation that would undercut our troops.

During his tour of the Middle East yesterday, Defense Secretary Robert Gates said, "The debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited." He goes on to say, it has a positive impact "communicating to the Iraqis that this is not an open-ended commitment."

So who's right? Either the Secretary of the Defense, who is calling for the Iraqis to take ownership of their country, or the President, who is playing politics here at home? The Congress has provided the President the one thing he has refused to develop after 4 years of war: a policy to get the Iraqis off the sidelines and onto the field.

So after years of chaos and bloodshed, when the administration asks for more troops and more time and more of the same, we are calling for accountability of the Iraqis and a responsible redeployment of U.S. troops. Our troops are bearing all of the responsibility for the President's policy, and the Iraqis have no accountability.

Secretary Gates, thank you for your honest assessment of what it takes to bring a new direction to Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ANDREWS). The Chair reminds Members to direct their remarks to the Chair and not to others, as in the second person.

YVETTE CADE—VICTOR NOT VICTIM

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, in 2005, Yvette Cade walked into the Maryland courtroom of District Judge Richard Palumbo to extend the restraining order she had on her estranged husband. She was tired of the abuse. She wanted "an immediate and absolute divorce."

Judge Palumbo, however, refused to grant the victim's request, made snide remarks and dismissed the assault case, including the protective order. Two weeks later, Yvette Cade's estranged husband walked into her place of business, doused her with gasoline, struck a match and set her on fire.

Miraculously, Yvette Cade survived this brutal attack. She received third-degree burns over 60 percent of her body, yet she refused to let her physical injuries silence her voice. She became an outspoken advocate against domestic violence, urging women in abusive relationships to leave. She has appeared on "Nancy Grace" and "Oprah."

During this National Crime Victims' Rights Week, we honor remarkable people like Yvette Cade who speak out for victims. Tonight, the Congressional Victims' Rights Caucus will award Yvette Cade the Unsung Hero Award for triumphing over her personal tragedy to become a victor rather than a victim.

And that's just the way it is.

FINDING A BETTER WAY IN AMERICA

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Mr. Speaker, I rise today to ask all of us what kind of Nation are we when we neglect the needs of our senior citizens.

In the past 2 weeks, I have received over 15,000 cards from voters in Wisconsin, just like this one from Elaine in Peshtigo which reads: "I am soon an 80-year-old woman and a widow. My husband and I farmed, and we certainly had hard times the first years. But the years now are harder for old people. Oil companies take a huge profit. The CEOs make a salary no man on Earth is worth. The pill companies are taking huge profits with no consideration for our old people. The people of my generation lived through the Depression, World War II and two more wars, and now, in our old age, we face other obstacles."

My friends, there is a better way of doing things in America, and by working together, we will find it with no patient left behind.

BALANCE BUDGET BY CONTROLLING SPENDING

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, the battle of ideas is alive and well here in the House of Representatives where we have two different parties with two different philosophies; and nowhere is that more clear than in the budget debate that is occurring today.

In the budget that passed the House before the Easter recess, the majority passed the largest tax increase in American history. I just held 34 town hall meetings in my First Congressional District of Wisconsin, and my constituents are telling me they don't want to see the per-child tax credit get cut in half. They don't want to see the marriage penalty come back. They don't want to see income tax rates raised across the board. They don't want to see the death tax come back in full force.

The tax cuts that passed in 2001 and 2003 created 7.6 million new jobs. We don't need tax increases; but, unfortunately, the budget that the majority passed here does just that. It gets rid of all of that tax relief that created all of these jobs, and it gives the American people the largest tax increase in American history. I think it is wrong.

We on this side of the aisle, the minority, we believe in a different path: Balance the budget by controlling spending and keep taxes low. That's the way to go, Mr. Speaker.

AMERICAN PEOPLE CALL FOR CHANGE

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALTMIRE. Mr. Speaker, Democrats in Congress have heard the call for change delivered by the American people last November. In just 3 months, we restored the necessary oversight of the administration and reformed the ethics rules of the House to lessen the influence of lobbyists and add transparency to the legislative process.

We answered the call for change in direction in Iraq and kept our promise to our Nation's veterans by voting to increase VA health care funding by $11 billion.

We passed meaningful legislation that will help middle class families, lowering the cost of student loans and prescription drugs.

And although we won't be able to dig ourselves out overnight from the mountains of debt Congress and the administration built up over the past 6 years, the new Democratic Congress passed a budget that achieves balance in 5 years without raising a penny of taxes.

In short, Mr. Speaker, we have listened to the American people and changed the way Congress does business.

MINNESOTANS SAY: STOP RAISING TAXES

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, last Saturday, 7,000 Minnesotans stood on the steps of the St. Paul capitol in our State for the purpose of standing for freedom. It was a beautiful, sunny, ebullient Saturday morning, and 7,000 hardworking Minnesotans took their time away from their families and away from their work to stand on the steps of our State capitol to say: Enough is enough, stop raising my taxes.

The last vote I took in this body prior to our recess had the Democrats calling for the largest tax increase in American history and the largest spending increase in American history.

The people in Minnesota, Mr. Speaker, asked me to come back to this body to fight for their freedom and to fight for the ability to hold on to more of their hardworking income, and that is exactly what we intend to do.

SUPPORT STEM CELL RESEARCH

(Mr. SIRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIRES. Mr. Speaker, last week the Senate followed our lead and passed legislation to advance potential life-saving stem cell research. The legislation now heads to the President's desk where he has already threatened a veto.

I hope the President will finally listen to an overwhelming majority of the American people, a bipartisan Congress and scientists who say this research can save millions of lives.

As the American Association for the Advancement of Science has argued: We owe it to those with serious illnesses to vigorously pursue both adult stem cell research and embryonic stem cell research.

This is not a partisan issue. In fact, many in the President's own party recognize the potential that exists if scientists are allowed to expand their research.

Mr. Speaker, over the last 7 years, the President has only vetoed one bill, and that was a similar stem cell research bill that passed the Republican Congress last year. The President should seriously reconsider his veto threat so we can begin life-saving research.

TAX CUTS CANNOT BE ALLOWED TO EXPIRE

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, if Washington Democrats get their way, millions of Americans will see their taxes go up by billions of dollars. In a Gallup Poll released earlier this week, 53 percent of the American people said their Federal income taxes were too high, yet the Democrat leadership has decided to move forward with the highest tax increase in American history.

In an editorial by the Wall Street Journal, they said, "A tax increase of that magnitude could well lead to a recession and a plunge in receipts."

Take these examples as evidence that letting the Republican tax cuts expire would only wreak havoc on millions of American checkbooks. Over 115 million taxpayers would see a $1,716 increase in their tax bill in 2011. For 84 million women, it would be an increase of over $1,900. And for 42 million families with children, an increase of over $2,000 would become a scary reality.

Chasing increased spending with higher taxes is not the path of fiscal responsibility and will not lead to further economic prosperity. These tax cuts should not and cannot be allowed to expire.

□ 1030

DEFUSING THE WILL OF THE AMERICAN PEOPLE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the President is going to talk to the congressional leaders about Iraq. It is his way of trying to defuse the will of the American people. He is going to talk about his vision for a military victory in Iraq. He is going to talk about his military escalation and how well it is working.

He is not going to talk about the bombing in the Green Zone last week, or the fact that about 3 hours ago there were 127 Iraqis killed by a suicide bomber. And it is only early morning. There is plenty of time left in this day.

The President will say there are good days and there are bad days. In truth, there are only bad days, and worse days in Iraq.

The only thing worth talking about is protecting our soldiers by getting them out of the Iraq quagmire. That is the only discussion worth having, because setting a timetable is the only way to protect and defend the U.S. soldiers he keeps sending into harm's way.

Don't give him an inch, Mr. Speaker. Bring our troops home.

THE TAX CREDIT GAP

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, American families are leaving billions of dollars on the table each year by not claiming tax credits that help families pay for child care, to send their children to college, save for retirement, or work their way into the middle class.

Taxpayers claimed nearly $83 billion in tax credits in 2004. But families missed out on over $10 billion in unclaimed tax credits, according to a new estimate from the Joint Economic Committee. You can find this report on my Web site at maloney.house.gov.

The IRS can help close this tax credit gap by reporting on the characteristics of households not taking advantage of these credits. This will help us conduct better outreach to families who are missing out on credits that reward their hard work and help them get ahead.

BRING THE TROOPS HOME

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, during the break, I was home in my district in Memphis, Tennessee, and I spoke to 40 soldiers who had been to the Middle East. They were being honored. I asked many of them if they wanted to return. Most, nearly all, said, "No. Why are we there and what are we accomplishing?"

I asked groups about their thoughts, and almost to a one, they said, "Bring the troops home; don't stay the course."

Mr. Speaker, I would submit to the President that he went to war under Donald Rumsfeld's opinion that you fight the war with the troops you have got.

Mr. Speaker, I would suggest that the President should support the troops with the bill that the Congress sends him. We have sent him a bill that supports the troops, supports the veterans and, yet, brings our troops home.

We must end this foolishness in Iraq, the loss of American lives and the spending of our tax dollars in a country where we are not wanted.

HONORING SLAIN UTICA POLICE OFFICER THOMAS LINDSEY

(Mr. ARCURI asked and was given permission to address the House for 1 minute.)

Mr. ARCURI. Mr. Speaker, on Thursday, April 12, 32-year-old Utica police officer Thomas Lindsey was shot and killed in the line of duty during a routine traffic stop in Utica, New York, my hometown.

A 5½-year veteran of the Utica police force, Tom served for more than a year with an elite squad tasked with handling special assignments. Tom was the kind of guy that, as a teenager, he traveled to Mexico one summer just to build churches. And prior to his tenure as a Utica police officer, he served our Nation honorably as a U.S. Marine as an embassy guard.

As a former district attorney, I had the distinct privilege of working hand in hand with the dedicated men and women of the Utica Police Department. This loss affects those brave men and women and their families hardest of all.

Tom put his life on the line in the Marines and as a police officer, and he paid the ultimate sacrifice to protect his country and the community. Losing someone like Tom is a great tragedy, but in this tragedy there is a lesson. We must learn from the way Tom lived his life and his commitment to public service, his community and his country.

My prayers are with Tom's mother, Carmella Lindsey-Schisler, his girlfriend, Lisa, and his family and coworkers.

I hope everyone can take a moment today to thank the men and the women in their local police departments who serve them so well.

ORWELLIAN DEMOCRACY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, Orwellian democracy is alive and well here in Washington. Our friends on the other side seem to think that if they just say something, it is true.

Talk about the budget. We have heard this morning that they are going to balance the budget without raising taxes. Funny thing is, the budget that they passed will do this: Between 2010 and 2011 their budget will raise taxes on ordinary income from 35 to 39.6, capital gains from 15 percent to 20 percent, dividends from 15 percent to 39.6 percent, estate tax, 0 percent to 55 percent. Child tax credit goes from $1,000 to $500, and the lowest tax bracket goes from 10 percent to 15 percent. $400 billion in new taxes.

Mr. Speaker, they may be saying one thing, but they are doing completely the opposite. They may be able to fool themselves, but they won't fool the American people.

HONORING THE SACRIFICE OF LIVIU LIBRESCU

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I rise to thank God for Mr. Liviu Librescu.

Monday was Holocaust Remembrance Day, Mr. Speaker. Mr. Liviu Librescu was a teacher for 20 years at Virginia Tech. He was a husband and a father, 76 years of age, and a Holocaust survivor.

On Monday, on Holocaust Remembrance Day, he blocked the doorway to a classroom to protect the students in that classroom from almost certain death. And in so doing, he sacrificed his life. He survived the Holocaust and made the ultimate sacrifice. He gave his life so that others could live. Thank God for him.

May God bless his family and all of those who have suffered at Virginia Tech.

DEMOCRATS TAKE IRAQ IN A NEW DIRECTION WHILE PRESIDENT BUSH THREATENS TO VETO NEW COURSE

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, the new Democratic Congress has made good on its promise to change the direction of the war in Iraq while providing critical funding for our veterans and our wounded soldiers. Yet, the President is still threatening to veto a final conference report when it comes out of this Congress.

Why would the President veto a bill that requires Iraqis to take control of their country by meeting key security, political and economic benchmarks the President himself established?

Why would he veto a bill that provides greater protections for our troops and our veterans than what was originally requested by the President?

The supplemental provides 1.7 billion more for military health care, which includes facility upgrades at Walter Reed and other hospitals that require renovation. We also provide an additional $1.7 billion for veterans health care to ensure that they have access to quality care. The veterans I have met with from New Jersey have told me that this is one of their top priorities.

I have been opposed to the preemptive war in Iraq from the beginning because the administration has failed to explore diplomatic solutions. And therefore the stay-the-course strategy is wrong. And I hope that the President will sign and not veto this bill.

PRESIDENT BUSH SHOULD LISTEN TO SECRETARY OF DEFENSE GATES WHO SAYS CONGRESS' TIMELINES ARE USEFUL

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, as the President prepares to meet with congressional leaders today to discuss the emergency supplemental, he should listen to his own Secretary of Defense, who said that Congress' timelines have been useful in forcing the Iraqi Government to make compromises that have been elusive in the past.

While traveling in the Middle East, Defense Secretary Gates said yesterday, and I am quoting, "The debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited. The strong feelings expressed in the Congress about the timetable probably have had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment."

And that is what Democratic Members of this House have been saying for weeks. It is time to hold the Iraqi Government accountable and pressure them to meet the President's own guidelines.

If President Bush refuses to listen to this Democratic Congress and leaders that he is meeting with today, it would be nice if he would at least listen to his Defense Secretary, who is saying that our efforts to change the direction of the war in Iraq are having a positive effect.

☐ 1040

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

OFFERING HEARTFELT CONDOLENCES TO THE VICTIMS AND THEIR FAMILIES REGARDING THE HORRIFIC VIOLENCE AT VIRGINIA TECH AND TO STUDENTS, FACULTY, ADMINISTRATION AND STAFF AND THEIR FAMILIES WHO HAVE BEEN AFFECTED

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 306) offering heartfelt condolences to the victims and their families regarding the horrific violence at Virginia Tech in Blacksburg, Virginia, and to the students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred there.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 306

Resolved, That the House of Representatives—

(1) offers its heartfelt condolences to the victims and their families regarding the horrific violence at Virginia Tech in Blacksburg, Virginia, and to the students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred there;

(2) expresses its hope that losses from the mass shooting will lead to a shared national commitment to take steps that will help our communities prevent such tragedies from occurring in the future; and

(3) recognizes that Virginia Tech has served as an exemplary institution of teaching, learning, and research for well over a century, and that the University's historic and proud traditions will carry on.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 306 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise this morning to offer my deepest sympathies to the victims and their families who suffered the horrific shooting tragedy at Virginia Tech on Monday morning. My thoughts and prayers go out to them, the students, faculty and staff of the university.

Virginia Tech is one of the largest schools in Virginia, providing higher education to more than 28,000 students. The effects of this tragedy can be felt all across the Commonwealth of Virginia, in the Halls of Congress and in every corner of this Nation. I represent hundreds of Virginia Tech families, perhaps thousands of alumni, and members of my staff have friends and family who currently attend Virginia Tech.

Schools are meant to be sanctuaries of learning and, most importantly, sanctuaries of safety. Parents who send their children off to college with all the potential that a college education represents should be content that their children will be safe.

As we mourn with the Virginia Tech community, this Congress must explore every possible avenue towards determining what can be done to prevent this kind of tragedy in the future, whether in high schools or college campuses or on business premises or other places where people may congregate. Yet we must be realistic. From what we are hearing regarding this tragic incident, it is not clear that any law would have been effective in deterring the kind of senseless acts that occurred. Anyone willing to indiscriminately shoot down innocent people and then kill themselves afterwards would not likely be deterred by any law. Nonetheless, we must work with our colleges and universities in developing ways to anticipate, identify and prevent any such threats that we can. Some evidence is emerging that indicates that there may have been signs of mental disturbances in the alleged shooter, and this may suggest information which could lead to things to look at to avoid these tragedies in the future.

But, Mr. Speaker, today we stand together to wish a speedy recovery for the injured and to mourn with the families of the victims who died in this horrific tragedy. Virginia Tech is and will remain one of the Commonwealth of Virginia's finest institutions of higher learning, and its proud traditions will carry on beyond this darkest hour. This event will be with the students, faculty and staff of Virginia Tech for the rest of their lives, but we must not let tragedies like this stop people from living their dreams. I hope that some day all members of the Virginia Tech community will be able to celebrate life and learning on the campus again.

Finally, Mr. Speaker, I would like to introduce into the RECORD the powerful statement presented at the service yesterday at Virginia Tech by Nikki Giovanni. That service was attended by nine of the eleven members of the Virginia delegation to Congress and both of our U.S. Senators. So I will insert that statement into the RECORD.

We are Virginia Tech.

We are sad today, and we will be sad for quite a while. We are not moving on, we are embracing our mourning.

We are Virginia Tech.

We are strong enough to stand tall tearlessly, we are brave enough to bend to cry, and we are sad enough to know that we must laugh again.

We are Virginia Tech.

We do not understand this tragedy. We know we did nothing to deserve it, but neither does a child in Africa dying of AIDS, neither do the invisible children walking the night away to avoid being captured by the rogue army, neither does the baby elephant watching his community being devastated for ivory, neither does the Mexican child looking for fresh water, neither does the Appalachian infant killed in the middle of the night in his crib in the home his father built with his own hands being run over by a boulder because the land was destabilized. No one deserves a tragedy.

We are Virginia Tech.

The Hokie Nation embraces our own and reaches out with open heart and hands to those who offer their hearts and minds. We are strong, and brave, and innocent, and unafraid. We are better than we think and not quite what we want to be. We are alive to the imaginations and the possibilities. We will continue to invent the future through our blood and tears and through all our sadness.

We are the Hokies.
We will prevail.
We will prevail.
We will prevail.
We are Virginia Tech.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, the headline atop the front page of yesterday's edition of the Virginia Tech student newspaper captured what all of us are feeling right now: "Heartache." On behalf of my colleagues on the Education and Labor Committee, my staff, my family, and my constituents, I extend my deepest sympathy and offer my prayers to Virginia Tech students, staff, administration and families.

Our institutions of higher education are places where students begin to embrace adulthood, where they begin to relish a new found freedom and indeed where they begin to realize their dreams. For that to be cut short for these young men and women by such a senseless act is beyond anyone's comprehension. So all we can do is mourn, comfort one another and pray that the Virginia Tech community and our Nation may begin to heal in the aftermath of this unspeakable tragedy.

The collective feeling inside of this building over the last few days is much like the feeling we experienced on September 11 and the days that followed when we cast aside our differences and united to stand with the victims, their families and their communities. Today, just as back then, it is a time not for politics or a time to take advantage of such a horrific turn of events to push a partisan agenda. And similarly today, just as back then, it is not a time to misdirect any blame toward anyone other than the perpetrator of this massacre. In this case, as we currently understand it, this blame belongs squarely to a single gunman who acted selfishly, brutally and without regard for human life.

Mr. Speaker, I also believe that we owe sincere and heartfelt gratitude to Virginia Tech's administration, law enforcement officers, faculty and students for the way they have handled these last 3 days. Simply put, no one could have imagined this series of crimes that has risen to the level of the deadliest in U.S. history. These men and women have done their very best to respond to it. And as we witnessed at the convocation a day ago in Blacksburg, they are doing so with a deep respect and love for the campus they call home.

May that spirit carry them through the difficult weeks, months and years ahead. And may we learn from their example as we tackle the challenges that we face as a Nation in the aftermath of this great tragedy.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to my colleague from Virginia (Mr. BOUCHER), the representative of the Ninth Congressional District, the home of Virginia Tech.

Mr. BOUCHER. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. SCOTT) for yielding this time, and I thank him for his remarks and also express that same appreciation to the gentleman from California for the eloquent remarks that he just rendered on the floor. It is with a heavy heart that I offer these comments today.

The tragedy on Monday of this week was of a scale and a senselessness that defies explanation. And it came to a university campus that is known across our Nation for its friendliness, its peacefulness, and the close association among the faculty and the students.

Yesterday afternoon a campus-wide convocation demonstrated to the world that Virginia Tech's unity and sense of purpose will be maintained and strengthened. The convocation was attended by President Bush; by Virginia's Governor, Tim Kaine; and by the members of Virginia's congressional delegation, both House and Senate. And I want to express my appreciation to the Members of the House who traveled yesterday to Blacksburg to show support for the Virginia Tech community and to comfort those who have lost loved ones.

I also want to take the opportunity in these remarks to offer some personal thoughts. To Virginia Tech President Charles Steger and the professional staff of the university, thank you for the poise, the dignity and the strength that you have demonstrated under the most difficult and challenging of circumstances.

□ 1050

To the skilled first responders of Blacksburg and Montgomery County, thank you for your dedication and for your outstanding service on Monday that saved lives and prevented our loss from being even greater.

To the families and the friends of the victims, profound sympathy for your loss of young lives full of promise and mature lives of major contribution.

The resolution before the House this morning is sponsored by all of the Members of the House delegation from Virginia. Through the resolution, Congress offers its heartfelt condolences to all who have suffered loss, and it recognizes that Virginia Tech has served as an exemplary institution of teaching, of learning and of research, and that the university's proud traditions will continue.

Today, we mourn an enormous loss from a violent and senseless act. Tomorrow and in the months to come, the resilience of southwest Virginians and the spirit of our region that has helped to make Virginia Tech a great institution will assure that that university has an even stronger future. To that end, we in the House today pledge our support.

Mr. Speaker, I urge approval of the resolution.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, having returned from a heart-wrenching trip to Virginia Tech yesterday, it is hard to stand here and find words to express the pain and sorrow that has befallen that community. As a parent of a student approaching college age, there is absolutely nothing more upsetting than seeing young people cut down in the prime of their lives.

I will never forget, Mr. Speaker, the raw emotions that filled that convocation arena yesterday as I, along with my colleagues from Virginia, mourned with some 12,000 friends and family members of victims, half of whom at least were clad in Hokie maroon and orange. Nor will I forget the sight of a bereaved father who, overwhelmed with grief, simply collapsed.

When an act of random cruelty bewilders us and pulls us down, the sort of love, generosity, courage and heroism we have seen in Blacksburg and its response serves as a counterforce. It replenishes us and demonstrates, as the Bible says, that "love is strong as death."

We Virginians are resilient people, and I already know that under the strong leadership of President Charlie Steger, our brothers and sisters at Virginia Tech will band together and make it through this tragedy.

Mr. Speaker, in response to a moving plea from Virginia Tech's resident poet toward the end of the convocation ceremony, the crowd there erupted into cheers of "Let's go Hokies." It was a moving call to action. Let the healing begin.

Once again, Mr. Speaker, I stand here with a heavy heart, and extend my deepest sympathies, especially to the families of those students who lost their lives.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, on April 16, 2007, the news from Virginia Tech and Blacksburg grew worse as the day progressed, and as evening fell the number of students and faculty killed reached 33. Included in that number was the apparent assassin, a fellow student who came to this country from South Korea at an early age. The death toll of 33 makes the tragedy at Virginia Tech one of the deadliest at educational institutions in the history of the United States.

Words cannot express the sorrow and hurt that the families of the victims are experiencing. We cannot bring these mostly young men and women back to the classroom, to the sidewalks of Blacksburg or to their families and loved ones. But we can always remember and know that their spirit, energy and enthusiasm in making Virginia Tech one of the finest institutions of higher education in the world will never die and will live in our memories forever.

At yesterday's convocation at Cassell Auditorium in the heart of the Virginia Tech campus, those gathered heard President Bush, heard the Governor of Virginia, heard ministers of various religions around the globe, and heard leaders of the Tech community. In a spontaneous happening towards the end of the program, one gentleman stood forth and led in the Lord's Prayer as it was prayed in unison by thousands of students, families, government leaders and others in the Virginia Tech community.

May God bless the families of the deceased, the students at the institution, Virginia Tech, and our country in this time of sorrow.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House.

Ms. PELOSI. Mr. Speaker, it is with deep sadness that Congress today recognizes the tragedy that indeed struck our country when it befell the community of Virginia Tech on Monday. We offer our condolences to the many who now grieve. I want to particularly extend my condolences to our colleagues here for the sorrow that has taken place in their State.

But the sorrow of parents who lost their children, students who lost their friends, and a community which lost 33 of its own is beyond any comfort we can give in words. Words are totally inadequate. In the days that follow, the mourning and questioning that has already begun will continue. And as it does, the thoughts and prayers of this Congress and, indeed, this Nation, will remain with the students of Virginia Tech and their families.

Among the victims there was a student resident adviser known affectionately as "Stack," a young woman whose love for horses led her to study veterinary science; one of the world's great researchers on cerebral palsy; and a Holocaust survivor who became an expert on aeronautics.

These victims, of different backgrounds and different ages, are united in their love of one of America's great learning institutions, Virginia Tech. And today and in the days to come, as we grieve their loss, we are all Hokies.

When Robert Kennedy announced to the people of Indianapolis the news of the assassination of Rev. Martin Luther King, he offered comfort with the words of an ancient Greek playwright, Aeschylus, when he said, "Today, when no words can describe our sadness, or heal our grief, these words again give our Nation hope. In our sleep, pain which cannot forget falls drop by drop upon the heart until, in our own despair, against our will, comes wisdom through the awful grace of God."

Today, on behalf of the students, faculty, staff and families of Virginia Tech, we pray for that wisdom.

I hope that it is a comfort to all who are grieving today that so many people in our country, indeed, in the world, mourn their loss and are praying for them at this sad time.

Mr. McKEON. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, it is with great sadness that I address this Chamber today. As the parent of four children in college, I share the horror and the rage, the grief and the sorrow of the larger Virginia community.

I rise today to urge my colleagues to support this resolution expressing our sorrow and offering condolences over the tragic events that took place Monday at Virginia Tech. Our hearts, our prayers and our thoughts go out to the families of those who lost lives, the injured and their families, and all those affected by this terrible tragedy, including the family of the troubled young man who perpetrated this crime.

□ 1100

The coming together of communities, the reaching over the fences to lend a hand of support at this hour of need has been touching. From the Washington Nationals wearing Virginia Tech caps last night, to the community groups that gathered spontaneously across the Commonwealth to share their sorrow, the picture of the Commonwealth today is one we can, as usual, take great pride in. Yesterday I traveled with my colleagues to Blacksburg for the convocation, and last evening over 500 Korean Americans assembled at the Fairfax County Government Center to express their outrage, to offer their prayers, to start the healing process that follows such tragic events.

Mr. Speaker, we Virginians are known for looking out for each other and this has been no different. The outpouring of love, sympathy and caring for each other has been astonishing. The pictures of students comforting each other, of students and teachers helping each other search for answers in these dark hours has been particularly moving. All of us around the Commonwealth must come together to find the strength to move forward. We're family. We've been deeply wounded. That's what families do when they're hurt. They look to each other for strength, for inspiration and for meaning. Mr. Speaker, we hurt for the victims and we honor their lives. That's what families do. We close ranks and lend each other support in our darkest hours. Benjamin Franklin said more than 200 years ago that those things that hurt instruct. Let us learn from this. Let us hurt. It's good for the soul. It helps us to heal. It is, sadly, the only way to move forward.

Again, I urge my colleagues to support the resolution.

Mr. SCOTT of Virginia. Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER), the majority leader, 1 minute.

Mr. HOYER. Mr. Speaker, I join all 434 of my colleagues in rising to express our sorrow, our regret, our sympathy, yes, and in some respects our outrage that this calamity has been visited on so many of our promising and wonderful young people.

Mr. Speaker, as a grieving Nation tries to comprehend the senseless, horrific violence on the campus of Virginia Tech University on Monday, the full scope of this tragedy is only now beginning to come to light. Thirty-two innocent people, 32 young people of promise, some people not so young who were at great risk and survived, 32 people were stolen from their families and friends at the hand of a deeply disturbed young man who ended the carnage by taking his own life. More than two dozen others were injured during this random, murderous rampage.

Today, a profoundly saddened Nation recognizes that these were not mere strangers, although we may not have known the victims personally. They were members of our national family and in so many ways they were a reflection of us. They were hope for the future. They were brothers, sisters, mothers and fathers who were so full of life, hope and promise for a better future, for themselves, their families, their country and indeed the world.

Those slain included a 20-year-old political science major from Dumont, New Jersey, who attended Virginia Tech on an Air Force scholarship; an 18-year-old freshman from Centreville, Virginia who distinguished herself in drama and on Virginia Tech's dance team; a 22-year-old senior from Martinez, Georgia who was majoring in psychology, biology and English and who served as a role model for many; a 76-year-old engineering professor and Holocaust survivor who survived one of the worst terrorists and despots the world has ever seen, Adolf Hitler, to come home and to teach young people, to make them better able to meet the future and to have that ability robbed from him by a senseless act. And so many others, Mr. Speaker.

We may never know the answer to the question "Why?" Why have so many loving, promising people been taken through such senseless violence? However, let us mourn their loss and extend our heartfelt condolences and sympathy to their families and to their friends and to their fellow students.

Today, our thoughts and prayers are also with those who have been injured as well as Virginia Tech's students, faculty and staff, alumni and the entire campus community as they endeavor to cope with this monumental tragedy. Let us remind them they are not alone. Not only are they in our hearts but they will be in our prayers. I thank the gentleman from Virginia for giving me this time to join him and the Virginia delegation in recognizing the tragedy and reflecting our remembrance of those who have been hurt, those who have lost their lives, and those whom they left behind.

Mr. McKEON. Mr. Speaker, may I inquire as to the amount of time left.

The SPEAKER pro tempore. The gentleman from California has 11 minutes. The gentleman from Virginia has 12 minutes.

Mr. McKEON. Mr. Speaker, at this time I am happy to yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman. I thank the majority leader and the Speaker and the other Members of our delegation for their comments.

The tranquil campus of Virginia Tech and the town of Blacksburg has been shattered by the actions of a lone gunman. The horror that the Virginia Tech community has experienced this week is something that every parent, every American hopes they never have to learn has affected their families and friends.

I have a great appreciation for Virginia Tech, one of America's preeminent research institutions, having advanced from one of the original land grant universities. Thousands of people in my district which neighbors Blacksburg have gone to school there, have sent their children there, and are members of Hokie Nation. During my time in this body, I have had graduates and students of Virginia Tech work and intern for me. For years I have known what a special place it is, with its affiliated campuses and offices spread throughout the Sixth District and across the great Commonwealth of Virginia. Yet it is with great sadness that the rest of the world has come to know the compassion of Virginia Tech only through this tragedy. Although this horrendous and unspeakable violence showed the worst of mankind, it also showed what those of us who have been a part of the Tech community for years have always known—the students, the instructors, the administrators, and the citizens of Blacksburg care deeply for one another and take great pride in their community. Even in the worst circumstances, the Virginia Tech community showed great compassion for their fellow man and did what they could to help each other. Liviu Librescu, a survivor of the Holocaust, blocked the doorway of his classroom so that his students could climb out the windows to safety. Ryan Clark, a resident adviser in the West Ambler Johnston Hall, rushed into the hallway to help his fellow students when the first attack came and became the second victim. And I was deeply saddened to learn that one of my constituents, Henry Lee, a graduate of William Fleming High School in Roanoke, was among those who died in the attack on Norris Hall. Two other of my constituents from Harrisonburg, Virginia, Heidi Miller, an undergraduate, and Guillermo Colman, a graduate student, were wounded and thankfully are okay. Now, following this brutal action, throughout the campus and community, students are relying on each other to cope with what has happened, but they will not let the sorrow and pain that has overtaken them this week be the lasting legacy to those whose lives were lost. Under the leadership of President Charles Steger, the Virginia Tech community will become stronger as a result of this. Their compassion will reach far beyond the town of Blacksburg, deep into what is affectionately known as Hokie Nation. Their vocal pride in their community will not be silenced by the actions of one misguided soul.

□ 1110

I was very moved as I witnessed the process begun yesterday at the convocation at Cassell Coliseum. Speaker after speaker, including the President, the Governor, and so many great leaders at Tech spoke of not only the grief, but of overcoming the grief and moving forward to a brighter and better future.

For the families who have lost sons and daughters, fathers and brothers, mothers and sisters, I grieve for you and your loved ones. You will forever remain in the prayers of this Nation, and I hope that in time you can come to find peace.

For the Virginia Tech community, although we grieve today, and what has happened will never leave our minds, I know that you will take this tragedy and use it to build a stronger campus and a more compassionate community for all.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I join with my colleagues in expressing my deep condolences to the families of Virginia Tech University.

Let me begin by commending Representative BOBBY SCOTT for introducing this very important resolution. As you know, Representative SCOTT is a member of the Education and Workforce Committee and has shown a tremendous interest in young people throughout his State and the Nation, and this exemplifies the deep concern that he has for all of our children.

Let me commend the Virginia delegation for its coming together and uniting with the Governor of the State of Virginia with the State legislators, with the students to see about a way that healing can start. To the families and friends of the 32 victims, to the students, to the faculty and the staff, to the alumni of Virginia Tech, we express our condolences.

As a member of the Education and Workforce Committee, we are deeply concerned about the future of our Nation. We are concerned about our young people whether they are in preschool, in elementary or secondary education, whether they are in the institutions of higher education. And we continually learn, and we have to continually change as Toffler said in his book, "Future Shock," 20 or 30 years ago, that if institutions and agencies do not change internally with the same rate of change externally, then those institutions or agencies become obsolete. And this is, again, another example of how we have to rethink how we operate. New Jersey had 4 students of the 32 who perished in this senseless act, and so our hearts are heavy, also.

I think that we have to see how we can assist. Those of us in New Jersey heard little about Virginia Tech 20, 30 years ago until they became a part of the Big East, and then we did hear about Virginia Tech because they had overwhelming sports teams, they had such tremendous student support. It is a great institution. And we know that they left the Big East for the ACC, but we have fond memories of our competitive competition.

I am a Seton Hall graduate, so we were competing many times.

But I think that we have to use this example to see how we can heal. I think that we need to take this tragedy and see how we can better identify students who have problems, students who go to elite schools, who are lonely, students that have situations that need to be dealt with.

We have in our inner cities many young people who don't have the opportunity to go to higher learning. We need to really, I think, as a former national president of the YMCAs of the United States, I think we need to focus more of our attention on the young people. A Nation that loses its young is losing a part of its future. We need to really spend more time on our young so that we develop them, so that we can nurture them, so that we can be sure that our country can be all that it can be as we move through this new millennium.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 30 seconds.

I would just like to thank the gentleman from New Jersey who points out that this is a national incident with students from all over the country. And I would like to thank him for recognizing me as one of the sponsors of the resolution. The Virginia delegation came together to present this resolution under the leadership of Mr. BOUCHER, so we appreciate his leadership today.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, at this time I recognize the gentleman from Virginia (Mr. WOLF) for 3 minutes.

Mr. WOLF. I want to thank Mr. SCOTT and Mr. BOUCHER for bringing this resolution up.

Words are inadequate at this time. And our community and our State and the Nation have been devastated by what has taken place.

Mr. Speaker, it is with a heavy heart that I rise today in support of this resolution offering the condolences of the House to the victims and their families of the horrific violence at Virginia Tech in Blacksburg, Virginia, on Monday morning, and to the students, the faculty, administration, staff and their families who have forever been changed by this tragedy.

My heart is heavy for the entire grieving Virginia Tech community and the families in the 10th District of Virginia who are mourning today because the young, promising lives of their children have ended. According to the morning news we have received, there are going to be at least five victims who call the 10th Congressional District, my district, home.

There really are no words that can adequately express, and as a father of 5 children and a grandfather of 12, words you can say, that can express the sorrow we are feeling for the families today. But with this resolution, it is my hope that the families in my district and the families and loved ones of all the victims will know that this district, this Commonwealth of Virginia and indeed the entire Nation are with them in spirit, offering them our heartfelt sympathy and prayers.

With my colleagues in the Virginia delegation, I attended the very moving and emotional convocation yesterday in Blacksburg. I was impressed with the Tech community, the students and staff, administration. President Bush did an outstanding job, as did Governor Kaine, in addressing the students and the administration. It was truly a feeling of family coming together to offer love and support to each other in their time of grief and loss.

There is still a numbness and incredulity about what happened on the Virginia Tech campus just 2 days ago. The wounds in Blacksburg are deep, but with the unity of spirit and the deep faith I felt yesterday on the Tech campus, it is my hope that as the tomorrows come, this outstanding institution and all those who are associated with it will find hope and peace.

May God bless all of us at this very, very difficult time.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Thank you, Mr. SCOTT.

To the members of the Virginia delegation, I am here with a heavy heart, as all of you are. This is the kind of tragedy whose ripples will affect the faculty, the staff, law enforcement, Blacksburg and the State of Virginia for a long time.

Eight years ago tomorrow we had Columbine in my area. I live about 2 or 3 miles from Columbine. The emotions that I feel and the grief that I feel for you bring back a lot of memories. I wish I hadn't seen this play before; I wish I didn't know this script. But I can assure all of you, if you need anything, you have friends in Colorado. We have been through this before.

It is a difficult time. There will be mourning; there will be finger pointing; there will be all sorts of things. And I would just say to all of you, we feel your pain. Your sons and daughters are our sons and daughters.

□ 1120

We will be there, whatever you need. We have been through this. The disbelief and the despair that all of us feel today, we felt 8 years ago. If we can help in any way, you have friends in Colorado.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield to my colleague from the Eighth Congressional District of Virginia (Mr. MORAN) 4 minutes.

Mr. MORAN of Virginia. I thank my good friend and colleague for yielding, and I appreciate the fact that this resolution has come to the floor.

It is difficult to imagine a more heartbreaking moment than to have a family receive a call from the university, where they thought they had sent their child to a secure, nurturing, learning environment, only to find out that their child's life has been cut off before any of their potential could be realized. What a horrible loss. And to think that more than 30 of those calls have had to take place over the last 2 days.

This is a time for grieving, for trying to console. But, Mr. Speaker, as important and appropriate as it is to grieve after the fact, I think it may be even more appropriate for this body to stand up before the fact, because we know that this type of tragedy, perhaps not in as large a scale, but this type of tragedy will happen again. Whether it is in the workforce or on a college campus or a high school campus or on the street, innocent victims will be mowed down. And it happens more often in our country than in any other civilized nation, than in any other civilized nation on this planet. And the reason, Mr. Speaker, is because it is simply too easy to obtain a firearm.

If you are a criminal or mentally deranged or simply emotionally upset, virtually anyone can go to a store, even a retail department store, and buy a weapon of mass destruction. That is what has happened here and will happen again. And I know that the National Rifle Association is able to brag that it controls the gun control agenda now from the White House. And the majority of Members of Congress are not going to stand up to the NRA. But the fact is, Mr. Speaker, I think we have a responsibility, particularly at moments like this when we are so acutely aware of the carnage that the proliferation of weapons throughout our society creates. When we are aware of the tragedy that this laxity causes, this lack of courage to stand up to gun manufacturers and say it is time, Mr. Speaker, no matter how politically difficult it might be, to try to reduce the number of weapons in our society. I'm not talking about those that are meant for hunting. People in Canada have all kinds of guns, but their rifles are used for hunting. They are not used for stalking and killing other human beings.

It is the proliferation of handguns, the kinds of guns that were used in this tragic incident and the ammunition clips that should be banned under the assault weapon legislation we let expire that have to be brought under control. And it is we, the people's representatives, who have to stand up and do something about this so that it doesn't have to occur again. As appropriate as it is, as I said, now to grieve with those families and to offer condolences, it is more imperative that we stand up before the fact, before another such tragedy occurs because of our lack of political courage.

Mr. McKEON. Mr. Speaker, I would urge our colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, we would urge passage of the resolution. I want to thank my delegates from Virginia. The Virginia delegation came together on this. We were together yesterday, and we appreciate the support from across the country. We urge passage of the resolution.

Mr. HOLT. Mr. Speaker, there are no words to describe the sorrow and the pain that we feel about the catastrophe that unfolded at Virginia Tech on Monday, April 16th. The most deadly shooting in our nation's history, it is indeed a tragedy of monumental proportions.

Among the 33 deaths in the attack at Virginia Tech were several New Jerseyans: Matt La Porte of Dumont; Michael Pohle from Raritan Township; and Julia Pryde, a biological systems engineering graduate student from Middletown and a resident of the 12th Congressional District. Two other Virginia Tech students killed in the attack—Mary Read and Caitlin Hammaren—had ties to New Jersey, and another—Sean McQuade of Mullica Hill—remains in critical condition.

Schools, colleges, and universities should be a safe refuge for students and faculty. They are environments that are open to new ideas, encourage learning in all aspects of academics and life, and help young adults to discover themselves and prepare for a career. Like students at colleges all over the country, the students at Virginia Tech are ambitious, intelligent, and community-oriented young people. They chose Virginia Tech, I presume, because of its high academic quality and because of the safe, pleasant community where the university is located.

I cannot begin to understand the pain and confusion that students must feel about the tragic events that have gripped the quaint town of Blacksburg. I can only begin to understand the panic and terror that parents, family members, and friends must have felt wondering about the safety of their loved ones.

In times of tragedy like these, it is important for a community to come together to help each other come to terms with the calamity that has occurred. I hope and pray that the friends and family members of the victims, the students and faculty at Virginia Tech, and others find solace and comfort as we deal together with this historic and heartbreaking episode.

This tragedy should lead other schools to review and develop their own plans for security, emergency response, and communication. Also, Congress and the entire country should reflect on what appears to be a culture of ever-increasing violence, on the psychology and methods of perpetrators of violence, and on the easy availability of guns. If there is a federal role in dealing with these matters, and I think there is, Congress should act.

Mr. RANGEL. Mr. Speaker, these words that I speak today do not come easily. They flow forth from a deep reservoir of sorrowful emotions that compel me to take this podium.

What we witnessed on the campus of Virginia Tech was too much. Too much for anyone to bear. Too much for a nation to bear. America weeps, Mr. Speaker.

In my life, I've seen the horrors of war. It is something I wish upon no one. To have battlefield casualties on an American college campus, is something I never thought I would see.

Thirty-three lives . . . 33 young, bright lives on the cusp of experiencing the greatness that life has to offer.

We must be mindful of everything we do. We must ask ourselves what we are doing that has created a world where this could happen. As much as it hurts we must reexamine what kind of society we want to be.

I cannot even begin to comprehend how such a terrible tragedy like this came to pass. It would be too easy to say that this horrific incident calls for some type of action by this body.

That may become necessary, but that is for another day. Today is a day for us to look within ourselves. To examine who we are as a people and never forget what happened on April 16, 2007.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support the resolution. But I do so with a heart still full of sorrow over a loss so overwhelming. Two days ago, on Monday, April 15, 2007, at Virginia Tech University, one of the nation's great land grant colleges, we witnessed senseless acts of violence on a scale unprecedented in our history. Neither the mind nor the heart can contemplate a cause that could lead a human being to inflict such injury and destruction on fellow human beings. The loss of life and innocence at Virginia Tech is a tragedy over which all Americans mourn and the thoughts and prayers of people of goodwill everywhere go out to the victims and their families. In the face of such overwhelming grief, I hope they can take comfort in the certain knowledge that unearned suffering is redemptive.

Mr. Speaker, Virginia Tech is a special place to those who claim membership in "Hokie Nation." Founded in 1872 as a land-grant college named Virginia Agricultural and Mechanical College and located in Blacksburg, 38 miles southwest of Roanoke, Virginia Polytechnic Institute and State University, or "Virginia Tech," is now a comprehensive, innovative research university with the largest number of degree offerings in Virginia, more than 100 campus buildings, a 2,600-acre main campus, off-campus educational facilities in six regions, a study-abroad site in Switzerland, and a 1,700-acre agriculture research farm near the main campus. Through a combination of its three missions of teaching and learning, research and discovery, and outreach and engagement, Virginia Tech continually strives to accomplish the charge of its motto: Ut Prosim (That I May Serve).

Virginia Tech is home to 28,469 students and 1,304 full-time faculty members, who together created an environment conducive to learning, discovery, and achievement. Little wonder the typical freshman admitted to the Class of 2010 had a high school grade point average of 3.80, and an average cumulative SAT reasoning test score was 1231. "Hokie Nation," is comprised of more than 190,000 living alumni from every state and more than 100 countries.

Virginia Tech offers bachelor's degree programs through its seven undergraduate academic colleges: Agriculture and Life Sciences, Architecture and Urban Studies, Engineering, Liberal Arts and Human Sciences, Natural Resources, Pamplin College of Business, and Science.

The university offers masters and doctoral degree programs through the Graduate School and a professional degree from the Virginia-Maryland Regional College of Veterinary Medicine. It is also a research powerhouse. In fiscal year 2006, the university generated $321.7 million for research program. Each year, Virginia Tech receives significant external support for research, instruction, Extension, and public service projects. Support for these projects originates from an ever-expanding base of sponsors. Today, nearly 775 sponsors fund more than 3,500 active projects. Researchers pursue new discoveries in agriculture, biotechnology, information and communication technology, transportation, energy management (including leadership in fuel-cell technology and power electronics), and a wide range of other engineering, scientific, social science, and creative fields. This research led to 87 disclosures, 17 patents, and 20 licenses in calendar year 2005.

But that seemed to matter little on Monday, which was the last day on earth for more than 30 members of the Virginia Tech family. Among them were future scientists, engineers, teachers, doctors, soldiers, fathers, mothers, friends, and leaders. All of them cut down in a hail of bullets before they reached the prime of their lives. So many promising lives interrupted; so many promising lives wasted.

The New York Times noted in its editorial that as the investigation of the Virginia Tech shootings unfolds in coming days, it will be important to ascertain whether there were any hints of the tragedy to come and what might be done to head off such horrors in the future. Campuses are inherently open communities and it is not easy to guarantee a safe haven.

But the carnage at Virginia Tech also commands that we here in this body take a stand against senseless acts of violence whether here in our own country or elsewhere around the world. It is long past time for our national community to declare that injuries inflicted on any member of the community by another simply based on hate or hatred of differences poses a threat to the peace and security of the entire community. For that reason alone, such conduct must be condemned and punished severely, if not prevented altogether.

As the poet Nikki Giovanni stated so eloquently yesterday in her stirring address at the convocation held by the university yesterday in Blacksburg:

> We are Virginia Tech.
>
> We are sad today, and we will be sad for quite a while. We are not moving on, we are embracing our mourning.
>
> We are Virginia Tech.
>
> We are strong enough to stand tall tearlessly, we are brave enough to bend to cry, and we are sad enough to know that we must laugh again.
>
> We are Virginia Tech.
>
> We do not understand this tragedy. We know we did nothing to deserve it, but neither does a child in Africa dying of AIDS, neither do the invisible children walking the night away to avoid being captured by the rogue army, neither does the baby elephant watching his community being devastated for ivory, neither does the Mexican child looking for fresh water, neither does the Appalachian infant killed in the middle of the night in his crib in the home his father built with his own hands being run over by a boulder because the land was destabilized. No one deserves a tragedy.
>
> We are Virginia Tech.
>
> The Hokie Nation embraces our own and reaches out with open heart and hands to those who offer their hearts and minds. We are strong, and brave, and innocent, and unafraid. We are better than we think and not quite what we want to be. We are alive to the imaginations and the possibilities. We will continue to invent the future through our blood and tears and through all our sadness.
>
> We are the Hokies.
>
> We will prevail.
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> We will prevail.
>
> We will prevail.
>
> We are Virginia Tech.

Mr. Speaker, we will prevail against senseless acts of violence. We will prevail against uncontrolled rage and anger. We will prevail against hatred and intolerance.

Today we are all members of the Hokie Nation. We are Virginia Tech.

Mr. ORTIZ. Mr. Speaker, I rise today with a heavy heart to lament the tragedy that has held our attention and broken our hearts nationwide as we hear more and more about the massacre at Virginia Tech this week . . . And I thank my friend the gentleman from Virginia for bringing this resolution to the floor today.

Sometimes a child of this nation is pathologically disturbed beyond control or even hope of understanding that murderous pathology . . . but in the events that follow horror—Columbine, or 9–11, or the massacre at Virginia Tech . . . or standing on a faraway battlefield . . . or even the spectacle of being the object of nation ridicule . . . our children have inspired us with their guts and their fast reactions in the face of numbing shock.

They reacted well to events that defied understanding, and touched our hearts and gave us a glimpse of our future. Our nation is in the hands of these extraordinary young people, all over the nation . . . those almost too young to remember Columbine, tempered by their early teenage prism of 9–11. This nation should find our comfort in the lessons from our children: adversity brings hope and when the worst of humanity shows itself, the best of humanity raises up to heal together.

Just now, there are thousands of facts still unknown about the Virginia Tech massacre . . . thousands of second guesses about all manner of the university response . . . and certainly thousands of questions and many more stories to come.

Today, I join parents from South Texas and around the nation as we pray for the students that were lost in Blacksburg, for their families . . . and for the millions of students and parents now psychologically wounded by the reality that students in college are hardly safe from dangerous minds and wounded souls.

To the families of those who lost loved ones, whose loved ones were wounded, and for the families of those students at Virginia Tech mourning their friends . . . know that this House—and the larger American family—are praying for them and standing with them at this most difficult moment. We are also praying for the family of the gunman; and we urge that there be no retaliation for these hideous acts.

When a parent sends a child to college, we are so proud. We are also worried about the choices they will make as they leave the safe harbor of our homes and neighborhoods . . . but today, there's a whole new horror to contend with.

As we learn more in the coming weeks, my colleagues and I are committed to finding new solutions to the monumental problems our schools and colleges face in protecting the safety of our children. And we will remain forever sobered by the fact that nothing can ever completely protect us—or our children—from a madman intent on killing.

Mrs. CHRISTENSEN. Mr. Speaker, I too rise in shock and dismay over the events that unfolded on the campus of Virginia Technical Institute on Monday this week.

My community is fortunate that none of our students there were injured or killed, but our grief remains at the loss of the 31 students and teachers who were killed, and the obviously disturbed young man who orchestrated this horrible tragedy.

When we send our children off to College, we do so with anxiety just because they are leaving the "nest". They are growing up and the relationship between us is changing. Never in our wildest imagination or fears do we think that we are sending them into harms way. All of that changed on Monday!

And so I sadly join my colleagues in support of H. Res. 306 to offer the heartfelt condolences on behalf of the people of the U.S. Virgin Islands to the victims, their families, their fellow students and faculty.

In doing so I take this opportunity to also remember the losses suffered at Kent state, I have a dear friend, Corinne Forbes Plaskett who was a student there at the time. She has never forgotten the horror of that experience and I am sure the events of Monday have reawakened memories for her and others who were there at that time in Ohio.

May God bless all who were affected by both events, and may He bless us all!

Mr. BISHOP of New York. Mr. Speaker, I rise today in support of H. Res. 306, expressing our condolences to the victims and the families involved in the tragedy which occurred this week at Virginia Tech University.

April 16 brought terrible loss to all Americans and particularly to those who are part of a college or university. The nearly 30 years I spent working on a college campus were some of the most fulfilling of my life. I know how much a campus can become a community and the people within it, a family. In some ways, a campus is a haven—of learning and growth—in which students feel safe and free to pursue their dreams and aspirations. To young Americans, a campus is among the last places where such horrific fears could be realized.

When we look back on what occurred this week at Virginia Tech, we will honor those whose lives were taken and those who gave their lives to protect others. We will remember that we can never safeguard against every threat. Still, we can take steps to protect the precious communities in which we live. We must do more to ensure that lethal weapons do not fall into the wrong hands. We must equip campuses and cities with adequate emergency communication systems, so that critical information gets out in time.

In the meantime, Mr. Speaker, we stand with the friends and family members around the world who lost loved ones on that tragic April morning in Virginia.

Mr. TOWNS. Mr. Speaker, I rise today to express my sorrow and disbelief over the massacre at Virginia Tech. I join a country and Congress, especially my colleague from Virginia, that are still experiencing profound mourning and shock. I extend my deepest sympathies to the families and friends of all the Virginia Tech victims. We all continue to have the injured victims in our prayers.

I particularly want to recognize the heroism of Virginia Tech Professor, Liviu Librescu, who was gunned down while blocking his classroom door while he and his students were under attack, ultimately sacrificing his own life for those of his students.

Mr. Librescu, age seventy-six, was born in Romania and survived the Holocaust and his interment in a labor camp and Focsani ghetto. He and his family later survived the oppression of the Romanian dictator, Nicolae Ceaucescu, and ultimately left Romania for Israel after then Israeli Prime Minister, Menachem Begin, personally intervened for the family's release. He came to Virginia Tech to teach in 1986.

Liviu Librescu was a celebrated scientist who was an expert in composite structures and aeroelasticity, which worked earned him NASA grants and other prestigious awards for his impressive work.

Mr. Speaker. Liviu Librescu is to be buried imminently in his native Israel.

Yesterday, the Jewish community, in my native Brooklyn, volunteered to hold a service for Mr. Librescu in Borough Park and hundreds of Brooklyn residents gathered to pay their respects to Mr. Librescu and his widow Marlena Librescu, before they returned to Israel. The care and concern shown by the Brooklyn community for the Librescus, was truly remarkable.

I think New York State Assemblyman, Dov Hikind, said it best when he remarked about Mr. Librescu that, "not only was he a hero of the Jewish people, but a hero of all people".

May his remembrance be a blessing.

Mrs. DRAKE. Mr. Speaker, this has been a very somber week for the Commonwealth of Virginia as we have watched tragedy unfold on one of our proud universities.

As Virginia's largest University, the Virginia Tech family extends into every corner of our Commonwealth and we have all been affected by Monday's events.

Unfortunately, we are not able to explain such unthinkable tragedies. Furthermore, mere words seem small under the weight of such a heartbreaking event. However, I express my deepest sympathy for the victims and their families and I offer a prayer of support and condolence for the Virginia Tech community.

As Virginia, and indeed the entire Nation, grieves so many young lives being lost, it is important to remember the grace, love and goodness exhibited by those who survived this horrible tragedy.

I was inspired by the ability of students, alumni, faculty, family and neighbors to come together driven by a sense of community and compassion to support others in their time of need.

As I took part in yesterday's convocation at Cassell Coliseum, I was encouraged by the leadership demonstrated by Gov. Tim Kaine, President George W. Bush and the numerous dedicated educators at Virginia Tech.

The coming days, weeks, and months will continue to be difficult ones as the Virginia Tech community comes to terms with what took place on a dark day in April. But it will also be a time of healing and I am confident that Hokie nation will be able to come back stronger because of the compassion and character that has been displayed since this tragedy.

Just as the heinous actions of one troubled individual so obviously filled with hate has left us grasping for answers, the reaction of the Virginia Tech family gave reason to make all Virginians proud and demonstrate the tremendous promise of our future generation.

Mr. SHAYS. Mr. Speaker, the thoughts and prayers of the entire Nation go out to the families and friends of those who lost loved ones.

What happened at Virginia Tech on Monday was a senseless tragedy and it is important for us to come together and find strength at such a sad time.

This is a time of profound mourning as there are few things more heart wrenching than the loss of so many young lives.

The sight of students and faculty coming together to comfort and support each other, however, is a stirring reminder of our Nation's resolve.

Mr. Speaker, this resolution has my support and the support of everyone who lives in the Fourth Congressional District.

Ms. FALLIN. Mr. Speaker, today I would like to discuss something that is neither Democrat nor Republican in nature, but simply American. That, Mr. Speaker, is the greatness of this nation and of the American community, the extraordinary ability of American men and women to overcome tragedy and to be stronger for it.

Twelve years ago today, the Alfred P. Murrah Federal Building was destroyed by an explosion that claimed the lives of 168 men, women and children, and that left over 800 injured. At the time, it was the deadliest terror attack ever carried out on American soil.

Like everyone else in Oklahoma, I can remember exactly where I was when I heard the news. I remember seeing the carnage on television, and later that day, in person, and thinking "How can this have happened? What kind of person would do this?" And I saw the acts of one deranged mad man bring our city to a standstill, while the nation watched and grieved.

But even before the smoke and rubble had been cleared, I saw something wonderful. I saw complete strangers coming together, praying, and comforting each other. I saw a state and then an entire nation rally behind the families who had lost their loved ones. And rather than a group of victims, the men and women of Oklahoma became a group of heroes, facing down terrorists and rebuilding both their city and their lives.

Twelve years later, we still bare the scars of that awful day. We will never forget. And today, the Oklahoma City Bombing Memorial stands as a reminder of our pain and our heartbreak in the days and months after that attack.

But the memorial stands for more than that. It reminds us of the strength of our community. It reminds us of a city and a state that came together after a devastating attack to heal itself and to rebuild. And finally, it reminds us of the greatness of this country and of the power of American hope, even in the face of the most heartbreaking of tragedies.

Our memorial is a monument to our sadness. But it is also a monument to our hope and ultimately to our strength. Today we are a thriving city. We have a new federal building which is stronger and safer than the one that was destroyed. And after facing tremendous adversity, we became a stronger people.

On Monday, the nation and the state of Virginia suffered another terrible tragedy, when a crazed gunman shot and killed 33 men and women on the Virginia Tech campus. It is yet another tragedy of almost unimaginable proportions—innocent students living in what they thought was a peaceful sanctuary, only to have their lives cut short by a mad man.

In a time of sadness, I believe that the story of the Oklahoma City Bombing can deliver a message of hope to the families and friends of the victims, and indeed to the nation.

Twelve years ago today we saw tragedy and death. But we also witnessed the healing power of prayer and the strength of friendship and community. We found God in the most trying of times and we found ourselves stronger for it.

My message to the students and faculty of Virginia Tech is this: your community and your faith are more powerful than the destructive urges of one crazed gunman. Again and again the people of this great nation are faced with adversity and tragedy, and again and again we overcome that tragedy and grow stronger. So will you.

And while you struggle to find meaning in this calamity and to deal with the pain and sadness of that terrible event, you should know that all of America stands with you, and prays with you, and will ultimately heal with you.

Mr. AL GREEN of Texas. Mr. Speaker, it is with great sadness that I recognize the tragic deaths of the 32 victims in the shootings at Virginia Tech this past Monday.

These 32 individuals did nothing to deserve this awful fate and should never have had their lives prematurely ended by the horrific actions of one disturbed individual. One of the shooting's victims, Ryan Clark, served as a volunteer counselor at a camp for mentally impaired children. Ryan was described by the camp's administrator as "one of the kindest, most compassionate people" whom she had ever met. Another victim, Henry Lee, graduated second in his high school class, despite having immigrated from China and having had to learn English as his second language. And Liviu Librescu, a Holocaust survivor, displayed heroism all the way to the end by sacrificing his own life by barricading the door to his classroom to give many of his students enough time to escape through the classroom window.

In the lives of these 32 innocent individuals we find countless examples such as these, of kindness, compassion and determination. I would like to extend my warmest sympathies to the families and friends of these individuals, as well as to the entire Virginia Tech community.

Unfortunately, we have seen tragedies like this one numerous times in our Nation's history. In my own home state of Texas, we lost 15 of our citizens in a similar rampage four decades ago at the University of Texas at Austin.

I believe that, in this time of tragedy, we must honor the shooting's victims, offer the people of Blacksburg our utmost condolences and support, and, most of all, renew our commitment as a country to doing everything in our power to helping communities prevent similar tragedies from taking place in the future.

I commend my colleague, the gentleman from Virginia, Mr. BOUCHER for introducing this resolution.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 306.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

COMMENDING THE ACHIEVEMENTS OF THE RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 300) commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of their student-athletes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 300

Whereas under head coach C. Vivian Stringer the Rutgers University Scarlet Knights women's basketball team finished their extraordinary 2006–2007 season with a 27–9 record;

Whereas after losing four of their first six games the Lady Knights refused to give up and spent their Winter Break in the gym honing their skills and working to become a better team for the rest the season;

Whereas on March 6, 2007, Rutgers upset top-seeded University of Connecticut for their first-ever Big East Championship title;

Whereas the young women displayed great talent in their run to the Final Four of the women's National Collegiate Athletic Association (NCAA) tournament;

Whereas five freshmen played an integral role in the team's march to the championship game;

Whereas the Lady Knights showed enormous composure with tournament wins against teams playing in their home States;

Whereas through hard work and determination this young team fought through improbable odds to reach the NCAA title game;

Whereas the team was just the 3d number 4 seed in history to reach the championship;

Whereas the Lady Knights made school history as the first athletic team from Rutgers to play for any national championship;

Whereas during those 3 weeks, the Scarlet Knights brought excitement to the NCAA tournament and captured the hearts of basketball fans throughout New Jersey and across the Nation;

Whereas Rutgers students, alumni, faculty, and staff, along with countless New Jerseyans are immensely proud of what the team accomplished this past season;

Whereas the members of the team are excellent representatives of Rutgers University and of the State of New Jersey;

Whereas these young women are outstanding individuals who are striving to reach lifetime goals both on and off the basketball court;

Whereas the Lady Knights epitomize the term student-athlete with a combined B+ grade point average;

Whereas by excelling in academics, music, and community service, Katie Adams, Matee Ajavon, Essence Carson, Dee Dee Jernigan, Rashidat Junaid, Myia McCurdy, Epiphanny Prince, Judith Brittany Ray, Kia Vaughn, and Heather Zurich are great role models for young women across the Nation; and

Whereas the Lady Knights embody integrity, leadership and class: Now therefore be it

Resolved, That the House of Representatives—

(1) commends the amazing performance of Rutgers University women's basketball team in the NCAA tournament; and

(2) expresses its admiration for the achievements and character of this team of remarkable young women;

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days during which Members may insert material relevant to H.R. 300 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a representative from New Jersey, I am pleased to rise here in the United States House of Representatives to praise the remarkable young women of Rutgers University, the Rutgers women's basketball team, the Scarlet Knights, and their inspiration, Coach C. Vivian Stringer. They are true champions, not only for their academic and athletic achievement, but for the dignity, strength and class they have shown during this ordeal.

These 10 young women overcame disappointing losses early in the season to advance amazingly to the Final Four. They lost four out of their first seven games. But around the Nation, fans watched as the Scarlet Knights of Rutgers, who lost four of their first seven games, defeated Duke's Blue Devils in the last seconds in an exciting 53–52 upset, the same team that had lost to Duke by 20 points earlier in the season. This victory followed a lopsided defeat of the very strong LSU women's team by a 59–35 score.

When the ugly incident with Don Imus on his morning show cast a shadow over their success, these young women showed what they are made of. In standing up for themselves and their school, they also made a stand on behalf of all young women who insist on being treated with respect and refused to be insulted, as Don Imus did to them, and stereotyped, as he used these disparaging words to describe these wonderful young women.

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Don Imus and those of his ilk vastly underestimated New Jersey's strong and proud Scarlet Knights. He underestimated the pride we in New Jersey feel in the remarkable women of this remarkable team. As a matter of fact, during the 13 original States, New Jersey had a theme, and it just said: Do not tread on us. And that meant we are a proud, small State, but do not mess with us. Don Imus did not know the history of New Jersey.

Don Imus may have had a microphone, but he was no match for these young women and their coach who so eloquently spoke up for what is right and what is fair. I am so proud that through their action they were able to persuade two major networks, MSNBC and CBS, as well as numerous advertisers that the days of using the public airwaves to ridicule and debase anyone they choose are over. He did not realize that these women, as I said, at that initial press conference, that they had, with the 10 of them, all underclass persons, dressed in their uniforms, sitting up proud, people who will be future lawyers and musicians, all top students. As they spoke, as they introduced themselves, it was just a joy, and so Don Imus really did a favor to these young women because it gave America a chance to put a face with a name, to listen to what he said and what he called them and to see just the quality of these young people.

Let me add that it is time that the Federal Communications Commission start doing its job by halting the use of racial and gender slurs over the public airwaves. As long as there is weak enforcement, there will continue to be hate language used by the so-called shock jocks.

As a matter of fact, there was a great outcry when at the Super Bowl there was an indecent of exposure, and there were fines levied because there was some equipment failure, and therefore, there was an outrage of indecency.

However, it is allowed for people to say whatever they want to say. As a matter of fact, in countries, radio has been used to foster hate. As in Rwanda, it was hate radio, Radio Colline, that went on to say, let us get this genocide going; you know what those people look like, go and get them. And it was the radio that pushed this, and so we have to be careful about what we allow to happen on the airwaves. History has shown us that words matter, and when society accepts ugly language, ugly incidents will follow.

I call on the networks to examine their record of hiring minorities for top on-air and executive positions so that African Americans are fairly represented in the media. One reason that the networks made the decision to discontinue the Imus show was that the network employees let the management know how disturbed and offended and embarrassed they were to work for that company. That was the overriding factor, and then the sponsors said that they would withdraw their sponsorship.

And so, we will not allow these demeaning commentaries to continue. I once again applaud those young women and their fine coach from the Scarlet Knights at Rutgers University.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution to honor the women's basketball team at Rutgers University for their incredible accomplishments on the court, as well as their courage and integrity off the court.

Led by head coach Vivian Stringer, the Scarlet Knights won their first ever Big East conference tournament championship this year and advanced to the national championship in Cleveland just 2 weeks ago. Though they lost that game to the University of Tennessee, these young women made the 2006–2007 season one to remember for Rutgers students, alumni and fans.

Unfortunately, just hours after the national championship game, they were confronted with some disheartening comments by a radio personality. Throughout all the media coverage that followed these comments, these young women handled themselves with an impressive amount of integrity, with grace and with strong character. As a result, it is their accomplishments on the court, not the comments off the court, for which they should and will be remembered.

Mr. Speaker, the Rutgers University women's basketball team is comprised of student athletes in the truest sense. They have an impressive collective grade point average, a solid selection of majors and a record in the classroom that matches their great work on the hardwood. On the court, these young women have dedicated themselves to improving and honing their skills through many hours of practice both during the school year and during academic recesses.

Mr. Speaker, I congratulate the Scarlet Knights on these accomplishments and wish them the best of luck in all they will take on in the future, and again, I am pleased to honor these young women through this resolution. I believe they have set an example from which many other collegiate athletes can learn.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield as much time as he may consume to the gentleman from New Jersey, from the Sixth District (Mr. PALLONE) whose district is the New Brunswick Rutgers. Newark Rutgers is in my district, and I know Camden Rutgers is in your district, Mr. Speaker. So we yield to the gentleman.

Mr. PALLONE. Mr. Speaker, I want to thank my friend DONALD PAYNE for the introduction and for the comments that he made.

Mr. Speaker, I am very proud to be the sponsor of this resolution honoring the Rutgers University Scarlet Knights women's basketball team, and I applaud their character and integrity. These remarkable young women are a class act, and I am proud to represent them and Rutgers University here in Congress.

Rutgers had a Cinderella season that saw them come back from some devastating early season losses, including a 40-point loss to Duke University. In fact, after losing four of their first six games, the Scarlet Knights refused to give up and spent their winter break in the gym honing their skills and working to become a better team for the rest of the season.

Under head coach V. Vivian Stringer, the Scarlet Knights finished their extraordinary season with a 27–9 record. To cap it off, Rutgers upset top-seeded University of Connecticut for their first ever Big East championship title. They had lost to UConn twice in the regular season.

During the NCAA tournament, they upset top-seeded Duke University in the second round and remained poised with wins against teams playing in their home States. The team brought excitement to the tournament and captured the hearts of basketball fans throughout New Jersey and across the Nation. Through hard work and determination, this young team fought through improbable odds to reach their first ever NCAA title game.

A day after their loss, outrageous comments were made about the team by Don Imus on his CBS radio and MSNBC show. Afterwards, the team showed great courage in choosing to meet with him so he could see firsthand how wrong his sexist and racist comments were. During this emotionally and mentally exhausting ordeal, these remarkable young women maintained enormous composure as they became media headlines for controversy.

The Scarlet Knights women basketball players are excellent representatives of Rutgers University and of the State of New Jersey. By striving to reach lifetime goals, both on and off the basketball court, they are great role models for student athletes across the Nation. Even with a grueling sports schedule, the players have managed their priorities well. They have maintained academic excellence with a combined B-plus grade point average and are actively involved in the community.

Mr. Speaker, these women are the future leaders of tomorrow. Last week, when faced with adversity, they proved their promise when they stood in front of the entire Nation with dignity and grace.

I think I can speak for Rutgers students, alumni, faculty and staff along with my colleagues here and countless New Jerseyans when I say, we are immensely proud of this team. They deserve to be honored for their hard work, dedication and heart.

I am hopeful that my colleagues will recognize these fine women by passing this resolution today.

□ 1140

Mr. PAYNE. Does the gentleman from California have any further speakers?

Mr. McKEON. We have no more speakers. Do you have any?

Mr. PAYNE. We have no additional speakers.

Let me conclude by thanking the gentleman from California and thanking my colleague from New Jersey. We commend the young Scarlet Knights for the outstanding job that they did.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 300, which congratulates the Rutgers University Women's Basketball Team, coached by the incomparable C. Vivian Stringer, on their extraordinary basketball achievements and applauds their character and integrity as student-athletes. The Rutgers Lady Scarlet Knights women's basketball team embodies all that is great about women's sports: intelligence, toughness, tenacity, leadership and, most of all, class.

The Lady Scarlet Knights also showed the power of athletics in unifying a community, be it Rutgers University, the entire state of New Jersey, or the United States.

That is why it was so disheartening that certain individuals would take this occasion to utter a few disgusting and divisive comments. I strongly condemned those words. There is absolutely no excuse for that kind of conduct, and Don Imus was right to apologize.

What we must do now is address this situation as a country. We must start a dialogue that not only helps to heal the wounds that this type of hateful language renews, but also brings us to a better place as a society.

The Rutgers women's basketball team has been a great inspiration to all of us in this country. These young women are some of the best our country has to offer, and they set an example for girls all across New Jersey and the United States.

The Lady Scarlet Knights completed a dream season, making it all the way to the national championship game where they fell to the Lady Vols (34–3) of the University of Tennessee. The Scarlet Knights (27–9) were appearing in their first-ever championship contest. They made it to the championship game by winning eight consecutive games, including the Big East Conference Tournament and the championship of the Greensboro Regional.

The Lady Scarlet Knights are champions. Congratulations to C. Vivian Stringer, her coaching staff and her exceptional basketball team.

Mr. ORTIZ. Mr. Speaker, I rise today to join the chorus of voices in commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of their student-athletes in the face of unmitigated outrage and public humiliation.

This is to thank these young women—and their coach—for the life lessons they taught all of us, both on and off the basketball court. Their stoic dignity and remarkable grace under tremendous pressure and embarrassment were nothing short of a central moment in our national life.

I may be the only one who didn't listen to Don Imus' radio show—I've never been a fan of talk radio, particularly talk radio that exists to exacerbate the pathology of hate speech among us that pointedly seeks to diminish our fellow citizens because of race or gender.

Many people find that funny. I don't . . . and submit that if something is truly funny, everybody laughs. When an audience sucks in their breath in horror, they are not amused.

Free speech? Of course it is, and anybody in this country can say anything they want to, anytime they wish, and they can be as hateful or mean as they choose to be. But, Imus' show went out over the public airwaves—owned by all of us—and was supported by advertisers at MSNBC and CBS. Free speech does not mean you can hurt people over the public airwaves, and it does not mean advertisers must continue to support that hateful speech. So let us not blur the issue on that.

The young ladies of the Rutgers women's basketball team overcame all the odds to get to the final game of the NCAA women's championship, and they came heartbreakingly close to winning the national championship. Their grace and extraordinary sportsmanship was first evident at that game and afterwards . . . then under the glare of the national spotlight as objects of Imus' cruel ridicule.

It is important to note here that it was the advertisers on Imus' show that showed the most backbone in pulling their ads, essentially saying: our consumers don't appreciate this, goodbye. Had they not pulled their ads, Imus would have completed the familiar cycle of apology and continued ridicule of women and minorities in the name of humor.

The advertisers could not help but be moved by the image of these student athletes calmly relating how the words that hurt so much affected them. Their quiet dignity moved this nation—and was the exact opposite image of a shock jock trying mightily to hold onto a job so he could continue to make fun of them and many other minorities.

I thank these young women—and the leadership of their coach—in teaching all of us a lesson in how this nation treats all our citizens, how we use the public airwaves, and the power of consumers with advertisers in winnowing out that which is hateful entertainment.

Mr. HOLT. Mr. Speaker, I rise to commend the Rutgers women's basketball team for making all New Jerseyans proud through their athletic and academic achievements, as well as through the intelligence, dignity, and class that they showed in response to hateful, racist, and sexist remarks made about and against them. As one of two Members of Congress who represents Rutgers University here in Congress, I would like to pay tribute to them.

The Scarlet Knights had a remarkable season, winning 27 games on their way to the national championship game. The Big East Champions played hard and displayed all the attributes of a championship team—hustle, dedication, skill, and teamwork. But what distinguished this team most, in my opinion, is not what happened during the season, but after it.

It is unfortunate that the end of this amazing season was marked not by a celebration of their achievements on the basketball court and in the classroom, but by ignorant, racist, and sexist remarks by a radio personality. The players and coaches were understandably hurt and angry, and their reaction to these hateful words shows why all New Jerseyans deserve to be proud.

The players and Coach Vivian Stringer reacted with restraint, eloquence, and dignity. They engaged with the person who had insulted them. They told their personal views of why his words were so hurtful and inappropriate, and they accepted his apology. I hope that this incident will lead to a broader dialogue about race relations in this country. I look forward to working with community and religious leaders, elected officials, and others in New Jersey to foster an atmosphere where such comments are not only condemned, but do not happen in the first place.

We hold up college athletics not for the entertainment of alumni and fans, but because we believe athletic participation builds character. These women of the Rutgers basketball team showed that they have character.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to congratulate the Rutgers University women's basketball team on their outstanding 2006–2007 season.

As highlighted in this resolution, the Lady Knights sacrificed their own personal vacations over winter break to stay at school and train for their well-deserved victories in 2007.

It is this dedication that gained them the Big East Championship title and a spot in the women's NCAA final four. It also made them the very first athletic team from Rutgers to earn a spot playing in a national championship. Their hard work, perseverance, and extraordinary skill have set an excellent example for athletes everywhere: women and men alike. And, as the national media spotlight turned on them in the wake of the ugly remarks by radio shock jock Don Imus, they maintained the same poise and grace under pressure that they exhibited on the court.

I would especially like to extend my congratulations to sophomore, Heather Zurich of Montvale, New Jersey. Her performance with the Lady Knights as forward was an integral component to the team's success this season.

The Rutgers University women's basketball team is a great source of pride to their campus and all of us New Jerseyans. I applaud their accomplishments and look forward to hearing of their future successes.

Mr. PASCRELL. Mr. Speaker, I would like to take this opportunity to convey my support of H. Res. 300, which commends the achievements of the Rutgers University Lady Scarlet Knights Basketball Team and applauds the character and integrity of their student-athletes.

This group often 10 extraordinary women, led by Coach C. Vivian Stringer, made the State of New Jersey proud by representing Rutgers University in the NCAA championship game. They were the first ever athletic team from Rutgers to play in any national championship.

Not only did the Lady Scarlet Knights finish their outstanding 2006–7 season with a 29–7 record, coming back after losing four of their first six games, but they also managed to maintain a combined B+ grade point average. They truly excelled both on and off the court.

I am especially proud to report that junior Essence Carson is a native of my hometown, Paterson, NJ. Essence attended two high schools, graduating from the Rosa Parks School for Fine and Performing Arts in 2004 where she studied piano, bass guitar, drums, and saxophone. She also competed athletically at Paterson Eastside High School in track and field where she won the 2004 state 400-meter title, volleyball where she was a three-time all-State selection, and basketball where she led her team to three straight county championships.

Named to the Parade All-America Second Team and the USA Today Super 25 All-America Team as a senior in high school, Essence shined in the McDonald's and Women's Basketball Coaches Association—WBCA—All-America Games. In 2003, she played for the USA Basketball Youth Development Festival East Team, which won a gold medal.

Now in her third year at Rutgers, Essence is a back-to-back Big East Defensive Player of the Year, a 2007 First Team All-Big East Honoree, a Region I All-American selection, and was named to the Big East and NCAA East Region All-Tournament teams. In only 3 years, she has managed to make more appearances in a Scarlet Knights uniform than any other player and averaged over 12 points and 6 rebounds per game this season.

Mr. Speaker, Essence Carson and her teammates on the Rutgers University Lady Scarlet Knights Basketball Team are truly the best that this Nation has to offer. They are more then just diligent students and talented athletes. They are exceptional roll models for young women throughout this country. I wish them the best of luck in their future endeavors, and I know we can expect great things from them in the years to come.

Mr. FERGUSON. Mr. Speaker, it gives me great pleasure to rise today in strong support of House Resolution 300, which commends the significant achievements of the Rutgers University Women's Basketball team.

I wholeheartedly join the citizens of our Nation, the people of New Jersey and my colleagues here in the U.S. House of Representatives in congratulating the team for a job well done.

I was not able to formally vote for this important measure that I proudly cosponsored yesterday, because I was in Bound Brook, New Jersey working with local, State and federal officials mapping out a plan to respond to the significant destruction many 7th Congressional District Communities sustained as a result of the massive Nor-easter weekend storm. Had I been present, I would have wholeheartedly voted Yes.

By advancing to the Final Four of the women's National Collegiate Athletic Association championship—the Rutgers University Scarlet Knight basketball team achieved a tremendous success. Each and every member of the team should be proud of their excellent season and their significant accomplishment. The team's 27–9 season record is testament to their hard work and dedication.

I am honored and proud to join our Nation and the citizens of New Jersey in commending the team and their coach C. Vivian Stringer for this accomplishment. Each and every member of the team are true heroes and provide a real inspiration to young people across the Nation.

Mr. PAYNE. Mr. Speaker, I yield back the balance of my time.

Mr. McKEON. Mr. Speaker, I urge passage of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 300.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

HONORING THE 53,000 SOLDIERS, SAILORS, AIRMEN, MARINES, AND CIVILIANS THAT COMPRISE THE NATION'S SPECIAL OPERATIONS FORCES COMMUNITY

Mr. SMITH of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 305) honoring the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 305

Whereas the failure to organize, train, equip, and plan special operations forces (SOF) missions in a joint environment ultimately led to the aborted military operation Eagle Claw, more commonly referred to as Desert One, where eight servicemembers lost their lives attempting to rescue American hostages held in Tehran;

Whereas this failure led to Congressional passage of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, which established the United States Special Operations Command and the principle legal authority for the United States military to organize, train, equip, and operate jointly;

Whereas April 16, 2007, marks the 20th year anniversary of the establishment of United States Special Operations Command at MacDill Air Force Base, Florida;

Whereas United States Special Operations Command is comprised of—

(1) United States Army Special Operations Command at Ft. Bragg, North Carolina;

(2) Naval Special Warfare Command at Naval Amphibious Base, Coronado, California;

(3) Air Force Special Operations Command at Hurlburt Field, Florida;

(4) Marine Corps Forces Special Operations Command at Camp Lejeune, North Carolina; and

(5) Joint Special Operations Command at Ft. Bragg, North Carolina;

Whereas the most visible SOF mission is direct action, but SOF missions also extend across the vast operational spectrum to include unconventional warfare, counterterrorism, counterproliferation, counterinsurgency, strategic reconnaissance, civil-military operations, foreign internal defense, psychological and information operations, humanitarian assistance, and theater search and rescue;

Whereas the President, in the 2004 Unified Command Plan, expanded the role of United States Special Operations Command to serve as the "lead combatant commander for planning, synchronizing, and as directed, executing global operations against terrorist networks in coordination with other combatant commanders";

Whereas special operations forces are ideally suited to meet the asymmetric threat posed by violent Islamists who promote intolerance, stifle freedom, and destroy peace;

Whereas the United States has called on the special operations community to promote freedom and democracy around the world in places such as—

(1) the Island of Basilan in the Philippines, where Army Special Forces teams and Navy SEALs continue to successfully develop partner nation capacity that has significantly improved Philippine security and has furthered America's national security interests in the Pacific region;

(2) South America, where SOF personnel continue to train and cooperate with local forces to thwart illicit drug trafficking and terrorist activity;

(3) the Horn of Africa, where Marine special operations and other SOF personnel work closely with coalition partners to promote regional stability;

(4) Afghanistan, where Air Force combat controllers and other SOF personnel significantly contributed to the liberation of a nation from an oppressive regime and continue efforts to maintain the peace and promote democracy in that country; and

(5) Iraq, where SOF personnel have admirably served in support of coalition forces;

Whereas the SOF community consists of numerous individuals recognized for acts of distinction and valor, including 48 Congressional Medal of Honor recipients;

Whereas the 2005 Quadrennial Defense Review recognized the importance of SOF and the critical role that it plays in the War on Terror and called for an increase of 15 percent in SOF beginning in fiscal year 2007; and

Whereas the core principles of the special operations community, known as the SOF Truths, hold that—

(1) humans are more important than hardware;

(2) SOF cannot be mass produced;

(3) quality is better than quantity; and

(4) competent SOF cannot be created after emergencies occur: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the sacrifices and commitment of the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community and recognizes that it owes each and every one of them a debt of gratitude;

(2) honors the families of the Nation's special operations forces warriors who are there day-in and day-out while their loved ones are deployed around the world; and

(3) recognizes that the United States military should seek to replicate the success that the special operations forces community has achieved throughout the War on Terror.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. SMITH) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I yield myself as much time as I may consume.

This resolution is to honor our special forces on their 20th anniversary. I will have much more to say about this, but at this point I want to reserve the balance of my time and thank Congresswoman DRAKE for her leadership on this issue as the prime sponsor of the bill and allow her to speak first.

Mr. Speaker, I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield myself as much time as I might consume.

I would like to thank Mr. SMITH, the chairman of the Terrorism and Unconventional Threats Subcommittee, and Mr. THORNBERRY, the ranking member, for their support and for working in a collaborative way to quickly bring this resolution to the floor.

I rise today to honor the brave men and women of the United States Special Operations Command. The Second Congressional District of Virginia is home to Naval Amphibious Base Little Creek and Dam Neck and is home to Naval Special Warfare Group TWO and Naval Special Warfare Group FOUR, as well as Naval Special Warfare Development Group. The fine sailors, airmen, soldiers, marines and civilians of the command hold a special place in my heart, as they do for many of my colleagues on the Terrorism and Unconventional Threats and Capabilities Subcommittee and on the Armed Services Committee.

This resolution is both proper and timely, as the 20th year anniversary of the establishment of the United States Special Operations Command in Tampa was this past Monday, April 15. Since that time, SOCOM has been involved across the globe as the "tip of the spear," providing for our Nation's security across the continuum of conflict.

On September 20, 2001, in preparing this country for the war on terror, President Bush said, "Our response involves far more than instant retaliation and isolated strikes. Americans should not expect one battle, but a lengthy campaign, unlike any other we have seen. It may include dramatic strikes, visible on television, and covert operations, secret even in success."

Since the attacks of September 11, 2001, SOCOM has been leading the way in the war on terrorism and in promoting peace and security around the globe by conducting the full range of special operations missions. We are here today to honor those men and women who operate with little recognition, the ones whose successes remain unnoticed by the world at large.

□ 1150

We face an enemy vastly different from the one 20 years ago. Our enemy hides in the shadows, within society, and it is no longer bound by convention.

As my colleagues know, I have on many occasions come to this floor to talk about the mainstream media and their seemingly unwillingness to address the positives regarding our military and their achievements throughout the war on terror. As little as the American people hear about the successes of our conventional forces, they hear less about the successes of our special operations forces.

That is why this resolution is timely and important. The men and women of SOCOM are there, every day, with little or no logistical support, building relationships and providing security in some of the most remote places across the globe.

Mr. Speaker, we honor all those who wear the uniform. But today, I believe it is important that we honor those patriotic men and women that comprise our special operations community.

U.S. SOCOM's vision sums this up: To be the premier team of special warrior, thoroughly prepared, properly equipped and highly motivated at the right place, at the right time, facing the right adversary, leading the global war on terrorism, accomplishing the strategic objectives of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

As Mrs. DRAKE pointed out, we are honoring the 20th anniversary of the forming of the command on special forces, and I think it is important to remember why Special Operations Command was set up. It was in reaction to the failure of the Desert One rescue attempt of the Iranian hostages, and there were a lot of lessons learned from that and a lot of studies that went into it.

Two of the biggest ones were, one, we needed a better joint structure. The military was too divided in its various service components, and they did not work together. We had large numbers of assets that could function a lot better if they could be brought together in a coordinated fashion, and this is something that was embodied in the Goldwater-Nichols changes throughout the services and especially on the Special Ops Command to try to bring those forces together.

Secondly, we didn't really have groups that were trained for that type of mission, for the ability to go in and rescue hostages, to do the direct action missions that required very specialized training. So the command was formed to help address those two issues and has been a fabulous success.

As Mrs. DRAKE pointed out, we now have over 53,000 people who are part of Special Operations Command performing some of the most important tasks in our military and performing them very, very well. Our capabilities have been enormously enhanced because of the Special Operations Command. There are many of them stationed throughout the U.S. and throughout the world. I am very proud at Fort Lewis and in McCord to have the first special forces group at Fort Lewis and the 22nd Special Tactics Aviation Command at McCord. And I have also had the opportunity to visit many of these units in various places throughout the country and throughout the world, and they are serving us very, very well.

As we move forward, I think the important thing we are trying to develop on the Terrorism Subcommittee on Armed Services is to bring into play another important piece of what the special operations forces do. There is a tendency to think of them as the direct action guys. They find bad guys and take them out. If we have hostages that need to be rescued, they go get them. But there is another very important task that they perform, and this is in the unconventional warfare, indirect action piece.

We are now active in well over a dozen countries throughout the world where our special forces folks go into the community, work very closely with local communities to help stop insurgencies before they take root. We are doing this in the Philippines, and we are doing this in Central Africa. And it is having enormous benefits.

It is far, far better to get in early, help train the locals in terms of how to protect themselves and then to help them with their local population on the issues that are most important.

We had testimony yesterday from a former special operations person who said when they first went into Northern Africa, the best thing they did was they brought a dentist with them. The locals so desperately needed that help;

when we gave it to them, they then helped us deal with the insurgency problem.

Whether it is bad schools or bad water supply, our special forces people are getting engaged with the local community, understanding the culture and learning the language and becoming helpful. That, I believe, is the future of our battle against al Qaeda and many, many other insurgent movements, is to get the population on our side, hearts and minds before we have to engage in the type of military action that is by definition messy and not always as focused as we would like it to be. Let's get the insurgency stopped before it starts, and that is what our special forces can do and are very well trained to do.

To move forward with this, to continue moving forward on the mission, I think we need to do two things: One, we need to grow the force, never sacrificing quality for the sake of quantity, but to grow the force and to set up the training system necessary and the recruitment system necessary. We are going to need more special operations forces in the wars we are now fighting.

The second thing is to get that emphasis on indirect action. We will, I believe, need to make some restructuring within the Special Operations Command to get that emphasis on indirect action because for so long the emphasis has primarily been on direct action.

So those are issues that we want to work on. I am very pleased to join with Congresswoman DRAKE in honoring our Special Operations Command on the 20th anniversary of their existence.

Mr. Speaker, I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, before I recognize our next speaker, I would like to take a moment and extend my deepest sympathies and support to the grieving Virginia Tech family.

This week we witnessed a tragedy of overwhelming proportions that has destroyed the lives of many innocent victims. While the consequences are devastating, I was inspired by the ability of students, alumni, faculty, family and neighbors to come together, driven by a sense of community and compassion, to support others in their time of need.

Mr. Speaker, I will submit a further statement for the RECORD.

Mr. Speaker, I would like to yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentlewoman from Virginia for yielding me this time.

I rise today to salute our Nation's special operations forces as a cosponsor honoring the 20th anniversary of United States Special Operations Command.

As we continue to fight the global war on terror, special operations forces are making incredible contributions and playing a most essential role in winning this war. They truly are the tip of the spear.

As co-chair of the Special Operations Caucus, I am very proud my district is home to Fort Bragg, which is home to Army Special Operations Command and Joint Special Operations Command and the John F. Kennedy Special Warfare School.

But Fort Bragg is only part of the amazing force that comprises Special Operations. Members of the Navy, Air Force and the new Marine Corps Special Operations Commands also play critical roles in addressing the threats we face as a Nation.

These quiet professionals are promoting freedom through their service around the world. During my visits with special operators here, at home and overseas, I have consistently been struck by their unwavering dedication, commitment and capability.

The role of these special operations forces is only going to grow, and as they grow, it is vitally important that we keep the soft truths closely in mind: Humans are more important than hardware; quality is better than quantity; SOF forces cannot be mass produced; SOF cannot be easily created after emergencies occur.

The service and sacrifice of the 53,000 members of the special operations community and that of their families are a major part of what creates and maintains the freedom we all enjoy.

I am honored to be able to work on behalf of our special operators. I salute these quiet professionals in the United States Special Operations Command on its 20-year contribution to our national security. I thank Chairman SMITH and Ranking Member THORNBERRY.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR. Mr. Speaker, I thank the distinguished chair of the terrorism subcommittee, Mr. SMITH.

Mr. Speaker, I rise to honor the commitment, dedication and sacrifice of the men, women and extended family of Special Operations Command. Special Operations Command is located in Tampa, Florida, at MacDill Air Force Base in my district, and I am very proud to use this week, the 20th anniversary of the command's founding, to salute their service.

There is little doubt that a need still exists for the well-coordinated special forces.

□ 1200

There are just some things that conventional forces are not set up to do. Special forces have been around for centuries. But SOCOM can directly trace its roots to the Office of Strategic Services, the OSS, the intelligence agency that was formed during World War II.

Tampa resident Art Frizzell, who is 87, served as an OSS agent. He parachuted behind German lines in France and worked with French partisans to blow up bridges and help organize the resistance during World War II.

In many ways, Frizzell said, special operations were as much about brains and unconventional warfare in the 1940s as they are today. We recognized, Frizzell said, that we had to be flexible. We did the job that nobody else could do.

So at this 20th anniversary, we salute the brave men and women who have served our country in the special operations, much of which you will never understand or know. But the American people trust in their service.

So on this day, on behalf of the Florida's 11th District, proud home of Special Operations Command, we salute your service and thank you.

Mrs. DRAKE. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. Mr. Speaker, I thank the gentlelady for her thoughtfulness and leadership in bringing this resolution to the floor.

I rise in strong support of H. Res. 305. Mr. Speaker, next week will mark the 27th anniversary of Operation Eagle Claw, better known to most Americans as "Desert One," which the distinguished chairman mentioned moments ago.

On April 24, 1980, a task force consisting of Army special forces, Army Rangers, Air Force special operations wing personnel and the Navy, Marines and Air Force succeeded in moving thousands of miles, undetected, until reaching a remote location in the Iranian desert 200 miles from Tehran in an effort to rescue the American hostages being held at the American Embassy.

A combination of helicopters and C–130 aircraft rendezvoused with the intention of rescuing these hostages in Tehran the following evening. Due to mechanical failures and weather problems, only six out of eight helicopters successfully arrived at the Desert One rendezvous. Once the six helicopters arrived, the rescue attempt was dealt a final blow when it was learned that one of the helicopters had lost its primary hydraulic system.

As the various aircraft began moving into position to return to their respective launching points, one of the helicopters, flown by one of my very best friends, collided with a C–130 aircraft on the ground. Flames engulfed the helicopter and the C–130, which resulted in the death of five airmen and three marines.

During my 25 years in the Marine Corps, I had the good fortune to know many of the heroes of that day, and I did, in fact, count many of them as my best friends. These brave men were asked, and all proudly volunteered, to undertake the challenge of rescuing their fellow Americans in a mission of the utmost secrecy and gravest danger.

Members from all branches of our armed services came together, bringing with them the best of skills and experience, but it was not enough to do the job. In the end, inadequate equipment, tremendous dust storms, extraordinary logistical challenges contributed to the mission's failure. But these circumstances in no way diminished the skill and bravery of the men who took on this hazardous mission against all odds.

Out of the ashes of Operation Eagle Claw arose the organization that we honor today. In 1986, Congress established a new unified command for special operations forces, designated as the U.S. Special Operations Command. And today we gratefully honor the 20th anniversary of SOCOM's founding and the men and women who fill its ranks.

Like their predecessors, the men and women that comprise today's special operations forces have accepted the challenge of tackling some of the most difficult and dangerous missions assigned to our military. As we have witnessed in Iraq, Afghanistan, the Horn of Africa, the Philippines and in many other locations across the globe, they have handled these missions with honor and skillful professionalism.

To those who perished in Operation Eagle Claw and the many SOCOM missions since then, we offer our sincere appreciation. And to those who carry on their noble mission, we pledge our Nation's support.

Mrs. DRAKE. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I have the highest regard for every man and woman who serves in the United States military. Whether they be a member of the Air Force or the Army or the Marine Corps or the Navy or the Coast Guard, everyone who volunteers to serve our country deserves the gratitude of every American citizen. And to the extent that they have provided the great service to our country, we all thank them, each and every one.

Just as people volunteer to be in the military, some people, various people, in the military volunteer to do different things. And those who volunteer to be members of the Special Operations Command are often referred to as the "tip of the spear." This is the insignia on this plate of the Special Operations Command. It is the tip of the spear. And we refer to them as members of an organization that is the tip of the spear because they volunteer to put them themselves in great danger very often. They do it for our country. They do it for our government. They do it for their families and their friends and neighbors; and it makes them, in my view, a very special cadre of people in the United States military.

Today, there are 53,000 soldiers, sailors, airmen and marines in the joint organization made up of members of all four services known as the Special Operations Command. The acronym, of course, that we use is SOCOM. These are highly trained individuals who devote themselves and commit their lives to the very defense of our country.

There are people in the Special Operations Command who take part in something called direct action. The Navy SEALs would be such an organization, Naval Special Warfare Command actually is the formal name, or Navy SEALs as they more generally are known as people who are often direct actors.

And then there are special operations folks who are indirect actors, who try to manipulate, if you will, the shape of the battlefield or attitudes on the battlefield among our enemies that would be beneficial to us. These are civil affairs people and psychological operations people and others who take part in an indirect way rather than in a so-called direct way.

Since SOCOM's inception, the special operators have conducted high-profile missions, including operations to establish a democratic government in Panama, hunting Scuds during the first Gulf War, providing relief to Kurds during Operation Provide Comfort, and the mission to capture Mohammed Hadid in Somalia, and many other operations around the world.

Not only did they put themselves in great danger, and not only do they perform a great duty to our country, but they do it at great sacrifice for themselves and their family. They train constantly. They have deployed very often and they are, indeed, a credit to themselves, a credit to their families, who pay a sacrifice as well, and a great credit to our Armed Forces.

So I rise today to commend the gentlelady from Virginia (Mrs. DRAKE) for offering this resolution. It is certainly one that is well deserved on this 20th anniversary of the establishment of the United States Special Operations Command.

Mr. SMITH of Washington. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Speaker, I am pleased to address the House on the occasion of the 20th anniversary of the creation of SOCOM. And today we not only pat ourselves on the back for having created SOCOM, but at the same time, we honor and recognize all of those military personnel for SOCOM who have done so much for this country over the years.

Twenty years seems like a long time, but in the course of history it is not a very long time. And if you think about all of the engagements that we have had in recent years and the challenges that we likely face as a country over the next few decades, SOCOM is going to be around with us for quite some time. And it brings to the table capacities that we vitally need.

☐ 1210

Our experience in Iraq shows us that we simply cannot compel indigenous societies to do what we wish them to do. We have got to persuade them to work with us to bring peace and security, not only for their countries but throughout the world. And in order to do that, our special forces, part of SOCOM, are extraordinarily effective.

We have direct action operators, and then we have indirect action. Direct action is us, in a very sophisticated way, doing what we need to do to affirmatively address with military force, kinetic force, problems that we perceive, and SOCOM is very, very effective at delivering direct action.

But there is also the indirect action. The ability of special forces to work with indigenous populations to get them on our side, if that is the right term, and to persuade them to develop their capacity to provide security for themselves, which in turn provides security for us. We all recognize that, in this new era where there is a growing lethality of hatred, where one or two or a small group of individuals located somewhere in the world can obtain things that are very, very deadly, dangerous to the United States and the Western world, and deliver them to us, in an era in which individuals can do this worldwide, we have got to be able to network. We have got to be able to create effective Security Forces among indigenous populations, and special forces brings that kind of capability to the table.

So I expect we will grow SOCOM. I expect SOCOM will be in the future a very important part of our Nation's defense. I thank all of the men and women in SOCOM for the great service they have provided and congratulate SOCOM on its 20th anniversary.

Mrs. DRAKE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of this resolution and especially in support of the commitment and dedication that lies behind it, both the troops that make up the Special Operations Command and the Members here in the House who support them.

The gentlewoman from Virginia (Mrs. DRAKE) conceived of this resolution as a way of recognizing the unique contribution that these forces make to our national security, and she has been a leader in advocating on their behalf. The gentleman from North Carolina (Mr. HAYES) has been one of the strongest advocates for Special Operations Command, not only their value to the country but also what they need to carry out their job, and he, along with Mr. MCINTYRE of North Carolina, are co-chairs of the Special Operations Forces Caucus here in the House. The gentleman from Florida (Mr. MILLER) has also been a leading advocate for special operations forces, as has been, of course, the gentleman from Georgia (Mr. MARSHALL), the gentleman from Minnesota (Mr. KLINE), who have unique military backgrounds to contribute. And I have got to say that the chairman of this subcommittee, Mr. SMITH, as well as the previous chairman, Mr. SAXTON, work not only for recognition but also to see that these forces have the resources, the support, the organization they need to carry out their job. This is not just a one-time recognition. This is something that a number of dedicated Members work on throughout the year to provide the backup support that these folks need.

Mr. Speaker, warfare is always changing. The kinds of skills and missions that our special operations forces bring are absolutely critical to today's fight but even more critical to the national security challenges ahead, both the direct action and the indirect action. Bringing precise targeted effects without a large number of troops, without a big logistical tail, that is very important. It is also very important to help train other militaries so that they can work with us and we are not dependent upon our troops to do all the things that need to be done.

So this is an important resolution, but the commitment and dedication of the gentlewoman from Virginia and my chairman from Washington are the crucial elements that help these folks do their job day in and day out. It deserves our support.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume just to say one quick thing.

The bipartisan agreement on our support for the Special Operations Command and the support for the mission I think is something that would surprise a great many people and something we need to focus on.

And I want to thank Mr. THORNBERRY, Mr. SAXTON, Mrs. DRAKE, Mr. KLINE, the subcommittee that is focused on this issue. We are very much in the same place on what we need to do to be ready to combat the threat we face from al Qaeda and other insurgent groups, and I think it speaks very well of the committee, both the subcommittee and the broader committee, that there is such bipartisan agreement on how to approach this fight. I think a lot of times the national focus is on where we disagree as parties when, in fact, there is an enormous amount of agreement on critical pieces of how we need to proceed with this. So I appreciate Mrs. DRAKE's bringing this resolution to the floor so we can talk about that, and I look forward to working with her and all the members of the committee in a bipartisan fashion to move forward on these issues.

Mr. MCINTYRE. Mr. Speaker, I rise today in support of the commitment, dedication and sacrifice of the men, women and the extended family of the Special Operations Command (SOCOM).

This week marks the 20-year anniversary of the Command's establishment, and I am pleased to support H. Res. 305, which honors the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community.

As one of the founders and Co-Chairman of the House Special Operations Forces (SOF) Caucus, I know firsthand how important these warriors are to our military efforts. During my tenure in Congress, I have represented all or parts of Fort Bragg, which is home to the U.S. Army Special Operations Command and the Joint Special Operations Command—vital components of the U.S. Special Operations Command. I have also represented Camp Lejeune, which is now home to the Marine Special Operations Command.

As you know, the Special Operations Command, which was established on April 16, 1987, is unique—it ensures joint training, equipping, planning and operations of our SOF forces. Before 1987, U.S. Special Operations Forces operated on an impromptu basis and were often used to the point of exhaustion and then disbanded once a specific crisis had passed. Since then, however, they have participated in a wide range of global military operations, including peacetime engagement and a major theater war, Operation Desert Storm.

Today, our SOF forces are embedded in the most important operation since their inception—the Global War on Terrorism. Their core tasks include counter-terrorism, counter-proliferation of Weapons of Mass Destruction, special reconnaissance, psychological and information operations, civil-military operations and unconventional warfare.

SOF forces are truly at the forefront of our current military operations, and, it is important that we draw our attention to them today and recognize their tremendous efforts and sacrifices, including leaving their families and friends for deployments to several countries throughout the world at months at a time. As a member of the U.S. House Armed Services Committee Subcommittee on Terrorism and Unconventional Threats, which has jurisdiction over our SOF forces, I am committed to ensuring that we do our part to meet the needs of our special operators and the officials who are charged with leading them into the battlefield. It is essential that we recognize and support their efforts, and I am confident that this resolution does just that!

Thank you Mr. Speaker, may God bless you and our fine men and women who serve in our Special Operations Forces.

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the premiere component of today's forces, our Nation's Special Forces including soldiers, sailors and marines. These are the forces we turn to when we must do the impossible, do it quietly, and do it smartly. I am proud to commend them on their 20th year of service to this Nation.

Our Special Forces were born of necessity in the aftermath of the aborted military operation attempting to rescue American hostages held in Iran. Since that time, they have been the very tip of our spear; they are the first forces to go into the dangerous places, and it is upon their resilience and brilliance that rest our success or failure in the early going of any operation to which we have committed our military forces.

The past 25 years have seen a marked shift in the operational spectrum of threats, and Special Ops is our answer to unconventional warfare, counterterrorism, counterinsurgency, strategic reconnaissance, civil-military operations, psychological operations, humanitarian assistance and search and rescue.

Special Forces are so important to the current conflicts in which we are engaged, they are the lead combatant command, covering both wars.

Special Forces is populated with many individuals recognized for distinction and valor, including 48 Congressional Medals of Honor. While bombs and bullets are our blunt force, the Special Forces is our scalpel. They are forged in four common truths: Humans are more important than hardware; Special Forces cannot be mass-produced; quality is better than quantity; and capable Special Forces cannot be created after an emergency.

Today we honor that mindset, and thank these Special Forces for their leadership and bravery. We also honor their families, who offer them tremendous support while they are deployed.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 305, which honors the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's Special Operations Forces community. This week marks the 20th anniversary of the Command's founding on April 16, 1987, at congressional direction, pursuant to passage of the Goldwater-Nichols Defense Reorganization Act of 1986. The unique structure of the Command ensures joint training, equipping, planning, and operations. Special Operations Forces personnel are currently executing their duties in over 50 nations throughout the world.

The Special Operations Command was created following a congressional assessment of the unsuccessful attempt to rescue 53 American hostages held in Iran in 1980. Among the major shortcomings identified was the inability of the military to operate effectively in a joint manner, particularly due to differences in equipment and lack of coordinated training. This deficiency was directly addressed by the establishment of the Special Operations Command, which allowed for the creation of a truly joint force with the authority to organize, train, and equip for complex national security challenges.

The Special Operations Command currently consists of over 53,000 individuals, including Army Special Forces personnel, Air Force Special Operations personnel, U.S. Navy SEALs, and Marine Special Operators. Its core tasks include counter-terrorism, counterproliferation of weapons of mass destruction, foreign internal defense, special reconnaissance, direct action, psychological and information operations, civil-military operations, unconventional warfare, and the "synchronization" of the war against terrorism.

I fully support the Command's ongoing commitment to its primary focus of neutralizing terrorists and destroying their associated networks. The Command should be encouraged and fully resourced to balance its focus between "direct" and "indirect" action—or between the "kinetic" mission and the effort to "win the hearts and minds." I also believe that greater emphasis should be afforded to humanitarian and counter-insurgency missions.

I sincerely appreciate the efforts and sacrifices of the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's Special Operations Forces community. I urge all my colleagues to join me in supporting the 53,000 brave men and women who risk their lives in the most dangerous of missions to preserve our freedom. Vote aye on H. Res. 305.

Mr. SMITH of Washington. Mr. Speaker, I'm proud to work with Representative DRAKE to mark the 20th anniversary of founding of the Special Operations Command.

Congress established SOCOM on April 16, 1987 in response to the failure of the Desert One mission to rescue American hostages in Iran. We learned two main lessons from Desert One. First, we needed a better joint command structure; our military was too divided and did not work well together, due to a lack of interoperable equipment and a lack of familiarity and joint training among the various branches. Second, we lacked forces trained for these kinds of missions. The establishment of SOCOM was meant to address these shortcomings.

SOCOM has been a fabulous success. We have roughly 53,000 special operations personnel operating in more than 50 countries around the world, taking direct action to counter terrorists and working with local populations to prevent terrorists from taking root.

I am especially proud of the three special operations force components housed in the 9th District of Washington: the Army 1st Special Forces Group (Airborne) and the Army 160th Special Operations Aviation Regiment (SOAR)—4th Batallion at Fort Lewis and the Air Force 22nd Special Tactics Squadron at McChord Air Force Base. I've also been able to visit several other components of our special operations forces across the country and around the world, and they are doing a fantastic job.

Going forward, we need more special operations forces to fight the spread of the totalitarian ideology pushed by al-Qaeda and related groups. Consistent with the 2006 Quadrennial Defense Review, we will seek to grow SOCOM forces by 15 percent. We will not sacrifice quality for quantity, but we must have the capability to train more special operations forces to face complex national security challenges.

And, we must ensure proper emphasis on indirect action. Often when people think of special operations, they think of direct action against terrorists. But much of SOCOM's mission involves less dramatic but essential work. Special operations forces are currently working in well over a dozen countries to prevent al-Qaeda and other organizations from taking root. They train locals to defend themselves and help local populations improve their living situations so that they are less susceptible to terrorist recruitment.

Getting to know local populations, learning the languages, becoming helpful to them—these steps are vital to preventing insurgencies and terrorist groups from taking hold. We recently heard from a special operations veteran who told us that the most helpful counter-terrorism tool his force brought with them in North Africa was a dentist. The population needed this service so badly that our providing it led to them working with us to root out terrorists in the area. This kind of work to win the hearts and minds of local populations is essential if we are to defeat the spread of al-Qaeda's message across the globe. That's why we in Congress must ensure that SOCOM is resourced and structured properly to sufficiently emphasize and effectively carry out this critical indirect work.

I want to thank the members from both parties on the terrorism subcommittee of the House Armed Services Committee for their work to make sure our special operations forces have the tools they need to protect our country. I want to especially thank Ranking Member MAC THORNBERRY and Representative THELMA DRAKE for their hard work on this important resolution.

Mr. SMITH of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ENGEL). The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 305.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1257, SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1257) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause, 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated April 17, 2007, or earlier and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1257 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. McGOVERN) is recognized for 1 hour.

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GENERAL LEAVE

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 301.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, H. Res. 301 is an open rule with a preprinting requirement providing for the consideration of H.R. 1257, the Shareholder Vote on Executive Compensation Act. The rule provides 1 hour of general debate, controlled by the Committee on Financial Services. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule makes in order the Committee on Financial Services amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be considered as read. The rule requires that any amendments to the bill must be preprinted in the CONGRESSIONAL RECORD on or before Tuesday, April 17, 2007. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in support of this open rule. This is a good, appropriate rule that allows any germane amendment to be debated and voted on by this body, as long as that amendment was preprinted in the CONGRESSIONAL RECORD. This rule is appropriate because it allows for real debate and for up or down votes on matters related to this bill. I believe this is a good process, and I want to commend both Chairman FRANK and Ranking Member BACHUS for requesting this rule and for testifying in support of this rule in the Rules Committee yesterday.

I also rise in support of the underlying legislation. The purpose of this bill is straightforward. H.R. 1257, the Shareholder Vote on Executive Compensation Act, allows for shareholders of a publicly traded corporation to conduct annual nonbinding advisory votes on the compensation of the corporation's executives. Basically, this bill would allow the shareholders, those with the most vested interests, to express their approval or disapproval of a company's compensation practices.

Let me be clear. This bill does not force a company to accede to the vote, nor does it overrule a decision by the board of directors of a corporation. Instead, it allows the shareholders to demonstrate their public approval or disapproval of a corporation's compensation practices. The bill does not allow shareholders to set caps on the size or nature of executive compensation.

By allowing for an annual vote by shareholders, H.R. 1257 goes one step beyond the recently enacted regulation by the Securities and Exchange Commission, which only requires that the amount in executive compensation be disclosed.

Mr. Speaker, this legislation would require public companies to include this nonbinding shareholder vote in their annual proxy statement to shareholders. An additional nonbinding advisory would also be provided to shareholders if the company awards a new compensation package while simultaneously negotiating the purchase or sale of the company.

By taking this step, H.R. 1257 increases accountability, and also enables the SEC to better monitor the executive compensation practices of corporations. I hope that my former colleague from California, Chris Cox, now the Commissioner of the SEC, feels encouraged by this legislation and works toward further protecting shareholder rights.

Over the past year, CEOs of major corporations have received multimillion-dollar severance packages, despite falling stocks and market share drops during their tenures. These so-called "golden parachutes" highlight the disparity between shareholders' rights and executive compensation oversight.

In addition to neglecting shareholders' interests, current executive compensation practices actually hurt the long-term corporate value of a company. Unprecedented growth in executive compensation over the past two decades has taken money out of the pockets of shareholders and compromised the long-term interests of too many companies.

According to the Corporate Library, in 2006, the average CEO of a Standard and Poor's 500 company received $14.78 million in compensation. It is only fair that the shareholders, the people who actually foot the bill for severance packages, have the opportunity to express their support or disapproval of their company's executive compensation.

H.R. 1257 empowers shareholders and complements the SEC's current regulations regarding executive compensation.

Mr. Speaker, I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this rule and to the underlying legislation, which I think constitutes an unnecessary and unwarranted Federal intrusion into the free enterprise system and the private sector. The legislation that the Democrat majority has brought to the House today would create a new Federal mandate on publicly held companies, but does so in a half-hearted way that would have absolutely no practical impact on its purported goal of improving disclosure and addressing "excessive" executive compensation.

The Democrats' Shareholder Vote on Executive Compensation Act would force every publicly held company to bear the costs of administering a toothless, nonbinding shareholder vote on pay packages of its highest compensated officials during every proxy vote. It is unclear, however, what the outcome of this vote, which under current rules could already happen today at any publicly held company, would mean for the company, the board of directors, executives or the shareholders.

Yesterday in the Rules Committee, Chairman BARNEY FRANK testified that this vote was not intended to create a new fiduciary responsibility for board members. Even if a majority of shareholders agreed that a company's executives were being compensated too generously, there are no provisions in this legislation to obligate a board to comply with this decision.

So if a board does choose to ignore an affirmative vote, again according to Chairman FRANK's testimony in the Rules Committee, since there is no fiduciary responsibility and no private right of action created by this new mandatory shareholder vote, there is no legal recourse provided in this bill for shareholders to force board compliance.

So rather than demonstrating the courage of their convictions that executive pay is wildly out of control in this country and that shareholders should be able to rein it in unilaterally through a ballot process, Democrats have chosen to bring legislation to the floor today, forcing private entities to take an action that they are already capable of taking by their very own nature. But this would make this new mandatory vote little more than a weak "sense of the shareholder" resolution that can be simply ignored by a board with impunity.

I am also extremely surprised, Mr. Speaker, by the Democrat leadership's recent conversion to the merits of democracy in determining an organization's actions. Less than 2 months ago, this same leadership brought to the floor legislation that strips American workers of their right to use a secret ballot to decide whether or not to unionize and provides for unprecedented intimidation of employees by union bosses under a fundamentally antidemocratic process known as "card check." But I suppose the Democrats' new-found selective commitment to democratic principles is better late than never.

The reality is that shareholders already have a democratic option available to them if they think that a board is shirking its fiduciary responsibilities to investors. They can sell their shares and vote with their dollars. This is a basic principle of how markets work in a free enterprise system, and it has been the steadfast commitment to principles like these that has made the American economy the envy of the world over the last decade, even while economies across Europe have stagnated and shrunk.

Mr. Speaker, Mr. FRANK has represented to the House that the real aim of this legislation is not to create a new class of lawsuits for the trial bar to exploit, and I take him at his word. But that leaves only one sensible explanation for why the Democrat majority would bring such a toothless bill to the floor of the House today, and that is to provide outsiders, such as Big Labor bosses, environmentalists and so-called "consumer activists," with a new avenue to criticize the management of corporations and to compel boards to do their bidding.

☐ 1230

Information about executive compensation is already fully disclosed to investors, who have every opportunity to determine whether or not it is too generous before becoming an owner of a listed security. And under this bill, even if they decide that it is too generous, the legislation contains no enforcement mechanism. This legislation simply provides a foot in the door for outside organizations to try to bully boards of directors in hopes of weakening management and gaining concessions down the road. This bill does nothing to improve corporate governance. It does nothing to improve board decision-making or increase shareholder value. That is why I have submitted an amendment that would force any person or organization who spends a significant sum on trying to influence the outcome of this new mandatory vote to disclose who they are, how much they have spent and on what activities so that investors can have a full picture of who is trying to influence them in this decision-making process.

While I think this amendment would improve a misguided bill, I am not holding my breath at all that the majority party will join me in standing up for increased transparency. But who knows? Today we learned that they have radically changed their opinion on the merits of secret ballots, so perhaps they will stand up for transparency in proxy vote influence-peddling also.

Mr. Speaker, I oppose this rule and the weak underlying "sense of the shareholder" legislation. Congress can do better than this. And rather than mimicking the interventionist economic policies of Europe, I believe we should reject this legislation and stand up for what sets our economy apart and has spurred our continued economic and job growth while others sank, which would be a commitment to free markets and an understanding that when given information, investors can make good decisions on their own.

Mr. Speaker, I stand up for the free enterprise system and the American way of doing business.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, again I would remind my colleagues that this is an open rule that allowed every Member of this House to be able to offer an amendment if that Member so desired. In fact, as the gentleman from Texas pointed out, he himself will be offering an amendment. And so I think this rule deserves support.

I should point out for the record that when the gentleman's party, the Republic Party, was in the majority here, that even though I was on the Rules Committee, routinely Members were denied the right to even offer their amendments. There were 13 Members who have decided to offer amendments. Ten of them are Republican. I think this is a fair process and this rule deserves support.

Having said that, I would like to yield 4 minutes to the distinguished gentlewoman from Florida (Ms. CASTOR), a member of the Rules Committee.

Ms. CASTOR. I thank my distinguished colleague from the Rules Committee for yielding time.

Mr. Speaker, I urge support of H.R. 1257 to provide a reality check to the skyrocketing compensation of CEOs of corporations across America. From 1995 to 2005, average CEO pay increased five times faster than that of the average worker. The American people understand the growing disparities in earnings in our country. The average CEO makes more money before lunch than the average worker earns all year. So today I urge my colleagues to bring a measure of accountability to the boardroom by allowing shareholders to voice their opinions in a meaningful way about the multimillion-dollar paydays of their CEOs.

Last week, one of my hometown newspapers, the St. Petersburg Times, reported on "Corporate Paydays That Boggle the Mind." They reported that in one of the richest corporate paydays ever, the CEO of oil company Occidental Petroleum Corporation received a total compensation package last year of $416 million. These record profits and paydays at a time when my neighbors and the American people are paying record prices at the gas pump highlights the need for a new direction in this country for energy policy.

Similarly, record profits and paydays at HMO and pharmaceutical companies raise red flags at a time when patients and doctors and hospitals have lost control to many of the Bush privatization schemes in our health care system. The new Democratic Congress passed legislation fortunately during the first 100 hours to require the negotiation of the Medicare part D drug price benefit. This is very important. It's un-American to block the negotiation of fair prices under Medicare part D.

What I hear from my seniors back home is that they want Medicare part D to be simpler so that it works for them, so that it works for our seniors and it works for our taxpayers and not simply benefit the HMOs, the big drug companies and their CEOs for these large corporate paydays.

So, Mr. Speaker, I urge support of this rule and this bill to allow shareholders to send a message about corporate paydays that boggle the mind and bring a measure of accountability to our American boardrooms.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 5 minutes to the ranking member of the Committee on Financial Services, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I take this opportunity on the rule to simply clarify what we're debating here today.

Now, we are not debating executive compensation, because the Congress does not set executive compensation. There have been many examples just in the past month or two of what we would judge to be outrageous CEO pay packages. There have been many occasions when our constituents have said to us, isn't that $200 million going to some executive, isn't that outrageous? People hear about these pay packages which, quite frankly, I'm not here to defend. One thing they say is, you know, are the shareholders being taken advantage of? Are the rank and file being taken advantage of? And in many cases, the answer is probably "yes." There is no justification for many of these pay packages, these executive pay packages. Sometimes they are based on performance and value added to the corporation and to the shareholders and to the employees, but many times they're not. Many times they're not linked to performance.

Now, having said that, why would I have said that and then come down and oppose this legislation? Because, in fact, this is a mandate. This is Congress beginning to intrude on corporations.

Now, many of my colleagues on the other side would say, this is a nonbinding resolution. But it is a mandated resolution. If we pass this resolution, every publicly traded corporation, both large and small, the shareholders in those corporations must take a position on corporate executive pay for every top executive. In every case, every shareholder must vote on every executive and say your compensation is adequate or it's not. It's not justified.

How many times has this Congress substituted its judgment for the American people? For people in business? And that is again what we're doing by telling shareholders you must have this vote. This is a mandate.

Now, there is another reason that we ought to oppose this. Congress should never rush in and begin to change the free enterprise system, our system of competition between companies. What we have required through the SEC in the last year and we just now mandated this and to come back now with something more intrusive until we see that it works is our instruction and the SEC's instruction to public corporations that you must publish the pay, the salary, the compensation, the perks, the benefits that you give your top corporate executives.

□ 1240

And the reason we did that is, once that's published and shareholders know exactly what these top executives are doing, shareholders have the right today. And today they can bring a motion before the corporation, and if the majority of shareholders agree, they can take a position on executive compensation.

Now, that is not something we oppose, and in many cases these corporations are doing it. Morgan Stanley, just last week, the shareholders came forward with a proposal the shareholders took to do exactly what this resolution wants to do. And guess what? The shareholders at Morgan Stanley said "no"; the majority of shareholders said "no," we are not going to get involved in something that might affect the excellent performance of this company, of this corporation.

We have had a system of corporate governance that is second to none in the world. It has made us the leader in the free world. It has evolved over centuries. It has involved over decades. It is part of our statutes.

Let me say this. The gentleman from Mississippi, the gentlelady from Florida, you have come up and you have said, look at some of these outrageous pay packages. I agree with you. I agree with you. I have picked up the paper. I have said, what is going on here.

But let me say, on many occasions I have picked up the paper a month later and seen where shareholders acted to address these issues. But let me say this, how many times have we been approached by constituents and we have said, well, when that law was passed, we didn't intend to do this, it wasn't our intention to do this. Unintended consequences.

Let me tell you something. When Congress becomes a second-guesser and a judge of executive pay for every corporation in America, every public corporation, ladies and gentlemen, we are getting on a slippery slope.

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 10 minutes to the gentleman from Massachusetts, the distinguished chairman of the Financial Services Committee (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman and the Rules Committee for bringing forward an open rule.

I often disagree with my colleagues on the other side, but I have rarely before been as baffled by the illogic of their argument as I am today. I do not recall the last time I heard such a hodgepodge of inconsistency and inaccuracy.

This is a bill that has been condemned for being, A, bullying and intrusive, and B, toothless. The toothless bully is, I guess, a new concept. In fact, let me begin with this denigration of the notion of nonbinding resolution.

The gentleman from Texas kind of slipped, I think, when he said "the sense of shareholder resolution." In fact, we spend much of our time passing nonbinding resolutions. Members who think nonbinding resolutions are a waste of time probably should just show up on Wednesday because that is all we do generally on Mondays and Tuesdays, although we are doing more since we have taken over.

But let's get to more of the substantive mistakes. My friend from Alabama said we would be second-guessing every corporate salary. Of course not. That isn't even remotely close to being even partially true. We have deliberately said it is not our job to say what the salary should be. We are empowering the shareholders to voice their opinion.

Now, I will acknowledge at the outset, if a board of directors sees a vote and the majority of the shareholders vote "no" and they decide to vote "yes," the board has that right. I doubt that the board would do that much. In fact, I would not impute to the boards of directors what my colleagues impute to them, a contempt for the views of shareholders. There may be individual cases where shareholders didn't understand certain things, new events may have intervened. But, no, I do not believe that as a general rule people on the board of directors will ignore shareholders.

And by the way, we are talking about the shareholders, and I know the gentleman from Texas said they are outsiders, they are activists, as loathsome a word as the rules of the House will allow as he would use it. They own shares. They are the owners of the companies. What a denigration of the people who are in other contexts the fountain of all wisdom. We are told the market is, after all, the best source of wisdom.

The former majority leader from Texas used to say, governments are dumb; markets are smart, markets work well. Well, who is the market? The market consists of the people who own the shares in this case. How did they become so dumb when it comes to deciding how to pay for the people that work for them?

And we are told, okay, if they don't like it, they can sell their shares. What a concept of ownership. I mean, these are the people, many of them who are outraged at the eminent domain issue. What they are saying is, if you have owned shares in a company for a while, you have made your decision that this is the best way to diversify your portfolio, and then some board makes a decision with which you disagree, that you think may hurt the company, sell your shares. What kind of a denigration of the notion of ownership is that?

There are, of course, people who will tell you, wait a minute, what if I believe when Home Depot, for instance, did what it did with Nardelli, it had a very negative effect on people's perception of the company. One of the very decisions you disagreed with led to a drop in the value of the shares because the market said, why did they do that. Should you then sell your shares and be forced to take a loss or take corrective action and restore the value to your shares? That is what we are talking about. It is very simple.

And then the oddest one of all is, how dare we interfere with corporations? Corporations are artificial creations of positive law. God made no corporations. No corporations evolved. I will be neutral on that subject. Corporations exist because the law of a jurisdiction creates them. It creates them to give them certain advantages, certain immunities, et cetera.

Of course, the government tells corporations what the rules are. This notion that we are interfering with corporations is nonsensical. They exist according to positive law. And the law says, you must do this, you may not do that. That is what corporations are.

And now the gentleman will say, oh, well, look what the SEC did, we don't have to get involved. What the Securities and Exchange Commission did was very intrusive. And the gentleman said, well, the corporation can do that if they want to; they could have published the salaries if they wanted to. The Securities and Exchange Commission said, we mandate you to print these salaries.

And by the way, to the extent that there is an expense, it is much more in what the SEC did than in what we did. CBO has concurred, there is zero, maybe 8 cents expense here. The SEC has already mandated that the corporations print in the proxy form all this information. We mandate that they add a box, "yes or no."

And then my friend from Alabama, great civil libertarian, but on this one I think he may have gotten a little too extreme in his civil libertarian zeal, he said, we are making the shareholders vote. It sounded like he said we are standing over those poor shareholders with a whip and making them vote. Well, in the first place, we are not. Abstention remains an option for shareholders.

Secondly, the argument is, well, they already have that right, some of them. No, they don't in every case. There are corporations that have refused to allow it. AT&T was just ordered by the Securities and Exchange Commission to allow this procedure, but it was a case-by-case issue. It is not a general rule. So the SEC that you defend just ordered AT&T to do this, they just intruded, as is their right; but there is not a general principle.

Shareholders do not have a right to have this vote on executive compensation. And this bill simply says, the people who own the company take what the SEC has mandated they put forward, has a right to vote on it. Now we are told, and the gentleman from Texas, in a stirring peroration, said he stood for truth, justice, the American way, et cetera; and said, let's reject the European effort.

Well, this is not a general European practice, it is a practice in England, what we are talking about. There is a committee that is known as the Paulson Committee, because it was inspired by Secretary of the Treasury Paulson, chaired by Professor Scott of Harvard. There was the McKenzie report, done by Mayor Bloomberg, strongly supported by the Chamber of

Commerce and all the financial groups. They have said to us, can't you guys be more like England in your regulation of corporations?

Listen to the debate going on right now over relations of corporations in America. We are being told that the model is the British model, the Financial Services authority. This is Secretary Paulson's committee that said it, this is the Chamber of Commerce.

Yes, the English do do this, it is not a big continental thing. But if, in fact, you think we should be very careful never to do anything because the English are doing it, then where is the repudiation of the McKenzie report and the Paulson Committee report which have urged the SEC to follow the model of Financial Services.

☐ 1250

In fact, it is very straightforward. Here is the problem. Why do normally coherent Members talk in less than coherent form about this, making contradictory arguments, ignoring reality?

Here is the deal. My friend from Alabama said, I am not here to defend CEO salaries. But in fact he is, because what this bill says is, the shareholders, not the outsiders, not those evil activists, not those lurking labor agitators, people who own shares. And, by the way, this is strongly supported by the leaders of institutional shareholders, large pension funds, The Corporate Library. Shareholder groups are in favor of this. And it says that people who own the shares should be able to vote in an advisory capacity on whether they think the compensation is too much or too little.

Now, the fact is that the gentleman from Alabama said there have been outrageous examples of excessive compensation. It is going up in general to the point where it is a record problem, and he says he is not here to defend them. He is not here to defend them verbally, he is just here to defend them parliamentarily, because if this bill dies, then they are totally unimpeded. And Members have said, don't rush in. Well, these salaries have been going up for a long time, and this is a long-time trend. So if not this, what do you do? It is true, the SEC went to the limits of its power.

Mr. BACHUS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. BACHUS. Let me clarify something. I believe, in addressing the Speaker, and I respect the chairman, you have allowed debate on this, you have been very gracious. But I believe that in addressing the Speaker, you mentioned that we passed nonbinding resolutions all the time.

Mr. FRANK of Massachusetts. In the House. Yes, sir.

Mr. BACHUS. And that this was a nonbinding resolution.

But I believe this actually is not a nonbinding resolution.

Mr. FRANK of Massachusetts. The gentleman misunderstands my point, and I will correct it. I am taking back my time. I was not referring to the gentleman's de facto defense of the salary; I was referring to the gentleman from Texas' statement.

He denigrated the product of this legislation because it would produce a nonbinding resolution. In fact, he sneered at it as a sense of the stockholder, sense of the shareholder resolution. And my point was aimed at his argument that the notion of a sense of the resolution is meaningless would invalidate a lot of what we do. So that is the issue I was making.

Let me just say in closing, Members on the other side sometimes get separation anxiety when they are forced to differentiate themselves from particular corporate abuses. They brought themselves to do it with Sarbanes-Oxley, but they are having in various ways buyer's remorse there, I think excessive buyer's remorse.

Members say we don't like corporate excesses, but we can't do anything about it.

Well, no, Congress should not substitute its judgment for the market. Congress should not set the salaries. What Congress can do is to empower the shareholders who own the companies to express their opinion. It is not a right that the shareholders uniformly have now. It is Congress in exercise of the legislative power to set the rules for corporations, which is inherent in the nature of corporations saying that on this one issue; and by the way, one reason for singling them out is, there is reason to believe that the relationship between the boards of directors and CEOs is not sufficiently arm's length for the decision to be left entirely to the board without input.

It doesn't mean you take the decision away from the board elsewhere. It simply says there have been excesses in corporation compensation, we think it would be helpful if the shareholders could give an advisory vote.

There is really no good argument against it, and that is why we have heard arguments against that aren't very good, that aren't very logical, that aren't based in reality. That is all we are voting on.

And in the absence of this bill, Members can then take credit for continuing to enable salaries paid to the top executives to go up and up and up. And if you are a shareholder of a corporation and you think that is a mistake and you think that is damaging, you have the option, we are told, of selling your shares at a loss, of being excluded from an investment decision that you think is in your interest. That is not acceptable.

Mr. SESSIONS. Mr. Speaker, I do appreciate the gentleman from Massachusetts speaking so clearly about what is happening. I would clarify my words and say to the gentleman, I do believe that it would be appropriate to have anyone who is attempting to influence an outcome of a vote, that they should have a requirement upon them to identify themselves, to state how much money they are spending and the activities that they are engaged in. And I think that that is full disclosure also about the activities that could take place under this new nonbinding resolution that we are attempting to pass.

Mr. Speaker, at this time, I would yield 5 minutes to the ranking member of the Rules Committee, the gentleman from San Dimas, California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend from Dallas and thank him for his superb management of this rule on our side.

As I listen to the arguments propounded by my colleagues on the other side of the aisle, including the distinguished Chair of the committee, the conclusion that I have drawn here is, we have here a solution that is really looking for a problem.

I continue to hear great praise for the action that our former colleague Chris Cox, the now chairman of the Securities and Exchange Commission, has taken in doing something that we regularly called for in this institution when it comes to our work here: transparency, disclosure, and accountability.

Under this regulation that has been promulgated by the Securities and Exchange Commission, it calls for full disclosure of the compensation packages for the top five executives. What it means is, we are empowering shareholders and any other interested party with more information, with a better understanding of what it is that we are trying to deal with here.

So why now, after the Securities and Exchange Commission has done what the chairman of the Financial Services Committee, Mr. FRANK, has just said is actually going beyond what it is that we are doing, why do we need to take action here in this institution on this issue?

Now, while I know that my friend from Massachusetts and my friend from Alabama, the distinguished chairman of the committee and the ranking member, had this exchange on nonbinding resolutions and the impact that this might have, I think most have concluded that there is a very deleterious potential impact that this legislation could have; and that is, it quite possibly will dramatically enhance the number of potentially frivolous lawsuits being brought forward by shareholders.

Now, I find that very troubling in light of the fact that we have in a bipartisan way in the past been able to pass legislation which has been trying to focus on the tremendous cost burden that is imposed on the American consumers, shareholders, taxpayers, all the way across the board, with the number of frivolous lawsuits that we have seen. And, again, we want very much to see the market run its course on this issue.

I think that this is bad legislation. I think it is poorly crafted. And I think, again, based on the action that the Securities and Exchange Commission has taken, let's see how that works. Let's let it go into place. Let's let the entity which has responsibility for this deal with it, see them work and see this information come forward, and see if we still have what is seen by many to be a problem.

I also argue that as we look at these compensation packages that have existed, and there are a heck of a lot more than any of us in this body make, that is for darn sure, but the fact of the matter is, these are decisions that boards of directors make. And one of the precious rights that we have as American citizens is the right not to own a stock. There is no one that I know on the face of the Earth who is compelled to purchase a share of stock, and I think that the right not to own a stock is a precious one.

And, you know, if I don't like the decision that the CEO of a company that I own a stock in or that the board of directors of that company makes, you know what, I will sell that stock. And I am happy to sell that stock, and that is my right to do it. If I don't like the decision that a board of directors has made, a decision that a board of directors has made when it comes to compensation for their executives, if that really is driving me and I am convinced that the stock should be much higher, I will sell it. So I believe that it is a real mistake for us to make this kind of overreach.

And, Mr. Speaker, I also have to say that I am very troubled with what we are seeing here now as the new definition for rules that have come forward. Now, I entered into the RECORD of the Rules Committee last evening back to the 103rd Congress when our distinguished former colleague, Joe Moakley, was chairman of the committee and he had in his survey of activities of the Rules Committee the definition of rules. This rule that has come forward is defined as an open rule with a preprinting requirement, but, Mr. Speaker, it is much more than that.

☐ 1300

Traditionally, an open rule that has a preprinting requirement has been known under Democratic and Republican Congresses as a modified open rule. Our colleagues, in their quest to say that they have had more and more open rules, have redefined what an open rule is, but the thing that troubles me is not just that they have done that. But they, by passage of this rule, have actually prevented Members of Congress from being able to participate in this under an open amendment process.

Why? The majority leader has apparently announced that we are going today to begin consideration of this shareholder bill, and then we are going to consider it on Friday. So what it means is, as we proceed with the amendment process today, Mr. Speaker, unfortunately what we are doing is we are saying to Members of the House of Representatives who want to amend this bill on Friday that any amendment that they might be offering had to have been printed in the CONGRESSIONAL RECORD last night, 3 days before the measure is considered on the floor, and they are trying to define that as an open amendment process.

Mr. Speaker, if it looks like a duck and walks like a duck and talks like a duck, it is a duck. And you know what? This is not an open rule.

I urge my colleagues to oppose the rule and to oppose the underlying legislation.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first of all say that I apologize to the gentleman from California, the former distinguished chairman of the Rules Committee, for this open rule. I guess he is upset that 13 Members have decided to offer amendments. They have known about this bill, by the way, for close to 3 weeks. So 13 Members, 10 of them Republican, have decided to put forward amendments that will be debated and considered on this floor, including the distinguished gentleman from Texas (Mr. SESSIONS).

I do not know whether the gentleman from California wants me to apologize to Mr. SESSIONS and the other Republicans for allowing their amendments to be made in order, but the bottom line is, what we are trying to do is break the trend that existed in the Rules Committee when they were in charge, which is that nobody would be allowed to offer amendments on the floor.

One of the things that this leadership has promised is a more open process, a process that is more fair, and that is what we are trying to do today. There are 13 amendments that have been prefiled. They will all be considered on the floor unless the people who printed those amendments do not want to offer them. That is a fair process.

As somebody who sat on the Rules Committee for many years and who routinely saw closed rules reported under that committee with not a peep from anybody on that side, it is a little bit hard to digest this whining over an open process. I guess my colleagues on the other side of the aisle object to the fact that Members should have a right to read an amendment that they are going to vote on. I can understand that because they would routinely bring huge bills, hundreds of pages in length, to the floor without giving anybody in this Chamber the opportunity to read them. Those practices hopefully are over for good.

This is a fair rule. This is an open rule, and I urge my colleagues to support it.

At this point, let me inquire from the gentleman from Texas whether or not he has any additional speakers, because at this point, I am the last one on this side.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for the inquiry. At this time, we have one additional speaker.

Mr. MCGOVERN. I would let the gentleman proceed, and I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank my good friend from Texas for yielding and for his leadership on this issue.

I would like to just comment about both the rule and the bill; and, Mr. Speaker, I come to the floor today to just tell you that Orwellian democracy continues to be alive and well here in the House Chamber.

Our good friends on the other side of the aisle seem to think that, if they just say something, that it is, that their action does not make any difference. This is the open rule that is not. That is what this is.

Because what we have, as my good friend from California described, is in fact a modified open rule. What has occurred with this rule is that there is a requirement for pre-filing amendments to this bill, and in fact, the pre-filing had to occur about 72 hours before the final portion of the bill will be voted upon. That is not an open rule, Mr. Speaker.

An open rule is when the bill comes to the floor and anybody who has an idea and wants to offer an amendment is allowed to offer an amendment. Why is that important? Well, that is important because each of us represents a certain number of constituents around this Nation, and at some point, each of us may have a better idea about how the bill ought to progress through the process.

But right now, what has happened is, unless we had that idea 2 days ago, yesterday, then it is not able to be entertained. So this is not an open rule.

I would ask my friends in the majority party: What are you afraid of? What are you afraid of? What amendment is it that you are afraid of that might be brought to the floor that is so dangerous to the American people that you do not want to even talk about it? That is what I would ask.

Mr. Speaker, my good friend from Massachusetts says that he thinks it is important for people to be able to read amendments and read bills. Well, we do, too, but that is provided for in the rules. That is provided for in the rules. This rule does not address that. The fact that somebody might bring an amendment to the floor under a truly open rule would not affect that at all.

So he also asked whether he should apologize to the gentleman from California for having what he described as on open rule. No, Mr. Speaker, I would suggest that he apologize to the American people for not carrying out the responsibility of democracy in this Chamber.

So this is not an open rule. This is the open rule that was not, and it is important for the American people to appreciate that.

I do want to mention a couple of items about the merits of the bill itself. We all had an opportunity to be home for the past 2 weeks. This was one issue that constituents in my district wanted to talk about. They wanted to talk about whether or not it was appropriate for Washington to insert itself into the compensation for CEOs in this Nation.

Many people, I being one of them, are confused and concerned about some of the compensation that major CEOs are getting in this Nation, but everybody in my district appreciates and understands that the place to solve that problem is not Washington, DC. In fact, that is the last place that you want this problem to be solved because Washington, DC, cannot respond in a nimble enough fashion to be able to do so. In fact, there will be significant, unintended consequences, I would suggest, Mr. Speaker.

As you know, the challenges that all businesses have across this Nation are encumbered by the taxation that they are required to pay by the exposure to litigation and, yes, Mr. Speaker, by the regulations that come down from on high, and this will be another regulation. So what the majority party is doing is saying to our businesses across this Nation, our public companies across this Nation is, you have got another reason to go offshore; you have got another reason to take American jobs and remove them because we are going to make it too difficult for you to engage in your business here in America.

In fact, Mr. Speaker, what they are going to do is to make it so difficult for many businesses with their onerous regulations that not only will individuals take their businesses offshore, many of them will say it is just too much of a challenge to comply with all of your ridiculous regulations, so we will go private so that Americans all across this Nation will be precluded from participating in a greater way in the American Dream.

Mr. Speaker, this rule is a bad idea. The bill is a bad idea. Washington cannot solve this problem. You know that, and I urge my colleagues to oppose both.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the gentleman from Georgia thinks this rule is such a bad idea, I hope that maybe he might reconsider offering the three amendments that he has pre-filed.

Let me just say for the record, because I think it is important to state this, the gentleman from Georgia just went on a rant, and in the previous Congress when his party was in control, in the entire Congress there was one open rule that was not an appropriation bill, one, and I do not recall a single instance when the gentleman from Georgia ever came to the floor and complained about that. I do not recall a single instance when the gentleman from Georgia or, quite frankly, anybody on the other side came to the floor and objected when the Republican-controlled Rules Committee waived the requirement that Members have 3 days to be able to read a report before a bill was considered.

☐ 1310

I don't remember a single instance when the gentleman from Georgia, or, quite frankly, anybody who we have heard complain today, ever came on the House floor and voted against a closed rule. They ran this place under the most restrictive closed process in the history of this Congress.

I think that needs to be said for the record because it goes to the point that I was making earlier that I don't understand what all the complaints are about. You have every Member who wanted to offer an amendment to this bill given the opportunity to do so.

They knew that this bill was coming 3 weeks in advance. They could have thought about it for 3 weeks, they could have instructed their staff during that period of 3 weeks to come up with something. Obviously, a number of people did, including the gentleman from Georgia, who has three amendments we are going to have to listen to.

Let me again urge my colleagues to support this rule. It is a fair rule. It is an open rule.

I am sorry if they don't like the fact that Members ought to have an opportunity to read amendments and read bills before they are voted on, but I think that is a fair thing to do. Of course, when they were in charge, they would routinely waive that right. But, you know, we will respect that.

Mr. Speaker, I reserve the balance of my time and would ask the gentleman from Texas if he has any additional speakers.

Mr. SESSIONS. In response to the gentleman at this time, I do not have any additional speakers. I would use this time for my close. I thank the gentleman for the inquiry.

Mr. Speaker, I think the point that would be taken here would follow those words that DAVID DREIER spoke on, and that is, we simply call things what they are honestly. We don't try to call things what they aren't. We follow the regular order of this House, as has been established, going back at least to the 103rd Congress when Mr. Moakley, the chairman of the Rules Committee, said, this is what we will call things, this is what an open rule is, this is what a modified rule is. That is the point we are trying to make today, that you should call something what it is.

At this time, I would like to include a statement of administration policy on this bill.

STATEMENT OF ADMINISTRATION POLICY—H.R. 1257—SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT OF 2007

(REPRESENTATIVE FRANK (D) MASSACHUSETTS AND 27 COSPONSORS)

The Administration opposes H.R. 1257, which would require public companies to hold a separate advisory shareholder vote to approve the compensation of executives. The Administration does not believe that Congress should mandate the process by which executive compensation is approved.

The Administration supports full transparency to shareholders regarding executive compensation decisions. Recent enhancements in corporate governance and disclosure have strengthened the executive compensation decision-making process of boards of directors. Corporate governance changes have made boards more independent, including through the establishment of compensation committees composed solely of independent directors. In addition, as a result of the Securities and Exchange Commission's revised disclosure rules on executive compensation, which recently became effective, shareholders are receiving comprehensive information on executive compensation. Before additional corporate governance requirements are legislated, the Administration believes that recent enhancements should be given time to take effect.

The statement of the administration is quite succinct, and that is at the end of this statement it says "before additional corporate governance requirements are legislated, the administration believes that the recent enhancements should be given time to take effect. That is in reference to the SEC and what the SEC had done.

Mr. Speaker, I am asking Members to oppose the previous question so that I may amend the rule to make it a true, modified open rule. As the distinguished chairman of the Committee on Financial Services pointed out yesterday at the Rules Committee, he is expecting that consideration of the bill is likely to continue through the end of the week.

But under a normal modified open rule, Members would still be allowed to submit amendments for printing today or tomorrow so that they might be considered tomorrow or Friday. This restrictive rule severely limits the fluidity which traditional and modified open rules allow. This rule is not an open rule as it is currently drafted. It would not even be qualified as a modified open rule. This is a restrictive rule.

Mr. Speaker, I ask unanimous consent that the text of the amendment and extraneous material be printed just before the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I also urge Members to oppose the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, let me urge all my colleagues to support the rule and to also support the underlying bill. H.R. 1257 is a good bill. If you want to defend the status quo, then vote against it. But if you want more accountability, more transparency, then vote for it. This should not be a partisan issue, and I hope that it would get a strong bipartisan vote on passage.

Let me again urge my colleagues to support the rule, and this is a rule that allows the gentleman from Texas to be able to offer an amendment. It allows the gentleman from Georgia, whom we heard earlier, to offer three amendments. It allows for every single Member of this House, Democrat or Republican, to be able to offer an amendment to this bill.

This is something new compared to the way the Rules Committee was run under the previous leadership. This is a rule that allows people to be able to heard, to be able to bring their views to the floor, and to be able to debate them. For the gentleman from Texas or the gentleman from Georgia or anybody else to complain that somehow this is a restrictive rule just defies the facts.

The fact of the matter is that under their leadership, restrictive rules were the norm. Closed rules were the norm. Not once, not once did I hear anybody on the other side complain about the restrictive rule or closed rule or even vote against the closed rule. This allows every single Member who wanted to offer an amendment to offer an amendment.

This is an open rule with a preprinted requirement. This is a good rule. I would urge all my colleagues to support the rule.

The material previously referred to by Mr. SESSIONS is as follows:

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Amendment to H. Res. 301 Offered by Rep. Sessions of Texas

On page 2, lines 18 and 19, strike "in a daily issue dated April 17, 2007, or earlier".

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 1361, RELIEF FOR ENTREPRENEURS: COORDINATION OF OBJECTIVES AND VALUES FOR EFFECTIVE RECOVERY ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 302 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 302

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1361) to improve the disaster relief programs of the Small Business Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1361 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida, my friend and cochair of Florida's congressional delegation, Representative LINCOLN DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself as much time as I may consume.

□ 1320

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 302.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, as the Clerk just read, this rule provides for consideration of H.R. 1361, the Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery, or RECOVER Act of 2007 under a structured rule.

Continuing our ongoing efforts to provide the minority with opportunities to amend and improve legislation on the House floor, the rule also makes in order all three Republican amendments that were submitted to the Rules Committee.

Mr. Speaker, as someone who represents a district which has been victim to countless natural disasters, I have known about the Small Business Administration's disaster loan program for quite some time.

Businesses in the district I am privileged to serve and the district of my good friend Mr. DIAZ-BALART and throughout South Florida have relied on this program to sustain themselves during the difficult days, weeks and months following natural disasters. Loans provided under SBA's disaster loan assistance program have, at times, literally kept Florida's economy going.

While I have seen the greatness of this program, Mr. Speaker, I and my constituents have also seen its shortcomings. Indeed, the problems addressed in the underlying legislation, and I commend the Chair's recommendations and their efforts in that regard, but the problems are not new, and they certainly were not created by Hurricanes Katrina, Rita or Wilma. On the contrary, they have manifested for quite some time and have been raised by me and many of my colleagues in Florida over the years.

In Florida, we saw SBA's limitations during the 2004 hurricane season. By no fault of its own, SBA was inundated with loan applications and overwhelmed by the situation. Long delays in application processing and slow disbursements of approved loans led many in my part of the country to question why Congress didn't do anything at the time to increase the Small Business Administration's capacity during disasters.

Although it took the largest disaster of our time for us to open up our eyes, I am pleased that this Congress under this leadership is giving the SBA the tools that it needs to keep America's small businesses in business after a disaster.

The RECOVER Act enhances the SBA's capacity to provide assistance during and after natural disasters. The legislation mandates that the SBA establish and maintain a comprehensive disaster plan which will be overseen by a new associate administrator for disaster assistance.

Using FEMA's citizen volunteer program as its model, the underlying legislation establishes a disaster reserve corps capable of providing the peoplepower necessary to respond to an influx of SBA loan applications.

The RECOVER Act improves SBA's customer service operation and increases the limit of SBA disaster loans from $1.5 million to $3 million. It also expands the scope of organizations which can qualify for such loans and makes it easier for businesses to pay back their loans.

The bill also requires improved disaster response coordination between the SBA and FEMA. This is a critical, yet unfortunate, requirement of the bill. Critical because coordination during disasters across agency lines is desperately needed; unfortunate, notwithstanding of the fact that these things are going to occur, I am dumbfounded that our agencies aren't already coordinating to the maximum extent possible during disasters.

I have participated in the conversations, sat in the meetings where coordination between agencies is nonexistent during disasters. Turf battles supersede logic, and coordination is a distant memory of the past.

I ask: Why does it take an act of Congress to get Federal agencies to coordinate their efforts when authorization for such coordination already exists? The only turf that matters and should matter during disasters is the turf of the American people.

We have to be in the business of providing our citizens with every available resource to respond to and recover from disasters. The underlying legislation does just that.

I am proud to support this rule and the underlying legislation, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, the gentleman from Florida (Mr. HASTINGS), the cochairman of the Florida congressional delegation, for the time, and I yield myself such time as I may consume.

Small business, Mr. Speaker, is the engine that drives our economic strength. Small businesses employ over half of all private sector workers and pay approximately 45 percent of U.S. private payroll.

Over the last decade, small businesses have generated 60 to 80 percent of new jobs. We must not take the amazing performance of small businesses for granted, however, Mr. Speaker. They often don't have the financial structure and support to help them quickly recover from major natural disasters. If small businesses fail in the aftermath of a natural disaster, it only slows the recovery of the area.

Storms have often punished the community that I am honored to represent. In 1992, Hurricane Andrew, a category 5 storm, devastated much of South Florida. Until 2005, Hurricane Andrew was the costliest natural disaster in our history, causing over $26 billion of damage to South Florida. Entire communities were totally destroyed. Especially hard hit were many of the small businesses that make up a major part of the South Florida economy. Fifteen years later, the effects of that storm can still be felt.

The SBA was one of the many Federal agencies that suffered a breakdown in operations during the rebuilding efforts after the 2005 hurricane season. The disaster loan program of the SBA is the Federal Government's main source of natural disaster rebuilding assistance and has come under fire for problems and delays in granting loans to homeowners, renters and businesses affected by the hurricanes.

I think we need to do all that we can to ensure that the backbone of our country, small businesses, are not crippled in a storm's aftermath and that those small businesses can play a leading role in the recovery of affected areas.

This underlying legislation better prepares the SBA to handle future disasters by requiring, among other reforms, that the agency develop a comprehensive disaster response plan, improve training, streamline information tracking systems, follow-up processes and more efficiently distribute disaster loans by partnering with private lenders.

There is at least one point of contention in the underlying legislation. Section 211 modifies the subsidy rate assigned to SBA disaster loans by providing for double compensation under the provision that a disaster victim could receive both a grant and a loan for the same damage. This provision requires a direct appropriation. As such, it violates PAYGO rules.

The manager's amendment by the distinguished chairman, Ms. VELÁZQUEZ, does correct the PAYGO problem by making the section subject to available appropriations. It still does not address the underlying issue in contention, however, Mr. Speaker, which is, why should someone be compensated twice for the same injury? It is a legitimate point of contention which obviously merits debate.

Mr. Speaker, I reserve the balance of my time.

□ 1330

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 3 minutes to the distinguished gentlewoman from Florida, our colleague on the Rules Committee, Ms. CASTOR.

Ms. CASTOR. Mr. Speaker, I thank my distinguished colleague from the Rules Committee.

Mr. Speaker, I rise in strong support of the RECOVER Act and this rule which charts a new direction for emergency and hurricane planning, because the Federal Government simply must be ready to respond in a crisis.

Small Business Committee Chair NYDIA VELÁZQUEZ and her committee deserve credit for understanding the expectations of the American people, who have insisted upon better disaster relief planning.

My colleagues from Florida, and indeed, our neighbors and citizens across the gulf coast, begin to feel a bit apprehensive this time of year because hurricane season is only a few weeks away. Yes, we are all worried about the potential landfall of a hurricane, but we are also just as concerned about the administration's ability to deal with the aftermath.

Following the Bush administration's poor response to the 2005 gulf coast hurricanes, the new Congress has pledged to strengthen disaster planning and response, and we are following through here today. The RECOVER Act will improve the Small Business Administration's disaster response plans and assess its technology, telecommunications and personnel in advance.

In the event of another hurricane or natural disaster, small business owners will face costs of starting up again, so this act increases the funds available for disaster loans from $1.5 to $3 million. And importantly for the hardworking folks like those in my district in the Tampa Bay area, small business owners will no longer be required to pledge their homes as collateral for business loans less than $100,000.

The act also requires the SBA to improve coordination with State and local authorities and establishes a disaster relief corps of 1,000 trained individuals.

So, Mr. Speaker, I strongly urge approval of this rule and the RECOVER Act so that our country is better prepared for hurricane season and the swift recovery of our communities and small businesses.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 4 minutes to my good friend, the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I can certainly understand my former colleagues on the Rules Committee, the gentleman from Florida (Mr. HASTINGS), the gentleman from Florida (Mr. DIAZ-BALART), the gentlelady from Florida (Ms. CASTOR) being in favor of this rule and this underlying bill.

But I rise, Mr. Speaker, in strong opposition to the underlying legislation, H.R. 1361, the RECOVER Act. This legislation is bad fiscal policy. It increases the cost to America's taxpayers of providing disaster assistance, while increasing the probability that the Federal Government will lose money to default losses.

It was Huey Long, the long-time Governor and Senator from Louisiana, the gulf coast, the Kingfish, as he was known, who said, "I can frighten or buy 99 out of every 100 men."

Mr. Speaker, I am not suggesting that my Democratic colleagues are trying to buy votes with this bill. But I do know that we need to closely examine the money our government spends to ensure that it is spent responsibly.

We have worked hard to fund the redevelopment of the gulf coast, committing more than $110 billion of Federal resources. That includes $4.7 billion to FEMA to remove debris and repair and rebuild public infrastructure and buildings; $17 billion from HUD for Community Development Block Grants, the largest housing recovery program in United States history; $6 billion for the Corps of Engineers to rebuild and restore levees so that we can rebuild below sea level; $16.1 billion paid out in national flood insurance claims, $1 billion for Health and Human Services to cover all of Louisiana's health care costs. And the list, Mr. Speaker, goes on and on.

There are right ways and wrong ways to fund redevelopment. This Congress has delivered $14 billion in incentives to spur private business investment and economic development to create jobs, another $600 million in Gulf Opportunity Zone tax credits to the region, with an additional $400 million expected to be awarded this fall to encourage more business investment. But today we are debating a bill which would harm small business across the Nation by giving away money that will never, and I repeat, that will never get repaid.

Mr. Speaker, provisions in title II of this bill would allow gulf businesses whose application for a disaster loan has been denied, to then receive $100,000 in grant money. And if a business has already received a loan, this bill will make sure that same business can also get a grant, and in the process, they will make certain that the grant money is not used to repay the loan.

So, yes, Mr. Speaker, you heard right. If the SBA decides your business is not viable enough for a loan, Congress is going to come in and just give you the money. What is more, now you can get paid twice for the same disaster.

Mr. Speaker, the sad fact is, this bill will hurt small businesses across the country. When the SBA makes a loan and that loan is repaid, the SBA loans that money to another business, and the cycle repeats itself. But by removing the repayment part of this cycle and requiring the SBA to send a $100,000 grant to those businesses who do not qualify for a disaster loan in the first place, we are diluting the resources of the SBA and hindering its ability to extend loans to businesses in other parts of the country, businesses fully capable of repaying them.

Mr. Speaker, my Democratic colleagues are ignoring any semblance of restraint by treating our Treasury as a bottomless pit. In raising the risk of unrecoverable default losses, by giving away free money, it would certainly seem they are doing their level best to prove Huey Long's words to be true.

I urge my colleagues, vote against the rule and vote against the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I would like to inquire of the gentleman from Florida, Mr. Speaker, if he has any remaining speakers. I am the last speaker for this side.

Mr. LINCOLN DIAZ-BALART of Florida. I have no more speakers.

Mr. HASTINGS of Florida. Then I will reserve my time until the gentleman has closed for his side and yielded back his time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we have no further speakers and yield back.

Mr. HASTINGS of Florida. Mr. Speaker, disasters in this country are not limited to hurricanes or the Southeast. As I was saying yesterday in the Rules Committee, the chairwoman had storms in her district earlier this week, and there is massive drought going on in parts of this country. All of these are disasters and all of these have major SBA implications.

I have lived, and continue to live, in disaster-prone areas, like so many others in Congress and in this country. If our failures of the past have taught us anything, it is that we can no longer be response oriented when it comes to disasters.

Mitigation and planning saves money, saves time, and most importantly, saves lives.

The RECOVER Act creates a comprehensive and universal plan at the SBA for disaster response. It is the first step on this important path to improving the Federal Government's response to disasters.

I urge a "yes" vote on the rule, the previous question, and the underlying legislation.

Mr. Speaker, I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on adoption of the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed, in the following order:

Ordering the previous question on H. Res. 301;

Adoption of H. Res. 301, if requested;

The motion to suspend the rules and adopt H. Res. 306.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

☐ 1340

PROVIDING FOR CONSIDERATION OF H.R. 1257, SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 301, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 226, nays 199, not voting 8, as follows:

[Roll No. 219]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Conaway
Ferguson
Higgins
Jones (OH)
Lampson
Millender-McDonald
Stupak
Walsh (NY)

☐ 1405

Mr. HASTERT and Mr. TOM DAVIS of Virginia changed their vote from "yea" to "nay."

Mr. GORDON of Tennessee and Mr. MITCHELL changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. CONAWAY. Mr. Speaker, because I was attending a funeral at West Point this morning, I missed rollcall No. 219, adoption of previous question for H. Res. 301: Providing for consideration of H.R. 1257, to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 195, not voting 11, as follows:

[Roll No. 220]

AYES—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin

Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Blumenauer
Blunt
Boehner
Conaway
Ferguson
Higgins
Jones (OH)
Lampson
Millender-McDonald
Stupak
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1415

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CONAWAY. Mr. Speaker, because I was attending a funeral at West Point this morning, I missed rollcall No. 220, adoption of H. Res. 301: Providing for consideration of H.R. 1257, to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation. Had I been present, I would have voted "nay."

OFFERING HEARTFELT CONDOLENCES TO THE VICTIMS AND THEIR FAMILIES REGARDING THE HORRIFIC VIOLENCE AT VIRGINIA TECH AND TO STUDENTS, FACULTY, ADMINISTRATION AND STAFF AND THEIR FAMILIES WHO HAVE BEEN AFFECTED

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 306, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 306.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 221]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)

Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Blunt
Boehner
Conaway
Diaz-Balart, L.
Ferguson
Gohmert
Higgins
Jones (OH)
Lampson
Millender-McDonald
Smith (NE)
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1425

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Nebraska Mr. Speaker, on rollcall No. 221, due to a meeting with constituents on issues relating to my district, I was unable to cast the vote. Had I been present, I would have voted "yea."

Mr. CONAWAY. Mr. Speaker, because I was attending a funeral at West Point this morning, I missed rollcall No. 221, adoption of H. Res. 306: Offering heartfelt condolences to the victims and their families regarding the horrific violence at Virginia Tech in Blacksburg, Virginia. Had I been present, I would have voted "yea."

RELIEF FOR ENTREPRENEURS: COORDINATION OF OBJECTIVES AND VALUES FOR EFFECTIVE RECOVERY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 302 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1361.

□ 1425

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1361) to improve the disaster relief programs of the Small Business Administration, and for other purposes, with Mr. DAVIS of Alabama in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I will yield myself such time as I may consume.

After the 2005 gulf coast hurricanes, we witnessed a number of problems with the Small Business Administration's preparation and ability to assist entrepreneurs following a disaster. As the agency responsible for handling the disaster loan program, it was clear they were not adequately prepared.

During that time, there were significant application backlogs, with the number ballooning to 204,000 unprocessed applications by December 2005. Those that were lucky enough to get approved for assistance often waited months to receive any funds. It reached the point where entrepreneurs were simply avoiding the SBA, believing it was more of a hindrance than a help.

There is no question the leading factor in SBA's poor response was its lack of preparation and tools to assist the gulf coast victims. H.R. 1361, the RECOVER Act of 2007, provides for thorough disaster planning and directs SBA to ensure they are prepared for a wide range of disasters.

This legislation will streamline SBA's loan processing and disbursement, as well as establish a bridge financing program. After the gulf coast storms, we saw entrepreneurs not only getting declined for loans but having to wait far too long for relief. This bill requires that within 36 hours of a disaster, qualified small businesses are provided with emergency small dollar financing, allowing them to stay in business and spur economic growth.

For small businesses, success and failure often come down to adequate financing. Nowhere is that more true than following a disaster. The changes made in this bill will ensure we avoid the mistakes in the gulf where 62 percent of small businesses who applied for assistance were not approved.

We cannot leave entrepreneurs with nothing to help them salvage their enterprises. For those that did get approved, the average wait time to receive their loan was 74 days, much longer than the SBA's goal of 21 days.

H.R. 1361 also provides for gulf coast entrepreneurs who still need assistance. The committee just came back from New Orleans, and there is no doubt that this community has a long way to go to get where it was before the hurricanes hit. By helping affected small businesses, we are also significantly aiding in the revitalization of the gulf coast.

The RECOVER Act of 2007 will establish a grant program that allows the SBA to help the most significantly damaged small businesses that have been rejected for a conventional SBA loan. These grants are intended to spur redevelopment in communities directly affected by the 2005 gulf coast storms where ordinary market forces are simply not enough. They will be granted under limited circumstances to provide aid to only the neediest of entrepreneurs that meet a number of qualifications.

The legislation also fixes SBA's one-size-fits-all approach to the disaster loan process that has failed businesses in the gulf coast. To be more responsive to individual disaster victims, H.R. 1361 provides the SBA administrator with the authority to waive the prohibition on duplication of benefits for the 2005 hurricane victims. Taking state-administered grant assistance and replacing it with loans that are not disbursed efficiently or in adequate amounts have left entrepreneurs without assistance to build their homes. Small businesses should not have to choose between their home and their business. This bill makes sure they are not faced with that choice.

Eighteen months has passed since this Nation saw one of its largest natural disasters. There is no question small businesses are still very much in need of assistance. The RECOVER Act of 2007 modernizes and reforms the SBA's disaster programs and addresses key concerns still facing hurricane victims.

H.R. 1361 has the support of America's Community Bankers, Independent Community Bankers of America, American Veterans, Veterans of Foreign Wars of the United States, the Black Chamber of Commerce and the U.S. Women's Chamber of Commerce.

I strongly urge my colleagues to vote for the RECOVER Act of 2007.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I might consume.

Today, Mr. Chairman, I rise in opposition to H.R. 1361, the RECOVER Act. While there are many important things that this bill does, there are two provisions in particular, I believe, that unfortunately undermine the good work that has been done by the chairwoman in drafting the legislation.

I want to make clear, I think she has worked very hard. I think the staff has worked very hard to craft what they thought was a good bill, and I think it still has the potential. There are two amendments that we are going to offer subsequent to the general debate argument here, and if those amendments are adopted, I think they fix the bill sufficiently that we can support it because, as I indicated, I think there are many good things in this bill. But without those two provisions being passed, we unfortunately have to oppose it in its current form.

These two provisions, as I indicated, unfortunately make it impossible for me to support it as drafted, and the manager's amendment offered by the chairwoman, while making one of the provisions less problematic, does not assuage our underlying concerns about the two provisions that I just mentioned.

I think everyone can agree that all branches of government failed to respond adequately to the devastation that was Hurricane Katrina, and one of those agencies that did not measure up is the Small Business Administration unfortunately. This is not the conclusion of Democrats or Republicans, or Louisiana or Mississippi Members of Congress. It is a conclusion reached by the GAO, small business owners in the region and even the SBA itself.

While much of the focus on the response to Katrina has focused on the immediate aftermath and the failures of FEMA, the SBA plays a key role in the response to disasters by issuing loans to both homeowners and small businesses affected by the disaster. Thus, an inadequate response by the SBA undermines the recovery of communities devastated by natural disasters. It is vital that the SBA be prepared to handle future disasters, including some worst-case possible scenarios.

Administrator Preston understands this and has taken a number of steps to improve the SBA's readiness and made efforts to ensure that the inadequate response does not repeat itself. Through his efforts, he has reduced backlogs, streamlined loan processing, improved customer service and identified points where the processing of disaster loans broke down. Administrator Preston also will ensure that the computer systems at the SBA will be improved; establish a reserve corps; utilize non-SBA staff to process loans; establish a new disaster manual that will be finalized by June 1 for the start of the current hurricane season; and continually revise responses to disasters based on the experience of previous disasters.

One may ask why a bill is necessary if Administrator Preston is making these changes. Well, as we have seen, other administrators may not have the same priorities and may reduce preparedness in the future to address other needs of the SBA. Therefore, incorporating many of these changes in statute will ensure that the administrator and SBA personnel will have the appropriate resources and congressional direction to ensure the SBA will have an adequate response to a disaster in the future.

Title I of the bill makes important changes in the SBA's management structure to ensure that the agency is prepared not only for predictable disasters but also the unpredictable ones. Title I requires the administrator to, A, develop a comprehensive disaster response plan; B, conduct an annual disaster simulation exercise; C, maintain a disaster reserve corps; D, create plans to obtain additional office space needed for major disasters; E, coordinate disaster assistance programs with FEMA; and create, from existing personnel, the position of an associate administrator for disaster assistance that has experience in both disaster planning and disaster response. These changes are all beneficial and will ensure that the SBA has the necessary tools and experience to respond to disasters.

These changes are supplemented by section 208, which provides enhanced lending authority to banks and other financial institutions that are preferred SBA lenders to process disaster loans in certain circumstances. Given the expertise of SBA preferred lenders, they should be able to supplement the SBA's capability to process disaster loans when necessary.

There are other important changes in title II that also are beneficial, and I commend the chairwoman, Chairwoman VELÁZQUEZ, for including those in this legislation. By themselves, these provisions would have made an effective bipartisan bill that ensures the SBA has the current planning and future capacity to respond to a disaster, whether it is a local tornado or an incident of national significance such as Hurricane Katrina.

Unfortunately, the legislation has two critical provisions that, in my view, seriously undercut the otherwise excellent work of the committee in creating a structure that will ensure the SBA is prepared to respond irrespective of the scope of the disaster. The first provision would authorize, according to CBO estimates, $180 million in grants to small businesses that were denied SBA loans. The other provision would grant the administrator the authority to, in essence, create a grant program that replaces grant funds that must be applied against existing disaster loans issued by the SBA. In other words, it allows a double compensation, a person to be compensated for the same damage twice. Given my concern about these two provisions, I will be offering amendments at the appropriate time to strike these two provisions, two amendments that we will be offering.

If these two provisions are removed, I think the House would then be able to pass a sound bill on an overwhelmingly bipartisan basis that dramatically improves the administrative structure by which the SBA responds to disasters in a fiscally responsible manner.

As I indicated before, if the two amendments are not passed, unfortunately I am going to have to oppose this particular piece of legislation.

Mr. Chairman, I reserve the balance of my time.

☐ 1440

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. SHULER).

Mr. SHULER. I thank the gentlewoman for yielding.

Mr. Chairman, today I rise in support of H.R. 1361, the RECOVER Act. This bill is a strong step in the right direction to ensure that the problems small businesses face in the wake of Hurricane Katrina and Hurricane Rita will never repeat.

I know firsthand the difficulties that small businesses face after a natural disaster. It is vital for our community to know that the government stands with them in their hour of greatest need.

My district recently suffered disastrous weather, which wiped out nearly the entire crop of apples, strawberries and ornamental horticulture. I asked the people of the community to join together in prayer for the farmers and their families as they work through this crisis. Just like the small business owners of the gulf region and other areas affected by disaster, these farmers need the quick and effective response of their government in their time of greatest need.

I commend Chairwoman VELÁZQUEZ for her work on this legislation, and I urge my colleagues to support this bill.

Mr. CHABOT. Mr. Chairman, I yield such time as he might consume to the gentleman from Ohio (Mr. JORDAN) who, as one of the newer members of the committee, has been very active and is really contributing much to the committee already.

Mr. JORDAN of Ohio. I thank the gentleman for yielding, and I thank the chairwoman of the committee for her hard work and the entire committee on this legislation.

Mr. Chairman, I rise to oppose the bill for many of the reasons that the ranking member has cited. I believe the bill shortsightedly tries to move a good organization, the U.S. Small Business Administration, further from its original mission of helping create, strengthen and maintain small businesses across our country.

The SBA was created by the Small Business Act of 1953. Its mission was to stand up for small businesses, and its main focus, other than loan guarantees, was promoting small businesses for Federal contracts. Since then, the SBA has grown to become the largest backer of small businesses in America. It has made progress toward its goal of improving small business and the engine of our free market economy.

Of late, though, the SBA has done more in fueling small business to coordinating disaster relief for businesses and homeowners. This is certainly a worthy goal, but again, one that strays from its fundamental mission. As the ranking member pointed out, this bill would require the SBA to provide loans it once denied as bad risks. It would also allow recipients to receive disaster relief.

Small businesses are successful in part because they are uniquely focused on their mission, and because they watch every single penny. This RECOVER Act will further blur the focus of SBA's mission while making it impossible for them, or us, to protect the integrity of tax dollars.

Finally, I would urge my colleagues to support the amendments that the ranking member plans to offer. Those will, I think, improve the legislation and make it worthy of everyone's support in a broad, bipartisan manner.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 5½ minutes to the gentleman from Louisiana (Mr. JEFFERSON) who represents and has been very active in the committee addressing the issues of the Small Business Administration Disaster Loan program.

Mr. JEFFERSON. Mr. Chairman, I rise today as a proud cosponsor of H.R. 1361, the RECOVER Act.

I want to thank Chairwoman VELÁZQUEZ for her leadership in crafting this important piece of legislation and in bringing it to the floor.

The storm that hit the gulf coast nearly 2 years ago exposed major flaws in the disaster planning system across all agencies of the Federal Government. Perhaps most appalling is that these storms exposed the fact that so many agencies had no plan at all for disasters such as Hurricanes Katrina and Rita. The Small Business Administration was just one of many agencies caught behind the curve, and the RECOVER Act aims to ensure that this never happens again by providing commonsense remedies for the many problems brought to light by the storms.

We are all quite familiar with the problems of the SBA in the aftermath of Hurricanes Katrina and Rita. Six weeks after the storms, there had been about 54,000 disaster loan applications received from the region. Ninety-five percent of these applications were denied, while only 1,050 loans were approved, and only 58 checks, totaling $533,400 or so, were sent out. During the 6-week period that followed Hurricane Charley in 2004, the SBA disbursed four times the amount that was disbursed after Hurricanes Katrina and Rita.

Additionally, many people in the gulf coast region fell victim to long delays in the process of the applications, and their paperwork was lost because the SBA lacked a fully functioning disaster processing system, as well as the required staff. The SBA lacked adequate service and support for its information and telecommunications systems. Only one vendor in the region of the SBA's primary telecommunications hub could service the type of phone system that the SBA uses. The SBA also failed to completely stress test the agency's sole loan processing system prior to its implementation.

The RECOVER Act mandates that the SBA develop a comprehensive written plan in order to deal with catastrophic disasters of this magnitude, as well as test the capacity of the system at least once each year.

Administrator Steve Preston came before the Small Business Committee and made the claim that the problems involved in the loan processing system have been solved through a team case management solution. Yet in talking with various small business owners and homeowners as well, and in closely examining the loan processing numbers, doubt is cast on this assertion.

One such example is Donna Colosino of New Orleans, who came before the committee and demonstrated the serious flaws that exist that this bill aims to remedy. After the storms flooded her electrical equipment business under 12 feet of water, she applied for a disaster loan from the SBA and was approved for $250,000. After 15 months of resubmitting paperwork lost by the SBA, she finally received a disbursement of $10,000 in May of this year.

Under the current repayment structure, she would have to begin paying back her loan as if she had received the full $250,000, though she has only received $10,000 to date. This is just one more nonsensical policy of the SBA Disaster Loan program the RECOVER Act will change by altering the payment schedule so that repayment only begins on the money received.

Perhaps the most troubling aspect of the current program to me, as well as to many of my constituents back home, is the requirement that money received from the Road Home program must be used to repay any outstanding loans from the SBA.

Assume your home has a pre-Katrina value of $150,000, and it was completely destroyed by the storm. You qualify for an SBA loan in the amount of $100,000. The Road Home grant comes through in the amount of $50,000, enough perhaps to cover your pre-Katrina value, but you must then take the $50,000 Road Home grant and use it, not to complete your home, but to pay down the SBA loan by $50,000. The result is, you end up with only $100,000 in your hands to rebuild, $50,000 short of what you need.

The truth is, replacement cost of a home now is much, much more, given the spikes in the cost of rebuilding with building materials and insurance far exceeding their pre-Katrina value. The requirement to pay down the SBA disaster loan to the extent of the Road Home grant will leave the homeowner with less than is needed to replace the lost home no matter the Road Home grant award.

This SBA requirement has also kept many people from closing on their Road Home awards as they wait for this body to resolve this situation. The RECOVER Act would address this serious problem by allowing the SBA administrator to provide grants to replace compensation that has already been taken by the SBA as a duplication of benefits, as well as going forward to assist those who have yet to receive the Road Home awards to fully recover.

The requirement in the bill to impose discretion in the SBA administrator not to treat a Road Home grant as an automatic double dip is safeguard enough to prevent true double dipping from occurring. Grants are authorized in the bill to selective businesses that have been in business 2 years, who are, in fact, true pioneers in going back, because there is no guarantee that they are going to have customers there to meet the demand is a reasonable addressing of the problem there.

The flaws of the SBA Disaster Loan program have been exposed by the 2005 storms, and it now falls to this body to remedy these flaws. We have long since moved past the rescue phase. We are now focused on recovery. Yet we cannot recover under the existing structure, as 77,000 small businesses were damaged, along with 275,000 homes.

Operating under the idea of business as usual is not enough. It is only through the passage of this bill and careful oversight in the coming months that we can ensure the SBA fulfills its obligations, not only to the victims of the storms of 2005, but also to deal more responsibly and efficiently with future disasters.

I urge my colleagues to oppose any amendments that would weaken this bill and to vote on this bill for its final passage.

Mr. CHABOT. Mr. Chairman, we reserve the balance of our time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. I thank the chairman. I thank the gentlewoman for yielding her time.

Mr. Chairman, I rise today in support of H.R. 1361, the RECOVER Act. This bill provided a much-needed overhaul to the Small Business Administration and its disaster aid program. After a disaster, the SBA issues loans to help individuals and small businesses rebuild their lives, often shattered by storms and other natural disasters.

□ 1450

After Hurricane Katrina, the average time for the SBA to process a loan, not including closing, was 74 days, far above the agency's goal of 21 days. This is absolutely unacceptable.

As I speak here today, people all across my home State of New Hampshire are dealing with the aftermath of a recent powerful nor'easter. On April 15, 2007, New Hampshire experienced a severe storm that dropped almost 6 inches of water in a matter of hours. The State as a whole has experienced sustained power and communications outages, and there are currently over 100 local communities that are reporting significant damage to local infrastructure. Our Governor has declared a state of emergency.

More than 60 percent of the businesses in New Hampshire are small businesses. This program is absolutely vital to my constituents now more than ever. We owe it to our small businesses nationwide to have access to critical relief services. I encourage my colleagues in the House to support this overhaul of SBA disaster aid, and reject proposed amendments.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise enthusiastically to support the Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery Act of 2007, to solve the frustration of those in my district who are fleeing Hurricane Katrina, and I thank the gentlewoman.

Mr. Chairman, I rise in support of H.R. 1361, the Recovery Act of 2007, which amends the Small Business Act to direct the Small Business Administration (SBA) to develop, implement and maintain a comprehensive written disaster response plan and to maintain a disaster reserve corps; to establish an Associate Administrator for Disaster Assistance; to authorize SBA disaster loans for incidents of national significance; to direct the Administrator to carry out an immediate Disaster Assistance program; to provide a revised disbursement process for SBA disaster loans; to provide enhanced lending authority for private lenders; to authorize SBA grants to small businesses located in disaster areas upon their certification that they will reestablish the business in the same area; and to require annual SBA reports on disaster assistance operations.

Mr. Chairman, I applaud Chairwoman VELÁZQUEZ for bringing this bill to the floor and in doing so acknowledging that we need to be better prepared to respond to the needs of disaster victims from the affected areas. In the aftermath of Hurricanes Katrina, Rita and Wilma, we all saw the devastating consequences that came from not having disaster preparedness plans in place.

After those devastating hurricanes, small businesses and in particular minority and disadvantaged businesses, in the affected areas were severely and negatively impacted because they did not receive financial support necessary to rebuild their businesses and participate in the rebuilding of the affected community.

The Homeland Security Committee has learned that small businesses in particular are very important to economic recovery and stability in an affected region in the aftermath of a disaster-regardless of whether the disaster is natural or man-made. The Committee also has learned that it is good common sense to use the local business owners in the disaster recovery process because they are most connected, and knowledgeable about the local area and what the local community needs.

That is why I offered two amendments to H.R. 1361 that would require the Small Business Administration (SBA) Administrator to include in its disaster recovery processes, prenegotiated contracts and to encourage inclusion of local, minority, and disadvantaged businesses in the disaster recovery response process.

My first amendment would have encouraged the SBA to include local businesses from the affected area in the recovery process and to have in place in advance pre-negotiated contracts with these local businesses. Hurricanes Katrina, Rita and have proven that failure to include small businesses in the recovery process was detrimental to speedy and efficient recovery for the affected areas and lead to astronomical costs for the affected areas as well as the entire country. These costs include money, time and lives. These are costs that we cannot afford to pay in future disasters.

I also offered an amendment that would encourage the inclusion of minority and disadvantaged businesses in the disaster recovery response plans. In the aftermath of Hurricanes Katrina, Rita and Wilma, small, minority, and disadvantaged businesses from the region were shut out of disaster-related contracts because goals and preferences were not in place. We must correct this very serious problem that is often representative of problems that the most vulnerable members of our society consistently face.

Mr. Chairman, the federal contracting goal for small, minority and disadvantaged businesses is a 23 percent participation rate as set forth by the Small Business Administration. My amendment that I offered would have required the SBA to include in its comprehensive response plan, a contracting goal and work to meet that goal. If the SBA plans well, then this goal should be achievable.

I understand that the bill also allows for mitigation loans and grants. We would hope that the SBA encourages similar inclusion measures with respect to minority and disadvantaged businesses in its loan and grant authorizations as those used in federal contracting in general.

Since the late 1960s, it has been the policy of the federal government to assist small businesses owned by minorities and women to become fully competitive, viable business concerns. As a result, the Small Business Administration set forth government-wide goals to level the playing field for small and minority businesses seeking federal government contracts. My amendment to encourage the inclusion of minority and disadvantaged businesses in the disaster loan and grant process would have gone a long way to meet these goals. If these businesses are disadvantaged before disasters occur, then those who are negatively impacted after disasters would presumably suffer exponentially and disproportionately. Therefore, it is especially crucial to encourage the inclusion of minority and disadvantaged businesses in the disaster mitigation loan and grant recovery process.

We have seen over and over again the incredible need to include local, minority and disadvantaged businesses in the recovery and rebuilding process. It is time to seriously address this extremely important need.

I urge the Committee to support H.R. 1361 and to be ever-mindful of the need to include local, minority and disadvantaged businesses in disaster recovery response plans. Further, I vigorously oppose the Chabot amendment, which one in particular is particularly punitive against a business suffering from disaster by requesting a recipient of a grant to pay an SBA disaster loan back that they may have received.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Less than 2 years ago, a devastating tornado ripped through my community in Evansville, Indiana, and although 25 residents of those two counties lost their lives, our emergency services organizations were applauded for their response to that devastating tornado. There is only one reason that we handled that; it is because we had a disaster plan in place and because we practiced that plan and we worked that plan so that when it hit, we did our job.

A few months after that tornado, a much larger disaster, Hurricane Katrina, showed the horrors of these disasters on a more massive scale. In the days and weeks that followed, Hoosiers watched the citizens of New Orleans searching for food, clean water, and a safe place to sleep. With the local government underwater, people relied on the government in Washington to come to their aid. The failures of the Federal Government at that time are far too many to list right here. While we work to fulfill our promises to the citizens recovering from this disaster, we must also prepare for the future.

America has suffered massive disasters in the past; and, unfortunately, we are going to see them in the future. As our families prepare themselves for the possible scenarios, Congress must ensure that a failure that we saw before does not happen again.

The RECOVER Act, and I am proud to support this, is an important step in improving the government's response to large-scale disasters. And I am proud to support it, as I said.

The RECOVER Act requires the Small Business Administration to prepare for future disasters by developing a comprehensive disaster plan. The government would be required to conduct regular disaster simulations and update its disaster plan in response to new challenges as we see them.

This bill also requires the SBA to start to implement a new disaster plan, a 1,000-person disaster reserve corps that will receive annual training for future disaster responses. These additional employees would be prepared to meet the challenges posed by sudden disasters.

If programs like these were in place before Hurricane Katrina, the government might have been able to invigorate the local economy and speed up the rebuilding effort. I can understand we can't change the past, but we can improve our response to disasters in the future.

The RECOVER Act will make those improvements and help the government fulfill its responsibility to protect the citizens in the aftermath of disasters. I am proud to lend my support to the RECOVER Act, and I urge my colleagues to join me in helping protect disaster victims.

Mr. CHABOT. Mr. Chairman, we will continue to reserve our time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE. Mr. Chairman, first, I want to commend Chairwoman VELÁZQUEZ for her leadership on this issue and for bringing this bill to the House floor.

I rise in support of H.R. 1361, a bill to improve the disaster relief program of the Small Business Administration and to provide relief for entrepreneurs. This bill addresses the problems with the SBA's disaster loan program, which was implemented to provide timely financial assistance in the form of low-interest loans and working capital for businesses devastated by disasters.

In New York City, after 9/11, small businesses that once prospered near the World Trade Center had difficulty recovering from that tragedy. Four years later, in the wake of Hurricane Katrina and Hurricane Rita, many applicants of SBA disaster assistance were frustrated with the agency's response or lack thereof.

Many businesses found their loan applications were delayed in backlogs that took over a year to process without a well-informed, centralized point of contact within the agency.

For entrepreneurs struggling to get back on their feet, the old adage "time is money" is much more than a cliche. Economic distress can quickly digress into systemic unemployment for the thousands of employees and bring extreme hardship to America's families.

I support the intent of this bill because it will ensure that the SBA performs comprehensive, risk-based, disaster planning on an annual basis and that the agency has mechanisms in place to maintain its disaster readiness over the long term.

This new bill will also enhance the SBA's disaster loan program by improving the manner in which disaster loans are processed, approved and disbursed, and by providing the agency with the additional financial assistance tools that are intended to better fit the various needs of small businesses following a disaster.

I will cast an "aye" vote in support of an unamended H.R. 1361, and I encourage my colleagues to do the same.

The RECOVER Act of 2007 is a bill that will ensure that members of Congress are adequately informed about all aspects of SBA's disaster assistance and disaster planning programs so that they may provide the SBA with the support they need to fulfill their vital mission following a disaster.

Mr. CHABOT. Mr. Chairman, we will continue to reserve our time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Chairman, I thank the gentlewoman for yielding me this time, and for her extraordinary leadership on this important measure.

Mr. Chairman, I rise today as the voice for 350,000 Iowans who lost power during an ice storm in February, to express my strong support for H.R. 1361, the RECOVER Act. This bill will develop a disaster plan so that the Small Business Administration can adequately assist small businesses in emergencies.

Just this February, Iowa was hit with a massive ice storm, one of the worst in its history, which caused millions of dollars worth of damage throughout the State and left hundreds of thousands of people without power.

Weather in Iowa, like in many parts of the country, can be unpredictable and dangerous, and this was no exception. I was personally affected by this ice storm when a 40-foot ice-coated branch struck my home in Waterloo. With the help of my neighbors and our chain saws, I was able to cope with some minor property damage and personal inconvenience; but my situation paled in comparison to the constituents I met while visiting emergency storm shelters in Iowa's First Congressional District. These Iowans were there seeking refuge after they had been displaced from their homes and businesses as a result of the ice storm.

On March 15, the Small Business Committee held a markup of the RECOVER Act. I introduced an amendment that day to expand the scope of Federal disaster assistance available to small businesses. Currently, the SBA has to wait for the President to make a formal disaster declaration before giving disaster loans to small businesses.

There are exceptions, however. These include severe situations such as "floods, hurricanes, tornadoes, earthquakes, fires, explosions, volcanoes, windstorms, landslides or mudslides, tidal waves" and other civil disorders.

The amendment I proposed adds "ice storms and blizzards" to this list of exceptions. The language will benefit small business owners who are trying to get back on their feet following severe winter weather.

I was pleased that the amendment received overwhelming bipartisan support and was passed by the committee unanimously. I urge my colleagues to recognize the importance of assisting small businesses in reopening following a disaster and ask them to support the RECOVER Act.

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Mr. CHABOT. Mr. Chairman, we will reserve the balance of our time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. MELANCON). And I want to take this opportunity to thank him for his leadership in working with us on this comprehensive legislation.

Mr. MELANCON. Mr. Chairman, first, I want to thank Chairman VELÁZQUEZ for the continued commitment to helping rebuild the gulf coast. Over a year and a half has passed since Hurricanes Katrina and Rita devastated south Louisiana and other Gulf Coast States. I am pleased my colleagues remain committed to seeing us fully recover and rebuild.

I come to the floor today to support H.R. 1361, the RECOVER Act. Recovering from the two hurricanes that devastated our State and the gulf coast in 2005 is the biggest and most important challenge Louisiana and the gulf coast have ever faced. Katrina was the biggest natural disaster ever in the United States, and Rita, which may have been dubbed the "forgotten storm," was the third worst disaster. First and third in our Nation's history, and they hit the same region within one month each.

After these storms hit, it became very clear that SBA was not prepared for a disaster of this caliber. SBA was understaffed, poorly trained, poorly managed and, overall, unprepared to respond effectively to the urgent need of disaster relief loans. The SBA's disastrous response effectively discouraged small business owners from applying for business or home loans.

Also, inadequate and inaccurate communications from SBA's employees kept many customers from finishing applications. I have personally heard of several instances in which small business owners were frustrated to the point of giving up on the SBA and the hope of getting financial assistance. I remind my colleagues again that this was a critical time, when these people needed help more than ever.

H.R. 1361 addresses those serious shortfalls experienced in the aftermath of Katrina. The RECOVER Act will better prepare the SBA to handle and fund disasters by requiring, among other things, that the agency develop a comprehensive disaster response plan, improve employee training, streamline their information tracking systems and follow-up process, and more efficiently distribute disaster loans by partnering with the private local lenders. SBA's unwillingness to immediately and effectively delegate responsibility to qualified private lenders created a critical choke point in loan disbursements following these hurricanes.

H.R. 1361 includes a commonsense solution that will cure this problem and allow for large, maximum loan amounts and create a more streamlined application process by allowing private, local, SBA-approved bankers to administer these loans. These private lenders have the unique advantage of being on the ground and knowing the community and, more importantly, the people in the businesses within them. By allowing these private lenders to participate, it will greatly increase the speed and efficiency in getting the funds in the hands of the small businesses after a disaster.

Another problem we faced after the storms was SBA's unwillingness or inability to provide maximum flexibility in the administration of these disaster loans. Instead of nurturing struggling businesses as they adapted to the new environment following Katrina and Rita, the SBA often strangled them with red tape and bureaucratic hurdles.

After the storm, some businesses along the gulf coast were denied sufficient loans because the SBA judged their application solely based on their prestorm capabilities, rather than on the new realities they were trying to adjust to or their ability to meet poststorm demands. The RECOVER Act will make the SBA a more flexible agency and will permit them to approve larger grants for businesses that become major sources of employment following disasters.

The RECOVER Act also addresses one of the most notorious problems that arose after the storms, the duplications of benefit provisions. Under current law, storm victims who took the initiative to apply for SBA loans are now being forced to repay their SBA loans with Road Home money. Hurricane victims in Louisiana and along the gulf coast need all the help they can get with rebuilding their homes and getting their lives back to normal. They don't need the Federal Government giving with one hand and taking with the other.

Rebuilding in the wake of Hurricanes Katrina and Rita has been the biggest challenge the people on the gulf coast have ever faced. In order to continue to recover and rebuild, recovery money must stay in the disaster regions, not sent back to Washington.

I understand the administration does not want people to double dip and must be effective stewards of taxpayers' money, but in this instance, victims of catastrophic disaster are essentially being punished for receiving these disaster loans before they get their recovery grants. Under this bill, borrowers will still have to repay their SBA loans; they will just be able to pay them over the extended time frame they originally agreed to when they got the loan.

I am a fiscal conservative, but this policy is absolutely ridiculous. It is dooming the recovery to failure, and it is time that we correct it.

I urge my colleagues to support the RECOVER Act today. With hurricane season approaching fast, this bill is critical to the survival of small businesses. Small businesses are the lifeblood of this country, and we must be ready to protect them from another, possible, future disaster.

Mr. CHABOT. Mr. Chairman, we will continue to reserve our time.

Ms. VELAZQUEZ. Mr. Chairman, I have no further speakers. If the minority is ready to close, I am ready to close.

Mr. CHABOT. Mr. Chairman, prior to yielding back all our time, if I could just make a comment or two. I will yield myself as much time as I may consume. I will be very brief.

I just want to reiterate that there are things within this bill which I think are very good efforts in resolving some of the difficulties that we saw in Katrina.

First of all, the SBA's response time for loans and other things was unacceptable, and it is absolutely critical that it be improved upon. And I think there are some things in this bill that do just that. For example, better coordination between the SBA and FEMA; the requirement of a plan ahead of time, a disaster plan ahead of time that everybody knows about so you are not looking for a plan or trying to put one together after the disaster has already hit; it makes sense to do that ahead of time. This calls for this.

It calls for a reserve corps of trained personnel, which I particularly like because you are talking about training people ahead of time, but not necessarily hiring them as new government employees that then one has to pay and pay compensation to over a long period of time. So I like the fact that we are talking about training a reserve corps ahead of time.

I think the idea of having simulation exercises called for ahead of time makes a lot of sense so that people are prepared.

As I indicated before, however, there are a couple of, in my view, fatal flaws to this particular piece of legislation, which we are going to address in a few moments here in a couple of amendments. And if they pass, then we would be very supportive of the whole act. If they don't, unfortunately, we would have to oppose the bill.

Mr. Chairman, I yield back the balance of my time.

Ms. VELAZQUEZ. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are now barely over a month away from hurricane season. Many small businesses have been struggling for a year and half to recover after the gulf coast storms of 2005. Following the hurricanes, delays in disaster loans, overwhelming amounts of paperwork and a lengthy application process left many small business owners frustrated and discouraged. In fact, entrepreneurs avoided what is supposed to be their primary source of assistance, the SBA.

Our Nation's 25 million small businesses need to know that the next time a disaster happens they will not be left with nothing, but will have efficient and reliable assistance. They need to know that what happened after the gulf coast hurricanes will not ever happen again.

The RECOVER Act of 2007 will require that the SBA have a disaster plan in place, provides assistance to the neediest of entrepreneurs and helps in the redevelopment of the community. H.R. 1361 will given entrepreneurs the relief and assistance they deserve after a disaster.

With 44 days left till hurricane season, we simply cannot afford not to act.

At this point, I want to take a moment to thank the staff who worked on this legislation. From Mr. CHABOT's staff, Kevin Fitzpatrick, Mike Smullen and Barry Pinellis; from the majority staff, Michael Day, Adam Minehardt and Andy Jiminez and Tim Slattery.

Mr. HONDA. Mr. Chairman, I rise today in support of H.R. 1361, the Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery (RECOVER) Act of 2007. This bill makes crucial improvements to the Small Business Administration's disaster relief programs. It will help provide greater access to, and more effective distribution of, loans and grants to those affected individuals in the aftermath of natural disasters.

One of the many lessons learned from Hurricanes Rita and Katrina is that the Federal Government must be better prepared to assist all the people of this Nation in times of greatest need. In legislating to improve disaster relief programs, Congress must keep in mind the multifaceted nature of any solution and strive to create equitable access for all affected communities.

While this bill takes great strides in making funds available to individuals affected by natural disasters, more must be done to ensure access for the segments of the population that may not be reached through standard means, including limited English proficient communities. Among the communities severely impacted by Hurricane Katrina were the Vietnamese American and Cambodian American shrimpers of the Gulf Coast. For many, their livelihoods were destroyed as their boats were left damaged and not seaworthy. These losses were compounded by the inaccessibility of government aid as many of these shrimpers are limited English proficient and were unable to learn of government programs that could have helped them. Unfortunately, the Federal Government fell short of servicing the needs of this segment of the American population.

Mr. Chairman, it is the responsibility of the Federal Government to ensure equitable access to Federal disaster relief programs for all Americans. We do not know where the next disaster will strike, but we will be better prepared if we acknowledge that different communities have different needs; access to information in the appropriate language is vital. Congress must do its part. The RECOVER Act certainly adds necessary amendments to the Small Business Act, but I stress to my colleagues in the House, we cannot stop there. To ensure equitable access to all affected individuals and communities, Congress and the Small Business Administration must take the extra steps to ensure that information, outreach, and loan and grant disbursement are made available to communities that are difficult to serve. I trust that this House will continue to ensure proper preparation and full and equitable access to relief programs for affected individuals and communities in the next natural disaster to affect this Nation.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 110–97 is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 1361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery Act of 2007" or the "RECOVER Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PLANNING

Sec. 101. Comprehensive disaster response plan.
Sec. 102. Annual disaster simulation exercise.
Sec. 103. Disaster reserve corps.
Sec. 104. Plans to secure additional office space.
Sec. 105. Coordination of disaster assistance programs with FEMA.
Sec. 106. Associate Administrator for Disaster Assistance.

TITLE II—LENDING

Sec. 201. Incidents of National Significance.
Sec. 202. Information tracking and follow-up system.
Sec. 203. Immediate Disaster Assistance program.
Sec. 204. Increased deferment period.
Sec. 205. Revised repayment terms.
Sec. 206. Revised disbursement process.
Sec. 207. Revised collateral requirements.
Sec. 208. Enhanced lending authority for private lenders.
Sec. 209. Disaster processing redundancy.
Sec. 210. Grant program.
Sec. 211. Waiver of prohibition on duplication of certain benefits.
Sec. 212. Increase legislative limit.
Sec. 213. Net earnings clauses prohibited.
Sec. 214. Economic injury disaster loans to nonprofits.
Sec. 215. Applicants that will constitute a major source of employment due to changed economic circumstances.
Sec. 216. Preliminary application process for assistance for small business concerns with essential employees ordered to serve on active duty in the Armed Forces.
Sec. 217. Economic injury disaster loans in cases of ice storms and blizzards.
Sec. 218. Economic injury disaster loans for businesses affected by lack of snowfall.

TITLE III—OVERSIGHT

Sec. 301. Reports on disaster assistance.

TITLE I—PLANNING

SEC. 101. COMPREHENSIVE DISASTER RESPONSE PLAN.

The Small Business Act is amended by redesignating section 37 as section 99 and by inserting after section 36 the following:

"SEC. 37. COMPREHENSIVE DISASTER RESPONSE PLAN.

"(a) Plan Required.—The Administrator shall develop, implement, and maintain a comprehensive written disaster response plan. The plan shall include the following:

"(1) For each region of the Administration, a description of the disasters most likely to occur in that region.

"(2) For each disaster described under paragraph (1)—

"(A) an assessment of the disaster;

"(B) an assessment of the demand for Administration assistance most likely to occur in response to the disaster;

"(C) an assessment of the needs of the Administration, with respect to such resources as information technology, telecommunications, human resources, and office space, to meet the demand referred to in subparagraph (B); and

"(D) guidelines pursuant to which the Administration will coordinate with other Federal agencies and with State and local authorities to best respond to the demand referred to in subparagraph (B) and to best use the resources referred to in that subparagraph.

"(b) Completion; Revision.—The first plan required by subsection (a) shall be completed not later than 180 days after the date of the enactment of this section. Thereafter, the Administrator shall update the plan on an annual basis and following any incident of national significance (as declared by the President or his designee).

"(c) Knowledge Required.—The Administrator shall carry out subsections (a) and (b) through an individual with substantial knowledge in the field of disaster readiness and emergency response.

"(d) Report.—The Administrator shall include a report on the plan whenever the Administrator submits the report required by section 47(a).".

SEC. 102. ANNUAL DISASTER SIMULATION EXERCISE.

The Small Business Act is amended by inserting after section 37 (as added by section 101) the following:

"SEC. 38. ANNUAL DISASTER SIMULATION EXERCISE.

"(a) Exercise Required.—The Administrator shall conduct a disaster simulation exercise at least once each fiscal year. The exercise shall include the participation of, at a minimum, not less than half of the individuals in the disaster reserve corps and shall test, at maximum capacity, all of the information technology and telecommunications systems of the Administration that are vital to the activities of the Administration during such a disaster.

"(b) Report.—The Administrator shall include a report on the disaster simulation exercise whenever the Administration submits the report required by section 47(a).".

SEC. 103. DISASTER RESERVE CORPS.

The Small Business Act is amended by inserting after section 38 (as added by section 102) the following:

"SEC. 39. DISASTER RESERVE CORPS.

"(a) Corps Required.—The Administrator shall maintain within the Administration a disaster reserve corps, the purpose of which is to perform the functions of the Administration related to disaster response. The corps shall consist of at least 1,000 individuals, each of whom—

"(1) does not ordinarily have the duties of a full-time officer or employee of the Administration; but

"(2) is able to assume duties related to disaster response when the Administrator so requires.

"(b) Training.—The Administrator shall ensure that each individual in the corps receives training each year in one or more functions relating to disaster response. To the maximum extent practicable, the function in which an individual is trained in one year shall be different from the function in which the individual was trained in prior years.

"(c) Geographic Distribution.—The Administrator shall ensure that not more than 30 percent of the individuals in the corps reside in any one region of the Administration.

"(d) Report.—The Administrator shall include a report on the corps whenever the Administration submits the report required by section 47(a).".

SEC. 104. PLANS TO SECURE ADDITIONAL OFFICE SPACE.

The Small Business Act is amended by inserting after section 39 (as added by section 103) the following:

"SEC. 40. PLANS TO SECURE ADDITIONAL OFFICE SPACE.

"(a) Plans Required.—The Administrator shall develop long-term plans to secure additional office space to accommodate an expanded workforce in times of disaster.

"(b) Report.—The Administrator shall include a report on the plans whenever the Administration submits the report required by section 47(a).".

SEC. 105. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.

The Small Business Act is amended by inserting after section 40 (as added by section 104) the following:

"SEC. 41. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.

"(a) Coordination Required.—The Administrator shall ensure that the disaster assistance programs of the Administration are coordinated, to the maximum extent practicable, with the disaster assistance programs of the Federal Emergency Management Agency.

"(b) Regulations Required.—The Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall establish regulations to ensure that each application for disaster assistance is submitted as quickly as practicable to the Administration or directed to the appropriate agency under the circumstances.

"(c) Completion; Revision.—The initial regulations shall be completed not later than 270 days after the date of the enactment of this section. Thereafter, the regulations shall be revised on an annual basis.

"(d) Report.—The Administrator shall include a report on the regulations whenever the Administration submits the report required by section 47(a).".

SEC. 106. ASSOCIATE ADMINISTRATOR FOR DISASTER ASSISTANCE.

The Small Business Act is amended by inserting after section 41 (as added by section 105) the following:

"SEC. 42. ASSOCIATE ADMINISTRATOR FOR DISASTER ASSISTANCE.

"(a) In General.—There is established in the Administration an Associate Administrator for Disaster Assistance, appointed by the President by and with the advice and consent of the Senate, from among individuals who have—

"(1) proven management ability; and

"(2) substantial knowledge in the field of disaster readiness and emergency response.

"(b) Director of Disaster Planning.—

"(1) Appointment.—There is established in the Administration a Director for Disaster Planning, appointed by the Administrator from among the personnel of the Administration.

"(2) Duties.—Subject to the authority, direction, and control of the Associate Administrator for Disaster Assistance, the Director shall—

"(A) develop and implement the Administration's plans for responding to disasters; and

"(B) direct the Administration's training exercises with respect to disasters.

"(3) Coordination.—In carrying out the duties under paragraph (2), the Director shall coordinate with—

"(A) the Associate Administrator for the Office of Disaster Assistance of the Administration;

"(B) the Director of the Federal Emergency Management Agency; and

"(C) other Federal, State, and local disaster planning offices, as necessary.

"(c) Director of Disaster Lending.—

"(1) Appointment.—There is established in the Administration a Director for Disaster Lending, appointed by the Administrator from among the personnel of the Administration.

"(2) Duties.—Subject to the authority, direction, and control of the Associate Administrator for Disaster Assistance, the Director shall direct all aspects of the disaster lending program under section 7(b).

"(d) Resources.—The Administrator shall ensure that the Associate Administrator for Disaster Assistance, the Director of Disaster Planning, and the Director of Disaster Lending have adequate resources to carry out the duties under this section.".

TITLE II—LENDING

SEC. 201. INCIDENTS OF NATIONAL SIGNIFICANCE.

(a) Disaster Loans to Private Nonprofit Organizations.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(1) in subparagraph (D) by striking the period at the end and inserting "; or"; and

(2) by inserting after subparagraph (D) the following:

"(E) an incident of national significance, as declared by the President or his designee, in which case assistance under this paragraph may be provided, subject to the other applicable requirements of this paragraph, to a private nonprofit organization (as that term is defined in section 29(a)(2)) that is located in an area affected by the incident of national significance.".

(b) Mitigation Loans to Small Business Concerns.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (d) the following:

"(e) Disaster Mitigation Loans.—

"(1) Authority.—The Administrator may make or guarantee a mitigation loan to a small business concern that receives a loan under section 7(b)(1)(A) for the damage or destruction, by reason of an incident of national significance (as declared by the President or his designee), of property owned by the small business concern.

"(2) Amount of loan.—The amount of a loan under paragraph (1) shall not exceed 20 percent of the total amount of the cost of the damage or destruction referred to in paragraph (1). The total amount shall be calculated without regard for any costs for which the small business concern is reimbursed under any insurance policy or otherwise.".

(c) Applicability for Fiscal Year 2006 to Hurricanes Katrina, Rita, and Wilma.—

(1) In general.—For fiscal year 2006, the Administrator—

(A) may carry out subsection (e) of section 7 of the Small Business Act (as added by subsection (b) of this section) with respect to a private nonprofit organization that was located, as of August 28, 2005, in a hurricane-affected area; and

(B) may carry out such subsection (e) with respect to a small business concern that was located, as of August 28, 2005, in a hurricane-affected area, for damage or destruction by reason of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma.

(2) Hurricane-affected area defined.—In this section, the term "hurricane-affected area" means a county or parish in the State of Alabama, Florida, Mississippi, Louisiana, or Texas, that has been designated by the Administrator of the Small Business Administration as a disaster area by reason of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10223.

SEC. 202. INFORMATION TRACKING AND FOLLOW-UP SYSTEM.

The Small Business Act is amended by inserting after section 42 (as added by section 106) the following:

"SEC. 43. INFORMATION TRACKING AND FOLLOW-UP SYSTEM FOR DISASTER ASSISTANCE.

"(a) System Required.—The Administrator shall develop, implement, and maintain a centralized information system to track communications between personnel of the Administration and applicants for disaster assistance. The system shall ensure that whenever an applicant for disaster assistance communicates with such personnel on a matter relating to the application, the following information is recorded:

"(1) The method of communication.

"(2) The date of communication.

"(3) The identity of the personnel.

"(4) A summary of the subject matter of the communication.

"(b) Follow-up Required.—The Administrator shall ensure that an applicant for disaster assistance receives, by telephone, mail, or electronic mail, follow-up communications from the Administration at all critical stages of the application process, including the following:

"(1) When the Administration determines that additional information or documentation is required to process the application.

"(2) When the Administration determines whether to approve or deny the loan.

"(3) When the primary contact person managing the loan application has changed.".

SEC. 203. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

The Small Business Act is amended by inserting after section 43 (as added by section 202) the following:

"SEC. 44. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

"(a) Program Required.—The Administrator shall carry out a program, to be known as the Immediate Disaster Assistance program, under which the Administration participates on a deferred (guaranteed) basis in 85 percent of the balance of the financing outstanding at the time of disbursement of the loan if such balance is less than or equal to $25,000 for businesses affected by a disaster.

"(b) Eligibility Requirement.—To receive a loan guaranteed under subsection (a), the applicant must also apply for, and meet basic eligibility standards for, a loan under section 7(b).

"(c) Use of Proceeds.—A person who receives a loan under section 7(b) must use the proceeds of that loan to repay all loans guaranteed under subsection (a), if any, before using the proceeds for any other purpose.

"(d) Approval or Disapproval.—The Administrator shall ensure that each applicant for a loan under the program receives a decision approving or disapproving of the application within 36 hours after the Administration receives the application.".

SEC. 204. INCREASED DEFERMENT PERIOD.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (e) (as added by section 201(b)) the following:

"(f) Additional Requirements for 7(b) Loans.—

"(1) Increased deferment authorized.—

"(A) In general.—In making loans under section 7(b), the Administrator may provide, to the person receiving the loan, an option to defer repayment on the loan.

"(B) Period.—A deferment under subparagraph (A) may not exceed 4 years.".

SEC. 205. REVISED REPAYMENT TERMS.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended in subsection (f) by adding after paragraph (1) (as added by section 204) the following:

"(2) Revised repayment terms.—In making loans under section 7(b), the Administrator—

"(A) shall not require repayment to be made until 12 months after the date on which the final disbursement of approved amounts is made; and

"(B) shall calculate the amount of repayment based solely on the amounts disbursed.".

SEC. 206. REVISED DISBURSEMENT PROCESS.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended in subsection (f) by adding after paragraph (2) (as added by section 205) the following:

"(3) Revised disbursement process.—In making loans under section 7(b), the Administrator shall disburse the loan amounts in stages as follows:

"(A) Loans up to $150,000.—If the total amount approved is less than or equal to $150,000—

"(i) the first disbursement shall consist of 40 percent of the total loan amount, or a lesser percentage of the total loan amount if the Administrator and the borrower agree on such a lesser percentage;

"(ii) the second disbursement shall consist of 50 percent of the amounts that remain after the first disbursement, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first half of the first disbursement; and

"(iii) the third disbursement shall consist of the amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and the first half of the second disbursement.

"(B) LOANS FROM $150,000 TO $500,000.—If the total amount approved is more than $150,000 but less than or equal to $500,000—

"(i) the first disbursement shall consist of 20 percent of the total loan amount, or a lesser percentage if the Administrator and the borrower agree on such a lesser percentage;

"(ii) the second disbursement shall consist of 30 percent of the total loan amount remaining after the first disbursement, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first half of the first disbursement;

"(iii) the third disbursement shall consist of 25 percent of the total loan amount remaining after the first and second disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and the first half of the second disbursement; and

"(iv) the fourth disbursement shall consist of the amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first and second disbursements and the first half of the third disbursement.

"(C) LOANS GREATER THAN $500,000.—If the total amount approved is more than $500,000—

"(i) the first disbursement shall consist of at least $100,000, or a lesser amount if the Administrator and the borrower agree on such a lesser amount; and

"(ii) the number of disbursements after the first, and the amount of each such disbursement, shall be in the discretion of the Administrator, but the amount of each such disbursement shall be not less than $100,000.".

SEC. 207. REVISED COLLATERAL REQUIREMENTS.

Section 7 of the Small Business Act is amended in subsection (f) by adding after paragraph (3) (as added by section 206) the following:

"(4) REVISED COLLATERAL REQUIREMENTS.—In making a business loan under section 7(b), the total approved amount of which is less than or equal to $100,000, the Administrator shall not require the borrower to use the borrower's home as collateral.".

SEC. 208. ENHANCED LENDING AUTHORITY FOR PRIVATE LENDERS.

The Small Business Act is amended by inserting after section 44 (as added by section 203) the following:

"SEC. 45. ENHANCED LENDING AUTHORITY FOR PRIVATE LENDERS.

"(a) PROGRAM AUTHORIZED.—The Administrator may, and during a period specified in subsection (b) shall, carry out a program under which the Administrator permits banks and other financial institutions to process, approve, close, and service disaster loans under section 7(b) for a fee not to exceed 2 percent of the total loan amount.

"(b) PERIODS DURING WHICH PROGRAM IS REQUIRED.—The program under subsection (a) is required to be carried out during the following periods:

"(1) Any period of an incident of national significance (as declared by the President or his designee).

"(2) Any period during which the average time for the Administration to approve disaster loans in response to any single disaster is 30 days or more.

"(c) EXCLUSION OF LENDERS.—If the number or rate of defaults on loans processed, approved, and closed by a lender under the program under subsection (a) are inordinate, as determined by the Administrator, the Administrator may do any one or more of the following:

"(1) Exclude the lender from participating in the program under subsection (a).

"(2) Exclude the lender from participating in the Preferred Lenders Program under section 7(a)(2)(C)(ii).

"(d) FACTOR IN PREFERRED LENDERS PROGRAM.—In determining whether a lender is to be certified or recertified to participate in the Preferred Lenders Program under section 7(a)(2)(C)(ii), the Administrator may consider as a factor the following:

"(1) The loans processed, approved, and closed by the lender under the program under subsection (a).

"(2) The participation or non-participation of the lender in the program under subsection (a).".

SEC. 209. DISASTER PROCESSING REDUNDANCY.

The Small Business Act is amended by inserting after section 45 (as added by section 208) the following:

"SEC. 46. DISASTER PROCESSING REDUNDANCY.

"(a) IN GENERAL.—The Administrator shall ensure that the Administration has in place a facility for disaster loan processing that, whenever the Administration's primary facility for disaster loan processing becomes unavailable, is able to take over all disaster loan processing from that primary facility within 2 days.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.".

SEC. 210. GRANT PROGRAM.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) GRANTS TO DISASTER-AFFECTED SMALL BUSINESSES.—

"(A) IN GENERAL.—The Administrator may make a grant of up to $100,000 to a small business concern that—

"(i) was located in a designated disaster area affected by disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10233, and was located in a county or parish that, as a result of Hurricanes Katrina, Rita, or Wilma of 2005, experienced a loss of at least 100 housing units, experienced a loss of at least 1 percent of available housing stock, and required Federal infrastructure assistance of a least $200,000;

"(ii) submits to the Administrator a certification by the owner of the concern of intent to reestablish the concern in the same county or parish in which the business was originally located, or in any other county or parish described in clause (i);

"(iii) has applied for, and was rejected for, a conventional disaster assistance loan under section 7(b); and

"(iv) was in existence for at least 2 years before the date on which the applicable disaster declaration was made.

"(B) PRIORITY.—In making grants under this paragraph, the Administrator shall give priority to a small business concern that the Administrator determines is economically viable but unable to meet short-term financial obligations.

"(C) DEFINITION.—In this paragraph, the term 'disaster-affected area' means an area that has been designated by the Administrator as a disaster area.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this paragraph such funds as may be necessary.".

SEC. 211. HURRICANE ASSISTANCE REPLACEMENT GRANT PROGRAM.

(a) PROGRAM · ESTABLISHED.—The Administrator may carry out a program under which the Administrator may, in the Administrator's discretion, make grants to individuals who—

(1) are victims of a disaster under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 01205, 10206, 10222, or 10223; and

(2) receive (whether before, on, or after the date of the enactment of this Act) 7(b) disaster assistance because of that disaster.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(c) ELIGIBILITY.—An individual is eligible to receive a grant under this section only if the individual—

(1) receives benefits (other than the 7(b) disaster assistance) because of the disaster; and

(2) is required to remit those benefits to the Small Business Administration because of a duplication of benefits.

(d) AMOUNT.—The amount of a grant under this section to an individual shall not exceed the amount of the benefits required to be remitted by the individual, as described in subsection (c).

(e) TIME.—The Administrator shall ensure that, to the maximum extent practicable, a grant made under this section is made—

(1) concurrent with the Administration's receipt of the remittance, if the remittance is made after the date of the enactment of this Act; and

(2) as soon as possible after the Administration's receipt of the remittance, in all other cases.

(f) TREATMENT OF GRANTS.—Grants made under this section shall not be considered a duplication of benefits by the Administrator.

(g) DEFINITIONS.—In this section:

(1) The term "Administrator" means the Administrator of the Small Business Administration.

(2) The term "7(b) disaster assistance" means assistance under paragraph (1) or (2) of section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)).

SEC. 212. INCREASE LEGISLATIVE LIMIT.

Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking "$1,500,000" and inserting "$3,000,000" both places such term appears.

SEC. 213. NET EARNINGS CLAUSES PROHIBITED.

Section 7 of the Small Business Act is amended in subsection (f) by adding after paragraph (4) (as added by section 207) the following:

"(5) NET EARNINGS CLAUSES PROHIBITED.—In making loans under section 7(b), the Administrator shall not require the borrower to pay any non-amortized amount for the first 5 years after repayment begins.".

SEC. 214. ECONOMIC INJURY DISASTER LOANS TO NONPROFITS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended in subsection (b)(2)—

(1) in the matter preceding subparagraph (A)—

(A) by inserting after "small business concern" the following: ", private nonprofit organization,"; and

(B) by inserting after "the concern" the following: ", organization,"; and

(2) in subparagraph (D) by inserting after "small business concerns" the following: ", private nonprofit organizations,".

(b) CONFORMING AMENDMENT.—Such section is further amended in subsection (c)(5)(C) by inserting after "business" the following: ", organization,".

SEC. 215. APPLICANTS THAT WILL CONSTITUTE A MAJOR SOURCE OF EMPLOYMENT DUE TO CHANGED ECONOMIC CIRCUMSTANCES.

Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by inserting after "constitutes" the following: ", or will due to changed economic circumstances constitute,".

SEC. 216. PRELIMINARY APPLICATION PROCESS FOR ASSISTANCE FOR SMALL BUSINESS CONCERNS WITH ESSENTIAL EMPLOYEES ORDERED TO SERVE ON ACTIVE DUTY IN THE ARMED FORCES.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking "90 days" and inserting "1 year"; and

(B) by adding at the end the following: "The Administrator may, when appropriate (as determined by the Administrator), waive the ending date specified in the preceding sentence and provide a later ending date."; and

(2) by adding at the end the following new subparagraph:

"(G) The Administrator shall establish a process under which a small business concern described in subparagraph (B) may file a preliminary application for assistance under this paragraph, accompanied by supporting documentation, before the date on which the essential employee is ordered to active duty. The Administrator may not actively consider such an application or provide assistance to the small business concern based on such an application until the date on which the essential employee is ordered to active duty.".

SEC. 217. ECONOMIC INJURY DISASTER LOANS IN CASES OF ICE STORMS AND BLIZZARDS.

Section 3(k)(2) of the Small Business Act (15 U.S.C. 632(k)(2)) is amended—

(1) in subparagraph (A) by striking "and";

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) ice storms and blizzards.".

SEC. 218. REPORT REGARDING LACK OF SNOWFALL.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Small Business Administration shall conduct a study of, and submit a report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate that describes—

(1) the ability of the Administrator to provide loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns that depend on high snowfall amounts and sustain economic injury (as described under that section) due to a lack of snowfall;

(2) the criteria the Administrator would use to determine whether to provide a loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to a small business concern that has been adversely affected by a lack of snowfall;

(3) other Federal assistance (including loans) available to small business concerns that are adversely affected by a lack of snowfall; and

(4) the history relating to providing loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns that have been adversely affected by a lack of snowfall.

TITLE III—OVERSIGHT

SEC. 301. REPORTS ON DISASTER ASSISTANCE.

The Small Business Act is amended by inserting after section 46 (as added by section 209) the following:

"SEC. 47. REPORTS ON DISASTER ASSISTANCE.

"(a) ANNUAL REPORT REQUIRED.—Not later than 45 days after the end of a fiscal year, the Administrator shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives a report on the disaster assistance operations of the Administration for that fiscal year. The report shall—

"(1) specify the number of Administration personnel involved in such operations;

"(2) describe any material changes to those operations, such as changes to technologies used or to personnel responsibilities;

"(3) describe and assess the effectiveness of the Administration in responding to disasters during that fiscal year, including a description of the number and amounts of loans made for damage and for economic injury; and

"(4) describe the plans of the Administration for preparing to respond to disasters during the next fiscal year.

"(b) INCIDENTS OF NATIONAL SIGNIFICANCE.—During the period of an incident of national significance (as declared by the President or his designee), the Administrator shall, on a monthly basis, submit to the committees specified in subsection (a) a report on the disaster assistance operations of the Administration with respect to that incident of national significance. The report shall specify—

"(1) the number of applications distributed;

"(2) the number of applications received;

"(3) the average time for the Administration to approve or disapprove an application;

"(4) the amount of disaster loans approved;

"(5) the average time for initial disbursement of loan proceeds; and

"(6) the amount of disaster loan proceeds disbursed.".

The CHAIRMAN. No further amendment to the committee amendment is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CHABOT

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110–97.

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CHABOT:

Strike section 211.

□ 1510

The CHAIRMAN. Pursuant to House Resolution 302, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

This amendment is really rather simple. It just strikes section 211 of the bill as amended by the manager's amendment. Even though the manager's amendment addresses the direct cost provision of the original section as determined by the CBO score, section 211 still is fraught with one major problem. And that is that it allows double compensation for the same injury or destruction or problem that the person had.

As I understand section 211 in the manager's amendment, here is how that provision operates: For example, a homeowner applies for a physical disaster loan from the SBA for, say, $100,000. The homeowner then receives a grant from the State for $50,000 for the same destruction. Under existing law, the homeowner would have to immediately pay back $50,000 of the SBA loan because the SBA loan only covers amounts not otherwise compensated for through some other financial resource. Typically, that is insurance, but it does not have to be. Section 211 does not change the requirement that the homeowner would have to pay down the $50,000 in the disaster loan. Instead, section 211 would then allow the homeowner to apply for a grant from the SBA to replace the same amount of money that they had just paid to the SBA to reduce their loan.

Now you are probably asking yourself why go through this convoluted process. Well, this is the only way for the majority to obtain a program that does not require direct spending, and therefore, it gets around the PAYGO problem. But even though this is an improvement over the bill as reported out of the committee because it has no direct spending and therefore is in compliance with PAYGO, it remains fundamentally flawed.

The disaster loan program is just that: the Federal Government's program designed to provide redress to those homeowners and small businesses injured in a disaster. And it is important to note that the vast majority of loan recipients, both businesses and homeowners, receive loans at heavily subsidized interest rates of 3 or 4 percent interest. It is not a grant program and was never designed to be a grant program. The interest rate subsidy, a 30-year term, and the SBA's authority to suspend payment on principal and interest constitute the compensation needed to rebuild many areas, from Chatsworth in California to Homestead in Florida.

Now, section 211 of H.R. 1361 has the recipient of a disaster loan obtaining a grant from a source other than the SBA, using that money to pay off all or a portion of the SBA disaster loan, and then apply to the SBA for a grant to replace the grant money that the recipient of the disaster loan just paid the SBA. And, again, I know this sounds very convoluted. In essence, there is a determination that double compensation is needed because the rather robust compensation already included in the Small Business Act and sufficient for other disasters is insufficient compensation. It is also important to note that, for victims of Hurricane Katrina, there are billions of other dollars that have been made available to assist these victims on an ad hoc basis, yet it is never enough. And this bill indicates that.

Now comes section 211 of H.R. 1361 in a clear effort to ensure that victims of Hurricanes Katrina, Wilma and Rita receive double compensation. This raises two distinct questions. First, why do victims of these three hurricanes get special treatment of double compensation, and why should not other disaster victims get double compensation? Yes, Katrina was a tragedy, but so were Hurricane Andrew and Hurricane Charley and the attacks of September 11, for example. This seems incredibly arbitrary to select only those three disasters for something as unusual as double compensation.

Second and far more important is the concept, as I indicated, of double compensation. It has been a longstanding tradition of American jurisprudence that a party shall not receive double compensation for the same injury. That concept is codified in the disaster loan provisions of the Small Business Act by prohibiting the SBA from issuing a loan for amounts already compensated for by insurance or other means. Thus under current law, a disaster loan applicant cannot get an insurance claim for $100,000 for a $100,000 loss and also get an SBA disaster loan for the same amount of money.

Mr. Chairman, I ask that Members support this amendment. It is fiscally responsible and continues to recognize that individuals should not be granted double compensation.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. Mr. Chairman, for the overwhelming majority of disaster victims, the problem wasn't that the Federal Government gave them too much assistance but that they weren't provided with enough. We heard from disaster victims about how the Federal Government was its own worst enemy, giving money to victims on the one hand through state-administered grant programs, then taking it away.

The prohibition on "duplication of benefits" was originally established to prevent disaster victims from double dipping. But this can only happen if assistance is given out in the first place. Many disaster victims have been waiting for 18 months and are still waiting today.

H.R. 1361 gives the SBA the flexibility to break from its overly rigid statutory prohibition. Most importantly, however, this provision has been narrowly tailored to ensure that it will only apply for victims of the 2005 hurricanes. It does not carry forward to future disasters and will only be implemented if the administrator feels it is necessary. It is not a requirement.

This amendment will strike that flexibility from the legislation, leaving disaster victims subject to the unworkable standards that currently exist in the statute.

Mr. Chairman, I now yield 1 minute to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Chairman, I thank the gentlewoman for yielding.

The flaw in Mr. CHABOT's argument and in this amendment is that the present statute automatically assumes in every instance where one receives a grant and a loan that there is double dipping. That is just not true. In the case where there is double dipping that is true double dipping, this bill permits the administrator to make a decision about that and to prevent it. In a case where there has been an insurance award, one would assume the SBA would not make a disaster loan award if there is sufficient insurance. Only in a case where the insurance isn't sufficient will we assume that the loan would be justified.

So fundamentally here what we are doing is taking away the automatic assumption that is built into this law that, every time you receive a payment of this or that nature, it is a double dip. We remove that notion from the statute and put in place a more reasonable and commonsensical one and one that gives the administrator flexibility where he determines whether or not a double dip may take place. If it doesn't, then he permits the victim of the storm to receive the award. If it is, then, of course, he denies it.

So I think there is no danger here of double dipping in this bill. None of us agree to double dipping in this bill.

Ms. VELÁZQUEZ. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I thank the gentlewoman for yielding time.

I wish to express concern about the operative effects of the gentleman's amendment. For many outside the storm impact area, you would not have an understanding of how processes work. But if you were eligible under the Road Home program, that was the federally funded program to assist people to return to their homes, the maximum allowable money that you could receive regardless of your circumstance was $150,000. But under current rule, if you are eligible for $150,000 and you, for example, had purchased Federal flood insurance in the amount of $150,000 and got paid $150,000 pursuant to the flood insurance premium, you would get nothing out of the Road Home program. Because of that inequitable application of benefits, this House has already voted to eliminate the duplication of benefits in the flood insurance area.

Now what is being suggested by the underlying bill is we should do the same thing with regard to an SBA loan. The argument here is even more persuasive. The person may have entered into the SBA obligation far in advance of the onslaught of Katrina. It might be several hundred thousand dollars of loans that were made available to this individual through the SBA.

□ 1520

Under the current rule, any assistance that might be offered to that homeowner who happened to have the SBA loan would all go back to repaying the SBA obligation.

So get the picture. The Federal Government puts a stamp on the check, drops it in the mailbox and sends it to the house. But before it gets there, another Federal agent picks it up and hauls it over and deposits it at the SBA. Do you see where the hole is in this argument? No money at all gets to the affected individual.

So what the bill now provides is that without increasing the overall expenditure, the money made available to assist people via Katrina and Rita has been appropriated by the Congress. It is over, that is it. We are talking about available resources, not new dollars.

Secondly, once the money gets to the individual, the individual is still capped by the rules of the Road Home program, and that is, there shall be no enrichment above that $150,000 level. This is a reasonable proposal. It will enable people to recover appropriately from the disaster which is so overwhelming.

I suggest if any still have doubt whether this level of assistance is required and justifiable, walk the streets of New Orleans, as I did this past weekend. Sure, the business district and the French Quarter look terrific. The shops are empty, the restaurants aren't full and people are not coming back. But get out into the neighborhoods where the devastation still exists. We need this help, and we need it now.

Mr. CHABOT. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri (Mr. AKIN).

The CHAIRMAN. The gentleman from Missouri is recognized for 15 seconds.

Mr. AKIN. Mr. Chairman, our concern, and this could have been clarified, but the majority party has chosen not to clarify it, our problem is the question about the fact that somebody could be compensated multiple times for the same damage. That just is plain old double dipping. That is something that could have been simplified with an amendment.

So I oppose the bill.

The CHAIRMAN. All time for debate having expired, the question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110-97.

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CHABOT:
Strike section 210.

The CHAIRMAN. Pursuant to House Resolution 302, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very straightforward. It strikes section 210 of the bill. Section 210 authorizes the administrator to issue grants of up to $100,000 to small businesses located in areas affected by Hurricanes Katrina, Rita and Wilma, but only if the business was denied a disaster loan by the SBA.

This is really, in my view, the height of fiscal irresponsibility. The SBA's determination of whether to grant a disaster loan is based on its determination of reasonable assurance that you can repay your loan, which is a direct quote from the SBA's rules found in the Code of Federal Regulations. Thus, if the SBA has denied a business a disaster loan, it already has determined that it is unlikely, for whatever reason, to repay the loan. In other words, its capacity as a viable business is seriously called into question.

Section 210 provides that despite this determination, the Federal Government should create a grant program of up to $100,000 to help small businesses whose survivability was highly improbable to survive in the first place.

Again, the SBA has indicated that they don't think this business is viable, that it is going to survive, and then we are going to turn around and give them up to $100,000. It is just not fiscally responsible.

To fully fund all of those eligible, CBO estimates that the costs could be up to $180 million. I want to repeat that: $180 million we are talking about here. This seems again fiscally irresponsible, to fund grants when the SBA already has determined that the businesses are not likely to survive.

It also remains unclear whether the grants will be sufficient to satisfy the needs of small businesses. How many will be able to survive on a grant of $100,000 if they could not repay a disaster loan of that amount? CBO did not answer that question, but I suspect very few of these businesses will survive.

Although the provision is written to include all small businesses affected by Hurricanes Katrina, Rita and Wilma, there are limitations on which businesses can apply based on the amount of housing stock in a county or parish that is damaged. It is highly likely that only small businesses in Louisiana will qualify. Was this done to reduce costs? If so, why are only Louisiana businesses favored? Were not many small businesses throughout the region devastated by these hurricanes? It seems patently unfair to single out certain businesses for a very generous grant program.

Mr. Chairman, I ask that Members support this amendment. To do otherwise, in my view, is just not a fiscally responsible stand to take. Again, every Member has to stand according to their own vote, and I am sure we will determine this based upon what they consider to be its merits.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will eliminate an important tool for helping otherwise viable businesses rebuild. These businesses need financial assistance that the disaster loan program cannot provide.

The committee has heard victims and experts testify that the SBA's current disaster loan program has been inadequate to help. Largely, this has been the result of pursuing a one-size-fits-all approach to SBA disaster assistance. If the SBA is to be successful in responding to catastrophic disasters, the agency must have tools that are more responsive to victims' needs. The limited grant program in this bill will provide SBA with the authority to help the most severely affected small businesses damaged by Hurricanes Katrina, Rita and Wilma.

This has been very narrowly tailored to ensure that grants only go to businesses located in communities most in need. Only a small number of businesses are expected to meet the requirements for one of these grants. If the administrator feels that grants are inappropriate, he will not need to exercise this authority. Furthermore, this program will not be carried forward to future disasters.

This is an extraordinary tool to address an extraordinary situation, and this is a leading reason why this measure enjoys bipartisan support.

I urge opposition to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Chairman, I thank the chairwoman for yielding.

Mr. Chairman, this bill has the potential to help thousands of small businesses and business owners still struggling to recover from these hurricanes that devastated the U.S. gulf coast.

I rise today in opposition to this amendment. After surviving Hurricanes Katrina and Rita, two of the worst natural disasters in our country's history, the citizens of the gulf coast were then faced with a man-made disaster, one of the most disorganized, chaotic Federal responses that anyone has ever seen. Many of the Federal agencies that were created to help these people recover wound up making matters worse. One of these agencies was the SBA.

After these storms, 81,000 businesses were economically impacted. Over 18,000 were completely or severely destroyed. Astonishingly, however, following these hurricanes, only 38 percent of small business disaster loans were approved. In hearings, the SBA admitted that after "typical" disasters, they approved 60 percent of these business loans. After Katrina and Rita, conversely, over 60 percent did not receive SBA assistance and were left with nowhere to turn for help.

One of the many reasons that the SBA failed the people of the gulf coast was because it did not have the proper tools nor the flexibility it needed to sufficiently and adequately address the demands caused by the extraordinary storms. These were unprecedented natural disasters and they called for unprecedented response. This was not a one-size-fits-all storm, as my colleagues on the other side of the aisle seem to perceive.

□ 1530

In the resourceful, self-sufficient economy of south Louisiana and Mississippi, small businesses are the lifeblood of the local economy. Many of these mom-and-pop shops are homegrown and family-run businesses, such as those in the shrimping industry in south Louisiana and Mississippi that do not fit the traditional mold of current SBA loan qualifications. These are the businesses that are being denied assistance, yet these are the businesses that are the local economy's most critical assets. I am a fiscal conservative, but this policy is ridiculous. It's dooming the recovery to failure, and it's time that we correct it.

To these business owners, these grants are critical investment capital which will help them pay utilities, keep the lights on, rent to keep the doors open and new equipment expenses to continue to recover and grow despite the incredibly difficult business climate that continues to persist in this area. Without this grant program, these small businesses will remain too debt-burdened to take the next decisive step required to move from recovery to rebuilding.

I strongly urge my colleagues to oppose this amendment today. Help these small businesses along the gulf coast get back on their feet and help America be the proud Nation that it should be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. JINDAL

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110–97.

Mr. JINDAL. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. JINDAL:

Page 14, line 20, insert "(a) IN GENERAL.—"before "Section 7".

Page 15, after line 6, insert the following:

(b) RETROACTIVE APPLICATION VICTIMS OF HURRICANES KATRINA, RITA, AND WILMA.—

(1) IN GENERAL.—Section 7(f)(1) of the Small Business Act (as added by subsection (a)) applies retroactively to any loan under section 7(b) of that Act that was made—

(A) in response to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma of 2005; and

(B) for a small business located in a county or parish designated by the Administrator of the Small Business Administration as a disaster area by reason of such Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, as applicable.

(2) DISCLOSURE OF ACCRUED INTEREST.—Whenever the Administrator provides an option to defer repayment under paragraph (1), the Administrator shall disclose the accrued interest that must be paid under the option.

The CHAIRMAN. Pursuant to House Resolution 302, the gentleman from Louisiana (Mr. JINDAL) and a Member opposed each will control 5 minutes.

AMENDMENT, AS MODIFIED, OFFERED BY MR. JINDAL

Mr. JINDAL. Mr. Chairman, I ask unanimous consent to modify my amendment.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. JINDAL:

At the end of title II, insert the following:

SEC. 219. GULF COAST DISASTER LOAN REFINANCING PROGRAM.

(a) IN GENERAL.—The Administrator of the Small Business Administration may carry out a program to refinance Gulf Coast disaster loans.

(b) TERMS.—The terms of a Gulf Coast disaster loan refinanced under the program shall be identical to the terms of the original loan, except that the Administrator may provide an option to defer repayment on the loan. Such a deferment may not exceed 4 years after the date on which the initial disbursement under the original loan was made.

(c) AMOUNT.—The amount of a Gulf Coast disaster loan refinanced under the program shall not exceed the amount of the original loan.

(d) DISCLOSURE OF ACCRUED INTEREST.—Whenever the Administrator provides an option to defer repayment under subsection (b), the Administrator shall disclose the accrued interest that must be paid under the option.

(e) DEFINITION.—In this section, the term "Gulf Coast disaster loan" means a loan—

(1) made under section 7(b) of the Small Business Act;

(2) in response to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma of 2005; and

(3) for a small business located in a county or parish designated by the Administrator as a disaster area by reason of such Hurricane Katrina, Hurricane Rita, or Hurricane Wilma under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10223.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Mr. JINDAL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana.

Mr. JINDAL. I want to thank the chairwoman, and I want to thank Ranking Member CHABOT as well for their working together with me. I especially want to thank the committee for helping me with this legislation and for this underlying bill for all they are trying to do and all they are doing to help the small businesses in Louisiana recover from the 2005 hurricanes.

As my colleagues from Louisiana have already pointed out, prior to Hurricanes Katrina and Rita, there were an estimated 347,436 small businesses in Louisiana. These businesses created jobs and income for countless families all across the State. More than 65,000 of the new jobs in Louisiana in the past decade were created by small businesses, and in 2004, over 97 percent of the 96,000 Louisiana firms were small businesses. The devastation caused by the 2005 hurricanes is unprecedented, with total losses, both insured and uninsured, approaching $140 billion. According to the United States Chamber of Commerce, over 125,000 businesses were disrupted by Hurricanes Katrina and Rita in 2005. In Louisiana alone, over 81,000 small businesses were damaged or economically impacted, with 18,700 businesses catastrophically destroyed by the storms.

As one example, in St. Bernard Parish, one of the Louisiana parishes hardest hit by Hurricane Katrina, only 370 businesses have reopened, far below the total of 1,400 businesses in operation before Katrina. The Nation's small businesses are the backbone of our economy, and when they are devastated by storms like Katrina, Rita and Wilma, we need to do everything possible to help them rebuild and recover.

I am offering an amendment today that builds upon a provision in the underlying bill by providing Hurricanes Katrina, Rita and Wilma disaster victims with the option of receiving a 4-year deferment period to pay back their disaster loans. Section 204 of the underlying bill extends the deferment period to future disaster victims. My amendment simply applies this option to those severely affected by the 2005 hurricanes. These cash-strapped small businesses are truly in need of repayment flexibility.

My amendment allows the SBA to refinance the existing Katrina, Rita and Wilma disaster loans under identical loans, but with the added option of deferment of up to 4 years after the date on which the initial disbursement was made. This is a revised version of my original amendment that complies with all the budgetary and PAYGO rules.

By allowing small businesses that received certain small business loans to defer their repayment on those loans, we are freeing up money for these businesses to use for other purposes, such as rebuilding, expanding or continuing to hire new employees. The importance of small business as the gulf coast continues to rebuild cannot be overstated. It is critical that we help small businesses get up and running again and provide the job opportunities people so desperately need in these impacted areas.

I certainly urge my colleagues to support my amendment. Again, I want to thank the chairman and ranking member for their work on the underlying bill and their work with me on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

Ms. VELÁZQUEZ. While not opposed to the amendment, I ask unanimous consent to claim the time in opposition, and I am prepared to accept the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I want to thank the gentleman for offering this creative solution to a pressing problem. In our hearings, my committee heard testimony on how individuals affected by the 2005 hurricanes were victimized twice, once by the storm and a second time by the SBA.

The SBA routinely provides disaster victims with a 12-month deferment before requiring repayment on disaster loans. Following the 2005 gulf coast hurricanes, however, the SBA was plagued by lengthy delays and a massive backlog of loan disbursements that has taken months to clear. Now, many disaster victims are scheduled to begin repayment on loan amounts that have yet to be disbursed by the SBA. Clearly, this is an unfair and absurd result that we cannot permit to occur.

The amendment offered by the gentleman from Louisiana would provide the SBA with authority to help those victims who have been negatively affected by its delays in loan processing and disbursement. Most importantly, this amendment preserves the discretion of the administrator in deciding which situations should have an increased deferment period. This flexibility ensures that this program will only be applied in appropriate situations, and I support the amendment from the gentleman from Louisiana.

At this point, Mr. Chairman, I would like to yield to the gentleman from Louisiana (Mr. JEFFERSON) for any comments he may have.

Mr. JEFFERSON. I thank the gentlelady for yielding.

I also would like to thank the gentleman from Louisiana (Mr. JINDAL) for offering this amendment. If anyone has been to the gulf coast recently, particularly if anyone has been to New Orleans recently, you will see that there are still many businesses that are still shuttered from the storm that happened now going on close to 2 years, and they are not at all ready to begin repaying loan obligations. There are still many obstacles to their recovery. This rightly recognizes that the reality is that these businesses will take a long time to get themselves back together.

It is very important to understand one simple thing here. This is not just a call from the people of our State for humanitarian assistance in the wake of a natural disaster. The Corps has admitted that its negligence in constructing, maintaining and designing our levees is the major reason why our city drowned and why so many businesses were put out of business. And so there is a special responsibility, it seems to me, to make special rules to overcome these problems. I really appreciate this solution that is being offered here because I think it helps to address this extraordinary devastation we have caused in great respect by the action, or lack of action, the negligence, of an agency of our Federal Government.

I thank you for the amendment. I really urge the Members to support it.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JINDAL), as modified.

The amendment, as modified, was agreed to.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part B by Mr. CHABOT of Ohio.

Amendment No. 2 printed in part B by Mr. CHABOT of Ohio.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. CHABOT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 1 printed in part B of House Report 110–97 offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 246, not voting 14, as follows:

[Roll No. 222]

AYES—178

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuno
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—246

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey

Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Brady (PA)
Cantor
Cooper
Faleomavaega
Ferguson
Higgins
Jones (OH)
Lampson
Millender-McDonald
Sessions
Turner
Walsh (NY)
Westmoreland
Young (AK)

☐ 1605

Messrs. ELLISON, BRADY of Texas, OBEY, SKELTON, CLAY and RENZI changed their vote from "aye" to "no."

Messrs. RAMSTAD, BILIRAKIS, SHAYS and DENT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. TURNER. Mr. Chairman, on rollcall No. 222, the Chabot amendment No. 1 to H.R. 1361, I am not recorded. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 2 printed in part B of House Report 110-97 offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 252, not voting 12, as follows:

[Roll No. 223]

AYES—174

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—252

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—12

Bartlett (MD)
Brady (PA)
Cantor
Faleomavaega
Ferguson
Gohmert
Higgins
Jones (OH)
Lampson
Linder
Millender-McDonald
Walsh (NY)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1616

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. DAVIS of Alabama, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1361) to improve the disaster relief programs of the Small Business Administration, and for other purposes, pursuant to House Resolution 302, he reported the bill, as amended by that resolution, back to the House with a further amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCHENRY

Mr. MCHENRY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCHENRY. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McHenry moves to recommit the bill H.R. 1361 to the Committee on Small Business with instructions to report the same back to the House promptly with the following amendment:

At the end of title II of the bill, insert the following:

SEC. 219. PROHIBITION ON ASSISTANCE.

A person or small business concern shall not receive assistance under this Act or section 7(b) of the Small Business Act, as amended by this Act, if the person or small business concern pleaded nolo contendre to, or is convicted of, a felony, including, but not limited to, murder, kidnapping, or sexual assault under Federal or State law.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, there is nothing complicated about this motion to recommit today. It simply says that anyone who has pleaded no contest or has been found guilty of a felony cannot receive Federal funding under this bill.

I would urge my colleagues on the other side of the aisle to especially listen to the explanation of this motion to recommit, because some of them voted for a similar motion to recommit just weeks ago on this House floor.

This motion to recommit is very simple. It says that Federal funding cannot under this provision of this bill go to anyone who has been found guilty of a felony or has pleaded no contest. If you vote against this motion to recommit, you are saying to your constituents back home that you don't care if these Federal funds go to convicted murderers, rapists, or kidnappers for that matter.

☐ 1620

Mr. Speaker, the new Speaker of the House pledged to have the most ethical Congress in our Nation's history. If you vote for this motion to recommit, you are sending a message that you are willing to reward good behavior by supporting ethical oversight of taxpayer funds.

Let me be clear, Mr. Speaker. The RECOVER Act is another massive Democrat spending spree. That is why I am opposed to it. The Congressional Budget Office states that the Democrats' bill will cost the Federal taxpayers $562 million over the next 6 years. It makes government bigger while creating new programs, positions and offices. It expands the role of government in people's lives.

But I think we owe our taxpayers the common courtesy of saying these funds should not go to felons. And while I and many of my colleagues in the House are at odds with the Democrats' ideology of big government is good government, we all can agree that kidnappers should not receive Federal funds under this bill here today.

And in this motion to recommit, we fix this error in the Democrats' drawing up of this bill; this omission that the Democrats have permitted to be in this bill here today before us.

I urge my colleagues on both sides of the aisle to support this motion to recommit and reassure your constituents you actually care where their taxpayer dollars are going.

And for those Democrats who voted for a similar motion to recommit on the Gulf Coast Hurricane Housing Recovery Act of 2007 just a few weeks ago, for those on the other side of the aisle, the 55 Democrats who voted for the motion to recommit on the Gulf Coast Hurricane Housing Recovery Act of 2007, they will recognize the language of this motion to recommit. It is very similar. It says, felons cannot receive these Federal funds. Felons, such as murderers, rapists, kidnappers, those are the type of people who would not be eligible for funds under this act, and I encourage those same 55 Democrats to cross the aisle and work in a bipartisan way to fix a Democrat mistake.

Mr. Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. What amazes me is if the gentleman from North Carolina is so concerned about this legislation, where were you when the Small Business Committee was considering this legislation? We had a number of Members who do not sit on the Small Business Committee come before our committee to discuss issues related to the disaster loan legislation. Where were you?

And let me say more. Let me say more. If you had come before our committee, you would have learned that what this motion to recommit does is to reinstate policies that the SBA already does. This amendment merely restates what the Small Business Administration does and could actually have the opposite effect and allow more individuals with questionable character to get SBA disaster loans.

The Small Business Administration already has a standard operating procedure that provides that no loans shall be made to individuals of low character. The SBA rules and regulations provide that individuals with criminal records and arrest records or who are on probation are considered to be in that category. Simply put, this means that felons are not able to get SBA loans.

I will also note that adopting this motion will for all intents and purposes kill the bill, meaning a little over 1 month before hurricane season, the Federal Government will not have a plan to respond to disasters. Disaster victims will be trapped in the bureaucracy between FEMA and SBA. Small businesses impacted by disasters will continue to struggle with backlogs that could extend up to 3 months. New programs to leverage the private sector to assist entrepreneurs in days not months will not be available. Economic recovery in the gulf will lag as much-needed assistance continues to be denied.

What this motion to recommit is is a cheap political ploy to kill this legislation that is so much needed.

Mr. Speaker, I yield 30 seconds to the majority leader, Mr. STENY HOYER.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding.

As she has said, this is the law. This is another attempt, another opportunity not to substantively legislate because this is already the law. This is an effort to kill this bill indirectly and without telling the public that that is what you are doing.

I am asking all of our Members to vote "no" on this. This is simply a procedural motion to kill this bill. If they wanted to add a substantive amendment, they could have done it. This was a modified open rule. All they had to do was file and notice it.

So I ask all of my colleagues, we are not going to go down this road and play this political game. We want to substantively legislate. We are going to vote "no" on this motion.

Ms. VELÁZQUEZ. Mr. Speaker, I yield the balance of my time to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Speaker, here we go again.

We had a similar motion to recommit, the gentleman is right, 2 or 3 weeks ago, and 50 people fell for it. They fell for it because it came to the floor just minutes before we had to vote, and it sounded like people such as myself would condone felons getting loans, when the law already prevents that.

For God's sake, the people in the gulf coast of the United States have suffered enough. And now we want to take away or at least put some procedures in this just to screw with them some more. Let's vote this bill straight up and down. Let's kill this motion to recommit. It is a fallacy. It is fake. It is there just to disrupt. The people of this country and the people of the gulf coast need your help. Support the bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McHENRY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 1361, if ordered, motion to suspend the rules and agree to H. Res. 293, and motion to suspend the rules and agree to H. Res. 300.

The vote was taken by electronic device, and there were—ayes 204, noes 218, not voting 11, as follows:

[Roll No. 224]

AYES—204

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Brady (PA)
Cantor
Ferguson
Higgins
Jones (OH)
Lampson
Marshall
Millender-McDonald
Ryan (WI)
Space
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1647

Mr. McNERNEY changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. VELÁZQUEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The Chair would announce that the two postponed suspension votes following this vote will be taken in the following order:

House Resolution 300; and

House Resolution 293.

The vote was taken by electronic device, and there were—ayes 267, noes 158, not voting 8, as follows:

[Roll No. 225]

AYES—267

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan

Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—158

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Goode
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—8

Brady (PA)
Cantor
Ferguson
Higgins
Jones (OH)
Lampson
Millender-McDonald
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEINER) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1655

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE OBSERVED IN MEMORY OF THE HONORABLE JIM JONTZ, FORMER MEMBER OF CONGRESS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, I was just informed by my good friend, Mr. VISCLOSKY, that one of our former colleagues, Jim Jontz, died last Saturday. He was a Member of the other party, but he was a very fine man. He had been a State senator and a leader in Indiana for a long, long time.

We want to wish his mother and his family condolences, because he was one of the nice guys from Indiana.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman making the announcement. I think Jim would want to be remembered as someone who was dogged on behalf of working people and the environment.

I appreciate the dean of our delegation asking for this moment of silence, and, again, deeply regret the loss of Jim Jontz.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

COMMENDING THE ACHIEVEMENTS OF THE RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 300, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 300.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, answered "present" 2, not voting 15, as follows:

[Roll No. 226]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave

Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

King (IA)
Linder

NOT VOTING—15

Brady (PA)
Cantor
Conyers
Ferguson
Gordon
Hall (NY)
Higgins
Hunter
Jones (OH)
Lampson
McDermott
Millender-McDonald
Miller (MI)
Walsh (NY)
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded they have 2 minutes remaining to vote.

□ 1705

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, on rollcall No. 226, I was talking with the Taiwanese Delegation and missed the vote. Had I been present, I would have voted "yea."

Mr. HALL of New York. Mr. Speaker, on rollcall No. 226, had I been present, I would have voted "yea."

SUPPORTING THE GOALS AND IDEALS HIGHLIGHTED THROUGH NATIONAL VOLUNTEER WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 293, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 293.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 227]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Brady (PA)
Brady (TX)
Cantor
Feeney
Ferguson
Goode
Gordon
Higgins
Hunter
Johnson, E. B.
Jones (OH)
Lampson
Meek (FL)
Millender-McDonald
Miller (MI)
Murtha
Olver
Price (NC)
Rangel
Skelton
Walsh (NY)
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1712

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall No. 227, I missed voting because of a visit to the doctor's office. Had I been present, I would have voted "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1361, RELIEF FOR ENTREPRENEURS: COORDINATION OF OBJECTIVES AND VALUES FOR EFFECTIVE RECOVERY ACT OF 2007

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical, clerical and conforming corrections in the engrossment of the bill, H.R. 1361.

The SPEAKER pro tempore (Mr. DOYLE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks on H.R. 1361.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1905, DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT, AND FOR CONSIDERATION OF H.R. 1906, ESTIMATED TAX PAYMENT SAFE HARBOR ADJUSTMENT

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–98) on the resolution (H. Res. 317) providing for consideration of the bill (H.R. 1905) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes and providing for consideration of the bill (H.R. 1906) to amend the Internal Revenue Code of 1986 to adjust the estimated tax payments safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 363, SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–99) on the resolution (H. Res. 318) providing for consideration of the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–100) on the resolution (H. Res. 319) providing for consideration of the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, today, on April 18, 2007, I could not be present for two votes because I had undergone emergency medical care. Had I been present, I would have voted "yes" on the motion on ordering the previous question on the rule for the Executive Compensation bill, also rollcall vote 219.

Secondly, had I been present, I would have voted "yes" on H. Res. 301, the rule providing for H.R. 1257, the Shareholder Vote on Executive Compensation Act, rollcall vote 220.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 362, 10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Mr. Speaker, the Rules Committee is expected to meet the week of April 23 to grant a rule which may structure the amendment process for floor consideration of H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 4 p.m. on Friday, April 20. Members are strongly advised to adhere to the notice of amendment deadline to ensure the amendments that they provide receive consideration.

Amendments should be drafted to the bill as reported by the Committee on Science and Technology. A copy of that bill is posted on the Web site of the Rules Committee. Amendments should be drafted by Legislative Counsel and should also be reviewed by the Office of the Parliamentarian to be sure that amendments comply with the rules of the House.

Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 106

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE DAVID LOEBSACK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Robert Sueppel, District Director, Office of the Honorable DAVID LOEBSACK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the District Court for Linn County, Iowa, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ROBERT SUEPPEL,
District Director,
Congressman Dave Loebsack.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Stephanie Butler, District Director, Office of the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washingon, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

STEPHANIE BUTLER,
District Director.

PERMITTING THE CLERK TO MAKE TECHNICAL CHANGES IN ENGROSSING PAPERS TO H.R. 1257, SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Clerk be permitted to make technical changes in the engrossing papers to conform to the Union Calendar print of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks on H.R. 1257, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 301 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1257.

□ 1720

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1257) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation, with Mr. WEINER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Illinois (Mr. ROSKAM) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1720

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

This is a bill to further the workings of the capitalist system of the United States. It has one very specific provision. It says that the shareholders, the owners of public corporations, will be allowed to vote every year in an advisory capacity on the compensation paid to their employees who run the companies.

Now, Mr. Chairman, some might think this is unnecessary. In a better world, it would be. But there is not now any clear-cut, uniform, legal right for the shareholders to get such a vote. Some corporations allow it, some do not. Some boards of directors allow it, some do not. In a recent case, the SEC ordered AT&T to allow such a vote, but it was because of certain circumstances. There is no general principle that allows it.

We do have, thanks to the Securities and Exchange Commission under our former colleague from California, Mr. Cox, a provision that I am sure many considered to be an intrusion into the private affairs of corporations, because without regard to the wishes of the corporations, the SEC under Chairman Cox has unanimously adopted rules that require corporations to put in the annual proxy form a chart of compensation for the top officials and an explanation of the theory of the compensation by which they are there.

Understand that this is a decision by the SEC to require corporations to do what they would not otherwise have done, because it only applies to those who haven't done it.

We add one simple fact here. The SEC has said that it does not have the power to go further and compel corporations to allow the owners to vote. Our bill simply does that. Our bill simply says, you will have on your proxy form, printed anyway, what the compensation figures are. There is no debate about how they will be presented. We require, if this bill passes, corporations simply to add to that a box that says "I approve/I disapprove," and you can check it as appropriate. And the sole expense to the corporation is the ink in printing "approve" or "disapprove," and the tallying along with the other tallying. There is no additional paper, there is no additional anything else.

We have had a situation in which people, including the President of the United States, have acknowledged that in some cases CEO compensation has become excessive. I believe that that is clearly the case. A study done by Professor Lucian Bebchuk at Harvard, unrefuted by the defenders of the current corporate compensation system, notes that the amount of corporate profits going to the salaries for the top three employees, the compensation to the top three employees has about doubled to the point where a year or so ago it was nearly 10 percent.

We are talking about real money. We are talking about money that goes to these top executives that could be used for other purposes. For example, when Mr. Nardelli of Home Depot received a $210 million good-bye kiss that had been written into his contract, when he was fired and given a $210 million consolation prize, Home Depot was at the same time announcing that they were putting $350 million into improving the stores. Well, suppose Mr. Nardelli had been sent out into the cold, hard world with only $50 million for the rest of his life. $160 million more would have been available to add to that $350 million for the stores, considerably more than a third. In other words, that was a real number. If $350 million can fix up the stores significantly, another $50 million or $75 million could have increased that by up to 50 percent.

The President himself has acknowledged that the compensation has gotten out of hand. But from the standpoint of the President, excessive CEO compensation, increased inequality in our economy, which is a part of this, global warming, they all have certain common elements; the President and some of his supporters have reluctantly acknowledged the reality of those things, having denied them for some time, but they appear to regard them as facts of nature that were neither caused by nor can be corrected by human action. We disagree with that.

Now, people have suggested that the salaries are too high and Congress should limit them. We reject that. This bill as we have presented it does not intrude into the process of setting compensation.

Mr. Chairman, some of the amendments offered would do that. There are amendments that would alter the effect of this, depending on the kind and amount of compensation. I think those are erroneous. I think some of my friends on the other side have become, in their zeal to defend corporate compensation levels, de facto, in a bad situation. They would be more intrusive.

All we say is this: The shareholders own the companies, and we believe the shareholders should be allowed to vote.

Now, some people have said that is up to the board of directors, why are you singling out compensation for the CEO? And there is a good reason. You can make arguments about corporate governance one way or the other. We are not going beyond one point here. The relationship between the CEOs and the boards of directors is very different than most of the relationships the boards of directors have. The CEOs and the boards of directors select each other. There is a lack of an arm's length situation there that we think makes it appropriate to single it out and let the shareholders vote.

It is only an advisory vote, that is true, and you will hear the contradictory argument that we are both too intrusive and not sufficiently intrusive into the affairs of the corporations. But we have more confidence in the boards of directors than some of our colleagues. Not completely, or we wouldn't have this bill. But we do not think boards of directors will likely disregard an advisory opinion from the shareholders and, therefore, we think that is an important input that the board should have. They have their ultimate responsibility, and maybe they will find some special circumstance that says, we can't follow in this case. The shareholders own the company, and we are simply giving them this right.

The last point is, and we have heard people say, well, you are interfering with the affairs of the corporation. Corporations do not exist in nature; they are the creations of positive legislative action. No corporation anywhere has powers except those that are given to it by a government, and governments tell the corporations what powers they have, what immunities they have, and what rules they follow. The SEC just intruded very deeply into the affairs of corporations by requiring the posting of the compensation.

We say that under current rules, including some State laws, and it varies from State to State, the shareholders don't have enough rights. And all we do here is empower the shareholders to vote on the compensation of the people who work for them.

The last dogma I would deal with is, well, how can the shareholders know that? It is extraordinary to me, Mr. Chairman, to listen to people who ordinarily are quite respectful of the wisdom of the market. And what is the market? The market is the people who buy the shares. Those are the people who make up the market. And apparently this group of people who are the shareholders are in most respects quite wise. But when it comes to deciding how much to pay the people who work for them, they get stupid, and this is somehow beyond their capacity.

We disagree with that. We think this is a moderate and temperate approach to the issue of runaway compensation, excessive compensation, not in every case, and in every case it wouldn't be used negatively.

I should have said one other thing. No one has shown any correlation between these outsized compensation examples and any metric of success. Indeed, too often they are metrics of failure because they are payoffs to get people to leave quietly.

So we hope that this bill will be adopted and that shareholders who own the companies will have the right to express their opinion to the boards of directors on the level of compensation for the top employees of the company.

Mr. Chairman, I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I yield myself such time as I may consume.

I rise, Mr. Chairman, in opposition to H.R. 1257. But first of all, I want to compliment the chairman and the ranking member who ran a very good process, had fruitful hearings, but nevertheless I think came up with a faulty product.

□ 1730

We all tend to sometimes argue in the alternative, picking and choosing those things that we want to focus on, and I find it ironic that the chairman has, in one way, this very, very high view of the marketplace and, in another way, demonstrates a fairly low view of the marketplace.

This is all about the level, Mr. Chairman, at which we choose to intervene. We saw the marketplace respond positively just a couple of weeks ago. Morgan Stanley, at their annual meeting, those shareholders decided not to take up this question of executive compensation. The same thing happened, Mr. Chairman, at the Bank of New York recently.

So what is the question before the House today? The question before the House is, when there is a difficult situation that comes forward, admittedly a difficult situation that the chairman recently called a fact of nature, and that is overly compensated executive employees, what does the House do? Does the House rush in?

I would suggest that the bill as presented currently is an overreaction. It is reaching in, and if we are going to be dabbling in this notion of executive compensation, Mr. Chairman, then I would suggest that we need to go all the way and try and take on other highly compensated employees.

What we will hear, I think, from the various speakers on our side of the aisle is trying to lay out a rationale, trying to lay out how we ought best to do this because I will tell you this. I think the great challenge before us as Members of the House is, how do we create the environment where people want to invest in our country, how do we create the environment where the best and the brightest among us want to go into public companies because I will suggest, Mr. Chairman, that the reaction of the past Congress or two on some of these things has unfortunately created an environment that is regulatorily very, very difficult, and it now creates among us the problem of people who say, look, it is simply not worth my time to go into a public company. I am one of the sharp ones; I am going to go into the private equities and so forth.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. SCOTT), one of the most active members of our committee and a man with significant business experience.

Mr. SCOTT of Georgia. Mr. Chairman, thank you very much.

Let me first start by commending our chairman for taking on this very important and timely issue. This is an issue that speaks to the issue of confidence in the American enterprise system. There is no more greater issue that we need to deal with, and I think what the major point that we need to emphasize here is that there is a problem, and obviously there is a terrific problem. There is a terrific problem on several layers.

Let me start with the first layer. First of all, we have a problem where we have a stretch of the differences between what the average worker is making in the American economy and this huge leap by multibillions of dollars by what CEOs are making. This is not an aberration. This is a fact in case after case.

Plus, on top of that, none of these performances for these huge CEO packages are done based upon performance. As a matter of fact, some of the most outrageous demonstrations of this have been corporate CEO packages that have rewarded companies with hundreds of millions of dollars in their packages for a lack of performance, even while their company has been going down, even while their company has been laying off people, even as they have turned their backs on their pension obligations to employees. No, this is not an aberration, and there is a hue and a cry from the American people across the American landscape that is saying something must be done.

Now, we are the people's representatives, and what the chairman has put forward, and I certainly appreciate the chairman for allowing me to have an opportunity to work with him on this, what we are putting forward here is basically a fair and moderate response, no overreaction.

We have taken the marketplace with its basic components. What is the most important attribute of our system? It is the free marketplace. And what is the most important part of that? It is the exchange of stock ownership. And who plays that most important role there? It is the investor. Once that investor begins to lose confidence, we are all in a world of trouble.

There is nothing in our bill that mandates a certain salary level, none of that. Our bill simply says: Let us let the system work. What is wrong with ending these egregious characteristics of what is happening in the marketplace as far as CEO packages is concerned? It begs for the shareholders who own the company to at least have a say, a nonbinding say.

We understand the fragility of what we are doing. We are doing this in a gingerly manner. But let me just state to you in closing that all of the studies, and there will be some amendments which will come forward, some wanting to study this issue, some saying let the SEC rules work out, but what the American people and what the investor and what the situation cries out for are two things: transparency and accountability. That is the hallmark of what we are doing. We are bringing accountability, and we are bringing transparency to what is clearly, from all of the media accounts, from all of the evidence presented to us is clear, and it is dangerous, and it is present. What we have and what we are responding to is something that is clearly a clear and present danger to the future and the heart of our free economic system.

Mr. ROSKAM. Mr. Chairman, I yield 5 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Illinois for yielding, and I thank you, Mr. Chairman.

I rise in opposition to H.R. 1257, the Shareholder Vote on Executive Compensation Act, which seeks to ensure that shareholders have a say in their company's executive compensation and disclosures.

Let me just say that I agree with both the speakers on the other side so far. There is a problem with CEO and other high-level compensation in the United States. I happen to disagree with the solution which is offered by this legislation. In fact, I would urge that this solution probably will not be a solution. I would like to go through that if I could.

In July 2006, the Securities and Exchange Commission, the SEC, adopted a package of rules designed to enhance the transparency of proxy compensation disclosure for CEOs, CFOs and the other three highest paid executive officers and directors, the first major reform since 1992. These new disclosure requirements are being implemented for the first time and are a major step forward in promoting transparency and arming shareholders with detailed information on how executives are being paid. Therefore, we are attempting to legislate in this area before there is any evidence to suggest that the current SEC robust disclosure requirements are not working.

The bill before us intends to prevent excessive executive compensation. Yet, at a Financial Services Committee hearing on March 8, all six witnesses agreed that a better way to prevent unmerited pay would be to require that publicly traded corporations adopt majority voting policies for the election of board members. At the present time, more than 150 stockholder proposals relating to majority voting have been filed, and more than half of the companies in the S&P 500 have some form of majority voting policy in place. Furthermore, company organization and structure is traditionally governed by State law, while Federal securities laws generally govern the disclosure of information to investors.

In my home State of Delaware, corporate laws are already providing shareholders with majority votes. Majority voting enables stockholders to more easily unseat directors they believe have made poor judgments. The law enables stockholders to focus on compensation committee members in particular if they so choose.

In addition, compensation for executives of publicly owned companies listed on the New York Stock Exchange is determined by a compensation committee that is composed of totally independent directors.

□ 1740

Clearly, the market and States are active in working in this area. H.R. 1257 intends to provide shareholders with an advisory vote on executive compensation. However, public company equity is overwhelmingly in the hands of intermediaries like retirement plans and mutual funds that manage the economic interests on behalf of others. Therefore, the actual shareholder is already two steps removed from the holders of the true economic interests in the company.

In addition, intermediaries often rely on advice, sellers like the Institutional Shareholder Services, ISS, when voting on company proxies. Consultants such as the ISS are often criticized for their particular biases and their lack of transparency in their decision-making.

It greatly worries me that this bill could set a precedent of giving activist institutional investors who may have their own political and social agendas unrelated to the financial wealth of the companies more influence.

This legislation presents a counterproductive change to an American approach to corporate governance that, while not perfect, has produced better results for stockholders than any other financial system in the world. I have an article written by Secretary Robert Reich about this, in which he, too, opposes the changes that are being proposed here.

He indicates, "House Democrats are now working on legislation to give shareholders the right to have more say over pay." And that is a growing consensus, but he says it is wrong. Shareholders won't constrain the growth of CEO pay because most shareholders don't care about it. The vast majority own their shares through mutual funds and pension funds and don't know which companies they are invested in at any given moment. Then he says later, "Depending on shareholders to rein in CEO pay is like relying on gamblers to rein in the owners of Las Vegas casinos."

That is my concern with this. While we have identified the problem, the solution which has been identified in this legislation is not the right solution. The SEC recently enacted substantial new disclosure requirements, as I indicated, governing executive compensation to ensure transparent compensation packages, and these requirements should be given time to take effect. Disclosure is a vital component of our financial system, which increases investor confidence, promotes market discipline, encourages fairness in the U.S. markets and enables more informed decision-making by investors.

I believe there are many unintended consequences associated with the legislation before us today. Therefore, I urge my colleagues on both sides of the aisle to join me in opposing this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I will yield myself 1½ minutes.

I congratulate the gentleman on the high art of selective quotation, because he quoted from former Secretary Reich. He left out the thrust of the article which was, he was against doing this because instead he thought we could change the Tax Code. In fact, that article is mostly an attack on the tax cuts which the gentleman from Delaware supported.

Secretary Reich's article is essentially, and I will submit it for the RECORD under our general leave, I was waiting for the gentleman to quote those parts of Mr. Reich's article in which he calls for significant increases on taxation of upper-income people. I have to say to my friend, it is only a partial quotation.

Mr. CASTLE. Reclaiming my time.

Mr. FRANK of Massachusetts. I am on my time. I gave myself a minute.

The CHAIRMAN. The time has expired for the gentleman from Delaware. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. I was frankly waiting, and I was disappointed, but that happens a lot in life, for the gentleman to get to the part of the article that he quoted selectively in which that article says what you really want to do is make the tax system more progressive. I suppose the gentleman didn't want to quote criticism of tax cuts that he voted for, but it did seem to me, if we are going to be quoting things, Mr. Reich said not that he was opposed to this as a bad idea, but that a much better way to do it would be to undo the tax cuts that the gentleman from Delaware supported at the upper brackets.

Mr. Chairman, I would ask to insert in the RECORD the article by Robert B. Reich.

[From The American Prospect, April 2007]

DON'T COUNT ON SHAREHOLDERS

(Robert B. Reich)

An acquaintance of mine sits on the board of a major company that just agreed to pay its CEO close to $10 million this year, including deferred compensation and stock options. I asked him how he and his board colleagues could possibly justify that kind of money. "No choice," he said. "That's what our competition is paying. It's the going rate." As Congress struggles to raise the minimum wage to $7.25 an hour, the going rate of CEO pay is now $5,000 an hour.

Polls show most Americans think this is obscene. But how to rein in CEO pay? A growing consensus believes the best way is to give shareholders more voice. New Securities and Exchange Commission rules require companies to inform shareholders in greater detail what their companies are paying top executives. In recent months, shareholder activists have submitted proposals to 60 companies seeking input on CEO pay. House Democrats are now working on legislation that would give shareholders the right to have more say over pay.

But the growing consensus is wrong: Shareholders won't constrain the growth of CEO pay, because most shareholders don't care about it. The vast majority own their shares through mutual funds and pension funds, and don't even know which companies they're invested in at any given moment. Their only concern is maximizing the return on their total portfolios. They keep the pressure on fund managers to do this by moving their savings from funds that underperform to those that show better overall results.

Fund managers, for their part, don't care much about CEO pay, either. They're looking for companies whose share prices are rising, and they push firms to get their prices up by shifting capital out of those whose prices are lagging into those that show more promise.

Presumably, shareholders and fund managers would want to constrain CEO pay if it hampered company performance, but it hasn't. While CEO pay has soared over the last 25 years, share prices have soared, too. Between 1980 and 2003, the average value of America's 500 largest companies rose by a factor of six, adjusted for inflation. What happened to average CEO pay in those companies? It rose roughly sixfold. Shareholders have no reason to complain. They don't—and they won't.

Depending on shareholders to rein in CEO pay is like relying on gamblers to rein in the owners of Las Vegas casinos. Just look at Britain. Since 2003, changes in British securities law have given investors there more say over what British CEOs are paid. Nonetheless, executive pay in Britain has continued to skyrocket, and now just about matches that of American CEOs. Companies listed on the London Stock Exchange have done sufficiently well that British investors don't care what CEOs are paid.

The real scandal of CEO pay has almost nothing to do with shareholders. It has to do with what's happened to the pay of most other workers as CEO pay has soared. Shareholder returns have kept up with CEO pay, but median wages have not. In 1980, the CEO of a major company took home about 40 times what the median worker earned; by 1990, that CEO's pay was about 100 times the median worker's; in 2006, it was close to 300 times what the median worker earned. (Last year, Wal-Mart's Lee Scott Jr. earned 900 times the pay of the average Wal-Mart worker.)

CEO pay is part of a much larger problem: the growing portion of the nation's income that's going to a small number of people at the top. The pay packages of many denizens of Wall Street are even more outrageous than CEO pay—last year reaching $40 million for top traders and more than a billion dollars for top hedge-fund managers. The new stars of Wall Street are private equity funds that are buying public companies back from shareholders and raking in 20 percent to 25 percent annual returns for their private investors—mostly wealthy individuals with yearly incomes already in the stratosphere.

Not since the robber-baron era have income and wealth been as concentrated as they are today. This doesn't threaten shareholders; after all, most shares are held by the wealthy. It threatens democracy, as the wealthy use their fortunes to bankroll politicians who tilt public policies in the direction of the wealthy—by, say, reducing their taxes and cutting public services for everyone else. It also threatens our economy, as more and more investment decisions are made by fewer and fewer people, and as the middle class loses its capacity to pay for the goods and services the economy produces.

The answer is not to grant more rights to shareholders. It's to enact a far more progressive income tax, including a sharply higher marginal rate on yearly incomes above, say, a measly million.

Mr. ROSKAM. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. In response to Chairman FRANK, I would just say, he is correct. We have not had that debate, by the way, on the progressive income tax rate. However, he opposes everything with respect to this legislation, leading up to that little squib at the end as to how he would fix that particular problem.

I personally think, as I have outlined here, there are many solutions to this: what the SEC has done, the majority election of directors, what the various States are doing and where this problem should be handled. For that reason, I would encourage us to look at a different method of addressing what you have identified, in my judgment a very real problem.

Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would say to the gentleman, I am baffled by this. On the one hand, this is too intrusive, but the gentleman says a better way would be to require corporations to elect directors by a majority. That would be a far greater intrusion into all of the aspects of the corporation.

But I will say this, if the gentleman prefers and the Members on the other side prefer: that we instead pass legislation that requires all corporations to allow a majority election for directors in an effective way as an alternative to nominations. Maybe we will hold off on this bill and consider it. I await that bill.

The gentlemen on the other side are all full of other solutions, none of which have ever been put to paper.

Mr. Chairman, I yield 6 minutes to the gentleman from Missouri (Mr. CLEAVER) a member of the committee and a great ethical expert.

Mr. CLEAVER. Mr. Chairman, today I rise in support of H.R. 1257, the Shareholder Vote on Executive Compensation Act. I think that it has been going on far too long where shareholders and, frankly, the American people, have had to pay for services not rendered and jobs not performed well.

The chairman of our committee, Chairman FRANK, has already spoken about Mr. Nardelli. There are others, Pfizer's Henry McKinnell, and he also received a $200 million, $200 million exit package in spite of the fact that his performance was poor. KB Home, former CEO, Bruce Karatz, could collect $175 million despite his involvement in backdating stock options at the company. Some CEOs were, in fact, undeserving of compensation packages they received. This is not fair.

The one that I think troubles most Americans the most is Lee Raymond, former CEO of ExxonMobil. During our committee hearing, I raised this issue with our panel to ask if they had any problems with the compensation package for Mr. Raymond. He received a $400 million pay and retirement deal as the prices of gasoline soared and millions of hardworking Americans going to the pump every single day are paying more and more money for gas.

Twelve years ago, when Mr. Raymond became the CEO of Exxon, the average price of gasoline was $1.02 a gallon. In June, 2006, when he retired, the price, the average price of gasoline was $2.96 a gallon. Yet he received $400 million in retirement. The people who are watching this debate, the overwhelming majority, will say to themselves, that is not right.

Now, during the same period of time that the CEO of ExxonMobil was building up for this great exit package, real wages for the average American worker actually declined. While I believe deeply in, and that prosperity is as American as apple pie, I don't believe that we should reward CEOs for doing a poor job.

So I want to thank committee Chairman FRANK and our ranking member, SPENCER BACHUS, and the members of the Financial Services Committee for bringing this bill forward to the floor today. I cosponsored this legislation, I voted for it in committee, and I will be voting for it when it comes to the floor.

Now, the sad thing about this legislation is that many hardworking Americans get up each day and go to work. If they perform poorly, they lose their job, and they certainly will not get an exit package that will take care of them and most of the people in their cities for life, $400 million.

I would ask the people watching this program, do you have a problem with that? The answer, I think, is echoing all around this country. Yes, I have a problem with that.

This bill enables shareholders to express their views on their company's executive compensation practices without setting up caps on the size and nature of executive pay. This legislation requires only, only, that public companies include on their proxy statements to shareholders, an annual nonbinding, nonbinding, nonbinding advisory shareholder vote on the company's executive compensation disclosures, which are already required by the SEC, and an additional nonbinding advisory vote if the company awards a new, not already disclosed, golden parachute while negotiating the purchase or sale of the company. The nonbinding advisory vote will give shareholders an opportunity, an opportunity to express themselves.

They can say "yes" or "no" to the proposed executive compensation without diminishing, reducing, interfering with the board's legal authority.

□ 1750

Ultimately, if a CEO is doing a good job, I am sure that that CEO will receive the support of that company's shareholders and the appropriate compensation package. That is the way America operates. But what is going on now is an abomination that we will allow people to run a company into the ground and then walk away set, not only for life for themselves but five or six generations to come.

Mr. ROSKAM. Mr. Chairman, just a couple of observations before I yield to my distinguished colleague.

You know, the gentleman from Georgia said that one of the goals of this legislation is that there be transparency and accountability. I would submit, I think there is a transparency and accountability in the current state of the law. The transparency comes in the disclosure of executive compensation, and the accountability comes in the ability to sell shares if you don't like it. That is a very, very, very powerful tool.

My friend from Missouri, the distinguished gentleman who spoke recently kind of criticized a number of individual CEOs. I'm not going to rise to their defense, and I don't think they really deserve defense. But it is an old adage of the law that if what we are doing is creating a statute toward an exception, we tend to make bad statutes.

What I would say is, look at the totality of what executive leadership has brought us. From 2002 to 2006, the market capitalization of American companies has risen to $8 trillion. That is something to celebrate and not something to criticize.

I yield 5 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this bill. I happen to agree with all of the concerns expressed by those sponsoring the bill due to the inequities in the amount of money that some of the CEOs are getting. But I am also convinced that this particular piece of legislation won't do very much to help, and I am convinced that unless we deal some day with our monetary system and understand better how it participates in these inequities, we will never get a solution for this because the monetary system does play a role in this.

I am as outraged as anybody about a company that can hand out $16 billion in bonuses. But where my disagreement is, is that it is not as a result of free market capitalism; that it is the result of an economic system that we have today which is called economic interventionism, and it leads to these inequities.

Mr. Chairman, H.R. 1257 gives the Securities and Exchange Commission the power to force publicly traded corporations to consider shareholders' votes on nonbinding resolutions concerning the compensation packages of CEOs. Giving the SEC the power to require shareholder votes on any aspect of corporate governance, even on something as seemingly inconsequential as a nonbinding resolution, illegitimately expands Federal authority into questions of private governance.

In a free market, shareholders who are concerned about CEO compensation are free to refuse to invest in corporations that do not provide sufficient information regarding how CEO salaries are set or do not allow shareholders to have a say in setting compensation packages.

Since shareholders are a corporation's owner, the CEO and the board of directors have a great incentive to respond to shareholders' demands. In fact, several corporations have recently moved to amend the ways they determine executive compensation in order to provide increased transparency and accountability to shareholders.

Some shareholders may not care about CEO compensation packages. Instead, they may want to devote time at shareholder meetings to reviewing corporate environmental policies and ensuring the corporation has family-friendly workforce policies. If H.R. 1257 becomes law, the concerns of those shareholders will take a back seat to corporations attempting to meet the demands of Congress.

It is ironic to me that Congress would concern itself with high salaries in the private sector when, according to data collected by the CATO Institute, Federal employees on average make twice as much as their private sector counterparts. One of the examples of excessive compensation cited by the supporters of the bill is the multimillion dollar package paid to the former CEO of Freddie Mac. As a government-sponsored enterprise that, along with its counterpart Fannie Mae, received almost $20 billion worth of indirect Federal subsidies in fiscal year 2004 alone. Freddie Mac is hardly a poster child for the free market.

For the most part, all economic interventions fail and end up creating new problems that we are forced to deal with. This legislation, although well-motivated in an effort to deal with a very real problem, is unnecessary and should be rejected.

Past government actions have made it more difficult for shareholders to hold CEOs and boards of directors accountable for disregarding shareholder interests by, among other things, wasting corporate resources on compensation packages and golden parachutes unrelated to performance. During the 1980s, so-called corporate raiders helped keep corporate management accountable to shareholders through devices such as "junk" bonds that made corporate takeovers easier.

The backlash against corporate raiders included the enactment of laws that made it more difficult to launch hostile takeovers. Bruce Bartlett, writing in the Washington Times in 2001, commented on the effects of these laws, "Without the threat of a takeover, managers have been able to go back to ignoring shareholders, treating them like a nuisance, and giving themselves bloated salaries and perks, with little oversight from corporate boards. Now insulated from shareholders once again, managers could engage in unsound practices with little fear of punishment for failure." The Federal "crackdown" on corporate raiders, combined with provisions in Sarbanes-Oxley disqualifying the people who are the most capable of serving as shareholder watchdogs from serving on corporate boards, contributed to the disconnect between CEO salaries and creation of shareholder value that is being used to justify another expansion of the regulatory state.

In addition to repealing laws that prevent shareholders from exercising control over corporations, Congress should also examine United States monetary policy's effects on income inequality. When the Federal Reserve Board injects credit into the economy, the result is at least a temporary rise in incomes. However, those incomes do not rise equally. People who first receive the new credit—who in most instances are those already at the top of the economic pyramid—receive the most benefit from the Fed's inflationist polices. By the time those at the lower end of the income scale experience a nominal rise in incomes, they must also contend with price inflation that has eroded their standard of living. Except for the lucky few who take advantage of the new credit first, the negative effects of inflation likely more than outweigh any temporary gains in nominal income from the Federal Reserve's expansionist polices.

For evidence of who really benefits from a system of fiat money and inflation, consider that in 1971, before President Nixon severed the last link of the American currency to gold, the typical CEO's salary was 30 times higher than the average wage of the typical employee; today it is 500 times higher.

Explosions in CEO salaries can be a sign of a Federal credit bubble, which occurs when Federal Reserve Board-created credit flows into certain sectors such as the stock market or the housing market. Far from being a sign of the health of capitalism, excessive CEO salaries in these areas often signal that a bubble is about to burst. When a bubble bursts, people at the bottom of the economic ladder bear the brunt of the bust.

Instead of imposing new laws on private companies, Congress should repeal the laws that have weakened the ability of shareholders to discipline CEOs and boards of directors that do not run corporations according to the shareholders' wishes. Congress should also examine how fiat money contributes to income inequality. I therefore request that my colleagues join me in opposing H.R. 1257 and instead embrace a pro-freedom, pro-shareholder, and pro-worker agenda of free markets and sound money.

Mr. ROSKAM. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman for yielding.

Let's stipulate here that there are and have been instances, plenty of instances, in which executive compensation has been excessive for the return given to shareholders.

I have spent my entire life investing, and there have been times when I have seen excessive executive compensation, and return for the company wasn't there. And it made me mad, and I wasn't happy about it. Let's stipulate to that.

Let's also understand there is a difference between that and when an executive gets high pay for a very excellent result. Pay for executives has been increasing, as it has for sports stars, as it has for people in the music business, authors, actors and investors.

Chairman Bernanke of the Federal Reserve, when he spoke before our committee and when he has spoken before other committees, has been quoted as saying this is, to a degree, because of the effective technology of being able to take the talents of these various people and make them more valuable because it spreads across the world much quicker.

But let's take that aside and stipulate that there have been instances, plenty of instances, where executive compensation has not been commensurate with the results. But there are a lot of other things that are more injurious to shareholders. There are other highly compensated individuals as well who have been overpaid for their jobs or for whatever they have done.

There have been union contracts that have been out of line. Let's take Ford Motor Company right now. People are objecting to the current compensation package of the new chairman of Ford Motor Company; but no one is suggesting that that pay package is going to bring Ford Motor Company under. People are not happy because they say Ford Motor Company isn't making money, and the chairman is getting too much pay, but no one is suggesting that is going to take the company under. But what most observers say will take the company under is all of the retiree pay that they have due to union contracts that were inadvisable that were done some time ago. That may take the company under.

There could be acquisitions. There could be legal settlements. There could be just poor management. All of those things can actually take a company under, whereas executive compensation that is excessive, although maddening, won't drive a company down.

This bill does absolutely nothing to deal with any of those other problems. Why not? If we are worried about shareholders and care about shareholders and their ability to influence a company, then why don't we give them the right to influence the company on something that actually might bring the company down.

Some people on the other side mentioned several instances, and I can't recall them all right now, but where a company is doing poorly and an executive received very high pay. I agree with you; bad, I don't like it. I didn't like it. But what ought to upset the shareholders more is not the pay; it is the poor performance. And this doesn't do anything to help shareholders with that.

We should give shareholders more rights, I agree with that, through the board. Otherwise, why not let shareholders vote on other highly compensated individuals, on union contracts, on acquisitions, on legal settlements, on the marketing budget, on all kinds of others things that might have something to do with affecting the company's pay?

□ 1800

I believe this is a statement, not a solution.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. CAMPBELL of California. I am happy to yield to the gentleman from New York.

Mr. FRANK of Massachusetts. I am from Massachusetts, but I do want to report a theft, Mr. Chairman. Apparently someone has broken into our committee office and stolen a whole series of bills that the other side had to deal with all these other things, because I am hearing now about all these other things we should be doing and these other things that we should be addressing, and I haven't seen any of them.

So I want to say to people, unfortunately, all these wonderful ideas that you previously had, and I wouldn't suggest that you are only saying them now as an excuse to beat this bill, please send me copies, because somebody stole the ones you sent me.

Mr. CAMPBELL of California. Reclaiming my time, Mr. Chairman.

You saw an amendment in committee which you voted against and voted down. You will see that amendment again this evening that gives shareholders rights through the board, not just on executive compensation, if they are unhappy with the management for any reason, to work through the board and change the board, give them more rights to change the board rather than do this sort of thing.

Mr. Chairman, you will have your own time shortly, the gentleman from New York.

Mr. FRANK of Massachusetts. I am still in Massachusetts.

Mr. CAMPBELL of California. Did I say New York? I am sorry. The gentleman from Massachusetts.

The CHAIRMAN. I would remind both Members that there is a chairman from New York in the room.

Mr. FRANK of Massachusetts. And one is quite enough.

Mr. CAMPBELL of California. I thank the chairman so much for that clarification.

Mr. Chairman, this bill is a statement, it is not a solution. It deals with one thing which is annoying and can be bad, but is not a major, it is not that major an issue relative to all the other things that can deal with corporate governance and bringing corporations down.

Mr. FRANK of Massachusetts. Mr. Chairman, I would take 10 seconds to say that the gentleman from California mischaracterized his own amendment. No amendment he offered would expand shareholder rights. He did offer an amendment that said if there is a preexisting right to vote for the majority, then this bill does not apply. But no amendment he offered would expand existing shareholder rights.

Mr. CAMPBELL of California. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. CAMPBELL of California. The amendment I wished to offer would simply have required that there be a majority.

Mr. FRANK of Massachusetts. What do you mean you wished to offer? I will take back my time.

Mr. CAMPBELL of California. It was ruled not germane.

Mr. FRANK of Massachusetts. I understand that, but let me just give myself 30 seconds.

Mr. Chairman, why didn't he file it as a separate bill? He had no interest in this that I could discover until we brought this bill up. The gentleman said he wanted to offer a nongermane amendment.

Well, you are allowed to introduce bills. Introduce a bill. We will have a hearing. If the gentleman, let me tell my colleagues right now, if they want to introduce legislation expanding the right of shareholders to vote for members of the boards of directors, I will guarantee them a hearing. But the bill has not yet been introduced.

Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I think it is very important for us to just take a look, very briefly, at what some of the executives, some of the companies are saying and are doing about this now, because I think it goes right to your argument.

Let us, first of all, let me just call to your attention, one such company, AFLAC, in Georgia. Now, AFLAC announced that it would give shareholders a nonbinding vote on executive compensation. As a matter of fact, AFLAC CEO Dan Amos said these words, which I want you to pay very important attention to. He said this. He said, as the owners of the company, the shareholders should know how executive compensation works.

Now, I think Mr. Amos is right on the money. He simply stated what I think a lot of other companies do in order to maintain integrity.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Mr. Chairman, thank you for yielding me time, and thank you for your leadership on this legislation.

As an original cosponsor of H.R. 1257, I rise in support of this bill. CEOs should be held accountable to shareholders. Whether you have invested $100 or $100 million in a company as a shareholder, you should be allowed to find out the terms and conditions of the compensation package for the company's CEO.

Shareholders should also have the right to express their satisfaction or dissatisfaction over a proposed compensation package. And that is exactly what H.R. 1257 does. It allows shareholders a chance to share their opinion with the board, which will help grant boards pause before approving a questionable compensation package.

This bill does not represent a completely new idea. In fact, the United Kingdom has used a nonbinding shareholder vote approach since 2003. Australia has a similar system. Granting shareholders a say over executive compensation in these two countries has improved dialogue between executives and shareholders and has increased the use of long-term performance targets in incentive compensation. This policy change has clearly worked.

American companies have also started to take notice. Most recently, AFLAC adopted a nonbinding shareholder vote for its CEO's compensation package. In addition, Institutional Shareholder Services reports that 52 other companies are also considering adopting similar policies.

It is now time to grant shareholders in the United States the same rights as their British and Australian counterparts. We need to make sure that all companies take AFLAC's lead by passing H.R. 1257. I urge my colleagues to grant the shareholders more access to the process of forming an executive compensation package.

I urge a "yes" vote on this bill.

Mr. ROSKAM. Mr. Chairman, I yield myself 1 minute.

Just kind of a point of interest, and that is, in response to Chairman FRANK calling, observing Mr. CASTLE's quotation. And I would just point out that the distinguished gentleman from New Jersey has been sort of selective, I think, in the attributes of England that he finds attractive. One of those that he didn't find attractive apparently is a loser-pay litigation system which would also maybe drive part of that debate.

Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, first, I thank the gentleman from Illinois for this time.

Mr. Chairman, if this bill was about Congress or the Federal Government setting salary levels for top executives, then I would be opposed to it. But that is not what this bill does. This is about letting stockholders, the owners of publicly traded companies, have the right, if they want, to render a judgment about whether the compensation for top executives, their employees, is appropriate.

I know that this bill is not perfect, but neither is the present system. Corporate directors and executives work for shareholders. I do not see how anyone can look at the present system where sometimes CEOs who have failed their shareholders are getting hundreds of millions of dollars of shareholder money, and then say with a straight face that it is bad for shareholders to be able to directly tell corporate directors what they think about these compensation packages.

Mr. Chairman, let me remind the House of a few of the outlandish compensation packages that have been made public: Home Depot CEO Robert Nardelli, total compensation for 2006, $131 million; Merrill Lynch CEO Stanley O'Neal, total compensation 2006, $91 million; AT&T CEO Edward Whitacre, Jr., total compensation for 2006, $69 million; Ford Motor Company CEO Alan Mulally earned $39.1 million for 4 months in 2006, $39.1 million for 4 months of work in 2006.

Mr. Chairman, numerous people in the Third District of North Carolina, which I have the pleasure and the privilege to serve, have spoken to me and expressed their concerns about these multimillion-dollar packages. Mr. Chairman, many people have said that America is losing its middle class, but in modern America, more and more middle-class families are becoming stockholders. In 1989, just 30 percent of American households owned stock. Today 52 percent of households own stock; 80 million Americans now own shares of directly held stock, mutual funds or 401(k) retirement plans.

□ 1810

The right to have an advisory vote would strengthen shareholders and strengthen the capitalistic system. Therefore, Mr. Chairman, I support this bill.

And, again, I thank the gentleman from Illinois for the time.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS), the ranking member.

Mr. BACHUS. Mr. Chairman, I thank the gentleman from Illinois for yielding.

The gentleman on the other side from Kansas City said that he had a problem with excessive executive compensation. And let me say this: I don't think there is a Member of this body in the majority or the minority who hasn't been outraged by what we judge by looking in the paper is a lavish, uncalled-for executive pay compensation. Some of them are indefensible. I would never try to defend them; nor should they be defended. And that is not what we are doing today.

At the start of this debate some 3 hours ago, I said, this debate is not about excessive executive compensation because by its very term, "excessive executive compensation" is excessive. The gentleman from Georgia said it. The gentleman from Kansas City said it. Our constituents are upset about it. And, in fact, last year, this Congress responded to concerns of shareholders, investors and our constituents and voters. And working with the SEC, the Securities and Exchange Commission, we said, you are going to have to disclose these salary compensations. You are going to have to put them out for public scrutiny. And those regulations are just now going into effect. And many of us look at it, and we are dismayed.

Now, we all have a problem with excessive executive compensation. But I think most of my constituents and I think most Americans also have a problem with something else. They have a problem with the Congress micromanaging or mandating what private corporations do. This debate is not about excessive executive compensation, which we all condemn. This bill is not about income inequities, which we all are concerned about. This legislation is about this Congress beginning to tinker and mandate and obligate corporate governance with a vote, not a vote that we say they can take, because today they can take such a vote. A shareholder can ask for such a vote on executive compensation. What this legislation does is it mandates, it requires, it obligates every publicly held corporation in this country to take a vote on their top executives, not just the CEO but the CFO and on down the line. Each shareholder, if this legislation passes, will each year vote on the compensation of all these executives.

And as so often happens in this body, when Congress begins to substitute its judgment for someone else's judgment, we have all kinds of problems that are created. I will predict today one of the problems will be that more companies will become privately held or closely held corporations. I will predict that hedge funds will grow, and they are already doing that, but this will just be gas on the fire. Publicly held corporations will be taken private by hedge funds. We will have private equity offerings. And all of a sudden, we don't have shareholders. We don't have a right to vote on compensation. We don't even have a right to own the assets of most American corporations.

Now, today I have all kinds of rights. One of the rights that the gentleman from California mentioned, and I have done this, I have owned stock in companies, and I have seen those companies, those boards of directors and those CEOs, capture most of the profits of those companies. I have seen them award excessive option awards. And what I have done is I have sold my stock, and I have gone on and owned another company where that didn't happen. I voted with my feet.

Now, the most successful corporations across this world are not in Australia. They are not in England. They are right here in America. And for over 100 years, we have allowed shareholders to bring proxies and ask for votes when they wanted to and by a certain majority get those votes. We have allowed that if the board of directors vote for excessive compensation today, shareholders have a right to put that board of directors on the road, and they have done that on cases. They have rescinded compensation packages. But whatever else you may disagree or agree with me, certainly you ought to be skeptical of the Congress of the United States, a Congress which does not allow the voters or our constituents to set our pay. They don't set our pay, but all of a sudden, we want the shareholders of corporations to actually vote on the pay of every executive. And we are mandating it. We are not just simply making it possible. It is possible today. It is more government intrusion. And, unfortunately, every time the government overreaches, the consequences don't come back to us in Congress. We will continue to earn a salary. We will continue to be up here. The consequences will be in these corporations, which are the drivers of our economy.

So, in closing, let's not confuse this as a debate on excessive executive compensation. Let's just all agree we don't like it. Let's all agree that we have given the SEC the right, and they publish these salaries. And as we have seen so often, there is criticism in the papers, criticism by shareholders and boards of directors taking action. But let's not substitute our decision, and let's not second guess. Let's not interject the Congress and have the Congress start telling shareholders that they have to, have to pass judgment on the salaries of all top management in every public corporation.

Mr. ROSKAM. Mr. Chairman, I yield myself the balance of my time.

I will insert into the RECORD three letters opposing this legislation by the U.S. Chamber of Commerce, HR Policy Association and American Bankers Association.

THE ASSOCIATION OF SENIOR
HUMAN RESOURCE EXECUTIVES,
Washington, DC, April 18, 2007.

Re HR Policy Opposes H.R. 1257, Shareholder Vote on Executive Compensation Act.

Hon. SPENCER BACHUS,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE BACHUS: On behalf of the HR Policy Association, I am writing to urge you to vote no on H.R. 1257, the Shareholder Vote on Executive Compensation Act, when the House considers it this week. We believe that the bill will have significant negative effects on corporate governance and will not appreciably increase shareholder input into the executive compensation process.

HR Policy Association is a public policy advocacy organization representing the chief human resource officers of over 250 leading employers doing business in the United States. Representing nearly every major industry sector, HR Policy members have a combined U.S. market capitalization of more than $7.5 trillion and employ more than 18 million employees world wide. Our members are especially concerned that a shareholder vote would undermine the authority of the Board of Directors with respect to compensation and is unnecessary as a tool to increase communications with shareholders.

At the outset, it is important to note that last year, the U.S. Securities and Exchange Commission completed an overhaul of its executive compensation disclosure regulations. The full effect of these changes on executive compensation practices will not be known until after the 2009 proxy season, the first year in which companies will have to present three years of data. At a minimum, the House should defer any action on the legislation until after the effect of the new rules can be fully evaluated.

The Association believes that H.R. 1257 would seriously erode the authority of the Board of Directors to determine appropriate executive compensation levels. Under our system of corporate governance, the Board manages the company on behalf of the shareholders. In turn, the shareholders have the right to vote on strategic matters, such as mergers, and remove directors if they believe the corporation is not being managed in the shareholders' best interests. This delegation of authority is necessary because of the considerable amount of detailed and confidential information that Board members must consider when making decisions regarding corporate strategy and executive compensation. Providing a shareholder vote on compensation would be unprecedented because it would provide a referendum on the results of the Board's decision, rather than on a framework for making decisions, as occurs in the case of shareholder authorization for equity compensation or mergers.

More importantly, a shareholder vote would potentially open up other Board decisions to a shareholder vote, such as the decision to pursue merger talks or settle certain lawsuits, thus substantially slowing the ability of the Board to make quick decisions and undermining competitiveness.

Fundamentally, an advisory shareholder vote would not provide meaningful information to companies about the practices shareholders find objectionable. It is simply an up or down vote, with no explanation attached, leaving substantial questions about its meaning. Under current law, shareholders already may file advisory resolutions with any publicly held company seeking changes in specific executive compensation practices. There is no need for legislation adopting a mandatory framework that will have a negligible impact on most of the 15,000-plus publicly held companies.

Counter to arguments made in support of the bill, new mechanisms of communications between companies and shareholders are not necessary. Most large companies already hold periodic meetings throughout the year with their largest shareholders on a variety of subjects, including compensation.

In addition, the shareholder vote concept has been imported from the United Kingdom, but the U.K. regulatory and legal systems are substantially different from those in the U.S., and the results of a shareholder vote are likely to be fundamentally different. In the U.K. the two largest investors control roughly 30 percent of the market while in the U.S. ownership is more diffuse, making shareholder consensus much more difficult. The U.K. has voluntary corporate governance standards with less rigid standards for Board member independence, and Board members may avoid all liability with an advisory shareholder vote. In the U.S., Board members have fiduciary liability, and are subject to shareholder derivative actions, regardless of a shareholder advisory vote. The threat of litigation acts as a check on Board actions.

The U.K. shareholder vote requirement also has had significant negative effects that would negatively impact the management of U.S. companies. These effects include encouraging executives to seek positions with private equity firms; making pay arrangements more standardized, rather than customized to the company; increasing diligence among compensation committees similar to that already occurring in the U.S.; and, increasing the power of the proxy advisory services and hedge funds as institutional investors outsource their compensation research, engagement with boards and vote administration duties. These negative effects outweigh the benefits of a shareholder vote.

For all of these reasons, we oppose H.R. 1257 and encourage the House to reject it. If you have any questions, please do not hesitate to contact Tim Bartl of our staff at 202-789-8670. Thank you for your consideration.

Sincerely,

JEFFREY C. MCGUINESS,
President.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, March 27, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, is committed to supporting good and responsible capital market regulation, including efforts to strengthen board compensation committees and to provide disclosure of clearer information about executive compensation.

Fundamentally, the Chamber believes that well-functioning independent compensation committees, along with clear and fair disclosure, represent the best means to determine executive compensation. The amount and terms of employment and executive compensation agreements result from a complex interaction of interests. The negotiations of these interests can produce highly complex arrangements that reflect varying interests of the parties. Ultimately, corporate boards want to retain executives who will perform at a high level and produce value for shareholders and jobs for workers.

The Chamber respectfully submits that allowing shareholders—rather than the board—an advisory "say on pay" will not produce the intended result. Shareholder votes are more likely to reflect their views on past stock or management performance rather than real insight into how to structure future compensation to ensure it drives future results. Further, the Chamber is concerned that this would result in yet another forum for "special interest politics." For these reasons, the Chamber opposes H.R. 1257, the "Shareholder Vote on Executive Compensation Act."

Sarbanes-Oxley has yielded significantly stronger and more independent boards and compensations committees. The Securities Exchange Commission has taken important steps recently to expand transparency and disclosure of executive compensation, and we believe that these steps need to be given adequate time to have an impact. The Chamber looks forward to working with Congress and the SEC to ensure that the combination of these steps is producing effective governance for shareholders and workers.

Sincerely,

R. BRUCE JOSTEN.

AMERICAN BANKERS ASSOCIATION,
Washington, DC, April 18, 2007.

Re H.R. 1257, shareholder vote on Executive Compensation Act.

Hon. BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FRANK: On behalf of the American Bankers Association (ABA), I am writing to express our opposition to H.R. 1257, the Shareholder Vote on Executive Compensation Act, which is scheduled for consideration on the House floor beginning today, with a final vote on Friday morning.

A major reason for our opposition is the fact that a majority of the corporations that would be impacted by H.R. 1257 will distribute their 2007 proxy statements to shareholders over the next three months. Rules recently adopted by the Securities and Exchange Commission (SEC) will now require these proxy statements to provide extensive narrative and tabular disclosures regarding CEO and other covered executives' salaries, stock awards, deferred benefits, retirement and severance packages, and perquisites. The ABA strongly believes that Congress should give the SEC's rules time to take effect and have an impact on boards and shareholders. After assessing the effect these disclosures have had on the marketplace, Congress can determine whether legislation is warranted.

Further, shareholder advisory votes may be appropriate where there are few mechanisms in place to protect the company. That is not the case in the United States. Boards and their compensation committees have legally enforceable fiduciary responsibilities to the company and its shareholders to ensure that company assets are not wasted. To properly carry out those responsibilities, a majority of board members must be independent and the compensation committees must consist solely of independent directors. Company boards and committees meet, without company management present, in executive session. Committee directors approve the CEO compensation that is to be recommended to the full Board based on the specific company's goals, various performance metrics and the terms of the CEO's employment contract. In this country, a combination of state corporate laws, exchange listing standards, and best practices tie board accountability to shareholders on executive compensation and other issues that boards face.

Also, the bill has several unintended consequences that we wish to bring to Members' attention. First, the bill presumes that shareholders hold unanimous views on any given corporate issue, but this is frequently not the case. In fact, if this bill were to become law, a CEO of a publicly traded bank could find him or herself at the mercy of a

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Mr. Chairman, I sense that really our country is at a tipping point on a lot of questions, and you really sense this, those of us who were at home in our districts over the past couple of weeks. There are a lot of issues, and I know this is sort of an understatement, that are before this body that are issues where we are either going to make a good decision that will make us fruitful and prosperous and robust as a country or we have got the possibility to make a bad decision that puts us in the trajectory on a different direction. And I would suggest that this is one of those sort of tipping point questions.

Now, is the sun not going to rise tomorrow if this bill becomes law? No. The sun will rise tomorrow and we will be still a prosperous country. But it is one of those things that will have a ripple effect because, in the subtext of this bill, remember the chairman talked about facts of nature, the fact of nature is that, when there is an action, there is a reaction. And I would submit that one of the reactions of this bill, Mr. Chairman, is that there are going to be companies, there are going to be bright people that say, I am not going to take this company public. I am going to remain private.

□ 1820

Now, who loses with that? You know who loses? The individual shareholder. It is the mom and pop. It is the person that is struggling, that really wants to have access, but because it is a private company, they don't have access because it is not traded publicly.

What is the other effect? The other effect is that this basically tells many companies, why don't you figure out ways to go do business elsewhere? Why don't you go somewhere else? Because we are the Congress, and we are going to reach in and we are going to manage you. I just think we can do better.

Look, there is nobody here that is defending overly compensated CEOs, and I think the majority's proposal here is ironically very silent as to certain settlement agreements. It is inherent in the process that you settle cases to make them go away.

In closing, Mr. Chairman, I rise in opposition to this bill, and ask my colleagues to do the same.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just note in passing that I saw the letter from the Chamber of Commerce, and I was particularly struck that the Chamber of Commerce said we don't need this bill because Sarbanes-Oxley has been such a good law. Specifically, what they said was, Sarbanes-Oxley has yielded significantly stronger and more independent boards and compensation committees. So I think that the Chamber of Commerce's endorsement of the good results of Sarbanes-Oxley also ought to be made public here.

Mr. Chairman, I yield my remaining time to the gentleman from North Carolina (Mr. MILLER), a relatively senior Member. Not particularly the one I had in mind, but a very able and useful Member.

The Acting CHAIRMAN (Mr. ETHERIDGE). The gentleman from North Carolina is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Chairman, I disagree with my friend, Mr. BACHUS, who said this bill is not about income and equality. I think it is at least partly about income and equality. And I disagree with Mr. ROSKAM, who said that corporate executives, the CEOs, are responsible for the growth in the American economy, the increase in productivity in the American economy, and therefore they should be getting paid much more than they are.

Mr. Chairman, I think the American worker is not getting enough credit for the growth in the American economy, for the increase in the productivity of the American economy. They are not getting enough credit on the floor of this House tonight, and they aren't getting enough credit in their paychecks, in how they are compensated, and there is a widening gap.

It has never been a particularly small gap in this country. Fifteen years ago, the average CEO, the typical CEO, made 140 times what the average American worker at that corporation made. Now, 15 years later, it is 500 times what they make. It is a significant part of what the corporation makes overall; it is now 10.3 percent. The aggregate compensation of the top five executives is now 10.3 percent of the corporate profits of major corporations, public corporations in America. That is twice what it was 15 years ago.

Yes, top corporate executives, CEOs, are getting more and more of the benefit of the growth in productivity and the profitability of corporations, and it is wildly out of alignment with what they are doing, how well they are leading the corporations.

In fact, if you allow shareholder democracy, if you let shareholders have a say in how corporate executives are paid, because it is, after all, their company; they are going to insist that corporate performance be in alignment with corporate executives.

We don't have shareholder democracy now, Mr. Chairman. This bill begins to get at that. But right now CEOs pick the boards of directors, the boards of directors pick the CEOs, they answer to each other, they don't answer to the shareholders.

What we are considering now is very similar to what Great Britain has had for about 5 years, and it has worked pretty well in Great Britain. It has inhibited outrageous pay packages that have gone to CEOs and top executives in Britain.

Here is what is happening: The boards of directors know that they are going to have to explain themselves. They are going to have to explain themselves to shareholders. They are going to have to tell shareholders exactly what the compensation is, and they are going to have to explain what it is and what they have done.

That has inhibited what they have done. And they have gone back to the CEOs and said to the CEOs, look, we know you are worth every penny of what you are asking. But you know what a Bolshevik rabble our shareholders are. We will never be and to explain it to them. So they scale it back a little bit. And executive compensation in Great Britain has not gone up in the last 5 years the way it has in the United States, and the performance of Great Britain's corporations has been every bit as strong as what we have had here.

Mr. Chairman, if we let corporate shareholders vote, if we allow corporate democracy, they are going to insist, they are not going to throw out every pay package. In fact, it has only happened one time in England in the 5 years. GlaxoSmithKline was embarrassed pretty badly, and they went back and they renegotiated their pay compensation for their CEO. But it has inhibited their conduct, and shareholders have voted for very generous pay packages where it is justified by the performance of the corporate executives.

This bill makes a very modest change. But by simply requiring corporate boards of directors to explain what they are doing, to say right out in front of God and everybody what they are paying the CEO and why they are paying him that much, it has had an important change in corporate conduct in Great Britain, and it should here as well.

Mr. Chairman, I yield back the balance of my time to Mr. FRANK.

The Acting CHAIRMAN. The gentleman from Massachusetts has 30 seconds remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just say I also want to welcome this renewed faith that I have heard from my colleagues in the American corporate system. Recently corporate America and financial America has been lamenting how badly we regulate compared to England.

We have heard from the Paulson Committee, so-called after the Secretary of the Treasury, we have heard from the Chamber of Commerce, we have heard from the McKinsey report that we should be more like England. I am glad now to have this affirmation that even with Sarbanes-Oxley that the Chamber of Commerce praises so loudly, even with the Securities and Exchange Commission apparently not being the FSA, the American system still works. That is a good counter to some of what we have heard lately.

Mr. MARKEY. Mr. Chairman, the "Shareholder Vote on Executive Compensation Act" is a bill whose time has come, and I am pleased to rise in strong support of this important legislation.

According to the Congressional Research Service (CRS), in the past ten years, CEO pay has more than doubled, and the ratio of median CEO pay to worker pay has risen to 179 to 1. The escalation in executive pay raises significant issues, including the equity of widening income disparities and the potential that such extraordinary CEO salaries may be a result of inefficient labor markets. The bill before the House today provides a balanced, promarket approach to this addressing issue. Specifically, the nonbinding advisory vote mandated in this bill will give shareholders a mechanism for supporting or opposing their company's executive compensation practices without diminishing the board's legal authority. Such a vote will signal to the board, without tying its hands, that the individuals who actually own the firm will hold the board accountable for CEO pay packages, which should give board members some pause before approving excessive compensation plans.

H.R. 1257 does not cap, limit or change any CEO's pay. Rather, it simply requires that shareholders have a "nonbinding" say on their company's salary decisions. Moreover, the SEC already requires companies to disclose compensation. The SEC's recent executive compensation disclosure rules already require that companies disclose their compensation packages in their annual proxy. The annual vote requirement simply requires that companies add a line to that disclosure permitting shareholders to approve or disapprove the compensation packages and also tally the votes. Shareholders are the owners of our Nation's public companies. They should have the right to vote on the compensation packages for companies' senior officers.

The cost to businesses complying with the bill's provisions would be minimal. In fact, CBO estimated that costs from the annual vote would fall well below the annual threshold for private sector mandates—that is, below $131 million in 2007 for the entire country. This is a tiny, and worthwhile, cost that is more than offset by the significant benefit it provides shareholders by enabling them to have their voices heard in the board room. Additionally, businesses are provided more than enough time to make the logistical arrangements necessary for the nonbinding advisory vote, as it would not be required until the 2009 proxy season.

The nonbinding vote has been used successfully in other countries. For example, the nonbinding advisory vote approach has been used in the United Kingdom since 2003 and is now used in Australia, without impeding economic activity in any way. To the contrary, the policy change is credited with improving management-shareholder dialogue on executive compensation matters and increasing the use of long-term performance targets in incentive compensation. In the United States, the nonbinding advisory vote on CEO pay recently was adopted voluntarily by Aflac, and is currently pending before numerous U.S. public companies.

I commend my colleague from Massachusetts, BARNEY FRANK, the Chairman of the House Financial Services Committee for bringing this important bill to the Floor today and urge an "aye" vote.

Ms. JACKSON-LEE of Texas. Mr. Chairman, rise in strong support of this legislation. The average American has lost faith in corporate America. The typical consumer perceives these corporations as mighty entities who control this very floor that we speak on, ensuring that the corporations have their needs met at the expense of your average American. However, as members of Congress we represent middle class America, and we have to ensure that their interest are protected and addressed with fair and thoughtful legislation. That is why I am pleased to offer my support to H.R. 1257.

As the average pay for non-management workers remains stagnant, corporate executives have enjoyed hefty pay raises. These payouts include the CEO's salary, expense accounts, stock shares, and retirement packages. The underlying legislation does not seek to punish these CEO's, or take from them what they have received. However, this legislation does hold accountable the board members responsible for making decisions on executive compensation although it does not take away their power.

This legislation is about transparency. Transparency leads to trust which leads to consumer confidence, which means our economy will benefit in the long run. As Justice Brandeis said long ago, "sunshine is the best disinfectant.

Some may argue that the rise in salaries is in response to a competitive job market with very few qualified individuals. In part that may be true, but this is about protecting the shrinking middle class in a society where the rate of inflation and the cost of living has increased.

To my colleagues who oppose this legislation, I ask that you seriously reconsider. In the end we have more to gain when corporations are forthright with business practices, especially as it pertains to executive compensation. The SEC has responded to this issue by revising its disclosure rules regarding executive compensation, but it is not enough. A publicly held corporation owes it to their shareholders, i.e., its investors to give them some type of consideration regarding executive compensation. Many middle class Americans have their 401(k) plans tied into stock options, thus they have a vested interest in what is occurring behind the closed doors of corporate America.

I support H.R. 1257, I support middle class America, and I encourage my colleagues to do the same.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in strong support of H.R. 1257, the Shareholder Vote on Executive Compensation Act, which ensures that shareholders have a say in corporate executive compensation plans and golden parachute packages for executives who are negotiating the purchase or sale of the company.

For too long, executive compensation has been determined behind closed boardroom doors. The results have been that executives' pay has skyrocketed to the point of absurdity.

In 1991, the average large-company CEO received roughly 140 times the pay of an average worker. In 2003, the ratio was up to 500 to 1. It takes CEOs of the Nation's top companies the first two hours of the first workday of the new year to make $10,712. It takes a minimum wage worker 40 hours a week, 52 weeks a year to make the same. According to a report by Americans United for Change, those CEOs make $5,279 an hour, $10,982,000 a year, or 1,025 times more than their minimum wage employees.

These numbers are even more stunning when one considers that those salaries are not based on performance. As hearings held by Chairman FRANK have shown, even executives of companies that lose money, restate earnings, and face extensive regulatory scrutiny have received substantial compensation packages.

The Shareholder Vote on Executive Compensation Act would help hold board members accountable when setting executive pay by allowing shareholders to vote on whether they approve of the compensation packages or not. It would also give shareholders the right to vote on golden parachute packages that executives may negotiate for themselves when arranging the purchase or sale of the company.

Although these votes are non-binding, shareholders' voices will be heard. Executives and boards of directors will have to give weight to the shareholders opinions when deciding on what the gold-plated packages of executives will look like. And, it will let executives know they are being watched when negotiating the selling price of a company while simultaneously negotiating an additional personal exit package.

A similar shareholder vote has been in practice in the United Kingdom since 2003 and is now used in Australia as well. The policy is credited with improving management/shareholder dialogue on executive compensation matters and increasing the use of long-term performance targets in incentive compensation. It was recently adopted voluntarily by Aflac, and according to Institutional Shareholder Services, is currently pending before 52 companies. I urge my colleagues to support H.R. 1257 and make it the norm for all U.S. companies.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shareholder Vote on Executive Compensation Act".

SEC. 2. SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION DISCLOSURES.

(a) AMENDMENT.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

"(h) ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—

"(1) IN GENERAL.—Any proxy or consent or authorization for an annual or other meeting of the shareholders occurring on or after January 1, 2009, shall permit a separate shareholder vote to approve the compensation of executives as disclosed pursuant to the Commission's compensation disclosure rules (which disclosure shall include the compensation discussion and analysis, the compensation tables, and any related material). The shareholder vote shall not be binding on the board of directors and shall not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in such proxy materials related to executive compensation.

"(2) SHAREHOLDER APPROVAL OF GOLDEN PARACHUTE COMPENSATION.—

"(A) DISCLOSURE.—In any proxy solicitation material for an annual or other meeting of the shareholders occurring on or after January 1, 2009, that concerns an acquisition, merger, consolidation, or proposed sale or other disposition of substantially all the assets of an issuer, the person making such solicitation shall disclose in the proxy solicitation material, in a clear and simple form in accordance with regulations of the Commission, any agreements or understandings that such person has with any principal executive officers of such issuer (or of the acquiring issuer, if such issuer is not the acquiring issuer) concerning any type of compensation (whether present, deferred, or contingent) that are based on or otherwise relate to the acquisition, merger, consolidation, sale, or other disposition, and that have not been subject to a shareholder vote under paragraph (1).

"(B) SHAREHOLDER APPROVAL.—The proxy solicitation material containing the disclosure required by subparagraph (A) shall require a separate shareholder vote to approve such agreements or understandings. A vote by the shareholders shall not be binding on the board of directors and shall not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in such proxy materials related to executive compensation.".

(b) DEADLINE FOR RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any final rules and regulations required by the amendments made by subsection (a).

The Acting CHAIRMAN. No amendment to that amendment shåll be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated April 17, 2007, or earlier, and pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

AMENDMENT NO. 1 OFFERED BY MR. BACHUS

Mr. BACHUS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BACHUS:

Page 4, beginning on line 8, strike "Section 16" and insert "Section 14", and on line 11, strike "(h)" and insert "(i).

Mr. BACHUS. Mr. Chairman, as has been said during this debate, this legislation amends the 1934 Securities and Exchange Act, and it seeks to amend section 16. Section 16 covers reports by officers, directors and owners of 10 percent or more of the equity of a corporation and requires them to disclose certain equity positions. Section 14 of that act, on the other hand, deals with proxy statements and shareholder votes.

Quite simply, this legislation requires a corporation, the shareholders of a corporation, to take a vote on the executive compensation of the top five or six executives, and therefore this legislation more appropriately ought to be placed under section 14.

I want to thank Chairman FRANK. I noted that it was more appropriately placed in section 14. He offered an identical amendment moving it to section 14 also, and has allowed me the courtesy of actually offering my amendment, as opposed to his amendment, which I think is just further evidence during the committee hearing on this issue and in the floor debate of his willingness and openness to fully discuss, fully debate and allow the minority to have participation in this debate. So I commend him for doing that.

Mr. Chairman, I would simply move that we reorder this legislation and place it more properly in section 14 of the act.

The SEC supports my amendment, and I urge its adoption.

☐ 1830

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words to first thank the gentleman from Alabama for his kind remarks about the way we have been working together in committee. I would just say that I have too recently been in the minority to be abusive. I hope that will last. I certainly intend it to. I am told, by the way, by our Parliamentarian, who, as the gentleman knows, was the Parliamentarian when the other side was in the majority, we have already had more rollcalls in committee in this year than we have had in the previous congressional session. While we have been moving a lot of bills and we have been able to do it expeditiously, I think we've aired a lot of issues, on this particular case, members of the minority made this suggestion, and it is a plausible one. It improves the bill. I realize that they still don't like it, but I appreciate this constructive spirit, and so I urge adoption of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. BACHUS).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. ROSKAM

Mr. ROSKAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. ROSKAM:

Page 4, line 13, strike "IN GENERAL" and insert "ANNUAL VOTE".

Page 4, beginning on line 14, strike "or other meeting of the shareholders" and insert "meeting of the shareholders (or a special meeting in lieu of the annual meeting)".

Page 5, beginning on line 7, strike "or other meeting of the shareholders" and insert "meeting of the shareholders (or a special meeting in lieu of the annual meeting)".

Mr. ROSKAM. Mr. Chairman, I have offered this amendment to clarify some possibly misleading language in H.R. 1257, and it simply strikes "or other meeting of the shareholders" and inserts "meeting of the shareholders or a special meeting in lieu of the annual meeting," at page 4, line 14 and page 5, line 7. The bill would allow, as we have discussed, a separate, nonbinding shareholder vote to approve the compensation of executives for any proxy, consent or authorization for an annual meeting. As currently drafted, the language in the bill asserts that this would be an annual meeting or other meeting of the shareholders. This language could potentially lead to allowing multiple nonbinding shareholder votes throughout the year instead of just at the annual or special meeting in lieu of the annual meeting, and, therefore, clarification of this language is needed. Hence, the reason for the amendment.

My concern is that if the current language were to be placed into law, that multiple votes would be forced to be taken throughout the year which would distract the board and the executives from their primary responsibility, that is, ensuring that they put in place good business practices that benefit the shareholders' investment instead of being distracted multiple times by a whole host of votes.

The greater concern would be that these potential multiple votes would ensure fiscal and business priorities are not in the forefront of the board members' minds, ultimately having the ill effect on global competitiveness of American business. I spoke to the chairman earlier, and I believe that it's a noncontroversial request to clarify language.

I urge all of my colleagues to support the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

The gentleman from Illinois has accurately described this, and I urge its support.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The amendment was agreed to.

AMENDMENT NO. 4, AS MODIFIED, OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to offer amendment No. 4 and to make a unanimous consent request to modify it.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FRANK of Massachusetts:

Page 4, line 13, strike "IN GENERAL" and insert "ANNUAL VOTE".

Page 4, beginning on line 14, strike "or other meeting of the shareholders" and insert "meeting of the shareholders (or a special meeting in lieu of the annual meeting)".

Page 4, line 16, strike "shall permit" and insert "shall provide for".

Page 4, line 22, insert "the corporation or" after "binding on".

Page 5, beginning on line 7, strike "or other meeting of the shareholders" and insert "meeting of the shareholders (or a special meeting in lieu of the annual meeting)".

Page 6, line 3, strike "shall require" and insert "shall provide for".

Page 6, line 6, insert "the corporation or" after "binding on".

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 4 offered by Mr. FRANK of Massachusetts:

Page 4, line 19, strike "shall permit" and insert "shall provide for".

Page 4, line 25, insert "the corporation or" after "binding on".

Page 6, line 5, strike "shall require" and insert "shall provide for".

Page 6, line 8, insert "the corporation or" after "binding on".

Mr. FRANK of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Mr. FRANK of Massachusetts. I appreciate the other side going into their non-objectionable mode, at least for the nonce.

I did this because I had an amendment that included several provisions, one of which was identical to the provisions the gentleman from Illinois just offered, and that having been adopted, it would be redundant to do it again. This is, again, I believe, a technical amendment. It simply tries to conform the language in the bill with regard to what it requires.

I think the best way to say it, Mr. Chairman, is this. There was disagreement on the substance of what we require. We did want to make it clear, however, that we weren't requiring any more than that, and any suggestion that we might have been creating procedural or other kinds of obstacles, we wanted to work together to avoid. This is in furtherance of that, so I ask that the amendment be adopted.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. JACKSON-LEE of Texas:

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following new paragraph:

"(3) WEBSITE DISCLOSURE OF VOTE.—Not later than 30 days after the votes provided for in paragraphs (1) and (2)(B) are counted, the issuer shall post the results of such vote in a prominent location on the issuer's Internet website (if the issuer maintains an Internet website).".

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the chairman of the full Committee on Financial Services and the ranking member. Let me answer, in the course of debating or discussing this amendment, a question that was raised in debate earlier today, and it made the point that nothing is being done. Let me make a resounding point of opposition to that statement and say, yes, something is being done. It is making the shareholders of America stakeholders in the major corporations of America. It's making them relevant. It's making them equal, if you will, to those who make decisions about the termination of employees, the direction of business, and yet have no input from the holders of the company on the compensation of the chief executive.

This is a positive step in the right direction. It is a light at the end of the tunnel. And I say that because most recently we heard of the most shocking termination of large numbers of employees of Citicorp. But some 24 hours later, we heard a small voice say that also the CEO would be looking to cut his compensation to let the shareholders know and the employees know that he, too, would experience the pain of cutbacks.

My amendment simply augments this legislation by suggesting, or requiring, that the votes that were taken by the shareholders be actually posted. So even though this is a nonbinding vote, all might be able to see. And I know that there are certainly other means of reporting this particular vote count, but I think it would be important to do so.

Now, let me indicate that I want this bill to pass, and frankly, I want to find every way that we never have an Enron or WorldCom where individuals such as a Mr. Fastow had an enormous latitude of salary but wasn't worried about bringing the company down. I want to work with this committee as we move forward.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I would be happy to yield to the distinguished gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman. She is, as always, a staunch defender of her constituents, including those who were hurt by Enron.

I could not object to this in principle, and I did say this. We made an effort to make this bill minimally intrusive. I would expect that these votes would be promptly published. But the gentlewoman has a legitimate concern, and I would make this commitment to her: If this bill becomes law and we encounter any effort not fully and promptly to publish these, then I promise her an immediate hearing and action on her amendment.

So I think we will take this, I hope, as a chance to give people the message, if this bill becomes law, it should be complied with forthrightly and effectively; and if we encounter any efforts at any kind of obfuscation, then the gentlewoman, I promise her, will be back on the floor with our support.

Ms. JACKSON-LEE of Texas. Reclaiming my time, let me indicate in conclusion my desire to work with this committee, particularly since such a great impact has been experienced by those in the Houston area and certainly around the country.

With that in mind, my intent was, of course, to further enhance the rights of stakeholders and shareholders. I look forward to working with the chairman and more importantly look forward to the compliance when this bill becomes law so that all are, if you will, in concert with the prompt and efficient leadership of America's corporations.

Thank you for the opportunity to speak on my amendment to H.R. 1257, the "Shareholder Vote on Executive Compensation Act." My amendment is a step towards transparency.

By requiring the company to post in a prominent place, on the company's website the results of any shareholder votes on executive compensation, shareholders, consumers, and the general public will regain their confidence in corporate America.

My amendment is non-controversial and makes sense, and its Shareholders, employees, vendors, and the public have a vested interest in transparency, especially in light of the numerous corporate scandals that have occurred in recent years.

I urge my colleagues to support this legislation. Executive salaries have risen dramatically, while the average American worker continues to struggle.

My amendment and the underlying bill will hold board members accountable for their decisions regarding executive compensation. While many on the other side of the aisle have mentioned unintended consequences in their objection to this legislation, I will mention the real consequences. The real consequence of passing this legislation along with my amendment is the positive message we will send to the American people. That message is that we, Members of Congress are more concerned with the problems facing the struggling middle class than we are in helping corporate CEO's hide the amount of their compensation from the American people. I urge you to support my amendment.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

□ 1840

AMENDMENT NO. 13 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The ACTING CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SESSIONS:

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following new paragraph:

"(3) DISCLOSURE OF ACTIVITIES TO INFLUENCE VOTE.—Notwithstanding paragraphs (1) or (2)(B), a shareholder's vote shall not be counted under such paragraphs if the shareholder has spent, directly or indirectly, more than a de minimis amount of money (as determined by the Commission) on activities to influence a vote of other shareholders, unless such shareholder discloses to the Commission, in accordance with rules prescribed by the Commission—

"(A) the identity of all persons or entities engaged in such a campaign;

"(B) the activities engaged in to influence the vote; and

"(C) the amount of money expended on such a campaign.".

Mr. SESSIONS. Mr. Chairman, my amendment would, very simply, provide sunshine and transparency for shareholders so that there is full disclosure about who is financing efforts to influence their vote on this new congressionally mandated, nonbinding shareholder resolution. Let me give an example of a substantially similar disclosure requirement that every Member of this body understands, because it is already a current practice.

As Federal candidates, we are each obligated to disclose to the Federal Election Commission the name, occupation and amount given from each of our donors. These funds can then be used for FEC-approved campaign purposes. We require this, as well as we create caps for the amount that can be donated over a legislation cycle, because public interest is advanced by letting those who cast votes for their Members of Congress know who funds these campaigns.

My amendment would not limit the amount that can be spent like the FEC does for political contributions on the amount that people or organizations like labor bosses, environmental groups or consumer advocates spend on influencing this new mandatory nonbinding vote.

The purpose of this amendment is not to impede the ability of organizations to influence this vote. If they hold shares in stock, they would be willing to express their desires. The point of this amendment is simply to provide voters, in this case, shareholders, with access to information about who is spending money to influence that vote.

My amendment tasks the Securities and Exchange Commission with setting a de minimis level of spending and with collecting important information about anyone or any organization that spends over that amount to influence this vote, including who is spending the money, what they are spending the money on and how much they are spending to influence the votes of other shareholders. If an individual wants to spend more than this de minimis amount and not disclose their identity to shareholders, they are still perfectly able to do so. However, their votes would no longer count in this mandatory vote.

My amendment provides an appropriate level of transparency for shareholder elections. And if we believe that voters deserve this information, then we should also be willing to give shareholders this same level of transparency.

I firmly disagree with the Democrat majority, with the underlying premise of this legislation that it is the Federal Government's job to place this nonbinding mandate on private entities, especially because public companies are already empowered to take this shareholder vote if they so choose and because there is no obligation for anyone to own shares in the company if they do not like the way that it is being managed.

I am also confused by the Democrat majority's recent conversion to the merits of democracy in determining an organization's actions. Less than 2 months ago, the same leadership brought to the floor legislation that strips American workers of the right to use a secret ballot to decide whether or not to unionize, and provides for unprecedented intimidation of employees by union bosses under a fundamentally antidemocratic process known as "card check."

But if we are going to pass this interventionist legislation, my amendment would be one small step in the right direction towards giving shareholders all the disclosures that they might need to make an informed decision.

Mr. Chairman, I include for the RECORD a letter of support from the American Shareholders Association that was sent to Speaker PELOSI in support of my amendment.

AMERICAN SHAREHOLDERS ASSOCIATION,
Washington, DC, April 18, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: On behalf of American Shareholders Association (ASA), I wish to express this organization's strong support for an amendment to be offered to H.R. 1257 by Rep. Pete Sessions. In short, this amendment seeks greater disclosure of funding designed to influence shareholder votes.

Over the past several years we have witnessed the rise of special interest groups seeking to turn boardroom votes into political campaigns. While activist investors seeking to increase shareholder value is welcome by our standards, we have become increasingly concerned by activist investors seeking to achieve political gain with board votes and little regard to what is in the best interests of shareholders.

As such, today's vote on H.R. 1257 should be amended to impose sunlight on the political campaigns being waged in corporate boardrooms, which the Session amendment achieves. This is accomplished by tasking the Securities and Exchange Commission with collecting information regarding the shareholders spending money to influence the vote; the amount spent; and the activities the money was spent on.

While corporate governance is a worthwhile objective we have witnessed a substantial increase in the number of shareholders using this term as a guise at the expense of individual shareholders. The Sessions amendment is designed to protect individual investors from these activities and I urge you and the entire Democratic Caucus to support this very worthy amendment.

Sincerely,

DANIEL CLIFTON,
Executive Director.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

I don't know how many conversations Members of this House have had with corporate officers and leaders, but very often when you ask them why they will do something or not do something, they tell you that they are there because they have to take care of their shareholders, they have to protect their shareholders, and the shareholders control the corporation.

But when we get to executive pay, all of a sudden we find out that they really don't want to have this discussion among shareholders about executive pay. And here we are presented with an amendment that is designed to close down those discussions, and it is certainly designed to close down those discussions among average shareholders.

I don't know when the shareholder gets the determination of whether or not they have spent a de minimis amount of money or not. I don't know for a retiree, for a pensioner or a worker of that corporation, if they spend $100 or $500, if they give to a campaign, is that a de minimis amount? Maybe to them it is not, but it may be to the campaign. I don't know when that determination is made so that they can then speak out or not speak out or have their vote counted.

And when are they in jeopardy or not in jeopardy? I don't know. Are they responsible for the rest of the campaign if they simply decide to send money to a campaign and vote their vote because it is the only organization available when it is an organization if pensioners decide that they don't like the direction this company is going?

So what you are really doing here is, you are trying to chill the speech and freeze the speech by putting them and holding them responsible for the disclosure that they may not have any control over. They may not have any control over the entities, all persons or entities engaged in such a campaign, they may not know that. They may know they just don't like that executive compensation or they want a discussion of it. They don't necessarily know the activities engaged in to influence the vote.

You know, a lot of times people will hear about these campaigns in the newspaper because they are there, and they don't know the amount of money that is expended on the campaign. When do they get to vote? When do they get to vote? They don't have this information on their person, so to speak, but unless they can comply with this form, their vote is not counted.

Now, let's flip it over to the other side. The corporation can use corporate funds to make a general solicitation of proxies. They don't even have to speak about this campaign, they don't even have to speak about executive pay. They make a general solicitation. They say the shareholders' meeting is coming up, this is the agenda and this is what is going to be on it. Then they get to vote any way they want. What the hell is going on here?

I want to spend $100 or $500 because I think that this is not in the best interest of me. I am a shareholder, I own the stock, and I have got to jump over all the hoops; and the corporation just glides through an election and they have the proxies. This sounds like the problem with executive compensation; the decision is made at the corporate level, and nobody gets to second-guess it.

Send out a general solicitation. Maybe there is no campaign against executive pay at the time that the solicitation for proxies goes out. You know why? Because very often most people don't know what the executive pay is. You can read that form until you are blue in the face and you don't know what it is.

How many times have we heard executive compensation boards say, I was in the room, I didn't know we were paying them $37 million? I was in the room, I didn't know he got those stock options. I was in the room. That is why we started putting responsibility on people who were in the room.

But now this poor shareholder, this poor shareholder who is not in the room, who is not on the inside deal, this person has to jump through hoops. And then I guess what do you do? You petition to have them count your vote, and then in the petition you say, to the best of my knowledge, these are all persons who were engaged in the campaign, and to the best of my knowledge, this is what they did to influence a vote, to the best of my knowledge, this is the amount of money spent; and if it turns out to be wrong, your vote is thrown away. You call that democracy? That sounds like what they call democracy in Latin America or something.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman should give my friends on the other side credit for consistency. As he knows, their definition of democracy has recently frequently included throwing votes away.

Mr. GEORGE MILLER of California. You mean those 13,000 in Florida that are missing? I thank the gentleman.

So this is an incredibly one-sided amendment. This should not be accepted by this House. This certainly should not be accepted when the purpose of the legislation is to expand the participation, the meaningful participation of the shareholders, the people who made a decision to go out and to buy the stock, or they earned it in their retirement fund.

☐ 1850

The Acting CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. SESSIONS. I don't have an objection. I would ask the same.

Mr. FRANK of Massachusetts. I will extend the gentleman a similar courtesy.

Mr. SESSIONS. Then that would be fine; the gentleman may continue.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 2 additional minutes.

There was no objection.

Mr. GEORGE MILLER of California. The point is this. The purpose of this legislation is to address a situation which has unfolded in this country in front of so many American workers, so many retirees, so many people who are close to retirement, when all of a sudden they see that, in the executive suites, they take care of themselves in the cloak of secrecy. And so when all of a sudden a major airline, a major automobile company or any other major corporation goes into bankruptcy, they find out that the executives, as part of their compensation, decided that they would have a bulletproof deferred retirement compensation plan, a bulletproof pension plan; while everybody else was in bankruptcy, that they created a trust, all part of executive compensation. And that is why people are now saying these shareholders, the vaunted basic fundamental makeup of the corporation, the shareholders should be engaged in this conversation.

This amendment comes to the forefront and really starts to strip away that discussion. Reminding you, this is a discussion, since this is a nonbinding advisory vote, so this is a discussion and a vote. And so the question really is, are we going to take the very same people who we pay great deference to when the corporation wants to tell you why they have to do something or they can't do something, it is because of the shareholders; but when it comes to executive compensation, we are going to shut down the ability of those individual shareholders and retirees and others to be able to have this discussion about executive compensation. And executive compensation is getting so large now that it in fact does impact the shareholders, because many corporations if you look at it, you think how much would they have to do to drive that amount of money to the bottom line? What would they have to do to drive that amount of money to the bottom line? This amendment should be rejected because it is contrary to the purpose and intent of this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman from Texas be permitted to proceed for 2 additional minutes.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 2 minutes.

There was no objection.

Mr. SESSIONS. Mr. Chairman, I appreciate the gentleman from California as well as the gentleman from Massachusetts, who, as the chairman of the committee, has forthrightly come before the Rules Committee, made himself available and is doing so again tonight on the floor.

Mr. Chairman, it is quite simple that this is about transparency, and I think that is what this bill is about. It is about bringing transparency and some clarity to a shareholder, to be able to know a little bit more and to express themselves about what they think about executive compensation.

I disagree with that. But let's add some more transparency and at least say that if someone else is going to become engaged in the effort, other than the individual shareholder, that they be given an opportunity to have to at least register their activities and what they are doing. The Securities and Exchange Commission, just like the Federal Election Commission, has a lot of knowledge about how business works and how transactions work. I have no reason to assume that, let's say, GE, that they would have a shareholder for GE held to some standard of $500 or $1,000 as the gentleman suggests, that some retiree could not influence as many people as they wanted, that they would have to go through a reporting process.

Mr. Chairman, the bottom line is that this should be about doing the right thing, where we would understand who was on what side, what they were attempting to influence and whether they were trying to influence the corporation in some way. I think shareholders should know about that.

I believe that the SEC could forthrightly understand that the size of the company, the size of the mailing and those things that happen would be appropriately determined. Obviously, if you are going to go on TV, that threshold might be less. If you are going to go in the mail, perhaps a different threshold. But what I am suggesting to you is it is not us setting the standard; it is the Securities and Exchange Commission that wants to regulate, in a fair and proper way, the marketplace.

The Acting CHAIRMAN. The time of the gentleman from Texas (Mr. SESSIONS) has expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Mr. SESSIONS was allowed to proceed for 1 additional minute.)

Mr. SESSIONS. I do thank the gentleman in fairness for giving me the additional minute that they were given.

So I would ask this body to understand today that we might well be passing this bill, but that this amendment process is to bring forward ideas that bring clarity and understanding of transparency. I believe shareholders would also be entitled to know who is attempting to influence them and what those words might be that they choose, rather than just beating up a company. I don't think it is good for anybody in this country to receive a message that might be aimed at someone without full disclosure, without the proper notification about who they were and what their intentions were. This is about transparency. This is about sunlight. This is about doing the right thing that would enhance the bill that is before us today.

Mr. Chairman, I appreciate the opportunity for Mr. FRANK to be able to not only forthrightly offer me the time in fairness, I would also like to thank the Rules Committee, of which I have been a member now for 9 years. I understand what we are doing here, and I will say that I appreciate the way this bill has been handled.

Mr. WATT. Mr. Chairman, I move to strike the last word.

I rise in opposition to the gentleman's amendment.

The gentleman has indicated that this is about transparency. I really don't think it is about transparency. The underlying bill is about transparency and giving shareholders the information they need to at least express themselves about salary increases and golden parachutes, both of which I think all of my colleagues have acknowledged are problems that need to be addressed.

What this amendment is about is more about two things. One is the ability to express ourselves to each other as shareholders without impediments. That at some level is a free speech issue. The second thing this amendment is about is balance. What the gentleman would say to shareholders is, if you communicate with other shareholders about executive compensation or a golden parachute, then your vote gets disqualified. But if the corporate executive communicates with other shareholders about this issue, they can do it in an unimpeded way and without any consequence.

So if the gentleman were interested in making this a balanced amendment, what he would do is to add a provision that said, if the executives communicated with the shareholders about the vote, then they would be disqualified from getting any salary increase if they didn't disclose if they had spent anything other than a de minimis amount of money communicating with the shareholders. That would give it some balance. But right now, it is, as the gentleman from California has pointed out, a completely unbalanced equation. And it is not unlike what is already existing in this executive compensation arena because the scales are totally unbalanced against shareholders, and the underlying bill attempts to at least in some measure restore a sense of balance and give shareholders more rights. It doesn't do it in an intrusive way. In fact, there are a number of proposals, including one on the Senate side, that would be a lot more intrusive than this bill.

I think this is the least intrusive way to do it, and I support the underlying bill and oppose the gentleman's amendment to the bill.

□ 1900

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GARRETT of New Jersey:

Page 4, line 13, strike "Any proxy" and insert "Subject to paragraph (3), any proxy".

Page 5, line 6, strike "In any proxy" and insert "Subject to paragraph (3), in any proxy".

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:2

"(3) CONDITIONS TRIGGERING VOTE.—The shareholder vote requirements of this subsection shall only apply if the executive compensation (as disclosed pursuant to the Commission's compensation disclosure rules) exceeds by 10 percent or more the average compensation for comparable positions—

"(A) in companies within the issuer's industry; and

"(B) among companies with comparable total market capitalization,

as determined in accordance with regulations issued by the Commission.".

Mr. GARRETT of New Jersey. Mr. Chairman, I rise to offer this straightforward and commonsense amendment today to provide shareholders and companies better guidance on what constitutes an excessive executive compensation package that this interventionist, otherwise, legislation before us does.

But before I do that, I commend the distinguished chair of the committee for his hard work on this legislation, but I would like to point out an inconsistency in his approach to this legislation.

We now have before us new SEC guidelines on executive compensation transparency. These new rules, unfortunately, have not even been given a chance, not an opportunity to bear any results or any fruit whatsoever. So without giving time to see if these new SEC rules will work, the chairman and this House are rushing ahead to consider legislation to address the issue.

But on the other hand, Mr. Chairman, in regards to Sarbanes-Oxley reform, the SEC is also considering new guidelines to address numerous concerns, and in that case, the chairman believes that Members need to be patient and let the SEC do its job. In fact, we have not even had a single hearing on that topic. We are told we need to wait and see if the new regulations will fix the current problems in the corporate sector.

But after listening to numerous arguments by the chairman about inconsistency, and even tonight as well, I thought it important to point this out, that we should be consistent on these two matters and to give both avenues an appropriate time to work things through. But if we are not going to do that, that is why I propose this amendment.

This commonsense amendment I have offered today attempts to keep us focused on the perceived problems of excessive compensation. This amendment would establish a trigger that would have to be met before shareholders vote on executive compensation packages. The trigger would require that executive compensation exceed by 10 percent or more the average compensation for comparable industries in that particular sector and would require that the executive compensation question exceed by 10 percent or more the average compensation for comparable positions among companies with comparable total market capitalization. In essence, the SEC is being tasked with deciding which companies fit into these two categories for the purposes of determining these two percentages.

So, it is simple. Essentially my amendment seeks to limit the required votes to instances where the disclosed excessive compensation in question grossly exceeds the norm and provides a quantitative guideline for what constitutes the norm and what constitutes gross excess. If the underlying bill were to pass as it is currently drafted, we will be forcing literally thousands of public companies across this country to conduct shareholder votes on every single pay package for every single CEO of every single public company all the time.

Now, while the courts have said before "we know it when we see it" can be a useful test in certain circumstances, if we have the ability to provide better guidelines to American businesses and consumers, then we should do so in this legislation.

We all know of the large compensation packages that have been given over the last several years. The media has ensured that those that receive extraordinary pensions make it to the media, but you know, for every one of those huge packages, there are literally hundreds, maybe thousands, of other compensation packages that are far more standard. They are within the norm, and we really should not be requiring a vote on each and every one of those that are falling into that category and failing to give the shareholders in those cases the proper information.

So, by adopting this amendment, we will allow thousands of hardworking public companies to continue their day-to-day work without interruption, and we will be better able to focus on the new executive compensation packages that are outside of the comparative norm and may not be in the best interests of the shareholders.

Mr. WATT. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I am just trying to be clear, under your amendment, who would make this determination of whether it is outside the norm? Where would the information come from? Has anybody done a cost analysis of what it would cost to obtain this information?

Mr. GARRETT of New Jersey. Reclaiming my time, the SEC, as I said, will be tasked with deciding which companies fit into these categories for the purposes of determining these percentages.

Mr. WATT. Is that spelled out in your amendment?

Mr. GARRETT of New Jersey. Yes.

Mr. WATT. Okay.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the last word.

I rise to oppose the amendment from my good friend from New Jersey. I certainly can appreciate and value his thought and his effort. He presented this amendment in committee. It was voted down at that time. The chairman has seen fit for us to explore it here.

I think it is very, very important to, first of all, take a very good look at this amendment because I think the American people have certainly tuned into this debate, and on the surface of it, it sounds very nice and good. You recognize that there is a problem; you are just saying that it ought to be, let us just deal with that that is above 10 percent.

But let us look at the wording of this amendment for a moment just to show the difficulty of it. It would allow shareholder votes on executive compensation packages but only if executive compensation at the company exceeds 10 percent or more the average compensation at companies within the same industry and among companies with comparable total market capitalization. A very complicated procedure at best.

One of the first and most fundamental reasons why we oppose this amendment is because it is cleverly designed to do one thing and one thing only, and that is basically to gut this bill because it is totally unenforceable.

The gentleman from North Carolina raises a very important point that I raise. You know, how can you determine this? Who determines this? And when you say, the Securities and Exchange Commission, they are not in power to do this. What sanction do you have? And is it "and" or is it "or" market capitalization of 10 percent?

Let me get my point out a little further. As you go in and you talk about the Securities and Exchange Commission and their rules and what they are doing, it is clear to understand that there is nothing within what the SEC is proposing that ensures the bottom line of what we are after, and that is investor confidence in the transparency and accountability.

This is a very different time within the history of American enterprise. We have ballooned into a stratosphere of CEO compensation. That is also compounded by a new culture within corporate America. You no longer have the sole cases of the man coming up, working his way up through the company, works his way up and spends 20, 30 years with the company, 25, 40 years with the company and becomes CEO. No, what you have now is a series of hired guns who move from company to company, with a battery of lawyers, with packages and sort of like free agents here at this corporation, one at another, one the next, different industries.

So what we have here is a response to that situation that has resulted in these very personalized compensation packages that are made among two or three interested parties and a board of directors member perhaps of a compensation team and this individual without any input from the legitimate owners of the company that invest in it.

Now, let me make one other point very clear of what we are doing. All the companies, we should not single out any companies say if it is 10 percent of this or that, even if you could define the rather complicated formula that you have. What we are saying is every stockholder, every company with shareholders publicly traded, should have that opportunity to weigh in and have a say on the compensation packages.

I might add that, in the point that was spoken before, when you said, well, these companies will fold up and they will come off and not be public anymore and be private, that in and of itself points out the need for this bill. For if a company, based upon just wanting to keep secret or keep within the domain what one CEO, one employee, that desire would force them to go private, that lets you know right there if that happens, but as the information is flowed to us, every company that has had a say-so on this, you name it, I mentioned AFLAC, the Coca-Cola company and Home Depot, which just had a little hit here, but even they are moving.

Mr. ROSKAM. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, the amendment before us, in fact, is intended to strengthen the bill and not, as the gentleman says, to gut the bill.

How does it strengthen the bill? It does so by addressing the exact problem that the gentleman just set forth as what they were intending to do with the legislation in the first place.

The gentleman, and also in committee, went on and all the testimony was about excessive compensation packages and how this is an egregious situation for this country and for the investors. I do not think we had one person who came before the committee, nor has anyone from the other side of the aisle made an example of saying that we should be doing something about fair compensation packages or compensation packages that only went up a small percentage.

All the testimony, all the argument before, all the argument we have heard tonight is about excessive compensation packages, and that is what my amendment does. It says, look to, how do we focus this thing on really where the problem is, excessive compensation packages, and we do that by specifically delineating it, by saying that it is 10 percent or more of the above averages for the industry's norm.

Secondly, the gentleman from the other side points out that the investor does not have any input. Of course, he does, and when the case is involving an excessive compensation package, then he will have the input to make his voice heard.

Thirdly and finally, I think we see the difference of approach as to where the burden in these situations should apply. Should it apply to honest, law-abiding, good, hardworking citizens and businesses in this country, or should the burden be placed on government? My amendment would say that the burden is put on the SEC to make the determination to make those findings, and yes, it will be some burden to do so, but it is on the SEC to make those findings. We should not be placing these excessive burdens on the business sector. If they are doing what their stockholders want them to do, growing and expanding their businesses, hiring CEOs that are making salaries that are fair for them and are within the norm, we should not be placing an additional burden on them.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

I thank my dear colleague, Mr. GARRETT, on the other side of the aisle for your strong support for the TRIA bill and for coming to New York for that very important hearing. It is a challenge that both of our States face, and I congratulate your leadership on that very important measure.

But, regrettably, I rise in opposition. I do not see this amendment as straightforward and helping the process. It appears to just complicate it. It sets triggers and hoops that you have to jump through before we can get to a vote.

The underlying purpose of this bill is to allow shareholders to have a vote on a link between pay and performance. If a CEO is doing an absolutely fabulous job and coming up with new ideas and creating new industries and employing thousands and thousands of Americans, as a shareholder, I would probably vote a big pay increase.

□ 1915

But if that CEO was like New Century, where the CEO recently, I think was in the paper today, this gentleman walked away with a multimillion-dollar bonus and $13 million of profit in stock options while his company went bankrupt, and thousands of their borrowers are facing the loss of their homes. As a shareholder, I would be voting, very strongly, "no" on that pay package.

To me, the underlying thrust of this is to allow the voice of shareholders in the democracy of their companies and our country and to tie pay to performance. As a shareholder, I would vote for a large pay increase to someone who is doing a good job. But too often we hear about people who are doing a terrible job, bankrupting pensions, running their companies into the ground. With their cronies on the board, and their close friends walking away with these huge packages, it's really not good for the country, it's not good for capitalism, it's not good for business.

This proposal also would increase the cost and length of the time for both the firms and the SEC. The SEC is overburdened now, but this puts more burdens on them to collect the data and calculate the 10 percent that is required before they come forward and make the decision.

I join my colleagues. This was roundly defeated in the committee earlier, and I believe it should be defeated on the floor.

I would like to speak just a little bit about what I am so deeply concerned about, and why I think this is such an important bill. Like many of my colleagues, I am very concerned about the rising economic inequality in this country. Under the Bush administration, it has just gone like that. I don't think it's good for the country or for our future.

Despite 5 years of economic expansion, most American families have struggled just to hold their economic ground on President Bush's watch. Strong productivity growth has not translated into higher wages for most American workers. Those who were already well-to-do are those who continue to grow.

As this chart shows, and I think it's an important one, the red bar shows only modest gains concentrated in the upper half of the distribution from 2000 to 2006. The divergence between the haves and the have-nots and the Bush economy stands in marked contrast to the second term of the Clinton administration. The blue bars, where real wages and gains were strong up and down the economic ladder for all people, the economy grew, not just for the top, but for all of our citizens.

The people experiencing the largest wage gains are executives and highly compensated individuals. While ordinary workers are not really sharing in this economic growth, their paychecks have not really grown after inflation.

I want to show the CEO chart, because it goes really to part of this bill. Now, this chart shows the compensation, as the bar on the left shows, in the 1980s, the average CEO made about 50 times as much as the average worker. As the bar on the right shows in 2004, that ratio was seven times greater. The average CEO made about 350 times the pay of the average worker.

According to recent studies, that figure has only gone up. The average CEO made 500 times the pay of the average worker in 2006. I say that it's time for shareholders to have a say and that this underlying bill is long overdue.

I congratulate Chairman FRANK for his effort here. It's measured, it's reasonable, and it will enhance shareholder democracy and rein in the excesses of executive compensation.

I would just like to conclude, the main reason I am opposed to your amendment, Mr. GARRETT, although I have a great deal of respect for your work and we have agreed in many ways, is, it does not link the pay to performance. That is what we want to get to the shareholders. That is what is good for economic growth for our country.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CAMPBELL of California:

Page 4, line 13, strike "Any proxy" and insert "Subject to paragraph (3), any proxy".

Page 5, line 6, strike "In any proxy" and insert "Subject to paragraph (3), in any proxy".

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:

"(3) MAJORITY-ELECTED BOARD EXEMPTION.—The shareholder vote requirements of this subsection shall not apply with respect to any issuer that requires the members of its board of directors to be elected by a majority of the votes cast in a shareholder election of such board.".

Mr. CAMPBELL of California. Mr. Chairman, as has been mentioned in the debate tonight, we had a substantive hearing on this subject, and there were six witnesses at that hearing. The witnesses were split as to the substance of the bill that is before us. Four of them liked the bill, supported it, and two of them opposed the bill. However, there was one thing on which there was unanimity with the witnesses. All six witnesses agree that a better solution, a better proposal, would be to allow to have shareholders, or to require companies to require a majority vote before seating a shareholder on the board.

All six witnesses preferred that to this very prescriptive executive compensation proposal. Because, as we discussed earlier, that would actually give shareholders more rights, through the board, to express their displeasure with a company for excessive executive compensation or simply executive operations that they don't like: for a poor performance, for a bad union contract, for whatever they wanted to express their displeasure more effectively by voting against people who were proposed to be on the board. Because if a majority vote is required to put anyone on the board, it's going to take a lot more votes to get people on there than would have happened under the current system.

What this amendment does is, this amendment says that a company will not be required to have an advisory vote on executive compensation if they, instead, require a majority vote, a majority of those voting, to seat a director on the board. That is simply all this would do.

Now, therefore, companies, if they didn't really like the executive compensation proposal, they could go for a majority vote instead, if they felt that was better for them. And as I stated before, I and people all over the spectrum believe that is a better solution.

Interestingly enough, the Business Roundtable believes that is a better solution, and I have a letter here from the Teamsters Union from March 13, 2007, bragging about how FedEx recently adopted a majority vote by law and how important this was for the management of that company. So it is clear that on all sides of this the people believe that majority votes to seat someone on the board of directors is a more effective way to deal with this issue.

Now, let me anticipate some things that my friend, I will get your State right this time, from Massachusetts will say. I have heard the argument that this proposal is too intrusive, that it is more intrusive than the basic bill that is before us. I would argue that it is not, because it actually gives the corporations a choice. They can either accept the vote on executive compensation that is before them, or if they wish to go the route of majority voting for directors, they can do that instead.

I have also heard the gentleman argue that my proposal here is not intrusive enough because it does not require a majority vote of directors for all corporations at all times.

I will tell you that if the author of this bill, the chairman of the committee, wished to amend this bill or pull this bill back, or whatever would be the correct parliamentary procedure, to replace this with a requirement for a majority vote of directors, I would support him on that.

However, with the bill that is before us, this is the only germane solution that can be offered to give shareholders the opportunity to have a majority vote for directors, which will really give them more voice, instead of this silly advisory vote thing, which is so narrowly focused on just one thing that shareholders may have a problem with, rather than the greater issues of governance of corporations.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

The gentleman from California mischaracterized my argument. I didn't say that it wasn't intrusive enough because it wasn't mandatory. I was responding to his earlier assertion which might have led people to think it was mandatory. I was simply correcting the characterization.

I would say this. If the gentleman wants to introduce a bill, and he complains a little bit, well, that he was only able to offer this amendment because only in this form is it germane to this bill; I know the gentleman is a relatively new Member, maybe he didn't understand that Members have the right to file any legislation they want.

Had the gentleman genuinely wanted to deal with this and broaden the right of shareholders with regard to elections of the boards of directors, that if I were here, I would have filed such a bill, I will tell him now. I will yield only if I can get unanimous consent to extend my time.

If Members tell me that, I will be glad to yield. No problem. I will be glad to yield in a minute just to say this: If the gentleman now decides, having considered this, that he wants to file such a bill, I will guarantee him a hearing. I will say this: We will find more opposition to it if we were to mandate that. That is one of the factors I will introduce.

I would say, until we had filed this bill, I had not seen any indication from the gentleman this is what he wants to do. If he wants to file a bill to give shareholders the right to vote by a majority for directors, and I think there has to be further change, then I would be happy to guarantee a hearing.

I will yield to him.

Mr. CAMPBELL of California. Thank you. I will assure the gentleman that I will do that.

Mr. Chairman, I would like to suggest that the gentleman withdraw the bill that is before us. If you believe that it is a better solution, I believe you do, then let's withdraw the bill.

Mr. FRANK of Massachusetts. I am taking back my time.

I will explain why to the gentleman, because I think it's going to be hard enough to get even this through. We have had people who said this is way too much. I do not think the gentleman speaks for his party in being supportive of something that will be far more opposed by a broader segment. If, in fact, that would happen, I would be supportive, but I do not want to have the chance to sacrifice this.

I will say one other point. The argument is, why do you single this out? I believe there have been problems with boards of directors in general, although I will repeat again that the Chamber of Commerce, as was noted, thanks Sarbanes-Oxley for significantly improving the quality of boards of directors. I think our former chairman should be pleased to have this ringing endorsement of his handiwork from the Chamber of Commerce.

But there is still this problem, boards of directors are at their least independent in dealing with the CEO who may have selected them. I do think there is reason to single out the CEO-board relationship from other issues.

The other question I have is this and why I wouldn't vote for this amendment in any case, it says a majority vote, but here is the problem. In many corporations, there is no way to nominate someone to be on the board, other than by the board. There are many corporations that do not allow that.

If the gentleman wants to come in with a bill that says shareholders, a certain minimum number, not any one person, but if we could agree that a reasonable number of shareholders could designate alternative candidates, then we could do this. An election in which you require a majority to be elected is part of the democracy, but an alternative is also part of the democracy.

The gentleman has half of the democracy in here. He has a requirement of the majority vote, but no requirement that there be any competition. As we all know, the fact of competition could affect the final vote.

If the gentleman's newly found interest in this sustains itself, and he says it will, and he wants to file a bill that requires that there be access, proxy access to our nomination process and then a majority vote, he will have my support. Until then, though, I see no reason, in the hopes of that, to get rid of this bill.

I do want to respond to an earlier comment by the gentleman from New Jersey who said we could only do it for excessive compensation. He fundamentally misunderstands this bill and contradicts itself.

It is not the job of the Congress to say what it is or isn't excessive. We have individual opinions about excess. We are leaving it to the shareholders.

The gentleman said they should only have to vote if it is more than such and such above the average. What about if you are getting average pay for a subpar performance? What if the shareholders of a particular corporation say, this man doesn't deserve the average, this woman hasn't lived up to the average?

The notion that we should qualify the abilities of shareholders to vote on what to pay the owners of their own company, based on what we think is excessive, an empirical definition put in the bill, fundamentally misunderstands what we are trying to do, which is to empower the shareholders to express their opinion.

Members keep saying it is simply only advisory. I do not think, Mr. Chairman, that anyone believes that. I do not think that anyone thinks that an advisory vote of shareholders would be easily dismissed by boards of directors.

One final point, the suggestion if we do this, the boards of directors and CEOs in pique will take their companies private, when presumably they otherwise wouldn't, because that is the only way it could be causal, what a condemnation of CEOs. How dare you vote on my pay? I will take my company private.

By the way, in fact, you can't take the company private over the shareholders' objections.

□ 1930

The Acting CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. I just want to repeat the point I made. This threat that we will take the company public, the CEO will take the company public, understand what that says: That if the CEO's pay is subject to a shareholder vote, in retaliation, he will make a fundamental change in the ownership structure. And, by the way, that assumes that the shareholders don't have anything to say about it. No, I do not think that shareholders will sit and vote for a takeover of the company just to allow the CEO to shelter his or her pay; so this threat, I think, is an empty one.

Mr. MCHENRY. Mr. Chairman, I move to strike the last word.

Mr. CAMPBELL of California. Mr. Chairman, will the gentleman yield?

Mr. MCHENRY. I yield to the gentleman from California.

Mr. CAMPBELL of California. I thank the gentleman from North Carolina.

Just to respond to the gentleman from Massachusetts' comments, I will introduce such a bill, as we have discussed, and I am happy to work with the chairman on that.

But what is before us right now is this amendment and this bill, which I wish you would withdraw so we could work on the other; but, apparently, you are not going to do that.

And since you are not, what we have before us is this bill right now and this amendment right now. You said it is only half democracy. Well, what we have before us is zero democracy. This amendment is at least half democracy. Maybe it is not full democracy, as you say, but it is better than none. That is what this amendment is.

I would caution Members on the other side, if you oppose this amendment, you are opposing majority voting for the opportunity to have in this bill a large incentive for companies to put majority voting for directors. If you vote "no" on this, you will be voting "no" on that opportunity in this bill. Let's understand that is where we are. In the future, I will be happy to work with the chairman on other things.

Mr. MCHENRY. In order to move this along because the reason I am allowing the gentleman from California to speak on my time is so I can have an opportunity to offer my amendment, and we are pushing up against a time limit.

Mr. FRANK of Massachusetts. Mr. Chairman, would the gentleman yield me 1 minute? I will talk fast.

Mr. MCHENRY. The gentleman certainly talks fast, and I will yield him 30 seconds.

Mr. FRANK of Massachusetts. I just wanted to say that this does not in any way enhance democracy. The notion that if you vote against this bill, you vote against democracy, makes no sense.

The gentleman says it is an incentive to make the corporations do this. Apparently he believes that, assuming a nonbinding, ineffective, toothless advisory vote will provide a major incentive to corporations to make a major structural change; I don't.

Mr. MCHENRY. Mr. Chairman, reclaiming my time, I yield to Mr. CAMPBELL.

Mr. CAMPBELL of California. The gentleman from Massachusetts may have heard others say it is toothless and ineffective. I didn't say it was toothless and ineffective. In fact, I think it creates problems when companies have to hire somebody quickly and that sort of thing. I didn't say it was toothless and ineffective. I said it was silly. I did say it was silly because it only targets one element of shareholder displeasure with a company, which is an element, and although it can be very irritating, amongst many, many elements that are out there, is the least likely to actually destroy shareholder value, and that is what shareholders are interested in, is shareholder value.

So I didn't say it was toothless and ineffective. I said that I think it is the wrong solution to the problem that is before us.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. MCHENRY

Mr. MCHENRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MCHENRY:

Page 3, line 18, strike the close quotation marks and following period and after such line insert the following new paragraph:

"(3) DISCLOSURE OF VOTE TO PENSION FUND BENEFICIARIES.—A shareholder who is casting the vote permitted under this subsection on behalf of the beneficiaries of a pension fund shall be required to disclose to such beneficiaries whether such vote was cast to approve or disapprove the compensation.".

Mr. MCHENRY. Mr. Chairman, I thank the gentleman for the opportunity to offer this amendment under this semi-open rule.

My amendment is simple and straightforward; and I know that is always a misnomer in this place. But it is simple and straightforward. It holds pension funds accountable to their member shareholders for their proxy votes.

Really, the intent I believe the bill's sponsors had is for transparency, so shareholders can actually have their voices heard, and they are transparent in their corporate voting structure.

This amendment requires a shareholder who is casting a nonbinding advisory vote to disclose to their beneficiaries whether such vote was cast to approve or disapprove the compensation.

As we well know, pension funds hold stocks for others. I think it is important that the managers of those pension funds disclose to the actual owners of those retirement funds, those pension funds, how their managers cast their votes. And if the purpose of the Shareholder Vote on Executive Compensation Act is to attain a greater level of accountability to shareholders, then my amendment simply must be adopted in order to fulfill that.

Union leadership or pension fund leadership should have to inform their shareholders how they cast votes on their behalf. I think that is a matter of openness and transparency.

As Members of Congress, this issue should hit close to home. Do you believe your constituents back home, the people you represent, should know how you vote? Well, that is exactly what we are offering here today, what I am offering in this amendment. It is a very commonsense thing about disclosure to those that it actually affects. Voting against my amendment sends a clear message to your constituents that you value secrecy over transparency.

Why should only the mutual fund industry have to inform their shareholders how they cast their votes? So what we are doing is applying what is already done for mutual funds. Mutual funds are required to disclose to the owners of that mutual fund how the leadership, the management, casts proxy votes; and in this instance, it would be operational. They would have to disclose to their owners how they cast a vote.

Well, let's apply that to the pension fund. Let's apply that to union pension funds, let's apply that to State-managed pension funds. I think it is a reasonable thing.

What I find disturbing, though, is in some ways you are allowing activist shareholders to participate in this vote without actually having to disclose to those that own the pension funds, to those who actually own the stocks in this case, how they vote. I think it is a matter of disclosure, and it is what is necessary and fair.

Political groups like big labor and huge pension funds will have the power to ransom business leaders with their votes. But what we are trying to do is hold them accountable for their actions and activities, and ensure that those people who own those stocks and have a financial interest in the pension fund have an idea of what their management is doing.

Look, if we don't do this, it will create a situation where critical business decisions are being made by those least prepared to make them. In the name of fairness, transparency and accountability, I urge my colleagues to adopt this amendment.

Now I don't want to misstate what the chairman said when I offered this during committee and what some of my colleagues on the other side of the aisle said, but in many respects, they like the intent of this, and I know that the chairman is trying to keep this, his original bill, free and clear of any amendments. I understand that. I certainly understand that. But I think this is a proper addition to ensure that shareholders truly understand what those who are controlling their votes actually are doing. I think it is a necessary and proper thing to do.

I urge my colleagues to support this amendment.

Mr. WATT. Mr. Chairman, I move to strike the last word, and I yield to the chairman of the committee.

Mr. FRANK of Massachusetts. I think the gentleman from North Carolina did correctly state my view, but my position was not simply to keep this bill clean, we did accept a couple of technical amendments. I would point out to him, in committee, the gentleman from Connecticut (Mr. SHAYS) had a substantive amendment, which we accepted, dealing with rights.

My view is this: I agree on the principle that a fiduciary's vote should have to be made public, but I wouldn't want to limit it only to pension funds. I also don't think it should be limited only to this subject matter, although I agree, given germaneness, the gentleman couldn't have broadened it beyond that subject in this bill. But it could be broadened beyond pension funds.

I believe we should have a hearing on the principle where the gentleman is correct, and I agree with him, that fiduciaries should have to be made public, but that is all fiduciaries on all issues.

Mr. WATT. Reclaiming my time, that was exactly the point I was going to make.

So a broader amendment, were it germane to this bill, would probably be received favorably by all of us because we believe that fiduciaries in general should be reporting to the people that they are representing. But when you limit it only to pension plans, you eliminate foundations, you eliminate family trusts, and you eliminate a whole range of other fiduciaries that should have the same obligation. And singling out pension plans in this context I think is the wrong thing to do.

I am happy to yield to the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, while I appreciate my colleague speaking to that, I would ask if you would be willing to write a letter to the SEC with me encouraging them, through the regulatory process, to do what you just outlined. I certainly appreciate what you are doing. I would like to have a vote on this because I think we should get on record saying this is the right move. But I would like to work with you all on this.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I appreciate that spirit of cooperation, but it is getting late, and Friday is coming, so I would offer either a letter or roll call, but not both.

Mr. WATT. Reclaiming my time, I am not sure that the SEC would have the authority to go outside without some legislation anyway. So a letter to the SEC saying, do this, would take two conditions: Number one, it would take the passage of this bill, and I presume the gentleman is not planning to vote for it. So you would be asking us to accomplish something for you without a quid pro quo.

Number two, it would take some legislation.

I yield to the gentleman from North Carolina.

Mr. McHENRY. I would be happy to vote for the legislation if my amendment passes because I think that furthers it, and if I have a commitment from the chairman to maintain it through conference.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I have just been advised by staff, who is very knowledgeable on this, that part of the problem is, and I understand the gentleman has, as I think is appropriate, substantively the model of what was done with mutual funds, but I have been reminded that the SEC has a plenary power over mutual funds that it does not have over foundations. I have now been instructed that the SEC could not do that. You cannot reason that what they can do over mutual funds to what they can do over these other fiduciaries, so I think it would take separate legislation.

Mr. WATT. I am delighted that my chairman has reaffirmed that because my colleague from North Carolina would never take that piece of advice from me. I'm joking.

I oppose the gentleman's amendment because it is not broad enough to cover all fiduciaries. We ought to work on it in a different context, and I hope we will have that opportunity.

Mr. ROSKAM. Mr. Chairman, I move to strike the last word.

I rise to point out that there is some dizzying logic going on. Basically, we are being told, here is a piece of legislation, and if you are clever enough to come up with a germane amendment, we will sort of humor you and listen to you. But if there is a larger suggestion, then it is very difficult to move forward.

I would just suggest to the chairman of the committee that the perfect is the enemy of the good. It strikes me that the gentleman from Massachusetts is an incrementalist. Those who survive most in this arena are incrementalists, and he has survived for a long, long time, Mr. Chairman, and flourished and been very successful as a legislator.

But it just seems that this is a good faith effort on the part of the gentleman from North Carolina to put forward something substantively. Is it the totality of making every problem go away? No. There is no way to do that.

□ 1945

And it is a little bit of a procedural Catch-22 that he is in.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

I am disappointed in the characterization. In the first place, it is not accurate that germaneness prevented this from being a broader amendment. As I acknowledged, germaneness does prevent this from getting into other subject matters. But nothing would have prevented this from applying to the other entities that my colleague from North Carolina enumerated. Nothing would have said that other fiduciaries could have been covered. And that is why I am against this amendment.

Frankly, we have a difference between the parties here to a very great extent on labor unions and the contribution they make to the United States.

Mr. McHENRY. Will the gentleman yield?

Mr FRANK of Massachusetts. Yes.

Mr. McHENRY. Well, if the gentleman seeks to perfect my amendment, that is a whole another deal. Through unanimous consent we could expand this to not just pension funds but all issues.

Mr. FRANK of Massachusetts. No. I will take back my time to say to the gentleman, I will not legislate on serious subject matter involving large numbers of institutions on a unanimous consent agreement to an amendment that he filed when he could have filed whatever he wanted at a quarter to 8 or at any other time. I think there should be hearings. I have said we will do this.

You know, the gentleman on the other side may, with the motions to recommit, believe in the 5-minute solution to complex problems. I don't. I think it degrades the legislative process. I will not be a party to it. I will not agree.

The gentleman could have filed any amendment he wanted to that was germane. He could have filed a broader amendment. We could have had more debate and discussion on it.

I do not agree I or he or any of us off the top of our heads are able to decide how better to broaden this. And there is a disagreement between us about labor unions. Let's make it explicit. That is partly what is involved here.

There has been a degree, I believe, of denigration and demonization of labor unions, that is part of the reason I think we have the economic inequality we have. For pension funds I read labor unions because they are identified with unions.

The gentleman from North Carolina, who is a very good lawyer, mentioned a number of other entities that should be covered if you were going to be covering fiduciaries. I do not think it is accidental that only pension funds are mentioned. I think that bespeaks this notion that labor unions are somehow in need of more supervision, that they are more damaging and dangerous. I think the opposite is the case. I think there have been abuses from foundations. There have been some abuses from unions. So that is why I object to doing this, because I do not think it is the first step. I think it is part of a denigration of the role of labor unions from which this country suffers. Indeed, I will just say I am struck as we debate now whether or not to put standards from the international labor organizations into our trade treaties. We are now being told by opponents that we can't do that because America doesn't meet those standards; that because of the years of denigration of the labor unions, we don't meet those standards. So I do not agree to single out pension funds because I do not agree that we should join in this somehow, this suspicion of unions. And I don't agree that in a unanimous consent agreement off the top of our heads we ought to decide how more broadly to do it. I would rather legislation responsibly.

The committee that we are all members of, those of us who are now on the floor, has been, I think, a very thoughtful forum, not just under my chairmanship, under the chairmanship of my predecessor. We have hearings. We have an excellent staff on both sides. We have worked together.

I look forward to hearings on extending the principle of fiduciaries having to reveal how they have voted on all issues and to all fiduciaries. But I do not think we should single out pension funds tonight, nor do I think we should on the fly try to broaden it, so I oppose the amendment.

And I will yield now to the gentleman.

Mr. McHENRY. Well, I appreciate the Chairman yielding, and I don't want to belabor this point. So the gentleman is saying he is willing to work for legislation that makes sure that all fiduciaries disclose—

Mr. FRANK of Massachusetts. All votes.

Mr. McHENRY. All votes. And so the gentleman will be happy to work on legislation together on this.

Mr. FRANK of Massachusetts. Well, it is late and I am sometimes cranky. I can't say that I would be happy to work with the gentleman, but I would be willing to.

Mr. McHENRY. Well. I certainly appreciate the Chairman's willingness, and although not pleased or happy about it but, you know, his willingness to work with me.

And just in a final note, I was trying to actually get both of you, both my colleague from North Carolina and the gentleman from Massachusetts, in favor of this amendment and I actually accepted your arguments on broadening this. Once I accepted them, then you said it was on the fly. So it is circular logic that is very interesting.

Mr. FRANK of Massachusetts. I will take back my time to say that you cannot, the gentleman could have offered a broader agreement. I do not agree. Yes, I would ask for unanimous consent to make a slight technical change in an amendment to fix wording. But to go into a much broader version of the subject, under these circumstances, without a hearing, without full participation in a mark up would be inappropriate, and that is what I mean by on the fly.

Mr. HENSARLING. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. I rise to support it because I think it would make a bad bill less bad.

As I look at the underlying bill, I am reminded of a couple of things that my colleagues on the other side of the aisle do well. One is mandate, and the other is class warfare.

Now, what we are debating here tonight on the underlying bill is a mandate, a mandate for a voluntary shareholder, non binding referendum on executive compensation.

I have listened to the debate today very carefully, and it seems to strike me that if there was ever a case of a remedy in search of a problem, this very well may be it. I have heard many of my colleagues come to the well and speak about outrageous and unreasonable executive compensation. I suspect that unreasonable and outrageous are to be found in the eyes of the beholder. A CEO that rescues a troubled company, creates thousands of jobs, increases shareholder value by 80 percent so that folks can help send their kids to colleges, maybe help a parent with long term health care, my guess is that if that person made a gazillion dollars he was probably underpaid. A CEO who runs a company into the ground, who loses 80 percent of shareholder value, maybe he isn't worth 50 cents.

But the question ought to be, what is the state of corporate governance in America, and the shareholders, do they have say so? They have the most important decision that they can make, Mr. Chairman, they don't have to buy the shares in the first place. And we know that the SEC has just engaged in creating even greater and more disclosure. So if shareholders have the opportunity not to purchase this stock in the first place, I don't understand, and if we have disclosure where it should be, why we are trying to mandate a voluntary, non binding referendum on executive compensation. I don't quite understand. Clearly, in America, you still have a right not to buy a stock.

Now, I have heard a lot about what I would characterize as the typical class warfare that we hear from our friends on the other side of the aisle. And it reminds me, sometimes, that one of the accepted forms, really in some respects of bigotry in this society is bigotry against those who are successful. And so we come and we see charts about this disparity in pay. But, you know, Mr. Chairman, the outrage seems to be kind of selective. Where is the outrage of the hundreds of millions of dollars made by personal injury, trial attorneys and tobacco attorneys, and their legal secretaries maybe make $30,000? Where is the outrage there? Where is the outrage at Hollywood actors and actresses making tens of millions of dollars, and the guy moving the set around, maybe he is making $20,000?

I recently learned that Julia Roberts made $25 million for the film Mona Lisa. It cost $65 million to make, but only earned $64 million at the U.S. box office. I don't know for a fact a public company had to pay that salary, but I suspect they did. Now, where is the moral outrage there?

And, in addition, where is the proposal for the mandatory, voluntary non binding referendum on the compensation that may be paid to one of these individuals?

I mean, what comes next? Are we going to have the mandate for the non binding shareholder referendum on the amount of R&D expenditures that a company makes? Perhaps their marketing budget, Mr. Chairman? Maybe their choice of an auditor? I mean, why do we stop here at executive compensation?

And let me speak momentarily about the mandate. My guess is that to any individual company, this mandate may not be too costly. And I was very happy to have, in the last Congress, the chairman's support on a piece of legislation that I worked on that provided regulatory relief for our financial institutions.

And it is not one particular item. And every single mandate may sound pretty good, looking at it singularly, but collectively they are all adding costs to these companies, and you have to ask yourself, is it serving a good purpose? Because if it isn't, what is helping send jobs overseas is too much regulation, litigation and taxation and we need to support the amendment and vote down the bill.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the requisite number of words.

This has been a very lively debate and a very good debate. And I think it points out the need for us to examine this issue within the context of a very pressing concern the American people have. We are not up here because we have sat in a room someplace and decided this is what we ought to do. There is a great demand to bring some integrity, to bring some transparency and accountability to this whole issue of executive pay compensation that has gotten out of bounds. And our answer is simply to look at the system as it is there, as it is situated, and extend to the shareholders, to the board to make available to the shareholders on their proxy statement, a block that says, do you approve or you disapprove of the compensation packages. What happens after that we have nothing to do with. That is their decision to make.

And I think we have to also look at the whole issue of what is happening in America today, this whole issue of a war on the middle class; this great divide that is happening. I am telling you, it is dangerous to the future of this country.

This is simply an effort to respond, to give some confidence, and to give another tool, an effective tool that works within the system, that is very fair, that is very moderate, as an example of trying to correct a situation that clearly, clearly has gotten out of hand.

Now, you all have offered amendments. You have offered them in the committee. Now, in all deference to our chairman, our chairman has been very fair in the committee and on this floor and on the pension issue. He has clearly stated, as he did in committee, and again on the floor, we will have a hearing on this, where it should be.

But by the very nature of this issue even exploding into the area of pensions and other fiduciaries, it shows the great need for us to examine our compensation structure in the system.

Gentlemen on the other side, we owe it to the American people. We owe it to our system to protect it. Throughout history we have had to make adjustments. Go all the way back to the fall of the stock market, 1929. There are reasons that that happened. The SEC itself was born as a result of a need to do some things. And we continue to muscle right along.

I think it is very important that we put in the RECORD also, before we conclude tonight, because we have had some of our companies names bandied around here, one of which was Home Depot. And I certainly want to recognize Home Depot for moving and taking this issue on and understanding, even to them, the surprise and the concern and the tone that they want to correct for what happened with their predecessor, the CEO, Mr. Darnelli. They are now moving very aggressively to look at this issue itself.

And let me just read, for the RECORD here, Mr. Chairman, where it says that other companies have already begun a process of allowing their shareholders to decide on implementing say on pay. This week Citigroup, no class warfare here, Wachovia. No class war here. Coca-Cola are holding annual meetings at which time their shareholders will vote on say on your pay proposals.

Every company that has had a chance to weigh in on this issue is moving ahead because they know it is the right thing to do, because they know, at the end of the day, what is needed is for us to make sure that the confidence of that investor is strong.

That is what makes this country great. Our free enterprise system, our move here is to protect it. I commend the chairman, and I thank our committee for pushing this forward.

□ 2000

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCHENRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JOHNSON of Georgia) having assumed the chair, Mr. ETHERIDGE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1257) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CALLING FOR JUSTICE IN DARFUR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, we see from time to time, way too often from my perspective, a divisive, partisan discussion, debate, and oftentimes nearly fisticuffs on this House floor. But, Mr. Speaker, I rise tonight to speak about an issue that each of us, every one of us, can agree upon, where there is no partisan or political consideration. And that, Mr. Speaker, is what is transpiring, has transpired over the last several years in Darfur.

Mr. Speaker, we know that there have been 2 million citizens of Sudan who today no longer live in their homes or their villages, and we know that there have been 450,000 people killed in Sudan. It is something that demands our attention. It is something that we as a Congress, we as a country and we as a world must come together to bring the death and destruction, the inhumanity, the hunger, the violence to an end.

Mr. Speaker, I had the opportunity several weeks ago to join the Honorable STENY HOYER, the distinguished majority leader of the House of Representatives, in a visit to Darfur. And there, of course, we had the opportunity to meet with government officials, but we also had the opportunity to see for ourselves the conditions that human beings are living in today. And while I hope our meetings with government officials were useful, I know the view I saw, the scenes that were brought to my attention, the people I met transcend any meeting I could have with a government official to discuss what is going on but was an opportunity for me to have my life changed as a human being to see that we all have a cause to see that life prevails and justice endures.

Upon my return, Mr. Speaker, yesterday I took the opportunity to visit the Holocaust Museum. This week is the week of remembrance of the Holocaust, and while there, I saw the quote from Isaiah, Isaiah 43:10, that says: "You are my witness." Mr. Speaker, that speaks to me and should speak to all of us. We are the witness of the holocaust today. And many Members of Congress, much more so than I and for longer periods of time than I have paid attention to this issue, have been trying to rise to the occasion and bring awareness to the world. And I commend my colleagues who have been outspoken on this issue for a long time, and I join them tonight.

And today I was back to the Holocaust Museum, where President Bush spoke. And, yes, it was a remembrance of the death and destruction that the Jewish community, the people of the Jewish faith suffered, but it also brought home the importance of addressing genocide and death today. And I commend our President for his demands that the Sudanese government allow an African Union/U.N. peacekeeping force, that they reach out to the rebel leaders, that they end their support for the violent Janjaweed militia and they permit humanitarian aid to pass. And President Bush outlined some steps that we as a country are willing to take and requests that we can make to the United Nations.

Congress has designated this week as the "Days of Remembrance" in order to commemorate those victims of the Holocaust. While at that Holocaust Museum, I learned much about the reach of the Holocaust and saw images of death and dehumanization. And as I reflected upon the Jews past and considered the future of African tribes in Darfur, I have to ask a question: Are we going to wait until the proportions of death are similar to the Holocaust before we take action?

The exhibit that moved me the most, Mr. Speaker, was the list of 10,000 individuals who took action during the Holocaust. They have been identified by the Israelis as "the Righteous Among the Nations," those who risked their lives to save innocent Jews during Nazi rule.

When the conflict in Darfur has ended, everyone will feel sorrow for the unnecessary loss of life. But will our Nation be among those, will we as individuals be among those who feel shame for inaction or pride for standing up for justice in Darfur?

DRUM BEATS OF WAR ARE GROWING LOUDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the drum beats of war are growing louder. There is a growing fear here and around the world that the President, either alone or by proxy, will order a military strike against Iran.

The President has escalated the military presence in Iraq at the same time he has escalated the military rhetoric concerning Iran. The President's accusations against Iran are being planted like seeds in fertile ground. Is this how the President cultivates diplomacy, or is he sowing the seeds for another war?

The House must pass legislation that would require a debate and a vote before the President orders U.S. Forces to launch a military strike against Iran. This is the people's House, and the American people have spoken. They don't trust the President, and they are worried about his saber rattling toward Iran.

I think of it this way: If Iraq is a quagmire, and it is, then Iran will be quicksand, with America sinking deeper and deeper into a disastrous foreign policy grounded in brute force and producing brutal consequences: thousands of American soldiers dead, tens of thousands of American soldiers gravely wounded, billions of dollars borrowed and wasted, over 100,000 Iraqi civilians killed and injured, a raging civil war.

And after all that, the President and the Vice President say a military option is on the table for Iran. To prove it, U.S. warships were ordered into the Gulf 2 weeks ago. It was a show of military might around the date that the Russian military intelligence sources have widely forecast that the U.S. would strike Iran in stories posted online and in newspapers.

The current political regime in Iran is a government I do not endorse or support, but the record must show that the President's policies in Iraq created the problem the President now warns he will fix by military action, if necessary.

After the overthrow of Saddam Hussein, the President installed Paul Bremer as America's de facto premier of Iraq. Mr. Bremer answered only to the White House and not to the Iraqi people. Bremer dictated a series of policies that dismantled Iraq from the inside out. With the White House calling his every move, Bremer first dismantled the Iraqi civil society, plunging an entire nation into chaos. The Iraqi civilians who ran everything from sewage treatment plants to traffic control to keeping the lights on were summarily fired. The country's infrastructure remains crippled by Bremer's order 4 years later. Bremer also dismissed Iraq's military, and in so doing, he put tens of thousands of demoralized Iraqis on the streets with a gun and a grudge. The vast majority of these people were in the military for the pay and the job, not because they supported Saddam.

With Iraqi civil and military sectors wiped out over 4 years ago, there were no Iraqis left to guard the borders between Iraq and Syria and Iraq and Iran. The borders have been wide open ever since because the appointed proxy government didn't bother to understand the history of the region or a basic national security need to protect a nation's borders.

We know weapons and insurgents have been walking across Iraq's open borders. Almost a year ago, leaders told me in Amman, and these are Iraqi leaders, that the most constructive thing the U.S. could do would be to withdraw from the cities and redeploy to the borders and establish border guards.

Instead of doing something constructive, the President ordered a military escalation in Iraq that is destructive. The Iraqi people want us out of Iraq. The American people want us out of Iraq. But the President drives us deeper and deeper into Iraq and then threatens military action against Iran.

As a lame duck President and as slave to his own failed foreign policy, Congress must ensure that the President cannot unilaterally strike Iran in the remaining months of his failed presidency. Congress must pass legislation that preserves the checks and balances to guarantee that the President must listen to someone other than the Vice President.

□ 2015

America cannot afford to remain on a hair trigger until a new President takes the oath of office in January 2009, but that is exactly what will happen unless Congress steps up to ensure that the President stands down on a military strike against Iran. We must take away his blank check.

THE SCOURGE OF ABORTION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANKS of Arizona. Mr. Speaker, today was a very important day. Today, the United States Supreme Court handed down a decision upholding the Federal law protecting unborn children from partial-birth abortion.

Mr. Speaker, perhaps it is important for those of us in this Chamber to first remind ourselves again of why we were really all put here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is indeed why we are all here. The phrase in the 14th amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." The bedrock foundation of this Republic is the belief that all human beings are created equal and endowed by their Creator with the inalienable rights of life, liberty and the pursuit of happiness.

Every conflict and battle our Nation has ever faced can be traced to this core foundational belief on our part that every life, from the smallest child to the elderly widow, from the strongest and bravest soldiers on our front lines, to the weakest and most frail in our society, every human soul is of infinite worth and entitled by God to pursue liberty, prosperity and happiness.

But, Mr. Speaker, for 34 years, Roe v. Wade has been a desecration of that bedrock foundation upon which America stands, and Roe v. Wade sets itself apart from all of the other egregious decisions made by our courts in that its result is 45 million dead American children.

Mr. Speaker, that is 15,000 times the number of lives that were lost to terrorism on September 11; and the land of the free and the home of the brave now stands awash in the blood of 45 million of its own children. And it will never cease to totally astound me how we, as Americans, fail to grasp the enormous and terrifying threat to our Nation's survival economically, militarily, morally and spiritually that this tragedy represents.

We have made it illegal to throw away polystyrene diapers, while it remains for the last 34 years legal to throw away babies. How can we be so blind to such a cataclysmic, soul-crushing tragedy?

G.K. Chesterton said once that "Men can always be blind to a thing as long as it is big enough." And, Mr. Speaker, at this very moment, this cataclysmic heartbreak continues.

Arthur Cohen, who is perhaps the world's leading scholar on the European Holocaust, used a Latin term to describe abortion in America. He called it "mysterium tremendum," which means an utter mystery to the rational human mind, a mystery that carries with it not only the aspect of vastness, but the resonance of complete terror, something so unutterably diabolical as to be literally unknowable to us.

Mr. Speaker, following the invasion of Germany into Poland in 1939, a Jewish man named Yitzhak Katzenelson was trapped by the Nazis in the Warsaw ghetto. He was later transported to the Auschwitz concentration camp, where he and his son were brutally murdered.

Before his death, he buried under a tree a song that encapsulated the entire Nazi regime in one verse. He stated that, "The first to perish were the children. From these a new dawn might have arisen." What a profound lesson for the rest of the world to hearken unto. A new dawn might have arisen from those children that perished in the Holocaust.

No matter the rhetoric, Mr. Speaker, we must not ever be so blind to the fact that each time an abortion takes place, a nameless little baby dies a lonely death; a mother is never quite the same, whether she realizes it or not; and all of the gifts that that child might have brought to humanity are lost forever.

It is often said, Mr. Speaker, that a society is measured by how it treats those in the dawn of life, those in the shadows of life, and those in the twilight of life. Because unborn children are hidden both in the dawn and in the shadows of life, we kill thousands of them every day in America, using sometimes methods like partial-birth abortion that cause so much agonizing pain that the child that is being killed, if they were an animal, it would be illegal under Federal law to do it the way we do it.

If we, as a human family in America, cannot find enough humanity within ourselves to change that, if this human rights atrocity of dismembering our own children alive is truly who we are, then the "invincible ignorance" Henry Hyde spoke of in this Chamber so long ago will indeed finally prevail, the patriots' dream will be lost, and those lying out in Arlington National Cemetery will have died in vain and twilight will have fallen upon us all.

Mr. Speaker, that day may come in America indeed. But, sir, that day has not come yet. It is not this day, because today, Mr. Speaker, the world changed. Today the United States Supreme Court upheld a law protecting unborn children from the barbaric, nightmarish procedure of partial-birth abortion. And with this ruling comes a brilliant, piercing ray of hope, because even though this ruling only upholds a law that protects a small number of late-term babies from this horrifying procedure called partial-birth abortion, it represents the day that America changed direction and turned her heart toward home.

I believe, Mr. Speaker, that this decision is part of a growing awareness on the part of all Americans of the simple truth that abortion takes the life of a child, and the United States of America is bigger than abortion on demand. We are beginning to look within ourselves and we are beginning to understand that the foundation of this Nation is within our own hearts.

Our Nation is beginning to understand that whether it is flying airplanes into buildings or blowing up buildings in Oklahoma City, or whether it is raping and pillaging in Bosnia, or whether it is violence in our streets or kidnapping little girls in broad daylight or murdering innocent unborn children, all of these have one inescapable common denominator, and that is the lack of respect for innocent human life.

Americans are beginning to understand and realize that the reason crime is so rampant in this country is because we have taught our young people that it is all right to kill helpless unborn children. Should we then wonder why they kill each other on the school playground?

Americans are beginning to understand that the same mentality that allows a father to forsake his unborn child to an abortionist also allows him to forsake his born children to the welfare state.

Americans are beginning to understand that the abortion mentality is destroying families all over this country, and that if this epidemic of family disintegration continues, that we in this family will bankrupt this Nation in trying to deal with the results.

Americans are also trying to understand that there are better ways to help young mothers than killing their children for them.

And Americans are beginning to understand that if we, as a society, do not find or possess the courage and the will to protect innocent unborn children, that, in the final analysis, we may never find the will or the courage or the commitment to protect any kind of liberty for anyone of any kind.

Mr. Speaker, the pro-life movement often compares the Roe v. Wade decision with the Dred Scott decision that upheld slavery in this Nation. I would remind each one of us that enslaving fellow human beings was once a practice that was perpetuated throughout the world for thousands of years. But when slavery came to America it finally stopped. We had a conscience on that day that changed the world.

Mr. Speaker, that part of our history should give us great hope, because even though we face challenges today, when we look back on how America has somehow come through each one of them, I believe that by the grace of God, America will one day lead all nations to restore protection to unborn children throughout the world.

Hope is a powerful thing, Mr. Speaker. One of the most powerful messages of hope I ever saw in my life was captured in a picture I saw a few years ago, and I cite the commentary that accompanied it. It should be the picture of the year, or perhaps the picture of the decade. But it won't be because unless you obtained a copy through the Internet or the paper it was published in, you probably never saw it. Somehow the media missed it.

The picture is that of a 21-week unborn child by the name of Samuel Alexander Armas who is being operated on by a surgeon by the name of Dr. Joseph Bruner. The baby was diagnosed with spina bifida and would not have survived if removed from his mother's womb. But little Samuel's mother, Julie Armas, is an obstetrics nurse in Atlanta. She knew of Dr. Bruner's remarkable surgical skills. Practicing at Vanderbilt University Medical Center in Nashville, he performs these special operations while the baby is still in the womb.

During the procedure, the doctor removes the uterus via C-section and he makes a small incision to operate on the child. As Dr. Bruner completed the surgery on Samuel Armas, this amazing little baby reached out with his tiny but fully developed hand through the incision and firmly grasped the surgeon's finger. Dr. Bruner was reported as saying that when this little baby grasped his finger, that it was the most emotional moment of his life, and that for an instant during the procedure, he was completely frozen, totally immobile.

The photograph captures this amazing event with perfect clarity. The editors titled the picture "Hand of Hope." They said this tiny little hand seemed to emerge to grasp the finger of Dr. Joseph Bruner as if thanking him for the gift of life that he was receiving. Little Samuel's mother said they wept for days when they saw the picture. She said, "The photo reminds us that pregnancy isn't about a disability or an illness; it's about a little person." The operation was 100 percent successful and Samuel was born in perfect health.

Mr. Speaker, Winston Churchill said once that Americans always do the right thing after they have exhausted every other possibility. And today, for the first time since the evil disgrace of Roe v. Wade, we have restored the legal protection of a very small number of those little children who are already partially born and only moments away from taking their first breath. It beggars human imagination that such basic compassion and humanity was ever debatable in the first place.

But now, today, the tiny hand of hope reaches out a little closer to us than it ever has in the past and only asks for mercy, and I hope and pray that all of us will hear that little voice in our own hearts.

Mr. Speaker, I now yield to the gentleman from Texas (Mr. HENSARLING).

□ 2030

Mr. HENSARLING. I thank the gentleman for yielding.

Rarely do I rise with such trepidation as I do tonight in trying to follow the powerful eloquence of my dear friend and colleague from Arizona (Mr. FRANKS). I want to thank him for the passion and clarity that he brings to this body. And, again, my own voice is so meager compared to his, Mr. Speaker, but I do want to come tonight and really celebrate a great victory for life in America.

I want to thank my other colleagues with the Republican Study Committee who have come here tonight to participate in this 1-hour Special Order, Mr. Speaker. And for those who may be viewing the proceedings, Mr. Speaker, as we all know here, the Republican Study Committee is the conservative caucus in the House of Representatives, over 100 strong, promoting the values of faith and family and free enterprise and freedom that we consider to be the cornerstones of this great experiment in democracy and liberty that we call America.

And, Mr. Speaker, we always invite the American people to dialogue with us at the Republican Study Committee and our Web site at www.house.gov/Hensarling/rsc.

I really didn't know I would be coming here tonight, and so I have no prepared text whatsoever. It has been an emotional roller coaster of a week. I had a tele-town-hall meeting and got to speak to literally thousands of people from the Fifth Congressional District last evening. It started off talking about the tragedy at Virginia Tech, and I approached that discussion with my constituents not as a Member of Congress, but as a father.

I am privileged to be the father of a 5-year-old daughter and a 3-year-old son. And I can only imagine the pain that the families must be going through. And as I see all the reports on television of the promising lives that have been snuffed out in this evil, cruel act, I know that now is a time for comforting those who lost loved ones, it is a time to pray, it is a time to learn.

But as the Nation reflects on those 30-some-odd lives that are lost, maybe today is the day to reflect upon the millions of lives that are lost in America through abortion. And I am not naive; I know this is one of the most contentious issues debated in our society. But what right is more fundamental than the right to life?

I wish I knew how to talk to those who somehow didn't see life the way that we do or value life the way that we do. In my heart, in my head, I can come to no other conclusion but that life begins at conception, that life is a gift of our Creator, who endows us with this inalienable right to life. I don't understand how my countrymen come to other conclusions. I don't hate them. I don't disparage them. I don't yell at them, but I don't understand how they can come to different conclusions. It is something that I take as a matter of faith. And if I didn't take it as a matter of faith, I don't know how any parent could ever look at that sonogram, that modern technology we have and see their tiny little baby just weeks old with their head and their arms and their fingers and their feet sometimes moving around in their mother's tummy. How can you conclude anything else but that this is human life? I don't understand that.

And so I really come here to celebrate a great victory in the Supreme Court today that affirms what was already said by an overwhelming vote in the United States Congress, that this terribly abhorrent act known as partial-birth abortion, that Congress has the right to outlaw that. And, Mr. Speaker, we could go into all the gruesome details about how this child is just seconds away from getting their first breath of life and how, instead, the instrument of death is plunged into them. I don't think we need to go into that graphic detail.

But regardless of how you feel on the pro-life debate or the pro-abortion debate, how anybody could conclude that a child that is just moments away from taking their first breath should have that life snuffed out in the land of the free is beyond me.

And so I am happy to come here with my other colleagues from the Republican Study Committee. And again, I come here with great trepidation. Anytime I go to the floor with my dear colleague from Arizona, I serve with many great individuals in this body, Mr. Speaker, but I cannot think of one who has a purer heart than the gentleman from Arizona. And so again, my own voice is quite meager to his.

But as I think about my own 5-year-old daughter, Claire, and my own 3-year-old son, Travis, and I remember getting the telephone call from my wife to let me know that they were there, that life existed in her that we created, and to think that somehow in this land of the free, where our Creator has given us this gift of life, that those precious lives could have ever, ever come to an end in this gruesome procedure known as partial-birth abortion is just so abhorrent, my mind can't even go there.

And so I celebrate tonight with millions across America. And I certainly celebrate with all the members of the conservative caucus in Congress, the Republican Study Committee, that as many setbacks as we have in America, as we read about great tragedies, today something great happened in America, and the right to life was affirmed.

Mr. FRANKS of Arizona. I thank the gentleman very much.

You know, Mr. Speaker, sometimes the reason that we elect to the chairmanship of the RSC someone like JEB HENSARLING is because we can easily see from the inside and out what people in America can see on the outside, that JEB HENSARLING is a man of great humility, with great competence and just a quiet sincerity that gives us all tremendous confidence in him.

With that, I would like to yield to Congressman SALI, one of our freshman Members and a great statesman.

Mr. SALI. Thank you, Congressman FRANKS.

First of all, I would like to start off by saying how proud I am to be a new member of the Republican Study Committee and to be a part of that group that is about the business of changing the way that Congress does its business, the way that the law will affect the people of this country. I think that we are set to do good work in that group of 100-plus people, and I am very proud to be a part of that group.

Mr. Speaker, tonight is a night of celebration. The Supreme Court has this day extended legal protection, a modicum of legal protection, to thousands of preborn babies.

Many of my colleagues have given moving speeches about this victory for the little ones, and I am so pleased to add my voice to theirs. From my esteemed former colleague, Henry Hyde, to the tireless gentleman from New Jersey, CHRIS SMITH, and countless thousands of Americans whose names will never really be known, to President George W. Bush, people of conscience and conviction have worked for years to end one of the most gruesome practices imaginable; and today, the Nation's highest court has vindicated the law this House passed repeatedly and that the President finally signed into law in 2003.

Mr. Speaker, if we, as a culture, cannot defend the right to life, all of our other rights really become meaningless. So today's Supreme Court ruling is a great victory not just for preborn children, but just as importantly, for our culture.

For 16 years in the Idaho legislature, I worked on protecting the most vulnerable among us, the unborn. That the highest court in our country would today extend this minimal protection to thousands of little ones, infants almost ready to be delivered, is very satisfying. With a great majority of Idahoans and of American people in general, I am gratified by this affirmation of our most basic right, the right to life. And yet I would temper my joy with a note of sadness.

We have outlawed a single barbaric practice, but other types of abortions, an estimated 1.3 million per year, continue with full protection of the law. The fact that these abortions are performed through less startling, cruel and brutal procedures than partial-birth methods makes them no more morally acceptable. The impact is undeniable. Forty-five million Americans are dead from abortion. That is a full one-third of a whole generation, and we are well into one-third of now another generation, all lost to abortion.

The challenge to end unrestricted access to abortion on demand will not end until every life, however small, is protected, until every person at whatever stage of life gains the protection of the law, until the Constitution of our beloved country is respected fully and, consequently, absurd notions like the idea that abortion is a protected right are jettisoned from our Federal law.

Mr. Speaker, 9 years ago, in the Idaho legislature we passed a ban on partial-birth abortion. Because of activism in our courts, that bill was almost immediately enjoined. It didn't protect a single unborn child in the State of Idaho. I remember in my debate on that bill I questioned what could be going through the mind of a doctor who partially delivers that baby, feels that life moving in his hands and feels that little baby jerk as he takes his life.

Mr. Speaker, I question what must be going through his mind. And I say, if we cannot end this barbaric practice, God help us. God help this country. And today, Mr. Speaker, that prayer was answered, that request for God's help was answered today.

I close with this: Some of our friends across the aisle make a great effort of obfuscating the true issue of what we are dealing with by calling preborn children fetuses. That is fine with me, as long as we all understand that the term "fetus" is simply Latin for "the young yet in the womb."

Mr. Speaker, today was a great day for every fetus, for every young boy and girl still in the womb. May God be praised and may He be pleased so that His blessing is poured out upon our land.

Mr. FRANKS of Arizona. I thank the gentleman very much. And now I am very pleased to be able to recognize the gentleman, GRESHAM BARRETT from South Carolina.

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

I tell you, I had a wonderful speech prepared tonight, Mr. Speaker. It had a lot of facts and figures and a lot of things that a lot of people may not know, but I just want to comment and share tonight.

I will tell you, I was talking to JEB HENSARLING earlier, who spoke a little bit earlier, Mr. Speaker, a dear friend of mine, and we were talking about what a smile we had on our faces today.

□ 2045

A celebration of life. Something that we have been waiting for, for a long time, and I am just ecstatic. I look to my left over here and see the colleagues that are going to be speaking, and every one of them has got a smile on their face, and it is just exciting. It is a tremendous day; it is a tremendous moment for our country.

And I come here tonight for three reasons, three simple reasons: The first one is Madison Finley Barrett, my oldest daughter. The second one is James Edward Barrett: we call him Jeb. Cowboy, my middle son. And the third is Charles Ross Barrett, my baby. I think about them every day. I think about watching my wife give birth. I think about how precious they are. I know it was a tremendous moment for me both physically and spiritually, and I don't think any person can witness something like that and not know that there is a God in heaven.

But I think about, Mr. Speaker, my children and my family, and I celebrate for them today. I celebrate for all the families across this Nation and the lives that we will save. I think about their first steps. I think about their first falls. I think about the first time they drove a car. I think about the excitement and the joy I feel and the satisfaction that I have because they are so precious. And out there tonight, Mr. Speaker, there are Madisons and Cowboys and Pally Pals that are being born. Each one of them special, each one of them a gift from God, each one of them with the ability to change the world.

It is a first step. It is a great step. I am just proud to be here to celebrate, to celebrate life, to celebrate freedom, to celebrate this wonderful thing. What a great country. What a great life. What a tremendous success.

Mr. FRANKS of Arizona. I certainly thank the gentleman. Sometimes, Mr. Speaker, a person doesn't know whether it wouldn't be better just to all go home at this point, because this man has certainly touched my heart. And he reminds us all that every little baby comes with a message that God has not yet despaired of mankind. And I thank the gentleman with all my heart.

Mr. Speaker, I yield to Congressman TODD AKIN for such time as he may consume.

Mr. AKIN. I thank the gentleman.

Mr. Speaker, today the Supreme Court ruled in favor of the protection of life, and this ruling affirms Congress's role in guarding and protecting that special gift of life. As Justice Kennedy stated, Congress determined that the abortion methods it prescribed had a disturbing similarity to the killing of a newborn infant.

In the past 30 years or so, our Nation has seen an appalling rise in the disrespect for the dignity of human life. And when a culture of life is not respected, a culture of death rises to fill the void. This culture of death has been eating away at our Nation's character, at America's soul. It seems that day after day we are inundated with new stories of senseless acts of violence and death carried out on innocent victims. It would be easy to try to turn and look away; it would be easy to pretend that that crisis does not exist, but it would not be right. Who is it who will defend the innocent that is led off to slaughter? Who will stand for the right to life in America?

I am reminded of William Wilberforce, the recent movie about his life's efforts to end the practice of slavery. The moving movie "Amazing Grace" demonstrates the value of this cause and the tireless efforts that Wilberforce went through year after year, constant criticism and rejection, until he collected the votes to finally send slavery in the British empire to the dust bin of history. We as Members of Congress could learn from his great example. Will we show our own Nation the same love and respect for the dignity of human beings?

If there is one thing we should take away from this 5-4 decision, it is this, that when human life is threatened by such a gruesome procedure as partial birth abortion, all true sons and daughters of liberty, all true patriots, all true people who respect those rights that have been passed on to us by our Forefathers will take a stand for that precious, precious idea that God gives us life. And it is my sincere hope at this time that we can continue to build on this important victory and to create a new culture of life in our land.

There was a time years ago, many years ago, when America was just a dark forest almost on the horizon, when a young man in 1630 was aboard the Lion. He became, as we know Winthrop, Winthrop, the Governor of Boston, known as the George Washington of the Puritans. And as he was coming along the coast of Maine in the Lion and the wind was blowing across the pine forests out to sea and he smelled the smell of the pine and the balsam on the breeze and he put pen to paper and he started writing, "A Model of Christian Charity." And in there, he held a vision for America that America could be as a shining city on a hill, a light to people all over the world. And today, Mr. Speaker, that vision of a shining city seems just a little bit closer and a little bit less dim and a little closer to a reality that one day, one day that shining city on a hill, a vision of hope for all people of the world, a vision of a city where life, liberty and the pursuit of happiness are truly enshrined in every law and precept of this great Nation: may that vision come to reality even within our own days. Thank you. God bless you all.

Mr. FRANKS of Arizona. I thank the gentleman.

Mr. Speaker, Mr. AKIN has been committed for his entire life to these kinds of causes, which brought him to this place. And so many of us are thankful for his example for the way he has mentored so many of us in this place.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. JORDAN) for such time as he may consume.

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Mr. Speaker, today the Supreme Court upheld the Partial-Birth Abortion Ban Act of 2003, which was passed in the House, in the Senate, signed by the President and became Public Law No. 108–105 in November of 2003.

As others have stated this evening, this is a victory for the health of women across this country. It is a victory for unborn children. It is a victory for life, and, as I have said, people have indicated it is a victory for America.

I just want to take a minute to thank all the pro-life volunteers across this country who are really the reason we have this celebration that we have today. Those of us in public life, those of us charged with forming public policy, we get approached just about every day by lobbyists and interest groups. And they want to talk to us. They want to influence legislation. They want to be a part of this process where the laws and the taxpayer dollars are spent. And they want to do all those things because they have a financial interest at stake. But the people who articulate that life is sacred, the people who advocate for protecting the sanctity of human life, they have nothing to gain financially by talking to us. They have nothing to gain financially by being involved in this movement. They simply do it because it is the right thing to do. They understand life is precious; life is sacred. They understand. That is why they work in our crisis pregnancy centers. That is why they help unwed mothers, because they understand how precious life is. And they understand, and others have talked about this. They understand what the Founders understood, that life is precious. And, as they said in the Declaration of Independence, that we hold these truths to be self-evident that all men are created equal, endowed by our Creator with certain inalienable rights, and among these are life, liberty, and the pursuit of happiness. And I think it is interesting to note the order that the Founders placed the rights they chose to mention, life, liberty, the pursuit of happiness. Can you pursue happiness, can you go after your goals and dreams if you first don't have freedom and liberty? And do you ever have true freedom and true liberty if government doesn't protect your most fundamental right, your right to live?

And that is what we celebrate today. Again, it is a testimony to the hard work of millions of pro-life people across this country. So I want to commend you and again say what a great day for America.

Mr. FRANKS of Arizona. I thank the gentleman from Ohio. And I hope the gentleman stays in public life and leadership for as long as he can stand up.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGREY) for such time as he may consume.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding, and I thank him for putting together this special order hour this evening.

Mr. Speaker, I have been a Member of this body now for 4½ years, this being my third term. And as I stand here tonight in front of my colleagues, I want to say emphatically that this is my finest hour as a Member of this great body, this United States House of Representatives that I have been a part of with 434 of my colleagues.

We have disappointments. We have good days, we have bad days. But this is a good day, and this is a good day. And this is a day that the Lord has made. And that is why it is a good day. I sincerely believe, Mr. Speaker, that God's hand is in everything we do, every deliberation, every bill, everything that seems so important to us, every victory, every defeat. Indeed, I even think maybe God's hand was in the Republican majority, my party, losing that opportunity possibly as a wake-up call. But I want to thank God this evening for Justice Kennedy and Justice Scalia, Justice Thomas, Justice Alito and Chief Justice Roberts.

It has taken a long time, Mr. Speaker. Back in 1992, when this abhorrent procedure was first described, and then finally I think it was in early 1995 maybe when the Member of this body from Florida, Representative KENNEDY, first introduced this bill to ban this procedure. And that bill to ban this abortion procedure, not to ban abortion, but to ban this type of abortion, which really is not an abortion; it is literally infanticide. It is killing of an infant. And it passed this body, and it passed this other body, only to be vetoed twice by the then President of the United States.

Mr. Speaker and my colleagues, today I thank God for Representative STEVE CHABOT from Ohio, who brought this bill once again to this body in 2003, my first year, my freshman year. And I was so proud to vote for Representative CHABOT's bill. And I thank God for former Senator Rick Santorum from the great State of Pennsylvania. Wherever he is tonight, I want to say, Rick, you lost your race, but you didn't lose the battle. And we thank God for your efforts then, because it has come to fruition now.

Mr. Speaker, I want to maybe make sure that my colleagues remember as they listen to my remarks tonight that I spent 26 years practicing obstetrics and gynecology. And in that great specialty, which I am so proud to be a part of that group, the American College of Obstetricians and Gynecologists, I had an opportunity to deliver 5,200 babies by my estimate over a 26-year period of time. They weren't all perfect. Some were born with birth defects. Some had spina bifida. And I have great friends in my hometown of Marietta, Georgia, in Cobb County, great, great parents like Brad and Kim Barfield, who have a beautiful little girl today who is suffering from spina bifida. They knew at 20 weeks that their little girl had that condition, but they didn't elect to terminate that pregnancy by a partial-birth abortion. And many others know ahead of time that they are going to have a child with Down's Syndrome, but they know that that is a gift from God that makes their lives better and the lives of their other children, the siblings. And I thank God for them.

Mr. Speaker, I want my colleagues to understand how this procedure of partial-birth abortion came about, because I remember. I remember when I was a resident in this specialty at the Medical College of Georgia back in 1974, 1975, shortly after Roe v. Wade was passed within a year.

□ 2100

There was a physician at a major medical center in the northeast, I do not remember the hospital, I do not remember the doctor's name, but it was at a teaching center. Back then, if a woman did not have an abortion at 12 to 14 weeks of pregnancy, the first trimester, and in fact, 90 percent of the million annual abortions that are performed in this country are done in the first trimester by a fairly simple procedure called a D&C, but if the pregnancy went beyond and it got to the second trimester and approaching the third trimester, and we are talking now about a 22, 24-week pregnancy when a baby weighs two-and-a-half pounds, the way the abortion procedure was done then back in 1975, and this was perfectly legal under Roe v. Wade, all it required is a licensed physician performed the procedure in a licensed medical facility with the consent of two other physicians.

This is the way the procedure was done. A strong salt, we say saline in the medical parlance, but a salt solution was injected into the mother's womb through the abdomen, and that salt solution, most of the time, killed the baby, killed this baby at 24, 26 weeks, maybe even 3 pounds, certainly capable of not only a live birth but a great life without disability. But as long as the baby was killed, and then the mother was put into labor and delivered a dead baby, that was perfectly legal.

Unfortunately for this doctor back in 1975, he injected the saline and it did not kill the baby. So the next day he injected saline again, and it still did not kill the baby. So he took the mother to the operating room and performed an operation that he called a hysterotomy, that is, an opening of the uterus which really is an early, very early cesarean section. But instead of delivering that live baby, he reached his hand inside the incision and grabbed the umbilical cord and held it until that baby's heart stopped beating.

There just happened to be a nurse in attendance in that operating room that said this esteemed doctor killed that baby, and there was a court decision, a lot of brouhaha, and in the final analysis, the doctor was acquitted.

But from that day forward, that is when partial birth abortions, Mr. Speaker, started because nobody wanted to be in a situation, no doctor, of trying to abort a baby and inadvertently, deliberately and knowing then that they could not kill the baby because it was outside the mother's womb.

So they devised this procedure of partially delivering the baby. If the baby is head first, put the patient into labor, dilate the cervix, and when that head comes out, crush the skull, or if it is a breach presentation, dilate the cervix, put the patient in labor, and when the baby is delivered to the naval, then go up inside and crush the skull and then deliver and then the baby is dead, and it is perfectly legal.

That is what this is all about, and we are talking about maybe 2,000, 2,500 procedures a year out of the million legal abortions that are performed, mostly in the first trimester.

Mr. Speaker, it is unbelievable when I read quotes, and this happens to be a quote from a member of the other body and certainly I would not name names here tonight but this is a quote: As a result of today's ruling, the health of women who have dangerous pregnancies is now in deep jeopardy. Women who are in need of this banned procedure will be denied it, even if they risk losing their fertility, becoming paralyzed or sustaining organ damage.

Mr. Speaker, the risk of any of the those things is greater, much greater if they have this procedure done. Our judiciary committee in this House and in the other body have had multiple hearings from physicians across this country that say this procedure does not need to be done to protect the health of the mother, unless you call the health of the mother anxiety over not wanting that baby. There is still an exception that this abhorrent procedure could be done to protect the life of the mother.

Mr. Speaker, I did not mean to take quite this much time, and I know my colleague needs time to conclude, and I thank God for him, too. I thank God for each and every Member that has spoken here tonight, and I will remember them for the rest of my life. I will remember each one of these Members who have spoken and applauded and, yes, smiled on this great day because to me and to them this transcends any other disappointments and frustrations and aggravations that we may have had on both sides of the aisle in maybe not getting our way on a particular piece of legislation here and there. Nothing is more important than this.

I want to say as I conclude, I want to say to my 9-year old identical, twin granddaughters, Allie and Hannah, who were born at 26 weeks, each weighing 1 pound 12 ounces, thank God for your mom and dad, my daughter and son-in-law, Gannon and Hank Manning, that they did not make a decision that they did not want you, even though you were so fragile. God reached down and lifted you up and now you are the beautiful love of our lives, your grandparents, Mommy and Grand Doc, and so proud as you make progress now in the second grade.

I say to my grandson Hank and my brand new grandson Sabine, just 2 weeks old, your brothers, and to my two other grandchildren, of Phyllis and Jerry Collins, little Grey, two-and-a-half years old; and little Marion, 8 months old, Grand Doc is proud of you, and I know that you are proud of Grand Doc. You are proud that he stood here tonight in defense of the sanctity of life, and I know that God's hand is in all of that.

I just say, as I conclude, I am blessed. We are all blessed. We are all blessed to have this opportunity in a historic moment. No, it does not ban abortion, and most of us hope eventually that there will be no need for that and that the sanctity of life, at the earliest and at the last moments, will be honored and respected.

Again, I just want to thank the gentleman from Arizona (Mr. FRANKS). I am proud to be his classmate. I am proud to be a colleague, and I thank him for giving me the opportunity to talk to my colleagues tonight.

Mr. FRANKS of Arizona. Mr. Speaker, I thank my precious friend PHIL GINGREY from Georgia. It is a wonderful thing to have a man here that has the expertise of a doctor and an obstetrician, to be able to speak to an issue like this, and yet one who has maintained his commitment always to being a help to someone, that would always protect human life rather than to ever try to take it from someone. I just think he is a credit to his profession and certainly a credit to this body.

Mr. Speaker, I suppose that tonight I would just kind of recap here for a moment. A lot of people have mentioned their family members, and I certainly love every one of mine, but I will bring to mind and to voice one special little boy by the name of Landon Trent Franks. Now, the fact that his name is the same as mine is strictly a coincidence, but I am thankful that his daddy and his mother loved him enough to give him a chance at life, and I think at some point, probably the time he is 21, he will be President of the United States which is a great encouragement to me as well.

I understand that we are all proud of our families, but whether a child reaches the great heights in this life or whether they just have a chance to breathe in the breath of freedom and to be able to walk on the free soil of the United States of America or just to have a chance to pursue this thing called happiness in life, it is incumbent upon all of us to recognize that we are all mortal and that this gift of life is the profoundest kind of miracle and that America itself was founded on the basic premise that every life was important, that it was a gift of God, and that each one of us should work to try to protect life and liberty and the pursuit of happiness for all of our fellow human beings.

The tragedy of Roe v. Wade when it came along, it just kind of took us all by surprise, because you see, this was not something that the country voted on. This was not something that the United States people as a whole decided to bring about themselves.

This was something that erudite, and might I say, Mr. Speaker, very arrogant and unjust members of the United States Supreme Court took upon themselves to arrogate this thing, to take away the constitutional rights of the unborn child. It is the not the first time that things like that have happened.

Back in 1857, in the Dred Scott decision, the Supreme Court said that the black man was not a person under the Constitution, and it took a civil war to reverse that tragedy. Today, we all look back on that and we say how could they have ever done that, and yet we have killed 50 million of our own children.

In the rise of the Nazi Holocaust, we saw the German high tribunal say that the Jews were subhuman and not persons under the German Constitution, and it precipitated a great tragedy.

Then in 1973 we saw the Supreme Court take away the right to live of the unborn child.

In all three cases, Mr. Speaker, not only was there a great human tragedy that followed, but there was a greater one that followed as a result. The civil war took more lives than any war in our history. The world war that changed the Nazi Holocaust took 50 million lives worldwide and it saw atomic bombs fall on cities across the world.

I have to say to you that I do not know where America will finally end up here. I do not know what the future holds, but I am so encouraged today that we have made a turn and that we have come to ourselves to some degree and said, you know, there is a time when we can protect these little babies in the womb, and I think if we come to that conclusion, that something even greater will happen. We will begin to understand that these little miracles of life in the womb are the beginning of us all and that there is a way that America can come up with a better solution than abortion on demand, that we are bigger than that as a people.

I am convinced that the day will come some day, Mr. Speaker, when the warm sunlight of life will break through the clouds and once again shine on the face of unborn children in America. When that day comes it will be people like PHIL GINGREY, it will be people like CHRIS SMITH, it will be people like BILL SALI, it will be people like GRESHAM BARRETT, it will be people like JIM JORDAN, people like TODD AKIN, people like JEB HENSARLING, people like STEVE CHABOT, people like George W. Bush the history will be most aware of. They will remember that these were individuals that, through all the storm, held tightly to the hand of a little baby until the storm was gone.

Mr. Speaker, if I am wrong about that, if somehow America never finds its way back home on this issue, I am still convinced of one thing more than any other, and that is, that the Lord of the universe hears the cries of absolutely every one of his children, no matter who or where they are. And if time turns every star in heaven to ashes, I know in my soul that eternal moment of His deliverance will come to each of them. And I hope that we do the part He has given us to that end.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Mr. HOYER) for today on account of a death in the family.

Mr. CANTOR (at the request of Mr. BOEHNER) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCOTT of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

□ 2115

ADJOURNMENT

Mr. FRANKS of Arizona. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, April 19, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1117. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, "Assessment of the Cattle and Hog Industries" for Calendar Year 2006, pursuant to Public Law 106-472; to the Committee on Agriculture.

1118. A letter from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting the seventeenth annual report on the Pentagon Renovation and Construction Program, pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

1119. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 2006 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

1120. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 2006 Annual Report, pursuant to 12 U.S.C. 3305; to the Committee on Financial Services.

1121. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2006 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

1122. A letter from the Electric Energy Market Competition Task Force, transmitting the Task Force's report to Congress on competition in wholesale and retail markets for electric energry, pursuant to Section 1815 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

1123. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's annual report for FY 2006 on the implementation of the National Do Not Call Registry, pursuant to The Do Not Call Implementation Act; to the Committee on Energy and Commerce.

1124. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Inspector General's semiannual report for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

1125. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's report for FY 2006 and the preceding four fiscal years on the activities to ensure accountibility for antidiscrimination and whistleblower laws related to employment, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1126. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's FY 2006 Annual Report pursuant to Section 203, Title II of the No Fear Act, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1127. A letter from the Administrator, General Services Administration, transmitting the Administration's Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 Report for fiscal years 2002 through 2006; to the Committee on Oversight and Government Reform.

1128. A letter from the General Counsel, Government Accountability Office, transmitting the information required pursuant to the annual reporting requirement set forth in Section 203 of the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002" (NoFear), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1129. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's annual report pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1130. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, "Accomplishing Our Mission: Results of the Merit Principles Survey 2005," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

1131. A letter from the Director, Peace Corps, transmitting the Corps' report for fiscal year 2006, pursuant to the Notification and Federal Employee Antidiscrimination and Relation Act of 2002; to the Committee on Oversight and Government Reform.

1132. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting a copy of a draft bill titled, "Range Improvement Fund Amendment Act of 2007"; to the Committee on Natural Resources.

1133. A letter from the Director, Administrative Office of the U.S. Courts, transmitting two reports on the 2006 Activities of the Administrative Office of the United States Courts and the 2006 Judicial Business of the United States Courts, pursuant to 28 U.S.C. 604(a)(4), (h)(2), and 2412(d)(5); to the Committee on the Judiciary.

1134. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Tennessee Advisory Committee; to the Committee on the Judiciary.

1135. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, and -106 Airplanes; and Model DHC-8-200 and DHC-8-300 Series Airplanes [Docket No. FAA-2006-26558; Directorate Identifier 2006-NM-206-AD; Amendment 39-14954; AD 2007-04-22] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1136. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company 65, 90, 99, 100, 200, and 1900 Series Airpanes, and Models 70 and 300 Airplanes [Docket No. 2003-CE-51-AD; Amendment 39-13857; AD 2004-23-02] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1137. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International CFM56-5 and -5B Series Turbofan Engines [Docket No. FAA-2007-27112; Directorate Identifier 2001-NE-49-AD; Amendment 39-14926; AD 2007-03-15] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1138. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26191 Directorate Identifier 2006-CE-60-AD; Amendment 39-14927; AD 2007-03-16] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1139. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26234 Directorate Identifier 2006-CE-64-AD; Amendment 39-14928; AD 2007-03-17] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1140. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EXTRA Flugzeugproduktions- und Vertriebs- GmbH Models EA-300, EA-300S, EA-300L, and EA-300/200 Airplanes [Docket No. FAA-2006-26134; Directorate Identifier 2006-CE-56-AD; Amendment 39-14898; AD 2007-02-11] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1141. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170-100 LR, -100 STD, -100 SE, -100 SU, -200 LR, -200 STD, and -200 SU Airplanes and Model ERJ 190 Airplanes [Docket No. FAA-2006-26462; Directorate Identifier 2006-NM-221-AD; Amendment 39-14952; AD 2007-04-20] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1142. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited R2160 Airplanes [Docket No. FAA-2006-26496 Directorate Identifier 2006-CE-81-AD; Amendment 39-14958; AD 2007-04-25] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1143. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-26647; Directorate Identifier 2006-NM-194-AD; Amendment 39-14957; AD 2007-04-24] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1144. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2006-25391; Directorate Identifier 2006-NM-097-AD; Amendment 39-14956; AD 2007-04-23] (RIN:

2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1145. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2006-26355; Directorate Identifier 2006-NM-198-AD; Amendment 39-14953; AD 2007-04-21] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1146. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A., (CASA) Model C-212 Airplanes [Docket No. FAA-2007-27335; Directorate Identifier 2006-NM-291-AD; Amendment 39-14962; AD 2007-05-01] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1147. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes [Docket No. FAA-2006-25890; Directorate Identifier 2006-NM-115-AD; Amendment 39-14943; AD 2007-04-11] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1148. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes; A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and A310 Airplanes [Docket No. FAA-2006-24289; Directorate Identifier 2005-NM-186-AD; Amendment 39-14921; AD 2007-03-10] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1149. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Superior Air Parts, Inc. (SAP), Cast Cylinder Assemblies Part Numbers Series: SA47000L, SA47000S, SA52000, SA55000, SL32000W, SL32000WH, SL32006W, SL36000TW, SL36000W, and SL36006W [Docket No. FAA-2006-25948; Directorate Identifier 2006-NE-32-AD; Amendment 39-14951; AD 2007-04-19] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1150. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. FAA-2006-25470; Directorate Identifier 2006-NM-090-AD; Amendment 39-14942; AD 2007-04-10] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1151. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-25637; Directorate Identifier 2006-CE-43-AD; Amendment 39-14939; AD 2007-04-08] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1152. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers & Harland Ltd. Models SC-7 Series 2 and SC-7 Series 3 Airplanes [Docket No. FAA-2006-25926; Directorate Identifier 2000-CE-17-AD; Amendment 39-14946; AD 2003-17-05R1] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1153. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sicma Aero Seat, Passenger Seat Assemblies [Docket No. FAA-2006-24036; Directorate Identifier 2006-NE-04-AD; Amendment 39-14947; AD 2007-04-15] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1154. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26235; Directorate Identifier 2006-CE-65-AD; Amendment 39-14945; AD 2007-04-13] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1155. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B-A, 24C, 24D, 24D-A, 24E, 24F, 24F-A, 25, 25A, 25B, 25C, 25D, 25F, 28, 29, 31, 31A, 35, 35A (C-21A), 36, 36A, 55, 55B, and 55C Airplanes [Docket No. FAA-2006-25563; Directorate Identifier 2006-NM-083-AD; Amendment 39-14950; AD 2007-04-18] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, and DC-10-30F (KC-10A and KDC-10) Airplanes; Model DC-10-40 and DC-10-40F Airplanes equipped with Pratt & Whitney JT9-20 or JT9-20J Engines; and Model MD-10-10F and MD-10-30F Airplanes [Docket No. FAA-2006-26049; Directorate Identifier 2006-NM-177-AD; Amendment 39-14949; AD 2007-04-17] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2005-20351; Directorate Identifier 2003-NM-269-AD; Amendment 39-14948; AD 2007-04-16] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1158. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB-Fairchild SF340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No. FAA-2006-25271; Directorate Identifier 2006-NM-067-AD; Amendment 39-14903; AD 2007-02-16] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1159. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2006-24691; Directorate Identifier 2006-NM-051-AD; Amendment 39-14901; AD 2007-02-14] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1160. A letter from the Secretary, Department of Labor, transmitting a copy of a draft bill entitled, "Black Lung Disability Trust Fund Debt Restructuring Act"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. House Resolution 317. Resolution providing for consideration of the bill (H.R. 1905) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes and providing for consideration of the bill (H.R. 1906) to amend the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million (Rept. 110–98). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 318. Resolution providing for consideration of the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes (Rept. 110–99). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 319. Resolution providing for consideration of the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 110–100). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 1281. A bill to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes, with an amendment (Rept. 110–101). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. NORTON (for herself and Mr. TOM DAVIS of Virginia):

H.R. 1905. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 1906. A bill to amend the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million; to the Committee on Ways and Means.

By Mr. SAXTON (for himself and Mrs. CAPPS):

H.R. 1907. A bill to authorize the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities, and for other purposes; to the Committee on Natural Resources.

By Mr. BERMAN (for himself, Mr. Smith of Texas, Mr. Conyers, Mr. Coble, Mr. Boucher, Mr. Goodlatte, Ms. Zoe Lofgren of California, Mr. Issa, Mr. Schiff, Mr. Cannon, and Ms. Jackson-Lee of Texas):

H.R. 1908. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. CUELLAR (for himself, Mr. Pastor, Mr. Reyes, Mr. Rodriguez, Mr. Carter, and Mr. Conaway):

H.R. 1909. A bill to increase the number of Federal judgeships in certain judicial districts with heavy caseloads of criminal immigration cases; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself and Mr. Smith of New Jersey):

H.R. 1910. A bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, Oversight and Government Reform, Rules, Energy and Commerce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY:

H.R. 1911. A bill to amend the Internal Revenue Code of 1986 to modify the credit for expenses for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 1912. A bill to amend title XVIII of the Social Security Act to cover hearing aids and auditory rehabilitation services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina (for himself, Mr. Young of Alaska, and Mr. Rogers of Kentucky):

H.R. 1913. A bill to assist in the conservation of great cats by supporting and providing financial resources for the conservation programs of nations within the range of great cats and projects of persons with demonstrated expertise in the conservation of great cats; to the Committee on Natural Resources.

By Mr. CARTER (for himself, Mr. Forbes, Mr. Chabot, Mr. Poe, Mr. Burton of Indiana, Mr. Lamborn, Mr. Miller of Florida, Mr. Barrett of South Carolina, Mr. Hensarling, Mr. Wamp, Mr. Sam Johnson of Texas, Mr. Burgess, Mr. Pearce, Mr. Rehberg, Mrs. Musgrave, Mr. Neugebauer, Mrs. Blackburn, Mr. Sessions, Mr. Brady of Texas, Mr. McCaul of Texas, Mr. Bishop of Utah, Mr. Gohmert, Mr. Hayes, Mr. McHenry, and Mr. Culberson):

H.R. 1914. A bill to amend title 18, United States Code, to ensure the death penalty for terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. CASTLE:

H.R. 1915. A bill to promote the future of the American automobile industry, and for other purposes; to the Committee on Science and Technology, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 1916. A bill to amend the Internal Revenue Code of 1986 to expand, and extend for 10 years, the American Samoa economic development credit; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 1917. A bill to amend the Endangered Species Act of 1973 to enable Federal agencies responsible for the preservation of threatened species and endangered species to rescue and relocate members of any of those species that would be taken in the course of certain reconstruction, maintenance, or repair of Federal or non-Federal manmade flood control levees; to the Committee on Natural Resources.

By Mr. HERGER:

H.R. 1918. A bill to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. Ackerman, Mr. Allen, Mr. Baird, Ms. Baldwin, Ms. Berkley, Mr. Berman, Mrs. Biggert, Mr. Blumenauer, Ms. Corrine Brown of Florida, Mrs. Capps, Mr. Capuano, Mrs. Christensen, Mr. Clay, Mr. Cleaver, Mr. Cohen, Mr. Conyers, Mr. Costello, Mr. Courtney, Mr. Crowley, Mr. Cummings, Mrs. Davis of California, Mr. DeFazio, Mr. Delahunt, Ms. DeLauro, Mr. Doggett, Mr. Doyle, Mr. Ellison, Mr. Emanuel, Mr. Engel, Ms. Eshoo, Mr. Farr, Mr. Frank of Massachusetts, Mr. Gonzalez, Mr. Al Green of Texas, Mr. Gene Green of Texas, Mr. Grijalva, Mr. Gutierrez, Mr. Hall of New York, Mr. Hare, Ms. Harman, Mr. Higgins, Ms. Hirono, Mr. Hastings of Florida, Mr. Holt, Mr. Honda, Ms. Hooley, Mr. Inslee, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mr. Johnson of Georgia, Ms. Kaptur, Mr. Kennedy, Mr. Kildee, Mr. Kirk, Mr. Kucinich, Mr. LaHood, Mr. Langevin, Mr. Lantos, Mr. Larson of Connecticut, Ms. Lee, Mr. Levin, Mr. Lewis of Georgia, Mr. LoBiondo, Ms. Zoe Lofgren of California, Mr. Lynch, Mrs. McCarthy of New York, Ms. McCollum of Minnesota, Mr. McDermott, Mr. McGovern, Mr. McNerney, Mr. McNulty, Mrs. Maloney of New York, Mr. Markey, Mr. Marshall, Mr. Meeks of New York, Mr. George Miller of California, Mr. Miller of North Carolina, Ms. Moore of Wisconsin, Mr. Moran of Virginia, Mr. Murphy of Connecticut, Mr. Nadler, Mrs. Napolitano, Mr. Neal of Massachusetts, Ms. Norton, Mr. Olver, Mr. Pallone, Mr. Payne, Mr. Perlmutter, Mr. Rangel, Ms. Roybal-Allard, Mr. Rush, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Ms. Schakowsky, Mr. Schiff, Mr. Scott of Georgia, Mr. Serrano, Mr. Shays, Mr. Sherman, Mr. Sires, Ms. Slaughter, Mr. Smith of Washington, Mr. Smith of New Jersey, Ms. Solis, Mr. Spratt, Mr. Stark, Ms. Sutton, Mrs. Tauscher, Mr. Thompson of California, Mr. Tierney, Mr. Towns, Mr. Udall of Colorado, Mr. Udall of New Mexico, Ms. Waters, Mr. Waxman, Mr. Weiner, Mr. Wexler, Ms. Woolsey, Mr. Wu, Mr. Wynn, and Mr. Yarmuth):

H.R. 1919. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Basin and Range Deserts in Utah for the benefit of present and future generations of Americans; to the Committee on Natural Resources.

By Mr. INSLEE:

H.R. 1920. A bill to provide incentives to the auto industry to accelerate efforts to develop more energy-efficient vehicles to lessen dependence on oil; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. Conyers, Mr. McGovern, Mr. Farr, Mr. McDermott, Mr. Paul, Ms. Carson, Mr. Clay, Mr. Ellison, Mr. Fattah, Mr. Hinchey, Ms. Eddie Bernice Johnson of Texas, Mr. Kucinich, Ms. Norton, Mr. Oberstar, Mr. Serrano, and Ms. Woolsey):

H.R. 1921. A bill to affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for nonmilitary purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mr. MAHONEY of Florida:

H.R. 1922. A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCARTHY of California:

H.R. 1923. A bill to amend the Internal Revenue Code of 1986 to modify the exemption amount for the alternative minimum tax; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself and Mr. Herger):

H.R. 1924. A bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit; to the Committee on Ways and Means.

By Mr. MILLER of Florida:

H.R. 1925. A bill to direct the Secretary of Veterans Affairs to establish a separate Veterans Integrated Service Network for the Gulf Coast region of the United States; to the Committee on Veterans' Affairs.

By Mr. NEAL of Massachusetts (for himself, Mr. ENGLISH of Pennsylvania, Mr. TOWNS, Mr. LATHAM, and Mrs. MCCARTHY of New York):

H.R. 1926. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ (for himself, Mr. MORAN of Virginia, Mr. EDWARDS, Mr. HINOJOSA, Mr. FILNER, Mr. REYES, Ms. CORRINE BROWN of Florida, Mr. HARE, Mr. GORDON, Mrs. BOYDA of Kansas, Mr. PASTOR, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Mr. ROGERS of Alabama, Mr. RODRIGUEZ, Ms. SHEA-PORTER, Mr. ARCURI, Mr. BARTLETT of Maryland, Mr. LAMPSON, Mr. GRIJALVA, Mr. HIGGINS, Mr. MCGOVERN, Mr. PERLMUTTER, Mr. MCNERNEY, Mr. MARSHALL, Mr. JACKSON of Illinois, and Ms. WOOLSEY):

H.R. 1927. A bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans dependency and indemnity compensation, and for other purposes; to the Committee on Armed Services.

By Mr. REYES:

H.R. 1928. A bill to provide for a report by the National Academy of Sciences on underrepresentation of certain groups in science, technology, engineering, and mathematics fields; to the Committee on Science and Technology.

By Mr. SALAZAR (for himself, Mr. MAHONEY of Florida, and Mr. HILL):

H.R. 1929. A bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 1930. A bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 1931. A bill to amend the Federal Reserve Act to require the production of Federal reserve notes in a manner which enables an individual who is blind to determine the denomination of each such note, and for other purposes; to the Committee on Financial Services.

By Mr. STUPAK (for himself, Mr. BURGESS, Mr. ENGLISH of Pennsylvania, and Mr. POMEROY):

H.R. 1932. A bill to amend title XVIII of the Social Security Act to provide for improved payments under the Medicare Program for academic anesthesiology programs for resident physicians and for academic programs for student registered nurse anesthetists; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 1933. A bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy, and for other purposes; to the Committee on Science and Technology.

By Mr. WYNN:

H.R. 1934. A bill to amend title 31, United States Code, to require the provision of a written prompt payment policy to each subcontractor under a Federal contract and to require a clause in each subcontract under a Federal contract that outlines the provisions of the prompt payment statute and other related information; to the Committee on Oversight and Government Reform.

By Mr. WYNN:

H.R. 1935. A bill to amend the Small Business Act to provide a penalty for the failure by a Federal contractor to subcontract with small businesses as described in its subcontracting plan, and for other purposes; to the Committee on Small Business.

By Mr. WYNN:

H.R. 1936. A bill to amend the Small Business Act to increase the minimum Government-wide goal for procurement contracts awarded to small business concerns; to the Committee on Small Business.

By Mrs. CUBIN:

H. Con. Res. 116. Concurrent resolution expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, shall be designated as the "National Museum of Wildlife Art of the United States"; to the Committee on Natural Resources.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. CANTOR, Mr. WOLF, Mrs. DRAKE, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. BOUCHER, Mr. GOODLATTE, Mr. FORBES, and Mr. GOODE):

H. Con. Res. 117. Concurrent resolution commemorating the 400th Anniversary of the settlement of Jamestown; to the Committee on Oversight and Government Reform.

By Mr. EMANUEL (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. HARE, Mr. LAHOOD, and Mr. SHIMKUS):

H. Con. Res. 118. Concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games; to the Committee on Foreign Affairs.

By Mr. GOODE:

H. Con. Res. 119. Concurrent resolution expressing the sense of the Congress that the President should immediately and unequivocally call for the enforcement of existing immigration laws in order to reduce the threat of a terrorist attack and to reduce the massive influx of illegal aliens into the United States; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H. Res. 315. A resolution honoring the accomplishments and legacy of Juan Nepomuceno Seguin; to the Committee on Oversight and Government Reform.

By Mr. MCNERNEY:

H. Res. 316. A resolution recognizing the accomplishments of Roger D. Kornberg, Andrew Fire, Craig Mello, John C. Mather, and George F. Smoot for being awarded Nobel Prizes in the fields of chemistry, physiology or medicine, and physics; to the Committee on Science and Technology.

By Mr. DUNCAN (for himself, Mr. GORDON, Mr. TANNER, Mr. COOPER, Mr. WAMP, Mrs. BLACKBURN, Mr. LINCOLN DAVIS of Tennessee, Mr. DAVID DAVIS of Tennessee, and Mr. COHEN):

H. Res. 320. A resolution congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I Women's Basketball Championship; to the Committee on Education and Labor.

By Mr. RANGEL:

H. Res. 321. A resolution honoring Dick Brown: New York's greatest ambassador to Washington; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. MCNERNEY, Mr. BRALEY of Iowa, Mr. HIGGINS, Mr. BONNER, and Mr. JEFFERSON.

H.R. 20: Ms. BORDALLO.

H.R. 35: Ms. JACKSON-LEE of Texas and Mr. WOLF.

H.R. 36: Mr. MCCOTTER.

H.R. 37: Mr. FORBES.

H.R. 74: Mr. BRALEY of Iowa.

H.R. 82: Mr. ARCURI, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. COHEN, Mr. EMANUEL, Mr. HILL, Mr. INSLEE, Mr. JONES of North Carolina, Mrs. MILLER of Michigan, Ms. ROS-LEHTINEN, Mr. WALDEN of Oregon, and Mr. WELCH of Vermont.

H.R. 89: Mr. CHANDLER.

H.R. 91: Mr. GERLACH.

H.R. 178: Mr. JACKSON of Illinois.

H.R. 180: Mr. SIRES.

H.R. 196: Mr. DAVIS of Kentucky.

H.R. 197: Mr. KLINE of Minnesota, Mr. INSLEE, Mr. KIND, and Mr. WALBERG.

H.R. 221: Mr. YOUNG of Alaska.

H.R. 279: Mr. WALBERG.

H.R. 303: Ms. WOOLSEY and Mr. EDWARDS.

H.R. 333: Mr. FILNER, Mr. BARROW, Mr. ABERCROMBIE, Mr. MICHAUD, Mr. BARTLETT of Maryland, and Mr. LEWIS of Kentucky.

H.R. 369: Mr. PASTOR.

H.R. 411: Mrs. SCHMIDT and Mrs. CUBIN.

H.R. 436: Mr. SENSENBRENNER.

H.R. 522: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 549: Mr. HELLER and Mr. PRICE of North Carolina.

H.R. 567: Mr. HODES.

H.R. 579: Mr. GINGREY, Mr. BERMAN, Mr. SARBANES, Mrs. MCCARTHY of New York, Mr. BRADY of Pennsylvania, Mr. BOSWELL, Mr. LATOURETTE, and Mr. BISHOP of New York.

H.R. 583: Mr. WELLER, Mr. MELANCON, and Mr. LATHAM.

H.R. 620: Mr. SHULER and Mr. OBEY.

H.R. 624: Mr. OBERSTAR and Ms. DEGETTE.

H.R. 631: Mr. SAM JOHNSON of Texas.

H.R. 642: Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, Mr. MCGOVERN, Mr. GERLACH, Mr. CARDOZA, Mr. HOLT, Mr. BUTTERFIELD, and Mr. PORTER.

H.R. 643: Mr. JOHNSON of Illinois, Mr. MCGOVERN, Mr. HOBSON, Mr. PORTER, Ms. HERSETH SANDLIN, Mr. CHABOT, Mr. PRICE of

North Carolina, Mr. JOHNSON of Georgia, Mrs. CUBIN, Mr. WILSON of South Carolina, Mr. DAVIS of Kentucky, Mr. BONNER, Mr. CAMPBELL of California, Mr. WOLF, Mr. CLAY, Mr. MORAN of Kansas, Mr. WICKER, Mr. GERLACH, Mr. MILLER of Florida, Mr. KELLER, Mr. RAMSTAD, Mr. SESSIONS, Mr. PETERSON of Pennsylvania, Mr. CARDOZA, Mr. AKIN, Mr. SHADEGG, Mr. GINGREY, Mr. BROWN of South Carolina, Mr. RUPPERSBERGER, Mr. DUNCAN, Mr. BUTTERFIELD, Mr. HOLT, Ms. ROS-LEHTINEN, Mr. LAMBORN, Mr. TURNER, Mr. DICKS, and Mr. LATHAM.

H.R. 654: Mr. POMEROY, Mr. LEWIS of Georgia, Ms. KILPATRICK, Ms. DEGETTE, Mrs. CUBIN, Mr. OBERSTAR, Ms. VELÁZQUEZ, and Mr. BOUCHER.

H.R. 661: Mr. ARCURI.

H.R. 677: Mr. ISRAEL.

H.R. 698: Mr. ROSS, Mr. JINDAL, Ms. NORTON, Mr. THORNBERRY, Mrs. MCCARTHY of New York, Mr. LEWIS of Georgia, Ms. HARMAN, and Mr. RAHALL.

H.R.729: Mr. RODRIGUEZ and Mr. KENNEDY.

H.R. 748: Mr. OLVER.

H.R. 752: Mr. MCGOVERN, Mr. MEEKS of New York, Mr. LANTOS, Mr. REYES, Ms. NORTON, Ms. BORDALLO, and Ms. CORRINE BROWN of Florida.

H.R. 757: Mr. ABERCROMBIE, Mr. WAXMAN, Mr. ALLEN, and Ms. SCHAKOWSKY.

H.R. 760: Mr. JOHNSON of Georgia.

H.R. 784: Mr. EDWARDS, Mr. BERRY, Mr. BRADY of Pennsylvania, Mr. BOSWELL, and Mr. BISHOP of New York.

H.R. 811: Mr. DONNELLY.

H.R. 819: Mr. HARE, Mr. BAIRD, Ms. CLARKE, Mr. LOEBSACK, and Mr. HALL of New York.

H.R. 821: Mr. DINGELL, Mr. CUMMINGS, and Ms. MATSUI.

H.R. 885: Mrs. TAUSCHER, Mr. BERMAN, and Mr. LINDER.

H.R. 943: Mrs. JONES of Ohio.

H.R. 963: Mr. BOREN.

H.R. 969: Mr. SHERMAN, Ms. MATSUI, Ms. ESHOO, Ms. KAPTUR, Ms. CARSON, Mr. WEINER, Mr. PETERSON of Minnesota, Mr. PATRICK MURPHY of Pennsylvania, Mrs. MALONEY of New York, and Mr. KIND.

H.R. 970: Mr. WALBERG.

H.R. 971: Mr. HODES.

H.R. 972: Ms. WOOLSEY.

H.R. 989: Mr. WAMP, Mr. GOHMERT, Mr. BOOZMAN, Mr. PENCE, Mr. RAMSTAD, Mr. FRANKS of Arizona, Mr. JACKSON of Illinois, Mr. COLE of Oklahoma, and Mr. LEWIS of Kentucky.

H.R. 1023: Mr. MCNERNEY.

H.R. 1028: Mr. CARNAHAN.

H.R. 1043: Mr. RAHALL and Mr. MEEK of Florida.

H.R. 1055: Mr. HASTINGS of Florida, Ms. ZOE LOFGREN of California, and Mr. OBEY.

H.R. 1063: Mr. RAHALL.

H.R. 1064: Mr. LINCOLN DAVIS of Tennessee.

H.R. 1069: Ms. MILLENDER-MCDONALD.

H.R. 1070: Ms. MILLENDER-MCDONALD.

H.R. 1076: Mr. BRALEY of Iowa and Mr. PRICE of North Carolina.

H.R. 1079: Mr. CLEAVER.

H.R. 1098: Mr. EHLERS.

H.R. 1101: Mr. BOOZMAN.

H.R. 1104: Mr. BECERRA.

H.R. 1108: Mrs. BONO.

H.R. 1110: Mr. DOYLE, Mr. BRALEY of Iowa, Mr. ALTMIRE, Mr. GRIJALVA, Mr. FRANKS of Arizona, Mr. BOYD of Florida, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. PASTOR, Mr. OBERSTAR, and Mr. FOSSELLA.

H.R. 1125: Mr. GOODLATTE and Mr. KELLER.

H.R. 1137: Mr. PETERSON of Minnesota and Mr. WOLF.

H.R. 1147: Mr. RAMSTAD.

H.R. 1192: Mr. SESSIONS, Mr. BERRY, Mr. BISHOP of Georgia, and Ms. MATSUI.

H.R. 1228: Mr. MCCOTTER and Mr. BERRY.

H.R. 1232: Mr. GOODE, Mr. CARNEY, Mr. RUSH, Mr. EDWARDS, Mr. GILCHREST, Mr. WAXMAN, Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. RUPPERSBERGER, Mr. PRICE of North Carolina, and Mr. PASTOR.

H.R. 1236: Mr. FATTAH, Mrs. GILLIBRAND, Mr. HASTINGS of Florida, Mr. KING of New York, Mr. COHEN, Ms. MATSUI, and Mr. OLVER.

H.R. 1252: Mrs. CAPPS, Ms. DEGETTE, and Mr. OBEY.

H.R. 1261: Mr. SMITH of Nebraska, Mrs. CUBIN, and Mrs. MCMORRIS RODGERS.

H.R. 1283: Mr. EDWARDS.

H.R. 1293: Mr. WALBERG, Mrs. GILLIBRAND, and Mr. RAHALL.

H.R. 1300: Mr. JACKSON of Illinois and Mr. OBEY.

H.R. 1302: Mr. STARK, Mr. NADLER, Mr. COURTNEY, Ms. ESHOO, Ms. BALDWIN, and Ms. WATERS.

H.R. 1322: Mr. BISHOP of New York, Ms. DELAURO, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. HOLDEN, Ms. KAPTUR, Mr. MCNULTY, Mr. PAYNE, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. WAXMAN, Mr. WEINER, and Ms. WOOLSEY.

H.R. 1330: Mr. MCCOTTER.

H.R. 1385: Ms. KAPTUR, Mr. MCHUGH, Mr. MCNERNEY, Mr. FRANK of Massachusetts, and Mr. HINOJOSA.

H.R. 1386: Ms. LINDA T. SÁNCHEZ of California and Mr. WAXMAN.

H.R. 1391: Mr. HODES and Mr. JACKSON of Illinois.

H.R. 1409: Mr. MCGOVERN.

H.R. 1439: Mr. GENE GREEN of Texas.

H.R. 1461: Mrs. NAPOLITANO.

H.R. 1464: Mr. STARK, Ms. SCHAKOWSKY, Mr. HIGGINS, Mr. CHANDLER, Ms. MCCOLLUM of Minnesota, Mr. FARR, Ms. ESHOO, Mr. ENGLISH of Pennsylvania, Mr. DELAHUNT, Mr. COHEN, and Mr. MCNULTY.

H.R. 1474: Mr. DAVID DAVIS of Tennessee, Mr. ARCURI, Mr. PLATTS, Mr. MCCOTTER, Mr. FARR, Ms. BALDWIN, and Mr. REYES.

H.R. 1475: Ms. ZOE LOFGREN of California.

H.R. 1483: Mr. CLYBURN.

H.R. 1497: Mr. OBEY.

H.R. 1506: Mr. JACKSON of Illinois, Ms. DELAURO, Ms. WOOLSEY, Mr. GUTIERREZ, Ms. SLAUGHTER, Mrs. TAUSCHER, and Mr. OBEY.

H.R. 1507: Mr. ALLEN, Ms. SUTTON, Ms. HIRONO, Ms. ZOE LOFGREN of California, Mr. JOHNSON of Illinois, Mrs. CAPPS, Mr. PAYNE, Mr. WAXMAN, Mr. CUMMINGS, and Mr. MCNERNEY.

H.R. 1514: Mr. BECERRA, Mr. PLATTS, Mr. CLAY, Mr. HAYES, and Mr. COHEN.

H.R. 1534: Mr. WAXMAN.

H.R. 1537: Mr. KELLER, Mr. MEEKS of New York, Mr. CARNAHAN, Mr. MICHAUD, Mr. BERMAN, and Mr. SALAZAR.

H.R. 1541: Ms. MCCOLLUM of Minnesota.

H.R. 1543: Mr. MCCOTTER.

H.R. 1551: Mr. COOPER.

H.R. 1553: Mr. GENE GREEN of Texas, Mr. ROGERS of Kentucky, Mr. CAPUANO, Mr. GERLACH, Mr. MOORE of Kansas, Mr. FORTENBERRY, Mr. DOYLE, Mr. TERRY, Mr. WEXLER, Mr. KENNEDY, Mrs. BOYDA of Kansas, Mr. HOLDEN, Mr. PICKERING, Mr. MCCOTTER, Mr. MARSHALL, Mr. PATRICK MURPHY of Pennsylvania, Mr. WOLF, Mr. TOM DAVIS of Virginia, Mr. EDWARDS, Mr. ETHERIDGE, and Ms. SUTTON.

H.R. 1554: Mr. BOSWELL and Mr. ISRAEL.

H.R. 1559: Mr. MCCOTTER.

H.R. 1589: Mr. BRADY of Pennsylvania, Mr. LATOURETTE, Mr. BILIRAKIS, Ms. BEAN, Mr. BISHOP of New York, Mrs. BONO, Mr. DOYLE, Mr. CARNEY, and Mr. VAN HOLLEN.

H.R. 1590: Mr. OBEY.

H.R. 1617: Ms. BALDWIN, Ms. BEAN, Ms. BERKLEY, Mrs. BOYDA of Kansas, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Ms. CARSON, Ms. CASTOR, Mrs. CHRISTENSEN, Ms. CLARKE, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Ms. ESHOO, Ms. GIFFORDS, Mrs. GILLIBRAND, Ms. HARMAN, Ms. HERSETH SANDLIN, Ms. HIRONO, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Ms. KILPATRICK, Ms. LEE, Mrs. LOWEY, Mrs. MALONEY of New York, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. NORTON, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Ms. SHEA-PORTER, Ms. SLAUGHTER, Ms. SOLIS, Ms. SUTTON, Mrs. TAUSCHER, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, Mrs. BIGGERT, Mrs. BLACKBURN, Mrs. BONO, Ms. GINNY BROWN-WAITE of Florida, Mrs. CAPITO, Mrs. CUBIN, Mrs. DRAKE, Mrs. EMERSON, Ms. FALLIN, Ms. FOXX, Ms. GRANGER, Mrs. MCMORRIS RODGERS, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, Mrs. MYRICK, Ms. PRYCE of Ohio, Mrs. SCHMIDT, Mrs. WILSON of New Mexico, and Ms. ROS-LEHTINEN.

H.R. 1643: Mr. ALEXANDER and Mr. DAVIS of Kentucky.

H.R. 1645: Mr. ENGLISH of Pennsylvania, Mr. STARK, Ms. DEGETTE, and Mr. RUSH.

H.R. 1647: Mr. PLATTS, Mr. ISRAEL, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM of Minnesota, Mr. GENE GREEN of Texas, Mr. GOODE, Mr. UDALL of New Mexico and Ms. BALDWIN.

H.R. 1649: Mr. SKELTON.

H.R. 1655: Mr. BOYD of Florida and Mr. CARDOZA.

H.R. 1674: Mr. WILSON of South Carolina.

H.R. 1678: Mr. JACKSON of Illinois.

H.R. 1693: Mr. FATTAH, Mr. MELANCON, Mr. JEFFERSON, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Ms. CLARKE, and Mr. MEEKS of New York.

H.R. 1700: Mr. WILSON of Ohio, Mr. MARKEY, Ms. SUTTON, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. RODRIGUEZ, and Mr. ORTIZ.

H.R. 1707: Ms. BEAN.

H.R. 1713: Mr. MCGOVERN and Ms. CARSON.

H.R. 1726: Mr. STARK and Mr. GEORGE MILLER of California.

H.R. 1727: Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. MARKEY, Mr. BUTTERFIELD, Mr. WAXMAN, Mr. MORAN of Virginia, Mr. MCNULTY, Mr. STARK, Ms. ESHOO, Mr. GENE GREEN of Texas, Mr. DELAHUNT, and Mr. HOLDEN.

H.R. 1728: Mr. FATTAH.

H.R. 1730: Mr. ALTMIRE.

H.R. 1731: Mr. LANTOS, Mr. WOLF, Mr. REGULA, and Mr. LAHOOD.

H.R. 1732: Mr. CARNEY and Mr. BISHOP of Utah.

H.R. 1742: Mr. MCCOTTER and Mr. ENGLISH of Pennsylvania.

H.R. 1761: Mr. BAKER and Mrs. MUSGRAVE.

H.R. 1766: Mr. GERLACH.

H.R. 1774: Mr. ALTMIRE, Mr. MCCOTTER, and Ms. ESHOO.

H.R. 1796: Ms. WASSERMAN SCHULTZ.

H.R. 1806: Ms. JACKSON-LEE of Texas.

H.R. 1823: Mr. HASTINGS of Florida.

H.R. 1828: Mr. WYNN.

H.R. 1847: Mr. ARCURI.

H.R. 1858: Mr. DANIEL E. LUNGREN of California, Mr. PENCE, and Mr. FEENEY.

H.R. 1862: Mr. PAUL.

H.R. 1880: Mr. BLUMENAUER, Mr. BOSWELL, and Mr. COURTNEY.

H.R. 1881: Mr. WAMP, Mr. TIERNEY, Mr. HOLT, Ms. DEGETTE, Mrs. BONO, Mr. SHAYS, and Ms. ROS-LEHTINEN.

H.J. Res. 18: Mr. TIERNEY.

H. Con. Res. 7: Mr. McGOVERN, and Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 21: Mr. HELLER and Mr. GORDON.

H. Con. Res. 104: Mr. LANTOS, Ms. McCOLLUM of Minnesota, Mr. CLAY, and Mr. GILCHREST.

H. Con. Res. 108: Mr. WELLER.

H. Con. Res. 113: Mrs. MALONEY of New York and Mr. BRADY of Pennsylvania.

H. Con. Res. 115: Mr. GERLACH.

H. Res. 14: Mr. SALI and Mr. RYAN of Wisconsin.

H. Res. 71: Mr. BUTTERFIELD, Mr. RUSH, and Mr. BLUMENAUER.

H. Res. 119: Mr. McNULTY, Mr. MORAN of Virginia, Ms. LINDA T. SÁNCHEZ of California, Mrs. CAPITO, Ms. SHEA-PORTER, and Mr. SESTAK.

H. Res. 183: Mr. BISHOP of Georgia, Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. MEEKS of New York, Mr. RANGEL, Mr. MEEK of Florida, Mr. RYAN of Ohio, and Ms. CASTOR.

H. Res. 194: Mr. CUMMINGS, Mr. TOWNS, and Mr. RUSH.

H. Res. 231: Mr. GARRETT of New Jersey.

H. Res. 243: Mr. LoBIONDO.

H. Res. 282: Mr. FARR, Mr. BOSWELL, Ms. ZOE LOFGREN of California, Mr. OBERSTAR, Ms. WOOLSEY, Mr. PASTOR, Mr. BAIRD, Mrs. CAPPS, Ms. ESHOO, Mr. CARDOZA, Ms. DeGETTE, Mr. BLUMENAUER, Mr. ROSS, Mrs. DAVIS of California, Mr. THOMPSON of California, Mr. DeFAZIO, Ms. LEE, and Mr. SCHIFF.

H. Res. 284: Mr. SALI.

H. Res. 291: Mr. LEVIN, Ms. GRANGER, Mr. HIGGINS, Mr. BURTON of Indiana, Mrs. BOYDA of Kansas, Mr. FRANKS of Arizona, Mrs. MALONEY of New York, Mr. McCOTTER, Mr. PETERSON of Pennsylvania, Mrs. CAPITO, Mr. DELAHUNT, Mr. CARNEY, Ms. McCOLLUM of Minnesota, Mr. DUNCAN, and Mr. VAN HOLLEN.

H. Res. 292: Mr. WOLF.

H. Res. 300: Ms. SHEA-PORTER.

H. Res. 307: Mr. SCHIFF, Mr. HINOJOSA, Mr. McGOVERN, Mr. CLEAVER, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Ms. CARSON, and Mr. BUTTERFIELD.

H. Res. 309: Mr. WEXLER, Mr. ROHRABACHER, Mr. CROWLEY, Mr. KING of New York, Mr. POMEROY, Mr. NADLER, Ms. BERKLEY, Mr. FOSSELLA, Mrs. MALONEY of New York, Mr. OLVER and Mr. HALL of New York.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

H.R. 1905 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

H.R. 1906, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETION OF SPONSORS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. SCOTT of Georgia.

EXTENSIONS OF REMARKS

IN MEMORY OF COLONEL AUSTIN CAPPS SR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Colonel Austin Capps Sr. of Gurdon, Arkansas, who passed away April 14, 2007.

Colonel Capps was a leader and an inspiration to many throughout his years of service to his community and to the state of Arkansas. His dedicated commitment to making his beloved town of Gurdon and his state a better place to live was evident in everything he did.

Colonel Capps was a lifelong resident of Clark County and graduate of Ouachita Baptist University. Upon graduation, he was commissioned as a 2nd Lieutenant in the U.S. Army where he served during World War II in North Africa, Italy, and France. After the war, he returned to Gurdon where he continued serving his country by enlisting with the U.S. Army Reserves.

Colonel Capps' diligence to duty and service to those around him carried over into his business, Austin's Appliance and Furniture, which he operated in Gurdon for over 70 years. Due to his decades of hard work and commitment to improving the lives of Gurdon residents, I often thought of him as "Mr. Gurdon."

Colonel Capps was a devoted, lifelong member of the First Presbyterian Church of Gurdon where he served as an elder, Sunday School teacher, and member of the choir. He was a man of strong faith that was evident in all he did. He also served as member of the Board of Trustees of Baptist Hospital in Arkadelphia and as a faithful Gideon.

I send my deepest condolences to his two sons Colonel James Capps, Jr. of Hot Springs, AR, and William Roy Capps, of Gurdon, AR, to his two sisters Louise Mann of Houston, TX, and Alyene Fowler of Ft. Scott, KS; and to his seven grandchildren and 19 great grandchildren who affectionately called him "Big Daddy."

Colonel Capps will be missed by his family, his church, his community, and all those who knew him and called him a friend. I will continue to keep his family in my thoughts and prayers.

PAYING TRIBUTE TO MILTON I. SCHWARTZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Milton I. Schwartz for his generosity and humanitarian efforts on behalf of the entire Las Vegas community.

Milton Schwartz was born and raised in Brooklyn, NY. After attending New York University and the Wharton School of Finance, Milton enlisted in the U.S. Army, serving with the Army Signal Corp during World War II. Following his military career, Milton moved to Nevada and became a successful businessman. He was the owner of Checker Cab Company, Vice President of Yellow Cab and Star Cab companies, and owner and operator of Valley Hospital where he served as the chairman of Formula 409. Aside from his contributions to the growth in southern Nevada, Milton has played a large part in the local Jewish community. In 1988, he established the Milton I. Schwartz Hebrew Academy, a Judaic elementary school serving preschool to eighth grade.

As a result of his pursuits, Milton has received a number of accolades, most notably being honored as Republican of the Year by the State of Nevada Republican Men's Club and as Humanitarian of the Year by Goodwill Industries. On May 6, 2007, Milton will be honored with the Dr. Miriam and Sheldon G. Adelson in Pursuit of Excellence Award at a gala in his honor.

Madam Speaker, I am proud to honor my friend Milton I. Schwartz. His commitment to the Las Vegas community is truly commendable for he has enriched countless lives. I applaud him for his success and wish him the best in future endeavors.

HONORING THE 2007 ST. PAUL CENTRAL HIGH SCHOOL MINUTEMEN GIRLS BASKETBALL CHAMPIONS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, today I rise to honor the 2007 St. Paul Central High School Minutemen Girls Basketball Class AAAA State champions. The Minutemen won a convincing 81–63 victory over the Minneapolis South Tigers to capture the championship title on March 17, 2007. I extend heartfelt congratulations to the Minutemen champions and the entire Central High School.

As the result of their hard work, outstanding athletic ability, power and speed, the team achieved success throughout their season as well as their championship game. With 32 wins and 0 losses, the 2007 St. Paul Central Minutemen Girls Basketball champions have the best winning record of any girls basketball team in Minnesota history. In achieving its victory in the Class AAAA championship game, the team's 81 points set a new score record, surpassing the previous high score of 80 points. The Minutemen Girls team victory earns them a place in St. Paul Central Girls Basketball history alongside the 1976 and 1979 St. Paul Central Girls State Championship teams. I am proud of the positive example set by these fine young student athletes.

Madam Speaker, on behalf of the students, faculty and staff of St. Paul Central High School, please join me in honoring the St. Paul Central Minutemen Girls Basketball State champions.

A TRIBUTE TO LA SALLE HIGH SCHOOL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. SCHIFF. Madam Speaker, I rise today to pay special recognition to La Salle High School as it celebrates its 50th anniversary.

La Salle High School was created in 1956 at the request of the archbishop of Los Angeles, who wanted a Catholic boys high school to serve the northern and eastern sections of the San Gabriel Valley. The school was created to fulfill the mission of its founder, Saint John Baptist de La Salle, "to give a human and Christian education to the young, especially the poor, according to the ministry which the Church has entrusted to the Christian Brothers." La Salle High School opened its doors in September of 1956 to 117 ninth grade students from 14 nearby communities.

Throughout its 50-year service, the growing La Salle High School has been committed to an ethnically diverse student body. Minorities now account for 45 percent of the student body, providing students with a culturally rich learning environment, and in 1989 the decision was made to begin enrolling women. In 1991, the first coeducational classes were offered at La Salle High School to freshman, sophomore, and junior classes.

La Salle High School challenges its students with a rigorous balance of college preparatory courses, religious education, and extracurricular enrichment activities. The school's diverse and inclusive student body has continually upheld the school's strong commitment to academic excellence. Since 1960, over 5,000 students have graduated from La Salle High School, and nearly 100 percent of the graduating class have gone on to attend public and private institutions of higher education across the Nation. In 2004, La Salle received a full 6-year accreditation from both the Western Association of Schools and Colleges and the Western Catholic Education Association.

For 50 years La Salle High School has fulfilled its commitment of service and education under the strong guidance of its faculty. With a philosophy focused on the uniqueness of the individual as a person with religious, intellectual, emotional, social, and physical potential,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the faculty at La Salle High School has long provided its students with a solid educational, social, and spiritual foundation.

I ask all Members to join me today in honoring La Salle High School upon the celebration of its 50th anniversary. The entire community joins me in thanking La Salle High School for the outstanding educational opportunities that it has provided for the youth of California's 29th Congressional District.

TEMPLE BETH SHOLOM'S DESIGNATION AS A NATIONAL HISTORIC LANDMARK

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today to recognize Pennsylvania's newest National Historic Landmark—Temple Beth Sholom of Elkins Park.

On April 4, 2007, Department of Interior Secretary Dirk Kempthorne designated Beth Sholom as a National Historic Landmark, ensuring that it would be remembered for its importance in interpreting the heritage and history of our Nation.

As the only synagogue in my State honored with this distinction, Beth Sholom is a source of pride for the people of Montgomery County, greater Philadelphia, and Pennsylvania. Founded in 1919, Beth Sholom was the first Philadelphia congregation to move to the region's suburbs in the 1950s. Today, the congregation has a membership of more than 1,000 families.

Beth Sholom is also the only synagogue ever designed by America's renowned architect, Frank Lloyd Wright. Built between 1954 and 1959, Beth Sholom was constructed to represent two metaphors suggested by the congregation's then rabbi, Mortimer J. Cohen—a tent and Mt. Sinai—to convey the sense of a collective sacred space,

To fulfill this vision, Mr. Wright designed the temple as a hexagon. When asked why he chose this shape for the temple, Mr. Wright is reported as saying, "when one enters a place of worship he should feel as if he were resting in the very hands of God," Indeed, Beth Sholom is truly an awe-inspiring structure and worthy of its recognition as a National Historic Landmark.

So, Madam Speaker, I ask that my colleagues join me in saying "Mazel Tov," to Beth Sholom's congregation, to express our collective congratulations, and wish them many more years of prosperity and success.

TRIBUTE TO THE BREAD OF LIFE DRIVE OF STATEN ISLAND, NY

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. FOSSELLA. Madam Speaker, I rise today to recognize the Bread of Life Drive of Staten Island, NY For the past 16 years, the University of Notre Dame Alumni Club of Staten Island has sponsored this enormous food drive, which provides necessary provisions to soup kitchens, shelters, and other charitable organizations on Staten Island. This year, with the help of students from 92 elementary, junior and high schools and colleges, this year's Bread of Life Drive was able to raise enough supplies to fully stock 25 essential organizations that serve the homeless, low-income families, single mothers, and victims of abuse.

Since its inception, the Bread of Life Drive has contributed 800,000 cans and boxes of food items to a wide range of charitable entities. This year's drive was very appropriately dedicated to Father Ted Hesburgh, president emeritus of Notre Dame, in celebration of his 90th birthday.

I would also like to personally highlight the efforts of Joe Delaney who has tirelessly headed up the Bread of Life Drive for many years.

Madam Speaker, in closing, I would personally like to thank the University's Alumni Club as well as all of the students, teachers, family members, and volunteers for their tireless efforts to help the needy of Staten Island. These good Samaritans have made the Bread of Life Drive an exemplary model of generosity and selflessness. Finally, I would like to wish Father Hesburgh a very happy 90th birthday and many more.

CONGRATULATING THE MARCUS HIGH SCHOOL MEN'S SOCCER TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Marcus High School men's soccer team for winning the University Interscholastic League (UIL) 5A Soccer State Championship.

The Marcus Marauders defeated Plano West Senior High School to win the school's first men's soccer state championship. Glen Marshall scored a goal to send the game into overtime, as time was about to expire. After two scoreless overtime periods, a winner would be decided by a shootout. Eric Frazier, Jon McMullen, and Sam Garza scored in the shootout for the Marauders, and goalkeeper, Matt Chidsey, blocked three of Plano West's shots to win the championship. Andres Angulo was named the game's most valuable player. Angulo assisted on both of the Marauders' goals.

The Marauders finished their season with a perfect record of 30–0, outscoring their opponents 114–17. In the process, they recorded a school record 16 shutouts. The team is coached by John Gall.

I would like to offer my sincerest congratulations to the Marcus soccer team, Coach Gall, the parents, and all of Marcus High School for this great achievement. I wish them continued success in the future, and I am very proud to represent them in the 26th District of Texas.

TRIBUTE TO MR. JOHN CAMPBELL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. STUPAK. Madam Speaker, I rise today to pay tribute to one of my constituents who has been of tremendous service to the economic growth in Michigan's Upper Peninsula. Mr. John Campbell has spent over thirty years helping to foster economic growth and development in the Eastern Upper Peninsula.

A lifelong Michigan resident, Mr. Campbell was born and raised in Brown City, Michigan. In 1956, he graduated from Central Michigan University with a major in biology and minors in Chemistry and Physical Education. His graduate studies were taken at Michigan State University and Wayne State University from 1958 to 1963.

In early 1969, Mr. Campbell began his career at the Eastern Upper Peninsula Regional Planning & Development Commission as an economic planner. As early as his very first grant request, Mr. Campbell demonstrated his resolve and commitment to bringing funding for projects to the Upper Peninsula. His first grant request came from Kinross Township, which was seeking funding for a recreational proposal. The plans for the proposal, which were sketched upon a tattered, torn and coffee stained brown paper bag, included the construction of a lighted racetrack, a grandstand and an underground walkway. At the time, the Department of Natural Resource's Recreation Grant Program did not cover any of these projects. Despite this challenge, Mr. Campbell toiled tirelessly and within the next five years, each of these projects was brought to completion.

As the Assistant Director of the Regional Commission from October 1970 through August 1973, Mr. Campbell directed and coordinated the planning, research, and grant efforts of the staff. During his early career at Regional Planning, Mr. Campbell was principally in charge of the Overall Economic Development Plan, which was produced with grant funding from the Economic Development Administration.

Mr. Campbell was also an integral figure in finding ways to reuse the Kincheloe Air Force Base. When Kincheloe Air Force Base was closed in the 1970s and it was announced that 10,000 service people would leave the region, it was expected that the local area would undergo a massive economic hit. However, thanks in large part to Mr. Campbell's hard work and creativity, Kincheloe Air Force Base and surrounding base sites were modified to be used for other purposes, creating additional economic activity. Within 12 years after the closing, four prisons and one work camp were installed at the base, along with 12 industrial companies and 15 retail businesses. In all, the local tax base had doubled, and the civilian payroll created by the new ventures had reached $110 million.

While perhaps best known, redevelopment of Kincheloe Air Force Base was by no means Mr. Campbell's only project. Over his more than thirty years of work on economic development in the Upper Peninsula, Mr. Campbell was involved in nearly every major project in the immediate region. Among the projects he worked upon, Mr. Campbell helped oversee: the Newberry Streetscape/Infrastructure Project; road improvements near Hessel Block Company and Maples Sawmill CDBG; Tahquamenon Scenic Heritage Route Management Plan; a study of I–75; Easterday Avenue Interstate Bridge Crossing Study; DeTour Village Water System Improvements; Eastern Upper Peninsula Regional Solid Waste Management Plan; Portage Township Land Use Plan; the establishment of the Chippewa County Industrial Park and Whitefish Township Plan.

Madam Speaker, throughout his distinguished career of service, Mr. Campbell has established a reputation as a consensus builder who can bring together different parties in the community to achieve shared results. Residents throughout the Eastern Upper Peninsula describe Mr. Campbell as a quiet, but determined planner who knows the specifics of every project down to the last detail. Never one to seek credit for a particular project, he is known for his quiet demeanor, moving projects along to completion, but always humbly sharing the acclaim with those around him.

After over thirty years of service, Mr. Campbell is retiring. This weekend, residents of Chippewa County, Sault Ste. Marie and the Eastern Upper Peninsula will come together to honor Mr. Campbell for his many years of labor on behalf of economic growth in the Upper Peninsula. As this humble, hardworking man enters well-deserved retirement, I ask that you, Madam Speaker, and the entire U.S. House of Representatives join me in congratulating Mr. John Campbell and in wishing him and his wife, Geri, all the best for many years to come.

THE INTRODUCTION OF THE COLON CANCER SCREENING FOR LIFE ACT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. NEAL of Massachusetts. Madam Speaker, I rise today in support of the Colon Cancer Screen for Life Act, which I am introducing along with Congressman Phil English (R–PA) and Congressman Ed Towns (D–NY). According to the American Cancer Society, this year alone, 52,180 Americans will die from colon cancer. In my own state of Massachusetts, 1,180 people will lose their life to this deadly disease. What makes statistics such as these all the more tragic is that unlike other forms of cancer, colorectal cancer is highly detectable and even treatable if it is caught early through a colonoscopy screening examination.

Recognizing the importance of early intervention, Congress acted to provide Medicare coverage for colorectal cancer screening (CRC) through colonoscopy in the Balanced Budget Act of 1997 and further expanded in 2000 when the colonoscopy benefit was added for high risk beneficiaries. Under this benefit, a low risk beneficiary is entitled to receive a colonoscopy once every ten years and a high risk beneficiary is entitled to a colonoscopy every two years. Despite this, recent studies have shown that patients are not utilizing coverage of CRC preventive screenings. According to the Government Accountability Office (GAO), since the implementation of the benefit in 1998, the percentage of Medicare beneficiaries receiving either a screening or a diagnostic colonoscopy has increased by only one percent.

A key reason for the low rate of colonoscopy screening in the Medicare population is rapidly declining rates of reimbursement for the procedure. Medicare reimbursement for colonoscopies performed in the outpatient setting has dropped by 33 percent from the initial 1998 levels. In many states today, Medicaid payment rates actually exceed Medicare reimbursement for colonoscopy. Unless we reverse this trend toward declining reimbursement, physicians will no longer be able to offer colonoscopies to Medicare beneficiaries. This bill increases Medicare reimbursement rates by 30 percent for colonoscopies performed in an outpatient setting, and by 10 percent for procedures performed in the physician's office, to ensure that Medicare beneficiaries have access to these lifesaving procedures. Moreover, increasing colonoscopy screening rates will generate significant long-term savings for the Medicare program, in the form of foregone costs for costly colorectal cancer treatment.

Medicare also does not currently pay for a physician office visit prior to a screening colonoscopy. Colonoscopy procedures involve sedation, so physicians generally do not perform them without an office visit prior to the procedure to obtain the patient's medical history and to educate the patient about the steps he or she needs to take in order to prepare for the colonoscopy. A number of states actually require this pre-operative consultation. Medicare pays for this pre-operative visit when a colonoscopy is being performed in order to diagnose a patient—but it does not pay for such a visit prior to screening colonoscopies, even though the procedure is the same and presents the same risks to the patient. This bill fixes this discrepancy by providing Medicare reimbursement for the office visit that takes place prior to the screening colonoscopy.

Finally, reducing financial requirements on beneficiaries will encourage more people to take advantage of this preventive benefit. It was with this intent that Congress agreed to waive the Part B deductible as part of the Deficit Reduction Act of 2005. Unfortunately, since that time, CMS has misinterpreted this provision of law, claiming that the deductible is only waived if the beneficiary has a "clean" screening, but maintaining that the deductible still applies if the screening results in taking a biopsy or if a cancerous or pre-cancerous polyp. Under this nonsensical policy, a beneficiary is left not knowing whether or not the deductible is waived until after the screening. Those whose ability to pay is limited are therefore simply choosing not to take the risk. This bill would require that the deductible be waived for all screenings, regardless of the outcome.

Madam Speaker, as the old saying goes, "an ounce of prevention is worth a pound of cure." This bill embodies this wisdom. In passing the Colon Cancer Screen for Life Act, we will not only be able to save lives but we will also be able to save money. According to the American Cancer Society, 153,760 new cases were diagnosed this year. Each of these cases will cost Medicare between $35,000 and $80,000 per patient to treat. For the bargain price of a little over $200 dollars, we can stop this cancer before it starts. Seems to me that is not only the right thing to do, it is the smart thing to do.

I hope my Colleagues agree and will join me and Representatives English and Towns in support of this important piece of legislation.

IN TRIBUTE TO MR. HAZELLE "VON" HICKMAN

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize one of our nation's true pioneers, a man who has graced the United States with his bravery and service, both as a Tuskegee Airman and an outstanding citizen of Milwaukee where he resided for over 50 years. The man I am talking about, Mr. Hazelle "Von" Hickman died March 14, 2007. Mr. Hickman's death came just two weeks before the Tuskegee Airmen were belatedly honored in Washington, D.C. with the Congressional Medal of Honor, the highest honor that can be conferred by Congress on March 29, 2007.

Mr. Hickman enlisted in the Army Air Force in 1940. He became one of the Tuskegee Airmen specializing in weapons maintenance and enemy aircraft plotting. The Tuskegee Airmen were a dedicated, determined group of young men who fought many obstacles and extreme prejudice to become America's first Black military airmen. Mr. Hickman was stationed in New Guinea and the Philippines. He received a Philippines Liberation Ribbon, American Theater Campaign Medal, Asiatic-Pacific Campaign Medal with 2 Bronze Stars, Good Conduct Medal and a Citation from President Truman before his Honorable Discharge.

Mr. Hickman received the JC Penney Golden Rule Award in recognition of outstanding volunteer service, was a leader in his neighborhood block watch, and was active in local politics. He was blessed with an outstanding singing voice and was a member of the Senior Choir at Shiloah Evangelical Lutheran Church and was the first African American member of the Pabst Choir.

Mr. Hickman was born in Inverness, Mississippi, on February 14, 1920. After completing military service, Mr. Hickman moved to Milwaukee in 1946. He worked for Pabst Brewery and retired after a 30 year tenure. Mr. Hickman met and married his wife of 60 years, Minnie (nee Prince) in Milwaukee. He is survived by his daughter, Gina Hickman, and sons Craig Hickman and Jop Blom and many relatives and friends. I am honored to have this opportunity to pay tribute to Mr. Hickman for his singular courage and unwavering commitment to our country and to Milwaukee.

DENY VISA TO HUN SEN'S HENCHMAN

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. ROHRABACHER. Madam Speaker, I rise today to express my grave concerns about a visit tomorrow by Cambodia's national Chief of Police, Hok Lundy, to the FBI's headquarters here in Washington. It is not an overstatement to say that Hok Lundy's involvement in human rights abuses, human and narcotics trafficking, and political violence should place him at the top of our list of people to keep out of the U.S., not at the top of our list of people with whom to try to cooperate.

Indeed, it was the FBI itself that labelled the March 1997 grenade attack on an opposition rally in Phnom Penh, which killed more than a dozen and wounded many others, including an American, as a terrorist attack. In the days after the July 1997 coup d'etat, Hok Lundy led forces loyal to Prime Minister Hun Sen—forces who were implicated in the extrajudicial killings. Credible evidence suggests that Hok Lundy himself ordered the killing of a senior Ministry of Interior official shortly after the coup. Lundy was never investigated for the killing.

Hok Lundy has been deeply implicated in those events and many other abuses, including drug trafficking allegations confirmed by our own DEA. But last year the FBI gave him an award for cooperating in counterterrorism efforts, the U.S. Ambassador praised him, and the FBI has now invited him here for discussions on bilateral cooperation.

In a 2004 Proclamation, the President unambiguously stated that foreign officials suspected of involvement in corrupt activities should be barred from entry. This clearly should apply to Hok Lundy. In addition, in 2006, the Trafficking in Persons office of the State Department overruled other offices and agencies and denied Hok Lundy a visa based on credible allegations that he had helped free human traffickers.

Madam Speaker, we are well aware that the war on terrorism entails dealing with some questionable characters. But it is my hope that should those characters prove to be guilty of abuses and crimes they at a minimum be barred from coming to the United States, and at a maximum be investigated by the FBI and other relevant agencies. But we should not be giving recognition to a man who has arguably done more to undermine American aspirations for Cambodia—to bring that battered country peace, justice, and a rights respecting government—than almost anyone else. It is counterproductive, hypocritical, and downright dumb to pursue such cooperation with someone with a demonstrated track record of terrorism, not someone who fights it.

Neither the State Department nor the FBI has articulated why they think Hok Lundy is a credible, reliable partner. To fall back, as the State Department's spokesperson did yesterday, on lame procedural rhetoric—that there is "no legal bar to denying him a visa"—or on some spurious administrative need—an unexplained "policy need" to attend "some meetings"—is a gross insult not only to the people of Cambodia but also the people of America. I believe the State Department and FBI must explain themselves—and that the visa should be revoked immediately.

EULOGY OF CORPORAL MARK KIDD

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. McCOTTER. Madam Speaker, I am here today with my colleague Mike Rogers to extend our sincerest gratitude to Cpl Mark Kidd—a son, grandson, brother, Marine and American—for his service to our nation, and to extend our deepest condolences to his family and friends. As a friend of the family it is very difficult for us to try to serve the dual roles that, in many ways, you helped give us on this sorrowful day.

Mark, as we all know, grew up cradled in the arms of his loved ones and strengthened here in the cradle of liberty. When he was called to serve he served in the defense of his nation, not by oppressing his fellow human beings in foreign lands, but by bringing emancipation to them so that they, too, could yearn to breathe free. It is in such a way of service to our fellow human beings that we honor not only our nation, but more importantly, we honor the universal spirit of a loving God who created us all. Thus, it is important that we remember, even as we grieve today, how we are all frail ephemeral human beings, groping through this veil of tears toward the infinite eternal perfection of the loving God, who created and awaits us all. It is a daunting calling, then, that we must answer; to strive, suffer and serve on behalf of our fellow human beings,

But Mark was not daunted, Mark accepted this challenge and he devotedly, courageously, and honorably strove to help free an entire people. Now he is cradled in the arms of our loving God and, no doubt, having not slumbered through this earthly life he may truly say with joyous rapture; now God be thanked, who has matched us with his hour and caught our youth and wakened us from sleeping.

Thank you and may God continue to bless you, Cpl Mark Kidd—beloved son, grandson, brother, Marine, American.

IN MEMORY OF JOHNNY RAPERT

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Johnny Rapert of Hope, Arkansas, who passed away March 31, 2007.

Throughout his years of service to his community, to his students at the University of Arkansas Community College at Hope, and to the state of Arkansas, Johnny was a leader and an inspiration to many. His dedicated commitment to making his beloved state of Arkansas a better place to live was evident in everything he did.

Johnny was a former Chancellor of the University of Arkansas Community College at Hope and a former Arkansas State Representative. He was a devoted family man and a model civic leader. He was recognized as the 1996 Hope-Hempstead County Citizen of the Year and was a member of the Unity Baptist Church of Hope, the Lions Club and was a Gideon—all of which embodied his steadfast service and his dedication to giving back.

I send my deepest condolences to his wife, Pat; his sons Daniel Rapert of San Antonio, TX, Rick Dollins of Pocahontas, AR, Robert "Bobby" Dollins of Pocahontas, AR, and Michael Dollins of Granite City, IL; his daughters Debbie Yen of Memphis, TN, Patty Harrod of Strong, AR, Connie Zimmer of Hope, AR, and Donna Ragan of Pocahontas, AR; his sister Rita Jackson of St. Louis, MO, and his 16 grandchildren.

Johnny will be missed by his family, his church, his community and all those who knew him and called him a friend. I will continue to keep his family in my thoughts and prayers.

PAYING TRIBUTE TO GLENN CHRISTENSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Glenn Christenson, who, retired on March 30, 2007, after serving as chief financial officer of Station Casinos for 17 years.

During his time as CFO of Station Casinos, Glenn was instrumental in helping the company dramatically increase its holdings and develop into an important gaming company. When Glenn joined Station Casinos the company held one casino. After 17 years of Glenn's guidance and leadership, the company now holds 16 casinos in southern Nevada and an American Indian casino in northern California.

For his efforts with Station Casinos, Glenn has been recognized as the Top Chief Financial Officer in gaming and lodging the past 2 years by Institutional Investor Magazine. He was also named to the Nevada Society of CPAs Hall of Fame for Business and Industry in 2001 and was recognized as one of the Most Influential Businessmen in southern Nevada by In Business magazine in 2002.

Glenn is very much involved with a number of important civic organizations. He is a member of the Board of Directors of the Las Vegas Convention and Visitors Authority, the Board of Directors of the National Center for Responsible Gaming, the Board of Directors of Problem Gaming Consultants, the Board of Trustees of the Nevada Development Authority, the Board of Directors of the Nevada State College, the Board of Directors of Nevada Community Bancorp, and is an advisor to the UNLV Business School.

Madam Speaker, I am proud to honor my friend Glenn Christenson. His contributions to the Las Vegas business and civic communities are commendable and I wish him the best of luck in his retirement.

TRIBUTE TO DR. JAMES KOSSLER

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Dr. James Kossler. Dr. Kossler has served the community for more than 40 years in education. During this time, he devoted 19 years to Pasadena City College (PCC), 12 of which he served as President. Dr. Kossler has dedicated himself to the promotion of student success and educational achievement.

Raised in Lynwood, California, Dr. Kossler received his bachelor's degree in philosophy and english from Saint John's College, California, and later earned a baccalaureate in theology and cannon law from Gregorian University, Rome, Italy. He then obtained his Master of Science degree in school management, and his Doctor of Education degree in institutional management from Pepperdine University.

Dr. Kossler taught at numerous high schools in the Los Angeles area and also held positions at East Los Angeles College, the University of Southern California, Pepperdine University, and Long Beach City College before serving as Vice President of PCC in 1988. Since then, he has served as a member of the Chancellor's Task Force on the Community College Budget, the State Commission on Athletics, and the Community College League's Commission on Legislation and Finance. Along with his involvement in education, Dr. Kossler is also an active member in the Rotary Club of Pasadena, the Pasadena Senior Center, and the YWCA.

In October 1995, the Pasadena Area Community College District Board of Trustees appointed Dr. Kossler as the 10th President of PCC. Throughout his 12-year tenure as President, he advocated a vision that PCC would be a learning-centered institution that focused on improving the performance standards for students. Dr. Kossler aspired to increase the success of students in the completion of courses, number of degrees and certificates awarded, and the number of students transferring to 4-year institutions.

I ask all Members to join with me in congratulating Dr. James Kossler for his dedicated service. and commitment to the promotion of education. I am sure that each person positively affected by Dr. Kossler's service will also join me in wishing him much joy in the years to come and thank him for his time, his energy, and his efforts.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, had I been present for the votes on H.R. 1677, the Taxpayer Protection Act, and H. Res. 196, supporting the goals and ideals of World Water Day, I would have voted in the affirmative for both bills. I was unable to vote for H.R. 1677 and H. Res. 196 because I was in an important meeting with constituents from Minnesota.

CELEBRATING WYNDMOOR HOSE CO. NO. 1'S CENTENNIAL ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Wyndmoor Hose Company No.1 in Springfield Township, PA on celebrating its 100th Anniversary. Since 1907, volunteer firefighters have contributed their time, expertise, and in some cases, lives, to aid members of the Springfield community and surrounding areas. I am honored to represent them in Congress.

In Philadelphia 271 years ago, Benjamin Franklin started the first fire department in America. Franklin's brigade, comprised entirely of volunteers, was dedicated to looking out for their neighbors. Today volunteers constitute 73 percent of all firefighters nationwide, and Franklin's proud tradition of volunteerism is being continued by the brave men and women of Wyndmoor Hose Company just a few miles from where it began.

This fire company began as an in-house fire brigade for the Nelson Valve Company. Over the years it evolved from tin hats and push carts to a Company of highly trained and motivated individuals who have used their training in basic life support, firefighting, rescue, and hazardous materials containment to serve the public good everywhere from their own streets to Ground Zero in New York City after the attacks of September 11, 2001.

In the densely populated region of Southeastern, P A, the Wyndmoor Hose Company protects residential areas, commercial businesses, professional offices, and industrial plants, including the United States Department of Agricultural research facility, and most importantly the lives of the residents of Pennsylvania's 13th District. As part of these efforts, Wyndmoor has also established an excellent reputation for conducting educational programming to teach children and families the importance of fire safety.

Madam Speaker, once again I congratulate all of the volunteers of the Wyndmoor Hose Company for their service, dedication, and sacrifice. I look forward to continuing our work together and ensuring another 100 years of success, safety and security.

CONGRATULATING THE GIRLS SOCCER TEAM AT THE COLONY HIGH SCHOOL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate the girls soccer team at The Colony High School on winning the class 4A Girls Soccer State Championship.

The Cougars of The Colony High School defeated Friendship High School by a score of 1–0 to win the class 4A Girls Soccer State Championship on Saturday, April 14, 2007. Junior midfielder Amanda Fancher scored the winning goal on a 22-yard free kick near the end of the first half. Amanda was also named the championship game's most valuable player.

The Colony finished the season with a record of 23–3–4, including shutouts in 11 of their final 12 games. The team has also beaten every soccer record ever set by the school.

I would like to offer my sincerest congratulations to coach Nicole Jund, the team, the parents and all students of The Colony High School for their great achievement. I wish them success in the future, and I am very proud to have them in the 26th District of Texas.

THE PATENT REFORM ACT OF 2007

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. BERMAN. Madam Speaker, today, I introduce "The Patent Reform Act of 2007", a product of both bicameral and bipartisan effort to reform the patent system to meet the challenges of the 21st century. I would especially like to thank Senator LEAHY for his dedication to addressing many of the inadequacies in our current patent system. Furthermore, I appreciate my past and present partners in this area—especially Congressman RICK BOUCHER, with whom I've worked closely to increase patent quality for the past several years, and Congressman LAMAR SMITH, who championed this issue last Congress.

Introduction of this legislation follows a number of recent judicial opinions and many hearings conducted over the past several years by the Subcommittee on Intellectual Property which ascertained that the current patent system is flawed. Over the last 5 years, there have been numerous attempts to define the challenges facing the patent system today. Among the most notable contributions to this discourse are the Patent and Trademark Office's Twenty-First Century Strategic Plan, the Federal Trade Commission's report entitled "To Promote Innovation: The Proper Balance of Competition and Patent Law and Policy," The National Research Council's compilation of articles "A Patent System for the 21st Century" and the book titled "Innovation and Its Discontents," authored by two respected economists. These studies offer a number of recommendations for increasing patent quality and ensuring that patent protection promotes—rather than inhibits—economic growth and scientific progress. Consistent with the goals and recommendations of those reports, and based on past patent bills, the Patent Reform Act contains a number of provisions designed to improve patent quality, deter abusive practices by patent holders, provide meaningful, low-cost alternatives to litigation for challenging the patent validity and harmonize U.S. patent law with the patent law of most other countries.

Past attempts at achieving comprehensive patent reform have met with stiff resistance. However, the time to reform the system is way past due. The New York Times has noted, "Something has gone very wrong with the United States patent system." The Financial Times has stated, "It is time to restore the balance of power in U.S. patent law." Therefore, we are introducing this bill as a first step to restoring the necessary balance in our patent system.

I firmly believe that robust patent protection promotes innovation. However, I also believe that the patent system is strongest, and that incentives for innovation are greatest, when patents protect only those inventions that are truly innovative. When functioning properly, the patent system should encourage and enable inventors to push the boundaries of knowledge and possibility. If the patent system allows questionable patents to issue and does not provide adequate safeguards against patent abuses, the system may stifle innovation and interfere with competitive market forces.

This bill represents our latest perspectives in an ongoing discussion about legislative solutions to patent quality concerns, patent litigation abuses, and the need for harmonization. We have considered the multitude of comments received concerning prior patent bills and over the course of numerous negotiations between the parties. We acknowledge that the problems are difficult and, as yet, without agreed-upon solutions. It is clear, however, that introduction and movement of legislation will focus and advance the discussion. It is also clear that the problems with the patent system have been exacerbated by a decrease in patent quality and an increase in litigation abuses. With or without consensus, Congress must act to address these problems. Thus, we introduce this bill with the intent of passage in the 110th Congress.

There are a number of issues which we have chosen not to include in the bill, primarily because we hope they will be addressed without the need for legislation. For instance, the Supreme Court recently resolved questions regarding injunctive relief. In that category, we include amendments to Section 271(f) and the obviousness standard as both issues are currently before the Supreme Court. If either of those issues are left unresolved, Congress may need to reevaluate whether to include them in a patent bill.

The bill does contain a number of initiatives designed to harmonize U.S. law with the law of other countries, improve patent quality and limit litigation abuses, thereby ensuring that patents remain positive forces in the marketplace. I will highlight a number of them below.

Section 3 converts the U.S. patent system from a first-to-invent system to a first-inventor-to file system. The U.S. is alone in granting priority to the first inventor as opposed to the first inventor to file a patent. There is consensus from many global companies and academics that the switch in priority mechanisms provide the U.S. with greater international consistency, and eliminate the costly and complex interference proceedings that are currently necessary to establish the right to obtain a patent. While cognizant of the enormity of the change that a "first inventor to file" system may have on many small inventors and universities, we have maintained a grace period to substantially reduce the negative impact to these inventors. However, we need to maintain an open dialogue to ensure that the patent system will continue to foster innovation from individual inventors.

Section 5 addresses both the topic of apportionment and wilfullness. Patents are provided to promote innovation by allowing owners to realize the value of their inventions. However, many have argued that recent case law has tilted towards overcompensation, which works against the primary goal of promoting innovation. "Excessive damages awards effectively allow inventors to obtain proprietary interests in products they have not invented, promote patent speculation and litigation and place unreasonable royalty burdens upon producers of high technology products. Such consequences may ultimately slow the process of technological innovation and dissemination the patent system is intended to foster." While preserving the right of patent owners to receive appropriate damages, the bill seeks to provide a formula to ensure that the patent owner be rewarded for the actual value of the patented invention.

Furthermore, this Section seeks to curb the unfair incentives that currently exist for patent holders who indiscriminately issue licensing letters. Patent proprietors frequently assert that another party is using a patented invention and for a fee, offer to grant a license for such use. Current law does little to dissuade patent holders from mailing such licensing letters. Frequently these letters are vague and fail to identify the particular claims of the patent being infringed and the manner of infringement. In fact, the law tacitly promotes this strategy since a recipient, upon notice of the letter, may be liable for treble damages as a willful infringer. Section 5 addresses this situation by ensuring that recipients of licensing letters will not be exposed to liability for willful infringement unless the letter clearly states the acts that allegedly constitute infringement and identifies each particular patent claim to the product or process that the patent owner believes is being infringed.

Section 6 provides a needed change to the inter-partes reexamination procedure. Unfortunately, the inter-partes reexamination procedure is rarely used, but the changes we introduce should encourage third parties to make better use of the opportunity to request that the PTO Director reexamine an issued patent of questionable validity. Primarily though, Section 6 creates a post-grant opposition procedure. In an effort to address the questionable quality of patents issued by the USPTO, the bill establishes a check on the quality of a patent immediately after it is granted, or in circumstances where a party can establish significant economic harm resulting from assertion of the patent. The post-grant procedure is designed to allow parties to challenge a granted patent through a expeditious and less costly alternative to litigation. Many have expressed concerns about the possibility of harassment of patent owners who want to assume quiet title over their invention. In an effort to address those concerns, the bill prohibits multiple bites at the apple by restricting the cancellation petitioner to opt for only one window one time. The bill also requires that the Director prescribe regulations for sanctions for abuse of process or harassment. During the legislative process we will likely provide more statutory guidance for the Director in establishing regulations guiding the post-grant opposition. We appreciate that this is an extremely complicated and new procedure and therefore we look forward to working with various industries to ensure the proceeding is balanced, fair and efficient. Part of the goal of this Section is to also address the quality problem in patents which have already been issued and are at the heart of the patent reform discussion.

Section 9 permits third parties a limited amount of time to submit to the USPTO prior art references relevant to a pending patent application. Allowing such third party submissions will increase the likelihood that examiners have available to them the most relevant "prior art," thereby constituting a front-end solution for strengthening patent quality.

The bill also addresses changes to venue to address extensive forum shopping, provides for interlocutory appeals to help clarify the claims of the inventions early in the litigation process, establishes regulatory authority for the USPTO to parallel the authority of other agencies, and expands prior user rights to accommodate in part for the switch to first-inventor-to-file.

When considering these provisions together, we believe that this bill provides a balanced package of reforms that successfully accounts for the interests of numerous stakeholders in the patent system, including individual inventors, small enterprises, universities, and the varied industry groups, and that are necessary for the patent system to achieve its primary goal of advancing innovation.

This bill is the latest iteration of a process started many years ago. Deserving of thanks are the many constitutional scholars, policy advocates, private parties, and government agencies that have and continue to contribute their time, thoughts, and drafting talents to this effort, including, of course, the legislative counsel. I am pleased that finally, we have a critical mass of interested parties who understand the need for reform.

Though we developed this bill in a highly deliberative manner, using many past bills as the foundation for the provisions, I do not want to suggest that it is a "perfect" solution. This bill is merely the first step in a process. Thus, I remain open to suggestions for amending the language to improve its efficacy or rectify any unintended consequences. Furthermore, there are a host of issues or varied approaches to patent reform which are likely not even covered by the bill but may be considered at a later time. I hope to work with the many cosponsors and the diverse industry, university and inventor groups to reach further consensus as we move this bill towards final passage.

As I have said previously, "The bottom line in this is there should be no question that the U.S. patent system produces high quality patents. Since questions have been raised about whether this is the case, the responsibility of Congress is to take a close look at the functioning of the patent system." High patent quality is essential to continued innovation. Litigation abuses, especially ones committed by those which thrive on low quality patents, impede the promotion of the progress of science and the useful arts. Thus, we must act quickly during the 110th Congress to maintain the integrity of the patent system.

GLORIA MARSHALL—EDUCATOR

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. POE. Madam Speaker, Gloria Marshall is the well-respected principal of Spring High School in my district. I am proud to know her because she has devoted her entire life to education and to the well-being of our Nation's most important asset, our children.

Not only do the students admire her, but the parents and faculty of Spring High School cannot say enough about what she has done for the community.

Approximately 33 years ago, after receiving her bachelor's degree, Gloria took a teaching job for the nationally-recognized Spring Independent School District. While teaching at the high school, she earned a master's degree and later became principal.

Gloria's career has been highlighted by numerous awards both locally and at the state level. She was named Teacher of the Year at Spring Elementary School in 1979. In 2003, Spring ISD named her Secondary Principal of the Year. On a state-wide basis, she was named 2002–2003 Principal of the Year by Texas Region IV Education Service Center.

Under her guidance, The U.S. Department of Education has named Spring High School a "Blue Ribbon School" and also honored them with "Drug Free School Recognition Awards."

Not only is she a top-notch administrator in the education field, she is a faithful community servant who believes in helping local charities. For example, her school holds an annual food drive for Spring Assistance Ministries during the Christmas holiday. She encourages her students to collect thousands of pounds of food for the organization and to take responsibility in caring for their neighbors.

Gloria has an unwavering commitment to teach young people how to be responsible citizens and people of character.

The students of Spring High School are very fortunate to have such a dedicated principal who always has a positive attitude and commitment to excellence. She is a remarkable educator and an inspiration to all of us. That's just the way it is!

INTRODUCING THE CATHERINE SKIVERS CURRENCY FOR ALL ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. STARK. Madam Speaker, I rise today to introduce the Catherine Skivers Currency for All Act.

This bill would finally make the United States' paper currency accessible to blind and visually impaired Americans. Of the more than 180 countries in the world that issue their own banknotes, only the U.S. prints identical bills for every denomination. As a result, millions of Americans with visual impairments cannot recognize various denominations and may have difficulty using paper money. This legislation would, at long last, make our currency accessible to all.

Thanks to a recent court case, the inaccessibility of American currency has received significant national attention. In November, a federal court agreed with the American Council of the Blind that the current size and shape of bills violates the Rehabilitation Act, which prohibits the government from discriminating against people with disabilities.

The Treasury Department is appealing the decision. But Congress has the ability to do the right thing before the appeal is heard. I first introduced this bill in 1979 and think it is embarrassing that, more than 25 years later, blind Americans had to sue their government requesting access to their own currency. We should not delay or deny justice any longer.

I propose this particular solution because it is simple, effective, and easy to implement quickly. My legislation requires the U.S. Treasury to trim the corners of all bills in a manner that prevents fraud, with lower value bills having more trimmed corners.

My bill calls for the trimming of four corners on the one dollar bill, three corners on the two dollar bill, two diagonal corners on the five dollar bill, two corners on a long side of the ten dollar bill, two corners on a short side of the 20 dollar bill, one corner on the 50 dollar bill, and no corners on the 100 dollar bill.

I named this bill in honor of Catherine Skivers, a remarkable woman of strength and conviction. Catherine is a constituent of mine, mother of five, longtime advocate for the rights of blind people, and the immediate past president of the California Council of the Blind. It is for Catherine and millions of other blind and vision-impaired Americans that I will work to enact this legislation.

Next to the flag of the United States, our money is perhaps the most widely recognized symbol of our nation. We deserve no less than a currency that serves the needs of all Americans. Let us not let another year pass with our currency in violation of our own laws and commitment to equality.

RECOGNIZING JACKIE ROBINSON DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize and celebrate Jackie Robinson, a sports trailblazer, civil rights activist, veteran, and great American and to enter into the record an article from the New York Daily News by Lisa Olson entitled "Barriers Still Need Breaking—Up to us to complete Robinson's great work."

Long before Jackie Robinson stood up to racism and smashed through the barriers of segregation in Major League Baseball on April 15, 1947, he was fighting for equality. He enlisted in the Army in 1942 and rose to the rank of Second Lieutenant. In July of 1944, he refused to sit in the back of a segregated military bus and although a court martial was issued for insubordination, he was found not guilty and honorably discharged in November of that same year. The courage displayed during this incident, as well as his commitment to the Army, helped prepare him for the battlefield of discrimination he would encounter on the baseball diamond.

Despite the hostility of opponents and even teammates, on April 15, 1947, Jackie Robinson had the courage to join the Brooklyn Dodgers and became the first Black man to play in baseball's major leagues. He knew that excellence was the calling and he proved his skill and talent on the baseball field. With tremendous pressure and opposition from fans and even some teammates, he handled himself with grace on and off the field. Because of his commitment and determination to be the best in the face of prejudice, African American and other minority athletes have been afforded the opportunity to compete in professional sports today.

Jackie Robinson received numerous awards and honors during his extraordinary career, and was inducted into the Baseball Hall of Fame. His legacy and outstanding contribution to Major League Baseball and America is representative of what America is all about. This country is about opportunity, diversity, and humility. I applaud Jackie Robinson for leaving a legacy of excellence, breaking down segregation, and inspiring people to strive for the best.

[From the Daily News]

BARRIERS STILL NEED BREAKING—UP TO US TO COMPLETE ROBINSON'S GREAT WORK

(By Lisa Olson)

They don't have to dress in the broom closet. They can drink from the same water fountains, eat at the same buffet, stay in the same ritzy hotels, swim in the same pools.

It's almost incomprehensible to imagine the America that greeted and jeered Jackie Robinson 60 years ago yesterday, when he bounded out of the dugout at Ebbets Field and became the first African-American Major League Baseball player of the modern era.

There were racial slurs and despicable letters, flying cleats and death threats, opponents who turned their back on him and Brooklyn Dodger teammates who wouldn't sit near him. We blithely toss around the words "courage" and "hero" far too often these days, but they can't be used enough to describe Jackie Robinson. MLB retired his No. 42 on April 15, 1997, the 50th anniversary of Robinson's major league debut, and temporarily suspended it yesterday, a serendipitous gesture that coincided with yet another hit to the American conscience.

Ken Griffey Jr. was the first contemporary player to push for the movement, to ask commissioner Bud Selig for permission to honor Robinson by wearing No. 42. Griffey, who donned six different jerseys in the Reds' game against the Cubs, told reporters, "I think a lot of people wouldn't be in this locker room if it wasn't for what he did."

More than 200 players and managers joined the tribute, and there was No. 42 on the back of every Dodger last night, and on the Cardinals' Albert Pujols as he tipped his cap, Robinson-style, while crossing the plate after belting a home run, and on Arizona's Tony Clark as he swatted two of his own, and on Cleveland's C.C. Sabathia as he struck out 10 White Sox and then talked about how he wanted to make sure he represented Robinson's legacy with grace and class.

There was Dontrelle Willis, an All-Star, a 20-game winner, saying wearing No. 42 was "the highest honor I've ever received in my life." There was Chris Young, Padre starter and Princeton graduate, recalling how he wrote his senior thesis on Robinson while sitting in the back of the bus as his Class A team, the Hickory Crawdads, traveled the South Atlantic League roads.

Young took America's pulse by analyzing newspaper reports, both before Robinson broke the color barrier and after. "I observed there was significant improvement in the attitude of the media toward African-Americans. Not from negative to positive so much as negative to neutral," Young told ESPN The Magazine. "I excluded sports, but prior to Robinson breaking the color line, you'd see reporters frequently using expressions like 'a Negro hoodlum' in their stories. I noticed coverage that was much more neutral after the integration of baseball."

And there was the Twins' Torii Hunter, pulling his black socks high and dropping into a curling slide as he safely nailed home on the same day his op-ed piece appeared in the Pioneer Press. "You don't have to be African-American to know what (Robinson) went through. You've just got to be a smart person or a person who knows what pain is like," Hunter wrote. "For the past 10 years, I've been called the N-word, like, 20 times. Not in Minnesota. In Kansas City. In Boston."

Clearly we haven't yet demolished the racial barrier, or wiped out negative language. Sixty years after Robinson authored the most seminal moment in American sports history, Hunter is still called the N-word, and the Rutgers women's basketball team gets bombarded with hateful E-mails simply because it had the misfortune of being caught in the maelstrom created by Don Imus' nasty mouth.

In August 1945, in a conversation now cemented in American lore, Dodger president Branch Rickey told Robinson, "I know you're a good ballplayer. What I don't know is whether you have the guts."

"Mr. Rickey," Robinson asked, "are you looking for a Negro who is afraid to fight back?"

"Robinson, I'm looking for a ballplayer with enough guts not to fight back," Rickey said, and thus an unspoken pact was sealed.

Robinson altered the complexion of our pastime and forced Americans to understand blacks could be equal with whites. How shocking, how depressing, that 60 years later, not everyone seems to get it.

"The course of history probably would have changed had he quit because he was the smartest of the Negro League players," Hunter wrote. "This was a guy who went to UCLA and played four sports in college. He had an education. If he had quit—the guy who was supposed to be the strongest of the Negro League and the smartest of the Negro League—why go get the others? They wouldn't be able to handle it if he couldn't handle it."

They took No. 42 out of retirement and put it on their backs yesterday, black and white and Latino and Asian players proudly wearing the digits. In clubhouses and stadium seats all across the land, stories were repeated about how Pee Wee Reese, a white shortstop from Louisville, once draped an arm over Robinson's shoulder in a silent show of support. It ought to be Jackie Robinson Day every day.

HONORING CHERIF BASSIOUNI

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. EMANUEL. Madam Speaker, I rise today to recognize the long and distinguished career of Cherif Bassiouni. Professor Bassiouni is retiring from his position as President of the International Human Rights Law Institute and Distinguished Research Professor of Law at DePaul University after 43 years of dedicated service.

Throughout his legendary career, Professor Bassiouni has been a champion of the poor and voiceless worldwide. His creation of the International Human Rights Law Institute at DePaul University is just one of his many lasting contributions to human rights and international law.

For 30 years, Professor Bassiouni has been an important leader within the United Nations, holding such positions as Chairman of the Security Council's Commission to Investigate War Crimes in the Former Yugoslavia and the Independent Expert on Human Rights in Afghanistan for the High Commissioner for Human Rights.

Often considered the father of the International Criminal Court, Professor Bassiouni was the Chairman of the Drafting Committee during the 1998 United Nations Diplomatic Conference on the Establishment of an International Criminal Court. As a testament to his lifelong dedication to international criminal justice, he was nominated for a Noble Peace Prize in 1999.

For his global efforts, Professor Bassiouni has received medals from his native Egypt, France, Germany, Italy, and the United States. He has also received numerous academic and civic awards, including the Special Award of the Council of Europe; the Defender of Democracy Award, Parliamentarians for Global Action; and the Adlai Stevenson Award of the United Nations Association.

Madam Speaker, I congratulate Cherif Bassiouni on his long and noteworthy career, and thank him for his contributions to the international community and to the people of Chicago. DePaul University is certainly going to miss him, and I wish him the best of luck in all his future endeavors.

IN MEMORY OF LORAN JOHNSON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my friend Loran Johnson of Warren, Arkansas, who passed away April 6, 2007.

Mr. Johnson was committed to making the state of Arkansas a better place to live through his hard work and dedication to his community. He is noted as the founder of the Bradley County Pink Tomato Festival because of its start in 1956 while he was manager of the Warren Chamber of Commerce. He also spent his time promoting Southeast Arkansas with the Southeast Arkansas Economic Development District and the Bradley County Industrial Development Commission.

Mr. Johnson served in the Navy during World War II and received his Bachelor of Science degree from the University of Arkansas at Monticello (UAM) upon returning. He then taught in Swifton and Warren where he also sponsored the Future Farmers of America (FFA). Because of his work with the FFA students there is now a Loran Johnson Endowed Scholarship Fund at UAM for early childhood education majors.

Mr. Johnson was a devoted family man and a model civic leader. He was a member of the Arkansas Cattleman's Association, the Bradley County Retired Teacher's Association, the American Legion and he served as a delegate to the Arkansas Silver-Haired Legislature. He was a member of the First Baptist Church of Warren where he served as the program chairman for the Brotherhood Men's Group.

I send my deepest condolences to his wife, Madge Bryant Johnson; his children Wayne Johnson of Warren, LoraNelle Humphrey of Stuttgart and Camille Johnson Lide of Little Rock; and his grandsons, nieces and nephews. Mr. Johnson will be missed by his family, his church, his community and all those who knew him and called him a friend. I will continue to keep his family in my thoughts and prayers.

PAYING TRIBUTE TO TYLER FULLER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Tyler Fuller, a 7-year-old international BMX champion.

Tyler, a two-time Union Cycliste Internationale BMX champion, learned to ride a bike at the age of 2 and began BMX racing at the age of 3. When he was 5 years old, Tyler joined the Redman Yamaha Factory Team and has been racing for them since that time.

Tyler has competed in events around the world and his natural ability and dedication to the sport have earned him recognition as one of the top four BMX racers in his age group.

Madam Speaker, I am proud to honor Tyler Fuller. His talent, drive, and passion are commendable and will serve him well. I wish him continued success in his future endeavors.

HONORING MATTHEW LA PORTE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to honor Matthew La Porte of Dumont, New Jersey who was tragically lost during the events at Virginia Tech on Monday, April 16, 2007.

Matt was a sophomore at Virginia Tech and had already made quite a mark on campus. He was awarded an ROTC scholarship, was a member of the Corps of Cadets, played tenor drum in the Corps' Highty Tighties regimental band, and was part of the Air Force Special Operations Preparation Team.

Before he began his education in Blacksburg, Matt graduated third in his class from Carson Long Military Institute in Pennsylvania. Aside from being an avid scholar, Matt was involved in numerous extracurriculars that ranged from drum and bugle corps to the baseball and soccer teams.

At home in New Jersey, Matt worked as a lifeguard at the Cresskill Municipal Pool during the summer and is remembered by neighbors as a polite and humorous young man.

I offer my deepest condolences to his parents, Barbara and Joseph La Porte, and his sister, Priscilla, and assure them that they are being remembered in our thoughts and prayers as we celebrate the impressive life of their son and brother, Matthew La Porte.

THE INTRODUCTION OF THE GREAT CATS CONSERVATION ACT

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. BROWN of South Carolina. Madam Speaker, today, I am pleased to introduce, along with the distinguished gentleman from Alaska, the former Chairman of the Resources Committee, the Honorable DON YOUNG, the Great Cats Conservation Act of 2007.

This legislation is modeled after the very successful conservation statutes that Congress has enacted to assist highly endangered elephants, rhinoceros, tigers, great apes and marine turtles. It is based on the sound principle that a small amount of U.S. taxpayer assistance to range states can make a huge difference in preventing the extinction of certain landmark species.

Under my bill, a Great Cats Conservation Fund would be established and up to $5 million per year would be authorized to be appropriated for conservation projects to assist species of cheetahs, jaguars, lions, leopards and Spanish lynx. These species were selected because they are listed as endangered under our federal Endangered Species Act, on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and on the IUCN red list.

There is no question that populations of these wild species of big cats are in serious decline and that their long-term survival is in real jeopardy. For instance, an excellent example of the type of decline these species have suffered can be illustrated in the plight of the majestic cheetah. At the turn of the 20th century, it was estimated that there were more than 100,000 cheetahs living in 44 African and Asian countries. Today, there are no more than 15,000 cheetahs living in small-pocketed populations in some 20 nations in Africa.

While the reasons for this precipitous decline include loss of habitat, hunting and illegal poaching of cheetahs, this unique species, which is the world's fastest land mammal, has become extinct in more than half of its traditional historic range. Due to the efforts of outstanding international organizations, like the Cheetah Conservation Fund, its slide towards total extinction has been slowed but its future remains very much clouded. The sad reality is that many landowners in countries, like Namibia, consider cheetahs a pest and they kill them to protect their livestock. This philosophy must be changed if the cheetah has any hope of survival. The Great Cats Conservation Fund would make a positive difference in financing projects to work with impacted farmers and ranchers.

Nearly 20 years ago, the Congress demonstrated farsighted international leadership and wisdom when it approved the first ever conservation fund to assist an endangered foreign flagship species. This law, known as the African Elephant Conservation Act of 1988, has been remarkably successful and all of the improvements in making these conservation grants really work have been incorporated within this legislation.

For instance, under the terms of this bill, a prospective grantee would be required to submit a detailed overview of the project, how it would be implemented, how long it would take to complete the project, a demonstration of local support and an indication of whether and how much private matching funds would be forthcoming. The Secretary of the Interior would then carefully review each project and would select those that would have the most impact on conserving endangered big cats. Furthermore, this project would be monitored by the U.S. Fish and Wildlife Service, all expenditures would be audited and an advisory group to assist the Secretary may be convened.

As a member of the International Conservation Caucus, it is my view that we have a responsibility to help save keystone species like cheetahs, leopards, lions and jaguars for future generations. In good conscience, how can we watch these species disappear forever without doing anything to assist them.

This legislation will not by itself ensure the long-term survival of these endangered big cat species. Nevertheless, it is a positive step in the right direction, it builds upon the success of a proven program and it again demonstrates to the world that the United States is serious about international wildlife conservation.

It is my hope that many of my colleagues will join with me in this effort by co-sponsoring this legislation and that the Subcommittee on Fisheries, Wildlife and Oceans, of which I proudly serve as the ranking Republican member, will hold a public hearing on the Great Cats Conservation Act.

Madam Speaker, I urge support for this important wildlife conservation legislation.

TRIBUTE TO BILL KANE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the deeds of an outstanding American, Mr. Bill Kane, who will be recognized on April 19, 2007 for his many years of service to organized labor throughout the region.

Bill first became involved in the labor movement in 1967, as a member of the United Auto Workers Local 1612, in Philadelphia, PA while he was working at ITE Gould. Bill worked his way up through the ranks, serving as a Shop Steward, Executive Member at large, and Bargaining Committee Member for the local.

In 1982, Bill was appointed to serve as a United Auto Workers International Representative. In this capacity, he serviced UAW Local Unions in New York and Pennsylvania as well as New Jersey. In 1989, he was chosen to serve as the New Jersey Area Director of UAW Region 9. He held this position until his retirement from the UAW in 1997.

His dedication to his union brothers and sisters did not go unnoticed, and he served as the elected Secretary Treasurer of the New Jersey State Industrial Union Council from 1989 until 1994. In 1994, he was elected to lead this group as its President.

In addition to his professional accomplishments, Bill has always found time for public service. He has served as a member of the Board of Trustees for the College of New Jersey, a member of the New Jersey Commission for National Service, a member of the State Advisory Committee of Rutgers University School of Labor Management and Relations, and a member of the New Jersey State Employment and Training Commission.

As Bill retires as President of the Industrial Union Council, I know that he will continue to volunteer and help others. He will also be able to enjoy spending more time at his home in Westwood, NJ with his wife Darlene and daughter Marissa.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated community servants like Bill Kane.

Madam Speaker, I ask that you join our colleagues, everyone involved in the New Jersey State Industrial Union Council, Bill's family and friends, and me in recognizing Bill Kane's outstanding service to his community.

IN HONOR OF CHARLIE ESKRIDGE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. FARR. Madam Speaker, I rise today to honor a man who has dedicated many years of his life in respectful service to our nation and its military veterans. Charlie Eskridge has spent the past 54 years serving this country as a member of the U.S. Army and as a distinguished representative within the American Legion.

Charlie enlisted into the Army in 1953 and during his 30 years of military service, he was 1st Sergeant of a medical company and also served as a Non-commissioned Officer in Charge for several medical clinics. He joined the American Legion in 1975 and has since held a wide array of positions, always advocating for the needs of his fellow veterans.

Charlie has served the American Legion at all levels and has been a delegate to six National Conventions. As the American Legion Department Commander for California, Charlie actively represented 104,000 members. He traveled throughout the state to personally listen to the concerns and suggestions of other veterans and Legionnaires, and worked diligently to ensure that their voices were represented. Charlie has always made the interests of veterans his personal responsibility, and has ensured that support was provided to everyone with whom he spoke.

Outside of his contributions to the American Legion, Charlie is also deeply involved in his community. He is currently the President of the Protestant Men of Chapel at Fort Ord, California and a member of the Monterey County Military and Veterans Affairs Advisory Commission. Charlie has served as both President and Vice President of the United Veterans Council and even served as the President of his local Parent-Teacher Association. As a result of his immense contributions, Charlie has received the admiration of his community and has been awarded the Military Chapel's Unsung Hero Award, the Scroll of Honor, and has twice been named "Veteran of the Year" by the United Veterans Council and the Sons of the American Legion.

Most importantly Charlie has had the love and support of his wife, and partner, Rosie, who has accompanied him on his many visits with veterans throughout the state of California. After almost 50 years of marriage Charlie and Rosie have two sons, Alvin and Charlie II, one daughter, Rosemary, and five grandchildren.

Madam Speaker, on behalf of the House of Representatives, I would like to extend our Nation's deepest gratitude for Charlie Eskridge's service to the United States of America and for his many accomplishments for our military veterans.

THE CENTENNIAL CELEBRATION OF UNITED METHODIST HOMES

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to join the celebration of United Methodist Homes of New Jersey's 100 years of service to Garden State seniors. Starting in 1907 with a single home for the aged in Ocean Grove, New Jersey, today, United Methodist Homes is a network of ten homes serving more than 1400 seniors.

The flagship of this network, Bristol Glen, is nestled in Newton, in my District. It is a continuing care retirement community offering quality health care services, a wide variety of residential living conveniences, and a loving and friendly environment.

I recently visited Bristol Glen as part of my Mobile Constituent Service Hours program and had the opportunity to meet with residents and staff alike. I was struck by the extraordinary sense of community there. The emphasis is truly on well-being of the residents as a whole—catering equally to the spiritual, emotional, and physical needs of all who live there.

As it enters its second century of public service throughout New Jersey, I commend United Methodist Homes of New Jersey for all it does to make the golden years truly golden for so many seniors.

PAYING TRIBUTE TO JOSHUA THOMAS GALLO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Joshua Thomas Gallo who has received the rank of Eagle Scout.

Joshua is a very studious and civically minded young man who has accomplished many goals. He has volunteered at food banks and donated blood as part of his civic commitment. Joshua has also recently been accepted to several different colleges to study medicine, thereby demonstrating his academic prowess.

Most recently, Joshua has earned the rank of Eagle Scout from troop 213. For the last 6 months Joshua has prepared himself for this momentous achievement by serving as a Life Scout and he has also earned 21 merit badges in fields such as: emergency preparedness, first aid, citizenship in community, citizenship in nation, citizenship in world, communications and environmental science.

Madam Speaker, I am proud to honor Joshua Thomas Gallo for earning the distinguished rank of Eagle Scout. I honor his hard work and commitment in fulfilling the demanding requirements of this award. I wish him the best in his future endeavors.

RECOGNIZING THE 85TH ANNIVERSARY OF THE WOMAN'S CLUB OF DUNNELLON

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, May 10, 2007 marks the 85th anniversary celebration of the Woman's Club of Dunnellon. This outstanding charitable organization, located in Marion County in Florida's 5th congressional district, has spent the better part of the last century working on behalf of the good people of Dunnellon.

Volunteerism is an important part of many peoples lives, especially so throughout the 5th District of Florida. Many local organizations have worked very hard to make sure that the neediest amongst us have access to basic necessities like transportation to the doctor, hot meals, hospice care, day care, and providing support for our troops and their families.

The Woman's Club of Dunnellon has been at the forefront of these efforts for the past 85 years, continually finding ways to help give back to their friends and neighbors. From city beautification efforts, to educational seminars, to helping meet the needs of area residents during times of war, the woman's club has many achievements of which to be proud.

On the occasion of their 85th anniversary celebration, I would like to congratulate the women's club on their continued support and commitment to the residents of Dunnellon. Keep up the good work and know that you have my thanks for improving the lives of Marion County residents.

RECOGNIZING APRIL AS OCCUPATIONAL THERAPY MONTH AND THE CONTRIBUTIONS OF OCCUPATIONAL THERAPY TO OUR NATION'S VETERANS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. MICHAUD. Madam Speaker, I rise in recognition of April as Occupational Therapy Month and in my capacity as Chairman of the Veteran's Affairs Health Subcommittee, to acknowledge the contributions of occupational therapists and occupational therapy assistants to not only our veterans across the country, but also our brave service men and women serving in Iraq and Afghanistan. I would also like to recognize the importance of occupational therapists to the families of our service personnel. We often forget that behind every soldier are loved ones who endure the hardship of the soldier while they are in harm's way and when they come home and take off the uniform.

Occupational therapy is a profession dedicated to the improvement of function, performance and independence. Occupational therapists work with individuals across their lifespan to prevent injury, restore function and reduce disability so that patients may live satisfying, productive and independent lives.

In my home state of Maine, occupational therapists provide essential health and rehabilitation services to veterans at the Togus Veterans Hospital and at six veterans' homes throughout the state including four in my district located in Augusta, Bangor, Caribou and Machias. Services provided in these locations stem from a range of conditions resulting from traumatic injuries experienced in combat such as amputations and poly-traumas, post-traumatic stress disorder, illness and disease and the disabling effects of aging.

In order to meet the need of veterans, Schools of Occupational Therapy in Maine, such as the Kennebec Valley Community College, work collaboratively with the veterans' facilities in the state to ensure that there are enough trained health care professionals, like occupational therapists and occupational therapy assistants, to meet the needs of our veterans.

During the month of April, the American Occupational Therapy Association (AOTA) will be hosting the Association's 87th Annual Conference and Expo in St. Louis, Missouri. Occupational therapists, occupational therapists assistants and students of occupational therapy from around the country will gather to support the profession and further their educational preparation to meet the needs of their patients. State affiliates like the Maine Occupational Therapy Association (MEOTA) will also be represented to ensure that the concerns of local occupational therapy professionals and patients are addressed at the conference. Of specific note, there will be over 500 education sessions including a panel to discuss active duty and veterans health care and the important role of occupational therapy for returning our service men and women to maximum function and independence.

Madam Speaker, please join me in supporting April as occupational therapy month and applauding the work of occupational therapists and occupational therapy assistants with our veterans, military personnel, and their families who deserve to receive the best care possible.

TRIBUTE TO RAHEEM CARTER

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. COURTNEY. Madam Speaker, I rise today to honor the life of a remarkable individual and policeman, Raheem Carter. After a bout with cancer, died this past Friday while serving in the New London Police Department within my constituency in Connecticut.

Mr. Carter was a leader in the Groton/New London community. Carter was the starting quarterback for three years at Fitch High School, and he also captained the track team. An extraordinary athlete, Carter set the career touchdown passing record in the Eastern Connecticut Conference. He shined as a field general, and in 1999, alongside his twin brother Rashaad, he led Fitch to its first championship in over 23 years.

Carter not only prospered on the field, but he surmounted obstacles off the field too, Despite growing up in a challenging neighborhood, Carter excelled in school, following the guidance of his mother who raised three children on her own. Carter attended Central Connecticut University until he received a full scholarship to attend the University of Rhode Island, where he graduated in 2005 with a bachelor's degree in sociology.

From there, Carter went on to attend Connecticut State Police Academy. It was there in December 2005 when a tumor was found in his abdomen. Due to his illness, Carter spent the majority of his first year as a police officer treating his cancer with chemotherapy. Known for his incredible strength, Carter was able to temporarily beat the disease securing enough time to train under New London Police Lt. Margaret Ackley.

Carter was known as a "gentle soul and courageous spirit" with "more heart for the job than anyone Lt. Ackley had ever seen." He was a leader throughout his community seen as "someone who cared more about others than about himself." Johnny L. Bums, pastor of his church, described him as "an exceptional man in every aspect of the word who in the 25 years he lived touched so many lives.

Today I would like to pay tribute to the life and legacy of Mr. Raheem Carter. He will be greatly missed by everyone whose lives he touched.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mrs. McCARTHY of New York. Madam Speaker, I was not present for several votes on April 17. I would have voted:

Rollcall No. 216 on H. Con. Res. 100, condemning actions of the Government of Zimbabwe, I would have voted "yea."

Rollcall No. 217 on H. Res. 273, Financial Literacy Month, I would have voted "yea."

Rollcall No. 218 on H. Con. Res. 76, International Geophysical Year, I would have voted "yea."

HAILING THE PATRIOTIC SERVICE OF THE CONGRESSIONAL YOUTH ADVISORY COUNCIL

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. SAM JOHNSON of Texas. Madam Speaker, last fall roughly 100 high school students applied to serve on the Third Congressional District's Congressional Youth Advisory Council. A panel of community leaders nominated 43 high school students attending public, private and home schools based on academic achievement, community service, student leadership, outside interests, and the application essay. These 43 have done an outstanding job serving as the voice of their generation. I fondly call this distinguished group "young ambassadors to Congress."

Civil service among young adults remains the cornerstone of our future. These dynamic students are leaders of their peers and achievers in and out of the classroom. They are the future of America and hold tremendous promise. They sacrificed their time to boldly share their hopes and their dreams for our Nation. They should be proud of their commitment and commended for their work.

This year, the members of the CYAC wrote a patriotic essay detailing, "My dream for America" or "The cost of freedom." The country and the Congress must know that high school students in North Texas firmly believe in this mighty Nation and express great optimism for the future. I gladly entrust it to them—the leaders of tomorrow. Their names are listed forever in the CONGRESSIONAL RECORD. Their country needs them to stand up, speak out, and continue to make a difference in their communities. They are the young leaders who help make America great. God bless you, God bless Texas and God bless America.

Freshmen: James "Wil" Callison and Ian Webber.

Sophomores: John Lipscomb, Evan Rosenfield, Sharan Shetty, and Mellissa Stepczyk.

Juniors: Caroline Alvarez, Morgan Bailey, Anna Bashmakov, Susie Choi, Abigail Dekle, Patrick Dyer, John Hollingsworth, Emily Kaufman, Kristy Luk, James MacGibbon, Charlie Manion, Meredith Morgan, Jason Palmatary, David Paxman, Andrew Pedigo, Nirjhor Rahman, and Spencer Wood.

Seniors: Lynzee Benoit, Yoojin Cho, Alyssa DeLorenz, Erik De Sousa, Andrew Graham, Luke Gunderson, Kelli Lafferty, Amanda Lipscomb, David Michael McCleary, Brendan O'Kelly, Benjamin Oppenheim, Rachel Reichenbach, Catherine Russell, Elizabeth Sanford, Jordan Schmittou, Hannah Sedlet, Hansini Sharma, Jennifer Smart, Britney Thomas, and Evan Wise.

PAYING TRIBUTE TO SANDRA LEE THOMPSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the late Sandra Lee Thompson for her commitment and dedication to the Las Vegas community and being selected by the Clark County School Board to have an elementary school named in her honor.

Sandra Lee Thompson was born in Hanover, Pennsylvania in 1948 and was one of six children. She attended DeLone Catholic High School and then graduated from Pennsylvania State University with a degree in Social Work. She began her career as a reporter in Connecticut, where she met her husband Gary Thompson in 1973. The couple had one daughter, Kelly, who was the pride and joy of her parents. In 1978, Sandra and her husband moved to Las Vegas and began a long career with the Las Vegas Sun Newspaper. Sandra started out working as a copy and features editor and eventually became managing editor. In 1997, she was promoted to Vice President/Associate Editor for the Las Vegas Sun.

While working for the Las Vegas Sun, Sandra was able to incorporate her love for children into her job. She held hands-on workshops for local high school students at the Sun Youth Forum and she routinely lectured in schools around the valley to educate youth on the field of journalism. Sandra spent the last five years of her career focusing on issues relating to children and families. She was the only journalist in the state to write regularly about children and family issues. Her unwavering commitment to families earned her a reputation for being "the voice of the children" in Nevada. Sandra's efforts to draw attention to important family issues led to legislative changes in child welfare programs and an increase in the cap on child support payments.

Sandra's commitment to children and the family permeated her life. She was truly dedicated to improving the lives of children and youth. In addition to her professional commitment to these issues, she was actively involved in a variety of community organizations and service projects. She focused much of her time in Clark County mentoring students and encouraging them to succeed. She actively participated in projects such as the Las Vegas Sun Camp Fund, Christmas in April, Children's Advocacy Alliance, Clark County Family Court, Raising Nevada and Class! Publications. Additionally, her leadership on the subject of children and family inspired the creation of a scholarship program for Class! Publications and the Mother of the Year Contest.

On August 9th, 2002, Sandra tragically died in an automobile accident. She left a lasting legacy of compassion, service and devotion to children. Her leadership and her steadfast commitment to enriching the lives of others have truly made a difference in Southern Nevada.

Madam Speaker, it is a privilege to honor Sandra Lee Thompson for her profound commitment to children and the family. I am proud that the Clark County School District has chosen to recognize her outstanding contribution to Clark County by naming the Sandra Thompson Elementary School in her honor. I wish the Thompson family and the students, teachers, and administrators at Thompson Elementary the very best as they celebrate the dedication of this special school. I am certain that this educational establishment will live up to the legacy Sandra Thompson has left behind.

HONORING THE MIDDLE COUNTRY PUBLIC LIBRARY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. BISHOP of New York. Madam Speaker, I rise today to honor a respected and important landmark in the First Congressional District, the Middle Country Public Library.

Since 1957, the Middle Country Public Library has been a dynamic center for continuous learning that provides information, resources and programs to meet the needs of our diverse Long Island population. Visionary leadership, outstanding facilities, a skilled staff and collaborative partnerships enable the Library to deliver model services including free and spacious meeting rooms for use by community groups.

The Middle Country Public Library has received numerous awards including the "Pioneer Vision Award", "The Godfrey Award for Excellence in Public Library Services for Children and Families", and the "Groundbreaker Award" for promoting diversity and cultural awareness. On Saturday, April 21, the Library will be celebrating its 50th anniversary. The celebration will include performances, puppet shows, and stories to commemorate five full decades of stellar service and commitment to the community.

Madam Speaker, I strongly agree with John Quincy Adams, this great country's 6th President, when he said, "To furnish the means of acquiring knowledge is the greatest benefit that can be conferred upon mankind." Indeed, the Middle Country Public Library is a welcoming place for knowledge, dedicated to excellence and to enhancing the quality of life in Suffolk County, New York. I am proud to honor its 50th anniversary.

TRIBUTE TO MRS. NAOMI A. ADAMS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. MEEK of Florida. Madam Speaker, I rise to honor one of Miami's great ladies, Mrs. Naomi A. Adams, who on April 19, 2007, will celebrate her 90th birthday. I know I speak for all of my colleagues in extending to her our congratulations and best wishes on this important occasion.

In so many ways, Mrs. Adams exemplifies determination, strength and service. She grew up in a segregated Southern city and was educated in a segregated school system. However, she overcame adversity, and thrived in every facet of her life.

Determined to develop her talents and make the most of her abilities, Mrs. Adams was admitted into the prestigious Tuskegee Institute, which was and still is one of the premier institutions of higher learning in the nation. She worked in campus jobs in the dining hall and in the registrar's office to help make ends meet.

It was at Tuskegee that two very important events occurred: Mrs. Adams studied under the instruction of Dr. George Washington Carver, a distinguished American of genius, and she met Mr. Nelson L. Adams, Jr., the man who would later become her husband.

Mrs. Adams graduated in 1940 with a degree in Home Economics, and when the couple moved to Miami, she put her knowledge to good use by teaching others. She taught home economics and science for more than twenty years at Miami's George Washington Carver High School. When the Dade County Public Schools were desegregated in 1966, she was transferred to Robert E. Lee. Jr. High School, where she worked until her retirement in 1977. Mr. Adams, also an educator, was principal of Dunbar Elementary School for nearly 25 years.

Mrs. Adams and her late husband had an overwhelming commitment of faith to St. John Baptist Church in Overtown. She has served as a Girl Scout troop leader; as a volunteer with the American Red Cross; as a member of the board of directors of the Dade County Teachers Credit Union and on the board of directors of the Dade County Retired Teachers Association. Even today, she is an active member of the Optimist Club, AARP, the Tuskegee Alumni Association and the Tuskegee University's Presidential Associates Club.

Mrs. Adams is the mother of two children, Sceiva and Nelson, III, the grandmother of five and the great-grandmother of two. Mrs. Adams is the embodiment of the ultimate matriarchal figure, and I wish her continued happiness as she celebrates her 90th birthday.

IN RECOGNITION OF PEACE ACTION'S 50TH ANNIVERSARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. STARK. Madam Speaker, I rise today to pay tribute to Peace Action's 50th anniversary. Peace Action has been a seminal part of the peace movement. On the evening of April 12, 2007 at Madison's Lake Merritt Hotel in Oakland, California, Peace Action West, a regional organization of Peace Action, will celebrate their work during the last 50 years as well as their recent victories.

The evening celebration will include reminiscences by Peace Activist Norman Cousins' daughters, Candis Cousins and Shigeko Sasmori. Norman Cousins was an eminent activist and founder of SANE. As a child, Shigeko survived the Hiroshima atomic blast, and soon after was unofficially adopted by the Cousins family. From her experience at the very center and origin of the nonproliferation movement, her lifetime of peace activism is an inspiration to us all. Together they will speak to the memory of their father's work and ideals, which I find new expression in this generation of peace organizers.

In 1957, motivated by the realization that nuclear weapons could put an end to human life on the planet, the National Committee for a Sane Nuclear Policy was born. SANE, as the organization came to be known, later merged with the Nuclear Freeze movement and became Peace Action. For 50 years Peace Action has galvanized a voice for a world where the threat of nuclear weapons is eliminated and where foreign policy is based on international cooperation and respect for human rights. Peace Action has grown into a regional organization nearly 50,000 members strong.

I join the community in celebrating Peace Action's 50-year milestone of waging peace. I thank the members of Peace Action West for their exemplary efforts and deep commitment to peace and human rights and I applaud their five decades of accomplishments.

HONORING ROD GRUSY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to Dr. Rod Grusy, a remarkable public servant and friend from my home state of Kentucky. Dr. Grusy recently announced his intention to retire from his position as Extension Service Agent at the Hardin County Agricultural Extension Office at the end of this month.

Dr. Grusy has distinguished himself as an ardent educator and trusted advisor to the communities of Hardin County, Kentucky throughout his 16 year tenure. He has been consistently praised for his unique hands on approach, routinely visiting local farms in person to offer his advice.

Dr. Grusy is the only Extension agent in Kentucky at the county level specializing in crop production and farm management. His extensive education and keen intuition developed over many years spent in the fields have made him a valuable resource to countless farmers and students throughout the Commonwealth.

One of Dr. Grusy's most important contributions to Kentucky agriculture is his work to organize the annual Central Kentucky Farm Expo. Each year, the popular event teaches farmers about new technology and innovations in their rapidly changing industry. The Expo also teaches schoolchildren about farming, inspiring future careers and building a deeper understanding between rural and non-rural residents.

On behalf of the countless men and women who have benefited from his skill and generosity, I would like to express my profound appreciation to Dr. Grusy for his years of service and wish him a very happy and healthy retirement.

It is my great privilege to recognize Dr. Rod Grusy today, before the entire U.S. House of Representatives, for his exemplary citizenship and community leadership. His unique contributions to farming and education make him an outstanding American, worthy of our collective honor and appreciation.

IN RECOGNITION OF THE TIME TRAVELERS HISTORY CLUB AT CHARLES R. DREW MIDDLE SCHOOL IN LINCOLN, ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. ROGERS of Alabama. Madam Speaker, I would like to recognize today the students and adult leaders of the Time Travelers History Club at Charles R. Drew Middle School in Lincoln, Alabama.

Since 2005, the Time Travelers club has taken a significant role in enhancing learning opportunities for students, preserving local history, and serving the community. Their events, such as a Constitution Day celebration, have joined students with community figures and in turn allowed students to learn more about history through interacting with people who lived through some of the most influential events of the twentieth century.

I applaud the students of Charles R. Drew Middle School who have participated in this program, as well as their advisor Mr. Keith George, for their commitment to learning and service. Thank you, Madam Speaker, for the House's attention to these accomplished individuals today.

TRIBUTE TO COACH FISHER DEBERRY

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. LAMBORN. Madam Speaker, I rise today to pay tribute to Fisher DeBerry, former head coach of the United States Air Force Academy football team. During his twenty three years as head coach at the Academy, Mr. DeBerry led seventeen teams to winning seasons and twelve to bowl games; his career record of 169–107–1 is the best in Academy history. Off the field, Mr. DeBerry has made tremendous contributions to his community through the Fisher DeBerry Foundation, an organization dedicated supporting single mothers and their children by providing mentoring and after school programs and funding academic scholarships.

A high school and college athlete, Mr. DeBerry began his coaching career in 1969 as an assistant coach at his alma mater, Wofford College in Spartanburg, South Carolina. In 1971 he joined the coaching staff at Appalachian State. As a result of his success at these two institutions, Mr. DeBerry was hired as offensive coordinator and quarterback coach by the Air Force Academy in 1980 and moved on to the head coach position four years later. Dominating the Commander in Chiefs Trophy Series since its inception in 1972, Mr. DeBerry holds, against the Naval and Military Academies, a combined record of 34–8 and is the winningest coach in the history of the service academies.

Mr. DeBerry, a member of the South Carolina and Colorado Springs Sports Halls of Fame, holds numerous other awards and distinctions including three-time WAC Coach of the Year, the 1985 Paul "Bear" Bryant award as NCAA College Football Coach of the Year and the 2001 State Farm Coach of Distinction.

A man of deep Christian faith and profound humility, Mr. DeBerry has participated in fundraising efforts for worthy causes including March of Dimes, the Salvation Army, and the American Heart Association. I wish to recognize Mr. DeBerry today not only for his impressive coaching career which has brought tremendous pride to the Air Force Academy and Colorado Springs, but also for his strength of character and community service.

A TRIBUTE TO ODELLE WHITEHEAD BARNES

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. BUTTERFIELD. Madam Speaker, it is with great pride that I rise today to pay tribute to Mrs. Odelle Whitehead Barnes, a native and longtime resident of Wilson, North Carolina. This wonderful individual is a family friend and a former teacher at my alma mater, The Charles H. Darden High School. For many years, Mrs. Barnes dedicated her life to educating and serving the people of Wilson, North Carolina. She is being honored this week upon her designation as a Diamond Soror in Alpha Kappa Alpha Sorority, and for her years of service to the community.

Madam Speaker, Mrs. Barnes committed 39 years of her life as both a teacher and speech therapist, and many more as a beacon of positive light to the community. She should be lauded even greater for her success in overcoming the racial and gender prejudices of her time. Mrs. Odelle Barnes was born in Wilson, North Carolina, as one of 12 children to Henry and Victoria Whitehead. She faced numerous challenges growing up in the Jim Crow South during the Depression, but excelled nonetheless, graduating from high school at age 16. Mrs. Barnes attended North Carolina College at Durham, today North Carolina Central University, and graduated with high honors in both English and French. Although the college environment during the Depression was unfriendly, nevertheless she persevered with the help of her family, the determination of her own character and her faith in Almighty God.

Mrs. Barnes taught for many years at both Elm City Elementary and Darden High School, before earning her Masters in Speech Therapy with the University of Michigan. In a time when integration still ruled North Carolina, Mrs. Barnes provided an invaluable service to the African-American community of Wilson County with her work as a Speech Therapist in the school system. In 1977, Darden High School named her "Alumna of the Year," and in 1981 she was honored by the Wilson Human Relations Commission with its "Citizen Award."

Madam Speaker, Odelle Whitehead Barnes is very proud of her distinction of being "Charter Member" of two chapters of Alpha Kappa Alpha Sorority, Inc., the Alpha Chi Chapter in 1932 and of the Gamma Beta Omega Chapter in 1940. She is now a Diamond Soror and has spent 75 years as an AKA member. Mrs. Barnes is a lifelong member of the Jackson Chapel First Missionary Baptist Church, where she has served as the president of the Missionary Circle and co-founder of the Fellowship Club, and has twice been named church "Woman of the Year." Additionally, she served as board member for the Department of Social Services, the Wilson Historic Properties Commission, and Wilson County Mental Health Board. She volunteered at the Wilson Crisis Center, the Hospital Visitation Program and the Wilson County Board of Elections.

Mrs. Barnes, who was married to Edward Morrison Barnes for 65 years, presently resides in Detroit, Michigan, with her daughter, Carolyn, her two grandsons and five great-grandchildren. Madame Speaker, in honor and recognition of Mrs. Odelle Whitehead Barnes' diligent service as an educator, therapist, and leader, I ask my Colleagues to join me in paying tribute to this great woman.

IN HONOR OF JIM JONTZ

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to honor the memory of former Congressman James Prather "Jim" Jontz, who passed away on April 14, 2007 after a long battle with colon cancer. Jim dedicated his life to public service and environmental protection.

In 1974, at the age of 22, he was one of the youngest people ever to be elected to the Indiana General Assembly. After 10 years in the General Assembly and 2 in the Indiana Senate, Jontz ran for the U.S. House of Representatives from Indiana's 5th District. He went on to serve three terms in the House where he fought for government accountability and preservation of the environment. After leaving Congress, Jontz moved to Oregon where he continued his advocacy for environmental causes.

Jim Jontz was the kind of man that got into politics for the right reason: he saw a problem in his community and decided he could make a difference. He will be remembered for his strong conviction, his populist spirit, and his unwavering commitment to protecting the environment. I want to send my condolences to his family. He was a great public servant to the State of Indiana and our Nation.

TRIBUTE TO REVEREND DOCTOR WILLIE RAY DAVIS FOR HIS INSTALLATION AS PASTOR OF PROGRESSIVE BAPTIST CHURCH

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to pay tribute to Rev. Dr. Willie Ray Davis on his installation as Pastor of Progressive Baptist Church. On behalf of the constituents of the Eighteenth Congressional District of Texas, I would like to extend to him my warmest congratulations on the commemoration of his Official Installation as Pastor of Progressive Baptist Church. As former pastor of Greater St. Paul's Missionary Baptist Church, his presence in Houston, the fourth largest city in the United States, and before the enthusiastic new members of the Progressive Baptist Church assembled today, serves as a testimony of his renowned commitment to excellence and eminence as one of Houston's foremost religious and community figures.

How do you describe a man who is known as a pastor, spiritual leader, and extraordinary community leader? You can do so by simply calling him Pastor Willie Ray Davis. Pastor Davis's commitment to serving his community is exemplified by the many committees that he is involved in and his ability to put the needs of others before his own. Consequently, I would like to join his family, friends and church members in congratulating him on your Installation as Pastor of the Progressive Baptist Church in Chicago, Illinois.

Houston and Greater St. Paul's Baptist Church has lost one of its beloved treasures, but I am confident that Pastor Willie Ray Davis will exhibit the same profound preeminence that he exhibited in Houston in Illinois to the members of the Progressive Baptist Church. My wish is that on this momentous occasion, Pastor Davis will look at what a blessing his life has been to others and that he will continue on with his good work blessing his community, congregation, family and friends.

Madam Speaker, I would like to congratulate Pastor Willie Ray Davis as he celebrates this wonderful occasion with his family, church members and friends. He has been a pillar of faith in his community and I extend my heartfelt wishes and prayers for a wonderful tenure as Pastor of Progressive Baptist Church.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 17, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 18

Time to be announced

Homeland Security and Governmental Affairs

Business meeting to consider the nomination of Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security.

S-216, Capitol

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine economic challenges and opportunities facing American agricultural producers today, focusing on livestock, poultry and competition issues.

SD-106

Armed Services

Airland Subcommittee

To hold hearings to examine whether the Army is properly sized, organized, and equipped to respond to the most likely missions over the next two decades while retaining adequate capability to respond to all contingencies along the spectrum of combat in review of the Defense Authorization Request for fiscal year 2008 and the Future Years Defense Program.

SR-222

10 a.m.

Finance

To hold hearings to examine the Administration's plan for reducing the tax gap, focusing on goals, benchmarks, and timetables.

SD-215

Health, Education, Labor, and Pensions

Business meeting to markup S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and the nominations of Douglas G. Myers, of California, Jeffrey Patchen, of Indiana, Lotsee Patterson, of Oklahoma, all to be Members of the National Museum and Library Services Board, Stephen W. Porter, of the District of Columbia, to be a Member of the National Council on the Arts, and Cynthia Allen Wainscott, of Georgia, to be a Member of the National Council on Disability.

SH-216

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine if "Free Trade" is working.

SR-253

Rules and Administration

To hold hearings to examine repealing the limitation on party expenditures on behalf of candidates in general elections.

SR-301

Small Business and Entrepreneurship

To hold hearings to examine Public Law 107-204 (Sarbanes Oxley Act) and small business addressing proposed regulatory changes and their impact on capital markets.

SR-428A

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for maternal and child health, and family planning and reproductive health.

SD-124

Veterans' Affairs

Business meeting to markup the nomination of Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

Room to be announced

2:15 p.m.

Library

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations and committee's rules of procedure for the 110th Congress.

S-115, Capitol

2:30 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Energy.

SD-138

Environment and Public Works

To hold hearings to examine the nomination of Lieutenant General Robert L. Van Antwerp, Jr. to be Chief of Engineers and Commanding General of the United States Army Corps of Engineers.

SD–406

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold oversight hearings to examine the President's budget request for fiscal year 2008 for the United States Coast Guard.

SR–253

Printing

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations and committee's rules of procedure for the 110th Congress.

S–115, Capitol

3 p.m.

Armed Services

Readiness and Management Support Subcommittee

Personnel Subcommittee

To hold joint hearings to examine the readiness impact of quality of life and family support programs to assist families of Active Duty, National Guard, and Reserve military personnel in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.

SR–232A

9:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of R. Niels Marquardt, of California, to be Ambassador to the Republic of Madagascar, and to serve concurrently and without additional compensation as Ambassador to the Union of Comoros, Janet E. Garvey, of Massachusetts, to be Ambassador to the Republic of Cameroon, and Phillip Carter, III, of Virginia, to be Ambassador to the Republic of Guinea.

SD–419

APRIL 19

9 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the impact of global warming on private and federal insurance.

SD–342

9:30 a.m.

Armed Services

To hold hearings to receive testimony on the Department of Defense's management of costs under the Logistics Civil Augmentation Program (LOGCAP) contract in Iraq.

SD–106

Judiciary

To hold oversight hearings to examine the Department of Justice.

SH–216

10 a.m.

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Justice.

SD–192

Finance

To hold hearings to examine grains, cane, and automobiles relating to tax incentives for alternative fuels and vehicles.

SD–215

Judiciary

To hold hearings to examine S. 1079, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, S. 495, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 221, to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts, S. 495, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 119, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, S. 735, to amend title 18, United States Code, to improve the terrorist hoax statute, H.R. 740, to amend title 18, United States Code, to prevent caller ID spoofing, and the nominations of Robert Gideon Howard, Jr., of Arkansas, to be United States Marshal for the Eastern District of Arkansas, Frederick J. Kapala, of Illinois, to be United States District Judge for the Northern District of Illinois, and Benjamin Hale Settle, of Washington, to be United States District Judge for the Western District of Washington; and the possibility of the issuance of certain subpoenas in connection with the investigation into the replacement of United States Attorneys.

SD–226

Appropriations

Military Construction and Veterans' Affairs, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for military construction for the Army, Navy, and Marine Corps.

SD–138

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine United States competitiveness through basic research.

SR–253

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine rising highway fatalities.

SD–124

2 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the current state of the Postal Service along with the efforts underway to implement the Postal Accountability and Enhancement Act (Public Law 109–435).

SD–342

2:30 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the military space programs in review of the Defense Authorization Request and the Future Years Defense Program; with the possibility of a closed session in SR–222 following the open session.

SR–232A

Intelligence

To receive a closed briefing on certain intelligence matters.

S–407, Capitol

10 p.m.

Aging

To hold hearings to examine bioidentical hormones.

SD–562

APRIL 20

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health, focusing on the burden of chronic diseases.

SD–116

APRIL 23

3 p.m.

Energy and Natural Resources

To hold hearings to examine S. 1115, to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment.

SD–366

APRIL 24

9:30 a.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine trailers, focusing on creating more flexible, efficient, and cost-effective Federal Disaster Housing Program.

SD–342

Armed Services

To hold hearings to receive testimony on United States Pacific Command, United States Forces Korea, and United States Special Operations Command in review of the Defense Authorization Request for fiscal year 2008 and the Futures Years Defense Program.

SH–216

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine communications, broadband and competitiveness relating to how the United States measures up.

SR–253

Health, Education, Labor, and Pensions

To hold hearings to examine No Child Left Behind Reauthorization, focusing on modernizing middle and high schools for the twenty-first century.

SD–628

Judiciary
Human Rights and the Law Subcommittee
To hold hearings to examine the casualties of war focusing on child soldiers and the law.
SD–226

2:30 p.m.
Judiciary
To hold hearings to examine the Insurrection Act rider and the state control of the National Guard.
SD–226

APRIL 25

2 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine language technology and training for the Department of Defense.
SR–325

Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on mental health issues.
SR–418

2:30 p.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

APRIL 26

9:30 a.m.
Armed Services
To hold hearings to receive testimony on legal issues regarding individuals detained by the Department of Defense as unlawful enemy combatants.
SH–216

10 a.m.
Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine if the Occupational Safety & Health Administration (OSHA) is working for working people.
SD–628

Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine clean coal technology.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
Consumer Affairs, Insurance, and Automotive Safety Subcommittee
To hold hearings to examine All-Terrain Vehicle (ATV) safety.
SR–253

MAY 3

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine pending nominations.
SR–253

MAY 9

9:30 a.m.
Veterans' Affairs
To hold hearings to examine on benefits legislation.
SD–562

MAY 16

10 a.m.
Veterans' Affairs
To hold hearings to examine the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.
SD–562

MAY 23

9:30 a.m.
Veterans' Affairs
To hold hearings to examine on health legislation.
SD–562

SENATE—*Thursday, April 19, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Dr. Tim Smith, Valley Presbyterian Church, Paradise Valley, AZ.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

O Lord Most High and so near, before whom all the nations rise and fall, it is not mere custom that we begin with prayer, but our deep sense of need for You. On this April morning we cherish the memory of another April morning and the Minutemen of Lexington and Concord who answered the midnight cry of Paul Revere, and they took their stand and fired the shot heard round the world. We remember them and how bitterly our freedom has been won, and pray that same spirit for us today.

Spirit of the living God, breathe on this assembled body of free men and women, servants of the people. As You guided its sons and daughters of liberty in the past, so guide these here today for the sake of liberty everywhere, for America's sake, for conscience sake, for God's sake. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 19, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

THE GUEST CHAPLAIN

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I yield to the distinguished junior Senator from the State of Arizona, Mr. KYL.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I appreciate the majority leader yielding for the purpose of commenting for a moment about the guest Chaplain who just delivered the prayer, who happens to be the chaplain of my church in Paradise Valley. Let me speak a few words about Tim Smith and his service to our congregation.

He is the associate director of Congressional Ministries at Valley Church, and his expertise is ministries throughout the community. He has been a pastoral minister for over 25 years, serving as a hospice chaplain, a prison chaplain, and a bereavement counselor. In addition, he is a certified spiritual director and mentor and teacher to those who study spiritual direction. Tim and his wife Rita are members of Valley Presbyterian Church. They are parents of two sons, one of whom, incidentally, interned in my office in Phoenix, AZ.

It is also a special privilege for a guest Chaplain to be here, and I express my appreciation also to our Chaplain, Dr. Barry Black, for his willingness and kindness in inviting Tim Smith to be with us today.

Mr. President, I welcome Tim Smith, Minister of Valley Presbyterian Church, to Washington and to the Senate.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

REMEMBERING THE WARSAW UPRISING

Mr. REID. Mr. President, the distinguished visiting Chaplain mentioned the Revolutionary War event, and that is memorable. Also, on this day I think it is important, to reflect on the Holocaust, that this day in 1943 was the beginning of the Warsaw Uprising at the Warsaw ghetto. As I recall, the Germans invaded Poland in 1939. They were, to say the least, brutal, especially against the Jews. In about 1941, as I recall, they cordoned off an area that was about 20 blocks by 6 blocks and ordered everyone out who was not Jewish and ordered all Jews from the whole large metropolitan area of Warsaw into that ghetto.

Word got out that the Jews had gathered some weapons, as they had done, minimal in number, and the German tanks came in on this day in 1943. Of course they were to wipe out the ghetto in 1 day, but these gallant Polish patriots, these Jews, held out for more than a month.

In the annals of history, it is one of the greatest acts of defiance against terrorism that exists. They did it with heroism and gallantry, and it is a day that we should recognize as being a day in the history of mankind where people stood up for what was right and against what was wrong.

SCHEDULE

Mr. REID. Mr. President, this morning there will be a period of morning business for 60 minutes, Republicans controlling the first half and the majority controlling the last portion of the time. Following the period of morning business, the Senate will resume consideration of S. 378, the court security legislation. Cloture was filed on the bill. Members have until 1 p.m. today to file any first-degree amendments to the matter.

I am confident and I am hopeful that we will finish that bill today and be able to move, either this evening or tomorrow, to the matter dealing with competitiveness. Everyone should be made aware of the fact that we have at least 50 cosponsors of that legislation, so there will be no cloture filed to move to it or after we are on it. This is a bill that we should be able to complete without any procedural blocks of any kind from either side. But we are going to finish the court security bill before we leave this week. That may take a little extra time, but I think it is something we all need to do.

Coincidentally, yesterday, as I indicated on the Senate floor, the head of the Marshals Service, Mr. Clark, came to see me. The meeting had been long since scheduled. It was not scheduled as a result of this matter being on the floor of the Senate. He indicated that violence against Federal judges was up 17 percent last year; that there were more than 1,000 open threats against members of the Federal judiciary last year. This does not take into consideration the many instances of threats and actual violence in the State courts. This legislation will not only make safer the people who work in the Federal courts, including the judges, but also has the ability to make our State courts safer.

We need not be reminded too often of what has happened in recent years. In Illinois, a crazed litigant waited in a judge's home. When the family came home—not the judge, just the family members—they were killed. In Nevada, a man who was dissatisfied with what a judge was doing shot the judge. We know what happened in Georgia, where violence took place and people were killed.

This is something we really need to do. Time is of the essence. I understand there are some amendments today, and that is fine. We will dispose of those just as quickly as we can. I hope we do not have to file cloture on the bill.

That is the next thing. I appreciate very much the Republican leader doing what was necessary so we could move to the bill immediately after cloture was invoked on the motion to proceed. This is important legislation, and we should finish it as quickly as we can.

I also want to acknowledge that all Judiciary Committee members are tied up in the Judiciary Committee today, Democrats and Republicans, because Attorney General Gonzales is appearing before them in his much anticipated hearing. As a result of that, we didn't have a manager of the bill. SHERROD BROWN, a longtime Member of the House and new Member of the Senate, has agreed to manage this bill, and that will be done on this side. There are no excuses. We need to move forward. We have a manager. We will make sure everything is done in an appropriate manner.

We hope anyone who has amendments to offer will do so. There is nothing pending at this time, as I understand it. I say to the Chair, is that true, that this bill is open to amendment at the present time?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. The bill is open to amendment. We hope if people, Democrats or Republicans, think this bill can be improved, they will offer amendments.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FINISHING LEGISLATION

Mr. McCONNELL. Let me say to my good friend, the majority leader, I think there is an excellent chance of finishing the court security bill fairly soon. He is, indeed, correct that the competitiveness bill which he is calling up after that enjoys broad bipartisan support, so I think these are two pieces of legislation the Senate has a good chance of enacting in the very near future.

NATIONAL COMMEMORATION OF THE DAYS OF REMEMBRANCE

Mr. McCONNELL. With regard to today's remembrance of the Holocaust, at today's 2007 National Commemoration of the Days of Remembrance ceremony, I will have the honor of lighting a candle alongside Holocaust survivor Eva Cooper. Eva was 10 years old when Nazis invaded her hometown of Budapest. She survived in hiding until Soviet forces liberated her and her family in 1945.

Hearing stories like Eva's reminds us that the Holocaust was not one act of evil, but millions, an evil that slaughtered little children and horrified nations. Today, we remember evil and the strength and courage of those who lived under its dark reign.

As time marches ever forward, fewer survivors like Eva Cooper will still live to tell us firsthand of the horrors they saw. That is why the mission of the U.S. Holocaust Memorial Museum, the host of today's event, is so very important. History must never forget the horror committed against the Jewish people, so that horror of such magnitude can never, never happen again.

Today's ceremony will also serve to remind us of the strength of the Jewish people in the face of atrocity. The resilience of those who survived, and the determination of those who remember, is proof that the dignity of the human soul will never be trampled by oppression, injustice, or terror.

I yield the floor.

ORDER OF BUSINESS

Mr. REID. Mr. President, we have had a number of inquiries already in the cloakroom whether there will be votes tomorrow. I will be in consultation with the distinguished Republican leader during the day, and that decision will be made later.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes controlled by the Republican leader or his designee, and the last 30 minutes controlled by the majority leader, or his designee.

The Senator from Florida is recognized.

EMERGENCY APPROPRIATIONS

Mr. MARTINEZ. Mr. President, I want to use some of the minority time in morning business this morning to discuss H.R. 1591, the Emergency Supplemental Appropriations Act of 2007. We are here now, some 73 days after the President sent us the emergency wartime spending request, and 73 days later we are still waiting to send to our troops the resources they desperately need while they are in harm's way.

On March 23 the House passed their version of the bill, and on March 29 the Senate did as well. We are now in the middle of April and the two bodies have yet to meet to work out their differences. More distressing still, the House has yet to even name conferees.

I know yesterday the leaders of the Congress had a meeting with the President to discuss the progress, or maybe the lack of progress, on this bill. In the 10 weeks since the Congress began consideration, we have turned a bill intended to fund troops into a bill that seeks to put a hasty and misguided withdrawal deadline from Iraq. In addition to that, not only does it not prioritize the war funding and leave it at that, but it also contains about $20 billion in projects that are neither emergencies and, most of all, are not related to the war effort.

In addition to that, it is clear from the conversations that leaders have had with the President that in this current form this bill will be vetoed. So where are we today then? We clearly have a bill that is going to be unacceptable to the Executive. We still have not even conferenced on the bill. And worse yet, the Democratic leadership shows no signs of changing the path on which they are set, which is one that attempts to put an artificial deadline on the commanders on the ground and attempts to put other restrictions on their ability to fight the war from the ground as they best see fit.

So at the end of the day, we should not be using a war supplemental, at a time of war, when our troops are in harm's way, to do things such as put $25 million for spinach farmers—that is not an emergency, that does not relate to the war effort, $75 million for peanut storage. Again, I am sure peanuts being stored is an important thing, but is it a wartime supplemental issue? Is it an emergency? No. And $250 million for a dairy subsidy. We all enjoy ice cream, but do we need to have an emergency appropriation in order to subsidize diary farmers? Do we need to have an emergency appropriation for the war with bin Ladin now with this kind of special interest pork?

There is $3.5 million in this bill for Capitol tours. They are important, too. They are not an emergency. They certainly do not relate to the war. And $2 million for the University of Vermont.

The President has said:

> The longer Congress delays, the worse the impact on the men and women of the armed forces [will be]. Our troops, [the President said] should not be trapped in the middle.

I think that is true. I think it is very important that we move this process forward and that we allow for the troops on the ground to receive the kind of funding they desperately need to continue the fight forward.

There is something here we must recognize. Whenever the Congress does not timely fund an agency or department of the Federal Government, then we need to find ways in which to get the job done. I can remember, during my days in the Cabinet, that as Secretary of Housing and Urban Development, it is very disruptive for a stream of funding for a given project to be disrupted, because then you have to make amends in order to continue to pay your bills, bills you are obligated to pay, while at the same time having to rob Peter to pay Paul.

It is the most inefficient way to run Government. It is more costly than any other way of doing it and, most of all, when you are dealing with our Armed Forces, it has dire consequences.

Here are a couple of things that are wrong with the situation we are in today: We are delaying for no good reason. Secondly, we are attempting to impose a political deadline on a bill that is intended to provide the troops the resources they need to continue to fight the war.

The Iraq Study Group has been cited as having some good guidance on the way forward. The experts in that group, the Iraq Study Group—I know they are quoted frequently by my friends on the other side of the aisle, but we can't be too selective about what we choose to like from the Iraq Study Group and what we don't.

The Iraq Study Group says that: Near-term results—and this is referring to an untimely or an early withdrawal—would result in a significant power vacuum.

Unquestionably, if we withdraw untimely, there will be a power vacuum in Iraq. There will be greater human suffering, and the region will be destabilized, and a threat to the global economy would also be a part of what the Iraq Study Group found would be the result of a hasty withdrawal.

> Al Qaeda would depict our withdrawal as a historic victory.

Make no mistake about that. The Iraq Study Group said: Our premature departure from Iraq, leaving a power vacuum, will provide al-Qaida with a victory of historic proportions.

> If we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return.

This is the Iraq Study Group. This is what they are saying about an untimely and hasty withdrawal from Iraq. There is no question there would be a power vacuum left, not only within Iraq but also in the region. And as a result of that, only those who do not wish us well and who are, frankly, the enemies of our country today would find this vacuum a great opportunity as a way that they could then descend. So there would be a power vacuum within the country, which would surely be filled by the radical elements of the society, who are not the ones who were elected by the people but are the ones who will have the ability, through their own thuggery and armed intervention, by their own militias, to take over the country.

The factional killings would rise even higher than they are today, and then the region will be destabilized, because there is no question that Iran would move into this power vacuum created by the hasty departure of the United States, the only stabilizing force in that area at the moment.

In addition, we would find the other countries in the region, the Sunni states, the moderate Sunni states that are friendly to us, would find this situation untenable. They would then have to act. I think the whole region would be in greater chaos than it is today. This would then necessitate a return of the United States into Iraq in a way that would be, frankly, undesirable.

So what are we doing today? Well, I am not one of those who believes we owe a commitment for the end of time and to all time. But I do not think we are at the point in time when retreat is the only option. Retreat will be followed by defeat, and all of those consequences are not what we want to see.

At this point in time we have two top-rated commanding officers in the field. General Petraeus has been on site a scant couple of months. His plan for this surge, his plan to try to pacify Baghdad, is underway, and while there are daily setbacks, and last night, this morning, we received the news of yet more fighting and more killing and more bombs, the fact is there are some overall trends that seem to be moving in a more positive direction.

Lieutenant General Odierno, who is the commanding general of the Multinational Corps in Iraq, reported on a number of aspects of military progress. He said: "We are seeing a drop in sectarian murders in Baghdad and some displaced families are returning to the city."

Again, these are modest signs of something going in the right direction.

> The number of caches we are finding per week has doubled since February.

All of the troops of this reinforcement action that many choose to call a surge have yet to be on the ground. The capacity of the Iraq security forces continues to grow. There are currently 10 Iraqi divisions, 8 of which have transitioned to Iraqi control. I believe yesterday another province was turned over to Iraqi control, the Iraqi forces. Security across Al Anbar has dramatically improved. The people of Al Anbar are fighting back and winning against al-Qaida. And I think that is true. We are receiving unparalleled and unprecedented cooperation from the locals in that area to help us defeat al-Qaida.

This, make no mistake about it, is a fight with al-Qaida. There may be sectarian and factional fighting in Iraq, and certainly in Baghdad, but in Al Anbar we are fighting al-Qaida.

Last week in Ramadi, there were nine attacks in total. During this same week a year ago there were 84 attacks. In the north, petroleum products from the Baiji oil refinery have increased 20 percent in the last 6 weeks alone, due to the Iraq security force's effort to protect the distribution tankers.

The bottom line is, there is a drop in murders, there is an increase in finding arms caches, there is an increase in the Iraqi forces continuing to take control of their own country, there is a decrease in attacks, and there is an increase in oil production. It is a perfect picture but certainly something that seems to be moving in a direction that is more desirable.

The emergency supplemental is vital to the troops and vital to our national security. The operations in Iraq over the next several months will determine our future efforts in Iraq and in that part of the world. We do not have the luxury of delaying these funds. You see, it would be a self-fulfilling prophecy not to properly fund the troops, to require that the rotations that are planned not take place; that the National Guard—we value so much the training. And I keep hearing in the Armed Services Committee repeated questions: Are our troops properly trained before they are sent into battle?

Well, we find that right now home State training of National Guard units had to be suspended because of the supplemental not being funded, and deployment of all military units is going to have to be slowed.

In other words, there are people who are part of our Armed Forces who have been in Iraq, who have served their time, who are expecting to come home. Their time of coming home is going to be delayed because their replacement will not have the resources to get back into the fight.

The administration's position on the bill is that the war supplemental should remain focused on the needs of the troops and should not be used as a vehicle for adding on emergency spending, and also for policy proposals that I find are more destined to make a difference in the political fight than they are in the fight against the enemies of our country.

Mr. President, I conclude by reading a letter that was written by Army LTC Charles P. Ferry, regarding the death of his comrade, his follow soldier, Army Ranger SSG Joshua Hager, a young man who died in the service of his country.

The lieutenant colonel wrote:

> On February 22, 2007, the Scout Platoon and I were conducting a vehicle movement at night along a route we had traveled many times before. Joshua and the rest of the Scouts had every inch of this road memorized. About halfway to our destination, Joshua's vehicle was struck by a large, deeply buried improvised explosive device (IED). Joshua was instantly killed by the blast, and the two other Scouts in the vehicle were wounded.

The lieutenant colonel continues to write:

> I have been in the Army for about 23 years and served in numerous Infantry, Special Forces, and Ranger Battalions. I have served about three years collectively in combat in Somalia, Afghanistan, and Iraq, and Staff Sergeant Joshua Hager is one of the best Sergeants I have ever served with and I trusted my life with him. He was the consummate professional and the absolute standard bearer for his platoon. He died doing what he loved and what he was very good at and I was proud to serve with him. I hope and pray that our Nation will always appreciate the ultimate sacrifice he and his family have made. I will never forget Joshua and I carry his memory burned into my heart as we continue to fight in the city of Ramadi.

I have spoken with the father of Sergeant Hager. We talked a number of times about his son and his son's beliefs. I cannot imagine the pain Mr. Hager feels, but I can tell you what he did say to me. The message from Joshua's father that he wanted me to relay here was Joshua understood his mission. He understood what he was over there fighting for. He knew this was a war worth fighting, and worth winning.

Young Joshua Hager told his dad these things and added:

> I'll stay in Iraq for another year or however long it takes to defeat the enemy—so that my son won't have to fight this battle when he grows up.

That statement, I believe, embodies the spirit of our soldiers in the field. They get it. They know their mission. We should know ours as well. We ought to get to work. We ought to strip out of this bill the timelines that would constrain and tie the hands of our military commanders. We should strip the pork, the unnecessary, nonemergency, nonwar-related pork that is in the bill, and send a clean bill to the President that he might sign it and get the resources to the troops they so desperately need, not only in Iraq but just as well as back here at home as we continue to attempt to keep our National Guard properly trained and properly prepared.

This is a difficult issue. I know very much how much this issue can divide our country. But I also know how very important it is to those of us who I believe clearly understand the threat our country faces in the global war on terror, the issues that relate to the security of this Nation, and the very difficult situation we find ourselves in. We should not make this situation more difficult by injecting domestic politics into the atmosphere.

I do believe it is very important that we continue to fund the troops, that we give the troops our support and our backing, and we do so in a timely manner.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. LINCOLN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. OBAMA). Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I know the Republican side has additional time remaining. That will be reserved for them. I wish to speak under the Democratic time.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAGEDY AT VIRGINIA TECH

Mrs. LINCOLN. Mr. President, I would like to take a few moments to extend my heartfelt condolences to the Virginia Tech community and the families comforting them. The entire Nation obviously is grieving with them over their tremendous loss. We want them to know that all of our States, particularly the great State of Arkansas, stand with them as they cope with this senseless tragedy. We will continue to be with them, keep them in our thoughts and prayers in the coming weeks and months.

I attended Randolph-Macon Woman's College just down the road from Blacksburg in Lynchburg, VA. I remember when I was in college, Virginia Tech was well known for its strong and passionate student body. They had tremendous strength. They had a strong will, a strong determination, and a strong and bright spirit. I certainly know that all of those strengths remain in today's student body at Virginia Tech. I also know that their alumni will be there to comfort them and stead them well in the coming months. We hope they know we have them in our thoughts and prayers.

WAR IN IRAQ

Mrs. LINCOLN. Mr. President, news from the Pentagon last week hit so many families throughout our great State of Arkansas particularly hard. Four years into the conflict in Iraq, the Army National Guard put 13,000 reservists, including nearly 2,000 from the largest National Guard unit in Arkansas, the 39th Infantry Brigade, on notice that they should be prepared for a second deployment at the end of this year. The Pentagon's decision to potentially deploy these troops marks the first time during Operation Iraqi Freedom that full Guard units would be called up for a second tour of duty. Our Arkansas troops already have performed bravely in Iraq, and we know they will do so again.

Today, along with many Arkansans honorably serving in the Active-Duty military, over 1,600 of our citizen soldiers have been activated for service in the Middle East and along our southern border with Mexico. The 142nd Fire Brigade based in Fayetteville, AR, mobilized last week and is expected in Iraq this summer. Eighty members of the 213th Area Support Medical Company are preparing for their mobilization orders in June. Many of these members served in Iraq before with the 296th Ambulance Company. The headquarters company, the 871st Troop Command, is also expected to be mobilized in June.

Since the war began, our troops have performed their mission with incredible bravery and skill in some of the harshest conditions imaginable. Their families have supported them and kept them in their prayers, have been there with them each step of the way, both in the harsh conditions and when they have returned. Their communities have supported them, many of which are rural communities. They are communities that, when these soldiers have been deployed, have to find someone else to fill positions while they are gone, positions such as mayor or principal of the school, fire chief or police chief, small businesses that keep the economies in those small rural communities thriving.

Because of the sacrifice of these brave men and women, their families, and these communities, we have seen a popularly elected government replace a ruthless dictator.

We have seen a democratic constitution approved by the Iraqi people replace the authoritarian rule they had known. Tragically, we also have seen civilian mismanagement of this war which is not reflective of the tremendous sacrifice put forth by our men and women in uniform. Today, more than 3,300 servicemembers, 56 with Arkansas ties, have given their lives—the ultimate sacrifice in this undertaking—and more than 24,000 have been wounded.

Now, as our troops contemplate the thought of returning to Iraq to continue an undefined mission, President Bush has chosen to question the resolve of Congress to provide our troops with the resources they need to finish the job. He has questioned us. I take great exception to the President's comments. I find them disingenuous, and I wish to make clear to the American people that Congress is committed to providing our troops with everything they need to safely and effectively complete their mission. I believe that we have worked diligently to bring about a bill which would provide just that.

Last month, I voted with the majority of my Senate colleagues for an emergency spending bill that was above the President's request for our troops and would provide nearly $100 billion for operations in Iraq and Afghanistan. We met each of his requests and provided every nickel he asked for and more. The additional dollars we approved provide for their combat equipment, housing, and much needed health care, particularly addressing mental health issues for those suffering from traumatic brain injuries and post-traumatic stress disorder. Our soldiers in the field deserve no less. Our returning veterans deserve no less. We should be doing everything we possibly can to provide what the President has asked and more. We do just that in the supplemental bill we will send him.

Our legislation also sets measurable benchmarks for the Iraqi Government such as assuming control of their own security operations, containing the sectarian violence, and making the tough decisions toward political reconciliation that desperately need to be made—the very same benchmarks the President himself has continually called for.

The Senate did this in record time. In the past 2 years, it took well over 100 days to get to a supplemental. This Senate, recognizing the urgency of the issue, moved quicker than we have in the last 2 years. We have been more expeditious, and we acted in less than 50 days to get it passed in the Senate. We now anticipate sending him a bill next week. Despite our best efforts to find common ground, however, the President has threatened to veto this bill once it reaches his desk, although the final language still needs to be negotiated in a conference package. I hope it will be done in a way that does expedite getting the resources and needs to our soldiers.

What is so egregious about our approach that the President will not consider signing it and has been so adamant? The President points to two particular issues. First, he claims this bill would impose restrictions on our military commanders and set an arbitrary date for withdrawal from Iraq, giving our enemies the victory they desperately want. I argue that the constantly shifting objectives of this war make it difficult to imagine an end to the U.S. commitment, unless we present the benchmarks the President has spoken about and called for. The American people are exhausted with this war, and the President's justification for staying in Iraq becomes harder and harder to stomach each and every day if we do not call on the Iraqis to step up to the plate and seize their opportunity to create their own security.

As Iraq slides deeper into an increasingly violent civil war, the President's high-risk military strategy has increased our military's involvement. This strategy comes at a time when the U.S. intelligence community reports that al-Qaida has become an increased threat to our national security because we have devoted so much manpower, resources, and attention solely to Iraq. We have in a sense spread ourselves so thin in one place that how can we react in the multiple places where al-Qaida is strengthening itself? It also comes at a time when our own military reports that its readiness has dramatically eroded because it has been overextended and underequipped.

Listening to my military leaders in Arkansas, my guardsmen and reservists, who know full well what is going to be asked of them, one of the first things on their list of concerns is the lack of medical and dental readiness for their soldiers. They find that when some of their troops get called up, because they are citizen soldiers and they may not have regular health care—which is a whole other issue to be dealing with in this body—they are held back on medical hold because they don't meet medical readiness or, in some of the more horrific stories, they just simply pull that soldier's teeth and send them to Iraq because they don't have time to give adequate dental care to bring them to that medical-readiness status. It is unacceptable and inexcusable that we should be putting those many pressures on the brave men and women who fight for this country.

Our bill seeks to address these issues. In the Senate bill, we acknowledge that the conditions in Iraq have changed substantially since we originally authorized the war in 2002. We are no longer fighting an enemy that will one day show the white flag and surrender. Instead, we are now in a referee position of a brutal fight for dominance between two warring religious sects and countless militia who are all hungry for power. Oftentimes, soldiers come home and say they don't even know who the enemy is when they go into these communities and seize what they think are civilians and don't know whether it is a militia that will lash out and cause great harm.

While I agree with President Bush that we should not leave Iraq in chaos, we don't have to. That is the point we make in this bill. We don't have to if we make sure, as we do in this bill, that the Iraqis understand what our expectations are of them, the benchmarks we have laid down, and the expectations we have of the Iraqis to stand up so our American soldiers can step down, as President Bush has so frequently said.

U.S. troops should not be in the position of policing a civil war with an open-ended commitment. The American people realize that and are clamoring for us to move forward in a positive way to bring our troops home.

That is why U.S. policy must focus on policy that encourages Iraqi leaders to take responsibility for their country and attempt to find a political solution to this grave conflict.

America is no stranger to that. In looking for our own freedom hundreds of years ago, we realized there were commitments that had to be made. We knew there were steps that had to be taken, courageous steps that had to be taken. The Iraqi people know that, too. We must encourage them now to take those steps.

Our efforts are already having their intended effect. On Tuesday, the President's own Defense Secretary, Robert Gates, stated:

> [T]he debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited. The strong feelings expressed in the Congress about the timetable probably has had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment.

The President has also chided Congress for providing much needed emergency funding. This is one of the other areas he brings complaint about our supplemental—for providing this much needed emergency funding for items such as Katrina recovery, agricultural disaster relief, the State Children's Health Insurance Program, known as SCHIP, and firefighting, just to name a few. He has attempted to paint this funding as porkbarrel funding when the reality is these are dollars which will be used to rebuild the gulf region; dollars which will be used for farmers to offset losses over the past several years from drought and hurricanes and other types of natural disasters; dollars which will be used for health care needs for our Nation's neediest children, our most precious blessing; and dollars for our first responders and on and on.

I am reminded of a conversation I had with my grandmother one time when she said to me: It is crazy, but some people will sometimes ask you, Which of your children do you love the most? How do you respond to something like that? As the mother of twins, it is impossible. President Bush is the father of twins. He knows how important it is that all of your children—all of your children—know they are loved. Yes, some, though, who are the neediest may need more attention. That is why—that is why—the soldiers, the brave men and women serving in uniform from this country, are the first priority on our list here. But that does not mean we forget the rest of the members of our American family. That does not mean we forget the children who need health care or the farmers who are experiencing disaster or, Heaven forbid, we forget the members of our American family in the gulf region who have yet to get the resources and the help from their Federal Government they need to begin to rebuild their lives.

These are people who are a huge part of our American family and who strengthen the fabric of this great country. It is so critically important that they, too, be included as a part of strengthening this country to which our soldiers will one day return home. These are funds which are needed now. The supplemental offers the best opportunity to address these emergencies. It is the typical place where we address emergencies in the Congress.

Moving forward, I am pleased President Bush met with Majority Leader REID and Speaker PELOSI yesterday. I see that as a sign of progress. But I am also very disappointed that the President continues to put veto threats out there about a bill that is so vitally necessary to our soldiers and to our entire American family.

For the security of our country and for the sake of our troops, it is time for a new direction. It must be a direction that better reflects the ability, the reality, and the real progress that ultimately lies with the Iraqis taking responsibility for their own future. We know—we know—it can happen if the Iraqis understand what is expected of them.

This new direction must also acknowledge we must do more for our troops when they are in harm's way particularly but also when they come home. The love and care—particularly health care—they and their families need is essential to keeping our American family whole. They not only deserve our appreciation and support, they deserve the very best equipment, armor, and other battlefield amenities necessary to complete their mission and to bring them home, as well as the proper care, benefits, and attention once their military service is complete.

Our troops are worthy of this commitment from us. We should come together as a Congress and an executive branch to make that expression, to show our troops and to show our entire American family that at this time, at this difficult time in our Nation's history, we come together in a bipartisan way, in an American way, to recognize the needs of this great country and to move us forward.

I strongly believe this bill offers the necessary guidelines to bring our soldiers home safely, and as soon as possible, to care for this incredible country—these communities they will return home to, to keep them whole and to keep this incredible fabric of our American family strong.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, how much time remains to this side of the aisle under the order?

The PRESIDING OFFICER. Twelve and a half minutes.

SUPPLEMENTAL APPROPRIATIONS

Mr. COCHRAN. Mr. President, I am pleased to be able to come to the floor and urge the Senate to expedite the consideration of the supplemental appropriations bill that is now in conference between House and Senate members on the Appropriations Committee. This supplemental request for funding for our troops in Iraq and Afghanistan has been pending now for way too long, without action to send this bill to the President for his signature.

Over 2 weeks ago, I received a letter from the Joint Chiefs of Staff outlining the urgency of this appropriations bill. I am going to read a couple of excerpts from that letter now:

> With the increasing pace of operations and material needs in Iraq and Afghanistan, we ask that the Congress expeditiously complete its work on the Fiscal Year 2007 Emergency Supplemental. Timely receipt of this funding is critical to military readiness and force generation as we prosecute the war on terror. Given the current status of this legislation, we are particularly concerned that funding could be significantly delayed.

It is very clear that delay is occurring, and it is a serious matter. We are talking about life-and-death situations, the ability to furnish the equipment, the weaponry, the training that is necessary for our Armed Forces to carry out their mission.

This is not a time to play politics with the well-being of troops in the field. I am afraid that is what we are witnessing. I do not have any particular problem with the Senate and House members of our conference committee seriously engaging in a discussion of our differences and resolving those and submitting a final conference report as soon as possible. I urge that is what we do. But we are seeing more and more delay. That is just not justified under the circumstances in which we find ourselves.

In this letter I received the other day, here is another thing that is pointed out by the Joint Chiefs of Staff:

> Without approval of the supplemental funds in April, the Armed Services will be forced to take increasingly disruptive measures in order to sustain combat operations. The impacts on readiness and quality of life could be profound. We will have to implement spending restrictions and reprogram billions of dollars. Reprogramming is a short-term, cost-inefficient solution that wastes our limited resources. Spending restrictions will delay and disrupt our follow-on forces as they prepare for war, possibly compromising future readiness and strategic agility. Furthermore, these restrictions increase the burden on servicemembers and their families during this time of war.

I do not know how the Chairman of the Joint Chiefs of Staff and those who are working closely with him in this very difficult period could be more clear about the importance of action now on this supplemental appropriations bill.

I am not going to belabor the point, but I think for us to continue to engage in who is going to win this political struggle about deadlines, forced redeployments from Iraq and Afghanistan, suspension of activities of this kind or the other, and who is in charge, it makes the world wonder whether our Nation is competent to deal with an emergency that threatens the very security of our country.

I know when I came to Congress, you would hear it said that partisan politics should stop at the water's edge, that whatever is going on in other parts of the world that affects our security, our economic well-being, threatens us all as a nation, Democrats, Republicans, young and old, the military, and the civilian leaders of our country—we are all in this together.

We need to work out our differences and resolve them somehow. Let's look to compromise that is fair, that carries out the intent as expressed in these bills by those who have supported and passed an appropriations bill in the Senate and one in the House. Let's resolve the differences. That is what we are waiting on. And do you know what. The conference committee has not even met. There has been no meeting of the conferees on the part of the House or the Senate to discuss the differences. Now, that is inexcusable, and I lay that at the feet of the leadership of the Senate and the House. We are all in this together. I am not saying just the Democratic leadership or the Republican leadership, but we as Members ought to call on our leaders now.

Let's end this logjam. Let's end this confrontation and the political grandstanding that is going on on the part of some. I think we need to immediately move to conference. Let's work on these bills. Let's get them resolved in a conference report that the President can sign.

We are talking about a supplemental appropriations bill for our military forces. There have been other things added in both the Senate and the House. Well, that is not unusual. That happens. What we can agree on, let's agree on and send it to the President. But let's stop the delay, the procrastination, the finger-pointing, the political accusations that the President does not have the interests of the country at heart—whatever is being said in so many words. It is a political attack against the President. This is not the time for partisan politics. This is the time for the Senate and the House to get together, resolve our differences, and move on, support our troops, and protect our national security interests. That is what this bill does.

Mr. President, I ask unanimous consent that a copy of the letter signed by Peter J. Schoomaker, General, U.S. Army, Chief of Staff; Michael G. Mullen, Admiral, U.S. Navy, Chief of Naval Operations; T. Michael Moseley, General, U.S. Air Force, Chief of Staff; James T. Conway, General, U.S. Marine Corps, Commandant of the Marine Corps, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE JOINT CHIEFS OF STAFF,
Washington, DC, April 2, 2007.

Hon. THAD COCHRAN,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR COCHRAN: On behalf of the Soldiers, Marines, Sailors and Airmen of our Armed Forces and their families, please accept our thanks and appreciation for continuing to provide the necessary resources and legislation to fight the Long War.

With the increasing pace of operations and materiel needs in Iraq and Afghanistan, we ask that the Congress expeditiously complete its work on the Fiscal Year 2007 Emergency Supplemental. Timely receipt of this funding is critical to military readiness and force generation as we prosecute the war on terror. Given the current status of this legislation, we are particularly concerned that funding could be significantly delayed.

Without approval of the supplemental funds in April, the Armed Services will be forced to take increasingly disruptive measures in order to sustain combat operations. The impacts on readiness and quality of life could be profound. We will have to implement spending restrictions and reprogram billions of dollars. Reprogramming is a short-term, cost-inefficient solution that wastes our limited resources. Spending restrictions will delay and disrupt our follow-on forces as they prepare for war, possibly compromising future readiness and strategic agility. Furthermore, these restrictions increase the burden on service members and their families during this time of war.

Thank you again for your unwavering support of our service members and their families. We are grateful for your steadfast interest in providing them the best equipment, the best training and a quality of life equal to the quality of their service. We look forward to working with you on measures to enhance our Nation's security.

Sincerely,

PETER J. SCHOOMAKER,
General, U.S. Army, Chief of Staff.
MICHAEL G. MULLEN,
Admiral, U.S. Navy, Chief of Naval Operations.
T. MICHAEL MOSELEY,
General, U.S. Air Force, Chief of Staff.
JAMES T. CONWAY,
General, U.S. Marine Corps, Commandant of the Marine Corps.

Mr. COCHRAN. Mr. President, I yield back the remainder of the time available on this side.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COURT SECURITY IMPROVEMENT ACT OF 2007

The PRESIDING OFFICER. The Senate will resume consideration of S. 378, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 378) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members and for other purposes.

Mr. LEAHY. Mr. President, today we continue to debate and consider the Court Security Improvement Act of 2007. It should not be a struggle to enact this broadly supported consensus legislation. We made some progress yesterday but failed to get to final passage of this important legislation. I hope we can get there later today.

I would like to thank the majority leader for his support and leadership on this bill. Senator REID knows all too well about the need for greater court security since the last courthouse tragedy occurred in Nevada. Nobody has been a stronger supporter of this legislation. He helped us pass similar protections twice last year. It is no surprise to me that yesterday he met with the head of the U.S. Marshals Service. Sadly, they reported a 17 percent increase in attacks this year. We cannot delay our response any further in the face of this trend.

Senator DURBIN, our assistant majority leader, has been consistently dedicated to getting this legislation passed. The tragic murder of Judge Lefkow's husband and mother in her home State of Illinois serves as a terrible reminder of why we need this legislation. Senator DURBIN has worked tirelessly to prevent any further tragedies from befalling our Federal judges.

As I have noted before, this legislation has broad bipartisan support. Yesterday Senator CORNYN gave a powerful statement in support of this legislation. Senator CORNYN is a former member of his State's judiciary. I urge Members to consider his views and support for these important provisions providing for increased security. Even the White House has issued a supportive Statement of Administration Policy.

Yesterday a number of amendments were filed, but none of them was relevant to the important purpose of court security. There will be other opportunities to consider worthwhile amendments. I look forward to working with Senator COBURN on Department of Justice reauthorization later this year.

We made some progress yesterday. The Senate adopted the Kyl-Feinstein amendment that was adopted in committee. I thank Senator SPECTER for working with me on an important managers' amendment. That amendment made several technical fixes and clarified our treatment and protection of magistrate judges and the Tax Court judges.

Last night after significant debate we had a vote on an amendment offered by Senator COBURN. Regretfully, it took from 10:30 a.m. to 5:30 p.m. for the Senator from Oklahoma to be ready to offer his amendment. Once offered we dealt with it promptly.

I would like to thank Senator WHITEHOUSE for helping me manage this bill yesterday. His eloquent words in support of this legislation were much appreciated.

I thank Senators KLOBUCHAR and BROWN for helping me manage this legislation today during the Judiciary Committee's oversight hearing with Attorney General Alberto Gonzales.

I hope that today we can finish our work on this important legislation.

Mr. BROWN. Mr. President, I understand the Senator from Nevada has an amendment he wishes to offer.

AMENDMENT NO. 897

Mr. ENSIGN. Mr. President, I call up amendment No. 897.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 897.

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes)

At the end of the bill, add the following:

TITLE VI: NINTH CIRCUIT SPLIT

SEC. 601. SHORT TITLE.

This title may be cited as the "The Circuit Court of Appeals Restructuring and Modernization Act of 2007".

SEC. 602. DEFINITIONS.

In this title:

(1) FORMER NINTH CIRCUIT.—The term "former ninth circuit" means the ninth judicial circuit of the United States as in existence on the day before the effective date of this title.

(2) NEW NINTH CIRCUIT.—The term "new ninth circuit" means the ninth judicial circuit of the United States established by the amendment made by section 603(2)(A).

(3) TWELFTH CIRCUIT.—The term "twelfth circuit" means the twelfth judicial circuit of the United States established by the amendment made by section 603(2)(B).

SEC. 603. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter preceding the table, by striking "thirteen" and inserting "fourteen"; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... California, Guam, Hawaii, Northern Mariana Islands."

and

(B) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington.".

SEC. 604. JUDGESHIPS.

(a) NEW JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate, 5 additional circuit judges for the new ninth circuit court of appeals, whose official duty station shall be in California.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENT OF JUDGES.—The President shall appoint, by and with the advice and consent of the Senate, 2 additional circuit judges for the former ninth circuit court of appeals, whose official duty stations shall be in California.

(2) EFFECT OF VACANCIES.—The first 2 vacancies occurring on the new ninth circuit court of appeals 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by this subsection shall not be filled.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 605. NUMBER OF CIRCUIT JUDGES.

The table contained in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... 20"

and

(2) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... 14".

SEC. 606. PLACES OF CIRCUIT COURT.

The table contained in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... Honolulu, Pasadena, San Francisco."

and

(2) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... Las Vegas, Phoenix, Portland, Seattle.".

SEC. 607. LOCATION OF TWELFTH CIRCUIT HEADQUARTERS.

The offices of the Circuit Executive of the Twelfth Circuit and the Clerk of the Court of the Twelfth Circuit shall be located in Phoenix, Arizona.

SEC. 608. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge of the former ninth circuit who is in regular active service and whose official duty station on the day before the effective date of this title—

(1) is in California, Guam, Hawaii, or the Northern Mariana Islands shall be a circuit judge of the new ninth circuit as of such effective date; and

(2) is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington shall be a circuit judge of the twelfth circuit as of such effective date.

SEC. 609. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior circuit judge of the former ninth circuit on the day before the effective date of this title may elect to be assigned to the new ninth circuit or the twelfth circuit as of such effective date and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 610. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 608, or

(2) who elects to be assigned under section 609,

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 611. APPLICATION TO CASES.

The following apply to any case in which, on the day before the effective date of this title, an appeal or other proceeding has been filed with the former ninth circuit:

(1) Except as provided in paragraph (3), if the matter has been submitted for decision, further proceedings with respect to the matter shall be had in the same manner and with the same effect as if this title had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this title been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings with respect to the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) If a petition for rehearing en banc is pending on or after the effective date of this title, the petition shall be considered by the court of appeals to which it would have been submitted had this title been in full force and effect at the time that the appeal or other proceeding was filed with the court of appeals.

SEC. 612. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES AMONG CIRCUITS.

Section 291 of title 28, United States Code, is amended by adding at the end the following:

"(c) The chief judge of the Ninth Circuit may, in the public interest and upon request by the chief judge of the Twelfth Circuit, designate and assign temporarily any circuit judge of the Ninth Circuit to act as circuit judge in the Twelfth Circuit.

"(d) The chief judge of the Twelfth Circuit may, in the public interest and upon request by the chief judge of the Ninth Circuit, designate and assign temporarily any circuit judge of the Twelfth Circuit to act as circuit judge in the Ninth Circuit.".

SEC. 613. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES AMONG CIRCUITS.

Section 292 of title 28, United States Code, is amended by adding at the end the following:

"(f) The chief judge of the United States Court of Appeals for the Ninth Circuit may in the public interest—

"(1) upon request by the chief judge of the Twelfth Circuit, designate and assign 1 or more district judges within the Ninth Circuit to sit upon the Court of Appeals of the Twelfth Circuit, or a division thereof, whenever the business of that court so requires; and

"(2) designate and assign temporarily any district judge within the Ninth Circuit to hold a district court in any district within the Twelfth Circuit.

"(g) The chief judge of the United States Court of Appeals for the Twelfth Circuit may in the public interest—

"(1) upon request by the chief judge of the Ninth Circuit, designate and assign 1 or more district judges within the Twelfth Circuit to sit upon the Court of Appeals of the Ninth Circuit, or a division thereof, whenever the business of that court so requires; and

"(2) designate and assign temporarily any district judge within the Twelfth Circuit to hold a district court in any district within the Ninth Circuit.

"(h) Any designations or assignments under subsection (f) or (g) shall be in conformity with the rules or orders of the court of appeals of, or the district within, as applicable, the circuit to which the judge is designated or assigned.".

SEC. 614. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this title may take such administrative action as may be required to carry out this title and the amendments made by this title. Such court shall cease to exist for administrative purposes 2 years after the date of enactment of this Act.

SEC. 615. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, including funds for additional court facilities.

SEC. 616. EFFECTIVE DATE.

Except as provided in section 604(c), this title and the amendments made by this title shall take effect 12 months after the date of enactment of this Act.

Mr. ENSIGN. Mr. President, we are debating a bill about court security. The court security bill is about the administration of justice. Some would argue that the amendment I have offered, while relating to the courts, does not deal with court security. Both the underlying bill and my amendment deal with the administration of justice. There are provisions in the bill that are not strictly dealing with court security, and I believe this is an appropriate place to talk about this amendment and an appropriate time for the Senate to vote on my amendment. It is something we have been working on for a few years.

My amendment recognizes that the ninth circuit, by far being the largest circuit in the United States, is too large, the administration of justice is too slow, and that the ninth circuit needs to be broken up at this point. It needs to be split up so the people, such as the people who live in the State of Nevada, can receive justice in a way that is fair and that is also expeditious.

In the past, the United States has gotten to a point with other circuits where we have decided that they are too large and need to be split. Some have argued that splitting up the ninth circuit is for ideological reasons, but that is not why I have offered this amendment. Many who used to be opposed to splitting up the ninth circuit 5 or 10 years ago now understand that for the sake of the administration of justice, the ninth circuit needs to be split up. It is by far and away the largest circuit in the United States.

We have had testimony in front of the Judiciary Committee, and many articles have been written, on why so many of the ninth circuit decisions are overturned by the U.S. Supreme Court.

The Ninth Circuit, far and away, has more of its decisions overturned by the Supreme Court than any other circuit. Well, Mr. President, we had testimony that one of the reasons a lot of people believe that to be the case is not that the jurists on the Ninth Circuit may be less competent than those in other circuits, but that is because of the overwhelming caseload, the circuit doesn't have the time to consider the cases that other circuits do but the use of the en-banc panel, instead of the full circuit, contributes to this problem.

Mr. President, 20 percent of the country is in the Ninth Circuit. It is laden with immigration cases. It has too many cases per judge and, because of that, too many of the cases that need to be heard in a timely fashion are delayed. What our bill simply would do is to divide the Ninth Circuit up in a very fair manner. We have put this through judges and through studies and over the years we have modified it on exactly how to break it up. If people disagree with how we are deciding to break it up, we can talk about that. But the bottom line is that it is too large of a circuit, and the Ninth Circuit needs to be split up.

I think all but one of the judges in the State of Nevada—by the way, almost all these same judges used to be against splitting up the Ninth Circuit. Today, nearly all of them have come out in favor of splitting up the Ninth Circuit. The reason for that is we live in the fastest growing area in the country. Nevada, in 18 out of the last 19 years, is the fastest growing State. The other States in the Ninth Circuit, including Arizona, California, Washington, Oregon, Idaho, all of these States have booming populations. While we are the largest circuit in the United States, it is going to get increasingly worse in the future, as far as the size of the population, the number of cases per judge, while overwhelming now, it is only going to get worse in the future.

I believe this is an amendment that should be discussed as a separate bill on the floor. But we all know most bills cannot get time on the Senate floor. So you have to take the opportunity to offer amendments wherever you can. We have been trying to get this bill acted on for years and years and years. We now have a vehicle, dealing with the courts, where it is appropriate to offer this amendment. So that is why I am offering this amendment today.

Mr. President, again, amendment No. 897 would split the Ninth Circuit Court of Appeals. Because my home State of Nevada is under the jurisdiction of the Ninth Circuit, I have taken particular interest in how the Ninth Circuit functions. As a Senator from Nevada, I represent people who are on both sides of this issue. I have heard arguments for, and against, splitting the Ninth Circuit but, having listened to the debate, have concluded that it is time for Congress to split the Ninth Circuit.

The Ninth Circuit really has become too large to function as efficiently as it should. The population of the States in the Ninth Circuit is growing too fast for the circuit to manage its caseload. Cases working their way through the Ninth Circuit take far too long to come to resolution. The circuit is becoming increasingly dependent on visiting judges, who are not as familiar with circuit precedent, to manage its caseload. The reversal rate of cases heard by the Supreme Court which on appeal from the Ninth Circuit is much higher than the average of all Federal circuits. These problems require some form of action by Congress and, having studied the issue, simply adding more judges is not the solution.

Last year, the Judiciary Committee held a hearing on the issue of splitting the Ninth Circuit. As several Federal judges who were witnesses testified, adding more judges, in a circuit so geographically large, is not going to adequately address the need for collegiality among judges.

Mr. President, my primary motivation is to ensure that my constituents, the people of Nevada, have equal access to justice. Equal access to justice requires not only fair, but also prompt, resolution of a case. From my perspective, the current backlog in cases and the fact that the resolution of appeals takes far longer in the Ninth Circuit than any other circuit demonstrates that Nevadans are not guaranteed the promise that their claims will be heard with the same timeliness as persons living in other circuits. The adage of "justice delayed is justice denied" is appropriate with respect to the Ninth Circuit delays.

I believe we should consider the cost that unreasonable delay causes to the parties in a case. The lawyers and the judges live in this system. To these people, delays are not only reasonable but they are expected. A delay to someone who is part of the legal community is just the way things are done. But that is not the case for litigants. Ask any litigant whose case is waiting for a hearing on appeal. They take being sued personally and would tell you that their lives are on hold. They may fear they will lose their business, or their job, or their livelihood. It really does not matter whether the case involves business litigation, an immigration appeal, or a criminal matter.

If you talk to the parties to a case, they will tell you stories of the economic, social, and psychological toll extended litigation has on them and their families. That is why I am concerned about delays in the process.

That is also why I believe that some groups have endorsed my bill. For example, the Western States Sheriff's Association, which includes Nevada, has endorsed splitting the Ninth Circuit. I believe that the Association understands that America's law enforcement agencies have been devoting scarce budget resources to monitoring and dealing with criminal appeals that would otherwise be better devoted to protecting America's families if only appeals cases were resolved sooner rather than later.

I believe that it is not only the duty of Congress but also our obligation to ensure that the Judicial branch is operating efficiently. That is why we are considering the current legislation, the court security bill, because we want to ensure that judicial branch operates efficiently. And we know that it cannot, if those who work in the system—our judges and our court officers—do not feel safe. That is also why my amendment is so important.

I do not believe that splitting the Ninth Circuit would infringe on the "independence of the judiciary" as some might suggest. The Constitution provides Congress with the power to "constitute" or establish "tribunals inferior to the Supreme Court," and also gives Congress the power to "ordain and establish" the lower Federal courts. Acting in accordance with the Constitution, Congress has used its authority to establish the Federal appeals courts and the Federal district courts, as well as other Federal courts. Congress has the ability to create courts of special jurisdiction, such as military courts, bankruptcy courts, and tax courts, and to limit the appeals jurisdiction of all Federal courts, including the Supreme Court of the United States. The Constitution clearly provides that the people, acting through their respective Congressional representatives, can enact legislation to split the Ninth Circuit. The prerogative of Congress to enact legislation to split the Ninth Circuit is consistent with the role of Congress established by the Constitution. The idea of splitting the Ninth Circuit is a proper action for Congress to take.

Finally, Mr. President, I would hope that Members of the Senate could agree that, regardless of where each of us may be on this issue, we could engage in an honest discussion and avoid attacking each other's motives. I have read with great interest the statements of people on the other side of this issue suggesting that split supporters, like myself, are only "politically motivated" or that supporters of a split are "trying to punish" the Ninth Circuit because of the perception of the circuit's ideology. Nothing could be further from the truth. I am sure the people who do not favor a split have likewise had similar attacks directed at them. We should not condone that rhetoric or impugn each others motives. I do not believe that it is in the Senate's, or the Nation's, best interest to attack someone else's motives. I have met with people on both sides of this issue and respect their views.

Let me conclude by saying this. The saying is that justice delayed is justice denied. In the Ninth Circuit that is what happens ever single day. Nevadans experience justice delayed too often. We are putting more and more of a burden on our Federal courts by the actions of the Senate. We need to now take the responsibility to make sure our various circuits around the country are not even more overburdened simply because of population growth. That is what has happened, and will continue to happen, in the Ninth Circuit. We have added a judge here and there. But the overall size of the Ninth Circuit, even if you add more judges, would not take care of the problems we are now experiencing. Some have argued that adding more judges would fix the problem, but it still would not allow the full Ninth Circuit to hear many of the most difficult, challenging cases. The judges of the ninth are not able to work together as a full circuit and collaborate on some of the most difficult, challenging judicial cases.

That is why it is better to split up this circuit, so that more thoughtful decisions can be made in the administration of justice.

With that, I will yield the floor and ask my colleagues to support this very important amendment.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, April 22 marks the beginning of National Crime Victims' Rights Week, an annual commemoration that has been observed since the early 1980s to honor crime victims and call attention to their plight.

We have an opportunity to provide full justice to many victims of federal crime by passing legislation that will help federal criminal justice officials more fully recover court-order restitution that is owed to innocent crime victims. By ensuring victims receive the restitution they are entitled to, our proposal truly reflects the theme of this year's Crime Victims' Rights Week—Victim's Rights: Every Victim, Every Time.

I intend to offer an amendment with Senator GRASSLEY today that would improve the collection of federal criminal debt. Our amendment is being sent over to the floor at this point. I will describe it and the reason for offering it.

The amendment will be one in the form of a bill, S. 973, which I authored with my colleague, Senator GRASSLEY. We introduced it with Senators DURBIN and COLLINS. It is called the Restitution for Victims Of Crime Act. This piece of legislation will give Justice Department officials the tools they say are needed to help them do a better job of collecting court-ordered Federal restitution and fines.

In our court system in this country, there are, in many cases, fines that are levied against defendants who are found guilty of a crime. They are adjudged to be guilty and, therefore, are levied a fine by the court. In many cases, they are required to make restitution through orders of the court system. For some long while, I have been working on this issue because I have discovered that in the Federal court system, Justice Department data shows that the amount of uncollected criminal debt—that is, fines and restitution—is growing out of control. Believe it or not, the uncollected Federal criminal debt is nearly $46 billion. Think of that. It is almost $46 billion. These are fines that have been levied in our Federal court system against defendants adjudged to have been guilty. Restitution orders have been made that require someone to make financial restitution; yet some $46 billion is the amount of criminal debt that is unpaid. It is spiraling upward. It was $41 billion just a year ago. When I first called attention to this problem, it was well less than half of that. Yet very little has been done.

In my State of North Dakota, the Federal courts have about $18.7 million of uncollected criminal debt. That is up some $4 million from the preceding year. In my judgment, crime victims should not have to worry if those in charge of collecting the restitution on their behalf are making every effort to do so. We would expect that to be happening. Yet it is not. In some cases, it is because the tools don't exist. In some cases, it is because collecting the criminal debt has become kind of the backwater of the U.S. Attorney's Office.

At my request, GAO reviewed five white-collar financial fraud cases. What they have found is that certain offenders, those judged guilty, had taken expensive trips abroad, traveled overseas; had fraudulently obtained millions of dollars in assets and converted those assets to personal use. GAO also found offenders who had established businesses for their children; held homes and lived in homes worth millions of dollars that were located in upscale neighborhoods. So here we have a circumstance where we have people who have been judged guilty of certain things by the Federal court system. They have been told you have to pay a fine or you have to pay restitution. Yet despite the fact that they have not made restitution or paid their fine, according to the GAO evaluation at my request, some of them have decided we are not going to pay those things, we are going to take a trip overseas, live in multimillion dollar houses, we are going to transfer a business to the children so federal justice officials cannot get at it.

All of this is going on at a time when victims are waiting for restitution that has been ordered by the court. The proposal that Senator GRASSLEY and I have authored is a proposal based on a set of recommendations, some from the Justice Department, some from the task force on improving the collection of criminal debt. Justice Department officials believe the changes we suggest will remove many of the current impediments to better debt collection.

Our legislation offers the tools that we think are necessary, having worked with Justice officials and others and victims' rights organizations, to deal with these issues. Justice Department officials describe, for example, a circumstance where they were prevented by a court from accessing $400,000 in a criminal offender's 401(k) plan to pay a $4 million restitution debt to a victim. Let me say that again. This is an offender who was judged to be guilty and who had $400,000 in a 401(k) plan. He has been ordered to pay a $4 million restitution debt to a victim. The court said: No, you cannot take the $400,000 in the 401(k) plan because the defendant was complying with a $250 minimum monthly payment plan, and that precluded any other enforcement actions. So he is sitting there with nearly half a million dollars in liquid assets, and the victim is sitting over here having been defrauded. The court said you must pay restitution, and this person with nearly half a million dollars in assets is paying $250 a month, and the court says that is it, you cannot get the 401(k) funds from the victim. That is not fair. Our proposal would remove impediments like this in the future.

This legislation will address another major problem identified by the GAO for officials in charge of criminal debt collection. Many years can pass between the date a crime occurs and the date that a court will order restitution. That gives criminal defendants an ample opportunity to hide their ill-gotten gains. This bill sets up preconviction procedures for preserving assets for victims' restitution. We set up those preconviction circumstances—no, not to take the assets but at least be sure they are going to be preserved in the event they are needed for restitution.

These tools will ensure financial assets that are traceable to a crime are going to be available when a court imposes a final restitution order on behalf of a victim. These tools are similar to those already used in some states and by Federal officials in certain asset forfeiture cases. The Restitution for Victims Of Crime Act that I have introduced in the Senate as S. 973, with Senator GRASSLEY and others, has been endorsed by a number of organizations that are concerned about the well-being of crime victims and the rights of victims to receive the restitution ordered by federal courts: National Center for Victims of Crime, Mothers Against Drunk Driving, Parents of Murdered Children, Justice Solutions, and many others.

The U.S. attorney in North Dakota has said this legislation "represents important progress toward ensuring that victims of crime are one step closer to being made whole."

I have mentioned S. 973, and that is what I intend to offer as an amendment to the court security bill. I recognize the legislation itself doesn't deal with the narrower issue of the security of the courts, but it certainly deals with the functioning of the courts and the ability of a court to decide they are going to levy a fine or impose a restitution order on a person judged guilty of a crime and then be able to feel, at some point, they are going to be able to make that happen.

I mentioned earlier U.S. Attorney's Offices, as most of us know, are about investigating and prosecuting. They are involved when given investigation capability or given the results of investigations. If they believe a criminal act has occurred, they are involved in preparing to go to court to prosecute criminal actions.

They have also been given the responsibility to collect fines and restitutions. But the fact is, many U.S. attorneys will admit they have a U.S. Attorney's Office that, by and large, in the front of that office is engaged in prosecuting wrongdoing, and in the back of that office, the collection of fines and restitutions is not a high priority and, frankly, is difficult for many of them.

I don't come here with harsh criticism in those circumstances. But I do say we should not stand for it, the Justice Department should not stand for it, and certainly victims should not stand for a circumstance where some $46 billion in court-ordered fines and restitution remains uncollected, while at least some are taking trips to London and have $400,000 in 401(k) accounts, are hiding their assets by transferring businesses to children, living in multimillion-dollar homes and deciding they won't pay the fines, they won't pay the restitution, and nothing much is going to happen to them because we are not very aggressive on behalf of victims or on behalf of this country in getting those fines and restitutions paid.

That is not the right course for this country. I plan offer the amendment shortly to address this problem. I am checking with Senator GRASSLEY for his cosponsorship. As I indicated, he was the primary cosponsor when we introduced the legislation earlier this year.

I hope that perhaps we can consider this legislation as an amendment that would be added to the court security bill.

Regarding the court security bill, I am pleased this bill is before the Senate. It is rather strange we had to have a recorded vote on whether we would have a motion to proceed to go to a court security bill, but I guess that is the strange, Byzantine circumstances of legislative activities these days in the Senate.

Now that it is before the Senate, this is important business, and we should proceed to consider amendments and then pass this legislation and move to the other issues that are before us.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

CONTRACTING ABUSES

Mr. DORGAN. Mr. President, we are considering the court security bill. At the moment, there is no one who wishes to speak on that legislation. I wish to speak about the Senate Armed Services Committee, which is now holding a hearing. I just finished testifying before the Senate Armed Services Committee. I wish to talk about that testimony.

The Armed Services Committee, under the chairmanship of Senator CARL LEVIN, is holding a hearing this morning on contracting abuses; that is, contracting abuses in Iraq especially under what is called the LOGCAP contract.

I testified that I chaired in the Democratic Policy Committee, over the last 3 years, 10 hearings on these issues of contract abuses. I suggested to the Armed Services Committee that they look into what is not only called the LOGCAP, which is a logistic contract which, in this case, Halliburton, or their subsidiary, KBR, provided certain logistics assistance to the Department of the Army under a contract worth billions of dollars, I suggested they also look into the RIO contract, which is Restore Iraqi Oil contract.

I pointed out to them that the woman who rose to become the highest contract official in the U.S. Corps of Engineers—she rose to become the highest civilian contract official in the Army Corps of Engineers—she said the awarding of the RIO contract, the Restore Iraqi Oil contract—Restore Iraqi Oil is what RIO stands for—to Halliburton and KBR was "the most blatant contracting abuse I have seen in my entire career." This is from the top civilian contracting officer.

What happened to her? She paid for that with her job. For that she was demoted. Before she said that publicly, she was given outstanding evaluations every year. Once she said publicly what she had told them privately, and they ignored, they began the process of giving her performance evaluations that were inferior for demotion.

A couple of nights ago, I called the general, now retired, who brought this contracting officer in as the top civilian contracting officer. I said: What's the story?

He said: She has been dealt an awful hand, and it has been very unfair to her. She is a straight-shooter, she is competent, she speaks the truth. The fact is, she is paying for telling the truth.

I suggested to the Armed Services Committee that this woman, named Bunnatine Greenhouse, who had the courage to speak out against contracting abuse, should be called to testify.

We ought to put a stop to this stuff that when someone in the Federal Government speaks out and says there is abuse occurring, the taxpayers are being abused, the soldiers are being disserved, that somehow they injure their career by telling the truth. But let me go on.

I suggested the committee look into the RIO contract. I sent the issues raised by Bunnatine Greenhouse, who paid for her honesty with her job: she was demoted. I sent all that material to the inspector general. Seventeen months ago, I got a letter from the inspector general saying they received it, they looked into all those allegations, it has now been referred to the Justice Department, it is for their action, and because it is a criminal matter, they would not comment further.

Obviously, they believed there was something that was serious. That is the RIO, the Restore Iraq Oil contract.

There is another contract, and that is the purpose of the hearing this morning, the LOGCAP contract, once again, given to Halliburton and their subsidiary, Kellogg, Brown and Root. What I told them this morning is what I found in 10 hearings. I held up a white towel, a white hand towel that most would recognize. It hangs in the bathrooms in most homes.

A man named Henry Bunting came to us. Henry Bunting was in Kuwait. He was actually buying supplies for the troops in Iraq. Henry Bunting was a purchaser for KBR in Kuwait. They said to Henry Bunting: Buy some towels for the troops. So Henry goes about buying towels for the troops. But then the supervisor said: No, you can't buy those towels. You have to buy towels that have the embroidered name of KBR on the towel, triple the cost. Henry said it would cost a lot of money. It doesn't matter, the taxpayers are paying for this, cost plus. Triple the price of the towels so you can put the embroidered initials of the company on the towels.

How about $45 for a case of Coca-Cola? How about $7,500 a month to lease an SUV? Henry Bunting told us about that as well.

I described the other issues. Rory Mayberry—Rory showed up at a hearing. He was a food service supervisor for KBR in Iraq at a cafeteria. He said he was told by his supervisor: Don't you dare talk to Government auditors when they show up. If you do, you will get fired or you will get sent to an active combat zone. Don't you dare talk to a Government auditor.

He said: We routinely provided food to the soldiers that had expired date stamps on it.

The supervisor said: It doesn't matter—the expired date stamps—feed the expired food to the troops.

We know from previous press accounts that at one point that company was charging for 42,000 meals a day to soldiers when they were actually only feeding 14,000 soldiers. Rory said the same thing. Rory Mayberry, a supervisor in one of the KBR food service situations in Iraq said they were charging for meals for soldiers who weren't there, and the supervisor said: We are doing that because we had lost money previously, so now we are charging for meals that aren't being served to soldiers.

How about an eyewitness to an $85,000 brand new truck left beside the road in a noncombat zone in Iraq to be torched because they didn't have the proper wrench to fix the tire? It doesn't matter, the American taxpayer is going to buy the new truck, cost plus.

The list is almost endless. It is unbelievable the stories we have heard from people who wish to come forward.

One company, the same company under the LOGCAP contract, was to provide water to the military bases in Iraq—all of the bases. A whistleblower came to me and said: I have something you should see. It is a 21-page internal report, and it is written by a man named Will Granger who is in charge of all water going to the bases in Iraq. He is the KBR employee, Halliburton employee in charge of all water that goes to the bases in Iraq.

He said instead of treating the water, nonpotable water which soldiers use to shower, shave, sometimes brush their teeth, and so on, instead of treating the water as it was supposed to have been treated under the contract, the water was more contaminated with E coli and bacteria than raw water from the Euphrates River.

He said: Here is the internal report. The internal report said this was a near miss. It could have caused mass sickness or death.

That was from the internal report I had in my hand. The company said it never happened. This is the internal report made by the man in the company whose name is Will Granger, who said: Here is what we discovered.

Just after I held the hearing and described this situation, I received an email from a young woman in Iraq who was an Army physician. She said: I read about this hearing about the water issue, the nonpotable water which was more contaminated than raw water from the Euphrates River that was being used for nonpotable water for soldiers. She said: It has happened on my base as well. She said: I started seeing these illnesses, conditions with the soldiers, and I had a lieutenant follow the waterline back. It is exactly the same circumstance—untreated water. We were paying for it, and the company wasn't doing what the contract requires, putting at risk those soldiers. The company denied it happened, but it is in black and white. The evidence exists.

I described these issues and other issues this morning to the Armed Services Committee. I am pleased they are holding hearings. It is long past the time for them to hold these oversight hearings finding out what is happening and what we can do about it.

Mr. President, these are important issues. I commend Senator LEVIN, Senator WARNER, and all members of the Armed Services Committee for taking a serious look at these issues. My interest is not in tarnishing any company or anything like that. My interest is in making sure the American taxpayers are not disserved, and they have been. And my interest is the American soldiers are treated properly, and they have not been. What I saw with the waste, fraud, and abuse with these contracts, in my judgment, is a disservice to the American taxpayer and a disservice to the country's soldiers, and the fact is, we can fix this.

I will describe at a later time the legislation I have introduced that deals with these contracting abuses so we can prevent them from ever happening again.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I am speaking in favor of S. 378, the Court Security Improvement Act of 2007. I have had a personal experience with court security issues when I was a prosecutor, the chief prosecutor in Hennepin County.

We had a very tragic incident, where a woman who had emotional difficulties came into our courthouse with a gun and gunned down a woman—an innocent woman—who was the guardian of her father's estate and was simply there to help. This had been a longstanding litigation battle. She tracked her down at the courthouse and shot her to death, and shot her own lawyer. Fortunately, he did not die. He survived. But this happened only a few floors below my office. We went on to prosecute this woman, and she was convicted and sentenced to life in prison for the murder and an additional 15 years for the attempted murder.

That is why I am such a strong proponent of this bill. The Court Security Improvement Act will significantly improve our ability to protect judicial officials and all those who help to protect the fair and impartial justice system in America.

The bill is going to improve court security by, first, enhancing measures that protect judicial personnel, witnesses, and family members of judicial personnel. I should note there is a provision in the bill that allows for State courthouses to apply for grants for things such as witness protection.

I will say, coming from running an office of nearly 400 people, but operating in a local court system as opposed to the Federal system, there are increasing problems for local prosecutors with witness protection. I can't even count the number of witnesses we had threatened during trials. We had a juror threatened who actually had to get off the case after a call was made to her home during a trial in a gang case. We are seeing an increasing number of cases where we have witnesses threatened. Obviously, we don't have the Federal Witness Protection Program in a local district attorney's office, so I am very pleased there are some provisions for this and some realization that this is a growing issue.

This bill would also increase funding for judicial security at the Federal and State levels. It would strengthen the relevant criminal penalties. It would authorize funds for the U.S. Marshals Service for judicial security. This is a good bill, and I stand in support of it.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. SANDERS. Mr. President, we hear much from the Bush administration and our Republican friends, almost on a daily basis, about how wonderfully our economy is doing. I recall not so long ago being at a Budget Committee hearing when we heard the Secretary of the Treasury, Mr. Paulson, indicating in fact that the economy is doing "just marvelous."

Yet, for obvious reasons, the American people do not seem to agree with the Bush administration or with our Republican friends as to how well the economy is doing. I ask unanimous consent to have printed in the RECORD segments of two polls that were recently released, one by CBS News and one by Gallup.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CBS NEWS POLL

[Conducted 4/9–12/07; surveyed 994 adults; margin of error ±3% (release, 4/15). A response of * indicates less than 0.5 percent.]

How about the economy? Do you approve or disapprove of the way George W. Bush is handling the economy?

	Percent			
	All	Rep	Dem	Ind
Approve	36	66	13	33
Disapprove	57	27	79	60
Don't know/NA	7	7	8	7

How would you rate the condition of the national economy these days? It is very good, fairly good, fairly bad or very bad?

	Percent			
	All	Rep	Dem	Ind
Very good	8	19	1	5
Fairly good	51	61	44	48
Fairly bad	28	15	38	30
Very bad	11	4	15	15
Don't know/NA	2	1	2	2

Do you think the economy is getting better, getting worse or staying about the same?

	Percent			
	All	Rep	Dem	Ind
Better	11	24	4	7
Worse	44	23	59	47
Same	44	52	36	45
Don't know/NA	1	1	1	1

Over the past 10 years, do you think life for middle class Americans has gotten better or worse? (Percentage)

Better, 30
Worse, 59
Same (vol.), 7
Don't know/Refused, 4

In the past couple of years, would you say you have been getting ahead financially, just staying even financially or falling behind financially? (Percentage)

Getting ahead, 21
Staying even, 50
Falling behind, 27
Don't know/NA, 2

How much difficulty would you have if you had to pay an unexpected bill of one thousand dollars right away—a lot, a little, not much or none at all? (Percentage)

A lot, 43
A little, 24
Not much, 15
None at all, 17
Don't know/NA, 1

How concerned are you that you will have enough money to pay for major expenses, for example, healthcare, tuition, buying a home, and retirement? Are you very concerned, somewhat concerned, not very concerned or not at all concerned? (Percentage)

Very concerned, 46
Somewhat concerned, 33
Not very concerned, 14
Not at all concerned, 7

These last few questions are for background only. A person's social class is determined by a number of things including education, income, occupation and wealth. If you were asked to use one of these five names for your social class, which would you say you belong in—upper class, upper-middle class, middle class, working class or lower class? (Percentage)

Upper, 2
Upper middle, 13
Middle, 42
Working, 36
Lower, 7
Don't know/NA, 0

[From the Gallup Poll®, Apr. 16, 2007]

AMERICANS MORE IN FAVOR OF HEAVILY TAXING RICH NOW THAN IN 1939

(By Frank Newport)

PRINCETON, NJ.—About half of Americans advocate heavy taxation of the rich in order to redistribute wealth, a higher percentage than was the case in 1939. More generally, a large majority of Americans support the principle that wealth should be more evenly distributed in America, and an increasing number—although still a minority—say there are too many rich people in the country. Attitudes toward heavy taxes on the rich are strongly related to one's own income, and Democrats are much more likely to be in favor of income redistribution than are Republicans.

Basic Trends

A poll commissioned by Fortune Magazine in 1939 and conducted by famous pollster Elmo Roper included a question phrased as follows:

"People feel differently about how far a government should go. Here is a phrase which some people believe in and some don't. Do you think our government should or should not redistribute wealth by heavy taxes on the rich?"

At that time, near the end of the Depression, only a minority of Americans, 35%, said the government should impose heavy taxes on the rich in order to redistribute wealth. A slight majority—54%—said the government should not. (Eleven percent did not have an opinion.)

Gallup asked this question again in 1998 and found the percentage willing to say that the government should redistribute wealth had gone up by 10 points (while the "no opinion" responses had dropped to 4% and the negative stayed slightly above 50%).

Now, the attitudes have shifted slightly again, to the point where Americans' sentiment in response to this question is roughly split, with 49% saying the government should redistribute wealth by heavy taxes on the rich, and 47% disagreeing.

People feel differently about how far a government should go. Here is a phrase which some people believe in and some don't. Do you think our government should or should not redistribute wealth by heavy taxes on the rich?

	Percent		
	Yes, should	No, should not	No opinion
April 2 to 5, 2007	49	47	4
April 23 to May 31, 1998	45	51	4
March 1939 [1]	35	54	11

[1] Roper for Fortune Magazine.

One must be cautious in interpreting changes between the 1939 poll, which was conducted using different sampling and methods than is the case today, and the current poll. It does appear safe to say, however, that based on this one question, the American public has become at least somewhat more "redistributionist" over the almost seven decades since the end of the Depression.

The current results of this question are in line with a separate Gallup question that asks whether various groups in American society are paying their fair share of taxes, or too much or too little. Two-thirds of Americans say "upper-income people" are paying too little in taxes.

As I read off some different groups, please tell me if you think they are paying their FAIR share in federal taxes, paying too much or paying too little?

Upper-income people:

	Percent			
	Fair share	Too much	Too little	No opinion
April 2 to 5, 2007	21	9	66	4
April 10 to 13, 2006	21	8	67	4
April 4 to 7, 2005	22	7	68	3
April 5 to 8, 2004	24	9	63	4
April 7 to 9, 2003	24	10	63	3
April 6 to 7, 1999	19	10	66	5
April 9 to 10, 1996	19	9	68	4
April 16 to 18, 1994	20	10	68	2
March 29 to 31, 1993	16	5	77	2
March 26 to 29, 1992	16	4	77	3

There is no trend on this question going back to the 1930s, but the supermajority agreement that upper-income people pay too little in taxes has been evident for the last 15 years.

More on attitudes toward wealth and the rich:

The most recent Gallup Poll included two other questions measuring attitudes toward wealth and the rich.

Do you feel that the distribution of money and wealth in this country today is fair, or do you feel that the money and wealth in this country should be more evenly distributed among a larger percentage of the people?

	Percent		
	Distribution is fair	Should be more evenly distributed	No opinion
April 2 to 5, 2007	29	66	5
January 10 to 12, 2003	31	63	6
September 11 to 13, 2000	38	56	6
April 23 to May 31, 1998	31	63	6
April 25 to 28, 1996	33	62	5
May 17 to 20, 1990	28	66	6
December 7 to 10, 1984D31	60	9	

The results of this question, asked seven times over the past 23 years, have consistently shown that Americans are strongly in favor of the principle that money and wealth in this country should be more evenly distributed. The current 66% who feel that way is tied for the highest reading on this measure across this time period in which the question has been asked.

A separate question asked:

As far as you are concerned, do we have too many rich people in this country, too few, or about the right amount?

	Percent			
	Too many	Too few	Right amount	No opinion
April 2 to 5, 2007	37	17	40	6
April 23 to May 31, 1998	25	20	50	5
May 17 to 20, 1990	21	15	55	9

Here we have evidence of a growing resentment toward the rich. The percentage of Americans who say there are too many rich people in the United States—although still a minority—is up significantly from the two times in the 1990s when this question was asked.

In summary, the data show that:

A significant majority of Americans feel that money and wealth should be distributed more equally across a larger percentage of the population.

A significant majority of Americans feel that the rich pay too little in taxes.

About half of Americans support the idea of "heavy" taxes on the rich to help redistribute wealth.

Almost 4 out of 10 Americans flat-out say there are "too many" rich people in the country

IMPLICATIONS

Most societies experience tensions revolving around inequalities of wealth among those societies' members. This seemingly inevitable fact of life has been at the core of revolutions throughout history. American society has been immune from massive revolts of those at the bottom end of the spectrum in part because the public perceives that the United States is an open society with upward social mobility. A recent Gallup Poll found a majority of Americans believing that people who make a lot of money deserve it, and that almost anyone can get rich if they put their mind to it. And a 2003 Gallup Poll found that about a third of Americans, including a significantly higher percentage of younger Americans, believed that they themselves would one day be rich.

The findings reviewed in this report most likely reflect at least in part the fact that it is easy to advocate greater taxation of the rich, since most Americans do not consider themselves rich.

In fact, a 2003 Gallup Poll found that the median annual income that Americans considered "rich" was $122,000. Since the average income in America is markedly below that, it follows that most Americans do not consider themselves rich. (Eighty percent of Americans put themselves in the middle class, working class, or lower class. Only 1 % identify themselves as being in the upper class, while 19% are willing to say the upper middle class.)

The data show that as one gets closer to being what Americans consider rich, one is also less interested in the rich being taxed heavily. This relationship is fairly linear; the more money one makes in general, the more likely one is to say that the government should not be imposing heavy taxes on the rich.

People feel differently about how far a government should go. Here is a phrase which some people believe in and some don't. Do you think our government should or should not redistribute wealth by heavy taxes on the rich?

Income	Percent	
	Yes, should	No, should not
$75,000+	35	62
$50,000 to $75,000	46	51
$30,000 to $50,000	58	41
$20,000 to $30,000	55	42
$20,000	64	26

There are also political differences in views on heavy taxes on the rich. Democrats are more than twice as likely as Republicans to agree that the government should redistribute wealth by heavy taxes on the rich.

People feel differently about how far a government should go. Here is a phrase which some people believe in and some don't. Do you think our government should or should not redistribute wealth by heavy taxes on the rich?

Party	Percent	
	Yes, should	No, should not
Republican	30	68
Independent	51	43
Democrat	63	32

BOTTOM LINE

Americans in general agree with the concept that money and wealth should be distributed more equally in society today, and that the upper-income class of Americans do not pay their fair share in taxes. About half of Americans are willing to go so far as advocate "heavy taxes" on the rich in order to redistribute wealth. These findings are despite the belief of many Americans that the rich deserve their money and the hopes Americans themselves harbor that they will be rich some day.

From a political viewpoint, these data suggest that a political platform focused on addressing the problems of the lower and middle classes contrasted with the rich, including heavier taxes on the upper class, could meet with significant approval, particularly among Democrats and those with lower incomes.

SURVEY METHODS

These results are based on telephone interviews with a randomly selected national sample of 1,008 adults, aged 18 and older, conducted April 2–5, 2007. For results based on this sample, one can say with 95% confidence that the maximum error attributable to sampling and other random effects is ±3 percentage points. In addition to sampling error, question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of public opinion polls.

Mr. SANDERS. When the American people were asked by CBS News the question, "Do you think the economy is getting better, getting worse or staying about the same?" 11 percent of the American people said the economy is getting better, 44 percent thought it was getting worse, and 44 percent thought it was about the same.

Then, interestingly, in that same poll, when the American people were asked by CBS the question, "Over the past 10 years, do you think life for middle class Americans has gotten better or worse?" 30 percent said life has gotten better, 59 percent, almost a 2-to-1 margin, said life is getting worse, and 7 percent said the same.

Technology has exploded in recent years. Our workers are far more productive than used to be the case. Yet by a 2-to-1 margin the American people have said that life for the middle class is getting worse, not better.

In terms of the Gallup Poll, the Gallup people, from April 2 to April 5, asked some very interesting questions that we very often do not speak about here on the floor of the Senate. In my view, what we have seen since President Bush has been in office, in a general sense, is the shrinking of the middle class, an increase in poverty, and a growing gap between the rich and the poor—not something we talk about terribly often on the floor of the Senate, not something that is talked about terribly often in the corporate media. But here is the question, very interestingly, that Gallup asked the American people, between April 2 and April 5: "Do you feel that the distribution of money and wealth in this country today is fair, or do you feel that the money and wealth in this country should be more evenly distributed among a larger percentage of the people?" Answer: Distribution is fair, 29 percent; should be more evenly distributed, 66 percent.

Then the next question they asked, which was rather a clumsy question, I thought, and I was surprised by the answer, but this was the question. Question: "People feel differently about how far a government should go. Here is a phrase which some people believe in and some don't. Do you think our Government should or should not redistribute wealth by heavy taxes on the rich?"

That is a pretty clumsy question. Do you know what the answer was to that rather clumsy question? Yes, should redistribute wealth, 49 percent; no, should not, 47 percent.

I mention this poll because it is important to understand that despite a lot of the rhetoric we hear from the White House and on the floor of the Senate, the American people understand that in terms of our economy, something is fundamentally wrong. They understand it because they are living the experience of working longer hours for lower wages; of working day after day, trying to pay the bills for their family, trying to send their kids to college, trying to take care of health care, trying to provide childcare for their kids. They know the reality of the economy because they are the economy.

Every single day the people of our country are seeing an economy which is forcing them in many instances to work longer hours for lower wages, an economy in which they wonder how their kids are going to be able to go to college, able to afford college; an economy in which they worry that for the first time in the modern history of our country, their children will see a lower standard of living than they do. That is the reality of the economy, in the eyes, I believe, of millions of American workers.

That perception that the American worker has of the economy is, in my view, the correct perception of what is going on. Since George W. Bush has been President, more than 5 million Americans have slipped into poverty, including 1 million children. This country now has the very dubious distinction of having by far the highest rate of childhood poverty of any major industrialized country on Earth. How do you have a great economy, a booming economy, when 5 million more Americans have slipped into poverty? Median income has declined in our country for 5 years in a row. Americans understand that the economy is not doing well when the personal savings rate is below zero, which has not happened since the Great Depression. How do we talk about a strong economy when 7 million Americans have lost their health insurance since President Bush has been in office, and when we now have, unbelievably, 47 million Americans who have no health insurance at all?

How can anybody come to the floor of the Senate, or anybody in the Bush administration talk about a strong economy, when we have 47 million Americans who have no health insurance at all; when 35 million Americans in our country, the richest country in the history of the world, struggled to put food on the table last year; and the number of the poorest, most hungry Americans keeps getting larger? The American people understand this is not an economy that is working for ordinary people. In this economy today, more and more of our brothers and sisters, our fellow Americans, are going hungry. Let's not talk about a booming economy when we have children in America who are hungry.

Mr. President, you and I have heard, over and over again, people talking about the importance of education for this country. Yet millions of working families do not know how they are going to be able to send their kids to college when the cost of college education is soaring, when the average person graduating a 4-year college leaves that school $20,000 in debt, when hundreds of thousands of young people are now giving up the dream of going to college because they don't want to come out deeply in debt? How do we talk about a booming economy when so many of our young people, some of the brightest, most able of our young people, are giving up the dream of going to college? How do you compete on the international and global economy if so many of our young people are not able to get the kind of education they need?

When we talk about a booming economy, how does that correlate with the fact that our manufacturing infrastructure is falling apart, that since President Bush has been in office we have lost over 3 million good manufacturing jobs, and when people go out to the store to shop, when they look at the product, they know where that product is manufactured today? It is not manufactured in the United States. Over and over again they see it is manufactured in China.

We have a trade deficit now of over $700 billion. In my small State of Vermont, not a manufacturing center, we lost 20 percent of our manufacturing jobs in the last 5 years and that phenomenon is going on all over this country. How do you have a booming economy when we are losing huge numbers of good-paying manufacturing jobs and we are on the cusp of losing millions of good-paying, white-collar information technology jobs?

Three million fewer American workers today have pension coverage than when President Bush took office. Half of private sector American workers have no pension coverage whatsoever. How does that speak to a strong economy? It was not so many years ago that workers understood that when they left their job, there would be a defined pension available to them. They knew what they were getting. Today, those days seem like ancient history. Fewer and fewer workers have solid pensions on which to depend.

What is important to understand is, while poverty is increasing, while the middle class is shrinking, while more and more people are losing their health insurance, while hunger is growing in America, while good-paying jobs are going to China, the truth is not all is bad in the American economy. We have to acknowledge that. Are there some people who in fact are doing well? The answer is yes. Today, the simple truth is the top 1 percent of the families in our country have not had it so good since the 1920s. When that poll I mentioned from Gallup talks about the American people wanting to seek an understanding of the unfair distribution of wealth, this is precisely what they are referring to.

Today in the United States we have by far the most unequal distribution of income and wealth of any major country on Earth. Let me highlight very briefly a recent study done by Professor Emmanuel Saez from the University of California-Berkeley and Professor Thomas Piketty from the Paris School of Economics. This is what they found. In 2005, while average incomes for the bottom 90 percent of Americans declined by $172, the wealthiest one one-hundredth of 1 percent reported an average income of $25.7 million, a 1-year increase of $4.4 million.

In other words, for the people at the very top, a huge increase in their income, while 90 percent of the American people saw a decline. The gap between the rich and the poor, the rich and the middle class, continues to grow wider.

The top 1 percent of Americans received, in 2005, the largest share of national income since 1928. And some people may remember what happened in 1929. The top 300,000 Americans now earn nearly as much income as the bottom 150 million Americans combined.

You and I have heard many of our friends here on the other side of the aisle talk about how much the wealthy are paying in taxes. My, my, my. Yet the reason for that is what we are seeing is, with the decline of the middle class, a huge increase in the percentage of the income being made by the people on top. Let me repeat it. The top 300,000 Americans now earn nearly as much income as the bottom 150 million Americans. Is that the kind of country we really want to become, with so few having so much and so many having so little? I do not think that is the America most people want to see us evolve into, an oligarchic form of society. That is wrong.

According to Forbes magazine, the collective net worth of the wealthiest 400 Americans increased by $120 billion last year to $1.25 trillion—$1.25 trillion for the wealthiest 400 Americans. That is an astounding number. The reality is that in America today, we have the people on the top who have more income, in some cases, than they are going to be able to spend in a thousand lifetimes, while people in Vermont, people in Ohio, people in Minnesota, people all over our country are struggling so hard to provide basic needs for their families.

One of the reasons the gap between the rich and the poor is growing wider and why we now have by far the most unequal distribution of income and wealth of any major country is due to the passage of massive tax breaks for millionaires and billionaires since President Bush has been in office.

Now, you stop and you take a look at the needs of the people of our country in the most basic sense.

Hunger is increasing. Well, what do we think? Should we eliminate hunger in America or do you give tax breaks to billionaires? I don't think too many people would disagree with what we should be doing.

We have a crisis in affordable childcare in America. We have single moms, working families, both parents going to work, trying to provide well for their 2-year-old, 3-year-old. They cannot provide affordable childcare. The Federal Government provides totally inadequate childcare. Do we increase funding for childcare or do we give tax breaks to millionaires?

We are all aware of the scandal at Walter Reed Hospital. We are all aware of the outrageously inadequate way we treat our veterans, men and women who put their lives on the line defending this country. Yet when they come home from Iraq, there is inadequate care at the hospital at Walter Reed and inadequate care and waiting lines at VA hospitals all over America. What is our priority? Do we take care of our veterans or do we give tax breaks to millionaires and billionaires?

In America, millions of children do not have any health insurance. What are our priorities?

People are paying 50 percent of their limited income for housing because we are not building affordable housing. What are our priorities?

We have a major crisis in global warming. We should be investing in sustainable energy, energy efficiency, not giving tax breaks to billionaires. What are our priorities?

Let me conclude by saying that I think the American people, on issue after issue, are far ahead of where we are in Congress. So we are going to have to work very hard to catch up to where the American people are. I think we should begin the process of doing that.

We need to fundamentally change our national priorities. We have to have the courage now to stand up to the wealthiest people and the largest corporations and say to those people: The free ride is over.

Our job is to represent the middle class, working families, the lower income people who are not getting justice from the Congress. When we stand and do the right thing for the middle class and working families of this country, I believe we are going to see a significant increase in the respect this body receives.

Mr. President, I yield the floor.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I rise in support of this crucial legislation. I want to read into the record a statement from the Bush administration in support of the bill. It is from the Executive Office of the President, Statement of Administration Policy:

> The Administration supports Senate passage of S. 378 to strengthen judicial security. The legislation would enhance the ability of the Federal government to prosecute individuals who attack or threaten participants in the Nation's judicial system, including judges, lawyers, witnesses, and law enforcement officers. A Nation founded on the rule of law must protect the integrity of its judicial system, which must apply the law without fear or favor. The Administration also supports the provision to prohibit the filing of false liens against judges, prosecutors, and other government officials to retaliate against them for the performance of their official duties.

Another of the most important provisions of this bill was brought to our attention by Judge Carr of the Northern District Court in Toledo, OH. Judge Carr pointed out the importance of section 101 that "enhances the ability of the Judicial Conference of the United States to participate in determining the security needs of the judicial branch by requiring the Director of the U.S. Marshals Service . . . to consult with the Judicial Conference on an ongoing basis regarding the security requirements of the judicial branch."

This legislation makes sense for a variety of reasons. Not only must our judges be protected, but they must have a seat at the table in determining the safety of our Federal courthouses and the personal safety of the employees of the Federal judiciary and the participants who come in front of the Federal bench.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I rise in strong opposition to the amendment before us that will split the Ninth Circuit. We will be voting on a point of order at 2 o'clock.

I think it is very unfortunate that the pending bill, to make much-needed improvements in the security of our judges, is being threatened by a rehashing of an old and bad idea to split the circuit. There is a raft of reasons why the Senate should defeat this effort to divide the Ninth Circuit. First, it would be a serious blow to judicial independence if the circuit were to be split because of disagreement with its decisions. It would also result in an unfair distribution of the Ninth Circuit caseload. Judges in the new Ninth Circuit would be much more busy than their counterparts on the Twelfth Circuit. The proposal that is being made by Senator ENSIGN essentially takes California, Hawaii, Guam, and the Mariana Islands and puts them into their own Ninth Circuit, and takes all the big continental States that are now part of the Ninth Circuit and creates a Twelfth Circuit. That is the proposal that is before the body now.

This proposal would also destroy the current uniformity of the law in the West. It would have significant costs that the judiciary cannot afford to bear, given its already tight budgets, and it is opposed by the vast majority of the people who know the circuit best: its judges. Virtually overwhelmingly I think all but three or four of the judges in the Ninth Circuit oppose its splitting.

I agree with many of the Ninth Circuit's decisions. I disagree with some of them. However, the Framers of the Constitution intended the judiciary to be independent and free from congressional or Presidential pressure or reprisal. I am concerned that recent attempts to split the Ninth Circuit are part of an assault on the independence of the judiciary by those who disagree with some of the court's rulings.

As former Gov. Pete Wilson has stated:

> These attempts are judicial "gerrymandering," designed to isolate and punish judges whose decisions some disagree with. They are antithetical to the Constitution.

That is not me saying that; that is the former Republican Governor of California.

Attempting to coerce or punish judges or rig the system is not an appropriate response to disagreements with a court's decisions. Rather, it is essential that we preserve our system of checks and balances and make it clear that politicians will not meddle in the work of judges. The configuration of the Ninth Circuit is not set in stone; however, any change to the Ninth Circuit should be guided by concerns of efficiency and administration, not ideology.

After a substantial review of the statistics, decisions, and reports from those who know the circuit best, it is clear that splitting the Ninth Circuit would hinder its mission of providing justice for the people of the West.

The split proposal before us would unfairly distribute judicial resources to the West. This is the key. The Ninth Circuit would keep 71 percent of the caseload of the current circuit but only 58 percent of its permanent judges. Any split we look at, because California is so big, tilts the circuit and, of course, all of the proponents of the circuit split take the judges with them. So it leaves a disproportionate share of a heavy caseload in the Ninth Circuit—unless you split California, and to split California creates a host of technical and legal problems.

Last year, the Ninth Circuit had a caseload of 570 cases per judge, as opposed to a national average of 381 cases per judge. So under the proposed split, the Ensign plan, the average caseload in the new Ninth Circuit would actually increase to 600 cases per judge, while the new Twelfth Circuit would have half that, 326 cases per judge. There is no effort to give the Ninth the new judges they would need to keep the caseload even. This inequitable division of resources would leave residents of California and Hawaii facing greater delays and with court services inferior to their Twelfth Circuit neighbors.

The uniformity of law in the West is a key advantage of the Ninth Circuit, offering consistency to States that share many common concerns. The size of the Ninth Circuit is an asset, offering a unified legal approach to issues from immigration to the environment. Dividing the circuit would make solving these problems even more difficult. For example, splitting the circuit could result in different interpretations in California and Arizona of laws that govern immigration, different applications of environmental regulations on the California and Nevada sides of Lake Tahoe, and different intellectual property law in Silicon Valley and the Seattle technology corridor. These differences would have real economic costs. These are border States, and trade and commerce in the Pacific is a huge part of what they do. Therefore, the legal consistency between them is an asset, not a disadvantage.

In a time of tight judicial budgets, splitting the circuit would add significant and unnecessary expense. The split actually would require additional Federal funds to duplicate the current staff of the Ninth Circuit and a new or expanded courthouse and an administrative building since existing judicial facilities for a Twelfth Circuit are inadequate. The Administrative Office of the U.S. Courts estimated that creating a Twelfth Circuit would have a startup cost of $96 million, with another $16 million in annual recurring cost.

If we are going to do anything, what we need is more judges on the Ninth Circuit. That is the key. With budget pressures already forcing our Federal courts to cut staff and curtail services, this is no time to impose new, unnecessary costs on the judiciary.

My colleague, Senator BARBARA BOXER, joins me in these remarks. She will have a separate statement.

Those who know the Ninth Circuit best overwhelming oppose the split. Of the active Ninth Circuit Court of Appeals judges, 18 oppose the split, to be exact, and only 3 support it. The district court and bankruptcy judges of the Ninth Circuit also oppose the split. Every State bar association that has weighed in on the split—Alaska, Arizona, Hawaii, Montana, Nevada, Oregon, and Washington—opposes breaking up the Ninth Circuit, and more than 100 different national, regional, and local organizations have written to urge that the Ninth Circuit be kept intact.

I believe splitting the Ninth Circuit would create more problems right now than it would solve. It will not solve the caseload problem of the circuit, and that is the critical issue. Those who propose the split do so to unfairly benefit themselves because they also take the judges from the Ninth Circuit and they add them to the Twelfth Circuit. They would end up having a caseload per judge of one-half of what the caseload would be in a new Ninth Circuit. So it is not a fair plan because it does not fairly distribute the resources based on caseload. I believe there is only one criterion for resources, and that is caseload. The judges must be where the cases are, and that should be an inescapable truth that we follow.

I urge the Senate to vote to sustain the point of order on the Ensign amendment to split the Ninth Circuit, and instead let's focus our attention on securing the courts and then, secondly, providing the judges who are necessary to equalize caseloads throughout the Nation.

Mr. President, I raise a point of order that the pending amendment violates section 505(a) of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004; that at 2 p.m. today, a vote occur on Senator ENSIGN's motion to waive the point of order, considered made by this agreement, with the time until 2 p.m. equally divided and controlled between Senators FEINSTEIN and ENSIGN or their designees; that if the motion to waive the Budget Act is not successful, then without further intervening action or debate, the bill be read a third time and the Senate vote on passage of the bill; that if the motion to waive the Budget Act is successful, the provision on third reading and passage be vitiated.

I ask that the preceding be done by unanimous consent.

The PRESIDING OFFICER. (Mr. SALAZAR). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I urge my colleagues to sustain the budget point of order because the underlying amendment, which would split the Court of Appeals for the Ninth Circuit, is not yet ripe for consideration by this body. The issue is a very complicated one as to what will happen with the Ninth Circuit. It is admittedly too large at the present time, but we have a lot of analysis to do as to which States ought to be in which divisions. It is an issue which the Judiciary Committee has wrestled with for some time. We took it up in the 109th Congress. The two confirmations of Chief Justice Roberts and Justice Alito took a great deal of time, as did the PATRIOT Act, and our bankruptcy legislation and class action reform, the confirmation process generally. I know Senator LEAHY, as chairman, plans to take up this issue as soon as we can do so. We are not ripe for action.

When we finish the next vote, we will be taking up final passage on the Court Security Act. I urge my colleagues to pass this important legislation. There is no doubt that there is a real threat to judges. We have seen violence right in the courtroom. We have seen violence against family members of Federal judges. We have seen the extraordinary situation that in April of 2005, cookies with rat poison were mailed to each of the nine Supreme Court Justices, also to FBI Director Robert Mueller, and others in the Federal establishment.

The core legislation was introduced during the 109th Congress in November 7, 2005. It passed unanimously. We need to pass it now to make some very important changes to provide for the security of our Federal judges.

I see the arrival of the Senator from California who has raised a budget point of order. I know we plan to vote imminently.

Mr. BAUCUS. Mr. President, I rise to express my opposition to the Ensign amendment. Splitting the circuit would have detrimental effects on the West—in particular, in my home State of Montana. Splitting the Ninth Circuit would eliminate uniformity of law in the West. States sharing common concerns such as the environment and Native American rights could end up with different rules of law. This would create confusion and cause serious problems between States.

And splitting the Ninth Circuit would impose huge new costs. A split would require new Federal funds for courthouses and administrative buildings. Existing judicial facilities are just not equipped for a new circuit. The Administrative Office estimates these start-up costs to be $96 million, and then $16 million in annual recurring costs under the proposed split. The judiciary budget is already stretched thin. The creation of a new and costly bureaucracy to administer the new circuit would just add to our growing deficit. And this proposal does not have the support of the people whom it will most directly affect.

Judges on the circuit oppose the split. Members of the State bars affected by the split oppose it. And almost 100 Federal, State, and local organizations oppose splitting the Ninth Circuit. Only 3 of the 26 active judges on the Ninth Circuit favor splitting the circuit. Many State bars oppose this proposal including Alaska, Washington, Nevada, Hawaii, and Arizona. Even the Federal Bar Association and the appellate section of the Oregon bar feel strongly that we should not split the Ninth Circuit. The State Bar of Montana does not support this proposal. The Montana bar unanimously passed a resolution opposing division of the Ninth Circuit.

We ought to be listening to the people on the ground who deal with this issue every day, not creating hardship from our offices in DC. Let's be frank here. The motivation behind splitting the circuit is political. It is an attempt to control the decisions of the judiciary by rearranging the bench. The judiciary is supposed to be an independent branch of government. It must remain so. Splitting the circuit is not the right thing to do for Montana. It is not the right thing to do for the country.

Mrs. BOXER. Mr. President, once again we are faced with a proposal to split the Ninth Circuit Court of Appeals, which includes my home State of California.

The amendment before us today would create a "new" Ninth Circuit, with California, Hawaii, and Guam, and a new 12th Circuit, consisting of other Western States.

I oppose this amendment for three reasons: First, splitting the Ninth Circuit would place a greater burden on California Federal appellate judges. Under the new plan, California judges would constitute only 58 percent of the former circuit's judicial staff, but required to handle more than 70 percent of former circuit's total caseload. Second, splitting the Ninth Circuit is unnecessary. The Ninth Circuit has performed well according to most performance measures, despite having one of the highest caseloads per judge in the country. Third, splitting the Ninth Circuit is opposed by the majority of people who would be most affected—the judges and attorneys of the Ninth Circuit.

I urge my colleagues to reject this unnecessary amendment that has nothing to do with court security, and creates new problems and costs for the parties, lawyers and judges that practice in the Ninth Circuit.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is expected to make a motion to waive the Budget Act.

Mr. ENSIGN. Mr. President, I ask the Chair to rule on the point of order.

The PRESIDING OFFICER. The point of order is sustained.

The amendment falls.

Mr. KYL. Mr. President, I wish to comment on section 207 of the pending matter, the Court Security Improvement Act of 2007. Section 207 increases the statutory maximum penalties for the Federal offense of manslaughter. Pursuant to this legislation, the maximum penalty for involuntary manslaughter will be increased from 6 to 10 years, and the penalty for voluntary manslaughter will be increased from 10 to 20 years. This is a change that I sought to have included in last year's various court security bills. I am pleased to see that it will be included in this year's final Senate bill.

The need for an increase in the manslaughter statutory maximum penalty is made clear in testimony that was presented before the U.S. Sentencing Commission by Paul Charlton, the U.S. Attorney for the District of Arizona, on March 25, 2003. Despite recent changes to the guidelines for manslaughter offenses, the typical DUI involuntary manslaughter crime still is subject to a sentencing range of only 30 to 37 months. Yet, as Mr. Charlton noted in his testimony, under Arizona State law, the presumptive sentence for a typical DUI involuntary manslaughter offense is 10½ years. In other words, despite recent guidelines adjustments, the Federal criminal justice system still imposes a sentence for involuntary manslaughter in drunk driving cases that is only a third of the sentence that would be imposed for the exact same conduct under State law.

Mr. Charlton concluded that there is a "dire need for immediate improvements to the manslaughter statutory penalty and sentencing guidelines." As he noted, "the respect and confidence of surviving victims in the federal criminal justice system is severely undermined and will continue to be unless the statutory maximum penalties are increased to reflect the seriousness of the crime and the sentencing guidelines are comparably changed to reflect that increase."

With this bill, the Congress finally acts on Mr. Charlton's recommendation to increase the statutory maximum. I would like to emphasize, however, that enactment of section 207 does not alone finish the job. As Mr. Charlton noted in his testimony, even after Congress increased statutory penalties for these offenses in 1998, the sentences imposed by Federal courts "remain[ed] inadequate to deter and punish offenders [as of March 2003] because the federal manslaughter sentencing guideline was never changed to reflect the increased penalty."

The Sentencing Commission did eventually adjust the guidelines in response to the 1998 amendments, albeit 5 years after those changes were enacted. In case a staffer for the Sentencing Commission reads this speech in the Congressional Record, let me be clear: yes, we do expect the Commission to adjust the guidelines for voluntary and involuntary manslaughter in order to reflect the statutory changes made by section 207. And please persuade the Commissioners to act expeditiously. If this matter is not addressed during the next appropriate period for submitting proposed changes to the guidelines, I will contact the Commission to inquire why no adjustment has been made.

I ask unanimous consent that Mr. Charlton's 2003 testimony before the Sentencing Commission be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Testimony Before the U.S. Sentencing Commission

(By Paul Charlton)

Members of the U.S. Sentencing Commission, thank you for giving me the opportunity to appear before you to discuss sentencing in federal manslaughter cases. This topic is particularly important to the District of Arizona because my district routinely handles the highest number of prosecutions under the Major Crimes Act arising out of violations in Indian country, including federal manslaughter cases, in the United States. The low statutory and guideline sentences for these offenses are a topic of frustration routinely discussed among my counterparts with similar criminal jurisdiction responsibilities and who serve on the United States Attorney General's Native American Issues Advisory Subcommittee.

The District of Arizona encompasses the entire state of Arizona. We have exclusive authority to prosecute Major Crimes Act violations occurring within Arizona's 21 Indian Reservations. Two of the nation's largest Indian Reservations are located in Arizona—the Navajo Nation, with an approximate total population of 275,000 members and a land base of over 17 million acres spanning three states (Arizona, New Mexico and Utah), and the Tohono O'odham Nation, with an approximate total population of 24,000 members and a land base comparable to the state of Connecticut. Recent Department of Justice data revealed that the violent crime rate on the Navajo Reservation is six times the national average. In total, in calendar year 2002, my office handled a total of 64 manslaughter and 94 murder cases. In a two-year period ending September 2002, the Flagstaff division of the U.S. Attorney's Office (which responds to Northern Arizona federal crimes) handled 65 homicide prosecutions, including 27 manslaughter and 38 murder cases.

In the summer of 2001, this Commission held a hearing on the impact of the sentencing guidelines on Indians committing offenses in Indian country. The perception going into this hearing was that Indians sentenced under the federal sentencing guidelines are treated more harshly than those who are adjudicated in the State system. The experiences of federal prosecutors in my District as they relate to the crimes of voluntary and involuntary manslaughter are not consistent with this perception. Our perception, and that of many Indian and non-Indian victims, is that the federal criminal justice system is in many circumstances unjust. Consequently, the respect and confidence of surviving victims in the federal criminal justice system is severely undermined and will continue to be unless the statutory maximum penalties are increased to reflect the seriousness of the crime and the sentencing guidelines are comparably changed to reflect that increase.

In 1994, the United States Congress amended the penalty for involuntary manslaughter from three years to the current six year maximum term. [Footnote: See H.R. Conf. Rep. 103–711 (1994).] The primary purpose for the amendment was to correct the inadequacy of the three-year penalty as it applied to drunk driving homicides. In passing the amendment, one Senator noted "Involuntary manslaughter most often occurs through reckless or drunken driving. A three-year maximum sentence is not adequate to vindicate the most egregious instances of this conduct, which takes an increasing toll of innocent victims' lives." [Footnote: 134 CONG. REC. S.7446–01 (statement of Sen. Byrd).] I applaud Congress' efforts in amending the law. However, it has become abundantly clear that the current statutory penalties remain inadequate to deter and punish offenders because the federal manslaughter sentencing guideline was never changed to reflect the increased penalty.

Today, the average range of sentence for a defendant for involuntary manslaughter is 16–24 months imprisonment followed by three years on Supervised Release. I would like to share with you some of the experiences faced by federal prosecutors assigned to DUI homicides in Indian country to illustrate the gravity of theses crimes, the comparable state sentences imposed, and to demonstrate the need for increased penalties and comparable sentencing guidelines:

Kyle Peterson, was charged with one count of involuntary manslaughter for the death of a 60-year-old man who was driving to work southbound on the Loop 101 Freeway in Phoenix. Peterson was driving north in the southbound lanes of the Loop 101. The two vehicles collided head-on as they entered a portion of the freeway located in Indian country. The victim was killed instantly. Peterson suffered serious head injuries but his recovery has been positive. At the time of impact Peterson's blood alcohol level was .158. He pled guilty to the charge of involuntary manslaughter with no agreements and was sentenced to 14 months in custody followed by three years on supervised release. In her victim impact statement, the decedent's widow stated "[f]inally there is me rage at a system that allows a criminal to face almost no punishment because of Federal Sentencing Commission laws . . . DUI is a criminal offense. Why does the Federal system not treat it as such?"

Gaylen Lomatuwayma was charged with one count of involuntary manslaughter after he struck and killed the victim, who was walking along Navajo Route 2. The crash took place after a night of drinking in Flagstaff, Arizona. The defendant kept driving until his truck stopped working. He was indicted on one count of involuntary manslaughter and was sentenced to 21 months in custody followed by 3 years on supervised release.

In July, 2001, Zacharay Guerrero was driving intoxicated on the Salt River Pima-Maricopa Reservation near Phoenix when he failed to stop at a clearly posted stop sign. He collided with a vehicle occupied by two female tribal members. On impact, both females were ejected from the vehicle, which ignited in flames and burned at the scene. Guerrero fled the scene. Investigation revealed that the defendant's vehicle had an impact speed of between 64 and 70 mph (while the posted speed limit was 35 mph) and the victim vehicle had an impact speed of 9 mph. One victim died at the scene. The medical examiner attributed her death to multiple blunt force trauma due to the motor-vehicle impact. The second victim died two months later. While there were small amounts of alcohol detected in the victim/driver's blood, the accident reconstructionist did not believe it was a significant contributing factor to the crash. Guerrero was charged and plead guilty to two counts of involuntary manslaughter, with no sentencing agreement. The guideline calculation resulted in a total offense level 13, with acceptance of responsibility, or a sentencing range of only 12–18 months. Only because of Guerrero's prior criminal history did he receive a sentence of concurrent terms of 37 months, the high end of the applicable guideline range.

In November 2001, Ernest Zahony was driving eastbound on hwy 160 near the Old Red Lake Trading Post on the Navajo Indian Reservation. He crossed the center line and struck a family headed westbound on their way to a late Thanksgiving dinner. The driver was pinned behind the steering wheel and later died as a result of her injuries. Five other occupants, including children, received serious injuries. The defendant walked away from the scene and was found about a mile away. The defendant admitted to drinking all night and into the morning. At the time of the crash, he is estimated to have had a .252 blood alcohol level. The court, applying an upward departure, sentenced the defendant to 40 months in custody.

Victim families routinely hear or read about state drunk-driving homicide cases where long sentences are imposed by state court judges. Without exception, every Assistant U.S. Attorney and Victim Advocate assigned to federal drunk driving homicides must go through the painful process of explaining to victim families that the long sentences meted out in the state court system do not apply because the defendant will be sentenced under the federal sentencing guideline scheme. Victim families cannot comprehend that had the crime occurred in state jurisdiction, the defendant would be imprisoned for a substantially longer term.

To illustrate this, in Arizona state court, the crime of manslaughter is designated either "dangerous" or "non-dangerous." [Footnote: Case illustrations were provided by the Arizona Chapter of MADD. Explanation of state sentencing categories were provided by the Maricopa County Attorney's Office.] In Maricopa County, DUI homicides are almost exclusively charged as "dangerous" felonies. [Footnote: According to the Maricopa County Attorney's Office, "non-dangerous" felonies are reserved for those DUI homicides with great evidentiary weaknesses and are rarely, if ever, charged.] The sentence for manslaughter "dangerous" ranges from seven to 21 years in custody and yields a presumptive 10½ year sentence.

For example, the Maricopa County Attorney's Office stated that generally, where an intoxicated defendant crosses a center line striking and killing someone, he/she will almost assuredly receive a sentence of 10½ years. If the individual has a prior drunk driving history, the range of sentence increases by 2 years. In cases where a passenger in a defendant's car is killed, the range of sentence generally is 7–10½ years in custody.

Compare Arizona v. Bruguier with United States v. Lomatuwayma. In Bruguier, the defendant was sentenced to 11½ years for driving while intoxicated and striking and killing an individual who was jogging along a roadway.

Ironically, if any of the victims in the above-mentioned cases were injured, rather than killed, each defendant would have been sentenced under the assault statute, resulting in much harsher penalties. [Footnote: Similarly, the statutory maximum for Assault with a Dangerous Weapon and Assault Resulting in Serious Bodily Injury is no more than 10 years and a $250,000 fine. 18 U.S.C.§113. The Base Offense Level is 15 and allows for specific offense characteristics which may result in a substantially higher sentencing range.] To address the low statutory and guideline penalty for involuntary manslaughter cases, my office applies alternative or additional charges in appropriate cases such as assault or second degree murder. This approach enhances the penalties available to the court. Also, the added charges will hopefully deter the defendant from future conduct, and provide a means to advocate on behalf of the surviving victims.

For example, Sebastian Lopez plead guilty to Second Degree Murder for committing a DUI homicide and was sentenced to 11½ years in custody. At the time of this offense, Lopez was serving a sentence of federal probation for a prior DUI homicide. In total, this defendant had four prior DUI convictions, three involving accidents and one involving death, yet he remained undeterred by his first DUI homicide crime and federal sentence.

Additionally, federal prosecutors routinely seek upward departures to increase a drunk driving defendant's final adjusted sentence. However, courts are reluctant to impose upward departures in manslaughter cases. In United States v. Merrival, 176 F.3d 1079 (8th Cir. 1999), a case prosecuted by the District of South Dakota, the defendant was charged with one count of Involuntary Manslaughter for the DUI homicide of his two passengers, which included a 5-month-old infant. The defendant plead guilty to the indictment and the district court departed upward to sentence him to 70 months in custody. In imposing sentence, the court stated that the defendant's conduct was extremely dangerous and resulted in two deaths and severe bodily injury to the three surviving victims. In upholding the sentence, the Eighth Circuit stated "[w]e make special note, however, that in imposing a departure of this magnitude, the district court acted at the outermost limits of its discretionary authority." Id. at 1082. Consequently, federal courts themselves appear to struggle with finding a just sentence for these crimes and remain reluctant to impose an upward departure even in the most egregious cases.

Additionally, if a defendant's tribal criminal history reflects repeated criminal conduct while they are under the influence of alcohol, a prosecutor may seek an enhanced sentence pursuant to U.S.S.G. §4A1.3, Adequacy of Criminal History. [Footnote: This section may only be applied where a defendant's prior sentence(s) are not factored into his sentencing guideline range. 4A1.3(a).] However, federal court judges are reluctant to apply an upward departure even where a defendant has prior multiple tribal court DUI convictions. Recently, Dale Haskan received a 14 month sentence for the DUI homicide of a 15-year-old girl. Haskan had multiple prior DUIs in tribal court dating back 20 years. The district court ruled that only one of his prior convictions was admissible because of inadequate documentation and his concern whether Haskan was represented in tribal court on those multiple convictions.

Depending on the extent and substance of a defendant's tribal criminal history, the facts, and the character of the victim, a court may make legal and factual findings that the defendant is entitled to an enhancement. See United States v. Betti Rowbal, 105 F.3d 667 (9th Cir. Nev.) (Unpublished Decision). In drunk driving homicides, however, it is hard for a prosecutor to argue that the Sentencing Commission did not take into account the loss of life or the degree of a defendant's intoxication. Id. Therefore, sentencing enhancements in these cases, although routinely sought, are difficult to substantiate and thus are rarely imposed. It is my hope that these examples will serve to illustrate the dire need for immediate improvements to the manslaughter statutory penalty and sentencing guidelines.

I would like to briefly address second degree murder. As you consider addressing manslaughter, I urge the Commission to reexamine the murder sentencing guidelines in relationship to the statutory maximum penalty, life imprisonment. The Commission must evaluate whether the 33 base offense level is appropriate given that second degree murder involves a high level of culpability on the part of the defendant. [Footnote: With a Criminal History of I and a 3-level adjustment for Acceptance of Responsibility, a defendant would face an adjusted offense level of 30 (97–121 months in custody).] For example, Douglas Tree plead guilty to Second Degree Murder for beating his girlfriend's 18 month old daughter. Her injuries included a fractured clavicle and fractured ribs. He waited until his girlfriend came home to take the child in for medical treatment. The infant was hospitalized, placed on life support and later died. Tree received a 142 month sentence. Leslie Vanwinkle was also charged with Second Degree Murder for the beating death of his 70-year-old father. Vanwinkle was sentenced to a term of 151 months in custody. These crimes are among the most malicious and often occur with weapons including knives, rocks and shovels. The use of a firearm gives prosecutors the leverage of charging a gun violation, which drastically enhances the second degree murder sentence.

Finally, should the Commission increase the manslaughter sentencing guideline, it must evaluate the impact that the existing second degree murder guideline will have relative to any increase. I therefore encourage the Commission to consider creating specific offense characteristics that reflect the more egregious and aggravated type of murder.

The frustration felt by the victim families, prosecutors, and often expressed by district court judges in imposing sentences is all to common in my district and experienced by every federal prosecutor with similar federal criminal jurisdictional responsibilities. So, I am thankful and encouraged that this Commission continues to have an interest in this area. I am also encouraged that the Commission developed the Native American Ad Hoc Advisory Committee to more thoroughly review the perceptions of Indian Country Crimes and Sentencing disparity. My colleagues and I on the Attorney General's Native American Issues Advisory Committee look forward to the Committee's findings. Thank you again for extending to me the invitation to speak to you today.

Mr. LEAHY. Mr. President, I appreciate the hard work of my colleagues in coming to agreement to proceed to final passage of this important legislation.

This bill has been a top priority of the Federal judiciary. I introduce it back in January, and it proceeded through regular order. We held a hearing, issued a committee report, considered floor amendments, and debated the measure.

Now it is time to vote for its passage. We can and we must provide for increased security for our Federal judges. Physical attacks on our judges threaten not only the dedicated public servants who serve in these roles but also the institution. Our Nation's Founders knew that without an independent judiciary to protect individual rights from the political branches of Government, those rights and privileges would not be preserved. Our Federal courts are the ultimate check and balance in our system of government.

We owe it to our judges to better protect them and their families from violence to ensure that they have the peace of mind to do their vital and difficult jobs.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—97

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Inouye
Johnson
McCain

The bill (S. 378), as amended, was passed, as follows:

S. 378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Security Improvement Act of 2007".

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

"(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.".

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

"The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.".

SEC. 102. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting "or a family member of that individual" after "that individual"; and

(2) in subparagraph (B)(i), by inserting "or a family member of that individual" after "the report".

SEC. 103. FINANCIAL DISCLOSURE REPORTS.

(a) EXTENSION OF AUTHORITY.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking "2005" each place that term appears and inserting "2009".

(b) REPORT CONTENTS.—Section 105(b)(3)(C) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(iv) the nature or type of information redacted;

"(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

"(vi) principles used to guide implementation of redaction authority; and

"(vii) any public complaints received in regards to redaction.".

SEC. 104. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking "and the Court of International Trade" and inserting ", the Court of International Trade, and the United States Tax Court, as provided by law".

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting "and may otherwise provide, when requested by the chief judge of the Tax Court, for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened persons in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.".

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

SEC. 105. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and assistant United States attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

"Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

"1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.".

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 119. Protection of individuals performing certain official duties

"(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available—

"(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official; or

"(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official, shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) DEFINITIONS.—In this section—

"(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

"(2) the term 'covered official' means—

"(A) an individual designated in section 1114; or

"(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

"(3) the term 'crime of violence' has the meaning given the term in section 16; and

"(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"119. Protection of individuals performing certain official duties.".

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting "or other dangerous weapon" after "firearm".

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

"(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.".

SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) so that subparagraph (A) of subsection (a)(3) reads as follows:

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112;";

(2) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking "20 years" and inserting "30 years"; and

(B) in subparagraph (C), by striking "10 years" and inserting "20 years";

(3) in subsection (b), by striking "ten years" and inserting "20 years"; and

(4) in subsection (d), by striking "one year" and inserting "3 years".

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after "probation"; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking "20 years" and inserting "30 years";

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after "probation"; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking "ten years" and inserting "20 years"; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking "ten years" and inserting "20 years"; and

(2) by striking "six years" and inserting "10 years".

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for each of the fiscal years 2007 through 2011 to carry out this subtitle.".

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) grants to State courts to improve security for State and local court systems."; and

(2) in subsection (b), by inserting after the period the following:

"Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.".

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(1) striking "80" and inserting "70";

(2) striking "and 10" and inserting "10"; and

(3) inserting before the period the following: ", and 10 percent for section 515(a)(4)".

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting "and State and local court officers" after "tribal law enforcement officers"; and

(2) in subsection (b), by inserting "State or local court," after "government,".

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) Contents.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) In General.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

"(f) The Commission may—

"(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 2531);

"(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

"(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).".

(b) Sunset.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) In General.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after "hold office during good behavior," the following: "bankruptcy judges appointed under section 152 of this title, magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),".

(b) Construction.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under section 151 of title 28, United States Code.

(2) Magistrate judges appointed under section 631 of title 28, United States Code.

(3) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(4) Judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(c) Effective Date.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: "However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrate judges, rulemaking, governance, and administrative matters.".

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATE JUDGES.

Section 631(a) of title 28, United States Code, is amended by striking "Northern Mariana Islands" the first place it appears and inserting "Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)".

SEC. 505. FEDERAL JUDGES FOR COURTS OF APPEALS.

Section 44(a) of title 28, United States Code, is amended in the table—

(1) in the item relating to the District of Columbia Circuit, by striking "12" and inserting "11"; and

(2) in the item relating to the Ninth Circuit, by striking "28" and inserting "29".

Ms. CANTWELL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Nelson of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. Klobuchar). Without objection, it is so ordered.

IRAQ

Mr. REID. Madam President, the White House has been telling America that Democrats are doing the wrong thing by calling for a change of course in Iraq. They say holding the Iraqi Government accountable is wrong. They say finding a political solution in Iraq is wrong. They say redeploying troops out of a civil war is wrong. They have said even debating a strategy for changing course is dangerous, and many Senate Republicans have backed that up by blocking several of our attempts to debate this issue here on the Senate Floor.

The American people want us to debate the war, and they want us to change the course. Listen to what the President's own Secretary of Defense Robert Gates said in the last few hours, and I quote:

> The debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited. The strong feelings expressed in the Congress about the timetable probably has had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment.

The President and some of my Republican colleagues have also attempted to create a false crisis by claiming that Democrats are putting the troops in danger by not sending the supplemental bill immediately. But today, the Pentagon acknowledged what Democrats have long known—that President Bush continues to misstate the reality on the ground and in Iraq to score political points.

Like the nonpartisan Congressional Research Service, the Pentagon now acknowledges that it can pay for the Iraq war at least through June with the funds that have already been provided.

I hope the President and our Republican colleagues in Congress will put these false claims aside so we can get back to working toward a bipartisan solution.

Yesterday I met with President Bush to express the will of the American people, senior military officials, and a bipartisan majority of Congress that we must change course in Iraq. I told President Bush that, going on to 5 years, more than 3,300 American soldiers lost, tens of thousands wounded, a third of them gravely wounded, and billions and billions of dollars depleted from our Treasury, we as a country must change course in Iraq.

Conditions in Iraq get worse by the day. Now we find ourselves policing another nation's civil war. We are less secure from the many threats to our national security than we were when the war began. As long as we follow the President's path in Iraq, the war is lost. But there is still a chance to change course and we must change course. No one wants us to succeed in the Middle East more than I do. But there must be a change of course. Our brave men and women overseas have passed every test with flying colors. They have earned our pride and our praise. More important, they deserve a strategy worthy of their sacrifice.

The supplemental bill we passed with bipartisan support offers that. It includes a reasonable and attainable timeline to reduce combat missions and refocus our efforts on the real threats to our country's security. It offers a new path, a new direction forward. If we put politics aside, I believe we can find a way to make America safer and stronger.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask unanimous consent that I may speak as in morning business for as much time as I may require.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. ALEXANDER. I thank the Chair.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1168 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

GONZALES V. CARHART

Mr. HATCH. Madam President, yesterday was a good day for democracy. It was a great day for American constitutionalism. I have said it before. I will continue to say it. All too often, we see judicial decisions on America's most important social issues made without any constitutional warrant.

Too difficult to convince your community that it should not pray before football games? No problem. Just find a judge to say that the practice is unconstitutional.

Too discouraged by the slow pace of the march toward same-sex marriage? Find a judge to declare that the State constitution has allowed it all along. A constitutional right to same-sex marriage—"presto chango."

Americans of all political stripes understand that this highjacking of social policy from the people's representatives is deeply misguided.

A good number of law professors, law students, judges, and politicians still continue to inject the judicial branch into social controversies. Yet, in attempting to smooth out the rough edges of democracy, activist judges have time and again undermined democracy and increased bitterness in our political debates.

Yesterday's decision in Gonzales v. Carhart was a step toward righting that dangerous trend. It was a step toward restoring the people's liberties and the vitality of our democracy.

Let me explain.

In 2003, Congress passed, and the President signed, the Partial-Birth Abortion Ban Act. This was well-considered legislation. It was broadly supported by the public. Senators of both parties, including my colleague from Vermont, the chairman of the Judiciary Committee, supported the bill. And after years of trying, it finally became law.

It was a modest bill, born of an existential abhorrence of a procedure that callously snuffed out human life. Nonetheless, a coalition of the usual proponents of judicial legislating attempted to undo this law.

Fortunately, the Supreme Court disagreed and upheld this legislation. It was a reasonable decision. And it showed a proper deference to the people and their representatives—deference that one would expect in a democracy.

The public first became aware of partial-birth abortion in 1992, when Dr. Martin Haskell gave a presentation describing the procedure. A nurse who assisted him in a partial-birth abortion on a 26½ week fetus testified before the Senate Judiciary Committee of her experience with this procedure. It was shocking testimony. I am glad that Justice Kennedy included it in his majority opinion. I will not repeat it here. It was graphic. It was horrific. And it will stay with me forever.

A 6-month-old fetus was treated worse than any animal—and disposed of like garbage. The American people were rightly appalled.

It very well might be that there is some give in the seams of our Constitution. The meaning of every term and principle is not entirely clear. But if you are going to be making up constitutional rights without textual warrant, the American people understand what many law professors, radical—I mean, progressive—activists, and judges did not.

It perverts our constitutional traditions to argue that a document committed to life, liberty, and the dignity of the human person would prohibit public condemnation and legal regulation of such barbarity. And the Court agreed.

This was a reasonable and a limited decision. The Court rejected a facial challenge to the law. Relying on its precedent in Casey v. Planned Parenthood, the Court held that the law was not unconstitutionally vague and did not impose an undue burden on a woman's right to abortion.

This was a reasonable decision, one rooted in a deep respect for the role of the people's representatives in Congress. And what is the response of the hard left? Hysteria.

I know many of my colleagues in this body are familiar with the blog, Daily Kos. It is the online meeting room for the political left.

The complaints of its members recently led a number of Democratic candidates for President to withdraw from a Fox News-sponsored debate. They were intimately involved in the debate in the House over how best to cut off funding for our troops. This is what one of these citizen agitators posted about the decision:

> The 5 Catholics on the court have ruled!! Why don't we just outsource the Supreme Court to the Vatican. Save some money!!

There was a time when this anti-Catholic venom had no place in our political discourse. Unfortunately, liberal groups are becoming more and more radical, and less and less liberal in their thinking.

This is what Nancy Keenan, of the radical abortion-rights lobby NARAL, had to say:

> An anti-choice Congress and an anti-choice president pushed this ban all the way to the Supreme Court.

An anti-choice Congress? Is she kidding? Is the Democratic chairman of the Appropriations Committee anti-choice? Is the Democratic chairman of the Judiciary Committee anti-choice? Is the Democratic chairman of the Budget Committee anti-choice?

Give me a break.

The radicals criticizing this decision are seriously unmoored from the American people and our legal traditions. The radicals who support abortion on demand reject the choices of the American people. They reject the informed choice that the people's representatives made about this gruesome procedure. They are "Johnny and Jane one-notes"—abortion now, abortion always, abortion forever.

The American people deserve better. We have been told by the new majority that America is done with partisanship. America needs results.

Well, we got results with the Partial-Birth Abortion Ban Act. This was a bipartisan achievement that brought together Republicans and Democrats, conservatives and liberals. It is unfortunate, then, to see certain Democratic candidates bemoaning this decision in the same old terms.

It is not too surprising to see the New York Times editorial page hyperventilating over this decision. But we deserve more from our party leaders and Presidential candidates. I understand their predicament. When you have to answer to uncompromising abortion-rights groups, logic sometimes gets tossed by the wayside.

When President Clinton was in the White House, he abandoned almost every liberal group imaginable in his quest for triangulation. But there was one group that he would never cross—the abortion-rights lobby.

And given the knee-jerk reactions about this decision from the leftwing blogosphere and Democratic candidates, I have no doubt that this commitment will not change. I think that is sad. But if they want to have a fight, the centerpiece of which is judicial administration of a judicially created right to abort your baby at any time during pregnancy, I am sure many will gladly meet them in the ring.

I think that these overheated comments are particularly interesting in light of the legislation that we considered earlier today. I was an original cosponsor of the court security bill.

Obviously, our judges need to be protected from violent criminals. They are public servants. And all too often they are threatened with, or subjected to, physical violence. This is unacceptable. And so I joined with many of my Judiciary Committee colleagues in supporting this bill.

But I want to distance myself from some of the remarks made by my Democratic colleagues yesterday. The suggestion that strong and vigorous criticism of judicial decisionmaking is somehow inappropriate or collaterally responsible for violence against judges is absurd. Violence against judges is unacceptable. But violence against judges is not caused by criticism of judicial activism. And it is not caused by overheated rhetoric.

I find it particularly ironic that on the same day that liberal pundits and interest groups are bemoaning a moderate and limited Supreme Court decision as the catalyst for making women second-class citizens, Democrats took to the floor to brand serious and vigorous criticism of judges as irresponsible.

In the end, I think Justice Scalia was right in his Casey concurrence. So long as the Court went about doing what lawyers and judges are supposed to do—interpret the law—nobody gave the Supreme Court a second thought. But when the Court decided that it should be a super legislature that second guesses the judgments of the American people and their representatives, the Court invited criticism.

You act like legislators, you get treated like legislators.

If my colleagues would like to see less criticism of judges, maybe they should stop advocating an undemocratic and constitutionally ungrounded judicial activism.

The people can criticize the courts. And their representatives can criticize the courts. If Lincoln did it, and FDR did it, I think we are on solid ground.

But I am not going to criticize yesterday's decision. I would like to close by again applauding it. It was not just a victory for the unborn child. It was a victory for moderation and the rule of law.

TRIBUTE TO BRIGADIER GENERAL DARRELL S. CRAMER

Mr. HATCH. Madam President, I wish to pay special tribute to an extraordinary man, a loving husband, father and grandfather; a valiant soldier; and a true patriot in every sense of the word—BG Darrell S. Cramer.

Darrell recently passed away, leaving a tremendous void in the lives of all who knew him. Yet his legacy of service, courage, and dedication will serve as an example for many generations to come.

Darrell was born in Ogden, UT, to Olvie and Loretta Stuart Cramer and was the oldest in a family of five. He enjoyed his childhood immensely and excelled in athletics and academics. As a young child he developed a strong interest in aviation which would guide his future life. His dream of flying became a reality shortly after enrolling in a civilian pilot training course at Weber College.

On December 7, 1941, Darrell was listening to the radio at home when he heard the news bulletin that stunned the Nation—Pearl Harbor had been attacked, and the United States was now joining the war. The very next day, he drove to Salt Lake City and visited the recruiting offices of both the Army and the Navy to try to enlist in the Aviation Cadet programs. At that time a recruit was to be at least 20 years old and have 2 years of college, so he was turned away.

Just over a month later the rules were changed, and Darrell, eager to serve his country, immediately enlisted in the Army. He quickly became an excellent fighter pilot candidate and excelled in the training. Thus began a storied and exemplary military career.

The highlights of his military service included many tours of duty beginning in November 1942, when Darrell was sent to the South Pacific area as a P-38 pilot assigned to the 339th Fighter Squadron of the 13th Air Force. The young airman flew in the campaigns of Guadalcanal, New Guinea, and North Solomons and completed his tour of duty with credit for the destruction of a Japanese Zero fighter and Betty bomber aircraft.

In December 1943, he returned to the United States and was assigned to a P-47 combat training school in Abilene, TX. In June 1944, General Cramer was assigned to the European Theater of Operations and flew a P-51 aircraft with the 55th Fighter Group. He finished this tour of duty as a squadron commander with a total of 300 flying hours in 60 missions and credited for the destruction of 11 German aircraft. As such, he joined an exclusive fraternity of fighter ace.

At the end of World War II, Darrell returned home, and shortly after, he left active duty to go into business with his father forming the Cramer and Son Coal Company. He went on to pursue additional business opportunities but couldn't put his love of flying behind him and once again joined the Utah Air National Guard. When the Berlin Airlift began in 1948, he was again called to active duty for Operation Vittles.

When that operation ended, Darrell once again returned to the United States and began service as director of flying in the Advanced Flying School at Williams Air Force Base in Arizona. This was followed 2 years later with his return to Europe to assume command of the 53rd Fighter Squadron and later the 36th Fighter Bomber Wing in Germany.

This service was followed by assignments in Washington, DC, California, Turkey, Thailand, and Vietnam. In February 1971, General Cramer became the vice commander of the 17th Air Force, Ramstein Air Base in Germany. He was promoted to brigadier general in 1970 and retired from military service in June 1973.

During his many years of military service, Darrell was recognized and awarded many times for his courage and exemplary service to our Nation. His military awards and decorations included the Distinguished Service Medal, Legion of Merit with an oak leaf cluster, Distinguished Flying Cross with an oak leaf cluster, Air Medal with 21 oak leaf clusters, Joint Service Commendation Medal, Air Force Commendation Medal, Presidential Unit Citation emblem with two oak leaf clusters, and an Air Force Outstanding Unit Award Ribbon with an oak leaf cluster. In addition, he was also inducted into the Utah Aviation Hall of Fame and the Order of the Daedalians, a fraternity of pilots.

With all of these accomplishments, Darrell became a larger-than-life figure to all those who knew him. Yet his humble and unassuming spirit was demonstrated in all he did. His greatest accomplishments he always maintained was marrying the love of his life, Mildred "Mick" McPhie. They built a beautiful life together providing a loving, cherished home for friends, children, grandchildren, and great-grandchildren to enjoy.

In his later years, Darrell didn't just quietly sit and watch the days go idly by. He found happiness pursuing many hobbies and interests including golfing, skiing, and spending quality time with his brothers and sisters, grandchildren, and friends.

He also appreciated computer technology and used it to modernize his work in genealogy and family history. He spent many hours serving in the Church of Jesus Christ of Latter-day Saints' Family History Program. He shared his knowledge and helped many search for their own ancestors.

As the wonderful, strong military leader General George S. Patton once said, "It is foolish and wrong to mourn the men who died. Rather we should thank God that such men lived."

While I don't believe it is foolish for many to mourn the loss of this great man, I do believe that many do thank our Heavenly Father that BG Darrell S. Cramer lived and that he provided such a powerful example of courage, service, and love for generations to follow.

COURT SECURITY IMPROVEMENT ACT

Mr. LEAHY. Madam President, earlier today the Senate passed S. 378, the Court Security Improvement Act, with overwhelming, bipartisan support. With this legislation, we in the Senate acted for the third time in a year to better protect our Federal judges from institutional and physical threats.

For the past several years, I have introduced and sponsored legislation to extend the authority for Federal judges to redact relevant portions of their financial disclosure statements if they have been threatened. The authority to redact portions of judges' financial disclosure statements expired last year.

The redaction authority bill passed by the Senate last year would have extended the redaction authority without interruption and expanded it to judges' families. It struck the right balance by preserving congressional oversight to prevent the misuse of this redaction authority, which has been a matter of some concern.

I was disappointed that the House of Representatives failed to act on this legislation that passed the Senate last November but I am pleased that the new House of Representatives was able to pass it earlier this year. I continue to support an extension of redaction authority for threatened judges and am glad that the Senate is passing that measure, H.R. 1130 today. I trust that the President will sign it into law without delay.

U.S.-RUSSIAN ECONOMIC RELATIONSHIP

Mr. LUGAR. Madam President, I wish to congratulate Secretary of Commerce Carlos M. Gutierrez on his recent trip to Moscow, Russia. The Secretary delivered an important message to the Russian Government and Russian people: "While political issues between our nations tend to garner the most headlines, economic interests should not be ignored. U.S.-Russia commercial ties are stronger and more dynamic than ever before, providing stability to our overall relationship." I couldn't agree more with this assessment.

The United States and Russia business relationship is expanding significantly. Last year, U.S. exports to Russia increased by 20 percent to $4.7 billion in a broad range of merchandise and service markets. The American Chamber of Commerce in Russia recently conducted a survey of American business in Russia. They made some interesting findings:

Half of the American companies surveyed report sales increases of 200 percent in Russia from 2001 to 2005.

Ninety-seven percent of U.S. companies in Russia project continued growth in sales during the next three years.

Ninety-two percent of U.S. companies in Russia believe that continued commercial engagement with Russia is positive for American business, and 86 percent believe that Russia's membership in the WTO will bring new opportunities for them.

Profitability of two-thirds of American companies in Russia is on or above target.

Seventy-five percent of Russian employees of American companies in Russia view the United States positively, compared to 47 percent of employees in Russian-owned companies.

The people of Russia and the United States stand to benefit a great deal from this expanded relationship. The Secretary also focused on those areas where improvement is needed, including, stronger accountability, enforcement of intellectual property rights and anticorruption efforts.

The U.S.-Russia relationship is critical to the security and prosperity of both countries and the international community. In recent months the bilateral relationship has been dominated by disagreements and confrontation on a number of important issues. American and Russian leaders must reverse this trend. I congratulate Secretary Gutierrez in making a strong step forward in the right direction.

I ask unanimous consent that the text of a speech he delivered at the American Chamber of Commerce's Annual Investment Conference in Moscow on April 4, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for inviting me to this Conference.

Minister Gref, Ambassador Burns, it is an honor to join you in opening this conference. This is my second trip to Moscow as Secretary of Commerce. It has been nearly two years since my first visit and I'm pleased to be here today to discuss economic growth and opportunity between Russia and the United States.

As you know, this year marks the 200th anniversary of diplomatic relations between the U.S. and Russia. Though there have been times of great challenge during that history, we are now poised to enter a new era of commercial engagement which will strengthen our ties, grow our economies and create prosperity for our citizens.

My visit this week reflects the considerable and growing value the U.S. places on our business ties with Russia, and our desire to find new ways to bring greater economic opportunity to the people of our countries.

While political issues between our nations tend to garner the most headlines, the economic relationship is a great untold story.

U.S.-Russia commercial ties are stronger and more dynamic than ever before. This creates great opportunity for our future.

In the past two decades, Russia has begun to reap the benefits of engagement in the global economy and take a place as one of the world's great economic powers.

Today, Russia's nearly $1 trillion economy is in its 9th straight year of growth, and the Economic Development Ministry reported 8.4 percent growth in the first two months of this year. That is impressive.

With inflation below 10 percent, an 11 percent increase in real disposable income within the past year, early debt repayments and budget surpluses, Russia's economy is indeed on the rise.

As the economy continues to grow, so does U.S. business. I know later today you will hear from executives of companies such as Alcoa, Boeing, Coca-Cola and Motorola. Their presence at this conference speaks to the growing environment for business and investment here.

According to some recent surveys, 84 percent of foreign companies active in Russia report being successful in meeting their goals; 95 percent plan to expand.

Consistent with these figures, current bilateral trade and future prospects for U.S. businesses in Russia are expanding significantly.

In 2006, U.S. exports to Russia grew 20 percent to $4.7 billion. This growth is occurring in a wide range of merchandise and service categories, suggesting that Russia's growth is having a positive impact in purchasing power.

Importantly, the growth in our trade is a two-way street:

In 2006, Russian exports to the U.S. were more than $19 billion, 30 percent more than in 2005.

Russia is, for the first time, beginning to take on a notable direct investment profile in the United States, with investments in mining, steel-manufacturing, and retail-petroleum, helping support American jobs and supply American consumers. Russia's direct investment in the U.S. is $3 billion. The U.S. has $11 billion invested in Russia.

As big as these numbers sound, they are actually quite small for two countries our size. Indeed, we are just getting started.

The next step for Russia is World Trade Organization accession. Russia is the world's largest economy not yet in the WTO.

The United States has been working side-by-side with Russia to achieve WTO membership. Last November, Minister Gref and U.S. Trade Representative Susan Schwab signed a bilateral market access agreement.

Now Russia, working multilaterally with the U.S. and other WTO members, has the opportunity to take the necessary steps to bring this process to a close, and enable its economy, companies and people to fully participate in the world market.

Many U.S. multinationals regard Russia as a strategic market.

At the same time, their perception is colored by what they hear about political issues such as energy security and a challenging business climate.

Expansion of Russian commercial engagement with America and globally requires transparent markets that embrace foreign and domestic competition.

As the Organization for Economic Cooperation and Development noted in its 2006 economic survey of Russia, "Greater openness is essential to monitoring, accountability and anti-corruption efforts."

The U.S. and other economies have greatly benefited from openness, transparency, competition and adherence to the rule of law. Democratic institutions fostering economic freedom and rule of law offer the best mix of economic and social justice.

We believe that companies and economies benefit from the accountability provided by a vibrant media and independent courts. They serve to ensure government agencies responsible for upholding the rules of commerce carry out their duties properly and evenhandedly.

As Russia becomes more prominent on the global stage, creating and maintaining a level playing field that encourages competition will attract more investment and ensure that Russian companies can successfully thrive at home and abroad.

It is crucial for Russia, just as it is for the United States, to maintain an open business climate for capital, goods and services moving back and forth with its trade and investment partners.

Transparency and predictability in regulations and laws governing investment would send positive signals to potential partners in both our countries. Capital allocators look for secure, predictable markets, and they watch with concern where uncertainty exists.

In every country with an aspiration of attracting capital, business law should be applied consistently across companies and never selectively.

Building in predictability, transparency and reliability for investors will give Russia a competitive advantage.

While we are mindful of countries' interests in protecting so-called "strategic" aspects of their economies, policies which seek to cordon off broad segments of an economy are policies that carry risks of their own to a nation's economic strength. Russia's challenge will be to pursue "strategic sectors" while welcoming and encouraging foreign capital and avoiding protectionist policies.

Protectionism often has the unintended consequence of limiting access to capital, technology and know-how, and sheltering companies and entire industries from competition that sparks innovation and drives efficiency.

Protectionism doesn't protect jobs—the only thing that does is to compete, innovate and grow.

The United States and Russia should have a stronger partnership in areas such as energy, aerospace, transportation infrastructure, and high technology, to name some examples.

There have been tremendous technological advancements from which Russian companies could greatly benefit.

Russians and Americans, like the rest of the world's people, stand to benefit from stronger enforcement of intellectual property.

Around the globe we have seen that stolen intellectual property is not only an economic hazard, stifling innovation technological innovation, and discouraging works of culture in music and the arts, but also a health hazard.

The World Health Organization estimates that 10 percent of global medicine is counterfeit. Tough IP enforcement will protect Russian businesses and their ideas, like this country's resurgent film industry, and it will also protect Russian people.

Russia is doing better from an economic standpoint than it has ever done before. However, from my discussions with American business leaders, it is clear to me that there remains much unrealized opportunity.

This foregone potential is an opportunity cost upon Russia's consumers, entrepreneurs, producers and workers, even as it also represents unmet potential for Russia's suppliers, clients and customers.

With the maturity of our bilateral relations, we can afford to be frank and honest with one another about issues on which we disagree, in the economic realm as well as other areas.

It is important that we speak up when we find ways to unlock untapped potential for expanding and building upon our commercial and political relationships in ways that would serve the mutual interests of our two nations.

We have come too far in building a new foundation based on cooperation and mutual interests to turn back the clock. There is much work to be done, but the foundation has been laid for the future of U.S.-Russia relations to include economic growth, prosperity and opportunity for both our peoples.

I believe we are entering a new era of collaboration and prosperity for our two great nations, and I thank AmCham Russia for your leadership and commitment to that future.

EARTH DAY

Mr. CARDIN. Madam President, I commemorate April 22—Earth Day 2007, a day set aside to celebrate gains we have made in improving the environment and to renew our commitment to protect our planet.

Earth Day was established by Senator Gaylord Nelson of Wisconsin and was first celebrated in 1970. Senator Nelson firmly believed that education was the key to changing people's attitude about the environment. Since then, the Earth Day celebration has spread throughout the nation and to the rest of the world, with more and more people getting involved in efforts to clean and nurture the environment.

Despite Earth Day's popularity and the many programs that were created to improve the health of the planet, our world is still wrought with environmental problems. We still face many pressing issues such as global warming, protecting our coastal waters from over-fishing, and preserving America's most precious resource lands from the Alaskan Tongass Rainforest to the Redrock lands in Utah, to our own Chesapeake Bay.

Today, we face a serious and growing threat from global warming. Recently I told the Senate Environment and Public Works Committee about the immediate threats that global warming poses to Maryland. A significant part of Maryland is in low-lying areas that would be inundated if global temperatures keep rising. The National Flood Insurance Program has designated more than 12 percent of Maryland as a special flood hazard area, and an estimated 68,000 Maryland homes and buildings are located within a flood plain.

We are already seeing the effects. About a third of Blackwater National Wildlife Refuge on the Eastern Shore has been lost to sea level rise in the past 70 years. Smith Island, situated in the Chesapeake Bay, has lost 30 percent of its land to rising sea levels since 1850.

I have long supported a comprehensive, environmentally friendly energy policy that emphasizes increasing the availability and use of renewable energy, as well as promoting greater energy efficiency. Energy efficiency and renewable energy will reduce America's dangerous dependency on foreign oil while also dramatically reducing greenhouse gases.

Closer to home, we must continue to focus our efforts on restoring the Chesapeake Bay. The Bush administration's budget proposes drastic cuts to vital initiatives, including environmental education, funds to upgrade wastewater treatment plants, and several farm bill conservation programs that help farmers reduce nutrient runoff from entering the Bay. The budget resolution that I helped draft and the Senate passed last month restores many of those dangerous cuts, but we still have much work ahead of us to assure that these critical Federal programs are fully funded.

Earth Day celebrations serve as important reminders that we cannot take our natural resources for granted. I urge all Americans to join together to protect, preserve, and restore the planet's natural treasures.

RURAL VETERANS HEALTH CARE IMPROVEMENT ACT

Ms. SNOWE. Madam President, I am a proud cosponsor of the Rural Veterans Health Care Improvement Act. Increasing access to veterans' health care facilities is essential to recognizing the realities that exist on the ground today, not only for veterans living in rural areas of my home State of Maine, but for the millions of veterans living in remote areas across our broad land. I applaud Senator SALAZAR for introducing this legislation at a time when so many of our veterans receive their health care through the VA and nearly half of today's active duty military servicemembers and tomorrow's veteran population list rural communities as their homes of record. Once again, I commend Senator SALAZAR for his continuing resoluteness and advocacy for our veterans.

Our legislation will work to expand upon the Veterans Benefits, Health Care, and Information Technology Act of 2006, which passed the Senate with my support at the end of the 109th Congress. Under that legislation, the Veterans Affairs Office of Rural Health was created in order to enhance access to VA medical facilities for veterans living in geographically remote areas.

First off, our newly proposed legislation tasks the Office of Rural Health with developing demonstration projects that would broaden the access to health care in rural areas by way of partnership between the Department of Veterans Affairs, Centers for Medicare and Medicaid Services, and the Department of Health and Human Services at access hospitals and community health centers. Second, this bill calls on the Office of Rural Health to establish between one and five Centers for Excellence to be based at VA medical centers to research ways to improve health care for rural veterans.

While increased outpatient care services in Maine and other underserved areas is a good step forward, it is only half of the equation. Veterans must also be able to get to the facilities, and while programs such as the Disabled American Veterans Transportation Network are to be commended, they simply cannot take care of all the transportation needs of all the patients who require VA health care.

Therefore, our legislation would task the Director of the Office of Rural Health to create a program that would provide grants of up to $50,000 to veterans' service organizations and State veterans' service officers to assist veterans with innovative travel options to VA medical centers. Additionally, this legislation directly addresses the inequitable travel reimbursements currently provided to veterans for their travel expenses to VA medical facilities, an issue which I have brought up to the VA Secretary Jim Nicholson in the past. Under current law, veterans with a disability of 30 percent or more are entitled to 11 cents per mile, a rate that has not changed since 1977. In order to put an end to this unjust practice, our legislation would provide critical assistance to veterans traveling long distances to VA health care facilities by reimbursing them at the Federal rate of 48.5 cents per mile.

Establishing new facilities and transportation networks in Maine, as enumerated within the provisions of our legislation, would give rural veterans better access to the veteran health care system and deliver on the promise America has made to our men and women in uniform. But as rural veterans will tell you, there is a long way to go, and we must redouble our efforts to ensure that the VA secures the necessary resources for all rural regions across Maine and throughout the Nation.

Furthermore, I have nothing but the utmost respect for those brave Americans who served in uniform with honor, courage, and distinction. The obligation our Nation holds for its veterans is enormous, and it is an obligation that must be fulfilled every day, by invoking the indelible words of President John F. Kennedy, who stated:

> As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.

Undoubtedly, these words still speak truth today, at a time when over 600,000 courageous men and women have returned from combat in both Iraq and Afghanistan. It is now up to Congress to do everything in its power to answer our veterans' call, to ensure that they receive the benefits that they rightly earned and rightly deserve. I strongly urge my colleagues to support this legislation. Our veterans deserve nothing less.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

ADDITIONAL STATEMENTS

CONGRATULATING THE SOUTH DAKOTA STATE UNIVERSITY WOMEN'S BASKETBALL TEAM

• Mr. THUNE. Madam President, today I honor the South Dakota State University women's basketball team. In only their third season as Division I competitors, the Jackrabbits made it to the quarterfinals of the Women's National Invitational Tournament. This impressive accomplishment capped off an extremely successful season in which the Jacks finished with a record of 25-6.

The SDSU women's basketball team has a long tradition of postseason success. During the 1970s and early 1980s, the Jacks qualified for 10 AIAW regional tournaments. As NCAA Division II competitors, they made nine postseason appearances and won the national title in 2003. Additionally, the Jackrabbits reached the Elite Eight in each of their last three seasons as a Division II team.

In 2004, SDSU transitioned its athletic program to compete in NCAA Division I, becoming the first school in South Dakota to do so. Since this transition, the Jackrabbits women's basketball team has successfully risen to meet the challenge that comes with this new level of competition. By defeating well-known teams with much bigger budgets, this year's team once again proved that SDSU can compete with the top programs in the Nation.

The Jackrabbits were led by Aaron Johnston, who has served as head coach of the SDSU women's basketball team for the past seven seasons. Coach Johnston was responsible for taking the Jacks to the top of NCAA Division II and has shown his strong leadership skills in successfully transitioning the team to Division I. He was the 2006 South Dakota Sportswriters Women's College Basketball Coach of the Year and has been named the Division I Independent Coach of the Year for the past two seasons. Johnston was supported by Assistant Coaches Laurie Melum, Jina Johansen, and Matt Stamerjohn.

Of course, this historic season would be impossible without the players themselves. The athletes of the 2006-2007 South Dakota State University women's basketball team, in alphabetical order, are as follows: Alison Anderson, Maria Boever, Ketty Cornemann, Courtney Grimsrud, Nicole Helsper, Abby Kratovil, Morgan Meier, Ashlea Muckenhirn, Laura Nielsen, Stacie Oistad, Andrea Verdegan, Megan Vogel, and Jennifer Warkenthien.

While all of these women should be commended for their efforts, I would like to especially recognize the team's only senior, Megan Vogel. A 4-year starter, Vogel ended her career as the second leading scorer in SDSU school history with 1,850 career points. During this past season, she led the Jacks in scoring with 17.5 points per game and was chosen as a first-team all-Division I Independent selection for the second time. After participating in the WNBA Pre-Draft Camp, Vogel was chosen as a second round draft pick by the Washington Mystics. Selected as the 19th overall pick, Vogel became the first Jackrabbit and first player from a South Dakota college to be taken in the WNBA draft.

These are just a few of the many firsts that the Jacks accomplished this season. These student-athletes should be very proud of all of their remarkable achievements. On behalf of the State of South Dakota, I am pleased to say congratulations Jackrabbits on this impressive accomplishment and keep up the great work.•

ROBERT WINGET: IN MEMORIAM

• Mrs. BOXER. Madam President, I ask my colleagues to join me in honoring the memory of a respected law enforcement officer, Officer Robert Winget of the Ripon Police Department.

For the past 3 years, Officer Winget worked tirelessly to provide the residents of Ripon with safety and service. On the morning of April 10, 2007, Officer Winget's life was tragically cut short in the line of duty as a result of a vehicle accident while patrolling the heavily wooded banks of the Stanislaus River.

Officer Winget began his law enforcement career at the Los Angeles Police Department in the early 1970s. In a career that would span 37 years, Officer Winget also worked for the Stanislaus County Sheriff's Department before lending his considerable talents to the Ripon Police Department. Throughout his career, Officer Winget demonstrated a passion for law enforcement and commitment to helping others, qualities that enabled him to become a beloved member of the Ripon Police Department. Officer Wignet's colleagues and the people whom he protected shall always remember him for his devotion to serving the community.

Officer Winget is survived by his wife and four children. Officer Winget served the people of Ripon with honor and dignity and fulfilled his oath as a peace officer. His contributions to law enforcement and the many lives he touched will serve as a shining example of his legacy.

We shall always be grateful for Officer Wignet's service and the dedication that he displayed while serving the people of Ripon.•

MESSAGES FROM THE HOUSE

At 12:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1361. An act to improve the disaster relief programs of the Small Business Administration, and for other purposes.

ENROLLED BILL SIGNED

At 4:36 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1132. An act to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. CASEY).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1571. A communication from the Secretary of Agriculture, transmitting, pursuant to law, an annual report relative to the assessment of the cattle and hog industries; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1572. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of the Department's intent to close the Defense commissary stores at Bad Nauheim, Germany, on or about June 30, 2007, and at Giessen, Germany, on or about September 1, 2007; to the Committee on Armed Services.

EC–1573. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the determination that the Joint Cargo Aircraft is subject to realistic survivability testing; to the Committee on Armed Services.

EC–1574. A communication from the Senior Attorney-Advisor, Office of General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Appointive Directors" (RIN3069–AB33) received on April 17, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1575. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HOME Investment Partnerships Program; American Dream Downpayment Initiative and Amendments to Homeownership Affordability" ((RIN2501–AC93)(FR–4832–F–02)) received on April 17, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1576. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Approval of Condominiums in Puerto Rice on Evidence of Presentment of Legal Documents" ((RIN2502–AI36)(FR–5009–F–02)) received on April 17, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1577. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (ID No. 031507D) received on April 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1578. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska" (ID No. 032607F) received on April 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1579. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (ID No. 031507D) received on April 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1580. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Continuation of the Current Prohibition on the Harvest of Certain Shellfish from Areas Contaminated by the Toxin that Causes Paralytic Shellfish Poisoning" (RIN0648–AT48) received on April 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1581. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Test Procedures and Labeling Standards for Recycled Oil" (RIN3084–AB06) received on April 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1582. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the implementation of the Clean Coal Power Initiative; to the Committee on Energy and Natural Resources.

EC–1583. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Temporary Extension of Attorney Fee Payment System to Title XVI; 5–Year Demonstration Project Extending Fee Withholding and Payment Procedures to Eligible Non–Attorney Representatives; Definition of Past-due Benefits; and Assessment for Fee Payment Services" (RIN0960–AG35) received on April 17, 2007; to the Committee on Finance.

EC–1584. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 for Calendar Year 2006"; to the Committee on Finance.

EC–1585. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report providing descriptions of all programs or projects of the International Atomic Energy Agency in each country described in Section 307(a) of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

EC–1586. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, United States Agency for

International Development, transmitting, pursuant to law, a report relative to Multilateral Development bank loans likely to have substantial adverse impacts on environment, natural resources, public health, and indigenous peoples; to the Committee on Foreign Relations.

EC–1587. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2007 Revenue Estimate in Support of $50,000,000 in Commercial Paper Notes"; to the Committee on Homeland Security and Governmental Affairs.

EC–1588. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Suicide Prevention Program Final Rule" ((RIN1120–AB06)(72 FR 12085)) received on April 17, 2007; to the Committee on the Judiciary.

EC–1589. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report regarding the federal courts' compliance with the requirements of the E-Government Act of 2002; to the Committee on the Judiciary.

EC–1590. A communication from the Chief, Regulatory Management Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Petitioning Requirements for the O and P Nonimmigrant Classifications" (RIN1615–AB17) received on April 17, 2007; to the Committee on the Judiciary.

EC–1591. A communication from the Chief Executive Officer, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the Bureau's Annual Report for fiscal year 2006; to the Committee on the Judiciary.

EC–1592. A communication from the Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Correspondence with the Madrid Processing Unit of the United States Patent and Trademark Office" (RIN0651–AC11) received on April 16, 2007; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 1157. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor; to the Committee on Finance.

By Mr. INHOFE:

S. 1158. A bill to amend the Clean Air Act to increase the use of renewable and alternative fuel, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HAGEL (for himself, Mr. HARKIN, Ms. SNOWE, Mr. ROBERTS, Mr. COLEMAN, Mr. WARNER, Ms. COLLINS, Mr. KENNEDY, Mr. DODD, Ms. MIKULSKI, Mr. SCHUMER, Mr. LIEBERMAN, and Mrs. MURRAY):

S. 1159. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. CRAIG, Mr. CRAPO, Mrs. CLINTON, Mr. CASEY, Mr. LEVIN, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. CANTWELL, Mr. WYDEN, Mr. SMITH, Mr. ISAKSON, Mr. BROWN, Mr. MENENDEZ, Mr. BURR, and Ms. SNOWE):

S. 1160. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. CONRAD, Mr. SCHUMER, and Ms. CANTWELL):

S. 1161. A bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 1162. A bill to amend the Federal Cigarette Labeling and Advertising Act with respect to the labeling of cigarette packages, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself, Mr. BROWN, Mr. FEINGOLD, Mr. HAGEL, Mr. ISAKSON, and Mr. WEBB):

S. 1163. A bill to amend title 38, United States Code, to improve compensation and specially adapted housing for veterans in certain cases of impairment of vision involving both eyes, and to provide for the use of the National Directory of New Hires for income verification purposes; to the Committee on Veterans' Affairs.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. GRAHAM, and Mr. NELSON of Nebraska):

S. 1164. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program; to the Committee on Finance.

By Mr. CARDIN:

S. 1165. A bill to require Federal buildings to be designed, constructed, and certified to meet, at a minimum, the Leadership in Energy and Environmental Design green building rating standard identified as silver by the United States Green Building Council, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WARNER:

S. 1166. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain zone compensation of civilian employees of the United States; to the Committee on Finance.

By Mr. HARKIN:

S. 1167. A bill to amend the Higher Education Act of 1965 in order to provide funding for student loan repayment for civil legal assistance attorneys; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER:

S. 1168. A bill to amend the Clean Air Act to establish a regulatory program for sulfur dioxide, nitrogen oxides, mercury, and carbon dioxide emissions from the electric generating sector; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. GRAHAM):

S. 1169. A bill to ensure the provision of high quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency in the health care system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. KERRY, Mr. FEINGOLD, Ms. CANTWELL, Mr. MENENDEZ, Mr. CARDIN, Mr. REED, Mr. HARKIN, Mr. KENNEDY, Mr. BAYH, Mr. LIEBERMAN, Ms. STABENOW, Mr. SCHUMER, Mr. LAUTENBERG, Mrs. BOXER, Mr. WHITEHOUSE, Mr. BROWN, Mrs. CLINTON, and Mr. LEAHY):

S. 1170. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Basin and Range Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1171. A bill to amend the Colorado River Storage Project Act and Public Law 87-483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. LUGAR, Mrs. LINCOLN, Mr. SMITH, Mr. OBAMA, Mr. REED, Mr. WYDEN, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. DOMENICI, Mr. KENNEDY, Mr. ROCKEFELLER, and Mr. AKAKA):

S. 1172. A bill to reduce hunger in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER (for herself, Mrs. MURRAY, Ms. STABENOW, Mr. BINGAMAN, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. CARDIN, Mr. SCHUMER, Mrs. CLINTON, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. BAUCUS, and Ms. CANTWELL):

S. 1173. A bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 1174. A bill to amend the Natural Gas Act to modify a provision relating to the siting, construction, expansion, and operation of liquefied natural gas terminals; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. BROWNBACK):

S. 1175. A bill to end the use of child soldiers in hostilities around the world, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 254

At the request of Mr. ENZI, the names of the Senator from Tennessee (Mr.

CORKER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 378

At the request of Mr. LEAHY, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

S. 430

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 479

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 502

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 506

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 558

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 573

At the request of Ms. STABENOW, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 648

At the request of Mr. CHAMBLISS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 659

At the request of Mr. HAGEL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 659, a bill to amend section 1477 of title 10, United States Code, to provide for the payment of the death gratuity with respect to members of the Armed Forces without a surviving spouse who are survived by a minor child.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 721

At the request of Mr. ENZI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 761

At the request of Mr. REID, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Utah (Mr. BENNETT), the Senator from Michigan (Mr. LEVIN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 796

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 796, a bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 815

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 815, a bill to provide health care benefits to veterans with a service-connected disability at non-Department of Veterans Affairs medical facilities that receive payments under the Medicare program or the TRICARE program.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 875

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 875, a bill to improve energy security of the United States through a 50 percent reduction in the oil intensity of the economy of the United States by 2030 and the prudent expansion of secure oil supplies, to be achieved by raising the fuel efficiency of the vehicular transportation fleet, increasing the availability of alternative fuel sources, fostering responsible oil exploration and production, and improving international arrangements to secure the global oil supply, and for other purposes.

S. 897

At the request of Ms. MIKULSKI, the names of the Senator from Connecticut (Mr. DODD), the Senator from Delaware

(Mr. CARPER) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the names of the Senator from Indiana (Mr. BAYH), the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. REED), the Senator from Delaware (Mr. CARPER), the Senator from Indiana (Mr. LUGAR) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1115

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1115, a bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes.

S. 1125

At the request of Mr. LOTT, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. CON. RES. 22

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Con. Res. 22, a concurrent resolution expressing the sense of the Congress that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued to promote public awareness of Down syndrome.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

AMENDMENT NO. 897

At the request of Mr. ENSIGN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of amendment No. 897 proposed to S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1157. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor; to the Committee on Finance.

Mr. HARKIN. Mr. President, today, I rise to introduce legislation that will strike the consumptive demand clause from Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307). Section 307 prohibits the importation of any product or good produced with forced or indentured labor including forced or indentured child labor.

The consumptive demand clause creates an exception to this prohibition. Under the exception, if a product is not made in the United States, and there is a demand for it, then a product made with forced or indentured child labor may be imported into this country.

Let us be clear: forced or indentured labor means work which is extracted from any person under the menace of penalty for nonperformance and for which the worker does not offer himself voluntarily. Let us be really clear: this means slave labor. In the case of children, it means child slavery.

Some examples of goods that are made with child slave labor include cocoa beans, hand-knotted carpets, beedis, which are small Indian cigarettes, and cotton.

Throughout my Senate career, I have worked to reduce the use of forced child labor worldwide. It was in 1992 that I first introduced a bill to ban all products made by abusive and exploitative child labor from entering the United States.

Over the years we have been making some progress. I was heartened last year when the International Labor Organization's (ILO) global report, The End of Child Labor Within Reach, detailed the progress being made on reducing the worst forms of child labor. The ILO projects that if the current pace of decline in child labor were to be maintained, child labor could be eliminated, in most of its worst forms, in 10 years—by 2016. Although there has been a tremendous amount of progress in ending child labor, there are still some obstacles to ending these abusive practices. One of those impediments is the consumptive demand clause.

Today, hundreds of millions of children are still forced to work illegally for little or no pay, making goods that enter our country everyday. For this reason, the consumptive demand clause is outdated. Since this exception was enacted in the 1930s, the U.S. has taken numerous steps to stop the scourge of child slave labor. Most notably, the United States has ratified International Labor Organization's Convention 182 to Prohibit the Worst Forms of Child Labor. Currently, 162 other countries have also ratified this ILO Convention.

Additionally, in 2003, my staff was invited by Customs to meet with field agents on Section 307 to discuss what appropriations were needed to enforce the statute. At the meeting, the field agents reported that the consumptive demand clause was an obstacle to their ability to enforce the law that is supposed to prevent goods made with slave labor from being imported into the United States. Yet there has been no action from the Bush Administration to support efforts to remove the clause.

Retaining the consumptive demand clause contradicts our moral beliefs and our international commitments to eliminate abusive child labor. Maintaining the consumptive demand clause says to the world that the United States justifies the use of slave labor, if U.S. consumers need an item not produced in this country. Last year, Harvard University conducted a pilot study on the effects on sales of labeling towels, candles, and dolls as made under "fair labor conditions." The study found that labeling the products and raising their prices slightly to cover the costs of ensuring fair labor conditions resulted in an increased demand for these products among certain consumers in New York City.

There should be no exception to a fundamental stand against the use of slave labor. I urge my colleagues to support this measure.

By Mr. INHOFE:

S. 1158. A bill to amend the Clean Air Act to increase the use of renewable and alternative fuel, and for other purposes; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I rise today to introduce the Alternative Fuel Standard Act. The bill that I am introducing today reflects the President's draft legislation to which he referred in his State of the Union.

Although I may have some questions with the particulars of the President's plan, he and I share the common goal of increasing domestic energy security without compromising environmental quality.

As the committee of principal jurisdiction, the Committee on Environment and Public Works has a long history of moving fuels legislation. While chairman, I successfully discharged legislation that served as the historic fuels title to the comprehensive energy bill. That renewable fuels plan was the product of years of hearings, negotiation, and debate. The President's initiative deserves the same amount of attention.

According to a Labor Department report this month, most of the country's inflation can be directly attributed to higher gas prices. The USDA's Economic Research Service concluded that high gas prices will increase food costs in 2007; the Service noted that the food consumer price index increased at an annual rate of 2.3 percent in 2006 and will increase 2.5 percent to 3.5 percent.

The Energy Information Administration's April 2007 Outlook noted that the higher prices are due to continued international tensions, the conversion to summer blends, and unanticipated refinery problems.

AAA found that the average national price for gasoline is $2.87 up from $2.55 just a month earlier. Yet those national high prices seem low compared to California. AAA of Northern California noted that the average price for gasoline is $3.41 in Oakland, $3.53 in San Francisco, and averages $3.34 statewide.

The bottom line—supply source instability and inadequate domestic infrastructure have and will continue to contribute to high prices and inflation unless Congress does something about it. The President's ambitious proposal seeks to alleviate those concerns by sourcing new supply domestically.

The proposal that I am introducing would amend the Clean Air Act's existing renewable fuels standard by diversifying the types of qualifying fuels and increasing the volumes. Qualifying alternative fuels will be expanded to include fuels derived from gas and coal, and hydrogen, among others.

Cellulosic biomass ethanol is a promising technology that could significantly increase fuel supplies without compromising the food and feed prices. I am proud to say that some of the foremost research in the field is being done in my own State of Oklahoma, including a team at the Noble Foundation. Their work is engineering high energy and perennial crops that can be grown across the country.

Similarly, coal-to-liquids fuels could be the greatest domestic energy resource of all time. I have been promoting the technology for years, particularly for defense aircraft, but now is the time to expand this super clean fuel for use across America.

The plan would replace the current RFS by requiring 10 billion gallons of alternative fuel to be used in 2010 and increasing to 35 billion gallons by 2018. The bill similarly builds upon the current RFS by requiring EPA to incorporate the newer qualifying fuels into the credit trading system.

I have been seeking to increase U.S. energy security for years. I am glad that the President has stepped up and taken this issue head-on. The proposal deserves careful and proper consideration. The American people require as much. I look forward to working with my colleagues to improve U.S. domestic energy security while fully considering public health and welfare.

By Mr. HAGEL (for himself, Mr. HARKIN, Ms. SNOWE, Mr. ROBERTS, Mr. COLEMAN, Mr. WARNER, Ms. COLLINS, Mr. KENNEDY, Mr. DODD, Ms. MIKULSKI, Mr. SCHUMER, Mr. LIEBERMAN, and Mrs. MURRAY):

S. 1159. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am pleased to join my colleague from Nebraska, Senator HAGEL, in introducing the IDEA Full Funding Act. The aim of this legislation is to ensure, at long last, that Congress makes good on a commitment it made more than three decades ago when we passed what is now called the Individuals with Disabilities Education Act. At that time, in 1975, we told children with disabilities, their families, schools, and States that the Federal Government would pay 40 percent of the extra cost of special education. We have never lived up to that commitment. In fact, today, we are not even halfway there.

As we introduce this bill, we want to pay tribute to our former colleague, Senator Jim Jeffords of Vermont, who, in 2001, joined with me to introduce the first amendment to make full funding of IDEA mandatory. In 1975, as ranking member of the House subcommittee on special education, Jim Jeffords co-authored what would later be known as the Individuals with Disabilities Education Act, requiring equal access to public education for millions of students with disabilities. It was a matter of profound disappointment to Jim that, year after year, the Federal Government failed to make good on its funding promises under that law.

We tell our children all the time to keep their promises, to live up to their commitments, to do as they say they are going to do. We teach them that if they fail to do so, other people can be hurt. Well, that is what Congress has done by failing to appropriately fund IDEA: We have hurt school children all across America. We have pitted children with disabilities against other children for a limited pool of school funds. We have put parents in the position of not demanding services that their child with a disability truly needs, because they have been told that the services cost too much and other children would suffer. We have hurt school districts, which are forced, in effect, to rob Peter to pay Paul in order to provide services to students with disabilities. We have also hurt local taxpayers, who are obliged to pay higher property taxes and other local taxes in order to pay for IDEA services because the Federal Government has reneged on its commitment.

I was pleased that, at the outset of this new Congress, we were able to increase funding for the IDEA grants to states program as part of the FY 2007 Continuing Resolution to $10.8 billion. But even that level of funding is woefully inadequate. That represents only 17.2 percent of the additional funding needed to support special education. So we have a long way to go to reach the 40 percent level. But it is time to do so. It is time for the Federal Government to make good on its promise to students with disabilities in this country.

The IDEA Full Funding Act is pretty straight forward. It authorizes increasing amounts of mandatory funding in 8-year increments that, in addition to the discretionary funding allocated through the Appropriations Committee, will finally meet the Federal Government's commitment to educating children with special needs.

This bill is a win-win-win for the American people. Students with disabilities will get the education services that they need in order to achieve and succeed. School districts will be able to provide these services without cutting into their general education budgets. And local property tax payers will get relief.

Full funding of IDEA is not a partisan issue. We all share an interest in ensuring that children with disabilities get an appropriate education, and that local school districts do not have to slash their general education budgets in order to pay for special education. We all share a sense of responsibility to make good on the promise Congress made to fully fund its promised share of special education costs.

So I urge my colleagues to join with Senator HAGEL and me in sponsoring this bill. In the 30-plus years since we passed IDEA, and in the 6 years since we passed the No Child Left Behind Act, the expectations for students with disabilities have grown immensely. Likewise, we are holding local school systems accountable in unprecedented ways. It is high time for us in Congress to also be held accountable. It is time for us to make good on our promise to fully fund IDEA.

By Ms. STABENOW (for herself, Mr. CRAIG, Mr. CRAPO, Mrs. CLINTON, Mr. CASEY, Mr. LEVIN, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. CANTWELL, Mr. WYDEN, Mr. SMITH, Mr. ISAKSON, Mr. BROWN, Mr. MENENDEZ, Mr. BURR, and Ms. SNOWE):

S. 1160. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAIG. Mr. President, I rise today to introduce the "Specialty Crop Competition Act of 2007." This bipartisan legislation co-sponsored by the distinguished Senator from Michigan, Senator STABENOW, increases the focus on the contribution that specialty crops add to the United States agricultural economy. This bill specifically provides the proper and necessary attention to many challenges faced throughout each segment of the industry.

Most do not realize the significance of specialty crops and their value to the U.S. economy and the health of U.S. citizens. According to the United States Department of Agriculture Economic Research Service, fruits and vegetables alone added $29.9 billion to the U.S. economy in 2002. This figure does not even include the contribution of nursery and other ornamental plant production, which our bill recognizes.

The specialty crop industry also accounts for more than $53 billion in cash receipts for U.S. producers, which is close to 54 percent of the total cash receipts for all crops. A surprising fact to some is that my State of Idaho is a top producer of specialty crops. Idaho proudly boasts production of cherries, table grapes, apples, onions, carrots, several varieties of seed crops and of course one of our most notable specialty crops, potatoes.

Maintaining a viable and sustainable specialty crop industry also benefits the health of America's citizens. Obesity continues to plague millions of people today and is a very serious and deepening threat not only to personal health and well-being, but to the resources of the economy as well. This issue is now receiving the necessary attention at the highest levels, and specialty crops will continue to play a prominent role in reversing the obesity trend.

The "Specialty Crop Competition Act" will also provide a stronger position for the U.S. industry in the global market arena. This legislation promotes initiatives that will combat diseases, both native and foreign, that continue to be used as non-tariff barriers to U.S. exports by foreign governments. Additionally, provisions in this bill seek improvements to federal regulations and resources that impede timely consideration of industry sanitary and phytosanitary petitions.

This bill does not provide direct subsidies to producers like other programs. This legislation takes a major step forward to highlight the significance of this industry to the agriculture economy, the benefits to the health of U.S. citizens, and the need for a stable, affordable, diverse, and secure supply of food.

Senator STABENOW, I, and our cosponsors fully intend to work with Chairman HARKIN, Ranking Member CHAMBLISS and the entire Senate Agriculture Committee to include this legislation in the new Farm Bill that Congress will soon be debating. Specialty crops have never sat at the head of the farm policy table, but their importance to our Nation's health, security, and economy cannot be avoided any longer.

I look forward to working with my colleagues and the Administration to consider this comprehensive and necessary legislation as we begin to discuss new initiatives for the 2007 Farm Bill.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. CONRAD, Mr. SCHUMER, and Ms. CANTWELL):

S. 1161. A bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I am pleased today to join with my colleagues Senators CRAIG and CONRAD and others in introducing the Medicare Medical Nutrition Therapy Act of 2007. This marks the fourth consecutive Congress that Senator CRAIG and I have joined together in introducing a bill to expand the current Medicare Medical Nutrition Therapy (MNT) benefit.

In 2000, the Congress passed a bill authorizing Medicare payment for MNT services, but only for patients with diabetes and renal diseases. Recognizing that many other diseases also have a nutrition component to their treatment, Congress asked the Centers for Medicare and Medicaid services to report back to Congress their recommendations on MNT coverage. That report was submitted to Congress in 2004 and recommended that patients with conditions such as hypertension, dyslipidemia, and certain cancers be eligible to receive MNT therapy.

Medical Nutrition Therapy is not nutrition counseling, it is much more. It involves a specific diagnosis of a disease, condition, or disorder that can be treated with nutrition intervention. That is why Congress limited MNT provider status to Registered Dietitians; they have the specific training necessary to address nutritional interventions as part of a diseased related therapy.

As we all know, Medicare is under tremendous financial stress. It is therefore critically important that bills designed to expand Medicare's coverage be both necessary and cost effective. This is exactly why Senator CRAIG and I have been such consistent supporters of expanding the MNT benefit.

Under our current bill, there is no mandated expansion of the benefit. Instead, we simply give the Centers for Medicare and Medicaid Services the authority to expand coverage using the National Coverage Determination process. The Congress has mandated that the criteria used in that process is necessary and reasonable.

As a result, the MNT benefit will not be expanded beyond diabetes and renal diseases unless such expansion is proven to be cost effective. This is likely not a difficult test for MNT to meet. There is considerable evidence that MNT is cost effective in the treatment of conditions such as pre-diabetes, which surprisingly is not eligible for MNT.

Five years ago, in March of 2002, then HHS Secretary Tommy G. Thompson warned Americans of the risks of "pre-diabetes," a condition affecting nearly 16 million Americans that sharply raises the risk for developing type 2 diabetes and increases the risk of heart disease by 50 percent.

HHS-supported research that shows most people with pre-diabetes will likely develop diabetes within a decade unless they make modest changes in their diet and level of physical activity, which can help them reduce their risks and avoid the debilitating disease.

Secretary Thompson called for physicians to begin screening overweight people age 45 and older for pre-diabetes. When Congress passed the Medicare Modernization Act in December 2003, it included diabetes (and pre-diabetes) screening in the Welcome to Medicare physical. So Medicare now covers diabetes screening and will pay for MNT for beneficiaries diagnosed with diabetes, but it will not pay for nutrition counseling for beneficiaries diagnosed with pre-diabetes. This makes no sense.

The last Congress recognized the critical role that MNT can play in the treatment of HIV/AIDS by making MNT one of the Core Medical Services under the Ryan White CARE Act. According to the American Dietetic Association, "The importance of nutrition and especially medical nutrition therapy to the treatment and management of HIV disease cannot be overstated. MNT has become a critical element of disease management for persons living with HIV/AIDS." Many HIV/AIDs patients are eligible for Medicare and these patients are in need of MNT to help them manage their disease.

Since the current MNT benefit is limited under statute to just beneficiaries with diabetes and renal diseases, CMS lacks the authority to expand the benefit regardless of how cost effective it is or how many lives it might save. This makes no sense.

The bill that Senator CRAIG and I are introducing today gives the experts at CMS the authority to make those decisions. Choosing to rely on the National Coverage Determination (NCD) process would allow CMS to make decisions based upon the science, and establish the extent to which Medicare will cover specific services, procedures or technologies on a national basis. This is what the NCD is designed to do. This approach also recognizes the importance of saving Medicare dollars.

I urge my colleagues to join with me today in supporting this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Medical Nutrition Therapy Act of 2007".

SEC. 2. AUTHORIZING EXPANSION OF MEDICARE COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES.

(a) AUTHORIZING EXPANDED ELIGIBLE POPULATION.—Section 1861(s)(2)(V) of the Social Security Act (42 U.S.C. 1395x(s)(2)(V)) is amended—

(1) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting each such clause an additional 2 ems;

(2) by striking "in the case of a beneficiary with diabetes or a renal disease who—" and inserting "in the case of a beneficiary—

"(i) with diabetes or a renal disease who—";

(3) by adding "or" at the end of subclause (III) of clause (i), as so redesignated; and

(4) by adding at the end the following new clause:

"(ii) who is not described in clause (i) but who has another disease, condition, or disorder for which the Secretary has made a national coverage determination (as defined in section 1869(f)(1)(B)) for the coverage of such services;".

(b) COVERAGE OF SERVICES FURNISHED BY PHYSICIANS.—Section 1861(vv)(1) of the Social Security Act (42 U.S.C. 1395x(vv)(1)) is amended by inserting "or which are furnished by a physician" before the period at the end.

(c) NATIONAL COVERAGE DETERMINATION PROCESS.—In making a national coverage determination described in section 1861(s)(2)(V)(ii) of the Social Security Act, as added by subsection (a)(4), the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall—

(1) consult with dietetic and nutrition professional organizations in determining appropriate protocols for coverage of medical nutrition therapy services for individuals with different diseases, conditions, and disorders; and

(2) consider the degree to which medical nutrition therapy interventions prevent or help prevent the onset or progression of more serious diseases, conditions, or disorders.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2008.

By Mr. AKAKA (for himself, Mr. BROWN, Mr. FEINGOLD, Mr. HAGEL, Mr. ISAKSON, and Mr. WEBB):

S. 1163. A bill to amend title 38, United States Code, to improve compensation and specially adapted housing for veterans in certain cases of impairment of vision involving both eyes, and to provide for the use of the National Directory of New Hires for income verification purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce the Blinded Veterans Paired Organ Act of 2007. This legislation would update the eligibility requirements for certain benefits provided to veterans with a service-connected disability due to blindness. It addresses two areas of veterans' law that heretofore excluded many veterans with severe vision impairment from accessing benefits that could significantly improve the quality of their lives. At a time when great changes are afoot in how this Nation prioritizes the care of its veterans, it is still important that we also remain attentive to the places where small changes can make a large impact. Several of my colleagues, including Senators BROWN, FEINGOLD, HAGEL, ISAKSON, and WEBB, join me in introducing this legislation.

This bill would relax the criteria for vision impairment in two separate areas of veterans' benefits law. The first governs eligibility for disability compensation under what is known as the "paired organ law." The second relates to the criteria for blinded veterans seeking VA grants for specially adapted housing.

The paired organ law provides veterans who sustain a service-connected injury loss of function in one of their coupled organs, eyes, kidneys, ears, lungs, hands, and feet, with eligibility for additional compensation should they sustain a non-service-connected injury or loss of function in the companion organ.

With respect to vision, VA currently requires veterans to demonstrate a visual acuity of less than 5/200 in the non-service-connected eye in order to receive compensation for full service-connected blindness. However, this requires veterans to demonstrate more severe visual impairment to qualify for benefits than if the standard definition of blindness were used by VA. The standard definition, accepted by the American Medical Association, the Social Security Administration, and the motor vehicle license laws of all 50 States, is a visual acuity of 20/200 or less, or a peripheral field of vision of 20 degrees or less.

This difference in standards was initially brought to the attention of Representative TAMMY BALDWIN of Wisconsin several years ago by Dr. James Allen, a veteran of the Korean War and a long-time ophthalmologist at the Madison VA hospital. Representative BALDWIN subsequently engaged in a long fight on behalf of blinded veterans, ultimately securing passage of a bill this March which would change existing law. I would like to thank Representative BALDWIN and Dr. Allen for their hard work on behalf of veterans who are struggling with vision impairment as a result of their service and I am proud to join them in their efforts through introduction of this companion bill.

With respect to VA grants for specially adapted housing for blinded veterans, VA disburses grants of up to $10,000 to veterans with a service-connected disability due to blindness in both eyes for the purpose of adapting their homes to accommodate their disability. However, as with the paired organ statute, current law requires that veterans have a visual acuity of 5/200 or less in order to be eligible for these grants. This legislation would correct this standard as well, making specially adapted housing grants available to veterans with a visual acuity of

20/200 or less, or a peripheral field of vison of 20 degrees or less.

This legislation is particularly important at this moment when so many of the men and women in our Armed Forces are deployed overseas in combat zones. Traumatic brain injury is frequently described as the "signature wound" of the conflict in Iraq and it is frequently accompanied by damage to the veteran's vision. Thus, there are numerous veterans recovering from battle wounds right now who can benefit from this legislation both in the immediate future and down the road. Some who have suffered severe vision impairment will be able to speed their readjustment by adapting their homes to accommodate the disability. And those who have suffered blindness in one eye will be assured that they are provided for in the event that they lose sight in the other eye.

With more and more servicemembers deployed in combat zones everyday, we are constantly reminded of the great sacrifice they make for this Nation. We owe it to them, at the very least, to ensure that they are not required to shoulder an undue burden when it comes to qualifying for veterans' benefits. Thus, I ask my colleagues in the Senate to join me in supporting this important legislation on behalf of blinded veterans.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. GRAHAM, and Mr. NELSON of Nebraska):

S. 1164. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program; to the Committee on Finance.

Mr. CARDIN. Mr. President, today I introduce the Colon Cancer Screen for Life Act of 2007 along with my colleagues, Senator COLLINS, Senator LIEBERMAN, and Senator GRAHAM. Many people are aware that colon cancer is the second most deadly cancer in the United States. In 2006 alone, according to the American Cancer Society, more than 150,000 new cases were diagnosed and more than 50,000 Americans died from colon cancer. In my own State of Maryland, nearly 1,000 people lost their lives to this disease last year. What people are not as aware of, however, is that colon cancer is preventable with appropriate screening, highly detectable, and curable if found early. The purpose of our bill is to increase the rate of participation in colon cancer screening and ensure that we are saving every life that we can from this deadly disease.

Medicare coverage for colorectal cancer screening through colonoscopy was authorized in the Balanced Budget Act of 1997 and further expanded in 2000 when the colonoscopy benefit was added for high risk beneficiaries. Under this Medicare benefit, a low risk beneficiary is entitled to receive a colonoscopy once every ten years and a high risk beneficiary is entitled to a colonoscopy every two years. Despite this, recent studies have shown that patients are not utilizing coverage of CRC preventive screenings. According to the Government Accountability Office, since the implementation of the benefit in 1998, the percentage of Medicare beneficiaries receiving either a screening or a diagnostic colonoscopy has increased by 1 percent.

Since providing coverage for this lifesaving service, Congress has discovered many barriers that stand in the way of patients having access to the colonoscopy benefit. One reason for such low utilization is that the physician reimbursement has been cut by 33 percent since this benefit was enacted. In 1997, a colonoscopy performed in a hospital outpatient department or an ambulatory surgery center was reimbursed at approximately $301. Now, in 2007, that reimbursement is only $198.20.

Some may argue that reductions in Medicare payments are necessary to keep the Medicare Program financially viable. While I strongly support efforts to eliminate wasteful spending in Medicare, I can assure my colleagues that is not the case here. To the contrary, providing adequate reimbursement for screening will result in Medicare savings and better health outcomes. Let me explain. Our health care system spends an estimated $8.3 billion annually to treat newly diagnosed cases of colon cancer. The average cost of direct medical care for each cancer episode is estimated to be between $35,000 for early stage detection and $80,000 for later stage detection. So each time that cancer is not detected early, that individual faces an increased risk of developing the disease and needing treatment that costs Medicare Program tens of thousands of dollars.

Patient participation has also been is that currently Medicare does not cover a preoperative visit with a physician prior to screening. While it is true that a colonoscopy is a minimally invasive procedure, an anesthetic is used to sedate the patient to make the colonoscopy less uncomfortable. Because the patient is going to be sedated, medical standards require doctors to visit with the patient before surgery to determine and protect against any risks, such as drug interaction, and to give them preoperative instructions. Recognizing the importance of these visits, Medicare does reimburse for a consultation prior to a diagnostic colonoscopy. A preoperative visit is no less medically necessary before a preventive screening, and therefore should be reimbursed in the same manner.

Finally, some beneficiaries may delay seeking colorectal cancer screening because they cannot afford Medicare's Part B deductible. Recognizing this, Congress recently took an important step by waiving the Part B deductible for preventive colon cancer screenings, effective January 1, 2007. However, gastroenterologists are now reporting that, if polyps or other signs of cancer are discovered in the course of a preventive colonoscopy, the procedure is then considered to be diagnostic and Medicare requires that the beneficiary pay a deductible. Congress needs to ensure that beneficiaries are not dissuaded from getting this lifesaving procedure by the concern that they might have to pay a deductible if a polyp is discovered. Our legislation clarifies congressional intent to ensure that CMS will waive the deductible in all screenings so that Medicare beneficiaries are not confronted with an unexpected additional expense, should the procedure's coding change.

The Colon Cancer Screen for Life Act would eliminate every one of these barriers, and in doing so, save lives. First, this legislation would increase reimbursement for colorectal cancer related procedures to ensure that physicians are able to continue to perform these valuable services. Reimbursement for procedures performed in a physician's office would be increased by up to 10 percent and reimbursement for procedures performed in Hospital Outpatient Department, HOPD, or Ambulatory Surgery Center, ASC, would be increased by up to 30 percent. The bill would also provide Medicare coverage for the preoperative doctor's visit conducted prior to a screening colonoscopy. Finally, the bill contains a technical provision to require that the deductible is waived whether or not the beneficiary's screening was clean or results in a biopsy or lesion removal.

More than 50,000 Americans will die from colon cancer this year alone. Ninety percent of these cases might have been prevented. We cannot afford to wait another moment before doing something to eliminate these and other barriers that are standing in the way of preventing colon cancer.

I urge my colleagues to join me in support of this important legislation and enact it this year.

By Mr. CARDIN:

S. 115. A bill to require Federal buildings to be designed, constructed, and certified to meet, at a minimum, the Leadership in Energy and Environmental Design green building rating standard identified as silver by the United States Green Building Council, and for other purposes; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, we need to make this country energy independent, and to enact a comprehensive, long-term energy policy that will give

Americans the energy they need, while protecting our environment and our national security.

As one step in this direction, today I am introducing the American Green Building Act.

Our Federal Government is the largest single energy consumer in the world.

Buildings account for over a third of America's energy consumption. Buildings also account for 49 percent of sulfur dioxide emissions, 25 percent of nitrous oxide emissions, and 10 percent of particulate emissions, all of which damage our air quality. Buildings produce 38 percent of the country's carbon dioxide emissions—the chief pollutant blamed for global warming.

Federal buildings are a large part of this problem.

Energy used in Federal buildings in fiscal year 2002 accounted for 38 percent of the total Federal energy bill. Total Federal buildings and facilities energy expenditures in fiscal year 2002 were $3.73 billion.

The American Green Building Act would require all new Federal buildings to live up to green building LEED, Leadership and Energy in Environmental Design, Silver standards, set by the United States Green Building Council. These standards were created to promote sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. The average LEED-certified building uses 32 percent less electricity, 26 percent less natural gas and 36 percent less total energy. LEED-certified buildings in the U.S. are in aggregate saving 150,000 metric tons of carbon dioxide reduction, equivalent to 30,000 passenger cars not driven for one year. A single LEED-certified building is designed to save an average of 352 metric tons of carbon dioxide emissions annually, which is equivalent to 70 passenger cars not driven for one year. This standard would only apply to Federal buildings for which the design phase for construction or major renovation is begun after the date of enactment of the provision. The General Services Administration or relevant agency may waive this requirement for a building if it finds that the requirement cannot be met because of the quantity of energy required to carry out the building's purpose or because the building is used to carry out an activity relating to national security.

My bill will also require that significant new development or redevelopment projects undertaken by the Federal Government plan for storm water runoff. The hardened surfaces of modern life, such as roofs, parking lots, and paved streets, prevent rainfall from infiltrating the soil. Over 100 million acres of land have been developed in the United States. Development is increasing faster than population: Population growth in the Chesapeake Watershed, for example, increased by 8 percent during the 1990s, but the rate of impervious surface increased by 42 percent. Development not only leads to landscape changes but also to contamination of storm water runoff by pollutants throughout the watershed. Storm water runoff can carry pollutants to our streams, rivers, and oceans, and poses a significant problem for the Chesapeake Bay. Every other pollution source in the Chesapeake is decreasing, but pollution from storm water runoff is increasing. In urbanized areas, increased storm water runoff can cause increased flooding, stream bank erosion, degradation of in-stream habitat and a reduction in groundwater quality. For these reasons, as the Federal Government moves forward with development, we need to plan for how to manage storm water runoff. The storm water provisions in the American Green Building Act will be used to intercept precipitation and allow it to infiltrate rather than being collected on and conveyed from impervious surfaces.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Green Building Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) LEED SILVER STANDARD.—The term "LEED silver standard" means the Leadership in Energy and Environmental Design green building rating standard identified as silver by the United States Green Building Council.

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 3. GREEN BUILDING STANDARDS FOR FEDERAL BUILDINGS.

(a) REQUIREMENT.—Except as provided in subsection (b), a Federal building for which the design phase for construction or major renovation is begun after the date of enactment of this Act shall be designed, constructed, and certified to meet, at a minimum, the LEED silver standard.

(b) DETERMINATION OF IMPRACTICABILITY.—

(1) IN GENERAL.—Subject to paragraph (3)(B), the requirement under subsection (a) shall not apply to a Federal building if the head of the Federal agency with jurisdiction over the Federal building, in accordance with the factors described in paragraph (2), determines that compliance with the requirement under subsection (a) would be impracticable.

(2) FACTORS FOR DETERMINATION.—In determining whether compliance with the requirement under subsection (a) would be impracticable, the head of the Federal agency with jurisdiction over the Federal building shall determine—

(A) the quantity of energy required by each activity carried out in the Federal building; and

(B) whether the Federal building is used to carry out an activity relating to national security.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the head of each Federal agency shall prepare and submit to the Secretary a report that includes a description of each Federal building for which the head of the Agency with jurisdiction over the Federal building determined that compliance with the requirement under subsection (a) would be impracticable.

(B) REVIEW BY SECRETARY.—Not later than 90 days after the date on which the Secretary receives a report from a head of a Federal agency under subparagraph (A), the Secretary shall review the report and notify the head of the Federal agency on whether any Federal building described in the report submitted by the head of the Federal agency shall be required to comply with the requirement under subsection (a).

(4) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out this subsection.

(c) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress the results of a study comparing—

(A) the expected energy savings resulting from the implementation of this section; with

(B) energy savings under all other Federal energy savings requirements.

(2) INCLUSION.—The Secretary shall include in the report any recommendations for changes to Federal law necessary to reduce or eliminate duplicative or inconsistent Federal energy savings requirements.

SEC. 4. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving property with a footprint that exceeds 5,000 square feet and that is federally-owned or federally-financed shall use site planning, design, construction, and maintenance strategies for the property to maintain, to the maximum extent technically feasible, predevelopment hydrology with regard to the temperature, rate, volume, and duration of flow.

By Mr. WARNER:

S. 1166. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain zone compensation of civilian employees of the United States; to the Committee on Finance.

Mr. WARNER. Mr. President, I rise today to introduce the Federal Employee Combat Zone Tax Parity Act, which would provide parity to civilian Federal employees by extending the tax credit currently received by military personnel in combat zones to the civilian Federal employees working alongside them. My fellow Virginian, Congressman FRANK WOLF, has introduced a similar bill in the House of Representatives.

In addition, several Federal employee organizations, such as the American Federation of Government Employees (AFGE), the National Treasury Employees Union (NTEU), the Financial Management Association (FMA), the

Senior Executives Association (SEA), the American Foreign Service Association (AFSA), and the National Federation of Federal Employees (NFFE), strongly support this legislation.

As of today, I have made eleven separate trips to Iraq and Afghanistan to see firsthand the work of our military personnel, which is essential to success in these regions. In addition, the work of our Federal civilian employees in these regions is significantly important.

At the moment, a majority of the work in the reconstruction of these countries is being done by the military and the Department of State (DOS). These dedicated men and women deserve our gratitude. However, as I have said on a number of occasions, our challenging task requires the coordination and work of Federal agencies across the spectrum.

Regardless of whether one is in the military or a civilian, there are certain risks and hardships associated with working overseas. As a result, the Federal Government provides certain incentives to individuals when they take on extremely challenging jobs. For example, those in the military working in a combat zone receive the Combat Zone Tax Credit.

This tax credit permits military personnel working in combat zones to exclude a certain amount of income from their Federal income taxes. This benefit for the military was established in 1913.

Private contractors working in Iraq and Afghanistan get a similar benefit. Under the Foreign Earned Income Tax Credit, contractors are allowed to exclude a portion of their income from taxes while they work abroad, like in Iraq and Afghanistan.

To date, however, no similar benefit exists for Federal employees serving in the same combat zones. I do not believe it is fair for our Federal employees to be excluded from the same benefits available to military personnel and private contractors in the same combat zone.

The Commonwealth of Virginia, of which I have been honored to serve for the last 28 years in the Senate, is home to over 200,000 Federal employees. I have long been a strong supporter of our Federal employees as I have been for our military personnel.

Our efforts in the war on terrorism can only be successful with a highly skilled and experienced workforce. I can personally attest to the dedication of civil service employees throughout the Federal Government. Since the September 11th attacks, Federal employees have been relocated, reassigned, and worked long hours under strenuous circumstances without complaints, proving time and again their loyalty to their country is first and foremost.

During my service as Secretary of the Navy—during which I was privileged to have some 650,000 civilian employees working side by side with the uniformed Navy—I valued very highly the sense of teamwork between the civilian and uniformed members of the United States Navy. Teamwork is an intrinsic military value, in my judgment, and essential to mission accomplishment. A sense of parity and fairness is important for developing this teamwork.

In Iraq and Afghanistan, the teamwork of the entire Federal Government is essential to harness our overall efforts to secure a measure of democracy for the peoples of those countries, and we need to make it easier for our Federal employees to participate.

Last year, I offered additional legislation that became law under an emergency supplemental bill to achieve this goal. My bill, S. 2600, provided the heads of agencies other than DOS and the Department of Defense (DOD) with the authority, at their discretion, to give their employees who serve in Iraq and Afghanistan allowances, benefits, and gratuities comparable to those provided to State Department and DOD employees serving in those countries.

At that time, the agency heads of non-DOD and DOS agencies did not have such authority, and it is essential, as part of the U.S. effort to bring democracy and freedom to Iraq and Afghanistan, that agency heads be able to give their workers in those countries the same benefits as those they work beside.

In the last estimate, there are almost 2,000 Federal employees working a variety of jobs in Iraq and Afghanistan. I am grateful for their hard work in potentially dangerous situations. And, I know there are many other Federal employees who are anxious to serve their country and engage in these efforts, but it is a lot to risk.

Providing parity in this important tax credit would provide a significant incentive for individuals to take on this challenge—a challenge that America desperately needs Federal employees to undertake.

Throughout the world, America's civil servants are serving our government and our people, often in dangerous situations. They are on the ground in the war on terrorism taking over new roles to relieve military personnel of tasks civilian employees can perform. They are playing a vital role in the reconstruction of Iraq and Afghanistan.

We have a long tradition in Congress of recognizing the valuable contributions of our Federal employees in both the military service and in the civil service by providing fair and equitable treatment. This bill gives us the ability to continue this tradition while at the same time providing an important incentive to help America meet its needs.

I urge my colleagues to join with me in support of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Combat Zone Tax Parity Act".

SEC. 2. EXCLUSION FROM GROSS INCOME FOR CERTAIN COMBAT ZONE COMPENSATION OF CIVILIAN EMPLOYEES OF THE UNITED STATES.

(a) IN GENERAL.—Section 112 of the Internal Revenue Code of 1986 (relating to certain combat zone compensation of members of the Armed Forces) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) CIVILIAN EMPLOYEES OF THE UNITED STATES GOVERNMENT.—

"(1) IN GENERAL.—Gross income does not include so much of the compensation as does not exceed the maximum amount specified in subsection (b) for active service as an employee of the United States for any month during any part of which such employee—

"(A) served in a combat zone, or

"(B) was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone; but this subparagraph shall not apply for any month beginning more than 2 years after the date of the termination of combatant activities in such zone.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) EMPLOYEE OF THE UNITED STATES.—The term 'employee of the United States' has the meaning given such term by section 2105 of title 5, United States Code, and includes—

"(i) an individual in the commissioned corps of the Public Health Service or the commissioned corps of the National Oceanic and Atmospheric Administration, and

"(ii) an individual not otherwise described in the preceding provisions of this subparagraph who is treated as an employee of the United States or an agency thereof for purposes of section 911(b).

"(B) ACTIVE SERVICE.—The term 'active service' means active Federal service by an employee of the United States.".

(b) CONFORMING AMENDMENTS.—

(1) Section 2201(b) of such Code is amended by striking "112(c)" both places it appears and inserting "112(d)".

(2) The heading for section 112 of such Code is amended to read as follows:

"SEC. 112. CERTAIN COMBAT ZONE COMPENSATION OF MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE UNITED STATES.".

(3) The item relating to section 112 in the table of sections for part III of subchapter B of chapter 1 of such Code is amended to read as follows:

"Sec. 112. Certain combat zone compensation of members of the Armed Forces and civilian employees of the United States.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. HARKIN:

S. 1167. A bill to amend the Higher Education Act of 1965 in order to provide funding for student loan repayment for civil legal assistance attorneys; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am introducing the Legal Aid Attorney Loan Repayment Act. This important legislation is critical to ensuring that basic civil liberties are protected for all of our citizens. Our promise of "equal justice under law" rings hollow if those who are most vulnerable are denied access to representation. Legal Aid attorneys across the country protect the safety, security, and health of low-income citizens. When a senior citizen is the victim of a financial scam, when a family faces the loss of their home, or, all too often, when a woman seeks protection from abuse, Legal Aid is there to help them. Legal Aid attorneys are critical to ensuring that poverty is not a barrier to accessing the justice system.

Despite the importance of the services they provide, almost half of the eligible people seeking assistance from Legal Aid are being turned away because of a lack of funding. Additional qualified and experienced attorneys would alleviate some of the shortages facing Legal Aid.

I started my legal career as a legal service lawyer, and it is an experience that I will never forget. It helped shape many of my views about how government can most effectively help those in need. Working as a Legal Aid attorney is one of the most rewarding career choices a young lawyer can make.

Unfortunately, these days, it's harder and harder for newly minted lawyers to make the choice that I made to work for Legal Aid. The average starting salary for a Legal Aid lawyer is now $35,000. But the average annual loan repayment burden for a new law school graduate is $12,000! Many law graduates who are able to take positions with Legal Aid end up leaving after two or three years because their debt is too burdensome. They leave at a time when they have gained the necessary experience to provide valuable services to low-income clients, creating a revolving door of inexperienced lawyers within Legal Aid services.

That is why I am introducing this bill to provide a loan-repayment program for new law graduates who chose to work for Legal Aid. Such programs are available for Federal prosecutors and other Federal employees. But, for Legal Aid attorneys—who have the lowest incomes—there is not adequate access to loan-repayment programs. Estimates suggest that there are fewer than 2,000 attorneys who would need the assistance of such a program. This bill builds on existing loan-repayment and retention programs for lawyers in other fields by providing partial loan-repayment assistance to full time civil legal assistance lawyers. Recipients who receive the loan-repayment assistance must commit to a minimum of three years of service. And the bill prioritizes awards for those who have practiced public service law with less than five years of experience. This program is critical to ensure that lawyers who want to commit to public service are able to do so.

We have a responsibility to ensure that all citizens have appropriate protection under the law. By establishing a loan-repayment program, Legal Aid programs are better able to attract and retain qualified personnel. I urge my colleagues to support this critical legislation to reduce the barriers to public service and protect access to legal representation for all of our citizens.

By Mr. ALEXANDER:

S. 1168. A bill to amend the Clean Air Act to establish a regulatory program for sulfur dioxide, nitrogen oxides mercury, and carbon dioxide emissions from the electric generating sector; to the Committee on Environment and Public Works.

Mr. ALEXANDER. Mr. President, today I introduce legislation to reduce air pollution and the threat of global warming by enacting strict standards on the four major pollutants from powerplants. I send the legislation to the desk and ask it be introduced.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. ALEXANDER. Mr. President, I am pleased that Senator JOE LIEBERMAN, of Connecticut, who chairs a key environmental subcommittee, will be the bill's lead cosponsor, so it will be known as the Alexander-Lieberman Clean Air Climate Change Act of 2007. It will establish an aggressive but practical and achievable set of limits on four key pollutants. This is a little different sort of clean air and climate change bill, and I would like to talk for a few minutes about exactly what it does and why we are doing it this way.

Most of us in the Senate can be measured by where we come from. I come from the Great Smoky Mountains. When I go home tomorrow afternoon, after we hopefully start the competitiveness legislation debate, I will go to my home about 2 miles from the Great Smoky Mountains National Park. When the Cherokees named the Great Smoky Mountains, which today have become our most visited national park, they were not talking about smog and soot. Unfortunately, today they probably would be. There has been a lot of recent progress, but air pollution is still a serious health problem, causing illnesses from asthma to premature death, and making it harder to attract new jobs.

To be specific about that, recently, over the last 20 years, the auto industry has become important to Tennessee.

Tennessee was in competition recently for a Toyota plant that nearly came to Chattanooga but went to Mississippi. In the last 25 years, one-third of our manufacturing jobs have become auto jobs. I can remember when there were not any, and I was Governor, and the Nissan plant decided to come to Tennessee in 1980. The first thing I had to do as Governor was to help them go down to the air quality board and get a permit to paint 500,000 cars and trucks a year. That is a lot of paint, and produces a lot of emissions in the area. If Tennessee had not had clean air at that time, that Nissan plant would have been in Georgia. So clean air is not only about our health, although the more we learn about the effects of nitrogen pollutants and sulfur pollutants, the more that we learn that it and mercury are about our health, clean air is also about our ability to attract jobs. So we want to make sure that when Nissan or Toyota or any of the suppliers of any automobile company—General Motors with a Saturn plant in Tennessee—when they want to look at our State for expansion—they are not limited by our inability to meet clean air standards.

We also have jobs that come from another direction. In Tennessee, tourism is big business. Many people know about Yellowstone in the West, but the Great Smoky Mountains have three times as many visitors as any Western park, nearly 10 million visitors a year, and they come to see the Great Smokies, not to see smog, not to see soot. They want to enjoy it.

When I go into Sevierville, Dolly Parton's hometown, and ask the Chamber of Commerce right there next to Maryville where I grew up, what is your No. 1 issue, these conservative Republicans in Sevier County say to me: Clean air. That is what the Chamber of Commerce there says, clean air. So we Tennesseans think clean air is important for our health, because we love to look at our mountains and because of our jobs.

I am the chairman of the Tennessee Valley Authority Congressional Caucus. I sit on the Senate's Environment and Public Works Committee. I am especially delighted that Senator LIEBERMAN, who is the cosponsor of this legislation, not only is on that committee, but he chairs one of the major subcommittees on the Environment and Public Works Committee that has to do with global warming.

What we are hoping is that this legislation, which I am about to describe, along with legislation Senator CARPER of Delaware is introducing today or tomorrow, will help move along the debate about how we deal with global warming in our country.

In the legislation I have presented, the Alexander-Lieberman legislation, we seek to preserve our jobs while we clean the air and preserve the planet. We have a number of concerns in our country, and global warming is only one of those. So I would argue that the provisions we have set out are aggressive, but they are practical and they are achievable. They set schedules for powerplants to reduce emissions for sulfur dioxide, for nitrogen oxide, for mercury, and for carbon dioxide. Doing so will relieve some of the worst air-related health environmental problems such as ozone, acid rain, mercury contamination, and global warming.

I think it is important to note that one of the differences with this Alexander-Lieberman bill is it proposes carbon caps only on powerplants that produce electricity; it does not propose carbon caps on the economy as a whole.

Now, why would we only do that? Well, here are the reasons for that: No. 1, when we talk about global warming and carbon, we are dealing with a huge, complex economy. This country of ours produces and uses about 25 percent of all of the energy in the world. We have businesses that range from the shoe shop to Google to chemical plants.

I think we have to be very careful in Washington about coming up with great schemes and great ideas that sound good here but that might not apply to everyone across the country, because everyone across the country has a natural conservatism about the wisdom of those who are in Washington. We could scare them to death with some talk of an economywide global warming bill. So I am more comfortable thinking sector by sector. I want our steps to be practical and cost effective.

I do believe a market-based cap and trade system for powerplants makes a lot of sense. Powerplants are the logical place to start with carbon regulation. Powerplants produce about 40 percent of all the carbon in our economy. Powerplants are increasing emissions of carbon at a rate faster than any other large segment in our economy. We have selected in our legislation what we call a market-based cap and trade system to regulate the amount of carbon that is produced. This is not a new idea. The market-based cap and trade system was actually introduced by a Republican administration in which I served in the Cabinet, the first George Bush. It was a part of the Clean Air Act amendments in 1990. It was introduced because we were concerned about the amount of sulfur coming out of powerplants. Basically it created a lot of flexibility for those powerplants. It used a market system. We have now had 15 years experience with it. It has worked very well. It has significantly reduced the amount of sulfur in the air. It has done it in a way that most everyone concedes is the lowest possible cost of regulation.

It is a minimal amount of rules from here, a maximum amount of market decisions and individual decisions by individual utilities. So we have had that system in effect since 1990. There has been a similar system in effect for nitrogen. There has been a similar cap and trade system in Europe. We have a lot of experience with cap and trade. So we have elected to use a similar cap and trade market-based system to regulate the carbon coming out of the same smokestacks that sulfur, nitrogen, and mercury come out of. We can already measure the amount of carbon coming out, so we do not have to guess about that. We do not have to invent a new system.

We do have to be careful about what the standards are, what the dates are. We want to know what the costs will be to the ratepayers. We want to keep electric rates as low as we possibly can, as well as making the energy clean.

But if we are concerned about global warming in this generation, because I think we should be, then powerplants are a good place to start. It is time to finish the job of cleaning the air of sulfur, of too much sulfur, too much nitrogen, and too much mercury. It is time to take the right first step with controlling carbon emissions. It is time to acknowledge that climate change is real, that human activity is a big part of the problem, and that it is up to us to act.

Now not only am I glad to be working with Senator LIEBERMAN, who will be the lead cosponsor of this legislation, he, of course, is already a leader in this area and he has an economywide piece of legislation which he introduced. Senator McCAIN in the last session—I am not about to try to speak for another Senator, but I think Senator LIEBERMAN is taking the position he would like to see several good trains moving down the track toward the same station in hopes that one of them eventually gets there, and that we can learn from each other.

That is the attitude I take with the legislation Senator CARPER has described today and that he is introducing today or tomorrow. Senator CARPER and I have worked together through two Congresses on four pollutant legislation. A lot has happened since we started working. For example, the Administration, to its credit, through the Environmental Protection Agency, has stiffened requirements for sulfur and nitrogen. I applaud President Bush for that. They are very good requirements. They have also proposed the regulation of mercury for the first time in our country's history. I applaud the EPA for that. So a lot has changed since Senator CARPER and I first started.

Also we have learned a lot. Senators who do not always have their mouths open learn a lot. We have discovered one of the most difficult areas in fashioning a market-based cap and trade system for sulfur or for nitrogen or for carbon is who pays for it. We called that the allocation system.

Senator CARPER and I started out with what we called an output system. We thought that sounded pretty good. It would be based upon the amount of electricity you would be putting out. But the more we studied it, he came to a different conclusion and I came to a different conclusion. I came to the conclusion that we should use historical emissions. In other words, we are saying to a utility in the United States: We are about to impose upon you some requirements for cleaning up more sulfur, cleaning up more nitrogen, cleaning up mercury—for the first time—and regulating the emissions of carbon for the first time, and I understand that is a significant cost.

That capital cost will have to be borne in the end by ratepayers. So, in my view, it seems to me that the fairest way to impose that cost would be through what we call the historical allocation system. That is the way we have done it with allowances for sulfur and nitrogen for the last 15 years.

In fact, the input or the historical allowance system as the way to pay the bill has been the way it is done almost everywhere, I believe.

But there is another way to allocate that is called the output. Senator CARPER selected that. There is still a third way to allocate the costs of doing whatever regulation we do, and that is called the auction. A market-based cap and trade system sounds complicated, but it is not so complicated. It basically says to each emitter of one of the pollutants: You have an allowance to emit one ton of that sulfur or of that carbon, and as long as you emit that much, you are okay. If you emit more than that, you are going to have to buy allowances to emit that much more from someone else. So it costs you more. Or if you emit less, you can sell your allowance. Then as the law goes along over the years, 2009 or 2010 to 2015, the amount of pollutants that come down, your allowance total drops down as well.

One of the favored proposals mostly—and especially by many environmental groups—is an auction of those allowances. Well, I have resisted. I have been careful about the auctions. I have been to a lot of auctions. I know they must have them in Minnesota as well as Tennessee. I have yet to see one where the purpose of the auction was not to get the highest possible price.

Well, if I am paying my electric bill down in Memphis, or if I am at Eastman Chemical in east Tennessee or ALCOA trying to keep my electric costs in line, I am not interested in my Senator coming to Washington and having an auction to raise my electric rates to the highest possible price.

So also there is the temptation that if you auction off these allowances, and there are a lot of them when we are talking about carbon allowances, many more than when we are talking about sulfur allowances over the last 15 years. They will bring in a lot of money. And whenever you bring in a lot of money, and 100 different Senators and lots of Congressmen know there is a pot of money, they will come up with a lot of ways to spend that money. And where will that money come from? Well, it has got to come from the man or women or family paying the electric bill in Nashville, or Knoxville. So I have been conservative about the use of auctions.

Senator LIEBERMAN and I, in this bill, say 75 percent of the allowance comes from historical emissions and 25 percent are sold in an auction. This gets way down in the weeds, as we say. But one of the things that I think may be beneficial from Senator CARPER going ahead with his bill, which relies on an output system that becomes a 100-percent auction, and way we go ahead in the Alexander-Lieberman bill with 75-percent input and 25-percent auction, may be that our colleagues will do as we have been doing over the last few months, and spend a little more time understanding allowances and auctions, and we can come to a better conclusion about this.

I value greatly my relationship with Senator CARPER and respect his leadership in this area. He chairs one of the principal subcommittees on the Environment Committee upon which I serve and the Presiding Officer serves. What I hope is he and I are moving into a new stage of our working relationship on clean air and climate change, and the result of that will be that all of our ideas will be out in front of our colleagues and that it will move the debate along.

I would emphasize, we agree, he and I, on a lot more than we disagree on. In fact, I believe on all of the standards and deadlines for meeting those standards for nitrogen, sulfur, and mercury, we agree. We agree there should not be a cap and trade system for mercury because mercury is a neurotoxin, and down in east Tennessee where I live, we do not want TVA buying a lot of allowances so they can emit a lot more mercury, because it doesn't go up in the air and blow into North Carolina, it goes up in the air and comes right down on top of us, for the most part. We don't want that.

We don't want that. The more we learn about mercury, the less we want it. We don't have cap and trade for mercury, although we do suggest that for carbon.

Climate change has become the issue of the moment. Everybody is talking about it. There are movies about it. The Vice President was here testifying about it. It is not the only issue that faces us that has to do with air pollution. I am more concerned in Tennessee about sulfur, nitrogen, and mercury than I am about carbon. That is why this is a four-pollutant bill. We ought to address all of these at once.

I was in this body 40 years ago as a staff assistant working for Howard Baker. I remember very well when Senator Baker, a Republican, and Senator Muskie of Maine, a Democrat, worked together on the committee on which the Presiding Officer and I now serve. They passed the first Clean Water Act and the first Clean Air Act. The Clean Water Act, some people have said, is the most important piece of urban renewal legislation ever enacted because the rivers of America had gotten so dirty, nobody wanted to live on them. The rivers of America are where most of our great cities are. As soon as they were cleaned up, people moved back to the cities and around the rivers. That was 1970 and 1972.

It is appropriate to think about that now because Earth Day is coming up this weekend. I can remember Earth Day, which began in 1970. Suddenly the environment, which had been an issue that was reserved for only a few people, became a national craze. It was almost like a hula hoop. Everybody was interested in the environment and recycling. Former Senator Gaylord Nelson was a leader in creating Earth Day. I can remember sitting in a meeting of President Nixon and the Republican leadership in 1970 when I was on the White House staff, and President Nixon was trying to explain to the Republican leaders the importance of environmental issues. It was 8 o'clock in the morning, and they weren't listening very well. It was a new subject. But Gaylord Nelson was doing it. The kids were doing it. People were recycling. The Republican President was talking to the Republican leadership, and Senator Baker, Senator Muskie, and the Congress passed the first Clean Air and Clean Water Acts.

Many of us who have lived a while can remember things are better today in many ways. When I was a student at Vanderbilt in Nashville, it was so smoggy in the mornings, you couldn't see downtown. Your clothes got dirty during the day. Things got gradually better. In 1990, when the first President Bush was in office, we passed important Clean Air Act amendments, and the first cap and trade system for sulfur began. What also happened was that we learned more about how damaging these pollutants are to our health.

As a result, the standards which we once thought were high seemed low. Knoxville, the biggest city near where I grew up, near the Smoky Mountains, is the 14th most polluted city for ozone. Ozone irritates lung tissue, increases the risk of dying prematurely, increases the swelling of lung tissue. It increases the risk of being hospitalized with worsened lung diseases and triggering asthma attacks. At risk in Knoxville County alone are 176,000 children, 112,000 seniors, 15,000 children with asthma, and 50,000 adults with asthma. Ozone is not emitted directly from tailpipes and smokestacks. The raw ingredients come from coal-fired powerplants and cars.

Sulfur is in many ways our biggest problem. It is the primary contributor to haze. It causes difficulty in breathing. It causes damage to lung tissue and respiratory disease and premature death.

We know that mercury is also a problem. Monitoring by the National Park Service in the Great Smoky Mountains has found high levels of mercury deposits from air pollution. Mercury pollution of rivers and streams contaminates the fish we eat and poses a serious threat to children and pregnant women.

This bill is a clean air and a climate change bill. I hope our committee, as we take advantage of this resurgence of interest in the quality of air and our health and what we need to do about it, we won't just do part of the job. I would like to look at the whole picture. What we do in this bill is take the standards that the EPA has created for nitrogen and sulfur and put them into law. We make them a little stricter, but basically we put them into law. We take the mercury rule of the EPA, and we put it into law. We make it even stricter. The EPA says get rid of 70 percent of it. We say get rid of 90 percent. Then for the first time we put into law carbon caps on electric powerplants which produce 40 percent of all the carbon produced in the United States and are the fastest growing sector producing carbon in America.

I hope my colleagues will carefully consider this sector-by-sector approach to climate change. Carbon caps might be the best way—I believe they are—for dealing with electric powerplants. When it comes to fuel, there may be another strategy that makes sense. We could deal with that sector in a different way. For example, when we were dealing with sulfur, we didn't put a cap and trade on diesel fuel. We did on powerplants. But when we got to diesel fuel, we just said that you have to have ultra low sulfur diesel for big trucks, which just now went into effect.

There is also the large segment of building energy use. If we took the sector of building energy use, the fuel segment, and the electric powerplants, if we added that to a few stationery sources in America and developed strategies that were aggressive but practical and cost-effective for each of those segments, we would be up in the 85 to 90 percent of all the carbon we produce in America. That makes a lot more sense to me than trying to devise some one-size-fits-all system that affects every little shop, store, or farm in America. If we can get most of it this way, maybe we can learn something so that someday we can get the rest of it.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a section-by-section description of the Alexander-Lieberman bill, a one-page summary of the Alexander-Lieberman Clean Air/Climate Change Act of 2007, as well as a short memorandum which we describe as discussion points and with which I will conclude my remarks by going over in just a moment, and a letter from the National Parks Conservation Association endorsing the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 through 4.)

Mr. ALEXANDER. Senator LIEBERMAN and I don't have all the answers with this legislation. I feel much more comfortable with this legislation today than I did with any I helped introduce last year or the year before because I have learned a lot more. But I will guarantee my colleagues that there are several areas in which I would welcome advice. Over the last several weeks, I have met with a dozen, two dozen environmental groups, utilities, Tennessee citizens, others who had suggestions. For example, the discussion points that I have put into the record contain five points that are arguable. I have come to a tentative conclusion on them. That is in the bill. But there is another side to the point. I am looking for advice.

For example, should we cap only carbon or all greenhouse gases emitted from electricity plants? I chose to cap CO_2 only. That is because this is a four-pollutant bill—sulfur, nitrogen, mercury, and carbon. It is not primarily a climate change bill.

Another consideration is that it seems Europe's experience is that it may be better to cap just carbon and not all greenhouse gases. That is a question we can debate.

What should the size of an auction be in terms of the allowances? I discussed that earlier. Senator LIEBERMAN and I have chosen 25 percent of the total number of allowances. Senator CARPER, in his bill, eventually goes to 100 percent. There are arguments on both sides.

What influenced my decision was, I wanted to keep the costs down as much as possible. I was afraid that if we used some different kind of allowance allocation, we might literally take money away from the emitters that they ought to be using to put scrubbers on to reduce sulfur, nitrogen, mercury, or carbon and pay it to other utilities.

What rules should govern the use of offset allowances by electric plants? Offsets are an ingenious idea. The idea would be that an emitter of carbon might be able to pay somebody else to reduce their output of carbon and, therefore, we would end up with the same amount of carbon. There are many advantages to that. For example, the Tennessee Valley Authority might pay a Tennessee farmer to manage his livestock crop in a way as to not produce as much methane, might pay a Tennessee farmer to plant a lot of trees. Both of those things would reduce greenhouse gases, and the farmer would have more money in his pocket. That is a good idea.

The downside of offsets is that if they are unregulated entirely, it seems to me they could become a gimmick or a fad or worse. What we have done in this bill is adopt a system of offsets from a consortium of States ranging from Maryland to Maine—that includes Senator LIEBERMAN'S State of Connecticut—and used those model rules on offsets. That tends to limit the way offsets may be used. It is a good place to at least begin. In other words, a utility might produce more carbon, but it might pay someone else who is reducing carbon by using biomass or by sequestering carbon in some other way.

There is a question about how should new coal-fired electric plants be treated. There are probably 160 new coal plants on the drawing boards. Some of them hope to escape the rules Congress is considering about capping the output of carbon. I don't think they should. This bill would apply to all coal-fired powerplants, including those on the drawing boards. It also would give an incentive to the first 30 of those plants to meet a high standard of clean coal technology. We don't want to encourage the use of natural gas in this bill. That is the last thing we want to do. We don't want to discourage the use of coal. We have a lot of coal. It would help make us energy independent. We want to encourage the creation of the kind of technology that will permit us to use coal in a clean way that either recaptures the carbon and stores it or finds some other way to deal with it.

Finally, what should the CO_2 cap levels be? We can debate that, and I am sure we will. But the cap level we pick in this legislation is to say, let's freeze at the level of last year, starting with 2011, and go down step by step into 2025 to 1.5 billion metric tons. This is our contribution to the debate.

We have learned enough about our health, about our ability to attract jobs, to know we need to finish the job of cleaning up the air of nitrogen, of sulfur, and of mercury; and we need to take the right first step to begin to control the emission of carbon to deal with global warming. I believe the right first step is a market-based cap and trade system of electricity plants which is described here.

May I also say this: Some people say: Well, let's wait until China does it. Let's wait until India does it. The great danger is that we will not unleash the technological genius of the United States of America to clean our air and to deal efficiently and inexpensively with the emissions of carbon. If we do not figure that out, India and China are going to build so many dirty coal powerplants that it will not make any difference what we do because the wind will blow the dirty air around here, and we will suffer and the planet will suffer whatever the consequences are of global warming and of the other pollutants that come from coal.

So we have an obligation not just to the world to do this, we have to do this for ourselves because 100, 200, 300, 400, 500 new coal-fired powerplants in India and China will obliterate any of the good work we might do here. I believe if we take the aggressive but practical cost-effective steps in this Clean Air/Climate Change Act, we will unleash the great entrepreneurial spirit of our country. We will be able to create an inexpensive way to deal with carbon on a segment-by-segment basis, deal with the other pollutants, and India and China will have to follow. The rest of the world will follow, and we will be better off.

I cannot imagine more interesting and exciting work to be doing. This is the kind of subject on which we should be working together on a bipartisan basis.

I thank Senator LIEBERMAN for joining me in cosponsoring this legislation. I salute Senator CARPER for his continued leadership. I look forward to working with him.

EXHIBIT 1

CLEAN AIR/CLIMATE CHANGE ACT OF 2007, SECTION BY SECTION DESCRIPTION, APRIL 19, 2007

TITLE I: GENERAL PROVISIONS

Sec. 101. New Source Performance Standard

Requires all new coal-fired electricity plants constructed or modified after January 1, 2015, to meet a performance standard of 1,100 pounds of carbon dioxide (CO_2) per megawatthour of electricity generated (MWh).

Between January 1, 2011 and December 31, 2020, 5 percent of the total CO_2 allowances will be set aside for new coal-fired power plants built after enactment that meet this performance standard.

Sec. 102. New Source Review Program

Beginning January 1, 2020, electricity plants that have been operating for 40 years or more have to meet a performance standard of 2 pounds of sulfur dioxide per MWh and 1 pound of nitrogen oxides per MWh.

Sec. 103. Integrated Air Quality Planning for the Electric Generating Sector

Cuts sulfur dioxide and nitrogen oxide emissions in two phases:

Phase One—codifies Phase One of the Clean Air Interstate Rule (CAIR).

Phase Two—in 2015, replaces CAIR with a national program, reducing the current SO_2 cap of 9.4 million tons to 2.0 million tons per year and establishing eastern and western NOx caps totaling 1.6 million tons per year.

Requires mercury emissions to be cut by 90 percent in 2015 without trading.

Establishes a Climate Champions Program that authorizes EPA to recognize electricity plants that meet a 1,100 pound of CO_2 per MWh.

Reduces carbon dioxide emissions as follows:

2011–2014 2.3 billion metric tons of CO_2
2015–2019 2.1 billion metric tons
2020–2024 1.8 billion metric tons
2025 and thereafter 1.5 billion metric tons

Authorizes an auction of 25 percent of the CO_2 allowances to be used to mitigate increased electricity costs, if any, of consumers and energy-intensive industries.

Sec. 104. Revisions to Sulfur Dioxide Allowance Program

Updates the allowance allocation formulas of the Title IV SO_2 program to meet the 2015 cap of 2.0 million tons per year and to include allowances for electricity plants built from 1990 to 2006.

Sec. 105. Air Quality Forecasts and Warnings

Requires the Administrator of the National Oceanic and Atmospheric Administration (NOAA), in cooperation with the EPA Administrator, to issue air quality forecasts and warnings.

Sec. 106. Relationship to Other Law

Requires the EPA Administrator within 2 years to promulgate regulations for the underground injection of CO_2 in a manner that protects human health and the environment.

TITLE II: GREENHOUSE GAS OFFSETS

Sec. 201. Greenhouse Gas Offsets

Establishes standards for offset allowances in six categories: landfill methane capture and destruction; sulfur hexafluoride reductions; sequestration of carbon due to afforestation or reforestation; reduction and avoidance of carbon dioxide emissions from natural gas, oil, and propane end-use combustion due to end-use energy efficiency; avoided methane emissions from agricultural manure management operations; and eligible biomass.

EXHIBIT 2

ALEXANDER-LIEBERMAN CLEAN AIR/CLIMATE CHANGE ACT OF 2007

Why legislation is needed

To improve public health and reduce the threat of global warming, Congress must enact electricity sector legislation that puts stricter standards on sulfur and nitrogen pollution, cuts mercury emissions by 90 percent, and places the first caps on carbon emissions.

The Environmental Protection Agency's new rules to limit sulfur, nitrogen, and mercury don't go far enough, fast enough.

Under current law, too many communities live with air that is unhealthy to breathe, and mercury continues to pollute our rivers and streams.

The Clean Air/Climate Change Act sets aggressive, but practical and achievable limits for reducing four pollutants in order to preserve our jobs while we clean the air and preserve our planet.

Why the bill focuses on the electricity sector

Electricity plants are the logical place to start because:

They produce 40% of the CO_2 in our country, at a rate almost twice as fast as any other large segment of the economy.

We have 15 years' experience with a market-based cap and trade program to reduce sulfur emissions.

How Clean Air/Climate Change Act works

The Clean Air/Climate Change Act of 2007 provides an aggressive—yet achievable—schedule for power plants to reduce emissions and alleviate some of our worst air-related health and environmental problems, such as ozone, acid rain, mercury contamination, and global warming.

Specifically, the Clean Air/Climate Change Act would:

Cut sulfur dioxide (SO_2) emissions by 82 percent by 2015. This acid rain-causing pollution would be cut from today's 11 million tons to a cap of 2 million tons in 2015.

Cut emissions of nitrogen oxides (NO_x) by 68 percent by 2015. Ozone pollution would be cut from today's 5 million tons to a cap of 1.6 million tons in 2015.

Cut mercury emissions at each power plant by 90 percent in 2015. This is a stringent, yet achievable goal that would greatly reduce the risks this neurotoxin poses to children and pregnant women.

Implement a cap, trade, and offsets program to reduce CO_2 emissions. CO_2 emissions would be capped at 2.3 billion metric tons in 2011, 2.1 billion metric tons in 2015, 1.8 billion metric tons in 2020, and 1.5 billion metric tons in 2025 and beyond.

Innovative features

In order to encourage prompt, deep yet cost-effective CO_2 reductions, the Clean Air/Climate Change Act contains several innovative features, including:

Climate Champions Program. Establishes a reserve of 5% of all CO_2 allowances as an incentive for new coal-fired electricity plants that meet a performance standard of 1,100 pounds of CO_2 per megawatthour between 2011 and 2020. (This performance standard is comparable to an IGCC coal plant with 60% CO_2 capture and storage.)

Minimizes costs. Auctions 25% of the CO_2 allowances and authorizes the proceeds to be used to mitigate increased electricity costs (if any) to consumers and energy-intensive industry.

Discourages fuel switching from coal to natural gas. The use of natural gas to generate electricity can create volatility in electricity prices for consumers.

Flexible compliance. Permits the use of offsets so that companies may meet their carbon emissions reduction flexibly and cost-effectively.

EXHIBIT 3

CLEAN AIR/CLIMATE CHANGE ACT OF 2007, DISCUSSION POINTS

ISSUES THAT SEN. ALEXANDER WOULD LIKE TO DISCUSS

1. Should Congress cap only CO_2 or all greenhouse gases emitted from electricity plants?
2. What size should an auction be?
3. What rules should govern the use of offset allowances electricity plants?
4. How should new coal-fired electricity plants be treated?
5. What should CO_2 cap levels be?

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1. Should Congress cap only CO_2 or all greenhouse gases emitted from electricity plants

Clean Air/Climate Change Oct

Caps CO_2 only.

Discussion

In his bill, Sen. Alexander chose to cap CO_2 only. In part, that decision is a result of the Clean Air/Climate Change Act being a bill that limits the four major pollutants emitted from electricity plants: sulfur dioxide, nitrogen oxides, mercury, and carbon dioxide. It is not primarily a climate change bill.

Another consideration is the experience gained from Phase One of the European Union's Emissions Trading Scheme (EU ETS), the largest cap and trade program in the world. The EU ETS capped only CO_2 in its first phase. Phase Two of that program, which starts in 2008, will cap six greenhouse gases: carbon dioxide, methane, nitrogen oxides, perflourocarbons hydrofluorocarbons, and sulfur hexaflouride.

The U.K. House of Commons Environmental Audit Committee in its Fourth Report (dated March 27, 2005) recommended that Phase Two not be expanded to include gases other than carbon dioxide.

Instead, the House of Commons Committee recommended minimal significant changes to the shape and scope of the trading program.

The House of Commons Committee also recommended non-carbon greenhouse gases be addressed through regulation and not through trading.

What is the best approach?

2. What size should an auction be

Clean Air/Climate Change Act

Auctions 25 percent of CO_2 allowances.

Uses the proceeds to offset increased electricity costs (if any) of consumers and energy-intensive industries.

Discussion

The total value of the CO_2 allowances will be much higher than the total value of SO_2 allowances because there will be about 1,000 times more CO_2 allowances than SO_2 allowances. Because CO_2 allowances will be so much more valuable, economists recommend that there be an auction.

In its 2004 report, the National Commission on Energy Policy (NCEP) recommended that 10 percent of allowances be auctioned. However, in March 2007 NCEP changed its recommendation on allocation. NCEP now recommends that 50 percent of allowances be auctioned.

Similarly, a March 2007 NCEP paper states that businesses and consumers at the end of the energy supply chain—not oil, natural gas, and electric utilities—bear the largest share of the costs of a greenhouse gas emissions cap-and-trade program.

Auctioning 25 percent of the CO_2 allowances for the power sector would generate revenues sufficient to protect consumers from higher electricity rates.

The Regional Greenhouse Gas Initiative (RGGI) model rule recommends that 25 percent of CO_2 allowances be auctioned.

3. What rules should govern the use of offset allowances by electricity plants?

Clean Air/Climate Change Act

Includes the RGGI model rules on offsets.

Offset types: landfill methane capture and destruction; sulfur hexafluoride reductions; sequestration of carbon through afforestation or reforestation; reduction and avoidance of carbon dioxide emissions from natural gas, oil, and propane end-use combustion due to end-use energy efficiency; avoided methane emissions from agricultural management operations; and eligible biomass.

Discussion

Allowing electricity plants to meet their CO_2 reductions through offsets provides compliance flexibility that greatly reduces costs to consumers and industry.

Offsets must be real reductions, however, and not gimmicks.

RGGI's model rules on offsets were adopted in an extensive, multi-state stakeholder process.

Sen. Alexander is seeking additional measures to include in a four pollutant law that will prevent fuel switching to natural gas, as the use of natural gas to generate electricity can create volatility in electricity prices for consumers.

4. How should new coal-fired electricity plants be treated

Clean Air/Climate Change Act

New fossil fuel electricity plants coming on line after January 1, 2007 will be required to purchase 100 percent of their required allowances.

Between January 1, 2007 and December 31, 2020, 5 percent of the total CO_2 allowances will be set aside as an incentive for new coal-fired power plants that meet a performance standard of 1,100 pounds of CO_2 per megawatt hour.

In 2015, all new coal-fired electricity plants must meet this performance standard.

Discussion

Electricity sector climate legislation should actively discourage the construction of new conventional fossil fuel power plant and encourage technologies that allow for the capture and sequestration of CO_2.

A performance standard of 1,100 pounds of CO_2 per MWh (the same standard used in California for electricity purchases from out-of-state coal-fired power plants) will ensure that new coal-fired power plants capture at least 60 percent of their CO_2.

Denying CO_2 allowances to plants that fail to meet this standard is a powerful disincentive to building conventional coal plants that lack lack carbon capture technology.

Otherwise, new conventional coal plants will lock in high CO_2 emissions for years.

Inclusion of natural gas-fired plants in this program is important to avoid creating an incentive to shift more generation to natural gas.

What should CO_2 cap levels be

Clean Air/Climate Chance Act

The power sector CO_2 cap should decline over time on the following schedule: 2011–2014, 2.3 billion metric tons; 2015–2019, 2.1 million metric tons; 2020–2024, 1.8 billion metric tons; and 2025 and beyond; 1.5 billion metric tons.

Discussion

This an aggressive yet achievable cap that starts with limiting electricity sector CO_2 to the level emitted in 2006 and then declines in a step wise manner out to 2025.

An electricity sector CO_2 cap on 1.5 billion metric tons is roughly equivalent to the electricity sector cap in the Lieberman-McCain Climate Stewardship and Innovation Act.

Electricity plants emit 40 percent of U.S. carbon dioxide. Emissions from this major sector source of carbon dioxide need to be reduced now in order to preserve the option of stabilizing atmospheric concentrations at 450 parts per million, the level that scientists believe will most likely prevent some of the worst global warming impacts being projected.

Delaying emissions reductions will make the job more challenging and expensive down the road.

EXHIBIT 4

NATIONAL PARKS
CONSERVATION ASSOCIATION,
Washington, DC, April 18, 2007.

Hon. LAMAR ALEXANDER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALEXANDER: On behalf of the National Parks Conservation Association, we strongly commend you for introducing the Clean Air/Climate Change Act of 2007, a bill designed to provide healthier air to millions of Americans, help restore clear skies to our national parks, and take important steps toward addressing global warming.

As I know you are well aware, coal-fired power plants are a leading source of the pollutants that cause asthma attacks and respiratory disease in humans, habitat damage and hazy skies in our parks, and mercury-laden fish in our rivers and lakes. They are also the main industrial source of the pollution that causes global warming. Technologies are readily available that can allow these plants to operate much more cleanly. The Clean Air/Climate Change Act would employ flexible market mechanisms and adequate lead-time so these technologies can be affordably applied at these plants to help restore air quality and diminish the causes of global warming. Starting with the coal-fired power plants, which are the worst offenders, before proceeding to address other polluters makes strategic and economic sense.

Taken together, the provisions in the Clean Air/Climate Change Act provide a comprehensive and balanced solution to the problem of coal-fired power plant pollution. The National Parks Conservation Association is pleased to support the Clean Air/Climate Change Act of 2007. From all of us, thank you for your strong leadership on this incredibly important subject.

Sincerely,

THOMAS C. KIERNAN,
President.

By Mr. DURBIN (for himself, Mr. KERRY, Mr. FEINGOLD, Ms. CANTWELL, Mr. MENENDEZ, Mr. CARDIN, Mr. REED, Mr. HARKIN, Mr. KENNEDY, Mr. BAYH, Mr. LIEBERMAN, Ms. STABENOW, Mr. SCHUMER, Mr. LAUTENBERG, Mrs. BOXER, Mr. WHITEHOUSE, Mr. BROWN, Mrs. CLINTON, and Mr. LEAHY):

S. 1170. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Basin and Range Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to introduce America's Red Rock Wilderness Act of 2007. This legislation continues our Nation's commitment to preserve our natural heritage. Preservation of our Nation's vital natural resources will be one of our most important legacies.

America's Red Rock Wilderness Act will designate as wilderness some of our Nation's most remarkable, but currently unprotected public lands. Bureau of Land Management (BLM) lands in Utah harbor some of the largest and most remarkable roadless desert areas anywhere in the world. Included in the 9.4 million acres I seek to protect are well known landscapes, like the Grand Staircase Escalante National Monument, as well as lesser known areas just outside Zion National Park, Canyonlands National Park, and Arches National Park. Together this wild landscape offers spectacular vistas of rare rock formations, canyons and desert lands, important archaeological sites, and habitat for rare plant and animal species.

I have visited many of the areas this Act would designate as wilderness. I can tell you that the natural beauty of these truly unique landscapes is a compelling reason for Congress to grant these lands wilderness protection. I have the honor of introducing legislation first introduced by my friend and former colleague in the House of Representatives, Wayne Owens. As the representative for much of Utah's Red Rock country, Representative Owens pioneered the Congressional effort to protect Utah wilderness. He did this with broad public support, which still exists not only in Utah, but in all corners of our Nation.

The wilderness designated in this bill was chosen based on more than twenty years of meticulous research and surveying. Volunteers have taken inventories of thousands of square miles of BLM land in Utah to help determine which lands should be protected. These volunteers provided extensive documentation to ensure that these areas meet Federal wilderness criteria. The BLM also completed a reinventory of approximately six million acres of Federal land in the same area in 1999. While only six million acres of the total 9.4 million acres were inventoried by the BLM, the results provide a convincing confirmation that the areas designated for protection under this bill meet Federal wilderness criteria.

For more than 20 years, Utah conservationists have been working to add the last great blocks of undeveloped BLM-administered land in Utah to the National Wilderness Preservation System. The lands proposed for protection surround and connect eight of Utah's nine national park, monument and recreation areas. These proposed BLM wilderness areas easily equal their neighboring national parklands in scenic beauty, opportunities for recreation, and ecological importance. Yet, unlike the parks, most of these scenic treasures lack any form of long-term protection.

Today, the BLM is in the process of making critical decisions about the future stewardship and use of nearly six million acres of wild lands that my legislation would protect. The BLM will decide which areas should be preserved or developed and whether they will be left roadless or have roads cut through them. It also will determine if these wild lands will be open to off-road vehicles or exploited for mineral mining and oil and gas exploration. Any policies put in place will stand for 15 to 20 years, a timespan long enough to leave a lasting mark on this landscape.

Americans understand the need for wise and balanced stewardship of these wild landscapes. Unfortunately, the Administration has proposed little or no serious protections for Utah's most majestic places. Instead, the BLM appears to lack a solid conservation ethic and routinely favors development and consumptive uses of our wild public land. In just the last four years, the BLM has leased for oil and gas development over 125,000 acres of land that would have been designated for wilderness in America's Red Rock Wilderness Act.

This legislation represents a realistic balance between our need to protect our natural heritage and our demand for energy. While wilderness designation has been portrayed as a barrier to energy independence, it is important to note that within the entire 9.4 million acres of America's Red Rock Wilderness Act the amount of "technically recoverable" undiscovered natural gas and oil resources amounts to less than four days of oil and four weeks of natural gas at current consumption levels.

America's Red Rock Wilderness Act is a lasting gift to the American public. By protecting this serene yet wild land we are giving future generations the opportunity to enjoy the same untrammeled landscape that so many now cherish.

I'd like to thank my colleagues who are original cosponsors of this measure, many of whom have supported the bill since it was first introduced. Original cosponsors are Senators KERRY, FEINGOLD, CANTWELL, MENENDEZ, CARDIN, REED, HARKIN, KENNEDY, BAYH, LIEBERMAN, STABENOW, SCHUMER, LAUTENBERG, BOXER, WHITEHOUSE, BROWN and CLINTON. Additionally, I would like to thank The Utah Wilderness Coalition, which includes The Wilderness Society and Sierra Club; The Southern Utah Wilderness Alliance; and all of the other national, regional and local, hard-working groups who, for years, have championed this legislation.

Theodore Roosevelt once stated:

"The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value."

Enactment of this legislation will help us realize Roosevelt's vision. To protect these precious resources in Utah for future generations, I urge my colleagues to support America's Red Rock Wilderness Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "America's Red Rock Wilderness Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—DESIGNATION OF WILDERNESS AREAS

Sec. 101. Great Basin Wilderness Areas.
Sec. 102. Zion and Mojave Desert Wilderness Areas.
Sec. 103. Grand Staircase-Escalante Wilderness Areas.
Sec. 104. Moab-La Sal Canyons Wilderness Areas.
Sec. 105. Henry Mountains Wilderness Areas.
Sec. 106. Glen Canyon Wilderness Areas.
Sec. 107. San Juan-Anasazi Wilderness Areas.
Sec. 108. Canyonlands Basin Wilderness Areas.
Sec. 109. San Rafael Swell Wilderness Areas.
Sec. 110. Book Cliffs and Uinta Basin Wilderness Areas.

TITLE II—ADMINISTRATIVE PROVISIONS

Sec. 201. General provisions.
Sec. 202. Administration.
Sec. 203. State school trust land within wilderness areas.
Sec. 204. Water.
Sec. 205. Roads.
Sec. 206. Livestock.
Sec. 207. Fish and wildlife.
Sec. 208. Management of newly acquired land.
Sec. 209. Withdrawal.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Land Management.

(2) STATE.—The term "State" means the State of Utah.

TITLE I—DESIGNATION OF WILDERNESS AREAS

SEC. 101. GREAT BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Great Basin region of western Utah is comprised of starkly beautiful mountain ranges that rise as islands from the desert floor;

(2) the Wah Wah Mountains in the Great Basin region are arid and austere, with massive cliff faces and leathery slopes speckled with piñon and juniper;

(3) the Pilot Range and Stansbury Mountains in the Great Basin region are high enough to draw moisture from passing clouds and support ecosystems found nowhere else on earth;

(4) from bristlecone pine, the world's oldest living organism, to newly-flowered mountain meadows, mountains of the Great Basin region are islands of nature that—

(A) support remarkable biological diversity; and

(B) provide opportunities to experience the colossal silence of the Great Basin; and

(5) the Great Basin region of western Utah should be protected and managed to ensure the preservation of the natural conditions of the region.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Antelope Range (approximately 17,000 acres).

(2) Barn Hills (approximately 20,000 acres).

(3) Black Hills (approximately 9,000 acres).

(4) Bullgrass Knoll (approximately 15,000 acres).

(5) Burbank Hills/Tunnel Spring (approximately 92,000 acres).

(6) Conger Mountains (approximately 21,000 acres).

(7) Crater Bench (approximately 35,000 acres).

(8) Crater and Silver Island Mountains (approximately 121,000 acres).

(9) Cricket Mountains Cluster (approximately 62,000 acres).

(10) Deep Creek Mountains (approximately 126,000 acres).

(11) Drum Mountains (approximately 39,000 acres).

(12) Dugway Mountains (approximately 24,000 acres).

(13) Essex Canyon (approximately 1,300 acres).

(14) Fish Springs Range (approximately 64,000 acres).

(15) Granite Peak (approximately 19,000 acres).

(16) Grassy Mountains (approximately 23,000 acres).

(17) Grouse Creek Mountains (approximately 15,000 acres).

(18) House Range (approximately 201,000 acres).

(19) Keg Mountains (approximately 38,000 acres).

(20) Kern Mountains (approximately 15,000 acres).

(21) King Top (approximately 110,000 acres).

(22) Ledger Canyon (approximately 9,000 acres).

(23) Little Goose Creek (approximately 1,200 acres).

(24) Middle/Granite Mountains (approximately 80,000 acres).

(25) Mountain Home Range (approximately 90,000 acres).

(26) Newfoundland Mountains (approximately 22,000 acres).

(27) Ochre Mountain (approximately 13,000 acres).

(28) Oquirrh Mountains (approximately 9,000 acres).

(29) Painted Rock Mountain (approximately 26,000 acres).

(30) Paradise/Steamboat Mountains (approximately 144,000 acres).

(31) Pilot Range (approximately 45,000 acres).

(32) Red Tops (approximately 28,000 acres).

(33) Rockwell-Little Sahara (approximately 21,000 acres).

(34) San Francisco Mountains (approximately 39,000 acres).

(35) Sand Ridge (approximately 73,000 acres).

(36) Simpson Mountains (approximately 42,000 acres).

(37) Snake Valley (approximately 100,000 acres).

(38) Stansbury Island (approximately 10,000 acres).

(39) Stansbury Mountains (approximately 24,000 acres).

(40) Thomas Range (approximately 36,000 acres).

(41) Tule Valley (approximately 159,000 acres).

(42) Wah Wah Mountains (approximately 167,000 acres).

(43) Wasatch/Sevier Plateaus (approximately 29,000 acres).

(44) White Rock Range (approximately 5,200 acres).

SEC. 102. ZION AND MOJAVE DESERT WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the renowned landscape of Zion National Park, including soaring cliff walls, forested plateaus, and deep narrow gorges, extends beyond the boundaries of the Park onto surrounding public land managed by the Secretary;

(2) from the pink sand dunes of Moquith Mountain to the golden pools of Beaver Dam Wash, the Zion and Mojave Desert areas encompass 3 major provinces of the Southwest that include—

(A) the sculpted canyon country of the Colorado Plateau;

(B) the Mojave Desert; and

(C) portions of the Great Basin;

(3) the Zion and Mojave Desert areas display a rich mosaic of biological, archaeological, and scenic diversity;

(4) 1 of the last remaining populations of threatened desert tortoise is found within this region; and

(5) the Zion and Mojave Desert areas in Utah should be protected and managed as wilderness areas.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Beaver Dam Mountains (approximately 30,000 acres).

(2) Beaver Dam Wash (approximately 23,000 acres).

(3) Beaver Dam Wilderness Expansion (approximately 8,000 acres).

(4) Canaan Mountain (approximately 67,000 acres).

(5) Cottonwood Canyon (approximately 12,000 acres).

(6) Cougar Canyon/Docs Pass (approximately 41,000 acres).

(7) Joshua Tree (approximately 12,000 acres).

(8) Mount Escalante (approximately 17,000 acres).

(9) Parunuweap Canyon (approximately 43,000 acres).

(10) Red Butte (approximately 4,500 acres).

(11) Red Mountain (approximately 21,000 acres).

(12) Scarecrow Peak (approximately 16,000 acres).

(13) Square Top Mountain (approximately 23,000 acres).

(14) Zion Adjacent (approximately 58,000 acres).

SEC. 103. GRAND STAIRCASE-ESCALANTE WILDERNESS AREAS.

(a) GRAND STAIRCASE AREA.—

(1) FINDINGS.—Congress finds that—

(A) the area known as the Grand Staircase rises more than 6,000 feet in a series of great cliffs and plateaus from the depths of the Grand Canyon to the forested rim of Bryce Canyon;

(B) the Grand Staircase—

(i) spans 6 major life zones, from the lower Sonoran Desert to the alpine forest; and

(ii) encompasses geologic formations that display 3,000,000,000 years of Earth's history;

(C) land managed by the Secretary lines the intricate canyon system of the Paria River and forms a vital natural corridor connection to the deserts and forests of those national parks;

(D) land described in paragraph (2) (other than East of Bryce, Upper Kanab Creek, Moquith Mountain, Bunting Point, and Vermillion Cliffs) is located within the Grand Staircase-Escalante National Monument; and

(E) the Grand Staircase in Utah should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Bryce View (approximately 4,500 acres).

(B) Bunting Point (approximately 11,000 acres).

(C) Canaan Peak Slopes (approximately 2,300 acres).

(D) East of Bryce (approximately 750 acres).

(E) Glass Eye Canyon (approximately 24,000 acres).

(F) Ladder Canyon (approximately 14,000 acres).

(G) Moquith Mountain (approximately 16,000 acres).

(H) Nephi Point (approximately 14,000 acres).

(I) Paria-Hackberry (approximately 188,000 acres).

(J) Paria Wilderness Expansion (approximately 3,300 acres).

(K) Pine Hollow (approximately 11,000 acres).

(L) Slopes of Bryce (approximately 2,600 acres).

(M) Timber Mountain (approximately 51,000 acres).

(N) Upper Kanab Creek (approximately 49,000 acres).

(O) Vermillion Cliffs (approximately 26,000 acres).

(P) Willis Creek (approximately 21,000 acres).

(b) KAIPAROWITS PLATEAU.—

(1) FINDINGS.—Congress finds that—

(A) the Kaiparowits Plateau east of the Paria River is 1 of the most rugged and isolated wilderness regions in the United States;

(B) the Kaiparowits Plateau, a windswept land of harsh beauty, contains distant vistas and a remarkable variety of plant and animal species;

(C) ancient forests, an abundance of big game animals, and 22 species of raptors thrive undisturbed on the grassland mesa tops of the Kaiparowits Plateau;

(D) each of the areas described in paragraph (2) (other than Heaps Canyon, Little Valley, and Wide Hollow) is located within the Grand Staircase-Escalante National Monument; and

(E) the Kaiparowits Plateau should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Andalex Not (approximately 18,000 acres).

(B) The Blues (approximately 21,000 acres).

(C) Box Canyon (approximately 2,800 acres).

(D) Burning Hills (approximately 80,000 acres).

(E) Carcass Canyon (approximately 83,000 acres).

(F) The Cockscomb (approximately 11,000 acres).

(G) Fiftymile Bench (approximately 12,000 acres).

(H) Fiftymile Mountain (approximately 203,000 acres).

(I) Heaps Canyon (approximately 4,000 acres).

(J) Horse Spring Canyon (approximately 31,000 acres).

(K) Kodachrome Headlands (approximately 10,000 acres).

(L) Little Valley Canyon (approximately 4,000 acres).

(M) Mud Spring Canyon (approximately 65,000 acres).

(N) Nipple Bench (approximately 32,000 acres).

(O) Paradise Canyon-Wahweap (approximately 262,000 acres).

(P) Rock Cove (approximately 16,000 acres).

(Q) Warm Creek (approximately 23,000 acres).

(R) Wide Hollow (approximately 6,800 acres).

(c) ESCALANTE CANYONS.—

(1) FINDINGS.—Congress finds that—

(A) glens and coves carved in massive sandstone cliffs, spring-watered hanging gardens, and the silence of ancient Anasazi ruins are examples of the unique features that entice hikers, campers, and sightseers from around the world to Escalante Canyon;

(B) Escalante Canyon links the spruce fir forests of the 11,000-foot Aquarius Plateau with winding slickrock canyons that flow into Glen Canyon;

(C) Escalante Canyon, 1 of Utah's most popular natural areas, contains critical habitat for deer, elk, and wild bighorn sheep that also enhances the scenic integrity of the area;

(D) each of the areas described in paragraph (2) is located within the Grand Staircase-Escalante National Monument; and

(E) Escalante Canyon should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Brinkerhof Flats (approximately 3,000 acres).

(B) Colt Mesa (approximately 28,000 acres).

(C) Death Hollow (approximately 49,000 acres).

(D) Forty Mile Gulch (approximately 6,600 acres).

(E) Hurricane Wash (approximately 9,000 acres).

(F) Lampstand (approximately 7,900 acres).

(G) Muley Twist Flank (approximately 3,600 acres).

(H) North Escalante Canyons (approximately 176,000 acres).

(I) Pioneer Mesa (approximately 11,000 acres).

(J) Scorpion (approximately 53,000 acres).

(K) Sooner Bench (approximately 390 acres).

(L) Steep Creek (approximately 35,000 acres).

(M) Studhorse Peaks (approximately 24,000 acres).

SEC. 104. MOAB-LA SAL CANYONS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the canyons surrounding the La Sal Mountains and the town of Moab offer a variety of extraordinary landscapes;

(2) outstanding examples of natural formations and landscapes in the Moab-La Sal area include the huge sandstone fins of Behind the Rocks, the mysterious Fisher Towers, and the whitewater rapids of Westwater Canyon; and

(3) the Moab-La Sal area should be protected and managed as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Arches Adjacent (approximately 12,000 acres).

(2) Beaver Creek (approximately 41,000 acres).

(3) Behind the Rocks and Hunters Canyon (approximately 22,000 acres).

(4) Big Triangle (approximately 20,000 acres).

(5) Coyote Wash (approximately 28,000 acres).

(6) Dome Plateau-Professor Valley (approximately 35,000 acres).

(7) Fisher Towers (approximately 18,000 acres).

(8) Goldbar Canyon (approximately 9,000 acres).

(9) Granite Creek (approximately 5,000 acres).

(10) Mary Jane Canyon (approximately 25,000 acres).

(11) Mill Creek (approximately 14,000 acres).

(12) Porcupine Rim and Morning Glory (approximately 20,000 acres).

(13) Renegade Point (approximately 6,600 acres).

(14) Westwater Canyon (approximately 37,000 acres).

(15) Yellow Bird (approximately 4,200 acres).

SEC. 105. HENRY MOUNTAINS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Henry Mountain Range, the last mountain range to be discovered and named by early explorers in the contiguous United States, still retains a wild and undiscovered quality;

(2) fluted badlands that surround the flanks of 11,000-foot Mounts Ellen and Pennell contain areas of critical habitat for mule deer and for the largest herd of free-roaming buffalo in the United States;

(3) despite their relative accessibility, the Henry Mountain Range remains 1 of the wildest, least-known ranges in the United States; and

(4) the Henry Mountain range should be protected and managed to ensure the preservation of the range as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.

(1) Bull Mountain (approximately 16,000 acres).

(2) Bullfrog Creek (approximately 35,000 acres).

(3) Dogwater Creek (approximately 3,400 acres).

(4) Fremont Gorge (approximately 20,000 acres).

(5) Long Canyon (approximately 16,000 acres).

(6) Mount Ellen-Blue Hills (approximately 140,000 acres).

(7) Mount Hillers (approximately 21,000 acres).

(8) Mount Pennell (approximately 147,000 acres).

(9) Notom Bench (approximately 6,200 acres).

(10) Oak Creek (approximately 1,700 acres).

(11) Ragged Mountain (approximately 28,000 acres).

SEC. 106. GLEN CANYON WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the side canyons of Glen Canyon, including the Dirty Devil River and the Red, White and Blue Canyons, contain some of the most remote and outstanding landscapes in southern Utah;

(2) the Dirty Devil River, once the fortress hideout of outlaw Butch Cassidy's Wild Bunch, has sculpted a maze of slickrock canyons through an imposing landscape of monoliths and inaccessible mesas;

(3) the Red and Blue Canyons contain colorful Chinle/Moenkopi badlands found nowhere else in the region; and

(4) the canyons of Glen Canyon in the State should be protected and managed as wilderness areas.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cane Spring Desert (approximately 18,000 acres).

(2) Dark Canyon (approximately 134,000 acres).

(3) Dirty Devil (approximately 242,000 acres).

(4) Fiddler Butte (approximately 92,000 acres).

(5) Flat Tops (approximately 30,000 acres).

(6) Little Rockies (approximately 64,000 acres).

(7) The Needle (approximately 11,000 acres).

(8) Red Rock Plateau (approximately 213,000 acres).

(9) White Canyon (approximately 98,000 acres).

SEC. 107. SAN JUAN-ANASAZI WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) more than 1,000 years ago, the Anasazi Indian culture flourished in the slickrock canyons and on the piñon-covered mesas of southeastern Utah;

(2) evidence of the ancient presence of the Anasazi pervades the Cedar Mesa area of the San Juan-Anasazi area where cliff dwellings, rock art, and ceremonial kivas embellish sandstone overhangs and isolated benchlands;

(3) the Cedar Mesa area is in need of protection from the vandalism and theft of its unique cultural resources;

(4) the Cedar Mesa wilderness areas should be created to protect both the archaeological heritage and the extraordinary wilderness, scenic, and ecological values of the United States; and

(5) the San Juan-Anasazi area should be protected and managed as a wilderness area to ensure the preservation of the unique and valuable resources of that area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Allen Canyon (approximately 5,900 acres).

(2) Arch Canyon (approximately 30,000 acres).

(3) Comb Ridge (approximately 15,000 acres).

(4) East Montezuma (approximately 45,000 acres).

(5) Fish and Owl Creek Canyons (approximately 73,000 acres).

(6) Grand Gulch (approximately 159,000 acres).

(7) Hammond Canyon (approximately 4,400 acres).

(8) Nokai Dome (approximately 93,000 acres).

(9) Road Canyon (approximately 63,000 acres).

(10) San Juan River (Sugarloaf) (approximately 15,000 acres).

(11) The Tabernacle (approximately 7,000 acres).

(12) Valley of the Gods (approximately 21,000 acres).

SEC. 108. CANYONLANDS BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) Canyonlands National Park safeguards only a small portion of the extraordinary red-hued, cliff-walled canyonland region of the Colorado Plateau;

(2) areas near Arches National Park and Canyonlands National Park contain canyons with rushing perennial streams, natural arches, bridges, and towers;

(3) the gorges of the Green and Colorado Rivers lie on adjacent land managed by the Secretary;

(4) popular overlooks in Canyonlands Nations Park and Dead Horse Point State Park have views directly into adjacent areas, including Lockhart Basin and Indian Creek; and

(5) designation of those areas as wilderness would ensure the protection of this erosional masterpiece of nature and of the rich pockets of wildlife found within its expanded boundaries.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Bridger Jack Mesa (approximately 33,000 acres).

(2) Butler Wash (approximately 27,000 acres).

(3) Dead Horse Cliffs (approximately 5,300 acres).

(4) Demon's Playground (approximately 3,700 acres).

(5) Duma Point (approximately 14,000 acres).

(6) Gooseneck (approximately 9,000 acres).

(7) Hatch Point Canyons/Lockhart Basin (approximately 149,000 acres).

(8) Horsethief Point (approximately 15,000 acres).

(9) Indian Creek (approximately 28,000 acres).

(10) Labyrinth Canyon (approximately 150,000 acres).

(11) San Rafael River (approximately 101,000 acres).

(12) Shay Mountain (approximately 14,000 acres).

(13) Sweetwater Reef (approximately 69,000 acres).

(14) Upper Horseshoe Canyon (approximately 60,000 acres).

SEC. 109. SAN RAFAEL SWELL WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the San Rafael Swell towers above the desert like a castle, ringed by 1,000-foot ramparts of Navajo Sandstone;

(2) the highlands of the San Rafael Swell have been fractured by uplift and rendered hollow by erosion over countless millennia, leaving a tremendous basin punctuated by mesas, buttes, and canyons and traversed by sediment-laden desert streams;

(3) among other places, the San Rafael wilderness offers exceptional back country opportunities in the colorful Wild Horse Badlands, the monoliths of North Caineville Mesa, the rock towers of Cliff Wash, and colorful cliffs of Humbug Canyon;

(4) the mountains within these areas are among Utah's most valuable habitat for desert bighorn sheep; and

(5) the San Rafael Swell area should be protected and managed to ensure its preservation as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cedar Mountain (approximately 15,000 acres).

(2) Devils Canyon (approximately 23,000 acres).

(3) Eagle Canyon (approximately 38,000 acres).

(4) Factory Butte (approximately 22,000 acres).

(5) Hondu Country (approximately 20,000 acres).

(6) Jones Bench (approximately 2,800 acres).

(7) Limestone Cliffs (approximately 25,000 acres).

(8) Lost Spring Wash (approximately 37,000 acres).

(9) Mexican Mountain (approximately 100,000 acres).

(10) Molen Reef (approximately 33,000 acres).

(11) Muddy Creek (approximately 240,000 acres).

(12) Mussentuchit Badlands (approximately 25,000 acres).

(13) Pleasant Creek Bench (approximately 1,100 acres).

(14) Price River-Humbug (approximately 120,000 acres).

(15) Red Desert (approximately 40,000 acres).

(16) Rock Canyon (approximately 18,000 acres).

(17) San Rafael Knob (approximately 15,000 acres).

(18) San Rafael Reef (approximately 114,000 acres).

(19) Sids Mountain (approximately 107,000 acres).

(20) Upper Muddy Creek (approximately 19,000 acres).

(21) Wild Horse Mesa (approximately 92,000 acres).

SEC. 110. BOOK CLIFFS AND UINTA BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Book Cliffs and Uinta Basin wilderness areas offer—

(A) unique big game hunting opportunities in verdant high-plateau forests;

(B) the opportunity for float trips of several days duration down the Green River in Desolation Canyon; and

(C) the opportunity for calm water canoe weekends on the White River;

(2) the long rampart of the Book Cliffs bounds the area on the south, while seldom-visited uplands, dissected by the rivers and streams, slope away to the north into the Uinta Basin;

(3) bears, Bighorn sheep, cougars, elk, and mule deer flourish in the back country of the Book Cliffs; and

(4) the Book Cliffs and Uinta Basin areas should be protected and managed to ensure the protection of the areas as wilderness.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.

(1) Bourdette Draw (approximately 15,000 acres).

(2) Bull Canyon (approximately 2,800 acres).

(3) Chipeta (approximately 95,000 acres).

(4) Dead Horse Pass (approximately 8,000 acres).

(5) Desbrough Canyon (approximately 13,000 acres).

(6) Desolation Canyon (approximately 557,000 acres).

(7) Diamond Breaks (approximately 9,000 acres).

(8) Diamond Canyon (approximately 166,000 acres).

(9) Diamond Mountain (also known as "Wild Mountain") (approximately 27,000 acres).

(10) Dinosaur Adjacent (approximately 10,000 acres).

(11) Goslin Mountain (approximately 4,900 acres).

(12) Hideout Canyon (approximately 12,000 acres).

(13) Lower Bitter Creek (approximately 14,000 acres).

(14) Lower Flaming Gorge (approximately 21,000 acres).

(15) Mexico Point (approximately 15,000 acres).

(16) Moonshine Draw (also known as "Daniels Canyon") (approximately 10,000 acres).

(17) Mountain Home (approximately 9,000 acres).

(18) O-Wi-Yu-Kuts (approximately 13,000 acres).

(19) Red Creek Badlands (approximately 3,600 acres).

(20) Seep Canyon (approximately 21,000 acres).

(21) Sunday School Canyon (approximately 18,000 acres).

(22) Survey Point (approximately 8,000 acres).

(23) Turtle Canyon (approximately 39,000 acres).

(24) White River (approximately 24,500 acres).

(25) Winter Ridge (approximately 38,000 acres).

(26) Wolf Point (approximately 15,000 acres).

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. GENERAL PROVISIONS.

(a) NAMES OF WILDERNESS AREAS.—Each wilderness area named in title I shall—

(1) consist of the quantity of land referenced with respect to that named area, as generally depicted on the map entitled "Utah BLM Wilderness Proposed by S. [______], 110th Congress"; and

(2) be known by the name given to it in title I.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this Act with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the Office of the Director of the Bureau of Land Management.

SEC. 202. ADMINISTRATION.

Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this Act shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 203. STATE SCHOOL TRUST LAND WITHIN WILDERNESS AREAS.

(a) IN GENERAL.—Subject to subsection (b), if State-owned land is included in an area designated by this Act as a wilderness area, the Secretary shall offer to exchange land owned by the United States in the State of approximately equal value in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) and section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)).

(b) MINERAL INTERESTS.—The Secretary shall not transfer any mineral interests under subsection (a) unless the State transfers to the Secretary any mineral interests in land designated by this Act as a wilderness area.

SEC. 204. WATER.

(a) RESERVATION.—

(1) WATER FOR WILDERNESS AREAS.—

(A) IN GENERAL.—With respect to each wilderness area designated by this Act, Congress reserves a quantity of water determined by the Secretary to be sufficient for the wilderness area.

(B) PRIORITY DATE.—The priority date of a right reserved under subparagraph (A) shall be the date of enactment of this Act.

(2) PROTECTION OF RIGHTS.—The Secretary and other officers and employees of the United States shall take any steps necessary to protect the rights reserved by paragraph (1)(A), including the filing of a claim for the quantification of the rights in any present or future appropriate stream adjudication in the courts of the State—

(A) in which the United States is or may be joined; and

(B) that is conducted in accordance with section 208 of the Department of Justice Appropriation Act, 1953 (66 Stat. 560, chapter 651).

(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in this Act relinquishes or reduces any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) SPECIFICATION OF RIGHTS.—The Federal water rights reserved by this Act are specific to the wilderness areas designated by this Act.

(2) NO PRECEDENT ESTABLISHED.—Nothing in this Act related to reserved Federal water rights—

(A) shall establish a precedent with regard to any future designation of water rights; or

(B) shall affect the interpretation of any other Act or any designation made under any other Act.

SEC. 205. ROADS.

(a) SETBACKS.—

(1) MEASUREMENT IN GENERAL.—A setback under this section shall be measured from the center line of the road.

(2) WILDERNESS ON 1 SIDE OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on only 1 side shall be set at—

(A) 300 feet from a paved Federal or State highway;

(B) 100 feet from any other paved road or high standard dirt or gravel road; and

(C) 30 feet from any other road.

(3) WILDERNESS ON BOTH SIDES OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on both sides (including cherry-stems or roads separating 2 wilderness units) shall be set at—

(A) 200 feet from a paved Federal or State highway;

(B) 40 feet from any other paved road or high standard dirt or gravel road; and

(C) 10 feet from any other roads.

(b) SETBACK EXCEPTIONS.—

(1) WELL-DEFINED TOPOGRAPHICAL BARRIERS.—If, between the road and the boundary of a setback area described in paragraph (2) or (3) of subsection (a), there is a well-defined cliff edge, stream bank, or other topographical barrier, the Secretary shall use the barrier as the wilderness boundary.

(2) FENCES.—If, between the road and the boundary of a setback area specified in paragraph (2) or (3) of subsection (a), there is a fence running parallel to a road, the Secretary shall use the fence as the wilderness boundary if, in the opinion of the Secretary, doing so would result in a more manageable boundary.

(3) DEVIATIONS FROM SETBACK AREAS.—

(A) EXCLUSION OF DISTURBANCES FROM WILDERNESS BOUNDARIES.—In cases where there is an existing livestock development, dispersed camping area, borrow pit, or similar disturbance within 100 feet of a road that forms part of a wilderness boundary, the Secretary may delineate the boundary so as to exclude the disturbance from the wilderness area.

(B) LIMITATION ON EXCLUSION OF DISTURBANCES.—The Secretary shall make a boundary adjustment under subparagraph (A) only if the Secretary determines that doing so is consistent with wilderness management goals.

(C) DEVIATIONS RESTRICTED TO MINIMUM NECESSARY.—Any deviation under this paragraph from the setbacks required under in paragraph (2) or (3) of subsection (a) shall be the minimum necessary to exclude the disturbance.

(c) DELINEATION WITHIN SETBACK AREA.—The Secretary may delineate a wilderness boundary at a location within a setback under paragraph (2) or (3) of subsection (a) if, as determined by the Secretary, the delineation would enhance wilderness management goals.

SEC. 206. LIVESTOCK.

Within the wilderness areas designated under title I, the grazing of livestock authorized on the date of enactment of this Act shall be permitted to continue subject to such reasonable regulations and procedures as the Secretary considers necessary, as long as the regulations and procedures are consistent with—

(1) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) section 101(f) of the Arizona Desert Wilderness Act of 1990 (Public Law 101–628; 104 Stat. 4469).

SEC. 207. FISH AND WILDLIFE.

Nothing in this Act affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

SEC. 208. MANAGEMENT OF NEWLY ACQUIRED LAND.

Any land within the boundaries of a wilderness area designated under this Act that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this Act and other laws applicable to wilderness areas.

SEC. 209. WITHDRAWAL.

Subject to valid rights existing on the date of enactment of this Act, the Federal land referred to in title I is withdrawn from all forms of—

(1) entry, appropriation, or disposal under public law;

(2) location, entry, and patent under mining law; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

Mr. FEINGOLD. Mr. President, I am very pleased to again join with the Senior Senator from Illinois, Mr. DURBIN, as an original cosponsor of legislation, America's Red Rocks Wilderness Act of 2007, to designate areas of pristine Federal lands in Utah as wilderness.

I had an opportunity to travel twice to Utah. I viewed firsthand some of the lands that would be designated for wilderness under Senator DURBIN's bill. I was able to view most of the proposed wilderness areas from the air, and was able to enhance my understanding through hikes outside of the Zion National Park on the Dry Creek Bench wilderness unit contained in this proposal and inside the Grand Staircase-Escalante National Monument to Upper Calf Creek Falls. I also viewed the lands proposed for designation in this bill from a river trip down the Colorado River, and in the San Rafael Swell with members of the Emery County government.

I support this legislation, for a few reasons, but most of all because I have personally seen what is at stake, and I know the marvelous resources that Wisconsinites and all Americans own in the Bureau of Land Management, BLM, lands of southern Utah.

Second, I support this legislation because I believe it sets the broadest and boldest mark for the lands that should be protected in southern Utah. I believe that when the Senate considers wilderness legislation it ought to know, as a benchmark, the full measure of those lands which are deserving of wilderness protection. This bill encompasses all the BLM lands of wilderness quality in Utah. Unfortunately, the Senate has not, as we do today, always had the benefit of considering wilderness designations for all of the deserving lands in southern Utah. During the 104th Congress, I joined with the former Senator from New Jersey, Mr. Bradley, in opposing that Congress's omnibus parks legislation. It contained provisions, which were eventually removed, that many in my home State of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

The lands of southern Utah are very special to the people of Wisconsin. In writing to me over the last few years, my constituents have described these lands as places of solitude, special family moments, and incredible beauty. In December 1997, Ron Raunikar of the Capital Times, a paper in Madison, WI, wrote:

> Other remaining wilderness in the U.S. is at first daunting, but then endearing and always a treasure for all Americans. The sensually sculpted slickrock of the Colorado Plateau and windswept crag lines of the Great Basin include some of the last of our country's wilderness, which is not fully protected. We must ask our elected officials to redress this circumstance, by enacting legislation which would protect those national lands within the boundaries of Utah. This wilderness is a treasure we can lose only once or a legacy we can be forever proud to bestow to our children.

I believe that the measure being introduced today will accomplish that goal. The measure protects wild lands that really are not done justice by any description in words. In my trip I found widely varied and distinct terrain, remarkable American resources of red rock cliff walls, desert, canyons and gorges which encompass the canyon country of the Colorado Platéau, the Mojave Desert and portions of the Great Basin. The lands also include mountain ranges in western Utah, and stark areas like the Grand Staircase-Escalante National Monument. These regions appeal to all types of American outdoor interests from hikers and sightseers to hunters.

Phil Haslanger of the Capital Times, answered an important question I am often asked when people want to know why a Senator from Wisconsin would cosponsor legislation to protect lands in Utah. He wrote on September 13, 1995 simply that "These are not scenes that you could see in Wisconsin. That's part of what makes them special." He continues, and adds what I think is an even more important reason to act to protect these lands than the landscape's uniqueness, "the fight over wilderness lands in Utah is a test case of sorts. The anti-environmental factions in Congress are trying hard to remove restrictions on development in some of the nation's most splendid areas."

Wisconsinites are watching this test case closely. I believe that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the Nation is headed with respect to its stewardship of natural resources. What Haslanger's Capital Times comments make clear is that while some in Congress may express concern about creating new wilderness in Utah, wilderness, as Wisconsinites know, is not created by legislation. Legislation to protect existing wilderness ensures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 will publicly codify that expectation and promise.

Finally, this legislation has earned my support, and deserves the support of others in this body, because all of the acres that will be protected under this bill are already public lands held in trust by the Federal Government for the people of the United States. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin as it is for other Americans.

I am eager to work with my colleague from Illinois, Mr. DURBIN, to protect these lands. I commend him for introducing this measure.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1171. A bill to amend the Colorado River Storage Project Act and Public Law 87–483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, on behalf of myself and Senator DOMENICI, I am pleased today to introduce a bill which attempts to promote good stewardship of our limited water supplies in the San Juan River basin in New Mexico. The bill is entitled the "Northwestern New Mexico Rural Water Projects Act". Within its scope are a number of provisions relating to and amending Federal statutes that relate to the Bureau of Reclamation and the use of water in the Colorado River basin. There are also new authorizations for the Bureau of Reclamation. Finally, there are provisions that will resolve the Navajo Nation's water rights claims in the San Juan River in New Mexico. This bill is critical for New Mexico's future. I look forward to working with my colleagues in the Senate to see that it gets enacted into law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Northwestern New Mexico Rural Water Projects Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Compliance with environmental laws.

TITLE I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87-483

Sec. 101. Amendments to the Colorado River Storage Project Act.
Sec. 102. Amendments to Public Law 87–483.
Sec. 103. Effect on Federal water law.

TITLE II—RECLAMATION WATER SETTLEMENTS FUND

Sec. 201. Reclamation Water Settlements Fund.

TITLE III—NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT

Sec. 301. Purposes.
Sec. 302. Authorization of Northwestern New Mexico Rural Water Supply Project.
Sec. 303. Delivery and use of Northwestern New Mexico Rural Water Supply Project water.
Sec. 304. Project contracts.
Sec. 305. Use of Navajo Nation Municipal Pipeline.
Sec. 306. Authorization of conjunctive use wells.
Sec. 307. San Juan River Navajo Irrigation Projects.
Sec. 308. Other irrigation projects.
Sec. 309. Authorization of appropriations.

TITLE IV—NAVAJO NATION WATER RIGHTS

Sec. 401. Agreement.
Sec. 402. Trust Fund.
Sec. 403. Waivers and releases.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACRE-FEET.—The term "acre-feet" means acre-feet per year.

(2) AGREEMENT.—The term "Agreement" means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

(3) ANIMAS-LA PLATA PROJECT.—The term "Animas-La Plata Project" has the meaning given the term in section 3 of Public Law 100–585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106–554; 114 Stat. 2763A–258).

(4) CITY.—The term "City" means the city of Gallup, New Mexico.

(5) COMPACT.—The term "Compact" means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(6) CONTRACT.—The term "Contract" means the contract between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation, as described in paragraph 6.0 of the Agreement.

(7) DEPLETION.—The term "depletion" means the depletion of the flow of the San Juan River stream system in State of New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system by the use, less return flows to the stream system from the use.

(8) DRAFT IMPACT STATEMENT.—The term "Draft Impact Statement" means the draft environmental impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

(9) FUND.—The term "Fund" means the Reclamation Waters Settlements Fund established by section 201(a).

(10) HYDROLOGIC DETERMINATION.—The term "hydrologic determination" means the draft hydrologic determination entitled "Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico," prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87-483; 76 Stat. 99), and dated May 2006.

(11) NATION.—The term "Nation" means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) of the Federally Recognized Indian Tribe List of 1994 (25 U.S.C. 497a(2)), also known variously as the "Navajo Tribe," the "Navajo Tribe of Arizona, New Mexico & Utah," and the "Navajo Tribe of Indians" and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(12) NAVAJO INDIAN IRRIGATION PROJECT.—The term "Navajo Indian Irrigation Project" means the Navajo Indian irrigation project authorized by section 2 of Public Law 87-483 (76 Stat. 96).

(13) NAVAJO RESERVOIR.—The term "Navajo Reservoir" means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.).

(14) NAVAJO NATION MUNICIPAL PIPELINE.—The term "Navajo Nation Municipal Pipeline" means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973; 114 Stat. 2763A–263).

(15) NON-NAVAJO IRRIGATION DISTRICT.—The term "Non-Navajo Irrigation Districts" means—

(A) the Hammond Conservancy District;

(B) the Bloomfield Irrigation District; and

(C) any other community ditch organization in the San Juan River basin in State of New Mexico.

(16) PROJECT.—The term "Project" means the Northwestern New Mexico Rural Water Supply Project (commonly known as the "Navajo-Gallup Pipeline Project") authorized under section 302(a), as substantially described as the preferred alternative in the Draft Impact Statement.

(17) PROJECT PARTICIPANTS.—The term "Project Participants" means the City, the Nation, and the Jicarilla Apache Nation.

(18) RESOLUTION.—The term "Resolution" means the Resolution of the Upper Colorado River Commission entitled "Use and Accounting of Upper Basin Water Supplied to the Lower Basin in New Mexico by the Proposed Project" and dated June 17, 2003.

(19) SAN JUAN RIVER RECOVERY IMPLEMENTATION PROGRAM.—The term "San Juan River Recovery Implementation Program" means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

(20) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(21) STREAM ADJUDICATION.—The term "stream adjudication" means the general stream adjudication that is the subject of New Mexico v. United States, et al., No. 75-185 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(22) TRUST FUND.—The term "Trust Fund" means the Navajo Nation Water Resources Development Trust Fund established by section 402(a).

SEC. 3. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) EFFECT OF EXECUTION OF AGREEMENT.—The execution of the Agreement under section 401(a)(2) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this Act, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

TITLE I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87–483

SEC. 101. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT.

(a) PARTICIPATING PROJECTS.—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620(2)) is amended by inserting "the Northwestern

New Mexico Rural Water Supply Project," after "Fruitland Mesa,".

(b) NAVAJO RESERVOIR WATER BANK.—The Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") is amended—

(1) by redesignating section 16 (43 U.S.C. 620o) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 620n) the following:

"SEC. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

"(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87–483 (76 Stat. 99).

"(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

"(1) is consistent with applicable law; and

"(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

"(A) Public Law 87–483 (76 Stat. 96); and

"(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

"(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

"(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

"(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

"(B) water in the top water bank be subject to evaporation and other losses during storage;

"(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release; and

"(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying releases required under the San Juan River Recovery Implementation Program.

"(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.".

SEC. 102. AMENDMENTS TO PUBLIC LAW 87–483.

(a) NAVAJO INDIAN IRRIGATION PROJECT.—Public Law 87–483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

"SEC. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land.

"(b)(1) Subject to paragraph (2), the average diversion by the Navajo Indian Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

"(A) 508,000 acre-feet per year; or

"(B) the quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

"(2) The quantity of water diverted for any 1 year shall not be more than 15 percent of the average diversion determined under paragraph (1).

"(c) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by Navajo Indian Irrigation Project facilities for the following purposes:

"(1) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106–392 (114 Stat. 1602).

"(2) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

"(3) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

"(4) The implementation of the alternate water source provisions described in subparagraph 9.2 of the agreement executed under section 401(a)(2) of the Northwestern New Mexico Rural Water Projects Act.

"(d) The Navajo Indian Irrigation Project water diverted under subsection (b) may be transferred to areas located within or outside the area served by Navajo Indian Irrigation Project facilities, and within or outside the boundaries of the Navajo Nation, for any beneficial use in accordance with—

"(1) the agreement executed under section 401(a)(2) of the Northwestern New Mexico Rural Water Projects Act;

"(2) the contract executed under section 304(a)(2)(B) of the Northwestern New Mexico Rural Water Projects Act; and

"(3) any other applicable law.

"(e)(1) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—

"(A) the Northwestern New Mexico Rural Water Supply Project under section 302 of the Northwestern New Mexico Rural Water Projects Act; or

"(B) other nonirrigation purposes authorized under subsection (c) or (d).

"(2) The Secretary shall not reallocate, or require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies under paragraph (1).".

(b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of Public Law 87–483 (76 Stat. 100) is amended by adding at the end the following:

"(d)(1) For purposes of implementing in a year of prospective shortage the water allocation procedures established by subsection (a), the Secretary of the Interior shall determine the quantity of any shortages and the appropriate apportionment of water using the normal diversion requirements on the flow of the San Juan River originating above Navajo Dam based on the following criteria:

"(A) The quantity of diversion or water delivery for the current year anticipated to be necessary to irrigate land in accordance with cropping plans prepared by contractors.

"(B) The annual diversion or water delivery demands for the current year anticipated for non-irrigation uses under water delivery contracts, including the demand for delivery for uses in the State of Arizona under the Northwestern New Mexico Rural Water Supply Project authorized by section 302(a) of the Northwestern New Mexico Rural Water Projects Act, but excluding any current demand for surface water for placement into aquifer storage for future recovery and use.

"(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the San Juan-Chama Project authorized by section 8.

"(2) The Secretary shall not include in the normal diversion requirements—

"(A) the quantity of water that reliably can be anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or

"(B) the quantity of water anticipated to be supplied through reuse.

"(3) If the State of New Mexico determines that water uses under Navajo Reservoir water supply contracts or diversions by the San Juan-Chama Project need to be reduced in any 1 year for the State to comply with the Upper Colorado River Basin Compact, as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48), the Secretary shall reduce the normal diversion requirements for the year to reflect the water use or diversion limitations imposed by the State of New Mexico.

"(e)(1) If the Secretary determines that there is a shortage of water under subsection (a), the Secretary shall allocate the shortage to the demands on the Navajo Reservoir water supply in the following order of priority:

"(A) The demand for delivery for uses in the State of Arizona under the Northwestern New Mexico Rural Water Supply Project authorized by section 303 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for the uses from inflows to the San Juan River that arise below Navajo Dam in accordance with New Mexico State Engineer File No. 3215.

"(B) The demand for delivery for uses allocated under paragraph 8.2 of the agreement executed under section 401(a)(2) of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for such uses under State Engineer File No. 3215.

"(C) The uses in the State of New Mexico that are determined under subsection (d), in accordance with the procedure for apportioning the water supply under subsection (a).

"(2) For any year for which the Secretary determines and allocates a shortage in the Navajo Reservoir water supply, the Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.

"(3) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not include as available storage any water stored in a top water bank in Navajo Reservoir established under section 16(a) of the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act').

"(f) The Secretary of the Interior shall apply the sharing and apportionment of water determined under subsections (a), (d), and (e) on an annual volume basis.

"(g) The Secretary of the Interior may revise a determination of shortages, apportionments, or allocations of water under subsections (a), (d), and (e) on the basis of information relating to water supply conditions that was not available at the time at which the determination was made.

"(h) Nothing in this section prohibits the Secretary from reallocating water for any year, including a year in which a shortage is determined under subsection (a), in accordance with cooperative water agreements between water users providing for a sharing of water supplies.

"(i) Any water available for diversion under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent practicable, in proportionate amounts to the diversion demands of all contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam.".

SEC. 103. EFFECT ON FEDERAL WATER LAW.

Unless expressly provided in this Act, nothing in this Act modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643);

(3) the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.);

(4) the Act of September 30, 1968 (commonly known as the "Colorado River Basin Project Act") (82 Stat. 885);

(5) Public Law 87–483 (76 Stat. 96);

(6) the Treaty between the United States of America and Mexico representing utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(8) the Compact;

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).

TITLE II—RECLAMATION WATER SETTLEMENTS FUND

SEC. 201. RECLAMATION WATER SETTLEMENTS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Reclamation Water Settlements Fund", consisting of—

(1) such amounts as are deposited to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) DEPOSITS TO FUND.—

(1) IN GENERAL.—For each of fiscal years 2018 through 2028, the Secretary of the Treasury shall deposit in the Fund, if available, $100,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

(A) without further appropriation; and

(B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—For each of fiscal years 2018 through 2030, on request by the Secretary pursuant to paragraphs (2) and (3), the Secretary of the Treasury shall transfer from the Fund to the Secretary an amount not to exceed $100,000,000 for the fiscal year requested.

(2) REQUESTS.—The Secretary may request a transfer from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States or any other agreement approved by Congress that is entered into by the Secretary, if the settlement or other agreement requires the Bureau of Reclamation to plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by a reclamation project that is in existence on the date of enactment of this Act.

(3) USE FOR COMPLETION OF PROJECT.—

(A) PRIORITIES.—

(i) FIRST PRIORITY.—The first priority for expenditure of amounts in the Fund shall be for the purposes described in subparagraph (B).

(ii) OTHER PURPOSES.—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) COMPLETION OF PROJECT.—Effective beginning January 1, 2018, if, in the judgment of the Secretary, the deadline described in section 401(f)(1)(A)(ix) is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 309(a), the Secretary shall request the Secretary of the Treasury to transfer from the Fund to the Secretary such amounts on an annual basis pursuant to paragraph (1), not to exceed a total of $500,000,000, as are necessary to pay the Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(C) PROHIBITED USE OF FUND.—The Secretary shall not use any amount transferred from the Fund under subparagraph (A) to carry out any other feature or activity described in title IV other than a feature or activity relating to the construction of the water supply infrastructure authorized as part of the Project.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TERMINATION.—On September 30, 2030—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

TITLE III—NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT

SEC. 301. PURPOSES.

The purposes of this subtitle are—

(1) to authorize the Secretary to construct the Northwestern New Mexico Rural Water Supply Project;

(2) to allocate the water supply for the Project among the Nation, the city of Gallup, New Mexico, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the city of Gallup and the Jicarilla Apache Nation.

SEC. 302. AUTHORIZATION OF NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain the Project in substantial accordance with the preferred alternative in the Draft Impact Statement.

(b) PROJECT FACILITIES.—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain the Project facilities described in the preferred alternative in the Draft Impact Statement, including:

(1) A pumping plant on the San Juan River in the vicinity of Kirtland, New Mexico.

(2)(A) A main pipeline from the San Juan River near Kirtland, New Mexico, to Shiprock, New Mexico, and Gallup, New Mexico, which follows United States Highway 491.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(3)(A) A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 550.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(4)(A) Lateral pipelines from the main pipelines to Nation communities in the States of New Mexico and Arizona.

(B) Any pumping plants associated with the pipelines authorized under subparagraph (A).

(5) Any water regulation, storage or treatment facility, service connection to an existing public water supply system, power substation, power distribution works, or other appurtenant works (including a building or access road) that is related to the Project facilities authorized by paragraphs (1) through (4), including power transmission facilities to connect Project facilities to existing high-voltage transmission facilities.

(c) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary to construct, operate, and maintain the Project facilities authorized under subsection (b).

(2) LIMITATION.—The Secretary may not condemn water rights for purposes of the Project.

(d) CONDITIONS.—

(1) IN GENERAL.—The Secretary shall not commence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract;

(B) the contracts authorized under section 304 are executed;

(C) the Secretary—

(i) completes an environmental impact statement for the Project; and

(ii) has issued a record of decision that provides for a preferred alternative; and

(D) the State of New Mexico has made arrangements with the Secretary to contribute $25,000,000 toward the construction costs of the Project.

(2) COST SHARING.—State contributions required under paragraph (1)(D) shall be in addition to amounts that the State of New Mexico contributes for the planning and construction of regional facilities to distribute Project water to the City and surrounding Nation communities before the date on which the City executes a repayment contract under section 304(b).

(3) EFFECT.—The design and construction of the Project shall not be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(e) POWER ISSUES.—

(1) RESERVATION.—The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation projects, up to 26 megawatts of power for use by the Project.

(2) REALLOCATION OF COSTS.—Notwithstanding the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.), the Secretary shall not reallocate or reassign any cost associated with the Project from an entity covered by this title to the power function.

(f) CONVEYANCE OF PROJECT FACILITIES.—

(1) IN GENERAL.—The Secretary is authorized to enter into separate agreements with the City and the Nation to convey each Project facility authorized under subsection (b) to the City and the Nation after—

(A) completion of construction of the Project; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth—

(i) any terms and conditions that the Secretary determines are necessary—

(I) to ensure the continuation of the intended benefits of the Project; and

(II) to fulfill the purposes of this subtitle;

(ii) requirements acceptable to the Secretary and the Project Participants for—

(I) the distribution of water under the Project; and

(II) the allocation and payment of annual operation, maintenance, and replacement costs of the Project based on the proportionate uses of Project facilities; and

(iii) conditions and requirements acceptable to the Secretary and the Project Participants for operating and maintaining each Project facility on completion of the conveyance, including the requirement that the City and the Nation shall—

(I) comply with—

(aa) the Compact; and

(bb) other applicable law; and

(II) be responsible for—

(aa) the operation, maintenance, and replacement of each Project facility; and

(bb) the accounting and management of water conveyance and Project finances, as necessary to administer and fulfill the conditions of the Contract executed under section 304(a)(2)(B).

(2) CONVEYANCE TO THE CITY OF GALLUP OR NAVAJO NATION.—In conveying a Project facility under this subsection, the Secretary shall convey to—

(A) the City the facilities and any land or interest in land acquired by the United States for the construction, operation, and maintenance of the Project that are located within the corporate boundaries of the City; and

(B) the Nation the facilities and any land or interests in land acquired by the United States for the construction, operation, and maintenance of the Project that are located outside the corporate boundaries of the City.

(3) EFFECT OF CONVEYANCE.—The conveyance of each Project facility shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project.

(4) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of any Project facility, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each Project facility.

(g) COLORADO RIVER STORAGE PROJECT POWER.—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e).

(h) REGIONAL USE OF PROJECT FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), Project facilities constructed under subsection (b) may be used to treat and convey non-Project water or water that is not allocated by subsection 303(b) if—

(A) capacity is available without impairing any water delivery to a Project Participant; and

(B) the unallocated or non-Project water beneficiary—

(i) has the right to use the water;

(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and

(iii) agrees to pay a fee established by the Secretary to assist in the recovery of any capital cost relating to that use.

(2) EFFECT OF PAYMENTS.—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment requirements or the operation, maintenance, and replacement payment requirements of the Project Participants.

SEC. 303. DELIVERY AND USE OF NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT WATER.

(a) USE OF PROJECT WATER.—

(1) IN GENERAL.—In accordance with this Act and other applicable law, water supply from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes.

(2) USE ON CERTAIN LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Nation may use Project water allocations on—

(i) land held by the United States in trust for the Nation and members of the Nation; and

(ii) land held in fee by the Nation.

(B) TRANSFER.—The Nation may transfer the purposes and places of use of the allocated water in accordance with the Agreement and applicable law.

(3) HYDROELECTRIC POWER.—Hydroelectric power may be generated as an incident to the delivery of Project water under paragraph (1).

(4) STORAGE.—

(A) IN GENERAL.—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(B) STATE APPROVAL.—Delivery of water under subparagraph (A) is subject to—

(i) approval by the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this Act.

(b) PROJECT WATER AND CAPACITY ALLOCATIONS.—

(1) DIVERSION.—The Project shall divert from the Navajo Reservoir and the San Juan River a quantity of water that does not exceed the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(2) ALLOCATION.—

(A) IN GENERAL.—Water diverted under paragraph (1) shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this Act, and other applicable law.

(B) ALLOCATION TO THE CITY OF GALLUP.—The Project shall deliver at the point of diversion from the San Juan River not more than 7,500 acre-feet of water for use by the City.

(C) ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.—For use by the Nation in the State of New Mexico, the Project shall deliver at the points of diversion from the San Juan River or at Navajo Reservoir the lesser of—

(i) 22,650 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.—In accordance with subsection (d), the Project may deliver at the point of diversion from the San Juan River not more than 6,411 acre-feet of water for use by the Nation in the State of Arizona.

(E) ALLOCATION TO JICARILLA APACHE NATION.—The Project shall deliver at Navajo Reservoir not more than 1,200 acre-feet of water for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation Reservation in the State of New Mexico.

(3) USE IN EXCESS OF ALLOCATION QUANTITY.—Notwithstanding each allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), the Secretary may authorize a Project Participant to exceed the allocation quantity limit of that Project Participant if—

(A) capacity is available without impairing any water delivery to any other Project Participant; and

(B) the Project Participant benefitting from the increased allocation quantity—

(i) has the right to use the additional water;

(ii) agrees to pay the operation, maintenance, and replacement costs relating to the additional use any Project facility; and

(iii) agrees to pay a fee established by the Secretary to assist in recovering capital costs relating to that additional use.

(c) SOURCES OF WATER.—The sources of water for the Project allocated by subsection (b) shall be water originating in—

(1) drainage of the San Juan River above Navajo Dam, to be supplied under New Mexico State Engineer File No. 2849; and

(2) inflow to the San Juan River arising below Navajo Dam, to be supplied under New Mexico State Engineer File No. 3215.

(d) CONDITIONS FOR USE IN ARIZONA.—

(1) REQUIREMENTS.—Project water shall not be delivered for use by any community of the Nation in the State of Arizona under subsection (b)(2)(D) until the date on which—

(A) the Secretary determines by hydrologic investigation that sufficient water is reasonably likely to be available to supply uses from water of the Colorado River system allocated to the State of Arizona;

(B) the Secretary submits to Congress the determination described in subparagraph (A);

(C) the Secretary determines that the uses in the State of Arizona are within the apportionment of the water of the Colorado River made to the State of Arizona through compact, statute, or court decree;

(D) Congress has approved a Navajo Reservoir supply contract between the Nation and the United States to provide for the delivery of Project water for the uses in Arizona;

(E) the Navajo Nation and the State of Arizona have entered into an agreement providing for delivery of water of the Project for uses in Arizona; and

(F) any other determination is made as may be required by the Compact.

(2) ACCOUNTING OF USES IN ARIZONA.—Any depletion of water from the San Juan River stream system in the State of New Mexico that results from the diversion of water by the Project for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona)—

(A) shall be accounted for as a part of the Colorado River System apportionments to the State of Arizona; and

(B) shall not increase the total quantity of water to which the State of Arizona is entitled to use under any compact, statute, or court decree.

(e) FORBEARANCE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona occurs (as determined under section 11 of Public Law 87–483 (76 Stat. 99)), the Nation may temporarily forbear the delivery of the water supply of the Navajo Reservoir for uses in the State of New Mexico under the apportionments of water to the Navajo Indian Irrigation Project and the normal diversion requirements of the Project to allow an equivalent quantity of water to be delivered from the Navajo Reservoir water supply for municipal and domestic uses of the Nation in the State of Arizona under the Project.

(2) LIMITATION OF FORBEARANCE.—The Nation may forebear the delivery of water under paragraph (1) of a quantity not exceeding the quantity of the shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona.

(3) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements relating to accounting and water quantity described in subsection (d)(2).

(f) EFFECT.—Nothing in this Act—

(1) authorizes the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Navajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of water uses in the State of New Mexico to allow uses of water in other States other than as authorized under subsection (e).

(g) CONSISTENCY WITH UPPER COLORADO RIVER BASIN COMPACT.—In accordance with the Resolution and notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use in the Lower Colorado River Basin in the State of New Mexico; and

(2) water diverted under paragraph (1) shall be a part of the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact.

SEC. 304. PROJECT CONTRACTS.

(a) NAVAJO NATION CONTRACT.—

(1) HYDROLOGIC DETERMINATION.—Congress recognizes that the Hydrologic Determination satisfactory to support approval of the Contract has been completed.

(2) CONTRACT APPROVAL.—

(A) APPROVAL.—

(i) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with this Act, Congress approves, ratifies, and incorporates by reference the Contract.

(ii) AMENDMENTS.—To the extent any amendment is executed to make the Contract consistent with this Act, that amendment is authorized, ratified, and confirmed.

(B) EXECUTION OF CONTRACT.—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this Act (including any amendment that is required to make the Contract consistent with this Act).

(3) NO REPAYMENT OBLIGATION.—The Nation is not obligated to repay—

(A) any share of the construction costs of the Nation relating to the Project authorized by section 302(a); or

(B) any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of any facility of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(4) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Subject to subsection (f), the Nation shall pay any costs relating to the operation, maintenance, and replacement of each facility of the Project that are allocable to the Nation.

(5) LIMITATION, CANCELLATION, TERMINATION, AND RESCISSION.—The Contract may be limited by a term of years, canceled, terminated, or rescinded only by an Act of Congress.

(b) CITY OF GALLUP CONTRACT.—

(1) CONTRACT AUTHORIZATION.—To the extent consistent with this Act, the Secretary is authorized to enter into a repayment contract with the City that requires the City—

(A) to repay, within a 50-year period, the share of any construction cost of the City relating to the Project; and

(B) to pay the operation, maintenance, and replacement costs of the Project that are allocable to the City.

(2) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the City relating to the Project, based on the ability of the City to pay the construction costs of each facility of the Project that is allocable to the City.

(B) MINIMUM PERCENTAGE.—The share of the construction costs of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City.

(3) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to providing capacity to deliver water to the City that are in excess of the share of the City of the construction costs of the Project, as determined under paragraph (2), shall be nonreimbursable.

(4) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the amount required to be repaid by the City under a repayment contract.

(5) TITLE TRANSFER.—If title is transferred to the City prior to repayment under section 302(f), the City shall be required to provide assurances satisfactory to the Secretary of fulfillment of the remaining repayment obligation of the City.

(6) OPERATION, MAINTENANCE AND REPLACEMENT OBLIGATION.—The City shall pay the operation, maintenance, and replacement costs for each facility of the Project that is allocable to the City.

(7) WATER DELIVERY SUBCONTRACT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the portion of the Project for which the City is responsible by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed, but for a period not exceeding 99 years, with—

(i) the Nation, as authorized by the Contract; or

(ii) the Jicarilla Apache Nation, as authorized by the settlement contract between the United States and the Jicarilla Apache Tribe, authorized by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237).

(B) EFFECT.—Nothing in this paragraph—

(i) prevents the City from obtaining an alternate source of water for the portion of the Project for which the City is responsible, subject to approval of the Secretary and the State of New Mexico, acting through the New Mexico Interstate Stream Commission and the New Mexico State Engineer; or

(ii) obligates the Nation or the Jicarilla Apache Nation to enter into a water delivery subcontract with the City.

(c) JICARILLA APACHE NATION CONTRACT.—

(1) CONTRACT AUTHORIZATION.—To the extent consistent with this Act, the Secretary is authorized to enter into a repayment contract with the Jicarilla Apache Nation that requires the Jicarilla Apache Nation—

(A) to repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project; and

(B) to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

(2) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the Jicarilla Apache Nation of the construction costs of the Project, based on the ability of the Jicarilla Apache Nation to pay the construction costs of the Project facilities that are allocable to the Jicarilla Apache Nation.

(B) MINIMUM PERCENTAGE.—The share of the Jicarilla Apache Nation under subparagraph (A) shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation.

(3) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to providing capacity to deliver water to the Jicarilla Apache Nation that are in excess of the share of the Jicarilla Apache Nation of the construction costs of the Project, as determined under paragraph (2), shall be nonreimbursable.

(4) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(5) NAVAJO INDIAN IRRIGATION PROJECT COSTS.—The Jicarilla Apache Nation shall have no obligation to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation.

(6) OPERATION, MAINTENANCE AND REPLACEMENT OBLIGATION.—The Jicarilla Apache Nation shall pay the operation, maintenance, and replacement costs relating to each facility of the Project that are allocable to the Jicarilla Apache Nation.

(d) CAPITAL COST ALLOCATIONS.—For purposes of determining the capital repayment requirements of the Project Participants under this section, the Secretary shall review and, as appropriate, update the report prepared by the Bureau of Reclamation in the Draft Impact Statement allocating capital construction costs for the Project.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the report prepared by the Bureau of Reclamation in the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project.

(f) TEMPORARY WAIVERS OF PAYMENTS.—

(1) IN GENERAL.—On the date on which the Project is substantially complete and the Nation receives a delivery of water generated by the Project, the Secretary may waive, for a period of not more than 10 years, the operation, maintenance, and replacement costs of the Project allocable to the Nation that the Secretary determines are in excess of the ability of the Nation to pay.

(2) PAYMENT BY UNITED STATES.—Any operation, maintenance, or replacement costs waived by the Secretary under paragraph (1) shall be paid by the United States.

(3) EFFECT ON CONTRACTS.—Failure of the Secretary to waive costs under paragraph (1) because of a lack of availability of Federal funding to pay the costs under paragraph (2) shall not alter the obligations of the Nation or the United States under a repayment contract.

(4) TERMINATION OF AUTHORITY.—The authority of the Secretary to waive costs under paragraph (1) with respect to a Project facility transferred to the Nation under section 302(f) shall terminate on the date on which the Project facility is transferred.

SEC. 305. USE OF NAVAJO NATION MUNICIPAL PIPELINE.

In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey water for other purposes (including purposes relating to the Project).

SEC. 306. AUTHORIZATION OF CONJUNCTIVE USE WELLS.

(a) CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Nation, in consultation with the Secretary, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) WELLS IN THE SAN JUAN RIVER BASIN.—In accordance with the conjunctive groundwater development plan, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of not more than 1,670 acre-feet of groundwater in the San Juan River Basin in the State of New Mexico for municipal and domestic uses.

(c) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—

(1) IN GENERAL.—In accordance with the Project and conjunctive groundwater development plan for the Nation, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the State of New Mexico;

(B) not more than 80 acre-feet of groundwater in the Rio Grande Basin in the State of New Mexico; and

(C) not more than 770 acre-feet of groundwater in the Little Colorado River Basin in the State of Arizona.

(2) USE.—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and domestic uses.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the wells and related pipeline facilities authorized under subsections (b) and (c).

(2) LIMITATION.—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) CONDITION.—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) CONVEYANCE OF WELLS.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Nation to convey to the Nation—

(A) any well or related pipeline facility constructed or rehabilitated under subsections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT.—On completion of a conveyance under paragraph (1), the Nation shall assume responsibility for the operation, maintenance, and replacement of the well or related pipeline facility conveyed.

(3) EFFECT OF CONVEYANCE.—The conveyance to the Nation of the conjunctive use wells under paragraph (1) shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(g) USE OF PROJECT FACILITIES.—The capacities of the treatment facilities, main pipelines, and lateral pipelines of the Project authorized by section 302(b) may be used to treat and convey groundwater to Nation communities if the Nation provides for payment of the operation, maintenance, and replacement costs associated with the use of the facilities or pipelines.

(h) LIMITATIONS.—The diversion and use of groundwater by wells constructed or rehabilitated under this section shall be made in a manner consistent with applicable Federal and State law.

SEC. 307. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.

(a) REHABILITATION.—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 3,335 acres of land, which shall be considered to be the total serviceable area of the Project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the Project.

(b) CONDITION.—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project under subsection (a) until the Secretary executes the Agreement.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Upon the date of completion of the rehabilitation, the Nation shall assume the obligations for the operation, maintenance, and replacement of each facility rehabilitated under this section.

SEC. 308. OTHER IRRIGATION PROJECTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Navajo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented to repair, rehabilitate, or reconstruct irrigation diversion and ditch facilities to improve water use efficiency.

(b) GRANTS.—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).

(c) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of carrying out a project under subsection (b) shall be not more than 50 percent.

(2) FORM.—The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).

(3) STATE CONTRIBUTION.—The Secretary may accept from the State of New Mexico a partial or total contribution toward the non-Federal share for a project carried out under subsection (b).

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to construct the Project such sums as are necessary for the period of fiscal years 2008 through 2022.

(2) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2005 in construction costs, as indicated by engineering cost indices applicable to the types of construction involved.

(3) USE.—In addition to the uses authorized under paragraph (1), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(b) APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.—

(1) SAN JUAN WELLS.—There is authorized to be appropriated to the Secretary for the construction or rehabilitation of conjunctive use wells under section 306(b) $30,000,000, as

adjusted under paragraph (3), for the period of fiscal years 2008 through 2018.

(2) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—There is authorized to be appropriated to the Secretary for the construction or rehabilitation of conjunctive use wells under section 306(c) such sums as are necessary for the period of fiscal years 2008 through 2024.

(3) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2004 in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(4) NONREIMBURSABLE EXPENDITURES.—Amounts made available under paragraphs (1) and (2) shall be nonreimbursable to the United States.

(5) USE.—In addition to the uses authorized under paragraphs (1) and (2), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(c) SAN JUAN RIVER IRRIGATION PROJECTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary—

(A) to carry out section 307(a)(1), not more than $7,700,000, as adjusted under paragraph (2), for the period of fiscal years 2008 through 2014; and

(B) to carry out section 307(a)(2), not more than $15,400,000, as adjusted under paragraph (2), for the period of fiscal years 2008 through 2017.

(2) ADJUSTMENT.—The amounts made available under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since January 1, 2004, in construction costs, as indicated by engineering cost indices applicable to the types of construction involved in the rehabilitation.

(3) NONREIMBURSABLE EXPENDITURES.—Amounts made available under this subsection shall be nonreimbursable to the United States.

(d) OTHER IRRIGATION PROJECTS.—There are authorized to be appropriated to the Secretary to carry out section 308 $11,000,000 for the period of fiscal years 2008 through 2017.

(e) CULTURAL RESOURCES.—

(1) IN GENERAL.—The Secretary may use not more than 4 percent of amounts made available under subsections (a) and (b) for the survey, recovery, protection, preservation, and display of archaeological resources in the area of a Project facility or conjunctive use well.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts made available under paragraph (1) shall be nonreimbursable and nonreturnable to the United States.

(f) FISH AND WILDLIFE FACILITIES.—

(1) IN GENERAL.—In association with the development of the Project, the Secretary may use not more than 4 percent of amounts made available under subsections (a) and (b) to purchase land and construct and maintain facilities to mitigate the loss of, and improve conditions for the propagation of, fish and wildlife if any such purchase, construction, or maintenance will not affect the operation of any water project or use of water.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts expended under paragraph (1) shall be nonreimbursable and nonreturnable to the United States.

TITLE IV—NAVAJO NATION WATER RIGHTS

SEC. 401. AGREEMENT.

(a) AGREEMENT APPROVAL.—

(1) APPROVAL BY CONGRESS.—Except to the extent that any provision of the Agreement conflicts with this Act, Congress approves, ratifies, and incorporates by reference the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this Act).

(2) EXECUTION BY SECRETARY.—The Secretary, acting on behalf of the United States, shall enter into the Agreement to the extent that the Agreement does not conflict with this Act, including—

(A) any exhibits to the Agreement requiring the signature of the Secretary; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this Act.

(3) AUTHORITY OF SECRETARY.—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

(4) ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.—The State of New Mexico may administer releases of stored water from Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.

(b) WATER AVAILABLE UNDER CONTRACT.—

(1) QUANTITIES OF WATER AVAILABLE.—

(A) IN GENERAL.—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2849, 2883, and 3215 in the quantities described in subparagraph (B).

(B) WATER QUANTITIES.—The quantities of water referred to in subparagraph (A) are as follows:

	Diversion (acre-feet/year)	Depletion (acre-feet/year)
Navajo Indian Irrigation Project	508,000	270,000
Northwestern New Mexico Rural Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

(C) MAXIMUM QUANTITY.—A diversion of water to the Nation under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) TERMS, CONDITIONS, AND LIMITATIONS.—The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this Act, and any other applicable law.

(2) AMENDMENTS TO CONTRACT.—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use by the Nation or a subcontractor of the Nation.

(3) RIGHTS OF THE NATION.—The Nation may, under the Contract—

(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, the Resolution, and any other applicable law; and

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this Act (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 303(b)(2)(D)), to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this Act and the Contract.

(c) SUBCONTRACTS.—

(1) IN GENERAL.—

(A) SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) APPROVAL REQUIRED.—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

(C) SUBMITTAL.—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

(D) DEADLINE.—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

(ii) the date that is 60 days after the date on which a subcontractor complies with—

(I) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(II) any other requirement of Federal law.

(E) ENFORCEMENT.—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

(F) COMPLIANCE WITH OTHER LAW.—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

(2) ALIENATION.—

(A) PERMANENT ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

(B) MAXIMUM TERM.—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

(3) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the subcontracting rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) FORFEITURE.—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or

other loss of any part of a right decreed to the Nation under the Contract or this section.

(5) NO PER CAPITA PAYMENTS.—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

(d) WATER LEASES NOT REQUIRING SUBCONTRACTS.—

(1) AUTHORITY OF NATION.—

(A) IN GENERAL.—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

(i) is decreed to the Nation under the Agreement; and

(ii) is not subject to the Contract.

(B) COMPLIANCE WITH OTHER LAW.—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(2) ALIENATION; MAXIMUM TERM.—

(A) ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

(B) MAXIMUM TERM.—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

(3) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) FORFEITURE.—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(e) HYDROGRAPHIC SURVEY.—

(1) PREPARATION.—The Secretary, on behalf of the United States, shall prepare a hydrographic survey under the joint supervision of the Secretary and the State of New Mexico (acting through the New Mexico State Engineer) to identify and quantify any historic or existing diversion or use of water (including from surface water and underground water sources) by the Nation or a member of the Nation from the San Juan River Basin in the State of New Mexico, as described in subparagraph 4.2 of the Agreement.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), there is authorized to be appropriated to the Bureau of Indian Affairs to carry out paragraph (1) $5,000,000 for the period of fiscal years 2008 through 2013.

(B) ADJUSTMENT.—The amounts made available under subparagraph (A) shall be adjusted by such amounts as are necessary to account for increases in the costs of preparing a hydrographic survey after January 1, 2004, as determined using cost indices applicable to the types of technical and engineering work involved in preparing the hydrographic survey.

(C) NONREIMBURSABLE EXPENDITURES.—Any amounts made available under this paragraph shall be nonreimbursable to the United States.

(f) NULLIFICATION.—

(1) DEADLINES.—

(A) IN GENERAL.—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) AGREEMENT.—Not later than December 31, 2008, the Secretary shall execute the Agreement.

(ii) CONTRACT.—Not later than December 31, 2009, the Secretary and the Nation shall execute the Contract.

(iii) PARTIAL FINAL DECREE.—Not later than December 31, 2012, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

(iv) HYDROGRAPHIC SURVEY.—Not later than December 31, 2013, the Secretary shall complete the hydrographic survey described in subsection (e).

(v) FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.—Not later than December 31, 2014, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 307(a)(1) shall be completed.

(vi) SUPPLEMENTAL PARTIAL FINAL DECREE.—Not later than December 31, 2015, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vii) HOGBACK-CUDEI IRRIGATION PROJECT.—Not later than December 31, 2017, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 307(a)(2) shall be completed.

(viii) TRUST FUND.—Not later than December 31, 2018, the United States shall make all deposits into the Trust Fund under section 402.

(ix) CONJUNCTIVE WELLS.—Not later than December 31, 2018, the funds authorized to be appropriated under section 309(b)(1) for the conjunctive use wells authorized under section 306(b) should be appropriated.

(x) NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT.—Not later than December 31, 2022, the construction of all Project facilities shall be completed.

(B) EXTENSION.—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

(2) REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.—

(A) PETITION.—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

(B) TERMINATION.—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

(i) the Trust Fund shall be terminated;

(ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;

(iii) the authorizations for construction and rehabilitation of water projects under this Act shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and

(iv) this title and titles I and III shall be null and void.

(3) CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.—

(A) IN GENERAL.—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 306.

(ii) A failure—

(I) to determine or resolve an accounting of the use of water under this Act in the State of Arizona;

(II) to obtain a necessary water right for the consumptive use of water in Arizona;

(III) to contract for the delivery of water for use in Arizona; or

(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

(4) RIGHTS OF THE NATION.—A tribal right under the Contract, a water right adjudicated consistent with the Contract in the stream adjudication by the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other tribal water right stipulated, adjudicated, or decreed as described in the Agreement and this Act shall be held in trust by the United States in perpetuity for the benefit of the Nation.

(g) EFFECT ON RIGHTS OF INDIAN TRIBES.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

(2) EXCEPTION.—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.

SEC. 402. TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the "Navajo Nation Water Resources Development Trust Fund", consisting of—

(1) such amounts as are appropriated to the Trust Fund under subsection (f); and

(2) any interest earned on investment of amounts in the Trust Fund under subsection (d).

(b) USE OF FUNDS.—The Nation may use amounts in the Trust Fund—

(1) to investigate, construct, operate, maintain, or replace water project facilities, including facilities conveyed to the Nation under this Act; and

(2) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation under the Agreement.

(c) MANAGEMENT.—The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund, and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) INVESTMENT OF THE TRUST FUND.—The Secretary shall invest amounts in the Trust Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(e) CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Subject to paragraph (7), on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund.

(B) REQUIREMENTS.—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with this Act.

(3) NO LIABILITY.—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Nation remaining in the Trust Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act.

(5) ANNUAL REPORT.—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) LIMITATION.—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) CONDITIONS.—Any amount authorized to be appropriated to the Trust Fund under subsection (f) shall not be available for expenditure or withdrawal—

(A) before December 31, 2018; and

(B) until the date on which the court in the stream adjudication has entered—

(i) the Partial Final Decree described in paragraph 3.0 of the Agreement; and

(ii) the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for deposit in the Trust Fund—

(1) $6,000,000 for each of fiscal years 2008 through 2012; and

(2) $4,000,000 for each of fiscal years 2013 through 2017.

SEC. 403. WAIVERS AND RELEASES.

(a) EXECUTION.—The Nation, on behalf of itself and members of the Nation (other than members in their capacity as allottees), and the United States, acting through the Secretary and in its capacity as trustee for the Nation, shall execute waivers and releases in accordance with paragraph 7.0 of the Agreement.

(b) RESERVATION.—Notwithstanding subsection (a), the Nation and its members (including members in their capacity as allottees) and the United States, as trustee for the Nation and allottees, shall retain the rights and claims specified in paragraph 7.0 of the Agreement.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The waivers and releases described in subsection (a) shall be effective on the date on which the Secretary publishes in the Federal Register a statement of findings documenting that each of the deadlines described in section 401(f)(1) have been met.

(2) DEADLINE.—If the deadlines in section 401(f)(1)(A) have not been met by the later of March 1, 2023, or the date of any extension under section 401(f)(1)(B)—

(A) the waivers and releases described in subsection (a) shall be of no effect; and

(B) section 401(f)(2)(B) shall apply.

By Mr. DURBIN (for himself, Mr. LUGAR, Mrs. LINCOLN, Mr. SMITH, Mr. OBAMA, Mr. REED, Mr. WYDEN, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. DOMENICI, Mr. KENNEDY, Mr. ROCKEFELLER, and, Mr. AKAKA):

S. 1172. A bill to reduce hunger in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, President Eisenhower once stated, "Every gun that is made, every warship that is launched, every rocket fired, signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in armaments is not spending its money alone: it is spending the sweat of its laborers, the genius of its scientists, the hopes of its children."

In as trying a time as we live in today, his statement cannot ring more true. We are in the middle of a war with no seeming end in sight. We have daily debates about the numbers in our budget. But President Eisenhower was right. We are not spending our money alone.

In a Nation as rich as ours, we should be able to arrange our priorities to meet the needs of our country, but the unfortunate reality is that in the United States today, children go hungry. Children count on school, not only for education but also for their meals. Seniors are forced to make a choice between life-saving medicines and groceries for their meals. Families are forced to make the difficult choice between paying for food and paying for utilities or their rent or mortgage or even their medicine or medical care. This is the reality of our America.

As Senators, we often hear from families that tell us the difficulty in making ends meet. More and more working families are turning to food banks, pantries and soup kitchens for emergency food assistance. When examining the actual costs of housing, food, utilities and other necessities, researchers have found that in most areas of the country, families need about 200 percent of the poverty level to achieve "minimal economic self-sufficiency." Individuals and families are faced with a cost of living that continues to rise and an increasing gap between what low-wage workers earn and what is required to meet basic needs.

In my State of Illinois, over 158,000 Illinois households experienced hunger in 2005. If we include households that have had to struggle to put food on the table or have had to skip meals to make sure the food would last through the week—that's 440,000 households in Illinois living with food insecurity—9 percent of Illinois households. These are working families who need more to lead healthy, happy lives.

Fortunately, we have some programs in existence to offer hope. Since President Johnson started the war on poverty, we have documented that the Federal nutrition programs work to reduce hunger. When people are able to use Food Stamps, there are enough groceries to last through the week. When new moms are helped by WIC, they and their babies have enough milk and eggs and fruit. When senior citizens are near a Commodity Supplemental Food Program site, they can take home a box of food to fill the pantry AND buy their prescription drugs. Our school children can fill their stomachs and then focus on learning—because of the Federal school food program. In cases of emergency, like the tragic occurrences of hurricanes, our Federal nutrition assistance programs have been there to assist families in need. These Federal food programs work, but more can be done.

Last Congress, I introduced the Hunger Free Communities Act with Senators LINCOLN, SMITH and LUGAR. The bill creates new grant programs that help communities make the most of the Federal nutrition programs and build on their successes.

First, the bill makes grant money available to local groups that are working to eliminate hunger in their communities. Each day, soup kitchens serve meals, and food pantries give groceries, and volunteers collect food, make sandwiches, and deliver food. Our bill creates an anti-hunger grant program—the first of its kind—that asks communities to assess hunger and hunger relief at the local level. Grant money is available to help with that assessment or grant money can be used to help fill in the gaps that a local plan identifies.

Second, we create a funding stream that food banks and soup kitchens can use to keep up their buildings and trucks and kitchen equipment. The response of the food bank network to the crisis after hurricanes Katrina and Rita was remarkable. Tons of food was donated, transported and delivered by thousands of volunteers from all over the country. But within days, America's Second Harvest recognized the food banks needed freezers, forklifts, delivery trucks and repairs to warehouses and equipment. My bill creates the only Federal funding stream specifically for the capital needs of local hunger relief efforts. Helping these organizations is especially important for those organizations in underserved areas and areas where rates of food insecurity, hunger, poverty, or unemployment are higher than the national average.

Late last Congress, the Hunger Free Communities Act was passed by the Senate. I had hoped that there might be time for the House to act on it before the Session ended, but we ran out of time. This was, however, a small victory. It was a small step toward progress—a step that both Democrats and Republicans want to take for the health and well-being of our communities.

There are still too many parents in this country who skip meals because there is not enough money in the family food budget for them and their children to eat every night. There are still too many babies and toddlers in America who are not getting the nutrition their minds and bodies need to develop to their fullest potential. There are too many seniors, and children, who go to bed hungry. In the richest Nation in the history of the world, that is unacceptable.

Progress against hunger is possible, even with a war abroad and budget deficits at home. I am heartened by the 43 United States Senators who agreed with me and cosponsored the Hunger Free Communities Act last year. I am heartened by the support of the Illinois Coalition on Hunger, Bread for the World and America's Second Harvest. Congress will be reauthorizing many nutrition programs this year with the farm bill, and the Hunger Free Communities Act should be a part of that. I believe this bill can take a modest but meaningful step toward eliminating hunger in this country. We tried to make that first step when the bill passed the Senate late last year. We can do it again and should.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Hunger-Free Communities Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—NATIONAL COMMITMENT TO END HUNGER

Sec. 101. Hunger reports.

TITLE II—STRENGTHENING COMMUNITY EFFORTS

Sec. 121. Hunger-free communities collaborative grants.
Sec. 122. Hunger-free communities infrastructure grants.
Sec. 123. Hunger-free communities training and technical assistance grants.
Sec. 124. Report.
Sec. 125. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) at the 1996 World Food Summit, the United States, along with 185 other countries, pledged to reduce the number of undernourished people by half by 2015; and

(B) as a result of that pledge, the Department of Health and Human Services adopted the Healthy People 2010 goal to cut food insecurity in half by 2010, and in doing so reduce hunger;

(2) national nutrition programs are among the fastest, most direct ways to efficiently and effectively prevent hunger, reduce food insecurity, and improve nutrition among the populations targeted by a program;

(3) in 2001, food banks, food pantries, soup kitchens, and emergency shelters helped to feed more than 23,000,000 low-income people; and

(4) community-based organizations and charities can help—

(A) play an important role in preventing and reducing hunger;

(B) measure community food security;

(C) develop and implement plans for improving food security;

(D) educate community leaders about the problems of and solutions to hunger;

(E) ensure that local nutrition programs are implemented effectively; and

(F) improve the connection of food insecure people to anti-hunger programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) DOMESTIC HUNGER GOAL.—The term "domestic hunger goal" means—

(A) the goal of reducing hunger in the United States to at or below 2 percent by 2010; or

(B) the goal of reducing food insecurity in the United States to at or below 6 percent by 2010.

(2) EMERGENCY FEEDING ORGANIZATION.—The term "emergency feeding organization" has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) FOOD SECURITY.—The term "food security" means the state in which an individual has access to enough food for an active, healthy life.

(4) HUNGER-FREE COMMUNITIES GOAL.—The term "hunger-free communities goal" means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

TITLE I—NATIONAL COMMITMENT TO END HUNGER

SEC. 101. HUNGER REPORTS.

(a) STUDY.—

(1) TIMELINE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study of major matters relating to the problem of hunger in the United States, as determined by the Secretary.

(B) UPDATE.—Not later than 5 years after the date on which the study under subparagraph (A) is conducted, the Secretary shall update the study.

(2) MATTERS TO BE ASSESSED.—The matters to be assessed by the Secretary in the study and update under this section shall include—

(A) data on hunger and food insecurity in the United States;

(B) measures carried out during the previous year by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals;

(C) measures that could be carried out by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals; and

(D) the impact of hunger and household food insecurity on obesity, in the context of poverty and food assistance programs.

(b) RECOMMENDATIONS.—The Secretary shall develop recommendations on—

(1) removing obstacles to achieving domestic hunger goals and hunger-free communities goals; and

(2) otherwise reducing domestic hunger.

(c) REPORT.—The Secretary shall submit to the President and Congress—

(1) not later than 1 year after the date of enactment of this Act, a report that contains—

(A) a detailed statement of the results of the study, or the most recent update to the study, conducted under subsection (a)(1); and

(B) the most recent recommendations of the Secretary under subsection (b); and

(2) not later than 5 years after the date of submission of the report under paragraph (1), an update of the report.

TITLE II—STRENGTHENING COMMUNITY EFFORTS

SEC. 121. HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means a public food program service provider or a nonprofit organization, including but not limited to an emergency feeding organization, that demonstrates the organization has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made available under section 125 to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(3) NON-FEDERAL SHARE.—

(A) CALCULATION.—The non-Federal share of the cost of an activity under this section may be provided in cash or in kind, fairly evaluated, including facilities, equipment, or services.

(B) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this section through a State government, a local government, or a private source.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) identify any activity described in subsection (d) that the grant will be used to fund;

(B) describe the means by which an activity identified under subparagraph (A) will reduce hunger in the community of the eligible entity;

(C) list any partner organizations of the eligible entity that will participate in an activity funded by the grant;

(D) describe any agreement between a partner organization and the eligible entity necessary to carry out an activity funded by the grant; and

(E) if an assessment described in subsection (d)(1) has been performed, include—

(i) a summary of that assessment; and

(ii) information regarding the means by which the grant will help reduce hunger in the community of the eligible entity.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities that—

(A) demonstrate in the application of the eligible entity that the eligible entity makes collaborative efforts to reduce hunger in the community of the eligible entity; and

(B)(i) serve a predominantly rural and geographically underserved area;

(ii) serve communities in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates;

(iii) provide evidence of long-term efforts to reduce hunger in the community;

(iv) provide evidence of public support for the efforts of the eligible entity; or

(v) demonstrate in the application of the eligible entity a commitment to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—

(1) ASSESSMENT OF HUNGER IN THE COMMUNITY.—

(A) IN GENERAL.—An eligible entity in a community that has not performed an assessment described in subparagraph (B) may use a grant received under this section to perform the assessment for the community.

(B) ASSESSMENT.—The assessment referred to in subparagraph (A) shall include—

(i) an analysis of the problem of hunger in the community served by the eligible entity;

(ii) an evaluation of any facility and any equipment used to achieve a hunger-free communities goal in the community;

(iii) an analysis of the effectiveness and extent of service of existing nutrition programs and emergency feeding organizations; and

(iv) a plan to achieve any other hunger-free communities goal in the community.

(2) ACTIVITIES.—An eligible entity in a community that has submitted an assessment to the Secretary shall use a grant received under this section for any fiscal year for activities of the eligible entity, including—

(A) meeting the immediate needs of people in the community served by the eligible entity who experience hunger by—

(i) distributing food;

(ii) providing community outreach; or

(iii) improving access to food as part of a comprehensive service;

(B) developing new resources and strategies to help reduce hunger in the community;

(C) establishing a program to achieve a hunger-free communities goal in the community, including—

(i) a program to prevent, monitor, and treat children in the community experiencing hunger or poor nutrition; or

(ii) a program to provide information to people in the community on hunger, domestic hunger goals, and hunger-free communities goals; and

(D) establishing a program to provide food and nutrition services as part of a coordinated community-based comprehensive service.

SEC. 122. HUNGER-FREE COMMUNITIES INFRASTRUCTURE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means an emergency feeding organization (as defined in section 201A(4) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501(4))).

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 40 percent of any funds made available under section 125 to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) identify any activity described in subsection (d) that the grant will be used to fund; and

(B) describe the means by which an activity identified under subparagraph (A) will reduce hunger in the community of the eligible entity.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(A) The eligible entity serves a predominantly rural and geographically underserved area.

(B) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(C) The eligible entity serves a community that has carried out long-term efforts to reduce hunger in the community.

(D) The eligible entity serves a community that provides public support for the efforts of the eligible entity.

(E) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out activities of the eligible entity, including—

(1) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community;

(2) assisting an emergency feeding organization in the community in obtaining locally-produced produce and protein products; and

(3) assisting an emergency feeding organization in the community to process and serve wild game.

SEC. 123. HUNGER-FREE COMMUNITIES TRAINING AND TECHNICAL ASSISTANCE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means a national or regional nonprofit organization that carries out an activity described in subsection (d).

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 10 percent of any funds made available under section 125 to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) demonstrate that the eligible entity does not operate for profit;

(B) describe any national or regional training program carried out by the eligible entity, including a description of each region served by the eligible entity;

(C) describe any national or regional technical assistance provided by the eligible entity, including a description of each region served by the eligible entity; and

(D) describe the means by which each organization served by the eligible entity—

(i) works to achieve a domestic hunger goal;

(ii) works to achieve a hunger-free communities goal; or

(iii) used a grant received by the organization under section 121 or 122.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(A) The eligible entity serves a predominantly rural and geographically underserved area.

(B) The eligible entity serves a region in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(C) The eligible entity serves a region that has carried out long-term efforts to reduce hunger in the region.

(D) The eligible entity serves a region that provides public support for the efforts of the eligible entity.

(E) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out national or regional training and technical assistance for organizations that—

(1) work to achieve a domestic hunger goal;

(2) work to achieve a hunger-free communities goal; or

(3) receive a grant under section 121 or 122.

SEC. 124. REPORT.

Not later than September 30, 2013, the Secretary shall submit to Congress a report describing—

(1) each grant made under this title, including—

(A) a description of any activity funded by such a grant; and

(B) the degree of success of each activity funded by such a grant in achieving hunger-free communities goals; and

(2) the degree of success of all activities funded by grants under this title in achieving domestic hunger goals.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $50,000,000 for each of fiscal years 2008 through 2013.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 1174. A bill to amend the Natural Gas Act to modify a provision relating to the siting, construction, expansion, and operation of liquefied natural gas terminals; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am introducing legislation to restore the authority of State and local governments to protect the environment and ensure public safety with respect to the siting of Liquefied Natural Gas (LNG) terminals within their States. This measure would strike a provision in the Energy Policy Act of 2005 which gave the Federal Regulatory Energy Commission (FERC) power to preempt State and local concerns in the siting, construction and operation of LNG facilities.

In recent years, the LNG industry has proposed building dozens of new LNG terminals throughout the United States, as LNG's share of the natural gas market continues to grow rapidly. Many of these terminals are being planned near populated areas or in environmentally sensitive coastal areas. As a highly hazardous and combustible fuel source, LNG poses serious safety concerns to local communities from potential accidents, as well as terrorism risks. Richard Clarke, a former Bush Administration Counter Terrorism official, noted that LNG terminals and tankers present "especially attractive targets" to terrorists. Experts have identified anumber of potentially catastrophic events that could arise from an LNG release, including pool fires—an extremely intense fire that cannot be extinguished and can spread over considerable distance, flammable vapor clouds that may drift some distance from the spill site, and flameless explosions. According to the Congressional Research Service, there have been approximately 13 serious accidents at LNG plants around the world over the past six decades, including three accidents which caused fatalities—two in Algeria in 1977 and 2004 respectively, and another at Cove Point, MD; in 1979, which killed one worker and caused some $3 million in damages.

In the State of Maryland, which is already home to one of six operating LNG terminals in the United States, AES Sparrows Point LNG, LLC and Mid-Atlantic Express, LLC has proposed building a new terminal near a densely-populated area of Baltimore. Our area Congressional Delegation, Governor O'Malley, Baltimore County Executive Jim Smith and other local officials and community leaders believe this project poses unacceptable public safety, economic and environmental risks and does not serve the public interest. Yet, under current law, the Federal Energy Regulatory Commission now has exclusive authority to approve onshore LNG terminal siting applications. While the law requires FERC to consult with State and local governments regarding safety concerns, they have no role in the final decision. Moreover, while the law permits states to conduct safety inspections of LNG terminals, they do not have the authority to require any safety precautions or to take enforcement actions if they discover problems at a facility during a safety inspection.

It is vital, in my opinion, that State and local authorities and the public have a meaningful opportunity to participate in the decision-making process about the siting of these plants. These terminals have the potential for tremendous impacts on the communities in which they would be constructed and would operate. The measure I am introducing today seeks to restore that authority and give Governors the same veto powers for onshore LNG terminal proposals as they currently exercise for offshore terminal proposals under the Deepwater Port Act. I urge my colleagues to join me in supporting this measure.

By Mr. DURBIN (for himself and Mr. BROWNBACK):

S. 1175. A bill to end the use of child soldiers in hostilities around the world, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I rise today to discuss an issue of children's rights and human rights: the recruitment and use of child soldiers.

Hundreds of thousands of children in the world today serve as child soldiers, boys and girls alike.

They serve as combatants, porters, human mine detectors and sex slaves.

Their health and lives are endangered and their childhoods are sacrificed.

The bulk of these children are captured, recruited, or sold into service with rebel groups such as the infamous Lord's Resistance Army in Uganda.

But some serve with uniformed armed forces or government-supported paramilitaries or militias.

Even more troubling, children have served as child soldiers for governments that receive U.S. military assistance.

Today, Senator SAM BROWNBACK and I are introducing legislation addressing this issue.

Our bill, the Child Soldiers Prevention Act, will ensure that U.S. taxpayer dollars are not used to support foreign militaries known to recruit or use child soldiers in government armed forces or government-supported militaries.

U.S. military assistance can continue under this bill, but it will be used to remedy the problem by helping countries successfully demobilize their child soldiers and professionalize their forces.

Under the terms of this bill, Foreign Military Assistance and other defense-related aid would be limited if countries are clearly identified in the State Department's Human Rights report as recruiting or using child soldiers.

Military assistance to these countries would be limited to supporting the professionalization of their forces until they eliminate the use of child soldiers.

If years of abuse continue, then U.S. assistance would eventually be eliminated.

In all circumstances, the President would be able to waive these rules if he deems that it is in the national interest.

What do we mean by professionalization?

We mean creating regular militaries which conform to long-standing international norms, such as not using children, respecting human rights, and functioning as professional armies.

This bill can only affect governmental or government sanctioned military and paramilitary organizations.

But that is where we have leverage through our foreign military assistance programs and we will use whatever leverage we have to address this heinous phenomenon.

In the last year, many of us have read the haunting memoir of Ishmael Beah, A LONG WAY GONE: Memoirs of a Boy Soldier.

Beah is all of 26: that might seem too young to write a memoir, but sadly, his youth was stolen from him many years ago.

Beah grew up in war-torn Sierra Leone. He was born in 1980.

Eleven years later, civil war broke out, killing tens of thousands of people and driving millions from their homes.

At the age of twelve, he fled attacking rebels.

Beah's parents and his two brothers were among those killed.

By thirteen, he'd been picked up by the government army, but that was no refuge.

Fleeing the rebels who had killed so many of his friends and family, Beah wound up in a village run by government troops.

He wrote of this moment in his life, "In the beginning it seemed we had found safety the smiles on people's faces assured us that there was nothing to worry about anymore. All that darkened the mood of the village was the sight of orphaned children. There were over thirty boys between the ages of six and sixteen. I was one of them. Apart from this, there were no indications that our childhood was threatened, much less that we would be robbed of it."

That was exactly what was happening, though.

In Beah's first battle he watched his eleven-year old tent-mate bleed out before his very eyes.

He writes of this awful day, "My face, my hands, my shirt and gun were covered with blood. I raised the gun and pulled the trigger, and I killed a man. Suddenly, as if someone was shooting them inside my brain, all the massacres I had seen since the day I was touched by war began flashing in my head. Every time I stopped shooting to change magazines and saw my two young lifeless friends, I angrily pointed my gun into the swamp and killed more people."

That was at 13. Thirteen—- an age for junior high soccer games, not for going to war.

Ultimately during his time in the government army, Beah says he killed "too many people to count."

In 1998 he fled and in 1999 he was able to come to New York.

Returning to civilization, according to Beah, was actually harder than the act of becoming a child soldier because "dehumanizing children is a relatively easy task."

Thank God, Sierra Leone's civil war is over.

But too many children in the world continue to be forced to serve as child soldiers.

Ensuring that countries professionalize their militaries and help their child soldiers make the transition back into civil society is a humanitarian issue but also in the best interest for our own armed forces.

We do not want American soldiers in a position where they have to return fire on children.

Delay in such a moment could cost an American soldier his life, but think also of the psychic costs of having to kill a child in battle.

We want our troops to avoid such a situation and we want to ensure that American taxpayer dollars are used as they should be: for professionalizing the militaries of countries whom we are assisting.

It is not enough for child soldiers simply to be demobilized: U.S.-funded programs assist in the rehabilitation of child soldiers and the reintegration of these young people back into civilian life.

Some of these child veterans of war have witnessed or been forced to do terrible things.

Many of the girls have been victims of rape and may be coming back into civilian life with their own children.

I strongly support programs to provide psychological services, educational and vocational training, and other assistance to these traumatized young people.

I also support efforts to bring to justice those rebel leaders and others who kidnap children for use as child soldiers.

The use of child soldiers represents a basic issue of human rights.

For that reason, next week Senator COBURN, who is the ranking member on the Judiciary Subcommittee on Human Rights and the Law, and I will be holding a Subcommittee hearing on Child Soldiers and the Law.

In this hearing, we will explore the persistent use of child soldiers despite the fact that this practice is widely acknowledged as a war crime.

Is this persistent crime in part a failure of enforcement?

Are reforms needed in U.S. law to criminalize this terrible practice?

How is this issue addressed under our immigration laws?

Expert witnesses from non-governmental and faith-based organizations will speak to these issues in our hearing next Tuesday.

So too will Ishmael Beah, whose words vividly capture the horror of children at war.

I am introducing this bill and our subcommittee is holding this hearing as progressive steps to remedy a terrible and persistent problem.

Here in Washington, on the floor of the Senate, it is hard to imagine the atrocities that children endure every day, as combatants, as sex slaves, and as forced labor for militaries and paramilitaries.

But those atrocities do continue.

At the least we should ensure that U.S. assistance goes to remedy the problem and that it is never used to prolong it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Soldier Prevention Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the September 7, 2005, report to the General Assembly of the United Nations by the Special Representative of the Secretary-General for Children and Armed Conflict, "In the last decade, two million children have been killed in situations of armed conflict, while six million children have been permanently disabled or injured. Over 250,000 children continue to be exploited as child soldiers and tens of thousands of girls are being subjected to rape and other forms of sexual violence.".

(2) According to the Center for Emerging Threats and Opportunities (CETO), Marine Corps Warfighting Laboratory, "The Child Soldier Phenomenon has become a post-Cold War epidemic that has proliferated to every continent with the exception of Antarctica and Australia.".

(3) Many of the children currently serving in armed forces or paramilitaries were forcibly conscripted through kidnapping or coercion, a form of human trafficking, while others joined military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety.

(4) Some military and militia commanders force child soldiers to commit gruesome acts of ritual killings or torture, including acts of violence against other children.

(5) Many female child soldiers face the additional psychological and physical horrors of rape and sexual abuse, enslavement for sexual purposes by militia commanders, and severe social stigma should they return home.

(6) Some military and militia commanders target children for recruitment because of their psychological immaturity and vulnerability to manipulation and indoctrination. Children are often separated from their families in order to foster dependence on military units and leaders. Consequently, many of these children suffer from deep trauma and are in need of psychological counseling and rehabilitation.

(7) Child soldiers are exposed to hazardous conditions and are at risk of physical injury and disability, psychological trauma, sexually transmitted diseases, respiratory and skin infections, and often death.

(8) On May 25, 2000, the United Nations adopted and opened for signature, ratification, and accession the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (in this Act referred to as the "Optional Protocol"), which establishes 18 as the minimum age for conscription or forced recruitment and requires states party to ensure that members of their armed forces under the age of 18 do not take a direct part in hostilities.

(9) On June 18, 2002, the Senate unanimously approved the resolution advising and consenting to the ratification of the Optional Protocol.

(10) On December 23, 2002, the United States presented the ratified optional protocol to the United Nations.

(11) More than 110 governments worldwide have ratified the optional protocol, establishing a clear international norm concerning the use of children in combat.

(12) On December 2, 1999, the United States ratified International Labour Convention 182, the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which includes the use of child soldiers among the worst forms of child labor.

(13) On October 7, 2005, the Senate gave its advice and consent to the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

(14) It is in the national security interest of the United States to reduce the chances that members of the United States Armed Forces will be forced to encounter children in combat situations.

(15) Section 502B(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(3)) provides that "the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise".

SEC. 3. CHILD SOLDIER DEFINED.

In this Act, consistent with the provisions of the Optional Protocol, the term "child soldier"—

(1) means—

(A) any person under age 18 who takes a direct part in hostilities as a member of governmental armed forces;

(B) any person under age 18 who has been compulsorily recruited into governmental armed forces;

(C) any person under age 16 voluntarily recruited into governmental armed forces; and

(D) any person under age 18 recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(2) includes any person described in subparagraphs (B), (C), and (D) of paragraph (1) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress—

(1) to condemn the conscription, forced recruitment or use of children by governments, paramilitaries, or other organizations in hostilities;

(2) that the United States Government should support and, where practicable, lead efforts to establish and uphold international standards designed to end this abuse of human rights;

(3) that the United States Government should expand ongoing services to rehabilitate recovered child soldiers and to reintegrate them back into their communities by—

(A) offering ongoing psychological services to help victims recover from their trauma and relearn how to deal with others in nonviolent ways such that they are no longer a danger to their community;

(B) facilitating reconciliation with their communities through negotiations with traditional leaders and elders to enable recovered abductees to resume normal lives in their communities; and

(C) providing educational and vocational assistance;

(4) that the United States should work with the international community, including, where appropriate, third country governments, nongovernmental organizations, faith-based organizations, United Nations agencies, local governments, labor unions, and private enterprise—

(A) on efforts to bring to justice rebel organizations that kidnap children for use as child soldiers, including the Lord's Resistance Army (LRA) in Uganda, Fuerzas Armadas Revolucionarias de Colombia (FARC), and Liberation Tigers of Tamil Eelam (LTTE), including, where feasible, by arresting the leaders of such groups; and

(B) on efforts to recover those children who have been abducted and to assist them in their rehabilitation and reintegration into communities;

(5) that the Secretary of State, the Secretary of Labor, and the Secretary of Defense should coordinate programs to achieve the goals specified in paragraph (3), and in countries where the use of child soldiers is an issue, whether or not it is supported or sanctioned by the governments of such countries, United States diplomatic missions should include in their mission program plans a strategy to achieve the goals specified in such paragraph;

(6) that United States diplomatic missions in countries in which governments use or tolerate child soldiers should develop, as part of annual program planning, strategies to promote efforts to end this abuse of human rights; and

(7) that, in allocating or recommending the allocation of funds or recommending candidates for programs and grants funded by the United States Government, United States diplomatic missions should give particular consideration to those programs and candidates deemed to promote the end to this abuse of human rights.

SEC. 5. PROHIBITION.

(a) In General.—Subject to subsections (b), (c), and (d), none of the funds appropriated or otherwise made available for international military education and training, foreign military financing, foreign military sales, direct commercial sales, or excess Defense articles by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102) or any other Act making appropriations for foreign operations, export financing, and related programs may be obligated or otherwise made available to the government of a country that is clearly identified by the Department of State in the Department of State's most recent Country Reports on Human Rights Practices as having governmental armed forces or government supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) Notification to Countries in Violation of the Standards of This Act.—The Secretary of State shall formally notify any government identified pursuant to subsection (a).

(c) National Interest Waiver.—

(1) Waiver.—The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the interest of the United States.

(2) Publication and notification.—The President shall publish each waiver granted under paragraph (1) in the Federal Register and shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives of each such waiver, including the justification for the waiver, in accordance with the regular notification procedures of such Committees.

(d) Reinstatement of Assistance.—The President may provide to a country assistance otherwise prohibited under subsection (a) upon certifying to Congress that the government of such country—

(1) has implemented effective measures to come into compliance with the standards of this Act; and

(2) has implemented effective policies and mechanisms to prohibit and prevent future use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) Exception for Programs Directly Related to Addressing the Problem of Child Soldiers or Professionalization of the Military.—

(1) In general.—The President may provide to a country assistance for international military education and training otherwise prohibited under subsection (a) upon certifying to Congress that—

(A) the government of such country is implementing effective measures to demobilize child soldiers in its forces or in government supported paramilitaries and to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will directly support professionalization of the military.

(2) Limitation.—The exception under paragraph (1) may not remain in effect for more than 2 years following the date of notification specified in section 5(b).

SEC. 6. REPORTS.

(a) Preparation of Reports Regarding Child Soldiers.—United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) Information for Annual Human Rights Reports.—In preparing those portions of the Human Rights Reports that relate to child soldiers, the Secretary of State shall ensure that such reports shall include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) Inclusion of Information on Violations.—When the Secretary of State determines that a government has violated the standards of this Act, the Secretary shall clearly indicate that fact in the relevant Annual Human Rights Report.

(d) Letter to Congress.—Not later than June 15 of each year for 10 years following the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives—

(1) a list of the countries receiving notification that they are in violation of the standards of this Act;

(2) a list of any waivers or exceptions exercised under this Act;

(3) justification for those waivers and exceptions; and

(4) a description of any assistance provided pursuant to this Act.

SEC. 7. REPORT ON IMPLEMENTATION OF ACT.

Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report setting forth a strategy for achieving the policy objectives of this Act, including a description of an effective mechanism for coordination of United States Government efforts to implement this strategy.

SEC. 8. TRAINING FOR FOREIGN SERVICE OFFICERS.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following new subsection:

"(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided after January 1, 2008, for officers of the Service, including chiefs of mission, instruction on matters related to child soldiers and the substance of the Child Soldier Prevention Act of 2007.".

SEC. 9. EFFECTIVE DATE; APPLICABILITY.

This Act shall take effect 180 days after the date of the enactment of this Act and shall apply to funds obligated after such effective date.

AMENDMENTS SUBMITTED AND PROPOSED

SA 898. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 897 proposed by Mr. Ensign (for himself and Mr. Craig) to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table.

SA 899. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 900. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 901. Mr. DORGAN (for himself and Mr. Grassley) submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 898. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 897 proposed by Mr. ENSIGN (for himself and Mr. CRAIG) to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted insert the following:

TITLE VI: NINTH CIRCUIT SPLIT

SEC. 601. SHORT TITLE.

This title may be cited as the "The Circuit Court of Appeals Restructuring and Modernization Act of 2007".

SEC. 602. DEFINITIONS.

In this title:

(1) FORMER NINTH CIRCUIT.—The term "former ninth circuit" means the ninth judicial circuit of the United States as in existence on the day before the effective date of this title.

(2) NEW NINTH CIRCUIT.—The term "new ninth circuit" means the ninth judicial circuit of the United States established by the amendment made by section 603(2)(A).

(3) TWELFTH CIRCUIT.—The term "twelfth circuit" means the twelfth judicial circuit of the United States established by the amendment made by section 603(2)(B).

SEC. 603. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter preceding the table, by striking "thirteen" and inserting "fourteen"; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... California, Guam, Hawaii, Northern Mariana Islands."

and

(B) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington.".

SEC. 604. JUDGESHIPS.

(a) NEW JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate, 5 additional circuit judges for the new ninth circuit court of appeals, whose official duty station shall be in California.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENT OF JUDGES.—The President shall appoint, by and with the advice and consent of the Senate, 2 additional circuit judges for the former ninth circuit court of appeals, whose official duty stations shall be in California.

(2) EFFECT OF VACANCIES.—The first 2 vacancies occurring on the new ninth circuit court of appeals 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by this subsection shall not be filled.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 605. NUMBER OF CIRCUIT JUDGES.

The table contained in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... 20"

and

(2) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... 14".

SEC. 606. PLACES OF CIRCUIT COURT.

The table contained in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... Honolulu, Pasadena, San Francisco."

and

(2) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... Las Vegas, Phoenix, Portland, Seattle.".

SEC. 607. LOCATION OF TWELFTH CIRCUIT HEADQUARTERS.

The offices of the Circuit Executive of the Twelfth Circuit and the Clerk of the Court of the Twelfth Circuit shall be located in Phoenix, Arizona.

SEC. 608. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge of the former ninth circuit who is in regular active service and whose official duty station on the day before the effective date of this title—

(1) is in California, Guam, Hawaii, or the Northern Mariana Islands shall be a circuit judge of the new ninth circuit as of such effective date; and

(2) is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington shall be a circuit judge of the twelfth circuit as of such effective date.

SEC. 609. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior circuit judge of the former ninth circuit on the day before the effective date of this title may elect to be assigned to the new ninth circuit or the twelfth circuit as of such effective date and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 610. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 608, or

(2) who elects to be assigned under section 609,

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 611. APPLICATION TO CASES.

The following apply to any case in which, on the day before the effective date of this title, an appeal or other proceeding has been filed with the former ninth circuit:

(1) Except as provided in paragraph (3), if the matter has been submitted for decision, further proceedings with respect to the matter shall be had in the same manner and with the same effect as if this title had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this title been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings with respect to the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) If a petition for rehearing en banc is pending on or after the effective date of this title, the petition shall be considered by the court of appeals to which it would have been submitted had this title been in full force and effect at the time that the appeal or other proceeding was filed with the court of appeals.

SEC. 612. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES AMONG CIRCUITS.

Section 291 of title 28, United States Code, is amended by adding at the end the following:

"(c) The chief judge of the Ninth Circuit may, in the public interest and upon request by the chief judge of the Twelfth Circuit, designate and assign temporarily any circuit judge of the Ninth Circuit to act as circuit judge in the Twelfth Circuit.

"(d) The chief judge of the Twelfth Circuit may, in the public interest and upon request by the chief judge of the Ninth Circuit, designate and assign temporarily any circuit judge of the Twelfth Circuit to act as circuit judge in the Ninth Circuit.".

SEC. 613. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES AMONG CIRCUITS.

Section 292 of title 28, United States Code, is amended by adding at the end the following:

"(f) The chief judge of the United States Court of Appeals for the Ninth Circuit may in the public interest—

"(1) upon request by the chief judge of the Twelfth Circuit, designate and assign 1 or more district judges within the Ninth Circuit to sit upon the Court of Appeals of the Twelfth Circuit, or a division thereof, whenever the business of that court so requires; and

"(2) designate and assign temporarily any district judge within the Ninth Circuit to hold a district court in any district within the Twelfth Circuit.

"(g) The chief judge of the United States Court of Appeals for the Twelfth Circuit may in the public interest—

"(1) upon request by the chief judge of the Ninth Circuit, designate and assign 1 or more district judges within the Twelfth Circuit to sit upon the Court of Appeals of the Ninth Circuit, or a division thereof, whenever the business of that court so requires; and

"(2) designate and assign temporarily any district judge within the Twelfth Circuit to hold a district court in any district within the Ninth Circuit.

"(h) Any designations or assignments under subsection (f) or (g) shall be in conformity with the rules or orders of the court of appeals of, or the district within, as applicable, the circuit to which the judge is designated or assigned.".

SEC. 614. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this title may take such administrative action as may be required to carry out this title and the amendments made by this title. Such court shall cease to exist for administrative purposes 2 years after the date of enactment of this Act.

SEC. 615. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, including funds for additional court facilities.

SEC. 616. EFFECTIVE DATE.

Except as provided in section 604(c), this title and the amendments made by this title shall take effect 12 months and 1 day after the date of enactment of this Act.

SA 899. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

TITLE VI. ADDITIONAL JUDGESHIPS FOR THE SOUTHWEST BORDER

At the end of the bill, add the following:

SEC. 601. SHORT TITLE.

This title may be cited as the "Federal Criminal Immigration Courts Act of 2007".

SEC. 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—Based on the recommendations made by the 2007 Judicial Conference and the statistical data provided by the 2006 Federal Court Management Statistics (issued by the Administrative Office of the United States Courts), the Congress finds the following:

(1) Federal courts along the southwest border of the United States have a greater percentage of their criminal caseload affected by immigration cases than other Federal courts.

(2) The percentage of criminal immigration cases in most southwest border district courts totals more than 49 percent of the total criminal caseloads of those districts.

(3) The current number of judges authorized for those courts is inadequate to handle the current caseload.

(4) Such an increase in the caseload of criminal immigration filings requires a corresponding increase in the number of Federal judgeships.

(5) The 2007 Judicial Conference recommended the addition of judgeships to meet this growing burden.

(6) The Congress should authorize the additional district court judges necessary to carry out the 2007 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 49 percent of all criminal filings for the 12-month period ending September 30, 2006.

(b) PURPOSE.—The purpose of this title is to increase the number of Federal judgeships, in accordance with the recommendations of the 2007 Judicial Conference, in district courts that have an extraordinarily high criminal immigration caseload.

SEC. 603. ADDITIONAL DISTRICT COURT JUDGESHIPS.

(a) PERMANENT JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 4 additional district judges for the district of Arizona;

(B) 1 additional district judge for the district of New Mexico;

(C) 2 additional district judges for the southern district of Texas; and

(D) 1 additional district judge for the western district of Texas.

(2) CONFORMING AMENDMENTS.—In order that the table contained in section 133(a) of title 28, United States Code, reflect the number of additional judges authorized under paragraph (1), such table is amended—

(A) by striking the item relating to Arizona and inserting the following:

"Arizona .... 6";

(B) by striking the item relating New Mexico and inserting the following:

"New Mexico .... 7"; and

(C) by striking the item relating to Texas and inserting the following:

"Texas:

Northern	12
Southern	21
Eastern	17
Western	14".

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona; and

(B) 1 additional district judge for the district of New Mexico.

(2) VACANCY.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

SA 900. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . MEDIA COVERAGE OF FEDERAL COURT PROCEEDINGS.

(a) DEFINITIONS.—In this section:

(1) PRESIDING JUDGE.—The term "presiding judge" means the judge presiding over the court proceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term "appellate court of the United States" means any United States circuit court of appeals and the Supreme Court of the United States.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the presiding judge of an appellate court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(B) EXCEPTION.—The presiding judge shall not permit any action under subparagraph (A), if—

(i) in the case of a proceeding involving only the presiding judge, that judge determines the action would constitute a violation of the due process rights of any party; or

(ii) in the case of a proceeding involving the participation of more than 1 judge, a majority of the judges participating determine that the action would constitute a violation of the due process rights of any party.

(2) AUTHORITY OF DISTRICT COURTS.—

(A) IN GENERAL.—

(i) AUTHORITY.—Notwithstanding any other provision of law, except as provided under clause (iii), the presiding judge of a district court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(ii) OBSCURING OF WITNESSES.—Except as provided under clause (iii)—

(I) upon the request of any witness (other than a party) in a trial proceeding, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding; and

(II) the presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request the image and voice of that witness to be obscured during the witness' testimony.

(iii) EXCEPTION.—The presiding judge shall not permit any action under this subparagraph, if that judge determines the action would constitute a violation of the due process rights of any party.

(B) NO TELEVISING OF JURORS.—The presiding judge shall not permit the televising of any juror in a trial proceeding.

(3) ADVISORY GUIDELINES.—The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, at the discretion of that judge, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described under paragraphs (1) and (2).

(4) SUNSET OF DISTRICT COURT AUTHORITY.—The authority under paragraph (2) shall terminate 3 years after the date of the enactment of this Act.

SA 901. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE ___—RESTITUTION FOR VICTIMS OF CRIME ACT OF 2007

SEC. _01. SHORT TITLE.

This title may be cited as the "Restitution for Victims of Crime Act of 2007".

Subtitle A—Collection of Restitution

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the "Collection of Restitution Improvement Act of 2007".

SEC. 1102. PROCEDURE FOR ISSUANCE AND ENFORCEMENT OF RESTITUTION.

Section 3664(f) of title 18, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

"(C)(i) Each restitution order shall—

"(I) contain information sufficient to identify each victim to whom restitution is owed;

"(II) require that a copy of the court order be sent to each such victim; and

"(III) inform each such victim of the obligation to notify the appropriate entities of any change in address.

"(ii) It shall be the responsibility of each victim to whom restitution is owed to notify the Attorney General, or the appropriate entity of the court, by means of a form to be provided by the Attorney General or the court, of any change in the victim's mailing address while restitution is still owed to the victim.

"(iii) The confidentiality of any information relating to a victim under this subparagraph shall be maintained.

"(2) The court shall order that the restitution imposed is due in full immediately upon imposition.

"(3) The court shall direct the defendant—

"(A) to make a good-faith effort to satisfy the restitution order in the shortest time in which full restitution can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant's assets or income;

"(B) to notify the court of any change in residence; and

"(C) to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant's ability to pay restitution.

"(4) Compliance with all payment directions imposed under paragraphs (6) and (7) shall be prima facie evidence of a good faith effort under paragraph (3)(A), unless it is shown that the defendant has concealed or dissipated assets.

"(5) Notwithstanding any other provision of law, for the purpose of enforcing a restitution order, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by the grand jury that indicted the defendant for the crime for which restitution has been awarded, the United States Probation Office, or the Bureau of Prisons. A victim may also provide financial information concerning the defendant to the United States Attorney.

"(6)(A) At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

"(i) impose special payment directions upon the defendant or modify such directions; or

"(ii) direct the defendant to make a single, lump sum payment, partial payments at specified intervals, in-kind payments, or a combination of payments at specified intervals and in-kind payments.

"(B) The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment reasonably can be made.

"(C) In-kind payments may be in the form of the return of property, replacement of property, or, if the victim agrees, services rendered to the victim or a person or organization other than the victim.

"(D) In ordering restitution, the court may direct the defendant to—

"(i) repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds; and

"(ii) surrender to the United States, or to the victim named in the restitution order, any interest of the defendant in any non-exempt asset.

"(E) The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for restitution.

"(7)(A) In determining whether to impose or modify specific payment directions, the court may consider—

"(i) the need to provide restitution to the victims of the offense;

"(ii) the financial ability of the defendant;

"(iii) the economic circumstances of the defendant, including the financial resources and other assets of the defendant and whether any of those assets are jointly controlled;

"(iv) the projected earnings and other income of the defendant;

"(v) any financial obligations of the defendant, including obligations to dependents;

"(vi) whether the defendant has concealed or dissipated assets or income; and

"(vii) any other appropriate circumstances.

"(B) Any substantial resources from any source, including inheritance, settlement, or other judgment, shall be applied to any outstanding restitution obligation.

"(8)(A) If the court finds that the economic circumstances of the defendant do not allow the payment of any substantial amount as restitution, the court may direct the defendant to make nominal payments of not less than $100 per year toward the restitution obligation.

"(B) Any money received from the defendant under subparagraph (A) shall be disbursed so that any outstanding assessment imposed under section 3013 is paid first in full.

"(9) Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

"(10)(A) The ability of the Attorney General to enforce restitution obligations ordered under paragraph (2) shall not be limited by appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders for good cause shown and stated on the record.

"(B) Absent exceptional circumstances, as determined by the court, an order limiting the enforcement of restitution obligations shall—

"(i) require the defendant to deposit, in the registry of the district court, any amount of the restitution that is due;

"(ii) require the defendant to post a bond or other security to ensure payment of the restitution that is due; or

"(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

"(C) No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.".

SEC. 1103. IMPOSITION OF CRIMINAL FINES AND PAYMENT DIRECTIONS.

Subsection 3572(d) of title 18, United States Code, is amended to read as follows:

"(d) PAYMENT.—

"(1) IN GENERAL.—The court shall order that any fine or assessment imposed be due in full immediately upon imposition.

"(2) EFFORTS TO MAKE PAYMENT.—The court shall—

"(A) direct the defendant to make a good-faith effort to satisfy the fine and assessment in the shortest time in which full payment can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant's assets or income;

"(B) direct the defendant to notify the court of any change in residence; and

"(C) order the defendant to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant's ability to pay restitution.

"(3) GOOD FAITH.—Compliance with all payment directions imposed by paragraphs (5) and (6) shall be prima facie evidence of a good faith effort under paragraph (2)(A), unless it is shown that the defendant has concealed or dissipated assets;

"(4) ACCESS TO INFORMATION.—Notwithstanding any other provision of law, for the purpose of enforcing a fine or assessment, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by a grand jury, the United States Probation Office, or the Bureau of Prisons.

"(5) PAYMENT SCHEDULE.—

"(A) IN GENERAL.—At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

"(i) impose special payment directions upon the defendant or modify such directions; or

"(ii) direct the defendant to make a single, lump sum payment, or partial payments at specified intervals.

"(B) PERIOD OF TIME.—The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment can reasonably be made.

"(C) REPATRIATION.—The court may direct the defendant to repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds.

"(D) SURRENDER.—In ordering restitution, the court may direct the defendant to surrender to the United States any interest of the defendant in any non-exempt asset.

"(E) THIRD PARTIES.—If the court directs the defendant to repatriate or surrender any property in which it appears that any person other than the defendant may have a legal interest—

"(i) the court shall take such action as is necessary to protect such third party interest; and

"(ii) may direct the United States to initiate any ancillary proceeding to determine such third party interests in accordance with the procedures specified in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

"(F) EXCLUSIVITY OF REMEDY.—Except as provided in this section, no person may commence an action against the United States concerning the validity of the party's alleged interest in the property subject to reparation or surrender.

"(G) PRESERVATION OF PROPERTY.—The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for payment of the fine or assessment.

"(6) CONSIDERATIONS.—In determining whether to impose or modify special payment directions, the court may consider—

"(A) the need to satisfy the fine or assessment;

"(B) the financial ability of the defendant;

"(C) the economic circumstances of the defendant, including the financial resources and other assets of the defendant, and whether any of those assets are jointly controlled;

"(D) the projected earnings and other income of the defendant;

"(E) any financial obligations of the defendant, including obligations to dependents;

"(F) whether the defendant has concealed or dissipated assets or income; and

"(G) any other appropriate circumstances.

"(7) USE OF RESOURCES.—Any substantial resources from any source, including inheritance, settlement, or other judgment shall be applied to any fine or assessment still owed.

"(8) NOMINAL PAYMENTS.—If the court finds that the economic circumstances of the defendant do not allow the immediate payment of any substantial amount of the fine or assessment imposed, the court may direct the defendant to make nominal payments of not less than $100 per year toward the fine or assessment imposed.

"(9) INMATE FINANCIAL RESPONSIBILITY PROGRAM.—Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

"(10) ENFORCEMENT.—

"(A) IN GENERAL.—The ability of the Attorney General to enforce the fines and assessment ordered under paragraph (1) shall not be limited by an appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders, for good cause shown and stated on the record.

"(B) EXCEPTIONS.—Absent exceptional circumstances, as determined by the court, an order limiting enforcement of a fine or assessment shall—

"(i) require the defendant to deposit, in the registry of the district court, any amount of the fine or assessment that is due;

"(ii) require the defendant to post a bond or other security to ensure payment of the fine or assessment that is due; or

"(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

"(C) OTHER ACTIVITIES.—No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.

"(11) SPECIAL ASSESSMENTS.—The requirements of this subsection shall apply to the imposition and enforcement of any assessment imposed under section 3013 of this title.".

SEC. 1104. COLLECTION OF UNPAID FINES OR RESTITUTION.

Section 3612(b) of title 18, United States Code, is amended to read as follows:

"(b) INFORMATION TO BE INCLUDED IN JUDGMENT; JUDGMENT TO BE TRANSMITTED TO THE ATTORNEY GENERAL.—

"(1) IN GENERAL.—A judgment or order imposing, modifying, or remitting a fine or restitution order of more than $100 shall include—

"(A) the name, social security account number, mailing address, and residence address of the defendant;

"(B) the docket number of the case;

"(C) the original amount of the fine or restitution order and the amount that is due and unpaid;

"(D) payment orders and directions imposed under section 3572(d) and section 3664(f) of this title; and

"(E) a description of any modification or remission.

"(2) TRANSMITTAL OF COPIES.—Not later than 10 days after entry of the judgment or order described in paragraph (1), the court shall transmit a certified copy of the judgment or order to the Attorney General.".

SEC. 1105. ATTORNEY'S FEES FOR VICTIMS.

(a) ORDER OF RESTITUTION.—Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

"(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or"; and

(D) in subparagraph (C), as so redesignated by this subsection, by inserting "or (B)" after "subparagraph (A)";

(2) in paragraph (4)—

(A) by inserting "(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)" after "other expenses related to participation in the investigation or prosecution of the offense"; and

(B) by striking "and" at the end;

(3) in paragraph (5), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(6) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).".

(b) MANDATORY RESTITUTION TO VICTIMS OF CERTAIN CRIMES.—Section 3663A(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

"(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or"; and

(D) in subparagraph (C), as so redesignated by this subsection, by inserting "or (B)" after "subparagraph (A)";

(2) in paragraph (3), by striking "and" at the end;

(3) in paragraph (4)—

(A) by inserting "(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)" after "other expenses related to participation in the investigation or prosecution of the offense"; and

(B) by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(5) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).".

Subtitle B—Preservation of Assets for Restitution

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the "Preservation of Assets for Restitution Act of 2007".

SEC. 1202. AMENDMENTS TO THE MANDATORY VICTIMS RESTITUTION ACT.

(a) IN GENERAL.—Chapter 232 of title 18, United States Code, is amended by inserting after section 3664 the following:

"§ 3664A. Preservation of assets for restitution

"(a) PROTECTIVE ORDERS TO PRESERVE ASSETS.—

"(1) IN GENERAL.—Upon the Government's ex parte application and a finding of probable cause to believe that a defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, the court—

"(A) shall—

"(i) enter a restraining order or injunction;

"(ii) require the execution of a satisfactory performance bond; or

"(iii) take any other action necessary to preserve the availability of any property traceable to the commission of the offense charged; and

"(B) if it determines that it is in the interests of justice to do so, shall issue any order necessary to preserve any nonexempt asset (as defined in section 3613) of the defendant that may be used to satisfy such restitution order.

"(2) PROCEDURES.—Applications and orders issued under paragraph (1) shall be governed by the procedures under section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) and in this section.

"(3) MONETARY INSTRUMENTS.—If the property in question is a monetary instrument (as defined in section 1956(c)(5)) or funds in electronic form, the protective order issued under paragraph (1) may take the form of a warrant authorizing the Government to seize the property and to deposit it into an interest-bearing account in the Registry of the Court in the district in which the warrant was issued, or into another such account maintained by a substitute property custodian, as the court may direct.

"(4) POST-INDICTMENT.—A post-indictment protective order entered under paragraph (1) shall remain in effect through the conclusion of the criminal case, including sentencing and any post-sentencing proceedings, until seizure or other disposition of the subject property, unless modified by the court upon a motion by the Government or under subsection (b) or (c).

"(b) DEFENDANT'S RIGHT TO A HEARING.—

"(1) IN GENERAL.—In the case of a preindictment protective order entered under subsection (a)(1), the defendant's right to a post-restraint hearing shall be governed by paragraphs (1)(B) and (2) of section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)).

"(2) POST-INDICTMENT.—In the case of a post-indictment protective order entered under subsection (a)(1), the defendant shall have a right to a post-restraint hearing regarding the continuation or modification of the order if the defendant—

"(A) establishes by a preponderance of the evidence that there are no assets, other than the restrained property, available to the defendant to retain counsel in the criminal case or to provide for a reasonable living allowance for the necessary expenses of the defendant and the defendant's lawful dependents; and

"(B) makes a prima facie showing that there is bona fide reason to believe that the court's ex parte finding of probable cause under subsection (a)(1) was in error.

"(3) HEARING.—

"(A) IN GENERAL.—If the court determines that the defendant has satisfied the requirements of paragraph (2), it may hold a hearing to determine whether there is probable cause to believe that the defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, and that the seized or restrained property may be needed to satisfy such restitution order.

"(B) PROBABLE CAUSE.—If the court finds probable cause under subparagraph (A), the protective order shall remain in effect.

"(C) NO PROBABLE CAUSE.—If the court finds under subparagraph (A) that no probable cause exists as to some or all of the property, or determines that more property has been seized and restrained than may be needed to satisfy a restitution order, it shall modify the protective order to the extent necessary to release the property that should not have been restrained.

"(4) Rebuttal.—If the court conducts an evidentiary hearing under paragraph (3), the court shall afford the Government an opportunity to present rebuttal evidence and to cross-examine any witness that the defendant may present.

"(5) Pretrial hearing.—In any pretrial hearing on a protective order issued under subsection (a)(1), the court may not entertain challenges to the grand jury's finding of probable cause regarding the criminal offense giving rise to a potential restitution order. The court shall ensure that such hearings are not used to obtain disclosure of evidence or the identities of witnesses earlier than required by the Federal Rules of Criminal Procedure or other applicable law.

"(c) Third Party's Right to Post-Restraint Hearing.—

"(1) In general.—A person other than the defendant who has a legal interest in property affected by a protective order issued under subsection (a)(1) may move to modify the order on the grounds that—

"(A) the order causes an immediate and irreparable hardship to the moving party; and

"(B) less intrusive means exist to preserve the property for the purpose of restitution.

"(2) Modification.—If, after considering any rebuttal evidence offered by the Government, the court determines that the moving party has made the showings required under paragraph (1), the court shall modify the order to mitigate the hardship, to the extent that it is possible to do so while preserving the asset for restitution.

"(3) Intervention.—

"(A) In general.—Except as provided in subparagraph (B) or paragraph (1), a person other than a defendant has no right to intervene in the criminal case to object to the entry of any order issued under this section or otherwise to object to an order directing a defendant to pay restitution.

"(B) Exception.—If, at the conclusion of the criminal case, the court orders the defendant to use particular assets to satisfy an order of restitution (including assets that have been seized or restrained pursuant to this section) the court shall give persons other than the defendant the opportunity to object to the order on the ground that the property belonged in whole or in part to the third party and not to the defendant, as provided in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

"(d) Geographic Scope of Order.—

"(1) In general.—A district court of the United States shall have jurisdiction to enter an order under this section without regard to the location of the property subject to the order.

"(2) Outside the united states.—If the property subject to an order issued under this section is located outside of the United States, the order may be transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement.

"(e) No Effect on Other Government Action.—Nothing in this section shall be construed to preclude the Government from seeking the seizure, restraint, or forfeiture of assets under the asset forfeiture laws of the United States.

"(f) Limitation on Rights Conferred.—Nothing in this section shall be construed to create any enforceable right to have the Government seek the seizure or restraint of property for restitution.

"(g) Receivers.—

"(1) In general.—A court issuing an order under this section may appoint a receiver under section 1956(b)(4) to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, that have been restrained in accordance with this section.

"(2) Distribution of property.—The receiver shall have the power to distribute property in its control to each victim identified in an order of restitution at such time, and in such manner, as the court may authorize.".

(b) Conforming Amendment.—The section analysis for chapter 232 of title 18, United States Code, is amended by inserting after the item relating to section 3664 the following:

"Sec. 3664A. Preservation of assets for restitution.".

SEC. 1203. AMENDMENTS TO THE ANTI-FRAUD INJUNCTION STATUTE.

Section 1345(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "or" at the end; and

(B) by inserting after subparagraph (C) the following:

"(D) committing or about to commit a Federal offense that may result in an order of restitution;"; and

(2) in paragraph (2)—

(A) by striking "a banking violation" and all that follows through "healthcare offense" and inserting "a violation or offense identified in paragraph (1)"; and

(B) by inserting "or offense" after "traceable to such violation".

SEC. 1204. AMENDMENTS TO THE FEDERAL DEBT COLLECTION PROCEDURES ACT.

(a) Process.—Section 3004(b)(2) of title 28, United States Code, is amended by inserting after "in which the debtor resides." the following: "In a criminal case, the district court for the district in which the defendant was sentenced may deny the request.".

(b) Prejudgment Remedies.—Section 3101 of title 28, United States Code, is amended—

(1) in subsection (a)(1) by inserting after "the filing of a civil action on a claim for a debt" the following: "or in any criminal action where the court may enter an order of restitution"; and

(2) in subsection (d)—

(A) by inserting after "The Government wants to make sure [name of debtor] will pay if the court determines that this money is owed.'" the following:

"'In a criminal action, use the following opening paragraph: You are hereby notified that this [property] is being taken by the United States Government [the Government], which says that [name of debtor], if convicted, may owe as restitution $ [amount]. The Government says it must take this property at this time because [recite the pertinent ground or grounds from section 3101(b)]. The Government wants to make sure [name of debtor] will pay if the court determines that restitution is owed.'";

(B) by inserting after "a statement that different property may be so exempted with respect to the State in which the debtor resides.]'" the following:

"'[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]'"; and

(C) by inserting after "You must also send a copy of your request to the Government at [address], so the Government will know you want the proceeding to be transferred.'" the following:

"'If this Notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.'".

(c) Enforcement.—Section 3202(b) of title 28, United States Code, is amended—

(1) by inserting after "a statement that different property may be so exempted with respect to the State in which the debtor resides.]'" the following:

"'[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]'"; and

(2) by inserting after "you want the proceeding to be transferred.'" the following:

"'If this notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.'".

Subtitle C—Environmental Crimes Restitution

SEC. 1301. SHORT TITLE.

This subtitle may be cited as the "Environmental Crimes Restitution Act of 2007".

SEC. 1302. IMMEDIATE AVAILABILITY OF RESTITUTION TO VICTIMS OF ENVIRONMENTAL CRIMES.

Section 3663(a)(1)(A) of title 18, United States Code, is amended by striking "or section 5124, 46312, 46502, or 46504 of title 49," and inserting "paragraph (2) or (3) of section 309(c) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)), section 105(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415(b)), section 9(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1908(a)), section 1423 or subsection (a) or (b) of section 1432 of the Safe Drinking Water Act (42 U.S.C. 300h-2 and 300i-1), subsection (d) or (e) of section 3008 of the Solid Waste Disposal Act (42 U.S.C. 6928), paragraph (1) or (5) of section 113(c) of the Clear Air Act (42 U.S.C. 7413(c)), or section 46312, 46502, or 46504 of title 49,".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KLOBUCHAR. Mr President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 19, 2007, a 9:30 a.m., in open session to receive testimony on the Department of Defense's management of costs under the Logistics Civil Augmentation Program (LOCGAP) contract in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, April 19, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to discuss the importance of basic research to U.S. competitiveness in science.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE.

Ms. KLOBUCHUR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 19, 2007, at 10 a.m., in 2125 Dirksen Senate Office Building, to hear testimony on "Grains, Cane, and Automobiles: Tax Incentives for Alternative Fuels and Vehicles".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, April 19, 2007, at 9 a.m. for a hearing titled "Dangerous Exposure: The Impact of Global Warming on Private and Federal Insurance."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct hearing on "Department of Justice Oversight" on Thursday, April 19, 2007 at 9:30 a.m., in Hart Senate Office Building room 216.

Witness

The Honorable Alberto Gonzales, Attorney General, United States Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 19, 2007 at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, April 19, 2007 from 10 a.m. to noon in Dirksen 562 for the purpose of conducting a hearing.

Agenda

Biodentical Hormones.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet on Thursday, April 19, 2007 at 2 p.m. for a hearing entitled, "The Road Ahead: Implementing Postal Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet in open and closed sessions during the session of the Senate on Thursday, April 19, 2007, at 2:30 p.m., to receive testimony on military space programs in review of the defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Madam President, we will return tomorrow in session to discuss the competitiveness bill now pending and to have debate only and then consider amendments, and we hope to vote on it early next week.

As far as our meeting this week in the Senate, we are able to point to the passage of the court security bill, which is an important piece of legislation. Unfortunately, it is a bill that took 2 days, and it should have taken 20 minutes. During the course of 2 days, we had a general debate about budget deficits and a debate which started and ended without a vote on splitting up the Ninth Circuit. It was time for some Members to bring up issues of importance to them, but I would suggest we have a limited amount to show for our activity this week because of activities on the other side of the aisle.

Twice we were stopped in efforts to call up important legislation. We wanted to have the reauthorization of the intelligence agencies in America so that they are prepared to deal in the most effective way in fighting terrorism. Unfortunately, there was resistance from the Republican side of the aisle, and we weren't able to do so. The bill had to be pulled from debate on the floor and put back on the calendar for another day. Then we wanted to move to the Medicare prescription Part D Program. Those of us on the Democratic side think it is important to have a debate as to whether Medicare can offer less expensive, more affordable drugs to seniors and disabled people. The pharmaceutical companies don't like this idea. The current system is very profitable for them. They have mounted a very expensive campaign to stop any suggestion of changing Medicare prescription Part D. It would have been a lively debate, an important debate, followed closely by many seniors and their families but, unfortunately, once again, the Republican minority, within their rights, stopped us from moving to that important debate.

So for two very substantive issues, we were stopped this week from the kind of progress which I think people expect us to make. Even if we disagree between the parties, there should be a spirit of cooperation here, at least when it comes to honest debate in a reasonable period of time and then an up-or-down vote and then move on, but we couldn't reach that point this week. Sadly, the only bill that passed was the Court Security Act, as important as it is. It should have passed very quickly without controversy. It took us 2 days.

Now we have a very important bill before us, which I think is long overdue. I wish to thank Senator ALEXANDER from Tennessee and Senator BINGAMAN for being the lead sponsors on this bill. I hope the debate tomorrow will lead to some amendments the beginning of next week and then to passage. America needs to maintain the competitive edge in so many parts of our economy, particularly when it comes to manufacturing, and this bill could be very positive.

UNANIMOUS-CONSENT AGREEMENT—S. 761

Mr. DURBIN. Madam President, I ask unanimous consent that on Friday, April 20, at 10:30 a.m. the Senate proceed to the consideration of Calendar No. 70, S. 761, the America COMPETES Act, and that during Friday's session there be debate only with no amendments in order to the bill; further, that on Tuesday, April 24, during consideration of S. 761, Senator COBURN be recognized to speak for 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the Republican leader, pursuant to Public Law 106-286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: the Senator from Nebraska (Mr. HAGEL), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oregon (Mr. SMITH), and the Senator from Florida (Mr. MARTINEZ).

AMENDING THE ETHICS IN GOVERNMENT ACT OF 1978

Mr. DURBIN. Madam President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1130, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1130) to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Madam President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1130) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, APRIL 20, 2007

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Friday, April 20; that on Friday following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each; that at 10:30 the Senate begin consideration of S. 761, the America COMPETES Act, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business today, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 4:45 p.m., adjourned until Friday, April 20, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, April 19, 2007*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Times of great violence paralyze many and create distant waves of anxiety. The same burnishing moment that destroys innocents tests the mettle of survivors and produces some heroes. Terrible events born of evil intent and hatred cry out for ready explanation but often remain senseless, whether they happened yesterday or decades ago. In the very midst of the horrible scene there seems to appear a prophetic voice that screams out: "Who are you as a people!"

Lord God, by whose coinage we are all fashioned and redeemed, be with all of us who are touched by the stories of mass murders. Let not the hatred be contagious or fester in our impurient nature. Free the news of gruesome details which only burn the imaginative memory.

Instead, Lord, strengthen us to choose life and compassion, that we may be bold enough to hear the confessions that come from prisons, concentration camps, and college campuses. In their lonely stories, Lord, help us to see part of ourselves, for we are united in You, now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. SALAZAR) come forward and lead the House in the Pledge of Allegiance.

Mr. SALAZAR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 1003. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H. Con. Res. 88. Concurrent resolution honoring the life of Ernest Gallo.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 28. Concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

The message also announced that pursuant to Public Law 96-114, as amended, the Chair, on behalf of the Republican Leader, appoints the following individual to the Congressional Award Board:

The Senator from Georgia (Mr. ISAKSON).

The message also announced that pursuant to section 154 of Public Law 108-199, the Chair, on behalf of the Majority Leader, appoints the following Senator as Chairman of the Senate Delegation to the United States-Russia Interparliamentary Group conference during the One Hundred Tenth Congress:

The Senator from Nebraska (Mr. NELSON).

The message also announced that pursuant to section 154 of Public Law 108-199, the Chair, on behalf of the Republican Leader, appoints the following Senator as Vice Chairman of the Senate Delegation to the United States-Russia Interparliamentary Group conference during the One Hundred Tenth Congress:

The Senator from Mississippi (Mr. LOTT).

HOUR OF MEETING ON FRIDAY, APRIL 20, 2007

Mr. WILSON of Ohio. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain requests for ten 1-minute speeches on each side.

SUPREME COURT DECISION TO UPHOLD THE FEDERAL ABORTION BAN

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Madam Speaker, the Bush administration has gotten what they wished for. The Supreme Court has upheld a ban on a medical procedure for women without a health exception, thereby reversing four decades of rulings supporting a woman's right to choose.

Women who face serious health consequences have lost their right to the safest procedure available. Politicians have taken the place of doctors. Women have become a pawn in the hands of right-wing conservatives.

On my Web site, I keep a listing of all the ways this administration has chipped away at a woman's right to choose, but yesterday they used a sledgehammer. By upholding this ban and disregarding years of precedent, the Roberts court has shown not only its belief that women are second-class citizens, but also its potential to completely overturn Roe.

We need to stand up to right-wing, conservative, extremist efforts and protect the basic human rights of women.

DANGEROUS WAR SUPPLEMENTAL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, for weeks the House has debated our strategy in Iraq and continued funding for the war. In the midst of this debate, the Democratic leadership adjourned for a 2-week spring break.

Even today, we appear no closer to a solution that will support our mission and our troops and sustain an effective foreign policy. The Democrat leadership of both Chambers has indicated its desire to move their message of defeat. Fortunately, President Bush is standing by his commitment to veto the bill and promote our mission for victory in Iraq, to protect American families.

Al Qaeda has stated Iraq is the central front in the war on terrorism. Osama bin Laden has characterized Iraq as the "third world war." Withdrawing from Iraq will not end the global war on terrorism.

I have confidence in our military leaders, who should not be micromanaged by Congress. Yesterday, Admiral William Fallon testified effectively

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that the new reinforcement course in Baghdad is producing positive results. We will face the terrorists overseas or again in the streets of America.

In conclusion, God bless our troops, and we will never forget September 11.

TRIBUTE TO THE LATE RAYMOND G. MURPHY

(Mr. SALAZAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALAZAR. Mr. Speaker, I stand today to honor the life of a great American.

LTC Raymond Gerald Murphy was born on January 14, 1930, in Pueblo, Colorado. He graduated from Pueblo Catholic High School and attended Fort Lewis Junior College in Durango, then Adams State College in Alamosa.

After graduation, Jerry Murphy joined the Marine Corps Reserve and entered Officers Candidate School. In 1952, he was sent to Korea where he served with the 5th Marines, 1st Marine Division.

In February 1953, Raymond Gerald Murphy was cited for "Conspicuous Gallantry at the risk of his life and above and beyond the call of duty as a Platoon Commander."

Although painfully wounded by fragments from an enemy mortar shell, Second Lieutenant Murphy steadfastly refused medical attention and continued to lead his men up the hill through a withering barrage of hostile mortar and small-arms fire. Wounded a second time, he again refused assistance.

His resolute and inspiring leadership, exceptional fortitude and great personal valor reflect the highest credit upon Lieutenant Colonel Murphy and enhance the finest traditions of the United States military service.

Raymond Gerald Murphy was the 39th United States Marine to be awarded the Medal of Honor for Heroism in the Korean War. In addition to the Medal of Honor, Lieutenant Colonel Murphy was awarded the Silver Star, Purple Heart, Korean Service Medal with two Bronze Stars, the United Nations Service Medal and the National Defense Service Medal.

On Good Friday, LTC Raymond Jerry Murphy died in the Veterans Administration nursing home in Pueblo at the age of 77, Mr. Speaker, but his spirit and heroism will live forever.

OVERHAUL OUR CUMBERSOME TAX SYSTEM

(Mr. SALI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALI. Mr. Speaker, under Democrat leadership, the year 1993 witnessed the greatest tax increase in American history, until recently. Just 3 months into this new Congress, the Democrats have shown their vision for America with a more than $400 billion budget increase, an increase which can only be paid for through a colossal scale of taxation that will reach nearly every American.

The Federal Government has created a monster. Today, our Tax Code and regulations bulge at over 60,000 pages. I have yet to meet anyone who has read all of them. Americans pay billions of dollars to accountants and financial advisers just to comply with this labyrinth of rules. More than 50 percent of all taxpayers pay someone else to prepare their tax returns.

Planning for the future is challenging enough without the added headache of complex taxes and confusing deductions, not to mention the uncertainty of how taxes may change from one year to the next. Congress has the moral responsibility to remove the obstacles it has created that punish Americans who are simply working hard to achieve their dreams.

I encourage my colleagues in Congress to overhaul our cumbersome tax system.

WE SHOULD END THE WAR NOW

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the American people want the war in Iraq to end and the troops to be brought home. Why then is this House preparing to capitulate to the Bush White House and let the war continue? We have learned that the Democratic compromise with the President is to make withdrawal timetables nonbinding.

We have the power to end the war now. We should not give the President another dime for the war. We should not permit this war to continue to go on. Yet this House passed a $97 billion supplemental which gives the President money to keep the war going through September of 2008, and then a week later approved the President's budget for another $195 billion for Iraq to keep the war going into 2009. And now we are talking about a nonbinding timetable for withdrawal.

What is the difference between the Democrats and the Republicans on the war? Well, the Republicans do not want any timetables for withdrawal at all, and the Democrats, well, the Democrats want nonbinding timetables for withdrawal.

PARTIAL BIRTH ABORTION RULING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, yesterday's Supreme Court decision to uphold a ban on partial birth abortion has been a long time coming. Opinion polls have long shown overwhelming opposition to this gruesome and horrific procedure, and in response, Congress acted to ban partial birth abortion, passing the ban two times during the Clinton administration only to have it vetoed by President Clinton both times. In 2003, Congress passed the ban again with bipartisan majorities in the House and Senate, and this time it was signed into law by President Bush.

Unable to win through the democratic process, proponents of abortion-on-demand took to the courts, and for years their efforts delayed a final decision, leaving unborn children without protection from this gruesome procedure.

Thankfully, yesterday's decision ends the uncertainty, and this ruling protects America's unborn children from a barbaric, grisly procedure that has no place in a civilized society.

Mr. Speaker, this is a win for the sanctity of human life and a win for American democracy.

TAX RELIEF FOR WORKING CAREGIVERS

(Mr. DONNELLY asked and was given permission to address the House for 1 minute.)

Mr. DONNELLY. Mr. Speaker, I rise today in support of H.R. 1911, the Tax Relief for Working Caregivers Act.

In recent years, the rising costs associated with caring for children and aging parents have placed a significant burden on many middle-class families. Today, more than 16 million Americans have joined the ranks of the new "sandwich generation," those working Americans who provide care for both their own children and for their aging parents.

Yesterday, I introduced legislation to provide more tax relief for working families who provide dependent care for their children or parents.

My legislation does two things. First, it would extend the full benefit of the dependent care tax credit to allow more middle-class families to receive tax relief for the child and elder care expenses they must incur in order to work.

Secondly, the bill expands the credit to include all older dependent parents, not just those who live with the taxpayer. This makes it easier for families to care for their loved ones, while providing the flexibility to maintain a living situation more suited to the family's unique needs.

Mr. Speaker, I ask for support for this legislation.

☐ 1015

MARK LUNSFORD—TRUCK DRIVER AND DADDY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker: "Just a truck driver and a daddy" is how Mark Lunsford described himself before February 24, 2005. However, that night forever altered the course of his own life. A convicted sex offender snuck into the Lunsford home and kidnapped Mark's 9-year-old daughter, Jessica. For 3 weeks, Mark pled to the American public for Jessica's safe return, to no avail.

A sex offender was captured, confessed to kidnapping, sexually assaulting, and killing Jessica by burying her alive. Mark's mission to protect our Nation's children from these predators became his life's ambition.

Using the local and national media, Mark has raised the awareness and the need to strengthen the laws to keep sex offenders from harming our kids. He has traveled from State to State campaigning for Jessica's Law, which includes harsher punishments for sex offenders. He was also instrumental in helping Congress pass the Adam Walsh Child Safety Act, which tracks child molesters.

Last night, Congressman JIM COSTA and myself, on behalf of the Victims' Rights Caucus, were pleased to honor Mark Lunsford, this daddy, this truck driver, for his commitment to our Nation's children. After all, children are our greatest natural resource.

And that's just the way it is.

THE TRUTH FROM ATTORNEY GENERAL

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, today we will once again hear from the Attorney General, Alberto Gonzales, on the prosecutor purge. When it comes to the U.S. Attorney firings in public corruption cases, we have heard plenty of different explanations from the Attorney General and his associates.

What we have not heard is the simple truth. We know many of the fired U.S. Attorneys were pursuing public corruption cases. Contrary to the administration's earlier assertion, we know the decision to fire these prosecutors reached the highest levels of government in the administration and involved Members of Congress and Republican Party officials. So this administration either originally hired incompetent U.S. Attorneys in the first place, or hired competent attorneys but incompetently fired them.

Which is it? Are the public corruption cases that implicate Members of their own party off limits in the Bush Justice Department? Is this blind justice? Democrats have been asking these questions for months and for months, and we have been consistently told other stories. Now the time for misdirection is over. Today we will demand and seek the truth.

THE CONSTITUTION AND THE DISTRICT OF COLUMBIA

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, article I, section 2 of the Constitution states that "the House of Representatives shall be composed of Members chosen every second year by the people of the several States." It goes on to say: "No person shall be a representative who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

Mr. Speaker, in spite of the Constitution and what it says today, this new majority will pass a bill to provide a vote, by law, not constitutional amendment, a vote in this House for the delegate from the District of Columbia.

Now, I support, strongly, voting rights for residents of D.C. The proper way to do that, the constitutional way, is to return residential area in the District of Columbia to Maryland. It respects the supreme law of the land of the Constitution. Even the Democrat chairman, Peter Rodino of the Judiciary Committee in the 95th Congress, said: "If the citizens of the District are to have voting representation in Congress, a constitutional amendment is essential. Statutory action alone will not suffice."

So why would this new majority pass a law so clearly violative of the Constitution? Because they can. It's an arrogance and hypocrisy that the American people recognize, and they are watching.

THE CARNAGE IN IRAQ AND THE SUPPLEMENTAL BILL

(Mr. CLEAVER asked and was given permission to address the House for 1 minute.)

Mr. CLEAVER. Mr. Speaker, yesterday, as military leaders were on the Hill explaining how well things were moving in Iraq, news outlets were reporting that 171 human beings were killed at a Baghdad market. The carnage seems to have no end, even as we see endless U.S. troops shipped into an Iraqi shooting gallery.

This Congress has approved a supplemental bill which provides everything the President requested and more. In fact, the bill provides plentifully, but appropriately, for the wounded who return home every month.

The hope is that the President will sign the supplemental as the American public desires. Every opinion poll shows that the American public wants this war to end. Sign the supplemental.

LIFE IS WINNING IN AMERICA

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, despite the best efforts of the abortion rights movement, 34 years since Roe v. Wade, more Americans embrace the sanctity of life than ever before. Yesterday, thanks to the leadership of the Republican Congress and this Republican President, the United States Supreme Court echoed that moral awakening.

I rise to commend the United States Supreme Court for affirming, in a 5-4 decision, the constitutionality of the ban of the barbaric procedure that has come to be known as partial birth abortion. I commend President Bush for signing the bill, my colleagues on both sides of the aisle who supported it, and Congressman STEVE CHABOT of Ohio, its principal author.

Life is winning in America. In big cities and small towns, American women are listening and learning. It's not a choice; it's a baby. American women are choosing life as never before.

To all who labor in the cause of life, I say in the wake of yesterday's decision, press on. Your labors on behalf of the unborn are not in vain.

PRESIDENT BUSH SHOULD NOT VETO STEM CELL RESEARCH LEGISLATION THAT WILL PROVIDE REAL HOPE

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEA-PORTER. Mr. Speaker, President Bush has an opportunity to provide real hope to millions of Americans who are suffering from debilitating diseases, such as Alzheimer's, Parkinson's disease, multiple sclerosis, and cancer. All he has to do now is reconsider his threat to veto this promising legislation that has recently passed the House.

Here in the House we passed, in a bipartisan manner, during the first 100 hours of Congress, legislation that would increase the number of embryonic stem cells eligible for Federal funding. The Senate, in strong bipartisan passion, did exactly the same. Now it has arrived at the President's desk.

Last year the President vetoed stem cell legislation, the only issue he vetoed throughout his Presidency. We have a real opportunity finally to solve some of these debilitating diseases. There are 100 million Americans waiting for the President to say "yes." I urge him to reconsider.

A REALITY CHECK ON THE IRAQ SUPPLEMENTAL AND WHEN THE FUNDS ARE NEEDED

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, we keep on hearing all of these doomsday scenarios from the White House and our Republican colleagues about the emergency supplemental bill. It would be nice if they would listen to the President's own Defense Secretary, who said this week that our timelines are already creating positive results in Iraq. Yet the President threatens to veto the bill and says that the money is needed immediately.

I think it's time for a reality check. Fact: the nonpartisan Congressional Research Service concluded last month that the Pentagon could maintain its wartime operations well into July with funds they have already been provided.

Another fact: As of today, it's only been 73 days since the President sent his funding request to the Capitol. Last year, the Republican-controlled Congress took 119 days to send the Iraq war supplemental to the President, and yet the President never attacked the Republican-controlled Congress for supposedly holding up funding for our troops.

President Bush should stop playing politics with this emergency funding bill so that we can finally move the war in Iraq in a new direction.

PROVIDING FOR CONSIDERATION OF H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 319 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 319

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1495 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. SNYDER). The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). During consideration of this resolution, all time yielded is for the purpose of debate only.

☐ 1030

Mr. Speaker, this rule permits the House to consider the Water Resources Development Act of 2007.

The structured rule makes in order six amendments. As yesterday's debate in the Rules Committee demonstrated, Members on both sides of the aisle are focused on getting this bill to conference and onto the President's desk, and this rule reflects that consensus.

Mr. Speaker, it has been well documented that our country has not had a WRDA bill in over 7 years. Seven years is perilously close to an entire generation passing without a national water resources policy being signed into law by a President.

The bill made in order under this rule authorizes nearly $14 billion for the construction of more than 700 water resources development projects and studies by the Army Corps of Engineers for flood control, navigation, and environmental restoration.

Additionally, H.R. 1495 authorizes hurricane recovery activities along the gulf coast that would cost an estimated $3 billion. Furthermore, the bill requires an external peer review for studies of projects that would cost more than $50 million. The bill also coordinates environmental analyses and other permit processes among Federal and State agencies and authorizes environmental quality initiatives. In short, this bill today moves our country forward.

In my district of Sacramento, California, this WRDA bill is one of the most important pieces of legislation that will pass Congress this year. We have been waiting a long time for this bill. Sacramento is the most at-risk river city in this country for catastrophic flooding. Located at the confluence of the great Sacramento and American Rivers, the Sacramento floodplain contains over 165,000 homes, over 488,000 residents, 1,300 government facilities including the State capital, and businesses providing 200,000 jobs. It is the hub of a six-county regional economy that provides 800,000 jobs for 1.5 million people.

A major flood along the American River or the Sacramento River would cripple this economy, and cost upwards of $35 billion in direct property damages and likely result in a significant loss of life.

Sacramento has had major floods throughout its history, the last major floods being in 1986 and 1997. We live with a constant threat of catastrophic flooding. In my district, we understand the need and urgency for an overarching water resources policy to protect our homes, businesses, and families. This bill, the projects and policies it contains, goes a long way in addressing my district and our country's flood vulnerabilities.

Nationally, regions across the country are starving for a Federal partner in water resources policy. Our country is confronted with population growth, climate change and growing demands on our water infrastructure. Our districts across this country need this bill, and the Members in this Chamber have repeatedly supported WRDA bills.

In the 108th Congress, WRDA passed the House by a vote of 412–8. In the 109th Congress, WRDA passed the House 406–14. There is a strong history of support and bipartisanship for WRDA bills. It is my hope that this support continues and that we will move forward on this very important work.

I also want to congratulate and thank Water Resources and Environment Subcommittee Chair, EDDIE BERNICE JOHNSON, and the full committee chairman, JIM OBERSTAR, for their commitment to make this bill a priority in the 110th Congress.

I strongly urge my colleagues to support this rule and final passage of the underlying Water Resources Development Act of 2007.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from California (Ms. MATSUI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, in the 107th, 108th, and the 109th Congresses, the House considered and passed legislation to provide for conservation and development of water and related resources, and to authorize the construction of various projects in order to improve rivers and harbors in the United States.

Unfortunately, differences could not be resolved with the other body, and these bipartisan bills, therefore, did not become law. The legislation before us today mirrors legislation that was approved by an overwhelming bipartisan majority of the House in the last Congress, and I am confident it will enjoy large bipartisan support today.

Mr. Speaker, our Nation's water resource infrastructure is critical to our economy, transportation system, power generation, flood control and environmental protection and restoration. This is especially true in my area in the Pacific Northwest. Our region's major river, the Columbia River and its tributaries, is a great resource, one that must be well managed and protected.

Hydroelectric dams provide clean, low-cost, renewable power. These facilities also provide a system of locks that allow for the efficient transportation of tons of agricultural products to coastal ports, which reduces congestion on our highways and our rail systems.

The coastal ports that receive the river-barged goods and products are the gateways to overseas markets and also need careful attention. The success of farmers and manufacturers throughout the Pacific Northwest depend on these ports being navigable and appropriately maintained.

Mr. Speaker, there are several provisions in the Water Resources Development Act that are important to individuals and communities that I represent in central Washington, and I would like to highlight those provisions.

Like the WRDA bill passed by the House in the last Congress, I am particularly pleased that the committee has included language in the manager's amendment to permit Corps of Engineer employees working at dams in the Pacific Northwest to participate in wage surveys that are conducted to determine their rate of pay. This important provision would allow these employees the same participation allowed to similar employees at dams in the region operated by the Bonneville Power Administration and the Bureau of Reclamation. This is a matter of fair and equal treatment, and I appreciate the committee agreeing with my request on this matter.

This bill also includes language that would allow the Corps to officially give credit to the Port of Sunnyside for funding it has invested to maintain progress on its wetland restoration and wastewater treatment project. This project is a creative initiative by the Port of Sunnyside to improve river habitat in the Yakima River, and provide for greater economic growth in the local community. This provision ensures that the Port of Sunnyside gets proper credit for funds it invested as it works with the Corps to make this project a reality.

Finally, this legislation lifts Corps restrictions on the development of several Port of Pasco properties. I am very hopeful that elimination of these flowage easements will allow beneficial uses of this prime riverfront property to move forward for the betterment of Pasco and the Tri-Cities.

Mr. Speaker, we must keep our commitment to sustain and enhance our Nation's water resource infrastructure, and that requires a regular review and updating of congressional direction to the Corps of Engineers to ensure that existing projects are maintained and that new needs are met.

I am hopeful that this necessary legislation will soon become law.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 8 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlelady's courtesy in permitting me to speak on this rule and on this bill.

I further appreciate what this represents. It has been my privilege to serve for the last 10 years on the Water Resources Subcommittee for Transportation and Infrastructure. Over that period of time, I have watched as we have focused legislation to deal with the amazing needs that face water resources around the country.

Unfortunately, the legislation that we have passed through this House with strong support in recent Congresses has never been able to find its way into law. I think that with this legislation, we are able to find a way to help break the impasse.

I would like to speak to one of the elements that was in that legislation that has been made in order by the Rules Committee, an amendment that I am offering along with my colleagues PETER WELCH and TOM PETRI to help bring the Corps of Engineers into the 21st century by updating the principles and guidelines under which it operates.

Our amendment takes a step back from the politics and controversies that have surrounded the Corps' activities over recent years. In fact, there has been some finger-pointing at the Corps, but frankly, Congress itself is part of the problem and can be part of a process that can help move this forward.

These principles and guidelines are used for the formulation, evaluation, and implementation of water resources projects. The current rules under which the Corps operates have not been updated since 1983. It seems hard to believe, given how important water resources are and how much we have learned about the science, about hydrology since 1983.

Think about it for a moment. In 1983, Ronald Reagan was President. We were dealing with the movie "Return of the Jedi." A year later, the 3.5-inch floppy disk was introduced, and IBM was soon to launch the first portable computer which weighed 30 pounds. Half the people who work for me in my congressional office weren't even born in 1983.

Every Member of the House is aware how much has changed since 1983 in terms of technology, science, environmental policy, our national priorities, and our understanding of water resources. Yet, the Corps of Engineers and the thousands of dedicated men and women who work for them have a planning process that has not kept up.

It was my privilege with the former head of the Corps, General Flowers, to meet with representatives of all of the planning agencies for the Corps across the country. They understand the problems; they are striving to make some adjustments. We are still developing projects, yet they are still working under an umbrella that was based on principles and guidelines when James Watt was Secretary of the Interior.

This amendment is very simple. It directs the Secretary of the Army to update the principles and guidelines in consultation with all the other Federal agencies that have a stake in the process, to work with the public to deal with what we have learned over the last quarter of a century.

This is a very important step on addressing criticisms from the National Academy of Sciences, the OMB, the Government Accountability Office, and others. It does not impact any project that currently is approved or under way, none of the projects that are listed in the bill we have before us, but it is going to help us change the process to get at the root of a long-term problem.

Passing the amendment will not delay any projects or tie the hands of the Corps in any way. In fact, I am convinced that it will break the paralysis for projects in the future by making sure they are structurally, fiscally, and environmentally sound.

There are some projects around the country that have been delayed in recent years due not just to funding, although that is a serious issue, but due to lawsuits and other controversy. The ones that I have looked at that have met bumps in the road were in this situation in the main because they weren't properly planned and groundtruthed, as they say; and they have stirred up unnecessary controversy in some instances.

This amendment will make it easier to approve and construct good projects in the future. This amendment will make it easier for the House and the Senate, which in the past have been at loggerheads over principles of Corps reform. I think this is an area of common ground that will bring people together. This amendment represents a fresh break. It won't solve all of the problems of the Corps, that will await another day; but with this amendment, it gives us a chance at a new beginning for Congress to be positively involved in these issues.

We start by equipping the Corps with the latest science and analytic tools to bring them into the 21st century rather than tying their hands with out-of-date policies.

I strongly urge that each of my colleagues join with me in supporting our amendment, which is endorsed by Clean Water Action, Taxpayers for Commonsense, Republicans for Environmental Protection, the National Audubon Society, Friends of the Earth, American Rivers, the National Wildlife Federation, Environmental Defense, the League of Conservation Voters, the American Society of Civil Engineers, the people who are charged with making these projects work.

I deeply appreciate the progress that this represents in bringing us forward. I appreciate the Rules Committee making it in order, and look forward to being able to carry this amendment to the floor, hopefully for its approval, and being able to break the impasse surrounding water resources projects.

In the aftermath of the tragedy we saw with Hurricane Katrina, with the flooding that has occurred in the Northeast just in recent days, this legislation is more important than ever.

☐ 1045

Mr. HASTINGS of Washington. Mr. Speaker, I have no more requests for time. I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 1495 pursuant to House Resolution 319, amendment No. 1 printed in House Report 110–100 be modified by the modification I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 printed in House Report 110–100:

Strike the portion of the amendment proposing to insert section 5024.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

Mr. HASTINGS of Washington. Mr. Speaker, reserving the right to object, I would just yield to my friend from California for an explanation on this.

Ms. MATSUI. Mr. Speaker, there is a Washington, D.C. aqueduct project that inadvertently violates PAYGO. This modification strikes the provision from the bill.

Mr. HASTINGS of Washington. So it takes that provision that violates the PAYGO from the bill?

Ms. MATSUI. It inadvertently violates, so we struck it out.

Mr. HASTINGS of Washington. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Without objection, the modification is accepted.

There was no objection.

Ms. MATSUI. Mr. Speaker, this bill is long overdue. Our country needs a comprehensive water resources policy, and WRDA is the framework that can meet this need. We have 7 years of backlogged water projects that must be addressed. There is a growing demand on our already overburdened water infrastructure. The sooner we move forward on this bill, the sooner our communities across the country will be healthier and safer.

I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1905, DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007 AND PROVIDING FOR CONSIDERATION OF H.R. 1906, ESTIMATED TAX PAYMENT SAFE HARBOR ADJUSTMENT

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 317 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 317

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1905) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes. All points of order against the bill and against its consideration are waived except those arising under clause 9 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1906) to amend the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million. All points of order against the bill and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 3. (a) If either H.R. 1905 or H.R. 1906 fails of passage or fails to reach the question of passage by an order of recommittal, then both such bills, together with H.R. 1433, shall be laid on the table.

(b) In the engrossment of H.R. 1905, the Clerk shall—

(1) add the text of H.R. 1906, as passed by the House, as new matter at the end of H.R. 1905;

(2) conform the title of H.R. 1905 to reflect the addition of the text H.R. 1906 to the engrossment;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

(c) Upon the addition of the text of H.R. 1906 to the engrossment of H.R. 1905, H.R. 1906 and H.R. 1433 shall be laid on the table.

SEC. 4. During consideration of H.R. 1905 or H.R. 1906 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during the consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 317 provides for consideration of H.R. 1905, the District of Columbia House Voting Rights Act of 2007, and H.R. 1906, a direct spending offset bill.

Mr. Speaker, this Nation was built upon the principle that it is patently unjust to require free men and women to pay taxes to a government within which they have no direct involvement; a principle so important that the Founding Fathers knew if they were unsuccessful they would become outlaws and probably forfeit their lives.

The fact that approximately 600,000 U.S. citizens live under taxation without representation within the United States today is repugnant to our very notion of democracy. How can the United States deny democracy in its Capital while it promotes democracy abroad?

These citizens pay billions of dollars in Federal taxes, have sacrificed their lives in Iraq and other wars since the American Revolution.

However, when you look at the text of the 16th amendment to the U.S. Constitution, which states, "The Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration," you might ask yourself: Since there is no mention of the District of Columbia in this amendment, and it only refers to "the several States," then how is it that D.C. residents are required to pay Federal income taxes?

The answer is that Congress, by statute, specifically, enacted the District of Columbia Income and Franchise Tax Act of 1947, which imposed Federal income taxation on the residents of the District of Columbia.

And when the law was challenged in the courts in 1970 in the case of Breakefield v. D.C., the U.S. Court of Appeals for the District of Columbia Circuit upheld both the tax and Congress's constitutional authority to levy it. Further, the Supreme Court later denied even to hear the appeal.

This is taxation without representation at its worst, and it is completely undemocratic. Furthermore, what is clearly evident from the Court's review of Breakefield is that if Congress can levy taxes on D.C. residents without a constitutional amendment, then surely Congress can give D.C. residents a full voting representative within the House of Representatives without a constitutional amendment. This notion that there is a binding precedent for Congress to legislate on all matters related to the District of Columbia is further supported by decisions in such cases as Tidewater, and Adams v. Clinton.

Our actions today would correct this injustice by granting the citizens of our Nation's Capital a full voting representative in the House of Representatives.

Some of my colleagues have suggested that the D.C. House Voting Rights Act is unconstitutional and that we in Congress will be acting outside the power enacting this bill. This is not true. Article I, section 8 of the Constitution clearly enumerates the powers of Congress. And among the powers listed, article I, section 8 states that Congress shall have the power to exercise exclusive legislation in all cases whatsoever over the District of Columbia. Article I, section 8 also gives Congress the power "to make all laws which shall be necessary and proper" to execute the enumerated powers.

Further, in 1790, Congress passed the Residence Act, giving residents of the new District of Columbia the right to vote. Since the Capital was still being established, citizens were allowed to continue voting in their States, Maryland and Virginia. Congress then took that right away by statute in 1800 when the Federal Government assumed control of the District. In the political battles that followed, District residents were denied a vote in Congress. Now, certainly, if Congress can grant the right and then remove that right by statute, so too can it reinstate the right by statute if it so chooses.

In the landmark Supreme Court case McCulloch v. Maryland, Chief Justice John Marshall said: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution, they are constitutional."

Extending full representation in the House to residents of the District of Columbia is a legitimate end. It is within the scope of Congress' power to exercise exclusive legislation in matters concerning the District of Columbia and consistent with not only the letter of the Constitution, but also the spirit in which the Constitution was written by the Founding Fathers, that "taxation without representation is tyranny."

Too much time has passed. Every day that we fail to act is one more day that we deny democracy. It is time to correct this grave injustice and provide the citizens of the District of Columbia the same rights afforded to every other citizen in this great Nation. Our actions today will do just that.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise today for the second time in a month in strong opposition to this closed rule, to these two closed amendment processes, and to the blatantly unconstitutional underlying measure that the Democrat majority is bringing to the House floor today.

I would like to say that I am surprised by the lack of respect for regular order and procedural gimmickry that the Democrats have used to bring this rule to the floor today. Unfortunately, in what has become an all too familiar scenario in the Democrat Rules Committee, respect for minority party rights and regular order are, once again, being trumped by political expediency and the Democrat leadership's willingness to abuse power for their own narrow political ends.

Last month, when this unconstitutional bill was first brought to the House floor, the Democrats sunk to an unprecedented new low by pulling the legislation from the floor just before it passed the House, using a provision that was intended to give the Speaker flexibility in scheduling votes, not to give her an escape valve when things were not going her way.

☐ 1100

Today, the Democrats seem committed to outdoing that shameful effort by waiving the "Pay-For" rules that they imposed on this House floor just less than 4 months ago, after committing themselves to honor their pledge to increase taxes on the American public every time they increase spending.

They have also split the bill into two pieces, one that tries to skirt the Constitution and one that skirts their own "Pay-For" rule, all in the name of preventing the minority from offering the popular notion that a majority of the House was on the brink of passing just weeks ago.

And as if the process that brings us here today weren't bad enough, there is little to celebrate in this deeply flawed underlying bill, the same words that the constitutional scholar and law professor Jonathan Turley has called "the most premeditated unconstitutional act by Congress in decades" either. Thankfully, President Bush has made it clear that this cynical political exercise is destined for his veto pen, if it even makes it that far.

My opposition to this matter stems from its incompatibility with a pretty basic foundation of American government: the Constitution. Section 2 of article I clearly states that "The House of Representatives shall be composed of Members chosen every second year by the People of several States." And as any fourth grader in the country can tell you, Washington, D.C., is simply not a State. There is simply no one that has moved into or lives in Washington, D.C., that thought that they would be given this ability. Washington, D.C., is not a State.

Supporters of this legislation will claim that the "District Clause," which gives Congress the power to legislate over our Nation's seat, also gives Congress the power to grant D.C. a Member of Congress. But this same clause makes it clear, by its very nature, that Washington, D.C., is not a State, which brings us back to the original problem of this bill's being completely unconstitutional.

But don't take my word for it. If the Democrat leadership won't listen to reason, one would hope that they would at least listen to one of our Founding Fathers, Alexander Hamilton, who offered an amendment to the Constitution that would have provided D.C. with a vote in the House. Unfortunately, I know we all don't know this, but his amendment was defeated on July 22, 1788.

But if neither my word nor the Constitution nor the actions of our Founding Fathers is good enough, I wonder if the Democrat majority would be willing to listen to an equal branch of government, as they had an opinion on this matter. In 2000, the Federal District Court in Washington, D.C., concluded that "the Constitution does not contemplate that the District may serve as a State for the purposes of the apportionment of congressional representatives." It seems pretty clear to me, but I guess not to every single Member of this body.

So for a moment let us ignore my word, the Constitution, the actions of our Founding Fathers, and the decisions of the Federal judiciary. What would it mean if Congress simply gave D.C. a seat in the House, rather than going through the necessary process of passing a constitutional amendment, which was attempted in 1978 and failed? Well, it would create a precedent that Congress would give the District three votes next year or they could perhaps give them 10. The way that this legislation is currently drafted, it gives the District two votes in the Committee of the Whole, more than any other voting Member, as well as a vote in the House.

But rather than discuss the facts or the logic of this approach, I suspect that supporters of this legislation will come to the floor and talk about "fairness." But I fail to see how it is fair to give Washington, D.C., super-representation, two votes for amendments, or every voter in Utah an unprecedented two votes also, one for their Congressman and one for a new at-large Member, keeping the "one man, one vote" principle in every other State. Perhaps a Member on the Democrat side will be kind enough to come down to the floor and explain this logic to me; but I am not going to hold my breath.

Mr. Speaker, as Members of Congress, we take an oath to uphold and protect the Constitution, not to trample on it. No matter what the supporters of this bill may claim to the contrary, the Constitution is not a cafeteria. You cannot pick and choose which parts you are going to respect and which ones you are going to ignore. That is why our Framers, in their infinite wisdom, created an orderly, lawful process for amending the Constitution. And despite the best efforts of the Democrat leadership, I am sure that the Framers' legacy to our country will prevail and will prevent this poorly drafted and ill-conceived measure from becoming law.

I urge each of my colleagues to reject this outrageous rule and the underlying assault on the Constitution.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I thank my colleague for his comments, but I could not disagree with him more.

First of all, this bill does not attempt to create statehood for the District of Columbia. In fact, as I said just a few moments ago, the legislation that has been passed in prior occasions, the one, in fact, with respect to requiring residents of the District of Columbia to pay income tax, despite the fact that the 16th amendment says that it is for the residents of the States, indicates very clearly that the District of Columbia is not a State and, rather, that Congress has the authority and the ability to make legislation with respect to the District of Columbia. In the Tidewater case, again Congress came forward and said that diversity jurisdiction applies to the District of Columbia even though it is not a State, and clearly that was upheld by the Supreme Court.

So this is not without precedent. This is something that Congress has done in the past because under article I, section 8, they have exclusive jurisdiction over the District of Columbia.

A couple of other points that I just would like to respond to. My colleague said that the majority just won't listen to reason, and I can't help but think that maybe that is what was said about the Founding Fathers by the members of parliament, that the people in America just won't listen to reason. How dare they talk about being represented just because we tax them?

This issue is critical. We tax the people in the District of Columbia. They are citizens of the United States. They fight and they die in our wars. They should be able to have a voting Member in Congress.

He also said that the majority has sunk to an all-time low. I am very troubled by that. If giving the right to vote to Americans, giving the right to vote to people who live here in the District of Columbia, in our capital, is sinking to an all-time low, then that is where I want to be, because clearly that is what we should be doing. We spend billions of dollars in other places in the world to ensure that citizens in other places in the world have the right to vote. We certainly should be able to do that here in our own country.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman for yielding.

Mr. Speaker, this is a new Congress. This is a Congress with respect for the Constitution and the principles for which it stands. This is a Congress that respects the underlying principle that people in this country deserve the right to be represented and to have a voice in this great democracy of ours.

Mr. Speaker, I rise today in support of the rule and in support of this legislation that is long overdue and which will correct an anomaly in our democracy, an anomaly which denies representation to approximately 600,000 residents of this country.

Residents of the District of Columbia have had to wait over 170 years to vote in this country's Presidential election. They have had to wait for over 180 years for the right to exercise home rule. They have had to wait for over 200 years to have a vote in the House of Representatives. And we should not make them wait one day more.

These residents live in the shadow of our great Capitol, pay taxes to our Federal Government, serve in our military, fight and die to protect the very representative rights that we have in this country, but yet we deny these citizens the right to have control over the laws that govern our country. They have no Representative who can vote in this House of Representatives.

This past Monday, Mr. Speaker, the residents of the District of Columbia engaged in an act of grass-roots lobbying in its purest form. Thousands of these unrepresented residents marched down Pennsylvania Avenue to the Capitol on the city's annual Emancipation Day, marking the day that slavery ended in the District. They marched to the Capitol to ask this legislative body to recognize and rectify the injustice that they experience every single day. They marched for the right to have a say in this legislative body. These citizens, these students, these senior citizens, workers, activists, and church members marched to have a vote.

This is a Congress that respects the Constitution. And my respect for the Constitution goes back to very early days. And one of the greatest things that I have ever received was recognition, even in law school, by the Federal Bar Association for outstanding performance in constitutional law.

The Framers of our Constitution gave Congress the right to make laws concerning the District of Columbia, and it is under the power of the District clause of the Constitution that I join today in supporting the District of Columbia Voting Rights Act.

This is long overdue. The last Congress earned the distinction of being called the "worse than the do-nothing Congress." This is a Congress that is going to get the job done, and this is a Congress that is going to respect the Constitution.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 8 minutes to the gentleman from San Dimas, California, the ranking member of the Rules Committee (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I rise in the strongest possible opposition to the rule, recognizing full well that there are a wide range of views on the constitutionality of this question.

I have listened to Mr. ARCURI, the gentleman from New York, make his argument that he believes very much in the right to representation, which I obviously completely concur with. And the people of the District of Columbia, I think, are very ably represented here right now by our distinguished friend, my Delegate who represents me very well, since I seem to spend more time here than I do in California, Ms. ELEANOR HOLMES NORTON. But the fact is, Mr. Speaker, as we look at this question, Thomas Jefferson was the one who said "Two thinking men can be given the exact same set of facts and draw different conclusions."

□ 1115

And so I recognize that there are some who come down on the side of believing that it is constitutional for us to proceed with this. I read the Constitution in a little different way. When I see those two words, the "several States" as being the criterion for representation here, or at least one of the criteria for representation here in the House of Representatives, it says to me that there need to be changes to the U.S. Constitution if in fact we are going to proceed with the action that the majority in this House, the majority leadership in this House, wants to take on.

So I recognize that there are disparate views on this, Mr. Speaker. The thing that troubles me most is the procedure around which we are considering this measure. And what I would like to do, I would like to engage my good friend from New York, Mr. ARCURI, the manager of the rule, in a colloquy, if I might, just to consider this procedure around which we are going to be debating this question.

Actually, from what I can tell, in our analysis of this rule, we are blazing completely new ground here when it comes procedurally to this institution. I have heard a lot of criticism over the years of the tenure that I had as chairman of the Rules Committee, and one of the points that I would like to make is it wasn't really about what we did, but it was about promises that were made about fairness, promises that were made about the way every Member of this House, Democrat and Republican, was going to have an opportunity to participate.

So the question that I have is, I know that under regular order, if the House agrees to a straight motion to recommit the bill to the committee, or such a motion with instructions that the committee promptly report it back with an amendment, the bill then, when that motion to recommit prevails, does in fact go back to the committee and it must naturally assume that the committee will follow the House's instructions. And I wonder if the gentleman could tell me if that is in fact going to be the case under our consideration of this rule that we are going to be voting on, the one that we are debating right now.

Mr. ARCURI. The rule contains two motions to recommit, one for each bill.

Mr. DREIER. The rule contains two motions to recommit, one for each bill.

My question is whether or not the success of a motion to recommit would in fact send this measure back to committee, or would it in fact do something that has never, ever been done before, based on my reading of the rule: Would it in fact kill the bill itself?

Mr. ARCURI. If either bill is not passed, then both bills are defeated.

Mr. DREIER. Yes. But the point is if, for the first time ever, this rule actually takes a motion to recommit, Mr. Speaker, and it basically submits it to be laid on the table potentially, the bill to be laid on the table, therefore preventing the House from having the opportunity to work its will, never before in the history of this institution, Mr. Speaker, has this kind of sleight of hand been used. We know, Mr. Speaker, why it is that we are here considering this measure again. It is very simply due to the fact that a bipartisan majority, Republicans leading with Democrats voting along in support of the motion to recommit on this bill, led to what is clearly sleight of hand, undermining the long-standing tradition.

We, as the minority, on 47 different occasions in the years leading up to our winning the majority in 1994, were denied the opportunity have a motion to recommit. We were denied that time and time again, Mr. Speaker. Not every time, but we were often denied it.

So that is the reason that we made a decision when we won the majority in 1994 that we were going to guarantee that the minority had a right to offer a motion to recommit, at least one bite at the apple, and in most cases a substitute; so at least two bites at the apple in most cases. But we very, very firmly made that commitment to the motion to recommit.

Now, what is it that's happened? We lost the majority in last November's election.

Mr. ARCURI. Will the gentleman yield?

Mr. DREIER. I will yield in just a moment when I am done with my statement. I know the gentleman has plenty of time. I look forward to yielding to the gentleman, but I would like to explain why it is that we're here and how outrageous this rule is.

What happened last November, when we lost the majority, we got ourselves in a position where we figured, gosh, we will have only one bite at the apple, only one opportunity to allow the majority of the House to come together and address these issues. And what happened, Mr. Speaker? What happened is very clear. On seven occasions so far in the 110th Congress, the House has worked its will. A bipartisan majority of Republicans and Democrats came together and succeeded in passing motions to recommit, including on a District of Columbia bill that we are addressing here.

So what is it that happened? Because of the fact that the Democratic majority leadership, not a majority of the House, but the majority leadership decided they did not want us to do this, they have resorted to a procedure which unfortunately creates a scenario whereby if the House succeeds in passing a motion to recommit, the opportunity to have a bill laid on the table, which basically kills the bill completely, is put before us. And I think, Mr. Speaker, that that is a very, very unfortunate precedent that the new majority is looking at, and they are doing it simply to subvert the will of this House.

And with that, Mr. Speaker, I'm happy to yield to my friend.

Mr. ARCURI. Thank you, sir.

This rule ensures that neither of the two bills can achieve passage in the House without being subject to a motion to recommit. Now, you talk about fairness. My colleague talks about fairness, and he believes in fairness as we all do. But that is what this bill is about; this bill is about fairness.

Mr. DREIER. If I could reclaim my time, since I'm managing the time here, Mr. Speaker, I could reclaim it by saying I have already spoken about the fact that I recognize Mr. ARCURI's belief that this is a constitutional bill, and I share his commitment to fairness of the bill itself.

I am not here talking about the bill. I am here talking about the procedure, which is blatantly unfair, that is undermining the opportunity for this House to work its will on this issue. When I yielded to the gentleman, it was to talk about our procedure here. I think that it is very, very unfortunate that for the first time in the over 200-year history of this institution, we are going to be taking this very precious right of a motion to recommit and killing legislation.

With that, Mr. Speaker, I thank my friend for yielding.

Mr. ARCURI. Mr. Speaker, my colleague, again, talks about fairness, and fairness is why we are here today.

He talks about what we are trying to do today. What we are trying to do is give the residents of the District of Columbia their long overdue right to vote. That is why we are here today. The procedure that we are following is fair, it is just, and the important thing for us to remember is why we are here, and that is to give the right to vote to the residents of the District of Columbia.

Mr. Speaker, I yield 9 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding. I thank the gentleman for his strong advocacy for the rights of all Americans.

I must begin by saying when you hear people come to the floor and invoke the word "fairness" in a debate where they oppose the basic right to vote, they drain that word of all of its meaning.

Mr. Speaker, I would like to speak to the rule proper. I would like to offer some thanks during this rule period. And I would like to say a word about Utah, our very strong partner about whom we hear little because they are so far away.

The other side, after the last vote on this bill, clucked that they had actually stopped our people in the Nation's Capital from getting a vote. Imagine how that was received all around the world. Now they come to the floor with the nerve to object to the procedure. Mind you, the substance is really what they are after. If in fact the District of Columbia was a largely Republican city, these Members would be on the floor arguing for voting rights for the District of Columbia just as the radical Republican abolitionists gave us the vote, which was then taken from us, and gave us home rule.

Mr. DREIER. Would the gentlewoman yield?

Ms. NORTON. I will not yield, sir. The District of Columbia has spent 206 years yielding to people who would deny them the vote. I yield you no ground, not during my time. You have had your say, and your say has been that you think that the people who live in your capital are not entitled to a vote in their House. Shame on you.

Then they want an open rule. They want an open rule so they can deny the vote. The American people will have nothing but praise for the Democratic leadership because the Democratic leaders have found a way to observe two cardinal principles, the principle most basic of all, the right to vote, yes, and the principle of fiscal responsibility.

Now, the Democrats could never have thrown the foul ball that was used to delay this bill, and the reason is, of course, that the other side spent 12 years building a deficit and didn't observe the PAYGO rule, and so there would have been no germaneness issue. I don't think that was so smart.

The bill was open to an outrageous attempt to repeal our gun laws. We are a free people. We are entitled to have the same jurisdiction over our gun laws they have, and we are going to insist on it. And the Democratic leaders did not bow to that trick. Instead, they went back and found a way to keep to the principle of finally paying for what we do, as you should have done for more than 10 years.

Mr. McHENRY. Mr. Speaker, I ask those that are debating on the floor to address their comments to the Speaker, and that is according to House rules. I ask you to enforce those rules.

The SPEAKER pro tempore. Members are advised to direct their comments to the Chair.

Ms. NORTON. I would be glad to do it. If the Member doesn't want to face me face to face, I will address the Speaker, you will get the point.

The SPEAKER pro tempore. Members are advised to direct their comments to the Chair.

The gentlewoman is recognized.

Ms. NORTON. Mr. Speaker, for more than 4 years, thousands of Americans and others around the world have sought this bill and contributed ideas, time and effort, beginning with Speaker NANCY PELOSI, who added to her long and unequivocal push for full rights for District citizens, her personal attention and intervention when it counted most to move this bill forward. And majority leader STENY HOYER, whose outspoken dedication to our rights overcame procedural malevolence to bring today's bill forward. However, the idea originally came from the Republican side. When I was in the minority, moved by his personal sense of right and wrong, Congressman TOM DAVIS smartly and doggedly started us down the bipartisan path to equal votes for the District and for Utah.

Judiciary Committee Chair JOHN CONYERS, since his election in 1964, has robustly argued that rights for D.C. residents must match their burdens. HENRY WAXMAN, first as ranking member, now as Chair, began leading a principled effort for equal rights for D.C. citizens long before I was elected to Congress.

Utah Governor John Huntsman, and the Utah delegation, Representatives BISHOP, CANNON and MATHESON, forged a unique partnership on their understanding that Utah and D.C. residents felt the same sense of loss and should obtain these precious rights together.

□ 1130

The local and national civil rights organizations formed themselves into a formidable D.C. voting rights coalition, led by D.C. Vote, which gave the effort, organizational know-how and boundless dedication, and the Leadership Conference for Civil Rights, which has carried D.C. voting rights as a major civil rights cause for decades.

The official international human rights entities abroad have gone on record to ask the United States of America to conform with international law by granting voting rights to the citizens of its capital. My own colleagues of both parties, who passed this bill in committees by overwhelming votes, 29-4, 24-5 and 21-13, especially my Republican colleagues, have joined this effort for the District of Columbia and for Utah out of principle.

The District of Columbia's four home rule mayors and city councils, particularly current Mayor Adrian Fenty and City Council Chair Vincent Gray, and, most especially, the residents of this city, living and dead, have fought for equal citizenship over the ages.

Today, we will get the vote I predict, at least in the House.

Mr. Speaker, I give great praise to a State which is the most Republican State in the Union for having unabashedly and continuously joined with us out of a deep sense of grievance of its own, that its missionaries, temporarily abroad in the service of their church, were not counted in the last census, and, thus, the State was deprived of a seat that they believed they were entitled to.

I would like to quote Governor John Huntsman, the Governor of the State, who came and said, "I have not extensively studied the constitutionality of the D.C. House Voting Rights Act, but I am impressed and persuaded by the scholarship represented. The people of Utah have expressed outrage over the loss of one congressional seat for the last 6 years. I share their outrage. I can't imagine what it must be like for American citizens to have no representation for over 200 years."

We will pass this bill today. We will put it in the hands of two Republican Senators from Utah, Senators Hatch and Bennett, and there I believe it will fare well, because the people of Utah want this vote, their vote, as much as we want our vote.

I ask, in testament to that, that two editorials from the Salt Lake Tribune be included for the RECORD.

[From the Salt Lake Tribune, Mar. 13, 2007]

UTAH'S 4TH SEAT: ONE QUIBBLE ASIDE, NEW BILL WOULD DO THE RIGHT THING

It's back. A bill before Congress would give the District of Columbia its first voting member of the House of Representatives and Utah its fourth seat in that body. We favor it because Utah's rapidly growing population is entitled to a fourth seat. There are things about the bill that could be better, but the overriding principles are right. The 600,000 people of the District of Columbia have a delegate in the House but she cannot vote on the floor. That's a cruel irony in a nation that fancies itself a beacon of republican democracy.

That situation is an accident of constitutional history. The founders fashioned D.C. so that no state would have the advantage of being the seat of the federal government. But it is the states, under the Constitution's language, that elect U.S. representatives and senators. For more than 200 years, that circumstance has denied the people of D.C. votes in Congress.

This bill would rectify that by treating D.C. as a congressional district for purposes of representation in the House. At the same time, it would increase the membership of the House from 435 to 437. One seat would go to D.C. The second would go to the next state in line for another seat because of population growth, i.e., Utah. The reason for this second provision is to preserve the existing partisan balance in the House. D.C. presumably will elect a Democrat. Utah presumably will elect a Republican.

Our major quibble with the bill, H.R. 1433, is that it would have Utah elect its new member-at-large, that is, statewide, rather than by congressional district, until after the 2010 census and reapportionment. We believe that is a mistake because it would allow every Utah voter to vote for two members of the House while every other voter in the U.S. could vote for only one.

Besides, the Utah Legislature last year created four equal congressional districts in anticipation of an earlier version of this bill which failed in the last Congress.

The at-large proposal would spare Utah's sitting members of the House from running in special elections to fill the four new seats. While that is a real hardship in terms of fundraising, it would be worthwhile to preserve the principle of equal representation.

The quibble: The bill would have Utah elect its new member at large, that is, statewide, rather than by congressional district, until after the 2010 census and reapportionment.

[FROM THE SALT LAKE TRIBUNE, DEC. 7, 2006]

CAPTIVE CAPITAL: NO CONSTITUTIONAL BAR TO D.C. REPRESENTATION

How can it be unconstitutional to give some 600,000 American citizens—tax-paying, military-serving citizens literally living in the shadow of the Capitol dome—the right to vote for some representation in Congress.

Only a tortured, neocolonial reading of the Constitution would conclude that we should exclude the people who live in the Federal City from the representation that all other Americans take for granted.

OK, so that's the reading that has carried the day for 200 years. That doesn't make it right.

A last-gasp effort to stick to that thinking, if it hadn't quickly died on the floor of the Utah House Monday, could have jeopardized the deal to give Utah its well-deserved fourth seat in Congress by denying the quid pro quo of the first-ever seat for the District of Columbia.

The deal is dead for now anyway, lost in the crush of last minute, lame-duck congressional business. The Utah Legislature's approval of four prospective congressional districts still matters, though, as the issue may arise next year.

Either way, people who claim to live by the U.S. Constitution should read past its third paragraph.

Sticking to the notion that people in Washington can't be represented in Congress because they don't live in one of "the several states" places text above meaning.

Other constitutional provisions, ranging from the vague clause that gives Congress exclusive power over a federal district to the equal protection and voting rights provisions of the 14th and 15th Amendments, also matter. Read together, they leave little excuse for the taxation without representation that D.C. residents have suffered almost since the beginning of the Republic.

In arguing for an independent federal zone for the national capital, something that was thought necessary to ensure that no state would gain an unfair advantage over the others by having the seal of federal power in its back pocket, James Madison's Federalist No. 43 simply took it for granted that the rights of that district's inhabitants would be protected. They weren't.

A 2000 Supreme Court ruling held that the situation was unfair to D.C. residents, but that the courts had no power to remedy that, it was up to Congress, with its exclusive power over the District, to grant relief.

Congress should still consider just that.

Only 200 years late.

Mr. SESSIONS. Mr. Speaker, we simply are on the floor today to say that the means do not justify the ends. It should be done properly and constitutionally; just as it was done in 1978, it should be done today. We think the way that the Democrat majority is doing this, to give super-voting powers to the District of Columbia and to the State of Utah, is unconstitutional. So I make no apologies for standing up for the way I read the Constitution and what I believe.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, let me just say at the outset that I am happy to yield to my friend from the District of Columbia at any time whatsoever, and I want to once again praise her representation and the passion that she shows in her commitment to this issue.

As I said, I spent a great deal of time residing here in the District of Columbia, and I feel she very ably represents the District of Columbia and I am proud to have her as a colleague, Mr. Speaker.

Now, let me say this. I feel that the passion that she has shown in arguing in behalf of the legislation itself is something that I recognize and revere.

I said to Mr. ARCURI, Mr. Speaker, that I believe there can be recognition that there are diverse views on this question. I have come down on the side of recognizing that those words in the Constitution, "the several States," mean that if we are going to do this, we should do it through a different route than the one that we are pursuing.

Ms. NORTON. Mr. Speaker will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend, the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I respect the gentleman, who indeed has, as always, given me and the city respect, and I know he understands what it must be like to be in the Congress for 17 years and come to the floor and see people debating your budget and your laws and you can't even vote on them.

I appreciate that the gentleman came to the floor on procedural matters. If the differences between the gentleman and me are on procedure, would not the better side of valor be to allow people on both sides to understand that you favor voting rights; and if your problem is constitutionality, I am sure the gentleman will understand that there is a third branch of government who can decide this matter for us both, particularly since he concedes that opinion on the constitutional question is divided.

Mr. DREIER. Mr. Speaker, reclaiming my time, I will say that obviously it appears, and the gentlewoman has already stated what she believes the outcome will be in this House; it be will be in the hands of those two Senators of whom she just referred, and we will see what happens, whether it is within the first branch of government or within the third branch of government. Obviously, the second branch of government will have a role in determining this.

The argument that I believe needs to be made, and Mr. SESSIONS just touched on this and has been arguing it throughout his management of this, the passion that is shown for the rights of the District of Columbia are very, very important, and the gentlewoman from the District of Columbia, Mr. Speaker, recognizes those and represents them extraordinarily well.

But an equal passion for the Constitution of the United States and, Mr. Speaker, an equal passion for the job that Mr. SESSIONS and I and Mr. ARCURI and the other members of the Rules Committee have for democracy in this institution is something that is very, very important.

I would say, Mr. Speaker, to my friend from the District of Columbia, who argues so strongly on behalf of the need for representation here in the House of Representatives for the District of Columbia, that if we look at this rule, which is subverting 200 years of precedent in this institution, by saying that if a motion to recommit on either of these bills in fact prevails, the motion is laid on the table, never before in the history of this institution, Mr. Speaker, has this been done.

So I have to say that we have an equal passion for our commitment to the precedents and the responsibility of the greatest deliberative body known to man; and for that reason, Mr. Speaker, we are troubled with the procedure around which we are about to move ahead with this very important debate.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, the gentleman argues about an unprecedented procedure. What about the unprecedented procedure that the other side used to delay this bill, sending the message around the world to delay this bill when it was delayed the last time?

This procedure is legal. Therefore, if you want to use procedure to stop the bill, you should say so. The fact is you have raised a constitutional point. You are not a constitutional scholar, and no Member of this House is, even I, who was a constitutional lawyer.

Therefore, when in doubt about something as precious as the right to vote, when the people we are talking about have paid taxes and have gone to war since the birth of the Republic, surely we should err on the side of encouraging everybody to vote for the bill, send it to the Senate, and let the one institution that can decide constitutional questions, the Supreme Court, make that decision.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me just say the thing that is most troubling is the decision to pull this bill was not a decision made by the minority. It was made by the majority leadership when that happened before this break. The reason that decision was made was that there was a sense that a majority in this House, a majority in this House might have been supportive of that motion to recommit that we were about to vote on.

Never before, never before had we seen, as general debate, as the debate had been completed, all of a sudden the bill was pulled from the floor.

Ms. NORTON. Reclaiming my time, it is certainly true that the vote was delayed and it was legal to delay it. By delaying the vote, do you know what the leaders of this House did? They saved the reputation of this House throughout the world. No one knows what would have happened. But no vote on guns occurred.

You don't know what would have happened.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SNYDER). Members are reminded that the rules require that comments be directed to the Chair, and Members should not address one another in the second person.

Ms. NORTON. I can understand why the Members on that side don't want to be spoken to directly.

Nobody knows what would have been the result of that vote. The least of all who know is the other side.

One thing we do know is that it was a perversion. It would have been a perversion to even allow a vote about guns, a vote about guns that would have deprived the District of its own right to decide the issue in order to decide whether it should have a vote.

The decision therefore to pull the bill was legal and the delay saved the principle that we should be voting on one basic right, the basic right that is before us today in the House Voting Rights Act.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague from Texas (Mr. SESSIONS) for yielding the time.

Mr. Speaker, today we are engaged in a very serious debate. It is a constitutional debate. Having served on the Government Reform and Oversight Committee, we actually passed this bill. I opposed it in committee on constitutional grounds. I offered amendments to actually fix what I feel are constitutional problems in this legislation, and there are constitutional ways to achieve what my colleague, the Delegate from the District of Columbia, seeks to do.

There are constitutional ways to do that. Just as in the 19th century, the part of the District of Columbia that was part of Virginia was ceded back to the State of Virginia; likewise, the part of the District of Columbia that was Maryland could be ceded back for representation purposes to the State of Maryland. So there are constitutional ways to achieve what the Delegate seeks to achieve.

But the Constitution clearly provides how Congressmen and Senators are allocated, and they are allocated to the States. The District of Columbia was provided for. The District of Columbia is a Federal city and it is not a State.

Presently, D.C. has a Delegate who votes in committee. Actually, under the new Democrat rules, they also vote here on this House floor. I believe that is unconstitutional as well. But what this bill does is allow the District of Columbia to keep that Delegate vote and supplement it with another vote.

Now, what I would submit is that the new Democrat majority is trying to pad their numbers on this House floor. That is why they gave Democrats who are nonvoting Members of this body the ability to vote on the House floor. That is also why, I submit, that this Democrat majority is submitting this bill for approval on this House floor, and keeping not only the Delegate vote, but adding another Democrat vote to this House floor.

I don't oppose it for personal reasons. I oppose this legislation for constitutional reasons, and I would submit to the Delegate from the District of Columbia that we all must make a judgment on the constitutionality of legislation that we see before us on the House floor, and in that way, we must be constitutional scholars and study it.

So, beyond that, let's think about what the Democrats are doing, Mr. Speaker. They are looking for a raw power grab. They not only want to add another seat in Democrat hands to this body, but they want to allow nonvoting delegates the ability to vote on this House floor. I think that is wrong and unconstitutional, and I think the American people need to understand what is happening here. It is a raw power grab by the new Democrat majority.

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Now, I think there are a lot of valid reasons for us to look at ways to allow the people in the District of Columbia to vote for Congress and for Senate, and I think the way to do that is to cede that part of Maryland that is now the District of Columbia back to the State of Maryland for voting purposes. And if they truly seek to do what they seek to do today, they could propose a constitutional amendment which has previously been rejected. I urge us to vote down this rule.

Mr. SESSIONS. Mr. Speaker, at this time I yield, with Mr. ARCURI's concurrence, 4 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding. And I am opposed to this rule for specific reasons about the process and about the unique and unheard of change that would state that if a recommital motion passes, that that is laid upon the table. That strips completely the authority of the minority to have input into the process. And I would think, Mr. Speaker, that Members of the majority party would be ashamed. I would think that that would be the appropriate course of action, and that they ought to rethink what they are doing.

But I came down to the floor to talk about the substance of the bill, because I believe passionately in representation. I believe passionately in the importance of members, of citizens, residents of the District of Columbia to have representation, voting representation in this House. I believe passionately in the Constitution. And I believe that those two beliefs are not mutually exclusive.

There is a particularly appropriate way to proceed, and that is through the issue of retrocession, which as you know, Mr. Speaker, provides that that portion of the District of Columbia that has residents in it, citizens in it, could be moved back into the State of Maryland and thereby obtain appropriate representation.

Mr. Speaker, I know that facts are troubling things, and the supreme law of our land, the Constitution, requires us to do certain things and one of them is to follow the Constitution.

Article I, section 2 of the Constitution states: "The House of Representatives shall be composed of members chosen every second year by the people of the several States." It doesn't say, and the District of Columbia. It says: the people of the several States."

Mr. Speaker, I would suggest that that, along with the next paragraph which states: "No person shall be a representative who shall not, when elected, be an inhabitant of that State in which he shall be chosen." It is clear that this action will be unconstitutional if it moves forward.

Even Peter Rodino, former Democratic Chair of the Judiciary Committee in the 95th Congress, when confronted with this issue said: "If the citizens of a district are to have a voting representation in Congress, a constitutional amendment is essential. Statutory action alone will not suffice."

So, Mr. Speaker, it is clear that this action that is being proposed by the majority party is indeed unconstitutional, and I would agree with the delegate from the District of Columbia that there is a body in our system of government that will determine that. That is the judiciary branch. I am hopeful that it will occur rapidly.

And I would be happy to yield to the delegate from the District of Columbia to see whether or not she would support, along with this, a demand for an expedited review of this legislation and would it move forward.

Ms. NORTON. I will support that, if the gentleman will support this bill by voting for it on the floor.

Mr. PRICE of Georgia. Reclaiming my time, I thank the gentlelady for supporting it because I think that is important. I think it is important that if this in fact moves forward, I am not certain that it will move through the other body, but if it does move forward, that it gets the expedited review that is so imperative for our Constitution to be followed appropriately.

Ms. NORTON. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Has he agreed therefore to support the bill when in fact the vote is taken?

Mr. PRICE of Georgia. Mr. Speaker, my oath tells me that I am not to support anything that I believe to support anything to be unconstitutional. I believe this bill to be unconstitutional. I also believe that others may have a different perspective, and I appreciate that, and that the place to decide that is in the court. And I would hope that we would have an expedited review.

Mr. SESSIONS. Mr. Speaker, by agreement, I believe Mr. ARCURI and I are going to be the final two speakers. He has agreed that I will offer my close and then yield back my time, and the gentleman will have the remaining time.

Mr. ARCURI. Agreed.

Mr. SESSIONS. Mr. Speaker, the minority believes that the means just don't justify the ends. We believe that there is a process for getting this done constitutionally and appropriately. We believe the way the rule is written, we believe that the supermajority that this would give to Washington, D.C. two voting Members as well as a super-Delegate Member who would be from Utah would violate the one man-one vote clause. We believe that the way that this is written is wrong and not correct, and we should not proceed under that matter.

Related to the gentlelady's comments about us delaying tactics several weeks ago, I find that curious because we were following regular order rules, rules that had been established. And I find it interesting that regular order would be called a delaying tactic.

Mr. Speaker, I am asking Members to vote against the previous question so that I might be able to offer an amendment to the rule which would strike the obvious attempt to nullify and mute the minority's ability to recommit a bill.

The provision says that if the minority has a valid motion to recommit and the majority of the House agrees to it, the bill is tabled. The majority has taken away the House's ability to send something back to the committee for further consideration.

The distinguished majority leader has spent a great deal of time telling Members in the press that the motion to recommit offered on March 22 would have killed the bill. Well, that just wasn't true. It would have sent the bill back to the committee.

The egregious provision makes the minority leader's wishes come true now. It causes any motion to recommit the bill other than a forthwith motion to effectively kill the bill. Why would the Democrat majority want to limit the minority's opinion in such a manner? Would it be so that they might be able to say with a straight face that a vote to recommit actually kills the bill?

Mr. Speaker, I ask unanimous consent that the text of the amendment and the extraneous material be printed just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. Speaker, I yield back my time.

Mr. ARCURI. Mr. Speaker, I would like to thank my colleague from Texas and my colleagues on the Rules Committee for their spirited debate in this issue. I would also like to thank my distinguished colleague from the District of Columbia for her leadership on this issue and her passion. She has shown such incredible focus in terms of what she feels and what she believes, and it is contagious and I commend her for it.

This is an issue that is not only important to the residents to the District of Columbia, but it is important for the residents of the entire country because it is about giving the right to vote to people who deserve it. And that is what our country was founded on and that is what we are all about.

In my closing, I would just like to mention several points that were discussed in the previous debate, and one of them was brought up by my colleague from North Carolina. And I am troubled by the fact that he is attempting to talk about power grabs and talking about turning this issue into a political issue. This is not a political issue. It never has been. That is what the American people don't want out of their Congress. They want debate on issues that are important to the people.

This is something that is important to all of America. It is important to the residents of Utah, and it is important to the residents of the District of Columbia. It is not about a power grab. It is not about politics. And that is what the American people don't want to hear their Representatives in Congress talking about. They want to hear about why we support a bill. And the reason that this bill is important, the reason that this bill is critical is because it is constitutional.

My colleague from Texas said that the end doesn't justify the means, and I agree with him; the end cannot justify the means. This bill is not about that. This bill is clearly constitutional.

And I remind my colleague from North Carolina that if he looks at why Congress originally set up the District of Columbia, it was because the capital was in Philadelphia, and they were not able to do the kinds of things in Philadelphia that they wanted to because Pennsylvania was a sovereign State and they couldn't tell the State of Pennsylvania what they wanted done. So they came upon this idea to create a district, a district which they would have control over. That is why the District of Columbia was set up. That is why we are debating this bill today.

Mr. McHENRY. Mr. Speaker, will the gentleman yield?

Mr. ARCURI. I yield to the gentleman from North Carolina.

Mr. McHENRY. The gentleman used my name in his speech, so I would certainly like to yield for a question.

So when the Founding Fathers created the District of Columbia, why then did they not grant the District of Columbia two Senators and a Member of this House?

Mr. ARCURI. Mr. Speaker, I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. When the Constitution was written, first of all, Senators weren't popularly elected; they were appointed, not elected, number one. Number two, when the Constitution was written there was a 10-year period during which the District essentially had all the same rights it had always had because the Framers guaranteed to Maryland and Virginia they would not lose those rights. So when the seat moved over and it became the jurisdiction of the Congress, only the Congress could fulfill the mandate now that the city was under its jurisdiction to grant the city the right to vote.

We are asking for the right to vote only in the House. And the Senate, somebody would have had to appoint Senators at the time. So that could not have been done.

Mr. ARCURI. Mr. Speaker, this bill is, as I said, about fairness. They are talking about everything but what is important. They are talking about every fact except the important fact, and that is that this bill is about giving the right to vote to citizens of the United States. That is what is important.

Nearly 600,000 citizens of Washington, D.C. have waited far too long for equal representation in this Chamber. They have sacrificed their lives defending this great Nation and paid their fair share of taxes. We have an opportunity to correct this grave injustice and provide to the citizens of our Nation's Capital the most important right of all, and that is the full right to vote.

I want to commend again the Delegate from Washington (Ms. NORTON) for her tireless efforts that have brought us here for this historic day. It is this type of passion and commitment that further strengthens our democracy. I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 317 OFFERED BY REP. SESSIONS OF TEXAS

Strike section 3.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. Speaker, I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ARCURI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 196, not voting 18, as follows:

[Roll No. 228]

YEAS—219

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton

Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Boehner
Brown, Corrine
Cantor
Cubin
Davis, Jo Ann
Engel
Fattah
Higgins
Israel
Lampson
Marshall
Millender-McDonald
Oberstar
Rohrabacher
Sali
Stark
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

☐ 1222

Mr. HUNTER and Mr. FERGUSON changed their vote from "yea" to "nay."

Mr. CRAMER changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. SALI. Mr. Speaker, on rollcall No. 228 I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCURI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 196, not voting 18, as follows:

[Roll No. 229]

YEAS—219

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Boehner
Cantor
Cubin
Davis, Jo Ann
Duncan
Engel
Fattah
Flake
Higgins
Israel
Lampson
Meeks (NY)
Melancon
Millender-McDonald
Rohrabacher
Stark
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1229

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MELANCON. Mr. Speaker, on the last vote, rollcall 229, had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1593

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that as sponsor of H.R. 1593 that Representative WALTER JONES, Jr., be removed as a cosponsor.

The SPEAKER pro tempore (Mr. CARDOZA). Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 317, I call up the bill (H.R. 1905) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia House Voting Rights Act of 2007".

SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CONGRESSIONAL DISTRICT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the District of Columbia shall be considered a Congressional district for purposes of representation in the House of Representatives.

(b) Conforming Amendments Relating to Apportionment of Members of House of Representatives.—

(1) Inclusion of single District of Columbia member in reapportionment of members among States.—Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a), is amended by adding at the end the following new subsection:

"(d) This section shall apply with respect to the District of Columbia in the same manner as this section applies to a State, except that the District of Columbia may not receive more than one Member under any reapportionment of Members.".

(2) Clarification of determination of number of Presidential electors on basis of 23rd amendment.—Section 3 of title 3, United States Code, is amended by striking "come into office;" and inserting the following: "come into office (subject to the twenty-third article of amendment to the Constitution of the United States in the case of the District of Columbia);".

SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.

(a) Permanent Increase in Number of Members.—Effective with respect to the One Hundred Tenth Congress and each succeeding Congress, the House of Representatives shall be composed of 437 Members, including any Members representing the District of Columbia pursuant to section 2(a).

(b) Reapportionment of Members Resulting From Increase.—

(1) In general.—Section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking "the then existing number of Representatives" and inserting "the number of Representatives established with respect to the One Hundred Tenth Congress".

(2) Effective date.—The amendment made by paragraph (1) shall apply with respect to the regular decennial census conducted for 2010 and each subsequent regular decennial census.

(c) Special Rules for Period Prior to 2012 Reapportionment.—

(1) Transmittal of revised statement of apportionment by President.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress a revised version of the most recent statement of apportionment submitted under section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a(a)), to take into account this Act and the amendments made by this Act.

(2) Report by clerk.—Not later than 15 calendar days after receiving the revised version of the statement of apportionment under paragraph (1), the Clerk of the House of Representatives, in accordance with section 22(b) of such Act (2 U.S.C. 2a(b)), shall send to the executive of each State a certificate of the number of Representatives to which such State is entitled under section 22 of such Act, and shall submit a report to the Speaker of the House of Representatives identifying the State (other than the District of Columbia) which is entitled to one additional Representative pursuant to this section.

(3) Requirements for election of additional member.—During the One Hundred Tenth Congress, the One Hundred Eleventh Congress, and the One Hundred Twelfth Congress—

(A) notwithstanding the final undesignated paragraph of the Act entitled "An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting", approved December 14, 1967 (2 U.S.C. 2c), the additional Representative to which the State identified by the Clerk of the House of Representatives in the report submitted under paragraph (2) is entitled shall be elected from the State at large; and

(B) the other Representatives to which such State is entitled shall be elected on the basis of the Congressional districts in effect in the State for the One Hundred Ninth Congress.

SEC. 4. NONSEVERABILITY OF PROVISIONS.

If any provision of this Act, or any amendment made by this Act, is declared or held invalid or unenforceable, the remaining provisions of this Act and any amendment made by this Act shall be treated and deemed invalid and shall have no force or effect of law.

The SPEAKER pro tempore. Pursuant to House Resolution 317, the gentleman from Michigan (Mr. Conyers) and the gentleman from Texas (Mr. Smith) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1905, the District of Columbia House Voting Rights Act of 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I would like to begin the debate on this measure by yielding myself as much time as I may consume.

Mr. Speaker, this past Monday on April 16, Emancipation Day, District of Columbia residents and others gathered by the thousands at Freedom Plaza and marched to the Capitol, calling on Congress to "demand the vote."

On that day in 1862, President Abraham Lincoln signed the District of Columbia Compensated Emancipation Act, freeing approximately 3,100 men, women and children who were held in bondage. That was several months before, of course, President Lincoln's issue of the Emancipation Proclamation on New Year's Day, 1863.

I stand before my colleagues in the House today and cannot help but note that the District of Columbia was the starting point for the Emancipation President, as he was called, but it still does not have the full voting franchise that is at the heart of U.S. citizenship. This hardly seems right, and we have come today, assembled again to correct this.

Monday's marchers sent a message to Congress: District residents have had enough of "taxation without representation." That is a message that all Americans and all students of American history should understand. District residents just want what Americans elsewhere enjoy: a full share in American democracy.

This simple but compelling message has reached Congress, and today we are acting on it. Today we will do our part to correct a 200-year-old injustice. We have a constitutionally sound, bipartisan, politically balanced response that will give, at last, citizens of the District of Columbia full representation in the House.

The United States is the only democracy in the world, ladies and gentlemen, where citizens living in the capital city are denied representation in their legislature. Almost 600,000 people who call the District of Columbia home, who pay taxes, go off to war, and observe the other responsibilities of citizenship still do not have a vote in the Congress.

At Monday's march, we heard from a District of Columbia veteran who was one of the first soldiers sent to Iraq in March, 2003, and as a dual citizen of the United States and Iraq, he can participate fully in the Iraqi democratic process which includes electing voting members of the Iraqi National Legislature, but as a resident of the District of Columbia, his rights as a U.S. citizen are limited.

Well, his day has come, as well as for that of all of the citizens of this great District of Columbia. I hope that we can move this debate through as efficiently and as effectively as possible, and move toward a finish of a job that we have undertaken in more than one Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last month the House considered a similar piece of legislation. As has become the Democrats' antidemocratic custom, no amendments were allowed. The language of the bill was changed hours before it came to the House floor, and Republicans were allowed only a motion to recommit.

Today, we are back again to consider legislation to unconstitutionally give D.C. residents a voting representative in Congress. Since the wording of the legislation has been changed without approval by the committee of jurisdiction, we will not have an opportunity to give D.C. residents the right to possess weapons to protect themselves and their families. And the reason we cannot give them that right is the same reason the bill was withdrawn last month: The Democratic leadership is afraid Congress would approve it.

It is a shame that a bill that supposedly supports democracy is being brought up in such an undemocratic manner. The majority waived its own rules and will pass a separate tax increase, all to ram through the House an unconstitutional bill they rewrote at the 11th hour with no amendments allowed.

At the Judiciary Committee hearing on this bill, Professor Jonathan Turley, someone the majority consults frequently for his views, said: "Permit me to be blunt. I consider this act to be the most premeditated, unconstitutional act by Congress in decades."

This legislation was constitutionally suspect last month and it is constitutionally suspect today. The Constitution explicitly says that Members of Congress can only be elected by people who live in States. Article I section 2 reads, "The House of Representatives shall be composed of Members chosen every second year by the people of the several States."

Judges and legal experts agree that since D.C. is not a State, it cannot elect Members of Congress. In fact, a Federal district judge here in D.C. already has spoken on this point stating clearly, "We conclude from our analysis of the text that the Constitution does not contemplate that the District may serve as a State for purposes of the apportionment of congressional representatives."

And the House Judiciary Committee also has spoken on this point. When the House Judiciary Committee under the leadership of Democratic Chairman Peter Rodino in the 95th Congress reported out a constitutional amendment to do what this bill purports to be able to do by statute, the report stated, "If the citizens of the District are to have voting representation in the Congress, a constitutional amendment is essential. Statutory action alone will not suffice." So what is being attempted with the legislation before us today is something long recognized as requiring a constitutional amendment.

Further, this bill unfairly subjects many citizens to unequal treatment. It grants Utah an additional Representative who will run at-large or statewide rather than in the individual district provided for in the redistricting plan the Utah legislature passed last year. The at-large provision creates a situation this country has not seen since the development of the Supreme Court's line of cases affirming the principle of one man, one vote.

Under this provision, voters in Utah would be able to vote for two Representatives, their own district Representative and their at-large Representative, whereas voters in every other State would only be able to vote for their one district Representative. The result would be that Utah voters would have more voting power than the voters of every other State.

The new bill the majority drafted at the 11th hour even fails to strike the current position of the Delegate that represents Washington, D.C. Currently, that delegate can vote in committee. So this bill not only grants voters in Utah two voting Members when every other voter only gets one, but also gives District voters two votes in committee, one vote for the D.C. Delegate and one vote for the new D.C. Member of Congress. Congratulations to Utah and D.C. voters.

Some feel sincerely that the Constitution can be pulled and stretched a little and interpreted otherwise, but at least we can agree that it is by no means certain that the bill is constitutional. What is certain is that congressional voting for D.C. residents could be obtained by a constitutional amendment.

In 1978, Congress approved such a constitutional amendment, but only 16 of the 38 States necessary ratified it. As I mentioned, at the time the Democratic chairman of the Judiciary Committee said the only legitimate way to give D.C. residents the right to vote in Federal elections was a constitutional amendment as opposed to this kind of legislation.

Why is that process being ignored now? Is it because of the fear of failure again?

Like many Members of Congress, I favor giving D.C. residents the right to vote for Members of the House and the Senate; but this bill doesn't do that. It limits D.C. residents to voting only for House Members. This bill does not allow D.C. residents to vote for Senators. Why are we considering a bill that gives D.C. residents only half their rights? Isn't that "taxation without representation"? Or maybe it is "taxation with half-representation." Maybe we should refund D.C. residents half their taxes if this bill passes.

There is a solution, and it treats the residents of D.C. better than this bill. It is constitutional. It is more likely to succeed in a constitutional amendment, and it will give D.C. residents the right to vote for both House Members and Senators.

D.C. was originally carved out of Maryland. If D.C. were given back to Maryland, except for the Capitol and some Federal buildings, D.C. residents would be residents of a State and have the same voting rights. It has been done before. That part of D.C. that was once part of Virginia was returned to Virginia in 1846, so the precedent is there. Such legislation would only require a majority vote in Congress and in the Maryland legislature. Both are controlled by the Democratic Party.

Why are we waiting? Why not the best for D.C. residents? Why are we spending time on a bill that is constitutionally suspect and would be challenged in court? Why are we not acting now to return the District to Maryland and assure D.C. residents the right to vote in all Federal elections as quickly as possible?

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, it is my pleasure now to yield 1 minute to the distinguished Speaker of the House of Representatives, Ms. NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding me time and for his leadership in bringing this legislation to the floor.

Mr. Speaker, today is a proud day for this House and for the District of Columbia and for our Nation. Today, we will fulfill our obligation to do right by the citizens of the District of Columbia.

Mr. Speaker, I commend the steadfast leadership, the exceptional tenacity, the relentless persistence of the gentlewoman from the District of Columbia (Ms. NORTON). Because of her today, America will be greater.

I also appreciate the leadership of the gentleman from Virginia (Mr. TOM DAVIS) making this bill one that has bipartisan cosponsorship. Again, without his participation, we wouldn't be here. For his support over a long period of time, we are all in your debt, Mr. DAVIS.

□ 1245

I want to thank also Mr. CONYERS and Mr. WAXMAN for their leadership; STENY HOYER, who has made this a mission in his life. It is a proud day for all of us.

Mr. Speaker, I take some personal pleasure in today's proceedings, because when I was born, my father was a Member of Congress. He was on the Appropriations Committee and he chaired the District of Columbia committee. At that time there was no mayor, there was no home rule. He was a strong supporter for the District to attain both. He would never have imagined all those many, many years ago that it would take this long to get a full vote on the floor for the District of Columbia.

And of course we would like, Mr. Chairman, to have statehood for the District of Columbia so they could have full representation for their taxation. But today we take this giant step.

This bipartisan effort to secure full voting representation in this House should command the support of all. Indeed, 82 percent of the American people support the District of Columbia having full voting rights on the floor of the House. This vote fulfills the promise of our democracy. It reflects what we stand for at home and preach around the world.

As the Supreme Court has said: "No right is more precious in a free country than that of having a voice in the election of those who make the laws under which we, as good citizens, must live."

Today, we seek to affirm an enduring principle of our democracy, the right to be heard and represented fully. For more than 200 years, the citizens of the District of Columbia have been denied full voting representation. This legislation corrects a serious flaw in our democracy.

Mr. Speaker, every single day that this Congress is in session, we take a pledge to the flag and to the Republic for which it stands. And at the end we say, "with liberty and justice for all." That "for all" must include the people of the District of Columbia.

America is at its best and honors the cause of justice and freedom when all voices are fully represented. And we know that the citizens of the District of Columbia will give their voices to a vision of justice, equality and opportunity for all. They have already had the voice. Now they will have the vote.

Now is the time to honor our democracy. We will not rest until full voting representation in the House is granted to the District of Columbia. That is our obligation and our pledge.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to my friend and colleague from Virginia (Mr. GOODLATTE) who is the ranking member of the House Agriculture Committee and also a senior member of the Judiciary Committee.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for such time as he may consume.

Mr. GOODLATTE. I thank the gentleman for yielding and it is at this time my pleasure to yield 2 minutes to the gentleman from Virginia, Mr. DAVIS.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would ask if the gentleman from Michigan could yield me 2 minutes as well.

Mr. CONYERS. Mr. Speaker, I am pleased to add 2 minutes on to Mr. DAVIS' allotted time.

The SPEAKER pro tempore. The gentleman is recognized for 4 minutes.

Mr. TOM DAVIS of Virginia. Taxation Without Representation, the phrase that sparked this Nation's revolution of independence, still fuels the aspirations of District residents, especially this week when they paid taxes to a Federal Government in which they are not fully represented.

So this House once again considers a bill to correct this historical anomaly that leaves those living closest to the seat of our democracy without the same rights as their fellow citizens living everywhere else in our vast Nation. We persist because the cause is right and patience a vice against long-festering injustice.

Today, there is no need to repeat everything said 3 weeks ago. The history, the case law, the constitutional analysis have all been recited. We have heard from the opponents of this legislation who rely on a single argument championed by one very liberal constitutional lawyer.

We counter with the studied opinions of two former Federal judges, including Judge Kenneth Starr, and 25 legal scholars from the best law schools in the country, including Viet Dinh, who the Bush administration relied on to write the PATRIOT Act. Anyone who would have been moved by those arguments has already been persuaded.

Instead, I want to focus on the moral imperative to act, even in the face of difficulty or doubt. A great man of letters once said: "Nothing will ever be attempted if all possible objections must first be overcome." There will always be an excuse not to try. Refute one opposing argument, another sprouts like a weed. In this case, the scales of justice cannot be moved with weightless legal theories. The balance is tipped decidedly by the solid facts and heavy effects of disenfranchisement endured every day by those who live in the Nation's Capital.

The people of the District of Columbia have served in every war this country has fought. Think about that for a second. These Americans bravely risked their lives, not to defend the freedoms they had, but to protect the promise of freedoms they hoped to have restored. They dutifully pay many millions of dollars in Federal taxes year in and year out, with absolutely no say in how that money may be spent.

But these are the obvious sacrifices of living in the Federal City. The small daily contributions of this city's citizens should not be overlooked. District residents truly serve this Nation every day performing thousands of Federal jobs. But when this House votes on the shape, the size and the cost of that government, they are invisible, unseen and unheard in debates that affect their lives more directly than most.

As a Republican, I am not willing to bear the shame of failing to try to resolve this matter after 200 years. According to our party's own Web site, "The Republican Party was organized as an answer to the divided politics, political turmoil, argument and internal divisions, particularly over slavery, which plagued many political parties in 1854." Our first Presidential candidate, John C. Fremont, ran under a slogan: "Free soil, free labor, free speech, free men, Fremont."

We exist as a party to increase representation and liberty in this country and in this world. This legislation is in the highest traditions of this party that fought for free speech, fought to abolish slavery, and fought to give women the right to vote.

So I ask my Republican colleagues to see through the fog of armchair constitutional analysis and do the right thing. There is still time to cast a Republican vote, a vote to preserve our party's heritage and to vote to expand liberty.

Opponents of this legislation will apologize that the Constitution won't allow them to do the good they wish they could do. I am sorry, but I can't accept that. At the end of the day, this is not an argument about what Congress can do. It is about what Congress is willing to do.

Those of us who are supporting this bill are not nervous about its constitutionality. We are convinced that this Congress already has the authority we need to expand freedom and liberty in this Nation. Might we be wrong? Possibly. The Supreme Court has never decided a case like this. But even if we are proven wrong, there is nobility in attempting to do the right thing. There is honor in acting, not just talking, to end injustice.

To those still shackled by doubt, I offer the words of Reverend King: "Take the first step in faith. You don't have to see the whole staircase. Just take the first step." Take that step with me and pass this bill.

Mr. CONYERS. Mr. Speaker, I would like to turn now to the chairman of the Subcommittee on the Constitution, JERRY NADLER of New York, and recognize him for 3 minutes.

Mr. NADLER. Mr. Speaker, it is a stain on our national honor that the citizens of our Capital City are disenfranchised without any votes in Congress. We presume to lecture other nations on the importance of democracy; but today we are being put to our own test, and we must not fail.

Now, speakers on the other side say that this bill is unconstitutional. They say, and they point out correctly, that the Constitution says that the House of Representatives shall be composed of Members chosen every second year by the people of the several States. Washington, they say, isn't a State. QED. That's the end of the subject. But no, it isn't. It is not the end of the subject. The fact is, article III, section 2 says the judicial power, Federal jurisdiction shall extend to controversies between citizens of different States. Controversies between citizens of different States, that is the basis for jurisdiction for Federal lawsuits, some Federal lawsuits, many Federal lawsuits.

Well, what about a controversy when someone from the District of Columbia sues someone from Virginia or New York or Pennsylvania? Well, in 1805, the Supreme Court ruled that diversity jurisdiction did not exist between a citizen of the District of Columbia and a citizen of Virginia, in the case of Hepburn v. Ellzey, because the District of Columbia was not a State.

But the Court also said that Congress, under its power to legislate for the District of Columbia, could decide that, for purposes of diversity jurisdiction, the city of Washington, D.C. should be considered a State. Congress took its time in doing so, but did make that decision.

And there was a Supreme Court decision in 1949, a mere 145 years later. These things don't go that rapidly. 1949, in National Mutual Insurance Company of the District of Columbia v. Tidewater, the United States Supreme Court said, aha, Congress, having acted, the District of Columbia is a

State for purposes of diversity jurisdiction under article III of the Constitution.

Congress has as much power to decide that the residents of the District of Columbia have the right to vote for Congress, which requires States, as Congress has the right to decide, upheld by the Supreme Court, that residents of the District of Columbia, have the right to sue citizens of other States. If the Congress has that power for purposes of giving the District of Columbia residents the right to sue and be sued by citizens of other States in Federal courts for diversity jurisdiction, it has the same power, the exact same constitutional power to decide that, for purposes of representation in Congress, citizens of the District of Columbia may have that representation in Congress.

So it is, I think, clear, but certainly very arguable, that Congress has ample power constitutionally. And if someone wants to challenge them, let them go to court. But it is not a valid argument to oppose this bill which is necessary for elementary democracy in this country.

Mr. GOODLATTE. Mr. Speaker, I yield myself 4 minutes.

I rise in opposition to H.R. 1905, the District of Columbia House Voting Rights Act. There is no doubt that citizens of the District of Columbia have no full voting representation in the House of Representatives. However, there are ways that these individuals can receive representation without trampling on the Constitution. Unfortunately, this bill is not one of them.

The Constitution does not mince words when it says that Members of Congress may only be elected from the States. Article I, section 2 states that the House of Representatives shall be composed of Members chosen every second year by the people of the several States.

The Constitution also does not mince words when it distinguishes the District of Columbia from a State. In describing the powers of the Congress, article I, section 8 describes the seat of Federal Government as a district, not exceeding 10 miles square, as made by cessation of particular States and the acceptance of Congress, become the seat of government of the United States.

Furthermore, the text of the 23rd amendment to the Constitution further illustrates that the District was never meant to have the same rights as States. Specifically, it grants D.C. the power to appoint a number of electors of President and Vice President, equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State.

We amended the United States Constitution for that purpose. If the advocates of this seek to do the same for representation in the House, they need to amend the United States Constitution.

The plain language of the Constitution is clear, that D.C. is not a State and that it is not granted the same rights as States.

However, the constitutional problems with this bill do not end here. The bill would also establish an at-large Representative for Utah, which would allow the citizens of Utah to vote twice, once for their Representative from their district, and once for another Representative at large. This would clearly violate the constitutional principle of one-man, one-vote by granting Utah citizens disproportionately large voting power.

Adding insult to injury, this new bill we have before us today does not include the language from the previous bill, H.R. 1433, to eliminate the position of D.C. Delegate. Under this new bill, it appears that the District of Columbia would not only unconstitutionally be granted the same voting rights that State residents enjoy, but it would give D.C. greater representation than any State currently enjoys. The D.C. Delegate would continue to be eligible to vote in committee, and in the Committee of the Whole; and in addition, the new D.C. Representative would also be eligible to vote in committee and on the floor.

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While every other district would get one vote in committee and on the floor, the District of Columbia would get two votes in committee and two votes on the floor under this new language.

Finally, the procedure for bringing this bill to the floor is, again, appalling. Debate has been blocked on a bill that affects the relative voting power of citizens in each of our congressional districts. The majority has once again denied us even the opportunity to discuss amendments, including an amendment by Ranking Member SMITH to simply provide for an expedited judicial review of the bill after it is enacted in order to determine its constitutionality.

Furthermore, it is very telling and disappointing that the majority has decided that it would rather violate its own PAYGO rules than allow an open and fair discussion on the underlying bill.

For all of these reasons, I urge my colleagues to oppose this very poorly crafted legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, before I yield to the distinguished gentleman from Alabama, I yield myself 30 seconds.

Ladies and gentlemen, we have here a very interesting constitutional question. My good friend and distinguished member of the Judiciary Committee I think has raised four, maybe five points that disturb him greatly, but the main one is that it is unconstitutional. The point of the matter is that there are those who think it is constitutional and those who think it is unconstitutional. Can't we let the courts decide this besides 435 great lawyers working on this?

Mr. Speaker, I now yield 3 minutes to the distinguished gentleman from Alabama, Mr. ARTUR DAVIS.

Mr. DAVIS of Alabama. Mr. Speaker, I thank the distinguished Chair of the committee for honoring me by giving me a chance to speak during this momentous debate.

And I want to begin with a simple observation. If you scour the globe and you look at the places that are listed as democracies, the places where the consent of the governed is what drives the politics, there is not a single one where the people who live in the capital do not have a representative to their parliamentary body. No, not one. That is telling, and it ought to frame everything that we say here today because the system of government in this country and the way we have gone about business until now has been unique in the world. This is the only place in the world where the people who live in the capital have no voice.

Now, let me speak to some of the constitutional arguments that have been raised. I find it very telling, Mr. Speaker, that many of my very able colleagues on the other side of the aisle have spent a lot of time in their recommit motion and other places, making a point about the recent D.C. Circuit ruling about the right to bear arms. They have brought that unrelated issue into this debate.

But it is interesting for this reason, and I take out this dog-eared copy of the Constitution. If there is one document that ought to be well worn, I suppose it is the Constitution.

If you look at the second amendment, Mr. Speaker and Mr. Chairman, that our opponents in this debate rely on, it says "A well regulated militia being necessary to the security of a free State, the right of the People to keep and bear arms shall not be infringed," a clear-cut reference to the security of a free State.

Our friends on the other side of the aisle say that is relevant to Washington, D.C. They say there is a right to bear arms that the people shall enjoy. If it is so in the context of someone carrying around a 9 millimeter or a semiautomatic, it must be so in the context of people walking into a ballot and voting for a delegate who is a representative who has a voice here.

What kind of a system of government says that the right to have a 9 millimeter outweighs the right to vote? You can't have it both ways in this argument. You can't say you throw out the State in the second amendment, but somehow you make the State giant and bold and capitalized and italicized in the context of this representation.

Another point that Mr. NADLER touched upon: We hear from the opposition that D.C. is a special thing, a Federal district, that it is neither the United States nor the States so, therefore, it belongs in its own special category. If that is the case, to my friends on the other side, take out your copy of the Constitution, plow your way through it, and look at amendment after amendment. If that interpretation is so, that D.C. is not a State or the U.S. Government, it means the equal protection clause doesn't apply to Washington, D.C. It means that the antipoll tax provision doesn't apply to Washington, D.C. It means that every other provision of the Constitution that contains the word "State" or "U.S." does not apply.

No one makes that argument that the people of Washington, D.C. are utterly shorn of rights because they are neither a State nor the United States. If you don't make it in another context, you cannot make it in this one.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman from Alabama.

The second amendment to the Constitution refers to the "State." When the Constitution refers to the "States," meaning today 50 States, then 13 States, it is referring to them in the plural. The "State" in the second amendment refers to the country collectively.

And to the distinguished chairman of the Judiciary Committee, for whom I have great respect but also great disagreement on this issue, I hope that given the fact that we do acknowledge a difference of opinion on what the Constitution says means that he will join with us in seeking for expedited judicial review if, as I hope is not the case, this should be passed and sent to the courts for their review.

Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, before I begin to set forth my opposition to this piece of legislation, let me refer back to the comments made by the previous speaker, which looked back over 150 years to try to find a case to provide some substantiation for their argument, and they did so by finding a case with regard to judicial intervention.

In that case they cited that the Supreme Court held that this Congress could allow or broaden the judicial authority, if you will, of the Federal courts. I think their example, in essence, proves too much. You cannot simply take one sentence or two sentences out of the U.S. Constitution and draw a conclusion from that. What you have to do is read the entirety of the Constitution.

If you had done that, you would realize that the courts have always held, and the Founders' intent always was, that this body, this House, and this Congress has broad latitude when it comes to judicial issues and reining in the Federal courts or expanding their authority of jurisdiction. And that is all that that Supreme Court case was doing. It was not addressing the issue of infringing upon the rights of other citizens by what is occurring here today by granting more authority to other States as far as voting is concerned.

More to the point on this legislation. As I said before, I rise in strong opposition to this legislation because it is, A, unconstitutional, and, B, unfair. It violates the Constitution and the very fundamental intent of the Founding Fathers of this country and the Framers of the Constitution. It would give the District, which is by no definition a State, a vote in this House and simultaneously the citizens of another State two Representatives, which is unfair to the State of New Jersey and all States in this country.

Furthermore, by allowing, unfairly, the District of Columbia to have their own Representative and also a Delegate, they will have unfair representation.

Our Founding Fathers understood and deliberately set aside a non-State section of land for our Federal Government and granted voting rights only, only, to State residents. They did this for a simple reason: They wanted to ensure that each State had equal representation, and they realized that putting the Federal Government in a State would have given that State unfair representation, an unfair advantage. H.R. 1905 does not line up with the Founders' intent.

If the supporters of H.R. 1905 wanted the people of D.C. to be represented in Congress, they simply could have solved that problem by retroceding, by giving back part of the District of Columbia to Maryland.

There is precedent for this, as stated. In 1846, Congress took that perfectly legal step of returning present-day Arlington to the State of Virginia. Couldn't we pass similar legislation like that right now and solve this problem?

Unfortunately, the majority, who claimed just a few months ago that they would have an open process for amendment legislation, has left us with only two choices, an unfair and unconstitutional choice before this House.

Mr. CONYERS. Mr. Speaker, we are pleased to have on our Judiciary Committee the gentleman from Georgia, the distinguished lawyer and judge, HANK JOHNSON, to whom I yield 2 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in support of the District of Columbia Voting Rights Act of 2007, which corrects a 200-year-old oversight by restoring to the citizens of the District of Columbia the right to elect a Member of the House of Representatives who has the same voting rights as all other Members of the House of Representatives.

Residents of the District of Columbia serve in the military. They are dying and being wounded on the streets of Iraq. They pay billions of dollars in Federal taxes each year and assume all of the responsibilities of United States citizenship. Yet they are denied the basic right of full representation in the United States House of Representatives.

Now, a compromise has been reached by both sides of the aisle, but there are some who would deny the people of Washington, D.C., a right that they themselves enjoy.

The District of Columbia was created to prevent any State from unduly influencing the operations of the Federal Government due to the Federal Government's being located within the confines of a particular State. However, there is simply no evidence that the Framers of the Constitution thought it was necessary to keep residents of this District from being represented in the United States House of Representatives by a voting Member.

Now, there are those who would argue that Congress lacks the power to extend this right of full voter representation to the citizens of the District of Columbia. However, article I, section 8, clause 17 of the Constitution provides Congress with the legislative authority to give the District of Columbia true representation in Congress. I quote: The Congress shall have power "to exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding 10 miles square) . . ."

So let us stand with the thousands who marched down Pennsylvania Avenue Monday for one thing, full representation by Members of the House of Representatives for the District of Columbia.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Judiciary Committee.

Mr. GOHMERT. Mr. Speaker, the proponents of this bill in 1978 believed that the way to allow the District of Columbia representation was to actually pass and ratify a constitutional amendment. That is what the proponents knew back then. That is what most of us, hopefully, still know today.

Article I, section 2 of the Constitution addresses who will comprise the U.S. House of Representatives. As it says here, specifically, "The House of Representatives shall be composed of Members chosen every second year by the People of the several States . . ."

Now, anyone who believes it is fair, like the Founders of the country did, to have taxation with representation should also know that we took an oath to support and defend this document. Words mean things. They had the debate at that time. Should we give the District of Columbia, this independent entity, a Representative? They said "no." Alexander Hamilton lost the debate when they said "no."

So if you want to fix it, as the people in 1978 did, as you do know, those in the House here, Mr. Speaker, you do it by making a constitutional amendment.

I have previously pointed out that one of the arguments made by our country's founders as to why they did not allow the District of Columbia to have a U.S. Representative was that the Founders noted that Members of Congress and the Senate have an interest in the city's functioning properly. Demonizing, misquoting, belittling the messenger does not change the truth, the facts, or what the Constitution requires.

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As I said during the previous debate, it is a legitimate position to assert that all people should be able to elect their Representative. That is why on Monday of this week I filed a bill that is the only constitutional manner of getting the District of Columbia a Representative without a constitutional amendment. My new bill cedes land from the District of Columbia on which Federal buildings do not currently exist to the State of Maryland, which follows the pattern that was set in 1846 when land was ceded back to Virginia. That allows the District of Columbia not only a vote for a Representative, but also a vote for two Senators. That is not even contemplated in this bill.

In any event, the Constitution is clear. Let's follow it or amend it. The bill we are voting on today does not follow the Constitution, it does not amend the Constitution, and, therefore, it must be defeated here by those who wish to follow the admonition to support and defend the Constitution. Otherwise, it will be struck down by any court that seeks to follow the words of the Constitution.

Mr. CONYERS. Mr. Speaker, I would like to yield 1 minute to the Delegate from the District of Columbia, ELEANOR HOLMES NORTON.

Ms. NORTON. It has been remarkable, in a debate where Republicans invoke democracy, to hear Republican after Republican come to the House floor and say that they want the District of Columbia ceded to Maryland, without indicating that the Maryland delegation has given permission to accept the District of Columbia. If you believe in democracy, I suggest you ask the State of Maryland before you cede back anything to that State.

Mr. CONYERS. Mr. Speaker, it is my pleasure now to yield 3 minutes to the gentlelady from Houston, Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished Speaker, the distinguished chairman of the full committee, and certainly my colleagues who are here, because I believe that there should be a sense of honesty and integrity that is attributed to all of my colleagues, despite their positions on this issue.

I rise today, Mr. Chairman of the full committee, acknowledging that my full statement will be put into the RECORD. But I really want to engage in a dialogue and a discussion because I am grateful that this committee, looking at Congresswoman ELEANOR HOLMES NORTON's legislation and Congressman DAVIS' legislation was thoughtful as it relates to the Constitution. And that is what the American people ask us to do: they want us to be thoughtful as it relates to the Constitution; they want us to be fair.

Many people have heard of this as the D.C. Voting bill, but they may not be aware of the provision that deals with Utah, people there who have not had an opportunity to cast their vote, one person-one vote. That is what this is all about. It is a simple question of allowing those who pay taxes, whose blood rains on the front lines around the world for our freedom, to have the constitutional privilege of voting.

Now, you will hear those who oppose suggest that there is a provision in the Constitution that indicates the word "States," and that voting is, if you will, attributable to the word "States." We have already heard the historical perspective, you have already been told to ask the people of Maryland, but there is another constitutional provision. And so you have interpretations that will allow scholars to have a scholarly debate.

The other constitutional provision indicates that this Congress does have the authority to provide, if you will, a balance of power, a sense of fairness to the nonvoting people of the District of Columbia.

I would hope that we, who are constitutionally grounded, a democracy that has lasted now 400 years-plus, would err on the side of giving rights to people who are deserving of those rights, their birthright being that they are American citizens. That is why I come to the floor of the House to challenge and to chime these words: We all are created equal, with certain inalienable rights of life, liberty and the pursuit of happiness. That is a declaration of independence, and the Constitution says we formed this body to create a more perfect Union. Can we be in a perfect Union if there are citizens of the United States who are not able to cast their vote? I ask my colleagues to consider that, and I ask us to support enthusiastically H.R. 1905, to err on the side of the birthright of American citizens and the right to vote.

Mr. Speaker, I rise in strong support of H.R. 1905, the "District of Columbia House Voting Rights Act of 2007," and thank the Chairman of the Judiciary Committee for his leadership in shepherding this important piece of legislation to the floor. Today we remove a stain that has blighted our Nation for more than 200 years. Today, we vote to end 2 centuries of shame and correct an injustice to the citizens of the District of Columbia.

H.R. 1905 permanently expands the U.S. House of Representatives from 435 to 437 seats, providing a new, at-large seat to Utah and a vote to the District of Columbia. Based on the 2000 Census, Utah is the state next in line to enlarge its Congressional delegation. The bill does not give the District statehood, nor does it give the District representation in the Senate. Rather, in H.R. 1905 Congress is simply treating the District as a Congressional district for the purposes of granting full House representation, as it can pursuant to the grant of plenary power over the District of Columbia conferred by the Constitution in Article I, section 8, clause 17.

At the outset, let me address the claim that H.R. 1905 is a weak foundation upon which to base the District's voting rights in the House because it is a statutory rather than a constitutionally based remedy. The argument should be rejected for the simple reason that it makes the perfect the enemy of the good. It is like asking a person to remain homeless while she saves to buy a house even though she has enough money to rent an apartment.

Mr. Speaker, let us not lose sight of one indisputable and shameful fact: nearly 500,000 people living in the District of Columbia lack direct voting representation in the House of Representatives and Senate. Residents of the District of Columbia serve in the military, pay billions of dollars in Federal taxes each year, and assume other responsibilities of U.S. citizenship. For over 200 years, the District has been denied voting representation in Congress—the entity that has ultimate authority over all aspects of the city's legislative, executive, and judicial functions.

Mr. Speaker, if a person can be called upon to pay Federal taxes and serve in the armed forces of the United States, then he or she should at least have the opportunity to vote for a representative who could at least cast a symbolic vote in this chamber on critical matters facing our Nation. Issues like war and peace, equality and justice.

Mr. Speaker, taxation without representation is tyranny. It is unconscionable that more than a half million American citizens are being unconscionably denied a vote and a voice in the most important legislative body in the world.

As a supporter of freedom, democracy, and equality, I believe that it is long overdue for the citizens of the District of Columbia to have a representative in Congress who can vote on the vital legislation considered in this body.

Mr. Speaker, it is wrong that we must be reminded daily by license plates in the District of Columbia that "Taxation without representation is tyranny." The people in Boston felt so strongly about this in 1775 that they rebelled in Boston Harbor, launching the "Boston Tea Party."

The principle that political authority derives from the consent of the government is no less applicable when it comes to the District of Columbia. Let us be clear. There is no dispute that hundreds of thousands of American citizens reside in the District of Columbia. We all agree that universal suffrage is the hallmark of a democratic regime, of which the United States is the world's leading exemplar.

None of us believes it is fair that citizens of the District of Columbia pay Federal taxes, risk life and limb fighting wars abroad to protect American democracy and extend the blessings of liberty to people living in foreign lands. In short, there is no moral reason to deny the citizens of the District of Columbia the right to full representation in Congress. The only question is whether Congress has the will and the constitutional authority to do so. As I will discuss, Congress has always had the constitutional authority. For the last 12 years, we have not had the will; but now we do.

I. CONGRESS CAN GRANT VOTING RIGHTS TO THE DISTRICT UNDER THE DISTRICT CLAUSE

As Professor Dinh argued in his powerful testimony before the Judiciary Committee, Congress has ample constitutional authority to enact H.R. 1905 under the Constitution's "District Clause." Art. I, § 8, cl. 17. The District Clause empowers Congress to "exercise exclusive Legislation in all Cases whatsoever, over such District" and thus grants Congress plenary and exclusive authority to legislate all matters concerning the District. The text, history and structure of the Constitution, as well as judicial decisions and pronouncements in analogous or related contexts, confirms that this broad legislative authority extends to the granting of Congressional voting rights for District residents.

The District Clause, which has been described by no less a constitutional authority as Judge Kenneth Starr as "majestic in its scope," gives Congress plenary and exclusive power to legislate for the District. Courts have held that the District Clause is "sweeping and inclusive in character" and gives Congress "extraordinary and plenary power" over the District. It empowers Congress to legislate within the District for "every proper purpose of government." Congress therefore possesses "full and unlimited jurisdiction to provide for the general welfare of citizens within the District of Columbia by any and every act of legislation which it may deem conducive to that end," subject, of course, to the negative prohibitions of the Constitution.

Although the District is not a state for purposes of Congress's Article I, section 2, clause 1, which states that members of the House are chosen "by the people of the several States," this fact is not dispositive of Congress's authority under the District Clause to give residents of the District the same rights as citizens of a state. Since 1805, the Supreme Court has recognized that Congress has the authority to treat the District like a state, and Congress has repeatedly exercised this authority. No court has ever sustained a challenge to Congress's exercise of its power under the District Clause.

Two related Supreme Court cases illustrate this point. In *Hepburn* v. *Ellzey,* 6 U.S. 445 (1805), the Court held that the diversity jurisdiction provision of Article III, Section 2 of the U.S. Constitution excluded citizens of the District of Columbia. The Court observed, however, that it was "extraordinary" that residents of the District should be denied the same access to federal courts provided to aliens and state residents, and invited Congress to craft a solution, noting that the matter was "a subject for legislative, not judicial consideration."

Congress accepted that invitation 145 years later and enacted legislation that explicitly granted District residents access to federal courts on diversity grounds. That legislation was upheld by the Supreme Court in 1949 in *National Mutual Insurance Company* v. *Tidewater Transfer Company,* 337 U.S. 582 (1949). A plurality of the Court led by Justice Jackson held that Congress could for this purpose treat District residents as though they were state residents pursuant to its authority under the District Clause. The two concurring justices would have gone even further; they argued that Hepburn should be overruled and that the District should be considered a state for purposes of Article III.

Tidewater strongly supports Congress's authority to provide the District a House Representative via simple legislation. As the plurality explained, because Congress unquestionably had the greater power to provide District residents diversity-based jurisdiction in special Article I courts, it surely could accomplish the more limited result of granting District residents diversity-based access to existing Article III courts. Similarly, Congress's authority to grant the District full rights of statehood (or grant its residents voting rights through retrocession) by simple legislation suggests that it may, by simple legislatipn, take the more modest step of providing citizens of the District with a voice in the House of Representativ. Indeed, since Congress has granted voting representation to residents of Federal enclaves in *Evans* v. *Cornman,* 398 U.S. 419 (1970), and to Americans living abroad through the Overseas Voting Act, there is no reason to suppose that Congress has less ability to provide voting representation to the residents of the Nation's Capital.

II. CONGRESS MAY DIRECT THE NEXT-ENTITLED STATE TO ELECT ITS ADDITIONAL REPRESENTATIVE AT LARGE

H.R. 1905 also grants an additional congressional seat to the State of Utah as the next-entitled state and directs that State to elect its additional Representative at large, rather than creating an additional single-member district. Congress plainly has the authority to do so. This statutory scheme does not violate the "one person, one vote" principle.

As the Supreme Court held in *Wesberry* v. *Sanders,* 376 U.S. 1 (1964), "the command of Article I, Section 2 [of the Constitution], that Representatives be chosen 'by the People of the Several States' means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." In that case the Court struck down a Georgia apportionment statute because it created a congressional district that had two-to-three times as many residents as Georgia's 9 other congressional districts. The Court stated:

> The apportionment statute thus contracts the value of some votes and expands that of others. If the Federal Constitution intends that when qualified voters elect members of Congress each vote be given as much weight as any other vote, then this statute cannot stand.

"One person, one vote" concerns arise when congressional districts within a State contain different numbers of residents, diluting the voting power of residents in the district with more residents. In contrast, here the proposed temporary "at large" district in Utah does not dilute the voting power of any Utah voter.

When Utah holds its at large election for the new fourth seat, Utah voters may cast a vote in their existing district and in the State-wide election for the fourth seat. While it is true that the statewide "at large" district will necessarily contain more residents than the other districts, the establishment of that "at large" district would create no constitutional dilution concerns. Each person's vote in the "at large" district would have equal influence, and the opportunity to cast that vote would not alter in any way the value of that person's vote in her own smaller district.

Nor does a potential "one person, one vote" challenge arise on the ground that Utah residents vote in two elections while residents of other States with single-member districts would vote only once. First, the Supreme Court has never held that the "one person, one vote" principle applies to the apportionment process. Indeed, the Court has held that Congress is entitled to substantial deference in its apportionment decisions. Second, the proposed at large election does not give residents of the State more or less voting power than the residents of States with single-member districts. The example cited by Richard Bress, one of the witnesses who testified before the Judiciary Committee in support of the bill, illustrates why this is so.

Suppose that State A and State B have roughly the same population and are each entitled to four Representatives. State A holds an at-large election for all four of its representatives, while State B divides its Representatives and voters into four districts. State A's statewide district would have a population four times the size of each district in State B. As compared to the single-district voter in State B, the "at large" voter in State A has a one-fourth interest in each of 4 representatives. The single-district voter in State B has a whole interest in one representative. But in both scenarios, each voter has, in the aggregate, one whole voting interest.

Similarly, as compared to a state with four single-member districts, the voters in Utah's existing three districts would have proportionately less Influence In the election of the representative from their own district, but would gain a fractional interest in the State's at-large representative. In short, Utah residents would have no more (and no less) voting power than residents of any other State.

III. CONCLUSION

For these reasons, I believe H.R. 1905 is constitutionally unassailable. Granting voting rights to the citizens of the District of Columbia is a matter of simple justice. I know it morally right. It is also long overdue. Let us end this injustice and be true to the better angels of our nature. I urge all members to vote to join me in voting for H.R. 1905.

Mr. GOODLATTE. Mr. Speaker, may I inquire as to how much time is remaining on each side.

The SPEAKER pro tempore. Both sides have 2½ minutes remaining.

Mr. GOODLATTE. At this time, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I need to respond to my friend from the District of Columbia with regard to have I talked to the State of Maryland. All I can do is what we can do here, what we can do constitutionally. And I am shocked at the inference that Maryland thinks so little of the people of the District of Columbia that they wouldn't want them, but that is their call. This is something we can do constitutionally.

And to my other good friend from Texas, who mentioned there is another provision, it is article I, section 8. And there is nothing in here that gives us the power to change the Constitution to revoke this word "States." And if you give it that broad, sweeping definition that my friends across the aisle are trying to do, then what will end up happening is, you want to help the fighting people that have given their lives for us and others who continue fighting? This says we can give them their own representative. We can give the Pentagon a representative. We can give every fort and post and base in America their own representative. Let's don't go that broad.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize a senior member of the Judiciary Committee, MAXINE WATERS of California, for 2 minutes.

Ms. WATERS. Mr. Speaker and Members, I rise in support of H.R. 1905, the District of Columbia House Voting Rights Act of 2007, and I am proud and pleased to do so.

I was elected in 1991; and one of my colleagues, who was elected at the same time, Ms. ELEANOR HOLMES NORTON, she has been in this battle ever since she has been here trying to educate this House and the Members of this Congress about the disenfranchisement of the people of the District of Columbia, and she has done a magnificent job of doing that.

That brings us to the point that we are today. We have worked out an agreement. We have bipartisan support. We have a piece of legislation that makes good sense. It will give representation to the people who live and work in this District, people who pay taxes.

When I rode in this morning, I rode in a taxicab with an elderly woman who has been driving a cab for 28 years. I struck up a conversation with her, and she told me that she had two sons in Iraq. I could not tell her about what we were doing on the floor today. I did not want to engage her in that conversation because I was too ashamed to even talk about the fact that she did not have representation, she did not have a voting representative because this body had not decided to use its power to give the vote to the people of the District of Columbia. But I am proud to stand here today because I think something wonderful is about to happen.

No matter the distortions about the Constitution, no matter the misunderstanding that I am hearing from the opposite side of the aisle, we are about to embark on something that is historical, that is constitutional, and is the right thing to do. And I am so pleased and proud to be a part of it as I stand here, looking in the eyes of my friend, ELEANOR HOLMES NORTON, where I will be casting my vote with her today to give voting rights to the people of this District.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. CONYERS. Mr. Speaker, did the gentleman from Indiana desire 2 minutes from our side?

Mr. PENCE. No. I thank the gentleman. I am pleased to take time from the minority side. I thank the chairman. But I also thank very deeply the gentleman from Virginia the courtesy of yielding me time.

Mr. Speaker, I do rise in support of H.R. 1905, the District of Columbia Voting Rights Act of 2007.

The fact that more than half a million Americans living in the District of Columbia are denied a single voting representative in Congress is clearly a historic wrong.

The single overarching principle of the American founding was that laws should be based upon the consent of the governed. The first generation of Americans threw tea in Boston Harbor because they were denied a voting representative in the national legislature in England. Given their commitment to representative democracy, it is inconceivable to me that our Founders would have been willing to accept the denial of representation to so great a throng of Americans in perpetuity.

But the demands of justice are not enough for Congress to act. Under our system of government, Congress may only take action which is authorized by the written Constitution. I do believe in my heart that H.R. 1905 is a constitutional remedy to a historic wrong, and I am not alone in this thought.

Judge Kenneth Starr, the former Independent Counsel and U.S. Solicitor General observed: "There is nothing in our Constitution's history or its fundamental principles suggesting that the Framers intended to deny the precious right to vote to those who live in the capital of the great democracy that they founded." None other than Justice Antonin Scalia observed in 1984 that the seat of government clause of the Constitution gives Congress extraordinary and plenary power over our Nation's Capital. Judge Starr observes: "The logic of that case and that reasoning applies here."

Congress has used this power in the past. It was in a 1949 case that the Supreme Court upheld legislation that extended access to the Federal courts even though article III expressly limited jurisdiction to the courts to suits brought by citizens of several States. None of which argues for the District of Columbia ever to be granted the right to elect Members to the Senate. In a real sense, the House is derivative of the people, the Senate is derivative of the State.

It is my privilege to stand today, albeit in opposition to some of my most cherished colleagues, and stand in support of the D.C. Voting Rights bill.

Mr. CONYERS. I yield 30 seconds to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding.

Mr. Speaker, I just want to say that I wholeheartedly support H.R. 1905, the District of Columbia House Voting Rights Act.

I echo the words of Mr. PENCE, who just spoke. I think he said it quite precisely and concisely, the citizens of the District of Columbia deserve a full right to vote. This bill does not go as far as I would like for it to go; but at the same time, it is a step in the right direction.

I applaud my colleague, ELEANOR HOLMES NORTON, for tirelessly giving everything she has to make this happen. So this is a great day for her and a great day for our country and our Congress.

Mr. Speaker, I rise today in support of H.R. 1905, the District of Columbia House Voting Rights Act of 2007, because the time is long past due for District of Columbia residents to gain the right to vote.

It is very fitting that we are considering giving D.C. residents the right to vote this week. April 15th marked the 60th anniversary of Jackie Robinson's debut with the Brooklyn Dodgers as the first African-American player in the Majors, and on Monday, D.C. residents celebrated Emancipation Day. In keeping with this line of great accomplishments, today we have the honor, the privilege, and the duty to correct one of this Nation's oldest violations of civil rights.

District residents have been denied full representation in Congress for over 200 years. This disenfranchisement impacts more than 500,000 people who live in the District, pay federal taxes, and fight for their country in war. Further, it disproportionately impacts the African American community, which makes up fifty-seven percent of the population in the District. No other state in the union has a larger percentage of Black residents.

However, this is an issue that surpasses race. It is about basic equality. I find it ironic that we are spending billions of dollars to export democracy, when our fellow American citizens are denied the very cornerstone of democracy, the right to vote. The residents of the District of Columbia demand and deserve the right to fully participate in our democracy.

Congresswoman ELEANOR HOLMES NORTON has shown great resolve in her tireless efforts to secure full voting rights for her constituents. And Oversight and Government Reform Committee Ranking Member TOM DAVIS has been a great ally in this cause, both now and when the Republicans were in the Majority.

The bill includes a number of important provisions.

It will increase the size of the House by two seats, from 435 to 437 seats. One of the seats will go to the District of Columbia and the other seat will go to Utah, the next state in line to get a congressional seat.

The bill prevents partisan gerrymandering by creating the new seat for Utah as an at-large seat and by ensuring that Utah does not redistrict its other congressional seats until apportionment is conducted following the 2010 Census.

Importantly, the bill contains a non-severability clause, providing that if a court holds a section of this bill invalid or unenforceable, all other sections will be invalid or unenforceable.

Members of the Oversight and Government Reform Committee recognize the compelling need for granting full representation to the citizens of the District of Columbia. I hope that all of our colleagues in the House will join us, and vote in favor of H.R. 1905, the District of Columbia House Voting Rights Act of 2007.

To be sure, while I support this bill, I do not think it goes far enough. However, this compromise legislation is a step in the right direction—a step towards granting residents of the District of Columbia the ability to fully express their democratic right to vote. This is a historic moment, and I would urge all of my colleagues to be on the right side of history by voting in favor of this bill.

Again, I would like to express my appreciation to Congresswoman NORTON, Ranking Member DAVIS, and Chairman WAXMAN, and the House Leadership for their dedication in bringing this vitally important legislation to the floor and for providing us with the opportunity to correct years of disenfranchisement.

Mr. CONYERS. Mr. Speaker. I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of this bill, the D.C. Voting Rights Act.

For too long, the residents of our Nation's Capital have been without a full voice in Congress.

The District of Columbia is home to over 570,000 residents. It has a larger population than Wyoming, which is represented by an at-large member in the House and two Senators.

The men and women of the District of Columbia pay their taxes, both to the Federal Government and the District. They salute the American flag at Nationals, Wizards, Caps and Redskins games. And they serve or have served in the Armed Forces. D.C. is home to over 44,000 veterans. In Iraq and Afghanistan, four brave men have made the ultimate sacrifice for their country.

Yet despite being an integral part of the fabric of our Nation, D.C. continues to be denied a vote in Congress.

Today we are considering compromise, bipartisan legislation coauthored by my friends and colleagues Delegate ELEANOR HOLMES NORTON and Representative TOM DAVIS. From his position on the Government Oversight Committee Congressman DAVIS has spent considerable time and attention on issues affecting the District. And there is no stronger advocate for her constituents than the gentlewoman from D.C.

I compliment the bill's sponsors for crafting a thoughtful approach and a clever compromise that grants Utah an at-large representative to balance any potential partisan division. It keeps this proposal bipartisan and improves its prospects for favorable Senate action. I hope the White House will rethink its current concerns and join our bipartisan coalition to affirm the District's right to a vote.

Some who oppose this legislation have stated that it raises constitutional concerns. But, as was stated in a recent op-ed by the Republican D.C. Councilwoman Carol Schwartz, no less conservative scholars than former solicitor general Kenneth Starr, former chief judge of the U.S. Court of Appeals for the D.C. Circuit Patricia Wald and Georgetown Law Professor and author of the USA Patriot Act Viet Dihn have stated that giving the District a vote is in fact, constitutional.

Mr. Speaker, the citizens of Washington, DC are as much red-blooded Americans as anybody living in the 50 States.

They deserve to have their voices heard in the halls of Congress, they deserve a representative who can vote on their behalf as this body debates matters directly affecting their country and therefore, they deserve to have this legislation passed today.

Mr. GOODLATTE. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Georgia (Mr. PRICE).

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Mr. PRICE of Georgia. Mr. Speaker, I thank my colleague from Virginia for his leadership on this and for yielding.

I want to stipulate at the beginning of this statement that I support enfranchisement, strongly support enfranchisement for the citizens of the District of Columbia. However, the oath that I take on the first day of our session stipulates that I uphold and defend the Constitution of the United States, and I believe firmly that the Constitution will not allow this. There is a process that we will go through for that, and I appreciate it.

This has been a good debate. It has been an interesting debate. I want to point out a section of the Constitution that isn't cited as often as the ones that we have heard, and that is article I, section 2, the second paragraph, which states, "No person shall be a Representative who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

If there was ever a more clear statement in the Constitution, I don't know what that is.

But I also want to talk about this sense of one person-one vote. I am very troubled by what we hear from our friends on the other side of the aisle that this upholds one person-one vote, because I would suggest to you, reading the bill and understanding what it does in both the Utah situation and in the District of Columbia, that it provides for more than one person and one vote.

In the Utah instance, for example, it provides that the State of Utah gets one extra Representative, which means that the individuals in Utah vote for two people, which means they have more authority than citizens in my district and other districts who aren't in Utah. And in the District of Columbia, this bill would provide for a Representative in the House of Representatives, but also a Delegate. Also a Delegate. So citizens in the District of Columbia would have representation from two different individuals in the House and in the Committee of the Whole.

So I would suggest, Mr. Speaker, as Mr. Rodino, the Democrat Chair of the Judiciary Committee stated in the 95th Congress, "If the citizens of the District are to have voting representation in the Congress, a constitutional amendment is necessary, is essential. Statutory action alone will not suffice."

So I would ask my friends on the other side of the aisle, what changed? What changed? Was Mr. Rodino wrong? I think not. I think not. I think there is a statutory way to do it, and that is through retrocession. I think there is a constitutional way to do it, by amending the Constitution.

I would suggest to my friends on both sides that H.R. 1905 does neither of those and violates sincerely the principle of one-person, one-vote.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman's observation, but as you know, I schedule legislation for the floor in my capacity as the majority leader.

May I ask my friend, if this came to the floor as a constitutional amendment, would my friend be supportive of that constitutional amendment?

Mr. PRICE of Georgia. Mr. Speaker, reclaiming my time, I appreciate my colleague's question, but I think that is not the appropriate way to go.

However, I strongly support retrocession to the State of Maryland, because I believe strongly in the enfranchisement of the citizens of the District of Columbia.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Maryland (Mr. WYNN) for the purpose of making a unanimous consent request.

Mr. WYNN. I would like to thank the distinguished chairman.

Mr. Speaker, I rise in support of D.C. voting rights on behalf of the Fourth Congressional District of Maryland, suburban neighbors of the citizens of the District of Columbia, out in Prince George's and Montgomery Counties. We fully and wholeheartedly support full D.C. voting rights.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, this legislation is a critical step in support of democracy. This legislation is important legislation. The District of Columbia House Voting Rights Act is designed to do one thing, to address and rectify the unjustified disenfranchisement of more than 500,000 citizens of our country, whose only distinction between any of us who sit on this floor, other than the distinguished representative of the District of Columbia, ELEANOR HOLMES NORTON, is that they live in a few square miles designated by their country, gifted by the State of Maryland, as our Nation's capital.

Since 1801, when Washington, D.C., became this Nation's capital, the citizens of the District of Columbia have not had representation in the Congress. Let me speak briefly of that, because although I have not heard all of the debate, I am sure the Constitution has been referenced that Representatives shall represent citizens of the several States.

Let there be no mistake, every resident of the District of Columbia is a successor to citizens of the several States in 1800. I don't mean that every one of them is a direct descendant, obviously, but politically they were part of the several States, unlike all four others of the representatives who cannot vote. They are distinguished and discrete in that regard. That, I suggest to you, is wrong.

It is wrong as a matter of principle because District citizens pay Federal taxes, sit on juries, serve in our Armed Forces and give their lives for their country, as do other Americans who enjoy full representation in this body. It is wrong politically because District citizens since 1801 have effectively been a ward of Congress. Very frankly, I don't think the citizens of Maryland intended that or the citizens of any other State of the Union when they acquired the District of Columbia.

And it is wrong morally, because the United States of America, which has the freest, truest form of representative government perhaps in human history, deprives only one portion of its citizens, a small portion, 500,000 out of 300 million, deprives a small portion of its citizens of its very own capital a voice in the national legislature.

Let me add, the United States of America is the only representative democracy that does not afford the citizens of its capital voting representation. Thus, this is not only a national disgrace, but an international embarrassment, and the American people and Members here on both sides of the aisle recognize this injustice and want to remedy it. That is what this legislation is about.

In fact, 82 percent of respondents in a recent national poll indicated that residents of the District of Columbia should have representatives that can vote in the Congress. And I should note that legislation virtually identical to this bill was reported out of the Republican-controlled Government Reform Committee in the last Congress when the committee was chaired by Mr. DAVIS of Virginia, who is a cosponsor of this legislation. Mr. Jack Kemp, a former colleague of ours, a leader in this Congress, a vice presidential nominee of the Republican Party, has strongly urged the passage of this piece of legislation.

The truth is, the absence of representation in Congress for District citizens underscores the failure of the Congress to use the authority vested in it by the Constitution of the United States to correct this injustice. The authority I refer to, of course, is article I, section 8 of the Constitution, the so-called seat of government clause, under which, and I quote, "The Congress shall have power to exercise exclusive legislation in all cases whatsoever over the District of Columbia."

Now, I asked my friend, the gentleman from Georgia (Mr. PRICE) who talked about needing to do this through a constitutional amendment, I said, would you support a constitutional amendment? He said "no"; his view was, only if the District of Columbia were given back to Maryland and the District of Columbia residents were told, you are no longer residents of the District of Columbia, you are residents of Maryland.

I suggest if you ask the residents of Virginia or Delaware or Pennsylvania, which are contiguous States to our beloved State of Maryland, they would say, thank you, but no thanks. We like being Pennsylvanians or Delawarians or Virginians.

The District of Columbia residents are proud of their jurisdiction. They are proud of being citizens of the District of Columbia. What they want to have is full democratic representation.

Plain and simple, this sweeping language gives Congress extraordinary and plenary power over our Nation's capital city, including the authority to adopt legislation to enfranchise the District's 550,000 residents with a full vote in the House of Representatives.

I am not alone in my view of this article. Twenty-five legal scholars from law schools, and I am sure this has already been discussed by our distinguished chairman and the extraordinarily able Representative and outstanding lawyer and law professor who represents the District of Columbia, my good friend ELEANOR HOLMES NORTON, have already pointed this out.

Even Kenneth Starr, a distinguished lawyer, I have disagreed with him pretty strongly on some things, but the former conservative jurist and current dean of Pepperdine Law School, has concluded that Congress has the authority under article I, section 8, to do this.

Now, do I delude myself that this is not going to be brought before a district court or a circuit court or the Supreme Court? No, I do not. That is appropriate. That is available to residents. They can do that, and the court will ultimately have to rule. However, this is an opportunity for us on this floor to make a stand for democracy, to extend to these 550,000 people the civility and respect we would expect for ourselves.

That Congress has for two centuries failed to use its authority to correct an injustice is no reason to persist in that failure today. It is always timely to do the right thing.

This institution exists, after all, to eliminate injustice and to make our Nation "a more perfect Union." How much more perfect can we make the Union than to include all of our people as full citizens within that Union?

We, the Members of this House, must never, never be seduced into thinking there is no such thing as a settled injustice within our authority but beyond our duty to correct. For an injustice planted two centuries ago is just as harmful to what America aspires to be today as one planted last year or last week.

Mr. Chairman, as Frederick Douglass, who spent his final years just a few blocks from where I stand today, said, "Man's greatness consists in his ability to do and the proper application of his powers to things needed to be done."

We need to make the citizens of this Nation's capital full citizens of the United States of America.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1½ minutes, and I would like to pose a couple of questions to the distinguished majority leader.

I have listened to his historical discourse. As the gentleman knows, Alexander Hamilton, one of our Founding Fathers, offered an amendment during the writing of our Constitution that would have provided voting rights to the citizens of the District of Columbia. It was defeated and not included in our Constitution. At that time, both portions of Maryland and portions of Virginia were included in a 100-square-mile area, and in 1846, the portion that had come from Virginia was ceded back to Virginia.

I wonder if the gentleman, having posed the question about the constitutional amendment, would respond to the question, if this is ruled unconstitutional, as many of us think it is, would the gentleman bring to the floor legislation that would do something similar for the portions of the District of Columbia, excepting key government buildings, so that the citizens would have the opportunity to vote with the citizens of his State, Maryland, for whom he can speak with some regard?

Mr. HOYER. I will certainly seek to enfranchise the citizens on a continuing basis until that is accomplished.

Mr. GOODLATTE. I would ask the gentleman further, if when the court, and I hope the court does, determines that this is unconstitutional, if in getting to that process, recognizing there are going to be lots of uncertainties if this bill were passed and signed into law, both for citizens of Utah, for the District of Columbia and for the operation of the Congress as a whole, if he would join with us in supporting an expedited judicial review to receive a prompt determination of the constitutionality of this legislation?

Mr. HOYER. I believe this will be tested, as I said before. Many on your side of the aisle have indicated that. If that is the case, I would hope it would be expedited.

I believe this is constitutional, and I certainly think, based upon that conviction, I would hope the court would sustain that view.

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Mr. CONYERS. Mr. Speaker, I yield 15 seconds to my colleague from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, this is a serious matter. It is my understanding, I am now told, I have not seen your motion to recommit; I have no intention of supporting your motion to recommit.

This bill has a long way to go. I hope it passes this House, I hope it passes the Senate, I hope it passes the conference, and I hope the President signs it.

My response to you was a fair response. But the question was to get me on the record on your motion, apparently, and I will tell my friend from Virginia, who disagrees with my other friend from Virginia, Mr. DAVIS, on this issue, that I have every intention of opposing the motion to recommit.

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds to respond.

I would say, with due respect to the majority leader, the motion to recommit was offered as an amendment. No amendments were made in order, so it is our only recourse to offer it in those circumstances. I take the gentleman's statement as his word that he is going to oppose it for valid reasons, but I frankly see no valid reasons why we should not have expedited review of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for a unanimous consent request.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 1905.

I rise today in support of H.R. 1905, the District of Columbia House Voting Rights Act of 2007. I congratulate my colleagues for their courage and veracity to consider this measure and support its passage after 231 years of injustice. Since the birth of our Nation the residents of the District of Columbia have been deprived of their fundamental Federal rights, despite paying their Federal taxes.

I would like to thank Congresswoman ELEANOR HOLMES NORTON from the District of Columbia for her leadership and tenacity. Since elected to Congress in 1996, Congresswoman NORTON has consistently fought for voting representation in the United States Congress.

Our democracy and our values as Americans are contingent upon the idea that every person should have the right to vote and have that vote counted. The citizens of the District of Columbia have not been able to fully realize this right. While they are able to vote in presidential election yet their voice in the body of the House of Representatives has too often been silenced. This is in direct opposition of the values of equality and opportunity that we hold so dearly as American citizens.

Mr. Speaker, I urge my colleagues to give the District of Columbia residents a vote in Congress. I hope we could finally grant the residents of the District of Columbia the voice that they deserve.

Mr. CONYERS. Mr. Speaker, I yield to the gentlelady from Florida (Ms. CORRINE BROWN) for a unanimous consent request.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise to indicate that I will be voting "yes" on H.R. 1905 and that I have supported it for 15 years, and I am very happy to be supporting the doing away with the disenfranchisement of the people of the District of Columbia.

I want to thank the gentlelady from the District of Columbia, Ms. NORTON, Chairman CONYERS, and the gentleman from Virginia Mr. DAVIS for working very hard to bring the vote to the residents of the District of Columbia.

I rise today in support of this legislation.

This country's history is replete with certain groups being denied the right to vote.

Being from Florida, I understand about disenfranchisement. It is something I fight against and oppose every day. Disenfranchisement did not end with the passage of the Voting Rights Act, and it will not end when the residents of the District of Columbia finally get the right to vote. It is a continual fight, needing eternal vigilance to protect.

This bill will go a long way in righting the wrongs that have been perpetuated on the American people for too long.

This bill ends the 206-year-old injustice of "taxation without representation" for over a half a million District residents. Residents of the District of Columbia serve in the military, pay billions of dollars in Federal taxes each year, serve on juries, and assume other responsibilities of U.S. citizenship. And yet, for over 200 years, they have been denied full voting representation in the Congress. The United States is the only democracy in the world that deprives the residents of its capital city full voting representation in the national legislature. Essentially, residents of every State have a vote regarding the laws that govern the District, while those living in the District itself do not.

Support the right to vote. Support voting rights for the residents of the District of Columbia. Support H.R. 1905.

Mr. CONYERS. Mr. Speaker, I yield now to a member of the Judiciary Committee, Mr. STEVE COHEN of Tennessee, for 30 seconds.

Mr. COHEN. Mr. Speaker, we had distinguished speakers on both sides of this issue argue the constitutionality in the Judiciary Committee, both conservative and liberal members on each side, and they both gave arguments it was constitutional.

In baseball, the tie goes to the runner, and it goes to the runner because the runner is trying to make an advancement, trying to score, trying to make progress. And I would submit, Mr. Speaker, that this is progress. This is an advancement to allow the enfranchisement of these people who have been denied the vote and their ancestors for many years. The tie should go to the runner, we should pass this bill, and I am proud to vote for it today.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I appreciate the opportunity and the time to make some brief comments on this legislation.

The debate has been, as said previously, lively and very good. And it is good that we are actually having a bill presented to this Congress where the issue is whether it is constitutional or not. Too often this House seems to run through legislation. A lot is mentioned, a lot is said on this House floor, but the issue of whether it stands muster with our Constitution is not said.

For the last 30 years, I have been in the legal profession, 8 years as a trial lawyer and 22 years as a trial judge in the State of Texas. And the issue always in court, especially in criminal cases, is: Is it constitutional what occurs in that courtroom? That is always the question of the day. And I think that is the question of today as well.

I respect the remarks of the majority leader on his comments about how important it is for the folks in Washington, D.C. to have the right to vote for a Member of Congress. I couldn't agree with him more. It is the moral decision as well as an appropriate decision for us to make, at some time.

But under this current piece of legislation, it is not constitutional, unless we want to take the word "state" in the U.S. Constitution and change it to something else. Now, that does happen with the Supreme Court from time to time; they give a new definition to the word. I don't know if they will give a new definition to the word "state" and apply it to the State of D.C. or not. We shall see, probably, if this legislation passes.

But I think the better avenue would be to file a constitutional amendment.

No question about it. A constitutional amendment cannot be ruled unconstitutional even by our Supreme Court. And I think that is the better way to proceed. I think this piece of legislation for the reasons stated by many people is unconstitutional and it should not pass.

Let's do it the right way, the proper way, and of course the moral way: file a constitutional amendment.

The SPEAKER pro tempore. The gentleman from Virginia has 30 seconds remaining; the gentleman from Michigan has 6¾ minutes remaining.

Mr. CONYERS. Mr. Speaker, I now yield 1 minute to DANNY DAVIS, the distinguished Member of Congress from Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of the District of Columbia's Voting Rights Act. As chairman of the Subcommittee on the Federal Workforce Postal and the District of Columbia, I have listened closely to the debate, and I am firmly and thoroughly convinced that every procedural concern has been met, every rationalization has been met with logic, and every constitutional question has withstood its challenges.

The only question before us now is: If not now, then when? If not us, then who?

The real deal is that the people of the District of Columbia have waited far too long. Justice delayed is justice denied. We must correct this injustice and do it today. I urge passage of this legislation.

Mr. CONYERS. Mr. Speaker, it is now time for us to hear the Delegate from the District of Columbia. I am honored to yield to ELEANOR HOLMES NORTON 5 minutes.

Ms. NORTON. Mr. Speaker, I thank the distinguished chairman for yielding and for his ceaseless fight for the District's rights. During the rule, I thanked the many others who are responsible for this historic day.

Today's vote will allow the House to erase many deep historic wrongs from the Nation's conscience. As the House votes, District's residents are serving in Iraq and Afghanistan in a shooting war, as they have in every war, including the war that established our Republic.

Andy Shallal, a District resident, said it best: "People like me of Iraqi ancestry and even my son, who was born in the United States, are entitled to vote in Iraq elections due in large part to the service of the citizens of the District of Columbia and other Americans who have fought and died in Iraq."

And today's vote will erase the slander that the Founders of our country who staged the revolution for representation would then deny it to the residents of their own capital.

Professor Viet Dinh, President Bush's former point man on constitutional matters, has wiped away the major argument that because the District is not a State its American citizens cannot vote in the people's House, by detailing the many ways in which "since 1805 the Supreme Court has recognized that Congress has the authority to treat the District as a State, and Congress has repeatedly exercised that authority." My favorite is the sixteenth amendment, which requires only that citizens of States pay Federal income taxes. Why then have District residents continuously been taxed without representation?

And today's vote will relieve the House of the shameful racial burden that has been at the core of the denial of the rights of D.C. citizens. Congress required the same racial segregation here as in the Southern States, in schools and in public accommodations, until the 1954 Brown decision. As one Southern Senator put it: "The Negroes flocked in, and there was only one way out, and that was to deny suffrage entirely to every human being in the district."

Former Republican Senator Edward Brooke, a native Washingtonian and the Nation's first popularly elected black Senator, wrote: "The experience of living in a segregated city and of serving in our segregated Army perhaps explains why my party's work on the Voting Rights Act reauthorization last year and on the pending D.C. House Voting Rights Act has been so important to me personally. The irony, of course, is that I had to leave my hometown to get representation in Congress and to become a Member."

Today, I ask the House to abolish that irony and the tragedy for the many who have come to the Nation's Capital seeking freedom for 206 years, among them my great grandfather, Richard Holmes, a slave who ran away from a Virginia plantation in the 1850s and settled our family here. I appeal to your conscience and ask for your vote so that finally there also will be a vote for your fellow Americans here who have paid for this precious right many times over in blood and in treasure.

I thank the gentleman for yielding.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of the time and simply say that I think this has been an excellent debate. I think there is good faith on both sides. But I do believe very, very strongly, as do I think many, many other people, that this is the wrong way to go about correcting the lack of a vote for residents of the District of Columbia, which the other side has clearly pointed out should be corrected. But there are correct ways to do it. An amendment to the United States Constitution, what Virginia did with recession of the land to Maryland and allowing the citizens to vote in Maryland are both good solutions.

We should defeat this ill-conceived and unconstitutional legislation because the plain meaning of the Constitution, the words of the Constitution, cannot be altered by this House. And if we start doing that, we are indeed betraying our oaths. Defeat this legislation and do it right.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of the time remaining on our side.

I begin by commending my colleagues in the Congress on the debate that has occurred today. It has been civil, it has been honest, and the disagreements, both constitutionally and otherwise, have been very clearly spread upon the record.

And why is that so? Well, because we had the same debate 27 days ago. That is why. We have all been through this for every argument, for every constitutional expert opinion that is regularly volunteered.

And, look, I have articulated my belief that a measure that we are debating is unconstitutional as frequently as anybody on the other side. I don't know what our collective batting averages of being accurate are, but that is for the courts to decide, and I think that we all agree to that.

The District of Columbia residents want no more than what the Founding Fathers wanted. And, by the way, for those who wonder why we didn't make them a State right off the bat, at that time there may have been 150 people living in this swampy area that is now known as D.C. We didn't have anybody to make citizens.

So join me, join us in this historic moment and pass the bill. It is high time.

Ms. KILPATRICK. Mr. Speaker, our country, our Declaration of Independence, and our Constitution are all based on a promise. The promise in the Declaration of Independence is that taxation without representation was, and is, wrong. The promise in our Constitution is that all citizens of this country have "certain inalienable rights" and it is the job of Congress to secure those inalienable rights. H.R. 1905, the District of Columbia House Voting Rights Act, would secure those rights for the hard working, tax paying citizens who, merely because they live in the Nation's Capital, do not have a voting representative in the U.S. Congress.

We enjoy many rights as Americans. The right to vote and the right to equal representation is perhaps the most sovereign right that we as Americans have. In my own personal history as an activist, I was an active and aggressive participant to secure these rights for all Americans. Indeed, some of our colleagues in Congress today were jailed and beaten to protect these civil freedoms. Unfortunately, too many died for this cause. The sacrifices of these individuals and organizations, along with the basic, essential sense of freedom and justice, is a clarion call and underscores our obligation to the more than 600,000 citizens of Washington, DC who pay some of the highest taxes in the Nation, but do not have a vote on those taxes; who have served and died in every war our country has fought, but do not have a vote to authorize a war; and who, in 2007, still do not have a voting representative in the U.S. Congress.

H.R. 1905, the District of Columbia House Voting Rights Act, will not only add full and unfettered voting power for the Representative from the District of Columbia, it also adds a new Congressional District in Utah. This bill, the manifestation of hard, tough, bipartisan negotiations, finally provides fairness and justice that has been denied for more than two centuries to the citizens of Washington, DC. For more than two centuries and a half, while our country has made democracy our global mantra, citizens in the Nation's Capital have not had a voice. For more than two centuries and a half, citizens in the Nation's Capital have been muted and marginalized. The District of Columbia Voting Rights Act is a step in the right direction, empowers the citizens of Washington, DC, and finally allows for the citizens of Washington, DC to fully embrace and enjoy the fruit of their labor, taxes, and diligence to our country.

I am pleased that the wisdom of 240 of my colleagues prevailed in this vote, and I look forward, like the vast majority of my colleagues, to quick action in the Senate and to President Bush signing this bill into law as soon as possible. I applaud the work of Congresswoman ELEANOR HOLMES NORTON, Congressman TOM DAVIS, and the collective bipartisan effort to preserve the principle of fair, equal representation.

Mrs. CHRISTENSEN. Mr. Speaker, I once again rise in strong support of H.R. 1905, legislation which will enable the residents of the District of Columbia to secure full voting rights in the House of Representatives. I applaud my friend and colleague, the gentle lady from the District for her strong and persistent advocacy and leadership on this issue which is so important to her constituents.

Mr. Speaker, we Democrats have long been committed to providing full voting rights to the residents of the District, and I am proud to stand here as a Democrat speaking out for this right as well. But, I would also like to acknowledge that on this issue there has been strong support across the aisle.

Our colleague, former Government Reform Committee Chairman TOM DAVIS, worked with Congresswoman NORTON to develop bipartisan agreement on legislation to give one voting representative to the mainly Democratic District of Columbia, and another to the largely Republican State of Utah. This effort led to the introduction of the District of Columbia Fair and Equal House Voting Rights Act, last year and the reintroduction of this bill in this Congress.

Mr. Speaker, as a Delegate in the House also without a vote, I must acknowledge the fact that my constituents, and indeed the constituents of our colleagues from Guam, American Samoa and Puerto Rico, also would want their representative to have a full vote in the House as well. We recognize and acknowledge, as do the constitutional scholars who testified in support of the DC Voting Rights Act, that the Framers of the Constitution never intended to deny voting representation to citizens of the Nation's Capital. Similar, we also know that just as it is wrong to disenfranchise the residents of the District it is equally wrong to disenfranchise my constituents and the residents of the other territories.

However, our time for this has not yet come. But the time for the citizens of the District of Columbia has come and is very long overdue. The residents of the District have labored under this undemocratic status and have been silenced for more than 200 years. That is 200 years of justice delayed and justice denied.

Presidents as far back as Andrew Jackson have advocated for full representation in Congress for the District, and much later, President Richard Nixon in a special message to the Congress on the District of Columbia in 1969 said, "It should offend the democratic sense of the Nation that the 850,000 residents of its capital, comprising a population larger than 11 of its States, have no voice in Congress." As such, the District expends billions of dollars annually to support not only its own residents but the hundreds of thousands of daily commuters who work in District of Columbia but live in the bordering states. The District of Columbia's resources and infrastructure are burdened on a daily basis with no financial assistance from the bordering states that benefit from these services. For all intent and purposes, the District of Columbia is treated as a state.

Mr. Speaker, I look forward to the day when all citizens under the American flag will enjoy the democratic right of full representation in their national assembly as well as vote for our President and Commander-in-Chief. Until that day, I look forward to soon witnessing the day when residents of the District of Columbia, residents of the capital of our Nation, finally receive fair and equal voting rights in the House, the day that they will finally have justice.

I urge my colleagues to support the District of Columbia Equal House Voting Rights Act of 2007 and end taxation without representation for our fellow citizens in the District of Columbia.

Mr. WAXMAN. Mr. Speaker, today we are considering a bill that will help bring democracy to the District of Columbia. H.R. 1905, the District of Columbia House Voting Rights Act of 2007, will grant the District of Columbia a full vote in the House of Representatives.

District of Columbia residents have been denied full representation in Congress for over 200 years. District residents pay billions of dollars in federal taxes yet get no vote in Congress. District residents have fought in every war our Nation has faced yet get no vote in the House of Representatives. This bill will help right this longstanding injustice.

There have been two champions of this legislation who deserve recognition. Congresswoman NORTON has worked tirelessly on behalf of her constituents to forge a compromise that has bipartisan support. Representative TOM DAVIS, the Ranking Minority Member of the Oversight and Government Reform Committee, has led the charge for voting rights for the District.

The District of Columbia House Voting Rights Act includes a number of important provisions. It will increase the size of the House by two seats. One seat will go to the District of Columbia and the other to Utah, the next state in line to get a congressional seat. The bill also prevents partisan gerrymandering by creating the new seat for Utah as an at-large seat and by ensuring that Utah does not redistrict its other congressional seats until after the apportionment following the 2010 census.

H.R. 1905 also contains a nonseverability clause providing that if a court holds one section of this bill invalid or unenforceable, all other sections will be invalid or unenforceable. This is an important safeguard because it means that no part of this bill can have legal effect unless the entire bill does. Under this legislation, Utah cannot be granted a seat in the House without the District also being granted a seat or vice versa.

H.R. 1905 is a step in the right direction toward providing the residents of the District fair representation in Congress. I urge all of my colleagues to join me in supporting this legislation.

Mr. UDALL of Colorado. Mr. Speaker, I am a cosponsor of this legislation and I urge its approval.

The bill will provide residents of the District of Columbia (DC) with full representation in the U.S. House of Representatives by permanently expanding the House from 435 to 437 seats, with one of the new seats allocated to DC and the other to the State next entitled to increase its congressional representation. Based on the 2000 Census, Utah is the State next entitled to increase its congressional representation, so Colorado's western neighbors will gain that seat.

As we all know, Mr. Speaker, the Constitution authorizes Congress to "exercise exclusive jurisdiction in all cases whatsoever" over the seat of government—that is, the area ceded to the Federal Government and now known as the District of Columbia. But I think residents of DC should be able to govern themselves—like residents of Colorado—to the maximum extent consistent with allowing the Federal Government to operate. And the fact is that right now more than half a million people living in DC lack an essential element of self-government—full representation in the House of Representatives. So, while residents of Colorado and every other State have a vote regarding the laws that govern DC, the American citizens living there do not.

Interestingly, this has not always been the case. The decision to locate the "seat of government" on the Potomac was made by the First Congress through enactment of the Residence Act. And for a decade—from 1790 to 1800—District residents were able to vote in Congressional elections in Maryland and Virginia, even though they were not citizens of those states, because of Congressional action recognizing and ratifying the ceding states' laws as the applicable law for the now-federal territory until further legislation.

However, in 1800 Congress passed a different law for DC, and since then DC residents have been denied voting representation in Congress—the very entity that has ultimate authority over all aspects of the city's legislative, executive, and judicial functions. And as early as 1801, the citizens of Alexandria petitioned Congress to create a functioning DC municipal government and restore its residents' representation in the House of Representatives. Over the years Congress did act to create a DC municipal government, but its residents remain without voting representation in Congress. This bill would remedy that.

Some of the bill's opponents argue that it is not constitutional because representation in Congress is reserved for Americans who live in one of the 50 States. I am not a lawyer, and do not claim to be a constitutional expert. But after careful review of the matter, including the opinions of people who unquestionably are experts, I am not convinced the opponents are right on that point.

As I said, the Constitution gives Congress very broad power to legislate regarding the District of Columbia. And, as noted in the Judiciary Committee's report on this bill, many Constitutional experts say that this power includes the power to restore to DC residents the right to vote for a Member of the House of Representatives that existed from 1790 until 1800.

In short, their view is that a right given by Act of Congress in 1790, then removed by another Act of Congress in 1800, can be restored by a third Act of Congress in 2007. I find that persuasive, and so I will vote for this bill even though it is likely that this interpretation of Congressional authority will be tested in the courts.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the District of Columbia House Voting Rights Act.

For too long, the residents of our Nation's Capital have been without a full voice in Congress.

The District of Columbia is home to over 570,000 residents. It has a larger population than Wyoming, which is represented by an at-large member in the House and two Senators.

The men and women of the District of Columbia pay their taxes, both to the Federal Government and the District. They salute the American flag at Nationals, Wizards, Caps and Redskins games. And they serve or have served in the Armed Forces. DC is home to over 44,000 veterans. In Iraq and Afghanistan, four brave men have made the ultimate sacrifice for their country.

Yet despite being an integral part of the fabric of our Nation, DC continues to be denied a vote in Congress.

Today we are considering compromise, partisan legislation coauthored by my friends and colleagues Delegate ELEANOR HOLMES NORTON and Representative TOM DAVIS. From his position on the Government Oversight Committee Congressman DAVIS has spent considerable time and attention on issues affecting the District. And there is no stronger advocate for her constituents than the gentlewoman from DC.

I compliment the bill's sponsors for crafting a thoughtful approach and a clever compromise that grants Utah an at large representative to balance any potential partisan division. It keeps this proposal bipartisan and improves its prospects for favorable Senate action. I hope the White House will rethink its current concerns and join our bipartisan coalition to affirm the District's right to vote.

Some who oppose this legislation have stated that it raises constitutional concerns. But, as was stated in a recent oped by the Republican DC Councilwoman Carol Schwartz, no less conservative scholars than former solicitor general Kenneth Starr, former chief judge of the U.S. Court of Appeals for the DC Circuit Patricia Wald and Georgetown Law Professor and author of the USA PATRIOT Act Viet Dinh have stated that giving the District a vote is in fact, constitutional.

Mr. Speaker, the citizens of Washington, DC are as much red-blooded Americans as anybody living in the 50 states.

They deserve to have their voices heard in the halls of Congress, they deserve a representative who can vote on their behalf as this body debates matters directly affecting their country and therefore, they deserve to have this legislation passed today.

Mr. SHAYS. Mr. Speaker, as a longtime supporter of the District of Columbia House Voting Rights Act, I am pleased we are moving quickly to consider this legislation, to finally give Washington, DC voting rights in the House of Representatives.

This bill would establish the District of Columbia as a congressional district and thus grant the citizens of the District representation in Congress.

The legislation also would grant an additional congressional seat to Utah based on the results of the 2000 Census.

Unlike some previous versions of this legislation, H.R. 1905 would make these two seats permanent.

The Oversight and Government Reform Committee has led the charge on granting the city of Washington, DC, the right to have a full vote in the House of Representatives.

The citizens of the District pay federal taxes, so it is only right they have a say in federal affairs.

Mr. Speaker, I urge the support of this important and historic legislation.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to support this important bill—the DC Voting Rights Act.

It is long past time to pass this legislation. It is not a question of politics or political advantage, it is a question of civil rights—it is a question of whether we believe that those people who live in the city that houses our Democratic institutions, who often work in the Federal government, deserve equal representation in our legislative body.

There is simply no excuse to deny the hundreds of thousands of residents of our Capital City the right to equal representation in the United States Congress. They are citizens in every way. They pay the same federal taxes as anyone else, can serve in the armed forces, and are subject to the same laws of the land. What a terrible message we send when the people in the capital of the world's greatest democracy do not have a vote in the people's House.

I have the privilege or representing the district right next to Washington, DC, and it is simply wrong that when you cross the border from my district into Washington, DC, you go from a district where you have voting representation to one where you do not.

Mr. Speaker, we have before us a bipartisan compromise that extends full voting rights to our neighbors here in the District. I urge my colleagues to support this bill and finally end taxation without representation.

Mr. KIND. Mr. Speaker, I rise today to provide my strong support for H.R. 1905, The District of Columbia House Voting Rights Act of 2007. Ensuring that all citizens have the opportunity to participate in our democracy is a responsibility I take very seriously, and H.R. 1905 is one legislative measure that seeks to achieve this objective.

We take pride as a Nation for the numerous freedoms extended to our citizens; however, the United States is the only democracy in the world that deprives the residents of its capital full voting representation in the legislature. For the past 200 years, District of Columbia residents have fulfilled their responsibility as citizens in countless ways such as serving in the military, paying federal taxes and serving on juries. Their rights should now be extended to include having a voice in the United States Congress.

There is no place in our democracy for the 206-year-old injustice of "taxation without representation" for the over half a million District residents. With 82 percent of our Nation's citizens in support of expanding this fundamental right to vote to all citizens, the time is now to correct this injustice and restore democracy in our Nation's capital.

Mr. Speaker, I urge my colleagues to capitalize on this opportunity to extend to District residents an entitlement cherished so deeply by citizens of the United States—the right to vote.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of the District of Columbia Voting Rights Bill, and commend Delegate ELEANOR HOLMES NORTON and Oversight and Government Reform Committee Ranking Member TOM DAVIS for their hard work and commitment to ensuring that District of Columbia residents have full representation in Congress.

Eighty-two percent of Americans believe that the District should have voting rights in the House. It is time to end the 206 years of "taxation without representation" for District of Columbia residents.

H.R. 1905 will provide District of Columbia residents a vote in the U.S. House of Representatives. It will also grant a vote to the next State in line to get a congressional seat, which, according to the 2000 Census, is Utah. As a result, this bill will permanently expand the size of the House of Representatives from 435 to 437. This bipartisan legislation also includes a "non-severability clause" providing that if a court determines that one section of this bill is invalid, then all other sections will be unenforceable.

Ensuring that all citizens, including District of Columbia residents, have representation in the House is not only fair and just, but also critical to maintaining a strong democracy, in which all citizens' voices are heard. I urge my colleagues to join me in supporting this important legislation.

☐ 1400

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 317, the bill is considered as read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill H.R. 1905 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following new section:

SEC. 5. EXPEDITED JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. SMITH of Texas. Mr. Speaker, let me be clear. Any Member who votes for this bill is voting to grant D.C. residents more voting power in the House of Representatives than any of their own constituents now enjoy. That is because this latest version of the bill fails to eliminate the position of D.C. Delegate.

The D.C. Delegate can, of course, vote in committee, which means that if this bill passes, D.C. residents will have two votes in committee and one on the House floor. That would give D.C. residents more voting power in the House than any other voter in the country. That is obviously unfair, and I think we all know it.

Mr. Speaker, this motion to recommit simply requires expedited judicial review of the constitutionality of the bill's provision. I believe this legislation is unconstitutional and will produce significant legal and electoral turmoil if enacted. So it is critical that the motion to recommit be adopted to ensure that if the bill violates the Constitution, that unconstitutional action will not be prolonged.

This motion to recommit constitutes the very same expedited judicial review provision Congress agreed was appropriate, on a bipartisan basis, in the McCain-Feingold campaign finance law. That provision was successfully employed to facilitate the Supreme Court's expeditious review of that legislation.

Opponents might claim that an expedited review of the legislation would already be provided by 28 U.S.C. sections 2284 and 1253, but that is very far from clear. 28 U.S.C. section 2284 only applies to "actions filed challenging the constitutionality of an apportionment of a congressional district over the apportionment of any statewide legislative body." The creation of a new House Member to represent a non-State constitutes neither an apportionment nor something relating to a statewide legislative body. The 14th amendment itself makes clear that apportionment is a concept that only applies to States.

Also, nothing in 28 U.S.C. section 1253 requires the Supreme Court to ever hear the case, and absent a statutory requirement, the Supreme Court retains the discretion regarding whether and when to a hear a case.

In contrast, the motion to recommit requires that the case be brought in the District of Columbia before a three-judge Federal district court with direct appeal to the Supreme Court. The motion to recommit provides that "It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal."

Professor Jonathan Turley, someone the majority consults frequently for his views, said in his testimony offered at the Judiciary Committee's hearing on the first of three versions of this bill that were introduced, "Permit me to be blunt, I consider this act to be the most premeditated unconstitutional act by Congress in decades."

As Professor Turley also pointed out, the inevitable legal challenge to this bill could produce legislative chaos. With a relatively close party division in the House, the casting of a determinative vote subsequently held invalid by a court could throw the validity of pieces of future legislation into question.

There is no reason to stall a judicial resolution of these important issues, especially when doing so risks legislative chaos regarding the validity of future legislation passed by the House.

Mr. Speaker, if supporters of H.R. 1905 believe the bill is constitutional, and I know they do, they should want to get that constitutionality established by the Supreme Court as soon as possible. Likewise, we should all want to shorten the time that the Representatives created under this bill would serve, if they are, in fact, declared unconstitutional.

The bill is either constitutional or it is not. Let's adopt this motion to ensure that question is resolved expeditiously and to prevent as much uncertainty as possible.

I encourage my colleagues to support this motion to recommit.

Mr. CONYERS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, first of all, I want to commend my friend from Texas (Mr. SMITH). His arguments are cogent and our relationship on the committee is excellent.

But I must comment as to the argument that our bill allows the District of Columbia to have both a Representative and a Delegate. We fully intend to repeal the Delegate part of it by separate statute as soon as we get the bill that will allow the District to have a Representative.

We have had lots of debate, and he has quoted Professor Turley, who has made the most extreme statement, his personal beliefs. And we invited him as a panelist, but he has been profoundly in the minority on a number of other issues as well. So I do not regard his opinion as having any more or less importance or significance than any of the other constitutional experts that we heard.

Now, here is the problem. We would, if this motion to recommit were passed, provide for two things: expedited review of this matter and standing to all Members of Congress to challenge the constitutionality of the bill before us. Four hundred thirty-five

Members would be granted standing. Why? Are there not enough constitutional lawyers and supporters and opponents on both sides to take care of this matter, rather than to have the Supreme Court filled with Members of Congress wanting to vent probably very repetitious views?

This is a motion based on an amendment which has been debated and defeated in the Judiciary Committee when we considered an earlier version of this bill only weeks ago.

Now, I recognize and appreciate that the motion is being offered in good faith to amend the bill. However, as I have stated before, it is my concern that this recommit motion will do far more harm than it could ever cause good.

I am concerned that the motion puts Congress down on record as believing that the bill is constitutionally weak. It is not, and therefore, I cannot support a motion to recommit that would make this concession. Nothing could be further from the truth.

We have had hearings on top of hearings from everyone who claimed to be a constitutional expert on this subject anywhere in the Judiciary Committee. We have heard from everybody on both sides of the aisle over the last several Congresses, and based on the record, there is ample precedent for the Congress, using the District clause as authority for this legislation as they have for taxes, for diversity, for labor and numerous other matters. Clearly, this bill falls within the general line of authority.

Now, concerning expedited judicial review in this motion, the courts are perfectly capable of handling the issue. There are judicial standards for dealing with expedited review, namely, when there is a showing of irreparable harm. Nobody has mentioned that as a reason for having expedited review. Irreparable harm coming and giving the Delegate of this District the right to vote? We have statutes on the books that cover this very issue already.

We did not provide expedited review of such controversial laws as the PATRIOT Act, parts of which have actually been held, subsequently, unconstitutional. Yet, the issue was readily dealt with by the courts.

The courts will readily deal with this issue as well. And I am strongly opposed to the idea of Congress passing laws that confer unique standing on themselves or special rights to intervene in pending lawsuits.

You can always become amicus curiae, and so for those reasons and others, I urge that this motion to recommit be turned down.

The SPEAKER pro tempore. The gentleman's time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 193, nays 227, not voting 13, as follows:

[Roll No. 230]

YEAS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Boehner
Cantor
Cubin
Davis, Jo Ann
Fattah
Higgins
Israel
Lampson
Millender-McDonald
Rohrabacher
Schmidt
Walsh (NY)
Wicker

□ 1434

Messrs. BRADY of Pennsylvania, SPRATT, ALLEN, HALL of New York, HILL, BACA, SCOTT of Virginia, KAGEN, BLUMENAUER, CLYBURN, VAN HOLLEN, KLEIN of Florida, Ms. GIFFORDS, Ms. LORETTA SANCHEZ of California, Ms. McCOLLUM of Minnesota, and Ms. ESHOO changed their vote from "yea" to "nay."

Messrs. DAVIS of Kentucky, HASTERT, CAMP of Michigan, HERGER, SHAYS, YOUNG of Alaska, Mrs. MYRICK and Mrs. BLACKBURN changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. SCHMIDT. Mr. Speaker, on H.R. 1905, motion to recommit, I was unavoidably detained due to official business. I would have voted "yea."

The SPEAKER pro tempore (Mr. ROSS). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 177, answered "present" 1, not voting 14, as follows:

[Roll No. 231]

AYES—241

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Burton (IN)
Butterfield
Cannon
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—177

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Bonner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Bishop (UT)

NOT VOTING—14

Berman
Boehner
Cantor
Cubin
Davis, Jo Ann
Fattah
Higgins
Israel
Lampson
Millender-McDonald
Peterson (MN)
Rohrabacher
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1442

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FATTAH. Mr. Speaker, had I been present for the vote on H.R. 1905, I would have voted "aye."

PARLIAMENTARY INQUIRIES

Mr. PRICE of Georgia. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. PRICE of Georgia. Mr. Speaker, isn't it true that the result of waiving a rule of the House for a specific bill means that rule does not apply for that bill?

The SPEAKER pro tempore. Would the gentleman repeat his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, isn't it true that waiving a particular rule of the House for a specific bill means that rule does not apply for that bill?

The SPEAKER pro tempore. A rule may be waived in favor of a particular bill.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. Isn't it true, Mr. Speaker, that H. Res. 317, the rule for H.R. 1905, the bill we just considered, waived clause 10 of rule XXI?

The SPEAKER pro tempore. With regard to H.R. 1905, H. Res. 317 did waive clause 10 of rule XXI.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. Isn't it further true, Mr. Speaker, that clause 10 of rule XXI requires the PAYGO provision to be in effect?

☐ 1445

The SPEAKER pro tempore. Clause 10 of rule XXI is informally referred to as pay-as-you-go.

Mr. PRICE of Georgia. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. Isn't it true then, Mr. Speaker, that the PAYGO rule adopted by this House was waived for the bill that we just considered, H.R. 1905?

The SPEAKER pro tempore. Clause 10 of rule XXI was waived with regard to that bill.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. So the rule of this House that relates to PAYGO was waived for H.R. 1905.

The SPEAKER pro tempore. Clause 10 of rule XXI was waived with regard to H.R. 1905.

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Speaker, am I not correct that by adoption of the rule, we ensured that 1905 will not pass through the door to the Senate without PAYGO being attached to it?

The SPEAKER pro tempore. The Chair will read section 3(a) of the rule. "If either H.R. 1905 or H.R. 1906 fails of passage or fails to reach the question of passage by an order of recommital, then both such bills, together with H.R. 1433, shall be laid on the table."

Mr. HOYER. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland may state his parliamentary inquiry.

Mr. HOYER. Am I correct that the interpretation of that language means that if the D.C. enfranchisement bill does not have PAYGO added to it, it will not pass this House?

The SPEAKER pro tempore. If either bill fails of passage, then both bills are laid on the table.

Mr. HOYER. I thank the Speaker for the clarification.

ESTIMATED TAX PAYMENT SAFE HARBOR ADJUSTMENT

Mr. LEWIS of Georgia. Mr. Speaker, pursuant to House Resolution 317, I call up the bill, (H.R. 1906) to amend the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF ESTIMATED TAX PAYMENT SAFE HARBOR FOR INDIVIDUAL TAXPAYERS WITH ADJUSTED GROSS INCOME GREATER THAN $5 MILLION.

(a) IN GENERAL.—Subparagraph (C) of section 6654(d)(1) of the Internal Revenue Code of 1986 (relating to limitation on use of preceding year's tax) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following new clause:

"(ii) INDIVIDUAL ADJUSTED GROSS INCOME GREATER THAN $5,000,000.—If the adjusted gross income shown on the return of the individual for such preceding taxable year exceeds $5,000,000, clause (i) shall be applied by substituting '110.1' for '110' in the last row of the table therein.".

(b) SEPARATE RETURNS.—Clause (iii) of section 6654(d)(1)(C) of such Code, as redesignated by subsection (a), is amended by inserting "and clause (ii) shall be applied by substituting '$2,500,000' for '$5,000,000'" before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 317, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. ENGLISH) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H.R. 1906. No one, but no one will pay more taxes under the bill. It merely ensures that multimillionaires don't add to our tax gap.

The bill changes in a very minor way estimated tax payments made by wealthy individuals with incomes of more than $5 million a year. It makes a technical timing change to tax payments made by these individuals. They do not pay more taxes. H.R. 1906 is critical to the pay-as-you-go pledge of this Congress.

I am pleased to have supported H.R. 1905, the District of Columbia House Voting Rights Act of 2007. For 207 years, Washington, D.C. residents have paid Federal taxes, and for 207 years they have had not a voting representative in the United States Congress.

The right to vote is precious. It is sacred. It is the cornerstone of our democracy.

Americans sacrificed everything for this right. They were harassed, beaten, jailed and even killed for the right to vote.

Not so long ago, many of my friends, many of my colleagues lost their lives. There are many more faceless, nameless heroes who suffered and sacrificed for this basic right.

How can we preach this principle around the world and not practice it here in our Nation's Capital? It is the foundation of our democracy.

So I urge all of my colleagues to support H.R. 1906.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House is considering legislation that, in my view, represents the first brick in a Chinese wall of tax increases.

Generating revenue by assuming that Americans with more than $5 million in income will increase their annual withholding by one-tenth of 1 percent simply makes a mockery of PAYGO.

The majority is exploiting a statistical quirk in the way that the Joint Tax Committee does its revenue estimates, and will have accountants, not normally known for their high spirits and good humor, roaring with laughter all over the country.

Perhaps, in the aggregate, there are enough people in America making more than $5 million who will pay an extra $2,000 in estimated taxes to raise revenues as much as anticipated, but this seems more likely to be an instance where the Joint Tax Committee's scoring rules and common sense have dramatically parted ways.

If the Judiciary Committee thinks the companion bill to create a new Member from Utah and add voting rights to a Member from the District of Columbia is such a good idea, surely they could have found some program within their jurisdiction to trim by an offsetting amount. And they didn't find a user fee in their jurisdiction to increase by just a few dollars.

In fact, despite the fact the Democratic majority created a budget that includes more than $2 trillion in spending, they could not even trim $3 million from that total to pay for this rather modest initiative. To put this in perspective, the majority could have offset this bill by reducing entitlement spending by just two ten-thousandths of a percent.

By not going down that route, this bill confirms what we have all suspected: the Tax Code is going to be the ATM machine that pays for all of the new majority's fondest initiatives. The bill today may be cheap in total dollar terms, but we will not be so lucky the next time around.

In fact, Mr. Speaker, in my view, H.R. 1906 represents what will be the first of a series of bizarre revenue raisers, Rube Goldberg devices, and tax gimmicks to be trotted out to pay, first for small things, and then pay for the demands of the majority's budget, which includes the largest tax increase in American history, nearly $4 billion over 5 years.

It also demonstrates that the majority's PAYGO promise that new entitlement spending could be offset with entitlement spending cuts is hollow and cynical. If they can't even find $3 million of entitlement savings for this bill, can we expect them to pay for their new programs with anything other than a significant tax increase ultimately on the middle class?

This makes even traditional budget gimmicks, like putting routine spending into an emergency spending bill, or bypassing the budget resolution by using "advanced appropriations" look pristine by comparison.

The process for this bill's consideration is flawed, deeply and fundamentally. It did not go through the Committee on Ways and Means. This is another example of the new majority ignoring their own promises for regular order.

The procedure, Mr. Speaker, for considering the broader issue of expanding the House of Representatives itself is deeply flawed. The example being set today that you can split a bill into separate elements so as to limit what amendments and motions will be germane is the triumph of form over substance.

The proposal before us only adds more complexity to the Tax Code. And think about this: if you thought filling out your taxes wasn't tough enough, our friends on the other side of the aisle are raising the level of difficulty to complicate the code and increase the risk that an inadvertent error will have the IRS demanding interest on your underpayment.

At least it is better than the last version of this proposal, which generated an even more ludicrous $3 million by raising the safe harbor amount for people with incomes over $150,000 by just three one-thousandths of a percent.

Mr. Speaker, this is a flawed bill. It is a silly exercise. And I think it is appropriate that we vote it down.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ENGLISH of Pennsylvania. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

I simply want to rise to say that the bill that just passed, which I actually supported because I think it was the right thing to do constitutionally, and just good government, it violated PAYGO for 2 hours. So what we have here is a too-cute-by-half PAYGO fix. And it is my hope that when the majority brings new bills to the floor that the bills themselves will be fixed with respect to PAYGO.

This rule tactic that is being deployed, I think, denied the minority rights to have the kinds of motions to recommit that the minority traditionally has been given.

But more importantly, this really is a violation of PAYGO. It is fixed now because it was broken just a minute ago. It is a half-hearted attempt for the majority to submit to their own rules. The PAYGO principle of pay-as-you-go ought to apply every minute, every second, every hour. If you believe in it, don't make it just apply for 2 hours and then bring it back an hour later just because you want to deny the minority an ability to have an effective motion to recommit.

I would be happy to yield to the leader.

Mr. HOYER. I appreciate my friend's comment. Aren't you the party that said that taxes were going to be cut up until 2010 and then because of the rules they will go back into effect?

Mr. ENGLISH of Pennsylvania. Mr. Speaker, may I reclaim my time? And instead allow the leader on his own time to pose those sorts of questions.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ENGLISH of Pennsylvania. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. I think the gentleman mentioned something about sunsetting taxes. If my memory serves me, having served on the Ways and Means at the time that bill was written, all tax bills which originate in the Ways and Means Committee in the House were permanent. It was the Democrat Party in the Senate that made it temporary, that put in, because of a cloture vote, put the temporary nature of the tax cuts in. The tax cuts sunset in 2012 because of the Byrd rule and because we did not have sufficient numbers of the Democrat Party at the time vote for cloture so that we could make these tax cuts permanent.

Mr. HOYER. Will my friend yield?

Mr. ENGLISH of Pennsylvania. I am afraid, Mr. Speaker, it is my time and I will allow the gentleman from Wisconsin to yield to the leader on the leader's time.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to give Members 5 legislative days to revise and extend their remarks on the bill, H.R. 1906.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 3½ minutes to the gentleman from Indiana, Congressman HILL.

Mr. HILL. Mr. Speaker, I would like to enter into a colloquy with the distinguished majority leader.

Mr. Leader, the minority side has been talking about PAYGO rules and that somehow we have violated them. They sound very convincing. And as you know, the fiscally conservative Blue Dog Coalition are also strong supporters of the PAYGO rule, as are all members of our Democratic Caucus. This pay-as-you-go rule was an important step in restoring fiscal discipline in Congress. The Members of the Blue Dog Coalition believe it is important that the House comply with this rule.

Can you explain how this bill complies with PAYGO and specifically, for the benefit of the Members on both sides. I ask, will the PAYGO rule that we established in January be fulfilled when the House completes action on the District of Columbia Voting Rights Act?

Mr. HOYER. If the gentleman will yield.

Mr. HILL. I will yield.

Mr. HOYER. I thank the gentleman for his question. It is an important question. And the answer to that question is, absolutely. And I am glad that we have this opportunity to clear up any confusion. I want to assure the gentleman, and all Members of the House, that the District of Columbia Voting Rights Act will not violate PAYGO, period. The House just voted to approve the D.C. Voting Rights Act of 2007. We have now proceeded to consideration of H.R. 1906, which amends provisions of the Internal Revenue Code regarding estimated taxes to pay for all costs attendant within the D.C. House Voting Rights Act.

□ 1500

While those costs are de minimis, essentially about $1.6 million out of $27 trillion if there is no escalation in government revenues, notwithstanding that, we wanted to adhere to the PAYGO rule, as the gentleman from Indiana has stated and for which he has fought so hard and been a leader on. The rule provides that the text of H.R. 1906 will be incorporated into the D.C. Voting Rights Act when H.R. 1906 is passed; in other words, every Member who voted for the rule voted to honor PAYGO.

The Congressional Budget Office and the Budget Committee have certified that when the text of H.R. 1906 is incorporated into the bill and the bill is engrossed, the bill will comply with the PAYGO rule. The rule further provides that if either bill fails to pass, both bills will be tabled. In other words, if the bill providing the offset to ensure compliance with PAYGO is not added to the bill, the D.C. bill would be rejected.

This process guarantees that two important things will happen, first, that an unmitigated injustice, the denial of voting for the citizens of the District of Columbia, is considered on its merits and remedied; and secondly, that we abide by our commitment to PAYGO.

Again I state, the gentleman from Indiana has been an extraordinarily consistent and strong leader on behalf of that premise.

The House, in conclusion, will not send a bill that does not comply with the PAYGO rule as a result of the rule. And I commend those who voted for the rule to be consistent with our PAYGO pledge.

I thank the gentleman for his question.

Mr. HILL. Thank you, Mr. Leader. Let me try to put it in perspective, then. If I am in southern Indiana and I am driving from New Albany to Seymour, the direct route is on I–65, but if I go to Bloomington to Seymour, it is a longer route, but I still get to Seymour.

Mr. HOYER. You still get to the promised land.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia may state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, we have just heard the majority leader say that if either 1905 or 1906 fails, then they shall both be tabled.

Mr. Speaker, can you tell me, this House having passed H.R. 1905, how is it possible to have a bill that has already passed the House, is no longer on the floor, no longer the business of the House, tabled with subsequent action on another bill?

The SPEAKER pro tempore. House Resolution 317 so provides.

Mr. PRICE of Georgia. Mr. Speaker, I have a further inquiry.

The SPEAKER pro tempore. The gentleman from Georgia may state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, can you tell me where in the House rules it provides anything that allows for the tabling of a House bill, once passed, when there has been intervening business in the meantime?

The SPEAKER pro tempore. The provision is contained in House Resolution 317.

POINT OF ORDER

Mr. PRICE of Georgia. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his point of order.

Mr. PRICE of Georgia. Mr. Speaker. I appeal to the Chair and state that the rule under which we are operating right now is in violation of House rules because there is no provision in the House rules that states that you may table a bill after it has already been dispensed with by the House.

The SPEAKER pro tempore. Is the gentleman asking for a point of order or a parliamentary inquiry?

Mr. PRICE of Georgia. I am asking for a point of order.

The SPEAKER pro tempore. If the gentleman is raising a point of order, would he please restate his point of order.

Mr. PRICE of Georgia. Mr. Speaker, my point of order is that we are now operating in violation of the rules of the House because the rule that we have adopted has no rule of the House that allows for tabling of a bill once it has passed the House and intervening business has occurred.

The SPEAKER pro tempore. House Resolution 317 has already been adopted by the House and not liable to any point of order.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it would be my privilege now to yield 4 minutes to the distinguished gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

The reason we have this bill and the reason we are having this debate is because the D.C. voting bill, which just passed this House, costs $2.5 million. So in order to have it be neutral, there needs to be $2.5 million found.

Now, what this bill proposes to do is what I would argue is basically a tax gimmick because no one's final tax, no one's ultimate tax pay, will be changed as a result of this bill. What it, in fact, does is change how quickly some people must pay their tax. So they will have to pay it a little earlier. They won't pay any different amount over a year. They will simply pay it a little earlier. But that is what this bill does.

But what was the alternative? Well, normally you would think that if you were interested in fiscal responsibility, if you were interested in keeping budgets balanced over time, that if you are going to spend $2.5 million extra, you would save $2.5 million somewhere else. That is what people at home do. That is what everyday, average American citizens do. If they are going to spend a little more money on something, they spend a little less money on something else.

Let's talk about what you would need to have done. If the Democratic majority had wished to reduce spending, and reduce the growth in spending is all you would actually have to do, but if they had wished to reduce the growth in spending in order to offset this $2.5 million, we are talking about 0.0002 percent. That is the reduction in growth, not even a cut, but the reduction in growth of spending. That is all you would have to do to offset the $2.5 million in this bill. And then we wouldn't even be talking about taxes and tax gimmicks and all that. Point zero zero zero 2 percent.

I ask you, if you can't find 0.0002 percent to reduce growth, not even to reduce entitlement spending, but to reduce growth of entitlement spending, where and when will you ever deal with the entitlement tidal wave that we have coming? By 2037 the entitlements will eat up 100 percent of the Federal budget as we currently know it.

So you have a couple of choices. You can either reduce the growth in entitlement spending over time so we don't have that, or you can double taxes. Well, if you can't find today 0.0002 percent to reduce the growth in spending, I would have to presume, and I think people would have to presume, Mr. Speaker, that the doubling of taxes eventually is where you want to go.

Now, we already saw a budget where you have had the largest tax increase in American history included in the budget, and now we can see why. You can't even find this amount of reduction in spending.

I oppose the D.C. voting bill because I think it is not right and not constitutional. But I oppose this bill as well because if we are ever going to control this budget and we are not going to control it on the backs of the average working American person, then tinkering with the Tax Code to find $2.5 million is not the way to do it. The way to do it is to go find 0.0002 percent of the growth and reduce that amount.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Speaker, I won't need 3 minutes. I just want to applaud the conversion of my Republican colleagues.

Six years ago the Nation was breaking even on an annual basis. They came to town with a new President and in the span of 3 years added $3 trillion to the national debt, never once explaining any remorse, never once saying, we're going to turn this around.

So I am really pleased to see the conversion, and I want to applaud you for it. I just wish it had happened 6 years ago.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is a great privilege for me to yield 5 minutes to a gentleman who brings marvelous expertise to any tax debate, who is entitled to wear a green eye shade if he chooses, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I appreciate the gentleman's yielding the time.

It is interesting, and our good colleague has left, but I would wonder why we constantly talk about history from 6 years ago that eliminates the conversation about 9/11, the recession that we went into, and an awful lot of things that had an impact on the financial circumstances or guesses at the financial circumstances over these intervening 10 or 12 years that seem to get lost whenever it is convenient.

What I would like to speak to, though, is the mechanics of what is happening right here. This is a PAYGO fix and is intended to "pay for" the additional expenses for adding an additional Representative to this body. I disagree with that. It is unconstitutional from a straight reading, but that is not our issue. How do we pay for that?

The folks back home understand the term "PAYGO" as if they want to pay for something, they have choices. They can borrow the money, which we have collectively done an awful lot of, or they can earn more money or they can cut spending in an area to pay for whatever the new expenditure is.

This bill takes the first route. This is simply a cash flow issue. This does not actually raise the money that the Federal Government gets to keep to pay for these additional expenses. This bill simply looks at a very unsympathetic group of taxpayers out there, folks who are blessed to make over $5 million in AGI each year, and says, we are going to borrow the money from you to pay for this.

And so our friends on the other side of the aisle have a very twisted, in my view, definition of PAYGO which involves simply borrowing money, whether it is to pay for your American Express bill off of this month's Visa or to sign up for a new Visa to pay the old Visa card. This bill doesn't pay for these added Federal expenses. It simply finances it through a borrowing from taxpayers who make more than $5 million in adjusted gross income.

So we many times come to this floor with less than straightforward conversations about what we are doing. This is one of those times. This is not a PAYGO fix. This is simply a cash flow, borrowing the money from a certain number of taxpayers, because the bill does not raise anyone's tax. It does increase the amount of advanced payment that taxpayers have to make each year, depending on what their tax scheme is. But their ultimate tax bill is decided by the code that is in existence right now and will not be changed.

So as the other side, Mr. Speaker, brags on this bill as being their answer to the additional spending under the D.C. voting bill, it is not right. This simply borrows the money from some other group and does not pay for it.

So I would oppose this bill. It does not honor the traditional definition of PAYGO that we are all familiar with, and I would urge my colleagues to vote against it.

□ 1515

Mr. LEWIS of Georgia. Mr. Speaker, I now yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman from Georgia for yielding.

I thank the gentleman from Georgia for leading this debate. Truly, you are the man to lead this debate on this great civil rights bill that the House is about to give after 206 years. I thank you for coming forward to do so.

I want to praise and offer my gratitude to Democratic leaders for reconciling the important principle of fiscal responsibility, PAYGO as we call it, with the basic principle of voting rights, forsaking neither. H.R. 1906 is particularly appropriate, especially when you consider that D.C. residents have always paid taxes, notwithstanding that the 16th amendment says that only States shall pay taxes.

Mayor Adrian Fenty and Council Chair Vincent Gray yesterday led a march in the wind and the rain on Emancipation Day because 145 years ago Lincoln freed the slaves in the District of Columbia 9 months ahead of the slaves elsewhere. My great-grandfather, Richard Holmes, was one of those slaves. His son, Richard, entered the D.C. Fire Department in 1902. And his son, Coleman, my father, like his forefathers and like me, never had a vote in this city.

I am particularly grateful, and I wanted this time especially to thank the 22 Republicans who voted for the bill today, preserving the great tradition of the party of Lincoln for equal rights.

The Constitution was written by men who risked everything for the principle of representation. We should be especially mindful today, perhaps, to dedicate this bill to other men who have risked everything in times of war. Eighty-year-old retired Wesley Brown, the first black graduate of the Naval Academy and a resident of the District of Columbia, who went to the same high school that I attended, served in three wars, and retired from the Navy as lieutenant commander, but never has had the right to vote. His remarkable life story is chronicled in the book "Breaking the Color Barrier: The U.S. Naval Academy's First Black Midshipman and the Struggle for Racial Equality."

Bringing the matter forward, some young men in the District of Columbia are returning from Iraq, and I leave you with a few of their words. I quote Marcus Gray, who spent a year in Iraq in the 299th Engineering Company, who said, "My father served in the 101th Airborne in Vietnam, and I am proud to follow him by serving my country in the same manner. I could be called again this year, but being called to active duty is what every soldier in the Reserves should expect to happen.

"We also expect equal treatment, and the Army tries hard to see that all soldiers are treated equally. However, I want equal treatment at home as well. I want the same voting representation as other soldiers, and as the Iraqi people have now because of our service."

Emory Kosh, who works in my office in the House: "I was proud to serve my country as a volunteer soldier. However, I am not prepared to sit as an employee of the House of Representatives while every Member answers the bell except my Congresswoman."

Mr. Speaker, I ask the House to give D.C. residents on the battlefield and in the city itself the vote they have earned over and over again. Most of those who have paid the dearest price will never see the benefit. Those in the Vietnam War, the District had more casualties than 10 States; in the Korean War, more casualties than eight States; in World War II, more casualties than four States; and in World War I, more casualties than three States.

In their name, and in good conscience, I ask that the House today finally give the residents of the District of Columbia the vote they have fought for now for 206 years.

Mr. ENGLISH of Pennsylvania. First, Mr. Speaker, I would like to just briefly yield myself 15 seconds to thank the last speaker for her eloquence and her marvelous remarks and to say that I am very proud to stand with her today as one of the 22 who voted for the preceding bill. I am very proud of the fact that at a time when we are debating the needs of democracy all over the world that we have taken the time in the House to move forward to correct an anomaly in our own representation and create an opportunity for the gentlelady who has for many years so well represented the District of Columbia to have an opportunity fully and legally to vote on the floor, representing her people.

With that, Mr. Speaker, I would like to now yield 5 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank the gentleman for yielding.

I, too, want to add my congratulations and my commendation to the Delegate from the District of Columbia. As I mentioned early during the day, I think this has been a good debate and an interesting and a productive debate, and I commend her for the work that she has done on behalf of her constituents.

I also want to state for the record once again that I strongly support the enfranchisement of the citizens of the District of Columbia. However, I believe that it ought to be done in a legal and a constitutional way. I think there is a way to do that, and we have talked about that. I do not believe that the bill that has just passed the House, 1905, in fact is a constitutional bill, and I think that that will play out over a period of time.

Mr. Speaker, I want to comment about where we are right now in terms of the activity and the rules of the House of Representatives. We are further delving into Orwellian democracy. I say that because the majority party has been champions of saying one thing and then doing completely the opposite. We have been told that this would be the most open, honest and fair Congress. In fact, we weren't told it, the leadership of the other party has promised the American people that this would be the most open and honest Congress.

Mr. Speaker, I would suggest to you that this has, in many ways, been the most oppressive Congress because of the majority party's actions, most oppressive Congress ever. You say, well, how can I arrive at that conclusion? Well, the way that the rules have been used and the ways that the rules have been changed draw one, I think objectively, to that conclusion because the rules that have been changed especially on this bill, on this issue, have disenfranchised completely anybody in the minority. And you say, well, how is that? Well, the rule that was adopted and the rule under which we are acting and the rule upon which I asked the Speaker multiple parliamentary inquiries states that if either H.R. 1905 or H.R. 1906 fails, then the other bill is tabled, failed based upon recommital vote.

Now, what that means is this House has passed H.R. 1905. And normally what would occur is that that bill would be on its way to the Senate. But what we are doing now is waiting to see whether 1906 passes, and if it fails, then 1905 is tabled.

Mr. Speaker, I would suggest to you that it is impossible to construct a rule that passes the smell test or passes the principles of democracy in this House that allows this House to table a bill after it has already passed. It is unconscionable.

Many of us have served in State legislatures. We understand the process of parliamentary procedure. We understand how minorities are able to affect policy. But when a majority wants to, by the very rule, squelch the input of the minority completely, it certainly can, based upon the ruling from the chair. But it is circular logic at best. When I asked the Speaker how on Earth could that occur, the Speaker replied, Because of the rule. When I asked, how can the rule be consistent with the rules of the House, the response from the speaker was, Because of the rule.

Mr. Speaker, this is a remarkably oppressive action on the part of this majority. I urge my colleagues on the majority side to rethink the processes that they are using to make it such that the minority party in this Chamber is no longer able to affect policy, which means that 48 to 49 percent of the citizens of this Nation are no longer allowed to have Representatives that are able to affect policy because of the rules adopted by this majority party.

It makes me very sad to draw that conclusion based upon the rule that this House has adopted today. I urge my colleagues to reconsider.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I don't understand it, Mr. Speaker, how my colleague, my friend, my brother from Georgia can come here and state in an open way that this is the most oppressive Congress. We have only been in the majority for 4 months, 4 short months, not quite 4 months. You really don't believe that.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. LEWIS of Georgia. Yes, I will yield to my friend.

Mr. PRICE of Georgia. Isn't it true that the rule which we are adopting is unprecedented and has never been adopted in this House?

Mr. LEWIS of Georgia. Let me say to my friend from Georgia, I think it was a good and a necessary rule.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. LEWIS of Georgia. I will no longer yield.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank my good friend for yielding.

I don't want to belabor this, but I think it is important for the American people to understand and appreciate, and I think it is important for my good friend from Georgia to appreciate, that this rule that has been adopted is unprecedented. There has never in the history of the House of Representatives been a rule that has allowed for the tabling of a bill after it has passed the House. Ever, ever.

I urge my colleagues to look at the rules that they are adopting in order to squelch minority input.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I do have one other speaker who has appeared, and one who has made an immense contribution to the debate on the previous bill. So it is my privilege now to yield 7 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. I thank my colleague for yielding.

I am going to support the bill at hand because it is the only way we can implement what we just did.

I want to thank my friends on the other side. I know this is a complex rule. It is unfortunate we had to go through the machinations we did to get where we are, but this was a historic vote today as we propel legislation along the great ark of our Nation's history as the world's most vibrant experiment in representative democracy.

Two hundred six years ago this month, Thomas Jefferson became the first President to take his oath in what was called the Federal City here in Washington. But through the confluence of circumstances and accident, the great compromise that birthed our Constitution and put the Nation's Capital here also produced a grotesque injustice we have so far been unable to right. Today is a time for another great compromise.

The capital of the free world doesn't provide full voting representation for residents. In fact, that has been true for too long, but today we have started the process of correcting an unhappy legacy left by the first Congresses.

I have discovered over the last 4 years that there are substantial myths surrounding the founding of Washington, DC, so I want to take a few minutes today to lay out the facts of how the city became what it is.

The idea for a Federal district arose out of an incident that took place in 1783 while the Continental Congress was in session in Philadelphia. When a crowd of Revolutionary War soldiers who had not been paid gathered to protest outside the building, the Continental Congress requested help from the Pennsylvania militia. The State refused, and the Congress was forced to adjourn and reconvene in New Jersey.

After that incident, the Framers concluded there was a need for a Federal district under solely Federal control for the protection of the Congress and for the territorial integrity of the capital. So the Framers gave Congress broad authority to create such a Federal district and broad authority to govern such a place. That is the limit of what the Framers say about a Federal district in the Constitution, that there should be one, and that it should be under congressional authority.

☐ 1530

After ratification of the Constitution, one of the first issues to face the new Congress was where to place the Federal District. Some wanted it in New York. Others wanted it in Philadelphia. And others wanted it near George Washington's home on the Potomac.

These sectional factions fought a fierce political battle to decide the matter because they believed they were founding a great city, a new Rome. They expected this new city to have all the benefits of the great capitals of Europe. They never once talked about denying that city's inhabitants the right to vote.

Finally, Jefferson brokered a deal that allowed the city to be placed on the banks of the Potomac in exchange for Congress paying the Revolutionary War debt. New York got the debt paid, Philadelphia got the capital for 10 years. Then, as now, those political decisions were shaped by the issues of the day.

In 1790, Congress passed the Residence Act in which the right to vote was given to those residing in the new District. But while the capital was being established, those living here were permitted to continue to vote where they had before, in their States, on the Maryland side in Maryland, on the Virginia side of the District in Virginia.

The seat of government officially moved in 1800. In his final address to the Sixth Congress, less than a week after it took up residence in the new Federal District, President John Adams reminded Members, "It is with you, gentlemen, to consider whether local powers over the District of Columbia vested by the Constitution in Congress shall be immediately exercised." That one statement explains the nature of the debate to follow.

Once again, the issues of the day shaped the actions of Congress. The political parties couldn't come to an agreement. Imagine that. The Federalists wanted to ensure a strong central control over the city. Anti-Federalist Republicans wanted to limit authority and distrusted all things urban.

With Jefferson and his Republicans preparing to take control of the Presidency and Congress, a pervasive atmosphere of crisis compelled the Federalists into action. If a bill was not passed before Jefferson took over, it would never pass.

Eventually, the Congress passed a stripped-down version of a bill authored by Virginia Congressman "Light Horse Harry" Lee. It simply stated that the laws of Virginia and Maryland then in effect, having been superseded in the District, would still apply.

We may never know why this version was passed because no records survived, but there is absolutely no evidence the Founding Fathers, who had just put their lives on the line to forge a representative government, then decided the only way to secure that government was to deny representation to some of their fellow citizens.

One historian aptly described the process as a "rushed and improvised accommodation to political reality, necessitated by the desperate logic of lame-duck political maneuvering." But the inelegant compromise ultimately adopted left a decidedly undemocratic accident in its wake. District residents had no votes in Congress.

This wasn't, and is not, merely a quirk of history that affects very few people. The problem affects the very reputation of our entire Nation. Foreign visitors I have met comment with puzzlement on the lack of voting representation in the Nation's Capital. I heard it from the mayor of Hong Kong when we were discussing his relationship with China.

Over the next few weeks and as this moves to the other body, we have to agree on this principle. So we have taken important action today.

Our very practical Founding Fathers left us a tool in the Constitution to deal with future problems. The District Clause in the Constitution, article I, section 8, clause 17, is there for a reason. Congress reaches its zenith of power in dealing with issues relating to the District.

Over the years, Congress has exercised its power to treat the District as a State when necessary, to ensure that the citizens of the city have substantially the same rights as all other Americans. Surely Members should resolve any difference of opinion they may have in favor of our authority to use that plenary power to provide residents with full voting representation.

Scholars spanning its political and legal spectrum have concluded, as I do, that Congress has authority through this legislation to provide voting representation in Congress for local residents. What was done by statute in 1790, and then undone by statute in 1800, can be redone by statute today.

This is often called the "People's House," and rightly so. Article I, section 2, sets forth that "The House of Representatives shall be composed of Members chosen every second year by the People of the several States."

That same language, "People of the several States," among the several States, is why the District of Columbia pays Federal taxes, even though it applies to people of the several States.

The sixth amendment's right to trial by jury, even though it says that it will be an impartial jury of the State and district wherein the crime shall be committed, has been applied to the District.

Prohibiting district laws which interfere with interstate commerce among the several States, Congress has applied that to the District of Columbia and the courts have upheld it.

Treat the District as a State for purposes of full faith and credit. That talks about States and the Constitution. But under the District clause, we have included the District of Columbia.

Grant people who live in the District the ability to sue people. Diversity of jurisdiction again applies to States, between citizens of different States under the Constitution, but under the District clause we have applied that by statute.

This body has taken an historic step today. I want to thank my colleagues who worked toward this, including my good friend from Pennsylvania, Mr. ENGLISH, who supported this. But to continue this, we need to support the issue at hand, the bill that is currently on the floor under the PAYGO legislation.

It is kind of a jurisdictional morass, but I urge my colleagues to support it.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must tell you it is a privilege to be on the floor today to play a role in having passed the last bill which our last speaker spoke about with great eloquence. It is a real privilege to be here with the gentleman from Georgia (Mr. LEWIS) who certainly has had a long career of fighting for people's voting rights and civil rights. It is great to look across the floor and see former Secretary Jack Kemp, a 20-year veteran of this institution, present here today.

Mr. Speaker, as a matter of principle, I voted for the last bill, and as a strong supporter of tax simplification and fiscal responsibility, it is my privilege to vote against the bill that is before us at this moment, which is a procedural grotesque, a gimmick, a trick, a ploy, a ruse, and one that I think represents the poorest of possible tax policies.

I ask my colleagues to vote this bill down and send a clear message that we don't support this kind of chicanery on the floor of the House of Representatives.

Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, this is an historic day. This is a wonderful day for the people of the District of Columbia.

I first came to Washington, Mr. Speaker, in May of 1961 to go on something called the Freedom Rides. It was impossible for blacks and whites to board a Greyhound bus or Trailways bus here in the District of Columbia, and travel together through Virginia, North Carolina, South Carolina, Georgia, Alabama, into Mississippi and to New Orleans.

I came back here in 1963 at the age of 23 with ELEANOR HOLMES NORTON, the gentlewoman from the District of Columbia, to participate in the March on Washington. To be here and see Jack Kemp, an old friend, former colleague, on this day is a great day.

So, Mr. Speaker, I strongly support H.R. 1906. And I want to make it plain and crystal clear that no one, but no one, will pay more taxes under this bill. It changes in a very minor way estimated tax payments made by wealthy individuals. This bill does not increase their taxes. It would affect only 4,000 multimillionaires. It is only a tiny change.

Yes, I am going to say it again: I am pleased to have supported H.R. 1905. Today is the day for Washington, D.C. residents to realize the dream that so many take for granted. The 200-year wait is over. The 200-year wait is over.

Mr. Speaker, I urge all of my colleagues on both sides of the aisle to vote "yes" for H.R. 1906.

Mr. Speaker, I submit the following for the RECORD:

RULES FROM THE 109TH THAT ADDED TEXT OF HOUSE-PASSED BILLS TO UNDERLYING BILL

H. Res. 151 rule for H.R. 1268, 3/14/05, 7:30 p.m., Making Emergency Supplemental Appropriations for FY2005—a.k.a.

Iraq/Afghanistan/Tsunami Relief.

Open: waives all points of order against consideration; waives points of order against bill for clause 2, Rule XXI except two sections; provides for the text of H.R. 418 as passed the House to be added to the end of H.R. 1268.

H. Res. 783 rule for H.R. 4975, 4/26/06, 11:20 p.m., Lobbying Accountability & Transparency Act of 2006—ethics reform.

Restrictive: waives all points of order against consideration; 1 hour general debate controlled by Majority & Minority Leaders; makes in order Rules Committee 4/21/06 print in Part A of Rules' report and self-executes its adoption; allows only those amendments printed in Part B of the Rules' report as specified; waives all points of order against amendments; after final passage adds text of H.R. 513 as passed the House (527 Reform bill) to H.R. 4975; provides for consideration of Senate bill (S. 2349) and substitutes House passed text and calls for conference; waives all points of order against consideration of Senate bill and against motion to strike and insert.

H. Res. 1100 & 1099 rules for H.R. 6406 and H.R. 6111, 12/7/06, 10:30 p.m., To modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes.

Closed: Consideration in the House; waives all points of order against consideration; provides that in the engrossment of H.R. 6111, the text of H.R. 6406 will be added at the end.

(H. Res. 1099) Provides for a motion to concur in the Senate amendment with an amendment consisting of the text of H.R. 6408 for a bill to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending—vehicle for tax extenders and more . . . .

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 317, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 203, not voting 14, as follows:

[Roll No. 232]

YEAS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—203

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Boehner
Cantor
Cubin
Davis, Jo Ann
Fattah
Higgins
Israel
Jones (NC)
Lampson
Millender-McDonald
Rohrabacher
Walsh (NY)
Whitfield
Wicker

☐ 1608

Mr. BERRY changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. WEINER). Pursuant to section 3 of H. Res. 317, H.R. 1433 is laid on the table and H.R. 1906 is laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 1495 and include extraneous material in the RECORD on that legislation which will be considered by the House presently.

The SPEAKER pro tempore (Mr. WEINER). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

COMMUNICATION FROM STAFF MEMBER OF THE HON. VIRGIL H. GOODE, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Esther Page, Caseworker, Office of the Honorable VIRGIL H. GOODE, Jr., Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the General District Court for Charlottesville, Virginia, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ESTHER PAGE,
Caseworker.

WATER RESOURCES DEVELOPMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 319 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1495.

☐ 1611

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of H.R. 1495, the Water Resources Development Act of 2007, a bill long in the making, 6 years in the making, a bill that has ultimately passed the House, not passed the Senate, passed the House, passed the Senate, not gone to conference.

We tried in the closing hours of the 109th Congress to wrap this measure up, then-Chairman DON YOUNG and I, working with our counterparts in the other body, attempting to reach an agreement, but it just proved insurmountable, too insurmountable an obstacle to get there.

In this 110th Congress, we resumed on the base of the legislation that has built up over 6 years, over three Congresses, and working with the distinguished gentleman from Florida (Mr. MICA), the ranking member on the Committee on Transportation and Infrastructure, we spent a great deal of time together thinking through how to proceed with this legislation.

We agreed on basic principles that we would start with the bill that passed the House. There was no conference ever consummated in the 109th Congress. So we decided that the benchmark bill for this Congress would be only those measures that were in the bill of the 109th Congress, and we started from there. And then we have worked our way through myriad issues. Members who wanted new projects or amendments or additions to existing projects; and in all cases, we made very, very difficult, but I think honest and consistent, decisions about the legislation we bring before you today.

I want to assure Members that are concerned, that have issues that have arisen since the 109th Congress, that those issues that need to be addressed by projects of the Corps of Engineers will be addressed in subsequent legislation. As soon as we are able to move this bill through the House, through conference with the Senate, which I am confident can be done before the middle of June, maybe earlier if the other body will be able to free itself to work with us in conference, we can get this done very quickly, and then begin on the next round of water resources projects which I guarantee is not going to take 7 years.

□ 1615

We are going to deal with somebody, maybe in the next 7 or 8 months after the conclusion of this legislation. Again, I express my appreciation to the gentleman from Florida for consistently working to move this critically important legislation.

The Committee on Transportation and Infrastructure is the proud inheritor of a long tradition of work, of investment in America's transportation needs, water resources, where the very first concerns of the new Nation in 1789 and the first act of the first Congress, 1789, was to authorize the establishment of a lighthouse, at the entry to Hampton Roads in Virginia.

Starting from that point, this committee continued the direction of the Constitution to build and maintain post roads. Well, not all roads were built just for the postal service; but, again, it was the spirit of the Constitution, the spirit of the new Nation that we needed mobility. The Nation was founded along the waterways, the salt water coasts, the inland waterways. It has been our task to assure mobility, movement of people and goods through waterways, and then the highways, later the railways, and then the airways.

Here we come with this massive bill, because the President, because Congress hasn't done its work; and the last time a President signed a Water Resources Development Act was in 2000. Well, we hope that the next one will be this year, which we fully expect.

There are many issues that have arisen in the intervening years, some that were weighing heavily upon us when we began this process in 2000 of crafting the current WRDA bill on the Great Lakes. Invasive species are threatening our native aquatic species, biota and flora, as well as a new issue called a deadly fish virus, a hemorrhagic virus that destroys the fisheries and is carried in ballast waters from one region of the Great Lakes to another.

We have language in this bill that will initiate an emergency program by the Corps of Engineers to protect the vital food supply and the quality of the waters.

Lake Superior, because of a drought in the Great Lakes watershed, has seen the water level drop 8 inches in the past 3 years and will drop another 2 inches this year with the beginning of the major shipping season. It will be at nearly its lowest level in history. That has meant that vessels carrying iron ore from the upper lakes to the lower lakes steel mills have gone out 7,500 tons light.

It means two or three extra voyages per vessel per season, raising the cost of iron ore, raising the cost of steel, affecting our competitiveness. We have legislation, we have language in this legislation that will direct the Corps to undertake an accelerated dredging program making up for the 15 years they haven't done the dredging because we have had high waters on the Great Lakes.

We authorize locks, improved extended locks on the Mississippi River system, seven extended locks to take the 600-foot locks to make them 1,200-foot locks. A barge tow leaving Clinton, Iowa, round-trip to New Orleans, back to Clinton, Iowa, takes 820 hours. New Orleans is the world's most important grain export facility.

We can cut 60 hours off that round-trip by extending the locks at 1,200 feet so the tows that are 1,200 feet don't have to be broken in half, sent through 600 feet at a time, lashed together, go through the next lock and do it all over again. We are in a world competitive market on which grain moves on as little as an eighth of a cent a bushel. Every time you have to spend those extra hours going through the locks, you are raising the cost of our commodities, which makes us less competitive with, say, Brazil, which is mounting a massive soybean export facility at Recife, which is 2,500 miles further out in the Atlantic Ocean than New Orleans is.

We have legislation here, language in this legislation to deal with the restoration of the Everglades, a matter of great interest to the gentleman from Florida, for which he has been an eloquent advocate. They are in a state of disrepair. The buffer to protect them from storms is weak because of our inaction, and we are going to deal with that issue, as well as the wetlands along the Gulf of Mexico from Texas, Louisiana, Mississippi, Alabama, all the way on to Florida.

We are insistent on addressing the needs of the Everglades, the needs of the Louisiana coastal region and in Louisiana, New Orleans area, the Mississippi River gulf outlet, which allowed salt water intrusion to come up from the gulf, kill the wetlands. It allowed the overtopping of St. Bernard Parish. We have got to restore that wetland, and this legislation will do that at the request and insistence of the Louisiana delegation.

There are many other important features in this legislation. In all, 56 chiefs' reports, we had a request of over 1,500 projects. There are over 700 projects in this legislation. More than 300 Members of the House have a direct interest in the legislation. We welcome their interest in this participation. We bring to this body a very critical and supportable piece of legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I would like to urge all Members of the House on both sides of the aisle to support H.R. 1495, which is known as the Water Resources Development Act of 2007.

As we have heard from the chairman, this bill authorizes and directs the Corps of Engineers to carry out various studies, projects and programs relating to navigation, flood damage reduction, shoreline protection, dam safety, shoreline protection and recreation and environmental restoration and protection.

Our subcommittee, led by Mr. BAKER of Louisiana, held two days of hearings on projects, programs and policies during the development of this legislation. After a careful review, the committee was able to approve the authorization of more than 50 projects with the chiefs' reports relating to flood damage reduction, navigation, hurricane and storm damage reduction, and environmental restoration.

We also have in this legislation, navigation and ecosystem restoration projects for the upper Mississippi River. Illinois waterway system, and Everglades restoration project, which I would like to talk about in just a moment, and conserving and restoring the Louisiana coastal area.

We have in the bill a provision for streamlining and expediting the Corps of Engineers' project delivery and permits system. We have provisions for improvement of the Corps of Engineers' planning and project development process, including independent peer review of larger and more controversial studies. We also have authorization of a number of smaller project modifications, investigations, related to our civil works programs of the Corps of Engineers. I think all in all we have a good piece of legislation that we have worked on in a bipartisan fashion, and you see the product before us today.

Now, I know the administration has issued a position opposing this legislation. However, I want to talk to a couple of points that they have raised. They do have a responsibility to be good trustees of the public monies and the difficult situation we find ourselves in financially.

But in this legislation between 3 and $4 billion would be typically spent during a WRDA cycle or authorization process on this type of legislation. We have not had a bill since the year 2000. So actually if you do simple math on that, you can see that the total cost of this bill in Federal dollars, $13.1 billion, is reasonable. The total cost with the State participation is $17.8 billion. But we do, indeed, have a backlog of projects over what would amount to at least three cycles. So this WRDA bill, this authorization legislation, in fact, combines the equivalent of all of those years of backlog of projects. The price tag, in fact, is consistent with that assumption.

While this bill is considered costly by some, the 2005 WRDA legislation contained almost 900 projects. That is another complaint of the administration, too many projects. This bill contains 682 project provisions. Not that Mr. OBERSTAR, myself, Ms. JOHNSON, Mr. BAKER haven't had Members throughout the Congress come to us and beg and plead to have additional projects that are critical to their district included in this legislation. I think we, too, have been good custodians and responsible in crafting this legislation.

Let me say that the administration also raised some questions about cost benefits. We have gone through this. Mr. OBERSTAR, myself, Mr. BAKER, Ms. JOHNSON, we have looked at cost benefits. We have done our very best to ensure that the taxpayers' dollars again are well spent and there is a good return for the investment that is being made here by the Federal taxpayer.

So those are the reasons that I disagree with my administration on this. I actively support this. I think we have done this in a very good fashion.

Finally, I want to talk to some of the measures that are in the bill. You have heard the chairman talk about some of the measures that are in this bill. This bill is important to me, not only as a Member of Congress, and I don't represent the Everglades, but I do represent the State of Florida. It is interesting how it takes time to undo some of the damage that mankind has done to our natural resources and national treasures.

I have a copy of the Palm Beach Post, which I kept in a file, from Sunday, April 11, 1993, irony, same month a number of years ago, talking about the Everglades, reversing man's mistakes. I started working on that along with the Clinton administration, Secretary Babbitt. Hear is an article from July 4, 1994, about a $465 million government industry agreement to start cleaning up the Everglades, which had been damaged by man's abuse.

Here is another article I pulled from the news journal Daytona Beach News-Journal that says: "Representative John Mica and the other Members of central Florida's House delegation are in a fortunate position to finish the work the Senate started." This is the year 2000. Here we are in 2007.

Now, in 2000 we authorized a study. What is important about this bill is we authorize for the first time projects that actually do construction and work in restoring our precious national treasure, and Florida's national environmental treasure, the Everglades.

☐ 1630

So that is one reason why I am excited about this piece of legislation. It does take a long time and a lot of money.

Finally, I do want to also cite that I just inherited the responsibility of the Transportation leader on the Republican side, and I never realized how important these projects are to individual Members. For example, not on our side of the aisle, but Ms. MATSUI, a Democrat Member, she has a project in here that would provide a 100-year level of flood protection for the city of Sacramento. Almost a million Americans live in the capital of California, more than twice the population of the pre-Katrina New Orleans that today has only an 80-year level of flood protection. No other community in America of this size has this little flood protection. This is a project important to Ms. MATSUI.

There are not Republican projects, there are not Democrat projects; there are projects for the people that are important to their survival. And we have seen the mistakes and the errors of our ways in Katrina. Mr. BAKER can speak to what he has gone through in Louisiana. We need not repeat those errors.

So here we have in this legislation an opportunity to help her and 299 other districts. I wish it was 435. So it has been put together in a bipartisan way.

And finally, on my effort, I tried to do it in a transparent way. All of the Republican projects have been on file, open to the public, and any of the earmarks, open to public and press scrutiny. So I have tried to do it in a manner that restores public faith, because I would rather have elected Members of Congress make those decisions, fight for them, and have it done and conducted in a transparent fashion rather than have some bureaucrat down there decide where the taxpayer money, which they just paid in in huge amounts over the past week to Washington, get expended. That is our responsibility, it is elected officials' responsibility, not appointed bureaucrats who don't have the responsibility we have under the Constitution.

So, again, I recognize my colleagues on the other side of the aisle, Mr. OBERSTAR, Ms. JOHNSON and Mr. BAKER. I also want to thank Mr. COSTELLO, who is no longer the Chair or the ranking member, and Mr. DUNCAN, who was the Chair because this is an inherited work. Again, several bills are combined that are long overdue. So I urge their passage.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 1 minute to express my great appreciation again to the gentleman from Florida for his thoughtful discussion. I join him in his statement on the administration's statement of policy. I think they have it wrong, and the gentleman stated it just right.

Over the past 6 years, if we had passed the water resources bill in a timely fashion, it would have been in the range of $2 billion a year. That is normal. So what we are dealing with is a huge, pent-up backlog.

Again, as the gentleman said, this is an investment in America, and Members of Congress representing their constituents, their businesses, their water resources, know what they need. They have come forward with thoughtful recommendations, and this bill reflects those recommendations.

We have served as a filter to weed out those in our best judgment that did not measure up on cost-benefit analysis. So we have set a standard for the future and we have, in accordance with the rules of the House, made all of the Member projects available, and will continue to do that.

I would like to acknowledge the splendid work of the Chair of the Subcommittee on Water Resources, Ms. EDDIE BERNICE JOHNSON. She has devoted years of her service in the Congress to consideration of water resources vital to her State of Texas. She has taken ownership of these issues and led the subcommittee hearings. Even this afternoon, she has hearings going on in our committee room while she is here to help manage the bill.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you, Mr. Chairman.

I am pleased to rise to support H.R. 1495, the Water Resources Development Act of 2007.

This bill authorizes water resources projects and the U.S. Army Corps of Engineers policy and programmatic changes that our Congress has failed to consider for far too long.

Water resources legislation is most effective when it is considered biennially. I support this 2-year cycle, as it provides stability to the program and assurance to the non-Federal sponsors who support Corps projects.

When we let them go, they get to be more costly. And, unfortunately, no water resources bill has been enacted since 2000, the entire term of our current administration. This is a result, in part, of a failure of the current administration to engage in this important legislation, as well as a failure of the Congress to reach agreement.

Last year, we came very close to resolving our differences with the other body in conference. However, we ultimately ran out of time. I hope this legislation that we consider today can take us to that point and further, releasing this backlog of authorizations to fix our existing infrastructure and to authorize new flood control, navigation and environmental restoration projects.

We are trying very hard to move a little ahead of the next flooding. We must do that. And they are not going to kick out Democrats or Republicans for flooding, it is going to be whoever is in the way. It is purposeful that we have brought this bill to the floor as early as we have in this session.

The authorizations in the language are time sensitive, and there should be no surprise that this bill contains a substantial number of provisions. Many of these authorizations have been waiting for action more than 6 years.

Within the 110th Congress, the committee intends to move two water resources bill. This first one contains a logjam of more than 6 years of issues. The second bill will consider new projects and policy changes that we were not able to add to this legislation, that we will consider today. This approach may not be traditional, but it is necessary.

Since Congress last passed a Water Resources Development Act, we have seen Hurricanes Katrina and Rita tear up the gulf coast and my home State of Texas, flooding cities, damaging economies and businesses, and threatening public health.

The Florida Everglades continue to need attention and restoration to save the unique treasures it brings to the State and our country.

This bill also contains smaller projects that may be less publicized but just as vital to communities that rely on various water resources for their livelihood.

As in the past, these projects were not considered on a partisan basis, but on individual merit. Their approval should not be considered solely on whether they are Democratic projects or Republican projects; these are human projects. They should be considered on their contributions to public safety and economics.

H.R. 1495 authorizes programmatic changes to the Corps of Engineers that previously have passed the House, but have stalled in the failed conference negotiations. During the 109th Congress we came close to resolving these differences with the Senate. I urge my colleagues to once again support these provisions. Everybody who has been here more than 6 years ought to know what everything is in this bill because they have seen it over and over and over again. We must engage the other body and together produce the best package for Corps reform.

I would like to acknowledge Chairman OBERSTAR for his leadership and eloquence in the Committee on Transportation and Infrastructure, as well as the interest and expertise that he shares on water resources issues.

I also would like to thank our ranking member, Mr. MICA, and the ranking member of the subcommittee, Mr. BAKER, for their knowledge and effort and partnership with me, and for their support.

I strongly support this legislation. I hope and urge my colleagues to vote in favor of its final passage. The time is now.

Mr. BAKER. Mr. Chairman, at this time I recognize a valued member of the committee, Mr. BROWN, for 2 minutes.

Mr. BROWN of South Carolina. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of this critical legislation. I want to thank so many on this committee for their hard work and long dedication to this legislation, especially our chairman, Mr. OBERSTAR, and our ranking member, Mr. MICA; and the subcommittee chairwoman, Ms. EDDIE BERNICE JOHNSON, and Mr. BAKER, the ranking member. I also thank Mr. DUNCAN, the former chairman, and Mr. COSTELLO, who is the ranking member.

We have been working on this bill now for my term in Congress, and this is my fourth term, and I am happy today we are here to present it again.

One of the most important elements in this bill are reforms made to the processes and procedures of the Army Corps. The infrastructure needs of our Nation have never been at a higher level. We need to do all we can to ensure that the limited dollars available are spent wisely, and the reforms in this bill will give the Corps the tools to make that happen.

In addition, the bill makes significant changes to the project delivery process used by the Army Corps. The process the Corps has to go through now to deliver a project are long and hard, to say the least. This bill makes commonsense change to streamline that process to help our communities.

Improving infrastructure is not a partisan issue, it is a commitment we as a Nation must ensure is met. If we do not, then we as a Nation will be facing significantly greater environmental and economic challenges than we do currently.

In closing, I want to say again that I strongly support this legislation and I am confident we will enact a bill this year. I also want to thank my friends and colleagues on the committee as we all have joined to invest so much effort into this particular legislation.

I am proud to stand with you in support of its passage.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), an alumnus of the committee.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and I am proud of the time that I was able to work with you for 10 years on this subcommittee.

I rise in support of the bill. As was referenced by the Chair of the committee and the subcommittee, this is an important and complex bill with 682 projects. They are important economically. They are important environmentally. We found out less than 2 years ago how critical they are to the Nation. Hurricane Katrina revealed it can literally be a matter of life or death.

This legislation has been hung up since the year 2000, in part because of disagreements about the reform agenda with the Corps of Engineers. I am pleased that we have signaled an effort to try and move forward, to be able to break that impasse with this legislation, the provisions in it and others that will follow.

I am also pleased to have an opportunity to offer an amendment to update the principles and guidelines that would help the Corps move even closer to developing environmentally, fiscally, and structurally sound projects.

Let me be clear. The amendment will not impact any project currently under way or anything covered in this legislation. It would simply tell the Corps of Engineers to update their own principles and guidelines, the playbook for developing water resources projects that are over 25 years old. The National Academy of Sciences has said they are woefully out of date. And the Corps and the Congress' inability to update these principles and guidelines is one of the reasons why the Corps has drawn criticism from the Government Accountability Office, the National Academy of Sciences, and the OMB, along with internal Pentagon reviews.

It is one of the reasons why we have had trouble passing WRDA in the last 6 years and reconciling it with the Senate which has similar provisions. It does not affect anything in the bill currently; and I think it will be an opportunity for us not just passing the bill, but it would be a reason for the President to sign it, given the problems they have had.

I appreciate the hard work that has been done. I appreciate the opportunity to speak in support of the bill, and look forward to having support for the amendment for updating the principles and guidelines later in the afternoon.

Mr. BAKER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from West Virginia (Mrs. CAPITO), a valued member of the committee.

Mrs. CAPITO. Mr. Chairman, I rise in strong support for the reauthorization of the Water Resources Development Act. I would like to thank Chairman OBERSTAR, Ranking Member MICA, Subcommittee Chairman JOHNSON and Ranking Member BAKER for their hard work in getting this legislation to the floor.

It has been too long since the water resources bill has become law, and it is important that we continue to move this and make this reauthorization a reality. Projects authorized in this bill are critical to our national waterways transportation system that businesses and industry in every State and congressional district rely on to move their products.

In my State of West Virginia, a well-maintained system of navigable waterways is crucial to moving coal from our mines to plants across the country to power this Nation's economy. The bill addresses local needs. I am pleased that this legislation recognizes the important water and wastewater challenges in West Virginia by continuing the authorization for the Central West Virginia Environmental Infrastructure Program.

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This program has provided access to clean water and wastewater treatment to many rural West Virginians who otherwise would be without these critical utilities. I am pleased that this Corps of Engineers program will be able to continue assisting local public service districts to address these important community needs.

I want to thank the committee for their hard work. I look forward to the final passage and the President's signature on this bill.

Mr. OBERSTAR. Could the Chair advise the time remaining on both sides.

The CHAIRMAN. The gentleman from Minnesota has 13 minutes remaining. The gentleman from Louisiana has 17 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, I want to thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding, and I would like to recognize him, as well as the ranking member, for the exceptional leadership on this critical issue.

Mr. Chairman, I rise today in support of H.R. 1495, the Water Resources Development Act of 2007. I urge the swift passage of the measure. Passage of this bill is long overdue.

My communities are desperately waiting for infrastructure projects which are of major importance to their districts.

My district includes hundreds of small communities that have narrow economic and tax bases. Small communities like these often are unable to address the significant infrastructure needs. Water infrastructure is vital to the economy and stability of these small communities.

My rural communities rely on antiquated water systems, and they need to be updated. Without the means to update old systems, many of our constituents and communities nationwide have been living in substandard conditions.

It is not only an environmental health issue. A lack of sufficient water resources can effectively prevent the community from moving forward with critical infrastructure, like additional housing for its inhabitants.

This bill is an important and necessary step in protecting our Nation's water infrastructure. Quite simply, Mr. Chairman, we cannot afford not to pass this critical legislation.

I urge my colleagues to support this investment in water resource development and conservation projects and the passage of this much-needed bill.

Mr. BAKER. Mr. Chairman, at this time I would like to yield 2 minutes to my distinguished colleague from Louisiana who has worked tirelessly on assisting the people of the storm-stricken area, Dr. BOUSTANY.

Mr. BOUSTANY. Mr. Chairman, I want to thank my colleague from Louisiana for yielding time.

Mr. Chairman, I rise in support of this bill. WRDA reauthorization is long overdue, and it is vital that we pass H.R. 1495 and get a bill signed into law this year.

WRDA authorizes nearly $2.1 billion for the Louisiana coastal area, and it will allow the Army Corps of Engineers to move forward on many critical coastal restoration and hurricane protection projects statewide.

I also want to thank Chairman OBERSTAR for accepting my amendment in committee to add projects identified in the Southwest Louisiana Coastal Hurricane Storm and Reduction Study to the list of priority projects and projects to be expedited under this bill. Thank you, Mr. Chairman.

This study is the first comprehensive assessment of hurricane and flood protection needs of southwest Louisiana. The Corps has nearly completed the reconnaissance phase, and I anticipate that we will enter into an agreement with the State to proceed with the feasibility phase in the near future.

It is important that we expedite these projects, not only for southwest Louisiana, but for the entire Nation because in southwest Louisiana our waterways protect much of the vital and necessary energy infrastructure that keeps this country running.

We have one of the largest strategic petroleum reserves in my district that is affected here. Also, the Henry Hub, which is where pricing is set for natural gas for the country, is in my district. And it was actually flooded in Hurricane Rita.

And nearly 25 percent of the liquefied natural gas will run through my district by 2015.

These waterways and coastal wetlands are far more than just commercial routes or playgrounds. They are a critical buffer to protect homes, business and our energy infrastructure and our way of life in Louisiana. What we are talking about is America's energy coast, a working coast.

So I urge my colleagues to support this bill.

Mr. BAKER. Mr. Chairman, at this time I would like to recognize a Member who has expressed interest in this subject matter, Mr. HULSHOF, for 2½ minutes.

Mr. HULSHOF. Mr. Chairman, I rise in support of H.R. 1495. I grew up in the shadow of levees along the Mississippi River in southeast Missouri. And while the river, at times destructive, the river has been a provider for me and my family, delivering the grain from our farm to international markets.

And I will tell you, as the gentleman from Minnesota has stated, the nickels and dimes that we saved by shipping via barge were often the difference between our farm ending up in the red or ending up in the black. Those few cents have helped keep food on our table; clothes on our back; and, over the years, kept our farm even within our own family.

Title VIII of the legislation, lock modernization, will insure that farmers in northeast Missouri and farmers in Iowa and Illinois, Minnesota, Wisconsin and elsewhere will continue to have the same benefit that my family had, the ability to ship crops to international markets via the most cost-effective method.

I will tell you that a recent study by the Food and Ag Policy Research Institute, FAPRI, found that if the Mississippi River and Illinois waterways were forced to close, possibly because of a massive lock failure, that farmers, our own U.S. farmers, would lose between $645 million and $806 million a year, a year in increased transportation costs. We experienced a glimpse of that in the aftermath of Hurricane Katrina when the river was shut down, navigation was shut down for a short time during the fall of 2005. Farmers endured a 60-cent-per-bushel penalty on a bushel of corn during that critical time in September of 2005. And a massive failure, unfortunately, is a distinct possibility.

These locks are standing just out of habit, or as my constituent, Senator KIT BOND, is fond of saying, "These locks belong in the National Register of Historic Locations." They were built in the 1930s to accommodate steamboats for the next 50 years. As the gentleman pointed out, these locks are no longer navigation aids, but hindrances. They are 600 feet long. The modern barge is close to 1,200 feet, often three across and five long.

What I want to emphasize again to my friend from Oregon who spoke, and others, these locks benefit the American public in other ways. The typical tow removes 870 18-wheel tractor trailer trucks from our already congested roads, bridges, and interstate highways. A gallon of diesel fuel will push one ton of freight 2½ times further by barge than by locomotive; nine times farther than by truck. Moreover, according to the Environmental Protection Agency, towboats emit 35 to 60 percent fewer pollutants than locomotives or trucks. All in all, all worthy.

I urge its support.

Mr. OBERSTAR. Mr. Chairman, I yield myself 1¾ minutes, and I yield to the gentleman from Wisconsin.

Mr. KAGEN. Mr. Chairman, in the last Congress the House approved a water resources bill that included language to modify the navigation channel for the Fox River in Wisconsin. This provision, which was inserted by my predecessor, would have modified part of the navigational channel from 150 feet wide to 75 feet and from an authorized depth of 18 feet to 6 feet. However, the Congress adjourned and the work never was completed.

This year I requested that this language not be included in the water resources bill because of my concern that it might impair the navigability of the Fox River and the potential for future commerce. It is my understanding that a 9-foot authorization depth is considered the minimal depth for a navigational channel to safely handle barge traffic.

I would like to work with the Congress, with the chairman in conference to ensure that whatever language is included in the conference agreement, it will not adversely impact the navigability of the Fox River and will accomplish the goals of a safe cleanup of the Fox River.

Mr. OBERSTAR. I thank the gentleman for his leadership on this issue. The question of the Fox River has been on the agenda of the committee for over 20 years.

And the gentleman has stated the issue very well: that 6-foot channel depth is simply not viable for today's barge traffic.

And there is also the issue of PCB contamination in the lower Fox River. The gentleman has shown real foresight in dealing with the issue both of navigation and of cleanup. So the Superfund really ought to deal with this problem. It is not going to. We are going to be vigilant on the matter. If there is an opportunity in conference to address the issue in an appropriate manner, we will do that. If not, we will do it in a subsequent water resources bill. And I look forward to coming to Green Bay to see the gentleman's district and the lower Fox River.

Mr. BAKER. Mr. Chairman, at this time I would like to yield 2 minutes to a gentleman who is a former chairman of the Water Resources Subcommittee and who put an enormous amount of work into the product on the House floor today, Mr. DUNCAN.

Mr. DUNCAN. Mr. Chairman, I first want to commend Chairman OBERSTAR, Ranking Member MICA, Chairwoman JOHNSON, with whom I spent so many hours. She was my ranking member during the entire 6 years that I had the privilege of chairing the Water Resources and Environment, or during part of the time that I chaired the Water Resources and Environment Subcommittee, and such a good friend, and Ranking Member BAKER, for bringing this bill to the floor today and for their good and hard work on this legislation. And I urge its support.

This is a very conservative bill, Mr. Chairman. It is a bill that passed this House with only eight dissenting votes a few years ago and then later only 14 dissenting votes. The bill passed with over 400 votes in favor of it each time in the House. We did our work, but then it got held up in the other body.

Some people say that these projects should be paid for entirely on a local basis. But I can tell you there is a very important Federal role in regard to our water resources because people in California or New York or Michigan use the water in Tennessee. And people expect us to have a good wastewater and clean water system in this country. And yet it is something that people take for granted probably more than anything else that I can think of. And we have got to improve and strengthen our water resource system in this country.

Over the last few years, we have spent many billions on the water system, our wastewater and clean water systems in Iraq. But we have fallen down at the Federal level on what we are doing on our wastewater and clean water systems in this country. And most of the spending has been done by the State and local governments and particularly by the ratepayers. And so this is a very necessary, very overdue bill, as many have pointed out. And I urge support for this legislation.

Mr. OBERSTAR. Mr. Chairman, I yield to the distinguished gentleman from Florida (Mr. MAHONEY) 1½ minutes.

Mr. MAHONEY of Florida. Mr. Chairman, I rise today in strong support of H.R. 1495, the Water Resources Development Act of 2007.

Seven years ago Congress, in the spirit of bipartisanship, had the wisdom to protect for future generations one of America's most precious natural areas, the Everglades, by authorizing the largest environmental restoration project in our Nation's history, the Comprehensive Everglades Restoration Plan (CERP).

This ambitious plan consists of over 40 projects that, when completed, would restore much of the Everglades. The plan, from its inception, was a joint venture, an equal partnership with the people of my State of Florida to share in the costs.

I am sorry to say that Washington has failed to honor its word and live up to its commitment. In fact, to the shame of the Republican-controlled Congress and the current administration, not a single WRDA bill has been passed since 2000. Not a single penny spent.

I am proud to say that during this same period of time, Florida has spent over $2 billion to get CERP going. In fact, this is so important in my district that the good people from Martin County voted to increase their taxes to help pay.

In my 16th Congressional District we are going to get the opportunity to restore the Indian River Lagoon.

Stuart, Florida, which straddles the lagoon, is the sailfish capital of the world and was built on tourism based on its world-renowned fishing. I have seen the black and white photos of wagons overflowing with fish. I have seen the photos of kids swimming in the lagoon.

It is time to quit talking about fixing it. It is time for our kids to go fishing. It is time for this Congress to have the courage and leadership to pass H.R. 1495.

Mr. BAKER. Mr. Chairman, at this time I would yield 1 minute to Mrs. BIGGERT.

Mrs. BIGGERT. Mr. Chairman, I rise in strong support of H.R. 1495. My district in Illinois represents the front line in the fight to keep the Asian carp from decimating the ecosystem of the Great Lakes and endangering a multimillion dollar commercial fishing industry.

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Competing with native species for food, living space, and spawning areas, these voracious fish grow to between 50 and 150 pounds, eat up to 40 percent of their body weight every day, and each female can carry up to a million eggs.

The bill before us today will enable the Army Corps of Engineers to fortify its aquatic and invasive species dispersal barrier, an invisible, underwater, electric fence on the Chicago Ship and Sanitary Canal in Illinois that repulses fish like the Asian carp.

That is why I rise today, to thank Chairman OBERSTAR and Ranking Member MICA, as well as Subcommittee Chairman JOHNSON and Ranking Member BAKER, for recognizing the continuing threat of the Asian carp and including provisions in this bill to protect the Great Lakes. Our Great Lakes are too important just to leave them vulnerable to invasive species like the Asian carp.

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Chairman, I rise as a strong supporter and cosponsor of this Water Resources Development Act of 2007.

This new Democratic Congress has made reauthorizing WRDA a top priority. I thank Chairman OBERSTAR and Subcommittee Chairwoman JOHNSON for their work in quickly moving this bill of national significance to help protect America's waterways.

These projects are vital to my home State of Missouri. Our local economy is driven by use of such important routes as the Mississippi, Missouri, and Illinois Rivers. Commerce on these rivers will be greatly benefited by this bill's strong commitment to repair current locks and reconstruct new locks on the Mississippi River.

As a member of the Subcommittee on Water Resources and Environment, I have fought on behalf of my constituents to secure new levels of funding to help throughout our region. In particular, the bill authorizes $35 million for combined sewer overflow elimination in St. Louis. Some of our wastewater infrastructure dates back to the Lincoln administration.

The great flood of 1993 exposed serious flaws in the St. Louis flood wall. This bill addresses that.

Lastly, this bill continues the exciting progress of the Great Rivers Greenway in St. Louis City and County. By creating an aquatic ecosystem restoration, constructing bike paths, and increasing access to the Mississippi River, my constituents will gain more use of one of our national treasures.

These projects are important to the strength of our community and the health of our waterways. I stand in strong support of H.R. 1495.

Mr. BAKER. Mr. Chairman, at this time I would like to yield 3 minutes to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today to offer my concerns regarding a provision that was not included in this legislation, yet it is of significant importance to all of southern California. My concerns pertain to the importance of addressing the issues associated with the Salton Sea in southern California, which is California's largest lake.

This body of water is significant not only because of its role in becoming an economic engine for the future, but also because of the impacts that will be felt in our local economy and environment if action is not taken.

In order to address the problems associated with the Salton Sea, I have worked to include moneys within WRDA in prior congressional sessions. My goal is that moneys can be included to fund pilot projects in my district that would begin the proper steps to restore the sea.

To meet this need, yesterday I offered an amendment in the Rules Committee that would provide $26 million for the restoration projects. Unfortunately, today we do not have the chance to vote on this important funding.

It is important to note that my amendment would have directly mirrored language that was included in the final version of the WRDA legislation in the 109th Congress, H.R. 2864. At that time, displaying the bipartisan nature of this proposal, both the chairman and the ranking member, and now chairman, Mr. OBERSTAR, agreed that this language was important and worthy of inclusion.

The support of the Senate remains consistent with their approval in conference of this project last year and its recent inclusion in their WRDA legislation reported from the Environment and Public Works Committee just a few weeks ago. I am grateful that we have the support from the other body on a Salton Sea provision.

The time is right to act, as the State of California is on the verge of determining a plan that will permanently save the Salton Sea. The status quo, Mr. Chairman, is simply not an option. Massive yearly fish die and the potential for the deterioration in local air quality due to blowing sediments are a very serious reality. These problems will likely only worsen in the future, depending on the actions the State of California and our Federal Government take.

I now yield to the gentleman from Florida in the hopes of entering into a colloquy.

Mr. MICA. Mr. Chairman, I thank the gentlewoman for yielding.

First of all, I know, Mrs. BONO, that you have worked tirelessly on behalf of restoration of the Salton Sea project. Only through a technicality in our agreement for moving forward with this legislation has your Bono Salton Sea restoration provision been left from this bill. But you have my assurance that you will have top priority for consideration for the conference on something you have worked year after year and so hard for. So before this gets to the President's desk, you have my assurance that it will be part of the President's bill, if we have a bill.

Mrs. BONO. Mr. Chairman, reclaiming my time, I thank the gentleman.

And I just want to reiterate that since my coming to Congress, I took over this issue actually from my late husband, Sonny Bono, and we did pass the Sonny Bono Memorial Act in 1998. I thank the gentleman very much for his understanding of how important this is and southern California's willingness to help me as we move forward in conference.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Mrs. BONO. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I concur in the remarks of the distinguished ranking member, and we are committed to working together either in conference or subsequently in resolving this matter.

Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I rise in strong support of H.R. 1495, the Water Resources Development Act.

In particular, I want to call attention to section 3065 and to thank Chairman OBERSTAR and the Chair of the subcommittee, Ms. JOHNSON, for their support of the city of Saco, Maine.

Section 3065 authorizes construction of modifications to an Army Corps of Engineers jetty at the mouth of the Saco River in the Camp Ellis neighborhood of Saco. The Corps built the jetty more than 130 years ago and subsequently has lengthened, smoothed, and raised it.

Unfortunately, the jetty is destroying the Camp Ellis neighborhood by contributing to what the Maine State geologist has called the worst coastal erosion in the State. Thirty-eight homes have been lost to the sea. Currently, homes that were once six rows back from the shoreline are in danger of being destroyed. During winter nor'easter storms, one part of Camp Ellis often becomes an island.

These dangerous conditions are caused by a structure erected, improved, and maintained by the United States Government. For that reason I believe that the Federal Government must act to alleviate the problem. Section 3065 funds a spur jetty and a series of breakwaters that will diminish the force of wave action on the beach. For the past 7 years, I have been actively involved with Federal, State, and local officials, as well as with Camp Ellis residents, all dedicated to fixing the Camp Ellis erosion problem.

Passage of WRDA could not be more timely. On Monday I was there in the middle of the storm surge, and during this week's nor'easter, Camp Ellis lost at least two homes to the sea. If the proposed modifications to the jetty had been made, these homes would not have been destroyed.

I urge passage of this bill.

Mr. BAKER. Mr. Chairman, at this time I yield 2 minutes to my distinguished colleague from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Chairman, I want to thank Chairman OBERSTAR, Chairwoman JOHNSON, and Ranking Members MICA and BAKER for their excellent work on H.R. 1495.

This legislation is critical to the entire country, but for Louisiana in particular it provides much-needed authority and direction for the U.S. Army Corps of Engineers to design and construct a comprehensive hurricane, flood, and coastal protection program safeguarding hundreds of thousands of lives and tens of billions of dollars in industry and infrastructure vital to our Nation's economy.

WRDA specifically allocates approximately $1.2 billion for actions to restore Louisiana's coastal wetlands over the next decade, including a plan for the closure and environmental restoration of the MRGO, the Inner Harbor Navigational Canal Lock, other projects like the Ouachita River levees and the Red River basin and several other projects throughout the State.

Among the critical projects included in the WRDA bill is the Morganza to the Gulf Hurricane Protection project. This project is the best solution to protecting exposed areas in the bayou region of Louisiana.

I am very pleased that the administration softened its stance on Morganza to the Gulf, which will provide essential hurricane protections to those in Terrebonne and Lafourche Parishes. When complete, this project will provide category 3 protection for 200,000 citizens and approximately $8 billion of public and private infrastructure.

Though I certainly would have preferred an unqualified endorsement for Morganza to the Gulf from the administration, I look forward to working with my colleagues in the House to ensure that Morganza and other important projects remain intact in the final bill. I urge my colleagues to support H.R. 1495.

I want to thank again the chairman, and ranking member, Mr. BAKER, in particular, for their work on this bill.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. COSTELLO), former ranking member of the subcommittee, who devoted an enormous amount of his time, along with Mr. DUNCAN, in shaping this bill in the previous Congress and now leads us on aviation as the chairman of the Aviation Subcommittee.

Mr. COSTELLO. Mr. Chairman, I thank Chairman OBERSTAR for yielding time to me.

Mr. Chairman, today we are considering the Water Resources Development Act of 2007. This bill addresses what the Congress has failed to do in previous years, enact a WRDA bill that addresses the critical infrastructure needs of our country.

I would like to thank Chairman OBERSTAR, Chairwoman JOHNSON, Mr. MICA, Mr. BAKER, and the former chairman of the subcommittee, Mr. DUNCAN, for a job well done in bringing this bill to the floor today. Without their leadership and their persistence, we would not have a bill here to consider on the floor.

H.R. 1495 authorizes projects for major flood control, navigation, environmental restoration, and other water projects and authorizes several important projects to restore and enhance the Nation's environmental infrastructure.

The United States transportation system has an extensive system of highways, ports, locks and dams, and airports. Yet we continue to neglect upgrading and modernizing our infrastructure. We should not build our infrastructure and then walk away from it without maintaining and modernizing it as it becomes antiquated, like we have done with the Upper Mississippi and the Illinois Waterways lock and dam system.

In H.R. 1495 we are again authorizing the Upper Mississippi and Illinois Waterways system. This bill authorizes the replacement of 600-foot navigation locks with seven new 1,200-foot locks. In addition, the bill authorizes the largest environmental restoration program next to the Florida Everglades project to ensure that the project goes forward while respecting the environment and minimizing any adverse impact.

Our current system loses about 10 percent of its capacity due to the system failure and breakdowns because it has exceeded its life expectancy by over 20 years. The system cannot handle today's traffic in an efficient, cost-effective manner, and it is costing taxpayers tens of millions of dollars to patch it together, let alone the cost in time and money to the users. Modernizing that infrastructure is the right thing to do. It is a necessity, and I am glad to see that this bill is moving forward on such a significant project to our economy and our commerce.

Mr. Chairman, again I salute Chairman OBERSTAR, Chairwoman JOHNSON, Mr. MICA, Mr. BAKER, and Mr. DUNCAN for their leadership and hard work. And I strongly support this legislation and urge my colleagues to support it.

Mr. BAKER. Mr. Chairman, at this time I yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Chairman, I rise today in support of this legislation because it is long overdue. Seven years is a long time and much has changed.

This bill includes language important to my own district, but more importantly, it has national importance. We need this legislation to authorize new Army Corps of Engineer water infrastructure studies and projects. And it is not just about new projects, but how the Corps manages them, and for Congress to have an opportunity to exercise its oversight authority over current and future projects. This legislation is long overdue.

I want to commend our committee leadership on both sides for working in a bipartisan fashion to move this so quickly. I thank everyone for their hard work, and I look forward to voting for this this evening.

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Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Illinois (Mr. HARE).

Mr. HARE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of the Water Resources Development Act of 2007.

This bill authorizes important long-overdue flood control, dam safety and environmental restoration projects. In my district, the Great Flood of 1993 took the lives of 47 people and resulted in over $15 billion in catastrophic damages throughout much of the Mississippi River basin. I support this bill for the safety of my constituents.

Additionally, over 50 percent of our locks and dams have aged beyond their life cycle, and they are crumbling. WRDA authorizes repair of these structures and includes critical provisions to modernize seven new locks and dams on the upper Mississippi and Illinois Rivers. These improvement will expand navigation capacity, reduce shipping delays, and accommodate larger barge tows, which is critical for the $12 billion worth of products that the river transports ever year, as well as the agriculture, commercial and labor interests of my State of Illinois.

This bill includes a much-needed program to restore the upper Mississippi River ecosystem and authorizes completion of the Emiquon Wildlife Preserve in my district. This preserve is one of the largest flood plain restoration projects in the country outside the Florida Everglades, and I am proud to have sponsored its inclusion in this bill today.

I urge my colleagues to support the Water Resources Development Act. By improving our water resources infrastructure, we will make our river communities safer and strengthen our Nation's economy and environmental welfare.

Mr. BAKER. Mr. Chairman, I claim the remainder of our time.

I want to express my appreciation to Chairman OBERSTAR, Chairman JOHNSON and of course my ranking member, Mr. MICA, for their very diligent and hard work; more specifically, for the time spent in the great State of Louisiana after the landfall of Hurricane Katrina. The committee has come down, Members often more than once, to observe for themselves the damage that has been caused by this unbelievable natural catastrophe.

The bill under consideration today will begin an enormous and monumental project for the restoration of coastal Louisiana. It is not just about keeping people with the ability to live on the water's edge; it is giving the ability to stop the storm surge coming inland and bringing about the type of devastation that we have painfully experienced again.

This legislation is a landmark, certainly for the traditional reasons. Many Members have interests in projects for economic development reasons, for control of public water systems, for enhancing water runoff and minimizing agricultural and other sources of contamination to our water systems. But this bill is really important for maintenance of life and quality of life in our State, and it will begin the meaningful restoration of what is a tremendous natural asset, coastal Louisiana.

I would emphasize what has already been stated repeatedly: this is a process resulting in over 600 projects which has come about over a 6-year period. And so it is my deepest hope that this House will this evening favorably adopt 1495, that the Senate will work expeditiously with us in moving forward, and that the administration will find a way to sign this important jobs bill into law.

$13.1 billion is a lot of money, and when coupled with the local matched dollars which are required, it will be a significant shot in the economic arm for the construction industry across this country. So I am most appreciative of the opportunity to have participated in this process.

I am grateful to my Democratic colleagues for their kind and hard work on this subject and listening to the people of Louisiana in their hour of need. For that we are and will always be most appreciative.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, how much time do we have remaining on our side?

The CHAIRMAN. The gentleman from Minnesota has 1½ minutes remaining.

Mr. OBERSTAR. There is an old saying among seafarers: "No helmsman is tested in fair water." The gentleman from Louisiana was tested in the aftermath of Katrina, and I saw him at the helm in Baton Rouge when our committee made a tour of the devastation wreaked by Hurricane Katrina. I was impressed then and continue to be by his composure, his grasp of facts, grasp of the magnitude of the problem, and his willingness to address the issues in a coordinated and bipartisan manner. I salute him for his continued leadership and service not only to the State, but to the Nation.

Again, I express my appreciation to the gentleman from Florida (Mr. MICA) for similarly taking the helm in a time of turbulence when we had this work of 6 years thrust upon us, trying to sort it out, do the right thing and serve our Members, their districts, and our Nation at the same time and measure each project against the yardstick of balance that has historically guided the Corps of Engineers and guided the work of this committee, and I think we have come here with a good product.

And I especially appreciate, once again, the splendid work of the gentlewoman from Texas, Ms. JOHNSON, who is the Chair of the subcommittee and who has put her heart and soul into seeing this bill move forward.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise to support H.R. 1495, the Water Resources Development Act of 2007. This bill, which authorizes water projects through the Army Corps of Engineers, is essential to maintaining and improving our Nation's vital water resources and infrastructure.

This bill is long overdue. Congress has been unable to enact a comprehensive WRDA bill since the year 2000. Without Federal resources authorized in this bill, critical projects needed to sustain and protect America's water needs into the future have been stalled. I commend Chairman OBERSTAR for his leadership and steadfast commitment to this vital issue. I thank his hardworking staff, who worked long hours to complete this bill, which is a top priority of our new Democratic Congress.

As a representative from southern California where water is a scare and precious resource, I appreciate the distinguished Chairman's efforts to put forth a bill that advances 'essential water resource infrastructure projects in the region.

I am particularly pleased that this legislation includes an historic authorization for revitalization efforts along the Los Angeles River. The $20 million authorization contained within the bill will mark a significant Federal commitment to transforming the LA River from an unsightly concrete flood control channel into green space that will promote badly needed recreation, housing and job creation opportunities. In addition, the legislation will enable the Army Corps of Engineers to develop a plan to improve water quality, restore historic habitats, and enhance the river's flood protection function.

For years, I have worked with my colleagues from Los Angeles to obtain Federal funding for studies on promising revitalization projects along the River. Our efforts have secured over $3 million for studies at various sites, including the Cornfields site in downtown Los Angeles. With the inclusion of the LA River projects in the WRDA authorization, the Army Corps of Engineers can begin to break ground on these revitalization activities.

I want to take this opportunity to recognize my local community and public officials who have worked tirelessly to make the Los Angeles River revitalization project a success. The LA River revitalization plan reflects the vision of City Councilman Ed Reyes, who for many years has led the effort at the local level. I commend him for his commitment to enhancing the quality of life for the communities along the River and for all Angelenos.

I also applaud the strong support of Mayor Antonio Villaraigosa and the local stakeholders who continue to explore ways to convert the land adjacent to the Los Angeles River into parks, housing, and economic opportunities for our local communities.

The passage of WRDA with the LA River revitalization project will continue an exciting alliance between the federal government, the City of Los Angeles and Los Angeles County. We have worked in particular to enrich the lives of the many families who live in the communities along the River and to enhance opportunities for economic development associated with revitalization.

I look forward to continuing to work with my colleagues to build upon this exciting opportunity to transform the LA River from an unsightly and environmentally void industrial space to a communal recreational space in which all Angelenos can take pride.

I thank the Committee for its hard work and urge my colleagues to support this important legislationy.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the Water Resources Development Act and urge its passage by the House. I want to compliment Chairman OBERSTAR and the Transportation and Infrastructure Committee for making early passage of this legislation a priority. The last Water Resources bill was signed into law over 6 years ago by President Clinton. It is Congress' job to renew this law every 2 years, but for whatever reason, we have been unable to reach agreement with the other body and get a final bill to the President for his signature.

The Nation's water and environmental infrastructure problems won't wait forever. We need to overcome our past differences and move this bill to upgrade and modernize our Federal programs relating to navigation, flood damage reduction, shoreline protection, dam safety, water supply, recreation, and environmental restoration.

I want to express my thanks to Chairman OBERSTAR for including a project I requested to authorize Federal funding to implement restoration projects in Lake St. Clair. In the past, Lake St. Clair has been described as "the forgotten lake." No longer. Today, many of my constituents refer to Lake St. Clair as the "Heart of the Great Lakes." We need to protect and restore it. Lake St. Clair is not the largest body of water in the Great Lakes System, but it is absolutely one of the most heavily used portions of the Lakes in terms of fishing, boating and drinking water.

Two years ago, the Corps of Engineers completed a comprehensive management plan for Lake St. Clair and the St. Clair River. Congress paid for this plan. The recommendations contained in the management plan will help shape Lake St. Clair's future, but only if they are implemented. Having come this far, we can't let the report and its recommendations become another study that sits on a shelf and gathers dust. Everyone, including the federal government, has to step forward and take responsibility for turning these recommendations into action.

Again, I support the bill before the House and urge its adoption.

Mr. KIND. Mr. Chairman, I rise in strong support of this bill that will finally move forward important construction, navigation, and ecosystem restoration projects along the Mississippi River, Great Lakes, and elsewhere. In particular, H.R. 1495 will authorize the corps of engineers' sustainability plan for the upper Mississippi River.

On the eve of Earth Day, founded by the great Senator from Wisconsin Gaylord Nelson, what better gift to the people of the upper Mississippi River basin than the largest ever investment in ecosystem restoration in the river's history? This bill will have a tremendous impact on water quality, wildlife habitat, and recreation in the upper Mississippi River region.

Reauthorization of the Water Resources Development Act has been a long time coming, and it has seen some improvement over the years. The current bill, for instance, includes an important provision, that I included, requiring that construction and restoration projects on the upper Mississippi achieve equal progress so that construction and navigation improvements do not degrade the river ecosystem. The WRDA bill of 1986 established the upper Mississippi River system as the only waterbody in the Nation recognized by Congress as both a "nationally significant ecosystem and a nationally significant commercial navigation system," so it is important that the needs of these two aspects of the river are met in tandem.

The Bush administration also has recognized the ecological importance of the basin by making the upper Mississippi River Basin environmental management program a priority project in the corps budget. A relatively modest program with authorized funding of $33.5 million, the EMP has demonstrated remarkable results in restoring river habitats all along my congressional district in western Wisconsin and beyond. And its long-term resource monitoring program has produced invaluable data and knowledge.

Mr. Chairman, it is especially fitting that we pass this bill today in light of the 20th anniversary that EMP celebrated last year. This bill, H.R. 1495, and the accompanying manager's amendment contain language assuring that the navigation and ecosystem sustainability plan will continue the EMP's mission, including long-term resource monitoring.

But this bill will address long-standing needs well beyond the upper Mississippi. This country's water resources infrastructure was largely constructed 70 or more years ago, and much of it has fallen into various states of disrepair and neglect. Hurricane Katrina so clearly demonstrated to the world the consequences of this lack of attention. Reauthorization of WRDA is a necessary first step in meeting the needs of our citizens, industry, and environment.

I urge all of my colleagues to join me in support of this vital legislation so that residents of low-lying areas can be reassured that the levees that protect them will be made adequate, so that farmers will know they will be able to ship their grain downriver to be exported to foreign markets, and hunters, anglers, and birdwatchers will know that the habitat they know and love will be maintained.

Mr. BISHOP of New York. Mr. Chairman, I would like to thank Chairman OBERSTAR and Ranking Member MICA, as well as Subcommittee Chairwoman JOHNSON and Ranking Member BAKER for their hard work and leadership on this important legislation—the first water improvement and conservation package in seven years.

Following several earlier impasses, I want to take this opportunity to commend the spirit of bipartisanship and compromise on this important measure. I hope it extends to a bicameral bipartisanship in the weeks to come.

This bill benefits all Americans and their families who use and enjoy our Nation's waterways, public beaches—including over 300 miles of coastline along my district—and for U.S. businesses that depend on healthy and viable waterways throughout the country.

My district benefits from the good work that the Army Corps of Engineers does for coastal communities by helping small towns deal with multiple concerns ranging from erosion to longstanding environmental challenges. The Corps is currently working on several projects on eastern Long Island that will dredge inlets, restore damaged ecosystems, and study coastal health.

In addition, H.R. 1495 will go a long way toward supplying the Corps with all the resources it needs to protect coastal communities and vacationers by modernizing project planning and approval.

Mr. Chairman, I thank the Chairman and Ranking Member again for their hard work on this issue, and I look forward to working with my colleagues to make sure that we get a WRDA bill to the President as soon as we can. We simply cannot afford to let another year go by without passing this legislation.

Mr. EMANUEL. Mr. Chairman, I rise today in strong support of H.R. 1945, the Water Resources Development Act (WRDA). As the Democratic Majority begins our second 100 days, we are continuing to move America forward, and WRDA does just that.

This bill will help commerce by improving navigation on waterways and making it easier to bring products to market. This bill will invest in our future by modernizing the locks and dams on the Mississippi River and elsewhere. This bill will protect the Great Lakes by finally making the Asian carp barrier permanent. This bill invests in rural and urban America alike by renewing our commitment to protecting the environment and the economy.

The Water Resources Development Act is a good bill that has been written in a bipartisan process to address the needs of the whole country, but there are two parts of the bill in particular that I am especially proud are included.

The locks on the Mississippi River and Illinois Waterways are in need of repair, and WRDA finally addresses the long overdue need for lock modernization. Navigation in the upper Mississippi supports more than 400,000 jobs and 90,000 high-paying manufacturing jobs, and passage of WRDA will create more jobs in the region. Every year, shipping in the upper Mississippi River adds up to about $1.2 billion to our economy. Modernizing the locks will go a long way to ensuring the livelihoods of the men and women that rely on these waterways.

Another project in WRDA that is critical to the Great Lakes and important to all of Chicago is the Asian carp barrier. As the residents of the Fifth Congressional District know, invasive species pose a severe threat to Lake Michigan, capable of billions of dollars in economic losses and inestimable environmental damage.

The Asian carp in particular has affected Great Lakes fisheries, and I have been working with my Great Lakes colleagues in making sure that this barrier is funded and operational to protect the Great Lakes from Asian carp.

Mr. Chairman, the Water Resources Development Act is a hat trick—it's good for the environment, it's good for the economy, and it's good for America's future. I want to thank Mr. OBERSTAR and Mr. MICA for all of their good work, and I am glad that we are getting this bill done. I yield back the balance of my time.

Mr. WELLER of Illinois. Mr. Chairman, I rise today in strong support of H.R. 1495, the Water Resources Development Act of 2007. For the 11th Congressional District that I represent as well as for all of Illinois, passage of this legislation is of utmost importance. WRDA contains instructions for the Army Corps of Engineers to carry out studies and projects within my district at LaSalle and at Ballard's Island in the Illinois River.

The City of LaSalle, IL, has taken an aggressive approach to promoting itself as a historical tourism destination as a way to compensate for the loss of manufacturing. The highpoint of this project is the Port of LaSalle and the Illinois & Michigan Canal. The Illinois & Michigan Canal was integral to the success of Chicago as a transportation hub back in the 19th century as it connected Chicago to the Illinois River. While it fell into disuse and disrepair, the Canal Corridor Association and the

City of LaSalle have remade a stretch at the Lock 14 site in LaSalle. A replica canal boat is planned to be constructed and act as a tourist attraction and also a unique venue that can be rented for private functions to bring further revenue to the community.

However, further contaminate testing for cadmuim and zinc needs to be completed so that dredging may take place in order to create a long and deep channel for the canal boat to be successfully operated. In passing this bill today, we will be giving the Army Corps of Engineers the authority to carry out the additional testing and the possible dredging that may be needed so that this project can come to fruition and this national treasure can be restored to its original glory.

Another project that is contained in H.R. 1495 is the further opening of the Ballard's Island Channel. The Army Corps completed its last dredging and stone removal at the Ballard's Island site in October 2003 with the intent to study the effects and ramifications. A significant time having passed, it may be time for the Corps to continue with opening up this channel which the Corps closed almost 60 years ago. Cutting through the very large riparian bar which has built up over 60 years and which now blocks the original channel may be a means to this goal. Doing so will divert water flowing into the channel as the result of the Corps reopening.

Both the Illinois & Michigan Canal and the Ballad's Island Channel projects aid the surrounding communities both in environmental restoration and economic revitalization. I look forward to the successful completion of these projects and the important economic benefits these communities will see as a result.

The WRDA legislation not only includes provisions that will assist specific communities in my district but also contains a mandate to update the lock and dam system on the Upper Mississippi and Illinois Rivers. This project will replace seven key 600-foot navigation locks with seven new 1,200-foot locks. Improvements to the inland water transportation system are long past due. Many structures were built over 60 years ago, when barge tows were less than 600 feet long. Today's barge tows are nearly 1,200 feet long, creating vast backlogs at many locks, and slowing the speed with which Illinois products can be shipped abroad. According to the Army Corps of Engineers, construction of the 7 locks will provide at least 3,000–6,000 jobs per year for the construction period, an estimated 12–20 years.

Farmers in Illinois and my district are dependent on the riverways to ship their products to international markets. Passage of H.R. 1495 will mean shorter shipping times, resulting in decreased costs and increased profit. I am pleased that we are finally joining in a bipartisan manner to assist American farmers in competing on the global level.

Mr. Chairman, H.R. 1495, the Water Resources Development Act of 2007, provides a building block for many communities not only in my district but in every state and region in our country.

In closing, I want to commend Chairman OBERSTAR and Ranking Member MICA for producing a good bipartisan bill again and I am hopeful that this year we can finally get this bill to the President for his signature.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2007".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.
Sec. 1002. Small projects for flood damage reduction.
Sec. 1003. Small projects for emergency streambank protection.
Sec. 1004. Small projects for navigation.
Sec. 1005. Small projects for improvement of the quality of the environment.
Sec. 1006. Small projects for aquatic ecosystem restoration.
Sec. 1007. Small projects for shoreline protection.
Sec. 1008. Small projects for snagging and sediment removal.

TITLE II—GENERAL PROVISIONS

Sec. 2001. Non-Federal contributions.
Sec. 2002. Harbor cost sharing.
Sec. 2003. Funding to process permits.
Sec. 2004. National shoreline erosion control development and demonstration program.
Sec. 2005. Small shore and beach restoration and protection projects.
Sec. 2006. Aquatic ecosystem restoration.
Sec. 2007. Small flood damage reduction projects.
Sec. 2008. Modification of projects for improvement of the quality of the environment.
Sec. 2009. Written agreement for water resources projects.
Sec. 2010. Assistance for remediation, restoration, and reuse.
Sec. 2011. Compilation of laws.
Sec. 2012. Dredged material disposal.
Sec. 2013. Wetlands mitigation.
Sec. 2014. Mitigation for fish and wildlife losses.
Sec. 2015. Remote and subsistence harbors.
Sec. 2016. Beneficial uses of dredged material.
Sec. 2017. Cost-sharing provisions for certain areas.
Sec. 2018. Use of other Federal funds.
Sec. 2019. Revision of project partnership agreement.
Sec. 2020. Cost sharing.
Sec. 2021. Expedited actions for emergency flood damage reduction.
Sec. 2022. Watershed and river basin assessments.
Sec. 2023. Tribal partnership program.
Sec. 2024. Wildfire firefighting.
Sec. 2025. Technical assistance.
Sec. 2026. Lakes program.
Sec. 2027. Coordination and scheduling of Federal, State, and local actions.
Sec. 2028. Project streamlining.
Sec. 2029. Cooperative agreements.
Sec. 2030. Training funds.
Sec. 2031. Access to water resource data.
Sec. 2032. Shore protection projects.
Sec. 2033. Ability to pay.
Sec. 2034. Leasing authority.
Sec. 2035. Cost estimates.
Sec. 2036. Project planning.
Sec. 2037. Independent peer review.
Sec. 2038. Studies and reports for water resources projects.
Sec. 2039. Offshore oil and gas fabrication port.
Sec. 2040. Use of firms employing local residents.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 3001. Cook Inlet, Alaska.
Sec. 3002. King Cove Harbor, Alaska.
Sec. 3003. Sitka, Alaska.
Sec. 3004. Tatitlek, Alaska.
Sec. 3005. Rio De Flag, Flagstaff, Arizona.
Sec. 3006. Osceola Harbor, Arkansas.
Sec. 3007. Pine Mountain Dam, Arkansas.
Sec. 3008. American and Sacramento Rivers, California.
Sec. 3009. Compton Creek, California.
Sec. 3010. Grayson Creek/Murderer's Creek, California.
Sec. 3011. Hamilton Airfield, California.
Sec. 3012. John F. Baldwin Ship Channel and Stockton Ship Channel, California.
Sec. 3013. Kaweah River, California.
Sec. 3014. Larkspur Ferry Channel, Larkspur, California.
Sec. 3015. Llagas Creek, California.
Sec. 3016. Magpie Creek, California.
Sec. 3017. Pacific Flyway Center, Sacramento, California.
Sec. 3018. Pinole Creek, California.
Sec. 3019. Prado Dam, California.
Sec. 3020. Sacramento and American Rivers flood control, California.
Sec. 3021. Sacramento Deep Water Ship Channel, California.
Sec. 3022. Santa Cruz Harbor, California.
Sec. 3023. Seven Oaks Dam, California.
Sec. 3024. Upper Guadalupe River, California.
Sec. 3025. Walnut Creek Channel, California.
Sec. 3026. Wildcat/San Pablo Creek Phase I, California.
Sec. 3027. Wildcat/San Pablo Creek Phase II, California.
Sec. 3028. Yuba River Basin project, California.
Sec. 3029. South Platte River Basin, Colorado.
Sec. 3030. Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland.
Sec. 3031. Brevard County, Florida.
Sec. 3032. Broward County and Hillsboro Inlet, Florida.
Sec. 3033. Canaveral Harbor, Florida.
Sec. 3034. Gasparilla and Estero Islands, Florida.
Sec. 3035. Jacksonville Harbor, Florida.
Sec. 3036. Lido Key Beach, Sarasota, Florida.
Sec. 3037. Miami Harbor, Florida.
Sec. 3038. Peanut Island, Florida.
Sec. 3039. Tampa Harbor-Big Bend Channel, Florida.
Sec. 3040. Tampa Harbor Cut B, Florida.
Sec. 3041. Allatoona Lake, Georgia.
Sec. 3042. Latham River, Glynn County, Georgia.
Sec. 3043. Dworshak Dam and Reservoir improvements, Idaho.
Sec. 3044. Beardstown Community Boat Harbor, Beardstown, Illinois.
Sec. 3045. Cache River Levee, Illinois.
Sec. 3046. Chicago River, Illinois.
Sec. 3047. Chicago Sanitary and Ship Canal dispersal barriers project, Illinois.
Sec. 3048. Emiquon, Illinois.
Sec. 3049. Lasalle, Illinois.
Sec. 3050. Spunky Bottoms, Illinois.
Sec. 3051. Fort Wayne and vicinity, Indiana.

Sec. 3052. Koontz Lake, Indiana.
Sec. 3053. White River, Indiana.
Sec. 3054. Des Moines River and Greenbelt, Iowa.
Sec. 3055. Prestonsburg, Kentucky.
Sec. 3056. Amite River and tributaries, Louisiana, East Baton Rouge Parish Watershed.
Sec. 3057. Atchafalaya Basin, Louisiana.
Sec. 3058. Atchafalaya Basin Floodway System, Louisiana.
Sec. 3059. Bayou Plaquemine, Louisiana.
Sec. 3060. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.
Sec. 3061. Melville, Louisiana.
Sec. 3062. Mississippi Delta Region, Louisiana.
Sec. 3063. New Orleans to Venice, Louisiana.
Sec. 3064. West bank of the Mississippi River (East of Harvey Canal), Louisiana.
Sec. 3065. Camp Ellis, Saco, Maine.
Sec. 3066. Detroit River Shoreline, Detroit, Michigan.
Sec. 3067. St. Clair River and Lake St. Clair, Michigan.
Sec. 3068. St. Joseph Harbor, Michigan.
Sec. 3069. Sault Sainte Marie, Michigan.
Sec. 3070. Ada, Minnesota.
Sec. 3071. Duluth Harbor, McQuade Road, Minnesota.
Sec. 3072. Grand Marais, Minnesota.
Sec. 3073. Grand Portage Harbor, Minnesota.
Sec. 3074. Granite Falls, Minnesota.
Sec. 3075. Knife River Harbor, Minnesota.
Sec. 3076. Red Lake River, Minnesota.
Sec. 3077. Silver Bay, Minnesota.
Sec. 3078. Taconite Harbor, Minnesota.
Sec. 3079. Two Harbors, Minnesota.
Sec. 3080. Deer Island, Harrison County, Mississippi.
Sec. 3081. Pearl River Basin, Mississippi.
Sec. 3082. Festus and Crystal City, Missouri.
Sec. 3083. L–15 levee, Missouri.
Sec. 3084. Monarch-Chesterfield, Missouri.
Sec. 3085. River Des Peres, Missouri.
Sec. 3086. Antelope Creek, Lincoln, Nebraska.
Sec. 3087. Sand Creek Watershed, Wahoo, Nebraska.
Sec. 3088. Lower Cape May Meadows, Cape May Point, New Jersey.
Sec. 3089. Passaic River Basin flood management, New Jersey.
Sec. 3090. Buffalo Harbor, New York.
Sec. 3091. Orchard Beach, Bronx, New York.
Sec. 3092. Port of New York and New Jersey, New York and New Jersey.
Sec. 3093. New York State Canal System.
Sec. 3094. Lower Girard Lake Dam, Ohio.
Sec. 3095. Mahoning River, Ohio.
Sec. 3096. Delaware River, Pennsylvania, New Jersey, and Delaware.
Sec. 3097. Raystown Lake, Pennsylvania.
Sec. 3098. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.
Sec. 3099. Solomon's Creek, Wilkes-Barre, Pennsylvania.
Sec. 3100. South Central Pennsylvania.
Sec. 3101. Wyoming Valley, Pennsylvania.
Sec. 3102. Cedar Bayou, Texas.
Sec. 3103. Freeport Harbor, Texas.
Sec. 3104. Lake Kemp, Texas.
Sec. 3105. Lower Rio Grande Basin, Texas.
Sec. 3106. North Padre Island, Corpus Christi Bay, Texas.
Sec. 3107. Pat Mayse Lake, Texas.
Sec. 3108. Proctor Lake, Texas.
Sec. 3109. San Antonio Channel, San Antonio, Texas.
Sec. 3110. Lee, Russell, Scott, Smyth, Tazewell, and Wise Counties, Virginia.
Sec. 3111. Tangier Island Seawall, Virginia.
Sec. 3112. Duwamish/Green, Washington.
Sec. 3113. Yakima River, Port of Sunnyside, Washington.
Sec. 3114. Greenbrier River Basin, West Virginia.
Sec. 3115. Lesage/Greenbottom Swamp, West Virginia.
Sec. 3116. Northern West Virginia.
Sec. 3117. Manitowoc Harbor, Wisconsin.
Sec. 3118. Mississippi River headwaters reservoirs.
Sec. 3119. Continuation of project authorizations.
Sec. 3120. Project reauthorizations.
Sec. 3121. Project deauthorizations.
Sec. 3122. Land conveyances.
Sec. 3123. Extinguishment of reversionary interests and use restrictions.

TITLE IV—STUDIES

Sec. 4001. John Glenn Great Lakes Basin Program.
Sec. 4002. Lake Erie dredged material disposal sites.
Sec. 4003. Southwestern United States drought study.
Sec. 4004. Delaware River.
Sec. 4005. Knik Arm, Cook Inlet, Alaska.
Sec. 4006. Kuskokwim River, Alaska.
Sec. 4007. St. George Harbor, Alaska.
Sec. 4008. Susitna River, Alaska.
Sec. 4009. Gila Bend, Maricopa, Arizona.
Sec. 4010. Searcy County, Arkansas.
Sec. 4011. Elkhorn Slough Estuary, California.
Sec. 4012. Fresno, Kings, and Kern Counties, California.
Sec. 4013. Los Angeles River revitalization study, California.
Sec. 4014. Lytle Creek, Rialto, California.
Sec. 4015. Mokelumne River, San Joaquin County, California.
Sec. 4016. Napa River, St. Helena, California.
Sec. 4017. Orick, California.
Sec. 4018. Rialto, Fontana, and Colton, California.
Sec. 4019. Sacramento River, California.
Sec. 4020. San Diego County, California.
Sec. 4021. San Francisco Bay, Sacramento-San Joaquin Delta, California.
Sec. 4022. South San Francisco Bay shoreline study, California.
Sec. 4023. Twentynine Palms, California.
Sec. 4024. Yucca Valley, California.
Sec. 4025. Roaring Fork River, Basalt, Colorado.
Sec. 4026. Delaware and Christina Rivers and Shellpot Creek, Wilmington, Delaware.
Sec. 4027. Collier County Beaches, Florida.
Sec. 4028. Lower St. Johns River, Florida.
Sec. 4029. Vanderbilt Beach Lagoon, Florida.
Sec. 4030. Meriwether County, Georgia.
Sec. 4031. Tybee Island, Georgia.
Sec. 4032. Boise River, Idaho.
Sec. 4033. Ballard's Island Side Channel, Illinois.
Sec. 4034. Salem, Indiana.
Sec. 4035. Buckhorn Lake, Kentucky.
Sec. 4036. Dewey Lake, Kentucky.
Sec. 4037. Louisville, Kentucky.
Sec. 4038. Fall River Harbor, Massachusetts and Rhode Island.
Sec. 4039. Clinton River, Michigan.
Sec. 4040. Hamburg and Green Oak Townships, Michigan.
Sec. 4041. Duluth-Superior Harbor, Minnesota and Wisconsin.
Sec. 4042. Northeast Mississippi.
Sec. 4043. St. Louis, Missouri.
Sec. 4044. Dredged material disposal, New Jersey.
Sec. 4045. Bayonne, New Jersey.
Sec. 4046. Carteret, New Jersey.
Sec. 4047. Gloucester County, New Jersey.
Sec. 4048. Perth Amboy, New Jersey.
Sec. 4049. Batavia, New York.
Sec. 4050. Big Sister Creek, Evans, New York.
Sec. 4051. Finger Lakes, New York.
Sec. 4052. Lake Erie Shoreline, Buffalo, New York.
Sec. 4053. Newtown Creek, New York.
Sec. 4054. Niagara River, New York.
Sec. 4055. Shore Parkway Greenway, Brooklyn, New York.
Sec. 4056. Upper Delaware River Watershed, New York.
Sec. 4057. Lincoln County, North Carolina.
Sec. 4058. Wilkes County, North Carolina.
Sec. 4059. Yadkinville, North Carolina.
Sec. 4060. Lake Erie, Ohio.
Sec. 4061. Ohio River, Ohio.
Sec. 4062. Ecosystem restoration and fish passage improvements, Oregon.
Sec. 4063. Walla Walla River Basin, Oregon.
Sec. 4064. Chartiers Creek Watershed, Pennsylvania.
Sec. 4065. Kinzua Dam and Allegheny Reservoir, Pennsylvania.
Sec. 4066. Western Pennsylvania flood damage reduction, Pennsylvania.
Sec. 4067. Williamsport, Pennsylvania.
Sec. 4068. Yardley Borough, Pennsylvania.
Sec. 4069. Rio Valenciano, Juncos, Puerto Rico.
Sec. 4070. Crooked Creek, Bennettsville, South Carolina.
Sec. 4071. Broad River, York County, South Carolina.
Sec. 4072. Chattanooga, Tennessee.
Sec. 4073. Cleveland, Tennessee.
Sec. 4074. Cumberland River, Nashville, Tennessee.
Sec. 4075. Lewis, Lawrence, and Wayne Counties, Tennessee.
Sec. 4076. Wolf River and Nonconnah Creek, Memphis Tennessee.
Sec. 4077. Abilene, Texas.
Sec. 4078. Coastal Texas ecosystem protection and restoration, Texas.
Sec. 4079. Johnson Creek, Arlington, Texas.
Sec. 4080. Port of Galveston, Texas.
Sec. 4081. Grand County and Moab, Utah.
Sec. 4082. Southwestern Utah.
Sec. 4083. Chowan River Basin, Virginia and North Carolina.
Sec. 4084. Elliott Bay Seawall, Seattle, Washington.
Sec. 4085. Monongahela River Basin, northern West Virginia.
Sec. 4086. Kenosha Harbor, Wisconsin.
Sec. 4087. Wauwatosa, Wisconsin.
Sec. 4088. Johnsonville Dam, Johnsonville, Wisconsin.

TITLE V—MISCELLANEOUS

Sec. 5001. Maintenance of navigation channels.
Sec. 5002. Watershed management.
Sec. 5003. Dam safety.
Sec. 5004. Structural integrity evaluations.
Sec. 5005. Flood mitigation priority areas.
Sec. 5006. Additional assistance for authorized projects.
Sec. 5007. Expedited completion of reports and construction for certain projects.
Sec. 5008. Expedited completion of reports for certain projects.
Sec. 5009. Southeastern water resources assessment.
Sec. 5010. Upper Mississippi River environmental management program.
Sec. 5011. Missouri and Middle Mississippi River enhancement project.
Sec. 5012. Great Lakes fishery and ecosystem restoration.
Sec. 5013. Great Lakes remedial action plans and sediment remediation.
Sec. 5014. Great Lakes tributary models.
Sec. 5015. Great Lakes navigation.
Sec. 5016. Upper Mississippi River dispersal barrier project.
Sec. 5017. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.

Sec. 5018. Chesapeake Bay environmental restoration and protection program.
Sec. 5019. Hypoxia assessment.
Sec. 5020. Potomac River watershed assessment and tributary strategy evaluation and monitoring program.
Sec. 5021. Lock and dam security.
Sec. 5022. Rehabilitation.
Sec. 5023. Research and development program for Columbia and Snake River salmon survival.
Sec. 5024. Auburn, Alabama.
Sec. 5025. Pinhook Creek, Huntsville, Alabama.
Sec. 5026. Alaska.
Sec. 5027. Barrow, Alaska.
Sec. 5028. Coffman Cove, Alaska.
Sec. 5029. Fire Island, Alaska.
Sec. 5030. Fort Yukon, Alaska.
Sec. 5031. Kotzebue Harbor, Alaska.
Sec. 5032. Lowell Creek Tunnel, Seward, Alaska.
Sec. 5033. St. Herman and St. Paul Harbors, Kodiak, Alaska.
Sec. 5034. Tanana River, Alaska.
Sec. 5035. Valdez, Alaska.
Sec. 5036. Whittier, Alaska.
Sec. 5037. Wrangell Harbor, Alaska.
Sec. 5038. Augusta and Clarendon, Arkansas.
Sec. 5039. Des Arc levee protection, Arkansas.
Sec. 5040. Loomis Landing, Arkansas.
Sec. 5041. St. Francis River Basin, Arkansas and Missouri.
Sec. 5042. Cambria, California.
Sec. 5043. Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California.
Sec. 5044. Dana Point Harbor, California.
Sec. 5045. East San Joaquin County, California.
Sec. 5046. Eastern Santa Clara basin, California.
Sec. 5047. Los Osos, California.
Sec. 5048. Pine Flat Dam and Reservoir, California.
Sec. 5049. Raymond Basin, Six Basins, Chino Basin, and San Gabriel Basin, California.
Sec. 5050. San Francisco, California.
Sec. 5051. San Francisco, California, waterfront area.
Sec. 5052. San Pablo Bay, California, watershed and Suisun Marsh ecosystem restoration.
Sec. 5053. Stockton, California.
Sec. 5054. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
Sec. 5055. Florida Keys water quality improvements.
Sec. 5056. Lake Worth, Florida.
Sec. 5057. Riley Creek Recreation Area, Idaho.
Sec. 5058. Reconstruction of Illinois flood protection projects.
Sec. 5059. Illinois River Basin restoration.
Sec. 5060. Kaskaskia River Basin, Illinois, restoration.
Sec. 5061. Floodplain mapping, Little Calumet River, Chicago, Illinois.
Sec. 5062. Promontory Point, Lake Michigan, Illinois.
Sec. 5063. Burns Waterway Harbor, Indiana.
Sec. 5064. Calumet region, Indiana.
Sec. 5065. Paducah, Kentucky.
Sec. 5066. Southern and eastern Kentucky.
Sec. 5067. Winchester, Kentucky.
Sec. 5068. Baton Rouge, Louisiana.
Sec. 5069. Calcasieu Ship Channel, Louisiana.
Sec. 5070. Cross Lake, Shreveport, Louisiana.
Sec. 5071. West Baton Rouge Parish, Louisiana.
Sec. 5072. Charlestown, Maryland.
Sec. 5073. Anacostia River, District of Columbia and Maryland.
Sec. 5074. Delmarva Conservation Corridor, Delaware and Maryland.
Sec. 5075. Massachusetts dredged material disposal sites.
Sec. 5076. Ontonagon Harbor, Michigan.
Sec. 5077. Crookston, Minnesota.
Sec. 5078. Garrison and Kathio Township, Minnesota.
Sec. 5079. Itasca County, Minnesota.
Sec. 5080. Minneapolis, Minnesota.
Sec. 5081. Northeastern Minnesota.
Sec. 5082. Wild Rice River, Minnesota.
Sec. 5083. Harrison, Hancock, and Jackson Counties, Mississippi.
Sec. 5084. Mississippi River, Missouri and Illinois.
Sec. 5085. St. Louis, Missouri.
Sec. 5086. Hackensack Meadowlands area, New Jersey.
Sec. 5087. Atlantic Coast of New York.
Sec. 5088. College Point, New York City, New York.
Sec. 5089. Flushing Bay and Creek, New York City, New York.
Sec. 5090. Hudson River, New York.
Sec. 5091. Mount Morris Dam, New York.
Sec. 5092. John H. Kerr Dam and Reservoir, North Carolina.
Sec. 5093. Stanly County, North Carolina.
Sec. 5094. Cincinnati, Ohio.
Sec. 5095. Toussaint River, Ohio.
Sec. 5096. Eugene, Oregon.
Sec. 5097. Fern Ridge Dam, Oregon.
Sec. 5098. Allegheny County, Pennsylvania.
Sec. 5099. Kehly Run Dams, Pennsylvania.
Sec. 5100. Lehigh River, Lehigh County, Pennsylvania.
Sec. 5101. Northeast Pennsylvania.
Sec. 5102. Upper Susquehanna River Basin, Pennsylvania and New York.
Sec. 5103. Cano Martin Pena, San Juan, Puerto Rico.
Sec. 5104. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.
Sec. 5105. Fritz Landing, Tennessee.
Sec. 5106. J. Percy Priest Dam and Reservoir, Tennessee.
Sec. 5107. Town Creek, Lenoir City, Tennessee.
Sec. 5108. Tennessee River partnership.
Sec. 5109. Upper Mississippi embayment, Tennessee, Arkansas, and Mississippi.
Sec. 5110. Bosque River Watershed, Texas.
Sec. 5111. Dallas Floodway, Dallas Texas.
Sec. 5112. Harris County, Texas.
Sec. 5113. Onion Creek, Texas.
Sec. 5114. Eastern Shore and southwest Virginia.
Sec. 5115. Dyke Marsh, Fairfax County, Virginia.
Sec. 5116. Baker Bay and Ilwaco Harbor, Washington.
Sec. 5117. Hamilton Island campground, Washington.
Sec. 5118. Puget Island, Washington.
Sec. 5119. Willapa Bay, Washington.
Sec. 5120. West Virginia and Pennsylvania flood control.
Sec. 5121. Central West Virginia.
Sec. 5122. Southern West Virginia.
Sec. 5123. Construction of flood control projects by non-Federal interests.

TITLE VI—FLORIDA EVERGLADES

Sec. 6001. Hillsboro and Okeechobee Aquifer, Florida.
Sec. 6002. Pilot projects.
Sec. 6003. Maximum costs.
Sec. 6004. Project authorization.
Sec. 6005. Credit.
Sec. 6006. Outreach and assistance.
Sec. 6007. Critical restoration projects.
Sec. 6008. Modified water deliveries.
Sec. 6009. Deauthorizations.
Sec. 6010. Regional engineering model for environmental restoration.

TITLE VII—LOUISIANA COASTAL AREA

Sec. 7001. Definitions.
Sec. 7002. Comprehensive plan.
Sec. 7003. Louisiana coastal area.
Sec. 7004. Coastal Louisiana Ecosystem Protection and Restoration Task Force.
Sec. 7005. Project modifications.
Sec. 7006. Construction.
Sec. 7007. Non-Federal cost share.
Sec. 7008. Project justification.
Sec. 7009. Independent review.
Sec. 7010. Expedited reports.
Sec. 7011. Reporting.
Sec. 7012. New Orleans and vicinity.
Sec. 7013. Mississippi River Gulf Outlet.

TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-WAY SYSTEM

Sec. 8001. Definitions.
Sec. 8002. Navigation improvements and restoration.
Sec. 8003. Authorization of construction of navigation improvements.
Sec. 8004. Ecosystem restoration authorization.
Sec. 8005. Comparable progress.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) HAINES, ALASKA.—The project for navigation, Haines, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $14,040,000, with an estimated Federal cost of $11,232,000 and an estimated non-Federal cost of $2,808,000.

(2) PORT LIONS, ALASKA.—The project for navigation, Port Lions, Alaska: Report of the Chief of Engineers dated June 14, 2006, at a total cost of $9,530,000, with an estimated Federal cost of $7,624,000 and an estimated non-Federal cost of $1,906,000.

(3) RIO SALADO OESTE, ARIZONA.—The project for environmental restoration, Rio Salado Oeste, Arizona: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $166,650,000, with an estimated Federal cost of $106,629,000 and an estimated non-Federal cost of $60,021,000.

(4) SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, ARIZONA.—The project for environmental restoration, Santa Cruz River, Pima County, Arizona: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $97,700,000, with an estimated Federal cost of $63,300,000 and an estimated non-Federal cost of $34,400,000.

(5) TANQUE VERDE CREEK, PIMA COUNTY, ARIZONA.—The project for environmental restoration, Tanque Verde Creek, Pima County, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $5,906,000, with an estimated Federal cost of $3,836,000 and an estimated non-Federal cost of $2,070,000.

(6) SALT RIVER (VA SHLYAY' AKIMEL), MARICOPA COUNTY, ARIZONA.—The project for environmental restoration, Salt River (Va Shlyay' Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $162,100,000, with an estimated Federal cost of $105,200,000 and an estimated non-Federal cost of $56,900,000.

(7) MAY BRANCH, FORT SMITH, ARKANSAS.—The project for flood damage reduction, May Branch, Fort Smith, Arkansas, Report of the Chief of Engineers dated December 19, 2006, at a total cost of $30,850,000, with an estimated Federal cost of $15,010,000 and an estimated non-Federal cost of $15,840,000.

(8) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and environmental restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $52,400,000, with an estimated Federal cost of $34,100,000 and estimated non-Federal cost of $18,300,000.

(9) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $13,700,000, with an estimated Federal cost of $8,521,000 and an estimated non-Federal cost of $5,179,000, and at an estimated total cost of $42,500,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $21,250,000 and an estimated non-Federal cost of $21,250,000.

(10) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for environmental restoration, Matilija Dam, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $144,500,000, with an estimated Federal cost of $89,700,000 and an estimated non-Federal cost of $54,800,000.

(11) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and environmental restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $45,200,000, with an estimated Federal cost of $29,500,000 and an estimated non-Federal cost of $15,700,000.

(12) NAPA RIVER SALT MARSH RESTORATION, CALIFORNIA.—

(A) IN GENERAL.—The project for environmental restoration, Napa River Salt Marsh Restoration, Napa, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $134,500,000, with an estimated Federal cost of $87,500,000 and an estimated non-Federal cost of $47,000,000.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(13) DENVER COUNTY REACH, SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for environmental restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of $21,050,000, with an estimated Federal cost of $13,680,000 and an estimated non-Federal cost of $7,370,000.

(14) MIAMI HARBOR, MIAMI-DADE COUNTY, FLORIDA.—

(A) IN GENERAL.—The project for navigation, Miami Harbor, Miami-Dade County, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $125,270,000, with an estimated Federal cost of $75,140,000 and an estimated non-Federal cost of $50,130,000.

(B) GENERAL REEVALUATION REPORT.—The non-Federal share of the cost of the general reevaluation report that resulted in the report of the Chief of Engineers referred to in subparagraph (A) shall be the same percentage as the non-Federal share of cost of construction of the project.

(C) AGREEMENT.—The Secretary shall enter into a new partnership with the non-Federal interest to reflect the cost sharing required by subparagraph (B).

(15) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for environmental restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $208,260,000, with an estimated Federal cost of $134,910,000 and an estimated non-Federal cost of $73,350,000.

(16) PEORIA RIVERFRONT DEVELOPMENT, ILLINOIS.—The project for environmental restoration, Peoria Riverfront Development, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of $18,220,000, with an estimated Federal cost of $11,840,000 and an estimated non-Federal cost of $6,380,000.

(17) WOOD RIVER LEVEE SYSTEM RECONSTRUCTION, MADISON COUNTY, ILLINOIS.—The project for flood damage reduction, Wood River Levee System Reconstruction, Madison County, Illinois: Report of the Chief of Engineers dated July 18, 2006, at a total cost of $17,220,000, with an estimated Federal cost of $11,193,000 and an estimated non-Federal cost of $6,027,000.

(18) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $10,780,000, with an estimated Federal cost of $6,967,000 and an estimated non-Federal cost of $3,813,000.

(19) LICKING RIVER BASIN, CYNTHIANA, KENTUCKY.—The project for flood damage reduction, Licking River Basin, Cynthiana, Kentucky: Report of the Chief of Engineers dated October 24, 2006, at a total cost of $18,200,000, with an estimated Federal cost of $11,830,000 and an estimated non-Federal cost of $6,370,000.

(20) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,680,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(21) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $886,700,000, with an estimated Federal cost of $576,355,000 and an estimated non-Federal cost of $310,345,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(22) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, Report of the Chief of Engineers dated December 31, 2006, at a total cost of $131,250,000, with an estimated Federal cost of $105,315,000 and an estimated non-Federal cost of $25,935,000.

(23) SMITH ISLAND, SOMERSET COUNTY, MARYLAND.—The project for environmental restoration, Smith Island, Somerset County, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of $15,580,000, with an estimated Federal cost of $10,127,000 and an estimated non-Federal cost of $5,453,000.

(24) ROSEAU RIVER, ROSEAU, MINNESOTA.—The project for flood damage reduction, Roseau River, Roseau, Minnesota, Report of the Chief of Engineers dated December 19, 2006, at a total cost of $25,100,000, with an estimated Federal cost of $13,820,000 and an estimated non-Federal cost of $11,280,000.

(25) MISSISSIPPI COASTAL, MISSISSIPPI.—The project for hurricane and storm damage reduction and environmental restoration, Mississippi Coastal, Mississippi, Report of the Chief of Engineers dated December 31, 2006, at a total cost of $107,690,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,690,000.

(26) KANSAS CITYS LEVEES, MISSOURI AND KANSAS.—The project for flood damage reduction, Kansas Citys levees, Missouri and Kansas, Report of the Chief of Engineers dated December 19, 2006, at a total cost of $65,430,000, with an estimated Federal cost of $42,530,000 and an estimated non-Federal cost of $22,900,000.

(27) SWOPE PARK INDUSTRIAL AREA, BLUE RIVER, KANSAS CITY, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Blue River, Kansas City, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $16,980,000, with an estimated Federal cost of $11,037,000 and an estimated non-Federal cost of $5,943,000.

(28) GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Great Egg Harbor Inlet to Townsends Inlet, New Jersey: Report of the Chief of Engineers dated October 24, 2006, at a total cost of $54,360,000, with an estimated Federal cost of $35,069,000 and an estimated non-Federal cost of $19,291,000, and at an estimated total cost of $202,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $101,250,000 and an estimated non-Federal cost of $101,250,000.

(29) HUDSON RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—

(A) IN GENERAL.—The project for environmental restoration, Hudson Raritan Estuary, Liberty State Park, New Jersey: Report of the Chief of Engineers dated August 25, 2006, at a total cost of $34,100,000, with an estimated Federal cost of $22,200,000 and an estimated non-Federal cost of $11,900,000.

(B) RESTORATION TEAMS.—In carrying out the project, the Secretary shall establish and utilize watershed restoration teams composed of estuary restoration experts from the Corps of Engineers, the New Jersey department of environmental protection, and the Port Authority of New York and New Jersey and other experts designated by the Secretary for the purpose of developing habitat restoration and water quality enhancement.

(30) MANASQUAN INLET TO BARNEGAT INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan Inlet to Barnegat Inlet, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $71,900,000, with an estimated Federal cost of $46,735,000 and an estimated non-Federal cost of $25,165,000, and at an estimated total cost of $119,680,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $59,840,000 and an estimated non-Federal cost of $59,840,000.

(31) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of $115,000,000, with an estimated Federal cost of $74,800,000 and an estimated non-Federal cost of $40,200,000, and at an estimated total cost of $6,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $3,250,000 and an estimated non-Federal cost of $3,250,000.

(32) SOUTH RIVER, RARITAN RIVER BASIN, NEW JERSEY.—The project for hurricane and storm damage reduction and environmental restoration, South River, Raritan River Basin, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $122,300,000, with an estimated Federal cost of $79,500,000 and an estimated non-Federal cost of $42,800,000.

(33) SOUTHWEST VALLEY, BERNALILLO COUNTY, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Bernalillo County, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of

$24,840,000, with an estimated Federal cost of $16,150,000 and an estimated non-Federal cost of $8,690,000.

(34) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of $14,600,000, with an estimated Federal cost of $7,300,000 and an estimated non-Federal cost of $7,300,000.

(35) HOCKING RIVER, MONDAY CREEK SUBBASIN, OHIO.—The project for environmental restoration, Hocking River, Monday Creek Subbasin, Ohio: Report of the Chief of Engineers dated August 24, 2006, at a total cost of $20,980,000, with an estimated Federal cost of $13,440,000 and an estimated non-Federal cost of $7,540,000.

(36) TOWN OF BLOOMSBURG, COLUMBIA COUNTY, PENNSYLVANIA.—The project for flood damage reduction, town of Bloomsburg, Columbia County, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of $44,500,000, with an estimated Federal cost of $28,925,000 and an estimated non-Federal cost of $15,575,000.

(37) PAWLEY'S ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawley's Island, South Carolina, Report of the Chief of Engineers dated December 19, 2006, at a total cost of $8,980,000, with an estimated Federal cost of $5,840,000 and an estimated non-Federal cost of $3,140,000, and at an estimated total cost of $21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $10,600,000 and an estimated non-Federal cost of $10,600,000.

(38) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $188,110,000, with an estimated Federal cost of $87,810,000 and an estimated non-Federal cost of $100,300,000.

(39) GULF INTRACOASTAL WATERWAY, MATAGORDA BAY RE-ROUTE, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(40) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, High Island to Brazos River, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of $14,450,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(41) LOWER COLORADO RIVER BASIN PHASE I, TEXAS.—The project for flood damage reduction and environmental restoration, Lower Colorado River Basin Phase I, Texas, Report of the Chief of Engineers dated December 31, 2006, at a total cost of $110,730,000, with an estimated Federal cost of $69,640,000 and an estimated non-Federal cost of $41,090,000.

(42) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT, DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of $37,200,000.

(43) CRANEY ISLAND EASTWARD EXPANSION, NORFOLK HARBOR AND CHANNELS, VIRGINIA.—The project for navigation, Craney Island Eastward Expansion, Norfolk Harbor and Channels, Virginia: Report of Chief of Engineers dated October 24, 2006, at a total cost of $712,103,000, with an estimated Federal cost of $31,229,000 and an estimated non-Federal cost of $680,874,000.

SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) HALEYVILLE, ALABAMA.—Project for flood damage reduction, Haleyville, Alabama.

(2) WEISS LAKE, ALABAMA.—Project for flood damage reduction, Weiss Lake, Alabama.

(3) LITTLE COLORADO RIVER LEVEE, ARIZONA.—Project for flood damage reduction, Little Colorado River Levee, Arizona.

(4) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River Basin, Grubbs, Arkansas.

(5) BARREL SPRINGS WASH, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Barrel Springs Wash, Palmdale, California.

(6) BORREGO SPRINGS, CALIFORNIA.—Project for flood damage reduction, Borrego Springs, California.

(7) COLTON, CALIFORNIA.—Project for flood damage reduction, Colton, California.

(8) DUNLAP STREAM, YUCAIPA, CALIFORNIA.—Project for flood damage reduction, Dunlap Stream, Yucaipa, California.

(9) HUNTS CANYON WASH, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Hunts Canyon Wash, Palmdale, California.

(10) ONTARIO AND CHINO, CALIFORNIA.—Project for flood damage reduction, Ontario and Chino, California.

(11) SANTA VENETIA, CALIFORNIA.—Project for flood damage reduction, Santa Venetia, California.

(12) WHITTIER, CALIFORNIA.—Project for flood damage reduction, Whittier, California.

(13) WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—Project for flood damage reduction, Wildwood Creek, Yucaipa, California.

(14) ST. FRANCISVILLE, LOUSIANA.—Project for flood damage reduction, St. Francisville, Louisiana.

(15) SALEM, MASSACHUSETTS.—Project for flood damage reduction, Salem, Massachusetts.

(16) CASS RIVER, MICHIGAN.—Project for flood damage reduction, Cass River, Vassar and vicinity, Michigan.

(17) CROW RIVER, ROCKFORD, MINNESOTA.—Project for flood damage reduction, Crow River, Rockford, Minnesota.

(18) MARSH CREEK, MINNESOTA.—Project for flood damage reduction, Marsh Creek, Minnesota.

(19) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota.

(20) BLACKSNAKE CREEK, ST. JOSEPH, MISSOURI.—Project for flood damage reduction, Blacksnake Creek, St. Joseph, Missouri.

(21) ACID BROOK, POMPTON LAKES, NEW JERSEY.—Project for flood damage reduction, Acid Brook, Pompton Lakes, New Jersey.

(22) CANNISTEO RIVER, ADDISON, NEW YORK.—Project for flood damage reduction, Cannisteo River, Addison, New York.

(23) COHOCTON RIVER, CAMPBELL, NEW YORK.—Project for flood damage reduction, Cohocton River, Campbell, New York.

(24) DRY AND OTTER CREEKS, CORTLAND, NEW YORK.—Project for flood damage reduction, Dry and Otter Creeks, Cortland, New York.

(25) EAST RIVER, SILVER BEACH, NEW YORK CITY, NEW YORK.—Project for flood damage reduction, East River, Silver Beach, New York City, New York.

(26) EAST VALLEY CREEK, ANDOVER, NEW YORK.—Project for flood damage reduction, East Valley Creek, Andover, New York.

(27) SUNNYSIDE BROOK, WESTCHESTER COUNTY, NEW YORK.—Project for flood damage reduction, Sunnyside Brook, Westchester County, New York.

(28) LITTLE YANKEE RUN, OHIO.—Project for flood damage reduction, Little Yankee Run, Ohio.

(29) LITTLE NESHAMINY CREEK, WARRENTON, PENNSYLVANIA.—Project for flood damage reduction, Little Neshaminy Creek, Warrenton, Pennsylvania.

(30) SOUTHAMPTON CREEK WATERSHED, SOUTHAMPTON, PENNSYLVANIA.—Project for flood damage reduction, Southampton Creek watershed, Southampton, Pennsylvania.

(31) SPRING CREEK, LOWER MACUNGIE TOWNSHIP, PENNSYLVANIA.—Project for flood damage reduction, Spring Creek, Lower Macungie Township, Pennsylvania.

(32) YARDLEY AQUEDUCT, SILVER AND BROCK CREEKS, YARDLEY, PENNSYLVANIA.—Project for flood damage reduction, Yardley Aqueduct, Silver and Brock Creeks, Yardley, Pennsylvania.

(33) SURFSIDE BEACH, SOUTH CAROLINA.—Project for flood damage reduction, Surfside Beach and vicinity, South Carolina.

(34) CONGELOSI DITCH, MISSOURI CITY, TEXAS.—Project for flood damage reduction, Congelosi Ditch, Missouri City, Texas.

(35) DILLEY, TEXAS.—Project for flood damage reduction, Dilley, Texas.

(b) SPECIAL RULES.—

(1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—The Secretary may proceed with the project for the Cache River Basin, Grubbs, Arkansas, referred to in subsection (a), notwithstanding that the project is located within the boundaries of the flood control project, Cache River Basin, Arkansas and Missouri, authorized by section 204 of the Flood Control Act of 1950, (64 Stat. 172) and modified by section 99 of the Water Resources Development Act of 1974 (88 Stat. 41).

(2) ONTARIO AND CHINO, CALIFORNIA.—The Secretary shall carry out the project for flood damage reduction, Ontario and Chino, California, referred to in subsection (a) if the Secretary determines that the project is feasible.

(3) SANTA VENETIA, CALIFORNIA.—The Secretary shall carry out the project for flood damage reduction, Santa Venetia, California, referred to in subsection (a) if the Secretary determines that the project is feasible and shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

(4) WHITTIER, CALIFORNIA.—The Secretary shall carry out the project for flood damage reduction, Whittier, California, referred to in subsection (a) if the Secretary determines that the project is feasible.

(5) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—In carrying out the project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota, referred to in subsection (a) the Secretary may consider national ecosystem restoration benefits in determining the Federal interest in the project and shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

(6) ACID BROOK, POMPTON LAKES, NEW JERSEY.—The Secretary shall carry out the project for flood damage reduction, Acid Brook,

Pompton Lakes, New Jersey, referred to in subsection (a) if the Secretary determines that the project is feasible.

(7) DILLEY, TEXAS.—The Secretary shall carry out the project for flood damage reduction, Dilley, Texas, referred to in subsection (a) if the Secretary determines that the project is feasible.

SEC. 1003. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) ST. JOHNS BLUFF TRAINING WALL, DUVAL COUNTY, FLORIDA.—Project for emergency streambank protection, St. Johns Bluff Training Wall, Duval County, Florida.

(2) GULF INTRACOASTAL WATERWAY, IBERVILLE PARISH, LOUISIANA.—Projects for emergency streambank restoration, Gulf Intracoastal Waterway, Iberville Parish, Louisiana.

(3) OUACHITA AND BLACK RIVERS, ARKANSAS AND LOUISIANA.—Projects for emergency streambank protection, Ouachita and Black Rivers, Arkansas and Louisiana.

(4) PINEY POINT LIGHTHOUSE, ST. MARY'S COUNTY, MARYLAND.—Project for emergency streambank protection, Piney Point Lighthouse, St. Mary's County, Maryland.

(5) PUG HOLE LAKE, MINNESOTA.—Project for emergency streambank protection, Pug Hole Lake, Minnesota.

(6) MIDDLE FORK GRAND RIVER, GENTRY COUNTY, MISSOURI.—Project for emergency streambank protection, Middle Fork Grand River, Gentry County, Missouri.

(7) PLATTE RIVER, PLATTE CITY, MISSOURI.—Project for emergency streambank protection, Platte River, Platte City, Missouri.

(8) RUSH CREEK, PARKVILLE, MISSOURI.—Project for emergency streambank protection, Rush Creek, Parkville, Missouri, including measures to address degradation of the creek bed.

(9) DRY AND OTTER CREEKS, CORTLAND COUNTY, NEW YORK.—Project for emergency streambank protection, Dry and Otter Creeks, Cortland County, New York.

(10) KEUKA LAKE, HAMMONDSPORT, NEW YORK.—Project for emergency streambank protection, Keuka Lake, Hammondsport, New York.

(11) KOWAWESE UNIQUE AREA AND HUDSON RIVER, NEW WINDSOR, NEW YORK.—Project for emergency streambank protection, Kowawese Unique Area and Hudson River, New Windsor, New York.

(12) OWEGO CREEK, TIOGA COUNTY, NEW YORK.—Project for emergency streambank protection, Owego Creek, Tioga County, New York.

(13) HOWARD ROAD OUTFALL, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Howard Road outfall, Shelby County, Tennessee.

(14) MITCH FARM DITCH AND LATERAL D, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Mitch Farm Ditch and Lateral D, Shelby County, Tennessee.

(15) WOLF RIVER TRIBUTARIES, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Wolf River tributaries, Shelby County, Tennessee.

(16) JOHNSON CREEK, ARLINGTON, TEXAS.—Project for emergency streambank protection, Johnson Creek, Arlington, Texas.

(17) WELLS RIVER, NEWBURY, VERMONT.—Project for emergency streambank protection, Wells River, Newbury, Vermont.

SEC. 1004. SMALL PROJECTS FOR NAVIGATION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) MISSISSIPPI RIVER SHIP CHANNEL, LOUISIANA.—Project for navigation, Mississippi River Ship Channel, Louisiana.

(2) EAST BASIN, CAPE COD CANAL, SANDWICH, MASSACHUSETTS.—Project for navigation, East Basin, Cape Cod Canal, Sandwich, Massachusetts.

(3) LYNN HARBOR, LYNN, MASSACHUSETTS.—Project for navigation, Lynn Harbor, Lynn, Massachusetts.

(4) MERRIMACK RIVER, HAVERHILL, MASSACHUSETTS.—Project for navigation, Merrimack River, Haverhill, Massachusetts.

(5) OAK BLUFFS HARBOR, OAK BLUFFS, MASSACHUSETTS.—Project for navigation, Oak Bluffs Harbor, Oak Bluffs, Massachusetts.

(6) WOODS HOLE GREAT HARBOR, FALMOUTH, MASSACHUSETTS.—Project for navigation, Woods Hole Great Harbor, Falmouth, Massachusetts.

(7) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(8) TRAVERSE CITY HARBOR, TRAVERSE CITY, MICHIGAN.—Project for navigation, Traverse City Harbor, Traverse City, Michigan.

(9) TOWER HARBOR, TOWER, MINNESOTA.—Project for navigation, Tower Harbor, Tower, Minnesota.

(10) OLCOTT HARBOR, OLCOTT, NEW YORK.—Project for navigation, Olcott Harbor, Olcott, New York.

(b) SPECIAL RULES.—

(1) TRAVERSE CITY HARBOR, TRAVERSE CITY, MICHIGAN.—The Secretary shall review the locally prepared plan for the project for navigation, Traverse City Harbor, Michigan, referred to in subsection (a), and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, the Secretary may use the plan to carry out the project and shall provide credit toward the non-Federal share of the cost of the project for the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(2) TOWER HARBOR, TOWER MINNESOTA.—The Secretary shall carry out the project for navigation, Tower Harbor, Tower, Minnesota, referred to in subsection (a) if the Secretary determines that the project is feasible.

SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a):

(1) BALLONA CREEK, LOS ANGELES COUNTY, CALIFORNIA.—Project for improvement of the quality of the environment, Ballona Creek, Los Angeles County, California.

(2) BALLONA LAGOON TIDE GATES, MARINA DEL REY, CALIFORNIA.—Project for improvement of the quality of the environment, Ballona Lagoon Tide Gates, Marina Del Rey, California.

(3) FT. GEORGE INLET, DUVAL COUNTY, FLORIDA.—Project for improvement of the quality of the environment, Ft. George Inlet, Duval County, Florida.

(4) RATHBUN LAKE, IOWA.—Project for improvement of the quality of the environment, Rathbun Lake, Iowa.

(5) SMITHVILLE LAKE, MISSOURI.—Project for improvement of the quality of the environment, Smithville Lake, Missouri.

(6) DELAWARE BAY, NEW JERSEY AND DELAWARE.—Project for improvement of the quality of the environment, Delaware Bay, New Jersey and Delaware, for the purpose of oyster restoration.

(7) TIOGA-HAMMOND LAKES, PENNSYLVANIA.—Project for improvement of the quality of the environment, Tioga-Hammond Lakes, Pennsylvania.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) CYPRESS CREEK, MONTGOMERY, ALABAMA.—Project for aquatic ecosystem restoration, Cypress Creek, Montgomery, Alabama.

(2) BLACK LAKE, ALASKA.—Project for aquatic ecosystem restoration, Black Lake, Alaska, at the head of the Chignik watershed.

(3) BEN LOMOND DAM, SANTA CRUZ, CALIFORNIA.—Project for aquatic ecosystem restoration, Ben Lomond Dam, Santa Cruz, California.

(4) DOCKWEILER BLUFFS, LOS ANGELES COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, Dockweiler Bluffs, Los Angeles County, California.

(5) SALT RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, Salt River, California.

(6) SANTA ROSA CREEK, SANTA ROSA, CALIFORNIA.—Project for aquatic ecosystem restoration, Santa Rosa Creek in the vicinity of the Prince Memorial Greenway, Santa Rosa, California.

(7) STOCKTON DEEP WATER SHIP CHANNEL AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, Stockton Deep Water Ship Channel and lower San Joaquin River, California.

(8) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, Sweetwater Reservoir, San Diego County, California, including efforts to address aquatic nuisance species.

(9) BISCAYNE BAY, FLORIDA.—Project for aquatic ecosystem restoration, Biscayne Bay, Key Biscayne, Florida.

(10) CLAM BAYOU AND DINKINS BAYOU, SANIBEL ISLAND, FLORIDA.—Project for aquatic ecosystem restoration, Clam Bayou and Dinkins Bayou, Sanibel Island, Florida.

(11) CHATTAHOOCHEE FALL LINE, GEORGIA AND ALABAMA.—Project for aquatic ecosystem restoration, Chattahoochee Fall Line, Georgia and Alabama.

(12) LONGWOOD COVE, GAINESVILLE, GEORGIA.—Project for aquatic ecosystem restoration, Longwood Cove, Gainesville, Georgia.

(13) CITY PARK, UNIVERSITY LAKES, LOUISIANA.—Project for aquatic ecosystem restoration, City Park, University Lakes, Louisiana.

(14) MILL POND, LITTLETON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Mill Pond, Littleton, Massachusetts.

(15) PINE TREE BROOK, MILTON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Pine Tree Brook, Milton, Massachusetts.

(16) RUSH LAKE, MINNESOTA.—Project for aquatic ecosystem restoration, Rush Lake, Minnesota.

(17) SOUTH FORK OF THE CROW RIVER, HUTCHINSON, MINNESOTA.—Project for aquatic ecosystem restoration, South Fork of the Crow River, Hutchinson, Minnesota.

(18) ST. LOUIS, MISSOURI.—Project for aquatic ecosystem restoration, St. Louis, Missouri.

(19) TRUCKEE RIVER, RENO, NEVADA.—Project for aquatic ecosystem restoration, Truckee River, Reno, Nevada, including features for fish passage for Washoe County.

(20) GROVER'S MILL POND, NEW JERSEY.—Project for aquatic ecosystem restoration, Grover's Mill Pond, New Jersey.

(21) DUGWAY CREEK, BRATENAHL, OHIO.—Project for aquatic ecosystem restoration, Dugway Creek, Bratenahl, Ohio.

(22) JOHNSON CREEK, GRESHAM, OREGON.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(23) BEAVER CREEK, BEAVER AND SALEM, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Beaver Creek, Beaver and Salem, Pennsylvania.

(24) CEMENTON DAM, LEHIGH RIVER, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Cementon Dam, Lehigh River, Pennsylvania.

(25) SAUCON CREEK, NORTHAMPTON COUNTY, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Saucon Creek, Northampton County, Pennsylvania.

(26) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(27) WILSON BRANCH, CHERAW, SOUTH CAROLINA.—Project for aquatic ecosystem restoration, Wilson Branch, Cheraw, South Carolina.

(28) WHITE RIVER, BETHEL, VERMONT.—Project for aquatic ecosystem restoration, White River, Bethel, Vermont.

(b) SPECIAL RULE.—The Secretary shall carry out the project for aquatic ecosystem restoration, Black Lake, Alaska referred to in subsection (a) if the Secretary determines that the project is feasible.

SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g):

(1) NELSON LAGOON, ALASKA.—Project for shoreline protection, Nelson Lagoon, Alaska.

(2) SANIBEL ISLAND, FLORIDA.—Project for shoreline protection, Sanibel Island, Florida.

(3) APRA HARBOR, GUAM.—Project for shoreline protection, Apra Harbor, Guam.

(4) PITI, CABRAS ISLAND, GUAM.—Project for shoreline protection, Piti, Cabras Island, Guam.

(5) NARROWS AND GRAVESEND BAY, UPPER NEW YORK BAY, BROOKLYN, NEW YORK.—Project for shoreline protection in the vicinity of the confluence of the Narrows and Gravesend Bay, Upper New York Bay, Shore Parkway Greenway, Brooklyn, New York.

(6) DELAWARE RIVER, PHILADELPHIA NAVAL SHIPYARD, PENNSYLVANIA.—Project for shoreline protection, Delaware River in the vicinity of the Philadelphia Naval Shipyard, Pennsylvania.

(7) PORT ARANSAS, TEXAS.—Project for shoreline protection, Port Aransas, Texas.

SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g): Project for removal of snags and clearing and straightening of channels for flood control, Kowawese Unique Area and Hudson River, New Windsor, New York.

TITLE II—GENERAL PROVISIONS

SEC. 2001. NON-FEDERAL CONTRIBUTIONS.

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

"(n) NON-FEDERAL CONTRIBUTIONS.—

"(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.—The Secretary may not—

"(A) solicit contributions from non-Federal interests for costs of constructing authorized water resources projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c); or

"(B) condition Federal participation in such projects or measures on the receipt of such contributions.

"(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect the Secretary's authority under section 903(c).".

SEC. 2002. HARBOR COST SHARING.

(a) PAYMENTS DURING CONSTRUCTION.—Section 101(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended in each of subparagraphs (B) and (C) by striking "45 feet" and inserting "53 feet".

(b) OPERATION AND MAINTENANCE.—Section 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended by striking "45 feet" and inserting "53 feet".

(c) DEFINITIONS.—Section 214 of such Act (33 U.S.C. 2241; 100 Stat. 4108) is amended in each of paragraphs (1) and (3) by striking "45 feet" and inserting "53 feet".

(d) APPLICABILITY.—The amendments made by subsections (a), (b), and (c) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before October 1, 2003.

(e) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise any partnership agreement entered into after October 1, 2003, for any project to which the amendments made by subsections (a), (b), and (c) apply to take into account the change in non-Federal participation in the project as a result of such amendments.

SEC. 2003. FUNDING TO PROCESS PERMITS.

Section 214(c) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat. 1836; 119 Stat. 2169; 120 Stat. 318; 120 Stat. 3197) is amended by striking "2008" and inserting "2010".

SEC. 2004. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 5(a) of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426h(a)), is amended by striking "7 years" and inserting "10 years".

(b) EXTENSION OF PLANNING, DESIGN, AND CONSTRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33 U.S.C. 426h(b)(1)(A)) is amended by striking "3 years" and inserting "6 years".

(c) COST SHARING; REMOVAL OF PROJECTS.—Section 5(b) of such Act (33 U.S.C. 426h(b)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) COST SHARING.—The Secretary may enter into a cost sharing agreement with a non-Federal interest to carry out a project, or a phase of a project, under the erosion control program in cooperation with the non-Federal interest.

"(4) REMOVAL OF PROJECTS.—The Secretary may pay all or a portion of the costs of removing a project, or an element of a project, constructed under the erosion control program if the Secretary determines during the term of the program that the project or element is detrimental to the environment, private property, or public safety.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended by striking "$25,000,000" and inserting "$31,000,000".

SEC. 2005. SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.

Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), is amended by striking "$3,000,000" and inserting "$5,000,000".

SEC. 2006. AQUATIC ECOSYSTEM RESTORATION.

Section 206(e) of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended by striking "$25,000,000" and inserting "$40,000,000".

SEC. 2007. SMALL FLOOD DAMAGE REDUCTION PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking "$50,000,000" and inserting "$60,000,000".

SEC. 2008. MODIFICATION OF PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

Section 1135(h) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(h)) is amended by striking "$25,000,000" and inserting "$30,000,000".

SEC. 2009. WRITTEN AGREEMENT FOR WATER RESOURCES PROJECTS.

(a) IN GENERAL.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) is amended—

(1) by striking "SEC. 221" and inserting the following:

"SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.";

(2) by striking subsection (a) and inserting the following:

"(a) COOPERATION OF NON-FEDERAL INTEREST.—

"(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the Secretary (or, where appropriate, the district engineer for the district in which the project will be carried out) under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

"(2) LIQUIDATED DAMAGES.—A partnership agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of one or more parties to perform.

"(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any partnership agreement described in paragraph (1) and entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

"(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

"(A) IN GENERAL.—A partnership agreement described in paragraph (1) may provide with respect to a project that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented without specific authorization in law, the value of in-kind contributions made by the non-Federal interest, including—

"(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are

provided by the non-Federal interest for implementation of the project;

"(ii) the value of materials or services provided before execution of the partnership agreement, including efforts on constructed elements incorporated into the project; and

"(iii) the value of materials and services provided after execution of the partnership agreement.

"(B) Condition.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the material or service provided as an in-kind contribution is integral to the project.

"(C) Work performed before partnership agreement.—In any case in which the non-Federal interest is to receive credit under subparagraph (A)(ii) for the cost of work carried out by the non-Federal interest and such work has not been carried out as of the date of enactment of this subparagraph, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work, and only work carried out following the execution of the agreement shall be eligible for credit.

"(D) Limitations.—Credit authorized under this paragraph for a project—

"(i) shall not exceed the non-Federal share of the cost of the project;

"(ii) shall not alter any other requirement that a non-Federal interest provide lands, easements or rights-of-way, or areas for disposal of dredged material for the project;

"(iii) shall not alter any requirement that a non-Federal interest pay a portion of the costs of construction of the project under sections 101 and 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211; 33 U.S.C. 2213); and

"(iv) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.

"(E) Applicability.—

"(i) In general.—This paragraph shall apply to water resources projects authorized after November 16, 1986, including projects initiated after November 16, 1986, without specific authorization in law.

"(ii) Limitation.—In any case in which a specific provision of law provides for a non-Federal interest to receive credit toward the non-Federal share of the cost of a study for, or construction or operation and maintenance of, a water resources project, the specific provision of law shall apply instead of this paragraph.".

(b) Non-Federal Interest.—Section 221(b) of such Act is amended to read as follows:

"(b) Definition of Non-Federal Interest.—The term 'non-Federal interest' means a legally constituted public body (including a federally recognized Indian tribe), and a nonprofit entity with the consent of the affected local government, that has full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform.".

(c) Program Administration.—Section 221 of such Act is further amended—

(1) by redesignating subsection (e) as subsection (h); and

(2) by inserting after subsection (d) the following:

"(e) Delegation of Authority.—Not later than September 30, 2008, the Secretary shall issue policies and guidelines for partnership agreements that delegate to the district engineers, at a minimum—

"(1) the authority to approve any policy in a partnership agreement that has appeared in an agreement previously approved by the Secretary;

"(2) the authority to approve any policy in a partnership agreement the specific terms of which are dictated by law or by a final feasibility study, final environmental impact statement, or other final decision document for a water resources project;

"(3) the authority to approve any partnership agreement that complies with the policies and guidelines issued by the Secretary; and

"(4) the authority to sign any partnership agreement for any water resources project unless, within 30 days of the date of authorization of the project, the Secretary notifies the district engineer in which the project will be carried out that the Secretary wishes to retain the prerogative to sign the partnership agreement for that project.

"(f) Report to Congress.—Not later than 2 years after the date of enactment of this subsection, and every year thereafter, the Secretary shall submit to Congress a report detailing the following:

"(1) The number of partnership agreements signed by district engineers and the number of partnership agreements signed by the Secretary.

"(2) For any partnership agreement signed by the Secretary, an explanation of why delegation to the district engineer was not appropriate.

"(g) Public Availability.—Not later than 120 days after the date of enactment of this subsection, the Chief of Engineers shall—

"(1) ensure that each district engineer has made available to the public, including on the Internet, all partnership agreements entered into under this section within the preceding 10 years and all partnership agreements for water resources projects currently being carried out in that district; and

"(2) make each partnership agreement entered into after such date of enactment available to the public, including on the Internet, not later than 7 days after the date on which such agreement is entered into.".

(d) Local Cooperation.—Section 912(b) of the Water Resources Development Act of 1986 (101 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) by striking "shall" the first place it appears and inserting "may"; and

(B) by striking the last sentence; and

(2) in paragraph (4)—

(A) by inserting after "injunction, for" the following: "payment of damages or, for";

(B) by striking "to collect a civil penalty imposed under this section,"; and

(C) by striking "any civil penalty imposed under this section," and inserting "any damages,".

(e) Applicability.—The amendments made by subsections (a), (b), and (d) only apply to partnership agreements entered into after the date of enactment of this Act; except that, at the request of a non-Federal interest for a project, the district engineer for the district in which the project is located may amend a project partnership agreement entered into on or before such date and under which construction on the project has not been initiated as of such date of enactment for the purpose of incorporating such amendments.

(f) Partnership and Cooperative Arrangements; References.—

(1) In general.—A goal of agreements entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) shall be to further partnership and cooperative arrangements, and the agreements shall be referred to as "partnership agreements".

(2) References to cooperation agreements.—Any reference in a law, regulation, document, or other paper of the United States to a "cooperation agreement" or "project cooperation agreement" shall be deemed to be a reference to a "partnership agreement" or a "project partnership agreement", respectively.

(3) References to partnership agreements.—Any reference to a "partnership agreement" or "project partnership agreement" in this Act (other than this section) shall be deemed to be a reference to a "cooperation agreement" or a "project cooperation agreement", respectively.

SEC. 2010. ASSISTANCE FOR REMEDIATION, RESTORATION, AND REUSE.

(a) In General.—The Secretary may provide to State and local governments assessment, planning, and design assistance for remediation, environmental restoration, or reuse of areas located within the boundaries of such State or local governments where such remediation, environmental restoration, or reuse will contribute to the improvement of water quality or the conservation of water and related resources of drainage basins and watersheds within the United States.

(b) Non-Federal Share.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 through 2012.

SEC. 2011. COMPILATION OF LAWS.

(a) Compilation of Laws Enacted After November 8, 1966.—Not later than one year after the date of enactment of this Act, the Secretary and the Chief of Engineers shall prepare a compilation of the laws of the United States relating to the improvement of rivers and harbors, flood damage reduction, beach and shoreline erosion, hurricane and storm damage reduction, ecosystem and environmental restoration, and other water resources development enacted after November 8, 1966, and before January 1, 2008, and have such compilation printed for the use of the Department of the Army, Congress, and the general public.

(b) Reprint of Laws Enacted Before November 8, 1966.—The Secretary shall have the volumes containing the laws referred to in subsection (a) enacted before November 8, 1966, reprinted.

(c) Index.—The Secretary shall include an index in each volume compiled, and each volume reprinted, pursuant to this section.

(d) Congressional Copies.—Not later than December 1, 2008, the Secretary shall transmit at least 25 copies of each volume compiled, and of each volume reprinted, pursuant to this section to each of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(e) Availability.—The Secretary shall ensure that each volume compiled, and each volume reprinted, pursuant to this section are available through electronic means, including the Internet.

SEC. 2012. DREDGED MATERIAL DISPOSAL.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) Dredged Material Facility.—

"(1) In general.—The Secretary may enter into a partnership agreement under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) with one or more non-Federal interests with respect to a water resources project, or group of water resources projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

"(2) PERFORMANCE.—One or more of the parties to a partnership agreement under this subsection may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

"(3) MULTIPLE PROJECTS.—If a facility to which this subsection applies serves to manage dredged material from multiple water resources projects located in the geographic region of the facility, the Secretary may combine portions of such projects with appropriate combined costsharing between the various projects in a partnership agreement for the facility under this subsection.

"(4) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—

"(A) SPECIFIED FEDERAL FUNDING.—A partnership agreement with respect to a facility under this subsection shall specify—

"(i) the Federal funding sources and combined cost-sharing when applicable to multiple water resources projects; and

"(ii) the responsibilities and risks of each of the parties relating to present and future dredged material managed by the facility.

"(B) MANAGEMENT OF SEDIMENTS.—

"(i) IN GENERAL.—A partnership agreement under this subsection may include the management of sediments from the maintenance dredging of Federal water resources projects that do not have partnership agreements.

"(ii) PAYMENTS.—A partnership agreement under this subsection may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material processing, treatment, contaminant reduction, or disposal facilities.

"(C) CREDIT.—A partnership agreement under this subsection may allow costs incurred by the non-Federal interest before execution of the partnership agreement to be credited in accordance with section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)).

"(5) CREDIT.—

"(A) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any non-Federal interest for the cost-sharing, construction, and operation and maintenance of a water resources project.

"(B) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal interest for a water resources project may receive credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility to the extent the facility is used to manage dredged material from the project.

"(C) NON-FEDERAL INTEREST RESPONSIBILITIES.—A non-Federal interest entering into a partnership agreement under this subsection for a facility shall—

"(i) be responsible for providing all necessary lands, easements, rights-of-way, and relocations associated with the facility; and

"(ii) receive credit toward the non-Federal share of the cost of the project with respect to which the agreement is being entered into for those items."; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as redesignated by paragraph (1))—

(A) by inserting "and maintenance" after "operation" each place it appears; and

(B) by inserting "processing, treatment, contaminant reduction, or" after "dredged material" the first place it appears in each of those paragraphs.

SEC. 2013. WETLANDS MITIGATION.

In carrying out a water resources project that involves wetlands mitigation and that has impacts that occur within the same watershed of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall first consider the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605) or other applicable Federal law (including regulations).

SEC. 2014. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) MITIGATION PLAN CONTENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended by adding at the end the following:

"(3) CONTENTS.—A mitigation plan shall include—

"(A) a description of the physical action to be undertaken to achieve the mitigation objectives within the watershed in which such losses occur and, in any case in which mitigation must take place outside the watershed, a justification detailing the rationale for undertaking the mitigation outside of the watershed;

"(B) a description of the lands or interests in lands to be acquired for mitigation and the basis for a determination that such lands are available for acquisition;

"(C) the type, amount, and characteristics of the habitat being restored;

"(D) success criteria for mitigation based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics; and

"(E) a plan for any necessary monitoring to determine the success of the mitigation, including the cost and duration of any monitoring and, to the extent practicable, the entities responsible for any monitoring.

"(4) RESPONSIBILITY FOR MONITORING.—In any case in which it is not practicable to identify in a mitigation plan for a water resources project, the entity responsible for monitoring at the time of a final report of the Chief of Engineers or other final decision document for the project, such entity shall be identified in the partnership agreement entered into with the non-Federal interest.".

(b) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of construction of projects that require mitigation under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283; 100 Stat. 4186) and the status of such mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of all projects that are under construction, all projects for which the President requests funding for the next fiscal year, and all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986.

SEC. 2015. REMOTE AND SUBSISTENCE HARBORS.

(a) IN GENERAL.—In conducting a study of harbor and navigation improvements, the Secretary may recommend a project without the need to demonstrate that the project is justified solely by national economic development benefits if the Secretary determines that—

(1)(A) the community to be served by the project is at least 70 miles from the nearest surface accessible commercial port and has no direct rail or highway link to another community served by a surface accessible port or harbor; or

(B) the project would be located in the Commonwealth of Puerto Rico, Guam, the'Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, or American Samoa;

(2) the harbor is economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the community served by the harbor and navigation improvement; and

(3) the long-term viability of the community would be threatened without the harbor and navigation improvement.

(b) JUSTIFICATION.—In considering whether to recommend a project under subsection (a), the Secretary shall consider the benefits of the project to—

(1) public health and safety of the local community, including access to facilities designed to protect public health and safety;

(2) access to natural resources for subsistence purposes;

(3) local and regional economic opportunities;

(4) welfare of the local population; and

(5) social and cultural value to the community.

SEC. 2016. BENEFICIAL USES OF DREDGED MATERIAL.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by striking subsections (c) through (g) and inserting the following:

"(c) IN GENERAL.—The Secretary may carry out projects to transport and place sediment obtained in connection with the construction, operation, or maintenance of an authorized water resources project at locations selected by a non-Federal entity for use in the construction, repair, or rehabilitation of projects determined by the Secretary to be in the public interest and associated with navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

"(d) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into an agreement with the Secretary in which the non-Federal interests agree to pay the non-Federal share of the cost of construction of the project and 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

"(e) SPECIAL RULE.—Construction of a project under subsection (a) for one or more of the purposes of protection, restoration, or creation of aquatic and ecologically related habitat, the cost of which does not exceed $750,000 and which will be located in a disadvantaged community as determined by the Secretary, may be carried out at Federal expense.

"(f) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project under this section shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized water resources project in the most cos- effective way, consistent with economic, engineering, and environmental criteria.

"(g) SELECTION OF SEDIMENT DISPOSAL METHOD.—In developing and carrying out a water resources project involving the disposal of sediment, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived *from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsections (d) and (f).*

"(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $30,000,000 annually for projects under this section of which not more than $3,000,000 annually may be used for construction of projects described in subsection (e). Such sums shall remain available until expended.

"(j) REGIONAL SEDIMENT MANAGEMENT PLANNING.—In consultation with appropriate State and Federal agencies, the Secretary may develop, at Federal expense, plans for regional management of sediment obtained in conjunction with the construction, operation, or maintenance of water resources projects, including potential beneficial uses of sediment for construction, repair, or rehabilitation of public projects for navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

"(k) USE OF FUNDS.—

"(1) NON-FEDERAL INTEREST.—The non-Federal interest for a project described in this section may use, and the Secretary shall accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of such project if such funds are authorized to be used to carry out such project.

"(2) OTHER FEDERAL AGENCIES.—The non-Federal share of the cost of construction of a project under this section may be met through contributions from a Federal agency made directly to the Secretary, with the consent of the affected local government, if such funds are authorized to be used to carry out such project. Before initiating a project to which this paragraph applies, the Secretary shall enter into an agreement with a non-Federal interest in which the non-Federal interest agrees to pay 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project.".

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) HOLD HARMLESS.—The repeal made by paragraph (1) shall not affect the authority of the Secretary to complete any project being carried out under such section 145 on the day before the date of enactment of this Act.

(c) PRIORITY AREAS.—In carrying out section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall give priority to the following:

(1) A project at Little Rock Slackwater Harbor, Arkansas.

(2) A project at Egmont Key, Florida.

(3) A project in the vicinity of Calcasieu Ship Channel, Louisiana.

(4) A project in the vicinity of the Smith Point Park Pavilion and the TWA Flight 800 Memorial, Brookhaven, New York.

(5) A project in the vicinity of Morehead City, North Carolina.

(6) A project in the vicinity of Galveston Bay, Texas.

(7) A project at Benson Beach, Washington.

SEC. 2017. COST-SHARING PROVISIONS FOR CERTAIN AREAS.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended to read as follows:

"SEC. 1156. COST-SHARING PROVISIONS FOR CERTAIN AREAS.

"The Secretary shall waive local cost-sharing requirements up to $500,000 for all studies and projects—

"(1) in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands;

"(2) in Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations); or

"(3) on land in the State of Alaska owned by an Alaska Native Regional Corporation or an Alaska Native Village Corporation (as those terms are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) or the Metlakatla Indian community.".

SEC. 2018. USE OF OTHER FEDERAL FUNDS.

The non-Federal interest for a water resources study or project may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of the study or project if such funds are authorized to be used to carry out the study or project.

SEC. 2019. REVISION OF PROJECT PARTNERSHIP AGREEMENT.

Upon authorization by law of an increase in the maximum amount of Federal funds that may be allocated for a water resources project or an increase in the total cost of a water resources project authorized to be carried out by the Secretary, the Secretary shall revise the partnership agreement for the project to take into account the change in Federal participation in the project.

SEC. 2020. COST SHARING.

An increase in the maximum amount of Federal funds that may be allocated for a water resources project, or an increase in the total cost of a water resources project, authorized to be carried out by the Secretary shall not affect any cost-sharing requirement applicable to the project.

SEC. 2021. EXPEDITED ACTIONS FOR EMERGENCY FLOOD DAMAGE REDUCTION.

The Secretary shall expedite any authorized planning, design, and construction of any project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life and caused damage of sufficient severity and magnitude to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 2022. WATERSHED AND RIVER BASIN ASSESSMENTS.

(a) IN GENERAL.—Section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a; 114 Stat. 2587–2588; 100 Stat. 4164) is amended—

(1) in subsection (d)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ";"; and

(C) by adding at the end the following:

"(6) Tuscarawas River Basin, Ohio;

"(7) Sauk River Basin, Snohomish and Skagit Counties, Washington;

"(8) Niagara River Basin, New York;

"(9) Genesee River Basin, New York; and

"(10) White River Basin, Arkansas and Missouri.";

(2) by striking paragraph (1) of subsection (f) and inserting the following:

"(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent."; and

(3) by striking subsection (g).

(b) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise the partnership agreement for any assessment being carried out under such section 729 to take into account the change in non-Federal participation in the assessment as a result of the amendments made by subsection (a).

SEC. 2023. TRIBAL PARTNERSHIP PROGRAM.

(a) SCOPE.—Section 203(b)(1)(B) of the Water Resources Development Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat. 2589) is amended by inserting after "Code" the following: ", and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(e) of such Act is amended by striking "2006" and inserting "2012".

SEC. 2024. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting "the Secretary of the Army," after "the Secretary of Energy,".

SEC. 2025. TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a) by striking "(a) The Secretary" and inserting the following:

"(a) FEDERAL STATE COOPERATION.—

"(1) COMPREHENSIVE PLANS.—The Secretary";

(2) by inserting after the last sentence in subsection (a) the following:

"(2) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to such agency or non-Federal interest in managing water resources.

"(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.";

(3) in subsection (b)(1) by striking "this section" each place it appears and inserting "subsection (a)(1)";

(4) in subsection (b)(3) by striking "Up to ½ of the" and inserting "The";

(5) in subsection (c) by striking "(c) There is" and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FEDERAL AND STATE COOPERATION.—There is";

(6) in subsection (c)(1) (as designated by paragraph (5))—

(A) by striking "the provisions of this section" and inserting "subsection (a)(1)"; and

(B) by striking "$500,000" and inserting "$1,000,000";

(7) by inserting at the end of subsection (c) the following:

"(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated $5,000,000 annually to carry out subsection (a)(2), of which not more than $2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.";

(8) by redesignating subsection (d) as subsection (e); and

(9) by inserting after subsection (c) the following:

"(d) ANNUAL SUBMISSION OF PROPOSED ACTIVITIES.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program

for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the individual activities proposed for funding under subsection (a)(1) for that fiscal year.".

SEC. 2026. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) by striking "and" at end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting a semicolon; and

(3) by adding at the end the following:

"(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(21) McCarter Pond, Borough of Fairhaven, New Jersey, removal of silt and measures to address water quality;

"(22) Rogers Pond, Franklin Township, New Jersey, removal of silt and restoration of structural integrity;

"(23) Greenwood Lake, New York and New Jersey, removal of silt and aquatic growth;

"(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity; and

"(25) Lake Luxembourg, Pennsylvania.".

SEC. 2027. COORDINATION AND SCHEDULING OF FEDERAL, STATE, AND LOCAL ACTIONS.

(a) NOTICE OF INTENT.—Upon request of the non-Federal interest in the form of a written notice of intent to construct or modify a non-Federal water supply, wastewater infrastructure, flood damage reduction, storm damage reduction, ecosystem restoration, or navigation project that requires the approval of the Secretary, the Secretary shall initiate, subject to subsection (g)(1), procedures to establish a schedule for consolidating Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and issuance of all permits for the construction or modification of the project. The non-Federal interest shall submit to the Secretary, with the notice of intent, studies and documentation, including environmental reviews, that may be required by Federal law for decisionmaking on the proposed project. All States and Indian tribes having jurisdiction over the proposed project shall be invited by the Secretary, but shall not be required, to participate in carrying out this section with respect to the project.

(b) PROCEDURAL REQUIREMENTS.—Within 15 days after receipt of notice under subsection (a), the Secretary shall publish such notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under subsection (a) to all State and local agencies and Indian tribes that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in subsection (c) with respect to the project. Within 30 days after publication of the notice in the Federal Register, State and local agencies and Indian tribes that intend to enter into the memorandum of agreement with respect to the project shall notify the Secretary of their intent in writing.

(c) SCHEDULING AGREEMENT.—Within 90 days after the date of receipt of notice under subsection (a) with respect to a project, the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, as necessary, and any State or local agencies that have notified the Secretary under subsection (b) shall enter into an agreement with the Secretary establishing a schedule of decisionmaking for approval of the project and permits associated with the project and with related activities.

(d) CONTENTS OF AGREEMENT.—An agreement entered into under subsection (c) with respect to a project, to the extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest's responsibilities for data development and information that may be necessary to process each permit required for the project, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency or Indian tribe.

(e) REVISION OF AGREEMENT.—The Secretary may revise an agreement entered into under subsection (c) with respect to a project once to extend the schedule to allow the non-Federal interest the minimum amount of additional time necessary to revise its original application to meet the objections of a Federal, State, or local agency or Indian tribe that is a party to the agreement.

(f) FINAL DECISION.—Not later than the final day of a schedule established by an agreement entered into under subsection (c) with respect to a project, the Secretary shall notify the non-Federal interest of the final decision on the project and whether the permit or permits have been issued.

(g) COSTS OF COORDINATION.—The costs incurred by the Secretary to establish and carry out a schedule to consolidate Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permit issuance for a project under this section shall be paid by the non-Federal interest.

(h) REPORT ON TIMESAVINGS METHODS.—Not later than 3 years after the date of enactment of this section, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, local, and tribal permits for the construction of non-Federal projects for water supply, wastewater infrastructure, flood damage reduction, storm damage reduction, ecosystem restoration, and navigation. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

SEC. 2028. PROJECT STREAMLINING.

(a) POLICY.—The benefits of water resources projects are important to the Nation's economy and environment, and recommendations to Congress regarding such projects should not be delayed due to uncoordinated or inefficient reviews or the failure to timely resolve disputes during the development of water resources projects.

(b) SCOPE.—This section shall apply to each study initiated after the date of enactment of this Act to develop a feasibility report under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), or a reevaluation report, for a water resources project if the Secretary determines that such study requires an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) WATER RESOURCES PROJECT REVIEW PROCESS.—The Secretary shall develop and implement a coordinated review process for the development of water resources projects.

(d) COORDINATED REVIEWS.—

(1) IN GENERAL.—The coordinated review process under this section shall provide that all reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal, State, or local government agency or Indian tribe for the development of a water resources project described in subsection (b) will be conducted, to the maximum extent practicable, concurrently and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (e) with respect to the project.

(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (e) with respect to the development of a water resources project shall formulate and implement administrative policy and procedural mechanisms to enable the agency to ensure completion of reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) for the project in a timely and environmentally responsible manner.

(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to the development of each water resources project, the Secretary shall identify, as soon as practicable all Federal, State, and local government agencies and Indian tribes that may—

(1) have jurisdiction over the project;

(2) be required by law to conduct or issue a review, analysis, or opinion for the project; or

(3) be required to make a determination on issuing a permit, license, or approval for the project.

(f) STATE AUTHORITY.—If the coordinated review process is being implemented under this section by the Secretary with respect to the development of a water resources project described in subsection (b) within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

(1) have jurisdiction over the project;

(2) are required to conduct or issue a review, analysis, or opinion for the project; or

(3) are required to make a determination on issuing a permit, license, or approval for the project.

(g) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a water resources project between the Secretary, the heads of Federal, State, and local government agencies, Indian tribes identified under subsection (e), and the non-Federal interest for the project.

(h) EFFECT OF FAILURE TO MEET DEADLINE.—

(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal, State, or local government agency, Indian tribe, or non-Federal interest that is participating in the coordinated review process under this section with respect to the development of a water resources project has not met a deadline established under subsection (d) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Council on Environmental Quality, and the agency, Indian tribe, or non-Federal interest involved about the failure to meet the deadline.

(2) AGENCY REPORT.—Not later than 30 days after the date of receipt of a notice under paragraph (1), the Federal, State, or local government agency, Indian tribe, or non-Federal interest involved may submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Council on Environmental Quality explaining why the agency, Indian tribe, or non-Federal interest did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, or opinion or determination on issuing a permit, license, or approval.

(i) PURPOSE AND NEED AND DETERMINATION OF REASONABLE ALTERNATIVES.—

(1) In general.—The Secretary, as the Federal lead agency responsible for carrying out a study for a water resources project and the associated process for meeting the requirements of the National Environmental Policy Act of 1969, shall—

(A) define the project's purpose and need for purposes of any document which the Secretary is responsible for preparing for the project and shall determine the range of alternatives for consideration in any document which the Secretary is responsible for preparing for the project; and

(B) determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for the project.

(2) Preferred alternative.—At the discretion of the Secretary, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives.

(j) Limitations.—Nothing in this section shall preempt or interfere with—

(1) any statutory requirement for seeking public comment;

(2) any power, jurisdiction, or authority that a Federal, State, or local government agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project; or

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 and the regulations issued by the Council on Environmental Quality to carry out such Act.

SEC. 2029. COOPERATIVE AGREEMENTS.

(a) In General.—For the purpose of expediting the cost-effective design and construction of wetlands restoration that is part of an authorized water resources project, the Secretary may enter into cooperative agreements under section 6305 of title 31, United States Code, with nonprofit organizations with expertise in wetlands restoration to carry out such design and construction on behalf of the Secretary.

(b) Limitations.—

(1) Per project limit.—A cooperative agreement under this section shall not obligate the Secretary to pay the nonprofit organization more than $1,000,000 for any single wetlands restoration project.

(2) Annual limit.—The total value of work carried out under cooperative agreements under this section may not exceed $5,000,000 in any fiscal year.

SEC. 2030. TRAINING FUNDS.

(a) In General.—The Secretary may include individuals not employed by the Department of the Army in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) Expenses.—

(1) In general.—An individual not employed by the Department of the Army attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) Payments.—Payments made by an individual for training received under paragraph (1), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriations account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) Excess amounts.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2031. ACCESS TO WATER RESOURCE DATA.

(a) In General.—The Secretary shall carry out a program to provide public access to water resources and related water quality data in the custody of the Corps of Engineers.

(b) Data.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resources project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) Partnerships.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

SEC. 2032. SHORE PROTECTION PROJECTS.

(a) In General.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote beach nourishment for the purposes of flood damage reduction and hurricane and storm damage reduction and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) Preference.—In carrying out the policy under subsection (a), preference shall be given to—

(1) areas in which there has been a Federal investment of funds for the purposes described in subsection (a); and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) Applicability.—The Secretary shall apply the policy under subsection (a) to each shore protection and beach renourishment project (including shore protection and beach renourishment projects constructed before the date of enactment of this Act).

SEC. 2033. ABILITY TO PAY.

(a) Criteria and Procedures.—Section 103(m)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(2)) is amended by striking "180 days after such date of enactment" and inserting "September 30, 2007".

(b) Projects.—The Secretary shall apply the criteria and procedures referred to in section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the following projects:

(1) St. Johns Bayou and New Madrid Floodway, Missouri.—The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(2) Lower Rio Grande Basin, Texas.—The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

(3) West Virginia and Pennsylvania Projects.—The projects for flood control authorized by section 581 of the Water Resources Development Act of 1996 (110 Stat. 3790–3791).

SEC. 2034. LEASING AUTHORITY.

Section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved December 22, 1944 (16 U.S.C. 460d), is amended—

(1) by inserting "federally recognized Indian tribes and" before "Federal" the first place it appears;

(2) by inserting "Indian tribes or" after "considerations, to such"; and

(3) by inserting "federally recognized Indian tribe" after "That in any such lease or license to a".

SEC. 2035. COST ESTIMATES.

The estimated Federal and non-Federal costs of projects authorized to be carried out by the Secretary before, on, or after the date of enactment of this Act are for informational purposes only and shall not be interpreted as affecting the cost sharing responsibilities established by law.

SEC. 2036. PROJECT PLANNING.

(a) Determination of Certain National Benefits.—

(1) Sense of congress.—It is the sense of Congress that, consistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (1983), the Secretary may select a water resources project alternative that does not maximize net national economic development benefits or net national ecosystem restoration benefits if there is an overriding reason based on other Federal, State, local, or international concerns.

(2) Flood damage reduction, navigation, and hurricane storm damage reduction projects.—With respect to a water resources project the primary purpose of which is flood damage reduction, navigation, or hurricane and storm damage reduction, an overriding reason for selecting a plan other than the plan that maximizes net national economic development benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater ecosystem restoration benefits.

(3) Ecosystem restoration projects.—With respect to a water resources project the primary purpose of which is ecosystem restoration, an overriding reason for selecting a plan other than the plan that maximizes net national ecosystem restoration benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater economic development benefits.

(b) Identifying Additional Benefits and Projects.—

(1) Primarily economic benefits.—In conducting a study of the feasibility of a project where the primary benefits are expected to be economic, the Secretary may identify ecosystem restoration benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of additional measures, a separate project, or separable project element to achieve those benefits.

(2) Primarily ecosystem restoration benefits.—In conducting a study of the feasibility of a project where the primary benefits are expected to be associated with ecosystem restoration, the Secretary may identify economic benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of additional measures, a separate project, or separable project element to achieve those benefits.

(3) Rules applicable to certain measures, projects, and elements.—Any additional measures, separate project, or separable element identified under paragraph (1) or (2) and recommended for construction shall not be considered integral to the underlying project and, if

authorized, shall be subject to a separate partnership agreement, unless a non-Federal interest agrees to share in the cost of the additional measures, project, or separable element.

(c) CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of any upstream or downstream impacts of the proposed project; and

(3) calculations to ensure that the benefits and costs associated with structural and nonstructural alternatives are evaluated in an equitable manner.

SEC. 2037. INDEPENDENT PEER REVIEW.

(a) PROJECT STUDIES SUBJECT TO INDEPENDENT PEER REVIEW.—

(1) IN GENERAL.—Project studies shall be subject to a peer review by an independent panel of experts as determined under this section.

(2) SCOPE.—The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.

(3) PROJECT STUDIES SUBJECT TO PEER REVIEW.—

(A) MANDATORY.—A project study shall be subject to peer review under paragraph (1)—

(i) if the project has an estimated total cost of more than $50,000,000, including mitigation costs, and is not determined by the Chief of Engineers to be exempt from peer review under paragraph (6); or

(ii) the Governor of an affected State requests a peer review by an independent panel of experts.

(B) DISCRETIONARY.—A project study may be subject to peer review if—

(i) the head of a Federal or State agency charged with reviewing the project study determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans and requests a peer review by an independent panel of experts; or

(ii) the Chief of Engineers determines that the project study is controversial.

(4) CONTROVERSIAL PROJECTS.—Upon receipt of a written request under paragraph (3)(B) or on the initiative of the Chief of Engineers, the Chief of Engineers shall determine whether a project study is controversial.

(5) FACTORS TO CONSIDER.—In determining whether a project study is controversial, the Chief of Engineers shall consider if—

(A) there is a significant public dispute as to the size, nature, or effects of the project; or

(B) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

(6) PROJECT STUDIES EXCLUDED FROM PEER REVIEW.—Project studies that may be excluded from peer review under paragraph (1) are—

(A) a study for a project the Chief of Engineers determines—

(i) is not controversial;

(ii) has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources;

(iii) has no substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures; and

(iv) has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1539 et seq.) or the critical habitat of such species designated under such Act; and

(B) a study for a project pursued under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107(a) of the River and Harbor Act of 1960 (33 U.S.C. 577(a)), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), or section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(7) APPEAL.—The decision of the Chief of Engineers whether to peer review a project study shall be published in the Federal Register and shall be subject to appeal by a person referred to in paragraph (3)(B)(i) or (3)(B)(ii) to the Secretary of the Army if such appeal is made within the 30-day period following the date of such publication.

(8) DETERMINATION OF PROJECT COST.—For purposes of determining the estimated total cost of a project under paragraph (3)(A), the project cost shall be based upon the reasonable estimates of the Chief of Engineers at the completion of the reconnaissance study for the project. If the reasonable estimate of project costs is subsequently determined to be in excess of the amount in paragraph (3)(A), the Chief of Engineers shall make a determination whether a project study should be reviewed under this section.

(b) TIMING OF PEER REVIEW.—The Chief of Engineers shall determine the timing of a peer review of a project study under subsection (a). In all cases, the peer review shall occur during the period beginning on the date of the completion of the reconnaissance study for the project and ending on the date the draft report of the Chief of Engineers for the project is made available for public comment. Where the Chief of Engineers has not initiated a peer review of a project study, the Chief of Engineers shall consider, at a minimum, whether to initiate a peer review at the time that—

(1) the without-project conditions are identified;

(2) the array of alternatives to be considered are identified; and

(3) the preferred alternative is identified.

Nothing in this subsection shall be construed to require the Chief of Engineers to conduct multiple peer reviews for a project study.

(c) ESTABLISHMENT OF PANELS.—

(1) IN GENERAL.—For each project study subject to peer review under subsection (a), as soon as practicable after the Chief of Engineers determines that a project study will be subject to peer review, the Chief of Engineers shall contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review the project study for technical and scientific sufficiency.

(2) MEMBERSHIP.—A panel of experts established for a project study under this section shall be composed of independent experts who represent a balance of areas of expertise suitable for the review being conducted.

(3) LIMITATION ON APPOINTMENTS.—An individual may not be selected to serve on a panel of experts established for a project study under this section if the individual has a financial or close professional association with any organization or group with a strong financial or organizational interest in the project.

(4) CONGRESSIONAL NOTIFICATION.—Upon identification of a project study for peer review under this section, but prior to initiation of any review, the Chief of Engineers shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such review.

(d) DUTIES OF PANELS.—A panel of experts established for a peer review for a project study under this section shall, consistent with the scope of the referral for review—

(1) conduct a peer review for the project study submitted to the panel for review;

(2) assess the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers;

(3) provide timely written and oral comments to the Chief of Engineers throughout the development of the project study, as requested; and

(4) submit to the Chief of Engineers a final report containing the panel's economic, engineering, and environmental analysis of the project study, including the panel's assessment of the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers, to accompany the publication of the project study.

(e) DURATION OF PROJECT STUDY PEER REVIEWS.—

(1) DEADLINE.—A panel of experts shall—

(A) complete its peer review under this section for a project study and submit a report to the Chief of Engineers under subsection (d)(4) within 180 days after the date of establishment of the panel, or, if the Chief of Engineers determines that a longer period of time is necessary, such period of time established by the Chief of Engineers, but in no event later than 90 days after the date a draft project study is made available for public review; and

(B) terminate on the date of submission of the report.

(2) FAILURE TO MEET DEADLINE.—If a panel does not complete its peer review of a project study under this section and submit a report to the Chief of Engineers under subsection (d)(4) on or before the deadline established by paragraph (1) for the project study, the Chief of Engineers shall continue the project study for the project that is subject to peer review by the panel without delay.

(f) RECOMMENDATIONS OF PANEL.—

(1) CONSIDERATION BY THE CHIEF OF ENGINEERS.—After receiving a report on a project study from a panel of experts under this section and before entering a final record of decision for the project, the Chief of Engineers shall consider any recommendations contained in the report and prepare a written response for any recommendations adopted or not adopted.

(2) PUBLIC AVAILABILITY AND TRANSMITTAL TO CONGRESS.—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall—

(A) make a copy of the report and any written response of the Chief of Engineers on recommendations contained in the report available to the public; and

(B) transmit to Congress a copy of the report, together with any such written response, on the date of a final report of the Chief of Engineers or other final decision document for a project study that is subject to peer review by the panel.

(g) COSTS.—

(1) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(A) shall be a Federal expense; and

(B) shall not exceed $500,000.

(2) WAIVER.—The Chief of Engineers may waive the $500,000 limitation contained in paragraph (1)(B) in cases that the Chief of Engineers determines appropriate.

(h) APPLICABILITY.—This section shall apply to—

(1) project studies initiated during the 2-year period preceding the date of enactment of this Act and for which the array of alternatives to be considered has not been identified; and

(2) project studies initiated during the period beginning on such date of enactment and ending 4 years after such date of enactment.

(i) REPORT.—Within 4½ years of the date of enactment of this section, the Chief of Engineers shall submit a report to Congress on the implementation of this section.

(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established under this section.

(k) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Chief of Engineers to cause or conduct a peer review of a water resources project existing on the date of enactment of this section.

(l) DEFINITIONS.—In this section, the following definitions apply:

(1) PROJECT STUDY.—The term "project study" means a feasibility study or reevaluation study for a project. The term also includes any other study associated with a modification or update of a project that includes an environmental impact statement, including the environmental impact statement.

(2) AFFECTED STATE.—The term "affected State", as used with respect to a project, means a State all or a portion of which is within the drainage basin in which the project is or would be located and would be economically or environmentally affected as a consequence of the project.

(3) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

SEC. 2038. STUDIES AND REPORTS FOR WATER RESOURCES PROJECTS.

(a) STUDIES.—

(1) COST-SHARING REQUIREMENTS.—Section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)) is amended by adding at the end the following:

"(3) DETAILED PROJECT REPORTS.—The requirements of this subsection that apply to a feasibility study also shall apply to a study that results in a detailed project report, except that—

"(A) the first $100,000 of the costs of a study that results in a detailed project report shall be a Federal expense; and

"(B) paragraph (1)(C)(ii) shall not apply to such a study.".

(2) PLANNING AND ENGINEERING.—Section 105(b) of such Act (33 U.S.C. 2215(b)) is amended by striking "authorized by this Act".

(3) DEFINITIONS.—Section 105 of such Act (33 U.S.C. 2215) is amended by adding at the end the following:

"(d) DEFINITIONS.—In this section, the following definitions apply:

"(1) DETAILED PROJECT REPORT.—The term 'detailed project report' means a report for a project not specifically authorized by Congress in law or otherwise that determines the feasibility of the project with a level of detail appropriate to the scope and complexity of the recommended solution and sufficient to proceed directly to the preparation of contract plans and specifications. The term includes any associated environmental impact statement and mitigation plan. For a project for which the Federal cost does not exceed $1,000,000, the term includes a planning and design analysis document.

"(2) FEASIBILITY STUDY.—The term 'feasibility study' means a study that results in a feasibility report under section 905, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a study that results in a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.".

(b) REPORTS.—

(1) PREPARATION.—Section 905(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)) is amended—

(A) by striking "(a) In the case of any" and inserting the following:

"(a) PREPARATION OF REPORTS.—

"(1) IN GENERAL.—In the case of any";

(B) by striking "the Secretary, the Secretary shall" and inserting "the Secretary that results in recommendations concerning a project or the operation of a project and that requires specific authorization by Congress in law or otherwise, the Secretary shall perform a reconnaissance study and";

(C) by striking "Such feasibility report" and inserting the following:

"(2) CONTENTS OF FEASIBILITY REPORTS.—A feasibility report";

(D) by striking "The feasibility report" and inserting "A feasibility report"; and

(E) by striking the last sentence and inserting the following:

"(3) APPLICABILITY.—This subsection shall not apply to—

"(A) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act;

"(B) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b);

"(C) any study for a project which does not require specific authorization by Congress in law or otherwise; and

"(D) general studies not intended to lead to recommendation of a specific water resources project.

"(4) FEASIBILITY REPORT DEFINED.—In this subsection, the term 'feasibility report' means each feasibility report, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.".

(2) PROJECTS NOT SPECIFICALLY AUTHORIZED BY CONGRESS.—Section 905 of such Act is further amended—

(A) in subsection (b) by inserting "RECONNAISSANCE STUDIES.—" before "Before initiating";

(B) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(C) by inserting after subsection (b) the following:

"(c) PROJECTS NOT SPECIFICALLY AUTHORIZED BY CONGRESS.—In the case of any water resources project-related study authorized to be undertaken by the Secretary without specific authorization by Congress in law or otherwise, the Secretary shall prepare a detailed project report.";

(D) in subsection (d) (as so redesignated) by inserting "INDIAN TRIBES.—" before "For purposes of"; and

(E) in subsection (e) (as so redesignated) by inserting "STANDARD AND UNIFORM PROCEDURES AND PRACTICES.—" before "The Secretary shall".

SEC. 2039. OFFSHORE OIL AND GAS FABRICATION PORT.

(a) IN GENERAL.—In conducting a feasibility study for the project for navigation, Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana, being conducted under section 430 of the Water Resources Development Act of 2000 (114 Stat. 2639), the Secretary shall include in the calculation of national economic development benefits all economic benefits associated with contracts for new energy exploration and contracts for the fabrication of energy infrastructure that would result from carrying out the project.

(b) REPEAL.—Section 6009 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 282) is repealed.

SEC. 2040. USE OF FIRMS EMPLOYING LOCAL RESIDENTS.

(a) CONTRACTS OR AGREEMENTS WITH PRIVATE ENTITIES.—In carrying out construction of a water resources project, the Secretary may enter into a contract or agreement with a private entity only if the private entity provides assurances satisfactory to the Secretary that, to the maximum extent practicable—

(1) local residents in the area of the project will comprise not less than 50 percent of the workforce employed by the entity to perform the contract or agreement; and

(2) local residents in the area of the project will comprise not less than 50 percent of the workforce employed by each subcontractor at each tier in connection with the contract or agreement.

(b) EXEMPTIONS.—

(1) IN GENERAL.—The Secretary may waive the application of subsection (a) with respect to a contract or agreement if the Secretary determines that compliance with subsection (a) is not feasible due to—

(A) a lack of qualified local residents to permit satisfaction of the requirements of subsection (a);

(B) a lack of sufficient numbers of specialized workers necessary to carry out the project; or

(C) the need to comply with small business or minority contracting requirements under Federal law.

(2) DOCUMENTATION.—Any determination by the Secretary under paragraph (1) to waive the application of subsection (a) with respect to a contract or agreement shall be justified in writing.

(c) REGULATIONS.—The Secretary shall issue regulations establishing local residency and other requirements to facilitate compliance with this section.

(d) PRIOR CONTRACTS.—Nothing in this section shall be construed to affect any contract or agreement entered into before the effective date of this section.

(e) EFFECTIVE DATE.—This section shall become effective 180 days after the date of enactment of this Act.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. COOK INLET, ALASKA.

Section 118(a)(3) of the Energy and Water Development Appropriations Act, 2005 (title I of division C of the Consolidated Appropriations Act, 2005; 118 Stat. 2945) is amended by inserting "as part of the operation and maintenance of such project modification" after "by the Secretary".

SEC. 3002. KING COVE HARBOR, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, *King Cove Harbor, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be $8,000,000.*

SEC. 3003. SITKA, ALASKA.

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101(1) of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater, at full Federal expense. The estimated cost is $6,300,000.

SEC. 3004. TATITLEK, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, Tatitlek, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be $10,000,000.

SEC. 3005. RIO DE FLAG, FLAGSTAFF, ARIZONA.

The project for flood damage reduction, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary to construct the project at a total cost of $54,100,000, with an estimated Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

SEC. 3006. OSCEOLA HARBOR, ARKANSAS.

(a) IN GENERAL.—The project for navigation, Osceola Harbor, Arkansas, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to allow non-Federal interests to construct a mooring facility within the existing authorized harbor channel, subject to all necessary permits, certifications, and other requirements.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as affecting the responsibility of the Secretary to maintain the general navigation features of the project at a bottom width of 250 feet.

SEC. 3007. PINE MOUNTAIN DAM, ARKANSAS.

The Pine Mountain Dam feature of the project for flood protection, Lee Creek, Arkansas and Oklahoma, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1078), is modified—

(1) to add environmental restoration as a project purpose; and

(2) to direct the Secretary to finance the non-Federal share of the cost of the project over a 30-year period in accordance with section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

SEC. 3008. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, American and Sacramento Rivers, California, authorized by section 101(a)(6)(A) of the Water Resources Development Act of 1999 (113 Stat. 274), as modified by section 128 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2259), is further modified to authorize the Secretary to construct the auxiliary spillway generally in accordance with the Post Authorization Change Report, American River Watershed Project (Folsom Dam Modification and Folsom Dam Raise Projects), dated December 2006, at a total cost of $683,000,000, with an estimated Federal cost of $444,000,000 and an estimated non-Federal cost of $239,000,000.

(b) DAM SAFETY ACTIVITIES.—Nothing in this section shall be construed to limit the authority of the Secretary of the Interior to carry out dam safety activities in connection with the auxiliary spillway in accordance with the Bureau of Reclamation Safety of Dams Program.

(c) TRANSFER OF FUNDS.—The Secretary and the Secretary of the Interior are authorized to transfer between their respective agencies appropriated amounts and other available funds (including funds contributed by non-Federal interests) for the purpose of planning, design, and construction of the auxiliary spillway. Any transfer made pursuant to this subsection shall be subject to such terms and conditions as agreed upon by the Secretary and the Secretary of the Interior.

SEC. 3009. COMPTON CREEK, CALIFORNIA.

The project for flood control, Los Angeles Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611), is modified to add environmental restoration and recreation as project purposes.

SEC. 3010. GRAYSON CREEK/MURDERER'S CREEK, CALIFORNIA.

The project for aquatic ecosystem restoration, Grayson Creek/Murderer's Creek, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3011. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to direct the Secretary to construct the project substantially in accordance with the report of the Chief of Engineers dated July 19, 2004, at a total cost of $228,100,000, with an estimated Federal cost of $171,100,000 and an estimated non-Federal cost of $57,000,000.

SEC. 3012. JOHN F. BALDWIN SHIP CHANNEL AND STOCKTON SHIP CHANNEL, CALIFORNIA.

The project for navigation, San Francisco to Stockton, California, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is modified—

(1) to provide that the non-Federal share of the cost of the John F. Baldwin Ship Channel and Stockton Ship Channel element of the project may be provided in the form of in-kind services and materials; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of such element the cost of planning and design work carried out by the non-Federal interest before the date of an agreement for such planning and design if the Secretary determines that such work is integral to such element.

SEC. 3013. KAWEAH RIVER, CALIFORNIA.

The project for flood control, Terminus Dam, Kaweah River, California, authorized by section 101(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3658), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project, or provide reimbursement not to exceed $800,000, for the costs of any work carried out by the non-Federal interest before, on, or after the date of the project partnership agreement if the Secretary determines that the work is integral to the project.

SEC. 3014. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to determine whether maintenance of the project is feasible, and if the Secretary determines that maintenance of the project is feasible, to carry out such maintenance.

SEC. 3015. LLAGAS CREEK, CALIFORNIA.

(a) IN GENERAL.—The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to carry out the project at a total cost of $105,000,000, with an estimated Federal cost of $65,000,000, and an estimated non-Federal cost of $40,000,000.

(b) SPECIAL RULE.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 3016. MAGPIE CREEK, CALIFORNIA.

(a) IN GENERAL.—The project for Magpie Creek, California, authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements of section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3017. PACIFIC FLYWAY CENTER, SACRAMENTO, CALIFORNIA.

The project for aquatic ecosystem restoration, Pacific Flyway Center, Sacramento, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to authorize the Secretary to expend $2,000,000 to enhance public access to the project.

SEC. 3018. PINOLE CREEK, CALIFORNIA.

The project for improvement of the quality of the environment, Pinole Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3019. PRADO DAM, CALIFORNIA.

Upon completion of the modifications to the Prado Dam element of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), the Memorandum of Agreement for the Operation for Prado Dam for Seasonal Additional Water Conservation between the Department of the Army and the Orange County Water District (including all the conditions and stipulations in the memorandum) shall remain in effect for volumes of water made available prior to such modifications.

SEC. 3020. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) DETERMINATION OF FEDERAL COSTS PAID BY NON-FEDERAL INTEREST.—

(1) FEDERAL COSTS PAID BY NON-FEDERAL INTEREST.—The Secretary shall determine the amount paid by the Sacramento Area Flood Control Agency towards the Federal share of the cost of the project for the Natomas levee features authorized by section 9159(b) of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944) of the project for flood control and recreation, Sacramento and American Rivers, California.

(2) REIMBURSEMENTS TO NON-FEDERAL INTEREST.—The Secretary shall determine the amount

of reimbursements paid to the Sacramento Flood Control Agency for payment of the Federal share of the cost of the project referred to in paragraph (1).

(3) DETERMINATION OF FEDERAL SHARE.—In carrying out paragraph (1), the Secretary shall include in the total cost of the project all costs of the following activities that the Secretary determines to be integral to the project:

(A) Planning, engineering, and construction.

(B) Acquisition of project lands, easements, and rights-of-way.

(C) Performance of relocations.

(D) Environmental mitigation for all project elements.

(b) CREDIT.—

(1) IN GENERAL.—The Secretary shall credit toward the non-Federal share of the cost of any flood damage reduction project, authorized before the date of enactment of this Act, for which the non-Federal interest is the Sacramento Area Flood Control Agency an amount equal to the total amount determined under subsection (a)(1) reduced by the amount determined under subsection (a)(2).

(2) ALLOCATION OF CREDIT.—The Secretary shall allocate the amount to be credited under paragraph (1) toward the non-Federal share of such projects as are requested by the Sacramento Area Flood Control Agency.

SEC. 3021. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3022. SANTA CRUZ HARBOR, CALIFORNIA.

The project for navigation, Santa Cruz Harbor, California, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 300) and modified by section 809 of the Water Resources Development Act of 1986 (100 Stat. 4168) and section 526 of the Water Resources Development Act of 1999 (113 Stat. 346), is modified to direct the Secretary—

(1) to renegotiate the memorandum of agreement with the non-Federal interest to increase the annual payment to reflect the updated cost of operation and maintenance that is the Federal and non-Federal share as provided by law based on the project purpose; and

(2) to revise the memorandum of agreement to include terms that revise such payments for inflation.

SEC. 3023. SEVEN OAKS DAM, CALIFORNIA.

The project for flood control, Santa Ana Mainstem, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113) and modified by section 104 of the Energy and Water Development Appropriations Act, 1988 (101 Stat. 1329–11), section 102(e) of the Water Resources Development Act of 1990 (104 Stat. 4611), and section 311 of the Water Resources Development Act of 1996 (110 Stat. 3713), is further modified to direct the Secretary to conduct a study for the reallocation of water storage at the Seven Oaks Dam, California, for water conservation.

SEC. 3024. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $244,500,000.

SEC. 3025. WALNUT CREEK CHANNEL, CALIFORNIA.

The project for aquatic ecosystem restoration, Walnut Creek Channel, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3026. WILDCAT/SAN PABLO CREEK PHASE I, CALIFORNIA.

The project for improvement of the quality of the environment, Wildcat/San Pablo Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3027. WILDCAT/SAN PABLO CREEK PHASE II, CALIFORNIA.

The project for aquatic ecosystem restoration, Wildcat/San Pablo Creek Phase II, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3028. YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified—

(1) to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,700,000; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3029. SOUTH PLATTE RIVER BASIN, COLORADO.

Section 808 of the Water Resources Development Act of 1986 (100 Stat. 4168) is amended by striking "agriculture," and inserting "agriculture, environmental restoration,".

SEC. 3030. INTRACOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND.

The project for navigation, Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, authorized by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1030), and section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), is modified to add recreation as a project purpose.

SEC. 3031. BREVARD COUNTY, FLORIDA.

(a) SHORELINE.—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified—

(1) to direct the Secretary to establish the reach of the project as the reach between the Florida department of environmental protection monuments 75.4 to 118.3, a distance of 7.6 miles; and

(2) to direct the Secretary to expedite the general reevaluation report required by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637).

(b) CREDIT.—Section 310 of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by adding at the end the following:

"(d) CREDIT.—After completion of the study, the Secretary shall credit toward the non-Federal share of the cost of the project for shore protection the cost of nourishment and renourishment associated with the project for shore protection incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in the final report for the study.".

SEC. 3032. BROWARD COUNTY AND HILLSBORO INLET, FLORIDA.

The project for shore protection, Broward County and Hillsboro Inlet, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090), and modified by section 311 of the Water Resources Development Act of 1999 (113 Stat. 301), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of mitigation construction and derelict erosion control structure removal carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3033. CANAVERAL HARBOR, FLORIDA.

In carrying out the project for navigation, Canaveral Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174), the Secretary shall construct a sediment trap.

SEC. 3034. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized by section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, and modified by section 309 of the Water Resources Development Act of 2000 (114 Stat. 2602), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3035. JACKSONVILLE HARBOR, FLORIDA.

(a) IN GENERAL.—The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $14,658,000, with an estimated Federal cost of $9,636,000 and an estimated non-Federal cost of $5,022,000.

(b) GENERAL REEVALUATION REPORTS.—The non-Federal share of the cost of the general reevaluation report that resulted in the report of the Chief of Engineers for the project and the non-Federal share of the cost of the general reevaluation report for Jacksonville Harbor, Florida, being conducted on June 1, 2005, shall each be the same percentage as the non-Federal share of the cost of construction of the project.

(c) AGREEMENT.—The Secretary shall enter into new partnership agreements with the non-Federal interest to reflect the cost sharing required by subsection (b).

SEC. 3036. LIDO KEY BEACH, SARASOTA, FLORIDA.

(a) In General.—The project for shore protection, Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819), deauthorized under section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), and reauthorized by section 364(2)(A) of the Water Resources Development Act of 1999 (113 Stat. 313), is modified to direct the Secretary to construct the project substantially in accordance with the report of the Chief of Engineers dated December 22, 2004, at a total cost of $15,190,000, with an estimated Federal cost of $9,320,000 and an estimated non-Federal cost of $5,870,000, and at an estimated total cost of $65,000,000 for periodic nourishment over the 50-year life of the project.

(b) Construction of Shoreline Protection Projects by Non-Federal Interests.—The Secretary shall enter into a partnership agreement with the non-Federal interest in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1) for the modified project.

SEC. 3037. MIAMI HARBOR, FLORIDA.

The project for navigation, Miami Harbor Channel, Florida, authorized by section 101(a)(9) of the Water Resources Development Act of 1990 (104 Stat. 4606) and modified by section 315 of the Water Resources Development Act of 1999 (113 Stat. 302), is further modified—

(1) to include as a project purpose environmental mitigation required before July 18, 2003, by a Federal, State, or local environmental agency for unauthorized or unanticipated environmental impacts within, or in the vicinity of, the authorized project; and

(2) to direct the Secretary to reimburse the non-Federal interest for the Federal share of the costs the non-Federal interest has incurred in construction of the project (including environmental mitigation costs and costs incurred for incomplete usable increments of the project) in accordance with section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232).

SEC. 3038. PEANUT ISLAND, FLORIDA.

The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Peanut Island, Palm Beach County, Florida, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be $9,750,000.

SEC. 3039. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.

The project for navigation, Tampa Harbor-Big Bend Channel, Florida, authorized by section 101(a)(18) of the Water Resources Development Act of 1999 (113 Stat. 276) is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3040. TAMPA HARBOR CUT B, FLORIDA.

(a) In General.—The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Harbor Cut B if the Secretary determines that such improvements are necessary for navigation safety.

(b) General Reevaulation Report.—The non-Federal share of the cost of the general reevaluation report for Tampa Harbor, Florida, being conducted on June 1, 2005, shall be the same percentage as the non-Federal share of the cost of construction of the project.

(c) Agreement.—The Secretary shall enter into a new partnership agreement with the non-Federal interest to reflect the cost sharing required by subsection (b).

SEC. 3041. ALLATOONA LAKE, GEORGIA.

(a) Land Exchange.—

(1) In general.—The Secretary may exchange lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for lands on the north side of Allatoona Lake that are needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(2) Terms and conditions.—The basis for all land exchanges under this subsection shall be a fair market appraisal so that lands exchanged are of equal value.

(b) Disposal and Acquisition of Lands, Allatoona Lake, Georgia.—

(1) In general.—The Secretary may also sell lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1) and may use the proceeds to pay costs associated with the purchase of lands needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(2) Terms and conditions.—Land sales and purchases to be conducted under this subsection shall be subject to the following terms and conditions:

(A) Lands acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) The basis for all transactions under the program shall be a fair market appraisal acceptable to the Secretary.

(C) The purchasers shall share in the associated real estate costs, to include surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) Any other conditions that the Secretary may impose.

(c) Repeal.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. 3042. LATHAM RIVER, GLYNN COUNTY, GEORGIA.

The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Latham River, Glynn County, Georgia, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be $6,175,000.

SEC. 3043. DWORSHAK DAM AND RESERVOIR IMPROVEMENTS, IDAHO.

The Secretary may carry out improvements to recreational facilities at the Dworshak Dam and Reservoir, North Fork, Clearwater River, Idaho, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), to accommodate lower pool levels.

SEC. 3044. BEARDSTOWN COMMUNITY BOAT HARBOR, BEARDSTOWN, ILLINOIS.

(a) In General.—The project for navigation, Muscooten Bay, Illinois River, Beardstown Community Boat Harbor, Beardstown, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to include the channel between the harbor and the Illinois River; and

(2) to direct the Secretary to enter into a partnership agreement with the city of Beardstown to replace the local cooperation agreement dated August 18, 1983, with the Beardstown Community Park District.

(b) Terms of Partnership Agreement.—The partnership agreement referred to in subsection (a) shall include the same rights and responsibilities as the local cooperation agreement dated August 18, 1983, changing only the identity of the non-Federal sponsor.

(c) Maintenance.—Following execution of the partnership agreement referred to in subsection (a), the Secretary may carry out maintenance of the project referred to in subsection (a) on an annual basis.

SEC. 3045. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee constructed for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1217), is modified to add environmental restoration as a project purpose.

SEC. 3046. CHICAGO RIVER, ILLINOIS.

The navigation channel for the North Branch Canal portion of the Chicago River, authorized by the first section of the Rivers and Harbors Appropriations Act of March 3, 1899 (30 Stat. 1129), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge is modified to be no wider than 66 feet.

SEC. 3047. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) Treatment as Single Project.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (in this section referred to as "Barrier I") (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and the project relating to the Chicago Sanitary and Ship Canal Dispersal Barrier, authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352) (in this section referred to as "Barrier II"), shall be considered to constitute a single project.

(b) Authorization.—

(1) In general.—The Secretary, at Federal expense, shall—

(A) upgrade and make permanent Barrier I;

(B) construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) Use of credit.—A State may apply a credit provided to the State under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project carried out by the Secretary in the State.

(c) Conforming Amendment.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), is amended to read as follows:

"SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.

"There are authorized to be appropriated such sums as may be necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).".

(d) Feasibility Study.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct, at Federal expense, a feasibility study of the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins through the Chicago Sanitary and Ship Canal and other pathways.

SEC. 3048. EMIQUON, ILLINOIS.

(a) Maximum Amount.—The maximum amount of Federal funds that may be expended

for the project for aquatic ecosystem restoration, Emiquon, Illinois, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), shall be $7,500,000.

(b) LIMITATION.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3049. LASALLE, ILLINOIS.

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639–4640), the Secretary shall give priority to work in the vicinity of LaSalle, Illinois, on the Illinois and Michigan Canal.

SEC. 3050. SPUNKY BOTTOMS, ILLINOIS.

(a) PROJECT PURPOSE.—The project for flood control, Spunky Bottoms, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583), is modified to add environmental restoration as a project purpose.

(b) MAXIMUM AMOUNT.—The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Spunky Bottoms, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), shall be $7,500,000.

(c) LIMITATION.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3051. FORT WAYNE AND VICINITY, INDIANA.

The project for flood control Fort Wayne, St. Mary's and Maumee Rivers, Indiana, authorized by section 101(a)(11) of the Water Resources Development Act of 1990 (104 Stat. 4604), is modified—

(1) to direct the Secretary to provide a 100-year level of flood protection at the Berry-Thieme, Park-Thompson, Woodhurst, and Tillman sites along the St. Mary's River, Fort Wayne and vicinity, Indiana, at a total cost of $5,300,000; and

(2) to allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 3052. KOONTZ LAKE, INDIANA.

The project for aquatic ecosystem restoration, Koontz Lake, Indiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) and modified by section 520 of the Water Resources Development Act of 2000 (114 Stat. 2655), is further modified to direct the Secretary to seek to reduce the cost of the project by using innovative technologies and cost reduction measures determined from a review of non-Federal lake dredging projects in the vicinity of Koontz Lake.

SEC. 3053. WHITE RIVER, INDIANA.

The project for flood control, Indianapolis on West Fork of White River, Indiana, authorized by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936 (49 Stat. 1586), and modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716) and section 322 of the Water Resources Development Act of 1999 (113 Stat. 303–304), is further modified—

(1) to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Fall Creek Reach feature at a total cost of $28,545,000; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3054. DES MOINES RIVER AND GREENBELT, IOWA.

The project for the Des Moines Recreational River and Greenbelt, Iowa, authorized by Public Law 99–88 and modified by section 604 of the Water Resources Development Act of 1986 (100 Stat. 4153), is modified to include enhanced public access and recreational enhancements, at a Federal cost of $3,000,000.

SEC. 3055. PRESTONSBURG, KENTUCKY.

The Prestonsburg, Kentucky, element of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide a 100-year level of flood protection for the city of Prestonsburg.

SEC. 3056. AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.

The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277) and modified by section 116 of division D of Public Law 108–7 (117 Stat. 140), is further modified—

(1) to direct the Secretary to carry out the project with the cost sharing for the project determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996;

(2) to authorize the Secretary to construct the project at a total cost of $187,000,000; and

(3) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3057. ATCHAFALAYA BASIN, LOUISIANA.

(a) IN GENERAL.—Section 315(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2603–2604) is amended to read as follows:

"(1) is authorized to study, design, construct, operate, and maintain, at Federal expense, a Type A Regional Visitor Center in the vicinity of Morgan City, Louisiana, in consultation with the State of Louisiana, to provide information to the public on the Atchafalaya River system and other associated waterways that have influenced surrounding communities, and national and local water resources development of the Army Corps of Engineers in South Central Louisiana; and".

(b) TECHNICAL CORRECTION.—Section 315(b) of such Act is amended by striking "(a)" and inserting "(a)(2)".

(c) DONATIONS.—Section 315 of such Act is amended by adding at the end the following:

"(c) DONATIONS.—In carrying out subsection (a)(1), the Mississippi River Commission is authorized to accept the donation of cash, funds, lands, materials, and services from non-Federal governmental entities and nonprofit corporations.".

SEC. 3058. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

The public access feature of the Atchafalaya Basin Floodway System project, Louisiana, authorized by section 601(a) of the Water Resources Development Act 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest, exclusive of oil, gas, and minerals, of an additional 20,000 acres of land within the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, to enhance fish and wildlife resources, at a total cost of $4,000,000.

SEC. 3059. BAYOU PLAQUEMINE, LOUISIANA.

The project for the improvement of the quality of the environment, Bayou Plaquemine, Louisiana, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3060. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.

The project for mitigation of fish and wildlife losses, J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2572), is further modified—

(1) to authorize the purchase and reforesting of lands that have been cleared or converted to agricultural uses; and

(2) to incorporate current wildlife and forestry management practices for the purpose of improving species diversity on mitigation lands that meet Federal and State of Louisiana habitat goals and objectives.

SEC. 3061. MELVILLE, LOUISIANA.

Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: "and may include the town of Melville, Louisiana, as one of the alternative sites".

SEC. 3062. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077) and modified by section 365 of the Water Resources Development Act of 1996 (110 Stat. 3739), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the costs of relocating oyster beds in the Davis Pond project area if the Secretary determines that the work is integral to the Mississippi Delta Region project.

SEC. 3063. NEW ORLEANS TO VENICE, LOUISIANA.

The New Orleans to Venice, Louisiana, project for hurricane protection, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1184), is modified to authorize the Secretary to carry out the work on the St. Jude to City Price, Upper Reach A back levee. The Federal share of the cost of such work shall be 70 percent.

SEC. 3064. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.

Section 328 of the Water Resources Development Act of 1999 (113 Stat. 304–305) is amended—

(1) in subsection (a)—

(A) by striking "operation and maintenance" and inserting "operation, maintenance, rehabilitation, repair, and replacement"; and

(B) by striking "Algiers Channel" and inserting "Algiers Canal Levees"; and

(2) by adding at the end the following:

"(c) COST SHARING.—The non-Federal share of the cost of the project shall be 35 percent.".

SEC. 3065. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $26,900,000.

SEC. 3066. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.

(a) IN GENERAL.—The project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to include measures to enhance public access.

(b) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $3,000,000.

SEC. 3067. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

"SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) MANAGEMENT PLAN.—The term 'management plan' means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of the Water Resources Development Act of 2006.

"(2) PARTNERSHIP.—The term 'partnership' means the partnership established by the Secretary under subsection (b)(1).

"(b) PARTNERSHIP.—

"(1) IN GENERAL.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

"(A) to promote cooperation among the Federal, State, and local governments and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

"(B) develop and implement projects consistent with the management plan.

"(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

"(A) IN GENERAL.—Actions taken under this section by the partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

"(B) NO EFFECT ON OTHER LAW.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

"(c) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.—

"(1) IN GENERAL.—The Secretary shall—

"(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

"(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

"(C) plan, design, and implement projects consistent with the management plan; and

"(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

"(2) SPECIFIC MEASURES.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

"(d) SUPPLEMENTS TO MANAGEMENT PLAN AND STRATEGIC IMPLEMENTATION PLAN.—In consultation with the partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

"(1) the management plan; and

"(2) the strategic implementation plan developed under subsection (c)(1)(A).

"(e) COST SHARING.—

"(1) IN-KIND SERVICES.—The non-Federal share of the cost of technical assistance under subsection (c), the cost of planning, design, and construction of a project under subsection (c), and the cost of development of supplementary information under subsection (d) may be provided through the provision of in-kind services.

"(2) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations required in carrying out a project under subsection (c).

"(3) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity.

"(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.".

SEC. 3068. ST. JOSEPH HARBOR, MICHIGAN.

The Secretary shall expedite development of the dredged material management plan for the project for navigation, St. Joseph Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299).

SEC. 3069. SAULT SAINTE MARIE, MICHIGAN.

(a) IN GENERAL.—The text of section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

"The Secretary shall construct at Federal expense a second lock, of a width not less than 110 feet and a length not less than 1,200 feet, adjacent to the existing lock at Sault Sainte Marie, Michigan, generally in accordance with the report of the Board of Engineers for Rivers and Harbors, dated May 19, 1986, and the limited reevaluation report dated February 2004 at a total cost of $341,714,000.".

(b) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 107(a)(8) of the Water Resources Development Act of 1990 (104 Stat. 4620).

(2) Section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717–3718).

(3) Section 330 of the Water Resources Development Act of 1999 (113 Stat. 305).

SEC. 3070. ADA, MINNESOTA.

(a) IN GENERAL.—The project for flood damage reduction, Wild Rice River, Ada, Minnesota, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

(b) EVALUATION OF BENEFITS AND COSTS.—In evaluating the economic benefits and costs for the project, the Secretary shall not consider the emergency levee adjacent to Judicial Ditch No. 51 in the determination of conditions existing prior to construction of the project.

(c) SPECIAL RULE.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 3071. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.

(a) IN GENERAL.—The project for navigation, Duluth Harbor, McQuade Road, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605), is further modified to authorize the Secretary to provide public access and recreational facilities as generally described in the Detailed Project Report and Environmental Assessment, McQuade Road Harbor of Refuge, Duluth, Minnesota, dated August 1999.

(b) CREDIT.—The Secretary shall provide credit toward the non-Federal share of the cost of the project for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(c) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $9,000,000.

SEC. 3072. GRAND MARAIS, MINNESOTA.

The project for navigation, Grand Marais, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is modified to direct the Secretary to provide credit toward the non-Federal share of the cost of the project the cost of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3073. GRAND PORTAGE HARBOR, MINNESOTA.

The Secretary shall provide credit toward the non-Federal share of the cost of the navigation project for Grand Portage Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3074. GRANITE FALLS, MINNESOTA.

(a) IN GENERAL.—The Secretary is directed to implement under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) the locally preferred plan for flood damage reduction, Granite Falls, Minnesota, substantially in accordance with the detailed project report dated 2002, at a total cost of $12,000,000, with an estimated Federal cost of $8,000,000 and an estimated non-Federal cost of $4,000,000.

(b) PROJECT FINANCING.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the project the cost of design and construction work carried out by the non-Federal interest before the date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(d) MAXIMUM FUNDING.—The maximum amount of Federal funds that may be expended for the flood damage reduction shall be $8,000,000.

SEC. 3075. KNIFE RIVER HARBOR, MINNESOTA.

The project for navigation, Harbor at Knife River, Minnesota, authorized by section 2 of the

Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to direct the Secretary to develop a final design and prepare plans and specifications to correct the harbor entrance and mooring conditions at the project.

SEC. 3076. RED LAKE RIVER, MINNESOTA.

The project for flood control, Red Lake River, Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the feasibility report supplement for local flood protection, Crookston, Minnesota, at a total cost of $25,000,000, with an estimated Federal cost of $16,250,000 and an estimated non-Federal cost of $8,750,000.

SEC. 3077. SILVER BAY, MINNESOTA.

The project for navigation, Silver Bay, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3078. TACONITE HARBOR, MINNESOTA.

The project for navigation, Taconite Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3079. TWO HARBORS, MINNESOTA.

(a) In General.—The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include construction of a dredged material disposal facility, including actions required to clear the site.

(b) Lands, Easements, and Rights-of-Way.—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, and relocations necessary for the construction of the dredged material disposal facility.

(c) Maximum Federal Expenditure.—The maximum amount of Federal funds that may be expended for the project shall be $5,000,000.

SEC. 3080. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.

The project for ecosystem restoration, Deer Island, Harrison County, Mississippi, being carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), is modified to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

SEC. 3081. PEARL RIVER BASIN, MISSISSIPPI.

(a) In General.—The Secretary shall complete a feasibility study for the project for flood damage reduction, Pearl River Watershed, Mississippi.

(b) Comparison of Alternatives.—The feasibility study shall identify both the plan that maximizes national economic development benefits and the locally preferred plan and shall compare the level of flood damage reduction provided by each plan to that portion of Jackson, Mississippi, located below the Ross Barnett Reservoir Dam.

(c) Recommended Plan.—If the Secretary determines that the locally preferred plan provides a level of flood damage reduction that is equal to or greater than the level of flood damage reduction provided by the national economic development plan and the locally preferred plan is technically feasible and environmentally protective, the Secretary shall recommend construction of the locally preferred plan.

(d) Evaluation of Project Cost.—For the purposes of determining compliance with the first section of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a), the Secretary shall consider only the costs of the national economic development plan and shall exclude incremental costs associated with the locally preferred plan that are in excess of such costs if the non-Federal interest agrees to pay 100 percent of such incremental costs.

(e) Non-Federal Cost Share.—If the locally preferred plan is authorized for construction, the non-Federal share of the cost of the project shall be the same percentage as the non-Federal share of the cost of the national economic development plan plus all additional costs of construction associated with the locally preferred plan.

SEC. 3082. FESTUS AND CRYSTAL CITY, MISSOURI.

Section 102(b)(1) of the Water Resources Development Act of 1999 (113 Stat. 282) is amended by striking "$10,000,000" and inserting "$12,000,000".

SEC. 3083. L–15 LEVEE, MISSOURI.

The portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

SEC. 3084. MONARCH-CHESTERFIELD, MISSOURI.

The project for flood damage reduction, Monarch-Chesterfield, Missouri, authorized by section 101(b)(18) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3085. RIVER DES PERES, MISSOURI.

The projects for flood control, River Des Peres, Missouri, authorized by section 101(a)(17) of the Water Resources Development Act of 1990 (104 Stat. 4607) and section 102(13) of the Water Resources Development Act of 1996 (110 Stat. 3668), are each modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3086. ANTELOPE CREEK, LINCOLN, NEBRASKA.

The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, authorized by section 101(b)(19) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to allow the non-Federal interest for the project to use, and to direct the Secretary to accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the project if such funds are authorized to be used to carry out the project.

SEC. 3087. SAND CREEK WATERSHED, WAHOO, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, authorized by section 101(b)(20) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to provide credit toward the non-Federal share of the cost of the project or reimbursement for the costs of any work that has been or will be performed by the non-Federal interest before, on, or after the approval of the project partnership agreement, including work performed by the non-Federal interest in connection with the design and construction of 7 upstream detention storage structures, if the Secretary determines that the work is integral to the project;

(2) to require that in-kind work to be credited under paragraph (1) be subject to audit; and

(3) to direct the Secretary to accept advance funds from the non-Federal interest as needed to maintain the project schedule.

SEC. 3088. LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.

The project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, authorized by section 101(a)(25) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to incorporate the project for shoreline erosion control, Cape May Point, New Jersey, carried out under section 5 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426h), if the Secretary determines that such incorporation is feasible.

SEC. 3089. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) and modified by section 327 of the Water Resources Development Act of 2000 (114 Stat. 2607), is further modified to direct the Secretary to include the benefits and costs of preserving natural flood storage in any future economic analysis of the project.

SEC. 3090. BUFFALO HARBOR, NEW YORK.

The project for navigation, Buffalo Harbor, New York, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), is modified to include measures to enhance public access, at Federal cost of $500,000.

SEC. 3091. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking "maximum Federal cost of $5,200,000" and inserting "total cost of $20,000,000".

SEC. 3092. PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.

The navigation project, Port of New York and New Jersey, New York and New Jersey, authorized by section 101(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified—

(1) to authorize the Secretary to allow the non-Federal interest to construct a temporary dredged material storage facility to receive dredged material from the project if—

(A) the non-Federal interest submits, in writing, a list of potential sites for the temporary storage facility to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Secretary at least 180 days before the selection of the final site; and

(B) at least 70 percent of the dredged material generated in connection with the project suitable for beneficial reuse will be used at sites in the State of New Jersey to the extent that there are sufficient sites available; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of construction of the temporary storage facility if the Secretary determines that the work is integral to the project.

SEC. 3093. NEW YORK STATE CANAL SYSTEM.

Section 553(c) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended to read as follows:

"(c) New York State Canal System Defined.—In this section, the term 'New York State Canal System' means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany, Rochester, and Buffalo.".

SEC. 3094. LOWER GIRARD LAKE DAM, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended by striking "$2,500,000" and inserting "$6,000,000".

SEC. 3095. MAHONING RIVER, OHIO.

In carrying out the project for environmental dredging, authorized by section 312(f)(4) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)(4)), the Secretary is directed to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3096. DELAWARE RIVER, PENNSYLVANIA, NEW JERSEY, AND DELAWARE.

The Secretary may remove debris from the project for navigation, Delaware River, Pennsylvania, New Jersey, and Delaware, Philadelphia to the Sea.

SEC. 3097. RAYSTOWN LAKE, PENNSYLVANIA.

The Secretary may take such action as may be necessary, including construction of a breakwater, to prevent shoreline erosion between .07 and 2.7 miles south of Pennsylvania State Route 994 on the east shore of Raystown Lake, Pennsylvania.

SEC. 3098. SHERADEN PARK STREAM AND CHARTIERS CREEK, ALLEGHENY COUNTY, PENNSYLVANIA.

The project for aquatic ecosystem restoration, Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit up to $400,000 toward the non-Federal share of the cost of the project for planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3099. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA.

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to include as a project element the project for flood control for Solomon's Creek, Wilkes-Barre, Pennsylvania.

SEC. 3100. SOUTH CENTRAL PENNSYLVANIA.

Section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723; 113 Stat. 310; 117 Stat. 142) is amended—

(1) in subsection (g)(1) by striking "$180,000,000" and inserting "$200,000,000"; and

(2) in subsection (h)(2) by striking "Allegheny, Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Washington, and Westmoreland Counties" and inserting "Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, and Westmoreland Counties".

SEC. 3101. WYOMING VALLEY, PENNSYLVANIA.

In carrying out the project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), the Secretary shall coordinate with non-Federal interests to review opportunities for increased public access.

SEC. 3102. CEDAR BAYOU, TEXAS.

(a) Credit for Planning and Design.—The project for navigation, Cedar Bayou, Texas, reauthorized by section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project if the Secretary determines that such work is integral to the project.

(b) Cost Sharing.—Cost sharing for construction and operation and maintenance of the project shall be determined in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 3103. FREEPORT HARBOR, TEXAS.

The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the Rivers and Harbors Act of 1970 (84 Stat. 1818), is modified.—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to direct the Secretary to remove the sunken vessel "COMSTOCK" at Federal expense.

SEC. 3104. LAKE KEMP, TEXAS.

(a) In General.—The Secretary may not take any legal or administrative action seeking to remove a Lake Kemp improvement before the earlier of January 1, 2020, or the date of any transfer of ownership of the improvement occurring after the date of enactment of this Act.

(b) Limitation on Liability.—The United States, or any of its officers, agents, or assignees, shall not be liable for any injury, loss, or damage accruing to the owners of a Lake Kemp improvement, their lessees, or occupants as a result of any flooding or inundation of such improvements by the waters of the Lake Kemp reservoir, or for such injury, loss, or damage as may occur through the operation and maintenance of the Lake Kemp dam and reservoir in any manner.

(c) Lake Kemp Improvement Defined.—In this section, the term "Lake Kemp improvement" means an improvement (including dwellings) located within the flowage easement of Lake Kemp, Texas, below elevation 1159 feet mean sea level.

SEC. 3105. LOWER RIO GRANDE BASIN, TEXAS.

The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified—

(1) to include as part of the project flood protection works to reroute drainage to Raymondville Drain constructed by the non-Federal interests in Hidalgo County in the vicinity of Edinburg, Texas, if the Secretary determines that such work meets feasibility requirements;

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(3) to direct the Secretary in calculating the non-Federal share of the cost of the project, to make a determination, within 180 days after the date of enactment of this Act, under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay.

SEC. 3106. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.

The project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas, authorized by section 556 of the Water Resources Development Act of 1999 (113 Stat. 353), is modified to include recreation as a project purpose.

SEC. 3107. PAT MAYSE LAKE, TEXAS.

The Secretary is directed to accept from the city of Paris, Texas, $3,461,432 as payment in full of monies owed to the United States for water supply storage space in Pat Mayse Lake, Texas, under contract number DA–34–066–CIVENG–65–1272, including accrued interest.

SEC. 3108. PROCTOR LAKE, TEXAS.

The Secretary is authorized to purchase fee simple title to all properties located within the boundaries, and necessary for the operation, of the Proctor Lake project, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259).

SEC. 3109. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio Channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921) and section 335 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest for the project if the Secretary determines that the work is integral to the project.

SEC. 3110. LEE, RUSSELL, SCOTT, SMYTH, TAZEWELL, AND WISE COUNTIES, VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339) and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724–3725) and section 336 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to direct the Secretary to determine the ability of Lee, Russell, Scott, Smyth, Tazewell, and Wise Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criterion specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

SEC. 3111. TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking "at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000." and inserting "at a total cost of $3,000,000, with an estimated Federal cost of $2,500,000 and an estimated non-Federal cost of $750,000.".

SEC. 3112. DUWAMISH/GREEN, WASHINGTON.

The project for ecosystem restoration, Duwamish/Green, Washington, authorized by section 101(b)(26) of the Water Resources Development Act of 2000 (114 Stat. 2579), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

SEC. 3113. YAKIMA RIVER, PORT OF SUNNYSIDE, WASHINGTON.

The project for aquatic ecosystem restoration, Yakima River, Port of Sunnyside, Washington, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3114. GREENBRIER RIVER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended by striking "$47,000,000" and inserting "$99,000,000".

SEC. 3115. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

Section 30(d) of the Water Resources Development Act of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended to read as follows:

"(d) HISTORIC STRUCTURE.—The Secretary shall ensure the preservation and restoration of the structure known as the 'Jenkins House', and the reconstruction of associated buildings and landscape features of such structure located within the Lesage/Greenbottom Swamp in accordance with the Secretary of the Interior's standards for the treatment of historic properties. Amounts made available for expenditure for the project authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110) shall be available for the purposes of this subsection.".

SEC. 3116. NORTHERN WEST VIRGINIA.

Section 557 of the Water Resources Development Act of 1999 (113 Stat. 353) is amended—

(1) in the first sentence by striking "favorable";

(2) by striking "$8,400,000" and inserting "$12,000,000"; and

(3) by striking "$4,200,000" each place it appears and inserting "$6,000,000".

SEC. 3117. MANITOWOC HARBOR, WISCONSIN.

The project for navigation, Manitowoc Harbor, Wisconsin, authorized by the River and Harbor Act of August 30, 1852 (10 Stat. 58), is modified to direct the Secretary to deepen the upstream reach of the navigation channel from 12 feet to 18 feet, at a total cost of $405,000.

SEC. 3118. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking "1276.42" and inserting "1278.42";

(B) by striking "1218.31" and inserting "1221.31"; and

(C) by striking "1234.82" and inserting "1235.30"; and

(2) by striking subsection (b) and inserting the following:

"(b) EXCEPTION.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with water control regulation manuals (or revisions thereto) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users. The water control regulation manuals (and any revisions thereto) shall be effective when the Secretary transmits them to Congress. The Secretary shall report to Congress at least 14 days before operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a); except that notification is not required for operations necessary to prevent the loss of life or to ensure the safety of the dam or if the drawdown of lake levels is in anticipation of flood control operations.".

SEC. 3119. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092).

(2) The project for flood control, Agana River, Guam, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4127).

(3) The project for navigation, Fall River Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731); except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3120. PROJECT REAUTHORIZATIONS.

Each of the following projects may be carried out by the Secretary and no construction on any such project may be initiated until the Secretary determines that the project is feasible:

(1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation, Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482) and deauthorized on April 15, 2002, in accordance with section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) MANITOWOC HARBOR, WISCONSIN.—That portion of the project for navigation, Manitowoc Harbor, Wisconsin, authorized by the first section of the River and Harbor Act of August 30, 1852 (10 Stat. 58), consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176).

(3) HEARDING ISLAND INLET, DULUTH HARBOR, MINNESOTA.—The project for dredging, Hearding Island Inlet, Duluth Harbor, Minnesota, authorized by section 22 of the Water Resources Development Act of 1988 (102 Stat. 4027).

SEC. 3121. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects are not authorized after the date of enactment of this Act:

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described as follows: Beginning at a point along the eastern limit of the existing project, N123,649.75, E481,920.54, thence running northwesterly about 52.64 feet to a point N123,683.03, E481,879.75, thence running northeasterly about 1,442.21 feet to a point N125,030.08, E482,394.96, thence running northeasterly about 139.52 feet to a point along the eastern limit of the existing channel, N125,133.87, E482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

(2) MYSTIC RIVER, CONNECTICUT.—The portion of the project for navigation, Mystic River, Connecticut, authorized by the first section of the River and Harbor Appropriations Act of September 19, 1890 (26 Stat. 436) consisting of a 12-foot-deep channel, approximately 7,554 square feet in area, starting at a point N193,086.51, E815,092.78, thence running north 59 degrees 21 minutes 46.63 seconds west about 138.05 feet to a point N193,156.86, E814,974.00, thence running north 51 degrees 04 minutes 39.00 seconds west about 166.57 feet to a point N193,261.51, E814,844.41, thence running north 43 degrees 01 minutes 34.90 seconds west about 86.23 feet to a point N193,324.55, E814,785.57, thence running north 06 degrees 42 minutes 03.86 seconds west about 156.57 feet to a point N193,480.05, E814,767.30, thence running south 21 degrees 21 minutes 17.94 seconds east about 231.42 feet to a point N193,264.52, E814,851.57, thence running south 53 degrees 34 minutes 23.28 seconds east about 299.78 feet to the point of origin.

(3) NEW LONDON HARBOR, CONNECTICUT.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel and that is further described as beginning at a point along the western limit of the existing project, N188,802.75, E779,462.81, thence running northeasterly about 1,373.88 feet to a point N189,554.87, E780,612.53, thence running southeasterly about 439.54 feet to a point N189,319.88, E780,983.98, thence running southwesterly about 831.58 feet to a point N188,864.63, E780,288.08, thence running southeasterly about 567.39 feet to a point N188,301.88, E780,360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

(4) FALMOUTH HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), beginning at a point along the eastern side of the inner harbor N200,415.05, E845,307.98, thence running north 25 degrees 48 minutes 54.3 seconds east 160.24 feet to a point N200,559.20, E845,377.76, thence running north 22 degrees 7 minutes 52.4 seconds east 596.82 feet to a point N201,112.15, E845,602.60, thence running north 60 degrees 1 minute 0.3 seconds east 83.18 feet to a point N201,153.72, E845,674.65, thence running south 24 degrees 56 minutes 43.4 seconds west 665.01 feet to a point N200,550.75, E845,394.18, thence running south 32 degrees 25 minutes 29.0 seconds west 160.76 feet to the point of origin.

(5) ISLAND END RIVER, MASSACHUSETTS.—The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98, E721,180.01, thence running northeast about 35 feet to a point N507,384.17, E721,183.36, thence running northeast about 324 feet to a point N507,590.51, E721,433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin.

(6) CITY WATERWAY, TACOMA, WASHINGTON.—The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the waterway beginning at station 70+00 and ending at station 80+00.

(7) AUNT LYDIA'S COVE, MASSACHUSETTS.—

(A) IN GENERAL.—The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), consisting of the 8-foot deep anchorage in the cove described in subparagraph (B).

(B) DESCRIPTION OF PORTION.—The portion of the project described in subparagraph (A) is more particularly described as the portion beginning at a point along the southern limit of the existing project, N254,332.00, E1,023,103.96, thence running northwesterly about 761.60 feet to a point along the western limit of the existing project N255,076.84, E1,022,945.07, thence running southwesterly about 38.11 feet to a point N255,038.99, E1,022,940.60, thence running southeasterly about 267.07 feet to a point N254,772.00, E1,022,947.00, thence running southeasterly about 462.41 feet to a point N254,320.06, E1,023,044.84, thence running northeasterly about 60.31 feet to the point of origin.

(b) SOUTHPORT HARBOR, FAIRFIELD, CONNECTICUT.—The project for navigation, Southport Harbor, Fairfield, Connecticut, authorized by section 2 of the River and Harbor Act of March 2, 1829, and by the first section of the River and Harbor Act of August 30, 1935 (49 Stat. 1029), and section 364 of the Water Resources Development Act of 1996 (110 Stat. 3733–3734), is further modified to redesignate a portion of the 9-foot-deep channel as an anchorage area, approximately 900 feet in length and 90,000 square feet in area, and lying generally north of a line with points at coordinates N108,043.45, E452,252.04 and N107,938.74, E452,265.74.

(c) SACO RIVER, MAINE.—The portion of the project for navigation, Saco River, Maine, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and described as a 6-foot deep, 10-acre turning basin located at the head of navigation, is redesignated as an anchorage area.

(d) UNION RIVER, MAINE.—The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N315,975.13, E1,004,424.86, thence running north 61 degrees 27 minutes 20.71 seconds west about 132.34 feet to a point N316,038.37, E1,004,308.61.

(e) MYSTIC RIVER, MASSACHUSETTS.—The portion of the project for navigation, Mystic River, Massachusetts, authorized by the first section of the River and Harbor Appropriations Act of July 13, 1892 (27 Stat. 96), between a line starting at a point N515,683.77, E707,035.45 and ending at a point N515,721.28, E707,069.85 and a line starting at a point N514,595.15, E707,746.15 and ending at a point N514,732.94, E707,658.38 shall be relocated and reduced from a 100-foot wide channel to a 50-foot wide channel after the date of enactment of this Act described as follows: Beginning at a point N515,721.28, E707,069.85, thence running southeasterly about 840.50 feet to a point N515,070.16, E707,601.27, thence running southeasterly about 177.54 feet to a point N514,904.84, E707,665.98, thence running southeasterly about 319.90 feet to a point with coordinates N514,595.15, E707,746.15, thence running northwesterly about 163.37 feet to a point N514,732.94, E707,658.38, thence running northwesterly about 161.58 feet to a point N514.889.47, E707,618.30, thence running northwesterly about 166.61 feet to a point N515.044.62, E707,557.58, thence running northwesterly about 825.31 feet to a point N515,683.77, E707,035.45, thence running northeasterly about 50.90 feet returning to a point N515,721.28, E707,069.85.

(f) CONDITIONS.—The first sentence of section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) by striking "two years" and inserting "year"; and

(2) by striking "7" and inserting "5".

SEC. 3122. LAND CONVEYANCES.

(a) ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to paragraph (2), all right, title, and interest in and to real property within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Flood Control Act of May 15, 1928 (33 U.S.C. 702a et seq.).

(2) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The conveyance by the United States under this subsection shall be subject to—

(i) the condition that the State of Arkansas agree to operate, maintain, and manage the real property for fish and wildlife, recreation, and environmental purposes at no cost or expense to the United States; and

(ii) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(B) REVERSION.—If the Secretary determines that the real property conveyed under paragraph (1) ceases to be held in public ownership or the State ceases to operate, maintain, and manage the real property in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

(3) MITIGATION.—Nothing in this subsection extinguishes the responsibility of the Federal Government or the non-Federal interest for the project referred to in paragraph (1) from the obligation to implement mitigation for such project that existed on the day prior to the transfer authorized by this subsection.

(b) MILFORD, KANSAS.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to real property consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(2) REVERSION.—If the Secretary determines that the real property conveyed under paragraph (1) ceases to be held in public ownership or ceases to be operated and maintained as a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(c) PIKE COUNTY, MISSOURI.—

(1) IN GENERAL.—At such time as S.S.S., Inc., conveys all right, title and interest in and to the real property described in paragraph (2)(A) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the real property described in paragraph (2)(B) to S.S.S., Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—Approximately 42 acres, the exact legal description to be determined by mutual agreement of S.S.S., Inc., and the Secretary, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about a 200-foot distance from Drake Island (also known as Grimes Island).

(B) FEDERAL LAND.—Approximately 42 acres, the exact legal description to be determined by mutual agreement of S.S.S. Inc., and the Secretary, situated in Pike County, Missouri, known as Government Tract Numbers MIs–7 and a portion of FM–46 (both tracts on Buffalo Island), administered by the Corps of Engineers.

(3) CONDITIONS.—The exchange of real property under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the real property described in paragraph (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the real property described in paragraph (2)(B) to S.S.S., Inc., shall be by quitclaim deed and contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—S.S.S., Inc., may remove, and the Secretary may require S.S.S., Inc., to remove, any improvements on the land described in paragraph (2)(A).

(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the real property conveyed to S.S.S., Inc., by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the real property conveyed to the United States by S.S.S., Inc., under paragraph (1), S.S.S., Inc., shall make a payment to the United States equal to the excess in cash or a cash equivalent that is satisfactory to the Secretary.

(d) BOARDMAN, OREGON.—Section 501(g)(1) of the Water Resources Development Act of 1996 (110 Stat. 3751) is amended—

(1) by striking "city of Boardman," and inserting "the Boardman Park and Recreation District, Boardman,"; and

(2) by striking "such city" and inserting "the city of Boardman".

(e) LOWELL, OREGON.—

(1) IN GENERAL.—The Secretary may convey without consideration to Lowell School District, by quitclaim deed, all right, title, and interest of the United States in and to land and buildings thereon, known as Tract A–82, located in Lowell, Oregon, and described in paragraph (2).

(2) DESCRIPTION OF PROPERTY.—The parcel of land authorized to be conveyed under paragraph (1) is as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded at page 56 of Volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; thence east 250.0 feet to the true point of beginning of this description in Section 14, Township 19 South, Range 1 West of the Willamette Meridian, Lane County, Oregon.

(3) TERMS AND CONDITIONS.—Before conveying the parcel to the school district, the Secretary shall ensure that the conditions of buildings and facilities meet the requirements of applicable Federal law.

(4) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(f) LOWELL, OREGON.—

(1) RELEASE AND EXTINGUISHMENT OF DEED RESERVATIONS.—

(A) RELEASE AND EXTINGUISHMENT OF DEED RESERVATIONS.—The Secretary may release and extinguish the deed reservations for access and communication cables contained in the quitclaim deed, dated January 26, 1965, and recorded February 15, 1965, in the records of Lane County, Oregon; except that such reservations may only be released and extinguished for the lands owned by the city of Lowell as described *in the quitclaim deed, dated April 11, 1991, in such records.*

(B) ADDITIONAL RELEASE AND EXTINGUISHMENT OF DEED RESERVATIONS.—The Secretary may also release and extinguish the same deed reservations referred to in subparagraph (A) over land owned by Lane County, Oregon, within the city limits of Lowell, Oregon, to accommodate the development proposals of the city of Lowell/St. Vincent de Paul, Lane County, affordable housing project; except that the Secretary may require, at no cost to the United States—

(i) the alteration or relocation of any existing facilities, utilities, roads, or similar improvements on such lands; and

(ii) the right-of-way for such facilities, utilities, or improvements, as a pre-condition of any release or extinguishment of the deed reservations.

(2) CONVEYANCE.—The Secretary may convey to the city of Lowell, Oregon, at fair market value the parcel of land situated in the city of Lowell, Oregon, at fair market value consisting of the strip of federally-owned lands located northeast of West Boundary Road between Hyland Lane and the city of Lowell's eastward city limits.

(3) ADMINISTRATIVE COST.—Notwithstanding paragraphs (1) and (2), the city of Lowell, Oregon, shall pay the administrative costs incurred by the United States to execute the release and extinguishment of the deed reservations under paragraph (1) and the conveyance under paragraph (2).

(g) RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.—

(1) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, at fair market value, all right, title, and interest of the United States in and to the real property described in paragraph (2) that is managed, as of the date of enactment of this Act, by the South Carolina department of commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(2) LAND DESCRIPTION.—Subject to paragraph (3), the real property referred to in paragraph (1) is the parcel contained in the portion of real property described in Army Lease Number DACW21–1–92–0500.

(3) RESERVATION OF INTERESTS.—The United States shall reserve—

(A) ownership of all real property included in the lease referred to in paragraph (2) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other rights and interests in and to the real property to be conveyed as the Secretary considers necessary for authorized project purposes, including easement rights-of-way to remaining Federal land.

(4) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER–1130–2–406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this subsection.

(5) COST SHARING.—In carrying out the conveyance under this subsection, the Secretary and the State shall comply with all obligations of any cost-sharing agreement between the Secretary and the State with respect to the real property described in paragraph (2) in effect as of the date of the conveyance.

(6) LAND NOT CONVEYED.—The State shall continue to manage the real property described in paragraph (3) not conveyed under this subsection in accordance with the terms and conditions of Army Lease Number DACW21–1–92–0500.

(h) DENISON, TEXAS.—

(1) IN GENERAL.—The Secretary shall offer to convey at fair market value to the city of Denison, Texas, all right, title, and interest of the United States in and to the approximately 900 acres of land located in Grayson County, Texas, which is currently subject to an application for lease for public park and recreational purposes made by the city of Denison, dated August 17, 2005.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and description of the real property referred to in paragraph (1) shall be determined by a survey paid for by the city of Denison, Texas, that is satisfactory to the Secretary.

(3) CONVEYANCE.—On acceptance by the city of Denison, Texas, of an offer under paragraph (1), the Secretary may immediately convey the land surveyed under paragraph (2) by quitclaim deed to the city of Denison, Texas.

(i) GENERALLY APPLICABLE PROVISIONS.—

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(4) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(5) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 3123. EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.

(a) IDAHO.—

(1) IN GENERAL.—With respect to the property covered by each deed in paragraph (2)—

(A) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(B) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished; and

(C) the human habitation or other building structure use restriction is extinguished if the elevation of the property is above the standard project flood elevation.

(2) AFFECTED DEEDS.—The deeds with the following county auditor's file numbers are referred to in paragraph (1):

(A) Auditor's Instrument No. 399218 of Nez Perce County, Idaho—2.07 acres.

(B) Auditor's Instrument No. 487437 of Nez Perce County, Idaho—7.32 acres.

(b) OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.—

(1) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as "Easter Seals Tennessee") at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(2) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by paragraph (1).

(c) PORT OF PASCO, WASHINGTON.—

(1) EXTINGUISHMENT OF USE RESTRICTIONS AND FLOWAGE EASEMENT.—With respect to the property covered by the deed in paragraph (3)(A)—

(A) the flowage easement and human habitation or other building structure use restriction is extinguished if the elevation of the property is above the standard project flood elevation; and

(B) the use of fill material to raise areas of the property above the standard project flood elevation is authorized, except in any area for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(2) EXTINGUISHMENT OF FLOWAGE EASEMENT.—With respect to the property covered by each deed in paragraph (3)(B), the flowage easement is extinguished if the elevation of the property is above the standard project flood elevation.

(3) AFFECTED DEEDS.—The deeds referred to in paragraphs (1) and (2) are as follows:

(A) Auditor's File Number 262980 of Franklin County, Washington.

(B) Auditor's File Numbers 263334 and 404398 of Franklin County, Washington.

(d) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes:

TITLE IV—STUDIES

SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.

Section 455 of the Water Resources Development Act of 1999 (42 U.S.C. 1962d–21) is amended by adding at the end the following:

"(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of in-kind services and materials.".

SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL SITES.

The Secretary shall conduct a study to determine the nature and frequency of avian botulism problems in the vicinity of Lake Erie associated with dredged material disposal sites and shall make recommendations to eliminate the conditions that result in such problems.

SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and other appropriate agencies, shall conduct, at Federal expense, a comprehensive study of drought conditions in the southwestern United States, with particular emphasis on the Colorado River basin, the Rio Grande River basin, and the Great Basin.

(b) INVENTORY OF ACTIONS.—In conducting the study, the Secretary shall assemble an inventory of actions taken or planned to be taken to address drought-related situations in the southwestern United States.

(c) PURPOSE.—The purpose of the study shall be to develop recommendations to more effectively address current and future drought conditions in the southwestern United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $7,000,000. Such funds shall remain available until expended.

SEC. 4004. DELAWARE RIVER.

The Secretary shall review, in consultation with the Delaware River Basin Commission and the States of Delaware, Pennsylvania, New Jersey, and New York, the report of the Chief of Engineers on the Delaware River, published as House Document Numbered 522, 87th Congress, Second Session, as it relates to the Mid-Delaware River Basin from Wilmington to Port Jervis, and any other pertinent reports (including the strategy for resolution of interstate flow management issues in the Delaware River Basin dated August 2004 and the National Park Service Lower Delaware River Management Plan (1997–1999)), with a view to determining whether any modifications of recommendations contained in the first report referred to are advisable at the present time, in the interest of flood damage reduction, ecosystem restoration, and other related problems.

SEC. 4005. KNIK ARM, COOK INLET, ALASKA.

The Secretary shall conduct, at Federal expense, a study to determine the potential impacts on navigation of construction of a bridge across Knik Arm, Cook Inlet, Alaska.

SEC. 4006. KUSKOKWIM RIVER, ALASKA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Kuskokwim River, Alaska, in the vicinity of the village of Crooked Creek.

SEC. 4007. ST. GEORGE HARBOR, ALASKA.

The Secretary shall conduct, at Federal expense, a study to determine the feasibility of providing navigation improvements at St. George Harbor, Alaska.

SEC. 4008. SUSITNA RIVER, ALASKA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower, recreation, and related purposes on the Susitna River, Alaska.

SEC. 4009. GILA BEND, MARICOPA, ARIZONA.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Gila Bend, Maricopa, Arizona.

(b) Review of Plans.—In conducting the study, the Secretary shall review plans and designs developed by non-Federal interests and shall incorporate such plans and designs into the Federal study if the Secretary determines that such plans and designs are consistent with Federal standards.

SEC. 4010. SEARCY COUNTY, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of using Greers Ferry Lake as a water supply source for Searcy County, Arkansas.

SEC. 4011. ELKHORN SLOUGH ESTUARY, CALIFORNIA.

The Secretary shall conduct a study of the Elkhorn Slough estuary, California, to determine the feasibility of conserving, enhancing, and restoring estuarine habitats by developing strategies to address hydrological management issues.

SEC. 4012. FRESNO, KINGS, AND KERN COUNTIES, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Fresno, Kings, and Kern Counties, California.

SEC. 4013. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.

(a) In General.—The Secretary, in coordination with the city of Los Angeles, shall—

(1) prepare a feasibility study for environmental restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles; and

(2) consider any locally-preferred project alternatives developed through a full and open evaluation process for inclusion in the study.

(b) Use of Existing Information and Measures.—In preparing the study under subsection (a), the Secretary shall use, to the maximum extent practicable—

(1) information obtained from the Los Angeles River Revitalization Master Plan; and

(2) the development process of that plan.

(c) Demonstration Projects.—

(1) In general.—The Secretary is authorized to construct demonstration projects in order to provide information to develop the study under subsection (a)(1).

(2) Federal share.—The Federal share of the cost of any project under this subsection shall be not more than 65 percent.

(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $20,000,000.

SEC. 4014. LYTLE CREEK, RIALTO, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and groundwater recharge, Lytle Creek, Rialto, California.

SEC. 4015. MOKELUMNE RIVER, SAN JOAQUIN COUNTY, CALIFORNIA.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply along the Mokelumne River, San Joaquin County, California.

(b) Limitation on Statutory Construction.—Nothing in this section shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

SEC. 4016. NAPA RIVER, ST. HELENA, CALIFORNIA.

(a) In General.—The Secretary shall conduct a comprehensive study of the Napa River in the vicinity of St. Helena, California, for the purposes of improving flood management through reconnecting the river to its floodplain; restoring habitat, including riparian and aquatic habitat; improving fish passage and water quality; and restoring native plant communities.

(b) Plans and Designs.—In conducting the study, the Secretary shall review plans and designs developed by non-Federal interests and shall incorporate such plans and designs into the Federal study if the Secretary determines that such plans and designs are consistent with Federal standards.

SEC. 4017. ORICK, CALIFORNIA.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and ecosystem restoration, Orick, California.

(b) Feasibility of Restoring or Rehabilitating Redwook Creek Levees.—In conducting the study, the Secretary shall determine the feasibility of restoring or rehabilitating the Redwood Creek Levees, Humboldt County, California.

SEC. 4018. RIALTO, FONTANA, AND COLTON, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Rialto, Fontana, and Colton, California.

SEC. 4019. SACRAMENTO RIVER, CALIFORNIA.

The Secretary shall conduct a comprehensive study to determine the feasibility of, and alternatives for, measures to protect water diversion facilities and fish protective screen facilities in the vicinity of river mile 178 on the Sacramento River, California.

SEC. 4020. SAN DIEGO COUNTY, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, San Diego County, California, including a review of the feasibility of connecting 4 existing reservoirs to increase usable storage capacity.

SEC. 4021. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of the beneficial use of dredged material from the San Francisco Bay in the Sacramento-San Joaquin Delta, California, including the benefits and impacts of salinity in the Delta and the benefits to navigation, flood damage reduction, ecosystem restoration, water quality, salinity control, water supply reliability, and recreation.

(b) Cooperation.—In conducting the study, the Secretary shall cooperate with the California Department of Water Resources and appropriate Federal and State entities in developing options for the beneficial use of dredged material from San Francisco Bay for the Sacramento-San Joaquin Delta area.

(c) Review.—The study shall include a review of the feasibility of using Sherman Island as a rehandling site for levee maintenance material, as well as for ecosystem restoration. The review may include monitoring a pilot project using up to 150,000 cubic yards of dredged material and being carried out at the Sherman Island site, examining larger scale use of dredged materials from the San Francisco Bay and Suisun Bay Channel, and analyzing the feasibility of the potential use of saline materials from the San Francisco Bay for both rehandling and ecosystem restoration purposes.

SEC. 4022. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

(a) In General.—In conducting the South San Francisco Bay shoreline study, the Secretary shall—

(1) review the planning, design, and land acquisition documents prepared by the California State Coastal Conservancy, the Santa Clara Valley Water District, and other local interests in developing recommendations for measures to provide flood protection of the South San Francisco Bay shoreline, restoration of the South San Francisco Bay salt ponds (including lands owned by the Department of the Interior), and other related purposes; and

(2) incorporate such planning, design, and land acquisition documents into the Federal study if the Secretary determines that such documents are consistent with Federal standards.

(b) Report.—Not later than December 31, 2008, the Secretary shall transmit a feasibility report for the South San Francisco Bay shoreline study to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) Credit.—

(1) In general.—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the South San Francisco Bay shoreline study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(2) Limitation.—In no case may work that was carried out more than 5 years before the date of enactment of this Act be eligible for credit under this subsection.

SEC. 4023. TWENTYNINE PALMS, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Pinto Cove Wash, in the vicinity of Twentynine Palms, California.

SEC. 4024. YUCCA VALLEY, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, West Burnt Mountain basin, in the vicinity of Yucca Valley, California.

SEC. 4025. ROARING FORK RIVER, BASALT, COLORADO.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and other purposes for the Roaring Fork River, Basalt, Colorado.

SEC. 4026. DELAWARE AND CHRISTINA RIVERS AND SHELLPOT CREEK, WILMINGTON, DELAWARE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and related purposes along the Delaware and Christina Rivers and Shellpot Creek, Wilmington, Delaware.

SEC. 4027. COLLIER COUNTY BEACHES, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hurricane and storm damage reduction and flood damage reduction in the vicinity of Vanderbilt, Park Shore, and Naples beaches, Collier County, Florida.

SEC. 4028. LOWER ST. JOHNS RIVER, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental protection and restoration, including improved water quality, and related purposes, Lower St. Johns River, Florida.

SEC. 4029. VANDERBILT BEACH LAGOON, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, water supply, and improvement of water quality at Vanderbilt Beach Lagoon, Florida.

SEC. 4030. MERIWETHER COUNTY, GEORGIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Meriwether County, Georgia.

SEC. 4031. TYBEE ISLAND, GEORGIA.

The Secretary shall conduct a study to determine the feasibility of including the northern end of Tybee Island extending from the north terminal groin to the mouth of Lazaretto Creek as a part of the project for beach erosion control, Tybee Island, Georgia, carried out under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

SEC. 4032. BOISE RIVER, IDAHO.

The study for flood control, Boise River, Idaho, authorized by section 414 of the Water Resources Development Act of 1999 (113 Stat. 324), is modified—

(1) to add ecosystem restoration and water supply as project purposes to be studied; and

(2) to require the Secretary to credit toward the non-Federal share of the cost of the study the cost, not to exceed $500,000, of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 4033. BALLARD'S ISLAND SIDE CHANNEL, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, Ballard's Island, Illinois.

SEC. 4034. SALEM, INDIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project to provide an additional water supply source for Salem, Indiana.

SEC. 4035. BUCKHORN LAKE, KENTUCKY.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood damage reduction, Buckhorn Lake, Kentucky, authorized by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), to add ecosystem restoration, recreation, and improved access as project purposes, including permanently raising the winter pool elevation of the project.

(b) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

SEC. 4036. DEWEY LAKE, KENTUCKY.

The Secretary shall conduct a study to determine the feasibility of modifying the project for Dewey Lake, Kentucky, to add water supply as a project purpose.

SEC. 4037. LOUISVILLE, KENTUCKY.

The Secretary shall conduct a study of the project for flood control, Louisville, Kentucky, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), to investigate measures to address the rehabilitation of the project.

SEC. 4038. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts.

SEC. 4039. CLINTON RIVER, MICHIGAN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, Clinton River, Michigan.

SEC. 4040. HAMBURG AND GREEN OAK TOWNSHIPS, MICHIGAN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on Ore Lake and the Huron River for Hamburg and Green Oak Townships, Michigan.

SEC. 4041. DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.

(a) IN GENERAL.—The Secretary shall conduct a study and prepare a report to evaluate the integrity of the bulkhead system located on and in the vicinity of Duluth-Superior Harbor, Duluth, Minnesota, and Superior, Wisconsin.

(b) CONTENTS.—The report shall include—

(1) a determination of causes of corrosion of the bulkhead system;

(2) recommendations to reduce corrosion of the bulkhead system;

(3) a description of the necessary repairs to the bulkhead system; and

(4) an estimate of the cost of addressing the causes of the corrosion and carrying out necessary repairs.

SEC. 4042. NORTHEAST MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Tennessee-Tombigbee Waterway, Alabama and Mississippi, to provide water supply for northeast Mississippi.

SEC. 4043. ST. LOUIS, MISSOURI.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, St. Louis, Missouri, to restore or rehabilitate the levee system feature of the project for flood protection, St. Louis, Missouri, authorized by the first section of the Act entitled "An Act authorizing construction of certain public works on the Mississippi River for the protection of Saint Louis, Missouri", approved August 9, 1955 (69 Stat. 540).

SEC. 4044. DREDGED MATERIAL DISPOSAL, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project in the vicinity of the Atlantic Intracoastal Waterway, New Jersey, for the construction of a dredged material disposal transfer facility to make dredged material available for beneficial reuse.

SEC. 4045. BAYONNE, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Kill Van Kull, Bayonne, New Jersey.

SEC. 4046. CARTERET, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Raritan River, Carteret, New Jersey.

SEC. 4047. GLOUCESTER COUNTY, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Gloucester County, New Jersey, including the feasibility of restoring the flood protection dikes in Gibbstown, New Jersey, and the associated tidegates in Gloucester County, New Jersey.

SEC. 4048. PERTH AMBOY, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Arthur Kill, Perth Amboy, New Jersey.

SEC. 4049. BATAVIA, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower and related purposes in the vicinity of Batavia, New York.

SEC. 4050. BIG SISTER CREEK, EVANS, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Big Sister Creek, Evans, New York.

(b) EVALUATION OF POTENTIAL SOLUTIONS.—In conducting the study, the Secretary shall evaluate potential solutions to flooding from all sources, including flooding that results from ice jams.

SEC. 4051. FINGER LAKES, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration and protection, Finger Lakes, New York, to address water quality and aquatic nuisance species.

SEC. 4052. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for storm damage reduction and shoreline protection in the vicinity of Gallagher Beach, Lake Erie Shoreline, Buffalo, New York.

SEC. 4053. NEWTOWN CREEK, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out ecosystem restoration improvements on Newtown Creek, Brooklyn and Queens, New York.

SEC. 4054. NIAGARA RIVER, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for a low-head hydroelectric generating facility in the Niagara River, New York.

SEC. 4055. SHORE PARKWAY GREENWAY, BROOKLYN, NEW YORK.

The Secretary shall conduct a study of the feasibility of carrying out a project for shoreline protection in the vicinity of the confluence of the Narrows and Gravesend Bay, Upper New York Bay, Shore Parkway Greenway, Brooklyn, New York.

SEC. 4056. UPPER DELAWARE RIVER WATERSHED, NEW YORK.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and with the consent of the affected local government, a nonprofit organization may serve as the non-Federal interest for a study for the Upper Delaware River watershed, New York, being carried out under Committee Resolution 2495 of the Committee on Transportation and Infrastructure of the House of Representatives, adopted May 9, 1996.

SEC. 4057. LINCOLN COUNTY, NORTH CAROLINA.

The Secretary shall conduct a study of existing water and water quality-related infrastructure in Lincoln County, North Carolina, to assist local interests in determining the most efficient and effective way to connect county infrastructure.

SEC. 4058. WILKES COUNTY, NORTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Wilkes County, North Carolina.

SEC. 4059. YADKINVILLE, NORTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Yadkinville, North Carolina.

SEC. 4060. LAKE ERIE, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for power generation at confined disposal facilities along Lake Erie, Ohio.

SEC. 4061. OHIO RIVER, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction on the Ohio River in Mahoning, Columbiana, Jefferson, Belmont, Noble, Monroe, Washington, Athens, Meigs, Gallia, Lawrence, and Scioto Counties, Ohio.

SEC. 4062. ECOSYSTEM RESTORATION AND FISH PASSAGE IMPROVEMENTS, OREGON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and fish passage improvements on rivers throughout the State of Oregon.

(b) REQUIREMENTS.—In carrying out the study, the Secretary shall—

(1) work in coordination with the State of Oregon, local governments, and other Federal agencies; and

(2) place emphasis on—

(A) fish passage and conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(B) other watershed restoration objectives.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—In conjunction with conducting the study under subsection (a), the Secretary may carry out pilot projects to demonstrate the effectiveness of ecosystem restoration and fish passages.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this subsection.

SEC. 4063. WALLA WALLA RIVER BASIN, OREGON.

In conducting the study of determine the feasibility of carrying out a project for ecosystem restoration, Walla Walla River Basin, Oregon, the Secretary shall—

(1) credit toward the non-Federal share of the cost of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) allow the non-Federal interest to provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

SEC. 4064. CHARTIERS CREEK WATERSHED, PENNSYLVANIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chartiers Creek watershed, Pennsylvania.

SEC. 4065. KINZUA DAM AND ALLEGHENY RESERVOIR, PENNSYLVANIA.

The Secretary shall conduct a study of the project for flood control, Kinzua Dam and Allegheny Reservoir, Warren, Pennsylvania, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1570), and modified by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1215), section 2 of the Flood Control Act of August 18, 1941 (55 Stat. 646), and section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 887), to review operations of and identify modifications to the project to expand recreational opportunities.

SEC. 4066. WESTERN PENNSYLVANIA FLOOD DAMAGE REDUCTION, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall conduct a study of structural and nonstructural flood damage reduction, stream bank protection, storm water management, channel clearing and modification, and watershed coordination measures in the Mahoning River basin, Pennsylvania, the Allegheny River basin, Pennsylvania, and the Upper Ohio River basin, Pennsylvania, to provide a level of flood protection sufficient to prevent future losses to communities located in such basins from flooding such as occurred in September 2004, but not less than a 100-year level of flood protection.

(b) PRIORITY COMMUNITIES.—In carrying out this section, the Secretary shall give priority to the following Pennsylvania communities: Marshall Township, Ross Township, Shaler Township, Jackson Township, Harmony, Zelienople, Darlington Township, Houston Borough, Chartiers Township, Washington, Canton Township, Tarentum Borough, and East Deer Township.

SEC. 4067. WILLIAMSPORT, PENNSYLVANIA.

The Secretary shall conduct a study of the project for flood control, Williamsport, Pennsylvania, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1570), to investigate measures to rehabilitate the project.

SEC. 4068. YARDLEY BOROUGH, PENNSYLVANIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, at Yardley Borough, Pennsylvania, including the alternative of raising River Road.

SEC. 4069. RIO VALENCIANO, JUNCOS, PUERTO RICO.

(a) IN GENERAL.—The Secretary shall conduct a study to reevaluate the project for flood damage reduction and water supply, Rio Valenciano, Juncos, Puerto Rico, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197) and section 204 of the Flood Control Act of 1970 (84 Stat. 1828), to determine the feasibility of carrying out the project.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 4070. CROOKED CREEK, BENNETTSVILLE, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Crooked Creek, Bennettsville, South Carolina.

SEC. 4071. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Broad River, York County, South Carolina.

SEC. 4072. CHATTANOOGA, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chattanooga Creek, Dobbs Branch, Chattanooga, Tennessee.

SEC. 4073. CLEVELAND, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Cleveland, Tennessee.

SEC. 4074. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for recreation on, riverbank protection for, and environmental protection of, the Cumberland River and riparian habitats in the city of Nashville and Davidson County, Tennessee.

SEC. 4075. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Lewis, Lawrence, and Wayne Counties, Tennessee.

SEC. 4076. WOLF RIVER AND NONCONNAH CREEK, MEMPHIS TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along Wolf River and Nonconnah Creek, in the vicinity of Memphis, Tennessee, to include the repair, replacement, rehabilitation, and restoration of the following pumping stations: Cypress Creek, Nonconnah Creek, Ensley, Marble Bayou, and Bayou Gayoso.

SEC. 4077. ABILENE, TEXAS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Abilene, Texas.

SEC. 4078. COASTAL TEXAS ECOSYSTEM PROTECTION AND RESTORATION, TEXAS.

(a) IN GENERAL.—The Secretary shall develop a comprehensive plan to determine the feasibility of carrying out projects for flood damage reduction, hurricane and storm damage reduction, and ecosystem restoration in the coastal areas of the State of Texas.

(b) SCOPE.—The comprehensive plan shall provide for the protection, conservation, and restoration of wetlands, barrier islands, shorelines, and related lands and features that protect critical resources, habitat, and infrastructure from the impacts of coastal storms, hurricanes, erosion, and subsidence.

(c) DEFINITION.—For purposes of this section, the term "coastal areas in the State of Texas" means the coastal areas of the State of Texas from the Sabine River on the east to the Rio Grande River on the west and includes tidal waters, barrier islands, marshes, coastal wetlands, rivers and streams, and adjacent areas.

SEC. 4079. JOHNSON CREEK, ARLINGTON, TEXAS.

(a) REEVALUATION OF ENVIRONMENTAL RESTORATION FEATURES.—The Secretary shall reevaluate the project for flood damage reduction, environmental restoration, and recreation, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280), to develop alternatives to the separable environmental restoration element of the project.

(b) STUDY OF ADDITIONAL FLOOD DAMAGE REDUCTION MEASURES.—The Secretary shall conduct a study to determine the feasibility of additional flood damage reduction measures and erosion control measures within the boundaries of the project referred to in subsection (a).

(c) PLANS AND DESIGNS.—In conducting the studies referred to in subsections (a) and (b), the Secretary shall review plans and designs developed by non-Federal interests and shall use such plans and designs to the extent that the Secretary determines that such plans and designs are consistent with Federal standards.

(d) CREDIT TOWARD FEDERAL SHARE.—If an alternative environmental restoration element is authorized by law, the Secretary shall credit toward the Federal share of the cost of that project the costs incurred by the Secretary to carry out the separable environmental restoration element of the project referred to in subsection (a). The non-Federal interest shall not be responsible for reimbursing the Secretary for any amount credited under this subsection.

(e) CREDIT TOWARD THE NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the cost of the studies under subsections (a) and (b), and the cost of any project carried out as a result of such studies the cost of work carried out by the non-Federal interest.

SEC. 4080. PORT OF GALVESTON, TEXAS.

The Secretary shall conduct a study of the feasibility of carrying out a project for dredged material disposal in the vicinity of the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666).

SEC. 4081. GRAND COUNTY AND MOAB, UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Grand County and the city of Moab, Utah, including a review of the impact of current and future demands on the Spanish Valley Aquifer.

SEC. 4082. SOUTHWESTERN UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Santa Clara River, Washington, Iron, and Kane Counties, Utah.

SEC. 4083. CHOWAN RIVER BASIN, VIRGINIA AND NORTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, navigation, and erosion control, Chowan River basin, Virginia and North Carolina.

SEC. 4084. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.

(a) In General.—The study for rehabilitation of the Elliott Bay Seawall, Seattle, Washington, being carried out under Committee Resolution 2704 of the Committee on Transportation and Infrastructure of the House of Representatives adopted September 25, 2002, is modified to include a determination of the feasibility of reducing future damage to the seawall from seismic activity.

(b) Acceptance of Contributions.—In carrying out the study, the Secretary may accept contributions in excess of the non-Federal share of the cost of the study from the non-Federal interest to the extent that the Secretary determines that the contributions will facilitate completion of the study.

(c) Credit.—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the study the value of contributions accepted by the Secretary under subsection (b).

SEC. 4085. MONONGAHELA RIVER BASIN, NORTHERN WEST VIRGINIA.

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the watersheds of the Monongahela River Basin lying within the counties of Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Rithchie, West Virginia, particularly as related to abandoned mine drainage abatement.

SEC. 4086. KENOSHA HARBOR, WISCONSIN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Kenosha Harbor, Wisconsin, including the extension of existing piers.

SEC. 4087. WAUWATOSA, WISCONSIN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and environmental restoration, Menomonee River and Underwood Creek, Wauwatosa, Wisconsin, and greater Milwaukee watersheds, Wisconsin.

SEC. 4088. JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN.

The Secretary shall conduct a study of the Johnsonville Dam, Johnsonville, Wisconsin, to determine if the structure prevents ice jams on the Sheboygan River.

TITLE V—MISCELLANEOUS

SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.

(a) In General.—Upon request of a non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels and breakwaters constructed or improved by the non-Federal interest if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel or breakwater was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Manatee Harbor basin, Florida.

(2) Bayou LaFourche Channel, Port Fourchon, Louisiana.

(3) Calcasieu River at Devil's Elbow, Louisiana.

(4) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee.

(5) Pix Bayou Navigation Channel, Chambers County, Texas.

(6) Racine Harbor, Wisconsin.

(b) Completion of Assessment.—Not later than 6 months after the date of receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

SEC. 5002. WATERSHED MANAGEMENT.

(a) In General.—The Secretary may provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) Specific Measures.—Assistance provided under subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for nonstructural measures to reduce destructive impacts of flooding.

(c) Non-Federal Share.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(d) Project Locations.—The locations referred to in subsection (a) are the following:

(1) Big Creek watershed, Roswell, Georgia.

(2) Those portions of the watersheds of the Chattahoochee, Etowah, Flint, Ocmulgee, and Oconee Rivers lying within the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry, Paulding, Rockdale, and Walton, Georgia.

(3) Kinkaid Lake, Jackson County, Illinois.

(4) Amite River basin, Louisiana.

(5) East Atchafalaya River basin, Iberville Parish and Pointe Coupee Parish, Louisiana.

(6) Red River watershed, Louisiana.

(7) Lower Platte River watershed, Nebraska.

(8) Rio Grande watershed, New Mexico.

(9) Taunton River basin, Massachusetts.

(10) Marlboro Township, New Jersey.

(11) Esopus, Plattekill, and Rondout Creeks, Greene, Sullivan, and Ulster Counties, New York.

(12) Greenwood Lake watershed, New York and New Jersey.

(13) Long Island Sound watershed, New York.

(14) Ramapo River watershed, New York.

(15) Western Lake Erie basin, Ohio.

(16) Those portions of the watersheds of the Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers lying within the counties of Beaver, Butler, Lawrence, and Mercer, Pennsylvania.

(17) Otter Creek watershed, Pennsylvania.

(18) Unami Creek watershed, Milford Township, Pennsylvania.

(19) Sauk River basin, Washington.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 5003. DAM SAFETY.

(a) Assistance.—The Secretary may provide assistance to enhance dam safety at the following locations:

(1) Fish Creek Dam, Blaine County, Idaho.

(2) Hamilton Dam, Saginaw River, Flint, Michigan.

(3) State Dam, Auburn, New York.

(4) Whaley Lake Dam, Pawling, New York.

(5) Ingham Spring Dam, Solebury Township, Pennsylvania.

(6) Leaser Lake Dam, Lehigh County, Pennsylvania.

(7) Stillwater Dam, Monroe County, Pennsylvania.

(8) Wissahickon Creek Dam, Montgomery County, Pennsylvania.

(b) Special Rule.—The assistance provided under subsection (a) for State Dam, Auburn, New York, shall be for a project for rehabilitation in accordance with the report on State Dam Rehabilitation, Owasco Lake Outlet, New York, dated March 1999, if the Secretary determines that the project is feasible.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (a) $6,000,000.

SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.

(a) In General.—Upon request of a non-Federal interest, the Secretary shall evaluate the structural integrity and effectiveness of a project for flood damage reduction and, if the Secretary determines that the project does not meet such minimum standards as the Secretary may establish and, absent action by the Secretary, the project will fail, the Secretary may take such action as may be necessary to restore the integrity and effectiveness of the project.

(b) Priority.—The Secretary shall evaluate under subsection (a) the following projects:

(1) Project for flood damage reduction, Arkansas River Levees, Arkansas.

(2) Project for flood damage reduction, Nonconnah Creek, Tennessee.

SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.

(a) In General.—Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is amended—

(1) by striking "and" at the end of paragraphs (23) and (27);

(2) by striking the period at the end of paragraph (28) and inserting a semicolon; and

(3) by adding at the end the following:

"(29) Ascension Parish, Louisiana;

"(30) East Baton Rouge Parish, Louisiana;

"(31) Iberville Parish, Louisiana;

"(32) Livingston Parish, Louisiana; and

"(33) Pointe Coupee Parish, Louisiana.".

(b) Authorization of Appropriations.—Section 212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended by striking "section—" and all that follows before the period at the end and inserting "section $20,000,000".

SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED PROJECTS.

(a) In General.—Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(3) by adding at the end the following:

"(9) $35,000,000 for the project described in subsection (c)(18);

"(10) $27,000,000 for the project described in subsection (c)(19);

"(11) $20,000,000 for the project described in subsection (c)(20);

"(12) $35,000,000 for the project described in subsection (c)(23);

"(13) $20,000,000 for the project described in subsection (c)(25);

"(14) $20,000,000 for the project described in subsection (c)(26);

"(15) $35,000,000 for the project described in subsection (c)(27);

"(16) $20,000,000 for the project described in subsection (c)(28); and

"(17) $30,000,000 for the project described in subsection (c)(40).".

(b) East Arkansas Enterprise Community, Arkansas.—Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project described in section 219(c)(20) of the Water Resources Development Act of 1992 (114 Stat. 2763A–219) if such assistance is authorized to be used for such purposes.

SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CONSTRUCTION FOR CERTAIN PROJECTS.

The Secretary shall expedite completion of the reports and, if the Secretary determines that the project is feasible, shall expedite completion of construction for the following projects:

(1) False River, Louisiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) Fulmer Creek, Village of Mohawk, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(3) Moyer Creek, Village of Frankfort, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(4) Steele Creek, Village of Ilion, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(5) Oriskany Wildlife Management Area, Rome, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(6) Whitney Point Lake, Otselic River, Whitney Point, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(7) North River, Peabody, Massachusetts, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(8) Chenango Lake, Chenango County, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS.

(a) In General.—The Secretary shall expedite completion of the reports for the following projects and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design:

(1) Project for water supply, Little Red River, Arkansas.

(2) Project for shoreline stabilization at Egmont Key, Florida.

(3) Project for ecosystem restoration, University Lake, Baton Rouge, Louisiana.

(4) Project for navigation, Sabine-Neches Waterway, Texas and Louisiana.

(b) Special Rule for Egmont Key, Florida.—In carrying out the project for shoreline stabilization at Egmont Key, Florida, referred to in subsection (a)(3), the Secretary shall waive any cost share to be provided by non-Federal interests for any portion of the project that benefits federally owned property.

SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESSMENT.

(a) In General.—The Secretary shall conduct, at Federal expense, an assessment of the water resources needs of the river basins and watersheds of the southeastern United States.

(b) Cooperative Agreements.—In carrying out the assessment, the Secretary may enter into cooperative agreements with State and local agencies, non-Federal and nonprofit entities, and regional researchers.

(c) Authorization of Appropriations.—There is authorized to be appropriated $7,000,000 to carry out this section.

SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.

Section 1103(e)(7) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(7)) is amended—

(1) by adding at the end of subparagraph (A) the following: "The non-Federal interest may provide the non-Federal share of the cost of the project in the form of in-kind services and materials."; and

(2) by inserting after subparagraph (B) the following:

"(C) Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest may include for any project undertaken under this section, a nonprofit entity with the consent of the affected local government.".

SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVER ENHANCEMENT PROJECT.

Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended by striking "and 2004" and inserting "through 2015".

SEC. 5012. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

Section 506(f)(3)(B) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22; 114 Stat. 2646) is amended by striking "50 percent" and inserting "100 percent".

SEC. 5013. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking "through 2006" and inserting "through 2012".

SEC. 5014. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking "through 2006" and inserting "through 2012".

SEC. 5015. GREAT LAKES NAVIGATION.

(a) In General.—Using available funds, the Secretary shall expedite the operation and maintenance, including dredging, of the navigation features of the Great Lakes and Connecting Channels for the purpose of supporting commercial navigation to authorized project depths.

(b) Great Lakes and Connecting Channels Defined.—In this section, the term "Great Lakes and Connecting Channels" includes Lakes Superior, Huron, Michigan, Erie, and Ontario, all connecting waters between and among such lakes used for commercial navigation, any navigation features in such lakes or waters that are a Federal operation or maintenance responsibility, and areas of the Saint Lawrence River that are operated or maintained by the Federal government for commercial navigation.

SEC. 5016. UPPER MISSISSIPPI RIVER DISPERSAL BARRIER PROJECT.

(a) In General.—The Secretary, in consultation with appropriate Federal and State agencies, shall study, design, and carry out a project for preventing and reducing the dispersal of aquatic nuisance species through the Upper Mississippi River system. The Secretary shall complete the study, design, and construction of the project not later than 6 months after the date of enactment of this Act.

(b) Dispersal Barrier.—The Secretary, at Federal expense, shall—

(1) investigate and identify environmentally sound methods for preventing and reducing the dispersal of aquatic nuisance species;

(2) study, design, and carry out a project for a dispersal barrier, using available technologies and measures, to be located in the lock portion of Lock and Dam 11 in the Upper Mississippi River basin;

(3) monitor and evaluate, in cooperation with the Director of the United States Fish and Wildlife Service, the effectiveness of the project in preventing and reducing the dispersal of aquatic nuisance species through the Upper Mississippi River system, and report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of the evaluation; and

(4) operate and maintain the project.

(c) Authorization of Appropriations.—There is authorized to be appropriated $4,000,000 to carry out this section.

SEC. 5017. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) Ex Officio Member.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18; 111 Stat. 176), section 2.2 of the Susquehanna River Basin Compact (Public Law 91–575), and section 2.2 of the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be the ex officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact;

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) Authorization To Allocate.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of the respective interstate compacts.

(c) Water Supply and Conservation Storage, Delaware River Basin.—

(1) In general.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) Limitation.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) Water Supply and Conservation Storage, Susquehanna River Basin.—

(1) In general.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin for any period for which the Commission has determined that a drought warning or drought emergency exists.

(2) Limitation.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) Water Supply and Conservation Storage, Potomac River Basin.—

(1) In general.—The Secretary shall enter into an agreement with the Potomac River

Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period for which the Commission has determined that a drought warning or drought emergency exists.

(2) Limitation.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5018. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) Form of Assistance.—Section 510(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended by striking ", and beneficial uses of dredged material" and inserting ", beneficial uses of dredged material, and restoration of submerged aquatic vegetation".

(b) Authorization of Appropriations.—Section 510(i) of such Act (110 Stat. 3761) is amended by striking "$10,000,000" and inserting "$50,000,000".

SEC. 5019. HYPOXIA ASSESSMENT.

The Secretary may participate with Federal, State, and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to assess hypoxia in the Gulf of Mexico.

SEC. 5020. POTOMAC RIVER WATERSHED ASSESSMENT AND TRIBUTARY STRATEGY EVALUATION AND MONITORING PROGRAM.

The Secretary may participate in the Potomac River Watershed Assessment and Tributary Strategy Evaluation and Monitoring Program to identify a series of resource management indicators to accurately monitor the effectiveness of the implementation of the agreed upon tributary strategies and other public policies that pertain to natural resource protection of the Potomac River watershed.

SEC. 5021. LOCK AND DAM SECURITY.

(a) Standards.—The Secretary, in consultation with the Federal Emergency Management Agency, the Tennessee Valley Authority, and the Coast Guard, shall develop standards for the security of locks and dams, including the testing and certification of vessel exclusion barriers.

(b) Site Surveys.—At the request of a lock or dam owner, the Secretary shall provide technical assistance, on a reimbursable basis, to improve lock or dam security.

(c) Cooperative Agreement.—The Secretary may enter into a cooperative agreement with a nonprofit alliance of public and private organizations that has the mission of promoting safe waterways and seaports to carry out testing and certification activities, and to perform site surveys, under this section.

(d) Authorization of Appropriations.—There is authorized to be appropriated $3,000,000 to carry out this section.

SEC. 5022. REHABILITATION.

The Secretary, at Federal expense and not to exceed $1,000,000, shall rehabilitate and improve the water-related infrastructure and the transportation infrastructure for the historic property in the Anacostia River Watershed located in the District of Columbia, including measures to address wet weather conditions. To carry out this section, the Secretary shall accept funds provided for such project under any other Federal program.

SEC. 5023. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVER SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; 110 Stat. 3761; 113 Stat. 375) is amended—

(1) in subsection (a)(6) by striking "$10,000,000" and inserting "$25,000,000"; and

(2) in subsection (c)(2) by striking "$1,000,000" and inserting "$10,000,000".

SEC. 5024. AUBURN, ALABAMA.

The Secretary may provide technical assistance relating to water supply to the city of Auburn, Alabama. There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5025. PINHOOK CREEK, HUNTSVILLE, ALABAMA.

(a) Project Authorization.—The Secretary shall design and construct the locally preferred plan for flood protection at Pinhook Creek, Huntsville, Alabama. In carrying out the project, the Secretary shall utilize, to the extent practicable, the existing detailed project report for the project prepared under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(b) Participation by Non-Federal Interest.—The Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

(c) Credit.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 5026. ALASKA.

Section 570 of the Water Resources Development Act of 1999 (113 Stat. 369) is amended—

(1) in subsection (c) by inserting "environmental restoration," after "water supply and related facilities,";

(2) in subsection (e)(3)(B) by striking the last sentence;

(3) in subsection (h) by striking "$25,000,000" and inserting "$45,000,000"; and

(4) by adding at the end the following:

"(i) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), a non-Federal interest may include for any project undertaken under this section a nonprofit entity with the consent of the affected local government.

"(j) Corps of Engineers Expenses.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.".

SEC. 5027. BARROW, ALASKA.

The Secretary shall carry out, under section 117 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2944), a nonstructural project for coastal erosion and storm damage prevention and reduction at Barrow, Alaska, including relocation of infrastructure.

SEC. 5028. COFFMAN COVE, ALASKA.

The Secretary is authorized to carry out a project for navigation, Coffman Cove, Alaska, at a total cost of $3,000,000.

SEC. 5029. FIRE ISLAND, ALASKA.

(a) In General.—The Secretary is authorized to provide planning, design, and construction assistance to the non-Federal interest for the construction of a causeway between Point Campbell and Fire Island, Alaska, including the beneficial use of dredged material in the construction of the causeway.

(b) Authorization of Appropriations.—There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5030. FORT YUKON, ALASKA.

The Secretary shall make repairs to the dike at Fort Yukon, Alaska, so that the dike meets Corps of Engineers standards.

SEC. 5031. KOTZEBUE HARBOR, ALASKA.

The Secretary is authorized to carry out a project for navigation, Kotzebue Harbor, Kotzebue, Alaska, at total cost of $2,200,000.

SEC. 5032. LOWELL CREEK TUNNEL, SEWARD, ALASKA.

(a) Long-Term Maintenance and Repair.—The Secretary shall assume responsibility for the long-term maintenance and repair of the Lowell Creek Tunnel.

(b) Study.—The Secretary shall conduct a study to determine whether alternative methods of flood diversion in Lowell Canyon are feasible.

SEC. 5033. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 5034. TANANA RIVER, ALASKA.

The Secretary shall carry out, on an emergency basis, the removal of the hazard to navigation on the Tanana River, Alaska, near the mouth of the Chena River, as described in the January 3, 2005, memorandum from the Commander, Seventeenth Coast Guard District, to the Corps of Engineers, Alaska District, Anchorage, Alaska.

SEC. 5035. VALDEZ, ALASKA.

The Secretary is authorized to construct a small boat harbor in Valdez, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $10,500,000 and an estimated non-Federal cost of $9,500,000.

SEC. 5036. WHITTIER, ALASKA.

(a) Study.—The Secretary shall conduct, at Federal expense, a study to determine the feasibility of carrying out projects for navigation at Whittier, Alaska, to construct a new boat harbor at the head of Whittier Bay and to expand the existing harbor and, if the Secretary determines that a project is feasible, the Secretary may carry out the project.

(b) Non-Federal Cost Share.—The non-Federal interest for the project may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of the project if such funds are authorized to be used to carry out the project.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $35,200,000.

SEC. 5037. WRANGELL HARBOR, ALASKA.

(a) General Navigation Features.—In carrying out the project for navigation, Wrangell Harbor, Alaska, authorized by section 101(b)(1) of the Water Resources Development Act of 1999 (113 Stat. 279), the Secretary shall consider the dredging of the mooring basin and construction of the inner harbor facilities to be general navigation features for purposes of estimating the non-Federal share of project costs.

(b) Revision of Partnership Agreement.—The Secretary shall revise the partnership agreement for the project to reflect the change required by subsection (a).

SEC. 5038. AUGUSTA AND CLARENDON, ARKANSAS.

(a) In General.—The Secretary is authorized to perform operation, maintenance, and rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas.

(b) Reimbursement.—After performing the operation, maintenance, and rehabilitation under subsection (a), the Secretary shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs allocated to benefits to a Federal wildlife refuge of such operation, maintenance, and rehabilitation.

SEC. 5039. DES ARC LEVEE PROTECTION, ARKANSAS.

The Secretary shall review the project for flood control, Des Arc, Arkansas, to determine whether bank and channel scour along the

White River threaten the existing project and whether the scour is as a result of a design deficiency. If the Secretary determines that such conditions exist as a result of a deficiency, the Secretary shall carry out measures to eliminate the deficiency.

SEC. 5040. LOOMIS LANDING, ARKANSAS.

The Secretary shall conduct a study of shore damage in the vicinity of Loomis Landing, Arkansas, to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 5041. ST. FRANCIS RIVER BASIN, ARKANSAS AND MISSOURI.

The Secretary shall conduct a study of increased siltation and streambank erosion in the St. Francis River Basin, Arkansas and Missouri, to determine if the siltation or erosion, or both, are the result of a Federal flood control project and, if the Secretary determines that the siltation or erosion, or both, are the result of a Federal flood control project, the Secretary shall carry out a project to mitigate the siltation or erosion, or both.

SEC. 5042. CAMBRIA, CALIFORNIA.

Section 219(f)(48) of the Water Resources Development Act of 1992 (114 Stat. 2763A–220) is amended—

(1) by striking "$10,300,000" and inserting the following:

"(A) IN GENERAL.—$10,300,000";

(2) by adding at the end the following:

"(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed $3,000,000 for the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5043. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA; MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

Sections 512 and 514 of the Water Resources Development Act of 2000 (114 Stat. 2650) are each amended by adding at the end the following: "All planning, study, design, and construction on the project shall be carried out by the office of the district engineer, San Francisco, California.".

SEC. 5044. DANA POINT HARBOR, CALIFORNIA.

The Secretary shall conduct a study of the causes of water quality degradation within Dana Point Harbor, California, to determine if the degradation is the result of a Federal navigation project, and, if the Secretary determines that the degradation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the degradation at Federal expense.

SEC. 5045. EAST SAN JOAQUIN COUNTY, CALIFORNIA.

Section 219(f)(22) of the Water Resources Development Act of 1992 (113 Stat. 336) is amended—

(1) by striking "$25,000,000" and inserting the following:

"(A) IN GENERAL.—$25,000,000";

(2) by adding at the end the following:

"(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of provided for the project by the non-Federal interest.

"(C) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5046. EASTERN SANTA CLARA BASIN, CALIFORNIA.

Section 111(c) of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554; 114 Stat. 2763A–224) is amended—

(1) by striking "$25,000,000" and inserting "$28,000,000"; and

(2) by striking "$7,000,000" and inserting "$10,000,000".

SEC. 5047. LOS OSOS, CALIFORNIA.

Section 219(c)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is amended to read as follows:

"(27) LOS OSOS, CALIFORNIA.—Wastewater infrastructure, Los Osos, California.".

SEC. 5048. PINE FLAT DAM AND RESERVOIR, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall review the Kings River Fisheries Management Program Framework Agreement, dated May 29, 1999, among the California Department of Fish and Game, the Kings River Water Association, and the Kings River Conservation District and, if the Secretary determines that the management program is feasible, the Secretary may participate in the management program.

(b) PROHIBITION.—Nothing in this section authorizes any project for the raising of, or the construction of, a multilevel intake structure at Pine Flat Dam, California.

(c) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the Report of the Chief of Engineers, Pine Flat Dam and Reservoir, Fresno County, California, dated July 19, 2002.

(d) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to $20,000,000 to carry out this section.

SEC. 5049. RAYMOND BASIN, SIX BASINS, CHINO BASIN, AND SAN GABRIEL BASIN, CALIFORNIA.

(a) COMPREHENSIVE PLAN.—The Secretary, in consultation and coordination with appropriate Federal, State, and local entities, shall develop a comprehensive plan for the management of water resources in the Raymond Basin, Six Basins, Chino Basin, and San Gabriel Basin, California. The Secretary may carry out activities identified in the comprehensive plan to demonstrate practicable alternatives for water resources management.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of activities carried out under this section shall be 35 percent.

(2) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of activities carried out under this section the cost of planning, design, and construction work completed by or on behalf of the non-Federal interests for implementation of measures under this section. The amount of such credit shall not exceed the non-Federal share of the cost of such activities.

(3) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of operation and maintenance of any measures constructed under this section shall be 100 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 5050. SAN FRANCISCO, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with the Port of San Francisco, California, may carry out the project for repair and removal, as appropriate, of Piers 30-32, 35, 36, 70 (including Wharves 7 and 8), and 80 in San Francisco, California, substantially in accordance with the Port's redevelopment plan.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $25,000,000 to carry out this subsection.

SEC. 5051. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.

(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries of the portion of the San Francisco, California, waterfront area described in subsection (b) are not in the public interest, such portion is declared to be nonnavigable waters of the United States.

(b) NORTHERN EMBARCADERO SOUTH OF BRYANT STREET.—The portion of the San Francisco, California, waterfront area referred to in subsection (a) is as follows: Beginning at the intersection of the northeasterly prolongation of that portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet southerly from the existing southern boundary of Pier 40 produced to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pierhead line; to the northwesterly line of Bryant Street produced northwesterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (b) that are or will be bulkheaded, filled, or otherwise occupied by permanent structures and does not affect the applicability of any Federal statute or regulation applicable to such parts the day before the date of enactment of this Act, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known as the Rivers and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (b) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance *with the requirements set out in subsection (c), or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.*

SEC. 5052. SAN PABLO BAY, CALIFORNIA, WATERSHED AND SUISUN MARSH ECOSYSTEM RESTORATION.

(a) San Pablo Bay Watershed, California.—

(1) In general.—The Secretary shall complete work, as expeditiously as possible, on the ongoing San Pablo Bay watershed, California, study to determine the feasibility of opportunities for restoring, preserving and protecting the San Pablo Bay watershed.

(2) Report.—Not later than March 31, 2008, the Secretary shall submit to Congress a report on the results of the study.

(b) Suisun Marsh, California.—The Secretary shall conduct a comprehensive study to determine the feasibility of opportunities for restoring, preserving and protecting the Suisun Marsh, California.

(c) San Pablo and Suisun Bay Marsh Watershed Critical Restoration Projects.—

(1) In general.—The Secretary may participate in critical restoration projects that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits in the following sub-watersheds of the San Pablo and Suisun Bay Marsh watersheds:

(A) The tidal areas of the Petaluma River, Napa-Sonoma Marsh.

(B) The shoreline of West Contra Costa County.

(C) Novato Creek.

(D) Suisun Marsh.

(E) Gallinas-Miller Creek.

(2) Types of assistance.—Participation in critical restoration projects under this subsection may include assistance for planning, design, or construction.

(d) Non-Federal Interests.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), a non-Federal interest may include for any project undertaken under this section a nonprofit entity with the consent of the affected local government.

(e) Credit.—The Secretary shall credit toward the non-Federal share of the cost of construction of a project under this section—

(1) the value of any lands, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for carrying out the project, regardless of the date of acquisition;

(2) funds received from the CALFED Bay-Delta program; and

(3) the cost of the studies, design, and construction work carried out by the non-Federal interest before the date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5053. STOCKTON, CALIFORNIA.

(a) Reevaluation.—The Secretary shall reevaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13).

(b) Special Rules for Reevaluation.—In conducting the reevaluation under subsection (a), the Secretary shall not reject a feasibility determination based on one or more of the policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.

(c) Reimbursement.—If the Secretary determines that the elements referred to subsection (a) are feasible, the Secretary shall reimburse, subject to appropriations, the non-Federal interest under section 211 of the Water Resources Development Act of 1996 for the Federal share of the cost of such elements.

SEC. 5054. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

(a) Designation.—The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the "Charles Hervey Townshend Breakwater".

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the breakwater referred to in subsection (a) shall be deemed to be a reference to the "Charles Hervey Townshend Breakwater".

SEC. 5055. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Section 109 of the Miscellaneous Appropriations Act, 2001 (enacted into law by Public Law 106–554) (114 Stat. 2763A–222) is amended—

(1) by adding at the end of subsection (e)(2) the following:

"(C) Credit for work prior to execution of the partnership agreement.—The Secretary shall credit toward the non-Federal share of the cost of the project—

"(i) the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

"(ii) the cost of land acquisition carried out by the non-Federal interest for projects to be carried out under this section."; and

(2) in subsection (f) by striking "$100,000,000" and inserting "$100,000,000, of which not more than $15,000,000 may be used to provide planning, design, and construction assistance to the Florida Keys Aqueduct Authority for a water treatment plant, Florida City, Florida".

SEC. 5056. LAKE WORTH, FLORIDA.

The Secretary may carry out necessary repairs for the Lake Worth bulkhead replacement project, West Palm Beach, Florida, at an estimated total cost of $9,000,000.

SEC. 5057. RILEY CREEK RECREATION AREA, IDAHO.

The Secretary is authorized to carry out the Riley Creek Recreation Area Operation Plan of the Albeni Falls Management Plan, dated October 2001, for the Riley Creek Recreation Area, Albeni Falls Dam, Bonner County, Idaho.

SEC. 5058. RECONSTRUCTION OF ILLINOIS FLOOD PROTECTION PROJECTS.

(a) In General.—The Secretary may participate in the reconstruction of an eligible flood control project if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance of the project by the non-Federal interest.

(b) Cost Sharing.—The non-Federal share of the costs for the reconstruction of a flood control project authorized by this section shall be the same non-Federal share that was applicable to construction of the project. The non-Federal interest shall be responsible for operation and maintenance and repair of a project for which reconstruction is undertaken under this section.

(c) Reconstruction Defined.—In this section, the term "reconstruction", as used with respect to a project, means addressing major project deficiencies caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with its authorized project purposes. In addressing such deficiencies, the Secretary may incorporate current design standards and efficiency improvements, including the replacement of obsolete mechanical and electrical components at pumping stations, if such incorporation does not significantly change the scope, function, and purpose of the project as authorized.

(d) Eligible Projects.—The following flood control projects are eligible for reconstruction under this section:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Cairo, Illinois Mainline Levee, Cairo, Illinois.

(4) Goose Pond Pump Station, Cairo, Illinois.

(5) Cottonwood Slough Pump Station, Alexander County, Illinois.

(6) 10th and 28th Street Pump Stations, Cairo, Illinois.

(7) Prairie Du Pont Levee and Sanitary District, including Fish Lake Drainage and Levee District, Illinois.

(8) Flood control levee projects in Brookport, Shawneetown, Old Shawneetown, Golconda, Rosiclare, Harrisburg, and Reevesville, Illinois.

(e) Justification.—The reconstruction of a project authorized by this section shall not be considered a separable element of the project.

(f) Authorization of Appropriations.—There is authorized to be appropriated—

(1) $15,000,000 to carry out the projects described in paragraphs (1) through (7) of subsection (d); and

(2) $15,000,000 to carry out the projects described in subsection (d)(8).

Such sums shall remain available until expended.

SEC. 5059. ILLINOIS RIVER BASIN RESTORATION.

(a) Extension of Authorization.—Section 519(c)(2) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking "2004" and inserting "2010".

(b) In-Kind Services.—Section 519(g)(3) of such Act (114 Stat. 2655) is amended by inserting before the period at the end of the first sentence "if such services are provided not more than 5 years before the date of initiation of the project or activity".

(c) Nonprofit Entities and Monitoring.—Section 519 of such Act (114 Stat. 2654) is amended by adding at the end the following:

"(h) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), a non-Federal interest may include for any project undertaken under this section a nonprofit entity, with the consent of the affected local government.

"(i) Monitoring.—The Secretary shall develop an Illinois river basin monitoring program to support the plan referred to in subsection (b). Data collected under the monitoring program shall incorporate data provided by the State of Illinois and shall be publicly accessible through electronic means.".

SEC. 5060. KASKASKIA RIVER BASIN, ILLINOIS, RESTORATION.

(a) Kaskaskia River Basin Defined.—In this section, the term "Kaskaskia River Basin" means the Kaskaskia River, Illinois, its backwaters, its side channels, and all tributaries, including their watersheds, draining into the Kaskaskia River.

(b) Comprehensive Plan.—

(1) Development.—The Secretary shall develop, as expeditiously as practicable, a comprehensive plan for the purpose of restoring, preserving, and protecting the Kaskaskia River Basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Kaskaskia River as a transportation corridor;

(B) to improve water quality within the entire Kaskaskia River Basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife;

(D) to ensure aquatic integrity of sidechannels and backwaters and their connectivity with the mainstem river;

(E) to increase economic opportunity for agriculture and business communities; and

(F) to reduce the impacts of flooding to communities and landowners.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program;

(D) a conveyance study of the Kaskaskia River floodplain from Vandalia, Illinois, to Carlyle Lake to determine the impacts of existing and future waterfowl improvements on flood stages, including detailed surveys and mapping information to ensure proper hydraulic and hydrological analysis;

(E) the development and implementation of a computerized inventory and analysis system; and

(F) the development and implementation of a systemic plan to reduce flood impacts by means of ecosystem restoration projects.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Kaskaskia River Watershed Association.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After transmission of a report under paragraph (5), the Secretary shall conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out activities under this section, the Secretary's recommendations shall be consistent with applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(d) CRITICAL PROJECTS AND INITIATIVES.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a project or initiative for the Kaskaskia River Basin will produce independent, immediate, and substantial benefits, the Secretary may proceed expeditiously with the implementation of the project.

(e) COORDINATION.—The Secretary shall integrate activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Farm programs of the Department of Agriculture.

(2) Conservation Reserve Enhancement Program (State of Illinois) and Conservation 2000 Ecosystem Program of the Illinois Department of Natural Resources.

(3) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(4) National Buffer Initiative of the Natural Resources Conservation Service.

(5) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(6) Other programs that may be developed by the State of Illinois or the Federal Government, or that are carried out by non-profit organizations, to carry out the objectives of the Kaskaskia River Basin Comprehensive Plan.

(f) IN-KIND SERVICES.—The Secretary may credit the cost of in-kind services provided by the non-Federal interest for an activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the activity. In-kind services shall include all State funds expended on programs that accomplish the goals of this section, as determined by the Secretary. The programs may include the Kaskaskia River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Kaskaskia River Basin.

SEC. 5061. FLOODPLAIN MAPPING, LITTLE CALUMET RIVER, CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas along the Little Calumet River, Chicago, Illinois.

(b) REQUIREMENTS.—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately show the flood inundation of each property by flood risk in the floodplain. The maps shall be produced in a high resolution format and shall be made available to all flood prone areas along the Little Calumet River, Chicago, Illinois, in an electronic format.

(c) PARTICIPATION OF FEMA.—The Secretary and the non-Federal interests for the project shall work with the Director of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) FORMS OF ASSISTANCE.—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) FEDERAL SHARE.—The Federal share of the cost of the project shall be 50 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 5062. PROMONTORY POINT, LAKE MICHIGAN, ILLINOIS.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary may carry out a third-party review of the Promontory Point project along the Chicago Shoreline, Chicago, Illinois, at a cost not to exceed $450,000.

(2) JOINT REVIEW.—The Buffalo and Seattle districts of the Corps of Engineers shall jointly conduct the review.

(3) STANDARDS.—The review shall be based on the standards under part 68 of title 36, Code of Federal Regulations, for implementation by the non-Federal sponsor for the Chicago Shoreline, Chicago, Illinois, project.

(b) CONTRIBUTIONS.—The Secretary shall accept from a State or political subdivision of a State voluntarily contributed funds to initiate the third-party review under subsection (a).

(c) EFFECT OF SECTION.—Nothing in this section affects the authorization for the project for the Chicago Shoreline, Chicago, Illinois.

SEC. 5063. BURNS WATERWAY HARBOR, INDIANA.

The Secretary shall conduct a study of shoaling in the vicinity of Burns Waterway Harbor, Indiana, to determine if the shoaling is the result of a Federal navigation project, and, if the Secretary determines that the shoaling is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the shoaling under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426).

SEC. 5064. CALUMET REGION, INDIANA.

Section 219(f)(12) of the Water Resources Development Act of 1992 (113 Stat. 335; 117 Stat. 1843) is amended—

(1) by striking "$30,000,000" and inserting the following:

"(A) IN GENERAL.—$100,000,000";

(2) by adding at the end the following:

"(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5065. PADUCAH, KENTUCKY.

The Secretary shall complete a feasibility report for rehabilitation of the project for flood damage reduction, Paducah, Kentucky, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project at a total cost of $3,000,000.

SEC. 5066. SOUTHERN AND EASTERN KENTUCKY.

Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142) is amended by adding the following:

"(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.".

SEC. 5067. WINCHESTER, KENTUCKY.

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A-219) is amended by adding at the end the following:

"(41) WINCHESTER, KENTUCKY.—Wastewater infrastructure, Winchester, Kentucky.".

SEC. 5068. BATON ROUGE, LOUISIANA.

Section 219(f)(21) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A-220) is amended by striking "$20,000,000" and inserting "$35,000,000".

SEC. 5069. CALCASIEU SHIP CHANNEL, LOUISIANA.

The Secretary shall expedite completion of a dredged material management plan for the Calcasieu Ship Channel, Louisiana, and may take interim measures to increase the capacity of existing disposal areas, or to construct new confined or beneficial use disposal areas, for the channel.

SEC. 5070. CROSS LAKE, SHREVEPORT, LOUISIANA.

The Secretary may accept from the Department of the Air Force, and may use, not to exceed $4,500,000 to assist the city of Shreveport, Louisiana, with its plan to construct a water intake facility.

SEC. 5071. WEST BATON ROUGE PARISH, LOUISIANA.

(a) MODIFICATION OF STUDY.—The study for waterfront and riverine preservation, restoration, and enhancement, Mississippi River, West

Baton Rouge Parish, Louisiana, being carried out under Committee Resolution 2570 of the Committee on Transportation and Infrastructure of the House of Representatives adopted July 23, 1998, is modified—

(1) to add West Feliciana Parish and East Baton Rouge Parish to the geographic scope of the study; and

(2) to direct the Secretary to credit toward the non-Federal share the cost of the study and the non-Federal share of the cost of any project authorized by law as a result of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the study or project, as the case may be.

(b) Expedited Consideration.—Section 517(5) of the Water Resources Development Act of 1999 (113 Stat. 345) is amended to read as follows:

"(5) Mississippi River, West Baton Rouge, West Feliciana, and East Baton Rouge Parishes, Louisiana, project for waterfront and riverine preservation, restoration, and enhancement modifications.".

SEC. 5072. CHARLESTOWN, MARYLAND.

(a) In General.—The Secretary may carry out a project for nonstructural flood damage reduction and ecosystem restoration at Charlestown, Maryland.

(b) Land Acquisition.—The flood damage reduction component of the project may include the acquisition of private property from willing sellers.

(c) Justification.—Any nonstructural flood damage reduction project to be carried out under this section that will result in the conversion of property to use for ecosystem restoration and wildlife habitat shall be justified based on national ecosystem restoration benefits.

(d) Use of Acquired Property.—Property acquired under this section shall be maintained in public ownership for ecosystem restoration and wildlife habitat.

(e) Ability to Pay.—In determining the appropriate non-Federal cost share for the project, the Secretary shall determine the ability of Cecil County, Maryland, to participate as a cost-sharing non-Federal interest in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(f) Authorization of Appropriations.—There is authorized to be appropriated $2,000,000 to carry out this section.

SEC. 5073. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

(a) Comprehensive Action Plan.—Not later than one year after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, Maryland, and other interested entities, shall develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) Public Availability.—On completion of the comprehensive action plan under subsection (a), the Secretary shall make the plan available to the public, including on the Internet.

SEC. 5074. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(a) Assistance.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) Coordination and Integration.—In carrying out water resources projects in Delaware and Maryland on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5075. MASSACHUSETTS DREDGED MATERIAL DISPOSAL SITES.

The Secretary may cooperate with Massachusetts in the management and long-term monitoring of aquatic dredged material disposal sites within the State, and is authorized to accept funds from the State to carry out such activities.

SEC. 5076. ONTONAGON HARBOR, MICHIGAN.

The Secretary shall conduct a study of shore damage in the vicinity of the project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the Rivers and Harbors Act of 1962 (76 Stat. 1176, 100 Stat. 4213, 110 Stat. 3730), to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 5077. CROOKSTON, MINNESOTA.

The Secretary shall conduct a study for a project for emergency streambank protection along the Red Lake River in Crookston, Minnesota, and, if the Secretary determines that the project is feasible, the Secretary may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r); except that the maximum amount of Federal funds that may be expended for the project shall be $6,500,000.

SEC. 5078. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.

(a) Project Description.—Section 219(f)(61) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) in the paragraph heading by striking "AND KATHIO TOWNSHIP" and inserting ", CROW WING COUNTY, MILLE LACS COUNTY, MILLE LACS INDIAN RESERVATION, AND KATHIO TOWNSHIP";

(2) by striking "$11,000,000" and inserting "$17,000,000";

(3) by inserting ", Crow Wing County, Mille Lacs County, Mille Lacs Indian Reservation (10 Stat. 1165)," after "Garrison"; and

(4) by adding at the end the following: "Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota, except for assistance provided directly to the Mille Lacs Band of Ojibwe at the discretion of the Secretary.".

(b) Procedures.—In carrying out the project authorized by such section 219(f)(61), the Secretary may use the cost sharing and contracting procedures available to the Secretary under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368).

SEC. 5079. ITASCA COUNTY, MINNESOTA.

The Secretary shall carry out a project for flood damage reduction, Trout Lake and Canisteo Pit, Itasca County, Minnesota, irrespective of normal policy considerations.

SEC. 5080. MINNEAPOLIS, MINNESOTA.

(a) Conveyance.—The Secretary shall convey to the city of Minneapolis by quitclaim deed and without consideration all right, title, and interest of the United States to the property known as the War Department (Fort Snelling Interceptor) Tunnel in Minneapolis, Minnesota.

(b) Applicability of Property Screening Provisions.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

SEC. 5081. NORTHEASTERN MINNESOTA.

(a) In General.—Section 569 of the Water Resources Development Act of 1999 (113 Stat. 368) is amended—

(1) in subsection (a) by striking "Benton, Sherburne," and inserting "Beltrami, Hubbard, Wadena,";

(2) by striking the last sentence of subsection (e)(3)(B);

(3) by striking subsection (g) and inserting the following:

"(g) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), a non-Federal interest may include for any project undertaken under this section a nonprofit entity.";

(4) in subsection (h) by striking "$40,000,000" and inserting "$54,000,000"; and

(5) by adding at the end the following:

"(i) Corps of Engineers Expenses.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.".

(b) Biwabik, Minnesota.—The Secretary shall reimburse the non-Federal interest for the project for environmental infrastructure, Biwabik, Minnesota, carried out under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368), for planning, design, and construction costs that were incurred by the non-Federal interest with respect to the project before the date of the partnership agreement for the project and that were in excess of the non-Federal share of the cost of the project if the Secretary determines that the costs are appropriate.

SEC. 5082. WILD RICE RIVER, MINNESOTA.

The Secretary shall expedite the completion of the general reevaluation report, authorized by section 438 of the Water Resources Development Act of 2000 (114 Stat. 2640), for the project for flood protection, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), to develop alternatives to the Twin Valley Lake feature, and upon the completion of such report, shall construct the project at a total cost of $20,000,000.

SEC. 5083. HARRISON, HANCOCK, AND JACKSON COUNTIES, MISSISSIPPI.

In carrying out projects for the protection, restoration, and creation of aquatic and ecologically related habitats located in Harrison, Hancock, and Jackson Counties, Mississippi, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall accept any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

SEC. 5084. MISSISSIPPI RIVER, MISSOURI AND ILLINOIS.

As a part of the operation and maintenance of the project for the Mississippi River (Regulating Works), between the Ohio and Missouri Rivers, Missouri and Illinois, authorized by the first section of an Act entitled "Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 25, 1910, the Secretary may carry out activities necessary to restore and protect fish and wildlife habitat in the middle Mississippi River system. Such activities may include modification of navigation training structures, modification and creation of side channels, modification and creation of islands, and studies and analysis necessary to apply adaptive management principles in design of future work.

SEC. 5085. ST. LOUIS, MISSOURI.

Section 219(f)(32) of the Water Resources Development Act of 1992 (113 Stat. 337) is amended—

(1) by striking "project" and inserting "projects";

(2) by striking "$15,000,000" and inserting "$35,000,000"; and

(3) by inserting "and St. Louis County" before ", Missouri".

SEC. 5086. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

Section 324 of the Water Resources Development Act of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

(1) in subsection (a)—

(A) by striking "design" and inserting "planning, design,"; and

(B) by striking "Hackensack Meadowlands Development" and all that follows through "Plan for" and inserting "New Jersey Meadowlands Commission for the development of an environmental improvement program for";

(2) in subsection (b)—

(A) in the subsection heading by striking "Required";

(B) by striking "shall" and inserting "may";

(C) by striking paragraph (1) and inserting the following:

"(1) Restoration and acquisitions of significant wetlands and aquatic habitat that contribute to the Meadowlands ecosystem.";

(D) in paragraph (2) by inserting "and aquatic habitat" before the period at the end; and

(E) by striking paragraph (7) and inserting the following:

"(7) Research, development, and implementation for a water quality improvement program, including restoration of hydrology and tidal flows and remediation of hot spots and other sources of contaminants that degrade existing or planned sites.";

(3) in subsection (c) by inserting before the last sentence the following: "The non-Federal sponsor may also provide in-kind services, not to exceed the non-Federal share of the total project cost, and may also receive credit for reasonable cost of design work completed prior to entering into the partnership agreement with the Secretary for a project to be carried out under the program developed under subsection (a)."; and

(4) in subsection (d) by striking "$5,000,000" and inserting "$35,000,000".

SEC. 5087. ATLANTIC COAST OF NEW YORK.

(a) Development of Program.—Section 404(a) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended—

(1) by striking "processes" and inserting "and related environmental processes";

(2) by inserting after "Atlantic Coast" the following: "(and associated back bays)";

(3) by inserting after "actions" the following: ", environmental restoration or conservation measures for coastal and back bays,"; and

(4) by adding at the end the following: "The plan for collecting data and monitoring information included in such annual report shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.".

(b) Annual Reports.—Section 404(b) of such Act is amended—

(1) by striking "Initial Plan.—Not later than 12 months after the date of the enactment of this Act, the" and inserting "Annual Reports.—The";

(2) by striking "initial plan for data collection and monitoring" and inserting "annual report of data collection and monitoring activities"; and

(3) by striking the last sentence.

(c) Authorization of Appropriations.—Section 404(c) of such Act (113 Stat. 341) is amended by striking "and an additional total of $2,500,000 for fiscal years thereafter" and inserting "$2,500,000 for fiscal years 2000 through 2004, and $7,500,000 for fiscal years beginning after September 30, 2004,".

(d) Tsunami Warning System.—Section 404 of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended by adding at the end the following:

"(d) Tsunami Warning System.—There is authorized to be appropriated $800,000 for the Secretary to carry out a project for a tsunami warning system, Atlantic Coast of New York.".

SEC. 5088. COLLEGE POINT, NEW YORK CITY, NEW YORK.

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639), the Secretary shall give priority to work in College Point, New York City, New York.

SEC. 5089. FLUSHING BAY AND CREEK, NEW YORK CITY, NEW YORK.

The Secretary shall credit toward the non-Federal share of the cost of the project for ecosystem restoration, Flushing Bay and Creek, New York City, New York, the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 5090. HUDSON RIVER, NEW YORK.

The Secretary may participate with the State of New York, New York City, and the Hudson River Park Trust in carrying out activities to restore critical marine habitat, improve safety, and protect and rehabilitate critical infrastructure. There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5091. MOUNT MORRIS DAM, NEW YORK.

As part of the operation and maintenance of the Mount Morris Dam, New York, the Secretary may make improvements to the access road for the dam to provide safe access to a Federal visitor's center.

SEC. 5092. JOHN H. KERR DAM AND RESERVOIR, NORTH CAROLINA.

The Secretary shall expedite the completion of the calculations necessary to negotiate and execute a revised, permanent contract for water supply storage at John H. Kerr Dam and Reservoir, North Carolina, among the Secretary and the Kerr Lake Regional Water System and the city of Henderson, North Carolina.

SEC. 5093. STANLY COUNTY, NORTH CAROLINA.

Section 219(f)(64) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by inserting "water and" before "wastewater".

SEC. 5094. CINCINNATI, OHIO.

(a) In General.—The Secretary is authorized to undertake the ecosystem restoration and recreation components of the Central Riverfront Park Master Plan, dated December 1999, at a total cost of $25,000,000.

(b) Credit.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 5095. TOUSSAINT RIVER, OHIO.

(a) In General.—The project for navigation, Toussaint River, Carroll Township, Ohio, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to authorize the Secretary to enter into an agreement with the non-Federal interest under which the Secretary may—

(1) acquire, and transfer to the non-Federal interest, a dredge and associated equipment with the capacity to perform operation and maintenance of the project; and

(2) provide the non-Federal interest with a lump-sum payment to cover all future costs of operation and maintenance of the project.

(b) Agreement.—The Secretary may carry out subsection (a)(1) by entering into an agreement with the non-Federal interest under which the non-Federal interest may acquire the dredge and associated equipment directly and be reimbursed by the Secretary.

(c) Authorization of Appropriations.—There is authorized to be appropriated $1,800,000 to carry out this section. Of such funds, $500,000 may be used to carry out subsection (a)(1).

(d) Release.—Upon the acquisition and transfer of a dredge and associated equipment under subsection (a)(1), and the payment of funds under subsection (a)(2), all future Federal responsibility for operation and maintenance of the project is extinguished.

SEC. 5096. EUGENE, OREGON.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of restoring the millrace in Eugene, Oregon, and, if the Secretary determines that the restoration is feasible, the Secretary shall carry out the restoration.

(b) Consideration of Noneconomic Benefits.—In determining the feasibility of restoring the millrace, the Secretary shall include noneconomic benefits associated with the historical significance of the millrace and associated with preservation and enhancement of resources.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 5097. FERN RIDGE DAM, OREGON.

The Secretary may treat all work carried out for emergency corrective actions to repair the embankment dam at the Fern Ridge Lake project, Oregon, as a dam safety project. The cost of work carried out may be recovered in accordance with section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n; 100 Stat. 4263).

SEC. 5098. ALLEGHENY COUNTY, PENNSYLVANIA.

Section 219(f)(66) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) by striking "$20,000,000" and inserting the following:

"(A) In general.—$20,000,000";

(2) by adding at the end the following:

"(B) Credit.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5099. KEHLY RUN DAMS, PENNSYLVANIA.

Section 504(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 338; 117 Stat. 1842) is amended by striking "Dams" and inserting "Dams No. 1–5".

SEC. 5100. LEHIGH RIVER, LEHIGH COUNTY, PENNSYLVANIA.

The Secretary shall use existing water quality data to model the effects of the Francis E. Walter Dam, at different water levels, to determine its impact on water and related resources in and along the Lehigh River in Lehigh County, Pennsylvania. There is authorized to be appropriated $500,000 to carry out this section.

SEC. 5101. NORTHEAST PENNSYLVANIA.

Section 219(f)(11) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking "and Monroe" and inserting "Northumberland, Union, Snyder, Luzerne, and Monroe".

SEC. 5102. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

(a) Study and Strategy Development.—Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787; 114 Stat. 2662) is amended—

(1) in the matter preceding paragraph (1) by inserting "and carry out" after "develop"; and

(2) in paragraph (2) by striking "$10,000,000." and inserting "$20,000,000, of which the Secretary may utilize not more than $5,000,000 to design and construct feasible pilot projects during the development of the strategy to demonstrate alternative approaches for the strategy.

The total cost for any single pilot project may not exceed $500,000. The Secretary shall evaluate the results of the pilot projects and consider the results in the development of the strategy.".

(b) Cooperative Agreements.—Section 567(c) of such Act (114 Stat. 2662) is amended—

(1) in the subsection heading by striking "Cooperation" and inserting "Cooperative"; and

(2) in the first sentence—

(A) by inserting "and carrying out" after "developing"; and

(B) by striking "cooperation" and inserting "cost-sharing and cooperative".

(c) Implementation of Strategy.—Section 567(d) of such Act (114 Stat. 2663) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary";

(2) in the second sentence of paragraph (1) (as so designated)—

(A) by striking "implement" and inserting "carry out"; and

(B) by striking "implementing" and inserting "carrying out";

(3) by adding at the end the following:

"(2) Priority project.—In carrying out projects to implement the strategy, the Secretary shall give priority to the project for ecosystem restoration, Cooperstown, New York, described in the Upper Susquehanna River Basin—Cooperstown Area Ecosystem Restoration Feasibility Study, dated December 2004, prepared by the Corps of Engineers and the New York State Department of Environmental Conservation."; and

(4) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (3) of this subsection).

(d) Credit.—Section 567 of such Act (110 Stat. 3787; 114 Stat. 2662) is amended by adding at the end the following:

"(e) Credit.—The Secretary shall credit toward the non-Federal share of the cost of a project under this section—

"(1) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

"(2) the cost of in-kind services and materials provided for the project by the non-Federal interest.".

SEC. 5103. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.

The Secretary shall review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible, the Secretary may carry out the project at a total cost of $130,000,000, with an estimated Federal cost of $85,000,000 and an estimated non-Federal cost of $45,000,000.

SEC. 5104. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) Disbursement Provisions of the State of South Dakota and the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Funds.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i) by inserting "and the Secretary of the Treasury" after "Secretary"; and

(B) by striking clause (ii) and inserting the following:

"(ii) Availability of funds.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized."; and

(2) in subparagraph (B) by striking clause (ii) and inserting the following:

"(ii) Availability of funds.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, to after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.".

(b) Investment Provisions of the State of South Dakota Terrestrial Wildlife Restoration Trust Fund.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388; 114 Stat. 2664) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) Investments.—

"(1) Eligible obligations.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

"(2) Investment requirements.—

"(A) In general.—The Secretary of the Treasury shall invest the amounts in the Fund in accordance with the requirements of this paragraph.

"(B) Separate investments of principal and interest.—

"(i) Principal account.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) Interest account.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) Crediting.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

"(C) Investment of principal account.—

"(i) Initial investment.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) Subsequent investment.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) Discontinuance of issuance of obligations.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) Investment of interest account.—

"(i) Before full capitalization.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) After full capitalization.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) Par purchase price.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) Highest yield.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) Holding to maturity.—Eligible obligations purchased shall generally be held to their maturities.

"(3) Annual review of investment activities.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

"(4) Audits.—

"(A) In general.—The activities of the State of South Dakota (referred to in this subsection as the 'State') in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A–133 (or a successor circulation).

"(B) Determination by auditors.—An auditor that conducts an audit under subparagraph (A) shall—

"(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

"(ii) include the determination under clause (i) in the written findings of the audit.

"(5) Modification of investment requirements.—

"(A) In general.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

"(B) Consultation.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.";

(2) in subsection (d)(2) by inserting "of the Treasury" after "Secretary"; and

(3) by striking subsection (f) and inserting the following:

"(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

"(1) $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

(c) INVESTMENT PROVISIONS FOR THE CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389; 114 Stat. 2665) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest the amounts in each of the Funds in accordance with the requirements of this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) INVESTMENT OF THE INTEREST ACCOUNT.—

"(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the 'Tribes') the results of the investment activities and financial status of the Funds during the preceding 12-month period.

"(4) AUDITS.—

"(A) IN GENERAL.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A–133 (or a successor circulation).

"(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

"(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

"(ii) include the determination under clause (i) in the written findings of the audit.

"(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

":(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification."; and

(2) by striking subsection (f) and inserting the following:

"(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

"(1) $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

SEC. 5105. FRITZ LANDING, TENNESSEE.

The Secretary shall—

(1) conduct a study of the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the extent of levee modifications that would be required to make the levee and associated drainage structures consistent with Federal standards;

(2) design and construct such modifications; and

(3) after completion of such modifications, incorporate the levee into the project for flood control, Mississippi River and Tributaries, authorized by the Act entitled "An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928 (45 Stat. 534–539), commonly known as the "Flood Control Act of 1928".

SEC. 5106. J. PERCY PRIEST DAM AND RESERVOIR, TENNESSEE.

The Secretary shall plan, design, and construct a trail system at the J. Percy Priest Dam and Reservoir, Tennessee, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1217), and adjacent public property, including design and construction of support facilities. In carrying out such improvements, the Secretary is authorized to use funds made available by the State of Tennessee from any Federal or State source, or both.

SEC. 5107. TOWN CREEK, LENOIR CITY, TENNESSEE.

The Secretary shall design and construct the project for flood damage reduction designated as Alternative 4 in the Town Creek, Lenoir City, Loudon County, Tennessee, feasibility report of the Nashville district engineer, dated November 2000, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), notwithstanding section 1 of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal share of the cost of the project shall be subject to section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

SEC. 5108. TENNESSEE RIVER PARTNERSHIP.

(a) IN GENERAL.—As part of the operation and maintenance of the project for navigation, Tennessee River, Tennessee, Alabama, Mississippi, and Kentucky, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 927), the Secretary may enter into a partnership with a nonprofit entity to remove debris from the Tennessee River in the vicinity of Knoxville, Tennessee, by providing a vessel to such entity, at Federal expense, for such debris removal purposes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 5109. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE, ARKANSAS, AND MISSISSIPPI.

The Secretary may participate with non-Federal and nonprofit entities to address issues concerning managing groundwater as a sustainable resource through the Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi, and coordinating the protection of groundwater supply and groundwater quality with local surface water protection programs. There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5110. BOSQUE RIVER WATERSHED, TEXAS.

(a) COMPREHENSIVE PLAN.—The Secretary, in consultation with appropriate Federal, State, and local entities, shall develop, as expeditiously as practicable, a comprehensive plan for development of new technologies and innovative approaches for restoring, preserving, and protecting the Bosque River watershed within Bosque, Hamilton, McLennan, and Erath Counties, Texas. The Secretary, in cooperation with the Secretary of Agriculture, may carry out activities identified in the comprehensive plan to demonstrate practicable alternatives for stabilization and enhancement of land and water resources in the basin.

(b) Services of Public Non-Profit Institutions and Other Entities.—In carrying out subsection (a), the Secretary may utilize, through contracts or other means, the services of public non-profit institutions and such other entities as the Secretary considers appropriate.

(c) Non-Federal Share.—

(1) Credit.—The Secretary shall credit toward the non-Federal share of the cost of activities carried out under this section the cost of planning, design, and construction work completed by or on behalf of the non-Federal interests for implementation of measures constructed with assistance provided under this section. The amount of such credit shall not exceed the non-Federal share of the cost of such activities.

(2) Operation and Maintenance.—The non-Federal share of the cost of operation and maintenance for measures constructed with assistance provided under this section shall be 100 percent.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 5111. DALLAS FLOODWAY, DALLAS TEXAS.

(a) In General.—The project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled, "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 18), is modified to—

(1) direct the Secretary to review the Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas, dated December 2003 and amended in March 2004, prepared by the non-Federal interest for the project;

(2) direct the Secretary to review the Interior Levee Drainage Study Phase-I report, Dallas, Texas, dated September 2006, prepared by the non-Federal interest; and

(3) if the Secretary determines that the project is technically sound and environmentally acceptable, authorize the Secretary to construct the project at a total cost of $459,000,000, with an estimated Federal cost of $298,000,000 and an estimated non-Federal cost of $161,000,000.

(b) Credit.—

(1) In-Kind Contributions.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(2) Cash Contributions.—The Secretary shall accept funds provided by the non-Federal interest for use in carrying out planning, engineering, and design for the project. The Federal share of such planning, engineering, and design carried out with non-Federal contributions shall be credited against the non-Federal share of the cost of the project.

SEC. 5112. HARRIS COUNTY, TEXAS.

(a) In General.—Section 575(a) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended by inserting before the period at the end the following: ", whether or not such works or actions are partially funded under the hazard mitigation grant program of the Federal Emergency Management Agency".

(b) Specific Projects.—Section 575(b) of such Act (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3) by striking "and" at the end;

(2) in paragraph (4) by striking the period at the end and inserting "; and"; and

(3) by adding the following:

"(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).".

SEC. 5113. ONION CREEK, TEXAS.

In carrying out the study for the project for flood damage reduction, recreation, and ecosystem restoration, Onion Creek, Texas, the Secretary shall include the costs and benefits associated with the relocation of flood-prone residences in the study area for the project in the period beginning 2 years before the date of initiation of the study and ending on the date of execution of the partnership agreement for construction of the project to the extent the Secretary determines such relocations are compatible with the project. The Secretary shall credit toward the non-Federal share of the cost of the project the cost of relocation of such flood-prone residences incurred by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the relocation of such residences is integral to the project.

SEC. 5114. EASTERN SHORE AND SOUTHWEST VIRGINIA.

Section 219(f)(10) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended—

(1) by striking "$20,000,000 for water supply and wastewater infrastructure" and inserting the following:

"(A) In General.—$20,000,000 for water supply, wastewater infrastructure, and environmental restoration";

(2) by adding at the end the following:

"(B) Credit.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5115. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.

The Secretary shall accept funds from the National Park Service to restore Dyke Marsh, Fairfax County, Virginia.

SEC. 5116. BAKER BAY AND ILWACO HARBOR, WASHINGTON.

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine if the siltation is the result of a Federal navigation project (including diverted flows from the Columbia River) and, if the Secretary determines that the siltation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the siltation as part of maintenance of the Federal navigation project.

SEC. 5117. HAMILTON ISLAND CAMPGROUND, WASHINGTON.

The Secretary is authorized to plan, design, and construct a campground for Bonneville Lock and Dam at Hamilton Island (also know as "Strawberry Island") in Skamania County, Washington.

SEC. 5118. PUGET ISLAND, WASHINGTON.

The Secretary is directed to place dredged and other suitable material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47 in order to protect economic and environmental resources in the area from further erosion, at a Federal cost of $1,000,000. This action shall be coordinated with appropriate resource agencies and comply with applicable Federal laws.

SEC. 5119. WILLAPA BAY, WASHINGTON.

Section 545 of the Water Resources Development Act of 2000 (114 Stat. 2675) is amended—

(1) in subsection (b)(1) by striking "may construct" and inserting "shall construct"; and

(2) by inserting "and ecosystem restoration" after "erosion protection" each place it appears.

SEC. 5120. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.

(a) Cheat and Tygart River Basins, West Virginia.—Section 581(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 313) is amended—

(1) by striking "flood control measures" and inserting "structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures"; and

(2) by inserting "with respect to measures that incorporate levees or floodwalls" before the semicolon.

(b) Priority Communities.—Section 581(b) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

(3) by adding at the end the following:

"(7) Etna, Pennsylvania, in the Pine Creek watershed; and

"(8) Millvale, Pennsylvania, in the Girty's Run River basin.".

(c) Authorization of Appropriations.—Section 581(c) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking "$12,000,000" and inserting "$90,000,000".

SEC. 5121. CENTRAL WEST VIRGINIA.

Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371) is amended—

(1) in subsection (a)—

(A) by striking "Nicholas,"; and

(B) by striking "Gilmer,"; and

(2) by adding at the end the following:

"(i) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), a non-Federal interest may include for any project undertaken under this section a nonprofit entity with the consent of the affected local government.

"(j) Corps of Engineers Expenses.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.".

SEC. 5122. SOUTHERN WEST VIRGINIA.

(a) Corps of Engineers.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856; 113 Stat. 320) is amended by adding at the end the following:

"(h) Corps of Engineers.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.".

(b) Southern West Virginia Defined.—Section 340(f) of such Act is amended by inserting "Nicholas," after "Greenbrier,".

(c) Nonprofit Entities.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is further amended by adding at the end the following:

"(i) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), a non-Federal interest may include for any project undertaken under this section a nonprofit entity with the consent of the affected local government.".

SEC. 5123. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

"(12) Perris, California.—The project for flood control, Perris, California.

"(13) Thornton Reservoir, Cook County, Illinois.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

"(14) LAROSE TO GOLDEN MEADOW, LOUISIANA.—The project for flood control, Larose to Golden Meadow, Louisiana.

"(15) BUFFALO BAYOU, TEXAS.—A project for flood control, Buffalo Bayou, Texas, to provide an alternative to the project authorized by the first section of the River and Harbor Act of June 20, 1938 (52 Stat. 804) and modified by section 3a of the Flood Control Act of August 11, 1939 (53 Stat. 1414).

"(16) HALLS BAYOU, TEXAS.—A project for flood control, Halls Bayou, Texas, to provide an alternative to the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610).".

TITLE VI—FLORIDA EVERGLADES

SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.

(a) MODIFICATION.—The project for Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to carry out the project at a total cost of $42,500,000.

(b) TREATMENT.—Section 601(b)(2)(A) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in clause (i) by adding at the end the following: "The project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan, except that operation and maintenance costs of the project shall remain a non-Federal responsibility."; and

(2) in clause (iii) by inserting after "subparagraph (B)" the following: "and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer".

SEC. 6002. PILOT PROJECTS.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in the matter preceding clause (i)—

(A) by striking "$69,000,000" and inserting "$71,200,000"; and

(B) by striking "$34,500,000" each place it appears and inserting "$35,600,000"; and

(2) in clause (i)—

(A) by striking "$6,000,000" and inserting "$8,200,000"; and

(B) by striking "$3,000,000" each place it appears and inserting "$4,100,000".

SEC. 6003. MAXIMUM COSTS.

(a) MAXIMUM COST OF PROJECTS.—Section 601(b)(2)(E) of the Water Resources Development Act of 2000 (114 Stat. 2683) is amended by inserting "and section (d)" before the period at the end.

(b) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 601(c)(3) of such Act (114 Stat. 2684) is amended by adding at the end the following:

"(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).".

SEC. 6004. PROJECT AUTHORIZATION.

Section 601(d) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

"(3) PROJECT AUTHORIZATION.—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the report designated in this paragraph:

"(A) INDIAN RIVER LAGOON SOUTH, FLORIDA.—The project for ecosystem restoration, water supply, flood damage reduction, and protection of water quality, Indian River Lagoon South, Florida: Report of the Chief of Engineers dated August 6, 2004, at a total cost of $1,365,000,000, with an estimated Federal cost of $682,500,000 and an estimated non-Federal cost of $682,500,000.

"(B) PICAYUNE STRAND, FLORIDA.—The project for environmental restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of $375,330,000, with an estimated Federal cost of $187,665,000 and an estimated non-Federal cost of $187,665,000.

"(C) SITE 1 IMPOUNDMENT, FLORIDA.—The project for environmental restoration, Site 1 Impoundment, Florida: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $80,840,000, with an estimated Federal cost of $40,420,000 and an estimated non-Federal cost of $40,420,000.".

SEC. 6005. CREDIT.

Section 601(e)(5)(B) of the Water Resources Development Act of 2000 (114 Stat. 2685) is amended—

(1) in clause (i)—

(A) by striking "or" at the end of subclause (I);

(B) by adding "or" at the end of subclause (II); and

(C) by adding at the end the following:

"(III) the credit is provided for work carried out before the date of the partnership agreement between the Secretary and the non-Federal sponsor, as defined in an agreement between the Secretary and the non-Federal sponsor providing for such credit;"; and

(2) in clause (ii)—

(A) by striking "design agreement or the project cooperation"; and

(B) by inserting before the semicolon the following: ", including in the case of credit provided under clause (i)(III) conditions relating to design and construction".

SEC. 6006. OUTREACH AND ASSISTANCE.

Section 601(k) of the Water Resources Development Act of 2000 (114 Stat. 2691) is amended by adding at the end the following:

"(3) MAXIMUM EXPENDITURES.—The Secretary may expend up to $3,000,000 per fiscal year for fiscal years beginning after September 30, 2004, to carry out this subsection.".

SEC. 6007. CRITICAL RESTORATION PROJECTS.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

(1) in clause (i) by striking "$75,000,000" and all that follows through "2003" and inserting "$95,000,000"; and

(2) in clause (ii) by striking "$25,000,000" and inserting "$30,000,000".

SEC. 6008. MODIFIED WATER DELIVERIES.

(a) IN GENERAL.—The project, Modified Water Deliveries to Everglades National Park, authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8), as described in the General Design Memorandum and Environmental Impact Statement for Modified Water Deliveries to Everglades National Park, June 1992, is modified to authorize the Secretary to construct the project substantially in accordance with the Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement for the Tamiami Trail Modifications. Modified Water Deliveries to Everglades National Park, August 2005, at a total cost of $144,131,000.

(b) USE OF FUNDS.—Funds made available under section 102(f) of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–6), may be used to carry out the project modification under subsection (a).

(c) SOURCE AND ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), Federal costs incurred for construction of the project modification under subsection (a) on or after October 1, 2004, shall be shared equally between the Secretary and the Secretary of the Interior.

(2) ACCEPTANCE AND USE OF FUNDS.—The Secretary may accept and expend funds, without further appropriation, provided from another Federal agency or from non-Federal interests for construction of the project modification under subsection (a) or for carrying out such other work that the Secretary determines to be appropriate and consistent with authorized purposes of the modified project.

SEC. 6009. DEAUTHORIZATIONS.

The following projects are not authorized after the date of enactment of this Act:

(1) The uncompleted portions of the project for the C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), at a total cost of $147,800,000, with an estimated Federal cost of $73,900,000 and an estimated non-Federal cost of $73,900,000.

(2) The uncompleted portions of the Martin County, Florida, modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(3) The uncompleted portions of the East Coast Backpumping, St. Lucie-Martin County, Spillway Structure S–311 modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000 and an estimated non-Federal cost of $21,994,000.

SEC. 6010. REGIONAL ENGINEERING MODEL FOR ENVIRONMENTAL RESTORATION.

(a) IN GENERAL.—The Secretary shall complete the development and testing of the regional engineering model for environmental restoration as expeditiously as practicable.

(b) USAGE.—The Secretary shall consider using, as appropriate, the regional engineering model for environmental restoration in the development of future water resource projects, including projects developed pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out subsection (a).

TITLE VII—LOUISIANA COASTAL AREA

SEC. 7001. DEFINITIONS.

In this title, the following definitions apply:

(1) COASTAL LOUISIANA ECOSYSTEM.—The term "coastal Louisiana ecosystem" means the coastal area of Louisiana from the Sabine River on the west to the Pearl River on the east, including those parts of the Deltaic Plain and the Chenier Plain included within the study area of the Plan.

(2) GOVERNOR.—The term "Governor" means the Governor of the State of Louisiana.

(3) PLAN.—The term "Plan" means the report of the Chief of Engineers for ecosystem restoration for the Louisiana Coastal Area dated January 31, 2005.

(4) TASK FORCE.—The term "Task Force" means the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by section 7003.

SEC. 7002. COMPREHENSIVE PLAN.

(a) IN GENERAL.—The Secretary, in coordination with the Governor, shall develop a comprehensive plan for protecting, preserving, and restoring the coastal Louisiana ecosystem.

(b) INTEGRATION OF PLAN INTO COMPREHENSIVE HURRICANE PROTECTION STUDY.—In developing the comprehensive plan, the Secretary shall integrate the plan into the analysis and design of the comprehensive hurricane protection study authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(c) CONSISTENCY WITH COMPREHENSIVE COASTAL PROTECTION MASTER PLAN.—In developing the comprehensive plan, the Secretary shall ensure that the plan is consistent with the goals, analysis, and design of the comprehensive coastal protection master plan authorized and defined pursuant to Act 8 of the First Extraordinary Session of the Louisiana State Legislature, 2005, including—

(1) investigation and study of the maximum effective use of the water and sediment of the Mississippi and Atchafalaya Rivers for coastal restoration purposes consistent with flood control and navigation;

(2) a schedule for the design and implementation of large-scale water and sediment reintroduction projects and an assessment of funding needs from any source; and

(3) an investigation and assessment of alterations in the operation of the Old River Control Structure, consistent with flood control and navigation purposes.

(d) INCLUSIONS.—The comprehensive plan shall include a description of—

(1) the framework of a long-term program integrated with hurricane and storm damage reduction, flood damage reduction, and navigation activities that provide for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of critical resources, habitat, and infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(2) the means by which a new technology, or an improved technique, can be integrated into the program referred to in paragraph (1);

(3) the role of other Federal and State agencies and programs in carrying out such program;

(4) specific, measurable ecological success criteria by which success of the plan will be measured; and

(5) proposed projects in order of priority as determined by their respective potential to contribute to—

(A) creation of coastal wetlands; and

(B) flood protection of communities ranked by population density and level of protection.

(e) CONSIDERATIONS.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program referred to in subsection (d)(1)—

(1) any related Federal or State project being carried out on the date on which the plan is developed;

(2) any activity in the Plan; or

(3) any other project or activity identified in—

(A) the Mississippi River and Tributaries program;

(B) the Louisiana Coastal Wetlands Conservation Plan;

(C) the Louisiana Coastal Zone Management Plan; or

(D) the plan of the State of Louisiana entitled "Coast 2050: Toward a Sustainable Coastal Louisiana".

(f) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the comprehensive plan.

(2) UPDATES.—Not later that 5 years after the date of submission of a report under paragraph (1), and at least once every 5 years thereafter until implementation of the comprehensive plan is complete, the Secretary shall submit to Congress a report containing an update of the plan and an assessment of the progress made in implementing the plan.

SEC. 7003. LOUISIANA COASTAL AREA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) will protect a major population area of the Pontchartain, Pearl, Breton Sound, Barataria, or Terrebonne basins; and

(ii) will produce an environmental benefit to the coastal Louisiana ecosystem;

(C) any barrier island, or barrier shoreline, project that—

(i) will be carried out in conjunction with a Mississippi River diversion project; and

(ii) will protect a major population area;

(D) any project that will reduce storm surge and prevent or reduce the risk of loss of human life and the risk to public safety; and

(E) a project to physically modify the Mississippi River-Gulf outlet and to restore the areas affected by the Mississippi River-Gulf outlet in accordance with the comprehensive plan to be developed under section 7002(a), subject to the conditions and recommendations in a final report of the Chief of Engineers.

SEC. 7004. COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the Coastal Louisiana Ecosystem Protection and Restoration Task Force (in this section referred to as the "Task Force").

(b) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(1) The Secretary.

(2) The Secretary of the Interior.

(3) The Secretary of Commerce.

(4) The Administrator of the Environmental Protection Agency.

(5) The Secretary of Agriculture.

(6) The Secretary of Transportation.

(7) The Secretary of Energy.

(8) The Director of the Federal Emergency Management Agency.

(9) The Commandant of the Coast Guard.

(10) The Coastal Advisor to the Governor.

(11) The Secretary of the Louisiana Department of Natural Resources.

(12) A representative of the Governor's Advisory Commission on Coastal Restoration and Conservation.

(c) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(1) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(2) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(A) that identify funds from current agency missions and budgets; and

(B) for coordinating individual agency budget requests; and

(3) the comprehensive plan to be developed under section 7002(a).

(d) REPORT.—The Task Force shall submit to Congress a biennial report that summarizes the activities of the Task Force.

(e) WORKING GROUPS.—

(1) GENERAL AUTHORITY.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this section.

(2) HURRICANES KATRINA AND RITA.—

(A) IN GENERAL.—The Task Force may establish a working group for the purpose of advising the Task Force of opportunities to integrate the planning, engineering, design, implementation, and performance of Corps of Engineers projects for hurricane and storm damage reduction, flood damage reduction, ecosystem restoration, and navigation in those areas in Louisiana for which a major disaster has been declared by the President as a result of Hurricane Katrina or Rita.

(B) EXPERTISE; REPRESENTATION.—In establishing the working group under subparagraph (A), the Task Force shall ensure that the group—

(i) has expertise in coastal estuaries, diversions, coastal restoration and wetlands protection, ecosystem restoration, hurricane protection, storm damage reduction systems, navigation, and ports; and

(ii) represents the State of Louisiana and local governments in south Louisiana.

(f) COMPENSATION.—Members of the Task Force and members of a working group established by the Task Force may not receive compensation for their services as members of the Task Force or working group, as the case may be.

(g) TRAVEL EXPENSES.—Travel expenses incurred by members of the Task Force and members of a working group established by the Task Force, in the performance of their service on the Task Force or working group, as the case may be, shall be paid by the agency or entity that the member represents.

(h) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group established by the Task Force.

SEC. 7005. PROJECT MODIFICATIONS.

(a) REVIEW.—The Secretary, in cooperation with the non-Federal interest of the project involved, shall review each Federally-authorized water resources project in the coastal Louisiana ecosystem being carried out or completed as of the date of enactment of this Act to determine whether the project needs to be modified—

(1) under the program authorized by section 7003; or

(2) to contribute to ecosystem restoration under section 7003.

(b) MODIFICATIONS.—Subject to subsections (c) and (d), the Secretary may carry out the modifications described in subsection (a).

(c) PUBLIC NOTICE AND COMMENT.—Before completing the report required under subsection (d), the Secretary shall provide an opportunity for public notice and comment.

(d) REPORT.—

(1) IN GENERAL.—Before modifying an operation or feature of a project under subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the modification.

(2) INCLUSION.—A report describing a modification under paragraph (1) shall include such information relating to the timeline for and cost of the modification, as the Secretary determines to be relevant.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 7006. CONSTRUCTION.

(a) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall carry out a coastal Louisiana ecosystem program substantially in accordance with the Plan, at a total cost of $100,000,000.

(2) PURPOSES.—The purposes of the program under paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana ecosystem;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana ecosystem; and

(C) to identify and develop technologies, models, and methods to carry out this subsection.

(3) WORKING GROUPS.—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(b) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may carry out demonstration projects substantially in accordance with the Plan and within the coastal Louisiana ecosystem for the purpose of resolving critical areas of scientific or technological uncertainty related to the implementation of the comprehensive plan to be developed under section 7002(a).

(2) MAXIMUM COST.—

(A) TOTAL COST.—The total cost for planning, design, and construction of all projects under this subsection shall not exceed $100,000,000.

(B) INDIVIDUAL PROJECT.—The total cost of an individual project under this subsection shall not exceed $25,000,000.

(c) INITIAL PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to carry out the following projects substantially in accordance with the Plan:

(A) Mississippi River Gulf Outlet environmental restoration at a total cost of $105,300,000.

(B) Small diversion at Hope Canal at a total cost of $68,600,000.

(C) Barataria basin barrier shoreline restoration at a total cost of $242,600,000.

(D) Small Bayou Lafourche reintroduction at a total cost of $133,500,000.

(E) Medium diversion at Myrtle Grove with dedicated dredging at a total cost of $278,300,000.

(2) MODIFICATIONS.—

(A) IN GENERAL.—In carrying out each project under paragraph (1), the Secretary shall carry out such modifications as may be necessary to the ecosystem restoration features identified in the Plan to address the impacts of Hurricanes Katrina and Rita on the areas of the project.

(B) INTEGRATION.—The Secretary shall ensure that each modification under subparagraph (A) is taken into account in conducting the study of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2247).

(3) CONSTRUCTION REPORTS.—Before the Secretary may begin construction of any project under this subsection, the Secretary shall submit a report documenting any modifications to the project, including cost changes, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(4) APPLICABILITY OF OTHER PROVISIONS.—Notwithstanding section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), the cost of a project described in paragraph (1) and any modifications to the project shall not exceed 150 percent of the cost of such project set forth in paragraph (1).

(d) BENEFICIAL USE OF DREDGED MATERIAL.—The Secretary, substantially in accordance with the Plan, shall implement in the coastal Louisiana ecosystem a program for the beneficial use of material dredged from federally maintained waterways at a total cost of $100,000,000.

(e) ADDITIONAL PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to carry out a project for ecosystem restoration for the Chenier Plain, Louisiana, and the following projects referred to in the Plan if the Secretary determines such projects are feasible:

(A) Land Bridge between Caillou Lake and the Gulf of Mexico at a total cost of $56,300,000.

(B) Gulf Shoreline at Point Au Fer Island at a total cost of $43,400,000.

(C) Modification of Caernarvon Diversion at a total cost of $20,700,000.

(D) Modification of Davis Pond Diversion at a total cost of $64,200,000.

(2) REPORTS.—Not later than December 31, 2009, the Secretary shall submit feasibility reports on the projects described in paragraph (1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) CONSTRUCTION.—No appropriations shall be made to construct any project under this subsection if the report under paragraph (2) has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 7007. NON-FEDERAL COST SHARE.

(a) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of a study or project under this title the cost of work carried out in the coastal Louisiana ecosystem by the non-Federal interest before the date of the execution of the partnership agreement for the study or project if the Secretary determines that the work is integral to the study or project.

(b) SOURCES OF FUNDS.—The non-Federal interest may use, and the Secretary shall accept, funds provided under any other Federal program to satisfy, in whole or in part, the non-Federal share of the construction of any project carried out under this section if such funds are authorized to be used to carry out such project.

(c) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this section toward the non-Federal share of the cost of a study or project under this title may be applied toward the non-Federal share of the cost of any other study or project under this title.

(d) PERIODIC MONITORING.—

(1) IN GENERAL.—To ensure that the contributions of the non-Federal interest equal the non-Federal share of the cost of a study or project under this title during each 5-year period beginning after the date of commencement of the first study or project under this title, the Secretary shall—

(A) monitor for each study or project under this title the non-Federal provision of cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas; and

(B) manage the requirement of the non-Federal interest to provide for each such study or project cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas.

(2) OTHER MONITORING.—The Secretary shall conduct monitoring separately for the study phase, construction phase, preconstruction engineering and design phase, and planning phase for each project authorized on or after date of enactment of this Act for all or any portion of the coastal Louisiana ecosystem.

(e) AUDITS.—Credit for land, easements, rights-of-way, relocations, and disposal areas (including land value and incidental costs) provided under this section, and the cost of work provided under this section, shall be subject to audit by the Secretary.

SEC. 7008. PROJECT JUSTIFICATION.

(a) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any project or activity under this title or any other provision of law to protect, conserve, and restore the coastal Louisiana ecosystem, the Secretary may determine that—

(1) the project or activity is justified by the environmental benefits derived by the coastal Louisiana ecosystem; and

(2) no further economic justification for the project or activity is required if the Secretary determines that the project or activity is cost effective.

(b) LIMITATION ON APPLICABILITY.—Subsection (a) shall not apply to any separable element of a project intended to produce benefits that are predominantly unrelated to the protection, preservation, and restoration of the coastal Louisiana ecosystem.

SEC. 7009. INDEPENDENT REVIEW.

The Secretary shall establish the Louisiana Water Resources Council which shall serve as the exclusive peer review panel for projects under this title as required by section 2037 of this Act.

SEC. 7010. EXPEDITED REPORTS.

The Secretary shall expedite completion of the reports for the following projects and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction engineering and design:

(1) The projects identified in the study of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2447).

(2) A project for ecosystem restoration for the Chenier Plain, Louisiana.

(3) The project for Multipurpose Operation of Houma Navigation Lock.

(4) The project for Terrebonne Basin Barrier Shoreline Restoration.

(5) The project for Small Diversion at Convent/Blind River.

(6) The project for Amite River Diversion Canal Modification.

(7) The project for Medium Diversion at White's Ditch.

(8) The project to convey Atchafalaya River Water to Northern Terrebonne Marshes.

(9) The projects identified in the Southwest Coastal Louisiana hurricane and storm damage reduction study authorized by the Committee on Transportation and Infrastructure of the House of Representatives on December 7, 2005.

SEC. 7011. REPORTING.

(a) IN GENERAL.—Not later than 6 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report including a description of—

(1) the projects authorized and undertaken under this title;

(2) the construction status of the projects;

(3) the cost to date and the expected final cost of each project undertaken under this title; and

(4) the benefits and environmental impacts of the projects.

(b) EXTERNAL REVIEW.—The Secretary shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall perform and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate an external review of the demonstration program authorized by subsection 7006(b).

SEC. 7012. NEW ORLEANS AND VICINITY.

(a) IN GENERAL.—The Secretary is authorized to—

(1) raise levee heights where necessary and otherwise enhance the Lake Pontchartrain and Vicinity Project and the West Bank and Vicinity Project to provide the levels of protection necessary to achieve the certification required for participation in the national flood insurance program under the National Flood Insurance Act of 1965 (42 U.S.C. 2001 et seq.);

(2) modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront at Lake Pontchartrain;

(3) armor critical elements of the New Orleans hurricane and storm damage reduction system;

(4) modify the Inner Harbor Navigation Canal to increase the reliability of the flood protection system for the city of New Orleans;

(5) replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the New Orleans to Venice Hurricane Protection Project;

(6) reinforce or replace flood walls in the existing Lake Pontchartrain and Vicinity Project and the existing West Bank and Vicinity Project to improve performance of the flood and storm damage reduction systems;

(7) perform one time stormproofing of interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events;

(8) repair, replace, modify and improve non-Federal levees and associated protection measures in Terrebonne Parish; and

(9) reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations.

(b) FUNDING AUTHORITY.—Activities authorized by subsection (a) and section 7013 shall be carried out in a manner that is consistent with the cost-sharing requirements specified in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234).

(c) CONDITIONS.—The Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate if estimates for the expenditure of funds on any single project or activity identified in subsection (a) exceeds the amount specified for that project or activity in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234). No appropriation in excess of 25 percent above the amount specified for a project or activity in such Act shall be made until an increase in the level of expenditure has been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 7013. MISSISSIPPI RIVER GULF OUTLET.

(a) IN GENERAL.—The project for navigation, Mississippi River-Gulf outlet, authorized by the Act entitled "An Act to authorize construction of the Mississippi River-Gulf outlet", approved March 29, 1956 (70 Stat. 65), as modified by section 844 of the Water Resources Development Act of 1986 (100 Stat. 4177), is not authorized.

(b) PLAN FOR CLOSURE AND RESTORATION.—The Secretary shall carry out a study and implement a project to physically modify the Mississippi River-Gulf outlet and to restore the areas affected by the Mississippi River-Gulf outlet in accordance with the plan to be developed under section 7002(a), subject to the conditions and recommendations in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than 180 days after the date of enactment of this Act. The plan shall incorporate the recommendations of the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the project described in subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for the costs of carrying out the study and developing the report of the Chief of Engineers required by subsection (b). Such costs shall be a Federal expense.

TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-WAY SYSTEM

SEC. 8001. DEFINITIONS.

In this title, the following definitions apply:

(1) PLAN.—The term "Plan" means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers, dated December 15, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term "Upper Mississippi River and Illinois Waterway System" means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORATION.

Except as modified by this title, the Secretary shall undertake navigation improvements and restoration of the ecosystem for the Upper Mississippi River and Illinois Water System substantially in accordance with the Plan and subject to the conditions described therein.

SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.

(a) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(1) IN GENERAL.—The Secretary shall—

(A) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock or other alternative locations that are economically and environmentally feasible;

(B) provide switchboats at Locks 20 through 25; and

(C) conduct development and testing of an appointment scheduling system.

(2) AUTHORIZATION OF APPROPRIATIONS.—The total cost of projects authorized under this subsection shall be $235,000,000. Such costs are to be paid 1/2 from amounts appropriated from the general fund of the Treasury and 1/2 from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(b) NEW LOCKS.—

(1) IN GENERAL.—The Secretary shall construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(2) AUTHORIZATION OF APPROPRIATIONS.—The total cost of projects authorized under this subsection shall be $1,795,000,000. Such costs are to be paid 1/2 from amounts appropriated from the general fund of the Treasury and 1/2 from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) CONCURRENCE.—The mitigation required for the projects authorized under subsections (a) and (b), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests in lands for the projects authorized under subsections (a) and (b), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.

(a) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(b) ECOSYSTEM RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(2) PROJECTS INCLUDED.—Ecosystem restoration projects may include—

(A) island building;

(B) construction of fish passages;

(C) floodplain restoration;

(D) water level management (including water drawdown);

(E) backwater restoration;

(F) side channel restoration;

(G) wing dam and dike restoration and modification;

(H) island and shoreline protection;

(I) topographical diversity;

(J) dam point control;

(K) use of dredged material for environmental purposes;

(L) tributary confluence restoration;

(M) spillway, dam, and levee modification to benefit the environment; and

(N) land and easement acquisition.

(3) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the Federal share of the cost of carrying out an ecosystem restoration project under this subsection shall be 65 percent.

(B) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this section for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(i) is located below the ordinary high water mark or in a connected backwater;

(ii) modifies the operation of structures for navigation; or

(iii) is located on federally owned land.

(C) SAVINGS CLAUSE.—Nothing in this subsection affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)).

(D) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221 of the Flood Control

Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this title, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(4) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing seller through conveyance of—

(A) fee title to the land; or

(B) a flood plain conservation easement.

(c) MONITORING.—The Secretary shall carry out a long term resource monitoring, computerized data inventory and analysis, and applied research program for the Upper Mississippi River and Illinois River to determine trends in ecosystem health, to understand systemic changes, and to help identify restoration needs. The program shall build upon the monitoring program established under section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)).

(d) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(1) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(A) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(B) establish the without-project condition or baseline for each performance indicator; and

(C) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(2) OUTCOMES.—Performance measures identified under paragraph (1)(A) shall include specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(3) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under paragraph (1)(A), including—

(A) a timeline to achieve the identified target goals; and

(B) a timeline for the demonstration of project completion.

(e) CONSULTATION AND FUNDING AGREEMENTS.—

(1) IN GENERAL.—In carrying out the environmental sustainability, ecosystem restoration, and monitoring activities authorized in this section, the Secretary shall consult with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

(2) FUNDING AGREEMENTS.—The Secretary is authorized to enter into agreements with the Secretary of the Interior, the Upper Mississippi River Basin Association, and natural resource and conservation agencies of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin to provide for the direct participation of and transfer of funds to such entities for the planning, implementation, and evaluation of projects and programs established by this section.

(f) SPECIFIC PROJECTS AUTHORIZATION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,580,000,000, of which not more than $226,000,000 shall be available for projects described in subsection (b)(2)(B) and not more than $43,000,000 shall be available for projects described in subsection (b)(2)(J). Such sums shall remain available until expended.

(2) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under paragraph (1), not more than $35,000,000 in any fiscal year may be used for land acquisition under subsection (b)(4).

(3) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in subparagraphs (B) and (J) of subsection (b)(2), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(4) MONITORING.—In addition to amounts authorized under paragraph (1), there are authorized $10,420,000 per fiscal year to carry out the monitoring program under subsection (c) if such sums are not appropriated pursuant to section 1103(e)(4) the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(4)).

(g) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than June 30, 2008, and every 4 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(A) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(B) measures the progress in meeting the goals.

(2) ADVISORY PANEL.—

(A) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under paragraph (1).

(B) PANEL MEMBERS.—Panel members shall include—

(i) one representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(ii) one representative of the Department of Agriculture;

(iii) one representative of the Department of Transportation;

(iv) one representative of the United States Geological Survey;

(v) one representative of the United States Fish and Wildlife Service;

(vi) one representative of the Environmental Protection Agency;

(vii) one representative of affected landowners;

(viii) two representatives of conservation and environmental advocacy groups; and

(ix) two representatives of agriculture and industry advocacy groups.

(C) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(D) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Panel and any working group established by the Advisory Panel shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

(h) RANKING SYSTEM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(2) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in subsection (b)(2).

SEC. 8005. COMPARABLE PROGRESS.

(a) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this title, the Secretary shall—

(1) select appropriate milestones;

(2) determine, at the time of such selection, whether the projects are being carried out at comparable rates; and

(3) make an annual report to Congress, beginning in fiscal year 2008, regarding whether the projects are being carried out at a comparable rate.

(b) NO COMPARABLE RATE.—If the Secretary or Congress determines under subsection (a)(2) that projects authorized under this title are not moving toward completion at a comparable rate, annual funding requests for the projects shall be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–100. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–100, as modified by the earlier order of the House.

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

In section 1001(21) of the bill, add at the end the following:

(C) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212).

In section 1001 of the bill, after paragraph (41) insert the following (and redesignate subsequent paragraphs accordingly):

(42) RIVERSIDE OXBOW, TEXAS.—The project for environmental restoration, Riverside Oxbow, Texas: Report of the Chief of Engineers, dated May 29, 2003, at a total cost of $27,110,000, with an estimated Federal cost of $11,210,000 and an estimated non-Federal cost of $15,900,000.

In section 1002(b) of the bill, after paragraph (4) insert the following (and redesignate subsequent paragraphs accordingly):

(5) WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—The Secretary shall review the locally prepared plan for the project for flood damage, Wildwood Creek, California, referred to in subsection (a) and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, the Secretary may use the plan to carry out the project and shall provide credit toward the non-Federal share of the cost of the project for the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

In section 1003 of the bill, before paragraph (1) insert the following (and redesignate subsequent paragraphs accordingly):

(1) ALISO CREEK, CALIFORNIA.—Projects for emergency streambank protection, Aliso Creek, California.

In section 1006(a) of the bill, after paragraph (2) insert the following (and redesignate subsequent paragraphs accordingly):

(3) ALISO CREEK, CALIFORNIA.—Project for aquatic ecosystem restoration, Aliso Creek, California.

In section 1006(a) of the bill, after paragraph (15) insert the following (and redesignate subsequent paragraphs accordingly):

(16) KALAMAZOO RIVER WATERSHED, BATTLE CREEK, MICHIGAN.—Project for aquatic ecosystem restoration, Kalamazoo River watershed, Battle Creek, Michigan.

In section 1006 of the bill, strike subsection (b) (and strike the subsection designation and heading for subsection (a)).

In section 2015(a)(1)(B) of the bill, after "Guam," insert "the State of Hawaii,".

In section 2039(a) of the bill, insert before "the Secretary shall include" the following: "and for the project for navigation, Houma Navigation Canal, Louisiana, being conducted pursuant to the Energy and Water Development Appropriations Act, 1995 (Public Law 103-316),".

At the end of title II of the bill, add the following (and conform the table of contents accordingly):

SEC. 2041. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—Notwithstanding section 2361 of title 10, United States Code, the Secretary is authorized to provide assistance through contracts, cooperative agreements, and grants to—

(1) the University of Tennessee, Knoxville, Tennessee, for establishment and operation of the Southeastern Water Resources Institute to study sustainable development and utilization of water resources in the southeastern United States;

(2) Lewis and Clark Community College, Illinois, for the Great Rivers National Research and Education Center (including facilities that have been or will be constructed at one or more locations in the vicinity of the confluence of the Illinois River, the Missouri River, and the Mississippi River), a collaborative effort of Lewis and Clark Community College, the University of Illinois, the Illinois Department of Natural Resources and Environmental Sciences, and other entities, for the study of river ecology, developing watershed and river management strategies, and educating students and the public on river issues; and

(3) the University of Texas at Dallas for support and operation of the International Center for Decision and Risk Analysis to study risk analysis and control methods for transboundary water resources management in the southwestern United States and other international water resources management problems.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out subsection (a)(1) $5,000,000, to carry out subsection (a)(2) $5,000,000, and to carry out subsection (a)(3) $5,000,000. Such sums shall remain available until expended.

SEC. 2042. FEDERAL HOPPER DREDGES.

Section 3(c) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended—

(1) in paragraph (7)(B) by adding at the end the following: "This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers."; and

(2) by adding at the end the following:

"(9) READY RESERVE FOR THE HOPPER DREDGE MCFARLAND.—The Secretary shall place the Federal hopper dredge McFarland of the Corps of Engineers in ready reserve status not later than October 1, 2008.".

Strike section 3020 of the bill and insert the following:

SEC. 3020. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall provide credit to the Sacramento Area Flood Control Agency, in the amount of $20,503,000, for the non-reimbursed Federal share of costs incurred by the Agency in connection the project for flood control and recreation, Sacramento and American Rivers, California (Natomas Levee features), authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(b) ALLOCATION OF CREDIT.—The Secretary shall allocate the amount to be credited under subsection (a) toward the non-Federal share of such projects as are requested by the Sacramento Area Flood Control Agency.

In section 3023 of the bill, strike "a study for the reallocation of water storage" and insert "a study of water conservation and water quality".

In section 3079(c) of the bill, strike "$5,000,000" and insert "$7,000,000".

After section 3087 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 3088. WESTERN SARPY AND CLEAR CREEK, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, authorized by section 101(b)(21) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to authorize the Secretary to construct the project at a total cost of $21,664,000, with an estimated Federal cost of $14,082,000 and an estimated non-Federal cost of $7,582,000.

Strike section 3110 of the bill (and redesignate subsequent sections, and conform the table of contents, accordingly).

After section 3113 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 3114. BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.

Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810, 110 Stat. 3726, 113 Stat. 312) is amended to read as follows:

"(ff) BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.—

"(1) IN GENERAL.—The project for flood control, Bluestone Lake, Ohio River Basin, West Virginia, authorized by section 4 of the Flood Control Act of 1938 (52 Stat. 1217) is modified to direct the Secretary to implement Plan C/G, as defined in the Evaluation Report of the District Engineer dated December 1996, to prohibit the release of drift and debris into waters downstream of the project, except for that organic matter necessary to maintain and enhance the biological resources of such waters and such nonobtrusive items of debris as may not be economically feasible to prevent being released through such project, including measures to prevent the accumulation of drift and debris at the project, the collection and removal of drift and debris on the segment of the New River upstream of the project, and the removal (through use of temporary or permanent systems) and disposal of accumulated drift and debris at Bluestone Dam.

"(2) COOPERATIVE AGREEMENT.—In carrying out the downstream cleanup under the plan referred to in paragraph (1), the Secretary may enter into a cooperative agreement with the West Virginia Department of Environmental Protection for the department to carry out the cleanup, including contracting and procurement services, contract administration and management, transportation and disposal of collected materials, and disposal fees.

"(3) INITIAL CLEANUP.—The Secretary may provide the department up to $150,000 from funds previously appropriated for this purpose for the Federal share of the costs of the initial cleanup under the plan.".

In section 3119(a) of the bill, redesignate paragraph (3) as paragraph (4) and insert after paragraph (2) the following:

(3) The project for navigation, Baltimore Harbor and Channels, Maryland and Virginia, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818).

In section 3121(a) of the bill, after paragraph (3) insert the following (and redesignate subsequent paragraphs accordingly):

(4) ROCKLAND HARBOR, MAINE.—The portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 3, 1896 (29 Stat. 202), consisting of a 14-foot channel located in Lermond Cove and beginning at a point with coordinates N9977.37, E340290.02, thence running easterly about 200.00 feet to a point with coordinates N99978.49, E340490.02, thence running northerly about 138.00 feet to a point with coordinates N100116.49, E340289.25, thence running westerly about 200.00 feet to a point with coordinates N100115.37, E340289.25, thence running southerly about 138.00 feet to the point of origin.

In section 3123 of the bill, after subsection (a) insert the following (and redesignate subsequent subsections accordingly):

(b) LAKE TEXOMA, OKLAHOMA.—

(1) RELEASE OF REVERSIONARY INTEREST.—Any reversionary interest relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled "An Act to authorize the sale of certain lands to the State of Oklahoma", approved June 16, 1953 (67 Stat. 63), is terminated as of the date of enactment of this Act.

(2) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each reversionary interest described in subsection (a).

(3) PRESERVATION OF RESERVED RIGHTS.—Release of a reversionary interest in accordance with this section shall not be construed to affect any other right excepted or reserved for the United States in a deed of conveyance made pursuant to such Act of June 16, 1953.

After section 4010 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 4011. ALISO CREEK, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for streambank protection and environmental restoration along Aliso Creek, California.

Strike section 4038 of the bill (and redesignate subsequent sections, and conform the table of contents, accordingly).

Strike section 4079 of the bill (and redesignate subsequent sections, and conform the table of contents, accordingly).

In section 5001(a) of the bill, after paragraph (1) insert the following (and redesignate subsequent paragraphs accordingly):

(2) West turning basin, Canaveral Harbor, Florida.

In section 5002(d) of the bill, before paragraph (1) insert the following (and redesignate subsequent paragraphs accordingly):

(1) Charlotte Harbor watershed, Florida.

In section 5002(d) of the bill, after paragraph (14) insert the following (and redesignate subsequent paragraphs accordingly):

(15) Tuscarawas River basin, Ohio.

In section 5003(a)(2) of the bill, strike "Saginaw" and insert "Flint".

In section 5007 of the bill, before paragraph (1) insert the following (and redesignate subsequent paragraphs accordingly):

(1) Daytona Beach shore protection project, Florida.

(2) Flagler Beach shore protection project, Florida.

(3) St. Johns County shore protection project, Florida.

After section 5015 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly)

SEC. 5016. GREAT LAKES PILOT PROJECT.

Using available funds, the Secretary, in coordination with the Administrator of the Environmental Protection Agency, the Commandant of the Coast Guard, the Director of the United States Fish and Wildlife Service, and the Director of the Animal and Plant Health Inspection Service, shall carry out a pilot project, on an emergency basis, to control and prevent further spreading of viral hemorrhagic septicemia in the Great Lakes and their connecting channels.

SEC. 5017. SAINT LAWRENCE SEAWAY.

(a) In General.—The Secretary is authorized, using amounts contributed by the Saint Lawrence Seaway Development Corporation under subsection (b), to carry out projects for operations, maintenance, repair, and rehabilitation, including associated maintenance dredging, of the Eisenhower and Snell lock facilities and related navigational infrastructure for the Saint Lawrence Seaway, at a total cost of $134,650,000.

(b) Source of Funds.—The Secretary is authorized to accept funds from the Saint Lawrence Seaway Development Corporation to carry out projects under this section. Such funds may include amounts made available to the Corporation from the Harbor Maintenance Trust Fund and the general fund of the Treasury of the United States pursuant to section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238).

Strike section 5029 of the bill and insert the following:

SEC. 5029. FIRE ISLAND, ALASKA.

(a) In General.—The Secretary is authorized to provide planning, design, and construction assistance to the non-Federal interest for the construction of a barge landing facility on Fire Island, Alaska.

(b) Authorization of Appropriations.—There is authorized to be appropriated $5,000,000 to carry out this section.

After section 5046 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5047. LANCASTER, CALIFORNIA.

Section 219(f)(50) of the Water Resources Development Act of 1992 (114 Stat. 2763A-220) is amended—

(1) by inserting after "water" the following: "and wastewater"; and

(2) by striking "$14,500,000" and inserting "$24,500,000".

After section 5056 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5057. EAST CENTRAL AND NORTHEAST FLORIDA.

(a) East Central and Northeast Florida Region Defined.—In this section, the term "East Central and Northeast Florida Region" means Flagler County, St. Johns County, Putman County (east of the St. Johns River), Seminole County, Volusia County, the towns of Winter Park, Maitland, and Palatka, Florida.

(b) Establishment of Program.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the East Central and Northeast Florida Region.

(c) Form of Assistance.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the East Central and Northeast Florida Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) Ownership Requirement.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) Partnership Agreements.—

(1) In general.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) Requirements.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) Plan.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Legal and institutional structures.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) Cost sharing.—

(A) In general.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be provided in the form of grants or reimbursements of project costs.

(B) Credit for work.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) Credit for interest.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) Land, easements, and rights-of-way credit.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but such credit may not exceed 25 percent of total project costs.

(E) Operation and maintenance.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) Applicability of Other Federal and State Laws.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) Corps of Engineers Expenses.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

SEC. 5058. LAKE LANIER, GEORGIA.

The Secretary may assist local interests with planning, design, and construction of facilities at the Lake Lanier Olympic Center, Georgia, at a total cost of $5,300,000.

After section 5062 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5063. SOUTHWEST ILLINOIS.

(a) Southwest Illinois Defined.—In this section, the term "Southwest Illinois" means the counties of Madison, St. Clair, Monroe, Randolph, Perry, Franklin, Jackson, Union, Alexander, Pulaski, and Williamson, Illinois.

(b) Establishment of Program.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Southwest Illinois.

(c) Form of Assistance.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Southwest Illinois, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) Ownership Requirement.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) Partnership Agreements.—

(1) In general.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) Requirements.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) Plan.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Legal and institutional structures.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) Cost sharing.—

(A) In general.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) Credit for work.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) Credit for interest.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) Land, easements, and rights-of-way credit.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) Operation and maintenance.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) Applicability of Other Federal and State Laws.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) Corps of Engineers Expenses.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

After section 5064 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5065. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA.

(a) In General.—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas in the State of Iowa, along the Missouri River.

(b) Requirements.—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately portray the flood hazard areas in the floodplain. The maps shall be produced in a high resolution format and shall be made available to the State of Iowa in an electronic format.

(c) Participation of FEMA.—The Secretary and the non-Federal interests for the project shall work with the Director of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) Forms of Assistance.—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) Federal Share.—The Federal share of the cost of the project shall be 50 percent.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,000,000.

In section 5065 of the bill, before "and, if" insert the following: "authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217)".

Strike section 5070 of the bill (and redesignate subsequent sections, and conform the table of contents, accordingly).

After section 5070 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5071. EAST ATCHAFALAYA BASIN AND AMITE RIVER BASIN REGION, LOUISIANA.

(a) East Atchafalaya Basin and Amite River Basin Region Defined.—In this section, the term "East Atchafalaya Basin and Amite River Basin Region" means the following parishes and municipalities in the State of Louisiana: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, and West Feliciana.

(b) Establishment of Program.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the East Atchafalaya Basin and Amite River Basin Region.

(c) Form of Assistance.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the East Atchafalaya Basin and Amite River Basin Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) Ownership Requirement.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) Partnership Agreements.—

(1) In general.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) Requirements.—Each partnership agreement of a project entered into under this subsection shall provide for the following:

(A) Plan.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Legal and institutional structures.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) Cost sharing.—

(A) In general.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be provided in the form of grants or reimbursements of project costs.

(B) Credit for work.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) Credit for interest.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) Land, easements, and rights-of-way credit.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but such credit may not exceed 25 percent of total project costs.

(E) Operation and maintenance.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) Applicability of Other Federal and State Laws.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) Corps of Engineers Expenses.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

After section 5098 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5099. CLINTON COUNTY, PENNSYLVANIA.

Section 219(f)(13) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking "$1,000,000" and inserting "$2,000,000".

After section 5104 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5105. EAST TENNESSEE.

(a) East Tennessee Defined.—In this section, the term "East Tennessee" means the counties of Blount, Knox, Loudon, McMinn, Monroe, and Sevier, Tennessee.

(b) Establishment of Program.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in East Tennessee.

(c) Form of Assistance.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in East Tennessee, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) Ownership Requirement.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) Partnership Agreements.—

(1) In general.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) Requirements.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) Plan.—Development by the Secretary, in consultation with appropriate Federal and

State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project cost under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project cost.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project cost (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project cost.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

After section 5110 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5111. DALLAS COUNTY REGION, TEXAS.

(a) DALLAS COUNTY REGION DEFINED.—In this section, the term "Dallas County region" means the city of Dallas, and the municipalities of DeSoto, Duncanville, Lancaster, Wilmer, Hutchins, Balch Springs, Cedar Hill, Glenn Heights, and Ferris, Texas.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Dallas County region.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the Dallas County region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but such credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

After section 5112 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5113. JOHNSON CREEK, ARLINGTON, TEXAS.

(a) IN GENERAL.—The project for flood damage reduction, environmental restoration, and recreation, Johnson Creek, Arlington, Texas, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat 280), is modified to authorize the Secretary to construct the project substantially in accordance with the report entitled "Johnson Creek: A Vision of Conservation", dated March 30, 2006, at a total cost of $80,000,000, with an estimated Federal cost of $52,000,000 and an estimated non-Federal cost of $28,000,000, if the Secretary determines that the project is feasible.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of the project may be provided in cash or in the form of in-kind services or materials.

(2) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for implementation of the project, if the Secretary determines that the work is integral to the project.

(c) SPECIAL RULE.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184).

(d) CONFORMING AMENDMENT.—Section 134 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2263) is repealed.

In section 5121 of the bill, strike "and" at the end of paragraph (1)(B), redesignate paragraph (2) as paragraph (3), and insert after paragraph (1) the following:

(2) in subsection (h) by striking "$10,000,000" and inserting "$20,000,000"; and

After section 5123 of the bill, insert the following (and conform the table of contents accordingly):

SEC. 5124. WAGE SURVEYS.

Employees of the United States Army Corps of Engineers who are paid wages determined under the last undesignated paragraph under the heading "Administrative Provisions" of chapter V of the Supplemental Appropriations Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall be allowed, through appropriate employee organization representatives, to participate in wage surveys under such paragraph to the same extent as are prevailing rate employees under subsection (c)(2) of section 5343 of title 5, United States Code. Nothing in such section 5343 shall be considered to affect which agencies are to be surveyed under such paragraph.

SEC. 5125. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114 Stat. 2763A–220–221) is amended—

(1) by striking the undesignated paragraph relating to Charleston, South Carolina, and inserting the following:

"(72) CHARLESTON, SOUTH CAROLINA.—$10,000,000 for wastewater infrastructure, including wastewater collection systems, and stormwater system improvements, Charleston, South Carolina.”;

(2) by redesignating the paragraph (71) relating to Placer and El Dorado Counties, California, as paragraph (73);

(3) by redesignating the paragraph (72) relating to Lassen, Plumas, Butte, Sierra, and Nevada Counties, California, as paragraph (74);

(4) by striking the paragraph (71) relating to Indianapolis, Indiana, and inserting the following:

“(75) Indianapolis, Indiana.—$6,430,000 for environmental infrastructure for Indianapolis, Indiana.”;

(5) by redesignating the paragraph (73) relating to St. Croix Falls, Wisconsin, as paragraph (76); and

(6) by adding at the end the following:

“(77) St. Clair County, Alabama.—$5,000,000 for water related infrastructure, St. Clair County, Alabama.

“(78) Crawford County, Arkansas.—$35,000,000 for water supply infrastructure, Crawford County, Arkansas.

“(79) Alameda and Contra Costa Counties, California.—$25,000,000 for recycled water treatment facilities within the East Bay Municipal Utility District service area, Alameda and Contra Costa Counties, California.

“(80) Arcadia, Sierra Madre, and Upland, California.—$33,000,000 for water and wastewater infrastructure, Arcadia, Sierra Madre, and Upland, California, including $13,000,000 for stormwater infrastructure for Upland, California.

“(81) Big Bear Area Regional Wastewater Agency, California.—$15,000,000 for water reclamation and distribution, Big Bear Area Regional Wastewater Agency, California.

“(82) Brawley Colonia, Imperial County, California.—$1,400,000 for water infrastructure to improve water quality in the Brawley Colonia Water District, Imperial County, California.

“(83) Contra Costa Water District, California.—$23,000,000 for water and wastewater infrastructure for the Contra Costa Water District, California.

“(84) East Bay, San Francisco, and Santa Clara Areas, California.—$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

“(85) Imperial County, California.—$10,000,000 for wastewater infrastructure, including a wastewater disinfection facility and polishing system, to improve water quality in the vicinity of Calexico, California, on the southern New River, Imperial County, California.

“(86) Los Angeles County, California.—$3,000,000 for wastewater and water related infrastructure, Diamond Bar, La Habra Heights, and Rowland Heights, Los Angeles County, California.

“(87) New River, California.—$10,000,000 for wastewater infrastructure to improve water quality in the New River, California.

“(88) Orange County, California.—$15,000,000 for wastewater and water related infrastructure, Anaheim, Brea, La Habra, Mission Viejo, Rancho Santa Margarita, and Yorba Linda, Orange County, California.

“(89) San Bernardino County, California.—$9,000,000 for wastewater and water related infrastructure, Chino and Chino Hills, San Bernardino County, California.

“(90) Santa Clara County, California.—$5,500,000 for an advanced recycling water treatment plant in Santa Clara County, California.

“(91) Southern Los Angeles County, California.—$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

“(92) Stockton, California.—$33,000,000 for water treatment and distribution infrastructure, Stockton, California.

“(93) Sweetwater Reservoir, San Diego County, California.—$375,000 to improve water quality, and remove nonnative aquatic species from the Sweetwater Reservoir, San Diego County, California.

“(94) Whittier, California.—$8,000,000 for water, wastewater, and water related infrastructure, Whittier, California.

“(95) Montezuma and La Plata Counties, Colorado.—$1,000,000 for water and wastewater related infrastructure for the Ute Mountain project, Montezuma and La Plata Counties, Colorado.

“(96) Otero, Bent, Crowley, Kiowa, and Prowers Counties, Colorado.—$35,000,000 for water transmission infrastructure, Otero, Bent, Crowley, Kiowa, and Prowers Counties, Colorado.

“(97) Pueblo and Otero Counties, Colorado.—$34,000,000 for water transmission infrastructure, Pueblo and Otero Counties, Colorado.

“(98) Ledyard and Montville, Connecticut.—$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

“(99) Anacostia River, District of Columbia and Maryland.—$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality and living resources in the Anacostia River watershed, District of Columbia and Maryland.

“(100) Washington, District of Columbia.—$35,000,000 for implementation of a combined sewer overflow long-term control plan, Washington, District of Columbia.

“(101) Charlotte County, Florida.—$3,000,000 for water supply infrastructure, Charlotte County, Florida.

“(102) Charlotte, Lee, and Collier Counties, Florida.—$20,000,000 for water supply interconnectivity infrastructure, Charlotte, Lee, and Collier Counties, Florida.

“(103) Collier County, Florida.—$5,000,000 for water infrastructure to improve water quality in the vicinity of the Gordon River, Collier County, Florida.

“(104) Jacksonville, Florida.—$25,000,000 for wastewater related infrastructure, including septic tank replacements, Jacksonville, Florida.

“(105) Sarasota County, Florida.—$10,000,000 for water and wastewater infrastructure in Sarasota County, Florida.

“(106) South Seminole and North Orange County, Florida.—$30,000,000 for wastewater infrastructure for the South Seminole and North Orange Wastewater Transmission Authority, Florida.

“(107) Fayetteville, Grantville, LaGrange, Pine Mountain (Harris County), Douglasville, and Carrollton, Georgia.—$24,500,000 for water and wastewater infrastructure, Fayetteville, Grantville, LaGrange, Pine Mountain (Harris County), Douglasville, and Carrollton, Georgia.

“(108) Meriwether and Spalding Counties, Georgia.—$7,000,000 for water and wastewater infrastructure, Meriwether and Spalding Counties, Georgia.

“(109) North Vernon and Butlerville, Indiana.—$1,700,000 for wastewater infrastructure, North Vernon and Butlerville, Indiana.

“(110) Salem, Washington County, Indiana.—$3,200,000 for water supply infrastructure, Salem, Washington County, Indiana.

“(111) Central Kentucky.—$10,000,000 for water related infrastructure and resource protection and development, Scott, Franklin, Woodford, Anderson, Fayette, Mercer, Jessamine, Boyle, Lincoln, Garrard, Madison, Estill, Powell, Clark, Montgomery, and Bourbon Counties, Kentucky.

“(112) Plaquemine, Louisiana.—$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

“(113) Shreveport, Louisiana.—$20,000,000 for water supply infrastructure in Shreveport, Louisiana.

“(114) Central Iron Range Sanitary Sewer District, Minnesota.—$12,000,000 for wastewater infrastructure for the Central Iron Range Sanitary Sewer District to serve the cities of Hibbing, Chisholm, Buhl, and Kinney, and Balkan and Great Scott Townships, Minnesota.

“(115) Grand Rapids, Minnesota.—$5,000,000 for wastewater infrastructure, Grand Rapids, Minnesota.

“(116) City of Biloxi, City of Gulfport, and Harrison County, Mississippi.—$15,000,000 for water and wastewater related infrastructure, city of Biloxi, city of Gulfport, and Harrison County, Mississippi.

“(117) Jackson, Mississippi.—$25,000,000 for water and wastewater infrastructure, Jackson, Mississippi.

“(118) Clark County, Nevada.—$30,000,000 for wastewater infrastructure, Clark County, Nevada.

“(119) Henderson, Nevada.—$5,000,000 for wastewater infrastructure, Henderson, Nevada.

“(120) Paterson, New Jersey.—$35,000,000 for wastewater infrastructure, Paterson, New Jersey.

“(121) Ellicottville, New York.—$2,000,000 for water supply, water, and wastewater infrastructure in Ellicottville, New York.

“(122) Sennett, New York.—$1,500,000 for water infrastructure, Town of Sennett, New York.

“(123) Wellsville, New York.—$2,000,000 for water supply, water, and wastewater infrastructure in Wellsville, New York.

“(124) Springport and Fleming, New York.—$10,000,000 for water related infrastructure, including water mains, pump stations, and water storage tanks, Springport and Fleming, New York.

“(125) Cabarrus County, North Carolina.—$4,500,000 for water related infrastructure, Cabarrus County, North Carolina.

“(126) Charlotte, North Carolina.—$11,000,000 for phase II of the Briar Creek wastewater project, Charlotte, North Carolina.

“(127) Richmond County, North Carolina.—$13,500,000 for water related infrastructure, Richmond County, North Carolina.

“(128) Union County, North Carolina.—$6,000,000 for wastewater infrastructure, Union County, North Carolina.

“(129) Saipan, Northern Mariana Islands.—$20,000,000 for water related infrastructure, Saipan, Northern Mariana Islands.

“(130) Lake County, Ohio.—$1,500,000 for wastewater infrastructure, Lake County, Ohio.

“(131) Mentor-on-Lake, Ohio.—$625,000 for water and wastewater infrastructure, Mentor-on-Lake, Ohio.

“(132) Willowick, Ohio.—$665,000 for water and wastewater infrastructure, Willowick, Ohio.

“(133) Albany, Oregon.—$35,000,000 for wastewater infrastructure to improve habitat restoration, Albany, Oregon.

“(134) Borough of Stockerton, Borough of Tatamy, and Palmer Township, Pennsylvania.—$10,000,000 for stormwater control measures, particularly to address sinkholes, in the vicinity of the Borough of Stockerton, the Borough of Tatamy, and Palmer Township, Pennsylvania.

"(135) HATFIELD BOROUGH, PENNSYLVANIA.—$310,000 for wastewater related infrastructure for Hatfield Borough, Pennsylvania.

"(136) LEHIGH COUNTY, PENNSYLVANIA.—$5,000,000 for stormwater control measures and storm sewer improvements, Lehigh County, Pennsylvania.

"(137) NORTH WALES BOROUGH, PENNSYLVANIA.—$1,516,584 for wastewater related infrastructure for North Wales Borough, Pennsylvania.

"(138) PEN ARGYL, PENNSYLVANIA.—$5,250,000 for wastewater infrastructure, Pen Argyl, Pennsylvania.

"(139) PHILADELPHIA, PENNSYLVANIA.—$1,600,000 for wastewater related infrastructure for Philadelphia, Pennsylvania.

"(140) VERA CRUZ, PENNSYLVANIA.—$5,500,000 for wastewater infrastructure, Vera Cruz, Pennsylvania.

"(141) COMMONWEALTH OF PUERTO RICO.—$35,000,000 for water and wastewater infrastructure in the Commonwealth of Puerto Rico.

"(142) CHARLESTON, SOUTH CAROLINA.—$1,000,000 for stormwater control measures and storm sewer improvements, Spring Street/Fishburne Street drainage project, Charleston, South Carolina.

"(143) CROOKED CREEK, MARLBORO COUNTY, SOUTH CAROLINA.—$25,000,000 for a project for water storage and water supply infrastructure on Crooked Creek, Marlboro County, South Carolina.

"(144) MYRTLE BEACH, SOUTH CAROLINA.—$8,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

"(145) NORTH MYRTLE BEACH, SOUTH CAROLINA.—$8,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

"(146) SURFSIDE, SOUTH CAROLINA.—$8,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

"(147) ATHENS, TENNESSEE.—$16,000,000 for wastewater infrastructure, Athens, Tennessee.

"(148) CENTRAL TEXAS.—$20,000,000 for water and wastewater infrastructure in Bosque, Brazos, Burleson, Grimes, Hill, Hood, Johnson, Madison, McLennan, Limestone, Robertson, and Somervell Counties, Texas.

"(149) EL PASO COUNTY, TEXAS.—$25,000,000 for water related infrastructure and resource protection, including stormwater management, and development, El Paso County, Texas.

"(150) FT. BEND COUNTY, TEXAS.—$20,000,000 for water and wastewater infrastructure, Ft. Bend County, Texas.

"(151) DUCHESNE, IRON, AND UINTAH COUNTIES, UTAH.—$10,800,000 for water related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

"(152) NORTHERN WEST VIRGINIA.—$20,000,000 for water and wastewater infrastructure in Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, Ritchie Counties, West Virginia.

"(153) UNITED STATES VIRGIN ISLANDS.—$25,000,000 for wastewater infrastructure for the St. Croix Anguilla wastewater treatment plant and the St. Thomas Charlotte Amalie wastewater treatment plant, United States Virgin Islands.

"(154) CHEYENNE RIVER SIOUX RESERVATION (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND MEADE COUNTIES, SOUTH DAKOTA.—$25,000,000 for water supply infrastructure for the Cheyenne River Sioux Reservation in Dewey and Ziebach Counties, and for communities in Perkins and Meade Counties, South Dakota.".

After section 6002 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 6003. INITIAL PROJECTS.

Section 601(b)(2)(C) of the Water Resources Development Act of 2000 (114 Stat. 2682) is amended—

(1) in the matter preceding clause (i) by striking "at a total cost of $1,100,918,000" and all that follows before the colon;

(2) in clause (iv)—

(A) by striking "$100,335,000" and inserting "$162,630,000"; and

(B) by striking "$50,167,500" each place it appears and inserting "$81,315,000";

(3) in clause (v)—

(A) by striking "$124,837,000" and inserting "$385,010,000"; and

(B) by striking "$62,418,500" each place it appears and inserting "$192,505,000"; and

(4) in clause (vi)—

(A) by striking "$89,146,000" and inserting "$199,340,000"; and

(B) by striking "$44,573,000" each place it appears and inserting "$99,670,000".

In section 7002(e)(3) of the bill, strike subparagraph (D) and insert the following:

(D) the plan of the State of Louisiana entitled "Integrated Ecosystem Restoration and Hurricane Protection—Louisiana's Comprehensive Master Plan for a Sustainable Coast".

At the end of section 7006(a) of the bill, insert the following:

(5) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—A working group established under this subsection shall not be considered to be an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

In section 7007(b) of the bill, strike "this section" and insert "this title".

In section 7013 of the bill, strike subsection (a) and insert the following:

(a) DEAUTHORIZATION.—

(1) IN GENERAL.—The navigation channel portion of the project for navigation, Mississippi River-Gulf outlet, authorized by the Act entitled, "An Act to authorize construction of the Mississippi River-Gulf outlet", approved March 29, 1956 (70 Stat. 65), as modified by section 844 of the Water Resources Development Act of 1986 (100 Stat. 4177), and further modified by section 326 of the Water Resources Development Act of 1996 (110 Stat. 3717), which extends from the Gulf of Mexico to mile 60 at the southern bank of the Gulf Intracoastal Waterway is not authorized.

(2) SCOPE.—Paragraph (1) shall not be construed to modify or deauthorize the Inner Harbor Navigation Canal Replacement Project, authorized by the Act referred to in paragraph (1).

In section 8004(c) of the bill, strike "build upon" and insert "adopt and continue".

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

This is the so-called traditional manager's amendment that we have worked on for weeks in a bipartisan manner across the aisle within the committee to work out technical changes and modifications to the bill that came to the attention of the committee after consideration of the bill in March. A project of this magnitude always has some issues that we need to resolve, and we have done that quite well in this manager's amendment.

Among some of the highlights are a provision that is of great importance to the 35 million people who live along the Great Lakes. There is a provision to direct the Secretary of the Army, along with directors of other agencies and entities, to carry out an emergency project to control and prevent spreading a viral hemorrhagic septicemia (VHS) virus in the Great Lakes and the connecting channels. I alluded to this issue at the outset of my remarks at the beginning of the legislation. It is an infectious viral disease of fish and has caused fish kills throughout the lakes. It has been a problem in Europe, it is a problem in Japan, and now we have confirmed presence in Lake Ontario, Lake St. Clair, Erie, St. Lawrence River. It was discovered in Lake Huron. It is migrating up the lakes, killing fish in its wake caused by ballast water that is infected on vessels plying the Great Lakes.

It spreads rapidly. We don't really know how it spreads, but we need to attack this issue now. There is a multibillion dollar fishery industry throughout the Great Lakes, sport fish and commercial fishery, and this provision will help us deal with and hopefully find a way to contain this devastating virus.

We also have authorizations for new projects in water and wastewater-related infrastructure. For years, these were traditionally practices of the Environmental Protection Agency, but they have run out of money, frankly. Even though we have passed the State Revolving Loan fund bill in this committee to deal with the matter, there still are huge needs. No one better than the Corps of Engineers is equipped to deal with the needs of environmental infrastructure. So in cooperation with the Department of Agriculture's Rural Utilities Service program, the State Revolving Loan fund of the EPA, Corps of Engineers will help communities rebuild their infrastructure and provide for public health and economic vitality of our towns all across America. The needs of communities have not gone away; the ability to deal with them has simply diminished.

The Corps can do this work; they have proven they can. And we have a very vigorous and I think constructive environmental infrastructure program in the manager's amendment.

Mr. Chairman, I would yield such time as she may wish to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much, Mr. Chairman.

I support the manager's amendment on this water resources bill.

The manager's amendment reflects project and policy revisions that have come to the attention of the subcommittee that I chair, and the subcommittee of Water Resources Environment.

Since the bill was passed out of committee, the Transportation and Infrastructure, in March, the amendment contains authorizations that are by no means inequitable to those that were contained in the bill that passed out of committee. Likewise, the projects in the manager's amendment were not considered on a partisan basis but on a need basis and merit. And this has been a long tradition in our committee, and I hope we will always have that.

I support the amendment. And I want to express my appreciation to the persons who did do all of the certifications and all the new paperwork we have to do. And I want to thank the ranking member on the subcommittee as well as the full committee and our general chairman. Thank you so very much.

Mr. OBERSTAR. Mr. Chairman, I reserve the balance of my time.

Mr. BAKER. Mr. Chairman, I rise to claim the time in opposition, although I am not in opposition and therefore ask unanimous consent to claim such time.

The CHAIRMAN. Without objection, the gentleman from Louisiana is recognized for 5 minutes.

There was no objection.

Mr. BAKER. Mr. Chairman, I just want to speak for a moment as to process and my appreciation for the manner in which the chairman handled this particular legislation. At the time of some of the subcommittee consideration, there were some Members who had not completed the necessary documents for submission of their projects in the required form, and the chairman made clear that should a Member provide the necessary information in a timely manner, that their projects would be included for consideration. And the manager's amendment reflects the closure of that verbal agreement in allowing many Members to complete the necessary documentation, therefore enabling the committee to include their projects of interest in the final mark before the House this evening. That is a model of how appropriate legislative consideration should be engaged, and I want to express appreciation to him.

I can verify for him if there is ever any question that there are a large number of Members who have a very deep and abiding interest in this subject matter, I have a list. And they also are appreciative of the willingness to give opportunity for appropriate consideration.

The manager's amendment is extraordinarily important in that it touches about a hundred projects which otherwise would not be included. I certainly hope that those present will support the adoption of the amendment.

Mr. Chairman, at this time, I would yield such time as the gentleman may consume to my ranking member, Mr. MICA.

Mr. MICA. Might I inquire of the Chair as to how much time is remaining.

The CHAIRMAN. The gentleman from Louisiana has 3½ minutes remaining.

Mr. MICA. I thank the gentleman for yielding.

First of all, I rise in strong support of the manager's amendment. Mr. OBERSTAR, after the election, became the Chair. I became the ranking member of the Transportation Committee. And we inherited, indeed, a huge backlog of projects. We also inherited a bill that required earmarking because they are Members' projects, and everyone knows the problems that we have had with earmarks in the past. So I can assure the Members that on both sides of the aisle we have done everything possible to vet these projects. I am also sorry that we can't put even more projects in.

We just had Mrs. BONO here, and her heart and soul in her work in Congress, which is something she inherited, actually the work, too, of her late husband, Sonny Bono, a good friend and colleague.

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She wanted that so badly in this, and it is so important, the restoration of the Salton Sea, for her district. You can see how important these projects are to Members and their districts. So we have a good work product.

Let me make one point I did not make in opposition to the administration's position on this piece of legislation in that it cost too much. If you look at 2000 when we started these projects, maybe they did cost $5 million. I can tell you that just with inflation and the cost of doing construction projects, having been in the development business, that every day we delay will cost us more; and that is why these projects cost us more, and that is why I am in opposition to the administration's point there.

We have evenly divided the projects. I don't think we could have had a fairer distribution. They are Republican, they are not Democrat, but they are of national and district importance, and I think we have done as good a job as you can. I am sure you can find something wrong or questionable, if anyone seeks to do that.

Mr. Chairman, I urge adoption of the manager's amendment, and I urge all Members on both sides of the aisle to move and urge the passage of this bill, not only through the House but through the other body and conference, so that we can do a better job for the people that we represent in these important environmental and water resources projects.

I thank the gentleman.

Mr. BAKER. I thank the gentleman for his remarks, and I certainly would be remiss if I did not comment on his effort to provide for transparency and disclosure of Members' requests. It was a new process. We had a lot of new paperwork to engage in. But at the end of the day, I think the public interest is well served and every Member is well served by having such disclosure made in a timely manner; and for his leadership in providing that counsel, I am most appreciative.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, we have labored mightily to comply with the new rules of the House, to cut every one of the projects back with each of the Members, each of 300 Members who had a project in the last Congress that carried over to this Congress. We have worked very diligently to serve as a filter for Members, to filter out problems that they had, projects that really might not comply, that should not be considered at this stage.

We bring forward to you a bill that has been on the Internet, that is fully vetted, and should pass with overwhelming support.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BOSWELL

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–100.

Mr. BOSWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 147, after line 2, insert the following (and redesignate subsequent sections, and conform the table of contents accordingly):

SEC. 3055. RATHBUN LAKE, IOWA.

(a) RIGHT OF FIRST REFUSAL.—The Secretary shall provide, in accordance with the recommendations in the Rathbun Lake Reallocation Report approved by the Chief of Engineers on July 22, 1985, the Rathbun Regional Water Association with the right of first refusal to contract for or purchase any increment of the remaining allocation (8,320 acre-feet) of water supply storage in Rathbun Lake, Iowa.

(b) PAYMENT OF COST.—The Rathbun Regional Water Association shall pay the cost of any water supply storage allocation provided under subsection (a).

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from

Iowa (Mr. BOSWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BOSWELL. Mr. Chairman, I yield myself such time as I may consume.

Before I explain the amendment, I would like to thank Ms. JOHNSON and Mr. OBERSTAR for their hard work. We have finally got something out here to work with. I thank the gentleman from Louisiana and the gentleman from Florida for working together with us. It is something that our country needed very, very badly, and was overdue.

Mr. Chairman, I rise in support of this amendment that is highly important to the State of Iowa constituents and also a number of folks in northern Missouri. As a member of the Transportation and Infrastructure Committee, I would like to especially give my appreciation for this opportunity that is before us today.

My amendment is critical to the future availability of quality drinking water for farmers, residents and businesses in southern Iowa and northern Missouri. Rathbun Regional Water Association is the largest rural water system in Iowa and one of the largest in the United States. Rathbun Regional Water Association supplies potable water to 60,000 people in the rural areas of 15 counties and 41 communities in southern Iowa and northern Missouri from the association's water treatment plant at Rathbun Lake. Rathbun Lake is the source of raw water for the treatment plant.

Rathbun Rural Water Association has experienced steady growth in the demand for potable water. In response to this demand, Rathbun Rural Water Association doubled the capacity of its treatment plant in 2000 and made improvements to its distribution system.

Rathbun Rural Water Association has completed an analysis of future water demand in its service territory. This analysis indicates that Rathbun Regional Water Association must take steps to meet continued growth in demand for potable water. The ability to secure the rights of the remaining drinking water pool in Lake Rathbun, a facility managed by the U.S. Army Corps of Engineers, is critical to meet demand.

There are 15,000 acre-feet of water supply storage in Rathbun Lake. Rathbun Regional Water Association has purchased the rights to 6,680 acre-feet of this water and storage from the U.S. Army Corps of Engineers. It is essential that they be able to acquire the rights of the remaining over 8,000 acre-feet of water supply storage in Rathbun Lake in order to satisfy the growing demand for potable water in its service territory. This remaining acre-feet in water would provide access to approximately 2.7 billion gallons of water.

The amendment submitted today takes two critical steps to ensure the availability of water for the region. First, it directs the U.S. Army Corps of Engineers to grant Rathbun Rural Water the right of first refusal to contract for any increment of the remaining water supply storage allocation in Rathbun Lake. This language is in accordance with the recommendations in the Rathbun Lake Reallocation Report approved by the chief of engineers on July 22, 1985.

Second, it allows Rathbun Regional Water Association to contract for the remaining water supply storage allocation in total, or incrementally as dictated by the demand of the potable water demand in the association's service territory, at such time as the full amount of storage may be purchased.

This amendment ensures access to quality water supply for rural residents, small communities and businesses in southern Iowa and northern Missouri. It enables Rathbun Rural Water to better manage the expense of purchasing water storage allocation in a manner that reduces the financial burden on its customers and ensures the vitality of Rathbun Regional Water Association to fulfill its commitment to an extensive rural area.

I join with my colleague from Iowa, Congressman LOEBSACK, in this request, and I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent, though I am not in opposition to the amendment, to claim the time in opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, I support the amendment offered by the gentleman from Iowa. We have had a bipartisan agreement on this.

I yield to the distinguished gentleman from Louisiana.

Mr. BAKER. I thank the gentleman for yielding.

Mr. Chairman, I just wish to compliment the gentleman on his amendment. We have reviewed it. We have no objection to its consideration and adoption.

Mr. OBERSTAR. The gentleman from Iowa (Mr. BOSWELL) and our former colleague from Iowa, Mr. Leach, have long worked with the committee on this issue of Rathbun Lake. It is as much a tribute to the gentleman from Iowa (Mr. BOSWELL) as to our former colleague, Mr. Leach. The gentleman has described the issue very well.

In initial consideration of this legislation, there was a PAYGO issue, and the gentleman from Iowa has worked with us on both sides of the aisle to resolve the matter. We no longer have an impact on direct Federal spending in the amendment. Therefore, it passes our committee standards.

Mr. Chairman, I strongly support the amendment and appreciate the support of the gentleman from Louisiana.

Mr. Chairman, I yield back the balance of my time.

Mr. BOSWELL. Thank you, Mr. OBERSTAR, and the gentleman from Louisiana, I appreciate your help and your work with us on this. I would join again with Congressman LOEBSACK and urge passage of this amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I support the amendment offered by my colleague, Mr. BOSWELL.

Congressman BOSWELL has been working with the Committee to resolve scoring issues related to modifications for the Rathbun Lake, Iowa project that had surfaced since the project was last included in the Water Resources Development Act of 2005.

It is my understanding that these issues have now been settled.

I urge the adoption of this amendment.

Mr. BOSWELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–100.

Does any Member seek recognition?

AMENDMENT NO. 4 OFFERED BY MR. STUPAK

The CHAIRMAN. If not, it is now in order to consider amendment No. 4 printed in House Report 110–100.

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. STUPAK:

Page 116, after line 8, insert the following (and conform the table of contents of the bill accordingly):

SEC. 2041. CRITERIA FOR OPERATION AND MAINTENANCE OF HARBOR DREDGING PROJECTS.

The Secretary shall budget and request appropriations for operation and maintenance of harbor dredging projects based only upon criteria used for such projects in fiscal year 2004 and shall not use a budget standard for such projects based on the amount of tonnage a harbor handles.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, in fiscal year 2006, the U.S. Army Corps of Engineers and the Office of Management and Budget set new guidelines for maintenance dredging of commercial harbors in their budget for fiscal year 2006. The Corps excluded harbors that move less than 1 million tons of cargo each year.

The House is on record that the Corps' neglect of these harbors is unwise and unreasonable. With Members' help during consideration of WRDA, the Stupak-Hoekstra-Delahunt amendment to prohibit the Corps from using a tonnage-based standard was included in the House bill by voice vote.

Now the Corps is back with a similar tonnage-based formula. This formula essentially credits $2 for maintenance dredging for every ton of product moved. The harbor is then provided only the amount from the formula, regardless of the actual cost to dredge a harbor. This policy not only discriminates against rural America by significantly limiting dredging of harbors in smaller communities, but it is pound wise and penny foolish.

For example, under the Corps proposal, my harbor in Ontonogan, Michigan, will move just over 300,000 tons of material, so the Corps will provide $643,000 worth of maintenance dredging, even though its dredging cost is more than $1 million.

Again, there are almost 300 harbors across this country that face the same problem. Our small harbors will never be able to adequately dredge, but will silt in with each passing year. Thus, pound wise, penny foolish.

These Corps guidelines will have a detrimental effect on small-town, rural America, causing job losses, increased hardship for business, and endanger our Nation's entire shipping infrastructure.

Each harbor that has been maintained by the Corps for years has unique characteristics other than just the amount of tonnage it moves. For example, annual dredging helps prevent flooding in Ontonogan, and dredging plays an essential role in preserving the economy and lifeline of this harbor town. By only considering the amount of tonnage a harbor handles, the administration ignores the benefits provided to businesses and residents that depend on electricity, flood mitigation and other purposes beyond the tonnage handled.

With this new policy, the Corps also disregards the fact that approximately two-thirds of all shipping in the United States either starts or finishes at a small port. By ignoring the smaller communities, the Corps is also significantly harming the Nation's economy.

With the Corps' proposed maintenance dredging guidelines, in each year our small harbors' maintenance remains uncertain. Without this Stupak-Hoekstra-Delahunt amendment, the economic vitality and the dream of economic expansion for these 300 communities remain uncertain.

As the House considers this WRDA legislation, I am again offering this amendment with Congressmen Hoekstra and Delahunt, which keeps the maintenance dredging the same as it has been before the Corps and OMB came up with these tonnage proposals.

For the sake of our Nation's small harbors, from which two-thirds of all shipping in the United States either starts or finishes at small ports, I encourage my colleagues to adopt our amendment, which would ensure that all harbor maintenance is funded fairly, regardless of the amount of tonnage a harbor handles.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I do not oppose the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. BAKER. Reserving the right to object, if I may make an inquiry of the gentleman, we have a cosponsor on our side of the amendment. Will the gentleman be happy to yield?

Mr. OBERSTAR. Mr. Chairman, I will yield time to the gentleman, of course.

Mr. BAKER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

□ 1745

Mr. OBERSTAR. In the preceding Congress, this amendment was offered on the floor during consideration of the WRDA bill, and it passed by voice vote; WRDA passed by 406 votes. It requires adequate budgeting by the administration for maintenance of small, low-use harbors. These are relatively smaller harbors; they may not handle thousands of containers or millions of tons of bulk commodities shipped on the Great Lakes, as we do in the Harbor of Duluth, but they are important projects and facilities that place lives and livelihoods at risk on the fierce storms of the Great Lakes, because these are also harbors of refuge. So I strongly support it.

Mr. Chairman, I am happy to yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank my colleague for yielding and I am thankful for his support and help on this amendment.

I would also like to thank my colleague from Michigan for bringing this amendment together. I think we both recognize the importance of this amendment. My congressional district, I think we kind of represent God's country. I represent about 200 miles of Lake Michigan shoreline. I don't think I want to get into an argument with my colleague from Michigan as to how much shoreline he represents from the Great Lakes, but it is well in excess of that number.

But we both have recognized that the current Corps guidelines present a distinct hardship to our communities, many of the communities along the Great Lakes. We don't meet the newest guidelines that establish the roughly 1 million tons or whatever of cargo that need to flow through a harbor. And this is a change in the Corps' position. For the last 14 years that my colleague and I have been in Congress, the Corps has done a very, very good job and recognized its responsibility for taking care of these small and medium-sized harbors which they classify as recreational harbors.

But they are much more than recreational harbors. For many of our communities they do, we do transfer cargo through these ports, but the harbors form the economic development zone for these communities. And if the harbors and the channels are not dredged, this economic lifeline goes away. And when the economic lifeline goes away, eventually these communities go away.

This is a policy that Congress needs to address because, from a disappointing standpoint, the administration has made an administrative decision that these harbors will not be taken care of. Congress needs to speak on this issue. I am glad that we can move this forward in a bipartisan basis and send a piece of legislation to the administration that no longer provides them with the latitude as to whether these harbors will be dredged or not. These harbors need to be dredged. They will be dredged. This is exactly the appropriate message to send.

I thank my colleagues on the other side of the aisle for taking the initiative in bringing this legislation forward.

Mr. OBERSTAR. I thank the gentleman from Michigan for his statement. I just wanted to point out that the Great Lakes have gone through 15 years, in the 1960s, into the 1970s, into the 1980s, nearly a 20-year period of abnormally high level. Now we are going through a seventh year of low water drought in the watershed of the Great Lakes. The Corps of Engineers has avoided dredging costs all during those two decades of high water on the Great Lakes. It is time now to recoup, to do the dredging that is needed, especially for these small harbors, harbors of refuge, small commercial harbors. And the gentleman's amendment will ensure that this issue stays on the agenda of this and future administrations. So I urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. STUPAK. Mr. Chairman, in closing, I would like to thank Chairman OBERSTAR. He has been a great help throughout my whole career here, but especially on issues confronting the Great Lakes and WRDA and other areas of his expertise in transportation infrastructure. And Mr. BAKER has also been a friend and very helpful, as has Ms. JOHNSON.

It is a bipartisan piece of legislation. I would hope that the Members support it. If we are going to truly care about waterborne commerce and transportation in this Nation, we must remember that two-thirds of all commerce on our Nation's waterways start and begin at the small ports the Army Corps no longer wishes to dredge and maintain. We need support on this amendment, and I ask for your support.

Mr. DELAHUNT. Mr. Chairman, for my district—coastal Massachusetts—our waterways are as important as our roadways. They are also a vital part of the Nation's transportation infrastructure.

It is the responsibility of the Army Corps of Engineers to help keep our harbors, rivers and other channels in navigable condition. In New England, the Corps is responsible for maintaining 171 ports and harbor channels, yet the Bush Administration budget includes funding to take care of just one. That is because the rules for Army Corps projects were changed by the Bush Administration to now favor large, commercial waterways. This constitutes an abandonment of Federal responsibility and quite simply, is an assault on smaller communities all over the country, putting lives and the economic health of coastal communities at risk.

The rationale for these changes is that financial constraints require us to abruptly change Army Corps' priorities to favor projects with "true value to the Nation." This sounds good—but is dangerously misleading. The changed formula focuses only on commercial tonnage and mileage, so smaller projects do not have a chance—even though they are critical to the economy and public safety.

When waterways close due to sediment build-up, the commercial fishing industry suffers. Tourism is compromised. And our transport stops—sometimes dead in the water. The Coast Guard can't undertake "search and rescue" because they can't move—literally.

Just as a deteriorating highway or bridge needs repair, our waterways need maintenance. If the traffic through a harbor requires an eight-foot draft and sediment builds up, leaving only five feet available, vessels cannot pass. It is larger, commercial vessels like tankers, fishing boats and barges that face the greatest difficulty and are most likely to run aground.

Entire portions of our local economy are organized around the sea and the easy transport of people and products in and out of our harbors. When you consider our island communities—such as Martha's Vineyard, Nantucket, and Cuttyhunk—the waterways carry all the necessities for local citizens, everything from food and water to lumber and heating oil.

In Chatham Harbor, which hosts the largest fleet of commercial fishing vessels in my district, we face a constant problem with shoaling. It is a 900-foot channel and when it is not clear, millions of dollars are at risk. Each year it is now a fight to keep the fishing industry on Cape Cod in business.

It's the same thing with Green Harbor in Marshfield, where we have the second highest lobster catch harbor in New England. In Woods Hole, we have a major Coast Guard station which launches many cutter search-and-rescue missions a year. Without regular dredging, that emergency equipment is landbound. In that same harbor, the Federal government has invested millions in a state-of-the-art NOAA research vessel, the Bigelow. But, these WHOI vessels and Navy vessels cannot do essential research because the harbor is clogged with sentiment.

For coastal communities, our waterways are critical to their economic well-being. I urge my colleagues to support this Amendment and support our mariners, our fishermen, the Coast Guard, and small coastal communities throughout the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. BLUMENAUER

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–100.

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BLUMENAUER:

Strike section 2036 of the bill and insert the following (and conform the table of contents accordingly):

SEC. 2036. PRINCIPLES AND GUIDELINES.

(a) IN GENERAL.—The Secretary shall issue revised principles and guidelines for use in the formulation, evaluation, and implementation of water resources projects. Subject to the requirements of this section, the revised principles and guidelines shall apply to water resources projects carried out by the Secretary instead of the principles and guidelines for such projects in effect on the date of enactment of this Act.

(b) CONTENT.—The principles and guidelines shall, among other things—

(1) provide for the consideration of environmental restoration costs and benefits under Corps of Engineers economic models;

(2) incorporate new techniques in risk and uncertainty analysis;

(3) eliminate biases and disincentives for nonstructural flood damage reduction projects as compared to structural flood damage reduction projects;

(4) incorporate new analytical techniques;

(5) encourage, to the maximum extent practicable, the restoration of aquatic ecosystems; and

(6) ensure that water resources projects are justified by benefits that accrue to the public at large.

(c) PROPOSED PRINCIPLES AND GUIDELINES.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register proposed principles and guidelines under subsection (a).

(2) CONSULTATION.—In developing the proposed principles and guidelines, the Secretary shall consult with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, the National Academy of Sciences, and the Council on Environmental Quality.

(3) PUBLIC PARTICIPATION.—The Secretary shall provide notice and an opportunity for the public to participate in the development of the proposed principles and guidelines.

(d) PUBLIC COMMENT FOLLOWING ISSUANCE OF PROPOSED PRINCIPLES AND GUIDELINES.—After publication of the proposed principles and guidelines, the Secretary shall provide an opportunity for the public to comment on the proposed principles and guidelines. The comment period shall not be fewer than 60 days.

(e) FINAL PRINCIPLES AND GUIDELINES.—

(1) IN GENERAL.—Not later than 90 days following the last day of the comment period under subsection (d), the Secretary shall issue final principles and guidelines under subsection (a).

(2) APPLICABILITY.—After the date of issuance of the final principles and guidelines, the final principles and guidelines shall apply—

(A) to all water resources projects carried out by the Secretary, other than projects for which the Secretary has commenced a feasibility report before the date of such issuance;

(B) at the request of a non-Federal interest, to a water resources project for which the Secretary has commenced a feasibility report before the date of such issuance; and

(C) to reevaluation or modification of a water resources project, other than a reevaluation or modification that has been commenced by the Secretary before the date of such issuance.

(f) EXISTING STUDIES.—Principles and guidelines issued under subsection (a) shall not affect the validity of any completed study of a water resources development project.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment simply requires the Secretary of the Army to update the principles and guidelines used by the Army Corps of Engineers in formulating, evaluating, and implementing water resource projects. As I said on the floor earlier today, they have not been updated since 1983. It is embarrassing that the Corps is operating under guidance a quarter century old.

We have learned a lot in the last 25 months, as I look to my colleague from Louisiana, about Katrina and others in terms of the Corps. Imagine how things have changed in the last 25 years.

Under this amendment, the Army Secretary would incorporate the latest scientific and economic knowledge, eliminate biases and disincentives, would be required to consult with the public and other Federal agencies while updating the principles and guidelines.

I want to be clear about what it would not do. It would not impact any project already underway or impact any project that is in the bill that has been created here today. It would not prevent the Corps from doing structural projects and would not delay any projects at all. It is why it is supported by the American Society of Civil Engineers, the professionals who actually do the work, taxpayer organizations, and environmental groups.

The National Academy of Sciences in a report from the year 2000 pointed out that the current principles and guidelines were state-of-the-art thinking when it was written, and some of the concepts and paradigms that underpin it are relevant today. However, in over 20 years since it has been updated and revised, it needs to be revised to reflect contemporary management paradigms: analytical methods; legislative directives; social, economic, and political realities.

I deeply appreciate the work with the committee's staff, the Chair and subcommittee Chair in getting this to this point.

Mr. BAKER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes.

Mr. BAKER. Mr. Chairman, I am certainly appreciative of the gentleman's interest and have worked with him closely on a number of matters through the course of the years. And just in this instance we have a matter of policy difference.

The P&G planning process utilized by the Corps does not begin with an idea that something must be done. It is not a process through which a commercial activity will automatically or inordinately be concluded must be implemented. The plan that is proposed must seek certain levels of justification; that is an iterative process where various parties are heard from over time.

As to the element of whether the P&G has been modified or not, I have done some work on the matter over the last days, knowing of the gentleman's interest in this amendment. And I can go back further over time, but on September 30 of 1999, the Corps issued Engineering Regulation 1165-2-501, which speaks directly to the gentleman's interest to encourage to the maximum extent practicable the restoration of aquatic ecosystems.

From the gentleman's amendment, the 1999 issuance speaks directly to a nonmonetary output compatible with P&G selection criteria; meaning, we should look at things broader than just dollars and cents.

On April 22, 2000, regulation 1105-2-200 recognized the national ecosystem restoration plan on a par with national economic development.

March 26, 2002, chief of engineers issues the environmental operating principles affirming sustainable development.

May 1, 2003: to provide for procedural guidance for formulating and evaluating projects consistent with environmental sustainability.

There was another on May 5, 2005. But to ensure the gentleman has time for his question, I will wrap up by saying, I have been assured by the Corps that they are working as diligently as one can work to accommodate environmental sensitivities while at the same time assuring that projects move forward in a timely manner.

The reason for my concern, as the gentleman knows, I am highly sensitized to our recovery from the Katrina-Rita days, and I know the gentleman's amendment is worded in such a fashion that, if it is authorized prior to the adoption of this language, it has no effect. But going forward, we are going to be doing this stuff for a very long time in our State.

The unintended consequences of these additional standards are going to be costly to local sponsors, and they are going to require significant additional programmatic time to achieve, not to ignore the gentleman's concerns that ecosystem restoration is a valuable and salutary goal that we should pursue.

I am happy to yield to the gentleman.

Mr. BLUMENAUER. I want to be clear that what you just stated that our goals, the things that you just cited, have never been incorporated into the principles and guidelines, have they?

Mr. BAKER. Yes. We may have a dispute as to the meaning of the words that we have on the page, but I will be happy to provide the gentleman.

May 5, 2005: planning in a collaborative environment to build on modernized guidance, improve Corps projects through greater collaboration with all stakeholders. I am skipping a little bit here. Broaden project selection criteria to encompass net beneficial effects in all four P&G accounts; national economic development, regional development, economic development, environmental quality, and other social effects.

So it goes beyond even environmental aspects in their planning process.

Mr. BLUMENAUER. And my question was, Is it not true that the Corps has not adopted those things into the principles and guidelines?

Mr. BAKER. All I can speak to from my knowledge is Corps-issued Engineering Circular 1105-2-409 on May 5, 2005.

Mr. BLUMENAUER. Engineering Circular that has not been incorporated into their principles and guidelines.

Mr. BAKER. The distinction between a statutory adoption and a circular being issued is managerial direction to people who are implementing the programmatic requirements. It may be a difference of no distinction to the gentleman; but my opinion is, after spending some time with the Corps individuals, they feel they are on top of and are trying as best they can within financial constraints to achieve the goals the gentleman is prescribing. My worry is this will now transfer a financial liability to the local sponsor which does not now exist and may well, because of the times outlined in the gentleman's amendment, protract the timely construction of worthwhile projects.

I, for example, am not sure whether this applies to aids to navigation. I don't know. I am not suggesting it does, but the way the amendment is constructed, I am worried about scope and reach. And please understand, I want to be helpful to the gentleman's interest. I am not at all averse to constructing projects in an environmentally safe and sound manner. I am just not sure that the goals the gentleman seeks are the results we would get out of the adoption of the amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague for yielding.

Mr. Chairman, I rise in support of the Blumenauer amendment, the bill before us, which would require the Army Corps of Engineers to revise the principles and guidelines under which the Secretary formulates and evaluates water resource projects.

It has been almost 25 years since any type of revision has been made to the Corps' decision-making process for formulating, evaluating, and implementing a project. The National Academy of Sciences has twice recommended that these guidelines be updated.

We want to be sure that we have a fair and impartial analysis of projects and that we don't set in place a procedure that inevitably leads to the largest projects getting built, not the most cost-effective ones.

The amendment is supported by many organizations, including the American Rivers, Taxpayers for Common Sense, and Republicans for Environmental Protection.

Up-to-date scientific engineering and environmental tools should be taken into account when looking at projects. As Representative BLUMENAUER has said, it is time to bring the Corps into the 20th and 21st centuries.

☐ 1800

Mr. BLUMENAUER. Mr. Chairman, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Chairman, as you know, this legislation will authorize projects that are vitally important to our communities, to our citizens, to our environment.

This amendment is intended to begin the process of reforming the Army

Corps of Engineers process so it can be done better. I support and applaud the leadership of the Committee on Transportation and the cosponsors of this amendment. We must establish transparency, collaboration and accountability within the Corps of Engineers so as to better serve our communities.

What this amendment does is begin that process by citing improvements that can be made in the principles and the guidelines. This is essential because some of the things that have happened that have been adverse to our communities and to our citizens have been foreseeable and predictable. The reforms that we are beginning to take with this amendment are to foresee, predict and avoid.

Secondly, independent peer review. I want to recognize the work of the committee of including that in this legislation. It is my hope that going forward in the conference committee that will actually be strengthened.

Mr. BAKER. Mr. Chairman, I ask unanimous consent that each side be given an additional 2 minutes for a total of 4 minutes for debate on this amendment only.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The time is divided. Who seeks recognition?

Mr. BAKER. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I thank the gentleman from Louisiana for yielding me this time, and I thank the majority side for agreeing to this unanimous consent request.

I simply wanted to rise to say this. During my 6 years as chairman of the Water Resources and Environment Subcommittee, I do not believe we had a better member or more active member than the gentleman from Oregon, and I certainly have the greatest admiration and respect for him and his concern about this legislation.

I simply wanted to rise to say this. I don't believe this Congress could pass a stronger environmental bill than this legislation that is before us at this time; Chairman OBERSTAR has continually made sure of that. And when we started with this bill several years ago, some people wanted no Corps reform at all; some people wanted so much Corps reform that really they were trying to stop every project that was included in this bill.

Mr. COSTELLO, who was my ranking member at that time, we compromised, we worked out things.

I want to commend the staff for their work in this regard, and we put in many environmental concerns the first time around. Then we put in even more the second time around when we passed this bill.

We are now here again. We have given reform on peer review now so that all the major projects, all the projects over $50 million are subject to peer review. We have put in environmental reform and Corps reform in regard to mitigation issues. We have put in Corps reform in regard to project planning so that all the concerns of all the environmental groups who want to be involved in this process will be included.

I just want to point that out, how environmentally strong this legislation is thanks to not only our efforts on this side and the staff and Mr. BAKER, but also Chairman OBERSTAR, Mr. COSTELLO, Chairwoman JOHNSON with a lot of contribution from the gentleman from Oregon (Mr. BLUMENAUER) himself.

Mr. BLUMENAUER. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, there is a lot of confusion over the Blumenauer amendment, and let me just say that the Blumenauer amendment does not affect the language on independent review. The Blumenauer amendment will make the study process more efficient, and for that reason I ask my colleagues to support the Blumenauer amendment and support the bill.

Mr. BLUMENAUER. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR), our distinguished chairman.

Mr. OBERSTAR. I thank the gentleman for yielding.

I appreciate the concerns of the distinguished ranking member of the subcommittee about time and cost. We certainly don't want to add any more time than Corps projects already take to evolve, nor do we want to foist additional costs on local governments.

The language of the amendment of the gentleman, though, is simply to take current practice that the Corps has in its principles and guidelines, but to make those principles and guidelines into current law. I have talked with the Corps representatives in the chief's office, and they say, well, we're looking for direction from Congress.

This language will not add time, will not create costs that are not already being incurred under our existing practice, and in that spirit, I think the amendment should be accepted.

Mr. BLUMENAUER. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Oregon has 1½ minutes remaining.

Mr. BLUMENAUER. Then I will close.

I deeply appreciate the words of support that have been offered here by my colleague from Wisconsin (Mr. PETRI); from my distinguished chairman, Mr. OBERSTAR; and from the former ranking member of the Water Resources Committee, Mr. COSTELLO.

I want to be clear that what was offered up by my friend, the distinguished ranking member of the subcommittee, in no way undermines what I said. These principles and guidelines have not been updated. There are procedures and circulars discussed by the gentlemen from LA. They have not been incorporated into an updated, revised principle and guideline for the Corps of Engineers.

That is why the National Academy of Public Administration, one of the many scientific organizations to recommend updating the principles and guidelines, they released their recommendation after the circular that the gentleman from Louisiana mentioned. His information simply is not current in terms of how the Corps is operating and all the independent bodies, the Science Board, the public administrators, why the American Engineering Association, as well as taxpayers and environmental groups say it is past time to fix this situation.

For those of you who care about getting something actually through Congress, you ought to support this amendment. One of the hang-ups between the House and the Senate has been this issue of reform. The Senate has stronger language than this. I think it will help bridge the gap. I urge its adoption.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. KIRK

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–100.

Mr. KIRK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KIRK:

At the end of title II of the bill, add the following (and conform the table of contents accordingly):

SEC. 2041. SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS.

(a) IN GENERAL.—The Secretary may carry out a small dam removal or rehabilitation project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(b) COST SHARING.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single location.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year.

MODIFICATION TO AMENDMENT NO. 6 OFFERED BY MR. KIRK

Mr. KIRK. Mr. Chairman, this amendment concerns removing small dams from rivers, especially in my congressional district; and working with the chairman and the minority, what I would like to do now is ask unanimous consent to modify the amendment as agreed to by both sides.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 6 offered by Mr. KIRK:

In lieu of the matter proposed to be inserted, insert the following on page 40, after line 23, (and redesignate subsequent paragraphs accordingly):

(13) LAKE COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration, Ryerson Forest Preserve Dam, Dam 1A, Dam 1B, and Dam 1C, Lake County, Illinois.

The CHAIRMAN. Without objection, the modification is approved.

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KIRK. Mr. Chairman, the scope of this amendment now is focused exclusively on Lake County, Illinois, and mainly the watershed of the Des Plaines River. This is a river in which several outdated and unused dams are preventing the return of higher-end predator fish, specifically pike and walleye, through the upper Des Plaines and Fox River Valleys.

Now, I have worked on this amendment and consulted with my colleague, Congresswoman MELISSA BEAN, and we both agree on a bipartisan basis that the return of these high-end predator fish will not only help restore the environment of upper Lake County and its Fox River and Des Plaines watersheds, but also will be a help to sports fishing and boating in these areas.

For these reasons, the removal of these very small but damaging structures will go a long way to restoring the ecosystems along the lines of the Chicago Paddlers Association and the Nature Conservancy and their recommendations.

I want to particularly thank JOHN MICA and his staff, especially Amy Steinmann for her work on this, as well as Chairman OBERSTAR for his help on this because this is going to make a big difference in the ecosystem of Lake County, Illinois, and we hope to invite all of you, maybe Mr. BAKER as well, to come for a day, hopefully 5 years from now, of exciting sports fishing in northern Illinois.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to claim time in opposition, though I am not in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. And I do so to speak deliberately, carefully and thoughtfully so that the Speaker pro tempore can reach the House floor in order that the committee may rise and report the bill to the House with sundry amendments and that we can conclude action on the bill. I mean, let's be honest about what we're doing here in the spirit of transparency.

But the gentleman from Illinois speaks for himself and also the gentlewoman from Illinois (Ms. BEAN) who shares this river with him and also our former Speaker, Mr. HASTERT, whom I saw on the House floor just prior to consideration of the legislation. So he thought this would be a good idea because he would be able to do some walleye fishing on the river, and we are all for fishing walleyes, and the gentleman has had a very, very clear and narrowly drawn objective.

I am glad we have been able to work this out in a manner that suits his concerns and allays the fears and concerns of those in the Western States that thought this was going to be a major hindrance to hydroelectric projects.

So I thank the gentleman for tailoring the language of the amendment to the needs at hand and to allay the broader concerns.

Mr. Chairman, I yield such time as he may require to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. I thank the gentleman for yielding.

I just wanted to express a word of appreciation to the gentleman for revision of his amendment as it now appears before Members. He worked diligently with the staff in order to assure that some concerns that had been raised had been alleviated, and we find ourselves at a point where we have an amendment to which I do not believe there is objection.

At some point later in the evening I assume we will agree to adopt it and then later we will take up the underlying bill and pass that as well.

I assume that the gentleman has sufficiently consumed enough time to where the managerial matters of his earlier interests may have now been resolved, I hope.

Mr. OBERSTAR. Mr. Chairman, I reserve the balance of my time.

Mr. KIRK. I would just like to state to the gentleman that I thank you very much for your senior leadership on this bipartisan legislation. I would hope that we could all agree that pike and walleye fishing should not be reserved for those citizens of only Wisconsin and Minnesota and can now return to the citizens of northern Illinois, who will see this ecosystem restored.

Mr. Chairman, I yield back the balance of my time.

☐ 1815

Mr. OBERSTAR. How much time do I have, Mr. Chairman?

The CHAIRMAN. The gentleman from Minnesota has 2½ minutes remaining.

Mr. OBERSTAR. I want to use this opportunity to thank the Chair of the Subcommittee on Water Resources, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for the superb work she has done shaping the bill and bringing us to this point; and to the ranking member of the subcommittee, Mr. BAKER of Louisiana, whom I previously eulogized for his work in the gulf; and our full committee ranking member, Mr. MICA.

This has truly been an effort bringing this bill forward, and essential to this team have been the staff. I am always grateful for the staff because that is where I started in this body 44 years ago, as clerk of the Subcommittee on Rivers and Harbors, the predecessor of the Committee on Public Works. It was the first committee of the Congress in the first Congress in 1789.

I want to thank Ryan Seiger of the majority staff; Ted Ilston, Beth Goldstein, Mike Brain, Rod Hall of Congresswoman JOHNSON's staff; Dave Heymsfeld of the full committee; John Anderson, a distinguished long-time professional on the minority side; Geoff Bowman, Tim Lundquist, Jim Coon of the full committee staff; and Charlie Ziegler, whom I have known for so many years, a friend of long-standing. I don't have old friends anymore, friends of long standing, when you get to my age.

In the Legislative Counsel's Office, Curt Haensel and the ever-talented Dave Mendelsohn. All have worked together, pitched in to help us bring this bill to this point. We are ready now to conclude action on the amendment of the gentleman from Illinois.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

WELCH of Vermont) having assumed the chair, Mr. ROSS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, pursuant to House Resolution 319, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WALDEN OF OREGON

Mr. WALDEN of Oregon. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALDEN of Oregon. At this time in its present form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walden of Oregon moves to recommit the bill H.R. 1495 to the Committee on Transportation and Infrastructure with instructions to report back the same forthwith with the following amendment:

SEC. 5124. RENEWABLE HYDROELECTRIC POWER.

(a) IN GENERAL.—The Secretary shall—

(1) inventory, and, to the maximum extent economically feasible, develop and maintain, all lands, properties, and projects under the jurisdiction of the Secretary for the potential of increasing hydroelectric power production or constructing new hydroelectric power facilities thereon;

(2) study the potential effects of proposals to remove Federal hydroelectric dams under the jurisdiction of the Secretary, including—

(A) the impacts on domestic energy costs to consumers;

(B) the need to import more energy to make up for lost production from such dams;

(C) the types of fossil-fuel based or other energy sources (including clean nuclear power) that are likely to be utilized to compensate for the lost energy associated with dam removal; and

(D) any impacts on existing or future agricultural production of biofuels or other alternative energy feedstocks as a result of the loss of water to America's family farmers; and

(3) to the maximum extent economically feasible, carry out projects under the jurisdiction of the Secretary in a manner that seeks to maintain lock systems where the systems are essential for maintaining navigable waterways used for commercial shipping and transport.

(b) REPORT.—

(1) INITIAL REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the inventory conducted under subsection (a)(1), the results of the study conducted under subsection (a)(2), and a description of actions taken by the Secretary to increase hydroelectric power production.

(2) UPDATES.—The Secretary shall update the report at least once every 5 years and submit the updated reports to Congress.

(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to supersede, limit, or otherwise affect any provision of law in effect on the date of enactment of this Act.

Mr. WALDEN of Oregon (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. OBERSTAR. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read the motion to recommit.

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 5 minutes.

Mr. WALDEN of Oregon. Thank you very much, Mr. Speaker.

I want to first commend the gentleman from Minnesota. He has a tough job; he has done it well on this committee. I have enjoyed my work over the years on issues where we have agreed. I bring this motion to recommit to the floor for a couple of reasons.

The first deals with the issue of global warming and America's energy independence. I was appointed recently to the Select Committee on Energy Independence and Global Warming. We have had a lot of hearings there and in the Energy and Commerce Committee and in the Energy and Air Quality Subcommittee about how do we make America both energy independent and reduce our carbon emissions and greenhouse gas emissions.

Obviously, coming from the Pacific Northwest, we are blessed in that a large percentage of our electrical generation comes from these large hydropower projects. Hydropower for America means no greenhouse gas emissions, virtually, virtually none. I suppose you could say there is some in the creation of the cement that goes into the concrete that makes up the dams, but once they are built, they are 90 percent efficient and no carbon emissions. So, obviously, there is discussion out there in the courts and elsewhere about reducing hydropower by eliminating dams.

I think it would help us in our work, in both the Select Committee on Energy and Independence, and on global warming, to know what the 'impacts are and if you remove the hydropower system in any course or place, what the impacts on domestic energy cost to consumers would be; what would the need be to import more energy as replacement, because obviously that is one of the issues that we look at. If you take out a particular power generation capacity, and especially one that is 90 percent efficient and doesn't emit green house gases, then what's the carbon footprint for the replacement power?

We would look at that and call for a report on the types of fossil-based fuels or other energy sources, perhaps including clean nuclear, to replace this power that would likely be utilized.

In addition, we ask for a report on maintenance of the lock system as well, which is extraordinarily important. I want to point out that in 2004 alone, more than 160 million tons of carbon emissions were avoided in the United States when 268 million megawatt hours of hydroelectricity were generated. Hydropower offsets more carbon emissions than all other renewable energy sources combined.

If they were to be removed, the dams in the Northwest, it would take six and a half 500-megawatt coal-fired plants to replace the energy generated, not that anybody is talking about replacing them all. That, though, would increase CO_2 emissions by 47.4 billion pounds, 47.4 billion pounds.

Let's look at this in replacement of shipping terms, if we don't take care of locks. In the Columbia and Snake River system, certainly in the Columbia River, certainly at John Day, there are issues about these antiquated locks that are having real maintenance needs, and yet we lack funding in some cases to deal with it.

A tow of four 3,500-ton grain barges equates to 400 trucks each at 400 horsepower. For example Tidewater Barge Company, a single example, Tidewater ships about 6 million tons up and down the Columbia River each year. These 6 million tons would require 171,200 trucks if the barging capability was removed. Over 171,000 trucks. So you can see why I am concerned about lock maintenance and the need to continue down that path. This motion to recommit would do that.

I yield to the gentleman from Louisiana.

Mr. BAKER. I thank the gentleman for yielding.

As I understand the amendment, it is to require a study, an inventory, and an assessment of our hydroelectric capacity that is under the Secretary's jurisdiction, further to examine the advisability of perhaps private ownership of those facilities for the public interest, or whether we should enhance the government-owned and -operated facilities.

So it is an examination of our energy resources to determine how we should best go forward, and the Congress does not require today the expenditure of any new money for such purpose other than that to accomplish the study.

Mr. WALDEN of Oregon. I think as spelled out in this motion to recommit, the gentleman is correct.

Mr. BAKER. I thank the gentleman. With that understanding, I would just express support for the gentleman.

Mr. WALDEN of Oregon. Certainly anything that would be required here, because it does require the Corps to inventory, develop and maintain all lands, properties, et cetera, for the potential of producing hydropower. Obviously, though, we waive no environmental laws. Anything that would be authorized or result or interpreted that way from this language would require appropriation. There would be all the reviews that are required for any other law.

I urge support of the motion to recommit.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. First of all, we had a very clear agreement within the committee on the Democratic and Republican side not to take new items that were not in the 109th Congress Water Resources Development Act. We have vigorously adhered to that, kept a great many projects out.

This proposal is not only new, but it is massive, it is huge, it is not a study of potential effects. It has very clear declarative language: the Secretary shall inventory, develop and maintain all lands, properties, projects, meaning hydroelectric projects. The language at the very outset prohibits any action that may be proposed, as is being considered along the Snake River, to remove dams for environmental purposes, and by directing the Secretary to undertake this action, creates a PAYGO issue. There is a clear budgetary consequence in that language.

This motion goes well beyond the intent of the Water Resources Development Act. It goes beyond the bipartisan agreement we have in bringing this bill to the floor. It authorizes unlimited projects without consideration of environmental impacts or consideration of taxpayer expense.

☐ 1830

It impacts legislation that we already have in this bill. It goes far beyond the scope that we intended in WRDA.

We can consider the gentleman's proposal in future authorizations of WRDA and in hearings that we will undertake, but this amendment has no place during floor consideration of this bill at this late hour when it clearly brings into play items well beyond the scope of the agreement between the Democrats and Republicans on the bill and well beyond the scope of the purpose of the legislation. It imposes vast, potential new expenditures and requirements upon the Secretary, some of which are not even well understood at this point.

So I oppose the motion, and I urge a "no" vote.

The SPEAKER pro tempore (Mr. TIERNEY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WALDEN of Oregon. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 194, nays 226, not voting 13, as follows:

[Roll No. 233]

YEAS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Cantor
Cubin
Davis, Jo Ann
Fattah
Higgins
Israel
Jones (NC)
Lampson
McCollum (MN)
Millender-McDonald
Rohrabacher
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1859

Mr. HALL of New York, Mr. MITCHELL, Mrs. BOYDA of Kansas, Ms. JACKSON-LEE of Texas, Mr. FARR and Mr. THOMPSON of Mississippi changed their vote from "yea" to "nay."

Messrs. MCHUGH, STEARNS and EHLERS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 25, not voting 14, as follows:

[Roll No. 234]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—25

Bachmann
Bilbray
Blackburn
Boehner
Chabot
Feeney
Flake
Franks (AZ)
Gohmert
Goode
Goodlatte
Hensarling
Inglis (SC)
Jordan
Lamborn
McHenry
Miller (FL)
Pence
Royce
Shadegg
Stearns
Tancredo
Tiberi
Westmoreland
Wilson (SC)

NOT VOTING—14

Cantor
Cubin
Davis, Jo Ann
Fattah
Higgins
Israel
Jones (NC)
Lampson
Millender-McDonald
Paul
Pickering
Rohrabacher
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1908

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH AND IRAQ ACCOUNTABILITY ACT, 2007

Mr. OBEY. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Lewis of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1591, be instructed to insist on subsections (c), (d), (e) and (f) of section 1904 of the House bill, relating to the redeployment of the Armed Forces from Iraq and restrictions on the Secretary of Defense's use of the Armed Forces in Iraq after such redeployment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

In doing so, I rise to offer a very simple, straightforward motion to instruct conferees on the fiscal year 2007 emergency supplemental appropriations bill.

The motion to instruct simply insists that House conferees support the previously adopted House position with regard to a timetable for the withdrawal of troops from Iraq. This motion, which I will oppose, puts Members on record as either fully supporting our troops or agreeing to a surrender date in Iraq. It is that simple.

It is no secret that many Members of the House, both Republicans and Democrats, have strong reservations about the manner in which this legislation undermines the authority of the President, our commander in chief. Members are also rightly concerned about how this legislation places military decisions in the hands of politicians rather than the military commanders in the field.

This legislation ought to focus on our troops. It ought to focus on providing those in harm's way with the resources they need to complete their mission successfully. It ought to respect, not micromanage, our combatant commanders in whom we place the ultimate responsibility for prosecuting military actions.

Mr. Speaker, Members of Congress are many things. We are elected to represent the interests of our constituents from our congressional districts. However, as presently written, this legislation makes the dangerous assumption that Congress also has an on-the-ground role in prosecuting the war in Iraq.

In closing, let me remind my colleagues of this: We are not generals. We are not the Secretary of State. And we are most certainly not the commander in chief.

The vote on this motion to instruct will signal whether Members of the House are willing to provide our men and women in uniform with our unqualified support or whether Members will fully embrace a timetable for withdrawal and surrender.

I urge a "no" vote on this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

□ 1915

Mr. OBEY. Mr. Speaker, I have to tell you, some days it is very interesting to watch what happens in a place like this. This is the most serious issue that this Congress will confront this year, and this motion is addressing that issue in the most unserious manner possible. This motion is presented by the distinguished ranking minority member of the committee, and then he says he is going to vote against his own motion. I would like for a moment to remind the body of what this House is supposed to be.

The core purpose of this Congress, the main reason for its existence is to deal with issues like this. Today, the United States Congress is supposedly regarded as the greatest deliberative body in the world. We exist today, if we remember our history, we exist today because almost 800 years ago our British forefathers placed the first limitation on the absolute use of executive power in the history of the English speaking world when they forced the English monarch to sign the Magna Carta.

Over 500 years later, that evolved into the United States Constitution, which created three branches of government, with checks and balances designed to prevent arbitrary and unilateral exercise of unchecked executive power in order to protect liberty.

Because of that Constitution, and under the procedures defined by that Constitution, we are here in the fifth year of a war which this country was led into under false premises. And we are debating how the Congress should respond to the President's escalation and intensification of our involvement in an Iraqi civil war. We are also debating his request for another hundred billion dollars to continue that war.

He is also asking for billions of dollars in additional spending for other domestic and international activities, including flood control, nutrition programs, education and cultural exchanges, disease control in Southeast Asia, and salaries for U.S. marshals. The majority of both Houses have voted to try to bring about a change in direction in that war. We believe, at least those of us who supported the bill two weeks ago, we believe that our soldiers won the war that they were asked to wage, but that it is unrealistic to expect them to do something that they have no power to do, which is to force Iraqi politicians to make political compromises necessary to end the carnage in that country.

By this bill, we are attempting to put enough pressure on those Iraqi politicians and those Iraqi factions to make the compromises necessary to allow our troops to end their involvement in that civil war. And to do that, we have in the legislation now before us conditioned our continued presence in Iraq on Iraq's meeting certain performance benchmarks, which were first laid out by the President himself.

This motion, which has now been offered by the gentleman, is an example, I think, of people falling off both sides of the same horse at the same time because we have people who say they don't want us to put limits on the President's conduct of the war, now insisting that in fact we adhere to the very proposals that we passed just 2 weeks ago.

I want to say that this is, I think, despite the fact that it is an unserious motion, I intend to accept it because it is simply, in essence, a re-vote of what the House committed itself to 2 weeks ago.

The reason we have timelines in this bill is because we want to give General Petraeus the ability to use Congress as sort of a bad cop/good cop routine in order to convey to the Iraqi politicians that they must resolve their differences if they expect us to remain there for any significant length of time at all. There is no way that we can create that kind of pressure on Iraqi politicians unless we maintain the proposals that we made in this House bill.

The President wants none of these limitations to pass. I find it interesting that people who say that we should proceed to compromise are now offering a motion which in essence tells us not to compromise. In the end, we know that both sides are going to have to compromise; but in the interest of getting us to conference so that we can begin that long arduous process, which I fear will take many months, I am going to accept the motion of the gentleman, even though I regard it as a very quaint way to move to a position of compromise between the President and the Congress.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 2 minutes to a member of the committee, the gentlelady from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I rise today in strong support of our troops fighting in Iraq and the plan put forth by General Petraeus to win this war.

Democrat Senate Majority Leader HARRY REID said he believes the war is lost and the surge is failing. What a terrible message for our troops fighting this very minute. Instead of a road map to success, we are being asked to support a plan for defeat. We are being asked to announce to our enemies a date for surrender. Do we think the terrorists will lay down their weapons and go their merry way if we leave? History reminds us otherwise. When the Soviet Union left Afghanistan in the 1980s, the radical Islamists did not lay down their weapons; in fact, they demolished the Afghani Government and took power.

So what can we expect when we announce today that we are closing, that we are losing, and announce tomorrow that we will leave? Al Qaeda leaders have publicly declared their mission is to expel the Americans from Iraq and establish an Islamic emirate in Iraq. So we have taken them at their word with this surge and showed a new determination to win. In the seven weeks since the surge began, the number of weapon stockpiles we have found has doubled. More tips are coming in from Iraqis who want peace and stability to take hold of their country. Sunni leaders are turning against al Qaeda and Iraqi troops are standing up. Just yesterday, the Iraqi troops took charge of security in the southern province of My Soon, the fourth province to come under full Iraqi security patrol.

General Petraeus is coming next week to brief the Congress on our progress. How are we going to greet this brave general, good morning, General Petraeus, we've decided to run the war? What we need to do as responsible Members of Congress is to exercise our oversight, fund and support our troops, ensure that we give them what they need as they fight for our freedom, what they and their families need as they return, and give this plan a chance, paying close attention to its progress.

There is too much at stake in Iraq for responsible leaders to advocate allowing the region to spiral into chaos, and we can't ignore the threat of failure for our country and our citizens.

Mr. LEWIS of California. Mr. Speaker, I am pleased to recognize for 3 minutes the gentleman from California, the former chairman of the Armed Services Committee, DUNCAN HUNTER.

Mr. HUNTER. I want to thank my friend, Mr. LEWIS, for giving me a chance to talk about this supplemental bill, this very bad bill, once again.

Mr. Speaker, I have carefully reviewed the language on page 72 of this bill with our counsel as to the exact legal effect of this bill. This bill says that an American unit cannot be introduced into Iraq until a 15-day waiting period has expired. Now, what does that mean? That means if you have hostages being held in a place in Iraq and you want to move a Delta force team across the line, you can't do that for 15 days under the law, should this become law. It says if you have a fleeting target, like the Zarqawi strike that we made a couple of months ago, and time is of the essence and you want to take an F–16 out of Incirlik, Turkey and make a strike, you can't do it without waiting for 15 days after notifying the House Armed Services Committee, the Senate Armed Services Committee, and presumably the Appropriations Committee.

Mr. Speaker, if we have an extreme situation in Iraq where Americans have to be rescued or reinforced, I don't want them to come back and notify me or notify the committee. I want them to do what they have to do and carry out their mission.

This is a very defective bill, and this 15-day waiting requirement in this war against terror where time is of the essence, where American military teams move across country boundaries every day without certifying anything to anybody, this is a real disservice to the forces that work not only in Iraq, but should this be applied to other parts of the world in a future time would be a real disservice to everybody who fights in the war against terror.

I strongly support the motion of the gentleman from California.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the defense appropriations subcommittee, Mr. MURTHA.

Mr. MURTHA. This Appropriation Committee will have appropriated $1.2 trillion for this war and for the Defense Department in one year. When I came to Congress, we had appropriated $100 billion for defense for the whole year.

We keep talking about progress; that's what the military leaders in Iraq talk about. I wish we saw progress.

I voted for this war because I believed that our Nation was threatened. Two or three weeks later, I realized that we weren't under any threat; we were misled. There was no threat to our national security. We went in with inadequate forces. I'm the one that found the lack of body armor, 44,000 troops without body armor, without armored Humvees; and now 4 years later, we're arguing about timelines where the Iraqis ought to take over the war themselves. We're arguing about allowing the Iraqis to do what the President agreed to. And we want to set a timetable so that they are forced to agree to it. There is no question in my mind every time the Iraqis stumble, the United States steps in and puts our American troops in between the civil war.

I just visited Fort Hood, Fort Stewart and Fort Bragg. The troops are somber. The troops are going to do their job. They're valiant. I am inspired by the troops. But let me tell you, they're burned out. In the schools in Fort Bragg they say they need counseling. In the schools of Fort Bragg they say there's higher truancy. They say the students' achievement has dropped. You know who's suffering? We talk about fighting this war. We're not fighting this war. A very small segment of this population is fighting this war, and they're burned out. I've had troop commanders who were there three times say, we can only spend 10 months in combat and we start making bad decisions; and I believe that.

They say there's progress, and I've just seen over 200 killed in 2 days. We've lost more Americans in the last 4 months than any other period during this war. That's not progress. The electricity production is below prewar level. Production of oil is below prewar level. How do you measure? Rhetoric doesn't measure progress.

In my estimation, this war has been so mishandled. Congress has an obligation to set a standard, to have accountability. And this bill is called the Iraqi Accountability bill, and that's what we're trying to do. We're trying to hold this administration accountable for the mistakes that they have made.

Does anybody know we have 125,000 contractors in Iraq? 125,000. And when we pointed this out to the Secretary of Defense, do you know what he said? He said, "They're making more money than I make."

□ 1930

The Secretary of Defense said these contractors are making more money than he makes, 125,000 of them. They couldn't tell the committee for 2 months how many contractors they had.

They have got a fellow fueling a truck on one side, and he's making $25,000, and right beside him is a guy making $80,000 fueling a truck. Why is that? Are we meeting our recruiting standards when we need 125,000 people that are contractors in Iraq riding around shooting people, as I saw in the Washington Post the other day, shooting inadvertently at people? They want to kill somebody, this one guy said? That's the face of America? We've lost credibility because of some of these contractors and the actions of these contractors.

I say we need to set timelines. We need to set a benchmark. We need to say to the Iraqis, it's time for you to take over and decide your own fate, like we did in our own revolution.

I ask Members to vote for this benchmark set by the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, as I go about recognizing another of my colleagues, let me just take a moment to say that if indeed we had had a traditional open rule on this process, we would not have had the problem that the gentleman has just alluded to. An up-or-down vote on whether we withdraw our troops or not would have been available. We would have satisfied many of the questions.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the former chairman of the Intelligence Committee.

Mr. HOEKSTRA. I thank my colleague for yielding.

Mr. Speaker, today our Nation is engaged in a struggle with a brutal and cold-blooded enemy, cold-blooded killers. These are the kinds of folks who will kill people on an airplane and fly it into buildings. They will drive a car through a checkpoint, step out of the car, leave the kids in the back seat, and blow it up. They will attack civilians rather than military targets.

It is utter folly to believe that by establishing timelines and saying we are going to pull out today or at some specified date in the future, to believe that by doing that they will evaporate and they will leave us alone.

Maybe it is another good cop-bad cop type of ploy being employed by individuals on the other side of the aisle when the majority leader in the other body today declares the war is lost, conceding that al Qaeda has won. Is the other side willing to concede that al Qaeda has won in Iraq, that they have won in Algeria, that they have won in Morocco, that they have won in Afghanistan and that they have won in Pakistan?

When do they believe is the most appropriate time to confront the enemy that we face today, if we are not willing to confront them in Iraq, if we are not willing to confront them in northern Africa and the other parts of the Middle East or Asia? Are we going to once again wait until they come to the United States?

This is hard and it is tough, but these are cold-blooded, ruthless killers. It is probably inappropriate to call this a war, because the people that we're fighting don't deserve the term of "soldier" or "warriors." They are outlaws, they are criminals, and we cannot concede this to them, like the majority leader in the other body did today. Today, he sent a powerful signal to the rest of the world and to our allies that al Qaeda has won and we have lost. How will our allies respond to that message?

This motion to recommit is at least a little bit better in that it says we haven't lost, but we're willing to soon surrender and give up this fight. It is a fight that we can't afford to lose. It is a fight that we need to win.

Take a look at what they said. This is in their playbook. Defeat this motion to recommit.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. It's interesting to hear the gentleman say "we." "We fight." "We aren't going to give up." "We aren't going to surrender."

Let me tell you something. We are not fighting this war. It's the troops overseas. And when I talk to the families, when I go to the hospital, I see the results of this war.

Don't tell me we're fighting this war. It's the troops in the field, a very small segment of the American population that are fighting this war. If the President thinks we should continue the war, he ought to call for a draft and spread it out and let everybody serve in this war, not this small segment making such a sacrifice.

Don't tell me we're fighting in this air-conditioned office. We're not fighting this war. They're fighting it. And I'm proud of every one of them. But don't stand here in this air-conditioned facility and say we are fighting this war.

I am proud of these troops and what they have done. They have won the war. The mission was accomplished. We cannot win it militarily. It can only be won diplomatically.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the gentleman from California for the time.

Mr. Speaker, whether or not some choose to acknowledge it, we are at war with militant Islamists who seek our destruction. Yet some on the other side of the aisle today announced that the war is lost in Iraq. This comment shows little understanding of the ability and the determination of our men and women in the Armed Forces.

Naysayers and those who doubt our Nation's ability to prevail over evil have existed throughout the centuries, and it appears that there are those who doubt the ability of this century's greatest generation to defeat these Islamist militant extremists operating in Iraq.

Our mission is just. The soldier cannot be separated from his mission. All I have to do is look to the inspiration of the Parsons brothers from my congressional district, who are serving in Iraq. They know that we must and indeed we can succeed.

Huber Parsons was with the 101st Airborne for two long Iraq deployments. He is currently on his third deployment with the Army Stryker Brigade. His twin brother, Bill, has served two tours in Afghanistan and two tours in Iraq. And their little brother, Charlie, is on his first deployment in Iraq. All three brothers are deployed in Iraq right now.

I ask for the Parsons brothers and for all of our brave men and women serving our Nation in Iraq that we not put them at increased risk with these arbitrary, artificial deadlines.

My stepson, Douglas, and my daughter-in-law, Lindsay, both served in Iraq as Marine fighter pilots, and tomorrow Lindsay will be deploying to Afghanistan to continue her military service.

Arbitrary deadlines and the consequences of retreating and failure are personal issues for me. Establishing arbitrary deadlines for withdrawal of our forces before Iraq is stable and secure gives the insurgents, as well as the Islamic extremist terrorists, a roadmap, a how-to guide, on how to defeat the United States, our Iraqi partners and other coalition forces in Iraq. Our troops understand this. Our enemies understand this. Our allies understand it; we must as well.

We met with Egyptian leader Mubarak just 2 weeks ago in a bipartisan congressional delegation, and this is what he told us: "Withdrawing from Iraq without creating stability will mean that the U.S. will suffer and all of us in the region will suffer. I know how these terrorists think," Mubarak said to us, "and they will come after you and then come after us."

He continued by saying, "The way to control Iran is for the U.S. to succeed in stabilizing Iraq. Withdrawal of your forces in Iraq without making Iraq stable will strengthen Iran and will cause you harm and will cause all of us harm."

Mr. Speaker, we either stand now against the Islamic militant jihadists operating in Iraq or have these militants continue to threaten our men and women fighting the forces that seek our destruction. We cannot leave our troops serving in Iraq or anywhere else vulnerable to the whims of armchair generals in Congress.

Support our troops. Reject this motion.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

Mr. Speaker, when you listen to the debate, you can understand that we could be in Iraq for many, many years to come and could expand the war beyond Iraq unless we take a new approach which places diplomacy as the path to peace.

Mr. Speaker, our soldiers didn't lose the war. I maintain the war was lost the minute the White House fabricated a cause for war. The Bible says that which is crooked cannot be made straight, and our adventure in Iraq will prove the Bible was right.

On the one hand, some of my friends do not believe in any timetable to withdraw from Iraq, which means we could stay in Iraq indefinitely; on the other hand, some of my friends believe in timetables, even nonbinding timetables, which means we could stay in Iraq indefinitely.

I believe we are being presented with an insufficient choice. Congress is under no obligation to appropriate any more money for this war, yet we give the President $100 billion. We are under no obligation to give him any money to continue the war. We can best support the troops by using money that is in the pipeline to bring the troops home. I believe that is what the American people want.

Congress recently approved $97 billion in the supplemental. That could keep the war going well into next summer. Congress approved a budget a week later that would keep the war going into 2009.

Nearly 200 people died in the carnage in Baghdad yesterday. We understand that the occupation is fueling the insurgency. Our troop casualties are mounting towards 3,300. Last night, I spoke to the sister of one of those casualties who was a young Marine from my district. She raised the plea, what can we do to end this war?

Innocent civilian casualties are rising. The conservative estimate in June 2006 of the Lancet Report set at 650,000 the number of innocent civilian casualties. It is quite possible that at this time those casualties could be approaching 1 million. The cost of the war is upwards of $800 billion into 2008. We are borrowing money from China to wage a war in Iraq.

Mr. Speaker, Mr. MURTHA's account of the disaster to our military does not need to be added to. But what should be said right now is that we are facing limited choices, and that is why, Mr. Speaker, I have proposed H.R. 1234, a plan to end the war, which begins with Congress not funding the war, pulling the plug on funding and moving forward with a plan that reaches out to the international community to get out of Iraq.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from New Jersey (Mr. SAXTON), a distinguished member of the Armed Services Committee.

Mr. SAXTON. I would like to thank Mr. LEWIS for yielding time.

Mr. Speaker, this vote to me is about Jacqueline, Kate and Allie. Most of you don't know Jacqueline, Kate and Allie. You see, they are my granddaughters, the next generation, the generation that will perhaps be most affected by this policy.

□ 1945

To many in this Chamber, I am afraid this vote is not about the next generation; it is about setting a date for surrender. I believe it is time that this House go on record and vote on whether emergency funding bills should have a troop withdrawal timeline.

I want to reiterate to my colleagues the message that we are sending if we include such a timeline in this bill. Make no mistake, it is nothing less than a date certain for surrender.

Some in this Congress believe that the withdrawal timeline will send a message to the Iraqi Government to get serious about taking the lead and stabilizing Iraq. This is a flawed argument. It is flawed because it fails to address the collateral effects, the other effects and damage this message will do to the Iraqi people, the United States, to our allies, and to future American generations.

A surrender timeline for our troops will send a very clear message to al Qaeda, to the Sunni insurgent groups, and to the Shiite militias in Iraq. It will tell them that Americans no longer have the stomach to see this through.

The Iranians, who are continuing down the road of development of nuclear weapon capability despite sanctions and international pressure, will also take note of our timeline. Ahmadinejad already believes that Americans are incapable of resistance. He has said so. Our partner nations in the Middle East are watching to see the level of American commitment to Iraq before they increase their level of assistance. If we tell them we are going to pull up stakes and go home in 2008, can we expect much support from Saudi Arabia, from Egypt, from Qatar, from the UAE, from Jordan? I don't think so.

A surrender timeline will cause us to lose credibility with our allies, our other allies in the war on terror. Al Qaeda's front man, al-Zawahiri, warned our Iraqi counterparts already that America is about to depart and abandon them, just as we abandoned our allies in Vietnam. A surrender timeline will certainly degrade the level of trust and confidence that Iraqi soldiers have toward our forces. The negative effect of this surrender timeline on our troops will be significant as well.

Some in Congress say the war is already lost. We have heard that already. In my opinion, it is not. We are on the right track with a renewed strategy toward Iraqi security.

Fred Kagan of the American Enterprise Institute recently commented: "The conflict in Iraq is central to our foreign policy and our future, indeed, our well-being. Surely we must keep fighting to win," he said, "as long as victory remains possible. And it is possible although not certain," he said, "that we will win in Iraq. Right now, the signs are more hopeful than they have been in many months. It would be a tragedy for America and for Iraq to abandon the fight just as the possibility of success begins to emerge."

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I think that we need to understand what this war has really done. This war has gutted our influence in the Middle East, it's gutted our influence in the world, it's divided our own country, and it's united our enemies. Outside of that, it's been a terrific idea.

Our troops won the war clearly, cleanly, and quickly. But now they are stuck in a civil war. And as the gentleman from Pennsylvania points out, the only solution to that civil war is a political and diplomatic compromise, and there are no American soldiers who can get that done.

Although it certainly isn't intended to do it, this motion in fact carries out the comments made by Secretary of Defense Gates, who testified before our committee, before Mr. MURTHA's subcommittee, that the war was militarily unwinnable, that it could only be won on the political and diplomatic front. In fact, The Washington Post carried this paragraph this morning. It said: "Secretary Robert Gates told reporters traveling with him in the Middle East that congressional demands for withdrawal had been constructive. 'The strong feelings expressed in Congress about the timetable probably had a positive impact, in terms of communicating to the Iraqis that this is not an open ended commitment,' Gates said."

When the bill was before us the first time, our Republican friends did not bother to offer a recommital motion. Why? Because they were divided about how to proceed. They could reach no agreement. They had no policy. Now they are offering a motion which they say they are going to vote against. Is that the best they can do? We have heard talk about a surrender date.

The only surrender that is involved here today is the surrender of the obligation of this Congress to oversee Presidential and executive branch policy. The only surrender is the total surrender of our obligation and our authority to a White House that has demonstrated from day one that it had not a clue of what it was getting into, and it today has not a clue about how to get out.

We have to provide better leadership than that, and that is what this bill before us tries to do. I would urge support for the gentleman's motion.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Connecticut, CHRIS SHAYS.

Mr. SHAYS. Mr. Speaker, I thank the gentleman.

There is not a Member of Congress who isn't tormented by the war in Iraq. There is not a Member of Congress that has not attended a funeral of a brave man or woman who has lost their life and seen the family's torment. So I just want to say for the record, all of us wrestle with this, Mr. MURTHA, as you wrestle with this issue. We come to a different conclusion than you do, but it is as sincere and heartfelt as yours is.

I have been to Iraq 16 times. I try to go every 3 to 4 months. I think we made huge mistakes in 2003. I don't think we turned things around and started to move forward until June of 2004, when we transferred power to the Iraqis. I saw the rest of 2004 and all of 2005 as pretty stunning.

And then in 2006 we had this new government. It took them 4 months to become a government. And as you are going upstream and you are not making progress, you fall behind. The Samarra bombing was a catastrophe. For most of 2006 this government did not take decisive action. But on my last trip, the one we took just a few weeks ago, I started to see something that gives me hope, and it runs in the face of the resolution in the supplemental. I am seeing Anbar province turning around because the Iraqi Sunnis have come to us and said, we want to confront the insurgents in our province.

I spoke to 40 Iraqi soldiers in the Red Zone, not in the marketplace, and asked them, do you feel safe when you go home? Only about three or four told me they didn't feel safe. And, remember, they work 20 days, then they go home for 10. I saw their feeling of safety encouraging.

The Baiji oil refinery, which we took back with five batallions from the Iraqi Security Force is no longer a source of income for the insurgents. We have gotten at the corruption at the refinery; and now, instead of 20 trucks a day, we are having 200 trucks a day, and we feel fairly certain the oil is going to the right places and the insurgents aren't getting these dollars.

I am not against timelines; I am just against timelines in the supplemental. January 1, 2008 is one of them; April 1, 2008 is another; and, if the best happens, September 1, 2008. I am not against a timeline; I am against those timelines.

We need to give the Iraqis timelines that give them the time to resolve their differences. We attacked them; they did not attack us. We abolished all their security forces. How could we possibly leave before we give them the chance to have their Army stand up, their police stand up, their border patrol stand up? We attacked them. It is a moral obligation to give them the opportunity to defend themselves.

If we want to talk about timelines, let's work it out together. Let's establish timelines that give Iraqis time to do what they need to do.

I am voting against this resolution. It is harmful to Iraqis and harmful to Americans.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the chairman for yielding.

Let me first of all say at the outset that I agree with Mr. MURTHA. We're not fighting this war. There's nobody in the Congress of the United States that's paying more taxes to pay for this war. There's nobody who's saving on metal to fight this war. There's nobody who's saving on rubber to fight this war. There's nobody whose gasoline is being rationed to fight this war. Our troops are fighting this war, their families are fighting this war, but this Nation is not at war.

There is nobody in this Congress, not one of the 435 Members of this Congress, who wants to lose this war. There is nobody in this House who does not want to defeat al Qaeda. Nobody. Everybody wants to protect this country. Nobody wants to lose another American. Everybody understands that the fight against terrorism will require risks. But, Mr. Speaker, this House deserves more than this game playing of offering motions that we are then going to vote against. In effect, this is a motion to reconsider the vote by which the previous bill was adopted. It couldn't be made now, but that is effectively what it is. And those who voted against that bill will vote against this motion. The public needs to understand that a serious motion could have been made here to change the policy, but that is not what was done. This is an attempt to try to politically get people in a vote that is going to be characterized as surrender.

Let me call my colleagues' attention to June 24, 1997. Our troops were deployed in Bosnia stopping genocide, seeing a dictator arrested and sent to The Hague and tried for genocide. He died before the trial was over. But let me call your attention to that vote, because that vote was about setting timelines. It was offered by Mr. BUYER, who is now the ranking member of the Veterans' Affairs Committee. Mr. BUYER offered that motion and we debated it. I was opposed to it. We hadn't lost a single troop in Bosnia, not one. We had spent a pittance compared to what we have spent here. We have lost 10 percent of the troops we have lost in the last 120 days.

Bob Gates said this policy was failing. He's our Secretary of Defense. Or let me put it this way: he didn't say that; he said we were not winning. That's a different way of saying it more accurately. I'm sorry.

But on June 24, 1997, that came to a vote about setting timelines on an effort that was extraordinarily successful, brought peace to the Balkans, or at least a lack of genocide, a lack of ethnic cleansing. But Mr. BUYER said we need to come home. We weren't losing troops, it wasn't costing us that much money, and we certainly were not losing.

On that timeline, Mr. BOEHNER voted "yes," after 18 months in Bosnia. Not 4 years, 4 years and 1 month. After 18 months, you wanted to set a timeline. Mr. BOEHNER, your leader, voted "yes."

☐ 2000

Mr. BLUNT, your whip, voted "yes." Mr. HASTERT, your former Speaker, voted "yes." Mr. HUNTER, the ranking member of the Armed Services Committee, setting timelines, voted "yes." Mr. Hyde, who was then chairman of the Foreign Relations Committee, voted "yes." Mr. HOEKSTRA, who spoke earlier tonight, voted "yes" on setting timelines.

And yes, let me remind Mr. LEWIS, you voted "yes." You voted "yes" on a timeline where we had lost no troops, where we had stopped genocide in its tracks, where we were not threatened with loss of life. All we were threatened with was coming home and not keeping the peace, keeping the stability, trying to make sure that we were successful.

I urge every one of my colleagues to vote "yes" on this Republican motion. They don't mean it, but to reiterate to the American public that we were serious, that we want to make sure, as Bob Gates has said and been quoted by Mr. OBEY and others, this was a useful effort for us to make.

Why? Because what we want to do is make sure the Iraqis at least are fighting this war, making sure that the Iraqis meet the criteria and benchmarks set by whom? By President Bush, not by us. President George Bush, the Commander in Chief, said they need to meet these benchmarks. But if the message we send them is, we're there forever, why meet the benchmarks? Why put their people at risk? If we're all prepared to simply have our men and women at risk in lieu of Iraqi soldiers and police at risk? Why indeed?

We need to expect accountability and participation by those whose country it is. We deposed their dictator and declared some few months later that our mission was accomplished. Unfortunately, because of the flawed policies that were pursued, we have not yet succeeded.

I voted to give the President authority and I disagreed with the gentleman from Pennsylvania when he said in November of 2005, let's get out, not immediately, but consistent with the safety of our troops. But I agree with the gentleman from Pennsylvania, Mr. OBEY and the overwhelming majority of the American public, some 70 percent, who say it is time to let the Iraqis know that it is their fight, that we have supported them, we will train them, we will protect our troops on the ground, we will protect our diplomatic missions, and we will give them assistance in arms, but this is their fight now. We are there to help them, but it is their fight.

That's what this says, and it says 15 months from now, not tomorrow. To characterize this as any kind of a surrender is not honest debate, I suggest to you. Because if it is, then your June 24, 1997, which almost all of you voted for, was a cry for surrender. I didn't believe it then, don't believe it now. You had a difference of view as to what would best resolve the situation in Bosnia. Now the issue is Iraq.

My colleagues on my side of the aisle, we took a position with which the overwhelming majority of the American public agree. They are ahead of us on this. Let us once again sustain that position. Nobody on this side of the aisle was not being serious. Nobody on this side of the aisle did not give this very serious, thoughtful, prayerful consideration. And when you voted, you voted for America. When you voted, you voted for our troops. When you voted, you voted for success in our foreign policy and in our fight against terrorism.

Our friends on the other side of the aisle have offered a motion which they are not for. They could have offered, I suggest, some serious alternatives. They did not.

I urge my colleagues, vote "yes," reaffirm the policy statement that we need a new direction in Iraq. Staying the course has not worked. Let's make a change. Vote "yes."

Mr. LEWIS of California. Mr. Speaker, it was not my intention to take much time at this moment, but the gentleman who just spoke is my long-term colleague on the Committee on Appropriations. We have worked together for years. He knows full well how strongly I feel about having primary consideration of almost nonpartisanship in defense matters.

At the same time, some time ago, I discussed with the gentleman the importance of our working together in the tradition of the committee. One of the traditions is that our committee does not operate under closed rules.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, you know, I have listened to the debate with great interest. I listened to Mr. MURTHA, for whom I have great respect, when he talked about the price being paid by our troops and what he has seen at Walter Reed and Bethesda. I would just remind him that he is not the only one that has been out there. Many of us have talked to our troops who have been wounded. War is hell, there is no question about it, but sometimes you have to fight like the dickens in order to preserve your way of life.

I would like to remind you just a little bit about history. You mentioned a revolution; that brought some things to my mind. In 1776, in the winter, four of George Washington subordinate generals went to Congress and asked them to remove him, and Mr. Lee of Virginia led the fight in Congress to have George Washington removed because he was ineffective, he could not win.

One of my ancestors was at Valley Forge with George Washington when he was 14 years old, and what I want to remind you is George Washington was not removed. They didn't listen to the Congress of the United States. They didn't let Congress change things. They left him as Commander in Chief, and as a result, he won the Revolutionary War. And we are free today, and he is the father of our country.

Now, the reason I bring this up is it wasn't right then for Congress to meddle and try to micromanage the war, and it is not right now for Congress to micromanage this war. General Petraeus is the one that ought to be making the decisions, not we in this body. Let the chief executive, the Commander in Chief, run the war, not 435 or 535 Members of Congress.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, let me just say to my good friend from California, that in the Revolutionary War they fought for 7 years against the greatest army in the history of the world at that time, ragged, with no shoes, no ammunition, and they outworked them and outfought them because they were on their homeland.

That is what I am saying the Iraqis should do. It is the Iraqis' country. The Americans should not be dying for Iraqis, caught in this civil war.

We have appropriated $1.2 trillion. We have appropriated over $140 billion more than the White House asked for, $140 billion more for the troops, to support the troops. We have given everything they asked for. In this Iraq accountability bill, we give them $4 billion more than the President asked for. We put a strategic reserve in, and we also take care of the health care, the post-traumatic stress. We take care of brain damage. We take care of the troops. We want to make sure the troops have what they need.

And to go back to the Revolutionary War, my great-grandfather's grandfather fought in the Revolutionary War on the right side and he prevailed. We don't have any letters from him, but we have letters from my great-grandfather who served in the Civil War on the right side, and he talks about how tough it was in the Civil War. But we fought our own Civil War, and my great-grandmother lived to be 96; I was 6 years old, and she said, you are put on this Earth to make a difference.

We need to make a difference in this Congress, to change the direction of a mishandled war. We need to have oversight and accountability for the $1.2 trillion that we have spent on the Defense Department in 1 year.

Mr. LEWIS of California. Mr. Speaker, could you give me an idea of what amount of time is left on both sides?

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) has 7 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 9½ minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Texas (Mr. GOHMERT), a distinguished member of our committee.

Mr. GOHMERT. Mr. Speaker, we have heard over and over again once again in this debate about all the lies that got us into this war. Let's go back to the lies that got us in this war. And I was really gratified to hear my friend across the aisle, from Ohio, a moment ago refer to a quote from the Bible. In that same book, it constantly talks about forgiveness.

Yes, we heard the administration talk about weapons of mass destruction over and over again, the Secretary of State, but it is high time we moved on. It is time to forgive President Clinton for all those lies. It is time to forgive Madeline Albright for all those lies. It is time to forgive President Bush for being so dadgum gullible that he believed all the stuff that was passed on to him. So let's forgive them and move on.

Now to fulfill, Mr. Speaker, a commitment that I had at the funeral of Travis Buford from Douglas in my district: He died February 22 in Iraq, an IED, and among the tears, as we stood there, it was an open casket, and I asked his mother if there was anything I could do. She said, just tell the Congress to shut up and let the military finish their job. I've done what I said I would.

Mr. LEWIS of California. Mr. Speaker, if the gentleman from Wisconsin has no additional speakers, I am ready to close.

Mr. OBEY. Then let me yield myself 2 minutes before the gentleman closes.

Mr. Speaker, 2 nights ago I was watching the Public Television series on the Iraq War, and I saw one of the gentlemen who is generally regarded as being one of the intellectual architects of that war, Richard Perle, say the following: "We do not leave the battlefield with the first casualty."

I would simply note that an awful lot of people who have never seen a battlefield or been anywhere near one seem to be awfully anxious to make that kind of a statement.

When I heard that comment, I was reminded of a comment of my old friend, the philosopher, Archie the Cockroach, who said once that there is always a comforting thought in time of trouble when it's somebody else's trouble.

But as the gentleman from Pennsylvania has pointed out, there has been no sense of shared sacrifice in this country over this war. The only sacrifice most Americans are being asked to undergo is to take a tax cut.

Well, it seems to me that we ought to start asking whether it is right and indeed whether it is moral to allow a tiny band of American citizenry, military families, to bear the entire burden of this war that so many noncombatants seem to be so enthusiastic about. It seems to me we need to bring about a different policy that will indeed have equal sacrifice.

There are a lot of people who are apparently willing to fight to the last drop of somebody else's blood. I think it is time for that to stop.

We, on this side of the aisle, choose to take seriously the gentleman's motion, even though he himself indicates he does not intend to take his own motion seriously because he intends to vote against it.

I would urge that every Member on this side of the aisle, and I hope on the other side, would take this motion with the deadly seriousness that it deserves. Because lives are at stake. They are the lives of innocent Iraqis and they are the lives of innocent American troops who are simply being asked to carry out a policy which is increasingly futile.

I urge an "aye" vote on the gentleman's motion.

Mr. Speaker, I yield back the balance of my time.

□ 2015

Mr. LEWIS of California. Mr. Speaker, I appreciate the courtesy of my colleague dealing with this time and circumstance. I do not intend to take a lot of time.

But it is important for all those listening, and who were concerned about this issue, to know that we take this matter very, very seriously, and our motion is a serious one. It is my view that a "yes" vote for this bill is a bill that will undermine the potential effectiveness of our troops for the remainder of the time that they remain in Iraq, and that a "no" vote is the only way, the only way to express support for our troops' efforts and guarantee, in many ways, the opportunity for success. This legislation ought to focus on those troops.

As I said earlier, it ought to focus on providing those in harm's way with the resources they need to complete their mission successfully. Further, it ought to respect, not micromanage, our combatant commanders who have the responsibility for carrying forward this war successfully.

It's no secret that many Members of the House, both Republicans and Democrats, have strong reservations about the manner in which this legislation undermines the authority of the President and the Commander in Chief. It is not acceptable that we find ourselves suddenly presuming that we can afford to have 435 Commanders in Chief by way of this House.

It breaks, in my judgment, some of the fundamental traditions of the Appropriations Committee, which calls for an open process whereby we can deal with each other in as close as a nonpartisan way as possible. Indeed, a "no" vote on this legislation expresses strongly our concern for allowing our troops to do their work, to do it effectively, and to get home as soon as possible as we continue to be the voice, the significant voice for freedom remaining in this world.

Mr. UDALL of Colorado. Mr. Speaker, I could not support this motion to instruct House conferees on the Defense Supplemental appropriations bill, for two reasons: First, I do not support the idea of rigidly insisting on the parts of the House-passed bill that the motion says the conferees should not change. Second, I believe the funding of our troops and the future of our involvement in Iraq are too important and too serious to be used for cheap partisan tricks.

My vote was based on my appraisal of the merits of the motion, without regard to how others may have decided to vote. In other words, unlike the gentleman from California who offered it, I took the motion seriously—and, like its author, I opposed it.

Earlier, when the House considered the Defense Supplemental bill itself, I voted for the bill to ensure that America's soldiers get the equipment and resources they need and the top-quality health care they may require when they come home.

My vote for the bill was not a vote to support the Bush Administration's policy in Iraq. We are 4 years into a war the Bush Administration assured us would be short and decisive. The Administration's misjudgments, lack of planning and poor leadership have made a bad situation worse—and the tactic of increasing troops for a temporary "surge" is no substitute for what is needed, namely, a strategy for containing civil war and a wider regional war.

While I am convinced that it was a strategic mistake to go to war in Iraq in the way that the Bush Administration did, we are still deeply engaged there—and while our troops are in the field, we must provide them what they need. Beyond supplying our soldiers, however, we must extricate them from what objective defense experts have characterized as an emerging civil war.

Disengaging from that civil war is the purpose of the provisions in the House-passed bill designed to hold the president accountable to the benchmarks set by his own administration and the Iraqi government—including enactment of a hydro-carbon law; conducting of provincial and local elections; reform of current laws governing the de-Baathification process; amendment of the Constitution of Iraq; and allocation of Iraqi revenues for reconstruction projects.

I strongly support that approach because I am convinced that holding the president and the Iraqi government accountable for achieving these benchmarks will provide us with the leverage necessary to pressure the Iraqi government to forge the political solution we all know is required. In fact, Defense Secretary Gates has acknowledged that the House-passed a bill has been helpful in this approach by showing the Iraqis that American patience is limited.

As I said when the House debated the bill, however, I do not believe it was a good idea to include a date certain for withdrawing U.S. combat troops from Iraq. As I said then, I do not consider this provision to be wise and if it had been up to me, it would not have been included in the bill. I remain convinced that we should steer clear of arbitrary public deadlines for military actions and focus instead on realistic diplomatic and political goals. Our military needs flexibility to be able to link movements of U.S. troops to the realities of the situation on the ground, and successful diplomacy requires such flexibility as well.

I voted for the bill despite my reservations about the withdrawal language because the deadline—August of 2008—is far enough away that it can be revisited, and while I did not like its inclusion, I do not believe in letting the perfect be the enemy of the good.

But since it would have been better if it had not been included in the first place, I could not vote to instruct the conferees to insist on including it in the conference report.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TIERNEY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. LEWIS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 215, nays 199, answered "present" 1, not voting 18, as follows:

[Roll No. 235]

YEAS—215

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David

Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Kucinich

NOT VOTING—18

Cannon
Cantor
Cubin
Davis, Jo Ann
Davis, Lincoln
Donnelly
Fattah
Higgins
Israel
Jones (NC)
Lampson
Millender-McDonald
Paul
Peterson (MN)
Rohrabacher
Shadegg
Walsh (NY)
Wicker

☐ 2040

Mrs. BACHMANN, Mr. KNOLLENBERG and Mr. MCHUGH changed their vote from "yea" to "nay."

Mr. WATT and Mr. CHANDLER changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. DONNELLY. Mr. Speaker, on rollcall No. 235, had I been present, I would have voted "nay."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. OBEY, Ms. DELAURO, Mr. MURTHA, Mr. VISCLOSKY, Mrs. LOWEY, Messrs. PRICE of North Carolina, DICKS, EDWARDS, MOLLOHAN, OLVER, SERRANO, Ms. WASSERMAN SCHULTZ, Messrs. CLYBURN, LEWIS of California, YOUNG of Florida, ROGERS of Kentucky, WOLF, WALSH, HOBSON, KNOLLENBERG, KINGSTON, FRELINGHUYSEN, and WICKER.

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE SUPPLEMENTAL REPORT ON H.R. 493, GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be permitted to file a supplemental report on H.R. 493.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 1332, SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute.)

Mr. WELCH of Vermont. Mr. Speaker, the Rules Committee is expected to meet the week of April 23 to grant a rule which may structure the amendment process for floor consideration H.R. 1332, the Small Business Lending Improvements Act of 2007.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol, no later than 3 p.m. on Monday, April 23. Members are strongly advised to adhere to the noticed amendment deadline to ensure amendments receive consideration.

Amendments should be drafted to the bill as ordered reported by the Committee on Small Business. A copy of that bill will be posted on the Web site of the Rules Committee.

Amendments should be drafted by legislative counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

UNITED NATIONS MUST BE LEADING VOICE AGAINST GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I am strongly disappointed that United Nations Secretary General Ban Ki-moon has given in to Turkey's demands and cancelled an exhibit commemorating the 13th anniversary of the Rwanda genocide.

☐ 2045

Turkey, as usual, was offended by references in the exhibit to the Armenian genocide in Turkey during World War I.

As a representative of the international community, the United Nations must be the leading voice against genocide. That includes all genocides, including the Armenian genocide. Unless the United Nations takes a stand against Turkey's denial, its value to the international community is greatly undermined.

As the 92nd anniversary of the Armenian genocide approaches, Turkey's recent behavior is yet another example of why it is so important for Congress to reaffirm the Armenian genocide by passing H. Res. 106. Over the past year, Turkey has pulled out of NATO exercises after France affirmed the Armenian genocide. They have threatened U.S. troops in Iraq if the U.S. reaffirms the Armenian genocide. And now they are preventing the U.N. from honoring the victims of the Rwandan genocide. Their denial has no limits.

The United States must never allow crimes against humanity to pass without remembrance and condemnation. As a society, we cannot effectively work to end crimes against humanity without recognizing those that have previously occurred.

Far too many times we have seen the horrible consequences of ignoring genocide. Even after unprecedented humanitarian efforts by Americans, the Armenian genocide had become the "forgotten genocide," and in 1939 Adolf Hitler exclaimed to his generals to have no mercy by stating, and I quote, "who, after all, speaks today of the annihilation of the Armenians?

In 1994 world leaders witnessed the Hutu leaders of Rwanda kill 800,000 Rwandans, and did nothing. Today we sit idly by as militias massacre innocent citizens in Darfur; and, again, world leaders do virtually nothing. There are lessons to be learned by history. Unfortunately, Turkey has undermined the intent of the U.N. exhibit to help teach the lessons of genocide inaction.

Turkey's policy of denying the Armenian genocide gives cover to those who perpetrate genocide everywhere. If the cycle is to end, there must be accountability for genocide. Genocide denial is the last stage of genocide.

Mr. Speaker, when will today's world leaders stop letting Turkey deny its past? It is bad enough for Turkey to threaten and prosecute its own citizens for discussing these crimes, but to threaten to retaliate against countries that acknowledge the Armenian genocide is appalling and unacceptable. As a global community we must collectively stand for historical truth and recognize the worst humanitarian crimes that we have seen.

RECOGNIZING MAYOR JACK CALVERT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I rise tonight in recognition of Jack Calvert for 16 years of service as the mayor of the city of Lampasas in the 11th District of Texas.

Mayor Calvert graduated from New Mexico Military Institute in 1956 and served in the Army as a second lieutenant. He served in various command and staff positions, including test officer in Greenland, assistant professor of chemistry at West Point, and he served in combat in Vietnam where he was awarded the Purple Heart. After a 3-year tour at the Pentagon, he served for 3 years in Germany. Mr. Calvert then served at Joliet Army Ammunition Plant and in 1979 was assigned to the Army War College.

Following this assignment, Mayor Calvert then served as the director of Battlefield Automation at Fort Hood and after 3 years he retired from the United States Army as a colonel.

Mayor Calvert's service to his community and his country did not end after his retirement from the military. He then served on different civic groups. He and his wife, Fran, chose Lampasas as their home and purchased a historic house to restore back to its original structure. Along with his service, he and his wife, Fran, raised three children: Charles Douglas, Lee Ann, and Mary.

As mayor of Lampasas, he successfully guided the city and its councils through many growth issues. Jack Calvert is a true leader of leaders in the 11th Congressional District, and I am proud to represent him here in the House of Representatives.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 323) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 323

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON FOREIGN AFFAIRS.—Mr. Gene Green of Texas (to rank immediately after Mr. Tanner), Mr. Crowley (to rank immediately after Mr. Hinojosa).

The resolution was agreed to.

A motion to reconsider was laid on the table.

FAILED FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is a pleasure to be on the floor with such a distinguished Speaker. Just a few minutes ago, we cast a vote that, again, reaffirms the crucialness and the necessity of moving forward with the emergency supplemental. The motion states that this House, which it did, reaffirms the deadlines for the redeployment of the United States forces in Iraq that were contained in the House-passed emergency supplemental, a legislative initiative that captured, not the personal wants of individual Members, but responded to the immediacy of the crisis of the conflict in Iraq.

It is a commonsense document. And even now, in the backdrop of 198 brutally killed in the marketplace, most likely sustained by the false representation that there is now security in Baghdad, almost 200 persons died, which indicates, although our military strongly has defended its role and can claim a military success, we have a failed foreign policy. And so I rise today to proudly reaffirm my commitment to deadlines as relates to redeploying of our troops.

It may be that the military goes to battle, but, in fact, a nation goes to war. We owe the brave men and women of the United States military, the National Guard, the Reserves, the Air National Guard, and all aspects of the United States military, their families, the civilian force the obligation of a true and thoughtful policy that will work. The conflict in Iraq does not work. And the sadness is that even the government, the coalition government is falling apart.

Some may argue, of course, that that suggests that we should stay the course; that we will look like we are bending to the enemy. Those of us who understand the vastness of this crisis realize that we must never falter in our war against terror. We must never let al Qaeda win, but we cannot allow our soldiers to be the targets of a sectarian war.

Now, this legislation does not in any way tell the generals how to logistically move their troops. What it does do is give the policy commitment to the timelines to bring our soldiers home.

It is clear that the military action has already been a success. And I commend my colleagues to H.R. 930, my legislation, A Military Success Act of 2007 and A Diplomatic Surge Act of 2007. It is now time to declare a military victory. Our soldiers have discovered there are no weapons of mass destruction. Saddam Hussein has been deposed and been, if you will, displaced, and we have a government in place. But none of that can be, now, held for a reason that the soldiers must stay in place.

Logistically, the generals may decide to redeploy these troops to the border, redeploy them to Kuwait. We allow and also defend the right of the United States military to give a logistical response to our policy demand.

This is a demand of the American people. Sixty-nine percent of the American people, now, today, believe that we should leave Iraq. That is a gradual increase. I believe that Americans are patriots. They never cut and run. They will stand and defend their Nation.

But we have an obligation, as Members of Congress holding the purse strings, to never frivolously send our soldiers into battle. We have an obligation, as the emergency supplemental has done, to provide post-traumatic stress dollars, prosthetics, mental health needs, improving Walter Reed, helping military families, and, yes, helping children have universal access to health care.

We have a crisis in Iraq. It is a crisis made by the continuing failed policies of this administration.

Wake up. We owe a moral commitment to the soldiers on the battlefield.

I am proud to have made that vote. I will make it again. And, frankly, I am concerned that when the olive branch of conciliation has been extended to this administration to come up with a real resolution to solve this war, we get a blank check from them, or at least no response.

And so I ask my colleagues to stay the course on behalf of the American people and the patriots who are on the front line of Iraq. We owe them our duty to provide for them the right kind of road map.

IN RECOGNITION OF THE LIFE OF ANDREW BURRIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight I rise to commemorate the life of Andrew Burris, a professional carpenter by trade, who gave his life today in Toledo, Ohio, as he helped place the finishing touches on the largest Federal transportation project in Ohio's history. Burris suffered fatal injury as he worked to complete Interstate 280's new river crossing known as the Veterans Glass City Skyway that spans the Maumee River, the largest river flowing into the Great Lakes.

At approximately 9:15 this morning, 36-year-old Andrew W. Burris, of Curtice, Ohio, fell to his death from a scaffolding on the north side of the bridge. He was a faithful and dedicated member of the Carpenters Union Local 1138. As a carpenter for nearly 10 years, his union brothers said Andrew loved his work and was an excellent carpenter.

The new skyway replaces the last drawbridge left on our Nation's interstate system. The cable-stayed bridge will carry three lanes of traffic in each direction over the river extending from I-75 on the north end to Navarre Avenue on the south end. The surface of the roadway will reach about 130 feet above the center of the river.

As our Nation builds forward, brick by brick, steel rod by steel rod, cement block by cement block, wood beam by wood beam, sometimes we forget the danger faced by the men and women skilled in these trades as they craft our monuments to civilization. It takes a tragedy like this to give us pause and say a silent prayer for all workers in their daily arduous labor.

Andrew's death is not the first tragedy to befall the workers on this new highway in the sky. On President's Day, 2004, a crane collapse on the Maumee River Crossing Bridge led to the death of four iron workers. This bridge to the future these men and women have been building is a monument and a testament to their work.

In the RECORD entry I offered following the death of those four iron workers on that fateful February day, I noted the men and women building the bridge had been about great deeds. We watch their incredible feats daily with admiration and, yes, with awe. We witness their minds, their muscles and hands forming of the Earth a new and better future for us all.

□ 2100

On the hottest summer days, as well as bone-chilling, subzero temperatures of winter in the north, they toiled fearlessly above us creating a majestic expression of who they were and who we are as a people.

We humbly acknowledge and publicly recognize them for their heroic, steadfast, and artful deeds as building tradesmen. The men who lost their lives leave not only their mastery of iron and concrete and steel and the creation of beauty from it as their legacy, but more importantly, they leave cherished lives and families.

The same is true of Andrew Burris. Though his life was cut short, he leaves a legacy in the bridge he helped create and in all that his carpenter's hands produced. Emily Dickinson's poem "In This Short Life" tells us:

"In this short life
That lasts an hour
How much—how little—is
Within our power."

And as we live our lives, all are affected by tragedy, some small and some great. It is the trials and tragedies of life which make us stronger and make the joys of life so much sweeter. I know this lesson of life does not decrease the sadness and pain felt by all those who knew and loved Andrew Burris. Our entire community offers its sympathy to those who called him father, husband, son, brother, friend, colleague. We celebrate him in recalling the words in "A Song of Life" by Ella Wheeler Wilcox:

"In the rapture of life and of living,
I lift up my head and rejoice,
And I thank the great Giver for giving,
The soul of my gladness a voice.
I lift up my eyes to Apollo.
The god of the beautiful days
And my spirit soars off like a swallow
And is lost in the light of its rays.
Come out of the world—come above it—
Up over its crosses and graves.
Though the green Earth is fair and I love it,
We must love it as masters, not slaves.
Come up where the dust never rises—
But only the perfume of flowers—
And your life shall be glad with surprises
Of beautiful hours.
Come up where the rare golden wine is
Apollo distills in my sight,
And your life shall be happy as mine is,
And as full of delight."

STATUS OF THE SIX FOR '06 AGENDA: ZERO FOR SIX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the Democrat majority has been in control of this House now for about 4 months, and they made a lot of commitments to the American people during the campaign just passed. And I thought tonight I would give a report on the success of their agenda.

They had six bills that they said they wanted to pass in the first 100 days or first 100 hours to get moving, and I would like to go through those bills one at a time:

H.R. 1, the first bill they introduced, Implementing the 9/11 Commission Recommendations Act of 2007 is stalled.

The Fair Minimum Wage Act of 2007 is stalled.

The Stem Cell Research Enhancement Act of 2007, stalled.

H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007, stalled.

H.R. 5, the College Student Relief Act of 2007, stalled.

And the CLEAN Energy Act of 2007, still stalled.

They have control of both Houses of the Congress, and these bills have not yet reached the President's desk, although they pledged to get these things done as quickly as possible after the election.

They have passed only 17 bills into law. Ten of those bills named Federal post offices and Federal buildings. None of the legislative impact on fighting the war against Islamic extremists, balancing the Federal budget, creating jobs, cutting pork barrel spending, or saving Social Security have been addressed or passed.

They have passed a budget. And the budget that they passed assumes that the President's tax cuts, which we passed early in the Bush administration that led to our economic recovery and low interest rates and low unemployment and low inflation, they want to do away with those tax cuts. And that, in effect, will amount to a $392.5 billion additional tax burden on the American people.

The Democrats' budget also includes an immediate $24 billion increase in nondefense, nonsecurity spending above the President's request. This is on top of the $23 billion of unrequested spending in the supplemental and $6 billion in the omnibus spending bill.

In addition, the Democrat budget includes 12 reserve funds, promising more than $115 billion in higher spending, which, if offset as required by the House rules, would almost surely mean another $115 billion in higher taxes. This would be on top of the $392.5 billion in tax increases they have already built into their revenue numbers.

The average taxpayer in Indiana, if this budget were to pass, would be saddled with $2,729 in additional taxes and more than 2.3 million Hoosiers would be affected just this year under the Democrat budget.

Now, I want to talk a little bit about the Democrat Iraq supplemental. That was for the defense of this country and for supplementing our troops and giving them the equipment and the support that they need to fight the war in Iraq and to fight around the world in places like the Balkans and in Afghanistan. The Democrat supplemental legislates defeat and funds favors at the troops' expense.

Let me just tell you what is in this bill. It is supposed to be for our troops and for the defense of the Nation. But in that bill they have added $120 million for the shrimp industry, which has nothing to do with defense; $74 million to store peanuts, which has nothing to do with defense; $25 million for growing spinach, which has nothing to do with defense; and $5 million for "aquaculture," or to put it in a less fancy term, it is tropical fish. Five million dollars for research on tropical fish. These are things that shouldn't be in the defense supplemental, and yet my colleagues on the other side of the aisle put them in that bill.

I think the American people need to know that while they made these commitments during the campaign, they have not fulfilled those commitments. And this is a report card on the first 4 months of their reign in this House. I will try to, in every 3- or 4-month period, give another report on the progress of the Democrats' agenda, and I hope it is a lot better than this one has been.

THE HORRIFIC TRAGEDY AT VIRGINIA TECH AND THE CALL FOR SENSIBLE GUN CONTROL LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, the horrific events at Virginia Tech just a few days ago cause all of us to reflect. My heart goes out to the victims, to the victims' families, to the people who were injured. This is something that is just a terrible tragedy, an unthinkable, terrible tragedy. And as the father of three, including two in college, it really makes one stop and pause.

I say very, very respectfully, at a time of violence we need to reflect on this violence. And it certainly seems to me that upon reflection, to say that this country needs to have sensible gun control legislation, not legislation that would take guns out of the hands of people legitimately who have the right by the second amendment to own guns; but how could a deranged young man like the killer be able to just walk into a store and purchase any kind of guns at will and then use them to mow down 32 or 33 people?

It is all a matter of commonsense. We get emotional about these issues, but I am really speaking from the heart. Commonsense says that we need to have sensible gun control legislation so that criminals, people with mental illness, cannot just purchase guns at will and as many as they want.

In my home city, New York City, our mayor, Michael Bloomberg, has been leading a crusade for sensible gun control legislation, and I agree with him. And, again, it takes a tragedy of this magnitude to kind of just sit and reflect and say, what are we doing or what are we not doing and why is it an infringement on anybody's second amendment rights to keep guns out of the hands of criminals, deranged people, and people who shouldn't own them?

I think that this country really, really needs to reflect on its policies regarding guns. And, again, I support the second amendment, and I think there are many, many legitimate reasons for people to own guns. But after the tragedy at Virginia Tech, I say it again: I believe more than ever that this country needs to adopt sensible gun control legislation. We need to use our commonsense, and we need to try to prevent tragedies like the tragedy at Virginia Tech from happening again.

I know people say guns don't kill people, people kill people; that is true. But guns in the hands of the wrong people kill people. And I really think in all good conscience that we really need to reflect.

And, again, my heart goes out to the families, the victims, and all the students at Virginia Tech. But as a country, we need to come to grips with this problem.

THE ACCOUNTABILITY CONGRESS: THE 110TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, tonight I would like to welcome you, Mr. Speaker, and the American people to the Accountability Congress. Over the next 1 hour, my freshman colleagues and I will be claiming this hour to talk about the accomplishments of this 110th Congress.

We have seen not only an auspicious and bold, brave, new agenda for the first 100 hours, but also the first 100 days. And we are not just going to talk about and celebrate the accomplishments of the last 100 days. We are going to talk about a vision for our country and talk about what will happen in the days to come.

It is important, Mr. Speaker, that the American people know that by getting a new majority in the Congress that they have signed up to get a vision that is inclusive, that brings Americans all together, that makes for a safer America, a fairer economy, that makes for an economy where working people, middle-class people can strive and do well in our society.

And joining me tonight with the members of the freshman class are a host of tremendously brave and tremendously intelligent, capable leaders who are aiding not only in charting a new course for our country, but who in this very 110th Congress, Mr. Speaker, are fully engaged from the very top. The leadership has engaged our talents, our skills, our ability, and we have been proud to be able to help this 110th Congress be a stronger, better place.

And tonight I am going to be anchoring the one hour, but I am not going to hang on to it long. I think the American people want to hear from the brilliance that this 110th Congress class has to offer. So in the very beginning, I am just going to pass it right off to Mr. HODES, who is the president of our class.

I yield to Congressman HODES.

Mr. HODES. Mr. Speaker, I thank my colleague from Minnesota (Mr. ELLISON) for yielding.

Mr. Speaker and distinguished colleagues, I am glad to be with you tonight to talk about where we have been in the 110th Congress, where we are, and where we are going, because this Congress really has changed the direction of America.

If you think back to where we were over the past 6 years, this country was frustrated. Frustrated because of the squeeze on the middle class with fiscal policies that weren't working. They weren't working for the middle class and those trying to get into the middle class. They may have been working for those at the very, very tippy top of the financial scale, but not for anybody else. A frustrated middle class and an America which has come together because of a foreign policy which has made us weaker, which has ruined our reputation in the world, which has mired our brave soldiers in a civil war.

They asked for change in November. And in the past 3 months we have delivered substantial change. So tonight we are going to talk about the Accountability Congress. We have changed the Congress of the United States from a Rubber Stamp Congress that didn't hold anybody accountable for anything, but simply rubber stamped what the administration wanted to do without question.

□ 2115

They held no hearings, held no accountability over agencies, and we have replaced it with an accountability Congress that holds the administration accountable, that holds agencies accountable, and is accountable to the American people for making real progress.

So I am very proud to be with you tonight. And I look forward to the next hour when we get to talk about what we've done, where we are and where we're going.

I yield back.

Mr. ELLISON. Well, thank you, Congressman HODES, from the great State of New Hampshire.

Why don't we kick it down south to Florida to Congressman RON KLEIN, who has been distinguished in this Congress for his leadership.

Mr. KLEIN of Florida. Thank you very much, Congressman ELLISON.

It is a pleasure to be here once again with my freshman colleagues as we try to do this every Thursday evening and get together and speak about what's going on in the last couple of weeks and tell the American people and share with them some of the good things that we've been working on.

We ran in elections this past November. And coming into the freshman class, we heard loud and clear from the American public that it was very, very important that we get this budget under control. One of the first things that we did, and I am very proud of it and Republicans joined with us on this so it was a bipartisan effort, is we passed the PAYGO principle. PAYGO is about as simple as you can imagine; it's pay-as-you-go. It's no different than the way I run my personal family budget with my kids and my wife; it's no different than most people run their small businesses or large businesses. It is the simple point of money comes in, and you can't spend more than is coming in. It is expenses versus revenues, or cash flow.

I was very proud of that moment as one of the very first things that we did was to pass the PAYGO principle, and that was something that was, in the past, the Congress always followed that principle, but most recently, in the last number of years, it was thrown out. As a result of that, tax cuts, higher spending, and tax cuts are wonderful, we all want less taxes as long as there are corresponding spending cuts. Everything has to balance. I just want to reference that because to me that was a great start.

I am very proud of the fact that everything we have passed since then, every bill that we have taken up has a component in it which says we cannot add new expenses, we cannot build more programs unless the money is in the budget. I think that is a principle that needs to be there forever, for that matter; and I think that is the first step in beginning this process of getting our fiscal house in order.

So I am just going to highlight that for a minute and turn it back over to Congressman ELLISON.

Mr. ELLISON. Thank you, Congressman.

Mr. Speaker, we are also distinguished by having a leader in our Congress who comes to us as a labor lawyer, as a community leader, and has brought her very considerable talents to this Congress. She has led this Congress in many ways, including on the issues of trade and economic justice. Of course she is not limited to that, she knows a lot of stuff, but she has distinguished herself in that way, and so I just want to recognize at this time Congresswoman BETTY SUTTON from Ohio.

Ms. SUTTON. Thank you very much, Mr. ELLISON. What a great leader you are, and we thank you for putting this hour together.

I am happy to join with these other distinguished colleagues to speak to the American people about the change that is upon us and the hope that is growing.

We did hear from the voters loud and clear on November 7. And one of the things that they wanted was a Congress that is responsive to the priorities and needs that exist out there in our communities. One of the things that had been getting in the way of getting that kind of legislation that was truly responsive was the corruption that unfortunately had flourished in this body for quite some time.

I also think it is important that we point out the fact that on the day that this Congress opened, we came right down on this floor and we changed the rules to put to an end some of the abusive avenues that existed that resulted in policies that benefited the few at the expense of the many. And, frankly, that was part of the foundation that had to be laid in order to get these other things passed.

When you talk about economic justice, and I know we are going to talk about this more this evening, I am very pleased to be a member of the Budget Committee. And the good news is we did recently pass a budget out of this body. The bad news is, when I got to the Budget Committee and I started hearing things about what our fiscal condition was, it was as bad as we feared it was from afar. But, again, because we have a new Congress and because we have change in this Congress, we were able to realign the resources that were there so that at least they met the needs and the priorities of our constituents and the American people and the communities that they live in.

So I am very happy to be here with you to talk about all of these things this evening, and I direct it back to you, our leader, Mr. ELLISON.

Mr. ELLISON. Thank you, Congresswoman.

Tonight, we are very lucky and fortunate to have somebody who can offer a diagnosis and then give a prescription, somebody who can look at our great Nation and say, what does this great Nation need to be healthier, to be stronger, to grow better and in a new direction, and what is the prescription. What is the advice that the good doctor would give to make America reach its highest potential to become a more perfect union? And to do that, I can't think of anybody better qualified than our colleague, Congressman STEVE KAGEN, who comes to us as a physician and a doctor of medicine, but now he is sort of a doctor of politics and more or less a doctor of making America a prosperous and strong country.

Doctor, what do you have for us tonight?

Mr. KAGEN. Well, I thank you very much for the kind introduction. And I would say the diagnosis looks good. We've got a positive change and a new direction for the country. We are headed in the right direction.

What have we done? We have brought back fiscal responsibility, and we are socially progressive and responsible as well.

Now, listening this evening back in my hometown of Appleton, Wisconsin, is my mother. I won't tell you how old she is, but I will tell you she does need affordable prescription drug coverage.

In Wisconsin, we had this thing called SeniorCare. It was group purchasing, where we knocked down the cost of prescription drugs tremendously, saved the Federal tax dollars, millions and millions of dollars. We had affordable prescription drug coverage that has been terminated by this administration. Now, my mother's medications were about $310 off of SeniorCare, and on it: $89. Same pharmacy, same pills, same manufacturers. It proves this point: when you negotiate, you can get a better deal. When you have a larger purchasing pool or a larger insurance pool, you can get that better deal.

So I think the diagnosis tonight is, it's looking good; the future is looking fine. I am glad that my colleague from Minnesota is here tonight to lead us in that new direction.

Mr. ELLISON. Well, Dr. KAGEN, our colleague, it is an honor to have you here.

We are going to go from the great State of Wisconsin down south to Kentucky. Congressman YARMUTH has been here; he has been offering tremendous leadership. He looks ready with a graphic there, but of course he may touch upon many issues tonight, all focusing on the fact that this 110th Congress has been a great start for the American people, and we want the American people to know what they got for their vote.

Congressman YARMUTH.

Mr. YARMUTH. I thank the distinguished gentleman.

I want to say that all of us came back this week from our first extended stay in our districts. And of course I had to laugh when the President 3 weeks ago said, Oh, the Congress ought to come back from vacation and get to work on the supplemental bill, which we had already passed, of course. And I said, wait a minute, this is vacation? All we're doing is working 12, 13 hours a day in our districts communicating with our constituents.

And I think that from what I have gotten from talking with all of us among our colleagues is that when we were home, we found out what the American people are saying about our track record so far. And just before we came to the floor this evening, one of the Members from the opposing party tried to minimize what we had done over our past 100 or so days in office. And I thought it was amusing because it was, oh, well, they haven't enacted anything. Of course this Congress acted. It acted very expeditiously to raise the minimum wage for our low-wage earners, to cut the interest rate for our students in college who have loans outstanding; and, as Dr. KAGEN said, to take action to reduce the cost of prescription drugs, and so forth and so on.

When I was home, I met with people from the health care industry, and I met inside the health care facilities and I met with people from our educational institutions. We had a forum of higher education, and everybody was so grateful not just that we had taken the action that we did, but we were finally dealing with problems that have faced these various segments of society and had been unaddressed for the last 6 years.

So what I sensed when I was home in my district, and I know many of you and our other colleagues have sensed it as well, is that there is a new sense of optimism, there is a new sense of hope, and there is a spirit that we can deal with the serious problems that we face in this country because we have people who are not interested in dogma, we are not interested in ideology. We are interested in solving problems for the American people.

That is why I am so proud to be a part of this Congress and this great freshman class because I know that the American people are responding to what we have done already, and I know that they are responsive to the great agenda that we are going to be pursuing for the rest of this Congress.

Mr. ELLISON. Thank you, Congressman YARMUTH.

It is time to get specific, my friends. Let me just say specifically that in the first 100 hours alone, we made our very first vote the implementation of the independent bipartisan 9/11 Commission's national security recommendations. Second, we voted to increase the minimum wage for the first time in 10 years to give American workers an overdue pay raise. Third, we voted to cut student loan interest rates in half. Fourth, we voted to roll back multibillion dollar taxpayer subsidies for big oil and big coal companies, and we put that money toward renewable energy.

Next, we expanded research and help for stem cell research. And then we voted to require Medicare to leverage its substantial bargaining power to buy prescription drugs and pass the savings on to people. And then we put the interests of all Americans ahead of the special interests by passing a tough congressional ethics reform, restoring the pay-as-you-go budgeting and restricting spending on earmarks. Those are the specifics. Now we are going to elaborate.

Congressman HODES, I would just like to ask you a question: What did this Congress do to help students and to stand up for the right to an affordable education so that every American can reach their highest potential?

Mr. HODES. I am glad you asked. Because in the campaign, as we went around, we all heard about the squeeze that our families were in all over this country, complaining about the cost of higher education and the difficulty they were having in paying for the loans that folks have to take out in order to pay for an education. Of course in order to be competitive in a global economy, we need more kids going to college, we need more opportunities for more people in this country.

In my home State of New Hampshire, we actually carry the highest debt-per-student in terms of student loans of any State in the country. So it has been really important at home in New Hampshire and around the country for this Democratic Congress and the new majority to take action.

Now, Mr. ELLISON already talked about one of the things that was done in terms of making college more affordable by voting to cut student loan interest rates in half. We've talked about what we have done to restore pay-as-you-go rules, because once you've got fiscal responsibility, once we've restored fiscal responsibility that was absent from the 6 years that the Republicans were borrowing and spending us into a black hole of a deficit, we can start acting with a social conscience and help our college kids.

So one of the things we have done, as this chart shows, is we passed a budget, a Democratic budget that restores fiscal balance, it cuts the deficit, balances the budget over 5 years. And what it does for our kids in college is, first, we propose an increase of the maximum Pell Grant to at least $4,600, significant increase. Our budget, the Democratic budget, the responsible budget, the pay-as-you-go, balance-the-budget-in-5-years budget rejects all of the President's irresponsible proposed cuts to higher education, including that he wants to eliminate the Perkins loan program, Federal supplemental opportunities grants, and leveraging education assistance partnerships. The President's budget actually wants to take opportunities away from our kids going to college and families who are trying to send their kids to college. We have turned that around. We are going to make it easier and more affordable for kids to go to college

Mr. ELLISON. Well, thank you, Congressman.

One of the things that we are trying to do in this Congress and we are going to do and we are on the track to do is to make middle-class people have a real opportunity for a real future for their children, for their parents, for everyone. There is no doubting that doing things to strengthen the American worker is part of that.

One of the things we did was we passed the Employee Free Choice Act, and we have made some firm strides on issues of trade to make sure that we don't export jobs.

I am wondering, Congresswoman SUTTON, if you wouldn't give the American people a word about these important issues.

Ms. SUTTON. Thank you, Congressman ELLISON; I certainly will.

The Employee Free Choice Act was a great accomplishment by this Congress, a bill that will make it easier for workers out there, the people who make this world turn.

I stand here in front of you as the daughter of a man who worked in a boilermaker factory his whole life.

☐ 2130

The sister of a steelworker. The sister of a teacher. The aunt of a food and commercial worker. And these are the people that make the world turn.

Yet we hear often that people are not in unions, that union membership is down. Well, it is not because they don't want to be in unions, because we know that being a member of a union and having the right to bargain collectively for fair wages and family-sustaining benefits is something that people do desire and does result in exactly that, a fairer wage and benefits.

Frankly, it works for business as well, and there are many examples out there where employers and employees work. But, unfortunately, part of the big reason why union membership is down is because it is very dangerous and sometimes results in the loss of a job if you engage in trying to organize workers into a union so that they can bargain collectively.

So this Congress, noting that, noting the need to end the potential for harassment for those who would just simply seek to organize and have their voice heard collectively, passed the Employee Free Choice Act which will enable workers to just simply, if there is a majority of them who want to join a union, then they can sign a card and join a union. So it is going to truly be an effective tool in lifting up America's workers and the middle class.

I turn it back over to you, Mr. ELLISON.

Mr. ELLISON. Thank you, Congresswoman.

Now we are really honored to have one of our great leaders in our class, Mr. PATRICK MURPHY, who is a distinguished veteran of our Armed Forces, who I believe is the only combat veteran of the Iraq conflict, to tell some very, very heart-rending and very clear stories, which are true, about the meaning of our Nation's effort for a just, safe, but orderly withdrawal from this conflict.

I would like to switch it over to Congressman MURPHY for a moment from the great state of Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Thanks, Congressman. I appreciate it. Thank you to the gentleman from Minnesota, and to the gentleman from Connecticut, my colleague, the other Congressman MURPHY up there.

Today is an important day in our country's history. We are the new Congress, the 110th Congress, and we came together from all over the country to really change the direction of our country.

I am so proud that I wore the Army uniform for the first time in 1993, following in the footsteps of my father and my uncle and my grandfather and my brother, who serves in the Air Force, that we served with pride and gave it our best.

When I was asked to join the faculty at West Point, when I taught there, we took pride in ourselves in saying we are developing leaders of character for a lifetime of service. Yes, we were making military officers. Yes, they were tacticians on the law and the profession of arms, but they were leaders of character. They stood up for the truth. They stood up for justice.

When our Nation was attacked on 9/11 of 2001, many of us who were called to serve deployed for our country. And I am proud that I deployed twice, first to Bosnia and then to Baghdad, Iraq, as a member of the 82nd Airborne Division.

So, within the first 100 days of this Congress, as you mentioned, when we took the steps to say we are going to be coequal branches of government, you see, when I was at West Point, I taught constitutional law and I taught about what this country was all about, and it was that we have three coequal branches of government.

See, we did not believe in the theory of King George, one person being infallible, running a country. That is why we had the American Revolution. Our democracy evolved over 200 years to now, today, where we have leaders from both parties willing to stand up and say, enough is enough. Mr. President, we will not continue to give you a blank check while the Iraqis still sit on the sidelines. We will not sit there and say everything is okay when we understand what the truth is on the ground in Iraq.

When I was there in 2003, I remember when it was August. I remember having the combat gear on. I remember riding up and down in what is called Ambush Alley in 138-degree heat and wondering when that next roadside bomb might go off, scouting it out, looking, always being vigilant to make sure the men I was leading down that path were safe.

Now, what this 110th Congress has stood up to do and why I am so proud of the freshman class for doing is, when we had the emergency supplemental, the Iraq supplemental, we said, we will give you, Mr. President, every single dime, every single penny that you ask for to support the troops, but there is a policy attached.

No longer is there an open-ended commitment. No longer is there unaccountability. This is a different Congress. This is the 110th Congress. This is a Congress that will stand strong, stand together, even though we know the political attacks are going to come, even though we know it takes personal courage, and even though they are going to try and distort what we are actually going to try to do. And what we are trying to do is to hold the Iraqi people accountable, now, over 4 years later.

At 6:12 a.m. this morning, I got an e-mail from Iraq. It was from a former cadet that I got to know who lost his brother on 9/11. He said to me, Sir, this is the first time I have ever written you, but he said, I want you to know there are legions, legions of junior officers, now company commanders, in Iraq and in Afghanistan and all over this country that are watching you, that are watching this 110th Congress, and that you are saying thank God someone is standing up and speaking truth to power. He said, I would never think that 5 years after my brother was murdered at the World Trade Center on 9/11/2001 that I would stand up against the foreign policy of the United States of America when it comes to Iraq. I want you to know that I am keeping you in my prayers, and if there is anything, anything I can do to help your cause, to put our country back on the right track, I am there.

That is what is happening with all these Congresspersons here in Washington.

When I get letters from people in Bucks County, Pennsylvania, or northeast Philadelphia, and they say, thank God we have a Congressman that is going to stand up for us, for our veterans, thank God that they are speaking truth to power, that is what is going on. There is a movement, and it is a movement again to believe in America, a movement again to say, listen, we understand there are coequal branches of the government. We understand what the Congress is trying to do. We understand they are trying to do what is right.

And it is not about partisan politics. It is not about Bush Republicans versus Democrats. It is not about that.

I joke. My wife Jenni is at home. I just talked to her on the phone. My 4-month-old Maggie just laughed for the first time today. It puts it all in perspective.

But my wife was a lifelong Republican. She still considers herself a Republican. She said to me when we first met, and she gave me a hard time for being a Democrat, she said, you know, Patrick, I will support you, and I will support you for one reason and one reason only, besides the fact that I am in love with you. She said, I was a YAFer. That is called a Young American for Freedom; it is a conservative wing of the Republican Party. She said, the Republican Party left me; I did not leave the Republican Party.

So when I talk about what we have done, what we have accomplished in the supplemental bill against all odds, because we remember, we were through this when we were voting for this, we understood when they said, why are you wasting your time trying to pass this emergency supplemental, putting a timeline on Iraq? Why would you do that? You know it is not going to pass.

I was there and talking to the press, and I said, I will give every cent, every fiber of my being, to talk to my colleagues together, all of us as one, and say how important it is to pass this.

Then when we passed it against all the odds, when they told us it wasn't going to happen, and we passed it, then they said, well, why did you do that? The Senate is never going to pass it. The Senate responded and the Senate took our bill, and now it is in conference and they passed it, also a supplemental bill with a timeline.

That is why it is so important that all of us do not lose hope, all of us continue to stand up and speak truth to power, all of us stand up and say, no longer are we just going to have an open-ended commitment in Iraq.

Because when you look at the full spectrum, some people say, bring all the troops home tomorrow; we don't care, just bring them all home tomorrow. Others say, it is the President, he is infallible; you can't ask any tough questions, you can't give him a timeline. You can't demand accountability from the Iraqis, who are still sitting on the sidelines 4 years later.

But this 110th Congress, made up of all races, of all sexes, of all parties, came together and we said, this is a moderate approach, this is an approach that will change the direction in Iraq. When we look at how almost every day hundreds of people are dying there, and we said to the Iraqi people that we will support you, but we will not sit idly by. We will not stand idly by and watch you continue to sit on the sidelines, when our troops, our men and women who wear the military uniform of our country, continue to lead the efforts there when, now, it is 4 years later and it is imperative that they stand up for their country.

Because if we remember when it was the American Revolution, it was America's revolution; it was the Americans standing up. When it was the American Civil War, it was the Americans fighting each other.

So that is why all of us in good conscience cannot stand here while our brave young men and women serve in places like Iraq and referee a religious civil war. That is not what they were supposed to do. That is not in the national interests of the United States of America. That will not keep our families safe.

When we all vote, when we all take these so important and these crucial votes and these timely votes and these historic votes, when we vote for our families and for our constituents, we think about how is it going to affect our children and our children's children. How is it going to affect my daughter, Maggie Murphy, when she reads in the history books what we have done? How is it going to affect who we call Joe, that GI Joe, that soldier on the ground in the 138-degree heat in Baghdad, those members of the 82nd Airborne Division that I so proudly served with that are now back over there on their third deployment?

When I was there weeks ago, and I know some of my colleagues here were also just recently there, I talked to these guys. I talked to the guys I served with. I talked to the guys, Sergeant Juan Santiago, who left his wife and two kids at home, is now in his third deployment in Iraq. I broke bread with him over there.

I said to him when I was in Baghdad, he used to be Private Santiago, now he is Sergeant Santiago, and his nickname is Santi. I had lunch with him. I said, "Santi, what is going on?" And he said, "Sir, it is like Groundhog Day, but 4 years later. They are still sitting on the sidelines. We are still doing everything for them. I don't know what it is going to take to get them to come off the sidelines."

What it is going to take is the political pressure so we are clear and we act as one; that we tell the Iraqis that the 110th Congress is different; that the spirit of America is there and we love you, but we cannot hold your hand. You need to stand up finally for your country. You need to stand up and secure your neighborhoods, secure your street corners. You need to be the ones that are leading those convoys up and down Ambush Ally, not our troops.

That is exactly what our supplemental did and what we will do when we vote on it after it comes back from conference in just a few days.

With that, I would now take it back probably to the gentleman from Minnesota, Mr. ELLISON. Thank you.

Mr. ELLISON. Mr. Speaker, we are not allowed to clap during these things, but I wish we were, because that was amazing, and I really thank you for that.

At this time, I do want to ask Mr. KLEIN to sort of pick up a little bit where Congressman MURPHY left off. What did this Congress do to make America safer? Could you share that with us?

Mr. KLEIN of Florida. Sure. I listened to Congressman MURPHY, and I listened to veterans in my home district of Broward and Palm Beach Counties, and whether it was World War II, the Korean War or the most recent conflicts we are involved in, these are brave men and women that put their lives on the line, and they deserve to be supported, both on the ground and when they come home.

I thank you for your service, and I certainly thank your colleagues over in Iraq and the men and women that are fighting and protecting our freedoms all over the world.

□ 2145

You know, when I think about September 11, which was a dark day for our country, and what happened in our country with the failures that allowed these terrorists to attack us, and the deaths, the needless deaths that occurred in our major cities, it was an awakening for this country. But it was also a time when we had an opportunity to really take stock of where our shortcomings were. Where were the intelligence failures? Where were the communication failures? Where were the vulnerabilities in our airports and our seaports and all these other places where people came in from other countries to harm us and kill our people in this country?

And there was a man named Osama bin Laden who is still out there. Hard to believe today. When you think about what our number one strategy should have been was to find the perpetrator and the perpetrators of this terrible, terrible tragedy, and he is still out there today. That needs to be rectified.

But beyond that, I think we all recognize things that came together after that; and there was this 9/11 Commission report, which was probably one of the most prestigious, important, qualified incredible groups that came together, Democrats, Republicans, professionals which said, let's figure this out. This isn't a Democrat/Republican issue; it is an American issue, and protecting our territory, our homes, our streets. And they came up with this 9/11 report. Which, if you haven't had a chance to take a look at it, it is not just reading you read before you go to bed and it will put you to sleep. This is gripping. This is really a very thorough analysis of what we need to do.

Unfortunately, it was a number of years that passed. Some things were adopted from that plan, but many were not. And I don't think it was anybody questioning the fact that this was a priority, but it wasn't passed. Many of the items weren't passed.

So one of the things that we said in our campaigns and we took up right away, and we are still obviously waiting for the process in Washington to be finished, but the House quickly took up the rest of the 9/11 Commission report and passed it. And I just want to highlight a few key elements.

We know that there were problems with aviation security. Those elements, those recommendations have been adopted. We know that there were port problems and port security issues. Most containers that come in, substantially most of the containers that come into our ports are not inspected. I come from southeast Florida. We have Port of Palm Beach and Port Everglades. Port Everglades is a main oil terminal among cargo and container in great bulk. Tremendous risk if you happen to be anywhere near those areas and something, God forbid, comes in in the form of nuclear materials or biohazardous materials or anything else that comes into those ports. And this is all over the United States. Ownership of the ports. We all know about the Dubai Port issue. That has been straightened out through our legislation.

Certainly the idea of preventing terrorists from even getting into this country, visa changes, rules changes, all these things are so important. And not to mention the people that are on the ground fighting for us every day, our firefighters, our emergency responders, our police officers. Every one of us feels very strongly about them. And as we grew up and you wanted to be a fireman or you wanted to be a policeman, not everybody chose that profession, but, boy, on September 11 did we as Americans have a newfound respect for what they did for us.

But what we needed to do that wasn't done was to give them the tools, the communications tools like they needed in New York and other places so they can make sure that they can communicate with each other, and that local and State and National Federal intelligence agencies can properly share that information. These things have now been passed by the House of Representatives, and it was one of the first things we did. And that is the right thing to do. And whatever it costs, that should be at the top of our budget. People say, well, it is expensive. You know something? You prioritize. You say, what is first? Homeland security, protecting our troops, making sure they are properly funded. And I know that Congressman YARMUTH is going to talk about the incredible great work we have done for our veterans.

These are the things that are our Nation's priorities. These are American values and America's priorities. And I am very proud that we as the freshman class participated with the rest of the Congress, and mostly Democrats, and Republicans, came together that said, yes, we are going to take care of the American people first. So I just wanted to share those elements with you.

Mr. ELLISON. Congressman KLEIN, I want to thank you for those excellent observations. The American people need to know that this 110th Congress takes their security and their safety very seriously. We are not going to mess around. We believe that the people have a right to be safe. In fact, one of the first obligations of government is to make the people safe and secure in their homes.

So you already correctly, Congressman KLEIN, talked about our veterans, and I think it is probably a good idea to talk about what we are doing for our veterans. It is one thing to say, support the troops; but we have got to talk about really supporting the troops. Congressman YARMUTH, can you give us a word on that?

Mr. YARMUTH. I thank the gentleman from Minnesota. And I would also like to echo my great respect and admiration for our colleague from Pennsylvania who has spoken so eloquently on various occasions about the costs being paid and the sacrifices being made by our great men and women overseas, and how much that means to them. And I think this Congress has responded to those sympathies and those emotions in what we have done to actually support our men and women, our veterans, our wounded warriors who have come back from these very troublesome spots in the world. And we have done it with more than words, and that is what is important.

In the continuing resolution, as we all know, the prior Congress did not pass many of the appropriations bills. They left it up to us to try and fund most of the government, and we responded in the best way possible: we passed a continuing resolution. But we didn't just pass a sustaining fund because we recognized that we needed to embellish those funds to take care of our veterans and the increased costs that are being incurred by this war we are fighting in Iraq and Afghanistan. So what did we do?

On January 31 when we passed the continuing resolution, we added $3.6 billion to take care of veterans health care. $3.6 billion. We recognized not only our moral obligation to our veterans but also the promise that we made to them. This government, the people of this country made a promise to those people who volunteered to fight for their country that we would take care of them after they left the service, we would take care of their health care. This Congress recognized and realized and responded to that commitment that we had made to them. Unlike prior Congresses, we increased funding by $3.6 billion.

But we weren't finished yet. When we passed the supplemental, we didn't just give the President what he wanted to perpetuate this war, which many of us want to leave, but we said we have men and women who are coming back who are wounded, who are seriously wounded. As we have seen in Walter Reed, we weren't taking care of them adequately, we weren't responding to our commitment to them, our moral obligation to them; so we added $1.7 billion more in this supplemental to take care of our veterans, to take care of our wounded warriors.

We understand what supporting our troops means, not just when they are under fire when they are in the battlefield, but also when they come home after they made that sacrifice. We have a commitment to them. We have realized that; we have responded. And I think that the American people can be confident that our veterans are being well taken care of by the 110th Congress and by subsequent Congresses, too.

Mr. ELLISON. Thank you, Congressman YARMUTH.

I want to keep the theme of national security going for a moment, because the health of our people is also a national security issue. And, again, as we talked about in the very beginning and when we were introducing our freshmen who are here tonight, Congressman KAGEN did speak eloquently about the importance of making sure that our seniors have safe and affordable medications.

Congressman KAGEN, can you give us a word about the importance of keeping the health and welfare of our people strong?

Mr. KAGEN. I don't have to remind anyone here that if you don't have your health, you don't have anything. If you do serve in harm's way, if you are brave and honorable and serve, as many thousands and thousands have done. From my district in northeast Wisconsin, 20,034 brave Americans, men and women, served in both Iraq and Afghanistan. And when we passed the supplemental bill we voted to support our troops before, during, and, very importantly, after being in harm's way. We stood up to our responsibility. They covered our back. Now it is time we should cover theirs.

It is not just the veterans that need help. Our senior citizens, they can't afford their prescription drugs. I came to Congress because one time in three when I would write a prescription in my practice, my patients could not afford the medication. It wouldn't be on the list, their insurance company wouldn't cover it, and they went without. And today in America, people listening here tonight are asking this Congress, the 110th, to stand up to the drug companies and to the health insurance companies and get the job done.

I think if I stand back a little bit and give a bigger picture to what is going on in the 110th Congress, take a look at the class of 2006, our class, which I consider America's hope, what is the difference between what we are doing and the previous Congress? We are listening to the people and we are speaking out on their behalf. They can't be here tonight, but their voice is being heard.

The other difference is judgment. I believe it was poor judgment that took us into Iraq. It was poor judgment in the administration that prevents our people from having affordable prescription drugs and affordable insurance. One of the biggest comedies here in America is the 47 million people who do not have any health insurance at all. And what they haven't figured out is they are paying for everybody's health costs because they get to pay the real bill, the top-dollar bill. They don't get a discount at all. So we have to change things in America and move where we can afford the prescription drugs, where we can afford to have insurance coverage for everyone.

But this 110th Congress, when you talk, Congressman ELLISON, about security, we also passed a bill, H.R. 327, to help prevent suicide in veterans. Now, in my district that will help 64,000 veterans in northeast Wisconsin alone.

We also enacted the 9/11 Commission on Homeland Security recommendations, H.R. 1. That will help 245 police and fire departments throughout my district.

We also passed a bill, H.R. 4, that would require the Secretary of Health to negotiate for lower prices for our seniors for their prescription drugs. In my district alone, that helps 68,000 senior citizens, if only the Senate would put that language in and if only the HHS Secretary would be so kind as to use his buying group to negotiate for lower drugs.

I think you can look for positive movement from the 110th Congress. We are not afraid to back down from any interest that harms those that we serve.

Mr. ELLISON. Thank you, Dr. KAGEN, our fellow Congressman who we are so proud of.

And I think it is now a good time, my colleagues, we have gone over what we have done. There is much, much more. We can't go over everything because we have just been that busy. But it is time to talk about a direction. We have got to write the vision and then pursue it.

And I want to ask you, Congressman HODES from the great State of New Hampshire, to talk about where we are going. We can't just rest on our laurels, though we have done pretty good so far. We need to talk about where we are heading.

Mr. HODES. I thank you, Mr. ELLISON. You know, I couldn't help when I was listening to PATRICK MURPHY, a brave veteran who served his country and came to Congress and is serving again, continuing his service, to think about how touched I was when he talked about his new baby. Because, really, what we are talking about here is a vision for this country and a vision for the world that is going to take us on into the 21st century, because we face challenging new times. Things have changed in this country, and the American people know it. And in many ways they are far ahead of the politicians, they are far ahead of many of us. They understand that things have changed in this country.

The conflicts we face are different kinds of conflicts. It is no longer nation against nation. We face threats from a shadowy network of people, terrorists who would do us harm. And we have to be strong to be able to fight terrorism.

But what does being strong mean in the 21st century? The American people have demanded a new direction. They have demanded a new way to defend our country. They want us to fight terrorism, and we intend to fight terrorism; but we intend to do it with a greater focus on those who attacked us on 9/11, with a greater focus on homeland security, on making sure that we are keeping nuclear weapons out of the hands of terrorists. Perhaps the greatest threat we face, which went by the boards because of this administration's preoccupation with fighting the wrong war in Iraq which has diverted us from really focusing on the concentrated effort we need from law enforcement, from intelligence, from military, from diplomacy, from the soft power that America, has been extending our cultural ideals and principles out into the world to show people that we are not merely going to bully people with weapons, but we are also going to stand on our ideals and principles.

So defending our country and staying strong means making sure that we have a responsible strategy to disengage from Iraq so we can deal with Afghanistan, and Pakistan, where Osama bin Laden is still hiding out, still directing al Qaeda; so that we can do what we need to do to go back and finish the job that this administration left unfinished. That is what defending our country means, because this war in Iraq, as everybody in this country is seeing, has left us weaker. It has caused more terrorism, more death, more disdain for the United States.

□ 2200

I am sorry for that. We want to see us return to the place in the world where people care about us because of our values and our principles, and that is one of the most important things that we are going to do in this 110th Congress.

We are going to improve our military readiness by making sure that we are going to rebuild a 21st century force, capable of projecting power and our ideals to protect our country and our interests, and that means new thinking. It means new thinking about how we deal with the conflicts we are in, how we deal with the conflicts in the future.

It means part of the reason that we hope the President takes his cue from the American people and faces the reality of the mess that he has made and changes direction is so that we can rebuild our military to make sure that we can face the conflicts of the future.

We are going to demand accountability, and we are going to end the rubber-stamp approach to congressional oversight of the war in Iraq and we have started to do that. We are going to continue to do that. We are going to fight the war on terrorism, and we are going to hold our own government accountable for failed policies. We are going to respond to the American people who want a new direction, and we are going to deliver on homeland security.

That is the first way. That is the first thing on our agenda. It is a new vision of what it means to be strong. It is a new vision of what it means to defend our country.

We can have all the military might in the world and we do. We spend more in our budget than all the rest of the world combined spends on defense, and I ask, you has it made us safer? Have the policies of this administration made us safer? The answer is no.

We see there has got to be a new direction. We see there has got to be a new vision, and that is what Democrats are bringing to this 110th Congress when it comes to defending our country and keeping us strong. There is a new definition of national security, and that is what we are all about.

Mr. ELLISON. I thank Congressman HODES. Let me now just ask Congressman KLEIN, what about our energy future? What are we going to do into the next decade? We have seen all kinds of challenges with global climate change. We do not want to be depending upon unstable regimes around the world. How can Americans trust that this 110th Congress, this Democratic-led Congress, actually makes sure that we ensure our energy future.

Mr. KLEIN of Florida. Well, that is an interesting question, and I think we should look back the last few years.

The President in his State of the Union address about a year ago correctly said we are addicted to oil. I think everybody understood what he meant by that, and yet Congress, a number of months later, passed an energy bill which gave billions of dollars to energy companies and subsidized more oil drilling.

Now, oil will always be a part of the energy policy of the United States, but this notion that oil is our way out, to me, is just ridiculous. This is interesting because when I have been speaking at schools back home, and I am sure you have been doing the same thing, and I want to talk to our young population, our students, as well as our adults.

The calling of this generation is to move toward making this country energy independent. It goes right directly to what Representative HODES was talking about, defend our country. The number one thing that we should do to ensure that we are defending our country is making sure that we are not continually dependent on importing oil from countries that are not reliable partners, and whether that is Middle East countries or Venezuela or any other country if you have been following around the world where we are daily bringing in 60 percent of our oil in the form of imports, that is a dangerous prospect and a dangerous policy.

So what we can do about it? We can focus, just like in the past, the attention of the American people, our scientists, our public sector, our private entrepreneurs, our people that have great vision and say, what can we do to make ourselves energy independent? Is it solar, is it wind, is it wave, is it thermal, is it any combination of science that can go along with this?

We put a man on the moon when said John F. Kennedy said, we are going to fight against the Sputnik, that little can that went up into space. We created the Manhattan project, that we knew it was a matter of our national security to make sure that we developed a nuclear weapon, it was an atomic weapon at that time, to make sure that we would end World War II successfully. That was a commitment that Americans, with our ingenuity and our science, put that all together.

Well, I do not think there is anybody who is listening tonight does not believe that Americans, if they put their nose to the grindstone and we make our commitments as consumers, as scientists, as public and private people, that we cannot accomplish that same goal. It is a matter of national security. It is a matter of our environment. You already mentioned this, global warming, and the science, the carbon dioxide and all those things, and it is also a matter of a new economy.

We think about jobs for the next generation, the science, that we can lead the world and export our technology and be successful.

A new energy policy is the calling of our generation, and I hope and I believe, based on the freshman class, by the way, the freshman class of Democrats and Republicans coming in and listening very closely to the public, I think there is a great opportunity for us to all work together and change it from just an energy policy that is dependent on oil to one that will really improve our environment, create new jobs and really protect us in this next century.

Mr. ELLISON. I thank the Congressman. Now in the last five minutes of our evening tonight, I want to just throw it over to Congressman KAGEN again who really is very versatile, can speak on any issue, but I want to ask you if you would to simply comment on care for our children and our families.

We have seen over these last several years children and families really face some difficult times. We need to project a greater vision for our children and families. Can you speak to what the people can expect in this Congress for our children and our families.

Mr. KAGEN. Well, I would say, first of all, thanks to Congressman KLEIN for pointing the way forward about becoming an energy independent Nation. In a bipartisan statement, I will tell you Republicans can grow corn just as good as the Democrats, but we cannot grow our way out of this energy crisis. It will take technology and innovation to get off of dependence on foreign sources of oil.

But our families and our children are really at risk of this new economy that we have. We really have to get back to the basics in America.

It is really amazing that it is the Democrats that are the fiscally responsible party here when you think about it. Think about the old laborers. We are the fiscally responsible party. We do not believe in borrow and spend. So there are four deficits in America that I will point out tonight to you and have you respond to.

The first deficit is a savings deficit. Our families are not saving any money. For the first time since the Great Depression, 1933, we had a negative savings rate last year.

Second deficit we had is a budget deficit. Last year, our budget deficit was over $250 billion, and if you throw in the $175 billion that we credited from Social Security, it is over $400 billion on every citizen's head. Every working man and woman has a Federal deficit of $425,000.

The third deficit is our balance of trade deficit. China has an advantage on us or, shall I say, Communist China where their government will invest illegally in corporations, and that puts every manufacturer in this country at a competitive disadvantage by 30 percent right out of the box.

The fourth deficit we had until last November was a deficit of leadership, leadership that would stand up, put their foot down and say there is a better way of doing things.

I think you will find our Class of 2006 will work together with all parties to fashion a better future forward. By working together, we will build a better future and a better Nation for everyone and every man, woman and child in this country.

Mr. ELLISON. That is right. Let me say these last remaining moments, just go around quickly, say good night to the folks, and those deficits, we are going to be filling quite quickly. I just want to throw it to Congressman HODES as we begin to wrap up tonight.

Mr. HODES. I appreciate the opportunity to be with you all tonight and talk about where we have been, where we are and we are going to take this country.

We are going to defend our country and we are going to grow our economy, care for our children and families. We are going to protect our planet with a 21st century energy policy. We are going to deal with energy independence and global climate change. We have restored accountability, and we are going to keep on restoring accountability because in this 21st century we are in a global economy.

The Democrats and the new majority here in Congress are committed to growing our economy in a way that really spreads opportunities to everybody. It means fair trade policies that incorporate fair environmental and labor standards so that every American worker can operate on the same playing field.

We are going to grow the economy. We are going to invest in research and development. We are going to make sure that we are moving this country forward.

So it has been a great time to be with you tonight.

Mr. ELLISON. I go to Congressman KLEIN for a few final words.

Mr. KLEIN of Florida. Mr. Speaker, I thank you for being here tonight. It has been a pleasure to be with this freshman class. I look forward to continuing to work on all these items and more, and look forward to working with our people back home and making sure we are listening to their ideas, as we have been, and just continuing to move our country forward.

Mr. ELLISON. Congressman KAGEN.

Mr. KAGEN. You can look forward to good judgment from the 110th Congress on both sides of the aisle. We have got a great leader, Madam Speaker NANCY PELOSI, who has a steel spine, and she will keep us on this path of fiscal responsibility and being socially responsible.

Mr. ELLISON. Mr. Speaker, we are going to wrap it up right now.

I want you to know that this class of 2006, this 110th Congress, is pointing the way forward for a better America today, tomorrow and in the future. Thank you all very much.

A QUARTERLY REPORT CARD

The SPEAKER pro tempore (Mr. PATRICK J. MURPHY of Pennsylvania). Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. MCCARTHY) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCCARTHY of California. Mr. Speaker, tonight we are going to open something new. If you are like in my house, every 3 months if you have kids in school, in my house it is Connor and Megan, they just got their report card, and that is what tonight is about, a quarterly report, what has gone on in this 110th Congress.

Well, tonight we are going to hear from the freshman class of Republicans, and our goal here is to put the people before politics.

Much like what we have seen, we want to find solutions. We want to move America in the right direction. We want to tell you first and foremost what has gone on here for the last 100 days, give us a report card, tell us where we are going, and the most important thing, we want to bring accountability back to America.

So tonight we are going to start off, and we have got an interesting freshman class. We have got people from all walks of life. This is a microcosm of society, just much like America is. So our first speaker is going to be the president of the Republican class. He comes from Idaho. He served in the legislature. From Boise, Idaho, we have Mr. BILL SALI.

Mr. SALI. Mr. Speaker, I thank Congressman MCCARTHY. I appreciate the opportunity to give this report on this first quarter. I think it is very apt for us to let the folks back home know exactly what is going on from a Republican perspective.

In the first quarter of the new Congress, the new Democrat majority has made its priorities clear by acting to impose higher taxes, more government spending and by attacking key aspects of the Idaho way of life.

In the last 3 months, the majority has acted to impose the largest tax increase in more than a decade. In fact, within the first month of Congress this new majority passed H.R. 6, a bill to increase by $7.7 billion over a 10-year period, an increase that will effectively affect the price of gas at the pump and further our addiction on foreign oil.

Instead of higher taxes and continued increasing reliance on foreign oil, my constituents need lower fuel prices, but in the first three months in Congress, this new majority has done nothing to lower fuel prices but to the contrary has acted to actually increase the price of gas.

In the same 3 months, the new majority has passed a budget that includes almost $400 billion in increased Federal spending, a budget that failed to address the explosive growth in entitlement spending, spending that will consume over 60 percent of the Federal budget in 15 years.

The Democratic majority has focused in the Natural Resources Committee on what they call the evolving West. Those of us who are actually from the West are calling it the war on the West. The majority has had countless hearings primarily to paint an inaccurate picture of the West and its issues.

The reform of Federal forest land management policies should be their focus in these hearings. We have forests that are overgrown and are fire hazards to our communities. We lack access to our lands, and we are under constant attack from radical environmentalists. We need better forest management, and the Federal Government needs to be a better landlord instead of an absentee one.

This should be the focus of their agenda in the Natural Resources Committee if they really want to help us in the West.

The priorities of this new majority were further illustrated when they mandated the Commander in Chief, withdraw troops on an unprecedented and arbitrary timeline without any consideration of what is actually happening on the ground. The same new majority conditioned financial support for our troops on funding of unrelated and various pork barrel projects, including $5 million to study tropical fish and $74 million for peanut storage.

In a time of runaway deficit spending, something needs to change dramatically. The change the new majority proposed in the first three months, however, is to proceed in the wrong direction, the direction of debt, deficit and defeat.

☐ 2215

We need to balance the budget. To do so, we must cut Federal spending. Congress' ongoing spending habits continue at the expense of our children, and we owe it to Americans and we owe it to our children and our grandchildren to cut spending.

That is why I stood with my Republican colleagues and supported an alternative budget plan to balance this Federal budget by 2012 in just 5 years. Together with a balanced budget, I also joined my colleagues cosponsoring legislation to make permanent numerous tax cuts, numerous tax credits that affect average American families. The American taxpayer will work through April 30 this year just to pay their share of taxes.

Well, change, indeed, must occur. My priorities for change are these: spending must be reduced, tax burden on American families and small businesses must be reduced, our natural resources in the West must be responsibly managed, the constitutional authority of the President must be respected. Unfortunately, the priorities of the new majority, as evidenced over the last 3 months, are not my priorities, and they are not the priorities that the people of Idaho hold.

Mr. McCARTHY of California. Thank you, Congressman SALI, for that update because that is what the American people want to hear. They want to hear about accountability.

As we know, we have been here 4 months; we have cast more than 200 votes. We have something to show where we are going, and pretty much what it is going to be is a report card, a quarterly report for across America.

The next speaker we have tonight, for those that live in Nevada, they know this person well. He has already made a very big name for himself. He was the secretary of State for three terms. He was able to work in a bipartisan manner, bring Republicans and Democrats together. He is still doing it here. He is putting partnership, not partisanship, forth.

The one thing I have seen from this Congressman, Congressman DEAN HELLER, he represents the largest part of Nevada. There are only three Members of Congress who are serving from there. He represents about two-thirds of the State, even more.

He serves on Natural Resources, he serves on Small Business, something he knows well, creating small businesses, and he also got put on Education and Labor, caring about the education in America.

Let's hear from you a quarterly report on what you have seen in the first 100 days and what you think reflects on your district, Congressman DEAN HELLER.

Mr. HELLER of Nevada. I want to thank you for the time and the opportunity to serve with you here in this Congress. I certainly appreciate our freshman class, the work they are putting in it, the voices they have and the changes they are bringing into this Congress. It really is an honor to be part of this freshman class serving on my side of the aisle.

I would like to change direction. You talked a little bit about Nevada and the State of Nevada. My district is more than 1,000 square miles. To give you an idea of every time I go home, I travel about 1,000 miles just in visiting neighborhoods, going to Elko or going to White Pine County and visiting Ely or Tonopah. It is a lot of travel; but it is very critical, as we take these messages back and talk to the people here, what's going on in Washington, D.C., as reflects what is going on in our districts.

I tell you, it is a pleasure and an honor to serve here in this Congress. It is maybe 20 after 10:00 here in Washington D.C., but it is prime time in Nevada right now. My friend from California, it is prime time in your district too, so it is a pleasure to be speaking to your constituents and mine as well.

I tell you, I want to go in a little bit different direction here. It is an issue that is very, very pertinent, very important for the State of Nevada. This is an issue that was discussed this morning in an Appropriations subcommittee on the Department of the Interior, and that is the issue of wildfires. Living and serving in a district as rural as my particular district, which I think is the largest non-at-large district in the Congress, wildfires are a critical issue.

But before I get there, I want to give a little bit of background. First I want to begin with an explanation to those who are viewing this that 85 percent of Nevada is controlled by the Federal Government. A lot of people don't quite understand that, but 85 percent of the land in Nevada is owned by the Federal Government.

As some of you may know, this does present many unique challenges to the communities that I represent. Opportunities, for example, economic growth, development, are stifled by the lack of private lands.

Additionally, local governments are prevented from collecting taxes on the Federal lands in their communities, thereby inhibiting their a ability to provide funds for important services, such as education, emergency care, fire and rescue, transportation, obviously including roads, streets and roads.

I would challenge any State to take 85 percent of their private lands and make it public lands. Take 85 percent of your private lands and put it in the hands of the Federal Government and take the revenues with it. Imagine your inability to have the money necessary for your educational system, the money that is necessary for your infrastructure for roads, money necessary for emergency care, and fire and rescue. That is what we are dealing with in the State of Nevada.

For generations, my constituents have relied upon the land for their livelihood. For the most part, they have been very good stewards. In areas where good stewardship was not exercised, Nevada has done the very best it can to restore those lands back to health.

Nevadans have an acute awareness of the importance of our Nation's Federal lands. For generations, my constituents have been the stewards that have kept important areas in Nevada accessible to the rest of the Nation.

I am greatly concerned by several aspects of the administration's proposed funding levels for fiscal year 2008. Not only did the administration request a substantial decrease in PILT funding, which is Payment in Lieu of Taxes, but funding for other functions is unfortunately low, including zeroing out the Range Improvement fund, which is an important program. It gets dollars to the ground to improve range land health.

One area where I wish to draw particular attention, and I mentioned earlier, is the funding relating to wildfires, particularly in range land areas.

Last year, in Nevada, Nevada alone, over 1.2 million acres, or over 1.500 square miles, were destroyed, causing devastating impacts on the wildlife, livestock and Nevada families. Let me put that in perspective for a minute. 1.500 square miles, clearly much bigger than the District, almost the size of Delaware. In fact, I think it is larger than the size of Delaware, burned in the State of Nevada; the size of Rhode Island, burned in the State of Nevada. You take those States, that is how much land is burning in Nevada each year.

Most of the damage to private individuals is caused by fires that spread from Federal lands onto private property. In a State where a mere 15 percent of the land is available for private ownership, we simply cannot afford this kind of loss. Additionally, it is unconscionable that unlike other disasters, those who are victims of Federally fueled devastation received little or no assistance from the Federal Government.

This is a glaring problem, and I certainly do hope to work with my colleagues, especially the freshman class here, in the future to right this particular wrong. In order to mitigate the disastrous wildfires we have seen in the past, we need to have a healthy range land, which means dedicating funds to range land restoration and management.

A healthy range land will support wildlife, wild horses, livestock, recreation and a variety of other multi-uses. We do not have to choose between those functions if we work to restore our range lands.

To achieve a healthy range, we need to advance commonsense solutions that will protect communities, people in our natural resources. This includes the responsible management of wild horses and burro populations.

It is vital that we use active management to remove excess hazardous fuels, such as pinon juniper, cheatgrass and other invasive species. They fuel wildfires like we saw in Elko County and other parts of Nevada last year.

Since coming to Congress, I have had the opportunity to meet several times with my constituents who have traveled from rural Nevada to Washington D.C., to discuss the devastating impacts of wildfires and what we can do to mitigate and prevent them. To a person, they all expressed the dire need to restore range land health.

As I finish, I want you to know that I agree with my constituents. It is my hope that my colleagues will recognize the importance of adequately funding management of our public lands for the purpose of environmental health and multiple use.

I appreciate the time you have given me to discuss this issue that is critically important for the State of Nevada. I am certain for the President of our freshman class coming from Idaho, it is a pertinent issue for his district also.

Mr. McCARTHY of California. Thank you, Congressman HELLER. One thing, as constituents know, this is an individual that believes in solutions, trying to find commonsense solutions for problems out there, and just what you talked about today.

I know you tell me many times we serve here Monday through Friday and you fly back home, you will travel 1,000 miles in that car that weekend just because your district is so large. Last night I saw you were late past 10:00 to do a tele-town hall just trying to listen to your constituents. That is what this is really all about, finding accountability and listening to constituents. I appreciate your service.

Now we are going to go across the country and hear from Florida. If you happen to be down in Clearwater or Palm Harbor, you know who this individual is. He is already making a very big name for himself here in the 110th. If you happen to be a veteran in America today, you know him because of his service. He serves on Veterans' Affairs, and he serves on Homeland Security. He has been doing a tremendous job.

We now want to hear from the 9th District of Florida, GUS BILIRAKIS. Mr. BILIRAKIS, could you give us an update of the 110th Congress.

Mr. BILIRAKIS. Like all of us, I came to this body seeking to make a difference for my constituents and all Americans alike. We have chosen a life in public service and promised to fight for what we believe in. That is what we are doing. We promised to fight to give future generations the opportunity we have. We promised to fight to continue the prosperity of this great Nation.

Unfortunately, as I reflect back on the first quarter of the 110th Congress, I do believe that the Democrat leadership has broken their promise to the American people. Supporting our courageous men and women in the military and addressing the gulf States homeowners' insurance crisis are two of the most important issues my constituents raised to me.

Despite many Members' requests to address these vital matters in a timely, bipartisan manner, our pleas have fallen on deaf ears. It is with great disappointment that I go back to my district with the expectations of the American people so far unfulfilled.

Regardless of the individual opinions regarding the war in Iraq, every American supports our brave men and women who serve this country with great honor and distinction.

Just as we are forever indebted to yesterday's servicemembers who wore this country's uniform, we will never be able to fully repay today's gallant heroes. I am so very proud to serve on the veterans committee.

We task the members of our Armed Forces with extraordinary responsibilities. The very least we can do is provide them with the necessary tools and resources to accomplish their mission. Nearly a month has gone by since the House approved its version of the Iraq emergency supplemental appropriations bill, a bill so bad that USA Today editorialized against it and said: "It is hard to say which is worse, leaders offering peanuts for a vote of this magnitude, or Members allowing their votes to be bought for peanuts."

It is bad enough that the bill contained pork projects intended to secure Members' votes. It is equally as troubling that we have been delayed in going to conference with the Senate to work out a bipartisan compromise worthy of our men and women in uniform. The American Legion and the VFW have urged this Congress to pass a clean supplemental funding bill, which will get our troops the resources they need as quickly as possible. I am so proud of the American Legion and VFW for stepping up. They continue to be our heroes. Every day we fail to act is another day we dishonor our troops' sacrifices and valor.

The other vital issue to many Americans, particularly in my district and in the State of Florida, the Gulf Coast States, is the skyrocketing cost of homeowners' insurance. Many of our States are plagued by natural disasters that cost millions, if not billions, of dollars in damage. It is a terrible situation.

□ 2230

As a result, homeowners' insurance rates have simply become unaffordable in many areas of our country. In my State, in far too many instances these rates have tripled forcing many to leave the areas they call home. For others in the gulf coast region, this has become the most financially crippling problem we have faced in years.

My constituents have entrusted me to bring this issue into the national debate and come up with a solution. Yet as we approach the beginning of another hurricane season, this body has failed to act.

Earlier this month, it was predicted we would have a very active hurricane season. Many of us who represent coastal States have tried to bring this issue to the forefront, both Democrats and Republicans, but our attempts seem to have been in vain so far. As the result of an apathetic Democratic leadership, my constituents have been abandoned by the very people they have entrusted to protect them, and what a shame that is.

Along with the numerous bills introduced in the House which would help alleviate this crisis, I introduced H.R. 913, the Hurricane and Tornado Mitigation Investment Act. My bill would provide tax incentives for individuals to better protect their property against these deadly storms. As a result of strengthening their homes and businesses to better withstand these disasters, homeowners' insurance would drop and many constituents would continue raising their families in the place they call home.

I can't tell you how many times I have talked to my constituents, people who have lived in Florida for over 20–25 years and wanted to raise their kids in Florida or retire in the State of Florida, and they are forced to leave the State. And I know there are other States in that position as well. I implore this Congress to consider my and other insurance-related bills to help these Americans in their time of need.

When the Democrat leadership took the House gavel and control of Congress in January, they accepted it in partnership not partisanship. It is my sincere hope that we soon will debate serious topics that address the needs of this country in a bipartisan manner rather than political posturing.

Mr. Speaker, I look forward to working with my colleagues on both sides of the aisle to continue the prosperity of this great Nation.

May God bless our troops. We owe them so much, and may He continue to watch over the United States of America.

Mr. McCARTHY of California. Thank you, Mr. BILIRAKIS.

Promises made and promises kept. You promised to do something about the insurance problem in Florida, and you have introduced legislation to do that.

You brought up a good point about what has happened in the first 100 days. The President asked for a security supplemental, one for our men and women in uniform, to make sure that they are protected. But what happened when he asked for $100 billion? He got $121 billion. Where did the $21 billion come from? They gave money to peanuts and shrimp. That is pork. That is not what the American people want. They want accountability.

When it comes to accountability and a hardworking freshman Member, you don't have to look beyond Michigan 7 with Congressman TIM WALBERG. You serve on the Agriculture Committee and Education and Labor, and you are doing a great job. Can you give us an update on the first 100 days?

Mr. WALBERG. Thank you, Congressman McCARTHY. I certainly appreciate the opportunity to bring not only an update on Michigan, but to talk to the American public about concerns that I have about the budget and what goes on in these great halls.

Indeed, it has been a wonderful privilege to serve here. As I listened to colleagues on the other side of the aisle in the hour preceding, I would agree that it is a privilege to serve with men and women of sincerity, of character and commitment and of passion. And although we have disagreements, we serve in a body that has tremendous impact and tremendous history.

Yet even as I say that, I recognize that we are simply temporary custodians of the seats we hold in Congress, representing districts of people, taxpayers, citizens with great concerns. But even more importantly, as I have heard discussed maybe a bit too often about the extent of abilities that reside here in the Halls of Congress in each of our Members and the background and the training and the expertise that we share, yet I think that misses the point because indeed the greatness, the ideas, the generation of the economy and impact upon this world does not necessarily come from us, although we are part of it, but it flows from the people we represent.

That's the greatness of this country that allowed great men who journeyed from afar like de Tocqueville, to say America is great because America is good. But when America ceases to be good, it will cease to be great. I think de Tocqueville understood that goodness was not simply in the high morals of a country that he noticed here, it wasn't simply in the great work ethic of the people he saw on these shores. And as he walked across Michigan and came away, and it is reported that he called our State the Wolverine State because he indicated that any citizen who could put up with the swamps and the mosquitoes of Michigan at that time had to be a wolverine in tenacity. Hence, the Wolverine State.

Yet our great country of citizens have to be tenacious as well when we have a government that has grown too large, too grand, and too costly for them to keep up. The greatness of this country is not big, expansive, expensive government, but rather, the greatness of this country is its people.

And so this week we came to Tuesday, April 17, and it was imperative to us, and it was significant in its gravity that it was tax day again, a day that strikes fear and even anger in the hearts and minds of many, if not most, of our taxpayers. We sat here in Congress in these hallowed halls of constitutional responsibility having just come through passing the largest tax increase in the history of our country, $400 billion over the next 5 years. And we let our taxpayers go through another tax day paying more for big government.

Right now, taxpayers in south central Michigan, the district I am privileged to represent as the temporary custodian of its seat in Congress, people who are hardworking, people who have committed themselves to the task of being good stewards of the wonderful resources we have in the Great Lakes State, of being the former arsenal of democracy, of being a major manufacturing State and agricultural State and State of higher education, and yet a State that is struggling right now, I am sad to say, because of an administration that continues to push higher taxes and more excessive government regulation. We are saddled again with looking at what Congress has potentially done to us by passing this massive spending package called a budget with a $400 billion tax increase over the next 5 years.

Taxpayers in my district of south central Michigan are making tough choices every day to ensure their family budgets are balanced. They do so by cutting spending and having fiscal discipline, a concept we would do well to emulate.

It is time we make these same commonsense choices on a Federal level. The budget proposal introduced by my colleagues on the other side of the aisle and, in fact, passed by them imposes the largest tax increases, as I said, in American history: $400 billion over the next 5 years, $400 billion that the taxpayers of this country will pay, that the businesses will have impact upon them and their ability to give jobs and security to the taxpayers and their workers.

Like the Democrats', as I would call it, "insecurity supplemental" that telegraphed their plan for defeat to our enemies, this budget telegraphs their plan for economic failure if we continue down that path for this great country. Their plan institutes a $3,000 tax increase for the typical Michigander in my district and embraces a spend now-reform later mentality.

You just have to go to some of the basic concepts of their proposal. The Democrat budget would hit 115 million taxpayers with an almost $1,800 tax increase in 2011. In addition, 26 million small business owners would see their tax bill rise by almost $4,000 that year. Marriage penalty relief would be eliminated for 23 million taxpayers, who would see their taxes increase on average by $466 by 2011. Raising taxes on families with children, it would hurt 31 million taxpayers who would see their taxes increase on average by $859 by 2011.

Those are just highlight scenarios of what is going on with that tax increase.

Congress needs to pass a balanced budget bill without raising taxes. We need to make tax relief permanent for hardworking American families and implement a commonsense policy for the future. That is why I was proud to support the Republican alternative budget proposal.

The benefits of our proposal, just a few highlights, 113 million taxpayers will see, if this were passed, their taxes decline by an average of $2,200. A family of four earning $40,000 will receive tax relief of over $2,000. More than 5 million individuals and families will see their income liabilities completely eliminated. Forty-five million families with children will receive an average tax cut of almost $3,000. Fifteen million elderly individuals will receive average tax relief of almost $3,000. Twenty-seven million small business owners, the breadbasket of the economy in my district, will save on average $4,700. A total of 7.6 million new jobs would be created under this proposal. An average of 168,000 new jobs a month could be created as well.

I think the message is clear, Mr. Speaker. This is the direction we need to go for this great country that has taken on challenges not only within our borders, but to continue doing what we are accustomed to doing as the greatest and most benevolent nation on this Earth because of what we have done to encourage wealth and prosperity and responsibility and accountability and benefits from all of that. That blessing that goes beyond our shores and makes an impact upon people that I had the privilege of seeing, whose beneficiaries came from sources that I talked with in Walter Reed Hospital today, the young men and women who served valiantly for us, who sacrificed for us to continue the progress and continue the benevolence of this great people.

Mr. Speaker, the American people long for a Congress that puts our fiscal house in order on a Federal level, but they want it done without expanding the size and scope of Federal Government.

They are asking for the greatness to continue within the people of this great country which would include this great government if we would indeed recognize where that greatness comes from.

So what a privilege again to be a temporary custodian of this seat in Congress, but what a huge responsibility to stand firmly for principles that will, if enacted, as we have seen historically 100 percent of the time, expand the economy, expand the opportunity, and offer freedom, opportunity and prosperity for our citizens and others all around this Earth.

Thank you for the opportunity, Mr. Speaker, and the gentleman from California, Congressman MCCARTHY, thank you for putting this Special Order together this evening.

Mr. MCCARTHY of California. I thank you, Mr. WALBERG. You raised a good point. It has only been 100 days, and in less than 100 days, the largest tax increase in America has taken place.

During the campaign, you heard from both parties, you heard what people said they would do. In less than 100 days, they were broken.

If you happen to be sitting at home and you are married, you have some children, you are going to pay more. If you are elderly, you are going to pay more. If you happen to maybe seek the opportunity of America, worked hard, made a business, saved, bought some land and went forward, you happened to pass away, this majority party, the Democrats, want to take 55 percent of that. That is the difference.

I appreciate your principled view, let people keep their hard-earned money, and make sure that you bring accountability back.

Now we want to go to another place in middle America because that is where solutions are. We want to get an update from Ohio. In Ohio, you can find a lot of individuals, but you can't find someone who works harder. Congressman JIM JORDAN, along with his wife, Polly; I think they hold the American dream.

□ 2245

They are doing a fantastic job of raising their own children. They reach out into this community. They help others and make sure they are able to have a place to stay, a place a work and place for education. But JIM, Congressman JORDAN is the only Republican freshman to get placed on Judiciary. Why? Because of his work, not only as an attorney, but his work in the Senate in Ohio, that stood out across this Nation. And I want you to give us an update. Talk a little further more about taxes and what this 100 days have meant to America and how much this Democratic Party is going to reach into your pocket.

Mr. JORDAN of Ohio. Well, I thank the gentleman for yielding some time and for his work in putting this together and his passion and intensity and energy that he brings to the Congress and what he has done in our freshman class. I appreciate the remarks of the previous speaker. He talked about Tax Day, and he is right on target when you think about the amount of money government takes.

And I just want to start with a question. And there is probably a few people watching, probably mostly in the gentleman from California's district. Most people in Ohio are smart enough to get in bed at this hour. But there are a few people watching out there. And I just want to ask those Americans who are watching, do you think government has enough of your money already, or do you think they need more? And my guess is the vast majority of people in California who are watching, or in Ohio who are sleeping, understand that the government, the billions and billions and the trillions and trillions that the government takes in already is probably enough.

And the gentleman from Michigan was great in outlining what is at stake and what the Democrats want to do, because the Democrats obviously think different. The American people think, you know what, the government probably takes enough of my money. But based on what took place 2 weeks ago with the budget that was passed by the majority party, over the next 3 years the spending they want to do is going to take more and more money out of the private sector, where good things happen in our economy, where jobs are created, where prosperity takes place, more and more money out of the private sector and more money from the families across this great country, in Ohio, in the Fourth District, and across the Nation as whole.

So I just want to provide some perspective and context and framework for why that is a bad thing. And I think we just start with this basic premise: the stakes are high today. It is important that the elected officials, the politicians here in Congress, get it right for a change. There was a point in the past where, in spite of bad policies that the politicians may have enacted, America, because we were so uniquely positioned coming out of World War II, we were the economic superpower. We were the economy that was growing. It didn't really matter if bad public policy was put in place. We were going to excel. We were going to prosper in this world market in spite of the things that the politicians might have done.

But today the stakes are high and the competition is stiffer. And I just want to give some facts and figures and I will yield back to the gentleman from California. But recognize the framework we are in. Today, China has 1.4 billion people. India has close to 800 million people. Those two countries, over two billion people. United States of America, we just hit 300 million population last summer. Those two economies, China and India, over two billion people combined in those two countries, China's economy is growing at approximately 10 percent annual growth rate. India is growing at about 7, 7½ percent annual growth rate, quickly moving towards middle class. The competition is stiffer. And it is important today when you think about those numbers, those facts, those figures, that we in elective office do the policies right.

Raising taxes on business owners, raising taxes on families, $400 billion, as the gentleman from California pointed out, doing those things makes it tougher for our families, our small business owners, our economy to compete in that world market. And that is why it is important we not go along with these tax increases. That is why it is important we try to keep those tax cuts that are in place, so that family and businesses can prosper. It is that fundamental. The gentleman from Michigan was exactly right. And he ticked off, he read off the tax increases that will happen under the Democrats budget plan. And it is important we not go there.

I always come back to, you know, the very first thing we did in this Congress, the majority party, the Democratic Party enacted some PAYGO rules, which sound great. But what those PAYGO rules did was make it easier to raise taxes.

The last thing this Congress did before we went home for Easter break to see our constituents and visit our districts, the last thing we did before we went home for the Easter break was raise taxes. So they started off the Congress by making it easier to raise taxes. The last thing we did before we went home for break was raise taxes. And so that should tell you what is at stake here and why it is important that we fight for the American families, like the gentleman from California has been doing, and it has been a pleasure to serve along with him in that regard. And I will yield back some time and we can discuss some of this maybe as we move along.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PATRICK J. MURPHY of Pennsylvania). The Chair must remind Members that remarks in debate should be addressed to the Chair and not to a viewing audience or fellow Members.

Mr. MCCARTHY of California. Mr. Speaker, one thing we know on this floor, and you brought up a very good point, Mr. Speaker, as we talk, we listen to other Members here, the largest tax increase in American history happened within the last 100 days. And, Mr. Speaker, when we think about is America taxed enough, I simply, and I think about the average American, they wake up in the morning and they take a shower, they pay a tax on that water. They maybe stop off at Starbucks or someone else, and get a cup of coffee. They pay a tax on that coffee. They stop off, fill their car up so they can make it to work, drop their children off at school, they pay a gasoline tax. They go to work, for the first 3 hours they are paying the Federal and State tax. They go home, they turn on the TV, maybe to watch a little C–SPAN, Mr. Speaker, if anybody at home is watching this, they are paying a cable tax.

Maybe their business says they have got to get up and try to find more opportunity because the world is being very competitive, so they have got to get on a plane. They pay an airplane tax. They rent a car. They pay a rental tax. They stay at a hotel, they pay an occupancy tax. Lo and behold, God forbid they get very successful and they save some money, and they put it away and they want to give their children, their grandchildren some opportunity for the future. This majority party wants to take 55 percent of that.

Now, I don't know, Mr. Speaker, if this majority party was on that plane, was working hard to make sure those people earn that money, but I don't think they need to pay them. I think America is taxed enough.

And I will tell you, we need to go firsthand in that Budget Committee to see where the fight was, to see what was said and what went on. And the only freshmen Republican to get appointed to that was my good friend from Nebraska, ADRIAN SMITH. ADRIAN, can you give us an update on the Budget Committee and where it is going.

Mr. SMITH of Nebraska. Mr. Speaker, I am honored to be a part of this discussion here this evening, and certainly I consider it a great privilege to serve on the Budget Committee.

As witness after witness after witness told the Budget Committee that we should address the entitlement challenges we face and reform entitlements so that we can have a safety net, so that we can have an economy to preserve that safety net, we need to adopt some changes. And yet the budget that has been presented and is moving through the Halls of Congress does not address entitlement reform. That is my concern. That was the major thrust of the Budget Committee hearings, certainly, as I said, witness after witness addressing that.

But I stand here before you this evening concerned about the future. When I get asked why I would want to serve in Congress, I say it is because I care about the future. I care about the direction in which our country is heading. I believe that we need to encourage prosperity, not penalize it. And yet our tax policies are bound to penalize prosperity with the current budget.

We heard in the Budget Committee that we need to increase spending. More of the same. And, certainly, the supplemental, as so many folks know, this emergency supplemental spending bill contains items that are far from emergency in nature. I am afraid that there were too many politics being played in terms of funding the very necessary functions of our military so bravely serving overseas.

I am concerned about our future, and that is why I went to Iraq. I learned in Iraq that there are some bright spots. Certainly we have a lot of work to do. But it comes back to the economy. I am encouraged when I learn that there are more than twice as many merchant vessels traveling the one single waterway into Iraq from the gulf. I am encouraged when I see a developing police force perhaps in Ramadi. That is what contributes to the fundamentals of a sound economy with the rule of law.

But as we balance our policies overseas with our domestic policies here at home, we have to be mindful again of the future, the future that I believe can be bright with the sound, solid economy.

My friends so very eloquently pointed out the estate tax, commonly called the death tax. I can't help but think back to when I was visiting a business in my district, actually the Nation's largest producers of natural wool yarn. I didn't prompt this discussion whatsoever. But the second generation owner, or manager in this case, of this company said, Adrian, one thing you can do in serving in Congress is to reform or repeal the death tax. It will devastate us. "Devastate" was her word.

Now, one might think that the Nation's largest producer of natural wool yarn would be big business, big corporations, all these big companies that people want to beat up on who provide jobs. No, this is a family-run operation with about 45 employees that just reinvested many dollars so they could double their output, so that they could take new customers because before they invested in some expansion, they couldn't take new customers. And yet our tax policies will penalize them.

And, quite honestly, I don't care how large an estate one might have. I think it is wrong, fundamentally wrong, and actually unconscionable that the government would lay claim to 55 percent of an estate. Some people say, well, these wealthy folks can plan around it. Some can. Boy, you had better plan your debt too, as so many folks cannot.

But it all comes back to the economy. And I believe in Republican budget principles that are sound, through promoting enhanced prosperity, by balancing the budget and continuing the tax relief, through making needed reforms to entitlement programs, as our Budget Committee witnesses pointed out, increasing accountability through budget and appropriation reforms to help end Washington waste, fraud and abuse.

When we look, Mr. Speaker, at what is before us with the budget, it is the largest tax increase in American history: $400 billion, that is with a B, $400 billion tax increase. And my friends and I, Mr. Speaker, believe that that will be damaging to our economy. And I say that because of the facts. The facts point out that when tax relief was brought about in 2003, the unemployment rate went down. GDP went up. Jobs were created. And I find that exciting.

When I entered politics a few years back, I never thought that I would become so enthused about economic principles about good, sound tax policy, but I have seen what tax policy can do over these last few years, that tax relief can create jobs. Tax relief can leverage a family's dollars, hard earned dollars in our economy so that we can have good, thriving businesses in all of our districts, large and small, rural and urban. We need a good sustainable farm bill that builds on the future, that uses our experiences from the past, Mr. Speaker, in realizing that we need to build our markets with our trading partners. And we can expect good, sound trade policy, not giving away everything, and so that we can help our energy markets, we can help our agriculture markets.

And especially I find it so exciting about the future when we see agriculture and energy coming together. I think we need to be careful when we talk about energy. As I was reading an article the other day, Time magazine, I had an article that said eating a T-bone steak is as egregious in our environment as driving a Hummer vehicle. I found that to be quite surprising, honestly. I certainly represent an area that probably contains more cattle than any other district in the United States. And I don't bring up this issue because of that, but I think that as we address our energy needs and looking to the feature, we need good commonsense policies.

□ 2300

And that is what I want to work on because I do care about the future. I care about entitlement reform. I care about a balanced budget so that we can encourage our coming generations to focus on the future, so that they can see even more opportunity and that their prosperity is not punished through bad tax policy.

Mr. McCARTHY of California. Congressman SMITH, I appreciate that. And you point out a very good point. During the Republican majority, we lowered taxes, and what happened? We heard from the Democrats that the world was going to collapse because we were going to let people keep the money they earned.

Revenues to the Treasury went up. Why? Because they invest it. More small business, more ownership. The stock market at an all-time high? Why? Because people got the independence. They actually invest and create jobs.

And that is what this House should be about, the power of the idea, the power of opportunity. Not to take. But in these first 100 days, the largest tax increase in history.

And I will tell you, as I walk these halls and I see these marble stairways, and you see as you walk that they are molded out by other feet that have walked before you, you think of how long a history that is. But just in the last 100 days history was broken. Why? Because this new Democrat majority went back to their old ways.

But they didn't just go back. They went further. They broke every record of every Democrat majority in the past. They raised taxes $400 billion. That is not a sound bite. That is exactly what happened on this floor, and that is what this is all about. That is what a quarterly report is about. Just like when I open the report card for Connor and Megan in my house, I want to know how my children are doing.

And as we end up here tonight and we close, Mr. Speaker, I would just like to hear the time report from the Members that are still with us. If we could just go around and they could give final statements just to sum up the first 100 days, this first quarter in this House of Congress.

I will yield to Congressman JORDAN.

Mr. JORDAN of Ohio. Mr. Speaker, again, I thank the gentleman for yielding.

And you talked about a $400 billion tax increase. I just come to the question, how many Americans think that government can spend money better than the private sector? How many Americans think that the government can spend money better than the small business owners in our communities? How many Americans think that government can spend that money better than the families that live in our districts and make this country great? That is the fundamental question.

And the gentleman from Nebraska was right on target when he talked about families. So often we get so focused on the numbers, the budgets, capital gains, dividends, tax rates, tax brackets, all this fancy political speak, and we forget in the end it is about people. It is about moms and dads having more money in their pockets to spend on piano lessons for Sally, soccer lessons for Johnny.

Saving for college is a huge thing. And I have got one in college, and I am paying them right now, writing those checks. That is what it is about. In the end, it is about families.

Jefferson had a great line. When you think about the size and scope of government, how big this government is going to grow under this proposal, Jefferson said, "When the people fear the government, there is tyranny. When the government fears the people, there is liberty."

Just ask yourself this question, as government begins to grow: If tomorrow you are at home and you get a knock at your door and you answer the door and the gentleman identifies himself and says, "I am from the IRS," is your first response, "Oh, joy, one of my public servants is here to help me today"? Of course it is not.

We have to understand that. If we want families to have the liberty and freedom they need to do what is best for their kids and their grandkids, we need to let them keep more of their money. And that is what our struggle is when we go forward, to try to make sure we can allow families to keep more of their money.

I know that is why I came to Congress and I know that is why the gentleman from California came to Congress and the gentleman from Michigan and the gentleman from Nebraska as well. So that is what we need to do, and that is what we are going to continue to do as we move forward.

Mr. McCARTHY of California. I thank you for your service. We will just hear the last bit from the Congressman from Michigan, Congressman WALBERG.

Mr. WALBERG. Mr. Speaker, I thank the gentleman from California for yielding and for putting this together.

And I would agree with my colleague from Ohio. And it is tough for a Michigander to agree with anyone from the Buckeye State. We have wonderful rivalries that go on. But he is absolutely correct. We are talking about the future. We are talking about our kids.

I have a grandson, Micah, that I want to invest for by leaving a country that he indeed can have invested in for himself from his parents and the opportunity for them to use their resources to provide for him and provide for others in the process.

I have become greatly concerned with the concept that we have heard from the other side of the aisle too often about investing in our great economy. And "investing" in their vernacular means tax increases, spending more of government dollars which, in fact, are taxpayers' dollars.

We need to get away from that and allow our taxpayers, the generator of the economy, of a small business, of the manufacturer, the entrepreneur to be able to invest in themselves to make this great country stand not on its government but stand on its independence, its freedom. Because, Mr. Speaker, I am sure you and I would agree on this, that our responsibility here, as Members of Congress, is to fight for and defend and continue the freedom of this great country. And that comes with the ability for people to invest, to save, to spend, to enjoy their property, to be responsible and experience the virtues of hard work, of loyalty, of faithfulness.

I believe Jonathan Witherspoon said, "A republic must either preserve its virtue or lose its liberty."

It is a virtue for this country to reward its citizens for being responsible. It is a virtue for this country to applaud people who work hard, who save, invest, who create the economy. And it is a virtue for that same group of people, our citizens, to say to a government, we respect you for leaving that responsibility to us. That is freedom.

And, Mr. Speaker, I am deeply, deeply indebted to the people of my district for giving me the privilege to fight for that very thing along with colleagues like you have heard tonight on this floor.

Mr. McCARTHY of California. Thank you, Congressman. We appreciate your principled belief to represent your constituents, those hardworking individuals from Michigan that are trying to create opportunity, trying to put their children through college, trying to have that home ownership, and at the same time taking care of their parents as they are getting older.

But this Congress says "no." They want to take money out of their pocket and pass the highest tax increase.

Congressman SMITH, if you could just sum up tonight on what you see the future holding.

Mr. SMITH of Nebraska. Mr. Speaker, although we are coming to an end to this time of discussion, I think that we all hope that promoting prosperity that has taken place over the last few years will not come to an end. And I want to very quickly point out that this is what is about to come to an end, even though it has been working, even though we have been creating jobs, even though the deficit has been cut in half actually. Despite many of these spending measures, the deficit has been cut in half over the last couple of years. But we are about to see an end to tax relief for the average family of four earning $40,000 a year of $2,052 in taxes. Taxes are going to go up.

The Republican budget focuses on promoting prosperity through the tax relief of $4,712 in average taxes paid by 27 million small businesses. These are small businesses. These aren't necessarily the wealthiest of the wealthy. These are common, everyday Americans working hard and growing our economy.

I hope that we can come back to a budget that promotes prosperity by keeping the death tax at zero through 2012, perhaps even beyond, because I believe that the government should not have the right to take 55 percent of an estate. That would be 55 percent of a ranch or a farm in my district, where we are encouraging young farmers and ranchers to engage in the business, to engage in the economy. And yet they would have to come up with cash to inherit the farm or ranch? Unconscionable.

I believe that we can do better. That is why I like to focus on the future and I like to focus on the future through building our economy with sound tax policy, availing capital to our entrepreneurs so that our entrepreneurs can be creative, can pursue innovation and grow jobs, becoming prosperous. And they will pay taxes. They will pay a fair amount of taxes all along the way. But let's not take too much of it and punish them.

Mr. McCARTHY of California. Well, Congressman SMITH, we appreciate your comments. And we come to a close tonight of the first quarterly report from the freshman Republicans. We will continue, Mr. Speaker, to bring this. We want to put people before politics. We want the people to know, Mr. Speaker, what happens on this floor. When they sit at home, we want them to know about the largest tax increase in history, $400 billion. We want them to know, as generation to generation, that someone who happens to be in my district who maybe wants to continue the ranch and someone passes away, that they have to sell half the ranch to just try to keep business the way it was, because government and this majority party wants to take 55 percent of it.

Mr. Speaker, we feel that is wrong, and that is why we want to tell it directly to the people.

We appreciate the time we have had, Mr. Speaker.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. PATRICK J. MURPHY of Pennsylvania). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 25 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House. And it is always good to definitely come down to the floor and not only have a good discussion with our colleagues on the other side of the aisle but also all general Members of the Congress.

And I must say that, as you know, those of us that are members of the 30-Something Working Group come to the floor with fact and not fiction about what is happening in this country.

I had the opportunity, Mr. Speaker, to join the Commandant of the Marine Corps tonight at his residence as we had a send-off dinner for the 15th Command Sergeant Major of the Marine Corps, the highest enlisted Marine. And I know, sir, that you would have loved to have been there. It was a joyous occasion, and we definitely commend those men and women that are in harm's way, and that even those that are stateside are prepared to do what they need to do on behalf of this great country of ours.

Mr. Speaker, there was some debate earlier today about the legislative action to put forth conferees on the emergency defense supplemental bill, the emergency bill, to make sure that we are able to meet the needs of our men and women in harm's way and also other emergencies in the country. And I think it is very important for the first time in the history of this war, as far as I am concerned, or in this whole war, that we have had an opportunity to have a discussion.

There was great debate going back and forth from the Democratic side to the Republican side and arguments with some folks saying within this Chamber, well, why do we have to have language in the bill that may tie the President's hands?

Well, I must say that in this bill, in this emergency supplemental defense bill, there is nothing tying the President's hands. The President is still commander in chief. The Congress still respects his authority. And I think it is important for everyone to understand that in this emergency supplemental bill, defense emergency supplemental bill, that it is important that Members understand that in this bill the requirements that are there are already requirements that are adopted by the Department of Defense as it relates to the time that National Guard and reservists and active duty Marines, sailors, airmen, seamen and -women, Coast Guard, you name it, are supposed to be in-state with their families or in-country with their families versus deployed. That is one thing.

The second thing is to make sure that they have the necessary equipment and resources that they need. Mr. MURTHA speaks constantly about being in a Stryker Brigade and what it takes in a Stryker. The driver, the commander, the gunner, others, you have to be trained in those positions, not just, hey, you come over here, we need you in that vehicle now. The kind of equipment that protects and saves lives is very, very important. And our work is not done; we are still having men and women in theater. When I say "in theater," I just want to break it down and make sure everyone understands those that are in Iraq and Afghanistan still dying.

☐ 2315

Last week, there was a great debate about other news issues that were out there; one here in the United States, major news story, and one in the Bahamas, major news story. Meanwhile, back here at the ranch and in Iraq, we had four Marines die on that very day. It was just a blip, and then back to the stories of conversation of that day or of that week. And being inoculated to the fact that we are losing those that volunteer to protect this country and serve this country is something that we cannot get used to and something that we cannot tolerate.

And so having conferees to even have a good discussion, a bipartisan discussion on what we should send to the President representing both sides of this Chamber, and the Senate doing the same thing that we have taken action today to do I think is good for the country. It is not good for Democrats, it is not in place for Republicans, it is good for the country and those that we are sending these dollars towards.

In the middle of that dinner, I left to come back to vote, to make sure that we are able to give the conferees instructions that the majority of the House wish to have given them. And not only the commandant, but Command Sergeant Major Estrada said, Sir, we don't want to stop you from doing what you need to do because our men and women need it. And I was glad to be able to cast a vote in the affirmative.

I think as we begin to look at the politics of the funding of the war and the politics of the discussion, I think we have to remember first we are Americans. We are both members of the Armed Services Committee. There are Members who are not on the Armed Services Committee, but on other defense-related committees and Homeland Security committees. We know that bipartisanship has to be paramount in those committees.

Mr. Speaker, I said in the last Congress, I will digress here for a moment, I said in the 109th Congress that bipartisanship can only be allowed when the majority allows it. And I think under the leadership that we have now and the votes that we have taken, Mr. Speaker, on major issues, it allows bipartisanship. That is not just what I am saying; that's what I know because the CONGRESSIONAL RECORD reflects that history or that track record, one may say, of how Republicans and Democrats have voted in a bipartisan way with the Democratic leadership allowing those bills to come to the floor, implementing all of the recommendations of 9/11 bill, raising the minimum wage, making sure that we deal with the issues of stem cell research, and also making sure that there are more affordable drugs for seniors, prescription drugs, and cutting student loans, bipartisan vote, creating long-term energy initiatives, bipartisan votes, Mr. Speaker.

So I am not down here talking about what may happen. I heard some of my colleagues on the other side talking about tax increases and everything. You know, that is fiction. I mean, with all due respect, that's fiction. What I do know, Mr. Speaker, because the only thing that the American people, the only thing that really works in my House is the record. And this is before the break, and this is not even now. As a matter of fact, this was through 3/26/2007. Even talking about the votes that we have taken here in Congress, the kind of votes that we have put forth, Mr. Speaker, we had to pass and we had to finish the work of the Republicans in the 109th Congress.

They didn't even pass all of the appropriations bills. We had to pass a continuing resolution to make sure that the government doesn't shut down, to say that we will put aside Member projects and priorities back home. And that is very important to all of us because why are we here? We are here to represent our individual districts, but we put America first. And we said we will pass a continuing resolution. As a matter of fact, while we're at it, we will put $3.2-plus billion in for veterans health care into the system. And guess what? The Walter Reed story broke 2 weeks after that.

I am so happy that the leadership was taken not only by our Appropriations Committee chairman, but by the leadership of this House. And we did it, and it was natural. And it wasn't political; it wasn't a reaction to something. It was the fact that we knew there was a major void there and we needed to correct it after amendment and amendment and the minority and the Republican Congress in last Congress.

So when I hear Members come to the floor and kind of say what sounds good to the American people, I just like to come with the facts, and the facts are this: as of 3/29 of this year, roll call votes, if you look at the 107th Congress. And Mr. Speaker, I want to break this down, when we say 107th Congress, that means 2 years of Congress; 108th Congress, 2 years of Congress. This is something that we call it the "do-nothing Congress" because many media outlets called it that because we spent more time doing nothing than here representing the American people.

At that time, as of 3/29 of 2007, at that time 2 years ago, there were only 90 roll call votes. Under the "new direction Congress," which is the 110th Congress, there has already been 189 roll call votes. This is when we are here to work, when we are here to have committee meetings, when we are here to hear from the experts, when we are here to hear exactly what America has to share with us.

One last point, and then I want to address one more issue, Mr. Speaker.

I think it is important, when we started talking about the budget, we need to take that very seriously because there has been a lot going on in the last 12 years and a lot going on since President Bush has taken the White House and had a "rubber stamp Congress," and those that said, well, you write it, we will pass it, without any questions and very few hearings. And now, Mr. Speaker, here in Washington, DC, we are having a lot of hearings, and it is benefiting the American people. It is not benefiting the Republican minority or benefiting the Democratic majority. It is benefiting this institution which we call the U.S. House of Representatives.

And I think it is very, very important that we allow Americans' dreams to come true. And many of their dreams are around good government, many of their dreams are around accountability, and many of their dreams are around making sure that the people they send to Washington, DC are watching out for their tax dollars and their investment.

I had a constituent visit me today, as a matter of fact, they were young constituents, and I had them in the gallery. They weren't even of the age of 10 yet, but they were happy to see their Congressman. And I was happy to take time. I canceled a couple of meetings and I took the personal time to make sure that those young Americans understood what this institution was all about. And they really appreciated it. They asked a lot of great questions, some that I told them I had to get back to them on. But being a father myself of young children, I know that children have some of the best minds that we have and we have to protect them. But they were asking serious questions not only about the war in Iraq, but about education and about the environment. And I think that is the reason why we have to put in the best service possible.

But let me just share something, since I am talking about children. I heard our colleague a few moments ago talking about the budget. And I can tell you, Mr. Speaker, if I could talk about the budget 23 hours of a 24-hour day, I would, because it needs to be talked about. And something needs to happen to it in the affirmative on behalf of the American people, and something has happened. It has happened in a way that I will assure you that those that run around and say, well, you know, your taxes are going up. Your taxes are not going up. I mean, I am going to tell you that right now. The bottom line is that we have accountability in this budget; we are going to work to take this deficit down.

And let me just talk about what is happening here. The interest payments on the debt, and this is 2008 budget, when we look at what we pay down on the debt, now you have to remember, 12 years of Republican control here in this House, 12 years of borrow-as-we-go. Mr. Speaker. And I think it is important that the Members understand, borrow-as-we-go, not pay-as-we-go, what we passed here on this floor in the majority with some Members of the Republican side, because I do say some of my colleagues on the Republican side first do understand that they represent their constituents, that someone woke up early Tuesday morning at about 7 a.m. to go cast a vote for representation, not casting a vote to be loyal to the Republican conference, and on this side, Democratic conference or what have you. But let's just make sure that we represent the people that we were sent up here to represent.

Let's just talk here for a minute what we pay on the interest rate on the debt. And this is in the billions. This is what we pay on the debt. That is a little bit over $200 billion. And I just want to point this out, Mr. Speaker, here in this light blue box here is education. You would assume this would be education. No, this is education. We actually have to pay down more on the debt because of the out-of-control debt. And we had surpluses as far as the eye can see after the Clinton administration, after the Democratic Congress, without one Republican vote, balanced the budget, and everyone made money and everyone had money just about. Welfare reform took place. States had dollars to be able to invest in areas, and some areas were able to give tax cuts to the American people in their State.

But, no, after that we decided, well, the majority, the Republican majority, decided to borrow all they could. And now they are upset because they can't borrow anymore. But this is what we are investing, well under $100 billion. Veterans, right there, below education, that is in the green. That is what we are investing in veterans health care. Not only health care, but veterans period as it relates to their benefits.

Homeland Security, down there in the purple, we are talking about protecting the homeland. That is what is invested in the homeland.

So you really have to look at this for what it's worth. And all of this is verified with third-party validators when we look at these numbers.

Mr. Speaker, where is the money coming from? Well, that is another good question. These are the dollars of what has happened under the amount of foreign-held debt, more than doubled under the Bush administration. Look at the numbers: here is 2001, 2002, 2003. Keep going. We are just borrowing money, foreign nations. We never owed this in the history of the Republic. I am not saying, well, this administration did it or that administration. In the history of the Republic since we have been a country, this has never happened.

And these numbers are in the billions. Someone may look at this and say, well, 1, 849, that's not bad for foreign debt. No. Why don't you try in the billions. And in 2005, up again. In 2006, up again. Foreign nations giving this country money to pay down on irresponsible spending, not worrying about it, but putting it on a high interest credit card.

This is my last chart on the debt. And I think, Mr. Speaker, this comes down to what I was talking about earlier when I said in the Democratic Congress without one Republican vote, and the Clinton administration, what took place. This surplus declined by $8.4 trillion under the President's policies. And we had a surplus of $5.6 trillion, and now we are under $2.8 trillion under the Republican policy.

So when we have Members come, and I encourage Members to come to the floor. I always say, Mr. Speaker, on both sides of the aisle that it is important that we have accurate information when we come to the floor. Take the time out and reflect, take a look at the CONGRESSIONAL RECORD, ask staff to pull together numbers and give you third-party validators. I think that's so very, very important.

This other chart makes it even clearer, Mr. Speaker. We love charts. I mean, the people that are in the chart business, I know they are happy because we love charts. But we had to break this down because we had to communicate with the Members. I don't want Members going back to their district saying, well, Ms. JOHNSON, if Ms. JOHNSON was to ask a Member of Congress, either he or she, well, why did you vote against such a thing that would decrease the debt that we have and no longer allow us to continue to borrow money? Why did you vote against something like that? Why would you vote against the emergency supplemental to send money to the troops? Why would you do these things?

I just want to make sure Members understand. I always share with Members, don't worry about what someone in this Chamber may say about your vote. You need to worry about what the people in your district will say about your vote when it comes down to these very, very important issues.

□ 2330

This even goes further, Mr. Speaker, and it really highlights the countries that we are borrowing this money from. Japan at the lead of the pack, this is in the billions. $644.3 billion. China. Think about it. China, $349.6 billion. China. Red China.

Now, what is going to happen when we get off a plane in China and start talking to the Chinese government about what they are doing to their currency, how they are using their currency against U.S. companies to be able to devalue their products so that they can sell it for a cheaper price and take away American jobs. And we go there with a great case. Meanwhile, while we are talking, I am pretty sure the Chinese government will be looking at the U.S. Government, including the President of the United States, and say, wait a minute, you owe me money. You are going to get off the plane and start telling me what to do? We are lending money to you. We are giving you money. We are giving you money because you mismanaged.

I am smiling while I am saying it, but is a sad testimony to the management of this country, and I think it is very, very important if we say we are patriots, we have to make sure those children, and I was walking around this Capitol today, can have their chest out even further out than I have my chest out being a Member of Congress and being in this country, without having other countries being able to say we own a piece of the American apple pie.

We want to make sure that everyone feels good about what is happening here. But I can tell you right now, we must, not "we should" or "we need to do," we must reverse this chart. We must no longer allow countries, and I am just talking about China, Taiwan, OPEC countries. Who are OPEC countries? They are countries that we have conflicts in right now. Iraq is an OPEC country. We have other countries that are of concern to this country that are OPEC countries.

I filled up my truck just the other day. $3.07 here in Washington, DC, leave alone other parts of the country. I hate to start getting e-mails about, that was cheap, Congressman.

So you have to think about these issues. We have only been here, we haven't even had 6 months to be able to manage this government, to be able to say let's have the discourse, to be able to say, well, it is important, Members, that we owe the American people the opportunity for a debate.

This is the first time that the President has actually had to negotiate. And we live in a democracy. Some people forgot.

Wait a minute. What do you mean they are sitting down at the White House to talk about the emergency supplemental? That just happened. What is the discussion? Then you have some Members coming down saying, how dare you disagree with the President?

The last time I checked, I was emancipated long ago, and I think it is important when George Washington's face at the top of the Rotunda, as his image looks down to the bottom of the Rotunda where you have a white dot here which is the center of this democracy, Washington, DC, we have to remember there are individuals that died, individuals that are in wheelchairs, that have allowed us to have the kind of platform to be able to have the discussion with the President of the United States and other Members of Congress about emergency supplementals, especially when we are in the fifth year of a conflict with over $500 billion of U.S. taxpayer money invested.

I have mayors coming to me and saying, Congressman, this is what I need in my district. Meanwhile, we are sitting here looking at discretionary spending, saying it is not there. We have two wars going on, and the President doesn't want us to ask any questions. Meanwhile, I have cities that have to have an office of accountability to respond to every Federal grant that they get. They have to check off more than the folks in Baghdad have to check off. Something is wrong.

So when we look at these issues, that is the reason why we are on the floor at this time of night, not only sharing with the Members, but also sharing with the American people. Regardless of your party affiliation, you must be concerned and focus on what is happening here in Washington, DC.

Yes, we are all tired, and, yes, we all have other things to do. But while we have this issue of accountability, making sure that we move in a new direction, like the American people have said, I think it is very, very important.

So I came down to the floor, Mr. Speaker, just for a moment, just to share with the Members that you have to pay very, very close attention to the debate and what is taking place.

Mr. Speaker, I want to thank the leadership for allowing me to have the opportunity to come to the floor. As you know, we always come to the floor, week after week, to share good information with the Members and the American people. It was a pleasure addressing the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Mr. HOYER) for today.

Mr. JONES of North Carolina (at the request of Mr. BOEHNER) for today from 3 p.m. and April 19 on account of personal reasons.

Mr. ROHRABACHER (at the request of Mr. BOEHNER) for today and the balance of the week on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. CONAWAY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION

A Concurrent Resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 28. Concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1132. An act to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, April 20, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1161. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of a draft bill entitled, "Prescription Drug User Fee Amendments of 2007"; to the Committee on Energy and Commerce.

1162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2006-25889; Directorate Identifier 2006-NM-168-AD; Amendment 39-14902; AD 2007-02-15] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1163. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes [Docket No. FAA-2006-25966; Directorate Identifier 2006-NM-149-AD; Amendment 39-14909; AD 2007-02-22] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 050 and F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2006-25219; Directorate Identifier 2005-NM-259-AD; Amendment 39-14907; AD 2007-02-20] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -300, and -300ER Series Airplanes [Docket No. FAA-2006-24891; Directorate Identifier 2006-NM-080-AD; Amendment 39-14910; AD 2007-02-23] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2006-25891; Directorate Identifier 2006-NM-186-AD; Amendment 39-14908; AD 2007-02-21] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No. FAA-2006-25205; Directorate Identifier 2006-NM-071-AD; Amendment 39-14905; AD 2007-02-18] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-605R Airplanes and Model A310-308, -324, and -325 Airplanes [Docket No. FAA-2006-26047; Directorate Identifier 2006-NM-146-AD; Amendment 39-14906; AD 2007-02-19] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2006-24410; Directorate Identifier 2005-NM-261-AD; Amendment 39-14911; AD 2007-02-24] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1170. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2006-25642; Directorate Identifier 2006-NM-121-AD; Amendment 39-14912; AD 2007-03-01] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1171. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2006-24496; Directorate Identifier 2005-NM-141-AD; Amendment 39-14914; AD 2007-03-03] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1172. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-26046; Directorate Identifier 2006-NM-172-AD; Amendment 39-14922; AD 2007-03-11] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1173. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes; Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R, F4-605R, F4-622R, and C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Airplanes [Docket No. 2003-NM-123-AD; Amendment 39-14920; AD 2007-03-09] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1174. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2B1 Turboshaft Engines [Docket No. FAA-2007-27009; Directorate Identifier 2007-NE-02-AD; Amendment 39-14925; AD 2007-03-14] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1175. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Limited PC-12 and PC-12/45 Airplanes [Docket No. FAA-2006-26371 Directorate Identifier 2006-CE-70-AD; Amendment 39-14917; AD 2007-03-06] (RIN: 2120-AA64) received April 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1176. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737 Airplanes [Docket No. FAA-2006-26323: Directorate Identifier 2006-NM-150-AD; Amendment 39-14918; AD 2007-03-07] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1177. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes [Docket No. FAA-2007-27174; Directorate Identifier 2007-CE-006-AD; Amendment 39-14944; AD 2007-04-12] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1178. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Makila 1A and 1A1 Turboshaft Engines [Docket No. FAA-2006-26570; Directorate Identifier 2006-NE-39-AD; Amendment 39-14931; AD 2007-03-20] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1179. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-25192; Directorate Identifier 2006-NM-004-AD; Amendment 39-14930; AD 2007-03-19] (RIN: 2120-AA64) received

April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1180. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd., PC-6 Series Airplanes [Docket No. FAA-2006-25929 Directorate Identifier 2006-CE-54-AD; Amendment 39-14919; AD 2007-03-08] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1181. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA TBM 700 Airplanes [Docket No. FAA-2006-26232 Directorate Identifier 2006-CE-62-AD; Amendment 39-14895; AD 2007-02-08] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1182. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls Royce Deutschland Ltd & Co KG Tay 611-8, Tay 620-15, Tay 650-15, and Tay 651-54 Series Turbofan Engines. [Docket No. FAA-2006-24777; Directorate Identifier 2006-NE-19-AD; Amendment 39-14913; AD 2007-03-02] (RIN 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1183. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DORNIER LUFTFAHRT GmbH Model 228-212 Airplanes [Docket No. FAA-2006-26597; Directorate Identifier 2006-CE-86-AD; Amendment 39-14900; AD 2007-02-13] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1184. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 900 and Falcon 900EX Airplanes [Docket No. FAA-2007-26920; Directorate Identifier 2006-NM-244-AD; Amendment 39-14897; AD 2007-02-10] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1185. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines. [Docket No. FAA-2006-24452; Directorate Identifier 2006-NE-11-AD; Amendment 39-14893; AD 2007-02-06] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1186. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Reims Aviation S.A. F406 Airplanes [Docket No. FAA-2006-26694; Directorate Identifier 2006-CE-91-AD; Amendment 39-14899; AD 2007-02-12] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1187. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2006-26050; Directorate Identifier 2006-NM-078-AD; Amendment 39-14890; AD 2007-02-03] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1188. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-100, -200, and -300 Series Airplanes [Docket No. FAA-2006-25904; Directorate Identifier 2006-NM-077-AD; Amendment 39-14883; AD 2007-01-11] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1189. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2006-25087; Directorate Identifier 2006-NM-053-AD; Amendment 39-14882; AD 2007-01-10] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1190. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2006-25328; Directorate Identifier 2006-NM-130-AD; Amendment 39-14880; AD 2007-01-08] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1191. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100B SUD, 747-200B, 747-300, 747-400, 747-400D, and 747SP Series Airplanes [Docket No. FAA-2006-25518; Directorate Identifier 2006-NM-092-AD; Amendment 39-14881; AD 2007-01-09] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1192. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes [Docket No. FAA-2007-26921; Directorate Identifier 2006-NM-247-AD; Amendment 39-14896; AD 2007-02-09] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1193. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines. [Docket No. FAA-2006-26091; Directorate Identifier 2006-NE-28-AD; Amendment 39-14904; AD 2007-02-17] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1194. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2004 Annual Report on the Child Support Enforcement Program in accordance with 452(a) of the Social Security Act; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. Supplemental report on H.R. 493. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment (Rept. 110-28, Pt. 4). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DAVIS of Alabama (for himself, Mr. BRADY of Texas, Mr. MCDERMOTT, Mr. GINGREY, Mr. BONNER, Mr. CRENSHAW, Mr. BOYD of Florida, Mr. REICHERT, Mr. BAIRD, Mrs. MCMORRIS RODGERS, Mr. SCOTT of Georgia, Mr. HASTINGS of Washington, Mr. JONES of North Carolina, and Mr. WALDEN of Oregon):

H.R. 1937. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains and to modernize certain provisions applicable to timber real estate investment trusts; to the Committee on Ways and Means.

By Mr. McGOVERN (for himself and Mrs. EMERSON):

H.R. 1938. A bill to reduce hunger in the United States; to the Committee on Agriculture.

By Mr. McKEON (for himself and Mr. CASTLE):

H.R. 1939. A bill to amend the Elementary and Secondary Education Act of 1965 to improve the Reading First program; to the Committee on Education and Labor.

By Mr. DEAL of Georgia (for himself, Mr. BILBRAY, and Mr. DANIEL E. LUNGREN of California):

H.R. 1940. A bill to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. ELLISON, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. LANGEVIN, Mr. LYNCH, and Mr. WALBERG):

H.R. 1941. A bill to adjust the immigration status of certain Liberian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey (for himself, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. WOLF, Mr. CULBERSON, and Mr. SOUDER):

H.R. 1942. A bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax on individuals by permitting the deduction for State and local taxes and to adjust the exemption amounts for inflation; to the Committee on Ways and Means.

By Ms. WATERS (for herself, Mr. CONYERS, Mr. SMITH of Texas, Mr. SCOTT of Virginia, Mr. FORBES, Ms. LEE, and Mrs. CHRISTENSEN):

H.R. 1943. A bill to provide for an effective HIV/AIDS program in Federal prisons; to the Committee on the Judiciary.

By Mr. ALTMIRE (for himself, Mr. FILNER, Mr. MICHAUD, Mr. MILLER of Florida, Mr. BOSWELL, Mr. BROWN of South Carolina, Ms. HERSETH SANDLIN, Mr. SMITH of New Jersey, Mr. DONNELLY, Mr. JONES of North Carolina, Mr. RODRIGUEZ, Mr. RAMSTAD, Mr. ELLSWORTH, Mr. HARE, Mr. ARCURI, Mr. CARNEY, Mr. PATRICK MURPHY of Pennsylvania, Mr. SPACE, Mr. KAGEN, Ms. CORRINE BROWN of Florida, Mr. ALLEN, Ms. BERKLEY, Mr. MCNERNEY, Mr. HALL of New York, Mr. KENNEDY, Ms. CASTOR, Ms.

SCHWARTZ, Mr. MAHONEY of Florida, Mrs. NAPOLITANO, Mr. RYAN of Ohio, Mr. MEEK of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. COURTNEY, and Mr. MURPHY of Connecticut):

H.R. 1944. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to screen certain veterans for symptoms of traumatic brain injury, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHAYS (for himself and Mr. HINCHEY):

H.R. 1945. A bill to improve the energy efficiency of the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Natural Resources, Transportation and Infrastructure, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONNER:

H.R. 1946. A bill to extend Federal recognition to the Mowa Band of Choctaw Indians of Alabama, and for other purposes; to the Committee on Natural Resources.

By Mrs. BOYDA of Kansas (for herself, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. TIAHRT, Mr. BLUMENAUER, Mr. CLEAVER, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Ms. HIRONO, Mr. FRANK of Massachusetts, and Mr. STARK):

H.R. 1947. A bill to promote public safety and improve the welfare of captive big cats, and for other purposes; to the Committee on Agriculture.

By Mr. CAPUANO (for himself, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. MCDERMOTT, Mr. CONYERS, Mr. MORAN of Virginia, Mr. DELAHUNT, Mr. COHEN, Mr. HASTINGS of Florida, and Mr. KENNEDY):

H.R. 1948. A bill to amend title 5, United States Code, to increase the amount of additional compensation payable to an employee who is disabled and requires the services of an attendant, and for other purposes; to the Committee on Education and Labor.

By Mr. COURTNEY (for himself and Mr. NEAL of Massachusetts):

H.R. 1949. A bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994, to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act; to the Committee on Natural Resources.

By Mrs. DAVIS of California (for herself, Mr. ISSA, Mr. HUNTER, Mr. BILBRAY, and Mr. FILNER):

H.R. 1950. A bill to amend title XIX of the Social Security Act to permit local public agencies to act as Medicaid enrollment brokers; to the Committee on Energy and Commerce.

By Mr. ELLSWORTH:

H.R. 1951. A bill to establish a mandatory system for employers to verify the employment eligibility of potential employees, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ (for himself, Mr. GINGREY, Ms. VELÁZQUEZ, and Mr. GENE GREEN of Texas):

H.R. 1952. A bill to amend title XI of the Social Security Act to achieve a national health information infrastructure, and to amend the Internal Revenue Code of 1986 to increase the deduction under section 179 for the purchase of qualified health care information technology by medical care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ (for himself and Mr. WEXLER):

H.R. 1953. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 1954. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribal governments to transfer the credit for electricity produced from renewable resources; to the Committee on Ways and Means.

By Ms. HARMAN (for herself and Mr. REICHERT):

H.R. 1955. A bill to prevent homegrown terrorism, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. GENE GREEN of Texas, and Ms. BALDWIN):

H.R. 1956. A bill to amend the Public Health Service Act to provide for the approval of similar biological products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. GILCHREST, and Mr. HINCHEY):

H.R. 1957. A bill to permanently prohibit oil and gas leasing in the North Aleutian Basin Planning Area, and for other purposes; to the Committee on Natural Resources.

By Ms. KAPTUR:

H.R. 1958. A bill to withdraw normal trade relations treatment from, and apply certain provisions of title IV of the Trade Act of 1974 to, the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 1959. A bill to amend the Internal Revenue Code of 1986 to permit interest on federally guaranteed water, wastewater, and essential community facilities loans to be tax exempt; to the Committee on Ways and Means.

By Mr. LYNCH (for himself and Mr. AL GREEN of Texas):

H.R. 1960. A bill to amend the Community Reinvestment Act of 1977 to allow community reinvestment credit for investments and other financial support to enable veterans to purchase residential homes or to assist organizations with the establishment of housing opportunities and assisted living facilities for veterans; to the Committee on Financial Services.

By Mr. MARKEY (for himself, Mr. BARTLETT of Maryland, Mr. LARSON of Connecticut, Ms. ESHOO, Ms. SOLIS, Mr. HALL of New York, Mr. MCDERMOTT, and Mr. OLVER):

H.R. 1961. A bill to address security risks posed by global climate change, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McCARTHY of New York (for herself and Mr. BISHOP of New York):

H.R. 1962. A bill to authorize the Secretary of Homeland Security to award competitive grants to units of local government for innovative programs that address expenses incurred in responding to the needs of undocumented immigrants; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MUSGRAVE:

H.R. 1963. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Natural Resources.

By Mr. NADLER (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ARCURI, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOUCHER, Mrs. CAPPS, Mr. COHEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. ELLISON, Mr. EMANUEL, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Ms. HARMAN, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. KUCINICH, Mr. LANTOS, Mr. LARSEN of Washington, Ms. LEE, Mr. LOEBSACK, Mrs. LOWEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mr. OLVER, Mr. PORTER, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SHAYS, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Ms. SUTTON, Mr. THOMPSON of California, Mr. TOWNS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 1964. A bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. POMEROY (for himself and Mr. LEWIS of Kentucky):

H.R. 1965. A bill to amend the Internal Revenue Code of 1986 to modify the credit to holders of clean renewable energy bonds; to the Committee on Ways and Means.

By Ms. PRYCE of Ohio:

H.R. 1966. A bill to fully exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students; to the Committee on Financial Services.

By Mr. ROSKAM (for himself and Mr. MARSHALL):

H.R. 1967. A bill to amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not share personal information with affiliates, and for other purposes; to the Committee on Financial Services.

By Ms. SOLIS (for herself and Mr. WYNN):

H.R. 1968. A bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women and children; to the Committee on Energy and Commerce.

By Mr. TERRY:

H.R. 1969. A bill to exempt from payment of individual contributions under the Montgomery GI Bill enlisted members of the Armed Forces in pay grade E-5 or below and to provide an opportunity for members of the Armed Forces serving on active duty to withdraw an election not to enroll in education benefits under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 1970. A bill to amend the Colorado River Storage Project Act and Public Law 87-483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes; to the Committee on Natural Resources.

By Mr. VAN HOLLEN (for himself, Mr. CASTLE, Ms. DELAURO, Mr. REGULA, and Mr. SARBANES):

H.R. 1971. A bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities; to the Committee on Education and Labor.

By Ms. VELÁZQUEZ (for herself, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. SERRANO, and Mrs. CHRISTENSEN):

H.R. 1972. A bill to amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WELDON of Florida (for himself, Mrs. MALONEY of New York, Mr. BURTON of Indiana, and Mr. SMITH of New Jersey):

H.R. 1973. A bill to improve vaccine safety research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WOLF (for himself, Mr. FORTENBERRY, Mr. MORAN of Virginia, Mr. MCGOVERN, Mr. UPTON, Mr. HAYES, Ms. JACKSON-LEE of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. AKIN, Mr. BURTON of Indiana, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. GARRETT of New Jersey, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Ms. NORTON, Mr. VAN HOLLEN, and Mr. HOYER):

H.R. 1974. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain combat zone compensation of civilian employees of the United States; to the Committee on Ways and Means.

By Mr. AKIN (for himself, Mr. CLAY, Mr. PASTOR, Mrs. CUBIN, Mr. GRAVES, and Mrs. EMERSON):

H. Con. Res. 120. Concurrent resolution expressing the sense of Congress that the Federal government and the people of the United States should honor the spirit of volunteerism and personal growth promoted by the Congressional Award Program; to the Committee on Education and Labor.

By Mr. COOPER (for himself and Mr. PORTER):

H. Con. Res. 121. Concurrent resolution recognizing the benefits and importance of school-based music education, and for other purposes; to the Committee on Education and Labor.

By Mrs. McCARTHY of New York (for herself, Mrs. MYRICK, and Mrs. CAPPS):

H. Res. 322. A resolution supporting the goals of National Infertility Awareness Week to raise awareness about the disease of infertility and the challenges men and women face in building a family, including protecting fertility, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EMANUEL:

H. Res. 323. A resolution electing Members to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. CARSON (for herself and Mr. LOEBSACK):

H. Res. 324. A resolution honoring the life and accomplishments of Kurt Vonnegut, Jr. and extending the condolences of the House of Representatives to his family on the occasion of his death; to the Committee on Oversight and Government Reform.

By Mr. STUPAK (for himself, Mr. ROGERS of Michigan, Mr. KILDEE, Mr. CONYERS, Mr. LEVIN, Ms. KILPATRICK, Mr. WALBERG, Mr. EHLERS, Mr. CAMP of Michigan, Mr. MCCOTTER, Mr. DINGELL, Mrs. MILLER of Michigan, Mr. HOEKSTRA, Mr. KNOLLENBERG, Mr. UPTON, Mr. WILSON of South Carolina, Mr. KANJORSKI, Mr. RAHALL, Mr. KAGEN, Mr. HOLDEN, Mr. CARNEY, Mr. DOYLE, Mr. KIND, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, and Mrs. EMERSON):

H. Res. 325. A resolution commending the Michigan State University Spartans for their victory in the 2007 NCAA Hockey Championship; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

15. The SPEAKER presented a memorial of the Legislature of the State of Kansas, relative to Senate Concurrent Resolution No. 1604 urging the Congress of the United States to allow interstate marketing of state inspected meat; to the Committee on Agriculture.

16. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 103 supporting the Sportsmen for Fish and Wildlife and urging the Congress of the United States to grant the appropriation request; to the Committee on Appropriations.

17. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 9 expresing full support for the United States troops participating in the War on Terror; to the Committee on Armed Services.

18. Also, a memorial of the Legislature of the State of West Virginia, relative to Senate Concurrent Resolution No. 32 requesting the Congress of the United States enact legislation to lower the retirement age for members of the National Guard to 55; to the Committee on Armed Services.

19. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 40 memorializing the Congress of the United States to invest in Head Start and quality child care; to the Committee on Education and Labor.

20. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6011 urging the United States Department of Energy to double the current capacity of the Strategic Petroleum Reserve by using storage sites existing and created within the State of Kansas; to the Committee on Energy and Commerce.

21. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 105 commending the Republic of China (Taiwan) for its close economic and business ties with the State of Idaho and urging the President of the United States and the Congress of the United States to extend the benefits of free trade by negotiating a free trade agreement between the United States and Taiwan; to the Committee on Foreign Affairs.

22. Also, a memorial of the House of Representatives of the State of Iowa, relative to House Resolution No. 25 honoring the life and accomplishments of Gerald Rudolph Ford, thirty-eighth President of the United States; to the Committee on Oversight and Government Reform.

23. Also, a memorial of the Legislature of the State of West Virginia, relative to Senate Concurrent Resolution No. 43 requesting the Congress of the United States erect a national monument to motherhood to be located in West Virginia, with special emphasis place on mothers whose children have served in the armed forces of the United States and especially those mothers whose children have given their lives in service to their country; to the Committee on Natural Resources.

24. Also, a memorial of the House of Representatives of the State of Vermont, relative to House Resolution No. 14 requesting that the Congress of the United States enact assured funding for veterans' health care; to the Committee on Veterans' Affairs.

25. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 10 memorializing the President of the United States and the Congress of the United States to increase funding for the Low Income Home Energy Assistance Program and to facilitate the establishment of programs that provide information about responsible energy use; jointly to the Committees on Energy and Commerce and Education and Labor.

26. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 107 supporting the goals of the Global Nuclear Energy Partnership; jointly to the Committees on Agriculture, Natural Resources, and Appropriations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. AL GREEN of Texas, Mr. FRANK of Massachusetts, Ms. SOLIS, Mrs. EMERSON, Mr. TOWNS, Mr. DAVIS of Alabama, Mr. CLAY, Ms. CLARKE, Mr. CLEAVER, Mr. CLYBURN, Mr. GONZALEZ, Mr. LEWIS of Georgia, Mr. RAHALL, Mr. PASTOR, Mr. BECERRA, Ms. LORETTA SANCHEZ of California, Mr. BOSWELL, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, Mr. WYNN, Ms. KILPATRICK, Ms. VELÁZQUEZ, Mr.

SERRANO, Mr. JOHNSON of Georgia, Ms. WASSERMAN SCHULTZ, Mrs. MCCARTHY of New York, Mr. GUTIERREZ, Mr. GENE GREEN of Texas, Mr. ELLISON, Mr. REYES, Mr. DONNELLY, Mr. JEFFERSON, Mr. SKELTON, Ms. LEE, and Mr. THOMPSON of Mississippi.

H.R. 39: Mr. OBEY.

H.R. 65: Mr. MITCHELL.

H.R. 77: Mr. PAUL and Mr. HENSARLING.

H.R. 109: Mr. BURGESS.

H.R. 154: Mr. UPTON.

H.R. 174: Mr. MCDERMOTT and Mr. HINOJOSA.

H.R. 180: Mr. ETHERIDGE, Mr. MURPHY of Connecticut, and Ms. SUTTON.

H.R. 197: Mr. LATHAM and Mr. YOUNG of Alaska.

H.R. 297: Mr. BISHOP of New York and Mr. ENGEL.

H.R. 315: Mr. HELLER.

H.R. 322: Mr. WELDON of Florida, Mr. WALBERG, Mr. WAMP, Mr. ALEXANDER, Mr. PRICE of Georgia, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. GARRETT of New Jersey, Mr. WICKER, Mr. HENSARLING, Mr. TIAHRT, Mr. PEARCE, Mrs. MYRICK, Mr. HAYES, Mr. LEWIS of Kentucky, and Mr. BROWN of South Carolina.

H.R. 381: Mr. KIND and Ms. CARSON.

H.R. 402: Mr. RAHALL.

H.R. 465: Ms. BORDALLO.

H.R. 471: Mr. JOHNSON of Illinois, Mr. CANNON, Ms. JACKSON-LEE of Texas, Mr. BAKER, Mr. WELLER, Mr. PORTER, Mr. EHLERS, Mr. DAVIS of Kentucky, Mr. JONES of North Carolina, Mr. SMITH of Texas, Mr. CARDOZA, and Mr. ORTIZ.

H.R. 500: Mr. BARRETT of South Carolina.

H.R. 507: Ms. BALDWIN, Mr. BUTTERFIELD, and Mr. LATOURETTE.

H.R. 553: Mr. WALBERG, Mr. ROTHMAN, Ms. BALDWIN, and Mr. JACKSON of Illinois.

H.R. 562: Mr. MELANCON and Mr. KILDEE.

H.R. 579: Mr. PERLMUTTER, Mr. GONZALEZ, Ms. DELAURO, and Mr. PORTER.

H.R. 612: Mr. BURTON of Indiana and Mrs. GILLIBRAND.

H.R. 618: Mrs. SCHMIDT.

H.R. 621: Ms. ZOE LOFGREN of California and Mr. BOUSTANY.

H.R. 627: Mr. SPACE.

H.R. 643: Mr. GOODE, Mr. BACHUS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LAHOOD, Mr. ENGEL, Mr. ABERCROMBIE, and Mr. MANZULLO.

H.R. 685: Mr. PRICE of North Carolina, Mr. FOSSELLA, Ms. ESHOO, Ms. SUTTON, Mr. LAMPSON, and Ms. NORTON.

H.R. 689: Mr. HALL of Texas.

H.R. 695: Mr. PASTOR.

H.R. 697: Mr. JORDAN, Mr. KING of Iowa, and Mr. BARTLETT of Maryland.

H.R. 719: Mr. REHBERG, Ms. GINNY BROWN-WAITE of Florida, Mr. SESSIONS, Mr. TAYLOR, Mr. MCINTYRE, Mr. TOWNS, Mr. KUHL of New York, Mr. MCNERNEY, and Mr. KAGEN.

H.R. 729: Mr. KILDEE.

H.R. 782: Mr. BRALEY of Iowa, Mr. CARNEY, Mr. TAYLOR, and Mr. BARRETT of South Carolina.

H.R. 840: Mr. JACKSON of Illinois and Mr. LEWIS of Kentucky.

H.R. 871: Mr. CUMMINGS.

H.R. 891: Mr. MCNULTY, Mr. PASCRELL, Ms. CARSON, and Mr. UDALL of Colorado.

H.R. 901: Mr. WYNN.

H.R. 916: Mr. KENNEDY, Mr. WAMP, Mr. LANTOS, and Mr. YOUNG of Florida.

H.R. 964: Mr. MCHUGH and Mr. MCNERNEY.

H.R. 970: Mr. HALL of Texas.

H.R. 971: Mr. SPACE, and Mr. COURTNEY.

H.R. 989: Mr. SHAYS and Mr. MARCHANT.

H.R. 1022: Ms. HARMAN and Mr. HOLT.

H.R. 1023: Mr. GERLACH, Mr. LINCOLN DAVIS of Tennessee, Mr. BARTLETT of Maryland, Mr. ISSA, Mr. DAVID DAVIS of Tennessee, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1026: Mr. KIND.

H.R. 1029: Mr. DUNCAN, Mr. BRALEY of Iowa, and Mr. DAVID DAVIS of Tennessee.

H.R. 1034: Mr. ANDREWS.

H.R. 1041: Mr. MCHUGH.

H.R. 1071: Mr. LANTOS.

H.R. 1073: Mr. PETERSON of Minnesota, Mr. BURTON of Indiana, Mr. ENGLISH of Pennsylvania, and Mr. HINOJOSA.

H.R. 1092: Mr. CARNEY and Mr. KLEIN of Florida.

H.R. 1103: Mr. MCDERMOTT, Ms. CARSON, Ms. WATSON, Mr. NADLER, Ms. CORRINE BROWN of Florida, and Mr. JACKSON of Illinois.

H.R. 1104: Mr. KUCINICH.

H.R. 1108: Ms. SUTTON and Mr. FARR.

H.R. 1115: Mr. PASTOR.

H.R. 1121: Mr. GARRETT of New Jersey.

H.R. 1154: Mr. NEUGEBAUER, Mr. CONYERS, and Mr. HENSARLING.

H.R. 1177: Mr. GOODE.

H.R. 1222: Ms. WOOLSEY, Mr. BILIRAKIS, Mr. MCCOTTER, and Mr. LAHOOD.

H.R. 1223: Mr. BILIRAKIS and Mr. MCCOTTER.

H.R. 1225: Mr. BERMAN.

H.R. 1230: Mr. JONES of North Carolina, Mr. CARDOZA, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Ms. SLAUGHTER, Mrs. JONES of Ohio, Mrs. MCCARTHY of New York, and Mr. LINDER,

H.R. 1236: Mr. PAYNE, Mr. BERMAN, Mr. WU, Mr. BOSWELL, and Mr. PRICE of North Carolina.

H.R. 1239: Mr. BURTON of Indiana.

H.R. 1245: Mr. CASTLE and Mr. ANDREWS.

H.R. 1267: Mr. ENGEL and Mr. WHITFIELD.

H.R. 1280: Mr. UDALL of Colorado and Ms. HIRONO.

H.R. 1282: Mr. ABERCROMBIE and Mr. MORAN of Virginia.

H.R. 1314: Mr. KING of New York and Mr. SHADEGG.

H.R. 1325: Ms. BERKLEY and Mr. KAGEN.

H.R. 1330: Ms. BERKLEY.

H.R. 1331: Mr. ALLEN, Ms. BERKLEY, Mr. BOSWELL, Ms. DELAURO, Mr. FATTAH, Mr. HINCHEY, Mr. HINOJOSA, Mr. JACKSON of Illinois, Mr. MARKEY, Mr. MCCOTTER, Mr. MEEKS of New York, Mr. BRADY of Pennsylvania, Mr. RUSH, and Mr. STARK,

H.R. 1332: Mrs. MALONEY of New York and Mr. LIPINSKI.

H.R. 1335: Mr. BROWN of South Carolina, Mr. CLYBURN, and Mr. SPRATT,

H.R. 1343: Mr. BARROW, Mr. INSLEE, Mr. BOSWELL, Mr. UPTON, Ms. BALDWIN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WOOLSEY, Mrs. GILLIBRAND, Mr. MELANCON, Mr. LATHAM, Ms. GRANGER, and Mr. CANNON.

H.R. 1350: Mr. SENSENBRENNER.

H.R. 1366: Mr. TANCREDO, Mrs. BONO, and Mr. MCCARTHY of California.

H.R. 1379: Ms. ESHOO.

H.R. 1391: Mr. BERMAN.

H.R. 1395: Mr. PAUL.

H.R. 1399: Mr. BISHOP of Georgia.

H.R. 1407: Mr. PAUL.

H.R. 1419: Mrs. CAPITO, Mr. ABERCROMBIE, Mrs. CAPPS, Mr. KILDEE, Mr. BONNER, Mrs. TAUSCHER, and Mr. WALBERG.

H.R. 1431: Mr. BOOZMAN.

H.R. 1439: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. BISHOP of Georgia.

H.R. 1440: Mr. BOSWELL.

H.R. 1441: Mr. ACKERMAN and Ms. CARSON.

H.R. 1459: Mr. MANZULLO.

H.R. 1464: Mr. UDALL of Colorado and Ms. BORDALLO.

H.R. 1470: Mr. PAUL, Mr. BOSWELL, Mr. LOEBSACK, and Mr. BILIRAKIS.

H.R. 1471: Mr. PAUL.

H.R. 1479: Mr. FARR and Ms. JACKSON-LEE of Texas.

H.R. 1481: Mr. LEWIS of Kentucky, Mr. REYES, Mrs. JO ANN DAVIS of Virginia, and Mr. ETHERIDGE.

H.R. 1501: Mr. HINOJOSA.

H.R. 1522: Mr. MORAN of Virginia, Mr. MCCOTTER, and Mr. STARK.

H.R. 1524: Mr. UDALL of New Mexico, Mr. WAXMAN, and Ms. MCCOLLUM of Minnesota.

H.R. 1546: Mr. FILNER.

H.R. 1553: Ms. MATSUI and Mr. UPTON.

H.R. 1582: Mrs. NAPOLITANO.

H.R. 1584: Mr. PLATTS, Mr. KILDEE, Mr. TIAHRT, Mr. BACHUS, Mr. TOM DAVIS of Virginia, Ms. HOOLEY, Ms. CARSON, Mr. MCCOTTER, Mr. WELCH of Vermont, Mr. BLUMENAUER, Mr. DEFAZIO, and Mr. SPACE.

H.R. 1589: Mr. DEFAZIO, Ms. CARSON, Mr. BOOZMAN, Mr. EDWARDS, Mr. MILLER of Florida, Mr. CRENSHAW, and Mr. BURTON of Indiana.

H.R. 1590: Mr. ANDREWS.

H.R. 1593: Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. ENGLISH of Pennsylvania, Mr. FILNER, Mr. CONAWAY, Mr. KUCINICH, Ms. ZOE LOFGREN of California, Mr. MCCOTTER, Ms. MILLENDER-MCDONALD, Mr. PLATTS, Mr. SERRANO, Ms. SOLIS, Mr. WATT, Mr. ROGERS of Michigan, Mr. RUSH, Mr. WELCH of Vermont, Ms. SUTTON, and Mr. WOLF.

H.R. 1594: Mr. KANJORSKI, Ms. SCHWARTZ, and Mr. BILIRAKIS.

H.R. 1595: Mr. GALLEGLY.

H.R. 1610: Mr. KILDEE.

H.R. 1619: Mr. KNOLLENBERG and Mr. EHLERS.

H.R. 1638: Mr. SMITH of New Jersey, Mr. BISHOP of New York, and Mr. SIRES.

H.R. 1645: Mr. BISHOP of New York.

H.R. 1649: Mrs. BOYDA of Kansas and Mrs. MUSGRAVE.

H.R. 1653: Ms. BALDWIN, Mr. HOLT, and Mr. SMITH of Washington.

H.R. 1665: Mr. LINCOLN DAVIS of Tennessee, Ms. MCCOLLUM of Minnesota, and Ms. BALDWIN.

H.R. 1674: Mr. BROWN of South Carolina.

H.R. 1689: Mr. MCKEON and Ms. WATSON.

H.R. 1700: Ms. BERKLEY, Mr. NADLER, Mr. REYES, Mr. ELLISON, Mr. LATOURETTE, Mr. CONYERS, Mr. SCHIFF, Mr. RYAN of Ohio, Mr. ANDREWS, Mr. STUPAK, Mr. REICHERT, Mr. RAMSTAD, Mr. HIGGINS, and Ms. BORDALLO.

H.R. 1702: Mr. FARR and Ms. MOORE of Wisconsin.

H.R. 1709: Mr. KUHL of New York and Ms. WOOLSEY.

H.R. 1711: Mr. CONYERS.

H.R. 1713: Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. BERMAN, and Mr. OLVER.

H.R. 1728: Ms. SOLIS and Mr. HINCHEY.

H.R. 1741: Mr. DAVIS of Illinois.

H.R. 1747: Ms. SLAUGHTER.

H.R. 1756: Mrs. MYRICK, Mrs. JO ANN DAVIS of Virginia, Mr. CARNEY, Mr. FRANKS of Arizona, and Mr. DOOLITTLE.

H.R. 1764: Mr. COSTA, Mr. WAMP, and Mr. RANGEL.

H.R. 1766: Mr. FORBES and Mr. BARTLETT of Maryland.

H.R. 1767: Ms. HOOLEY, Mr. HENSARLING, Mr. TOWNS, Mr. PRICE of North Carolina, Mr. SHERMAN, Mr. TERRY, Mr. GOODE, Mr. BURGESS, Mr. LAHOOD, Mr. HASTINGS of Florida, Mr. WAMP, Mr. MOORE of Kansas, Mr. HULSHOF, Mr. PUTNAM, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1773: Mr. LINCOLN DAVIS of Tennessee, Mrs. EMERSON, and Mrs. MILLER of Michigan.

H.R. 1781: Mr. DAVIS of Alabama, Mr. DELAHUNT, and Ms. SHEA-PORTER.

H.R. 1809: Mr. YOUNG of Florida.

H.R. 1823: Mr. PLATTS.

H.R. 1834: Ms. BORDALLO.

H.R. 1840: Mr. LEWIS of Georgia, Mrs. MCCARTHY of New York, Ms. ZOE LOFGREN of California, and Mr. COLE of Oklahoma.

H.R. 1841: Ms. BALDWIN.

H.R. 1845: Mr. LATOURETTE and Mrs. TAUSCHER.

H.R. 1871: Mr. MCGOVERN and Mr. POE.

H.R. 1880: Mr. CONYERS.

H.R. 1926: Mr. HIGGINS, Mr. SHIMKUS, Mr. SIRES, Mr. MCNULTY, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. ROSS, Mr. ABERCROMBIE, Ms. JACKSON-LEE of Texas, and Mr. OBERSTAR.

H.J. Res. 12: Mr. YOUNG of Florida.

H. Con. Res. 7: Mr. ACKERMAN, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, Mr. HIGGINS, Mrs. MALONEY of New York, Mr. HINCHEY, Mr. WEXLER, Mr. MURPHY of Connecticut, Mr. SHIMKUS, Mr. MANZULLO, and Ms. SUTTON.

H. Con. Res. 40: Mr. LATOURETTE, Mr. MARSHALL, Mr. FRANKS of Arizona, and Mr. HUNTER.

H. Con. Res. 55: Ms. WATSON.

H. Con. Res. 81: Mr. WAXMAN and Mr. RANGEL.

H. Con. Res. 83: Mr. MCCOTTER.

H. Con. Res. 94: Mr. WAXMAN.

H. Con. Res. 95: Mr. GORDON, Mr. GRIJALVA, Mr. HOLT, and Ms. SOLIS.

H. Con. Res. 96: Mr. BAIRD, Ms. MCCOLLUM of Minnesota, and Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 114: Mr. SCOTT of Virginia, Mr. WATT, Ms. JACKSON-LEE of Texas, Ms. MOORE of Wisconsin, Mr. LEWIS of Georgia, Mr. RUSH, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, Mr. ELLISON, Ms. LEE, Ms. CLARKE, Mr. PAYNE, Ms. WATSON, Ms. KILPATRICK, and Mr. CLAY.

H. Con. Res. 117: Mr. BROWN of South Carolina, Mr. SKELTON, Mr. CULBERSON, Mr. TAYLOR, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, Mr. MCCOTTER, Mr. DUNCAN, Mr. LAHOOD, Mr. PLATTS, Mr. MCHUGH, Mr. SHAYS, and Mr. BILBRAY.

H. Res. 18: Mr. CAMPBELL of California.

H. Res. 55: Ms. ZOE LOFGREN of California.

H. Res. 100: Mr. JACKSON of Illinois and Ms. BEAN.

H. Res. 101: Ms. BERKLEY.

H. Res. 106: Mr. BISHOP of New York, Mr. TANCREDO, and Mr. BRALEY of Iowa.

H. Res. 111: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 118: Mr. GUTIERREZ.

H. Res. 123: Mr. KELLER.

H. Res. 132: Mr. GONZALEZ and Ms. NORTON.

H. Res. 154: Mr. RAHALL.

H. Res. 194: Ms. BORDALLO.

H. Res. 227: Mr. BLUMENAUER.

H. Res. 243: Mr. PITTS.

H. Res. 245: Ms. JACKSON-LEE of Texas, Mr. AL GREEN of Texas, and Mr. STARK.

H. Res. 264: Mr. ARCURI and Mr. RANGEL.

H. Res. 272: Mr. WU, Mr. JOHNSON of Georgia, Ms. MILLENDER-MCDONALD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. CLYBURN, Mr. MEEK of Florida, and Ms. CASTOR.

H. Res. 282: Ms. HIRONO, Ms. LORETTA SANCHEZ of California, Ms. BERKLEY, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. BACA, Mrs. TAUSCHER, Ms. CORRINE BROWN of Florida, Mr. HINCHEY, Mr. DINGELL, and Mr. BECERRA.

H. Res. 287: Ms. JACKSON-LEE of Texas, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MEEK of Florida.

H. Res. 292: Ms. BORDALLO.

H. Res. 303: Mr. ORTIZ.

H. Res. 307: Ms. MATSUI, Mr. RUSH, Mr. KUCINICH, Mr. PAYNE, Mr. DAVIS of Alabama, Mr. GUTIERREZ, Mrs. JONES of Ohio, Mr. HINCHEY, Ms. KILPATRICK, Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Ms. LORETTA SANCHEZ of California, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Ms. WATSON, Mrs. JO ANN DAVIS of Virginia, and Mr. CONYERS.

H. Res. 314: Mr. FERGUSON, Mr. GOHMERT, and Mr. TOWNS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative GORDON or a designee to H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1593: Mr. JONES of North Carolina.

EXTENSIONS OF REMARKS

TRIBUTE TO FLORINE MARK

HON. SANDER M. LEVIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 19, 2007

Mr. LEVIN. Madam Speaker, it is with great pride and admiration that I rise to congratulate Florine Mark on being a recipient of the Jewish Community Center of Metropolitan Detroit's Jewish Community Boneh Kehillah Award. It is my privilege to applaud Ms. Mark as a deserving community member and friend for her many years of entrepreneurship, community service, and civil activism on a day when she is being acknowledged for her vast achievements.

As President and Chairman of the Board of The WW Group, Inc., Ms. Mark displays a keen business sense and devotion to promoting the physical and mental well-being of her fellow citizens, a commitment that she has worked diligenty to nurture and expand for over 30 years.

In addition to her successful business career, Ms. Mark displays a devotion to the community at large and a gracious heart through her insight and support of local and national organizations on women's issues, healthy lifestyles, and the preservation of our rich cultural heritage. The American Heart Association, Detroit Institute for Children, Detroit Renaissance and Seeds of Peace are just a few of the many organizations that have benefited from her involvement.

Beyond her role as a business leader and pillar of the community, Ms. Mark is also the proud mother of 5 children and 19 grandchildren who share a bond of giving and receiving to each other, their neighbors and community.

I am honored to express my gratitude and admiration to Ms. Mark for the profound impact she has on the lives of men and women around the country and her impact on the Metro-Detroit Community. She truly exemplifies "Boneh Kehilla".

Madam Speaker, I ask my colleagues to join me in recognizing Ms. Mark on this momentous occasion. May she know of our admiration and warmest wishes for continued success.

HOLOCAUST REMEMBRANCE DAY—YOM HASHOAH

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to commemorate Yom HaShoah, Holocaust Remembrance Day. I join the Jewish communities of my district in Brooklyn, the entire American Jewish community, and the State of Israel in recognizing this barbaric chapter of world history.

Over 60 years ago, the Nazi regime in Germany began the wholesale slaughter of the European Jewry. This occurred with little public outrage in the United States and the international community. The world, as well the American government under President Franklin Delano Roosevelt, refused to act to save European Jewry and that silence undoubtedly contributed to the death of six million Jews, a million of whom were children.

When we hear the number six million, we shudder. The enormity of that number is paralyzing. Merely trying to count to six million would take months. Imagining the Nazi death machine executing so many human beings is daunting. Particularly for those of us who have not survived the Holocaust, absorbing the reality of that destruction from survivors is so essential to passing on the history of the Holocaust.

The moving museums and heart wrenching memorials dedicated to the Holocaust across the United States are vital in educating today's youth about the horrors of the Holocaust, and I want to commend all organizations and groups that are committed to this important work. It is additionally critical that European countries preserve the glaring remnants of the Holocaust that still exist today. Whether they are death camps, mass gravesites, cemeteries, synagogues or other holy sites from pre-Holocaust Europe, European governments have an obligation to preserve those sites for future generations. Sadly, numerous European countries including Lithuania, Ukraine and Romania have on occasion shirked their responsibilities in this regard.

While we remember the absolute devastation the Holocaust wrought on the Jewish community, we also mark the strength of those who heroically resisted the Nazis including those who fought in the Warsaw Ghetto Uprising and at the Sobibor extermination camp.

I am privileged to represent a large but dwindling population of Holocaust survivors in my district. Many of these survivors rebuilt their lives with nothing more than the shirt on their back. Today, based on the strong foundations of those Holocaust survivors, the beautiful Jewish communities of Williamsburg, Midwood and Canarsie have flourished. These communities represent the best of Jewish life and have been instrumental in resurrecting religious life in the aftermath of the Holocaust by creating synagogues, yeshivas, and other religious institutions.

Madam Speaker, I would like to take this opportunity to recognize the efforts of organizations that have taken extraordinary steps in servicing and caring for the Holocaust survivor population in my district: The Metropolitan Council on Jewish Poverty; The United Jewish Organizations of Williamsburg; The Council of Jewish Organizations of Flatbush; The Jewish Community Council of Canarsie; The Conference of Jewish Material Claims Against Germany; Peasch Tikvah and all the Bikkur Cholim organizations. Their selfless work for Holocaust survivors continues to serve as an inspiration to me and I am honored to recognize their hard work.

Madam Speaker, I join my colleagues here today in remembering the Holocaust. Though there are still Holocaust deniers today, it is imperative that we never forget.

TRIBUTE TO THE TUCKER HIGH SCHOOL BOYS BASKETBALL TEAM

HON. HENRY C. "HANK" JOHNSON, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 19, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, only a few schools excel in competition on a State level that ignites a community.

Under the leadership and guidance of Coach James Hartry, the Tucker High School Boys Basketball team has won a State Championship for the school, the city of Tucker and our beloved Fourth Congressional District.

These Tenacious Tigers of Tucker have demonstrated the will to win, the courage to win, the mechanics of teamwork and the astounding spirit of triumph from a mental and physical battle.

The 9th day of March, 2007 will go down in history as the day that our Tucker High School Boys Basketball team became the AAAA Champions of Georgia.

The team exhibited great moral character on and off the basketball court through the halls of Tucker High.

I was pleased to set aside March 31, 2007, to honor and recognize the Tucker High School Basketball Team for its victory for our District.

TRIBUTE TO MARK D. LERNER, VICE PRESIDENT OF THE ANNETTE M. AND THEODORE N. LERNER FAMILY FOUNDATION

HON. CHRIS VAN HOLLEN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 19, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to pay tribute to Mark D. Lerner, Vice President of The Annette M. and Theodore N. Lerner Family Foundation, who will receive the "Chadesh Yameinu" (which means 'renewing our days' in Hebrew) Award from the Charles E. Smith Jewish Day School of Rockville, Maryland, where Mr. Lerner has served as a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

board member and is a proud alumni parent. Mr. Lerner's vision of community service and his unswerving dedication to seeding tomorrow's leaders by supporting their education today made him an ideal recipient for this prestigious award.

Mark D. Lerner is a principal of Lerner Enterprises, the estate development, management, and investment company founded by his father, Theodore N. Lerner, more than 50 years ago. In 2006, along with his father and brothers-in-law, Mark became a principal owner of Major League Baseball's Washington Nationals, in large part because of a "family model" of ownership lauded by Major League Baseball as the ideal way to ensure continuity and growth, both for the team and for the greater Washington community. Mark believes in a vision of athletics as a catalyst for civic renewal and that vision extends to his many other professional business interests.

Mark's dedication to community service is illustrated by his impressive record of volunteerism and philanthropy, whether serving as a valued board member or participating in the daily life of institutions fighting for the causes he champions. As Vice President of The Annette M. and Theodore N. Lerner Family Foundation, he provides generous support to Jewish organizations in the fields of higher education, community-building, religious life, and tolerance. Pairing his investment in strengthening Jewish communal life with his passion for athletics, he has co-chaired the JCC Maccabi Games of Greater Washington and continues to seek out opportunities to foster community through sport.

Mark Lerner has displayed an unwavering commitment to the Charles E. Smith Jewish Day School throughout his years of involvement as a parent, alumni parent, and steadfast supporter. He chaired the Building Committee of Operation Excellence, the CESJDS campaign for the construction of the state-of-the-art Lower and Upper School campuses. Until recently, he also was a member of the Board of Directors and chaired the Building and Grounds Committee. His expertise in the area of real estate management has guided the school's expansion and ensured that its students are equipped to thrive in a space that nourishes their love of learning.

CESJDS honors a distinguished member of our community every year with the "Chadesh Yameinu" Award. With a name drawn from a Hebrew prayer that refers to "renewing our days," the Chadesh Yameinu Award expresses the school's appreciation for the recipient's contribution to the institution's continued vitality and, by extension, to the promise of a bright Jewish tomorrow.

Madam Speaker, I ask my colleagues to join me in paying tribute to Mark D. Lerner, whose commitment to Jewish education and his leadership in community service and philanthropy serve as a shining example to future generations.

HONORING BENTON COWLES

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to Benton Cowles, a remarkable public servant and friend from my home State of Kentucky. Mr. Cowles recently announced his intention to retire as the Edmonson County Property Valuation Administrator after 21 years of service.

Benton Cowles has served the Edmonson County community for the past three decades; first as Deputy PVA and then as PVA, a position he has held for the past 21 years. Mr. Cowles' father had also held this important role in the local government.

Benton Cowles and his wife Teresa raised their family in Brownsville and have remained deeply invested in the Edmonson County Community. Outside his role in the local government, Mr. Cowles has spent time as a member of the Chamber of Commerce, the Brownsville Education Site based decision making council, and has volunteered with the Boy Scouts of America. He has also served as a damage coordinator for the Edmonson County Department of Emergency Management.

On behalf of the countless men and women who have benefited from his skill and generosity, I would like to express my profound appreciation to Mr. Cowles for his years of service and wish him a happy and healthy retirement.

It is my privilege to recognize Mr. Benton Cowles today, before the entire U.S. House of Representatives, for his exemplary citizenship and community leadership. His unique contributions to the Edmonson County community make him an outstanding American, worthy of our collective honor and respect.

CONGRATULATING THE EMPLOYEES OF HOLCIM IN THEODORE, AL ON RECEIVING THE 2006 COUNCIL OF STATE GOVERNMENTS ASSOCIATES AWARD FOR CORPORATE CITIZENSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. BONNER. Madam Speaker, today I rise to honor the Holcim cement plant in Theodore, Alabama, for winning the Council of State Governments (CSG) Associates award for outstanding corporate citizenship.

The CSG Associates award recognizes those who have shown great dedication in service to their communities. The nominations for the award are submitted by state officials from across the country, and the CSG leadership then chooses a winner. The 156 employees of the Holcim Theodore plant were honored with this prestigious award for their service to the Theodore community—and surrounding areas—in the aftermath of Hurricane Katrina.

There are two specific efforts of the employees of the Theodore plant that were highlighted by the award. First, Holcim played a key role in rebuilding the Bayou La Batre Rural Health Clinic. This clinic, serving mostly the less fortunate, was destroyed by Hurricane Katrina and then, only days before its reopening, was ravaged by a fire. With the help of other local industries, Holcim led fundraising efforts to rebuild the clinic, contributing $50,000 of the $120,000 raised.

Holcim also sponsored two students from Morehouse School of Medicine in Atlanta as temporary summer staff at the clinic.

Second, the CSG Associates recognized Holcim for its efforts towards rebuilding new homes in Theodore for those who were displaced by Hurricane Katrina. Joining with Habitat for Humanity, Holcim donated concrete for 11 new homes, while Holcim employees volunteered their time and effort to build the new homes.

Holcim's honors, however, do not stop with the CSG Associates award. They have received honors not only at the local level but also the national level. Recently, the Theodore plant won the Environmental Performance award from the Portland Cement Association. Additionally, Dow Jones Sustainability Index named Holcim as "Leader of Industry," and for four years, Holcim has been noted in the Dow Jones Sustainability World Index and the Dow Jones STOXX Sustainability Index in Europe.

Holcim (US) Inc. is one of the Nation's leading manufacturers and suppliers of cement and mineral components. With 14 manufacturing plants and over 70 distribution facilities in the United States, the Holcim Theodore plant is a shining star in Holcim's corporate constellation.

Madam Speaker, I ask my colleagues to join with me in congratulating the Holcim cement plant in Theodore, Alabama, for all of their great accomplishments. I know the plant manager, Joe McFalls, the employees, their friends, families, and members of the community join with me in praising Holcim for their many accomplishments, and I extend thanks for their continued service to Mobile County and the First Congressional District.

TRIBUTE TO THE UNIVERSITY OF WISCONSIN WHITEWATER WHEELCHAIR BASKETBALL TEAM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. BALDWIN. Madam Speaker, I rise today in recognition of the University of Wisconsin-Whitewater Wheelchair Basketball team, who—in a stunning display of athleticism and courage, captured the 2007 National Intercollegiate Wheelchair Basketball Championship.

Led by Coach Tracy Chynoweth, the Warhawks capped an extraordinary season by defeating the Fighting Scots of Edinboro University to win their fourth national championship in 5 years. UW-Whitewater coiled a 28-2 season record, with a conference record of 18-0.

The Warhawks were led by freshman standout Joe Chambers, who averaged 15 points and 10 rebounds this season and registered 23 points and 12 rebounds in the championship game. His play was complemented by National Play-of-the-Year Matt Scott, who averaged 14.5 points per game, including 14 points and 9 rebounds against Edinboro. "It's an honor to be a part of this team," said Chambers. "We clicked on all cylinders and played like a band of brothers." The Warhawks are favored to return to the National Title game next year as they lose only one player from this year's championship team.

Winning the title in front of 1,750 fans, the Warhawks brought tremendous victory home to the great state of Wisconsin and established their dominance as the premiere wheelchair basketball program in the country. I sincerely congratulate the University of Wisconsin-Whitewater Wheelchair Basketball team for their remarkable achievements and wish them the best of luck in their quest to repeat as National Champions.

RECOGNIZING YOM HASHOAH, HOLOCAUST MARTYRS' AND HEROES' REMEMBRANCE DAY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. MEEK of Florida. Madam Speaker, I rise today to join my colleagues and my constituents in solemn recognition of Yom Hashoah, or Holocaust Martyrs' and Heroes' Remembrance Day; a special day where we mourn the millions of Jews who perished at the hands of the Nazis.

This day has special significance for Jews, the main target of Nazi atrocities. I represent many constituents who are Holocaust survivors and many more that lost friends, relatives and loved ones. We mourn their loss; honor their memory; and unite in opposition to acts of bigotry and intolerance.

We also pause to remember the innocent people of Darfur. The mass killings, acts of rape, and displacement of innocent civilians occurring daily in Darfur is unconscionable and must end. This is a moment in human history when the poignant expression "Never Again" must be repeated over and over again, coupled with real action to end this tragic period of human suffering.

This year, as we commemorate Holocaust Martyrs' and Heroes' Remembrance Day on Capitol Hill, we pause to remember one Holocaust survivor, Professor Liviu Librescu, who was tragically killed on the campus of Virginia Tech protecting his students from a gunman who murdered 32 innocent people.

His death occurred on Monday, April 16, the day Israelis commemorated Yom Hashoah.

A native of Romania, Liviu Librescu survived the Holocaust, endured years of communist oppression in Eastern Europe, immigrated to Israel in 1978 and then relocated to the United States where he taught engineering science and mathematics.

Before the tragedy at Virginia Tech, Professor Librescu was known as a passionate, world class educator who dedicated his life to teaching students. Now, he will also be remembered as the hero who saved lives by blocking a doorway from an oncoming killer, allowing students to escape to safety. Professor Librescu sacrificed his life, so that others may live. His selfless action in the face of such terrifying danger epitomizes the heroism and courage that defined Liviu Librescu's life.

May the memory of Liviu Librescu, the six million Jews who perished in the Holocaust, and the victims of genocide in Darfur be blessed for all eternity.

RECOGNITION OF SUPERINTENDENT PAUL VRANISH

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. RODRIGUEZ. Madam Speaker, I rise here today to pay tribute to a great educator: Mr. Paul Vranish, Superintendent for Tomillo Independent School District. The Texas Education Agency named Mr. Vranish the Communities in Schools Superintendent of the Year.

Mr. Vranish became the Superintendent of Tomillo ISD in June 2002. He was recognized for his part in his "Parent Chats" program which encourages better communication between the community and the school district.

Along with increasing dialogue between the district officials and the public, Mr. Vranish has also worked to bring his students and community the information and technology they need to excel in the world by providing increased computer access and free high-speed internet access to Tomillo, a small Texas town near the Mexico border.

Mr. Varnish is a dedicated educator who has done much to provide a quality education for his students and community. I wish to congratulate Mr. Vranish for receiving the Communities in Schools Superintendent of the Year from the Texas Education Agency.

TRIBUTE TO WILLIAM CLAY FORD, JR.

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. LEVIN. Madam Speaker, I rise to congratulate William Clay Ford, Jr., on being a recipient of the Jewish Community Center of Metropolitan Detroit's "City of Detroit" Boneh Kehillah Award. Mr. Ford displays an unwavering devotion, as a business and community leader, to the people and the company that help define Detroit as the Motor City. It is my privilege to acknowledge Mr. Ford for his exemplary commitment to the growth of 21st century innovation and ushering in a renewed sense of community and pride to the citizens of Metro Detroit.

Among the many titles Mr. Ford has held throughout his career with Ford Motor Company, he is most notably recognized for serving as the President and CEO of Ford Motor Company and for his continuing role as executive chairman of the board of directors. Mr. Ford is a proven leader in the automotive industry and a conscientious environmentalist, a combination that allows him to promote technology that improves our lives while investing in Michigan's economic future and preserving our planet.

Mr. Ford displays a commitment to the spread of ideas and humanitarianism that reach far beyond the walls of the boardroom. He humbly utilizes his resources to give back to the community and takes an active role in organizations that promote regional economic revitalization such as Detroit Renaissance and the Detroit Economic Club. Mr. Ford inherited a name that is easily identified with Detroit, but it is his actions and personal convictions that ultimately define him as a spirited leader in our community.

I am honored to express my gratitude and admiration to Mr. Ford. He truly exemplifies "Boneh Kehillah" through his on-going efforts to foster a bold plan for the future of Metro Detroit and its workers.

Madam Speaker, I ask my colleagues to join me in recognizing Mr. Ford on this momentous occasion. May he know of our admiration and warmest wishes for continued success.

TRIBUTE TO BOB KEEGAN

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. JOHNSON of Georgia. Madam Speaker, after nearly 33 years of service with the Centers for Disease Control (CDC), Bob Keegan, deputy director of the Global Immunization Division, retired on March 30, 2007. Bob spent the first 11 years of his career in STD control, first as a public health advisor in Newark, NJ, and New York City; as STD regional training instructor in Atlanta; as deputy to Marty Goldberg in Houston, TX; and finally as the STD education specialist in Atlanta.

From 1985 to 1990, Bob coordinated CDC's Refugee Health Activities in Southeast Asia, helping to assure that refugees from Vietnam, Cambodia, and Laos were immunized and treated for communicable diseases.

In 1991, Bob joined the newly formed Polio Eradication Activity, which had a staff of six and an annual budget of $3 million. Since that time, the Activity has grown to become the Global Immunization Division, GID, with a staff of 100, and an annual budget of more than $140 million. GID has expanded to include measles mortality reduction and regional elimination, and routine immunization strengthening. As the deputy director of GID, Bob has helped CDC become a major force in the global polio eradication initiative. Bob is a recipient of the William C. Watson Jr. Medal of Excellence, Public Health Advisor of the Year Award from the Watsonian Society, the Philip Home Award from NIP, and the CDC Foundation Heroes Award.

Bob worked closely with the CDC Foundation, CDC colleagues, Rotary International, and partners to help establish the Polio Eradication Heroes Fund. This fund honors those injured or killed while working on vaccination campaigns with recognition and a cash award for their families. Bob also helped the CDC Foundation establish the Endowment for Global Health Priorities, providing a flexible funding source for essential services and equipment for CDC's global health activities. This endowment has been especially useful to support activities in the field.

Although not part of his official duties, Bob is the developer and administrator of CDC Chatter.net, an unofficial blog for CDC employees.

Bob is known as an innovative leader, a superb manager and creative trainer, and, at times, a rabble-rouser. He has served as an informal mentor to many and has gained deep respect and friendship from colleagues around the world. Not quite ready to put his feet up, Bob plans to ride his recumbent tricycle across the United States this summer before joining Gloria, his wife, in London where she will continue her career in school counseling.

I congratulate him on his achievements.

INTRODUCTION OF THE TEACH FOR AMERICA ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to introduce the Teach for America Act and to ensure that this important program gets the Federal support it needs to expand and put more outstanding recent college graduates in our Nation's underserved schools. I thank my bipartisan cosponsors, Congressman CASTLE, Congresswoman DELAURO, Congressman REGULA, and Congressman SARBANES, for their work on this issue.

Teach for America is a national corps of college graduates of all academic majors who commit two years to teach in public schools. Since its creation in 1990, more than 12,000 exceptional individuals have joined Teach for America and directly impacted the lives of over 2 million students in under-resourced schools across the country.

What's more, when these teachers leave the program, they often continue to work in education and public service. Sixty-three percent of Teach for America alumni remain in education as teachers, principals, school founders, and policy advisors. Others pursue work in fields such as law, medicine, and social work where they continue to increase opportunities for children living in low-income communities.

Madam Speaker, 17 years of experience have proven that Teach for America is a program that works. We in Congress have supported this program in the past. Our bill would cement our partnership with this important initiative by making Teach for America a federally-authorized program. It would help Teach for American expand its recruitment, selection, training, and support of new teachers. It would put more enthusiastic, outstanding teachers in high-need schools. And it would help the program build new leaders in education and public service.

I urge my colleagues to join me to pass the Teach for America Act. Let's help this exceptional and proven program expand its reach and reduce teacher shortages in the areas where their services are so desperately needed.

HONORING CAMPBELLSVILLE UNIVERSITY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to congratulate Campbellsville University on the occasion of its Centennial Celebration.

Founded in 1906 as the Russell Creek Academy, Campbellsville University's origins were concentrated on primary, secondary, teacher and pastor training. The following year, the academy added classes in music, art and a diploma program that included Greek, modern languages, algebra, and ancient history. Over the last 100 years, Campbellsville University has grown to over 2,200 students with 40 undergraduate programs and 9 graduate programs.

Throughout its first century, Campbellsville University has firmly established itself as a leading institution of Higher Christian Education in Kentucky, across the country, and in far corners of the world. The long tenure and continued success of the university is due in large part to an impressive fidelity to its mission: academic excellence solidly grounded in the liberal arts, personal growth, integrity, and fellowship.

I am honored to represent Campbellsville University in the United States Congress. The university exemplifies Christian Service through its consistent leadership in community affairs throughout the region. When new challenges arise in surrounding communities, Campbellsville University is always first to face the task and work toward solutions.

It is my great privilege to recognize Campbellsville University today before the entire U.S. House of Representatives for 100 years of excellence, producing generations of talented, service-minded citizens who continue to make significant contributions to our world.

HONORING HOLOCAUST REMEMBRANCE DAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. SCHAKOWSKY. Madam Speaker, before I begin my remarks, I would like to take a moment to send my prayers and condolences to the entire Virginia Tech community. The Nation and world are mourning with you. The United States Congress stands at your side.

As today is Holocaust Remembrance Day, I would like to extend special recognition to one of the 32 victims of this unbelievable catastrophe. Liviu Librescu, 76 at the time of his death, had known tragedy since childhood. When Romania joined forces with Nazi Germany in World War II, the young Librescu was interned in a labor camp, and then sent along with his family and thousands of other Jews to a central ghetto in the city of Focsani. Hundreds of thousands of Romanian Jews were killed by the collaborationist regime during the war, yet Liviu Librescu survived.

Liviu Librescu was an internationally respected aeronautics engineer and a lecturer at Virginia Tech for 20 years. He saved the lives of several students by blocking the gunman before he was gunned down in the shooting.

I know that Professor Librescu would join me in expressing solidarity with Jews across this Nation and around the world in honoring Holocaust Remembrance Day, or as it is known in Hebrew, Yom HaShoah.

My district, the 9th Congressional District of Illinois, is home to the largest concentration of survivors in the State of Illinois and perhaps in the country, and this day holds deep meaning for those individuals and the entire community.

Recent events in the Middle East and around the world underscore the importance of this day. Anti-Semitic and anti-Israel rhetoric and demonstrations continue in numerous countries. The Iranian President, Mahmoud Ahmadinejad, has threatened to use nuclear weapons to wipe Israel off the face of the map.

With anti-Semitism on the rise, we must be reminded that "Never Again" is not a guarantee, but a pledge that we must uphold through education, dialogue, and determination. It also reminds us that we must continue to strengthen the U.S. commitment to the security of Israel. Moreover, we must redouble our efforts to bring lasting peace to the Middle East.

"Never Again" means that we must combat hate wherever it exists. While the Holocaust was a unique incident, a genocide is taking place right in front of our eyes in the Darfur region of Sudan. In February 2006 I traveled to Darfur where President Bush and the U.S. Congress have officially acknowledged' 'genocide" is taking place. The conflict has spilled across international borders and hundreds of thousands have fled into Chad. The window to provide security and hope is narrowing. According to the Commander of the African Union forces who briefed the participants of my Congressional Delegation in Darfur, "There is no sense of urgency outside."

As a Jew, I cannot sit idle while these atrocities continue to unfold in Darfur. The lessons from the Holocaust have taught us that we must never turn a blind eye to terror or discrimination. We must demand that our government hold those who carry out acts of needless brutality accountable. I believe that everyone should take a moment today to consider the role of the U.S. in the prevention and prosecution of genocide.

The Holocaust was the most horrific human atrocity the world saw during the last century and perhaps in the history of the planet. Millions of Jews and others were brutalized, raped, beaten, dehumanized, enslaved, robbed, and murdered. While it is hard to grasp how terrible those events must have been, what all of our children, and we must do is to listen to the stories of those few remaining survivors of the Holocaust and ensure that their stories and their suffering are a permanent part of history.

Today we honor and mourn those who perished. We vow to live our lives in a way that pays tribute to their memory and ensures others will not suffer their fate.

IN HONOR AND IN MEMORY OF ARMY SPECIALIST ROBERT MATTHEW McDOWELL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. BONNER. Madam Speaker, I rise today to honor the life of a brave, young man who recently made the ultimate sacrifice in defense of his country while helping to spread freedom abroad.

Army SPC Robert Matthew McDowell, a young man whose family lives in Mobile, was on his second tour of duty in Iraq. He served as a military policeman and was based at Fort Drum, New York, with the Army's 10th Mountain Division.

Matt recently returned to Iraq after being on leave for the birth of his son, Nathan Matthew McDowell. One of the last photos made of Matt was of him holding his newborn baby boy in his proud, loving arms. It is a photo that, no doubt, young Nathan Matthew will look back on with great pride in the years to come.

Unfortunately, Matt was serving as the gunner on a heavy-duty Army vehicle on patrol in Baghdad—a very dangerous assignment—when insurgents detonated an improvised explosive device.

Madam Speaker, at this difficult time, it is only appropriate for us to pause and give thanks to God that there are still young men like Matt McDowell.

His life and actions personify the very best America has to offer. I know his many friends and family, as well as his comrades in the United States Army, while mourning the loss of this fine young man, are also taking this opportunity to remember his many accomplishments and to recall the fine gift they each received simply from knowing him and having him as an integral part of their lives.

Madam Speaker, I urge my colleagues to take a moment and pay tribute to SPC Matt McDowell and his selfless devotion to not only our country and the freedom we enjoy but to a people who are in the demanding but important stages of a new life—a new freedom—in their own land.

We should also remember his wife, Daniella McDowell; his daughter, Madison McDowell, his son, Nathan McDowell; his father and stepmother, Kim and LaDonna McDowell; his mother, Kathy Jo Kallahan; his brother, Michael McDowell; his four stepbrothers, Neal Dickman, Andy Dickman, Tyler Dickman, and Grant Dickman; and his other relatives and many friends. Our prayer is that God will give them the strength and courage that only He can provide to sustain them during the difficult days ahead.

Madam Speaker, Matt's daughter, Madison, recently wrote a poem about her Dad. With your permission, I would like to add it into the CONGRESSIONAL RECORD:

My Daddy's not your average Dad
He's different from the rest
He wears a special uniform
He has medals upon his chest

My Daddy's not your average Dad
He's a HERO in the Army
Although I don't see him much
His love always surrounds me

My Daddy's not your average Dad
He's in a special place
He watches me from heaven
With a smile upon his face

My Daddy's not your average Dad
He is always here with me
He holds my hand when I go outside
Although no one else can see

My Daddy's not your average Dad
He fought for me and you
I'm so very proud of you Dad
And I love and miss you too!

I love you Daddy,
Madison McDowell (Roswell, NM)

Madam Speaker, it was Joseph Campbell who said, "A hero is someone who has given his or her life to something bigger than oneself."

Make no mistake, Army SPC Robert Mathew McDowell was not only a dedicated soldier who made the ultimate sacrifice serving in the uniform of his country, but he was also a true American hero. May he rest in peace.

RECOGNIZING THE INDEPENDENT INSURANCE AGENTS & BROKERS OF NEW YORK ON ITS 125TH ANNIVERSARY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. REYNOLDS. Madam Speaker, it is with great pleasure that I rise to recognize the Independent Insurance Agents & Brokers of New York on the occasion of its 125th Anniversary.

This year, the Independent Insurance Agents & Brokers of New York, or IIABNY, will celebrate its 125th year of existence. IIABNY is very proud of the constant commitment its members have made to their communities. The theme of this 125th anniversary is "IIABNY members committed to their communities for 125 years."

IIABNY was founded in Buffalo in the year 1882 as a voice for New York's independent insurance agents. After a few name and location changes, IIABNY settled in Dewitt, a suburb of Syracuse, NY. As the oldest and largest state association for independent insurance agents and brokers, IIABNY represents nearly 1,900 agencies and their nearly 20,000 employees throughout New York State.

Many leaders at the national association, the Independent Insurance Agents and Brokers of America (IIABA), have originated in New York. In 1898, Mr. C.H. Woodworth, from Buffalo, New York, was the second IIABA president. He is considered by many to be the "father of the association." Through the years, six New York members have served as the national president. Four New Yorkers have been honored with the Woodworth Memorial Award, which is bestowed upon an individual who has performed special, meritorious, and outstanding service on behalf of the independent agency system and IIABA members everywhere.

The mission of IIABNY, working in the public's best interest, is to advance the performance and success of independent insurance agencies and brokerages in New York. Starting with the landmark 1904 "Yonkers Case," clearly establishing agents" ownership of expirations, advocacy efforts have been undertaken and continue today on behalf of independent insurance agents and brokers as well as small business owners.

IIABNY has evolved as member needs have changed. IIABNY draws on vast experience from the past, strength and respect in the present, and foresight for the future of the independent agency system. Agents and brokers have come to rely on the association to be their advocate on many fronts. IIABNY clearly has an impressive history and they continue today as the voice of independent agents and brokers.

Madam Speaker, I ask that this honorable body join me in celebrating the 125th Anniversary of the Independent Insurance Agents & Brokers of New York.

INTRODUCTION OF THE FEDERAL EMPLOYEE COMBAT ZONE TAX PARITY ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. WOLF. Madam Speaker, today I am reintroducing the Federal Employee Combat Zone Tax Parity Act, which would provide parity by extending the tax credit currently received by military personnel to the civilian federal employees working alongside them.

It is only fair that both military and civilian employees who are serving side by side receive the same tax treatment. In fact, even contract employees can get a tax break through the foreign earned investment tax credit, but federal employees are specifically exempted from that tax credit.

As a former federal employee, I am keenly aware of the invaluable contributions federal employees make to our country. I believe we must ensure that our federal workforce is treated with fairness and respect.

The Pentagon stated in the proposed regulations for the new National Security Personnel System that "NSPS is essential to the department's efforts to create an environment in which the total force, uniformed personnel and civilians, think and operates as one cohesive unit." What kind of message does it send to civilian employees if they receive disparate tax status from their military colleagues?

Just as military personnel, federal employees serving in combat zones must leave their families behind and this can increase the financial burdens on families. Families with two working parents suddenly have only one parent able to care for the needs of the family. Military personnel in combat zones were given a tax credit back in 1913 to help alleviate their tax burden, but federal employees were left out.

Since 9/11 it has become ever more vital to have a thriving civil service participating in our efforts to fight the war on terrorism. Now more than ever in our nation's history we must take action that reflects the contributions both our civilian and military employees are making—in the war on terrorism and as well as the daily operations of the federal government in providing the services upon which every American relies.

Federal employees are on the front lines of the war against terror.

The first American to die in Afghanistan was a CIA agent from my district.

Federal employees are in Iraq helping the Iraqi people to build a free nation.

Throughout the world, America's civil servants are serving our government and our people, often in dangerous locations.

How can we tell them we will not give them a fair and equitable tax credit that recognizes their hard work, dedication, and sacrifice?

We are asking federal employees to take on more and more responsibility every day. They are on the ground in the war on terrorism taking over new roles to relieve military personnel of tasks civilian employees can perform. They are all playing a vital role in keeping us safe and deserve to be treated with respect and fairness.

We have a long tradition in the Congress of recognizing the valuable contributions of our federal employees in both the military service and in the civil service by providing fair and equitable treatment. This is not the time to shirk our duty to the civil service.

I urge my colleagues to join me in support of the Federal Employee Combat Zone Tax Parity Act.

TRIBUTE TO PURPLE HEART RECIPIENT EDGAR WILTON CARR

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor the late Edgar Wilton Carr, a native of Essex, Ohio who served in the U.S. Air Force during World War II. Assigned as an Aerial Gunner with the 453rd Bombardment Group 8th, Mr. Carr bravely encountered dangerous and life-threatening events during his time in the Air Force.

As a pilot during the attack on Germany in 1944, Mr. Carr participated in the first night's bombing of Berlin. In one mission over Germany, his plane was shot down and he was forced to parachute from the damaged plane. The jump was so dangerous that part of his face and both his hands suffered severe freezing from the air temperature and altitude. Another time Mr. Carr was taken as a prisoner of war and spent fifteen months in a German prison camp.

While the mental and physical injuries he suffered in the fight against the Axis powers were great and stayed with him throughout his life, Mr. Carr always maintained a positive outlook and shared his great sense of humor with everyone he met. This light-hearted attitude made such an impression on his family that even after his passing they tell stories about him with pride and with the comment, "That's my father."

As General George Patton once said, "Wars may be fought with weapons, but they are won by men." The soldiers of World War II will always be remembered as the greatest generation, a generation that gave so much for our country. Mr. Carr was no exception and will continue to be remembered as a defender of freedom.

Madam Speaker, veterans like Edgar Wilton Carr should be recognized for their service to our nation and for their commitment and sacrifices in battle. I am honored to present Mr. Carr's family with his long overdue Purple Heart. All Floridians should know that we truly consider him one of America's heroes.

IN HONOR OF THE 2007 CENTENNIAL CELEBRATION OF UPS

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mrs. TAUSCHER. Madam Speaker, I rise with the support of my colleagues, Hon. ANNA G. ESHOO, Hon. BARBARA LEE, Hon. MIKE HONDA, Hon. LYNN WOOLSEY, Hon. GEORGE MILLER, Hon. TOM LANTOS, Hon. ZOE LOFGREN, Hon. MIKE THOMPSON, and Hon. PETE STARK, of California, in the House of Representatives—to recognize UPS for their 100 years of service to our communities.

In 1907 in a small basement in Seattle, Washington, two young entrepreneurs set out in search of the American dream. They built that dream on the principles of providing the best service at the lowest possible cost while always being committed to reliability, courtesy, neatness and high ethical standards. One hundred years later, the commitment to those values has not wavered and that small basement company has become the largest package delivery company in the world. It is our privilege to commend UPS for 100 years of unparalleled service.

The four major themes of the UPS centennial celebration, transformation, culture, service, and responsibility underscore the commitment of UPS to its customers, employees and stockholders.

The transformation from a small basement messenger company to the world's largest package delivery company is a testament to UPS's successful business strategies. This longevity is evidence of UPS's constant focus on the future amidst the ever changing workplace.

UPS's culture of integrity, innovation, and responsibility has fostered a respected reputation worldwide. The commitment to these principles has been instrumental in earning the trust of its valued customers.

At the core of UPS's success lies its unparalleled service to our communities. Through its commitment to its customers and its valued workforce, UPS has demonstrated its dedication to our local communities.

While a strong profitable company is the goal of any business, UPS has proven its commitment to responsible business leadership. From its partnerships with local community groups to its environmental awareness, UPS has successfully demonstrated what it takes to be a responsible, strong, and profitable business.

Through each of these themes, UPS has reaffirmed its commitment to its customers, employees and stockholders. We all wish UPS continued success in the future and hope that their second hundred years of service will be as dynamic as the first.

HONORING THE BRAVERY AND SACRIFICE OF RYAN A. BISHOP

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. MARCHANT. Madam Speaker, it has been said that a hero is someone who understands the degree of responsibility that comes with their freedom. Specialist Ryan A. Bishop, 32 years old, certainly understood that degree of responsibility.

Ryan enlisted in the United States Army out of a sense of service and duty to his country. As his wife of two years Melanie Bishop explained, "He believed deeply in what he was doing, and he just wanted to do his part." The freedom we enjoy as Americans is due in large part to the patriotism of such humble citizens throughout our history.

On April 14, 2007, Ryan was dismounted on combat patrol in Baghdad when his unit came under the attack of an improvised explosive device. Ryan pushed forward with his fellow soldiers as they searched for insurgents, terrorists, and others who seek to deny Iraq democracy. On that day, our nation lost a genuine hero.

Ryan graduated in 1996 from Tyler Junior College and also attended Marshall High School where he was a member of the 1990 state championship football team.

He will be missed by a loving family and a nation forever grateful for his service and humbled by his sacrifice.

TRIBUTE TO MRS. JEAN MARIE SLOUGH McINTOSH, MOTHER OF FORMER U.S. HOUSE REPRESENTATIVE DAVID M. McINTOSH

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. PENCE. Madam Speaker, I rise today to honor one of the great mothers of Indiana, Mrs. Jean Marie Slough McIntosh, the late mother of former Representative David McIntosh of Indiana, my predecessor. Mrs. McIntosh dedicated her life to the service of others as a nurse and judge, but more importantly as a mother and faithful wife.

Jean McIntosh was born on December 20, 1925 in Bourbon, a small town just off the beaten path of US Highway 30 in northern Indiana. She graduated from Bourbon High School as the Class of 1943 valedictorian. Mrs. McIntosh then moved to Chicago where she studied nursing at the Methodist Hospital School of Nursing. After completing her training in nursing, she moved to San Francisco, California where she met and married Norman Benjamin and started their family of four children. After the death of her husband in 1964, Mrs. McIntosh returned to Indiana where she remarried and raised her family in Kendallville, Indiana.

While in Kendallville, Mrs. McIntosh compassionately served her community as a nurse, and then as a two-term Kendallville City Judge beginning in 1971. After moving to Charlestown, SC in 1981, she completed her nursing career at the Psychiatric Institute of University Medical Hospital. She also taught English as a Second Language courses at Our Lady of Mercy Church.

Mrs. McIntosh is survived by two brothers, Robert Slough and James Slough; two daughters, Beth Vanderbeck and Liliane Heller; and two sons, former Congressman David McIntosh and Malcolm McIntosh.

Mrs. McIntosh left a legacy of service and compassion, and through her son, David McIntosh, served the residents of the Sixth District of Indiana. Thank you, Mrs. McIntosh, for the strong foundation of service that you laid as a faithful wife, mother, nurse, and judge. Our thoughts and prayers are with the family and friends of the late Jean Marie Slough McIntosh.

COMMEMORATING HOLOCAUST REMEMBRANCE DAY AND REFLECTING UPON THE GENOCIDE IN DARFUR

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, last Sunday marked Holocaust Remembrance Day, which honors the memory of the six million Jews murdered in the Holocaust during World War II. We are now in the midst of the Days of Remembrance established by the United States Congress as our Nation's commemoration of these victims. We remember the Holocaust so that the lessons and responsibilities left from this tragedy are not lost.

Always, but especially now, it is imperative that we remember and take action against the genocide that is currently taking place in Darfur. As we look to the past to remember those that perished at the hand of Nazi Germany, we must not forget the 2,500,000 Darfurian civilians targeted and displaced because of their ethnic or racial identity or the more than 300,000 people killed thus far. Tragically, over 1,600 villages have been destroyed by Sudanese government soldiers and government-backed militias. The growing number of destroyed homes and lives is a testament to the fact that simply remembering is not enough.

Madam Speaker, as you know, children are among the most helpless victims of any genocide. One million of the six million Jews that were killed in the Holocaust were children. Jewish children were targeted by the Nazi regime, and now the children of Darfur suffer the brutal effects that burning villages, shootings, rapes, and the search for refuge have on the youngest victims of this tragedy.

My heart is warmed by the work of grassroots organizations in South Florida and across the country that bring attention to the crisis in Darfur. We must heed the lessons of Holocaust Remembrance Day and make sure that another Holocaust never happens again. Racially inspired hatred has surfaced many times in the decades since the Holocaust, and it is our duty to stop the disaster in Darfur and make it the last genocide of the 21st century.

INTRODUCTION OF THE TAX EXEMPT QUALIFICATION FOR FEDERALLY GUARANTEED WATER, WASTEWATER, AND OTHER ESSENTIAL COMMUNITY FACILITY LOANS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise to inform my colleagues of legislation I have introduced today to assist some of our Nation's most underserved communities in funding essential infrastructure.

The legislation that I have proposed will permit interest on federally guaranteed water, wastewater, and other essential community facility loans to also qualify to be tax exempt. I introduced similar legislation in the 109th Congresses.

Rural communities throughout America continue to face challenges in accessing basic needs. We can improve this situation by supporting the development of necessary infrastructure such as dependable water and wastewater systems, and essential community facilities like schools, hospitals, and police and fire stations.

Unfortunately, many of these same communities struggle to acquire sufficient funding to support local development projects. Increased access to federally guaranteed tax exempt loans would provide significant assistance in these efforts.

I believe the incentives offered in this bill will allow small and rural communities better opportunities to receive increased credit to finance community facility projects.

I urge my colleagues to consider supporting this bill.

IN HONOR AND IN MEMORY OF STAFF SERGEANT HARRISON BROWN OF PRICHARD, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. BONNER. Madam Speaker, I rise today to honor the life of a young man from the First Congressional District of Alabama who recently made the ultimate sacrifice in defense of his country while helping to spread freedom abroad.

Army Staff Sgt. Harrison Brown, formerly of Prichard, was assigned to the 2nd Battalion, 69th Armor Regiment, 3rd Brigade Combat Team, 3rd Infantry Division, based at Fort Benning, Georgia. He was killed in combat earlier this month while bravely serving and protecting this great nation in Operation Iraqi Freedom.

"Duck," as he was known to his friends, joined the Army 13 years ago to provide for his wife and children. During his career in the Army, including multiple tours of duty in Iraq, Sgt. Brown set a standard of excellence and displayed the qualities of discipline, devotion, and dedication to country that are the hallmarks of men and women throughout the long and distinguished history of the American military.

A 1994 graduate of Blount High School, "Duck" played baseball and basketball and was a standout wide receiver on the varsity football team. Blount won the state 5A high school football championship while "Duck" was on the team. He went on to play one year of college football at Tuskegee University on scholarship before he joined the Army.

Madam Speaker, at this difficult time, it is only appropriate for us to pause and give thanks to God that there are still young men like Harrison Brown. His life and actions personify the very best America has to offer. I feel certain his many friends and family, as well as his comrades in the United States Army, while mourning the loss of this fine young man, are also taking this opportunity to remember his many accomplishments and to recall the fine gift they each received simply from knowing him and having him as an integral part of their lives.

Madam Speaker, I urge my colleagues to take a moment and pay tribute to Sgt. Harrison Brown and his selfless devotion to not only our country and the freedom we enjoy, but to a people who are in the demanding but important stages of a new life—a new freedom—in their own land.

We should also remember his wife, Delisha Brown; their three children; his mother, Chris Ann Brown; his sister, Mary Dozier; and his other relatives and many friends. Our prayer is that God will give them all the strength and courage that only He can provide to sustain them during the difficult days ahead.

It was Joseph Campbell who said, "A hero is someone who has given his or her life to something bigger than oneself."

Make no mistake, Harrison Brown was not only a dedicated soldier who made the ultimate sacrifice serving in the uniform of his country, but he was also a true American hero. May he rest in peace.

HONORING M.J. ROSENBERG AND THE SENTIMENT OF HIS ARTICLE "BLESSED ARE THE PEACEMAKERS"

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mrs. CAPPS. Madam Speaker, I rise today to commend the sentiments expressed in the following article by M.J. Rosenberg, the Director of Israel Policy Forum's Washington Policy Center, and a tireless advocate for peace in the Middle East. In the column, entitled "Blessed are the Peacemakers," he skillfully highlights the need to engage in aggressive diplomacy if we are to achieve peaceful results in the region. I applaud Mr. Rosenberg for his bold stance for peace and would encourage my colleagues to inform themselves of his valuable insights.

BLESSED ARE THE PEACEMAKERS

You know what they say: no good deed goes unpunished.

That is certainly the case with Speaker of the House Nancy Pelosi and her visit to Syria.

At a time (the Easter-Passover recess) when dozens of House members and Senators are visiting foreign capitals and discussing policy with foreign leaders, Pelosi is being skewered for, in the words of the Washington Post's editors, "substituting her own foreign policy for that of a sitting Republican President."

The Post accuses Pelosi of "try[ing] to introduce a new U.S. diplomatic initiative in the Middle East."

Heaven forefend! Things are going so swimmingly in the Middle East that the last thing anyone needs is for the 3rd highest official in the United States trying to resuscitate diplomacy.

The specific objection is to her meeting with the Syrian leader, Bashar Assad. Of course, few could object to what she told Assad—that he should stop trouble making in Iraq and Lebanon, that the Israeli government is ready for negotiations, that Israel has no bellicose intentions toward Syria and that Syria should use its influence to free Israeli prisoners.

In fact, David Hobson, a Republican from Ohio who accompanied Pelosi, said that the Speaker did not stray very far from Bush administration policy. Hobson said Pelosi "did not engage in any Bush bashing she did not . . . bash [Bush] policies as they relate to Syria."

Instead, Hobson said, Pelosi urged Assad to curb the number of suicide bombers who cross the Syrian border into Iraq to "murder our troops and the Iraqi people."

Republican House leader, John Boehner, admitted that there was nothing wrong with legislators in general visiting Syria. "It's one thing for other members to go," Boehner said, "but you have to ask yourself, 'Why is Pelosi going?'"

The answer isn't that hard. She went for the same reasons as Tom Lantos (D–CA), Chairman of the House Committee on Foreign Affairs, as Henry Waxman (D–CA), the most senior Jewish Member of the House, as Keith Ellison (D–MN), the first Muslim-American in Congress, as Louise M. Slaughter (D–NY), Rules Committee Chair, as Nick J. Rahall II (D–WV), the senior Arab-American in Congress, and Senior Defense Appropriator David Hobson (R-OH). She went to advance US interests in the Middle East, believing that we can perhaps get more out of Syria by engaging it than by shunning it.

The critics are feigning outrage because they don't like Pelosi (CNN, in particular, seems to have a problem with a female Speaker) and because, by visiting Syria, Pelosi has revived one of the Baker-Hamilton Report's prescriptions for ending the Iraq war: engaging Iran and Syria.

Baker-Hamilton recognizes that Syria and Iran can do more to impede the extrication of our soldiers and marines from Iraq than any other countries on the planet (with the exception of Iraq itself).

On the other hand, if they choose to, they can ease our way out of Iraq and help prevent that country's further descent into chaos and civil war.

The Israeli government added to the Pelosi controversy by saying that Pelosi did not carry any private messages from Jerusalem to Damascus. But the Israelis have been using intermediaries to convey information to the Syrians for a long time. It is inconceivable that the highest ranking American in memory to visit Damascus would visit Israel, en route to Syria, and not be asked to convey a message to President Assad from Prime Minister Olmert.

One can only hope that she was carrying messages from Israel. Why wouldn't the Israelis seize that opportunity?

Pelosi's visit strengthened America's position in the region, and likely helped Israel on prisoners, on Hezbollah, and in its effort to avoid another war like last summer's. It was a gutsy move by the new Speaker and one that deserves commendation, not criticism from those who are committed to the whole litany of failed policies of recent years. One would think that some of these pundits would look at the sheer carnage they delivered in Iraq—the 3200 American dead and the hundreds of thousands of dead Iraqi civilians—and be shamed into shutting up. But no such luck.

In this context, and on this Good Friday, it is worth recalling Jesus' words in Matthew 5:9, "Blessed are the peacemakers for they will be called the children of God."

That is not exactly what the critics are calling Pelosi. But, the New Testament notwithstanding, peacemakers are rarely praised in their own time while the cheerleaders for unnecessary wars are never, held accountable for them.

Pelosi is too smart to expect plaudits for trying to deter war rather than simply standing firm behind a status quo that will inevitably produce the next one.

Readers of this column know that I like to hearken back to the great missed opportunity of 1971. That was when Prime Minister Golda Meir rebuffed Egyptian President Anwar Sadat's call on Israel to pull back from the Suez Canal. Sadat said that in exchange for a pullback of just a few miles—which would enable Egypt to re-open the canal—he would begin negotiating a peace agreement with Israel.

This week Yediot Achronot revealed new information about the missed opportunity. Zeev Tzahor reports that then-American Secretary of State, William Rogers, was so disturbed by Golda's rejection that he enlisted Israel's first Prime Minister, David Ben Gurion, to try to persuade her to, at least, seriously consider the offer.

Let the Yediot columnist, Zeev Tzahor, tell the rest of the story:

"The 85-year-old Ben-Gurion was retired . . . His relations with Golda were poor, and he was not particularly eager to speak with her. Rogers implored him. The Egyptian initiative is a one-time opportunity, he said, but Golda has taken a dismissive, supercilious view of it. She admires you, maybe she'll heed your advice. Ben-Gurion acquiesced, and asked his aides to put him in touch with Golda in Jerusalem.

"The brief conversation between them was acerbic. The people present in the room heard Ben-Gurion repeat why she ought to begin negotiations with Egypt . . . While the people present in the room could not hear what Golda was saying on the other side of the line, it was clear to them that she was not interested in promoting the Egyptian initiative.

"Ben-Gurion lost his patience, lambasted Golda and said she was leading Israel to catastrophe, and terminated the conversation. For some reason, he placed the receiver down on the table and not in its cradle. The people present in the room heard Golda calling, "Ben-Gurion, Ben-Gurion," but he refused to pick up the telephone again. He just kept repeating, "war is going to break out soon, war is coming."

It did. Israel lost nearly 3,000 men. Ben Gurion died a few weeks later. Israel ended up relinquishing not just the west bank of the Suez Canal, as Sadat had demanded but every last inch of the Sinai peninsula.

Until this week, I had never heard that Secretary of State William Rogers tried so hard to help Israel avert catastrophe. All I recalled about him was that the pro-Israel community despised him because he was thought to have applied pressure on Israel.

Little did I know that the pressure was in the form of the wise counsel of David Ben-Gurion, the founder of the Jewish state.

I hope Pelosi is not daunted by the criticism emanating from all the usual suspects. Her delegation's visit to the Middle East advanced America's interests and Israel's too. As they like to say in that region: the dogs bark but the caravan moves on.

WIRELESS INNOVATION ACT, H.R. 1597

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. INSLEE. Madam Speaker, there will be under-utilized wireless spectrum in the gaps or "white spaces" between TV broadcast channels when the transition from analog to digital television is complete. These white spaces could provide broadband access to millions of Americans and enable a wide range of innovative wireless devices and services which cannot be utilized in other frequencies. White spaces spectrum must remain unlicensed because the availability of this "Swiss cheese" pattern of spectrum nationally makes licensing it impractical. An unlicensed regime would also lead to a more efficient use of the frequencies.

Unlicensed white spaces devices will avoid harmful interference with all incumbents. Cognitive radio uses spectrum sensing technology to identify and avoid occupied TV channels. This method has been approved by the Defense Department for unlicensed devices that share spectrum with military radar. This unlicensed spectrum can be used for wireless broadband, public safety communications, and numerous at-home and business devices.

For the reasons listed above I have introduced the Wireless Innovation Act, H.R. 1597, which mandates that white spaces be used nonexclusively for unlicensed fixed or portable devices while mandating that incumbent licensees be protected from harmful interference. This legislation would provide interference protection to full power television, low power television, wireless microphones, and all other incumbent users of this spectrum. The bill also requires that the FCC permit use of unlicensed devices not later than February 18, 2009.

THE INTRODUCTION OF THE DEPARTMENT OF ENERGY CARBON CAPTURE AND STORAGE RESEARCH DEVELOPMENT, AND DEMONSTRATION ACT OF 2007

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. UDALL of Colorado. Madam Speaker, I am pleased to introduce the Department of Energy Carbon Capture and Storage Research, Development, and Demonstration Act of 2007. This bill will expand and enhance the Department of Energy's carbon capture research and development program to spur the creation of economically feasible and environmentally sound carbon sequestration technology. It is companion legislation to a bill introduced in the Senate by Senator BINGAMAN, chairman of the Energy and Natural Resources Committee.

Several events over the past year have helped clarify the agreement among scientists, the public, industry, and public officials that climate change is a challenge that our society must address.

Most recently, Working Groups I and II of the Intergovernmental Panel of Climate Change—IPCC—released reports as part of the panel's fourth assessment report. The first report highlighted the growing scientific consensus that human influence is causing the climate to change. The second report provides a powerful statement of the impacts of climate change around the world. The IPCC international process has government support from over 100 countries, including strong involvement from the United States. These reports document that the "warming of the climate system is unequivocal" and that sea temperatures are rising, glaciers are melting, and air temperatures worldwide are increasing, all of which will have major impacts on the world that we know.

The climate is changing and we as a society must begin addressing these changes before the economic and environmental consequences devastate our planet. And that will involve decreasing the amount of carbon dioxide, a known greenhouse gas, in the atmosphere.

Yet, it is important to come to terms with the fact that we cannot end our dependence on fossil fuels overnight. For example, coal is the most abundant energy source in the United States and one of the cheapest energy resources. My home State of Colorado is ranked sixth in coal production in the U.S. In Colorado, coal provides more than 70 percent of our electricity and employs more than 2,000 people.

Coal is a critical component of our economy and our energy supply, but unfortunately coal is also a major contributor to climate change. We must find a way to maintain our energy production while decreasing our carbon emissions. Carbon sequestration will be key to that effort.

Carbon sequestration refers to taking carbon dioxide out of the atmosphere and storing it so that the gas does not re-enter the atmosphere. Right now, companies and governments around the world are enhancing natural carbon storage sources by planting trees and advocating no-till agriculture, among many other activities. But we are still not even close to slowing the increase in greenhouse gases in our atmosphere.

Eventually, technology may allow us to remove carbon dioxide from the atmosphere and funnel it underground in long-term, airtight storage areas. But there are many obstacles to the development of technologies and methods that can significantly decrease CO_2 levels in our atmosphere. For example, we still don't know enough about the long-term stability, safety, and reliability of aquifers, coal seams, and other geological formations for CO_2 storage. Nor are we familiar with the technologies to accomplish this on the scale needed to truly decrease global carbon levels.

My legislation will build upon DOE's current carbon capture and storage program created in the Energy Policy Act of 2005. It will improve DOE's regional carbon sequestration partnerships and create seven test projects across the country to learn more about the economics and design of carbon capture and storage technology. It will also help ensure that DOE has the necessary funds to conduct this cutting-edge research.

Although it is already too late to stop the climate from changing, carbon capture and storage—in conjunction with smart energy policies—can help minimize the impact of climate change on future generations.

We must not view taking action against global warming as bringing doom and gloom to industry. Making the right choices about how to address climate change can lead to new technological innovations, a boom in American jobs, and a strengthened economy. But we must begin to make these choices now by investing in the research and development of carbon capture and storage technologies that can address the climate change challenge.

PERSONAL EXPLANATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mrs. MILLER of Michigan. Madam Speaker, had I been present on rollcall No. 226 and rollcall No. 227, I would have voted "yea" and "yea."

TRIBUTE TO SOUTH CAROLINA STATE UNIVERSITY'S ROTC PROGRAM

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a great source of pride for my alma mater, South Carolina State University, and our nation's military. The SC State Reserve Officers' Training Corps (ROTC) celebrates its 60th anniversary on April 20, 2007. This tremendous program, known as the Bulldog Battalion, has commissioned nearly 2,000 officers in the armed forces, and it has produced nine Army Generals, two Marine Corps Generals and one Air Force General, while contributing a significant number of highly qualified and dedicated soldiers to our nation's military.

Among SC State's notable ROTC graduates are Major General Abraham Turner, a 1976 graduate, who served as the Commanding Officer of Fort Jackson, the Army's largest training base in my hometown of Columbia, South Carolina. Second Lieutenant Jerrette Lee, class of 1983, was chosen during his senior year for the coveted Hughes Award, becoming the first African American and graduate of a Historically Black College or University to receive the honor granted to the top ROTC graduate of the year.

Another proud Bulldog Battalion graduate, Colonel Stephen Twitty, led an infantry battalion into Iraq during the early stages of the war on August 18, 2003. His leadership earned him the Silver Star medal for valor.

The remarkable record of the SC State ROTC is due in part to its rich history and tradition. The program was established in 1947 for the purpose of training infantry officers for the United States Army. In 1949, the program graduated its first class with five of the six graduates receiving Army commissions and the sixth joining the Army Reserves.

In 1954, the program expanded its mission beyond producing only infantry officers. Instead, the ROTC became a General Military Science Program, which enabled graduates to serve in any branch of the Anny for which they qualified. From 1947 until 1968, all freshman and sophomore male students were required to enroll in the ROTC program at SC State. Since I am a 1961 graduate, I had the privilege of being part of this tremendous Bulldog Battalion program.

In 1968, SC State partnered with Claflin University, Voorhees College, Orangeburg Technical College and Denmark Technical College to provide ROTC training through SC State's program. The program expanded again in 1972 to allow female cadets to enter for the first time. Today, a total of 254 women have graduated from SC State's ROTC.

Graduates of this prestigious program have participated in every military conflict from World War I to the current conflicts in Iraq and Afghanistan, representing America with great skill and honor. Today the Bulldog Battalion averages an enrollment of 100 cadets.

Madam Speaker, I ask you and my colleagues to join me in honoring South Carolina

State University's ROTC program on the occasion of its 60th anniversary. It is my great privilege to have experienced this wonderful ROTC program firsthand and to congratulate the program and its graduates today for their extraordinary contributions to our country. America owes a debt of gratitude to South Carolina State for supporting this extraordinary tradition of military excellence and to its graduates for making their alma mater and their nation proud.

THE "KATRINA HOUSING TAX RELIEF ACT OF 2007" H.R. 1562

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. POMEROY. Mr. Speaker, I rise today in support of H.R. 1562, the "Katrina Housing Tax Relief Act of 2007," a bill to extend and enhanced credit available for building low income housing under the Gulf Opportunity Zone Act of 2005. For far too long the residents of the Gulf Coast have struggled to rebuild their homes, their lives and their communities. They continue to face construction delays that could cost them the Federal assistance promised in the 2005 legislation. I want to encourage my colleagues to support this legislation that will encourage the construction of low-income housing in the areas damaged by Hurricane Katrina while assuring accountability for the tax credits.

The Gulf Opportunity Zone Act of 2005 made the affected areas eligible for larger credits to encourage building low-income housing. "GO Zone" benefits are available if the project was built and placed in service before the end of calendar year 2008. H.R. 1562 recognizes the magnitude of the struggle to rebuild the housing stock and it extends the credits for two additional years—2009 and 2010.

As the Member of Congress from North Dakota where 10 years ago the City of Grand Forks was destroyed by a flood and a fire in its aftermath, I know that government can effectively provide Americans help to rebuild our communities when a disaster strikes. The 50,000 residents of Grand Forks were fortunate to have an effective Federal Emergency Management Association (FEMA) under the leadership of James Lee Witt there to assist them with the momentous task of starting from the ground up after the flood waters receded. Today Grand Forks is flourishing thanks to a well coordinated effort on the part of FEMA. The rebuilding effort drew upon Federal government resources such as Community Development Block Grants which served as a catalyst to encourage accelerated investments in Grand Forks.

This bill permits Community Development Block Grants (CDBG), available because of prior liberalizations, to be combined with all of these enhanced low-income housing credits for affected areas. Under the Katrina Housing Tax Relief Act, qualified projects will not be treated as having below market Federal loans solely by reason of assistance provided under the CDBG. Since many of the GO Zone communities have lost much, if not all, of their economic base, CDBG assistance is vital and will not restrict an otherwise qualifying building from utilizing the higher 9 percent credit. This will encourage builders to deliver more housing to the Gulf Coast communities in desperate need of homes for those who want to return and help rebuild their lives.

Finally, H.R. 1562 would require that the Government Accountability Office submit a report on the allocation and use of these tax incentives in the GO Zone to the Committee on Ways and Means and no later than one year after the date of enactment. I urge passage of H.R. 1562, a common sense bill that brings much relief to the Gulf Region.

PARTIAL BIRTH ABORTION BAN ACT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. KUCINICH. Madam Speaker, yesterday's decision by the Supreme Court to uphold the Partial Birth Abortion Ban Act threatens a woman's right to make her own choices about abortion and consequently choices pertaining to her own body. By upholding the first ever federal abortion ban the Supreme Court has brought us dangerously close to allowing politicians to make decisions regarding the control a woman is allowed over her own body.

The Court has, for the first time since its original ruling in 1973 establishing a woman's right to an abortion, showed no consideration for the health and safety of a woman. The decision is contrary to that of six other federal courts throughout the country. This decision disallows exceptions to be made in instances where a woman's health is at risk. In circumstances where the banned procedure is the safest for the health of the female patient, doctors will be powerless, except under threat of a two year criminal penalty, to do the right thing for their patient. The American College of Obstetricians and Gynecologists, representing ninety percent of these medical officials, agrees that the ban causes interference in medical decision making and is detrimental to women's health.

The Court's decision forces us to look at where our society really is in respect to the rights and equality of women. How can we, in good conscience, tell the young women of today that they are equal and able to accomplish their dreams if at the same time society is seeking to control their actions and make decisions with regard to their own bodies? I empathize with the frustration that women around the country are feeling today; I realize the greater restrictive implications implied by the Court's ruling.

I imagine that a woman's decision to have an abortion, under any circumstances, must be one of the most difficult she will make in her life. It is a very private, very personal decision that is to be made by her and may include the support of family, friends and medical professionals. It is not a decision that is made lightly or without consequence. Today's decision has perilously hindered a woman's privacy and safety by allowing politics to interfere in medical decisions.

We must end the divisiveness that surrounds the issue of abortion so that we may begin the long overdue healing process. We must work to limit the need for abortions while at the same time ensuring safety. Access to prenatal and postnatal care through expanded Medicare coverage will be an important component as well as a living wage. I will maintain my support for social programs, and maternal and child nutrition programs to strengthen vulnerable families. I will continue to stand behind programs that teach sex education, domestic family planning and promote the use of contraception.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. CARSON. Madam Speaker, I regret that I was not able to cast votes on the evening of Tuesday, April 17, 2007 due to the cancellation of my scheduled flight from Indianapolis to Washington's Reagan National Airport and subsequent flight cancellations at Indianapolis. I understand that there was a backlog of eastbound travelers and limited flight options due to previous significant storm systems in the northeast.

Had I been available to vote, I would have voted yes on: roll No. 214; roll No. 215; roll No. 216; roll No. 217 and roll No. 218.

IN CELEBRATION OF THE OPENING OF THE ED AND RAE SCHOLLMAIER SCIENCE AND TECHNOLOGY CENTER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Texas Wesleyan University on the completion of the new Ed and Rae Schollmaier Science and Technology Center.

This new learning center will facilitate access to genomic databases for use in biology, chemistry and computer science courses at Texas Wesleyan. The technology center will be a valued resource for students and faculty working in the disciplines of biology, chemistry, physics, computer science, and math. Texas Wesleyan science educators will be able to provide state-of-the-art learning opportunities to its diverse student body. Undergraduate students at Texas Wesleyan will be provided with scientific research opportunities that are typically available only to graduate students.

Founded in 1890 in Fort Worth, Texas, Wesleyan University is a United Methodist institution dedicated to the education of students in the region and beyond. The University offers a wide range of degrees for undergraduate and graduate students and educates international students from 28 countries

I congratulate Texas Wesleyan University as it continues to progress as a distinguished and diverse educational institution, and I am proud to represent them in Congress.

INTRODUCTION OF THE MONTGOMERY G.I. BILL IMPROVEMENT ACT OF 2007

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. TERRY. Madam Speaker, I rise today to introduce the Montgomery G.I. Bill Improvement Act of 2007 to eliminate the burdensome enrollment fee that prevents more of our young soldiers, sailors, airmen and marines from gaining a college education.

Today's military members are consummate professionals meeting the difficult challenges of their service with courage, skill and expertise. Obtaining a college education is critical to expanding their expertise to better serve the United States and the cause of freedom. However, the current $100 monthly enrollment fee required for participation in the Montgomery G.I. Bill could prevent young enlisted military families from furthering their education.

More than half of the enlisted men and women in our armed forces have family responsibilities that limit their income choices. Currently, only 3.9 percent of enlisted active-duty members of the armed forces have a bachelor's degree, compared to 86.6 percent of the officers' corps. The $100 per month enrollment fee required for participation in the G.I. Bill sets up an unnecessary barrier to educational opportunities for enlisted military families trying to make ends meet and care for their children.

I have heard from current and former military members, public housing organizations, and groups advocating on behalf of military families that enlisted military members at pay grades E–5 and below would most benefit from the elimination of the $1,200 annual enrollment fee.

For these families who struggle to meet their basic needs and the needs of their children, an additional $1,200 each year will have a significant impact on the family budget. The legislation I am introducing today will allow servicemembers to utilize G.I. Bill education benefits to improve their family's circumstances and their future career opportunities.

This legislation would help improve military families' quality of life by ensuring the G.I. Bill continues to provide realistic and relevant educational opportunities to servicemembers defending our country.

The G.I. Bill Improvement Act of 2007 would accomplish two critical goals: Eliminate the $1,200 G.I. Bill enrollment fee for active duty servicemembers at pay grades E–5 and below, and allow all servicemen and women serving on active duty to opt into the G.I. Bill with no penalty or enrollment fee.

This is an issue of fundamental fairness. The men and women serving our country in wartime should not have to choose between the long-term benefits of the G.I. Bill and the short-term demands of their paycheck.

This legislation will provide tremendous benefits to our Nation. The G.I. Bill is one of the greatest investments ever made by the American people in our economy and the lives of young men and women who selflessly serve in the military. The "Greatest Generation" servicemembers who returned home from WWII and received a higher education under the G.I. Bill became our Nation's entrepreneurs, teachers, doctors and community leaders.

R.C. Thompson, a former Commanding Officer of Top Gun, and a former Commander of a carrier airwing in Afghanistan, said: "This legislation would send a great signal to our young men and women in uniform that our Nation is unified behind them, and our sense of purpose remains strong. I was fortunate to receive my education through the G.I. Bill, and I know that $100 a month is a lot of money to a young married person serving overseas. This legislation will enable them to do a lot of good for their families when they return home."

I urge my colleagues to join me in improving opportunities for our servicemembers and their families by cosponsoring the Montgomery G.I. Bill Improvement Act of 2007.

H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007; VOTE 233: ON THE MOTION TO RECOMMIT WITH INSTRUCTIONS

HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. HALL of New York. Madam Speaker, although I am a staunch advocate of increasing the use of hydroelectric power to meet America's energy needs, I voted against the motion to recommit H.R. 1495 because it does not constitute a good-faith effort to meet this important goal.

Under the guise of supporting renewable energy, the amending language contained in the motion to recommit would have directed the Secretary to undertake a boundless survey of America's waterways and wherever possible to augment existing hydroelectric dams or build new ones. While supporters of the motion may attempt to portray it as advancing "green" solutions to our energy challenges, the reality is that the language only required economic considerations to be taken into account and provided no framework or guidance regarding the environmental suitability of potential hydroelectric sites or requirements to account for environmental impact mitigation or wildlife protection.

I am strongly supportive of exploring beneficial ways to increase the role that hydroelectricity plays in our energy mix, and look forward to working with my colleagues on pursuing environmentally responsible hydroelectric options such as installing low-head hydroelectric turbines in existing small dams. It is extremely important that we explore such alternatives, but we must do so in a way that is thoughtful, measured, and responsible. The language in the motion to recommit could have opened the door to reckless, counterproductive hydroelectric projects and so I chose to vote against it.

IN RECOGNITION OF THE 23RD STREET ASSOCIATION AND ITS 2007 DISTINGUISHED CITIZEN, MR. JOSEPH ROBERTO OF NORTH FORK BANK

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to the 23rd Street Association, Inc., of New York City, its President, Sharon L. Ullman, and its honoree Joseph Roberto on the occasion of its annual Distinguished Citizen Award Luncheon. This year, the Association is bestowing its Distinguished Citizen Award upon Mr. Joseph Roberto, Divisional Senior Vice President of North Fork Bank, for his outstanding service to the community.

The 23rd Street Association was formed in 1929 by 22 local business leaders to improve environmental conditions and promote economic development in Manhattan. Since that time, the 23rd Street Association and its civic-minded members have devoted themselves to maintaining and improving the quality of life for both businesses and residents of the vital and thriving area of Lower Manhattan between 18th and 28th Streets. Today, the Association plays an active role in the development and growth of the 23rd Street area, including the Gramercy Park and Flatiron neighborhoods and the Stuyvesant Town and Peter Cooper Village middle-income housing developments.

The Association also addresses a broad range of citizen complaints and concerns by working closely with local community boards as well as city, state and federal government agencies. Whether forming a partnership with the New York City Department of Transportation to ameliorate traffic congestion in Lower Manhattan or purchasing and planting hundreds of trees in conjunction with the City Parks Department, the Association's commitment to improving the neighborhoods and communities it serves has been truly remarkable. In recent years, the 23rd Street Association worked to block a plant to substitute a nearby women's shelter with a facility for high-risk men, a proposal forcefully fought by many local businesses and residents.

This year, the 23rd Street Association is honoring Mr. Joseph Roberto of North Fork Bank with its Distinguished Citizen Award. A veteran of New York's business community, Joseph Roberto began his career by working in his family business, a chain of retail stores known as Pzaz, from 1979 through 1998. In 1998, Mr. Roberto joined North Fork Bank, where he currently serves as the Divisional Senior Vice President for Manhattan. Overseeing the bank's 45 Manhattan locations, Mr. Roberto has still found time and boundless energy to devote to his community and to countless worthy causes ranging from the American Cancer Society to United Cerebral Palsy to the Special Olympics.

The 23rd Street Association's president, Sharon L. Ullman, has compiled an exceptional record of service to the community. She spearheaded the establishment of the new Flatiron/23rd Street Partnership Business Improvement District, working tirelessly for 5 years planning the project, raising the funding needed to bring it to fruition, and inspiring the will and energy to make it such an outstanding success for local businesses and residents alike. She has also dedicated herself to the community by serving as the Warden of Madison Square Park and as a longtime board member of worthwhile organizations like the Associated Blind, Inc. Ms. Ullman was also named one of the top 100 New Yorkers by New York Resident magazine.

Madam Speaker, I request that my colleagues join me in paying tribute to the 23rd Street Association, its president, Sharon L. Ullman, and its honoree, Joseph Roberto, for their outstanding service and dedication to the civic life of our nation's greatest metropolis.

THE GLOBAL CLIMATE CHANGE SECURITY OVERSIGHT ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. MARKEY. Madam Speaker, I rise today to introduce the Global Climate Change Security Oversight Act.

The nexus between global warming and the national security of the United States is a crucial, yet long-ignored, issue. The adverse consequences of rising global temperatures present not only a potential environmental catastrophe but a national security emergency.

The security-related consequences of global warming will range from hampering U.S. military operations to worsening the scarcity of essential resources in already unstable regions—which can lead to the failed states that are a central breeding ground for terrorism, But because the U.S. intelligence community has never analyzed the potential for global warming to harm our national security, we lack a thorough understanding of what these threats are. This means that the Department of Defense and other security agencies cannot comprehensively plan for the security consequences of global warming the way that they plan for countless other serious contingencies.

Today, I am introducing the "Global Climate Change Security Oversight Act." This bill is cosponsored by the gentleman from Maryland (Mr. BARTLETT) the gentleman from Connecticut, Mr. LARSON, the gentlelady from California, Ms. ESHOO, the gentlelady from California, Ms. SOLIS, the gentlelady from New York, Mr. HALL, the gentleman from Washington, Mr. MCDERMOTT, and the gentleman from Massachusetts, Mr. OLVER. This legislation will jump-start U.S. defense planning for the security consequences of global warming by authorizing a National Intelligence Estimate (NIB) to assess the implications of global warming to United States security and military operations. Our bill, the House companion to legislation already introduced by Senator DURBIN and Senator HAGEL, will provide a crucial planning and risk-assessment tool as the Congress seeks innovative solutions to global warming. Developed to assess the most serious threats to the United States, NIBs are the most authoritative intelligence judgments on national security issues. This legislation will also fund research by the Defense Department into the consequences for U.S. military operations posed by global warming.

It seems clear that our geopolitical and national security posture will only grow worse if we do not act forcefully to curb our dangerous dependence on imported oil and reduce our emissions of global warming pollution. At the beginning of February, the world's top scientists, as part of the United Nations' Intergovernmental Panel on Climate Change (IPCC), provided a scientific smoking gun that human activities were unequivocally responsible for global warming. Two weeks ago, their second report told us what happens when the climatic bullet hits. The developing world will bear the brunt of the collateral damage from our historic global warming emissions, but the United States will experience its own self-inflicted wounds, including threats to our national security and military readiness.

The United States must act now to understand the security implications of global warming. The Global Climate Change Security Oversight Act will allow us to do so.

CONGRATULATIONS TO MR. WILLIE BEASLEY ON THE OCCASION OF HIS 94TH BIRTHDAY ON APRIL 28TH, 2007

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. DAVIS of Illinois. Madam Speaker, It is with great pleasure that I rise to congratulate Mr. Willie Beasley on the occasion of his 94th birthday which will take place on April 28, 2007. Madam Speaker, to live a long life is indeed desirable and many of us would find it most desirable. However, to live a long, healthy wholesome and productive life is awesome. Such has been the blessed fate of Mr. Willie Beasley who has been a great husband, wonderful father, tremendous churchman and a civic leader who has understood what it should mean to live in a free and democratic society. For many years, Mr. Beasley was an outstanding leader at the Carey Certentenary AME Church, he and his family were anchored in the community and to this day his children Ward and Carol continue in his and the family's tradition.

Therefore, Mr. Beasley, I congratulate you on a long productive and beneficial life, I also commend you and your family for your active civic and community involvement. It has been a pleasure to personally know you and your family and to have had you as part of my life.

I thank you Madam Speaker.

KURT VONNEGUT, JR.'S CONTRIBUTION TO AMERICAN LITERATURE

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. LOEBSACK. Madam Speaker, I rise today to speak about Kurt Vonnegut Jr. and to extend my condolences to his family on his passing.

While teaching at the Iowa Writers' Workshop, which I am honored to represent in Iowa's Second District, Mr. Vonnegut received the Guggenheim Scholarship to return to Dresden, Germany and begin work on the novel that would eventually come to be known as Slaughterhouse Five. Mr. Vonnegut taught at the Workshop from 1965–1967, and Iowa mourns the loss of one of America's finest writers and one of the many fine writers who have helped to carry on the tradition of exceptional writing in Iowa.

Kurt Vonnegut was a writer capable of capturing the imagination of not only his generation, but of America's youth for generations to come. His works examine the moral compass of America, and his often hilarious satirization of the culture of our time has earned him the rightful reputation of America's most celebrated satirist since Mark Twain. Yet he was also a humanist who not only examined some of the most defining moments in our history—most famously World War II in Slaughterhouse Five—but also, and in spite of the violence he had seen as a prisoner of war, concluded that human kindness is alive and well. His contributions to American culture are immense and will not soon be forgotten.

Thank you, Mr. Vonnegut, for your contribution to American literature.

TRIBUTE TO ROBERT E. GUT

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the deeds of a person I am proud to represent, Mr. Robert E. Gut, who will be recognized on Thursday, April 19, 2007 on the occasion of his retirement, for his dedication to education and scholastic sports.

Bob was born in 1932 to Antonina and Frank Gut. He and siblings Nellie, Stanley and Eugene grew up in the City of Passaic until the family purchased a home and moved to Garfield. Bob attended Holy Rosary Elementary and Pope Pius XII High School in Passaic, where his talents began to shine. He earned varsity letters in three sports each year and was captain of the baseball and basketball teams and co-captain of the football team. Upon his retirement, coach and athletic director Paul Kelly called Bob, "The greatest athlete he ever coached—bar none," and "a natural." Bob was named to the All State teams in all three sports. His record has stood the test of time; in 2000 he was named a Passaic County "Player of the Century" in football by the Bergen Record and Herald News.

Bob caught the attention of some of our area's most legendary coaches, Al Yaskiw and Manlio Boverini of Passaic, Arthur Argauer of Garfield, and Paul Kelly of Pope Pius XII. They mentored him, and helped him earn numerous football scholarships. He accepted a full football scholarship to the University of Virginia, where he played offensive center and defensive linebacker. He continued to thrive, being part of a defense that in 1952 was number one in the Nation. In 1954, he returned to Passaic to coach football at Passaic High. Later that year, he completed R.O.T.C. and was commissioned a Second Lieutenant in the U.S. Army. He was sent to Fort Knox, KY for training in the Armor Division, and assigned to serve in Germany. Bob married his wife, Florence, on April 17, 1955, and they moved together to Wieseck, Germany. While there, their daughter, Karen, was born in Frankfurt, Germany.

In 1956, Bob returned from Germany and began his professional career teaching physical education at School 21 in Paterson. During his first year of teaching, he was transferred to Central High where he taught science and was the school's first track coach. In 1965, Central closed, and Bob moved to the new John F. Kennedy High School. While teaching at Kennedy, Bob coached many teams. He became the head coach of golf, track and tennis and was an assistant to many great football coaches like Nelson Graham, Aubrey Lewis, Joe Biscayan, Bob Smith, and Jim Bradshaw. In 1960–65, he was head football coach at Pope Pius XII while teaching at Kennedy. In 1966 he returned to the assistant coach role at Kennedy, and in 1974 became the Knights head coach. In 1974 the football team had its first undefeated season, going 9–0. Importantly, his team never lost a Thanksgiving game to Eastside, and shut the Ghosts out in four of the six games.

In 1979, Bob became the Athletic Director at Kennedy High, which under his leadership in the 1980s and 90s, became known as "Championship High." The Boys Basketball team won four County titles in a row, and a sectional title; the Girls team won five straight county titles and the Tournament of Champions. Championships, League and Sectional titles were also won by the Track, Cross Country, Soccer, Baseball and Football teams. As Athletic Director, Mr. Gut has organized the annual John F. Kennedy All Sports Awards Dinner, and he was involved in the creation of the Central-Kennedy Athletic Hall of Fame.

Bob's professionalism has extended beyond Passaic County. He has long been a high school referee and umpire. He formerly served as President of the Tri-County Basketball Officials Association, which held tournaments for freshman and JV teams from 32 schools. He has served for the past 28 years as the Chairperson of Bowling in the Northern New Jersey Interscholastic League. He has served for 20 years on the Advisory Board and Eligibility Committee of the NJSIAA, the governing body of high school sports in New Jersey, and has been the chairperson of the Eligibility Committee for the past 10 years. He also volunteers his time as part of the Passaic County Coaches Association, the Old Timers Association of Greater Paterson, and The Do-Good House.

What Bob is proudest of is his strong moral and ethical standards, which led his coaches to nickname him "The Monsignor." Sportsmanship has always been his first priority for his players, coaches, and the fans. This effort is shown by the many times the NJSIAA has given Kennedy its "Sportsmanship Award," and the NNJIL Sportsmanship banners they have earned. Always important to Bob has been his family; he and Florence celebrated their 52nd anniversary this month. His daughter lives nearby with her husband Jim Giblin and their two children. His grandson James is a sophomore at The College of New Jersey and his granddaughter Kristen is a senior at Wayne Valley High School.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated public servants like Bob.

Madam Speaker, I ask that you join our colleagues, the students of the Paterson Schools, the City of Paterson, the State of New Jersey, Bob's family and friends, and me in recognizing Bob Gut's outstanding service to his community.

IN HONOR OF PETER SHUGERT

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. SIRES. Madam Speaker, I rise in honor of Peter Shugert, Chief Public Affairs Officer of the Army Corps of Engineers, who is about to retire after more than two decades of dedicated service. Mr. Shugert has worked tirelessly, not only to keep area residents informed of vital Corps operations, but he has also gone above and beyond the call of duty by becoming a treasured liaison during emergencies between government agencies and the people of the New York Metropolitan region.

Mr. Shugert, who earned a reputation as a highly credible spokesperson and media representative for the United States Army, began his professional career in the military. His service in the Vietnam War won him the National Defense Service Medal, the Army Commendation Medal, the Vietnam Service Medal and the Vietnam Campaign Medal.

In 1977, Mr. Shugert became Public Affairs Specialist for the Military Traffic Management Command in Virginia, and in 1982, made important contributions to the Office of the Chief of the Army Reserves, where he developed products to increase public awareness.

In his 20 years as Chief of Public Affairs for the U.S. Army Corps of Engineers District of New York Division, Mr. Shugert developed and maintained excellent media relations that ensured the best possible image for the Army Corps of Engineers. During his service, Mr. Shugert faced the tragedy of the 9/11 terror attacks and worked around the clock to keep the public informed. His dedication earned him the Locke L. Mouton Award for Excellence in Public Affairs, the Crisis Communications Award, the Superior Civilian Service Medal, and the Civilian Award for Humanitarian Service.

Mr. Shugert also acted as an important liaison between government officials and area residents during the floods that devastated parts of New Jersey in 2000. More recently, he was instrumental in disseminating information during the difficult removal of the Intrepid Museum from Pier 86 in New York, for its reconstruction in Bayonne, New Jersey.

In addition, Mr. Shugert has offered his unwavering support to the Elizabeth River Arthur Kill Watershed Association Earth Day Celebration. The event teaches hundreds of students about the importance of protecting our environment.

Please join me in recognizing Peter Shugert for being the most loyal of civil servants. I congratulate him and wish him continued success in future endeavors.

INTRODUCTION OF THE LEGAL EMPLOYEE VERIFICATION ACT

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to introduce the Legal Employee Verification Act and ask for its consideration and support. This bill overhauls the broken employment verification system we have today and replaces it with the mandatory, efficient, and transparent process our country needs.

Today, too many working men and women are denied the job opportunities they deserve because it is more convenient for some employers to go around the system and hire an illegal immigrant. Employers who break the law should be held accountable, and the Employment Eligibility Confirmation System created by this bill will make it more difficult to evade our employment regulations. At the same time, business owners who play by the rules every day can rest assured that they are competing on a level playing field.

Instead of dealing with a confusing process that often yields inconclusive results, if any, employers will quickly know the status of their prospective employees. Within as little as one day, an employer will know whether that person is eligible to work here in the United States. This efficient system will bring peace of mind to both employers and employees by giving definitive answers in reasonable periods of time.

In addition, the Legal Employee Verification Act makes use of the technology used in our nation's immigration documents.

This critical security upgrade currently helps fight identity fraud and gives security officials a new tool to protect our country from those who seek to do us harm. Now this upgrade will also discourage illegal immigrants from using falsified documents to secure jobs here, giving our law-abiding workforce a fair shot at every job available.

I don't fault people for wanting to come to live and work in America. It's a great place to live and raise a family. All I ask is that they do it legally.

Madam Speaker, it's time we get serious about enforcing our immigration and employment laws. The Legal Employee Verification

Act will give us important new tools to do just that. It's common-sense policy, and I'm proud to introduce this bill for consideration.

HOMEGROWN TERRORISM PREVENTION ACT OF 2007

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. HARMAN. Madam Speaker, as Chair of the Homeland Security Subcommittee on Intelligence, Information Sharing & Terrorism Risk Assessment, today I am introducing the bipartisan Homegrown Terrorism Prevention Act of 2007. Ranking Member DAVE REICHERT joins me as co-author of this bill.

April 19th marks the 12th anniversary of the Oklahoma City bombing, which claimed 168 lives and injured over 800. Only September 11, 2001, eclipses that dark day as the deadliest act of terrorism on U.S. soil.

My own district in California has not been spared from the threat of homegrown terrorism. An episode there offers a chilling illustration of the type of domestic threat we face. In the spring of 2005, four men—three U.S. citizens and one Pakistani national residing legally in this country—finalized plans for a series of gas station robberies intended to finance terrorist attacks around Los Angeles. Their kill targets were U.S. military bases and recruiting stations, the Israeli Consulate, synagogues filled with worshipers on Jewish holy days, and the El Al ticket counter at LAX.

The indictment alleges the men were pawns of an inmate at Folsom Prison who had embraced radical Islam after being incarcerated and founded the militant prison gang "Assembly of Authentic Islam." One of them was radicalized by the inmate while doing time at Folsom; his accomplices were recruited from a local mosque and had no criminal records.

The men engaged in a spree of 11 armed gas station robberies until their arrest by local police in July 2005. A subsequent search of their apartment uncovered jihadist literature, bulletproof vests and a list of potential targets. Local police promptly contacted the FBI, which led to a major investigation involving more than 200 agents, Los Angeles police detectives, and counterterrorism officials.

The suspects now await trail, and are charged with conspiring to wage war against the U.S. government through terrorism; kill members of the Armed Forces; and murder foreign officials.

Homeland Security Secretary Michael Chertoff has said that "radicalization is a global problem that must be addressed through focused efforts targeting its root causes." This legislation does just that. It would establish a grant program to provide funds to the States to foster badly needed vertical information sharing down to the local level. It would create a Center of Excellence for the Prevention of Radicalization and Home Grown Terrorism to examine the social, criminal, political, psychological, and economic roots of homegrown terrorism and to propose solutions. It would require Homeland Security officials to learn from other nations that have experienced their own Oklahoma City tragedies. And, perhaps most importantly, it would ensure that our cherished civil liberties, the protections and safeguards guaranteed by our Constitution, are protected.

We urge its enactment.

FREEDOM FOR ALFREDO MANUEL PULIDO LÓPEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Dr. Alfredo Manuel Pulido López, a political prisoner in totalitarian Cuba.

Dr. Pulido López is an independent journalist and a member of the Christian Liberation Movement. Before he became a human rights activist and a leader in the pro-democracy movement in a country oppressed by a totalitarian tyrant, he worked as a dentist. In 1998 he was forced from his job because of his support for democracy and the rule of law. In 2001, Dr. Pulido López joined the "El Mayor" news agency in Camagüey, Cuba to expose the despotism and corruption of the tyranny as an independent journalist. He wrote on all aspects of totalitarian Cuban society and contributed to numerous foreign press agencies because he wished to make known the true nature of the regime that enslaves Cuba.

On March 18, 2003, as part of the regime's deplorable island wide crackdown on peaceful prodemocracy activists, Dr. Pulido López was arrested because he wrote the truth about a ruthless and repressive tyranny. After a sham trial, where he was accused of "endangering independence and the state's territorial integrity" and of "writing tendentious articles on various aspects of national and provincial life," Dr. Pulido López was sentenced to 14 years in a totalitarian dungeon.

On April 18, 2006, Rebecca Rodriguez Souto, Dr. Pulido López's wife, visited her husband and was immediately alarmed by his condition and the severity his deterioration. According to a report she filed with the Committee to Protect Journalists (CJP), Dr. Pulido López is dangerously malnourished, deeply depressed, and having great difficulty breathing. Since his incarceration he has lost over 40 lbs and he finds it difficult to consume the grotesque food fed to the political prisoners. Despite his seriously declining health, Dr. Pulido Lopez continues to be caged in a totalitarian dungeon, sharing its squalor with at least 100 hardened common criminals. He has witnessed innumerable acts of violence and he must continually fear for his life.

Also fearing for her husband's life, Rebecca Rodriguez Souto has repeatedly requested that the tyranny release her husband on medical parole. She has yet to hear a response from the brutal tyrant's machinery. Dr. Pulido López himself has stated that he has no real reason to ask for medical parole since he is an innocent man to begin with, and that what the dictatorship's officials really have to give him is his freedom. To his wife he has explained that with every day he is firmer in his convictions, that he will not renounce them, and that "they (the tyranny) can do what they want."

Dr. Pulido López was arrested because of his belief in liberty. His commitment to freedom, in the face of his declining health and the regime's complete and utter disregard for human rights and dignity, is a testament to the heroism of the Cuban people. It is abominable that just 90 miles from our shores Castro's subhuman gulags are full of men and women, like Dr. Pulido López, who represent the very best of the Cuban nation.

Madam Speaker, we must speak out against this unconscionable crime against humanity. My Colleagues, we must demand the immediate release of Alfredo Manuel Pulido López and every political prisoner in totalitarian Cuba.

HONORING THE LIFE OF KYLE ROBERT WILSON

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor the life of Kyle R. Wilson and to recognize his service to our community.

I come to the floor to speak of the bravery exhibited by Technician Wilson who served on the Prince William County Department of Fire and Rescue since January of 2006. Technician Wilson and his unit from Occoquan-Woodbridge-Lorton (OWL) Station 12 in Woodbridge responded to a three alarm house fire early on the morning on April 16th, 2007. Tragically, he was killed in the line of duty while heroically attempting to save the lives of others.

Kyle was a longtime resident of Prince William County and attended C.D. Hylton High School in Woodbridge, VA where he was a star baseball player for the Bulldogs. The bravery Kyle demonstrated Monday was typical of his personality. His former baseball coach described him to have all the qualities of a leader, specifically that he was fearless and willing to make sacrifices for others. Due to this strong character and devotion to community, it was no surprise to his coach that Kyle found his calling as a firefighter.

Upon graduation from Hylton, Kyle went on to study athletic training and earned his degree from George Mason University in 2005. He joined the fire department in January 2006, graduating from the recruit academy that June. Assistant Prince William County Fire Chief Kevin McGee described Kyle as an "outstanding young man, who was one of the best of our best." Kyle is survived by his father Bob, mother Sue, brother Chris, sister Kelli, and his girlfriend Kristi Silor.

In my experiences with the department, I have seen its unwavering dedication to the Prince William County community. Kyle was an example of Prince William's finest. Every day firefighters selflessly put their lives on the line to save others, and Kyle made the ultimate sacrifice. Let us never forget the sacrifice he made.

Madam Speaker, in honoring Kyle I would like to take this opportunity to thank all the men and women that put their lives on the line and bravely serve on the Prince William County Department of Fire and Rescue. I extend my heartfelt condolences to Kyle's family, friends, and to his brothers and sisters on the department.

"EXPANDING THE PROMISE FOR INDIVIDUALS WITH AUTISM ACT OF 2007"

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. SMITH of New Jersey. Madam Speaker, I want to express my strongest support for the "Expanding the Promise for Individuals with Autism Act of 2007," H.R. 1881, and I was very pleased to join my friend and colleague Rep. MIKE DOYLE of Pennsylvania this week in introducing this important legislation. H.R. 1881 addresses a very critical need—to provide assistance to the 1.5 million Americans with autism who are in desperate need of treatments and services throughout their lives.

From my first session in Congress in 1981, I have been a consistent advocate for individuals with developmental disorders, including autism. But autism came into a particularly strong focus in 1998, when two of my constituents, Bobbie and Billie Gallagher of Brick, NJ, contacted me with concerns about an elevated level of autism cases in the township of Brick. The concerns of the Gallaghers—parents of two autistic children themselves—led me to request that the Federal Agency for Toxic Substances and Disease Registry and the Centers for Disease Control and Prevention, CDC, conduct an investigation into a possible autism cluster in Brick.

The results of this investigation, one of the first federal studies on autism, were quite alarming. Higher rates of autistic disorder and autism spectrum disorders, ASDs, were found in Brick Township relative to rates from previously published studies. However, we have now come to learn that the high rate of autism found in Brick Township was not an isolated incident; it was the window to a nationwide phenomenon.

Earlier this year—on February 8, 2007, the CDC released groundbreaking data documenting the high prevalence of autism around the country. As a result of this landmark study, it is now believed that 1 out of every 150 children born in the United States suffers from a form of autism.

The numbers are even more shocking when you examine the results from New Jersey. Autism was shown to affect 1 in every 94 New Jersey children analyzed in the recent federally funded study. That same study, based on 2002 data, showed that 1 in every 60 boys in New Jersey is afflicted with a form of autism.

While the numbers are profound, it is the reality of the lives behind the numbers which call for our compassion, dedication, and legislative action. The physical, emotional, and financial impacts of autism on individuals, families, and society are staggering. Autism can overwhelm families, as their lives become consumed with the considerable challenges of identifying appropriate biomedical and psychosocial treatments, schooling and other needed support systems for their autistic child—and eventually for an autistic adult. Most of the parents of an autistic child whom I have met express a high level of fear and apprehension about services—such as housing and employment assistance—that will be available when their child becomes an adult.

That is why I joined forces with my friend Mike Doyle to launch in January 2001 the Congressional Coalition for Autism Research & Education, C.A.R.E., which currently includes over 160 Members of Congress. The goals of the bipartisan Coalition for Autism Research and Education are straightforward, to: increase general awareness of autism and autism spectrum disorders among Members of Congress and policy analysts in Federal government; educate Members of Congress on current and future initiatives and developments regarding autism; serve as a forum where autism-related policy issues can be exchanged, debated, and discussed; bring together public, private, and government entities to pursue legislative initiatives that will help improve the lives of individuals with autism and their families; and promote all means to assist with the challenges of families and loved ones affected by autism.

Although it is still not sufficient, we have had significant success in advocating for increased funding for autism programs—funding that has increased by nearly 10 times the amount it was in the mid-1990s. In 1995, NIH invested about $10.5 million into autism research. The estimated budget for autism research in fiscal year 06 is nearly 10 times that amount—$108 million. At the CDC, autism funding has increased from $287,000 in 1995 to an estimated $15.1 million in 2006.

By introducing the "Expanding the Promise for Individuals with Autism Act," EPIAA, we are building on our progress over the past decade and particularly on some legislative accomplishments during the last Congress. Many members of the C.A.R.E. caucus joined in supporting and passing last December the "Combating Autism Act," important legislation which focused on improving autism-related research funded through the National Institutes of Health, autism surveillance, and early screening and diagnosis. Also last year, the caucus was successful in securing in the Fiscal Year 2007 Department of Defense Appropriations bill $7.5 million in an Army research account for the purpose of improving treatment of individuals with autism.

Notably, these successful efforts to date have focused primarily on surveillance and biomedical research. While these efforts are absolutely critical, the reality is that we have approximately 1.5 million individuals in the U.S. with autism, and they and their families are in desperate need of services to assist them in their daily lives and to help individuals with autism to realize their full potential as members of our communities. Today, we are focusing our efforts on providing services to aid families facing the challenges of providing lifetime care for their autistic children from first diagnosis through adulthood.

The "Expanding the Promise for Individuals with Autism Act of 2007," which was earlier introduced in the Senate and which we introduced this week in the House, is comprehensive legislation which authorizes approximately $350 million over 5 years to provide treatments and services across the lifespan. It is incumbent upon us to act now to pass this legislation that will facilitate the provision of treatments and services for autistic individuals throughout their lives. As provided for in this legislation, assistance needs to be largely community-based and needs to address early intervention, education, employment, transportation, housing, health, and recreation.

Also, very importantly, the mechanisms authorized in this legislation are designed to provide treatments and services effectively and efficiently. Those mechanisms include a broad-based Task Force to evaluate evidence-based treatments and services, demonstration grants to enable states to provide evidence-based treatments and services, one-time planning grants and follow-on demonstration grants for states to provide services to adults, and supplemental grants to University Centers of Excellence in Developmental Disabilities Research, Education, and Services to allow the centers to train professionals who treat or serve individuals with autism, as well as the creation of four new University Centers of Excellence. To complement and further enhance the grant programs established under this Act, this legislation also provides assistance to a national nonprofit organization for establishment of a national technical assistance center and provides assistance for protection and advocacy systems.

Additionally, to fill an information gap important to almost all affected families, service providers, and government organizations, the legislation calls for the Government Accountability Office to conduct a study and release a report on the ways in which autism treatments and services are currently financed, including policies for public and private health insurance.

This is truly bipartisan, bicameral legislation, and I am gratified that Representatives ELIOT ENGEL of New York and CHIP PICKERING of Mississippi joined Representative DOYLE and myself in introducing this legislation. We are all most appreciative that critically acclaimed actor and star of the "West Wing" Bradley Whitford, co-founder of Cure Autism Now and board member of Autism Speaks Jonathan Shestack, and President of the Autism Society of America Lee Grossman joined us this week in announcing the introduction of the EPIAA. Their support, along with that of other advocates for individuals with autism, will be critical as this legislation advances in the House and Senate.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. POE. Madam Speaker, due to other Congressional business, I unfortunately missed a recorded vote on the House floor on Tuesday, April 17, 2007.

Had I been able to vote that day, I would have voted "yes" on rollcall vote No. 214.

ON THE INTRODUCTION OF "THE NORTHWESTERN NEW MEXICO RURAL WATER PROJECTS ACT"

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to re-introduce The Northwestern New Mexico Rural Water Projects Act. This legislation, which was also introduced today in the Senate by my colleagues from New Mexico, Senators BINGAMAN and DOMENICI, will ratify the historic San Juan River Settlement Agreement. This agreement, signed by the Navajo Nation and the State of New Mexico, will provide for the development of a rural water system to address the water needs of numerous New Mexicans, many of them members of the Navajo Nation.

Once ratified, the settlement agreement will resolve the Navajo Nation's water rights. It will also provide a water supply for Gallup, New Mexico, and recognize authorized and existing uses of San Juan River basin water. In exchange for relinquishing some of their claims to water from the San Juan River basin, the Navajo Nation will benefit from water development projects which include the Navajo-Gallup project and the Navajo Nation Municipal pipeline. Incredibly, even now in 21st-century America, more than 70,000 Navajos must still haul water daily for residential use. These water projects will go a long way toward rectifying that grievous situation.

The Navajo Nation, the State of New Mexico and many other residents of northwestern New Mexico put a tremendous amount of effort into reaching an agreement that will provide a more secure future for many vulnerable communities. I am proud to be able to contribute today to their hard work and diligent commitment by introducing the legislation in the House. I look forward to working with my colleagues to pass this legislation and move these important water projects forward.

RECOGNIZING THE CONTRIBUTIONS OF MR. ROSS P. MARINE, HONORARY CONSUL FOR THE SLOVAK REPUBLIC

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. CLEAVER. Madam Speaker, I rise today to recognize one of my constituents, the Honorary Consul for the Slovak Republic, Mr. Ross P. Marine, for his tireless efforts to bring an important exhibition, focused on the fate of Slovak Jews during World War II, to the Kansas City area. Mr. Marine is a dynamic member of the Consular Corps of Greater Kansas City. And for this reason, the Greater Kansas City Metropolitan Area is very fortunate to have the vital and active Consular Corps of Greater Kansas City, which has been instrumental in fostering cultural exchanges while building economic partnerships between our area and other countries. Time and time again, Mr. Ross P. Marine has proven himself to be one of our most active and dedicated Honorary Consuls in our region.

Years ago, while working for the Truman Medical Center East, Ross became involved in a health partnership program in the Republic of Slovakia, whose mission was to work with abused women and people addicted to drugs and alcohol. In the 3 years that followed, Ross became acquainted with the people and culture. He made many friends and in February 2001, he was honored with the title of Honorary Consul, for the four-state region of Missouri, Kansas, Nebraska, and Iowa. Currently, Ross Marine continues to be one of our metropolitan area's most important links to Eastern Europe. He has brought exhibits, business opportunities and international relationships with the Embassy of the Slovak Republic to the people of Missouri's Fifth District. At Ross Marine's request, the Slovak Ambassador to the United States made an official visit to Kansas City for the re-dedication of the Liberty Memorial in 2006, the only national World War I monument in the United States.

Ross's latest endeavor was to spearhead efforts to bring the exhibition "The Tragedy of Slovak Jews" to Kansas City. This important exhibit is the first exhibition to illustrate the betrayal and atrocities committed towards Slovak Jews during World War II. Prepared and presented in cooperation with the National Czech and Slovak Museum and Library in Cedar Rapids, Iowa, this important exhibit was brought to the Kansas City area with the further assistance of the Czech and Slovak Club of Kansas City, the Jewish Community Center of Greater Kansas City, and the Midwest Center for Holocaust Education.

Madam Speaker, please join me in expressing our heartfelt gratitude to Mr. Ross P. Marine for his relentless efforts in extending goodwill, not only within the areas surrounding the Fifth Congressional District of Missouri, but to the global community. I urge my colleagues to please join me in expressing our appreciation to Mr. Marine and his endless commitment to the Slovak community. He is a true role model, not just to the Slovak-American community in Missouri, but to our entire society.

IN RECOGNITION OF HOUR CHILDREN AND ITS 2007 HONOREES, ABIGAIL DISNEY, KIRK GOODRICH, AND XIOMARA GUTIERREZ

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Hour Children, a not-for-profit social service agency in Long Island City, New York dedicated to supporting mothers currently or previously incarcerated in prison and to providing a stable and nurturing environment for their children. This month, Hour Children is celebrating its 12th anniversary at its Annual Awards Benefit, where the organization is honoring 3 outstanding individuals: Abigail Disney, Kirk Goodrich and Xiomara Gutierrez.

Originally founded in 1995 by Sister Teresa Fitzgerald, CSJ, for children rendered homeless by their mothers' incarceration, Hour Children has grown into a full-service, multifaceted social service provider to countless families in need. Sister Teresa, familiarly know as "Sister Tesa," secured housing at the Roman Catholic Convent of St. Rita's in Long Island City as a home for these children, and joined with 4 other Sisters to become foster parents. They went on to establish parent support programs at New York State's Bedford Hills and Taconic Correctional Institutions, facilitating visit schedules so that female inmates and their children were able to reunite for a few hours on a regular basis.

Although nearly one third of prisoners in New York State are reincarcerated, Hour Children's rate of recidivism is less than 10 percent because its clients are afforded ample time to make a successful transition to assuming responsibilities for family and work. Hour Children's unique approach begins by forging relationships with its adult clients while they are still in prison, bringing their children to visit regularly, and providing advocacy and mentoring on parenting, domestic violence, and employment counseling, thus easing their transition to reunification with their children. In forging long-term relationships with its clients built on trust, Hour Children helps them to attain independence and self-sufficiency at a pace suited to their needs.

Today, Hour Children is a community of 5 multi-family residences, serving families with children from infancy to 21 years of age. More than 200 "graduates" of its housing program have successfully made the transition to independent living, returning for monthly support group meetings and special events. In addition, Hour Children was officially recognized as a work release site, opening a Community Outreach Center and 3 thrift shops.

Hour Children's success would not have been possible without the extraordinary contributions of its 3 honorees this year. As Co-Founder and President of the Daphne Foundation, Abigail E. Disney, Ph.D., has devoted herself tirelessly to confronting the causes and consequences of poverty in our Nation's greatest city. She was indispensable in securing and providing the first funding for Hour Children's Early Learning program for children ranging from infants to 3-year-olds.

Hour Children is also honoring Kirk Goodrich, Vice President of the Enterprise Social Investment Corporation, one of the Nation's leading providers of community development capital, tax credit equity investments, and development services for affordable housing, mixed-use, and commercial development. His leadership helped secure the financing to enable Hour Children to open a new residence under construction at 35–54 11th Street in Long Island City, where 8 apartment units will be available to Hour Children's client families.

In addition, Hour Children is honoring Xiomara Gutierrez with its First Annual Jean Harris Award. A mother, child care worker, and trusted confidante to countless families, Xiomara Harris has touched and inspired the Hour Children community with her compassion and dedication.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the remarkable successes enjoyed by Hour Children in helping countless individuals transcend their circumstances and realize their full potential.

A TRIBUTE TO THE CENTENNIAL CELEBRATION OF PLAINVIEW, TEXAS

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. NEUGEBAUER. Madam Speaker, I rise today to celebrate Plainview, Texas' centennial birthday. For it was in 1907 that the city's founders took the pivotal step from frontier community to an incorporated city.

One hundred years ago, the Santa Fe Railroad decided to put down tracks through Plainview. This helped spur economic growth and attract new residents to the budding community.

Today, Plainview's location along the Ports-to-Plains Trade Corridor is having the same effect as its population grows and new businesses come to the area.

During the past century, Plainview's citizens have witnessed the mode of transportation change from rail to road, and local agriculture evolve from being merely a source of food and fiber to also a source of energy.

However, despite these changes, the core values present at Plainview's founding are still alive and well 100 years later. A strong sense of community and a vibrant civic pride continue to make Plainview, Texas a welcome place for businesses and families.

It is indeed an honor and a privilege to represent the great people of Plainview in the United States Congress, and I wish the city well as it embarks on its second hundred years.

INTRODUCTION OF LEGISLATION TO EXTEND ELIGIBILITY FOR DEPARTMENT OF VETERANS AFFAIRS PENSION BENEFITS

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. RAHALL. Madam Speaker, this week, with the support of the American Legion and West Virginia veteran John Peters, I am again introducing two bills that will honor those who have served our country so bravely in times of conflict. Both pieces of legislation will achieve this by extending benefits to veterans who have served in harms way, though not in a time of declared war.

Throughout the history of the United States, our country has seen the personal courage and sacrifice by millions of Americans who have served in various wars and conflicts protecting our freedoms and our way of life. Madam Speaker, we have honored many of these fine men and women, but not all. Our current law only awards full pension benefits to those who have served in a designated "period of war" and excludes those who have fought valiantly in other parts of the world.

Tom Hayes of American Legion Post 93 in Kenova, West Virginia recently acknowledged this mockery of our benefits system in an article from the Huntington Herald Dispatch in Huntington, West Virginia dated April 11, 2007. In this article, Mr. Hayes stated "On Oct. 23, 1983, 241 of our finest died in Beirut, Lebanon. By the time the hostility ended on Feb. 8, 1984, 270 Americans had died. Some 20,000 Americans fought on or around Grenada between Oct. 23 and Nov. 21, 1983. Nineteen were killed and 116 were wounded. In Panama, 23 were killed in action and 322 wounded between Dec. 20, 1989 and Jan. 31, 1990. Public Law 101–478 expanded eligibility for membership in the American Legion to Veterans of Lebanon, Grenada, and Panama." In addition, Mr. Hayes wrote, "Subsequent to Jan. 31, 1955, the Vietnam and Gulf War periods (Aug. 5, 1964 to May 7, 1975, and Aug. 2, 1990, to present) have made Korean Veterans eligible for disability pension, leaving approximately half who served between those periods not eligible along with veterans of Lebanon, Grenada, and Panama who answered the call to fight and who may now need financial help and are not eligible for a penny from the VA."

My legislation will end this injustice. My first bill will extend eligibility for veterans' pension benefits to those who served in the areas of the Korean Peninsula, Lebanon, Grenada, and other areas of armed conflict, where their service involved hostile fire or aggression. The second piece of legislation will extend benefits to veterans who have received the expeditionary medal, which is earned by those with whom the Joint Chiefs of Staff have determined were engaged where hostile action by foreign armed forces was imminent.

The United States has sent service personnel to all corners of the globe and in every capacity they have made us proud. Unfortunately, when they return we do not always treat their honor with the respect that it deserves. We don't fund veterans' healthcare adequately and continue to let our veterans get caught in a never-ending bureaucracy denying them access to basic medical care. I am proud that this Congress has passed substantial Veterans benefits legislation in the past month and I hope that it is signs of more to come.

Madam Speaker, I will end with this, we put these men and women in harm's way because we trusted them and their ability, and they ought to be able to trust our ability. These pieces of legislation would align the sacrifice made with the compensation awarded. I say that these veterans deserve the same benefits afforded their brothers and sisters in arms who participated in declared wars and especially those that are civilian employees and eligible for the same benefits. I urge the Congress to pass this legislation in a swift manner so that we may begin to respect and honor all of our veterans who have served.

IN RECOGNITION OF THE 160TH ANNIVERSARY OF THE HANSON PLACE CENTRAL METHODIST CHURCH

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. CLARKE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to a Brooklyn landmark, the Hanson Place Central United Methodist Church, on the occasion of their 160th Anniversary.

The first Hanson Place Methodist Church building was erected in 1847 at the corner of Hanson Place and St. Felix Street in Brooklyn. There, the history of ecumenical cooperation and community service began with a vibrant, Christ-centered congregation. Seventeen years later, to accommodate phenomenal congregational growth, a second and larger building was constructed, and dedicated on January 4, 1874. Then, on February 23, 1927, the Central Methodist Episcopal Church came into being by merging the Summerfield Methodist Church with the Hanson Place Methodist Church.

The church rose above challenges when its building purchased in 1874 was considered unsafe and had to be vacated leaving 1650 members belonging to a Church Without a Home as it was reported in the press.

By the end of 1930, sufficient investment had been committed in the Hanson Place Central Methodist Church that the church owned property that covered the entire corner on which to build its new cathedral. A lot on Hanson Place and on St. Felix Street was marked off for the structure, and today stands the Hanson Place Central United Methodist Church at 144 St. Felix Street.

The church's commitment to the community has been shown through their various ministries. Their Campaign Against Hunger has been a valuable resource for more than 15 years. This food pantry provides meals to over 110,000 individuals annually. It utilizes a customer choice approach and adopts a supermarket style of shopping with a nutritional education component.

For the past nine years, their Partnership for the Homeless ministry has provided a safe haven for men. This ministry serves as a resource for the Drop-In Center for the Bond Street Salvation Army. The shelter is open year round including public holidays.

The people who once belonged to a Church Without a Home, serves as a home for so many within a changing and rapidly developing neighborhood within and throughout Brooklyn.

I am honored that the Hanson Place Central Methodist Church has provided countless services to constituents within my district. I ask my colleagues to join me in commending this fine institution for their many years of service and commitment to the people of Brooklyn.

SENATE—*Friday, April 20, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, we thank You for Your gifts to us. You have given us peace during life's storms and comfort for our pain. You have given us strength for our present duties and courage to face future challenges. Lord, You have given us redemption that frees us from guilt and grateful love that keeps us walking on the right road. You help us find encouragement through friendships. You illuminate our darkness with the light of Your word.

Strengthen our Senators for today's journey. Let Your power pilot them, Your wisdom instruct them, Your hand protect them, and Your word direct them.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 20, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today there will be a period for morning business for only 30 minutes. Senators are allowed to speak for 10 minutes each during this time. At 10:30, the Senate will begin consideration of S. 761, the America COMPETES Act. During today's session, consideration of the bill is limited to debate only. No amendments will be in order.

Our managers, Senators BINGAMAN and ALEXANDER, are expected to be here at 10:30. The distinguished Republican leader and I will give our opening statements on the bill, and that will be followed by the two managers of this legislation.

As I previously announced, there are no rollcall votes today or on Monday, but on Monday we expect amendments to this bill. We hope people who believe it can be improved will offer amendments. There are no rollcall votes on Monday, as I have indicated, so that any amendments offered to this bill would occur Tuesday. I would like to complete those votes prior to the conference recess period, which starts at 12:30 on Tuesday.

Next week, the House will send to us the conference report on the supplemental appropriations bill. We hope to get that on Tuesday or Wednesday. I will continue to discuss Senate consideration of this matter with the Republican leader.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 10:30 a.m, with Senators permitted to speak for up to 10 minutes each.

The Senator from Colorado.

COLUMBINE ANNIVERSARY REMEMBRANCE

Mr. ALLARD. Mr. President, my wife Joan and I were horrified at the violence and bloodshed at Virginia Tech on Monday.

I was already preparing to come to the floor today to speak on another tragedy. Today marks the eighth anniversary of the Columbine murders. Next Thursday, it will be 7 months since the shooting at Platte Canyon High School in Bailey, CO. April has become a month of awful memories, a month of terrible reminders of the presence of evil and the ability of lost souls to stray far into the darkness.

I stood on this floor in April 1999 to express my shock and dismay at what had happened in Littleton. I offered my condolences to all those who lost loved ones, and to those whose loved ones have been wounded, hurt, and terrified. Today I remember them again, but I also must add sympathy and support for those at Virginia Tech.

Words cannot adequately convey the deep sense of loss all of us are feeling over this tragedy. But words—these words, and the words of our prayers—are what we have to offer.

Yet again, America is in shock.

There are far too many of my colleagues who have had this experience—who have watched as news of school violence spread across our country. This week's tragedy was in Virginia, but it is obviously of nationwide concern.

Thirty-two lives, most of them young and from the best and brightest in our society, ended Monday by savage violence. Last year, one lost life in Bailey; thirteen lives lost in 1999 at Columbine in Littleton; and there are others lost around this Nation, and around the world, in similar tragedies: Dawson College in Montréal, Gutenberg School in Erfurt, Germany.

These are wounds, scars, that will not be removed, and for those who bear the worst of this burden my wife and I offer all our compassion, our sympathy and our prayers.

Our Nation continues to grieve with the families and friends of those killed and the injured students and teachers. Although we know exhaustive details of what happened at Columbine, and are learning more from Blacksburg, we are still attempting to understand why. People are trying to cope with the terror that keeps thrusting itself into our lives. It has become obvious at this point that there are no easy answers. We need to examine the problems facing our youth, but it is critical that we take time to carefully consider the solutions being offered.

In the coming months there will be time, and there will be a need, for us to commit ourselves to finding a way to attempt to prevent this from happening again. We must ask ourselves how this could happen, and what can be done to prevent it. There is, I am sure, no simple solution. But we must pledge ourselves to doing what we can. After Columbine, the Nation took a serious look at school safety. But Bailey—and the murders in Pennsylvania last year at Nickel Mines Amish School—showed us that it is not always troubled students. Virginia Tech showed us it is not just grade schools or high schools. We need to think about ways to provide a better, more secure future.

Watching the aftermath in Blacksburg, I am reminded of the healing Colorado undertook 8 Aprils ago. I remember the memorial service held the weekend after the Columbine murders. Tens of thousands of people attended the memorial service. Among those gathered in sorrow, Joan and I witnessed a strong belief in God. We prayed together and searched for answers. I hope the students, faculty and families of Virginia Tech can find their way to face this terrible time.

Again, I offer my deepest sympathy to those who are suffering. And I want to let my colleagues from Virginia, and their constituents, know the people of Colorado will be thinking of you today as we mark the eighth anniversary of Columbine.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

AMERICA COMPETES ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consideration of S. 761, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, sometime last year, word was received that Senators Bingaman and Alexander had an idea. The idea was to do something about our country's educational slide the wrong way. I spoke to them on several occasions. They wanted to see what we could do to increase our competitiveness internationally. Their suggestion was, first, let's do a study and find out how bad it is; is it as bad as we think it is. These two fine Senators got other Senators to join with them in the idea. They received a study from the National Academy of Sciences to find out where we were internationally with our science programs. The information was not good. As a result of that, we have the legislation now before the Senate.

This legislation is not the know-all and cure-all, but it is certainly a major step forward, if we can do this, and there is no reason we cannot.

I am happy and pleased to speak about the America COMPETES legislation. America COMPETES comes from the words "creating opportunities to meaningfully promote excellence in technology, education, and science," COMPETES. This is something we should do and are doing on a bipartisan basis. The bill is sponsored by both leaders and 50 Senators. That is a step in the right direction. Frankly, this is the way we used to do legislation here. There was so much that was done on a bipartisan basis. If we are able to complete this legislation, it will allow us to move forward on other meaningful legislation dealing with this subject generally.

The bill is the result clearly of a truly bipartisan effort. This legislation has been in the making for 2 years. I said last year. Time flies by. It was the year before last that these two Senators came to me to talk about this subject. They asked the National Academy to make recommendations on steps we should take as a nation to maintain our competitive advantage. The result was the Augustine report, "Rising Above the Gathering Storm." The report warned that the Nation's traditional advantages are eroding at a time when many other nations are gathering strength and that decisive action is needed now.

We faced a challenge such as this before, one that occurred when I was in high school. In 1957, when the Soviets launched Sputnik, there was panic and concern. That panic and concern came about from our inability to do what they were doing to maintain our technological superiority. The Soviet Union clearly was ahead of us. Our great country responded to these threats quickly. The following year Congress passed, on a bipartisan basis, the National Defense Education Act, the sole purpose of which was to keep the United States ahead of the Soviet Union, to increase investment in math and science education. As a result of that bipartisan legislation, our country trained a whole new generation of engineers and scientists and ensured our preeminence in technology innovation for a generation.

The fact is, Federal investment in the basic sciences and research has long been a critical component of America's competitive dominance globally. Some economists have estimated that more than half of the country's economic growth since World War II has been a result of that technological innovation and dominance. Today, sadly, our position of dominance has been lost. We can debate where we are, but our dominance is not there—strong, of course, but dominant, no. We are challenged by emerging countries such as India and China where national investment in basic research, math, and science education continues to grow at a far greater pace than in the United States.

The Augustine panel cited many examples, but some statistics are striking. Consider that in 2005, more than 600,000 engineers graduated from institutions of higher education in China, 600,000; 350,000 in India; in the United States, 70,000—70,000 in the United States, 600,000 in China, and 350,000 in India. We can't keep up at that rate. China's population is more than the United States, of course, yet they graduate eight times the number of engineers even though they are only three times larger than the United States. The report also found that American 12th graders, seniors in high school, performed below the national average for 21 countries on a general knowledge of math and science.

Another study cited in the report had American 15-year-olds rank 24th out of 40 countries on a math assessment. I am embarrassed to tell the Senate and everyone within the sound of my voice Nevada students ranked 43rd out of 50 States in the Nation on math assessment.

As other countries become more competitive, it is clear we must refocus our energies on enhancing the Federal commitment to funding basic research in education.

My mind goes back to Paul Simon. The three of us had the opportunity to serve with him. Of course, Senator ALEXANDER served with him in different capacities when he was part of the Cabinet. He was a wonderful man, uneducated himself, no college education, wrote more than 20 books. He was a newspaper publisher when he was 19 years old. He knew that education was important, even though he was uneducated. He wrote a book called "The Tongue-Tied American," about our declining knowledge of languages and how it was hurting us internationally. I joined with him in legislation to give summer workshop programs sponsored by the Federal Government where we could pay math and science teachers on an elementary and secondary level so they could make more money than other teachers to keep up with math and science and keep them in the classroom. Paul Simon has passed away, but I am sure he is smiling on us today as a result of our trying to move forward on something that was his vision many years ago.

The America COMPETES Act addresses concerns of Paul Simon and the National Science Foundation. It is in effect a downpayment, a very modest first step in ensuring that America retains its competitive edge.

I extend my appreciation to Senators BINGAMAN and ALEXANDER for authorizing the academy study. This study, along with a number of recent reports and books, brought a much needed sense of urgency to this issue. There are also chairmen and ranking members of committees who have expressed an interest in and support of what we are doing. Senators INOUYE, STEVENS, KENNEDY, ENZI, LIEBERMAN, ENSIGN, MIKULSKI, HUTCHISON, and NELSON of Florida have been instrumental in crafting this legislation. This legislation will double the Federal investment for the National Science Foundation over the next 4 years and for the Office of Science at the Department of Energy over the next decade. I personally think it should be more than five. I am happy if we can do this. I hope we can. I am confident we can.

The bill provides grants to States in order to better align elementary and secondary school curriculum with the knowledge and skills needed for the global economy. Nevada has a program recognizing where we are in the overall scheme. It is called a P-16 Council.

This Federal legislation we have introduced and are considering now will also strengthen our math and science teaching workforce—that was Paul Simon's dream—by recruiting and training teachers to teach in high-need schools and help improve math instruction at the elementary and middle school level, through Math Now grants.

I suggest to the two authors and the two managers of this bill we go back and look at the idea Senator Simon had—and I joined with him—that we have summer workshop programs sponsored by the Federal Government for elementary and secondary teachers so they can update their math and science skills, get paid for doing that, and stay teaching. We have such a shortage of math and science teachers.

On the high school level, we have far fewer physics teachers than we have schools. Of course, the other reason for doing this is, with the collective bargaining agreements—I support them, and we have them in many of our schools, in most of our school districts—it makes it very difficult to pay math or science teachers more than you can pay a PE teacher. This summer workshop program would allow that to take place.

So I hope that is something Senator ALEXANDER and Senator BINGAMAN will look at and see if we can come up with that. It is not only important to produce these math and science teachers but to keep them in the schools also.

America COMPETES will expand important advanced placement and international baccalaureate, IB, programs by increasing the number of math, science, and foreign languages AP and IB courses and preparing more teachers to teach these challenging courses. This is essential for all States. But take, again, Nevada, where only 6 percent of 12th graders took the AP calculus exam and only 7 percent took the AP science exam.

If signed into law, our bill will do much of what the Augustine Report recommended, but the truth is, in years to come we will have to do even more.

Although we make new and significant investments in research, we still must address our tax structure and make sure we do as much as possible to encourage investment in research and development.

In 1844, this Congress was approached by an individual who said he had a great idea. He could not raise the money in the private sector, but he had an idea that would revolutionize the communications of this country, and in 1844 Congress appropriated $40,000 for a man to build a telegraph line between Washington, DC, and Baltimore, MD. It revolutionized—revolutionized—the communication industry, the telegraph.

The Federal Government is going to have to understand there are times when we have to advance moneys for research and development that cannot come from the private sector. I hope we will look to do it. We should start by finally making the R&D tax credit permanent.

We must also do more in education. The bill strengthens educational opportunities in science, technology, engineering, math, and critical foreign languages, but this, again, is a first step—but it is a big first step.

As an example, we must take a very hard look at our high schools. As Bill Gates has said, and often, our high schools were designed for a 20th century economy and often do not address the needs of the 21st century workforce.

Bill Gates and Melinda Gates now are giving money to schools, school districts, but they have a lot of strings on it. For example, recently they gave money to a New York school district, with this proviso: You can only use this money if you are going to make your schools smaller.

Nevada, again—we have high schools in Nevada that have more than 5,000 students. How in the world can students learn well—and try to make that basketball team—with 5,000 students? Some of the schools are not that big now, but we have many schools in southern Nevada that have over 3,000 students. So the Gates recognize this. We have to recognize this also as part of our problem. The average school in America is about 50 years old.

We should also realize that unless our most basic commitments to America's students are met—by properly funding title I and No Child Left Behind and making a college education accessible and affordable—these efforts alone in this bill cannot prepare our students for the global economy.

The American COMPETES Act is a tremendously important step in maintaining this Nation's competitive advantage. I look forward to doing whatever I can to make this legislation a reality.

I express my appreciation to the Republican leader for joining in this legislation. This is something he and I have talked about now for 3 months since we have assumed our roles in this 110th Congress. We are going to work to make sure this legislation goes forward.

I say to everyone within the sound of my voice, for this legislation there is going to be no cloture motion filed.

We are either going to do this or not do it. This is something we need to do. We need to prove we can do things on a bipartisan basis. And if we cannot do this, Mr. President, we are in real trouble.

So I hope we can move forward on this legislation. I hope it sets a foundation for the first of many items we can do on a bipartisan basis to move this country forward.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I thank my good friend, the majority leader, for his remarks and indicate that even though this is a Reid-McConnell bill, the true inspirations for this measure being on the Senate floor right now are Senator ALEXANDER from Tennessee and Senator BINGAMAN from New Mexico.

They made an extraordinary contribution in pulling together a disparate group of Senators from different committees to produce an extremely important piece of legislation.

The America COMPETES Act is vitally important legislation that this Senate must pass to ensure America retains its competitive edge in the global economy of the 21st century.

This bill, sponsored by my good friend and counterpart on the other side of the aisle, Senator REID, also enjoys broad bipartisan support, as I just indicated. Our two parties' cooperation shows how we can and should work together to accomplish important things for the American people.

The story of this bill began 2 years ago, when Senators ALEXANDER and BINGAMAN, from the Energy Committee, with then-Chairman PETE DOMENICI's blessing, asked the National Academy of Sciences a simple question: What are the top 10 actions that policymakers in Washington could take to keep America in the lead in science and technology for the 21st century?

That was the question. The National Academies turned to leaders of business, government, and academia for an answer, including three Nobel prize winners and a university president who is now the Secretary of Defense.

The respected former CEO of Lockheed Martin, Norm Augustine, headed the panel and produced the report we have all heard so much about, titled "Rising Above the Gathering Storm."

Mr. Augustine summed up the problem we face when he wrote in that report:

> In the five decades since I began working in the aerospace industry, I have never seen American business and academic leaders as concerned about this nation's future prosperity as they are today.

However, his report also specifically recommended to us how we attack this problem, and maintain America's lead in science and innovation.

Additional recommendations were made by the Council on Competitiveness and by the President in his American Competitiveness Initiative.

The good news is, boosting the number of rocket scientists—along with mathematicians, engineers, and computer designers—is not rocket science. We currently have the greatest scientific and technological enterprise in the world.

We have the finest system of colleges and universities anywhere. But in many ways we have become complacent, while other countries are catching up.

They see by investing in science and technology and in the education of their citizens, they can attract jobs and create wealth. We must make the same investment in our future if we are to maintain our leadership through this century and beyond in the global marketplace.

This bill, S. 761, will help maintain and improve the competitive edge of the United States over the next century by increasing our investment in basic research, strengthening educational opportunities in science, technology, engineering, and math at all educational levels, and encouraging young people to pursue careers in those fields.

From my home State of Kentucky, that means scholarships for future math and science teachers. It means increased research and development at our State universities, which could lead to new discoveries, new high-tech companies, and, of course, new jobs.

This fall, Kentucky will open the Academy of Mathematics and Science in Kentucky at Western Kentucky University, located in Bowling Green. Thanks to the leadership of Dr. Julia Roberts, director of the Center for Gifted Studies at WKU, the academy will bring together talented high-school students from all over the Commonwealth to study advanced math and science year-round—year-round—for college credit.

This bill will provide Federal support to advanced academies such as the Kentucky Academy throughout the Nation. A good friend of mine at the University of Kentucky, its president, Lee Todd, has also been working for decades to highlight the importance of math, science, and engineering in keeping Kentucky competitive. In a letter he recently sent me, President Todd wrote:

> The National Academies' report "Rising Above the Gathering Storm" has the wrong title. The "storm" is not gathering—it is already here. . . . We are putting our economic future at risk. We must do better.

Now, President Todd knows what he is talking about. Prior to assuming the presidency of one of the State's flagship institutions of higher learning, he was a highly regarded engineer and successful entrepreneur. He has built technology companies that compete in the global economy, and he understands the challenges we face.

The America COMPETES Act will make it easier for leaders like him to create more opportunities for technical learning and careers. I want to commend him for all the hard work he has done, and I ask unanimous consent his entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE PRESIDENT,
UNIVERSITY OF KENTUCKY,
Lexington, KY, March 8, 2007.

Hon. MITCH MCCONNELL,
Washington, DC.

DEAR SENATOR MCCONNELL: The "America COMPETES Act" provides the visionary investment in education and research America needs, and we appreciate your continued leadership in support of the act. If we are serious about competing in the global economy, we have to pursue bold policy change.

The National Academies' report "Rising above the Gathering Storm" has the wrong title. The "storm" is not gathering—it is already here. America is not producing enough engineers, scientists, and mathematicians to maintain our role as a world leader in technological advance. We are putting our economic future at risk. We must do better.

The same is true for Kentucky. If we want to recruit and retain knowledge-based businesses, we have to change the way we teach our kids. We must inspire a lot more of them to seek technical careers, and they need to have the skills necessary to fill high-paying jobs and create new ones. That is why I am leading a statewide Task Force on Science, Technology, Engineering, and Math (STEM). We will soon announce recommendations that have much in common with the "America COMPETES Act." Tinkering with Kentucky's current structure will not be enough if we want real and lasting change in math and science education. The time has come for fundamental change.

A second initiative the Task Force will share with the "America COMPETES Act" is recognition of the vital role energy education and research play in our future economic and homeland security. Kentucky is well positioned to provide solutions to America's need for energy independence.

Senator McConnell, I want our state to be a national leader in producing STEM graduates and solving America's energy problems. For too long, we have been willing to wait and watch as other states make tough choices that result in progress for them and leftovers for us. Kentucky has that opportunity to lead right now if we are willing to take action. I am ready to work with you in any way I can to move Kentucky and America forward.

Thank you again for your leadership in math and science and your strong and consistent support for the University of Kentucky.

Sincerely,
LEE T. TODD, Jr.,
President.

Mr. MCCONNELL. Finally, Mr. President, I especially want to commend, once again, as I did at the outset of my remarks, my good friend from the neighboring State of Tennessee, Senator ALEXANDER, for his extraordinary leadership in building the case for this legislation, helping to craft its various components, and shepherding it through each stage of the process to this point.

It was Senator ALEXANDER who, 2 years ago, along with Senator BINGAMAN, asked the National Academy of Sciences the question that led to their recommendations, and sparked this entire process.

Their inquiry led to the release of the Academy's report, which made plain for all that the leadership of the United States in science and technology is eroding, with serious consequences for our workers, our jobs, our economy, and our very way of life.

Three different committees contributed titles to this bill—the Energy, Commerce and HELP Committees—so I also want to thank those committees' leaders—Senators INOUYE and STEVENS, Senators DOMENICI and BINGAMAN, and Senators KENNEDY and ENZI—for their cooperation and hard work on this important bipartisan bill.

In a sign of how cooperative their efforts have been, this bill was actually assembled last year when Republicans held the majority, but it was created in such a bipartisan fashion that we are bringing the very same bill up today under a Democratic majority.

That is a credit to the Republican leaders of these three committees, who worked closely with their Democratic counterparts every step of the way to craft this important legislation.

I also want to recognize the efforts of my friend and predecessor as Republican leader, Senator Bill Frist of Tennessee. Senator Frist invested a great deal of time and energy last year to bring these three committees together, and he was the primary sponsor of the bill last year, along with Senator REID.

America has led the world in innovation for over a century. From the light bulb, to the airplane, to the integrated circuit, America has given the world the tools to live happier, easier, and more productive lives.

Now the rest of the world is beginning to catch up. Nations such as China and India are seeing the benefits of brainpower and what it can do to remake their economies.

The America COMPETES Act is the best way to keep more of the jobs of the 21st century right here in America, and the best way to ensure that our children have the skills to keep America at the forefront of innovation and discovery.

Once again, I thank all of my colleagues for working on this comprehensive, bipartisan solution to reinvigorate scientific exploration and invention at home. This bill is an investment in our children, our schools, and in the future of America.

It is a bill this Senate can pass and the President can sign into law. With my colleagues' support, I hope to see exactly that in the very near future.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first I thank Senator REID and Senator McCONNELL for their fine statements and their willingness to be the lead in bringing this bill to the floor. It is bipartisan legislation. It is legislation that was developed in the last Congress. We were not able to complete action on it there, so we are trying to do so at this time.

It does represent the work of three committees over the past year. Those are the Energy and Natural Resources Committee, the Commerce, Science and Transportation Committee and, of course, the Health, Education, Labor and Pensions Committee. I am fortunate to serve on two of those committees.

The chairman and ranking member of each of the three committees are cosponsoring this bill. In fact, we now have 57 Members of the Senate who are cosponsoring this legislation, with Senators REID and McCONNELL as the lead sponsors.

This bill reflects a deep undercurrent of anxiety in this country. It was highlighted recently by the very best-selling book by Tom Friedman called "The World Is Flat." It is also highlighted by the report to which Senator McCONNELL just referred, the "Rising Above the Gathering Storm" report issued by the National Academies of Science and Engineering. Both of these publications highlight a strengthening, worldwide, of the effort in science and technology.

Although we in the United States are still a world leader in these areas, other nations are clearly catching up. Without effort and intervention now, and attention to this issue now, I fear we may lose our edge in high technology areas that are critical to our future economy. The high technology competition has been an ongoing effort and continues and will continue indefinitely.

In the 1980s, during the Cold War, we were about to lose our semiconductor leadership to Japan. Motivated then by national security concerns, the U.S. Government worked with industry to help preserve our domestic chip-making capability. Along with Secretary of Defense Caspar Weinberger and Dr. Bob Noyce, Gordon Moore from Intel, and others, we were able to launch a public-private partnership called Sematech. This partnership developed early phase technologies designed to keep our semiconductor industry competitive.

Sematech was a success. It kept our industry competitive through the 1990s and even today. But the issue we are faced with here in 2007 is even more troubling. India and China and other countries from the former Soviet Union now represent nearly 3 billion new capitalists who are coming at us in a competitive way through the Internet where, in one click, anyone in this country can order a product from anywhere in the world and have that delivered to his or her doorstep. Not only can these countries and entrepreneurs in these countries manufacture at a fraction of the cost that oftentimes is required here in the United States, but in coordination with their Governments they are climbing up the value chain by developing the professional talents in areas such as research and engineering and in telemedicine and in finance—in a whole variety of areas.

We have taken for granted that our Nation would never be displaced in many of these areas. These are areas that represent part of the pillars of our national identity. Many Americans have grown up assuming the United States would always be the leader in high technology, but that is not a foregone conclusion. It is not the simple box fan that is being made in China today that concerns people. It is the sophisticated code from Beijing for enterprise server software or state-of-the-art locomotives and turbines designed in Bangalore when they used to be designed in this country.

The data paints a disturbing picture about the trends with which we are faced. Right now the United States invests about 2.7 percent of its gross domestic product in research and development. That is not bad. It puts us No. 5 in the world in the percentage of our gross domestic product invested in research and development. Yet we are still behind Korea. We are still behind Japan. Both those countries invest over 3 percent of their gross domestic product in research and development.

However, the issue is not to look at the static snapshot that says today we are fifth in this level of effort, but to look at the change in the rate of commitment over time.

Let me do that with a chart here. I have several charts I want to briefly take people through, to make the case for what we are up against. This is the Emerging Economies Rapidly Increasing Research and Development Investments chart. The top line with the orange dots upon it shows the United States and shows we are investing more than other nations. But the bottom line, which, of course, is rising rapidly, is fast-growing economies. Those economies are specifically China, Ireland, Israel, Singapore, South Korea, and Taiwan. So clearly we have a circumstance where the rate of change is not favorable to us. In fact, during this same timeframe, China's research and development per GDP grew from .6 percent to 1.4 percent. That is still well behind us, the United States, but it doubled in slightly more than a half dozen years, at a 7-percent annual growth rate.

The trend line on the chart is self-evident. We need to begin to focus again on this area if we are going to maintain our ability to compete in biotechnology, in semiconductors, in flat panel displays. In some of those areas, particularly flat panel displays, the reality is we no longer compete effectively.

Let me move to a second chart. This second chart shows the widening trade deficit in certain advanced technologies, in areas such as semiconductors, pharmaceuticals, and telecommunications. As the sophistication of the imports we bring into this country increases, so will the sophistication of the research and development that is needed to support this type of manufacturing. You can see this orange line here, which represents the trade balance in advanced technology. You can see that up until somewhere around 2000, or the late 1990s, we had a very positive balance of trade with regard to advanced technology products. Since then, the line has been going down and going down rapidly. This is a concern which all of us should focus on, and this legislation is designed to address this concern head on.

The third chart shows the average science literacy score of 15-year-old students by country. This is very hard to read. Unfortunately, the lettering is too small. But the main point can be understood. These, of course, are the future scientists and engineers in the world, young people on whom we depend to become future scientists and engineers and innovators. Obviously, we are concerned that the United States ranks way down here on the chart compared to 15-year-old students in all of these countries above us: Japan, South Korea, Australia, Netherlands, Czech Republic, New Zealand, Canada, Switzerland, France, Belgium, Sweden, Ireland, Hungary—you can follow on down. We come in right behind Iceland. We need to do better. I think everyone in this country who is concerned about the future of our economy and the future of our children knows we need to do better by those children and provide a better opportunity for them to compete in this world.

Let me move to the fourth chart. If we look further up the pipeline of future innovators, the news is not that much better. This chart shows the fraction of United States undergraduates who receive science and engineering degrees, so you can see that at least three times more college students graduate with science and engineering degrees in China each year than in the United States. This is not a favorable trend either. Obviously, there are more people in China. But our ability to compete in the world, to a substantial extent, is going to depend on how many people we can train and equip to compete in this science and competition.

The fifth chart I have here relates to trained scientists and engineers. This shows that China now produces almost as many Ph.D.'s as the United States. Again, the trend is the disturbing part of this chart. It is not that China is producing nearly as many doctoral degrees in the natural sciences and math and engineering as is the United States today. That is a fact but one that does not cause great concern. The concern is that we were dominant in this area and have been for a very long time. Now that has changed very dramatically. Universities in these other countries are first-class universities and people need to focus on that. Universities such as Tsinghua, in China, are very high quality. If they turn out a Ph.D. in engineering or science or the natural sciences in these schools, those individuals are world-class scientists in their fields.

There is a 1995 quote by Alan Greenspan that sums up the importance of investment in research and development and education:

> Had the innovations of recent decades, especially in information technologies, not come to fruition, productivity growth would have continued to languish at the rate of the preceding 20 years.

Much of the prosperity we have enjoyed and have come to expect has been the result of the focus we have had on science and engineering in our history.

The final chart I have here is one from "The Economist." It is based on the 2006 work that was done by three individuals at the Federal Reserve. It deals with this broad category of so-called intangible assets, assets such as research and development, information technology, even finance.

Basically what it says is, as a percentage of gross domestic product, there is a very large amount of our gross domestic product that is tied to these so-called intangible assets. They now account for nearly 11 percent of our gross domestic product—that is $3.1 trillion in 2003. In other words, growth that is attributed to such areas is absolutely crucial to our overall economy—again, another reason why we need to be concerned about this issue.

With this background, let me briefly talk about what is in the bill before I defer to my colleague here, Senator ALEXANDER. In the Energy and Natural Resources Committee, the portion of the bill that was developed out of that committee, we do several things. First, we create a director for math and science education in the Department of Energy whose job it is to coordinate math and science education, departmentwide. The director would report to the Under Secretary for Science in the Department of Energy.

Next, we would significantly increase funding for the Department of Energy's Office of Science to match the multiyear funding profile of the President's advanced competitiveness initiative which he presented to us here this year.

Third, the bill proposes to create an Advanced Research Projects Agency for Energy, to translate basic research that is carried out in the Office of Science into solutions for critical problems facing the applied energy programs in the Department.

Examples of such problems would include hydrogen fuel storage using new materials or applying nanoscience to a new generation of solid-state lights.

The bill will also address broader themes related to math and science education. According to the National Academy of Sciences, the technical building blocks of our Nation's economic strength have been eroding for a time. We need to produce students who are prepared to meet the challenges of the 21st century. That means more attention to math and science education.

America COMPETES contains a number of important provisions to improve K–12 math and science education, strengthen science and math skills of our teaching workforce. I know Senator REID talked eloquently about that need and, of course, the commitment our former colleague, Paul Simon, had to progress in that area.

First, it provides incentives for universities to systematically change the way they prepare teachers to teach math and science. The legislation provides grants to universities to integrate the teacher preparation programs with rich content subject matter in math and science, develop bachelor's degree programs in math and science with concurrent teacher certification, as well as master's degree programs in math and science for people who are currently teaching in our schools.

Second, to make these programs attractive to students who are inclined to study these subjects—math, science, and engineering—the legislation significantly expands the National Science Foundation scholarships for students to become math and science teachers.

The legislation significantly expands opportunities for teachers to strengthen their math and science skills. The bill increases training for teachers to become qualified to teach advanced placement courses and international baccalaureate courses in math and science. The bill provides significant training opportunities for teachers at both the National Science Foundation, as well as our National Laboratories, and there I think some of the summer programs Senator REID was talking about are intended to take place at our universities, at our laboratories. Clearly, he is right in saying we need to provide the financial wherewithal so that teachers can take advantage of these programs and can upgrade their knowledge and then give that knowledge to their students the next school year.

Further, the legislation provides grants to States to promote better alignment of elementary and secondary education with the knowledge and skills needed for success in postsecondary education and in the 21st century workforce.

The bill significantly increases funding for the National Science Foundation, essentially doubling that budget in 5 years, while ensuring that the math and science education programs that are in the National Science Foundation increase at the same rate as the overall budget increases.

The bill helps manufacturers by increasing funding for the National Institute of Standards and Technology, or NIST, by 33 percent over 4 years.

As I have said many times, this America COMPETES bill is only an authorization bill. The hard part, obviously, is going to be providing the funds to carry out the programs in this bill to meet these authorization targets we have set.

In this regard, we were successful just a month or so ago, with Senator ALEXANDER's good help, in adopting an amendment in the Senate which was an amendment to the budget resolution. It was adopted 71 to 1 to provide $1 billion in additional leeway or additional opportunity to meet the President's request in the areas of funding for the Department of Energy's Office of Science, the National Science Foundation, and NIST. Because of that amendment to the budget resolution, virtually all of the authorization we are calling for in this legislation will be permitted to be appropriated this year, and that is very good news.

This bill is a good bill. It is bipartisan. Like most bipartisan bills, it is the product of much negotiation. Many competing views, many competing interests have had a chance to be heard.

I am proud of the way this bill has come together. Our staffs deserve great credit for the hard work they have put into this legislation.

I particularly commend Senator ALEXANDER. He is the person who got this initiative started and came to me initially and said: Let's do this letter to the National Academies and see if they will do a study and tell us what are the most important things we can do in this country to keep this country competitive in world markets. That is what then led to the Augustine Commission report and, of course, that combined with the other reports that came forward—and there were several other very useful reports—that have gotten us to this point. Senator ALEXANDER deserves particular credit for the success we have had so far.

I hope all colleagues will look seriously at this legislation and will support the effort to move ahead with it. This is authorizing legislation. In doing the appropriations bills that will come to the floor later this year, we still will have an opportunity to debate the specific funding levels for some of these programs. This sets out a framework for progress which can be very beneficial to this country and a framework which is long overdue.

I urge my colleagues to support the legislation.

I yield the floor. I know my colleague from Tennessee wishes to speak at this time.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico. No one in the Senate on either side of the aisle has been more consistent or more effective in advancing our Nation's position in science and technology. He is also a delight to work with. It is rare to have a chance to work across the aisle in the way we have the last couple of years, not only on this legislation, but Senator BINGAMAN, for example, noticed that we were losing our edge in world-class computing. He saw that because of a visit to Japan. He came to me, and we worked together to try to restore that edge. He constantly is doing that in a quiet and effective way. It is a pleasure to work with him.

I also thank the majority leader, Senator REID, and the Republican leader, Senator MCCONNELL. Senator BINGAMAN and I went to see the majority leader 2 years ago when he was the minority leader. We asked him to do exactly what he has done. He and Senator Frist did. They created an environment in which this bill had a chance to succeed. Then Senator MCCONNELL stepped right up, following Senator Frist's tremendous help and leadership in this effort, and it is fairly remarkable that we worked so evenly together in the last Republican Senate on this bill that the legislation was introduced in the Democratic Senate in the same way because we worked together on it and, hopefully, that has produced a better result.

I begin my remarks with a story. Last August, a group of Senators went to China. We were led by two of our most distinguished Members, Senator STEVENS and Senator INOUYE, the two leaders of the Commerce Committee and two of the major contributors to this legislation. Those two Senators were very well received in China. Senator INOUYE, of course, is a Congressional Medal of Honor winner from World War II, and Senator STEVENS was a Flying Tiger. He flew the first cargo plane into Beijing toward the end of World War II. So he was very well received in China.

As a result, we had a chance to meet with the senior leaders of China in a way most Americans had not to that time. We spent an hour with President Hu. We spent another hour with the No. 2 leader in China, Mr. Wu, who is chairman of the National People's Congress.

We talked about the issues one would expect an American delegation of a dozen Senators would talk about with the leaders of China. We talked about their military posture. We talked about North Korea. We talked about Iraq. We talked about Iran. But, Mr. President—I can still see this—in both of the meetings we had, one with Mr. Hu, the second with Mr. Wu, there was one subject about which those two leaders of China were most animated, and that was the subject we are discussing today: how to develop China's brain power advantage so they can create more good, new jobs in China. That was the subject they really wanted to talk about.

President Hu had gone to the Chinese Academy of Sciences and the Chinese Academy of Engineering just a month earlier in July. He assembled them in the Great Hall of the people. He outlined a new 15-year plan to make China a technology leader in the world.

In his speech, President Hu said China must "promote a huge leap forward in science and technology. We shall put strengthening independent innovation capability at the core of economic structure adjustment."

Anyone who follows China knows that when their leaders talk about leaps forward, it is a pretty big deal. President Hu's new plan appears more likely to succeed and includes reforming China's universities and massively investing in new research.

We regularly see stories of how Chinese-born academicians, some of our most distinguished faculty members at our major universities, are now accepting invitations to go back to China, their homeland, and create great universities there. There are a lot of people here—one-half of the Nobel Prize winners in physics who are American are immigrants or the sons and daughters of immigrants.

So China is serious about this plan. Mr. Hu said:

> We all bear the time-honored mission to provide strong scientific support for the construction of a well-off society by improving our independent innovation capability and building an innovative country. I hope that our scientists and technicians will strive hard to make our brilliant achievements and constantly contribute to our country and our people.

Those are the leaders of China. They know what to do.

The United States has a remarkable position. As Senator BINGAMAN said, Senator REID said, and Senator MCCONNELL said, we don't want to take it for granted because we can't. But let's stop and think about where we are. This huge brain power advantage we have in the United States of America has given us a situation in which we produce about 30 percent of the gross national product in the world in for about 5 percent of the people. About 30 percent of all the dollars, volume in the world this year is being produced in this country, a country that only includes 5 percent of the people. How does that happen? The United States has a number of advantages: its location, its resources, the great diversity we have here, the fact we have turned all that diversity into one country. But when we look at all of our advantages—and I should quickly put the great entrepreneurial engine we have here, the fact that if you want to come to a big country and start from scratch and create a company—and I have had the privilege to help do that in the private sector—this is the place to do it. But when you look at our major advantage, it is our brainpower.

No other country has had the broad system of education we have had. No other country has the large number of great research universities the United States of America has. No other country has the great National Laboratories we have. As a result, over the last century, especially since World War II, no other country has come close to turning its brainpower advantage into jobs, into dollars, into a high standard of living for a large number of people, and the rest of the world sees that. They see it on television. They see it on the Internet. They see it because more than half a million students from around the world, many of the brightest men and women in the world, come here to our universities, and they see what we have been able to do, and they say: Why can't we do this at home in China? Why can't we do this at home in India? Why can't we do this in Ireland? And they are doing it. We are glad they are doing it. We want them to have a high standard of living, too. The more money they make, the more goods they can buy from the United States of America. So we encourage that activity.

It also spreads our democracy, our ideals. We go to Thailand or some other country, and we find the Minister of Agriculture is a graduate of the University of Tennessee. He has learned here. He goes there and teaches about agriculture, and he promotes our ideas. Our higher education system has probably been the most effective foreign aid we have ever invested in, just those half million students who go there.

However, we are at risk of losing our brainpower advantage. If we lose our brainpower advantage, we lose our advantage and our standard of living. In other words, in plain English, we don't have as much money in our pockets, we don't have as many good jobs, and our families don't have the kind of prosperity many have come to take for granted. That is what this piece of legislation is about.

We talk a lot about outsourcing jobs, about growing new jobs. Well, this is the way to keep good new jobs in the United States and to grow them. When a graduate of a university, such as the student at the University of Maryland—I think he dropped out, actually—a foreign student—creates Google, that creates thousands and thousands of new jobs in the United States, as Thomas Edison did years ago, as Bill Gates did more recently, and as thousands of entrepreneurs do every day. It takes the brainpower advantage to create the job and it takes the brainpower advantage to work at the facility or the plant that has the jobs.

That is why, toward the end of a long Budget Committee hearing 2 years ago, I was getting a little depressed listening to what I heard about the numbers. According to the budget 2 years ago, and the budget last year, and the budget this year, we are on an unsustainable course in terms of being able to pay for Medicare and Medicaid. So the question came to me: Well, if we are going to squeeze out everything else in order to pay for Medicare and Medicaid and other programs, the war in Iraq, then how are we going to invest in this great engine of brainpower that creates the money that pays all the bills? I struggled with this as the Governor of Tennessee. I was trying to raise our standard of living in Tennessee. We were the third poorest State 25 years ago when I became Governor, based on family incomes. We already had low taxes. We had a right-to-work law. We needed to change some rules about the usury limit in banking. We needed to add a new four-lane highway system. All those were progrowth. But the most progrowth action I discovered we could take was to improve our colleges and our universities and our research facilities. That is progrowth.

As a result of better schools, better colleges, and better universities, combined with our other advantages, we moved ahead in our State. Better schools meant better jobs. Better colleges and universities mean better jobs. More research means better jobs. So we are talking today about better jobs—progrowth.

We better realize as well that we have some pretty big bills to pay. Last year, we spent $237 billion on debt, $378 billion on Medicare, $545 billion on Social Security, $70 billion or more on hurricanes, and we are spending about $4 billion a week on Iraq. What this legislation does is authorizes $4 billion a year over the next 4 years. As Senator BINGAMAN said, we made room for it in the budget this year to create and encourage and continue to push ahead this brainpower engine that creates the money to pay for all these necessary and urgent needs we have, these priorities we have. This is a progrowth piece of legislation.

I would say this may be the most important piece of legislation the Congress considers in this 2-year session. If it is not the most important piece of legislation, there is certainly no more important subject to most American families than: How do I keep money in my pocket to pay my bills? How do we keep our jobs from going to India and China? How do we keep our economic advantage? How do we come close to continuing to be the country that produces 30 percent of all the money in the world for only 5 percent of the people? That is why, at the end of that Budget Committee hearing I mentioned a little earlier, I literally walked down the street to the National Academy of Sciences and asked them, on behalf of Senator BINGAMAN and myself, with the approval of Senator DOMENICI, the chairman of our committee, and with the endorsement of Representatives BOEHLERT and GORDON in the House of Representatives—I said: Most ideas in Washington fail for lack of the idea. You are here at the end of a long day in the National Academies. You are supposed to be our advisers. So let me ask you a question: Why don't you tell us the 10 most important things we can do, in priority order, to keep our brainpower advantage? I said to them: I am merely one Senator, but I will bet if you do that, we will do it. We will take your advice.

The National Academy of Sciences and of Engineering and the Institute of Medicine formed an immediate group. They asked Norm Augustine, the former chief executive officer of Lockheed Martin and a member of the National Academy of Engineering, to chair the group. He turned to 21 distinguished Americans who know a lot about the world and our country, Craig Barrett, chairman of the board of Intel; Steven Chu, cowinner of the Nobel prize in physics and Director of Lawrence Berkeley National Laboratory; Robert Gates, who was then head of Texas A&M and now is the Secretary of Defense, and a number of others; the former head of MIT, Peter O'Donnell, a Texas businessman who has worked on AP courses, and they did this report: "Rising Above The Gathering Storm." They didn't make 10 recommendations, they made 20, and they made them in priority order. Their priorities began with K–12 education. They went next to engineering and research. They went next to higher education. They went next to incentives for innovation.

At that point, we formed a bipartisan group of Senators and began to have what we called "homework sessions" with the various agencies of the Federal Government that had jurisdiction over these programs and the areas where the programs would fit. We also recognized that Senator LIEBERMAN, Senator ENSIGN, and others had been working hard with the Council on Competitiveness, and they had similar recommendations. We also acknowledged that Senators HUTCHISON, BOND, and MIKULSKI had for many years been advocating various aspects of these programs, so we tried to integrate all of this into a whole. That produced a long piece of legislation that had to make its way through five different committees, but it attracted 70 sponsors last year—35 Democrats, 35 Republicans. The Republican leader, Senator Frist, and the Democratic leader, Senator REID, were the principal sponsors of the bill.

Senator BINGAMAN has done a good job of outlining most of the provisions of the bill, so I will, in a few minutes, put those into the record, but there is no other piece of legislation during the past 2 years that was so broadly recommended by disinterested groups outside of the Senate and the House, that has been worked on by so many Senators here, and that has moved forward in the way this has. Making this even more remarkable is not only was it introduced by the Democratic and Republican leaders, it has been brought directly to the floor for debate. So what we hope is our colleagues will carefully read the bill, bring their amendments to the floor, and maybe we can operate in an old-fashioned way here. Maybe we can consider the amendments, or the improvements, debate them, vote on them, go to the next amendment, and then after we have finished with that, have a vote on whether to pass the bill, which I believe we will. I think we have a good chance of doing that.

Mr. President, I wish to now insert into the RECORD a few items that are important for our colleagues and those who are following this debate, so I ask unanimous consent that following my remarks a "Dear Colleague" letter of April 10, written by Senator REID and Senator MCCONNELL to all of our colleagues, signed by the chairmen and Democratic and Republican leaders of the three major committees which contributed to this, and which produced 50 cosponsors—we hope there will be more by next week—be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a two-page summary of the America COMPETES Act be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a list of the cosponsors of the America COMPETES Act, the 50 cosponsors, as it stands today, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. ALEXANDER. Finally, Mr. President, I ask unanimous consent that a section-by-section analysis of the America COMPETES Act be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. ALEXANDER. Mr. President, we will have plenty of time to debate this next week, so I will reserve most of my comments until then, but let me reiterate some of the major provisions that are here. As Senator BINGAMAN said, this is only an authorization bill. It is permission to establish programs, but it is backed up by an amendment to the Budget Act which creates room in the appropriations bill to pay for these programs.

Here is what we intend to do: Double funding for the National Science Foundation; set the Department of Energy's Office of Science on track to double its funding; strengthen the skills of thousands of math and science teachers by establishing training and education programs at summer institutes hosted by the national laboratories; and by increasing support for teacher institutes for programs at the National Science Foundation.

These are the kinds of programs that Senator REID, the majority leader, was talking about.

Expand the teacher scholarship programs at NSF; help establish academies for math and science in the various States.

North Carolina has had one for a long time, and 20 years ago, when I was Governor, I went to see if Tennessee could create one. We decided we didn't have the money to do it, so we created a summer Governor's school, which turned out to be a good idea, where outstanding students from math and science could go to the University of Tennessee for 4 weeks in the summer. The faculty loves it, the students love it, and they participate in the Oak Ridge Laboratory. They go back fired up into their classrooms, and the teachers are fired up as well. Our Governor Bredesen wants to create a summer school for math and science, and he has started on a modest basis, but this will help him expand that.

We will expand advanced placement in international baccalaureate programs by increasing the number of teachers who are trained to teach math, science, and foreign languages. This would allow thousands of new students to take these courses. The AP courses, as we call them, are a good track to college, and college is a good track to success. Those students are the ones who will help create the jobs to keep our high standard of living. But we have a lot of students, many of them lower income, who don't take these courses and who easily could. So we will help pay for their tests, and we will train more teachers so they can be taught, and we will see that three or four times more students will be able to do this.

These programs weren't picked out of thin air. This group of distinguished Nobel laureates, university presidents, and business leaders spent their summer 2 years ago reviewing many programs. For example, the AP program comes from a Texas program which has been successful for 10 years. They picked the 20 best ideas in priority order from among hundreds of ideas. This is not merely a group of Senators and Congressmen picking our best friend's favorite program. We all have one of those. This is the National Academies of Sciences and Engineering and the Institute of Medicine reviewing hundreds of programs with a distinguished panel in answering our question exactly what do we need to do to keep our brainpower advantage, and they say here are the first 20 things you ought to do.

Not in this legislation are other provisions that were part of this report and that were acted on in the last Congress. One was the temporary extension of the research and development tax credit. It should be made permanent. Another are several provisions for attracting and keeping in this country talented professionals from overseas. These 500,000 foreign students who are here include some of the brightest students from China, some of the brightest students from India, some of the brightest from around the world. They are going to create jobs somewhere. We would like for them to stay and create jobs here, yet our archaic immigration laws prevent that. They require these students to swear they are going home before they come. They make it hard for them to stay once they get here.

So the Senate, last year, in debating the immigration bill, adopted three of the provisions from this report. One, for example, pins a green card on any foreign student who gets a graduate degree in math, science, engineering and technology so that person can stay here and create jobs for us here.

I am hopeful when we get to the immigration legislation within a few weeks that we will do at least that much to change our archaic immigration laws and allow those students to stay here and create jobs for us. We talk a lot about outsourcing jobs. This would be insourcing brain power, and we would be smart to do it.

I particularly thank our staffs, and we will do this specifically by name next week. This is a complex bill with many different parts, as the section-by-section analysis shows. They have worked evenly to try to make this a well-crafted bill. We have more work to do.

I conclude by again thanking the Democratic and Republican leaders, Senator BINGAMAN, Senator DOMENICI, especially, who was chairman of our committee last year, STEVENS and INOUYE, ENZI and KENNEDY, ENSIGN and LIEBERMAN, BOND, HUTCHISON, CHAMBLISS, MURKOWSKI, and MIKULSKI—all of these Senators made major contributions. I am sure they will be on the Senate floor next week to address this legislation and to support it.

We are talking about keeping our brain power advantage so we keep our jobs. We are talking about a country that has grown accustomed to 30 percent of all of the money in the world being produced each year with just 5 percent of the people, and we are saying, unless we take at least these steps, that won't continue.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 10, 2007.

DEAR COLLEAGUE: We are writing to invite you to cosponsor the America COMPETES Act; a bipartisan bill to help America maintain its edge in science, technology, engineering, and mathematics in an increasingly competitive global economy. An earlier version of this bill was introduced in the final days of the 109th Congress as S. 3936.

The America COMPETES Act is based upon recommendations from both the national Academies' "Rising Above the Gathering Storm" report and the Council on Competitiveness' "Innovate America" report. It contains revised versions of the legislation approved by both the Senate Energy and Commerce Committees [from the 109th Congress] in response to those recommendations: S. 2197, the PACE-Energy bill, and S. 2802 the American Innovation and Competitiveness bill, which were reported without opposition to the Senate floor. The bill also includes provisions developed by the bipartisan leadership of the HELP Committee to improve science, technology, engineering, mathematics, and critical foreign language skills.

The competitiveness package would significantly increase the federal investment in basic research, foster and innovative infrastructure, improve the teaching of math, science, engineering and technology to our children, and encourage the brightest minds to pursue careers in these fields. Among other provisions, the bill would: Double the investment in basic research at the national Science Foundation (NSF), the National Institutes of Standards and Technology (NIST), and the Department of Energy's Office of Science (DOE–SC) over five to ten years; Improve teacher training in math and science, through summer institutes hosted by the NSF and the DOE–SC and grants to increase university degree programs that combine math and science study with concurrent teacher certification; and Increase support for Advanced Placement programs to expand access for low income students to take and succeed in college preparatory courses.

This bill alone will not secure American leadership in the decades to come. But it is a critical first step toward protecting our competitive position in the world. We hope you will join us in this effort and cosponsor this bipartisan legislation.

Sincerely,

Harry Reid, Majority Leader; Jeff Bingaman, Chairman, Committee on Energy and Natural Resources; Daniel K. Inouy, Chairman, Committee on Commerce, Science, and Transportation; Edward M. Kennedy, Chairman, Committee on Health, Education, Labor, and Pensions; Joseph I. Lieberman, U.S. Senator; Barbara A. Mikulski, U.S. Senator; Bill Nelson, U.S. Senator; Mitch McConnell, Republican Leader; Pete V. Domenici, Ranking Member, Committee on Energy and Natural Resources; Ted Stevens, Vice-Chairman, Committee on Commerce, Science, and Transportation; Michael B. Enzi, Ranking Member, Committee on Health, Education, Labor, and Pensions; John Ensign, U.S. Senator; Lamar Alexander, U.S. Senator; Kay Bailey Hutchison, U.S. Senator.

EXHIBIT 2

SUMMARY OF THE "AMERICA COMPETES ACT"

The "America COMPETES Act" is a bipartisan legislative response to recommendations contained in the National Academies' "Rising Above the Gathering Storm" report and the Council on Competitiveness' "Innovate America" report. The bill is similar to the "National Competitiveness Investment Act" that Senators Frist, Reid, Stevens, Inouye, Domenici, Bingaman, Enzi, Kennedy, Ensign, Lieberman, Alexander, Mikulski, Hutchison, and others introduced in September 2006. Several sections of the bill are derived from proposals contained in the "American Innovation and Competitiveness Act of 2006" (S. 2802), approved without opposition by the Senate Commerce Committee, and the "Protecting America's Competitive Edge Through Energy Act of 2006" (S. 2197) approved without opposition by the Senate Energy Committee last year. Accordingly, the America COMPETES Act focuses on three primary areas of importance to maintaining and improving United States' innovation in the 21st century: (1) Increasing research investment, (2) strengthening educational opportunities in science, technology, engineering, and mathematics from elementary through graduate school, and (3) developing an innovation infrastructure. More specifically, the America COMPETES Act would:

INCREASE RESEARCH INVESTMENT BY:

Doubling funding for the National Science Foundation (NSF) from approximately $5.6 billion in Fiscal Year 2006 to $11.2 billion in Fiscal Year 2011.

Setting the Department of Energy's Office of Science on track to double in funding over 10 years, increasing from $3.6 billion in Fiscal Year 2006 to over $5.2 billion in Fiscal Year 2011.

Establishing the Innovation Acceleration Research Program to direct federal agencies funding research in science and technology to set as a goal dedicating approximately 8 percent of their Research and Development (R&D) budgets toward high-risk frontier research.

Authorizing the National Institute of Standards and Technology (NIST) from approximately $703 million in Fiscal Year 2008 to approximately $937 million in Fiscal Year 2011 and requiring NIST to set aside no less than 8 percent of its annual funding for high-risk, high-reward innovation acceleration research.

Directing NASA to increase funding for basic research and fully participate in interagency activities to foster competitiveness and innovation, using the full extent of existing budget authority.

Coordinating ocean and atmospheric research and education at the National Oceanic and Atmospheric Administration and other agencies to promote U.S. leadership in these important fields.

STRENGTHEN EDUCATIONAL OPPORTUNITIES IN SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, AND CRITICAL FOREIGN LANGUAGES BY:

Authorizing competitive grants to States to promote better alignment of elementary and secondary education with the knowledge and skills needed for success in postsecondary education, the 21st century workforce, and the Armed Forces, and grants to support the establishment or improvement of statewide P-16 education longitudinal data systems.

Strengthening the skills of thousands of math and science teachers by establishing training and education programs at summer institutes hosted at the National Laboratories and by increasing support for the Teacher Institutes for the 21st Century program at NSF.

Expanding the Robert Noyce Teacher Scholarship Program at NSF to recruit and train individuals to become math and science teachers in high-need local educational agencies.

Assisting States in establishing or expanding statewide specialty schools in math and science that students from across the state would be eligible to attend and providing expert assistance in teaching from National Laboratories' staff at those schools.

Facilitating the expansion of Advanced Placement (AP) and International Baccalaureate (IB) programs by increasing the number of teachers prepared to teach AP/IB and pre-AP/IB math, science, and foreign language courses in high need schools, thereby increasing the number of courses available and students who take and pass AP and IB exams.

Developing and implementing programs for bachelor's degrees in math, science, engineering, and critical foreign languages with concurrent teaching credentials and part-time master's in education programs for math, science, and critical foreign language teachers to enhance both content knowledge and teaching skills.

Creating partnerships between National Laboratories and local high-need high schools to establish centers of excellence in math and science education.

Expanding existing NSF graduate research fellowship and traineeship programs, requiring NSF to work with institutions of higher education to facilitate the development of professional science master's degree programs, and expanding NSF's science, mathematics, engineering and technology talent program.

Providing Math Now grants to improve math instruction in the elementary and middle grades and provide targeted help to struggling students so that all students can master grade-level mathematics standards.

Expanding programs to increase the number of students from elementary school through postsecondary education who study critical foreign languages and become proficient.

DEVELOP AN INNOVATION INFRASTRUCTURE BY:

Establishing a President's Council on Innovation and Competitiveness to develop a comprehensive agenda to promote innovation and competitiveness in the public and private sectors.

Requiring the National Academy of Sciences to conduct a study to identify forms of risk that create barriers to innovation.

EXHIBIT 3

COSPONSORS, ALPHABETICAL

[* = original cosponsor]

Sen Alexander, Lamar [R-TN]—3/5/2007*; Sen Bennett, Robert F. [R-UT]—4/19/2007; Sen Biden, Joseph R. [D-DE]—4/18/2007; Sen Bingaman, Jeff [D-NM]—3/5/2007*; Sen Brown, Sherrod [D-OH]—3/15/2007*; Sen Cantwell, Maria [D-WA]—3/5/2007* Sen Cardin, Benjamin L. [D-MD]—4/18/2007; Sen Carper, Thomas R. [D-DE]—3/5/2007* Sen Chambliss, Saxby [R-GA]—3/7/2007; Sen Clinton, Hillary Rodham [D-NY]—3/5/2007* Sen Cochran, Thad [R-MS]—4/17/2007; Sen Coleman, Norm [R-MN]—3/5/2007*; Sen Collins, Susan M. [R-ME]—3/14/2007; Sen Cornyn, John [R-TX]—3/5/2007*; Sen Craig, Larry E. [R-ID]—3/5/2007*; Sen Demenici, Pete V. [R-NM]—3/5/2007*; Sen Durbin, Richard [D-IL]—3/6/2007; Sen Ensign, John [R-NV]—3/5/2007*; Sen Enzi, Michael B. [R-WY]—3/5/2007*; Sen Feinstein, Dianne [D-CA]—3/6/2007; Sen Hagel, Chuck [R-NE]—3/29/2007; Sen Hutchison, Kay Baily [R-TX]—3/5/2007*; Sen Inouye, Daniel K. [D-HI]—3/5/2007*; Sen Isakson, Johnny [R-GA]—3/29/2007; Sen Kennedy, Edward M. [D-MA]—3/5/2007*; Sen Kerry, John F. [D-MA]—3/5/2007*; Sen Klobuchar, Amy [D-MN]—3/14/2007; Sen Kohl, Herb [D-WI]—3/5/2007*; Sen Landrieu, Mary L. [D-LA]—3/5/2007*; Sen Lautenberg, Frank R. [D-NJ]—3/8/2007; Sen Levin, Carl [D-MI]—4/19/2007; Sen Lieberman, Joseph I. [ID-CT]—3/5/2007*; Sen Lott, Trent [R-MS]—4/18/2007; Sen Lugar, Richard G. [R-IN]—3/5/2007*; Sen Martinez, Mel [R-FL]—3/5/2007*; Sen McCaskill, Claire [D-MO]—3/8/2007; Sen McConnell, Mitch [R-KY]—3/5/2007*; Sen Menendez, Robert [D-NJ]—3/5/2007*; Sen Mikulski, Barbara A. [D-MD]—3/5/2007*; Sen Murkowski, Lisa [R-AK]—3/5/2007*; Sen Nelson, Bill [D-FL]—3/5/2007*; Sen Nelson, E. Benjamin [D-NE]—4/19/2007; Sen Obama, Barack [D-IL]—3/5/2007*; Sen Pryor, Mark L. [D-AR]—3/5/2007*; Sen Roberts, Pat [R-KS]—3/5/2007*; Sen Rockefeller, John D., IV [D-WV]—3/5/2007*; Sen Salazar, Ken [D-CO]—3/5/2007*; Sen Smith, Gordon H. [R-OR]—3/5/2007*; Sen Stabenow, Debbie [D-MI]—4/19/2007; Sen Stevens, Ted [R-AK]—3/5/2007*; Sen Voinovich, George V. [R-OH]—3/5/2007*; and Sen Warner, John [R-VA]—3/5/2007*.

EXHIBIT 4

THE AMERICA COMPETES ACT

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

Section 1 would provide that the legislation be cited as the "America COMPETES Act."

Section 2. Organization of Act into Divisions; Table of Contents

Section 2 would organize the legislation into four divisions. Division A would contain sections related to commerce and science; Division B would contain sections related to the Department of Energy; Division C would contain sections related to education; Division D would contain sections related to the National Science Foundation. This section would also provide a Table of Contents for the legislation.

DIVISION A—COMMERCE AND SCIENCE

Section 1001. Short Title

This section would provide that this division may be cited as the "American Innovation and Competitiveness Act"

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENTWIDE SCIENCE

Section 1101. National Science and Technology Summit

This section would require the President to convene a National Science and Technology Summit within 180 days of enactment to evaluate the health and direction of nation's science and technology enterprise and to identify key research and technology challenges and recommendations for research and development investment over the next five years as a result of the summit.

Section 1102. Study on Barriers to Innovation

Section 1102 would require the Director of the Office of Science and Technology Policy to enter into a contract with the National Academy of Sciences to conduct a study to identify forms of risk that create barriers to innovation one year after enactment and four years after enactment. The study is intended to support research on the long-term value of innovation to the business community and to identify means to mitigate risks presently associated with such innovation activities.

Section 1103. National Innovation Medal

Section 1103 amends Section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711) to rename the "National Technology Medal" as the "National Technology and Innovation Medal."

Section 1104. Release of Scientific Research Results

Section 1104 would require the Director of the Office of Science and Technology Policy (OSTP), in consultation with the Director of the Office of Management and Budget and the heads of all federal civilian agencies that conduct scientific research to develop and issue a set of principles for the communication of scientific information by government scientists, policy makers, and managers to the public within 90 days after the date of enactment of this Act. It is based upon recommendations from the National Science Board's review of the policies of federal science agencies concerning the suppression and distortion of research findings and their impact on the quality and credibility of all future government-sponsored scientific research results.

Section 1105. Semiannual Science, Technology, Engineering, and Mathematics Days

Section 1105 expresses a Sense of Congress that OSTP should encourage all elementary and middle schools to observe a Science, Technology, Engineering and Mathematics Day twice in every school year for the purpose of facilitating the interaction of science, technology, engineering, and mathematics mentors and grade school students. This section also expresses a Sense of Congress that OSTP should encourage involvement of federal employees, the private sector and institutions of higher learning in such days.

Section 1106. Study on Service Science

Section 1106 would express a Sense of Congress that the Federal Government should better understand and respond strategically to the emerging management and learning discipline known as, "service science."

Subsection (b) would require the Director of OSTP, through the National Academy of Sciences, to conduct a study on how the Federal Government should best support service science through research, education, and training.

TITLE II—INNOVATION PROMOTION

Section 1201. President's Council on Innovation and Competitiveness

Section 1201 requires the President to establish a President's Council on Innovation and Competitiveness to develop a comprehensive agenda to promote innovation in the public and private sectors. The Council, which could be constituted by designating an existing body to perform its functions, would include the Secretaries of Commerce, Defense, Education, Health and Human Services, Homeland Security, Labor, and Treasury along with the heads of the National Aeronautics and Space Administration, the Securities and Exchange Commission, the National Science Foundation, the Office of the United States Trade Representative, the Office of Management and Budget, the Office of Science and Technology Policy, the Environmental Protection Agency, and other relevant federal agencies involved in innovation. As the President's Council on Innovation and Competitiveness develops a comprehensive agenda for strengthening innovation and competitiveness it should the consult with advisors from the private sector, labor, scientific organizations, academic organizations, and other nongovernmental organizations working in the area of science or technology.

Section 1202. Innovation Acceleration Research.

Section 1202 would require the President, through the head of each federal research agency, to establish the "Innovation Acceleration Research Program" to support and promote innovation in the United States by requiring each department or agency that sponsors scientific research to set as a goal 8% of its annual research budget to be directed towards innovation acceleration research.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Section 1301. NASA's Contribution to Innovation

Section 1301 would direct that NASA be regarded as a full participant in interagency activities to promote competitiveness and innovation and to enhance science, technology, engineering and mathematics education It would identify NASA's balanced science program as an essential part of NASA's contribution to innovation in and the economic competitiveness of the United States and that funding NASA at the levels authorized in the NASA Authorization Act of 2005 (P.L. 109-155) would enable NASA's programs to contribute to U.S. innovation and competitiveness.

Section 1302. Aeronautics Institute for Research

Section 1302 would consolidate NASA's aeronautics research authorized under the NASA Authorization Act of 2005 (P.L. 109-155) into an Aeronautics Institute for Research within NASA. Subsection (c) would require the Institute to cooperate with relevant programs in the Department of Transportation, the Department of Defense, the Department of Commerce, and the Department of Homeland Security, including the Joint Planning and Development Office established under the VISION 100-Century of Aviation Reauthorization Act (P.L. 108-176). The Aeronautics Institute would be allowed to accept assistance, staff, and funding from other federal departments and agencies.

Section 1303. Basic Research Enhancement

Section 1303 would establish, within NASA, a Basic Research Executive Council to oversee the distribution and management of programs and resources engaged in support of basic research activity including the most senior agency official representing the space science, earth science, life and microgravity sciences, and aeronautical research. The duties of the Council will be to set criteria for identification of basic research, set priority of research activity, review and evaluate research activity, make recommendations regarding needed adjustments in research activities, and provide annual reports to Congress on research activities.

Section 1304. Aging Workforce Issues Program

Section 1304 would express a Sense of Congress that the Administrator of NASA should implement a program to address aging workforce issues in aerospace that would (1) document technical and management experiences of senior NASA employees before they leave NASA; (2) provide incentives for retirees to return to NASA to teach new NASA employees about their lessons and experiences; (3) provide for the development of an award to recognize and reward senior NASA employees for their contributions to knowledge sharing.

Section 1305. Conforming Amendments

Section 1305 would amend Section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611(d)) by adding that the assessment undertaken by NASA examine the number and content of science activities which may be considered as fundamental, or basic research, whether incorporated within specific missions or conducted independently of any specific mission. In addition, this section would require NASA to assess how NASA science activities can best be structured to ensure that basic and fundamental research can be effectively maintained and coordinated in response to national goals in competitiveness and innovation.

Section 1306. Fiscal Year 2008 Basic Science and Research Funding

Section 1306 provides additional authorization, above the levels authorized in the National Aeronautics and Space Administration Act of 2005 (P.L. 109-155), of $160 million for the funding of basic science and research for fiscal year 2008. The availability of these funds is made contingent upon unobligated balances being available to the NASA

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Section 1401. Authorization of Appropriations

Section 1401 would authorize appropriations for the National Institute of Standards and Technology (NIST) from Fiscal Year 2008 through Fiscal Year 2011, including authorizations for the Hollings Manufacturing Extension Partnership Program (MEP). The MEP authorizations would be taken from the authorizations provided for NIST. Authorization levels would be set as follows:

	FY 2008	FY 2009	FY 2010	FY 2011
NIST Total	$703.611	$773.972	$851.369	$936.506
MEP	$115	$120	$125	$13

All amounts are in millions.

Section 1402. Amendments to the Stevenson-Wydler Technology Innovation Act of 1980

Section 1402 would eliminate the Under Secretary of Commerce for Technology at the Department of Commerce and the related Technology Administration at the Department of Commerce.

Section 1403. Innovation Acceleration

Section 1403 would establish the Innovation Acceleration Research Program of Section 1202 at NIST, to be known as the

"Standards and Technology Acceleration Research Program" to support and promote innovation in the United States through high-risk, high-reward research and set aside no less than 8 percent of the funds made available to the measurement laboratories at NIST each year for the program.

Section 1404. Manufacturing Extension

Section 1404 would amend Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) by inserting a probationary program for MEP centers that have not received a satisfactory rating. If the issues of a center are not addressed in one year, the Director would be required to conduct a competition to select a new operator for the center.

Subsection (b) would allow the acceptance of funds from other. federal agencies and the private sector by the Secretary of Commerce and Director to strengthen U.S. manufacturing. Any private sector funding would not be considered a part of the federal share for the purpose of center cost-sharing. Funding accepted from other federal departments or agencies may be considered in the calculation of the federal share of capital and annual operating and maintenance costs under 15 U.S.C. 278k(c).

Section 1405. Experimental Program to Stimulate Competitive Technology

Section 1405 would re-establish the Experimental Program to Stimulate Competitive Technology (EPSCoT), previously managed by the Technology Administration, at NIST.

Subsection (d) would require that in making awards under this section, the Director of NIST shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are subject to the award. A special emphasis would be given to those projects which would increase the participation of women, Native Americans (including Native Hawaiians and Alaska Natives), and other underrepresented groups in science and technology. Subsection (d)(2) would impose a matching requirement that not less than 50 percent of the cost of activities (other than planning activities) carried out by an EPSCoT award be funded by non-federal sources.

Section 1406. Technical Amendments to the NIST Act and Other Technical Amendments

Section 1406 would make several technical amendments to the NIST Act. Subsection (a) would lift the limitation on NIST-sponsored research fellowships under current law. Subsection (b) would clarify NIST's authority to issue grants and cooperative agreements, along with contracts, cooperative research and development agreements, and other appropriate instruments, bringing NIST authority into conformance with the Federal Grant and Cooperative Agreement Act (31 U.S.C. 6301-08). The subsection also would clarify NIST's authority to purchase memberships in scientific organizations and pay registration fees for NIST employees' attendance at conferences.

Subsection (c) would permit NIST to utilize a portion of its operating funds in the production of high priority Standard Reference Materials and ensure that, once recovered through sales, the working capital fund resources are available to maintain future supplies. In addition, this authority would permit funds transferred to NIST from other federal agencies for the production of Standard Reference Materials to be transferred to the fund.

Subsection (d) would update several measurements found in statute to be consistent with current practice and internationally recognized standards.

Subsection (e) would allow NIST to retain the depreciation surcharge that is assessed against all federal agencies and returned to the Treasury for the upkeep of public buildings.

Subsection (f) would strike NIST authority for the Non-Energy Inventions program. This program is no longer operated by NIST. Rather, it is now operated by the Department of Energy.

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

Section 1501. Ocean and Atmospheric Research and Development Program

Section 1501 would require the Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Director of NSF and the Administrator of NASA, to establish a coordinated program of ocean and atmospheric research and development to promote United States leadership in ocean and atmospheric science.

Section 1502. NOAA Ocean and Atmospheric Science Education Programs

Section 1502 would require the Administrator of NOAA to conduct, develop, support, promote, and coordinate formal and informal educational activities at all levels to enhance public awareness and understanding of ocean, coastal, and atmospheric science and stewardship by the general public. In conducting those activities the administrator shall build upon the existing educational programs and activities of the agency.

Subsection (b) would require the Administrator of NOAA, appropriate NOAA programs, ocean and atmospheric science and education experts, and interested members of the public to develop a science education plan that would set forth education goals and strategies for NOAA, as well as programmatic actions to carry out such goals and priorities over the next 20 years. This plan would be reevaluated and updated every 5 years.

DIVISION B—DEPARTMENT OF ENERGY

Section 2001. Short Title

Section 2001 would specify that this Division may be referred to as the, "Protecting America's Competitive Edge Act through Energy (PACE-Energy) Act."

Section 2002. Definitions

Section 2002 would provide definitions for purposes of the Division.

Section 2003. Mathematics, Science and Engineering Education at the Department of Energy

Section 2003 would create a. "Director of Mathematics, Science and Engineering Education Programs" at the Department of Energy to coordinate all Mathematics, Science, and Engineering Education Department-wide. The Director would report to the Undersecretary of Science. Section 2003 would also amend the Department of Energy Science Education Enhancement Act to establish new programs in science, mathematics, and engineering education, including:

Specialty Schools for Math and Science—This portion of Section 2003 would create a competitive grant program to assist States in establishing or expanding public, statewide specialty schools that provide comprehensive mathematics, science, and engineering education. In addition, this portion of Section 2003 would authorize scientific and engineering staff of the National Laboratories to assist in teaching courses in statewide specialty schools in mathematics and science education, and to use National Laboratory scientific equipment in the teaching of courses. This portion of Section 2003 would authorize $140 million over 4 years for these schools.

Experiential-Based Learning Opportunities—This portion of Section 2003 would establish summer internships, including internships at the National Laboratories, for middle and high school students to promote experiential, hands-on learning in math and science. This portion of Section 2003 would authorize $15 million annually for this program from Fiscal Year 2008 through Fiscal Year 2011.

National Laboratories Centers of Excellence in Mathematics and Science Education—This portion of Section 2003 would establish a program at each of the National Laboratories to support a Center of Excellence in Mathematics and Science at one public secondary school located in the region of the national laboratory. This portion of Section 2003 would also require the Secretary to consider the performance of these Centers in determining the contract award fee for the management and operations contractor of each national laboratory.

Summer Institutes—This portion of Section 2003 would establish a program of summer institutes at each of the National Laboratories, and through grants to universities and other nonprofit entities, to strengthen the math and science teaching skills of K-12 teachers. This portion of Section 2003 would authorize $190 million over 4 years for these institutes.

Nuclear Science Education—This portion of Section 2003 would create a program for competitive, merit-based grants to universities that establish or expand nuclear science and engineering degree programs. This portion of Section 2003 would authorize approximately $140 million over 4 years for these grants.

Section 2004. Department of Energy Early Career Research Grants

Section 2004 would authorize research grants for early-career scientists and engineers pursuing innovative, independent research. Eligible individuals must have completed a doctorate within the previous 10 years, and must show promise in a field of science or technology. Grants awarded under this section would be for 5 years at a level of up to $100,000 per year during the grant period. Section 2004 would authorize $91 million over 4 years for this program.

Section 2005. Advanced Research Projects Authority—Energy

Section 2005 would establish the Advanced Research Projects Authority—Energy (ARPA–E) as a new agency within the Department of Energy. The mission of ARPA–E would be to support research with the potential to overcome long-term, high-risk technological barriers in the development of applied energy technologies (including carbon neutral technologies). The Director of ARPA–E would report to the Undersecretary of Science. An external advisory board would recommend to the Director, on an annual basis, key areas of energy research to include in the ARPA–E research portfolio.

Section 2006. Authorization of Appropriations for the Department of Energy Office of Science

Section 2006 would authorize a doubling of Office of Science funding over ten years. This rate of increase matches that in the President's American Competitiveness Initiative. The Fiscal Year 2008 request for the Office of Science was $4.4 billion. The authorization is $4.6 billion.

Section 2007. Discovery Science and Engineering Innovation Institutes

Section 2007 would establish multi-disciplinary institutes centered at National Laboratories to apply fundamental science and engineering discoveries to technological innovations related to the missions of the Department and the global competitiveness of the United States. Each Institute would be authorized to receive $10 million in federal funding annually.

Section 2008. PACE Graduate Fellowship Program

Section 2008 would establish a competitive graduate fellowship program for up to 700 students pursuing doctoral degrees in mission areas of the Department. The section requires that students be selected for the fellowship program through a competitive merit review process (involving written and oral interviews) that will result in a wide distribution of awards throughout the United States. This section would authorize $93 million over 4 years for these fellowships.

Section 2009. Title IX Compliance

Section 2009 would require the Department of Energy to conduct compliance reviews of two grant recipients to determine compliance with the provisions of Title IX of the Education Amendments of 1972. Title IX of the Education Amendments of 1972 required government agencies to ensure that female students had equal access to the programs supported by federal grants.

Section 2010. High-Risk, High-Reward Research

Section 2010 would require the Secretary of Energy to establish a grant program to encourage the conduct of high-risk, high-reward research at the Department of Energy.

Section 2011. Distinguished Scientists Program

Section 2011 would establish a joint program between universities and national laboratories to support up to 100 distinguished scientists positions. These scientists would hold joint appointments at the labs and their universities, and would promote academic and scientific excellence cooperation between the two institutions. Section 2011 would authorize $290 million over 4 years for these appointments.

DIVISION C—EDUCATION

Section 3001. Findings

Section 3001 presents findings that the United States needs to build on and expand the impact of existing education programs that work to ensure a well-educated populace to remain competitive in the global economy.

Section 3002. Definitions

Section 3002 contains definitions that are used throughout the Education Division.

TITLE I—TEACHER ASSISTANCE

SUBTITLE A—TEACHERS FOR A COMPETITIVE TOMORROW

Section 3111. Purpose

Section 3111 would provide that the purpose of this subtitle is to develop and implement undergraduate programs leading to a baccalaureate degree with concurrent teacher certification that provide integrated courses of study in mathematics, science, engineering, or critical foreign languages and teacher education, and master's degree programs in mathematics, science, or critical foreign language education for current teachers to enhance their content knowledge and pedagogical skills.

Section 3112. Definitions

Section 3112 contains definitions that are used in this subtitle.

Section 3113. Programs for Baccalaureate Degrees in Mathematics, Science, Engineering, or Critical Foreign Languages, with Concurrent Teacher Certification.

Section 3113 would authorize competitive grants for partnerships to develop and implement programs that integrate programs of study for undergraduate students majoring in mathematics, engineering, science or a critical foreign language with teacher education, so that students can obtain baccalaureate degrees with concurrent teacher certification. These partnerships would consist of institutions of higher education, departments of mathematics, engineering, science or critical foreign languages, teacher preparation programs and high-need local educational agencies and their schools.

Section 3114. Programs for Master's Degrees in Mathematics, Science, or Critical Foreign Languages Education

Section 3114 would authorize competitive grants for partnerships to develop and implement 2- or 3-year part-time master's degree programs in mathematics, science, or critical foreign language education for current teachers to improve their content knowledge and pedagogical skills. These partnerships would consist of institutions of higher education, departments of mathematics, engineering, science or critical foreign languages, teacher preparation programs and high-need local educational agencies and their schools.

Section 3115. General Provisions

Section 3115 contains provisions that would be applicable to both the baccalaureate and master's degree programs. Under both programs, grants would be for five years; matching funds would be required; and grant funds could be used only to supplement, not supplant, other Federal or State funds. The Secretary would be required to evaluate the programs and provide an annual report to Congress.

Section 3116. Authorization of Appropriations

Section 3116 would authorize to be appropriated a total for both programs of $210,000,000 for Fiscal Year 2008, and such sums as may be necessary for each of the three succeeding fiscal years, and specify the proportion of the total funding that is to be spent carrying out each of the two programs.

SUBTITLE B—ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS

Section 3121. Purpose

Section 3121 would provide that the purpose of this subtitle is to raise academic achievement through Advanced Placement (AP) and International Baccalaureate (IB) programs by increasing the number of teachers serving high-need schools who are qualified to teach AP or IB courses in mathematics, science, and critical foreign languages; increasing the availability of such courses in high-need schools, including courses that prepare students to enroll and succeed in AP and IB; and increasing the number of students attending high-need schools who take such courses and take and pass the examinations.

Section 3122. Definitions

Section 3121 contains definitions that are used in this subtitle.

Section 3123. Advanced Placement and International Baccalaureate Programs

Section 3123 would authorize competitive grants to achieve the purposes of this subtitle and would authorize to be appropriated $58,000,000 for Fiscal Year 2008, and such sums as may be necessary for each of the three succeeding fiscal years.

TITLE II—MATH NOW

Section 3201. Math Now for Elementary School and Middle School Students Program

Section 3201 would authorize a grant program to improve instruction in mathematics for elementary school and middle school students, and to provide targeted help to students struggling with mathematics, to enable all students to reach or exceed grade-level academic achievement standards. Grants would be awarded to implement mathematics instructional materials and interventions, provide professional development activities, and conduct continuous progress monitoring of students in mathematics. State educational agencies would be awarded grants on a competitive basis to enable them to award grants to eligible local educational agencies. Priority would be given to applications for projects that would implement statewide strategies for improving mathematics instruction and raising the mathematics achievement of students, particularly those in grades 4 through 8. There would be a matching requirement, but the Secretary would have the authority to waive all or part of it in cases of serious hardship. The section would authorize to be appropriated $146,700,000 for Fiscal Year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

Section 3301. Findings and Purpose

Section 3301 presents findings that the United States faces a shortage of skilled professionals with higher levels of proficiency in foreign language and that the ability of students to become proficient can be addressed by starting language learning at a younger age and expanding opportunities for continuous foreign language education from elementary school through postsecondary education. The purpose of this title is to increase significantly both the opportunities to study critical foreign languages programs and the number of students who become proficient in critical foreign languages.

Section 3302. Definitions

Section 3302 contains definitions that are used in this title.

Section 3303. Program Authorized

Section 3303 would authorize a competitive grant program to enable institutions of higher education and local educational agencies working in partnership to establish articulated programs of study in critical foreign languages so that students from elementary school through postsecondary education can advance their knowledge successfully and achieve higher levels of proficiency in a critical foreign language.

Section 3304. Authorization of Appropriations

Section 3304 would authorize to be appropriated $22,000,000 for Fiscal Year 2008, and such sums as may be necessary for each of the three succeeding fiscal years.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

Section 3401. Alignment of Secondary School Graduation Requirements with the Demands of 21st Century Postsecondary Endeavors and Support for P–16 Education Data Systems

Section 3401 would provide that this title would authorize competitive grants to States to promote better alignment of elementary and secondary education with the knowledge and skills needed to succeed in academic credit-bearing coursework in institutions of higher education, in the 21st century workforce and in the Armed Forces. The title would also authorize competitive grants to support the establishment or improvement of statewide P–16 education longitudinal data systems to assist States in improving the rigor and quality of content knowledge requirements and assessments, ensure that students are prepared to succeed in postsecondary endeavors, and enable States to have valid and reliable information to inform education policy and practice. The section would authorize to be appropriated $100,000,000 for Fiscal Year 2008, and such sums as may be necessary for Fiscal Year 2009.

DIVISION D—NATIONAL SCIENCE FOUNDATION

Section 4001. Authorization of Appropriations

Subsection (a) would authorize appropriations for the National Science Foundation (NSF) at the following levels for 4 ears.

	FY 2008	FY 2009	FY 2010	FY 2011
NSF	$6.808	$7.433	$8.446	$11.200

All amounts are in $ billion.

Subsection (b) would require the Director of NSF to create a plan for spending this increased funding within 180 days of enactment, taking into account the priorities established by the Science Summit authorized under Section 101(c) of this Act.

Section 4002. Strengthening of Education and Human Resources Directorate through Equitable Distribution of New Funds

Section 4002 would provide for annual funding increases for the education and human resources programs of the National Science Foundation to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering and mathematics education at the elementary, secondary and postsecondary level. As appropriations for the National Science Foundation increase, funds for the education and human resources programs would increase by a proportional amount.

Section 4003. Graduate Fellowships and Graduate Traineeships

Section 4003 would require the Director of NSF to expand both the Graduate Research Fellowship Program and the Integrative Graduate Education and Research Traineeship Program for an additional 1,250 students each over the next 5 years. Within the amounts authorized under Section 4001, this section would authorize appropriations at the following levels in Fiscal Years 2008 through 2011 to support the expansion of the Graduate Research Fellowship Program (GRF) and the Integrative Graduate Education and Research Traineeship Program (IGERT).

	FY 2008	FY 2009	FY 2010	FY 2011
GRF	$24	$36	$48	$60
IGERT	$22	$33	$44	$55

All amounts are in $ million.

Section 4004. Professional Science Master's Degree Programs

Section 4004 would require the Director of NSF to establish an NSF clearinghouse to share program elements used in professional science master's degree (PSMD) programs and other advanced degree programs related to science, mathematics, technology, and engineering, to help institutions of higher education establish professional science master's programs. The clearinghouse would be established in conjunction with 4-year institutions of higher education, graduate schools, industry, and federal agencies.

Subsection (b) would require the Director to award grants to 4-year institutions of higher education to facilitate the institutions' creation or improvement of professional science master's degrees programs. The program would make awards to a maximum of 200 4-year institutions of higher institutions for a 3 year period. Any grant renewals would be for a maximum of 2 additional years. The Director would be required to give preference in making awards to 4-year institutions of higher education seeking federal funding to support pilot professional science master's degree programs to applicants that secure more than ⅔ of their funding for such professional science masters degree programs from sources other than the Federal Government.

Within the amounts authorized under Section 4001, Subsection (d) would authorize appropriations at the following levels in Fiscal Years 2008 through 2011 to carry out this section.

	FY 2008	FY 2009	FY 2010	FY 2011
PSMD	$15	$18	$20	$20

All amounts are in $ million.

Section 4005. Increased Support for Science Education through the National Science Foundation

Within the amounts authorized under Section 4001, Section 4005 would authorize appropriations for the science, mathematics, engineering, and technology talent program established in section 8(7) of the National Science Foundation Act of 2002 (P.L. 107-368) at the following levels in Fiscal Years 2008 through 2011.

	FY 2008	FY 2009	FY 2010	2011
Tech Talent	$40	$45	$50	$55

All amounts are in $ million.

Section 4006. Meeting Critical National Science Needs

Section 4006, subsection (a) would require the Director of NSF to include consideration of the degree to which NSF awards and research activities assist in meeting critical national needs in innovation, competitiveness, the physical and natural sciences, technology, engineering, and mathematics.

Subsection (b) would require the Director of NSF to give priority in the selection of awards and the allocation of NSF resources under the Research and Related Activities budgetary account to those projects that can be expected to make contributions in physical and natural sciences, technology, engineering, and mathematics, or which can be expected to enhance competitiveness or innovation in the United States.

Subsection (c) would clarify that the priority consideration required by Section 4006 does not restrict or bias the grant selection process against other areas of research consistent with the mandate of the Foundation.

Section 4007. Reaffirmation of the Merit-Review Process of the National Science Foundation

Section 4007 would clarify that nothing in this Act shall be interpreted to require or recommend that NSF change its (1) merit-review system or (2) peer review process. These processes should continue to be used in determining what grants NSF will fund.

Section 4008. Experimental Program to Stimulate Competitive Research

Section 4008 would authorize the NSF's Experimental Program to Stimulate Competitive Research (EPSCoR) at $125 million for Fiscal Year 2008, of the funds authorized in Section 4001, increasing each year from Fiscal Year 2009 to Fiscal Year 2011 by the same percentage by which NSF's overall funding increases.

Section 4009. Encouraging Participation

Subsection (a) would require the Director of NSF to establish a program to provide mentors for women who are interested in careers in science, technology, engineering, and mathematics by paring such women with mentors who are working in industry.

Subsection (b) would require the Director of NSF to establish a program to provide grants to community colleges to provide apprenticeships and other appropriate training to allow women to enter higher-paying technical jobs in fields related to science, technology, engineering, or mathematics.

Subsections (c) and (d) establish the requirements for application and the evaluation criteria of this program.

Section 4010. Cyberinfrastructure

Section 4010 would require the Director of NSF to develop and publish a plan that describes the current status of broadband access for scientific research purposes in EPSCoR-eligible jurisdictions and outlines actions that could be taken to ensure that broadband connections are available to enable participation in NSF programs that rely heavily on highspeed networking and collaborations across institutions and regions.

Section 4011. Federal Information and Communications Technology Research

Section 4011 would require the Director of NSF to establish a grant program for basic research in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all Americans. In developing this program, the Director shall consult with a Federal Advanced Information and Communications Technology Research Board composed of individuals with expertise in information and communications technologies, including representatives from the National Telecommunications and Information Administration, the Federal Communications Commission, the NIST, the Department of Defense, and representatives from industry and educational institutions. Within the amounts authorized by Section 4001, Section 4011 would authorize appropriations to carry out this section at the following levels in Fiscal Years 2008 through 2011

	FY 2008	FY 2009	FY 2010	FY 2011
Telecommunications Basic Research	$45	$50	$55	$60

All amounts are in $ million.

Section 4012. Robert Noyce Teacher Scholarship Program

Section 4012 would increase support for the Robert Noyce Scholarship Program to recruit and train individuals to become math and science teachers in high need local educational agencies. It would increase the undergraduate scholarship amount from $7,500 to $10,000 per year for a maximum of two years (in exchange for teaching service) and add a summer internship component for freshmen and sophomores interested in the program. Provisions that require repayment of scholarship or stipend by recipients who do not complete their service requirement would be amended to require repayment through a federal student loan with terms consistent with provisions in parts B and D of title IV of the Higher Education Act.

Within the amounts authorized by Section 4001. Section 4012 would authorize appropriations to carry out this section at the following levels in Fiscal Years 2008 through 2011

	FY 2008	FY 2009	FY 2010	FY 2011
Noyce Program	$117	$130	$148	$200

All amounts are in $ million.

Section 4013. Sense of the Senate Regarding the Mathematics and Science Partnership Programs of the Department of Education and The National Science Foundation

Section 4013 would provide a sense of the Senate that mathematics and science partnership programs operated by the Department of Education and the National Science Foundation are complementary not duplicative, and the two agencies should have ongoing collaboration to ensure the two components continue to work in concert.

Section 4014. National Science Foundation Teacher Institutes for the 21st Century

Section 4014 would specifically authorize and increase support for the Teacher Institutes for the 21st Century summer institute program at the National Science Foundation to provide cutting-edge professional development for elementary and secondary school math and science teachers who teach in high need schools. It would provide for follow-up training and support during the academic year for participating teachers. Within the amounts authorized by Section 4001. Section 4014 would authorize appropriations to carry out this section at the following levels in Fiscal Years 2008 through 2011.

	FY 2008	FY 2009	FY 2010	FY 2011
Teacher Institutes	$84	$94	$106	$140

All amounts are in $ million.

Mr. ALEXANDER. Mr. President, I see no other Senator on the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MOMENT OF SILENCE FOR THE VICTIMS AND FAMILIES OF THE TRAGEDY AT VIRGINIA TECH

Mr. REID. Mr. President, yesterday I spoke to Governor Kaine, Tim Kaine, the Governor of Virginia, a wonderful man. He is a public servant for all of the right reasons. He has been burdened as Governor of the State with this terrible tragedy at Virginia Tech.

He called me and made sure that we were involved in the decisionmaking he has. He has appointed a blue ribbon panel that is going to look into this situation. It is the right thing to do. He has also asked that the people around the country, at 12 o'clock noon, stand in a moment of silence in memory of the loved and lost in that terrible tragedy in Blacksburg, VA, at Virginia Tech University.

As a memento of that, many people around the country are wearing the colors of the Virginia Tech Hokies. I am proud to do that. In just a minute, Mr. President, we will stand in silence with the rest of the country in recognition of the tragedy in Virginia.

Will the Chair advise me when the hour of 12 noon arrives?

The ACTING PRESIDENT pro tempore. The Chair will.

The noon hour has arrived.

Mr. REID. The Senate will stand in silence for 1 minute.

(Moment of silence)

Mr. President, thank you very much. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I now ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:01 p.m., recessed subject to the call of the Chair and reassembled at 2:13 p.m., when called to order by the Acting President pro tempore (Mr. WHITEHOUSE).

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

IRAQ

Mr. REID. Mr. President, we heard again this afternoon the same old story from President Bush about the war in Iraq. He claimed again that his new escalation strategy is working, that the signs of success are everywhere, and that victory is imminent. He also, once again, attacked those of us with the courage to ask the tough questions and tell the truth about Iraq.

In an effort to shift attention from this administration's failed policies—and I say that in the plural—the President and his allies have repeatedly questioned whether I and my fellow Democrats support our troops. No one wants us to succeed in Iraq more than Democrats. We have proven that time and time again since this war started more than 4 years ago. We take a backseat to no one in supporting our troops, and we will never abandon our troops in a time of war.

Given the White House spin machine that has been working overtime in an effort to defend its failed policies, it is important for me to repeat what I said yesterday afternoon in this Chamber: The longer we continue down the President's path, the further we will be from responsibly ending this war. I said it yesterday, I say it again: The longer we continue down the President's path, the further we will be from responsibly ending this war. But there is still a chance to change course, and we must change course.

Partisans who launched attacks on my comments are the same ones who continue to support the failed strategy that hurts our troops. Is this administration supporting the troops when it sends our brave men and women into battle without the necessary body armor; with vehicles that are not properly armored? I ask, is the administration supporting the troops when it fails to provide them the health care they have earned when they come home?

Our responsibilities end with these troops—never. They don't end when they leave Iraq. They don't end when they get back home. We have to continue to help them. That is what we have done.

Is the administration supporting the troops by threatening to delay their funding unless Congress continues to rubberstamp its failed policy?

I believe supporting our troops means giving them the funding they need and a strategy they deserve. It means stopping the partisan attacks. And it means spending time working together on a bipartisan basis to develop an effective strategy to successfully end this war.

I wish some of my detractors felt the same. An effective strategy is exactly what we are offering the President and our troops—no more, no less. Let's all understand, changing course in Iraq will increase America's security by bringing this war to a responsible end and permitting our troops to more effectively fight terror all over the world. This is precisely the strategy President Bush is vowing to veto.

We heard the same old story from the President today because his strategy calls for more of the same. It is a failed strategy for our troops in Iraq. It is a failed strategy for our security at home. It is dangerous that the President refuses to recognize the reality on the ground in Iraq.

For those who claim we are on the right path in Iraq, I ask them to look at this week's newspapers. I am only going to mention now a few things we find in this week's news.

The White House announced additional National Guard troops would be sent to Iraq; many, if not most, without the necessary training and equipment. The White House extended tours in Iraq for all active Army troops from 12 to 15 months. A week after the Iraqi Parliament was bombed in the Green Zone, which is the most secure part of

Baghdad, almost 200 Iraqis lost their lives in that city on Wednesday. The bombings continue today. They will continue tomorrow. We are losing about four American troops every day this month.

I went to the White House this Wednesday with Speaker PELOSI to meet with the President and talk about a bipartisan way to craft an effective strategy in Iraq. We did so because we believe, as do the American people, that the lives of too many of our soldiers and too many Iraqis are on the line. The President refused to work with us.

How has the President responded? He has chosen to repeat his inflexible veto threats and continued to attack those who questioned his failed policies. Meanwhile, our troops and our national security are suffering.

It is painfully clear to me, the American people, bipartisan majorities in both the House and the Senate, military experts all over this country, and the Iraq Study Group, that the only way to succeed is to give our troops the strategy their sacrifices deserve. These groups all know there is no military solution in Iraq.

General Petraeus, the commander on the ground, has said so himself: 20 percent can be won militarily; 80 percent has to be won through our diplomatic efforts, politics, and economics.

I repeat, the only way to succeed lies through a comprehensive political, diplomatic, and economic strategy—so says the commander on the ground there, General Petraeus. Unfortunately, the only one to whom this is not obvious is our President.

The longer we continue down the President's path, the further we will be from success. But there is still a chance to change course, and we must change course. That is what we are offering the President in the supplemental we passed in both bodies with bipartisan support. We are offering a reasonable and attainable timeline to reduce combat missions and refocus our efforts on the real threats to our security. We are offering action, not just words.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I wanted to say to my friend and my colleague and our leader that the President of the United States, when he was Governor of Texas, had a reputation as someone who reached out as a uniter, bringing together the two parties in a bipartisan way. Since the President has been elected President and has served in that capacity, he has chosen to change, for what reason I do not know because the country yearns for bipartisanship. That was clearly one of the messages that came out of last year's election, the 2006 election, that the people of this country are tired of the partisan bickering, and they want us to come together. Yet, as the majority leader was just recounting, there has been occasion after occasion where it seems, unnecessarily, that the White House has gone out of its way to attack someone simply because they were a member of the other party.

I want to give the Senate an example. Because I had been twice before, over a 6-year period, to visit the President of Syria, immediately upon the Iraq study commission report that recommended that we open up to Syria, this Senator from Florida decided that I was going to go back, hoping that there might be some encounter in that conversation with the President of Syria that might crack the door a little bit. I did that in the week before Christmas.

The White House chose to attack me for having made that trip—however, very conveniently not attacking any Republican Senator who happened to follow, as did two Democratic Senators and one Republican Senator in a week or two after I made that trip.

So, too, it is noteworthy that the White House chose to attack Speaker NANCY PELOSI in her visit with President Assad while being mute about the congressional delegation that had just visited President Assad 4 days earlier, which included my good personal friends, the Congressman from Virginia, FRANK WOLF, and the Congressman from Pennsylvania, JOE PITTS.

When we are facing an issue of war and peace, as we are now, we have to come together. The person at the top has to set the standard and the atmosphere. These kind of attacks that become personal, as they were against Speaker PELOSI, are not going to do anybody any good.

Mr. REID. Will my friend yield?

Mr. NELSON of Florida. I will certainly yield.

Mr. REID. I certainly appreciate the Senator being here on the floor this afternoon. The Senator comes from the fourth most populous State, but soon to be the third, a State large in area with lots and lots of people moving there—thousands of people every month. It is a State that this good man has represented in so many different ways.

We first served together in the House of Representatives. If there were ever a person who served in Congress who served as a moderate, it would be the Senator from Florida. He is a person who is always looking for consensus, always trying to work things out, understanding that the art of legislation is compromise.

I so appreciate his brief statement today, and I apologize for interrupting it. I would just go back to more than 6 years ago when President Bush was elected. I, too, was so enthused about his coming here. He told me: I want to be a uniter, not a divider. I have been stunned by what has been going on. It started with Social Security; Medicare; the recent flap with the Attorney General, the Katrina situation, wiretaps, stem cells, Terry Schiavo, energy—on and on, with all these things that we, with rare exception, with a little bit of patience, with a President willing to work with us, could have done on a bipartisan basis. On the war, we have to resolve that on a bipartisan basis. This legislative body is reaching out. That is what we are doing.

I say to my friend, I appreciate very much not only his statement today but who he is, who he represents, and how he represents the people of Florida. We need more BILL NELSONS in this Congress of the United States.

Mr. NELSON of Florida. I am grateful to the leader. I believed it was necessary. Partisanship has gotten out of control around here. I was so encouraged, the day that we were sworn in when the two leaders, the Democratic leader and the Republican leader, convened us in a private meeting in the Old Senate Chamber. There was a wonderful spirit. It clearly was, in large part, as a message from the American people that they were tired of the partisan bickering. That was clearly one of the messages from the election.

We started off in this mutual camaraderie of how we can make a body like this function that cannot pass anything unless we have 60 votes out of 100 Senators in order to shut off debate. That means we have to have coming together. As the Good Book says, "Come, let us reason together."

It is harder and harder to do that in a poisonous, partisan atmosphere. But it has to be set at the top.

I cannot tell the White House what to do. I can sure recommend. But there is something that I can do; that is, I am responsible for myself and my actions and how I treat others, treat others in this Chamber.

There is an age-old principle, and it has to be: Treat others as you want to be treated. I will put that in the old English, which might be a little bit more familiar: Do unto others as you would have them do unto you.

If we had a little bit more of that, we could sure get some things done around here. Typically, what happens in these 51-to-49 votes, there is not that much difference that we couldn't have 10 votes on that side of the aisle or 10 votes on this side of the aisle go one way or another in reaching a mutual consensus. Yet over and over it has been avoided.

I felt compelled to say these things.

THE NATIONAL GUARD

Mr. NELSON of Florida. Mr. President, I want to share another idea, and this has nothing to do with these weighty matters, but it certainly has to do with some weighty matters about whether the National Guard of this country has the proper equipment.

There was a General Accounting Office report from last summer that showed that the National Guard is woefully inadequate in its equipment. It pointed out in that GAO study that my State of Florida had only 53 percent of the equipment that it ought to have. It said the State of New Mexico National Guard had only 33 percent.

What is happening is what you would expect: As the National Guard units in America are activated to go over to Iraq and Afghanistan, they take their equipment with them, and so often it is worn out or it has to stay for others to use, and they come back and they do not have the equipment; or it is like the 11 helicopters of the National Guard in Florida—a year from now, they are planning to take those helicopters from the Florida Guard and send them over to the Middle East. Can you imagine if that occurs and the Florida National Guard is faced with a major hurricane and they do not have any helicopters? Hurricanes are indiscriminate in the way they come in and tear up everything over a large swath of property, so that in a big one you cannot traverse the roads because everything is suddenly on top of them. So often you have to have helicopters to get supplies and personnel in to people who are hurting.

That is one example. That is a year from now if they take the helicopters from the Florida National Guard because they need them over in the Middle East. But let me tell you the condition of it today. The Florida National Guard—and I am quoting their own figures—is short 500 humvees. They are short 600 trucks, and this is either a 5-ton truck or a deuce and a half, 2½-ton truck—600 short. They are short 500 long-haul trailers, they are short 20 wreckers, and they are short 4,400 night-vision goggles. What do all of those shortages have to do with anything? It has to do—if the big one comes and the big one is a category 4 or 5 hurricane hitting a densely urbanized part of Florida direct from the water, the Florida Guard is going to need every bit of equipment it can get to respond to that emergency.

Let me give you another example. The report 6 months ago was that Fidel Castro was going to be dead within 6 months. Looks like that may have changed, at least by the more recent reports. But what happens and what will be the political condition in Cuba when he does pass away? Is the then caretaker government going to be in sufficient control, or is chaos going to erupt and suddenly a mass outmigration of thousands and thousands of people trying to get to the United States? That is also when you need the National Guard.

Now, I have talked with the Coast Guard and the Navy, and they have a plan whereby they have an entire sentry line of ships that they line up, which I have questions on and we will talking about on another occasion, about that plan, because they have only modeled it if 10,000 were to flee. What happens if 100,000 flee? They are not prepared for that, and everybody in authority with that plan will tell you they are not prepared for it. But whatever it is, if it occurs, which we hope and pray that it will not, the National Guard is going to be a major component of trying to restore order and keep order. Their equipment has been depleted.

Now, if we end up having the typical category 1, 2, and 3 hurricanes, which are severe hurricanes, the Florida National Guard tells me they have adequate equipment, they certainly have the personnel, and they are the best trained in the country, they know how to handle hurricanes, and they are the best of the best. But if they do not have the equipment—they tell me they do for up to a category 3—but if the big one hits, then they are going to have to rely on getting equipment from other National Guards around the country. So what is the lag time on that? And when they reach out to another Guard—for example, the Pennsylvania National Guard with which they have a compact to share equipment—is the Pennsylvania Guard going to have sufficient equipment that they can lend to Florida in an emergency?

These are serious questions which need to be answered before the hurricane season and before any kind of potential outmigration from the island of Cuba so that we have preparations, they are adequately equipped to go along with the experts and expertise of the trained personnel and all of the emergency responders who would respond to that kind of an event.

I am going to continue to sound the alarm until we get some response. I do not believe the Florida Guard has the equipment for a category 5 hurricane coming right up Tampa Bay or hitting directly from the east coast from the Atlantic, in a high urbanized area such as the Dade-Broward line. So I am going to continue to ask this question, as uncomfortable as it will make some people, until somebody will respond.

I think one potential solution is that there be an agreement which would be cut with the Active-Duty—correct that—with the Army Reserves located in Florida that have equipment that there will be an immediate lending of that equipment and/or personnel to the Florida National Guard in the case of a major, catastrophic hurricane hit.

When a hurricane hits, it is a matter of life and death. As time goes on, as expert as our emergency responders are—and they are expert because they have been through a lot and they are quite experienced and well trained—the ability over time to get those supplies in, even supplies that have been prepositioned closer to where the hurricane is going to hit, the ability to get that transported in is critical in those first days because there is no power.

You wonder, night-vision goggles—what does that have to do with it, that the Florida Guard is 4,400 pairs of night-vision goggles short? It is because, in the aftermath of a hurricane, there is no electricity. Everything is dark at night. As troops are moving through all of that debris, they have to be able to see. That is what those night-vision goggles are for.

So this Senator will continue to sound the alarm. We will get the answers. And the good Lord willing, despite the warnings from La Nina in the Pacific that this is going to be a terribly active hurricane season in the Atlantic, the good Lord willing, we will not have that active hit on the mainland of the United States, but we better be prepared.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. NELSON of Florida. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COVER THE UNINSURED WEEK 2007

Mr. REID. Mr. President, I rise in recognition of Cover the Uninsured Week, which is being held this year from April 23 to 29. As many of us know, this nonpartisan initiative was created to focus the Nation's attention on one of the most serious challenges facing our health care system—ensuring access to quality, affordable coverage.

Since the first annual Cover the Uninsured Week was observed 5 years ago, the health care crisis has, unfortunately, worsened. At last count, nearly

46 million Americans lacked coverage, including 400,000 in my home State of Nevada. More than 100,000 of these uninsured Nevadans are children. The context for these numbers, which are staggering in themselves, is even more troubling. For too many, premium costs are escalating faster than they can manage while benefits are deteriorating. Being a hard-working American is also no longer a ticket to health coverage, as shown by the fact that 8 out of 10 uninsured people either work or are in working families. Even when they can find good health insurance, many families must shortchange other basic needs to afford out-of-pocket expenses or forgo necessary care altogether.

Every year we update these statistics and findings about the uninsured, but the same themes still ring true. The goal should be to ensure that all Americans can access and afford the health care they need, regardless of their income, age, employment, or health status. Sadly, we as a nation continue to fall short.

Cover the Uninsured Week is an opportunity to reflect on more than just this current state of affairs. It is also a time to call for a new direction on health care in America. Whether one is a Democrat or Republican, a Member of Congress or the State legislatures, we must all work together to heed the voices of the American people who are counting on us. So in honor of this year's Cover the Uninsured Week, let us all renew our commitment to improving our health care system. I look forward to a strong debate in the Senate on these vital issues, including the next step of updating the State Children's Health Insurance Program to better meet the needs of the Nation's children and families.

VIRGINIA TECH TRAGEDY

Mr. ALEXANDER. Mr. President, I have one other short comment I would like to make, and then I will yield the floor or note the absence of a quorum.

The Governor of Virginia has asked our country to take a moment of silence to remember the tragedy this week at Virginia Tech at noon today. It is also a good time for us to think about our responsibilities in the U.S. Congress. There is hardly any way we can express our grief to these families and to that university for what they have been through this week. It is of such a scale that it is hard to imagine. We want them to know we have been thinking about them, and we would like to do whatever we can to help them and to help make sure nothing like this happens again.

So while Virginia Tech and the Commonwealth of Virginia are reviewing their responsibilities in light of the tragedy this week at Virginia Tech, we in the Federal Government ought to be reviewing our responsibilities too. Our focus should be on whether Federal laws or regulations unwisely restrict or limit how universities are able to deal with students who have mental health problems or who otherwise exhibit behavior about which parents, authorities, or other third parties should know.

Generally, and many Americans do not know this, under Federal law universities cannot tell parents about their child's problems or their grades without their student's consent. At least one professor at Virginia Tech who was tutoring the shooter has been quoted as saying that she felt that Federal laws prevented her from going to his parents or to others about her concerns. Therefore, I am sending a letter today to Senator KENNEDY and to Senator ENZI, the chairman and the ranking member of the Health, Education, Labor and Pensions Committee on which I serve. I am writing them to request that our committee ask the Secretary of Education, Margaret Spellings, to conduct a review of Federal laws, regulations, and relevant State laws that limit the ability of universities to tell parents or other third parties about a student's problem without the student's consent.

I would hope that Secretary Spellings could review not only the laws and the rules, but also the implementation of these rules on campus. I am a former president of a university. I understand it may very well be that faculty members, and perhaps even some administrators, are unaware of the rules, or at least uncertain about how to apply them.

My hope would be that Secretary Spellings could complete her review within 120 days, and after that our committee might hold a hearing or roundtable to determine whether there is action we need to take.

I ask unanimous consent to have printed in the RECORD at this point a copy of my letters to Senator KENNEDY and Senator ENZI and an article from the New York Times dated April 19 entitled, "Laws Limit Options When a Student Is Mentally Ill," which describes very well the situation in which many university faculty members find themselves.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, Washington, DC.

Hon. MICHAEL B. ENZI,
Ranking Member, Senate Committee on Health, Education, Labor and Pensions, Washington, DC.

DEAR TED AND MIKE, While Virginia Tech and the Commonwealth of Virginia are reviewing their responsibilities in light of the tragedy this week on the Virginia Tech campus, we in the federal government should be reviewing our responsibilities, too.

Our focus should be on whether, federal laws or regulations unwisely restrict or limit how universities are able to deal with students who have mental health problems or who otherwise exhibit behavior about which parents, authorities or other third parties should know. Generally, under federal law, universities cannot tell parents about their children's problems without the student's consent. At least one professor at Virginia Tech who was tutoring the shooter has been quoted as saying she felt that federal laws prevented her from going to his parents or to others about her concerns.

Therefore, I am writing to request that our Committee on Health, Education, Labor and Pensions ask Secretary of Education Margaret Spellings to conduct a review of federal laws, regulations and relevant state laws that limit the ability of universities to tell parents or other third parties about a student's problems without the student's consent. I would hope that Secretary Spellings could review not only the laws and rules but also the implementation of these rules on campus.

As a former university president, I understand that it very may be that faculty members are unaware of the rules or uncertain about how to apply them. My hope would be that the Secretary could complete her review within 120 days and, after that, our committee might hold a hearing or roundtable to determine whether there is action we need to take.

Thank you very much.

Sincerely,

LAMAR ALEXANDER.

[From the New York Times, Apr. 19, 2007]

LAWS LIMIT OPTIONS WHEN A STUDENT IS MENTALLY ILL

(By Tamar Lewin)

Federal privacy and antidiscrimination laws restrict how universities can deal with students who have mental health problems.

For the most part, universities cannot tell parents about their children's problems without the student's consent. They cannot release any information in a student's medical record without consent. And they cannot put students on involuntary medical leave, just because they develop a serious mental illness. Nor is knowing when to worry about student behavior, and what action to take, always so clear.

"They can't really kick someone out because they're writing papers about weird topics, even if they seem withdrawn and hostile," said Dr. Richard Kadison, chief of mental health services at Harvard University. "Most state laws are pretty clear: you can only bring students to hospitals if there is imminent risk to themselves or someone else, so universities are in a bit of a bind that way." But, he said, some schools do mandate limited amounts of treatment in certain circumstances.

"At the University of Missouri, if someone makes a suicide attempt, they mandate four counseling sessions, for example," said Dr. Kadison, an author of "College of the Overwhelmed: The Campus Mental Health Crisis and What To Do About It."

Universities can find themselves in a double bind. On the one hand, they may be liable if they fail to prevent a suicide or murder. After the death in 2000 of Elizabeth H. Shin, a student at the Massachusetts Institute of Technology who had written several suicide notes and used the university counseling service before setting herself on fire, the Massachusetts Superior Court allowed her parents, who had not been told of her deterioration, to sue administrators for $27.7 million. The case was settled for an undisclosed amount.

On the other hand, universities may be held liable if they do take action to remove a potentially suicidal student. In August, the City University of New York agreed to pay $65,000 to a student who sued after being barred from her dormitory room at Hunter College because she was hospitalized after a suicide attempt.

Also last year, George Washington University reached a confidential settlement in a case charging that it had violated antidiscrimination laws by suspending Jordan Nott, a student who had sought hospitalization for depression.

"This is a very, very difficult and gray area, when you take action to remove the student from the campus environment, versus when you encourage the student to use the resources available on campus," said Ada Meloy, director of legal and regulatory affairs at the American Council on Education. "In an emergency, you can share certain information, but it's not clear what's an emergency."

Ms. Meloy estimated that situations complicated enough to involve a university's lawyers arise, on average, about twice a semester at large universities.

While shootings like the one at Virginia Tech are extremely rare, suicides, threats and serious mental-health problems are not. Last year, the American College Health Association's National College Health Assessment, covering nearly 95,000 students at 117 campuses, found that 9 percent of students had seriously considered suicide in the previous year, and 1 in 100 had attempted it.

So mental health experts emphasize that, whatever a college's concerns about liability, the goal of campus policies should be to maximize the likelihood that those who need mental-health treatment will get it.

"What we really need to do is encourage students to seek mental health treatment if they need it, to remove any barriers to their getting help, destigmatize it, and make it safe, so they know there won't be negative consequences," said Karen Bower, a lawyer at the Bazelon Center for Mental Health Law in Washington, who represented Mr. Nott.

With the Virginia Tech killings, many universities are planning to remind faculty members of their protocols. "We're actually going to go ahead and have the counseling service here do a session for all our instructors and faculty on what to look for, what the procedures are, and what the counseling center can do," said Shannon Miller, chairwoman of the English department at Temple University.

At Harvard, Dr. Kadison said, dormitory resident assistants watch for signs of trouble, and are usually the first to become aware of worrisome behavior—and to call a dean.

"The dean might insist that they get an evaluation to make sure they're healthy enough to live in a dorm," he said. "If it's not thought that they're in any immediate danger, they can take or not take the recommendation."

Last month, Virginia passed a law, the first in the nation, prohibiting public colleges and universities from expelling or punishing students solely for attempting suicide or seeking mental-health treatment for suicidal thoughts.

"In one sense, the new law doesn't cover new territory, because discrimination against people with mental health problems is already prohibited," said Dana L. Fleming, a lawyer in Manchester, N.H., who is an expert on education law. "But in another sense, it's groundbreaking since it's the first time we've seen states focus on student suicides and come up with some code of conduct for schools."

College counseling services nationwide are seeing more use. "We're seeing more students in our service consistently every year," said Alejandro Martinez, director for counseling and psychological services at Stanford University, which sees about 10 percent of the student body each year. "Certainly more students are experiencing mental illness, including depression. But there's also been a cultural shift," Mr. Martinez said, "in that more students are willing to get help."

College officials say that a growing number of students arrive on campus with a history of mental-health problems and a prescription for psychotropic drugs. But screening for such problems would be illegal, admissions officers say.

"We're restricted by the disabilities act from asking," said Rick Shaw, Stanford's admissions director. "We do ask a question, as most institutions do, about whether a student has been suspended or expelled from school, and if they have been, we ask them to write an explanation of it."

Federal laws also restrict what universities can reveal. Generally, the Family Educational Rights and Privacy Act, FERPA, passed in 1974, makes it illegal to disclose a student's records to family members without the student's authorization.

"Colleges can disclose a student's private records if they believe there's a health and safety emergency, but that health and safety exception hasn't been much tested in the courts, so it's left to be figured out case by case," Ms. Fleming said.

And the Health Insurance Portability and Accountability Act prohibits the release of medical records. "The interaction of all these laws does not make things easy," she said.

Mr. LEVIN. Mr. President, on Monday America was devastated by the deadliest shooting rampage in our Nation's history. A gunman using two semi-automatic handguns, shot and killed 32 students and teachers and injured several dozen others before turning one of his guns on himself. Witnesses described scenes of chaos and grief, with students jumping from second-story windows to escape gunfire, while others heroically blocked their classroom doors to shield them from the gunman.

Many of us watched this tragedy unfold on the news, finding it difficult to grasp the true magnitude of it. Parents and grandparents across America were thinking about the horror of one's child being caught in the middle of such chaos. There is little that could be worse for a parent than sending a child off to college, only to lose them to a senseless act of gun violence.

I express condolences to the family, friends, and community touched by the tragedy at Virginia Tech. I know I reflect the feelings of the people of Michigan when I say that our thoughts and prayers are with them in this hour of pain and grief.

Mr. ISAKSON. Mr. President, today I express my sympathy and I know the sympathy of all of the Members of the Senate and the people of the United States of America on the tragic losses this week at Virginia Tech.

None of us can understand what happened in Blacksburg, VA, but all of us recognize the profound tragedy and the loss of youth in its prime.

I learned this week that one of those losses was a Georgian by the name of Christopher James "Jamie" Bishop, and I, from the floor of the Senate, send to Pine Mountain, GA, my sympathy on the tragic loss of Jamie.

Jamie, who was passionate about his art and an avid amateur photographer, grew up in Pine Mountain, GA, and was valedictorian of Harris County High School. He received his bachelor's degree in German from my alma mater, the University of Georgia, and was a Fulbright scholar at Christian-Albrechts-University in Kiel, Germany. He returned to the University of Georgia to earn his master's degree in German linguistics.

Jamie, who was known for wearing his hair in a ponytail, had been a German instructor at Virginia Tech since 2005. His wife, Stefanie Hofer, is an assistant professor of German there. By all accounts, Jamie was an intelligent, clever and passionate individual.

I am very proud as a Georgian to have known of his accomplishments, and I send his wife Stefanie and his parents Michael and Jeri my prayers and my hopes that they will accept our sympathy as they endure the heartbreak of the loss of Jamie.

To the families of all of those professors, employees, and students who lost their lives or were hurt in Blacksburg, VA, I extend my sympathy and my deepest prayers that we will find reconciliations out of tragedy.

ARMY AVIATION ASSOCIATION OF AMERICA

Mr. CHAMBLISS. Mr. President, I take great pride in recognizing the Army Aviation Association of America's, AAAA, 50th anniversary and in honoring their countless historic and noble contributions to the growth and strength of our Nation. Army aviation members play a critical role in every combat theater worldwide, and AAAA has proven to be a means of unwavering support. This unique organization has been the mechanism for increased communication and professional development among Army aviators throughout the history of organic Army aviation and the Army Aviation Branch. This contribution has led to vast leaps in battlefield mobility, lethality, and flexibility for the U.S. Army. AAAA and its members have distinguished themselves with thousands of volunteer hours and dollars providing direct support and scholarships to Army aviation soldiers and their family members. I can say with certainty that AAAA has truly lived its mission of "Supporting the U.S. Army Aviation Soldier and Family" since its inception in 1957. I am pleased to publicly recognize this longstanding commitment to our military personnel and congratulate the Army Aviation Association of America on 50 years of service.

RULES OF PROCEDURE OF THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mrs. FEINSTEIN. Mr. President, on April 18, 2007, the Joint Committee of Congress on the Library met and adopted the rules of procedure for the 110th Congress. I ask unanimous consent that pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate that the rules of procedure of the Joint Committee of Congress for the Library be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE JOINT COMMITTEE OF CONGRESS ON IHE LIBRARY, 110TH CONGRESS

TITLE I—MEETINGS OF THE COMMITTEE

1. Regular meetings may be called by the chairman, with the concurrence of the vice-chairman, as may be deemed necessary or pursuant to the provision of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more that 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personal or internal staff management or procedures;

(C) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to kept confidential under the provisions of law or Government regulation. (Paragraph 5(b) of rule XXVI of the Standing Rules of the Senate.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members at least 3 days in advance. In addition, the committee staff will email or telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman waived such a requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum.

2. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony; provided, however, once a quorum is established, any-one member can continue to take such testimony.

3. Under no circumstance may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a recorded vote will be taken on any question by rollcall.

3. The results of the rollcall votes taken in any meeting upon a measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor and the votes cast in opposition to each measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matters shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION AND AUTHORITY TO THE CHAIRMAN AND VICE CHAIRMAN

1. The chairman and vice chairman are authorized to sign all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf on all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, on behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

COMMEMORATING WORLD HEALTH DAY

Mr. AKAKA. Mr. President, I wish to make a few remarks regarding commemoration of World Health Day by the World Health Organization, WHO. On Saturday, April 7, 2007, WHO again commemorated its 1948 founding with the annual World Health Day. This year's theme is international health security.

In the words of WHO, "Threats to health know no borders."

Globalization, characterized by increased mobility of populations and the emergence of new, highly contagious diseases, make us increasingly vulnerable to pandemics and other health crises. Diseases such as highly pathogenic avian influenza, or "bird flu," severe acute respiratory syndrome, or "SARS," have entered our public health and security vocabulary. They are worthy of serious study, focus, and action. The spread of these and other virulent diseases and the potentially cataclysmic impact of a pandemic on countries around the world and here in the United States reminds us all of the critical need for adequate preparedness and continued awareness of threats to the health and well-being of Americans and people around the world.

We need a strategy to handle a pandemic flu outbreak, one that includes a multilayered and multinational approach to detecting and isolating viruses before they can spread. At my request, the Government Accountability Office has undertaken several investigations into how best to prepare for a possible pandemic flu outbreak. The first line of protection should be to deploy overseas public health specialists and veterinarians to detect a virus in its early stages. We need to provide more international assistance to countries least able to defend themselves. At the same time, DHS should develop sophisticated response plans to maintain critical services, such as water, power, transportation, and medical and financial services, in the event a pandemic forces the Nation to adopt a quarantine strategy.

The U.S. Centers for Disease Control, CDC, has established a global disease protection program, and DHS has created a new Office of Health Affairs that will bring together medical readiness and biological defense activities, including BioWatch. However, I remain concerned about the level of coordination between these and other domestic actors regarding pandemic planning. As chairman of the Subcommittee on Government Management, the Federal Workforce and the District of Columbia under the Committee on Homeland Security and Government Affairs, I hope to address this and other issues related to pandemic planning and response so that the United States is prepared for any natural or manmade attack, including a pandemic flu.

The mutation of avian influenza, a zoonotic disease that originated in birds but has since been transmitted to humans, is a high-profile reminder that we cannot cease our efforts to prepare for and respond to health crises. Since the H5N1 strain of bird flu was first detected in 1997, the threat has not abated. Of the 291 confirmed cases of bird flu reported to the WHO since that time, more than half, 171, have resulted in death. While these numbers may not seem large or significant, they are a warning signal that avian flu has mutated and continues to spread. As it does, it adapts and can become even more deadly. In our interdependent and highly mobile world, we are never immune and, as such, we cannot be complacent.

For example, my home State of Hawaii lies at the crossroads between Asia and the continental United States. Nearly 2 million people visit Hawaii every year from Asia. Given the large number of confirmed cases of avian influenza in Asia, it is easy to understand why Hawaii continues to take bird flu and pandemic planning very seriously. Unfortunately, this disease shows no signs of abating. According to the World Health Organization, just this month, the Cambodian Ministry of Health confirmed the country's seventh case of human infection with the H5N1 avian influenza virus. It is the first case to be confirmed in humans in Cambodia in 2007. On April 7, avian flu claimed the life of a 74th victim in Indonesia, while on April 11, Egypt confirmed the death of a 15-year-old girl in Cairo, its 14th victim from avian flu.

But we must also remember that pandemic flu is not the only risk to human health. To coincide with World Health Day 2007, the WHO released a report entitled "Invest in Health, Build a Safer Future." In it, the WHO lists eight key issues linked to international health security. Highly contagious diseases is certainly one of those issues, but also included are the threat of chemical, radioactive, and biological terror threats, the threat of public health dangers on economic stability, and building health security, to include a framework for collaboration laid out by the International Health Regulations, IHRs, and a number of surveillance networks that can provide an early-warning and response system.

I commend the WHO for its ongoing efforts to raise awareness of the need to work toward international health security and to continue to address the threat of highly contagious disease, chemical, biological, and radiological terrorism, and the economic impact of pandemic disease. Global health is no longer just a matter of ensuring the vitality, economic stability, and environments of the United States and countries around the world. It is about security. It is about homeland security. In commemorating World Health Day 2007, WHO Director General Margaret Chan put a fine point on this notion by stating that, "A foreign agent that invades a sovereign territory, evades detection, kills civilians and disrupts the economy is a security threat by most definitions. . . . The best defense against emerging and epidemic-prone diseases is not passive barriers at borders, airports and seaports. It is proactive risk management that seeks to detect an outbreak early and stop it at its source." Through a continuing focus on an all-hazards approach, a more comprehensive approach to defending our homeland, we can help mitigate the universal vulnerability the United States and other countries face against large-scale health catastrophes.

ADDITIONAL STATEMENTS

WINNING THE MASTERS

ZACH JOHNSON'S TRIUMPH

• Mr. HARKIN. Mr. President, recently, in a magnificent display of talent, skill, and old-fashioned Iowa grit, Zach Johnson won the Master's Golf Tournament in Augusta, GA.

The new Master's champ had this to say: "I'm Zach Johnson and I'm from Cedar Rapids, IA. I'm a normal guy."

Well, Zach Johnson may be a normal guy. But he clearly has an extraordinary ability to play the game of golf.

You might say that Zach Johnson is an overnight success that was a lifetime in the making. His golfing career has progressed steadily from his childhood on courses in Cedar Rapids, to college play at Drake University in Des Moines, followed by professional play in the Prairie Gold Tour, the Nationwide Tour, the PGA Tour, the U.S. Ryder Cup team, and, now, champion of Master's.

Obviously, there are many qualities that go into winning such a challenging tournament against the world's top players. It takes talent and skill. But it also takes intelligence and character. Zach Johnson is abundantly endowed in all of these departments.

Of course, Iowans are ecstatic about Zach's victory. And more than one Iowan has noted that his performance reflected the values we hold dear in the Hawkeye State. He was persistent and relentless. He didn't go for a flashy style of play; it was just steady-as-she-goes, day after day, tee after tee. He refused to yield. He met every challenge. Oh, and his strong putting skills didn't hurt, either.

For the record, I would note that Zach Johnson won not only one of the most difficult golf tournaments in the world, but also quite possibly one of the most difficult of all Master's tournaments in history. He braved gusting winds and bitterly cold weather. His winning score of one-over-par 289 tied the highest winning score in Master's history.

Zach Johnson has done Iowa proud. He is the first Iowan to win a major professional golf tournament since Jack Fleck upset Ben Hogan at the 1955 U.S. Open. I salute his great achievement at Augusta. And I wish him continued success in tournaments, and years, to come.•

MESSAGES FROM THE HOUSE

At 11:45 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1905. An act to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House: Mr. OBEY, Ms. DELAURO, Mr. MURTHA, Mr. VISCLOSKY, Mrs. LOWEY, Mr. PRICE of North Carolina, Mr. DICKS, Mr. EDWARDS, Mr. MOLLOHAN, Mr. OLVER, Mr. SERRANO, Ms. WASSERRMAN SCHULTZ, Mr. CLYBURN, MR. LEWIS of California, Mr. YOUNG of Florida, Mr. ROGERS of Kentucky, Mr. WOLF, Mr. WALSH, Mr. HOBSON, Mr. KNOLLENBERG, Mr. KINGSTON, Mr. FRELINGHUYSEN, and Mr. WICKER.

ENROLLED BILLS SIGNED

At 1:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 137. An act to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

H.R. 727. An act to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

H.R. 753. An act to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building".

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1905. An act to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself, Mr. DURBIN, Mr. LEAHY, and Mr. SCHUMER):

S. 1176. A bill to require enhanced disclosure to consumers regarding the consequences of making only minimum required payments in the repayment of credit card debt, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CARPER (for himself, Mr. SUNUNU, Mr. GREGG, Mr. DODD, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. LIEBERMAN, and Ms. COLLINS):

S. 1177. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. PRYOR, and Mr. SMITH):

S. 1178. A bill to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY:

S. 1179. A bill to amend the Internal Revenue Code of 1986 to extend the financing for Superfund for purposes of cleanup activities with respect to those Superfund sites for which removal and remedial action is estimated to cost more than $50,000,000, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:

S. 1180. A bill to amend the Internal Revenue Code of 1986 to extend the placed-in-service date requirement for low-income housing credit buildings in the Gulf Opportunity Zone, and for other purposes; to the Committee on Finance.

By Mr. OBAMA:

S. 1181. A bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY):

S. 1182. A bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. BIDEN, Mr. GRASSLEY, Mr. CORNYN, Ms. STABENOW, Mr. REID, Mr. DURBIN, and Mr. MENENDEZ):

S. Res. 162. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. ALEXANDER, Mrs. BOXER, Mr. DURBIN, Ms. CANTWELL, Mr. COLEMAN, Mr. LEVIN, Mr. BAYH, Mr. BENNETT, Mr. SCHUMER, Mr. DOMENICI, Mrs. CLINTON, Mr. HATCH, Mr. SALAZAR, and Mr. LIEBERMAN):

S. Res. 163. A resolution designating the third week of April 2007 as "National Shaken Baby Syndrome Awareness Week"; considered and agreed to.

By Mr. SALAZAR (for himself, Mr. ALEXANDER, Mr. DODD, Mr. BURR, Mr. LEVIN, Mr. COLEMAN, Mr. COCHRAN, Ms. COLLINS, Mrs. CLINTON, Mr. CORKER, Mrs. MURRAY, Mr. AKAKA, Mr. CONRAD, and Mrs. LINCOLN):

S. Res. 164. A resolution designating the week beginning April 22, 2007, as "Week of the Young Child"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 24

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 24, a bill to amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate.

S. 98

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 98, a bill to foster the development of minority-owned small businesses.

S. 185

At the request of Mr. SPECTER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 380

At the request of Mr. WYDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 392

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 392, a bill to ensure payment of United States assessments for United Nations peacekeeping operations for the 2005 through 2008 time period.

S. 573

At the request of Ms. STABENOW, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 761

At the request of Mr. REID, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 773

At the request of Mr. WARNER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Nebraska

(Mr. HAGEL) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 831

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 860

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the names of the Senator from California (Mrs. BOXER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 970

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 991

At the request of Mr. DURBIN, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 992

At the request of Mrs. BOXER, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 992, a bill to achieve emission reductions and cost savings through accelerated use of cost-effective lighting technologies in public buildings, and for other purposes.

S. 1017

At the request of Mr. ENZI, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1017, a bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts.

S. 1038

At the request of Mr. CORNYN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1042

At the request of Mr. ENZI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1128

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1128, a bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a Summer of Service national direct grant program, and related national activities, and for other purposes.

S. 1154

At the request of Mr. NELSON of Nebraska, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1154, a bill to promote biogas production, and for other purposes.

S. 1155

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1155, a bill to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 1156

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1156, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize the Best Pharmaceuticals for Children program.

S. 1160

At the request of Ms. STABENOW, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1160, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 1168

At the request of Mr. ALEXANDER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1168, a bill to amend the Clean Air Act to establish a regulatory program for sulfur dioxide, nitrogen oxides, mercury, and carbon dioxide emissions from the electric generating sector.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. DURBIN, Mr. LEAHY, and Mr. SCHUMER):

S. 1176. A bill to require enhanced disclosure to consumers regarding the consequences of making only minimum required payments in the repayment of credit card debt, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. AKAKA. Mr. President, today, I am introducing the Credit Card Minimum Payment Warning Act. I thank Senators DURBIN, LEAHY, and SCHUMER for cosponsoring this legislation.

Too many consumers in our country are burdened by significant credit card debt. Revolving debt, mostly comprised of credit card debt, has risen from $54 billion in 1980 to more than $883 billion in 2007.

We must make consumers more aware of the long-term effects of their financial decisions, particularly in managing credit card debt. While it is relatively easy to obtain credit, especially on college campuses, not enough is being done to ensure that credit is properly managed. Currently, credit card statements fail to include vital information that would allow individuals to make fully informed financial decisions. Additional disclosure is needed to ensure that consumers completely understand the implications of their credit card use and the costs of only making the minimum payments.

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 included a requirement that credit card issuers provide information to consumers about the consequences of only making the minimum monthly payment. However, this requirement fails to provide the detailed information on billing statements that consumers need to know to make informed decisions. The bankruptcy law allows credit card issuers a choice between disclosure statements. The first option included in the bankruptcy bill would require a standard "Minimum Payment Warning." The generic warning would state that it would take 88 months to pay off a balance of $1,000 for bank card holders or 24 months to pay off a balance of $300 for retail card holders. This first option also includes a requirement that a toll-free number be established that would provide an estimate of the time it would take to pay off the customer's balance. The Federal Reserve Board is required to establish the table that would estimate the approximate number of months it would take to pay off a variety of account balances.

There is a second option that the law permits. The second option allows the credit card issuer to provide a general minimum payment warning and provide a toll-free number that consumers could call for the actual number of months to repay the outstanding balance.

The options available under the Bankruptcy Reform law are woefully inadequate. They do not require issuers to provide their customers with the total amount they would pay in interest and principal if they chose to pay off their balance at the minimum rate. Since the average household with debt carries a balance of approximately $10,000 to $12,000 in revolving debt, a warning based on a balance of $1,000 will not be helpful. The minimum payment warning included in the first option underestimates the costs of paying a balance off at the minimum payment. If a family has a credit card debt of $10,000, and the interest rate is a modest 12.4 percent, it would take more than ten and a half years to pay off the balance while making minimum monthly payments of four percent.

My legislation would make it very clear what costs consumers will incur if they make only the minimum payments on their credit cards. If the Credit Card Minimum Payment Warning Act is enacted, the personalized information consumers would receive for their accounts would help them make informed choices about their payments toward reducing outstanding debt.

My bill requires a minimum payment warning notification on monthly statements stating that making the minimum payment will increase the amount of interest that will be paid and extend the amount of time it will take to repay the outstanding balance. The legislation also requires companies to inform consumers of how many years and months it will take to repay their entire balance if they make only minimum payments. In addition, the total cost in interest and principal, if the consumer pays only the minimum payment, would have to be disclosed. These provisions will make individuals much more aware of the true costs of their credit card debt. The bill also requires that credit card companies provide useful information so that people can develop strategies to free themselves of credit card debt. Consumers would have to be provided with the amount they need to pay to eliminate their outstanding balance within 36 months.

Finally, the legislation requires that creditors establish a toll-free number so that consumers can access trustworthy credit counselors. In order to ensure that consumers are referred only to trustworthy credit counseling organizations, these agencies would have to be approved by the Federal Trade Commission and the Federal Reserve Board as having met comprehensive quality standards. These standards are necessary because certain credit counseling agencies have abused their nonprofit, tax-exempt status and taken advantage of people seeking assistance in managing their debt.

In a report on customized minimum payment disclosures released in April 2006, the Government Accountability Office (GAO) found that consumers who typically carry credit balances found customized disclosures very useful and would prefer to receive them in their billing statements.

We must provide consumers with detailed personalized information to assist them in making better informed choices about their credit card use and repayment. Our bill makes clear the adverse consequences of uninformed choices, such as making only minimum payments, and provides opportunities to locate assistance to better manage credit card debt.

My bill is necessary to improve credit card disclosures so that consumers are provided relevant and useful information that hopefully will bring about positive behavior change among consumers. Consumers with lower debt levels will be better able to purchase a home, pay for their child's education, or retire comfortably on their own terms.

I will ask that a letter of support from the Consumer Federation of America, the Center for Responsible Lending, Consumer Action, Consumers Union, Demos, the National Association of Consumer Advocates, U.S. Public Interest Research Group, the National Council of La Raza, and the National Consumer Law Center be printed in the RECORD.

I will also ask that the text of the Credit Card Minimum Payment Warning Act be printed in the RECORD.

I urge my colleagues to support this important legislation that will empower consumers by providing them with detailed personalized information to assist them in making informed choices about their credit card use and repayment. This bill makes clear the adverse consequences of uninformed choices such as making only minimum payments and provides opportunities to locate assistance to reduce credit card debt.

Mr. President, I ask unanimous consent that the aforementioned materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 17, 2007.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, D.C. 20510

DEAR SENATOR AKAKA: The undersigned national consumer and civil rights organizations write to strongly support the Credit Card Minimum Payment Warning Act. The Act would require credit card issuers to disclose more information to consumers about the costs associated with paying their bills at ever-declining minimum payment rates. The Act provides a personalized "price tag" so consumers can understand the real costs of credit card debt and avoid financial problems in the future.

Undisputed evidence links the rise in bankruptcy in recent years to the increase in consumer credit outstanding. These numbers have moved in lockstep for more than 20 years. Revolving credit, for example (most of which is credit card debt) ballooned from $214 billion in January 1990 to $873 billion currently. As family debt increases, debt service payments on items such as interest and late fees take an ever-increasing piece of their budget. For some families, this contributes to the collapse of their budget. Bankruptcy becomes the only way out.

Credit card issuers have exacerbated the financial problems that many families have faced by lowering minimum payment amounts. This decline in the typical minimum payment is a significant reason for the rise in consumer bankruptcies in recent years. A low minimum payment often barely covers interest obligations. It convinces many borrowers that they are financially sound as long as they can meet all of their minimum payment obligations. However, those who cannot afford to make these payments often carry so much debt that bankruptcy is usually the only viable option.

This bill will provide consumers several crucial pieces of information on their monthly credit card statement: A "minimum payment warning" that paying at the minimum rate will increase the amount of interest that is owed and the time it will take to repay the balance; The number of years and months that it will take the consumer to pay off the balance at the minimum rate; The total costs in interest and principal if the consumer pays at the minimum rate; The monthly payment that would be required to pay the balance off in 3 years.

The bill also requires that credit card companies provide a toll-free number that consumers can call to receive information about credit counseling and debt management assistance. In order to assure that consumers are referred to honest, legitimate non-profit credit counselors, the bill requires the Federal Reserve to screen these agencies to ensure that they meet rigorous quality standards.

Our groups commend you for offering this very important and long-overdue piece of legislation. It provides the kind of personalized, timely disclosure information that will help debt-choked families make informed decisions and, with the help of additional protections against abusive credit card lending, start to work their way back to financial health.

For more information, please contact Travis Plunkett at the Consumer Federation of America at 202-387-6121.

Sincerely,

Travis B. Plunkett, Legislative Director, Consumer Federation of America; Gail Hillebrand, Senior Attorney, Consumers Union; Cindy Zeldin, Federal Affairs Coordinator, Economic Opportunity Program, Demos: A Network for

Ideas & Action; Kim Warden, Vice President, Federal Affairs, Center for Responsible Lending; Alys Cohen, Staff Attorney, National Consumer Law Center; Edmund Mierzwinski, Consumer Programs Director, U.S. Public Interest Research Group; Linda Sherry, Director, National Priorities, Consumer Action; Ira Rheingold, Executive Director, National Association of Consumer Advocates; Beatriz Ibarra, Assets Policy Analyst, National Council of La Raza.

S. 1176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Card Minimum Payment Warning Act of 2007".

SEC. 2. ENHANCED CONSUMER DISCLOSURES REGARDING MINIMUM PAYMENTS.

Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) Information regarding repayment of the outstanding balance of the consumer under the account, appearing in conspicuous type on the front of the first page of each such billing statement, and accompanied by an appropriate explanation, containing—

"(i) the words 'Minimum Payment Warning: Making only the minimum payment will increase the amount of interest that you pay and the time it will take to repay your outstanding balance.';

"(ii) the number of years and months (rounded to the nearest month) that it would take for the consumer to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments;

"(iii) the total cost to the consumer, shown as the sum of all principal and interest payments, and a breakdown of the total costs in interest and principal, of paying that balance in full if the consumer pays only the required minimum monthly payments, and if no further advances are made;

"(iv) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months if no further advances are made; and

"(v) a toll-free telephone number at which the consumer may receive information about accessing credit counseling and debt management services.

"(B)(i) Subject to clause (ii), in making the disclosures under subparagraph (A) the creditor shall apply the interest rate in effect on the date on which the disclosure is made.

"(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision specifying a subsequent interest rate or applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then shall apply the adjusted interest rate, as specified in the contract. If the contract applies a formula that uses an index that varies over time, the value of such index on the date on which the disclosure is made shall be used in the application of the formula.".

SEC. 3. ACCESS TO CREDIT COUNSELING AND DEBT MANAGEMENT INFORMATION.

(a) GUIDELINES REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Board of Governors of the Federal Reserve System and the Federal Trade Commission (in this section referred to as the "Board" and the "Commission", respectively) shall jointly, by rule, regulation, or order, issue guidelines for the establishment and maintenance by creditors of a toll-free telephone number for purposes of the disclosures required under section 127(b)(11) of the Truth in Lending Act, as added by this Act.

(2) APPROVED AGENCIES.—Guidelines issued under this subsection shall ensure that referrals provided by the toll-free number include only those agencies approved by the Board and the Commission as meeting the criteria under this section.

(b) CRITERIA.—The Board and the Commission shall only approve a nonprofit budget and credit counseling agency for purposes of this section that—

(1) demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit problems, and deal responsibly and effectively with other matters relating to the quality, effectiveness, and financial security of the services it provides;

(2) at a minimum—

(A) is registered as a nonprofit entity under section 501(c) of the Internal Revenue Code of 1986;

(B) has a board of directors, the majority of the members of which—

(i) are not employed by such agency; and

(ii) will not directly or indirectly benefit financially from the outcome of the counseling services provided by such agency;

(C) if a fee is charged for counseling services, charges a reasonable and fair fee, and provides services without regard to ability to pay the fee;

(D) provides for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

(E) provides full disclosures to clients, including funding sources, counselor qualifications, possible impact on credit reports, any costs of such program that will be paid by the client, and how such costs will be paid;

(F) provides adequate counseling with respect to the credit problems of the client, including an analysis of the current financial condition of the client, factors that caused such financial condition, and how such client can develop a plan to respond to the problems without incurring negative amortization of debt;

(G) provides trained counselors who—

(i) receive no commissions or bonuses based on the outcome of the counseling services provided;

(ii) have adequate experience; and

(iii) have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in subparagraph (F);

(H) demonstrates adequate experience and background in providing credit counseling;

(I) has adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan; and

(J) is accredited by an independent, nationally recognized accrediting organization.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. PRYOR, and Mr. SMITH):

S. 1178. A bill to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Identity Theft Prevention Act of 2007 with my colleagues Senator STEVENS and Senator PRYOR to protect Americans from identity theft.

The recent breaches of security that led to the loss of sensitive personal information remind all of us how vulnerable we are to thieves stealing our identity for criminal purposes. Identity theft is a growing threat to our personal security that must be met with new tactics and new laws in the information age.

We in the Congress and every consumer in America have seen the evolution of identity theft. The moment of greatest awareness was in February 2005 when ChoicePoint notified more than 145,000 people that their personal data had been accessed by unauthorized persons who used some of the information for identity theft. ChoicePoint was required to make these contacts under the California notification law, but this incident had nationwide effects. Since then, a number of data brokers, banks, universities and other entities that hold personal information have notified individuals that their personal information may have been compromised. The last major breach was made public in January 2007, when T.J. Maxx announced it had discovered a breach in the security of its customer payment data. As a result of hacker activity starting in 2005, information on more than 45 million credit and debit cards had been stolen.

The need to address this problem is long overdue. Every business that collects and stores sensitive personal information must ensure that the information is safeguarded. If a security breach occurs and the information could be used for identity theft, every affected consumer needs to be notified as soon as possible so they can best protect themselves and their families. The Identity Theft Prevention Act provides the Federal Trade Commission new enforcement tools to ensure businesses that hold a consumer's sensitive personal information use vigorous safeguards to prevent breaches from happening. The Act also requires businesses to appropriately notify consumers if their information is improperly released and could lead to identity theft. In addition, the Identity Theft Prevention Act provides consumers the ability to place a security freeze on their credit reports, so if they choose, they can eliminate the worry and the impact of an identity thief opening new lines of credit from stolen information.

Americans have demanded better protection for their sensitive personal information, and it is imperative that we respond to these demands effectively and expeditiously. I look forward to working with the other Members of the Senate to move this legislation forward.

By Mr. CASEY:

S. 1179. A bill to amend the Internal Revenue Code of 1986 to extend the financing for Superfund for purposes of cleanup activities with respect to those Superfund sites for which removal and remedial action is estimated to cost more than $50,000,000, and for other purposes; to the Committee on Finance.

Mr. CASEY. Mr. President, this Sunday we will celebrate Earth Day, a day when we should reaffirm our commitment to a clean, safe, and healthy environment for our children and future generations.

We have made a considerable amount of progress since Senator Gaylord Nelson established the first Earth Day thirty-seven years ago. We implemented the Clean Water Act and the Clean Air Act, both landmark bills that have made our beautiful country a cleaner place to live. We no longer have rivers so massively polluted they actually catch fire and burn. We no longer have unchecked amounts of toxic pollutants being pumped into the air we breathe. We should be proud of these accomplishments because they show us that we can pass meaningful and effective laws to protect the environment and public health without sacrificing our economy and economic productivity.

We still have serious threats to the safety and health of our environment. Obviously global climate change tops that list of threats. No other single issue has the potential to devastate our future and change the entire world so completely. We have an opportunity, if we get smart and take serious actions, to stop the cataclysmic changes that are just around the corner for this planet. The time to act is now. And I mean right now. Every year that we delay enacting a strong bill that forces us to make mandatory reductions to our carbon emissions the cost goes up. We simply cannot afford to wait. We cannot afford the cost of tackling an ever increasing carbon problem in future years. And we certainly cannot afford the long-term implications of climate change like rising sea levels that will displace large centers of population, droughts that will dramatically reduce fresh drinking water, and major storms like those that have hit the Gulf Coast and Atlantic seaboard over the past few years.

Climate change is certainly the most pressing environmental issue facing us today. But we should not forget about other important issues facing our constituents. Reducing mercury and other air pollutants, reducing pollution of our rivers and streams, preserving open space and stopping urban sprawl, increasing investments in renewable and alternative energy sources, establishing higher fuel efficiency standards, and reducing the number of unremediated Superfund sites continue to be top priorities for me.

For this reason and in honor of Earth Day, today I am introducing the Superfund Equity and Megasite Remediation Act of 2007. This legislation reinstates the polluter-pays tax that funds clean up of Superfund sites. In addition, my bill ramps up the tax for limited 5-year period in order to create a fund to clean up megasites, which cost more than $50 million each to remediate.

I know that Senator BOXER, the Chairman of the Environment and Public Works Committee, has been a longtime advocate for reinstating the polluter-pays principle in federal hazardous waste cleanup law. I look forward to working with her and all of my colleagues on the Environment Committee and the Finance Committee to make sure that we have a Superfund program that cleans up the polluted sites that blight our communities and prevent development and reuse, and does so in a way that polluters foot the bill, and not taxpayers. I urge all of my colleagues to join me in support of this bill, and do the right thing for our local towns on Earth Day.

By Ms. LANDRIEU:

S. 1180. A bill to amend the Internal Revenue Code of 1986 to extend the placed-in-service date requirement for low-income housing credit buildings in the Gulf Opportunity Zone, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, as the gulf coast recovers from Katrina and Rita, rebuilding our housing remains the key to our recovery. I have talked about this issue on this floor before. We need housing so that our citizens have a place to live while they rebuild our businesses, restore our infrastructure, and renew our communities. Congress and the President responded by making billions of dollars available to us and we are grateful for this assistance.

I am proud to say that this assistance is working. Every time I go home I see signs of improvement. They are often small: a gas station or a store reopening on a corner; children playing on a street where no one lived only a few months before. I wish I could say that these signs are everywhere, but they are not. Some parts of New Orleans are doing well, some are not. We knew from the start that recovery would take longer in some areas than in others; and we all knew that nothing would happen overnight.

America has never rebuilt a city of 500,000 people before. Our experience in Louisiana and in the Gulf has taught us some valuable lessons about postcatastrophe rebuilding and recovery. We have learned about the shortcomings of government programs at FEMA, the Small Business Administration, and other agencies. In responding to Katrina they used the systems that worked great for smaller disasters, but were woefully inadequate for larger ones. For future megacatastrophes we now understand that it may take government programs several months to ramp up before they are in a position to distribute assistance.

One of the key lessons we have learned from this catastrophe has been the affect of such massive destruction and displacement on the supply and the costs of labor and building materials, and the impact these have on how long it takes to rebuild. New Orleans, for example, is about half the population it used to be. We do not have enough workers in building and contracting to meet the huge demand we have for this work. As a result, it may take several months to get building started. Developers are also having difficulty getting insurance and the infrastructure in many areas is still heavily damaged.

This timing delay means that Congress will have to reexamine the policies that we have enacted to help rebuild the Gulf region in order to ensure that they are meeting the new kinds of disaster recovery challenges Katrina and Rita have posed. The Gulf Opportunity Zone Act of 2005 was one of the major pieces of legislation that we passed. The GO Zone Act provided important tax incentives to encourage investment in businesses and housing in the Gulf.

To help ensure that we can rebuild our housing, GO Zone Act increased the state's allocation of Low Income Housing Tax Credits, LIHTC. These credits finance affordable and mixed income housing. Under the GO Zone Act, any housing developed with these tax credits must be built and operating by December 31, 2008. The statute refers to this as the "placed in service" date. This date is consistent with the normal LIHTC program guidelines that require tax credit housing developments to be placed in service within 2 years of allocation.

The Louisiana Housing Finance Agency, LHFA, reports that there was a great demand for these GO Zone credits. For the credits allocated in 2006, the LHFA received 266 applications from developers for more than $253 million. But it only funded 102 projects with $56.9 million in tax credits.

For 2007 and 2008, however, the State received far fewer applications. The reason for this is because of the placed-in-service date. Because of the labor shortage, increased costs, and lack of insurance that we are facing in the Gulf, developers are not sure whether they can get their projects placed in service by the end of 2008. Yet there is still a huge need for the housing that these credits will fund.

The placed-in-service date is also raising new concerns. I have heard from a number of organizations that already received tax credit allocations before 2006 who are concerned that they will not be able to get their developments placed in service by the end of 2008. The LHFA estimates that 65 percent of the affordable housing units under development in New Orleans, roughly 11,050 units, will not make the deadline to be available for rent by the end of 2008. In the surrounding parishes, home sales prices have literally hit the roof meaning working and middle-income families cannot reasonably justify living in the area that they still call home, 19 months since the storm. Again, the culprit is the shortages and increased costs that I mentioned before. Some developers have even told me that they face losing credits that had been allocated to them before the storm because building has been delayed in the region. Since Katrina, rental prices have increased by 39 percent.

Today, I am introducing legislation that will help to ensure that these housing tax credits are available so that we can continue the road to recovery. The Workforce Housing for the GO Zone Act of 2007 will extend the placed-in-service date for the GO Zone Low Income Housing Tax Credit by an additional 2 years. This will allow developers to make full use of the credits that are available to build affordable housing in the Gulf Coast.

Another critical provision lets GO Zone low-income housing projects receive additional federally subsidized loans without losing tax credits. The Low Income Housing Tax Credit provisions included in this bill further assist our people to return home. These credits are competitively awarded to qualified developers and subject to constant oversight by the State housing authority to make sure that only quality affordable housing is being constructed. The citizens of the gulf coast are ready to go back home, and this legislation helps get them there.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Housing Construction for the GO Zone Act of 2007".

SEC. 2. EXTENSION OF PLACED-IN-SERVICE DATE REQUIREMENT FOR LOW-INCOME HOUSING CREDIT BUILDINGS IN GULF OPPORTUNITY ZONE.

Section 1400N(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking "or 2008" in paragraph (3)(A) and inserting "2008, 2009, or 2010",

(2) by striking "during such period" in paragraph (3)(B)(ii) and inserting "during the period described in subparagraph (A)", and

(3) by striking "or 2008" in paragraph (4)(A) and inserting "2008, 2009, or 2010".

SEC. 3. PRESERVATION OF PREVIOUS LOW-INCOME HOUSING CREDIT BUILDINGS IN GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—If an owner of a qualified low-income building (as defined in section 42(c)(2) of the Internal Revenue Code of 1986) located in the GO Zone (as defined in section 1400M(1) of such Code) in the second taxable year or later of the credit period (as defined in section 42(f)(1) of such Code) for such building—

(1) suffers a reduction in the qualified basis (as determined under section 42(b)(1) of such Code) of such building (hereinafter referred to as the "lost qualified basis") as a result of a disaster that caused the President to issue a major disaster declaration as a result of Hurricanes Katrina and Rita, but under subsection (j)(4)(E) of section 42 of such Code avoids recapture or loss of low-income housing credits previously allowed under such section with respect to such building (hereinafter referred to as the "existing credits") by restoring the lost qualified basis by reconstruction, replacement, or rehabilitation within a reasonable period established by the Secretary of the Treasury, and

(2) obtains an allocation of additional low-income housing credits under such section to fund, in whole or in part, the reconstruction, replacement, or rehabilitation of such building (hereinafter referred to as the "new credits"),

then the qualified basis of such building for purposes of determining the new credits shall equal the excess (if any) of such building's qualified basis as of the close of the first taxable year of the credit period (as so defined) with respect to the new credits (assuming such reconstruction, replacement, or rehabilitation expenditures meet the requirements for treatment as a separate new building), over such building's qualified basis with respect to the existing credits as determined immediately prior to the disaster referred to in paragraph (1).

(b) SPECIAL RULE FOR TIME FOR MAKING ALLOCATIONS OF CREDITS.—For purposes of section 42(h)(1)(E)(ii) of the Internal Revenue Code of 1986, buildings described in subsection (a) shall be deemed to be qualified buildings.

(c) AVOIDANCE OF RECAPTURE OF CREDIT.—For purposes of section 42(j)(4)(E) of the Internal Revenue Code of 1986, qualified low-income housing projects (as defined in section 42(g)(1) of such Code) suffering casualty as a result of a disaster that caused the President to issue a major disaster declaration for the Go Zone (as defined in section 1400M(1))shall be deemed to have restored any casualty loss by reconstruction or replacement within a reasonable period if such loss is restored before January 1, 2011.

SEC. 4. CREDIT ALLOWABLE FOR CERTAIN BUILDINGS ACQUIRED DURING 10-YEAR PERIOD IN THE KATRINA, RITA, AND WILMA DISASTER AREAS.

Section 1400N(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) CREDIT ALLOWABLE FOR BUILDINGS ACQUIRED DURING 10-YEAR PERIOD.—A waiver may be granted under section 42(d)(6)(A) (without regard to any clause thereof) with respect to any building in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone.".

SEC. 5. INCLUSION OF BASIS OF PROPERTY FOR MIXED INCOME HOUSING IN KATRINA, RITA, AND WILMA DISASTER AREAS.

Section 1400N(c) of the Internal Revenue Code of 1986, as amended by this Act, is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) INCREASE IN APPLICABLE FRACTION FOR MIXED INCOME PROJECTS.—

"(A) IN GENERAL.—In the case of any qualified low-income housing project under section 42(g) which is located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone and in which the applicable fraction for any building of such qualified low-income housing project is not less than 20 percent and not more than 60 percent but for the provisions of this subparagraph, the numerator of the applicable fraction under section 42(c)(1)(B) shall be increased by—

"(i) one or 5 percent of the total number of units (whichever adjustment provides the largest unit fraction) for each building in the qualified low income housing project in the case of the unit fraction under section 42(c)(1)(C), and

"(ii) five percent of the total floor space in the case of the floor space fraction under section 42(c)(1)(D).

"(B) APPLICATION.—Subparagraph (A) shall apply to—

"(i) housing credit dollar amounts allocated after December 31, 2007, and

"(ii) buildings placed in service after such date to the extent paragraph (1) of section 42(h) does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.".

SEC. 6. OVER INCOME LOANS FOR KATRINA, RITA, AND WILMA DISASTER AREAS.

(a) IN GENERAL.—Section 1400N(a)(5)(B) of the Internal Revenue Code of 1986 is amended by adding "and" at the end of clause (ii), by striking clause (iii), and by redesignating clause (iv) as clause (iii).

(b) MORTGAGE REVENUE BONDS.—Section 1400T(a) of the Internal Revenue Code of 1986 is amended by adding "and" at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 7. COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.

Section 1400N(c) of the Internal Revenue Code of 1986, as amended by this Act, is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—For purpose of applying section 42(i)(2)(D) to any building which is placed in service in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone during the period beginning on January 1, 2006, and ending on December 31, 2010, a loan shall not be treated as a below market Federal loan solely by reason of any assistance provided under section 106, 107, or 108 of the Housing and Community Development Act of 1974 by reason of section 122 of such Act or any provision of the Department of Defense Appropriations Act, 2006, or the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.".

SEC. 8. APPLICATION OF THE DEFINITIONS AND SPECIAL RULES UNDER SECTION 42(I) OF THE INTERNAL REVENUE CODE OF 1986 FOR BOND-FINANCED PROJECTS.

(a) IN GENERAL.—For purposes of qualifying as a qualified residential rental project under section 142(d)(1) of the Internal Revenue Code of 1986 [in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone], the special definitions and special rules for low-income units in section 42(i)(3) of such Code shall apply.

(b) EFFECTIVE DATE.—This section shall take apply to bonds issued after the date of the enactment of this Act.

SEC. 9. SPECIAL TAX-EXEMPT BOND FINANCING RULE FOR REPAIRS AND RECONSTRUCTIONS OF RESIDENCES IN THE GO ZONES.

Section 1400N(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR REPAIRS AND RECONSTRUCTIONS.—

"(A) IN GENERAL.—For purposes of section 143 and this subsection, any qualified GO Zone repair or reconstruction shall be treated as a qualified rehabilitation.

"(B) QUALIFIED GO ZONE REPAIR OR RECONSTRUCTION.—For purposes of subparagraph (A), the term 'qualified GO Zone repair or reconstruction' means any repair of damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone (or reconstruction of such building in the case of damage constituting destruction) if the expenditures for such repair or reconstruction are 25 percent or more of the mortgagor's adjusted basis in the residence. For purposes of the preceding sentence, the mortgagor's adjusted basis shall be determined as of the completion of the repair or reconstruction or, if later, the date on which the mortgagor acquires the residence.

"(C) TERMINATION.—This paragraph shall apply only to owner-financing provided after the date of the enactment of this paragraph and before January 1, 2011.".

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY):

S. 1182. A bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act; to the Committee on Energy and Natural Resources.

Mr. DODD. Mr. President, today I join with my colleagues, Senators LIEBERMAN, KERRY, and KENNEDY, to introduce the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Amendments Act of 2007. Representatives COURTNEY and NEAL have introduced a companion bill in the House.

The Quinebaug and Shetucket Rivers Valley National Heritage Corridor, or QSHC, was established in 1994 as the fifth National Heritage Corridor. National Heritage Areas are designated by Congress to preserve distinctive landscapes of historic, cultural, natural, and recreational resources. The QSHC is commonly known as "The Last Green Valley," a rare rural landscape in the populous Northeast. In fact, the Valley stands out in night images from space for its absence of lights. It contains aboriginal and colonial archaeological sites, mills and mill villages that preserve the history of the early industrial revolution, and traditional farming communities. The QSHC non-profit management entity has restored architecturally and historically important buildings, developed interpretive projects, and developed conservation and open space plans. It has consistently leveraged an average of $19 for every $1 of appropriated Federal money.

The QSHC has developed a plan to become a self-sustaining entity by 2015. as laid out in "The Trail to 2015: A Sustainability Plan for the Last Green Valley." The plan calls for replacing Federal funds with fees for services, private and corporate support, and income from a permanent fund. In the interim, Federal funds are necessary for capacity-building, awareness programs, and ongoing education of land-use decision-makers.

The Quinebaug and Shetucket Rivers Valley National Heritage Corridor has created a collaboration of 35 municipalities dedicated to preserving a unique slice of our American heritage. With an extension of its authorization, this preserve can exist in perpetuity. I urge my colleagues to support reauthorization of the QSHC.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 162—COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. LEAHY (for himself, Mr. SPECTER, Mr. BIDEN, Mr. GRASSLEY, Mr. CORNYN, Ms. STABENOW, Mr. REID, Mr. DURBIN. and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 162

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 900.000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of the peace;

Whereas peace officers are on the front lines in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 147 peace officers across the United States were killed in the line of duty during 2006, which is below the decade-long annual average of 167 deaths;

Whereas a number of factors contributed to this reduction in deaths, including—

(1) better equipment and increased use of bullet-resistant vests;

(2) improved training;

(3) longer prison terms for violent offenders; and

(4) advanced emergency medical care;

Whereas every other day, 1 out of every 16 peace officers is assaulted, 1 out of every 56 peace officers is injured, and 1 out of every 5,500 peace officers is killed in the line of duty somewhere in the United States; and

Whereas on May 15, 2007, more than 20,000 peace officers are expected to gather in Washington, D.C., to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2007, as "Peace Officers Memorial Day", in honor of the Federal, State, and local officers that have been killed or disabled in the line of duty; and

(2) calls on the people of the United States to observe that day with appropriate ceremonies and respect.

Mr. LEAHY. Mr. President, I am proud to submit today a bipartisan resolution to designate May 15, 2007, as National Peace Officers Memorial Day. Joining me in the submission of this resolution are Senators SPECTER, REID, BIDEN, GRASSLEY, CORNYN, and STABENOW. I thank them for their leadership in recognizing the sacrifices that law enforcement officers make each day for the American people.

This is now the eleventh year running that I have been involved in the submission of this resolution to keep alive in the memory of all Americans the sacrifice and commitment of those law enforcement officers who lost their lives serving their communities. For many years I submitted this worthy resolution with my old friend and our former colleague Senator Campbell, a former deputy sheriff who was a true leader on this issue. Both Senator Campbell, and I, as a former prosecutor, witnessed firsthand the risks faced by law enforcement officers every day while they serve and protect our communities.

I also want to thank each of our Nation's law enforcement officers for their commitment to the safety and protection of their fellow citizens. They are the real-life heroes; too many of whom too often make the ultimate sacrifice. It is important to support and respect our State and local police officers and all of our first responders, and to recognize their role in upholding the rule of law and keeping our Nation's citizens safe and secure.

Currently, more than 870,000 men and women who guard our communities do so at great risk. After the hijacked planes hit the World Trade Center in New York City on September 11, 2001, 72 peace officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of our country, and is a tragic reminder of how important it is for the Congress to provide all of the resources necessary to protect officers in the line of duty.

Since the first recorded police death in 1792, there have been more than 17,900 law enforcement officers who have made the ultimate sacrifice. We are fortunate in Vermont that we rank as the State with the fewest officer deaths in history, with 19 recorded; however, that is 19 deaths too many. In 2006, 147 law enforcement officers died while serving in the line of duty, well below the decade-long average of 165 deaths annually, and a drop from 2005 when 156 officers were killed. A number of factors contributed to this reduction, including better equipment and the increased use of bullet-resistant vests, improved training and advanced emergency medical care. I hope as the 110th Congress moves forward that all Senators can work together to ensure that all of our law enforcement officers have the full support and resources of the Federal Government.

I am proud of the work I have been involved in to help make it safer on the beat for our officers. Back in 1998, Senator Campbell and I authored the Bulletproof Vest Grant Partnership Act in response to the tragic Carl Drega shootout on the Vermont-New Hampshire border, in which two state troopers who lacked bulletproof vests were killed. Since then, we have successfully reauthorized this program three more times: in the Bulletproof Vest Partnership Grant Act of 2000, in the State Justice Institute Reauthorization Act of 2004, and most recently as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005. It is now authorized at $50 million per year through fiscal year 2009 to help State, tribal and local jurisdictions purchase armor vests for use by law enforcement officers. I have already begun to work with my colleagues to make sure that the Bulletproof Vest Partnership grant program is fully funded this year. Bulletproof vests have saved the lives of thousands of officers and are a fundamental line of defense that no officer should be without. I know I am not alone in calling for the Senate to fully fund the Bulletproof Vest Partnership program and I truly hope my colleagues will agree that it is critical that we provide the funding authorized for this program. Hundreds of thousands of police officers are counting on us.

I am also pleased to join with Senator REED and others to introduce the Equity in Law Enforcement Act, which will provide parity in Federal benefits for law enforcement officers working in private educational institutions and for our Nation's rail carriers. Among these benefits are access to grants under the Bulletproof Vest Partnership, and survivor benefits. All of the men and women who serve our society as law enforcement officers should be equally entitled to all of the benefits the Federal Government provides, no matter where they serve.

National Peace Officers Memorial Day will provide the people of the United States, in their communities, in their State Capitals, and in the Nation's Capitol, with the opportunity to honor and reflect on the extraordinary service and sacrifice given year after year by our police forces. During the week of May 8-15, more than 20,000 peace officers are expected to gather in Washington to join with the families of their fallen comrades. I hope all Senators will join me in honoring their service by passing this important bipartisan resolution.

SENATE RESOLUTION 163—DESIGNATING THE THIRD WEEK OF APRIL 2007, AS "NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK"

Mr. DODD (for himself, Mr. ALEXANDER, Mrs. BOXER, Mr. DURBIN, Ms. CANTWELL, Mr. COLEMAN, Mr. LEVIN, Mr. BAYH, Mr. BENNETT, Mr. SCHUMER, Mr. DOMENICI, Mrs. CLINTON, Mr. HATCH, Mr. SALAZAR, and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 163

Whereas the month of April has been designated "National Child Abuse Prevention Month" as an annual tradition that was initiated in 1979 by former President Jimmy Carter;

Whereas the most recent National Child Abuse and Neglect Data System figures reveal that almost 900,000 children were victims of abuse and neglect in the United States in 2005, causing unspeakable pain and suffering to our most vulnerable citizens;

Whereas among the children who are victims of abuse and neglect, more than 4 children die in the United States each day;

Whereas children aged 1 year or younger accounted for approximately 42 percent of all child abuse and neglect fatalities in 2005, and children aged 3 years or younger accounted for approximately 77 percent of all child abuse and neglect fatalities in 2005;

Whereas abusive head trauma, including the trauma known as "Shaken Baby Syndrome", is recognized as the leading cause of death of physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas a 2003 report in the Journal of the American Medical Association estimated that, in the United States, an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom ⅔ will be babies or infants under 1 year in age, as a result of Shaken Baby Syndrome, with many cases resulting in severe and permanent disabilities;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome and other forms of abusive head trauma are being misdiagnosed or are not detected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant and may result in extraordinary costs for the provision of medical care to the infant in just the first few years of life of the infant;

Whereas the most effective solution for ending Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome;

Whereas education programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas "National Shaken Baby Syndrome Awareness Week" and efforts to prevent child abuse, including Shaken Baby Syndrome, are supported by groups across the United States, including those formed by parents and relatives of children who have been killed or injured by shaking, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and the families of the victims in the health care and criminal justice systems;

Whereas Congress previously designated the third week of April 2001 as "National Shaken Baby Syndrome Awareness Week 2001"; and

Whereas Congress strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2007 as "National Shaken Baby Syndrome Awareness Week";

(2) commends those hospitals, child care councils, schools, community groups, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children; and

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and

(3) encourages the citizens of the United States to—

(A) remember the victims of Shaken Baby Syndrome; and

(B) participate in educational programs to help prevent Shaken Baby Syndrome.

SENATE RESOLUTION 164—DESIGNATING THE WEEK BEGINNING APRIL 22, 2007, AS "WEEK OF THE YOUNG CHILD"

Mr. SALAZAR (for himself, Mr. ALEXANDER, Mr. DODD, Mr. BURR, Mr. LEVIN, Mr. COLEMAN, Mr. COCHRAN, Ms. COLLINS, Mrs. CLINTON, Mr. CORKER, Mrs. MURRAY, Mr. AKAKA, Mr. CONRAD, and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

S. RES. 164

Whereas there are 20,000,000 children under the age of 5 in the United States;

Whereas numerous studies, including the Abecedarian Study, the Study of the Chicago

Child-Parent Center, and the High/Scope Perry Preschool Study, indicate that low income children who have enrolled in quality, comprehensive early childhood education programs—

(1) improve their cognitive, language, physical, social, and emotional development; and

(2) are less likely to—

(A) be placed in special education;

(B) drop out of school; or

(C) engage in juvenile delinquency;

Whereas the enrollment rates of children under the age of 5 in early childhood education programs have steadily increased since 1965 with—

(1) the creation of the Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(2) the establishment of the Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(3) the enactment of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

Whereas many children eligible for, and in need of, quality early childhood education services are not served;

Whereas only about one-half of all preschoolers who are eligible to participate in Head Start programs have the opportunity to do so;

Whereas less than 5 percent of all eligible babies and toddlers in the United States receive the opportunity to participate in Early Head Start;

Whereas only about 1 out of every 7 eligible children receives assistance under section 658C of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858a) to—

(1) enable the parents of the child to continue working; and

(2) provide the child with safe and nurturing early childhood care and education;

Whereas, although State and local governments have responded to the numerous benefits of early childhood education by making significant investments in programs and classrooms, there remains—

(1) a large unmet need for those services; and

(2) a need to improve the quality of those programs;

Whereas, according to numerous studies on the impact of investments in high-quality early childhood education, the programs reduce—

(1) the occurrence of students failing to complete secondary school; and

(2) future costs relating to special education and juvenile crime; and

Whereas economist and Nobel Laureate, James Heckman, and Chairman of the Board of Governors of the Federal Reserve System, Ben S. Bernanke, have stated that investment in childhood education is of critical importance to the future of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning April 22, 2007, as "Week of the Young Child";

(2) encourages the citizens of the United States to celebrate—

(A) young children; and

(B) the citizens who provide care and early childhood education to the young children of the United States; and

(3) urges the citizens of the United States to recognize the importance of—

(A) quality, comprehensive early childhood education programs; and

(B) the value of those services for preparing children to—

(i) appreciate future educational experiences; and

(ii) enjoy lifelong success.

AMENDMENTS SUBMITTED AND PROPOSED

SA 902. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 902. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division A, add the following new title:

TITLE VI—SKIL ACT OF 2007

SEC. 1601 SHORT TITLE.

This title may be cited as the "Securing Knowledge, Innovation, and Leadership Act of 2007" or the "SKIL Act of 2007".

Subtitle A—Access to High Skilled Foreign Workers

SEC. 1611. H-1B VISA HOLDERS.

(a) IN GENERAL.—Section 214(g)(5) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(5)) is amended—

(1) in subparagraph (B)—

(A) by striking "nonprofit research" and inserting "nonprofit";

(B) by inserting "Federal, State, or local" before "governmental"; and

(C) by striking "or" at the end;

(2) in subparagraph (C)—

(A) by striking "a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)))," and inserting "an institution of higher education in a foreign country,"; and

(B) by striking the period at the end and inserting a semicolon;

(3) by adding at the end, the following new subparagraphs:

"(D) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or

"(E) has been awarded medical specialty certification based on post-doctoral training and experience in the United States.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

SEC. 1612. MARKET-BASED VISA LIMITS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vi) by striking "and";

(ii) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, 2006, and 2007;"; and

(iii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of the Securing Knowledge, Innovation, and Leadership Act of 2007; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the fiscal year described in clause (viii); or";

(2) in paragraph (5), as amended by section 101(a), in the matter preceding subparagraph (A), by inserting "101(a)(15)(H)(i)(b1) or section" after "under section";

(3) in paragraph (8), by striking subparagraphs (B)(iv) and (D);

(4) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(5) by inserting after paragraph (8) the following:

"(9) If the numerical limitation in paragraph (1)(A)—

"(A) is reached during the previous fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the previous fiscal year; or

"(B) is not reached during the previous fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the previous fiscal year.".

Subtitle B—Retaining Foreign Workers Educated in the United States

SEC. 1621. UNITED STATES EDUCATED IMMIGRANTS.

(a) IN GENERAL.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(F) Aliens who have earned a master's or higher degree from an accredited United States university.

"(G) Aliens who have been awarded medical specialty certification based on post-doctoral training and experience in the United States preceding their application for an immigrant visa under section 203(b).

"(H) Aliens who will perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) as lacking sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

"(I) Aliens who have earned a master's degree or higher in science, technology, engineering, or math and have been working in a related field in the United States in a nonimmigrant status during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(J) Aliens described in subparagraph (A) or (B) of section 203(b)(1) or who have received a national interest waiver under section 203(b)(2)(B).

"(K) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(b) LABOR CERTIFICATIONS.—Section 212(a)(5)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) is a member of the professions and has a master's degree or higher from an accredited United States university or has been awarded medical specialty certification based on post-doctoral training and experience in the United States.".

SEC. 1622. IMMIGRANT VISA BACKLOG REDUCTION.

Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 290,000;

"(2) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during the previous fiscal year; and

"(B) the number of such visas issued during the previous fiscal year; and

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during such fiscal years; and

"(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.".

SEC. 1623. STUDENT VISA REFORM.

(a) IN GENERAL.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

"(F) an alien—

"(i) who—

"(I) is a bona fide student qualified to pursue a full course of study in mathematics, engineering, technology, or the sciences leading to a bachelors or graduate degree and who seeks to enter the United States for the purpose of pursuing such a course of study consistent with section 214(m) at an institution of higher education (as defined by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn; or

"(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I) for a period or periods of not more than 24 months;

"(ii) who—

"(I) has a residence in a foreign country which the alien has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study, and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(m) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn; or

"(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I) for a period or periods of not more than 24 months;

"(iii) who is the spouse or minor child of an alien described in clause (i) or (ii) if accompanying or following to join such an alien; or

"(iv) who—

"(I) is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) or (ii) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico; or

"(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I) for a period or periods of not more than 24 months;".

(b) ADMISSION.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by inserting "(F)(i)," before "(L) or (V)".

(c) CONFORMING AMENDMENT.—Section 214(m)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(m)(1)) is amended, in the matter preceding subparagraph (A), by striking "(i) or (iii)" and inserting "(i), (ii), or (iv)".

SEC. 1624. L-1 VISA HOLDERS SUBJECT TO VISA BACKLOG.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following new subparagraph:

"(G) The limitations contained in subparagraph (D) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(L) on whose behalf a petition under section 204(b) to accord the alien immigrant status under section 203(b), or an application for labor certification (if such certification is required for the alien to obtain status under such section 203(b)) has been filed, if 365 days or more have elapsed since such filing. The Secretary of Homeland Security shall extend the stay of an alien who qualifies for an exemption under this subparagraph until such time as a final decision is made on the alien's lawful permanent residence.".

SEC. 1625. RETAINING WORKERS SUBJECT TO GREEN CARD BACKLOG.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) may be adjusted by the Secretary of Homeland Security or the Attorney General, in the discretion of the Secretary or the Attorney General under such regulations as the Secretary or Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and

"(C) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) SUPPLEMENTAL FEE.—An application under paragraph (1) that is based on a petition approved or approvable under subparagraph (E) or (F) of section 204(a)(1) may be filed without regard to the limitation set forth in paragraph (1)(C) if a supplemental fee of $500 is paid by the principal alien at the time the application is filed. A supplemental fee may not be required for any dependent alien accompanying or following to join the principal alien.

"(3) VISA AVAILABILITY.—An application for adjustment filed under this paragraph may not be approved until such time as an immigrant visa become available.".

(b) USE OF FEES.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting before the period at the end "and the fees collected under section 245(a)(2).".

Subtitle C—Business Facilitation Through Immigration Reform

SEC. 1631. STREAMLINING THE ADJUDICATION PROCESS FOR ESTABLISHED EMPLOYERS.

Section 214(c) of the Immigration and Nationality Act (8. U.S.C. 1184) is amended by adding at the end the following new paragraph:

"(15) Not later than 180 days after the date of the enactment of the Securing Knowledge, Innovation, and Leadership Act of 2007, the Secretary of Homeland Security shall establish a pre-certification procedure for employers who file multiple petitions described in this subsection or section 203(b). Such precertification procedure shall enable an employer to avoid repeatedly submitting documentation that is common to multiple petitions and establish through a single filing criteria relating to the employer and the offered employment opportunity.".

SEC. 1632. PROVIDING PREMIUM PROCESSING OF EMPLOYMENT-BASED VISA PETITIONS.

(a) IN GENERAL.—Pursuant to section 286(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)), the Secretary of Homeland Security shall establish and collect a fee for premium processing of employment-based immigrant petitions.

(b) APPEALS.—Pursuant to such section 286(u), the Secretary of Homeland Security shall establish and collect a fee for premium processing of an administrative appeal of any decision on a permanent employment-based immigrant petition.

SEC. 1633. ELIMINATING PROCEDURAL DELAYS IN LABOR CERTIFICATION PROCESS.

(a) PREVAILING WAGE RATE.—

(1) REQUIREMENT TO PROVIDE.—The Secretary of Labor shall provide prevailing wage determinations to employers seeking a labor certification for aliens pursuant to part 656 of title 20, Code of Federal Regulation (or any successor regulation). The Secretary may not delegate this function to any agency of a State.

(2) SCHEDULE FOR DETERMINATION.—Except as provided in paragraph (3), the Secretary of Labor shall provide a response to an employer's request for a prevailing wage determination in no more than 20 calendar days from the date of receipt of such request. If the Secretary fails to reply during such 20-day period, then the wage proposed by the employer shall be the valid prevailing wage rate.

(3) USE OF SURVEYS.—The Secretary of Labor shall accept an alternative wage survey provided by the employer unless the Secretary determines that the wage component of the Occupational Employment Statistics Survey is more accurate for the occupation in the labor market area.

(b) PLACEMENT OF JOB ORDER.—The Secretary of Labor shall maintain a website with links to the official website of each workforce agency of a State, and such official website shall contain instructions on the filing of a job order in order to satisfy the job order requirements of section 656.17(e)(1) of title 20, Code of Federal Regulation (or any successor regulation).

(c) TECHNICAL CORRECTIONS.—The Secretary of Labor shall establish a process by which employers seeking certification under section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as amended by section 1621(b), may make technical corrections to applications in order to avoid requiring employers to conduct additional recruitment to correct an initial technical error. A technical error shall include any error that would not have a material effect on the validity of the employer's recruitment of able, willing, and qualified United States workers.

(d) ADMINISTRATIVE APPEALS.—Motions to reconsider, and administrative appeals of, a denial of a permanent labor certification application, shall be decided by the Secretary of Labor not later than 60 days after the date of the filing of such motion or such appeal.

(e) APPLICATIONS UNDER PREVIOUS SYSTEM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall process and issue decisions on all applications for permanent alien labor certification that were filed prior to March 28, 2005.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect 90 days after the date of enactment of this Act, regardless of whether the Secretary of Labor has amended the regulations at part 656 of title 20, Code of Federal Regulation to implement such changes.

Subtitle D—Miscellaneous

SEC. 1641. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(i) REQUIREMENT FOR BACKGROUND CHECKS.—Notwithstanding any other provision of law, until appropriate background and security checks, as determined by the Secretary of Homeland Security, have been completed, and the information provided to and assessed by the official with jurisdiction to grant or issue the benefit or documentation, on an in camera basis as may be necessary with respect to classified, law enforcement, or other information that cannot be disclosed publicly, the Secretary of Homeland Security, the Attorney General, or any court may not—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

"(j) REQUIREMENT TO RESOLVE FRAUD ALLEGATIONS.—Notwithstanding any other provision of law, until any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act has been investigated and resolved, the Secretary of Homeland Security and the Attorney General may not be required to—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

"(k) PROHIBITION OF JUDICIAL ENFORCEMENT.—Notwithstanding any other provision of law, no court may require any act described in subsection (i) or (j) to be completed by a certain time or award any relief for the failure to complete such acts.".

SEC. 1642. VISA REVALIDATION.

(a) IN GENERAL.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following:

"(i) VISA REVALIDATION.—The Secretary of State shall permit an alien granted a nonimmigrant visa under subparagraph E, H, I, L, O, or P of section 101(a)(15) to apply for a renewal of such visa within the United States if—

"(1) such visa expired during the 12-month period ending on the date of such application;

"(2) the alien is seeking a nonimmigrant visa under the same subparagraph under which the alien had previously received a visa; and

"(3) the alien has complied with the immigration laws and regulations of the United States.".

(b) CONFORMING AMENDMENT.—Section 222(h) of such Act is amended, in the matter preceding subparagraph (1), by inserting "and except as provided under subsection (i)," after "Act".

SEC. 1643. SEVERABILITY.

If any provision of this title, any amendment by this title, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this title, the amendments made by this title, and the applications of such to any other person or circumstance shall not be affected by such holding.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Dr. Melanie Roberts, who is a fellow in my office; Mr. Kevin Eckerle, a fellow in the Commerce Committee; Dr. Steve Leherman, a fellow in Senator PRYOR's office; and Mr. CRAIG Robinson, a fellow in Senator LIEBERMAN's office, all be granted the privilege of the floor during the pendency of S. 761 and any votes that occur on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Jack Wells, a fellow on my staff, be granted floor privileges for the duration of the debate on S. 761, the America COMPETES Act.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

PUBLIC HEALTH SERVICE

PN388 PUBLIC HEALTH SERVICE nominations (2) beginning Sunee R. Danielson, and ending Mary E. Evans, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 2007.

PN428 PUBLIC HEALTH SERVICE nominations (281) beginning Arturo H. Castro, and ending David J. Lusche, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2007.

PN429 PUBLIC HEALTH SERVICE nominations (806) beginning David G. Addiss, and ending Allyson M. Alvarado, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2007.

PN430 PUBLIC HEALTH SERVICE nominations (337) beginning Daniel S. Miller, and ending Darin S. Wiegers, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2007.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume legislative session.

APPOINTMENTS

THE ACTING PRESIDENT pro tempore. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, appoints the following Senators to the United States Holocaust Memorial Council for the 110th Congress: the Senator from Utah (Mr. HATCH) and the Senator from Minnesota (Mr. COLEMAN).

The Chair announces, on behalf of the Republican leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–275, further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 20, 2004), the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 110th Congress: Senator THAD COCHRAN of Mississippi (Co-Chairman); Senator JON KYL of Arizona (Administrative Co-Chairman); Senator MITCH MCCONNELL of Kentucky (Co-Chairman); and Senator TRENT LOTT of Mississippi (Co-Chairman).

NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 163, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 163) designating the third week of April 2007 as "National Shaken Baby Syndrome Awareness Week".

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, along with Senators ALEXANDER, BAYH, BENNETT, BOXER, CANTWELL, CLINTON, COLEMAN, DOMENICI, DURBIN, HATCH, LEVIN, LIEBERMAN, SALAZAR, and SCHUMER, I am in support of our resolution to proclaim the third week of April of 2007 as "National Shaken Baby Syndrome Awareness Week." The Senate has passed similar resolutions each year since 2001, and we strongly support continued awareness of one of the most devastating forms of child abuse in this country, abuse that results in the severe injury, lifelong disability, or death of hundreds of children each year.

In recognition of the need to eliminate child abuse and to raise awareness about the issue, the month of April has again been designated "National Child Abuse Prevention Month," an annual tradition that was initiated in 1979 by former President Jimmy Carter. As we focus on child abuse prevention this month, awareness and prevention of Shaken Baby Syndrome is an important component of these efforts.

I would like to recognize the many groups, including those formed by parents and relatives who have been killed or injured by shaking, who support this effort to increase awareness of one of the most devastating forms of child abuse. These supporters include the American Academy of Pediatrics, the American Association of Neurological Surgeons, the American Psychological Association, The Arc of the United States, the Association of Maternal and Child Health Programs, the Association of University Centers on Disabilities, the Brain Injury Association of America, the Center for Child Protection and Family Support, the Child Welfare League of America, Children's Healthcare is a Legal Duty, the Congress of Neurological Surgeons, the Cynthia Gibbs Foundation, Don't Shake Jake, Easter Seals, Epilepsy Foundation of America, Family Voices, the Hannah Rose Foundation, the Kierra Harrison Foundation, the National Association of Children's Hospitals, the National Association of Child Care Resource & Referral Agencies, the National Center for Learning Disabilities, the National Child Abuse Coalition, the National Crime Prevention Council, the National Exchange Club Foundation, the National Family Partnership, the National Respite Coalition, the National Shaken Baby Coalition, Parents Anonymous, Prevent Child Abuse, the Shaken Baby Alliance, the Shaken Baby Association, Shaken Baby Prevention Inc., Shaken Baby Syndrome Prevention Plus, the SKIPPER Initiative, United Cerebral Palsy, A Voice for Gabbi, and many other groups.

I urge the Senate to adopt this resolution designating the third week of April 2007 as "National Shaken Baby Syndrome Awareness Week," and to take part in the many local and national activities and events recognizing the month of April as National Child Abuse Prevention Month.

Mr. NELSON of Florida. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 163) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 163

Whereas the month of April has been designated "National Child Abuse Prevention Month" as an annual tradition that was initiated in 1979 by former President Jimmy Carter;

Whereas the most recent National Child Abuse and Neglect Data System figures reveal that almost 900,000 children were victims of abuse and neglect in the United States in 2005, causing unspeakable pain and suffering to our most vulnerable citizens;

Whereas among the children who are victims of abuse and neglect, more than 4 children die in the United States each day;

Whereas children aged 1 year or younger accounted for approximately 42 percent of all child abuse and neglect fatalities in 2005, and children aged 3 years or younger accounted for approximately 77 percent of all child abuse and neglect fatalities in 2005;

Whereas abusive head trauma, including the trauma known as "Shaken Baby Syndrome", is recognized as the leading cause of death of physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas a 2003 report in the Journal of the American Medical Association estimated that, in the United States, an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom ⅔ will be babies or infants under 1 year in age, as a result of Shaken Baby Syndrome, with many cases resulting in severe and permanent disabilities;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome and other forms of abusive head trauma are being misdiagnosed or are not detected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant and may result in extraordinary costs for the provision of medical care to the infant in just the first few years of life of the infant;

Whereas the most effective solution for ending Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome;

Whereas education programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas "National Shaken Baby Syndrome Awareness Week" and efforts to prevent child abuse, including Shaken Baby Syndrome, are supported by groups across the United States, including those formed by parents and relatives of children who have been killed or injured by shaking, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and the families of the victims in the health care and criminal justice systems;

Whereas Congress previously designated the third week of April 2001 as "National Shaken Baby Syndrome Awareness Week 2001"; and

Whereas Congress strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2007 as "National Shaken Baby Syndrome Awareness Week";

(2) commends those hospitals, child care councils, schools, community groups, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children; and

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and

(3) encourages the citizens of the United States to—

(A) remember the victims of Shaken Baby Syndrome; and

(B) participate in educational programs to help prevent Shaken Baby Syndrome.

WEEK OF THE YOUNG CHILD

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 164, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 164) designating the week beginning April 22, 2007, as "Week of the Young Child."

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 164) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 164

Whereas there are 20,000,000 children under the age of 5 in the United States;

Whereas numerous studies, including the Abecedarian Study, the Study of the Chicago Child-Parent Center, and the High/Scope Perry Preschool Study, indicate that low income children who have enrolled in quality, comprehensive early childhood education programs—

(1) improve their cognitive, language, physical, social, and emotional development; and

(2) are less likely to—

(A) be placed in special education;

(B) drop out of school; or

(C) engage in juvenile delinquency;

Whereas the enrollment rates of children under the age of 5 in early childhood education programs have steadily increased since 1965 with—

(1) the creation of the Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(2) the establishment of the Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(3) the enactment of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

Whereas many children eligible for, and in need of, quality early childhood education services are not served;

Whereas only about one-half of all preschoolers who are eligible to participate in Head Start programs have the opportunity to do so;

Whereas less than 5 percent of all eligible babies and toddlers in the United States receive the opportunity to participate in Early Head Start;

Whereas only about 1 out of every 7 eligible children receives assistance under section 658C of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858a) to—

(1) enable the parents of the child to continue working; and

(2) provide the child with safe and nurturing early childhood care and education;

Whereas, although State and local governments have responded to the numerous benefits of early childhood education by making significant investments in programs and classrooms, there remains—

(1) a large unmet need for those services; and

(2) a need to improve the quality of those programs;

Whereas, according to numerous studies on the impact of investments in high-quality early childhood education, the programs reduce—

(1) the occurrence of students failing to complete secondary school; and

(2) future costs relating to special education and juvenile crime; and

Whereas economist and Nobel Laureate, James Heckman, and Chairman of the Board of Governors of the Federal Reserve System, Ben S. Bernanke, have stated that investment in childhood education is of critical importance to the future of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning April 22, 2007, as "Week of the Young Child";

(2) encourages the citizens of the United States to celebrate—

(A) young children; and

(B) the citizens who provide care and early childhood education to the young children of the United States; and

(3) urges the citizens of the United States to recognize the importance of—

(A) quality, comprehensive early childhood education programs; and

(B) the value of those services for preparing children to—

(i) appreciate future educational experiences; and

(ii) enjoy lifelong success.

ORDERS FOR MONDAY, APRIL 23, 2007

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, April 23; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 2:45 p.m., with Senators permitted to speak therein, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the second half controlled by the Republicans; that at 2:45 p.m., the Senate resume consideration of S. 761, the America COMPETES Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, APRIL 23, 2007, AT 2 P.M.

Mr. NELSON of Florida. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 2:45 p.m., adjourned until Monday, April 23, 2007, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, April 20, 2007:

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH SUNEE R. DANIELSON AND ENDING WITH MARY E. EVANS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2007.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH ARTURO H. CASTRO AND ENDING WITH DAVID J. LUSCHE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2007.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH DAVID G. ADDISS AND ENDING WITH ALLYSON M. ALVARADO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2007.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH DANIEL S. MILLER AND ENDING WITH DARIN S. WIEGERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2007.

HOUSE OF REPRESENTATIVES—*Friday, April 20, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. POMEROY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
April 20, 2007.

I hereby appoint the Honorable EARL POMEROY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, in whom all can take refuge, on this day of reflection and mourning for the victims and all those affected by the tragedy which took place on the campus of Virginia Tech, we appeal to Your boundless mercy and steadfast love.

The whole House of Representatives pulsates with compassion for the surviving student body, faculty and especially the parents of those young people now taken into Your eternal embrace.

May love conquer hatred. In Your infinite goodness heal the wounded, reinforce the bonds of relationships that hold Your people together.

Knowing how fragile life is and how precious the time we have together, enable all to draw closer to You and to one another in learning true wisdom, in affirming their deepest love and commitments and in reaching out to the alienated and those most in need.

We ask for Your help, Lord, calling upon Your holy name, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title.

H.R. 1130. An act to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 378. An act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

The message also announced that pursuant to Public Law 106–286, the Chair, on behalf of the President of the Senate, and after consultation with the Republican Leader, appoints the following members to serve on the Congressional-Executive Commission on the People's Republic of China:

The Senator from Nebraska (Mr. HAGEL).

The Senator from Kansas (Mr. BROWNBACK).

The Senator from Oregon (Mr. SMITH).

The Senator from Florida (Mr. MARTINEZ).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minute speeches per side.

HONORING COMMANDER CAROL BOHN, U.S. NAVY, RETIRED

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute.)

Mr. MCNERNEY. Mr. Speaker, I ask my colleagues to join me in honoring Commander Carol Bohn, U.S. Navy, retired.

Commander Bohn provided 25 years of outstanding service to our country as a commissioned officer in the Navy Nurse Corps and continues, in retirement, to provide exceptional service to our community and to our men and women in uniform.

A member of the VFW for approximately 15 years, Commander Bohn now serves as chaplain for the VFW Pleasanton Post 6298. She was instrumental in leading drives to obtain essential items for our Nation's troops, and her efforts have improved the morale of our men and women in uniform deployed overseas

Commander Bohn is also instrumental in organizing Pleasanton's yearly Veterans Day Parade, which honors the many sacrifices made by our fighting men and women. Through Commander Bohn's tireless efforts, the people of Pleasanton and the 11th Congressional District are assured that our veterans will not be forgotten.

I ask my colleagues to join me in recognizing this outstanding citizen and leader.

SURRENDER IN IRAQ DAY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, in World War I, the U.S. and Allied victory was called Armistice Day. In World War II, it was called VE Day, Victory in Europe, and VJ Day, Victory over Japan. Now, this Congress has already proclaimed SI Day, Surrender in Iraq Day.

By proclaiming a day to the world that we plan to "get out of Dodge," no matter the situation, no matter the consequences, because some lack the moral will to win defies commonsense and basic military logic. You never tell the enemy that you will retreat, much less give them the day, month and year.

I am sure that in the rat holes of Iraq where the cowardly enemy hide there is joy and laughter. Congress knows as much about running the details of a military operation as FEMA does about disasters.

Let the generals finish America's duty. We have the duty to give them the tools, weapons, money and the troops to take care of business.

General Stonewall Jackson allegedly faced the same complaints from the Confederate Congress and reportedly responded: "Send more troops, not more questions."

We cannot retreat and allow Surrender in Iraq Day to become part of our history.

And that's just the way it is.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

FUNDING FOR THE IRAQ WAR

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, earlier this month the President said, "If Congress fails to pass a bill that I can sign by mid-April, the Army will be forced to consider cutting back on equipment, equipment repair and quality of life initiatives for our Guard and Reserve forces."

Today, though, the Pentagon reports it has enough money to pay for the war in Iraq through June. So despite the doomsday reports from the White House, our military leaders are confident we have sufficient funding while we debate a new direction for the war in Iraq.

Then the President said that the timeline for redeployment that was part of our funding would undermine our troops and send the wrong signal to the enemy. Yesterday, Secretary Gates said our debate here in Congress has had a positive impact by "communicating to the Iraqis that this is not an open-ended commitment."

Mr. Speaker, this is not the time for scoring political points or posturing and positioning. The President should know that after 4 years of chaos and bloodshed, the American people sent Democrats to Washington to bring a new direction to our Iraq policy.

Today, thousands of American troops find themselves in the middle of someone else's civil war, backing an Iraqi government that has yet to stand up for itself.

Democrats are calling for a new direction in Iraq.

DEMOCRAT TAX HIKE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, some Democrats like to boast about all the increased spending in their budget plan, but they are less eager to discuss how all this new spending is going to be paid for. That is because it is paid for with the largest tax increase in American history, nearly $400 billion over 5 years.

Mr. Speaker, while some Democrats on Capitol Hill may not understand the impact this tax hike would have, my constituents most certainly do. Several have written in to let me know how it would affect their families.

One woman said it would mean less money for vital health care costs. Another parent said it would hurt her ability to pay for after-school activities for her kids. Someone else said more money for Washington would mean less money for charitable causes. And one single parent told me it would mean, "less food on our table."

Mr. Speaker, the proposed tax increase would affect real families in real ways. Let's balance the budget by reining in spending, not by taking more money from hardworking American families.

HONORING DREYFOOS HIGH SCHOOL

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, today I would like to honor a special group of south Florida high school students for being selected to participate in a prestigious debate competition this weekend in New York City.

The students, Zoe Friedland, Samuel Natale, Alexandre Pouille, Jemma Hinkly, Emily Deyes, Christopher Bahls-Mariles, and Rachael Mielke, hail from Dreyfoos High School in Palm Beach County, and will represent the school at the National Public Policy Forum debate championship this weekend

I wish these students the best of luck. They are some of the best and brightest, and I know they will represent south Florida well. I commend them for their hard work, dedication and perseverance that got them to this level and qualified them for this competition.

I also want to take this opportunity to express the condolences from my district to the family and friends of the Virginia Tech students who were tragically killed on Monday, and wish a speedy recovery to those who were injured.

Our children are the future of our Nation and our greatest asset. I join my colleagues in the House of Representatives to express our grief and sympathy. Our thoughts and prayers are with their friends and families.

STAND UP FOR OUR TROOPS

(Mr. PUTNAM asked and was given permission to address the House for 1 minute.)

Mr. PUTNAM. Mr. Speaker, our troops in combat deserve to be sent the resources and reinforcements that they need to be successful in their mission in Iraq, without strings and without delay.

Putting in place an inflexible timeline that culminates with a date certain time for withdrawal micromanages our commanders in the field and undermines the efforts of our troops on the ground. The Washington Post describes the Democrat plan as "an attempt to impose detailed management on a war without regard for the war itself."

The L.A. Times called for the bill to be vetoed saying, "It's absurd to try and micromanage the conflict, and the evolution of Iraqi society, with arbitrary timetables and benchmarks."

I urge my colleagues to stand up for our troops. Our troops deserve a clean bill, not one bulging with add-ons and political statements.

GONZALES REFUSED TO ANSWER CRITICAL QUESTIONS IN THE JUSTICE DEPARTMENT SCANDAL

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, Attorney General Gonzales cancelled a vacation and an entire week of work so he could prepare for his testimony before the Senate Judiciary Committee yesterday on the expanding U.S. Attorney scandal, but it does not seem to have helped him very much.

Despite all that prep time, the Attorney General could still not remember why most of the prosecutors had been fired by him in the first place. Worse yet, Gonzales said he could not recall attending a meeting where the discussion of the fate of these prosecutors was debated.

Democratic and Republican senators alike grew increasingly frustrated throughout the day as the Attorney General answered "I do not recall" to more than 70 questions. It was so bad that conservative Republican Senator JEFF SESSIONS said that he was concerned about Gonzales' recollection, considering that these events only took place last December.

Either the Attorney General is deceiving the Senate about what he remembers or he is so lacking that he can sit through discussions about the potential firing of eight U.S. Attorneys and simply not remember being there. Neither bodes well for Gonzales. It's time the President sets aside his friendship and asks his Attorney General to step aside.

WE NEED TO REDUCE THE PROLIFERATION OF FIREARMS IN OUR SOCIETY

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, I cannot imagine how more tragic life could be than to be the parent of a child and be told that their father or mother is not going to ever see them again, that he or she was killed in Iraq. This is the month of military families where we recognize military families, and the best thing we could do is to say 2,100 children having been given that information is enough, but this is also the anniversary of the Columbine massacre.

At the very time when we are offering our condolences for more than 30 people being slaughtered at Virginia Tech. While it is certainly appropriate to grieve with those parents who thought they were sending a child to a nurturing, secure learning environment, only to find that their child's life was cut off before they could realize their potential, it is even more appropriate that we act and respond to these tragedies, to try to prevent them, because we know unless we can reduce the proliferation of firearms in our society, that this will continue to happen time and time again.

Our words of condolences after a tragedy will be hollow unless we can stand up before the fact to the gun lobby and to those who think that we can continue to offer grievances and not change the situation.

Mr. Speaker, we need to renew the assault weapon ban. We need to end the gun show loophole. We need to restrict handgun purchase to no more than one per month. We need to stop these tragedies from recurring again and again and again.

SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

The SPEAKER pro tempore (Mr. PALLONE). Pursuant to House Resolution 301 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1257.

☐ 0914

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1257) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation, with Mr. POMEROY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, April 18, 2007, a request for a recorded vote on amendment No. 7 printed in the CONGRESSIONAL RECORD by the gentleman from North Carolina (Mr. McHENRY) had been postponed.

Are there further amendments to the bill?

☐ 0915

AMENDMENT NO. 9 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PRICE of Georgia:

Strike all after the enacting clause and insert the following:

SEC. 1. DISCLOSURE OF EXECUTIVE COMPENSATION.

Congress finds and declares that the shareholder disclosures relating to executive compensation required by the rules issued by the Securities and Exchange Commission on September 8, 2006 (71 Fed. Reg. 53158) provide an adequate and complete mechanism for shareholder approval of such compensation.

Mr. PRICE of Georgia. I want to thank the chairman of the committee for his kindness in allowing appropriate amendments within committee.

Mr. Chairman, I had hoped that this would be an absolutely open rule on the floor of the House, but it seems that this is as open as we get in this Congress, and I appreciate the opportunity to present an amendment or two on this important bill. This is an important debate that we are having.

If you look at the backdrop for it, it is important to appreciate the history of what is happening in many of our business sectors in this Nation. Seventy-five percent of the IPOs in the world are not in the United States. There is a reason for that. The number of public companies converting to private increases daily, and there is a reason for that. The number of U.S. companies looking to move offshore is increasing, and there is a reason for that.

As it relates to this issue in 2006, the Securities and Exchange Commission adopted sweeping changes to the rules regarding disclosure of compensation paid to executive officers and directors of public companies. This amendment, my amendment, amendment No. 9, simply states that the disclosures of executive compensation adopted by the Securities and Exchange Commission in 2006 provide a complete and adequate mechanism for shareholder approval.

SEC rules approved last summer direct companies to publish a table showing executives' total compensation, designed to bring better disclosure to shareholders. Companies must also detail stock option grants. The centerpiece of it was a single pay number, a single pay number meant to replace a jumble of charts and tables that appear now in proxy statements sent annually to investors. The single number will combine salary and bonuses and perks and other compensation awarded in a given year, with details for each component provided in a summary composition table.

Publicly traded corporations compete for the trust of investors, and these votes that have been proposed in the underlying bill can already be arranged for today if the corporations feel they are warranted as illustrated by AFLAC's recent nonbinding shareholder vote on executive compensation.

Now, if investors become displeased with a board of directors, then they have several choices available to them. They can seek to elect different board members. They can sell their stock and shift their investments to other companies whose corporate governance and decisions are more to their liking, or they can ask the government to expand regulation.

Regrettably, it is this last option that we are faced with today. Further, regulation from Congress is rarely the answer, and it certainly is not now.

I would ask my colleagues to seriously consider this amendment. My amendment is a vote for transparency. It is a vote for disclosure over increased government expansion and regulation. A vote against this amendment will increase the incentives for companies to go from public to private and to move from onshore to offshore.

I will close by saying this. Most Americans have a general sense that some CEOs have levels of pension that are greater than warranted by merit. They know that there must be a correction. They also know well that Washington should not be the author of that correction.

I urge adoption of my amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is an amendment, the purpose of which is to let people vote against the bill without voting against the bill. What the amendment says is, we don't need the bill. There are some Members who are apparently reluctant to vote against the bill. There would be no reason to vote for this amendment in the normal course of events. What it says is that we don't need anything else.

Again, the effect of this amendment is exactly, exactly the same as voting "no" on the bill. But some Members have a problem. There are a lot of examples of excessive compensation in the minds of many. I would note that this Congress will not be making any judgment about what is or isn't excessive.

One amendment was offered by a Republican that would have had us differentiate based on some definition of "excessive." I hope that is voted down. I don't think we should be that intrusive. What the amendment says is, we don't need a bill. Well, if you don't need the bill, you vote "no." Why would you vote for an amendment that says you don't need a bill instead of simply voting "no"?

The answer is, you don't want to be accused of voting "no" on the bill, so you vote for an amendment which has the same effect as killing the bill but is worded slightly differently.

I do note, and I acknowledge my colleagues on the other side agreeing, because someone said, oh, the government shouldn't get involved in this. What this does is celebrate a significant government involvement in the pay practices of corporations. What it says is that the rules issued by the Securities and Exchange Commission, dominated by Republicans, run by a former Republican Member of this House as the chairman, that those rules are adequate and complete. In other words, it says, "Those are a good thing. That's all we need."

Understand that those rules were a "mandate," to use the word that has been used here, a significant mandate by the Federal Government into private corporations. It says to private corporations, we, the Securities and Exchange Commission, this was done last year, we order you against your will, because if you want to do it, you could have done it voluntarily, we order you as the Federal Government to print on every proxy form the following information in the following form.

I am glad they did that. I am glad that my colleagues implicitly repudiate this notion that somehow the Federal Government is not supposed to tell corporations what to do. The SEC did do that. But now the question is, what do you do with the information?

It is interesting. I was just shown by one of the members of the staff an article where the corporation, United Health, was asked to allow a vote, then, by the shareholders on this information which the SEC has put forward, and they said, well, that would put us at a competitive disadvantage in America because some companies would do it and some wouldn't.

This bill simply eliminates the competitive disadvantage. It says every corporation can do it.

I was asked before, why don't you leave this to the market. That's what this bill does. The market consists of the people who own the shares, who buy the shares. This bill empowers them.

Finally, I do want to note that my colleagues are giving a different set of arguments, my colleagues on the other side, today apparently, than Wednesday. On Wednesday, there was a lot of patriotism and a lot of talk about, let's not do what other countries do, let's stick with America. There were a lot of references to America's success in the corporate world. The gentleman from Georgia offering this amendment to kill the bill without a vote to kill the bill, says, America is doing so well, why jeopardize it?

So I urge Members to study the two alternative approaches. In fact, the gentleman from Georgia today says America is not doing so good, we've got to be careful; we're losing IPOs, we're losing things. The argument that we have been hearing, and he is joined by others in making it, is that we're losing them primarily to England because of the corporate practices in England. That's what the committee appointed by the Secretary of the Treasury said, or inspired by him said. That's what the McKinsey report said: England does this.

What we are proposing today is exactly the model that has been followed in England. If you believe what the gentleman from Georgia said, which is that we are losing financial business, I think that has been overstated, but we are losing financial business to others, and the country that we are told we are losing it to does exactly what we are doing.

The fact is that letting the people who own the company vote on information that the SEC has required the company to put forward as to whether or not they approve or disapprove that that's what the people they hired should be paid is not at all intrusive. It hasn't caused problems in England. We think it has had a reasonable effect in moderating corporate excesses. That is why I hope that we will vote down this amendment.

By the way, if this amendment is voted down, the people who don't want to vote for the bill don't have to vote for the bill. But they ought to be willing to vote "yes" or "no" on the bill and not defeated by this kind of wording which gives people a chance to vote "no" without standing up and doing it.

Mr. ROSKAM. Mr. Chairman, I move to strike the requisite number of words.

The other day, Mr. Chairman, when we originally debated the bill, the chairman of the committee gently admonished one of the other speakers, one of the gentlemen from California, for selectively quoting a particular article.

We all do that, though, don't we? He was making the point Wednesday, when we discussed this bill, about this particular issue, and the chairman, in sort of a gentle nudge, teased him a little bit, but sort of called him out and said, you know, read the entire article.

It seems to me that the chairman of the committee may be falling into that same trap a little bit. Because coming to this floor now and having a conversation of the range of the Securities and Exchange Commission and sort of, by implication, giving the imprimatur of approval on rules that the SEC promulgated is not a great celebration necessarily of the entire framework of the Securities and Exchange Commission.

It is not as if we have a choice today. We are in the minority. We don't get to set the debate. It is not as if we get to take the Etch-A-Sketch of Securities and Exchange law and go and shake it today and come up and create a new thing.

Now, if the gentleman from Georgia says, well, within the context of this, there is something here that is decent that is happening here that the SEC has done, then so be it. But that is not an imprimatur of everything——

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. ROSKAM. I would be happy to yield.

Mr. FRANK of Massachusetts. I apologize, then. I inferred that the Members on the other side were being supportive of what our former colleague, Mr. Cox, did. If, in fact, I have incorrectly assumed that my colleagues were supportive of what the Republican SEC has done, rather than simply taking account of it, I will withdraw that, and I will not impute to you approval of what Mr. Cox has done.

Mr. ROSKAM. Mr. Chairman, reclaiming my time, I would suggest the chairman should resist the temptation to overcharacterize a particular argument.

Mr. DeFAZIO. Mr. Chairman, I move to strike the requisite number of words.

That was an extraordinary and revealing exchange. I was also going to point out that Mr. PRICE was supporting the recent mandatory rulings of the Republican-run SEC for disclosure, but then deprive the public, the stockholders, from being able to do anything meaningful once they find out about scandalous levels of executive compensation or board compensation.

Everyone talks about the board as the remedy. The board is often a part of the problem, being paid huge amounts of money for showing up once or twice a year at meetings.

So, now, I mean, at least this is a little more honest. They don't even want the stockholders to be able to find out how much the executive is being paid, out of fear that somehow they might be able to do something about it, I guess. I mean, this is absolutely extraordinary.

I heard some other things. They say, if a corporation feels it is warranted, the gentleman from Georgia says, they can vote on executive salary. Oh, the board, who got a sweet deal, who are supporting the CEO who has got a sweet deal, if they feel it is warranted, they will allow those little peons, the stockholders, to vote on it. This is America. These are public corporations.

Now, would the gentleman say if someone inherits some stock, or someone has been a lifelong investor in a company, and there is a coup by some corporate raiders, and they install a board, and they just start dumping an excessive, as the gentleman said, sometimes greater than warranted salary on a CEO, that they should not have the power to do something about it?

He says, well, you know, they can elect other people to the board. Well, no, because the election to the board process is fixed too. You get either to vote for the nominees or withhold. But if they get a single vote, and their buddy sitting next to them is going to vote, they will get their own stock for themselves. They are elected to the board. Ninety-nine percent of the people may have withheld, 99.999 may have withheld. That one person votes for himself. He is still on the board.

That is the way the rules work now. Apparently you think that is just fine. You admit that there is excessive salary being paid here, excessive compensation. No one can look at those numbers and say that they aren't, the gentleman even admitted, greater than warranted in some cases.

Well, then, give the stockholders a meaningful remedy. That is all we are doing here. We are just saying, it is not even mandatory, just that you can have, once you get the mandatory disclosure put in place by the Republicans, we Democrats are saying the stockholders should be allowed to have a referendum on that and not have a runaround by the board or not have their capability to put a measure before the corporation denied by the board.

□ 0930

I have a major stockholder of Bank of America stock in my district, and he has been constantly frustrated in attempting to move forward questions about board compensation, about executive compensation, about governance. And he is a major stockholder, as are the rest of his family. But he is thwarted. It is a little bit like the old Soviet Union: They are in charge, they don't have to listen to him. It is not democratic.

But the gentleman from Georgia says, well, sell your stock. That is a great remedy. Let the corporate raiders take it over, sell your stock. Now, come on. Give people recourse. And, you know, the reason that some investors are going to Europe is because they have more regulation in Europe and they have less excessive compensation to boards and CEOs, and they know that their dollars and/or pounds or Euros are being better cared for within that investment. That is why we are losing people overseas, not because of disclosure of excessive compensation or the possibility stockholders might be able to vote on it.

Mr. PUTNAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am happy to yield my time to my good friend from Georgia, the sponsor of the amendment, Mr. PRICE.

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman for yielding; I appreciate that. And I appreciate my good friend from Oregon being so transparent in his truth as he made a very interesting argument for more regulation and the fixing of CEO salaries. Which is remarkable, Mr. Speaker. The mischaracterization of this amendment is extremely curious.

The chairman of the committee says this amendment is superfluous, it is not necessary. Well, it is absolutely vital. And the reason it is vital is because it is important for us to say that we believe it is appropriate, the action that has been taken by the Securities and Exchange Commission as it relates to CEO compensation and the disclosure requirements. That is important, because it is important for us as a Congress to say we condone and appreciate the work that the administration, the executive branch is doing in this area. It is also important because it draws attention to the issue and says to the American people, educates them to what is now available to them as shareholders.

My good friend from Oregon says that this isn't mandatory. Well, it is mandatory. The bill states it is mandatory. There isn't any way out of it. It is Congress inserting itself into the functioning in very specific ways of corporations. And, Mr. Chairman, I don't know about your constituents, but my constituents know that that is the last place they want Congress, I promise you that.

My good friend from Oregon states that the vote is fixed, it is not really a vote. Well, if he truly believes that, then why on Earth would he support the underlying bill? If the vote is already fixed, why support the underlying bill? It doesn't make any sense.

So I would also just highlight for Congress and for anyone who is a shareholder that the opportunity for these kinds of votes already exists within the structure of corporate governance right now, within the structure of shareholder rights, as was demonstrated by a good company from Georgia, AFLAC, who went ahead and already has these nonbinding shareholder votes. But there is a difference between having individuals in the private sector, shareholders and individuals outside of the mandating of government to have it occur and have government come in with its heavy hand and say, this is exactly what you need to do because we know best.

Mr. Chairman, in my district I believe that my constituents know better how to act and how to relate to corporations than Washington. And I appreciate the gentleman's time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. PUTNAM

Mr. PUTNAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. PUTNAM:

Page 4, line 13, strike "Any proxy" and insert "Subject to paragraph (3), any proxy".

Page 5, line 6, strike "In any proxy" and insert "Subject to paragraph (3), in any proxy".

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:

"(3) DEFERRED COMPENSATION EXEMPTION.—The shareholder vote requirements of this subsection shall not apply to an issuer if the compensation of executives as disclosed pursuant to the Commission's compensation disclosure rule indicates that the issuer provides the majority of the issuer's executive compensation in the form of non-qualified deferred compensation.".

Mr. PUTNAM. Mr. Chairman, today's debate on shareholder votes highlights differing views on executive compensation. It is important to note that shareholders already have the power to propose votes on executive compensation. In fact, during the 2007 proxy season, 64 corporations will hold votes on whether to provide shareholders nonbinding votes on executive pay.

As my friend from Georgia referenced, AFLAC has already voluntarily agreed to include an advisory vote on executive compensation on its 2007 proxy statement, an example of market forces and shareholder views at work.

These examples reflect boards' responsiveness to improving corporate governance and holding executives accountable to fulfill their duty of increasing shareholder value by growing profits and creating jobs. However, my colleagues on the other side of the aisle argue that boards of directors' pay for CEOs is disconnected from their performance. I would argue that if you believe that, then you should support this amendment that focuses on performance and encourages greater accountability.

The amendment I offer today brings attention to what is known as nonqualified, deferred compensation. It allows the issuers to be exempt from the nonbinding shareholder vote on executive pay if the issuer provides the majority of the executive's compensation in the form of that nonqualified deferred compensation. And the reason for that is that nonqualified deferred compensation is subject to forfeiture. Unlike worker or union pension plans, it is contingent compensation. In other words, it is based on the performance of the company, the CEOs, and the executives. Those that have poor performance forfeit some of their compensation.

My amendment gets to the heart of shareholder frustration, which is that if a CEO fails to fulfill their fiduciary duties, then they should be held accountable. Let me give you an example.

Recently, a CEO of a major corporation announced that he would be leaving his post at the end of the year. The board of directors of that company decided not to give a large incentive bonus to that CEO because the company reported a 28 percent decrease in their profit for the last quarter of the year. While the CEO claimed that he deserved a $7.65 million bonus, the board reached an agreement and the CEO will receive less than half of what he thought he was entitled to. The board exercised discretion based on performance, holding executives accountable.

Mr. Speaker, this amendment aligns management interest with shareholder interest, enhancing shareholder value and equity in the company. Nonqualified deferred compensation packages help to drive financial performance, meet growth targets, and ensure the retention of good performing executives. Simply put, if the executive does not perform and the company suffers, then the compensation should reflect as much.

I would also like to point out that in 2004 both Democrats and Republicans created rules that determine when it is appropriate to defer certain types of compensation. It is unnecessary for shareholders to have a nonbinding vote if there is no constructive receipt of that compensation. They are voting on something that may or may not actually be paid out to poorly performing CEOs. We should be encouraging this type of performance-based compensation, not second-guessing.

I would urge my colleagues on both sides of the aisle to adopt this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

First, Mr. Chairman, I look forward to the subdebate between the gentleman from Illinois and the gentleman from Georgia on the Republican side.

Just to recap, I said I was glad that the gentleman from Georgia, apparently on behalf of the Republicans, agreed with what the SEC did. The gentleman from Illinois took me to task and said, nothing in the amendment was approving. So I said, okay, I withdraw the notion that it was approving.

But then the gentleman from Georgia came back and said, it does approve. So I would urge the two of them to work that out. I would be glad to either give them the acknowledgment, as the gentleman from Georgia said, that they support it; or retract that compliment to Mr. Cox, as the gentleman from Illinois prefers. But I am confused now as to their difference.

As to the gentleman from Florida's amendment, it does exactly what our amendment is inaccurately accused of doing, it intrudes the Congress into the internal pay decisions of the corporation.

We are strictly, scrupulously, completely neutral as to how the corporations pay their CEOs and others. We simply say that the market should work, that these shareholders should decide. And the gentleman said, shareholders have that right now. They do in some places, they do in some States, they do in some corporations; they do not in others. There is no uniform, legally enforceable right for shareholders to do this; and some corporations have refused to do it. United Health Service recently refused a request from a pension fund to do that. There is no uniform right.

By the way, it is a matter of State law or Federal law. This notion that we are intruding on the private corporation, as they said on Wednesday, makes no sense. Private corporations are the creation of positive law, and positive law says, here are the rights and here are the duties, et cetera.

Indeed, the gentleman from Georgia, who, unlike the gentleman from Illinois, approves of what the SEC did, says Washington shouldn't decide. But on the other hand, he is for what the SEC did. Has the SEC decamped to Wichita when I wasn't looking? I would have thought, as chairman of the committee, if the SEC had moved out of Washington, someone would have told me. Maybe they're not getting my mail. But how can you say that Washington should tell corporations what to do and be so supportive of this SEC intervention?

And on the subject of intervention, what the gentleman from Florida would do, would have us say is, you have to have a shareholder vote if you have certain kinds of compensation, but you don't have to have a shareholder vote if you have other kinds of compensation. And what is the majority, and is it nonqualified deferred? It would be a far greater intrusion both substantively and procedurally than what we say.

We say, have a vote, let the shareholders vote. Terribly radical. Let those people who own the corporation give their opinion on what the CEO should be paid.

The gentleman from Florida says "no," but here is the deal: Some corporations hate that. They don't want these pesky shareholders having a say on how many hundred million dollars a guy ought to get when he gets fired, so we will say "yes" in some cases, "no" in others.

The gentleman said we should kind of give them an incentive. Well, I don't think that is the case. I don't think Congress ought to be picking and choosing as to what is the right kind of corporate compensation and what is not the right kind of corporate compensation. But that is what the amendment does. The amendment does exactly what, as I said, our bill carefully avoids doing: It puts Congress into the decision-making process and says, if you do it the way we, Congress, think is right, you are okay; if you don't do it the way Congress thinks is right, you have a shareholder vote.

Now, I don't think a shareholder vote is any problem. But for those who do, if you really do, then you are intruding the Congress into that process in a way that we have sought to avoid. So I hope that the amendment is defeated.'

Mr. ROSKAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think in response to the chairman's observations about the gentleman from Florida's amendment, I do take the chairman at face value that what you are trying to do and the way you are looking at it is trying to create a neutral framework by which these matters are determined. No question about that. But it seems to me that the beauty of this amendment is that it really does seem to get at the heart of the matter that is really prompting this sort of national conversation.

In other words, I think the gentleman from Florida has come up with a more surgical way to accomplish the very task that the chairman of the committee is trying to do. So while the chairman's bill in and of itself is a bit of a blunt instrument, I think that the gentleman from Florida's amendment sharpens that blunt instrument and helps to really cut to the cause and the issue that is before the Congress, and I urge its passage.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

First, since the gentleman from Georgia wouldn't allow me to correct his mischaracterization of my position, I guess we are having a little issue over the meaning of the word "fix." Now, if he means "fixed" as in "setting," that is, setting the salary, he is totally wrong. I never said that, and that is not what this bill would do. It would just allow a referendum by the owners of the company on the package being paid to the corporate executive.

Now, if he means "fixed" in terms of what he stated on his own, he said some are greater than warranted and then he talked about correction; if we are talking about that kind of "fix," he is absolutely right, and that is what this bill would do. It would allow the stockholders a vote. He doesn't want to allow them to vote on that compensation.

□ 0945

Then how are you going to fix it? That is extraordinary.

Now, Mr. PUTNAM makes an interesting argument. This poor CEO, whoever he was who totally underperformed who would receive compensation under his amendment that would be exempt from a vote, saw his compensation, having screwed up the corporation and making the board of directors mad and underperforming, losing money for the stockholders. He didn't get that $6.75 million. He only got $3 million. Wow. He was penalized. Well, maybe the stockholders would rather he was fired and he got nothing. Three million bucks for screwing up.

That is not exactly a corrective action. I don't know what world you folks live in over there, but for people in my district, that would be like winning the lottery big. Three million bucks. And this is for a guy who didn't do his job properly. And that is the kind of, and that would be exempt from the stockholders, because that is corrective action. He only got three million. Don't worry. He only got three million. And only three million came out of your assets to go to this guy who lowered the value of your investment and messed up the company, probably fired a bunch of workers and who knows what else he did that messed things up. So it is just extraordinary.

So now you are getting in the weeds here. You are actually determining what sorts of compensation would be voted on and what wouldn't. You are getting into fixing something, regulating something. We are just saying we want to allow a referendum. It is kind of the democratic process that most of us understand around here. If people are part of a public corporation, they should get a vote on executive compensation. They should also be allowed to put other measures before the board in a meaningful way. But the Republicans apparently don't believe in corporate democracy.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the requisite number of words.

I want to commend the gentleman from Florida for his amendment. I do think that it focuses the attention of this issue where it ought to be.

But I want to address a couple of remarkable misstatements from my friends on the other side. They have said, the gentleman from Oregon said that. I don't want to allow a shareholder vote.

Well, I mean, that is absolutely ridiculous. I am all in favor of a shareholder vote if it is done without the mandate from Washington. That is the distinction that we have here, Mr. Chairman. We have a party that is desirous of increasing regulation and increasing the mandate from government. And we have defenders of a system that allows individuals to act in concert in the way that they best deem appropriate. That is the difference. It is a fundamental philosophical difference.

They believe that mandates from Washington are the solution to this and virtually every other problem. Well, I simply don't believe that. I simply don't believe that, and I know that my constituents don't believe that.

It is also clear from the comments made by my good friend from Oregon that class warfare is alive and well. And that is also something that I think does a disservice to this body, and does a disservice to our Nation, does a disservice to the discussion.

To my good friend, the chairman, he was somewhat astounded by the fact that the gentleman from Illinois and I could think differently, and I appreciate that because the lock-step group on the other side is in full swing. And I understand that. That is all right. But we have an opportunity to think on this side of the aisle. And we have an opportunity to reach conclusions. They may be the same conclusions, they may be different conclusions, but we have an opportunity to think on this side of the aisle. And for that I am appreciative.

What I am only asking for in this bill and in the amendment that I am supporting is to provide the opportunity for the American people to think and to act for themselves without the mandate, without the dictates from the Federal Government.

So I urge my colleagues to support the amendment of the gentleman from Florida.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been intrigued by the debate that has been transpiring here. I wanted to come to the floor to make one simple point, and that is that I appreciate the efforts on behalf of the Financial Services Committee and Chairman FRANK to start demystifying the process. There is a lot of talk about supporting of shareholder rights and what not. But the fact is that we don't have a uniform system in this country that actually guarantees people the right to exercise corporate democracy in ways that most people would take for granted. In terms of the most important stakeholders, the people who own these corporations, they are too often treated like children that need to be kept at bay. You don't have to read very many business pages in the New York Times, just for the last year, to discover areas of systematic abuse in terms of what anybody would expect to be the treatment of shareholders. And, unfortunately, that is aided and abetted by government policy.

I appreciate what is happening with the Financial Services Committee to take some steps to try and demystify the process. I see this as one simple step to allow shareholders just an advisory vote on compensation. I thought it was a pretty good idea. I thought it was being part of a larger conversation. I think it is a warning shot about corporate behavior and to State regulators to take seriously the rights of the people who own these companies. All of us, I think, support capitalism. But the way that the shareholders are treated must make us be suspect.

Then on top of this, I hear the amendment from my friend from Florida. Again, I may be a little biased, getting my information from the business pages of the newspaper, but the Sunday before last, it was fascinating looking at the hash that has been made by SEC in terms of trying to explain what total compensation is. It is almost now beyond the capacity of individuals to understand because we get in here, make these distinctions that torture and twist information.

I thought the proposal that is brought forward by Financial Services, was pretty straightforward. Yet this amendment again would start parsing that out, distinguishing between different types of compensation and making it harder for shareholders to have a clear understanding.

I would respectfully suggest that we vote against this amendment; we support the underlying bill; and most important, we support the philosophy from Financial Services to demystify corporate governance, that we give a little more respect to the rights of shareholders and our responsibility as people who establish the rules of the game.

I think the Sarbanes-Oxley legislation was rushed through after years of sort of holding it at bay in the aftermath of scandals where Congress wouldn't act, to the point where Congress was forced to act.

I appreciate what is happening in the Financial Services Committee where they are looking at this subject in a systematic fashion. I look forward to subsequent proposals that come forward so that we can give shareholders the rights that they deserve as the people who are after all really the owners of our capitalistic system.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PUTNAM. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PRICE of Georgia:

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:

"(3) CONDITIONAL IMPLEMENTATION.—

"(A) CONDITIONAL EFFECTIVE DATE.—Subject to subparagraph (C), this subsection shall be effective with respect to any solicitation of a proxy, consent, or authorization for an annual or other shareholder meeting occurring on or after the date that is 90 days after the Commission transmits to Congress the report required under subparagraph (B).

"(B) STUDY ON RECRUITMENT AND RETENTION OF EXECUTIVES.—The Commission shall conduct a study to determine the effect of the separate vote requirements under this subsection on the ability of issuers to recruit and retain executives, and not later than 90 days after the date of enactment of this Act, shall transmit to Congress a report containing the findings of such study.

"(C) DETERMINATION BY COMMISSION.—This subsection shall not take effect if the Commission determines, pursuant to the study required under subparagraph (B), that the requirements of this subsection would significantly hinder issuers' recruitment and retention of executives.".

Mr. PRICE of Georgia. Mr. Chairman, I think that this amendment gets to what the consequences of this underlying bill are. Now, we have heard some contradictory information from the proponents of this bill. Some say it doesn't mean anything. Some say it is very important and that the consequences are remarkable.

I would suggest that, frankly, we don't know what mandating to companies and to publicly traded companies in this Nation, what this bill will do. I don't think that we, as Congress, know. I think the consequences may be remarkable and significant.

I do know that it would be helpful and appropriate for all of us to have that information, to have the information about what the unintended consequences of this might be. So this amendment is an amendment to address that. It would ensure that this legislation will not compromise fair competition and a level playing field for publicly traded companies. The amendment would require the SEC, the Securities and Exchange Commission, to conduct a study to determine whether a separate nonbinding vote, what the bill mandates, whether or not that would hinder a publicly traded company's ability to compete for the best available candidates for its officers and directors.

It would make sense that it would be helpful for us and for the Nation to know whether or not that would be a consequence. If, in fact, the SEC finds that the rules would hamper the company's ability to compete for the best candidates, then the nonbinding shareholder vote will not be required.

For every publicly traded company, there are thousands of privately held firms. Large privately held corporations compete with publicly traded corporations for the same talent pool of CEOs and, presumably, pay the same compensation levels. Responsibility, our responsibility dictates that we don't add yet another reason for companies to list on foreign exchanges or otherwise be discouraged from becoming publicly traded.

So this is a very simple amendment, provides for a study that would determine the consequences in terms of whether or not publicly traded companies would be able to attract the best talent. I urge my colleagues to support it.

Mr. MILLER of North Carolina. Mr. Chairman, I move to strike the last word.

I think this amendment makes clear how radical an idea the minority party thinks democracy is, whether it is in corporations or in government, and how wary they are of voting, whether in corporations, by shareholders or in politics.

Usually the minority party is very critical, hostile to the idea that regulatory agencies should play a role in our democracy, in our economy. Regulatory agencies play an important role. They work out a lot of details. They address new problems more quickly than Congress can in a way that is consistent with what Congress has done before. But this is not a complicated proposal. This is a straightforward proposal. There are not details to work out. Either we want to do this or we are not going to do this and we are not making it up as we go along.

Britain did this in 2001. We have got 6 years' experience under Britain, the way it has worked in Britain, and it has worked just fine in Britain.

The minority party has come to the curious position, after more than 200 years of experience in American democracy, of thinking the Congress, the Members of the House of Representatives and the other body, elected by the people should be mere advisers, an advisory body to the President, and that anyone appointed by the President necessarily must be wiser and more knowledgeable than the folks who are actually elected by the people.

Mr. Chairman, we were elected by the people. We are speaking for the people. We are acting on their behalf. This amendment will undermine democracy in the boardroom in corporate America, and it will undermine democracy in our government, and I urge we vote against it.

Mr. ROSKAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is interesting, the majority has now slipped into I think the same arguable bad habit that the chairman accused us of, because now the SEC has been criticized as Presidential appointees lacking the wisdom that Congress has.

Let's just discuss this amendment for a minute, because I really do think it is a good amendment. It gets to the heart of this matter. And it basically, for purposes of our discussion today, Mr. Chairman, it accepts, I think, the premise of the chairman. It says, here we go. Let's go back to the underlying bill and just focus our conversation for a minute. The underlying bill says, let's put a nonbinding referendum on the ballot. The chairman has made a number of arguments in favor of it. But the gentleman from Georgia, essentially says, in this amendment, okay, let's do that, but first, just hit the pause button. Just put the pause button on just for a bit and let the Securities and Exchange Commission, who, over the past day or so of debate, have risen to the point of almost Superman status, they have been so widely complimented and called wise and so forth by the other side of the aisle. Let's ask that commission what their opinion is. Let's study it. Let's look at it. And if, if, if, they say no problem, then there is no problem. No harm, no foul.

□ 1000

The bill is put into place and on we go. But if the Securities and Exchange Commission says that public companies enter into a competitive disadvantage because of this, then ought we not consider that? Shouldn't we then hit the stop button? Because we have heard the other side get up on the floor today and over the past few days and talk about the free market and how they are in favor of capitalism, and we have heard the gentleman from Oregon a couple of minutes ago telling us that the reason that companies are going to Europe is somehow because they don't have shareholder rights, and the logic was so dizzying, I couldn't even follow it.

But accepting everything that the other side says for the sake of argument is then implicit in accepting this amendment. Because all this amendment says, and let's be very clear about it, is it simply says hit the pause button for 90 days. Just wait 90 days. So let's assume for the sake of argument that this blows through the Senate. Let's assume for the sake of argument that it is signed into law on June 1. I would submit to you between June 1 and September 1 we can wait to take the temperature to find out if this is a good idea or if somehow this hinders us competitively.

Mr. CROWLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate what we are doing here today. This is important, I think, for the American people to understand the critical role that Congress plays here in providing transparency and openness and helping corporate America do what they do best, and that is to generate and grow our economy.

But I rise in opposition to my friend, the gentleman from Georgia's, amendment. And I do so because, it is interesting, there seems to be a doublespeak, Mr. Chairman, coming from the other side of the aisle. On the one hand they say that there is too much government involvement, and at the same time their amendment would add another layer of government involvement, a further study that would slow this whole process down.

I don't understand what is wrong with transparency. Transparency in our markets is what makes our markets so attractive to investors, to investors who want to know what is going on within that publicly traded company.

This amendment would make the effective date of the bill conditional on the SEC's performance of a study to determine the effect of shareholder vote requirements on the ability of issuers to recruit and retain executives. The bill would not take effect if the SEC finds the vote would "significantly hinder issuers' recruitment and retention of executives."

In effect, this is a way to kill the bill without voting against the bill. It would permit the SEC and the business executives to effectively veto the Congress with a study.

This amendment would make nonbinding shareholder votes on compensation subject to an SEC study and the SEC's finding.

And I should just remind our friends on the other side that Congress does not generally make laws that apply only if agencies make certain findings.

I would also note for the record that this amendment was defeated in committee by a vote of 27 yeas to 32 nays with 1 present, therefore a vote against this amendment.

And again I just want to come back to what I talked about before, and it relates as well to the Putnam amendment, and that is what is wrong with transparency? What is wrong with those individuals, moms and pops, moms who are soccer field moms, understanding what their investment is doing, how their investment dollars are being spent?

If the other side of the aisle wants to continue to align themselves with the Bob Nardellis and the Ken Lays of the world over Joe and Mary Six-Pack, so be it. But I would just point out that I think that the American stockholders would like to know what is happening in corporate America.

I wonder how many stockholders in GE understood that when Jack Welch retired as a CEO, what that package actually entailed. GE shareholders would provide him with a "lifetime access to company facilities and services comparable to those which are currently made available to him by the company," that they are unconditional and irrevocable. And don't forget about the use of an $80,000 per month Manhattan apartment owned by the company, aka the shareholders. I wonder how many shareholders know that they are supplying a rent-free apartment for Jack Welch in Manhattan: courtside seats at the New York Knicks and U.S. Open; seats at Wimbledon; box seats, and, Mr. FRANK, I hope you will forgive me, at the Red Sox-Yankees baseball games; country club fees.

Who paid for all this and who continues to pay for all this? The shareholders, who are the individual citizens, pension funds, 401(k)s. We the people who invest in these public corporations are the ones who pay for all this. Is it right that we pay for this and have no ability to learn about it or no ability to really hold these public corporations accountable? I don't think so.

The other side of the aisle seems to think that is okay and that is how corporate America should conduct itself.

I believe that shareholders have the right to know what the full compensation packages, the total compensation packages, of the employees running their, the shareholders', companies. And it goes back to Mr. PUTNAM's amendment again. What we need to oppose is this amendment, as well as the Putnam amendment, because it injects the government too far into the board rooms, creates new hassles for corporate America, and it disrespects and ignores the owners of shareholders, the constituency of those executives as well as our constituents that we represent.

So I oppose this and the Putnam amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just come to the floor to rise to answer the question that the gentleman from the other side just raised as far as the information that the shareholders have the right to know, and I agree with him completely. The shareholders do have a right to know what is going on in the corporations that they are investing in.

When you think about it, what should be the ultimate objective of any of the legislation that we are addressing here today or any of the amendments that we are addressing here today? And that, I think, is to make sure that the shareholders, A, have information, and, B, have the best return on their investment possible, whether we are talking about senior citizens who are relying upon their investments for their pensions and their security for their remaining days and they have to make absolutely certain that these investments are good investments because this is what they are relying on because they are no longer working or whether these are young people who are just starting out and are beginning to put a way a little money for their children for their education 5, 10, 15, 20 years down the road.

They want to be sure that their investments have a good return as well. They want to have information as well. Or maybe it is somebody in their middle years, such as myself, 40, 47 years old. We want to make sure that the money that we set aside for our retirement is going to be there and that we are getting a good return. So we want information as well. So the gentleman on the other side of the aisle is correct when he says we need to know that information.

Well, that is exactly what this amendment does. This is to provide more information. And that is exactly what the SEC has already done with their proposed rules and regulations as far as providing more information to the American investor as far as the pay packages that are going to CEOs.

So let's step back again and see what is already out there. The SEC has initiated proceedings to make sure that the investor, whether it is a senior citizen, middle-income family, or a young person starting out, has the information that should be available to them. And I commend the gentleman from Georgia because he is following on in that tradition of making sure investors have additional information. Because what do we not want to do by any legislation that passes through this House? What we should not want to do is to hurt the investor. What we should not want to do is to add costs to the system that are unnecessary. What we should not want to do is hurt that senior citizen by adding a burdensome process to the system that will actually diminish the value of his or her current investments.

What we should not want to do is hurt that young family just starting out putting money aside for their children's education by hurting the investments that they have already made. The underlying language in this bill has the potential to do that. This amendment by the gentleman from Georgia (Mr. PRICE) will alleviate that problem.

This amendment simply asks to investigate, to study, to find out, to perform, to provide transparency, if you will, to the system to make sure that whatever we do here is for the benefit of the investor in the long run.

I will just close on this: the other day I had my own amendment, which says that, like the other side of the aisle, we too on this side of the aisle agree that some of the pay packages that we read about in the media seem egregiously high or very excessive and what have you and we have our questions about them as well; but like this amendment and my amendment that came yesterday, we all want to do the same thing and make sure that at the end of the day the investor is not hurt by the actions of the other side of the aisle or by Congress, but are helped.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Let me begin with the gentleman from New Jersey's worrying that the investor might be hurt by what we would do. I guess the motto of investor in this case should be "Stop me before I vote again."

How are we going to hurt the investor? We are going to say to those investors, You know the information that is going to be presented to you because the SEC mandated that companies do it? You get to say whether you approve or disapprove of that proposal.

That is going to hurt the investor? Are investors so much in need of protection from themselves that they must be prevented from voting on this?

This is part of the problem. It is an inversion of capitalism here. The CEOs don't own the company. The boards don't own the company. The shareholders own the company. They are the market. And all this bill does is to empower them.

By the way, when the gentleman from Illinois says we are rushing in, he has a very different definition of "rushing in" than I do. This takes effect in 2009. We, in fact, were approached by some, the Business Roundtable. They still don't like the bill.

Mr. PRICE of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the gentleman for yielding.

Given that it has that implementation date, which I think is appropriate, and given that my amendment asks for a study for a period of 90 days, is there any reason why the gentleman would oppose the amendment?

Mr. FRANK of Massachusetts. Yes. And reclaiming my time, I will tell him what it is. If all this asks for was for the SEC to study it, I would support the amendment. And section B, "The commission shall conduct a study," I would be glad to support that. Indeed, the commission could do that on its own. What I object to is a point has been made before and it is constitutional, Congress being made to wait for permission from the regulatory agency to do things.

So, again, and I appreciate the gentleman, but I do want to go back to the error of the gentleman from Illinois when he said we had to hit the pause button. This does not take effect until 2009. We are not rushing into anything. And we delayed the effective date at the request of the Business Roundtable so there would be no burden in paperwork on the company.

Between now and 2009, if the SEC wants to do a study, it can do a study. If you want to mandate that they do it, I would be glad to mandate that, although the SEC has been somewhat overworked. The difference is, and the reason I object is, this says that Congress will not go forward with what most of us on our side, and many on the other side, think is a good idea until the SEC gives us permission. I do not think constitutionally we should await permission from the regulatory agency.

By the way, the gentleman from Illinois, I don't understand. He wants to find an inconsistency, and when he can't find one, somehow he manufactures one. I never said the SEC was all wise and all knowing. He is caricaturing things that weren't even said. What I did was to acknowledge that the SEC has moved here and the SEC, I do want to remind my colleagues, is in Washington. All this rhetoric about no mandates from Washington is wholly inconsistent with the affirmation of the SEC's having correctly proposed the information.

I would also say to the gentleman from Georgia, I was not struck by the fact that he and the gentleman from Illinois differ. It has been clear to me for some time. I have been on the committee. The gentleman from Georgia and his Republican colleagues often differ, and I will say in the spirit of the French assembly "vive la difference." I encourage people to differ with the gentleman from Georgia. I would hardly chide them for it.

□ 1015

What I was responding to is the gentleman from Illinois accusing me of misstating the views of the gentleman from Georgia, and I am glad the gentleman from Georgia cleared that up.

But back to the main point. We have until 2009. Yes, the SEC has the right to study this if it wants to. And if this was simply a mandate that the SEC study it, it would be a different story. But saying that the bill is contingent on the SEC's finding seems to me constitutionally unwise. That's why I would not support it as is, but I would support a modified version.

Mr. Chairman, I will yield to the gentleman from Illinois.

Mr. ROSKAM. Mr. Chairman, my only point is that the 2009 date, and that is a fair observation on your part that it's not going to happen tomorrow, but if this becomes law, it's going to happen no matter what. So even if the SEC comes up and sends a signal flair and says, hey, this is going to be a train wreck, this is going to be a real problem; and we're going to see more and more companies either going private, unwilling to go public, which is sort of the subtext of a lot of what's going on, or ultimately going to Europe, my point is that this will not stop.

Mr. FRANK of Massachusetts. Let me take back my time.

Two points. First of all, I do want to respond to this really terrible argument that this might drive companies to go private. Do Members realize, Mr. Chairman, how viciously that attacks the CEOs? That argument says this: A CEO faced with the possibility of people voting on his or her salary will take that company private. I think that is a terrible thing to say.

Secondly, if the SEC makes a recommendation, we are here to listen to it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 13 by Mr. SESSIONS of Texas.

Amendment No. 5 by Mr. GARRETT of New Jersey.

Amendment No. 2 by Mr. CAMPBELL of California.

Amendment No. 7 by Mr. MCHENRY of North Carolina.

Amendment No. 9 by Mr. PRICE of Georgia.

Amendment No. 11 by Mr. PUTNAM of Florida.

Amendment No. 8 by Mr. PRICE of Georgia.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 13 OFFERED BY MR. SESSIONS.

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SESSIONS:

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following new paragraph:

"(3) DISCLOSURE OF ACTIVITIES TO INFLUENCE VOTE.—Notwithstanding paragraphs (1) or (2)(B), a shareholder's vote shall not be counted under such paragraphs if the shareholder has spent, directly or indirectly, more than a de minimis amount of money (as determined by the Commission) on activities to influence a vote of other shareholders unless such shareholder discloses to the Commission, in accordance with rules prescribed by the Commission—

"(A) the identity of all persons or entities engaged in such a campaign;

"(B) the activities engaged in to influence the vote; and

"(C) the amount of money expended on such a campaign.".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 222, not voting 39, as follows:

[Roll No. 236]

AYES—177

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert

Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—39

Alexander
Baldwin
Bishop (UT)
Bordallo
Brady (PA)
Cantor
Carson
Christensen
Conyers
Cubin
Culberson
Davis, Jo Ann
Doolittle
Ehlers
Faleomavaega
Fattah
Ferguson
Fortuño
Gerlach
Hayes
Higgins
Hoekstra
Hunter
Jones (NC)
Lampson
Levin
Lowey
Marchant
Melancon
Millender-McDonald
Mollohan
Myrick
Platts
Rohrabacher
Simpson
Thornberry
Walsh (NY)
Wicker
Young (AK)

□ 1044

Ms. SOLIS, Ms. VELÁZQUEZ and Mrs. CAPPS and Messrs. CLEAVER, ALTMIRE, MCNERNEY and DINGELL changed their vote from "aye" to "no."

Mr. ROGERS of Alabama changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. CARSON. Mr. Chairman, on April 20th I was not able to cast the first in a series of votes on H.R. 1257. Had I been available, I would have voted no on Roll No. 236.

AMENDMENT NO. 5 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. Garrett of New Jersey:

Page 4, line 13, strike "Any proxy" and insert "Subject to paragraph (3), any proxy".

Page 5, line 6, strike "In any proxy" and insert, "Subject to paragraph (3), in any proxy".

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:

"(3) CONDITIONS TRIGGERING VOTE.—The shareholder vote requirements of this subsection shall only apply if the executive compensation (as disclosed pursuant to the Commission's compensation disclosure rules) exceeds by 10 percent or more the average compensation for comparable positions—

"(A) in companies within the issuer's industry; and

"(B) among companies with comparable total market capitalization,

as determined in accordance with regulations issued by the Commission.".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 155, noes 244, not voting 39, as follows:

[Roll No. 237]

AYES—155

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Knollenberg
Kuhl (NY)
Lamborn
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—244

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Barrow

Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehner
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kline (MN)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—39

Alexander
Baldwin
Bishop (UT)
Bordallo
Brady (PA)
Buyer
Cantor
Conyers
Cubin
Davis, Jo Ann
Ehlers
Faleomavaega
Fattah
Ferguson
Fortuño
Gerlach
Hayes
Higgins
Hoekstra
Hunter
Jones (NC)
Lampson
Levin
Lowey
McCarthy (NY)
McHenry
Melancon
Millender-McDonald
Mollohan
Moore (WI)
Myrick
Peterson (PA)
Platts
Rohrabacher
Simpson
Thornberry
Walsh (NY)
Wicker
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1052

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCHENRY. Mr. Chairman, on rollcall No. 237 I was inadvertently detained. Had I been present, I would have voted "aye."

Mr. PETERSON of Pennsylvania. Mr. Chairman, on rollcall No. 237 I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Ms. MOORE of Wisconsin. Mr. Chairman, on rollcall No. 237, had I been present, I would have voted "no."

AMENDMENT NO. 2 OFFERED BY MR. CAMPBELL OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CAMPBELL of California:

Page 4, line 13, strike "Any proxy" and insert "Subject to paragraph (3), any proxy".

Page 5, line 6, strike "In any proxy" and insert "Subject to paragraph (3), in any proxy".

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:

"(3) MAJORITY-ELECTED BOARD EXEMPTION.—The shareholder vote requirements of this subsection shall not apply with respect to any issuer that requires the members of its board of directors to be elected by a majority of the votes cast in a shareholder election of such board.".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 241, not voting 36, as follows:

[Roll No. 238]

AYES—161

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
English (PA)
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—241

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Camp (MI)
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler

Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—36

Alexander
Bishop (UT)
Bordallo
Brady (PA)
Brown-Waite, Ginny
Cantor
Carney
Conyers
Cubin
Davis, Jo Ann
Ehlers
Faleomavaega
Fattah
Ferguson
Fortuño
Gerlach
Hayes
Higgins
Hoekstra
Hunter
Jones (NC)
Lampson
Levin
Lowey
Melancon
Millender-McDonald
Miller, George
Mollohan
Myrick
Platts
Rohrabacher
Ruppersberger
Simpson
Thornberry
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1100

Mr. PORTER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. RUPPERSBERGER. Mr. Chairman, on rollcall No. 238, I voted "no," put card in and I guess it did not register. I was present and voted "no."

AMENDMENT NO. 7 OFFERED BY MR. MCHENRY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MCHENRY:

Page 3: line 18, strike the close quotation marks and following period and after such line insert the following new paragraph:

"(3) DISCLOSURE OF VOTE TO PENSION FUND BENEFICIARIES.—A shareholder who is casting the vote permitted under this subsection on behalf of the beneficiaries of a pension fund shall be required to disclose to such beneficiaries whether such vote was cast to approve or disapprove the compensation.".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 236, not voting 38, as follows:

[Roll No. 239]

AYES—164

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
English (PA)
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—236

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—38

Alexander
Baldwin
Bishop (UT)
Bordallo
Brady (PA)
Cantor
Christensen
Conyers
Cubin
Davis, Jo Ann
Ehlers
Faleomavaega
Fattah
Ferguson
Fortuño
Gerlach
Hayes
Higgins
Hinchey
Hobson
Hoekstra
Hunter
Jones (NC)
Lampson
Levin
Lowey
Melancon
Millender-McDonald
Mollohan
Murtha
Rogers (MI)
Rohrabacher
Sali
Simpson
Thornberry
Walsh (NY)
Wicker
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1107

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 257, not voting 33, as follows:

[Roll No. 240]

AYES—148

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Hobson
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Sali
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—257

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp (MI)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Filner
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—33

Alexander
Bishop (UT)
Bordallo
Brady (PA)
Cantor
Christensen
Conyers
Cubin
Davis, Jo Ann
Ehlers
Faleomavaega
Fattah
Ferguson
Fortuño
Gerlach
Hayes
Herger
Higgins
Hoekstra
Hunter
Jones (NC)
Lampson
Levin
Lowey
Melancon
Millender-McDonald
Mollohan
Rohrabacher
Simpson
Sullivan
Thornberry
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1114

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. PUTNAM

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. PUTNAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 240, not voting 38, as follows:

[Roll No. 241]

AYES—160

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hulshof
Inglis (SC)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—240

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Camp (MI)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar

Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Donnelly
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (KY)
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—38

Alexander
Bishop (UT)
Bordallo
Brady (PA)
Cantor
Christensen
Conyers
Cubin
Davis, Jo Ann
Doggett
Ehlers
Faleomavaega
Fattah
Ferguson
Fortuño
Gerlach
Gonzalez
Hayes
Higgins
Hoekstra
Hunter
Issa
Jones (NC)
Lampson
Levin
Lewis (CA)
Lowey
Melancon
Millender-McDonald
Mollohan
Napolitano
Perlmutter
Rohrabacher
Roybal-Allard
Simpson
Thornberry
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1121

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Chairman on rollcall No. 241, had I been present, I would have voted no.

AMENDMENT NO. 8 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 242, not voting 34, as follows:

[Roll No. 242]

AYES—162

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—242

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—34

Alexander
Bishop (UT)
Bordallo
Brady (PA)
Cantor
Christensen
Cleaver
Conyers
Cubin
Davis, Jo Ann
DeLauro
Ehlers
Faleomavaega
Fattah
Ferguson
Fortuño
Gerlach
Hayes
Higgins
Hoekstra
Hunter
Jones (NC)
Lampson
Levin
Lowey
Melancon
Millender-McDonald
Mollohan
Perlmutter
Rohrabacher
Thornberry
Walsh (NY)
Westmoreland
Wicker

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1127

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LEVIN. Mr. Chairman, I rise in strong support of H.R. 1257, the Shareholder vote on Executive Compensation Act.

Earlier this year, the Ways and Means Committee held a series of hearings on the state of the U.S. economy. We heard from experts across a variety of disciplines and a wide spectrum of political perspectives, and one of the recurring themes we heard from them was that income inequality is rising, and that this trend is eroding the public's confidence in the fundamental fairness of our society and our public policy. Recent data indicate that in 2005, the share of national income going to the top one percent of earners jumped to 19.3 percent, representing the highest degree of income concentration since 1929.

Rising executive compensation is, of course, just one component of this trend, but it is one of the most visible. What are middle-class families who are struggling with the rising costs of health care and higher education to think when they read about CEOs that are given tens and even hundreds of millions of dollars to leave companies whose stock price has fallen precipitously? These executives are not being rewarded for their performance, they are apparently being rewarded for squandering billions of dollars of shareholder value.

Mr. Chairman, corporations are creations of government, and by law, their boards have a fiduciary responsibility to the shareholders who are the owners of that corporation. A variety of scandals from Enron to options backdating have called into question the independence of boards that are often hand-picked by management, and we have taken steps both through legislation and the regulatory process to strengthen the independence of boards of directors.

The measure before us is a relatively modest additional step to ensure that corporations and their management operate in the interest of shareholders. All we are saying in this bill is that shareholders own these corporations, and they should have an annual, non-binding vote on the corporation's executive compensation disclosures.

The opposition of the minority to this is simply inconsistent. They call for an "ownership society" that would all too often shift ever greater risk onto individuals, and then oppose giving individual shareholders a non-binding vote on the compensation of senior executives who are the guardians of their investment. Corporations do not exist to serve the interests of management, they exist to serve the interest of their owners.

Mr. Chairman, it is not too much to ask that hardworking Americans who have made an investment in a company be given the opportunity of an advisory vote on the pay of managers who are essentially their employees. Again, the Shareholder Vote on Executive Compensation is a modest, common-sense reform that will strengthen corporate governance in our society, and I urge its adoption.

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise today in support of the Shareholder Vote on Executive Compensation Act, and I commend Chairman FRANK for his work on this critical issue.

While American families struggle to meet their basic needs, such as access to affordable housing, health care, and education, the CEOs of top companies earn more than 430 times the pay of an average worker. The disparity between CEO compensation and minimum wage earnings is even more severe. The average CEO earns more before lunch than a minimum wage worker earns in a year. This inequality needs to be addressed. The Shareholder Vote on Executive Compensation Act is an important step toward fairness because it empowers shareholders and holds public corporations accountable for their compensation practices.

H.R. 1257 requires that public companies give shareholders the opportunity to have a nonbinding advisory vote on the company's executive compensation. It also gives shareholders an additional nonbinding vote if the company awards the CEO a new, undisclosed personal exit package, also known as a "golden parachute" package, during negotiations to buy or sell a company. This bill does not in any way cap executive salaries nor does it diminish the board's legal authority. It simply provides shareholders with a mechanism to voice their support or opposition to an executive compensation package.

This legislation is supported by the International Corporate Governance Network, the Council of Institutional Investors, labor unions, and shareholder organizations. Further, this approach to corporate governance is not new, and it has been shown that it works. The nonbinding advisory vote has been successfully implemented in the United Kingdom and more recently in Australia. It was also adopted voluntarily by the insurance company, Aflac, and 52 other companies have similar proposals pending.

Mr. Chairman, American families cannot afford to continue subsidizing excessive CEO compensation packages. I urge my colleagues to join me in supporting H.R. 1257.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCDERMOTT) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1257) amending the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation, pursuant to House Resolution 301, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FEENEY

Mr. FEENEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FEENEY. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Feeney moves to recommit the bill, H.R. 1257, to the Committee on Financial Services with instructions to report the same to the House forthwith with the following amendment:

Page 6, line 15, strike the close quotation marks and following period and after such line insert the following new paragraph:

"(3) CLARIFICATION OF NON-BINDING NATURE OF THE VOTE.—A decision of the board of directors that is contrary to, or inconsistent with, the shareholder vote provided for in paragraphs (1) and (2)(B), shall not be construed to affect the determination of a breach of any duty or obligation owed by the board to the issuer or its shareholders.".

The SPEAKER pro tempore. The gentleman from Florida is recognized for 5 minutes.

Mr. FEENEY. Mr. Speaker, this motion to recommit clarifies that this nonbinding vote is in fact nonbinding: no court may consider the board's refusal to follow the shareholders' advisory vote as a breach of that board's duties of care or loyalty to the shareholders. It clarifies that although such a vote is compulsory, the result cannot be, and it cannot force a board of directors to act in a way that contravenes its best interest.

Mr. SHAYS offered an important amendment during the markup process to clarify that nothing in this bill imposes any new fiduciary duties on boards that the majority of the committee accepted. However, I am concerned not only about whether this statute imposes new, additional obligations on a board; I am concerned that a court might construe a board's decision to disregard the advice of a shareholders' advisory vote as prima facie evidence of a board's failure to satisfy its existing duties.

The chairman has frequently said, "This bill does not do what this bill does not do." I hope he is right, because in the Financial Services Committee hearing and markup, in the

Rules Committee, and on the floor, he has stressed that this bill is purely advisory. Rather than hope, though, I offer this motion to recommit in order to be certain and to protect the directors in their discretionary exercise of their duties.

If this provision is redundant, that is fine. We do a lot worse here than redundancy. As Chairman FRANK often advises, the law is filled with redundancies, and when Members oppose language in language in bills because they are redundant, they are typically being disingenuous.

So if this bill really does bar frivolous litigation by activist shareholders, then the majority should have no trouble accepting this motion to recommit. However, if it does not preclude private rights of action, as I fear that it does not, then this motion is critical. If the majority cannot support an amendment that limits frivolous litigation, then their motives are suspect.

This motion to recommit protects America's competitive position vis-a-vis international capital markets. If a court can weigh a vote intended as noncompulsory when evaluating whether directors have breached their fiduciary duties, the real beneficiaries of this bill will be trial lawyers racing to the courthouse. The losers will be American enterprise, American stockholders, and, ultimately, American workers.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, never has the willingness of the minority to abuse the process for purely political ends been truer than today.

Mr. Speaker, this bill was voted on in committee in a multi-day markup. A number of amendments were offered and debated. One amendment offered by the gentleman from Connecticut (Mr. SHAYS) aimed directly at this point, and the language was accepted by us and is in the bill, and it says that nothing in here shall create a new fiduciary duty; and it was intended to achieve exactly what we are now told this has sought to achieve. If Members genuinely thought it was inadequate, they had the rest of the markup to try to amend it. And we are here under an open rule. If the Members thought that the bill that we had voted on and which they had every chance to amend needed further amendment, the democratic procedure, the procedure that shows respect for the process, would have been to file an amendment. Had this been an amendment, we could have debated it for more than 5 minutes. We could even have read it for more than 2. This was delivered to me about 2 minutes before we started.

I am not one of the more modest Members of the body, I concede. But I do not credit myself with being on my own, off the top of my head, not having practiced law ever except for the fact that I am a member of the bar, I am not able to fully analyze this. It might be something very useful. And people who are genuinely interested in adding it to the bill could have offered it in committee; they could have offered it under the open rule; we could have debated it. We have had a large number of roll calls; we just had seven roll calls.

Now, we have been told in the past, well, I had to do a recommit, you wouldn't give me any other chance. Members on the other side had every opportunity at the committee and in this open rule fully to debate this and to offer amendments. They chose not to. They chose instead to legislate by ambush.

Mr. Speaker, I had underestimated the tenderness of the feelings of the Members opposite. I confess to insensitivity, but I will not confess to the disrespect for our legislative process that Members——

Mr. FEENEY. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. Of course not. The gentleman asked for a courtesy. Had the gentleman offered this in committee, I would have been glad to have a dialogue with him. Had he seriously wanted this amendment and offered it during the floor, we could have talked about it. But to wait until the last minute when we can't read it, to refuse to take advantage of an open rule, to refuse to offer it in committee, and now ask me to yield to you? Of course not.

Now, I want to emphasize again: this may or may not be good. I will guarantee the Members here will look at this. We have a way to go on this bill. It has to go to the Senate. If in fact we need further to tighten the language, and it was the gentleman from Connecticut, Mr. SHAYS' amendment that we adopted that sought to do this, if the gentleman from Florida is right and Mr. SHAYS' was inadequate, if the gentleman from Florida is right and Mr. SHAYS' amendment doesn't do the job, we will analyze it seriously. But I urge Members, do not on a serious legal issue, when we have had 2 minutes to look at a complex legal principle, vote to put it into a bill when the Members advocating it deliberately refused to subject it to an open democratic process.

I hope this is repudiated.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FEENEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 184, nays 222, not voting 27, as follows:

[Roll No. 243]

YEAS—184

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps

Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—27

Alexander
Bishop (UT)
Brady (PA)
Cantor
Conyers
Cubin
Davis, Jo Ann
Ehlers
Fattah
Ferguson
Gerlach
Hayes
Higgins
Hoekstra
Hunter
Jones (NC)
Lampson
Levin
Lowey
Melancon
Millender-McDonald
Mollohan
Perlmutter
Rohrabacher
Thornberry
Walsh (NY)
Wicker

□ 1156

Mr. HASTINGS of Florida changed his vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. BOUCHER was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF THOSE SLAIN AT VIRGINIA TECH UNIVERSITY

Mr. BOUCHER. Mr. Speaker, as Members may know, Governor Kaine of Virginia has asked that today be a national day of mourning for the students and the faculty members who lost their lives at Virginia Tech on Monday of this week. In observance of Governor Kaine's request, I ask that the House join our Nation for a moment of silence at this time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 269, noes 134, not voting 30, as follows:

[Roll No. 244]

AYES—269

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Camp (MI)
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—134

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Blackburn
Blunt
Boehner
Bonner
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Buchanan
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cardoza
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hensarling
Herger
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Roskam
Royce
Sali
Schmidt
Sessions
Shadegg
Shays
Simpson
Smith (NE)
Smith (TX)
Sullivan
Tancredo
Tanner
Terry
Tiahrt
Walberg
Wamp
Westmoreland
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—30

Alexander
Bishop (UT)
Brady (PA)
Cantor
Conyers
Cubin
Davis, Jo Ann
Ehlers
Fattah
Ferguson
Gerlach
Gohmert
Hayes
Higgins
Hoekstra
Hunter
Jones (NC)
Lampson
Levin
Lowey
Meek (FL)
Melancon
Millender-McDonald
Mollohan
Pascrell
Perlmutter
Rohrabacher
Thornberry
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1205

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. LOWEY. Mr. Speaker, I regrettably missed rollcall votes 236–244. Had I been present, I would have voted in the following manner: Rollcall No. 236: "no"; rollcall No. 237: "no"; rollcall No. 238: "no"; rollcall No. 239: "no"; rollcall No. 240: "no"; rollcall No. 241: "no"; rollcall No. 242: "no"; rollcall No. 243: "no"; rollcall No. 244: "yea".

SUBSTITUTION OF CONFEREE ON H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

The SPEAKER pro tempore. Without objection and pursuant to clause 11 of rule I, the Chair removes the gentleman from North Carolina (Mr. PRICE) as a conferee on H.R. 1591 and appoints the gentlewoman from Michigan (Ms. KILPATRICK) to fill the vacancy.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I rise for the purpose of inquiring about next week's schedule, and I yield to my friend from Maryland, the majority leader.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, the House will meet at 12:30 p.m. for morning hour business and at 2 p.m. for legislative business. We will consider several bills under suspension of the rules. There will be no votes before 6:30 p.m.

On Tuesday, the House will meet at 10:30 a.m. for morning hour business and at noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of those bills, Mr. Speaker, will be available by the end of business today. We will also expect to consider H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act; and H.R. 363, Sowing the Seeds through Science and Engineering Research Act.

On Wednesday and Thursday, the House will meet at 10 a.m. on both those days. On Friday, no votes are expected, and Friday is not scheduled at this date. We will consider H.R. 1332, the Small Business Lending Improvements Act; and H.R. 249, a bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

Mr. BLUNT. Mr. Speaker, I thank my friend for that information.

Last evening we did appoint conferees to the conference on the emergency supplemental for the war. Would we expect to have a conference report, do you think, sometime next week? I think it has been 94 days now since the President requested that, and I am wondering if we would anticipate a conference report anytime next week.

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I would yield.

Mr. HOYER. I thank the gentleman for yielding.

Of course, as he knows, it was only 38 days ago that the President made his last request for an addition to the supplemental, and 94 days sounds like longer than I think it has been. But notwithstanding that, we do expect the supplemental to be on the floor next week. That is our expectation. If things go as we hope, the supplemental will be on the floor, and, hopefully, we can get that to the President either very late next week or no later than a week from this coming Monday. We think that is important.

As you know, you and I and others were down at the White House to discuss whether there was room for agreement and accommodation on this issue. We are still having those discussions, as you know, and we are hopeful that that can be reached.

Mr. BLUNT. Mr. Speaker, I thank my friend for that response. And we would hope to see that bill next week on the floor or as soon as possible because there is some great likelihood from that White House meeting that the gentleman mentioned that there is going to have to be a second bill if we can't resolve these issues that lead toward a veto.

On one of those issues we did yesterday, the House voted on the motion to instruct the conferees to sustain the House position. Does the gentleman have any information on the likelihood of the House or Senate view of the deadline issue that we discussed yesterday?

I yield to the gentleman.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding and for his question. And, frankly, I don't want to anticipate what the conferees are going to do, having been appointed just last night. There was a vote on the House floor. Frankly, the vote would have had no effect whether it passed or failed in light of the fact that it instructed the House to do what it had already done. So if it had failed, presumably the House was going to be in the same position that it otherwise would have been in.

But notwithstanding that, I don't want to anticipate what the conferees are going to do in light of the fact that they have just been appointed, but I do know that the chairmen of the conference on both sides, House and Senate, want to see this matter resolved quickly, sent to the President, would want to see the troops funded. We were very pleased to see the Department of Defense make it very clear, as, frankly, General Speer and General Ward made clear to me in Europe, that funding is available and will be able to be accommodated through June.

As the gentleman knows, last year when the President made a request for a supplemental, that was not passed until mid-June, that supplemental. So I was pleased to see the Department of Defense indicate that that would be okay. It is not perfect. That is not what they would choose, but, in any event, through the month of June. We hope to get this work done long before that.

Mr. BLUNT. I thank the gentleman for that answer, Mr. Speaker. I hope we can. I think we do need to continue to talk about how we ultimately resolve this issue.

Now, in the information that I am getting from both the Defense Department and our Members that have military installations is that while the war effort, itself, with lots of changing of categories of money and determinations of money around may be very well up through June, that the defense effort generally is impacted because money that would have been spent for National Guard training or money that would have been spent to pay obligations to a contractor are not available in this process.

Now, the last time Secretary Gates, at least, who was not Secretary at the time, said that the spend-out was not quite as quick, and he also said that the need was not quite as critical. But the gentleman is absolutely right in pointing out that last time this process took a long time, and one of the reasons it took a long time was that the House leaders, the majority leaders at that time, were in conflict with the Senate about additional spending. I don't see any of those discussions, frankly, going on, but the additional spending last time at $14.5 billion did not occur because the House leaders wouldn't accept that and we passed the bill in the House last time a month after the President sent the request up, and then it was a number of months, almost 4 or 5 months, before we got a final bill because we were fighting that additional spending, and at some point we are going to have to also engage not just on the issues of deadlines and whether or not we are micromanaging the effort, but the additional spending was the real problem last time. I would like to think that there was some effort going on there. I don't know that there is.

My next question, though, is that the gentleman's goals for the appropriations process really would require us to pretty quickly move on the budget itself. We missed a deadline that we often miss. I don't want to belabor that point, but that April 15 deadline we normally had to hit if we had a real opportunity to get the bills out of the House by the Fourth of July, which we did in the first part of the last Congress and all but one of the bills in the second part of the last Congress.

What is your sense of where we are on the conferees for the budget and a final budget document?

□ 1215

Mr. HOYER. Obviously, we are very hopeful that we will pass a budget, that we will pass a budget in a timely fashion. As you know, we did pass a budget through the House in a timely fashion. The Senate passed its budget. It is now in conference.

Because of the April break, Easter-Passover break, we have not reached the April 15th. As a matter of fact, I talked to Mr. CONRAD just an hour ago, I talked to Mr. SPRATT just an hour ago, and we are very hopeful that we will come to an agreement.

I would observe, of course, last year the disagreement was between the Republican leadership in the Senate and the Republican leadership in the House. I understand what the gentleman is saying. Some of the votes in the Senate were overwhelming and bipartisan in terms of some of these issues. So this is an issue that we've got to overcome. We hope we can overcome it and move the budget.

But I want to tell the gentleman, he is absolutely correct. I am very focused. Mr. OBEY is very focused. We are going to pass appropriation bills in a timely fashion. We hope to finish by the 30th of June. Very frankly, the more quickly we can move appropriation bills, perhaps the more flexibility we will have in June's schedule. But as you know, June now is scheduled for every Monday and every Friday meeting to effect that business, which is critical.

As the gentleman knows, we met last year for the full year. We left here in December and nine of the 11 appropriation bills were unpassed. We don't want to be in that position. The gentleman knows, and I know, that part of that problem was the Senate's inability to move its business as quickly as we would like, as quickly as we did. The Labor-Health bill, of course, never passed this floor last year, but we are hopeful that that will happen.

I will go over the schedule of the appropriations process with the gentleman at some point in time. We are hopeful that mid-May to the end of June we will pass our appropriation bills. I will tell the gentleman it will be my intention to discuss with both Chairman SPRATT and Chairman OBEY that if the budget process cannot be resolved, not in this House, but in the other House, that it would be my hope that the House would mark its bills to the House-passed number, as you know we have done in the past; and that would certainly be my intention.

Again, I have not discussed that with Mr. OBEY at this point in time, that's premature, nor have I discussed it with others, but we are hopeful to move ahead on the appropriation bills.

As you know, passage of the budget has a much greater impact in the Senate than it does in the House with respect to the rules process under which appropriation bills are considered in the Senate.

Mr. BLUNT. I thank the gentleman for sharing that with me. And certainly there were occasions where we had to do exactly what the gentleman is suggesting, and that is always one option. At some point, based on the meeting the deadlines we hope to meet and you hope to meet on the calendar, you have to decide whether that is the option you have to go to or not, as opposed to a conference report that we can agree to that lets us move forward that way.

I would also like to repeat one of the comments the gentleman made simply because we don't get much credit here or didn't get much credit for efforts we did make to control spending. And you are absolutely right, a year ago at this time the fight was between the Senate, which was led by Republicans at the time, and the House that was led by the Republicans on that additional spending.

And I just want to make the point that you already made once, but we don't hear it emphasized very often, but that was the fight. House Republicans did win, and we spent $14.5 billion less than our friends on the other side intended to spend, offered to spend, wanted to spend; and that is what that time frame was all about.

We do, I believe, have more concerns in overall defense spending just because the spend-down has been quicker this year than last year, and Secretary Gates, not me, would be the source for that view of the difference in the 2 years. But clearly, the process, as the gentleman rightly pointed out, is never as easy as we want, as quick as we want, and there are obstacles there.

I would like to, before we conclude today, ask a couple more questions. One is the concern that I have and many of our Members have on the rule that was used this week to waive PAYGO for the D.C. bill and to create a new obstacle for Members who hope to offer a motion to recommit.

Twelve years and, now, a few months ago, when Republicans took control of the House, they extended the motion to recommit to the minority at that time and never failed to offer that motion to recommit under the traditions of the House. I believe, while it often was not allowed the minority in previous years, never in either previous times or the last 12 years was an actual tabling motion put in the rule, which creates a different circumstance intentionally, but a different circumstance than was ever created in this House before.

And I wonder really two things: Would that tabling motion be something that we will see again? And also, would we expect to see the PAYGO effort in the future waived for the principal reason to be on the floor and handled in a separate vote and a separate piece of legislation, like we did this time?

Is that now the anticipated norm for this process, Mr. Leader?

Mr. HOYER. Would the gentleman yield?

Mr. BLUNT. I would.

Mr. HOYER. The gentleman and I have a slightly different perspective on what the rule provided.

First of all, as you know, motions to recommit were available in both of the bills that were on the floor. The tabling referred to that, if the second bill had not been adopted or the PAYGO provision had not been adopted, they would both be tabled. The reason for that was, we wanted to be consistent with our pledge to the PAYGO principle.

What we didn't want, what I don't want, and you and I have discussed this, is, I'm frankly "perplexed," might be the word, as someone who has been in the legislative body for some 40 years; and I think the parliamentarians were accurate in their determination of germaneness, but germaneness has always meant to me in 40 years, I will tell my friend, that it is pertinent to the subject at hand.

You know that when you add a PAYGO provision, which frankly you abandoned on your side in 2002, you did not want to be constrained by PAYGO. I understand why you didn't want to be constrained by PAYGO because you couldn't pay for your tax cuts. You talked about spending. We've cut revenues very deeply. There were different philosophical arguments about that; but the fact is, they were not paid for, and as a result, the deficits have in large part expanded very greatly.

With respect to the rule, yes, the rule was structured in a way that limited to the subject matter at hand, whether it was the tax bill or the D.C. voting rights bill, motions to recommit to those subjects, as opposed to expanding to subjects that, frankly, from my perspective, are used for political purposes.

I will tell my friend that the motion last night and the motion on the previous D.C. bill had nothing to do with D.C. voting rights. And last night's bill had everything to do with trying to focus on our Members being targeted.

And, in fact, the memorandum that you sent—not you, but somebody sent around to all of your Members expressed the purpose of your motion to recommit to target Members for political reasons, from my perspective.

In that context, if you are asking me if it is my intent in the future to try to limit you from doing that, the answer to that question is "yes." If your question is, do I want to make sure that you have a motion to recommit with or without instructions, a motion to recommit, of course, kills the bill, as the motion to recommit to report back promptly kills the bill.

The irony is, the gentleman from North Carolina offered a motion to recommit the other day with respect to guns that related to the District of Columbia. Excuse me, I'm not sure it related directly to the District of Columbia, which would have had the perverse effect of offering the amendment and, if adopted, would have killed the amendment in the same process. That is because it was referring it back to committee. The committee would not have reported out that amendment.

If he had really been interested, in my opinion, in passing that amendment, as opposed to politically giving a vote that was difficult for Members on our side of the aisle, what he would have done is moved his gun amendment to be reported back forthwith and had his vote on that up or down.

But I will tell my friend, as he well knows, I want to make sure that from my perspective, and I have told him, I will not suggest a change in the rules, we did not change the rules, there was some discussion about that, without discussing it with him. I want your side to feel that you are getting a fair shot at relevant motions to recommit with or without amendments that do not kill the bill in the process. I don't think that is something that is unfair to expect.

Mr. BLUNT. Well, I thank my friend for that.

But I do think in that view of this that there is a significant restriction of the rights available to Members. Members have to defend what they do on the floor. Let me make a couple of points.

One is, in the incident you mentioned when the gentleman from Texas offered a motion to recommit well within the rules, and, by the way, in that case and many other cases the only option that the minority has had has been the option of last resort, unless you take that away, which was the motion to recommit. All of our amendments were rejected; no matter how germane they might have been, they were not allowed.

The Members of the House are the ones who have the opportunity to decide what is the right vote and what's not. And, in fact, stopping that vote offered under the rules by a Member in good faith I think was a violation of that Member's rights as a Member of the House.

Now, you could have had that vote, it might have killed the bill, but you could have started a new bill just like you did anyway. The only difference would have been that the Member of the House that brought the issue to the floor would have had his full rights as a Member to have his issue not only debated, but voted on. And we were literally seconds from actually having that vote, which under the rules of the House would have sent the bill to the committee promptly.

There may have been no way to leave the committee with that bill, but you could have started a new bill just like you did. The only difference would have been that the gentleman from Texas would have had his motion voted on, as I believe he had a right to.

On the other issue, we did have PAYGO for 8 years of the 12 years we were in the majority. We complied with it. We still never took away the ability of your side to do just what you said we shouldn't be able to do.

Mr. HOYER. Will the gentleman yield on that issue?

Mr. BLUNT. Let me finish the thought, and then I will.

I can give you many instances where not only did your side try to avail themselves of that right, which we never then took away, and it probably did create political concerns for our Members; but the House has been here longer than any Member has been here and will be here longer than any Member will be here. And beginning to change the rules in that way or change the rights of Members to offer their objections, their ideas, their improvements as Members always have is a bigger step than I think the gentleman may realize.

And in terms of whether things are germane or not, I very well remember a bill to create the Homeland Security part of our government and the motion to recommit was about corporate inversions. Now, that is every bit as tangential as anything the gentleman just mentioned. But we didn't go back the next week and say, we're never going to allow the minority to have that vote again because it was troublesome for us. Troublesome for us and protecting the rights of Members as they relate to past Members and future Members I think are two different things.

I will yield to my friend.

Mr. HOYER. I thank the gentleman for yielding.

We could go on for some period of time on this. We have a different perspective, not on providing fairness for all Members. I said the gentleman from North Carolina; it was the young gentleman from Texas, and I thank you for correcting me on that.

Frankly, I want to tell my friend that if the gentleman from Texas was sincere, in my view, in wanting his amendment adopted, he would not have rereferred it to committee. Very frankly, in my opinion, his amendment would have passed. The bill would have been reported back forthwith, and the bill would have passed.

We all make a judgment as to what the purposes of amendments are. My view is, the gentleman voted against the underlying bill. The gentleman was opposed to the underlying bill. His motion was to do two things: to provide an instance where on an issue not related to voting rights in the District of Columbia, but on an issue he thought the majority of the House supported which, I think he was correct, he wanted attached to that, and therefore create a dichotomy for Members. They either had to vote for an issue they were for and kill the bill, or vote against an issue they were for and be perceived as being against the proposition.

□ 1230

I understand what you are saying. I do not believe that it is fair legislative process to necessarily believe that that needs to be made in order.

Now, having said that, we did not amend the rules. Consistent with the rules, we provided a process on PAYGO. You waived PAYGO on a regular basis when it was in effect. As a result of doing so, you narrowed the scope of amendments. Not only did you do that, but you also waived the necessity to pay for things from time to time.

But, having said that, I want to reiterate to my friend, and we have had good discussions and will continue to have good discussions, but I am not going to say that we are going to allow our Members to be put in very difficult positions for what we perceive to be for political reasons only, not for the substance. If the gentleman from Texas had wanted to amend the substance with the motion to recommit, he had that available to him and have it reported back forthwith so it could be adopted. He had that available to him. He chose not to take that route.

It caused us some consternation, as was noticed, I am sure by some, particularly to me, because I felt very strongly about that bill. The majority of this House has now passed that bill, with significant support from your side of the aisle. As a matter of fact, it was a bill sponsored by one of your leaders, a former chairman of your campaign committee.

We want to make sure that we consider legislation on this floor fairly, and we will certainly work with you toward that end. But I don't want to assure the gentleman that I am not going to try to provide for the consideration of legislation and amendments thereto which are germane and relevant.

Mr. BLUNT. I would say to my friend, we do have a disagreement on this and I think we do see what my good friend perceives as a minor change in procedure differently because I don't think it is that at all.

I would say a couple of things: one is 18 times at least in the minority our friends on the other side used the same rule that my friend now so vigorously objects to because it would kill the bill. Eighteen times. They never were able to do it, but 18 times used it, many times with the provisions just like the one I cited earlier that were every bit as tangential as the one the gentleman is speaking to.

Also I am sure in terms of, I don't know if the word was "sincerity" or what, but I do know that our friend from Texas is a sincere and dedicated Member.

Mr. HOYER. If the gentleman will yield on that, you understood my phrase. It was my perception. I did not question his sincerity. But the perception of what he did, offering the amendment, and within the ambit of the same amendment he offered killing the bill to which the amendment would be attached, appeared to me to be an act that was at least contradictory.

Mr. BLUNT. Mr. Speaker, my friend knows as well, if not better than anybody, how to explain exactly how a Member could be motivated to do both of those things and has defended the rights of the minority for a number of years in an extraordinary way on similar kinds of issues. But the point here is that we are about more than the moment, and my friend said that he wants to do everything he can to prevent his Members from being put in a difficult political situation. The truth is, this is a difficult job, and Members who run for it should understand it is a difficult job and there are things that not only have to be decided, but have to be explained as part of that job. And while changing a procedure, a process, in a way that has never been handled before with this tabling inclusion this week may seem insignificant, I don't think it is.

Also, on our side during the time we had PAYGO, my friend mentioned spending, we never waived PAYGO for spending. On any spending bill, we always adhered to the PAYGO rule. You always had that available to you.

We will move forward. I do appreciate the fact that we are going to continue to talk about these issues before we do anything to change the overall rules of the House. I am concerned, however, when we change what one of our outside observers has referred to recently as the norms of the House. This rule this week was not only outside the norms of the House; it was unique in the way it handled this tabling issue. It was not unique in the way it divided the bills. I am not complaining about that. I am complaining about the potential for a Member to use all the tools previously available to them to actually, frankly, stop legislation that they didn't like if they didn't like it. But you can't do that unless 217 other people join you in that.

We are not in the majority on our side, we understand that, and for us to do anything under the rules of the House, with a majority vote, Democrats have to join us. If we make those options too appealing, that is, frankly, not our fault. Changing the rules for the momentary relief of Members has greater long-term consequences than I believe my friend realizes.

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for his observations. This has probably gone on longer than the Members or the public wants it to, but let me simply observe that waivers obviously relate to and PAYGO relates to entitlement spending, and while you may not have waived it with respect to spending, because PAYGO does not affect discretionary spending, what it affects, of course, is entitlement spending.

The reason it affected the D.C. bill was because the Member from Utah would have had to have been paid and would have been entitled to be paid. So a relatively de minimis sum was involved in that.

Frankly, the gentleman and I have a disagreement in terms of the rule that was used. First, the rules have not been amended. They have not been amended. Secondly, this rule was consistent with our rules.

The only thing that this rule did that I think caused so much consternation on your side was it adopted PAYGO without opening the bill up to what were amendments that were extraneous to the subject matter and offered the bill on its merits. You were free to offer a motion to recommit, with or without amendments, on the subject matter of the bills, either bill. That was your right then.

The tabling simply referred to making sure that we kept our promise that bills would have PAYGO on them, and if they didn't have PAYGO on them, we weren't interested in passing them, because we were going to be faithful to our pledge on that rule. That is what the tabling dealt with. It didn't deal with your motion to recommit.

If you had defeated H.R. 1906, the second bill with the PAYGO provision, H.R. 1905 would not have gone forward. But our side of the aisle believed that both were important and wanted them together because we wanted the PAYGO provision in there, a relatively de minimis sum in terms of the budget, but consistent with our rule.

If I can make another observation on another matter, you mentioned the supplemental had been pending 94 days. It has been pending 73 days. I think that is an important distinction. That is almost a month of legislative work, if not more.

Mr. BLUNT. Mr. Speaker, we will get our staffs together and look at the calendar later because they seem to be in disagreement on that, even at this moment as you give me that information.

I am going to make one, hopefully, final comment on this issue for now, though I am sure it is going to be an issue we talk about in the future.

Mr. HOYER. I am sure.

Mr. BLUNT. For my friend to understand, it is not a concern about this bill. It is not a concern about what happened on that bill. It is the fact that the tabling addition may be within the rules, but extraordinary. If it is within the rules it has never been done before. The tabling addition changes the consequences of a Member's motion. When you change the consequences of a Member's motion, you take a right away from the Member that the Member previously had.

We may have to discuss this. I can see we are still not quite on the same wavelength. It is not about this bill, Mr. HOYER. It is not about this week. It is about doing something that has never been done before that has consequential impact, and I believe this does. I think you and I should continue to talk about it. I think our Members in the minority are justly concerned about it, as you would have been in the minority if we had done something we never did in the majority, which is change the consequences of your motion to recommit.

ADJOURNMENT TO MONDAY, APRIL 23, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Canada-

United States Interparliamentary Group:

Mr. MANZULLO, Illinois
Mr. MCCOTTER, Michigan
Mr. STEARNS, Florida
Mr. ENGLISH, Pennsylvania
Mr. BROWN, South Carolina

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276h and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group:

Mr. MCCAUL, Texas
Mr. WELLER, Illinois
Mr. DREIER, California
Mr. MACK, Florida
Mr. FORTUÑO, PUERTO RICO

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE RICK LARSEN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Luke Loeffler, Community Representative, Office of the Honorable RICK LARSEN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Municipal Court of the City of Bellingham, Whatcom County, Washington, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

LUKE LOEFFLER,
Community Representative.

COMMUNICATION FROM THE HONORABLE BRIAN P. BILBRAY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable BRIAN P. BILBRAY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 4, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a judicial subpoena for documents issued by the United States District Court for the District of Columbia.

After consulting with the Office of General Counsel, I will make the determinations required by House Rule VIII.

Sincerely,

BRIAN P. BILBRAY,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECOGNIZING NEWTON CHISHOLM MIDDLE SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I rise today to honor the Chisholm Middle School in Newton, Kansas, for a prestigious award they recently received. Chisholm Middle School was one of only 16 schools selected by the Intel Corporation and Scholastic for their Schools of Distinction Awards.

Chisholm received this award under the category of Collaboration and Teamwork. They were also awarded the "Best of the Best" award in part for their impressive academic record and exceptional staff, as well as their engaged and involved parents, community leaders, and local businesses.

Intel and Scholastic sponsor the awards and honor those schools which demonstrate academic excellence in the areas of science, mathematics, technology, literacy, and leadership. They reward the selected schools with $10,000 as well as other wonderful prizes to acknowledge their achievement.

The school chosen as "Best of the Best" also receives an additional $15,000 grant from the Intel Foundation and other prizes such as computer software. What an accomplishment it is for Chisholm Middle School to receive these grants for new technology and software.

It is wonderful to see families and communities come together to support the youth of America. The students, parents, educators, community leaders, and local businesses should all be commended for working together to improve education, for bringing excitement to learning, and for investing in the future of our generations.

The grants Chisholm Middle School received will go a long way in bringing new and exciting technology into the classroom. In fact, on Monday, April 30, they are hosting a reception in their media center to demonstrate the new technology that they have purchased with this award. That will be an interesting and exciting day at Chisholm Middle School.

In order to maintain a competitive edge in the global economy, America's schools need to provide quality education to ensure the next generation is well prepared. Schools across the Nation are striving for this kind of quality education.

It is evident that through the dedication of teachers, parents, communities, doors of opportunities are opening for America's young people. I encourage you to keep striving for excellence, and you will reap the benefits of hard work and perseverance.

I would like to also note that Ogden Elementary School in Ogden, Kansas, received a School of Distinction Award in the Mathematics Achievement category. The State of Kansas had two schools that were recipients of the Schools of Distinction Award for 2006.

We are proud of our students at Chisholm and Ogden for this high honor, and today I am pleased to offer congratulations on the floor of the United States House of Representatives.

☐ 1245

EARTH DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, in 2 days we will once again celebrate Earth Day, and this year's theme is a call to action on climate change.

Since the last Earth Day in 2006, a number of important events have taken place that have dramatically raised awareness on the important issue of climate change. Two groundbreaking reports left no doubt that human beings are responsible for global warming.

My home State of California passed landmark legislation to regulate greenhouse gas emissions. A group of major businesses and leading climate and environmental groups joined forces for the first time to launch the Climate Action Partnership and lobby for Federal regulations of greenhouse gases.

Al Gore won an Oscar for his powerful documentary on global warming, "An Inconvenient Truth."

The Department of the Interior proposed listing the polar bear as threatened under the Endangered Species Act due to disappearing sea ice.

The Supreme Court ruled in a landmark case that the Environmental Protection Agency has the authority to regulate carbon dioxide emissions as a pollutant under the Clean Air Act.

The United Nations Security Council had its first meeting on the issue of climate change as an urgent matter of international peace and security.

These events make the facts about climate change very clear. I am proud to say for the first time in a long time, this year's Earth Day finally holds the promise of real action on climate change, thanks to the election of a Democratic Congress last November.

Already, under the leadership of our Speaker, NANCY PELOSI, the House of Representatives has laid out a bold agenda to combat global warming and move America towards energy independence. For the first time, the House has created a Select Committee on Energy Independence and Global Warming to help develop policy recommendations on this important issue.

As a part of our 100-hour agenda, the House also passed H.R. 6, the Clean Energy Act of 2007, repealing the $14 billion in taxpayer subsidies to profit-soaked oil companies. Instead of forcing our constituents to pay oil companies twice, once at the pump and again with their taxes, we shifted these funds to support the development of clean alternative energy and improved energy efficiency.

We also passed a budget last month that makes substantial investments in research and development of new cutting-edge renewable energy technologies which will also fund the rapid deployment of these technologies.

Because we are also committed to leading by example, our leadership has called upon the chief administrative officer of this House to develop and implement a "Green the Capitol" initiative. This initiative will reduce our energy consumption and develop sustainable practices for the United States Capitol and congressional office buildings.

These initiatives are just the first step. Later this year, the House will also consider an innovation agenda that emphasizes the importance of developing alternative energy technologies and ensures that America continues to be a world leader in the green economy of the 21st century; also, a targeted energy package focusing on promoting energy alternatives and addressing global warming that will take another significant step forward in securing our energy independence; and a major farm bill that will promote American-made biofuels as well as other renewable energy, energy efficiency and conservation programs.

We will also continue to develop legislation to regulate greenhouse gases and address some of the difficult challenges in stopping global climate change.

While the House moves forward with this agenda, we must also recognize that there is a substantial amount of activity that is already going on locally in our communities to combat climate change.

In many ways, in the Bay Area, in my district in California, we represent the hub of the environmental movement. Research is ongoing into alternative and renewable energy at the University of California, Berkeley, one of the premier public universities in our country. We hold the promise of a cleaner and brighter future for our children.

Bay Area businesses in my district have also taken the lead in greening their activities to reduce waste, improving energy efficiency, and save water, minimizing the impact on our environment.

Innovative programs funded in part through the city of Oakland are also training youth in my district about the importance of environmental stewardship and are providing them with new job opportunities and new career paths.

Community-based organizations in my district have also taken the lead in advocating for environmental justice and equity for all of our constituents. Together, our community is at the forefront of a robust environmental movement that is quite literally changing the world for the better.

On this Earth Day, let us celebrate all of this local ingenuity, as well as what we are doing in the House of Representatives from participating in local cleanups to just shopping at our local farmers' markets.

SAN JACINTO DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, growing up in Houston, Texas, I always liked April 21 because it was a school holiday. I believed there was no school on that day because it was my mother's birthday and she never really told me differently. I was proud to be the only kid that had a mom with a school holiday.

It was only later that I came to find out the holiday also represented the most important day and most important military victory in Texas history, one that is studied in military schools throughout the world. It occurred near what is now Houston, Texas. It was a unique holiday for southeast Texas called "San Jacinto Day."

After Santa Anna, the Dictator of Mexico, invaded Texas with his massive army, and then stormed over the Alamo walls, killing William Travis, Davy Crockett, Jim Bowie, and the other Texas Volunteers on March 6, 1836, he went looking for the rest of the Texans that wanted independence from Mexico.

General Sam Houston had been building the Texas Army, and Santa Anna's three armies were giving chase. The Texas army and their families fled east in what historians call the "runaway scrape."

Finally, near the San Jacinto River and the Buffalo Bayou at Lynch's Ferry, Sam Houston stopped to fight. He and his army of 700 faced Santa Anna and his army of over 1,600 on the marshy plains of San Jacinto, Texas.

Scout Deaf Smith was ordered to burn the only escape bridge, thus trapping both armies between the river and the marshes.

It was April 21, 1836. General Sam wanted to charge into battle the next day at dawn, but decided not to wait any longer. So in the middle of the afternoon, General Sam and the Boys marched in single line in broad daylight with little cover towards the Mexican army.

The outnumbered Texans were an odd, terrifying-looking bunch. Without regular uniforms, they were dressed in buckskins, with pistols in their belts, bowie knives, long muskets, and tomahawks. They came from every State in the United States and from Mexico. The Tejanos, Mexicans loyal for Texas independence, were led by Captain Juan Sequin. So as not to confuse the Tejanos with Santa Anna's army, General Sam had Sequin put a playing card in the headband of each Tejano so they could be easily recognized.

This was General Houston's first Texas battle. Santa Anna's veteran army had yet to lose any battle. The Texans charged, yelling, "Remember the Alamo! Remember Goliad!" They carried a flag of a partially nude Miss Liberty, and the fife played a bawdy house song called "Come to the Bower."

Santa Anna army's, caught napping, was routed. Most of the enemy were killed or wounded. The rest were captured or disappeared. The victory was stunning. Only a dozen Texans were killed. Santa Anna was captured, disguising himself in a private's uniform.

Texans wanted Santa Anna hung because of the Alamo and for murdering Colonel Fannin and his 300 volunteers at Goliad after they had surrendered to the Mexican army. Wise and politically astute General Sam Houston would have none of the lynching and spared Presidente Santa Anna for later bartering power.

Texas became a free and independent nation that day and claimed what is now Texas, and parts of New Mexico, Oklahoma, Kansas, Colorado and even Wyoming. It was one of the largest land transfers in world history as a result of just one battle. The latter land was sold to the United States to pay Texas' war debts. Texas was a republic for over 9 years, and then it was admitted to the Union in 1845 by 1-vote margin. Some now wish the vote had gone the other way.

In 1936, Texans built the San Jacinto Monument to honor the Texas War of Independence and General Sam's Victory. It looks exactly like the Washington Monument, but it has a star on top, and, of course, it is bigger.

Today, the bugles are silent and the battlefield is surrounded by petrochemical plants. Not much is said nowadays about Texas independence or San Jacinto Day. It is not even a school holiday anymore. But tomorrow, proud Texans will be at the San Jacinto Battleground to honor the few brave Texans and Tejanos that made Texas a new, free, independent nation.

We remember our past knowing we were a nation once, and sometimes we still act like an independent people and country. And the rest, they say, is Texas history.

I will fly the Lone Star flag proudly on San Jacinto Day, and I will take my mom a bunch of flowers, remembering that this glorious day was once a school holiday to celebrate my mother's birthday.

And that's just the way it is.

SURGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, several months ago the administration announced the so-called "surge," or escalation of troops into Baghdad and the surrounding area. It was claimed by the administration that the escalation of over 2,800 more troops in Iraq was needed to get control of Baghdad and increase the security of the Iraqi people.

Just what has been the result of that claim? The exact opposite. Instead of control, we are seeing a surge in violence. We are seeing a surge in bombings and attacks. On one day alone, Wednesday of this past week, 171 Iraqis were killed in a wave of bombings. These were people going about their lives, going to the market, going to work, riding the bus; 171 people. They are not just a number, they are mothers, they are fathers, sisters, brothers, friends, neighbors and, yes, children.

The violence and brutality should not be ignored or swept under the rug or become just another statistic. These are people whose lives have been cut short.

□ 1300

You have to wonder if anyone in Iraq is safe anymore, especially when a bomber can enter the green zone and the parliament building to bomb the cafeteria. How can we expect Iraqi parents to send their children to school?

How could we imagine how much courage it takes just to go to the market around the corner from your home for food? Not to mention the bravery it must take to volunteer to serve as part of the Iraqi security force.

Our brave men and women in uniform are doing all they can do to provide security to the Iraqi people. It is not their fault that this security seems to be out of their reach. The fault lies entirely at the desk of one person, the Commander in Chief.

He is sending troops back for third and fourth tours of duty, and he has extended those tours by months. How many of those troops were provided sufficient training or body armor? How many are given access to mental health care? And once they make it home, how many were left in the squalor of Walter Reed hospital? This is unacceptable and against everything our country stands for.

Poll after poll has found that the Iraqis and the American public want an end to this occupation. Even this Congress has gone on record several times calling for an end to this occupation.

The administration seems to be the only one who wants to stay the course, but it is time to face the facts. The mission is not accomplished. We are not winning. More people are dying every single minute and every single hour and every single day we stay in Iraq.

I say enough is enough. Bring our troops home. I will not stop, I will not rest and I will not back down in my fight until every last soldier, Marine, airmen and sailor is home safe with his or her family.

WAR IS HELL

The SPEAKER pro tempore (Mr. MCDERMOTT). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I want to start off by commenting on the lady's speech that was just made. I understand her position. War is hell. It is a horrible thing. We have been out to Bethesda and Walter Reed Hospital, and we have seen the damage that war has done to a lot of our young people.

It is a terrible thing. It was a terrible thing in all the other conflicts we have been involved in where people have been killed and maimed, World War I, World War II, Korea, Vietnam, the Revolutionary War, the Civil War. War is horrible. Nobody wants war. We all want our troops home as quickly as possible. There is no question about that. Where we differ is what this war is all about and what will happen if we do not do what is necessary.

Yesterday, a Sunni insurgent coalition in Iraq announced an Islamic cabinet, and they named an al Qaeda leader as their Minister of War. Throughout this whole debate over these years, the opponents on the other side have said al Qaeda was not involved in Iraq, that we did not have any reason to go in there. Al Qaeda was involved in Iraq. Osama bin Laden was involved in Iraq. The people that bombed the USS *Cole*, the World Trade Center, our embassies around the world were in Iraq, and now they have appointed a war minister over there who is the head of al Qaeda in Iraq today.

So there is a world war against terrorism. Al Qaeda is the main leader of that war against the United States and the rest of the world. It is a war that we cannot afford to lose. They are using children as bombs. They are taking carloads of dynamite and other explosives and are driving into crowded places to kill people.

We all know how horrible that is, and we also know how horrible it was when al Qaeda operatives flew into the World Trade Center and killed over 3,000 people, the worst tragedy in American history, and it was on our soil. So we are in a world war against radicals, al Qaeda, and we cannot back down.

If we back down in Iraq, as my colleagues on the other side want us to do, it is going to send a signal, already is sending a signal to them, the al Qaeda and the terrorists, that we will not persevere, that we will back down, and they will, as they said yesterday, create an Islamic State in Iraq. And if you create an Islamic State in Iraq and do away with the democracy that is there now, you are going to provide a breeding ground for more terrorism and more attacks on the West and Europe and the rest of the world.

This is a war that may go on for a while, but it is one we must not and cannot lose. My colleagues on the other side are well-intentioned, but the fact of the matter is they want to encourage and they are encouraging by their factions, our enemy, our mortal enemy, the terrorists and al Qaeda.

Now, yesterday, I was very distressed when the majority leader in the United States Senate said that we have lost the war. To say that when al Qaeda is appointing a war minister in Iraq is a tragic mistake. It should never have been said. The man that they appointed, al-Muhajer, is a terrorist, and his goal is to destroy the United States and our allies and change the whole world to radical Islam. That is his goal. That is Osama bin Laden's goal. They are there, and they want to destroy us and we must hang tough.

The President is standing there by himself. I know his popularity is very, very low, as Lincoln's was and George Washington's was when they were losing the wars that they were involved in, but this is something that the American people have to realize is absolutely essential if we are going to survive as a Nation in the long term.

These people want to destroy us, and if we back down in Iraq, make no mistake, they will gain in strength and they will attack us again and our allies again around the world with acts of terrorism. They will be coming out from under the doors like cockroaches, and it is going to be hard to stop them. My view is we either whip them there or we are going to have to fight them here.

HONORING WOODBURY MIDDLE SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, last week I had the pleasure of attending a middle school in my congressional district. The middle school is Woodbury. I have a T-shirt to represent Woodbury Middle School. I thought I could wear it on the floor of the House, but they told me it was inappropriate attire so I had to take it off. But this is a Woodbury T-shirt, and I promised those students at Woodbury Middle School that this week on the floor of the House I would talk about what a great time I had at Woodbury Middle School.

The reason I was there, and let me recognize the principal, Barbara Whitaker; the vice principals, WeMet Smith and Eric Grundton; and teacher friends of mine, my neighbor, Barbara Norton; Chante Taylor, who is the wife of one of my district staffers; Aisha Mason, who is the wife of Senator Lance Mason.

But what I was there for we have Ohio achievement tests, and we decided on this particular day at this particular school, we are going to celebrate the achievements of the young people of Woodbury Middle School. We had a wonderful time. The band played. They are doing a production of "Annie," and "Annie" did a production. We had a dance troupe that I learned how to do a certain dance with these young people. We even had a chance to quote Nas, a famous rapper, who talks about I can be what I want to be.

We had a great time. We had a wonderful chance to really celebrate the fact that these young people are going to do a great job on this Ohio achievement test. So Woodbury Middle School, I keep my promise. Hurray for Woodbury Middle School. Pass that test.

RESIGNATION AS MEMBER OF COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Appropriations:

HOUSE OF REPRESENTATIVES,
Washington, DC, Apr. 19, 2007.

Hon. NANCY PELOSI,
Speaker, the Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: I am writing to temporarily resign from my seat on the Committee on Appropriations, effective immediately.

I understand how the most recent circumstances may lead some to question my tenure on the Appropriations Committee. Therefore, I feel it may be in the best interest of the House that I temporarily resign from the Committee, until this matter can be resolved.

Sincerely,

JOHN T. DOOLITTLE,
U.S. Representative.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEVIN (at the request of Mr. HOYER) for today on account of a family emergency.

Mr. MELANCON (at the request of Mr. HOYER) for today.

Mr. EHLERS (at the request of Mr. BOEHNER) for today on account of traveling to his district with the President of the United States.

Mr. FERGUSON (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. SIMPSON (at the request of Mr. BOEHNER) for today until 11:30 a.m. on account of medical reasons.

Mr. THORNBERRY (at the request of Mr. BOEHNER) for today and April on account of attending to family matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. TIAHRT, for 5 minutes, today.

Mr. POE, for 5 minutes, today and April 23, 24, 25, and 26.

Mr. BURTON of Indiana, for 5 minutes, today and April 23, 24, 25, and 26.

Mr. SMITH of New Jersey, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. JONES of Ohio, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 137. An act to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

H.R. 727. An act to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

H.R. 753. An act to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building".

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on April 19, 2007 she presented to the President of the United States, for his approval, the following bill.

H.R. 1132. To amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

ADJOURNMENT

Mrs. JONES of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, April 23, 2007, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1195. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—6-Benzyladenine; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0325; FRL-8117-9] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1196. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tetraconazole; Pesticide Tolerance [EPA-HQ-OPP-2006-0576; FRL-8121-3] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1197. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tribenuron Methyl; Pesticide Tolerance [EPA-HQ-OPP-2006-0207; FRL-8117-2] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1198. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Thifensulfuron Methyl; Pesticide Tolerance [EPA-HQ-OPP-2006-0208; FRL-8117-1] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1199. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance [EPA-HQ-OPP-2006-0579; FRL-8114-4] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1200. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fluopicolide; Pesticide Tolerance [EPA-HQ-OPP-2006-481; FRL-8120-1] received March 27, 2007, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

1201. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bacillus thuringiensis Vip3Aa20 Protein and the Genetic Material Necessary for its Production in Corn; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2006-0783; FRL-8120-5] received April 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1202. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Utah; State Implementation Plan Corrections [EPA-R08-OR-2005-UT-0001; UT-001-0052a; EPA–R08–OAR–2006–0654; EPA–R08–OR–UT-0006; FRL-8300-1] received received April 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1203. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of Authority to the States of Iowa, Missouri and Nebraska for New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP); and Maximum Achievable Control Technology (MACT) Standards [FRL–8269–6] received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1204. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Treatment of Data Influenced by Exceptional Events [EPA-HQ-OAR-2005–0159; FRL–8289–5] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1205. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Listing of Ozone Depleting Substitutes in Foam Blowing [EPA-HQ-OAR-2004–0507, FRL–8291–3] (RIN: 2060–AN11) received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1206. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—New York: Incorporation by Reference of State Hazardous Waste Management Program [EPA-R02-RCRA-2006-0518; FRL–8278–2] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1207. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgaiton of Air Quality Implementation Plans; Illinois [EPA-R05-OAR-2005-IL-0001; FRL-8290-5] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1208. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Arkansas; Prevention of Significant Deterioration and New Source Review; Economic Development Zone for Crittenden County, Arkansas; and Stage I Vapor Recovery [EPA–R06–OAR–2005-AR-0001; FRL-8297-6] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1209. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan [EPA-R04-OAR-2006-0787-20062 1(a); FRL-8297-4] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1210. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Prevention of Signficant Deterioration [EPA-R05-OAR-2006-0779; FRL–8296-3] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1211. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Vermont: Final Authorization of State Hazardous Waste Mangement Program Revisions [EPA-R01-RCRA-2007-0135; FRL–8287–8] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1212. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Cook Composites and Polymers Company [EPA–R05–OAR–2006–0542; FRL–8285–3] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1213. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Use Rules on Certain Chemical Substances and Notification on Certain Substances for Which Significant New Use Rules are Not Being Issued [EPA-HQ-OPPT-2003-0063; FRL-7699-5] (RIN: 2070–AB27) received March 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1214. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio; Volatile Organic Compound Emission Control Measures for Cincinnati and Dayton [EPA–R05–OAR–2006-0545; FRL-8292-3] received March 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1215. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Arizona; Boundry Redesignation; Finding of Attainment for Miami Particulate Latter of 10 Microns or Less (PM10) Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements; Correction [EPA-R09-OAR-2006-AZ–0558; FRL–8292–6] received March 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1216. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona; Motor Vehicle Inspection and Maintenance Programs [EPA–R09–OAR–2005–AZ–0009; FRL–8284–2] received March 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1217. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2006-0774; FRL-8284-5] received March 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1218. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Lead; Renovation, Repair, and Painting Program; Notice of Availability [EPA–HQ–OPPT–2005–0049; FRL–8116-6] (RIN: 2070-AC73) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1219. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revised Model Administrative Settlement Agreement and Order on Consent for Removal Actions—received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1220. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuels and Fuel Additives: Renewable Fuel Standard Program [EPA-HQ-OAR-2005-0161; FRL-8299-9] (RIN: 2060–AN76) received April 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1221. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Pollutants and Facilities; Rhode Island: Negative Declaration [EPA-R01-OAR-2007-0136; A-1-FRL-8296-6] received April 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1222. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's "Major" final rule—Clean Air Fine Particle Implementation Rule [EPA-HQ-OAR-2003-0062; FRL-8295-2] (RIN: 2060-AK74) received April 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1223. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy a determination made pursuant to Section 1306 of the National Defense Authorization Act for FY 2003, Pub. L. 107–314; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK: Committee on Financial Services. H.R. 1676. A bill to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing (Rept. 110–102). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANTOS: Committee on Foreign Affairs. H.R. 1678. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes (Rept. 110–103, Pt. 1) Ordered to be printed.

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 1332. A bill to improve the access to capital programs of the Small Business Administration, and for other purposes; with an amendment (Rept. 110–104). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of the rule XII, the Committee on Foreign Affairs discharged from further consideration. H.R. 1678 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY of New York (for herself, Mr. SHAYS, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CASTLE, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. COSTA, Mr. CROWLEY, Mr. CUMMINGS, Ms. DELAURO, Mr. DINGELL, Mr. DOYLE, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. GILCHREST, Mr. GONZALEZ, Mr. GRIJALVA, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Ms. HOOLEY, Mr. INSLEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Mr. KILDEE, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. OLVER, Mr. PALLONE, Mr. RAHALL, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. TANNER, Mr. THOMPSON of California, Mr. TOWNS, Mr. VAN HOLLEN, Mr. WALSH of New York, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WEXLER, and Mr. WU):

H.R. 1975. A bill to designate certain National Forest System lands and public lands under the jurisdiction of the Secretary of the Interior in the States of Idaho, Montana, Oregon, Washington, and Wyoming as wilderness, wild and scenic rivers, wildland recovery areas, and biological connecting corridors, and for other purposes; to the Committee on Natural Resources.

By Mr. DOYLE (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. ENGLISH of Pennsylvania, Mrs. CAPITO, Mr. MOLLOHAN, Mr. DINGELL, Mr. RAHALL, Mr. HOLDEN, and Mr. CARNEY):

H.R. 1976. A bill to amend the Internal Revenue Code of 1986 to modify the refined coal credit to include qualified coal waste sludge recycling; to the Committee on Ways and Means.

By Ms. BERKLEY:

H.R. 1977. A bill to amend the Internal Revenue Code of 1986 to allow solar and geothermal investment credit for public utility property; to the Committee on Ways and Means.

By Mr. HALL of Texas (for himself, Mr. CONAWAY, Mr. MARCHANT, Mr. POE, Mr. NEUGEBAUER, Mr. MCCAUL of Texas, Mr. CULBERSON, Mr. HENSARLING, Mr. BURGESS, Mr. SAM JOHNSON of Texas, Mr. BARTON of Texas, Mr. THORNBERRY, Ms. GRANGER, Mr. HINOJOSA, Mr. EDWARDS, and Mr. ORTIZ):

H.R. 1978. A bill to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the "Paul Brown United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. ADERHOLT (for himself, Mr. DAVIS of Alabama, and Mr. BRALEY of Iowa):

H.R. 1979. A bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization; to the Committee on the Judiciary.

By Mr. HINOJOSA (for himself, Mr. FRANK of Massachusetts, Ms. WATERS, and Mr. RENZI):

H.R. 1980. A bill to authorize appropriations for the Housing Assistance Council; to the Committee on Financial Services.

By Mr. LANGEVIN (for himself, Mr. THOMPSON of Mississippi, and Ms. JACKSON-LEE of Texas):

H.R. 1981. A bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to issue regulations establishing security standards for foreign repair stations performing maintenance for aircraft used to provide air transportation; to the Committee on Homeland Security.

By Mr. HINOJOSA (for himself, Mr. FRANK of Massachusetts, and Mr. RENZI):

H.R. 1982. A bill to authorize appropriations for the rural housing and economic development program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Mrs. BONO, Mr. BOOZMAN, and Mr. WYNN):

H.R. 1983. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of professional services of optometrists that are otherwise covered when furnished by a physician; to the Committee on Energy and Commerce.

By Mr. BAIRD (for himself, Mr. ALTMIRE, Mr. VISCLOSKY, Mr. BRADY of Pennsylvania, Mr. BERRY, Mr. MOLLOHAN, Ms. SUTTON, and Mr. DEFAZIO):

H.R. 1984. A bill to amend title 23, United States Code, to clarify that the Buy America provision applies to an entire bridge project; to the Committee on Transportation and Infrastructure.

By Mr. CUMMINGS:

H.R. 1985. A bill to foster the development of minority-owned small businesses; to the Committee on Small Business, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLSWORTH:

H.R. 1986. A bill to require potential Federal contractors to certify they owe no Federal tax debt; to the Committee on Oversight and Government Reform.

By Mr. JEFFERSON:

H.R. 1987. A bill to amend the Internal Revenue Code of 1986 to allow the small agri-biodiesel credit for biodiesel derived from waste vegetable oils; to the Committee on Ways and Means.

By Mr. JINDAL:

H.R. 1988. A bill to establish the Gulf Coast Disaster Loan Refinancing Program; to the Committee on Small Business.

By Mr. PEARCE:

H.R. 1989. A bill to establish the Fort Stanton-Snowy River Cave National Conservation Area, and for other purposes; to the Committee on Natural Resources.

By Mr. POMEROY (for himself, Mr. RAMSTAD, Mr. UDALL of Colorado, Mr. SALAZAR, Mr. CARTER, Mr. PERLMUTTER, and Mr. BRALEY of Iowa):

H.R. 1990. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H.R. 1991. A bill to amend title 37, United States Code, to authorize the payment of travel costs for members of the Selected Reserve occupying designated specialties when the members attend inactive duty training or a unit training assembly necessary for maintaining mission readiness when the training or assembly location is outside of the commuting limits of the members' duty stations; to the Committee on Armed Services.

By Mr. INSLEE (for himself, Mr. SHAYS, Mr. DICKS, Mr. MARKEY, Mr. GRIJALVA, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. WOLF, Ms. BEAN, Mr. HINCHEY, Mr. MORAN of Virginia, Mr. PALLONE, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. UDALL of Colorado, Ms. DELAURO, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, and Ms. LEE):

H. Con. Res. 122. Concurrent resolution supporting the goal and mission of America Recycles Day; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself, Mr. GRAVES, Mr. HOYER, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. CUMMINGS, Mr. WYNN, Mr. WOLF, and Mr. TOM DAVIS of Virginia):

H. Con. Res. 123. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Ms. NORTON (for herself, Mr. GRAVES, Mr. HOYER, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. CUMMINGS, Mr. WYNN, Mr. WOLF, and Mr. TOM DAVIS of Virginia):

H. Con. Res. 124. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Ms. HOOLEY (for herself, Mr. FILNER, Mr. SKELTON, Mr. HOLDEN, Mr. PASTOR, Mr. ELLISON, Mr. GUTIERREZ, Mr. ARCURI, Ms. CORRINE BROWN of Florida, Mr. LEVIN, Mr. KIND, Mr.

WU, Mr. WEINER, Ms. BALDWIN, Mr. ROTHMAN, Mr. VAN HOLLEN, Ms. KAPTUR, Mr. CAPUANO, Mr. KANJORSKI, Ms. BEAN, Ms. DEGETTE, Mr. LARSEN of Washington, Ms. HERSETH SANDLIN, Mr. RYAN of Ohio, Mr. BARROW, Mr. INSLEE, Mr. MATHESON, Mr. BOSWELL, Mr. MCNERNEY, Mr. DOYLE, Mr. MCNULTY, Mr. HINOJOSA, Mr. PEARCE, Mr. LINCOLN DAVIS of Tennessee, Mrs. MCCARTHY of New York, Ms. CARSON, Mr. VISCLOSKY, Ms. SUTTON, Ms. LINDA T. SÁNCHEZ of California, Ms. JACKSON-LEE of Texas, Mr. UDALL of Colorado, Mrs. JONES of Ohio, Ms. LEE, Mr. HARE, Ms. ROYBAL-ALLARD, Mr. ALTMIRE, Mr. GEORGE MILLER of California, Mr. OLVER, Mr. COHEN, Ms. MATSUI, Mrs. NAPOLITANO, Ms. SLAUGHTER, Mr. RAHALL, Mr. BISHOP of New York, Mr. LOEBSACK, Mr. CARNAHAN, Mr. SHERMAN, Mr. ETHERIDGE, Mr. SHULER, Mr. CARNEY, Mr. CARDOZA, Mr. BERRY, Mr. ALLEN, Mr. MICHAUD, Mr. SNYDER, Mr. HILL, Mr. BOYD of Florida, Mr. BOREN, Mr. MITCHELL, Mr. WELLER, Mr. CLEAVER, Mr. AL GREEN of Texas, Mr. BAKER, Mr. BOEHNER, Mrs. BIGGERT, and Mr. BLUMENAUER):

H. Res. 326. A resolution commemorating the 25th anniversary of the Vietnam Veterans Memorial; to the Committee on Armed Services, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. HALL of Texas, Mr. NEAL of Massachusetts, Mr. EHLERS, Mr. RANGEL, Mrs. MALONEY of New York, Mr. WOLF, Mr. LANTOS, Mr. DOOLITTLE, and Mr. CALVERT.

H.R. 89: Mr. LEWIS of Kentucky.

H.R. 111: Mr. SMITH of Nebraska, Ms. ROYBAL-ALLARD, Mr. REICHERT, and Mr. WAMP.

H.R. 174: Ms. JACKSON-LEE of Texas.

H.R. 211: Mr. BOYD of Florida and Mr. YARMUTH.

H.R. 281: Mr. CUMMINGS, Mr. BECERRA, and Mr. HONDA.

H.R. 303: Mr. FARR.

H.R. 315: Mr. RAHALL.

H.R. 405: Mr. MCNERNEY.

H.R. 473: Mr. BARRETT of South Carolina.

H.R. 503: Mr. ROGERS of Kentucky, Mr. TOWNS, Ms. SOLIS, Mr. RYAN of Ohio, and Mr. MILLER of North Carolina.

H.R. 522: Mr. DELAHUNT, and Mr. KENNEDY.

H.R. 552: Mr. ENGLISH of Pennsylvania, Mr. KING of New York, Mr. JOHNSON of Georgia, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. SNYDER, Ms. NORTON, Mr. ENGEL, Mr. ALTMIRE, and Ms. BALDWIN.

H.R. 579: Mr. BURTON of Indiana, Mr. HINOJOSA, and Ms. ESHOO.

H.R. 601: Mr. WALBERG, Mr. SIRES, Mr. WYNN, Ms. WATSON, and Ms. LEE.

H.R. 648: Mr. ROTHMAN.

H.R. 692: Mrs. MUSGRAVE.

H.R. 699: Mr. YOUNG of Alaska.

H.R. 741: Mr. ISRAEL, Mr. PAYNE, and Mr. SHUSTER.

H.R. 760: Mr. FARR, Ms. SOLIS, and Ms. WOOLSEY.

H.R. 779: Mr. KUHL of New York.

H.R. 823: Mr. PERLMUTTER, Mr. COHEN, Ms. DEGETTE, Ms. WOOLSEY, Ms. NORTON, Mr. LANTOS, and Mr. STARK.

H.R. 864: Mrs. CAPPS, Mr. GRIJALVA, Mrs. MUSGRAVE, Mr. CAMP of Michigan, Ms. JACKSON-LEE of Texas, and Mr. PETERSON of Minnesota.

H.R. 890: Mr. PATRICK MURPHY of Pennsylvania, Mr. MARKEY, and Mr. SCHIFF.

H.R. 893: Mr. PLATTS.

H.R. 938: Mr. WELDON of Florida.

H.R. 980: Mr. SULLIVAN, Mr. WU, Mr. WAXMAN, Mr. PASTOR, and Mr. POE.

H.R. 998: Mr. PRICE of North Carolina.

H.R. 1010: Mr. LEVIN and Mr. EMANUEL.

H.R. 1014: Mr. SAXTON, Mrs. JONES of Ohio, Mr. HONDA, and Ms. DELAURO.

H.R. 1043: Mrs. MCCARTHY of New York.

H.R. 1112: Mr. BARTLETT of Maryland.

H.R. 1113: Mr. WEINER, Mr. WOLF, Mr. MORAN of Virginia, Mr. LATOURETTE, Ms. SCHAKOWSKY, Ms. LEE, Mr. GERLACH, Mr. DAVIS of Illinois, Mr. HARE, Ms. MOORE of Wisconsin, Mr. MARKEY, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr. BARROW, Ms. NORTON, Mr. KILDEE, Mr. HINCHEY, and Mr. MCCOTTER.

H.R. 1148: Ms. ZOE LOFGREN of California.

H.R. 1176: Mr. CARDOZA, Mr. ORTIZ, Ms. SOLIS, and Mr. SIRES.

H.R. 1193: Mr. GOHMERT, Mr. PORTER, Mr. ENGLISH of Pennsylvania, Mr. HIGGINS, Mr. DICKS, Mr. ABERCROMBIE, Mr. ROTHMAN, Mr. PAYNE, Mr. PRICE of North Carolina, Ms. NORTON, Ms. WOOLSEY, and Mrs. DRAKE.

H.R. 1194: Mr. CARNEY, Mr. JACKSON of Illinois, Mr. MELANCON, Mr. ALLEN, Ms. BEAN, Mr. BARROW, Mr. ROSS, Ms. HARMAN, and Mr. FEENEY.

H.R. 1198: Mr. PORTER and Mr. FORBES.

H.R. 1252: Mr. KUHL of New York.

H.R. 1261: Mr. FORBES.

H.R. 1279: Ms. MCCOLLUM of Minnesota, Mr. RAHALL, Ms. ZOE LOFGREN of California, Mr. LEWIS of Kentucky, and Mr. LAHOOD.

H.R. 1282: Mr. DOYLE, Mr. BRADY of Pennsylvania, and Mr. KENNEDY.

H.R. 1325: Mr. HILL and Ms. SUTTON.

H.R. 1328: Mr. BERMAN, Ms. ZOE LOFGREN of California, Ms. LINDA T. SÁNCHEZ of California, and Mr. LARSON of Connecticut.

H.R. 1344: Mr. HOLT and Mr. KUCINICH.

H.R. 1360: Mr. WOLF.

H.R. 1381: Mr. AL GREEN of Texas, Ms. LEE, and Mr. ROTHMAN.

H.R. 1391: Ms. WOOLSEY.

H.R. 1398: Mr. MORAN of Kansas, Mr. DAVIS of Kentucky, Ms. FOXX, Mr. HASTINGS of Washington, Mr. ROGERS of Alabama, Mr. SESSIONS, Mr. PUTNAM, Mrs. MCMORRIS RODGERS, Mr. SIMPSON, and Mr. ADERHOLT.

H.R. 1400: Mr. ROHRABACHER, Ms. HOOLEY, Mr. WAXMAN, Mr. SALI, Mr. KING of Iowa, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. YARMUTH, Mr. JOHNSON of Georgia, Mr. BARROW, Mr. GERLACH, Mr. MURPHY of Connecticut, Ms. FOXX, Mr. LEWIS of Kentucky, Mr. WELDON of Florida, Ms. BEAN, Ms. DELAURO, Mr. GARRETT of New Jersey, Mr. TERRY, Mr. WALDEN of Oregon, Mr. CAMPBELL of California, Mr. RUSH, Mr. GINGREY, and Mr. KILDEE.

H.R. 1415: Mrs. MALONEY of New York, Mr. CAPUANO, Mr. COURTNEY, Mr. WELCH of Vermont, Ms. WOOLSEY, and Mr. MEEHAN.

H.R. 1416: Mrs. MALONEY of New York, Mr. HONDA, Ms. WOOLSEY, and Ms. DEGETTE.

H.R. 1434: Mr. MCGOVERN, Mr. KUCINICH, and Ms. SUTTON.

H.R. 1459: Mr. ROTHMAN, Mr. SIRES, and Mr. WELDON of Florida.

H.R. 1469: Mr. ROSS, Mr. MOORE of Kansas, and Mr. YARMUTH.

H.R. 1474: Mr. DAVIS of Alabama and Mr. POMEROY.

H.R. 1537: Ms. SOLIS, Mr. HASTINGS of Florida, Ms. NORTON, and Mr. ALLEN.

H.R. 1552: Ms. MCCOLLUM of Minnesota, Mr. PLATTS, Mr. PRICE of North Carolina, Mr. MURTHA, Mr. LARSEN of Washington, and Mr. BISHOP of Georgia.

H.R. 1567: Mr. MILLER of North Carolina and Mr. SAXTON.

H.R. 1576: Mrs. CUBIN and Mr. BOSWELL.

H.R. 1583: Mr. HIGGINS, Mr. ARCURI, Mr. CROWLEY, Ms. CLARKE, and Mr. MCNULTY.

H.R. 1588: Mr. GALLEGLY.

H.R. 1590: Mr. ARCURI and Mr. BRALEY of Iowa.

H.R. 1608: Mr. MORAN of Virginia and Mr. SCHIFF.

H.R. 1618: Mr. MCCOTTER, Ms. JACKSON-LEE of Texas, and Mr. UPTON.

H.R. 1644: Mr. PRICE of North Carolina, Mr. LYNCH, Mr. YARMUTH, Ms. LINDA T. SÁNCHEZ of California, Mr. ALLEN, Mr. CUMMINGS, Mr. LEVIN, Mr. LANTOS, Mr. TIERNEY, Mr. PATRICK MURPHY of Pennsylvania, and Ms. WATSON.

H.R. 1646: Mr. WYNN.

H.R. 1649: Mrs. EMERSON, Ms. KAPTUR, Mr. SALAZAR, and Mr. BARTLETT of Maryland.

H.R. 1675: Mr. HASTINGS of Florida.

H.R. 1709: Ms. JACKSON-LEE of Texas and Mr. JOHNSON of Illinois.

H.R. 1717: Mr. GINGREY, Mr. JOHNSON of Georgia, Mr. PRICE of North Carolina, Mr. SCOTT of Georgia, and Mr. WESTMORELAND.

H.R. 1738: Mr. ISSA, Mr. MCHUGH, Mr. BILIRAKIS, Mr. RANGEL, Mr. MCNULTY,

Mr. ALLEN, and Ms. JACKSON-LEE of Texas.

H.R. 1765: Mr. ACKERMAN, Mr. HINOJOSA, and Mr. ENGLISH of Pennsylvania.

H.R. 1769: Mrs. MCMORRIS RODGERS.

H.R. 1772: Mr. REHBERG, Mr. RODRIGUEZ, Mr. FARR, Mr. CLEAVER, Mr. HASTINGS of Florida, and Mr. RANGEL.

H.R. 1773: Mr. CLEAVER and Mr. LOBIONDO.

H.R. 1797: Mr. GOODE and Mrs. MCMORRIS RODGERS.

H.R. 1812: Mr. MCNULTY.

H.R. 1873: Mr. BARTLETT of Maryland, Mr. JOHNSON of Georgia, Ms. MOORE of Wisconsin, Mr. BUCHANAN, and Mr. DAVID DAVIS of Tennessee.

H.R. 1892: Mr. LINCOLN DAVIS of Tennessee.

H.R. 1909: Mr. POE, Ms. JACKSON-LEE of Texas, Mrs. WILSON of New Mexico, and Mr. GONZALEZ.

H.R. 1943: Mr. CUMMINGS, Mr. WATT, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. CLAY, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Mr. COHEN, Ms. WOOLSEY, Mr. JOHNSON of Georgia, and Mr. WYNN.

H.R. 1945: Mr. DELAHUNT.

H.R. 1964: Mr. CLAY and Ms. NORTON.

H.J. Res. 12: Mr. BURTON of Indiana and Mr. PEARCE.

H. Con. Res. 25: Mr. JEFFERSON, Ms. KAPTUR, Mr. JOHNSON of Illinois, and Mr. SIMPSON.

H. Con. Res. 48: Mrs. DAVIS of California, Mr. LAHOOD, and Mr. CARNAHAN.

H. Con. Res. 75: Mrs. MUSGRAVE.

H. Con. Res. 80: Mr. BLUMENAUER and Ms. WATSON.

H. Res. 111: Ms. CARSON and Mr. JORDAN.

H. Res. 143: Mr. OLVER, Mr. ALTMIRE, and Mr. SMITH of Washington.

H. Res. 185: Ms. BERKLEY.

H. Res. 186: Mr. WILSON of South Carolina, Mr. BOREN, Mr. ENGLISH of Pennsylvania, and Mr. MEEKS of New York.

H. Res. 247: Ms. WASSERMAN SCHULTZ and Ms. JACKSON-LEE of Texas.

H. Res. 250: Mr. RADANOVICH, Mrs. MUSGRAVE, Mr. CHABOT, Mr. MCKEON, Mr. SESSIONS, Mr. GARRETT of New Jersey, Mrs. BLACKBURN, Mr. WESTMORELAND, Mr. ROYCE, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. DANIEL E. LUNGREN of California, Mr. SALI, Mr. WALBERG, Mr. WILSON of South Carolina, and Mr. PEARCE.

H. Res. 282: Mr. CLEAVER, Ms. ROYBAL-ALLARD, Mr. WILSON of Ohio, Mr. DOYLE, Mr. WU, and Mr. PALLONE.

H. Res. 291: Ms. CARSON, Mr. MCHUGH, Mr. GENE GREEN of Texas, Mr. PEARCE, and Mr. CONAWAY.

H. Res. 320: Mr. MCKEON, Mr. NEAL of Massachusetts, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHUSTER, Mrs. JO ANN DAVIS of Virginia, Mrs. CAPPS, Mr. SHULER, Ms. JACKSON-LEE of Texas, Mr. BROWN of South Carolina, Mr. LEWIS of Kentucky, Mr. MCCOTTER, Mr. LIPINSKI, Ms. FALLIN, Mrs. CAPITO, Mr. BOUSTANY, Mr. WESTMORELAND, Mr. MACK, Mr. MORAN of Kansas, Mr. KUHL of New York, Mrs. SCHMIDT, and Mr. DENT.

EXTENSIONS OF REMARKS

A TRIBUTE TO LIVIU LIBRESCU

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. LANTOS. Madam Speaker, it is with deep sorrow that I rise today to mourn the passing of Liviu Librescu, a world renowned professor of aeronautical engineering who was tragically gunned down while saving the lives of his students at Virginia Tech this week.

Madam Speaker, I am compelled to honor Mr. Librescu, not because he is a fellow Holocaust survivor and college professor who persevered and overcame so much, but because he was a human being so extraordinary that his life's journey embodies the word hero.

Liviu Librescu was born in 1930 to a Jewish family in Ploiesti, Romania. During World War II, when Romania joined forces with Nazi Germany, he was imprisoned in a forced labor camp. Subsequently he was sent, along with his family and thousands of others, to a ghetto in the city of Focsani about 100 miles from his home. Hundreds of thousands of Jews from across Romania died in the Focsani Ghetto and in Transnistria, a Romanian-run Nazi killing field where Librescu's father, a lawyer, perished.

Liviu survived the horrors of the Focsani Ghetto and the Holocaust and nobly committed his life to academia, studying aerospace engineering at the Polytechnic University of Bucharest, where he received both his undergraduate degree in 1952 and his Masters in 1953. In 1969 he received his Ph.D. in fluid Mechanics from Academia de Stiinte din Romania.

Madam Speaker, Liviu Librescu was a brilliant mind and quickly established himself as a top researcher at the Bucharest Institute of Applied Mechanics and the Academy of Science of Romania. But his refusal to swear allegiance to the destructive Communist regime in Romania ultimately left him jobless. Without means to support his wife, Marlene, and two sons, Joe and Arie, Librescu tried to leave Romania for Israel. But under the Romanian communist regime Jews were not allowed to emigrate. In 1978 the Romanian government finally permitted Liviu to leave, but only after a direct request was made by the Prime Minister of Israel—Menachem Begin—to Romanian President Nicolae Ceausescu.

From 1979 to 1986 Librescu was a Professor of Aeronautical and Mechanical Engineering at Tel-Aviv University and Haifa's Technion. In 1985 he took sabbatical from Tel Aviv University to research and teach at Virginia Polytechnic Institute and State University in Blacksburg, Virginia. He quickly became a vital part of the School of Engineering Science and Mechanics, and in 1986 decided to make Blacksburg and Virginia Tech his full-time home.

Professor Librescu had a distinguished career as one of Virginia Tech's premier lecturers; he published hundreds of prestigious papers, received numerous awards and honorary degrees and did extensive research for NASA.

Madam Speaker, these extraordinary accomplishments in the face of such tribulations made Livui Librescu a hero to those who knew him. But his actions on the morning of April 16, 2007 shine through as beacon of everything that embodies his heroic spirit. On that frightful morning when a deranged gunman chose Librescu's classroom as a target for his heinous, senseless murdering spree, Liviu Librescu barricaded himself against the classroom door in an attempt to lock the gunman out. He told his students to flee while he threw his body against the door. Librescu was fatally shot, but the gunman never managed to gain access and no student in the classroom was harmed.

Madam Speaker, I do not think the English language has words worthy enough to describe the selfless courage and boundless humanity of Livui Librescu. The world has suffered a tragic loss with the end of this one life. I ask my collogues to join me in honoring the legacy of Liviu Librescu, which lives on in the people that he saved and in the hearts he inspired worldwide.

IN RECOGNITION OF EARTH DAY 2007

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. EMANUEL. Madam Speaker, I rise today to commemorate Earth Day, which we will celebrate April 22, 2007. On the very first Earth Day in 1970, 20 million Americans stood together for the environment. They filled our country's streets, parks, and auditoriums to announce their dedication to protecting the earth, and they asked their government to stand with them.

What began 37 years ago as a grassroots movement in the United States has now spread to 175 countries, and is observed each year by 500 million people worldwide. The importance of Earth Day is underscored by the threat of global climate change. As the Intergovernmental Panel on Climate Change concluded with near certainty this February, people are a large part of the problem, but we are also capable of coming up with solutions.

I am proud that the new House Select Committee on Energy Independence and Global Warming met this week for the first time. I commend the Speaker for making this issue a priority, and I commend the new panel's members for their efforts in moving us towards solutions to the problem of global climate change.

The City of Chicago is leading the way in transitioning to a "green-friendly" world and is now a model for other cities across the country. Chicago is among the largest users of green energy in the country, and the city has set a goal of using renewable energy for roughly a quarter of city operations.

As part of the process, Chicago has attracted two solar panel manufacturers to the city. Additionally, Chicago has planted or negotiated the construction of over 2 million square feet of rooftop gardens, more than all other U.S. cities combined.

Madam Speaker, I recognize that as a member of Congress and a father, we have a duty to preserve our Nation's environmental treasures for generations to come. This Earth Day, I hope that we can build on the momentum of my hometown and work together to improve the outlook for our planet and make this a better place for our children. I ask my colleagues to join me in celebrating this Earth Day, and many more to come.

HONORING MARINE CORPS FIRST LIEUTENANT SHAUN BLUE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great respect and deep sadness that I wish to commend United States Marine Corps 1LT Shaun Blue for his bravery in the field of battle and his willingness to fight for his country. First Lieutenant Blue was killed in action during combat operations near Iraq's Anbar province on April 16, 2007. His sacrifice will be remembered by a community that has been struck hard by the devastating loss of one of its own.

A lifelong resident of Munster, Indiana, Shaun is remembered by his community as an intelligent, determined, and trustworthy leader. As a young boy, Shaun was active in the Boy Scouts, and it was at this time that his commitment and leadership abilities began to emerge. At Munster High School, Shaun was an accomplished student, graduating in the top 10 in his class and named a National Merit Scholar. As an athlete, Shaun participated on the cross-country and track and field teams, where his drive and dedication served as an example to his teammates and a source of pride for his school.

Following his graduation from Munster High School in 2000, Shaun went on to attend the University of Southern California, where he majored in philosophy. Shaun completed the ROTC program at USC with the intention of going on to serve as a leader for yet another group of his peers as an officer in the United States Marine Corps.

Having been on his second tour in Iraq, Shaun was fully committed to serving his country, and those with whom he served had the utmost respect and unwavering faith in his abilities. This respect was also shared by his superiors, as is evidenced by the numerous medals he was awarded, including the National Defense Service Medal, the Global War on Terrorism Service Medal, the Combat Action Ribbon, and the Sea Service Deployment Ribbon.

Shaun is remembered by friends as being a calm, thoughtful person, who was always willing to help others. An avid fisherman and hunter, Shaun was the type that loved to go camping, and he enjoyed all the wonders nature had to offer. Shaun's qualities demonstrated throughout his youth made him an ideal member of the United States Marine Corps. Shaun was a leader who consistently exemplified strength, not only physically, but mentally and morally as well, and he will continue to serve as an inspiration and example to those who knew him.

First Lieutenant Blue leaves behind a loving family. Shaun leaves to cherish his memory his adoring parents, Jim and Debbie Blue, and countless other friends and family members who will never forget the impact he had on their lives. Shaun will be greatly missed by a saddened but proud community and a grateful nation.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Marine Corps 1LT Shaun Blue. First Lieutenant Blue is an inspiration to us all for his patriotism and willingness to fight for his country. He paid the ultimate sacrifice for the betterment of his country and the world, and his passing comes as a setback to the northwest Indiana community, which has already been shaken by the realities of war. First Lieutenant Blue will forever remain a hero in the eyes of his family, his community, and his country. Thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

TRIBUTE TO THE CASSADAGA VALLEY GIRLS AND BOYS BASKETBALL TEAMS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor the accomplishments of the Cassadaga Valley girls and boys basketball teams. Both teams played with distinction this season, meeting various challenges and contributing with their talents both as a team and individually.

I would like to acknowledge girl's team players Casey Mathers, most improved player; Kari Barmore, co-most valuable player and rebounding award and scholar-athlete award winner; Jenna Beichner, co-most valuable player; and Jennifer Zanghi, receiving the defensive award.

I must also acknowledge boy's team players Kevin Watson, earning the distinction of most valuable player and Bob Zanghi earning the most improved player and scholar-athlete awards.

Madam Speaker, I ask you to join me in congratulating the great successes of both of these teams, both acknowledged by the NYSPHSAA as deserving of the Scholar-Athlete Team Award. It is a pleasure to honor this fine young athletes here today.

INTRODUCTION OF BRISTOL BAY PROTECTION ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. INSLEE. Madam Speaker, I rise today to urge the Natural Resources Committee to take action on the bipartisan Bristol Bay Protection Act, which I introduced today with my colleagues, Congressman WAYNE GILCHREST and Congressman MAURICE HINCHEY.

The Bristol Bay Protection Act will renew long-standing, bipartisan protection for this economically, culturally, and ecologically important marine ecosystem through a Congressional prohibition on oil and gas development in the waters of Alaska's North Aleutian Basin.

When Congress returns from the district work period we plan to introduce the Bristol Bay Protection Act. The Exxon Valdez oil tanker spill, which fouled more than 1,200 miles of pristine Alaskan shoreline and caused billions of dollars in economic damage, moved the Congress and President George H. Bush to place the North Aleutian Basin Planning Area (which includes Bristol Bay) under moratoria from oil and gas development in 1990. In 1998, President Clinton later followed up with an extension of this moratorium on pre-leasing and leasing activities in the same waters until 2012.

This past January, President Bush removed the long-standing executive ban on offshore drilling in Bristol Bay, opening the way for leases the Federal Minerals Management Service (MMS) has proposed in 2010 and 2012.

Alaska's Bristol Bay and the southeastern Bering Sea encompass one of the most productive marine ecosystems in the world. These sub-arctic waters support important commercial fisheries, representing more than 40 percent of the Nation's annual seafood catch. The area targeted for oil and gas leasing overlaps with important habitat and fishing grounds for pollock, cod, red king crab, halibut and salmon—fisheries which generate more than $2 billion dollars annually. These fisheries support fishermen and fishing families throughout Alaska and the Pacific northwest.

Bristol Bay sockeye salmon runs, the largest on earth, are the lifeblood of many remote, Native villages in southwestern Alaska. Subsistence and commercial harvest of salmon resources are the economic mainstay of these culturally-unique communities.

The region's coastal wetlands, lagoons and sheltered bays serve as migratory hubs, staging areas and wintering grounds for millions of waterfowl and shorebirds. The southeastern Bering Sea is also home to a number of marine mammal species—many of which are threatened or endangered—including sea otters, Steller sea lions, fur seals, humpback whales and the North Pacific right whale. As a testament to the region's ecological importance, five National Wildlife Refuges and eight Alaska state protected areas have been established here.

The U.S. cannot drill our way to energy security. The risks posed by offshore oil and gas development to the renewable resources of Bristol Bay and the thousands of people in Alaska and along the west coast whose livelihoods depend upon their continued health are simply too great.

The bipartisan Bristol Bay Protection Act restores protections to the people, wildlife and habitats in the North Aleutian Basin Planning Area. It is my hope that the Committee acts swiftly to protect this pristine area.

PAYING TRIBUTE TO GEORGE FILIOS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my good friend George Filios for his personal and professional successes, he is truly the embodiment of the American Dream.

George came to the United States from Greece in December 1955 and began working in the textile mills in Lowell, Massachusetts. In 1957, he began work in the construction industry as a painter and carpenter and attended school in the evening to learn English and the Principles of Construction. In 1958 George, in partnership with George Papageorge, founded G & G Construction Company. George took the Oath of Citizenship in May, 1961 and subsequently moved to California. George returned to his native Greece in 1966 where he met his lovely wife, Nitsa Statara.

George established the Filios Construction Company in 1967, specializing in the construction of apartment complexes and subsequently teamed up with Alex Spanos. Following the birth of his first child, Spiridon Filios in 1968, George was offered a management position within A.G. Spanos Companies, thus began a fruitful relationship spanning over thirty years. Soon thereafter, in 1970, George's daughter, Vayia Filios was born. The Filios family relocated to Southern Nevada in 1975 recognizing the booming economy of the region and opportunities it presented to the buildings and construction trades.

In addition to his professional success, George has also contributed greatly to his community. Following the family's move to southern Nevada, George became very much involved with the St. John the Baptist Greek Orthodox Church. He was intimately involved in long range planning of building Church facilities and in 1978, during his Presidency of the Parish Council, they acquired the land necessary to construct a new Church and community center. George was also very involved with the University of Nevada Las Vegas, where he served as the Administrator of the A.G. Spanos Companies Faculty Award. Furthermore, George has served on the State Contractors Board, from 1981–1984, and as a member of the Clark County Commission Multifamily Council.

Madam Speaker, I am proud to honor my good friend George Filios. His success in business and philanthropic pursuits is truly commendable and his dedication to the community should serve as an example to us all. Through hard work and determination he has succeeded, thereby truly personifying the American Dream. I thank him for his service to the community and wish him the best in his future endeavors.

HONORING FORMER MINNESOTA GOVERNOR HAROLD E. STASSEN

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. RAMSTAD. Madam Speaker, April 13, 2007, marked the 100th anniversary of the birth of former Minnesota Governor Harold E. Stassen.

I rise to pay tribute to the life of this remarkable Minnesotan and true patriot, who dedicated his life to serving our country.

Born on a farm in West St. Paul, Minnesota, Harold Stassen graduated from law school and earned the rank of Lieutenant Colonel in the ROTC by the age of 21. At just 22, he was elected Dakota County attorney, a position he held for 9 years.

In 1938, Harold Stassen was elected Governor of Minnesota, taking office at the age of 31. He was the youngest person ever elected governor of any state, a distinction that lasts to this day. During his tenure, Harold Stassen was a visionary and creative leader.

In his 1942 campaign for reelection, Governor Stassen said that if he was reelected, he would resign after the legislative session to join the U.S. Navy, saying, "Our boys are fighting for the right of freedom, and I want to be with them."

As promised, following the 1943 legislative session he resigned as governor and joined the U.S. Navy on the Battleship USS *Missouri* in the Third Pacific Fleet. He was awarded three battle stars, led the Navy's POW evacuation program in Japan and was on duty on the main deck of the *Missouri* when the message came that the Japanese had surrendered. In fact, he entered the receipt of that historic message in the USS *Missouri*'s log book.

In February of 1945, President Roosevelt named Harold Stassen as one of eight members of the American delegation to the Founding Conference of the United Nations in San Francisco, where he was later named one of the two most influential people in drafting the United Nations Charter.

Stassen later played a key role in convincing Dwight D. Eisenhower to run for the Republican nomination for President. Upon his election, Eisenhower appointed Stassen Director of Mutual Security, which carried a Cabinet rank and included all foreign operations, foreign aid, relief, military and assistance programs, distribution of arms and technical and educational assistance.

As a member of President Eisenhower's Cabinet, Stassen was also active in implementing the 1955 Geneva Summit, for which he drafted the Arms Limitation and "Open Skies" proposals initiated by GEN James Doolittle and presented by President Eisenhower at the summit. Having experienced first-hand the horror of war, Stassen spent the remainder of his political and public life working for world peace.

Harold E. Stassen dedicated his life to serving our country, both in the armed forces and as a public servant and elected official. The country is grateful for his meritorious contribution to the security and national interests of the United States and his long legacy of public service. He died 40 days short of turning 95, on March 4, 2002.

DOROTHY IRENE HEIGHT, CHAIR AND PRESIDENT EMERITA, NATIONAL COUNCIL OF NEGRO WOMEN

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to pay tribute to a national treasure and American icon on the occasion of her 95th birthday. I am speaking, of course, of the incomparable, irrepressible, and legendary Dorothy Irene Height. For more than half a century, Dorothy Irene Height has played a leading role in the never ending struggle for equality and human rights here at home and around the world. Her life exemplifies her passionate commitment for a just society and her vision of a better world.

Dorothy Height was born in Richmond, VA, on March 24, 1912, and educated in the public schools of Rankin, PA, a borough of Pittsburgh, where her family moved when she was four. She established herself early as a dedicated student with exceptional oratorical skills. After winning a $1,000 scholarship in a national oratorical contest on the United States Constitution, sponsored by the Fraternal Order of the Elks, and compiling a distinguished academic record, she enrolled in New York University where she earned both her bachelor and master's degrees in just 4 years. She continued her postgraduate studies at Columbia University and the New York School of Social Work.

In 1933, Dorothy Height joined the United Christian Youth Movement of North America where her leadership qualities earned her the trust and confidence of her peers. It was during this period that she began to emerge as an effective civil rights advocate as she worked to prevent lynching, desegregate the armed forces, reform the criminal justice system, and provide free access to public accommodations. In 1935, Dorothy Height was appointed by New York government officials to deal with the aftermath of the Harlem riot of 1935.

As Vice President of the United Christian Youth Movement of North America, Dorothy Height was one of only ten American youth delegates to the 1937 World Conference on Life and Work of the Churches held in Oxford, England. Two years later she was selected to represent the YWCA at the World Conference of Christian Youth in Amsterdam, Holland.

It was in 1937, while serving as Assistant Executive Director of the Harlem YWCA, that Dorothy Height met Mary McLeod Bethune, founder and president of the National Council of Negro Women (NCNW). Mrs. Bethune was immediately impressed with young Dorothy Height's poise and intelligence and invited her to join the NCNW and assist in the quest for women's rights to full and equal employment, pay and education.

In 1938, Dorothy Height was one of ten young Americans invited by Eleanor Roosevelt to Hyde Park, NY, to help plan and prepare for the World Youth Conference to be held at Vassar College.

For the next several years, Dorothy Height served in a dual role: as a YWCA staff member and NCNW volunteer, integrating her training as a social worker and her commitment to rise above the limitations of race and sex. She rose quickly through the ranks of the YWCA, from working at the Emma Ransom House in Harlem to the Executive Directorship of the Phyllis Wheatley YWCA in Washington, DC, to the YWCA National Headquarters office.

For 33 years, from 1944 through 1977, Dorothy Height served on the staff of the National Board of the YWCA and held several leadership positions in public affairs and leadership training and as Director of the National YWCA School for Professional Workers. In 1965, she was named Director of the Center for Racial Justice, a position she held until her retirement.

In 1952, Dorothy Height lived in India, where she worked as a visiting professor in the Delhi School of Social Work at the University of Delhi, which was founded by the YWCAs of India, Burma and Ceylon. She would become renowned for her internationalism and humanitarianism. She traveled around the world expanding the work of the YWCA. She conducted a well-received study of the training of women's organizations in five African countries: Liberia, Ghana, Guinea, Sierra Leone, and Nigeria under the Committee of Correspondence.

Dorothy Height loved and led her sorority, Delta Sigma Theta. She was elected National President of the sorority in 1947 and served in that capacity until 1956. She led the sorority to a new level of organizational development, initiation eligibility, and social action throughout her term. Her leadership training skills, social work background and knowledge of volunteerism benefited the sorority as it moved into a new era of activism on the national and international scene.

In 1957, Dorothy Height was elected the fourth National President of NCNW and served in that position for 40 years, when she became Chair of the Board and President Emerita.

In 1960, Dorothy Height was the woman team member leader in the United Civil Rights Leadership along with Martin Luther King, Jr., Whitney H. Young, A. Philip Randolph, James Farmer, Roy Wilkins and John Lewis. In 1961, while Dorothy Height was participating in major Civil Rights leadership, she led NCNW to deal with unmet needs among women and their families to combat hunger, develop cooperative pig banks, and provided families with community freezers and showers.

In 1964, after the passage of the Civil Rights Act, Dorothy Height with Polly Cowan, an NCNW Board Member, organized teams of women of different races and faiths as "Wednesdays in Mississippi" to assist in the freedom schools and open communication between women of different races. The workshops which followed stressed the need for decent housing which became the basis for NCNW in partnership with the Department of Housing and Urban Development to develop Turnkey III Home Ownership for low-income families in Gulfport, MS.

In 1970, Dorothy Height directed the series of activities culminating in the YWCA Convention adopting as its "One Imperative" to the elimination of racism. That same year she also established the Women's Center for Education and Career Advancement in New York City to prepare women for entry-level jobs. This experience led her in 1975 to collaborate with Pace College to establish a course of study leading to the Associate Degree for Professional Studies (AAPS).

In 1975, Dorothy Height participated in the Tribunal at the International Women's Year Conference of the United Nations in Mexico City. As a result of this experience, NCNW was awarded a grant from the United States Agency for International Development (USAID) to hold a conference within the conference for women from the United States, African countries, South America, Mexico and the Caribbean. This was followed with a site visit with 50 of the women to visit with rural women in Mississippi. Under the auspices of the USAID, Dorothy Height lectured in South Africa after addressing the National Convention of the Black Women's Federation of South Africa near Johannesburg (1977). Since 1986, she has worked tirelessly to strengthen the Black family.

Madam Speaker, under the leadership of Dorothy Height: NCNW achieved tax-exempt status in 1966; NCNW dedicated the statue of Mary McLeod Bethune in Lincoln Park, Washington, DC in 1974—the first woman to be so honored on public land in the Nation's Capital; developed model national and community-based programs ranging from teenage parenting to pig "banks"—which addressed hunger in rural areas; established the Bethune Museum and Archives for Black Women, the first institution devoted to black women's history; established the Bethune Council House as a national historic site; transformed NCNW into an issue-oriented political organization, sponsoring "Wednesdays in Mississippi" when interracial groups of women would help out at Freedom Schools organizing voter registration drives in the South and fostering communications between black and white women; and established the Black Family Reunion Celebration in 1986 to reinforce the historic strengths and traditional values of the black family.

Among the major awards bestowed upon Dorothy Irene Height in gratitude and appreciation for her service to our Nation and the world are the following: Presidential Medal of Freedom presented by President Bill Clinton; Congressional Gold Medal presented by President George W. Bush; John F. Kennedy Memorial Award; NAACP—Spingarn Medal; Hadassah Myrtle Wreath of Achievement; Ministerial Interfaith Association Award; Ladies Home Journal—Woman of the Year; Congressional Black Caucus—Decades of Service; President Ronald Reagan—Citizens Medal; Franklin Roosevelt—Freedom Medal; Essence Award; and the Camille Cosby World of Children Award.

Dorothy Height was also elected to the National Women's Hall of Fame and is the recipient of 36 honorary degrees from colleges and universities as diverse as: Tuskegee University, Harvard University, Spelman College, Princeton University, Bennett College, Pace University, Lincoln University, Columbia University, Howard University, New York University, Morehouse College, and Meharry Medical College.

Madam Speaker, Dorothy Height has witnessed or participated in virtually every major movement for social and political change in the last century. For nearly 75 years, Dorothy Height has fought for the equality and human rights of all people. She was the only female member of the "Big 6" civil rights leaders (Whitney Young, Jr., A. Philip Randolph, Martin Luther King, Jr., James Farmer, and Roy Wilkins). Her vision and dedication made NCNW the premier organization in advocating for the health, education and economic empowerment for all women of African descent around the world.

Thank you, Dorothy Height, for your service to our Nation. You have made America a better place for all persons of all races, religions, and backgrounds. You have mentored hundreds, been a role model to thousands, and a hero to millions. You are an American original. I am glad to count you as a friend.

HONORING FRANK KRUESI

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. EMANUEL. Madam Speaker, I rise today to recognize the long and distinguished career of my friend, Frank Kruesi. After 9 years of dedicated service, Kruesi is retiring as President of the Chicago Transit Authority (CTA).

Prior to his service at the CTA, Mr. Kruesi served as Chief Policy Officer for the City of Chicago for Mayor Richard M. Daley. He also served as the Executive Officer of the Cook County State's Attorney's Office and was the legislative assistant to then-Senator Richard M. Daley in the Illinois General Assembly, where he focused on mental disabilities, human services, and juvenile justice legislative initiatives.

Mr. Kruesi's more than 30 years of public service have included service at every level of government including serving as Assistant Secretary for Transportation Policy in the United States Department of Transportation under President Clinton. In that post, he advised two Secretaries of Transportation and developed policy initiatives in all forms of transportation.

Throughout his career, Frank Krusei has overseen numerous achievements met by the CTA. Under Mr. Kruesi's leadership, CTA has made service improvements on two-thirds of its bus routes and on all, its rail routes. A total of 281 bus of service improvements have been implemented which include 25 new bus routes, expanded hours of service, added trips to reduce wait time, and route changes to improve access and connectivity.

Innovative programs such as U-Pass, a program of discounted passes for college students, have also been implemented during Mr. Kruesi's tenure. The program is the largest of its kind in the Nation, with 76,000 students at 33 area colleges participating.

Madam Speaker, on behalf of the Fifth Congressional District of Illinois, I congratulate Frank Kruesi on his long career and thank him for his service to the City of Chicago. I wish him the best of luck in all his future endeavors.

IN RECOGNITION OF OUR NATION'S NURSES

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. LAMBORN. Madam Speaker, I rise today to pay tribute to America's nurses during National Nurse Recognition Week. From Florence Nightingale, to Clara Barton, to the unsung heroes of today, the nurses of this country have provided invaluable service in times of peace and of war. Providing comfort to the elderly, the sick, and the dying is a, noble yet all too often thankless task. It is for this reason that we take this week in May to honor the extraordinary contributions of nurses to society.

On March 30, 1981 President Ronald Reagan was shot in the chest outside the Hilton Hotel in Washington, DC. He was then rushed to the George Washington University Hospital. When recounting his experience, President Reagan often spoke of a nurse who held his hand as he was taken into surgery. This simple act by an unknown woman comforted the President during his time of pain and fear. Almost a year later, President Reagan proclaimed that National Recognition Day for Nurses would be observed on May 6. Since then, the recognition has been expanded to a weeklong celebration.

With over 2.7 million registered nurses in this country, nursing is the largest health care profession. These men and women administer care, with profound compassion, in homes, hospitals, and schools across the nation. The theme of this year's National Nurses Week is, fittingly, "Nursing . . . profession and a passion." When Americans fall ill, it is the nurse who tends to their daily needs and provides comfort in times of uncertainty and pain. I want to take this opportunity to thank our nation's nurses for their commitment to the service of others.

HONORING THE MEMORY OF JOSEPH KEANE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor the memory of a dear friend Joseph "Joey" Keane, a man who inspired countless people in my hometown of South Buffalo through his example, strength of character, and spirit.

Joey Keanes life was filled with many blessings. He was blessed with an extraordinary family; his parents Richard and Catherine Keane embraced him with love and care as they did all of their children, his 15 siblings, 7 sisters and 8 brothers, enriched his life with love, laughter, and respect, and the Seneca Street neighborhood that was his home and the place where he was beloved by neighbors, family friends, and business owners alike.

The Keanes are a politically prominent family in Buffalo, NY. Joey's brothers Dick & Jim were elected to public office, his brother Neil served as Fire Commissioner but many would argue that Joey was the best politician of them all.

His brother Jim explained Joey and the impact he has had on others best when he said, "Joey's taught us a lot of lessons, and he's taught us the lighter side of life. I think Joey has made it easier for all of us to laugh at ourselves. That's part of the Joey Keane mystique. You learn humility and how to laugh at yourself from the Joey Keanes of the world."

Madam Speaker, I would like to offer my deepest condolences to the entire Keane Family for the loss of their dear brother and with the House's consent, I would like to end my remarks with a recent article that was printed in The Buffalo News which commemorates the life of Joey Keane.

MAYOR OF SENECA STREET DIES AT 60—JOEY KEANE WAS 'TRUE POLITICIAN' OF THE CLAN

(By Gene Warner)

Six years ago, Sen. Hillary Rodham Clinton and Bishop Henry J. Mansell attended a Labor Day Mass in South Buffalo, where Clinton seemed to be grabbing the most attention.

Joey Keane—of the prominent South Buffalo Keane clan—spotted Mansell, who was standing alone, drinking a cup of coffee and perhaps feeling a little ignored by the Clinton spotlight.

"Hello, Bishop, I'm Joey Keane," he said. "If you put that cup of coffee down, I'll take my picture with you."

That was Joey Keane, one of the best known of the famous Keanes, a man intimidated by no one, a South Buffalo man who always had a hug or a quip for everyone—whether it was the governor, the bishop or just a man or woman on the street.

Dubbed the "mayor of Seneca Street," Keane died Friday in the Mercy Hospital Skilled Nursing Facility, following an almost two-year battle with Alzheimer's and its complications. He was 60.

When he was born, in February 1947, family members were told that infants with Down syndrome had a life expectancy of about 21 years. Usually, they were taken to an institution for the rest of their lives.

His mother, Catherine, would hear none of that. So he spent the first 30 years of his life with his parents, Richard and Catherine, the next 30 rotating among about a dozen siblings and nieces, each for about 3 months at a time.

Among his 14 surviving siblings are a former Buffalo fire commissioner, a former assemblyman and a former deputy county executive. But everyone acknowledged who the true politician was in the family: Joseph Jeremiah Keane.

"He worked a crowd better than any of his politician brothers," said niece Kate Carr, one of 183 nieces, nephews and their children who called him "Uncle Joey."

"His whole life, he was a cause célèbre along Seneca Street," said brother James P. Keane, the former Common Council member and deputy county executive. "People just took to him."

Here's a testament to his popularity in South Buffalo. Ten years ago, following a newspaper story about his gala 50th birthday party, a childhood friend living in Australia sent him a letter addressed to "Joseph Keane, Somewhere in South Buffalo, Buffalo, N.Y." The letter reached him.

Within his family, Joey Keane was the peacemaker of the 16 siblings. When they fought as kids, there was Joey in the middle of things, settling everybody down and leaving the participants to walk away with hugs and handshakes.

"He was kind of the glue that kept us together," said brother Cornelius J. "Neil" Keane, the former fire commissioner.

Since his death, South Buffalo has been filled with dozens of Joey Keane stories. Here are a few of them:

Years ago, Joey Keane had just moved from the roomy Orchard Park home of a niece, Pat Allman, to the more modest South Buffalo home of his sister Maureen Sullivan.

"Cup of coffee, Joe?" his sister asked him the first morning.

"What, no cappuccino?" Joey replied.

"You're back in South Buffalo, buddy," his sister answered.

Following The Buffalo News story 10 years ago, then-Mayor Anthony M. Masiello bought Joey Keane a cappuccino maker for his 50th birthday.

Sometime after his father's death, one sibling kidded that their mother could marry widowed Gov. Hugh L. Carey, who had 14 children. Together, they'd have more than two dozen.

Joey Keane apparently remembered that comment when he saw Carey at some South Buffalo function.

"Stay away from my mother," he told Carey, according to another brother, former Assemblyman Richard J. Keane.

Among other things, Joey Keane loved watching soap operas; impersonating everyone from John Wayne to Tom Jones; dressing up in Sabres, Bills or Bisons garb, while watching or listening to their games; dancing at weddings, often trying to snag the first dance with the new bride; needling his "big shot" brothers; watching the old Lawrence Welk TV show; and catching the garter belt at any wedding.

Surviving are seven sisters, Nancy Lafferty, Mary Alice O'Neil, Sally Trevean, Catherine Keane, Connie Smith, Margaret Ray and Maureen Sullivan; seven brothers, Richard J., Thomas J., Michael A., Cornelius J., Daniel J., James P. and Peter C. Another brother, Firefighter William T. Keane, was killed in 1978 while responding to a false alarm.

A Mass of Christian Burial will be offered at 9:30 a.m. Wednesday in St. Teresa Catholic Church, 1974 Seneca St., after prayers at 9 in Thomas H. McCarthy Funeral Home, 1975 Seneca St.

IN HONOR OF EARTH DAY

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. INSLEE. Madam Speaker, today, in honor of Earth Day, I introduced a resolution that would support the only nationally-recognized day dedicated to recycling.

Every November since 1997, millions of Americans have become better informed about recycling and buying recycled products as a result of events held in honor of America Recycles Day. Last year, events were held in communities in every state. In my home state of Washington, 12 communities are planning events to commemorate this important day in 2007 in cooperation with counties, elementary schools, businesses and local troops.

Recycling creates 1.1 million U.S. jobs, $236 billion in gross annual sales and $37 billion in annual payrolls. Recycling also saves energy, prevents air and water pollution, reduces the need for new landfills and combustors, reduces our dependence on foreign oil, reduces the need for extraction of certain natural resources, and can stimulate the development of greener technologies.

Over the past 10 years, many new markets for recycled products have been created. For example, plastic containers can be remanufactured into other plastic containers, fleece, carpet, car parts, strapping, stuffing, bottles, pipe, lawn and garden products, injection molded products, and plastic lumber. Yet, as markets for recycled products have increased, recycling rates for certain recyclable household products, like plastic and aluminum containers, has decreased or stayed the same, and curbsid pickup programs have decreased in communities.

There remains a significant opportunity to increase recycling in the United States and I believe that the activities of America Recycles Day provide one way to achieve this end. It is time for Congress to support this important day and effort. I urge my colleagues to take up this important resolution and pass this bill before America Recycles Day on November 15th.

RECOGNIZING WORLD WAR II VETERAN ROBERT WALTER DINGMAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. WOLF. Madam Speaker, I rise today to bring the attention of the House to Robert Walter Dingman, a decorated veteran of World War II who was wounded in combat 62 years ago today, on April 20, 1945. Private Dingman was seriously wounded as he crossed an open field and laid paralyzed until a heroic medic rescued him under enemy fire.

Bob Dingman had just turned 18 when he was drafted into the Army in 1944. After basic training at Camp Blanding, Florida, he was soon aboard a troop ship to Liverpool, England and then on to LeHarve, France, in early 1945. The French rail road took him and his fellow soldiers to Verviers, Belgium, where he was issued an M–1 rifle. He was soon taken across the Rhine River where he was assigned to Comp B of the 83rd Armored Reconnaissance Battalion of the 3rd Armored Division.

As a young soldier with a strong faith in God, Private Dingman was determined he would not hate his enemy and had occasions to show kindness toward captives, while carrying out his duties. Since those dark days 62 years ago, Bob Dingman has led a successful, active, inspiring and selfless life. After graduating from Houghton College in New York state, he began his career here in Washington as an employee of the U.S. Navy. He later went into the executive recruiting business and formed his own executive recruiting firm in California in 1978. He rose professionally and is recognized as one of the nation's top executive recruiters.

During his recruiting career, he repeatedly went out of his way to assist faith-based organizations in their searches for competent leadership, in addition to his broad array of commercial clients. Over the years he led the search projects for leaders of such organizations as World Vision International, Mission Aviation Fellowship, Young Life, numerous Christian Colleges, and many other church-related organizations. He also gave generously of his time and abilities by serving on the national boards of such organizations as the Salvation Army and Mission Aviation Fellowship and the local boards of Hospice and Whitworth College.

As a disabled veteran of World War II, he was awarded a 50 percent disability in 1951. As one who has experienced the physical and emotional pain of rehabilitation, Mr. Dingman is currently turning his attention to finding ways to help newly disabled veterans from the wars in Iraq and Afghanistan.

I ask that the House join me today in recognizing Bob Dingman for a lifetime of service to his country and others, and for his example of determination, hard work and commitment to his faith.

IN HONOR OF JOHN DALLAGER

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. LAMBORN. Madam Speaker, I rise today in recognition of John "J.D." Dallager's appointment as President and CEO of the Pike's Peak United Way.

After serving his country for 34 years in the United States Air Force, Mr. Dallager went on to serve the Colorado Springs as the Chairman of the Board of the Colorado Springs Chamber of Commerce. Mr. Dallager's admirable sense of duty and clear commitment to the service of others enable me to say with confidence that he will be an excellent addition to the Pike's Peak United Way.

For over 80 years, the Pike's Peak United Way has sought to improve the lives of Coloradans living in El Paso and Teller Counties through numerous family support, emergency food and shelter, and charity grant programs. A strong leader, Mr. Dallager will provide direction to this valuable organization, allowing it to further serve the needs of my constituents. I am profoundly thankful for all that Mr. Dallager has done for Colorado's Fifth Congressional District and our Nation.

COMMENDING EXCEPTIONAL NORTHWEST INDIANA TEACHERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to commend seven exceptional teachers from Northwest Indiana who have been recognized as outstanding educators by their peers for the 2006–2007 school year. These individuals are: Margaret Hurt, Susan Kucharski, John Nawrocki, Faylene Altomere, Eileen Meier, Amanda Johnsen, and Michelle Strong. These honorees will be presented with the Crystal Bell Award at a reception sponsored by the Indiana State Teachers Association. This prestigious event will take place at the Andorra Restaurant and Banquets in Schererville, Indiana on May 8, 2007.

Margaret Hurt, from the Tri-Creek School Corporation, has been a superior role model to her students at Lowell High School for 26 years, where she has served as Social Studies Chair for 20 years. Margaret also serves as co-coach for the Lowell Spell Bowl team. She is always willing to give her time to prepare students for the future, mentor new teachers, and promote new projects that will improve her school.

Susan Kucharski has 29 years of experience as a teacher and is this year's recipient from the Lake Central School Corporation. Susan is currently a fourth grade teacher at Protsman Elementary School. She is known for her giving nature and always going the extra mile. She serves on the PL 221 School Improvement Team and Safety Committee and also plays the piano for annual musicals.

This year's recipient of the Crystal Bell Award from the School Town of Highland is Amanda Johnsen. Amanda is a fourth grade teacher at Warren Elementary School, where she has taught for 9 years. She has given extended time in the K-Kids Program, a partnership with the Kiwanis Club to develop student leadership and community involvement. Amanda serves as the school's Parent Teacher Organization liaison and led the girls' baseball team to a tournament championship.

John Nawrocki, a math teacher at Taft Middle School for 32 years, has been a great asset to the Crown Point Community School Corporation. He has served as Math Chairperson and moderator of the Math Bowl, and he has also served on the NCA/School Improvement Committee and ISTEP Cut Off Committee for the State of Indiana. John always goes to great lengths to make himself available to his students and faculty.

Eileen Meier, this year's recipient from the School Town of Munster, has been teaching for the past 24 years. Her expertise lies with foreign language, having taught German at Munster High School for the past 8 years. Eileen challenges her students to broaden their horizons and go the distance in reaching their goals.

Faylene Altomere is known for her dedication and consistency as a great educator. Faylene, a 43-year veteran of the teaching profession, is this year's recipient from the Hanover School Corporation. Faylene is currently a teacher at Jane Ball Elementary School and has played an active role in the lives of students from three generations of some families.

Michelle Strong is this year's Crystal Bell recipient from the North Newton School Corporation. Michelle is a beloved military veteran and art teacher at Lincoln Elementary School. She has shared her strength, positive nature, and love of art throughout her community and her school.

Madam Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding educators on being recipients of the 2006–2007 Crystal Bell Award. Their years of hard work have helped to shape the minds and futures of Northwest Indiana's young people, and each of these outstanding educators is truly an inspiration to us all.

CONGRATULATING THE VILLAGE OF SOUTH CHICAGO HEIGHTS, ILLINOIS

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. JACKSON of Illinois. Madam Speaker, I rise today to congratulate the Village of South Chicago Heights, Illinois on their Centennial Celebration. On its founding day, March 7, 1907, 150 citizens of Hannah and Keeney Subdivision voted to incorporate as the Village of South Chicago Heights.

The first permanent settlers in the area, Adam and Phoebe Brown of Ohio, built a home and opened a general store some 74 years earlier at the intersection of Sauk Trail and the old Hubbard Trail. "Brown's Corner" became a busy crossroads, first allegedly for the Underground Railroad, then later for wagons, stagecoaches, railroads, and automobiles.

One year after incorporating, the residents worked together to build the village's first school, the U.S. Grant School. As the village grew so did the budget and city services. The first year's budget was $3,800, which was met by property taxes and three saloon licenses at $500 each.

In its early days the village steadily grew as immigrants of Italian, Polish, German and other ancestries moved here to work in nearby factories, railroads, and local businesses. South Chicago Heights is still home to many of these families and businesses.

The village has had only 12 mayors in 100 years, including the Honorable David Owen, who has served as mayor since 1989. Mayor Owen has officially declared South Chicago Heights as a good place to live, to work, and to raise a family; and the Centennial gives all 4,000 citizens a special opportunity to take pride in our history and to celebrate our heritage. On May 7, 2007, during the Founders Day program, the Village will dedicate a new Village Clock to start the next 100 years.

I am proud to represent the Village of South Chicago Heights and I congratulate them on 100 years of service and I look forward to future celebrations.

HONORING GEORGE TORNEY, EXECUTIVE DIRECTOR, PYRAMID ALTERNATIVES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. LANTOS. Madam Speaker, I rise today to honor George Tomey, who became the Executive Director of Pyramid Alternatives in the City of Pacifica on August 6, 1976, and has served San Mateo County for 31 years. Under his leadership and guidance, Pyramid expanded its horizons beyond alcohol to recognize addictive personalities as they relate to all substance abuse. Pyramid now frequently collaborates with the San Mateo County Health Department to address links between substance abuse and mental illness.

Although George Tomey's work with Pyramid began in Pacifica, the organization itself has since branched out into nine school districts and serves the entire San Mateo County community through seven offices, offering services in five languages. Pyramid has offered a wide range of counseling and education in the fields of: substance abuse, domestic violence, anger, management, first and multiple drinking driver programs, parenting Issues and senior adult Services.

Madam Speaker, Pyramid has become an essential partner in the Bridges Program, an intensive alcohol and drug day treatment program for men and women operated by San Mateo County Adult Probation, Superior Court and the County Sheriff. This exceptional program helps non-violent offenders transition back into their families and the community.

Madam Speaker, after three decades of dedicated service, George Tomey is retiring and Janeen Smith is assuming the Executive Director role of Pyramid Alternatives. It is with great respect and deepest appreciation that I ask my colleagues to join me in recognizing George Tomey and Pyramid Alternatives.

IN HONOR OF BUDDY LAROSA AS HE RECEIVES THE TREE OF LIFE AWARD

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mrs. SCHMIDT. Madam Speaker, I rise today to recognize Buddy LaRosa as he receives the Tree of Life humanitarian award on April 30, 2007 from the Jewish National Fund.

The Jewish National Fund has bestowed its highest honor, the Tree of Life award, annually since 1981. Recipients of this prestigious honor are chosen on the basis of outstanding community involvement, professional leadership and humanitarian service. Previous national recipients have included Hank Aaron, Archbishop Joseph Bernardin and Donald Trump.

The Tree of Life award was named to symbolize the Jewish National Fund's efforts to reclaim and develop the land of Israel from barren and uninhabitable land into a land of lush green forests and fields, productive farmlands and varied tourism and recreation facilities.

The Jewish National Fund is honoring Mr. LaRosa because of his outstanding community service, active civic involvement and ongoing dedication to helping those less fortunate.

This talented and generous man is the name behind one of Cincinnati's most recognized and beloved eateries, LaRosa's Restaurant. A lifelong native of Western Hills, Buddy opened his first pizzeria there in 1954 with a couple of partners, limited funds, and his Aunt Dena's recipe. Today, Buddy is known as the "Pizza King" and LaRosa's, with its 15 company-owned restaurants, 45 franchise locations across the region, and more than 1,500 employees, is a household name synonymous with great pizza.

Buddy's commitment to the youth in the Cincinnati area is legendary. Buddy has often said, "To live a full life, be a credit to my family and community, and touch young people so that one day they too may experience the joys I have had." This philosophy, combined with a strong work ethic, is no doubt the recipe to Buddy's success.

Buddy was inspired to give back to the youth of our community after a fire devastated his Western Hills restaurant in 1973. Hundreds of area high school students, through their sports coaches, helped to rebuild his restaurant in a record 40 days. As a way to fulfill his personal goal of giving back to students in the community, Buddy founded the Buddy LaRosa High School Sports Hall of Fame in 1975. The Hall of Fame has seven new inductees each year and honors 12 local high school students for their academic and athletic achievements. Today, this outstanding program is a cornerstone of our community and has touched the lives of countless young people.

Over the years, Buddy has generously given back through his involvement with the Cincinnati Golden Gloves for Youth Program and the Greater Cincinnati Police Athletic League. Some of his other beneficiaries include various schools and charitable organizations such as Children's Hospital Medical Center, WCET–TV, and the Free Store Foodbank, Inc.

Buddy is a graduate of Roger Bacon High School and earned an associate degree in business technology. He also served his country in the United States Navy from 1948–1952. Buddy has been married to his wife, JoAnn Augustine, for 55 years and they have 4 children and 13 grandchildren.

All of us in the Cincinnati area congratulate Buddy LaRosa on receiving the Tree of Life humanitarian award.

INTRODUCTION OF THE FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA ACT

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. PEARCE. Madam Speaker, I rise today to introduce the Fort Stanton-Snowy River Cave National Conservation Area Act. This bill is a companion to legislation introduced by my state's Senior Senator, Mr. DOMENICI. Last year, the Senate passed this legislation but the House was unable to act on it before we recessed. It is my hope by introducing the bill today we can push the process along and get this legislation done this year.

The Fort Stanton Cave is a tremendous national resource, which includes a cave that has calcite flowing all along the cave formations. This truly rare resource deserves our protection. As the Representative of Carlsbad Caverns National Park, I am aware of how amazing cave formations can be and how valuable they are to educate and inspire our children.

This legislation does the following: (1) creates a Fort Stanton-Snowy River Cave Conservation Area to protect, secure and conserve the natural and unique features of the Snowy River Cave; (2) instructs the BLM to prepare a map and legal description of the Snowy River Cave, and to develop a comprehensive, long-term management plan for the cave area; (3) authorizes the conservation of the unique features and environs in the cave for scientific, educational and other public uses deemed safe and appropriate under the management plan; (4) authorizes the BLM to work with State and other institutions and to cooperate with Lincoln County to address the historical involvement of the local community; (5) protects the caves from mineral and mining leasing operations.

This cave is a valuable resource that in time will share with us its many wonders, but to do that we must preserve this resource for the future. I hope that my colleagues will join me in supporting these important protections.

IN RECOGNITION OF HONOR FLIGHT MICHIGAN

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. KNOLLENBERG. Madam Speaker, I rise today to recognize the tremendous generosity of Honor Flight Michigan, Inc. This organization's work to honor our veterans should be commended.

Honor Flight Michigan was founded in Royal Oak, Michigan by David Cameron and his wife Carole. After watching a report about a man in North Carolina who took World War II veterans to see their monument in Washington, DC, the couple was inspired to do the same. Realizing that many veterans lacked the funds or the ability to travel alone, Mr. Cameron made it his goal to take as many World War II veterans as he could to our nation's capital. Working closely with the Royal Oak American Legion Post 253, Honor Flight Michigan has begun its statewide effort to reach that goal.

This week, Honor Flight Michigan will be making its inaugural flight to Washington bringing 60 veterans to see the memorial they have waited 60 years to see. Mr. and Mrs. Cameron plan to take these trips monthly to ensure every veteran living today can see the memorial we have constructed to honor their bravery and sacrifice.

Out of the sixteen million who served in World War II, sadly only three million are alive today. In addition, we are losing them at a rate of twelve hundred a day. It is important that we let those veterans know the appreciation we have for them. Honor Flight Michigan does that, by treating these veterans as the heroes they are.

Today I salute Honor Flight Michigan for their tireless efforts on behalf of one of our nation's greatest assets, our veterans. When I look around this chamber and see the essence of our democracy I can't help but think of those who fought to ensure our freedom, our strength, and our democracy.

IN RECOGNITION OF EUGENE BĄK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Eugene Bąk for his outstanding efforts and devoted work to Polonia and America, and his tremendous amount of civic work for the benefit of the Polish American Cultural Center.

Gene and his family immigrated to the United States in 1952, after spending a total of seven years in deportation in Siberia as well as Polish refugee camps. He obtained a Master's Degree in Business Administration from Seton Hall University and attended business programs at the University of Michigan, Harvard University and Syracuse University. Gene has spent his entire career in the chemical industry and retired as Board Director of OM Group (OMC) in 1999.

In 1982, Gene's affection for his beloved homeland led him to help the Americares Foundation raise funds to ship medicine and medical supplies to the people of Poland. He has since been a vital asset to efforts to expanding Polish culture in the Cleveland area, and as cofounder and Executive Director of the Polish American Cultural Center he has refurbished facilities to house distinguished Polish speakers, artists, shows and displays. Under his leadership, the Polish Heritage Museum opened as part of the Cultural Center to celebrate Polish history, as well as the history of Polish Americans.

Gene serves on a number of boards, such as the Advisory Board of Marymount Medical Center. Moreover his concern for people, both here and abroad, is impressive and admirable. As part of his titanic work he is helping the people in Poland to raise funds for the Laski Institute for the Blind as well as the Polish Children's Heartline Foundation, and he has significantly contributed to the cooperation between Poland and the United States.

Madam Speaker and colleagues, please join me in honoring Eugene Bąk for using his unique skills and numerous talents in service to the people of Polonia and Northeast Ohio. May his tireless dedication and his achievements continue to inspire us all.

RECOGNIZING MARK EVERSON

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. EMANUEL. Madam Speaker, I rise today to thank Mark Everson for his dedication to public service and to congratulate him on his new position as President and Chief Executive Officer of the American Red Cross. Everson's commitment to this country as the Internal Revenue Service Commissioner is an example for everyone in public service.

Mark Everson has served as Commissioner of the Internal Revenue Service (IRS) since 2003, and we will certainly miss him when he officially leaves to lead the American Red Cross on May 29th. His dedication to making sure that taxpayers' needs were heard, and his commitment to expanding access to and knowledge of the Earned Income Tax Credit deserve our congratulations.

Prior to his confirmation as IRS Commissioner, Everson has worked in several other high-profile positions in the public and private sectors. During the Reagan Administration, he worked tirelessly in various positions at the U.S. information agency and the Department of Justice, and he also served at the Office of Management and Budget for the current Administration.

Madam Speaker, I am proud to call Mark Everson a friend, and I thank him for his fine work at the IRS over the last four years. It has been an honor to work with him throughout the years. He is a true public servant who is committed to the highest level of integrity, and the American Red Cross will be well served by his dedication and leadership.

RECOGNIZING FRAN AMIR

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. HOLT. Madam Speaker, I rise today to recognize Fran Amir, a constituent from Plainsboro, to honor her on the occasion of her tenth anniversary as Principal of the Religious School at The Jewish Center of Princeton.

Ms. Amir grew up in New York City and has been in the field of education and youth programming most of her life. A graduate of Brooklyn College, Ms. Amir taught social studies in the New York school system for many years. Ms. Amir did graduate work at Wayne State Univrsity in Jewish Studies, and has taught in Hebrew Schools in New York, West Bloomfield, Michigan, Toronto, and The Jewish Center of Princeton. She has directed teen programs both in summer camps and during the school year, and has served as the Youth and Family Programs Co-chair at the Jewish Center for five years.

Ms. Amir's students receive far more than just the basics of Bar Mitzvah and Bat Mitzvah preparation in her religious school curriculum. When becoming Bar Mitzvah or Bat Mitzvah, a young person is expected to assume the moral and ethical responsibilities of an adult, in particular, service to the community, or "mitzvot." Ms. Amir provides the best possible role model of one who performs mitzvot. Along with her service to the local Jewish community, for example, she traveled with a group of her tenth graders to Biloxi to help with clean-up of the local synagogue, Beth Israel, after Hurricane Katrina. The students carefully removed and wrapped memorial plaques from the wall, ensuring their safe storage until a new temple could be built. Not only did the students help in a practical way, but also helped maintain the Jewish tradition of reverence for the synagogue and its trappings.

The highest responsibility in the Jewish faith is to learn and teach the Torah. Through religious classes, youth programs, and by example, Ms. Amir exemplifies someone who celebrates her faith and tradition through her daily life. She shares her passion with her family and friends, and touches the lives of countless students, their families, and the congregation.

I am proud to recognize Fran Amir for all that she has given to the community on the occasion of her tenth anniversary as Principal of the Religious School of The Jewish Center of Princeton.

FEDERAL CONTRACTOR ACCOUNTABILITY ACT OF 2007

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. ELLSWORTH. Madam Speaker, each year, we lose billions of dollars in tax revenue because of fraud and payment delays.

I was particularly angered when I read a March 2006 report issued by the Government Accountability Office (GAO) that found tax debts totaling $1.4 billion were owed to the federal government by over 3,800 GSA contractors. Shockingly, these GSA contractors represented approximately 10 percent of all GSA contractors during Fiscal Year 2004 and the first 9 months of Fiscal Year 2005.

This is simply unacceptable. It is my aim to increase the scrutiny on government contractors who owe millions in unpaid taxes even as they pad their bottom lines with taxpayer dollars.

Today, I am introducing a bill that will up the ante on bad actors who cheat our government of tax revenue and, in the process, gain an unfair advantage over businesses that play by the rules.

This legislation, the Federal Contractor Accountability Act of 2007, will require prospective contractors to certify that they are not delinquent in their federal tax payments. No prospective contractor will be awarded a contract with a federal agency unless the prospective contractor certifies in writing to the agency making the award or extension, or issuing the order, that the contractor owes no Federal tax debt.

To certify, the prospective contractor must acknowledge that within a 3-year period, they have not been convicted or had a civil judgment rendered against them for violating any tax laws, failing to pay any tax, or has been notified of any delinquent taxes for which the liability remains unsatisfied.

Additionally, to certify, the prospective contractor must acknowledge that they have not received a notice of a tax lien filed against them for which the liability remains unsatisfied or the lien has not been released.

It is that simple. It is not too much to ask that a private entity that wishes to do business with the federal government certify that they pay their taxes in good faith.

Madam Speaker, the Federal Contractor Accountability Act of 2007 is a practical and efficient way to ensure that we close the ever-widening tax gap. This legislation protects good faith contractors who are playing by the rules. These contractors should not have to unfairly compete against tax cheats for federal contracts.

SOUTHERN ARIZONA BORDER SECURITY IS UNACCEPTABLE

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Ms. GIFFORDS. Madam Speaker, the insufficient border security in my district in southern Arizona is unacceptable. Our inspection infrastructure is deficient, and this is the critical reason why the Tucson Sector has more drugs seized and illegal immigrants apprehended than any other sector bordering Mexico.

The U.S. Border Patrol agents in southern Arizona seize an average of 2,670 pounds of drugs and apprehend 2,000 illegal immigrants every day. We must end this crisis and secure the border now.

Currently, we have no idea how much contraband or how many people are actually coming across. However, what we do know is that Tucson has become the largest land corridor in the country for marijuana and the most heavily used route in the Nation for illegal immigrants.

While all of Arizona requires additional border security measures, some communities are affected more than others. The current makeshift checkpoint on I–19 just north of Tubac creates an intolerable situation for nearby residents. Human and drug smugglers can easily circumvent or penetrate it, and there has been a recent increase in violence and crime. Residents, tourists and business people have also been inconvenienced by the checkpoint in Tubac because it has led to a massive increase in traffic.

A Federal law that prohibited Arizona's development of a permanent checkpoint in southern Arizona was rejected by the House of Representatives last year. However, at my request U.S. Border Patrol Chief David Aguilar agreed that no permanent checkpoint will be planned for the Tucson sector without significant and direct community involvement. Southern Arizonans must work with our law enforcement agencies to create a plan for securing our borders and reducing the violence against citizens and immigrants.

Chief Aguilar, Tucson Sector Chief Patrol Agent Robert Gilbert, and I have agreed to form a working group of residents along the I–19 Corridor to collaboratively decide what future security measures need to look like.

A permanent checkpoint on I–19 can only be successful in reducing the total number of drugs and undocumented individuals if several additional measures are taken. These measures include active community involvement in the planning for the checkpoint and an overall network of border security technology that includes surveillance cameras, an array of sensors and vehicle x-ray technology similar to what exists at our ports of entry.

I believe strongly that decisions are best made at the local level. The recent change in Federal law provides citizens and law enforcement officials an opportunity to work collaboratively to secure our border, protect our communities, and foster a secure and vibrant economy.

RECOGNIZING AND CELEBRATING THE 175TH ANNIVERSARY OF THE VILLAGE OF GENESEO

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. REYNOLDS. Madam Speaker, it is with great pride and delight that I rise today to recognize and celebrate the Village of Geneseo on its 175th Anniversary.

From its lush and beautiful landscape to its historical and picturesque architecture, from its tradition of excellent education and thriving agriculture to its wonderful and generous people, the Village of Geneseo has much to celebrate on its 175th anniversary.

Located in the pleasant Genesee Valley in Livingston County, Geneseo has from the very beginning charmed onlookers and visitors with its natural beauty and landscapes. Centuries ago, Seneca Indians discovered a peaceful, rolling valley near a river that was bordered between the Finger Lakes to the east and waterfalls, which would become Letchworth State Park, to the west. They named the land jo-nis-hi-yuh, meaning beautiful valley, which would come to be spelled Geneseo. Thus Geneseo's very name captures its beautiful landscape of hills, grand oak trees, waterways and green fields that continue to captivate.

In 1790, two brothers, James and William Wadsworth purchased the "beautiful valley" from the Senecas, and Geneseo was founded. They built homes on both ends of Main Street, many of which still stand today. It was the beginning of what today is one of the most scenic and quaint Main Streets in America. Only one of 24 communities in the country to have its historic district recognized as having national significance, Geneseo's Main Street Historic District reflects the beauty of the area's landscape with unique and delightful architecture nestled in a picturesque, small-town community.

In 1832, the settlement was chartered and would from then on known as the "Village of Geneseo." This important moment marked the official formation of local government and village boundaries, which now mark their 175th year. Later, another important charter would be enacted when in 1897 the New York State Legislature chartered the Wadsworth Normal School at Geneseo, a school that would become SUNY Geneseo. Today, with a reputation as one of the nation's best public liberal arts schools, SUNY Geneseo is an integral part of the community, educating and preparing thousands of young people through its tremendous programs and resources.

Beyond its landscape, history, architecture, and educational tradition, possibly nothing is as inseparable from Geneseo as farming and agriculture. More than just a vital industry that helps feed our nation, farming in Geneseo is a way of life that has shaped the region and sustained its economy. Combined with Geneseo's academic, architectural and natural jewels, this tradition of farms and fields create a dynamic mix that makes the village truly unique.

Finally, Geneseo's most tremendous resource and vital characteristic is its wonderful people. In Geneseo, you find generous, down-to-earth, friendly people who are willing to lend a hand and always wish you well. More than anything to celebrate on this 175th anniversary is the good-hearted and gracious people of Geneseo.

Thus, Madam Speaker, in recognition of its history, its natural beauty, its charming architecture, its educational excellence, its agricultural tradition and its wonderful residents, I ask that this honorable body join me in celebrating the 175th Anniversary of the Village of Geneseo.

REMEMBERING CAITLIN HAMMAREN

HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. HALL of New York. Madam Speaker, on Monday, April 16, 2007, the Virginia Polytechnic Institute was struck by one of the most heinous acts of violence our Nation has ever witnessed. This sense of loss has resonated throughout our country and around the world. It has affected the entire Virginia Tech community and led to an outpouring of sympathy and support from all Americans. It has touched families across the Nation, especially those in my home district in the Hudson Valley, where we lost an outstanding young woman, Caitlin Hammaren.

Caitlin was a young person from Westtown, New York, who graduated from Minisink Valley High School in 2005. She was the section leader in the high school chorus, loved to ride horses, and was kind and generous to all who knew her. As a Resident Assistant in her dormitory at Virginia Tech, she looked over and protected her fellow students and guided them through their daily experiences as young people just learning how to become independent adults. Caitlin will be deeply missed by her family, friends, and the campus community that she was such an important and cherished part of. I know all of my colleagues join me on this day of mourning in sending our thoughts and prayers to Caitlin's family and friends.

IN CELEBRATION OF HARRY DAVIDIAN'S 80TH BIRTHDAY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. COSTA. Madam Speaker, I join my colleague Mr. DEVIN NUNES, and rise today to celebrate the 80th birthday of Mr. Harry Davidian, a wonderful husband, father, and community member.

Harry has an interesting life story. He was born on April 23, 1927 to Agavnie and Giragos Davidian. As the son of immigrants of Armenia, Harry looked out for his siblings, John and Hozanna. All three children attended Dinuba High School in Dinuba, CA. After high school, Harry served in the United States Army as a medic for 2 years and in 1948 received an honorable discharge.

In 1948, Harry met and married Laura Balakian. Throughout the years Laura has remained by Harry's side as his soul mate, confidant, and life partner. Together they had three beautiful daughters: Janice, Phyllis, and Rebecca.

As a life long entrepreneur, Harry furthered his interest in farming and created a partnership with George Zarounian, which became known as Zee & Dee. They became the largest shippers of Vine Ripe Tomatoes in the Nation. After much success they joined the Foursome Development Company in Monterey, with partners Ted Balestreri and Bert Cutino. The ultimate American dream was realized when they developed the Historic Cannery Row.

Family, friends, and travel are the great joys of Harry's life. He has been a philanthropist for various organization and communities, such as St. Mary Annenian Church in Yettem. Harry takes pride in being a strong community leader and godfather to Sharon, Karon, Aron, Michael, Debra, and Kevin. Throughout the many roads he has traveled here and abroad we thank him for the many lives he has touched along the way. It is for these reasons that we join Harry Davidian's family and friends in wishing him a blessed 80th birthday and continued health and happiness in the years to come.

HONORING SHULAMIT HOFFMANN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 20, 2007

Mr. LANTOS. Madam Speaker, I rise today to honor Shulamit Hoffman, a remarkable woman who has enriched my district as the founder and artistic director of Viva la Musica!, a 70-voice community choir. Since its inception in December 2001, this Bay Area based choir has performed a major work from the choral-orchestral repertoire each season, as well as traditional and multi-cultural choral selections. The choir has performed throughout the country and undertook its first European tour in December 2006 in illustrious venues in Vienna and Salzburg.

Ms. Hoffmann has held a litany of prestigious posts, most recently she was appointed as the conductor of Los Altos United Methodist Chancel Choir in 2002. In addition to singing regularly for Sunday services, LAUMC Choir has performed several major works in concert and has undertaken two tours to the 2004 Kathaumixw in Canada, the 2005 Vermont International Choral Festival and, in 2006, an Alaskan singing cruise with Sir David Willcocks and Duaine Wolf.

As a music educator, Ms. Hoffmann has served as an adjunct faculty member of the College of San Mateo since 2002. She has been a member of the music faculties of the University of Notre Dame de Namur University in California, Idaho State University, Brigham Young University Extension in Idaho and University of Cape Town and University of the Witwatersrand in South Africa. Several of her students are pursuing careers in music. Ms. Hoffmann holds a Master of Arts in Conducting and a Master of Music in Piano Performance. She has earned Licentiate Diplomas in Music from the University of South Africa and from the Royal Schools of Music in London.

She has served as president of branches of the Music Teachers' Association of California and of the National Federation of Music Clubs and she is a frequently invited competition judge and guest clinician.

Madam Speaker, the concerts Shulamit Hoffmann presents are generally sold out and appreciative audience members are enthralled with the musical quality of Viva la Musica! President and Mrs. John Oblak, of Notre Dame de Namur University, praised the excellence of the concerts when they were quoted as saying, "Viva performances exceed all expectations of choral music—they are creative, professional, stimulating and magical—and an absolute treat. We enjoy them personally and we are very proud to introduce friends of the University to this outstanding group."

Ms. Hoffmann's performances—as pianist and conductor—span a broad repertoire from Mozart to multi-cultural music, from the Renaissance to Prepared Piano. A particular interest of Ms. Hoffmann's is multi-media presentations of art, music and poetry. She is known for the skill, authority, imagination, daring, dazzle, and that dash of irresistible playfulness she brings to her musical endeavors. In her hands the conductor's baton becomes a magic wand, coaxing, coaching, and demanding the best of singers and orchestra alike.

SENATE—*Monday, April 23, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Pastor Sunday Adelaja from Kiev, Ukraine.

PRAYER

The guest Chaplain offered the following prayer:

O, Lord of creation, we acknowledge Your lordship today, Your sovereignty, love, and power. We ask that You will bless the United States of America in these days of great uncertainties.

Bless the leaders of this great Nation with the wisdom needed to lead the Nation in the right direction. As leaders, we realize there are some things we want but do not need and some things we need but do not want. You have promised to meet our needs but not satisfy our greed. Help us to realize our decisions have a destiny, our choices have consequences, our path has a purpose, our faith has a foundation, our home has a hope, and this country has a cause.

Acknowledging that as America goes, so goes our world. I ask for a sweeping, weeping, and reaping revival throughout this great Nation. May Your Kingdom come and Your will be done in America as it is in heaven. Help us to remember that America is great because America is good. If America ceases to be good, it will cease to be great. God of heaven, please help America to continue to be good.

In Jesus' Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB, a Senator from the State of Virginia, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 23, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the time until 2:45 is equally divided, with the majority controlling the first portion of the time. Senator CASEY is here and will be using that time to do a tribute. At 2:45 today, the Senate will resume consideration of S. 761, the competitiveness bill. While there are no rollcall votes today. I understand the managers are working on some amendments which could be offered today. Later this week, we expect to receive the supplemental conference report, and the Senate will act on that report prior to concluding business this week.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 2:45 p.m., with Senators permitted to speak therein, with the first half controlled by the majority leader or his designee and the second half controlled by the minority leader or his designee.

The Senator from Pennsylvania.

(The remarks of Mr. CASEY pertaining to the submission of S. Res. 166 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. CASEY. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

IRAQ FUNDING

Mr. THOMAS. Mr. President, I come to the floor to talk about an issue that seems to be the most pressing of any we have before us; that is, to fund our troops in Iraq.

I came to the floor on the 64th day following the President's submission to the Congress of legislation for funding our troops in the field. I believed it was important that we urge Congress to complete its work on this legislation immediately. How could there be anything more pressing than making funding available for our troops? Certainly, the time is now.

It is now day 77, and we still don't have a bill to send to the President. It is time we do so. In fact, the conference committee has not even met. Even though both houses of Congress have passed the measure, they have yet to come together between the Houses in order to do something. Our military leaders are people in the best position to prioritize the needs of our troops. They are the ones who know what needs to be done and what the timing is. They have left no doubt that this funding is urgently needed, without arbitrary deadlines or unrelated pork, both of which are in the bill.

Unfortunately, there are a number of Members who want to call the shots and micromanage the execution of the war. I understand there are different views about the war. There are different views about what our role should be. But the fact is, we are there now. We have had a change in direction. We have some new ideas, new leadership. But we have the troops there. They need to be supported financially so they cannot only do their job, certainly, but protect themselves. If we don't get this funding to the troops, the first thing to be cut without this supplemental will be facilities maintenance throughout the services, particularly the Army.

In addition, counseling programs for both troops and their families will have to be cut back. As to this idea that there is no hurry, that we can find the money somewhere else, Members need to be sure they understand that finding it somewhere else takes it away from someone else who has earned it, either through service or families of service people. More and more troops and their families are seeking counseling, and reducing funding at this critical time certainly needs to be avoided.

Failing to act immediately will have real-life impacts on military personnel. I should think we could come to that understanding. I don't know quite what the timing is seeking to do—apparently, impress on the President the points of view being made on the other side of the aisle or whatever. But he has made it clear what he is going to do. We know that. We know we have to go there and get it vetoed, come back and find something that is acceptable. All that takes time. All the time we spend puts more risk on the military and their families.

I believe failing to enact this legislation very soon will have real-life impacts on our military personnel. I can't find much reason for that. If we can't take care of our troops' mental health and see that they aren't living in dilapidated barracks, we will have a hard time ensuring they are able to fight when the Nation calls. I hope we can continue to remember what giving these people are doing, what they are sacrificing. We need, of course, to support them.

It is very simple. If our troops don't have the training to deploy, then our soldiers and sailors overseas cannot come home, and that is kind of the situation we are increasingly in now. At this point the only priority should be funding our troops in the field. Even though we have other work to do, certainly if we look at priorities, what could be more important than dealing with the needs of our troops overseas.

I don't know if James Baker would have been any clearer when we reiterated that the Iraq Study Group report does not set timetables or deadlines for the troop withdrawal.

James Baker said:

> The [Iraq Study Group] report does not set timetables or deadlines for the removal of troops, as contemplated by the supplemental spending bill the House and the Senate passed. In fact, the report specifically opposes that approach. As many military and political leaders told us, an arbitrary deadline would allow the enemy to wait us out and strengthen the positions of extremists over moderates.

Several months ago the President indicated he would establish a new direction in Iraq. General Petraeus is back in Washington today to report on the counterinsurgency plan. Certainly, it isn't doing everything we want it to yet. It hasn't achieved success yet. But it is moving in the right direction. We have a change in people. We have a change in leadership. We have a change in the plan. It has only been 3 months since we installed the general and only 60 percent of the troops are in place he had wanted and suggested were necessary. Despite these modest improvements, the other side wants to pack up and admit defeat. They are also claiming the war is lost, and that is unfortunate, especially when our troops hear those comments. In any event, I hope this Congress does what is responsible and sends the President a bill. Our troops deserve to know Congress will provide them with the funding they need to succeed.

I wanted to talk on that issue. It is one of the most important we have. I look forward to proceeding with what will be before us on the floor now, education. Sharpening up our competitiveness is very important. I am hopeful we can assure Members that this program with this money and additional spending will have some impact. As we look at it, we have lots of programs that are designed to strengthen education, yet we don't have a very good measurement of whether those dollars are causing things to happen that we hoped they would.

I look forward to that.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, may I inquire how much time remains in morning business on our side?

The ACTING PRESIDENT pro tempore. Nine minutes.

Mr. CORNYN. I thank the Chair.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. CORNYN. Mr. President, for the past several weeks, there has been a lot of debate and discussion about the emergency supplemental appropriations bill that has been pending now before Congress for more than 2 months. Completion of this emergency supplemental is critical for our troops serving on the front lines and for their families here at home.

The President has requested, and Congress should be prepared to send immediately to the White House, a clean bill that meets our obligations to the troops. This legislation should not be used as a vehicle to pass billions of dollars of unrelated Federal spending or impose artificial deadlines on our commanders in the field. We have to move forward with this important military funding legislation because our troops deserve nothing less.

I want to highlight a few of the items that are included in this supplemental appropriations bill so our colleagues can appreciate how essential it is to get these funds to our troops as soon as possible.

This funding will ensure that our forces who are engaged in operations overseas have the very best force protection equipment available, as well as the most effective weaponry, communications gear, munitions, and other essential items.

For example, high priority items in the supplemental for our forces in Iraq and Afghanistan include: funding for body armor and other personal protection items; aircraft survivability components, radios, night vision equipment, armored vehicles, and high mobility, multipurpose vehicle Fragmentation Kits; funding for Improvised Explosive Device Defeat Systems, at $2.4 billion.

Yes, that Improvised Explosive Device Defeat System is the very type of technology we need to protect our troops from the type of weapon that has been more responsible than virtually any other for injuring our soldiers.

In the supplemental, more than $5 billion in funding is designed for the ongoing surge of U.S. forces to support General Petraeus's revised strategy in Baghdad. Nearly $4 billion in funding is to accelerate the transition of two Army brigade combat teams and establish a new Marine Corps regimental combat team. Nearly $2 billion is to increase the size of the Army and Marine Corps to build combat capability, and lengthen the time soldiers and marines have between deployments.

There is some very important equipment our troops are being denied while we linger in passing this important supplemental. As I mentioned a moment ago, IEDs, or improvised explosive devices, continue to strike our troops during ambushes, and IEDs are responsible for a substantial number of the casualties.

The Marines and the Army have responded to enemy tactics with the acquisition of substantial numbers of up-armored HMMWVs and advanced armor kits for other vehicles. But the Army and Marines must continue to develop and field a mine-resistant ambush protected, MRAP, combat vehicle fleet capable of sustained operations on an IED-heavy battlefield.

A type of the so-called MRAP is depicted on this chart I have in the Chamber. I believe this particular one shown here is known as the Cougar. What is distinctive about this vehicle, which is so important to get to our troops, is it represents a change in technology, with a V-shaped hull underlying this vehicle, which actually will disperse the energy from an improvised explosive device away from the troops located inside the vehicle.

I had occasion to visit a manufacturing facility located in Sealy, TX, owned by Armor Holdings, which is constructing these very same vehicles, which are the subject of some of the funds contained in the supplemental.

The President's fiscal year 2007 supplemental request asked for $1.83 billion for mine-resistant ambush protected, or MRAP, vehicles like this one shown in the picture. In addition, Senator BIDEN offered an amendment, which passed the Senate 98 to 0, that provided an additional $1.5 billion in funding for these critical MRAP vehicles. The total MRAP funding in the supplemental is now almost $4 billion.

From what I saw in Sealy at the Armor Holdings facility, and from what I have heard from our troops, this is exactly the kind of equipment they need but which is now being delayed as

Congress continues to debate this supplemental appropriations bill.

The mine-resistant ambush protected vehicle is an armored combat vehicle capable of providing superior protection to our warfighters against these kinds of IEDs.

According to Marine Corps BG John Allen, Deputy Commander of Coalition Forces in Anbar Province, in more than 300 attacks since last year, no marines have died while riding in a new fortified MRAP armed vehicle. There has been an average of less than one injured marine per attack on the vehicles, while attacks on other types of vehicles caused more than two casualties per attack, including deaths, according to Brigadier General Allen.

Our deployed servicemembers in Iraq and Afghanistan deserve this latest class of armored protection to protect them against the ever-present IED threat, and they do not need funding for this important vehicle to be held up.

Let me close by highlighting the effect of delayed supplemental funding on our military.

The Army announced on April 16 that because of the lack of passage of this supplemental, it will materially slow spending to various places. In order to stretch the money it has, the Army will tell commanders to slow spending in certain areas so war-related activities and support to families can continue. The Department of Defense will also request that Congress approve the temporary reprogramming of $1.6 billion from Navy and Air Force pay accounts to the Army's operating account.

Beginning in mid-April—about this time—the Army has begun to slow the purchase of repair parts and other supplies, relying instead on existing inventory to keep equipment operational. Priority will be given to repair and refurbishment of immediately needed war-fighting equipment, while training and other nonmission critical equipment repair will be deferred.

In addition, the purchase of day-to-day supplies with governmental charge cards will be restricted, nonessential travel will be postponed or canceled, and shipment of equipment and supplies will be restricted or deferred altogether, unless needed immediately for war efforts. The Army has added it will also delay the repair of facilities and environmental programs unless the work is for safety or health reasons, or has effects on family support.

These actions carry significant consequences, including substantial disruption to installation functions, decreasing efficiency, and potentially further degrading the readiness of nondeployed units.

These decisions may actually add to the Army's costs over time. Just as importantly, as Army Deputy Budget Director William Campbell said in the New York Times:

> Frankly, what I worry about is that second- or third-order effect that might affect a soldier or a soldier's safety or his ability to do a mission.

Mr. Campbell said:

> As we put these brakes on, I do worry about the impact that we don't know about, that someone will take some action trying to do the right thing, but it will have a negative impact on the ability of a soldier to do his or her job.

The New York Times also reported that unless the budget standoff is resolved by the end of June, Pentagon officials have warned that units preparing to go to Iraq may not have enough money to undertake all of their required training.

It should go without saying, but apparently it needs to be said again, our troops need this funding, and they need it soon. Without it, it is simply a fact that our troops will be put at increased risk. We have been ready for weeks to work in good faith to pass a clean supplemental funding bill the President can sign as soon as possible. But every day we do not fund our troops is a day their ability to fight this war is weakened and they are exposed to additional danger.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

AMERICA COMPETES ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 761, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

AMENDMENT NO. 904

Mr. BINGAMAN. Mr. President, I send an amendment to the desk on behalf of myself and Senator ALEXANDER.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. ALEXANDER, proposes an amendment numbered 904.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To strike the NIST working capital fund provision)
>
> On page 44, beginning with line 16 strike through line 2 on page 45.
>
> On page 45, line 3, strike "(d)" and insert "(c)".
>
> On page 47, line 8, strike "(e)" and insert "(d)".
>
> On page 47, line 21, strike "(f)" and insert "(e)".

Mr. BINGAMAN. Mr. President, at this point I will yield the floor. I know my colleague from Tennessee wishes to speak about a variety of issues, and then there is another amendment which we also will be sending to the desk for Senator INOUYE, who will be here fairly shortly, related to provisions that have come from the Commerce Committee.

Mr. President, I yield the floor.

Mr. ALEXANDER. Mr. President, we have Senator INOUYE here, who has played a major role in the development of this legislation, and I believe we will have a little later Senator STEVENS, who is right behind me now, and Senator DOMENICI after that. So I am going to let the two distinguished chairs of the Commerce Committee speak.

Mr. INOUYE. Mr. President, technological innovation is the lifeblood of U.S. economic growth and well-being. To achieve growth and success, the United States must continue to support the two critical components necessary during the early stages of the innovation ecosystem: education and basic research.

A pipeline of well-educated secondary school students feeds into the college ranks, which in turn feeds into the graduate schools. Graduate students engage in challenging and cutting edge research led by principal investigators that often are funded by Federal grants. Many times the students and scientists will make a breakthrough discovery of innovation and attempt to commercialize it. If successful, they will have created the next great generation, great American company that sells the next great product, employing thousands of people and driving this economy's economic growth further.

The United States has the luxury of claiming many of the world's top scientific minds. These leading scientists either emigrate to the United States because we provide some of the best facilities and resources or they are home grown, having excelled through the U.S. educational system to reach the top echelons of their respective disciplines. However, this premier standing we have enjoyed in the past is in serious jeopardy. As a result, many believe our economic prosperity is at risk.

Today the Senate has a unique opportunity to respond to the Nation's defining economic challenge in the 21st century, and that is how to remain strong and competitive in the face of the emerging challenges from India, China, and the rest of the world. We have examined the expert reports and today the Senate is considering S. 761, the America COMPETES Act.

S. 761 is a bipartisan product of several committees including: the Health, Education, Labor and Pensions Committee; the Energy Committee; and the Commerce, Science, and Transportation Committee. As chairman of the Commerce Committee, which was instrumental in developing Divisions A and D of the bill, I encourage my colleagues to support S. 761.

Many point out that the United States' declining scientific prowess is palpable. They cite, for example, the country's dismal proficiency scores: less than one-third of U.S. fourth-graders performed at or above a level deemed "proficient" and about one-fifth of eighth-graders lacked the competency to perform basic math computations. U.S. 15-year-olds ranked 22 out of 28 Organization for Economic Co-Operation Development, OECD, countries tested in mathematics. This is a troubling statistic. In math and science education our country is losing ground to the likes of Germany, China, and Japan. In the United States, only 32 percent graduate with college degrees in science and engineering, while 36 percent of German undergraduates receive degrees in science and engineering. In China it is 59 percent, and in Japan, 66 percent of undergraduates receive science and engineering degrees.

In 2004, China graduated over 600,000 engineers; India, 350,000; and the United States, less than 70,000. These statistics are alarming and will have dire consequences as the U.S. talent pipeline begins to dry up. To respond, the America COMPETES Act emphasizes science, education, and technology as the keystones of a comprehensive American competitiveness agenda.

We considered programs in several agencies. Within the Department of Commerce, the National Institute of Standards and Technology, NIST, is charged with promoting U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology. The bill would continue NIST on a 10-year doubling path and promote high-risk, high-reward research within the agency.

Also within the Department of Commerce, the National Oceanic and Atmospheric Administration, NOAA, conducts significant basic atmospheric and oceanographic research, including climate change research. Its management decisions and operational programs rely on a strong scientific and technical underpinning. Some have argued that the ocean truly is the last frontier on Earth, and ocean research and technology may have broad impacts on improving health and understanding our environment. Toward this end, our committee included modest provisions on NOAA research and education, which we hope to strengthen during the course of debate on S. 761.

The bill also includes the National Aeronautics and Space Administration in the administration's competitiveness agenda. Like the oceans, space captivates the minds of our young people and can help attract them into a lifelong study of science.

America COMPETES continues the Senate's commitment to doubling the funding of the National Science Foundation. The Foundation is the Nation's premier investment in undirected, basic science. The bulk of its funding is distributed as competitive grants. The bill includes provisions to ensure all States, including small States like Hawaii, can share in important research funding. After all, good ideas know no boundaries. In order to be strong, we will need the ideas and leadership of researchers and entrepreneurs in every corner of the Nation.

I was pleased to work with my colleagues on the HELP Committee to develop the NSF education provisions. I am proud to have included programs to encourage women to have careers in science, technology, mathematics, and engineering.

In recent years, we have passed legislation affecting interagency research in nanotechnology, information technology, computer security, climate change, oceans and human health, earthquake research, wind research, and aeronautics research. The America COMPETES Act provides for a Science Summit to encourage interactivity and knowledge sharing between science, scientists, and industry.

I would like to end by noting that technology and innovation pervade many policy problems that the Commerce Committee and the Congress face. Changes in telecommunications policy are being driven by innovation. In particular, low broadband penetration is cited as a factor in the loss of competitiveness in many U.S. regions. Also, our transportation infrastructure would benefit from increased investment and deployment of new technologies, such as investment in technologies that can increase energy independence.

To succeed in a whole host of arenas, we need scientific discoveries and a technologically savvy workforce. If enacted, the America COMPETES Act can provide the first step for this country to get back into the global race. Many countries are looking to overtake us to claim technological and economic superiority. While we continue to lead, we cannot take this lead for granted. I fully support what we are trying to accomplish with the America COMPETES Act and I look forward to working with my colleagues towards its final passage.

Mr. President, working with Senators STEVENS, HUTCHISON, other committee members, and members of other committees, we have developed a small package of amendments to the Commerce Committee sections of the bill. We took an expansive view of American competitiveness and wanted to ensure that the research agencies in our Government and jurisdiction could fully participate in interagency programs to address innovation and competitiveness.

This amendment is just the provisions regarding the National Oceanic and Atmospheric Administration, to align them with those addressing the National Aeronautics and Space Administration. I hope we can agree to even stronger provisions to promote ocean education. The oceans, like outer space, hold such a lure for young people and can draw them into a lifelong study in key fields of science, technology, engineering, and mathematics. These students may someday invent products that keep our Nation economically competitive.

The amendment also strikes a provision related to the sale of standard reference materials by the National Institute of Standards and Technology that could have resulted in a million dollars of direct spending. With this amendment, the bill contains no direct spending.

The amendment adjusts the authorization levels for the National Science Foundation, so that the increase will not fluctuate but will be a consistent 15 percent annually.

As amended, the fiscal year 2008 level for NSF is $300 million over the President's requested level, reflecting the $302 million in new education programs authorized in the bill. In addition, the amendment changes the authorized funding level for NSF's education and human resources programs to $1.05 billion in fiscal year 2008, and for the experimental program for competitive research, to $125 million in fiscal year 2008. These programs would grow annually from fiscal year 2009 to fiscal year 2011 at the same rate that NSF overall funding grows.

Finally, there are a series of technical changes to the bill that, first, add mathematics and engineering and technology in the Science Summit in section 1101; second, change the goal for increasing participation in two NSF fellowship and traineeship programs to a 4-year goal, matching the pendency of the authorizations in the bill; and third, on behalf of Senator HUTCHISON, we make a clarifying change to section 4006 regarding NSF priorities.

Mr. President, I appreciate all of my colleagues' help in improving the Commerce Committee section and look forward to adopting this modest agreement and amendment so that we can begin to debate S. 761 in earnest.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, before the Senator from Alaska speaks and while the Senator from Hawaii will be here for a while longer, I wanted to call attention to their leadership on this bill and their sense of urgency about the importance of it in the Commerce Committee.

I wanted to relate specifically an event a year ago, in August, in Beijing, China, which I related on the floor when the bill was introduced. I think it puts into perspective why so many Senators on both sides of the aisle have worked on that, why the bill is being introduced by both the Democratic and Republican leaders, and why it came directly to the floor and is ready for action.

Senator STEVENS and Senator INOUYE took a group of Senators to China. They were especially well received—this Congressional Medal of Honor winner and this Flying Tiger pilot who flew the first cargo plane into Beijing toward the end of World War II. As a result, we spent an hour with President Hu and another hour with the No. 2 man, Vice Premier Wu. We talked about all of the things one would expect in that discussion: North Korea, Iran, and Iraq. But the subject, I recall, about which both of those leaders of China were most animated was the subject we are discussing on the floor today: How is China going to increase its brainpower advantage so it can create more jobs?

President Hu told us that he had done what we are doing today but in the Chinese way. He had, a month earlier, gone to the Great Hall of the People in China and assembled their national academy of science and engineering of China and established a 15-year goal for innovation and declared they would spend a certain amount in research and investment. That was the way they were going to raise their standard of living to compete with the United States. We see that with the recruitment of Chinese-born scholars who were educated in the United States and are going back to China to create even better universities there. We saw, under the sponsorship of these two Senators, that the two top leaders of that country understand very well America's brainpower advantage, which has been the greatest source of this remarkably high standard of living we have, and the fact that we produce 30 percent of all of the money in the world for just 5 percent of the people. I wanted to acknowledge their leadership and put into perspective that visit just last year in China.

Mr. INOUYE. Mr. President, I agree wholeheartedly with my friend. We should not take the Chinese goal lightly. They mean business.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I strongly support S. 761, which Senator INOUYE just discussed. This is the America COMPETES Act. Fifty-six Senators, including members of both parties' leadership and several committee chairmen, are cosponsors of this important legislation.

When it was first brought to my attention last year, I tried to see if we could organize a joint committee of the Congress to act on this subject because I believe it is extremely important. Having read the Augustine report, I knew we had to move as quickly as possible. That was not possible last year, but I believe it is this year.

Many reports have revealed the serious competitive challenges we face. In 2003, the Organisation for Economic Co-operation and Development, OECD, compared 15-year-old students living in 40 industrialized nations. For America, the results were very dire. Our students placed 16th in reading, 23rd in science, and 29th in math.

Carl Sagan said it best when he wrote this:

> We live in a society exquisitely dependent on science and technology, in which hardly anyone knows anything about science and technology.

Another report I mentioned before, the Augustine report, entitled "Rising Above the Gathering Storm," contains the findings of the Commission chaired by Norman Augustine, the retired chairman and CEO of Lockheed Martin. This study also paints an alarming picture of America's ability to compete in the 21st century.

Economists informed Commission members that "about half of the U.S. economic growth since World War II has been the result of technological innovation." But Commission members also discovered that our young people now spend more time watching television than they do in school or studying for school. They determined that hiring one engineer in America now carries the same cost as hiring eight engineers in India. They reported that 38 percent of the scientists and engineers with doctorates in our country were born abroad. If those young men and women choose to live and work in other countries, America will face a severe shortage of talented workers.

If we are to maintain our competitive edge, we must improve the education our students receive in science, technology, engineering, and mathematics. We must equip our teachers with the tools and resources they need, and we must encourage those who study in America to stay in America.

This legislation we are now considering is a tremendous step forward in these efforts. S. 761 seeks to ensure our Nation remains the global leader in innovation. It would increase Federal investment in basic research, improve educational opportunities for young students to become excited about these fields, and develop an innovation infrastructure appropriate for the 21st century.

The America COMPETES Act is the result of bipartisan cooperation between three committees: Commerce, Energy, and HELP. Since last year, these committees have worked together to address key concerns and solutions identified by the Council on Competitiveness and the National Academies.

A number of Senators also deserve recognition for their leadership on this matter: Senators BINGAMAN, ALEXANDER, ENSIGN, HUTCHISON, DOMENICI, INOUYE, KENNEDY, LIEBERMAN, MIKULSKI, and NELSON. They all deserve our deepest gratitude, and I am sure there are others. Without their hard work and dedication, our bill would not have reached the Senate floor.

In closing, let me say that educating the next generation of American innovators must be a priority for this Congress. Our Nation is at the crossroads, and the decisions we make today will affect us for decades to come. This bill, when enacted, will reaffirm our commitment to America's economic future. I urge each of our colleagues to support its swift passage.

I thank the Chair.

Mr. ALEXANDER. Mr. President, I wish to say to the Senator from Alaska that if he, who last year was President pro tempore of the Senate, and Senator INOUYE, one of our leading Senators on the Democratic side, had not from the beginning placed such a priority on this legislation, it could never have made its way through the committees and reached this point. So I salute them for their willingness to look into our country's future and see the importance of this issue.

Mr. President, if the Senator from Hawaii doesn't have further comments at the moment, I might use the time for the next few moments to talk about a couple of items. One is how we got here with this legislation and, two, more about what it does.

First, let me say on behalf of the leadership, Senators REID, MCCONNELL, BINGAMAN, INOUYE, and others, we hope that Senators will bring their amendments today, or early. Let us see them so that we can talk about them and, if necessary, vote on them.

The Democratic leader and the Republican leader have created an environment in which we can deal with this bill in the way the Senate ought to be dealing with a piece of legislation that is at least on a subject as important as any other subject that will be before us. In other words, the bill is on the floor. We are ready to receive amendments. We are ready to vote on amendments, if necessary. I am sure the Democratic leader, who will announce his schedule, would like to finish the bill by Wednesday sometime because we have other important legislation to consider this week. So I hope we make the most of today, tomorrow, and Wednesday.

Just a word about how the Senate got here. I mentioned earlier that in China, President Hu could simply call a meeting in the Great Hall of the People and, with his national academies of science and engineering, declare that: This is where we are going for the next 15 years. In China, that works pretty well, and that is likely where they are going. They have very specific goals, for example, for the amount of gross domestic product they will be spending on research and development, what they will be doing with their universities, and how they hope to improve their schools.

In the United States, we have to work in a little different way. The result we have here today with this legislation, which is 2,008 pages long—and I know that because I reread it over the weekend. It came in a different way.

Senator BINGAMAN and I, with the encouragement and sponsorship of Senator DOMENICI, who was chairman of one of the affected committees here, literally asked the National Academy of Sciences this question a couple of years ago: What are the top 10 actions in priority order that Federal policymakers could take over the next 10 years to help the United States keep our advantage in science and technology?

We figured that Members of Congress were not necessarily the best ones to make those recommendations. I am sure the Presiding Officer has some idea of some math or science program he thinks might be best or at least he has two or three friends who have an idea. I know the Senator from Hawaii has one. I have five or six myself. We thought perhaps we should ask the people who are supposed to know.

We asked the National Academy of Sciences, the Academy of Engineering, and the Institute of Medicine exactly what should we in the Congress be doing. It is my view most ideas fail around here for the lack of an idea, so we asked them specifically for an idea.

The academies took us seriously. They assembled an all-star panel of business, Government, and university leaders headed by Norman Augustine, as the Senator from Alaska said, the former chairman and CEO of Lockheed Martin, a member himself of the National Academy of Engineering. That panel included three Nobel Prize winners.

Those very busy people, including university president Bob Gates, now Secretary of Defense, and the Nobel Prize winners, gave up their summer, and they took our question seriously. Exactly what does the United States need to do to keep our brain power advantage, is really the question. We asked for 10 and they gave us 20 recommendations.

The recommendations are in this report, "Rising Above the Gathering Storm," to which the two Senators have referred. To their credit, they put it in priority order. I will talk more in a minute about what the priorities are.

They started with kindergarten through 12th grade, 10,000 teachers, 10 million minds, K–12 science and math education: "Sowing the Seeds through Science and Engineering Research," "Best and Brightest in Science and Engineering Higher Education," "Incentives for Innovation and the Investment Environment." They gave us 20 recommendations in priority order.

That was not the only idea before the Senate at that time, nor were those of us in the Senate the only ones involved. Representatives SHERWOOD BOEHLERT and MARK GORDON of the House Committee on Science had joined us in asking this question. I know Representative GORDON, who is now chairman of the House Science Committee, moved forward quickly to introduce in the House of Representatives similar legislation.

What did we do when we got these 20 recommendations? As I mentioned, they were not the only recommendations. Senator BINGAMAN and Senator HUTCHISON, for example, had been working for many years to increase the number of children, especially low-income children, who could take the advanced placement courses. Those are a ticket to college, and there are a lot of bright kids who don't have the money to pay for the tests or who go to schools where the teachers are not trained to teach the courses. They have been working on that for a long time. Senator BOND from Missouri and Senator MIKULSKI of Maryland have been speaking about this for a long time. Then there was an excellent piece of legislation by Senator LIEBERMAN and Senator ENSIGN which had in it recommendations from the Council on Competitiveness. Many of those recommendations were then included in the Commerce Committee's hearings and deliberations.

So the question is how to take all this information in the Senate where people have lots of different ideas and get it all together into one bill and get it passed. Senator STEVENS said: Let's form a joint committee. That is a little harder to do than before. Senator INOUYE once served on a joint committee—well, it was a special committee in the Watergate days, but there are not that many around here because we have our own committees.

What happened was our senior Members of the Senate, such as Senator STEVENS and Senator INOUYE, Senator ENZI and Senator KENNEDY, Senator DOMENICI and Senator BINGAMAN, just by the force of their own personalities worked together to create an environment with the help of a lot of staff members to say: Let's take all of these ideas and let's work in a genuinely bipartisan way.

We then had a Republican Congress last year. Senator DOMENICI, who will be here a little later this afternoon, was chairman of the Energy Committee. He went to the White House to talk with the President about this issue. He invited me to go with him, but he didn't just invite me, he invited Senator BINGAMAN, his ranking Democrat, to go with him. So all the way we have worked together on this legislation.

Then we sat down shortly after this report came out, which I suppose was in 2005 in the fall, and had a series of what we call homework sessions. We invited representatives from the National Science Foundation, the U.S. Department of Energy, the U.S. Department of Education, the President's science adviser, and a whole variety of other people within the administration who were already working on these subjects to get their advice about these ideas and other ideas as we formed legislation. That is the kind of input this legislation has had.

Finally, Senator DOMENICI and Senator BINGAMAN introduced what we call the PACE Act, Protect America's Competitive Edge Act. Symbolically, it had 70 cosponsors in the Senate—34 Republicans and 35 Democrats.

So we have gotten to the beginning of 2006. I will say a little bit more in a moment about exactly what was in that legislation, but let me continue with the process because it is fairly remarkable and helped to produce this legislation which I found in rereading it over the weekend is remarkably coherent. It is in plain English. It is organized by sections. I could understand virtually every section. I have been reading it as we went along. Maybe this is a model for other complex legislation we have in the Senate.

The President, in his State of the Union Address in 2006, and again this year, put the issue front and center with what he called his American competitiveness agenda. The President included $6 billion in his budget for just the first year. In March of last year, the Energy Committee reported eight provisions related to energy research and math and science education for students and teachers in association with the National Labs. So eight provisions of the Augustine report were reported out by the Energy Committee.

Then in May the Commerce Committee reported a bill that included ideas from the Augustine report, as well as the President's Council on Competitiveness. We had it from two committees.

Then the immigration bill passed the Senate. The immigration bill didn't finally become law, but it passed the

Senate with pretty big numbers, and included within it were three provisions that tackled some of the most archaic provisions in our immigration laws, those provisions which basically prevent our insourcing of brain power.

We have more than 500,000 foreign students who come here every year to study. They include some of the brightest people in the world, and we make them swear before they come that they will go home when, in fact, we should want most of them to stay here and create jobs for us so we can keep our standard of living.

So three provisions from the Augustine report were in that immigration bill that passed the Senate last year, and it is my hope that when the Senate takes up immigration legislation before Memorial Day, which the majority leader has said we are likely to do, that legislation will, again, have the provisions from the Augustine report and other recommendations that will make it easier to attract and keep in our country the brightest men and women from around the world. If they are going to create good jobs somewhere, let's create them in the United States for Americans to have.

The Defense authorization bill included a provision related to support for early career researchers funded by the Pentagon. There are so many good applications from so many talented people in the United States for basic research or even applied research that the investigators, as they are called, are sometimes in their forties before they win their first grant. That is discouraging to many of the brightest young minds in the United States. These recommendations have sought to include changes, and the Defense authorization bill last year took a step in that direction.

One of the major recommendations of both of the reports I just mentioned was making permanent the research and development tax credit so that our brightest manufacturing jobs can stay here rather than be created overseas.

In the so-called tax extender last year, the tax credit was temporarily extended, and so that was dealt with last year. Last year, just before Senators went home for the elections in October, the two leaders, Senator Frist then the majority leader, and Senator REID then the Democratic leader, introduced a package—it was numbered S. 3936—that included the work of the Energy and Commerce Committees and added an education component to improve our children's knowledge of math, science, and critical foreign languages.

That bipartisan product was the work of the chairman and ranking members of the Health, Education, Labor, and Pensions Committee and the Commerce and Energy Committees.

We tried to be good stewards of the public money as we went through this process. That working group last year trimmed $3 billion from what the committees passed in order to make it more affordable. We did our best to stay close to the President's budget number, although we slightly exceeded that number.

This year, to bring us to where we are today, the majority leader, Senator REID, and Senator McCONNELL, the Republican leader, took that bill, the one introduced last year by Senator Frist and Senator REID, and reintroduced it by removing authorizations for 2007 since we have already finished work on 2007 and are looking ahead to 2008. That is the bill we are considering today, the America COMPETES Act.

That is a long train ride. To those who may be outside the Senate, they may think that is unnecessarily complex. We didn't really need to know all that. I think it is important for the American people to know all that. It is especially important for Senators and their staffs to know all that because virtually every Member of the Senate has had 2 years to get their say. I know on the Commerce Committee there have been long meetings of members of both sides. I know that is true with the staff meetings. Not all would write every provision of the bill the way it is, but that is the nature of work in the Senate. It is a very good piece of legislation. It may be improved on the Senate floor by amendment, but it has been a long and good process.

Mr. INOUYE. Will the Senator yield?

Mr. ALEXANDER. I yield.

Mr. INOUYE. Mr. President, I commend my colleague, Senator ALEXANDER, for his broad and very intricate history of the bipartisanship. If all of us in this body followed this process on all major legislation, this would be a historic session, and I hope it is so. This will be one of the first I can look back to and say we tried and we succeeded. And I think we are going to succeed. I thank the Senator from Tennessee very much.

Mr. ALEXANDER. Mr. President, I thank the Senator. His example with Senator STEVENS is a good example for all of us. I hope he is right. The American people know we all have our principles, and we have our politics. They know that. But I believe they also know there are some issues that are simply too big for one party to solve, whether it is Iraq, whether it is immigration, whether it is energy independence, whether it is affordable health care. And one of those issues is how do we keep our brain power advantage so we can keep our jobs from going overseas to India and China.

It will take a comprehensive approach. We take for granted sometimes that we produce 30 percent of all the money in the world for 5 percent of the people. That is one of my favorite statistics. If I were a citizen of China or of India and I was looking at the United States and I saw that disproportionately our wealth comes from our brain power, I would be encouraged because many of the brightest people in the world are in China and in India, wonderful researchers, wonderful scientists. There is no reason in the world that they cannot use that great resource they have to improve their standard of living, and they are setting about to do it.

If the Senator from Hawaii has no objection, I thought I might talk a little about what is in the bill, just to go over it.

As I said, for those who like to read whole bills, it is 208 pages, but any contractor will tell you that it is cheaper to start from scratch in building a house sometimes than remodeling it. I think we may have found something here working together in a bipartisan way. In starting from scratch, we actually may have produced a better organized bill, more straightforward than trying to remodel a lot of existing laws. But here is what we sought to do.

Based upon these recommendations, this legislation doubles funding for the National Science Foundation over 5 years. Now, this is the work of Senator INOUYE and Senator STEVENS and their committee. This is merely an authorization bill—it doesn't appropriate a penny, but it has to be within the budget. Senator BINGAMAN offered an amendment, which I joined in with during our budget discussion, and it created room in the budget, nearly $1 billion of room in the budget, for the first year appropriations of the America COMPETES Act. So these dollars are within the budget, and I will talk a little more about the dollars a little later.

I might say one thing about the dollars. The dollars are an additional $16 billion in spending over the next 4 years. That is real money. But we might remember on what else we spend money. That is about 2 months of the war in Iraq. We spend about $8 billion a month on the war in Iraq. We spent $237 billion on debt last year, $378 billion on Medicare, $545 on Social Security, and $100 billion or so on hurricanes. These are all very important priorities, but somehow we have to put gas in the engine, and the gas in the engine is our brain power advantage.

We have to invest in research, education—K-12—in order to keep the advantage that creates the dollars that pay these bills for our most important programs. But we have worked hard. We have worked hard to have fiscal discipline. The $16 billion over the next 4 years that this bill would authorize to spend, and which is within the budget for this year, is a significant savings over the original legislation last year. More than $3 billion over the 4 years in authorized funding has been cut from last year's competitiveness bills passed by the Energy and Commerce Committees.

We also worked hard to avoid duplicative undergraduate scholarship programs that were proposed in earlier legislation, and it reduced the cost of a number of other proposed and existing programs. For example, the Robert Noyse scholarship program of the National Science Foundation was very similar to a recommendation of the Augustine report. So after discussions with the National Science Foundation in our homework sessions, we thought, well, why create a new duplicative program when we already have a good one. So we simply sought to expand it.

With regard to the education and energy portions of the bill, the total cost closely tracks the President's proposed American Competitive Initiative. Remember, he put in $6 billion in his budget last year. The President has proposed over 10 years doubling research funding at the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy's Office of Science. The cost of the commerce portion of this legislation is a bit higher, but that is because Chairman INOUYE and Cochairman STEVENS agreed last year that they wanted to double the National Science Foundation's funding at a faster rate, of about 5 years rather than 10. So I would argue that this is progrowth legislation and a small price to pay for that growth in our standard of living.

Mr. President, I would say to the Senator from Hawaii that any time he would like to interrupt my presentation, I hope he will.

Some of the specific provisions are the doubling of funding for the National Science Foundation, I just mentioned, from $5.6 billion in the current year to $11.2 billion in 2011. Before I arrived, the Congress doubled funding for the National Institutes of Health with a great payoff, most people felt, in terms of our health and research for cures for diseases. But we did not do as good a job during that period of time on the physical sciences, which are also important to the health sciences. This, hopefully, will begin to change that.

Second, setting the Department of Energy's Office of Science on track to double in funding over 10 years, and increasing from $3.6 billion in the current year to $5.2 billion in fiscal year 2011; establishing the innovation acceleration research program, which will direct Federal agencies funding research and science and technology to set as a goal dedicating approximately 8 percent of their research and development budgets toward high-risk frontier research. This was a recommendation of both of the major organizations, the Augustine committee and the Council on Competitiveness.

What this means is that there are so many good proposals before the peer review and merit review groups that give out basic research grants that they obviously tend to be a little more conservative when presented with so many good ideas. The disadvantage of that is that it reduces the impulse to take a few risks, to roll the dice, or to try some idea that has less of a chance of succeeding but might be the next Google or the next hybrid or the next Internet or the next stealth invention. So this legislation encourages all through the America COMPETES Act in virtually every section that we fund, the idea of setting as a goal—not a mandate but as a goal—8 percent of the research and development budget toward this high-risk frontier research.

Next, it authorizes bringing the National Institute of Standards and Technology up from $703 million next year to $937 million in fiscal year 2011. It would direct NASA to increase funding for basic research. It will authorize coordinating ocean and atmospheric research and education at the National Oceanic and Atmospheric Administration and other agencies to promote U.S. leadership in these important fields. This has been a major priority of Senator INOUYE, as well as others.

The Augustine committee, at our request, was asked to give us some priorities and not just give us a random list. And I might say, when they gave us 20 recommendations instead of 10, and they gave them in priority, they didn't just go out and get the first 20 they heard about. Over the summer, the working group of 21 members—and I am sure the Council on Competitiveness did the same—considered hundreds of ideas. So our leading scientists and the people we asked to give us their best advice on science and their best advice on medicine and their best advice on engineering, they waded through dozens and dozens of operating programs and other ideas and gave us just a handful of the best ideas.

This has been a tremendously important screening process. I believe one reason this has been so broadly accepted in the Senate and by those outside the Senate is that it is not just one Senator's idea of what is a great math program or another's best friend's idea of a good research program. This is, in effect, a merit-based, peer-reviewed set of recommendations and an answer to the question as to what are the most important things we can do to keep our brain power advantage.

So, No. 1, authorizing competitive grants to States to better align elementary and secondary education with knowledge and skills needed for success in colleges and universities and the Armed Forces.

Now, what that means in plain English is to make sure our elementary, middle, and high schools are teaching what students need in order to go to college, to go to work, and to go to the Armed Forces. That is the key.

Next, strengthen the skills of thousands of math and science teachers by establishing training and educational programs at summer institutes hosted by the National Laboratories, and increasing support for the teacher institutes at the National Science Foundation's institutes.

One Senator said to me the other day: This is new, isn't it, the idea of giving the National Laboratories such a specific role in training outstanding math and science teachers and inspiring math and science students to learn and achieve more in math and science? The answer is, yes, it is new. But the feeling of the Augustine commission and others is that we have a crisis in math and science. And that is not too strong a word.

The former Governor of North Carolina, Jim Hunt, told me the University of North Carolina only graduated three physics teachers in a recent year from its college of education. So we are not going to learn much physics if we don't have anybody teaching much physics. So why not take advantage of these remarkable National Laboratories we have around the country. I guess there are about two dozen or so of them, like the Oak Ridge Laboratory in the State of Tennessee, but there is also Los Alamos and Lawrence Livermore. They are all around the country. If you are going to inspire a student or inspire a teacher to be active in math and science, why not place them in an environment for 4 weeks in the summer with some of the finest math and science researchers and individuals in the United States?

It would be a choice for a young musician—give them a choice whether to be on the road with Johnny Cash or be in the business office at the Grand Ole Opry, and they will go on the road every time because that is how a singer learns to be a singer. And that is how a student learns what they can do with math and the joy of mathematics.

When I was Governor of Tennessee we created summer academies—we called them the Governor's schools—for outstanding students and teachers of various subjects. About 20 States have done the same thing. We have found it is the best money we ever spent to offer 4 weeks at the University of Tennessee connected to the Oak Ridge National Laboratory for 200 of the most outstanding high school juniors interested in science and math. The teachers love to teach them, the students love to come. Instead of becoming a nerd in their rural school, suddenly they are with 200 peers, and they are all celebrated for their academic achievements. Why not use these National Laboratories to our advantage?

No other country in the world has the National Laboratories that we have. One thing they can do is to help inspire the next generation of math and science students and improve this generation and the next generation of math and science teachers.

So expanding the Robert Noyse teaching scholarship program at the National Science Foundation—this is a very fine program at the National Science Foundation which has had for a long time a role in education as well as research. This program trains individuals to become math and science teachers in high-need local education agencies.

Assisting States in establishing or expanding statewide specialty schools in math and science. Now, I don't know whether the State of Virginia or the State of Hawaii has a full-time residential school in science and math. I know the State of North Carolina does, and I went to see it. Governor Jim Hunt set it up. I went to see it when I was Governor. We didn't believe we had enough money to create one in Tennessee, so we created those summer academies about which I just spoke. But Governor Bredesen, our current Democratic Governor of Tennessee, wants to start, and has made a very small start, of what we call in the legislation a specialty school in math and science, and several other States have followed North Carolina's example. This would help States up to about a 50-percent level. All the rest of the money would have to be private, State, or local.

Establish schools like the North Carolina residential high school for math and science. Not only will it give gifted students a greater knowledge, but it helps us compete with the world. North Carolina has felt as though over the last 20 years it has helped keep many of those bright students in North Carolina because if they go there to school, they may go there to college, or at least they may come back if they go somewhere else, and then they create more jobs and build up that economy.

Facilitating the expansion of advanced placement in international baccalaureate programs by increasing the number of teachers prepared to teach those courses and foreign language courses. The AP courses, advanced placement courses, are a ticket to success. College entrance examiners read them carefully. If you get a 4 or a 5—those are the highest grades in math or science—or if you take several of them, your chances of being admitted to a variety of institutions are increased. But they are offered to a very limited number of the students—not limited by their brains but limited by their money. They either do not have the money to pay for the tests or they do not go to the schools where there are enough teachers who are trained to teach in the preparation for their tests.

This builds on a program in Houston, TX, which has been very successful in the last 10 years, of expanding the opportunities for low-income students to take more advanced placement courses to prepare for college and also to train teachers to meet that demand.

Senator HUTCHISON and Senator BINGAMAN have been two of the leaders in this for 10 years in the Senate.

There are a variety of other proposals. Adopting another program from Texas, the You Teach program—this wasn't sent over from the White House although this is two straight Texas programs; this is from the National Academy of Sciences, because they have a terrific program at the University of Texas at Austin, where they take students who are enrolled in chemistry and recruit them into the College of Education with an attractive scholarship and then the idea was to pay them $10,000 a year to teach at a high-needs school for 5 years after they leave. In other words, they get the people into teaching and they will put them in the schools where they are needed the most. That is called the You Teach program. It would expand that.

There was a program from the University of Pennsylvania which would take teachers who are now teaching and give them intensive summer training and improve their ability to teach math and science, all toward the same objectives.

Then the President proposed Math Now grants, improving the teaching of mathematics in the elementary and middle schools. That is in here as well, after it went through the process. Then we expand the programs to increase the number of students who study critical foreign languages and become proficient. That was recognized here for a variety of reasons as a part of keeping our brain power advantage.

Finally, there are a number of proposals that would identify continuing organizations within the White House and Cabinet councils and other studies to try to keep a spotlight on this subject.

This is not the whole answer to the book "The World Is Flat." It is on the same subject. It is part of the answer. It is a good start. In fact, it is a very good beginning. But we need to continue this attention to our position in competitiveness.

What I have tried to review here is how this legislation came to the floor, why it has attracted this unusual leadership from the majority leader and Republican leader, why it has had such a sense of urgency from senior leaders such as Senator INOUYE, Senator STEVENS, and others, why today it has 56 sponsors, why the House of Representatives is considering legislation on a parallel track, and why I believe there is no more important piece of legislation that will come before us in this session of Congress.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 904, WITHDRAWN

Mr. INOUYE. Mr. President, on behalf of the distinguished chairman of the Energy Committee, I ask unanimous consent to withdraw the pending amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 906

Mr. INOUYE. Mr. President, I am pleased to send to the desk a managers' package, which I described earlier, from the Commerce Committee.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for himself and Mr. STEVENS, proposes an amendment numbered 906.

Mr. INOUYE. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provisions regarding the working capital fund and to amend certain provisions regarding the National Science Foundation)

On page 5, beginning on line 13, strike "science and technology" and insert "science, technology, engineering, and mathematics".

On page 25, line 5, strike "education" and insert "education, consistent with the agency mission, including authorized activities".

Strike from line 16 on page 44 through line 2 on page 45.

On page 45, line 3, strike "(d)" and insert "(c)".

On page 47, line 8, strike through the end of line 20.

On page 47, line 21, strike "(f)" and insert "(d)".

On page 49, between lines 17 and 18, insert the following:

SEC. 1503. NOAA'S CONTRIBUTION TO INNOVATION.

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The National Oceanic and Atmospheric Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the agency mission, including authorized activities.

(b) HISTORIC FOUNDATION.—In order to carry out the participation described in subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall build on the historic role of the National Oceanic and Atmospheric Administration in stimulating excellence in the advancement of ocean and atmospheric science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

On page 170, strike lines 20 through 23 and insert the following:

(1) $6,729,000,000 for fiscal year 2008;

(2) $7,738,000,000 for fiscal year 2009;

(3) $8,899,000,000 for fiscal year 2010; and

(4) $10,234,000,000 for fiscal year 2011.

On page 172, line 19, strike "Foundation, for each of the fiscal years 2008" and insert the following: "Foundation, for fiscal year 2008, $1,050,000,000, and, for each of the fiscal years 2009".

On page 172, line 25, strike "2007" and insert "2008".

On page 173, line 5, strike "5-year" and insert "4-year".

On page 173, line 21, strike "an additional 250" and insert "additional".

On page 174, line 5, strike "5-year" and insert "4-year".

On page 174, line 17, strike "an additional 250" and insert "additional".

On page 183, line 4, strike "restrict or bias" and insert "inhibit".

On page 183, line 5, strike "against" and insert "for".

On page 184, beginning on line 2, strike "1862g), for each of fiscal years 2008" and insert the following: "1862g), for fiscal year 2008, $125,000,000, and, for each of fiscal years 2009".

On page 184, line 8, strike "2007" and insert "2008".

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I wish to speak to the amendment, the managers' package the Senator from Hawaii has proposed. I wish to make two points about it.

The first is it reduces the cost of the bill by $280 million over 4 years. That is important to all of us and it is especially important to some of us. We are trying to spend money wisely.

At the same time, there are significant increases in the National Science Foundation education programs—about $300 million, in fact, over the President's requested level. But it is important that we know what these are. They are directly in line with the recommendations of the Augustine report and the Council on Competitiveness. Remember, we asked them to put these recommendations in priority order. The first thing is not the R&D tax credit, it is not bringing in more foreign students—it is not. The first thing was kindergarten through 12th grade math and science education. That is where our academies believed we had the biggest problem. So this new money for education programs in the National Science Foundation goes to graduate research fellows, to graduate education, research traineeships for a program called Professional Science Masters. This is a program where colleges are helping students earn master's degrees, not necessarily with the goal of going on to a Ph.D., but a master's degree that might take you on into a highly technical field in business; in other words, making us more competitive. It includes the Robert Noyce scholarships, which were expanded to help train more math and science teachers, and the teachers institutes in the summer.

These programs are education programs of the National Science Foundation, but we save $280 million over 4 years, and we have directed those toward nonduplicative programs that are consistent with the commission reports.

I wonder if, before Senator DOMENICI speaks, I could say a word. Senator DOMENICI is here. He is going to speak now. I am going to step to the side while he does. But I wish to say a word about Senator DOMENICI's crucial role.

I have already spoken to the fact that without the sense of urgency of Senators INOUYE and STEVENS, we would never have gotten to this point. But Senator DOMENICI was there at the beginning of this work. Even though, in our caucus, only one Senator is more senior, he stepped back and created an environment so Senator BINGAMAN and I and many other Senators could work on this. He watched it very carefully, he supervised it, he chaired it, but he left room for us, many of us, to work on this.

When it came time to go to the White House, it was Senator DOMENICI who asked the President if we could come see him. It was Senator DOMENICI who, rather than go down by himself as a Senator might have done, invited his junior colleague, me, to go with him. But more important than that, he invited his senior colleague, the Democratic Senator from New Mexico, Senator BINGAMAN, to go. It was Senator DOMENICI who insisted in the Energy and Commerce Committee he chaired that all this work be done in a bipartisan way. So because of that and the way Senators STEVENS and INOUYE work, we were able to do this.

It was a Domenici-Bingaman piece of legislation called the Protect America's Competitiveness Act that was introduced last year with 70 sponsors, 35 Democrats and 35 Republicans.

So before, Senator DOMENICI came, I thanked and saluted other Senators whose leadership has made a difference. But no one has been more responsible for this piece of legislation coming through.

Now that the assistant Democratic leader is here, I want to use this occasion to say how much I, and many of us, appreciate the way he and the majority leader have handled this piece of legislation; created an environment in which we have it on the floor in a way it can succeed. Senator DURBIN, the Presiding Officer, has been a strong supporter of this legislation and a cosponsor of it from the beginning. I also wanted to recognize that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, it is now over 60 years ago that a brilliant, charismatic man arrived on the scene in my home State of New Mexico. He cut an odd figure and began a strange recruiting effort for a secret project at an undisclosed location for an undetermined period of time.

Who was this man and what was the upshot? His name was J. Robert Oppenheimer, a brilliant and charismatic American physicist. We all know something of him, and we might have different views, one from another. But he was collecting the best scientific minds of his time worldwide, not just Americans, for he had the Fermis from Italy, husband and wife. Some say, as they assessed the brilliance of the team, Enrico Fermi led the pack. I don't know which; it was 60 years ago. But I do know they were asked and recruited by Mr. J. Robert Oppenheimer. He was collecting the minds and taking them on a mysterious journey to a remote mesa in New Mexico. The task was to develop the first atomic bomb. The collective scientific brain power of the Manhattan Project, and the awesome power it produced, would change the world forever. The scientists at Los Alamos ushered in a new era. Their sacrifice and their ingenuity created a story for the ages.

More specifically, their legacy for us is to consider today, and is to find out that there is great value in an awesome power of science and mathematics education. That is what brings me to the Senate floor, and that is why I rise in strong support of this bill under consideration.

Today is a great day. Today the Senate begins a process of rising above the gathering storm. Let's hope. Let's hope. Those words, "Rising Above The Gathering Storm," are part of the title of the National Academy of Science report released in 2005 on American future competitiveness and standard of living of our people. The report was written by a distinguished group chaired by a former Lockheed chairman, chief executive officer Norm Augustine. Mr. Augustine's committee included three Nobel laureates, presidents of leading American universities, including then Texas A&M president and current Secretary of Defense, Robert Gates, and the chief executive officers of corporations with global reach.

After an intensive 10 weeks, the committee presented a significant challenge to our Nation. The findings of the "Gathering Storm" report and the 20 communications within tell us one thing above all else: America is not doing enough to harness and develop its national brain power. Yes, that is a strange thing to say. We are not doing enough to harness and develop our national brain power. Today we are here to begin to remedy this problem and to meet the challenge set forth in the report.

I am so grateful that even after 34 years in the Senate I can find an issue such as this to get excited about. I can find an issue such as this that Senators from both sides of the aisle can get excited about. They do not talk about their parties when we have these meetings. Most interesting. Maybe they go back to their rooms and talk about the Democratic party, how it can use this report, or the Republican party. They talk about America's brain power is on the wane, meaning that, believe it or not, we can do something about it. That is a nice observation. We can do something about the waning brain power of America; meaning these young kids, 9, 10, 11, 12, 13, 14, 15, 16, 18 years of age, have within them the same collective brain power that was present when Oppenheimer went looking for the best. It was not just assumed that there were smart people; they knew there were people with brain power. Right? They just didn't have them in place. They were scattered about. Fermi was over here, some guys were over in Eastern Europe, and a bunch of them were over on the West Coast. But somebody had to put them together. They collected brain power that unlocked the atomic bomb.

Now, we are not going to do that. What we are trying to do is look back and say, how do we do the things that experts tell us will, in fact, increase the brain power of our people. It is there the same as it is in China. They are just producing more. Does it mean they have more? No, it does not. It means they have decided it is the greatest thing for them, so they are educating more and more and more. So is India. We are sitting over here with all of the greatest institutions to do the educating, but we do not have—it has not been coalesced even around the essence of a plan that has, as its goal, brain power collection, brain power enhancement; brain power is on the wane. Let's build it back.

That is what we are trying to do. Today, we begin to remedy the problem and meet the challenges set forth in the report called the "Gathering Storm." It tells us in a few pages why it is a storm. It tells us in a few pages why it is a gathering storm. It tells us in a few pages that we are actually selling ourselves short. It tells us if we do not decide to build this brain power back, we are going to lose. We are going to lose a war which some of us do not even know we are fighting. We are going to lose the war for brain power equality and we do not even know we are fighting.

This "Gathering Storm" report identifies the two challenges linked to scientific and engineering excellence: first, creating high quality jobs for the American people, and, secondly, responding to America's need for clean, affordable, and reliable energy.

The report was aimed at enhancing our Nation's human financial knowledge and capital to ensure our prosperity. It addressed increasing America's talent pool by vastly improving science and mathematics education in kindergarten through grade 12. The report, "Gathering Storm," called for significant advances in science and engineering programs in our Nation's higher education, improving our economic policy, from intellectual property protection to research and development tax credits and tax incentives for U.S.-based innovation.

The report also provides us with some worrisome indicators. The following few facts should sound alarm bells throughout this Chamber and this Nation. I trust people will listen. Senators have participated from both sides of the aisle, from all vintages. Some are young, some have just come, they are excited, some have been here a long time. I am not going to say such as the Senator from New Mexico, I am going to say such as the Senator from Hawaii, and he is enthused. Some have been even here as long as the Senator from Alaska, and that is a long time, longer than me, and he is excited. Right? What it means is if you put the right plate in front of us, we can get excited about doing something for our great country.

This report provided us with some worrisome indicators. I am going to tell you about them in a minute. In 2001, U.S. industries spent more on tort litigation than research and development. Look at that. That is not happening to our competitors, I tell you.

If we want people over here to say, well, there is some good to that, we are gaining something on that, well, we will have an awfully long dialog on the floor on that one fact. Are we gaining that much benefit for the American people out of our tort system, as we are when we say that costs us as much in dollars? It says here: Industry spent more on litigation than it did on research and development.

Chemical companies closed 70 facilities around the United States in 2004. I might say to my friend, of the 120 chemical companies being built at the time of the release of the Augustine report with a price tag of $1 billion or more, 1 was in the United States and 50 were in China. Got it? Those are chemical plants. People say: Oh, chemical plants; bad stuff. We are not talking about chemical plants, bad stuff. We are talking about chemical plants where you use the chemical product for all kinds of things that make you a strong nation, that make things for people to use in their house, that make things you can use outdoors. The chemical plants are an evidence of basic industry, and America built 1, China built 50. That is pretty startling, is it not?

Of the nearly 1.1 million U.S. high school seniors who took the college entrance exam in 2002, less than 6 percent had plans to study engineering. That is a 33-percent decrease from 10 years earlier. Pretty big stuff. Meanwhile, more than 50 percent of the U.S. science and engineering workforce is approaching retirement. Startling.

Now, Senators, these statistics show that the challenge to our Nation's standard of living is before us and the Senate must act. I am proud to join this bipartisan group of Senators introducing the America COMPETES Act of 2007, commonly referred to as the competitiveness bill.

Through this legislation, we are addressing nearly every one of the recommendations made by this significant report. Enacting this bill will be a culmination of a remarkable cooperative effort, with work cutting across three Senate committees, and with valuable contributions from a large number of colleagues in the Senate. This bill has the support of both leaders in the Senate and the collective support of our Nation's boardrooms, classrooms, and laboratories.

I will speak briefly about the area of the bill over which the Energy and Natural Resources Committee has jurisdiction. We know that following through on recommendations of the Augustine Commission will require new commitments and participation from several Federal agencies. The Department of Energy has a major role to play in meeting this challenge. This legislation doubles funding for the Office of Science over the next decade—that is healthy and hearty, and many will look forward to it with great enthusiasm—the largest source of Federal support for basic science in the physical sciences. The President called for the increase in announcing his American Competitiveness Initiative last year.

The Augustine report stressed the importance of increasing our national commitment to basic research in the physical sciences. The America COMPETES Act responds by putting the Department of Energy Office of Science on a path to double in funding over the next decade. As the largest Federal funder of basic research in the physical sciences, the Office of Science is of critical importance.

More than 58 Nobel Prize winners since 1936 have been supported by the Department of Energy at some time in their careers. Eighteen Nobel Prizes have been awarded to Department of Energy laboratory employees and another 13 to researchers who employed the National Laboratory facilities in their award-winning discoveries. Most of the 40 winners of the prestigious Enrico Fermi Presidential awards have done research supported by the Department.

A few years ago, we made a commitment to double funding in the National Institutes of Health to support the biological sciences. We made good on that commitment. We said it, and we did it. It is now time that we address the role physical sciences play and stand together to support such growth of key agencies such as the DOE Office of Science. By doing so, we will not be taking away from other Department functions or laboratory resources.

In fact, I was cosponsors with Senators BINGAMAN and ALEXANDER to an amendment in this year's budget resolution. We have a few people who know something about that, too. It is rather tricky, and sometimes you have to do some things you don't quite understand. Then you catch on. But we did put in a billion dollars for new authorizations provided in that budget, so that the legislation we are going to enact will not take money from Peter to pay Paul. We won't be taking money out of the Department of Energy to pay for the new items in the Department of Energy. We would be called down here on the floor, and we would lose. I hope we have done it right so we can prove our point.

This bill leverages the tremendous talent and technological investment of our laboratories and its system. These new provisions will build on education and outreach work the labs have undertaken for years. Through this legislation, the national labs will provide opportunities for high school students from across the Nation to gain hands-on experience in science and engineering fields; assist States in establishing specialty schools in math and science; strengthen the skills of thousands of math and science teachers by establishing training and education programs at summer institutes hosted at National Laboratories; establish partnerships between the National Laboratories and local high schools and centers of excellence in math and science.

I have spoken quite a bit recently about the importance of engaging China in the challenge of energy security and global climate change. I have written to the President about this important issue. It should be clear to all of us that our energy, environmental, and educational challenges cannot be considered in a bubble; rather, they must be considered in light of global competitiveness, challenges that face us all. To maintain our technological edge, we must improve our educational systems and the research and development we do in corporations, universities, and Government laboratories throughout our Nation. This must lead us to higher brainpower for our people.

The challenge is great, like others this Nation has faced. The challenge was great 60 years ago in New Mexico. They were busy trying to put a team together to build the first atomic bomb—can you imagine—from scratch. The idea alone is all they had. They put it together and built it. They found the manpower to do it. We have the manpower. We are just not using it. We are not letting it build itself as required.

I commend the authors of the Augustine report. I commend my colleagues for their hard work on this legislation. I am hopeful we will rise above the gathering storm. If we do, people will say: You had a lot to do, maybe more than you thought, but you sought out and found what was most important; that is, taking the gathering storm and making sure it did not end up hurting our great Nation but, rather, was the stimulus for us to increase the collective brainpower of our young people.

I yield the floor.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise today in strong support of a bill that addresses many of the challenges facing Georgia and our Nation during this time of increasing global competitiveness. I am a cosponsor of the America COMPETES Act because it will ensure that the United States will be able to sustain a vigorous economy, an unrivaled national defense, a first-rate health care and education system, a healthy environment, and a hopeful and prosperous future for generations to come.

Although the United States has the strongest scientific and technological enterprise in the world, we are now experiencing the slow but steady effects of globalization. These effects, led most notably by modern advances in communications, have made the world a smaller place and have dramatically increased worldwide competition.

The leadership in science and technology that the United States has enjoyed since World War II is being seriously threatened by the burgeoning and thriving economies and workforces in countries such as China and India. I believe in order to keep our competitive edge and to maintain our dominance in the fields of science, technology, engineering, and mathematics, it is imperative we make a long-term investment in our future scientists, professors, and engineers. We can do so by improving science and mathematics education, and by providing schools, universities, and research centers throughout the country with necessary funding.

Recently, Microsoft Corporation founder Bill Gates testified before Congress, and he said:

> The U.S. cannot maintain its economic leadership unless our workforce consists of people who have the knowledge and skills needed to drive innovation.

Mr. President, that is a very accurate statement, and that is why we need to pass this bill. With the funding and programs provided for in this bill, it will be easier to educate and grow an innovative workforce that is highly skilled and highly trained. The America COMPETES Act recognizes that better educated students make a smarter, more efficient workforce. And that is an important investment for this Nation.

As an example of what funding for science and mathematics education can do, let me tell you about a program that is doing great things in my home State of Georgia. The Georgia Academy of Mathematics, Engineering, and Science, or GAMES, was established at Middle Georgia College in Cochran, GA, during the fall of 1997. GAMES is a residential, joint enrollment program for top-performing high school juniors and seniors. The program allows students to obtain high school and college credits simultaneously while enrolled in full-time college courses. Most students in the GAMES program major in mathematics, science, or engineering.

The GAMES program enrollment continues to grow each year and has earned the reputation of an academic alternative for gifted students all across Georgia. Over the 10 years this program has been in existence, students who have been accepted into GAMES have averaged a 3.85 GPA and an SAT score of 1246. After completing the GAMES program, 48 percent of the students enrolled in the program have transferred to the Georgia Institute of Technology. The GAMES program allows these students to earn a firm foundation in science, technology, and physics before entering Georgia Tech.

Many GAMES graduates are pursuing and/or have received their Ph.D. in mathematics, science, or engineering. I commend Dr. Richard Federinko, president of Middle Georgia College, and the entire faculty and staff for their hard work in making the GAMES program a major success.

GAMES is just one program in one State, and we need more like it throughout the country. This legislation will open the door and perhaps expand these types of programs into other States and allow more bright young people to enter the fields of science, math, and technology.

My fellow colleagues, time is of the essence. We can no longer afford to be complacent and just assume the United States will continue to be the world's leading innovator. Without action, our grandchildren face the genuine possibility of living in an America that is not the preeminent leader in scientific and technological advancements. I urge each of you to join me in support of this critical piece of legislation.

I want to particularly commend my long-time dear friend, Senator LAMAR ALEXANDER from Tennessee, for playing a leading roll in the drafting of this legislation and for working so hard to make sure the policy in this legislation is the right kind of policy to promote science, math, and technology in our schools, not just from the eighth grade forward, from the ninth grade forward, but from kindergarten forward.

I say to Senator ALEXANDER, I know he has been ably assisted by Senator BINGAMAN, as well as others, in a bipartisan way to make sure America's educational system continues to be the preeminent system in the world and that we give these bright minds the opportunity to develop, and that we make sure—from the standpoint of developing engineers in the future, from the standpoint of developing medical researchers in the future, from the standpoint of developing doctors and other types of engineers in that field—we continue to lead the world not just in the production of individuals from a numbers standpoint but in the production of quality individuals to develop technology, to develop our research capability, as well as to make sure from a professional standpoint we have the engineers and the physicians who will continue to lead the world.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Georgia for his comments but, more importantly, for his leadership. We usually think of Senator CHAMBLISS in terms of leadership on intelligence matters, Armed Services matters, on agricultural matters, where he is the ranking member. But from the very beginning on this legislation, he has been out front.

I can remember when Norm Augustine, chairman of the Augustine committee, came to the Senate and had a dinner with us right around the corner. Senator CHAMBLISS was one of the first Senators there. He has been one of the major leaders in this endeavor for the last 2 years. His comments about the Georgia residential high school for math and science illustrates a good way to help take this legislation from the abstract and put it in concrete terms. Section 3171 of this legislation, specialty schools for math and science, will assist States in establishing or expanding such residential high schools for math and science.

I spoke a little earlier on the floor about North Carolina's math and science program which they have had for 25 years. Tennessee is a little behind. We haven't had one yet; we have summer governor schools for math and science. This legislation would authorize the Congress to appropriate funds which could pay for up to 50 percent of the cost of operating that school in Georgia which would permit Georgia, if it wished, to expand that school. The Senator cited in his remarks one good reason to do it in addition to the Nation's competitiveness. I think I heard him say 48 percent of the students went to Georgia Tech. So if our goal is to keep bright students at home to create jobs for us in the United States, a more specific goal is to keep bright Georgia students at home so they can create jobs for Georgians.

Mr. CHAMBLISS. Mr. President, if the Senator will yield for a question through the Chair.

Mr. ALEXANDER. Certainly.

Mr. CHAMBLISS. I simply say the Senator is exactly correct; 47 percent of our students do go on to Georgia Tech. I wish we could get more of them at the University of Georgia where they happened to let me go, but at Georgia Tech we are doing a terrific job of taking these bright young minds that are being developed, as we said earlier, not just at the eighth and ninth grade level, but thanks to you and the leadership of folks like you, at a much earlier age. Our GAMES program, incidentally, was put into effect and implemented by our former colleague Senator Zell Miller, when he was the Governor of our State, and somebody whom I know you worked very closely with over the years. It is a great concept. It is forward thinking, as this legislation is very forward thinking from the standpoint of making sure that these great minds are developed at a very early age.

Again, I thank the Senator from Tennessee for his great work on this and I commend this legislation to all of our colleagues.

Mr. ALEXANDER. I thank the Senator.

Mr. President, our former colleague Zell Miller was Lieutenant Governor of Georgia when I was a Governor. He was a professor by profession and he was always interested in education and very skillful in education policy. Every Governor I know spends a lot of time trying to think of how we are going to recruit jobs. Well, if you study it, you learn after a while you don't recruit nearly as many as you grow. The way you grow them is with brain power. So the single best thing any State can do to create the largest number of good new jobs in that State is to keep the brightest kids at home. Governor Miller, when he was there, initiated the HOPE scholarship, which played a major role in attracting many of the brightest Georgia students, and I would say many of the brightest Tennessee students to come across the border to go to the University of Georgia, and then the residential school for math and science did the same. This legislation would permit every other State to do the same, and it is just one of the things it would do.

If I may, if the Senator from Georgia is finished with his remarks, he has highlighted an area I wish to enlarge on. Sometimes our legislation, particularly when we talk about big phrases such as competitiveness and globalization, takes us off into the stratosphere and one might say: Well, what does that have to do with me? We have just talked about one example. If you are the Governor of Georgia or Tennessee or Illinois and you are thinking: What can I do over the next 10 years to grow the largest number of good new jobs, a residential school for math and science is a very good start.

I remember as Governor, after we recruited the Nissan plant and the Saturn plant, I was feeling pretty good. Then I counted up the number of jobs, and it was 10,000 or 12,000 jobs in a State that employs 2.5 million people. We were losing 200,000 or 250,000 jobs per year, so we had to be creating that many more. In our country, in the United States of America, we are losing jobs all the time. We don't want that to happen, but that is happening. So the real test of our society is: Can we create a lot more good new jobs than we are losing, a constant supply of good new jobs. Most of that comes from the subject of this legislation: from brain power, better schools, better colleges, better universities, more research, and especially technological innovation.

Illinois, I am told, already has such an academy: the Illinois Math and Science Academy, a residential high school. I am sure the Presiding Officer is very familiar with it. He may have helped start it, given his long tenure in the Congress. This legislation would give it an opportunity as well to expand.

On the subject of creating new jobs, the chief State school officers are in town. That means the superintendent of education of Illinois and Tennessee's commissioner of education are here in town. I am meeting with them tomorrow at about noon for a while, and what I can tell them—even though they probably heard all about math and science they want to hear through No Child Left Behind—is we are doing a number of things to help them at least authorize funding to help them succeed. For example, we are authorizing grants to States to promote alignment of elementary and secondary education with knowledge and skills. That means in plain English helping States line up the math and science they are teaching with what you need to know to go into the Armed Forces, what you need to know to go to college, what you need to know to go to work. Sometimes there is not a good fit there. This would help schools and education systems, those chief State school officers, do that.

The second thing we would be doing is strengthening the skills of thousands of math and science teachers by using our national laboratories in Illinois, New Mexico, Tennessee, and around our country, and a host of summer institutions and academies for outstanding teachers of math and science, as well as for students, but especially for teachers.

I found in my experience as Governor, one of the most successful and productive things we did were Governors' schools, where we would take the Governors' schools for teachers of mathematics or teachers of reading, or students of international affairs, and the students would come for 2 to 4 weeks—sometimes it would only be teachers, but the students would come, you would bring in a core of faculty members from around the State, too. It would inspire those students so much, and what could be more inspiring for math and science teachers than to have a chance to be at the National Labs with Nobel Prize winners and some of the outstanding scientists in the world. It would refresh them, excite them, improve their skills, and help them carry a sense of mission back to their classrooms to inspire a new generation of math students and hopefully math and science teachers.

I can say to the chief State school officers of our various States, we are expanding the Robert Noyce teacher scholarship program at the National Science Foundation to recruit and train individuals to become math and science teachers in high-need, local education agencies. We are finding as we review No Child Left Behind in elementary and secondary education that 80 percent of our schools are, we can say, achieving, or even high achieving. In other words, their students, by category, are meeting what we call adequate yearly progress, so let's catch them doing something right. About 5 percent of those schools—I have missed it in one category—I would say they are still achieving pretty well. Only about 15 percent of the schools are high need, and usually what we find is they are children of low income, children whose parents haven't been able to help them, children whose parents have neglected them, children who have not yet learned English, children who have just arrived in this country and may not be in the same school in January they were in October, children who are hard to teach, and children who need more than even good teachers are usually able to give them. I am coming to the conclusion that we need to train teachers especially to help these children. About 10 or 15 percent of all the children in our public schools across the country are these children, and these are the ones we are leaving behind.

Well, we are expanding teacher scholarship programs at the National Science Foundation to recruit and train individuals to become math and science teachers in high-need educational agencies. We are assisting, we have just said, teachers in establishing statewide specialty schools in math and science, and we will use the National Laboratories' staff to help with that. For example, if Tennessee wants to expand the new math and science academy Governor Bredesen has established—I salute him for doing it; he has wanted to do it for a while, but it is expensive and he only has a few students in it. This legislation makes it possible to use the National Laboratory staff to help Governor Bredesen in Tennessee expand and enlarge and make better the summer residential school for math and science.

I can say to the chief State school officers tomorrow, and they can take it back to their States across the country, that if the Congress enacts this legislation sponsored by the majority leader and the Republican leader, with 56 Senators on both sides of the aisle, its goal is to train 70,000 more teachers so they can teach advanced placement courses in math, sciences, and foreign language, so we can bring to the number of 700,000 the number of students who can take advanced placement courses in math, sciences, and critical foreign language.

As we have said before in the debate on this bill, students who don't get to take those AP courses now don't take them because they are not smart enough or because their brains don't work well enough; they don't take it often because they can't afford it or because the teachers aren't available to teach them in the schools they attend, so this will help to remedy that.

I can say to the chief State school officers, Governor Jim Hunt of North Carolina, one of our leading educators in America, a former Governor for 16 years in that State, who testified before the President's Commission on Higher Education that the University of North Carolina only graduated three physics teachers in 1 year at its College of Education. As I mentioned earlier, if we are not teaching physics, nobody is going to be learning it. So what are we going to do about that?

What this suggests is that after reviewing programs from all over the country, the Augustine commission recommends that we expand the You Teach program at the University of Texas. So there will be money that may be appropriated under this law that would permit universities to do as they do in Texas, in Austin, to go into the chemistry and biology programs and recruit students who are majoring in those science subjects, or a student who is majoring in math, and give them a scholarship to go to the College of Education and become a teacher of chemistry or biology or math.

Now, the Augustine report recommended that we then pay $10,000 a year in fellowships for those students so they can go into teaching in high-need areas, rather than for IBM or Google or Dell or some other high-paying job. That part of our provision is not in this legislation, the $10,000 fellowship. I would like to see it in there.

Senator REID, the majority leader, the principal sponsor of this legislation, suggested when he introduced the bill the other day, that he had a very good experience—he and Paul Simon, the former distinguished Senator from Illinois—with finding ways to give stipends to teachers of math and science so they would stay in teaching. Well, this You Teach program at the University of Texas is now going to be available in Michigan, Tennessee, and other States around the country so we can recruit outstanding students into teaching.

In addition, the Augustine commission, after reviewing dozens and dozens and dozens of programs, found an especially good program at the University of Pennsylvania in science called Penn Science, and instead of recruiting students into teaching, it takes existing teachers and puts them through continuous training during the summer and during the year so they can be even better teachers of science.

I can say to the chief State school officers who are meeting in Washington, DC today that this legislation will permit you in Wyoming and in Tennessee and in New York and in Michigan and wherever to create a partnership between our National Laboratories and local high-need schools to establish centers of excellence in math and science education. So suddenly you match up a high-needs school with one of the greatest National Laboratories in the world. What can be more exciting for the teachers in that school or the students? It might go from being a high-needs school to one with a line around the block of students waiting to get in the door.

This legislation also has significant authorization for funding for a program called Math Now. This is the President's proposal, from his American Competitiveness Act which has been included in this legislation, and it would provide grants to improve math instruction in the elementary and middle grades and provide targeted help to struggling students so all students can master grade level math standards.

Finally, I can say to the chief State school officers who are meeting in Washington—and I will say it to them directly tomorrow at lunch—that the bill also authorizes expanding programs to increase the number of students from elementary school through postsecondary education who study critical foreign languages. We find this not just in our military needs in Iraq and Afghanistan and around the world, but we increasingly live in a worldwide economy, and our students, our citizens will be better citizens, more effective citizens, if more of us speak more than one language. There is a long list.

There are 10 or 11 programs that either expand or create efforts to, as the Augustine commission says, "increase America's talent pool by vastly improving K through 12 science and mathematics education."

Senator BINGAMAN, I, Senator DOMENICI, and the House Members asked our national academies: Please tell us exactly what we need to do to keep our brain power advantage so we can keep our jobs. We understand that since World War II, more than half of this remarkably high standard of living we have has come through innovation and technology. We understand that and we have an idea or two and we have friends with an idea or two about what to do, but tell us exactly what to do about it. Tell us in priority order. They put down K-12—vastly improving K-12 science and mathematics education.

I see the Senator from New Mexico is present. We have had a good discussion this afternoon. Some of the principal advocates have been here, and I especially appreciate Senators STEVENS and INOUYE who have given a great sense of urgency to this legislation. The Presiding Officer, Senator STABENOW, has as well. Michigan has a tremendous number of research institutes and great universities that add fuel to the economic resurgence of that State and every other State.

Really, we are all interested in this legislation. The key is, How do we put it together in a way that we can get it through this interesting process we call the Senate? I think we are reasonably close to doing that, thanks to the senior leadership of this body and Senator BINGAMAN and Senator DOMENICI on the Energy Committee.

Madam President, I will conclude my remarks now and yield he floor to Senator BINGAMAN.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I appreciate the good work my colleague from Tennessee, as comanager of the bill, has been doing on this issue, as I have been unavoidably detained over in the Energy Committee.

It is my understanding, unless someone knows otherwise, that all debate expected on the pending amendment has taken place. As far as I have been informed, the Senate is ready to dispense with the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 906) was agreed to.

AMENDMENT NO. 908

Mr. BINGAMAN. Madam President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 908.

Mr. BINGAMAN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, lines 21 and 22, strike "engineering)" and insert "engineering and technology)".

On page 56, line 8, after "engineering" insert "and technology".

On page 56, line 24, strike "mathematics and science" and insert "mathematics, science, engineering, and technology".

On page 59, line 6, strike "mathematics and science" and insert "mathematics, science, and, to the extent applicable, technology and engineering".

On page 59, line 15, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 60, line 6, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 60, line 10, before "that" insert "in mathematics, science, and to the extent applicable, technology and engineering".

On page 61, lines 8 and 9, strike "mathematics and science" and insert "mathematics, science, and, to the extent applicable, technology and engineering".

On page 62, line 14, strike "mathematics or science" and insert "mathematics, science, technology, or engineering".

On page 65, lines 16 and 17, strike "**MATHEMATICS AND SCIENCE**" and insert "**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**".

On page 65, line 19, strike "**MATHEMATICS AND SCIENCE**" and insert "**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**".

On page 66, lines 8 and 9, strike "Mathematics and Science" and insert "Mathematics, Science, Technology, and Engineering".

On page 67, line 9, strike "Mathematics and Science" and insert "Mathematics, Science, Technology, and Engineering".

On page 67, lines 16 and 17, strike "math and science" and insert "mathematics, science, and technology".

On page 68, lines 21 and 22, strike "mathematics or science (including engineering)" and insert "mathematics, science, or engineering".

On page 69, lines 4 and 5, strike "mathematics or science" and insert "mathematics, science, or technology".

Beginning on page 69, line 25 through page 70, line 1, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 70, lines 10 and 11, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 71, line 7, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 71, line 10, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 71, line 18, strike "mathematics and science" and insert "mathematics, science, and, to the extent applicable, technology and engineering".

On page 72, line 23, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 73, lines 18 and 19, strike "mathematics and science" and insert "mathematics, science, and to the extent applicable, technology and engineering".

On page 73, lines 23 and 24, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

Mr. BINGAMAN. Madam President, for the information of Senators, this amendment makes a series of clarifying changes in the bill that are technical in nature. It is not controversial, as far as I have been informed. I am informed by the leadership that they would like to leave this pending at this point. We will proceed that way in case a Member decides to come and speak on it.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BINGAMAN. Madam President, I ask unanimous consent that the Senate now be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1185 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PARTIAL-BIRTH ABORTION

Mr. KYL. Madam President, I wanted to say a few words about the Supreme Court's decision last week in Gonzales v. Carhart. In that opinion, the Court held constitutional the Partial-Birth Abortion Act of 2003, a law that passed this Senate with strong bipartisan support, including my own.

I was heartened by this decision, and not just because partial-birth abortion is a disgusting act that should never be performed in a civilized society. I am also heartened because this decision represents a step towards restoring the American people's right to govern themselves through their elected representatives.

For too long, the Supreme Court has set itself up as an antagonist to the people and has shown unfortunate disregard for the judgments of those our governmental system is supposed to serve.

The decision yesterday is a departure from that trend, and it should give us all cautious optimism that the Supreme Court is coming around to a greater level of respect for the elected branches on questions of fundamental moral values.

I also want to send a word of congratulations and thanks to the man who made this legislation a reality, former Senator Rick Santorum. During the debates on this bill back in 2003, I can remember Senator Santorum being on the Senate floor virtually full-time, taking on all comers, engaging on every point, showing his skills as a debater, and displaying the passion and spirit that defined him during his two terms in the Senate.

Senator Santorum was our leader in the debates on this bill, and the Supreme Court's affirmation of the bill's constitutionality yesterday should be a moment of great pride for our former colleague. This bill is part of his legacy, and we owe him a debt of gratitude.

FILIPINO VETERANS EQUITY ACT

Mr. AKAKA. Madam President, I wish to update our colleagues on an important issue that the Veterans' Affairs Committee is dealing with; namely, providing long overdue recognition to all those veterans of the Philippines Armed Forces who served under U.S. command during the Second World War.

Recently, the Veterans' Affairs Committee, which I am privileged to chair, held a hearing on S. 57, the Filipino Veterans Equity Act of 2007. This important legislation, introduced by my good friend and senior Senator, Mr. INOUYE, would end more than 50 years of inequality for Filipino veterans who have served our country, and it has my strong support. During our hearing, the committee received testimony from Filipino veterans who spoke of their service under U.S. military command and their difficulties with a VA system that doesn't recognize them as veterans.

Until 1946, the Philippines was not completely independent from the United States. When America entered the Second World War, the Filipino military was a part of the U.S. Armed Forces, under the command of the U.S. Armed Forces of the Far East. All military forces of the Commonwealth of the Philippines were ordered by President Franklin D. Roosevelt to serve under the command of the U.S. military, and they served bravely, fighting for our country and their freedom.

In 1946, Congress limited veterans' benefits to only a portion of Filipinos who served in World War II. While some of the inequity has been corrected in recent years, this injustice still remains. Filipino veterans of the U.S. military do not have equal access to the health care and benefits they have earned through service. S. 57 would end the inequity and give Filipino veterans who fought under the command of U.S. military the benefits and care they earned.

Some who oppose S. 57 say we cannot afford it. While I, too, am concerned about costs, I am committed to finding offsets to cover the expense. After all, fiscal responsibility is not the only kind of responsibility there is. Our country has a deeper responsibility to the men and women who have served in our military, whether they were born in America or the Philippines. We need a solution that is both morally responsible to Filipino veterans and fiscally responsible with taxpayer dollars.

Many of the brothers-in-arms of those who testified at our hearing have since passed away, never having been recognized by the United States for their service. I find that shameful. Following the hearing, I asked myself how we could stray from our moral commitment to these men for over half a century and then argue that it is too expensive to give those who are left the benefits they have earned.

With that in mind, let us look to fulfill both responsibilities, rather than neglecting the Filipino veterans who remain with us today. We have gone down that path for over half of a century, denying them care and benefits. Today we find many Filipino veterans living their twilight years in the pain of poverty, without access to the relief available to other veterans of the U.S. Armed Forces. Allowing this to go on without searching vigorously for a realistic solution is not the responsible response. These veterans deserve better.

NATIONAL SMALL BUSINESS WEEK

Ms. SNOWE. Madam President, today I commemorate National Small Business Week, which President Bush designated for April 22–28, 2007. As ranking member of the Senate Committee on Small Business and Entrepreneurship, I simply cannot understate the vital role of small business in our Nation's economy. Small businesses comprise 99 percent of all businesses in the United States, employ more than half of the total private sector workforce, and are responsible for the creation of more than two-thirds of all new jobs each year. It is essential that we in Congress continue to support small businesses' efforts to grow and do what they do best—create new jobs.

If there is one concern we have all heard time and again, it is the exorbitant cost to small businesses of providing health insurance to their employees. In fact, small business owners in all 50 States have cited rising health insurance costs as their number one concern. Health insurance premiums have increased at double-digit percentage levels in 4 of the past 6 years—far outpacing inflation and wage gains. According to the Kaiser Family Foundation, last year the average health policy for an individual was $4,242; the average family plan cost $11,480.

As we are all well aware, these sharply rising costs are leading fewer and fewer small businesses to offer health insurance to their employees. According to Kaiser, in 2002, 58 percent of our Nation's smallest businesses, those with less than 10 employees, offered health insurance. In 2004, only 52 percent were able to offer their employees health insurance. Today, just 48 percent of our smallest businesses are now able to offer health insurance as a workplace benefit. As you can see, that is a 10 percentage point reduction over the past 5 years. Clearly, we are heading in the wrong direction.

Further compounding the problem is the fact that small group insurance markets exhibit no real competition. No competition means higher costs. And higher costs mean no health insurance. I recently requested a Government Accountability Office report, which revealed a staggering consolidation in the State small group insurance markets. Today, the five largest carriers now have more than a 75 percent market share in 26 States—and control 98 percent of the small group market in Maine.

This trend is simply unacceptable and represents nothing short of a crisis—and one that can and must be fixed, now. In the Senate, I have been a longstanding champion of small business health plans and I have introduced legislation in the past two Congresses that would allow small businesses to "pool" together, across State lines, and offer uniform health insurance plans to their employees, at significantly lower costs.

I firmly believe that small business health plans are a critical solution to the small business health insurance crisis. It is a matter of simple fairness. Just like larger businesses and unions, I believe small businesses should have the option to purchase health plans across State lines with uniform benefits packages. It would allow them to shop for affordable, quality plans with much lower administrative costs while at the same time drastically shrinking the ranks of the nearly 47 million Americans living without health insurance.

Moving forward this year, we need to leave no stone unturned in our search for solutions to this crisis. For example, we should examine ways to use the Tax Code as a mechanism for increasing access to health care, including through "pooling mechanisms, and injecting competition into the State small group insurance markets. This is why I am currently working with a number of my colleagues in the Senate, on both sides of the political aisle, to forge a bipartisan bill that will pass the Senate and be signed into law. Senate Finance Committee Chairman BAUCUS has announced that we will soon consider health care legislation in the Finance Committee—and I look forward to a robust productive debate there. I also thank Senator ENZI for all of his tremendous efforts in getting legislation passed through the HELP Committee last year, and for having that legislation considered on the Senate floor for the first time ever.

Frankly, now is a time for action, not words. It is incumbent upon this Congress to think "outside of the box" to solve this crisis. We need to consider all options on the table, including a number of recently passed State reforms. We are at a critical juncture on this issue. The United States has the greatest health care system in the world, and yet nearly 47 million Americans are uninsured. Our goal ought to be providing health care access for all, and that means greatly expanding coverage so that we can significantly reduce our Nation's uninsured.

We must figure out how to solve the persistent criticisms that have mired small business health insurance legislation in Congress. We must address how to allow health insurers to provide lower cost products to small businesses across State lines while maintaining the most widely accepted and necessary benefits and services. We must tackle questions of how to "rate," or price, these products—and also how this can be done in a uniform manner, without jeopardizing consumer protections. And we can and we must do all this without injuring existing health insurance markets in the States. Plain and simple, Congress must bring up small business health insurance legislation this year, in a bipartisan, comprehensive way that can secure significant bipartisan support.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. LEAHY. Madam President, last week we joined together in the aftermath of the tragic killings at Virginia Tech to mourn and support the families of the victims and the Virginia Tech community. This week we join together once again to commemorate National Crime Victims' Rights Week.

Yesterday marked the official beginning of National Crime Victims' Rights Week. Since 1981, communities in Vermont and across the Nation have observed this week through candlelight vigils and public rallies to renew our commitment to crime victims and their families. It is important, especially during this time of national sorrow, that we recognize the needs of crime victims and their family members and work together to promote victims' rights and services.

We have been able to make some progress during the past 26 years to provide victims with greater rights and assistance. In particular, I have been honored to support passage of the Victims of Crime Act of 1984, VOCA, Public Law 98-473, which established the Crime Victims Fund, "the Fund." The fund allows the Federal Government to provide grants to State crime victim compensation programs, direct victim assistance services and services to victims of Federal crimes. Nearly 90 percent of the fund is used to award State crime victim compensation and victim assistance formula grants. These VOCA-funded victim assistance programs serve nearly 4 million crime victims each year, including victims of domestic violence, sexual assault, child abuse, elder abuse, and drunk driving, as well as survivors of homicide victims. Our VOCA-funded compensation programs have helped hundreds of thousands of victims of violent crime.

The Crime Victims Fund is the Nation's premier vehicle for supporting victims' services. It bears repeating that the Crime Victims Fund does not receive a dime from tax revenue or appropriated funding. Instead, it is made up of criminal fines, forfeited bail bonds, penalties, and special assessments.

Since fiscal year 2000, Congress has set a cap on annual fund obligations expressly for the purpose of ensuring "that a stable level of funding will remain available for these programs in future years." The "rainy day" fund created by this spending cap has been used to make up the difference between annual deposits and distributions three times during the past 7 years.

The future of the fund is being threatened, however. After 26 years of progress, the Bush administration is proposing to rescind all amounts remaining in the fund at the end of fiscal year 2008. That would leave the fund with a balance of zero going into fiscal year 2009 and create a disastrous situation for providers of victims' services. Over the last few years, the Senate has successfully blocked several past attempts by this administration to rescind the fund's remaining balance and has supported the retention of all amounts deposited into the fund. Over the past 6 years, the Bush administration has squandered record surpluses and racked up $8.5 trillion in Federal debt. It is wrong to try to pay for its failed fiscal policies by emptying out the Crime Victims Fund. These resources are appropriately set aside to assist victims of crime.

In order to preserve the fund once again, Senator CRAPO and I, joined by more than a dozen other Senators are sending a letter this week to the Senate Appropriations Committee asking that the committee oppose the administration's proposal to empty the Crime Victims Fund and, instead, permit those amounts to remain in the fund, in accordance with law, to be used for the important programs and services needed by crime victims.

Also, last week the Vermont Department of Corrections received a $400,000 grant from the U.S. Department of Justice to implement a Statewide Automated Victim Information and Notification, SAVIN, system to provide timely notifications to crime victims who request it. Programs like these give crime victims some peace of mind and facilitate communication among the courts and corrections and other law enforcement officials.

We need to renew our national commitment to crime victims. The Senate can help by recognizing the importance of the Crime Victims Fund and supporting its essential role in helping crime victims and their families meet critical expenses, recover from the horrific crimes they endured, and move forward with their lives. I urge Senators on both sides of the aisle to honor our longstanding commitment to crime victims by working together to commemorate victims of crime and to preserve the Crime Victims Fund.

ADDITIONAL STATEMENTS

CONGRATULATING DR. HOWARD-YANA SHAPIRO

• Mr. BINGAMAN. Madam President, I wish to congratulate Dr. Howard-Yana Shapiro, who will receive the Organic Leadership Award on May 7, 2007. The award is bestowed annually by the Organic Trade Association on individuals who have demonstrated leadership and vision in furthering the goals of organic agriculture.

Dr. Shapiro has had a very impressive career in organic agriculture, having been involved with sustainable agricultural and agroforestry systems, plant genetics, and food production systems for over 35 years. He is best known as the principal author of "Gardening for the Future of the Earth," which shows how to "create natural bounty in your own backyard and help save the planet one seed at a time."

During his long and diverse career, Dr. Shapiro has been a community gardening activist, a university professor for 15 years, twice a Fulbright Scholar, twice a Ford Foundation Fellow, and winner of the National Endowment for the Humanities Award. He has worked with indigenous communities, nongovernmental organizations, governmental agencies, and private institutions throughout the world, including Conservation International, World Wildlife Fund, U.S. Department of Agriculture, U.S. Agency for International Development, U.S. Forest

Service, ICRAF, The World Agroforestry Centre, Smithsonian Tropical Research Institute, and many other national and regional agricultural institutions in Mexico, Brazil, Ecuador, Bolivia, Costa Rica, Honduras, Ghana, Nigeria, Cameroon, Senegal, South Africa, Vietnam, Indonesia, Papua New Guinea, and Australia.

Most recently, Dr. Shapiro has held a leadership role in Seeds of Change, the largest certified organic seed company in the country. Located along the Rio Grande in El Guique, NM, Seeds of Change, a division of Mars, Incorporated, is a pioneering cultivator of organically grown seeds for home and market growers, a leader in the organic foods industry, and a valued resource for organic farmers. Dr. Shapiro has been dedicated to Seeds of Change since its inception and was a key figure during the launching of the Seeds of Change 100 percent certified organic food line in the United States, Europe, Australia, and Japan.

I am proud that New Mexico is home to Seeds of Change and that the company, and organic agriculture as an industry, has been so well served by the expertise and vision of Dr. Shapiro throughout its growth. Again, I congratulate Dr. Howard-Yana Shapiro for receiving the Organic Trade Association's highest honor. I thank him for his commitment to furthering organic agriculture around the world, and I wish him continued success in the years ahead.●

MOUNTAIN HOME AIR FORCE BASE

● Mr. CRAIG. Madam President, today with great pride I honor Mountain Home Air Force Base for their recent achievement of winning the Commander in Chief's Annual Award for Installation Excellence for an Air Force base. Over 85 Active-Duty Air Force installations competed this year for the award, and I was extremely pleased to get word that Idaho's own Air Force base came out the winner.

Over the years, I have worked very closely with the different wing commanders at Mountain Home Air Force Base to ensure that their installation will provide our soldiers with the best living conditions and optimal training space to ensure that should they be called to duty, they would be fully prepared. I know firsthand that the work being done both at home and abroad by our airmen and soldiers at Mountain Home Air Force Base is among the best our military can offer.

Over 500 airmen and crew from Mountain Home Air Force Base are currently deployed in Afghanistan in support of our joint mission with NATO to provide freedom and security from terrorist, and they are serving with great courage and determination. I know that their fellow servicemembers, the Idaho delegation, and all of Idaho await their return and they will be greeted with a hero's welcome. Although they are not in Idaho to celebrate this very prestigious honor from the Secretary of Defense, the Secretary of the Air Force, and the Commander in Chief, I know that their contributions greatly aided in Mountain Home Air Force Base receiving this award.

COL Tony Rock, wing commander of the 366 Fighting Wing at Mountain Home Air Force Base, expressed his pride of winning this award but gave the credit to the 4,000-plus men and women who operate the base on a daily basis. Colonel Rock was quoted as saying, "This award validates the hard work, commitment and pride of all our Gunfighters who work together to make Mountain Home the best base in the Air Force. I am simultaneously humbled and awed to be part of this team and lead our Gunfighters as we continue to prove we are the premier combat wing in the entire Air Force."

I couldn't agree more with Colonel Rock's statement.

Again, I would like to extend the appreciation and congratulations of myself and all of Idaho to the soldiers and civilians at Mountain Home Air Force Base for their incredible work serving and protecting our Nation.●

NATIONAL SMALL BUSINESS ASSOCIATION ANNIVERSARY

● Mr. KERRY. Madam President, today I honor the distinguished 70-year history of the National Small Business Association. This member-driven organization continues to take the lead on important issues facing small businesses and is the oldest small business advocacy group in the United States. It is especially fitting that we recognize this organization during National Small Business Week.

The NSBA can trace its founding back to DeWitt M. Emery, a determined small business owner struggling to keep his business running in the midst of the Great Depression. As owner of the Monroe Letterhead Corporation in Akron, OH, Mr. Emery labored to keep his small business running while feeling burdened by the increasing cost of doing business—including higher material costs and wages.

Frustrated by the lack of support for small businesses in national politics, and inspired by an idea to make his and his peers' voices heard, Mr. Emery founded the National Small Business Men's Association on November 13, 1937. One hundred sixty small business owners out of 200 who received Mr. Emery's recruitment letter joined the organization that now boasts a reach of over 150,000 small businesses.

In keeping with the organization's responsiveness to the ever-changing small business climate, and to be more inclusive of the growing number of women small business owners, the group changed its name in 1962, to the National Small Business Association.

In 1986, the organization changed its name again to National Small Business United when it joined with Small Business United, or SBU, a rival organization that started 5 years earlier. SBU and its member groups, such as the Smaller Business Association of New England, or SBANE, helped establish the current organization's vast network of small business affiliates. After the merger, the new organization became responsible for running the SBANE-created Washington Presentation. In addition to SBANE, some of the other NSBA affiliates are the Arizona Small Business Association, the Small Business Association of Michigan, Missouri Merchants and Manufacturers Association, SMC Business Councils, Council of Smaller Enterprises and Small Business California. Thanks to its strong affiliates NSBA has emerged as a vibrant grassroots organization.

In 2003, the oldest small business advocacy group changed its name back to the National Small Business Association. Through its name changes and merger, the organization's commitment to representing small business owners has been unwavering, and today's group boasts a wide variety of members from carpenters to investors, from manufacturers to grocers. NSBA truly represents the diversity of our Nation's small businesses. As chairman of the Committee on Small Business and Entrepreneurship, I work with NSBA's members in my State and across the Nation, welcoming their insights and unique perspective.

I find it important to note that today's small business owners struggle with some of the same issues that plagued Mr. Emery in 1937, and many new issues. From access to capital to health care, we will continue to work with small businesses as they strive to maintain and grow their firms—and as they make a significant contribution to our economy. Through the efforts of advocacy groups like the NSBA working with us to pass legislation, we have been able to assist thousands of determined small business owners like Mr. Emery. The tireless work of the NSBA is testament to the resolve and spirit of small business owners, and I am gratified that the current organization leads the charge on many important issues. I invite the Senate to join me in honoring NSBA and its distinguished history of nonpartisan work on behalf of small businesses.●

MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1257. An act to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

H.R. 1495. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The message also announced that the Speaker removes Mr. PRICE of North Carolina, as a conferee and appoints Ms. KILPATRICK of Michigan, to fill the vacancy thereon, on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

The message further announced that pursuant to 22 U.S.C. 276h and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. MCCAUL of Texas, Mr. WELLER of Illinois, Mr. DREIER of California, Mr. MACK of Florida, and Mr. FORTUNO of Puerto Rico.

The message also announced that pursuant to 22 U.S.C. 276d, clause 10 of rule 1, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. MANZULLO of Illinois, Mr. MCCOTTER of Michigan, Mr. STEARNS of Florida, Mr. ENGLISH of Pennsylvania, and Mr. BROWN of South Carolina.

ENROLLED BILLS SIGNED

At 3:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1003. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 1130. An act to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of the individual or a family member of that individual, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 865. An act to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; to the Committee on Energy and Natural Resources.

H.R. 1257. An act to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1593. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army that is identified as being case number 04-07; to the Committee on Appropriations.

EC-1594. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Donald J. Wetekam, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1595. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral Albert M. Calland III, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-1596. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 17426) received on April 18, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-1597. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 17413) received on April 18, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-1598. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Secretary of the Army's review of the report of the Chief of Engineers on the Ventura River; to the Committee on Environment and Public Works.

EC-1599. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the views of the South Florida Water Management District, the State of Florida, the Department of the Interior, and the Environmental Protection Agency on the Picayune Strand ecosystem restoration project; to the Committee on Environment and Public Works.

EC-1600. A communication from the Chief of the Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Removal of the Standardized Request for Evidence Processing Timeframe" (RIN1615-AB13) received on April 18, 2007; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. BURR, Mrs. CLINTON, Mr. COLEMAN, Mr. BINGAMAN, Mr. SMITH, Mrs. BOXER, Mr. DURBIN, Mr. INOUYE, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mr. REED, and Mr. BROWN):

S. 1183. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1184. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. BURR, and Mr. KENNEDY):

S. 1185. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 1186. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget.

By Mr. KERRY:

S. 1187. A bill to require the Architect of the Capitol to develop a plan to reduce carbon dioxide emissions from the Capitol complex, with the goal of achieving carbon neutrality at the complex by December 31, 2020; to the Committee on Rules and Administration.

By Mr. LUGAR (for himself, Mr. DURBIN, Mr. BAYH, Ms. STABENOW, and Mr. LEVIN):

S. 1188. A bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. 1189. A bill to designate the Federal building and United States Courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mrs. BOXER, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 165. A resolution relative to the death of Representative Juanita Millender-McDonald, of California; considered and agreed to.

By Mr. CASEY (for himself and Mr. SPECTER):

S. Res. 166. A resolution commemorating the lifetime achievement of the Reverend Leon H. Sullivan; considered and agreed to.

ADDITIONAL COSPONSORS

S. 119

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 119, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 408

At the request of Mr. CHAMBLISS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 408, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 469

At the request of Mr. BAUCUS, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 479

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 548

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 558

At the request of Mr. DOMENICI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 573

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 582

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Maine (Ms. COLLINS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 667

At the request of Mr. BOND, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 721

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 761

At the request of Mr. REID, the names of the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. AKAKA), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 761, supra.

S. 766

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 794

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 794, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the Medicaid and State children's health insurance programs, and for other purposes.

S. 858

At the request of Mr. WYDEN, the names of the Senator from California (Mrs. BOXER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 858, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 948

At the request of Mr. LIEBERMAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 948, a bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media in the development of children.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 962

At the request of Mr. BINGAMAN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 962, a bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy and for other purposes.

S. 968

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 991

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1012

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1042

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Ms. CANTWELL) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1105

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1105, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1125

At the request of Mr. LOTT, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1173

At the request of Mrs. BOXER, the names of the Senator from Montana (Mr. TESTER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1173, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. CON. RES. 26

At the request of Mrs. CLINTON, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Con. Res. 26, a concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

S. CON. RES. 27

At the request of Mrs. CLINTON, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Con. Res. 27, a concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day".

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. BURR, and Mr. KENNEDY):

S. 1185. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I wanted to take a few minutes of the Senate's time to talk about a bill that I introduced, along with Senator BURR and Senator KENNEDY, entitled the Graduation Promise Act of 2007, or GPA.

This bill would create a Federal-State-local partnership to improve the Nation's graduation rates and help transform our lowest performing high schools. This is a bill we just introduced today.

I thank Senator BURR and Senator KENNEDY for their commitment to improving our high schools and for increasing graduation rates in this country. I am very pleased to be working with both of them on this legislation. I am also very glad that GPA, this legislation we have introduced, is supported by the Alliance for Excellent Education, by the Center for American Progress, by Jobs for the Future, by the National Council of La Raza, by First Focus, and many other education groups.

Nearly 20 years ago, the Nation's Governors met for the first education summit and, as far as I know, for the only national education summit in our country's history. They met with the first President Bush in Charlottesville, VA. They agreed to set high expectations for education for the coming decade. That was the decade following 1989.

One of those standards they set was for an increase in high school graduation rates to 90 percent by the year 2000. Today, we are not even close to achieving that goal. In fact, the Nation's graduation rate has stagnated at around 70 percent instead of 90 percent. Graduation rates for Hispanic and African-American students are lower than that. In my home State of New Mexico, by some estimates, the graduation rate is less than 60 percent in some high schools.

Many students are entering the ninth grade significantly behind in their reading and mathematics skills. They are ill-prepared to master the challenges of the typical high school curriculum. Not surprisingly, these students are more prone to academic failure and grade retention and, accordingly, the dropout rates among these students are disturbingly high, specifically in the ninth grade.

But low graduation rates are only one broad indicator of the crisis affecting our Nation's high schools. Even if a student makes it to graduation, only a third of all students who enter the ninth grade will graduate with the skills and the knowledge necessary to go on to college or to succeed in the modern workplace. They are not receiving the kind of quality education that permits a seamless transition to a job or postsecondary education. Again, this problem disproportionately affects minority students. Only 16 percent of Hispanic students and 23 percent of African-American students graduate prepared for college, compared to 40 percent for other students.

This situation is simply unacceptable. In the global technology-based economy we live in today, a high school diploma is a minimum qualification for most jobs in our fastest growing sectors. The United States ranks 19th in high school graduation rates among major industrial democracies.

The Federal Government recognized that investments in early childhood and elementary grades are critical to a student's academic growth and success. Still, attention and resources must be sustained throughout the middle and high school years as well if the national goal of leaving no child behind is to be met. Unfortunately, we have not been doing this. Only about 8 percent of all title I dollars go to our high schools today.

Our continued economic security hinges on preparing our young people to enter college and to enter the 21st century workforce. In fact, our national security depends on it.

Fortunately, research has come to light that will help us to better understand the factors behind the low graduation and student performance data. For instance, we can identify the high schools that are producing the majority of dropouts in this country. These schools—roughly 2,000 schools I am referring to—represent about 15 percent of all high schools in the country, and they have persistently low rates of graduation and low rates of grade promotion.

If we look at the typical senior class at one of these high schools, it will have decreased in size by at least 40 percent since the students entered the school 4 years earlier. These high schools are in every State. They tend to be concentrated in urban areas, and they serve more than a third of our African-American and Hispanic students nationwide. Unfortunately, there are 23 of these high schools in my home State of New Mexico.

Research has also shed light on the specific factors that allow us to predict who is going to drop out of high school. We can identify with up to 80 percent accuracy the future dropouts as early as the ninth grade. We can do so by looking at such predictors as course failure, poor attendance, behavior problems, and retention in earlier grades. Students who enter high school significantly lagging behind in their academics and who show signs of becoming disengaged from the school are prone to drop out unless additional support is put in place.

Finally, research-based solutions with solid evidence of success are transforming of our high schools with low graduation rates. Restructuring schools into smaller, more personalized learning environments ensures that students become engaged from the time they enter the ninth grade on. Sustained efforts to boost attendance ensure they will not fall further behind.

Schools that have combined these efforts with a high-quality curriculum and structural improvements have been very successful at improving student performance and improving graduation rates. They have done so with transitional math and English for ninth graders that will help them catch up by offering challenging curricula and tangible contextual applications of learning in order to rekindle the interests of these students and creating teaching teams, targeting professional development for the teachers to help them meet this challenge. A combination of these interventions has improved student performance and increased graduation rates. We know this problem can be solved to meet the goal.

This legislation has been introduced by Senators BURR and KENNEDY, and I hope very much this legislation and many of its provisions can be included when we get to a markup of the No Child Left Behind legislation later this year.

I submit we cannot afford to let the estimated 2,000 failing high schools continue to push students off the path to prosperity. Collectively, these schools serve about 2.4 million students. We need to ensure for the continued prosperity of the country that these students remain in school and graduate with the skills needed to become productive citizens.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Graduation Promise Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) IN GENERAL.—The terms "local educational agency", "secondary school", and "State educational agency" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) GRADUATION RATE.—The term "graduation rate" (except when used as part of the term "averaged freshmen graduation rate") has the meaning given the term in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)).

(3) HIGH-PRIORITY.—The term "high-priority", when used with respect to a secondary school, means a school that—

(A) has low student achievement; and

(B)(i) has a low graduation rate; or

(ii) feeds students into a high school that has a low graduation rate.

(4) HIGH SCHOOL.—The term "high school" means a secondary school in which the—

(A) entering grade of the school is not lower than grade 6; and

(B) highest grade of the school is—

(i) grade 12; or

(ii) in the case of a secondary school approved by a State to issue a regular diploma concurrently with a postsecondary degree or with not more than 2 years' worth of postsecondary academic credit, grade 13.

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) SECRETARY.—The term "Secretary" means the Secretary of Education.

(7) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

TITLE I—HIGH SCHOOL IMPROVEMENT AND DROPOUT REDUCTION FUND

SEC. 101. FINDINGS.

The Senate finds the following:

(1) About a third of our Nation's high school students fail to graduate in 4 years, and another third graduate without the skills and knowledge needed to succeed in college or the workplace. The outcomes for minority students are even worse: only about 52 percent of Hispanic, 56 percent of African-American, and 57 percent of Native-American students graduate on time, compared to 78 percent of white students.

(2) More than a decade after Congress declared a national goal that 90 percent of American high school students graduate from high school we are far from that target and graduation rates have stagnated.

(3) Half of the Nation's dropouts attend a "dropout factory"— schools where 40 percent or more of the freshman class has disappeared by the time the students reach their senior year. These schools, which are located in nearly every State, primarily serve minority and poor students, and have fewer resources and less qualified teachers than schools in more affluent neighborhoods with larger numbers of white students. In fact, almost half of African-American students and nearly 40 percent of Latino students—compared to only 11 percent of white students—attend high schools in which graduation is not the norm.

(4) If the Nation's high schools and colleges raise the graduation rates of Hispanic, African-American, and Native-American students to the levels of white students by 2020, the potential increase in personal income across the Nation would add, conservatively, more than $310,000,000,000 to the United States economy.

(5) If the high school graduation rate for male students increased by just 5 percent, the Nation could save almost $5,000,000,000 a year in reduced spending on crime-related expenses such as prisons and medical costs for victims. An additional $2,700,000,000 could be generated in income if these high school graduates went on to college at the same rate as other male students.

(6) A high school diploma is increasingly important for success in the 21st century economy. In fact, an estimated 80 percent of current jobs and approximately 90 percent of the fastest-growing, highest-paying jobs require some sort of education beyond high school.

(7) The Nation spends more than $1,400,000,000 a year to provide remedial courses to community college students who recently completed high school. And that figure does not include the almost $2,300,000,000 that the economy loses because students who take remedial courses, particularly in reading, are more likely to leave college without getting a degree, and thereby reduce their earning potential. Across the Nation, 42 percent of community college freshmen and 20 percent of freshmen in 4-year institutions enroll in at least 1 remedial course.

(8) Business and higher education consistently report that students are leaving high school unprepared for the demands of college and the workplace. According to a survey of the National Association of Manufacturers, more than 80 percent of manufacturing companies are experiencing a shortage of qualified workers. More than two-thirds of manufacturing companies said that businesses train employees to raise basic skills, a sure sign that a high school education is deficient even for the few jobs that require nothing further. Forty percent of employers considered graduates deficient in their overall preparation for the workplace.

(9) For decades, Federal funding has largely been spent on grades Pre-K to 6 and higher education, with dramatically less given the middle and high school grades. While children in their early years must build a strong foundation for learning, research also clearly demonstrates the need to continue the investment at each stage of the education process or risk losing much of the benefit of the early effort.

(10) The United States has made some progress in education outcomes in the early years of education and in higher education, but has seen decline in the middle and high school years. In terms of demonstrating return on investment, where Federal educational commitment has been made, positive outcomes have resulted.

(11) Only 8 percent of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) participants are high school students, leaving millions of title I-eligible, high school students in low-performing schools without the focused support, external assistance, and resources for improvement that title I was created to provide. Because title I funds serve as the trigger for school improvement requirements in the Elementary and Secondary Education Act of 1965, this also means that most low-income, low-performing high schools are not required to (or supported to) implement school improvement activities.

(12) While the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) includes a strong focus on identifying low-performing schools, America still needs a comprehensive strategy to support and improve chronically low-performing schools and districts. School improvement strategies should be tailored based on a variety of indicators and data, so that educators can create and implement successful school improvement strategies to address the needs of the individual schools.

(13) Most districts and State educational agencies do not necessarily have the capacity or infrastructure to guide, support, and fund school improvement strategies where they are needed, but good models for turning around low-performing high schools do exist. Federal support should be used to build this capacity based on evidence from successful high schools.

(14) If the Nation is to maintain and increase its competitiveness in the global economy, it must invest in a systemic approach to improving its high schools so that every child graduates prepared for success.

SEC. 102. PURPOSES.

The purposes of this title are to—

(1) improve high school student academic achievement and graduation rates;

(2) help States develop a high school improvement system to deliver support and technical assistance to high-priority high schools;

(3) ensure students graduate from high school with the education and skills necessary to compete in a global economy; and

(4) help build the capacity to develop and implement research-based, sustainable, and replicable high school improvement models and interventions for high-priority high schools that engage the whole community.

SEC. 103. DEFINITIONS.

In this title:

(1) ADEQUATE YEARLY PROGRESS.—The term "adequate yearly progress" has the meaning given the term in section 1111(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)).

(2) AVERAGED FRESHMEN GRADUATION RATE.—The term "averaged freshmen graduation rate" means the estimate of the percentage of high school students who graduate on time by dividing the number of graduates with regular diplomas by the estimated size of the incoming freshman class 4 years earlier, expressed as a percentage, as calculated and reported by the National Center for Education Statistics.

(3) LOW-INCOME LOCAL EDUCATIONAL AGENCY.—The term "low-income local educational agency" means a local educational agency in which not less than 15 percent of the students served by such agency are from families with incomes below the poverty line.

(4) MIDDLE GRADES.—The term "middle grades" means grades 6 through 8.

(5) POVERTY LINE.—The term "poverty line" means the poverty line described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902), applicable to a family of the size involved.

(6) TECHNICAL ASSISTANCE PROVIDER.—The term "technical assistance provider" means a nonprofit entity with a proven track record of significantly improving student achievement and outcomes in high-priority high schools.

SEC. 104. GRANTS AUTHORIZED.

The Secretary is authorized to make grants to State educational agencies with applications approved under section 109 to establish or expand a differentiated high school improvement system that can improve student achievement and graduation rates, and effectively target resources and technical assistance to high-priority high schools.

SEC. 105. ALLOTMENT TO STATES.

(a) IN GENERAL.—The Secretary shall make grants to State educational agencies with applications approved under section 109 to enable the States to carry out the activities specified in section 110. Each grant shall consist of the allotment determined for a State under subsection (b)(2).

(b) DETERMINATION OF ALLOTMENTS.—

(1) RESERVATION OF FUNDS.—From the total amount appropriated for this Act, the Secretary shall reserve—

(A) 4 percent to—

(i) evaluate activities authorized under this title, including supporting large-scale randomized studies of planned variations in school time, such as length of school day, week, and year, teacher effectiveness, class size, teacher training, performance or placement incentives, and other major school improvement inputs, in order to determine the most effective strategies for improving student achievement and outcomes for students attending high-priority high schools; and

(ii) disseminate findings of such evaluations;

(B) 2 percent to provide technical assistance and ongoing regional training programs—

(i) to build the capacity of State educational agencies and local educational agencies to provide technical assistance to improve high-priority high schools;

(ii) to develop the capacity of State educational agencies to effectively manage a differentiated high school improvement system and analyze the capacity of local educational agencies and high schools to effectively implement proven high school reform strategies; and

(iii) to develop, in middle schools served by a local educational agency whose students go on to attend high schools identified by the local educational agency as in need of whole school reforms or replacement, middle grade early indicator warning systems consisting of factors used to identify students who are struggling academically and have poor attendance records or have been suspended in or before the middle grades or are likely to struggle in high school or to not graduate and provide supports to get such students back on track; and

(C) 2 percent to enter into contracts with or provide grants to technical assistance providers to build their capacity to serve more high schools and to support the development or enhancement of research-based whole secondary school reform or new secondary school models.

(2) STATE ALLOTMENT.—From the total amount appropriated under section 114 for a fiscal year and not reserved under paragraph (1), the Secretary shall make allotments as follows:

(A) LOW-INCOME LOCAL EDUCATIONAL AGENCIES.—From such amount, the Secretary shall allot to each State an amount that bears the same ratio to 50 percent of the sums being allotted as the percentage of students enrolled in schools served by low-income local educational agencies in the State bears to the total of such percentages for all the States.

(B) LOWEST CALCULATION.—From such amount, the Secretary shall allot to each State within the lowest one-third averaged freshman graduation rate an amount that bears the same ratio to 25 percent of the sums being alloted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States within the lowest one-third averaged freshman graduation rate.

(C) MIDDLE CALCULATION.—From such amount, the Secretary shall allot to each State within the middle one-third averaged freshman graduation rate an amount that bears the same ratio to 15 percent of the sums being alloted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States within the middle one-third averaged freshman graduation rate.

(D) HIGHEST CALCULATION.—From such amount, the Secretary shall allot to each State within the highest one-third averaged freshman graduation rate an amount that bears the same ratio to 10 percent of the sums being alloted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States within the highest one-third averaged freshman graduation rate.

(3) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallot the amount of the allotment to the remaining States in accordance with this subsection.

(4) MATCHING FUNDS.—A State educational agency that receives a grant under this title shall provide matching funds, from non-Federal sources, in an amount equal to 25 percent of the amount of grant funds provided to the State under this title (which may be provided in cash or in-kind, but not more than 10 percent of the amount of grant funds may be provided in-kind) to carry out the activities supported by the grant. In-kind contributions shall be directed toward supporting State educational agency technical assistance efforts or the operation of the State's differentiated high school improvement system.

SEC. 106. SECRETARIAL PEER REVIEW AND APPROVAL.

(a) IN GENERAL.—The Secretary shall—

(1) establish a peer-review process to assist in the review and approval of State plans;

(2) appoint individuals to the peer-review process who are educators and experts in educational standards, assessments, accountability, high school improvement, dropout prevention, and other educational needs of high school students;

(3) approve a State plan submitted under this title not later than 120 days after the date of the submission of the plan unless the Secretary determines that the plan does not meet the requirements of this title;

(4) if the Secretary determines that the State plan does not meet the requirements of this title, immediately notify the State of such determination and the reasons for such determination;

(5) not decline to approve a State's plan before—

(A) offering the State an opportunity to revise the State's plan;

(B) providing the State with technical assistance in order to submit a successful application; and

(C) providing a hearing to the State; and

(6) have the authority to disapprove a State plan for not meeting the requirements of this title.

(b) STATE REVISIONS.—A State plan shall be revised by the State educational agency if required to do so by the Secretary to satisfy the requirements of this title.

(c) ACCURACY.—In approving a State plan, the Secretary shall ensure that—

(1) the process the State educational agency proposes for differentiating school improvement actions under section 109(b)(4) will assign high schools to each category in such a way that accurately identifies schools and leads to the implementation of the interventions necessary to meet student needs; and

(2) the minimum expected growth targets proposed by the State educational agency under section 109(b)(2)(B) are meaningful, achievable, and demonstrate continuous and substantial progress.

SEC. 107. TECHNICAL ASSISTANCE.

If the Secretary determines that a State does not have the capacity to carry out high school improvement activities, the Secretary shall offer technical assistance to carry out such activities to States directly or through contracts with technical assistance providers.

SEC. 108. DIFFERENTIATED HIGH SCHOOL IMPROVEMENT SYSTEM.

(a) IN GENERAL.—A State educational agency that receives a grant under this title shall use such funds to establish or expand differentiated high school improvement systems.

(b) SYSTEM REQUIREMENTS.—The systems described in subsection (a) shall be designed to do the following:

(1) IDENTIFY HIGH-PRIORITY HIGH SCHOOLS.—The system shall be designed to identify high-priority high schools within the State.

(2) DIFFERENTIATE SCHOOL IMPROVEMENT ACTIONS.—The system shall be designed to differentiate school improvement actions based on the amount and type of supports necessary to improve student achievement and graduation rates in high schools within the State.

(3) LOCALLY DRIVEN IMPROVEMENT PLANS.—The system shall be designed to provide resources to support evidence-based activities chosen by local school improvement teams and based on school performance data.

(4) TARGET FUNDS.—The system shall be designed to target resources and support to those high-priority high schools within the State.

(5) RECOGNIZE PROGRESS.—The system shall be designed to ensure that high schools making progress on school performance indicators continue to implement effective school improvement strategies identified in their current school improvement plan.

(6) DEMONSTRATE COMMITMENT.—The system shall be designed to ensure that high-priority high schools making progress on school performance indicators continue to have the resources and supports necessary to continue improving high school graduation rates and student achievement.

(7) BUILD CAPACITY.—The system shall be designed to build the capacity of the State educational agencies and local educational agencies to assist in improving student achievement and graduation rates in high-priority high schools.

SEC. 109. STATE APPLICATION TO DEVELOP DIFFERENTIATED HIGH SCHOOL IMPROVEMENT SYSTEMS.

(a) IN GENERAL.—

(1) IN GENERAL.—For a State to be eligible to receive a grant under this title, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) REVISED APPLICATION.—The State educational agency shall submit a revised application every 5 years based on an evaluation of the activities conducted under this title.

(b) CONTENTS.—Each application submitted under this section shall include the following:

(1) SCHOOL IMPROVEMENT PROCESS.—The State educational agency shall describe how the State educational agency will use funds authorized under this title to establish or expand a high school improvement system described in sections 108 and 110.

(2) SCHOOL PERFORMANCE INDICATORS.—

(A) IN GENERAL.—The State educational agency shall define a set of comprehensive school performance indicators that shall be used, in addition to the indicators used to determine adequate yearly progress, to analyze school performance, determine the amount and type of support the school needs, and guide the school improvement process, such as—

(i) student attendance rates;

(ii) earned on-time promotion rates from grade to grade;

(iii) percent of students who have on-time credit accumulation at the end of each grade;

(iv) percent of students failing a core, credit-bearing mathematics, reading or language arts, or science course, or failing 2 or more of any course;

(v) percent of students taking a college preparatory curriculum, which may include percent of students taking Advanced Placement, International Baccalaureate courses, or college courses taken for dual credit;

(vi) teacher quality and attendance measures;

(vii) student rates of college enrollment, persistence, and attainment; and

(viii) additional indicators proposed by the State educational agency and approved by the Secretary as part of the peer-review process described in section 110.

(B) EXPECTED GROWTH.—The State educational agency shall define a minimum percent of expected annual growth for each school performance indicator that demonstrates continuous and substantial progress.

(3) CAPACITY EVALUATIONS.—

(A) STATE EDUCATIONAL AGENCY AND LOCAL EDUCATIONAL AGENCY CAPACITY.—The State educational agency shall describe how it will evaluate and ensure that the State educational agency and local educational agency have sufficient capacity to improve high-priority high schools.

(B) High school capacity and needs assessment.—The State educational agency shall describe how it will ensure that each high school that does not make adequate yearly progress for 2 consecutive years will undergo a capacity and needs assessment as described in section 111(e) and use such information to assist in determining the amount of the subgrant awarded under section 110(f).

(4) Differentiated school improvement.—The State educational agency shall describe how data from the school performance indicators described in paragraph (2) and indicators used to determine adequate yearly progress will be used by local educational agencies as criteria for placing high schools that do not make adequate yearly progress for 2 consecutive years into 1 of the following school improvement categories:

(A) Schools needing targeted interventions.—High schools whose school performance indicators demonstrate a need for targeted interventions to improve student outcomes and make adequate yearly progress.

(B) Schools needing whole school reforms.—High schools whose school performance indicators demonstrate a need for comprehensive schoolwide reform to improve student outcomes and make adequate yearly progress.

(C) Schools needing replacement.—High schools whose school performance indicators demonstrate a need for replacement, as described in section 112(d).

(D) Special rule.—States may propose systems of differentiation aligned with their existing State accountability systems that include additional categories.

(E) Rule of construction.—Notwithstanding any other provision of law, for purposes of this title, a high school shall be designated as a school in need of whole school reform or as a school in need of replacement in the case that such high school has—

(i) a graduation rate of 60 percent or less; or

(ii) achievement levels below the initial baseline for measuring the percentage of students meeting or exceeding the State's proficient level of academic achievement in either mathematics or English or language arts in accordance with section 1111(b)(2)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(E)).

(5) State review of local educational agency plans.—The State educational agency shall describe the following:

(A) Review local educational agency plans.—The State educational agency shall describe how it will collect and review high school improvement plans of local educational agencies using the peer-review process described in section 110(b) submitted by local educational agencies in accordance with section 111(e).

(B) Allocation of subgrants.—The State educational agency shall describe how it will award subgrants to local educational agencies using the peer-review process described in section 110(b) in accordance with section 110(f).

(C) Monitoring of school improvement plans.—The State educational agency shall describe how it will review and monitor the implementation of high school improvement plans of high schools that do not meet the expected growth targets set in accordance with paragraph (2)(B) and defined in the school improvement plan described in section 111(d).

(D) Provide technical assistance.—

(i) In general.—The State educational agency shall describe how it will provide technical assistance to local educational agencies and high schools that need support to implement high school improvement plans described in section 111(d) and improve graduation rates and student achievement, including through the use of technical assistance providers, where appropriate.

(ii) School improvement teams.—The State educational agency shall describe how it will assist school improvement teams described in section 111(b), when needed, including how it will—

(I) support and provide resources and training to school improvement teams;

(II) allocate staff to participate on school improvement teams;

(III) provide technical assistance to the school improvement teams; and

(IV) ensure that the school improvement teams have access to technical assistance providers when needed.

(6) Demonstration of commitment.—The State educational agency shall demonstrate how it will provide ongoing support to high schools that need targeted interventions, whole school reforms and replacement, and are making progress on school performance indicators, to ensure continued improvement, including the availability of funds from non-Federal sources.

(7) Middle grade early indicator warning system.—The State educational agency shall demonstrate how it will work with local educational agencies with low graduation rates to develop middle grade early indicator warning systems consisting of factors used to identify students who are struggling academically and have poor attendance records or have been suspended in or before the middle grades or are likely to struggle in high school or to not graduate and, where appropriate, provide supports to get such students back on track.

(8) Evaluation of success.—The State educational agency shall describe how, every 5 years, it will evaluate how the activities assisted under this title have been successful in improving student achievement and outcomes of the cohort of students that entered 9th grade 4 years earlier.

SEC. 110. STATE EDUCATIONAL AGENCY USE OF FUNDS.

(a) In General.—A State educational agency that receives a grant under section 105—

(1) may reserve not more than 10 percent of the grant funds to carry out the activities under this title; and

(2) shall use not less than 90 percent of the grant funds to make subgrants to local educational agencies in accordance with subsection (b).

(b) State Educational Agency Peer Review.—A State educational agency that receives a grant under this title shall review applications submitted under section 111 and make awards in accordance with subsection (f) with the assistance and advice of a panel who are educators and experts in—

(1) educational standards, assessments, and accountability;

(2) high school improvement;

(3) dropout prevention; and

(4) other educational needs of high school students.

(c) Accuracy.—The State educational agency, in consultation with the panel described in subsection (b), shall ensure the local educational agency has designated the school improvement category described in section 109(b)(4) for each high school served by the local educational agency that did not make adequate yearly progress for 2 consecutive years in such a way that accurately identifies schools and leads to the implementation of the interventions necessary to meet student needs.

(d) Opportunity To Revise.—If the State educational agency, in consultation with the panel described in subsection (b), determines that the local educational agency's application does not meet the requirements of this title, the State educational agency shall immediately notify the local educational agency of such determination and the reasons for such determination, and offer—

(1) the local educational agency an opportunity to revise the application; and

(2) technical assistance to the local educational agency to revise the application.

(e) Technical Assistance.—The State educational agency shall provide technical assistance to a local educational agency requesting such assistance in preparing the application and needs assessment required under section 111.

(f) Award of Subgrants to Local Educational Agencies.—

(1) In general.—A State educational agency that receives a grant under this title shall award subgrants to local educational agencies with applications approved on the basis of—

(A) the quality of the plan to improve student graduation rates and student achievement in high schools that have not made adequate yearly progress for 2 consecutive years; and

(B) the capacity of the local educational agency to implement the plan.

(2) Amount.—A subgrant under this section shall be awarded in an amount that is based on—

(A) the number and size of high schools served by the local educational agency needing—

(i) targeted interventions;

(ii) whole school reforms; and

(iii) replacement;

(B) the types of reforms or interventions proposed;

(C) the resources available to the high schools to implement the reforms or interventions proposed; and

(D) the resources available to the local educational agency to implement the reforms or interventions proposed.

(3) Priority.—The State educational agency shall first award subgrants to local educational agencies serving high schools needing whole school reforms and replacement. The State educational agency shall award remaining subgrant funds to local educational agencies serving high schools needing targeted interventions.

(g) Authority To Intervene.—If the State educational agency determines that a local educational agency does not have the capacity to implement high school improvement activities described in the school improvement plan, the State educational agency may intervene to implement the high school improvement plans or enter into contracts with technical assistance providers to assist local educational agencies with the implementation of high school improvement plans.

(h) Implementation of State Educational Agency Application.—The State educational agency shall use funds under this title to carry out the activities included in the application described in section 109.

(i) Supplement, Not Supplant.—A State educational agency that receives a grant under this title shall use the grant funds to supplement, and not supplant, Federal and non-Federal funds available to high schools.

SEC. 111. LOCAL EDUCATIONAL AGENCY IMPLEMENTATION OF SCHOOL IMPROVEMENT SYSTEM.

(a) Differentiate High Schools.—A local educational agency that applies for a subgrant under this title shall designate the category of high school improvement, as described in section 109(b)(4), using data from the school performance indicators as criteria, as prescribed by the State educational agency, for each high school served by such agency that does not make adequate yearly progress for 2 consecutive years.

(b) SCHOOL IMPROVEMENT TEAMS.—

(1) IN GENERAL.—To be eligible to receive a subgrant under this title, a local educational agency shall convene a school improvement team for each high school served by such agency that does not make adequate yearly progress for 2 consecutive years and is assigned to 1 of the school improvement categories defined in section 109(b)(4), which—

(A) shall include—

(i) the building principal;

(ii) teachers representing different grade levels or disciplines;

(iii) local educational agency staff;

(iv) parents, including parents of students who have low graduation rates;

(v) community representatives, including representatives of nonprofit organizations serving young people and the business community; and

(vi) pupil service representatives; and

(B) may include—

(i) technical assistance providers, where appropriate; and

(ii) State educational agency staff when requested by the local educational agency or assigned by the State educational agency.

(2) COLLABORATION.—A local educational agency shall ensure collaboration—

(A) of school improvement teams with personnel of middle schools served by the local educational agency whose students go on to attend high schools that are designated as in need of targeted assistance, whole school reform, or replacement, where appropriate; and

(B) between school improvement teams working at different high schools served by the local educational agency, to the extent appropriate.

(c) DEVELOP STUDENT INDICATORS.—To be eligible to receive a subgrant under this title, a local educational agency shall develop a set of indicators to determine the number and percent of students who begin high school at high risk for not graduating high school with a regular diploma and describe how the school improvement team will use such indicators to determine the type and intensity of supports each student needs. Such indicators shall include the number and percent of 9th grade students who—

(1) in the 8th grade—

(A) failed a credit-bearing mathematics or reading or language arts course, or 2 or more of any course;

(B) attended school less than 90 percent of the required time; and

(C) received an out-of-school suspension;

(2) repeat the 9th grade;

(3) enter the 9th grade over the average age; or

(4) have experienced interrupted formal education.

(d) DEVELOP HIGH SCHOOL IMPROVEMENT PLANS.—The school improvement team convened under subsection (b) shall use data from the school performance indicators, the student indicators, measures used to determine adequate yearly progress, the capacity and needs assessment described in subsection (e), and other relevant data and knowledge of the school to develop a multiyear school improvement plan for each school. Such plan shall—

(1) identify annual benchmarks for school performance indicators that meet or exceed the minimum percentage of expected growth defined by the State educational agency in section 109(b)(2)(B);

(2) define the evidence-based academic and nonacademic interventions and resources necessary to meet annual benchmarks and make adequate yearly progress;

(3) identify the roles of the State educational agency, the local educational agency, the school, and technical assistance providers and service providers, as appropriate, in providing identified interventions and resources necessary to meet annual benchmarks and make adequate yearly progress;

(4) provide for the involvement of business and community organizations and other entities, including parents and institutions of higher education, in the activities to be assisted under this title; and

(5) describe and direct the use of—

(A) any additional funding to be provided by the State educational agency, the local educational agency, or other sources; and

(B) technical assistance providers, where appropriate.

(e) HIGH SCHOOL CAPACITY AND NEEDS ASSESSMENT.—

(1) IN GENERAL.—To be eligible to receive a subgrant under this title, a local educational agency shall submit, with the application described in subsection (f), to the State educational agency a capacity and needs assessment for each high school served by such agency that does not make adequate yearly progress for 2 consecutive years.

(2) ASSESSMENT.—The assessment under paragraph (1) shall be conducted by a school improvement team described in subsection (b) and the local educational agency and shall include—

(A) a description and analysis of the school's capacity to implement needed school improvement activities identified in the school improvement plan, including an analysis of—

(i) the number, experience, training level, responsibilities, and stability of existing administrative, instructional, and noninstructional staff for each high school to be assisted;

(ii) a review of the budget, including how Federal, State, and local funds are currently being spent for instruction and operations at the school level for staff salaries, instructional materials, professional development, and student support services to establish the extent to which existing resources need to and can be reallocated to support the needed school improvement activities; and

(iii) additional resources and staff necessary to implement the needed school improvement activities described in section 112; and

(B) an analysis of the local educational agency's capacity to provide technical assistance, additional staff, and resources to implement the school improvement plan to improve high school performance.

(3) REQUIREMENTS.—The information provided in the capacity and needs assessment in coordination with the school improvement plan shall be used to determine the level and direct the use of—

(A) funds requested by the local educational agency for each high school to be assisted under this title;

(B) any additional funding to be provided by the State educational agency, the local educational agency, or other sources; and

(C) technical assistance providers, where appropriate.

(f) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a subgrant under this title, a local educational agency—

(A) shall submit an application ,to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require; and

(B) may request technical assistance from the State educational agency in preparing the application and the capacity and needs assessment required under this section.

(2) CONTENTS.—Each application submitted under this section shall use data from the capacity and needs assessment required in subsection (e) and shall include the following:

(A) A description of how the local educational agency used data from the school performance indicators as criteria to designate the school improvement category described in section 109(b)(4) for each high school served by such agency that did not make adequate yearly progress for 2 consecutive years.

(B) An identification of each high school served by the local educational agency that did not make adequate yearly progress for 2 consecutive years and the designation of the school improvement category for each such school, as described in section 109(b)(4).

(C) A description of the activities to be carried out by the local educational agency under this title and a description of how the activities will be research-based and an explanation of why the activities are expected to improve student achievement and increase graduation rates.

(D) An assurance that the local educational agency will use funds authorized under this title and received from the State educational agency first to meet the needs of high schools served by the local educational agency that need whole school reforms or high schools served by the local educational agency that need replacement.

(E) A description of how the local educational agency will provide for the involvement of parents, business and community organizations, including institutions of higher education, in the activities to be assisted under this title, and the resources such entities will make available to assist in such activities.

(F) An assurance that the local educational agency shall provide ongoing support and resources to high schools that need whole school reforms and that need replacement, and are making progress on school performance indicators, to ensure continued improvement.

(G) A description of how the local educational agency will increase its capacity to improve high schools with low student achievement and graduation rates.

(H) A description of the options that will be provided to high school students served by the local educational agency, such as—

(i) programs for credit recovery for overage or under-credited students; and

(ii) secondary-postsecondary learning opportunities, including dual enrollment programs and early college high schools.

(g) IMPLEMENT HIGH SCHOOL IMPROVEMENT PLANS.—The local educational agency shall use funds to ensure the implementation of school improvement plans.

(h) ENSURE CONTINUOUS HIGH SCHOOL IMPROVEMENT.—

(1) IN GENERAL.—The local educational agency shall ensure the continuous improvement of high schools by evaluating the progress of high schools in making the continuous and substantial progress as defined in the school improvement plan in accordance with the minimum expected growth set by the State educational agency in section 109(b)(2)(B) and determining whether the

high school is on track or not on track as provided in paragraphs (2) and (3).

(2) ON TRACK.—Each high school that is meeting the annual benchmarks as defined in the school improvement plan shall continue to implement school improvement activities in accordance with the school improvement plan.

(3) NOT ON TRACK.—For each high school that is not meeting the annual benchmarks as defined in the school improvement plan, the local educational agency shall—

(A) after 1 year, review the school improvement plan, and develop and implement a new plan, as appropriate;

(B) after 2 years, redesignate the school into a different school improvement category, as described in section 109(b)(4), either—

(i) as a school in need of whole school reform; or

(ii) as a school in need of replacement; and

(C) develop and submit to the State educational agency for review a new school improvement plan, as appropriate.

(i) TARGETED INTERVENTIONS FOR FEEDER MIDDLE SCHOOLS.—A local educational agency that receives a subgrant under this title, consistent with subsection (f)(2)(D), may use funds to—

(1) implement research- and evidence-based interventions to improve middle schools served by such agency whose students go on to attend high schools served by the local educational agency that need whole school reforms or high schools served by the local educational agency that need replacement; and

(2) establish an early indicator warning system consisting of factors used to identify students who are struggling academically and have poor attendance records or have been suspended in or before the middle grades or are likely to struggle in high school or to not graduate and provide supports to get such students back on track.

(j) SUPPLEMENT, NOT SUPPLANT.—A local educational agency that receives a subgrant under this title shall use the subgrant funds to supplement, and not supplant, Federal and non-Federal funds available for high schools.

(k) MATCHING FUNDS.—

(1) IN GENERAL.—A local educational agency receiving a grant under this title shall provide matching funds, from non-Federal sources, in an amount equal to not less than 15 percent of the total subgrant award for the local educational agency, which may be provided in cash or in-kind, to provide technical assistance to high schools served by the local educational agency in developing their high school improvement plans, conducting the capacity and needs assessment, and in implementing and monitoring the implementation of the high school improvement plans.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for a local educational agency if the Secretary determines that applying the matching requirement to such local educational agency would result in serious hardship or an inability to carry out the authorized activities described in section 110.

SEC. 112. SCHOOL IMPROVEMENT ACTIVITIES.

(a) IN GENERAL.—Each school improvement team convened as described in section 111 shall ensure that the school improvement activities developed under the school improvement plan are implemented.

(b) TARGETED INTERVENTIONS.—A high school or local educational agency, as determined by the school improvement team, shall implement research-based targeted interventions, using data from the school performance and student indicators and capacity evaluations for schools identified for such interventions pursuant to section 111. The targeted interventions shall be designed, at a minimum, to address the specific problems identified by the indicators.

(c) WHOLE SCHOOL REFORMS.—The local educational agency or State educational agency, with technical assistance from technical assistance providers, as determined by the school improvement team, shall implement research-based whole school reforms, using data from the school performance indicators (as described in section 109(b)(2)) and capacity evaluations (as described in section 109(b)(3)), to schools designated as needing whole school reform pursuant to section 111. Such reforms—

(1) shall address the comprehensive aspects of high school reform, such as—

(A) attendance;

(B) student engagement, behavior, and effort;

(C) academic success; and

(D) teacher and administrator skill and collaboration;

(2) shall address resource allocation, including—

(A) student supports;

(B) teacher and staff support;

(C) materials and equipment;

(D) time for collaboration; and

(E) the use of data;

(3) shall be designed to address—

(A) the multiple layers of school improvement demonstrated by research and best practice;

(B) schoolwide needs;

(C) students who need targeted assistance; and

(D) students who need intensive interventions;

(4) shall include activities that serve to—

(A) personalize the school experience, increase student engagement, attendance, and effort, and enable schools to provide the level and intensity of student support needed, by creating constructs, such as—

(i) smaller schools or smaller units within schools with their own leadership, such as 9th grade transition programs or academies, and upper grade programs or academies, including career academies;

(ii) thematic small-learning communities;

(iii) teams of teachers who work exclusively with small groups of students; or

(iv) using extended periods, such as block scheduling, to reduce the number of students for whom teachers are responsible and the number of courses students are taking at any one time;

(B) improve curriculum and instruction, such as—

(i) implementing a college- and work-ready curriculum for all students;

(ii) adopting well-designed curriculum and instructional materials aligned to high academic standards for all students, including students with diverse learning needs;

(iii) offering extended learning opportunities, both in school and through after-school and summer programs;

(iv) emphasizing intensive core academic preparation and college and work-ready skills development;

(v) increasing rigor through advanced placement courses, international baccalaureate courses, dual enrollment, and early college high schools opportunities;

(vi) creating contextual learning opportunities aligned with college and work readiness, such as through a high-quality career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) option for upper grades;

(vii) collecting and using comprehensive data, including formative assessments;

(viii) offering mentoring and tutoring; and

(ix) implementing pedagogies that actively engage students in the learning process;

(C) increase teacher and principal effectiveness through activities such as—

(i) providing teacher and administrator supports and research-based, ongoing professional development tied to needs identified in the school improvement plan;

(ii) providing regular opportunities for teachers of core academic subjects to—

(I) meet together in both subject area and interdisciplinary groups;

(II) review student achievement data; and

(III) plan instruction;

(iii) implementing a schoolwide literacy or mathematics plan that may include hiring literacy or mathematics coaches; and

(iv) developing administrator learning networks and supports;

(D) increase student supports, such as—

(i) student advisories;

(ii) 9th grade transition programs;

(iii) credit completion recovery programs;

(iv) additional counselors, social workers, and mental and behavioral health service providers;

(v) student advocates;

(vi) strengthening involvement of parents in the academic life of students;

(vii) school-family-community partnerships;

(viii) wraparound social services;

(ix) before and after school programs; or

(x) additional supports for students with diverse learning needs, including students with disabilities and English language learners;

(E) improve middle schools within a local educational agency whose students go on to attend such high schools and establish an early indicator warning system consisting of factors used to identify students who are struggling academically and have poor attendance records or have been suspended in or before the middle grades or are likely to struggle in high school or not to graduate and provide supports to get them back on track; and

(F) provide the local educational agency or high school with flexible budget and hiring authority where needed to implement improvements; and

(5) may include other activities designed to address whole school needs, such as implementing a comprehensive reform model.

(d) REPLACEMENT.—The local educational agency or the State educational agency, with assistance from technical assistance providers, shall replace high schools, using data from the school performance indicators and high school capacity and needs assessment (described in paragraphs (2) and (3) of section 109(b), respectively) designated as needing replacement pursuant to section 111. Replacement shall be implemented—

(1) by replacing such schools with 1 or more new small schools using effective school models with evidence of success with students with similar academic challenges and outcomes to those attending the school being replaced;

(2) by reopening such schools after combining the assignment of a new administrative team that has the authority to select a new teaching staff with the use of research-based strategies through—

(A) the implementation of a whole school reform model with evidence of success with students with similar academic outcomes to those attending the school being replaced; and

(B) increasing learning time;

(3) by closing such schools and reassigning the students to high schools that have made adequate yearly progress for the past 2 years; or

(4) by otherwise replacing such schools.

SEC. 113. EVALUATION AND REPORTING.

(a) Local Educational Agency Reporting.—On an annual basis, each local educational agency receiving funds under this title shall report to the State educational agency and to the public on—

(1) the designated category of school improvement for each high school served by the local educational agency under this title;

(2) the school performance indicators (as described in section 109(b)(2)) for each school served under this title, in the aggregate and disaggregated by the subgroups described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(3) progress in meeting the benchmarks for each high school served pursuant to this title; and

(4) the use of funds by the local educational agency and each such school.

(b) State Educational Agency Reporting.—On an annual basis, each State educational agency receiving funds under this title shall report to the Secretary and to the public on—

(1) the school performance indicators (as described in section 109(b)(2)), in the aggregate and disaggregated by the subgroups described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(2) progress in meeting the benchmarks for each high school served pursuant to this title;

(3) the high schools that have changed school improvement categories in accordance with section 111(h); and

(4) the use of funds by each local educational agency and each school served with such funds.

(c) Report to Congress.—Every 2 years, the Secretary shall report to Congress and to the public—

(1) a summary of the State reports; and

(2) on the use of funds by each State under this title.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the activities authorized under this title, $2,400,000,000 for fiscal year 2008 and each of the 4 succeeding fiscal years.

TITLE II—DEVELOPMENT OF EFFECTIVE SCHOOL MODELS

SEC. 201. FINDINGS AND PURPOSES.

(a) Findings.—The Senate finds the following:

(1) With close to a third of our Nation's high school students failing to graduate in 4 years, and another third graduating without the skills and knowledge needed to succeed in college or the workplace, new models of high school are clearly needed, especially for struggling students who are not on track to a high school diploma.

(2) Researchers have identified leading indicators that, taken together, are as much as 85 percent predictive of which 9th graders will not graduate from high school 4 years later.

(3) In the 2000 high schools nationwide with estimated 4-year graduation rates of 60 percent or lower, 80 percent of the 9th graders are significantly behind in skills or credits. By a conservative estimate, this adds up to not fewer than 500,000 students who are not on track to graduation.

(4) Poor outcomes for struggling students are endemic in cities, towns, and rural areas across the country. Graduation rates for students who are not on-track to an on-time graduation in ninth grade are as low as 20 percent.

(5) Schools designed to accelerate students' learning and get them on track to a college-ready diploma make a difference. The Early College High School Initiative has started 130 schools serving approximately 16,000 students in 23 States. Early results indicate that in the first programs to graduate students, over 95 percent earned a high school diploma, over 57 percent earned an associate's degree, and over 80 percent were accepted at a 4-year college

(6) Most States and districts have limited capacity to expand and spread proven practices and models for improving graduation rates within a high standards environment.

(7) The Nation's young people understand the value of education and will persist, often against considerable odds, to further their education. From 1980 to 2002, a period of time with no discernible increase in the country's graduation rates, the percentage of 10th graders aspiring to a bachelor's degree or higher increased from 40 percent to 80 percent, with the largest increase among low-income youth.

(8) Young people who fall behind and drop out of high school often report that they regret leaving and wish they had been encouraged and supported to work harder while they were in school. Many persevere despite a lack of school options or pathways designed to help them succeed. Close to 60 percent of dropouts eventually earn a high school credential—in most cases a GED certificate. Almost half of these students—44 percent—later enroll in 2-year or 4-year colleges, but despite their efforts fewer than 10 percent earn a postsecondary degree.

(b) Purposes.—The purposes of this title are—

(1) to facilitate the development and implementation of effective secondary school models for struggling students and dropouts; and

(2) to build the capacity of State educational agencies, local educational agencies, nonprofit organizations, and institutions of higher education to implement effective secondary school models for struggling students and dropouts.

SEC. 202. DEFINITIONS.

In this title:

(1) Dropout.—The term "dropout" means an individual who—

(A) is not older than 21;

(B)(i) is not attending any school; or

(ii) prior to attending a school based on an effective school model, was not attending any school; and

(C) has not received a secondary school regular diploma or its recognized equivalent.

(2) Effective school model.—The term "effective school model" means—

(A) an existing secondary school model with demonstrated effectiveness in improving student academic achievement and outcomes for struggling students or dropouts; or

(B) a proposed new secondary school model design that is based on research-based organizational and instructional practices for improving student academic achievement and outcomes for struggling students or dropouts.

(3) Eligible entity.—The term "eligible entity" means—

(A) a local educational agency, nonprofit organization, or institution of higher education—

(i) that proposes to enhance or expand an existing effective school model for struggling students or dropouts; or

(ii) that has a track record of serving struggling students or dropouts and proposes to develop a new effective school model for struggling students or dropouts; or

(B) a partnership involving 2 or more entities described in subparagraph (A).

(4) Struggling student.—The term "struggling student"—

(A) means a high school-aged student who is not making sufficient progress toward graduating from secondary school with a regular diploma in the standard number of years; and

(B) includes a student who—

(i) has been retained in grade level;

(ii) is under-credited, defined as a high school student who lacks either the necessary credits or courses, as determined by the relevant local educational agency and State educational agency, to graduate from secondary school with a regular diploma in the standard number of years; or

(iii) is a late entrant English language learner, defined as a high school student who—

(I) enters a school served by a local educational agency at grade 9 or higher; and

(II) is identified by the local educational agency as being limited English proficient and as having experienced interrupted formal education.

SEC. 203. GRANTS AUTHORIZED.

(a) In General.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop and implement, or replicate, effective school models for struggling students and dropouts.

(b) Period of Grant.—A grant awarded under this section shall be for a period of 3 years.

SEC. 204. APPLICATION.

(a) In General.—Each eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) Contents.—Each application submitted under this section shall include a description of—

(1) how the eligible entity will carry out the mandatory activities under section 206(a);

(2) the research or evidence concerning the effective school model that the eligible entity proposes to develop and implement or replicate, including—

(A) for an existing effective school model described in section 203(2)(A), the evidence that the model has improved academic outcomes for struggling students or dropouts; or

(B) for a proposed effective school model described in section 203(2)(B), the research that supports the key organizational and instructional practices of the proposed effective school model;

(3) the eligible entity's school design elements and principles that will be used in the effective school model, including—

(A) the academic program;

(B) the instructional practices;

(C) the methods of assessment; and

(D) student supports and services, such as those provided by the school or offered by other organizations and agencies in the community, to support positive student academic achievement and outcomes;

(4) how the eligible entity will use student data from the local educational agency or State educational agency—

(A) to demonstrate the need for and projected benefits of the effective school model; and

(B) in the implementation of the model, in order to improve academic outcomes for struggling students or dropouts;

(5) for each school in which the eligible entity implements or replicates an effective school model under this title, how the eligibility entity will sustain the implementation or replication of the effective school model, including the financing mechanism to be used;

(6) how the eligible entity will collect data and information to assess the performance of the effective school model and will make necessary adjustments to ensure continuous and substantial improvement in student academic achievement and outcomes; and

(7) how the eligible entity will make the performance data available to State educational agencies, local educational agencies, and schools serving struggling students or dropouts.

SEC. 205. SECRETARIAL PEER REVIEW AND APPROVAL.

The Secretary shall—

(1) establish a peer-review process to assist in the review and approval of applications submitted by eligible entities under section 204; and

(2) appoint individuals to the peer-review process who are experts in high school reform, dropout prevention and recovery, new school development for struggling students and dropouts, and adolescent and academic development.

SEC. 206. USE OF FUNDS.

(a) Mandatory Use of Funds.—An eligible entity receiving a grant under this title shall use grant funds to—

(1) enhance and expand, or replicate, an existing effective school model described in section 202(2)(A), or develop a proposed effective school model described in section 202(2)(B), for struggling students and dropouts;

(2) assess the progress of the implementation or replication of the effective school model and make necessary adjustments to ensure continuous improvement;

(3) provide opportunities for professional development associated with the continuous improvement and implementation or replication of the effective school model;

(4) collect data and information on the school model's effectiveness in improving student academic achievement and outcomes for struggling students and dropouts and disseminate such data and information to State educational agencies, local educational agencies, and schools; and

(5) build the capacity of the eligible entity to—

(A) sustain the implementation or replication of the effective school model assisted under paragraph (1) after the grant period has ended; and

(B) replicate the effective school model.

(b) Optional Use of Funds.—An eligible entity receiving a grant under this title may use grant funds to—

(1) identify and create partnerships needed to improve the academic achievement and outcomes of the students attending a school assisted under this title;

(2) support family and community engagement in the effective school model; and

(3) carry out any additional activities that the Secretary determines are within the purposes described in section 201.

SEC. 207. EVALUATION AND REPORTING.

(a) Contents of Report.—Each eligible entity receiving a grant under this title shall annually report to the Secretary on—

(1) the data and information being gathered to assess the effective school model's effectiveness in improving student academic achievement and outcomes for struggling students and dropouts;

(2) the implementation status of the models, any barriers to implementation, and actions taken to overcome the barriers;

(3) any professional development activities to build the capacity of—

(A) the eligible entity to sustain or replicate the effective school model; or

(B) the staff of a school assisted under this title to implement or improve the effective school model;

(4) the progress made in improving student academic achievement and outcomes in the effective school models for struggling students and dropouts; and

(5) the use of grant funds by the eligible entity.

(b) Independent Evaluations.—The Secretary shall reserve not more than $5,000,000 to carry out an independent evaluation of the grant program under this title and the progress of the eligible entities receiving grants under this title.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $60,000,000 for fiscal year 2008 and each of the 4 succeeding fiscal years.

TITLE III—STRENGTHENING STATE POLICIES

SEC. 301. FINDINGS AND PURPOSES.

(a) Findings.—The Senate finds the following:

(1) Frontrunner States have begun to move more aggressively on the dual challenge of raising high school graduation rates while also raising the standards to the level of a college and work-ready diploma.

(2) Seven States are publically reporting 4-year cohort graduation rates and 20 States plan to publically report by 2008.

(3) Thirteen States now require students to take a college-and work-ready course of study to earn a diploma, up from just 3 in 2006. Another 16 States report that they plan to raise requirements during 2007.

(4) States that act aggressively to raise graduation rates without conceding ground on academic proficiency are gaining traction in such cutting- edge policy areas as: dual enrollment to support early college high schools that lead to high school diplomas and 2 years of postsecondary credit; expanding high school accountability to include indicators to reward schools for keeping struggling students in school and on track to proficiency; the development of new secondary educational options, including both small school models and recovery or alternative models for struggling students and dropouts.

(5) Even frontrunner States have not yet adopted a comprehensive set of policies to support high standards and high graduation rates. They lack the supports and resources to track implementation of the policies they have put in place or to partner with districts to build further capacity to carry out evidence-based practices and programming.

(6) Past Federal educational initiatives have been effective in supporting and accelerating bolder, more strategic action with positive results, for example the National Science Foundation State Systemic Initiative.

(7) Supporting frontrunner States to become laboratories of innovation and models for other States will accelerate the number of young people graduating from high schools across the Nation who are college and career ready.

(b) Purposes.—The purposes of this title are to—

(1) provide incentives for States to strengthen and develop new State policies in order to substantially raise the graduation rate in the State while ensuring rigorous secondary education content standards and assessments; and

(2) evaluate the effectiveness of such changes to the State policies.

SEC. 302. SYSTEMIC INITIATIVE TO IMPROVE HIGH SCHOOL GRADUATION RATE.

(a) Grant Program Authorized.—The Secretary is authorized to award grants, on a competitive basis, to States that meet the requirements of section 303 to enable such States to design and align State policies in order to act as laboratories of innovation by reducing barriers and creating incentives to improve outcomes for high school students.

(b) Number of Grants; Duration.—

(1) Number of grants.—For each of the first 3 consecutive years of the grant program under this title, the Secretary shall award 4 or more grants under this title, except that the Secretary shall award a total of not more than 20 grants under this title for all 3 such years.

(2) Duration of grant.—Each grant awarded under this title shall be for a period of 5 years.

SEC. 303. ELIGIBLE STATE.

To be eligible to receive a grant under this title, a State shall comply with each of the following:

(1) The State shall receive a grant under title I and carry out the activities required under such title.

(2) The State shall have implemented, or be in the process of developing, a statewide longitudinal data system with individual student identifiers.

(3) The Governor of the State and any individual, entity, or agency designated under section 304(a) by the Governor shall regularly consult with each other and with the State board of education, the State educational agency, the head of the State higher education entity, the head of career and technical education in the State, and other agencies as appropriate, regarding carrying out the activities required under this title.

(4) The State shall meet any additional criteria determined by the Secretary to be necessary to carry out the purposes of this title.

SEC. 304. APPLICATION.

(a) In General.—If a State desires a grant under this title, the Governor of the State, or an individual, entity, or agency designated by the Governor, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) Contents.—Each application submitted under this section shall include the following:

(1) A description of the State's plan to conduct the policy gap and impact analysis described in section 305(1).

(2) A description of the State's plan for using the findings of the policy gap and impact analysis to strengthen the policies of the State in effect as of the date of enactment of this Act.

(3) A description of how the State will ensure that the State elementary and secondary education content standards and academic assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)) are aligned to college and work readiness.

(4) A description of how the State will ensure that all students have access to a college preparatory curriculum.

(5) A plan to ensure the statewide longitudinal student data system, other statewide data systems, and data protocols are designed and implemented in such a way that allows for data interoperability and portability across local educational agencies and among pre-kindergarten through grade 12 systems, institutions of higher education, and systems that identify whether students enter the Armed Forces.

(6) A plan to grant additional flexibility and autonomy to schools and local educational agencies working to increase the graduation rates and college readiness of secondary school students.

(7) A plan to stimulate the development of multiple pathways and expanded educational options to help secondary students, including struggling students and dropouts, attain a secondary school diploma that prepares the student with the necessary skills to succeed in higher education and work.

(8) An assurance that the following stakeholders are committed to achieving the goals and objectives set forth in the grant application:

(A) The Governor of the State.

(B) The chief executive officer of the State higher education coordinating board.

(C) The chief State school officer.

(D) The head of the State Board of Education.

(E) The head of career and technical education in the State.

(F) Other agency heads, as determined appropriate by the Governor and the individuals, entities, and agencies involved in the consultation under section 303(3).

SEC. 305. USE OF FUNDS.

A State receiving a grant under this title shall carry out the following:

(1) Conduct, or enter into a contract with a third party to conduct, a policy gap and impact analysis to determine how to strengthen the policies of the State in order to substantially raise the graduation rate in the State while ensuring rigorous secondary education content standards and assessments. Such analysis shall—

(A) examine the policies of the State, and of the local educational agencies within the State, affecting—

(i) school funding;

(ii) data capacity;

(iii) accountability systems;

(iv) interventions in high-priority secondary schools;

(v) new school development; and

(vi) the dissemination and implementation of effective local school improvement activities throughout the State; and

(B) provide recommendations regarding how the State can strengthen the policies of the State to substantially raise the graduation rate in the State while ensuring rigorous postsecondary and work-ready academic standards, including recommendations on—

(i) innovative finance models, such as weighted student funding;

(ii) data capacity that enables longitudinal and cross-sectoral analysis of State education and other systems, such as juvenile justice, social services, and early childhood;

(iii) improving a differentiated system of supports, sanctions, and interventions for high-priority high schools;

(iv) the development of additional secondary educational options, including both the development of small school models and recovery or alternative models for struggling students and dropouts;

(v) additional accountability measures in the State accountability system;

(vi) dual student enrollment in secondary schools and institutions of higher education; and

(vii) the development of school-family-community partnerships to improve student achievement.

(2) Implement or enact—

(A) the changes to the policies of the State recommended by the policy gap and impact analysis under paragraph (1)(B); and

(B) any additional changes to the policies of the State necessary to enable the State to carry out all of the plans described in the application under subsection (b).

(3) Develop a system to—

(A) measure how the changes to the policies of the State carried out under this title improve student outcomes at the State and local levels; and

(B) adjust the policies of the State accordingly in order to achieve the desired policy targets and student outcomes at the State and local levels.

(4) Devote resources to ensure the sustainability of the activities carried out under this title and the long-term success of the secondary schools within the State.

SEC. 306. EVALUATION AND REPORTING.

(a) EVALUATION AND REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for the period of the grant, each State receiving a grant under this title shall—

(1) conduct an evaluation of the State's progress regarding the impact of the changes made to the policies of the State in accordance with this title, on substantially raising the graduation rate in the State while ensuring rigorous postsecondary and work-ready academic standards, including—

(A) a description of the specific changes made, or in the process of being made, to policies as a result of the grant;

(B) a discussion of any barriers hindering the identified changes in policies, and strategies to overcome such barriers;

(C) evidence of the impact of changes to policies on desired behavior and actions at the local educational agency and school level;

(D) after the first year of the grant period, a description of how the results of the previous year's evaluation were used to adjust policies of the State as necessary to achieve the purposes of this title; and

(E) evidence of the impact of the changes to policies in accordance with this title on improving graduation rates or other measures, such as percent of students who are making sufficient progress toward graduating secondary school in the standard number of years;

(2) use the results of the evaluation conducted under paragraph (1) to adjust the policies of the State as necessary to achieve the purposes of this title; and

(3) submit the results of the evaluation to the Secretary.

(b) AVAILABILITY.—The Secretary shall make the results of each State's evaluation under subsection (a) available to other States and local educational agencies.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $40,000,000 for fiscal year 2008 and the 4 succeeding fiscal years.

Mr. KENNEDY. Mr. President, while many measures are being taken at the Federal, State and local levels to improve student achievement in America, our high school students are still being left behind. High school students continue to lag in both math and reading. In 12th grade, less than a quarter of students scored proficient or better on the math assessment, and only 35 percent were proficient or better on the reading assessment.

Furthermore, Federal funding is not currently going to the high schools that are in the most need. The main source of Federal funds is through the title I program. Yet only 8 percent of students who benefit from these funds are in high school. Ninety percent of high schools with very low graduation rates have many low-income students.

The statistics on high school graduation rates are staggering. About 1,000 high schools across the country only graduate half their students, and only about 70 percent of high school students graduate on time. Among African Americans and Latinos, only 55 percent graduate on time. It is clear that high schools need more assistance in supporting and retaining students.

The continued partnership between local, State and the Federal Government is essential in improving secondary education in America. That is why the Graduation Promise Act provides the necessary funding to improve the capacity of low-performing high schools, decrease dropout rates and increase student achievement. The act speaks directly to the root of the problem, providing support to high schools and middle schools to both assist and retain students who may have fallen between the cracks.

The Graduation Promise Act would make great strides in helping high school students achieve to their fullest potential. The act would provide $2.5 billion to build capacity for secondary school improvement, and at the same time provide States and local school districts with the resources to ensure high schools with the greatest challenges receive the support they need to implement research-based interventions.

Research shows that we can identify students who are most at-risk for not completing high school as early as sixth grade. With early intervention, quality teachers, small classes, and data-driven instruction we can ensure that these students make progress, stay in school and succeed.

The act assists these efforts by supporting the development and dissemination of highly effective secondary school models for students most at risk of being left behind. It would also strengthen state improvement systems to identify, differentiate among, and target the level of reform and resources necessary to improve low-performing high schools, while ensuring transparency and accountability. Finally, the act would support states' continuing efforts to align State policies and systems to meet the goal of college and career-ready graduation for all students.

Bringing our schools into the 21st century is the ultimate goal of this important piece of legislation. Local schools, States and the Federal Government must continue to work together to modernize the practices and models that are being used to ensure success from all of our high school students. Updating the system for the current times is a difficult process, but with the assistance of the Graduation Promise Act, all high school students can be given the tools necessary to succeed both in school and beyond.

I thank my colleagues, Senator BINGAMAN and Senator BURR, for their good work on this initiative and their leadership on this issue. I look forward to working with them on this and many other important issues as we move forward with the reauthorization of the Elementary and Secondary Act. I urge my colleagues to support this legislation.

By Mr. FEINGOLD:

S. 1186. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget.

Mr. FEINGOLD. Mr. President, I am delighted to join my colleague in the other body, Congressman PAUL RYAN of Wisconsin, in introducing the Congressional Accountability and Line-Item Veto Act of 2007. Congressman RYAN and I belong to different political parties, and differ on many important issues. But we do share at least two things in common—our hometown of Janesville, WI, and an abiding respect for Wisconsin's tradition of fiscal responsibility.

The measure we are each introducing today would grant the President specific authority to rescind or cancel congressional earmarks, including earmarked spending, tax breaks, and tariff benefits. This new authority would sunset at the end of 2012, ensuring that Congress will have a chance to review its use under two different Administrations before considering whether or not to extend it. While not a true line-item veto bill, our measure provides for fast-track consideration of the President's proposed cancellation of earmarks. Thus, unlike current law, it ensures that for the specific category of congressional earmarks, the President will get an up or down vote on his proposed cancellations.

There have been a number of so-called line-item veto proposals offered in the past several years. But the measure Congressman RYAN and I propose today is unique in that it specifically targets the very items that every line-item veto proponent cites when promoting a particular measure, namely earmarks. When President Bush asked for this kind of authority, the examples he gave when citing wasteful spending he wanted to target were congressional earmarks. When Members of the House or Senate tout a new line-item veto authority to go after government waste, the examples they give are congressional earmarks. When editorial pages argue for a new line-item veto, they, too, cite congressional earmarks as the reason for granting the President this new authority.

That is exactly what our bill does. It provides the President with new expedited rescission authority—what has been commonly referred to as a line-item veto—to cancel congressional earmarks. The definitions of earmarks that we use are the very definitions upon which each house has agreed in passing legislation earlier this year.

Unauthorized congressional earmarks are a growing problem. By one estimate, in 2004 alone more than $50 billion in earmarks were passed. There is no excuse for a system that allows that kind of wasteful spending year after year, and while I have opposed granting the President line-item veto authority to effectively reshape programs like Medicare and Medicaid, for this specific category, I support giving the President this additional tool.

Under our proposal, wasteful spending doesn't have anywhere to hide. It's out in the open, so that both Congress and the President have a chance to get rid of wasteful projects before they would become law.

The taxpayers—who pay the price for these projects—deserve a process that shows some real fiscal discipline, and that's what we are trying to get at with this legislation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Accountability and Line-Item Veto Act of 2007".

SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1019 and 1020, respectively) and part C and inserting the following:

"PART B—LEGISLATIVE LINE-ITEM VETO

"LINE ITEM VETO AUTHORITY

"SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 30 calendar days after the enactment of any bill or joint resolution containing any congressional earmark or providing any limited tariff benefit or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the repeal of the congressional earmark or the cancellation of any limited tariff benefit or targeted tax benefit. If the 30 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of Congress or for a period greater than 30 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to repeal any congressional earmarks or to cancel any limited tariff benefits or targeted tax benefits.

"(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the congressional earmarks, limited tariff benefits, or targeted tax benefits to be repealed or canceled—

"(i) the congressional earmark that the President proposes to repeal or the limited tariff benefit or the targeted tax benefit that the President proposes be canceled;

"(ii) the specific project or governmental functions involved;

"(iii) the reasons why such congressional earmark should be repealed or such limited tariff benefit or targeted tax benefit should be canceled;

"(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed repeal or cancellation;

"(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed repeal or cancellation and the decision to propose the repeal or cancellation, and the estimated effect of the proposed repeal or cancellation upon the objects, purposes, or programs for which the congressional earmark, limited tariff benefit, or the targeted tax benefit is provided;

"(vi) a numbered list of repeals and cancellations to be included in an approval bill that, if enacted, would repeal congressional earmarks and cancel limited tariff benefits or targeted tax benefits proposed in that special message; and

"(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed repeals or cancellations are not substantially similar to any other proposed repeal or cancellation in such other message.

"(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to repeal or cancel the same or substantially similar congressional earmark, limited tariff benefit, or targeted tax benefit more than one time under this Act.

"(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a), but may transmit not more than 2 special messages for any omnibus budget reconciliation or appropriation measure.

"(2) ENACTMENT OF APPROVAL BILL.—

"(A) DEFICIT REDUCTION.—Congressional earmarks, limited tariff benefits, or targeted tax benefits which are repealed or canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

"(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the repeal or cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

"(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

"(D) TRUST FUNDS AND SPECIAL FUNDS.—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

"PROCEDURES FOR EXPEDITED CONSIDERATION

"SEC. 1012. (a) EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—The majority leader or minority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1017 not later than the third day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b). If the bill is not introduced as provided in the preceding sentence in either House, then, on the fourth day of session of that House after the date of receipt of the special message, any Member of that House may introduce the bill.

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

"(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported by or discharged from committee or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

"(C) CONSIDERATION.—The approval bill shall be considered as read. All points of order against an approval bill and against its consideration are waived. The previous question shall be considered as ordered on an approval bill to its passage without intervening motion except five hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

"(D) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

"(3) CONSIDERATION IN THE SENATE.—

"(A) REFERRAL AND REPORTING.—Any committee of the Senate to which an approval bill is referred shall report it to the Senate without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the Senate has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

"(B) MOTION TO PROCEED TO CONSIDERATION.—After an approval bill is reported by or discharged from committee or the Senate has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the Senate. A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

"(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

"(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(G) CONSIDERATION OF THE HOUSE BILL.—

"(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to a vote under subparagraph (C), then the Senate may consider, and the vote under subparagraph (C) may occur on, the House companion bill.

"(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to subparagraph (C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

"(b) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a bill considered under this section shall be in order in either the Senate or the House of Representatives.

"PRESIDENTIAL DEFERRAL AUTHORITY

"SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD CONGRESSIONAL EARMARKS.—

"(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any congressional earmark to be repealed in that special message shall not be made available for obligation for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

"(2) EARLY AVAILABILITY.—The President shall make any congressional earmark deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

"(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A LIMITED TARIFF BENEFIT.—

"(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any limited tariff benefit proposed to be canceled in that special message for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

"(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any limited tariff benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

"(c) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

"(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

"(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

"IDENTIFICATION OF TARGETED TAX BENEFITS

"SEC. 1014. (a) STATEMENT.—The chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate acting jointly (hereafter in this subsection referred to as the 'chairmen') shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. Any such statement shall be made available to any Member of Congress by the chairmen immediately upon request.

"(b) STATEMENT INCLUDED IN LEGISLATION.—

"(1) IN GENERAL.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the chairmen, but only in the manner set forth in paragraph (2).

“(2) APPLICABILITY.—The separate section permitted under subparagraph (A) shall read as follows: ‘Section 1021 of the Congressional Budget and Impoundment Control Act of 1974 shall   apply to   .’, with the blank spaces being filled in with—

“(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word ‘only’ in the first blank space and a list of all of the specific provisions of the bill or joint resolution in the second blank space; or

“(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word ‘not’ in the first blank space and the phrase ‘any provision of this Act’ in the second blank space.

“(c) IDENTIFICATION IN REVENUE ESTIMATE.—With respect to any revenue or reconciliation bill or joint resolution with respect to which the chairmen provide a statement under subsection (a), the Joint Committee on Taxation shall—

“(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits in any revenue estimate prepared by the Joint Committee on Taxation for any conference report which accompanies such bill or joint resolution, or

“(2) in the case of a statement described in 13 subsection (b)(2)(B), indicate in such revenue estimate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.

“(d) PRESIDENT'S AUTHORITY.—If any revenue or reconciliation bill or joint resolution is signed into law—

“(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in this section only with respect to any targeted tax benefit in that law, if any, identified in such separate section; or

“(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

“TREATMENT OF CANCELLATIONS

“SEC. 1015. The repeal of any congressional earmark or cancellation of any limited tariff benefit or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed repeals and cancellations contained in that bill shall be null and void and any such congressional earmark, limited tariff benefit, or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed repeals or cancellations applied.

“REPORTS BY COMPTROLLER GENERAL

“SEC. 1016. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any congressional earmark is not repealed or limited tariff benefit or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

“DEFINITIONS

“SEC. 1017. As used in this part:

“(1) APPROPRIATION LAW.—The term ‘appropriation law’ means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

“(2) APPROVAL BILL.—The term ‘approval bill’ means a bill or joint resolution which only approves proposed repeals of congressional earmarks or cancellations of limited tariff benefits or targeted tax benefits in a special message transmitted by the President under this part and—

“(A) the title of which is as follows: ‘A bill approving the proposed repeals and cancellations transmitted by the President on ______’, the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

“(B) which does not have a preamble; and

“(C) which provides only the following after the enacting clause: ‘That the Congress approves of proposed repeals and cancellations   ’, the blank space being filled in with a list of the repeals and cancellations contained in the President's special message, ‘as transmitted by the President in a special message on   ’, the blank space being filled in with the appropriate date, ‘regarding ________.’, the blank space being filled in with the public law number to which the special message relates;

“(D) which only includes proposed repeals and cancellations that are estimated by CBO to meet the definition of congressional earmark or limited tariff benefits, or that are identified as targeted tax benefits pursuant to section 1014; and

“(E) if no CBO estimate is available, then the entire list of legislative provisions proposed by the President is inserted in the second blank space in subparagraph (C).

“(3) CALENDAR DAY.—The term ‘calendar day’ means a standard 24-hour period beginning at midnight.

“(4) CANCEL OR CANCELLATION.—The terms ‘cancel’ or ‘cancellation’ means to prevent—

“(A) a limited tariff benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such limited tariff benefit is not implemented; or

“(B) a targeted tax benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

“(5) CBO.—The term ‘CBO’ means the Director of the Congressional Budget Office.

“(6) CONGRESSIONAL EARMARK.—The term ‘congressional earmark’ means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

“(7) ENTITY.—As used in paragraph (6), the term ‘entity’ includes a private business, State, territory or locality, or Federal entity.

“(8) LIMITED TARIFF BENEFIT.—The term ‘limited tariff benefit’ means any provision of law that modifies the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities (as defined in paragraph (12)(B)).

“(9) OMB.—The term ‘OMB’ means the Director of the Office of Management and Budget.

“(10) OMNIBUS RECONCILIATION OR APPROPRIATION MEASURE.—The term ‘omnibus reconciliation or appropriation measure’ means—

“(A) in the case of a reconciliation bill, any such bill that is reported to its House by the Committee on the Budget; or

“(B) in the case of an appropriation measure, any such measure that provides appropriations for programs, projects, or activities falling within 2 or more section 302(b) suballocations.

“(11) TARGETED TAX BENEFIT.—The term ‘targeted tax benefit’ means—

“(A) any revenue provision that—

“(i) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

“(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

“(B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

“EXPIRATION

“SEC. 1018. This title shall have no force or effect on or after December 31, 2012”.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking “1017” and inserting “1012”; and

(2) in subsection (d), by striking “section 1017” and inserting “section 1012”.

(b) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.—Section 402 of the Congressional Budget Act of 1974 is amended by inserting “(a)” after “402.” and by adding at the end the following new subsection:

“(b) Upon the receipt of a special message under section 1011 proposing to repeal any congressional earmark, the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed repeal relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmit such estimate to the chairmen of the Committees on the Budget of the House of Representatives and Senate.”.

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended is amended by striking “rescinded or that is to be reserved” and insert “canceled” and by striking “1012” and inserting “1011”.

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

“PART B—LEGISLATIVE LINE-ITEM VETO

“Sec. 1011. Line item veto authority
“Sec. 1012. Procedures for expedited consideration
“Sec. 1013. Presidential deferral authority
“Sec. 1014. Identification of targeted tax benefits
“Sec. 1015. Treatment of cancellations
“Sec. 1016. Reports by comptroller general
“Sec. 1017. Definitions
“Sec. 1018. Expiration

"Sec. 1019. Suits by Comptroller General

"Sec. 1020. Proposed Deferrals of budget authority".

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any congressional earmark, limited tariff benefit, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

SEC. 4. SENSE OF CONGRESS ON ABUSE OF PROPOSED REPEALS AND CANCELLATIONS.

It is the sense of Congress no President or any executive branch official should condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed repeal or cancellation in any special message under this section upon any vote cast or to be cast by any Member of either House of Congress.

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. 1189. A bill to designate the Federal building and United States Courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

Mr. PRYOR. Mr. President, I rise today to commemorate the life and achievements of Arkansas native George Howard, Jr., who died Saturday, April 21, 2007 at Jefferson Regional Medical Center in Pine Bluff, AR. Howard, a remarkable lawyer and civil-rights leader, was Arkansas's first black Federal judge. I am pleased to honor his legacy today by introducing legislation to designate the Pine Bluff Federal building and courthouse the "George Howard. Jr. Federal Building and United States Courthouse."

Judge Howard will be remembered for a number of remarkable professional accomplishments. He was named by President Carter to a lifetime appointment as U.S. District Court Judge for Arkansas's Eastern and Western districts in 1980. Prior to taking office as a Federal judge, Mr. Howard worked as an attorney in private practice and served as President of the State Council of Branches of the NAACP.

He graduated from law school at the University of Arkansas at Fayetteville in 1954. Though not the first black student to graduate from the U of A law school, he was one of the earliest and was the first black student to live in campus housing. Judge Howard also served in the U.S. Navy during World War II.

His hard work, dedication to his country and profession, and historic contribution to the State of Arkansas should be celebrated and remembered. For this reason, I urge the Senate to adopt this legislation honoring Judge George Howard, Jr.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 165—RELATIVE TO THE DEATH OF REPRESENTATIVE JUANITA MILLENDER-McDONALD, OF CALIFORNIA

Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mrs. BOXER, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 165

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Juanita Millender-McDonald, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the late Representative.

SENATE RESOLUTION 166—COMMEMORATING THE LIFE TIME ACHIEVEMENT OF THE REVEREND LEON H. SULLIVAN

Mr. CASEY (for himself and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 166

Whereas, the late Reverend Leon H. Sullivan dedicated his life to alleviating the plight of the poor and the disadvantaged in America and worldwide;

Whereas, Reverend Sullivan received numerous honors and awards during his lifetime, including recognition by LIFE magazine in 1963 as one of the 100 outstanding young adults in America, the Presidential Medal of Freedom in 1992, and the Eleanor Roosevelt Award for Human Rights in 1999;

Whereas, having dedicated 37 years of his ministerial vocation to the historic Zion Baptist Church of Philadelphia, Reverend Sullivan's leadership and innovation led to the creation of one of the largest congregations in the Nation during his time;

Whereas, in 1966, as part of his 10-36 Plan to encourage individuals to invest in the economic future of their communities, Reverend Sullivan founded the Leon H. Sullivan Charitable Trusts and the Progress Investment Associates, through which numerous economic development and social services programs have been developed and funded;

Whereas, in 1963, in response to a lack of job opportunities in Philadelphia, Pennsylvania, Reverend Sullivan led more than 400 ministers in a successful boycott that opened up more than 4,000 jobs for African-Americans;

Whereas, Reverend Sullivan met the need for job training by establishing the Opportunities Industrialization Center, which has grown to more than 75 training centers throughout the Nation;

Whereas, recognizing the need to take his struggle to alleviate the plight of the poor abroad, in 1969 Reverend Sullivan established Opportunities Industrialization Centers International, which has grown to more than 40 centers in 16 African nations, Poland, and the Philippines;

Whereas, when Reverend Sullivan saw the need to create a broader array of programs in Africa, he established the International Foundation for Education and Self-Help, which has conducted numerous initiatives, including Schools for Africa, fellowship programs, and innovative teacher and banker training programs since 1988;

Whereas, in 2001, the Leon H. Sullivan Foundation was established posthumously to support Reverend Sullivan's life's mission through the work of his many established organizations;

Whereas, the Leon H. Sullivan Foundation presents the biennial Leon H. Sullivan Summits in Africa, which have provided a forum for leaders of African nations together with more than 18,000 African-Americans and Friends of Africa to interact with their counterparts and produce programs to meet the needs of the poor and disadvantaged in African nations;

Whereas, in 1977, Reverend Sullivan helped to promulgate the Sullivan Principles, a code of conduct for human rights and equal opportunity for companies operating in South Africa, and the Sullivan Principles helped end apartheid in South Africa;

Whereas, Reverend Sullivan expanded on the Sullivan Principles in 1999, by creating the Global Sullivan Principles, which encourage corporate social responsibility and promote global human rights and political, economic, and social justice;

Whereas, more than 250 governments, corporations, and universities on 5 continents have endorsed the Global Sullivan Principles since their initiation;

Whereas, 10 African heads of state endorsed the Global Sullivan Principles at the Leon H. Sullivan Summit in Abuja, Nigeria, in July 2006;

Whereas, plans for the 8th Leon H. Sullivan Summit in Tanzania in 2008 include broader regional endorsement of the Global

Sullivan Principles among African nations: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life of the Reverend Leon H. Sullivan;

(2) salutes the positive impact of the Reverend Sullivan's achievements domestically and internationally; and

(3) encourages the continued pursuit of Reverend Sullivan's mission to help the poor and disenfranchised around the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 903. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table.

SA 904. Mr. BINGAMAN (for himself and Mr. ALEXANDER) proposed an amendment to the bill S. 761, supra.

SA 905. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 906. Mr. INOUYE (for himself and Mr. STEVENS) proposed an amendment to the bill S. 761, supra.

SA 907. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 908. Mr. BINGAMAN proposed an amendment to the bill S. 761, supra.

SA 909. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 910. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 911. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 912. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 903. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. H-1B VISA EMPLOYER FEE.

Section 214(c)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(B)) is amended by striking "$1,500" and inserting "$2,000".

SA 904. Mr. BINGAMAN (for himself and Mr. ALEXANDER) proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 44, beginning with line 16 strike through line 2 on page 45.

On page 45, line 3, strike "(d)" and insert "(c)".

On page 47, line 8, strike "(e)" and insert "(d)".

On page 47, line 21, strike "(f)" and insert "(e)".

SA 905. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 78, strike line 21 and insert the following:

"(D) $27,500,000 for fiscal year 2011.

"CHAPTER 6—ADMINISTRATION

"SEC. 3195. MENTORING PROGRAM.

"(a) In General.—As part of the programs established under chapters 1, 3, and 4, the Director shall establish a program to recruit and provide mentors for women and underrepresented minorities who are interested in careers in mathematics, science, and engineering by pairing those women and minorities who are in programs of study at specialty schools for mathematics and science, Centers of Excellence, and summer institutes established under chapters 1, 3, and 4, respectively.

"(b) Program Evaluation.—The Secretary shall annually—

"(1) use metrics to evaluate the success of the programs established under subsection (a); and

"(2) submit to Congress a report that describes the results of each evaluation.".

SA 906. Mr. INOUYE (for himself and Mr. STEVENS) proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 5, beginning on line 13, strike "science and technology" and insert "science, technology, engineering, and mathematics".

On page 25, line 5, strike "education" and insert "education, consistent with the agency mission, including authorized activities".

Strike from line 16 on page 44 through line 2 on page 45.

On page 45, line 3, strike "(d)" and insert "(c)".

On page 47, line 8, strike "through the end of line 20.

On page 47, line 21, strike "(f)" and insert "(d)".

On page 49, between lines 17 and 18, insert the following:

SEC. 1503. NOAA'S CONTRIBUTION TO INNOVATION.

(a) Participation in Interagency Activities.—The National Oceanic and Atmospheric Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the agency mission, including authorized activities.

(b) Historic Foundation.—In order to carry out the participation described in subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall build on the historic role of the National Oceanic and Atmospheric Administration in stimulating excellence in the advancement of ocean and atmospheric science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

On page 170, strike lines 20 through 23 and insert the following:

(1) $6,729,000,000 for fiscal year 2008;

(2) $7,738,000,000 for fiscal year 2009;

(3) $8,899,000,000 for fiscal year 2010; and

(4) $10,234,000,000 for fiscal year 2011.

On page 172, line 19, strike "Foundation, for each of the fiscal years 2008" and insert the following: "Foundation, for fiscal year 2008, $1,050,000,000, and, for each of the fiscal years 2009".

On page 172, line 25, strike "2007" and insert "2008".

On page 173, line 5, strike "5-year" and insert "4-year".

On page 173, line 21, strike "an additional 250" and insert "additional".

On page 174, line 5, strike "5-year" and insert "4-year".

On page 174, line 17, strike "an additional 250" and insert "additional".

On page 183, line 4, strike "restrict or bias" and insert "inhibit".

On page 183, line 5, strike "against" and insert "for".

On page 184, beginning on line 2, strike "1862g), for each of fiscal years 2008" and insert the following: "1862g), for fiscal year 2008, $125,000,000, and, for each of fiscal years 2009".

On page 184, line 8, strike "2007" and insert "2008".

SA 907. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

After section 4005, insert the following:

SEC. 4005A. CLIMATE CHANGE EDUCATION PROGRAM.

(a) Establishment.—The Director of the National Science Foundation hall establish a Climate Change Education Program to—

(1) broaden the understanding of human induced climate change, possible long and short-term consequences, and potential solutions;

(2) apply the latest scientific and technological discoveries to provide formal and informal learning opportunities to people of all ages, including those of diverse cultural and linguistic backgrounds; and

(3) emphasize actionable information to help people understand and to promote implementation of new technologies, programs, and incentives related to energy conservation, renewable energy, and greenhouse gas reduction.

(b) Program Elements.—The Climate Change Education Program shall include—

(1) a national information campaign to disseminate information on and promote implementation of the new technologies, programs, and incentives described in subsection (a)(3); and

(2) a competitive grant program to provide grants to States, local municipalities, educational institutions, and other organizations to—

(A) create informal education materials, exhibits, and multimedia presentations relevant to climate change and climate science;

(B) develop climate science kindergarten through grade 12 curriculum and supplementary educational materials; or

(C) publish climate change and climate science information in print, electronic, and audio-visual forms.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of the National Science Foundation shall transmit to Congress a report that evaluates the scientific merits, educational effectiveness, and broader impacts of activities under this section.

SA 908. Mr. BINGAMAN proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 55, lines 21 and 22, strike "engineering)" and insert "engineering and technology)".

On page 56, line 8, after "engineering" insert "and technology".

On page 56, line 24, strike "mathematics and science" and insert "mathematics, science, engineering, and technology".

On page 59, line 6, strike "mathematics and science" and insert "mathematics, science, and, to the extent applicable, technology and engineering".

On page 59, line 15, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 60, line 6, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 60, line 10, before "that" insert "in mathematics, science, and to the extent applicable, technology and engineering".

On page 61, lines 8 and 9, strike "mathematics and science" and insert "mathematics, science, and, to the extent applicable, technology and engineering".

On page 62, line 14, strike "mathematics or science" and insert "mathematics, science, technology, or engineering".

On page 65, lines 16 and 17, strike "**MATHEMATICS AND SCIENCE**" and insert "**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**".

On page 65, line 19, strike "**MATHEMATICS AND SCIENCE**" and insert "**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**".

On page 66, lines 8 and 9, strike "Mathematics and Science" and insert "Mathematics, Science, Technology, and Engineering".

On page 67, line 9, strike "Mathematics and Science" and insert "Mathematics, Science, Technology, and Engineering".

On page 67, lines 16 and 17, strike "math and science" and insert "mathematics, science, and technology".

On page 68, lines 21 and 22, strike "mathematics or science (including engineering)" and insert "mathematics, science, or engineering".

On page 69, lines 4 and 5, strike "mathematics or science" and insert "mathematics, science, or technology".

Beginning on page 69, line 25 through page 70, line 1, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 70, lines 10 and 11, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 71, line 7, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 71, line 10, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 71, line 18, strike "mathematics and science" and insert "mathematics, science, and, to the extent applicable, technology and engineering".

On page 72, line 23, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 73, lines 18 and 19, strike "mathematics and science" and insert "mathematics, science, and to the extent applicable, technology and engineering".

On page 73, lines 23 and 24, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

SA 909. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMMIGRANT VISA REFORM.

(a) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting "and immigrants with advanced degrees" after "diversity immigrants"; and

(2) by amending subsection (e) to read as follows:

"(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

"(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

"(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.".

(b) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "paragraph (2), aliens subject to the worldwide level specified in section 201(e)" and inserting "paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

"(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

"(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

"(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.";

(D) in paragraph (3), as redesignated, by striking "this subsection" each place it appears and inserting "paragraph (1)"; and

(E) by amending paragraph (4), as redesignated, to read as follows:

"(4) MAINTENANCE OF INFORMATION.—

"(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

"(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2)."; and

(2) in subsection (e)—

(A) in paragraph (2), by striking "(c)" and inserting "(c)(1)";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

"(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

"(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

"(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

"(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

"(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.".

(c) ADVANCED DEGREE AND DIVERSITY VISA CARRYOVER.—Section 204(a)(1)(I)(ii)(II) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)) is amended to read as follows:

"(II) An immigrant visa made available under subsection 203(c) for fiscal year 2007 or any subsequent fiscal year may be issued, or adjustment of status under section 245(a) may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment of status in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide levels set forth in section 201(e) for the fiscal year for which the alien was selected.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2007.

SA 910. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . MARKET-BASED VISA LIMITS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vi) by striking "and";

(ii) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, 2006, and 2007;"; and

(iii) by adding after clause (vii) the following:

"(viii) 150,000 for fiscal year 2008; and

"(ix) the number calculated under paragraph (9) for each fiscal year after fiscal year 2008; or";

(2) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(3) by inserting after paragraph (8) the following:

"(9) If the numerical limitation in paragraph (1)(A)—

"(A) is reached during the previous fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the previous fiscal year; or

"(B) is not reached during the previous fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the previous fiscal year.".

SA 911. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRADE COMPLAINT AND LITIGATION ACCOUNTABILITY IMPROVEMENT.

(a) Short Title.—This section may be cited as the "Trade Complaint and Litigation Accountability Improvement Measures Act" or the "Trade CLAIM Act".

(b) Review of Determinations of the United States Trade Representative by the Court of International Trade.—Section 1581 of title 28, United States Code, is amended—

(1) in subsection (i)—

(A) in the matter preceding paragraph (1), by striking "subsections (a)-(h) of this section" and inserting "subsections (a) through (h) and subsection (k),"; and

(B) in paragraph (4), by striking "subsections (a)-(h) of this section" and inserting "subsections (a) through (h) and subsection (k)"; and

(2) by adding at the end the following:

"(k) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced by a petitioner requesting that the United States Trade Representative take action under section 301 of the Trade Act of 1974 (19 U.S.C. 2411) to review de novo any determination, finding, or action of the United States Trade Representative under section 301(a), 302(a)(2), 304(a)(1), 305(a)(2)(A)(ii), 306(b), or 307(a)(1) of the Trade Act of 1974 (19 U.S.C. 2411(a), 2412(a)(2), 2414(a)(1), 2415(a)(2)(A)(ii), 2416(b), and 2417(a)(1)).".

(c) Consideration by the United States Trade Representative of Petitions to Enforce United States Trade Rights.—

(1) Actions by united states trade representative.—Section 301 of the Trade Act of 1974 (19 U.S.C. 2411) is amended—

(A) in subsection (a)—

(i) in the flush text at the end of paragraph (1), by striking "of this section, subject to the specific direction, if any, of the President regarding any such action,"; and

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking "in any case in which" and inserting "if";

(II) in subparagraph (A)(ii)(II), by striking "or" at the end; and

(III) by striking subparagraph (B) and inserting the following:

"(B) the foreign country has—

"(i) agreed to imminently eliminate the act, policy, or practice; or

"(ii) agreed to a solution to imminently relieve the burden or restriction on United States commerce resulting from the act, policy, or practice;

"(C) the Trade Representative determines that it is impossible for the foreign country to achieve the results described in subparagraph (B), and the foreign country agrees to provide to the United States compensatory trade benefits that are equivalent in value to the burden or restriction on United States commerce resulting from the acts, policy, or practice;

"(D) in extraordinary cases, the Trade Representative determines that taking action under this subsection would have an adverse impact on the United States economy that is substantially out of proportion to the benefits of such action, taking into account the impact of not taking such action on the credibility of the provisions of this chapter; or

"(E) the Trade Representative determines that taking action under this subsection would cause serious harm to the national security of the United States."; and

(B) in subsection (c)(1)(D)—

(i) by striking clauses (i) and (ii) and inserting the following:

"(i) imminently eliminate the act, policy, or practice that is the subject of the action to be taken under subsection (a) or (b);

"(ii) imminently relieve the burden or restriction on United States commerce resulting from the act, policy, or practice; or"; and

(ii) in clause (iii), by amending subclause (I) to read as follows:

"(I) are equivalent in value to the burden or restriction on United States commerce resulting from the act, policy, or practice; and".

(2) Initiation of investigations.—Section 302 of the Trade Act of 1974 (19 U.S.C. 2412) is amended—

(A) in subsection (a)(2), by inserting "based on whether the petitioner has alleged facts that, if assumed to be true, would meet the criteria described in section 301(a)(1)" before the period at the end; and

(B) in subsection (c), by striking "(a) or".

(3) Consultations.—Section 303 of the Trade Act of 1974 (19 U.S.C. 2413) is amended—

(A) in subsection (a)(2), by striking "mutually acceptable resolution" and inserting "resolution acceptable to the Trade Representative, the foreign country, and the petitioner (if any)"; and

(B) in subsection (b)(1)(A), by striking "after consulting with" and inserting "with the consent of".

(4) Implementation of actions.—Section 305(a)(1) of the Trade Act of 1974 (19 U.S.C. 2415(a)(1)) is amended by striking ", subject to the specific direction, if any, of the President regarding any such action, by no" and inserting "by not".

(5) Monitoring of foreign compliance.—Section 306(b) of the Trade Act of 1974 (19 U.S.C. 2416(b)) is amended—

(A) in paragraph (1), by striking "the Trade Representative considers" and inserting "the Trade Representative or the petitioner (if any) considers"; and

(B) in paragraph (2)(A), by striking "the Trade Representative considers" and inserting "the Trade Representative or the petitioner (if any) considers".

(6) Modification and termination of action.—Section 307(a)(1) of the Trade Act of 1974 (19 U.S.C. 2417(a)(1)) is amended by striking ", subject to the specific direction, if any, of the President with respect to such action,".

SA 912. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division C, insert the following:

TITLE V—STUDY ABROAD

SEC. 3501. SHORT TITLE.

This title may be cited as the "Senator Paul Simon Study Abroad Foundation Act of 2007".

SEC. 3502. FINDINGS.

Congress makes the following findings:

(1) According to President George W. Bush, "America's leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.".

(2) According to former President William J. Clinton, "Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation's diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.".

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108-199). Pursuant to its mandate, the Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(5) By numbers ranging from 77 to more than 90 percent, Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age, according to a December 2005 national survey commissioned by NAFSA: Association of International Educators.

(6) In today's world, it is more important than ever for the United States to be a responsible, constructive leader that other

countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with much more knowledge and awareness of the world than most Americans currently possess.

(7) Study abroad has proven to be a very effective means of imparting international and foreign-language competency to students.

(8) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(9) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(10) Far more study abroad must take place in the developing countries. Ninety-five percent of the world's population growth over the next 50 years will occur outside of Europe. Yet in the academic year 2004–2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France—according to the Institute of International Education.

(11) The Final Report of the National Commission on Terrorist Attacks Upon the United States (The 9/11 Commission Report) recommended that the United States increase support for "scholarship, exchange, and library programs". The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was "unfulfilled," and stated that "The U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.". In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of "D" for its implementation of this recommendation.

(12) Investing in a national study abroad program would help turn a grade of "D" into an "A" by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

SEC. 3503. PURPOSES.

The purposes of this title are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more students in United States institutions of higher education have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and nongovernmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to American students in countries that have not traditionally hosted large numbers of American students.

SEC. 3504. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term "Board" means the Board of Directors of the Foundation established pursuant to section 3505(d).

(3) CHIEF EXECUTIVE OFFICER.—The term "Chief Executive Officer" means the chief executive officer of the Foundation appointed pursuant to section 3505(c).

(4) FOUNDATION.—The term "Foundation" means the Senator Paul Simon Study Abroad Foundation established by section 3505(a).

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) NONTRADITIONAL STUDY ABROAD DESTINATION.—The term "nontraditional study abroad destination" means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(7) STUDY ABROAD.—The term "study abroad" means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student's degree requirements.

SEC. 3505. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a corporation to be known as the "Senator Paul Simon Study Abroad Foundation" that shall be responsible for carrying out this title under the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.). The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors chaired by the Secretary of State in accordance with subsection (d).

(3) INTENT OF CONGRESS.—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) MANDATE OF FOUNDATION.—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this title;

(2) through responsive, flexible grant-making, promote access by students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access by diverse students, including minority students, students of limited financial means, and nontraditional students;

(4) raise funds from the private sector to supplement funds made available under this title; and

(5) be committed to minimizing administrative costs and to maximizing the availability of funds for grants under this title.

(c) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and shall have the equivalent rank of Deputy Secretary.

(B) AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.".

(5) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this title and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall

serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 3 years.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B)—

(I) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(II) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i)(II) for more than 90 days in any calendar year.

SEC. 3506. ESTABLISHMENT AND OPERATION OF PROGRAM.

(a) ESTABLISHMENT OF THE PROGRAM.—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) individuals for study abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium,

in order to accomplish the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act—

(1) not less than one million undergraduate students in United States institutions of higher education will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) MANDATE OF THE PROGRAM.—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199)).

(d) STRUCTURE OF GRANTS.—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(e) BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

SEC. 3507. ANNUAL REPORT.

Not later than March 31, 2008, and each March 31 thereafter, the Foundation shall submit to Congress a report on the implementation of this Act during the prior fiscal year.

SEC. 3508. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this title.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(R) the Senator Paul Simon Study Abroad Foundation.".

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 10(a) for a fiscal year, up to $2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 3509. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 30 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term "agency" means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term "detail" means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 3510. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2008 and each subsequent fiscal year.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this title. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this title or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON ENERGY

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources. The hearing will be held on May 1, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 129, a bill to study and promote the use of energy-efficient computer servers in the United States; S. 838, a bill to authorize funding joint ventures between United States and Israeli businesses and academic persons; H.R. 85, a bill to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies; and H.R. 1126, a bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Amanda_Kelly@energy.senate.gov.

For further information, please contact Jonathan Epstein at (202) 224–3357 or Amanda Kelly at (202) 224–6836.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on May 2, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 27, a bill to authorize the implementation of the San Joaquin River Restoration Settlement.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Gina_Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests.

The hearing will be held on May 3, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 205 and H.R. 865, to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; S. 390, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah; S. 647, to designate certain land in the State of Oregon as wilderness; S. 1139, to establish the National Landscape Conservation System; H.R. 276, to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System; and H.R. 356, to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Monday, April 23, 2007, at 3 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1115, a bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, April 23, 2007, at 2:30 p.m. for a hearing titled "Protecting College Campuses: Best Practices."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Kusai Merchant, a fellow in my office, be granted floor privileges during the consideration of S. 761 and any votes thereon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BINGAMAN. Madam President, I ask unanimous consent that at 12 noon tomorrow, the Senate proceed to executive session to consider Calendar No. 76, the nomination of Halil Suleyman Ozerden to be a U.S. district judge; that there be 10 minutes for debate equally divided between the chairman and ranking member or their designees; that at the conclusion or yielding back of the time, the Senate proceed to vote on that nomination; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATIVE TO THE DEATH OF REPRESENTATIVE JUANITA MILLENDER-McDONALD

Mr. BINGAMAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 165, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 165) relative to the death of Representative JUANITA MILLENDER-MCDONALD, of California.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 165) was agreed to, as follows:

S. RES. 165

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Juanita Millender-McDonald, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the late Representative.

COMMEMORATING THE LIFETIME ACHIEVEMENT OF THE REVEREND LEON H. SULLIVAN

Mr. BINGAMAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 166, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 166) commemorating the lifetime achievement of the Reverend Leon H. Sullivan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Madam President, I rise today in support of a resolution honoring the lifetime achievement of the Reverend Leon H. Sullivan. My colleague from Pennsylvania, Senator SPECTER, has joined me as an original cosponsor of this resolution.

Tomorrow marks the 6-year anniversary of the passing of one of America's great leaders. He was a man who changed the face of the world, a man of faith who achieved his mission in life through concrete action as well as his preaching. His family, friends, and colleagues appropriately refer to him as a "giant among men"—a colossal force who helped overcome some of the greatest challenges of the 20th century. So I am honored to stand here today to acknowledge the extraordinary lifetime achievements of the late Reverend Leon H. Sullivan.

Originally from West Virginia, Leon Sullivan grew up during the Great Depression while racial segregation still ruled the United States. He recalled it as a time when all of the White children walked down the left side of the street and all of the Black children walked on the right side of the street. It was a time when skin color often dictated one's place in society. When Reverend Sullivan was an 8-year-old, he was reprimanded for sitting at a drugstore counter and drinking a soda. A burly White man yelled at the young Leon: "Stand on your own two feet, you can't sit here."

When we think of Leon Sullivan today as a man, as a reverend, and as a leader, we think of his entire life, and his was a life of courage and compassion, a life of struggle and triumph, a life of faith and family—his own family and the human family—and, finally, his was a life for others and for God.

When he was young and dealing with the kind of discrimination I just described, that kind of experience kindled a fire within his heart, and Leon Sullivan made the decision to commit his life to fighting segregation and injustice.

Throughout his teenage years, he found inspiration in the founding documents of the United States. He understood that the principle of equality expressed in the Declaration of Independence and the Constitution transcends skin color. He repeatedly defied tradition and deliberately frequented restaurants, libraries, and shops where Blacks were not welcome, often reciting passages from the Declaration of Independence, fearlessly challenging racism and confronting prejudice where he found it.

After graduating from high school, Leon Sullivan was awarded an athletic scholarship to West Virginia State College, where he played football and basketball and also enjoyed the Kappa Alpha Psi fraternity.

After graduation, he was called to the ministry, a vocation that allowed him to address the religious needs of his people while continuing his fight against segregation and injustice. He moved first to Harlem, where he worked with the Reverend Adam Clayton Powell at the Abyssinian Baptist Church and attended Union Theological Seminary. He was offered a position in Philadelphia and soon emerged as a powerful source of inspiration as the pastor of the Zion Baptist Church, where he focused on the temporal as well as the spiritual well-being of his people.

He once said:

> I felt that God did not just want people to have milk and honey in heaven . . . He wanted them to have some ham and eggs on earth. I believe that God just doesn't want you to go to the pearly gates. He wants you to have a better life on earth, and if you have a better life on earth and treat people right, you'll get to the pearly gates.

As part of his ministerial role, Reverend Sullivan spoke eloquently about social justice, calling on people to "help the little man and aid those who cannot survive on their own." For over a decade, he helped and counseled hundreds of parishioners and others, but his realization that racial segregation would prevent his vision from becoming a reality led him to join the civil rights moment. He was one of the first civil rights leaders to recognize how the economic power of his people could be harnessed to promote the cause of racial equality. He created the Selective Patronage Movement, through which 400 Black ministers in Philadelphia mobilized their parishioners to boycott businesses which practiced discrimination. Exercising economic power through the Selective Patronage Movement led to the opening of thousands of jobs in previously segregated companies in Philadelphia alone.

These victories inspired Sullivan to create the Opportunities Industrial Utilization Center of America, the so-called OIC, which provided and still provides today comprehensive training so that motivated workers can be prepared to take advantage of opportunities opening up to them. As he said, "Integration without preparation brings frustration." Originally based in Philadelphia, the OIC captured the attention of President Lyndon Johnson, who worked directly with Reverend Sullivan to improve the infrastructure and efficiency of the organization and ultimately bring it to the national stage. Today, OIC America has chapters in 30 States and has helped thousands of African Americans achieve success through its emphasis on self-reliance and self-improvement.

The nationally recognized success of OIC led the chairman of General Motors to approach Reverend Sullivan about serving on the GM board of directors. The Reverend accepted the offer and served for over 20 years as the first African American on the GM board.

His service to GM brought him face to face again with racism, this time in the international arena. Reverend Sullivan traveled to South Africa, where he was targeted as a troublesome visitor because of his meetings with antiapartheid organizers. As he was leaving the country, he was stopped at the airport and strip-searched. Reverend Sullivan, the pastor of one of the largest churches in the United States, a director of General Motors, stood there in his underwear and asked the White officials in charge why this was happening.

The official said, "I am doing to you what I have to do."

Reverend Sullivan replied: "When I get back, I am going to do to you what I have to do."

What Leon Sullivan did was bring the economic power of corporate America on the heads of those who supported apartheid in South Africa. Under what came to be known as the Sullivan Principles, hundreds of multinational corporations publicly opposed racism and discrimination in South Africa. When the statement of principle failed to change the status quo fast enough, Reverend Sullivan raised the stakes. In his words: "I threatened South Africa and said in 2 years Mandela must be freed, apartheid must end and blacks must vote or else I will bring every American company I can out of South Africa . . ."

His efforts eventually evolved into a full campaign of disinvestment by hundreds of companies and by institutional investors holding hundreds of billions of dollars in corporate stock. And it worked. Apartheid collapsed, and Nelson Mandela went from prisoner to head of state.

Reverend Sullivan's work continued long after the end of apartheid. In 1999, U.N. Secretary General Kofi Annan invited him to deliver a speech at the United Nations, expanding his moral code of corporate social responsibility into the internally accepted Global Sullivan Principles.

Beyond this, he led a campaign to rescue African children from the overall lack of schools, infrastructure, hospitals and security.

Reverend Sullivan said of children:

> Children do not get here on their own . . . They didn't ask to be here . . . They didn't ask who their mothers or fathers would be or the situations in which they were born. So what society has to do is reach and get the most out of that child you can . . .

What I and so many others admired most about the Reverend Leon Sullivan was his compassion for those truly in need. He called those of us who are able to stand on our own feet and improve ourselves, while always protecting the helpless.

Now I stand in this Chamber, on the floor of the Senate, to honor the energy and compassion of this great man dedicated to his noble causes. I have only touched on a few of the many contributions to our Nation and our world. These examples illustrate his unique ability to fight discrimination and injustice across the globe. From childhood until his death, Leon Sullivan believed in the future and demonstrated a relentless optimism regardless of the obstacles that tried to prohibit success. He characterized his life's work by saying:

> I would not be doing what I am doing if I weren't optimistic about it. I'm reaching into a barrel and taking out a little hand at a time, not a whole lot . . . but if enough hands go down in the next fifty, seventy-five, hundred years, we'll clean out that barrel.

As we know, when so many of us pass on, most good people do, in fact, leave a legacy of family and close friends. Reverend Sullivan certainly did that. With us today is his family, represented by his daughter Hope and his friends and colleagues, many who worked with him for decades. But Leon Sullivan left a legacy far beyond family and friends. The Zion Baptist Church remains a bastion of faith and good works in north Philadelphia. OIC of America and OIC International continue to prepare thousands for productive, well-paying jobs. The International Foundation for Education and Self-Help trains students for careers ranging from teaching to banking. The Sullivan Charitable Trust and Progress Investment Associates carries on his economic and real estate development initiatives. The Leon Sullivan Foundation presents its biannual summit meeting in Africa, encouraging cooperation between African Americans and countries and leaders throughout the continent of Africa. The Global Sullivan Principles serve as a beacon for corporate social responsibility and human rights throughout the world. South Africa, the nation that Reverend Sullivan helped free from apartheid, still struggles, yet stands as a shining example of what people speaking truth and wielding moral force can do in our world.

For all this and so much more that remains unsaid today, we honor the Rev. Leon Sullivan—today and always.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 166) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 166

Whereas, the late Reverend Leon H. Sullivan dedicated his life to alleviating the plight of the poor and the disadvantaged in America and worldwide;

Whereas, Reverend Sullivan received numerous honors and awards during his lifetime, including recognition by LIFE magazine in 1963 as one of the 100 outstanding young adults in America, the Presidential Medal of Freedom in 1992, and the Eleanor Roosevelt Award for Human Rights in 1999;

Whereas, having dedicated 37 years of his ministerial vocation to the historic Zion Baptist Church of Philadelphia, Reverend Sullivan's leadership and innovation led to the creation of one of the largest congregations in the Nation during his time;

Whereas, in 1966, as part of his 10-36,Plan to encourage individuals to invest in the economic future of their communities, Reverend Sullivan founded the Leon H. Sullivan Charitable Trusts and the Progress Investment Associates, through which numerous economic development and social services programs have been developed and funded;

Whereas, in 1963, in response to a lack of job opportunities in Philadelphia, Pennsylvania, Reverend Sullivan led more than 400 ministers in a successful boycott that opened up more than 4,000 jobs for African-Americans;

Whereas, Reverend Sullivan met the need for job training by establishing the Opportunities Industrialization Center, which has grown to more than 75 training centers throughout the Nation;

Whereas, recognizing the need to take his struggle to alleviate the plight of the poor abroad, in 1969 Reverend Sullivan established Opportunities Industrialization Centers International, which has grown to more than 40 centers in 16 African nations, Poland, and the Philippines;

Whereas, when Reverend Sullivan saw the need to create a broader array of programs in Africa, he established the International Foundation for Education and Self-Help, which has conducted numerous initiatives, including Schools for Africa, fellowship programs, and innovative teacher and banker training programs since 1988;

Whereas, in 2001, the Leon H. Sullivan Foundation was established posthumously to support Reverend Sullivan's life's mission through the work of his many established organizations;

Whereas, the Leon H. Sullivan Foundation presents the biennial Leon H. Sullivan Summits in Africa, which have provided a forum for leaders of African nations together with more than 18,000 African-Americans and Friends of Africa to interact with their counterparts and produce programs to meet the needs of the poor and disadvantaged in African nations;

Whereas, in 1977, Reverend Sullivan helped to promulgate the Sullivan Principles, a code of conduct for human rights and equal opportunity for companies operating in South Africa, and the Sullivan Principles helped end apartheid in South Africa;

Whereas, Reverend Sullivan expanded on the Sullivan Principles in 1999, by creating the Global Sullivan Principles, which encourage corporate social responsibility and promote global human rights and political, economic, and social justice;

Whereas, more than 250 governments, corporations, and universities on 5 continents have endorsed the Global Sullivan Principles since their initiation;

Whereas, 10 African heads of state endorsed the Global Sullivan Principles at the Leon H. Sullivan Summit in Abuja, Nigeria, in July 2006;

Whereas, plans for the 8th Leon H. Sullivan Summit in Tanzania in 2008 include broader regional endorsement of the Global Sullivan Principles among African nations: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life of the Reverend Leon H. Sullivan;

(2) salutes the positive impact of the Reverend Sullivan's achievements domestically and internationally; and

(3) encourages the continued pursuit of Reverend Sullivan's mission to help the poor and disenfranchised around the world.

THE AMERICAN NATIONAL RED CROSS GOVERNANCE MODERNIZATION ACT OF 2007

Mr. BINGAMAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1681, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1681) to amend the Congressional Charter of The American National Red Cross.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, I am pleased the Senate is considering H.R. 1681, the American National Red Cross Governance Modernization Act of 2007. The Judiciary Committee approved and the Senate passed our version of this bill last month, and I look forward to approving the Red Cross Governance bill again with the House-passed language. I want to thank my colleagues, Senator GRASSLEY and Senator KENNEDY, for their hard work on this issue and for introducing this important bill. I also want to congratulate the American Red Cross on appointing a new President and CEO last week. Mark W. Everson, currently the Commissioner of Internal Revenue was approved unanimously by the Board of Governors to head the American Red Cross, effective next month. I congratulate him on his appointment and thank current Chairwoman, Bonnie McElveen-Hunter for her dedicated leadership.

Just last week we had the opportunity to see the importance of the Red Cross and the good work they are doing on behalf of our citizens. In response to the horrific shootings on Virginia Tech's campus, the American Red Cross mobilized their local chapter and provided 200–300 hot meals to rescue workers and police officers and ensured that Red Cross mental health workers were available to students, faculty and family members. I am glad the Senate and House have worked together to pass this bill to enhance the American Red Cross' governance structure so they can better provide these crucial services in all emergencies.

Since its founding by Clara Barton in 1881, the American Red Cross has provided essential relief services to those affected by famine, floods and natural and manmade disasters. Last year alone, the American Red Cross responded to approximately 75,000 disasters with the help of more than one million volunteers and thirty-five thousand employees. As a key participant in the United States' disaster relief plan, the American Red Cross is charged with helping the United States prevent, prepare and respond to national emergencies. Over the past several years, however, the American Red Cross has been strained by disasters of an unparalleled scope; the terrorist attacks of September 11, 2001, the December 2004 Asian tsunami and the 2005 hurricane season that included the enormously destructive hurricanes Katrina, Rita and Wilma. These events all challenged the Red Cross's ability to respond to disasters quickly and effectively.

In order to improve its disaster relief services, the American Red Cross's Board of Governors unanimously voted to accept recommendations given by an independent advisory board, which examined the American Red Cross's governance structure and practices. H.R. 1681 reflects these recommendations and would improve the American Red Cross's governance structure by centralizing and reorganizing its infrastructure. Some notable enhancements include reducing its board size from 50 members to 20 in order to facilitate emergency action, giving the board all the powers in governing and managing the American Red Cross, and establishing a Presidential Advisory Council composed of eight to ten principal officers of the executive departments and senior officers of the Armed Forces to provide governmental input and support. Additionally, the modernized charter would enhance congressional oversight and transparency by creating an Ombudsman who would provide an annual report to Congress articulating any concerns of volunteers, employees, donors, clients and the public. The House adopted two amendments to the Senate-passed language that would clarify and ensure that the chapters of the American Red Cross are geographically and regionally diverse and that the American Red Cross will reach out to local charitable and faith-based organizations when providing relief services in local communities. These improvements to the bill make no statutory changes and I hope my colleagues will support them.

According to the American Red Cross's end of the year report, Hurricane Katrina created a record of 1.4 million families, or around 4 million people, who needed emergency assistance such as food, clothing and other necessities. My wife, Marcelle, was one of hundreds of thousands of volunteers dedicated to providing these essential relief services to victims of Katrina. No one knows when the next disaster will strike. Congress must do everything in our power to ensure that the American Red Cross can continue and improve upon the essential humanitarian work on which the United States and the world relies. I commend the Red Cross for taking important action to reform itself and I urge my colleagues to support this important legislation.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1681) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR TUESDAY, APRIL 24, 2007

Mr. BINGAMAN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Tuesday, April 24; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein, with the first 30 minutes under the control of the Republicans and the final 30 minutes under the control of the majority; that following morning business, the Senate resume consideration of S. 761; that on Tuesday, at the conclusion of the vote on the judicial nomination, the Senate stand in recess until 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BINGAMAN. Madam President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the provisions of S. Res. 165 as a further mark of respect to the memory of the late Representative JUANITA MILLENDER-MCDONALD.

There being no objection, the Senate, at 5:26 p.m., adjourned until Tuesday, April 24, 2007, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, April 23, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 23, 2007.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BOYDA of Kansas) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"This is the day the Lord has made. Let us rejoice and be glad."

The words of the Psalmist spring from our lips, inspired by a beautiful weekend of season and life. Last week proved heavy with young tragedy and floor debate. Move us now to thank You, Lord, for Your love endures forever. Uplifting weather and the power of prayer on Your holy day renew within us the joy of salvation.

In this week before us, may Congress build upon the cornerstone of faith and make the works of the Lord their very own work. Grant success to their efforts as they respond to the needs of Your people.

Bless the House of Representatives, all its Members and staff. Be for them, Lord, light that guides every decision and grants Your people hope and security, so together they may praise You forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri (Mr. CARNAHAN) come forward and lead the House in the Pledge of Allegiance.

Mr. CARNAHAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BLUE ANGEL TRAGEDY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, this Saturday a sad tragedy occurred during a Blue Angels air show at the Marine Corps Air Station at Beaufort, South Carolina. Toward the end of the show, Blue Angel No. 6, piloted by Lieutenant Commander Kevin Davis of Pittsfield, Massachusetts, crashed.

Lieutenant Commander Davis did not survive. Fortunately, there were no other fatalities. Lieutenant Commander Davis was a decorated pilot who joined the Blue Angels in 2005. He served in the Navy for 11 years, 8 of them as a fighter pilot. He flew 26 combat missions in Afghanistan and the global war on terrorism. Lieutenant Commander Davis's parents, John and Ann Davis, are residents of Aiken, South Carolina. He has two brothers, Christian and Phil.

The Blue Angels are an elite team of fighter pilots to fly F/A-18s in air shows around the country. Because of their high skill level, their courage and intense practices, accidents such as this Saturday's are uncommon. The thoughts and prayers of my wife, Roxanne, and I are with the Davis family. Americans will always cherish the service of Lieutenant Commander Kevin Davis for our Nation.

In conclusion, God bless our troops, and we will never forget September 11.

GLOBAL WARMING

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, with record temperatures set in the first half of 2006, the need for Congress in this country to address global warming is more pressing than ever, especially in light of the mounting scientific reports from around the world. There is no longer any real debate within the scientific community.

There is broad scientific consensus that global warming exists, and we must act. We still have the opportunity to reverse the negative effects of global climate change. However, this must be done both here at home and in cooperation around the world. That is why, just before Earth Day this past weekend, my colleague and I, MARK KIRK, introduced H. Con. Res 104, a bipartisan resolution expressing the need for the U.S. to participate in international agreements that address global climate change and to put this Congress on record acknowledging climate change.

I invite my colleagues to cosponsor this bill. There is a companion in the Senate. Please join me in taking this early step to begin addressing climate change in this country and around the world.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

NATIONAL FOSTER PARENTS DAY

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

agree to the resolution (H. Res. 179) expressing support for a National Foster Parents Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 179

Whereas the family, serving as the primary source of love, identity, self-esteem, and support, is the very foundation of our communities, and our United States;

Whereas foster families, who open their homes and hearts to children whose families are in crisis, play a vital role in helping children heal and reconnect and in launching those children into successful adulthood;

Whereas over 500,000 youth are in foster care with at least 380,000 in a family-home setting;

Whereas numerous individuals and public and private organizations work to increase public awareness of the needs of children in foster care and leaving foster care as well as of the enduring and valuable contributions of foster parents; and

Whereas those families who are able to serve a role as foster parents should be wholeheartedly encouraged to do so: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) a National Foster Parents Day should be established to recognize the contributions of foster parents across the Nation; and

(2) the President should issue a proclamation calling on the people of the United States and interested groups to conduct appropriate ceremonies, activities, and programs to demonstrate support for foster parents across the Nation.

The SPEAKER pro tempore (Ms. HIRONO). Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I would yield such time as she might consume to the sponsor of this legislation, Representative NANCY BOYDA from Kansas.

Mrs. BOYDA of Kansas. Madam Speaker, in the late 1980s, a Topeka couple, Clifford and Phyllis Oshel, welcomed a foster child into their homes and into their hearts. For 2 years, they provided shelter, food, and, more importantly, caring. Through their patient guidance, they led that child from a time of crisis to what he now calls "the best years of my life."

That child's name was Kevin Surbagh. Ever since he left the Oshels' house, he has worked to repay his debt of gratitude. For 17 years, he has fought tirelessly for a national day of recognition for foster parents, one day of the year, just one day, to honor their contributions, and to respect their sacrifices.

Soon after I was sworn into Congress, Kevin approached my office and told me about his mission. At Kevin's urging, I now submit for your consideration the National Foster Parents Day resolution. I ask you to join me in saying thank you, not only to Clifford and Phyllis Oshel, but to the hundreds of thousands of foster parents across our great Nation.

When I think back to the support I received from my mom and dad, I recognize the crucial role of our parents. My mom set me on the path that has led me to Congress today. She taught me my faith. She taught me to do unto others as I would have them do unto me. She taught me to speak to everyone in a room no matter what their role or position. She also taught me never to wear white shoes after Labor Day. All of her words of wisdom led me to where I am today.

In a perfect world, every child's biological parents would play the role that my parents played for me. But sometimes a family can't provide a safe, supportive, sufficient home. When tragedy strikes or turmoil rips a family apart, children are left dislocated and need a new place to call home, at least for a while.

Because many of these kids grew up in unstable households, some suffer emotional disturbances. Some are grieving the loss of their parents. All have endured more than any child should and all deserve a caring and supportive family. Today, over 500,000 American children still need a temporary home, a foster home. Today, 380,000 have found one, thanks to foster parents.

To the foster parents in Kansas and throughout America, today's vote in Congress is our way of honoring your efforts. You are deeply appreciated, and your contribution doesn't go unnoticed.

I hope that our vote is more than symbolic, that it encourages more families to open their homes to foster children. Caring for a foster child is one of the greatest challenges that you'll ever face, but the reward is immense. You'll help a little girl piece her life back together. You'll help a little boy feel safe and loved. You'll earn the respect of your community, your country, and of this Congress.

Mr. WILSON of South Carolina. Madam Speaker, I yield myself such time as I may consume.

According to the United States Department of Health and Human Services, there are over 500,000 children in foster care homes around the country. I am proud to support legislation recognizing the dedicated efforts put forth by foster parents.

These men and women open up their homes and their hearts to these youths by providing them with a stable, caring environment for months and, in some cases, years. H. Res. 179 establishes a National Foster Parents Day to praise their contributions to society.

These parents provide a vital role in the welfare and upbringing of children who need emotional support, guidance, and mentors. They teach children family values and morals and help them become significant members of society. Foster parents teach these values to help enable children become stable and confident adults. Children being cared for in foster homes can be traced all the way back to biblical times.

Foster care became increasingly widespread in the United States when Charles Loring Brace, a minister and director of the New York Children's Aid Society, noticed a large number of homeless immigrant children in New York. In 1953, Brace came up with a plan to provide them homes by advertising for families in other areas of the United States who were willing to take them in.

While many of these children were often indentured, Brace's movement is the origin of today's foster care program. Today, foster parents and families provide a safe and nurturing temporary home for children living in unstable conditions. There they can learn and grow until they have the opportunity to return living with their family.

□ 1415

Foster parents are crucial towards ending the vicious cycle of neglect and child abuse that endanger children's lives.

This resolution also calls on the President to issue a proclamation bringing greater awareness to foster care through various ceremonies, activities, and programs. These events educate communities and demonstrate support for foster parents who devote their lives lending a hand to children in need.

Madam Speaker, I urge all Members to join me to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, over 500,000 children in the United States are involved in some form of foster care. Placements in foster care have increased significantly over the past 10 years. In situations of abuse and neglect, children may be removed from their parents' home by a child welfare agency and placed in foster care. Some of the reasons for foster care placement include severe behavior problems in the child and/or a variety of parental problems such as abuse, abandonment, illness, including physical or emotional problems, incarceration, AIDS, alcohol, substance abuse, and death.

The resolution we are considering today honors foster parents. Foster parents are people who open their homes and their hearts to children in need of temporary care. The task is both rewarding and difficult. As a matter of fact, I have met individuals who have adopted children. I know one police officer who has adopted 13 children, a most unusual and unbelievable man, salt of the earth, pillar of the universe.

Foster parents take children for medical care and to school events. They may facilitate visitation between the child and the birth parents in the foster home or other approved locations. Foster parents face many challenges in caring for the physical and emotional needs of children. We need more foster parents to care and nurture our children who are unable to remain in their homes. Foster parents should be commended for their big hearts and commitment to provide stable homes for children.

This is an issue that is very personal to me in a very serious way. My congressional district has more grandparents taking care of children than any other district in the Nation, and it is followed closely by two additional congressional districts in the Chicago area. I want to commend the Illinois Department of Children and Family Services. I also want to commend some of the social welfare agencies that deal seriously with foster parenting for children, agencies such as Sankofa an organization that was started out of a crisis situation and now does an outstanding job. Agencies like One Church One Child that attempts to get individuals to become foster parents to teenagers coming out of correctional facilities, which is not an easy task.

So I commend the gentlewoman from Kansas (Mrs. BOYDA) for introducing H. Res. 179, and urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Speaker, I have no other speakers at the moment. I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I know that I had a number of individuals who had hoped to be here because they are very interested in this subject matter and who had intended to make comments, certainly Representative MELISSA BEAN who still might get here before we finish, Representative MICHELE BACHMANN from Minnesota, Representative FORTNEY PETE STARK, and Representative DENNIS CARDOZA all had statements that they wanted to present.

I would now yield to the other side to see if they have got other speakers, to see if any of my additional speakers will come before we yield back.

Mr. WILSON of South Carolina. I thank the gentleman, but we have no further speakers at this time.

Mr. DAVIS of Illinois. Madam Speaker, I don't think that our other speakers are going to make it; but suffice it to say that this is a very important resolution. It is a resolution that speaks to the heart and soul of America. It is a resolution that emphasizes the words of the blues singer who said once, "Who will save the world? Who's willing to try? Who will save the world that is destined to die?"

We are talking about saving the children, those unfortunate young people, many of whom their parents are incarcerated. There are more than 1.5 million children in America whose parents are in prison or in jail. They are in need of foster parenting.

So, again, not only do we urge passage, but I commend the gentlelady from Kansas, and urge listeners and watchers and viewers to see whether or not there is an opportunity for you to open your heart and your home and become a foster parent.

Mr. CROWLEY. Madam Speaker, I rise today in support of H. Res. 179, which calls for the establishment of a National Foster Parents Day. We should establish this day to recognize and appreciate our country's foster parents—the pillars of our child welfare system.

These are the men and women who go out of their way to help children in need—children who have been maltreated or who had to be removed from dangerous home situations. Foster parents open their hearts and their homes to these children, providing them with so much more than shelter. They allow these children to feel safe and secure once again, and help them to begin the healing process.

Children placed in foster care often come from some of the worst conditions imaginable. They have been abused, neglected, and broken down in ways beyond the physical. Many of these children enter foster care with serious emotional damage as well. They have learned that their home, the one place where they should feel safe, can actually be more dangerous than the world outside. It is the foster parent who helps build these children back up, reminding them how love and attention feel, and reassuring them that home can once again be a comfort.

Far beyond helping a single child, quality foster care is also an investment in our communities. We have learned that being abused or neglected dramatically increases the risk that kids will grow up to commit violent crimes, which is why it is so important to have a strong foster care system to place children in as soon as possible. Research has shown that abused and neglected children who became wards of the court and initially remained at home, but were later placed in foster care because of continuing abuse or neglect, were more likely to become violent criminals than abused or neglected children who were placed in a safe foster home right away.

This is why we must continue to support our foster parents. No child should be forced to remain in a dangerous situation because there are not enough available foster homes. We must make sure that funding for foster care is never capped or reduced so that our foster families can continue to receive the resources they need to provide supportive, loving spaces for these children in need.

Additionally, we must increase our investment in preventing child abuse and neglect through programs such as the Promoting Safe and Stable Families program and in-home parent coaching programs. We also need to ensure that children in foster care find safe, permanent homes, either by reuniting them with their families or by adoption.

The success of our foster care system is vital to protecting our children, and our child welfare system relies on people like foster parents to run smoothly. These men and women on the front lines of the child welfare fight deserve all the recognition they can get. It is my hope that a National Foster Parents Day will also draw attention to the need for quality foster care and capable foster parents, and allow this system to continue benefiting our children in need.

I thank Representative BOYDA for sponsoring this legislation, and I urge its passage.

Mr. CARDOZA. Madam Speaker, I rise in strong support of H. Res. 179, a resolution declaring the sense of the House that a National Foster Parents Day should be established.

I have a very personal interest in this issue. Seven years ago, I adopted two foster children. Since then, I have advocated on behalf of adoption and foster children in the California Assembly and in Congress.

Our Nation's foster care system was created as a temporary safe haven for abused and neglected children. Sadly, it has become a way of life for too many of our youth. On average, foster children spend nearly 3 years in the system, and move as many times from one placement to another and from school to school. Far too many spend much longer in the system, with as many as 24,000 young adults expected to "age out" of the system this year, cut loose with no family and little support. Several studies released in 2005 documented the special challenges facing these youths, especially in the areas of mental health, education and employment. They are especially poorly prepared to be self-sufficient.

Despite the sometimes valiant efforts and good intentions of social workers, judges, foster parents and others, day-to-day life for children in foster care is often filled with emotional hardship. Each year, thousands of children entering foster care will be separated from their brothers and sisters, some losing touch with each other for years to come. The trauma of foster care takes its toll on young children. Over one-third will neither earn a high school diploma nor a GED. One in four children in foster care will be incarcerated within the first 2 years after leaving the system, and over 20 percent will become homeless at some time after they turn 18.

These children are waiting. Speaking from personal experience, there is no greater joy in life than helping a child.

Every child, no matter what station they may be born to, deserves a chance to be raised in a stable and loving home. Innocent children should not be forced to bear the mistakes of others.

This is a big problem that will require bold solutions. In order to save the next generation of children, we must re-dedicate ourselves to their welfare and pledge to do whatever necessary to nurture and protect them.

This resolution, by highlighting attention to the problem, is a necessary first step. I urge my colleagues to support this resolution.

Ms. BEAN. Madam Speaker, I am proud to rise today in support of National Foster Parents Day. This celebration honors the parents who open their hearts and their homes to children who are in need of a family. As an adoptee and member of the Adoption Caucus, myself, I am proud of the efforts Congress has made to increase adoptions both nationally and internationally, and to give special thanks to the many families who have sacrificed to provide loving homes for foster children.

Currently, thousands of children are without permanent homes. Fortunately, for many of these children there are foster parents who are eager to bring a child into their home. I cannot think of a more rewarding pursuit than creating a family and bringing hope into a child's life.

As a member of the Congressional Coalition on Adoption, I am well aware of the positive impact foster parents have on our children and communities. I am proud of the contributions foster parents make across America, and I hope my colleagues will join with me in supporting a National Foster Parents Day.

Mr. STARK. Madam Speaker, I rise today in strong support of establishing a National Foster Parents Day. Individuals and families that open their homes and their hearts to vulnerable children are truly deserving of our recognition.

Of the over 500,000 foster children in the United States, 380,000 live with foster parents. Without the compassion of thousands of foster parents, our foster care system would fall apart. Foster parents are the glue that holds the child welfare system together.

Every day, abused and neglected children enter the child welfare system and become the responsibility of our society. As the collective caretakers of vulnerable children, we have a moral responsibility to ensure that foster children receive the same love and opportunities that we want our own children to receive. Foster parents are the individuals that take on the immense responsibility of providing abused and neglected children with loving homes, often with very little government support.

Too often our society and this body ignore the plight of foster children. We do so at our own peril, because foster children who are not provided with the supports they need to mature and grow do not transition into self-sufficient adults. Society bears responsibility for this failure and we also bear the costs of incarceration, homeless services, and medical care of former foster children who do not become independent. A National Foster Parent's Day will shed much needed light on the struggles of our foster children as well as the sacrifices made by the families that welcome those children into their homes and move them toward brighter futures. It will also provide a forum to discuss the improvements that must be made to our foster care system. Finally, we will encourage more families to become foster parents by recognizing the vital role that foster parents play in lives of children.

The thousands of foster parents around the country are the heroes of our child welfare system. We should provide them with every possible support, including the special recognition of a National Foster Parents Day.

Mr. MOORE of Kansas. Madam Speaker, I rise today in support of H. Res. 179, in support of establishing a National Foster Parents Day.

On any given day in the United States, half a million children and youth are in foster care, removed from their homes because of abuse or neglect. On average, these young people will wait more than 3½ years in the foster care system before finding a permanent home—20 percent wait 5 years or more.

Foster parents have one of the hardest tasks on earth. Children who spend many years in abusive or neglectful homes are substantially more likely than other kids to face emotional, behavioral, and academic challenges. Foster parents have the daunting task of trying to make the foster child feel at home, gain their trust, provide some sense of stability and normality, and prove that they do care.

Foster parents give of themselves unselfishly, opening their homes, families, lives, and loving arms to help protect children who are not safe in their own homes. For some children, foster parents are literally lifesaving. For too many children, what should be a short-term refuge becomes a long-term saga, involving multiple moves from one foster home to another.

I have come to appreciate that foster parenting is perhaps one of the most challenging and most important components of the child welfare system. As a foster parent, you respond to the calling to care for children, to take them into your homes, and to transition them into the next phase of their lives—sometimes for weeks, and sometimes for almost the child's entire youth. I describe this response as a calling—not a job, they don't get paid enough to call it a job; and not a choice, because if they had the wherewithal to choose, they certainly would choose not to expose themselves to all of the trials and tribulations of fostering. It is a calling, a response to some inner drive to respond to the difficulties of kids who desperately need them.

It is this selflessness which I applaud today, which I believe is deserving of national recognition. For all the time, love, and resources foster parents dedicate to their foster children, I would simply like to say thank you. They truly are a gift to the world.

I urge my colleagues to join in support of H. Res. 179, expressing support for the establishment of a National Foster Parents Day.

Mr. SHULER. Madam Speaker, I rise today as a cosponsor of House Resolution 179, expressing support for National Foster Parents Day.

There are over half a million children in foster care in this country. Every child deserves to have a safe and loving home, where they do not have to worry about the fear of harm or of being abandoned. While caring for a child is never easy, foster parents have additional difficulties to work through. All foster care children need special care, support and nurturing. There are a wide array of issues that these children are dealing with such as abandonment, physical or sexual abuse, undisciplined or delinquent behaviors, and physical or emotional handicaps and disabilities. Foster parents are challenged with helping their foster children feel secure and loved, while they also work through many of these difficult issues.

And while immensely challenging, foster parenting is also immeasurably rewarding. When foster parents open their homes and hearts—sacrificing, while giving support and love—they change children's lives. Many foster parents go on to adopt the children that they have in their home—60 percent of children who are adopted after they have been in foster care are adopted by foster parents. These children are given what every child deserves—a permanent home and a loving family.

It is important to recognize and honor the crucial role that foster parents play in shaping the lives of hundreds of thousands of children each year. Because of this, I stand here today in support of a National Foster Parents Day, to honor their invaluable sacrifice, dedication, and selfless commitment to improving the lives of children.

Mrs. BACHMANN. Madam Speaker, I rise today in support of this bill, to express support for a National Foster Parents Day.

Today, there are more than 500,000 children in foster care nationwide.

Most of these children come from extremely troubled homes, and compared to the other children, they are more likely to suffer educationally, socially, and emotionally.

This is an issue that is very close to my heart. Over the years, my husband Marcus and I have cared for 23 foster children.

I know from experience that foster parents have to work diligently with local, State, and Federal agencies as well as within their homes to respond to each child's individual needs.

Madam Speaker, I want to thank Representative BOYDA for bringing attention to the foster care system, and I encourage my colleagues to support this bill.

Mr. DAVIS of Illinois. Madam Speaker, I yield the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 179.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ATANACIO HARO-MARIN POST OFFICE

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 625) to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ATANACIO HARO-MARIN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, shall be known and designated as the "Atanacio Haro-Marin Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Atanacio Haro-Marin Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. DAVIS).

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in consideration of H.R. 625, which names the postal facility in Baldwin Park, California, after Atanacio Haro-Marin.

H.R. 625, which was introduced by Representative HILDA SOLIS on January 22, 2007, was reported from the Oversight Committee on March 29, 2007 by voice vote. This measure, which has been cosponsored by the 52 members, has the support of the entire California congressional delegation. Army Sergeant Atanacio Haro-Marin, age 27, of Baldwin Park, California, was assigned to the 3rd Battalion, 16th Field Artillery Regiment, Fort Hood, Texas. He was killed while manning the checkpoint when his unit came under attack from gunfire and rocket-propelled grenades south of Balad, Iraq on June 3, 2003.

Sergeant Marin was born in Momax, Mexico, and lived there with his mother while his father worked in California picking fruit and doing construction jobs to support seven children. The family reunited in Los Angeles when Sergeant Marin was 2, and they later moved to suburban Baldwin Park. He will be remembered as a proud and courageous soldier who was living out a long-held dream of serving in the U.S. military.

Madam Speaker, I commend my colleague for seeking to honor the memory, legacy, and contributions of Atanacio Haro-Marin, and urge swift passage of this bill.

Madam Speaker, I reserve the balance of our time.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

Atanacio Marin, or as he was better known, Nacho, by his friends, typifies the soldiers that come from California. So many of them are from Los Angeles and surrounding areas, so many have stories like Nacho has: one in which he was born in Mexico; one in which his family came here for a better life; one in which he became integrated with the community that he grew up in; one in which he graduated from Sierra Vista High School and was on the track team and ran in the Los Angeles marathon; one in which he had a desire to serve his country; one in which he joined the National Guard after completing high school and decided to devote his life to serving the military.

After his tour with the National Guard ended, Nacho transferred to the regular Army and was assigned to Battery C, 3rd Battalion, 16th Field Artillery Regiment at Fort Hood, Texas. In January, 2 months before reporting for duty in the Middle East, Sergeant Marin was able to spend time with his close-knit family. While he was in Iraq he continued to remain close to his family. He called home often and characteristically sent his mother a Mother's Day card that read, "Don't worry, be happy." Tragically, those uplifting words were some of his last.

A checkpoint was manned by the sergeant and came under fire on June 3, 2003. Unfortunately, this brave young man did not survive the attack. He was only 27 years old.

The post office we are naming today in Baldwin Park we are naming not just as a tribute to this fine soldier, but as a tribute to those who have gone to serve their country in this war and, like so many others, have an American story.

Nacho's American story is the story of California, it is a story of the war that is not often talked on this front, of patriotism, of devotion to family, of devotion to this Nation. And it is so appropriate that we name a post office after this fine young man from California. So I join with the majority in urging its swift passage.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I have no further speakers. I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I had expected that Representative SOLIS, who is the sponsor of this legislation, would have been here, but maybe she had some difficulty getting back from way out west in California today.

Madam Speaker, I yield back the balance of our time and urge passage of this resolution.

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 625.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SERGEANT DENNIS J. FLANAGAN LECANTO POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1402) to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H.R. 1402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT DENNIS J. FLANAGAN LECANTO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, shall be known and designated as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Dennis J. Flanagan Lecanto Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

☐ 1430

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

On September 11, 2001, America was forever changed. The rancid acts of terrorism that occurred on this day struck a chord within the people. For one moment in time we were not a hyphenated people. We were not Irish-

American, African-American, Asian-American, Greek-American. We were simply American.

It was with a resounding spirit of patriotism that Dennis J. Flanagan went to his local recruitment station and took the vow to serve his country. As the President waged war against our terrorist adversaries, Sergeant Flanagan took his place as a member of the air assault infantry that invaded Iraq in 2003. He returned to Iraq in September for his second tour of duty and was killed when his vehicle was struck by a roadside bomb in Hawijah, Iraq, on January 19, 2006.

Madam Speaker, I offer my condolences to the family of Sergeant Flanagan and hope that my colleagues will vote in the affirmative to pass this measure that will allow the Lecanto, Florida, post office to bear the name of Sergeant Dennis James Flanagan.

Madam Speaker, I reserve the balance of our time.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

I join with my colleague in supporting this naming of the Sergeant Dennis J. Flanagan Post Office.

Sergeant Flanagan grew up in Florida and attended high school there. He was active and enjoyed sports. He ran cross-country, played soccer, and was a cadet commander at the school's Civil Air Patrol squadron. He loved learning about American history and hoped that one day he would be a history professor.

His commitment to military service began at an early age. He was an active member of the Junior Reserve Officer Training Corps, or Junior ROTC, where he achieved the rank of first lieutenant during his junior year of high school. He began classes in Central Florida Community College, but enlisted in the Army a week after September 11.

Sergeant Flanagan was assigned to the 1st Battalion, 327th Infantry Regiment, 1st Brigade Combat Team of the 101st Airborne Division out of Fort Campbell, Kentucky. He fought with the air assault infantry that led the initial attack in 2003.

Wise beyond his years, he understood that victory could not be attained without action. He knew the dangers of war and believed in serving his country. After completing his first tour of duty, he re-enlisted in September of 2005 for a second tour. As an experienced soldier, he hoped he could act as a mentor for new soldiers, and he wanted to train the Iraqi Army recruits.

On January 20, 2006, Sergeant Flanagan was on patrol in Iraq in his Humvee with three other U.S. soldiers and a driver when a roadside bomb, or an IED, was exploded near their vehicle. All soldiers were wearing protective body armor. However, only the driver survived the blast. Sergeant Flanagan was only 22 when he died.

Today we honor the life of Sergeant Flanagan, a soldier who strongly believed in the fight for freedom. He was an American hero.

Madam Speaker, I ask all Members to join with me in supporting this naming and this bill.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I yield 5 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of the bill, H.R. 1402, the Sergeant Dennis J. Flanagan Lecanto Post Office Building piece of legislation. It will rename the South Lecanto Highway Post Office in Lecanto, Florida, after Army Sergeant Flanagan, who was killed by terrorist insurgents in 2006 while on patrol in Iraq.

I actually attended the services out at Arlington Cemetery. I was with the family. I also attended the service for the young man that was held in Citrus County.

In my district office, I have a photograph that his mom gave me that was taken at the service. And it appears as if there is this rainbow over the marker. It is truly a tribute to this 2001 graduate of Lecanto High School because Sergeant Flanagan was an active member of the Junior ROTC, and he achieved the rank of lieutenant in his first year.

Within a week following the attacks of September 11, 2001, on our country, he enlisted in the Army and began his first tour of duty in Iraq. Sergeant Flanagan then re-enlisted for a second tour in Iraq in September of 2005. Tragically, he was killed, along with three other U.S. soldiers, when an IED hit a Humvee in which he was traveling. Only the Humvee driver survived the incident.

Sergeant Flanagan was a soldier who firmly believed in our mission in Iraq and in advancing the cause of freedom. Even as a young boy, his parents told me that Dennis knew he wanted to be a soldier in the U.S. Armed Forces.

A soldier who felt he must defend and fight for freedom, Sergeant Flanagan received glowing recommendations from his superior officers and from fellow officers. One of the principal reasons that he re-enlisted was to act as a mentor to newly enlisted soldiers and to help train Iraqi Army recruits.

Speaking of his future as a soldier and a patriot, Sergeant Flanagan once mused in a poem that he was going to save for his son, and those words read: "And now, my son, I pray to thee, never ever forget me; that I died a soldier's death to keep you free with my last breath."

His mom shared those words with me, and I think it is appropriate that they be in the CONGRESSIONAL RECORD.

In times when children and families need role models to look up to, Sergeant Flanagan was a true American hero. Our community, certainly Citrus County and all of Florida, mourn his loss.

We hope that in renaming this post office we will memorialize this brave young man, Sergeant Dennis Flanagan, and never, ever forget his sacrifice for our Nation.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

I simply want to commend the gentlewoman from Florida for introducing this resolution, which speaks directly to the greatest gift that one can give, and that is to give his or her life for the benefit of their fellow man and woman.

A young man, who had no concern, really, for himself, but was concerned for the country.

I urge passage of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have no further speakers here today on this fine young gentleman. But, in closing, I can think of no more appropriate statement on the United States Armed Forces than to have a gentleman with a classic Irish name from Florida be honored on the same day for another post office as a gentleman born in Mexico, growing up in California, whose father was a day laborer. I think that speaks volumes about the kinds of men and women who are defending our country, not questioning anything except that their country asked for them and they have followed and, unfortunately, two have fallen.

I urge passage of both of these pieces of legislation. I thank the majority for moving them in an expeditious fashion.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of my bill, H.R. 1402, the Sergeant Dennis J. Flanagan Lecanto Post Office Building.

H.R. 1402 will rename the South Lecanto Highway post office in Lecanto, FL, after Army Sergeant Flanagan, who was killed by terrorist insurgents in 2006 while on patrol in Iraq.

A 2001 graduate of Lecanto High School, Sergeant Flanagan was an active member of the Junior ROTC, achieving the rank of First Lieutenant his junior year.

Within a week following the terrorist attacks of September 11, 2001, he enlisted in the Army and began his first tour of duty in Iraq in 2003. Sergeant Flanagan then re-enlisted for a second tour in Iraq in September of 2005.

Tragically, he was killed January 20, 2006, along with 3 other U.S. soldiers when an IED hit a Humvee in which he was traveling. Only the Humvee driver survived the incident.

Sgt. Flanagan was a soldier who firmly believed in our mission in Iraq and in advancing the cause of freedom. As a young boy, Sgt. Flanagan knew that he wanted to be a soldier in the U.S. Armed Forces. A soldier who felt we must defend America and fight for freedom, Sgt. Flanagan received glowing recommendations from his superior officers and fellow soldiers. One of the principle reasons that he re-enlisted was to act as a mentor to the newly enlisted soldiers and to help train Iraqi army recruits.

Speaking of his future as a soldier and a patriot, Sgt. Flanagan once wrote a poem that included the words, "And now, my son, I pray to thee. Never ever forget me; that I died a soldier's death, to keep you free with my last breath."

In times when children and families need role models to look up to and emulate, Sergeant Flanagan was a true American hero. Our community feels his loss immensely.

I hope that in renaming this post office, we will memorialize Sergeant Flanagan's courage and never forget his sacrifice for this great Nation.

Mr. ISSA. Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. We have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1402.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RACHEL CARSON POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1434) to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the "Rachel Carson Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RACHEL CARSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, shall be known and designated as the "Rachel Carson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Rachel Carson Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join with my colleagues in the consideration of H.R. 1434, which names the postal facility in Springdale, Pennsylvania after Rachel Carson.

H.R. 1434, which was introduced by Representative JASON ALTMIRE of Pennsylvania on March 9, 2007, was reported from the Oversight Committee on March 29, 2007, by voice vote. This measure, which has been cosponsored by 40 Members, has the support of the entire Pennsylvania, congressional delegation.

Starting in the mid-1940s, Ms. Carson became concerned about the use of newly invented pesticides, especially dichloro diphenyl trichloroethane, better known as DDT. This turned into an amazing thesis she entitled "Silent Spring." "Silent Spring" focused on the environment and the effect of pesticides on humans. This was known as Carson's greatest work. She worked to defend the claims in "Silent Spring" until her death. It is believed that Carson's "Silent Spring" was the catalyst for the United States taking a more in-depth look at the use of pesticides, as well as the founding of government agencies such as the Environmental Protection Agency.

Madam Speaker, I commend my colleague for seeking to honor the memory, legacy, and contributions of Rachel Carson and urge swift passage of this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume to speak in total support of the naming of this post office.

As a member of the committee, I thoroughly support the fact that we have not yet done enough to recognize some of the brave people from the past who created the government, the good parts of government that we take credit for every day. Certainly, I believe this is a good example. Not only was she, in fact, the person most responsible for recognizing the dangers of DDT and leading to the banning of it, but, quite frankly, Rachel Carson, in her novel "Silent Spring," brought to the forefront the very concept of writing works which are widely read, and, in fact, can make a real difference in America's point of view.

☐ 1445

Rachel Carson was born in 1907 in a rural area of Springdale, Pennsylvania, where she first acquired her interest in nature. Majoring in marine biology, with a strong background in creative writing, she graduated from Chatham College in 1929 magna cum laude. Despite financial difficulties, Ms. Carson continued her studies at Johns Hopkins University, graduating in 1932 with a graduate degree in zoology. While expanding her great passion about zoology and other living things, Carson taught at Johns Hopkins and at the University of Maryland while pursuing her doctorate degree.

Due to financial circumstances, Carson found a part-time position as a writer for radio scripts at the United States Bureau of Fisheries. She was faced with sexist resistance, not uncommon at that time, not uncommon at this time, as she took the civil service exam, but after obtaining a high score, she was given a full-time position as a junior aquatic biologist at the Bureau of Fisheries. At the U.S. Bureau of Fisheries, Ms. Carson submitted one of her radio scripts, named "Undersea," to the Atlantic Monthly, which was published in 1937. Publishers, impressed with her writing, encouraged her to expand the article into book entitled Under the Sea-Wind.

Carson continued to write. Her second book, The Sea Around Us, was on the New York Times best seller list for 86 weeks and won the 1952 National Book Award and earned her two honorary doctorates. The book was then made into an Oscar-winning documentary. Her writing achievements did not end here, as she went on to publish a third and fourth book and write numerous magazine articles.

Ms. Carson's fourth and legendary book, Silent Spring, greatly influenced the way Americans thought about the environment and was discussed by President John F. Kennedy. One of the main themes of her novel was how all aspects of the environment were connected. She explained that when one uses a pesticide to exterminate a particular organism, the poison travels up the entire food chain, ultimately affecting large animals and humans. With the publication of Silent Spring, Carson was able to draw in reputable scientists in support of her cause of responsible DDT usage and help spread awareness of its impact on the environment.

Rachel Carson was elected to the American Academy of Arts and Sciences and received many honors, including the Audubon Medal and the Cullen Medal of the American Geographical Society, for her achievements. Unfortunately, poor health kept Ms. Carson from witnessing the ban on

DDT in the United States, as she passed away in 1964. She was awarded the Presidential Medal of Freedom posthumously in 1980.

Carson's legacy lives on as the quiet and consistent voice urging people to come to terms with nature. The major conference room at the headquarters of the Environmental Protection Agency is named the Rachel Carson Room. The Rachel Carson State Office Building is located in Harrisburg, Pennsylvania, and is home to the Department of Environmental Protection and the Department of Conservation and Natural Resources. There are also numerous bridges, parks, and schools which bear her name as well.

To further recognize and honor her contributions in the centennial celebration of her birth and to honor her life as a teacher, scientist, environmentalist, activist, and, most of all, writer, please join me in supporting and passing H.R. 1434.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, it is now my pleasure to yield such time as he may consume to the sponsor of this bill, one of the outstanding new Members of the House, Representative JASON ALTMIRE, from Pennsylvania.

Mr. ALTMIRE. Madam Speaker, I want to thank the gentleman from Illinois and the gentleman from California for their very eloquent remarks.

This is a very special day for me. I grew up in southwestern Pennsylvania, right across the river from Springdale, Pennsylvania, where Rachel Carson was born and raised and where she is truly a legendary figure. She is an icon in western Pennsylvania, and this is a very special year for Rachel Carson's memory because May 27, 2007, would have been Rachel Carson's 100th birthday.

And she has received tremendous honors throughout her life. We do have, as the gentleman said, bridges named after her and schools and other things. But I can think of no greater representation for the beginning of Rachel Carson and the beginning of the modern environmental movement than to have the post office in her hometown of Springdale named after her. And, ironically, Springdale itself last year celebrated its centennial, so she was born in the very early days of Springdale. And this bill has widespread support throughout the district that I represent, the Fourth Congressional District where Springdale is located, but also throughout all of western Pennsylvania and all of Pennsylvania. And I do thank the gentleman for his kind remarks. But I wanted to talk a little bit about Rachel Carson.

As I said, she was born in 1907 in Springdale. She graduated from the Pennsylvania College for Women, which currently is known as Chatham College. And Rachel Carson got her degree in English, which would serve her well in her writing career over the years. She earned her master's degree in zoology from Johns Hopkins University, so she has very strong ties to Maryland, and I am going to talk a little bit more about that because she taught zoology at the University of Maryland, right down the road from where we are right now. And while she continued her studies at the Marine Biological Laboratories in Woodshole, Massachusetts, she continued her teaching career. So in the very early days, she was getting to know the environment and getting a greater understanding of the world around her and what was to come in her life.

Now, according to Time Magazine, "It was there in her early twenties that she first saw and became enchanted with the enormous mysteries of the sea." And as I talked about, this was a lifelong passion for Rachel Carson. Her early writings at the time focused on the waters and the seas, and I believe a lot of that has to do with her upbringing in Springdale, Pennsylvania, because the Allegheny River flows right through the town there, right along the river, and she spent a lot of time studying the river in her youth growing up. And the Rachel Carson homestead, which is her childhood home, has been restored. And there is an active and ongoing presence there in the town, and the stories are legendary about her spending hours and hours of time sitting there on the riverbank, studying the waters and thinking about it. And those who knew her at the time knew that that was her passion and that was going to be the direction of her career and her life.

In 1936 she went to work as a junior aquatic biologist at the U.S. Bureau of Fisheries, again very suitable to someone with that level of interest and that educational background. She was the second woman in the history of the agency to hold a full-time professional position. So she was a trailblazer right from the start. And her early writings, as the gentleman from California mentioned, Under the Sea-Wind, The Sea Around Us, and The Edge of the Sea, celebrated the wonders of nature and continued her ongoing expertise and interest in aquatics and the sea. The Sea Around Us won the John Burroughs Medal, which was then the equivalent of what is today the National Book Award. So here we see the beginnings of a writing career. And this is where her English degree comes back, and she now has expertise in not only zoology and water and the Bureau of Fisheries as her profession, but she begins a long and fruitful career as an author, so she wins what is then the equivalent of the National Book Award. And within the first year, this was in the 1930s, that book sold over 200,000 copies.

Rachel Carson is most famous, of course, for her book, Silent Spring, which was published in 1962, and it criticizes the use of pesticides, particularly DDT, but not exclusively. It is widely created with launching the modern environmental movement, including Earth Day, which just over this past weekend we celebrated Earth Day all across the country while Rachel Carson is credited with the founding of that movement as well. So, again, this is a very timely measure today, and I do encourage my colleagues to support it.

I did want to mention that, unfortunately, it was not long after the publishing of Silent Spring that Rachel Carson took ill and breast cancer took her life at the early age of 56, in 1964. But that did not end the legacy of Rachel Carson. In 1980 she was posthumously awarded the Presidential Medal of Freedom, which all of our Members here know that is an incredible honor to be bestowed upon someone. And in 1999 Time Magazine recognized Rachel Carson as one of the 20th century's 100 most influential Americans, again a fantastic and well-deserved honor.

So, again, throughout western Pennsylvania this year, her 100th birthday we are celebrating Rachel Carson. And it is important, having just had Earth Day over the weekend and the increasing awareness of the environment around us, that we do allow Springdale Township, where this is a very popular measure and something that we have been waiting to see this day come. I would ask my colleagues to show their support and recognize the tremendous contributions that Rachel Carson has had not only for western Pennsylvania, not only for the United States of America, but around the world. She truly is an icon, and she truly did change the world.

So at this time I would like to thank the gentleman from Illinois for allowing me to bring this bill forward. I thank the committee, and I thank the gentleman from California.

Mr. ISSA. Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, it is my pleasure now to yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Speaker, I thank my good friend from Illinois (Mr. DAVIS) for yielding me the time.

Just a few points about Rachel Carson and Silent Spring and the profound transformational effect that that book had on our society.

She was a Federal employee. She worked for the predecessor of the Fish and Wildlife Service. She was recognized, even as a child, as an outstanding writer. But she saw something that she knew was wrong, and she dedicated her life to changing the future for subsequent generations of Americans and really changed the world in terms of its view of pesticides.

At that time it wasn't just that pesticides were being poured all over farms but in our own residential neighborhoods. I can remember, I am old enough to remember, the big clouds of pesticides, and we would run in and out of them, and we would follow the pesticide truck on bicycles, and we had no idea this was poisonous stuff that was being put into our lungs, our atmosphere. And yet at that time the pesticide industry came up with a doctor, he was on television, everybody watched him as he said that she was absolutely wrong. There was no substance to her allegations; that if people listened seriously to her, it would cause widespread disease and poverty all over the world.

□ 1500

And he said that the scientific evidence shows that there is no harm to these pesticides, these toxic chemicals. One might refer to that when we look at some of the other trailblazers who had the courage to speak up, despite those who too readily condemn them because they are making a profit from current conditions. Climate change, endocrine disruptions and the like. She had the kind of courage and intellect and goodness of spirit to change the world. I am very pleased that she is getting a little recognition from the Congress today.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

In closing, I think this is so appropriate that we consider today, at a time when we are looking at ever more vexing issues of the use of pesticides, the need for pesticides, the international conventions. I will be part of a group, House and Senate, that will be in Belgium this weekend where one of the major topics will be meeting with the Europeans on the next step in finding ways to limit or eliminate various pesticides, in addition to the constant effort to deal with ozone-depleting chemicals.

We are, today, as a result of her work, we are in fact smarter in the way we look at the chemicals that bring good things to life, as I think that we once said. We don't assume they are bad. We do test to make sure that what they do good for us is well measured against the side effects. That was a standard created as a result of Rachel Carson. We are honored to have had somebody who worked for the Federal Government, who published and who cared and who persevered throughout her entire life.

I join with the majority in urging the swift passage of this bill.

Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, to close, let me just thank the gentleman from Pennsylvania for introducing this legislation, and the gentleman from California for his eloquent statements in support of it.

And I sort of reflected, as I listened to Representative MORAN, that it is good to have all of the eloquence and all of the youth, but to have been there and be old enough to remember, I join with him because I remember DDT as I was growing up in rural America, and the utilization of it as people would spray their crops and use it to fight pesticides, but were endangering themselves. And there was a great deal of fear and consternation.

So again, I thank the gentleman from Pennsylvania for introducing this legislation. I urge its support.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1434.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING SENSE OF HOUSE WITH RESPECT TO RAISING AWARENESS AND ENCOURAGING PREVENTION OF SEXUAL ASSAULT

Mr. SCOTT of Virginia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 289) expressing the sense of the House of Representatives with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 289

Whereas, on average, a person is sexually assaulted in the United States every two-and-a-half minutes;

Whereas the Department of Justice reports that 191,670 people in the United States were sexually assaulted in 2005;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas children and young adults are most at risk, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas two-thirds of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas prevention education programs carried out by rape crisis and women's health centers have the potential to reduce the prevalence of sexual assault in their communities;

Whereas because of recent advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault;

Whereas the rate of sexual assaults has decreased by half in the last decade; and

Whereas April is recognized as "National Sexual Assault Awareness and Prevention Month": Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators;

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) the House of Representatives strongly recommends national and community organizations, businesses in the private sector, colleges and universities, and the media to promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) the House of Representatives supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 289 recognizes April as National Sexual Assault Awareness and Prevention Month. The purpose of National Sexual Assault Awareness and Prevention Month is to increase the public's awareness and understanding about sexual violence in our society in order to encourage and support prevention of sexual assault.

The United States has the highest rate of any country publishing such statistics. A person is sexually assaulted in the United States every 2½ minutes. The National Institute of Justice estimates that over 300,000 women and 90,000 men are forcibly raped each year in the United States; but according to the American Medical Association, these numbers are lower than national incidents of rape or attempted rape.

Approximately 17.7 million American women and 2.8 American men have been victims of rape or attempted rape at some point during their lives, according to the Bureau of Justice statistics. That equates to one in every six women and one in every 33 men. The National Center for Victims of Crime indicate that among women who have been raped, 39 percent have been raped more than once. Most victims are children or young adults. Some 44 percent of sexual assault victims are under the age of 18; 80 percent are under the age of 30.

There are no significant differences in the rate of sexual assault among racial and ethnic groups, as sexual assault affects all populations roughly equally, though its impact is felt disproportionately by those least able to protect themselves. For example, persons with disabilities are estimated to be one and a half to five times more at risk of sexual assault than the general population. Between one-third and two-thirds of known sexual assault victims are age 15 or younger, according to a 2000 study by Population Reports, and women age 16 to 25 are three times more likely to be raped than those of higher age groups, according to the Bureau of Justice statistics. Also, the studies indicate that those in extreme poverty are twice as likely to be victimized as other women.

Most sexual assaults are not committed by strangers. Studies show that 70 percent of victims know their attackers, and this contributes to the underreporting of sexual assault. At the same time, studies show that 90 percent of those who knew their attackers did not report the crime. The study also found that most sexual assaults occur in the victim's home or that of a friend, relative, or acquaintance.

The consequences of sexual assault for victims are enormous and go well beyond physical effects. One-third of victims suffer from post-traumatic stress disorder, according to the National Victims Center; one-third seriously consider suicide; 13 percent actually attempt suicide.

The roots of sexual assault violence are cultural. A 1991 study by the Jacqueline White and John Humphrey study found that 56 percent of high school girls and 76 percent of high school boys thought that forcible sex was acceptable under some circumstances. Some 51 percent of boys and 41 percent of girls thought that certain circumstances included when a boy "spent a lot of money on the girl." Thirty-one percent of boys and 32 percent of girls thought that forced sex was acceptable when women had had past sexual experiences. Eighty-seven percent of boys and 79 percent of girls thought it was acceptable when a man and woman were married. Sixty-five percent of boys, 47 percent of girls thought it acceptable if a boy and a girl had been dating for more than 6 months.

So, Madam Speaker, it is easy to see where there is need to focus much of our awareness and prevention efforts.

Sexual assault is a threat to the public health and public safety. It demands a coordinated response in the form of awareness, prevention, aggressive prosecution and service provision. The National Sexual Violence Resource Center, a project of the Pennsylvania Coalition Against Rape, estimates that there are 1,400 community crisis centers providing services to victims of sexual assault across the country. Such efforts have made a difference. Over the past decade, we have reduced the rate of rapes and attempted rapes by half. Yet at half, our highest level, we are still the highest rate of sexual assault in the world. So much more needs to be done to further address the scourge in our society.

So, Madam Speaker, as we observe National Sexual Assault Awareness and Prevention Month, it is our hope that a month of intensified awareness efforts combined with a broad spectrum of sexual violence prevention work throughout the year will bring us closer to ending and eradicating sexual assault in our society. Accordingly, I urge my colleagues to support the resolution.

Madam Speaker, I reserve the balance of my time.

Mrs. CAPITO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 289, which is intended to raise awareness of the problem of sexual assault in the United States and encourage ways to prevent it.

The statistics outlined in the resolution speak for themselves and are nothing less than horrific. A person is sexually assaulted in the United States every 2½ minutes. Children and young adults are the most at risk. Forty-four percent of sexual assault victims are under the age of 18.

The emotional and physical scars from sexual assaults exact a terrible toll on our loved ones, our families, our communities, and our country. In my view, we can and we must do better. We have made important strides in this battle. We have expanded the use of DNA to solve sexual assault crimes, reduced the backlog in the testing of rape cases, and solved more sexual assault crimes, and ensuring that those who commit these heinous offense are put behind bars.

Last year, we passed the Adam Walsh Act to protect our children from sexual predators. Over 100,000 sex offenders were lost or unaccounted for by the States. The Adam Walsh Act will fix that problem and make sure that sex offenders are registered, that the public is aware of sex offenders in their communities, and help parents protect their children.

In my home State of West Virginia, domestic violence complaints have increased 400 percent since 1989. More and more, victims are feeling empowered to approach law enforcement officers with these problems. Although we all would like to see an end to domestic violence, it is a good step that more and more victims are reporting the crimes committed against them, allowing the perpetrators to be tried for their crimes. We must continue to work with victims, helping them come forward with their complaints. This can often be a difficult task, especially when the person committing the crime is a spouse, companion or family member, which is sadly often the case.

Madam Speaker, this resolution recognizes the important role that awareness and prevention can play in reducing the incidence of sexual assault. The crime of sexual assault is so hurtful and so tragic, we must redouble our efforts and make sure that we use every tool at our disposal to protect everyone from this horrible crime. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield such time as he may consume to the author of the resolution, my distinguished colleague from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Speaker, I thank my good friend from Virginia for yielding to me.

As the sponsor of this legislation, I also want to thank the Democratic leadership for bringing it to the floor, because, Madam Speaker, sexual violence is an epidemic in this country, it is a threat to our public health and our public safety that demands our attention. One in six women and one in 33 men in the United States will be sexually assaulted during their lifetime. This is the highest rate of any country publishing statistics on sexual assault. A woman is raped in this country every 2½ minutes. We must do more to stop that. Responding to sexual assault must start with prevention.

The roots of sexual violence are cultural. A study of American high school students found that the majority of girls and three-quarters of boys thought that forced sex was acceptable under some circumstances, including when a woman had had past sexual experiences or when a boy spent a lot of money on the girl. Statistics like this make it tragically unsurprising that 70 percent of assaults are perpetrated by someone that is known by the victim.

□ 1515

Fifty-five percent of rapes, the majority of rapes, occur in the home of the victim or a friend, relative or acquaintance.

We must begin with prevention, because the consequences of sexual violence are so severe and because it is a crime whose impact is felt disproportionately by those least able to protect themselves: the young, the disabled, the impoverished. In addition to suffering the physical effects of these terrible acts of violence, a third of victims suffer from posttraumatic stress disorder, a third seriously consider suicide, and 13 percent actually attempt it. While we hope and work for a day when sexual violence might be eradicated completely from our society, we must also deal with the consequences of these crimes, working to provide assistance to victims and aggressively prosecuting offenders.

National Sexual Assault Awareness and Prevention Month is dedicated to increasing the public's understanding about sexual violence in our society. This effort can help communities support rape and sexual assault survivors, victims and their families, as well as the individuals and agencies that provide rape crisis intervention and prevention services throughout the year.

More than 1,000 rape crisis centers nationwide educate their communities about the prevention of sexual violence and provide services to victims. In Virginia, for example, these centers serve approximately 3,000 victims of rape every year. In my district, the SARA Program at the Alexandria Office on Women supports survivors throughout their healing process, through hotline counseling and support groups and innovative programs like "Living Out Loud," a performing arts program for survivors of sexual violence looking to find new joy in life after recovering from rape or sexual assault. The person who founded that is an inspiration to everyone and brings back lives that have been so profoundly and adversely affected by this experience.

Madam Speaker, National Sexual Assault Awareness and Prevention Month is a chance for us to pause and consider the enormity of the impact of these crimes on our society and the status of our efforts to end it. I commend these public health, social services, and law enforcement professionals working in our communities to respond to sexual violence and those educators and advocates working to prevent it, and I encourage my colleagues to stand with us in rededicating ourselves to efforts to end these crimes on our streets, in our schools and in our lives.

Mrs. CAPITO. Madam Speaker, I would like to close with a strong statement that this resolution recognizes the important role of awareness in prevention of sexual assault in this country. It is a scourge on our Nation, it is a scourge on our young people, our women and other victims, and I urge all Members to join together to pass this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume just to thank my colleague from Virginia for introducing the resolution and to urge my colleagues to support the resolution.

Mr. MOORE of Kansas. Madam Speaker, I rise today in support of H. Res. 289, to raise awareness and encourage prevention of sexual assault in the United States and support the goals and ideals of National Sexual Assault Awareness and Prevention Month.

Violence against women—rape, sexual assault and domestic violence—affects women worldwide. Violence not only affects women in the home, but in the workplace, school and every arena of life. Having served as Johnson Country District Attorney for 12 years, I know first hand the devastating consequences of domestic and sexual violence, assault, rape and child abuse and incest. Those experiences encouraged me to become a cofounder of SAFEHOME, a local shelter for survivors of sexual assault and domestic violence, and highlighted the importance of public awareness, effective prevention policies and law enforcement working hand in hand to stop these horrific crimes.

Sexual assault is an epidemic that knows no boundaries on the basis of age, socioeconomic status, race, religion, nationality or educational background. My home State of Kansas is no exception. In 2005, the Kansas Bureau of Investigation reported over 1,000 reported incidents of rape. And that number cannot possibly reflect the harsh reality of how many incidents occurred but were not reported. The tragedy of injustice exacerbates the victimization.

A person is sexually assaulted in the United States every two-and-a-half minutes; 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape.

Sexual Assault Awareness Month is essential to bring attention to this problem, educate the public, and help protect survivors from future victimization and prevent the continuation of the cycle of violence from generation to generation. Protecting and helping survivors, as well as creating an environment where survivors can seek justice, is the key to removing sex offenders from public, so that they do not have the opportunity to assault again.

I urge my colleagues to support H. Res. 289, in support of the goals and ideals of National Sexual Assault Awareness and Prevention Month, to support programs to help survivors heal and prevent incidents in the future.

Mrs. MALONEY of New York. Madam Speaker, I rise today in strong support of H. Res. 289, which expresses the "sense of the House of Representatives with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

I was the lead Democratic sponsor of the original legislation, introduced by former Representative Mark Green and signed into law in 2003, that designated April as National Sexual Assault Awareness and Prevention Month.

While we are taking the time today to highlight this important issue, it is important that we remember that preventing sexual assault should be a top priority during each month of the year. We must also remember that violence against women is not just a women's issue, it is a men's issue, too.

Every 2½ minutes, someone in the United States is sexually assaulted. I have long been a champion of increased efforts to prevent violence against women and in 2004, legislation that I first introduced, "The Debbie Smith Act," was signed into law. Through this landmark act, we have the ability to protect our daughters, our sisters, and our friends by putting rapists behind bars through DNA evidence. We know that DNA evidence is better than a fresh set of fingerprints. And we know that it is often better than eyewitness testimony. With "The Debbie Smith Act," the hundreds of thousands of rape kits that were gathering dust across the country are finally being processed.

It is vitally important that we support the Violence Against Women Act by fully funding the important programs that will help women escape abusive and dangerous situations and begin new lives that are free from violence and fear. The organizations, shelters, and counseling centers that are on the front lines of this problem need our steadfast commitment that they will have the resources to continue their important work.

I urge my colleagues to support this legislation.

Mr. SCOTT of Virginia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 289.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SUPPORTING THE MISSION AND GOALS OF NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. SCOTT of Virginia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 119) supporting the mission and goals of National Crime Victims' Rights Week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States during such week and throughout the year.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 119

Whereas currently in the United States, there are millions of victims and survivors of crime whose physical, financial, emotional, and spiritual needs are entitled to the attention and support of individuals and communities across the United States;

Whereas the collaborative efforts of criminal and juvenile justice professionals, victim service providers, public policy makers, allied professionals, and the Office for Victims of Crime and the Office on Violence Against Women within the Department of Justice have helped enhance public safety and victim awareness in various communities of all sizes across the United States;

Whereas since 1984, the Victims of Crime Act (VOCA) has collected $8 billion in fines, fees, and assessments on individuals convicted of Federal crimes to support crime victim compensation and victim assistance programs nationwide;

Whereas there are over 10,000 system-based and community-based victim assistance programs that provide greatly needed interventions, support, and justice system advocacy to crime victims and survivors, including 4,400 programs that receive VOCA funding;

Whereas the theme of the 2007 National Crime Victims' Rights Week, called "Victims' Rights: Every Victim, Every Time", recognizes that all victims and survivors of crimes deserve to have victims' rights and access to victims' services, and recognizes the ongoing efforts of countless victim service providers, justice professionals, and allied professionals and volunteers who selflessly dedicate their lives to helping victims and survivors of crimes to exercise their victims rights and access important victim services;

Whereas, in 2007, the week of April 22 through April 28, is dedicated as the national observance during which crime victims' and survivors' rights, needs, and services will be recognized; and

Whereas during the 2007 National Crime Victims' Rights Week, the Congressional Victim's Rights Caucus will honor a victim or survivor of crime, a victim service provider, and an allied professional and innovators in public policy development whose efforts on behalf of crime victims and survivors are visionary and exemplary: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the mission and goals of the 2007 National Crime Victims' Rights Week in order to increase public awareness of the impact of crime on victims and survivors of crime, and of the rights and needs of such victims and survivors; and

(2) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Office for Victims of Crime in the Department of Justice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 119 recognizes this week as National Crime Victims' Rights Week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States during this week and throughout the year. Obviously, we are very attuned to victims this week as we mourn the tragic deaths and injuries of the Virginia Tech shootings last week, though this resolution was scheduled for victims generally, without any reference to specific victims.

In 2003, the last year for which we have compiled figures, there were 24.2 million criminal victimizations of people over the age of 12 in the United States. Of those, 5.4 million were violent victimizations and 18.6 were property victimizations. Unfortunately, there were many more crimes than those figures suggest. It is estimated that only 48 percent of violent crimes and only 38 percent of property crimes are reported to police in each year.

We talked about the large group of victims in the resolution preceding this one involving sexual assault victims. Clearly we want to be aware of the need of victims of all crimes and do whatever we can, not only to address victimizations that occur but also to prevent the crimes occurring in the first place. Supporting the mission and goals of the National Crime Victims' Rights Week will increase the public awareness of the rights, needs, and concerns of victims and survivors of crime, and I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mrs. CAPITO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 119, honoring National Crime Victims' Rights Week. This resolution supports the missions and goals of National Crime Victims' Rights Week to increase public awareness of the rights, needs, and concerns of crime victims in the United States during this week and throughout the year.

The theme of the 2007 National Crime Victims' Rights Week is "Victims Rights: Every Victim, Every Time." In honor of every victim, we renew our commitment to protecting the rights of crime victims and to providing them effective assistance programs. We also commend the countless numbers of professionals and volunteers who dedicate their lives to helping victims and survivors of crime.

This week is marked by many special events held across the Nation, including the national observance and candlelight ceremony held here in Washington, DC, a 5K run/walk and Victims' Rights Fair in Sierra Vista, Arizona, a Crime Victims' Rights Rally in Harrisburg, Pennsylvania, and many more.

While these events provide excellent opportunities to focus on victims rights, this is an issue that requires our utmost attention year-round. That is why it is encouraging that there are over 10,000 victims assistance programs providing emotional, financial, physical and spiritual support every day.

As the gentleman from Virginia said, a week honoring the victims and survivors of crime is especially poignant following last week's tragedy at Virginia Tech. The loss of innocent lives affects so many others who are left behind. The outpouring of prayers and condolences reminds us that victims and survivors of crime will not be forgotten and will continue to receive much needed community support.

I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. COSTA), the author of this resolution.

Mr. COSTA. I thank the gentleman for yielding.

Madam Speaker, as a cochairman of the Congressional Victims' Rights Caucus, along with Congressman TED POE, we rise today in support of House Resolution 119, the 2007 National Crime Victims' Rights Week resolution, expressing the sense of Congress' support for Victims' Rights Week and the efforts to increase public awareness in the United States and throughout the country with everything that is occurring, as my colleagues have indicated.

I also want to thank the chairman of the Judiciary Committee and Congressman SCOTT for their leadership on victims issues and for helping bring this bill to the floor today, as well as the gentlewoman from West Virginia.

Allow me to begin by sending our thoughts and prayers to those victims, the wounded, the friends and the families who were touched by the tragedy at Virginia Tech last week. We as Members of Congress and throughout the country are wearing these ribbons symbolic to remind all of us that in our Nation, and in the world, crime knows no boundaries.

Victims of crimes are sons and daughters, brothers and sisters, parents, neighbors and friends. They are those who are struggling to survive the aftermath of crime, and therefore they deserve our support. They deserve the services to help them cope.

When I came to Washington 3 years ago, I discovered that there was a void in the leadership on victims issues, so together with my colleague, Congressman TED POE, we developed the bipartisan voice for victims in Congress, the Congressional Victims' Rights Caucus, which we together cochair. For Members and staff who are listening today, we welcome your participation in this Crime Victims' Caucus.

On behalf of the caucus, we have introduced this legislation to recognize the fact that, as most Americans know all too well, crime knows no country, no geographic, no demographic, and no political boundary, and it touches all of our communities, unfortunately.

This resolution before you provides support for Victims Rights Week and the Crime Victims Fund, which are two legacies of a former President of ours, President Ronald Reagan. Let me give you some of the history of how the Crime Victims Fund started.

First of all in 1980, President Reagan, with bipartisan support in Congress, called for a national observance to recognize and honor victims of crimes and their families and survivors. The Democratic majority in the Congress back in the 1980s supported that effort. This week also pays tribute to the thousands of community service providers, those providers throughout our country, that give critical support to victims every week of the year. Victims Rights Weeks have been observed annually, therefore, across the Nation since 1980.

But the Congress and President Reagan at the time's commitment to rights of victims led to the passage of what then became known as the Victims of Crime Act, which in 1984 created a Crime Victims Fund. The concept behind the fund is smart and it is simple: We take fines levied on criminals and distribute that money to the victim services providers, those which we talked about. The concept behind that effort is that it is not taxpayers' dollars, it is money that comes from those fines levied on criminals, and they distribute the money to those care providers throughout the Nation. Therefore, let me emphasize, this is not taxpayers' dollars.

Yet, for the third year in a row, this administration is trying to take that money meant for victims and to put it in the abyss of our current efforts to balance the general fund. I might support that if in fact these were taxpayers' dollars, but they are not. These are criminals' dollars that are levied for their criminal act. It is simply wrong.

For the last 2 years, the Crime Victims Caucus led the effort to protect that fund, and we are doing so again this year. As long as I am in Congress, I will continue to fight any effort that would effectively deny services to those victims.

Let me tell you what the Crime Victims Fund has done over the years. It has dedicated more than $8 billion annually and supported more than 4,400 victim assistance programs throughout the country that has benefited over 3.8 million. It helps get beds in domestic violence shelters, it helps ensure that rape victims receive proper counseling, and, sadly, sometimes it even has to go to help families pay for funeral expenses.

This fund, therefore, plays a critical role in all of our communities throughout the country. Several groups which I am proud to represent in my own district include but are not limited to the Marjorie Mason Center in Fresno, the Kern, Fresno and Kings County Probation Departments, Clinica Sierra Vista, the Rape Counseling Service of Fresno and the Comprehensive Youth Service.

Our caucus is committed to ensuring that this fund is used for what President Reagan intended: to help victims who truly need and deserve their assistance and to hold offenders accountable, as the Congress intended to do in 1984.

In 2007, the National Crime Victims' Rights Week theme is "Victims Rights: Every Victim, Every Time."

☐ 1530

This week from April 22 through April 28, observances are taking place throughout the country in thousands of communities, as indicated by my colleagues.

Unfortunately, last year the FBI Uniform Crime Reports found that crime again is on the rise. Violent crime rose by 3.7 percent. Murders increased by 1.4 percent, and robberies were up by 10 percent. This means that victims suffered the indignation of crime and have significant losses that affect them physically, emotionally, and financially. Our caucus and our Congress must recommit our energies to ensure that "every victim of every crime" has access to support and services.

Therefore, we must talk to the millions of Americans who are victimized each year. We must recall that every violent crime has a victim and every victim has a story. We know about the teenage girl who leaves home for the first time to go to college, to be impacted by a rape; or the young mother who is beaten by her husband on a regular basis but fears leaving him because he has threatened to kill her kids and she has no money and no place to go. Every victim, every time.

Therefore, we must do everything we can. The 22 leading national organizations have come out in official support of the Victims' Rights Week resolution including the National Network to End Domestic Violence, Rape, Abuse, and Incest National Network, Justice Solutions, National District Attorneys Association, National Children's Alliance, National Coalition against Domestic Violence, the National Alliance to End Sexual Violence, Mothers Against Drunk Driving, and the National Center for Victims of crime. I include the full list for the RECORD.

VICTIMS ORGANIZATIONS OFFICIAL SUPPORT FOR H. RES. 119

Organization: Justice Solutions; National Association of VOCA Assistance Administrators; National Organization of Parents of Murdered Children; American Probation and Parole Association; National Crime Victims Research and Treatment Center; the National Judicial College; American Society of Victimology; National Center for Victims of Crime; National Alliance To End Sexual Violence; National Organization for Victim Assistance; Stop Family Violence; Mothers Against Drunk Driving; The National Coalition of Victims in Action; National Association of Crime Victim Compensation Boards; National Coalition Against Domestic Violence; National Network To End Domestic Violence; National District Attorneys Association; Jewish Women International; National Children's Alliance; Louisiana Department of Public Safety and Corrections; Rape, Abuse & Incest National Network; Security on Campus, Inc.

Let me close by recognizing one victim advocate in particular for her valuable contribution in this field throughout the country, and her friendship and support of crime victims, Anne Seymour. She helped Congressman TED POE and I organize the Crime Victims Caucus 2½ years ago. People like Anne and all the organizations I mentioned are where the rubber meets the road. They are the direct providers, meeting the needs of victims every day. They truly are the unsung heroes, and this resolution honors their efforts.

The Congressional Victims Crimes Caucus is committed to working with victims, service providers, and advocates to ensure that from the courtroom to the U.S. Capitol, the voices of crime victims are heard. I urge my colleagues to join me in passing this significant resolution.

Mrs. CAPITO. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT), who is a champion of crime victims rights and a member of the Judiciary Committee.

Mr. CHABOT. Madam Speaker, I rise in strong support of this important resolution.

The recognition of National Crime Victims' Rights Week continues the legacy of an individual who committed himself to elevating the status of crime victims in this country. Among the many contributions made during his Presidency, President Ronald Reagan's leadership and vision in advancing the cause of crime victims is immeasurable. Recognition of National Crime Victims' Week reflects just one of a number of accomplishments which also include national days of observance, creating the Office of Victims of Crime, and establishing the Task Force on Victims of Crime.

Too often, victims of crime are made to be victims a second time, this time as a result of our criminal justice system, the very system designed to protect them. In 2004, 20 years after Congress enacted the Victims of Crime Act which authorized the Victims Assistance Fund, Congress enacted the Justice for All Act. This was another important victory for crime victims, as it extended a number of enforceable rights to crime victims, including the right to reasonably be heard at any public proceeding involving release, or plea or sentencing, the right to file a motion to reopen a plea, or a sentence in certain circumstances, and most importantly, the right to be treated with dignity and fairness and respect.

However, the enactment of these rights is just one of a number of important changes that needs to occur to ensure that our Nation's criminal justice system is just for both offenders and for the victims of those crimes.

Continued recognition and support of National Crime Victims' Week serves many purposes, including to remind us of what victims have suffered, to thank those individuals and organizations who have selflessly dedicated themselves to assisting victims, and to urge us all to rededicate ourselves to continue President Reagan's vision and leadership in advancing the cause of victims of crime.

And I also want to note that for a number of years a number of us have worked very hard to pass a victims' right constitutional amendment. Now, we ought not to amend the Constitution unless it is absolutely necessary. And I think this is one incident in which it is necessary because the criminals, the defendants, their rights are contained within the Constitution itself. The right to a trial, for example. The right to have witnesses called on their behalf, the right not to have to self-incriminate all are within the Constitution. However, the victims, not a word in the Constitution.

There are laws that have been passed, such as the law which gives a victim the right to be heard at a sentencing hearing or have family members heard at a sentencing hearing, but those are statutes. Oftentimes what happens is they come into conflict, and a judge will have to make a decision because they may be in conflict with each other.

The defendant has his or her rights within the Constitution. They are up here. The victim, their rights down here are statutory. And when it comes to deciding which one is going to prevail, the Constitution will trump that statute every time. Therefore, the crime, the one who committed the crime, the defendant, the criminal, their rights are held higher than the victims. That is just not right.

That is why Henry Hyde, when he was a Member of Congress, had introduced this some years ago, and about 5 years ago I took that up, took up the mantle for Henry to continue to push this way, and we have made progress. We have made progress in the law; but thus far, it is still not within the Constitution and it ought to be.

I want to thank the gentlewoman and Mr. SCOTT also for pushing for this particular resolution this week. I urge my colleagues to support this resolution and to support all victims of crime all across the country.

Mrs. CAPITO. Madam Speaker, I have no further speakers and urge passage of this important legislation. As has been said by all of the other speakers, victims' rights is a very important issue and we don't want to forget those who have been victimized by crimes across the Nation.

Madam Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

I thank the gentleman from California for introducing this resolution, and I urge my colleagues to support it.

Mr. YARMUTH. Madam Speaker, I rise in strong support of National Crime Victims' Rights Week, an opportunity to reflect on the need for victims to be treated fairly, commemorate the progress we've made, and acknowledge the work that remains before us. This is a week in which we rededicate ourselves to the challenges that lie ahead in the fight for critical rights for victims of all crimes.

I recently had the opportunity to meet Pat Byron, a woman from my home town of Louisville, Kentucky. Pat's daughter Mary was raped and beaten by her ex-boyfriend as a teenager. He was released from prison without Mary's knowledge, and tracked down the unsuspecting young woman in a parking lot; murdering her on her 21st birthday.

Because of the courage of Pat Byron and the leadership in Louisville, in 1994, the community pioneered VINE, Victim Information and Notification Everyday. VINE could have saved Mary's life, and for the last 13 years, it has saved many like her. This technology is now available in more than 2,000 communities in 41 states and guarantees a victim's right to notification and information.

Today, one week after the most brutal shooting in American history I urge my colleagues to join me and my community in standing up for victims, not only by commemorating National Crime Victims' Rights Week, but in taking steps like automated crime victim notification to ensure that victims' rights are protected.

Mr. SCOTT of Virginia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 119.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GERALD W. HEANEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE AND CUSTOMHOUSE

Mr. MICHAUD. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 521) to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, shall be known and designated as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse and customhouse referred to in section 1 shall be deemed to be a reference to the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maine (Mr. MICHAUD) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Maine.

GENERAL LEAVE

Mr. MICHAUD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 521.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. MICHAUD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 521 is a bill to designate the Federal building and United States courthouse located at 515 West First Street in Duluth, Minnesota, as Judge Gerald W. Heaney Federal Building and United States Courthouse and Customhouse.

Gerald Heaney was appointed judge of the United States Court of Appeals for the Eighth Circuit on November 3, 1966. He took senior status on December 31, 1988, and retired on August 31, 2006, after over 40 years of distinguished service to his country and the citizens of Minnesota. I rise in strong support of this bill.

Judge Heaney was born on January 29, 1918, in Goodhue, a rural community in the southeastern part of Minnesota. As a child growing up in a farming community, Judge Heaney learned the value of a close family, honesty, and hard work. These qualities have marked not only his personal life but also his life as a public servant.

He was educated at the College of St. Thomas in St. Paul and received his law degree from the University of Minnesota in 1941.

Gerald Heaney is a decorated World War II veteran and was a member of the distinguished Army Ranger Battalion and participated in the historic D-Day landing at Normandy. He was awarded the Silver Star for extraordinary bravery in the Battle of La Pointe du Hoc in Normandy. He also received a Bronze Star and five battle stars. At the end of the war, Judge Heaney returned home and entered private practice in Duluth. During this time, he was instrumental in improving the State's education system, and served on the board of regents for the University of Minnesota.

He was instrumental in helping develop for the Duluth school system the same pay scale for both men and women. In 1966, he was appointed by President Johnson to the Eighth Circuit Court of Appeals. In that capacity, he has been a champion in protecting the rights of the disadvantaged. He was devoted to making sure that every person had an equal opportunity for an education, a job, and a home.

He firmly believes the poor and the less educated and the less advantaged deserve the protection of the Constitution. As a hardworking, well-prepared and fair-minded jurist, he left his legal stamp on school desegregation cases, bankruptcy laws, prison treatment, and Social Security law. His public service is marked by industry, brilliance, and scholarly excellence. His compassion and dedication to those most disadvantaged is unparalleled.

Judge Heaney is most deserving of this honor. I ask my colleagues to join me in supporting this bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CAPITO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 521 is a companion bill to H.R. 187 which was introduced by the gentleman from Minnesota (Mr. OBERSTAR). This bill designates the Federal building and United States courthouse and customhouse at 515 West First Street in Duluth, Minnesota, as the Gerald W. Heaney Federal Building and United States Courthouse and Customhouse. The bill honors Judge Heaney's dedication to public service.

As we have heard previously, after serving in the Army during World War II and acquiring a law degree from the University of Minnesota Law School, Judge Gerald Heaney entered into the private practice of law from 1946 to 1966. Judge Heaney's career as a judge began in 1966 with an appointment to the U.S. Court of Appeals for the Eighth Circuit by President Lyndon Johnson.

Judge Heaney had a reputation for championing equal justice for underprivileged and vulnerable citizens. He retired after 40 years of service on August 31, 2006.

I support this legislation and encourage my colleagues to do the same.

Madam Speaker, I yield back the balance of my time.

Mr. MICHAUD. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maine (Mr. MICHAUD) that the House suspend the rules and pass the Senate bill, S. 521.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

☐ 1545

RESIGNATION AS MEMBER OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

HOUSE OF REPRESENTATIVES,
April 20, 2007.

Hon. NANCY PELOSI,
Speaker of the House, Washington, DC.

DEAR MADAM SPEAKER: It is my desire to resign from the House Select Committee on Intelligence immediately. I look forward to returning to the committee soon.

Thank you.

Sincerely,

RICK RENZI,
U.S. Congressman,
First District of Arizona.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 46 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. CLARKE) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 362, 10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–105) on the resolution (H. Res. 327) providing for consideration of the bill (H.R. 362) to authorize science scholarships for educating mathematics and science teachers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H. Res. 179, by the yeas and nays;

H.R. 1434, by the yeas and nays;

H.R. 1402, by the yeas and nays.

Votes on H. Res. 289 and H. Res. 119 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

NATIONAL FOSTER PARENTS DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 179, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 42, as follows:

[Roll No. 245]

YEAS—390

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Pomeroy
Porter
Price (GA)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—42

Alexander
Boozman
Brady (PA)
Brown, Corrine
Buyer
Costello
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
Emerson
Everett
Fattah
Gallegly
Gutierrez
Hastings (FL)
Johnson (IL)
Kennedy
Kirk
LaHood
Lampson
Lantos
Linder
Lucas
Lynch
Meeks (NY)
Murphy, Tim
Neal (MA)
Peterson (PA)
Platts
Poe
Price (NC)
Pryce (OH)
Radanovich
Renzi
Rush
Shays
Shimkus
Terry
Thornberry
Westmoreland

□ 1859

Mr. BROWN of South Carolina changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE OBSERVED IN MEMORY OF THE LATE HONORABLE JUANITA MILLENDER-McDONALD

(Mr. STARK asked and was given permission to address the House for 1 minute.)

Mr. STARK. Madam Speaker, it is with great sorrow that I rise to announce the death of our friend and colleague, JUANITA MILLENDER-MCDONALD of California. She died, we are informed, peacefully at home with her family on Sunday after a battle with cancer.

JUANITA holds a special place in history. She is the first African American woman to chair a full committee in the United States House. She also worked tirelessly against genocide, human trafficking, and she worked for women's rights. Prior to coming to Congress, she exemplified a leadership role as a teacher, city council member, and California State Assemblywoman.

She was only 68 years young, a vibrant Member of Congress, and a good friend. Our sympathy goes to her husband James, five adult children, and five grandchildren.

Madam Speaker, I ask for a moment of silence to honor her at this time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the passing of the gentlewoman from California (Ms. MILLENDER-MCDONALD), the whole number of the House is 433.

Without objection, 5-minute voting will continue.

There was no objection.

RACHEL CARSON POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1434, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1434.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 334, nays 53, answered "present" 3, not voting 42, as follows:

[Roll No. 246]

YEAS—334

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt

DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Myrick
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—53

Akin
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Burgess
Burton (IN)
Cannon
Cantor
Carter
Conaway
Davis (KY)
Davis, David
Doolittle
Feeney
Franks (AZ)
Gingrey
Goode
Graves
Hall (TX)
Hastert
Herger
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Lewis (KY)
Marchant
McCotter
McKeon
Mica
Miller (MI)
Miller, Gary
Musgrave
Neugebauer
Nunes
Paul
Pence
Sali
Schmidt
Sessions
Shadegg
Simpson
Tiberi
Walberg
Weldon (FL)
Whitfield
Wicker
Young (AK)
Young (FL)

ANSWERED "PRESENT"—3

Garrett (NJ)
Gohmert
Rogers (MI)

NOT VOTING—42

Alexander
Boozman
Brady (PA)
Brown, Corrine
Buyer
Costello
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
Emerson
Everett
Fattah
Gallegly
Gutierrez
Hastings (FL)
Hunter
Johnson (IL)
Kennedy
Kirk
LaHood
Lampson
Lantos
Linder
Lucas
Lynch
Murphy, Tim
Murtha
Neal (MA)
Peterson (PA)
Poe
Price (NC)
Pryce (OH)
Radanovich
Renzi
Rush
Shays
Shimkus
Terry
Thornberry
Westmoreland

☐ 1912

Mr. HAYES changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SERGEANT DENNIS J. FLANAGAN LECANTO POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1402, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1402.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 0. not voting 46, as follows:

[Roll No. 247]

YEAS—386

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner

Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—46

Alexander
Boozman
Brady (PA)
Brown, Corrine
Burgess
Buyer
Costello
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
Emerson
Everett
Fattah
Gallegly
Gutierrez
Hastings (FL)
Hunter
Johnson (IL)
Kennedy
Kirk
LaHood
Lampson
Lantos
Linder
Lucas
Lynch
Murphy, Tim
Murtha
Neal (MA)
Peterson (PA)
Poe
Price (NC)
Pryce (OH)
Radanovich
Renzi
Rush
Shays
Shimkus
Tancredo
Terry
Thornberry
Weldon (FL)
Westmoreland
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1920

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SHAYS. Madam Speaker, on April 23, 2007, I was in Connecticut to meet with constituents and, therefore, missed 3 recorded votes.

I take my voting responsibility very seriously. Had I been present, I would have voted "yes" on recorded vote number 245; "yes" on recorded vote 246; and "yes" on recorded vote 247.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1964

Mr. NADLER. Madam Speaker, I ask unanimous consent in the name of Mr. JON PORTER of Nevada that Mr. PORTER be removed as a cosponsor of H.R. 1964. Mr. PORTER was listed as a cosponsor of H.R. 1964 due to a clerical error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 65

Mr. COLE of Oklahoma. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor from H.R. 65.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JUANITA MILLENDER-McDONALD, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

Ms. WATSON. Madam Speaker, I offer a privileged resolution (H. Res. 328) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 328

Resolved, That the House has heard with profound sorrow of the death of the Honorable Juanita Millender-McDonald, a Representative from the State of California.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. WATSON. Madam Speaker, I yield 30 minutes to the gentleman from California (Mr. DREIER), pending which I yield myself such time as I may consume.

Madam Speaker, I now yield 1 minute to our most distinguished Speaker, Speaker NANCY PELOSI.

Ms. PELOSI. Madam Speaker, I thank our dear friend, Congresswoman WATSON, for bringing us together around this very sad and necessary resolution today.

On behalf of all Members of Congress, I rise to pay tribute to Chairwoman JUANITA MILLENDER-McDONALD, who passed away Saturday night. I offer deepest sympathy to her family, who loved her so dearly, her husband James McDonald, Jr., her five children and her five grandchildren.

As the first African American to chair a committee in Congress, JUANITA MILLENDER-McDONALD was a trailblazer, always advocating for the full participation of all Americans in the success and prosperity of our country. She was a strong defender of the right of every eligible voter to have full access to the polls and a tireless proponent of fair elections that ensured that every vote would be counted.

As chair of the House Administration Committee, Chairwoman MILLENDER-McDONALD's deep commitment to diversity was manifested in her actions when hiring and contracting within the House of Representatives. She enjoyed her role as the "Mayor of Capitol Hill," and was known for asking tourists in elevators, "Are you finding everything okay," and listening closely to their response.

After her family, the people of California's 37th District were always first and foremost in Chairwoman MILLENDER-McDONALD's mind and her work here in Congress. She saw it as a priority to make sure they had every opportunity. She worked to strengthen the economy and jobs there, and she saw it as a priority to secure the two ports adjacent to her district.

Chairwoman MILLENDER-McDONALD was an advocate for justice around the world. She spoke out forcefully against the genocide in Darfur, and was a powerful advocate for the rights of women everywhere. As a former cochairwoman of the Congressional Caucus for Women's Issues, she worked for gender equity here at home and throughout the world.

The loss of Chairwoman JUANITA MILLENDER-McDONALD is a personal one for many of us here. She was always optimistic and determined to make a difference. The dignity with which she faced her illness was an indication of the determination with which she always served the people of our country.

We have all lost an effective leader and spokesperson, and many of us have lost a dear friend. When we look around this Chamber, it is almost impossible to imagine it without JUANITA here fighting the fight, and doing so looking magnificent. The dignity, the grace, the beauty, the thoughtfulness that she brought to the tasks at hand were a model for others. Young people would come to the Capitol and observe her in action and learn from her.

We also learned from her how to have dignity at the end of life. Many of us knew that she had had bouts with illness, but we really didn't know how serious it was and how close she was to, as she said, her daughter told me, going home. Valerie said to me last night, "She said I want to make all of these arrangements so that I can go home."

I hope it is a comfort to Chairwoman JUANITA MILLENDER-McDONALD's family and friends that so many people mourn their loss and are praying for them at this sad time. Many of us will travel to California to say good-bye to JUANITA, if I may speak to her in that familiar way. It has been an honor to call her colleague, I know we all agree on that, and for many of us it was a privilege also to call her friend.

Good-bye, my friend.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me begin by expressing my appreciation to both of my California colleagues, Ms. WATSON and

Speaker PELOSI, for their very thoughtful words, and, obviously I would, as all of my colleagues I know want to do, would associate ourselves with the very, very thoughtful remarks offered by Speaker PELOSI.

Madam Speaker, this is a very sad time for me personally, for a number of reasons. JUANITA MILLENDER-MCDONALD was my friend and my neighbor. And she was my neighbor not only in California representing an adjoining congressional district, but my neighbor right here on Capitol Hill. We were next-door neighbors. So, Madam Speaker, I have to say that I had the privilege of spending a great deal of time with JUANITA.

As Speaker PELOSI said in her statement that she released yesterday, JUANITA MILLENDER-MCDONALD truly was a trailblazer. She was an individual who showed amazing commitment throughout her entire life to her beliefs, and I was very happy that she as a Democrat and I as a Republican were able to work together and find areas of agreement.

I have to say one of the biggest challenges that we face in Southern California, I know my California colleague Ms. WATSON understands this very well, is the area of transportation. The gridlock challenge, as is the case with many metropolitan areas around the country, is particularly bad in the Los Angeles area. JUANITA MILLENDER-MCDONALD served on the Transportation and Infrastructure Committee and worked tirelessly to try and focus on those challenges, the difficulties that we faced.

There was one particular project that I was pleased to work with JUANITA on, and that was something known as the Alameda Corridor Project.

☐ 1930

A huge percentage of all of the goods going to and from the United States, exports and imports, come through the ports of Long Beach and Los Angeles. JUANITA represented large parts of Long Beach, and she understood the importance of international trade. So she was one of those in the vanguard in the quest to deal with construction of the Alameda corridor which allowed those goods to move from the ports of Long Beach and Los Angeles to the rest of the United States and, similarly, goods exported from America. I am very happy to see the distinguished Chair of the Transportation Committee, Mr. OBERSTAR, nodding in agreement. He knows how important this issue is, and he worked very closely with JUANITA MILLENDER-MCDONALD and all of us who have been involved on that issue. I know she championed it with great enthusiasm.

I also would like to say she was a very proud alumna of the University of Redlands. She went to the University of Redlands at age 40 and got her degree from the University of Redlands. One of the reasons I am proud to point to that is the distinguished former chairman, now ranking member of the Committee on Appropriations, Mr. LEWIS, has specifically asked me to raise this issue.

As I said, we were neighbors. As Speaker PELOSI correctly pointed out, while a number of us knew that JUANITA had not been well, very few knew of the seriousness of her illness. I remember standing with my two California colleagues, Ms. WATSON and Mrs. NAPOLITANO, just last week, and we talked about making a video that we were going to provide for JUANITA because we knew she had not been well.

So her passing has come as a great shock to every single one of us. She is the first woman to ever chair the Committee on House Administration. She was a trailblazer on so many issues. Her passing is a loss to my State of California and to this institution and to the entire country.

Madam Speaker, at this point I am going to ask unanimous consent that my California colleague, Mr. CALVERT, be able to manage the time from this point forward, and with that I reserve the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. WATSON. Madam Speaker, I call on the gentlewoman from Michigan (Ms. KILPATRICK), the Chair of the Congressional Black Caucus, for 3 minutes.

Ms. KILPATRICK. Madam Speaker, I thank the gentlewoman from California for yielding me this time.

Today is the first day of the rest of our lives. I stand here to pay tribute to my friend, my sister, chairwoman, Congresswoman JUANITA MILLENDER-MCDONALD. I was asked earlier by an interviewer: How would she like us to remember her? A leader, a fighter, a mother, a grandmother, excellence bar none, first class, no shortcuts.

To Jim and Valerie and to the rest of the family, to the grandchildren, just know you have her blood and you can do anything. No limits; be the best.

As chairperson of the Congressional Black Caucus, we are honored to have had her with us and teach us and show us the way. JUANITA has been special in this body, rising from mayor, city councilperson, the first African American woman to chair the House Women's Caucus, and over the last 11 years serving in this body, a special friend to me personally. We many times talked about our families.

So my sister, JUANITA, as you take your rest with the spirit of God, we know you will watch over us and make sure that we do our due. We know the family knows you are with them forever.

To Jim, it's okay, we're here for you and we always will be.

So let us continue to rejoice. He makes no mistakes. We now have extra protection in heaven.

On behalf of the entire body of the CBC, we are both remorseful and reflective on the life and legacy of Representative JUANITA MILLENDER-MCDONALD.

We are praying with and for her family and dear friends during this season of grief.

Representative MILLENDER-MCDONALD should be celebrated for her abounding commitment to service and advocacy. During her 7-term tenure as the eloquent voice of the 37th Congressional District, including Long Beach, the industrial suburbs of Carson and Compton and parts of south central Los Angeles.

As a former educator and recipient of a myriad of distinctions, including:

First African American woman to chair a full committee in the U.S. House of Representatives;

First African American woman to serve on the Carson City Council;

First African American woman to render the national Democratic response to President Bush's weekly radio address;

First to be named Honorary Curator of the Museum of Latin American Art in Long Beach;

First Democratic Chair of the Congressional Caucus for Women's Issues.

Representative MILLENDER-MCDONALD made certain to pave the way for her firsts to not be the last for African Americans and Americans across the globe.

Therefore, the CBC will continue to carry on the work of Congresswoman MILLENDER-MCDONALD as we change course, confront crises and continue the legacy.

Mr. CALVERT. Madam Speaker, I am happy to yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise to speak on behalf of our departed colleague, JUANITA MILLENDER-MCDONALD, with whom I only had the privilege of serving for the last 3 years, but who was an office mate, had the office just down the hall from me my first 2 years back here this time around; and then I had the proud honor of serving on House Administration with her.

More than that, she represented a portion of my hometown of Long Beach, and we would often talk about our mutual interests in some of the people and institutions there, particularly my love for Long Beach Memorial Hospital in my hometown.

In every conversation I had with her, in every dealing I had with her, she was very gracious, very generous of spirit, always upbeat. I was surprised to hear of her illness and surprised to hear of her passing because in every conversation I had with her, she never gave an indication that she was in pain or suffering or in any way challenged by this illness.

She seemed to radiate a fulfillment in being in this House and the work she did. I know she was very proud of the people she represented, her constituents, and I know she was proud of the communities she represented. And I know she was proud of the firsts she represented, both here in the Congress and in the California legislature.

This place is a tough place. We battle oftentimes over ideas and we battle over ideology, and yet the human aspect of this place is forgotten by many who look out or look upon us from the outside, but it is always here. And I always enjoyed every encounter I had with JUANITA. She was a pleasure to work with. She was someone who took great pride in our State of California, and I think she will be someone who will be sorely missed in this House.

It is my pleasure to stand here and say good-bye, JUANITA. I enjoyed working with you. You will be missed.

Ms. WATSON. Madam Speaker, with pleasure I yield 3 minutes to Ms. BARBARA LEE from California.

Ms. LEE. Madam Speaker, it is with a heavy heart that I rise this evening to offer my condolences to the family of our beloved JUANITA MILLENDER-MCDONALD, to her husband, Jim, to her children, to her grandchildren, her sisters, and to her entire family. My thoughts and prayers are with you during this most difficult time.

I am reminded of the very many moments we shared together and how precious and fun and engaging they were. I met JUANITA over the telephone when I called to congratulate her for, as the underdog, winning the primary for the California Assembly in 1993 where I was then serving.

Even in that first phone conversation, she conveyed such a strong sense of purpose and focus, yet a deep message of sisterhood and optimism about the future. Of course, JUANITA won the general election and came to the California legislature where she demonstrated her keen intellect and her bipartisan legislative abilities as Chair of the Revenue and Taxation Committee and as Chair of the Assembly Insurance Committee.

JUANITA, her husband, Jim, and her sister participated in a delegation which I organized to five countries in Africa. Her commitment to the continent and to diplomacy was recognized by all.

JUANITA, though, recognized the challenges which I personally faced as the organizer and leader of a delegation, most of whose members had never been to Africa. In the most sensitive and loving manner, she presented me with a beautiful Nambian wallet and passport carrier to shore me up and to help me out, and I carry it to this day. You know it was beautiful and well-made. JUANITA had a keen sense of style, if you remember how beautiful and elegant JUANITA was always dressed.

She was a woman of distinction and class which brought her many compliments, but she was also a woman of substance, with a keen intellect, big heart and a passionate sense of justice.

She worked on many issues relating to the empowerment of women, HIV/AIDS, orphans, a host of issues which history will record as improving the lives of millions. Her annual AIDS walk was a source of pride and joy as she shared with us the dos and the don'ts on how to put our own together so we could replicate her success in our own communities.

JUANITA was a giving person who shared her wisdom with her friends and colleagues, and I will always remember her actions during the Bill Clinton impeachment era where she organized a group of women to go to the White House and meet with Mrs. CLINTON in a show of support. It was moments like these when you knew you were in the presence of a risk-taker and a giant of a woman.

JUANITA was a loving wife and mother and grandmother and sister. Oftentimes she brought her beautiful grandchildren to the House floor to give them a sense of her work and a sense of Congress, and to show them off. I am deeply grateful to JUANITA and to her family.

As the Scriptures say, well done, thy good and faithful servant.

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Last week, as for many of us, I first heard about JUANITA's illness. That is surprising because there is a group of us on both sides of the aisle that fly back and forth to California every week. I know there is a lot of talk about partisanship nowadays, but we have a pretty close group. Many times we sit next to each other on the airplane, and we talk about parents and children and golf or whatever. And JUANITA was always a delight to be with, always had a positive attitude, always someone you looked forward to seeing.

I was deeply saddened to hear of JUANITA's sudden passing. I was sitting at home writing a note to her this weekend; and, unfortunately, that note can't be delivered. But I hope she is listening right now as we state our condolences to her family and to her friends.

It has certainly been an honor for me to have worked with her for the last 11 years that she served in Congress. She was a faithful representative of her district.

I worked with her specifically on the C–17 factory in Long Beach, California, where they make the great C–17 aircraft, and she was a champion for that. She worked for the employees that worked at that plant to make sure that the aircraft which is doing a wonderful job for our country continues to be manufactured in Long Beach, California. As a matter of fact, the last conversation I had with her was about what we can do to keep that going.

There are no words I can use to convey the sense of loss when a colleague passes. She was a champion, and a champion for California. Our delegation will miss her very much. We will miss her smile.

I join all of my colleagues in supporting this bereavement resolution and extend my sympathies to her families and friends. JUANITA MILLENDER-MCDONALD was a patriot who faithfully served her country. Her contributions and commitment will not be forgotten.

Madam Speaker, I reserve the balance of my time.

Ms. WATSON. Madam Speaker, I am very pleased to give 3 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Madam Speaker, JUANITA MILLENDER-MCDONALD touched our lives in different ways. I chair the California Democratic delegation, and I can tell you that our delegation is literally heartbroken over the loss of JUANITA.

We meet every Wednesday as a delegation to sort through the issues that face us not just as a Congress but as a State. And although we know JUANITA for her leadership in the Nation, those of us in California are very proud of the special things she did for our State.

☐ 1945

There will be an empty spot at our meeting every Wednesday.

She was a trail blazer, as has been mentioned, a first so often: the first California African American woman to chair two committees in the California Assembly; the chairperson of the House Administration Committee. But when I think of JUANITA, I think of someone who had tremendous dignity, tremendous style, tremendous poise. She knew that she was a first, and it was important to her that she accomplish these firsts with an eye to being a role model for young people around the country and, indeed, around the world.

As Chair of the Committee on House Administration, where I also serve, she worked so diligently to make sure that every vote would be counted, that all Americans would be treated fairly and without discrimination, and she was so happy to provide that leadership as chairwoman of the committee. It is so unfair that we have lost her from that position so prematurely.

Today, we mourn the passing of a great American, but we also celebrate the legacy of public service that she leaves behind. JUANITA MILLENDER-MCDONALD left this Chamber as she entered it, with poise and spirit, fighting for those who could not fight for themselves.

Our thoughts and prayers go out to her husband, her five children, her grandchildren, and we mourn her passing, not just today but every day.

Mr. CALVERT. Madam Speaker, I yield 2 minutes to my colleague from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Madam Speaker, I was, like many of my colleagues, shocked and deeply saddened to hear the news about JUANITA. GRACE NAPOLITANO had just brought by a nice card for Members to sign on Friday, I think it was, and here I realize that she has passed away. I just had no idea.

It was my privilege to serve with her in the House Administration Committee when she was the ranking member, and JUANITA was a passionate advocate for her ideas and her beliefs. Sometimes she and I would argue with each other, but it was never with any personal disagreement. I liked her, I thought highly of her, and would just like to join with my colleagues in acknowledging her fine service here in the House of Representatives, her dedication to California, her desire to make a difference.

I always admired her love and devotion to family, and I join with my colleagues in saying that I will miss her, and I am very sorry that this has happened.

Ms. WATSON. Madam Speaker, I am pleased to yield 5 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, I thank my colleague DIANE WATSON for her leadership in gathering us together, and I rise with my colleagues to extend my condolences, heartfelt, from this body to the family, to the friends, to the constituents of Congresswoman JUANITA MILLENDER-MCDONALD.

This is a somber hour because we are, as my colleague, the dean of our California delegation, mentioned, we are heartsick over this loss, and maybe it is because JUANITA was such a striking presence, so dynamic, so poised and articulate. When she entered a room, you knew she was there; and now, today, as we gather so soon after we heard of her death, just yesterday, walking through the doors of the Capitol, I thought it is not the same place now because she is not going to be there, wearing something striking, something beautiful, and with her elegance and grace.

We will miss her. We will always miss her. She served in this place, as she served her community and her family and her city council and the State legislature, with such distinction, with passion and with dedication for the benefit of her community and with enormous patriotism.

This talented public servant was a champion for several years, including fighting HIV/AIDS, improving women's health, encouraging women in business, protecting voting rights, stopping the genocide in Darfur. As I mention these issues, I think to myself her charge to us this evening would be to stop the sweet talk about her and get busy and solve these problems. That is the best thing we can do in her memory, in her name.

She knew where the challenges lay in our country, in the way we go to the polls and the fairness of our elections, the availability of the opportunity to vote for every single American. She was not content. It is not solved yet and we have to do this in her honor.

The genocide in Darfur, until that is a thing of the past, we cannot rest. We have got to do this now for JUANITA.

HIV and AIDS and all of the other things she cared about, now we have an increased motivation, and that is how we can turn our sorrow into something positive, the way she did with her life.

We have heard from our colleagues this evening, and we will hear many things, but in particular, I want to speak today as I follow in her footsteps as cochair of the Congressional Caucus for Women's Issues. During the 107th Congress, she was cochair of the Caucus for Women's Issues, serving ably with Congresswoman JUDY BIGGERT.

Under their leadership, the women's caucus initiated the first annual Memorial Day tribute to women in the military at the Women's Memorial at Arlington National Cemetery. Now this event, thanks to JUANITA, has become an annual tradition and highlights the caucus' strong commitment to supporting our brave women in uniform. I know JUANITA will be proud of us as we continue in this tradition.

As cochair of that caucus, Congresswoman MILLENDER-MCDONALD also convened the first meeting between women Members of Congress and the Supreme Court Justices Sandra Day O'Connor and Ruth Bader Gingsberg in order to discuss issues of national importance to women, especially in the judicial area.

On a personal moment, I will never forget the first time I met with my colleague, Congresswoman MILLENDER-MCDONALD. It was during a very difficult moment in my life after the passing of my husband Walter. The first thing I knew she was there in my district with every single one of her staff members to help me to succeed him in office. It was a very rainy time, and there they all were, walking precincts in my district, and that was how I met JUANITA MILLENDER-MCDONALD.

She made a special effort to reach out to me and to my family in ways that were very meaningful to me. She shared with me that her father was a preacher like mine was, so we had that kind of bond as well. And I know it has been mentioned how ferociously she worked on issues like the C-17 and the Alameda Corridor, but if you ever flew with her in her service on the Transportation Committee, you knew very well that she wanted that airline to work for, not her, but for all of us Members and all of the passengers, and she made sure whatever flight we were on was going to be on time to the best of her ability.

These are stories that I am not going to ever forget and I want to be grateful for her kindness to me, and pledge during this very challenging time in my life, she was there for me, and how we reach out to her family members. All of us are going to miss our colleague and our thoughts and prayers are with her during this difficult time.

It was just pictured, such a wonderful picture of JUANITA MILLENDER-MCDONALD in her local paper, the Los Angeles Sentinel, and ironically, it is dated Thursday, April 22, and that was when she took leave. And who would have known on the paper in her community that just a few days later she would be gone. But I think it would be befitting her to have this entered in the CONGRESSIONAL RECORD in memory of JUANITA.

[From the Los Angeles Sentinel, April 19, 2007]

CONGRESSWOMAN JUANITA MILLENDER-MCDONALD WILL TAKE FOUR TO SIX WEEKS OFF TO SEEK TREATMENT FOR CANCER

(By Yussuf J. Simmonds)

Congresswoman Juanita Millender-McDonald is taking a leave of absence until May 25 in order to seek proper care and spend quality time with her family after being diagnosed with cancer.

It had been rumored for some time that her health was troubling especially since she had been placed on the "prayer list" at her local church, Second Baptist Church in Los Angeles. However, she has always been a fighter for the community and now the community stands ready to return her hard work and efforts on its behalf with prayer and best wishes.

McDonald is currently serving her seventh term in Congress representing the 37th Congressional District, which includes parts of Carson, Compton, Long Beach, Los Angeles and Signal Hill. Presently, she is the chairwoman of the House Administration Committee, the first Black woman to hold that position. As chairwoman, she has investigated the voting irregularities and disenfranchisement in Ohio, which was the first election reform field hearing in Congressional history.

Glamour Magazine recently dubbed her as "one of the eleven women who will change the world" and a recent news report cited her as one of the five most effective members of Congress because of her ability to reach across party lines to effectively move bipartisan legislation.

Congresswoman Barbara Lee, the vice chair of the Congressional Black Caucus and the representative of the 9th Congressional District of California, extended warm greetings to her colleague and offered these words of comfort.

"Our prayers are with Congresswoman McDonald and her family. We wish her a speedy recovery and hope that her leadership and courage will soon be back with us in the nation's capital," Lee said.

Councilman Isadore Hall of Compton's Fourth District was touched when he received word of her health concerns.

"Right now we are holding her up in deep prayer and hoping for a speedy recovery," said Hall. "Certainly her presence will be missed, but we know she has competent staff who will be able to move swiftly with the agenda she has set for the community."

This is not the first time that McDonald has faced health issues. In 2005, she underwent major surgery for an unknown illness. Last year, her son, R. Keith McDonald, requested a furlough from his 41-month prison sentence for political corruption charges in order to see to her condition at the time.

The judge granted him a six-month release but again, there was no official comment from McDonald on her condition then and there is no comment now if either incident is related to her current situation.

Dr. William Epps, pastor of Second Baptist Church where McDonald is a parishioner, relayed his thoughtfulness by saying that he stays "in touch with her weekly" and that "I'm keeping her in prayer for strength as she faces her health."

She reportedly will maintain a limited schedule particularly in her district and this apparently will be to expedite her recovery process. She has requested respect for her privacy at present and all of her constituents have offered their prayers and best wishes for a speedy recovery.

Mr. CALVERT. Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Madam Speaker, I thank the gentleman for yielding.

I first met JUANITA MILLENDER-McDONALD in the Committee on Transportation and Infrastructure, which is a wonderful committee; I am sure the current Chair sitting here would agree with that. A great diversity of tasks are needed there, and I came to know her well at that committee.

I was amazed at Ms. MILLENDER-McDONALD in a number of ways. You just heard the previous speaker talk about her grace and elegance. That was apparent from the moment you saw her and talked to her.

She and I became rather good friends because it happened that her father was a pastor, and my father was also a pastor. There is a special bond between preachers' kids, or PKs as they are called, and we used to jokingly discuss the need to develop a PK Caucus in the Congress so that we could address major issues of the times, particularly those with a moral content to them.

Our friendship continued over the years, and I have to confess, I was continually amazed at new things I discovered in JUANITA MILLENDER-McDONALD.

First of all, just imagine being born African American in 1938 in Alabama and becoming the first African American woman to chair a committee in the Congress. That is a long and difficult road, and she traversed that road, once again, with elegance and grace.

After having five children, she went back to school, received a bachelor's degree and then became a teacher. She later went back to school again and obtained a master's degree, showing amazing persistence and drive to do that. She then entered the political arena, became the mayor of a city in her district, and then later entered the State Assembly, and then the Congress.

She had considerable drive and interest in serving others, and that stood out from the moment you first met her.

But I found it interesting, though, even though we had a good personal relationship, she was a very private person. I was dismayed recently to find out that she had cancer because she had never discussed this with me and never alluded to it in our discussions. I knew something was wrong, but I did not know what. I wish I had known so I could have offered her more comfort and help.

We have had our amusing moments as well. One time she insisted in talking far past her limit in our committee when I was chairman, and I gaveled her out of order. She refused to acknowledge the gavel and kept talking. So I gaveled louder and she kept talking, and I gaveled louder yet, until she could no longer speak. She was not pleased with that. But when she became the chairwoman, I called her to congratulate her and I said, now, I fully expect you to gavel me out of order every opportunity you get. That was the type of relationship we had.

In spite of our differences of party, in spite of occasional differences in perspective and differences on how we should accomplish things in this Congress, we remained good friends throughout. And I think because of that, together, we were able to accomplish a great deal in our committee this past year, and we were continuing to do that this year under her leadership.

We have lost a good friend. We have lost a good compatriot. We have lost a good Member of Congress. It is not easy to deal with that type of loss, and our comfort is that she is in a better place, and that she has served our country well. She has served her people well. I am sure as a teacher she served her students well. I think she has left the Congress a better place because of her having been here, and because of the example that she set for us.

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Ms. WATSON. Madam Speaker, I yield 3 minutes to Mr. OBERSTAR of Minnesota.

Mr. OBERSTAR. Madam Speaker, it was shortly after the election in which JUANITA MILLENDER-McDONALD was elected to the Congress, she called on my office. I was the ranking member on the Transportation and Infrastructure Committee.

She came to see me about service on our committee. I had learned a little about her background, and I was surprised. I thought she would be more interested in Judiciary or International Relations, but when I asked why she wanted to serve on this nuts and bolts committee, she said, well, I have the Alameda Corridor in my district. And if I heard Alameda Corridor from her once, I heard it 50 times. It was incessant, it was a refrain, it was a passionate advocacy. I, of course, did support her candidacy for the committee.

Then, when the assignments were given out, she came calling again, said, I want to know more about what this committee does. What are all these responsibilities? What does this subcommittee's work mean on public buildings and grounds and economic development?

When I laid out the picture that this committee has jurisdiction over 367 million square feet of Federal civilian office space, she was excited. Well, there are things we can do here.

It was just such an enlightenment and so exciting to see a new Member enthused about the work of the committee and wanting to understand it and grasp and understand it.

The other thing that I have observed over the years. I have watched, as many of our colleagues have, as have the gentleman from Michigan and the gentleman from California (Mr. DREIER) who spoke so warmly and touching earlier, I see Members come in and they scratch and claw to get a committee assignment. Then they get on a committee, and they scratch and claw to get their subcommittee assignments. Then when you are there presiding or working, for so many years as the ranking member, you turn around, where are they? You don't see them again. JUANITA MILLENDER-McDONALD showed up for work, every time.

What was also touching was when another committee assignment conflicted, she would come in, sit down, be checked in, look at the committee agenda and the information, then she would come over and say would you please hold me excused, I have to go to another committee because something else is happening. You don't see that happening very often, the conscientiousness that she displayed about her service in the Congress. She took it seriously, learned it well.

When we were crafting the Tea-21 legislation, she wanted to be a part of shaping the minority business enterprise provisions. She was on the floor to advocate for them. Her whole career was one of dedication to service, but she was a person, a mother, a wife, a human being, warm and caring. When she walked into a room and offered that smile, clouds parted, lights went on and JUANITA MILLENDER-McDONALD was there for us.

She will always be in my heart, in our hearts.

Mr. CALVERT. Madam Speaker, I yield 3 minutes to my colleague from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. I thank the distinguished gentleman from California, my colleague, for extending me time from his part and recognizing the fact that we have so many on this side of the aisle to offer their remarks, especially in honoring Ms. JUANITA MILLENDER-McDONALD.

Madam Speaker, like all my colleagues in attendance this evening in this Chamber, we were all surprised and shocked to learn of the untimely death of our distinguished gentle lady from the great State of California, Congresswoman JUANITA MILLENDER-MCDONALD.

Some of you may be surprised to know that when I was serving as Lieutenant Governor some 24 years ago, I knew JUANITA. She was a dear friend, but she was serving at that time as a member of the city council in the city of Carson, California. We collaborated often in addressing the economic and social needs of the members of my Samoan community living in the cities of Carson, Compton and even Long Beach. Next thing I learned, JUANITA was elected as a member of the California State Assembly, and then finally she was elected as a Member of Congress.

JUANITA was passionate about the needs of the poor and the destitute. I know our Samoan community throughout the Los Angeles area all mourn the loss of this great and gentle lady. She truly was a dear friend to me, and members of the Samoan community are going to feel the loss of her presence. She lived life to the fullest. I know we are here to celebrate her life, although we also mourn her absence from the Halls of this great institution.

On behalf of our Samoan community throughout the Los Angeles area, we convey our deepest sympathies and condolences to JUANITA, her husband, and all the members of her family. I recall the Good Book, and it is my sincere hope that they may all be comforted with our Savior's promise, blessed are they who mourn, for they shall be comforted.

I may also say in our Samoan culture, when someone passes away, we don't say that the person has died. We just simply say, be well in your voyage. And I would like to say this in my language, JUANITA, ia manuia lau faigamalaga. God bless.

Ms. WATSON. Madam Speaker, I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Mr. CALVERT. Madam Speaker, I yield 1 additional minute to the gentlelady from Texas (Ms. JACKSON-LEE).

The SPEAKER pro tempore. The gentlewoman from Texas is recognized for 3 minutes.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentlelady from California (Ms. WATSON) for her dedicated commitment and Mr. CALVERT, two Californians who have come together on this sad but really commemorative time.

Madam Speaker, I want to lift my voice a little bit, because there are some things that we say in the church about home-going services or memorials, is that they are, in fact, a celebration of life. I clearly believe that as I have listened to my colleagues, and as I will continue to listen to my colleagues, we really are celebrating JUANITA MILLENDER-MCDONALD's life. We are celebrating our friendship and how we care for her, how she cared for us.

My first remarks are that our mayor has fallen, the mayor of our city, the City of Congress, the comings and goings of Members and staff, traffic and various personnel, law enforcement. This was her love, as she first started as a ranking member of the House Administration Committee and then had the honor of being appointed by the new Speaker of the House, a woman, to be the chairwoman of the House Administration Committee.

But I do want to say, before I comment further, that JUANITA had a bigger smile when she was around her husband, Jim, her five children and her grandchildren. She sparkled when she brought her grandchildren to the floor of the House and made sure that everybody knew those beautiful and lovely children who, in fact, seemed to have a very strong and proud bond with their grandmother. They were proud of this regal woman who came to the floor of the House as a Member of the United States Congress.

JUANITA was a doer, and she used to often speak of her beginnings with a Baptist father, preacher, a close-knit family, and her deep roots in Birmingham, Alabama, knowing what a segregated South was all about, a segregated America. Though she fought against it, she didn't let it bring her down, discourage her. Off she went to California, and she became a true daughter of California, with all of the attributes that great State allows you to have.

She did things to make life better. She had a great sense of hope and spirit about her women's march against AIDS, and each year the numbers kept growing up and up and up. She would tell me, coming back, thousands of women marched against HIV/AIDS to find a cure, to stop the devastation in women. We were so proud when, for the first time, she was able to bring us together around women in the military.

The last time I was there, the curator of that museum said, you know, JUANITA started this. We now have become so important because of JUANITA.

Then, of course, she worked with the library and those workers over there. JUANITA was someone who believed in getting things done, not for herself, but for others.

As I close, let me thank MARCY KAPTUR for giving this very special commemoration that has NANCY PELOSI's name on it, the votes that NANCY won by, MARCY's name as an elector or counter, tally person, and there is JUANITA MILLENDER-MCDONALD, who had, as her final work, the true integrity and transparency of elections all over America. Truly, we want to thank her, we love her. We love you, JUANITA. This is a celebration of your life.

Mr. CALVERT. Madam Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from California has 12 minutes remaining. The gentlewoman from California has 12½ minutes remaining.

Mr. CALVERT. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Madam Speaker, yesterday the House of Representatives, the State of California, and the Nation, lost a leader and a good friend of ours, Congresswoman JUANITA MILLENDER-MCDONALD. We certainly will miss her. My wife, Barbara, and I extend a heartfelt condolence to her family, friends, staff, children, her five grandchildren and to Jim.

Today we pay tribute to a real trailblazer, a pioneer, the first African American woman to chair a committee, a positive role model, a person who created hope for many individuals, a person who was a well liked and well respected individual.

In a role as a public servant, she touched the lives of many individuals. Here in the House, I have heard many individuals talk about how she was a nice person and how she was well liked.

As Chair of House Administration she worked closely with the Congressional TriCaucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus in trying to obtain the fairness and equality for all of us. She was pleasant to work with. I have had the opportunity to work with JUANITA and served with her in the California State Assembly prior to coming to Washington, DC.

She has always been a strong advocate for the poor, the disadvantaged and those that were underrepresented. I know that she spent much time going into my district and speaking to a lot of the poor and disadvantaged in San Bernardino, in the Inland Empire, because she cared about the poor, not only in that area, but she cared about equal representation. She wanted to ensure that we had the numbers or bodies of people who represent us here in Congress. She worked for me in my campaign when I first ran out there.

She worked with me also in a variety of areas, but one of those that has been mentioned tonight has been the Alameda Corridor. She really took it to heart because she knew the Alameda Corridor and what it meant was a lifeline to California, to Southern California, in the area of transportation, not only to the L.A. International Airport, but Ontario International Airport that is also affiliated with that area.

JUANITA really believed, because she knew the infrastructure and the growth and the population in the area, and she put a high priority on transportation. She was a friend and a loyal supporter, and I am grateful.

As a friend, she will be deeply missed, but she will not be forgotten. She fought for justice, she fought for equality so that all individuals will not experience the prejudice and racism that most of us have experienced throughout our life, that she wanted life to be better for others. She is a strong voice for many. JUANITA MILLENDER-MCDONALD will be remembered for her dedication to public service, tireless work on behalf of her constituents, and standing for the rights of women and minorities, and, overall, her desire to make our country a better place.

We love you, JUANITA MILLENDER-MCDONALD.

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Ms. WATSON. Madam Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Madam Speaker, I too rise this evening to honor the life and work of my colleague and friend, Congresswoman JUANITA MILLENDER-MCDONALD, who has passed from labor to reward.

JUANITA was a warm and caring individual. She worked very hard in this body to improve quality of life for all Americans. As a faithful member of the Congressional Black Caucus she also spoke of the urgency of eradicating poverty and eliminating disparities in education and health care and wealth. She spoke for those who could not speak for themselves. My constituents, the 660,000 people of the First District of North Carolina, are grateful for the service of Congresswoman MILLENDER-MCDONALD.

I join my colleagues this evening in saying to the family of this great woman, you had a wonderful wife, mother, grandmother. Her love of humanity and work on behalf of disadvantaged people everywhere ensures that she is in heaven and free of the suffering she had to endure. May God bless the soul of this great American.

Mr. CALVERT. Madam Speaker, I reserve the balance of our time.

Ms. WATSON. Madam Speaker, I yield 2 minutes to the gentlewoman from California, LINDA SÁNCHEZ.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, it is with sadness that I join my colleagues here on the floor this evening to pay tribute to a colleague who we lost far too soon.

I was saddened to hear the news yesterday of Congresswoman JUANITA MILLENDER-MCDONALD's passing. JUANITA was really a woman of many firsts, who broke down countless barriers for women and for African Americans.

While the history books no doubt will list the numerous accomplishments of her long career, I will remember her best as a champion for economic opportunity and empowerment for the people of Long Beach and Los Angeles. I was pleased to have had the opportunity to work with her on many issues important to the communities shared by our adjacent districts. When workers, for example, in our communities who assembled the C–17 aircraft, faced the prospect of their assembly plant shutting down and losing their jobs, JUANITA led the fight to make sure that those jobs were not lost. And she succeeded, and hundreds of people's lives are better off today thanks to her hard work.

When I first joined Congress, JUANITA took the time and made a special effort to introduce me to many of the local leaders in the African-American communities that straddle our districts. This was very thoughtful of her and I will always be in her debt for it.

We here in Congress will certainly miss her insight, her experience, and her energy. And I will most certainly miss her beautiful smile and her unforgettable style because she truly is an unforgettable woman.

I am sure that her constituents will miss her tireless advocacy on their behalf. They and we have lost a fine public servant, and we have lost a tremendously fine colleague. But most of all, my thoughts tonight are with her husband, their children and grandchildren, and their extended family. I wish them all the strength during this difficult time, and I want them to know that JUANITA is truly an incredible woman who shall not be forgotten.

Mr. CALVERT. Madam Speaker, I am pleased to yield 2 minutes to the gentlelady from Santa Ana, California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Madam Speaker, I thank my colleague from California.

JUANITA MILLENDER-MCDONALD was my friend. I used to love coming into the Chamber and sitting down next to her and asking, "What's up, what's going on," because JUANITA knew. She knew what was going on in the Congress. She was the mayor of Congress, if you will, being the chairwoman of the House Administration Committee. And JUANITA knew what was going on back in California.

When I first decided to run for Congress and nobody knew, JUANITA called me up and said, "I'm stuck on the freeway, but I'm coming down to walk precincts with you. So let's hope the sun stays up and we get to go and walk together." And we did, and that is how I met JUANITA MILLENDER-MCDONALD.

When I first came to the Congress, and coming as a young woman which, quite frankly, 12 years ago there weren't a lot of us, it was always very difficult and hard to be accepted. It is always hard to find your way in the Congress. But JUANITA was right there. She was like a touchstone. She was somebody that I could talk to and tell her my frustrations or the happy points here. She really is what I would call a friend, and to many of us here she was a friend. She is a friend back in her district.

I wish the people of the United States really understood the work that JUANITA did. The Alameda Corridor was her dream. It was her project. This was the project to move goods that come to this country from the port across and through L.A. and out into the rest of the United States. When you think of the fact that 50 percent of everything that comes into the United States comes through the ports that were right there at JUANITA's side, you would understand how important it was to each and every American. You see, if that cargo didn't leave L.A., if you were an auto worker in Tennessee, building a car, and you were waiting for inventory just in time, it wouldn't get there in time if it hadn't been for JUANITA. And last year on the very last day of the 109th Congress, we passed the Safe Port Act. That really was JUANITA's legislation.

She will be remembered for a long time in this country and in this Congress. JUANITA, and to her family, I love her.

Ms. WATSON. Madam Speaker, I yield 2 minutes to the gentlelady from Texas, EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I thank my colleague for the time.

I rise with great sadness to remember my friend, my sorority sister in the Alpha Kappa Alpha sorority and my colleague, JUANITA MILLENDER-MCDONALD. And I want to extend my deep condolences to her husband James, her children, friends, and loved ones.

I was privileged to serve with her on the Transportation and Infrastructure Committee, and her diligent service is evident in many of California's roads, bridges, and highways. I worked with her when she was cochair of the Congressional Women's Caucus. She did it with such charm, grace, poise, and dignity. This body is diminished and dismayed by her sudden absence, but we were inspired and enriched by her presence.

Her spirit will live on. Her work will be felt by those who don't even know she helped. We celebrate her life. It was a wonderful, wonderful life. And we love her and her family.

Madam Speaker, I rise with great sadness to remember my friend, my sorority sister and my colleague, JUANITA MILLENDER-MCDONALD. I want to extend my deep condolences to her husband, James, her children, friends and loved ones.

As chairwoman of the Committee on House Administration, Congresswoman MILLENDER-MCDONALD will be recorded in history as the first African-American woman to chair a full committee of the House.

Those of us privileged to know and work with her will remember her tireless advocacy for justice and her example of meaningful public service.

Throughout her career, Congresswoman MILLENDER-MCDONALD was a friend to women's causes and to young people. Her work to end human trafficking and slow the transmission of AIDS has improved countless lives.

The results of her work—improved lives for women and girls worldwide, expanded voting rights for the disenfranchised, greater assistance for the sick and the poor—are a testament to her character.

From the beginning, Congresswoman MILLENDER-MCDONALD was a trailblazer:

She was the first African-American woman to serve on the Carson, California City Council.

In her first term in the California State Assembly, she became the first woman to chair two powerful committees.

She was the first African-American woman to give the national Democratic response to President Bush's weekly radio address as well.

But for all her firsts, Congresswoman MILLENDER-MCDONALD was also a champion for the least and the last. She fought injustice wherever she found it: Whether in the voting booth, the classroom, the research lab, or the workplace.

Congresswoman MILLENDER-MCDONALD rigorously investigated widespread voting irregularities and disenfranchisement.

She was a vocal opponent of genocide around the world and a tireless fighter for human rights.

Her Mother-to-Child HIV/AIDS Transmission Act became the President's $15 billion African AIDS initiative.

Congresswoman MILLENDER-MCDONALD also worked to increase diabetes research in minority and female populations; she pushed the Department of Education to improve the dismal dropout rates among minority high school students and secured millions to reduce the backlog of Equal Employment Opportunity complaints.

The first time voters in Ohio can feel more confident their votes will count because of Congresswoman MILLENDER-MCDONALD.

The elderly diabetics in her home State of Alabama have a better chance of avoiding amputation because of her.

She had a hand in granting diplomas to thousands of Native American students growing up on reservations; and countless girls in Cambodia and Sudan have her to thank for a childhood free from kidnapping and assault. They may never know where to direct their gratitude, but the alleviation of their suffering stands as her lasting legacy.

Her influence is also inscribed on the physical landscape of California's 37th district. I was privileged to serve with her on the Transportation & Infrastructure Committee and her diligent service is evident in many of California's roads, bridges and highways.

Congresswoman MILLENDER-MCDONALD's record of exemplary public service includes life memberships in the NAACP and Alpha Kappa Alpha Sorority.

She served on the Southern Christian Leadership Conference Board of Directors, and founded the League of African-American Women.

Congresswoman MILLENDER-MCDONALD also founded the Young Advocates to train young people for political leadership.

This body is diminished and dismayed by her sudden absence, but we were inspired and enriched by her presence.

Her commitment to equal opportunity, civil and human rights will be greatly missed.

Mr. CALVERT. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Madam Speaker, this is indeed a solemn occasion, but it is also an occasion to celebrate.

On each of our obituaries at that time, there are three things that are mentioned: the year you were born, the year you died, and then there is the dash. It is what you do with the dash, what you do with your life. And the life that we are here to celebrate, JUANITA MILLENDER-MCDONALD's life, was one of greatness and sacrifice and commitment, serving on the city council, serving in the State legislature of California, and then in the Congress of the United States. Traveling around the world wherever the need was, whether it was in Africa, Middle East, in the Caribbean, she cared.

JUANITA MILLENDER-MCDONALD fought the good fight, she kept the faith, and there is indeed put up for her an outstanding crown of righteousness, and we all thank God for having Ms. JUANITA MILLENDER-MCDONALD pass our way.

Ms. WATSON. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Madam Speaker, my wife Vivian, all of our colleagues here in the Congress, and all of the hundreds of workers here on Capitol Hill were deeply saddened to learn of the death of our friend and colleague, JUANITA MILLENDER-MCDONALD.

Words are never adequate at a time of loss. Only one who has worn the garment of bereavement can truly understand the pain that comes when a family must confront the inevitable that one has been taken from its midst. Yet, upon prayerful reflection we must all allow our tears to melt into joy, because truly we have been blessed to have known, to love, and to have been a part of the life of this very, very exceptional woman.

JUANITA was a lady of achievement, of service, of public distinction, of beauty, of grace, of dignity. She was elegant and she was eloquent. She was the epitome of refinement, but she was committed. She was intellectual, she was a lady of principle, and she was an advocate for justice.

JUANITA WAS a person of great courage. She took on the toughest fight, but she fought it with dignity. Even in her illness, she took on that tough fight. I was happy to call her my friend, but I was happier for her to call me friend and confidante.

The poet wrote, "Full many a gem of purest ray serene, the dark unfathomed caves of oceans bear; full many a flower is born to blush unseen, and waste its sweetness on the desert air." We are blessed and so happy that JUANITA's sweetness was not wasted, but that we and the world are better because she was here.

We wish Godspeed and the consolation of the Holy Spirit for her husband, her children, and her grandchildren as we share in your loss and bid our good friend and colleague farewell.

Mr. CALVERT. Madam Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Madam Speaker, I thank the gentleman for yielding time. I join with my colleagues in expressing sympathy and paying tribute to our friend and colleague, JUANITA MILLENDER-MCDONALD.

When you serve in a body of 435 people, you get to know some of the Members by face, some by name, and then you get to know some close up and personal. When you serve as chair of the Congressional Black Caucus, as I did for the last 2 years, you get to know your members on a close personal basis, and you get to know who will stand with you and fight, who will support you, who will cover your back for you. And that is how I got to know JUANITA MILLENDER-MCDONALD, because I knew she would stand and fight for what she believed in and she would be a friend.

So I remember her first and foremost as a friend and colleague, and pay tribute to her family and express my sincere condolences.

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Ms. WATSON. Madam Speaker, I yield 2 minutes to the gentlewoman from Ohio, STEPHANIE TUBBS JONES.

Mrs. JONES of Ohio. Madam Speaker, I want to thank my colleague, DIANE WATSON, for organizing this event.

You know, when I think of JUANITA MILLENDER-MCDONALD, I think of this piece of poetry called "A Phenomenal Woman." In one of the lines in that piece of poetry, it says, "Does my sexiness upset you? Do you find it awful hard that I dance like I have oil wells growing in my back yard?" And JUANITA was like that. She danced and she walked and she showed off, and that is what I loved most about her.

When I came to Congress, I learned that we had Alabama roots. I learned that she was an AKA and I was a Delta. And on the floor of the House I would wear pink, and she would say, oh, you look good in that pink. And I would say, oh it is only faded red that I have on, because Deltas wore red.

We talked about issues affecting women. It was as a result of her work and that of Bob Ney that I had an opportunity to bring the Secretary of State of Ohio before a hearing and get him to answer questions. I thank JUANITA for that, to my best.

But I think the thing that JUANITA and I talked about most, and my words are to you, Keith, that she loved you. We talked about our sons. And African American sons are so important in the lives of mothers. And we used to talk about you. And I used to talk about Mervyn. And she loved her daughters, but we talked about our boys.

And I just want to say to the family, Jim and all, that we here in the Congress will miss JUANITA MILLENDER-MCDONALD. But the thing that we will always remember is she was right there on that aisle, right there, just sitting there talking, smiling, walking, being involved. And we thank God for JUANITA MILLENDER-MCDONALD.

And, God, you know, AKAs came first, but the Deltas were second. So I will always think of her as my sister. We are from the same root.

Mr. CALVERT. Madam Speaker, as my final speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), who has also had a difficult week. He lost his brother this week, and our condolences are with him, also.

Mr. ROHRABACHER. Madam Speaker, I lost two people who were very dear to me this last week, and one was my brother, who passed away Thursday morning, and JUANITA, who just passed away on Sunday.

It is really an amazing thing as I have thought about this, just about how similar these two people were, because my brother was very, very active in politics, but he was really non-ideological. He was someone who had a very good heart and was a very generous person, was always looking forward trying to help people get something done. Does that remind of you anybody else?

That was JUANITA. I mean, there wasn't an ornery bone in her body. And in politics, you know, we get kicked around and beat up a lot and people lie to us, and people say bad things about us, and I never saw JUANITA ever get mean or vengeful at all towards anybody.

And we used to travel back and forth in the airplane. I see some of my friends here who traveled on that same flight. And it was always such a joy to be with her and to spend 4 and 5 hours at a time going across the country. And you can't say that about everybody. Who else do you want to spend 4 or 5 hours with?

She was a wonderful person. She had a wonderful heart.

And my brother wasn't as successful as JUANITA. When he passed away, he really didn't have a lot of professional success.

JUANITA, as we have heard today, had enormous professional and personal success in her life, being a woman who reached up to the height here of power and authority and influence here in Washington, DC and our Nation's Capital.

But you know what? Whether it was that or whether it was my poor brother who passed away, both of them died of liver cancer, I might add. Both of them died of liver cancer, just so close to each other.

But, you know, when they lay us down in our casket, no matter what we have accomplished in the material world, it is what we have done to try to help others, how good a heart we have, how generous we have been to other people, not just financially, but with our time and with our love and with our caring. Those are the things that we carry with us.

I believe my brother, he was a very accomplished and successful person in that way. And we certainly know that today, JUANITA was a wonderful success in her life. She cared about people. She never was captured by the meanness and orneriness that comes with politics sometimes.

She always wanted to get things done. She worked with me. Our districts came together in Long Beach and we worked together on so many programs for the people of Long Beach, especially in the areas of transportation and water and health care, and she was always there trying to talk to me, saying what can we get done.

I am a conservative Republican and she was a Democrat, but she always wanted to work together to try to do things to help other people. So I am very proud tonight to stand up and say that I will miss JUANITA. I am going to miss my brother, obviously. But this world has lost two wonderful souls, two wonderful human beings. And I am pleased to add my voice tonight to say, goodbye, JUANITA, and we are going to miss you. You had lots of love in your heart, and we love you. Bye-bye.

Ms. WATSON. Madam Speaker, I yield 2 minutes to the gentlewoman from California, HILDA SOLIS.

Ms. SOLIS. Madam Speaker, I would like to thank the gentlewoman from Los Angeles, Congresswoman WATSON, for holding this special event here for us to talk about one of our colleagues.

You know, I haven't been here very long in the Congress; but when I came in 2001, I knew that I had a friend here. JUANITA MILLENDER-MCDONALD at that time served as caucus Chair for the Women's Caucus and led the fight in so many ways for justice for women. And particularly, as a woman of color, she knew how deeply important it was to set herself up as a role model for all of us.

I remember her coming back and talking to me about events she did in her district. Every year annually she would raise funds and give grants out to domestic violence shelters and programs, and how she would have a big event with her community, and she kept inviting me. HILDA, you have got to see what we are doing out in our area; and it is something that you should take a look at.

She was there. She fought so hard for us during the Women's Caucus as she served her tenure, helping to promote women in the military. And she was very adamantly strongly, strongly supportive of women in the military.

And I know that her family, right now, needs our prayers and thoughts, and we send those from our community and from my family, from my husband and myself, and want to thank her for all that she did to fight for us, for our transportation funding in Southern California, for the ACE project, which affects so many of the L.A. delegation members, and for her strong work and advocacy for people of color affected by HIV and AIDS.

So I want to thank her. And it is fitting to say that this evening, because this evening, after we finish our discussions here, we are going to talk about the uninsured. And Lord knows that our communities of color share a heavy burden, disparate treatment, disparities that exist with chronic illnesses, and one of those being cancer, particularly African-American women who many, many times go undiagnosed. We need to do more in this area. And so we think of her today. We honor her, and we thank her family for the time that she served with us here on Earth.

Mr. CALVERT. Madam Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. You have 1 minute, and the gentlewoman has 1½ minutes.

Mr. CALVERT. I would close, Madam Speaker, by saying that we heard many great stories about JUANITA and remembrances of her life, and we have lost a great friend, a great champion for our home State of California, and a great champion for our country. And as we mourn her loss, our condolences are shared with her family. Godspeed, JUANITA.

Madam Speaker, I yield back the balance of my time.

Ms. WATSON. Madam Speaker, I yield 1½ minutes to Ms. MARCY KAPTUR from Ohio.

Ms. KAPTUR. Madam Speaker, I can say that Congresswoman MILLENDER-MCDONALD would be so happy to see Congresswoman YVETTE CLARKE in the chair tonight. And I thank Congresswoman DIANE WATSON for her compassionate service and certainly for this memorial service tonight. And I extend deepest condolences on behalf of the people of Ohio to the family of our beloved Congresswoman, JUANITA MILLENDER-MCDONALD, her husband, Jim, her children, her grandchildren.

Having had the great pleasure of serving with her during her entire tenure, let me say, when I think of JUANITA, I think of a woman who was resilient, who was strong, determined, refined, accomplished, persevering and, indeed, courageous, a pioneer with a great sense of humor and, as a minister's daughter, a boundless sense of hope.

Even today, for a woman to chair a full committee of this House is a rarity. And for an African-American woman, she created the mold, the first African-American woman in the history of this country to chair a full committee in this House.

Just a few weeks ago, a new volume of "Women of Congress" was published, and hers is the first name in that volume, commissioned by order of the Chair of the House Administration Committee, JUANITA MILLENDER-MCDONALD.

There are some people who teach us how to live and indeed, she did. And many people can teach us how to die, and she has done that with her great dignity and her courage.

Just a few weeks ago, when NANCY PELOSI of California was sworn in as our first Speaker, I had the great honor of being one of the two Democratic tellers. JUANITA, as Chair of the House Administration Committee, sat to my right. I shall never forget that moment, and I think she lived partly for that moment.

May her strength comfort her family in these trying moments of bereavement. I believe God holds close those who journey toward the light in this Easter and Passover season. And may the angels of mercy lift her and lift the spirits of those who love her and bring comfort and bring peace.

Ms. WATERS. Madam Speaker, Congresswoman JUANITA MILLENDER-MCDONALD was a remarkably committed legislator. As the first African-American woman to chair a full committee in Congress, she was deeply dedicated to the work of the House Administration Committee. Through her chair, she was working on landmark legislation to ensure the integrity of our voting system.

At home, Representative MILLENDER-MCDONALD worked every day for her constituents on the issues of healthcare, economic development and housing. Representative MILLENDER-MCDONALD was engaged in a serious effort to revitalize the public housing in her district and was involved in a series of tours and meetings with the Secretary of Housing and Urban Development (HUD), Alphonso Jackson, at both Imperial Courts and Nickerson Gardens aimed at providing better housing options for her constituents.

Recently, we joined together to lend our voices to the chorus of community leaders and residents in a successful effort to extend funding for Martin Luther King Hospital.

Representative MILLENDER-MCDONALD will be missed not only by her constituents in the 37th district, but by all of the people who were touched by her service.

Ms. HARMAN. Madam Speaker, in my office is a wonderful photograph of JUANITA and I, arms raised in victory, It was taken as I announced my intention to run for Governor of California in 1998. She was right there, and I was clearly buoyed by her presence. Our friendship was forged in that tough campaign, and it remained strong.

JUANITA was a popular and highly regarded Member of this House. Those are not easy things to achieve in a very competitive workplace, so it is worth asking how she did it.

First, she was a loyal friend. Once she decided to endorse or support you, she never flinched—no matter how hot the heat. And second, she was a pro. She had a clear idea of what legislators can do, and she worked hard.

The results are obvious. JUANITA MILLENDER-MCDONALD served California's 37th congressional district well.

When she came to Congress, she decided to add "MILLENDER" to her name in order to honor her mother. Surely she honored her mother. But she also honored her constituents—and this Congress.

A good friend, superb colleague and class act, JUANITA, you will be missed.

Mrs. MALONEY of New York. Madam Speaker, I rise today with a heavy heart as I remember my dear friend and colleague, Congresswoman JUANITA MILLENDER-MCDONALD. JUANITA passed away April 22nd in her home State of California. She will be remembered as a strong woman and formidable legislator who broke down many barriers by becoming the first African-American woman in history to chair a committee in Congress, the House Administration Committee, and the first African-American woman to serve on the Carson City Council and the first to chair two committees in the California State Assembly.

I really got to know JUANITA when I cochaired the Congressional Caucus on Women's Issues and subsequently when she became the co-chair. She was a strong advocate for women's and minority rights and was a strong ally in the effort to combat human trafficking. JUANITA came to work with a passion and determination that is rarely found. She represented the 37th Congressional District with dignity and pride, proving to be an effective leader and caring Representative.

I especially want to extend my condolences to Congresswoman MILLENDER-MCDONALD's husband, James, and to her five children and grandchildren. You are in my thoughts and prayers.

Mr. SCOTT of Virginia. Madam Speaker, I wish to offer my sincerest condolences to the family of Congresswoman JUANITA MILLENDER-MCDONALD. My thoughts and prayers go out to them in their time of mourning.

Congresswoman MILLENDER-MCDONALD amassed many firsts and accomplishments during her life as a public servant by breaking racial and gender barriers. She was the first African-American woman to serve as Ranking Member and Chairman of the powerful House Committee on Administration. She was also the first woman to serve on the Carson City Council; the first to chair two powerful California State Assembly committees—the Insurance Committee; and the Revenue & Taxation Committee in her first term as a state legislator. She was also the first African-American Democratic Chair of the Congressional Caucus for Women's Issues and in that capacity she led the women on two groundbreaking meetings: One with U.N. Secretary General Kofi Annan to talk about the plight of women globally and another with the chairman of the New York Stock Exchange to develop strategies for increasing women's investments and net worth.

In recognition of women who served in our military, Congresswoman MILLENDER-MCDONALD initiated the first annual Memorial Day Tribute to Women in the Military at the Women's Memorial at Arlington National Cemetery and she led the fight to secure $15 million for the maintenance of the memorial. Most recently secured $50 million for counseling services for our returning men and women serving in Iraq and Afghanistan.

During her 6 terms in the U.S. House of Representatives, her ability to reach across the aisle and effectively move bipartisan legislation was evident during her work on a range of issues, including ensuring equal rights for women and minorities, improving our education system, combating poverty, protecting voting rights, and stopping the genocide in Darfur.

Congresswoman MILLENDER-MCDONALD devoted her life to her family and to service on behalf of her constituents in the 37th District of California and to the Nation. Congresswoman JUANITA MILLENDER MCDONALD was truly a phenomenal woman. She is a friend and colleague who will be sorely missed.

Mrs. DAVIS of California. Madam Speaker, I rise today to express my deep sadness at the passing of my friend and colleague, Congresswoman JUANITA MILLENDER-MCDONALD, a dedicated public servant, who worked tirelessly on behalf of her constituents and her country.

I had the privilege to serve with Congresswoman MILLENDER-MCDONALD on the House Administration Committee and also previously in the California State Assembly, and can attest to the passion, dignity, and grace she brought to her work.

JUANITA MILLENDER-MCDONALD devoted much of her life to public service. In her career she was an educator and an advisor, a member of Carson's City Council, a California State assemblywoman and finally a Member of Congress.

Congresswoman MILLENDER-MCDONALD's passion and drive were unmatched. She was an unwavering advocate for minority rights. She was a champion of women's health issues. She was an adamant opponent of the genocide in Darfur. And she was committed to securing election reform and security for our Nation's ports.

I admired Congresswoman MILLENDER-MCDONALD's leadership and fervor in her many roles: as community leader, Member of Congress, and Chairwoman. All those who knew her and worked with her know the void she leaves with her passing. I extend my heartfelt condolences to her husband, James, her children and her grandchildren. She will be missed.

Mrs. MYRICK. Madam Speaker, I rise today to honor the late JUANITA MILLENDER-MCDONALD, who bravely fought a battle with cancer up until this past weekend. After a painful struggle, she's now at peace.

JUANITA and I both came to Congress in 1995. While we were on different sides of the aisle, I always respected her passion for a host of issues, and her willingness to work with the other side to find solutions. At only 68 years of age, it seemed she had many more years of public service ahead of her, and I'm sorry for the loss of a friend and colleague.

JUANITA became a good friend of mine back in 1999, when I was diagnosed with cancer. She made a point of reaching out to me to show her support, and I've always been grateful to her for going out of her way to lend a kind word and a compassionate smile.

Her passing is yet another reminder of how much more work is needed to continue our

Nation's War on Cancer, in spite of the progress that's been made so far.

Today we mourn the loss of a friend, and our thoughts and prayers go out to her husband James, and her children and grandchildren.

Mr. LANTOS. Madam Speaker, I come to the floor today with a heavy heart. The passing of the Honorable JUANITA MILLENDER-MCDONALD is being felt by all who knew her, and all who were touched by her career in public service. I want to extend my condolences to her family, friends and constituents in California's 37th District for their great loss.

In fact, we all have lost something in the Chairwoman's passing. For me, I lost a colleague, but my wife Annette and I also have lost a neighbor and friend.

Much has been said in these past days about what she meant to California and to the Congress as a whole. When she won her first election to the City Council of Carson, California, she committed herself to more than two decades of public service. As the first African-American woman to chair a committee here in the House, she was a trailblazer. And as the so-called "Mayor of Capitol Hill" she was charged with ensuring the smooth operation of the people's House, while overseeing the biggest expansion of the Capitol complex as the Capitol Visitors Center nears completion.

Madam Speaker, many of us are so busy that we don't have time to really get to know one another. Seeing JUANITA every morning on my way to the office was an extraordinary way to start off my day, and in the evening we would compare notes on our way home. I will truly miss seeing her and am heart broken by her untimely passing.

Congress has lost a singularly able and warm person whose contributions to the greater good for her District, the people of California, the country as a whole, and African-American women will live on. Our prayers are with her family as we all mourn the passing of Chairwoman JUANITA MILLENDER-MCDONALD.

Mrs. MILLER of Michigan. Madam Speaker, I wish to join my colleagues in expressing my sorrow over the passing of JUANITA MILLENDER-MCDONALD, the representative of California's 37th Congressional District. My thoughts and prayers go out to her constituents, her friends, and her family.

Madam Speaker, I had the opportunity to get to know JUANITA during the 109th Congress when we both served as members of the Committee on House Administration. While some might view oversight of election law and the day-to-day functions of the House as relatively uninteresting, I know that I do not, and I know that JUANITA, who served as ranking member at the time, did not think them trivial either.

Whatever topic was before the committee, JUANITA was dedicated to assuring that things were done fairly, properly, and effectively. She was vigorous in guaranteeing the integrity of the Federal elections process and was committed to ensuring that every eligible voter had free and unfettered access to the voting booth. Likewise, in her oversight of managing the House, she wanted to ensure that everyone on Capitol Hill had a safe and secure place to work or visit, while preserving the grandeur of the Capitol and the surrounding buildings.

This tenacity was something she demonstrated throughout her life, not just during the decade she spent in Congress. After raising her five children, she continued her own education, earning a bachelor's degree at the age of 40. She followed that up with a master's degree in educational administration. She was no stranger to hard work, and she was not afraid to take on a challenge.

One of JUANITA's most notable accomplishments occurred earlier this year. In January, she became the first African-American woman to chair a committee in the House of Representatives. It was something that made many Members of the House very proud, and it was a tremendous accomplishment for a woman whose life was full of monumental achievements.

I think it speaks volumes of JUANITA's dedication that she was here voting in this House, representing her constituents, until less than a month before cancer took her life. In fact, almost none of her colleagues were aware of her illness and how serious it had become until the week before she passed away. And through it all, she held a warm spirit and a kind smile.

Madam Speaker, I join my colleagues in sorrow for JUANITA's passing, and I again express my condolences to JUANITA's family, friends, and constituents.

Ms. MATSUI. Madam Speaker, it is with a heavy heart that I rise today to remember a pioneering woman, a fearless advocate for justice and equality, and a remarkable trailblazer who was dedicated to improving the lives of others. Congresswoman JUANITA MILLENDER-MCDONALD embodied all that members of Congress strive to be: she was a masterful navigator of Washington politics; she was a tireless champion for her constituents in Southern California; she was a focused and determined activist for the less fortunate all over the world. She was also a dear friend and valued colleague to those of us in Congress, and to so many others who were fortunate enough to know her on both a personal and professional level.

As the first African-American woman ever to wield the gavel of a full Congressional committee, JUANITA was proof of the milestones that can be achieved through dedication, intelligence, and political acumen. Her steady rise through the hierarchy of California politics—from a seat on the Carson City Council to a position in the California State Assembly, and finally to the Halls of Congress—instilled in her an unshakeable allegiance to the people who repeatedly elected her.

JUANITA's intense loyalty to her constituents was reflected in their own well-placed faith that she would represent them in a principled and thoughtful manner. She never let them down; indeed, her record as a public figure was characterized by an attention to the needs of her constituents, by a single-minded focus on achieving equality, and by adherence to the principle that democratic government; should help those most in need.

Everything JUANITA did was colored by her passionate quest for equality. She used this intensity to her advantage, emerging as an effective and authoritative advocate for women's rights at home and abroad. Never afraid to tackle controversial issues or to use her position as a bullhorn for reform, JUANITA's energy and enthusiasm for advancing the cause of women's rights propelled her into a leadership role from her earliest days in Washington.

Innovative ideas on this score seemed to emanate from JUANITA. She convened a first-of-its-kind meeting between women members of Congress and female Supreme Court justices to discuss women's issues. She carried the Families First Agenda to more than thirty states for the first time. She served as the first Democratic Chair of the Congressional Caucus for Women's Issues. Through it all, JUANITA was masterful at marshaling well-known and influential individuals to her cause without ever losing sight of her goal, which was to help create a society committed to justice, fairness, and equality.

It is fitting that JUANITA was such an outspoken and effective advocate for women's rights, for perhaps her greatest strength lay in her identity as a woman. She demonstrated for all of us—men and women alike—that being a member of Congress, a mother, and a grandmother at the same time was not merely a challenge. For JUANITA, it was a blessing to be embraced and cherished. As a grandmother myself, I looked to her as a role model for how to integrate the unique challenges of having a family with the equally exciting responsibilities that come from serving in Congress. Two of the most rewarding pleasures in life are raising a family and working for the public, and JUANITA's life is solid proof that a dedicated and forthright individual can accomplish both with poise, grace, and dignity.

I extend my deepest condolences to Congresswoman MILLENDER-MCDONALD's family. While this week my fellow Members and I lost a trusted colleague, confidant, and friend, their loss resonates more deeply than we can know. Nonetheless, I know that I speak for all of the Congress when I say that JUANITA MILLENDER-MCDONALD was someone we admired on a personal and professional level, someone whose absence will leave a void within us, and someone whose legacy of principled and determined leadership will not be forgotten.

Mr. CONYERS. Madam Speaker, I rise today in honor of my close and dear friend JUANITA MILLENDER-MCDONALD, whom I have worked with and known for many, many years. I am deeply saddened by the news of her untimely passing, and I would like to extend my sincere condolences to the family, friends, and constituents of this distinguished Member of Congress.

She came to Congress in 1996 and quickly moved up the ranks among her peers. Her commitment to excellence led her to achieve a series of political firsts, including, becoming the first African American woman to chair the Committee on House Administration, the first African American woman to serve on the Carson City Council; the first to hold the position of Chairwoman for two powerful California State Assembly committees in her first term, and the first African American woman to give the national Democratic response to President Bush's weekly radio address. She spoke her mind and was not easily intimidated by political pressure, regardless of from where it came.

Furthermore, in the 110th Congress, in addition to her Chairwomanship, she served on eight full and sub-committees. One issue that the Congresswoman and I worked on closely together was the protection of one's fundamental and Constitutional right to vote. Our combined efforts on voting irregularities in Ohio ultimately led to the introduction of HR 4141 in 2005, which would amend the Help America Vote Act of 2002.

She believed that there are no more important responsibilities in the People's House of Representatives than ensuring that the ability to vote in free and fair elections is not compromised in any manner, which has not always been the case. She was a visionary, an advocate for justice for all Americans, and the embodiment of determination.

MILLENDER-MCDONALD was a role model and incredibly dedicated to the empowerment of woman and youth as the Founder and Executive Director of the League of African-American Women, and the Founder of the Young Advocates, a political leadership-training program for African-Americans between the ages of 18 and 35.

It has been an honor and a pleasure to serve with a distinguished woman of strength, integrity, and dynamism. Not only will I miss her dearly, but she will also be missed by the many people that she has touched throughout her service in Congress.

Mr. RANGEL. Madam Speaker, I rise to enter into the CONGRESSIONAL RECORD remarks on the life and work of the Honorable Congresswoman JUANITA MILLENDER-MCDONALD. Congresswoman MILLENDER-MCDONALD served seven terms for the 37th Congressional District as a Democrat in the U.S. House of Representatives. She died of cancer on April 22, 2007 at age 68.

Mrs. MILLENDER-MCDONALD was born in Birmingham, Alabama on September 7, 1938. She always placed education and women's rights in the forefront of her issues and values; after graduating from the University of Redlands with an undergraduate degree, she became a teacher for the Los Angeles Unified School District. When she attained her Master's Degree from California State University at Los Angeles, she gave up her job as a teacher to be an editor and writer for the school district. Her lifelong fight for women's rights emerged when she became the manuscript editor for Images, a textbook designed to enhance the self-esteem of young women.

Before running for local office, she was named the Director of Gender Equity Programs for the Los Angeles school district. In 1990, she was elected the first African American woman to the Carson City Council, and in 1992 the first woman to represent the 55th Assembly District in the California State Legislature in 1992. In both roles she attacked the congestion and transportation problems of California infrastructure. As an assemblywoman, she helped push the Alameda Corridor, a $1.8 billion public works project to lay new tracks and build trenches and bridges. Her concern with transportation continued in her national office.

As a member of the House, she was appointed to the Committee on Transportation and Infrastructure and its Subcommittees on Aviation and Surface Transportation. She also served on the Committee on Small Business and as one of the ranking members on the Subcommittee on Tax, Finance, and Exports. After two years in the House, she was named the Region One Democratic Whip, and was honored with the Watts Walk of Fame for her work on behalf of the 37th District. In 2006, the Congresswoman became the first African American chair of the House Administration Committee.

For her entire life, Congresswoman JUANITA MILLENDER-MCDONALD has fought for social justice. She was a leader in election reform, women's rights, and transportation solutions; she was a credit to her district and to all the people she served as a Representative of the United States. Her husband, five adult children and five grandchildren survive her. I commend her and her life's work, and ask my colleagues to recognize her memory.

Mr. SHULER. Madam Speaker, I rise today to honor the extraordinary life of Congresswoman JUANITA MILLENDER-MCDONALD. I was saddened to learn of her passing after her courageous battle with cancer, and my thoughts and prayers are with her husband, James McDonald, Jr., their five children and five grandchildren—as well as the people of the 37th district of California.

Congresswoman MILLENDER-MCDONALD served this Congress honorably for over five terms, during which time she was a tireless advocate for underserved communities in the U.S. and around the globe. Among her many accomplishments, Congresswoman MILLENDER-MCDONALD secured critical funding for counseling services for our servicemen and women returning from Iraq and Afghanistan, and was instrumental in the passage of important AIDS-prevention programs in Africa. The Congresswoman was also a staunch advocate for the rights of women, minorities, children, and the elderly.

Congresswoman MILLENDER-MCDONALD will also be remembered as a preeminent leader and trailblazer. She was the first-ever African-American or woman to chair the Committee on House Administration where she worked hard to ensure that all Americans would be guaranteed their rights at the voting booth. As the Democratic Chair of the Congressional Caucus for Women's Issues, Congresswoman MILLENDER-MCDONALD convened groundbreaking meetings with then-UN Secretary-General Kofi Annan to discuss global poverty programs, as well as the New York Stock Exchange to find ways to empower women in the workplace.

Madam Speaker, Congresswoman MILLENDER-MCDONALD led an exemplary life of public service that included her most recent position as the "Mayor of Capitol Hill". The House community lost a true friend. May God rest her soul.

Mr. LANGEVIN. Madam Speaker, I rise today to express my profound sorrow over the sudden loss of my colleague, JUANITA MILLENDER-MCDONALD who died of cancer on April 22, 2007. JUANITA was a trailblazer throughout her life and in the House of Representatives, and it was an honor for me to serve alongside her.

Born in Birmingham, Alabama, JUANITA was a former teacher in the Los Angeles public school system and served on the Carson City Council and in the California State Assembly before running for Congress in December 1995. Since then, she had been elected to Congress with an overwhelming amount of support from her constituents. The 37th district of California should be proud that they had such a strong and determined representative in JUANITA MILLENDER-MCDONALD.

JUANITA spoke out against injustices both in our country, especially on voting rights and election reform, and abroad, including genocide in Cambodia and Darfur, women's rights and human trafficking. Her hard work and ability to lead earned JUANITA the Chairmanship of the Committee on House Administration for the 110th Congress. This appointment also represented another barrier she broke through: JUANITA MILLENDER-MCDONALD was the first African-American woman to chair a House committee.

Having faced many obstacles in my own life, I can truly appreciate the barriers that JUANITA knocked down in her lifetime. I know her memory will live on forever, as will the opportunities she helped create for those who follow in her footsteps.

JUANITA is survived by her husband, James McDonald, Jr.; five children; and five grandchildren. May we keep her loved ones in our thoughts and prayers as they endure this difficult period.

Ms. ROYBAL-ALLARD. Madam Speaker, the loss this week of our dear friend and colleague JUANITA MILLENDER-MCDONALD was a great blow to this institution and to the people of the California's 37th Congressional District.

I extend my sincere condolences to her family during this time of sorrow, and I hope that they find some comfort in knowing how deeply loved and respected Juanita was by her constituents and by her colleagues here in the House of Representatives.

We honor her life and her accomplishments this week. Motivated by love of country, community and family, and inspired by her struggles as an African American leader and as a woman, she advocated for the rights of minorities and women in this country and throughout the world.

JUANITA was no less dedicated to the more parochial needs of her constituents and Southern California in general. As the tributes from her Committee colleagues highlight, she was a respected and effective member of the House Transportation and Infrastructure Committee, securing billions of dollars for her region and her state of California.

She worked tirelessly to secure transportation infrastructure investments, enhancing the economic security of the region and improving the quality of life for Los Angeles County residents. She will long be remembered by Angelenos for her leading role in making possible the construction of the historic Alameda Corridor.

She was also a woman of many firsts. In the California State Assembly, JUANITA became the first woman, in her first term, to chair the powerful Insurance and Revenue and Taxation Committees.

I know how proud she was to be the first African American woman to be named Honorary Curator of the Museum of Latin American Art in Long Beach.

Most recently, JUANITA became the first African American woman to hold the distinguished position of Chair of the powerful House Administration Committee in this 110th Congress, overseeing the operations of the House of Representatives.

During her short term as Chair, her hiring and contracting practices within the House of Representatives reflected her deep commitment to diversity. She was a dedicated proponent of minority rights, and was the Founder and Executive Director of the League of African American Women, comprised of 40 African-American women's groups.

JUANITA was also the founder of the Young Advocates, a political leadership-training program for African-Americans between the ages of 18 and 35. She believed in embracing our youth and fought to give young people hope and opportunity for a better life. Juanita introduced legislation directing the Secretary of Education to study and report to Congress on the troubling dropout rate among Latino, Native American, American Samoan and African American high school students.

JUANITA will also be remembered as a strong advocate for human rights around the globe, speaking out against genocide in Cambodia, Darfur and other regions of the world where she fought against injustice and inhumanity. She worked with former Secretary of State Madelene Albright and Ambassador John Miller to address human trafficking and in support of women's rights around the world.

JUANITA MILLENDER-MCDONALD was a dynamic member of this House, who sought to maximize her influence to better the lives of her constituents, the residents of her county and State, and all people around the world in desperate need of assistance.

JUANITA was a loving wife, mother and grandmother. And she was a beloved colleague and friend who will truly be missed.

My husband Ed and I send our deep and sincere condolences to her husband, James, her five children and five grandchildren.

We will miss you JUANITA.

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in support of H. Res. 328, expressing the condolences of the House of Representatives on the death of the Honorable JUANITA MILLENDER-MCDONALD.

Congresswoman MILLENDER-MCDONALD was a strong advocate for women and human rights, speaking out against injustice in our country and around the world. She was the first African American woman to chair a Committee in Congress, and will be remembered for her commitment and dedication to ensuring that every American's vote counts.

As Co-Chair of the Congressional Caucus for Women's Issues in the 107th Congress, Congresswoman MILLENDER-MCDONALD worked tirelessly to ensure that women from both sides of the aisle participated in the activities of the Caucus. She was a warm and open person, and was a true mentor to me during my first term in Congress.

On behalf of the families of Minnesota's Fourth Congressional District, we extend our prayers and sincerest condolences to her husband, Mr. James McDonald, Jr., her children and all of her family and friends. Representative JUANITA MILLENDER-MCDONALD will be remembered and honored in the highest regard.

Madam Speaker, please join me in paying tribute to the life of Congresswoman JUANITA MILLENDER-MCDONALD.

Mr. GARY G. MILLER of California. Madam Speaker, I rise today to honor JUANITA MILLENDER-MCDONALD. She was my colleague and, more importantly, she was my friend.

JUANITA and I served together in the California State Assembly and later in Congress. Each week we shared a flight back and forth from Southern California and we grew to be very good friends.

In Congress, we partnered on the House Transportation and Infrastructure Committee to address the unique and pressing transportation needs of Southern California. We joined together to bring a national focus to the importance of Southern California's goods movement, highway financing, and transit needs. As conferees for the SAFETEA–LU Act, together we worked hard to bring historic levels of Federal transportation funding back to the Southern California region.

I am saddened by the loss of a great public servant and colleague that fought for the needs of her constituents and the Southern California region with grace, dedication, and honor.

I am also saddened by the loss of a dear personal friend.

JUANITA was a kind and gentle soul who was called home far too soon. Her wisdom and leadership in Congress will be sorely missed. I join my colleagues in praying that she is in a better place and that her family is able to find peace in knowing the tremendous contributions she made to her State and Nation during her years of public service.

Mr. RUSH. Madam Speaker, on Sunday April 22, 2007, my dear friend and colleague Congresswoman JUANITA MILLENDER-MCDONALD was called home.

JUANITA was a great woman who worked passionately for justice and cared deeply for mankind. She was a phenomenal Congresswoman, a loving wife, mother and grandmother and a dutiful friend.

She made time for her constituents—and didn't just listen, but heard them, and spoke for them.

Madam Speaker, JUANITA began her tenure in Congress in 1996. She represented California's 37th Congressional District and was a proud leader in the Congressional Black Caucus where she championed the caucus' disparities agenda to advance economic development, expand access and affordability for health care, truly "leave no child behind" in our education policy and the list goes on.

She was a true legislator. For example, she authored several pieces of legislation focusing on health care, specifically woman's heart health. Legislation such as H.R. 51, a bill to support National Wear Red Day, and H.R. 52 the American Heart Month which called on women to take action and prevent heart disease were just a few examples of her legislative priorities.

JUANITA was a trailblazer, becoming the first African American woman to chair the House Administration Committee for the 110th Congress. She was known as the Mayor of Capitol Hill; overseeing the operational and safety needs of the Capitol compound.

She was truly a jewel and a joy to have known. In closing, I'm reminded of a passage from Proverbs 31:10–31 KJV, verse 10 which reads:

"Who can find a virtuous woman? . . . for her price is far above rubies."

Congresswoman MILLENDER-MCDONALD was a great woman, epitomizing humanity, humility and virtue. She will truly be missed.

Mr. HASTINGS of Florida. Madam Speaker, my presence on this floor today is marked by a sad and heavy melancholy over the loss of a friend and dearest colleague. We have lost a good friend, indeed a great friend, in Congresswoman JUANITA MILLENDER-MCDONALD. I wish to extend with deepest sincerity my sympathy and condolences to her family and to her constituents of Long Beach, Compton, and Los Angeles.

It is a common tradition in our society to look past the loss of the physical being in order to best preserve and cherish the personal being. However, the difficulty in this emerges when we constantly find ourselves reveling in the presence of that person as an everyday part of our lives. Congresswoman MILLENDER-MCDONALD will be so sorely missed. She was and is still a part of our everyday lives. It is hard to fathom the idea that we will never hear her voice again—for her eloquence and passion in speaking, and her unforgettable laughter, will ring in our ears. The strength and tenacity that propelled her through her life's work will continue to inspire us. As we continue our work in her memory, I encourage all of us to remember her as we walk through the hallowed Halls of Congress. If we stop and listen, we will hear her footsteps echo in these great marble corridors.

JUANITA's accomplishments and achievements in life were many. But as we mourn the loss of her physical-self, we would do well to remember her compassionate-self, her temperate-self, which encompassed an unfailing dedication to public service. I most humbly thank Congresswoman MILLENDER-MCDONALD for her being an exemplary public servant. I praise her for her stalwart fight against cancer. At last, I am comforted by the fact that her truly unconquerable soul is yet unvanquished.

Mrs. LOWEY. Madam Speaker, I rise today to honor the legacy and accomplishments of our recently-passed colleague and dear friend JUANITA MILLENDER-MCDONALD.

JUANITA MILLENDER-MCDONALD's life epitomized one of a true leader. Her deep commitment to those she served led her to be the first African American woman to chair a committee in Congress.

JUANITA MILLENDER-MCDONALD's vision and leadership since 1996 will have a lasting impact on the House of Representatives. Her fight for full voting participation for all Americans and her tireless efforts for fair elections in the United States have helped millions of Americans and made our democracy stronger.

Madam Speaker, I urge all of my colleagues to join me in paying respect to the family of JUANITA MILLENDER-MCDONALD and in honoring her career in service to our country.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2045

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Madam Speaker, it is with a heavy heart that I rise this evening to celebrate the life of my very good friend and colleague, Congresswoman JUANITA MILLENDER-McDONALD.

I personally have known Congresswoman JUANITA MILLENDER-McDONALD for over 30 years. Our time together spans back before her days as a Member of this distinguished body when I was member of the Los Angeles Unified School Board and she was there as an administrator and then as a California State legislator. And then on that road she was elected to the Carson City Council.

JUANITA's distinguished life is a life of "firsts." She is the first African American woman in history to chair the Committee on House Administration, which oversees the operation of the House, the Library of Congress, the Smithsonian Institute, and the National Zoo. The Committee on House Administration also oversees all Federal elections. JUANITA worked tirelessly to investigate all reports of voter irregularities and voter disenfranchisement. She was one of the first Members of Congress to call for a congressional hearing on reported voting irregularities in the State of Ohio. She played an important role in congressional election reform.

JUANITA MILLENDER-McDONALD was also the first African-American woman to serve on the Carson City Council and the first to hold the position of chairwoman for two powerful California State Assembly committees in her first term.

Like myself, JUANITA MILLENDER-McDONALD at heart was an educator. After raising five children, JUANITA, at the age of 40, returned to school and earned a bachelor's degree from the University of Redlands and a master's degree in educational administration from Cal State L.A.

She spent her early career in the classroom, teaching high school and working at a career center. It is here that JUANITA first demonstrated her ongoing interest in the lives of young people and issues that impact the lives of women and their children. But above all, JUANITA worked tirelessly for all the people in her community. And I want to say, all the people. She was a people person who had an uncanny skill to build and sustain networks.

As a member of the Transportation and Infrastructure Committee, JUANITA worked, again, tirelessly to secure much-needed Federal assistance for Southern California's transportation needs, including funding for her passion: for the Alameda Corridor.

JUANITA's passing is a great loss to this institution as well as her constituents and as well as this Nation. She was a great citizen as well as a great person and would have made a lasting and important contribution to this body in her position as House Administration chair. She was making that contribution every single day.

And I would say to her, JUANITA, you missed the caucus. You missed the California Caucus. You missed the Black Caucus.

She said, I am so busy working, I don't have time for the caucuses. She was committed.

And on a personal note, Madam Speaker, when she was sworn in as a Congresswoman in her district, I went there. She had been sworn in here, and when she got up to speak, she said, You know, I was raised on a farm and I married early. And she said, I was so naive, when I had five children one after another, I just knew it was that orange juice, being raised on a farm. So I would tease her. I said, "JUANITA, watch out for the orange juice."

She was one of my closest friends and colleagues. She will be missed. And I want you to know she was raised by a father and her older sisters. She was the youngest. So she said, You know, on a farm we were wealthy. And she said, But it was my father who played the role of both parents. He set down the principles and values by which I run my life. So in honor of my father, I am adding as my middle name, my maiden name, his last name. So, therefore, she became JUANITA MILLENDER-McDONALD. And if you ever saw her signature, it was one of the most beautiful, graceful signatures. And she always took time to write "JUANITA MILLENDER-McDONALD." And I would go on correcting people when they said "JUANITA McDONALD." I said, "No. JUANITA MILLENDER-McDONALD."

So, JUANITA, we celebrate you and we know that you are here in these Chambers today. And to end my piece and allow the others, we did a taping with our voices on it, and at the end we sang to her "Dreamgirls." We will always be dreaming of our JUANITA MILLENDER-McDONALD.

TRIBUTE TO THE HON. JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I join with my colleagues from all across America who have spent much of the evening extolling the virtues of our colleague JUANITA MILLENDER-McDONALD. Much has been said, and yet there is much that can, in fact, be added.

As a matter of fact, when I first came to Congress, JUANITA was one of the first persons that my wife and I met. So my wife immediately became a JUANITA MILLENDER-McDONALD fan. And I said to her, Vera, it is all right for you to be a JUANITA MILLENDER-McDONALD fan, but don't try to dress like her. We can't afford it.

JUANITA was, in fact, a charming, delightful, snazzy lady, the essence of femininity, but as tough as a nail. As a matter of fact, I don't know if a week went by that I didn't receive some communique from her talking about some issue or explaining something that she had done or something that she had worked on. And as I listened to all of my colleagues talk about her many "firsts," the first African American woman to serve on the Carson City Council, the first African American woman to render the national Democratic response to President Bush's weekly radio address, the first to be named Honorary Curator of the Museum of Latin American Art in Long Beach, and the first Democratic chair of the Congressional Caucus on Women's Issues. Obviously, she was many firsts. And I guess maybe the poet Homer had her in mind when he said that there are pioneer souls that go where highways never ran, but let me live in my house by the side of the road and be a friend to man.

And I guess he had JUANITA in mind as he talked about why would I live in my house by the side of the road as the race of men go by. Men who are good, men who are bad, men who are wise, foolish, but then so am I. So why would I not simply be, as JUANITA has been, one who understood the relationship between people, moving across aisles, moving across boundaries to accomplish and get things done.

So on behalf of my family and me and all of the residents of the Seventh Congressional District of Illinois, we extend our greatest condolences to her family and say that we too would hope to live in the house by the side of the road like JUANITA MILLENDER-McDONALD and be a friend to mankind.

JUANITA MILLENDER-McDONALD

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Madam Speaker, I am so honored to see all of our colleagues rise and extol all of the great virtues of JUANITA MILLENDER-McDONALD, talking about her historic firsts, her role as mayor, city councilperson, the first African-American woman to chair a committee in the House, and all of the great things that she did, things that commanded the attention of the whole world.

But I just want to say, as a member of the freshman class, that coming to Congress, trying to figure out what is going on around here, things going by so quickly, JUANITA MILLENDER-McDONALD had time for people in our situation, just trying to figure out what was happening. She had a moment to say. How is it going? Did you know where this was or where that was, and what can I do to help you?

So in life, Madam Speaker, people will often remember the great things that we did that command headlines and find things that we do that command public attention. But greatness is measured by the small things in life, and in those small things she was great also.

□ 2100

JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Madam Speaker, yesterday we lost a devoted colleague and friend, Congresswoman JUANITA MILLENDER-McDONALD.

Congresswoman MILLENDER-McDONALD was a dedicated public servant who worked tirelessly on behalf of her constituents in the 37th Congressional District of California. As we know, prior to her coming to Congress, she made a name for herself as the first African American woman to serve on the City Council in Carson City and the chairwoman of two powerful committees, Insurance and Revenue.

But many people don't know that in recognition of women who served our country in uniform during wartime, Congresswoman MILLENDER-McDONALD initiated the first annual Memorial Day Tribute to Women in the Military at the Women's Memorial at Arlington National Cemetery. And she led the fight to secure $15 million for the maintenance of the memorial. She also secured $50 million for counseling services for our returning men and women serving in Iraq and Afghanistan.

Bold initiatives have been her trademark. In 2005, Congresswoman MILLENDER-McDONALD, along with other CBC members, unveiled a portrait of Joseph Rainey, the first African-American to be seated in Congress. She was very proud of that because she contacted members of his family who are alive today, and there was a tremendous celebration.

Internationally, she spoke out against genocide in Cambodia and Darfur and other regions of the world where human rights are in danger. She worked with former Secretary of State Madeline Albright and Ambassador John Miller on human trafficking and women's rights issues globally.

She reminds me of a poem I learned as a youngster in elementary school, actually; but it is appropriate because her memory will live on. The poem is called, "The Arrow and a Song." It said:

"I shot an arrow into the air, it fell to Earth I know not where. For so swiftly it flew, my sight could not follow it in its flight.

"I sang a song into the air, it fell to Earth I know not where. For who has sight so keen and strong that can follow the flight of a song? But long, long afterwards in an oak I found the arrow still unbroke. And the song, from beginning to end, I found again in the heart of a friend."

And so I say that to say that what JUANITA did will live on. Her work for the persons who worked in the Library of Congress who were minorities and women who were being terminated, and we felt unfairly, she took on that responsibility to fight to see that those women, primarily, would be placed in other positions.

She worked hard, and the dignity and the beauty and her perfection were certainly noticed. And I can tell you, the women talk about the grace that she had. Well, let me make it clear that the men also noticed that grace and that beauty and that charm. And so we will remember her as she moves on up that highway.

JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore (Mr. ELLISON). Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. You know, it is heartwarming to sit here for a while and to listen to these personal tales of our good friend, JUANITA MILLENDER-McDONALD.

I first got to know JUANITA in our days as activists during the 1980s on the Los Angeles County Democratic Central Committee. Both of us entered State government in the early nineties; both of us came here to Congress in the mid-90s.

JUANITA broke barriers. JUANITA led the charge. She was the first African-American woman on the Carson City Council, the first African-American woman to chair the Revenue and Taxation Committee of the California Assembly, where I enjoyed working with her on State tax issues. JUANITA was the first African-American woman to give the Democratic Radio Address response. And finally, she was the first African-American woman to serve as Chair of the House Administration Committee.

Now, her fine work on that committee has been detailed by so many of the prior speakers who have come to this floor. And the prior speakers have also spoke of her work on the Transportation Committee, where we in Southern California are so grateful to her for her efforts on behalf of the Alameda corridor.

JUANITA will be missed, of course, by her husband James, by her five children and by her five grandchildren. She will be remembered here for her record of legislative accomplishment, and she will be remembered here for the spunk she showed every day. And finally, she will be remembered for the courage she showed in these final days, because JUANITA barely mentioned to her closest friends that she was a bit under the weather. Right up to the end she was fighting the good fight. JUANITA's courage and strength will be remembered.

JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. JUANITA MILLENDER-McDONALD. We already miss you, your beautiful face, your elegance and grace, your tenacity and spirit. Your absence will leave a void that will never, ever be filled. And that is what we know about you here without question in the House of Representatives, so we can only guess how much you are going to be missed by your beloved family. They, in their grief, however, can always take solace in their pride and in their love and their appreciation of such an amazing woman.

Beloved wife, mother of five, grandmother of five, Member of the California Assembly, Member of the United States House of Representatives, and in the end, the very first African American woman to become chairwoman of a full committee.

Because of this position, this elegant persuasive woman's portrait will hang in the Halls of Congress for the rest of time. And over the years she will watch over the activities of her House Administration Committee. And believe me, she will be expecting excellence. So while JUANITA rests, she expects each and every one of us to keep on going until we can go no more: and because of her example, we will do our very best.

We already miss you, JUANITA, and we will remember you always.

JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Guam (Ms. BORDALLO) is recognized for 5 minutes.

Ms. BORDALLO. Mr. Speaker, I also wish to thank my good friend from California (Ms. WATSON).

I, too, Mr. Speaker, want to take this opportunity to associate myself with the remarks made by our colleagues this evening in tribute to Congressman JUANITA MILLENDER-MCDONALD.

On behalf of the people of Guam, I extend to her family our condolences. She was a strong and she was an effective leader for the people of the 37th Congressional District of California, and we are going to miss her here in Congress.

JUANITA took a special interest in the people of Guam. When I first met her, I was a freshman. She stopped me in the hall and she said, Are you the new representative from Guam? I said, yes. And she introduced herself and she said, I want you to know that I have many people from Guam in my district.

She attended our liberation wreath-laying ceremony at Arlington. I will never forget it. And each time we met, whether it was here on the floor or in the hall, she would always ask me about the people of Guam.

She was a strong leader. She made her mark here in Congress. And I extend to her family, her husband, her children, her grandchildren, our deepest sympathies.

God bless you, JUANITA, for everything that you did for the American people.

WHY THE ARMENIAN GENOCIDE MATTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, tonight I plan to speak on the anniversary of the Armenian genocide; but before I do, I want to join my colleagues in expressing my sincere condolence at the passing of JUANITA MILLENDER-MCDONALD, someone who in my very first days of Congress impressed me as a courageous, intelligent, dedicated public servant who, every time I went to her for help on an issue in her committee or outside her committee, was generous with her time and her energy, always ready to help, always of good cheer, and someone that I think enjoyed the unanimous and bipartisan respect of everyone in this body. Her memory will be cherished; her presence will be deeply missed.

Mr. Speaker, tomorrow marks the 92nd anniversary of the start of the Armenian genocide. In January, I introduced a resolution in the House, along with my colleagues, Mr. PALLONE, Mr. KNOLLENBERG and Mr. RADANOVICH, that would recognize the Armenian genocide. This resolution should be passed. Ghazaros Kademian is one reason why.

Ghazaros Kademian was just 6 years old when his family was forced into exile by Ottoman Turks bent on annihilating the Armenian people. His father was murdered by Turk gendarmes, and the rest of his family was forced to flee on foot to Kirkuk, where his mother died from cold and hunger. He was separated from his siblings and orphaned.

Mr. Kademian's story is terrible, but is not remarkable. Over a million and a half Armenians were murdered in the first genocide of the last century as the Ottoman Empire used the cloak of war to wipe out a people it considered alien or disloyal. This mammoth crime was well known at the time. Newspapers of the day were filled with stories about the murder of the Armenians. "Appeal to Turkey to Stop Massacres" headlined the New York Times on April 28, 1915, just as the killing began. By October 7 of that year, the Times reported that 800,000 Armenians had been slain in cold blood in Asia Minor. In mid-December of 1915, the Times spoke of a million Armenians killed or in exile.

Thousands of pages of evidence documenting the atrocities rest in our own National Archives. Prominent citizens of the day, including America's ambassador to the Ottoman Empire, Henry Morgenthau, and Britain's Lord Bryce, reported on the massacres in great detail. Morgenthau was appalled at what he would later call sadistic orgies of rape, torture, and murder. "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well and made no particular attempt to conceal the fact."

Even those who most ardently advocated sweeping the murder of a million and a half people under the rug of history have conceded that the vast majority of historians accept the Armenian genocide as historic fact. And how could they not? For it was the Government of Turkey that in early 1919 held a number of well-publicized trials of some of the young Turk leaders and executed the Keimal Bey, governor of Diarbekir, specifically for his role as one of the Ottoman Empire's most savage persecutors of the Armenian people. The trials were as widely covered in the American press as was the genocide itself.

So if the facts are not in dispute, why are so many nations complicit in modern Turkey's strenuous efforts to deny the genocide ever took place? First, opponents argue that recognizing the unpleasant facts of the genocide and of the mass murder risk alienating an important alliance with Turkey. There is no question that Turkey is bitterly opposed to recognition and is threatening our military and commercial relationship, including access to the Incirlik air base, but Turkey has made similar threats to other nations in the past only to retreat from them and the European Union's insistence that Ankara recognize the crimes of its Ottoman's forebears before Turkey is admitted to the EU has not dimmed Turkish enthusiasm for joining the EU.

If Turkish relations with the U.S. do suffer, it is far more likely that the genocide recognition will be a pretext. The Bush administration has done such a poor job managing our relations with Turkey over the last 6 years that we have already seen the limits of the U.S.-Turkish alliance tested and found lacking.

During the run-up to the war in Iraq, Turkey denied us permission to bring in ground forces from its soil, allowing the Saddam Fedeyeen to melt away and form the basis of a now persistent insurgency. Oddly enough, critics of recognition decry it as pandering to the victims, but are only too happy to pander to the sensibilities of an inconsistent ally, and one that has shown no qualms about accusing the U.S. of genocide in Iraq.

Second, opponents take issue with the timing of the resolution and argue that Turkey is making progress with recognizing the dark chapters of its history. This claim lost all credibility when Orhan Pamuk, Turkey's Nobel Prize winning author, was brought up on charges of "insulting Turkishness" for alluding to the genocide, and Turkish Armenian publisher Hrant Dink was gunned down outside his office in Istanbul earlier this year.

Tomorrow marks the 92nd Anniversary of start of the Armenian Genocide. In January, I introduced a resolution in the House that would recognize the Armenian Genocide. It should be passed. Ghazaros Kademian is one reason why.

Ghazaros Kademian was just 6 years old when his family was forced into exile by Ottoman Turks bent on annihilating the Armenian people. His father was murdered by Turk gendarmes and the rest of the family was forced to flee on foot to Kirkuk, where his mother died from cold and hunger. He was separated from his siblings and orphaned.

Mr. Kademian's story is terrible, but not remarkable. Over a million and a half Armenians were murdered in the first genocide of the last century as the Ottoman Empire used the cloak of war to wipe out a people it considered alien and disloyal. This mammoth crime was well known at the time; newspapers of the day were filled with stories about the murder of Armenians. "Appeal to Turkey to stop massacres" headlined the New York Times on April 28, 1915, just as the killing began. By October 7 of that year, the Times reported that 800,000 Armenians had been slain in cold blood in Asia Minor. In mid-December of 1915, the Times spoke of a million Armenians killed or in exile. Thousands of pages of evidence documenting the atrocities rest in our own National Archives.

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But the most pernicious argument against recognition is the claim that speaking the truth would harm relations with Turkey "for no good reason." How can we claim the moral authority to decry the genocide in Darfur, as we must, if we are unwilling to deplore other genocides when it would inconvenience an ally? Elie Wiesel has described the denial of genocide as the final stage of genocide—a double killing. If you don't think he's right, talk to Ghazaros Kademian. But you had better hurry.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD on H. Res. 328.

The SPEAKER pro tempore. Is there objection to request of the gentlewoman from California?

There was no objection.

□ 2115

WORCESTER, MASSACHUSETTS REMEMBERS THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, I rise today to recognize the 92nd anniversary and commemoration of the Armenian Genocide. Yesterday, I had the privilege to join the Armenian-American community of Worcester, Massachusetts, including survivors of the Genocide and their families, and many dignitaries of Central Massachusetts and the Commonwealth at an event remembering the Armenian Genocide and the role it plays in understanding contemporary events.

I am submitting today for the RECORD a copy of the remarks I made at this special commemoration and an article that appeared in the Worcester Telegram and Gazette.

WORCESTER ARMENIAN GENOCIDE OBSERVANCE

I want to thank Father Terzian and the Armenian Church of Our Savior for inviting me to participate in this remembrance—and I'm very pleased to be here with Lt. Governor Tim Murray and the Mayor of Worcester, Konstantina Lukes. But I am especially honored to be here with the Worcester Armenian-American community, survivors of the Armenian Genocide, and their families.

There are several reasons why I look forward to this event each year.

First and foremost, it gives me an opportunity to reconnect with all of you, the Worcester Armenian-American community, and to thank you for all your fine work and contributions to our city.

Second, it is a moment when we recommit ourselves to pressing the United States government to officially recognize the Armenian Genocide.

And finally, it provides me each year with a moment to reflect on our world; and on how I as an individual, we as a community, and we as a Nation are responding to genocide and crimes against humanity that, sadly and unbelievably, are carried out nearly every day in some part of the world.

I believe that this year there is a very good chance that the U.S. House of Representatives might actually pass H. Res. 106, the Armenian Genocide Resolution.

I can tell that this is a real possibility because for the first time in years, I'm receiving materials arguing against the resolution and against the official recognition of the Armenian Genocide.

I believe adopting the Armenian Genocide Resolution is the right thing to do:

As a matter of morality—and in the name of humanity—the United States should recognize and condemn all genocides.

In the name of historic truth—and in honor of the historic role so many American diplomatic personnel and humanitarian and relief workers played in saving lives and condemning the genocide as it was taking place—the U.S. especially should recognize the Armenian Genocide.

And in the hope of preventing future genocides—we have to recognize and honor the truth of the past. Denial of the Armenian Genocide—just like denial of the Holocaust—makes future genocides more likely, not less.

No Nation, not Turkey or any other country, should be allowed to block the official recognition or commemoration or the teaching of historic truth about the Armenian Genocide.

It's ironic that the current Turkish government doesn't seem to realize that the more it denies the Armenian Genocide, the more people begin to think that there really is a connection between the Turks who carried out the Armenian Genocide at the beginning of the 20th century and today's 21st century government.

By denying the truth, Turkey undermines its own standing throughout the world, blocks its own acceptance into the European family, and increases regional tensions, especially with neighboring Armenia. . Turkey's recognition of the Genocide, its reconciliation with the past, would widely be viewed as the act of a mature democracy, which the world would rush to embrace and reward.

This is why America must also officially recognize the Armenian Genocide.

A couple of weeks ago, I was in eastern Chad. And the reality of genocide was right before my eyes.

There are over 250,000 refugees from Darfur, Sudan living in camps inside Chad. Thanks to the many international and humanitarian workers who have chosen to work and help these survivors of the violence taking place every day in Darfur, the camps are well-organized and efficient.

But I'd like to describe for you some of what I saw—and what the Darfur refugees told me about what they had witnessed.

I met with individuals and families who had been forced to flee their villages in Darfur. Each had a story about loved ones murdered, homes destroyed, people and family left behind. Many didn't know if some of their family or children were even alive.

I talked with one woman who was harvesting onions at a small agricultural site in Camp Gaga, a Darfur refugee camp a couple of hours from the town of Abeche in eastern Chad. She held a tiny baby in her arms as she worked on her onion patch. She told me the Janjaweed attacked her village so quickly and so ferociously that she couldn't even bury her husband who was struck down in the attack; she barely had time to cover him with a sheet before she escaped with her baby and children. She feels guilty and thinks about this all the time. And she now hopes to stay alive and return, someday, to her village.

I met with several other men and women, refugees from Darfur, at the Goz Amer Camp near the town of Koukou, Chad. This is a much larger and older camp. Many of the people have been here for 3 years or so. These people were being interviewed for the eyewitness testimony regarding crimes against humanity that some day may be reviewed by the International Criminal Court.

I went to eastern Chad to meet and talk with refugees from Darfur because the Government of Sudan wouldn't give me a visa to enter their country.

But sometimes things happen for a reason, I believe. Because not only did I learn about the reality of Darfur—I personally discovered Chad.

The war in Darfur is bleeding into Chad, as well as other neighboring countries.

While I was in Chad, two "towns"—Tiero and Marena, which actually consist of about 31 small villages—were attacked by "Janjaweed" militias operating inside Chad. According to the Chadian survivors who I talked to—they described their attackers as a combination of Sudanese Janjaweed and Chadian Janjaweed allies. They were armed. They were on horseback. The attacks started at about five in the morning, and came in about 3 distinct waves of attack. They shot randomly, at everything and everyone. Women, children, men, livestock, fell to the earth dead or wounded. Homes were burned to the ground. Abandoned crockery, left charred and broken.

These Chadians—now internally displaced inside their own country—were gathering in the thousands near Koukou—some estimates were 8,000–9,000. Many walked, some arrived on the backs of burros, and many others were being trucked in by humanitarian groups. U.N. agencies and NGOs were rushing to provide them with emergency aid and to set up an emergency operations site where people could receive food, water, medical aid, and some form of shelter from the relentless heat.

These new internally displaced now join the more than 140,000 Chadian IDPs.

I had the privilege to watch UNHCR, UNICEF, Doctors without Borders (Medicins sans Frontierres), the ICRC, Italian Aid, and the World Food Program work together to provide emergency relief to these traumatized people.

So this year, as we meet to remember and commemorate the 92nd Anniversary of the Armenian Genocide, I'm struggling to find meaning in the words, "Never Again."

I'm thankful to this community especially, which has worked tirelessly for nearly a century, to keep alive the historic memory of the Armenian Genocide and to speak out, condemn and organize against the genocides—too many—that mark the past nine decades of human history.

Thank you for your persistence. Thank you for your commitment to take action. Thank you for your generosity and compassion.

And thank you, once again, for including me in this special program.

[From the Worcester Telegram and Gazette, Apr. 23, 2007]

'LOOK AT DARFUR,' ARMENIANS SAY

GENOCIDE REMEMBRANCE RESONATES

(By Mike Elfland)

WORCESTER.—The region's Armenian community yesterday recognized a genocide that for many has a meaning with an intensifying importance.

References to Darfur and the recent slaying of a journalist who defied the Turkish government were made throughout yesterday's commemoration of what is known as the Armenian genocide. On April 24, 1915, hundreds of Armenian intellectuals, notably political leaders, were rounded up and eventually killed by the Turkish government. More than 1.5 million Armenians would later die at the hands of the Ottoman Turks, with thousands forcibly removed from Armenia to Syria, where many died in the desert of thirst and hunger.

"We say, 'Look at Darfur,'" said Richard O. Asadoorian, the host speaker at the commemoration, referring to the region in Sudan where black Africans are being massacred by militias supported by the Arab-dominated government. Mr. Asadoorian urged Armenians not to let time lessen the importance of what happened 92 years ago.

Many survivors of the genocide eventually settled in the Worcester area. A significant Armenian population remains, and their pride in their ancestry was evident yesterday at the Armenian Church of Our Saviour Cultural Center on Boynton Street, where more than 200 gathered for a welcome history lesson.

Nancy Hovhanesian, Thomas Tashjian and Ara G. Asadoorian recounted stories told to them by grandparents and other older relatives who survived the genocide. Mrs. Hovhanesian talked of the great-grandparents she never knew and of how her grandparents' pain was absorbed by her mother.

Andrea Kisiel, a sophomore at South High Community School, shared her views of the genocide in an award-winning essay. Andrea took top honors for her take on "The Contemporary Relevance of the Armenian Genocide," the subject of an essay contest sponsored by the Greater Worcester Armenian Genocide Commemoration Committee.

Andrea, who is not of Armenian descent, wrote of a recent trip to Washington, where she visited the United States Holocaust Memorial Museum and had an eye-opening experience about history.

She wrote: "Then, I saw something that astounded me, surprised me, wrenched my heart out of my chest. There, on the wall commemorating all of the poor souls who had been discriminated against, snatched away from familiarity, and tortured ruthlessly until put to death, was inscribed my family name. My name which was not from Jewish descent. My name which was Polish and Catholic. My name that I had not the slightest idea could possibly be connected with a mass genocide. My very own name, there on the wall."

Although she has no known relatives who died in the Holocaust, said Andrea, the experience in Washington made her realize the importance of the Armenian genocide to its survivors.

Lt. Gov. Timothy P. Murray, U.S. Rep. James McGovern, D-Worcester, state Sen. Harriette L. Chandler, D-Worcester, and Mayor Konstantina B. Lukes were among the speakers at the 2½-hour commemoration. Both connected the past deaths of Armenians to the continuing genocide in the Darfur region of Sudan. Mr. McGovern has long pushed for increased U.S. involvement in saving thousands of refugees.

Mr. McGovern, who was greeted enthusiastically yesterday, backs legislation that would require the U.S. government to officially recognize the Armenian genocide. Some say the reluctance is tied to deference to Turkey's importance to America's interests abroad. Modern Turkey strongly rejects the characterization of what happened as genocide.

Loud applause erupted after the congressman said he would direct naysayers to a public library where they could learn about the deaths of Armenians. "Facts are stubborn things," he said.

The main speaker was filmmaker Apo Torosyan, a native of Istanbul, Turkey, who now lives in Peabody. His documentary, "Voices," finished this year, is based on interviews with three survivors of the genocide. After he began making documentaries, Mr. Torosyan was not allowed to return to Turkey.

A 15-minute version of "Voices" was shown yesterday.

Mr. Torosyan spoke passionately about the Jan. 19 slaying in Turkey of Hrant Dink, a Turkish citizen of Armenian descent who was the editor of a Turkish-Armenian newspaper. His enemies included nationalist Turks who resented his use of the genocide label. He was killed outside his office in Istanbul.

The commemoration was organized by members of the Armenian Church of Our Saviour, Holy Trinity Armenian Apostolic Church and the Armenian Church of the Martyrs.

HEALTH CARE ISSUES AFFECTING MINORITY COMMUNITIES IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from California (Ms. SOLIS) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. SOLIS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SOLIS. Mr. Speaker, I thank the Speaker for the opportunity to serve as moderator for this special designated time for recognition under Special Orders for celebration of health care, and, in particular, the uninsured.

Tonight I have several colleagues who will be joining me to speak on different topics with respect to health care issues affecting minority communities. Just to give you a brief summary of some of the topics we will touch on, obviously reauthorization of SCHIP, language access, obesity, diabetes, cancer, tobacco, HIV and AIDS, health professions, community health workers, environmental health and Medicaid citizenship.

Mr. Speaker, tonight I rise to recognize National Minority Health Month. This week is Covering the Uninsured Week. Tonight you are going to hear from some of my colleagues representing the Congressional Black Caucus, the Congressional Hispanic Caucus and the Congressional Asian Pacific Islander Caucus and their efforts to improve health care in our communities.

Did you know that life expectancy and overall health have improved in recent years for large numbers of Americans due to an increase in and focus on preventive medicine and new advances in medical technology? However, not all Americans are faring that well, particularly communities of color, which continue to suffer from significant disparities in overall rate of disease incidence, prevalence, morbidity, mortality and survival rates in the population, as compared to the health status of the general population.

The National Minority Health Month was launched in an effort to eliminate health disparities and to improve health status of minority populations across the country. This month was created in response to Healthy People 2010, a set of comprehensive health objectives established by the U.S. Department of Health and Human Services. Disparities continue to persist, and we must eliminate health disparities by identifying significant opportunities to improve health care.

There are disparities in the burden of illness and death experienced by African Americans, Hispanic Americans, Asian Americans, Pacific Islanders, and American Indian and Alaskan Natives as compared to the U.S. population as a whole.

I am pleased to once again be working with my colleagues in the Congressional Black Caucus, the Hispanic Caucus, and the Congressional Asian Pacific Islander Caucus to develop a comprehensive tri-caucus health disparities bill. Our bill will address the importance of language access, health professions, training, data collection and health coverage for immigrants. Our colleagues in the Senate are also working on a disparities bill, and I hope that they too will pass legislation that will truly save the lives of millions of minorities. We must do more to better the health of our population, which includes all communities of color.

With that, I want to just briefly touch on this issue of the uninsured. Today marks the start of the fifth year of Covering the Uninsured Week. Although the United States has one of the best health care systems in the world, not everyone has the means to access our health care system. The number of uninsured people affects us all and is a national problem that needs a national solution.

We all know that lack of health insurance results in reduced access to care. Access can be defined as the ability to get to health services, receive service at the right time, and obtain the appropriate services necessary to promote the best health outcomes possible.

Reduced access could mean that someone is less likely to have regular sources of care, less likely to receive preventive services and more likely to use emergency departments as primary sources of care. The long-term consequences of reduced access to care include lower quality of life, higher mortality rates and the decline of the population's overall health.

Despite the growth of our economy, the number of uninsured persons continues to increase. In 2005, more than 44 million people were uninsured, and of that number, 14 million were Latinos.

The cost of private health insurance continues to rise astronomically, and we hear that every single day when we go back home to our districts. Health insurance premiums continue to rise by double-digit rates each year, and over 80 percent of the uninsured come from working families, people who are working and getting a paycheck. While two-thirds of uninsured children are eligible for public programs such as Medicaid and the SCHIP program, most are still uninsured.

These adults also are low-income populations who are not eligible for public programs but have incomes below 200 percent of the Federal poverty level. This group is composed predominantly of parents and childless adults who work but may have difficulty in obtaining and affording coverage. Due to the low Medicaid eligibility level for parents, many uninsured parents have children who qualify for public coverage but do not qualify, themselves, as parents. What an irony.

Members of racial and ethnic minority groups make up a large number, a disproportionate share, of the uninsured population. The uninsured rate for Latinos was 33 percent in 2005, 20 percent for African Americans and 18 percent for Asians and 30 percent for Native Americans. They lack health care coverage.

In addition to impacting health and the finances of the uninsured themselves, the lack of health care coverage has had repercussions for all of us in America. Many hospitals, as you know, are currently struggling under the strain of providing uncompensated emergency care to uninsured individuals.

In my own district in California, community health centers bear the brunt of responsibility for treating the uninsured. These community health centers are often the first place that the uninsured turn to when seeking health care services. These community health centers are a vital part of our health care safety net.

Poor health leads to poor financial status, and a never-ending cycle of low socioeconomic status often leads to poor health. The core values for a strong and secure America should include the right to universal access to affordable, high-quality health care for all.

In a country that prides itself on equality, it is evident that our health care system is broken when people suffer from a lack of access to health insurance and to quality care. We must make health care services affordable and provide quality through linguistically and culturally competent services for all Americans. That must be our national priority.

I want to refer myself to the State Children's Health Insurance program, known by many as SCHIP, which covers currently 6 million children, building on Medicaid's coverage of 28 million children. However, statistically speaking, 9 million children remain uninsured.

Over the past decade, SCHIP and Medicaid together have reduced the uninsured rate among low-income children by one-third. We know that uninsured children are more likely to receive cost-effective preventive services and are healthier, which leads to greater success in school and life. Although programs such as SCHIP and Medicaid have decreased the number of uninsured children, the lack of funding and outreach efforts have left millions of those children ineligible without any coverage. Reducing disparities in children's access to health care is extremely important and should be one of our biggest priorities here in Congress.

For example, uninsured African American and Latino children are less likely to have a personal doctor and are more likely to forego needed medical care than any other group of uninsured children. More than half of insured African American children, 51 percent, and insured Latino children, 50 percent, are covered by Medicaid and SCHIP. Nearly 95 percent of eligible but uninsured children live in families with incomes below 200 percent of the Federal poverty level, which is $33,200 for a family of three, and over 40 percent of this population is Latino.

Enrollment in SCHIP has proven to reduce disparities in access to health care services as well as reducing the coverage gap for minority children. More than 80 percent of African American children and 70 percent of uninsured Latino children appear to be eligible for this public coverage, but currently are not enrolled.

Additional funding for SCHIP, as you know, is necessary for the coverage of all uninsured. SCHIP plays a critical role for children of color. After SCHIP was created back in 1997, the percent of uninsured children steadily declined from a high of 15.4 percent in 1998 to a low of 10 percent in 2004, and for racial and ethnic minorities the decline was remarkable. In 1998, roughly 30 percent of Latino children, 20 percent of African American, and 18 percent of Asian Pacific Islander children were uninsured. In 2004, those numbers had dropped to about 21 percent, 12 percent and 8 percent respectively.

In addition to reducing the coverage gap for minority children, SCHIP enrollment has helped to reduce disparities in access to health care services. For example, a study of children enrolled in New York's SCHIP program for one year found an almost complete elimination of these disparities and the number of children with unmet health care needs decreased. A study from California's SCHIP population confirmed those results as well. Across racial and ethnic groups, SCHIP enrollment was associated with a significant reduction in disparities and access to needed care.

We need adequate SCHIP reauthorization. Currently there is insufficient Federal funding for SCHIP to cover the children currently enrolled. We need additional money to cover them and to expand coverage to uninsured children who are eligible.

In order to expand health coverage for minority children, we also need to address the underlying barriers to enrollment in Medicaid and SCHIP that minorities are more likely to face; as an example, the distrust of government and a health care system where language may not be spoken adequately to the different groups that are affected. And misinformation about eligibility rules is often complicating the process for many who don't understand the paperwork.

Enrollment strategies targeted to minority communities, including the use of community health workers, known as promotoras, could help guide families through the enrollment process and have been proven to increase enrollment and reduce disparities. We must improve outreach efforts and simplify enrollment in order to reach the millions of unenrolled children from communities of color who are eligible for Medicaid and the SCHIP program. This year, with the reauthorization of SCHIP, this is an opportunity for us to address racial and ethnic disparities in children's access to health care. I hope that we can work together with our colleagues across the aisle to begin the debate and see that we reauthorize these programs that are so vitally needed.

I am very pleased this evening to have one of my colleagues, the gentlewoman from Guam, who has chaired the Congressional Asian Pacific Islander Caucus Task Force on Health who has joined me this evening. She has been a pioneer on health care access and will give us, I am sure, very informative data regarding the problems that are faced currently in the Asian Pacific Islander community. I welcome her this evening.

I gladly yield to the gentlewoman.

Ms. BORDALLO. Mr. Speaker, I want to thank my colleague and good friend, HILDA SOLIS, for bringing this forum together.

Tonight I come to the floor to take part in a very important dialogue about National Health Month that has been organized, as I said earlier, by my colleague from California, Congresswoman HILDA SOLIS. Congresswoman SOLIS' leadership in the area of minority health disparities, particularly with regard to environmental health factors, is strong and it has raised awareness of these issues on Capitol Hill.

I thank her for yielding me the time, and I commend her for her efforts, along with those of the members of the Congressional Hispanic Caucus, the Congressional Black Caucus, and my colleagues in the Congressional Asian Pacific American Caucus, in ensuring that minority health disparities are on the national agenda.

□ 2130

I am here tonight as the Chair of the Congressional Asian Pacific American Caucus Health Task Force to recognize April as National Minority Health Month. Designated in 2001, National Minority Health Month is sponsored by the National Minority Quality Forum, an organization dedicated to addressing and eliminating the disparity in care, treatment, and access faced by racial and ethnic minority populations.

The National Minority Quality Forum has been a leader in addressing these disparities and since 2004 has hosted a national summit each year to address these issues. Because the fourth annual summit began today in Washington, D.C., this is an opportune time to bring further awareness of the increasing need to address health disparities. It is very important that within this dialogue surrounding minority health disparities, that the needs of Asian American and Pacific Islanders are included. Asian Americans and Pacific Islanders face a number of hurdles towards receiving adequate health care stemming from linguistic and cultural challenges, and a lack of data collection.

Based on the following statistics, the health care disparities in the Asian American and Pacific Islander community become readily apparent, according to the President's Advisory Commission on Asian American and Pacific Islanders.

Ms. SOLIS covered in detail the lack of insurance coverage. I am here to give statistics on the diseases prevalent among minorities.

Asian American and Pacific Islander women have the lowest rate of cancer screening compared to other ethnic groups. Asian Americans and Pacific Islanders make up over half of the cases of chronic hepatitis B. Asian Americans and Pacific Islanders make up 20 percent of all cases of tuberculosis; and Vietnamese Americans are 13 times more likely to die of liver cancer than Caucasians.

There are many diseases and illnesses that disproportionately affect communities of color, ranging from HIV/AIDS to diabetes. Hepatitis B, which disproportionately affects the Asian American and Pacific Islander community, is often overlooked.

Today as we recognize National Minority Health Month, I would like to take this opportunity to raise awareness about this deadly disease. Hepatitis B is an infection caused by the hepatitis B virus. Usually, people infected with the disease do not show early symptoms. But if left undetected, it may lead to cirrhosis of the liver, liver failure, and liver cancer. The statistics regarding hepatitis B are alarming. According to the Asian and Pacific Islander American Health Forum, one in 10 Asian Americans and Pacific Islanders are chronically infected with hepatitis B.

And of all those infected with hepatitis B in the United States, 50 percent are Asian Americans and Pacific Islanders, and liver cancer is the leading cause of death for Laotian American men in California.

The promising thing with hepatitis B is there is a three-shot vaccination series that can prevent hepatitis B and its dire consequences. Unfortunately, only one in 10 Asian American and Pacific Islander children have received the vaccination series. So with the proper education, outreach, and funding, I hope that we can address the killer disease within the Asian-American and Pacific Islander community, increase the vaccination rate, address the need for early detection and monitoring, and improve the quality of life for the people and families that live with hepatitis B.

Additionally, I hope we take this opportunity during National Minority Health Month to strengthen data collection and dissemination that will lead to improved access to health care for all racial and ethnic minority communities across the United States.

Again, as the Chair of the Health Care Task Force for the Congressional Asian Pacific American Caucus, I want to thank my colleague, Ms. SOLIS, for organizing tonight's Special Order speech on the occasion of National Minority Health Month and for the purposes of generating greater attention and raising awareness to the disparities in access to quality health care that our minority communities face and that deserve to be eliminated.

Ms. SOLIS. I thank the gentlewoman from Guam, and I would like to at this time thank her for her hard work and deliberations in the past few years as a strong member of the tri-caucus working on health care issues. I know she is going to continue to lead and be a voice for those underrepresented communities.

I would like to now recognize a very special individual who is Chair of our Subcommittee on Health on Energy and Commerce, but also plays a very important role in representing the Native Americans in our great country and that is the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Thank you. I want to thank my colleague from California and also my colleague from Guam. I know that for a number of years now they have both been involved in the health care disparities issue, and have actually put together legislation that we have tried to get passed for several years. It was a little difficult with the Republican majority. And hopefully now with the Democratic majority, we can address those health disparities and concerns.

I would like to talk about the Native American aspect of this. And I also want to mention that addressing the concerns of minority health care is important in my district because we do have many Asian Americans. We have the largest number of Indian Americans of any congressional district, and by that I mean Asian Indian Americans, and also a large Latino and African American population in my district.

I just know when I go and visit some of the hospitals or community health centers, many times the issue is brought to my attention, whether it is data collection which has already been mentioned tonight, or it is the need for more minority health care professionals, be they doctors, nurses or whatever, or even that more research attention needs to be paid to diseases or afflictions that basically impact the minority communities in disproportionate ways.

It is very important that we address this and we need legislation, and we will move forward with the health care disparities legislation that my colleagues have really championed over the last few years.

I want to talk about Native Americans. I actually don't have any federally enrolled Native American tribes in my district or even in New Jersey. We have quite a few, we just don't have any recognized tribes at a Federal level. We have five that are State recognized. Unless you are federally recognized and enrolled with the Department of the Interior, you are not for the most part eligible for the health service.

American Indians are a little unique in that unlike most Americans, they have a right pursuant to their treaties and the Constitution to health care. When they gave their lands up to the Federal Government by treaty, they were given the right to health care. That, of course, doesn't necessarily mean they can all access it because a lot of them don't necessarily live on the reservation, and that is one of the reasons why we have urban health centers around the country, including several in California, because many Native Americans now do live in L.A. and in some of the larger cities, and don't necessarily live on their homelands on the reservations.

So we need to address their concerns in not only providing hospitals and clinics in their homelands, on the reservations, but also in the urban areas where many now reside.

Unfortunately, in the last few years, and I know I sound so partisan and I don't mean to be, but the amount of money that was made available in the last 12 years under the Republican Congress was really not sufficient. There is a need for a lot more dollars. This year we did budget significantly more for the Indian Health Service, but we also need to reauthorize the Indian Health Service because it hasn't been reauthorized since 2000.

I have sponsored legislation called the Indian Health Care Improvement Act which will be marked up in the Resources Committee this year and will come to the Energy and Commerce Committee and the Health Subcommittee, and we will try to get it passed in this Congress.

When you talk about Native Americans and the disparities, the disparities are just incredible. When we had a hearing on the Indian Health Care Improvement Act in the Resources Committee a few weeks ago, I asked a question about how many American Indian or Native American doctors there were in the United States. I could not believe the number. There are less than 500, somewhere between 400 and 500 Native American physicians for a Native American population that is probably over 2 million. I don't know what that works out to percentage-wise, but there is clearly a need for scholarship and grant and loan programs that would specifically target the Native American community so we can have not 400 doctors but at least 4,000 or maybe 40,000 when you talk about a community that has over 2 million people.

And the same is true, and I don't have the statistics for nurses or other health care professionals, but there are really very few Native American health care providers, and we need to boost those numbers up and allow for opportunities to get more health care professionals.

With regard to actual treatment, if they are not on the reservation and able to access the Indian health care hospital or clinic, it is very difficult. There is a huge unemployment rate. Even if you are on a reservation, sometimes distances are great because many Native Americans live in rural areas where health care is simply not available.

We also have the phenomenon of diseases or aflictions that target that community. The incidence of diabetes, juvenile or type 2 diabetes, is for many tribes over 50 percent. I have been to some where the numbers are over 60 percent. We need a lot more research into the reasons why, in the example of diabetes, but I could talk about other diseases or health care problems, why the incidence is so high and what could be done.

For example, there has been some effort to look at nutrition as an answer, the feeling that many Native Americans, for example, used to live on a subsistence diet. If they were a desert people, they would eat foods that they gathered in a desert. Or they may have lived on a ranch or in a situation where they were getting a lot more natural foods, and now as those opportunities have eased to exist and they are eating processed foods, there is a lot of evidence to suggest that is a major reason for diabetes. This is the type of thing we need. We need research into those kinds of afflictions as to what is causing a better than 60 percent diabetes situation for a number of tribes.

Even transportation needs are there because of many of the problems that are in rural areas.

So I just wanted to say when you talk about the Native American population in this country, the disparities problem is so great that it has actually gotten to the point of crisis, in my opinion; and that is why we need legislation to deal with these disparity issues, and we need to reauthorize the Indian Health Service through the Indian Health Care Improvement Act.

And to the extent that we are looking at this from the Asian population, the Latino population, or whatever population, this type of initiative is very important. I just want to commend my colleagues again for being here tonight and speaking out because I do think we need to speak out. In many cases we are talking about people who don't have people to speak out for them other than a few of us. Thank you again.

Ms. SOLIS. I thank the gentleman from New Jersey for his kind words and knowledge and always helping Members to better organize their messages, particularly when it comes to health care and the need to improve access for all people in our great country.

As the gentleman says, the fact is that we are undergoing a change where our populations are exploding, our minority populations have increased, and we don't see more services provided, one of which is the Native American population. I have a significant Native American population in L.A. County and there is one center available for them. It is just horrifying to think that people have to travel so many counties just to get there. Lord help them if they have an episode of some sort, that they get there in time to receive the necessary care. To know that this is not a priority with the administration is very alarming. We need to prioritize this issue.

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I again want to recognize my colleague from Guam to talk about some other very pressing health care issues that affect not just Asian Pacific Islanders but these other minority populations. So I would yield to her.

Ms. BORDALLO. Mr. Speaker, I thank the gentlewoman from California (Ms. SOLIS) for organizing this forum, and I would also like to thank my colleague from New Jersey (Mr. PALLONE) who joined us on the floor tonight to discuss this very important issue.

I am to cover cancer, and today is a very sad day for the House of Representatives. We have lost a dear colleague to cancer, and this is the second cancer-related passing this year in the House of Representatives.

Cancer is the second most common cause of death in the United States and accounts for one out of every four deaths. Unfortunately, health disparities in cancer continue to persist. Minority groups face unique problems and concerns about cancer, including higher rates of developing some cancers and barriers to early detection.

In 2001, the National Cancer Institute formed the Center to Reduce Cancer Health Disparities. In 2005, the center launched a new program to reduce cancer deaths among minority and underserved populations through $95 million in grants that funded community-based projects in geographically and culturally diverse areas of our country.

Dr. Harold Freeman, a leader in reducing cancer health disparities, and former surgeon at Harlem Hospital, said that cancer disparities are attributable to three interacting factors: first, low socioeconomic status; second, culture; and third, social injustice.

Low socioeconomic status and lack of health insurance lead to disparities. Lack of coverage prevents many Americans from receiving optimal health care. Frequently, people are not getting screened and treated because they feel they cannot afford to pay for a test if they are uninsured. The same populations also express concern that if they are diagnosed with cancer they will not be able to get the care they need.

Culture also plays a role. Some Native American tribes do not use the word "cancer." When asked why they cannot discuss this disease, they say that in their culture, if they say the word "cancer," it will bring disease to all of their families.

It is necessary to understand the cultural beliefs of different populations when talking about diseases. According to Dr. Freeman, much of the disparity in cancer outcomes is a result of the cancer type, the time of diagnosis, and the continuity of cancer care, not the disease itself.

Screening and early detection are extremely important to avoiding cancer-related deaths. Many deaths from breast, colon and cervical cancer could be prevented by increased usage of established screening tests.

Although white and African American women aged 40 and older had the same prevalence of mammography use, other racial and ethnic groups of women were less likely to have had a mammogram. The lowest prevalence of mammography use occurred among women who lacked health insurance and by immigrant women who lived in the United States for less than 10 years.

The incidence of some cancers is much higher in communities of color. For example, African American men are at least 50 percent more likely to develop prostate cancer than men of any other racial or ethnic group in the United States.

Latino males have the third highest incidence rate for prostate cancer after African Americans and whites. Death rates for Latino males reveal that they have the third highest death rates from prostate and colon and rectal cancer after African Americans and whites.

Asian Pacific Islander males have the third highest rate for lung and bronchus cancer and colon and rectal cancer.

Cervical cancer occurs most often in Latinas; the incidence rate is more than twice the rate for non-Latina white women. Among Latinas in the United States, cervical cancer ranks as the fourth most common type of cancer.

Although African American women are less likely to develop breast cancer than other women, those who do are about twice as likely to die from it.

Consequently, programs such as the National Breast and Cervical Cancer Early Detection Program are essential for low-income, uninsured and underserved women.

Although breast cancer is the leading cause of cancer death for Latina women, cancer screening rates are lower for Latinas.

Providing culturally appropriate health education and health services is so essential to preventing and treating cancer.

Again, I want to thank Congresswoman SOLIS for providing and organizing this forum.

Ms. SOLIS. Mr. Speaker, I thank the gentlewoman for joining us this evening and representing the caucus so well, the Asian Pacific Islander Caucus, and demonstrating a willingness to work across the aisle and in a coalition so that we can better improve access to health care for all underrepresented groups.

I want to talk very briefly before I recognize one of our other colleagues who has joined us here from the Congressional Black Caucus, SHEILA JACKSON-LEE.

I want to talk about diabetes because diabetes, in my opinion, is one of the major chronic illnesses. It does not just affect ethnic minority or underrepresented groups, but many, many people in our country.

One of the goals that I mentioned earlier of the Healthy People 2010 program, a campaign underway, by the way, by the Department of Health and Human Services, is to reduce the disease and economic burden of diabetes and to improve the quality of life for all people who have or are at risk of getting diabetes.

Diabetes, as you know, is a chronic disease affecting both children, Type I, and adults, Type II. The number of people with diabetes has increased steadily in the past decade, and the increase has occurred within certain racial and ethnic groups.

Today, approximately 20.8 million Americans have diabetes, and of these people, an estimated 6.2 million individuals have not even been diagnosed. According to the Centers for Disease Control and Prevention, another 54 million people have pre-diabetes.

Complications of diabetes include heart disease, stroke, blindness, kidney failure, dental disease, pregnancy complications and amputations. These are very serious illnesses, and diabetes is now the sixth leading cause of death in the United States and costs the Nation over $132 billion per year in direct and indirect costs.

Diabetes, as you know, is the leading cause of nontraumatic amputations, and about 150 amputations per day are due to diabetes.

Two million Latinos have been diagnosed with diabetes, and Latinos are 1.5 times more likely to have diabetes than whites, on the average, and many children with Type II diabetes are Latino or African American.

Reducing the incidence of diabetes and thus reducing racial and ethnic disparities involves diet and lifestyle changes. However, strategies to manage the disease and prevent the disease also need to be culturally sensitive and targeted to specific populations.

The number of overweight minority children has increased in recent years, and more of them are being diagnosed with adult-type diabetes. It is estimated that now at least 40,000 children now have Type II diabetes, which is the type of diabetes associated with adult obesity.

Regular diets of low-cost, high-calorie fast food and sodas, in addition to inadequate daily physical activity, have contributed to the prevalence of diabetes. Health education, as you know, is extremely important, and we need to teach people how to prevent diabetes because it is preventable. For people who already have diabetes, we need to teach them how to manage that disease.

In order to prevent or delay complications and early death from diabetes, patients need to understand the disease, take charge of blood glucose management, comfortably talk to their provider about diabetes care, and have access to equipment, supplies and prescriptions. Cultural competence and access to health care play a very large role in preventing deaths due to diabetes.

Sixty percent of my district, as you know, is Latino, and I have seen firsthand the community clinics that have helped my constituents who are diagnosed with this deadly but preventable disease. A large proportion of the people who visit these clinics in my district are uninsured. When I see the packed waiting rooms, I understand how hard it is to manage this chronic illness. Even with appointments, people can have waiting times of several hours, resulting in loss of work.

A 2005 Commonwealth Fund study of public hospitals also found that African American and Latino patients were less likely than their white counterparts to have well-controlled diabetes, and uninsured patients received even less care. Public hospitals serve a high number of patients at high risk for not receiving access to needed health care. In the study, about two out of five patients with diabetes were uninsured, and two-thirds were members of racial and ethnic minority groups, and up to two-thirds of patients primarily spoke a language other than English.

Insurance status and race influences health care use and outcomes for diabetes patients. Uninsured patients have the worst diabetes control, and 33 percent do not have their condition under control now, which is almost double the rate for Medicare patients.

The routine costs for managing diabetes, to test and control glucose levels, can reach hundreds of dollars per month. Uninsured patients have difficulties paying for equipment to effectively manage their treatment. Consequently, the higher prevalence of diabetes and the inability to manage diabetes leads to more diabetes-related deaths in communities of color.

This is just one example of how social determinants impact our health care status, and I wanted to draw your attention to that.

This evening we have been joined by two members of the Congressional Black Caucus, and I would first like to recognize the gentlewoman from Texas (Ms. JACKSON-LEE). Thank you for joining us this evening.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentlewoman from California for convening us this evening and providing such leadership to the issue of health disparities. And also I believe it is enormously important to emphasize the collaborative work between the Asian Pacific Caucus, of which I am a member, the Hispanic Caucus, of which I am an adopted daughter, and the Congressional Black Caucus.

I am also very pleased to be on the floor with our chair of the Congressional Black Caucus health brain trust, which I have been a Member on, I believe, for as long as I can remember, to join us for what is really an indictment of American society. It is an indictment of this government, frankly, and the correction that is due is long overdue. That is the whole question of health disparities.

We have heard an eloquent presentation by HILDA SOLIS on the question of diabetes. We heard from the distinguished gentlewoman from Guam who spoke about the Pacific illnesses that impact the Asian Pacific community, and I rise to speak holistically about the health crisis in America that does not address the longstanding question of disparities in health care.

I am reminded of an African American gentleman in a Florida hospital just a few years ago who was to go into surgery and hopefully had all the T's crossed and I's dotted. Lo and behold, the wrong leg was amputated. He obviously suffered from, as we call in our community, sugar diabetes, and rather than be cured, unfortunately, his situation was made worse by amputating the wrong leg.

There is extensive documentation that indicates that the question of health access or access to health care falls heavily on minorities, and particularly African Americans. In fact, there is data to suggest that African Americans, when given access to the Nation's hospitals and other health facilities, that the care is less than it is for other populations. That, in itself, does not speak to the greatness of this Nation and the fact that this Nation is considered a world power.

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If you want to speak to inequities of language, you will find in Hispanic communities, in particular, that before we started moving on community health clinics and really making a push to have culturally sensitive treatment, you will find in many instances that there was a lack of ability to communicate with Hispanic populations because of the language barrier. These, my friends, were citizens, people who were permanent legal residents, who could not get the proper health care.

Today, I rise to acknowledge the importance of National Minority Health Month, but really to give us a challenge that we maybe have come this far by faith, as many of us have been known to say, but we have a mighty long way.

Let me just share some of the indictments of poor health care in America. African American adolescents accounted for 65 percent of new AIDS cases reported among teens in 2002, although they only account for 15 percent of American teenagers.

We also recognize that the leading cause of death of young African American males between the ages of 15 and 24, that cause is not disease or accidental death, but homicide.

We recognize, as has been already noted, that obesity is an increasing dilemma for America. It certainly is a dilemma for minority populations and African Americans.

Let me express appreciation for joining Congressman DONALD PAYNE a few weeks ago for a very exciting conference on obesity, so much so that it was contagious. Those of us, as Members of Congress who were able to attend, with the University of New Jersey medical and dental school, are going to repeat that conference around the country. I know that we in Houston look forward to hosting a conference on obesity.

A few weeks ago, the Congressional Children's Caucus hosted, with the Congressional Black Caucus Foundation, a briefing on obesity, where we focused on what happens to obese children and obese infants as well.

Just a couple of days ago, I believe Friday, I was very gratified to participate with the Congressional Black Caucus Foundation and the CBC Health Brain Trust on the status of African American men, questions of mental health, the question of homicide, HIV/AIDS, domestic violence, abuse, and the preservation of the good health of African American men.

Every time I rise to speak about this question, I pay tribute to my father, my late father, a man who worked hard for his family, who believed that no job was beneath him to support his family, a man who was a brilliant artist. But because of segregation, the work that he had, he was, if you will, replaced when men came back who happened to be white, from World War II.

But even with all of those trials and tribulations, he kept his hand involved in art, and in the later part of his life, he got another chance to work 10 years for one of the comic book companies in New York. Who would have thought that he would have been a victim of prostate cancer. When I say a victim, not diagnosed, so much so that ultimately it metastasized to his lung and his brain. My most visual memory of him was him laying in a fetal position in a hospital bed, way before the time, and he died of that dastardly disease.

But I think one of the challenges was that in the male line of our family, that cancer is prevalent, but not being diagnosed, or having access to health care that would inform us, we saw uncles pass without really knowing what they were dying of.

So today, now, 2007, a tribute to my father, Ezra Jackson, and relatives across America who have died undiagnosed, whose families were not aware of, maybe, the DNA or their characteristics for these diseases, because of the poor access to health care. We stand today, one, wanting a universal access to health care system; two, passing the Congressional Black Caucus and the bill that went to the Senate, dealing with disparities in health care, that, as I understand, Dr.

CHRISTENSEN, we never got passed. We need to get it passed in this Congress.

Then I would just simply say that each of us must hold forums in our districts on the question of disparities in health care. As I do the obesity one, we look forward to putting together an advisory committee on black males that talks about health care as well.

Let me close by simply saying that I could recount for you any number of statistics on health care. I think my colleagues have accurately pronounced these challenges. But let me give a roll call to show you where we have these devastating, if you will, disparities, so that you won't think that we are limited, hypertension, high cholesterol, type 2 diabetes, coronary heart disease, stroke, gall bladder disease, osteoarthritis, asthma, bronchitis, sleep apnea and other respiratory problems, cancer, which is breast, colon and endometrial.

We expect that we will do a better job of trying, if you will, of trying to improve the health conditions in America. We must do so. It is a civil rights issue. I want to thank you so much for highlighting and provoking us to be part of the change of creating opportunities for better health for all Americans, and particularly those experiencing these health disparities.

Mr. Speaker, I rise to honor and recognize the importance of National Minority Health Month. National Minority Health Month is a very important time to bring awareness to the many health concerns facing minority communities. My colleagues in the Congressional Black Caucus and I understand the very difficult challenges facing us in the form of huge health disparities among our community and other minority communities. We will continue to seek solutions to those challenges. It is imperative for us to improve the prospects for living long and healthy lives and fostering an ethic of wellness in African-American and other minority communities. I wish to pay special tribute to my colleague, Congresswoman DONNA CHRISTENSEN, the Chair of the CBC Health Braintrust, for organizing an important conference last week on the health and wellness of African-American males. I thank all of my CBC colleagues who been toiling in the vineyards for years developing effective public policies and securing the resources needed to eradicate racial and gender disparities in health and wellness.

Let me focus these brief remarks on what I believe are three of the greatest impediments to the health and wellness of the African-American community and other minority communities. The first challenge is combating the scourge of HIV/AIDS. Second, we must reverse the dangerous trend of increasing obesity in juveniles and young adults. Finally, we must confront the leading cause of death of young African-American males between the ages of 15–24; that cause is not disease or accidental death, but homicide.

HIV/AIDS

In 1981, HIV/AIDS was thought by most Americans to be a new, exotic, and mysterious disease which seemed to inflict primarily gay white males in New York City and San Francisco. But since then we have learned that in the America of 2006, AIDS is overwhelmingly a black and brown disease. And that means that we have to assume the major responsibility for finding the solutions to rid our communities of this scourge. Consider the magnitude of the challenge confronting us:

HIV/AIDS is now the leading cause of death among African-Americans ages 25 to 44—ahead of heart disease, accidents, cancer, and homicide.

The rate of AIDS diagnoses for African-Americans in 2003 was almost 10 times the rate for whites.

Between 2000 and 2003, the rate of HIV/AIDS among African-American males was seven times the rate for white males and three times the rate for Hispanic males.

African-American adolescents accounted for 65 percent of new AIDS cases reported among teens in 2002, although they only account for 15 percent of American teenagers.

Billions and billions of private and federal dollars have been poured into drug research and development to treat and "manage" infections, but the complex life cycle and high mutation rates of HIV strains have only marginally reduced the threat of HIV/AIDS to global public health.

Although the drugs we currently have are effective in managing infections and reducing mortality by slowing the progression to AIDS in an individual, they do little to reduce disease prevalence and prevent new infections. It simply will not suffice to rely upon drugs to manage infection. We can make and market drugs until we have 42 million individually tailored treatments, but so long as a quarter of those infected remain detached from the importance of testing, we have no chance of ending or even "managing" the pandemic.

Currently, the only cure we have for HIV/AIDS is prevention. While we must continue efforts to develop advanced treatment options, it is crucial that those efforts are accompanied by dramatic increases in public health education and prevention measures.

Learning whether one is infected with HIV before the virus has already damaged the immune system represents perhaps the greatest opportunity for preventing and treating HIV infection. According to the Centers for Disease Control (CDC), between 2000 and 2003, 56 percent of late testers—defined as those who were diagnosed with full-blown AIDS within one year after learning they were HIV-positive—were African-Americans, primarily African-American males.

African-Americans males with HIV have tended to delay being tested because of psychological or social reasons, which means they frequently are diagnosed with full-blown AIDS soon after learning they are infected with HIV. This is the main reason African American males with AIDS do not live as long as persons with HIV/AIDS from other racial/ethnic groups.

Researchers have identified two unequal tracks of HIV treatment and care in the United States. In the first, or "ideal track," a person discovers she or he is HIV-infected, seeks medical care, has regular follow-ups, and follows a regimen without complications. Persons in this track can now in most cases lead a normal life.

But some individuals follow a second, more-dangerous track. These individuals come to the hospital with full-blown AIDS as their initial diagnosis. They may have limited access to care because of finances or because other social or medical problems interfere. The vast majority of deaths from HIV/AIDS are among this second group. And the persons making up this group are disproportionately African-American males.

I have strongly supported legislation sponsored by CBC members and others to give increased attention and resources to combating HIV/AIDS, including the Ryan White CARE Act. I support legislation to reauthorize funding for community health centers (H.R. 5573, Health Centers Renewal Act of 2006), including the Montrose and Fourth Ward clinics in my home city of Houston, and to provide more nurses for the poor urban communities in which many of these centers are located (H.R. 1285, Nursing Relief Act for Disadvantaged Areas). I have also authored legislation aimed to better educate our children (H.R. 2553, Responsible Education About Life Act in 2006) and eliminate health disparities (H.R. 3561, Healthcare Equality and Accountability Act and the Good Medicine Cultural Competency Act in 2003, H.R. 90).

Twenty-five years from now, I hope that we will not be discussing data on prevalence and mortality of HIV/AIDS among African-American males, but rather how our sustained efforts at elimination have come into fruition. But for us to have that discussion, we must take a number of actions now. We must continue research on treatments and antiretroviral therapies, as well as pursue a cure. We absolutely have to ensure that everyone who needs treatment receives it. And we simply must increase awareness of testing, access to testing, and the accuracy of testing. Because we will never be able to stop this pandemic if we lack the ability to track it.

African-Americans males are eleven times as likely to be infected with HIV/AIDS, so we must make eleven times the effort to educate them until HIV/AIDS becomes a memory. If we do not, then the African-American male will indeed become an endangered species.

When it comes to the scourge of HIV/AIDS, the African-American community is at war. It is a war we absolutely have to win because at stake is our very survival. With HIV/AIDS we need not wonder whether the enemy will follow us. The enemy is here now. But so is the army that can vanquish the foe. It is us. It is up to us. For if not us, who? If not now, when? If we summon the faith of our ancestors, the courage of our great grandparents, and the determination of our parents, we will march on until victory is won.

OBESITY

Although the obesity rates among all African-Americans are alarming, as Chair of the Congressional Children's Caucus, I am especially concerned about the childhood obesity epidemic among African-American youth. More than 40 percent of African-American teenagers are overweight, and nearly 25 percent are obese.

Earlier this year, my office in concert with the office of Congressman TOWNS and the Congressional Black Caucus Foundation, held a widely- attended issue forum entitled, "Childhood Obesity: Factors Contributing to Its Disproportionate Prevalence in Low Income Communities." At this forum, a panel of professionals from the fields of medicine, academia, nutrition, and the food industry discussed the disturbing increasing rates of childhood obesity in minority and low-income communities, and the factors that are contributing to the prevalence in these communities.

What we know is that African-American youth are consuming less nutritious foods such as fruits and vegetables and are not getting enough physical exercise. This combination has led to an epidemic of obesity, which directly contributes to numerous deadly or life-threatening diseases or conditions, including the following: hypertension; dyslipidemia (high cholesterol or high triglyceride levels); Type 2 diabetes; coronary heart disease; stroke; gallbladder disease; osteoarthritis; asthma, bronchitis, sleep apnea, and other respiratory problems; and cancer (breast, colon, and endometrial).

When ethnicity and income are considered, the picture is even more troubling. African-American youngsters from low-income families have a higher risk for obesity than those from higher-income families. Since the mid–1970s, the prevalence of overweight and obesity has increased sharply for both adults and children. According to the Centers for Disease Control and Prevention CCDC), among African-American male adults aged 20–74 years the prevalence of obesity increased from 15.0 percent in 1980 survey to 32.9 percent in the 2004.

There were also increases in overweight among children and teens. For children aged 2–5 years, the prevalence of overweight increased from 5.0 percent to 13.9 percent; for those aged 6–11 years, prevalence increased from 6.5 percent to 18.8 percent; and for those aged 12–19 years, prevalence increased from 5.0 percent to 17.4 percent.

As the debate over how to address the rising childhood obesity epidemic continues, it is especially important to explore how attitudes, environmental factors, and public policies influence contribute to obesity among African-American males. Some of these contributing factors are environmental, others are cultural, still others are economic, and others still may be lack of education or information. But one thing is clear: we must find ways to remove them.

GUN VIOLENCE AND HOMICIDE

The third and final health challenge confronting the African-American community, and African-American males in particular, involves the issue of gun violence and homicide. This must be a priority health issue for our community. Over 600,000 Americans are victimized in handgun crimes each year, and the African-American community is among the hardest hit.

One week ago, on Monday, April 16, 2007, at Virginia Tech University, one of the nation's great land grant colleges, we witnessed senseless acts of violence on a scale unprecedented in our history. Neither the mind nor the heart can contemplate a cause that could lead a human being to inflict such injury and destruction on fellow human beings. The loss of life and innocence at Virginia Tech is a tragedy over which all Americans mourn and the thoughts and prayers of people of goodwill everywhere go out to the victims and their families. In the face of such overwhelming grief, I hope they can take comfort in the certain knowledge that unearned suffering is redemptive.

Thirty-three persons died in the massacre at Virginia Tech. But there is a much less noticed, though no less devastating, massacre and loss of life going on in African-American communities across the country. Since 1978, on average, 33 young black males between the ages of 15 and 24 are murdered every 6 days. Three-quarters of these victims are killed by firearms.

In 1997, firearm homicide was the number one cause of death for African-American men ages 15–34, as well as the leading cause of death for all African-Americans 15–24 years old. The firearm death rate for African-Americans was 2.6 times that of whites. According to the Centers for Disease Control, the firearms suicide rate amongst African-American youths aged 10–19 more than doubled over a 15 year period. Although African-Americans have had a historically lower rate of suicide than whites, the rate for African-Americans 15–19 has reached that of white youths aged 15–19.

A young African-American male is 10 times more likely to be murdered than a young white male. The homicide rate among African-American men aged 15 to 24 rose by 66 percent from 1984 to 1987, according to the Centers for Disease Control. Ninety-five percent of this increase was due to firearm-related murders. For African-American males, aged 15 to 19, firearm homicides have increased 158 percent from 1985 to 1993. In 1998, 94 percent of the African-American murder victims were slain by African-American offenders.

In 1997, African-American males accounted for 45 percent of all homicide victims, while they only account for 6 percent of the entire population. It is scandalous that a 15-year-old urban African-American male faces a probability of being murdered before reaching his 45th birthday that ranges from almost 8.5 percent in the District of Columbia to less than 2 percent in Brooklyn. By comparison, the probability of being murdered by age 45 is a mere three-tenths of 1 percent for all white males.

Firearms have become the predominant method of suicide for African-Americans aged 10–19 years, accounting for over 66 percent of suicides. In Florida, for example, African-American males have an almost eight times greater chance of dying in a firearm-related homicide than white males. In addition, the firearm-related homicide death rate for African-American females is greater than white males and over four times greater than white females.

As the tragedy this week at Virginia Tech University revealed, school shootings are sobering and tragic events that cause much concern for the safety of children. Homicides involving children and youth that are school related make up one percent of the total number of child and youth homicides in the United States. Most school associated violent deaths occur during transition times such as the start or end of the school day, during the lunch period, or the start of a semester.

Nearly 50 percent of all homicide perpetrators give some type of prior warning signal such as a threat or suicide note. Among the students who commit a school-associated homicide, 20 percent were known to have been victims of bullying and 12 percent were known to have expressed suicidal thoughts or engage in suicidal behavior.

My legislative agenda during the 110th Congress includes introducing legislation to assist local governments and school administrators in devising preventive measures to reduce school-associated violent deaths. In devising such preventive measures, at a minimum, we must focus on:

Encouraging efforts to reduce crowding, increase supervision, and institute plans/policies to handle disputes during transition times that may reduce the likelihood of potential conflicts and injuries.

Taking threats seriously and letting students know who and where to go when they learn of a threat to anyone at the school and encouraging parents, educators, and mentors to take an active role in helping troubled children and teens.

Taking talk of suicide seriously and identifying risk factors for suicidal behavior when trying to prevent violence toward self and others.

Developing prevention programs designed to help teachers and other school staff recognize and respond to incidences of bullying between students.

Ensuring that each school has a security plan and that it is being enforced and that school staff are trained and prepared to implement and execute the plan.

My legislative agenda during the 110th Congress also includes introducing sensible legislation to assist law enforcement departments, social service agencies, and school officials detect and deter gun violence.

Again, thank you all for your commitment to working to find workable solutions to the heath and wellness challenges facing our communities. I look forward to working with you in the months ahead to achieve our mutual goals.

Have a successful and inspiring conference.

Ms. SOLIS. I thank the gentlewoman from Texas for joining us this evening.

Before I conclude with our discussion on the uninsured and celebrating, actually, a call to action, a call to action for all people of color and all Americans, that we have a balanced health care system that serves all of us, one last item I would like to bring up, before I recognize the gentlewoman from the Virgin Islands for the last 5 minutes is to talk a little bit about one of the biggest killers in our community, and it is about tobacco. Each year tobacco use kills more than 400,000 Americans and costs our country more than $96 billion in health care costs.

According to the Centers for Disease Control and Prevention. tobacco use by pregnant women alone costs at least $400 million per year due to complications such as low birth weight, premature birth and sudden infant death syndrome. Every day, 1,000 kids become regular smokers, one-third of whom will die prematurely as a result. Smoking is responsible for 87 percent of lung cancer deaths in the U.S.

Tobacco-related cancers are disproportionately higher among low-income and ethnic-minority communities. Because these groups have been repeatedly targeted by the tobacco industry, they unfairly carry a greater weight of the health and economic burden tobacco has in our country. For communities of color, tobacco addiction brings a disproportionate amount of death and disease to communities with low rates of health insurance coverage. Lung cancer is the leading cause of cancer among Latino men and second leading cause of death among Latinas.

Approximately 25,000 Latinos will die from smoking-related illnesses this year, surpassing all other causes of cancer. Each year, approximately 45,000 African Americans die from smoking-caused illness.

Native American adults have the highest tobacco use rates for all major ethnic groups. The prevalence of smoking is 37.5 percent among Native American, 26.7 among African American, and 24 percent among white men. This year it is expected that the rate of lung and cancer deaths for white males will be 73.8 per 100,000, while for African Americans it will be 98.4 per 100,000. Tobacco use is an important risk factor for coronary heart disease, the leading cause of death among Latinos.

Unfortunately, tobacco companies have increased their marketing to our minority communities, and I have seen advertisements in magazines popular with Latino youth. RJ Reynolds is running ads for Kool cigarettes with images that appeal to Latinos.

I recently learned that the Kool Mixx campaign focused its marketing images around music and hip-hop, which appeals to African American and Latino youth. The Kool Mixx campaign included 14 music concerts around the country and a DJ competition, as well as a special theme park with cartons displayed on them.

In addition, the tobacco company placed advertisements in publications popular with Latino youth, like this one here, including "Latina" and "Cosmopolitan en Espanol." The ads include slogans like: "It's about pursuing your ambitions and staying connected to your roots." To reach everybody in our community, they not only use attractive Latino models, but they also make sure ads are in English and Spanish.

The cigarette companies have focused on African American populations as well. One company created a line of cigarette flavors like Caribbean Chill and Mocha Taboo and used images of African Americans to promote their cigarettes. This targeted marketing is having an impact on the rates that we are seeing, higher number of people smoking. In 2005, 22 percent of Latino high school students smoked, a 19 percent increase over 2003, when the smoking rate was down to 18 percent.

Smoking continues to be a huge public health risk for us, and we must not tolerate it in our communities. We have to stand up to these big corporations and say, enough advertising, let's speak the truth, let's talk about prevention, let's talk about awareness, let's talk about alternative lifestyles so we can have healthier communities.

I am pleased that we were able to entertain this discussion on the uninsured, the celebration of Uninsured Week and to talk about the disparities that exist in our communities and communities of color.

I am pleased to give the remainder of my time to the distinguished woman from the Virgin Islands, who is chairperson of the task force for the Black Caucus, the Congressional Black Caucus.

☐ 2210

Mrs. CHRISTENSEN. Mr. Speaker, I came to the floor to speak on another issue, but let me say a few words about health disparities before I do.

Health disparities is one of the remaining issues and causes of our civil rights struggle. And because our country does not recognize health care as a right, African Americans, Latino Americans, Native Americans, Alaskan natives, and other people of color, poor and rural people, do not receive the same kind of health care, prevention, or health maintenance. And because of that, you will find that in this country more than half of the uninsured are people of color.

We have two times more diabetes than the white population, and all people of color suffer from more complications.

African Americans have higher rates of death from heart disease and several cancers, prostate, colon, lung, and breast. We are over 50 percent of all new HIV cases and over 50 percent of new AIDS cases. African American and Latino women are 70 to 80 percent of all AIDS cases among women. Hypertension we find is becoming a worldwide epidemic, and African American women are the most impacted by hypertension; however, more African American men die from hypertension.

Our infant mortality is twice as much as our white counterparts, and the New York Times yesterday reported that it is growing in the southeast region of our country. So we really have an obligation in this Congress to address the health care disparities and the health disparities and the lack of coverage in this country to ensure that health care is provided equally to every American.

And so, Mr. Speaker, I want to pay tribute to a woman who was a champion of health for minorities and other people of color. The extremely sad news of Congresswoman MILLENDER-McDONALD's death came as a shock to all of us, and it is with a deep sense of loss that I join my colleagues who were here earlier in mourning her passing. Not only have I lost a colleague, but also a mentor, a sister, and a friend.

I am honored to work alongside Congresswoman MILLENDER-McDONALD as members of the Congressional Black Caucus together, and the Small Business Community. JUANITA was a true champion for minority and women-owned small businesses, and played a pivotal role in proposing and passing legislation to expand financing and contracting opportunities for our Nation's small businesses. Her dedication to helping women-owned businesses was evident in her dedication to increasing funding to expand women's business centers throughout our Nation.

Her commitment to improving the lives of minorities is reflected in her lifelong work in affiliations with organizations such as the NAACP, Alpha Kappa Alpha, and a number of other organizations devoted to the advancement of minorities. She will also be remembered for her outstanding stewardship in the areas of transportation, education, health, and FEMA legislation.

We are grateful for the leadership and the innovation that she brought to the Committee on House Administration, which led to her historic achievement as the first African American woman to chair a committee in Congress.

I know that the House staff and all of the Members appreciate her role in establishing the House Fitness Center and creating an outlet for mental and physical activity. She has truly left a legacy for all of us through her distinguished service on this important committee.

JUANITA will also be remembered for her passion for education, which was evident in her many eloquent speeches on the floor. She was truly a gifted and skilled orator. JUANITA had the distinct ability to captivate and engage her audiences. Although she possessed strong and determined qualities, she personified grace, compassion, and beauty both inside and out.

On a more personal note, it was through JUANITA, a minister's daughter, that I began attending Thursday morning prayer breakfast when I first came to Congress. Her godliness was seen in all that she did.

JUANITA championed the cause of AIDS long before it was fashionable to do so. Every year she held a race in her district. And while I could never get away to attend, she always had all of our support, and we never missed a t-shirt or any of the other paraphernalia that she gave out each year.

JUANITA always spoke of her district with great affection and dedication. She frequently remarked that she had the most diverse district in the country, that she was able to bring them together. And to be reelected over and over is a testament to her leadership and her abiding belief that we are all children of God, equal in His sight and made in His image. Her mission was one of justice, fairness, and opportunity for all.

One cannot speak of JUANITA MILLENDER-MCDONALD without remarking on her exquisite taste and her unequaled sense of style. She was always dressed to the nines and was always the epitome of elegance and grace.

Mr. Speaker, although her passing leaves a void in the halls of Congress, her spirit and legacy will forever be with us. Words are not enough to express our profound sorrow. On behalf of my family, staff, and the people of the U.S. Virgin Islands, my deepest sympathy goes out to her husband, James McDonald, their children, grandchildren, extended family, and dedicated staff. May God bless and comfort them at this time in grief as we know He is welcoming our sister home.

Ms. WATERS. Mr. Speaker, I would like to thank Congresswoman HILDA SOLIS, the Chair of the Congressional Hispanic Caucus Task Force on Health and the Environment, for organizing this evening's Special Order in honor of National Minority Health Month.

Martin Luther King, Jr., said, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane." Unfortunately, injustice in health care is widespread and growing in American society today.

THE UNINSURED

Over 46 million Americans don't have health insurance.

That is a 15 percent increase in the number of uninsured since the President took office.

Twelve percent of white Americans, 19 percent of Asian Americans, 20 percent of African Americans, 27 percent of Native Americans and 35 percent of Hispanic Americans have no health insurance.

Nationwide, 9 percent of children under the age of 18 and 19 percent of adults ages 18 to 64 are uninsured.

LOS ANGELES COUNTY

In Los Angeles County, 8 percent of children under the age of 18 and 22 percent of adults ages 18 to 64 are uninsured.

In the Southern Service Planning Area of Los Angeles County [SPA6], where my district is located, lack of access to health insurance is especially high: 11 percent of children under the age of 18 and 32 percent of adults ages 18 to 64 are uninsured.

In the same area, an alarming 44 percent of adults reported difficulty accessing medical care, and 21 percent of children have difficulty accessing medical care.

Furthermore, in the Southern Area of Los Angeles County, 35 percent of adults and 19 percent of children did not obtain dental care in the past year, because they could not afford it.

We cannot continue to ignore these alarming statistics.

INFANT MORTALITY

Infant mortality rates are considered to be one of the most important indicators of the health and well-being of a population. In 2003, the last year for which nationwide data is available, the infant death rate was 6.9 deaths for every one thousand live births.

Infant death rates among African Americans are considerably higher. Among whites, there were 5.7 infant deaths per thousand live births in 2003; while among blacks, there were 14.0 infant deaths per thousand live births.

In Los Angeles County, there are 5.0 infant deaths per thousand live births. Among African Americans, there are 11.7 infant deaths per thousand live births.

According to an article in Sunday's New York Times, infant deaths in the South are growing.

In Mississippi, the infant death rate had fallen to 9.7 in 2004 but then jumped sharply to 11.4 in 2005. In concrete human terms, a total of 481 babies died in Mississippi in 2005. That's 65 more babies than died the previous year.

Among African Americans in Mississippi, infant deaths rose from 14.2 per thousand in 2004 to an astonishing 17 per thousand in 2005.

Infant death rates also increased in 2005 in Alabama, North Carolina, and Tennessee.

Clearly, injustice in health care is taking its toll.

If we truly believe that all men and women are created equal, we cannot allow these disparities to continue.

HIV/AIDS

Racial and ethnic minorities have disproportionately high rates of HIV and AIDS in the United States.

According to the Centers for Disease Control and Prevention, racial and ethnic minorities represent 71 percent of new AIDS cases and 64 percent of Americans living with AIDS.

African Americans account for half of new AIDS cases, although only 12 percent of the population is black.

Hispanics account for 19 percent of new AIDS cases, although only 14 percent of the population is Hispanic.

Asian Americans and Pacific Islanders account for 1 percent of new AIDS cases, and American Indians and Alaska Natives account for up to 1 percent.

Racial minorities now represent a majority of new AIDS cases, a majority of Americans living with AIDS, and a majority of deaths among persons with AIDS.

It was because of the severe impact of HIV and AIDS on minorities that I developed the Minority AIDS Initiative back in 1998. The Minority AIDS Initiative provides grants to community-based organizations and other health care providers for HIV/AIDS treatment and prevention programs serving African American, Hispanic, Asian American and Native American communities.

Unfortunately, the Republicans in Congress cut the funding for the Minority AIDS Initiative from its maximum level of $411 million in fiscal year 2003 to under $400 million today. Meanwhile, the need for the initiative has continued to grow as the disease has continued to spread.

This year, I am calling for an appropriation of $610 million for the Minority AIDS Initiative in fiscal year 2008. So far, a total of 62 Members of Congress have agreed to sign a letter in support of this level of funding. I am hoping to convince additional Members to support the expansion of the initiative before this week is over.

DIABETES

Diabetes is the sixth leading cause of death in the United States, and it has a particularly severe impact on minorities.

The Centers for Disease Control and Prevention estimates that 9.5 percent of Hispanic Americans, 12.8 percent of American Indians and Alaska Natives, and 13.3 percent of African Americans over the age of 20 have diabetes. Many Asian Americans are also at high risk.

Diabetes can lead to serious and sometimes deadly complications, including high blood pressure, heart disease, stroke, blindness, kidney disease, and nerve damage.

Too often, some of these complications result in lower-limb amputations.

Minorities with diabetes often lack access to proper health care and are more likely to suffer from complications.

Because of these disparities, I introduced H.R. 1031, the Minority Diabetes Initiative Act.

This bill would establish an initiative to provide grants to physicians, community-based organizations, and other health care providers for diabetes prevention, care, and treatment programs in minority communities.

The Minority Diabetes Initiative is based on the successful model of the Minority AIDS Initiative.

This bill would help to reduce diabetes disparities and improve the ability of minorities with diabetes to live healthy and productive lives.

The bill has 40 cosponsors, representing both political parties.

CANCER

Health disparities also affect minorities who suffer from cancer.

Blacks have a cancer death rate that is about 35 percent higher than whites.

The mortality rates for blacks with breast, colon, prostate and lung cancer are much higher than those for any other racial group.

Black and Hispanic women are less likely to receive breast cancer screening with mammograms than white women.

Black and Hispanic men are more likely to be diagnosed with more advanced forms of prostate cancer than white men.

The incidence of prostate cancer is approximately 60 percent higher among African-American men than white men, and the death rate from prostate cancer is 2.4 times higher in African-American men than white men. This is the largest racial disparity for any type of cancer.

Earlier this year, I introduced H.R. 1030, the Cancer Testing, Education, Screening and Treatment (Cancer TEST) Act. This bill would provide grants for cancer screening, counseling, treatment and prevention programs for minorities and underserved populations.

The Cancer TEST Act would authorize grants for the development, expansion and operation of programs that provide public education on cancer prevention, cancer screenings, patient counseling services and treatment for cancer.

Grants would be made available to community health centers and non-profit organizations that serve minority and underserved populations.

The Cancer TEST Act would emphasize early detection and provide comprehensive treatment services for cancer in its earliest stages, when treatment is most likely to save lives.

The bill has 29 cosponsors.

NINETY-SECOND COMMEMORATION OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. ELLISON). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to thank my colleagues on the Republican side for agreeing to let me reclaim the time. I will try to limit my time to less than 5 minutes.

Mr. Speaker, I rise this evening to commemorate the 92nd anniversary of the Armenian genocide. As the first genocide of the 20th century, it is morally imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

On April 24, 1915, 92 years ago tomorrow, that day marked the beginning of the systematic and deliberate campaign of genocide perpetrated by the Ottoman Empire. Over the following 8 years, 1½ million Armenians were tortured and murdered, and more than one-half million were forced from their homeland into exile. These facts are indisputable, but to this day the U.S. Congress has never properly recognized the Armenian genocide.

The historical record, Mr. Speaker, on the Armenian genocide is unambiguous and well-documented with overwhelming evidence. The U.S. Ambassador to the Ottoman Empire at the time, Henry Morgenthau, protested the slaughter of the Armenians to the Ottoman leaders. In a cable to the U.S. State Department on July 16, 1915, Ambassador Morgenthau stated that, "A campaign of race extermination is in progress."

Mr. Speaker, if America is going to live up to the standards we set for ourselves, and continue to lead the world in affirming human rights everywhere, we need to finally stand up and recognize the tragic events that began in 1915 for what they were: the systematic elimination of a people.

Despite pleas by Members of Congress and the Armenian-American community and recognition by much of the international community, President Bush continues to avoid any clear references to the Armenian genocide, while consistently opposing legislation marking this crime against humanity. Instead, he has chosen to succumb to shameless threats by the Government of Turkey. I strongly believe that Turkey's policy of denying the Armenian genocide gives warrant to those who perpetrate genocide everywhere, because denial is the last stage of genocide. If the cycle is to end, there must be accountability. And just as we would not permit denying the Holocaust, we cannot accept Turkey's falsification of the facts of 1915.

Mr. Speaker, I must say that in the last few months the Turkish Government has made every effort to try to prevent the Armenian genocide resolution from coming to the floor of the House of Representatives. But I just want to show why denial is such a bad thing in a sense. Last week, I came to the floor and I pointed out that when the U.N. wanted to do a project or an exhibit at the United Nations headquarters talking about the genocide in Rwanda, because the Turkish Government protested the inclusion of the Armenian genocide, the Rwandan genocide never took place. There again, if you deny one genocide, you end up denying or impacting the other.

And the fact of the matter is that when some of my colleagues say to me, "Well, why do you need to bring up something that occurred 92 years ago," I say, "Because by denying this, the Turkish Government continues to perpetrate genocide or oppression of its minorities.

Just a few weeks ago, there was something in the New York Times about how the Turkish Government continues to persecute the Kurdish minority. Many Kurds have been killed, driven from their homelands in the same way Armenians were. The Kurds happen to be a Muslim people, not a Christian people. That doesn't matter. The Turkish Government consistently oppresses minorities. They refuse also to open their borders with Armenia. They have actually had a blockade of Armenia in placed for several years, which contributes to the economic instability of Armenia.

So this is something that must be done. It must be accomplished, that we recognize this genocide if it continues in various ways in Turkey today.

The second thing I would point out is that the Turkish Government has been basically hiring lobbyists for millions of dollars to go around and tell Members of Congress that if they pass the genocide resolution, there will be dire consequences: Turkey will not allow supplies to go to U.S. troops in Iraq.

□ 2220

They have actually taken to having Members of Congress called and told that their own soldiers in Iraq might be threatened if they pass the genocide resolution.

Well, again, this is the type of bullying that we, as a free government, should not allow because bullying is essentially the same thing that takes place when genocide takes place. Why should we give in to the threats of a country that tries to bully our country over such an important issue as the genocide?

Now, let me just mention, Mr. Speaker, to wrap up, that tomorrow evening at 6:30 the Armenian Caucus, which I cochair, will host an Armenian genocide commemoration event with the Armenian embassy, and I hope that many of the Members will attend this.

Mrs. MALONEY of New York. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian Americans, I rise to join my colleagues in the sad commemoration of the Armenian Genocide.

Today we declare to people living in every corner of our globe that the Turkish and American governments must finally acknowledge what we have long understood: that the unimaginable horror committed on Turkish soil in the aftermath of World War I was, and is, an act of genocide. The tragic events that began on April 24, 1915, which are well known to all of us, should be part of the history curriculum in every Turkish and American school. On that dark April day, more than 200 of Armenia's religious, political and intellectual leaders were arrested in Constantinople and killed. Ultimately, more than 1.5 million Armenians were systematically murdered at the hands of the Young Turks, and more than 500,000 more were exiled from their native land.

On this 92nd anniversary of the beginning of the genocide, I join with the chorus of voices that grows louder with each passing year. We simply will not allow ice planned elimination of an entire people to remain in the shadows of history. The Armenian Genocide must be acknowledged, studied, and never, ever allowed to happen again.

Last year I joined with my colleagues in the Caucus in urging PBS not to give a platform to the deniers of the genocide by canceling a planned broadcast of a panel which included two scholars who deny the Armenian Genocide. This panel was to follow the airing of a documentary about the Armenian Genocide. Representative Anthony Weiner and I led a successful effort to convince Channel Thirteen in New York City to pull the plug on these genocide deniers. The parliaments of Canada, France, and Switzerland have all passed resolutions affirming that the Armenian people were indeed subjected to genocide. The United States must do the same. I will not stop fighting until long overdue legislation acknowledging the Armenian Genocide finally passes. I am hopeful that this resolution will make it to the Floor for a vote before the full House of Representatives this Congress.

An acknowledgment of the genocide is not our only objective. I remain committed to ensuring that the U.S. government continues to provide direct financial assistance to Armenia. Over the years, this aid has played a critical role in the economic and political advancement of the Armenian people. I have joined with my colleagues in requesting military parity between Armenia and Azerbaijan in the FY08 Foreign Operations Appropriations bill.

We also have requested an adequate level of economic assistance for Armenia and assistance to Nagorno-Karabakh. Legislation passed in the 109th Congress and signed into law to reauthorize the Export-Import Bank included important language prohibiting the

Bank from funding railroad projects in the South Caucasus region that deliberately exclude Armenia. American tax dollars should not be used to support efforts to isolate Armenia, and these provisions would prevent that by ensuring that U.S. funds are not used to support the construction of a new railway that bypasses Armenia. A railway already exists that connects the nations of Turkey, Georgia, and Azerbaijan, but because it crosses Armenia, an expensive and unnecessary new railway had been proposed. Allowing the exclusion of Armenia from important transportation routes would stymie the emergence of this region as an important East-West trade corridor. It is in our economic and security interests to ensure that the aggression against Armenia comes to an end.

On this solemn day, our message is clear: the world remembers the Armenian genocide, and the governments of Turkey and the United States must declare—once and for all—that they do, too.

Mr. MCNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide. Today, April 24th, is the 92nd anniversary of this human tragedy.

From 1915 to 1923, the world witnessed the first genocide of the 20th century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, 'Ketse azat ankakh Hayastan'—long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

Mr. BERMAN. Mr. Speaker, today, April 24th, marks the 92nd anniversary of the beginning of the Armenian Genocide. I rise today to commemorate this terrible chapter in human history, and to help ensure that it will never be forgotten.

On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without ever being charged with crimes. Then the government deported most Armenians from Turkish Armenia, ordering that they resettle in what is now Syria. Many deportees never reached that destination.

From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

We mark this anniversary of the start of the Armenian Genocide because this tragedy for the Armenian people was a tragedy for all humanity. It is our duty to remember, to speak out and to teach future generations about the horrors of genocide and the oppression and terrible suffering endured by the Armenian people.

We hope the day will soon come when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and commemorate as well the memory of genocide's victims.

Sadly, we cannot say humanity has progressed to the point where genocide has become unthinkable. We have only to recall the "killing fields" of Cambodia, mass killings in Rwanda, "ethnic cleansing" in Bosnia and Kosovo, and the unspeakable horrors in Darfur, Sudan to see that the threat of genocide persists. We must renew our commitment never to remain indifferent in the face of such assaults on innocent human beings.

We also remember this day because it is a time for us to celebrate the contribution of the Armenian community in America—including hundreds of thousands in California—to the richness of our character and culture. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their success is moving testimony to the truth that tyranny and evil cannot extinguish the vitality of the human spirit.

The United States has an ongoing opportunity to contribute to a true memorial to the past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

Adolf Hitler, the architect of the Nazi Holocaust, once remarked "Who remembers the Armenians?" The answer is, we do. And we will continue to remember the victims of the 1915–23 genocide because, in the words of the philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it."

Mr. WAXMAN. Mr. Speaker, each year on April 24, Armenian communities around the world gather in somber commemoration of the genocide that began in 1915. Sadly, after 92 years, their grief is only compounded by those who aggressively deny or raise doubt about this troubling chapter of history.

This should be a day reserved for honoring the memory of those who were killed and paying tribute to the strength of those who survived. It should be a time to reflect on the personal narratives of those who were exiled, the historical evidence of villages and communities that were destroyed, and diplomatic cables from U.S. officials that described the atrocities. It should be an opportunity to resolve ourselves to fight crimes against humanity in all forms and all places. Instead, year after year, April 24 unleashes a battle of semantics.

Those who acknowledge what happened in Armenia as a "tragedy," a "catastrophe," or a "massacre" are correct. But nothing other than the term "genocide" can wholly characterize the systematic deportation of nearly 2 million Armenians and the deliberate annihilation of 1.5 million men, women and children. Anything short of that is unfair to those who perished and unhelpful to our plight against future acts of genocide.

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the victims of the Armenian Genocide.

Today marks the anniversary of the deliberate campaign of genocide perpetrated by the Ottoman Empire in 1915. On April 24th, the Ottoman government arrested an estimated 250 Armenian religious, political, and intellectual leaders, which were taken to the interior of Turkey and murdered. From 1915–1923, 1.5 million Armenians were killed and more than 500,000 were forced from their homeland into exile.

In spite of overwhelming evidence, particularly American diplomatic records from the time, some continue to deny the occurrence of this brutal tragedy in human history. As a member of Congress, I represent a significant population of Armenian survivors who have proudly preserved their culture, traditions, and religion and have told the horrors of the genocide to an often indifferent world.

We must continue to ensure future generations know and understand the history of the Armenian Genocide in order to learn from the mistakes of the past and prevent future atrocities. For that reason, I have again cosponsored a resolution, H. Res. 106, that calls upon the president to make recognition of the Armenian Genocide an official position of United States foreign policy.

Mr. Speaker, it is time to fully recognize the Armenian Genocide in order to right the historical record. By doing so we pay tribute to the memory of all the individuals who suffered, their family members that remain, and vow to never forget their sacrifices.

Mr. VAN HOLLEN. Mr. Speaker, today I rise to commemorate the anniversary of the first genocide of the 20th century. More than 90 years ago, the Ottoman Empire organized a campaign to exterminate 1.5 million Armenians. The world watched as this horror unfolded before them, and did nothing.

As the first genocide of the 21st century—this time in Darfur—began to take shape, the world again hesitated, this time to debate for months the definition of genocide, as thousands died and thousands more were displaced. Today, 200,000 people have been killed in Darfur and 2.5 million driven from their homes. And so, I rise Mr. Speaker not only to acknowledge and remember the horrific events that befell the Armenian people at the dawn of the last century, but also to highlight the horrific events occurring one hundred years later in Darfur at the dawn of this century.

For the past few years, as the anniversary of the Armenian Genocide approached, I hoped that year would be the year a solution to the crisis would come. But, this year, instead of speaking of how the lessons of the Armenian Genocide helped unite the world around a solution for Darfur, I can only report of ongoing suffering and continued killings.

As the world pauses today to remember those who suffered and died during the Armenian Genocide, we need to ask ourselves if we have really absorbed the lessons of that tragedy—and, if we are really doing all that can be done to bring this century's genocide to an end.

Mr. CROWLEY. Mr. Speaker, I rise today in commemoration of the 92nd anniversary of the Armenian Genocide. On April 24, 1915, the Ottoman government ordered the deportation of 2.5 million Armenians. Over the next year, 1.5 million Armenians had been killed or sent to the horrors of concentration camps.

April 24 lives in the hearts and minds of an Armenians. And while this day of remembrance is somber, the day also brings a sense of encouragement that stems from the success of Armenian-American communities here at home in the United States, as well as the independent nation of Armenia. This nation's independence has become a living testament of honor to the memories of the survivors and their descendents.

I have always supported the Armenian community. In 2003, I had the opportunity to visit Armenia and to plant a tree at the Genocide memorial. We must never forget the horrors that took place 92 years ago. Let us never forget the 1.5 minion Armenians who perished in 1915 and 1916. We know such mass murder is not a tragedy from a distant past, but a continuation of the failing to recognize these barbaric acts before they are executed.

Mr. Speaker, again, I wish to commemorate the 92nd anniversary of the Armenian Genocide, and I urge the leadership to bring H. Res. 106 to the floor for a vote. If we are to change the future, we must recognize the past.

Mr. MARKEY. Mr. Speaker, today is a day of remembrance and commemoration of the Armenian Genocide, one of the darkest chapters of World War I, and the first of the series of genocides we saw in the 20th Century. We set today aside to remember, as we do every year, because it is essential to reflect upon these terrible events, but we also do so because we know that the Armenian people must continually confront and surmount the legacies and the consequences of those dark days.

The writer Milan Kundera once wrote that "The struggle of man against power is the struggle of memory against forgetting." There are those that would deny the Armenian Genocide, just as there are those that deny the reality of the Nazi Holocaust. In commemorating the Armenian Genocide we collectively engage in that struggle of memory against forgetting. We do this not only to remember the past, but to reaffirm our commitment to prevent such things from ever happening again, and to strive towards making a better future for the Armenian people.

It has taken Armenia decades to reach a point where its people could enjoy their rights as a free people. Today, we have an opportunity and a responsibility to help ensure that the Armenian people can build a better future. And so, I look forward to continuing to work with the Armenian-American community and Members of the Congressional Caucus on Armenia to address the issues facing this longtime friend and important ally of the United States, so that together we build something positive, something hopeful, something good for the futute—a peaceful, prosperous and secure Armenia.

The Armenian Genocide is sometimes called the "Forgotten Genocide." In fact, as most of you know, back in 1939, prior to the invasion of Poland, Adolph Hitler argued that his plans for a Jewish holocaust would in the end be tolerated by the West, stating: "After all, who remembers the Armenians." But we do remember, and we shall never forget. And our memory and commemoration is stronger than the hate of those who would perpetrate the greatest crime known to humanity, the attempt to exterminate an entire people.

Mr. LANGEVIN. Mr. Speaker, I rise today to commemorate the 92nd anniversary of the Armenian Genocide. Our voices, as well as those of Armenian-Americans across the Nation, are essential in the effort to bring needed attention to such a historic tragedy. The Armenian-American community has made tremendous contributions to our country, and their efforts and passion will help ensure that those who lost their lives will not be forgotten.

Today, we pay tribute to the memory of those who died, reflect on all those who have suffered from such prejudice, and vow to raise awareness so that such an atrocity never occurs again. As a member of the Armenian Caucus and a cosponsor of the genocide resolution, I will keep fighting to ensure that the Armenian Genocide is appropriately recognized.

It is a shame that we have not learned from our mistakes in the past regarding genocide, but it is not too late to heal these wounds and also help end atrocities occurring as we speak. To that end, we must not stand by as the situation deteriorates in Darfur. It is our duty to end this human suffering, and I will continue to work to stop this conflict and promote peace in Sudan. Together, let us make this world a better place.

As an ardent supporter of Rhode Island's Armenian-American community throughout my public service career, I am proud to join my colleagues today in honoring the victims of the genocide by paying tribute to their memory, showing compassion for those who have suffered from such prejudice, and never forgetting the pain that they have endured.

Mr. CONYERS. Mr. Speaker, tonight I rise to remind the world that the 24th of April marks the 92nd anniversary of the Armenian Genocide, a systematic and deliberate campaign of the Ottoman Empire to exterminate an entire people. I also rise to reaffirm my support for the adoption of the Armenian Genocide Resolution, H. Res. 106. This legislation contains a long list of U.S. and international involvement against the Armenian Genocide of 1915.

Raphael Lemkin, who coined the term 'genocide' in 1944, and who was the earliest proponent of the United Nations Convention on the Prevention and Punishment of Genocide, invoked the Armenian case as a definitive example of genocide in the 20th century. The time is now for the Administration to describe what occurred as a genocide. There is no option for continued denial.

Atrocities which fell upon a nation almost a century ago are still crying out for commemoration. Armenia's people did not get sufficient recognition of their devastation and our government has yet to take an appropriate position in this matter. Considering how well documented the Armenian genocide is in U.S. archives and through an overwhelming body of firsthand, governmental, and diplomatic evidence, this is nothing less than a disgrace.

Previous Congresses undertook many efforts to pass legislation recognizing the Armenian Genocide. Unfortunately, all those attempts failed. Now, however, the movement to recognize the genocide has generated enough momentum that passage of this resolution is finally possible. Congressman PALLONE, Chair of the Congressional Caucus on Armenian Issues, has been a stalwart champion of this legislation.

The grassroots campaign "End the Cycle of Genocide" focuses on the lessons we can learn from this tragic chapter in history. We understand the horror of past genocides and recognize that mass exterminations underway today need to be stopped. We cannot remain silent as we observe from a distance how perpetrators execute their power over minorities. Now more than ever, as the world is gripped by unrest and terrorism, the memory of the Armenian Genocide underscores our responsibility to help convey our cherished traditions of respect for fundamental human rights and opposition to mass slaughter.

For these reasons, I support H. Res. 106 and call upon the President to ensure that the foreign policy of the United States reflects an appropriate level of understanding and sensitivity concerning issues related to the Armenian Genocide.

Ms. SOLIS. Mr. Speaker, today we solemnly commemorate the 92nd anniversary of the Armenian Genocide where, over the course of eight years, from 1915 to 1923, the Ottoman Empire launched a systematic campaign to exterminate its Armenian community. During that time, more than 1.5 million Armenians suffered through mass killings, deportations, forced slavery and torture.

Once the genocide ended, many survivors rose above their anguish and terrible experiences to rebuild their lives. Armenian communities began to flourish as numerous immigrants found a new home here in the United States, as well as in my home state of California. Even though their communities discovered solace and success in America, the scars of genocide remain deeply embedded in their history and in our conscience.

If we are to pro actively engage the international community, we must realize the significance of commemorating the Armenian Genocide. Equipped with information and education, we can ensure that the legacy of the genocide endures and that atrocities such as those that befell the Armenian people never happen again.

Together we can educate, commemorate, remember, and stand united in promoting a clear message that the United States does not condone, nor does it tolerate acts of genocide.

Today we moum the victims, pay tribute to the survivors, and stand together with all who are committed to promoting awareness about the atrocities of genocide. Today we remember to never forget.

THE COUNTDOWN CREW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHUSTER. Mr. Speaker, I am coming to the floor this evening, as I have been for the past couple of months, to make sure that the American people realize what is going to happen in the next couple of years if we, in Congress don't act, if the Democratic majority doesn't act.

In 1,349 days, if we don't act, we are going to see the largest tax increase in American history. And this is coming about because the tax cuts, the tax reductions that we put in place as a Republican majority in 2001, 2003, extended some of those in 2005, they are going to expire. And the majority party doesn't have to act. All they have to do is run the clock out, and those tax increases will go into effect on the American people. The American family, small businesses, all around this country are going to feel the pain.

As I said, my friends and I have been, colleagues and I have been coming to the floor for the past few months talking about this, making sure that the American people are aware that this is going to occur.

And I have heard some folks on the other side of the aisle say that they are not going to vote for a tax increase, thus it is not really a tax increase. Only in Washington do we employ that type of rationale, that type of logic.

If we don't act, there is going to be a tax increase. And for the American people, who have just paid their taxes this year, and when they go to pay their taxes in 2008 and 2009 and 2010, they are going to see that their taxes have increased. Although there wasn't necessarily a vote on the House floor to specifically increase those taxes, those tax cuts expiring are, in effect, and, in fact, going to increase their taxes.

What kind of tax increase are we talking about? First of all, raising, from the 10 percent tax bracket to 15 percent. And more than 5 million individuals and families previously who owed no taxes will become subject to those individual income taxes in 2011, if we don't act on the House floor. If the Democratic majority doesn't act, the Democratic majority will be responsible for raising taxes on people in the lower-income levels in this country.

It will eliminate the marriage penalty relief that we put in place in the early 2000s. By 2011, 23 million taxpayers would see their taxes increase an average of $466 just because they are married.

Cutting the child tax credit in half: if we don't extend those, if we don't vote on this House floor before 2011, 31 million taxpayers will see their taxes increase an average of $859 in 2011.

The AMT tax, if we don't act, if we don't do something that rectifies that situation, we are going to see people across America that have, husband and wife that earn an income, two families, for instance, teachers, we are going to see a husband and wife that are both teachers in the coming years, if they already haven't been affected by it, they are going to be hit with the AMT and pay higher taxes if we don't act.

An elderly couple, for instance, in America, a senior couple making $40,000 in income, this couple will, their tax bill would raise in 2011, from $583 to $1,489. And for a retired couple making $40,000, that almost $1,000 increase is a huge burden on them. We have got to make sure that that doesn't happen.

A family of four with an income of $60,000: that family's income tax bill would raise, from $3,030 to $4,898, almost $5,000 in 2011 if we don't act. And I know that families in my district, that is a typical family, a family of four, $60,000 of income, two people working. That is a huge burden.

And for people across America, we have been calling ourselves the Countdown Crew, and we have an e-mail that we would like you to share your stories with us on what the tax cuts have done for you, and what, for instance, a family, again, of four, $60,000 if you have to pay about $1,800, almost $1,900 more in income, $2,000 more in taxes, how is that going to affect your family. So we would like for you to share those stories with us. You can e-mail us at the countdowncrew@mail.house.gov. I will get that up here in just a minute and you can see it. But, again, that is countdowncrew@mail.house.gov. And share those stories with us because we want to hear, we want to be able to have those stories to talk about how it is going to affect, as I said, a typical American household.

A single parent with two children, a woman who has got two children, $30,000 in earnings, she would, that parent qualifies at present to get about $2,400 back from the Federal Government. But if the tax cuts are allowed to expire, she is going to have to pay an $800 tax. That is a $3,200 swing from receiving $2,400 from the Federal Government to having to pay almost $800 in taxes. Families, individuals are going to be hardest hit, small businesses, unless we act.

Just to give you a brief rundown of the numbers on what is going to happen if the Democratic majority doesn't act and increases taxes, 115 million, taxpayers would see their taxes increase an average of $1,795 in 2011.

Eighty-three million women would see their taxes raise an average of $2,068 if the Democratic majority doesn't act.

Forty-eight million married couples will incur an average tax increase of almost $2,900. Taxes would increase an average of $2,181 for 42 million families with children. Twelve million single women with children would see their taxes increase an average of just over $1,000. Seventeen million elderly individuals would incur average tax increases of $2,270. And it goes on and on and on.

As I said, only in Washington, only in our Nation's Capital is the logic employed that says, if we don't vote on a tax increase, it is not really a tax increase. But I know and millions of Americans know that if they paid $5,000 in taxes one year and they pay $6,000 in another year, then that is an increase in taxes. So we need to make sure that we are honest and open with the American people and realize what these tax cuts have done.

This economy, which is growing, has grown each year for 21 straight quarters, I believe the last number was. We are creating jobs. We have created, in the last 4 years, 7.5 million jobs. Unemployment is at a 4.4 percent unemployment rate.

☐ 2230

I have a county in my district that has a 2.8 percent unemployment rate. That is incredible, 2.8 percent. I was under the belief that full employment is when you have 97 percent of the people working, or close to 97 percent of the people, because you are always going to have folks transitioning and moving around; but I have got actually two counties that are under 3 percent. And as I said, this economy is growing because of those tax cuts.

It comes as no surprise to me, it should come as no surprise to millions of Americans, it should come as no surprise to my friends on the other side of the aisle, that when you cut taxes, the economy grows. When you cut taxes, also the revenues to the Federal Government increase.

And my friends on the other side of the aisle don't have to take my word for it. Go back to the 1960s when President John F. Kennedy cut taxes on the American people. And what happened? The economy grew and revenues grew coming into the Federal Government. In the 1980s Ronald Reagan cut taxes on the American people and American businesses and the economy grew and revenues grew coming into the Federal Government. And in 2000, once again history repeats itself. When you cut taxes, as we did, the Republican majority did, when you cut taxes, the economy grows, jobs are created, and we have seen record revenues coming into the Federal Government. In 2005 the revenues to the Federal Government grew by 14.5 percent, and last year, in 2006, they were over 11 percent growth in revenues to the Federal Government.

We have got to make sure that the American people are keeping more of their hard-earned dollars, not sending them to Washington, but that we are sending them back home. But in Washington we have to make sure that we are spending responsibly, and we are trying to balance the budget and we are working towards that and working in such a way that the budget is going to be balanced, and we have been working towards that in the last 4 or 5 years.

And I know that the Democratic majority, they talk about fiscal responsibility, but one of the first things they did was to change the rules of the House so that there was no longer a three-fifths majority needed to increase taxes. It is now a simple majority, and they can increase your taxes.

They have come out with a budget just last week, or 2 weeks ago, I guess, we passed a budget, and they make it seem like it is responsible, but a lot of things in that budget just don't add up. The PAYGO rule is something that, quite frankly, is difficult to understand. And I am privileged to have a colleague of mine on the House floor, a colleague of mine from Texas (Mr. CONAWAY), who is, first of all, on the Budget Committee, so he understands the complicated budgetary process that we face here in the Federal Government. But, more importantly, he is a CPA. He is a certified public accountant. So he understands the balance sheet, he understands the income statement, he understands not only that of a business, the government, but of the average American family and what it takes to balance a budget at home, in a business, and here in the Federal Government.

So with that, I would like to yield to my good friend from Texas to talk a little bit about the PAYGO rules and the budget and explain to the American people what is going to happen here in the next couple of months, weeks, and years in the United States.

With that I yield to Mr. CONAWAY.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman for letting me join him tonight in this Special Order.

I want to talk first about PAYGO, and then I want to talk about something a little closer to home for Texans, and that is the way sales taxes are treated in the budget and under the current Tax Code.

For the entire time I have been here in Congress, which is a relatively short period of time, my colleagues on the other side of the aisle have pounded away this idea, using the term "PAYGO." "Pay as you go" is the phrase, which rolls easily off the tongue but can have a multitude of definitions. And most of the folks in District 11 who hear the term "PAYGO," in other words, that you are going to pay for something as you go along, it really makes a lot of sense to them under a more traditional definition of that phrase.

This past week we had an interesting parliamentary ploy that our colleagues on the other side of the aisle used in order to get a vote on whether or not the delegate from Washington, DC would have voting privileges. And that is, it was debated at length last week, and it did pass. But it had a fiscal limit attached to it. It cost money. And our colleagues across the aisle, particularly the Blue Dogs, had made a huge point over the last 2-plus years of not wanting to pass anything where any new spending wasn't offset with either, in their preference, tax increases, and the second least likely choice would be to reduce spending in other areas to in effect offset that so that any new spending would be paid for, as that phrase is used, with tax increases or, less likely, spending cuts in other areas.

Well, the first bill that passed last week had an interesting rule attached to it in which our colleagues from the Rules Committee had said that if a bill passes on the floor of the House, if the companion bill does not pass, then in spite of the fact that the first bill passed on its own, neither bill would be able to be sent to the Senate if the latter bill didn't pass.

The latter one is the one I want to talk about tonight, and that was the bill that was passed in order to pay for the additional spending for the delegate converted to a Member and the new Member for Utah is going to cost. Now, in terms of West Texans, it is a lot of money. But in terms of the overall budget and the numbers that we typically deal with here in D.C., it is a relatively modest amount of money. But, nevertheless, it is new spending.

So the bill that did pass was to, in effect, alleviate the PAYGO violation that the first bill created by spending new money without offsetting it with increased taxes on someone or decreases in spending. And what the bill did was simply accelerate or increase the amount of estimated tax payments that taxpayers who make more than $5 million in adjusted gross income each year have to pay in.

Now, admittedly, folks who make more than $5 million a year in adjusted gross income are not a particularly sympathetic group. They are easy targets; so this increase in the estimated tax payment would pay for the additional spending on a strict cash-flow basis.

Now, what they have done, in effect, with this mechanism is to take an advance on next month's salary to pay for this month's expenses, which creates a very interesting definition of PAYGO. It is not by any means a traditional definition of PAYGO, but as I noted last time I looked, most of the colleagues on the other side of the aisle voted in favor of what I would call a very twisted version of PAYGO to get out from under this taint that their first bill passed.

The mechanics are that folks who make more than $5 million a year in adjusted gross income have to make quarterly estimated tax payments, in addition to whatever withholding they may make on their salaries, in order that on April 15 of the following year they have paid in all of the money that they will owe in taxes that year, estimated to have made.

So they will make a payment on April 15 for their 2007 taxes. They will make a payment on June 15 for 2007 taxes. They will make a payment on September 15, and then they will make a final payment on January 15 that should, in effect, pay 100 percent of their 2007 tax bill.

What this provision does is it creates a safe harbor for those folks that says if their income went up substantially from one year to the next, then they may have paid in less money than is due for that year.

□ 2240

The mechanics of this is the Tax Code creates a safe harbor for these taxpayers. It says if you've paid in 100 percent of what your actual was the year before, and you've paid that in by April 15 and your ultimate tax liability is a lot more than that, then there are no penalties and interest associated with it if you do the catch-up on April 15.

So what the bill last week did is it increased that safe harbor number by one-tenth of a percent. Now, this is a bunch of mumbo-jumbo for most folks back home, but basically what this does is we have borrowed the money to pay for these additional expenses from someone that may or may not owe additional taxes. And, in fact, the bill sponsor from the other side specifically said at the end of his conversation on the floor last week that his bill raised taxes on no Americans, did not raise any new tax, did not raise any taxes.

So what we had here is a cash flow issue that accelerated some cash flow to the Federal Government, and under this scoring mechanism that we use, it appears that PAYGO has not been violated. it has been honored. But basically what we've done with this version of PAYGO, and apparently there are going to be multiple versions of PAYGO that get talked about on this House floor, this version of PAYGO simply says that if we can take an advance from next month's salary to pay for next month's expenses, then we're okay, and we will worry about next month next month. So this is a very interesting concept for PAYGO. It is not the traditional PAYGO that most folks in District 11 would understand and agree to. It is a new version.

Mr. SHUSTER. Can you explain that PAYGO so people understand it better, what PAYGO really means, what it should mean.

Mr. CONAWAY. In its purest form it would mean that any new spending that this House decides is good Federal new spending, whether that's new, new spending or a growth in expenditures that is built into current mechanisms, would be paid for, in effect, by raising taxes, new taxes from somewhere, or reducing expenses in some other place in this Federal Government so that you have a net zero. In its purest form it would apply to both new programs as well as existing entitlements that grow on their own, that we would continue to keep the number, in effect, flat if we are using offsets against expenses; or if we increased it, we would increase taxes to pay for it so that the deficit wouldn't get any worse or any better under PAYGO. We wouldn't cause any problems with new legislation that would cause the Federal deficit, in effect, to go up by either doing like we do at home, getting a part-time job to help pay for those other expenses, or making some tough hard choices on priorities, setting priorities to reduce spending in some other area to provide for monies for this new spending that may be coming in.

So that is PAYGO in its purest form. It's unusual, not likely that we would get, collectively, both sides of the aisle to agree to that strict a term of PAYGO. The PAYGO that will probably be used often is some variation of what you may have heard about tonight, and others. Spending that grows on its own under the entitlements programs that are out there probably isn't subject to PAYGO. We won't have to offset that or increase expenses anywhere else. We just let that continue to grow out. So there will be a variety of definitions.

So what I hope to be able to communicate to the folks in District 11, and, Mr. Speaker, what I hope other Americans understand is that when they hear the phrase "PAYGO," it is all in the definition. It is all about what does it mean. Because apparently PAYGO has a variety of meanings in these Chambers from time to time. And the one that was used last week, in my view, is flawed in the purest sense of PAYGO.

So if you would indulge me a couple more minutes to talk about sales taxes, that is particularly important to folks from Texas.

The tax extensions and the tax changes that were brought about 2001–2003 and more recently extended into 2006 address some inequities between States that have State income taxes and States that don't. Texas is one of those States that does not have a State individual income tax and, as such, funds its State and local governments through property taxes and sales taxes, along with a lot of other fees and excise taxes, those types of things.

But under our current Federal Income Tax Code, all States that have income taxes, those citizens get to deduct their income taxes from their Federal taxable income in order to get to a net tax; in other words, they are not paying Federal tax on the monies that they have to pay into their State governments. They get a deduction for that, and that's fine.

But to States like Texas, since we have no income tax, we don't get a deduction. In the past, beginning in 1986 and forward, off and on again, Texans were allowed to deduct their sales taxes in lieu of a State income tax. So a citizen could look at whichever tax they paid and deduct that, and it would put those citizens on a more equitable footing with citizens from States that pay taxes. In effect, what you get, if citizens from non-income tax States don't get to make that deduction, then they in effect are paying a higher Federal income tax than taxpayers in equivalent circumstances in States with an income tax, and that is inequitable and should be addressed.

So the impact specifically on Texans, if this is not fixed, would be that the average tax increase per taxpayer, as computed by the Heritage Foundation, the average tax increase per taxpayer, not family, but per taxpayer, for Texans, would be $2,755 per year beginning in 2011. The loss of income per capita, and this is income lost on top of the increased taxes, is $510 per person. And Texas will lose, as a result of this, estimated in 2012, 75,000-plus jobs.

Let me talk in a little further detail on District 11, which I represent. The tax increase there per person will be a little bit less than the state-wide average. We will have a tax increase per taxpayer of $2,091 a year, about $200 a month almost. And then on top of that there will be another $974 that each taxpayer will lose in income on top of this tax increase. And there will be 2,153 jobs lost across the district.

This happens if we allow this unfair, inequitable circumstance to exist between States that have State income taxes and States that don't at the Federal level. And I am hoping that, while it's not provided for this year in the budget that was passed, I am hopeful that our colleagues on the other side of the aisle will see this as one of those opportunities for tax equity in our Tax Code, and we will put in the right provisions in the next tax bill that would allow Texans to deduct sales taxes in lieu of their Federal income tax.

My colleague from Pennsylvania, I appreciate you giving me this time tonight, and I yield back.

Mr. SHUSTER. I thank the gentleman. I appreciate you coming down and talking about the budget because I know you understand it; but as I said earlier, more importantly as a CPA, you really understand what the Tax Code means to individual businesses and families.

In fact, just last week I had a conversation, I would say it was an unfortunate conversation with my CPA as we went through my tax returns and had to pay taxes, as millions and millions of people across this country had to do.

I know the gentleman said he had one more point to make.

Mr. CONAWAY. I had one more comment. I was also sitting with my older son, who is a broker with Merrill Lynch. And while his CPA was handing him his tax return, he was going through it, looking at it and he suddenly discovered that he owed a relatively sizeable amount of alternative minimum tax. And we will go through that concept on another night, but this is a tax that is going to catch a growing number of middle-income Americans that is, in effect, a tax increase on him. So once he discovered that he had now become subject to the alternative minimum tax, he was, shall I say, less than pleased with that number and is looking forward to this Chamber addressing the alternative minimum tax as a part of the overall tax fix. We are trying to come up with a tax scheme that collects the minimum amount of money needed to fund this Federal Government.

☐ 2050

Mr. SHUSTER. That ATM which I mentioned earlier and this conversation I have had over the past couple of weeks with my accountant, he is seeing married couples, both husband and wife are teachers, and they are real close to getting caught up in that minimum tax. Again, two teachers making a decent living, and they are getting caught up in a tax code that is increasing their taxes. We need to address that.

As I said, talking to my accountant last week, as millions of Americans had, to fill out the paperwork and write checks to pay their taxes, it is a yearly ritual that is unavoidable. The government has made this an incredibly complicated process to go through. Not only does it seem we are ignoring the need to extend these tax cuts so Americans pay less, but we are ignoring the fact we need to reform our Tax Code to make it simpler.

I recently read an article by John Stossel from ABC, and he wrote in 2005 Americans spent 6.4 billion hours complying with the Federal Tax Code. He further stated that a Washington-based group, The Tax Foundation, calculated that that 6.4 billion hours was valued at $265 billion, was what Americans spent on complying with the Tax Code. That is more than the Federal deficit last year.

If we could cut that in half, imagine $130 billion going into the economy.

our small businesses being able to buy more equipment, employ more people, build a new building, expand their operations; the American family, having $130 billion to buy a new washer and dryer, save for college. What will it do for this economy? We have to make sure we pay attention to that.

As we were talking earlier tonight, the Democrat budget put out last week, in Pennsylvania alone it is going to increase taxes by 2009 on the average Pennsylvanian by over $3,000. We hope that people will e-mail us at countdowncrew@mail.house.gov and let us know what $3,000 would mean to your family, how important that would be, that you would have that $3,000 to spend, instead of sending it to Washington.

As we keep pointing out, by 2011, if we don't act, the Democrat majority is going to increase taxes by almost $400 billion. It will be the largest tax increase in American history. I haven't been able to document this, but I think it is probably the largest tax increase in the history of the world. The American people need to understand that. That is the sad reality. We are taxing too much. We have got to make sure that we in Washington are making this government work efficiently and not wasting their money, but making sure that they continue to keep more of their hard-earned dollars.

Next Monday night is going to be Tax Freedom Day, April 30 this year. That means Americans will, after April 30th, starting May 1, will be able to start working for themselves. The first 4 months of the year they have been working to pay their taxes, and on May first they work for themselves.

Mr. CONAWAY. Mr. Speaker, I need to correct something. The sales tax issue that I was talking about is included within the overall numbers that I talked about. Those overall numbers are the same ones that compare to the $3,000 tax hit that you will have. The sales tax issue is included with the other expiring Tax Code provisions that we were able to implement in 2001 and 2003.

So the numbers I quoted was not just sales taxes, but sales tax is an element in Texas of $2,755 increase, in District 11 a $2,391 increase. So it is more than just a sales tax. I think I misspoke earlier in our conversation when I was talking about sales taxes. That sales tax issue is included in that number as well.

Mr. SHUSTER. I appreciate the gentleman for pointing that out.

As I said, next Monday night, April 30, Tax Freedom Day, Americans will begin to start working for themselves. In 2003, Tax Freedom Day was April 18. We have slowly grown to April 30. It will be even longer than that if this Congress doesn't act. The percentage the Federal Government is going to take from people will grow. People will earn less. As I said earlier, the average Pennsylvanian, and there are 4.7 million Pennsylvanians that will pay taxes, on average that tax will go up by $3,000.

So we hope the American people communicate with us at countdowncrew@mail.house.gov and let us know what they could do with that $3,000, as well as over the past 4 or 5 years what it has meant to them, whether it is their family, whether it is a small business, how they have been able to utilize those tax cuts in expanding their business and saving for their children's future. These are extremely important matters that this Congress has to address.

As we started off saying, in 1,349 days, if we don't act, if the U.S. Congress doesn't act, there is going to be the largest tax increase in American history.

So I appreciate the gentleman from Texas. I don't know if you have anything else to add. If not, I will yield back the time. I know some of our other colleagues have come to the floor here to talk about important things.

But we want to make sure the American people know what is going to happen if the flawed logic is employed that if we don't vote on a tax increase, it is not really a tax increase, when in fact if people pay more money, that is a tax increase. The American people need to know that.

I appreciate my colleague coming down to the floor tonight.

TORT REFORM

The SPEAKER pro tempore (Mr. ELLISON). Under the Speaker's announced policy of January 18, 2007, the gentleman from Missouri (Mr. CLEAVER) is recognized for half the remaining time until midnight.

Mr. CLEAVER. Mr. Speaker, I appreciate the opportunity to stand here on this floor.

The subject of this special hour will be a debate between myself and the gentlewoman from West Virginia, Mrs. CAPITO. But before we begin our debate, which is aimed primarily at demonstrating to our colleagues that we can speak passionately about a matter and still avoid name calling or irreverence or incivility, before we get into our debate on tort reform, I would like to yield to the gentlewoman from West Virginia for some special comments unrelated to our debate.

IN MEMORY OF JUANITA MILLENDER-MCDONALD AND THE VICTIMS OF THE VIRGINIA TECH TRAGEDY

Mrs. CAPITO. Mr. Speaker, I would like to thank the gentleman from Missouri. I look forward to our second debate, our second civil debate on a new topic.

Before we move to the subject at hand, I would like to join with my colleagues in expressing my deep sorrow at the passing of our colleague, JUANITA MILLENDER-MCDONALD. Just briefly, she was a kind and gentle person. She was a great advocate for many things that she believed in. She was a pioneer. But, for me, she was just a very helpful and warm and friendly person.

When I came to Congress, she had already been here for several years. She was the chairman of the Caucus on Women's Issues, and I was the vice chair for the Republican side. JUANITA was always very helpful, always very concerned that I was making my way in my first several months in Congress, and I think the way she crossed the aisle, the way that she treated me with kid gloves, so-to-speak, in the beginning of my term, is something that I will never forget. So my thoughts and prayers are with her. Bless her family during this very tough time, and know that she will be missed.

I would also like to express publicly before this body and before this Nation my deep sadness over the tragic events at Virginia Tech last week. I haven't spoken publicly on the House floor about this, but it is deeply crushing to all of us, has been, and it has sort of set a pall or a feeling of helplessness for all of us.

I have college age children. I can't imagine the despair the families are feeling who have lost a loved one, to realize that that phone call that you are waiting for is never going to come.

So, to my friends in the Virginia Tech community, many West Virginians attend Virginia Tech. We have a great fondness for Virginia Tech, except possibly when we are playing them in football. But certainly our collective hearts go out to them during this difficult time.

I yield back to my friend from Missouri, and we will kick off the evening.

□ 2300

Mr. CLEAVER. Mr. Speaker, I would like to associate myself with the comments of the gentlewoman from West Virginia (Mrs. CAPITO). I too would like to express sympathy to Ms. MILLENDER-MCDONALD's family and to the families of those young people whose lives were senselessly taken at Virginia Tech.

The issue surfaces from time to time that there is a desperate need for us to do something major legislatively for tort reform, that these greedy trial lawyers are out damaging if not destroying the Nation, running people out of the medical profession, creating economic problems for oil companies. I take a different view of that. Obviously, there are inappropriate lawsuits, and I think the courts usually deal with those.

But trial lawyers work to provide somewhat of a level playing field for most Americans, small Americans, so they can hold even the most powerful corporations accountable for their actions when they cause injury or death.

Today drug companies and oil companies, big insurance companies and large corporations too often dominate our political process and they begin to ask legislators to restrict access to the courts. When corporations and CEOs act irresponsibly by refusing or delaying to pay insurance claims, producing unsafe products, polluting our environment or swindling their employees or shareholders, the last resort for Americans, and this is our system, is to hold them accountable in our courts of law. By holding them accountable, trial lawyers and their families are able to feel that this is a safer America.

From automobile fuel tanks that explode in rear-end collisions to bulletproof vests that fail to stop bullets aimed at police officers, we have to realize that there must be some corporation, some individual held accountable. And these cases that I mentioned earlier were actual cases and they brought to light deceptive practices and coverups by manufacturers that resulted in serious injury and even death.

The civil justice system helps provide compensation to those that are injured and helps prevent other needless injury from occurring.

I will now yield to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Thank you, I appreciate your opening statements. This may be a very civil debate because I couldn't agree with you more in that our civil justice system should be readily available, should be the place for the individual to seek redress when they have been wronged by either a corporation or corporate injustice or product failure. And I think that is the intent of our court system.

However, what we are experiencing now in the United States is an overabundance, a glut of lawsuits that are clogging our courts, that are in some cases awarding outrageous jackpot types of awards, and because of that, because of that jackpot sort of mentality, many people with their legal assistance are clogging the courts so that those people who have suffered injustices and those people who are due awards are unable to get there.

One of the issues that I think is extremely important is the cost to our economy. We talk all of the time on the floor about the importance of small businesses in the United States. I come from a small State, and I think small business comprises close to 90 percent of the businesses in our State. When you look at the burden of the current tort system on our small businesses, we are breaking the backs of our small business people.

I would like to refer to my chart over here: effect on small business, the tort liability price tag for small businesses in America is $88 billion a year.

Small businesses bear 68 percent of business tort liability costs, but only take in 28 percent of business revenue. And for the very small businesses, the tort liability price tag is $33 billion.

These are statistics that show, and this is from an independent resource, it is not from a group that is shaded one way or the other. It has shown the rise in the cost of tort claims in this country.

Very small businesses pay 44 percent of tort liability costs out of pocket as opposed to through insurance. And so what happens is a lot of times small businesses, one small business is one large case or one frivolous lawsuit away from having to close their doors.

I yield back to the gentleman from Missouri to see if he has a reaction to that.

Mr. CLEAVER. I think there are perhaps some legitimate concerns by small business owners, but I don't think that the trouble is with the litigation. I think the problem is with insurance companies. Now, the gentlewoman and I both serve on the Financial Services Committee; and one of the concerns we have been grappling with, particularly in the aftermath of Hurricanes Katrina and Rita on the gulf coast, is that insurance companies that are not regulated by the United States Federal Government from time to time are the culprits, and I will get back to that in just a minute. But I wanted to say that the tort filings in State courts have declined by 10 percent since 1994. And automobile filings which make up the majority of tort claims have fallen 14 percent.

So what you are finding is that more and more cases are not finding their way into the courts. But what troubles me and I think will trouble Americans when they find out more about it is the fact that the insurance companies end up really being the beneficiaries in the debate that occurs from time to time in this country on the subject of tort reform. The reason I say that is that there was a study done that showed that even in States where tort reform occurred, insurance premiums never dropped, and in some instances they actually increased.

So we have a problem with the small businesses that I agree exists, but I am suggesting that one of the ways in which we deal with this problem is not trying to restrict the courts from dealing with the claims that people bring before them, but rather for the insurance companies.

Let me give one example, Mr. Speaker. A month after passing malpractice caps, South Carolina's two largest insurers increased rates by as much as 22 percent after increasing their rates by 27 percent the year before.

And after Texas passed rate caps in 2003, the Joint Underwriters Association requested a 35 percent premium increase for physicians and 68 percent for hospitals. This is after tort reform, after things were supposed to have been reformed so that people are protected. So the winner ends up being the insurance companies.

Mrs. CAPITO. I am glad you brought up medical malpractice reform because in West Virginia we have lived this subject since I have been in Congress. In the campaign of 2002, many doctors were leaving the State of West Virginia, closing up shop, early retirement, choosing to try another State because of either the unavailability of medical malpractice insurance or the astronomically skyrocketing escalation of medical liability reform.

So an interesting thing happened. West Virginia is known to be a State that is very tort friendly. So people asked me how did the State legislature, which is predominantly Democratic, and the Governor, who was Democrat, how were they able to pass with relative ease such massive medical malpractice reform legislation. I know exactly how because I was in that campaign in the 2002 year.

☐ 2310

It was people coming up to you on the street saying my doctor's leaving. It was grandparents, it was seniors, it was pediatricians, OB/GYNs, neurologists, trauma specialists. Our largest hospital in my community had to close and be downgraded in terms of their trauma because the trauma surgeons left because of the high cost of medical liability reform causing, in one case, a young child in Putnam County, which is like 30 minutes away, had to drive all the way to Cincinnati, he and his parents, 4 hours away, to have a penny removed from his windpipe because there was no one to do it in our local area. That could have been a life-ending experience for that family, a very, very tragic one, and actually had a happy ending.

So the legislature got on board, the Governor got on board and passed State medical malpractice reform with a cap. I believe it is a half million dollars on noneconomic damages. I am not 100 percent sure. There was a debate on 250 or 500, but I think it was 500. They created a West Virginia Mutual Insurance Company, and according to the statistics that I have in front of me, those medical malpractice premiums have gone down 5 percent in not only general practice but also in the specialties.

The large hospital I referred to earlier, where they could not recruit and retain physicians, they now are adding 49 and 50 new positions a year, whereas before they were afraid they were not even going to be able to attract 15 or 20.

So this medical liability reform has had a phenomenal effect in our State of West Virginia. And if I can get my other chart out here real quick, this shows some States that are considered to be in crisis, which I notice your State is in crisis over here, and West

Virginia would have been in the red, in the crisis area, but we moved ourselves out to caution. We are in the yellow area, where we were actually considered one of the most difficult climates for practitioners of medicine to come. We are not a State where we are able to retain and control, and it is directly attributable to the medical liability reform bill that we passed, that the State passed in 2003.

Mr. CLEAVER. May I inquire of the gentlewoman from West Virginia, the white States are what?

Mrs. CAPITO. Stable. They are considered stable. Look over here. California, which is held up to be one of the States that passed medical liability reform in the 1970s, it is considered stable, and West Virginia was modeled after what was done in California.

Mr. CLEAVER. I think, to some degree, that helps my position, not with West Virginia because I am not familiar with West Virginia, but you are absolutely right about my home State of Missouri. But it all relates back to my earlier comments about insurance companies.

A national study conducted in 2005 by former Missouri Insurance Commissioner Jay Angoff found that insurance companies have been price-gouging doctors by dramatically and drastically raising their insurance premiums, even though claims for payments have been flat or decreasing. According to the annual statements of 15 large insurance companies, the 15th largest in fact, the amount malpractice insurers collected in premiums increased by 120.2 percent between 2000 and 2004, while claim payouts rose by only 5.7 percent.

I think if you look at the report from Jay Angoff from the Missouri Insurance Commission, you find that clearly the insurance companies are the ones doing enormous damage to this country.

The other issue is that I think the insurance companies have gouged so much that many of the people in the country, probably even in my home State, operate under the assumption that malpractice costs run physicians away from their profession.

The truth of the matter is that, according to the American Medical Association, the number of physicians in the United States of America increased by 40 percent since 1990, 40 percent. And so more and more men and women are going into the profession, even as the insurance companies are creating this crisis, and they are the ones that seem to be held harmless. They are rarely the center of the debate. It is usually the lawyers and the physicians.

I take the position that neither of them are actually the villains here. It is the insurance companies that continue to increase the rates. They pay out less money in the payments and then they are getting fatter and fatter.

One last comment on this. According to the Bush administration's Justice Department, if I can find their study, the Justice Department actually says that we are dropping in the number of cases that are being brought forward in the courts, and so I think what we end up doing, I think, is fighting a ghost, because the insurance companies have become ghostly in that they can become invisible during the debate because they do not have to get in it because they have not been portrayed as either the victim or the villain. So I would suggest that our positions may not be dramatically different except that I see the problem more in the hands of the insurance companies.

Mrs. CAPITOL. Well, I think I would like to go back a little bit to medical malpractice, talking about it. See, I think you were making my case for me when you said the situation in Missouri, because you do not have medical liability reform, correct?

Mr. CLEAVER. That is right.

Mrs. CAPITO. You have skyrocketing costs of your medical liability. A lot of doctors, and I am sure you have had this conversation with the doctors, they practice basically with one arm tied behind their back because they are practicing medicine defensively. Nearly 80 percent of the doctors say they order unnecessary tests, and 74 percent say they make unnecessary referrals to specialists due to the fear of being sued. A lot of doctors are practicing defensive medicine, ordering many more medical procedures and tests to cover themselves in the case of a legal test or a lawsuit, and that raises the cost of not only their insurance but it also raises the cost of every individual's health insurance because it raises the cost of practicing medicine or delivering health care in a general sense.

I think that a comprehensive solution is certainly part of what we need to look at here, and that does include the insurance companies most certainly, but it also includes looking at what has happened in some manufacturing segments that have had extreme loss of jobs; 52,000 to 60,000 jobs have been lost in the manufacturing segment of this country because of bankruptcies being caused by massive and huge tort lawsuits. And so I think that there is a median here, there is an easy median that we can find here.

But I would recommend to you that the experience that we had in West Virginia with medical liability reform, across the board, bringing more specialists in as a result, bringing the cost of medical liability insurance down, recruitment and retention of physicians is something that we need to look at nationwide, and that is why I support a Federal medical liability reform which I am sure is no surprise to you that I would support that and have been pushing for it over the last 7 years.

But I think there is also a cost to just the individual person as we inflate the cost of defending ourselves, businesses defending themselves, doctors defending themselves, hospitals defending themselves.

My final chart here, and I do not know if you can read it or not, but I will read the bottom line here. It shows that in 2005, the U.S. population being approximately 296 million, that the tort cost per capita for each individual is $880.

☐ 2320

Whereas when you were talking about 1990 with the physicians, in 1990, that cost was only $522, which is still too much. So I think that we need to find a medium here where we can control frivolous lawsuits, where we can control the ability of people to have mass torte actions and seek friendly environments for those torte actions. And we tried to address that in Congress with a class action reform. And we need to make sure that those people that are damaged, hurt, have access to court, but also in a timely manner. With all this massive torte legislation or lawsuits in our courts, it is bogging up the courts and it is really hurting those people who are genuinely hurt and need to have remedies.

Mr. CLEAVER. The gentlewoman from West Virginia makes a good point. I do, however, think that this may cause her to join me. That is, according to the Bush administration, this is what I was looking for earlier, this is from the Justice Department of the Bush administration, their researchers found that the median inflated adjusted award in 2001 was just $28,000. And most of the discussion, you hear people talking about, millions, maybe even billions, but the average median inflated adjusted award in 2001 was $28,000. And even in medical malpractice cases in which the injuries tend to be far, far more serious than the average torte case, the median award was only $170,000, which is far from the multibillion dollar lottery torte reformers have often brought before us.

The other issue that I would like to bring forth is that, according to the Congressional Budget Office, malpractice costs amount to less than 2 percent of the overall medical cost. And so when we start talking about the cost of medicine and how it is skyrocketing, and it is, but when you think about the fact that the cost for malpractice or the cost for the insurance, which supercedes the cost really paid out, it accounts for only 2 percent of the overall medical costs in the United States, which is Herculean; but 2 percent is almost nonexistent.

And I think what has happened is that we have created a mountain out of a mole hill. That is not to say that there are not problems, but judges will quite often tell a lawyer that the case submitted is simply frivolous, and that case will never come to court, and then of course summary judgments can also prevent cases from ever coming to court. So judges have the option of looking at a case and deciding whether or not it is worthy of taking up the time and resources of the court.

And then the other part of it is that in an overwhelming majority of these cases, the amount or the award of the judgment is set by a jury, which are everyday people. And this is not to say that there should not be something done. I just think putting artificial caps would be the wrong thing to do. And that is generally one of the proposals that comes up. I'm not sure if the gentlewoman from West Virginia is supporting caps or not, but I think that if that is one of the solutions, I think a one-size-fits-all kind of solution is unfair to people who may suffer a very, very debilitating injury in the same category of someone who has a fender bender.

I yield back to the gentlewoman.

Mrs. CAPITO. Well, I think you are getting to the point here where you are talking about the difference between a legitimate claim and a frivolous claim.

I don't have statistics in front of me, but I know they exist in every court in America where certain frivolous lawsuits are put out on the table, they overreach in terms of not only are they suing maybe a business, but they are going to sue the manufacturer, they are going to sue the car they rode to go to work in, they are going to sue, you know, anybody with deep pockets is going to get sued for an alleged wrong. And it is absolutely a fact that some of these cases and more and more of these cases are not founded in legitimate fact. They are frivolous. They are trying to get into the system to get a quick fix, to get a lottery mentality, to have the corporation settle, or whoever settle, so they can get in and get out of the court system, and then have their attorney take a 40 or 50 percent cut from that.

I had a very startling thing happen to me. A gentleman approached me at a political gathering a couple of years ago. He had oxygen, he was walking very slowly. And he came up to me and he said, I have asbestosis, and I have lung disease from that. And I took my case to court with my lawyer. And he didn't tell me how much he was awarded, but he was awarded some remedy for that. And it was very obvious that he had difficulty breathing, and it was very obvious that he needed some help, a lot of help.

But what he wanted to show me that day was the invoice. He got a settlement every month or every two months, a pay-out, or it might have even been every year. But he showed me how much he got, and I think it was around $1,500. And every single time he gets that he has to take off 40 percent of that, or 45 percent of that, I think it was 40 percent in this case, for his attorney. Every single time he gets a payment, his attorney gets 40 percent. And this guy was on oxygen, could barely walk. And I think, you know, there is something wrong with the system where the harmed person who needs the help and has a legitimate claim, and certainly I know lawyers take risks by taking cases, I understand that part of it, but sometimes it just sèems astronomical to me that the fees are 40, by the time you get expenses, and 50 percent of what the court has determined that victim is due and willing. I think that is an injustice in the system, along with the frivolous lawsuits that we see clogging up our courts so this gentleman can get his case heard.

Mr. CLEAVER. The meritless cases, however, rarely ever win in the first place. I was offended when I first heard that somebody sued McDonald's because they ordered a cup of hot coffee and were burned by the hot coffee that they ordered. I was offended by that as well, and I think most Americans are. But in reality, the meritless cases rarely ever win in the first place, and that is contrary to the allegations that generally come forth, particularly from the major corporations.

They would have us believe that the frivolous lawsuits are just automatically finding their way to the courtroom and that they are meritless, but they win. And the truth of the matter is that our intricate system, with the law and juries and judges and even independent reviewers, will pretty much weed out the frivolous lawsuits. And they are filed to no one's benefit, except a lawyer, who I think we can find one in any profession who is going to try to take advantage of their system. And it has nothing to do with having gone to law school. It has something to do with human nature.

But I think that the way that this whole issue has been played out ends up actually protecting the one entity that I think is the most culpable, and that is the insurance companies that are not regulated.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There being no Republican hour at this time, the gentleman from Missouri is recognized for the remainder of the hour.

Mr. CLEAVER. I would yield to the gentlelady from West Virginia for closing remarks on the debate with regard to torte reform, and then I think we would like to express some concerns about civility, Mr. Speaker.

□ 2330

Mrs. CAPITO. Mr. Speaker, I thank the gentleman for staying up late, and I thank all those who are listening.

I think we have talked a lot about our different perspectives on tort reform. I have talked about the need to rein in the system, because we are losing jobs. We are costing the American public, each individual, $880 is the cost for every individual for the lawsuit glut that we have in this country. Unfortunately, some of those who are damaged or who are due and willing are unable to get into a clogged-up court system.

We are losing jobs in some of our manufacturing segment because of the exorbitant cost of litigation. In many States, we have a medical liability crisis where physicians are paying exorbitant amounts of their hard-earned dollars for the cost of medical liability insurance, and it has proven in my State, at least, if you pass good sense medical liability insurance reform, you can rein in the cost of insurance and can make the system better. I understand there are other players at the table here. There is the Bar, there is the individual, there is certainly the business community and there is the insurance community.

I think the best solution to this enormous problem, this very costly problem to the American economy, is to get everybody at the table for common sense reform. We passed class action reform, and it is helping to weed out some of those large and unwieldy cases and make them adhere to more stringent requirements.

With that, I yield back to the gentleman from Missouri to close on this topic.

Mr. CLEAVER. Mr. Speaker, there are people all around this country who look at C–SPAN on a daily basis and who look listen to radio talk shows, look at television news programs, and they see Members of Congress, both House and Senate, screaming at each other. They see from time to time the animated debates that take place on these shows, and even here in this great hall.

Many, many great patriots have stepped into the well of the House of Representatives to wax eloquent, because this is the place where the great orators stood and presented their cases to each other and to the American public. But in the past decade or so, we have seen a dramatic drop in the civility exercised by Members of this body, and we have seen it from both sides of the aisle.

Let me share something with you that I read the other day by William Penn, the founder of Pennsylvania. He said this: "I know of no religion that destroys courtesy, civility or kindness." That is the kind of statement that the Members of this great body ought to keep in mind when we step into the well.

I came to Washington and to the Congress with this desire in my heart, to do what I could to make this a more civil place. With the intensity and intention of debate, sometimes it is difficult to restrain ourselves. But restraint is something that we can do and feel better about having done it on the morrow. It is delayed satisfaction. We might get some immediate joy from being nasty, but the greater joy is restraint and receiving greater joy later, that you actually had the discipline to control your tongue.

I have opinions that are very, very strong. I feel strong about tort reform, not because I am an attorney. I have four children. None of them are attorneys. But I personally feel strongly about it because of some personal things that happened in my own family that could have gone to court, that we did not take to court for a lot of reasons. One of the things that we felt strongly about was our own integrity, so we didn't go to court.

But my challenge is to state whatever strong feelings I have in a tone that raises the level of the conversation and honors those who disagree with me.

When you look at the roots of the word "civility," to be civil is to be a citizen, a respected part of the community. So to be uncivil is to fracture the community, locally, nationally and internationally, and that is something that none of us can afford to do.

Not long ago President Gerald Ford died, and I was reminded of a story of his days here in this House. He held regular debates here in Washington with his Democratic counterpart Congressman Thomas Hale Boggs. They would debate at the National Press Club. At Congressman Gerald Ford's suggestion, they would ride over from the Capitol to the National Press Club and agree on the topic of the debate. Can you imagine that happening in 2007? Then, after the debate, they would go out and have lunch.

Mr. Speaker, that is the kind of House I think we need to demand as a part of what takes place in this city called Washington, D.C. I hope, I even pray, that the men and women of this great body will learn to exercise restraint, because what we do and say here in this hallowed place actually reverberates and ends up traveling all across the length and breadth of this Nation, and the words we say will impact the people around this country.

I say again, there are few Members of this Congress, if any, who would say to their children, watch C–SPAN and watch the leaders of this Nation debate, so that they can show you how to act around people with whom you have a disagreement.

We can do better, and I think we will. I believe that because Mrs. CAPITO is interested in doing this, the road towards civility is now under construction, and I enjoy serving with the gentlelady from West Virginia.

Mrs. CAPITO. Mr. Speaker, I thank the gentleman from Missouri for participating tonight. He is a very able debater. I learned in our first debate when we debated tax reform that you are a wonderful closer too, so I hate to close.

But I would like to talk a little bit about civility, because it is very important to me. It is about being polite. It is understanding that we have different views and that we don't disrespect one another because of that. It is about believing that our ideas, yes, we believe our ideas are the right ideas, but it doesn't necessarily mean that the opposite ideas or a different idea doesn't have merit. It also doesn't mean that because we are in different parties, we don't have a lot of to give and we don't have a lot to share. I think a lot of that gets lost here on the floor of the House.

My great fear is because of the partisanship and the evolved incivility of our debate, that when that person turns on that TV or that young person turns on C–SPAN to watch debate, they see the rancor and they see the acrimonious debate and some of the language that is used, and what do they do? They turn it off. And then what are they doing? They are not listening to the merits of the topic. They are not listening to tax reform ideas or medical malpractice reform ideas or the war in Iraq differing ideas, because of the tone, and the way it is delivered and the words that are used have lost their way and have turned the American public off.

Now, when I go and speak to people in my district and I begin to talk like that, people start nodding their heads, you are right. We do stop listening. We are no longer interested.

So I think while these hallowed halls have had more than their share of vigorous debate, there is a good way to do it, and there is a good way to convey our ideas in a very civil way.

I really appreciate the way, when you said that Gerald Ford and Hale Boggs used to drive over together and then have lunch afterwards, I think it is a little late for lunch tonight, so I think we will have to do that another time. But I have enjoyed debating this topic. I look forward to the next topic that we debate. I hope that when we get together again, maybe we can get some of our other colleagues here and have more of a round-robin so we can get our colleagues not only involved in the debate on the topic, but also demonstrating a civil way to present ideas to the American public.

□ 2340

GENERAL LEAVE

Mr. CLEAVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on the Special Order of the gentleman from New Jersey (Mr. PALLONE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of medical reasons.

Mr. EVERETT (at the request of Mr. BOEHNER) for today on account of official business.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of family matters.

Mr. LINDER (at the request of Mr. BOEHNER) for today on account of official business.

Mr. TIM MURPHY of Pennsylvania (at the request of Mr. BOEHNER) for today on account of official business.

Mr. POE (at the request of Mr. BOEHNER) for today on account of official business.

Mr. WICKER (at the request of Mr. BOEHNER) for April 19 and 20 on account of attending his daughter's wedding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WATSON) to revise and extend their remarks and include extraneous material:)

Ms. WATSON, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. BORDALLO, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Mr. SCOTT of Virginia, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. ESHOO, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1003. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 1130. An act to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.

ADJOURNMENT

Mr. CLEAVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 24, 2007, at 10:30 a.m., for morning hour debate, as a further mark of respect to the memory of the late Honorable JUANITA MILLENDER-MCDONALD of California.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1224. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Highly Migratory Species Fisheries [Docket No. 061113298-7046-02; I.D. 110106A] (RIN: 0648-AU91) received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1225. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Carribean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281-0369-02; I.D. 022207A] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1226. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska: Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01; I.D. 030207A] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1227. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Carribean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281-0369-02; I.D. 022207A] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1228. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Gear Restrictions and Georges Bank Yellowtail Flounder Trip Limits for the U.S./Canada Management Area [Docket No. 060606150-6240-02; I.D. 030107A] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1229. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 070213032-7032-01; I.D. 030707A] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1230. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska: Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 070213032-7032-01; I.D. 030707B] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1231. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 070213032-7032-01; I.D. 022807A] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1232. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Amendment 1 [Docket No. 060901235-7027-02; I.D. 082406C] (RIN: 0648-AQ87) received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1233. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Correction [Docket No. 060824226-7041-03; I.D. 082806B] (RIN: 0648-AU57) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1234. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 070213032-7032-01; I.D. 032007A] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1235. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a copy of the Atlantic Intracoastal Waterway Bridge at Deep Creek, Cheasepeake, Virginia Feasibility Study; to the Committee on Transportation and Infrastructure.

1236. A letter from the Administrator, FAA, Department of Defense, transmitting the Department's report on the foreign aviation authorities to which the Federal Aviation Administration provided services for Fiscal Year 2006, pursuant to Public Law 103-305, section 202; to the Committee on Transportation and Infrastructure.

1237. A letter from the Honors Attorney, Department of Transportation, transmitting the Department's final rule — Procedures for Reimbursement of General Aviation Operators and Service Providers in the Washington, D.C. Area [Docket OST-2006-25906] (RIN: 2105-AD61] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1238. A letter from the Paralegal, Department of Transportation, transmitting the Department's final rule — Clean Fuels Grant Program [Docket No. FTA-2006-24708] (RIN: 2132-AA91) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1239. A letter from the Secretary, Department of Transportation, transmitting the Department's final rule — Disadvantaged Business Enterprise Program [Docket OST-97-2550] (RIN: 2105-AD51) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1240. A letter from the Senior Vice President, Communications, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summary for Fiscal Year 2006, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

1241. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Veterans and Dependents Education: Topping-Up Tuition Assistance; Licensing and Certification Tests; Duty to Assist Education Claimants (RIN: 2900-AK80) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1242. A letter from the Assistant Secretary, Office of Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting the Department's report on the Transportation Security Administration's Voluntary Provision of Emergency Services Program, pursuant to Public Law 109-295; to the Committee on Homeland Security.

1243. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's report on Multilateral Development bank loans likely to have substantial adverse impacts on environment, natural resources, public health and indigenous peoples, pursuant to Section 1303(c) of the International Financial Institutions Act; jointly to the Committees on Appropriations and Financial Services.

1244. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Seventeenth Annual Report describing the Board's health and safety activities relating to the Department of Energy's defense nuclear facilities during the calendar year 2006; jointly to the Committees on Armed Services and Energy and Commerce.

1245. A letter from the General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2008; jointly to the Committees on Armed Services and Foreign Affairs.

1246. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Fiscal Year 2006 Defense Environmental Programs Annual Report, pursuant to 10 U.S.C. 2706; jointly to the Committees on Armed Services and Energy and Commerce.

1247. A letter from the Deputy Secretary of Veterans Affairs, Department of Veterans Affairs and Department of Defense Joint Executive Committee, transmitting a copy of the report for Fiscal Year 2006 regarding the activities and accomplishments of the Department of Veterans Affairs and Department of Defense Joint Executive Committee, pursuant to 38 U.S.C. 320; jointly to the Committees on Armed Services and Veterans' Affairs.

1248. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's position on several reform proposals made concerning the Citizens' Health Care Working Group report and the report of the Medicaid Commission; jointly to the Committees on Energy and Commerce and Ways and Means.

1249. A letter from the Secretary, Department of Energy, transmitting the Department's report on issues related to the Clean Coal Power Initiative, as required by Section 401(b) of the Energy Policy Act of 2005; jointly to the Committees on Science and Technology, Appropriations, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WELCH: Committee on Rules. House Resolution 327. Resolution providing for consideration of the bill (H.R. 362) to authorize science scholarships for educating mathematics and science teachers, and for other purposes (Rept. 110–105). Referred to the House Calendar.

Mr. FRANK: Committee on Financial Services. H.R. 1675. A bill to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors (Rept. 110–106). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MICHAUD (for himself and Mr. Smith of New Jersey):

H.R. 1992. A bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, Oversight and Government Reform, Rules, Energy and Commerce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE of Wisconsin (for herself, Mr. Frank of Massachusetts, and Mr. Scott of Georgia):

H.R. 1993. A bill to improve the delivery of counterterrorism financing training and technical assistance by providing for greater interagency coordination and cooperation, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McKEON (for himself and Mr. Keller):

H.R. 1994. A bill to provide more transparency in the financial aid process and to ensure that students are receiving the best information about financial aid opportunities; to the Committee on Education and Labor, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. Nadler):

H.R. 1995. A bill to provide a mechanism for a determination on the merits of the claims brought by survivors and descendants of the victims of the Tulsa, Oklahoma, Race Riot of 1921 but who were denied that determination; to the Committee on the Judiciary.

By Mr. GUTIERREZ (for himself, Mr. Paul, Ms. Carson, Mr. Clay, and Ms. Lee):

H.R. 1996. A bill to clarify the applicability of State law to national banks and Federal savings associations, and for other purposes; to the Committee on Financial Services.

By Mr. HIGGINS:

H.R. 1997. A bill to provide for reclassification of Chautauqua County, New York, for purposes of payment for inpatient hospital services under the Medicare Program; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin:

H.R. 1998. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA (for himself and Mr. Renzi):

H.R. 1999. A bill to authorize appropriations for assistance for the National Council of La Raza and the Raza Development Fund; to the Committee on Financial Services.

By Mr. DEAL of Georgia:

H.R. 2000. A bill to amend the Internal Revenue Code of 1986 to encourage private philanthropy; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. Terry, Mr. Gilchrest, Mr. Higgins, Ms. McCollum of Minnesota, Ms. Berkley, Mr. Delahunt, Mr. Pitts, Mr. Cohen, Ms. Schakowsky, and Mr. McDermott):

H.R. 2001. A bill to amend the Internal Revenue Code of 1986 to apply the energy credit to combined heat and power system property; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 2002. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for enhanced retirement security in the form of an Individual Social Security Investment Program; to the Committee on Ways and Means.

By Mr. PAYNE (for himself, Mr. Honda, Mr. Moran of Virginia, Ms. Watson, and Mr. Clay):

H.R. 2003. A bill to encourage and facilitate the consolidation of peace and security, respect for human rights, democracy, and economic freedom in Ethiopia; to the Committee on Foreign Affairs.

By Mr. PETRI:

H.R. 2004. A bill to establish and strengthen postsecondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students; to the Committee on Education and Labor.

By Mr. SALAZAR:

H.R. 2005. A bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Mississippi:

H.R. 2006. A bill to improve the Nation's homeland security by strengthening the security of the visa waiver program under section 217 of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER (for himself, Mr. Wolf, Mr. Hobson, Mr. Moran of Virginia, and Mr. Boehner):

H.R. 2007. A bill to amend title 5, United States Code, to provide that the National Security Personnel System shall not apply with respect to certain laboratories within the Department of Defense; to the Committee on Oversight and Government Reform.

By Mr. UDALL of New Mexico:

H.R. 2008. A bill to direct the Secretary of Transportation to issue regulations that require air carriers to provide training for flight attendants and gate attendants regarding serving alcohol and dealing with disruptive passengers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WEXLER:

H.R. 2009. A bill to repeal the Medicare cost containment provisions contained in subtitle A of title VIII of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina (for himself, Mr. Young of Alaska, Mrs. Drake, Mr. Baird, Mr. Thompson of California, Mr. Allen, and Mr. Jindal):

H. Con. Res. 125. Concurrent resolution recognizing the health benefits of eating seafood as part of a balanced diet, and supporting the goals and ideals of National Seafood Month; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Ms. Baldwin, Mr. Farr, Mr. Holt, Mr. Stark, Mr. Pallone, Mr. Meehan, and Mr. McNulty):

H. Con. Res. 126. Concurrent resolution supporting the goals and ideals of the Day of Silence with respect to discrimination and harassment faced by lesbian, gay, bisexual, and transgender individuals in schools; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON:

H. Res. 328. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Juanita

MILLENDER-McDONALD, a Representative from the State of California; considered and agreed to.

By Mr. JONES of North Carolina (for himself and Mr. BUTTERFIELD):

H. Res. 329. A resolution congratulating the Barton College men's basketball team for winning the 2007 NCAA Division II Men's Basketball National Championship; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. McNULTY, Mr. MICHAUD, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. PAYNE, Mr. STUPAK, Ms. SLAUGHTER, Mr. GORDON, Mr. BARTON of Texas, Mr. SHIMKUS, Mr. UPTON, Mrs. BONO, Mr. MACK, Ms. BALDWIN, Mr. HINCHEY, Mr. BOUCHER, Mr. SCOTT of Virginia, Mr. DEAL of Georgia, Ms. HARMAN, Ms. HERSETH SANDLIN, Mr. ROSS, Mr. ENGEL, Mr. BAIRD, Mr. BUTTERFIELD, Mr. MURPHY of Connecticut, Ms. MATSUI, Mr. WALZ of Minnesota, Mrs. JONES of Ohio, and Mr. COHEN.

H.R. 21: Mr. ORTIZ, Mr. BARROW, Ms. SOLIS, Ms. ESHOO, Mrs. NAPOLITANO, Mr. DeFAZIO, Mr. MARKEY, and Mr. HOLT.

H.R. 41: Mr. PAUL, Mrs. McMORRIS RODGERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CUELLAR.

H.R. 42: Ms. NORTON.

H.R. 50: Ms. BORDALLO.

H.R. 98: Mr. DEAL of Georgia.

H.R. 140: Mr. RAHALL.

H.R. 171: Mr. TOWNS.

H.R. 174: Mr. GEORGE MILLER of California, Mr. ENGLISH of Pennsylvania, and Mr. GONZALEZ.

H.R. 176: Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Mr. RUSH, and Ms. KILPATRICK.

H.R. 180: Ms. BERKLEY.

H.R. 234: Mr. BLUMENAUER and Ms. LEE.

H.R. 254: Mr. JEFFERSON and Mr. COHEN.

H.R. 294: Mr. MICHAUD.

H.R. 315: Mr. SOUDER.

H.R. 322: Mr. GOODE, Mr. WILSON of South Carolina, Mr. BONNER, Mrs. BLACKBURN, Mr. SESSIONS, Mr. FORTENBERRY, Mr. SALI, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. ADERHOLT, Mr. BILIRAKIS, Mr. FORBES, Mr. BRADY of Texas, Mr. CRENSHAW, Mr. PENCE, Mr. McHENRY, Mr. MANZULLO, Ms. FOXX, Mr. HALL of Texas, Mr. BURTON of Indiana, Mr. COLE of Oklahoma, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. POE, Mr. SULLIVAN, Mrs. DRAKE, Mr. TANCREDO, Ms. ROS-LEHTINEN, Mr. BARRETT of South Carolina, Mr. GARY G. MILLER of California, Mr. LaHOOD, Mr. LEWIS of California, Mrs. SCHMIDT, Mr. BACHUS, Mr. TURNER, Mr. BUYER, Mr. JINDAL, Mr. LUCAS, Mr. NEUGEBAUER, Mr. GALLEGLY, Mr. DEAL of Georgia, Mr. RENZI, Mr. KLINE of Minnesota, Mr. AKIN, Mr. SOUDER, and Mr. SMITH of Nebraska.

H.R. 371: Ms. ZOE LOFGREN of California.

H.R. 412: Mr. DAVIS of Illinois.

H.R. 507: Mr. EMANUEL, Mr. ALLEN, Mrs. CAPPS, Mr. SCOTT of Virginia, and Mr. SCOTT of Georgia.

H.R. 551: Mrs. BONO, Mr. SHERMAN, and Ms. ESHOO.

H.R. 583: Mrs. MALONEY of New York, Mr. JACKSON of Illinois, Ms. BALDWIN, Mrs. CUBIN, Mr. PEARCE, Mr. UDALL of New Mexico, Mr. LYNCH, and Mr. RAMSTAD.

H.R. 612: Mr. CARNEY and Mr. ALTMIRE.

H.R. 621: Mr. CARNAHAN, Mr. GONZALEZ, and Ms. HERSETH Sandlin.

H.R. 631: Mr. BACHUS and Mr. RAMSTAD.

H.R. 636: Mr. PICKERING and Mr. BILIRAKIS.

H.R. 643: Ms. SUTTON.

H.R. 654: Mrs. DAVIS of California and Mr. DeFAZIO.

H.R. 661: Mr. ROTHMAN and Mr. DELAHUNT.

H.R. 676: Ms. LINDA T. SÁNCHEZ of California.

H.R. 687: Mr. HIGGINS, Mr. BECERRA, Mr. KING of New York, Mrs. EMERSON, and Ms. SCHAKOWSKY.

H.R. 690: Mr. BARRETT of South Carolina.

H.R.·694: Mr. CLAY, Ms. WATSON, and Mr. BISHOP of Georgia.

H.R. 724: Mrs. DRAKE.

H.R. 728: Mr. HOLT.

H.R. 729: Mr. VAN HOLLEN.

H.R. 752: Mr. SCOTT of Georgia, Mr. DAVIS of Illinois, and Mr. SMITH of Washington.

H.R. 784: Ms. ZOE LOFGREN of California, Mr. BURTON of Indiana, Mr. CRENSHAW, Ms. CARSON, and Mr. WELCH of Vermont.

H R. 881: Ms. GRANGER.

H.R. 891: Mr. MILLER of North Carolina, Ms. HARMAN, Mr. SIRES, Mr. DOGGETT, Mr. PORTER, Mr. LANGEVIN, and Mr. KILDEE.

H.R. 916: Ms. JACKSON-LEE of Texas and Mr. DAVIS of Alabama.

H.R. 942: Mr. WYNN.

H.R. 943: Mr. ALEXANDER, Mr. PLATTS, Mr. SPRATT, Mr. OBERSTAR, and Mr. PETERSON of Minnesota.

H.R. 954: Mr. WATT.

H.R. 964: Mr. PRICE of North Carolina.

H.R. 971: Mr. BISHOP of Georgia, Mr. JORDAN, Mr. POMEROY, Ms. JACKSON-LEE of Texas, Mr. WESTMORELAND, and Mr. RAHALL.

H.R. 980: Mr. CUMMINGS.

H.R. 984: Mr. EMANUEL.

H.R. 989: Mr. GILLMOR, Mr. LaHOOD, Mr. YOUNG of Alaska, and Mr. AKIN.

H.R. 1023: Mr. EDWARDS, Mr. LaHOOD, Mr. JORDAN, and Mr. DUNCAN.

H.R. 1028: Mr. ETHERIDGE and Mr. SHULER.

H.R. 1038: Ms. McCOLLUM of Minnesota.

H.R. 1043: Mr. McNULTY.

H.R. 1072: Mr. GRIJALVA.

H.R. 1095: Mr. MILLER of Florida.

H.R. 1098: Ms. SHEA-PORTER and Mr. McGOVERN.

H.R. 1102: Mr. HODES, Mr. ORTIZ, Mr. BURTON of Indiana, and Mrs. GILLIBRAND.

H.R. 1103: Mr. CLAY, Ms. SLAUGHTER, and Ms. MATSUI.

H.R. 1108: Mr. GONZALEZ, Mr. ARCURI, and Mr. KAGEN.

H.R. 1133: Mr. SIRES, Mr. FILNER, Ms. HOOLEY, Ms. LORETTA SANCHEZ of California, Mr. DeFAZIO, Mr. ENGEL, Mr. ACKERMAN, Mr. LARSEN of Washington, Ms. KAPTUR, Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, Mr. LARSON of Connecticut, Ms. SCHAKOWSKY, Mr. HARE, Ms. WATSON, Mr. McGOVERN, Mr. SERRANO, Mr. PASCRELL, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. HOLT, and Mr. GRIJALVA.

H.R. 1147: Mr. LARSON of Connecticut and Mr. NEAL of Massachusetts.

H.R. 1148: Mr. GENE GREEN of Texas.

H.R. 1188: Mr. MARSHALL.

H.R. 1222: Ms. DeLAURO, Mr. McDERMOTT, Ms. ROYBAL-ALLARD, Mr. HINOJOSA, Mr. GEORGE MILLER of California, and Mrs. MUSGRAVE.

H.R. 1223: Ms. DeLAURO, Mr. McDERMOTT, Ms. ROYBAL-ALLARD, Mr. HINOJOSA, and Mr. GEORGE MILLER of California.

H.R. 1238: Mr. HONDA.

H.R. 1246: Mr. LOEBSACK.

H.R. 1253: Mr. ELLISON.

H.R. 1275: Mrs. DAVIS of California, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. LANTOS, Mr. BACA, Mr. GENE GREEN of Texas, Ms. SOLIS, Ms. CLARKE, Mr. PRICE of North Carolina, Mr. SERRANO, and Mr. ANDREWS.

H.R. 1283: Mr. CARNAHAN, Mr. KAGEN, Mr. POMEROY, Ms. HOOLEY, and Mr. RYAN of Wisconsin.

H.R. 1287: Mr. INSLEE.

H.R. 1293: Mr. INSLEE, Mr. PRICE of North Carolina, Mr. ENGEL, Mr. DENT, Mr. KUHL of New York, Mr. RENZI, and Mr. JINDAL.

H.R. 1303: Mr. ACKERMAN.

H R. 1312: Mr. CONYERS.

H.R. 1328: Mrs. CAPPS.

H.R. 1338: Mr. LOEBSACK, Ms. SUTTON, Mr. TIERNEY, Ms. LINDA T. SÁNCHEZ of California, Mr. ANDREWS, Mr. UDALL of New Mexico, Mr. AL GREEN of Texas, Mr. DICKS, Mr. MILLER of North Carolina, Mr. ABERCROMBIE, Mrs. TAUSCHER, Mr. ISRAEL, Ms. SHEA-PORTER, Ms. CLARKE, Mr. CROWLEY, Mr. HARE, Mr. RODRIGUEZ, Mr. SCHIFF, Mr. BISHOP of New York, and Mr. PAYNE.

H.R. 1343: Mr. MITCHELL, Mr. LINCOLN DAVIS of Tennessee, Mr. WICKER, Mr. ROSS, Mr. ALLEN, Mr. ORTIZ, Mr. SCOTT of Virginia, Ms. SOLIS, Mr. DOOLITTLE, and Mr. BAIRD.

H.R. 1344: Mr. ROSS, Ms. McCOLLUM of Minnesota, and Mr. DOYLE.

H.R. 1355: Mr. GARY G. MILLER of California.

H.R. 1371: Ms. CARSON.

H.R. 1385: Ms. MATSUI and Mr. GRIJALVA.

H.R. 1386: Ms. BALDWIN and Mr. ABERCROMBIE.

H.R. 1396: Mr. BRADY of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. DeFAZIO, Mr. FRANK of Massachusetts, Ms. CLARKE, and Mr. LANTOS.

H.R. 1406: Mr. McNERNEY and Mrs. GILLIBRAND.

H.R. 1408: Mr. BISHOP of Georgia.

H.R. 1415: Mr. JACKSON of Illinois.

H.R. 1416: Mr. MEEHAN, Mr. UDALL of Colorado, and Mr. WELCH of Vermont.

H.R. 1422: Mr. GEORGE MILLER of California.

H.R. 1439: Mr. SERRANO, Mr. SHADEGG, Mr. SCHIFF, Mr. SOUDER, Mr. DeFAZIO, and Mr. McCAUL of Texas.

H.R. 1440: Mr. LoBIONDO.

H.R. 1441: Ms. HIRONO.

H.R. 1470: Mr. LATHAM.

H.R. 1475: Mr. CONYERS, Mr. STARK, Mrs. JONES of Ohio, and Ms. SUTTON.

H.R. 1541: Mr. DOYLE and Mr. CARNEY.

H.R. 1551: Mr. MURPHY of Connecticut.

H.R. 1553: Mrs. JO ANN DAVIS of Virginia.

H.R. 1582: Mr. ENGLISH of Pennsylvania.

H.R. 1616: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. JACKSON of Illinois.

H.R. 1617: Mr. SKELTON, Mr. CLAY, and Mr. CLEAVER.

H.R. 1619: Mrs. MILLER of Michigan.

H.R. 1627: Mr. GOODE, Mr. BARTLETT of Maryland, and Mr. WOLF.

H.R. 1655: Mr. HOLT, Mr. RANGEL, and Mr. CARNAHAN.

H.R. 1660: Mrs. MUSGRAVE.

H.R. 1663: Mr. ENGEL, Mr. McDERMOTT, Mr. BECERRA, Mr. FARR, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. McNULTY, Mr. HINCHEY, Ms. McCOLLUM of Minnesota, Ms. SCHAKOWSKY, Ms. BALDWIN, and Mr. RANGEL.

H.R. 1674: Mr. JOHNSON of Georgia, Ms. SUTTON, and Mr. SOUDER.

H.R. 1700: Mr. McGOVERN, Mr. JOHNSON of Georgia, Ms. WASSERMAN SCHULTZ, Mr. EMANUEL, Mr. PASCRELL, and Mr. DOYLE.

H.R. 1702: Mr. WELCH of Vermont, Ms. NORTON, and Mr. FATTAH.

H.R. 1705: Mr. GINGREY, Mr. DUNCAN, and Mr. EHLERS.

H.R. 1707: Mr. JACKSON of Illinois and Mr. WELCH of Vermont.

H.R. 1713: Mr. FILNER and Mr. WATT.

H.R. 1721: Mr. HILL.

H.R. 1728: Mrs. CAPPS and Mr. VAN HOLLEN.

H.R. 1742: Mr. PAYNE.

H.R. 1756: Mr. AKIN, Mr. ALEXANDER, Mrs. MUSGRAVE, and Mr. DONNELLY.

H.R. 1757: Mr. LUCAS, Mr. COLE of Oklahoma, and Mr. SULLIVAN.

H.R. 1773: Mrs. NAPOLITANO and Mr. HOEKSTRA.

H.R. 1776: Mr. FARR, Mrs. BOYDA of Kansas, and Mr. MCGOVERN.

H.R. 1778: Mr. REICHERT, Mr. ROTHMAN, and Mr. GALLEGLY.

H.R. 1783: Mr. GEORGE MILLER of California, Mr. MICHAUD, Ms. SCHAKOWSKY, Mr. MCNULTY, Mr. MCHUGH and Ms. SLAUGHTER.

H.R. 1784: Mr. SHAYS.

H.R. 1819: Mr. RUPPERSBERGER and Mr. DELAHUNT.

H.R. 1823: Mr. RUPPERSBERGER, Mr. BERRY, and Mr. LARSEN of Washington.

H.R. 1873: Ms. FALLIN, Mr. FORTENBERRY, Mr. HELLER, Mrs. MUSGRAVE, Mr. WESTMORELAND, Mr. GRAVES, Mr. ELLSWORTH, Mr. SESTAK, Mr. SHULER, Mr. CUELLAR, Ms. CLARKE, Mr. JEFFERSON, Mr. ALTMIRE, Mr. GRIJALVA, and Mr. SHUSTER.

H.R. 1877: Mr. LAHOOD, Ms. JACKSON-LEE of Texas, and Mr. ENGLISH of Pennsylvania.

H.R. 1881: Mr. MCNULTY and Mr. SNYDER.

H.R. 1892: Mr. COSTELLO.

H.R. 1927: Mr. FARR, Ms. ESHOO, Mr. GOODE, Ms. SCHWARTZ, Ms. SCHAKOWSKY, Ms. DELAURO, and Ms. SLAUGHTER.

H.R. 1944: Ms. SUTTON, Mrs. BOYDA of Kansas, Mr. DOYLE, and Mr. BRADY of Pennsylvania.

H.R. 1964: Mr. MCGOVERN, Ms. WASSERMAN SCHULTZ, Ms. MOORE of Wisconsin, Ms. CASTOR, Ms. SHEA-PORTER, Mrs. MCCARTHY of New York, Mr. WYNN, Mr. GENE GREEN of Texas, Mr. RANGEL, Mr. ISRAEL, Mr. WU, and Ms. CLARKE.

H.R. 1973: Mr. MCCOTTER.

H.R. 1975: Mr. WAXMAN, Ms. WOOLSEY, and Mr. TAYLOR.

H.R. 1980: Mr. THOMPSON of Mississippi, Mr. CLEAVER, and Mr. PASTOR.

H.R. 1982: Mr. THOMPSON of Mississippi and Mr. CLEAVER.

H.J. Res. 14: Mr. MARKEY and Mr. HODES.

H. Con. Res. 7: Mr. GRIJALVA, Ms. SHEA-PORTER, Mr. COHEN, Mr. MCNULTY, Mr. HINOJOSA, Mr. CROWLEY, Mr. NADLER, Mr. TANCREDO, Ms. HOOLEY, Mr. LYNCH, Mr. SMITH of New Jersey, Ms. WASSERMAN SCHULTZ, and Ms. HIRONO.

H. Con. Res. 101: Ms. CLARKE.

H. Con. Res. 102: Ms. MOORE of Wisconsin, Mr. SHIMKUS, and Ms. CARSON.

H. Con. Res. 113: Ms. JACKSON-LEE of Texas.

H. Con. Res. 114: Mr. JEFFERSON, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mr. JOHNSON of Georgia, Mr. BISHOP of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mrs. CHRISTENSEN, and Mr. FATTAH.

H. Con. Res. 121: Mr. LINCOLN DAVIS of Tennessee, Mr. TANNER, Mr. MOORE of Kansas, Mr. VAN HOLLEN, Mr. MCGOVERN, Mr. HOLT, Mr. ETHERIDGE, Mr. SHULER, Mr. WILSON of South Carolina, Mr. NADLER, Mr. PAYNE, Mr. CONYERS, Mr. BERMAN, Ms. SLAUGHTER, Mr. SPRATT, Mr. KIND, Mr. KENNEDY, Ms. NORTON, Mr. GEORGE MILLER of California, Mrs. DAVIS of California, Ms. MCCOLLUM of Minnesota, Mr. MEEKS of New York, Mr. MCCOTTER, Mr. CROWLEY, Mr. HINOJOSA, Mr. MORAN of Virginia, Mr. HILL, Mr. COHEN, and Mr. DUNCAN.

H. Res. 102: Mrs. NAPOLITANO and Mr. NUNES.

H. Res. 117: Mr. STEARNS.

H. Res. 119: Mr. CHANDLER, Mr. PALLONE, Mr. YARMUTH, Mr. WOLF, Mr. BECERRA, and Mr. SMITH of New Jersey.

H. Res. 121: Ms. SOLIS, Mr. DAVIS of Alabama, and Mr. SHAYS.

H. Res. 194: Mr. RUPPERSBERGER, Ms. SUTTON, Mr. HIGGINS, Mr. ENGLISH of Pennsylvania, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, and Mrs. JONES of Ohio.

H. Res. 216: Mr. DUNCAN, Mr. HOLDEN, and Mr. WESTMORELAND.

H. Res. 221: Mr. DAVIS of Illinois.

H. Res. 231: Mr. BOEHNER.

H. Res. 257: Mr. PAUL.

H. Res. 272: Mr. HOLT, Mr. CLEAVER, and Mr. MORAN of Virginia.

H. Res. 281: Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mr. ARCURI, and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 289: Mr. LEVIN and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 294: Mr. JACKSON of Illinois and Ms. JACKSON-LEE of Texas.

H. Res. 296: Ms. DELAURO, Mr. WAMP, Mr. BAIRD, Mr. MCCOTTER, Mr. MICHAUD, Mr. SHERMAN, Mr. ISRAEL, Mr. FARR, and Mr. SHUSTER.

H.. Res. 299: Mr. STARK, Mr. MCNULTY, Mr. MEEK of Florida, Mr. LEWIS of Georgia, Mr. HERGER, and Mr. PORTER.

H. Res. 313: Mr. ISSA, Mr. OBERSTAR, Mrs. JONES of Ohio, Mr. MORAN of Virginia, Ms. KILPATRICK, Mrs. DRAKE, Mr. GOODE, Mr. FORBES, Mr. RODRIGUEZ, Mrs. JO ANN DAVIS of Virginia, Mr. CANTOR, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. CARDOZA, and Mr. SPRATT.

DELETION OF SPONSORS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 65: Mr. COLE of Oklahoma.

H.R. 1964: Mr. PORTER.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

[Inadvertently omitted from the Record of April 20, 2007]

The following Member added his name to the following discharge petition:

Petition 1 by Mr. JOHNSON of Texas on House Resolution 220: Steve Buyer.

EXTENSIONS OF REMARKS

IN HONOR OF SAM AND LUCY KEKER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Ms. PELOSI. Madam Speaker, I rise to honor Sam and Lucy Keker of Chevy Chase, MD, who are celebrating their 90th birthdays on April 28th with family and friends at a luncheon in their honor.

My husband Paul and I became friends with Sam and Lucy in San Francisco, where they travel every year for the past 35 years to visit family. This House does not have time for me to list all of their accomplishments, so I will mention only a few items in a long list of proud service to their country, their community, their church, and their families.

Let us start with service to country. Sam served as a Naval Officer at sea in two wars, World War II and Korea, and Lucy did what wives did during those wars, which was follow him wherever she could. Later, both their sons were combat Marines in Vietnam and both were wounded.

Sam and Lucy met at a student government conference in Albuquerque, NM, in 1938, where Lucy represented Women's College of the University of North Carolina as Student Body President, and Sam represented American University as Vice President of its student government. They married in 1941 and eventually settled in Montgomery County, MD.

Sam rose through the ranks to retire as Chairman of the Board of U.S. News and World Report, while Lucy pursued her interest in public education, becoming the elected president of the Montgomery County School Board during the building boom of the 1960s (which included a teachers strike) and later serving on the State Board for Higher Education, where she sat with an up-and-coming politician named STENY HOYER. They raised two boys, John, now a lawyer in San Francisco who went to law school with our colleagues MEL WATT and JOHN SPRATT, and Jerry, now an outdoorsman in Boulder, CO. Since 1961, they have been blessed with Tina Keker, who became their surrogate daughter and then daughter-in-law in 1965. They are further blessed with grandsons Adam and Nathan Keker, their wives Amanda and Nora, and four beautiful great-grandchildren. All of them, as well as family and friends from all over the country, will be with them to celebrate their birthdays.

For 50 years Sam and Lucy have been mainstays of the Chevy Chase Presbyterian Church, many of whose members became close friends and will be celebrating with them as well. Sam and Lucy served as Deacons, then as Elders, and always as friends of the CCPC congregation.

They love the game of politics, and are committed to the Democratic Party. Lucy's first Democratic National Convention was in 1940, in Chicago, where she served as a secretary in the Women's Division of the Democratic National Committee. Lucy went on to become very involved in Maryland State politics, serving as the Montgomery County Chairman to several successful gubernatorial campaigns. They were two of CHRIS VAN HOLLEN's earliest, most vocal, and most generous supporters. Since I have known them I don't think they have missed a Democratic Convention. Sam says they are planning to be in Denver in 2008.

What I have always admired about Sam and Lucy is their indomitable spirit and youthfulness. They inspire us all by their never-flagging interest in life, especially young people. On behalf of the Congress, I extend to them the warmest congratulations on their 90th birthdays.

HONORING OAKLAND POSTMASTER LAWRENCE BARNES

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life and career of Lawrence Barnes. Larry served with distinction as the Postmaster of Oakland from 1995 until 2007. His appointment as Postmaster came after more than 35 years of loyal service to the United States Postal Service (USPS), in addition to four years of honorable service in the United States Air Force. Today Larry celebrates his retirement after more than four decades of outstanding service to his community and his country.

Larry graduated from high school in 1965, at which time he joined the U.S. Air Force. There he served as an Air Traffic Control Technician, and was honorably discharged in 1969.

Upon leaving the military, Larry began his career with the USPS as a distribution clerk. Due to his exceptional performance and natural leadership abilities, it did not take long for him to begin moving through the ranks and into management. In the years that followed, Larry was promoted to MPLSM Clerk; Working Group Leader; Supervisor of Mail; MPLSM Supervisor; Management Trainee; Assignments in LRR; Postal Systems Examiner; MCS; Acting Superintendent; and General Supervisor. Following his extraordinary service in all of these areas, Larry was appointed as the Postmaster of Oakland on December 23, 1995.

As Postmaster, Larry worked tirelessly not only to improve USPS functions for individual customers and employees, but also to build a stronger community. A regular speaker at neighborhood meetings, he always made the effort to reach out to Oakland residents, and to be available to hear their ideas and concerns. Larry and his staff have also been active in local efforts to improve air quality and public health. I was proud and honored to host Larry as a speaker at my September 2006 Town Hall Meeting on West Oakland air quality. At that forum he provided updates on USPS efforts to modernize its vehicles and decrease its diesel emissions, actions that have greatly helped to improve air quality and public health in West Oakland.

In addition to being a dedicated government servant throughout his career, Larry is a committed husband, father, grandfather, bowler, and fan of the San Francisco 49ers and Oakland Raiders. Furthermore, he is a leader in the faith community, serving as an active member of the Abyssinian Missionary Baptist Church (AMBC) Men's Ministry, serving under the direction of Dr. Kevin D. Barnes, Pastor of AMBC. Education has also been a priority for Larry throughout his life. He graduated from Merritt College with an AA in Social Science in 1976, and is currently attending C.B. Mason Bible College.

I have known Larry for many years, and it has always been a pleasure to work with him. His commitment to his employees, his customers and to the Oakland community has had a positive impact on countless lives. On this very special day, I join the friends, family and colleagues of Lawrence Barnes in thanking and saluting him for his profound contributions to California's 9th Congressional District, our country and our world.

BETWEEN POSSIBILITY AND PERIL: CONFRONTING THE CRISIS CONCERNING AFRICAN-AMERICAN BOYS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. RANGEL. Madam Speaker, I rise today to celebrate the accomplishments of David J. Johns, a Congressional Black Caucus Fellow, currently working in my office, who convened an important policy discussion on the subject of African-American high school Underachievement and the No Child Left Behind Act on Monday, April 16, 2007. I am also entering into the record an article titled "America Has Lost A Generation of Black Boys," written by Phillip Jackson for the CaribNews on the week ending April 17, 2007. Both address the importance of recognizing and tackling the significant challenges faced by young African-American males both in and outside the classroom.

In inner cities, more than half of all African-American males do not finish high school. One third of male youth of color are unemployed or not seeking employment; and 1 in every 3 African-American men between the ages of 20

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and 29 is under correctional supervision. In many school districts throughout the United States, African-American males are more likely than any other group to be expelled from school, a practice that begins as early as kindergarten. African-American males are more likely to be classified as mentally retarded or suffering from a learning disability, more likely to be placed in special education and more likely to be absent from advance placement and honors courses than any other student group. These statistics are distressing and inexcusable.

Sadly, the dismal state of African-American males, by far the most vulnerable and neglected population, has become all too familiar. Frequently, the severity of these statistics and the ways African-American men cope with tremendous barriers and challenges are brushed over or ignored altogether. Sometimes we blame the males themselves, insisting they subscribe to a culture of deviancy or refuse to "act white" by doing well in school. Other times we acknowledge that there are grave inequalities but fail to provide resources to adjust for gaps.

The policy forum, which featured experts including: Jeffrey Robinson, Principal, Baltimore Talent Development High School; Robert Balfanz of the Center for Social Organization of Schools at Johns Hopkins; James Forman, Jr., professor at Georgetown University Law Center; Amy Wilkins of The Education Trust; and Governor Bob Wise of the Alliance for Excellent Education moved past simply highlighting the litany of issues facing African-American male youth to make recommendations designed to instigate lasting and relevant positive change now. Among these recommendations were increased funding and support for mentor programs; uniform calculations of graduation rates, calling for States to equalize funding by leveraging Federal dollars, and expanding the length of the school day. Many of these themes are reinforced by Mr. Jackson's article, which insists we teach all Black boys to read at grade level by third grade and to embrace education, provide positive role models, and investing as much money in educating black boys as we do incarcerating them.

I applaud and support the efforts of both David J. Johns and Phillip Jackson who have contributed greatly to a much needed conversation about the state of African-American males in America today.

AMERICA HAS LOST A GENERATION OF BLACK BOYS

(By Phillip Jackson)

There is no longer a need for dire predictions, hand-wringing, or apprehension about losing a generation of Black boys. It is too late. In education, employment, economics, incarceration, health, housing, and parenting, we have lost a generation of young Black men. The question that remains is will we lose the next two or three generations, or possibly every generation of Black boys hereafter to the streets, negative media, gangs, drugs, poor education, unemployment, father absence, crime, violence and death.

Most young Black men in the United States don't graduate from high school. Only 35% of Black male students graduated from high school in Chicago and only 26% in New York City, according to a 2006 report by The Schott Foundation for Public Education. Only a few Black boys who finish high school actually attend college, and of those few Black boys who enter college, nationally, only 22% of them finish college.

Young Black male students have the worst grades, the lowest test scores, and the highest dropout rates of all students in the country. When these young Black men don't succeed in school, they are much more likely to succeed in the nation's criminal justice and penitentiary system. And it was discovered recently that even when a young Black man graduates from a U.S. college, there is a good chance that he is from Africa, the Caribbean or Europe, and not the United States.

Black men in prison in America have become as American as apple pie. There are more Black men in prisons and jails in the United States (about 1.1 million) than there are Black men incarcerated in the rest of the world combined. This criminalization process now starts in elementary schools with Black male children as young as six and seven years old being arrested in staggering numbers according to a 2005 report, Education on Lockdown by the Advancement Project.

The rest of the world is watching and following the lead of America. Other countries including England, Canada, Jamaica, Brazil and South Africa are adopting American social policies that encourage the incarceration and destruction of young Black men. This is leading to a world-wide catastrophe. But still, there is no adequate response from the American or global Black community.

Worst of all is the passivity, neglect and disengagement of the Black community concerning the future of our Black boys. We do little while the future lives of Black boys are being destroyed in record numbers. The schools that Black boys attend prepare them with skills that will make them obsolete before, and if, they graduate. In a strange and perverse way, the Black community, itself, has started to wage a kind of war against young Black men and has become part of this destructive process.

Who are young Black women going to marry? Who is going to build and maintain the economies of Black communities? Who is going to anchor strong families in the Black community? Who will young Black boys emulate as they grow into men? Where is the outrage of the Black community at the destruction of its Black boys? Where are the plans and the supportive actions to change this? Is this the beginning of the end of the Black people in America?

The list of those who have failed young Black men includes our government, our foundations, our schools, our media, our Black churches, our Black leaders, and even our parents. Ironically, experts say that the solutions to the problems of young Black men are simple and relatively inexpensive, but they may not be easy, practical or popular. It is not that we lack solutions as much as it is that we lack the will to implement these solutions to save Black boys.

It seems that government is willing to pay billions of dollars to lock up young Black men, rather than the millions it would take to prepare them to become viable contributors and valued members of our society.

Please consider these simple goals that can lead to solutions for fixing the problems of young Black men:

Short term—(1) Teach all Black boys to read at grade level by the third grade and to embrace education; (2) Provide positive role models for Black boys; (3) Create a stable home environment for Black boys that includes contact with their fathers; (4) Ensure that Black boys have a strong spiritual base; (5) Control the negative media influences on Black boys; and (6) Teach Black boys to respect all girls and women.

Long term—(1) Invest as much money in educating Black boys as in locking up Black men; (2) Help connect Black boys to a positive vision of themselves in the future; (3) Create high expectations and help Black boys live into those high expectations; (4) Build a positive peer culture for Black boys (5) Teach Black boys self-discipline, culture and history; and (6) Teach Black boys and the communities in which they live to embrace education and life-long learning.

NOTE: As the Executive Director of The Black Star Project, Phillip Jackson has become a national leader advocating for community involvement in education and the importance of parental development to ensure that children are properly educated.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. PASCRELL. Madam Speaker, I was unavoidably detained on the rollcall vote for the final passage of H.R. 1257, the Shareholder Vote on Executive Compensation Act (rollcall vote No. 244), in order to return to my district to survey damage from the recent floodwaters that have severely affected many of my constituents. Had I been present, I would have voted "yea" on the rollcall vote for final passage of H.R. 1257, the Shareholder Vote on Executive Compensation Act (rollcall vote No. 244).

TRIBUTE TO GEORGE HAMPTON

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. PAYNE. Madam Speaker, today I wish to recognize and honor a devoted friend and dedicated public servant, George Hampton, who retires from the University of Medicine and Dentistry of New Jersey—or UMDNJ—on March 30th of this year.

George Hampton was born and raised in Newark and rose from a humble beginning to earn a degree in Urban Planning from Rutgers, The State University of New Jersey and—through peaceful but assertive protest efforts, help gain a foothold for generations to come for minority populations and helped diversify Rutgers' Newark Campus faculty. Later he even joined the faculty as an adjunct professor.

Mr. Hampton would go on to serve the city of Newark in several administrative positions, become a consultant to the Greater Newark Urban Coalition and as executive assistant to the Commissioner of the New Jersey Department of Environmental Protection; and serve as the President of the Regional Health Planning Newark Sub-area Council, as Board Chairman of Newark Emergency Services for Families, and as Board Chairman of the Newark Collaboration Group.

As Vice President of UMDNJ, Mr. Hampton has fulfilled a statewide responsibility for implementing the University's community service mission and extending UMDNJ's services to the community in the urban centers that serve as host to the University's several campuses in New Jersey. He has successfully directed the University's efforts to make a positive community impact throughout the state.

Madam Speaker, I invite my colleagues here in the U.S. House of Representatives to join me in honoring George Hampton. I am proud to have had him in my Congressional district and wish him never-ending success in his future endeavors.

Thank you, George Hampton, for your decades of dedicated service to the community.

HONORING BESSIEFRANCES J. MEADOR

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life of Bessiefrances J. Meador of Riverdale, New York. The residents of California's 9th Congressional District remember Beth as a brilliant woman, an astute politician, a dedicated community activist, an accomplished attorney, and a loving friend to many. Beth passed away on March 30, 2007.

Beth spent her early years in Independence, Missouri and Colorado Springs, Colorado. In 1955, she and her family returned to the Kansas City area. There, they joined the Olivet Institutional Baptist Church where Beth was very active as a youth and young adult.

Upon her graduation from Sumner High School in 1961, Beth began her undergraduate studies at the University of Kansas. After earning her B.A., she obtained her law degree from the University of California at Berkeley, and was admitted to the bar in California and New York.

Beth led a distinguished career in the legal profession, serving in a number of important roles. She was an administrative attorney in the United States Court of Appeals for the Second Circuit in New York, and also maintained a private law practice. Beth worked as a litigation compliance officer for the New York City Child Welfare Administration and as Minority Business Specialist for the State of New York and the New York City Transit Authority. She previously worked as Assistant Director in the Office of Legal Services of the State Bar of California. In the last years of her life, Beth was a teacher in the New York City Public School System.

Beth was active in politics throughout her life. Living in Oakland, California in the 1970s, she ran for the State Assembly, and was actively involved in many local campaigns. She participated in the 1972 National Black Political Convention in Gary, Indiana, as well as numerous State and national political conventions. Delegates always sought her counsel, for as much as she was an idealist, she was also very practical in seeking strategies and initiatives for making the United States a better country.

Always actively involved in her community, Beth was centrally involved in a number of organizations. An accomplished concert pianist, she contributed her talent as the youth music director at the historic Abyssinian Baptist Church in Harlem, where she was also a member. Beth belonged to the Alpha Kappa Alpha Sorority, Inc., and the Coalition of 100 Black Women.

On a personal note, Beth was my roommate for a year, and I was privileged to benefit from her wise counsel, her musical genius, and our thought-provoking discussions. After Beth moved into her own apartment, as a generous gesture of gratitude she gave me a beautiful set of dinnerware which I use to this day. Her memory and her love are deeply etched in my heart and in the hearts of many.

The last time I saw Beth was in September 2006, when we celebrated my sister Mildred's birthday in New York City. We enjoyed our evening with Congressman CHARLIE RANGEL, who welcomed us with open arms and generous hospitality to his district in Harlem. Beth was delighted to be with Congressman RANGEL and enjoyed the evening tremendously. Little did we know that these would be our last moments together.

Today, California's 9th Congressional District salutes and honors a great human being, our beloved Beth Meador. We extend our deepest condolences to Beth's family, and our deepest gratitude for sharing this great woman with us. She will be deeply missed. May her soul rest in peace.

CELEBRATING THE PROMULGATION OF MINORITY AND WOMEN OWNED BUSINESSES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an article titled "Greater Harlem Chamber of Commerce Joins New York City in Promoting Minority and Women Owned Businesses," published in CaribNews on the week ending April 3, 2007.

The article celebrates the partnership between the Greater Harlem Chamber of Commerce and the great City of New York and efforts to increase the number of and provide necessary support to minority and women owned businesses. The partnership has been forged in an effort to help minority and women owned businesses become certified to provide goods and services to the City of New York. According to the article, "companies that become certified obtain greater access to and information about contracting opportunities, receive technical assistance to better compete for those opportunities, and benefit from inclusion in the City's Online Directory of Certified Firms." Each of these benefits is essential to the success of minority and women owned businesses, many of whom face considerable challenges in starting and sustaining their operations.

I applaud the partnership between the Greater Harlem Chamber of Commerce and the great City of New York and look forward to the continued growth of minority and women owned businesses in New York City.

GREATER HARLEM CHAMBER OF COMMERCE JOINS NEW YORK CITY IN PROMOTING MINORITY AND WOMEN OWNED BUSINESS

Harlem, USA—The Greater Harlem Chamber of Commerce (GHCC) has joined with the NYC Department of Small Business Services in a partnership to help Minority and Women Owned Businesses become certified to provide goods and services to the City of New York. The New York City Minority- and Women-Owned Business Enterprise (M/WBE) Program certifies, promotes, and fosters the growth of the City's minority and women-owned businesses. Companies that become certified obtain greater access to and information about contracting opportunities, receive technical assistance to better compete for those opportunities, and benefit from inclusion in the City's Online Directory of Certified Firms.

GHCC began actively promoting this initiative in the Fall of 2006. Early outreach activities included the Miller Urban Entrepreneur Series at Terrace In The Sky Restaurant on December 9, 2006 and the End of Year Reception at Pier 2110 Restaurant on December 20, 2006.

On February 20th the Greater Harlem Chamber of Commerce hosted a special workshop on the importance of M/WBE's being certified with the city at the Marriott Marquis Hotel on Broadway and 45th Street prior to its Quarterly Membership meeting. That workshop was the first in a series of seminars and individual training sessions that will take place through June 2007 in an effort to get more Minority and Women Owned Businesses to be certified with the city and make it possible for more minority companies of all kinds to do business with NYC.

Firms based in New York City or certain surrounding counties are eligible for certification if they have been in business for more than one year and are at least 51 percent owned by a member of an ethnic minority group or a woman. Certified M/WBEs have access to free business assistance and seminars to help them make the most of their certification status. All companies are listed in a searchable public online directory that purchasing officers and contracting agencies use to find the goods and services they need. GHCC begins hosting individual training sessions on M/WBE certification with the City every Thursday and Saturday starting through June.

INTRODUCING THE SECURE VISA WAIVER TRAVEL ACT OF 2007

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, today, I am introducing the Secure Visa Waiver Travel Act of 2007. Dating back to the Immigration Reform and Control Act of 1986, the Visa Waiver Program (VWP) has been a highly successful program that allows nationals of designated countries to travel to the United States visa-free for up to 90 days for temporary business or tourism. VWP countries are required to grant reciprocal visa-free travel to Americans. The VWP has been a boost for tourism and commerce between the

United States and the 27 countries that currently participate. For this reason, many other countries hope to join the VWP. There is strong support within the Administration, the business community, and among our allies and friends for Congress to take up legislation to expand the VWP.

I also support expansion of the VWP, and that is why I am introducing this bill. The VWP has been beneficial to American tourism and businesses. However, the VWP also has serious security vulnerabilities; both "shoe-bomber" Richard Reid and convicted al-Qaeda operative Zacarias Moussaoui traveled under the VWP. As we consider ways to expand the VWP, I believe security considerations must be foremost in our minds. The United States must enhance partnerships with VWP countries to ensure that terrorists and those who would violate our laws cannot travel visa-free. I believe my bill accomplishes this.

As a prerequisite to expansion, my bill requires the Department of Homeland Security (DHS) to implement an effective biometric air border exit system, US–VISIT air exit, so we can know at all times who is in our country. My bill also requires that VWP travelers be screened against terrorist and criminal watch lists and that VWP countries report all lost and stolen passports, so these passports cannot be used by terrorists and criminals. We must also improve information-sharing with our VWP partner countries to be able to know whether a traveler might present a threat to the U.S. In addition, before admitting new countries to the VWP, DHS must consider other security factors, such as the country's passport standards, airport security, whether the country has an effective air marshal program, and whether its nationals have a history of compliance with our immigration and other laws.

My bill maintains the requirement that the nationals of a VWP country demonstrate they will comply with our immigration laws. Some who advocate expanding the Visa Waiver Program say that preventing terrorism should be our only concern and that we should not consider whether a country's nationals have a history of immigration violations or visa overstays. While preventing terrorist travel is our primary security concern, it is not our only security concern. As we have seen in recent worksite enforcement actions, persons living and working in the U.S. illegally can also present security risks to our citizens and our economy, such as engaging in identity theft, or they can be exploited by criminal or terrorist elements. Robust border security, where we have control of who enters and leaves our country and know they are here for legitimate purposes, must be central to any expansion of the VWP. To that end, I am pleased to offer an approach to accomplishing this goal—the Secure Visa Waiver Travel Act of 2007.

PERSONAL EXPLANATION

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. CARNAHAN. Madam Speaker, due to being unavoidably delayed, I missed votes on H.R. 1677 (rollcall No. 214) and H. Res. 196 (rollcall No. 215). I would have voted in favor of both H.R. 1677 and H. Res. 196, had I been present to record my vote.

HONORING THE AFRICAN AMERICAN ASSOCIATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Ms. LEE. Madam Speaker, I rise today to honor the African American Association. Throughout its extraordinary history, the Association has been known for promoting equality, diversity, social justice, and African American community empowerment. This year the Association celebrates the 45th anniversary of its founding.

The African American Association was first organized in the early 1960s by African American students at the University of California, Berkeley. Among the founding members were community leaders such as Khalid Al-Mansour (known then as Don Warden); future Judges Henry Ramsey and Thelton Henderson; future Congressman and Oakland Mayor Ron Dellums; and future Black Panthers Huey Newton and Bobby Seale.

The Association's founding occurred in the midst of a turbulent time for African Americans and for our country. Malcolm X was fearlessly expressing his views on race relations. Many African nations were being liberated after years of colonial rule and oppression. The civil rights movement was gaining national momentum, and many young African Americans were feeling a newfound source of pride in their African heritage. A primary impetus for the group's establishment was an interest in learning the real history of Africa and slavery in the United States. Not having the resources for a mass media campaign, group members took their message to where the people were: they took their message to the streets.

Of central importance to Association members were questions related to the African American self-image. Members wanted to address the negative light in which many African Americans viewed themselves, specifically in the context of their African heritage and physical features. Moreover, the Association's mission was to help African Americans cultivate the sense of self-love that for many had been missing as a result of slavery's destructive legacy within the African American community and throughout our country.

After being met with skepticism initially, the Association began to reach more and more people with their message of empowerment. Members began reaching a wider audience by broadcasting a half-hour radio show on Oakland KDIA, entitled We Care Enough To Tell It Like It Is. After approximately a year of meeting in various locations, the Association established regular meeting facilities on Grove Street in Oakland. The best known and most attended events were the Association's weekly Monday Night Lectures and Friday Night Forums. These gatherings featured discussions of books on African and African American history, religion, architecture, current events, and other topics. People of all ages attended these lively meetings because they always represented an opportunity to learn, and to look at things from a new perspective.

Over the years, the Association continued its advocacy for social, political, economic, and educational equality for African Americans. Members urged African Americans to establish businesses, and the Association formed its own employment office to match members with job opportunities. The Association also remained centrally involved in the struggle to promote education among young African Americans, urging them to not only complete their education but to obtain the highest grades at the highest level of education that they could. In addition, the Association organized to address countless other issues, including community safety, the devastating impact of the Jonestown Massacre, and social justice in African countries.

Today the members and supporters of the African American Association have come together to celebrate not only the organization's 45th anniversary, but also the group's permanent and positive impact on our community. On this very special day, I join all of the members in thanking and saluting the Association for its profound contributions to California's 9th Congressional District, our country, and our world.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. HIGGINS. Madam Speaker, I missed rollcall votes during the week of April 16, 2007. On rollcall vote No. 214, the motion to suspend the rules and pass, as amended, H.R. 1677, the Tax Payer Protection Act, I would have voted "yea"; on rollcall vote No. 215, the motion to suspend the rules and agree to H. Res. 196, supporting the goals and ideals of World Water Day, I would have voted "yea"; on rollcall vote No. 216, the motion to suspend the rules and agree, as amended, to H. Con. Res. 100, condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society, I would have voted "yea"; on rollcall vote No. 217, the motion to suspend the rules and agree to H. Res. 273, supporting the goals and ideals of Financial Literacy Month, I would have voted "yea"; on rollcall vote No. 218, the motion to suspend the rules and agree to H. Con. Res. 76, honoring the 50th Anniversary of the International Geophysical Year, I would have voted "yea."

On rollcall vote No. 219, ordering the previous question, I would have voted "yea"; on rollcall vote No. 220, agreeing to H. Res. 301, the rule providing for consideration of H.R. 1257, Shareholder Vote on Executive Compensation Act, I would have voted "yea"; on rollcall vote No. 221, the motion to suspend the rules and agree to H. Res. 306, offering heartfelt condolences to the victims and their families regarding the horrific violence at Virginia Tech in Blacksburg, Virginia, I would have voted "yea"; on rollcall vote No. 222, agreeing to the Chabot of Ohio Amendment No. 1, I would have voted "nay"; on rollcall vote No. 223, agreeing to the Chabot of Ohio Amendment No. 2, I would have voted "no"; on rollcall vote No. 224, the motion to recommit, with instructions, H.R. 1361, the Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery Act, I would have voted "nay."

On rollcall vote No. 225, passage of H.R. 1361, the Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery Act, I would have voted "yea"; On rollcall vote No. 226, the motion to suspend the rules and agree to H. Res. 300, commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of their student-athletes, I would have voted "yea"; On rollcall vote No. 227, the motion to suspend the rules and agree to H. Res. 293, supporting the goals and ideals highlighted through National Volunteer Week, I would have voted "yea"; On rollcall vote No. 228, ordering the previous question on H. Res. 317, I would have voted "yea"; On rollcall vote No. 229, agreeing to H. Res. 317, providing for consideration of H.R. 1905 and H.R. 1906, I would have voted "yea"; On rollcall vote No. 230, the motion to recommit with instructions H.R. 1905, I would have voted "no"; On rollcall vote No. 231, passage of H.R. 1905, the District of Columbia Voting Rights Bill, I would have voted "yea"; On rollcall vote No. 232, passage of H.R. 1906, Adjustment of Estimated Tax Payment Safe Harbor for Individual Taxpayers with Adjusted Gross Income Greater than $5 Million, I would have voted "yea."

On rollcall vote No. 233, the motion to recommit with instructions H.R. 1495, the Water Resources Development Act, I would have voted "no"; On rollcall vote No. 234, passage of H.R. 1495, the Water Resources Development Act, I would have voted "yea"; On rollcall vote No. 235, the motion to instruct conferees on H.R. 1591, I would have voted "yea"; On rollcall vote No. 236, agreeing to the Sessions Amendment, I would have voted "no"; On rollcall vote No. 237, agreeing to the Garrett Amendment, I would have voted "no"; On rollcall vote No. 238, agreeing to the Campbell Amendment, I would have voted "no"; On rollcall vote No. 239, agreeing to the McHenry Amendment, I would have voted "no"; On rollcall vote No. 240, agreeing to the Price Amendment, I would have voted "No."

On rollcall vote No. 241, agreeing to the Putnam Amendment, I would have voted "no"; On rollcall vote No. 242, agreeing to the Price Amendment, I would have voted "no"; On rollcall vote No. 243, the motion to recommit H.R. 1257, I would have voted "no"; On rollcall vote No. 244, passage of H.R. 1257, the Shareholder Vote on Executive Compensation Act, I would have voted "yea."

HONORING THE MOTT COMMUNITY COLLEGE MEN'S AND WOMEN'S BASKETBALL TEAMS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the men and women of the Mott Community College basketball teams. This season the men's team won the National Junior College Athletic Association Men's Basketball National Championship. The women's team finished third in the National Junior College Athletic Association Division II Championship Tournament.

The Mott Community College men's team is led by Head Coach Steve Schmidt. Coach Schmidt has guided his team to the second championship title in 5 years. The hard work by Coach Schmidt and the players has paid off. Mott Community College made history this year by becoming the only team that has played in four title games. The men's basketball program has the highest winning percentage in National Junior College Athletic Association Division II National Tournament play with a record of 16–3 since 2001. Overall the Mott Community College Bears have an 84.4 percent win record in the Michigan Community College Eastern Conference during the same time period. The team members are Terrence Watson, Jeremie Simmons, Willie Mustin, Darius Brents, Rob Giles, Lorenzo McClelland, LaMarr Drake, Thomas Kennedy, Alvin Pegues, Greg Hamlin and Kevin Tiggs. This year the NJCAA bestowed the 2007 Most Valuable Player Award on Kevin. The coaching staff consists of Assistant Coaches Carl Jones, Yusuf Harris, Nate Brown and Athletic Trainer Dick Benson.

The women's basketball team, under the leadership of Head Coach Letitia Hughley, has worked diligently to bring about their 3rd place finish in the women's division. The team members are Tishara Fields, Lakeara Leslie, Alicia Bouldin, Sadé Butler, Tara Smoots, Nicole Holmes, Janee Williamson, Sheria Hatcher, Michaella Weekes, Cari Pigott, and Shaquetta Mance. The coaching staff includes Assistant Coaches Lloyd Nicholson, Latisha Berry, and Athletic Trainer Dick Benson. Tom Healey is the Mott Community College Athletic Director.

The players on both teams communicate effectively with each other and assess the strengths and weaknesses of their opponents. Coupled with outstanding basketball skills honed through years of practice, and inspired coaching, this teamwork has made them winners. A community-wide celebration was held in Flint, Michigan on April 4 to honor the players, coaches, and staff with the Mott Community College basketball teams.

Madam Speaker, I ask the House of Representatives to join me in applauding the dedication of the Mott Community College basketball teams and congratulate them on their achievements.

HONORING ROBERT SPEED

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to pay tribute to a man whose bravery in the face of danger is now being honored some 63 years later.

Robert Speed served in the Air Force during World War II. During a bombing mission over the Ploesti Oil Fields on July 15, 1944, the B-24 that Mr. Speed and his crew were flying in came under heavy anti-aircraft fire. The plane lost an engine and lost contact with their squadron. Although the aircraft took on significant damage, the crew managed to evade enemy aircraft, complete its bombing mission and return to Pantanella, Italy.

The Ploesti Oil Fields, located in eastern Romania, were a significant source of petroleum Hitler used to fuel his war machine. The bombing runs well into enemy territory were dangerous, but crucially important to the Allied effort.

The very next day after the Ploesti bombing mission, Mr. Speed and his crew were shot down and held as POWs for the remainder of World War II. This turn of events resulted in an administrative oversight on the part of the Air Force and Mr. Speed and his crew went unrecognized for 63 years.

The oldest in a family of 9 children, Mr. Speed was born May 21, 1922, in Blue Mountain, Alabama. After the war he moved to Mobile, AL to get a job at Brookley Air Force Base where he was employed as a civilian until he retired. He still lives in Mobile. His son describes his father as typical of his generation in that "he never talked much about what happened in the war and never asked for anything. He really is just a regular guy who found himself in extraordinary circumstances while serving his country."

I am pleased that Mr. Speed will finally be recognized with the Distinguished Flying Cross award on April 24. I congratulate Mr. Speed on the long overdue reception of his award and I thank him for his honorable service to our Nation.

A TRIBUTE TO JOHN K. VAN DE KAMP

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. SCHIFF. Madam Speaker, I rise today to pay special recognition to John Van de Kamp upon being named recipient of the Jim Pfeiffer Award for the year 2007.

John Van de Kamp's long and distinguished commitment to public service began following his graduation from Stanford Law School. Mr. Van de Kamp's career started in Los Angeles where he worked in the U.S. Attorney's Office from 1960 to 1967. After briefly serving as U.S. Attorney for the Central District of California, he relocated to Washington, DC. and became the Director of the Executive Office of

U.S. Attorneys. In 1971, Mr. Van de Kamp returned to Los Angeles to become the Central District's first Federal Public Defender. John was appointed Los Angeles County District Attorney in 1976, and subsequently elected to the position. In 1982, he was elected California's Attorney General, where he served for 2 terms. Mr. Van de Kamp later joined the Law firm of Dewey Ballantine LLP, where he is currently of counsel.

In 1999 Mr. Van de Kamp was appointed by National Association of Attorneys to The Strategic Contribution Fund Allocation Committee to recommend distribution of the $8 billion of tobacco settlement proceeds. He served on the Board of the State Bar of California, was elected as the 80th President of the State Bar of California, and served nearly 30 years as an L.A. County Delegate to the Conference of Delegates.

John's strong commitment to community service can also be seen in his dedication to nonprofit organizations. His board affiliations include The Planning and Conservation League, Norton Simon Museum, and the Los Angeles Conservation Corps. Mr. Van de Kamp has served on the ABA's Special Committee on Criminal Justice in a Free Society, ABA's Task Force on the Federalization of Criminal Law, and the ABA's Commission on Effective Criminal Sanctions. He is Chair of the Community Campaign for Schools for the Pasadena Education Foundation, the RAND's Advisory Committee on Infrastructure, Security and the Environment, City of Pasadena's Task Force on Good Government, and the Chair of the Commission on Fair Administration of Justice.

John Van de Kamp lives in Pasadena with his wife Andrea. They have one daughter, Diana.

I ask all Members of Congress to join with me today in honoring an outstanding individual of California's 29th District, John Van de Kamp. The entire community joins me in thanking John for his success and continued efforts toward making the 29th District a more enjoyable place in which to work and live.

NATIONAL MINORITY HEALTH MONTH

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I proudly join my colleagues today calling attention to the grave disparities in minority health in our Nation. The research is clear: there is a health gap between races and ethnicities. There should be no more debate on whether this is a reality.

African Americans are more than twice as likely to have diabetes as Whites. Asian American men suffer from stomach cancer twice as often as non-Hispanic White men. Hispanic women are 2.2 times more likely to be diagnosed with cervical cancer than non-Hispanic White women. African American women are 36 percent more likely to die from breast cancer than White women. American Indians/Alaska Natives have diabetes rates that are nearly three times the national rate.

In addition to disparities in health outcomes, Hispanics and African Americans are least likely to be covered by insurance. Disturbingly, over 32 percent of Latinos are uninsured. Lack of insurance translates to lack of preventive care, lack of care for chronic conditions, and failure to attain screenings that could catch diseases and conditions at an early stage. Not only do these communities of color lack access to health care, but they face medical debt that could be paralyzing to their economic situation.

I am pleased that Congress is finally addressing racial and ethnic health disparities. Not only because there should be parity in health, but because the number of minorities is growing. It will be detrimental to the future of our Nation if we do not continue to support understanding and addressing how to best serve communities of color. Understanding health risk factors and how to effectively deliver health care to our minority population today will help us prepare to serve a majority of the population of tomorrow. In the end, we will all benefit.

While we work toward solving the national healthcare crisis, we cannot lose sight of racial and ethnic health disparities. The only way to solve our current dilemma is to use evidence-based research findings. I support funding research for further innovation. We already know some of what we must do to improve health outcomes for minority population. For instance, we need more minority health care providers who are culturally competent. We also need to address linguistic barriers.

April is National Minority Health Month. It is imperative that we have a productive and invigorating discussion on racial and ethnic health disparities. We need to make sure all communities of color can live healthier lives. As health care programs and policies are considered, let us not forget to include all aspects in the debate, including minority health. As a multicultural Nation, we should celebrate our diversity, not punish it.

HONORING SERGEANT JAMES A. REEDS AND THE "MONUMENTS MEN" OF WORLD WAR II

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. CLEAVER. Madam Speaker, I rise today to honor SGT James A. Reeds and the "Monuments Men" of World War II, as Members of Congress from across the country prepare to celebrate our country's artistic legacy through hosting the Congressional Art Contest: A Voyage of Artistic Discovery. A native Kansas Citian, Sergeant Reeds was a hero to preserving our cultural heritage during World War II and I am pleased to honor him at the Fifth District's 2007 Congressional Art Contest.

Throughout our great Nation, my colleagues are preparing for their districts' art competitions. Aspiring high school artists will compete to send their masterpiece to our Nation's Capitol. Like previous generations of artists, these young creative students are developing their skills, while gaining respect for the great masters who came before them. These masters have blessed our world with artistic treasures that have been enjoyed by past generations and will continue to be enjoyed for generations to come.

During World War II, Nazi dictator Adolph Hitler had a plan to secure art from every region he occupied. As the Nazi regime conquered Europe, Hitler ordered covert reconnaissance missions to locate priceless works of art throughout each newly occupied region. These missions were all done as part of Hitler's plan to build the world's premier museum, the Fuehrer Museum, in his home town of Linz, Austria. Hitler was bitter that Vienna's schools of art would not accept him into their programs.

Throughout Europe, as nations anticipated invasion, they took drastic measures to hide their invaluable works of art. The resistance found various methods to conceal their artistic treasures. Works were hidden in caves, mines, castles, châteaux, and in some cases, the masterpieces, like the Mona Lisa, were constantly on the move from one safe location to another. Unfortunately, many pieces were taken, many destroyed, and thousands of pieces of art are still missing to this day.

During the war, a special unit was formed to protect the cultural treasures of Europe from Hitler's raid. Comprised of Allied soldiers, the unit was started by President Franklin D. Roosevelt under the War Department's Monuments, Fine Arts & Archives section. The group's charge was to find, catalogue, and return art to its rightful owners. They were christened the Monuments Men.

Today, Missouri's Fifth Congressional District is honored to have a "Monument Man," and a native, living in our midst. Born in Westport, SGT James A. Reeds attended college at the University of Iowa and planned to major in chemistry. During his sophomore year, Sergeant Reeds was drafted into the Army. After specialized training at Stanford, he was sent to France to serve as a chemical lab technician. One fateful day, Sergeant Reeds met CAPT Bancel LaFarge, who was an officer in the Monuments Men. Captain LaFarge needed someone who could speak German. Since Sergeant Reeds studied German and could type, Captain LaFarge recruited Sergeant Reeds as a Monument Man. Now as part of that historical team, Sergeant Reeds documented the location of art officers in the field, transcribed notes made by art historians, noted the transfer of recovered art to warehouses, and documented the artworks' return to the rightful owner.

An ancient adage in war is that to the victor go the spoils and this includes its cultural works of art. However, it was the United States and the Allied forces that agreed that the works of art from defeated nations would be returned to their place of origin after the war. Thus, the rich culture for the countries of Europe was preserved. Originally, Americans were unfortunately paying a pittance for masterworks to send art that belonged to Germany home to be sold. In essence, Allied troops were doing exactly what the Germans had done. Consequently, the Monuments Men initiated and President Truman agreed to the Wiesbaden Manifesto which stated that all German art had to be returned, thereby preserving and protecting its place in history.

Upon his return, Sergeant Reeds returned to college on the GI bill for a degree in German at the University of Iowa. He then went on to receive a master's degree and later a doctorate in linguistics from the University of Michigan. Later, he returned to Kansas City and taught at University of Missouri—Kansas City for 21 years.

Madam Speaker, please join me in expressing our heartfelt gratitude to SGT James A. Reeds and his fellow Monuments Men for their relentless efforts to preserve Europe's great artistic treasures. I urge my colleagues to please join me in expressing our appreciation to Sergeant Reeds and his fellow soldiers for their service to this great Nation.

TRIBUTE TO THE HAITIAN-AMERICAN NURSES ASSOCIATION

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. MEEK of Florida. Madam Speaker, I rise to pay tribute to the Haitian-American Nurses Association of Florida (HANA) for its successful Scholarship and Awards Gala held at Miami's JW Marriott Hotel last Saturday, April 14, 2007. This Annual Gala evoked yet another opportunity for HANA members to renew their sense of purpose and mission to this noble organization.

Established in 1984 to pull together the aspirations and ideals of the many hardworking Haitian nurses, this Association's mission is to enhance its leadership and membership in a manner that represents the utmost commitment and integrity of the Haitian community. It has also reached out to students by offering scholarships to deserving individuals who will join their ranks in the near future.

I want to commend the exemplary efforts of its officers in providing much-needed assistance and moral support to the constituents of the 17th Congressional District in a manner that evokes both the individual and collective nobility and compassion of its membership. The readiness with which they faithfully continue to extend both their expertise and encouragement to various communities genuinely attests to their immense love and commitment to the welfare of their fellow human beings.

Under the aegis of their ongoing projects from Community Health Fairs to Emergency Response Teams, International Medical Missions, Immunization Drives, Continuing Education for Nurses, and interminable Nursing Research—to name but a few—I am confident that this Association will continue to serve and care for the people of my Congressional District, South Florida and beyond.

It is with the utmost gratitude and appreciation that I congratulate all HANA members, and the scholarship and award recipients for their efforts and dedication to healing individuals in our midst requiring medical attention. The officers and members of HANA truly exemplify the undaunted symbol of strength and resilience in a way that genuinely combines professionalism on one hand, and genuine compassion on the other.

PERSONAL EXPLANATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Ms. BALDWIN. Madam Speaker, I regret that I missed three votes on amendments during debate of H.R. 1257 last Friday, April 20, 2007.

Had I been present, I would have voted in opposition to the following three amendments to H.R. 1257: the Sessions amendment (rollcall vote No. 236), the Garrett amendment (rollcall vote No. 237), and the McHenry amendment (rollcall vote No. 239).

IN RECOGNITION OF KEITH SORENSEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Keith Sorensen for 25 years of volunteer service with the Northeast Ohio YMCA. His inspirational work has made an impact on many lives in our community.

Keith has never strayed too far from the water, and began his affiliation with the Southeast YMCA Riptide Swim Team as a student of Bedford High School. Upon graduation, Keith joined the United States Navy. As a sailor, Keith was a passionate leader and represented himself and our Country as a competitive swimmer.

After completing his service to our Country, Keith continued to devote himself to helping the community. For 30 years, he worked as a frozen food manager for Reider's Stop-N-Shop, and was the daily lifeguard of his old alma mater, Bedford High School. In 1996, Keith assisted the head coach and together they trained a talented group of students who would go on to be Ohio High School Athletic Association Northeast District and State Swim Meet qualifiers.

In addition to the countless hours Keith has dedicated to high school athletics, he has tirelessly spent the last 25 years coaching thousands of swimmers at the Southeast YMCA. Under Keith's direction as head coach, the YMCA focused on a program that stressed the importance of swimming fundamentals. As a result of his discipline and specialization in the breaststroke, many of his former students went on to have successful high school and collegiate swimming careers. Keith's commitment has not gone unnoticed; he has received numerous awards, most notably YMCA's Triangle Award by the YMCA of Greater Cleveland, and he was named "CitiSun of the Year" by the Sun newspapers for his volunteer work with the community. However, Keith's greatest accomplishment has been coaching his three daughters. Together, Keith and Maureen have watched their daughters set numerous records as swimmers for the Southeast YMCA and Bedford High School swim teams.

Madam Speaker and colleagues, please join me in honoring Keith Sorensen for his commitment to the Northeast Ohio community. His dedication is the embodiment of selflessness and he brings great pride to us all.

INTRODUCTION OF THE AIRLINE PERSONNEL TRAINING ENHANCEMENT ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to introduce the Airline Personnel Training Enhancement Act, an important piece of legislation that requires airlines to provide alcohol server training for flight attendants.

Late last year, another tragic drunk driving accident occurred in New Mexico resulting in the death of a mother, father, and three children, leaving only one surviving daughter. The family, on their way home from a soccer match, was struck by the drunk driver as he drove down the wrong side of the interstate. The driver also died in the accident.

As more was revealed about the events leading up to the accident, we learned that only a few hours earlier, the driver was already visibly intoxicated on a flight to New Mexico. While other passengers noticed that the man appeared to be intoxicated, the man was served more alcohol during the flight. Two hours after landing, the man, with a blood alcohol content level four times the legal limit, killed this family.

After this horrible tragedy occurred, I learned that while Federal regulations prohibit an intoxicated person to be served alcohol on board a flight, or to even board a flight, only some airlines actually provide the training necessary to help these attendants identify and cope with intoxicated passengers. Additional training to identify intoxicated passengers either boarding or already on the flight is critical to ensuring attendants make informed decisions when serving alcohol.

For this reason, I am introducing simple, straightforward legislation to ensure airline personnel receive this training. My bill requires air carriers to provide alcohol server training to gate and flight attendants. This training also will include ways to deal with disruptive passengers and identifying intoxicated passengers. This training, which would have to occur annually, would include situational training on how to handle intoxicated individuals who are belligerent. It is my hope that this will improve public safety both in the air and on the ground. This legislation cannot prevent every tragedy that comes from alcohol abuse, but it is one more valuable step we can take in the ongoing effort to stop drunk driving.

I ask for your support of this legislation.

A TRIBUTE TO GLENDALE ADVENTIST ACADEMY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. SCHIFF. Madam Speaker, I rise today to pay special recognition to the Glendale Adventist Academy upon the celebration of its One Hundredth Anniversary.

The Glendale Adventist Academy was founded in 1907 to provide quality Christian education to young men and women. The school's mission is to provide a Christ-centered learning environment, a progressive and challenging curriculum, and a focus on ethics and values to instill a strong sense civic responsibility in their local and global communities.

The Glendale Adventist Academy challenges its students with a rigorous balance of college preparatory courses, Christian education, arts, athletics, and a strong focus on community service. With over ninety percent of graduating seniors proceeding to higher education, this unique curriculum has aided over 5,000 alumni who have excelled in fields including medicine, law, business and education.

Throughout one hundred years of service, the Glendale Adventist Academy has emphasized the importance of community outreach. The school actively engages in food and clothing drives, raising charitable funds, and participating in mission trips. The school highly encourages students to participate in spiritual activities such as special religious and vesper programs.

For one hundred years the Glendale Adventist Academy has fulfilled its commitment to education and community service through the strong guidance of its faculty. All teachers hold a Bachelor's Degree, many have their Masters, and all hold Seventh-day Adventist certification in their subject. The Glendale Adventist Academy is fully accredited by both the Western Association of Schools and Colleges and the Seventh-day Adventist North American Division Commission on Accreditation.

I ask all Members to join me today in honoring Glendale Adventist Academy upon the celebration of its One Hundredth Anniversary. The entire community joins me in thanking the Glendale Adventist Academy for the outstanding educational opportunities that it has provided for the youth of California's 29th Congressional District.

INTRODUCTION OF MINORITY ENTREPRENEURSHIP

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. CUMMINGS. Madam Speaker, I rise today to announce the reintroduction of the "Minority Entrepreneurship Development Act," a bill designed to address economic inequality in minority communities by fostering business development and entrepreneurship.

The numbers explain why this legislation is necessary. Strikingly, the average income for African Americans is only equal to 62 percent of that earned by Whites. More than 40 years after the last Jim Crow laws were repealed by the Civil Rights Act of 1964, the economic value of blacks is still about three-fifths that of whites.

The average incomes of Native Americans and Latinos are similarly unbalanced, with the income in those communities equaling 65 and 74 percent respectively of the income earned by Whites. This race-based "wealth gap" is simply unacceptable.

All Americans deserve the right to share in the American Dream, regardless of their race or ethnicity.

We know that small business development has provided great opportunities for minority communities. Minority-owned businesses promote personal economic growth, provide employment opportunities, and support local economies.

Everyone wins when minority-owned businesses thrive.

That is why I have introduced the "Minority Entrepreneurship Development Act of 2007," to help promote these vitally important enterprises.

The legislation would set up a $15 million, three-year pilot program to promote small business development in colleges and universities that serve African American, Native American and Latino communities.

Through grants of up to $1 million, the institutions would provide students who are not business majors with the tools necessary to use their area of expertise as entrepreneurs.

The bill would also allow institutions to set up Small Business Development Centers to conduct research and provide training, counseling, capacity building and niche market development services to start-up entrepreneurs.

The legislation garnered support from 42 of my colleagues in the 109th Congress, and is the companion to S. 98, which was introduced by Senator JOHN KERRY of Massachusetts in January.

In the past, this legislation was supported by the American Indian Higher Education Consortium, the National Association for Equal Opportunity in Higher Education, and the Hispanic Association of Colleges and Universities. I again look forward to their support and working with them to implement this important piece of legislation during the 110th Congress.

A great legacy of the American Dream has been the opportunity for ordinary citizens to improve their livelihoods by starting their own business, and minority communities deserve a chance to share in that dream.

I would like to urge all of my colleagues to join me in this important initiative by becoming a cosponsor of the "Minority Entrepreneurship Development Act of 2007," and by working to ensure its swift passage.

PERSONAL EXPLANATION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Ms. BORDALLO. Madam Speaker, I was absent from the chamber on Friday. Had I been present for the rollcall votes taken on amendments to H.R. 1257, the Shareholder Vote on Executive Compensation Act, I would have voted "nay" on each one. This includes a "nay" vote on rollcalls numbered 236, 237, 238, 239, 240, 241, and 242.

INTRODUCTION OF THE HIGHER EDUCATION FOR FREEDOM ACT OF 2007

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. PETRI. Madam Speaker, today I am re-introducing the Higher Education for Freedom Act. This legislation establishes a competitive grant program making available funds to institutions of higher education, centers within such institutions, and associated nonprofit foundations. These grants would promote programs focused on the teaching and study of traditional American history, free institutions, and the history and achievements of Western Civilization at both the graduate and undergraduate level, including those that serve students enrolled in K–12 teacher education programs.

Several years ago I was involved in a congressional effort to highlight the decline in historical and civic literacy among American college students. This effort led to the unanimous, bicameral passage of S. Con. Res. 129 which stated, in part, that "the historical illiteracy of America's college and university graduates is a serious problem that should be addressed by the Nation's higher education community."

Given the increased threat to American ideals in the trying times in which we live, it is easy to see how the lack of historical and civic literacy among today's college students has become a more pressing issue. Nevertheless, most of the Nation's colleges and universities no longer require United States history or systematic study of Western civilization and free institutions as a general prerequisite to graduation, or for completing a teacher education program.

I believe it is time for Congress to take a more active role in addressing this matter. Our country's higher education system must do a better job of providing the basic knowledge that is essential to full and informed participation in civic life and to the larger vibrancy of the American experiment in self-government, binding together a diverse people into a single nation with common purposes.

TRIBUTE TO VOLUNTEERS WHO SERVE ORPHANS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. SAM JOHNSON of Texas. Madam Speaker, it is my privilege to bring before this Congress the following outstanding people who have voluntarily served orphans, public school children, college students, juvenile delinquents, and needy families under the official invitation and authority of government agencies in Russia, Mongolia, Romania, Mexico, Australia, New Zealand, Peru, Taiwan, South Korea, Singapore, Malaysia, Philippines and China. The excellent character demonstrated by these people, as well as their commitment to the principles upon which our nation was founded, have not only attracted the attention of leaders, parents, the media, and students, but it has also brought honor to the United States of America and to the Lord Jesus Christ whom they serve.

Aguilar, Dominique (CA), Alexander, Evangeline (AK), Anderson, Cassia (MI), Anderson, Daniel (TX), Apple, Alexandra (NC), Apple, John (NC), Archer, Amos (KS).

Bailey, Deanna (CA), Bair, Aileen (IL), Bair, Robert (IL), Baldwin, Charity (VA), Barb, Joanna (CA), Barclay, Tiffany (OR), Barker, Emily (GA), Bartlow, Joel (TX), Beaulieu, Anna (MN), Beaulieu, David (MN), Behrens, Katherine (MI), Bender, Anthony (CA), Bender, Steven (CA), Bennett, Erika (GA), Bennett, Russell (IL), Bisson, Shannon (OH), Bode, Leah (VA), Bogner, Melanie (TX), Booth, Paul (GA), Bousfield, Leah (CA), Bracey, Danielle (CA), Bracey, Michelle (CA), Brannon, Jolene (TX), Brink, Julia (GA), Brown, James (NY), Brown, Sarah (NY), Brown, Timothy (NY), Brown, Zachary (NY), Brubaker, David (PA), Brubaker, Emily (PA), Brubaker, Jeni (PA), Brubaker, Leon (PA), Brubaker, Luke (PA), Brubaker, Mary (PA), Bruccoleri, Berea (CA), Burrus, Anthony (TX), Burrus, Lula (TX), Bylsma, Katrina (KS).

Cade, Alton (MS), Cade, Laura (MS), Cahill, Amy (TX), Cahill, Laura (TX), Cavanaugh, Daniel (KY), Cavanaugh, Micah (KY), Chamberlain, Sarah (IN), Chen, Anna (NY), Chen, Dr. Stephen (NY), Chen, Faith (NY), Chen, Grace (NY), Chen, Karen (NY), Chen, Timothy (NY), Cheng, Shiowei (MD), Clawson, Laura (MN), Coffing, Dominique (NM), Coggin, Hannah (VA), Cole, Leslie (OK), Conzatti, Dena (WA), Cook, Tim (SC), Copu, Carmen (IL), Copu, Paul (IL), Copu, Peter (IL), Copu, Rebecca (IL), Copu, Stefana (IL), Copu, Valen (IL), Copu, Victor (IL), Cribb, Laura (NC), Curtis, Anna (MI), Cyrus, Lauren (MI).

Daniel, Sheri (GA), Davis, Andy (VA), DeBoer, Rachel (IL), DeMasie, Laura (IN), Derhammer, Rebecca (OH), DeVall, Adrian (FL), Dickey, Allison (CA), Dickey, Darlene (CA), Dickie, Russell (KS), Dickson, Christina (WA), Dicus, Bonnie (CA), Dicus, Carrie (CA), Dicus, Melinda (CA), Dodd, Lindsay (GA), Dodson, Aaron (MD), Driggers, Noah (TX), Dudley, Crystal (TX), Durocher, Susan (MN).

Eng, Emily (NC), Estes, Autumn (FL), Estes, Curtis (FL), Estes, Daniel, (FL), Estes, Mildred (FL).

Faas, Josiah (MN), Farr, Katie (TX), Feehan, Benjamin (WA), Feig, Joel (WI), Feig, Zach (WI), Felber, Britton (IL), Felber, Shane (IL), Fernandez, Jonathan (CA), Fernandez, Rachel (CA), Fessenden, Jonathan (TX), Fisher, Sarah (RI), Fisher, Zachariah (RI), Fiskeaux, Christy (AK), Fite, Caty (AR), Fite, Joshua (AR), Foulke, Laura (NC), Foulke, Sarah (NC), Fowler, Robert (IL), Fox, David (CA), Fox, Elizabeth (CA), Furlong, Rebecca (TX).

Gay, Carissa (OR), George, Malia (NC), George, Theresa (NC), Gilley, Rebekah (AL), Gillson, Kennan (MN), Gillson, Kirsten (MN), Goodwin, Joshua (CT), Greenlaw, Paula (OK), Greenlaw, Robert (OK), Grindall, Rachel (WA).

Hammond, Josie (IL), Hartstrom, Melissa (CA), Heath, Joshua (PA), Hierholzer, Jenell (IN), Hildebrandt, Rachel (TX), Hinton, Matthew (VA), Hodgdon, Benjamin (CA), Hodgdon, Loriann (CA), Hooley, Sarah (IN), Hope, Jon-Eric (AR), Houser, Cameron (CA), Howell, Bethany (PA), Howell, Tamarind (PA), Hubbard, Dana (AL), Hubbard, Melissa (CA), Hug, Ruthie (WA), Hung, Rachel (CA), Hung, Rebecca (CA).

Jacobsen, Elizabeth (CA), Jefferies, Megan (MI), Johnson, Benjamin (IN), Johnson, Charles (LA), Jones, Sadie (AL), Jones, Stacie (TX), Jordan, Mark (CA), Jordan, Paul (WA), Jorgensen, Andrew (PA), Joyner, Rebecca (NC), Joyner, Sara (NC).

Kallberg, Luke (IL), Kallberg, Naomi (IL), Kinsel, Hannah (IL), Kinz, Carol (CA), Knudsen, Kathleen (MI), Ko, Benjamin (MI), Kraft, Anna (CA), Krauter, Jocelyn (PA), Kruse, Tim (IN), Kulp, Jarita (WI).

Langemann, Christy (CO), Lassiter, Michelle (TX), Laughlin, Rebekah (PA), Lehman, Regina (PA), Lentz, Sarah (WI), Lerma, Aaron (TX), Leskowat, Catherine (OK), Leskowat, Naomi (OK), Lewis, Mai Cha (WI), Lindley, Jessica (IL), Lindley, Sarah (IL), Little, Lauren (NJ), Long, Mary Sarah (TX), Lorenz, Rebekah (TX), Lukachick, Anna (LA), Lyons, Naomi (IL).

Madison, Lauren (PA), Madison, Nicole (PA), Madison, Norman (PA), Main, Michelle (NC), Marshall, Dallas (AR), Marshall, Ezra (AR), Marshall, James (AR), Marshall, Jonathan (AR), Marshall, Kymberly (AR), Marshall, Louanne (AR), Marshall, Thaddaeus (AR), Martens, Brooke (MI), Martens, Lee Ann (MI), Martens, Tiffany (MI), Martin, Anna (PA), Martin, Maria (PA), Martin-Vegue, Timothy (CA), Matchak, Jacob (CA), Matchak, Joel (CA), Matchak, Josiah (CA), Matchak, Nathan (CA), Matchak, Sarah (CA), McAllister, Carlyn (NC), McCloy, Jennifer (TX), McCraw, Sarah (OR), McCurdy, Terry (IL), McEndarfer, Christina (OK), McEndarfer, Daniel (OK), McMains, Amy (AZ), Melvin, Brent (FL), Melvin, Thomas (FL), Miller, Jeanne (PA), Miller, Kate (TX), Miller, Mary Frances (CA), Miller, Teresa (CO), Molina, Leah (IN), Molina, Matthew (IN), Moll, James (PA), Mullen, Jessica (MN), Mullen, Michael (MN), Myers, Vanessa (IN).

Nelson, Stephen (TX), Neu, Daniel (KS), Nikoforovna, Ksenya (WA), Noland, Katherine (MA), Noland, Margaret (MA), Norcross, Brianne (IN), Norris, Kaleb (CA), Norris, Tyler (CA), Nugent, Tiara (TX).

O'Conner, Adam (LA).

Parker, Marty (IL), Parker, Thomas (IL), Payne, Nikolai (IA), Perez, Kimberly (TX), Phariss, Erik (CA), Phariss, Kenneth (CA), Phariss, Sacha (CA), Phariss, Susana (CA), Pierpont, Charles (IL), Pierpont, Daniel (IL), Pierpont, Hannah (IL), Pierpont, Heidi (IL), Pierpont, Holly (IL), Pierpont, Hope (IL), Pierpont, Ken (IL), Pierpont, Lois (IL), Pierpont, Wesley (IL), Povich, Jocelyn (MI), Powell, Jonathan (DC), Powell, Matthew (MI), Price, Alisa (TX) Protz, Annie (CA), Protz, Jane (CA), Pulliam, Christa (GA).

Quinnett, Sara (TX).

Ramsey, Jeffrey (OH), Ramsey, Jordan (OH), Randall, Erin (TX), Rasmussen, Courtney (CA), Rebelez, Jaimie (CA), Reidsema, Lennae (PA), Richmond, Kristen (OH), Riddell, Kelly (TX), Riddell, Tara (TX), Ritchie, Nathaniel (IN), Robertson, Adam (AL), Robertson, Anthony (AL), Robertson, Ashley (AL), Robertson, Linda (AL), Robertson, Michael (AL), Rodriguez, Cristina (IL), Rodriguez, Jordan (IL), Rodriguez, Joshua (IL), Rodriguez, Judah (IL), Rogers, Jonathan (LA), Ross, Ashely (CO), Ross, Charles (GA), Ross, Mary (GA), Ross, Melinda (MI), Ross, Rebecca (GA), Ross, Richie (CO), Ross, Robert (CO), Roth, Philip (WA), Rowland, Jaime (WA), Rudge, Bethany (TN).

Sachse, Jennifer (MO), Sanborn, Chrissy (FL), Sanborn, Diane (FL), Sanders, Charity (AL), Sauer, Rebecca (TX), Scarborough, Amy (TX), Schweickert, Molly (CA), Seale, Susanna (TX), Sherrer, Katherine (NC), Sherwin, Todd (CO), Shinabarger, Rebekah (IN), Shipley, Daniel (IN), Shipley, Joshua (IN), Shipley, Paula (IN), Shoemaker, Gail (IN), Shoemaker, Kari (IN), Shoemaker, Woody (IN), Shrum, Samuel (MO), Simpson, Nichole (OH), Sirpless, Gina (MN), Smillie, Evan (IN), Souther, Jonathan (NC), Sowash, Jenna (MI), Stallings, Grayson (CO), Stallings, Preston (CO), Stearn, Elizabeth (IL), Stearn, Michelle (IL), Stewart, Andrew (OH), Stewart, Lucas (OH), Stonecypher, Caleb (IN), Stonecypher, Debra (IN), Stonecypher, Elizabeth (IN), Stonecypher, Esther (IN), Stonecypher, Leah (IN), Stonecypher, Maurice (IN), Strickler, Ruth (PA), Stutzman, Julie (OH), Sullivan, Andrei (NC), Sullivan, John David (NC), Sullivan, Roslyn (NC), Sullivan, Sarah (NC), Sullivan, Tom (NC), Sutton, Barbara (MT), Swicegood, Rebekah (AR).

Taylor, Luisa (CA), Tijerina, Andrew (CO), Turner, Jane (GA), Turner, Terry (IL).

Wahl, Isaiah (OR), Walding, Atalie (TX), Waller, Adam (WI), Waller, Brian (WI), Waller, David (WI), Waller, Derrick (WI), Waller, Rachelle (WI), Waller, Sarah (WI), Waller, Sue (WI), Walsh, Caleb (FL), Walsh, Candace (FL), Walsh, Catherine (FL), Walsh, Cathy (FL), Walsh, Daniel (FL), Walsh, Joshua (FL), Walsh, Pat (FL), Walsh, Ryan (FL), Waltman, Darleen (TX), Watkins, Elizabeth (CA), Welfel, Amanda (TX), Wenstrom, Angie (FL), Wenstrom, Brittany (FL), Wenstrom, Chris (FL), Wenstrom, James (FL), Wenstrom, Kimberly (FL), Wenstrom, Matthew (FL), Wenstrom, Michelle (FL), White, Elizabeth (FL), White, Michael (FL), Whitten, Manoah (IN), Whitten, Susannah (IN), Wilson, Joanna (WY), Wilson, Rachael (WY), Winkler, Kathryn (NY), Yates, Jared (FL), Yates, Kyle (FL).

HONORING PRIVATE LEWIS C. DOWDY FOR HIS SERVICE

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. SCOTT of Georgia. Madam Speaker, I am honored to recognize, Private Lewis C. Dowdy for his distinct and honorable service to our Country during the period July 10, 1943 through November 15, 1945. Private Dowdy, service number 34756030, served as a Rifleman while assigned to the 370th Regimental Combat Team of the famed 92nd Infantry Division of the United States Army.

The 92nd Infantry Division (colored) was a unit of the United States Army in World War I and World War II and was nicknamed the "Buffalo Soldiers Division." This Segregated unit was the only African American infantry division to see combat in Europe during World War II, as part of the 5th Army.

Lewis C. Dowdy's unique service to our Nation is something that we should all be proud of, and reflects great honor upon himself, his family and the United States Army. Therefore, I am extremely honored to enter his accomplishment into the CONGRESSIONAL RECORD for all to see and cherish.

PAYING TRIBUTE TO THE GREATER BINGHAMTON CHAMBER OF COMMERCE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. HINCHEY. Madam Speaker, I rise today to honor the Greater Binghamton Chamber of Commerce of Broome County, New York, on the occasion of its 100th anniversary. This Chamber is a truly dynamic organization that has shown a remarkable ability to grow, adapt, and succeed over the course of its one-hundred year history and it remains a driving force for economic growth. It gives me great pleasure to recognize the Greater Binghamton Chamber of Commerce at its centennial anniversary.

The Greater Binghamton Chamber of Commerce serves a region with a rich history in industrial innovation and commerce, a history that stretches back to its founding father and namesake, the Englishman William Bingham, an eminent merchant and banker based in Philadelphia. By the time of the Chamber's establishment, Binghamton and Broome County had risen to become a national manufacturing and commercial force, producing everything from wagons and furniture to cigars and "medicine." In the twentieth century, the region became known as the Valley of Innovation and produced industrial giants such as IBM, Link Aviation, and the Endicott-Johnson Shoe Company. While these large employers contributed greatly to the growth and prosperity of the region, they were mostly memories by the dawn of the twenty-first century. The loss of certain large employers meant new challenges for Broome County and new opportunities for the local chamber of commerce.

The Greater Binghamton Chamber of Commerce has played an essential role in helping local businesses adapt to an ever-changing business climate. With nearly 1,000 members representing 50,000 employees, the Chamber boasts a broad and diverse membership that spans the entire county. The Chamber uses its influence wisely, successfully partnering with community leaders, playing a key role in developing and implementing strategies to grow the local economy, and always working to make Broome County a destination for people to live, work and raise families.

The work of the Greater Binghamton Chamber of Commerce is an integral part of the region's history and an essential part of its future. I look forward to many more opportunities for partnering with this dynamic organization and celebrating the continuing success story that is the Greater Binghamton Chamber of Commerce.

TRIBUTE TO MARGIE ORLAND, ON RECEIVING THE RABBI NORMAN F. FELDHEYM AWARD FOR LOYALTY AND SERVICE TO THE SYNAGOGUE AND COMMUNITY OF THE CONGREGATION EMANU EL

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. BACA. Madam Speaker, the Rabbi Norman F. Feldheym Award was established to pay tribute to those members of Congregation Emanu El, located in my home district of San Bernardino, California, who have conspicuously and exceptionally reflected Rabbi Feldheym's qualities of love for and loyalty to the synagogue, and service to the community. I stand here today to honor Margie Orland for receiving this distinguished award.

Margie has been an extraordinarily devoted leader of Congregation Emanu El. She began her service as a member of the Congregation's Board of Directors in 1986, and since then she has served as Secretary, 2nd Vice-president, Vice-president, and from 2002–2004, as the President of the Congregation. She has been an inspirational leader of the Congregation, giving evidence of her deep love for Judaism, a strong participation in worship and education, and an exemplary commitment to Jewish values and their application in contemporary society.

For over twenty years Margie has rendered extraordinary volunteer service to the congregation in a variety of ways including serving as chairperson of the first Mitzvah Day, her work on numerous raffles and commemorative journals, her work on the Purim Shalach Manot project, and co-chairing the Centennial Torah project.

In addition to her dedicated involvement with Congregation Emanu El, Margie has served give terms as president of the Redlands Jewish Club. She also has chaired the Redlands Home Discussion Series for over fifteen years and currently serves as president of Jewish Family Services of the Inland Communities.

Margie has also been very active in the wider community of Southern California. She has been a long time supporter and volunteer at both the Girls and Boys Club of Redlands and the Loma Linda Children's Hospital. She also currently serves as president of Start Out Smart, a local literacy program aimed at parents-to-be.

Margie and her husband, Burt, are proud parents of two sons, David and Michael, and grandparents of Tanner, Kaley, Jacob and Jared. She is known as a loving and dedicated friend to those throughout the Congregation.

Madam Speaker, this year marks the 116th anniversary of the founding of the Congregation Emanu El. It is fitting, on such a momentous occasion, that we stand here today to honor Margie Orland, for outstanding service to her Congregation, her family, and her community.

TRIBUTE TO DETECTIVE LT. GIUSEPPE PETROSINO

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to the life and memory of Detective Lt. Giuseppe Petrosino. An immigrant from Padula, Salerno, Italy, Lt. Petrosino was the first Italian-American to be named detective in the New York Police Department. His contributions to the Police Force and to the worlds of criminal investigation and prevention are still honored by the governments of Italy and the United States.

Lt. Petrosino is responsible for the creation of the Bomb Squad, the first unit of its kind in the United States. Additionally, he formed the Italian Branch, an elite corps of Italian-American police officers within the NYPD considered by many to be the world's first undercover police officers. Under Lt. Petrosino's guidance in the early 1900s, the Italian Branch arrested thousands of members of an Italian extortion racket referred to as the Black Hand, while simultaneously working to successfully reduce crimes committed against Italian Americans by nearly half. Not only was Lt. Petrosino the first Italian to earn the rank of Lieutenant in the United States, but he was also the first and only NYPD officer to receive funeral solemnities in both Italy and the United States. Over 25,000 mourners were in attendance for his services and President Theodore Roosevelt proclaimed about his death, "He was a just man, a worthy man, and a man to admire. I am grieved at the loss of a friend."

We are forever indebted to the work and dedication of Detective Lt. Giuseppe Petrosino and his career remains a source of pride and inspiration for the Italian-American community that he was so committed to in New York City. It is with great honor and privilege today that I acknowledge the achievements of this hero, Lt. Giuseppe Petrosino.

PERSONAL EXPLANATION

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. PERLMUTTER. Madam Speaker, due to a family obligation I missed the last 4 votes on Friday, April 20, 2007. I would have voted as follows: Putnam Amendment—"No"; Price Amendment—"No"; Motion to Recommit—"Nay"; Final Passage of H.R. 1257, Shareholder Vote on Executive Compensation Act—"Aye."

IN RECOGNITION OF JESS "POOCH" BOWLING

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. CARDOZA. Madam Speaker, it is with the greatest respect and sincerity that I rise today to honor the late Mr. Jess Bowling. Known to many as "Pooch," he was an endearing friend, a first-class sheriff, a well-beloved family man, and a respected member of our community in Merced County, California. At the age of 82, Jess Bowling passed away on Wednesday, April 18, 2007.

Jess Bowling was born in Binger, Oklahoma on August 23, 1924. He moved to Dos Palos, California at the age of 11 with his father and brother, where he attended school and later married Darlene Dorrell in 1945. He began his career in law enforcement in 1953, working for the Dos Palos Police Department. In 1956, he joined the Atwater Police Department until finally moving back to Merced in 1958 to work as a resident deputy for the Sheriff's Department on the Westside. He rose quickly through the ranks of the department and was promoted to sergeant-in-command of the new Los Banos sub-station in 1962. Eleven years later, Mr. Bowling was appointed undersheriff and in August of 1974, he was named acting sheriff. That year he was officially elected sheriff by the citizens of Merced County.

As sheriff, Mr. Bowling was instrumental in the development of the department, including the creation of the department's corrections division and the hiring of its first female deputy. In addition, Mr. Bowling oversaw the creation of the county's first 24-hour patrol, organized a special narcotics investigation team, began a countywide crime prevention program, created the work furlough program for prisoners and significantly improved the jail communication system. Sadly, due to health reasons, Mr. Bowling retired from the Sheriff's Department in 1980. At the time of his death in 2007, Bowling was the oldest living Merced County sheriff.

Mr. Bowling is survived by his daughter Shirley Foley of Los Banos, his brother Jack Bowling of Atwater, his three grandchildren Talisha Zorra of Los Banos, Aaron Crutcher of Anchorage, Alaska, and Lance Crutcher of Merced, and 15 great-grandchildren.

Madam Speaker, it is my honor and privilege to join the community of Dos Palos in recognizing Jess "Pooch" Bowling. Our community benefits greatly from the example he set throughout his lifetime of service as a sheriff who dedicated his life to his community and his family.

IN RECOGNITION OF WILLIAM G. WOOTEN

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to recognize the important contributions of one of my constituents and friends, Dr. William Wooten. For nearly a decade, Dr. Wooten has been a leader in substance abuse prevention in the Evansville, Indiana community.

While serving as the Medical Director of Addiction Services for the Mulberry Center in Evansville, Dr. Wooten saw an alarming number of young people with substance abuse problems. Inspired by a program in Little Rock, Arkansas, Wooten urged a community effort to combat this problem. In March of 1998, Wooten's organizing efforts culminated in Youth First, Inc., which focuses on prevention and early intervention approaches to reduce substance abuse. Under Wooten's leadership, the Youth First program has grown rapidly each year since its inception and this year will serve over 20,000 people.

For all of his outstanding work, Dr. Wooten has been honored by such groups as Family Partnership Against Drugs, Boys and Girls Clubs of Evansville, The United Way and Rotary International. On April 19, 2007, he was presented with Leadership Evansville's 2007 Lifetime Achievement Award. I am proud to have this opportunity to honor Dr. Wooten for his distinguished service to the Evansville community.

ON HONORING OLLIE L. McCOY, VETERAN AND PUBLIC SERVANT, ON THE OCCASION OF HIS RETIREMENT AND TO EXTEND BEST WISHES TO HIM AND HIS FAMILY

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. YARMUTH. Madam Speaker, it is my privilege to stand before you today to honor a fellow Louisville native; retiring Capitol Police Officer Ollie McCoy. Officer McCoy has devoted his career to public service. He served in the United States Army, Airborne Division, for 22 years, including three tours in Vietnam. As a Capitol Police Officer, he has helped protect our Nation's Capitol for 20 years, helping guard the Capitol during such crises as the Capitol shootings in 1998, the anthrax contamination of 2001 and the attacks of September 11th.

Officer McCoy has dedicated most of his life to serving his country. He has demonstrated throughout his career the true meaning of heroism. I ask that you will all join me in giving him the recognition he deserves, and in wishing that his well-deserved retirement is long and fulfilling. On behalf of Kentucky's 3rd District, I thank you, Officer McCoy, for your dedication to our Nation. You have played a vital role in the safety and security of our country, and we are proud to call you one of our own.

CONGRATULATING THE GRAND RAPIDS COMMUNITY SUSTAINABILITY PARTNERSHIP

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. EHLERS. Madam Speaker, I rise today in recognition of the Grand Rapids Community Sustainability Partnership's accomplishment in being named a Regional Center of Expertise on Education for Sustainable Development by the United Nations. I ask my colleagues to join me in congratulating the members of the Partnership.

The Grand Rapids Community Sustainability Partnership is an enterprise comprised of the City of Grand Rapids, Grand Rapids Public Schools, Grand Rapids Community College, Grand Valley State University, Aquinas College and 104 corporate or institutional members that strive to promote leadership in sustainable development in the West Michigan area. The recognition bestowed upon the Partnership by the United Nations has thrust Grand Rapids into the global spotlight as a community at the forefront of environmental stewardship. Grand Rapids is located at the Grand River watershed, Michigan's largest drainage basin, and the region is blessed with some of America's most beautiful and precious resources. The watershed drains directly into Lake Michigan, which provides drinking water for millions of people and serves as a source of fishing, recreation and transportation to the region's residents. The Great Lakes contain twenty percent of the world's fresh water supply, making them one of the world's most important natural resources.

As Michigan's second largest city, Grand Rapids has dedicated itself to preserving the environment for future generations while promoting economic innovation and growth. The Partnership formed between public and private interests in Grand Rapids has worked together to educate the area's residents on sustainable development. It has played an important role in making sure that the region's economy and environment remain vibrant. The Regional Center of Expertise, among other things, will work to manage sustainable urban growth, conserve energy and water, improve the region's infrastructure, and educate the public on how best to conserve our treasured natural resources. To this degree, the Grand Rapids Community Sustainability Partnership will ensure that our children and grandchildren inherit a thriving community.

Through the leadership of the Grand Rapids Community Sustainability Partnership, Michigan remains a principal player in the conservation and protection of not only our economy, but also our environment. I have dedicated a major part of my life and career as a scientist and representative in local, State and Federal Government toward advancing these same goals of sustainable development and environmental stewardship, so I am especially proud of my hometown on this achievement. I commend the Partnership's activities to my colleagues in the House.

TRIBUTE TO DEBORAH COHN AND THE USPTO

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. WOLF. Madam Speaker, I am pleased to recognize Deborah Cohn, deputy commissioner for Trademark Operations at the United States Patent and Trademark Office (USPTO), for her leadership in promoting government telework. With her creativity and perseverance, Deborah Cohn pioneered the development of the USPTO's first telework program at a time when telework was far from the norm.

Convincing reluctant agency executives, Ms. Cohn forged coalitions with managers, IT personnel, and the employee union to create an innovative, award-winning telework program at the USPTO.

This month, the Trademark Work at Home (TWAH) program celebrates its 10th anniversary. Established in 1997, TWAH began as a feasibility pilot of 18 teleworkers. Today, TWAH is the most innovative and progressive program in the entire Federal Government involving more than 220 employees, or 85 percent of eligible examining attorneys, who spend the vast majority of their workweek at home.

The lesson learned from Hurricane Katrina is that governments and private sector businesses must continue to operate if our Nation is faced with similar disasters in the future. Telecommuting has proven benefits, not only for continuity of operations, but also energy savings, air quality, employee productivity, and employee cost savings. In short, telework is a winner all around. As the Nation's largest employer, the Federal Government should be the leader in telework policy. The USPTO is the gold standard for the Federal Government thanks to the efforts of my constituent, Deborah Cohn.

Ms. Cohn began her career at the USPTO as a trademark examining attorney in 1983. In 2001, she joined the Senior Executive Service as a Trademark Group director. She became deputy commissioner for Trademark Operations in 2005 and currently oversees the examination and processing of applications throughout the trademark operation.

Throughout her legal career at the USPTO, Ms. Cohn has been involved in work-life improvement initiatives. She is a former Council of Excellence in Government fellow where she first developed the seeds of the trademark work-at-home program. Ms. Cohn is a graduate of The American University and George Mason University School of Law. Ms. Cohn is a sought after resource and speaker as an expert on the development and management of telework programs.

I ask that my colleagues join me in recognizing Ms. Cohn's efforts in making the USPTO the most successful telework program within the Federal Government. I also ask my colleagues to join me in celebrating the 10th anniversary of the Trademark Office's award-winning telework program.

TRIBUTE TO U.S. ARMY CAPTAIN JAMES A. MORIN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. MEEK of Florida. Madam Speaker, I rise today to recognize Change of Command of the Headquarters and Headquarters Company, 1st Battalion, 3rd U.S. Infantry Regiment, and the achievements of its outgoing Commander, Captain James A. Morin.

In a ceremony tomorrow at Ft. Myer, Virginia, Captain Morin will pass the company's guidon to its new Commander, Captain Michael J. Shouse.

The 3rd U.S. Infantry Regiment is affectionately known as The Old Guard. It was created in 1784, and it is the Army's oldest active infantry regiment. It is also the lead Army unit for all ceremonial activities in and around the Nation's capital, and in many respects its members exemplify the best traditions of both the United States Army and of our Nation.

Captain Morin was a graduate of the U.S. Military Academy at West Point and served with distinction in both Operation Enduring Freedom and Operation Iraqi Freedom, where he earned several important awards and distinctions for his service. He joined the 3rd U.S. Infantry Regiment in 2004, and he has commanded the Headquarters and Headquarters Company since February, 2006.

Captain Morin has said that, even as a young boy, he wanted to be a leader of men. He has certainly achieved that goal, with honor and distinction. We are fortunate to have men of his caliber serving our Nation.

Madam Speaker, I know I speak for all my colleagues in congratulating Captain Michael J. Shouse on his new command, and in thanking Captain James A. Morin for a job well done.

TRIBUTE TO POPULATION RESOURCE CENTER PRESIDENT JANE DELUNG UPON THE OCCASION OF HER RETIREMENT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. DAVIS of Illinois. Madam Speaker, it is with great pride and a tremendous sense of appreciation that I rise to congratulate Ms. Jane DeLung on an outstanding career in research, planning and public advocacy. It has been a privilege to know Ms. DeLung since the late 1960s, when she was doing community health and family planning with the Chicago Department of Public Health, which was very exciting and meaningful work.

She went on to become assistant commissioner, worked for the Federal Government, was vice president of the Illinois Family Planning Council and ultimately became president of the Population Resource Center where she served for 15 years.

During her career, Ms. DeLung has developed effective approaches to bringing people together to raise issues, foster concepts and engineer advocacy action to advance causes and put ideas about advancing quality of life on broad scale agendas.

Ms. DeLung has obviously obtained a wealth of personal experience to match her formal training, B.A. Emory University, M.A. Roosevelt University, and thousands of hours of workshops, seminars and field training.

Madam Speaker, it has indeed been a pleasure to know and work with Ms. DeLung for all of these many years. She has been a most effective social planner, researcher, engineer and advocate. I commend and congratulate her, although she is retiring as President of PRC, I know that she will remain engaged. Best wishes and good luck.

IN MEMORIAM—PAUL LEVENTHAL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. MARKEY. Madam Speaker, I rise today to commemorate and celebrate the life and work of Paul Leventhal.

Paul was a giant in the debate on how to protect the United States and the world from the proliferation of nuclear technology. He encouraged us, he challenged us, and he empowered us to not back down in our continual struggle to free ourselves from the threat of nuclear weapons. And now, as that struggle continues, Paul will be sorely missed.

Paul was a constant and tireless advocate for smart arms control and non-proliferation policies. He helped bring into being two of the most significant pieces of nuclear legislation of the atomic age, the Energy Reorganization Act of 1974 and the Nuclear Non-Proliferation Act of 1978.

To give you a sense of the significance of these laws, I want to tell a very short story about the concept of "full-scope safeguards," of which Paul was an early advocate, and which became U.S. law under the Nuclear Non-Proliferation Act in 1978. "Full-scope safeguards" means that a country would need to have IAEA safeguards over all its nuclear facilities as a requirement for receiving any civilian U.S. nuclear commerce. It is a crucial requirement, and it was adopted in 1992 by the Nuclear Suppliers Group as not only a U.S. requirement but an international one.

In July 2005, when President Bush announced that he wanted to blow a hole in US. non-proliferation laws to allow nuclear trade with India, what was stopping him? Paul Leventhal and the "full-scope safeguards" requirement. Not many people make such an impact on U.S. policy that it reverberates through three decades. But Paul did just that.

I relied on Paul's encyclopedic knowledge for many years, as did my staff. He was an irreplaceable resource to me back in the mid-eighties, when we were fighting the Clinch River Breeder Reactor, and the Reagan Administration's plans to open the door to nuclear cooperation with the Peoples' Republic of China. He was also a driving force behind the effort Howard Wolpe and I undertook in the early nineties to strengthen U.S. non-proliferation law and close export control loopholes. He was tireless in his efforts to move the world away from the use of highly enriched uranium in research reactors and to promote the alternative of low-enriched uranium. On issue after issue, Paul was on the cutting edge of nuclear non-proliferation policy, pointing out flaws in proposed nuclear cooperation agreements with Japan and Euratom, pressing Congress to tighten loopholes in U.S. law, and searching for every conceivable procedural or legislative strategy that could be employed in the cause.

While the void left by Paul's passing is large, and we will often wish that we had his wise counsel to guide us as we continue the fight, I'd like to think that as we do so Paul will be looking down on us and encouraging us in our efforts to fight for a world free from nuclear fear.

I honor Paul Leventhal today, and I pray that we will succeed in the struggle that he dedicated his life to—the fight to prevent the spread of nuclear weapons. My prayers are with his wife, Sharon, and his two sons, Ted and Josh; and I would like to thank them for sharing Paul with us over the years.

Madam Speaker, I submit Paul Leventhal's obituaries from New York Times and the Washington Post for the RECORD.

[From the New York Times, Apr. 12, 2007]

PAUL LEVENTHAL, WHO OPPOSED COMMERCIAL USE OF NUCLEAR POWER, DIES AT 69

(By Dennis Hevesi)

Paul Leventhal, who as president of the small but influential Nuclear Control Institute was one of the most vocal opponents of expanding the commercial use of nuclear power, died Tuesday at his home in Chevy Chase, Md. He was 69.

The cause was cancer, his son Ted said.

Mr. Leventhal founded the Nuclear Control Institute in 1981, two years after becoming co-director of the United States Senate's bipartisan investigation of the Three Mile Island accident, the nation's most serious commercial reactor failure.

Mr. Leventhal opposed commercial nuclear power not only because of the threat of a Chernobyl-like disaster but also because of its potential to ease the making of nuclear weapons. The construction of nuclear reactors in this country ceased for decades, though experts attribute this to cost more than to fears of proliferation. But Mr. Leventhal kept those fears on the front burner for 22 years as his institute's president and since 2002, when his title became founding president.

He lobbied lawmakers, organized conferences and wrote op-ed articles about proliferation, nuclear terrorism and the use of commercial reactors to make tritium, an ingredient of nuclear bombs, a program that the federal Energy Department is now pursuing.

He was particularly concerned about Iran, which he believed had a secret weapons program that would justify a harsh reaction, perhaps even military strikes.

"If you look at every nation that's recently gone nuclear, they've done it through the civilian nuclear cycle," Mr. Leventhal told The New York Times in 2004. Atoms for peace can be a "shortcut to atoms for war," he added. "It may take the unthinkable happening before the political process can screw up the courage to put an end to this ridiculously dangerous industry."

Paul Lincoln Leventhal was born in Manhattan on Feb. 12 in 1938, a son of Jack and Helen Shapiro Leventhal. In addition to his son Ted, of Washington, he is survived by his wife of 39 years, the former Sharon Tanzer; another son, Josh, of Raleigh, N.C.; a brother, Warren, of Roslyn, N.Y.; and two grandchildren.

Mr. Leventhal graduated from Franklin & Marshall College in 1959 and received a master's from the Columbia School of Journalism in 1960. He was a reporter for The Plain Dealer in Cleveland and later The New York Post and Newsday.

In 1969, Senator Jacob K. Javits, Republican of New York, hired him as his press secretary. Mr. Leventhal began concentrating on energy issues for Mr. Javits and, in 1979, was named staff director of the Senate's subcommittee on nuclear regulation and a director of the Three Mile Island investigation.

[From the Washington Post, Apr. 14, 2007]

PAUL LEVENTHAL; LED NUCLEAR CONTROL INSTITUTE

(By Yvonne Shinhoster Lamb)

Paul Leventhal, 69, founder of the Nuclear Control Institute in Washington and an expert in nuclear proliferation issues, died April 10 at his home in Chevy Chase. He had melanoma, a form of skin cancer.

Mr. Leventhal, a former newspaperman and congressional aide, launched his advocacy institute with a full-page ad in the New York Times on June 21, 1981, posing the question: "Will Tomorrow's Terrorist Have an Atom Bomb?"

Since serving in the early 1970s as an aide on a Senate subcommittee chaired by Sen. Abraham Ribicoff (D-Conn.), Mr. Leventhal remained adamant about the dangers of nuclear terrorism and global commerce in plutonium—a key element used in nuclear weapons—and worked to prevent the spread of nuclear weapons to nations or groups.

On the subcommittee, Mr. Leventhal worked on a Nixon administration bill to reorganize the Atomic Energy Commission. He described work on the legislation as a "baptism in fire" that changed his life.

Mr. Leventhal, who worked in the Senate from 1972 to 1981, was responsible for the investigations and legislation that resulted in passage of two landmark nuclear laws—the Energy Reorganization Act of 1974, which split the Atomic Energy Commission into separate regulatory and promotional nuclear agencies, and the Nuclear Non-Proliferation Act of 1978, which established stricter controls on U.S. nuclear trade.

The non-proliferation act's requirement that countries accept international inspections on all their nuclear activities—"full-scope safeguards"—as a condition for receiving U.S. nuclear assistance eventually was adopted as an international norm by the multinational Nuclear Suppliers Group.

Mr. Leventhal recognized the growth and threat of nuclear and bomb-grade materials, said lawyer Richard Wegman, who served as chief counsel for Ribicoffs committee with Mr. Leventhal and later as counsel for the Nuclear Control Institute.

"Paul was a truly remarkable individual, exceptionally dedicated to an exceptionally difficult cause," Wegman said. "He was one of the first to work for full-scope safeguards. . . . He insisted on incorporating that concept in legislation."

In 1979, Mr. Leventhal served as co-director of the bipartisan Senate investigation of the Three Mile Island nuclear accident, and he prepared the "lessons-learned" legislation enacted in 1980 to require preventive measures and emergency planning.

He said that work left him "acutely aware of that ineffable combination of human fallibility and mechanical failure that makes nuclear plants vulnerable to accidents, and also sabotage."

He lamented a few years ago that the flow of nuclear technology and materials from industrial countries to developing regions was continuing.

"As a result, there is now more plutonium in civilian hands than in all of the nuclear weapons in the world. And some of it has already been turned into bombs, as in India, Pakistan and North Korea, while others have used or are now using civilian nuclear programs as a cover for weapons programs," he said in a speech in 2001, adding that Iran and Iraq raised immediate concerns.

Mr. Leventhal, born in Manhattan, graduated magna cum laude with a degree in history from Franklin & Marshall College in Pennsylvania in 1959 and received a master's degree from the Columbia University Graduate School of Journalism in 1960. He spent 10 years as an investigative and political reporter at the Cleveland Plain Dealer, the New York Post and Newsday, until deciding that he wanted to "get inside of government and try to make it work."

In 1969, he came to Washington as a press secretary to Sen. Jacob K. Javits (R-N.Y.), served in 1970 as campaign press secretary to Sen. Charles Goodell (R-N.Y.) and two years later was a congressional correspondent for the National Journal.

From 1972 to 1976, he concentrated on nuclear weapons proliferation as a research fellow at Harvard University's Program for Science and International Affairs and as a visiting fellow at the Brookings Institution. From 1979 to 1981, he was staff director of the Senate Nuclear Regulation Subcommittee, chaired by Sen. Gary Hart (D-Colo.).

After starting the Nuclear Control Institute, Mr. Leventhal served as its president for 22 years, lectured in a number of countries, organized conferences and wrote op-ed articles and books on nuclear terrorism, averting a Latin American nuclear arms race, nuclear power and the spread of nuclear weapons.

For the past several years, he directed the institute as a Web-based program that maintains a word-searchable electronic archive at www.nci.org: and a collection of institute and Senate papers spanning more than 30 years at the National Security Archive.

Survivors include his wife, Sharon Tanzer Leventhal of Chevy Chase; two sons, Theodore Leventhal of Washington and Joshua Leventhal of Raleigh, N.C.; a brother; and two grandsons.

NINE WORLD WAR II HEROES RECEIVE LONG OVERDUE HONORS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. YOUNG of Florida. Madam Speaker, Tomorrow we will honor nine World War II U.S. Army Air Forces members here at the United States Capitol with Distinguished Flying Crosses for actions during a mission attacking oil refineries near Ploesti, Romania, more than 60 years ago.

The nine heroic service members to be honored are 1LT James E. Jatho, 1LT Edward L. McNally, 2LT George N. Croft, 2LT Theodore D. Bell, TSGT. Jay T. Fish, TSGT. William A. Magill, SSGT Frank G. Celuck, SSGT Robert D. Speed, and SSGT Daniel P. Toomey.

The nine medal recipients were members of a B–24 Liberator crew assigned to the 779th Bomb Squadron, 464th Bomber Group, 15th Air Force, who flew the mission July 15, 1944. The crew took off from Pantanella, Italy, to take part in what was to become the heaviest day of bombing of the oil refineries near Ploesti, Romania. Enroute to the target, the crew encountered heavy anti-aircraft fire, severely damaging the plane and causing the loss of one engine.

Despite a damaged plane, pilots Jatho and Croft managed to hold the course. Navigator Bell successfully plotted the flight path while Engineer Fish powered the engines to reach the target. Gunners Celuck, Speed and

Toomey courageously manned their gun positions battling through to the target. In heavy smoke, Bombardier McNally armed each bomb and successfully released the payload over the Uniera Sperantza oil refinery.

After dropping the payload, the crew's plane began losing speed and altitude and lost contact with the rest of their squadron. Over the Adriatic Sea, Radio Operator Magill was able to successfully dial in the Pantanella base homing signal while Engineer Fish got enough power from the remaining three engines in order for Navigator Bell and pilots Jatho and Croft to successfully guide the crew and damaged plane to their base at Pantanella without further damage to the plane or injuries to the crew.

The next day, the crew took part in a raid on Weiner Neusdorf, Austria, during which their plane was shot down. TSgt Magill was killed in action and the rest of the crew was taken as prisoners of war for the remainder of World War II.

Today we honor the three living members of the crew: 1LT Edward L. McNally of Stone Mountain, GA; TSgt Jay T. Fish of Englewood, FL; and SSgt Robert D. Speed of Mobile, AL.

Six of the honorees will receive the medal posthumously, and be represented by family members. Receiving the award for 1LT James E. Jatho, his son, Mr. Jim Jatho of Augusta, GA; for 2LT Theodore D. Bell, his widow, Mrs. Jean Bell of Evanston, IL; for 2LT George N. Croft, his widow, Mrs. Lorraine Croft of Kenai, AK; for TSgt William A. Magill, his niece, Ms. Patricia Thornburg of Belleville, MI; for SSgt Frank G. Celuck, his daughter, Ms. Mary Ellen McConnell ofMonroeville, PA; for SSgt Daniel P. Toomey, his daughter, Ms. Eileen Gorman of Dedham, MA.

Madam Speaker, Air Force Chief of Staff T. Michael Moseley will officiate today over the presentation of the Distinguished Flying Cross to these World War II heroes. Special words of thanks are due to General Moseley for his personal review of this matter over the past year since I first raised the story of this crew with him. He took a personal interest in this matter and he and his staff put in many long hours to document the story of this mission and verify the crew's eligibility for one of our Nation's highest military honors.

Thank you, General Moseley, for allowing us to honor these nine brave men and express deep appreciation for their outstanding and selfless service to our country. The ceremony will be held tomorrow at 4 p.m. in 2118 Rayburn House Office Building. All are welcome to come and say thank you to these men who sacrificed so much in the defense of freedom and liberty.

CONGRATULATING OFFICER OLLIE LEE McCOY OF THE UNITED STATES CAPITOL POLICE DEPARTMENT ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. BONNER. Madam Speaker, it is with great pleasure and personal pride that I rise today to honor Officer Ollie Lee McCoy on the occasion of his retirement from the United States Capitol Police Department.

For the past 20 years, Officer McCoy has served those who work in the United States Capitol complex with a great deal of professionalism, enthusiasm and concern for their well-being. In the process of performing his professional duties, Officer McCoy has also gained the respect and admiration of not only this Member, but of all of my House colleagues, the thousands of staffers that work on the Hill, and the countless visitors who come to the Capitol complex each and every day.

Madam Speaker, Officer McCoy is the epitome of a true professional. He stands at the front of a long line of dedicated men and women from all walks of life that represent the very best of the U.S. Congress. While the U.S. Capitol Police has, as its mission, to protect and support the Congress in meeting our Constitutional responsibilities, men like Officer McCoy have taken that mission a step further by always adhering to the highest standard and by always putting the good of others ahead of oneself.

Without a doubt, one of the saddest days on Capitol Hill—certainly one of the saddest days during my time here on the Hill—was July 24, 1998, when Officers John Michael Gibson and Jacob Joseph Chestnut were fatally wounded at the memorial door of the Capitol. Following the shootings, Officer McCoy was assigned to be liaison to the Chestnut family, and he received a commendation award for his outstanding service.

Madam Speaker, I ask my colleagues to join me today in recognizing Officer Ollie Lee McCoy for his tremendous contributions to the United States Capitol complex. The experience and zeal he has brought to his job—and the concern and compassion he has displayed for everyone whom he has encountered all these many years—are unquestioned and unparalleled. Officer McCoy has indeed been a genuine asset to the police department and to the thousands of men, women, and children he has assisted over the past two decades.

Make no mistake, Officer McCoy's talents and experience in the department will be sorely missed. Along with his many friends and colleagues, I wish to extend to Officer McCoy and his family much health and happiness in the years ahead.

INTRODUCTION OF THE TULSA-GREENWOOD RIOT ACCOUNTABILITY ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. CONYERS. Madam Speaker, I am pleased to introduce the Tulsa-Greenwood Riot Accountability Act of 2007, along with Representative NADLER. This legislation will extend the statute of limitations to allow the survivors of the Tulsa-Greenwood Riot of 1921 to seek a determination on the merits of their civil rights and other claims against the perpetrators of the riot in a court of law.

The Greenwood neighborhood of Tulsa, OK, was one of the Nation's most prosperous African-American communities entering the decade of the 1920s. Serving over 8,000 residents, the community boasted two newspapers, over a dozen churches, and hundreds of African-American owned businesses, with the commercial district known nationally as the "Negro Wall Street." In May 1921, all that came to an end as 42 square blocks of the community were burned to the ground and up to 300 of its residents were killed by a racist mob. In the wake of the violence, the State and local governments quashed claims for redress and effectively erased the incident from official memory.

The 1921 Tulsa race riot was one of the most destructive and costly attacks upon an American community in our Nation's history. However, no convictions were obtained for the incidents of murder, arson or larceny connected with the riot, and none of the more than 100 contemporaneously filed lawsuits by residents and property owners were successful in recovering damages from insurance companies to assist in the reconstruction of the community.

The case of the Tulsa-Greenwood riot victims is worthy of congressional attention because substantial evidence suggests that governmental officials deputized and armed the mob and that the National Guard joined in the destruction. The report commissioned by the Oklahoma State Legislature in 1997, and published in 2001, uncovered new information and detailed, for the first time, the extent of the involvement by the State and city government in prosecuting and erasing evidence of the riot. This new evidence was crucial for the formulation of a substantial case, but its timeliness raised issues at law, and resulted in a dismissal on statute of limitation grounds. In dismissing the survivors' claims, however, the court found that extraordinary circumstances might support extending the statute of limitations, but that Congress did not establish rules applicable to the case at bar. With this legislation, we have the opportunity to provide closure for a group of claimants—all over 90 years old—and the ability to close the book on a tragic chapter in history.

Racism, and its violent manifestations, are part of this Nation's past that we cannot avoid. With the prosecution of historical civil rights claims, both civil and criminal, we encourage a process of truth and reconciliation which can heal historic wounds. In this case, the court took "no great comfort" in finding that there was no legal avenue through which the plaintiffs could bring their claims. The Tulsa-Greenwood Riot Accountability Act would simply give Tulsans and all Oklahomans, white and black, victims and non-victims, their day in court. Without that opportunity, we will all continue to be victims of our past.

PERSONAL EXPLANATION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. WALSH of New York. Madam Speaker, I was not able to participate in legislative duties last week as i was in my District taking care of family commitments.

On Motion to Suspend the Rules and Pass, as Amended to H.R. 1677 Taxpayer Protection Act—Vote "yea."

On Motion to Suspend Rules and Agree to H. Res. 196 Supporting the Goals and Ideals of World Water Day—Vote "yea."

On Motion to Suspend the Rules and Agree, as Amended to H. Con. Res. 100 Condemning the recent violent actions of the Government of Zimbabwe against the peaceful opposition party activists and members of civil society—Vote "yea."

On Motion to Suspend the Rules and Agree to H. Res. 273 Supporting the goals and ideals of Financial Literacy Month—Vote "yea."

On Motion to Suspend the Rules and Agree to H. Con. Res. 76 Honoring the 50th Anniversary of the International Geophysical Year and its past contributions to space research and looking forward to future accomplishments—Vote "yea."

On Passage of H.R. 195 District of Columbia House Voting Rights Act—Vote "nay."

On Passage of H.R. 1495 Water Resources Development Act—Vote "yea."

On Passage of H.R. 1257 Shareholder Votes on Executive Compensation Act—Vote "yea."

HONORING CORPORAL JASON BEADLES OF LA PORTE, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. DONNELLY. Madam Speaker, I rise today to honor the sacrifice of Corporal Jason Beadles of La Porte, IN, who died on April 12, 2007, while proudly serving his Nation in Baghdad, Iraq. Jason risked everything in order to provide security and freedom to people halfway around the world.

Jason loved Johnny Cash, and he loved country music. He loved taking his nieces and nephews swimming. He loved fooling around and playing games with his brothers and cousins in the backyard. He loved motorcycles, and hoped to eventually turn this passion into a career. In many ways Jason always was, as his parents described him to a local paper, a big child at heart.

But Jason also loved his country. Moved by the horror of 9/11 and inspired by his father and grandfather, his brother and uncles, Jason joined the Army to serve his country. Where before there was the big child, now there was an honorable man.

And as an honorable man, Jason braved the dangers of war. In braving those dangers, Jason knew that he might face a day when he was called upon to pay the highest price demanded of any patriot. To the sorrow of the Beadles family and Jason's many friends, Jason did pay that price less than two weeks ago.

It is my sad duty to enter the name of Jason Beadles into the official record of the United States House of Representatives in honor of his service to this country and the ultimate price he paid. We honor him today as a true patriot, and a true hero. He served his country at war so that, as a great President once said, "freedom might live, and grow and increase its blessings."

May God grant peace to those who mourn and strength to those who continue to fight. And may God be with all of us, as I know he is with Jason.

COMMEMORATING THE ARMENIAN GENOCIDE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. CAPUANO. Madam Speaker, I rise today to commemorate a people who despite murder, hardship, and betrayal have persevered. April 24, 2007, marks the 92nd anniversary of the Armenian Genocide.

Throughout three decades in the late 19th and early 20th centuries, millions of Armenians were systematically uprooted from their homeland of 3,000 years and deported or massacred. From 1894 through 1896, three hundred thousand Armenians were ruthlessly murdered. Again in 1909, thirty thousand Armenians were massacred in Cilicia, and their villages were destroyed.

On April 24, 1915, two hundred Armenian religious, political, and intellectual leaders were arbitrarily arrested, taken to Turkey and murdered. This incident marks a dark and solemn period in the history of the Armenian people. From 1915 to 1923, the Ottoman Empire launched a systematic campaign to exterminate Armenians. In 8 short years, more than 1.5 million Armenians suffered through atrocities such as deportation, forced slavery and torture. Most were ultimately murdered.

Many of our companions in the international community have already taken this final step. The European Parliament and the United Nations have recognized and reaffirmed the Armenian Genocide as historical fact, as have the Russian and Greek parliaments, the Canadian House of Commons, the Lebanese Chamber of Deputies and the French National Assembly. It is time for America to join the chorus and acknowledge the Armenians who suffered at the hands of the Ottoman Empire. And let me stress that I am not speaking of the government of modern day Turkey, but rather its predecessor, which many of Turkey's present day leaders helped to remove from power.

As I have in the past, as a member of the Congressional Armenian Caucus, I will continue to work with my colleagues and with the Armenian-Americans in my district to promote investment and prosperity in Armenia. And, I sincerely hope that this year, the U.S. will have the opportunity and courage to speak in support of the millions of Armenians who suffered because of their heritage.

EXPRESSING SUPPORT FOR NATIONAL MINORITY HEALTH MONTH

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. REYES. Madam Speaker, April is National Minority Health Month. Its goal is to foster awareness of minority health issues, and spur dialogue and solutions toward ensuring that minorities are not disproportionately vulnerable to illness, disease and premature death. In the U.S., Hispanics, African-Americans and Asian Pacific Islanders have significant healthcare needs. These groups suffer from high levels of poverty and disease, including diabetes, heart disease, tuberculosis, hepatitis, and cancer. Large numbers of minorities are also uninsured or under-insured. In a world where we have shortages of nurses, doctors, and other health practitioners, with respect to minority health in particular, there is no shortage of need.

To meet these challenges, the health concerns of particular minority groups must be addressed, and this must be achieved as we better our healthcare system. I am a strong supporter of the healthcare providers and research institutions in my district of El Paso, TX, such as Texas Tech University, the University of Texas at El Paso, El Paso Community College, the Border Health Institute (BHI), Pan American Health Organization, La Fe, Project Vida, Project Arriba, Fort Bliss, area hospitals and clinics, and individual doctors, nurses, and other healthcare professionals. I believe we must make every effort to create solid foundations for healthcare in our communities.

National Minority Health Month is a vitally important time for millions of Americans. In honor of National Minority Health Month, I urge my colleagues in Congress to support initiatives designed to effectively reduce minority health disparities. With respect to minority health, though there may be no shortage of need, we must assure there is also no shortage of resources to address the disparity, and eventually close the gap.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 24, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 25

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine challenges and opportunities facing American agricultural producers, focusing on farm programs and the commodity title of the farm bill.

SD–106

10 a.m.

Armed Services

Airland Subcommittee

To hold hearings to examine whether the Army is properly sized, organized, and equipped to respond to the most likely missions over the next two decades while retaining adequate capability to respond to all contingencies along the spectrum of combat in review of the Defense Authorization Request for fiscal year 2008 and the Future Years Defense Program.

SR–222

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold an oversight hearing to examine the Nuclear Regulatory Commission.

SD–406

Judiciary

Business meeting to consider S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 119, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, S. 1079, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, S. 735, to amend title 18, United States Code, to improve the terrorist hoax statute, H.R. 740, to amend title 18, United States Code, to prevent caller ID spoofing, S. 221, to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts, S. 495, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 239, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information, S. 879, to amend the Sherman Act to make oil-producing and exporting cartels illegal, S. Res. 125, designating May 18, 2007, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide, S. Res. 116, designating May 2007 as "National Autoimmune Diseases Awareness Month" and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research, S. Res. 146, designating June 20, 2007, as "American Eagle Day", and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, S. Res. 162, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers, and the nominations of Robert Gideon Howard, Jr., to be United States Marshal for the Eastern District of Arkansas, Frederick J. Kapala, to be United States District Judge for the Northern District of Illinois, and Benjamin Hale Settle, to be United States District Judge for the Western District of Washington, John Roberts Hackman, to be United States Marshal for the Eastern District of Virginia, Department of Justice, and possible authorization of subpoenas in the connection with investigation into replacement of U.S. attorneys.

SD–226

10:30 a.m

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Missile Defense Agency.

SD–192

2 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine language and cultural awareness capabilities for the Department of Defense.

SR–325

Veterans' Affairs

To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on mental health issues.

SR–418

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 324, to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico, S. 542, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, S. 752, to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir, S. 1037, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon, S. 1116 and H.R. 902, bills to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources, S. 175, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, S. 1112 and H.R. 235, bills to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District.

SD–366

3:30 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine Department of Energy atomic energy defense programs in review of the Defense Authorization Request for fiscal year 2008.

SR–232A

APRIL 26

9:30 a.m.

Armed Services

To hold hearings to receive testimony on legal issues regarding individuals detained by the Department of Defense as unlawful enemy combatants.

SH–216

10 a.m.

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Federal Bureau of Investigation.

SD–192

Health, Education, Labor, and Pensions

Employment and Workplace Safety Subcommittee

To hold hearings to examine the effectiveness of the Occupational Safety & Health Administration (OSHA).

SD–628

Indian Affairs

To hold hearings to examine S. 462, to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement.

SR–485

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine clean coal technology.

SR–253

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Housing and Urban Development.

SD–124

1 p.m.
Finance
Energy, Natural Resources, and Infrastructure Subcommittee
To hold hearings to examine coal, focusing on a clean future.
SD-215

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 312 and H.R. 497, bills to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion, S. 169, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, S. 580, to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, S. 686, to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historical Trail, S. 722, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, S. 783, to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, S. 890, to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and H.R. 1047, to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System.
SD-336

Intelligence
Closed business meeting to consider pending intelligence matters.
SH-219

3 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine Air Force and aviation programs in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.
SR-232A

APRIL 30

2:30 p.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine Halliburton and United States business ties to Iran.
SR-253

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the Federal government's role in empowering Americans to make informed financial decisions.
SD-342

MAY 1

10 a.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine improving air service to small and rural communities.
SR-253

Judiciary
To hold hearings to examine process patents.
SD-226

2 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine conservation policy recommendations for the farm bill.
SR-328A

2:30 p.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine S. 129, to study and promote the use of energy-efficient computer servers in the United States, S. 838, to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, H.R. 85, to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies, and H.R. 1126, to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.
SD-366

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine Electronic On-Board Recorders (EOBR's) and truck driver fatigue reduction.
SR-253

MAY 2

10 a.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine United States trade relations with China.
SR-253

Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine strengthening the security of international travel documents, focusing on interrupting terrorist travel.
SD-226

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 27, to authorize the implementation of the San Joaquin River Restoration Settlement.
SD-366

MAY 3

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine pending nominations.
SR-253

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 390, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, S. 647, to designate certain land in the State of Oregon as wilderness, S. 1139, to establish the National Landscape Conservation System, H.R. 276, to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes, H.R. 356, to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States, S. 205, to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska, and H.R. 865, to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska.
SD-366

9:30 p.m.
Indian Affairs
To hold hearings to examine S. 310, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.
SR-485

MAY 9

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine farm bill policy proposals relating to farm and energy issues and rural development.
SR-328A

Veterans' Affairs
To hold hearings on benefits legislation.
SD-562

MAY 16

10 a.m.
Veterans' Affairs
To hold hearings to examine the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.
SD-562

MAY 17

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine rail safety reauthorization.
SR-253

MAY 23

9:30 a.m.
Veterans' Affairs
To hold hearings on health legislation.
SD-562

POSTPONEMENTS

APRIL 25

2 p.m.
Judiciary
To hold hearings to examine rising crime in the United States, focusing on the Federal role in helping communities prevent and respond to violent crime.
SD-226

APRIL 26

2:30 p.m.

Commerce, Science, and Transportation

Consumer Affairs, Insurance, and Automotive Safety Subcommittee

To hold hearings to examine All-Terrain Vehicle (ATV) safety.

SR–253

SENATE—*Tuesday, April 24, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, who has promised to supply all our needs, strengthen our Senators to honor Your Name. Give them ears open to hear Your word, minds ready to accept Your truth, wills ready to do Your commandments, and hearts ready to respond to Your love.

Give them also a sure and certain faith to believe Your promises and never to despair. Infuse them with a love that is ready to forgive, eager to help, and quick to share. Let no disappointment quench their commitment to serve You faithfully. Give them the right and true ambition to find their greatness in serving others. We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 24, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business for 1 hour. The first portion is controlled by the Republicans, the final portion under the control of the majority.

Following this period of morning business, the Senate will resume debate on S. 761, the competitiveness bill. Under an agreement entered last week, Senator COBURN is to be recognized today to speak for up to an hour on the bill. I am also aware of other speakers who have indicated a willingness to speak on the legislation. We hope we can accommodate their schedules because there are a number of people who want to speak.

At noon today, we will switch gears and consider Executive Calendar No. 76, the nomination of a judge from Mississippi, Halil Suleyman Ozerden, to be a U.S. district judge. There will be up to 10 minutes of debate and then a vote on confirmation. This time will be controlled by the chairman and ranking member of the Judiciary Committee. Members can expect a rollcall vote today around 12:10. Once this nominee is confirmed, this will be the 16th district judge we have confirmed this year, 14 districts and 2 circuits. The Senate will recess for our regularly scheduled party conferences following the vote and will reconvene at 2:15 p.m. today.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein, the first 30 minutes under the control of the Republicans and the final 30 minutes under the control of the majority.

The Senator from Utah.

BORIS YELTSIN

Mr. BENNETT. Mr. President, may I, before I begin my comments prepared for today, make two quick comments.

No. 1, I note the passing of Boris Yeltsin, President of Russia and a major figure in the transition between the Communist rule and the present democracy that exists in Russia. Like many Members of the body, I had the opportunity to meet Boris Yeltsin. That is one of the privileges we have as Senators—we get to meet important people from around the world. I can't pretend to know him at all. I simply shook his hand and said hello. But I was in Russia not long after he took power, spent time in the U.S. Embassy there, and noted the impact he had on helping bring Russia into the modern world, the world of democracy, and out of the ancient world, the world of tyranny. He had his faults. He had his problems. But he played a pivotal role, and we should take a moment to recognize that fact.

The one quote attributed to him that I enjoyed personally with respect to our life here has to do with the Library of Congress. When my constituents come to Washington, I tell them: You need to go see the Library of Congress, the Jefferson Building. Aside from the Capitol itself, it is the most beautiful building on Capitol Hill, and maybe in Washington. Boris Yeltsin is said to have gone into the Library of Congress and looked around at that magnificent lobby and then questioned: How did you get a building like this? You didn't have any czars.

Having been to the buildings in the Kremlin and seeing the kinds of things the czars built, I understand that the Library of Congress probably would have impressed him.

SENATE CHAPLAIN

Mr. BENNETT. Mr. President, my second comment has to do with our Chaplain. I listened with great interest and humility to the prayer he offered this morning. I felt touched by the things he asked on our behalf. They were the kinds of things I need from our Heavenly Father. I was grateful to the Chaplain for his ability to touch on those. I read his biography before it was published. He was gracious enough to give a copy of it to my wife, who has now read it, and I have reread it. We are well served by having a man of his spirituality and intellectual background and learning as our Chaplain in the Senate.

SOCIAL SECURITY

Mr. BENNETT. Mr. President, I rise to turn my attention to a report that was released yesterday, the annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Disability Insurance Trust Funds. Those are fancy names for what we call Social Security.

With yesterday's release, they once again changed their projection as to what the future might hold with respect to Social Security, thus underlying a point I have tried to make in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

my career in the Senate ever since I arrived; that is, all projections about the future are wrong. I don't know whether they are wrong on the high side or on the low side, but they are always wrong. The closer we get to reality, the more we have to adjust those projections and say: Well, it is closer to this, that, and the other.

The most reliable projections are those which are 30 days out. The next most reliable are those which are 3 months out and then those which are 6 months, those which are a year. Those which are 20 years or 30 years out are all very much subject to challenge. We are seeing that here. We have had projections on which we have based our speeches and our actions. Now we are seeing those projections get changed. But there is one projection that is not subject to change that has bearing on the issue of Social Security. I would like to put up a chart which demonstrates that.

The reason this one is not subject to change is that all of the people represented here are already born. These are people who are already alive. These are not projections about demographics. These are not projections about economics. These are the facts with respect to the American population. This is a chart showing the percentage of Americans who are over 65. Back in 1950, it was around 5 percent of Americans who were over 65. Then it increased gradually over the years. Now it is closer to 10 percent. There was a dip in the percentage that occurred between 1990 and now. That dip represented the birthrate back in the Great Depression when people, for their own reasons, curtailed the having of children. One could say it was primarily economic. Children have ceased to be economic assets; they have become consumer goods. When times are hard, you cut back on your consumer goods.

Then we had what we demographers call the baby boom. The GIs came home from World War II. They started families. They started their careers. They were filled with optimism, and they were willing to take on some extra consumer goods. They had larger families. Those children are now reaching retirement age.

Starting in 2008, something is going to happen in America that has never happened before in our history: The percentage of Americans over retirement age is going to double in a 20-year period. Then it will taper off again, after we have absorbed the impact of the baby boom generation, and continue to increase but at a relatively minor rate. It is this phenomenon, this projection, which is a reliable one—because all of these people have been born—that is driving the crisis in Social Security. It is not the Republicans who are driving the crisis. It is not the Democrats who are responsible for the crisis. We should stop talking in partisan terms about this and recognize the reality. This is a demographic reality. This is a demographic projection upon which we can rely.

Social Security is a program that covers everybody who works. It covers the single mom who works as a waitress at the minimum wage, and it covers Oprah Winfrey and Warren Buffett and Bill Gates. The multibillionaires receive Social Security. They receive Social Security on the basis of the amount they pay into the program. The amount they pay into the program is substantially more than the amount the single-mom waitress pays in. Because it is structured in that fashion, Oprah Winfrey will receive more than the single-mom waitress—indeed, significantly more. The question arises, under those circumstances, in order to deal with the shortfall that is described in the report issued by the trustees, do we need to continue that idea; that is, that Oprah Winfrey, with her billions, still should get more Social Security than the single-mom waitress who, when she retires, has no personal safety net whatsoever. I am not suggesting that what we do is penalize Oprah Winfrey or Warren Buffett or Bill Gates. I don't want to pick on Oprah too much, but she is perhaps the most visible all of these billionaires about whom I speak.

There is something in the Social Security system that we should address and that people on both sides of the aisle should address; that is, the way Social Security benefits are currently figured has in that mathematical formula a method of increasing the benefits to compensate for inflation. The formula that is there increases the benefits more than inflation goes up. We don't know that. Americans aren't aware of that. We say: Here is the benefit line, and it should increase by so much with respect to inflation, and that is only fair. It increases more than inflation actually goes up.

The late Senator Moynihan from New York used to say the way to deal with this reality of the doubling of Americans over retirement age is to simply adjust the inflation adjustment to true inflation.

We are paying out more than inflation would justify. If we just back it down to pay out exactly what inflation would justify, then we solve the problem. Then the report from the trustees says there will be enough money. It is the fact we have adjusted it higher than inflation that is causing the money to disappear, causing the projections to be as bad as they are.

Let me show you what happens if we do not make some kind of adjustment. Here is another chart that takes the information that comes from the trustees and puts it in perspective. This flat line is the income coming into the Social Security system. This blue line is the payout. As you will see, starting at about 2014, the amount paid out will be more than the amount coming in.

How do we make up the difference? Well, it is in the trust fund. It is a commitment made by the Congress. So the Congress will put up the money. We will honor the commitment of the trust fund.

Then, around about 2040, 2041, all of a sudden the trust fund is exhausted, and, by law, you cannot pay out more than you have coming in—unless you dip into the trust fund. So if there is no trust fund, and you cannot pay out any more than you have coming in, the amount of benefits drops dramatically back to the level of the income. That is where we are, and that is roughly a 25-percent cut across the board to everybody.

That is a 25-percent cut to the woman who waited on tables as a single mom and is now at retirement age and sees her benefits cut 25 percent. It is a 25-percent cut for Oprah Winfrey, who will not notice it. Indeed, she probably won't even be aware the Social Security check is coming in because in her billions that check gets lost.

This dotted line shown on the chart is what the benefits should have been if we had enough money. But we will not have enough money, and that is where we will be.

Instead of waiting until 2041 to deal with this reality, what we should do now is listen to what Senator Moynihan had to say—but with this amendment, he said: Change the adjustment for inflation to match real inflation, and you get enough money to keep the two together.

I say: Leave the present overly generous adjustment for inflation in place for the single mom; that is, leave the present situation in place for the bottom third of people who pay into the trust fund. Then say to Oprah Winfrey and Bill Gates: You are going to have to struggle by with just inflation as it really is. We are not going to give you the inflation-plus energizer that we give to the bottom third.

Now, for those of us who fall somewhere in between the bottom third and Bill Gates, we can have a blend. We can have a mixture of the more generous benefits paid to the bottom third and the less generous benefits paid to the top 1 percent. By simply making that kind of adjustment now—now, not waiting until 2041—we can avoid the crisis in 2041.

Now, I have had conversations with my friends across the aisle about this proposal for several years. I have introduced it as a piece of legislation and discussed it with people around this Congress of both parties. This is the reaction I get: Bob, this is a good idea. This is something we probably ought to do. But we won't address the problem until after the next election.

Mr. President, the next election never comes. There never is an "after the next election." We are constantly demagoging the Social Security issue for political advantage and putting off the time when we must deal with it.

So triggered by the occasion of the report released by the trustees of the Social Security trust funds, I say today, the time has come for both parties to recognize this is a problem that will not go away. This is a projection we can trust, and it is time for us to put partisan advantage or perceived partisan advantage aside and deal with it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

IRAQ SUPPLEMENTAL

Mr. ALLARD. Mr. President, last night we had our first and only conference committee meeting where all the members from both Appropriations Committees who are on the conference committee, including members on the House side, had an opportunity to come together for their first gathering. I predict it will be the only gathering. Everything else in that supplemental has been worked out behind doors, and a lot of us were not privy to it until legislation was proposed in the conference committee yesterday.

I am very disappointed in that piece of legislation. There is a huge increase in the amount of dollars being spent to try to placate some of those who may otherwise oppose the legislation.

But my main concern with that legislation is it has timelines and benchmarks in it that are going to tend to micromanage the conflict in Iraq. I think that is a bad idea. In fact, I have indicated I am not willing to sign the conference report that is going to come out of that particular committee because of the language in there that does lay down timelines and benchmarks. That creates a problem for our commanders in the field in Iraq.

Mr. President, it was not very many months ago the Senate unanimously approved General Petraeus to head our efforts in Iraq. Many Members have extolled the virtues of the general—his education, his leadership, and his commitment to his soldiers.

Unfortunately, we are still confronted with the reality that some want to tie General Petraeus's hands. Confusingly enough, they want to reject the strategy General Petraeus has proposed in Iraq even before he has been given the full opportunity to perform his mission.

I ask again: Why would we support him and recognize his stellar career with a unanimous nomination vote but not give him the means to get the job done? For what reason did my colleagues agree to send him to Iraq as the commander of our forces? His strategy in Iraq was made very clear, both publicly and privately, and yet we are not willing to support it. It is vexing.

We need to avoid micromanaging the war from the floor of the Senate. Let our Commander in Chief perform his duties, and let our military leaders do their jobs. If we do not support them fully in the supplemental bill, then I must continue to vote against any legislation that sets arbitrary deadlines and thresholds in Iraq—and plead with my colleagues to do the same.

We cannot afford to set a deadline and walk away from Iraq. The cost of failure is too great to our future long-term national security. It is in America's security interests to have an Iraq that can sustain, govern, and defend itself. Too much is at stake to simply abandon Iraq at this point. The price of failure is simply too great.

Let me remind my colleagues that we have seen terrible results from political motives being placed above military necessities—the attempt at rescuing the American Embassy hostages from Tehran, or Beirut in the 1980s, and Somalia in the 1990s. Leaving Iraq in the current situation would be like the ending of our efforts in those areas as well. Our withdrawal from these countries embolden the terrorists. Bin Laden himself is on record after these withdrawals criticizing our lack of will and questioning our commitment to fighting these zealots. We have to learn from our mistakes in the past.

How have we gotten to this point? Well, many of my colleagues in the Senate continue to beat the drum of the Iraq Study Group Report. They continue to state that their withdrawal proposal follows the report's recommendations.

I would simply like to point out something to my colleagues. Unlike the supplemental bill that will soon be voted on—or what I would like to call our surrender document—the Iraq Study Group Report does not call for us to walk away from our mission. They do not call for us to walk away from our mission. In fact, the Iraq Study Group Cochair, James Baker, recently had this to say about artificial deadlines:

> The [Iraq Study Group] report does not set timetables or deadlines for the removal of troops, as contemplated by the supplemental spending bills the House and Senate passed. In fact, the report specifically opposes that approach. As many military and political leaders told us, an arbitrary deadline would allow the enemy to wait us out and would strengthen the positions of extremists over moderates.

So here we are, a must-pass bill that flies in the face of what the Iraq Study Group has recommended. But the Democratic majority is well aware of what effect slowing down passage of the supplemental means to the Department of Defense as a whole. Particularly, the House of Representatives has dragged its feet in appointing conferees to the bill, knowing full well the President intends to veto this legislation. In fact, just yesterday, President Bush stated he would strongly object to any deadlines, stating that:

> An artificial timetable of withdrawal would say to an enemy, "Just wait them out." It would say to the Iraqis, "Don't do hard things necessary to achieve our objectives." And it would be discouraging to our troops.

He also stated he does not want "Washington politicians trying to tell those who wear the uniform how to do their job." I agree with the President wholeheartedly.

By placing the President in the precarious position of vetoing this bill, even in the dire financial straits it places the Department of Defense, the other side of the aisle has chosen to play politics rather than fund a clean bill that gives our soldiers in the field the resources they need.

The question remains, if the other side truly believes the war is lost, then why not cut off funding for the war entirely? The power of the purse is in our constitutional authority as a Congress. If the majority party wants to dictate Iraq policy to the President, rather than put limitations on our military in Iraq, which would be a disaster, they should attempt to no longer fund our efforts.

But I doubt that will happen because they know they do not have the votes or the support for such a precipitous withdrawal. Instead, the "slow bleed strategy" will continue from our colleagues in the Senate and the House that will, in my opinion, leave our troops dejected and less safe than before. This ill-advised strategy will clearly hand Al Jazeera its propaganda message.

There is no doubt we face extremely difficult challenges in Iraq. We have not made enough progress. Citizens of Iraq must be willing to fight for their own freedom. The President recognizes this, and his new plan is the result of increased commitments from the Iraqi Prime Minister. The President has developed a new plan with new leadership. We should not jerk the rug out from under those we have put in charge in Iraq.

I ask my colleagues to reject this bill and let us craft a clean funding bill that will meet the priorities and needs of our men and women in Iraq.

Mr. President, that concludes my remarks.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I want to follow on the remarks of my dear friend from Colorado related to the current situation in Iraq. It appears some movement has been made on the war supplemental. Unfortunately, it is a flawed piece of legislation, one the crafters of it well know will be vetoed by the President. It will be vetoed for good reasons—because it contains completely unacceptable language, as was just being pointed out.

It is impossible for us to micromanage what is happening in the field. It is a bad idea for politicians in Washington to tell generals when and how they can move forces in a battle. It is a bad idea for us to slow-bleed our military as they face an unrelenting enemy. It is a bad idea for us to simply not have the wherewithal to stick with the fight at a time when it is difficult. The President this week again reiterated his commitment that he would veto a bill that had artificial timetables for withdrawal and that would empower the enemy. It gives the enemy hope and an opportunity to wait us out. There is no question about that. A deadline simply tells the enemy by what date they need to know that the American commitment is over.

Imagine the confusion for someone in Iraq trying to make a decision whether to cast their lot which, in fact, may mean the death of himself or herself, and their family, to support our effort there toward a democratic country. If they had no anticipation that our commitment was equal to theirs, they might simply wait it out. So how can we ever turn the political tide in our favor in Iraq if we don't show the commitment the people of Iraq must have in order to make a commitment to our stated goals?

General Petraeus is here. He met with the President yesterday; he will be meeting with Members of Congress. It is important that we ask him his assessment of the current situation.

I know there are many who would be ready to suggest that the surge is not working. In fact, the full surge is not in place because all of the troops are yet to be deployed for the surge, but some who already said it wouldn't work are now saying it hasn't worked. I wish to have General Petraeus's assessment of it. I want to know what the general on the ground—not a politician in Washington—thinks about the effort of success we are meeting with our effort at this point in time.

The Iraq Study Group has been mentioned. Congress should drop fixed deadlines for withdrawals of U.S. forces. As Commander in Chief, the President needs flexibility on draft deployments. This is from the cochair of the Iraq Study Group, Democrat Lee Hamilton.

It is important that we recognize the Iraq Study Group not only when it is convenient but also when it might be inconvenient.

I think it is very important that we not sound the voice of defeat. Imagine the surprise that must have come to our enemies—and whether we like it or not, we have enemies—imagine the delight that must have come when, from the halls of the Congress, from the leader of the Senate, they were told that they had, in fact, won; that the war was lost.

This is not the right thing to say at a time when our troops are engaged in battle. Nine U.S. soldiers lost their lives in the last 24 hours alone. This is a difficult time. It is not a pleasant time. It is not an easy assignment. So for us to simply tell our troops in the field they have been defeated when they in fact have not, and for us to tell our enemies that in fact they have won when in fact they have not, is not a good idea. I believe it is terribly important that we attempt somehow in the midst of this rancor and debate that is so classic of modern day Washington that we find it within ourselves to look beyond the current moment of politics, beyond the political advantage that might be gained at any one moment or another, and seek within the depths of our souls the opportunity for us to begin to work together to try to find a solution to this very difficult problem.

It is a sure thing that we, in fact, have a problem on our hands, that Iraq is a difficult situation. There is no question they must reach a political settlement. There is no question that they must do—the Iraqis themselves—the hard work of peace. However, as we do that, we need to also find it within ourselves to find a way of shaping a political consensus, for us to find a way to begin to talk to one another, not past one another, about how we resolve the issues in Iraq in a way that will enhance America's strength. It is not about defeating a point of view. It is not about defeating President Bush. A loss in Iraq would be a defeat for the United States of America. So how do we find a way to empower America to be a stronger country, to be a united country as we seek to defeat the enemies of our country, which surely are there, continuing to fight against us, wishing us to be unsuccessful, and wishing for our country to be defeated? We should pull together, Republicans and Democrats all, to try to find the common ground that will bring us to a sensible solution, to a sensible outcome, so America is not defeated, but the enemies of America are defeated.

Mr. President, I yield the floor.

BIPARTISANSHIP STARTS AT THE TOP

Mr. NELSON of Florida. Mr. President, I say to my good personal friend and colleague from Florida, if we want to solve this and other problems, we have to have some genuine bipartisanship, and that bipartisanship has to start at the top. There has to be an atmosphere of mutual respect and willingness to work together, and it has to start in the White House.

I have shared these comments publicly and privately. Whenever you face something as contentious as the matters we face—matters of war and peace, the making of Medicare financially solvent, the question of prescription drugs and their cost—you simply can't do it by taking a unilateral position over and over on either side of this aisle; it has to be that people have to come together and work it out. There also has to be a sense of mutual trust, of people telling the truth to each other, of doing what the standards were in the old days where a man's word was his bond. Until we get that, we are going to continue to have difficulty.

We see the problems right now in a war that is certainly a difficult one. We all share the same goal: that the interests of America are furthered if we can stabilize Iraq. How do we get there? There has been so much mistrust and suspicion that has been bred because of all the inconsistencies and lack of information and misinformation and massaged information. But that is then; now is now. What do we do?.Thus far, it looks as though the White House and the leadership in Congress can't come together. There is too much distrust.

I have said before and I will say again, thank goodness the Secretary of State is out on a new diplomatic initiative. It is not catty to say it is about time, because there certainly have been those forces within the administration that have wanted this much more in the past, but I think the Secretary of State is making a very valiant effort now, because you are not going to solve the problem in Iraq unless you can get all the neighbors in the region involved to make a political solution stick.

Is a political solution viable? This Senator cannot say at this point that it is a viable prospect because of the sectarian hatred we have seen play out over these last several months. But this hasn't just been going on for months; this has been going on for 1,327 years, ever since the Battle of Karbala. I say to my colleague, who is my friend, and the two of us work together very well all the time, that a lot less rhetoric coming from both ends of Pennsylvania Avenue would help this problem, but I don't see it changing right now. I think that is a sad commentary on the state of affairs.

Mr. MARTINEZ. Will the Senator yield for a moment?

Mr. NELSON of Florida. Certainly.

Mr. MARTINEZ. I appreciate the Senator's comments, and I so much value our relationship and our ability to work across the aisle, because we seem to get a lot done when we do that. It is an encouraging sign on one of the very difficult issues of our day, which is immigration, that we do seem to be working in a bipartisan way, and it is amazing what can be accomplished when we do work bipartisanly.

I can't help but be shaped by my own life experience, and I remember as I came to America and was learning the ways of this country, and I admired so much this new land of mine, that I would marvel at the phrase: "Politics ends at the water's edge." That used to be the standard. There were these towering giants of another day who occupied these very desks we now use as ours who seemed to find it within themselves to reach a little higher to work across party lines in those postwar years, in the Cold War years when it was so essential.

I think what we need to adopt as a country is the understanding that this struggle against this enemy is long term, that we are going to be in this fight for a long time, probably the time of your service and mine. I hope not, but perhaps. If we are going to be successful in that endeavor, we have to set politics aside. We have to find a way that we can think of America first and whatever label we wear in a secondary way. I am not preaching to my colleague from Florida or anyone in particular. Frankly, the blame lies on both sides of the aisle, with Republicans as well as Democrats. We have to find a way we can move beyond the momentary gain we might make over a 24-hour news cycle for the longer term good of the Nation and the longer term good of what America stands for to the world.

Anyway, maybe the Senator and I began a rare moment here this morning in talking about Iraq where we are not yelling at each other and we are actually talking about how we can bridge our differences and find consensus as something that will help the American people.

Mr. NELSON of Florida. Mr. President, I say to my colleague, work in your sphere of influence and this Senator will try to do the same. What we have is an approaching train wreck, because if the Congress passes this emergency funding bill for the war that has this language in it, if that passes this week, then the President is going to veto it next week and that is going to leave us right back where we are, with both sides making a lot of noise and a lot of rhetoric, but that doesn't get us any closer to where we are going. So I say to my colleague, look over the horizon beyond this week and see where we can come together.

I thought the most promising prospect was when Jim Baker and Lee Hamilton came down with the Iraq Study Commission report. They showed, in a bipartisan way among very prominent people of both parties, how you should approach this Iraq situation, and yet, that was last November or December when it came out, and here we are 4 months later and still we have not come together in common ground. So I would encourage my colleague to keep working.

Mr. MARTINEZ. I thank the Senator.

KIDS AND CAR SAFETY ACT

Mr. NELSON of Florida. Mr. President, I want to talk about a sad situation we can do something about. A year ago this little girl, Veronica Rosenfeld, and her mom were walking in their Boca Raton neighborhood. This little girl, Veronica, was about 5 feet ahead of her mother on the sidewalk when a neighbor, not seeing little Veronica, backing out of the driveway, backed out over her and killed her. Her mother was right there, and there was nothing she could do about it. It is every parent's nightmare to certainly see their child die, but how much more horrible to lose them and be totally helpless in preventing a senseless accident—an accident that could be prevented.

Let's talk about that, the prevention of the accident. Look what has happened in the last 6 years. There has been a 138-percent increase in the last 6 years in the number of children killed in these noncrash fatalities in which people back over a child because they can't see the child. Several children are killed every week in the United States, and sadly—and this is why I bring it up again; I have brought it up several times to the Senate—this past weekend in Florida, two more children died in their driveways. In Hollywood, FL, a 3-year-old died when her father accidentally backed over her with his cargo van, and in Fort Myers, a 5-year-old was killed by her 16-year-old brother when he was parking the family car.

Mr. President, this month alone, April, there have been 11 children backed over and killed in this country. These injuries and deaths continue to occur, even though we have the technology to prevent many of them. But we need legislation to put this technology to use. In April alone—and we are not even to the end of April—they have happened in Indiana, New York, Georgia, three in Florida, two in Texas, two in California, and one in Hawaii thus far. And it is only April 24.

This is why a bunch of us have gotten behind the Cameron Gulbransen Kids and Cars Safety Act. It is a bipartisan bill that would provide drivers with the means of detecting a child behind their vehicle. This bill would also ensure that power windows would automatically reverse direction to prevent a child from being trapped and mandate a car's service brake to engage to prevent rollaways. We have this technology in a lot of vehicles. We have been in the vehicles where there is a signal that goes beep, beep, beep, and it becomes more frequent when an object is detected behind the car. The technology is there, and it is already being used. The same thing for windows. A child's head is in a window and suddenly the window goes up. It hits resistance and it reverses, and a parking brake automatically engages to prevent a rollaway on an incline.

Consumer groups have teamed with the parents of victims to suggest ways that are relatively simple and inexpensive in order to ensure that more parents won't have to endure the pain of losing a child. The technology is there. We all want to be safe behind the wheel of a car, especially when we back up. How many times, when we back out of our garage, do we have that nagging thought: Is there a child behind this vehicle I cannot see? Why go through this trauma anymore? Let's pass this Kids and Cars Safety Act, and then we can stop a lot of these needless deaths.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I will proceed in morning business. I believe I have time allotted to me.

The ACTING PRESIDENT pro tempore. The majority has 15 minutes.

IRAQ

Mr. BIDEN. Mr. President, President Bush has spent the last 2 weeks talking up the "progress" we are making in Iraq and talking down the Democrats and some of our Republican colleagues for trying to bring this war to a responsible end. But sometimes that is a problem because you have to deal with the facts. The facts are not as the President wants them to be but as they exist on the ground. The fact is, the President is totally out of touch with reality. He is out of touch with the American people and with America's interests in the region.

I have been here a while, and I can say I have never seen a President as isolated since Richard Nixon. The President appears to be totally removed from reality. He tells us that Attorney General Gonzales has done a great job, when anybody who watched it views it as one of the least impressive appearances of an Attorney General. He tells us that the President of the World Bank, an American, is doing a great job, oblivious to the damage being done to America's reputation around the world. And against the advice of some of the most gifted military men and women in a generation, he has adopted a policy in Iraq that is a disaster.

The President argues that the surge is succeeding, but with every welcome development he cites there is an equally unwelcome development that gives lie to the claim that we are making any progress. For example, while death squad violence against Iraqis is down in some Baghdad neighborhoods where we have surged, suicide bombings have increased by 30 percent over the last 6 weeks. Violence is up dramatically in the belt ringing Baghdad. The civilian death toll has increased 15 percent from February to March. When we squeeze a water balloon in one place, it bulges somewhere else. Moqtada al-Sadr has not been seen, but he has been heard, rallying his followers with anti-American messages and his thugs to take on American troops in the south. Last week, he pulled his ministers from the coalition government, and intelligence experts believe his militia is simply waiting out the surge.

Closing markets to vehicles has precluded some car bombs, but it also has prompted terrorists to change tactics and walk in with suicide vests. The road to the airport to Baghdad may be safer, but the skies above it are more lethal; witness the ironic imposition of "no-fly zones" for our own helicopters.

Tal Affar is the most damaging evidence of the absolute absurdity of this policy. The President cites it as progress.

Architects of the President's plan called Tal Affar a model because in 2005 we surged about 10,000 Americans and Iraqis to pacify the city. Then we left, just as our troops will have to leave the Baghdad neighborhoods after calm is established, if it is.

But what happened in Tal Affar? It was the scene of some of the most horrific sectarian violence to date. A massive truck bomb aimed at the Shiite community led to a retaliatory rampage by Shiite death squads, aided by Iraqi police. Hundreds were killed. The population of Tal Affar, which was 200,000 people just a year or two ago, is down to 80,000.

There is an even more basic problem with the President's progress report, and it goes to the heart of the choices we now face in Iraq. Whatever tactical progress we may be making will amount to nothing if it is not serving a larger strategy for success. The administration's strategy has virtually no prospect for success, and his strategy, in a nutshell, is the hope that the surge will buy President Maliki's government time to broker the sustainable political settlement that our own military views as essential, and that is premised upon the notion of a central government in Baghdad with real power.

But there is no trust within the government, no trust of the government by the people it purports to serve, and no capacity on the part of the government to deliver security or services. There is little, if any, prospect that this government will build that trust and capacity any time soon.

How many times have colleagues heard, beginning in January, how there is an oil agreement, that they have gotten that deal? Has anybody seen that deal, after we heralded it time and again as essential to pulling this country together?

In short, the most basic premise of the President's approach—that the Iraqi people will rally behind a strong central government, headed by Maliki, in fact will look out for their interests equitably—is fundamentally and fatally flawed. It will not happen in anybody's lifetime here, including the pages'.

If the President won't look at a program that is different than he is now pursuing if his plan doesn't work, what will he do? History suggests there are only a couple of ways, when there is a self-sustaining cycle of sectarian violence, to end it, and it is not to put American troops in the middle of a city of 6.2 million people to try to quell a civil war.

Throughout history, four things have worked. You occupy the country for a generation or more. Well, that is not in our DNA. We are not the Persian Empire or British Empire. You can install a dictator, after having removed one. Wouldn't that be the ultimate irony for the U.S. to do that after taking one down. You can let them fight it out until one side massacres the other—not an option in that tinder box part of the world. Lastly, you make federalism work for the Iraqis. You give them control over the fabric of their daily lives. You separate the parties, you give them breathing room, and let them control their local police, their education, their religion, and their marriage. That is the only possibility. We can help Iraq change the focus to a limited central government and a Federal system, which their constitution calls for. I cannot guarantee that my strategy will work, but I can guarantee that the road the President has us on leads to nowhere with no end in sight.

We have to change course to end this war responsibly. That is what we are trying to do in Congress. Later this week, we will send to the President an emergency supplemental bill on Iraq that provides every dollar our troops need and more than the President requested. It also provides what the majority of Americans expect and believe is necessary: a plan to start to bring our troops home and bring this war to a responsible end, not escalate it indefinitely.

If the President vetoes the emergency spending bill, he is the one who will be denying our troops the funding they need. He is the one who will be denying the American people a path out of Iraq. The President's double talk on Iraq is reaching new heights of hypocrisy. I don't say that lightly.

On April 16, the President claimed that setting a timetable to start bringing our troops home would "legislate defeat." Just 2 days after that, 2 days later, his own Secretary of Defense had this to say:

> The push by Democrats to set a timetable for U.S. withdrawal from Iraq has been helpful in showing Iraqis that American patience is limited . . . that this is not an open-ended commitment.

Then, in arguing against the supplemental, the President claimed that by sending him a bill he would somehow be forced to veto, the military would run out of money for Iraq in mid-April—which is not true, by the way—and as a result, he would have to extend the tours of duty of the troops already in Iraq.

Extending those tours, the President said, "is unacceptable." "It's unacceptable to me, it's unacceptable to our veterans, it's unacceptable to our military families, and it's unacceptable to many in this country."

Unacceptable? The very next day, the administration announced its plans to do the "unacceptable" and extended the tours of every American ground troop in Iraq by 3 months.

Talk about hypocrisy: Telling us the path out of Iraq is a way which is forcing him to veto a bill that will require him then to extend tours because of that veto and that is unacceptable, and the very next day he extends the tour of every person on the ground. Once one gets over the hypocrisy, that announcement is an urgent warning that the administration's policy in Iraq cannot be sustained without doing terrible long-term damage to our military.

If this administration insists on keeping this many troops in Iraq until next year, we will have to send soldiers back for third, fourth, and fifth tours, extend deployment times from 6 months to a year for marines, from 12 months to 16 to 18 months for the Army. The military will also be forced to end the practice of keeping troops at home for at least 1 year between deployments, to fully mobilize the National Guard and Reserve, and to perpetuate this backdoor draft.

This President is breaking—is breaking—the military. We don't have to guess at the impact on this relentless readiness, its impact on retention and recruitment. This month, we learned that recent graduates of West Point are choosing to leave Active-Duty service at the highest rate in more than three decades. This administration's policies are literally driving some of our best and brightest young officers out of the military.

Instead of working with Democrats in Congress in a way forward, this President, divorced from reality, is accusing us of emboldening the enemy and undermining our troops. I have a message for you, Mr. President: The only thing that is emboldening the enemy is your failed policy. Mr. President, the only mission you have accomplished is emboldening the enemy with your failed policy.

Instead of escalating the war with no end in sight, we have to start bringing this to a responsible conclusion. If the administration insists on keeping this many troops next year, we are in serious, serious jeopardy.

I conclude by saying that I believe it is my obligation as a Senator—and I hope the obligation of everyone else—to keep relentless, unending pressure on this President to come to grips with reality, to continually push every single day to say: Mr. President, stop; stop this policy of yours.

It is my hope, even though he is likely to veto this bill, that we will keep the pressure on and ultimately convince at least a dozen of our Republican colleagues it is time to stop backing the President and start backing the troops. It is time, Mr. President, to begin to responsibly bring this war to an end.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

AMERICA COMPETES ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 761, which the clerk will report.

The bill clerk read as follows:

A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Pending:

Bingaman amendment No. 908, to make certain improvements to the bill.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am waiting on the Democratic manager of the bill, Senator BINGAMAN, who should be here right away. Following that, we hope to go to the Senator from South Carolina, who has some amendments to offer, but it is not appropriate for me to do that until Senator BINGAMAN is here. That will take a moment. Then we will go forward, if that is all right with the Senator from South Carolina.

We had a good discussion yesterday on the America COMPETES Act. To remind all Senators, this is the Reid-McConnell legislation, with 56 cosponsors, which seeks to help our country keep our brainpower advantage so we can keep our jobs. It is the result of 2 years of work within this body through three committees principally but really five or six.

We asked the National Academy of Sciences to tell us exactly what we need to do to keep our competitive advantage in the world in competition with China and India so our jobs don't go there, so we can keep this remarkable situation we have of producing 30 percent of all the money each year for 5 percent of the people, with at least half of that based on our technological advantage. The National Academy of Sciences gave us a list of recommendations in priority order. The Council on Competitiveness formed the basis of a Lieberman-Ensign bill, the President made his own recommendations, and all that now has been worked through into this legislation.

I see Senator BINGAMAN. If I may, I would like to finish 3 or 4 minutes of remarks and then go to Senator BINGAMAN.

Yesterday, Senator INOUYE, Senator STEVENS, Senator DOMENICI, all of whom have been leaders on this legislation, spoke on the floor. Senator CHAMBLISS as well spoke on the floor. Senator BINGAMAN, of course, has been a leader from the very beginning, asking the questions that helped produce this result. So we have before us a leadership bill on a subject that is as important as any.

Almost all Members of the Senate over the last 2 years have had plenty of opportunity to influence this bill, and most have in one way or the other. It has been a remarkable exercise. But there still is time today and tomorrow for us to consider more options.

The President, last night by e-mail—someone in the White House—sent a Statement of Administration Policy to Capitol Hill which outlines the administration's views on the pending legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the President's remarks on January 31, 2006, from his State of the Union Address in which he spoke about the importance of the competitiveness initiative.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. As a courtesy to the administration, I ask unanimous consent to have printed in the RECORD the administration's Statement of Administration Policy following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALEXANDER. Mr. President, I know how important the President believes this is. I have talked with him about it at least a half dozen times personally, usually in bipartisan sessions with a number of Senators, sometimes individually. I know the Vice President has been deeply involved.

When there is some more time on the floor this afternoon, if we have a lull in the debate, I will go through the Statement of Administration Policy and talk about it a little bit. Basically, it is very helpful to us. It points out that there is not much difference between the amount of money the President proposes to spend over the next 4 years and the amount we would propose to authorize to spend in this bill. As one might expect, the President likes his new programs but doesn't like some other new programs, and there are some other suggestions that are well taken that we can talk about, perhaps accept amendments, at least discuss with the Democratic majority those amendments, and there will be some amendments that are offered on the Senate floor.

I will reserve my comments on the President's Statement of Administration Policy. It is good to have it. We will make it part of the debate—and taking the President at his word—given the President's statement and the administration policy statement that "The administration looks forward to working with Congress to address these various policy concerns as the legislative process moves forward."

I defer to Senator BINGAMAN, if I may. Senator DEMINT is ready to offer amendments and speak about them whenever that is appropriate.

EXHIBIT 1

STATE OF THE UNION ADDRESS BY THE PRESIDENT, JAN. 31, 2006

"And to keep America competitive, one commitment is necessary above all: We must continue to lead the world in human talent and creativity. Our greatest advantage in the world has always been our educated, hardworking, ambitious people—and we're going to keep that edge. Tonight I announce an American Competitiveness Initiative, to encourage innovation throughout our economy, and to give our Nation's children a firm grounding in math and science.

First, I propose to double the federal commitment to the most critical basic research programs in the physical sciences over the next 10 years. This funding will support the work of America's most creative minds as they explore promising areas such as nanotechnology, supercomputing, and alternative energy sources.

Second, I propose to make permanent the research and development tax credit—to encourage bolder private—sector initiatives in technology. With more research in both the public and private sectors, we will improve our quality of life—and ensure that America will lead the world in opportunity and innovation for decades to come.

Third, we need to encourage children to take more math and science, and to make sure those courses are rigorous enough to compete with other nations. We've made a good start in the early grades with the No Child Left Behind Act, which is raising standards and lifting test scores across our country. Tonight I propose to train 70,000 high school teachers to lead advanced-placement courses in math and science, bring 30,000 math and science professionals to teach in classrooms, and give early help to students who struggle with math, so they have a better chance at good, high-wage jobs. If we ensure that America's children succeed in life, they will ensure that America succeeds in the world.

Preparing our Nation to compete in the world is a goal that all of us can share. I urge you to support the American Competitiveness Initiative, and together we will show the world what the American people can achieve."

EXHIBIT 2

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, April 23, 2007.

STATEMENT OF ADMINISTRATION POLICY

S. 761 AMERICA CREATING OPPORTUNITIES TO MEANINGFULLY PROMOTE EXCELLENCE IN TECHNOLOGY, EDUCATION, AND SCIENCE ACT

(Sen. Reid (D) Nevada and 55 cosponsors)

One of the more important domestic priorities of the Administration over the last two years has been the American Competitiveness Initiative (ACI), a comprehensive strategy to keep our Nation the most innovative in the world by increasing investments in research and development (R&D), strengthening education, and encouraging entrepreneurship. Thus, the Administration shares the goals of S. 761 to ensure the continued economic competitiveness of the United States through research and education and has been encouraged by the bipartisan support for addressing this vital topic. However, the Administration has serious concerns with S. 761 in its current form. The Administration believes that the bill does not prioritize basic research, authorizes excessive and inappropriate spending, and creates unnecessary bureaucracy and education programs. The Administration looks forward to working with Congress to address these various policy concerns as the legislative process moves forward.

The research component of the ACI is a targeted effort to focus increased funding on enhancing physical sciences and engineering research at the three highest-leverage agencies—the National Science Foundation (NSF), the Department of Energy's (DOE) Office of Science, and the Department of Commerce's National Institute of Standards and Technology (NIST). Unfortunately, the Senate bill creates at least 20 new programs across many agencies that, if enacted, would divert resources from and undermine and delay the priority basic research. The Senate bill would cost over $61 billion over the next four years—about $9 billion more than the President's ACI proposals. The bill conflicts with the Administration's well regarded Research and Development Investment Criteria by diverting funds from critical basic research to commercially-oriented research and other efforts that are less deserving of Federal support.

The education components of the ACI are targeted toward filling clear and specific gaps in the Federal funding portfolio with programs that will improve the quality of math and science education in the Nation's K-12 schools. The Administration appreciates that the bill authorizes most of the Department of Education programs the President called for in the ACI. These include authorizations for: (1) The Advanced Placement Program to increase the number of teachers instructing and students enrolled in advanced placement or international baccalaureate courses in mathematics, science, or critical foreign languages; (2) the Math Now programs to improve instruction in mathematics; and (3) part of the President's National Security Language Initiative proposal to strengthen the teaching and study of critical foreign languages. However, the Administration is disappointed that the bill does not authorize the President's Adjunct Teacher Corps, to encourage math, science, and other professionals to teach in our neediest middle and high schools.

Also, the Administration is concerned that the bill expands many existing science, technology, engineering, and mathematics (STEM) education programs that have not been proven effective and creates new STEM education programs that overlap with existing Federal programs. In its soon-to-be-released report, the Academic Competitiveness Council has identified 105 existing STEM education programs spending over $3 billion annually, including 45 programs that support training of STEM teachers, and found that very few of these programs demonstrated evidence-based effectiveness. Given this, the Administration believes it is premature to expand or begin new STEM education programs that do not have a plan in place for rigorous, independent evaluation or are duplicative of existing Federal programs.

In addition to the excessive authorization levels, lack of focus on basic research, and unnecessary new bureaucracy, created by S. 761, the specific provisions of serious concern include the following:

Advanced Research Projects Agency—Energy (ARPA-E). The Administration supports the conceptual goal of ARPA-E "to overcome the long-term and high-risk technological barriers in the development of energy technologies." However, the Administration continues to strongly object to this provision due to serious doubts about the applicability of the national defense model to the energy sector and because a new bureaucracy at the DOE would drain resources from priority basic research efforts. The Administration believes that the goal of developing novel advanced energy technologies should be addressed by giving the Secretary of Energy the flexibility to empower and reward programs within existing DOE offices to fund unique, crosscutting, and high-risk research.

Innovation Acceleration Research. The Administration strongly objects to requiring each Federal science agency to set aside 8 percent of its research and development budget—a new program of over $10 billion of the Federal R&D budget at dozens of agencies—for projects that are "too novel or span too diverse a range of disciplines to fare well in the traditional peer review process." Such a large earmark of the agencies' ongoing research efforts would certainly have negative, unintended consequences and could well impede the ability of these agencies to carry out their missions.

Equitable Distribution of New Funds. The Administration strongly objects to a requirement specifying particular funding increases for Education and Human Resources (EHR) activities at NSF. This is especially inappropriate while the Administration is responding to the findings and recommendations of the Academic Competitiveness Council to ensure that funding is targeted toward programs with plans to demonstrate effectiveness.

Experimental Program to Stimulate Competitive Technology. The Administration believes that additional resources provided to NIST should focus on existing internal innovation-enabling research activities and strongly objects to creating new programs that would drain resources from such activities.

Specialty Schools for Mathematics and Science. The Administration strongly objects to creating a responsibility for DOE to establish or expand K-12 schools.

Discovery Science and Engineering Innovation Institutes. The Administration strongly objects to using DOE funds to support State and local economic development activities. In addition to diverting funds from priority research areas, such a focus on commercialization is not a priority of the Federal government and could result in putting the government in the position of competing with private investment and influencing market decisions in potentially inefficient and ineffective ways.

Experiential-Based Learning Opportunities. The Administration objects to creating new K-12 education programs unless the need is clear and compelling, which is not the case for this program. As illustrated by the Academic Competitiveness Council's findings, the solution to improving the Federal government's impact on STEM education must come from identifying what works and improving the effectiveness of existing efforts before starting new programs.

Federal Information and Communications Technology Research. The Administration objects to the creation of a new program specifically aimed at "enhancing or facilitating the availability and affordability of advanced communications services." Such an industry- and sector-directed program is well beyond NSF's traditional role of advancing the frontiers of knowledge in the academic disciplines.

National Laboratories Centers of Excellence. The Administration objects to the use of DOE funds to establish Centers of Excellence at K-12 schools. The establishment of school-based centers is not a proper role for DOE and would divert national laboratory resources that currently benefit their surrounding communities. The Administration believes that the President's Adjunct Teacher Corps proposal is a more promising approach to bringing subject experts into our neediest schools.

Experimental Program to Stimulate Competitive Research (EPSCoR). The purpose of the EPSCoR program is to build research capacity; it is not an education program. If EPSCoR funds are diverted for the purpose of hiring faculty or providing supplemental K-12 courses to precollege students, there will be less money available for increasing the research capacity in EPSCoR States.

Robert Noyce Teacher Scholarship Program. NSF's Robert Noyce scholarship program is too new to have been evaluated for its impact on improving the efficacy or retention of teachers who are program graduates. Therefore, it is unreasonable to increase the authorizations of appropriations at the pace and magnitude called for in this provision.

NASA Funding for Basic Science and Research and Aeronautics Research Institute. The Administration objects to the redirection of unobligated balances from existing NASA programs, because it would disrupt funding for ongoing activities. The establishment of an Aeronautics Institute for Research within NASA is objectionable because it would be duplicative of the agency's existing Aeronautics Research Mission Directorate.

Constitutional Concerns. Several provisions of the bill incorporate classifications and preferences based on race, national origin, or gender that are subject to the rigorous standards applicable to such provisions under the equal protection component of the Due Process Clause of the Fifth Amendment. (See sections 1405(d), 2003(a) and (d), 4005(b), and 4009.) Unless the legislative record adequately demonstrates that those standards are satisfied, those provisions are objectionable on constitutional grounds.

Mr. BINGAMAN. Mr. President, I thank my colleague and I thank the Senator from South Carolina for their courtesy.

My understanding is that the Senator from South Carolina wishes to set aside the pending amendment and offer an amendment; is that correct?

Mr. DEMINT. Mr. President, the Senator is correct. I wish to bring up three amendments and briefly speak on them, if I can.

Mr. BINGAMAN. Mr. President, I will have to object to offering three amendments. I have no problem if he wants to set aside the pending amendment and bring one amendment up, whichever amendment he would like, and we will deal with them one at a time. I think that will be the appropriate procedure for us to follow.

Mr. DEMINT. That is fine. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 928

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. I ask unanimous consent to bring up amendment No. 928.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT], for himself, Mr. MARTINEZ, Mr. CORNYN, and Mr. ENSIGN, proposes an amendment numbered 928.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Sarbanes-Oxley Act of 2002, with respect to smaller public company options regarding internal controls)

At the appropriate place, insert the following:

SEC. . SMALLER PUBLIC COMPANY OPTION REGARDING INTERNAL CONTROL PROVISION.

Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

"(c) SMALLER PUBLIC COMPANY OPTION.—

"(1) VOLUNTARY COMPLIANCE.—A smaller issuer shall not be subject to the requirements of subsection (a), unless the smaller issuer voluntarily elects to comply with such requirements, in accordance with regulations prescribed by the Commission. Any smaller issuer that does not elect to comply with subsection (a) shall state such election, together with the reasons therefor, in its annual report to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

"(2) DEFINITION OF SMALLER ISSUER.—

"(A) IN GENERAL.—For purposes of this subsection, and subject to subparagraph (B), the term 'smaller issuer' means an issuer for which an annual report is required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)), that—

"(i) has a total market capitalization at the beginning of the relevant reporting period of less than $700,000,000;

"(ii) has total product and services revenue for that reporting period of less than $125,000,000; or

"(iii) has, at the beginning of the relevant reporting period, fewer than 1500 record beneficial holders.

"(B) ANNUAL ADJUSTMENTS.—The amounts referred to in clauses (i) and (ii) of subparagraph (A) shall be adjusted annually to account for changes in the Consumer Price Index for all urban consumers, United States city average, as published by the Bureau of Labor Statistics.".

Mr. DEMINT. Mr. President, I thank the managers of this bill for giving me time to speak on this important issue. The issue of American competitiveness is very important to me, as I know it is to all Americans. It is the security of our jobs and our economic future. I am here today to propose some amendments. I will begin with one that I think will improve the bill.

I wish to first discuss Sarbanes-Oxley and how it relates to competitiveness in America. The bill we are discussing, which is S. 761, the America COMPETES Act, seeks to improve America's international competitiveness by strengthening the quality of our labor force. However, labor is only one component of economic growth. Capital investment is another critical component of any vibrant and growing economy. America's competitiveness is being challenged by other countries, not only on the labor front but with capital formation as well.

We could say, as Senator ALEXANDER mentioned, this bill focuses on brainpower. What we are trying to do is say brainpower plus capital equals success in America.

In 2000, $9 out of every $10 in stock offerings from foreign companies were invested inside the United States. In 2005, that number completely flipped, and $9 of every $10 in stock offerings from foreign companies were invested outside the United States. Some might argue this is simply the result of foreign companies wishing to list closer to home, but I am afraid that is not the case. Cross-border listings are at an alltime high, and we are losing the competition for foreign capital.

This chart demonstrates how the United States is doing compared to others when it comes to attracting foreign capital. We begin in 2002 when Sarbanes-Oxley took effect. One can see this dark-blue line at the bottom is the U.S. exchanges, which have stayed basically flat, while markets in Hong Kong, London, and Singapore have continued to grow. There is no reason we should continue to lose ground to these other countries when it comes to investing.

We need to remember as Americans that the dollars which are used for research and development come from investment capital. There is no need for us to be spending billions and billions of dollars to encourage Americans to be better at math and science if the research and development is moving to other countries.

Some say these trends are simply the result of more sophisticated markets springing up abroad, but the evidence suggests otherwise. When one speaks with international CEOs making the decisions to list on foreign exchanges, they repeatedly cite Sarbanes-Oxley as the reasons they have listed abroad. That is why a report commissioned by Senator SCHUMER and Mayor Bloomberg cited section 404 of Sarbanes-Oxley as the reason international companies are no longer bringing their capital to the United States.

Section 404 requires public companies to conduct an additional audit on their internal controls. These audits are most expensive for smaller companies. Numerous reports have found that section 404 produced a heavy cost upon small, publicly traded companies without a proportional benefit. As a result, the regulatory burdens of section 404 on small businesses and companies—well, companies are choosing to raise capital in other markets.

A recent GAO study, requested by Senator SNOWE, found the cost for small public companies to comply with Sarbanes-Oxley has been disproportionately higher than for large companies. Small businesses in the United States, afraid of complying with the complicated provisions of Sarbanes-Oxley, are choosing not to grow by listing publicly and are, instead, staying small and remaining private. This prevents capital formation, it stunts job growth, and it makes our country less competitive in the global economy.

This is why Alan Greenspan recently said:

> One good thing: Sarbox requires a CEO to certify the financial statement. That's new and that's helpful. Having said that, the rest we could do without. Section 404 is a nightmare.

This is not a politically inspired amendment. This is an amendment that recognizes we are hurting ourselves and we need to fix it. This is why an SEC advisory committee recommended that small businesses be exempt from section 404, and this is why I am offering the amendment today.

My amendment, No. 928, would make section 404 of Sarbanes-Oxley optional for smaller companies with market capitalization of less than $700 million, revenue of less than $125 million, or fewer than 1,500 shareholders. Section 404 reporting would be optional for these smaller companies, but they would have to notify their shareholders in their annual report.

The Senate's Committee on Small Business held a hearing on this topic this past week, and I applaud Senator KERRY for looking into this important issue. As my colleagues may know, both Republicans and Democrats have suggested the need for reform, which makes my amendment consistent with the bipartisan nature of this bill. My proposal has been introduced as a freestanding bill in this Congress as well as the last Congress. It has also been introduced as part of a bill in the House by Representative GREGORY MEEKS, Democrat from New York, and enjoys broad bipartisan support.

Despite broad bipartisan support for my amendment, I expect some will object to it based on timing. They may believe the Securities and Exchange Commission is preparing to deal with this problem, so we should give them more time to work. This is something I believed several years ago. But that is not only a weak excuse, it is a complete copout. It has been 5 years since Sarbanes-Oxley was enacted, and each year that goes by we are chasing more capital out of our country.

The SEC has a responsibility to address this issue, but so do we. We wrote the law. Congress created this problem, and we should not hide behind some regulation when we have the ability to fix it. Furthermore, it is not clear that future action by the SEC will solve the problem. According to the Independent Community Bankers of America, the proposed internal control guidance under section 404 is unlikely to reduce audit costs, particularly for smaller public companies.

Some may also object because this provision has not been fully examined in the committee of jurisdiction. This is a poor excuse as well. American competitiveness should not suffer because a committee in Congress has failed to do its job. A bill such as Senate Bill 761, which seeks to improve the competitiveness of our labor force but does nothing for capital formation, may result in a highly qualified labor force but without capital to spur economic growth and create the jobs they need to make.

This is a competitiveness issue. It should be debated on this bill and we should all support it. There is no plan to consider this legislation later this year, and it is probably the last opportunity we will have to address it before the next election. My amendment is cosponsored by Senators MARTINEZ, CORNYN, and ENSIGN, and I urge my colleagues to support it.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I appreciate the thought that has gone into the amendment, but, frankly, this is an amendment that is in the jurisdiction of the Banking Committee. Obviously, the Sarbanes-Oxley legislation came out of the Banking Committee and it is squarely within their jurisdiction. We are informed they have not had a chance to review the amendment, have not had a chance to have hearings on the amendment, and wish a chance to come to the floor and discuss it before there is any vote. There is some objection to going to any kind of vote on it at this point, so I am not prepared to discuss the merits of it. I do believe we need to provide an opportunity for those Senators on the Banking Committee who want to come and discuss the merits to come and engage in that debate.

However, I mention to the Senator from South Carolina, I am informed he also has an amendment related to looking at the Tax Code for possible problems with barring innovation; is that correct?

Mr. DEMINT. Yes, I do.

Mr. BINGAMAN. Mr. President, we are not in a position to say yet—we are trying to talk to the Finance Committee, because, of course, they have jurisdiction over tax issues—but we are trying to determine if there is any objection to Senator DEMINT's amendment relating to taxes.

Perhaps the right thing to do, since the majority leader has tried—not just on this bill but as a general matter—to avoid the circumstance where we are bringing up amendments, setting aside amendments; bringing up amendments, setting aside amendments, without ever having disposed of anything for a long period, perhaps the Senator could go ahead and describe this other amendment related to taxes. By the time he has completed that, we might know whether we are in a position to proceed to some kind of action on that.

Mr. DEMINT. So the Senator would prefer my not bringing it up but only describing it?

Mr. BINGAMAN. As I say, if it is another amendment that is going to require a debate and vote here, I think maybe we would want to go ahead and try to get the Banking Committee people here to deal with the Sarbanes-Oxley amendment before we get the Finance Committee people here to deal with the Tax Code amendment.

Perhaps the Senator could put the Senate on notice as to what the amendment entails, and by the time he is through with that discussion, we may know enough to be able to tell him whether we could accept the amendment or whether there is going to be objection.

Mr. DEMINT. Mr. President, I thank the Senator, and I think he will find this amendment has a lot of bipartisan support. It actually was a part of the original bill. It is amendment No. 929, and it expands the study on barriers to innovation, which is in section 1102 of the bill.

What we do is ask that this study include the impact of the IRS Tax Code on innovation. It is very consistent with the bill. My amendment does not remove anything currently called for in the study, it simply adds the provision that allows this study to include the effect of our Tax Code on innovation in America.

Specifically, the amendment calls on the Director of the Office of Science and Technology, through the National Academy of Sciences, to study all provisions of the Internal Revenue Code of 1986, including tax provisions, compliance costs, and reporting requirements that discourage innovation.

The IRS code increasingly overwhelms Americans with its growing complexity. It stymies entrepreneurship and economic growth, and it threatens to prevent future generations of Americans from enjoying the sort of upward mobility their parents and grandparents enjoyed. This important provision was originally included in the study in last year's bill but it was dropped. My amendment puts it back in, and it will help us identify ways the IRS Tax Code is discouraging innovation and weakening American competitiveness.

I ask the Senator if he would still prefer I not bring it up? In the interest of time, it may be helpful to have it on the table, and we could perhaps then agree to it at a later time. Would the Senator still prefer I wait to bring it up?

Mr. BINGAMAN. Mr. President, I know the Senator from Tennessee has some comments on the amendment. Maybe we could continue with that discussion and debate for a few more minutes to see if we can get a little more of a response from people in the Finance Committee.

Mr. DEMINT. I thank the Senator, and I yield the floor for the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I want to thank the Senator from South Carolina for his amendments and for his initiative for being here and offering them. He is helping us jump-start the discussion, and I want him to know what we are doing is working on ways to get to action on his bills, not the reverse.

In fact, as far as his suggestion about considering the impact of taxes as barriers to innovation, I think he is right about that. That was a part of the original legislation. It had 70 sponsors at one time, the PACE Act. It was the Domenici-Bingaman act at that time. It is also a part of the Augustine report. These were the recommendations of the National Academy of Sciences team, which included 21 individuals who spent the entire summer and early fall of 2005 looking at exactly what we needed to do, and they recommended tax incentives for U.S.-based innovation.

This was a practical group, this Augustine committee. They made 20 recommendations. They knew there were a number of things that, if they recommended them, we wouldn't pass because we would have differences of opinion about them. So they stayed away from some areas. For example, since kindergarten through the 12th grade was their No. 1 priority in terms of improving education and encouraging innovation there, they might have felt giving low-income families scholarships or vouchers to go to private schools would be a good thing to do. But they didn't put that in their top 20 because they knew it was unlikely we would be able to agree on that here.

I think the same is true here with taxes. They specifically said on page 10 of the summary of their "Rising Above the Gathering Storm" that while they recommended making permanent the research and development tax credit as one change in tax policy, they realized that wasn't enough to consider it. They mention other alternatives that should be examined to see if it would be beneficial to the United States. These alternatives, the summary said:

> . . . could include changes in overall corporate tax rates and special tax provisions providing research of high-technology and manufacturing equipment, treatment of capital gains, and incentives for long-term investment innovation. The Council of Economic Advisers and the Congressional Budget Office should conduct a comprehensive analysis to examine how the United States compares with other nations as a location for innovation and related activities with a view to ensuring the United States is one of the most attractive places in the world for long-term innovation related investment and the jobs relating from that investment from a tax standpoint.

That is not now the case, is what the Augustine report said. So I believe the Senator from South Carolina is making a real contribution to the debate here. His amendment which he proposes to bring up would improve the bill, in my opinion. It was once a part of the legislation that was similar, and I am hopeful the Finance Committee will recognize this simply amends a study that is already in the bill so tax barriers can be included as part of that study.

Mr. President, I look forward to the response by the Democratic manager as to how we shall proceed.

Mr. BINGAMAN. Mr. President, I am informed we do not have a clear response from the Finance Committee. I agree with the substance of what the Senator from Tennessee said. I don't see this causes any difficulty in the overall thrust of the legislation, so I would be inclined to urge the Senator from South Carolina to go ahead and ask permission to set aside the pending amendment, bring this up, and then conclude any debate he wants to on this amendment related to the study, and then we can dispose of it—by voice vote, as far as I am concerned, unless the Senator wants a recorded vote.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 929

Mr. DEMINT. Mr. President, I ask unanimous consent to call up amendment No. 929.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 929.

Mr. DEMINT. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To require the study on barriers to innovation to include an examination of the impact of the Internal Revenue Code of 1986 on innovation)
>
> On page 8, strike lines 7 through 9, and insert the following:
>
> (10) all provisions of the Internal Revenue Code of 1986, including tax provisions, compliance costs, and reporting requirements, that discourage innovation;
>
> (11) the extent to which Federal funding promotes or hinders innovation; and
>
> (12) the extent to which individuals are being

Mr. DEMINT. Mr. President, I have explained what this amendment does. It is very simple. In addition to a study, if we are commissioning a study and paying for it, to find out what obstacles we have to innovation, the Tax Code is certainly something that is cited often by folks who invest and do the research and development, who are actually associated with innovation in the marketplace, so it makes sense that we include any obstacles in the Tax Code or any opportunities we may have, as the Senator from Tennessee suggested, to create incentives for investment and innovation.

There is a relationship between this amendment and the first one I brought up. I think we all know that investment, incentives for investment, are the catalyst for the research and development that results in innovation in the marketplace. As a nation, if we do not do more to attract capital, if we do not do more to encourage investment in our country, then those investments are not going to be here.

For many years we have been concerned that because of certain trade policies and other things we do internally, we have lost low-wage jobs. But increasingly we are hearing that because the investment dollars are moving overseas, behind those investment dollars go the high-tech jobs that are involved with research and development.

Both of these amendments are important. I would particularly like votes on this because it was stripped out once. I am concerned that if we do not have a vote and give the Members an opportunity to show support, particularly for this tax study, it will disappear again in conference.

My hope is we can have a vote and the yeas and nays on these amendments.

I yield the floor.

Mr. BINGAMAN. Mr. President, we need to determine when we would want to go ahead since, as I understand the Senator, he wishes a rollcall vote. We want to have a chance to check with our floor managers, the assistant majority leader, and determine when this is appropriate, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 930

Mr. DEMINT. Mr. President, in the interest of time—I know we are discussing two other amendments and the bill managers have asked me not to bring up a third. I will not bring it up at this time but I wish to speak on it, if that would expedite procedures here on the floor.

My third amendment, which is amendment No. 930, which we will bring up at a later time, establishes a 60-vote point of order against appropriations bills that contain congressional earmarks for funds authorized in this bill, S. 761, the America COMPETES Act.

The goal of this amendment is to ensure that funds authorized in the bill are allocated according to a competitive or merit-based process. As my colleagues know, congressional earmarks circumvent the normal competitive or merit-based process and award funds based on politics. My amendment is consistent with the stated intent of the bill, which says on page 183 that nothing in divisions A or D shall be interpreted to require the National Science Foundation to "alter or modify its merit-review system or peer-review process" or "exclude the awarding of any proposal by means of the merit-review or peer-review process."

My goal here is to make sure this new fund does not become a new pot for earmarks, that we start directing this new money back to our States or congressional districts because we put new funds on the table. If these and other funds authorized in the bill are going to be allocated in the most efficient and most competitive way, the Senate must take steps to discourage the use of earmarks when appropriating funds for these programs. My amendment will not only preserve the integrity of the competitiveness allocation process but it will make America more competitive by making these programs more effective.

In a bill that is about competition, this amendment makes sure the money is allocated on a merit-based competitive system instead of turning it into a new slush fund for Congress.

Out of respect for the managers, I will not bring that amendment up at this point but I hope to do that at a later time.

I yield the floor.

Mr. BINGAMAN. Mr. President, let me briefly speak to the amendment of the Senator from South Carolina related to earmarks. I obviously would have to object to it. I think he will find probably any and all Senators involved with appropriations would have to object to it. The way I read it, it says it is not in order to consider any bill that proposes a congressional earmark on appropriated funds unless you have 60 votes. The definition of a congressional earmark is contained in the legislation, but any appropriations bill that comes to the floor virtually by definition is going to contain something that falls into this definition of congressional earmark. It is one thing to be concerned about the addition of earmarks once the Appropriations Committee has presented legislation to the Congress or to the full Senate. But to say we cannot bring up a bill, an appropriations bill, if it has anything in it that might meet this definition is substantially more onerous than I would think would be good policy.

Mr. DEMINT. Will the Senator yield?

Mr. BINGAMAN. I am glad to yield.

Mr. DEMINT. For a clarification. The way this amendment is written, it is not all appropriations bills, just appropriations bills that are appropriating money for this act, the America COMPETES Act. We are not bringing in all the appropriations bills that will be brought to the floor.

The point is, we are creating this new fund for competition. Instead of us in the future redirecting these funds in all directions, the bill has been very careful to lay out where this money will go in a way that we think is most efficient. This money will be allocated on a merit-based system. We have seen some of it before, how the National Science Foundation and others are merit based. We want to keep it that way. What we are trying to do is avoid, in the future, that this new money we have authorized starts being redirected. If something comes up that is important, that we agree on, we can always overcome a 60-vote point of order. But if we allow this to fester, as we have seen in the past, instead of going to create competition in America, it will be going off to special projects. So it focuses on this bill and prevents politically driven earmarks.

Certainly we have directed the money for this whole bill. It doesn't change that. This is all authorized. We are not talking about authorized dollars, we are talking about redirecting it based on political motives in the future.

I thank the Senator for allowing that clarification.

Mr. BINGAMAN. Mr. President, I thank the Senator for the clarification, but I do think the problem remains because this bill is far reaching because this bill covers quite a few Federal agencies and tries to lay out a blueprint for what we hope we will be able to provide by way of appropriations to these agencies in the future, whether it is the National Science Foundation, whether it is the Office of Science in the Department Energy, whether it is the Department of Education, Health and Human Services—there are various agencies that would obtain funding to carry out the purposes of this legislation if we are successful through the appropriations process.

For us to be putting a provision in this authorizing bill saying you cannot bring an appropriations bill to the floor that contains anything we would define as a congressional earmark is unduly restricting the authority and the prerogatives of the Appropriations Committee in putting together legislation they think makes sense.

I am well aware there are three sort of distinct hurdles that need to be surmounted in order for us to actually get funds to be spent on these good purposes that are outlined in this bill. One of those hurdles is the Budget Act. We need to be sure there is room in the Budget Act for the funding we are calling for in this legislation. We offered an amendment to do that. We got very good support here in the Senate. Senator ALEXANDER and I offered that and I think that was a major step forward.

The second hurdle, of course, is trying to authorize these programs so if the funds are appropriated for these purposes nobody can raise an objection that these are not authorized uses of the funds.

Then the third and perhaps most difficult is, each year over the next several years, the period that is covered by the legislation—each year we are going to have to try to see that the funds are properly appropriated for these agencies to carry out the work as outlined in this bill.

I think it would be foolhardy for us to be requiring that before you can bring a bill to the floor that contained funding related to this authorization bill, if it could be construed to fall under this definition of congressional earmark, you would have to have 60 votes to proceed to that appropriations bill. That would be an unprecedented procedure for us in the Senate and one that would be very wrongheaded. As I say, people involved in the appropriations process would probably see it that way as well.

I yield the floor.

Mr. DURBIN. Can I make a comment?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding the Senator is not calling up the amendment but is only speaking to it for the RECORD.

Mr. DEMINT. Could I make one additional comment?

Again, I appreciate the Senator's remarks, and obviously we don't want to tie the hands of Congress unnecessarily, but when we are speaking of earmarks—and we defined it in this amendment ourselves. When we take this bill that was created for the purpose of improving competitiveness in America and we earmark, which means we target it to a specific State, locality, or congressional district other than through a statutory or administrative formula-driven or competitive award process—when we take what we have done and basically pervert it into a system where I want it to go to South Carolina, or the Senator wants it to go to Tennessee, that has nothing to do with the original intent of the bill, we call that an earmark. We would like to prevent that if we could with this one bill, but I appreciate the courtesy of both managers to allow us to explain. I hope we will have an opportunity to bring it up and offer it later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I am honored to be a cosponsor of this legislation. All of us understand we have an obligation in Congress to devise policies and means by which the American economy can compete and create good-paying jobs. Whether one lives in Pennsylvania or Illinois or New Mexico or Tennessee, we have lost a lot of good manufacturing jobs over the last few years. We know there have been growth industries. We can look at the whole Silicon Valley phenomena. Whether it is information technology or computers, the United States has taken a leadership position. But in many areas, we are not in leadership positions.

Senators ALEXANDER and BINGAMAN came together over a year ago to sit down with some of the experts in Washington and talk about what we needed to do to make America more competitive, the next generation of good-paying jobs, the horizons we ought to look to to build for the future. They put together a strong bipartisan bill. If Members read the cosponsors, they will find plenty of support on both sides of the aisle. This may be one of the best examples of bipartisan cooperation we have had in the Senate so far this session. I hope we have more. I am honored to support it and be a cosponsor.

I hope we can move beyond the many amendments that are going to be offered and consider this bill on a timely basis. It is the nature of the Senate that it is a deliberative body. Occasionally, when there is a lapse, we actually break into real debate on the Senate floor. People across the Nation applaud when they hear that happen. In this situation, I am not suggesting that we should not debate amendments to the bill. In fact, I will describe one in a moment. But I am prepared to pull my amendment back because I don't want to stop this bill. I want it to pass the Senate and the House. I want it enacted into law. I hope other Members who have a positive belief about this legislation will think twice about whether they need to gild the lily and add something to a positive and substantive bill.

The issue I would like to speak to is one I believe in very strongly. I have an amendment, but I won't stop this bill to offer it. If it appears to have any objection or resistance, I will save it for another day. It is one that fits into this competitiveness issue.

The United States graduates some of the world's best engineers, scientists, and mathematicians. However, countries such as China and India are catching up. They are educating a higher proportion of their students in these fields.

We have heard the statistics from the National Academy of Sciences report "Rising Above the Gathering Storm." In 2004, China graduated 600,000 engineers. India graduated 350,000 engineers. The United States graduated 70,000. In 2004, only a third of the undergraduate degrees awarded in the United States were in science or engineering. In China, the number was 59 percent; in Japan, 66 percent in science and engineering.

Our country can understand when our economic security and our future are at stake, and we have risen to the occasion. I remember back in the 1950s when the Russians launched Sputnik. We didn't think they were capable of that. When they put the first satellite in space, it caused great fear across the United States. As a result, Congress did something it had never done before: It created Federal assistance to higher education. It created a loan program to encourage students to go to college. I know about that program because that is the way I went to college. It was called the National Defense Education Act. I borrowed enough money to get through college and law school, paid it back at a modest interest rate, and believe it was a good investment. I have had a pretty good life as a result of it and maybe have added something to this great country in the process. Thousands of others went through the same experience. Congress responded. We knew we needed to invest in our country by first investing in education.

The same thing is true with competitiveness. We can talk about a lot of actions that might achieve our goals, but education is the starting point. We have documented the technological challenges to our country from many different angles. The founder of Microsoft, Bill Gates; the chairman of Intel, Craig Barrett; a journalist, writer Tom Friedman; and the National Academy of Sciences have all told us this. All agree we need to strengthen students' proficiency in science, technology, engineering, math, and foreign languages. The America COMPETES Act invests in the R&D and education our country needs to make sure we remain the world's technological innovator.

In our increasingly global economy, we need more youth to pursue math, science, engineering, technological, and critical foreign language degrees. Our young people also need an appropriate knowledge and understanding of the world beyond our borders. You have heard me speak many times on the floor about one of our Nation's greatest public servants, my predecessor, the late Senator Paul Simon. Paul understood that our country needed to invest in math and science. He also envisioned a United States populated by a generation of Americans with a greater knowledge of the world, a generation of our Nation's future leaders that has been abroad and has a personal connection to another part of the world.

In the months before his untimely death, Senator Simon came to Washington. I met with him. We talked as well with his former colleagues about the need to strengthen our Nation's international understanding in the 21st century. Paul Simon knew that America's security, global competitiveness, and diplomatic effforts in working toward a peaceful society rest on our young people's global competence and ability to appreciate language and culture beyond the United States.

I filed as an amendment to this bill an amendment which we have entitled the "Senator Paul Simon Study Abroad Foundation Act." It is an initiative that honors Paul's commitment to international education and brings his vision one step closer to reality. The Simon Act encourages and supports the experience of studying abroad in developing countries, countries where people with a different culture, language, government, and religion will give a person a different life experience. It aims to have at least 1 million undergraduate students study abroad annually within 10 years and expands study-abroad opportunities for students currently underrepresented.

The Simon Act establishes study abroad as a national priority and provides the catalyst for the education community to commit to making study abroad an institutional priority. An independent public-private entity, the Senator Paul Simon Foundation, would carry out the goal of making studying abroad in high-quality programs in diverse locations around the world routine rather than the exception. Students who were previously unable to study abroad due to financial constraints would be eligible for grants. The grants would also provide colleges and universities and other nongovernmental institutions financial incentives to develop programs that make it easier for college students to study abroad.

We can't afford not to invest in thoughtful Federal initiatives that foster innovation. We must ensure that future leaders understand science and engineering and the world in which they live. The future of our country depends on having globally literate citizens. I believe the Paul Simon Study Abroad Foundation Act would help to achieve that goal.

There is one other area that would be helpful when it comes to competitiveness. Most of us know today what a miracle computers have turned out to be. They really bring so much information to our fingertips which long ago was hard to find. I can recall as a college student walking across the street to the Library of Congress, sending in the little slips of paper and ordering a big stack of books and searching through them to find information which I can now Google in a matter of seconds. That is great. That information is helpful. But if one is going to be able to take advantage of that opportunity, one needs to have access to high-speed computers.

There are many parts of America—Washington and Capitol Hill would be good examples—that have broadband access now. We take it for granted. I represent a diverse State, Illinois, which has the great city of Chicago as our largest city but also has a lot of small towns and rural areas, not unlike Tennessee or New Mexico. It is important for the development of education, health care, and business for us to expand broadband access in America to areas that are currently not served.

I have introduced a bill, which is being considered before the Senate Commerce Committee, on broadband access. I would like to share a statistic which Members might consider. According to the OECD, the United States fell from 4th in the world in broadband access per capita in 2001 to 12th in 2006. As of 2006, the International Telecommunication Union listed the United States 16th worldwide in terms of broadband access. We are now behind South Korea, Belgium, Israel, and Switzerland, among other nations.

In today's highly competitive international markets, our children, businesses, and communities are competing with their peers around the world for jobs, market share, business, and information. It concerns me that with the size and dynamism of our economy, we are falling behind in an area where we should have a natural advantage. As we committed ourselves to a National Defense Education Act to make sure we had trained people, educated people to compete against the Soviet Union in that era and now in the world, we also need to make sure the tools for competition are available.

I will be offering this broadband access act not as an amendment to this bill but at a later date. I hope those representing States across the Nation who believe there are digital divides will join me in making sure this important tool is available to every American.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that at 2:17 p.m., the Senate proceed to vote on or in relation to amendment No. 929; that at 2:15 p.m., there be 2 minutes of debate equally divided between Senators BAUCUS and DEMINT or their designees and that no amendment be in order to the amendment prior to the vote; that upon the conclusion of the vote, Senator KENNEDY be recognized to speak on the bill; that following Senator KENNEDY, Senator COBURN be recognized as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. LOTT. Mr. President, let me inquire of the parliamentary situation. I believe, under the agreement, we will now go off this legislation, and we are ready to have some remarks with regard to the judicial nomination for the Southern District of Mississippi.

The PRESIDING OFFICER. Under the previous order, that is to begin at noon.

Mr. LOTT. So are we ready to proceed? I ask unanimous consent that I be allowed to begin my remarks in support of this nominee.

EXECUTIVE SESSION

NOMINATION OF HALIL SULEYMAN OZERDEN TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will proceed to executive session to consider Calendar No. 76, which the clerk will report.

The legislative clerk read the nomination of Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided between the chairman and ranking member or their designees.

The Senator from Mississippi.

Mr. LOTT. Mr. President, it is my pleasure be here to speak on behalf of the confirmation of Halil Suleyman Ozerden to serve on the U.S. District Court for south Mississippi. I am truly pleased that the President has nominated this outstanding young attorney to this position in Mississippi. I thank the Judiciary Committee for the expeditious handling of the nomination. I particularly thank the chairman, the Senator from Vermont, Mr. LEAHY, and the ranking member, Senator SPECTER, for moving the nomination forward.

I made it a particular point of pronouncing his name and trying to get it correct because this is a very highly qualified nominee but an unusual one. I believe he will probably be the only Turkish American to serve on the Federal judiciary anywhere in America. We didn't select him because of that, but it is a fact. He has an outstanding record, and he will be an outstanding member of the judiciary.

Long before I knew this young man, I met his father. Sul is the son of a Gulfport, MS, doctor, psychiatrist, a Turkish immigrant, and naturalized U.S. citizen. He was truly a well respected citizen in the community as well as a doctor.

I met him back when I was in the House of Representatives, years ago, in the 1970s, as a matter of fact. His father came to visit my office on the Mississippi gulf coast one day to thank me for a controversial vote I had cast, one that was particularly unpopular with a lot of my constituents. Well, now, House Members are not used to people actually coming to their office and thanking them for casting a vote a lot of people disagree with, so I took a particular liking to this doctor, and I stayed in touch with him and his family over these past 30 years.

But I was particularly impressed, as I watched the doctor's son grow up and achieve such a tremendous record.

I began hearing about Sul, his professional accomplishments, and the impact that he was having on the gulf coast community. Now one of the most respected young lawyers in Mississippi, Sul may soon have the rare opportunity to serve both his community and his country as a Federal judge.

During my time in the Senate, I have had the opportunity to deal with countless judicial nominees. Seldom have I seen a nominee who comes as highly recommended—and who is as highly credentialed—as Sul Ozerden.

This young man graduated from what was then a very large high school in Mississippi, Gulfport High School, in 1985. He was salutatorian in his class. He then attended Georgetown University's School of Foreign Service on a Navy ROTC scholarship, graduating magna cum laude and Phi Beta Kappa in 1989.

Following graduation, he served 6 years active duty as a commissioned officer and naval flight officer in the U.S. Navy, where he achieved the rank of lieutenant as an A-6E Intruder bombardier/navigator. He was awarded the Navy Commendation Medal for missions flown over Iraq during Operation Southern Watch and Somalia during Operation Restore Hope.

After his military service, he earned his law degree from Stanford Law School, where he served as associate editor for the Stanford Law Review. Following law school, he clerked for the Honorable Eldon Fallon, U.S. district court judge in New Orleans, before returning home to enter the private practice of law in Gulfport.

That is an incredible record, outstanding record—in high school, in college, in the military, and law school, and he served as a clerk to a Federal judge. He has all the credentials that will qualify him for this position.

He then returned to the gulf coast as a shareholder in one of the gulf coast's most respected firms, Dukes, Dukes, Keating & Faneca, where his practice has focused on general civil defense litigation, representation of local law enforcement and governmental entities, and commercial transactions and litigation.

In addition to his professional accomplishments, Sul is also involved in his community, as his father was. He has served as a mentor in the Gulfport Public School District. He has been named "Volunteer of the Year" by the Gulfport Chamber of Commerce, an area where we have had a lot of voluntarism in the last 2 years to help people and help our communities recover from Hurricane Katrina. He served on the board of directors—and as president—of the Gulfport Chamber of Commerce. He also served as the president of the Gulfport Business Club. He was also named as one of the Sun Herald newspaper's "Top 10 Business Leaders Under 40" for the southern part of the State of Mississippi.

He is active in his church, St. Peter's By-the-Sea Episcopal Church, where he is on the church's building committee—an extremely important position within a church seeking to rebuild from devastation caused by Hurricane Katrina.

President Bush has nominated one of south Mississippi's finest to fill one of Mississippi's most important positions. Sul's academic credentials, brilliant mind, analytical ability, legal skills, world experiences and common sense are rare qualities in one person. The Federal judiciary is lucky to have the opportunity to secure the services of Sul Ozerden, and I look forward to his confirmation.

Mr. President, I do not know when I have supported a nominee to be a Federal judge in Mississippi more than I do this one. I am very proud of this nomination, and he will surely be overwhelmingly confirmed in a few minutes. Sul Ozerden, of Gulfport, MS, will be a credit to his parents, the community, and to the Federal judiciary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am very pleased this nomination is now before the Senate. The nominee is very well qualified to serve as a Federal judge. He is a highly respected lawyer with a keen sense of fairness. I think he will reflect great credit on the Federal judiciary.

Sul graduated magna cum laude from the Georgetown University School of Foreign Service, where he was a member of Phi Beta Kappa.

After graduating from Georgetown, he attended the U.S. Navy Flight School in Pensacola, FL, and then served for 5 years as a naval officer. He served as a bombardier and navigator aboard A-6E Intruder aircraft and was awarded the Navy Commendation Medal for missions flown over Iraq and during Operation Restore Hope in 1992 and 1993. He also completed deployments to the Western Pacific and to the Persian Gulf aboard the aircraft carrier USS Kitty Hawk from 1992 to 1994.

Sul is also a graduate of the Stanford University School of Law, where he served as an associate editor on the Law Review.

He then served as a law clerk to the Honorable Eldon E. Fallon, U.S. district judge for the Eastern District of Louisiana.

He then joined the law firm of Dukes, Dukes, Keating & Faneca in Gulfport, MS, a highly respected law firm in our State. He has practiced in State and Federal courts throughout the Southeast and served as lead counsel in a wide range of complex cases.

Sul is ranked by his fellow lawyers at the highest levels of professional accomplishment. He received a unanimous "qualified" rating from the American Bar Association's Standing Committee on the Federal Judiciary.

Mr. President, I have come to know this nominee well and his family members who are outstanding citizens of the gulf coast area, of the State of Mississippi. I am very pleased he accepted the nomination and is prepared to take his place on the bench of the Federal court in our State. I am very pleased to urge the confirmation of this nominee.

Mr. LEAHY. Mr. President, today we consider the nomination of Halil Suleyman Ozerden to be a U.S. district judge for the Southern District of Mississippi, which until recently had been considered a judicial emergency. By approving yet another lifetime appointment, we continue to proceed promptly and efficiently to confirm judicial nominees.

With this confirmation, the Senate will have confirmed 16 lifetime appointments to the Federal bench so far this year. There were only 17 confirmations during the entire 1996 session of the Senate. This means we have already confirmed almost the entire total of confirmations for the entire 1996 session, and we are still in April of this year.

The Administrative Office of the U.S. Courts lists 48 judicial vacancies, yet the President has sent us only 27 nominations for these vacancies. Twenty one of these vacancies—almost half—have no nominee. Of the 16 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 6 of them. That means more than a third of the judicial emergency vacancies are without a nominee.

I have worked cooperatively with Members from both sides of the aisle on our committee and in the Senate to move quickly to consider and confirm these judicial nominations so that we can fill vacancies and improve the administration of justice in our Nation's Federal courts. The nomination we consider today has the support of both Senator COCHRAN and Senator LOTT.

Mr. Ozerden is just 40 years old, quite young for a lifetime appointment to the Federal bench. Mr. Ozerden has worked for the past 8 years as a commercial litigator for the Gulfport, MS, law firm of Dukes, Dukes, Keating & Faneca, P.A. Before pursuing a legal career, he served for 6 years on active duty as an aviator in the U.S. Navy.

I have urged, and will continue to urge, the President to nominate men and women to the Federal bench who reflect the diversity of America. Mr. Ozerden is the son of a Turkish immigrant. I am encouraged when we can reflect positively on the diversity of our Nation and the contributions of immigrants.

The Senate will confirm Mr. Ozerden. It will not repeat the slurs that many used against Senator OBAMA. Whether a person's middle name is Suleyman, Hussein, or Ali, that person should be considered on merit, not through the eyes of prejudice. Our Nation must rise above mean-spiritedness and the short-sighted politics of fear. Consistent with our heritage as a nation of immigrants, we should recognize the dignity of all Americans whose work contributes to building a better America. The diversity of our Nation is a strength for our country and remains one of our greatest natural resources.

That said, I understand the disappointment of members of the African-American and civil rights communities that this administration continues to renege on a reported commitment to appoint an African American to the Mississippi Federal bench. In 6 years, President Bush has nominated only 19 African-American judges to the Federal bench, compared to 53 African-American judges appointed by President Clinton in his first 6 years in office. With an ever-growing pool of outstanding African-American lawyers in Mississippi, it is not as if there is a dearth of qualified candidates.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to add my endorsement for the confirmation of Halil Suleyman Ozerden to the U.S. District Court for the Southern District of Mississippi. The distinguished Senators from Mississippi have already spoken at length about his outstanding qualifications, and I associate myself with their remarks.

It is a matter of considerable distinction to be a magna cum laude graduate from Georgetown University. And a law degree from Stanford is impressive. His service as a lieutenant in the U.S. Navy, with the impressive service he has performed there, has been specified in some detail.

He was unanimously rated "qualified" by the American Bar Association. The vacancy to which he has been nominated has been designated as a "judicial emergency" by the nonpartisan Administrative Office of the Courts. I urge my colleagues to vote to confirm this very distinguished nominee.

I note we have a significant number of vacancies at the present time. We have 14 vacancies on the courts of appeals. Six nominees have been submitted to the Judiciary Committee, and it is my hope we will process these nominees promptly. There have been a number of blue slips not returned by Senators. Under the practice of the committee, the nomination will not be processed until blue slips are returned by the Senators. So I will be communicating directly with the Senators involved, urging them to return the blue slips so we may go forward.

There are six of those vacancies where nominations have been submitted. There are eight vacancies without nominations. I have discussed this matter personally with the President and have written to him in addition so the letter could be disseminated among the various White House officials who are charged with the responsibility for proceeding there.

On the district courts, there are 34 vacancies. Twenty-two nominations have been received, and it would be my hope they would be processed promptly. Twelve are awaiting nominees. The vacancies constitute a substantial number.

The total number of authorized circuit judges is 179. There are 14 vacancies, for a 7.8 vacancy percentage. The total number of authorized district judges is 674. There are 34 vacancies, for a 5-percent vacancy rate. It is important these vacancies be filled.

Where we do not have judges—and quite a few of these vacancies are judicial emergencies—there cannot be the processing of these cases. As a lawyer with substantial experience in the courts, I can attest firsthand to the importance of having judges on the job. When the vacancies are present, other judges are compelled to do extra duty.

So I urge my colleagues to cooperate in the processing of these nominations and vacancies. I, again, renew my urging of the White House, the President, to submit nominations for these vacancies.

COMPLIMENTING SENATOR CASEY

In conclusion, may I note how much I appreciate the Presiding Officer, the other Senator from Pennsylvania. I do not call him the junior Senator from Pennsylvania, although he has been here a lesser period of time than I have. I think the difference is 26 years and 3 months to 3½ months. But Senator CASEY has already made a distinguished mark on the Senate.

I think it not inappropriate to note for the record that he and I meet on a weekly basis and have held joint hearings on the juvenile gang problem in Philadelphia and on the issue of the proposed merger of Independence Blue Cross and Blue Shield with Highmark from the western part of the State, that we were together in Pittsburgh recently for the induction of a court of appeals judge and a district court judge.

My compliments to Senator CASEY on his distinguished service already.

Mr. President, I note the time has arrived for the vote, so I yield the floor.

The PRESIDING OFFICER. If all time is yielded back, the question is, Will the Senate advise and consent to the nomination of Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi?

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 136 Ex.]

YEAS—95

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Johnson
McCain
Obama
Stabenow
Voinovich

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

AMERICA COMPETES ACT—Continued

AMENDMENT NO. 929

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided on amendment No. 929 offered by the Senator from South Carolina, Mr. DEMINT.

Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I know Senator BAUCUS intended to be here. I don't see him right now. I know the Senator from South Carolina wishes to use his 1 minute. I am informed that Senator BAUCUS will support the amendment and is urging other Senators to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I appreciate the support of the majority. This is clearly a bipartisan idea. The underlying bill has in it a study to look at obstacles to innovation. This simply adds to that with a study of our Tax Code to see how it might be obstructing innovation and investment in our country.

It sounds as if we have good support. I encourage all my colleagues, Republicans and Democrats, to vote for the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 929. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—96

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Warner
Webb
Whitehouse
Wyden

NOT VOTING—4

Johnson
McCain
Obama
Voinovich

The amendment (No. 929) was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand it, we are operating under a time agreement that has been proposed by the Senate leaders.

The PRESIDING OFFICER. The Senator is recognized for such time as he wishes to consume.

Mr. KENNEDY. I thank the Chair.

Mr. President, first of all, I commend my friend and colleague, Senator BINGAMAN, as well as Senator ALEXANDER and the group that came together in support of this idea of competitiveness legislation. I think it is one of the most important issues we will consider on the floor of the Senate, and it is something that commands the kind of broad support that it is getting.

What underlines this legislation is a recognition that the United States is competing in a global economy. If we are going to compete in a global economy, we have to make a decision as a nation to the prepare each and every individual American to stand with the winds in a global economy. This legislation says that we are going to equip every man, woman, and child in the United States to be able to deal with the challenges of a global economy, and I think that is a very important national purpose.

Throughout history, this country, when it saw that it was challenged, turned to education to stay competitive. After the Second World War, we needed to build a new, peacetime economy. We passed the G.I. Bill to enable those who served in battle to rebuild their lives at home. For every dollar we invested, the Greatest Generation returned $7 to our economic growth.

In 1957, we were challenged again. The launch of Sputnik sparked the Space Age, and we rose to the challenge by passing the National Defense Education Act and inspiring the nation to ensure that the first footprint on the moon was left by an American. We doubled the Federal investment in education. When individuals have their skills uplifted and when they have their skills enhanced, they find out their participation in the economy works a great deal better. They are more productive, they are more useful, they are more creative and more imaginative and able to compete more effectively. This bill is enormously important for all Americans and very important for our country in terms of the whole challenge of globalization.

Secondly, it is enormously important in terms of our national security. This legislation ensures that we are going to encourage those forces that enhance our capability in the areas of math, science and research—all of which are enormously important to make sure we are going to have the best technology for those who are going to serve in the Armed Forces. In the Armed Forces we want the best trained and best led men and women, but we also want the best in technology. This is a competitiveness bill and a national security bill.

I believe it is going to be enormously helpful and valuable in terms of our democratic institutions, in making sure we are going to have men and women in this country who have the ability and commitment to ensure that our democratic institutions are going to function, and function very well, and that we will be able to maintain our leadership in the world.

I, for one, agree with those who believe in each generation, and in each decade, the United States has to fight for its leadership in the world. It is not just going to come automatically. We should no longer think we are going to coast in terms of national and world leadership. We have to win it, and we have to win it every single day. The way to win it is with the kinds of investments that are included in this legislation. So I commend all those who have been a part of this process, and particularly our friends and colleagues, Senator BINGAMAN and Senator ALEXANDER.

To go through very quickly now, after those general comments about why this legislation is so important, if we look at where the United States is: America's 15-year-olds scored below the average in math compared to the youth of other developed nations on a recent international assessment. On the Programme for International Student Assessment, you will see that the U.S. ranks 24th.

This chart indicates that since 1975, the U.S. has dropped from 3rd to 15th place in the production of scientists and engineers.

We are also losing ground in overall high school and college graduation rates. The U.S. has dropped below that average graduation rate for OECD countries. Out of 24 nations, the U.S. ranks 14th, just ahead of Portugal.

We are going to go to the underlying educational needs when we reauthorize the No Child Left Behind Act and higher education legislation. We are going to deal with middle schools and high schools. We are going to try to tie it in and have a seamless web, from the Head Start education programs through the K–12 and then universities into the academic world or into the business world. We need to be able to bring those elements together.

Having said all of that, this legislation is enormously important in terms of making sure we reach that goal.

This is a chart of research and development investment as a share of the U.S. economy. It demonstrates we are stagnant. This has to change. We know we need to invest in research and development.

If you look at some of the countries with which we are going to compete, India and China in particular, and look at the number of graduates they have in math and science, you will find that China awards more than 300,000 bachelor's degrees in engineering and computer science. We award a little over 100,000.

This is about research and development, but the investments in our people, investments in our research and development are two sides of the same coin. They are both essential. What this demonstrates is we have to do better if we expect to compete.

Fast-growing economies such as China, Ireland, and South Korea are realizing the potential for economic growth that comes with investing in innovation. China's investment in research and development rose by an average of 18 percent from 2000 through 2003. Over the same period, the increase in U.S. investment averaged only 2 to 3 percent annually. In the last decade, China has nearly doubled the share of their economy they spend on research and development, and they have replicated our National Science Foundation.

This bill puts us on a path to double the basic research funding at NSF in 5 years, double the basic research funding at the Department of Energy over the next 10 years, and double the funding at NIST, the National Institute for Standards and Technology. The bill also creates a President's Council on Innovation and Competitiveness, to bring together the heads of Federal agencies with leaders in business and universities to develop a comprehensive agenda to promote innovation.

If you look at where we are, to give some further illustrations, math and science classes in high-poverty schools are much more likely to be taught by teachers who do not have a degree in their field. Fifty-six percent of science classes in high-poverty schools are taught by teachers without a relevant degree, compared to just 22 percent of classes in low-poverty schools. More than a third of math classes in high-poverty schools are taught by an out-of-field teacher, compared to just 18 percent of classes in schools with a low-poverty rate.

I was interested the other day in the testimony of Mr. Gates, who commented on a lot of subjects. He was talking about school dropouts. There are some who think that school dropouts are children who are unable to comprehend the curriculum. He said, Oh, no, I am worried about the dropouts, the minds we are losing—able, gifted minds that are unchallenged because they had an inferior teacher, no books, or challenging conditions at home, such as missing meals because they are poor. We cannot afford to lose any of those.

What we are looking for is high quality teachers. The bill recognizes and responds to the shortage of high quality math, science, technology and engineering teachers, particularly in high poverty schools. The bill expands scholarships and stipends, and creates a new NSDF teaching fellow program to bring high quality math, science, technology, and engineering teachers into high-need schools. It also expands the Teacher Institutes for the 21st Century Program of the NSF to provide cutting-edge professional development programs for teachers who teach in high-need schools. These programs are peer reviewed and have demonstrated to be successful.

The bill creates a summer institute at the Department of Energy to help math and science teachers, to enable them to go to a number of areas that deal with energy because that is an agency so focused in terms of these issues in math and science.

There is a high cost to failing to address our education concerns. The nation loses over $3.7 billion a year in the cost of remedial education and lost earning potential, because students are not adequately prepared to enter college when they leave high school.

The bill provides grants to states to align elementary and secondary school standards, curricula, and assessments with the demands of college, the 21st century workforce and the Armed Forces. The grants support state P-16 councils to bring together leaders in the early education, K-12, and higher education communities, in the business sector, and in the military.

It is also increasingly important for students to be exposed to and immersed in foreign languages and cultures. Only one-third of students in grades 7-12 and a mere 5 percent of elementary school students study a foreign language.

If we are going to talk about our ability to be involved in a world economy, we are fortunate because we have so many who have come from such different cultures and traditions. I was reminded a few days ago in our Education Committee, of the number of languages they speak in St. Paul, Minnesota. Thirty-seven languages are spoken in Everett, MA. If we are going to compete in the world economy, we are going to have to do a lot better than we are doing in terms of communication and language.

This is a balanced program. It has been reviewed by the Academy of Science, at the Institute of Engineers. It has been recommended by a wonderful American patriot, Norm Augustine, one of the great American leaders, corporate leaders, but also someone enormously knowledgeable on American defense interests and also international competition. This legislation has been tailored to try to take the very best ideas out there.

We are going to have to fill in the underlying work that needs to be done. This is primarily focused on what we are going to need to be able to compete internationally. We have to be sure the schools at every level are providing students with a high quality education. We want to be sure those graduating from our universities will have the skills and talents and education to move them into the American economy and the larger economy they will face in the future.

This bill represents the beginning of a strong commitment that we must sustain and build on if America is to remain competitive in the years ahead. The legislation has strong support for a renewed commitment to help the current generation meet and master the global challenges we now face.

I welcome the opportunity to join with my colleagues and friends, the principal cosponsors, to commend this legislation, and hopefully we will be able to complete it.

I know there are other amendments. I have had an opportunity to review them briefly. A good many of them deal with other issues we ought to be dealing with at another time. I hope the membership will recognize this is special legislation. There is a special need. This is a result of an extraordinary effort on the part of the principal sponsors of this bill. It deserves to pass and get through. I am very hopeful it will be done expeditiously.

AMENDMENT NO. 940

Mr. President, I send a HELP Committee amendment to the bill which I think further strengthens the math and science programs. We have gone over this in considerable detail with our colleagues, since they are members of the committee. I thank them for their attention. I am grateful for their support of these particular provisions. Again, I commend them for the legislation. Hopefully this amendment will be accepted.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. ALEXANDER. Reserving the right to object—I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 940.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ALEXANDER. I ask unanimous consent to speak for 2 minutes before the Senator from Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I thank Senator KENNEDY, the chairman of the Health, Education, Labor and Pensions Committee, and Senator ENZI, who was chairman last year, when all this began. I hope our colleagues can see that these senior Members of the Senate—in the case of Senator KENNEDY and Senator ENZI, they have a large amount of jurisdiction over this subject; Senator STEVENS and Senator INOUYE, who spoke yesterday, have a large amount of jurisdiction over this subject; Senators DOMENICI and BINGAMAN, who introduced legislation last year that attracted 70 cosponsors—a number of their ideas are within this legislation, but they have also demonstrated something you don't see every day with Senators, which is a forbearance.

In other words, they recognize this is a big, 208-page bill with the President's ideas and those of the Council on Competitiveness and the Augustine Commission. It is well and carefully crafted, but not every single section is exactly the way every single Senator would like it. Also, it has permitted us to have a procedure that brings this bill to the floor so it has a good chance of being enacted this week. I thank Senator KENNEDY and Senator ENZI, who really have the largest amount of jurisdiction, for forbearing, being active, leading, and showing a sense of urgency about this subject by permitting it to come to the floor in the way it has, and then, in addition to the other contributions they have made, we have the Kennedy-Enzi HELP Committee managers' package which is now before the Senate for its consideration.

The PRESIDING OFFICER (Ms. MCCASKILL). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I know my friend from Oklahoma is prepared to speak. I ask unanimous consent to continue for 3 or 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. KENNEDY. Madam President, just a few minutes ago, Vice President CHENEY attacked the Senate majority leader on Iraq. He accused him of making "uninformed and misleading" statements, of defeatism, and of playing politics with the war.

Senator REID's interest is in protecting our troops and our national security and bringing the war to an end. He is rightly responding to the American people by demanding a change in our failed policy in Iraq. He is right to insist that the Iraqis take responsibility for their own security and their own future and that our troops need begin to withdraw from Iraq.

It is Vice President CHENEY who has been wrong—and deadly wrong—about Iraq.

Even more, Vice President CHENEY is the last person in the administration who should accuse anyone of making uninformed and misleading statements.

The Vice President misled the American people in August 2002, when he insisted that we "know that Saddam has resumed his efforts to acquire nuclear weapons" and that "many . . . are convinced that Saddam will acquire nuclear weapons fairly soon."

The Vice President misled the American people in March 2003, when he said that Saddam Hussein "has a longstanding relationship with various terrorist groups, including the al-Qaeda organization."

The Vice President misled the American people when he insisted that our troops would "be greeted as liberators."

The Vice President misled the American people when he insisted that the insurgency is "in the last throes."

He and the entire administration continue to mislead the American people when they insist that progress is being made in Iraq.

The facts speak for themselves. Iraq is sliding deeper and deeper into the abyss of civil war.

Violence and casualties are increasing. Already 3,335 American soldiers have been killed, and more than 320 of them have been killed since the surge began.

Civilians continue to flee the violence in Baghdad as the violence there continues unabated.

Senator REID is right to insist that we change the mission for our troops in Iraq and set a target date to bring them home. The American people agree.

America never should have gone to war when we did, the way we did, and for the false reasons we were given. It is the Vice President who has been playing politics with the war in Iraq for more than 4 years. The American people understand this and will rightly reject the Vice President's fingerpointing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 hour.

Mr. COBURN. Madam President, the bill we have before us today is a well-intentioned, thoughtful exercise to try to change the future for our country. The Commission this bill is based on, the work and experience of those who have helped coauthor the bill, is rightly so in their concern for the future of our competitiveness. There is one problem, however. The biggest dole on our competitiveness today has to be the largesse of the Federal Government. Let me give a few examples.

Last year, the American people spent $224 billion paying interest on the national debt. Last year, the American people, through our actions, spent $350 billion more than we had, which further increased that debt. In the last 6 years, the individual debt owned by American citizens—what they are required to pay—has risen from $21,000 to almost $30,000. At the same time, the average wage in those same 6 years increased by less than $5,000. So when we think about competitiveness, we ought to pay close attention to the drags on what will be our competitive situation.

The No. 1 drag today is the Federal Government. That is not to demean this bill. I would have loved to have seen a different bill, a bill that says: Here is what we are doing right. Here is what we are doing wrong. Here are some new ideas on how to fix what we are doing wrong and, by the way, here are some things we need to do to keep us competitive. We didn't do that.

The Department of Education right now has 10 percent of its programs that are totally ineffective. The Department of Energy, with its $5 billion budget, has 10 percent of its programs that are highly ineffective. In other words, they are not accomplishing anything. None of that was looked at, deauthorized, or eliminated in this bill. Consequently, according to OMB, we have approximately $80 billion that is going to be authorized to be spent—some of that is reauthorization, I understand—over the next 4 years that is going to be added to the debt.

People will say: This is an authorization. That doesn't mean we are going to spend the money.

Why are we passing the bill if we don't intend to spend the money? We are going to spend the money. The problem with the way we spend money is we don't make the same choices the average American makes. We just chalk it up to our kids and grandkids. So I don't know where the money is going to come from.

This bill is obviously going to pass. It is going to be conferenced, and it is probably going to be signed. But we will have missed a great opportunity to fix many major programs that are not working well today. This bill creates 20 new Federal programs. It doesn't eliminate one Federal program that isn't working well today. It doesn't modify, to a significant extent, those programs which are deemed ineffective and not working.

What we have is great intention and great legislation, save for the fact that we are not looking at the whole story. We are not looking at the whole picture. Should Congress have to do what every family in this country does every month—make a choice? Where do we prioritize our spending for this month? Where do we spend more? What are the things on which we can't afford to spend because we don't have the money? We don't do that. We authorize programs. Then we appropriate funds.

By the way, the discretionary portion of the Federal Government has grown about $600 billion in the last 7 years. Senator CARPER and myself held 48 hearings in the last Congress in the Subcommittee on Federal Financial Management of the Homeland Security and Governmental Affairs Committee. What we found was an astounding $200 billion of waste, fraud, abuse, and duplication. There was great opportunity to take that information and do something about it. We have not done it.

The Department of Education is not compliant in terms of improper payments. They don't know where they are paying things wrong or paying things right. The Department of Energy is noncompliant in terms of improper payments. They don't know where they are paying things right and paying things wrong. We have at least 20 percent of the Department of Energy's budget that is earmarks. They don't get to decide where they spend the money; the Members of Congress tell them where they have to spend the money. There is not a sense of prioritizing what our energy needs are, what our education needs are within the Department of Energy. There is no commonsense approach to what we are doing. Consequently, the biggest problem we have in terms of competitiveness, which this bill won't solve, is more government. It creates more government rather than less government or the same amount of government that is more efficient and more effective.

I don't intend to impugn the desires or the sincerity of the Members of this body who helped put this bill together. There is no question we need to address the issues that are encompassed in the legislation. That is not my criticism. My criticism is that when we have an opportunity to fix things with a bill such as this which cuts across multiple agencies, we don't do it. What we do is set up a system where more programs will be created without eliminating the ones that are not working.

As a matter of fact, in this bill, in the National Science Foundation, we have a setaside. Where before the National Science Foundation did everything on peer review—everything on peer review, there was no politics saying what you have to do—we are taking $1 billion and setting it aside and we are going to tell them what to do. We know better than the scientists where we ought to be spending our money? I seriously doubt that.

We claim that what we want to do is reestablish the competitiveness of the United States. I have no doubt that certain segments of this bill will go a long way in doing that. I am not critical of the intent of the bill. But I believe—and I raised this on the last bill we considered—we continue to authorize new spending. We continue to put at risk, in the name of competitiveness, the future.

The No. 1 risk for competitiveness is our debt. The fact is, we are sucking capital out of the capital markets like crazy, making it very difficult for small businesses that compete in the capital markets on ideas, innovation, and sole-proprietorships and people who want to take a risk on their own.

The other thing we didn't do is fix IDEA. One of our problems with education is, we passed a law that said school districts will do this for individuals with disabilities. What we promised when we passed that law—much as we will hear in 2 or 3 years as to what we promise with this law—was that we would fund 40 percent of the costs in education for IDEA. That would be the Federal load. This last year, we funded 18 percent. So we wonder why the schools can't compete, why they can't put the money into math and science, the money into competitiveness, when $16 billion a year is being absorbed by the school districts to do something we mandated them to do, which means $16 billion isn't available for them to teach and mentor math and science, for them to create greater opportunities to raise interest in the sciences.

So I think if our past actions speak at all about what the future will bring, you will see we will not keep our word with this bill either. We will say things, we will do things, we will put at risk the next two generations, and we will have felt good because we did something, but we did less than what we could do.

That is what we are doing with this bill. We are doing less than what we could do. We could, in fact, fix what is wrong in many of those programs in the Department of Education and in the Department of Energy today with this bill. It could have been done. It could have been done, but it was not. So, consequently, we are going to fund ineffective programs as we authorize and create and fund new programs, many of which are designed to do the exact same things, but we are not going to eliminate the programs that are not working.

And lest you think I am an alarmist and known as "Dr. No," think about what the obligations are of every child who is born in this country today—just today. What is it? April 24, 2007. When that baby is delivered and placed in its mother's arms, you are going to see smiles of joy and tears—none of them with a realization the child who just came into this world is faced with $453,000 in unfunded liabilities the moment they take their first breath.

The contrast should be, we are talking about competitiveness. How do we create a future? What kind of future is it when we create a bill but do not address the underlying problems that are limiting our competitiveness in the first place? No. 2, even if we are trained in math and science, we are going to be so debt ridden we won't have the money to put into it.

According to the Government Accounting Office, that 8 percent in interest, that $224 billion we spend now, in the year 2025—a mere 18 years from now—will be 25 percent of the budget and close to $1 trillion. Now, think about that. Should we do the hard work of eliminating the wasteful and duplicative programs before we create another?

It is easy to pass legislation that does something good. It is very hard to get rid of programs that are ineffective and highly inefficient. The reason is because everybody has an interest group that supports that program, and we find ourselves adverse to challenging that group.

But the real choice is between our grandchildren and today's present inefficiencies. The real choice is whether we are truly going to be competitive and create an opportunity for the next two generations to experience the same kind of blessings we have been fortunate enough to experience as a nation.

The real question is, will we leave a heritage that is similar to the heritage that was left with us? I tell you, my feelings and my thoughts are I do not see movement in this body or in the Congress as a whole to start addressing the underlying problems that are facing us. It is not a question of partisanship, Democrats or Republicans. It is a question of expediency. It is hard to tell people no when something is not working well. It is easy to ignore it.

AMENDMENT NO. 917

Madam President, I ask unanimous consent that the pending amendment be set aside and call up amendment No. 917.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. ALEXANDER. Madam President, reserving the right to object.

No objection, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 917.

Mr. COBURN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress has a moral obligation to offset the cost of new Government programs and initiatives)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) The national debt of the United States of America now exceeds $8,500,000,000,000.

(2) Each United States citizen's share of this debt exceeds $29,000.

(3) Every cent that the United States Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security.

(4) The power of the purse belongs to Congress.

(5) Congress authorizes and appropriates all Federal discretionary spending and creates new mandatory spending programs.

(6) For too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints Americans face everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources.

(7) Last year, the interest costs of the Federal debt the government must pay to those who buy U.S. Treasury bonds were about 8 percent of the total Federal budget. In total, the Federal government spent $226 billion on interest costs alone last year.

(8) According to the Government Accountability Office, interest costs will consume 25 percent of the entire Federal budget by 2035. By way of comparison, the Department of Education's share of Federal spending in 2005 was approximately 3 percent of all Federal spending. The Department of Health and Human Services was responsible for approximately 23 percent of all Federal spending. Spending by the Social Security Administration was responsible for about 20 percent of all Federal spending. Spending on Medicare was about 12 percent of all Federal spending. Spending in 2005 by the Department of Defense—in the midst of two wars in Iraq and Afghanistan and a global war against terrorism—comprised about 19 percent of all Federal spending. Thus, if we do not change our current spending habits, GAO estimates that as a percentage of Federal spending, interest costs in 2035 will be larger than defense costs today, Social Security' costs today, Medicare costs today, and education costs today.

(9) The Federal debt undermines United States competitiveness by consuming capital that would otherwise be available for private enterprise and innovation.

(10) It is irresponsible for Congress to create or expand government programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans without reductions in spending elsewhere within the Federal budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress has a moral obligation to offset the cost of new Government programs and initiatives.

Mr. COBURN. Madam President, it is a simple amendment. We are going to find out what your Senator believes with this amendment. We offered this amendment on the last bill. We had some inside baseball excuses why they would not vote for it. This is a sense-of-the-Senate amendment. It does not carry any force of law or anything. All it says is the Senate agrees that before we spend new money, we ought to get rid of the wasteful programs, we ought to get rid of the ones that are not working well, or we ought to make them better before we spend another $60 billion to $80 billion on another set of programs.

That last amendment got 59 votes against it. Only 38 people in the Senate thought we ought to do that. I will tell you, I think the vast majority—greater than 95 percent—of the American public thinks we ought to do that.

So this is a simple amendment. The catch with the amendment is, if you vote for the amendment and then do not change this bill to do what needs to be done to eliminate the other programs, you are going to have a tough time explaining that you agreed to this and then did something else when you voted for the passage of this bill.

There is a day coming when we will not have the luxury to wait around. The financial markets will tell us what we will do. We will not have the freedom within the Senate to make those choices. We will do it under the duress of extreme financial conditions that will affect our country.

So this is a simple amendment, very similar to the last one. I took the authorizing language out of it that some of the appropriators objected to, so it is very simple.

The final statement in the amendment is:

Sense Of The Senate.—

It is the sense of the Senate that Congress has a moral obligation to offset the cost of new Government programs and initiatives.

Now, with a budget deficit last year that was claimed to be $160 billion, under Enron accounting—which was truly $350 billion, if you looked at what happened to the addition to our debt, what our kids are going to pay—it is going to be pretty hard to say we should not add more to the debt. We have a lot of people who will say the debt does not matter; whatever the debt is, is a percentage of GDP. That is fine if the underlying assumption is we have great economics, and we are not going to have contractions of the economy, we are always going to be able to compete, we are always going to be able to finance our debt. The fact is, as the Government Accounting Office says, we cannot, and the interest costs associated with that will be massive.

Why would I come out here and fight friends and foes alike all the time to do this? Because I think the one shortfall of our body is that overall we are not looking at the big picture and the long run. This looks at the long run, but it does not look at the big picture.

Unless we do that, we are going to find ourselves very apologetic to the next two generations because what, in essence, we will have said is we cared more about us, we cared more about our comfort, we cared more about our next election than we did any of the next two generations.

So I put it to my colleagues: Vote against this and vote for the bill and be honest. But if you think if we create new programs we ought to eliminate other programs so we do not continue to expand the Federal Government running a deficit, then you ought to vote for this amendment and not vote for this bill, until it is made right, until it has captured the opportunities that are inherent within it to fix what is wrong in the Department of Energy, to fix what is wrong in the Department of Education, to fix what is wrong with all these grant programs that need to be fixed today.

Let's hold us accountable. That is what the American people are expecting from us. I want to leave the Senate not being known for anything other than knowing what I did was to try to create and make sure we maintain the heritage this country has given to us.

With that, Madam President, I reserve the remainder of my time.

Mr. ALEXANDER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, as I understand what we are doing: We have a few amendments pending. We are working to clear those amendments so we can come to a vote on Senator COBURN's amendment. In the meantime, Senator SUNUNU has more than one amendment. He has one he wants to talk about today. He wants to bring it up as soon as he can and schedule it for a vote. It is a meritorious amendment. I hope we can do that as soon as possible.

Senator COBURN has reserved the rest of his time. But as I understand the procedure, Senator SUNUNU could go ahead and speak until the next scheduled speaker, who is scheduled to speak at 4 o'clock; is that correct?

The PRESIDING OFFICER. There is no order.

Mr. ALEXANDER. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent, with deference to the Senator from Tennessee, that prior to the vote on my amendment I be given 2 or 3 minutes to speak on it.

Mr. ALEXANDER. No objection. Could we have 4 minutes equally divided?

Mr. COBURN. Absolutely.

Mr. ALEXANDER. Any objection? Prior to the vote, if and when the vote is set?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Thank you.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Madam President, I rise to speak on the legislation in general terms. As the Senator from Tennessee indicated, I filed three different amendments. I certainly wish to call at least one of those amendments up at the appropriate time. They address a number of concerns I have with the underlying legislation.

But let me begin by saying I do appreciate the complexity of the challenge the Senator from Tennessee has undertaken in trying to assemble from different committees of jurisdiction the components of this bill. I think, unfortunately, dealing with this legislation has laid to bare some of the weaknesses and problems with the way we are organized in Congress because it has been, unfortunately, an inefficient process in many ways.

There are five or six different committees that have jurisdiction in different areas of this legislation. They all want to try to leave their mark on the legislation. As a result, the Senator from Tennessee and others have had to deal with duplication and overlap in many cases with initiatives begun by different committees that have effectively the same goal and the same end. Over the past 12 or 18 months, I think they have eliminated a number of these problems from the legislation but many remain. I am one of the only, if not the only, engineer in the Senate. At least I was an engineer; I worked as an engineer during my previous work experience. I would like to think that I am still employable as an engineer perhaps someday in the future. I do value very much this experience and this background in science and technology when we are dealing with problems on the Commerce Committee having to do with telecommunications or spectrum allocation or policies on environmental issues with particulate matter or pollution standards. I like to think it helps to have at least some grounding in a lot of the technical matters that underlie the basic legislation.

I think it is essential, when we are looking at policy to encourage and inspire students to pursue science and mathematics and to try to improve our competitiveness in fields of science and engineering, that we focus on a few core principles. I begin with the basic objective of maximizing research in the most basic areas of math and science. In this effort we are talking about the funds that go to the National Science Foundation and the funds that go to the National Institutes of Health. These are investments in basic sciences: in the case of the National Science Foundation, in physics, chemistry, physical science, and computational mathematics. They are peer-reviewed, which is intended to insulate them from political forces, legislative forces, and allow those with expertise in these areas to decide what sorts of research projects and programs receive funding in any given year.

It is essential we maintain that independent peer review process at the National Science Foundation, just as it is important at the National Institutes of Health because if we allow politics to enter this process, we are going to do these areas a great injustice.

Commensurate with that focus on physical sciences and computational mathematics as we pursue research in science and engineering, it is also important that we avoid policies that try to pick winners or losers within our economy. Here I point to various programs that over the years have subsidized product development for profitable companies, product development for products being introduced into the existing marketplace today that effectively picks one firm and one firm's products at the expense of others. Some people would say, well, that is research. But it certainly isn't the kind of peer-reviewed research that does and should take place at the National Science Foundation. It is product development work. Any time we start subsidizing product development for companies that are competing in the marketplace selling goods and services to consumers, we distort the marketplace, we provide unnecessary subsidies, and in programs like the advanced technology program we have done just that time and time again.

The companies that have received these subsidies are good firms with good employees, but I think putting funds in this area at the expense of physics and chemistry and mathematics at the National Science Foundation is a grave mistake. We need to maximize that research, make sure it is peer-reviewed, don't pick winners and losers in private industry, and focus on educational programs where it can make the biggest difference in inspiring young students in these careers in math and science.

I look back on my own experience and ask the very basic question: What led me to pursue a degree in mechanical engineering when I was an undergraduate in college? I didn't make that decision when I was a freshman in college. I didn't even make that decision to pursue interests in math and science when I was in high school. I would argue for most students it happens in sixth and seventh and eighth grade. They realize they have an interest in math and science. More often than not it is because they have had a strong, credible, inspirational teacher in math and science, and my experience is no different. Jane Batts and Blake Richards, my math and science teachers in fourth and fifth grade, I think set me on that path that ultimately brought me to a mechanical engineering degree. So if we are going to look at educational programs that are meant to inspire students in math and science, they had better be focused on those key years: sixth, seventh, and eighth grade.

Finally—this is a point that Senator COBURN was speaking to—we need to look at the programs that are already in place and ask honest questions about how effective they are. How many do we have that deal with these areas of math and science education? How many do we have that deal with the areas of research? And, in particular, I think we should look to the work done by the American Competitiveness Council.

What they found is that in the areas of science, technology, education—science, technology, engineering and mathematics—stem programs—there are 106 different programs within 8 or 10 different agencies, including the Department of Transportation, the Department of Commerce, the Department of Energy, the Department of Homeland Security, 35 at the National Science Foundation, 12 at the Department of Agriculture.

In this legislation before us we do ourselves a disservice if we don't look at these programs and ask the questions: How effective are these programs? How can they be improved? How can they become more focused or better focused on inspiring those young students? As the American Competitiveness Council looked at these programs, they came up with a series of recommendations and findings. They made that very argument: that there was overlap in these science, technology, engineering, and math educational programs; that communication and coordination among agencies could be improved; and that current programs tended to be focused on short-term support rather than longer term impact. Those are the very findings we should be trying to implement and execute as part of this legislation, but I don't see it in the underlying bill.

So the amendments I have focused on, first, the overlap and duplication and lack of focus within those educational programs, to try to strengthen them, measure their effect, and ensure that they have a greater impact on those students; and, second, to make sure we are appropriately focused on basic, fundamental research within the National Science Foundation and that we are maintaining its independence and that we ensure the peer review process is what determines how and where funds are allocated.

I know we are working on an agreement on the Senate floor, so I am not able to offer my amendment at the moment, but let me speak to what it attempts to do. I have an amendment that strikes section 4002 of this legislation. Section 4002 does two things within the National Science Foundation that I think set the wrong precedent.

First, it establishes a set-aside, a minimum allocation for educational and human resources within the National Science Foundation of $1.05 billion. I recognize the educational initiatives within the National Science Foundation are important, but I certainly can't say, and I don't think any Member of the Senate can say, whether $1.05 billion is exactly the right number. But more important, we shouldn't be mandating in law that the National Science Foundation direct a specific amount of money to any area. We should, to the greatest of our ability, allow those decisions to be set on a yearly basis by the experts and the leadership of the National Science Foundation. If we think they are not doing a good job, they should probably be replaced. But they are hired specifically because they have the best and most advanced understanding of what our needs are, what the most valuable areas of research are, and what the best kinds of partnerships might be for education related to physics, chemistry, mathematics, and material science. So I would strike that set-aside, not because we don't think any money should be going to this area—of course, money should be going to this area—but because it is a dangerous precedent for legislators to start carving up pieces of the National Science Foundation for specific initiatives.

Second, this particular section of the legislation mandates—it requires—that there be a specific percentage increase in this one particular area each year between now and 2011. While I don't know whether that percentage increase will turn out to be the right amount or the wrong amount over the next several years, I think it is a bad precedent to require as part of the legislation that a designated portion of money go to any of the specific areas supported by the National Science Foundation. Once we move away from the peer review process, once we move away from independence within the National Science Foundation to allocate funds as the leadership there sees fit, then I think we run the risk of undermining the great strength that the National Science Foundation has represented over the past several years.

I began speaking about doubling resources for the National Science Foundation 4 or 5 years ago because it has been so successful in providing resources for basic research in key areas of physical sciences, and I am extremely concerned that if we adopt the provisions of section 4002 and start carving out pieces we think are politically popular at a particular point in time, we will dramatically undermine its effectiveness and have the unintended consequence of weakening the organization's ability to inspire the next generation of engineers and scientists.

I look forward to offering these amendments at the appropriate time, and I thank you, Madam President, for the time this afternoon.

I yield the floor.

ENTITLEMENT PROGRAMS

Mr. GREGG. Madam President, let me step over to the chair from which the junior Senator has been speaking.

I wanted to speak about a couple of issues. The first issue I want to talk about is the recent report which came out yesterday from the Medicare trustees which said that the Medicare trust fund is in dire straits. The Medicare trustees are required under law to report to the Senate and to the Congress and to the American people what the economic status is of the trust fund as it looks out into the future.

A lot of us have been talking for a long time about the problems with the entitlement programs we have—specifically Medicare, Medicaid, and Social Security—and the fact that these three funds are headed toward a meltdown, which is going to take with them the economy of this country. The practical effect of these three funds in their present spend-out situation is that they have approximately $70 trillion of unfunded liability—$70 trillion over their actuarial life.

Now, $1 trillion is a number that a lot of us have a problem comprehending. To try to put that number into perspective, if you took all the taxes paid in the United States since we became a country, I think we have paid about $46 trillion in taxes. If you take the entire net worth of America—all our assets, including all our cars, all our homes, all our stocks—that, again, is in the $45 trillion to $50 trillion net worth.

So what we have on the books as a result of the projected costs of the

Medicare, Medicaid, and Social Security system is a cost that exceeds all the taxes paid in the history of this country and exceeds the net worth of this country.

Why is that? Why are we confronting this problem? Well, it is basically a function of demographics. The postwar baby boomer generation, of which I am a member, the largest generation in American history, is beginning to retire.

By the year 2020, 2025, the number of retired citizens in this country will double from the present number who are retired today. It will go from about 35 million retired citizens up to about 70 million retired citizens. The number of people working to support those retired citizens will drop commensurately. So both Social Security and Medicare, and to some extent Medicaid, were programs designed with the concept that there would be a lot of people working for every person retired. They were essentially pyramids.

In fact, in 1950, there were about 12.5 people working for every person retired. So 12 people were paying into Social Security for every 1 person taking out. Today, there are about 3.5 people paying into Social Security and Medicare for every one person taking out. Social Security is running into surplus. But as this baby boom generation retires, that number changes radically. We go from those large numbers paying in and a small number taking out to a large number taking out and a small number paying in. There will be about two paying in for every one person taking out by about 2025. We go from a pyramid to a rectangle and the system cannot support itself.

This chart reflects the severity of the problem. These three programs—Social Security, Medicare, and Medicaid—as a percentage of spending of the GDP, by the year 2025, or 2028, will absorb almost 20 percent of GDP. Why is that a problem? Today, and historically, the Federal Government has only spent 20 percent of gross national product. So the practical implications are that by 2025, or 2028, the total spending of these three programs alone will absorb all of the money that has historically been spent by the Federal Government, which means that nothing else could be spent—no other money—on things such as national defense, the environment, and education. It would all be going to these three programs, assuming you maintain the Federal share of the GDP at its present level.

Things get worse, unfortunately, as the baby boom generation accelerates into the 2030 period, when paying for those programs alone reaches 27, 28 percent of GDP by about 2040. Obviously, it is not a sustainable situation. Obviously, it is a situation where if we continue on this path, we would essentially be saying to our children that we are going to subject you to a cost that far exceeds anything you could afford and basically hit you with a tax burden that would essentially mean that you—our children and grandchildren—in order to support this retired generation, would be unable to send your children to college, buy your home, purchase your cars, live your lifestyle in the manner our generation has been able to live. The money is going to have to be spent by taking taxes out of your pocket.

A lot of us have been talking about and some people have even tried to address this issue—specifically, the administration. The biggest part of this problem is not Social Security, ironically; it is Medicare. Now, the Medicare trustees yesterday made the point once again that if we don't do something and start to do it fairly soon in addressing the Medicare problem, we will bankrupt our children and our children's children's future with the cost of this program. This was their obligation as trustees. They are supposed to look at it objectively, and they have. They said this program is headed toward about $35 trillion of unfunded liability, that that is a huge number and we need to correct that. Ironically, and fortunately, a couple of years ago we put into place a law that requires that when the Medicare Program starts to go in the direction of insolvency at a rate that means it is going to take a significant amount of money from the general taxpayers' pockets versus money from the wage earner, as they pay their hospital insurance, that at that point the Federal Government is supposed to act.

The way it works is this: If more than 45 percent of the Medicare trust fund is being supported by general fund dollars, what does that mean? Well, the Medicare trust fund theoretically was supposed to be the Parts A and B, the hospital and doctor part; that was supposed to be supported primarily by insurance premiums being paid on your hospital insurance tax taken out of your salary every week. But, of course, under the Part B program, we have never done that. We have ended up subsidizing that program with general funds instead of having it come out of the payroll tax. What this law says is when those general fund subsidies exceed 45 percent of the total cost of the Medicare system, it is an excessively dangerous situation and it has to be addressed. If this happens 2 years in a row, where the cost of Medicare is exceeding 45 percent of the general funds coming from the Federal Treasury, that means people's income taxes, the taxes people pay every day—then at that point the administration is supposed to send up—whatever administration is in power—a proposal to correct the problem.

That is what the Medicare trustees concluded. Last year, they concluded the trust funds were in severe strain and we are going to hit the 45-percent level. This year, they have concluded the trust funds are under severe strain, and it is going to hit the 45-percent level. The practical effect of that is now the administration is required, prior to the next budget, to send up a proposal to correct the problem. Unfortunately, under the law, even though the administration is required to send up such a proposal, the Congress is not required to act on it.

Ironically, the administration, in an act of true fiscal responsibility to our children and our children's children, this year sent up a proposal to try to correct this problem, or at least begin to correct the problem, although not fully. They suggested this year that there should be two adjustments in the Medicare trust fund, neither of which would have a significant impact on beneficiaries. In fact, for the most part, it would have absolutely no impact on the beneficiaries, and unless you were a beneficiary in a very high-income situation, with more than $85,000 of personal income, or if you are married and have more than $160,000 of joint income, it would not affect you at all. There are two proposals that insulate beneficiaries. The first proposal was that we do an accurate reimbursement to providers. Under the present law, the health care professionals have estimated that provider groups are getting about a 1.2 percent extra payment over what they should be getting as a result of the fact that there have been new efficiencies introduced into the provider repayment systems, through technology primarily, that have reduced costs, but that reduction in cost has not been reflected in the reimbursement. So we are actually paying more than we should be paying in these accounts.

The administration didn't suggest that they capture all that money. They suggested let's take half of that—leave the provider groups with half of that money—I don't want to use the word windfall, but as a bonus to them. Let's take the other half and use it to try to bring the Medicare trust fund into some sort of solvency. That was the first proposal of the administration. It was a reasoned proposal in light of the fact that all of the professional groups have concluded that this overpayment is occurring.

The second proposal they made was that people getting Part D, the drug benefit—if they are very high-income individuals—should pay part of the premium for that drug benefit. Under the Part D premium, there was no contribution required, unlike Part B, which has a means test—very limited, but it has one. Part D did not. The administration said, listen, if you are a retired Senator, you should not be subsidized by somebody who is working in a restaurant, or in a gas station, or on a manufacturing line, which is what happens today. The way the law works today, a person who is out there working for a living, maybe trying to raise their children, is actually having to pay to subsidize retired Senators who are getting Medicare or, for that matter—I don't want to pick on Bill Gates' father as an example, but Bill Gates' father, or Warren Buffet—millionaires and billionaires—are being subsidized by people who are making an everyday wage and trying to make ends meet for their families. So the administration suggested if you have more than $80,000 of personal income as an individual, or $160,000 of joint income as a family, then you should be required to pay a portion—just a portion—of your Part D premium. That is a very reasonable approach.

Those two proposals together would have reduced the outyear insolvency of the Medicare trust fund by almost a third. It would have taken tremendous pressure off of the trust funds, especially the Medicare trust fund. They were both rejected out of hand by the other side of the aisle. They were demagoged. People came to the floor and said this would savage Medicare, would destroy Medicare, that it was going to undermine the rights of senior citizens to get Medicare. Outrageous statements were made on the other side of the aisle, and they continue to be made relative to these proposals that were reasonably benign, that didn't affect beneficiaries, and would have actually put Medicare on a solvency footing instead of insolvency, which is where it is headed now.

Now the trustees have done their job and said, the administration is absolutely right. If we don't correct this problem, we are going to have a Medicare system that cannot be afforded by our children and grandchildren. As a result, we will have a major contraction in the system. Yet even though the Medicare trustees have said that—and they are a pretty objective group and they are required under the law to be so—we have the leading Senator on the other side, Senator SCHUMER, taking the position that that is just politics, that Medicare is fine, and instead of peddling an ill-conceived Social Security privatization plan that has already been overwhelmingly rejected by the American people, the administration should turn its attention to strengthening Medicare.

Where was Senator SCHUMER when this amendment was offered on the floor? He voted against it. When the administration suggested something that was responsible, such as making high-income individuals pay a part of their premium on Part D, Senator SCHUMER rejected it. When this administration came forward and suggested we should reimburse providers honestly and directly and fairly but not overly reimburse them—not too much overly reimburse them—and take the savings and use it to make the Medicare system more solvent, where were Senator SCHUMER and his colleagues? They rejected that.

Now they have the audacity to come forward and attack the Medicare trustees, whose job it is to present the facts as they are, and the facts are the Medicare system is going into bankruptcy, and him saying that is politics and trying to hyperbolize it into privatization, which has nothing to do with Medicare—how outrageous and irresponsible for one generation not to face up to the problems it is giving the other generation. Senator SCHUMER is a baby boomer, as I am. It is our problem we are passing on to our kids. We are the problem. We exist and we are going to retire in massive numbers, and then we are going to turn the bill over to our children. We have a responsibility as a generation but, more importantly, we have a responsibility as policymakers in the Senate to act, especially when the Medicare trustees have told us the problem is there, it is legitimate, and it is pretty obvious to anybody because we are all alive.

We have a bill, a law on the books, that says specifically this problem must be addressed when the Medicare trustees, 2 years in a row, have determined there is a problem, that 45 percent of the General Treasury or more is being used to support Medicare, and we need to adjust the system to effectively address that issue and to make the system solvent and affordable for our children. And especially we should act when reasonable proposals are brought to the floor, proposals that have no maliciousness to them, have no political agenda to them, have no purpose other than putting in place policies which are going to make the system more solvent and more affordable. Yet they are rejected—rejected with partisan rhetoric of the worst order because it has nothing to do with the Medicare plan; privatization is thrown at the suggestion that we correct the Medicare system by making rich people pay more of their costs by getting the reimbursement formula correct. That is subject to pejorative privatization by the Senator from New York, with no proposals at all—none—from the other side of the aisle to correct this problem which is looming. Other than fighting terrorism and the threat of an Islamic fundamentalist detonating a weapon of mass destruction in one of our cities or somewhere in America, there is probably no problem which is more significant to the future of this Nation than the pending fiscal meltdown which we are going to confront as a result of the cost of these programs which we put on the books and which, in their present process, cannot be afforded.

If we just wait until we arrive at the cliff—and we will be going pretty fast when we reach that cliff; we are not going to be able to stop—and only try to deal with it then, what will be our options? They will be so few and they will be so painful that they will have a dramatic and dislocating effect not only on the generation that has to pay the costs but on the generation that receives these benefits.

We can, today, put in place changes which are gradual, which are reasoned, and which will accomplish the type of adjustments that are necessary to make this program work—work well for the beneficiaries so we have a strong, solvent Medicare system and work well for those who pay the taxes to support them. But if every time the issue is raised that there has to be legitimate action in this area, especially when it is being raised by the Medicare trustees, who do not have a political agenda but are simply reporting a factual assessment of an actuarially existing fact pattern—which is there are so many people alive today who are baby boomers that when they retire, they are just going to basically overwhelm the system—if every time those red flags are raised, they are going to be responded to by the leadership on the other side with pejoratives and partisanship and the use of phrases such as "privatization," then we are not going to accomplish anything around here. All we are going to see is that we can deal with the next election but we can't deal with the next generation. You might win the next election, which I guess is the purpose of Senator SCHUMER, but it is going to leave our kids one heck of a mess, and seniors who retire in the 2020 period are going to also be in a pretty horrific way. Total irresponsibility in the remarks of the Senator from New York in response to the very responsible warnings brought forth by the Medicare trustees.

On a second issue to which I wish to speak briefly—actually, not so briefly—which is the issue before us, the competitiveness bill, this competitiveness bill is well-intentioned. We all know that we as a nation are confronting some very severe issues relative to our capacity as a culture to compete in this world and be successful. We also know that the essence of our capacity to compete is tied directly to our capacity to produce an intelligent, thoughtful, knowledge-based society. We are, without question, a country where success in the global competition is not going to be built off of excessive manpower or a dramatic amount of resources. It is going to be built off of having brighter and smarter people who add value to products and produce items that people around the world need and want, and they are inventive and creative. The great genius of America is our creativeness and our inventiveness. So the goal of this proposal is appropriate, genuine, and well-intentioned, but the question becomes whether the execution of that goal, on balance, accomplishes its purpose.

The Congress has this tendency—and I have seen it innumerable times—when it sees a problem, to create a plethora of different little programs, most of them not too big, all across the spectrum, which are basically the ideas of a bunch of different people who came to the table, but because there wasn't one cohesive idea that was dominant, everybody's idea got into play. I guess that is the problem when you have the committee designing the horse. That famous story—if a committee designs a horse, you end up with something that doesn't look like a horse. That is what happens when you have a proposal which puts a large chunk of money on the table and then says: Here, let's spend it. That, unfortunately, is where this proposal ends up to a large degree.

Ironically, this proposal has a lot of specific initiatives in it which we already tried before or which are duplicative programs we have tried before, the irony being pretty apparent in items such as the Manufacturing Extension Program, which, during the first few years of this administration, it sent up proposals to basically zero it out. That is a program the purpose of which was to create these manufacturing extension centers around the country, which we did—they are called the Hollings centers—but we also understood they would be self-sustaining centers once the Federal Government got them up and running. We now find they are not, so this bill essentially continues them. Also, it basically restarts something called the ATP program. It gives it a new name and title. It creates a brandnew series of education initiatives in the Department of Energy which are pretty much duplicative of initiatives in the Department of Education, and some education initiatives in the National Science Foundation. It creates new directives to the NOAA which are almost identical to what NOAA already does but in addition are completely duplicative of what the Oceans Commission concluded should be done and which was put into action about 2 or 3 years ago as a result of the Oceans Commission.

As well-intentioned as this bill may be, in the end what it does is it increases spending by $16 billion. That is the proposal: $16 billion over 4 years. What it buys is a whole lot of little initiatives all over the country which are the interests of this Senator or that Senator but which in their totality have very little cohesion to them, direction to them, or purpose to them and, as a practical matter, are not paid for.

Here is the situation we confront. It is not as acute as the issue I was talking about before in the Social Security entitlement accounts, but the situation is this: We are spending a lot of money we don't have. In the nondefense discretionary accounts, we have been fairly disciplined over the last few years, but we are still spending a lot of money we don't have.

What this proposal says is, even though we are spending a lot of money we don't have, we are going to spend more money we don't have because these are feel-good initiatives, and if we just sprinkle a little crumbs all over the place, we can put out good press releases and feel content that we have addressed the competitiveness question in this country.

The competitiveness question in this country is not going to be dramatically improved by spending $16 billion we don't have and then sending the bill to our kids. If we want to improve competitiveness in this country, we should be doing fairly substantive things that will impact a lot of different areas and won't necessarily cost us too much money.

We might start, for example, with tort reform, where we see a massive amount of money spent inefficiently in this culture because we have to fear lawsuits that are, quite honestly, in many instances frivolous and that end up causing people to do defensive activities. Correct the tort system, and that would create a fair amount of efficiency and productivity in this economy.

Correct the regulatory morass we have. The fact is that to can get an efficient powerplant on line—which we need a lot of in this country if we are going to have an efficient economy—it literally takes years and years of regulatory hoops to jump through, many of which are duplicative, before you can get a decent powerplant up and running. When was the last time a nuclear powerplant was brought on line in this country? Well, I think it was 1988. Nuclear power is by far the most efficient way and the most environmentally sound way to bring large amounts of power online. Yet we can't license nuclear powerplants. Senator DOMENICI, in a recent bill he produced in this Senate, which didn't pass the Congress, has tried to streamline the effort. Hopefully, it will result in more powerplants coming on line.

The simple fact is that we regulate ourselves into noncompetitiveness. So if we want to correct the issue of competitiveness, let's address some of these regulatory issues. They don't have to be broad. It doesn't have to be a broad exercise. It can be reasonably narrow.

In the area of immigration policy, we know there are very bright, capable people around this world who want to come to America and be productive. As Bill Gates described them in testimony before the HELP Committee, he looks at them as job-setters. When he brings one of these really bright people from someplace else in the world and puts them to work at Microsoft, the way he sees that is that person is generating jobs. It is the opposite of outsourcing; it is insourcing. If you bring somebody in with special talents and abilities, especially in the science and mathematics areas, that person becomes a job center around which other jobs are created because of their creativity and their abilities.

And what do we do to those folks? We tell them they can't come to the United States even though they want to, even though they have jobs here. We say: I am sorry, we can only have 65,000 people with that talent in this country. That is it—even though there may be 150,000 or 200,000 who would like to come to this country and all of whom could come into this country from the standpoint of being safe, sound, good contributing citizens and all of whom, if they were here, would probably be giving us economic added ability which would create jobs. It doesn't cost us any money to bring these people in. In fact, it gives us more economic activity, which gives us more jobs, probably more tax dollars from these people, generating more taxes to the Federal Treasury. That is something we can address if you want to improve the productivity of this Nation.

The idea that the Federal Government is going to sprinkle $16 billion around to various programs—and it is sprinkled all over, a lot of programs here, many of which either existed before or are being recreated—and it is going to result in significantly more competitiveness—well, it might work, but the only way you could justify it is if you paid for it by reducing $16 billion somewhere else in inefficiencies before you move down this road. The irony of this is we have done it so many times before, and it hasn't worked because the Federal Government can't command and control the economy. That is why it doesn't work.

I was Governor when President Bush 1, who was very concerned about education and wanted to be known as the education President, called a conference of Governors together—the first time it happened since Lincoln—I believe in Charlottesville, VA. The purpose of the conference was to figure out how we as a nation were going to capture and reform the education agenda. This was in 1989. I was Governor at the time. Do you know what the first conclusion of that Governors conference was? I think we came up with 10 directives. The first conclusion was that we would lead the world in math-science education in the elementary and secondary school systems by the year 2000 because at that time we were 14 out of 16 countries of the industrialized world.

I heard Senator KENNEDY a while ago doing his presentation on this issue on the Senate floor, and he put up a chart. I think he said we were 24th out of 24 industrialized countries. We actually lost ground if that is true. I don't know what the number is, but we are certainly not at the top. Yet throughout this period we have created program after program after program.

There is an initiative in here for the National Science Foundation to reenergize its directorate on education. I was here the last time we did that. I was in the House. It is a good idea, especially if you have the funds to pay for it. But the fact is, it is a sprinkling effort. The marketplace, in creating an atmosphere where there is competition, is the way you make yourself more competitive. Spreading money over a whole plethora of new programs might produce some results, but unless you pay for it, in the end it is going to end up costing us significantly. It is going to end up costing the next generation significantly. So as well-intentioned as this proposal may be, I have serious reservations about its effectiveness.

I would probably be willing to support it if it were paid for, but it isn't paid for, and it is just going to add $16 billion to the debt. Now, we will hear from others that this is just an authorized number, but I can assure everyone that all we will hear about once this authorized number is passed is that we need to appropriate the money to meet those needs. So that is a straw dog argument. If you put on the table that you are going to spend $16 billion more, that you don't have, the odds are the Congress is going to spend $16 billion once it gets authorized to do so.

At this time I understand we are not taking amendments, but if we were in the process of taking amendments, I would offer an amendment to do something substantive in the area of competition and making our country more viable, and that would be to lift the cap on the H1B visa program from 65,000 to 150,000. A very simple action. It would bring in a large group of people who would be constructive citizens with science and technology backgrounds that we need.

We would not be replacing people who are in jobs, but we would actually be creating more jobs—probably a lot more jobs in the arenas in which they work—and that would actually have an immediate impact on competitiveness in this country. We wouldn't have to wait another 10 years to have another conference by another Presidency or another Congress that says we are not caught up in the competitiveness area and therefore we have to address math and science education. We would actually have the people here next year who would have the math and science skills and who would be able to contribute constructively.

So that would be the amendment I would offer, and I certainly hope to have the opportunity to offer that amendment before this bill leaves the floor.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I understand my junior colleague has a request before I proceed.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator DOMENICI be recognized for up to 15 minutes, that Senator SANDERS would follow him for up to 20 minutes, and that Senator ENSIGN would follow him for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Senator DOMENICI.

Mr. DOMENICI. I thank Senator BINGAMAN.

Mr. President, I am not sure I will take the whole 15, although I have been speaking on this issue for a long enough time that one would think I might have spoken out, but I haven't. I am very excited about the bill, and so I am afraid I will use every 1 of the 15 minutes because there is a lot I want to say.

First of all, let me say that I have the greatest respect for those who oppose this bill, such as the distinguished Senator from New Hampshire, chairman of the Budget Committee in the past, who has spoken eloquently about the problems of Social Security and spoken his piece today about this bill.

On the other hand, for myself, I want to say that the time has come for a new bill to get passed, and I want it to be bipartisan and I want Republicans to join Democrats on the bill that I believe we will look back on and say it was the biggest, most significant, most important piece of legislation that we have ever passed, that added to the brain power of the American people, and particularly added to the brain power of the young people coming along who are going to try to keep us the most productive Nation on Earth by getting educated properly.

We are trying to pass this bill after having been told by the best of Americans who took a look at our country, who looked at our laws, and then recommended that we do 20 things. They were all recommendations aimed at the proposal that we were going backward; that we were in reverse gear as far as giving our young people the education they deserve in the areas of math, science, physics, engineering, and the like.

We were advised by the very best Americans. They did this as a gratuity. They weren't paid. They used their time to tell us what was going wrong and what could be fixed in terms of brain power development among our people. They said, essentially, our biggest problem is, after grade 4 and through grade 12 our young people are not getting educated in math, science, physics, and the like by teachers who are educators in those subjects; that huge percentages of the teachers don't even know the subject matter. Yet they are required to teach because they do not have anybody else. So they teach math even if they haven't studied math. They told us we should fix that. This bill will fix that, we hope.

They told us a number of other things. They said put them into law and try to get these things passed, and over the next 5 to 10 years you will see a big difference. The National Science Foundation should receive much more money for the hard science research projects; that the budget of the Department of Energy, which has a science fund, should get more money for the science that it does in the great laboratories of the United States; and to help bring up the education for those youngsters we are talking about by giving them exciting opportunities in the summer months and elsewise, and give the teachers those times to get educated so they can pass on much more brain power and excitement about these subjects to our young people.

Now, there is no doubt what is in this bill could be done better if one person, or two, who were knowledgeable and fair were doing it and following the recommendations of those who told us to do so. But we can't do that here. We have to go to committees eventually and ask Senators who have vested interests. So we don't have a perfectly drawn bill in comparison to the 20 ideas propounded by the National Academy and the special bill that was produced by the ex-president of Lockheed Martin, Norm Augustine. Now, that part is so. It is true it is a good bill in that regard. So we have to argue about some other points that come in, such as we should not pass any new legislation so long as we have a deficit.

One Senator, a Senator from Oklahoma, has an amendment. I have great respect for him. He says it is the sense of the Senate that the Congress has a moral obligation to offset the cost of new government programs and initiatives. First of all, let me suggest to the distinguished Senator that this bill does not spend money. If it spent money, it would be subject to a point of order under the budget and would fall because it is new spending. Nobody has raised that. Even the great, distinguished, former chairman of the Budget Committee has not done that. He did not stand up and say this bill falls under the Budget Act because it spends money. Why didn't he? Because it doesn't spend money.

There still has to be another act before this spends money. It has to be appropriated. And any authorization bill is the same way. It does not spend money. It does not need approval of the Budget Committee because it doesn't spend money. However, when we try to spend the money, then we better have it in the budget or it will fall under a point of order. That is the truth, and there is nothing moral or immoral about it.

The truth is, when the Senator says we have to offset the cost of government programs and initiatives, and that we have an obligation to our citizens to do so, certainly he ought to recognize we shouldn't have to do it when there is no money being spent because if that is the case, then we are just talking about words. They have no effect. We are talking about words. These words are talking about programs that don't spend money, and the Senator is trying to suggest that since they might spend the money, we ought to do something about it in advance. We would never pass anything around here if we added another requirement to legislation that before it is ever a spending bill it once again clear some new hurdle.

If the distinguished Senator from Oklahoma would like to do that, he ought to go after the Budget Act of the United States and provide that there is a way to raise a point of order against authorizing legislation. We already have enough, but if he wants to do more, more budget points of order, he could put that in there and have a nice debate and see what the Senate thinks of adding that provision to the Budget Act on an authorization.

My good friend, the Senator from New Hampshire, talked about a lot of things that we could be doing that would help our country become a more competitive country, which is what this is all about: putting more brain power in our young people, helping them get more excited about the good things that prepare them innovatively in order to create great things. He spoke of a number of things he would do and could do outside this bill. I agree with him. In fact, I could rewrite a bill we just finished on energy. And if everybody were with me, I could add five or six things to it—even though it is only a year and a half old—that would help with our energy independence. But we have to do things we are asked to do around here, and we have to do them the best we can.

This bill will cost $60 billion, if we decide to spend it, over the next 4 years—if we decide to spend it. Of that, $16 billion represents new programs that are not currently in existence. Now, if anybody can truly, with a really straight face, tell the American people that is what is going to break America—this $16 billion that isn't even spent, that we might spend—it is really going to harm America's economic future, then I don't know what to tell them about what is happening to our budget naturally, about how much is spent for Social Security and other things that just come as a natural matter because of the way the laws are written and that they spend freely on their own.

I want to close by saying to those who oppose the bill, I believe the time has come to pass this bill. It is new, to some extent, and the newness is what is good about it. I believe the time has come to take a chance on some new ways to educate our young people and see if we can't get more brain power developing in the young people of our country.

Mr. President, I yield the floor, and I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

AMENDMENT NO. 936

Mr. SANDERS. Mr. President, I wish to discuss an amendment, amendment No. 936, which I have filed to this bill.

Mr. President, I ask unanimous consent to add the following Senators as cosponsors of this amendment: Senator BAUCUS, Senator LEAHY, and Senator LINCOLN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, let me begin by commending the distinguished majority leader, Senator REID, for introducing S. 761, the America COMPETES Act, and bringing it to the floor, along with the minority leader, Senator MCCONNELL, Senator BINGAMAN, Senator DOMENICI, and a number of other Senators in a true spirit of bipartisanship.

There is no question the Congress has to do a better job in making sure the United States is able to compete in the global economy. The America COMPETES Act will begin to accomplish this important undertaking by doubling the investment in basic research at the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy's Office of Science in the next 5 to 10 years.

I am also pleased this bill will improve teacher training in math and science and help low-income students succeed in college preparatory courses. I applaud these provisions and thank my colleagues for working on this important piece of legislation.

But in my opinion, if we truly want to provide the tools necessary for American workers to compete in the global economy, much more needs to be done. That is why I will be offering this amendment, which I hope will attract bipartisan support.

This amendment is simple and it is straightforward. At a time when the United States has lost over 3 million manufacturing jobs, at a time when we are on the cusp of losing millions more of high-paying information technology jobs, this amendment would begin to reverse that trend by providing employees with the resources they need to own their own businesses through employee stock ownership plans and eligible worker-owned cooperatives.

Specifically, this amendment would authorize $100 million to create a U.S. employee ownership competitiveness fund within the Department of Commerce to provide loans, loan guarantees, technical assistance, and grants to expand employee ownership throughout this country.

Why is it so important for the Senate to provide incentives to expand employee ownership in this country? The answer is pretty simple: Employee ownership is one of the keys to creating a sustainable economy with jobs that pay a living wage. This amendment has the strong support of the ESOP Association, a nonprofit organization serving approximately 2,500 employee stock ownership plans throughout the country. Let me quote from a letter they recently sent to my office:

> Your amendment is a modest first step in awakening our government to the fact that in the 21st Century the inclusion of employees as owners of the companies where they work in a meaningful manner should be a key component of any national competitiveness program. If the Senate adopts your amendment and it eventually becomes law, we assure you that the ESOP community will work constructively to ensure that the loan and grant program you propose works effectively to benefit the employee owners, the employee-owned companies, and our American economy.

The concept of an ESOP or a worker-owned company is not a radical idea. Not only are there some 11,000 ESOPs in our country, but there are some major corporations that everybody is very familiar with, including Procter & Gamble and Anheuser-Busch, that are also ESOPs.

Interestingly, the Tribune Company, one of the major publishers in America, is in the process of becoming a 60-percent employee-owned company.

Every day we read in the papers about plants that are being moved to China, Mexico, and a number of other low-wage countries. Since a number of these factories were making profits, they were doing well in the United States. Shutting them down was unnecessary and could have been avoided if these plants were sold to their employees through ESOPs, or worker-owned cooperatives. In other words, in my State, the State of Vermont, and throughout this country, there are companies, large and small, that are making a profit where owners—who may be retiring, who started a company and now they are retiring—want to be able to leave their companies to their employees if these workers had the resources, if they had the technical assistance and legal advice to know how to put together that transaction—which in many cases is pretty complicated.

Further, study after study has shown when employees own their own companies, when they work for themselves, when they are involved in the decisionmaking that impacts their jobs, workers become more motivated, absenteeism goes down, worker productivity goes up, and people stay on the job for a longer period of time because they are proud of and involved with what they are doing.

Most important to the communities throughout this country is when workers own the place in which they work, shock of all shocks, they are not going to shut it down and move the plant to China.

Since 2000, the U.S. manufacturing sector has lost 3.2 million good-paying manufacturing jobs. Put another way, since President Bush was elected President, this country has seen one out of every six factory jobs disappear—one out of every six.

In addition, the Associated Press recently reported a study by Moody's which found: "16 percent of the nation's 379 metropolitan areas are in recession, reflecting primarily the troubles in manufacturing."

I suspect this problem is even worse in rural areas in my own small State of Vermont. We have lost about 20 percent of our manufacturing jobs in the last 5 years. Let me give an example of some of the jobs we have been losing as a country and why, in fact, we need to be competitive and why, in fact, we need to encourage ESOPs and worker-owned industry. From 2001 to 2006, the United States of America has experienced a loss of 42 percent of our communication equipment jobs, 37 percent of our jobs have been lost in the manufacture of semiconductors and electronic components, 43 percent of our textile jobs have disappeared, and about half of our apparel jobs have vanished.

Not only are we losing good-paying manufacturing jobs, we are also losing high-paying information technology jobs.

While the loss of manufacturing jobs has been well documented, it may come as a surprise to some that from January of 2001 to January of 2006, the information sector of the American economy lost over 640,000 jobs, or more than 17 percent of its workforce.

The trends there are pretty ominous. Alan Blinder, the former Vice Chairman of the Federal Reserve, has recently concluded that between 30 million to 40 million jobs in the United States are vulnerable to overseas outsourcing over the next 10 to 20 years. While, of course, we have to invest in math and science, of course, we have to educate our students as best we can, we cannot ignore the significant impact globalization is having on our blue-collar factory jobs and on our white-collar information technology jobs.

Today there are some 11,000 employee stock ownership plans, hundreds of worker-owned cooperatives, and thousands of other companies with some form of employee ownership. Many of them are thriving. In fact, employee ownership has been proven to increase employment, increase productivity, increase sales, and increase wages in the United States. Yet despite the important role that worker ownership can play in revitalizing our economy, the Federal Government has failed to commit the resources needed to allow employee ownership to realize its true potential, and that is why this amendment is so important.

While this issue may be new to this bill, I have actually been working on it for several years. In the House, when I was the ranking member of the Financial Institutions and Consumer Credit Subcommittee, I was able to hold a hearing on this issue nearly 4 years ago and we had some wonderful testimony.

I fear in the next 10 to 20 years, if we do not change course, there will not be a major automobile industry in this country. We must not allow that to happen. We must protect good-paying jobs in this country. I believe employee ownership may be one of the ways we can keep good-paying jobs in America.

Let me conclude by saying in my opinion it would be much more important to provide this assistance to employees who could be creating and retaining jobs right here in the United States by the expansion of employee ownership. This is a very important issue. There is a lot of excitement all over the country about it. Let us protect American jobs. Let us give working people in this country the opportunity to own the places in which they are working. Let us make this country more economically competitive. I very much hope my colleagues will be supporting this amendment when it is offered.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

AMENDMENT NO. 928

Mr. BINGAMAN. Mr. President, I ask for regular order with respect to the DeMint amendment No. 928.

The ACTING PRESIDENT pro tempore. The amendment is now pending.

AMENDMENT NO. 947 TO AMENDMENT NO. 928

Mr. BINGAMAN. Mr. President, I ask to call up the Dodd-Shelby amendment No. 947. It is a second-degree amendment.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. DODD, for himself and Mr. SHELBY, proposes an amendment numbered 947 to amendment No. 928.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate with respect to small business growth and capital markets)

In lieu of the matter proposed to be inserted, insert the following:

SEC. . SENSE OF THE SENATE REGARDING SMALL BUSINESS GROWTH AND CAPITAL MARKETS.

(a) FINDINGS.—The Congress finds that—

(1) the United States has the most fair, most transparent, and most efficient capital markets in the world, in part due to its strong securities statutory and regulatory scheme;

(2) it is of paramount importance for the continued growth of our Nation's economy, that our capital markets retain their leading position in the world;

(3) small businesses are vital participants in United States capital markets, and play a critical role in future economic growth and high-wage job creation;

(4) section 404 of the Sarbanes-Oxley Act of 2002, has greatly enhanced the quality of corporate governance and financial reporting for public companies and increased investor confidence;

(5) the Securities and Exchange Commission (in this section referred to as the "Commission") and the Public Company Accounting Oversight Board (in this section referred to as the "PCAOB") have both determined that the current auditing standard implementing section 404 of the Sarbanes-Oxley Act of 2002 has imposed unnecessary and unintended cost burdens on small and mid-sized public companies;

(6) the Commission and PCAOB are now near completion of a 2-year process intended to revise the standard in order to provide more efficient and effective regulation; and

(7) the chairman of the Commission recently has said, with respect to section 404 of the Sarbanes-Oxley Act of 2002, that, "We don't need to change the law, we need to change the way the law is implemented. It is the implementation of the law that has caused the excessive burden, not the law itself. That's an important distinction. I don't believe these important investor protections, which are even now only a few years old, should be opened up for amendment, or that they need to be.".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Commission and the PCAOB should complete promulgation of the final rules implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262).

Mr. BINGAMAN. Mr. President, I have a unanimous consent request here which I will propound at this point, that sets out a procedure for us to follow this evening.

I ask unanimous consent that at 5:10 p.m. the Senate resume debate with respect to the Dodd-Shelby amendment, No. 947, and the DeMint amendment No. 928, with the time divided 5 minutes each for Senators DODD and SHELBY, and 10 minutes under the control of Senator DEMINT, to be debated concurrently; that no amendments be in order to either amendment and that the Dodd amendment be modified to be a first-degree amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Dodd-Shelby amendment, as modified; that there be 2 minutes between the votes equally divided and controlled between Senators DODD and DEMINT or their designees, to be followed by a vote in relation to the DeMint amendment; that upon the use of that time, the Senate, without further intervening action or debate, vote in relation to the DeMint amendment; that upon disposition of the DeMint amendment, the Senate resume the Coburn amendment No. 917, and that the previous order with respect to the debate time prior to the vote be in order, with the time equally divided and controlled between Senators BINGAMAN and COBURN or their designees; and without further debate the Senate proceed to vote in relation to the Coburn amendment No. 917; that no amendment be in order to the Coburn amendment; that upon disposition of these amendments it be in order to call up the Sununu amendment No. 938 and the Sanders amendment No. 936, and the Senate then return to the regular order of amendments.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALEXANDER. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of the America COMPETES Act.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I did not realize that the time was reserved between now and 5:10. Is it reserved? My impression was that the floor was open for Senators to speak or offer amendments.

The ACTING PRESIDENT pro tempore. Senator ENSIGN was supposed to speak after Senator SANDERS.

Mr. ALEXANDER. Senator ENSIGN will not be here. Senator HUTCHISON and then Senator CORNYN would like to take that time. I ask unanimous consent that Senator HUTCHISON and Senator CORNYN be allowed to take the time between now and 5:10 when the vote begins.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BINGAMAN. Mr. President, could we clarify what the request is? I am sorry. I was not able to pay full attention.

Mr. ALEXANDER. I asked that Senator HUTCHISON have 10 minutes, followed by Senator CORNYN for 10 minutes.

Mr. BINGAMAN. Could we modify that request to provide that Senator CORNYN's intention is to offer and then withdraw an amendment?

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, that is my intention.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALEXANDER. Could we ask the intention of the senior Senator from Texas?

Mrs. HUTCHISON. I intend to speak on the bill.

Mr. BINGAMAN. Mr. President, I have no objection to the Senator from Texas being allotted 10 minutes and then the other Senator from Texas, Mr. CORNYN, going ahead with his comments and the offering and withdrawal of an amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, I rise to speak in favor of the America COMPETES Act. I thank the Senator from Tennessee, Mr. ALEXANDER, Senator DOMENICI, Senator BINGAMAN, and Senator CORNYN. I have worked with all of them to try to focus first on what the problems are with regard to higher education and then to look at K–12 education. Certainly, the Senator from Tennessee, having been the Secretary of Education and the Governor of Tennessee, has dealt with education issues and has taken a major lead on trying to reform our education system so that it does meet the needs of the future generation.

Having the National Academy do a study, resulting in the report called "Rising Above the Gathering Storm," was exactly the right thing to do. I would never have thought we could have such a clear message from the National Academy about what we do right, what we do wrong, what is missing, and what we have to improve.

Norm Augustine, former chairman of the board of Lockheed Corporation, was chairman of the committee. It was a distinguished group, including the former president of Texas A&M who is now Secretary of Defense. There were others. I was so pleased to see that they saw the problem.

The problem is that fewer than 30 percent of U.S. fourth- and eighth-grade students performed at a proficient level or higher in mathematics. The United States placed near the bottom 20 percent of nations in advanced mathematics and physics in testing. The United States is 20th among nations in the proportion of its 24-year-olds with degrees in science or engineering. The United States graduates about 70,000 engineers every year. India is matriculating about 250,000, and in China the number is even greater. Within a few years, approximately 90 percent of all scientists and engineers in the world will live in Asia. If we have fewer innovators, we are going to have fewer innovations.

America has staked its economy on being the creators for the world. We have had the innovators. We have had the engineers, the scientists, the researchers. Yet we are now falling back in K–12, and our institutions of higher education are not getting students with the proper prerequisites to go into those course studies. We have to start from the beginning. The bill before us takes those steps. I am proud to be a cosponsor.

There are three areas: research, education, and innovation.

First, research. The bill increases the research investment by doubling the authorized funding levels for the National Science Foundation. It also substantially increases funding in the Department of Energy's Office of Science, and it brings NASA into the equation, one of our premier research institutions. We are going to increase the emphasis on science in NASA because we already have the infrastructure. We have paid for the infrastructure, but we are shortchanging the science. So that is a part of this bill as well.

The second focus is education, specifically in the fields of science, technology, engineering, math, and critical foreign languages. We offer competitive grants to States to promote better coordination of elementary and secondary education. We want to strengthen the skill of teachers by giving them incentives to major in their course curriculum and then get education certifications in the same college degree but as a secondary part of their degree rather than the primary focus of their degree, because if we have math majors teaching math instead of education majors teaching math, we know the student is going to have a better opportunity to excel. We want to give the people who have already chosen teaching the opportunity to get a higher degree in their course curriculum, go back and get a master's degree and help them with grants to do that, because if they will commit to continuing to teach, then we will have better qualified teachers.

Innovation is the third focus of our bill. Since the beginning of the industrial revolution, America has been the innovator in the world. Economic studies have shown that as much as 85 percent of the measured growth in per capita income has been due to technological change. But these technologies did not appear out of thin air; they were designed and developed by scientists and engineers at innovative companies such as EDS, Dell, Apple, Microsoft, and through Government investment in NASA and the National Science Foundation.

With that in mind, our bill ensures that both NASA and the National Science Foundation are able to expand their strong traditional roles in fostering technological and scientific excellence. We have increased NASA funding to support basic research and foster new innovation, but the NASA budget is being starved with infrastructure requirements. They are not able to do the science that would make the investment in the infrastructure pay off. We have to bring NASA back to its original scientific purpose. We have the Innovative Partnerships Program. We have the NASA Education Program. We are beginning to focus on exactly what we need to do.

This is a bipartisan effort sorely needed in Congress today, something on which we can all agree. America is falling behind. We are falling behind in education. We are falling behind in innovation. We are importing technological jobs that we ought to be creating ourselves with our own American students, but we don't have enough qualified students graduating from our colleges to fill these technical jobs. We need to upgrade our education system. That is exactly what this bill today is trying to do. We are attempting—both sides of the aisle—to make America better, to reclaim our prowess in education, K–12 as well as higher education, and to make sure we continue to be the innovators of the future as we have been in the past.

I urge my colleagues to support this legislation. Let's work on amendments. Let's get them through, but let's come to a conclusion. I know the President would like to sign a bill that moves our country forward in something as important as education.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Texas.

AMENDMENT NO. 902

(Purpose: To amend the Immigration and Nationality Act to increase competitiveness in the United States)

Mr. CORNYN. Mr. President, I have an amendment at the desk. I ask unanimous consent to set aside the pending amendment, call up amendment 902, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 902.

Mr. CORNYN. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CORNYN. Mr. President, as I told the distinguished Senator from New Mexico and the distinguished Senator from Tennessee, it is my intention to withdraw this amendment following my remarks. But I believe it is important, when we are talking about America's competitiveness, to talk about people with some of the very most desirable skills and education and how it is that we might attract them to live and work and create jobs here in America.

First, I express my gratitude to both Senator BINGAMAN and Senator ALEXANDER for their leadership on this issue. It is not often enough that we have an opportunity to work on a bipartisan basis on something that is so right and so good and so meritorious as this. It feels good. I think we ought to do it more often.

I do wish to talk about this amendment which is called the Securing Knowledge, Innovation, and Leadership Act amendment, otherwise known as the SKIL bill. This was a component of the comprehensive immigration reform bill that passed the Senate last year. Of course, that did not go anywhere. We are back again. I assure my colleagues that we will be coming back time and time again until we get this matter voted on.

In the past 2 years, there has been much focus by Congress and the administration on restoring America's competitive edge. While some have viewed the SKIL bill, as it is called, as an immigration issue, I believe it should be considered as a competitiveness issue, not just an immigration one. In fact, the National Academy of Sciences included similar recommendations in its study "Rising Above the Gathering Storm." This very report was the original, the genesis of America COMPETES and several other bills introduced in the 109th Congress. That report recommended to Congress that it should "continue to improve visa processing for international students and scholars to provide less complex procedures and continue to make improvements on such issues as visa categories and duration, travel for scientific meetings, the technology-alert list, reciprocity agreements, and changes in status." The report also recommended that Congress should "institute a new skills-based, preferential immigration option. Doctoral-level education in science and engineering skills would substantially raise an applicant's chances and priority in obtaining U.S. citizenship" under this particular legislation.

The United States has always been blessed by recruiting the best and the brightest from all around the world, whether they be scholars, scientists, or researchers. As we all know, the United States is now engaged, though, in a global competition for these very same scientists, scholars, and researchers.

In this global economy, there are only three ways for us to retain the most brilliant workforce in the world: No. 1, we can grow our own talent, which is the intent of the bill we are debating right now; No. 2, we can continue to recruit the top students from around the world from other nations; or, No. 3, we can watch our companies move their workforce and jobs to other countries in order to find that talented workforce and to remain competitive. I don't know if there are any other choices than those—grow our own talent, import the best talent, or see our jobs go overseas. Those are the choices we have. The countries that can attract and retain the best and the brightest will obviously have an advantage over other countries in this global competition.

As we have heard, the United States does not produce enough engineers. Over half of master's and Ph.D. degrees in the United States go to foreign students each year, foreign students who study in the United States. China graduates four times as many engineers as we do, and within a few years approximately 90 percent of all scientists and engineers in the world will be in Asia.

Foreign students help us fill the gap right now—a gap we are going to try to make up through growing more of our own talent right here through the great provisions of this legislation—but then our immigration policy, as currently constituted, forces these best and brightest students, these foreign students, to return home because there are no high-tech visas.

Our immigration policy has not adapted to the changing international environment or this global competition. Only 65,000 visas are issued each year to this category of the best and the brightest. For the past few years, the cap has been reached before the fiscal year even begins. But this year, on April 1, 2007, there was a loud outcry for immediate relief in our highly skilled immigration policies because that was the day the U.S. Citizenship and Immigration Service announced the 2008 cap for H–1B visas was met. That is right, because the United States has already met the cap for H–1B visas, foreign students graduating from our universities this spring are virtually shut out of the U.S. job market. We hit that cap on the very day the opportunity for filing for those types of visas was presented.

This situation is unprecedented. What it means is employers cannot hire highly educated workers for up to 1 year, until the next allotment of visas becomes available. With global competition, of course, these workers have a lot of other options as to where to go. They can go to England. They can go to France. They can go to India. They can go to China. In short, they can go to our global competitors and work there and take the jobs that could be created here in America with them.

This SKIL bill has important protections for American workers, and I hope my colleagues will listen to this because there is, frankly, a lot of misconception about foreign students and foreign workers coming here and taking American jobs at a lower wage. In fact, high-tech visas generate fees to pay for U.S. worker training programs. Every time an employer sponsors a foreign worker, that employer must contribute to a fund to train U.S. workers. Of course, under our law, they cannot be hired to come in and work at a lower wage than would have to be paid to a comparable U.S. worker. Immigrant professionals actually create jobs here in the United States. The founder of Intel is a prime example. He was an immigrant from Hungary and has created hundreds of thousands of jobs at his company here in America.

So sound policy will start by retaining foreign students who are educated here in the United States, particularly in the most sought after areas of math, science, and engineering.

We should exempt from the annual visa limit any foreign student who graduates from a U.S. university with a master's degree or a Ph.D. degree in these essential fields. It is simply a matter of economic survival and competition for the United States. Also, insourcing talented workers, as I pointed out, is preferable to outsourcing those jobs and the associated economic activity that goes with it to other countries. We should make it easier for those who do comply with our immigration laws to travel in and out of our country as well. We must also attract the best and brightest who are working in other countries to come here and do their work in the United States so those jobs can stay here.

In the long run, we have to improve our schools and encourage more U.S. students to study engineering and mathematics, and the America COMPETES Act, as it is currently written, does just that. But in the short term, we have to adapt our immigration policy so when those U.S. students are educated in engineering fields, there will be jobs right here in the United States for them to perform. Then we can reap the benefits of the most outstanding college and university education in the world, which students travel from all around the world in order to be able to obtain, and then that they not have to go home after they graduate from college if they are in the essential fields of math, science, and engineering.

If we do not act, America's technology industry, its health care industry, higher education, research institutions, financial services industries will be harmed and our economy will suffer. The intersection of our immigration policy and our country's ability to compete for global talent is critical, and we cannot wait years to address this issue. It is imperative we address it as soon as possible.

AMENDMENT NO. 902, WITHDRAWN

My only regret is we are unable to do so on this bill because it belongs on this bill. But I understand the practical ramifications of continuing to insist upon a vote on this particular amendment at this time. So it is with some regret that I ask unanimous consent to withdraw my amendment but urge my colleagues to continue to work to support H-1B visa reform and see that the SKIL bill, as currently presented as an amendment to this bill, is ultimately enacted into law because, frankly, it is in the best interest of the United States and American jobs right here at home.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, the amendment from the Senator from Texas is withdrawn.

Mr. CORNYN. I yield the floor.

Yhe PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, within 3 or 4 minutes, we will be moving to amendments as described by the Senator from New Mexico. But before he speaks, let me thank the Senator from Texas both for his leadership on the amendment and for his spirit of cooperation and willingness to withdraw the amendment.

It is my hope that this is not the end of that discussion. I strongly agree with him. Our immigration laws are archaic in this regard. We have 650,000 legal new citizens every year, and we should, in our own interests, allow highly skilled men and women—the brightest people in the world who come here to study, earn these degrees in science, technology, math—to stay here and create jobs instead of going home and creating jobs. We should do that. So he has highlighted that. The Senate adopted that last year. I hope we will have a chance to adopt it again before Memorial Day. I salute the Senator for that, and I hope this is just the beginning of his insistence on this and other types of legislation that would reform our immigration policy.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me also commend the Senator from Texas and thank him for his support for the underlying legislation. I do think the substance of what he is trying to get accomplished with regard to the immigration laws of the country—I very much support trying to facilitate allowing people who get an education here to stay here and use those talents and skills and knowledge they have acquired to benefit our country. So we need to work on that. I think the appropriate place to do that is as part of the debate we will do on immigration, which is coming up. The majority leader has indicated he plans to get to that issue in May, so I think, clearly, that is coming up very soon. But I commend the Senator from Texas for his willingness to withdraw his amendment at this time.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am not going to take any time. In fact, I just want to do something I very rarely do, but it seems appropriate based on the arguments I have made this day. So I am going to ask for a parliamentary inquiry of the Chair. My parliamentary inquiry is, would this bill, with any of the amendments that have been adopted so far, be subject to a point of order under the Budget Act of the United States?

The PRESIDING OFFICER. The Chair is not aware of any such points of order against this bill.

Mr. DOMENICI. I thank the Chair.

I yield the floor.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 908, AS MODIFIED

Mr. BINGAMAN. Mr. President, I send a modification to amendment No. 908 to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 55, lines 21 and 22, strike "engineering)" and insert "engineering and technology)".

On page 56, line 8, after "engineering" insert "and technology".

On page 56, line 24, strike "mathematics and science" and insert "mathematics, science, engineering, and technology".

On page 59, line 6, strike "mathematics and science" and insert "mathematics, science, and, to the extent applicable, technology and engineering".

On page 59, line 15, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 60, line 6, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 60, line 10, before "that" insert "in mathematics, science, and to the extent applicable, technology and engineering".

On page 60, line 24, strike "mathematics and science" and insert "mathematics, science, and to the extent applicable, technology and engineering".

On page 61, lines 8 and 9, strike "mathematics and science" and insert "mathematics, science, and, to the extent applicable, technology and engineering".

On page 62, line 14, strike "mathematics or science" and insert "mathematics, science, technology, or engineering".

On page 65, lines 16 and 17, strike "**MATHEMATICS AND SCIENCE**" and insert "**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**".

On page 65, line 19, strike "**MATHEMATICS AND SCIENCE**" and insert "**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**".

On page 66, lines 8 and 9, strike "Mathematics and Science" and insert "Mathematics, Science, Technology, and Engineering".

On page 67, line 9, strike "Mathematics and Science" and insert "Mathematics, Science, Technology, and Engineering".

On page 67, lines 16 and 17, strike "math and science" and insert "mathematics, science, and technology".

On page 68, lines 21 and 22, strike "mathematics or science (including engineering)" and insert "mathematics, science, or engineering".

On page 69, lines 4 and 5, strike "mathematics or science" and insert "mathematics, science, or technology".

Beginning on page 69, line 25 through page 70, line 1, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 70, lines 10 and 11, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 71, line 7, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 71, line 10, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 71, line 18, strike "mathematics and science" and insert "mathematics, science, and, to the extent applicable, technology and engineering".

On page 72, line 23, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 73, line 14, strike "mathematics and science" and insert "mathematics, science, and to the extent applicable, technology and engineering".

On page 73, lines 18 and 19, strike "mathematics and science" and insert "mathematics, science, and to the extent applicable, technology and engineering".

On page 73, lines 23 and 24, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

Mr. BINGAMAN. Mr. President, I ask that we proceed to act on this modified amendment at this point. This is the managers' package from the Energy Committee, and it clarifies several points that are of a technical nature. I ask unanimous consent that the amendment, as modified, be agreed to.

The PRESIDING OFFICER. Without objection, the managers' amendment, as modified, is agreed to.

The amendment (No. 908), as modified, was agreed to.

AMENDMENT NO. 940

Mr. BINGAMAN. Mr. President, I also call up amendment No. 940.

The PRESIDING OFFICER. The amendment is pending.

Mr. BINGAMAN. Mr. President, again, this is a managers' package from the HELP Committee. Senator KENNEDY and Senator ENZI are cosponsoring this. I would urge that the Senate agree to this amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 940) was agreed to.

Mr. BINGAMAN. Mr. President, I yield the floor. I know Senator DODD and Senator SHELBY are here ready to speak, and Senator DEMINT as well, with regard to their respective amendments.

AMENDMENTS NOS. 947 AND 928

The PRESIDING OFFICER. Under the previous order, amendment No. 947 is modified to be a first-degree amendment.

Who yields time?

Mr. BINGAMAN. Mr. President, I believe Senator DODD has 5 minutes, Senator SHELBY has 5 minutes, and Senator DEMINT has 10 minutes under the order.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me briefly first thank my colleague from Alabama, Senator SHELBY, the former chairman of the Banking Committee, who will also be offering this amendment for the consideration of our colleagues.

Our markets, I think all of us know, are the most fair and efficient in the world due to many reasons, but in large part to our strong statutory and regulatory schemes in the country. The amendment we are offering recognizes the very significant role of the Sarbanes-Oxley Act of improving and maintaining the integrity of the capital markets of this country, as well as the important role of small businesses in economic growth and job creation. We all remember and understand very well the debate that went on a number of years ago as a result of some of the disasters that occurred in Enron and WorldCom to make sure our public companies would be more accountable and more responsive to the concerns of the shareholders.

The SEC and the PCAOB have determined that the existing implementation of section 404 of the Sarbanes-Oxley legislation has not fully achieved the intent of the statute. Last December, they proposed management guidance and revised auditing standards to more appropriately implement the statute, without having an unintended or inappropriate impact on small businesses.

The amendment I offer with my colleague from Alabama expresses the sense of the Senate that the Securities and Exchange Commission and the Public Company Accounting Oversight Board continue their rulemaking and finalize their ongoing rulemaking process. These two agencies are currently considering about 200 comments and letters from the public commenting on their proposed regulations dealing with section 404. The letters come from a wide variety of interested parties, offering views on the strengths of the proposals and suggestions for those improvements. The capital markets and all businesses, including small businesses, will be better served by a deliberative process of rulemaking conducted by these agencies.

I commend Chris Cox for the fine job he is doing at the SEC. They have responded very well to the concerns about the section 404 requirements, particularly the smaller public companies.

SEC Chairman Cox has recently said:

> We don't need to change the law.

I am quoting him now, Mr. President.

> We need to change the way the law is implemented. It is the implementation of the law that has caused the excessive burden, not the law itself. That is an important distinction.

He goes on to say.

> I don't believe these important investor protections, which are even now only a few years old, should be opened up to an amendment, or that they need to be.

I agree with Chris Cox, President Bush's appointee to head up the SEC. They are doing a very fine job. I think it would be irresponsible for us at this juncture to jump in and basically reduce by 80 percent the number of companies that would have to comply with section 404. Let the SEC do their job. That is what we have asked them to do. They are responsible. They are a responsible agency in charge of looking at this. If and when they come back, and there are those of us here who feel they haven't gone far enough, that those burdens still exist, then I would welcome an opportunity to address that. But it is very premature to jump in at this juncture while the SEC is doing the job we asked them to do, acting responsibly, and performing their public functions under good leadership. It seems to me this is not a moment for us to jump into the middle of this and by a vote of small margins decide we are going to tell these agencies what to do with the professional staffs they have and the commentary process where the public has an opportunity to address and comment on the suggested rule changes that Christopher Cox and his staff at the SEC and the other commissioners are considering at this moment.

So for all of those reasons, we are offering this amendment which offers us an opportunity to express our concerns about where this is headed. Let's send a message that we are watching very carefully, we care about this, but avoid the situation of this body engaging in a regulatory process, which is properly left to the agencies charged with that responsibility. For those reasons I urge the adoption of the Dodd-Shelby amendment.

Mr. President, I ask unanimous consent to add Senator REED of Rhode Island, the chairman of the subcommittee, as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I yield the floor.

Mr. SHELBY. Mr. President, the Sarbanes-Oxley Act of 2002 that we are familiar with has provided real benefits to the capital markets. On the other hand, there is no question that its implementation has been too costly, particularly for small public companies. We know this. This is a given.

That is why I am encouraged that the securities regulators charged with implementing this legislation at the Securities and Exchange Commission and the PCAOB are near the end of a 2-year process to make significant changes that are likely to reduce the unacceptable costs and burdens of section 404 compliance which Senator DODD alluded to.

This body, I believe, ought to give the regulators, the Securities and Exchange Commission, and the Public Company Accounting Oversight Board a chance to fix this problem, because they have been involved in this for over a year now. It is very complex. Both the SEC and the PCAOB acted last December, just a few months ago, to propose initiatives aimed at reducing the costs associated with section 404 of Sarbanes-Oxley. These actions are the most significant to date and should lower costs on investments while at the same time preserving the benefits of effective internal controls.

In testimony before the Senate Small Business and Entrepreneurship Committee last week, Chairman Cox of the Securities and Exchange Commission stated:

> Focusing on the implementation of 404, rather than changing the law, is consistent with the SEC's view that the problems we have seen with 404 to date can be remedied without amending the Sarbanes-Oxley Act.

I am willing to give the SEC a limited opportunity to deliver. Chairman Cox said the Commission's 404 proposal would permit companies to:

> Scale and tailor their evaluation procedures to fit their facts and circumstances, and investors will benefit from the use-compliance costs.

The SEC is expected to adopt the measure in the next few weeks.

The PCAOB, the Public Company Accounting Oversight Board's, proposals to repeal auditing standard No. 2 and replace it with a new standard on auditing internal control over financial reporting would provide, according to PCAOB Chairman Mark Olson:

> Additional flexibility to promote scalability, avoid unintended consequences, and address other valid concerns.

The PCAOB is currently reviewing the comments submitted in response to its proposal and is expected, along with the SEC, to submit the standard for SEC review and approval next month. Chairman Cox of the SEC, whom we have worked with on the Banking Committee a lot, said the two regulators have worked together to ensure that the new rules are:

> Mutually reinforceable and should significantly improve the implementation of section 404, making it more efficient and effective for small and medium-sized businesses.

That is what we all want. We all agree that unnecessary costs imposed by regulations are a real problem for both large and small companies. The regulators have acknowledged this fact and are attempting to address it. On the Banking Committee that Chairman DODD now chairs and which I chaired, we have oversight of that, and we have worked with them and have had hearings to give some relief to small businesses here, and they are in the process of doing it. I am willing to give the SEC and the PCAOB some additional time, but I am not willing to give them unlimited time. We shouldn't do that. Chairman DODD and I intend to monitor closely their progress and hold them accountable should there be any unnecessary delays.

I urge my colleagues this afternoon to support the Dodd-Shelby amendment with the understanding that we intend to follow closely in oversight, working with the regulators, their progress and will take whatever action is necessary to ensure the vitality of our small business community, which is vital and important to America. I urge support of the Dodd-Shelby amendment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, in a few moments the Senate will vote on two amendments related to Sarbanes-Oxley. The first is the Dodd-Shelby amendment, which is a nonbinding resolution that suggests the SEC and the Public Company Accounting Oversight Board move ahead with changing the Sarbanes-Oxley regulations. My amendment, which will come after that, actually changes the law in one small section of Sarbanes-Oxley, which would facilitate that happening.

Despite what has been reported today, my conversation with some of the regulators and some of the observers of the SEC is there is not real clarity as to how far the SEC can go in changing this one section that is problematic in Sarbanes-Oxley. We know from our work with Federal agencies that as long as there is doubt, there is no action. While there has been good intent from the SEC for many years, this bill has been destroying our capital formation in this country for nearly 5 years. Admittedly, Sarbanes-Oxley has done some good things, but I think it is beyond question particularly for small companies, small public companies, that section 404 of Sarbanes-Oxley is doing untold harm in this country today. So the difference here is a nonbinding resolution which encourages the SEC to act and an amendment that actually makes that happen.

I am going to support the Dodd-Shelby amendment. While I have some problems with the specific findings, the intent is right. The regulators have a responsibility to continue to look at their regulations to make sure they encourage competition and good enterprise in our country. So I am going to support the amendment. But Congress also has a responsibility to make sure that the laws we pass work, and if they are not interpreted properly by our regulatory agencies, that we go back and make those changes to make it work.

So the "sense of the Senate" maintains the status quo for regulatory agencies to determine how we deal with Sarbanes-Oxley. While I know the chairman and ranking member remain hopeful that something will happen, the same thing was said to me well over a year ago when I talked to Chairman Cox and others that the changes were eminent, but since then in this country we have lost our status as the No. 1 market exchange. Instead of 9 out of every 10 IPOs being formed in this country with foreign capital, it is completely reversed, where 9 out of 10 are out of this country. Our trade competitors have Sarbanes-Oxley free zones that encourage capital to come that way instead of toward us. We cannot leave the responsibility for this law on the regulatory agencies.

I encourage all of my colleagues to vote for both amendments.

I thank Senator MARTINEZ, Senator CORNYN, and Senator ENSIGN for supporting and cosponsoring my amendment. I also thank Democratic Congressman GREGORY MEEKS from New York for having the courage to introduce this measure in the House.

I also want to inform my colleagues that my amendment today is supported by the Independent Community Bankers of America. It is also being key voted by the Americans for Tax Reform, the Club for Growth, the Americans for Prosperity, and many other people who look at our economy across the country and realize it is time for Congress to act. We have waited for the SEC for 5 years and have seen capital chased from this country. It is time for Congress to take the responsibility for what we did in the first place, and I urge my colleagues to support both amendments.

I yield to my colleague, the Senator from Florida, to speak on behalf of my amendment.

Mr. MARTINEZ. Mr. President, I add a word of encouragement to our colleagues to support both of these good amendments. I agree wholeheartedly with my colleague from South Carolina that it is time we take action. It is time we act.

I have heard untold stories for years now as a candidate for the Senate and as a Senator of the problems that small companies of America are facing over the burdens imposed upon them by section 404, unfair burdens that disproportionately fall on small businesses than they do on large. A recent GAO study requested by our colleague Senator SNOWE found the cost of compliance for small public companies to comply with Sarbanes-Oxley has been disproportionately higher for small businesses than it was for larger companies.

Small businesses are vital to the growth of business in America. They are where most of our jobs are created in this day and time. The fact is for us to idly sit by and hope the regulators will do the right thing, hope they go far enough, isn't good enough for me. I want to act now. I want to make sure we support the amendment by Senators DODD and SHELBY, but I also want to encourage support for our amendment, because ours will take action and will do it now.

What it does is it exempts smaller companies with market capitalization of less than $700 million, with revenues of less than $125 million, and with fewer than 1,500 shareholders from the onerous burdens of section 404.

There are a number of ways to maintain investor protections while lowering the cost of Sarbanes-Oxley compliance, but we should start by exempting small companies from having to comply with section 404 of Sarbanes-Oxley, the section that requires the double audit.

Oftentimes small business cannot even find an accounting firm willing to perform the audit, let alone afford to take a significant percentage of revenue to conduct a duplicate audit. The fact is this is strangling America's business. It is, as Senator DEMINT pointed out, not allowing us to play the role we have traditionally played in the capital market.

Mayor Bloomberg conducted a study in New York about why we were losing our competitive edge vis-a-vis other foreign markets. One of the reasons that was found for that, among several others—but it is a significant reason—was Sarbanes-Oxley compliance.

It is time we act. We passed the law and it was a good thing to do; it has done a lot of good. But aspects of it are now hurting American business and we need to pull those back. That is what the DeMint amendment does. I encourage my colleagues to do that as well.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator has 3 minutes 6 seconds.

Mr. DEMINT. Mr. President, parliamentary inquiry: These bills are side-by-sides, correct? This is not a second-degree amendment.

The PRESIDING OFFICER. Both amendments are first-degree amendments.

Mr. DEMINT. My colleagues can vote for both of these amendments. I encourage Members of the Senate, both Republicans and Democrats, to vote for both of them because both are needed. We need the SEC to take its responsibility. But since there is some concern as to how far the SEC can go to correct this problem, my amendment simply changes one aspect of Sarbanes-Oxley that allows small companies—companies with $125 million in revenue or less, or less than 1,500 shareholders—to voluntarily opt out of the external audit, with notification to their shareholders.

These are certainly not huge corporations. This certainly doesn't gut Sarbanes-Oxley. It does what so many economic experts have encouraged us to do for years, and that is to fix the one small part of Sarbanes-Oxley that costs small businesses in a disproportionate way.

I thank the managers and those who offered the side-by-side, and I encourage my colleagues to vote for both of them.

I yield the floor and reserve the remainder of my time.

Mr. DODD. Mr. President, is all time yielded back?

The PRESIDING OFFICER. The Senator from Connecticut has 38 seconds.

Mr. DODD. Again, Chris Cox, Chairman of the SEC, pointed out he doesn't want the law changed. He wants to be able to work with the Commission and the staff to deal with these issues. The Chairman of the SEC has wide latitude within which to operate here. The statute gives broad discretion. Senator SHELBY and I believe this matter ought to be left at this juncture. The Commission is relegated to do their job. Let them complete their work and make their recommendations. If we are dissatisfied, we can respond.

Mr. SHELBY. Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator has 34 seconds.

Mr. SHELBY. Mr. President, I have been informed by my staff that the staff of the Securities and Exchange Commission, headed by Christopher Cox, a former Congressman, has reiterated a few minutes ago to our Banking Committee staff that they will be done with this work in a few weeks. This is premature, the amendment offered by the Senator from South Carolina. As I said earlier, I believe we need to let the SEC and PCAOB do their work. I agree with Chairman DODD.

Mr. DODD. Mr. President, I ask for the yeas and nays on the Dodd-Shelby-Reed amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—97

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Johnson
Kerry
McCain

The amendment (No. 947), as modified, was agreed to.

AMENDMENT NO. 928

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 928 offered by the Senator from South Carolina, Mr. DEMINT.

Who yields time? The Senator from Connecticut.

Mr. DODD. Mr. President, at an appropriate moment, along with my colleague from Alabama, I will offer a motion to table the DeMint amendment. I do so respectfully of my colleague. We are just about 2 or 3 weeks away from the SEC issuing regulations regarding Sarbanes-Oxley on this 404 issue. It would be inappropriate for us to jump in and draw a conclusion as to what the SEC ought to be doing.

Chris Cox is doing a very good job at the SEC. Staff and Commissioners are doing the job we asked them to do.

To conclude the point here, this is a matter that is being well addressed by the SEC under Chris Cox. They have asked to have the appropriate time, the remaining 2 or 3 weeks, to finish their recommendations. They may very well come to the recommendation that has been offered by our colleague from South Carolina, but we ought to allow them to do their job. That is what they have been asked to do.

We are not a regulatory body. We don't have to agree with them, but we should allow them to complete their work. That is why we are offering this amendment. It is premature for us to jump in before they have completed their task.

Mr. President, I yield to my colleague from Alabama.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. Mr. President, I ask unanimous consent to have 30 seconds for my colleague from Alabama.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I agree with Senator DODD. We work on the

Banking Committee with this. The SEC has asked us to hold off. We all want to give relief under Sarbanes-Oxley for small businesses. The SEC, PCAOB are in the process of doing this, and this is probably going to happen in the next couple of weeks.

I don't disagree with what Senator DEMINT is trying to do, but I think it is premature. The timing is not good. But the timing is always good if we work with the SEC on something they know a heck of a lot about. This is a very complex issue.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, the United States has the fairest, most transparent and most efficient financial markets in the world. Our Nation achieved this status by developing a regulatory approach that insures investors around the world have confidence in our markets. We cannot go back to the days of Enron accounting for small businesses.

As chairman of the Senate Committee on Small Business and Entrepreneurship, I oppose the amendment by Senator DEMINT to provide an exemption from Sarbanes-Oxley regulations for small public companies because I believe it is premature, would endanger small business investors and limit access to capital for small public companies in the United States.

Last week, I held a hearing in the committee on the upcoming changes to the Sarbanes-Oxley law and how they will affect small business. In that hearing, no Senator or witness expressed any support for providing a permanent exemption from Sarbanes-Oxley regulations for small public companies. The Securities and Exchange Commission Chairman Christopher Cox has said that he strongly opposes any type of permanent exemption for small public companies from Sarbanes-Oxley regulations.

Here is why. It wasn't too long ago, between the years 1998–2000, that public companies were issuing financial restatements at a rate that was higher than the previous 10 years combined. Too often, public companies were overstating their income to attract investors. As a result, the trust and confidence of the American people in their financial markets was dangerously eroded by the actions of WorldCom, Inc., Enron, Arthur Andersen and others. The shocking malfeasance by these businesses and accounting firms put a strain on the growth of our economy, cost investors billions in assets and hurt the integrity of our financial markets around the world.

By all accounts, the Sarbanes-Oxley Act has brought back accountability to corporate governance, auditing, and financial reporting for public companies. The audit of internal controls over financial reporting has produced significant benefits and public company financial reporting has improved. As a result, investor confidence in our capital markets has been restored and our Nation's economic growth continues. Recent published reports show that accounting restatements on large companies' financial reports declined by 20 percent last year. This is important evidence that Sarbanes-Oxley is working.

These improvements, however, have not come without some drawbacks. Too many small public companies who played by the rules are now expected to deal with the time and financial burden required to comply with the Sarbanes-Oxley law. Last year, small businesses with less than $75 million in assets saw the number of financial restatements increase by 46 percent. This shows that small businesses getting ready to comply with Sarbanes-Oxley are having trouble. But I believe we will all benefit when small businesses eventually comply with Sarbanes Oxley. According to a recent United States Government Accounting Office—GAO—study requested by Senator SNOWE, the cost of compliance and the time needed for small public companies to comply with Sarbanes-Oxley regulations has been disproportionately higher than for large public companies. Firms with assets of $1 billion or more spend just thirteen cents per $100 in revenue for audit fees, while small businesses are forced to spend more than a dollar per $100 in revenue to comply with the same rules.

The response to these problems is not to give a permanent blanket exemption from these regulations to small public companies, instead we need to assist them in making the transition to comply with the Law. That is why the SEC and the Public Company Accounting Oversight Board—PCAOB—are currently considering final rules and guidance on the implementation of Sarbanes-Oxley that will make it easier for small businesses to comply with the law.

In his testimony to the Small Business Committee, Chairman Cox said three quarters of the comment letters regarding the proposed Sarbanes-Oxley rule changes from small business interests supported the efforts to make it easier for small businesses to comply with the law. Specifically, these small businesses believed that the proposed rules would allow managements to tailor their audits and evaluations to the facts and circumstances of their particular companies and focus on their areas that are most important to reliable financial reporting.

Chairman Olson testified at the same hearing that while the PCAOB is committed to making the process cost-effective for small businesses, the oversight program it has in place is reducing the risk of financial reporting failures and renewing confidence in U.S. security markets. We also heard from Joseph Piche, whose private company Eikos, Inc. operates out of Franklin, MA. Mr. Piche's testimony reflected the sentiments of so many small business owners—that while the burdens of cost make it difficult under the current regulatory structure, entrepreneurs rely on capital markets, and capital markets rely on trust. The Sarbanes-Oxley law has helped to restore this trust.

So the upcoming changes to Sarbanes-Oxley will save small public companies time and money. Unfortunately, before these changes are even finalized, the DeMint amendment would provide a permanent exemption to more than 6,000 small public companies from ever having to comply with Sarbanes-Oxley.

As Mr. Piche and other industry witnesses told the Small Business Committee, small businesses aren't resistant to fair and open financial reporting, because they know that it leads the way to access to capital. Today, small public companies are vital participants in U.S. capital markets and play a critical role in future economic growth and high-wage job creation. Once provided with the necessary regulatory flexibility, I have no doubt that our small public companies will be able to comply with the Sarbanes-Oxley law, just as big businesses are doing today. All small public companies know it is in their best interest to have regulations in place that provide transparency and accountability. These are the qualities that encourage investor confidence in U.S. markets. It gives them access to more investors and increases the pool of available capital while keeping their competitors from manipulating the marketplace through faulty accounting.

As we move forward, there are additional steps that can be taken to assist small business. First, I recently wrote to the SEC and PCAOB with Senator SNOWE, urging the regulators to give small businesses up to an additional year to comply with the pending changes to the Sarbanes-Oxley regulations. I believe this added time will help small businesses adapt to the changing regulatory structure and make it easier for those who lack the expertise or financial resources to comply with the law. The SEC has previously supported providing small public companies with additional time to comply with Sarbanes-Oxley and I hope they will do so again.

The DeMint amendment is an overreaching, premature policy reversal that preempts years of thoughtful regulatory consideration on the part of the SEC and the PCAOB. It represents a blanket exemption that has the potential to take U.S. capital markets a large step backwards to the days of Enron. I urge my colleagues to oppose this amendment and allow the regulators to finish their jobs.

As chair of the Committee on Small Business and Entrepreneurship, I will continue to closely follow the impact of Sarbanes-Oxley on small firms and look forward to working with Senator SNOWE and my colleagues on the committee to determine what necessary steps Congress can take to help small public companies abide by the law while simultaneously allowing them to focus on what they do best—creating jobs and growing our economy by participating in our capital markets. This will help small businesses achieve the American dream of becoming innovative public companies.

We can help our small public companies and encourage additional small businesses to become public companies—while ensuring transparency and honest accounting. This will help ensure that the United States continues to have the fairest, most transparent and most efficient financial markets in the world.●

Mr. DEMINT. Mr. President, I am obviously disappointed the chairman will move to table. We have had a good debate on it. The debate on Sarbanes-Oxley has been going on for almost 5 years, since it was passed. Every time someone expresses a problem, they go right to section 404, and just to small businesses that are being hurt most by this.

I talked with the SEC well over a year ago. I heard exactly the same thing I am hearing today: We are on it. It is going to happen very soon.

Let me suggest this to my colleagues. Let us pass this bill today and send it to conference. That will be a few weeks of work. If the SEC responds, then take it out in conference. The Democrats are in control of the conference. There is no harm done. But let us not continue to allow investment capital to be shipped out of this country without doing anything about it.

The only reason the SEC is even talking about it now is that we introduced this bill with Democrats and Republicans in the House. It is time to act now. Please vote for this bill. Let us move it to conference and shake up the SEC.

Mr. DODD. Mr. President, I move to table the DeMint amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—62

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Collins
Conrad
Crapo
Dodd
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Harkin
Hatch
Inouye
Kennedy
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Snowe
Stabenow
Stevens
Tester
Thomas
Webb
Whitehouse
Wyden

NAYS—35

Alexander
Allard
Brownback
Bunning
Burr
Chambliss
Coburn
Coleman
Corker
Cornyn
Craig
DeMint
Dole
Domenici
Ensign
Grassley
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McConnell
Roberts
Smith
Specter
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Johnson
Kerry
McCain

The motion was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 917

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate on amendment No. 917, offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time? The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, regarding the amendment we are about to vote on, we voted on essentially the same amendment last Wednesday as an amendment to the Court Security Improvement Act. The amendment provides that any new program or initiative that is contained in legislation be offset. The point that defeated the amendment last week is still valid; that is, we should not be required to offset authorizing legislation. This is authorizing legislation. There is no spending in this bill. This does not appropriate funds.

Mr. President, on behalf of myself and my colleague, Senator DOMENICI, I will be moving to table the amendment after he completes his statement.

I yield the remainder of my time to Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first, might I say to the Senator from Oklahoma, I have watched you in your concern for spending, and I appreciate what you are trying to do to cut spending in the Senate.

But let me say to the Senate, this afternoon I asked the Chair for a point of order. I asked whether this bill would violate the Budget Act. After looking at the bill and coming back, I was advised it does not violate the Budget Act. The reason it does not is because there is no spending in it. If it were spending money, it would be violating the budget because it is not in the budget, and we passed a budget.

Having said that, if we are not spending money, then why should we chastise ourselves about spending money and suggesting that we have to offset something when, as a matter of fact, there is nothing to offset because there is no spending? If we get into this game that authorizing is spending, then we will have a fourth tier of Government. Instead of a budget appropriations and direct spending, we will have people bringing up a new way to attack it on every kind of authorizing bill. I don't think we need that. We need to get on with business every now and then. This is one time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, the reason you ought to vote for this sense of the Senate—it doesn't say anything about authorizing. What it says is, and the American people expect, if we are going to create new programs, we ought to get rid of the programs that are not working. We spend $84,000 a second. We spent $350 billion we didn't have last year, and we charged it to the next generation. We have 10 percent of the Department of Energy that is ineffective, we have 10 percent of the Department of Education that is ineffective, and you offset none of the programs as you reauthorize this bill. We doubled up. This says, sense of the Senate, if we are going to spend more money and create new programs, we ought to go after the ones that do not work.

Vote against it at your own peril.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, this is the last vote this evening. I am glad to see the managers are moving this bill along. We are probably going to have a vote in the morning, around 11 o'clock. That will be the first vote.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—54

Akaka
Alexander
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Conrad
Dodd
Domenici
Feinstein
Harkin
Inouye
Kennedy
Klobuchar
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Stevens
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—43

Allard
Bayh
Brownback
Bunning
Burr
Chambliss
Coburn
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Dorgan
Durbin
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kohl
Kyl
Lieberman
Lott
Martinez
McConnell
Roberts
Sessions
Shelby
Smith
Sununu
Thomas
Thune
Vitter
Voinovich

NOT VOTING—3

Johnson
Kerry
McCain

The motion was agreed to.

Mr. MENENDEZ. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank my friend from New Mexico, who is doing such a wonderful job on the legislation that is in front of us. I wish to compliment everyone who is involved with this legislation for working so hard, including Senator ALEXANDER and Senator BINGAMAN. This is a wonderful bill. So we congratulate them for that.

IRAQ SUPPLEMENTAL

I wish to speak this evening about the supplemental appropriations bill the Senate will vote on later this week. I also wish to rise with great concern and, frankly—I am not sure what the word is; "disappointment" is not strong enough for how I feel about what the Vice President has said today about our leader, our great leader in the Senate, who has spoken so passionately and cares so deeply about the troops who are serving us overseas, their families who are here at home, who wants to make sure the strategy is right for them.

We all know—and our military experts have told us time and again—that a military victory is not going to happen, that it has to be a political victory, a political strategy of the Iraqis stepping up and taking control and making the tough decisions they need to make to take control of their own security. We have heard that from many experts within the military and without. Yet today the Vice President was here, not far from this Chamber, unleashing his wrath, as only he seems to be able to, about our leader, calling him names and mischaracterizing his positions. That is extremely unfortunate because while the men and women are serving us right now in Iraq, over there doing their best to focus on the mission, they expect us to be at home focusing on the strategy, the resources, and the equipment they need.

I had an opportunity to talk to a young man not long ago who had come home from Iraq. I asked him how he felt about the debate going on about the strategy, the debate we were having in the Senate and the House. He said, frankly, he would expect us to be doing that because that is our job. That is our job. They are doing their job. As my husband, who was in the Air Force and Air National Guard, reminds me continually, their job is to implement the mission. They are doing it. Our job is to get it right, to have the right strategy, and to back them up and give them the resources they need.

The name calling coming from the Vice President is not going to get the job done. What is going to get the job done is our ability to work together and look at the facts, not some stubborn sense of unwillingness to change or to do more of the same which, unfortunately, is what is happening now with this surge. It is more of the same. Instead of doing that, we need to be joining together to say: Let's look at the reality of what is going on on the ground. More and more Americans and Iraqis are being killed every day. Let's look at the reality of what we need to do to be successful, to bring our troops home safely, to address the success we all would like to see happen in terms of a democracy that works, the Iraqi Government being able to step up and to govern their country, which is an incredibly difficult and complicated thing to do, obviously.

I find it very disappointing. I work with our leader, as we all do every day. There is no one who has spent more time thinking and focusing and discussing and listening on these issues around the war than he has—no one who is more thoughtful or more caring, no one who is more concerned about our veterans coming home.

We welcome, certainly, the Vice President coming and meeting with us and joining in the discussion. But I certainly hope we are not going to see more of what we saw today. It was an effort to attack a great leader and, essentially, instead of moving the ball forward, make it more difficult for us to do what we need to do to come together.

On this particular bill, the supplemental appropriations bill, I certainly hope the President will sign this legislation, will reconsider the position that has been taken and sign this legislation. We are going to be sending a bill to the President that will fund the troops—in fact, it adds dollars to do that—as well as veterans, as well as addressing a number of other critical issues. The question before the President will be, Will he sign this bill? We are not trying to play games. We are sending him an emergency supplemental for the war and for other critical American needs—our communities, our families' needs, just as we do every year in an appropriations bill, in a supplemental. The question is whether the President will step up and do his duty and sign this bill so that those dollars can get to the troops.

This legislation represents the best opportunity for us to change the course in Iraq as well as protect our troops and our veterans and to give them what they need now. Unfortunately, the President has put our troops in the middle of an endless Iraqi civil war. We know this to be true. People in my great State know this is true.

Unfortunately, we find ourselves in a situation where our troops are in an endless civil war. The American people are paying a huge price for this war, most importantly, in lives, not only family members lost but people coming home with permanent disabilities, with head injuries, with mental health problems. There is a huge price being paid by Americans for what is occurring and has been occurring.

We are also paying a huge price in dollars, $10 billion a month, and then we look at the fact that we could fund a program to cover every child with health care in America for $10 billion a year. We know while lives are the most important issue, resources for Americans to address our needs at home is also a critical issue.

We also know we are paying a huge price as it relates to our own security interests. The majority of Americans, a bipartisan majority in Congress, military experts, and the Iraq Study Group believe this war cannot be won militarily and that the current path is not sustainable. The supplemental appropriations bill recognizes it is long past time to change course. The American people know that. That is really what last November was about. People want a change. They know this isn't working. It is not sustainable. They expect us to step up together and make that change.

This bill fully funds our troops. We are passing a bill agreed to by the House and Senate that fully funds our troops and provides a plan to responsibly end the war and bring them home safely. I don't know what more we could ask of the proposal. We are providing the resources and also putting in place a responsible way to provide benchmarks and measurements and bring a responsible end to the war.

Our bill holds the Iraqis accountable for securing their own Nation and forging political reconciliation. We know more of the same—more surges, more efforts that have been tried and tried time after time—is not working. I don't believe they can work. But what can work is holding the Iraqis accountable for securing their own nation and making the tough decisions that one has to make when they want to have a democracy. It is not easy. We know that. They are in a very difficult situation. But it is their country, and they need to step up and make those decisions and bring all parties together and find some way to live together.

Our bill ensures our troops are combat ready before being deployed to Iraq. I can't imagine that there is one individual in the armed services or one mom or dad or brother or sister or son or daughter of a combat troop that would not want us, and doesn't expect us already, to be making sure that our troops are combat ready before being deployed.

It provides them with all the resources needed on the battlefield and when they return. We are very committed and, in fact, I am very proud of the fact that in our budget resolution passed a few weeks ago, for the first time we meet the dollars needed for veterans health care and other critical veterans services identified by the veterans organizations themselves. For the first time ever, we put forth the dollars that are needed when our troops are coming home. A Presidential veto will deny our troops the resources and the strategy they need and send exactly the wrong message to the Iraqi political leaders. We hope the President will join us in giving our troops the resources and strategy they need and deserve. That is what this bill is about.

After more than 4 years of a failed policy, it is time for this Nation to change course and Iraq to take responsibility for its own future.

This is a good bill we will have before us. Overall, it provides more than $100 billion for the Department of Defense, primarily for continued military operations in Iraq and Afghanistan. It includes a $1 billion increase for the National Guard and Reserves for equipment desperately needed and $1.1 billion for military housing. It provides $3 billion for the purchase of mine-resistant, ambush-protected vehicles, vehicles designed to withstand roadside bombs. Every day we pick up the paper and see where more lives have been lost, injuries have been sustained as a result of roadside bombs. It contains more than $5 billion to ensure that returning troops and veterans receive the health care they have earned with their service so that we don't ever have to have another Walter Reed incident.

It has $6.9 billion for the victims of Hurricanes Katrina and Rita as well. We know when we are doing an emergency supplemental, just as in every other year when our colleagues were in the majority, as well as when we are in the majority, there are a number of emergency needs for the country.

One thing in the supplemental has been funding the troops. We have added funding for our veterans and also understand there are some critical needs at home, critical needs that Americans have. Certainly, we all know the resources and the focus on those families who were hit by the hurricanes have been shamefully slow in going to that region to rebuild American communities, American homes, to support American families. Our bill does that.

It provides emergency funding also for the Children's Health Insurance Program because we have a number of places in the country where the resources are running out, and we want to make sure children can continue to get health care. That is an emergency at home.

Ask any family who is worried about whether their children are going to get sick tonight, say a little prayer: Please God, don't let the kids get sick because what are we going to do. Our bill addresses children's health care emergency funding.

It also includes homeland security investments totaling $2.25 billion for port security and mass transit security, for explosives detection equipment at airports, and for several initiatives in the 9/11 bill that recently passed the Senate. I am very proud of the fact that our new majority placed a priority on passing the 9/11 Commission recommendations. It was long overdue, but it was a priority for us in the first few weeks of our new majority, and we did it. Now we have the resources that go with that. It is not enough to pass the recommendations. We have to make sure the resources are there to keep us safe at home.

So, yes, this is a supplemental bill to support our troops abroad, to support their efforts while they are in theater in combat, but we also know we have folks on the front lines at home, our police officers and firefighters and others, and security needs here. We address that.

We also know there have been a group of folks waiting for way too long for some disaster assistance related to agriculture, including my home State of Michigan where apple and cherry growers have been waiting. In this legislation, $3.5 billion is provided to help relieve the enormous pressure on farmers and ranchers as a result of severe drought and agricultural disasters. Again, this is about helping people at home, putting Americans first when we know there is a disaster. Whether it is Hurricane Katrina or whether it is cherry growers in northern Michigan, our job is to also focus on our people here and their emergency needs.

The conference agreement also includes emergency funding for forest firefighting, low-income home energy assistance, and pandemic flu preparations, which we should all be concerned about—again, critical needs for Americans, American families.

Finally, there are other items in this bill that are good for workers and small business. The bill has an increase in the minimum wage to $7.25 an hour, giving hard-working Americans a much deserved raise after 10 years—10 years. It provides almost $5 billion in tax cuts for small businesses as well. We know the majority of jobs come from small business. This supports their efforts as well.

So I would say to President Bush: Sign this bill. Sign this bill. This is a bill which funds our troops, which keeps our commitments to our veterans, and which addresses other American priorities for our communities and our families.

Mr. President, if you do, we will change course in Iraq, give our troops the equipment they need, the health care they deserve, and provide much needed investments here at home in America.

President Bush, if you veto this bill, you are denying funds to the troops in the field and going against the wishes of the majority of the American people.

It is time for the administration to stop saying no to troops and no to the American people. We need the President to say yes to working with us, to support our troops and what they need, which this legislation does, to support the American people, American families, and critical emergency needs here at home, and to put in place a strategy for success—a real strategy for success—by focusing on efforts that empower and send a message to the Iraqi Government to step up. While we are willing to support them, we will not continue to send our brave men and women into the middle of a civil war day after day after day and continually say it is OK, everything is going great. It is not going great.

It is time for a new strategy. We have put forward a strategy in a very responsible way in this legislation, along with meeting our obligations and responsibilities to our troops, our veterans, their families, and to America as a whole.

I hope when President Bush reads this bill—and I hope he will—I hope he will look at what is in here with an open mind, and agree with us that this is a bill which makes sense for America at home and abroad.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 938 AND 936 EN BLOC

Mr. BINGAMAN. Mr. President, under the previous order, I call up amendments Nos. 938 and 936.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes en bloc amendments numbered 938 and 936.

The amendments are as follows:

(Purpose: To strike the provisions regarding strengthening the education and human resources directorate of the National Science Foundation)

Strike section 4002.

(Purpose: To increase the competitiveness of American workers through the expansion of employee ownership, and for other purposes)

At the appropriate place, insert the following:

SEC. . EMPLOYEE OWNERSHIP EXPANSION.

(a) Findings.—Congress makes the following findings:

(1) Between 2000 and 2006, the United States lost more than 3,000,000 manufacturing jobs.

(2) In 2006, the international trade deficit of the United States was more than $763,000,000,000, $232,000,000,000 of which was due to the Nation's trade imbalance with China.

(3) Preserving and increasing jobs in the United States that pay a living wage should be a top priority of Congress.

(4) Providing loan guarantees, direct loans, grants, and technical assistance to employees to buy their own companies will increase the competitiveness of the United States.

(b) United States Employee Ownership Competitiveness Fund.—

(1) Establishment.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce (referred to in this section as the "Secretary") shall establish the United States Employee Ownership Competitiveness Fund (referred to in this section as the "Fund") to foster increased employee ownership of companies and greater employee participation in company decision-making throughout the United States.

(2) Organization.—

(A) Management.—The Fund shall be managed by a Director, who shall be appointed by, and serve at the pleasure of, the Secretary.

(B) Staff.—The Director may select, appoint, employ, and fix the compensation of such employees as shall be necessary to carry out the functions of the Fund.

(3) Functions.—Amounts in the Fund established under paragraph (1) may be used to provide—

(A) loans subordinated to the interests of all other creditors, loan guarantees, and technical assistance, on such terms and subject to such conditions as the Secretary determines to be appropriate, to employees to purchase a business through an employee stock ownership plan or eligible worker-owned cooperative that are at least 51 percent employee owned; and

(B) grants to States and nonprofit and cooperative organizations with experience in developing employee-owned businesses and worker-owned cooperatives to—

(i) provide education and outreach to inform people about the possibilities and benefits of employee ownership of companies, gain sharing, and participation in company decision-making, including some financial education;

(ii) provide technical assistance to assist employee efforts to become business owners;

(iii) provide participation training to teach employees and employers methods of employee participation in company decision-making; and

(iv) conduct objective third party prefeasibility and feasibility studies to determine if employees desiring to start employee stock ownership plans or worker cooperatives could make a profit.

(4) Preconditions.—Before the Director makes any subordinated loan or loan guarantee from the Fund under paragraph (3)(A), the recipient employees shall submit to the Fund—

(A) a business plan showing that—

(i) at least 51 percent of all interests in the employee stock ownership plan or eligible worker-owned cooperative is owned or controlled by employees;

(ii) the Board of Directors of the employee stock ownership plan or eligible worker-owned cooperative is elected by all of the employees; and

(iii) all employees receive basic information about company progress and have the opportunity to participate in day-to-day operations; and

(B) a feasibility study from an objective third party with a positive determination that the employee stock ownership plan or eligible worker-owned cooperative will be profitable enough to pay any loan, subordinated loan, or loan guarantee that was made possible through the Fund.

(5) Insurance of subordinated loans and loan guarantees.—

(A) In general.—The Director shall use amounts in the Fund to insure any subordinated loan or loan guarantee provided under this section against the nonrepayment of the outstanding balance of the loan.

(B) Annual premiums.—The annual premium for the insurance of each subordinated loan or loan guarantee under this subsection shall be paid by the borrower in such manner and in such amount as the Secretary determines to be appropriate.

(C) Premiums and guarantee fees available to cover losses.—The premiums paid to the Fund from insurance issued under this paragraph and the fees paid to the Fund for loan guarantees issued under paragraph (2)(A) shall be deposited in an account managed by the Secretary of Commerce and may be used to reimburse the Fund for any losses incurred by the Fund in connection with any such loan or loan guarantee.

(6) Technical assistance in the discretion of the secretary.—If a grant is made under paragraph (3)(B)(ii), the Secretary may require the Director to—

(A) provide for the targeting of key groups such as retiring business owners, unions, managers, trade associations, and community organizations;

(B) encourage cooperation in organizing workshops and conferences; and

(C) provide for the preparation and distribution of materials concerning employee ownership and participation.

(7) Participation training in the discretion of the secretary.—If a grant is made under paragraph (3)(B)(iii), the Secretary may require the Director to provide for—

(A) courses on employee participation; and

(B) the development and fostering of networks of employee-owned companies to spread the use of successful participation techniques.

(c) Rulemaking.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce shall promulgate regulations that ensure—

(1) the safety and soundness of the Fund; and

(2) that the Fund does not compete with commercial financial institutions.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $100,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for subsequent fiscal years.

Mr. BINGAMAN. Mr. President, I also wish to propound a unanimous consent request. I ask unanimous consent that when the Senate resumes consideration of S. 761 on Wednesday, there be 30 minutes of debate with respect to the Sununu amendment No. 938, with the time equally divided and controlled between Senators Sununu and Kennedy or their designees; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment, with no amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that the Senator from Tennessee wants to make a comment. If the Senator from Ohio would permit me, I have a very short statement to make concerning an amendment. It will not take more than 5 minutes.

Mr. BROWN. Sure.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Oklahoma and the Senator from Ohio for their courtesy.

I simply want to acknowledge the comments of Senator BINGAMAN from New Mexico and say I think our day has been productive and to say our colleagues have been very helpful in bringing their amendments to the floor.

I ask the Senator what he envisions for tomorrow beyond what he already announced.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for his question and his great work on this legislation.

The plan for tomorrow, as I understand it, is we will go ahead with this

Sununu amendment at around 10:45 and hopefully vote shortly after 11 o'clock on that amendment. We have talked to Senator COBURN from Oklahoma about considering three amendments he still has that he is committed to offering at some time in the 2 o'clock period.

We urge other Senators who have amendments they wish to have votes on to bring those to the floor for consideration after disposing of Senator SUNUNU's amendment shortly after 11 o'clock. Now, obviously, the Senator's amendment is still pending, as we have indicated, and we still have to get agreement as to how to proceed on that. We are working on that at the present time.

But I agree, we have made good progress today. I hope we can complete the remaining amendments tomorrow and proceed to final action on the bill.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico. The majority leader and the Republican leader would both like us to finish tomorrow, if we can. I think we have a good chance of doing that. Senator INHOFE is staying tonight to talk about an amendment he hopes to bring up tomorrow. I talked with Senator GRASSLEY. The number of amendments that seem to need to be offered seems to be narrowing down. I would say to my colleagues, with the briefing that is scheduled for tomorrow afternoon at 4 o'clock, we are going to do our best to get as many of those as possible in before 4 o'clock so we can finish the bill tomorrow, if possible.

I am going to defer any other remarks I have until after the Senator from Oklahoma and the Senator from Ohio and the Senator from New York have had a chance to speak.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, what the Senator from New Mexico is suggesting is exactly what I have in mind. I have an amendment I will be calling up at an appropriate time that is mutually agreeable. It does affect the taxation end. I have talked to Senator BAUCUS and Senator GRASSLEY. I believe they are going to be favorable toward it.

There are not many one-sentence amendments. That is what this one is. Let me read it to you and tell you why I am offering it. Then I will wait until tomorrow and hopefully get in the mix.

> Notwithstanding any other provision of the law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

Let me just give you an example. After World War II, there was an effort to implement the Marshall Plan. When that was done, in 1961, an organization was formed that was called the Organization for Economic Cooperation and Development. This is an international organization which advocates tax increases for the United States specifically to make us less competitive. They have stated explicitly that low-tax policies "unfairly erode the tax bases of other countries and distort the location of capital and services."

What we have here is a Paris-based bunch of bureaucrats seeking to protect high-tax welfare states from the free market. That is why the OECD goes on to say that free market tax competition "may hamper the application of progressive tax rates and the achievement of redistributive goals." Clearly, free market tax competition makes it harder to implement socialistic welfare states. The free market, evidently, has not been fair to socialistic welfare states. Well, it is a good thing they have the OECD and nearly $100 million in U.S. taxpayer money to aid them.

Noted economist Walter Williams clearly sees the direction in which this is headed when he says that "the bottom line agenda for the OECD is to establish a tax cartel where nations get together and collude on taxes."

Treasury Secretary Paul O'Neill seconded that when he said that he was "troubled by the underlying premise that low tax rates are somehow suspect and by the notion that any country . . . should interfere in any other country's" tax policy.

So the Organization for Economic Cooperation and Development has issued a report entitled "Harmful Tax Competition: An Emerging Global Issue," which establishes a new international body, the Forum on Harmful Tax Practices, to implement the measures outlined in the report. The OECD has endorsed and encouraged higher taxes, new taxes, and global taxes no fewer than 24 times. They have advocated a value-added tax, a 40-cent increase in the gas tax, a carbon tax, a fertilizer tax, ending the deductibility of State and local taxes from Federal taxes, and new taxes at the State level.

So I believe this is something we will have a chance to debate, and I would think it actually would be accepted. Again, all it is going to be is just one sentence. It reads:

> Notwithstanding any other provision of the law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

I cannot think of any more appropriate bill to have this on than this bill we have before us currently.

With that, Mr. President, I yield the floor. I thank the Senator from Ohio, who has stepped aside for me.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I also thank the Senator from Ohio for letting me make some brief remarks, and then I will yield the floor to him.

First, I wish to praise my colleagues from New Mexico and Tennessee, who have done an excellent job on this legislation. I applaud the bipartisan group that put together this extraordinary bill we are considering, the America COMPETES Act, because this legislation will provide invaluable resources to help slingshot our economy forward and ensure that our great country does not lose step with our global competitors.

I am particularly proud of one provision I authored and has been included in the managers' amendment that was adopted earlier today. That is what I want to speak about.

The program is called the National Science Foundation Teaching Fellowship, and it will go a long way toward ensuring that our high school students are taught math and science by the best and the brightest.

I wish to express my deep gratitude to Senators KENNEDY, BINGAMAN, ENZI, and ALEXANDER for including this important provision in the bill. I would also like to thank my friend and colleague, Senator CLINTON, for her valuable support as a committee member in this process.

The NSF Teaching Fellowship is modeled after a highly successful program in New York City called Math for America. The program recruits top math and science graduates to become teachers and retains them as teachers by offering financial incentives. The program will ensure that leaders in math and science train future generations of innovators—instead of leaving the classroom for research or other opportunities.

It is working in New York City, and it is crucial to expand this model to the rest of the country. Let me share with you some statistics that will explain why.

Our students are not currently prepared to compete in a technological economy. In the 2003 PISA math assessment that compared 15-year-old students across the world, American students ranked 24th out of the 29 participating countries--here in America, in math. 24th out of 29. How are we going to stay the greatest country in the world when that has happened?

Students currently studying math and science will be the fuel that powers our economy for the next century, and there is no question we are not giving them the tools they need to compete.

One reason why our students are not doing well is because only one-third of math teachers and less than two-thirds of science teachers majored or minored in the subject they teach. It is not hard to understand why. Starting salaries for math and science majors can be as much as $20,000 higher in the private sector than they are for public school teachers. But by allowing this disincentive to teach to continue, we are ignoring our responsibility to have our students taught by teachers who know math and science backward and forward. The bottom line is the American economic engine may stall if we don't have a highly skilled workforce to keep it going. Unfortunately, this is where we are faltering.

So today the Senate has adopted the NSF Teaching Fellowship program, along with other excellent provisions in the America COMPETES Act, to fill in the gap. Here is how the program will work. NSF teaching fellows will have to take a test to prove their strengths in math or science. Then they enroll in a 1-year master's degree program in teaching that will give them teaching certification, and it is all paid for. They will agree to teach for at least 4 years, and for those 4 years, they will receive bonuses on top of their salaries. These individuals will infuse our schools with a deep passion for and an understanding of math and science and will share their knowledge with other teachers in their school.

To retain our current teachers who are outstanding at what they do and can provide expertise in the classroom that our teaching fellows won't yet have, there is another category called NSF Master Teaching Fellows. Master fellows are existing teachers who already have a master's degree in math or science education. They will also take a test demonstrating they have a high level understanding of their subject area. For the next 5 years they will serve as leaders in their school, providing mentorship for other teachers in their department as well as assisting with curriculum development and professional development. For these 5 years they also will receive bonuses on top of their salaries.

Last year I introduced the Math and Science Teaching Corps Act with my friend Congressman JIM SAXTON in the House. Today that bill has evolved into a program that has been included in the America COMPETES Act.

The question is: Will this generation have the skill sets necessary to take full advantage of this new economy? Right now our children are lagging behind and we must act quickly before businesses need to look elsewhere. Math and science skills are the key to maintaining this country's competitiveness in the global economy, and this legislation will help ensure that.

I believe the NSF Teaching Fellowship, as well as the rest of the America COMPETES Act, will put us back on track. I am proud to have been included in the process and I look forward to working with my colleagues to complete work on this important bill.

MEDICARE

Mr. President, I want also to take 1 more minute to address the comments this afternoon of my friend and colleague Senator GREGG. He and I often agree, and I believe we do on this particular issue as well, about the need to shore up Medicare. I think he misunderstood my comments from yesterday and I want to take a moment to discuss them.

Yesterday the Social Security and Medicare trustees released their annual report showing that Social Security does not face an impending funding crisis, but Medicare funds are less secure. The report indicates that the Social Security trust fund would be solvent 1 year longer than was predicted in last year's report, that is until 2041, but Medicare would be exhausted as soon as 2019 in terms of the Medicare trust fund.

The Senator should know I did not and would not attack the independent trustees of the Medicare and Social Security trust funds. My statement responded to two things: first, the administration's misguided mission to use any and all news with regard to Social Security as an opportunity to push for privatizing Social Security; second, the administration's unwillingness to do something to fix underlying problems in our health care system and reduce budget deficits to shore up Medicare before it is too late.

My colleague from New Hampshire pointed out that most of us on this side of the aisle voted against some of his amendments. That doesn't mean we don't want to fix Medicare; it means we don't agree with the way he is proposing. In fact, we have to get a handle on the whole health care system to fix Medicare, not chop away and slash away at Medicare itself. So I agree with the Senator from New Hampshire, we can't leave these problems to future generations. I look forward to working with him on that important issue.

I once again thank my good colleague from Ohio for his generosity of both time and spirit.

Mr. President, I yield the floor.

Mr. ALEXANDER. Mr. President, before the Senator from Ohio goes forward, I simply say to the Senator from New York I applaud his work on the math program. I remember last year when we talked about it, and I met with his constituents who have done so much good work with that model.

Among the other things which are important about the program is that it defines a fair way of identifying a high-need set of teachers—in this case math and science—and when they go into teaching, to pay them more for being good teachers. That is a tough thing to do. It is tough to do that in a fair way, but the Senator has found one way to do it. We have a variety of other ways to do it. Senator DURBIN and I have supported an amendment, the teacher incentive fund, which encourages that sort of experimentation, a not-made-in-Washington formula.

But if we are to have areas of high need such as math and science and low-income children who can't achieve, we are going to have to find some fair ways for outstanding school teaching and leadership. The Senator from New York has taken an important step in that direction as part of what he has done today, and I congratulate him for that.

Mr. SCHUMER. I thank my colleague.

VOTE EXPLANATION

Mr. OBAMA. Mr. President, during rollcall vote No. 137 today, I was at a speaking engagement in another part of the city and was unable to return in time for the vote. Had I been able to vote, I would have voted for the amendment offered by Senator DEMINT.

Mrs. FEINSTEIN. Mr. President, I rise today in support of Majority Leader REID's legislation S. 761, the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science—COMPETES—Act of 2007 to help maintain our Nation's competitive edge in the critical areas of math, science, engineering and technology.

I am pleased to be a cosponsor of this important bill with 57 of my colleagues.

This bill will strengthen educational opportunities in math, science, engineering, and technology from elementary through graduate school, increase the Federal investment in basic research, and develop an innovation infrastructure—all which is greatly needed in an increasingly competitive global economy.

This bipartisan bill reflects recommendations by the National Academies' report "Rising Above the Gathering Storm" and the Council on Competitiveness' "Innovate America" report.

Both of these reports conclude that action is needed now in order to secure our country's economic and technological leadership in the future.

For example, indicators of the need for action are the following: More than 600,000 engineers graduated from institutions of higher education in China in 2004. In India, the figure was 350,000. In the U.S., it was only about 70,000. Science and engineering jobs are expected to grow by 21 percent from 2004 to 2014, compared to a growth of 13 percent in all other fields, based on Bureau of Labor Statistics reports.

Nationwide, about 68 percent of middle school math students were taught by teachers who did not have a major or certification in the subject. For science middle school students, 57 percent were taught by teachers who did not have a major or certification in the subject—based on the 2004 report by the National Center for Education Statistics.

In California, the State also faces a critical shortage of math and science teachers. The State will need to produce more than 16,000 new math and science teachers within 5 years and more than 33,000 over the next decade due to attrition and retirement. This is from the March 2007 report by the California Council on Science and Technology.

This report also concludes that strengthening the teaching of math and science is crucial if California is to maintain its competitive edge and economic growth.

That is why it is imperative that we take steps to ensure that our children, as our future leaders, are fully prepared with the skills to take on the demands of the country's changing economy and workplace.

Specifically, this bill would increase authorized funding for the National Science Foundation from $6.8 billion in fiscal year 2008 to $11.2 billion in fiscal year 2011. California receives about 20 percent of total funding from NSF grants; increase authorized funding for the U.S. Department of Energy's Office of Science from $4.6 billion in fiscal year 2008 to over $5.2 billion in fiscal year 2011. California receives over 20 percent of total Federal funding; direct NASA to transfer $160 million from its accounts for the funding of basic science and research for fiscal year 2008 and fully participate in interagency activities to foster innovation; authorize $290 million over 4 years to establish a Distinguished Scientists Program under the U.S. Department of Energy which would be a joint program between universities and National Laboratories to support up to 100 distinguished scientist positions; authorize $210 million for fiscal year 2008, and such sums as necessary for each of the following three years, for new grants under the U.S. Department of Education to develop university degree programs for students to pursue bachelor's degrees in math, science, engineering, and critical foreign languages with concurrent teaching credentials.

Also, grants would be used for master's degree programs in these fields for current teachers to improve their skills.

This model is similar to the University of California's California Teach Program which aims to put a thousand new math and science teachers annually into the State's classrooms.

It will authorize $190 million over 4 years to create a new grant program to improve the skills of K-12 math and science teachers, under the U.S. Department of Energy, for summer institutes at each of the National Laboratories; authorizes $146.7 million for fiscal year 2008 and such sums as necessary for the following 3 years to provide "Math Now" grants, under the U.S. Department of Education, to improve math instruction for struggling elementary and middle school students; authorize $140 million over 4 years for a new competitive grant program under the U.S. Department of Energy to assist States in establishing or expanding statewide math and science specialty schools and provide expert assistance in teaching from the National Laboratories' at these schools; establishes a President's Council on Innovation and Competitiveness and requires the National Academy of Sciences to conduct a study to identify barriers to innovation 1 year after enactment.

America's economy is fueled by innovation, and innovation is enabled by a strong foundation in math and science. Our country's math and science foundation is eroding, and our innovative strength is similarly weakening.

The U.S. trade balance in high-technology products has shifted from a $54 billion surplus in 1990 to a $50 billion deficit in 2001.

This legislation can help reverse this trend. It will help maintain our Nation's global competitiveness and continue to attract the best and brightest minds across the country to pursue careers as engineers, scientists, technicians, and very importantly, as math and science teachers.

I urge my colleagues to support this important legislation.

Mr. CARDIN. Mr. President, I rise today in strong support of S. 761, the America COMPETES Act of 2007. If we consider the people who have given us the light bulb, the blood bank, the artificial heart, the microchip processor, and Microsoft, we must acknowledge that access to quality education and openness to innovation in America have nurtured many of the most influential inventors and the best trained workforce in modern history.

But while technological progress has revolutionized the workplace, our education system has failed to keep pace; now, many of our Nation's schools are unable to provide their students with the scientific, technological, engineering, and mathematical knowledge and skills the 21st century economy demands. Without sufficient numbers of well-trained people and the scientific and technical innovations they produce, the United States is in jeopardy of losing its place as the center for the high-quality jobs and innovative enterprise that have been part of our national heritage.

I applaud Senators BINGAMAN and ALEXANDER and the other leading sponsors of the bill for taking action to ensure that this Nation remains a leader for innovation, and I am proud to join them as a cosponsor of this bill. I am grateful to the academic and business leaders, including Nancy Grasmick, the Maryland State superintendent of schools, and Dr. C.D. Mote, Jr., president of the University of Maryland, who produced both the National Academies' "Rising Above the Gathering Storm" and the Council on Competitiveness' "Innovative America" reports and recommendations that serve as the foundation for this legislation. I am proud of the legislation the Senate is considering: it takes significant steps to stimulate and support innovation in our Nation.

When I ask young scientists and engineers what triggered their interest, they cite—almost without exception—a teacher, mentor, or internship as the inspiration for their love of science, math, and innovation. I am pleased, therefore, that this bill includes several measures to improve teacher recruitment and training, develop partnerships between schools and laboratories, and encourage internship programs. All of these provisions will increase students' exposure to inspirational teaching, talented scientists, and real-world experience.

Education research and the anecdotal evidence I mentioned above indicate that teacher quality is the most important factor influencing student achievement. Yet our best teachers are not evenly distributed among our Nations communities. Far too many of our highest need school districts are struggling to recruit and retain experienced teachers. To address this inequity, S. 761 includes important measures to recruit and train high-quality math and science teachers for high-need school districts. The legislation also creates mentorship and apprenticeship programs for women, who are underrepresented in science, technology, engineering, and mathematics careers.

The growing gap between what is taught in elementary and secondary schools and the skills necessary to succeed in college, graduate school, and today's workforce threatens the implicit promise we have each made to our own children and those whom we represent: get good grades in school and you will succeed in life. S. 761 contains competitive grants to States that will encourage better alignment of elementary and secondary curricula with the knowledge and skills required by colleges and universities, 21st century employers, and the Armed Forces, so that high school graduates will be prepared to succeed in the world.

Those students who choose to pursue high-tech careers require Federal funding to conduct research. Many scientists and mathematicians make their greatest discoveries early in their careers, before they have developed the track records and reputations often required to secure research grants. The leaders of Johns Hopkins and other great Maryland research institutions have told me that it is difficult for their young and most daring researchers to secure necessary research funding.

S. 761 would significantly increase America's investment in research, doubling funding for the National Science Foundation and the Department of Energy's Office of Science over the next 4 years and authorizing a significant increase in funding for the National Institute of Standards and Technology. But the legislation goes further by also targeting more funds to young researchers and high-risk frontier research. S. 761 would increase the number of research fellowships and traineeships that provide critical support for science, technology, engineering, and mathematics graduate students and would require NIST to set aside at least 8 percent of its annual funding for high-risk, high-reward innovation acceleration research.

Today, we face enormous technological challenges, which include halting global climate change, achieving energy independence, and finding cures for AIDS, malaria, diabetes, and other devastating diseases. We must equip ourselves with skills and resources to tackle these problems so that our children and grandchildren may inherit a world rich with economic opportunities. Therefore, I am urging my colleagues to join me in support of this critical legislation.

Mr. ROBERTS. Mr. President, I rise today in support of S. 761, the America COMPETES Act. This sweeping legislation takes bold steps to recapture America's prowess in the global economy.

The demand for talented persons in the areas of science, technology, engineering, mathematics, and critical foreign language far exceeds the supply in the United States. The likelihood of finding a job in these high-need areas after college is almost guaranteed, yet we find ourselves still lagging behind other countries in producing these graduates. America ranks No. 24 out of industrialized nations in mathematical literacy for children entering high school. Right now, China is graduating four times the number of engineers as the United States, with India not far behind.

I am deeply concerned with these trends. It is vital to have a superior science and mathematics education system and workforce. In 1997, I formed an Advisory Committee on Science, Technology, and the Future in my home State of Kansas. This committee helps me find ways to align Federal and State initiatives to enhance science and technology in the State. The advisory committee has been instrumental in identifying high-need high-tech jobs in the State while focusing on ways to educate, train, and attract talented persons into these fields.

Kansas continues to be a State rich with high-tech industry. Wichita is the aviation capital of the United States, producing approximately 50 percent of all U.S. general aviation. This industry needs aviation researchers, engineers, and skilled technicians. My home State is rapidly growing in the areas of bioscience, including drug discovery, new treatments for disease, food safety, animal health, and renewable energy. The Roberts Advisory Committee has recognized that while these industries are growing, they have a limited pool of talented employees to choose from.

Like many States, Kansas is facing a shortage of math and science teacher applicants. I agree with my advisory committee that global competitiveness lies with our younger generation. It is imperative that we provide them with an education from science and math teachers possessing a solid knowledge base and effective teaching skills. We also need to find ways to spark students' interests in math, science, and technology while they are in the early years of education. The America COMPETES Act addresses these needs by strengthening the skills of math and science teachers, creating partnerships between National Laboratories and high-need high schools, facilitating the expansion of advanced placement programs, and increasing the number of students who study foreign languages.

Additionally, the bill provides an increase in research investment by doubling the funding for the National Science Foundation, NSF. The grants distributed to States from the NSF are being used to conduct extraordinary research in every corner of the world.

My advisory committee supports the America COMPETES Act, and so do I. It is only through our commitment to the underlying goals of this bill that we will see success in building our competitive workforce.

Ms. MIKULSKI. Mr. President, I would like to thank my colleagues Senator JEFF BINGAMAN, Senator PETE DOMENICI, Senator LAMAR ALEXANDER, and Majority Leader HARRY REID for their efforts to move this issue. I am so proud of this great bipartisan team of 54 Senators working to pass this bill. I can't say enough about the appreciation that many of us in the Senate feel about my colleagues' initiation of the report, "Rising Above the Gathering Storm," which is the basis for this legislation, the America COMPETES Act.

America must remain an innovation economy. This legislation creates the building blocks that we need for a smarter America. Our Nation is in an amazing race—the race for discovery and new knowledge, the race to remain competitive and to foster an innovation society, to create new ideas that lead to new breakthroughs, new products, and new jobs, the innovations that have the power to save lives, create prosperity and protect the homeland, the innovation to make America safer, stronger, and smarter.

This legislation is called the America COMPETES Act or America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science. It is divided into three sections: research, education and innovation. It calls for getting new ideas by doubling Federal funding for research at the National Science Foundation and establishing the Innovation Acceleration Research Program to fund frontier research like testing new theories and using new research methods; getting the best minds with scholarships for future math and science teachers, including $10,000 scholarships from the National Science Foundation for undergraduate students majoring in math or science along with teacher certification; and establishing a President's Council on Innovation and Competitiveness to develop a comprehensive agenda to promote innovation and competitiveness in the public and private sectors.

Why is this so important? Because a country that doesn't innovate, stagnates. The whole foundation of American culture and economy is based on the concept of discovery and innovation. That is part of our culture. When you look at what has made America a superpower, it is our innovation and our technology. We have to look at where the new ideas are going to come from that are going to generate the new products and workforce for the 21st century.

I want America to win the Nobel Prizes and the markets. This legislation will help to set the framework. It will make sure that we're helping our young people with scholarships and helping our science teachers and those working in science with funding and research opportunities. We also are forming partnerships with the private sector and building an innovation-friendly Government.

The very essence of our culture is innovation and discovery. Remember we got here because someone wanted to discover. When Lewis and Clark set out on their expedition, it wasn't the National Geographic Society, to find a trail to the Pacific—it was called the Corps of Discovery. That is who we are. That is what our culture is, and that is what we need to maintain.

We are a nation of explorers and pioneers always searching for new frontiers. The next generation of pioneers, engineers, and scientists is out there. They will help us create jobs and win the markets. Most importantly, they will help us win the amazing race. I will use my position as chair of the subcommittee that funds science to make sure that there is money in the Federal checkbook to support these proposals, and I hope my colleagues will do the same.

Mr. HATCH. Mr. President, I have an amendment to S. 761, the America COMPETES Act. My amendment would allow competency-based institutions of higher learning to access grant programs which will help them train math, science, and critical foreign language teachers.

I applaud the goals of increasing the numbers of math, science, and critical foreign language teachers in our schools, including high-need schools. Our ability to compete as a nation is directly tied to our ability to educate our young people and retrain those who are in industries that are no longer viable.

We now have the finest system of higher education in the world. There is no doubt that if we provide the proper incentives, many brilliant innovators and educators will take up the clarion call.

I come before this body today to introduce my amendment because many of today's teachers are teaching an older generation of students. The U.S. economy is in a state of continual change, and with that change comes displacement of workers and a need to retrain and retool. These nontraditional students often receive their training from accredited schools who assess student development based on a student's ability to demonstrate competency in the material being taught. Under the bill as drafted, these competency-based universities would not be able to access the grant money for teacher development. My amendment would remove this bias and allow competency-based universities access to the teacher development grant money. This in turn will increase the teaching quality in math, science, and critical foreign language, thereby providing the students attending these universities with a better education.

Current bill language would prevent participation by well-respected and widely recognized institutions, such as Western Governors University, WGU. WGU was set up by over 19 Governors to provide innovation in higher education and is now training over 1,000 math and science teachers, the majority of whom are women and minorities. WGU's innovative approach to teacher education has proven very successful.

As we set about to ensure that our Nation has the needed highly qualified teachers in critical subject areas, we must make certain that these institutions are included in this legislation. Therefore, I ask my colleagues to join me in supporting this amendment.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. BROWN. Mr. President, recently we learned that the Ohio National Guard could face early redeployment. We learned the National Guard is being asked to train without the proper equipment. Our Guard will do the job well, General Wade and others in Ohio assure me, and their past history shows they will. Our Guard will do the job well regardless of the circumstances, but it is wrong to send them to Iraq with incomplete training, with inadequate equipment, with insufficient downtime.

The conference report released last night echoes what many of us in Congress and what so many military families across our great country have been saying: We need a new direction for Iraq.

Make no mistake, we take a back seat to no one in supporting the brave men and women fighting in Iraq, and we absolutely support their families. But more of the same is not a plan for our troops. More of the same, more involvement in this civil war, will not end the war in Iraq. This war has made our country, and our world, less safe. The Iraq war has cost 142 Ohioans their lives and wounded another 1,000.

GEN Colin Powell, talking about the President's surge, the President's escalation of this war, has said:

> I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.

Colin Powell, General Powell, recognizes this is a civil war, recognizes that the surge, the President's escalation will not result in a different outcome in Iraq.

Congress will continue, of course, to fight for our Nation's military by working to see that they have the resources and the support they need and the leadership they deserve. The conference report fully funds and fully supports our troops while establishing conditions that will bring our troops home. It provides desperately needed funding to the Veterans' Administration to help care for the hundreds of thousands of new veterans created by this war.

When we think of the carnage brought about by this war, when we think of the literally tens of thousands of men and women who serve this country and who are back from Iraq and who are in the Veterans' Administration health care system, we understand why we need from our Government literally a 50-year plan. What are we going to do for the next five decades for these injured men and women who have suffered psychological injury and physical injury? Yet this administration is not even funding our troops, the health care of our returning troops well this year, let alone planning into the future. This supplemental bill we will send to the President in the next few days begins the process of what we need to do to take care of the health and the welfare of these returning troops, these injured, psychologically and physically injured soldiers.

If the President won't take responsibility for his failures and lead our troops home, then Congress needs to and Congress will. We owe it to our soldiers, to our sailors, to our airmen and women and to our marines, and we owe it to their families.

The President should listen to military leaders and the American people and work with Congress to change course in Iraq instead of threatening vetoes. Vetoing this legislation would deny funding that our military needs in Iraq. It would deny funding our veterans desperately need who have returned home.

The President says there is too much pork, too much spending in this bill, as if every other supplemental bill that previous Republican Congresses, the House and Senate, have sent to the President every time with other supplemental emergency spending has not. Mr. President: Please read this bill. Don't dismiss it out of hand because you don't like some of the language about Iraq, even though it protects our soldiers, even though it takes care of our veterans, even though it does things such as spend $3 billion for the mine-resistant ambush-protected vehicles, vehicles that will make our troops considerably safer than the flat-bottomed vehicles where far too many of our troops have been killed or badly injured.

This supplemental bill we are sending to the President includes billions of dollars for BRAC, billions of dollars for military construction, the kind of work we need to do to make our military even more efficient, even more productive. It spends $1.6 billion for individual body armor, something the military and the civilian leadership in the White House and the civilian leadership in the Pentagon have fallen short on, providing the kind of body armor for our troops and the kind of up-armor for our humvee vehicles that is needed.

I ask again, Mr. President: Please read this bill before you decide what you are going to do, and then sign this bill. The VA would get $1.7 billion more than the VA proposal from the President, which was zero; it would have $39 million in polytrauma-related funding; it would have $10 million for blind veterans programs. It has $100 million for VA mental services. It has $25 million for prosthetics.

This legislation we are sending to the President—again we ask him to read it before making his decision instead of dismissing it out of hand—has all kinds of support for our troops, for their health care, for their supplies, for supplying them in the field. It has way more money for our troops in Iraq, in Afghanistan, and for those troops returning home in our VA system, way more resources than the President has allowed in his budget.

The President has set our Nation on a path that leads nowhere. He did not listen to the voters last fall. He has not listened to the Iraq Study Group, the bipartisan panel of very distinguished Americans. He has not listened to many of the military advisers, free to speak freely, and he has not listened to the House and the Senate majorities about this legislation.

In addition, this legislation provides for help for mine safety. It provides for emergency spending for the LIHEAP program, for elderly indigent people who have had their heating or air-conditioning cut off because they simply can't afford to pay for their energy use at home. It has support for the pandemic flu. It has pandemic flu protections. As Senator STABENOW from Michigan said a few moments ago, it has a minimum wage increase, something this Senate or House has not done for 10 years.

Mr. President: Please read this bill before you decide whether you are going to sign it or veto it, and please listen again to General Powell, who said:

> I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.

We are on the wrong course in Iraq. If the President signs this bill, it will help us redeploy our troops more quickly out of Iraq in the most orderly and safest way possible. It will also equally and importantly provide for health care for our troops, for the tens of thousands of injured troops who have returned home from this war.

Mr. President, I yield the floor.

HONORING PROFESSOR CHERIF BASSIOUNI

Mr. DURBIN. Mr. President, I wish to honor an outstanding Illinoisan, Professor Cherif Bassiouni, a great legal mind, teacher, and humanitarian, and to congratulate him on his retirement.

For more than 40 years, Professor Bassiouni has made Chicago—and DePaul University—his home. At DePaul, he has made countless contributions to international law and legal education. He has also been a consistent advocate for the rule of law. His legacy at DePaul continues the legacy of his family. The Bassiouni family is widely known for their impact on the struggle for independence in Egypt almost one century ago.

Cherif's maternal and paternal grandparents were lawyers and leaders in the struggle for Egyptian independence. His paternal grandfather led the 1919 revolt against the British. Professor Bassiouni's early instruction was comprised of French Jesuit schooling, Muslim tutors, and European nannies. His upbringing encompassed the best of different societies and was a sign of great things to come. He was introduced to the charitable works of St. Vincent de Paul and since his youth, has been guided by St. Vincent's motto, "to serve God by serving the needs of man." He lived through some of the most dramatic moments in both Egyptian and American history; he was a solider during the 1956 war but then dissented against Nasser's regime and was placed under house arrest. Soon afterward he immigrated to the United States.

After finishing his law degree, Professor Bassiouni began his teaching career at the DePaul University College of Law in 1964, where he was able to link the experiences of his youth to the work of his adult life. He was steadfastly devoted to the advancement of human rights. He did pro bono work for clients involved in the civil rights movement that culminated in the 1967 Chicago riots and the 1968 Democratic National Convention protests. Ten years later he applied what he had learned to his native land, by advising President Anwar Sadat during the Camp David Peace Accords.

As a legal scholar, Professor Bassiouni's accomplishments are astounding. Several thousand judges and professors worldwide have studied under him. He is considered a world authority in the field of international criminal law. He cochaired the United Nations Committee of Experts that drafted the Convention Against Torture. He drafted this seminal document from his ninth floor office in the O'Malley Building of DePaul, right down the street from my office in Chicago.

At DePaul, Professor Bassiouni has left a lasting mark, perhaps most notably for his founding of the International Human Rights Law Institute. The IHRLI already has impacted generations of students and assisted people throughout the world.

Cherif Bassiouni has been a Nobel nominee and is a recipient of the Illinois Order of Lincoln—among many other honors. He was pivotal in the creation of the International Criminal Court. His has been a voice of reason and experience in complicated situations, including most recently his work as counsel to the Governments of Afghanistan and Iraq as they seek to establish rule of law. I hope he will continue to advise these wounded nations as they move towards peace and democracy.

I conclude by thanking Professor Bassiouni for his brilliant work and contributions not only to DePaul University but also to the lives and communities his work has helped shape. I commend him and his family and wish him an equally brilliant retirement.

IN MEMORY OF REPRESENTATIVE JUANITA MILLENDER-McDONALD

Mrs. BOXER. Mr. President, today I honor the memory of Representative Juanita Millender-McDonald, a kindhearted woman whose remarkable life touched so many of us.

Juanita was a loving mother, and a dedicated public servant who approached her work with an upbeat attitude and can-do spirit that was an inspiration to us all.

Her passing is a tragic loss for California, the 37th Congressional District she so ably represented, and the many Members of Congress with whom she has worked over the years.

Juanita's career broke through so many barriers for women and African Americans. Her rise as the first African American woman to chair a Congressional Committee was only the latest of many firsts in her career.

In her seven terms of service in the House of Representatives, she fought valiantly for the rights of women, for the security of our Nation, and for the protection of human rights across our Nation and the world.

Juanita's efforts to reach across the aisle made her one the most effective Members of Congress, but it was her bold initiatives that embodied the courage with which she followed her convictions.

In her first year in Congress, Juanita immediately demanded the attention of the nation when she brought then-CIA director John Deutsch to Watts to address a newspaper report that the CIA was using profits from domestic crack-cocaine sales to fund CIA-backed Contras in Nicaragua.

Juanita's commitment to the health of our communities has been profound, and her efforts addressed the needs not only of her constituents, but to the victims of disease around the world.

She led the charge to enact the Mother-to-Child HIV–AIDS Transmission Act that has become the foundation of President Bush's $15 billion African AIDS initiative. For nearly a decade, Juanita coordinated the annual AIDS Walk in her district to help continue to inform the community and raise awareness of this deadly disease.

During her tenure as the Ranking Member of the Committee on House Administration, Juanita fought to ensure that every ballot that is cast is counted, and that all of the citizens of our country would know their voting rights.

Juanita has been inspiring young women since the beginning of her career as an educator in California, when she served the Los Angeles Unified School District as a career counselor and edited Images, a state textbook which encouraged young women to pursue non-traditional careers.

As the Democratic Chair of the Congressional Caucus for Women's Issues, she sought to address the plight of women globally, brought together the women of Congress with the first female Supreme Court Justices to discuss issues important to women across the Nation, and sought recognition for the women in uniform who have served our country in times of war with the first annual Memorial Day Tribute to Women in the Military at the Arlington National Cemetery's Women's Memorial.

On so many issues, I have been fortunate enough to consider Juanita a valuable ally and friend, but I will especially miss her work as a leading voice on the House Transportation and Infrastructure Committee. As the Representative of a district with two of the busiest ports in the United States, Juanita was a passionate supporter of the effort to ensure that the movement of goods is safe, secure and efficient.

Through these past years, Juanita and I worked together to keep the C–17 production line from being mothballed by President Bush and furloughing hundreds of employees.

I know that Juanita's presence will be sorely missed by communities which she served so tirelessly. Today I send my sincere condolences to her husband James, her five children, her staff, and all those who knew and loved her. Together we will continue her important work.

ARMENIAN GENOCIDE

Mrs. FEINSTEIN. Mr. President, I rise today to commemorate the anniversary of the Armenian Genocide.

Ninety-two years ago today, on the night of April 24, 1915, the Ottoman government launched a series of raids in which hundreds of Armenian leaders and intellectuals were arrested and subsequently deported or killed. This event marked the beginning of a systematic campaign of murder, deportation, and forced starvation, during which as many as 1.5 million Armenians perished and 500,000 were exiled by the Ottoman government.

We are obliged to remember and speak about their suffering because silence about such atrocities plants the seed for another tragedy.

On the eve of the 1939 Nazi invasion of Poland, seeking to allay the fears of his aides, Adolf Hitler said: "Who, after all, speaks today of the annihilation of the Armenians?"

And today, the world is again witnessing genocide, one waged by a government against its own people, one involving mass murder, ethnic cleansing, and forced starvation. I am speaking, of course, about the genocide in Darfur.

Let there be no mistake. The ongoing genocide in Darfur, carried out by the Government of Sudan and its janjaweed militias, traces its roots to the silence and quiescence of the international community during previous episodes of genocide and ethnic cleansing, including the Armenian genocide.

By acknowledging and learning from the Armenian genocide, then, we become better positioned to prevent present and future atrocities.

Open discussion of the Armenian genocide serves another important purpose. It enables the descendants of those involved in the Armenian genocide—both perpetrators and victims—to mend the wounds that have not yet healed.

As recently as January of this year, a Turkish-Armenian journalist, Hrant Dink, was murdered because of his outspoken advocacy for Turkish recognition of the Armenian genocide. This incident serves as an important reminder that an open, informed, and tolerant discussion of the genocide is critical.

California is home to many of the descendants of the genocide's survivors, who immigrated to the United States and, over the course of a few decades, built strong and vibrant communities. Working closely with the Armenian-American community over my many years in public service, I know how alive and painful this issue continues to be for many Armenian Americans.

So I rise before you today and ask that you join me in acknowledging and commemorating the Armenian genocide. Together, let us send a strong message that such atrocities will never be accepted, regardless of when and where they take place.

And let us ensure that the legacy of the Armenian genocide is one of reconciliation and hope.

Mr. REED. Mr. President, today, on behalf of the Armenian population of Rhode Island, and Armenians around the world, I wish to recognize the 92nd anniversary of the Armenian genocide.

On April 24, 1915, nationalists in the Ottoman Empire rounded up, deported, and executed 200 Armenian community leaders, writers, thinkers, and professionals in Constantinople, present day Istanbul. Also on that day in Constantinople, 5,000 of the poorest Armenians were massacred in the streets and in their homes. These events sparked an 8-year campaign of tyranny that impacted the lives of every Armenian in Asia Minor. By 1923, an estimated 1.5 million Armenians were murdered, and another 500,000 were exiled.

The U.S. Ambassador to the Ottoman Empire, Henry Morganthau, Sr., unsuccessfully pleaded President Wilson for intervention. Unfortunately, the United States and the world tragically failed to intervene on behalf of the Armenian people. Ambassador Morganthau would later write in his memoir, "The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Today, as a proud supporter of S. Res 106, legislation officially recognizing the Armenian genocide, I urge the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the U.S. record relating to the Armenian genocide. Dr. Martin Luther King, Jr., stated over 50 years after the Armenian genocide that: "Injustice anywhere is a threat to justice everywhere . . . Whatever affects one directly, affects all indirectly." The time has come to officially recognize the Armenian genocide.

The United States is proud to have Armenia as an ally in the rebuilding and reconstruction of Iraq. For the past 4 years, Armenian soldiers have supported American and multinational force efforts in Iraq. As part of the Polish-led multinational division in south-central Iraq, Armenians have worked as truckdrivers, bomb detonators, and doctors. Armenia has proclaimed their fight by not allowing others to be left helpless as they were nearly a century ago.

We must study and remember the events of our past in order to be better citizens of tomorrow. In instances such as the Armenian genocide, I call on all nations, not just the United States, to educate their youth to stand against hatred and prejudice of others in order to deter future atrocities against humanity. We should be prepared to take a vigilant stand against similar atrocities, such as the current situation in Darfur, to not let history repeat itself.

We must honor the victims of the Armenian genocide by vowing to never allow the world to stand idle to atrocities against humanity again.

Menk panav chenk mornar. We will never forget.

Ms. KLOBUCHAR. Mr. President, I wish to add my voice to those asking that today, the 24th of April, 2007, be a day of reflection and remembrance for those Armenians who perished in the genocide that occurred between 1915 and 1923.

As many as one and a half million Armenians lost their lives during this systematic campaign of ethnic cleansing conducted in Turkey while the world was preoccupied by the First World War and its aftermath. That the major powers, including the United States, did not prevent or intervene at any point to stop this killing represents one of twentieth century's ugliest stains on humanity.

While today we all would like to believe that had world leaders been acutely aware of the atrocities occurring they would have acted to stop them, recent episodes make a clear that we as a people continue to struggle with the obligation to speak out when our neighbor's blood is shed. In Bosnia, Rwanda, and right now in Darfur, the world has stood by while hundreds of thousands of innocent civilians are slaughtered. Any action on the part of the international community has been too little and far too late.

Because I believe we cannot prevent future genocide unless we recognize past genocide, I am a sponsor of Senate Resolution 106, which calls upon the President to ensure that this Nation's foreign policy reflects appropriate understanding and sensitivity concerning human rights, ethnic cleansing, and genocide documented in the U.S. record relating to the Armenian genocide.

I join many of my colleagues today in urging the Senate to pass this resolution.

Turkey is good friend of the United States and a critical ally in the fight against terrorist networks. I hope that the ties that bind our two nations only grow closer in the coming years, as we continue to work through NATO to ensure cooperative security. And I will join my colleagues in pressing for Turkey's admittance to the European Union.

However, I believe that the Armenian genocide must be acknowledged.

Today, the 92nd anniversary commemorating this incident, we pause to pay tribute to those who died and renew our commitment to ensuring that similar atrocities never again occur.

DEFENSE AUTHORIZATION ACT

Mr. WARNER. Mr. President, I rise tonight to respond to those who have questioned the legislative history and intent of section 1076 of the fiscal year 2007 Defense Authorization Act, a provision dealing with the use of the Armed Forces and National Guard in major public emergencies.

This provision was the subject of a hearing today before the Senate Judiciary Committee.

I would like to outline that this provision was drafted jointly by the Senate Armed Services Committee in a bipartisan and transparent fashion, was approved unaninmously by the committee, and was printed on May 9, 2006 as part of the Senate report on this bill.

The provision was fully available in the public domain for review and debate for over 5 months prior to its final passage in the House and Senate, and approval by the President.

During the brief period today that I have had the opportunity to again review this legislation, I did not uncover any material that suggests there were any serious misgivings regarding this provision by Federal, State, or local officials.

I believe the committee's record speaks for itself. Attached below is an excerpt as put forth in the final conference report:

REPORT 109–702—CONFERENCE REPORT TO ACCOMPANY H.R. 5122

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007 (EXCERPT)

USE OF THE ARMED FORCES IN MAJOR PUBLIC EMERGENCIES (SEC. 1076)

The Senate amendment contained a provision (sec. 1042) that would amend chapter 15 of title 10, United States Code, the so-called 'Insurrection Act,' to clarify and update the statute, and to make corresponding changes toother provisions of law. Chapter 15 contains a collection of statutes dating to the 18th and 19th centuries that authorizes the use of the armed forces to put down insurrections, enforce Federal authority, and suppress conspiracies that interfere with the enforcement of Federal or State law.

The provision would amend section 333 of title 10, United States Code, to authorize the President, in any situation in which he determined that, as a result of a natural disaster, terrorist attack or incident, epidemic or other serious public health emergency, or other condition, domestic violence occurred to such an extent that the constituted authorities of the State are incapable of maintaining public order, and the violence obstructed the execution of the laws of the United States of impeded the course of justice thereunder, to use the armed forces, including the National Guard in Federal service, to restore public order and enforce the laws of the United States until the State authorities are again capable of maintaining order. The President is to notify Congress of his determination to exercise this authority as soon as possible and every 15 days thereafter as long as the authority is exercised.

The provision would also amend chapter 152 of title 10, United States Code, to authorize the President, in any situation in which he determines to exercise the authority set out above, to direct the Secretary of Defense to provide supplies, services, and equipment necessary for the immediate preservation of life and property. Such supplies, services, and equipment may be provided: (1) Only to the extent that the constituted authorities of the State are unable to provide them; (2) only until other departments and agencies of the United States charged with such responsibilities are able to provide them; and (3) only to the extent that their provision will not interfere with preparedness or ongoing operations. This authority is not subject to the provisions of section 403© of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b©).

The provision would further include a conforming amendment to section 12304© of title 10, United Stated Code, to remove a restriction on the use of the Presidential Selected Reserve call up authority in chapter 15 or natural disaster situations. The House bill contained no similar provision. The House recedes with an amendment that would modify the conforming amendment to section 12304© to provide that the Presidential Selected Reserve call up authority could be used in situations arising under chapter 15 and section 12406 of title 10, United States Code, as well as in situations set out in subsection (b) of section 12304.

HONORING OUR ARMED FORCES

TECHNICAL SERGEANT TIMOTHY WEINER, SENIOR AIRMAN DANIEL MILLER AND SENIOR AIRMAN ELIZABETH LONCKI

Mr. HATCH. Mr. President, today I pay tribute to three members of Hill Air Force Base's 75th Air Base Wing who, together, lost their lives in Iraq in performance of their duties. Tsgt Timothy Weiner of Tamarack, FL, SrA Daniel Miller of Galesburg, IL, and SrA Elizabeth Loncki of New Castle, DE, were killed while disarming an explosive device.

One of the core values of the Air Force is "Service Before Self." These airmen met this standard every day while disarming improvised explosive devices and destroying munitions to protect their fellow servicemen and the people of Iraq. All three knew the risks inherent in their assignment, but still chose to volunteer so that others may be safe.

Technical Sergeant Weiner was the youngest of four sons of Ken Weiner, a Korean war veteran, and Marcia Fenster. It should be noted that all the sons of the Weiner family have worn the uniform of their Nation. Technical Sergeant Weiner's mother said, "he was a unbelievable father and husband who could do a job that was rough and so demanding but was also a man who could show love and was not afraid to."

This was Sergeant Weiner's second tour in Iraq. His professionalism is best exemplified by the fact that, in a previous assignment, he was part of explosive ordnance disposal team that provided protection for the President. He is survived by his wife Debbie and son Jonathan. The technical sergeant had planned to retire within a couple of years and work with computers. Now our prayers go with his wife and son.

SrA Airman Daniel Miller was the oldest of six children of Daniel B. Miller and Robin Mahnesmith. He is remembered by his family and friends as a happy person, who loved football, enjoyed hunting and fishing and was a silent leader. His girlfriend Dana Sopher stated "the love he had for his family was just amazing." Senior Airman Miller knew of the risk of his job but still believed that you "just have to live life." Senior Airman Miller had hoped to work for a metropolitan bomb squad after he had completed his service with the Air Force. I know I join with all of my colleagues in praying for his family during these difficult times.

SrA Elizabeth Loncki was also the oldest child of Stephen and stepmother Christine Loncki, who still plans on sending cookies and baked goods to troops in Iraq. After learning of her death, one of her training instructors contacted Senior Airman Lonki's family and recounted that Elizabeth had excelled at her explosive ordnance disposal training class and was a valuable member of any team. Senior Airman Loncki planned on getting married after she returned from Iraq; her future fiance was to visit her parents shortly and ask permission for the senior airman's hand in marriage. He has since accompanied her home to her family. Again our prayers go to her family.

All three of these airmen were heroes in the truest sense of the word. They volunteered for one of the most dangerous jobs in our Nation's military and risked their lives every day. Their sacrifice was not in vain, their bravery in the face of danger is an example to us all. They met and exceeded the Air Force principle of "Service Before Self."

CAPTAIN BRIAN S. FREEMAN

Mr. President, I would like to take this opportunity to recognize the loss of CPT Brian S. Freeman whose mother, Kathleen Snyder, is a resident of Utah.

Captain Freeman died while performing his duties in Karbala, Iraq, where he was assigned to the 412th Civil Affairs Battalion, U.S. Army Reserve, based in Whitehall, OH.

Captain Freeman resided in Temecula, CA, with his wife Charlotte, a 3-year-old son, Gunnar, and a 3-month-old daughter, Ingrid. The captain had just returned to Iraq after a 2-week Christmas leave. Charlotte Freeman commented about that time, "We did all the family things packed into two weeks. It was wonderful. We had a picture perfect family and the two weeks were perfect."

The captain was a 1999 West Point graduate who, after returning home, planned to attend graduate school. He had already received an important letter of recommendation from the Governor of Karbala who wrote: "Freeman has assisted in forming a warmer relationship with the Army . . . I think Capt. Freeman genuinely cares about what happens to Karbala and its people."

For a member of a civil affairs unit, whose responsibility it is to assist the local population while developing and maintaining close relationships with indigenous government officials, I cannot think of any higher praise. Not surprisingly, Captain Freeman had been decorated with two Army commendation medals, two Army achievement medals, a national defense service medal and a global war on terrorism service medal. I also understand that he was a member of the Army's bobsledding team.

America has lost another decorated hero. Captain Freeman had hope to make a difference during his time in Iraq. I believe that anyone who looks at the life and actions of Captain Freeman will see that he more than achieved that goal.

Captain Freeman and his family will always be in my prayers.

ANNIVERSARY OF THE L'AMBIANCE PLAZA COLLAPSE

Mr. DODD. Mr. President, yesterday marked the 20th anniversary of a dark day in my State's history: The day the L'Ambiance Plaza towers collapsed in Bridgeport and took with them the lives of 28 Connecticut construction workers.

For millions of people in Connecticut, that day's images are still fresh; time can blunt their pain, but it can never erase them. We remember the shock: 16 stories of new apartments reduced with a roar, within seconds, to ruined concrete and steel. We remember the hundreds of volunteers who combed the wrecked piles for their friends. This is how one newspaper reported their remarkable endurance: "Physically and emotionally drained by a nightmarish task of seeking and sometimes finding the bodies of friends and loved ones, some of the volunteers have pushed themselves to exhaustion, working around the clock and then begging to go on working." We remember their frantic search for survivors, and the slow-dawning truth that there were none.

But above all, we remember 28 men who died too soon. They were union men from Bridgeport and Waterbury who poured concrete, laid pipe, and fixed steel. Not a single one of them went to work that morning expecting to die; but each knew the high risks of his trade, and willingly took them on to make a good living for his family.

We can clear rubble and rebuild towers, but not a single life can be replaced. If this tragedy can give us anything to be thankful for, it is the end of the dangerous lift-slab construction method that led to the collapse. We can and must demand the safest conditions for all workers, and do everything it takes to protect them. But try as we might, we will never be able to outlaw collapse, or regulate accidents, or legislate against tragedy.

We can only send our thanks to the men and women who risk themselves so we can lie down and wake up in safety and comfort. For those who died 20 years ago, we can pledge to keep their memories fresh. And today, we can repeat their names:

Michael Addona
Augustus Alman
Glenn Canning
Mario Colello
William Daddona
Francesco D'Addona
Donald Emanuel
Vincent Figliomeni
Herbert Goeldner
Terrance Gruber
John Hughes
Joesph Lowe
John Magnoli
Rocco Mancini
Richard McGill
Mario Musso
Nicholas Nardella
John Page
Guiseppe Paternostro
Antonio Perrugini
John Puskar Jr.
Anthony Rinaldi
Albert Ritz
Michael Russillo
Reginald Siewert
William Varga
Frank Visconti
Scott Ward

DARFUR

Mr. DODD. Mr. President, today I wish to talk about the ongoing genocide in Darfur, and this administration's inexcusable failure to do all it can to stop the violence there. We all understand the monumental challenge we face in ending the violence in Darfur, but this administration's behavior and recent statements on this issue suggest that it simply does not know when to stop talking and when to start acting. And all the while innocent people continue to needlessly die under our watch.

Last fall, the President's Special Envoy for Darfur, Andrew Natsios, announced that if the Sudanese Government did not accept a U.N.-African Union peacekeeping force by January 1, the administration would implement punitive measures as part of its Plan B.

Well here we are today. Over 100 days have passed since January 1. And what do we have to show for it? No U.N.-African Union peacekeeping force on the ground in Sudan. And no Plan B.

Meanwhile the death toll has risen. Over the course of the conflict, 200,000 people have been killed; 2.5 million displaced. Families and villages have been decimated; women and girls have been raped.

Fighting has infected Sudan's neighbors, leaving scores dead along the Sudan-Chad border. One U.N. official recently described the scene of dead bodies in the area as "shocking and apocalyptic."

So much death and destruction, 2½ years after this administration stated that genocide was indeed occurring in Darfur. More than 100 days after Mr. Natsios's deadline, the killings continue.

Earlier this month, Mr. Natsios testified before the Foreign Relations Committee on Darfur and Plan B. His testimony only deepened my concerns about the administration's Darfur paralysis.

When asked repeatedly by Senator MENENDEZ to answer yes or no as to whether genocide was occurring in Darfur, he did not answer yes. Instead his response was that the violence has abated in Darfur and that the rebel groups were also engaging in killings. His answer was incredibly disturbing to me and to other members of the committee.

Now I understand Mr. Natsios's desire to convey the complexity of the situation and the complicity of various parties on the ground, but the fact is that the primary party responsible for the killings is the Sudanese Government and its Janjaweed proxies. For Mr. Natsios to be unable to state that genocide is occurring in clear terms seems to me a classic example of missing the forest for the trees. It also raises a question of credibility. After all, how can this administration stop a genocide when its special envoy won't even fully acknowledge it?

Mr. Natsios also stated that although the President is supposedly angry about the situation in Darfur and has recently proposed certain sanctions, he has acceded to a request by U.N. Secretary-General Ban Ki-Moon to delay any implementation of Plan B for another two to four weeks to give the Secretary-General time to convince the Sudanese Government to accept a peacekeeping force.

Now 2 to 4 weeks may seem like nothing in the context of protracted and complex diplomatic negotiations, but this is no treaty that is being negotiated. There are lives at stake every day here and we just cannot afford to take a "wait and see" approach.

Recent reports suggest that the Sudanese Government has agreed to a hybrid force but based on its previous track record, I will believe it when I see some additional boots on the ground. In the meantime, a pause on the administration's part is simply unacceptable.

And so I believe that even as the modalities of a peacekeeping force, that may or may not materialize, are worked out, the administration must begin implementing certain elements of Plan B immediately. Not 4 weeks from now. Not 2 weeks from now. Immediately.

Select punitive measures as described by Mr. Natsios at the hearing include imposing personal sanctions on certain members of the rebel groups and the Sudanese Government; curbing the Sudanese Government's access to oil revenues; and increasing penalties on companies operating in Sudan.

There is nothing revolutionary about these measures. They were leaked to the public and have been under discussion for some weeks. The question in my mind is not so much about whether we should implement them but why haven't we already implemented them.

As chairman of the Banking Committee and a senior member of the Foreign Relations Committee, I am absolutely willing to work with the administration to put these measures into force and look forward to some clear answers from the administration on this.

Now let me be clear about what I mean in saying we should go ahead and implement elements of Plan B. I fully appreciate the sensitivities of our diplomatic efforts related to Darfur. I fully agree with the importance of working this issue through the U.N. in a multilateral manner. But if there are certain steps that the United States can take on its own account and indeed was supposed to take over 100 days ago to pressure the Sudanese Government, then what are we waiting for?

The time has come to delink certain elements of Plan B from our broader multilateral strategy to pressure Khartoum. The time has come to act where and when we can. This administration has shown no compulsion in acting unilaterally in the past. It did so by invading Iraq with disastrous consequence. Why does it continue to keep one foot on the side lines 4 years into this genocide when it not only has the ability but also the moral responsibility to act?

Moreover, we must not stop at implementing long overdue sanctions whose credibility has been called into question because they have yet to be implemented. We must also consider a more robust role for NATO forces, including their deployment to Sudan if the Sudanese Government continues to obstruct a hybrid peacekeeping force.

Even if the Sudanese Government consents to the U.N.-AU force, the United Nations may fail to muster the requisite troops within an acceptable period of time. In such a scenario, we should consider the deployment of an interim NATO force with U.S. participation. At a minimum, NATO forces, which already provide logistical support to the African Union mission, should enforce a no-fly zone in Darfur pursuant to U.N. Resolution 1591 to prevent military flights over Darfur.

Naturally, special attention will have to be paid in any operation to the security of refugee camps and aid workers but to those who say that military action will make things worse, I have only one thing to say: we are already at rock bottom.

The authorization of force is one of the most critical decisions a member of Congress has to make, especially if it entails sending our brave men and women into harm's way on the ground. U.S. participation however in any such action, even in a limited capacity, is critical to showing the world that America is not just about fighting the war against terrorism but also is willing to fight against injustice and mass murder. That we are prepared to fight for the principles of respect for human dignity and life, and not just talk about them.

In advocating certain measures outside the framework of the United Nations, I do not intend to dismiss the critical role that the U.N. and other countries can play. The fact is that the U.S. has limited leverage over Sudan and we need all the help we can get. We must work within the U.N. system, and also press other key countries that deal with Sudan such as India and China to do their part. China in particular has a crucial role to play in changing Khartoum's behavior.

But even as we assess the role and responsibilities of others, we must never forget our own. We must lead by example. Over the past few years, I have voted for legislation sanctioning the Government of Sudan. I have delivered floor statements and attended hearings on Darfur, where witness after witness has testified to the ongoing atrocities. I have sent letters to the Chinese, the Russians, the Arabs and others urging them to use their clout with Sudan.

Yet after all such actions and deliberations by members of this body and after all the punitive authorities granted to this administration, to see it temporizing and regressing to a point where we are debating whether genocide is even occurring is utterly unacceptable.

The time for action is now, not in a few weeks. We are at rock bottom and the administration needs to deliver on its threats and translate its rhetoric into action. We must do everything in our power to end the genocide in Darfur immediately.

DISCUSSING PRESSING ISSUES FACING THE NATION

Mr. KENNEDY. Mr. President, on April 27–29, more than 800 of the foremost scientists, humanists and leaders in business and public affairs will gather here in Washington when the Nation's two oldest learned societies—the American Academy of Arts and Sciences and the American Philosophical Society—meet jointly for the first time.

Both organizations predate the birth of the Nation, and among their founders were Benjamin Franklin, John Adams, James Bowdoin, and John Hancock.

The two organizations were established to help advance "useful knowledge" in the colonies by promoting enlightened leaders and an engaged citizenry, and they have remained faithful to their original missions to the present day. Their current membership includes more than 170 Nobel laureates and more than 50 Pulitzer Prize winners.

This joint meeting, entitled "The Public Good: Knowledge as the Foundation for a Democratic Society" will bring together academics and practitioners for a series of panel discussions, conversations and dinner programs on many of the most pressing issues facing the Nation.

Joining them for the unprecedented 2½-day meeting will be members of these congressionally chartered National Academies—the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine.

At the opening of their meeting next week, the presidents of all five organizations will issue a joint statement affirming the importance of knowledge as the foundation for sound policymaking for the public good, and I ask unanimous consent that their unprecedented joint statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KNOWLEDGE IN SERVICE TO THE PUBLIC GOOD

As America's oldest national learned societies, we trace our origins to the tumultuous periods in the Nation's history. The American Philosophical Society was founded by Benjamin Franklin in 1743, during a period of rapid growth and intellectual development in the American colonies. The American Academy of Arts and Sciences was founded by John Adams in 1780, in the midst of the Revolutionary War. The National Academy of Sciences (1863), the National Academy of Engineering (1964), and the Institute of Medicine (1970) were all established under legislation signed by President Abraham Lincoln during the Civil War.

Our founders shared a conviction that knowledge in service to the public good is an indispensable pillar of our Nation. We have remained committed to that vision over the centuries, because democracy requires freedom of inquiry, engaged and educated citizens, and a wise and responsive government.

Our societies, individually and collectively, represent leading thinkers and practitioners of the Nation. We honor excellence and use our unique convening powers to engage the expertise of our members in collaborative action. We actively create, preserve, support, and disseminate knowledge critical to the growth and well-being of our Nation.

Each generation must reaffirm and reinforce the founders' reverence for scholarship and knowledge as the cornerstones of progress and the building blocks of enduring institutions. We live in an age of instantaneous access to unimaginably rich sources of information, but truly useful information continues to depend on underlying research and basic knowledge.

The Academies assemble today not just to assert the importance of research and free inquiry in every field, but to give practical demonstration of their worth through reflection on topics that affect the workings of our society and that define the public good. A nation attentive to these values will long endure.

Signed by: Emilio Bizzi, President, American Academy of Arts and Sciences; Baruch S. Blumberg, President, American Philosophical Society; Ralph J. Cicerone, President, National Academy of Sciences; Harvey V. Fineberg, President, Institute of Medicine; Wm. A. Wulf, President, National Academy of Engineering.

NOTICE OF CHANGE IN TRANSIT SUBSIDY REGULATIONS

Mrs. FEINSTEIN. Mr. President, I wish to announce that in accordance with Title V of the Rules of Procedure of the Committee on Rules and Administration, the Committee has amended the "Public Transportation Subsidy Regulations." Based on the Committee's review of the regulations adopted on August 1, 1992, as amended, the following changes are effective April 24, 2007.

The regulations are amended by deleting and substituting as follows:

Sec. 2, substitute entire section for the following:

Sec. 2. Authority

The Federal Employees Clean Air Incentives Act (Pub.L. 103–172) allows Federal agencies to participate in state or local government transit programs that encourage employees to use public transportation. The Tax Reform Act of 1986, as amended by the Transportation Equity Act for 21st Century (Pub.L. 105-178) allows employers to give employees as a tax free "de minimis fringe benefit" transit fare media up to the maximum monthly amount authorized under section 132(f)(2)(A) of the Internal Revenue Code of 1986, as modified by the Internal Revenue System's published Revenue Procedures, and upon written authority of the Rules Committee.

Sec. 3, (e)

Delete "Pub. L. 101-509" and insert "Pub. L. 103–172".

Sec. 3, insert definition at end of Section

Insert the following definition at the end of the definition: "(f) Unique Identifier—A number or token, as approved by the Committee on Rules and Administration, designed to be used across all systems in the United States Senate to uniquely identify an individual's set of records within each of those systems."

Sec. 4, (a)

Delete "currently not to exceed $105 per month."

Sec. 4, (e)

Replace entire section with the following language: "(e) Any fare media purchased under this program may not be sold or exchanged, although exchanges of metro card media are permissible for transportation provided by Virginia Railway Express (VRE), the Maryland Transit Administration's (MARC's) train, or vanpools certified by Washington Metropolitan Area Transit Authority (WMATA)."

Sec. 7

Delete "social security number" and insert in its place "unique identifier."

Delete "(currently $105)".

Sec. 8, (A)

Delete "Pub. L. 101-509" and insert "Pub. L. 103–172".

Set forth below are the amended regulations which are effective April 24, 2007:

PUBLIC TRANSPORTATION SUBSIDY REGULATIONS

Sec. 1. Policy

It is the policy of the Senate to encourage employees to use public mass transportation in commuting to and from Senate offices.

Sec. 2. Authority

The Federal Employees Clean Air Incentives Act (Pub. L. 103-172) allows Federal agencies to participate in state or local government transit programs that encourage employees to use public transportation. The Tax Reform Act of 1986, as amended by the Transportation Equity Act for 21st Century (Pub. L. 105–178) allows employers to give employees as a tax free "de minimis fringe benefit" transit fare media up to the maximum monthly amount authorized under section 132(f)(2)(A) of the Internal Revenue Code of 1986, as modified by the Internal Revenue System's published Revenue Procedures, and upon written authority of the Rules Committee.

Sec. 3. Definitions

(a) Public Mass Transportation—A transportation system operated by a State or local government, e.g. bus or rail transit system.

(b) Fare Media—A ticket, pass, or other device, other than cash, used to pay for transportation on a public mass transit system.

(c) Office—Refers to a Senate employee's appointing authority, that is, the Senator, committee chairman, elected officer, or an official of the Senate who appointed the employee. For purposes of these regulations, an employee in the Office of the President pro tempore, Deputy President pro tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority shall be considered to be an employee, whose appointing authority is the Senator holding such position.

(d) Qualified Employee—An individual employed in a Senate office whose salary is disbursed by the Secretary of the Senate, whose salary is within the limit set by his or her appointing authority for participation in a transit program under these regulations, and who is not a member of a car pool or the holder of any Senate parking privilege.

(e) Qualified Program—Refers to the program of a public mass transportation system that encourages employees to use public transportation in accordance with the requirements of Pub. L. 103–172 whose participation in the Senate program in accordance with these regulations has been approved by the Committee on Rules and Administration.

(f) Unique Identifier—A number or token, as approved by the Committee on Rules and Administration, designed to be used across all systems in the United States Senate to uniquely identify an individual's set of records within each of those systems.

Sec. 4. Program Requirements

(a) Each office within the Senate is authorized to provide to qualified employees under its supervision a de minimis fringe employment benefit of transit fare media of a value not to exceed the amount authorized by statute.

(b) Each appointing authority may establish a salary limit for participation in this program by his or her employees. If such salary limit is established, all staff paid at or below that limit, and who meet the other criteria established in these regulations, must be permitted to participate in this program.

(c) For purposes of these regulations, an individual employed for a partial month in an office shall be considered employed for the full month in that office.

(d) The fare media purchased by participating offices under this program shall only be used by qualified employees for travel to and from their official duty station.

(e) Any fare media purchased under this program may not be sold or exchanged, although exchanges of Metro Card Media for transportation provided by Virginia Railway Express (VRE), the Maryland Transit Administration's MARC trains, or vanpools certified by Washington Metropolitan Area Transit Authority (WMATA).

(f) In addition to any criminal liability, any person misusing, selling, exchanging or obtaining or using a fare media in violation of these regulations shall be required to reimburse the office for the full amount of the fare media involved and may be disqualified from further participation in this program.

Sec. 5. Office Administration of Program

Each office electing to participate in this program shall be responsible for its administration in accordance with these regulations, shall designate an individual to manage its program, and may adopt rules for its participation consistent with these regulations.

An employee who wishes to participate in this program shall make application with his or her office on a form which shall include a certification that such person is not a member of a motor pool, does not have any Senate parking privilege (or has relinquished same as a condition of participation), will use the fare media personally for traveling to and from his or her duty station, and will not exchange or sell the fare media provided under this program. The application shall include the following statement:

This certification concerns a matter within the jurisdiction of an agency of the United States and making a false, fictitious, or fraudulent certification may render the maker subject to criminal prosecution under 18 U.S.C. 1001.

Safekeeping and distribution of fare media purchased for an office is the responsibility of the program manager in that office. Participating offices may not refund or replace any damaged, misplaced, lost, or stolen fare media.

Sec. 6. Senate Stationery Room Responsibilities

The only program currently available in the Washington, DC metropolitan area at this time is "Metro Pool," a program established through Metro by the District of Columbia. Transit benefits will be provided through Metro Pool for participating offices in the Washington, DC area. The Committee on Rules and Administration shall enter into an agreement with Metro Pool for purchase of fare media by the Senate Stationery Room as required by participating offices on a monthly basis. A participating office shall purchase the fare media with its authorized appropriated funds from the Senate Stationery Room through its stationery account pursuant to 2 U.S.C.§119.

Each office shall present to the Senate Stationery Room [two copies of] the certification referred to in section 7 of these regulations. A new certification shall be submitted when an employee is added to or deleted from the program. The Stationery Room shall make available to the Senate Rules Committee Audit Section a monthly summary of office participation in this program. In addition, the Stationery Room may not refund or replace any damaged, misplaced, lost, or stolen fare media that has been purchased through the office's stationery account.

Sec. 7. Certification

The certification required by section 6 shall be approved by the appointing authority and shall include the name, and unique identifier of each participating employee within that office, and the following statements:

(a) Each person included on the list is currently a qualified employee as defined in Section 3.

(b) No person included on the list has any current Senate parking privilege and that no parking privileges will be restored to any person on the list during the period for which the fare media is purchased.

(c) That each month's fare media for each participating employee does not exceed the maximum dollar amount specified in statute.

Sec. 8. Other Participating Programs

Section 6 provides for procedures for participation by Washington offices in the Metro Pool program established through Metro by the District of Columbia. Additional programs in the Washington, DC metropolitan area, or programs offered in other locations where Members have offices that meet the requirements of the law and these regulations, may be used for qualified employees, subject to the following requirements:

(A) Authorization

The public transit system shall submit information to the Committee on Rules and Administration that it participates in an established state or local government program to encourage the use of public transportation for employees in accordance with the provisions of Pub. L. 103–172 and these regulations. If the program meets the requirements of the statute and these regulations and is approved by the Committee on Rules and Administration, any Senate office served by such transit system may provide benefits to its employees pursuant to these regulations.

(B) Procedures

(1) A qualified program operating in the Washington, DC metropolitan area that permits purchase arrangements similar to those provided by the Metro Pool program shall participate in the Senate program in accordance with the procedures set forth in Section 6.

(2) A qualified program operating in the Washington, DC metropolitan area that does not have purchase arrangements similar to Metro Pool, or a qualified program located outside that metropolitan area, that permits purchases directly by an office, may make arrangements for purchase of media directly with a participating office. Such an office may provide for direct payment to that system and shall submit the certification in accordance with Section 7.

(3) In the case of a qualified program that does not permit purchase arrangements as provided in paragraphs (1) or (2) above, an office may provide for reimbursement to a qualified employee and shall submit a certification in accordance with Section 7.

(C) Documentation

The following documentation must accompany a voucher submitted under paragraph 8(B)(2) or (3):

(1) A copy of the Rules Committee approval, in accordance with section 8(A), with the first voucher submitted for that transit program, provided subsequent vouchers identify the transit program.

(2) The certification.

(3) Proof of purchase of the fare media.

(D) Voucher Guidance

In the case of a Senator's state office, reimbursement for payment to either a qualified transit system, or a qualified employee shall be from the Senators' Official Personnel and Office Expense Account (SOP&OEA) as a home state office expense on a seven part voucher. In the Washington, DC metropolitan area, reimbursement for payment to either a qualified transit system, or a qualified employee shall be as follows:

1. In the case of a Senator's office from the SOP&OEA as an "other official expense" (discretionary expense).

2. In the case of a Senate committee or administrative office as an "Other" expense.

Sec. 9. Special Circumstances

Any circumstances not covered under these regulations shall be considered on application to the Committee on Rules and Administration.

Sec. 10. Effective Date

These regulations shall take effect on the first day of the month following date of approval.

THE STATE OF SMALL BUSINESS MANUFACTURING

Ms. SNOWE. Mr. President, today I commemorate National Small Business Week, which President Bush designated for April 22–28, 2007. As ranking Member of the Senate Committee on Small Business and Entrepreneurship, I have made it one of my top priorities to champion our Nation's small businesses and manufacturers and promote their needs and concerns. Our top job creators deserve nothing less. The fact is, small businesses are the driving force behind our Nation's economic growth, creating nearly three-quarters of all net new jobs and employing nearly 51 percent of the private sector workforce. It is essential that we in Congress continue to support small businesses ability to grow and expand so our economy can accelerate forward and create more jobs.

I can tell you, there is no higher priority for me than bolstering the state of our Nation's small manufacturers. In Maine, more than 20,700 manufacturing jobs disappeared between August 2000 and August 2006. We here in Congress cannot accept any more losses as a foregone conclusion. This vital sector continues to face tremendous challenges—taking on a significant level of domestic costs that foreign competitors do not, including labor costs, fuel costs, and the regulatory and tax burden. Sadly, as a result, many manufacturers are forced to close their doors or outsource abroad.

The reality is, the manufacturing sector, more than any other sector, drives our Nation's economy—with manufacturers responsible for more than 70 percent of private sector research and manufacturing goods making up over 60 percent of U.S. exports. There is no coincidence that this is a value added industry.

I believe that we can and must fight for our Nation's manufacturers especially when you consider the manufacturing industries pay wages that are about one-third higher than average wages. And that is all the more true for small business when they have resources available that have proven their value, including the SBA which has helped to create or retain over 5.3 million jobs since 1999. And just last year, the manufacturing extension partnership's, MEP's, services helped to create and retain over 35,000 jobs and increase revenue by $6.25 billion. We must work hand-in-glove with Small Business Administration, SBA, and MEP to bolster our manufacturing base to ensure not only that resources are available to those who wanted to either maintain, grow, or start small businesses.

That is why I introduced an amendment today to the America COMPETES Act that clarifies the MEP non-Federal cost share language to enable the MEP centers to draw down all of their available funding and further enhance their capability and capacity to work with manufacturers.

This amendment clarifies the intent of Congress when it first enacted the statute authorizing the Manufacturing Extension Partnership Program, now known as the Hollings Manufacturing Partnership Program, to provide Federal assistance to manufacturers in the United States.

A key concept in the program is the requirement that each center obtain 50 percent of its capital and annual operating and maintenance costs from sources other than the Federal Government. The National Institute of Standards and Technology, NIST, officials have, in the past, properly considered cost share requirements to have been met when centers partnered or entered into other agreements with other organizations meeting the needs of American manufacturers.

This amendment clarifies and reemphasizes that such agreements and partnerships, and the money spent by those organizations assisting American manufacturers, clearly are to be considered proper cost share as long as the partnering organization is meeting the programmatic objectives for assistance to be provided to American manufacturers as set forth for the Hollings Manufacturing Partnership Program. By teaming with such organizations, as encouraged by the original statute, the centers can and do leverage their Federal resources and avoid duplicating services necessary for the successful operation of American manufacturers. With the right resources, many more small manufacturers will be eligible to use this program to help grow their business.

We cannot ignore the effect that countries like China are having on our Nation's manufacturers. In order to compete fairly in this increasingly competitive global market we must ensure that currencies are not strategically manipulated. That is why I will continue to work with the President and those in Congress to ensure that our Nation gets tough with China on those important issues. I continue to pressure the Treasury Department and the U.S. Trade Representative to also work toward that goal China to move toward a market-based exchange rate.

The bottom line is, our country's future will be determined by today's small businesses. The faster we strengthen and sustain our Nation's small manufacturers, the more quickly America's economy will grow.

VETERANS HONOR FLIGHT

Mr. DORGAN. Mr. President, North Dakota has long maintained strong ties with our Nation's military.

My State is home to two Air Force bases and the Nation's best Air National Guard unit. More of our young people volunteer to serve their country in the military than nearly any other State.

In North Dakota, our commitment to our troops does not end when we welcome them home from war. We also have a strong tradition of honoring our veterans. In fact, when I started a North Dakota Veterans History Project 5 years ago to record the stories of our veterans for future generations, the outpouring of interest resulted in more than 1,500 interviews.

So I did not find it surprising that when the WDAY television station based in Fargo, ND, organized an "Honor Flight" to bring veterans of World War II to Washington, D.C., it had an overabundance of donors and too few seats to accommodate all the veterans. But WDAY has chartered a flight to Washington next month and will bring 100 veterans of World War II to see the memorial on our National Mall that was built in their honor. My colleagues, Senator CONRAD and Congressman POMEROY, and I will host a reception for them in the historic Russell Caucus Room.

I can't think of a better way to pay tribute to these heroes than this trip to our Nation's Capital. Many of them will visit for the first time the World War II Memorial that is a powerful symbol of the sacrifice they made for the safety and freedom of our country and the world.

This is a group of Americans who were appropriately labeled "the greatest generation" by Tom Brokaw. I remember reading his book some years ago and marveling again at the dedication those young men, and some young women, expressed to this country. They dedicated their lives to defeating the fascism and Nazism that threatened the peace and prosperity of the world. They kept the free world free. Many paid for it with the ultimate sacrifice—their lives.

Several years ago, I was reminded just how important their sacrifice was when I was part of a congressional delegation involved in discussions with members of the European Parliament. We had been discussing some differences between the United States and the Europeans for some time. It was at this point that a European delegate stopped me and said, "Mr. Senator, I want you to understand how I feel about your country."

He said, "In 1944, I was 14 years old and standing on a street corner in Paris, France, when the U.S. Liberation Army marched in and freed my country from the Nazis."

He said, "A young American soldier reached out his hand and gave that 14-year-old boy an apple. I will go to my grave remembering that moment. You should understand what your country means to me, to us, to my country."

To me, this man's story is a testament to the respect and admiration people around the world feel for our country. And this is because the "greatest generation"—those same men and women who will visit Washington next month—were willing to leave their homes so many years ago and travel around the world to fight an enemy that threatened our freedom. They did it without complaint and without question. They loved their country.

There is a verse that goes, "When the night is full of knives, and the lightning is seen, and the drums are heard, the patriots are always there, ready to fight and ready to die, if necessary, for freedom."

The men and women who will travel to Washington next month are patriots who answered when duty called. The Honor Flight is an expression of our thanks for the sacrifice they made that is too large to ever fully repay.

ANNOUNCING THE BIRTH OF ROBERT RILEY LUGAR

Mr. LUGAR. Mr. President, Char and I want to share with all of our colleagues and friends the joyous news of the birth of Robert Riley Lugar on April 16, 2007, at Sibley Memorial Hospital in Washington, DC. Robert Riley was a healthy 8 pounds at birth. His parents are our son, John Hoereth Lugar, and his wife, Kelly Smith Lugar, daughter of Renee Routon Conner and the late Robert Lee Smith. Robert Riley was born at 6:21 p.m., and within the next hour, Renee, Char, and I were in the delivery room to admire a very healthy newborn baby boy and to congratulate John and Kelly as we shared these unforgettable moments together. Robert Riley joins his big brothers Preston Charles and Griffin Mack.

Kelly and John were married on November 3, 2001, in the Washington Cathedral with Dr. Lloyd Ogilvie, former Chaplain of the Senate, presiding. They and their families and guests had enjoyed a rehearsal dinner in the Mansfield Room of the Capitol on the night before the wedding. Kelly worked with many of our colleagues during her service to the administration of President George Bush and our former colleague, Secretary of Energy Spencer Abraham, as Deputy Assistant Secretary with responsibilities for congressional relations. She now has a private consulting business. A graduate of the University of Texas, she was once a member of the staff of Congressman RALPH HALL of Texas. John Lugar came with us to Washington, along with his three brothers, 30 years ago. He graduated from Langley High School in McLean, VA, Indiana University, and received his master's of business administration degree from Arizona State University. He is currently a vice president with Jones Lang LaSalle, a commercial real estate services and investment management firm.

We know that you will understand our excitement and our gratitude that they and we have been given divine blessing and responsibility for a glorious new chapter in our lives.

100TH ANNIVERSARY OF LENEXA, KANSAS

Mr. ROBERTS. Mr. President, I wish to honor the city of Lenexa, KS. On May 8, Lenexa, which is known as the City of Festivals for the numerous festivals and events it hosts each year, will mark its 100th anniversary. This grand event will be part of a weeklong community celebration of history and culture.

Lenexa was platted in 1869 by French-born civil engineer Octave Chanute, who, in addition to designing the original Hannibal Bridge over the Missouri River in Kansas City, also served as a mentor to the Wright Brothers in their quest for flight.

Lenexa was named for Na Nex Se, a highly respected, hard-working Shawnee Indian woman, the daughter-in-law of Chief Black Hoof. Thirty-eight years later, on May 8, 1907, Lenexa was incorporated as a City of the 3rd Class.

In Lenexa's earliest days, people from various backgrounds and cultures came together to form this great city. With a population of approximately 300, the young community boasted a healthful location, graded schools, three churches, suburban train service, excellent telephone service, and an electric railway station.

Today, Lenexa has grown to a population of 46,000 residents and enjoys a healthy business base and is considered a city of choice for a variety of high-tech and bioscience companies. The city also is looked to as a leader in local government initiatives, including watershed management and public safety.

Lenexa cherishes its rich history, heritage and culture, and with this celebration marking the city's 100th anniversary, Lenexa honors its past while looking forward to the future. I congratulate Lenexa and its residents, and I wish them an outstanding second hundred years.

ADDITIONAL STATEMENTS

IN RECOGNITION OF BISHOP ARETHA E. MORTON

• Mr. BIDEN. Mr. President, I wish to honor one of the great inspirations to the young people of my hometown, Bishop Aretha E. Morton, who will be retiring this week from the Tabernacle Full Gospel Baptist Cathedral in Wilmington.

On this day, 48 years ago, she preached her trial sermon; 24 years later she was ordained, becoming the first woman to pastor a Baptist Church in Delaware. She has now served longer than any pastor in her church's almost 90-year history.

She also made history in 1993 by becoming the first woman, and the first African-American, to be a chaplain for the Wilmington Fire Department.

Around Wilmington, where everyone knows Bishop Morton, she is affectionately called "Mother"—and for good reason. She has spent her career reaching out to my city's youth, inspiring students to achieve and offering something that those in trouble don't have enough of—hope.

For all of us in this Chamber, she is an example of what the country needs more of right now, someone with a lot of love in her heart, who teaches tolerance and respect.

I wish Bishop Morton the very best and hope that she has more time to spend with her children, Lorraine Gaskins and Dr. Donald Morton, seven grandchildren, and eight great-grandchildren.•

COMMENDING THOMAS AND JOAN BURNS

• Mr. BOND. Mr. President, for over 50 years, Thomas W. Burns, MD, and Joan F. Burns have served the University of Missouri-Columbia with great distinction. To honor this service, on April 27, 2007, the university will dedicate the Thomas W. and Joan F. Burns Center for Diabetes and Cardiovascular Research at the University of Missouri-Columbia School of Medicine.

Thomas W. Burns was one of the founding faculty members of MU's medical center, which opened in 1956 and graduated its first class of physicians in 1957. Since then, hundreds of physicians who trained under him have gone on to lead distinguished careers in medical care, education and research. MU's medical center has treated hundreds of thousands of patients from Missouri and beyond.

Dr. Burns has been a pioneer in endocrinology and contributed greatly to MU's national reputation in diabetes care, prevention, and research. Dr. Burns was a key architect in establishing MU's Cosmopolitan International Diabetes and Endocrinology Center and for many years served as the center's founding director. The Cosmopolitan International Diabetes and Endocrinology Center established by Dr. Burns was the first public-private partnership at MU. Thousands of patients have received state-of-the-art care in Mid-Missouri as a result of Thomas W. Burns' tremendous contributions to medicine.

Dr. Burns has received numerous awards from community, State and national organizations. The American College of Physicians, the largest internal medicine organization in the country, bestowed on him the title of "Master," which is the ACP's highest academic honor, and presented him with the Laureate Award. Dr. Burns also received the University of Missouri Faculty-Alumni Award in 1986 and the University of Missouri Distinguished Faculty Award in 1992.

Thomas and Joan Burns are leaders in recognizing that diabetes and cardiovascular disease are linked and that together the diseases constitute one of the most pressing health problems for Missouri and the Nation. Their contribution and legacy will allow MU to make potentially lifesaving advances in diabetes and cardiovascular research.•

CONGRATULATING THE UNIVERSITY OF WISCONSIN-MADISON MEN'S INDOOR TRACK AND FIELD TEAM

• Mr. FEINGOLD. Mr. President, I congratulate the University of Wisconsin men's track and field team for winning the 43rd annual National Collegiate Athletic Association, NCAA, Indoor Track and Field Championship. As a proud alumnus, I enjoy the many opportunities to tout the success of the Badgers to my colleagues.

With their win on March 10, 2007, the Wisconsin men's track team became the first-ever Big Ten Conference school to win the NCAA Division I Indoor Track and Field Championship. Earlier in the season, the Badgers earned their seventh consecutive Big 10 championship by defeating the University of Minnesota by 27 points on February 24, 2007.

I sincerely congratulate Coach Ed Nuttycombe and Assistant Coaches Jerry Schumacher and Mark Guthrie for their dedication and hard work throughout the season. Congratulations to senior Chris Solinsky, who rewrote the record book in Wisconsin as a high school runner, on winning his fourth individual NCAA title, placing first in the 5,000-meter race.

The athletic prowess of the University of Wisconsin is a source of pride throughout my State and for alumni everywhere. I applaud the men's track and field team for its impressive accomplishment and wish it best of luck for a successful future.•

COMMENDING TALMADGE KING, JR., MD

• Mrs. FEINSTEIN. Mr. President, I offer my personal congratulations to Talmadge E. King, Jr., MD, for receiving the Edward Livingston Trudeau Medal from the American Thoracic Society. The award recognizes Dr. King for his lifelong commitment to the prevention, diagnosis, and treatment of lung disease.

Throughout his career, Dr. King has made significant contributions to pulmonary medicine in patient care, research, specialty organization, and through his generous philanthropic contributions.

Dr. King began his illustrious career after graduating from Gustavus Adolphus College in 1970 and Harvard Medical School in 1974. Following his graduation from Harvard Medical School, he began his residency at Emory University Affiliated Hospitals in Atlanta, GA. After 2 years of residency at Emory, Dr. King was offered a pulmonary fellowship at the University of Colorado Health Sciences Center, Denver. Here he also held a professorship in medicine at the University of Colorado Health Sciences Center.

Over the next decade, Dr. King spent time at two other Denver hospitals, the

Veterans Administration Medical Center and the National Jewish Center for Immunology and Respiratory Medicine. In both of these capacities his talents as a doctor and as an administrator were quickly recognized and he rapidly advanced within both organizations.

By 1997, however, he was ready to bring his considerable talents to the Golden State—and we were happy to have him. Dr. King left Denver to take on two new roles in San Francisco, concurrently serving as the vice chairman of the Department of Medicine at the University of California, San Francisco and as the chief of medical services at San Francisco General Hospital. As chief of medical service at San Francisco General Hospital, he leads a department of over 140 full-time physicians and scientists and more than 500 support staff, with an annual budget of over $65 million.

Currently, Dr. King still serves as the chief of medical services at San Francisco General, and since 2005, he has also served as the interim chairman of the Department of Medicine at the University of California San Francisco.

Dr. King is also a founding board member of the Foundation of the American Thoracic Society, the philanthropic arm of the American Thoracic Society. In this role, Dr. King has been an exemplary contributor and tireless fundraiser to support domestic and international research to find better treatments for the myriad of lung diseases that afflict individuals around the globe.

Of course, no congratulations would be complete without mentioning the contributions of his wife Mozelle Davis King and his two children Consuelo and Malaika who have been there every step of the way and provided him with steadfast love and support.

Again, I congratulate Dr. King on this great achievement and wish him continued success in the years to come. It is truly a pleasure to honor and thank him for all that he has done for patients across the country.●

BATAAN DEATH MARCH SURVIVOR

● Mr. HAGEL. Mr. President, this is an article from the April 20, 2007, Omaha World Herald, "Bataan Death March Survivor Still Beating Odds at 101" by Joseph Morton:

> When Albert Brown returned home after years in Japanese camps for prisoners of war, a doctor told him to get out and enjoy life while he still could.
>
> The native of North Platte, Neb., was unlikely to see 50, the doctor told him, given the illnesses, extreme malnutrition and physical abuse he suffered as a POW.
>
> Brown is 101 now—the oldest living survivor of the Bataan Death March.
>
> He was recognized by fellow survivors at a Washington conference this week that coincided with the 65th anniversary of the march.
>
> During the trip, Brown visited with a fellow veteran from North Platte, Sen. Chuck Hagel, R-Neb. He sat in Hagel's Capitol Hill office, spinning some of the tales he's racked up over an eventful life.
>
> His darkest stories come from the war.
>
> In the late 1930s, Brown—who had been in ROTC in high school and college—got the call from Uncle Sam. He was to leave his Council Bluffs dental practice and report to the Army in two weeks.
>
> In 1941, when he was 35, Brown was shipped off to the Philippines, not long before the Japanese attacked there. Out of supplies and with no reinforcements in sight, American forces and their Filipino allies surrendered after months of fighting in 1942.
>
> The exact numbers vary somewhat from account to account, but more than 70,000 American and Filipino soldiers were captured. Overwhelmed with the task of transporting so many prisoners, the Japanese forced them to march north. Disease, thirst, hunger and killings marked the brutal ordeal, which lasted for days.
>
> Brown recalled being lined up and forced to march with no food and no water. He said local civilians would approach and attempt to throw food to the marchers.
>
> "The Japanese would beat the hell out of them," he said. "They'd go over there and take the butt of their rifle and just beat the hell out of those people, girls and boys, that threw stuff in there."
>
> Brown also witnessed the beheading of a 17-year-old Marine, who was forced to the ground "on his hands and knees, and then they took the samurai sword out and severed his head."
>
> Brown himself was stabbed.
>
> "I started faltering and got to the back of the pack, and then the Japanese (soldier) came up and stuck a bayonet in my fanny and he yelled 'Speed-o!,' and I knew what 'speed-o' meant. I never was at the back of the pack after that."
>
> At the prison camps in the Philippines, the violence and the shortages of food, medicine and water continued. Brown recalled how the temperature soared while the tens of thousands of men in camp relied on a single brass faucet for water. Fights would break out over places in line for that spigot, he said.
>
> "Every drop in that canteen was your life."
>
> Later, Brown was one of the soldiers packed into a "hell ship" to camps in Japan and China. He remained a prisoner until the end of the war.
>
> He suffered numerous health problems as a result of his captivity, even losing his eyesight for a time.
>
> Brown's memories also wind their way back to his childhood in North Platte. His father, an engineer with Union Pacific Railroad, was killed when a locomotive exploded in 1910.
>
> The family lived a couple of blocks from William F. "Buffalo Bill" Cody. Brown said his family became friends with the former Wild West hero, whom he described as a quiet man who liked to sit on their porch. As a child, Brown recalled, he would sit on Cody's lap and run a hand through his beard.
>
> "I don't know whether he liked that or not. Anyway, I kept doing it."
>
> The family later moved to Council Bluffs, where Brown attended high school. He went to Creighton University's dental school.
>
> He was quarterback of Creighton's football team and played as a forward on the basketball team. He received a medallion during the school's centennial celebration in 2005.
>
> In the years after the war, Brown moved to Hollywood, where he met a number of movie stars, including John Wayne. He said he used to play handball with one of Wayne's sons.
>
> Brown has retained his sense of humor and likes to throw a sly wink in with many of his jokes. He kidded that, during his trip to the East Coast, he had yet to find a girl to take back to Illinois, where he now lives with his daughter.
>
> "I don't tell the girls I'm 102," he said, projecting his age to the milestone he'll hit later this year.
>
> What's left for Brown to do? He suggested to Hagel that perhaps he could be a U.S. senator.
>
> "We should make you a senator, and maybe we'd get some things done up here," Hagel replied.●

CONGRATULATING LANCE MACKEY

● Ms. MURKOWSKI. Mr. President, I wish to congratulate Lance Mackey for being the first dog musher to win the Iditarod Sled Dog Race and the Yukon Quest Sled Dog Race—the world's two longest sled dog races—in the same year. He won both races earlier this year.

For those who are not familiar with both races, this is an incredible accomplishment. To put his feat into perspective, Lance Mackey and his dogs traveled a total distance that is equal to traveling between Boston, MA and Salt Lake City, UT.

The Yukon Quest Sled Dog race is a 1,000-mile annual international sled dog race between Whitehorse, Canada, and Fairbanks, AK. The trail follows a portion of the Yukon River and trails used by gold prospectors over 100 years ago. On February 20, 2007, in Fairbanks, he completed this sled dog race in a record time of 10 days, 2 hours, and 37 minutes.

Only 12 days after winning the Yukon Quest, Lance and 13 of his 16 dogs that completed the Yukon Quest race started the Iditarod Sled Dog Race. This race starts in Willow, AK and ends in Nome, AK, and is 1,100 miles long. The Iditarod trail originally started out as a supply route to numerous remote Alaska communities, including Nome. On March 13, 2007, Lance Mackey and his team completed this race in 9 days, 5 hours and 8 minutes.

Both of these races travel through numerous small, rural Alaska villages but most of the trails pass through nothing but pure wilderness. Lance and his fellow mushers had to race through blizzards, temperatures as low as 40 degrees below zero, wind gusts up to 60 miles per hour, water overflows from partially frozen rivers and very rough terrain. Accidents due to terrain, trail conditions and other factors are not unusual. Occasionally, a moose will attack dog teams and mushers. Of course, these elements add additional challenges to these already arduous races. In fact, 21 mushers "scratched"—or withdrew—from the Iditarod this year.

As a throat cancer survivor, Lance has to always drink water after eating since his salivary glands were removed during cancer treatment. However, Lance Mackey continued to pursue victory and almost entirely shunned food and drink for the last 219 miles of the Iditarod in order to save time. In addition to that, he suffered from frostbite as he made his way to the finish line.

The conventional wisdom is that the same musher could not win both sled dog races in the same year. This year, Lance Mackey proved everyone wrong. We are proud of Lance and his dog team for this unprecedented achievement. Once again, I congratulate Lance Mackey and his dog team and wish them continued success.●

TRIBUTE TO MAYOR SHARON BRANSTITER

● Mr. SMITH. Mr. President, the late Oregon Governor Tom McCall once said, "Heroes are not giant statues framed against a red sky. They are individuals who say, 'This is my community, and it is my responsibility to make it better.'"

I rise today with sadness because Oregon lost a true hero this past weekend with the passing of Sharon Branstiter, who had served as mayor of the wonderful community of Toledo since 1997. Few people have ever given more of their time, talents, and energy to make their community a better place than did Mayor Branstiter.

I consider myself very privileged to have called Sharon my friend. In my job, there are many people who will tell me what they think I want to hear. I always knew that Sharon would tell me what I needed to hear. She expressed her opinions with candor and eloquence, and she always made it very clear that the top item on her agenda was making Toledo a better and more beautiful place in which to live, work, and raise a family.

The Greek poet Sophocles wrote, "One must wait until the evening to see how splendid the day has been." While the evening of Sharon's life came much to soon, I hope that her family and friends will take solace in the fact that Sharon could look back on a life filled with love and laughter, a life filled with accomplishment, and a life filled with making a positive difference and say that "the day has indeed been splendid."

I will never visit Toledo without thinking of Sharon, and I am confident that her work will live on through the good work of all those who call Toledo home.●

MESSAGE FROM THE HOUSE

At 2:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 625. An act to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office".

H.R. 1402. An act to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building".

H.R. 1434. An act to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the "Rachel Carson Post Office Building".

The message also announced that the House has passed the following bill, without amendment:

S. 521. An act to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

The message further announced that the House has agreed to the following resolution:

H. Res. 328. Resolution relative to the death of the Honorable Juanita Millender-McDonald, a Representative from the State of California.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 137. An act to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

H.R. 727. An act to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

H.R. 753. To redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building".

H.R. 1003. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 1130. An act to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 625. An act to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1402. An act to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1434. An act to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the "Rachel Carson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1601. A communication from the Under Secretary (Research Education Economics), Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Small Business Innovation Research Grants Program" (RIN0524–AA31) received on April 20, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1602. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that is identified as being case number 05-07; to the Committee on Appropriations.

EC–1603. A communication from the Deputy Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Section 230.146 Rules Under Section 18 of the Act (17 CFR 230.146)" (RIN3235–AJ73) received on April 20, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1604. A communication from the Director of the Office of Legislative Affairs, Federal Deposit Insurance Corporation, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks" (RIN3064–AD17) received on April 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1605. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Emissions of Greenhouse Gases in the United States 2005 Executive Summary"; to the Committee on Energy and Natural Resources.

EC–1606. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, the report of a draft bill intended to repeal certain oil and gas incentives contained in the Energy Policy Act of 2005; to the Committee on Energy and Natural Resources.

EC–1607. A communication from the Acting Inspector General, Department of Defense, transmitting, pursuant to law, a report entitled "Interagency Review of U.S. Export Controls for China"; to the Committee on Foreign Relations.

EC–1608. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to the management and adequacy of biometrics programs; to the Committee on Homeland Security and Governmental Affairs.

EC–1609. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to the activities carried out by the Family Court during 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1610. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the use of student loan repayments by Federal agencies during fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-1611. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of five recommendations for legislative action; to the Committee on Rules and Administration.

EC-1612. A communication from the Chairman, Dwight D. Eisenhower Memorial Commission, transmitting, pursuant to law, the Commission's sixth report; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 1082. A bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mr. SMITH, and Mr. OBAMA):

S. 1190. A bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself, Mr. DORGAN, Mr. WHITEHOUSE, and Mr. SCHUMER):

S. 1191. A bill to authorize the Secretary of Commerce to award grants to States to establish revolving loan funds to provide loans to small manufacturers to develop new products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. CORNYN, Mrs. HUTCHISON, and Mr. KYL):

S. 1192. A bill to increase the number of Federal judgeships in certain judicial districts with heavy caseloads of criminal immigration cases; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1193. A bill to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico; to the Committee on Indian Affairs.

By Mr. DODD (for himself and Mr. SALAZAR):

S. 1194. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself and Mr. WEBB):

S. 1195. A bill to establish the Comprehensive Entitlement Reform Commission; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mrs. BOXER):

S. 1196. A bill to improve mental health care for wounded members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. KERRY (for himself and Mr. SMITH):

S. 1197. A bill to amend the Internal Revenue Code of 1986 to improve the deduction for depreciation; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 1198. A bill to determine successful methods to provide protection from catastrophic health expenses for individuals who have exceeded health insurance lifetime limits, to provide catastrophic health insurance coverage for uninsured individuals, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. SMITH, Mr. PRYOR, and Mr. KERRY):

S. 1199. A bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mrs. BOXER, Mr. REID, Ms. CANTWELL, Mr. JOHNSON, Mr. TESTER, Mr. INOUYE, Mr. DOMENICI, Mr. BINGAMAN, Mr. BAUCUS, Ms. KLOBUCHAR, Mr. THOMAS, Mr. OBAMA, and Ms. MURKOWSKI):

S. 1200. A bill to amend the Indian Health Care Improvement Act to revise and extend the Act; to the Committee on Indian Affairs.

By Mr. SANDERS (for himself, Mr. LIEBERMAN, Mr. LEAHY, and Mr. FEINGOLD):

S. 1201. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SESSIONS:

S. 1202. A bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1203. A bill to enhance the management of electricity programs at the Department of Energy; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 167. A resolution congratulating the University of Wisconsin men's indoor track and field team on becoming the 2006–2007 National Collegiate Athletic Association Division I Indoor Track and Field Champions; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 168. A resolution congratulating the University of Wisconsin women's hockey team for winning the 2007 National Collegiate Athletic Association Division I Women's Ice Hockey Championship; considered and agreed to.

By Mrs. HUTCHISON (for herself and Ms. MIKULSKI):

S. Res. 169. A resolution recognizing Susan G. Komen for the Cure on its leadership in the breast cancer movement on the occasion of its 25th anniversary; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. KERRY, Mrs. BOXER, Mr. INOUYE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. DURBIN, and Mr. DODD):

S. Res. 170. A resolution supporting the goals and ideals of a National Child Care Worthy Wage Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 95

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 95, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 294

At the request of Mr. LAUTENBERG, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 329

At the request of Mr. CRAPO, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 383

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 383, a bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release.

S. 459

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 459, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 479

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 573

At the request of Ms. STABENOW, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Texas (Mrs. HUTCHISON) and the Senator from

Illinois (Mr. DURBIN) were added as cosponsors of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 614

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 614, a bill to amend the Internal Revenue Code to double the child tax credit for the first year, to expand the credit dependent care services, to provide relief from the alternative minimum tax, and for other purposes.

S. 621

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 621, a bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 725

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 725, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 731

At the request of Mr. SALAZAR, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Colorado (Mr. ALLARD) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 731, a bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes.

S. 755

At the request of Mr. SCHUMER, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 761

At the request of Mr. REID, the names of the Senator from Missouri (Mr. BOND), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Mrs. MURRAY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 766

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 773

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 790

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 840

At the request of Mr. COLEMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 840, a bill to amend the Torture Victims Relief Act of 1998 to authorize assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Montana (Mr. TESTER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Colorado (Mr. ALLARD) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 973

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 973, a bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes.

S. 999

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1084

At the request of Mr. OBAMA, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1084, a bill to provide housing assistance for very low-income veterans.

S. 1087

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1087, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 1115

At the request of Mr. BINGAMAN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1115, a bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes.

S. 1132

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1132, a bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food.

S. 1145

At the request of Mr. LEAHY, the name of the Senator from Idaho (Mr.

CRAIG) was added as a cosponsor of S. 1145, a bill to amend title 35, United States Code, to provide for patent reform.

S. 1161

At the request of Mr. CRAIG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1172

At the request of Mr. DURBIN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1172, a bill to reduce hunger in the United States.

S. 1175

At the request of Mr. DURBIN, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1178

At the request of Mr. INOUYE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1178, a bill to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft.

S. 1183

At the request of Mr. HARKIN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1185

At the request of Mr. BINGAMAN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1185, a bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

S. CON. RES. 26

At the request of Mrs. CLINTON, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 26, a concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

S. CON. RES. 27

At the request of Mrs. CLINTON, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 27, a concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day".

S. RES. 30

At the request of Mr. BIDEN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. COLLINS), the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Montana (Mr. TESTER), the Senator from California (Mrs. FEINSTEIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 30, a resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

S. RES. 125

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 125, a resolution designating May 18, 2007, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. RES. 162

At the request of Mr. LEAHY, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Wisconsin (Mr. KOHL) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 162, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. SMITH, and Mr. OBAMA):

S. 1190. A bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Connect The Nation Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The deployment and adoption of broadband services and information technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband and other advanced information services is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) The Federal Government should also recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 3. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and home broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require; and

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant.

(d) PEER REVIEW.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed;

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and propriety information provided by broadband service providers in connection with projects funded by any such grant.

(e) Use of Funds.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(5) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved and underserved areas, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(6) to establish programs to improve computer ownership and Internet access for unserved and underserved populations;

(7) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(8) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(9) to create within each State a geographic inventory map of broadband service, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability at the census block level; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) Participation Limit.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) Report.—Each recipient of a grant under subsection (b) shall submit an report on the use of the funds provided by the grant to the Secretary of Commerce.

(h) Definitions.—In this section:

(1) Eligible entity.—The term "eligible entity" means a non-profit organization that is selected by a State to work in partnership with State agencies and private sector partners in identifying and tracking the availability and adoption of broadband services within each State.

(2) Nonprofit organization.—The term "nonprofit organization" means an organization—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(C) that has an established competency and proven record of working with public and private sectors to accomplish widescale deployment and adoption of broadband services and information technology; and

(D) the board of directors of which is not composed of a majority of individuals who are also employed by, or otherwise associated with, any Federal, State, or local government or any Federal, State, or local agency.

(3) Broadband service.—The term "broadband service" means any service that connects to the public Internet that provides a data transmission-rate equivalent to at least 200 kilobits per second, or 200,000 bits per second, or any successor transmission-rate established by the Federal Communications Commission, in at least 1 direction.

(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

(j) No Regulatory Authority.—Nothing in this Act shall be construed as giving any public or private entity established or affected by this Act any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

By Mr. DOMENICI (for himself,
Mr. Cornyn, Mrs. Hutchison,
and Mr. Kyl):

S. 1192. A bill to increase the number of Federal judgeships in certain judicial districts with heavy caseloads of criminal immigration cases; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation that authorizes the Federal judgeships recommended by the 2007 Judicial Conference for our U.S. District Courts that are overloaded with immigration cases.

For a year, I have been telling the Senate about the crisis on our Southwest border involving judges who are overwhelmed by the sheer number of immigration cases that are filed in their courts.

New caseload numbers have recently become available, and it is clear that this problem is not going away—Congress must act to fix it. Federal Court Management Statistics available at www.uscourts.gov reveal that for the 12-month period ending September 30, 2006, four District Courts each had more than one thousand criminal immigration filings. Not surprisingly, all of these Districts share a border with Mexico.

In fiscal year 2006, the Southern District of Texas had 3,679 immigration cases, the Western District of Texas had 2,324 immigration cases, the District of New Mexico had 1,940 immigration cases, and the District of Arizona had 1,924 immigration filings. In each of these Districts, immigration filings make up more than forty-nine percent of all of the District's criminal filings. No other District Court recommended for new judgeships had more than 314 immigration filings. In fact, the four Districts mentioned above account for more than 60 percent of all immigration filings in fiscal year 2006.

The legislation I am introducing today authorizes the ten new Federal judgeships recommended by the Judicial Conference for these four U.S. Districts, where immigration filings total more than forty-nine percent of all Federal criminal filings.

Based on these caseloads, we should already have given these Districts new judgeships. But to increase border security and immigration enforcement efforts, as we have over the past few years, without equipping these courts to handle the even larger immigration caseloads that they will face as a result of immigration enforcement efforts would amount to willful negligence on the part of Congress.

It is imperative to equip our Federal agencies with the assets they need to secure our borders and enforce our immigration laws, including the Federal District courts that try repeat immigration law violators who are charged with Federal felonies.

The New Mexico District Chief Judge, Martha Vazquez, wrote me a letter in May of 2006 about the situation her District faces. Judge Vazquez wrote:

> As it is, the burden on Article III Judges in this District is considerable. This District ranks first among all districts in criminal filings per judgeship: 405 criminal filings compared to the national average of 87. As in all federal districts along the southwest border, the majority of cases filed in this District relate to immigration offenses under United States Code. Title 8 and drug offenses arising under Title 21. Immigration and drug cases account for eighty-five percent of the caseload in the District of New Mexico. . . . In fiscal year 1997, there were 240 immigration felony filings in the District of New Mexico. By fiscal year 2005, the number of immigration felony filings increased to 1,826, which is an increase of 661 percent.

The Albuquerque Tribune has also documented the burden on our Southwest border District Courts. An April 17, 2006 article entitled "Judges See Ripple Effect of Policy on Immigration," stated:

> U.S. District Chief Judge Martha Vazquez of Santa Fe oversees a court that faces a rising caseload from illegal border crossings and related crime. And help from Washington is by no means certain. . . . From Sept. 30, 1999 to Sept. 30, 2004 (the end of the fiscal year), the caseload in the New Mexico federal district court increased 57.5 percent,

> from 2,804 to 4,416. In the 2004 fiscal year alone, 2,126 felony cases were heard, almost half of all cases in the entire 10th Circuit, which includes Colorado, Kansas, Oklahoma, Utah and Wyoming. Most typical immigration cases go before an immigration judge, and the subjects are deported. But people deported once and caught crossing illegally again can be charged with a felony. And that brings the defendant into federal district court. Those are the cases driving up New Mexico's caseload . . . Some days as many as 90 defendants crowd the courtroom in Las Cruces . . . The same problems are afflicting federal border courts in Arizona, California, and Texas.

Similar problems were documented in the May 23, 2006 Reuters article "Bush Border Patrol Plan to Pressure Courts" which said:

> President George W. Bush's plan to send thousands of National Guard troops to the U.S.-Mexico border could spark a surge in immigration cases and U.S. courts are ill prepared to handle them . . . Even without the stepped-up security at the border, federal courts in southern California, Arizona, New Mexico and Texas have been overburdened. Carelli [a spokesman for U.S. federal courts] said those five judicial districts, out of 94 nationwide, account for 34 percent of all criminal cases moving through U.S. courts. . . Most immigrants caught crossing illegally are ordered out of the country without prosecution. But that still leaves a growing pile of cases involving illegals who are being prosecuted after being caught multiple times or those accused of other crimes. . . Nationwide, each U.S. judge handles an average of 87 cases a year. But along the southern border, even before Bush's plan moves forward, the average is around 300 per judge, Carelli said.

I have also heard first-hand about this problem from Federal judges in New Mexico, including one who travels almost 200 miles to hear cases in Southern New Mexico. Many of the situations he sees involve mass arraignments because there are so many defendants in the system. He is not alone in this arrangement; other Federal judges drive almost 300 miles to hear cases in the Southern part of my home State. This is a dire situation that must be addressed.

The United States Congress must address the overwhelming immigration caseload our southwestern border U.S. District Courts face. The bill I am introducing today does that by authorizing the eight permanent and two temporary judgeships recommended by the 2007 Judicial Conference for the four U.S. Districts in which the immigration caseloads total more than forty-nine percent of those Districts' total criminal caseload. I am proud to have Congressman CUELLAR join me in this effort by introducing companion legislation in the House of Representatives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Criminal Immigration Courts Act of 2007".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Based on the recommendations made by the 2007 Judicial Conference and the statistical data provided by the 2006 Federal Court Management Statistics (issued by the Administrative Office of the United States Courts), the Congress finds the following:

(1) Federal courts along the southwest border of the United States have a greater percentage of their criminal caseload affected by immigration cases than other Federal courts.

(2) The percentage of criminal immigration cases in most southwest border district courts totals more than 49 percent of the total criminal caseloads of those districts.

(3) The current number of judges authorized for those courts is inadequate to handle the current caseload.

(4) Such an increase in the caseload of criminal immigration filings requires a corresponding increase in the number of Federal judgeships.

(5) The 2007 Judicial Conference recommended the addition of judgeships to meet this growing burden.

(6) The Congress should authorize the additional district court judges necessary to carry out the 2007 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 49 percent of all criminal filings for the 12-month period ending September 30, 2006.

(b) PURPOSE.—The purpose of this Act is to increase the number of Federal judgeships, in accordance with the recommendations of the 2007 Judicial Conference, in district courts that have an extraordinarily high criminal immigration caseload.

SEC. 3. ADDITIONAL DISTRICT COURT JUDGESHIPS.

(a) PERMANENT JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 4 additional district judges for the district of Arizona;

(B) 1 additional district judge for the district of New Mexico;

(C) 2 additional district judges for the southern district of Texas; and

(D) 1 additional district judge for the western district of Texas.

(2) CONFORMING AMENDMENTS.—In order that the table contained in section 133(a) of title 28, United States Code, reflect the number of additional judges authorized under paragraph (1), such table is amended—

(A) by striking the item relating to Arizona and inserting the following:

Arizona 16;

(B) by striking the item relating to New Mexico and inserting the following:

New Mexico 7;

(C) by striking the item relating to Texas and inserting the following:

Texas:

Northern	12
Southern	21
Eastern	7
Western	14.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona; and

(B) 1 additional district judge for the district of New Mexico.

(2) VACANCY.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1193. A bill to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I rise today to introduce the Albuquerque Indian School Act. I want to thank Senator BINGAMAN, my colleague from New Mexico, for joining me as a cosponsor of the bill again this Congress.

The Albuquerque Indian School Act seeks to take two parcels of Federal land into trust for the 19 Pueblos—Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni. I believe this property, if transferred, would receive greater utilization and would benefit the 19 New Mexico Pueblos.

In 1981, the New Mexico Pueblos petitioned the United States for the transfer of approximately 44 acres from the Albuquerque Indian School site for the purpose of economic development. In 1984, the Assistant Secretary of the Interior conveyed 44 acres to the Pueblos. This land is currently under development by the 19 New Mexico pueblos. In 2003, the 19 Pueblos requested conveyance of the "B" and "D" tracts, which total approximately 18 acres, located near Interstate 40. This land contains various metal buildings which have deteriorated to the point that they have little to no usable value at this time.

The return of these two properties to the 19 Pueblos is supported by the southwestern regional office of the Bureau of Indian Affairs. With the addition of these two tracts, the 19 pueblos will be able to continue their successful economic development of the Albuquerque Indian School property. I believe the transfer will benefit the 19 New Mexico Pueblos, and their individual tribal members.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Albuquerque Indian School Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) 19 PUEBLOS.—The term "19 Pueblos" means the New Mexico Indian Pueblos of—

(A) Acoma;
(B) Cochiti;
(C) Isleta;
(D) Jemez;
(E) Laguna;
(F) Nambe;
(G) Ohkay Owingeh (San Juan);
(H) Picuris;
(I) Pojoaque;
(J) San Felipe;
(K) San Ildefonso;
(L) Sandia;
(M) Santa Ana;
(N) Santa Clara;
(O) Santo Domingo;
(P) Taos;
(Q) Tesuque;
(R) Zia; and
(S) Zuni.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior (or a designee).

(3) SURVEY.—The term "survey" means the survey plat entitled "Department of the Interior, Bureau of Indian Affairs, Southern Pueblos Agency, BIA Property Survey" (prepared by John Paisano, Jr., Registered Land Surveyor Certificate No. 5708), and dated March 7, 1977.

SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF 19 PUEBLOS.

(a) ACTION BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall take into trust all right, title, and interest of the United States in and to the land described in subsection (b) (including any improvements and appurtenances to the land) for the benefit of the 19 Pueblos.

(2) ADMINISTRATION.—The Secretary shall—

(A) take such action as the Secretary determines to be necessary to document the transfer under paragraph (1); and

(B) appropriately assign each applicable private and municipal utility and service right or agreement.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a)(1) is the 2 tracts of Federal land, the combined acreage of which is approximately 18.3 acres, that were historically part of the Albuquerque Indian School, more particularly described as follows:

(1) TRACT B.—The approximately 5.9211 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey.

(2) TRACT D.—The approximately 12.3835 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey.

(c) SURVEY.—The Secretary may make minor corrections to the survey and legal description of the Federal land described in subsection (b) as the Secretary determines to be necessary to correct clerical, typographical, and surveying errors.

(d) USE OF LAND.—The land taken into trust under subsection (a) shall be used for the educational, health, cultural, business, and economic development of the 19 Pueblos.

(e) LIMITATIONS AND CONDITIONS.—The land taken into trust under subsection (a) shall remain subject to any private or municipal encumbrance, right-of-way, restriction, easement of record, or utility service agreement in effect on the date of enactment of this Act.

SEC. 4. EFFECT OF OTHER LAWS.

(a) IN GENERAL.—Except as otherwise provided in this section, land taken into trust under section 3(a) shall be subject to Federal laws relating to Indian land.

(b) GAMING.—No gaming activity (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)) shall be carried out on land taken into trust under section 3(a).

By Mr. DODD (for himself and Mr. SALAZAR):

S. 1194. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I am pleased to introduce with Senator SALAZAR a very important piece of legislation, "The No Child Left Behind Reform Act." This legislation makes three basic changes to the No Child Left Behind Act which was signed into law in January of 2002.

Five years ago I supported the No Child Left Behind Act because I care about improving the quality of education in America for all of our children. I believed that this law would help to achieve that goal by establishing rigorous measures of student achievement, by helping teachers do a better job of instructing students, and by providing the resources desperately needed by our schools for even the most basic necessities to help put the reforms we passed into place.

Regrettably, the high hopes that I and many others had for this law have not been realized. Throughout the years, this law has been implemented by the administration in a manner that is inflexible, unreasonable and unhelpful. As a result, it has failed the teachers, the schools, and, most importantly, the students it was meant to help.

Worse still, this administration's promise of sufficient resources to implement the law is a promise that has yet to be kept. This year's budget proposal underfunds No Child Left Behind by almost $15 billion. Since passage five years ago, the administration has underfunded the law by more than $70 billion below the level promised when the President signed the Act into law.

As a result of the failures of the current administration to fulfill its commitment to our Nation's school children under this law, children and their teachers are shouldering noteworthy hardships. Additional requirements without additional funding, and little, if any, technical assistance from the Department, have left students, teachers, administrators and parents struggling to implement mandates that are often confusing, inflexible, unrealistic and costly. With the degree of underfunding that we have seen at the Federal level, many taxpayers are simultaneously paying for their mortgage, basic health care, the rising cost of their children's tuition and the Federal share of the No Child Left Behind Act.

As I have said on numerous occasions in the past, resources without reforms are a waste of money. By the same token, reforms without resources are a false promise a false promise that has left students and their teachers grappling with new burdens and little help to bear them.

The legislation I am introducing today proposes to make three changes to the No Child Left Behind Act. These changes will ease current burdens on our students, our teachers and our administrators without dismantling the fundamental underpinnings of the law.

First, the No Child Left Behind Reform Act will allow schools to be given credit for performing well on measures other than test scores when calculating student achievement. Test scores are an important measure of student knowledge. However, they are not the only measure. There are others. These include dropout rates, the number of students who participate in advanced placement courses, and individual student improvement over time. Unfortunately, current law does not allow schools to use these additional ways to gauge school success in a constructive manner. Additional measures can only be used to further indicate how a school is failing, not how a school is succeeding. This legislation will allow schools to earn credit for succeeding.

Second, the No Child Left Behind Reform Act will allow schools to target school choice and supplemental services to the students that actually demonstrate a need for them. As the current law is being implemented by the Administration, if a school is in need of improvement, it is expected to offer school choice and supplemental services to all students—even if not all students have demonstrated a need for them. That strikes me as a wasteful and imprecise way to help a school improve student performance. For that reason, this legislation will allow schools to target resources to the students that actually demonstrate that they need them. Clearly, this is the most efficient way to maximize their effect.

Finally, the No Child Left Behind Reform Act introduces a greater degree of reasonableness to the teacher certification process. As it is being implemented, the law requires teachers to be "highly qualified" to teach every subject that they teach. Certainly none of us disagree with this policy as a matter of principle. But as a matter of practice, it is causing confusion and hardship for teachers, particularly secondary teachers and teachers in small school districts. For example, as the law is being implemented by the Administration, a high school science teacher could be required to hold degrees in biology, physics and chemistry to be considered highly qualified. In small schools where there may be only one 7th or 8th grade teacher teaching all subjects, these teachers could similarly be required to hold degrees in every subject area. Such requirements are unreasonable at a time when excellent teachers are increasingly hard to find. The legislation I introduce today will allow States to create a single assessment to cover multiple subjects for middle grade level teachers and allow states to issue a broad certification for science and social studies.

In my view, the changes I propose will provide significant assistance to schools struggling to comply with the No Child Left Behind law all across America. As time marches on and more deadlines set by this law come and go including additional testing, a highly qualified teacher in every classroom and 100 percent proficiency for all students—we have a responsibility to reauthorize the No Child Left Behind Act in a manner that will require it to be implemented in a fair and reasonable manner. I would caution that in doing so, however, we must also preserve the basic tenets of the law—providing a high quality education for all American students and closing the achievement gap across demographic and socioeconomic lines. Again, no child should left behind—no special education student, no English language learning student, no minority student and no low-income student. I stand by this commitment.

Obviously, funding this law is beyond the scope of this bill. I would note, however, that I will continue my efforts to direct increased funds to the law. Clearly, our children deserve the resources needed to make their dreams for a better education a reality. I urge my colleagues to join me in supporting this important reform legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Child Left Behind Reform Act".

SEC. 2. ADEQUATE YEARLY PROGRESS.

(a) Definition of Adequate Yearly Progress.—Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended—

(1) in subparagraph (C)(vii)—

(A) by striking "such as";

(B) by inserting "such as measures of individual or cohort growth over time based on the academic assessments implemented in accordance with paragraph (3)," after "described in clause (v),"; and

(C) by striking "attendance rates,"; and

(2) in subparagraph (D)—

(A) by striking clause (ii);

(B) by striking "the State" and all that follows through "ensure" and inserting "the State shall ensure"; and

(C) by striking "; and" and inserting a period.

(b) Academic Assessment and Local Educational Agency and School Improvement.—Section 1116(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(a)(1)(B)) is amended by striking ", except that" and all that follows through "action or restructuring".

SEC. 3. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.

"(a) Grant Authority.—The Secretary may award grants, on a competitive basis, to State educational agencies to enable the State educational agencies—

"(1) to develop or increase the capacity of data systems for accountability purposes; and

"(2) to award subgrants to increase the capacity of local educational agencies to upgrade, create, or manage information databases for the purpose of measuring adequate yearly progress.

"(b) Priority.—In awarding grants under this section the Secretary shall give priority to State educational agencies that have created, or are in the process of creating, a growth model or proficiency index as part of their adequate yearly progress determination.

"(c) State Use of Funds.—Each State that receives a grant under this section shall use—

"(1) not more than 20 percent of the grant funds for the purpose of increasing the capacity of, or creating, State databases to collect information related to adequate yearly progress; and

"(2) not less than 80 percent of the grant funds to award subgrants to local educational agencies within the State to enable the local educational agencies to carry out the authorized activities described in subsection (d).

"(d) Authorized Activities.—Each local educational agency that receives a subgrant under this section shall use the subgrant funds to increase the capacity of the local educational agency to upgrade databases or create unique student identifiers for the purpose of measuring adequate yearly progress, by—

"(1) purchasing database software or hardware;

"(2) hiring additional staff for the purpose of managing such data;

"(3) providing professional development or additional training for such staff; and

"(4) providing professional development or training for principals and teachers on how to effectively use such data to implement instructional strategies to improve student achievement.

"(e) State Application.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(f) LEA Application.—Each local educational agency desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Each such application shall include, at a minimum, a demonstration of the local educational agency's ability to put such a database in place.

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this part $80,000,000 for each of fiscal years 2008, 2009, and 2010."

SEC. 4. TARGETING TRANSFER OPTIONS AND SUPPLEMENTAL SERVICES.

(a) Targeting Transfer Options and Supplemental Services.—Section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) is amended—

(1) in paragraphs (1)(E)(i), (5)(A), (7)(C)(i), and (8)(A)(i) of subsection (b), by striking the term "all students enrolled in the school" each place such term appears and inserting "all students enrolled in the school, who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2),";

(2) in subsection (b)(1), by adding at the end the following:

"(G) Maintenance of least restrictive environment.—A student who is eligible to receive services under the Individuals with Disabilities Education Act and who uses the option to transfer under subparagraph (E), paragraph (5)(A), (7)(C)(i), or (8)(A)(i), or subsection (c)(10)(C)(vii), shall be placed and served in the least restrictive environment appropriate, in accordance with the Individuals with Disabilities Education Act.";

(3) in clause (vii) of subsection (c)(10)(C), by inserting ", who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2)," after "Authorizing students"; and

(4) in subparagraph (A) of subsection (e)(12), by inserting ", who is a member of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2)" after "under section 1113(c)(1)".

(b) Student Already Transferred.—A student who transfers to another public school pursuant to section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) before the effective date of this section and the amendments made by this section, may continue enrollment in such public school after the effective date of this section and the amendments made by this section.

(c) Effective Date.—This section and the amendments made by this section shall be effective for each fiscal year for which the amount appropriated to carry out title I of the Elementary and Secondary Education Act of 1965 for the fiscal year, is less than the amount authorized to be appropriated to carry out such title for the fiscal year.

SEC. 5. DEFINITION OF HIGHLY QUALIFIED TEACHERS.

Section 9101(23)(B)(ii) of the Elementary and Secondary Act of 1965 (20 U.S.C. 7801(23)(B)(ii)) is amended—

(1) in subclause (I), by striking "or" after the semicolon;

(2) in subclause (II), by striking "and" after the semicolon; and

(3) by adding at the end the following:

"(III) in the case of a middle school teacher, passing a State approved middle school generalist exam when the teacher receives the teacher's license to teach middle school in the State;

"(IV) obtaining a State social studies certificate that qualifies the teacher to teach history, geography, economics, and civics in middle or secondary schools, respectively, in the State; or

"(V) obtaining a State science certificate that qualifies the teacher to teach earth science, biology, chemistry, and physics in middle or secondary schools, respectively, in the State; and".

By Mr. KERRY (for himself and Mr. SMITH):

S. 1197. A bill to amend the Internal Revenue Code of 1986 to improve the deduction for depreciation; to the Committee on Finance.

Mr. KERRY. Mr. President, today Senator SMITH and I are introducing the "Tax Depreciation, Modernization, and Simplification Act of 2007." This legislation will update our depreciation system so that it can keep pace with new technology.

Last July the Senate Finance Subcommittee on Long-Term Growth and Debt Reduction, on which Senator SMITH was Chairman and I served as Ranking Member, held a hearing on updating our depreciation system. During the hearing, we heard that the current depreciation system is out of date and that changes should be made.

Our tax system allows, as a current expense, a depreciation deduction that represents a reasonable allowance for the exhaustion, wear and tear of property used, or of property held for the production of income. Since 1981, the depreciation deduction for most tangible property has been under rules specified in section 168 of the Internal Revenue Code. The Modified Accelerated Cost Recovery System, or MACRS, specified under section 168 applies to most new investment in tangible property. MACRS depreciation allowances are computed by determining a recovery period called a "class life" and an applicable recovery method for each asset.

The current depreciation system has not kept pace with technological advances. Several industries were not even contemplated when class lives were assigned in 1981, and some class lives even date back to 1962.

In the 1980's it would have been difficult to imagine what our reliance on computer and wireless technology would be today. At that time, the wireless industry was in its infancy, and there was no specifically assigned life for wireless equipment. As a result, today's depreciation system is like playing "audit roulette." There is no certainty in how these assets should be depreciated.

All this matters because it impacts investment, innovation, competitiveness, and ultimately the quality and quantity of jobs in America. My home state of Massachusetts is a leader in the high tech industry. Massachusetts employs hundreds of thousands of skilled workers in key technology sectors, including computer hardware, life sciences, software, medical products, semiconductor, defense technology and telecommunications. We have learned in Massachusetts that a strategic tax policy can have a positive effect on economic competitiveness.

For these reasons, we are reintroducing the "Tax Depreciation, Modernization, and Simplification Act of 2007." This legislation makes four important changes to the current depreciation system.

First, the legislation creates a process that provides the Department of Treasury with the authority to modernize class lives. The Secretary of the Treasury will prescribe regulations to provide a new class life for certain eligible property. Eligible property does not include residential rental property, nonresidential real property, or property for which Congress has specifically legislated the recovery period.

The purpose of this provision is to provide Treasury with a mechanism to modify class lives that reasonably reflect the anticipated useful life and the anticipated decline in value over time of the property to the industry, and take into account when the property becomes technologically or functionally obsolete to perform its original purpose. Treasury will also have the authority to modify class lives in order to more accurately reflect economic depreciation. For example, a personal computer has a depreciable life of five years, but it has an economic life of only 2 to 3 years. Even though a computer can be used for five years, it becomes economically obsolete after a couple of years because of the newer, faster, and more advanced computers on the market.

Our depreciation system has not been adequately updated since Congress revoked Treasury's rule making authority in 1988. When the MACRS system was enacted in 1986, Congress directed Treasury to establish an office to monitor and analyze the actual experience with class lives and to modify class lives if the new class life reasonably reflected the anticipated useful life and the anticipated decline in value over time of the property to the industry. The authority was then revoked because Congress did not agree with all of the decisions made by Treasury.

The authority provided in this legislation addresses this previous problem by requiring Treasury to consult with Congress 60 days prior to publishing any proposed regulations. In addition, the Congressional Review Act would apply to any regulation proposed by Treasury and each class life prescribed by Treasury would be considered a separate rule.

Providing Treasury with the authority to modify class lives would allow the process to move more efficiently than allowing Congress to make piecemeal changes to the current depreciation system. Congress would provide guidelines, and Treasury would have the role of administering those guidelines. Under the legislation, Treasury would monitor and analyze the actual experience of depreciable assets and report their findings to Congress. We expect Treasury to establish guidelines that will take into consideration the fact that some assets lose a significant percentage of their original value in the early part of their lives. This legislation specifically provides consultation with Congress in order for Congress to continue to have a role in this important tax policy issue.

We do not expect Treasury within the first year or two to review all classes of assets. Rather, we expect Treasury to begin with new assets that do no fit into the system, assets that have undergone technological advances, and existing assets that do not really fit into the current system. For example, the current system creates an irrational result for fiber optic lines. The class life of a fiber optic line depends upon whether it is used for one-way or two-way communications.

Second, the legislation would eliminate the mid-quarter convention. The placed-in-service conventions determine the point in time during the year that the property is considered "placed in service" and this determines when depreciation for an asset begins or ends. Under current law, there are the half-year, mid-month, and mid-quarter conventions. The mid-quarter convention is a source of complexity because it requires an analysis of the depreciable basis of property placed in service during the last three months of any taxable year. The Joint Committee on Taxation recommended the elimination of the mid-quarter convention in its 2001 recommendations on simplifying the Federal tax system. The calculation of the mid-quarter convention is burdensome, and it requires taxpayers to wait until after the end of the taxable year to determine whether the proper placed-in-service convention was used to calculate depreciation for assets during the taxable year.

Third, the legislation would allow taxpayers to elect to use mass asset accounting for assets with a cost of less than $10,000. Generally, taxpayers calculate depreciation on an item-by-item basis. The bill would allow taxpayers to elect to use mass asset accounting for all assets with the same recovery period. This provision will help simplify the recordkeeping associated with depreciation.

Fourth, the legislation would permanently extend increased expensing for small businesses. In lieu of depreciation, a taxpayer with a small amount of annual investment may elect to deduct such costs. The Jobs and Growth Tax Relief Reconciliation Act of 2003 increased the amount a taxpayer may deduct from $25,000 to $100,000 and increased the total amount of investment a business can make in a year and still qualify for expensing from $200,000 to $400,000. In addition, the Act allows off-the-shelf computer software to be eligible for the provision.

The Tax Depreciation, Modernization, and Simplification Act of 2007 would make the $100,000 and $400,000 amounts permanent and index them for inflation. Off-the-shelf computer software would be eligible for the provision. Increased expensing for small businesses helps lower the cost of capital for mall businesses and eliminates complicated recordkeeping. In addition, it should reduce administrative costs for small businesses.

The four components of this legislation will result in updating and simplifying the current depreciation system. The Tax Depreciation, Modernization, and Simplification Act of 2007 will provide certainty for taxpayers and put an end to "audit roulette."

By Mr. WYDEN (for himself, Mr. SMITH, Mr. PRYOR, and Mr. KERRY):

S. 1199. A bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology; to the Committee on Health, Education, Labor, and Pensions.

Mr. SMITH. Mr. President, I rise today with Senator WYDEN to introduce the Nanotechnology in the Schools Act.

Nanotechnology will revolutionize manufacturing, energy, healthcare, national defense and many other sectors by improving the way things are designed and made. The potential benefits of nanotechnology are tremendous, especially for the nation that leads the world in nanotechnology research and development. Studies project that by 2014 nanotechnology will be incorporated into more than $2 trillion worth of manufactured goods. China, Japan, the European Union, India and other nations are fighting for global leadership, and the competition is getting stiffer all the time.

For the United States to maintain and expand its leadership in the field of nanotechnology, we must train and educate more scientists and engineers who are capable of conducting research and development in this emerging technology. To reach this objective, students need to be taught the necessary skills beginning at the high school and college levels.

According to the National Science Foundation, foreign students on temporary visas earned approximately one-third of all science and engineering doctorates awarded in the United States. By providing high school and college students with the tools to learn nanotechnology, a higher number of American students will enter this crucial field.

The Nanotechnology in the Schools Act provides grants to American colleges and high-performing high schools to purchase the tools that will enable their students to learn nano-technology. The Act also provides training for teachers and professors to use these tools in the classroom and the laboratory. The Nanotechnology in the Schools Act is an investment in America's greatest asset, its students, and a key element of the nation's strategy to maintain nanotechnology leadership worldwide.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nanotechnology in the Schools Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The rapidly growing field of nanotechnology is generating scientific and technological breakthroughs that will benefit society by improving the way many things are designed and made.

(2) Nanotechnology is likely to have a significant, positive impact on the security, economic well-being, and health of Americans as fields related to nanotechnology expand.

(3) In order to maximize the benefits of nanotechnology to individuals in the United States, the United States must maintain world leadership in the field of nanotechnology, including nanoscience and microtechnology, in the face of determined competition from other nations.

(4) According to the National Science Foundation, foreign students on temporary visas earned 32 percent of all science and engineering doctorates awarded in the United States in 2003, the last year for which data is available. Foreign students earned 55 percent of the engineering doctorates. Many of these students expressed an intent to return to their country of origin after completing their study.

(5) To maintain world leadership in nanotechnology, the United States must make a long-term investment in educating United States students in secondary schools and institutions of higher education, so that the students are able to conduct nanoscience research and develop and commercialize nanotechnology applications.

(6) Preparing United States students for careers in nanotechnology, including nanoscience, requires that the students have access to the necessary scientific tools, including scanning electron microscopes designed for teaching, and requires training to enable teachers and professors to use those tools in the classroom and the laboratory.

(b) PURPOSE.—The purpose of this Act is to strengthen the capacity of United States secondary schools and institutions of higher education to prepare students for careers in nanotechnology by providing grants to those schools and institutions to provide the tools necessary for such preparation.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE INSTITUTION.—The term "eligible institution" means an institution that is—

(A) a public or charter secondary school that offers 1 or more advanced placement science courses or international baccalaureate science courses;

(B) a community college, as defined in section 3301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011); or

(C) a 4-year institution of higher education or a branch, within the meaning of section 498 of the Higher Education Act of 1965 (20 U.S.C. 1099c), of such an institution.

(2) INSTITUTION OF HIGHER EDUCATION; SECONDARY SCHOOL; SECRETARY.—The terms "institution of higher education", "secondary school", and "Secretary" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) QUALIFIED NANOTECHNOLOGY EQUIPMENT.—The term "qualified nanotechnology equipment" means equipment, instrumentation, or hardware that is—

(A) used for teaching nanotechnology in the classroom; and

(B) manufactured in the United States at least 50 percent from articles, materials, or supplies that are mined, produced, or manufactured, as the case may be, in the United States.

SEC. 4. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Director of the National Science Foundation (referred to in this Act as the "Director") shall establish a nanotechnology in the schools program to strengthen the capacity of eligible institutions to provide instruction in nanotechnology. In carrying out the program, the Director shall award grants of not more than $150,000 to eligible institutions to provide such instruction.

(b) ACTIVITIES SUPPORTED.—

(1) IN GENERAL.—An eligible institution shall use a grant awarded under this Act—

(A) to acquire qualified nanotechnology equipment and software designed for teaching students about nanotechnology in the classroom;

(B) to develop and provide educational services, including carrying out faculty development, to prepare students or faculty seeking a degree or certificate that is approved by the State, or a regional accrediting body recognized by the Secretary of Education; and

(C) to provide teacher education and certification to individuals who seek to acquire or enhance technology skills in order to use nanotechnology in the classroom or instructional process.

(2) LIMITATION.—

(A) USES.—Not more than ¼ of the amount of the funds made available through a grant awarded under this Act may be used for software, educational services, or teacher education and certification as described in this subsection.

(B) PROGRAMS.—In the case of a grant awarded under this Act to a community college or institution of higher education, the funds made available through the grant may be used only in undergraduate programs.

(c) APPLICATIONS AND SELECTION.—

(1) IN GENERAL.—To be eligible to receive a grant under this Act, an eligible institution shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(2) PROCEDURE.—Not later than 180 days after the date of enactment of this Act, the Director shall establish a procedure for accepting such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

(3) SELECTION.—In selecting eligible institutions to receive grants under this Act, and encouraging eligible institutions to apply for such grants, the Director shall, to the greatest extent practicable—

(A) select eligible entities in geographically diverse locations;

(B) encourage the application of historically Black colleges and universities (meaning part B institutions, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) and minority institutions (as defined in section 365 of such Act (20 U.S.C. 1067k)); and

(C) select eligible institutions that include institutions located in States participating in the Experimental Program to Stimulate Competitive Research (commonly known as "EPSCoR").

(d) MATCHING REQUIREMENT AND LIMITATION.—

(1) IN GENERAL.—

(A) REQUIREMENT.—The Director may not award a grant to an eligible institution under this Act unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to ¼ of the amount of the grant.

(B) WAIVER.—The Director shall waive the matching requirement described in subparagraph (A) for any institution with no endowment, or an endowment that has a dollar value lower than $5,000,000, as of the date of the waiver.

(2) LIMITATION.—

(A) BRANCHES.—If a branch described in section 3(1)(C) receives a grant under this Act that exceeds $100,000, that branch shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this Act.

(B) OTHER ELIGIBLE INSTITUTIONS.—If an eligible institution other than a branch referred to in subparagraph (A) receives a grant under this Act that exceeds $100,000, that institution shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this Act.

SEC. 5. ANNUAL REPORT AND EVALUATION.

(a) REPORT BY INSTITUTIONS.—Each institution that receives a grant under this Act shall prepare and submit a report to the Director, not later than 1 year after the date of receipt of the grant, on its use of the grant funds.

(b) REVIEW AND EVALUATION.—

(1) REVIEW.—The Director shall annually review the reports submitted under subsection (a).

(2) EVALUATION.—At the end of every third year, the Director shall evaluate the program authorized by this Act on the basis of those reports. The Director, in the evaluation, shall describe the activities carried out by the institutions receiving grants under this Act and shall assess the short-range and long-range impact of the activities carried out under the grants on the students, faculty, and staff of the institutions.

(c) REPORT TO CONGRESS.—Not later than 6 months after conducting an evaluation under subsection (b), the Director shall prepare and submit a report to Congress based on the evaluation. In the report, the Director shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program carried out under this Act, as may be appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director to carry out this Act $15,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal years 2009 through 2011.

By Mr. DORGAN (for himself, Mrs. BOXER, Mr. REID, Ms. CANTWELL, Mr. JOHNSON, Mr. TESTER, Mr. INOUYE, Mr. DOMENICI, Mr. BINGAMAN, Mr. BAUCUS, Ms. KLOBUCHAR, Mr. THOMAS, Mr. OBAMA, and Ms. MURKOWSKI):

S. 1200. A bill to amend the Indian Health Care Improvement Act to revise and extend the Act; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, I came to the Senate floor several times last year, and have already again this year in the 110th Congress, to talk about the need for Congress to pass legislation to reauthorize the Indian Health Care Improvement Act.

Legislation to amend and reauthorize the Indian Health Care Improvement Act has been considered by the 106th, 107th, 108th and 109th Congresses, and today, my colleagues and I put forward a new version of the bill in the 110th Congress.

The Indian Health Care Improvement Act Amendments of 2007 builds on the work of prior Congresses, work done not only by the Indian Affairs Committee, but also by the Senate Health, Education, Labor and Pensions and Finance Committees. These committees gave us their recommendations on provisions in the legislation which are within their jurisdiction. I thank my colleagues for their collaboration on the Indian health reauthorization.

I have added new provisions to this year's Indian health bill that seek to address the lack of access to health care services that exists in so many tribal communities, which may be due to limited hours of operation at existing health care facilities or other factors. The bill would allow grants for demonstration projects which include a convenient care services program as an additional means of health care delivery.

This bill also addresses an issue that has been of particular concern to me: Indian youth suicide. The bill would authorize additional resources for Indian communities to confront this issue and seek to prevent, intervene in and treat Native American youth who have lost hope and are contemplating or have attempted suicide.

I thank my colleagues who have joined me in introducing this bill. It is my highest priority as chairman of the Indian Affairs Committee.

I wish to note that title II of this bill sets forth amendments to the Social Security Act, addressing payments under Medicare, Medicaid and SCHIP and other provisions which are in the jurisdiction of the Senate Finance Committee. The Indian Affairs and Finance Committees worked very closely together during last year's session on the provisions that are contained in this bill. I appreciate the efforts of both Chairman BAUCUS and Ranking Member GRASSLEY in drafting these important provisions of the Indian Health Care Improvement Act Amendments of 2007, and I look forward to their committee's approval of these provisions as the Indian Affairs Committee considers the provisions under our jurisdiction.

Eight years is too long to wait to reauthorize the Indian Health Care Improvement Act. I intend to move aggressively to seek approval of this legislation by the Indian Affairs Committee, and to bring this bill to the Senate floor so that all my colleagues will have an opportunity to address the very fundamental need for—and right of—American Indians and Alaska Natives to adequate and innovative health care.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Indian Health Care Improvement Act Amendments of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO INDIAN LAWS

Sec. 101. Indian Health Care Improvement Act amended.
Sec. 102. Soboba sanitation facilities.
Sec. 103. Native American Health and Wellness Foundation.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

Sec. 201. Expansion of payments under Medicare, Medicaid, and SCHIP for all covered services furnished by Indian Health Programs.
Sec. 202. Increased outreach to Indians under Medicaid and SCHIP and improved cooperation in the provision of items and services to Indians under Social Security Act health benefit programs.
Sec. 203. Additional provisions to increase outreach to, and enrollment of, Indians in SCHIP and Medicaid.
Sec. 204. Premiums and cost sharing protections under Medicaid, eligibility determinations under Medicaid and SCHIP, and protection of certain Indian property from Medicaid estate recovery.
Sec. 205. Nondiscrimination in qualifications for payment for services under Federal health care programs.
Sec. 206. Consultation on Medicaid, SCHIP, and other health care programs funded under the Social Security Act involving Indian Health Programs and Urban Indian Organizations.
Sec. 207. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.

Sec. 208. Rules applicable under Medicaid and SCHIP to managed care entities with respect to Indian enrollees and Indian health care providers and Indian managed care entities.
Sec. 209. Annual report on Indians served by Social Security Act health benefit programs.

TITLE I—AMENDMENTS TO INDIAN LAWS

SEC. 101. INDIAN HEALTH CARE IMPROVEMENT ACT AMENDED.

(a) IN GENERAL.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Indian Health Care Improvement Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Findings.
"Sec. 3. Declaration of national Indian health policy.
"Sec. 4. Definitions.

"TITLE I–INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

"Sec. 101. Purpose.
"Sec. 102. Health professions recruitment program for Indians.
"Sec. 103. Health professions preparatory scholarship program for Indians.
"Sec. 104. Indian health professions scholarships.
"Sec. 105. American Indians Into Psychology Program.
"Sec. 106. Scholarship programs for Indian Tribes.
"Sec. 107. Indian Health Service extern programs.
"Sec. 108. Continuing education allowances.
"Sec. 109. Community Health Representative Program.
"Sec. 110. Indian Health Service Loan Repayment Program.
"Sec. 111. Scholarship and Loan Repayment Recovery Fund.
"Sec. 112. Recruitment activities.
"Sec. 113. Indian recruitment and retention program.
"Sec. 114. Advanced training and research.
"Sec. 115. Quentin N. Burdick American Indians Into Nursing Program.
"Sec. 116. Tribal cultural orientation.
"Sec. 117. INMED Program.
"Sec. 118. Health training programs of community colleges.
"Sec. 119. Retention bonus.
"Sec. 120. Nursing residency program.
"Sec. 121. Community Health Aide Program.
"Sec. 122. Tribal Health Program administration.
"Sec. 123. Health professional chronic shortage demonstration programs.
"Sec. 124. National Health Service Corps.
"Sec. 125. Substance abuse counselor educational curricula demonstration programs.
"Sec. 126. Behavioral health training and community education programs.
"Sec. 127. Authorization of appropriations.

"TITLE II–HEALTH SERVICES

"Sec. 201. Indian Health Care Improvement Fund.
"Sec. 202. Catastrophic Health Emergency Fund.
"Sec. 203. Health promotion and disease prevention services.
"Sec. 204. Diabetes prevention, treatment, and control.
"Sec. 205. Shared services for long-term care.
"Sec. 206. Health services research.
"Sec. 207. Mammography and other cancer screening.
"Sec. 208. Patient travel costs.
"Sec. 209. Epidemiology centers.
"Sec. 210. Comprehensive school health education programs.
"Sec. 211. Indian youth program.
"Sec. 212. Prevention, control, and elimination of communicable and infectious diseases.
"Sec. 213. Other authority for provision of services.
"Sec. 214. Indian women's health care.
"Sec. 215. Environmental and nuclear health hazards.
"Sec. 216. Arizona as a contract health service delivery area.
"Sec. 216A. North Dakota and South Dakota as contract health service delivery area.
"Sec. 217. California contract health services program.
"Sec. 218. California as a contract health service delivery area.
"Sec. 219. Contract health services for the Trenton service area.
"Sec. 220. Programs operated by Indian Tribes and Tribal Organizations.
"Sec. 221. Licensing.
"Sec. 222. Notification of provision of emergency contract health services.
"Sec. 223. Prompt action on payment of claims.
"Sec. 224. Liability for payment.
"Sec. 225. Office of Indian Men's Health.
"Sec. 226. Authorization of appropriations.

"TITLE III–FACILITIES

"Sec. 301. Consultation; construction and renovation of facilities; reports.
"Sec. 302. Sanitation facilities.
"Sec. 303. Preference to Indians and Indian firms.
"Sec. 304. Expenditure of non-Service funds for renovation.
"Sec. 305. Funding for the construction, expansion, and modernization of small ambulatory care facilities.
"Sec. 306. Indian health care delivery demonstration projects.
"Sec. 307. Land transfer.
"Sec. 308. Leases, contracts, and other agreements.
"Sec. 309. Study on loans, loan guarantees, and loan repayment.
"Sec. 310. Tribal leasing.
"Sec. 311. Indian Health Service/tribal facilities joint venture program.
"Sec. 312. Location of facilities.
"Sec. 313. Maintenance and improvement of health care facilities.
"Sec. 314. Tribal management of Federally-owned quarters.
"Sec. 315. Applicability of Buy American Act requirement.
"Sec. 316. Other funding for facilities.
"Sec. 317. Authorization of appropriations.

"TITLE IV–ACCESS TO HEALTH SERVICES

"Sec. 401. Treatment of payments under Social Security Act health benefits programs.
"Sec. 402. Grants to and contracts with the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to facilitate outreach, enrollment, and coverage of Indians under Social Security Act health benefit programs and other health benefits programs.
"Sec. 403. Reimbursement from certain third parties of costs of health services.
"Sec. 404. Crediting of reimbursements.
"Sec. 405. Purchasing health care coverage.
"Sec. 406. Sharing arrangements with Federal agencies.
"Sec. 407. Payor of last resort.
"Sec. 408. Nondiscrimination under Federal health care programs in qualifications for reimbursement for services.
"Sec. 409. Consultation.
"Sec. 410. State Children's Health Insurance Program (SCHIP).
"Sec. 411. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
"Sec. 412. Premium and cost sharing protections and eligibility determinations under Medicaid and SCHIP and protection of certain Indian property from Medicaid estate recovery.
"Sec. 413. Treatment under Medicaid and SCHIP managed care.
"Sec. 414. Navajo Nation Medicaid Agency feasibility study.
"Sec. 415. General exceptions.
"Sec. 416. Authorization of appropriations.

"TITLE V–HEALTH SERVICES FOR URBAN INDIANS

"Sec. 501. Purpose.
"Sec. 502. Contracts with, and grants to, Urban Indian Organizations.
"Sec. 503. Contracts and grants for the provision of health care and referral services.
"Sec. 504. Contracts and grants for the determination of unmet health care needs.
"Sec. 505. Evaluations; renewals.
"Sec. 506. Other contract and grant requirements.
"Sec. 507. Reports and records.
"Sec. 508. Limitation on contract authority.
"Sec. 509. Facilities.
"Sec. 510. Division of Urban Indian Health.
"Sec. 511. Grants for alcohol and substance abuse-related services.
"Sec. 512. Treatment of certain demonstration projects.
"Sec. 513. Urban NIAAA transferred programs.
"Sec. 514. Consultation with Urban Indian Organizations.
"Sec. 515. Urban youth treatment center demonstration.
"Sec. 516. Grants for diabetes prevention, treatment, and control.
"Sec. 517. Community Health Representatives.
"Sec. 518. Effective date.
"Sec. 519. Eligibility for services.
"Sec. 520. Authorization of appropriations.

"TITLE VI–ORGANIZATIONAL IMPROVEMENTS

"Sec. 601. Establishment of the Indian Health Service as an agency of the Public Health Service.
"Sec. 602. Automated management information system.
"Sec. 603. Authorization of appropriations.

"TITLE VII–BEHAVIORAL HEALTH PROGRAMS

"Sec. 701. Behavioral health prevention and treatment services.
"Sec. 702. Memoranda of agreement with the Department of the Interior.
"Sec. 703. Comprehensive behavioral health prevention and treatment program.

“Sec. 704. Mental health technician program.
“Sec. 705. Licensing requirement for mental health care workers.
“Sec. 706. Indian women treatment programs.
“Sec. 707. Indian youth program.
“Sec. 708. Indian youth telemental health demonstration project.
“Sec. 709. Inpatient and community-based mental health facilities design, construction, and staffing.
“Sec. 710. Training and community education.
“Sec. 711. Behavioral health program.
“Sec. 712. Fetal alcohol disorder programs.
“Sec. 713. Child sexual abuse and prevention treatment programs.
“Sec. 714. Behavioral health research.
“Sec. 715. Definitions.
“Sec. 716. Authorization of appropriations.
“TITLE VIII–MISCELLANEOUS
“Sec. 801. Reports.
“Sec. 802. Regulations.
“Sec. 803. Plan of implementation.
“Sec. 804. Availability of funds.
“Sec. 805. Limitation on use of funds appropriated to Indian Health Service.
“Sec. 806. Eligibility of California Indians.
“Sec. 807. Health services for ineligible persons.
“Sec. 808. Reallocation of base resources.
“Sec. 809. Results of demonstration projects.
“Sec. 810. Provision of services in Montana.
“Sec. 811. Moratorium.
“Sec. 812. Tribal employment.
“Sec. 813. Severability provisions.
“Sec. 814. Establishment of National Bipartisan Commission on Indian Health Care.
“Sec. 815. Confidentiality of medical quality assurance records; qualified immunity for participants.
“Sec. 816. Appropriations; availability.
“Sec. 817. Authorization of appropriations.

“SEC. 2. FINDINGS.

“Congress makes the following findings:

“(1) Federal health services to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with, and resulting responsibility to, the American Indian people.

“(2) A major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level and to encourage the maximum participation of Indians in the planning and management of those services.

“(3) Federal health services to Indians have resulted in a reduction in the prevalence and incidence of preventable illnesses among, and unnecessary and premature deaths of, Indians.

“(4) Despite such services, the unmet health needs of the American Indian people are severe and the health status of the Indians is far below that of the general population of the United States.

“SEC. 3. DECLARATION OF NATIONAL INDIAN HEALTH POLICY.

“Congress declares that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians—

“(1) to assure the highest possible health status for Indians and Urban Indians and to provide all resources necessary to effect that policy;

“(2) to raise the health status of Indians and Urban Indians to at least the levels set forth in the goals contained within the Healthy People 2010 or successor objectives;

“(3) to the greatest extent possible, to allow Indians to set their own health care priorities and establish goals that reflect their unmet needs;

“(4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each Service Area is raised to at least the level of that of the general population;

“(5) to require meaningful consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations to implement this Act and the national policy of Indian self-determination; and

“(6) to provide funding for programs and facilities operated by Indian Tribes and Tribal Organizations in amounts that are not less than the amounts provided to programs and facilities operated directly by the Service.

“SEC. 4. DEFINITIONS.

“For purposes of this Act:

“(1) The term ‘accredited and accessible’ means on or near a reservation and accredited by a national or regional organization with accrediting authority.

“(2) The term ‘Area Office’ means an administrative entity, including a program office, within the Service through which services and funds are provided to the Service Units within a defined geographic area.

“(3) The term ‘Assistant Secretary’ means the Assistant Secretary for Indian Health.

“(4)(A) The term ‘behavioral health’ means the blending of substance (alcohol, drugs, inhalants, and tobacco) abuse and mental health prevention and treatment, for the purpose of providing comprehensive services.

“(B) The term ‘behavioral health’ includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach.

“(5) The term ‘California Indians’ means those Indians who are eligible for health services of the Service pursuant to section 806.

“(6) The term ‘community college’ means—

“(A) a tribal college or university, or

“(B) a junior or community college.

“(7) The term ‘contract health service’ means health services provided at the expense of the Service or a Tribal Health Program by public or private medical providers or hospitals, other than the Service Unit or the Tribal Health Program at whose expense the services are provided.

“(8) The term ‘Department’ means, unless otherwise designated, the Department of Health and Human Services.

“(9) The term ‘disease prevention’ means the reduction, limitation, and prevention of disease and its complications and reduction in the consequences of disease, including—

“(A) controlling—

“(i) the development of diabetes;

“(ii) high blood pressure;

“(iii) infectious agents;

“(iv) injuries;

“(v) occupational hazards and disabilities;

“(vi) sexually transmittable diseases; and

“(vii) toxic agents; and

“(B) providing—

“(i) fluoridation of water; and

“(ii) immunizations.

“(10) The term ‘health profession’ means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, allied health professions, and any other health profession.

“(11) The term ‘health promotion’ means—

“(A) fostering social, economic, environmental, and personal factors conducive to health, including raising public awareness about health matters and enabling the people to cope with health problems by increasing their knowledge and providing them with valid information;

“(B) encouraging adequate and appropriate diet, exercise, and sleep;

“(C) promoting education and work in conformity with physical and mental capacity;

“(D) making available safe water and sanitary facilities;

“(E) improving the physical, economic, cultural, psychological, and social environment;

“(F) promoting culturally competent care; and

“(G) providing adequate and appropriate programs, which may include—

“(i) abuse prevention (mental and physical);

“(ii) community health;

“(iii) community safety;

“(iv) consumer health education;

“(v) diet and nutrition;

“(vi) immunization and other prevention of communicable diseases, including HIV/AIDS;

“(vii) environmental health;

“(viii) exercise and physical fitness;

“(ix) avoidance of fetal alcohol disorders;

“(x) first aid and CPR education;

“(xi) human growth and development;

“(xii) injury prevention and personal safety;

“(xiii) behavioral health;

“(xiv) monitoring of disease indicators between health care provider visits, through appropriate means, including Internet-based health care management systems;

“(xv) personal health and wellness practices;

“(xvi) personal capacity building;

“(xvii) prenatal, pregnancy, and infant care;

“(xviii) psychological well-being;

“(xix) reproductive health and family planning;

“(xx) safe and adequate water;

“(xxi) healthy work environments;

“(xxii) elimination, reduction, and prevention of contaminants that create unhealthy household conditions (including mold and other allergens);

“(xxiii) stress control;

“(xxiv) substance abuse;

“(xxv) sanitary facilities;

“(xxvi) sudden infant death syndrome prevention;

“(xxvii) tobacco use cessation and reduction;

“(xxviii) violence prevention; and

“(xxix) such other activities identified by the Service, a Tribal Health Program, or an Urban Indian Organization, to promote achievement of any of the objectives described in section 3(2).

“(12) The term ‘Indian’, unless otherwise designated, means any person who is a member of an Indian Tribe or is eligible for health services under section 806, except that, for the purpose of sections 102 and 103, the term also means any individual who—

“(A)(i) irrespective of whether the individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside; or "(ii) is a descendant, in the first or second degree, of any such member;

"(B) is an Eskimo or Aleut or other Alaska Native;

"(C) is considered by the Secretary of the Interior to be an Indian for any purpose; or

"(D) is determined to be an Indian under regulations promulgated by the Secretary.

"(13) The term 'Indian Health Program' means—

"(A) any health program administered directly by the Service;

"(B) any Tribal Health Program; or

"(C) any Indian Tribe or Tribal Organization to which the Secretary provides funding pursuant to section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the 'Buy Indian Act').

"(14) The term 'Indian Tribe' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(15) The term 'junior or community college' has the meaning given the term by section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

"(16) The term 'reservation' means any federally recognized Indian Tribe's reservation, Pueblo, or colony, including former reservations in Oklahoma, Indian allotments, and Alaska Native Regions established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"(17) The term 'Secretary', unless otherwise designated, means the Secretary of Health and Human Services.

"(18) The term 'Service' means the Indian Health Service.

"(19) The term 'Service Area' means the geographical area served by each Area Office.

"(20) The term 'Service Unit' means an administrative entity of the Service, or a Tribal Health Program through which services are provided, directly or by contract, to eligible Indians within a defined geographic area.

"(21) The term 'telehealth' has the meaning given the term in section 330K(a) of the Public Health Service Act (42 U.S.C. 254c-16(a)).

"(22) The term 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care services.

"(23) The term 'tribal college or university' has the meaning given the term in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

"(24) The term 'Tribal Health Program' means an Indian Tribe or Tribal Organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(25) The term 'Tribal Organization' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(26) The term 'Urban Center' means any community which has a sufficient Urban Indian population with unmet health needs to warrant assistance under title V of this Act, as determined by the Secretary.

"(27) The term 'Urban Indian' means any individual who resides in an Urban Center and who meets 1 or more of the following criteria:

"(A) Irrespective of whether the individual lives on or near a reservation, the individual is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those tribes, bands, or groups that are recognized by the States in which they reside, or who is a descendant in the first or second degree of any such member.

"(B) The individual is an Eskimo, Aleut, or other Alaska Native.

"(C) The individual is considered by the Secretary of the Interior to be an Indian for any purpose.

"(D) The individual is determined to be an Indian under regulations promulgated by the Secretary.

"(28) The term 'Urban Indian Organization' means a nonprofit corporate body that (A) is situated in an Urban Center; (B) is governed by an Urban Indian-controlled board of directors; (C) provides for the participation of all interested Indian groups and individuals; and (D) is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).

"TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

"SEC. 101. PURPOSE.

"The purpose of this title is to increase, to the maximum extent feasible, the number of Indians entering the health professions and providing health services, and to assure an optimum supply of health professionals to the Indian Health Programs and Urban Indian Organizations involved in the provision of health services to Indians.

"SEC. 102. HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS.

"(a) In General.—The Secretary, acting through the Service, shall make grants to public or nonprofit private health or educational entities, Tribal Health Programs, or Urban Indian Organizations to assist such entities in meeting the costs of—

"(1) identifying Indians with a potential for education or training in the health professions and encouraging and assisting them—

"(A) to enroll in courses of study in such health professions; or

"(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

"(2) publicizing existing sources of financial aid available to Indians enrolled in any course of study referred to in paragraph (1) or who are undertaking training necessary to qualify them to enroll in any such course of study; or

"(3) establishing other programs which the Secretary determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1).

"(b) Grants.—

"(1) Application.—The Secretary shall not make a grant under this section unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe pursuant to this Act. The Secretary shall give a preference to applications submitted by Tribal Health Programs or Urban Indian Organizations.

"(2) Amount of grants; payment.—The amount of a grant under this section shall be determined by the Secretary. Payments pursuant to this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions as provided for in regulations issued pursuant to this Act. To the extent not otherwise prohibited by law, grants shall be for 3 years, as provided in regulations issued pursuant to this Act.

"SEC. 103. HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS.

"(a) Scholarships Authorized.—The Secretary, acting through the Service, shall provide scholarship grants to Indians who—

"(1) have successfully completed their high school education or high school equivalency; and

"(2) have demonstrated the potential to successfully complete courses of study in the health professions.

"(b) Purposes.—Scholarship grants provided pursuant to this section shall be for the following purposes:

"(1) Compensatory preprofessional education of any recipient, such scholarship not to exceed 2 years on a full-time basis (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued under this Act).

"(2) Pregraduate education of any recipient leading to a baccalaureate degree in an approved course of study preparatory to a field of study in a health profession, such scholarship not to exceed 4 years. An extension of up to 2 years (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued pursuant to this Act) may be approved.

"(c) Other Conditions.—Scholarships under this section—

"(1) may cover costs of tuition, books, transportation, board, and other necessary related expenses of a recipient while attending school;

"(2) shall not be denied solely on the basis of the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution; and

"(3) shall not be denied solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program.

"SEC. 104. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.

"(a) In General.—

"(1) Authority.—The Secretary, acting through the Service, shall make scholarship grants to Indians who are enrolled full or part time in accredited schools pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Services Act (42 U.S.C. 254*l*), except as provided in subsection (b) of this section.

"(2) Determinations by secretary.—The Secretary, acting through the Service, shall determine—

"(A) who shall receive scholarship grants under subsection (a); and

"(B) the distribution of the scholarships among health professions on the basis of the relative needs of Indians for additional service in the health professions.

"(3) Certain delegation not allowed.—The administration of this section shall be a responsibility of the Assistant Secretary and shall not be delegated in a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(b) Active Duty Service Obligation.—

"(1) Obligation met.—The active duty service obligation under a written contract with the Secretary under this section that an Indian has entered into shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice equal to 1 year for each school year for which the participant receives a scholarship award under this part, or 2 years, whichever is greater, by service in 1 or more of the following:

“(A) In an Indian Health Program.

“(B) In a program assisted under title V of this Act.

“(C) In the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

“(D) In a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, the health service provided to Indians would not decrease.

“(2) OBLIGATION DEFERRED.—At the request of any individual who has entered into a contract referred to in paragraph (1) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

“(A) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service under this subsection.

“(B) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

“(C) The active duty service obligation will be served in the health profession of that individual in a manner consistent with paragraph (1).

“(D) A recipient of a scholarship under this section may, at the election of the recipient, meet the active duty service obligation described in paragraph (1) by service in a program specified under that paragraph that—

“(i) is located on the reservation of the Indian Tribe in which the recipient is enrolled; or

“(ii) serves the Indian Tribe in which the recipient is enrolled.

“(3) PRIORITY WHEN MAKING ASSIGNMENTS.—Subject to paragraph (2), the Secretary, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in paragraph (1), shall give priority to assigning individuals to service in those programs specified in paragraph (1) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

“(c) PART-TIME STUDENTS.—In the case of an individual receiving a scholarship under this section who is enrolled part time in an approved course of study—

“(1) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

“(2) the period of obligated service described in subsection (b)(1) shall be equal to the greater of—

“(A) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship (as determined by the Secretary); or

“(B) 2 years; and

“(3) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254*l*(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.

“(d) BREACH OF CONTRACT.—

“(1) SPECIFIED BREACHES.—An individual shall be liable to the United States for the amount which has been paid to the individual, or on behalf of the individual, under a contract entered into with the Secretary under this section on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 if that individual—

“(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

“(B) is dismissed from such educational institution for disciplinary reasons;

“(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

“(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

“(2) OTHER BREACHES.—If for any reason not specified in paragraph (1) an individual breaches a written contract by failing either to begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

“(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

“(4) WAIVERS AND SUSPENSIONS.—

“(A) IN GENERAL.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

“(i) it is not possible for the recipient to meet that obligation or make that payment;

“(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

“(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

“(B) FACTORS FOR CONSIDERATION.—Before waiving or suspending an obligation of service or payment under subparagraph (A), the Secretary shall consult with the affected Area Office, Indian Tribes, Tribal Organizations, or Urban Indian Organizations, and may take into consideration whether the obligation may be satisfied in a teaching capacity at a tribal college or university nursing program under subsection (b)(1)(D).

“(5) EXTREME HARDSHIP.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

“(6) BANKRUPTCY.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

“SEC. 105. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

“(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants of not more than $300,000 to each of 9 colleges and universities for the purpose of developing and maintaining Indian psychology career recruitment programs as a means of encouraging Indians to enter the behavioral health field. These programs shall be located at various locations throughout the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

“(b) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide a grant authorized under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the ‘Quentin N. Burdick American Indians Into Psychology Program’. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs authorized under section 117(b), the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115(e), and existing university research and communications networks.

“(c) REGULATIONS.—The Secretary shall issue regulations pursuant to this Act for the competitive awarding of grants provided under this section.

“(d) CONDITIONS OF GRANT.—Applicants under this section shall agree to provide a program which, at a minimum—

“(1) provides outreach and recruitment for health professions to Indian communities including elementary, secondary, and accredited and accessible community colleges that will be served by the program;

“(2) incorporates a program advisory board comprised of representatives from the tribes and communities that will be served by the program;

“(3) provides summer enrichment programs to expose Indian students to the various fields of psychology through research, clinical, and experimental activities;

“(4) provides stipends to undergraduate and graduate students to pursue a career in psychology;

“(5) develops affiliation agreements with tribal colleges and universities, the Service, university affiliated programs, and other appropriate accredited and accessible entities to enhance the education of Indian students;

“(6) to the maximum extent feasible, uses existing university tutoring, counseling, and student support services; and

“(7) to the maximum extent feasible, employs qualified Indians in the program.

“(e) ACTIVE DUTY SERVICE REQUIREMENT.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (d)(4) that is funded under this section. Such obligation shall be met by service—

"(1) in an Indian Health Program;

"(2) in a program assisted under title V of this Act; or

"(3) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,700,000 for each of fiscal years 2008 through 2017.

"SEC. 106. SCHOLARSHIP PROGRAMS FOR INDIAN TRIBES.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants to Tribal Health Programs for the purpose of providing scholarships for Indians to serve as health professionals in Indian communities.

"(2) AMOUNT.—Amounts available under paragraph (1) for any fiscal year shall not exceed 5 percent of the amounts available for each fiscal year for Indian Health Scholarships under section 104.

"(3) APPLICATION.—An application for a grant under paragraph (1) shall be in such form and contain such agreements, assurances, and information as consistent with this section.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—A Tribal Health Program receiving a grant under subsection (a) shall provide scholarships to Indians in accordance with the requirements of this section.

"(2) COSTS.—With respect to costs of providing any scholarship pursuant to subsection (a)—

"(A) 80 percent of the costs of the scholarship shall be paid from the funds made available pursuant to subsection (a)(1) provided to the Tribal Health Program; and

"(B) 20 percent of such costs may be paid from any other source of funds.

"(c) COURSE OF STUDY.—A Tribal Health Program shall provide scholarships under this section only to Indians enrolled or accepted for enrollment in a course of study (approved by the Secretary) in 1 of the health professions contemplated by this Act.

"(d) CONTRACT.—

"(1) IN GENERAL.—In providing scholarships under subsection (b), the Secretary and the Tribal Health Program shall enter into a written contract with each recipient of such scholarship.

"(2) REQUIREMENTS.—Such contract shall—

"(A) obligate such recipient to provide service in an Indian Health Program or Urban Indian Organization, in the same Service Area where the Tribal Health Program providing the scholarship is located, for—

"(i) a number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

"(ii) such greater period of time as the recipient and the Tribal Health Program may agree;

"(B) provide that the amount of the scholarship—

"(i) may only be expended for—

"(I) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

"(II) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)), with such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled, and not to exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in this clause; and

"(ii) may not exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in clause (i);

"(C) require the recipient of such scholarship to maintain an acceptable level of academic standing as determined by the educational institution in accordance with regulations issued pursuant to this Act; and

"(D) require the recipient of such scholarship to meet the educational and licensure requirements appropriate to each health profession.

"(3) SERVICE IN OTHER SERVICE AREAS.—The contract may allow the recipient to serve in another Service Area, provided the Tribal Health Program and Secretary approve and services are not diminished to Indians in the Service Area where the Tribal Health Program providing the scholarship is located.

"(e) BREACH OF CONTRACT.—

"(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary and a Tribal Health Program under subsection (d) shall be liable to the United States for the Federal share of the amount which has been paid to him or her, or on his or her behalf, under the contract if that individual—

"(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level as determined by the educational institution under regulations of the Secretary);

"(B) is dismissed from such educational institution for disciplinary reasons;

"(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

"(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

"(2) OTHER BREACHES.—If for any reason not specified in paragraph (1), an individual breaches a written contract by failing to either begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

"(4) INFORMATION.—The Secretary may carry out this subsection on the basis of information received from Tribal Health Programs involved or on the basis of information collected through such other means as the Secretary deems appropriate.

"(f) RELATION TO SOCIAL SECURITY ACT.—The recipient of a scholarship under this section shall agree, in providing health care pursuant to the requirements herein—

"(1) not to discriminate against an individual seeking care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to a program established in title XVIII of the Social Security Act or pursuant to the programs established in title XIX or title XXI of such Act; and

"(2) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX, or the State child health plan under title XXI, of such Act to provide service to individuals entitled to medical assistance or child health assistance, respectively, under the plan.

"(g) CONTINUANCE OF FUNDING.—The Secretary shall make payments under this section to a Tribal Health Program for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the Tribal Health Program has not complied with the requirements of this section.

"SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.

"(a) EMPLOYMENT PREFERENCE.—Any individual who receives a scholarship pursuant to section 104 or 106 shall be given preference for employment in the Service, or may be employed by a Tribal Health Program or an Urban Indian Organization, or other agencies of the Department as available, during any nonacademic period of the year.

"(b) NOT COUNTED TOWARD ACTIVE DUTY SERVICE OBLIGATION.—Periods of employment pursuant to this subsection shall not be counted in determining fulfillment of the service obligation incurred as a condition of the scholarship.

"(c) TIMING; LENGTH OF EMPLOYMENT.—Any individual enrolled in a program, including a high school program, authorized under section 102(a) may be employed by the Service or by a Tribal Health Program or an Urban Indian Organization during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

"(d) NONAPPLICABILITY OF COMPETITIVE PERSONNEL SYSTEM.—Any employment pursuant to this section shall be made without regard to any competitive personnel system or agency personnel limitation and to a position which will enable the individual so employed to receive practical experience in the health profession in which he or she is engaged in study. Any individual so employed shall receive payment for his or her services comparable to the salary he or she would receive if he or she were employed in the competitive system. Any individual so employed shall not be counted against any employment ceiling affecting the Service or the Department.

"SEC. 108. CONTINUING EDUCATION ALLOWANCES.

"In order to encourage scholarship and stipend recipients under sections 104, 105, 106, and 115 and health professionals, including community health representatives and emergency medical technicians, to join or continue in an Indian Health Program and to provide their services in the rural and remote areas where a significant portion of Indians reside, the Secretary, acting through the Service, may—

"(1) provide programs or allowances to transition into an Indian Health Program, including licensing, board or certification examination assistance, and technical assistance in fulfilling service obligations under sections 104, 105, 106, and 115; and

“(2) provide programs or allowances to health professionals employed in an Indian Health Program to enable them for a period of time each year prescribed by regulation of the Secretary to take leave of their duty stations for professional consultation, management, leadership, and refresher training courses.

“SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PROGRAM.

“(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), the Secretary, acting through the Service, shall maintain a Community Health Representative Program under which Indian Health Programs—

“(1) provide for the training of Indians as community health representatives; and

“(2) use such community health representatives in the provision of health care, health promotion, and disease prevention services to Indian communities.

“(b) DUTIES.—The Community Health Representative Program of the Service, shall—

“(1) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by the Program;

“(2) in order to provide such training, develop and maintain a curriculum that—

“(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

“(B) provides instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

“(3) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and develop programs that meet the needs for continuing education;

“(4) maintain a system that provides close supervision of Community Health Representatives;

“(5) maintain a system under which the work of Community Health Representatives is reviewed and evaluated; and

“(6) promote traditional health care practices of the Indian Tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

“SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.

“(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish and administer a program to be known as the Service Loan Repayment Program (hereinafter referred to as the ‘Loan Repayment Program’) in order to ensure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian Health Programs and Urban Indian Organizations.

“(b) ELIGIBLE INDIVIDUALS.—To be eligible to participate in the Loan Repayment Program, an individual must—

“(1)(A) be enrolled—

“(i) in a course of study or program in an accredited educational institution (as determined by the Secretary under section 338B(b)(1)(c)(i) of the Public Health Service Act (42 U.S.C. 254*l*–1(b)(1)(c)(i))) and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

“(ii) in an approved graduate training program in a health profession; or

“(B) have—

“(i) a degree in a health profession; and

“(ii) a license to practice a health profession;

“(2)(A) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service;

“(B) be eligible for selection for civilian service in the Regular or Reserve Corps of the Public Health Service;

“(C) meet the professional standards for civil service employment in the Service; or

“(D) be employed in an Indian Health Program or Urban Indian Organization without a service obligation; and

“(3) submit to the Secretary an application for a contract described in subsection (e).

“(c) APPLICATION.—

“(1) INFORMATION TO BE INCLUDED WITH FORMS.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under subsection (l) in the case of the individual's breach of contract. The Secretary shall provide such individuals with sufficient information regarding the advantages and disadvantages of service as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or a civilian employee of the Service to enable the individual to make a decision on an informed basis.

“(2) CLEAR LANGUAGE.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

“(3) TIMELY AVAILABILITY OF FORMS.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

“(d) PRIORITIES.—

“(1) LIST.—Consistent with subsection (k), the Secretary shall annually—

“(A) identify the positions in each Indian Health Program or Urban Indian Organization for which there is a need or a vacancy; and

“(B) rank those positions in order of priority.

“(2) APPROVALS.—Notwithstanding the priority determined under paragraph (1), the Secretary, in determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall—

“(A) give first priority to applications made by individual Indians; and

“(B) after making determinations on all applications submitted by individual Indians as required under subparagraph (A), give priority to—

“(i) individuals recruited through the efforts of an Indian Health Program or Urban Indian Organization; and

“(ii) other individuals based on the priority rankings under paragraph (1).

“(e) RECIPIENT CONTRACTS.—

“(1) CONTRACT REQUIRED.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in paragraph (2).

“(2) CONTENTS OF CONTRACT.—The written contract referred to in this section between the Secretary and an individual shall contain—

“(A) an agreement under which—

“(i) subject to subparagraph (C), the Secretary agrees—

“(I) to pay loans on behalf of the individual in accordance with the provisions of this section; and

“(II) to accept (subject to the availability of appropriated funds for carrying out this section) the individual into the Service or place the individual with a Tribal Health Program or Urban Indian Organization as provided in clause (ii)(III); and

“(ii) subject to subparagraph (C), the individual agrees—

“(I) to accept loan payments on behalf of the individual;

“(II) in the case of an individual described in subsection (b)(1)—

“(aa) to maintain enrollment in a course of study or training described in subsection (b)(1)(A) until the individual completes the course of study or training; and

“(bb) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

“(III) to serve for a time period (hereinafter in this section referred to as the ‘period of obligated service’) equal to 2 years or such longer period as the individual may agree to serve in the full-time clinical practice of such individual's profession in an Indian Health Program or Urban Indian Organization to which the individual may be assigned by the Secretary;

“(B) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under subparagraph (A)(ii)(III);

“(C) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual which is conditioned thereon is contingent upon funds being appropriated for loan repayments under this section;

“(D) a statement of the damages to which the United States is entitled under subsection (l) for the individual's breach of the contract; and

“(E) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

“(f) DEADLINE FOR DECISION ON APPLICATION.—The Secretary shall provide written notice to an individual within 21 days on—

“(1) the Secretary's approving, under subsection (e)(1), of the individual's participation in the Loan Repayment Program, including extensions resulting in an aggregate period of obligated service in excess of 4 years; or

“(2) the Secretary's disapproving an individual's participation in such Program.

“(g) PAYMENTS.—

“(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

“(A) tuition expenses;

“(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; and

“(C) reasonable living expenses as determined by the Secretary.

“(2) AMOUNT.—For each year of obligated service that an individual contracts to serve under subsection (e), the Secretary may pay up to $35,000 or an amount equal to the amount specified in section 338B(g)(2)(A) of the Public Health Service Act, whichever is more, on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

“(A) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

“(B) provides an incentive to serve in Indian Health Programs and Urban Indian Organizations with the greatest shortages of health professionals; and

“(C) provides an incentive with respect to the health professional involved remaining in an Indian Health Program or Urban Indian Organization with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.

“(3) TIMING.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

“(4) REIMBURSEMENTS FOR TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from a payment under paragraph (2) on behalf of an individual, the Secretary—

“(A) in addition to such payments, may make payments to the individual in an amount equal to not less than 20 percent and not more than 39 percent of the total amount of loan repayments made for the taxable year involved; and

“(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

“(5) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

“(h) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section shall not be counted against any employment ceiling affecting the Department while those individuals are undergoing academic training.

“(i) RECRUITMENT.—The Secretary shall conduct recruiting programs for the Loan Repayment Program and other manpower programs of the Service at educational institutions training health professionals or specialists identified in subsection (a).

“(j) APPLICABILITY OF LAW.—Section 214 of the Public Health Service Act (42 U.S.C. 215) shall not apply to individuals during their period of obligated service under the Loan Repayment Program.

“(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary, in assigning individuals to serve in Indian Health Programs or Urban Indian Organizations pursuant to contracts entered into under this section, shall—

“(1) ensure that the staffing needs of Tribal Health Programs and Urban Indian Organizations receive consideration on an equal basis with programs that are administered directly by the Service; and

“(2) give priority to assigning individuals to Indian Health Programs and Urban Indian Organizations that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

“(l) BREACH OF CONTRACT.—

“(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary under this section and has not received a waiver under subsection (m) shall be liable, in lieu of any service obligation arising under such contract, to the United States for the amount which has been paid on such individual's behalf under the contract if that individual—

“(A) is enrolled in the final year of a course of study and—

“(i) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

“(ii) voluntarily terminates such enrollment; or

“(iii) is dismissed from such educational institution before completion of such course of study; or

“(B) is enrolled in a graduate training program and fails to complete such training program.

“(2) OTHER BREACHES; FORMULA FOR AMOUNT OWED.—If, for any reason not specified in paragraph (1), an individual breaches his or her written contract under this section by failing either to begin, or complete, such individual's period of obligated service in accordance with subsection (e)(2), the United States shall be entitled to recover from such individual an amount to be determined in accordance with the following formula: $A=3Z(t-s/t)$ in which—

“(A) ‘A’ is the amount the United States is entitled to recover;

“(B) ‘Z’ is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury;

“(C) ‘t’ is the total number of months in the individual's period of obligated service in accordance with subsection (f); and

“(D) ‘s’ is the number of months of such period served by such individual in accordance with this section.

“(3) DEDUCTIONS IN MEDICARE PAYMENTS.—Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1892 of the Social Security Act.

“(4) TIME PERIOD FOR REPAYMENT.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach or such longer period beginning on such date as shall be specified by the Secretary.

“(5) RECOVERY OF DELINQUENCY.—

“(A) IN GENERAL.—If damages described in paragraph (4) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

“(i) use collection agencies contracted with by the Administrator of General Services; or

“(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

“(B) REPORT.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

“(m) WAIVER OR SUSPENSION OF OBLIGATION.—

“(1) IN GENERAL.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the Loan Repayment Program whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

“(2) CANCELED UPON DEATH.—Any obligation of an individual under the Loan Repayment Program for service or payment of damages shall be canceled upon the death of the individual.

“(3) HARDSHIP WAIVER.—The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship or other good cause shown, as determined by the Secretary.

“(4) BANKRUPTCY.—Any obligation of an individual under the Loan Repayment Program for payment of damages may be released by a discharge in bankruptcy under title 11 of the United States Code only if such discharge is granted after the expiration of the 5-year period beginning on the first date that payment of such damages is required, and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable.

“(n) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be submitted to Congress under section 801, a report concerning the previous fiscal year which sets forth by Service Area the following:

“(1) A list of the health professional positions maintained by Indian Health Programs and Urban Indian Organizations for which recruitment or retention is difficult.

“(2) The number of Loan Repayment Program applications filed with respect to each type of health profession.

“(3) The number of contracts described in subsection (e) that are entered into with respect to each health profession.

“(4) The amount of loan payments made under this section, in total and by health profession.

“(5) The number of scholarships that are provided under sections 104 and 106 with respect to each health profession.

“(6) The amount of scholarship grants provided under section 104 and 106, in total and by health profession.

“(7) The number of providers of health care that will be needed by Indian Health Programs and Urban Indian Organizations, by location and profession, during the 3 fiscal years beginning after the date the report is filed.

“(8) The measures the Secretary plans to take to fill the health professional positions maintained by Indian Health Programs or Urban Indian Organizations for which recruitment or retention is difficult.

"SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.

"(a) Establishment.—There is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (hereafter in this section referred to as the 'LRRF'). The LRRF shall consist of such amounts as may be collected from individuals under section 104(d), section 106(e), and section 110(l) for breach of contract, such funds as may be appropriated to the LRRF, and interest earned on amounts in the LRRF. All amounts collected, appropriated, or earned relative to the LRRF shall remain available until expended.

"(b) Use of Funds.—

"(1) By secretary.—Amounts in the LRRF may be expended by the Secretary, acting through the Service, to make payments to an Indian Health Program—

"(A) to which a scholarship recipient under section 104 and 106 or a loan repayment program participant under section 110 has been assigned to meet the obligated service requirements pursuant to such sections; and

"(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 104, 106, or section 110.

"(2) By tribal health programs.—A Tribal Health Program receiving payments pursuant to paragraph (1) may expend the payments to provide scholarships or recruit and employ, directly or by contract, health professionals to provide health care services.

"(c) Investment of Funds.—The Secretary of the Treasury shall invest such amounts of the LRRF as the Secretary of Health and Human Services determines are not required to meet current withdrawals from the LRRF. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

"(d) Sale of Obligations.—Any obligation acquired by the LRRF may be sold by the Secretary of the Treasury at the market price.

"SEC. 112. RECRUITMENT ACTIVITIES.

"(a) Reimbursement for Travel.—The Secretary, acting through the Service, may reimburse health professionals seeking positions with Indian Health Programs or Urban Indian Organizations, including individuals considering entering into a contract under section 110 and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

"(b) Recruitment Personnel.—The Secretary, acting through the Service, shall assign 1 individual in each Area Office to be responsible on a full-time basis for recruitment activities.

"SEC. 113. INDIAN RECRUITMENT AND RETENTION PROGRAM.

"(a) In General.—The Secretary, acting through the Service, shall fund, on a competitive basis, innovative demonstration projects for a period not to exceed 3 years to enable Tribal Health Programs and Urban Indian Organizations to recruit, place, and retain health professionals to meet their staffing needs.

"(b) Eligible Entities; Application.—Any Tribal Health Program or Urban Indian Organization may submit an application for funding of a project pursuant to this section.

"SEC. 114. ADVANCED TRAINING AND RESEARCH.

"(a) Demonstration Program.—The Secretary, acting through the Service, shall establish a demonstration project to enable health professionals who have worked in an Indian Health Program or Urban Indian Organization for a substantial period of time to pursue advanced training or research areas of study for which the Secretary determines a need exists.

"(b) Service Obligation.—An individual who participates in a program under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to at least the period of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the individual shall be liable to the United States for the period of service remaining. In such event, with respect to individuals entering the program after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"(c) Equal Opportunity for Participation.—Health professionals from Tribal Health Programs and Urban Indian Organizations shall be given an equal opportunity to participate in the program under subsection (a).

"SEC. 115. QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.

"(a) Grants Authorized.—For the purpose of increasing the number of nurses, nurse midwives, and nurse practitioners who deliver health care services to Indians, the Secretary, acting through the Service, shall provide grants to the following:

"(1) Public or private schools of nursing.

"(2) Tribal colleges or universities.

"(3) Nurse midwife programs and advanced practice nurse programs that are provided by any tribal college or university accredited nursing program, or in the absence of such, any other public or private institutions.

"(b) Use of Grants.—Grants provided under subsection (a) may be used for 1 or more of the following:

"(1) To recruit individuals for programs which train individuals to be nurses, nurse midwives, or advanced practice nurses.

"(2) To provide scholarships to Indians enrolled in such programs that may pay the tuition charged for such program and other expenses incurred in connection with such program, including books, fees, room and board, and stipends for living expenses.

"(3) To provide a program that encourages nurses, nurse midwives, and advanced practice nurses to provide, or continue to provide, health care services to Indians.

"(4) To provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and advanced practice nurses.

"(5) To provide any program that is designed to achieve the purpose described in subsection (a).

"(c) Applications.—Each application for a grant under subsection (a) shall include such information as the Secretary may require to establish the connection between the program of the applicant and a health care facility that primarily serves Indians.

"(d) Preferences for Grant Recipients.—In providing grants under subsection (a), the Secretary shall extend a preference to the following:

"(1) Programs that provide a preference to Indians.

"(2) Programs that train nurse midwives or advanced practice nurses.

"(3) Programs that are interdisciplinary.

"(4) Programs that are conducted in cooperation with a program for gifted and talented Indian students.

"(5) Programs conducted by tribal colleges and universities.

"(e) Quentin N. Burdick Program Grant.—The Secretary shall provide 1 of the grants authorized under subsection (a) to establish and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Nursing Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs established under section 117(b) and the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b).

"(f) Active Duty Service Obligation.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each individual who receives training or assistance described in paragraph (1) or (2) of subsection (b) that is funded by a grant provided under subsection (a). Such obligation shall be met by service—

"(1) in the Service;

"(2) in a program of an Indian Tribe or Tribal Organization conducted under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) (including programs under agreements with the Bureau of Indian Affairs);

"(3) in a program assisted under title V of this Act;

"(4) in the private practice of nursing if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health shortage area and addresses the health care needs of a substantial number of Indians; or

"(5) in a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, health services provided to Indians would not decrease.

"SEC. 116. TRIBAL CULTURAL ORIENTATION.

"(a) Cultural Education of Employees.—The Secretary, acting through the Service, shall require that appropriate employees of the Service who serve Indian Tribes in each Service Area receive educational instruction in the history and culture of such Indian Tribes and their relationship to the Service.

"(b) Program.—In carrying out subsection (a), the Secretary shall establish a program which shall, to the extent feasible—

"(1) be developed in consultation with the affected Indian Tribes, Tribal Organizations, and Urban Indian Organizations;

"(2) be carried out through tribal colleges or universities;

"(3) include instruction in American Indian studies; and

"(4) describe the use and place of traditional health care practices of the Indian Tribes in the Service Area.

"SEC. 117. INMED PROGRAM.

"(a) Grants Authorized.—The Secretary, acting through the Service, is authorized to provide grants to colleges and universities for the purpose of maintaining and expanding the Indian health careers recruitment program known as the 'Indians Into Medicine Program' (hereinafter in this section referred to as 'INMED') as a means of encouraging Indians to enter the health professions.

"(b) QUENTIN N. BURDICK GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to maintain the INMED program at the University of North Dakota, to be known as the 'Quentin N. Burdick Indian Health Programs', unless the Secretary makes a determination, based upon program reviews, that the program is not meeting the purposes of this section. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 115.

"(c) REGULATIONS.—The Secretary, pursuant to this Act, shall develop regulations to govern grants pursuant to this section.

"(d) REQUIREMENTS.—Applicants for grants provided under this section shall agree to provide a program which—

"(1) provides outreach and recruitment for health professions to Indian communities including elementary and secondary schools and community colleges located on reservations which will be served by the program;

"(2) incorporates a program advisory board comprised of representatives from the Indian Tribes and Indian communities which will be served by the program;

"(3) provides summer preparatory programs for Indian students who need enrichment in the subjects of math and science in order to pursue training in the health professions;

"(4) provides tutoring, counseling, and support to students who are enrolled in a health career program of study at the respective college or university; and

"(5) to the maximum extent feasible, employs qualified Indians in the program.

"SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY COLLEGES.

"(a) GRANTS TO ESTABLISH PROGRAMS.—

"(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges for the purpose of assisting such community colleges in the establishment of programs which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice such profession on or near a reservation or in an Indian Health Program.

"(2) AMOUNT OF GRANTS.—The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed $250,000.

"(b) GRANTS FOR MAINTENANCE AND RECRUITING.—

"(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges that have established a program described in subsection (a)(1) for the purpose of maintaining the program and recruiting students for the program.

"(2) REQUIREMENTS.—Grants may only be made under this section to a community college which—

"(A) is accredited;

"(B) has a relationship with a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals;

"(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

"(i) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs that train health professionals; and

"(ii) stipulate certifications necessary to approve internship and field placement opportunities at Indian Health Programs;

"(D) has a qualified staff which has the appropriate certifications;

"(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1); and

"(F) agrees to provide for Indian preference for applicants for programs under this section.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall encourage community colleges described in subsection (b)(2) to establish and maintain programs described in subsection (a)(1) by—

"(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs; and

"(2) providing technical assistance and support to such colleges.

"(d) ADVANCED TRAINING.—

"(1) REQUIRED.—Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which provide advanced training for any health professional who—

"(A) has already received a degree or diploma in such health profession; and

"(B) provides clinical services on or near a reservation or for an Indian Health Program.

"(2) MAY BE OFFERED AT ALTERNATE SITE.—Such courses of study may be offered in conjunction with the college or university with which the community college has entered into the agreement required under subsection (b)(2)(C).

"(e) PRIORITY.—Where the requirements of subsection (b) are met, grant award priority shall be provided to tribal colleges and universities in Service Areas where they exist.

"SEC. 119. RETENTION BONUS.

"(a) BONUS AUTHORIZED.—The Secretary may pay a retention bonus to any health professional employed by, or assigned to, and serving in, an Indian Health Program or Urban Indian Organization either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

"(1) is assigned to, and serving in, a position for which recruitment or retention of personnel is difficult;

"(2) the Secretary determines is needed by Indian Health Programs and Urban Indian Organizations;

"(3) has—

"(A) completed 2 years of employment with an Indian Health Program or Urban Indian Organization; or

"(B) completed any service obligations incurred as a requirement of—

"(i) any Federal scholarship program; or

"(ii) any Federal education loan repayment program; and

"(4) enters into an agreement with an Indian Health Program or Urban Indian Organization for continued employment for a period of not less than 1 year.

"(b) RATES.—The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4), but in no event shall the annual rate be more than $25,000 per annum.

"(c) DEFAULT OF RETENTION AGREEMENT.—Any health professional failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 110(l)(2)(B).

"(d) OTHER RETENTION BONUS.—The Secretary may pay a retention bonus to any health professional employed by a Tribal Health Program if such health professional is serving in a position which the Secretary determines is—

"(1) a position for which recruitment or retention is difficult; and

"(2) necessary for providing health care services to Indians.

"SEC. 120. NURSING RESIDENCY PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian Health Program or Urban Indian Organization, and have done so for a period of not less than 1 year, to pursue advanced training. Such program shall include a combination of education and work study in an Indian Health Program or Urban Indian Organization leading to an associate or bachelor's degree (in the case of a licensed practical nurse or licensed vocational nurse), a bachelor's degree (in the case of a registered nurse), or advanced degrees or certifications in nursing and public health.

"(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to 1 year for every year that nonprofessional employee (licensed practical nurses, licensed vocational nurses, nursing assistants, and various health care technicals), or 2 years for every year that professional nurse (associate degree and bachelor-prepared registered nurses), participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"SEC. 121. COMMUNITY HEALTH AIDE PROGRAM.

"(a) GENERAL PURPOSES OF PROGRAM.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall develop and operate a Community Health Aide Program in Alaska under which the Service—

"(1) provides for the training of Alaska Natives as health aides or community health practitioners;

"(2) uses such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

"(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides or community health practitioners.

"(b) SPECIFIC PROGRAM REQUIREMENTS.—The Secretary, acting through the Community Health Aide Program of the Service, shall—

"(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

"(2) in order to provide such training, develop a curriculum that—

"(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

"(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

"(C) promotes the achievement of the health status objectives specified in section 3(2);

"(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides or community health practitioners individuals who have successfully completed the training described in paragraph (1) or can demonstrate equivalent experience;

"(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

"(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners;

"(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services; and

"(7) ensure that pulpal therapy (not including pulpotomies on deciduous teeth) or extraction of adult teeth can be performed by a dental health aide therapist only after consultation with a licensed dentist who determines that the procedure is a medical emergency that cannot be resolved with palliative treatment, and further that dental health aide therapists are strictly prohibited from performing all other oral or jaw surgeries, provided that uncomplicated extractions shall not be considered oral surgery under this section.

"(c) Program Review.—

"(1) Neutral panel.—

"(A) Establishment.—The Secretary, acting through the Service, shall establish a neutral panel to carry out the study under paragraph (2).

"(B) Membership.—Members of the neutral panel shall be appointed by the Secretary from among clinicians, economists, community practitioners, oral epidemiologists, and Alaska Natives.

"(2) Study.—

"(A) In general.—The neutral panel established under paragraph (1) shall conduct a study of the dental health aide therapist services provided by the Community Health Aide Program under this section to ensure that the quality of care provided through those services is adequate and appropriate.

"(B) Parameters of study.—The Secretary, in consultation with interested parties, including professional dental organizations, shall develop the parameters of the study.

"(C) Inclusions.—The study shall include a determination by the neutral panel with respect to—

"(i) the ability of the dental health aide therapist services under this section to address the dental care needs of Alaska Natives;

"(ii) the quality of care provided through those services, including any training, improvement, or additional oversight required to improve the quality of care; and

"(iii) whether safer and less costly alternatives to the dental health aide therapist services exist.

"(D) Consultation.—In carrying out the study under this paragraph, the neutral panel shall consult with Alaska Tribal Organizations with respect to the adequacy and accuracy of the study.

"(3) Report.—The neutral panel shall submit to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under paragraph (2), including a description of—

"(A) any determination of the neutral panel under paragraph (2)(C); and

"(B) any comments received from an Alaska Tribal Organization under paragraph (2)(D).

"(d) Nationalization of Program.—

"(1) In general.—Except as provided in paragraph (2), the Secretary, acting through the Service, may establish a national Community Health Aide Program in accordance with the program under this section, as the Secretary determines to be appropriate.

"(2) Exception.—The national Community Health Aide Program under paragraph (1) shall not include dental health aide therapist services.

"(3) Requirement.—In establishing a national program under paragraph (1), the Secretary shall not reduce the amount of funds provided for the Community Health Aide Program described in subsections (a) and (b).

"SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.

"The Secretary, acting through the Service, shall, by contract or otherwise, provide training for Indians in the administration and planning of Tribal Health Programs.

"SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROGRAMS.

"(a) Demonstration Programs Authorized.—The Secretary, acting through the Service, may fund demonstration programs for Tribal Health Programs to address the chronic shortages of health professionals.

"(b) Purposes of Programs.—The purposes of demonstration programs funded under subsection (a) shall be—

"(1) to provide direct clinical and practical experience at a Service Unit to health profession students and residents from medical schools;

"(2) to improve the quality of health care for Indians by assuring access to qualified health care professionals; and

"(3) to provide academic and scholarly opportunities for health professionals serving Indians by identifying all academic and scholarly resources of the region.

"(c) Advisory Board.—The demonstration programs established pursuant to subsection (a) shall incorporate a program advisory board composed of representatives from the Indian Tribes and Indian communities in the area which will be served by the program.

"SEC. 124. NATIONAL HEALTH SERVICE CORPS.

"(a) No Reduction in Services.—The Secretary shall not—

"(1) remove a member of the National Health Service Corps from an Indian Health Program or Urban Indian Organization; or

"(2) withdraw funding used to support such member, unless the Secretary, acting through the Service, has ensured that the Indians receiving services from such member will experience no reduction in services.

"(b) Exemption From Limitations.—National Health Service Corps scholars qualifying for the Commissioned Corps in the Public Health Service shall be exempt from the full-time equivalent limitations of the National Health Service Corps and the Service when serving as a commissioned corps officer in a Tribal Health Program or an Urban Indian Organization.

"SEC. 125. SUBSTANCE ABUSE COUNSELOR EDUCATIONAL CURRICULA DEMONSTRATION PROGRAMS.

"(a) Contracts and Grants.—The Secretary, acting through the Service, may enter into contracts with, or make grants to, accredited tribal colleges and universities and eligible accredited and accessible community colleges to establish demonstration programs to develop educational curricula for substance abuse counseling.

"(b) Use of Funds.—Funds provided under this section shall be used only for developing and providing educational curriculum for substance abuse counseling (including paying salaries for instructors). Such curricula may be provided through satellite campus programs.

"(c) Time Period of Assistance; Renewal.—A contract entered into or a grant provided under this section shall be for a period of 3 years. Such contract or grant may be renewed for an additional 2-year period upon the approval of the Secretary.

"(d) Criteria for Review and Approval of Applications.—Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, after consultation with Indian Tribes and administrators of tribal colleges and universities and eligible accredited and accessible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration programs established under this section promote the development of the capacity of such entities to educate substance abuse counselors.

"(e) Assistance.—The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

"(f) Report.—Each fiscal year, the Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for that fiscal year, a report on the findings and conclusions derived from the demonstration programs conducted under this section during that fiscal year.

"(g) Definition.—For the purposes of this section, the term 'educational curriculum' means 1 or more of the following:

"(1) Classroom education.

"(2) Clinical work experience.

"(3) Continuing education workshops.

"SEC. 126. BEHAVIORAL HEALTH TRAINING AND COMMUNITY EDUCATION PROGRAMS.

"(a) Study; List.—The Secretary, acting through the Service, and the Secretary of the Interior, in consultation with Indian Tribes and Tribal Organizations, shall conduct a study and compile a list of the types of staff positions specified in subsection (b) whose qualifications include, or should include, training in the identification, prevention, education, referral, or treatment of mental illness, or dysfunctional and self destructive behavior.

"(b) Positions.—The positions referred to in subsection (a) are—

"(1) staff positions within the Bureau of Indian Affairs, including existing positions, in the fields of—

"(A) elementary and secondary education;

"(B) social services and family and child welfare;

"(C) law enforcement and judicial services; and

"(D) alcohol and substance abuse;

"(2) staff positions within the Service; and

"(3) staff positions similar to those identified in paragraphs (1) and (2) established and maintained by Indian Tribes, Tribal Organizations (without regard to the funding source), and Urban Indian Organizations.

"(c) Training Criteria.—

"(1) In general.—The appropriate Secretary shall provide training criteria appropriate to each type of position identified in subsection (b)(1) and (b)(2) and ensure that appropriate training has been, or shall be provided to any individual in any such position. With respect to any such individual in a position identified pursuant to subsection (b)(3), the respective Secretaries shall provide appropriate training to, or provide funds to, an Indian Tribe, Tribal Organization, or Urban Indian Organization for training of appropriate individuals. In the case of positions funded under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the appropriate Secretary shall ensure that such training costs are included in the contract or compact, as the Secretary determines necessary.

"(2) Position specific training criteria.—Position specific training criteria shall be culturally relevant to Indians and Indian Tribes and shall ensure that appropriate information regarding traditional health care practices is provided.

"(d) Community Education on Mental Illness.—The Service shall develop and implement, on request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, or assist the Indian Tribe, Tribal Organization, or Urban Indian Organization to develop and implement, a program of community education on mental illness. In carrying out this subsection, the Service shall, upon request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance to the Indian Tribe, Tribal Organization, or Urban Indian Organization to obtain and develop community educational materials on the identification, prevention, referral, and treatment of mental illness and dysfunctional and self-destructive behavior.

"(e) Plan.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall develop a plan under which the Service will increase the health care staff providing behavioral health services by at least 500 positions within 5 years after the date of enactment of this section, with at least 200 of such positions devoted to child, adolescent, and family services. The plan developed under this subsection shall be implemented under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act').

"SEC. 127. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE II—HEALTH SERVICES

"SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.

"(a) Use of Funds.—The Secretary, acting through the Service, is authorized to expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), which are appropriated under the authority of this section, for the purposes of—

"(1) eliminating the deficiencies in health status and health resources of all Indian Tribes;

"(2) eliminating backlogs in the provision of health care services to Indians;

"(3) meeting the health needs of Indians in an efficient and equitable manner, including the use of telehealth and telemedicine when appropriate;

"(4) eliminating inequities in funding for both direct care and contract health service programs; and

"(5) augmenting the ability of the Service to meet the following health service responsibilities with respect to those Indian Tribes with the highest levels of health status deficiencies and resource deficiencies:

"(A) Clinical care, including inpatient care, outpatient care (including audiology, clinical eye, and vision care), primary care, secondary and tertiary care, and long-term care.

"(B) Preventive health, including mammography and other cancer screening in accordance with section 207.

"(C) Dental care.

"(D) Mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners.

"(E) Emergency medical services.

"(F) Treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol syndrome) among Indians.

"(G) Injury prevention programs, including data collection and evaluation, demonstration projects, training, and capacity building.

"(H) Home health care.

"(I) Community health representatives.

"(J) Maintenance and improvement.

"(b) No Offset or Limitation.—Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act or the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other provision of law.

"(c) Allocation; Use.—

"(1) In general.—Funds appropriated under the authority of this section shall be allocated to Service Units, Indian Tribes, or Tribal Organizations. The funds allocated to each Indian Tribe, Tribal Organization, or Service Unit under this paragraph shall be used by the Indian Tribe, Tribal Organization, or Service Unit under this paragraph to improve the health status and reduce the resource deficiency of each Indian Tribe served by such Service Unit, Indian Tribe, or Tribal Organization.

"(2) Apportionment of allocated funds.—The apportionment of funds allocated to a Service Unit, Indian Tribe, or Tribal Organization under paragraph (1) among the health service responsibilities described in subsection (a)(5) shall be determined by the Service in consultation with, and with the active participation of, the affected Indian Tribes and Tribal Organizations.

"(d) Provisions Relating to Health Status and Resource Deficiencies.—For the purposes of this section, the following definitions apply:

"(1) Definition.—The term 'health status and resource deficiency' means the extent to which—

"(A) the health status objectives set forth in section 3(2) are not being achieved; and

"(B) the Indian Tribe or Tribal Organization does not have available to it the health resources it needs, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances.

"(2) Available resources.—The health resources available to an Indian Tribe or Tribal Organization include health resources provided by the Service as well as health resources used by the Indian Tribe or Tribal Organization, including services and financing systems provided by any Federal programs, private insurance, and programs of State or local governments.

"(3) Process for review of determinations.—The Secretary shall establish procedures which allow any Indian Tribe or Tribal Organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such Indian Tribe or Tribal Organization.

"(e) Eligibility for Funds.—Tribal Health Programs shall be eligible for funds appropriated under the authority of this section on an equal basis with programs that are administered directly by the Service.

"(f) Report.—By no later than the date that is 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to Congress the current health status and resource deficiency report of the Service for each Service Unit, including newly recognized or acknowledged Indian Tribes. Such report shall set out—

"(1) the methodology then in use by the Service for determining Tribal health status and resource deficiencies, as well as the most recent application of that methodology;

"(2) the extent of the health status and resource deficiency of each Indian Tribe served by the Service or a Tribal Health Program;

"(3) the amount of funds necessary to eliminate the health status and resource deficiencies of all Indian Tribes served by the Service or a Tribal Health Program; and

"(4) an estimate of—

"(A) the amount of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service for the preceding fiscal year which is allocated to each Service Unit, Indian Tribe, or Tribal Organization;

"(B) the number of Indians eligible for health services in each Service Unit or Indian Tribe or Tribal Organization; and

"(C) the number of Indians using the Service resources made available to each Service Unit, Indian Tribe or Tribal Organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

"(g) Inclusion in Base Budget.—Funds appropriated under this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

"(h) Clarification.—Nothing in this section is intended to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs, nor are the provisions of this section intended to discourage the Service from undertaking additional efforts to achieve equity among Indian Tribes and Tribal Organizations.

“(i) Funding Designation.—Any funds appropriated under the authority of this section shall be designated as the ‘Indian Health Care Improvement Fund’.

“SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

“(a) Establishment.—There is established an Indian Catastrophic Health Emergency Fund (hereafter in this section referred to as the ‘CHEF’) consisting of—

“(1) the amounts deposited under subsection (f); and

“(2) the amounts appropriated to CHEF under this section.

“(b) Administration.—CHEF shall be administered by the Secretary, acting through the headquarters of the Service, solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

“(c) Conditions on Use of Fund.—No part of CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), nor shall CHEF funds be allocated, apportioned, or delegated on an Area Office, Service Unit, or other similar basis.

“(d) Regulations.—The Secretary shall promulgate regulations consistent with the provisions of this section to—

“(1) establish a definition of disasters and catastrophic illnesses for which the cost of the treatment provided under contract would qualify for payment from CHEF;

“(2) provide that a Service Unit shall not be eligible for reimbursement for the cost of treatment from CHEF until its cost of treating any victim of such catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

“(A) the 2000 level of $19,000; and

“(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

“(3) establish a procedure for the reimbursement of the portion of the costs that exceeds such threshold cost incurred by—

“(A) Service Units; or

“(B) whenever otherwise authorized by the Service, non-Service facilities or providers;

“(4) establish a procedure for payment from CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

“(5) establish a procedure that will ensure that no payment shall be made from CHEF to any provider of treatment to the extent that such provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible.

“(e) No Offset or Limitation.—Amounts appropriated to CHEF under this section shall not be used to offset or limit appropriations made to the Service under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), or any other law.

“(f) Deposit of Reimbursement Funds.—There shall be deposited into CHEF all reimbursements to which the Service is entitled from any Federal, State, local, or private source (including third party insurance) by reason of treatment rendered to any victim of a disaster or catastrophic illness the cost of which was paid from CHEF.

“SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION SERVICES.

“(a) Findings.—Congress finds that health promotion and disease prevention activities—

“(1) improve the health and well-being of Indians; and

“(2) reduce the expenses for health care of Indians.

“(b) Provision of Services.—The Secretary, acting through the Service and Tribal Health Programs, shall provide health promotion and disease prevention services to Indians to achieve the health status objectives set forth in section 3(2).

“(c) Evaluation.—The Secretary, after obtaining input from the affected Tribal Health Programs, shall submit to the President for inclusion in the report which is required to be submitted to Congress under section 801 an evaluation of—

“(1) the health promotion and disease prevention needs of Indians;

“(2) the health promotion and disease prevention activities which would best meet such needs;

“(3) the internal capacity of the Service and Tribal Health Programs to meet such needs; and

“(4) the resources which would be required to enable the Service and Tribal Health Programs to undertake the health promotion and disease prevention activities necessary to meet such needs.

“SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.

“(a) Determinations Regarding Diabetes.—The Secretary, acting through the Service, and in consultation with Indian Tribes and Tribal Organizations, shall determine—

“(1) by Indian Tribe and by Service Unit, the incidence of, and the types of complications resulting from, diabetes among Indians; and

“(2) based on the determinations made pursuant to paragraph (1), the measures (including patient education and effective ongoing monitoring of disease indicators) each Service Unit should take to reduce the incidence of, and prevent, treat, and control the complications resulting from, diabetes among Indian Tribes within that Service Unit.

“(b) Diabetes Screening.—To the extent medically indicated and with informed consent, the Secretary shall screen each Indian who receives services from the Service for diabetes and for conditions which indicate a high risk that the individual will become diabetic and establish a cost-effective approach to ensure ongoing monitoring of disease indicators. Such screening and monitoring may be conducted by a Tribal Health Program and may be conducted through appropriate Internet-based health care management programs.

“(c) Diabetes Projects.—The Secretary shall continue to maintain each model diabetes project in existence on the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, any such other diabetes programs operated by the Service or Tribal Health Programs, and any additional diabetes projects, such as the Medical Vanguard program provided for in title IV of Public Law 108-87, as implemented to serve Indian Tribes. Tribal Health Programs shall receive recurring funding for the diabetes projects that they operate pursuant to this section, both at the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 and for projects which are added and funded thereafter.

“(d) Dialysis Programs.—The Secretary is authorized to provide, through the Service, Indian Tribes, and Tribal Organizations, dialysis programs, including the purchase of dialysis equipment and the provision of necessary staffing.

“(e) Other Duties of the Secretary.—

“(1) In general.—The Secretary shall, to the extent funding is available—

“(A) in each Area Office, consult with Indian Tribes and Tribal Organizations regarding programs for the prevention, treatment, and control of diabetes;

“(B) establish in each Area Office a registry of patients with diabetes to track the incidence of diabetes and the complications from diabetes in that area; and

“(C) ensure that data collected in each Area Office regarding diabetes and related complications among Indians are disseminated to all other Area Offices, subject to applicable patient privacy laws.

“(2) Diabetes control officers.—

“(A) In general.—The Secretary may establish and maintain in each Area Office a position of diabetes control officer to coordinate and manage any activity of that Area Office relating to the prevention, treatment, or control of diabetes to assist the Secretary in carrying out a program under this section or section 330C of the Public Health Service Act (42 U.S.C. 254c-3).

“(B) Certain activities.—Any activity carried out by a diabetes control officer under subparagraph (A) that is the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and any funds made available to carry out such an activity, shall not be divisible for purposes of that Act.

“SEC. 205. SHARED SERVICES FOR LONG-TERM CARE.

“(a) Long-Term Care.—Notwithstanding any other provision of law, the Secretary, acting through the Service, is authorized to provide directly, or enter into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations for, the delivery of long-term care (including health care services associated with long-term care) provided in a facility to Indians. Such agreements shall provide for the sharing of staff or other services between the Service or a Tribal Health Program and a long-term care or related facility owned and operated (directly or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) by such Indian Tribe or Tribal Organization.

“(b) Contents of Agreements.—An agreement entered into pursuant to subsection (a)—

“(1) may, at the request of the Indian Tribe or Tribal Organization, delegate to such Indian Tribe or Tribal Organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

“(2) shall provide that expenses (including salaries) relating to services that are shared between the Service and the Tribal Health Program be allocated proportionately between the Service and the Indian Tribe or Tribal Organization; and

“(3) may authorize such Indian Tribe or Tribal Organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to a Service facility).

“(c) Minimum Requirement.—Any nursing facility provided for under this section shall meet the requirements for nursing facilities under section 1919 of the Social Security Act.

“(d) Other Assistance.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

“(e) Use of Existing or Underused Facilities.—The Secretary shall encourage the use of existing facilities that are underused or allow the use of swing beds for long-term or similar care.

“SEC. 206. HEALTH SERVICES RESEARCH.

“(a) In General.—The Secretary, acting through the Service, shall make funding available for research to further the performance of the health service responsibilities of Indian Health Programs.

“(b) Coordination of Resources and Activities.—The Secretary shall also, to the maximum extent practicable, coordinate departmental research resources and activities to address relevant Indian Health Program research needs.

“(c) Availability.—Tribal Health Programs shall be given an equal opportunity to compete for, and receive, research funds under this section.

“(d) Use of Funds.—This funding may be used for both clinical and nonclinical research.

“(e) Evaluation and Dissemination.—The Secretary shall periodically—

“(1) evaluate the impact of research conducted under this section; and

“(2) disseminate to Tribal Health Programs information regarding that research as the Secretary determines to be appropriate.

“SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREENING.

“The Secretary, acting through the Service or Tribal Health Programs, shall provide for screening as follows:

“(1) Screening mammography (as defined in section 1861(jj) of the Social Security Act) for Indian women at a frequency appropriate to such women under accepted and appropriate national standards, and under such terms and conditions as are consistent with standards established by the Secretary to ensure the safety and accuracy of screening mammography under part B of title XVIII of such Act.

“(2) Other cancer screening that receives an A or B rating as recommended by the United States Preventive Services Task Force established under section 915(a)(1) of the Public Health Service Act (42 U.S.C. 299b-4(a)(1)). The Secretary shall ensure that screening provided for under this paragraph complies with the recommendations of the Task Force with respect to—

“(A) frequency;

“(B) the population to be served;

“(C) the procedure or technology to be used;

“(D) evidence of effectiveness; and

“(E) other matters that the Secretary determines appropriate.

“SEC. 208. PATIENT TRAVEL COSTS.

“(a) Definition of Qualified Escort.—In this section, the term ‘qualified escort’ means—

“(1) an adult escort (including a parent, guardian, or other family member) who is required because of the physical or mental condition, or age, of the applicable patient;

“(2) a health professional for the purpose of providing necessary medical care during travel by the applicable patient; or

“(3) other escorts, as the Secretary or applicable Indian Health Program determines to be appropriate.

“(b) Provision of Funds.—The Secretary, acting through the Service and Tribal Health Programs, is authorized to provide funds for the following patient travel costs, including qualified escorts, associated with receiving health care services provided (either through direct or contract care or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) under this Act—

“(1) emergency air transportation and nonemergency air transportation where ground transportation is infeasible;

“(2) transportation by private vehicle (where no other means of transportation is available), specially equipped vehicle, and ambulance; and

“(3) transportation by such other means as may be available and required when air or motor vehicle transportation is not available.

“SEC. 209. EPIDEMIOLOGY CENTERS.

“(a) Establishment of Centers.—The Secretary shall establish an epidemiology center in each Service Area to carry out the functions described in subsection (b). Any new center established after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 may be operated under a grant authorized by subsection (d), but funding under such a grant shall not be divisible.

“(b) Functions of Centers.—In consultation with and upon the request of Indian Tribes, Tribal Organizations, and Urban Indian Organizations, each Service Area epidemiology center established under this section shall, with respect to such Service Area—

“(1) collect data relating to, and monitor progress made toward meeting, each of the health status objectives of the Service, the Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the Service Area;

“(2) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

“(3) assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

“(4) make recommendations for the targeting of services needed by the populations served;

“(5) make recommendations to improve health care delivery systems for Indians and Urban Indians;

“(6) provide requested technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

“(7) provide disease surveillance and assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations to promote public health.

“(c) Technical Assistance.—The Director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers in carrying out the requirements of this section.

“(d) Grants for Studies.—

“(1) In general.—The Secretary may make grants to Indian Tribes, Tribal Organizations, Urban Indian Organizations, and eligible intertribal consortia to conduct epidemiological studies of Indian communities.

“(2) Eligible intertribal consortia.—An intertribal consortium is eligible to receive a grant under this subsection if—

“(A) the intertribal consortium is incorporated for the primary purpose of improving Indian health; and

“(B) the intertribal consortium is representative of the Indian Tribes or urban Indian communities in which the intertribal consortium is located.

“(3) Applications.—An application for a grant under this subsection shall be submitted in such manner and at such time as the Secretary shall prescribe.

“(4) Requirements.—An applicant for a grant under this subsection shall—

“(A) demonstrate the technical, administrative, and financial expertise necessary to carry out the functions described in paragraph (5);

“(B) consult and cooperate with providers of related health and social services in order to avoid duplication of existing services; and

“(C) demonstrate cooperation from Indian Tribes or Urban Indian Organizations in the area to be served.

“(5) Use of funds.—A grant awarded under paragraph (1) may be used—

“(A) to carry out the functions described in subsection (b);

“(B) to provide information to and consult with tribal leaders, urban Indian community leaders, and related health staff on health care and health service management issues; and

“(C) in collaboration with Indian Tribes, Tribal Organizations, and urban Indian communities, to provide the Service with information regarding ways to improve the health status of Indians.

“(e) Access to Information.—An epidemiology center operated by a grantee pursuant to a grant awarded under subsection (d) shall be treated as a public health authority for purposes of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2033), as such entities are defined in part 164.501 of title 45, Code of Federal Regulations (or a successor regulation). The Secretary shall grant such grantees access to and use of data, data sets, monitoring systems, delivery systems, and other protected health information in the possession of the Secretary.

“SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

“(a) Funding for Development of Programs.—In addition to carrying out any other program for health promotion or disease prevention, the Secretary, acting through the Service, is authorized to award grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to develop comprehensive school health education programs for children from pre-school through grade 12 in schools for the benefit of Indian and Urban Indian children.

“(b) Use of Grant Funds.—A grant awarded under this section may be used for purposes which may include, but are not limited to, the following:

“(1) Developing health education materials both for regular school programs and after-school programs.

“(2) Training teachers in comprehensive school health education materials.

“(3) Integrating school-based, community-based, and other public and private health promotion efforts.

“(4) Encouraging healthy, tobacco-free school environments.

“(5) Coordinating school-based health programs with existing services and programs available in the community.

‘‘(6) Developing school programs on nutrition education, personal health, oral health, and fitness.

‘‘(7) Developing behavioral health wellness programs.

‘‘(8) Developing chronic disease prevention programs.

‘‘(9) Developing substance abuse prevention programs.

‘‘(10) Developing injury prevention and safety education programs.

‘‘(11) Developing activities for the prevention and control of communicable diseases.

‘‘(12) Developing community and environmental health education programs that include traditional health care practitioners.

‘‘(13) Violence prevention.

‘‘(14) Such other health issues as are appropriate.

‘‘(c) Technical Assistance.—Upon request, the Secretary, acting through the Service, shall provide technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of comprehensive health education plans and the dissemination of comprehensive health education materials and information on existing health programs and resources.

‘‘(d) Criteria for Review and Approval of Applications.—The Secretary, acting through the Service, and in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall establish criteria for the review and approval of applications for grants awarded under this section.

‘‘(e) Development of Program for BIA-Funded Schools.—

‘‘(1) In general.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary, acting through the Service, and affected Indian Tribes and Tribal Organizations, shall develop a comprehensive school health education program for children from preschool through grade 12 in schools for which support is provided by the Bureau of Indian Affairs.

‘‘(2) Requirements for programs.—Such programs shall include—

‘‘(A) school programs on nutrition education, personal health, oral health, and fitness;

‘‘(B) behavioral health wellness programs;

‘‘(C) chronic disease prevention programs;

‘‘(D) substance abuse prevention programs;

‘‘(E) injury prevention and safety education programs; and

‘‘(F) activities for the prevention and control of communicable diseases.

‘‘(3) Duties of the secretary.—The Secretary of the Interior shall—

‘‘(A) provide training to teachers in comprehensive school health education materials;

‘‘(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

‘‘(C) encourage healthy, tobacco-free school environments.

“SEC. 211. INDIAN YOUTH PROGRAM.

‘‘(a) Program Authorized.—The Secretary, acting through the Service, is authorized to establish and administer a program to provide grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian and Urban Indian preadolescent and adolescent youths.

‘‘(b) Use of Funds.—

‘‘(1) Allowable uses.—Funds made available under this section may be used to—

‘‘(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional health care practitioners; and

‘‘(B) develop and provide community training and education.

‘‘(2) Prohibited use.—Funds made available under this section may not be used to provide services described in section 707(c).

‘‘(c) Duties of the Secretary.—The Secretary shall—

‘‘(1) disseminate to Indian Tribes, Tribal Organizations, and Urban Indian Organizations information regarding models for the delivery of comprehensive health care services to Indian and Urban Indian adolescents;

‘‘(2) encourage the implementation of such models; and

‘‘(3) at the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance in the implementation of such models.

‘‘(d) Criteria for Review and Approval of Applications.—The Secretary, in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall establish criteria for the review and approval of applications or proposals under this section.

“SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.

‘‘(a) Grants Authorized.—The Secretary, acting through the Service, and after consultation with the Centers for Disease Control and Prevention, may make grants available to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for the following:

‘‘(1) Projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncytial virus, hanta virus, sexually transmitted diseases, and H. Pylori.

‘‘(2) Public information and education programs for the prevention, control, and elimination of communicable and infectious diseases.

‘‘(3) Education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals.

‘‘(4) Demonstration projects for the screening, treatment, and prevention of hepatitis C virus (HCV).

‘‘(b) Application Required.—The Secretary may provide funding under subsection (a) only if an application or proposal for funding is submitted to the Secretary.

‘‘(c) Coordination With Health Agencies.—Indian Tribes, Tribal Organizations, and Urban Indian Organizations receiving funding under this section are encouraged to coordinate their activities with the Centers for Disease Control and Prevention and State and local health agencies.

‘‘(d) Technical Assistance; Report.—In carrying out this section, the Secretary—

‘‘(1) may, at the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance; and

‘‘(2) shall prepare and submit a report to Congress biennially on the use of funds under this section and on the progress made toward the prevention, control, and elimination of communicable and infectious diseases among Indians and Urban Indians.

“SEC. 213. OTHER AUTHORITY FOR PROVISION OF SERVICES.

‘‘(a) Funding Authorized.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide funding under this Act to meet the objectives set forth in section 3 of this Act through health care-related services and programs not otherwise described in this Act, including—

‘‘(1) hospice care;

‘‘(2) assisted living;

‘‘(3) long-term care; and

‘‘(4) home- and community-based services.

‘‘(b) Terms and Conditions.—

‘‘(1) In general.—Any service provided under this section shall be in accordance with such terms and conditions as are consistent with accepted and appropriate standards relating to the service, including any licensing term or condition under this Act.

‘‘(2) Standards.—

‘‘(A) In general.—The Secretary may establish, by regulation, the standards for a service provided under this section, provided that such standards shall not be more stringent than the standards required by the State in which the service is provided.

‘‘(B) Use of state standards.—If the Secretary does not, by regulation, establish standards for a service provided under this section, the standards required by the State in which the service is or will be provided shall apply to such service.

‘‘(C) Indian tribes.—If a service under this section is provided by an Indian Tribe or Tribal Organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the verification by the Secretary that the service meets any standards required by the State in which the service is or will be provided shall be considered to meet the terms and conditions required under this subsection.

‘‘(3) Eligibility.—The following individuals shall be eligible to receive long-term care under this section:

‘‘(A) Individuals who are unable to perform a certain number of activities of daily living without assistance.

‘‘(B) Individuals with a mental impairment, such as dementia, Alzheimer's disease, or another disabling mental illness, who may be able to perform activities of daily living under supervision.

‘‘(C) Such other individuals as an applicable Indian Health Program determines to be appropriate.

‘‘(c) Definitions.—For the purposes of this section, the following definitions shall apply:

‘‘(1) The term ‘home- and community-based services’ means 1 or more of the services specified in paragraphs (1) through (9) of section 1929(a) of the Social Security Act (42 U.S.C. 1396t(a)) (whether provided by the Service or by an Indian Tribe or Tribal Organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) that are or will be provided in accordance with the standards described in subsection (b).

‘‘(2) The term ‘hospice care’ means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and such other services which an Indian Tribe or Tribal Organization determines are necessary and appropriate to provide in furtherance of this care.

‘‘(d) Authorization of Convenient Care Services.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may also provide funding under this Act to meet the objectives set forth in section 3 of this Act for convenient care services programs pursuant to section 306(c)(2)(A).

"SEC. 214. INDIAN WOMEN'S HEALTH CARE.

"The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

"SEC. 215. ENVIRONMENTAL AND NUCLEAR HEALTH HAZARDS.

"(a) STUDIES AND MONITORING.—The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian Tribes and Tribal Organizations, studies and ongoing monitoring programs to determine trends in the health hazards to Indian miners and to Indians on or near reservations and Indian communities as a result of environmental hazards which may result in chronic or life threatening health problems, such as nuclear resource development, petroleum contamination, and contamination of water source and of the food chain. Such studies shall include—

"(1) an evaluation of the nature and extent of health problems caused by environmental hazards currently exhibited among Indians and the causes of such health problems;

"(2) an analysis of the potential effect of ongoing and future environmental resource development on or near reservations and Indian communities, including the cumulative effect over time on health;

"(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear power plant operation and construction, and nuclear waste disposal; oil and gas production or transportation on or near reservations or Indian communities; and other development that could affect the health of Indians and their water supply and food chain;

"(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the 5 years prior to the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

"(5) the efforts that have been made by Federal and State agencies and resource and economic development companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such development.

"(b) HEALTH CARE PLANS.—Upon completion of such studies, the Secretary and the Service shall take into account the results of such studies and develop health care plans to address the health problems studied under subsection (a). The plans shall include—

"(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

"(2) preventive care and testing for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation or affected by other activities that have had or could have a serious impact upon the health of such individuals; and

"(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.

"(c) SUBMISSION OF REPORT AND PLAN TO CONGRESS.—The Secretary and the Service shall submit to Congress the study prepared under subsection (a) no later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007. The health care plan prepared under subsection (b) shall be submitted in a report no later than 1 year after the study prepared under subsection (a) is submitted to Congress. Such report shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

"(d) INTERGOVERNMENTAL TASK FORCE.—

"(1) ESTABLISHMENT; MEMBERS.—There is established an Intergovernmental Task Force to be composed of the following individuals (or their designees):

"(A) The Secretary of Energy.

"(B) The Secretary of the Environmental Protection Agency.

"(C) The Director of the Bureau of Mines.

"(D) The Assistant Secretary for Occupational Safety and Health.

"(E) The Secretary of the Interior.

"(F) The Secretary of Health and Human Services.

"(G) The Assistant Secretary.

"(2) DUTIES.—The Task Force shall—

"(A) identify existing and potential operations related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians on or near a reservation or in an Indian community; and

"(B) enter into activities to correct existing health hazards and ensure that current and future health problems resulting from nuclear resource or other development activities are minimized or reduced.

"(3) CHAIRMAN; MEETINGS.—The Secretary of Health and Human Services shall be the Chairman of the Task Force. The Task Force shall meet at least twice each year.

"(e) HEALTH SERVICES TO CERTAIN EMPLOYEES.—In the case of any Indian who—

"(1) as a result of employment in or near a uranium mine or mill or near any other environmental hazard, suffers from a work-related illness or condition;

"(2) is eligible to receive diagnosis and treatment services from an Indian Health Program; and

"(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator or entity responsible for the environmental hazard, the Indian Health Program shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may be reimbursed for any medical care so rendered to which such Indian is entitled at the expense of such operator or entity from such operator or entity. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such amounts paid to the Indian Health Program from the employer for providing medical care for such illness or condition.

"SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

"(a) IN GENERAL.—For fiscal years beginning with the fiscal year ending September 30, 1983, and ending with the fiscal year ending September 30, 2016, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of Arizona.

"(b) MAINTENANCE OF SERVICES.—The Service shall not curtail any health care services provided to Indians residing on reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

"SEC. 216A. NORTH DAKOTA AND SOUTH DAKOTA AS CONTRACT HEALTH SERVICE DELIVERY AREA.

"(a) IN GENERAL.—Beginning in fiscal year 2003, the States of North Dakota and South Dakota shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of North Dakota and South Dakota.

"(b) LIMITATION.—The Service shall not curtail any health care services provided to Indians residing on any reservation, or in any county that has a common boundary with any reservation, in the State of North Dakota or South Dakota if such curtailment is due to the provision of contract services in such States pursuant to the designation of such States as a contract health service delivery area pursuant to subsection (a).

"SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES PROGRAM.

"(a) FUNDING AUTHORIZED.—The Secretary is authorized to fund a program using the California Rural Indian Health Board (hereafter in this section referred to as the 'CRIHB') as a contract care intermediary to improve the accessibility of health services to California Indians.

"(b) REIMBURSEMENT CONTRACT.—The Secretary shall enter into an agreement with the CRIHB to reimburse the CRIHB for costs (including reasonable administrative costs) incurred pursuant to this section, in providing medical treatment under contract to California Indians described in section 806(a) throughout the California contract health services delivery area described in section 218 with respect to high cost contract care cases.

"(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts provided to the CRIHB under this section for any fiscal year may be for reimbursement for administrative expenses incurred by the CRIHB during such fiscal year.

"(d) LIMITATION ON PAYMENT.—No payment may be made for treatment provided hereunder to the extent payment may be made for such treatment under the Indian Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

"(e) ADVISORY BOARD.—There is established an advisory board which shall advise the CRIHB in carrying out this section. The advisory board shall be composed of representatives, selected by the CRIHB, from not less than 8 Tribal Health Programs serving California Indians covered under this section at least ½ of whom of whom are not affiliated with the CRIHB.

"SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

"The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to California Indians. However, any of the counties listed herein may only be included in the contract health services delivery area if funding is specifically provided by the Service for such services in those counties.

“SEC. 219. CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA.

“(a) AUTHORIZATION FOR SERVICES.—The Secretary, acting through the Service, is directed to provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties in the State of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.

“(b) NO EXPANSION OF ELIGIBILITY.—Nothing in this section may be construed as expanding the eligibility of members of the Turtle Mountain Band of Chippewa Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

“SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

“The Service shall provide funds for health care programs and facilities operated by Tribal Health Programs on the same basis as such funds are provided to programs and facilities operated directly by the Service.

“SEC. 221. LICENSING.

“Health care professionals employed by a Tribal Health Program shall, if licensed in any State, be exempt from the licensing requirements of the State in which the Tribal Health Program performs the services described in its contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“SEC. 222. NOTIFICATION OF PROVISION OF EMERGENCY CONTRACT HEALTH SERVICES.

“With respect to an elderly Indian or an Indian with a disability receiving emergency medical care or services from a non-Service provider or in a non-Service facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.

“SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.

“(a) DEADLINE FOR RESPONSE.—The Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

“(b) EFFECT OF UNTIMELY RESPONSE.—If the Service fails to respond to a notification of a claim in accordance with subsection (a), the Service shall accept as valid the claim submitted by the provider of a contract care service.

“(c) DEADLINE FOR PAYMENT OF VALID CLAIM.—The Service shall pay a valid contract care service claim within 30 days after the completion of the claim.

“SEC. 224. LIABILITY FOR PAYMENT.

“(a) NO PATIENT LIABILITY.—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

“(b) NOTIFICATION.—The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any charges or costs associated with the provision of such services not later than 5 business days after receipt of a notification of a claim by a provider of contract care services.

“(c) NO RECOURSE.—Following receipt of the notice provided under subsection (b), or, if a claim has been deemed accepted under section 223(b), the provider shall have no further recourse against the patient who received the services.

“SEC. 225. OFFICE OF INDIAN MEN'S HEALTH.

“(a) ESTABLISHMENT.—The Secretary may establish within the Service an office to be known as the ‘Office of Indian Men's Health’ (referred to in this section as the ‘Office’).

“(b) DIRECTOR.—

“(1) IN GENERAL.—The Office shall be headed by a director, to be appointed by the Secretary.

“(2) DUTIES.—The director shall coordinate and promote the status of the health of Indian men in the United States.

“(c) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the director of the Office, shall submit to Congress a report describing—

“(1) any activity carried out by the director as of the date on which the report is prepared; and

“(2) any finding of the director with respect to the health of Indian men.

“SEC. 226. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

“TITLE III—FACILITIES

“SEC. 301. CONSULTATION; CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.

“(a) PREREQUISITES FOR EXPENDITURE OF FUNDS.—Prior to the expenditure of, or the making of any binding commitment to expend, any funds appropriated for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), the Secretary, acting through the Service, shall—

“(1) consult with any Indian Tribe that would be significantly affected by such expenditure for the purpose of determining and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made; and

“(2) ensure, whenever practicable and applicable, that such facility meets the construction standards of any accrediting body recognized by the Secretary for the purposes of the Medicare, Medicaid, and SCHIP programs under titles XVIII, XIX, and XXI of the Social Security Act by not later than 1 year after the date on which the construction or renovation of such facility is completed.

“(b) CLOSURES.—

“(1) EVALUATION REQUIRED.—Notwithstanding any other provision of law, no facility operated by the Service, or any portion of such facility, may be closed if the Secretary has not submitted to Congress not less than 1 year, and not more than 2 years, before the date of the proposed closure an evaluation, completed not more than 2 years before the submission, of the impact of the proposed closure that specifies, in addition to other considerations—

“(A) the accessibility of alternative health care resources for the population served by such facility;

“(B) the cost-effectiveness of such closure;

“(C) the quality of health care to be provided to the population served by such facility after such closure;

“(D) the availability of contract health care funds to maintain existing levels of service;

“(E) the views of the Indian Tribes served by such facility concerning such closure;

“(F) the level of use of such facility by all eligible Indians; and

“(G) the distance between such facility and the nearest operating Service hospital.

“(2) EXCEPTION FOR CERTAIN TEMPORARY CLOSURES.—Paragraph (1) shall not apply to any temporary closure of a facility or any portion of a facility if such closure is necessary for medical, environmental, or construction safety reasons.

“(c) HEALTH CARE FACILITY PRIORITY SYSTEM.—

“(1) IN GENERAL.—

“(A) PRIORITY SYSTEM.—The Secretary, acting through the Service, shall maintain a health care facility priority system, which—

“(i) shall be developed in consultation with Indian Tribes and Tribal Organizations;

“(ii) shall give Indian Tribes' needs the highest priority;

“(iii)(I) may include the lists required in paragraph (2)(B)(ii); and

“(II) shall include the methodology required in paragraph (2)(B)(v); and

“(III) may include such other facilities, and such renovation or expansion needs of any health care facility, as the Service, Indian Tribes, and Tribal Organizations may identify; and

“(iv) shall provide an opportunity for the nomination of planning, design, and construction projects by the Service, Indian Tribes, and Tribal Organizations for consideration under the priority system at least once every 3 years, or more frequently as the Secretary determines to be appropriate.

“(B) NEEDS OF FACILITIES UNDER ISDEAA AGREEMENTS.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities operated under contracts or compacts in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) are fully and equitably integrated into the health care facility priority system.

“(C) CRITERIA FOR EVALUATING NEEDS.—For purposes of this subsection, the Secretary, in evaluating the needs of facilities operated under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the criteria used by the Secretary in evaluating the needs of facilities operated directly by the Service.

“(D) PRIORITY OF CERTAIN PROJECTS PROTECTED.—The priority of any project established under the construction priority system in effect on the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 shall not be affected by any change in the construction priority system taking place after that date if the project—

“(i) was identified in the fiscal year 2008 Service budget justification as—

“(I) 1 of the 10 top-priority inpatient projects;

“(II) 1 of the 10 top-priority outpatient projects;

“(III) 1 of the 10 top-priority staff quarters developments; or

“(IV) 1 of the 10 top-priority Youth Regional Treatment Centers;

“(ii) had completed both Phase I and Phase II of the construction priority system in effect on the date of enactment of such Act; or

“(iii) is not included in clause (i) or (ii) and is selected, as determined by the Secretary—

"(I) on the initiative of the Secretary; or

"(II) pursuant to a request of an Indian Tribe or Tribal Organization.

"(2) Report; contents.—

"(A) Initial comprehensive report.—

"(i) Definitions.—In this subparagraph:

"(I) Facilities appropriation advisory board.—The term 'Facilities Appropriation Advisory Board' means the advisory board, comprised of 12 members representing Indian tribes and 2 members representing the Service, established at the discretion of the Assistant Secretary—

"(aa) to provide advice and recommendations for policies and procedures of the programs funded pursuant to facilities appropriations; and

"(bb) to address other facilities issues.

"(II) Facilities needs assessment workgroup.—The term 'Facilities Needs Assessment Workgroup' means the workgroup established at the discretion of the Assistant Secretary—

"(aa) to review the health care facilities construction priority system; and

"(bb) to make recommendations to the Facilities Appropriation Advisory Board for revising the priority system.

"(ii) Initial report.—

"(I) In general.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the comprehensive, national, ranked list of all health care facilities needs for the Service, Indian Tribes, and Tribal Organizations (including inpatient health care facilities, outpatient health care facilities, specialized health care facilities (such as for long-term care and alcohol and drug abuse treatment), wellness centers, staff quarters and hostels associated with health care facilities, and the renovation and expansion needs, if any, of such facilities) developed by the Service, Indian Tribes, and Tribal Organizations for the Facilities Needs Assessment Workgroup and the Facilities Appropriation Advisory Board.

"(II) Inclusions.—The initial report shall include—

"(aa) the methodology and criteria used by the Service in determining the needs and establishing the ranking of the facilities needs; and

"(bb) such other information as the Secretary determines to be appropriate.

"(iii) Updates of report.—Beginning in calendar year 2011, the Secretary shall—

"(I) update the report under clause (ii) not less frequently that once every 5 years; and

"(II) include the updated report in the appropriate annual report under subparagraph (B) for submission to Congress under section 801.

"(B) Annual reports.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth the following:

"(i) A description of the health care facility priority system of the Service established under paragraph (1).

"(ii) Health care facilities lists, which may include—

"(I) the 10 top-priority inpatient health care facilities;

"(II) the 10 top-priority outpatient health care facilities;

"(III) the 10 top-priority specialized health care facilities (such as long-term care and alcohol and drug abuse treatment);

"(IV) the 10 top-priority staff quarters developments associated with health care facilities; and

"(V) the 10 top-priority hostels associated with health care facilities.

"(iii) The justification for such order of priority.

"(iv) The projected cost of such projects.

"(v) The methodology adopted by the Service in establishing priorities under its health care facility priority system.

"(3) Requirements for preparation of reports.—In preparing the report required under paragraph (2), the Secretary shall—

"(A) consult with and obtain information on all health care facilities needs from Indian Tribes, Tribal Organizations, and Urban Indian Organizations; and

"(B) review the total unmet needs of all Indian Tribes, Tribal Organizations, and Urban Indian Organizations for health care facilities (including hostels and staff quarters), including needs for renovation and expansion of existing facilities.

"(d) Review of Methodology Used for Health Facilities Construction Priority System.—

"(1) In general.—Not later than 1 year after the establishment of the priority system under subsection (c)(1)(A), the Comptroller General of the United States shall prepare and finalize a report reviewing the methodologies applied, and the processes followed, by the Service in making each assessment of needs for the list under subsection (c)(2)(A)(ii) and developing the priority system under subsection (c)(1), including a review of—

"(A) the recommendations of the Facilities Appropriation Advisory Board and the Facilities Needs Assessment Workgroup (as those terms are defined in subsection (c)(2)(A)(i)); and

"(B) the relevant criteria used in ranking or prioritizing facilities other than hospitals or clinics.

"(2) Submission to congress.—The Comptroller General of the United States shall submit the report under paragraph (1) to—

"(A) the Committees on Indian Affairs and Appropriations of the Senate;

"(B) the Committees on Natural Resources and Appropriations of the House of Representatives; and

"(C) the Secretary.

"(e) Funding Condition.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), for the planning, design, construction, or renovation of health facilities for the benefit of 1 or more Indian Tribes shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(f) Development of Innovative Approaches.—The Secretary shall consult and cooperate with Indian Tribes, Tribal Organizations, and Urban Indian Organizations in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, including those provided for in other sections of this title and other approaches.

"SEC. 302. SANITATION FACILITIES.

"(a) Findings.—Congress finds the following:

"(1) The provision of sanitation facilities is primarily a health consideration and function.

"(2) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of sanitation facilities.

"(3) The long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing sanitation facilities and other preventive health measures.

"(4) Many Indian homes and Indian communities still lack sanitation facilities.

"(5) It is in the interest of the United States, and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with sanitation facilities.

"(b) Facilities and Services.—In furtherance of the findings made in subsection (a), Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a). Under such authority, the Secretary, acting through the Service, is authorized to provide the following:

"(1) Financial and technical assistance to Indian Tribes, Tribal Organizations, and Indian communities in the establishment, training, and equipping of utility organizations to operate and maintain sanitation facilities, including the provision of existing plans, standard details, and specifications available in the Department, to be used at the option of the Indian Tribe, Tribal Organization, or Indian community.

"(2) Ongoing technical assistance and training to Indian Tribes, Tribal Organizations, and Indian communities in the management of utility organizations which operate and maintain sanitation facilities.

"(3) Priority funding for operation and maintenance assistance for, and emergency repairs to, sanitation facilities operated by an Indian Tribe, Tribal Organization or Indian community when necessary to avoid an imminent health threat or to protect the investment in sanitation facilities and the investment in the health benefits gained through the provision of sanitation facilities.

"(c) Funding.—Notwithstanding any other provision of law—

"(1) the Secretary of Housing and Urban Development is authorized to transfer funds appropriated under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to the Secretary of Health and Human Services;

"(2) the Secretary of Health and Human Services is authorized to accept and use such funds for the purpose of providing sanitation facilities and services for Indians under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a);

"(3) unless specifically authorized when funds are appropriated, the Secretary shall not use funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to provide sanitation facilities to new homes constructed using funds provided by the Department of Housing and Urban Development;

"(4) the Secretary of Health and Human Services is authorized to accept from any source, including Federal and State agencies, funds for the purpose of providing sanitation facilities and services and place these funds into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

"(5) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to fund up to 100 percent of the amount of an Indian Tribe's loan obtained under any Federal program for new projects to construct eligible sanitation facilities to serve Indian homes;

"(6) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) to meet matching or cost participation requirements under other Federal and non-Federal programs for new projects to construct eligible sanitation facilities;

"(7) all Federal agencies are authorized to transfer to the Secretary funds identified, granted, loaned, or appropriated whereby the Department's applicable policies, rules, and regulations shall apply in the implementation of such projects;

"(8) the Secretary of Health and Human Services shall enter into interagency agreements with Federal and State agencies for the purpose of providing financial assistance for sanitation facilities and services under this Act;

"(9) the Secretary of Health and Human Services shall, by regulation, establish standards applicable to the planning, design, and construction of sanitation facilities funded under this Act; and

"(10) the Secretary of Health and Human Services is authorized to accept payments for goods and services furnished by the Service from appropriate public authorities, nonprofit organizations or agencies, or Indian Tribes, as contributions by that authority, organization, agency, or tribe to agreements made under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), and such payments shall be credited to the same or subsequent appropriation account as funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

"(d) CERTAIN CAPABILITIES NOT PREREQUISITE.—The financial and technical capability of an Indian Tribe, Tribal Organization, or Indian community to safely operate, manage, and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary.

"(e) FINANCIAL ASSISTANCE.—The Secretary is authorized to provide financial assistance to Indian Tribes, Tribal Organizations, and Indian communities for operation, management, and maintenance of their sanitation facilities.

"(f) OPERATION, MANAGEMENT, AND MAINTENANCE OF FACILITIES.—The Indian Tribe has the primary responsibility to establish, collect, and use reasonable user fees, or otherwise set aside funding, for the purpose of operating, managing, and maintaining sanitation facilities. If a sanitation facility serving a community that is operated by an Indian Tribe or Tribal Organization is threatened with imminent failure and such operator lacks capacity to maintain the integrity or the health benefits of the sanitation facility, then the Secretary is authorized to assist the Indian Tribe, Tribal Organization, or Indian community in the resolution of the problem on a short-term basis through cooperation with the emergency coordinator or by providing operation, management, and maintenance service.

"(g) ISDEAA PROGRAM FUNDED ON EQUAL BASIS.—Tribal Health Programs shall be eligible (on an equal basis with programs that are administered directly by the Service) for—

"(1) any funds appropriated pursuant to this section; and

"(2) any funds appropriated for the purpose of providing sanitation facilities.

"(h) REPORT.—

"(1) REQUIRED; CONTENTS.—The Secretary, in consultation with the Secretary of Housing and Urban Development, Indian Tribes, Tribal Organizations, and tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth—

"(A) the current Indian sanitation facility priority system of the Service;

"(B) the methodology for determining sanitation deficiencies and needs;

"(C) the criteria on which the deficiencies and needs will be evaluated;

"(D) the level of initial and final sanitation deficiency for each type of sanitation facility for each project of each Indian Tribe or Indian community;

"(E) the amount and most effective use of funds, derived from whatever source, necessary to accommodate the sanitation facilities needs of new homes assisted with funds under the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4101 et seq.), and to reduce the identified sanitation deficiency levels of all Indian Tribes and Indian communities to level I sanitation deficiency as defined in paragraph (3)(A); and

"(F) a 10-year plan to provide sanitation facilities to serve existing Indian homes and Indian communities and new and renovated Indian homes.

"(2) UNIFORM METHODOLOGY.—The methodology used by the Secretary in determining, preparing cost estimates for, and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian Tribes and Indian communities.

"(3) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual, Indian Tribe, or Indian community sanitation facility to serve Indian homes are determined as follows:

"(A) A level I deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community—

"(i) complies with all applicable water supply, pollution control, and solid waste disposal laws; and

"(ii) deficiencies relate to routine replacement, repair, or maintenance needs.

"(B) A level II deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community substantially or recently complied with all applicable water supply, pollution control, and solid waste laws and any deficiencies relate to—

"(i) small or minor capital improvements needed to bring the facility back into compliance;

"(ii) capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

"(iii) the lack of equipment or training by an Indian Tribe, Tribal Organization, or an Indian community to properly operate and maintain the sanitation facilities.

"(C) A level III deficiency exists if a sanitation facility serving an individual, Indian Tribe or Indian community meets 1 or more of the following conditions—

"(i) water or sewer service in the home is provided by a haul system with holding tanks and interior plumbing;

"(ii) major significant interruptions to water supply or sewage disposal occur frequently, requiring major capital improvements to correct the deficiencies; or

"(iii) there is no access to or no approved or permitted solid waste facility available.

"(D) A level IV deficiency exists—

"(i) if a sanitation facility for an individual home, an Indian Tribe, or an Indian community exists but—

"(I) lacks—

"(aa) a safe water supply system; or

"(bb) a waste disposal system;

"(II) contains no piped water or sewer facilities; or

"(III) has become inoperable due to a major component failure; or

"(ii) if only a washeteria or central facility exists in the community.

"(E) A level V deficiency exists in the absence of a sanitation facility, where individual homes do not have access to safe drinking water or adequate wastewater (including sewage) disposal.

"(i) DEFINITIONS.—For purposes of this section, the following terms apply:

"(1) INDIAN COMMUNITY.—The term 'Indian community' means a geographic area, a significant proportion of whose inhabitants are Indians and which is served by or capable of being served by a facility described in this section.

"(2) SANITATION FACILITIES.—The terms 'sanitation facility' and 'sanitation facilities' mean safe and adequate water supply systems, sanitary sewage disposal systems, and sanitary solid waste systems (and all related equipment and support infrastructure).

"SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.

"(a) BUY INDIAN ACT.—The Secretary, acting through the Service, may use the negotiating authority of section 23 of the Act of June 25, 1910 (25 U.S.C. 47, commonly known as the 'Buy Indian Act'), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian Tribes in the State of New York (hereinafter referred to as an 'Indian firm') in the construction and renovation of Service facilities pursuant to section 301 and in the construction of sanitation facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to regulations, that the project or function to be contracted for will not be satisfactory or such project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such a finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

"(1) ownership and control by Indians;

"(2) equipment;

"(3) bookkeeping and accounting procedures;

"(4) substantive knowledge of the project or function to be contracted for;

"(5) adequately trained personnel; or

"(6) other necessary components of contract performance.

"(b) LABOR STANDARDS.—

"(1) IN GENERAL.—For the purposes of implementing the provisions of this title, contracts for the construction or renovation of health care facilities, staff quarters, and sanitation facilities, and related support infrastructure, funded in whole or in part with funds made available pursuant to this title, shall contain a provision requiring compliance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the 'Davis-Bacon Act'), unless such construction or renovation—

"(A) is performed by a contractor pursuant to a contract with an Indian Tribe or Tribal Organization with funds supplied through a contract or compact authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other statutory authority; and

"(B) is subject to prevailing wage rates for similar construction or renovation in the locality as determined by the Indian Tribes or Tribal Organizations to be served by the construction or renovation.

"(2) Exception.—This subsection shall not apply to construction or renovation carried out by an Indian Tribe or Tribal Organization with its own employees.

"SEC. 304. EXPENDITURE OF NON-SERVICE FUNDS FOR RENOVATION.

"(a) In General.—Notwithstanding any other provision of law, if the requirements of subsection (c) are met, the Secretary, acting through the Service, is authorized to accept any major expansion, renovation, or modernization by any Indian Tribe or Tribal Organization of any Service facility or of any other Indian health facility operated pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including—

"(1) any plans or designs for such expansion, renovation, or modernization; and

"(2) any expansion, renovation, or modernization for which funds appropriated under any Federal law were lawfully expended.

"(b) Priority List.—

"(1) In general.—The Secretary shall maintain a separate priority list to address the needs for increased operating expenses, personnel, or equipment for such facilities. The methodology for establishing priorities shall be developed through regulations. The list of priority facilities will be revised annually in consultation with Indian Tribes and Tribal Organizations.

"(2) Report.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, the priority list maintained pursuant to paragraph (1).

"(c) Requirements.—The requirements of this subsection are met with respect to any expansion, renovation, or modernization if—

"(1) the Indian Tribe or Tribal Organization—

"(A) provides notice to the Secretary of its intent to expand, renovate, or modernize; and

"(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for increased operating expenses, personnel, or equipment; and

"(2) the expansion, renovation, or modernization—

"(A) is approved by the appropriate area director of the Service for Federal facilities; and

"(B) is administered by the Indian Tribe or Tribal Organization in accordance with any applicable regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

"(d) Additional Requirement for Expansion.—In addition to the requirements under subsection (c), for any expansion, the Indian Tribe or Tribal Organization shall provide to the Secretary additional information pursuant to regulations, including additional staffing, equipment, and other costs associated with the expansion.

"(e) Closure or Conversion of Facilities.—If any Service facility which has been expanded, renovated, or modernized by an Indian Tribe or Tribal Organization under this section ceases to be used as a Service facility during the 20-year period beginning on the date such expansion, renovation, or modernization is completed, such Indian Tribe or Tribal Organization shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such expansion, renovation, or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such expansion, renovation, or modernization) bore to the value of such facility at the time of the completion of such expansion, renovation, or modernization.

"SEC. 305. FUNDING FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES.

"(a) Grants.—

"(1) In general.—The Secretary, acting through the Service, shall make grants to Indian Tribes and Tribal Organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons pursuant to subsections (b)(2) and (c)(1)(C)). A grant made under this section may cover up to 100 percent of the costs of such construction, expansion, or modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

"(2) Grant agreement required.—A grant under paragraph (1) may only be made available to a Tribal Health Program operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian Tribe or Tribal Organization).

"(b) Use of Grant Funds.—

"(1) Allowable uses.—A grant awarded under this section may be used for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

"(A) located apart from a hospital;

"(B) not funded under section 301 or section 306; and

"(C) which, upon completion of such construction or modernization will—

"(i) have a total capacity appropriate to its projected service population;

"(ii) provide annually no fewer than 150 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2); and

"(iii) provide ambulatory care in a Service Area (specified in the contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) with a population of no fewer than 1,500 eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2).

"(2) Additional allowable use.—The Secretary may also reserve a portion of the funding provided under this section and use those reserved funds to reduce an outstanding debt incurred by Indian Tribes or Tribal Organizations for the construction, expansion, or modernization of an ambulatory care facility that meets the requirements under paragraph (1). The provisions of this section shall apply, except that such applications for funding under this paragraph shall be considered separately from applications for funding under paragraph (1).

"(3) Use only for certain portion of costs.—A grant provided under this section may be used only for the cost of that portion of a construction, expansion, or modernization project that benefits the Service population identified above in subsection (b)(1)(C)(ii) and (iii). The requirements of clauses (ii) and (iii) of paragraph (1)(C) shall not apply to an Indian Tribe or Tribal Organization applying for a grant under this section for a health care facility located or to be constructed on an island or when such facility is not located on a road system providing direct access to an inpatient hospital where care is available to the Service population.

"(c) Grants.—

"(1) Application.—No grant may be made under this section unless an application or proposal for the grant has been approved by the Secretary in accordance with applicable regulations and has set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out using a grant received under this section—

"(A) adequate financial support will be available for the provision of services at such facility;

"(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

"(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve noneligible persons on a cost basis.

"(2) Priority.—In awarding grants under this section, the Secretary shall give priority to Indian Tribes and Tribal Organizations that demonstrate—

"(A) a need for increased ambulatory care services; and

"(B) insufficient capacity to deliver such services.

"(3) Peer review panels.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications and proposals and to advise the Secretary regarding such applications using the criteria developed pursuant to subsection (a)(1).

"(d) Reversion of Facilities.—If any facility (or portion thereof) with respect to which funds have been paid under this section, ceases, at any time after completion of the construction, expansion, or modernization carried out with such funds, to be used for the purposes of providing health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian Tribe or Tribal Organization.

"(e) Funding Nonrecurring.—Funding provided under this section shall be nonrecurring and shall not be available for inclusion in any individual Indian Tribe's tribal share for an award under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or for reallocation or redesign thereunder.

"SEC. 306. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECTS.

"(a) In General.—The Secretary, acting through the Service, is authorized to carry out, or to enter into contracts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations to carry out, a health care delivery demonstration project to test alternative means of delivering health care and services to Indians through facilities.

"(b) Use of Funds.—The Secretary, in approving projects pursuant to this section, may authorize such contracts for the construction and renovation of hospitals, health centers, health stations, and other facilities to deliver health care services and is authorized to—

"(1) waive any leasing prohibition;

"(2) permit carryover of funds appropriated for the provision of health care services;

"(3) permit the use of other available funds;

"(4) permit the use of funds or property donated from any source for project purposes;

"(5) provide for the reversion of donated real or personal property to the donor; and

"(6) permit the use of Service funds to match other funds, including Federal funds.

"(c) HEALTH CARE DEMONSTRATION PROJECTS.—

"(1) GENERAL PROJECTS.—

"(A) CRITERIA.—The Secretary may approve under this section demonstration projects that meet the following criteria:

"(i) There is a need for a new facility or program, such as a program for convenient care services, or the reorientation of an existing facility or program.

"(ii) A significant number of Indians, including Indians with low health status, will be served by the project.

"(iii) The project has the potential to deliver services in an efficient and effective manner.

"(iv) The project is economically viable.

"(v) For projects carried out by an Indian Tribe or Tribal Organization, the Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

"(vi) The project is integrated with providers of related health and social services and is coordinated with, and avoids duplication of, existing services in order to expand the availability of services.

"(B) PRIORITY.—In approving demonstration projects under this paragraph, the Secretary shall give priority to demonstration projects, to the extent the projects meet the criteria described in subparagraph (A), located in any of the following Service Units:

"(i) Cass Lake, Minnesota.

"(ii) Mescalero, New Mexico.

"(iii) Owyhee, Nevada.

"(iv) Schurz, Nevada.

"(v) Ft. Yuma, California.

"(2) CONVENIENT CARE SERVICE PROJECTS.—

"(A) DEFINITION OF CONVENIENT CARE SERVICE.—In this paragraph, the term 'convenient care service' means any primary health care service, such as urgent care services, nonemergent care services, prevention services and screenings, and any service authorized by sections 203 or 213(d), that is—

"(i) provided outside the regular hours of operation of a health care facility; or

"(ii) offered at an alternative setting.

"(B) APPROVAL.—In addition to projects described in paragraph (1), in any fiscal year, the Secretary is authorized to approve not more than 10 applications for health care delivery demonstration projects that—

"(i) include a convenient care services program as an alternative means of delivering health care services to Indians; and

"(ii) meet the criteria described in subparagraph (C).

"(C) CRITERIA.—The Secretary shall approve under subparagraph (B) demonstration projects that meet all of the following criteria:

"(i) The criteria set forth in paragraph (1)(A).

"(ii) There is a lack of access to health care services at existing health care facilities, which may be due to limited hours of operation at those facilities or other factors.

"(iii) The project—

"(I) expands the availability of services; or

"(II) reduces—

"(aa) the burden on Contract Health Services; or

"(bb) the need for emergency room visits.

"(d) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications using the criteria described in paragraphs (1)(A) and (2)(C) of subsection (c).

"(e) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with this section.

"(f) SERVICE TO INELIGIBLE PERSONS.—Subject to section 807, the authority to provide services to persons otherwise ineligible for the health care benefits of the Service, and the authority to extend hospital privileges in Service facilities to non-Service health practitioners as provided in section 807, may be included, subject to the terms of that section, in any demonstration project approved pursuant to this section.

"(g) EQUITABLE TREATMENT.—For purposes of subsection (c), the Secretary, in evaluating facilities operated under any contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the same criteria that the Secretary uses in evaluating facilities operated directly by the Service.

"(h) EQUITABLE INTEGRATION OF FACILITIES.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities that are the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for health services are fully and equitably integrated into the implementation of the health care delivery demonstration projects under this section.

"SEC. 307. LAND TRANSFER.

"Notwithstanding any other provision of law, the Bureau of Indian Affairs and all other agencies and departments of the United States are authorized to transfer, at no cost, land and improvements to the Service for the provision of health care services. The Secretary is authorized to accept such land and improvements for such purposes.

"SEC. 308. LEASES, CONTRACTS, AND OTHER AGREEMENTS.

"The Secretary, acting through the Service, may enter into leases, contracts, and other agreements with Indian Tribes and Tribal Organizations which hold (1) title to, (2) a leasehold interest in, or (3) a beneficial interest in (when title is held by the United States in trust for the benefit of an Indian Tribe) facilities used or to be used for the administration and delivery of health services by an Indian Health Program. Such leases, contracts, or agreements may include provisions for construction or renovation and provide for compensation to the Indian Tribe or Tribal Organization of rental and other costs consistent with section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(l)) and regulations thereunder.

"SEC. 309. STUDY ON LOANS, LOAN GUARANTEES, AND LOAN REPAYMENT.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, Indian Tribes, and Tribal Organizations, shall carry out a study to determine the feasibility of establishing a loan fund to provide to Indian Tribes and Tribal Organizations direct loans or guarantees for loans for the construction of health care facilities, including—

"(1) inpatient facilities;

"(2) outpatient facilities;

"(3) staff quarters;

"(4) hostels; and

"(5) specialized care facilities, such as behavioral health and elder care facilities.

"(b) DETERMINATIONS.—In carrying out the study under subsection (a), the Secretary shall determine—

"(1) the maximum principal amount of a loan or loan guarantee that should be offered to a recipient from the loan fund;

"(2) the percentage of eligible costs, not to exceed 100 percent, that may be covered by a loan or loan guarantee from the loan fund (including costs relating to planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, improvements, medical equipment and furnishings, and other facility-related costs and capital purchase (but excluding staffing));

"(3) the cumulative total of the principal of direct loans and loan guarantees, respectively, that may be outstanding at any 1 time;

"(4) the maximum term of a loan or loan guarantee that may be made for a facility from the loan fund;

"(5) the maximum percentage of funds from the loan fund that should be allocated for payment of costs associated with planning and applying for a loan or loan guarantee;

"(6) whether acceptance by the Secretary of an assignment of the revenue of an Indian Tribe or Tribal Organization as security for any direct loan or loan guarantee from the loan fund would be appropriate;

"(7) whether, in the planning and design of health facilities under this section, users eligible under section 807(c) may be included in any projection of patient population;

"(8) whether funds of the Service provided through loans or loan guarantees from the loan fund should be eligible for use in matching other Federal funds under other programs;

"(9) the appropriateness of, and best methods for, coordinating the loan fund with the health care priority system of the Service under section 301; and

"(10) any legislative or regulatory changes required to implement recommendations of the Secretary based on results of the study.

"(c) REPORT.—Not later than September 30, 2009, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(1) the manner of consultation made as required by subsection (a); and

"(2) the results of the study, including any recommendations of the Secretary based on results of the study.

"SEC. 310. TRIBAL LEASING.

"A Tribal Health Program may lease permanent structures for the purpose of providing health care services without obtaining advance approval in appropriation Acts.

"SEC. 311. INDIAN HEALTH SERVICE/TRIBAL FACILITIES JOINT VENTURE PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make arrangements with Indian Tribes and Tribal Organizations to establish joint venture demonstration projects under which an Indian Tribe or Tribal Organization shall expend tribal, private, or other available funds, for the acquisition or construction of a health facility for a minimum of 10 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a health facility. An Indian

Tribe or Tribal Organization may use tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under a joint venture entered into under this subsection. An Indian Tribe or Tribal Organization shall be eligible to establish a joint venture project if, when it submits a letter of intent, it—

“(1) has begun but not completed the process of acquisition or construction of a health facility to be used in the joint venture project; or

“(2) has not begun the process of acquisition or construction of a health facility for use in the joint venture project.

“(b) Requirements.—The Secretary shall make such an arrangement with an Indian Tribe or Tribal Organization only if—

“(1) the Secretary first determines that the Indian Tribe or Tribal Organization has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the relevant health facility; and

“(2) the Indian Tribe or Tribal Organization meets the need criteria determined using the criteria developed under the health care facility priority system under section 301, unless the Secretary determines, pursuant to regulations, that other criteria will result in a more cost-effective and efficient method of facilitating and completing construction of health care facilities.

“(c) Continued Operation.—The Secretary shall negotiate an agreement with the Indian Tribe or Tribal Organization regarding the continued operation of the facility at the end of the initial 10 year no-cost lease period.

“(d) Breach of Agreement.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this section, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the Indian Tribe or Tribal Organization, or paid to a third party on the Indian Tribe's or Tribal Organization's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies) and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sentence does not apply to any funds expended for the delivery of health care services, personnel, or staffing.

“(e) Recovery for Nonuse.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this subsection shall be entitled to recover from the United States an amount that is proportional to the value of such facility if, at any time within the 10-year term of the agreement, the Service ceases to use the facility or otherwise breaches the agreement.

“(f) Definition.—For the purposes of this section, the term 'health facility' or 'health facilities' includes quarters needed to provide housing for staff of the relevant Tribal Health Program.

“SEC. 312. LOCATION OF FACILITIES.

“(a) In General.—In all matters involving the reorganization or development of Service facilities or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, the Bureau of Indian Affairs and the Service shall give priority to locating such facilities and projects on Indian lands, or lands in Alaska owned by any Alaska Native village, or village or regional corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or any land allotted to any Alaska Native, if requested by the Indian owner and the Indian Tribe with jurisdiction over such lands or other lands owned or leased by the Indian Tribe or Tribal Organization. Top priority shall be given to Indian land owned by 1 or more Indian Tribes.

“(b) Definition.—For purposes of this section, the term 'Indian lands' means—

“(1) all lands within the exterior boundaries of any reservation; and

“(2) any lands title to which is held in trust by the United States for the benefit of any Indian Tribe or individual Indian or held by any Indian Tribe or individual Indian subject to restriction by the United States against alienation.

“SEC. 313. MAINTENANCE AND IMPROVEMENT OF HEALTH CARE FACILITIES.

“(a) Report.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which identifies the backlog of maintenance and repair work required at both Service and tribal health care facilities, including new health care facilities expected to be in operation in the next fiscal year. The report shall also identify the need for renovation and expansion of existing facilities to support the growth of health care programs.

“(b) Maintenance of Newly Constructed Space.—The Secretary, acting through the Service, is authorized to expend maintenance and improvement funds to support maintenance of newly constructed space only if such space falls within the approved supportable space allocation for the Indian Tribe or Tribal Organization. Supportable space allocation shall be defined through the health care facility priority system under section 301(c).

“(c) Replacement Facilities.—In addition to using maintenance and improvement funds for renovation, modernization, and expansion of facilities, an Indian Tribe or Tribal Organization may use maintenance and improvement funds for construction of a replacement facility if the costs of renovation of such facility would exceed a maximum renovation cost threshold. The maximum renovation cost threshold shall be determined through the negotiated rulemaking process provided for under section 802.

“SEC. 314. TRIBAL MANAGEMENT OF FEDERALLY-OWNED QUARTERS.

“(a) Rental Rates.—

“(1) Establishment.—Notwithstanding any other provision of law, a Tribal Health Program which operates a hospital or other health facility and the federally-owned quarters associated therewith pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall have the authority to establish the rental rates charged to the occupants of such quarters by providing notice to the Secretary of its election to exercise such authority.

“(2) Objectives.—In establishing rental rates pursuant to authority of this subsection, a Tribal Health Program shall endeavor to achieve the following objectives:

“(A) To base such rental rates on the reasonable value of the quarters to the occupants thereof.

“(B) To generate sufficient funds to prudently provide for the operation and maintenance of the quarters, and subject to the discretion of the Tribal Health Program, to supply reserve funds for capital repairs and replacement of the quarters.

“(3) Equitable funding.—Any quarters whose rental rates are established by a Tribal Health Program pursuant to this subsection shall remain eligible for quarters improvement and repair funds to the same extent as all federally-owned quarters used to house personnel in Services-supported programs.

“(4) Notice of rate change.—A Tribal Health Program which exercises the authority provided under this subsection shall provide occupants with no less than 60 days notice of any change in rental rates.

“(b) Direct Collection of Rent.—

“(1) In general.—Notwithstanding any other provision of law, and subject to paragraph (2), a Tribal Health Program shall have the authority to collect rents directly from Federal employees who occupy such quarters in accordance with the following:

“(A) The Tribal Health Program shall notify the Secretary and the subject Federal employees of its election to exercise its authority to collect rents directly from such Federal employees.

“(B) Upon receipt of a notice described in subparagraph (A), the Federal employees shall pay rents for occupancy of such quarters directly to the Tribal Health Program and the Secretary shall have no further authority to collect rents from such employees through payroll deduction or otherwise.

“(C) Such rent payments shall be retained by the Tribal Health Program and shall not be made payable to or otherwise be deposited with the United States.

“(D) Such rent payments shall be deposited into a separate account which shall be used by the Tribal Health Program for the maintenance (including capital repairs and replacement) and operation of the quarters and facilities as the Tribal Health Program shall determine.

“(2) Retrocession of authority.—If a Tribal Health Program which has made an election under paragraph (1) requests retrocession of its authority to directly collect rents from Federal employees occupying federally-owned quarters, such retrocession shall become effective on the earlier of—

“(A) the first day of the month that begins no less than 180 days after the Tribal Health Program notifies the Secretary of its desire to retrocede; or

“(B) such other date as may be mutually agreed by the Secretary and the Tribal Health Program.

“(c) Rates in Alaska.—To the extent that a Tribal Health Program, pursuant to authority granted in subsection (a), establishes rental rates for federally-owned quarters provided to a Federal employee in Alaska, such rents may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.

“SEC. 315. APPLICABILITY OF BUY AMERICAN ACT REQUIREMENT.

“(a) Applicability.—The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to section 317. Indian Tribes and Tribal Organizations shall be exempt from these requirements.

“(b) Effect of Violation.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to section 317, pursuant to the debarment, suspension, and ineligibility procedures described in sections

9.400 through 9.409 of title 48, Code of Federal Regulations.

"(c) DEFINITIONS.—For purposes of this section, the term 'Buy American Act' means title III of the Act entitled 'An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes', approved March 3, 1933 (41 U.S.C. 10a et seq.).

"SEC. 316. OTHER FUNDING FOR FACILITIES.

"(a) AUTHORITY TO ACCEPT FUNDS.—The Secretary is authorized to accept from any source, including Federal and State agencies, funds that are available for the construction of health care facilities and use such funds to plan, design, and construct health care facilities for Indians and to place such funds into a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Receipt of such funds shall have no effect on the priorities established pursuant to section 301.

"(b) INTERAGENCY AGREEMENTS.—The Secretary is authorized to enter into interagency agreements with other Federal agencies or State agencies and other entities and to accept funds from such Federal or State agencies or other sources to provide for the planning, design, and construction of health care facilities to be administered by Indian Health Programs in order to carry out the purposes of this Act and the purposes for which the funds were appropriated or for which the funds were otherwise provided.

"(c) ESTABLISHMENT OF STANDARDS.—The Secretary, through the Service, shall establish standards by regulation for the planning, design, and construction of health care facilities serving Indians under this Act.

"SEC. 317. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE IV—ACCESS TO HEALTH SERVICES

"SEC. 401. TREATMENT OF PAYMENTS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.

"(a) DISREGARD OF MEDICARE, MEDICAID, AND SCHIP PAYMENTS IN DETERMINING APPROPRIATIONS.—Any payments received by an Indian Health Program or by an Urban Indian Organization under title XVIII, XIX, or XXI of the Social Security Act for services provided to Indians eligible for benefits under such respective titles shall not be considered in determining appropriations for the provision of health care and services to Indians.

"(b) NONPREFERENTIAL TREATMENT.—Nothing in this Act authorizes the Secretary to provide services to an Indian with coverage under title XVIII, XIX, or XXI of the Social Security Act in preference to an Indian without such coverage.

"(c) USE OF FUNDS.—

"(1) SPECIAL FUND.—

"(A) 100 PERCENT PASS-THROUGH OF PAYMENTS DUE TO FACILITIES.—Notwithstanding any other provision of law, but subject to paragraph (2), payments to which a facility of the Service is entitled by reason of a provision of the Social Security Act shall be placed in a special fund to be held by the Secretary. In making payments from such fund, the Secretary shall ensure that each Service Unit of the Service receives 100 percent of the amount to which the facilities of the Service, for which such Service Unit makes collections, are entitled by reason of a provision of the Social Security Act.

"(B) USE OF FUNDS.—Amounts received by a facility of the Service under subparagraph (A) shall first be used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the programs of the Service operated by or through such facility which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act. Any amounts so received that are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to consultatioh with the Indian Tribes being served by the Service Unit, be used for reducing the health resource deficiencies (as determined under section 201(d)) of such Indian Tribes.

"(2) DIRECT PAYMENT OPTION.—Paragraph (1) shall not apply to a Tribal Health Program upon the election of such Program under subsection (d) to receive payments directly. No payment may be made out of the special fund described in such paragraph with respect to reimbursement made for services provided by such Program during the period of such election.

"(d) DIRECT BILLING.—

"(1) IN GENERAL.—Subject to complying with the requirements of paragraph (2), a Tribal Health Program may elect to directly bill for, and receive payment for, health care items and services provided by such Program for which payment is made under title XVIII or XIX of the Social Security Act or from any other third party payor.

"(2) DIRECT REIMBURSEMENT.—

"(A) USE OF FUNDS.—Each Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be reimbursed directly by that program for items and services furnished without regard to subsection (c)(1), but all amounts so reimbursed shall be used by the Tribal Health Program for the purpose of making any improvements in facilities of the Tribal Health Program that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to such items and services under the program under such title and to provide additional health care services, improvements in health care facilities and Tribal Health Programs, any health care related purpose, or otherwise to achieve the objectives provided in section 3 of this Act.

"(B) AUDITS.—The amounts paid to a Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be subject to all auditing requirements applicable to the program under such title, as well as all auditing requirements applicable to programs administered by an Indian Health Program. Nothing in the preceding sentence shall be construed as limiting the application of auditing requirements applicable to amounts paid under title XVIII, XIX, or XXI of the Social Security Act.

"(C) IDENTIFICATION OF SOURCE OF PAYMENTS.—Any Tribal Health Program that receives reimbursements or payments under title XVIII, XIX, or XXI of the Social Security Act, shall provide to the Service a list of each provider enrollment number (or other identifier) under which such Program receives such reimbursements or payments.

"(3) EXAMINATION AND IMPLEMENTATION OF CHANGES.—

"(A) IN GENERAL.—The Secretary, acting through the Service and with the assistance of the Administrator of the Centers for Medicare & Medicaid Services, shall examine on an ongoing basis and implement any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this subsection, including any agreements with States that may be necessary to provide for direct billing under a program under a title of the Social Security Act.

"(B) COORDINATION OF INFORMATION.—The Service shall provide the Administrator of the Centers for Medicare & Medicaid Services with copies of the lists submitted to the Service under paragraph (2)(C), enrollment data regarding patients served by the Service (and by Tribal Health Programs, to the extent such data is available to the Service), and such other information as the Administrator may require for purposes of administering title XVIII, XIX, or XXI of the Social Security Act.

"(4) WITHDRAWAL FROM PROGRAM.—A Tribal Health Program that bills directly under the program established under this subsection may withdraw from participation in the same manner and under the same conditions that an Indian Tribe or Tribal Organization may retrocede a contracted program to the Secretary under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this subsection shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.

"(5) TERMINATION FOR FAILURE TO COMPLY WITH REQUIREMENTS.—The Secretary may terminate the participation of a Tribal Health Program or in the direct billing program established under this subsection if the Secretary determines that the Program has failed to comply with the requirements of paragraph (2). The Secretary shall provide a Tribal Health Program with notice of a determination that the Program has failed to comply with any such requirement and a reasonable opportunity to correct such noncompliance prior to terminating the Program's participation in the direct billing program established under this subsection.

"(e) RELATED PROVISIONS UNDER THE SOCIAL SECURITY ACT.—For provisions related to subsections (c) and (d), see sections 1880, 1911, and 2107(e)(1)(D) of the Social Security Act.

"SEC. 402. GRANTS TO AND CONTRACTS WITH THE SERVICE, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS TO FACILITATE OUTREACH, ENROLLMENT, AND COVERAGE OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS AND OTHER HEALTH BENEFITS PROGRAMS.

"(a) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—From funds appropriated to carry out this title in accordance with section 416, the Secretary, acting through the Service, shall make grants to or enter into contracts with Indian Tribes and Tribal Organizations to assist such Tribes and Tribal Organizations in establishing and administering programs on or near reservations and trust lands to assist individual Indians—

"(1) to enroll for benefits under a program established under title XVIII, XIX, or XXI of the Social Security Act and other health benefits programs; and

"(2) with respect to such programs for which the charging of premiums and cost sharing is not prohibited under such programs, to pay premiums or cost sharing for coverage for such benefits, which may be based on financial need (as determined by the Indian Tribe or Tribes or Tribal Organizations being served based on a schedule of income levels developed or implemented by such Tribe, Tribes, or Tribal Organizations).

"(b) CONDITIONS.—The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any grant or contract which the Secretary makes with any Indian Tribe or Tribal Organization pursuant to this section. Such conditions shall include requirements that the Indian Tribe or Tribal Organization successfully undertake—

"(1) to determine the population of Indians eligible for the benefits described in subsection (a);

"(2) to educate Indians with respect to the benefits available under the respective programs;

"(3) to provide transportation for such individual Indians to the appropriate offices for enrollment or applications for such benefits; and

"(4) to develop and implement methods of improving the participation of Indians in receiving benefits under such programs.

"(c) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—

"(1) IN GENERAL.—The provisions of subsection (a) shall apply with respect to grants and other funding to Urban Indian Organizations with respect to populations served by such organizations in the same manner they apply to grants and contracts with Indian Tribes and Tribal Organizations with respect to programs on or near reservations.

"(2) REQUIREMENTS.—The Secretary shall include in the grants or contracts made or provided under paragraph (1) requirements that are—

"(A) consistent with the requirements imposed by the Secretary under subsection (b);

"(B) appropriate to Urban Indian Organizations and Urban Indians; and

"(C) necessary to effect the purposes of this section.

"(d) FACILITATING COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI of the Social Security Act.

"(e) AGREEMENTS RELATING TO IMPROVING ENROLLMENT OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.—For provisions relating to agreements between the Secretary, acting through the Service, and Indian Tribes, Tribal Organizations, and Urban Indian Organizations for the collection, preparation, and submission of applications by Indians for assistance under the Medicaid and State children's health insurance programs established under titles XIX and XXI of the Social Security Act, and benefits under the Medicare program established under title XVIII of such Act, see subsections (a) and (b) of section 1139 of the Social Security Act.

"(f) DEFINITION OF PREMIUMS AND COST SHARING.—In this section:

"(1) PREMIUM.—The term 'premium' includes any enrollment fee or similar charge.

"(2) COST SHARING.—The term 'cost sharing' includes any deduction, deductible, copayment, coinsurance, or similar charge.

"SEC. 403. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.

"(a) RIGHT OF RECOVERY.—Except as provided in subsection (f), the United States, an Indian Tribe, or Tribal Organization shall have the right to recover from an insurance company, health maintenance organization, employee benefit plan, third-party tortfeasor, or any other responsible or liable third party (including a political subdivision or local governmental entity of a State) the reasonable charges billed by the Secretary, an Indian Tribe, or Tribal Organization in providing health services through the Service, an Indian Tribe, or Tribal Organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive damages, reimbursement, or indemnification for such charges or expenses if—

"(1) such services had been provided by a nongovernmental provider; and

"(2) such individual had been required to pay such charges or expenses and did pay such charges or expenses.

"(b) LIMITATIONS ON RECOVERIES FROM STATES.—Subsection (a) shall provide a right of recovery against any State, only if the injury, illness, or disability for which health services were provided is covered under—

"(1) workers' compensation laws; or

"(2) a no-fault automobile accident insurance plan or program.

"(c) NONAPPLICATION OF OTHER LAWS.—No law of any State, or of any political subdivision of a State and no provision of any contract, insurance or health maintenance organization policy, employee benefit plan, self-insurance plan, managed care plan, or other health care plan or program entered into or renewed after the date of the enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery of the United States, an Indian Tribe, or Tribal Organization under subsection (a).

"(d) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—No action taken by the United States, an Indian Tribe, or Tribal Organization to enforce the right of recovery provided under this section shall operate to deny to the injured person the recovery for that portion of the person's damage not covered hereunder.

"(e) ENFORCEMENT.—

"(1) IN GENERAL.—The United States, an Indian Tribe, or Tribal Organization may enforce the right of recovery provided under subsection (a) by—

"(A) intervening or joining in any civil action or proceeding brought—

"(i) by the individual for whom health services were provided by the Secretary, an Indian Tribe, or Tribal Organization; or

"(ii) by any representative or heirs of such individual, or

"(B) instituting a civil action, including a civil action for injunctive relief and other relief and including, with respect to a political subdivision or local governmental entity of a State, such an action against an official thereof.

"(2) NOTICE.—All reasonable efforts shall be made to provide notice of action instituted under paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendency of such action.

"(3) RECOVERY FROM TORTFEASORS.—

"(A) IN GENERAL.—In any case in which an Indian Tribe or Tribal Organization that is authorized or required under a compact or contract issued pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to furnish or pay for health services to a person who is injured or suffers a disease on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 under circumstances that establish grounds for a claim of liability against the tortfeasor with respect to the injury or disease, the Indian Tribe or Tribal Organization shall have a right to recover from the tortfeasor (or an insurer of the tortfeasor) the reasonable value of the health services so furnished, paid for, or to be paid for, in accordance with the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), to the same extent and under the same circumstances as the United States may recover under that Act.

"(B) TREATMENT.—The right of an Indian Tribe or Tribal Organization to recover under subparagraph (A) shall be independent of the rights of the injured or diseased person served by the Indian Tribe or Tribal Organization.

"(f) LIMITATION.—Absent specific written authorization by the governing body of an Indian Tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), the United States shall not have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian Tribe, Tribal Organization, or Urban Indian Organization. Where such authorization is provided, the Service may receive and expend such amounts for the provision of additional health services consistent with such authorization.

"(g) COSTS AND ATTORNEYS' FEES.—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded its reasonable attorneys' fees and costs of litigation.

"(h) NONAPPLICATION OF CLAIMS FILING REQUIREMENTS.—An insurance company, health maintenance organization, self-insurance plan, managed care plan, or other health care plan or program (under the Social Security Act or otherwise) may not deny a claim for benefits submitted by the Service or by an Indian Tribe or Tribal Organization based on the format in which the claim is submitted if such format complies with the format required for submission of claims under title XVIII of the Social Security Act or recognized under section 1175 of such Act.

"(i) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—The previous provisions of this section shall apply to Urban Indian Organizations with respect to populations served by such Organizations in the same manner they apply to Indian Tribes and Tribal Organizations with respect to populations served by such Indian Tribes and Tribal Organizations.

"(j) STATUTE OF LIMITATIONS.—The provisions of section 2415 of title 28, United States Code, shall apply to all actions commenced under this section, and the references therein to the United States are deemed to include Indian Tribes, Tribal Organizations, and Urban Indian Organizations.

"(k) SAVINGS.—Nothing in this section shall be construed to limit any right of recovery available to the United States, an Indian Tribe, or Tribal Organization under the provisions of any applicable, Federal, State, or Tribal law, including medical lien laws.

"SEC. 404. CREDITING OF REIMBURSEMENTS.

"(a) USE OF AMOUNTS.—

"(1) RETENTION BY PROGRAM.—Except as provided in section 202(f) (relating to the Catastrophic Health Emergency Fund) and section 807 (relating to health services for ineligible persons), all reimbursements received or recovered under any of the programs described in paragraph (2), including under section 807, by reason of the provision of health services by the Service, by an Indian Tribe or Tribal Organization, or by an

Urban Indian Organization, shall be credited to the Service, such Indian Tribe or Tribal Organization, or such Urban Indian Organization, respectively, and may be used as provided in section 401. In the case of such a service provided by or through a Service Unit, such amounts shall be credited to such unit and used for such purposes.

“(2) PROGRAMS COVERED.—The programs referred to in paragraph (1) are the following:

“(A) Titles XVIII, XIX, and XXI of the Social Security Act.

“(B) This Act, including section 807.

“(C) Public Law 87–693.

“(D) Any other provision of law.

“(b) NO OFFSET OF AMOUNTS.—The Service may not offset or limit any amount obligated to any Service Unit or entity receiving funding from the Service because of the receipt of reimbursements under subsection (a).

“SEC. 405. PURCHASING HEALTH CARE COVERAGE.

“(a) IN GENERAL.—Insofar as amounts are made available under law (including a provision of the Social Security Act, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other law, other than under section 402) to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for health benefits for Service beneficiaries, Indian Tribes, Tribal Organizations, and Urban Indian Organizations may use such amounts to purchase health benefits coverage for such beneficiaries in any manner, including through—

“(1) a tribally owned and operated health care plan;

“(2) a State or locally authorized or licensed health care plan;

“(3) a health insurance provider or managed care organization; or

“(4) a self-insured plan.

The purchase of such coverage by an Indian Tribe, Tribal Organization, or Urban Indian Organization may be based on the financial needs of such beneficiaries (as determined by the Indian Tribe or Tribes being served based on a schedule of income levels developed or implemented by such Indian Tribe or Tribes).

“(b) EXPENSES FOR SELF-INSURED PLAN.—In the case of a self-insured plan under subsection (a)(4), the amounts may be used for expenses of operating the plan, including administration and insurance to limit the financial risks to the entity offering the plan.

“(c) CONSTRUCTION.—Nothing in this section shall be construed as affecting the use of any amounts not referred to in subsection (a).

“SEC. 406. SHARING ARRANGEMENTS WITH FEDERAL AGENCIES.

“(a) AUTHORITY.—

“(1) IN GENERAL.—The Secretary may enter into (or expand) arrangements for the sharing of medical facilities and services between the Service, Indian Tribes, and Tribal Organizations and the Department of Veterans Affairs and the Department of Defense.

“(2) CONSULTATION BY SECRETARY REQUIRED.—The Secretary may not finalize any arrangement between the Service and a Department described in paragraph (1) without first consulting with the Indian Tribes which will be significantly affected by the arrangement.

“(b) LIMITATIONS.—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

“(1) the priority access of any Indian to health care services provided through the Service and the eligibility of any Indian to receive health services through the Service;

“(2) the quality of health care services provided to any Indian through the Service;

“(3) the priority access of any veteran to health care services provided by the Department of Veterans Affairs;

“(4) the quality of health care services provided by the Department of Veterans Affairs or the Department of Defense; or

“(5) the eligibility of any Indian who is a veteran to receive health services through the Department of Veterans Affairs.

“(c) REIMBURSEMENT.—The Service, Indian Tribe, or Tribal Organization shall be reimbursed by the Department of Veterans Affairs or the Department of Defense (as the case may be) where services are provided through the Service, an Indian Tribe, or a Tribal Organization to beneficiaries eligible for services from either such Department, notwithstanding any other provision of law.

“(d) CONSTRUCTION.—Nothing in this section may be construed as creating any right of a non-Indian veteran to obtain health services from the Service.

“SEC. 407. PAYOR OF LAST RESORT.

“Indian Health Programs and health care programs operated by Urban Indian Organizations shall be the payor of last resort for services provided to persons eligible for services from Indian Health Programs and Urban Indian Organizations, notwithstanding any Federal, State, or local law to the contrary.

“SEC. 408. NONDISCRIMINATION UNDER FEDERAL HEALTH CARE PROGRAMS IN QUALIFICATIONS FOR REIMBURSEMENT FOR SERVICES.

“(a) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

“(1) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

“(2) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

“(b) APPLICATION OF EXCLUSION FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS.—

“(1) EXCLUDED ENTITIES.—No entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment or reimbursement under any such program for health care services furnished to an Indian.

“(2) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension shall be eligible to receive payment or reimbursement under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

“(3) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, ‘Federal health care program’ has the meaning given that term in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.

“(c) RELATED PROVISIONS.—For provisions related to nondiscrimination against providers operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, see section 1139(c) of the Social Security Act (42 U.S.C. 1320b–9(c)).

“SEC. 409. CONSULTATION.

“For provisions related to consultation with representatives of Indian Health Programs and Urban Indian Organizations with respect to the health care programs established under titles XVIII, XIX, and XXI of the Social Security Act, see section 1139(d) of the Social Security Act (42 U.S.C. 1320b–9(d)).

“SEC. 410. STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP).

“For provisions relating to—

“(1) outreach to families of Indian children likely to be eligible for child health assistance under the State children's health insurance program established under title XXI of the Social Security Act, see sections 2105(c)(2)(C) and 1139(a) of such Act (42 U.S.C. 1397ee(c)(2), 1320b–9); and

“(2) ensuring that child health assistance is provided under such program to targeted low-income children who are Indians and that payments are made under such program to Indian Health Programs and Urban Indian Organizations operating in the State that provide such assistance, see sections 2102(b)(3)(D) and 2105(c)(6)(B) of such Act (42 U.S.C. 1397bb(b)(3)(D), 1397ee(c)(6)(B)).

“SEC. 411. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

“For provisions relating to—

“(1) exclusion waiver authority for affected Indian Health Programs under the Social Security Act, see section 1128(k) of the Social Security Act (42 U.S.C. 1320a–7(k)); and

“(2) certain transactions involving Indian Health Programs deemed to be in safe harbors under that Act, see section 1128B(b)(4) of the Social Security Act (42 U.S.C. 1320a-7b(b)(4)).

“SEC. 412. PREMIUM AND COST SHARING PROTECTIONS AND ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

“For provisions relating to—

“(1) premiums or cost sharing protections for Indians furnished items or services directly by Indian Health Programs or through referral under the contract health service under the Medicaid program established under title XIX of the Social Security Act, see sections 1916(j) and 1916A(a)(1) of the Social Security Act (42 U.S.C. 1396o(j), 1396o–1(a)(1));

"(2) rules regarding the treatment of certain property for purposes of determining eligibility under such programs, see sections 1902(e)(13) and 2107(e)(1)(B) of such Act (42 U.S.C. 1396a(e)(13), 1397gg(e)(1)(B)); and

"(3) the protection of certain property from estate recovery provisions under the Medicaid program, see section 1917(b)(3)(B) of such Act (42 U.S.C. 1396p(b)(3)(B)).

"SEC. 413. TREATMENT UNDER MEDICAID AND SCHIP MANAGED CARE.

"For provisions relating to the treatment of Indians enrolled in a managed care entity under the Medicaid program under title XIX of the Social Security Act and Indian Health Programs and Urban Indian Organizations that are providers of items or services to such Indian enrollees, see sections 1932(h) and 2107(e)(1)(H) of the Social Security Act (42 U.S.C. 1396u–2(h), 1397gg(e)(1)(H)).

"SEC. 414. NAVAJO NATION MEDICAID AGENCY FEASIBILITY STUDY.

"(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of treating the Navajo Nation as a State for the purposes of title XIX of the Social Security Act, to provide services to Indians living within the boundaries of the Navajo Nation through an entity established having the same authority and performing the same functions as single-State medicaid agencies responsible for the administration of the State plan under title XIX of the Social Security Act.

"(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider the feasibility of—

"(1) assigning and paying all expenditures for the provision of services and related administration funds, under title XIX of the Social Security Act, to Indians living within the boundaries of the Navajo Nation that are currently paid to or would otherwise be paid to the State of Arizona, New Mexico, or Utah;

"(2) providing assistance to the Navajo Nation in the development and implementation of such entity for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act;

"(3) providing an appropriate level of matching funds for Federal medical assistance with respect to amounts such entity expends for medical assistance for services and related administrative costs; and

"(4) authorizing the Secretary, at the option of the Navajo Nation, to treat the Navajo Nation as a State for the purposes of title XIX of the Social Security Act (relating to the State children's health insurance program) under terms equivalent to those described in paragraphs (2) through (4).

"(c) REPORT.—Not later then 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to the Committee on Indian Affairs and Committee on Finance of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a report that includes—

"(1) the results of the study under this section;

"(2) a summary of any consultation that occurred between the Secretary and the Navajo Nation, other Indian Tribes, the States of Arizona, New Mexico, and Utah, counties which include Navajo Lands, and other interested parties, in conducting this study;

"(3) projected costs or savings associated with establishment of such entity, and any estimated impact on services provided as described in this section in relation to probable costs or savings; and

"(4) legislative actions that would be required to authorize the establishment of such entity if such entity is determined by the Secretary to be feasible.

"SEC. 415. GENERAL EXCEPTIONS.

"The requirements of this title shall not apply to any excepted benefits described in paragraph (1)(A) or (3) of section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg–91).

"SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"SEC. 501. PURPOSE.

"The purpose of this title is to establish and maintain programs in Urban Centers to make health services more accessible and available to Urban Indians.

"SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.

"Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, or make grants to, Urban Indian Organizations to assist such organizations in the establishment and administration, within Urban Centers, of programs which meet the requirements set forth in this title. Subject to section 506, the Secretary, acting through the Service, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract into which the Secretary enters with, or in any grant the Secretary makes to, any Urban Indian Organization pursuant to this title.

"SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES.

"(a) REQUIREMENTS FOR GRANTS AND CONTRACTS.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, and make grants to, Urban Indian Organizations for the provision of health care and referral services for Urban Indians. Any such contract or grant shall include requirements that the Urban Indian Organization successfully undertake to—

"(1) estimate the population of Urban Indians residing in the Urban Center or centers that the organization proposes to serve who are or could be recipients of health care or referral services;

"(2) estimate the current health status of Urban Indians residing in such Urban Center or centers;

"(3) estimate the current health care needs of Urban Indians residing in such Urban Center or centers;

"(4) provide basic health education, including health promotion and disease prevention education, to Urban Indians;

"(5) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of Urban Indians; and

"(6) where necessary, provide, or enter into contracts for the provision of, health care services for Urban Indians.

"(b) CRITERIA.—The Secretary, acting through the Service, shall, by regulation, prescribe the criteria for selecting Urban Indian Organizations to enter into contracts or receive grants under this section. Such criteria shall, among other factors, include—

"(1) the extent of unmet health care needs of Urban Indians in the Urban Center or centers involved;

"(2) the size of the Urban Indian population in the Urban Center or centers involved;

"(3) the extent, if any, to which the activities set forth in subsection (a) would duplicate any project funded under this title, or under any current public health service project funded in a manner other than pursuant to this title;

"(4) the capability of an Urban Indian Organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary or to meet the requirements for receiving a grant under this section;

"(5) the satisfactory performance and successful completion by an Urban Indian Organization of other contracts with the Secretary under this title;

"(6) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an Urban Center or centers; and

"(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"(c) ACCESS TO HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS.—The Secretary, acting through the Service, shall facilitate access to or provide health promotion and disease prevention services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

"(d) IMMUNIZATION SERVICES.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, immunization services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under this section.

"(2) DEFINITION.—For purposes of this subsection, the term 'immunization services' means services to provide without charge immunizations against vaccine-preventable diseases.

"(e) BEHAVIORAL HEALTH SERVICES.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, behavioral health services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

"(2) ASSESSMENT REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment of the following:

"(A) The behavioral health needs of the Urban Indian population concerned.

"(B) The behavioral health services and other related resources available to that population.

"(C) The barriers to obtaining those services and resources.

"(D) The needs that are unmet by such services and resources.

"(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

"(A) To prepare assessments required under paragraph (2).

"(B) To provide outreach, educational, and referral services to Urban Indians regarding the availability of direct behavioral health services, to educate Urban Indians about behavioral health issues and services, and effect coordination with existing behavioral health providers in order to improve services to Urban Indians.

"(C) To provide outpatient behavioral health services to Urban Indians, including the identification and assessment of illness, therapeutic treatments, case management, support groups, family treatment, and other treatment.

"(D) To develop innovative behavioral health service delivery models which incorporate Indian cultural support systems and resources.

"(f) Prevention of Child Abuse.—

"(1) Access or services provided.—The Secretary, acting through the Service, shall facilitate access to or provide services for Urban Indians through grants to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a) to prevent and treat child abuse (including sexual abuse) among Urban Indians.

"(2) Evaluation required.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment that documents the prevalence of child abuse in the Urban Indian population concerned and specifies the services and programs (which may not duplicate existing services and programs) for which the grant is requested.

"(3) Purposes of grants.—Grants may be made under this subsection for the following:

"(A) To prepare assessments required under paragraph (2).

"(B) For the development of prevention, training, and education programs for Urban Indians, including child education, parent education, provider training on identification and intervention, education on reporting requirements, prevention campaigns, and establishing service networks of all those involved in Indian child protection.

"(C) To provide direct outpatient treatment services (including individual treatment, family treatment, group therapy, and support groups) to Urban Indians who are child victims of abuse (including sexual abuse) or adult survivors of child sexual abuse, to the families of such child victims, and to Urban Indian perpetrators of child abuse (including sexual abuse).

"(4) Considerations when making grants.—In making grants to carry out this subsection, the Secretary shall take into consideration—

"(A) the support for the Urban Indian Organization demonstrated by the child protection authorities in the area, including committees or other services funded under the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), if any;

"(B) the capability and expertise demonstrated by the Urban Indian Organization to address the complex problem of child sexual abuse in the community; and

"(C) the assessment required under paragraph (2).

"(g) Other Grants.—The Secretary, acting through the Service, may enter into a contract with or make grants to an Urban Indian Organization that provides or arranges for the provision of health care services (through satellite facilities, provider networks, or otherwise) to Urban Indians in more than 1 Urban Center.

"SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS.

"(a) Grants and Contracts Authorized.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, may enter into contracts with or make grants to Urban Indian Organizations situated in Urban Centers for which contracts have not been entered into or grants have not been made under section 503.

"(b) Purpose.—The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (c)(1) in order to assist the Secretary in assessing the health status and health care needs of Urban Indians in the Urban Center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the Urban Indian Organization which the Secretary has entered into a contract with, or made a grant to, under this section.

"(c) Grant and Contract Requirements.—Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

"(1) the Urban Indian Organization successfully undertakes to—

"(A) document the health care status and unmet health care needs of Urban Indians in the Urban Center involved; and

"(B) with respect to Urban Indians in the Urban Center involved, determine the matters described in paragraphs (2), (3), (4), and (7) of section 503(b); and

"(2) the Urban Indian Organization complete performance of the contract, or carry out the requirements of the grant, within 1 year after the date on which the Secretary and such organization enter into such contract, or within 1 year after such organization receives such grant, whichever is applicable.

"(d) No Renewals.—The Secretary may not renew any contract entered into or grant made under this section.

"SEC. 505. EVALUATIONS; RENEWALS.

"(a) Procedures for Evaluations.—The Secretary, acting through the Service, shall develop procedures to evaluate compliance with grant requirements and compliance with and performance of contracts entered into by Urban Indian Organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

"(b) Evaluations.—The Secretary, acting through the Service, shall evaluate the compliance of each Urban Indian Organization which has entered into a contract or received a grant under section 503 with the terms of such contract or grant. For purposes of this evaluation, the Secretary shall—

"(1) acting through the Service, conduct an annual onsite evaluation of the organization; or

"(2) accept in lieu of such onsite evaluation evidence of the organization's provisional or full accreditation by a private independent entity recognized by the Secretary for purposes of conducting quality reviews of providers participating in the Medicare program under title XVIII of the Social Security Act.

"(c) Noncompliance; Unsatisfactory Performance.—If, as a result of the evaluations conducted under this section, the Secretary determines that an Urban Indian Organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with the organization the areas of noncompliance or unsatisfactory performance and modify the contract or grant to prevent future occurrences of noncompliance or unsatisfactory performance. If the Secretary determines that the noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew the contract or grant with the organization and is authorized to enter into a contract or make a grant under section 503 with another Urban Indian Organization which is situated in the same Urban Center as the Urban Indian Organization whose contract or grant is not renewed under this section.

"(d) Considerations for Renewals.—In determining whether to renew a contract or grant with an Urban Indian Organization under section 503 which has completed performance of a contract or grant under section 504, the Secretary shall review the records of the Urban Indian Organization, the reports submitted under section 507, and shall consider the results of the onsite evaluations or accreditations under subsection (b).

"SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.

"(a) Procurement.—Contracts with Urban Indian Organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations relating to procurement except that in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of sections 1304 and 3131 through 3133 of title 40, United States Code.

"(b) Payments Under Contracts or Grants.—

"(1) In general.—Payments under any contracts or grants pursuant to this title, notwithstanding any term or condition of such contract or grant—

"(A) may be made in a single advance payment by the Secretary to the Urban Indian Organization by no later than the end of the first 30 days of the funding period with respect to which the payments apply, unless the Secretary determines through an evaluation under section 505 that the organization is not capable of administering such a single advance payment; and

"(B) if any portion thereof is unexpended by the Urban Indian Organization during the funding period with respect to which the payments initially apply, shall be carried forward for expenditure with respect to allowable or reimbursable costs incurred by the organization during 1 or more subsequent funding periods without additional justification or documentation by the organization as a condition of carrying forward the availability for expenditure of such funds.

"(2) Semiannual and quarterly payments and reimbursements.—If the Secretary determines under paragraph (1)(A) that an Urban Indian Organization is not capable of administering an entire single advance payment, on request of the Urban Indian Organization, the payments may be made—

"(A) in semiannual or quarterly payments by not later than 30 days after the date on which the funding period with respect to which the payments apply begins; or

"(B) by way of reimbursement.

"(c) Revision or Amendment of Contracts.—Notwithstanding any provision of law to the contrary, the Secretary may, at the request and consent of an Urban Indian Organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

“(d) Fair and Uniform Services and Assistance.—Contracts with or grants to Urban Indian Organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to Urban Indians of services and assistance under such contracts or grants by such organizations.

“SEC. 507. REPORTS AND RECORDS.

“(a) Reports.—

“(1) In general.—For each fiscal year during which an Urban Indian Organization receives or expends funds pursuant to a contract entered into or a grant received pursuant to this title, such Urban Indian Organization shall submit to the Secretary not more frequently than every 6 months, a report that includes the following:

“(A) In the case of a contract or grant under section 503, recommendations pursuant to section 503(a)(5).

“(B) Information on activities conducted by the organization pursuant to the contract or grant.

“(C) An accounting of the amounts and purpose for which Federal funds were expended.

“(D) A minimum set of data, using uniformly defined elements, as specified by the Secretary after consultation with Urban Indian Organizations.

“(2) Health status and services.—

“(A) In general.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, shall submit to Congress a report evaluating—

“(i) the health status of Urban Indians;

“(ii) the services provided to Indians pursuant to this title; and

“(iii) areas of unmet needs in the delivery of health services to Urban Indians.

“(B) Consultation and contracts.—In preparing the report under paragraph (1), the Secretary—

“(i) shall consult with Urban Indian Organizations; and

“(ii) may enter into a contract with a national organization representing Urban Indian Organizations to conduct any aspect of the report.

“(b) Audit.—The reports and records of the Urban Indian Organization with respect to a contract or grant under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

“(c) Costs of Audits.—The Secretary shall allow as a cost of any contract or grant entered into or awarded under section 502 or 503 the cost of an annual independent financial audit conducted by—

“(1) a certified public accountant; or

“(2) a certified public accounting firm qualified to conduct Federal compliance audits.

“SEC. 508. LIMITATION ON CONTRACT AUTHORITY.

“The authority of the Secretary to enter into contracts or to award grants under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

“SEC. 509. FACILITIES.

“(a) Grants.—The Secretary, acting through the Service, may make grants to contractors or grant recipients under this title for the lease, purchase, renovation, construction, or expansion of facilities, including leased facilities, in order to assist such contractors or grant recipients in complying with applicable licensure or certification requirements.

“(b) Loan Fund Study.—The Secretary, acting through the Service, may carry out a study to determine the feasibility of establishing a loan fund to provide to Urban Indian Organizations direct loans or guarantees for loans for the construction of health care facilities in a manner consistent with section 309, including by submitting a report in accordance with subsection (c) of that section.

“SEC. 510. DIVISION OF URBAN INDIAN HEALTH.

“There is established within the Service a Division of Urban Indian Health, which shall be responsible for—

“(1) carrying out the provisions of this title;

“(2) providing central oversight of the programs and services authorized under this title; and

“(3) providing technical assistance to Urban Indian Organizations.

“SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE-RELATED SERVICES.

“(a) Grants Authorized.—The Secretary, acting through the Service, may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school- and community-based education regarding, alcohol and substance abuse in Urban Centers to those Urban Indian Organizations with which the Secretary has entered into a contract under this title or under section 201.

“(b) Goals.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

“(c) Criteria.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the following:

“(1) The size of the Urban Indian population.

“(2) Capability of the organization to adequately perform the activities required under the grant.

“(3) Satisfactory performance standards for the organization in meeting the goals set forth in such grant. The standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis.

“(4) Identification of the need for services.

“(d) Allocation of Grants.—The Secretary shall develop a methodology for allocating grants made pursuant to this section based on the criteria established pursuant to subsection (c).

“(e) Grants Subject to Criteria.—Any grant received by an Urban Indian Organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

“SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

“Notwithstanding any other provision of law, the Tulsa Clinic and Oklahoma City Clinic demonstration projects shall—

“(1) be permanent programs within the Service's direct care program;

“(2) continue to be treated as Service Units and Operating Units in the allocation of resources and coordination of care; and

“(3) continue to meet the requirements and definitions of an Urban Indian Organization in this Act, and shall not be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.

“(a) Grants and Contracts.—The Secretary, through the Division of Urban Indian Health, shall make grants or enter into contracts with Urban Indian Organizations, to take effect not later than September 30, 2010, for the administration of Urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (hereafter in this section referred to as ‘NIAAA’) and transferred to the Service.

“(b) Use of Funds.—Grants provided or contracts entered into under this section shall be used to provide support for the continuation of alcohol prevention and treatment services for Urban Indian populations and such other objectives as are agreed upon between the Service and a recipient of a grant or contract under this section.

“(c) Eligibility.—Urban Indian Organizations that operate Indian alcohol programs originally funded under the NIAAA and subsequently transferred to the Service are eligible for grants or contracts under this section.

“(d) Report.—The Secretary shall evaluate and report to Congress on the activities of programs funded under this section not less than every 5 years.

“SEC. 514. CONSULTATION WITH URBAN INDIAN ORGANIZATIONS.

“(a) In General.—The Secretary shall ensure that the Service consults, to the greatest extent practicable, with Urban Indian Organizations.

“(b) Definition of Consultation.—For purposes of subsection (a), consultation is the open and free exchange of information and opinions which leads to mutual understanding and comprehension and which emphasizes trust, respect, and shared responsibility.

“SEC. 515. URBAN YOUTH TREATMENT CENTER DEMONSTRATION.

“(a) Construction and Operation.—The Secretary, acting through the Service, through grant or contract, is authorized to fund the construction and operation of at least 2 residential treatment centers in each State described in subsection (b) to demonstrate the provision of alcohol and substance abuse treatment services to Urban Indian youth in a culturally competent residential setting.

“(b) Definition of State.—A State described in this subsection is a State in which—

“(1) there resides Urban Indian youth with need for alcohol and substance abuse treatment services in a residential setting; and

“(2) there is a significant shortage of culturally competent residential treatment services for Urban Indian youth.

“SEC. 516. GRANTS FOR DIABETES PREVENTION, TREATMENT, AND CONTROL.

“(a) Grants Authorized.—The Secretary may make grants to those Urban Indian Organizations that have entered into a contract or have received a grant under this title for the provision of services for the prevention and treatment of, and control of the complications resulting from, diabetes among Urban Indians.

“(b) Goals.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished under the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

“(c) Establishment of Criteria.—The Secretary shall establish criteria for the grants made under subsection (a) relating to—

“(1) the size and location of the Urban Indian population to be served;

“(2) the need for prevention of and treatment of, and control of the complications resulting from, diabetes among the Urban Indian population to be served;

“(3) performance standards for the organization in meeting the goals set forth in such grant that are negotiated and agreed to by the Secretary and the grantee;

“(4) the capability of the organization to adequately perform the activities required under the grant; and

“(5) the willingness of the organization to collaborate with the registry, if any, established by the Secretary under section 204(e) in the Area Office of the Service in which the organization is located.

“(d) FUNDS SUBJECT TO CRITERIA.—Any funds received by an Urban Indian Organization under this Act for the prevention, treatment, and control of diabetes among Urban Indians shall be subject to the criteria developed by the Secretary under subsection (c).

“SEC. 517. COMMUNITY HEALTH REPRESENTATIVES.

“The Secretary, acting through the Service, may enter into contracts with, and make grants to, Urban Indian Organizations for the employment of Indians trained as health service providers through the Community Health Representatives Program under section 109 in the provision of health care, health promotion, and disease prevention services to Urban Indians.

“SEC. 518. EFFECTIVE DATE.

“The amendments made by the Indian Health Care Improvement Act Amendments of 2007 to this title shall take effect beginning on the date of enactment of that Act, regardless of whether the Secretary has promulgated regulations implementing such amendments.

“SEC. 519. ELIGIBILITY FOR SERVICES.

“Urban Indians shall be eligible for, and the ultimate beneficiaries of, health care or referral services provided pursuant to this title.

“SEC. 520. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

“TITLE VI—ORGANIZATIONAL IMPROVEMENTS

“SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian Tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

“(2) ASSISTANT SECRETARY FOR INDIAN HEALTH.—The Service shall be administered by an Assistant Secretary for Indian Health, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall report to the Secretary. Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 2007, the term of service of the Assistant Secretary shall be 4 years. An Assistant Secretary may serve more than 1 term.

“(3) INCUMBENT.—The individual serving in the position of Director of the Service on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 shall serve as Assistant Secretary.

“(4) ADVOCACY AND CONSULTATION.—The position of Assistant Secretary is established to, in a manner consistent with the government-to-government relationship between the United States and Indian Tribes—

“(A) facilitate advocacy for the development of appropriate Indian health policy; and

“(B) promote consultation on matters relating to Indian health.

“(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

“(c) DUTIES.—The Assistant Secretary shall—

“(1) perform all functions that were, on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, carried out by or under the direction of the individual serving as Director of the Service on that day;

“(2) perform all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians;

“(3) administer all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

“(A) this Act;

“(B) the Act of November 2, 1921 (25 U.S.C. 13);

“(C) the Act of August 5, 1954 (42 U.S.C. 2001 et seq.);

“(D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and

“(E) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

“(4) administer all scholarship and loan functions carried out under title I;

“(5) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

“(6) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

“(7) advise each Assistant Secretary of the Department concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

“(8) advise the heads of other agencies and programs of the Department concerning matters of Indian health with respect to which those heads have authority and responsibility;

“(9) coordinate the activities of the Department concerning matters of Indian health; and

“(10) perform such other functions as the Secretary may designate.

“(d) AUTHORITY.—

“(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary, shall have the authority—

“(A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

“(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

“(C) to manage, expend, and obligate all funds appropriated for the Service.

“(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

“(e) REFERENCES.—Any reference to the Director of the Indian Health Service in any other Federal law, Executive order, rule, regulation, or delegation of authority, or in any document of or relating to the Director of the Indian Health Service, shall be deemed to refer to the Assistant Secretary.

“SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYSTEM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish an automated management information system for the Service.

“(2) REQUIREMENTS OF SYSTEM.—The information system established under paragraph (1) shall include—

“(A) a financial management system;

“(B) a patient care information system for each area served by the Service;

“(C) a privacy component that protects the privacy of patient information held by, or on behalf of, the Service;

“(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each Area office of the Service;

“(E) an interface mechanism for patient billing and accounts receivable system; and

“(F) a training component.

“(b) PROVISION OF SYSTEMS TO TRIBES AND ORGANIZATIONS.—The Secretary shall provide each Tribal Health Program automated management information systems which—

“(1) meet the management information needs of such Tribal Health Program with respect to the treatment by the Tribal Health Program of patients of the Service; and

“(2) meet the management information needs of the Service.

“(c) ACCESS TO RECORDS.—Notwithstanding any other provision of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.

“(d) AUTHORITY TO ENHANCE INFORMATION TECHNOLOGY.—The Secretary, acting through the Assistant Secretary, shall have the authority to enter into contracts, agreements, or joint ventures with other Federal agencies, States, private and nonprofit organizations, for the purpose of enhancing information technology in Indian Health Programs and facilities.

“SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

“TITLE VII—BEHAVIORAL HEALTH PROGRAMS

“SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.

“(a) PURPOSES.—The purposes of this section are as follows:

“(1) To authorize and direct the Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs.

“(2) To provide information, direction, and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State, and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement, and judicial services.

"(3) To assist Indian Tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior.

"(4) To provide authority and opportunities for Indian Tribes and Tribal Organizations to develop, implement, and coordinate with community-based programs which include identification, prevention, education, referral, and treatment services, including through multidisciplinary resource teams.

"(5) To ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access.

"(6) To modify or supplement existing programs and authorities in the areas identified in paragraph (2).

"(b) PLANS.—

"(1) DEVELOPMENT.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall encourage Indian Tribes and Tribal Organizations to develop tribal plans, and Urban Indian Organizations to develop local plans, and for all such groups to participate in developing areawide plans for Indian Behavioral Health Services. The plans shall include, to the extent feasible, the following components:

"(A) An assessment of the scope of alcohol or other substance abuse, mental illness, and dysfunctional and self-destructive behavior, including suicide, child abuse, and family violence, among Indians, including—

"(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; or

"(ii) an estimate of the financial and human cost attributable to such illness or behavior.

"(B) An assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c).

"(C) An estimate of the additional funding needed by the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to meet their responsibilities under the plans.

"(2) NATIONAL CLEARINGHOUSE.—The Secretary, acting through the Service, shall coordinate with existing national clearinghouses and information centers to include at the clearinghouses and centers plans and reports on the outcomes of such plans developed by Indian Tribes, Tribal Organizations, Urban Indian Organizations, and Service Areas relating to behavioral health. The Secretary shall ensure access to these plans and outcomes by any Indian Tribe, Tribal Organization, Urban Indian Organization, or the Service.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in preparation of plans under this section and in developing standards of care that may be used and adopted locally.

"(c) PROGRAMS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide, to the extent feasible and if funding is available, programs including the following:

"(1) COMPREHENSIVE CARE.—A comprehensive continuum of behavioral health care which provides—

"(A) community-based prevention, intervention, outpatient, and behavioral health aftercare;

"(B) detoxification (social and medical);

"(C) acute hospitalization;

"(D) intensive outpatient/day treatment;

"(E) residential treatment;

"(F) transitional living for those needing a temporary, stable living environment that is supportive of treatment and recovery goals;

"(G) emergency shelter;

"(H) intensive case management; and

"(I) diagnostic services.

"(2) CHILD CARE.—Behavioral health services for Indians from birth through age 17, including—

"(A) preschool and school age fetal alcohol disorder services, including assessment and behavioral intervention;

"(B) mental health and substance abuse services (emotional, organic, alcohol, drug, inhalant, and tobacco);

"(C) identification and treatment of co-occurring disorders and comorbidity;

"(D) prevention of alcohol, drug, inhalant, and tobacco use;

"(E) early intervention, treatment, and aftercare;

"(F) promotion of healthy approaches to risk and safety issues; and

"(G) identification and treatment of neglect and physical, mental, and sexual abuse.

"(3) ADULT CARE.—Behavioral health services for Indians from age 18 through 55, including—

"(A) early intervention, treatment, and aftercare;

"(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

"(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

"(D) promotion of healthy approaches for risk-related behavior;

"(E) treatment services for women at risk of giving birth to a child with a fetal alcohol disorder; and

"(F) sex specific treatment for sexual assault and domestic violence.

"(4) FAMILY CARE.—Behavioral health services for families, including—

"(A) early intervention, treatment, and aftercare for affected families;

"(B) treatment for sexual assault and domestic violence; and

"(C) promotion of healthy approaches relating to parenting, domestic violence, and other abuse issues.

"(5) ELDER CARE.—Behavioral health services for Indians 56 years of age and older, including—

"(A) early intervention, treatment, and aftercare;

"(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

"(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

"(D) promotion of healthy approaches to managing conditions related to aging;

"(E) sex specific treatment for sexual assault, domestic violence, neglect, physical and mental abuse and exploitation; and

"(F) identification and treatment of dementias regardless of cause.

"(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

"(1) ESTABLISHMENT.—The governing body of any Indian Tribe, Tribal Organization, or Urban Indian Organization may adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat substance abuse, mental illness, or dysfunctional and self-destructive behavior, including child abuse and family violence, among its members or its service population. This plan should include behavioral health services, social services, intensive outpatient services, and continuing aftercare.

"(2) TECHNICAL ASSISTANCE.—At the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, the Bureau of Indian Affairs and the Service shall cooperate with and provide technical assistance to the Indian Tribe, Tribal Organization, or Urban Indian Organization in the development and implementation of such plan.

"(3) FUNDING.—The Secretary, acting through the Service, may make funding available to Indian Tribes and Tribal Organizations which adopt a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan.

"(e) COORDINATION FOR AVAILABILITY OF SERVICES.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall coordinate behavioral health planning, to the extent feasible, with other Federal agencies and with State agencies, to encourage comprehensive behavioral health services for Indians regardless of their place of residence.

"(f) MENTAL HEALTH CARE NEED ASSESSMENT.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the availability and cost of inpatient mental health facilities which can meet such need. In making such assessment, the Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

"SEC. 702. MEMORANDA OF AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR.

"(a) CONTENTS.—Not later than 12 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, and the Secretary of the Interior shall develop and enter into a memoranda of agreement, or review and update any existing memoranda of agreement, as required by section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) under which the Secretaries address the following:

"(1) The scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians.

"(2) The existing Federal, tribal, State, local, and private services, resources, and programs available to provide behavioral health services for Indians.

"(3) The unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1).

"(4)(A) The right of Indians, as citizens of the United States and of the States in which they reside, to have access to behavioral health services to which all citizens have access.

"(B) The right of Indians to participate in, and receive the benefit of, such services.

"(C) The actions necessary to protect the exercise of such right.

“(5) The responsibilities of the Bureau of Indian Affairs and the Service, including mental illness identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), at the central, area, and agency and Service Unit, Service Area, and headquarters levels to address the problems identified in paragraph (1).

“(6) A strategy for the comprehensive coordination of the behavioral health services provided by the Bureau of Indian Affairs and the Service to meet the problems identified pursuant to paragraph (1), including—

“(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and Indian Tribes and Tribal Organizations (developed under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.)) with behavioral health initiatives pursuant to this Act, particularly with respect to the referral and treatment of dually diagnosed individuals requiring behavioral health and substance abuse treatment; and

“(B) ensuring that the Bureau of Indian Affairs and Service programs and services (including multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services.

“(7) Directing appropriate officials of the Bureau of Indian Affairs and the Service, particularly at the agency and Service Unit levels, to cooperate fully with tribal requests made pursuant to community behavioral health plans adopted under section 701(c) and section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412).

“(8) Providing for an annual review of such agreement by the Secretaries which shall be provided to Congress and Indian Tribes and Tribal Organizations.

“(b) Specific Provisions Required.—The memoranda of agreement updated or entered into pursuant to subsection (a) shall include specific provisions pursuant to which the Service shall assume responsibility for—

“(1) the determination of the scope of the problem of alcohol and substance abuse among Indians, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

“(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

“(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

“(c) Publication.—Each memorandum of agreement entered into or renewed (and amendments or modifications thereto) under subsection (a) shall be published in the Federal Register. At the same time as publication in the Federal Register, the Secretary shall provide a copy of such memoranda, amendment, or modification to each Indian Tribe, Tribal Organization, and Urban Indian Organization.

“SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.

“(a) Establishment.—

“(1) In general.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide a program of comprehensive behavioral health, prevention, treatment, and aftercare, which shall include—

“(A) prevention, through educational intervention, in Indian communities;

“(B) acute detoxification, psychiatric hospitalization, residential, and intensive outpatient treatment;

“(C) community-based rehabilitation and aftercare;

“(D) community education and involvement, including extensive training of health care, educational, and community-based personnel;

“(E) specialized residential treatment programs for high-risk populations, including pregnant and postpartum women and their children; and

“(F) diagnostic services.

“(2) Target populations.—The target population of such programs shall be members of Indian Tribes. Efforts to train and educate key members of the Indian community shall also target employees of health, education, judicial, law enforcement, legal, and social service programs.

“(b) Contract Health Services.—

“(1) In general.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may enter into contracts with public or private providers of behavioral health treatment services for the purpose of carrying out the program required under subsection (a).

“(2) Provision of assistance.—In carrying out this subsection, the Secretary shall provide assistance to Indian Tribes and Tribal Organizations to develop criteria for the certification of behavioral health service providers and accreditation of service facilities which meet minimum standards for such services and facilities.

“SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.

“(a) In General.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), the Secretary shall establish and maintain a mental health technician program within the Service which—

“(1) provides for the training of Indians as mental health technicians; and

“(2) employs such technicians in the provision of community-based mental health care that includes identification, prevention, education, referral, and treatment services.

“(b) Paraprofessional Training.—In carrying out subsection (a), the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide high-standard paraprofessional training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

“(c) Supervision and Evaluation of Technicians.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall supervise and evaluate the mental health technicians in the training program.

“(d) Traditional Health Care Practices.—The Secretary, acting through the Service, shall ensure that the program established pursuant to this subsection involves the use and promotion of the traditional health care practices of the Indian Tribes to be served.

“SEC. 705. LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.

“(a) In General.—Subject to the provisions of section 221, and except as provided in subsection (b), any individual employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under this Act is required to be licensed as a psychologist, social worker, or marriage and family therapist, respectively.

“(b) Trainees.—An individual may be employed as a trainee in psychology, social work, or marriage and family therapy to provide mental health care services described in subsection (a) if such individual—

“(1) works under the direct supervision of a licensed psychologist, social worker, or marriage and family therapist, respectively;

“(2) is enrolled in or has completed at least 2 years of course work at a post-secondary, accredited education program for psychology, social work, marriage and family therapy, or counseling; and

“(3) meets such other training, supervision, and quality review requirements as the Secretary may establish.

“SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.

“(a) Grants.—The Secretary, consistent with section 701, may make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to develop and implement a comprehensive behavioral health program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the cultural, historical, social, and child care needs of Indian women, regardless of age.

“(b) Use of Grant Funds.—A grant made pursuant to this section may be used to—

“(1) develop and provide community training, education, and prevention programs for Indian women relating to behavioral health issues, including fetal alcohol disorders;

“(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention to Indian women and their families; and

“(3) develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement.

“(c) Criteria.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall establish criteria for the review and approval of applications and proposals for funding under this section.

“(d) Earmark of Certain Funds.—Twenty percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations.

“SEC. 707. INDIAN YOUTH PROGRAM.

“(a) Detoxification and Rehabilitation.—The Secretary, acting through the Service, consistent with section 701, shall develop and implement a program for acute detoxification and treatment for Indian youths, including behavioral health services. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian Tribes or Tribal Organizations at the local level under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

“(b) Alcohol and Substance Abuse Treatment Centers or Facilities.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an Area Office.

“(B) AREA OFFICE IN CALIFORNIA.—For the purposes of this subsection, the Area Office in California shall be considered to be 2 Area Offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

“(2) FUNDING.—For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

“(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the Indian Tribes to be served by such center.

“(4) SPECIFIC PROVISION OF FUNDS.—

“(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

“(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating, and maintaining a residential youth treatment facility in Fairbanks, Alaska; and

“(ii) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

“(B) PROVISION OF SERVICES TO ELIGIBLE YOUTHS.—Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youths residing in Alaska.

“(c) INTERMEDIATE ADOLESCENT BEHAVIORAL HEALTH SERVICES.—

“(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide intermediate behavioral health services to Indian children and adolescents, including—

“(A) pretreatment assistance;

“(B) inpatient, outpatient, and aftercare services;

“(C) emergency care;

“(D) suicide prevention and crisis intervention; and

“(E) prevention and treatment of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence.

“(2) USE OF FUNDS.—Funds provided under this subsection may be used—

“(A) to construct or renovate an existing health facility to provide intermediate behavioral health services;

“(B) to hire behavioral health professionals;

“(C) to staff, operate, and maintain an intermediate mental health facility, group home, sober housing, transitional housing or similar facilities, or youth shelter where intermediate behavioral health services are being provided;

“(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units; and

“(E) for intensive home- and community-based services.

“(3) CRITERIA.—The Secretary, acting through the Service, shall, in consultation with Indian Tribes and Tribal Organizations, establish criteria for the review and approval of applications or proposals for funding made available pursuant to this subsection.

“(d) FEDERALLY-OWNED STRUCTURES.—

“(1) IN GENERAL.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall—

“(A) identify and use, where appropriate, federally-owned structures suitable for local residential or regional behavioral health treatment for Indian youths; and

“(B) establish guidelines for determining the suitability of any such federally-owned structure to be used for local residential or regional behavioral health treatment for Indian youths.

“(2) TERMS AND CONDITIONS FOR USE OF STRUCTURE.—Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure and any Indian Tribe or Tribal Organization operating the program.

“(e) REHABILITATION AND AFTERCARE SERVICES.—

“(1) IN GENERAL.—The Secretary, Indian Tribes, or Tribal Organizations, in cooperation with the Secretary of the Interior, shall develop and implement within each Service Unit, community-based rehabilitation and follow-up services for Indian youths who are having significant behavioral health problems, and require long-term treatment, community reintegration, and monitoring to support the Indian youths after their return to their home community.

“(2) ADMINISTRATION.—Services under paragraph (1) shall be provided by trained staff within the community who can assist the Indian youths in their continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff may include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

“(f) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youths authorized by this section, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide for the inclusion of family members of such youths in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (e) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

“(g) MULTIDRUG ABUSE PROGRAM.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall provide, consistent with section 701, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youths residing in Indian communities, on or near reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youths.

“(h) INDIAN YOUTH MENTAL HEALTH.—The Secretary, acting through the Service, shall collect data for the report under section 801 with respect to—

“(1) the number of Indian youth who are being provided mental health services through the Service and Tribal Health Programs;

“(2) a description of, and costs associated with, the mental health services provided for Indian youth through the Service and Tribal Health Programs;

“(3) the number of youth referred to the Service or Tribal Health Programs for mental health services;

“(4) the number of Indian youth provided residential treatment for mental health and behavioral problems through the Service and Tribal Health Programs, reported separately for on- and off-reservation facilities; and

“(5) the costs of the services described in paragraph (4).

“SEC. 708. INDIAN YOUTH TELEMENTAL HEALTH DEMONSTRATION PROJECT.

“(a) PURPOSE.—The purpose of this section is to authorize the Secretary to carry out a demonstration project to test the use of telemental health services in suicide prevention, intervention and treatment of Indian youth, including through—

“(1) the use of psychotherapy, psychiatric assessments, diagnostic interviews, therapies for mental health conditions predisposing to suicide, and alcohol and substance abuse treatment;

“(2) the provision of clinical expertise to, consultation services with, and medical advice and training for frontline health care providers working with Indian youth;

“(3) training and related support for community leaders, family members and health and education workers who work with Indian youth;

“(4) the development of culturally-relevant educational materials on suicide; and

“(5) data collection and reporting.

“(b) DEFINITIONS.—For the purpose of this section, the following definitions shall apply:

“(1) DEMONSTRATION PROJECT.—The term ‘demonstration project’ means the Indian youth telemental health demonstration project authorized under subsection (c).

“(2) TELEMENTAL HEALTH.—The term ‘telemental health’ means the use of electronic information and telecommunications technologies to support long distance mental health care, patient and professional-related education, public health, and health administration.

“(c) AUTHORIZATION.—

“(1) IN GENERAL.—The Secretary is authorized to award grants under the demonstration project for the provision of telemental health services to Indian youth who—

“(A) have expressed suicidal ideas;

“(B) have attempted suicide; or

“(C) have mental health conditions that increase or could increase the risk of suicide.

“(2) ELIGIBILITY FOR GRANTS.—Such grants shall be awarded to Indian Tribes and Tribal Organizations that operate 1 or more facilities—

“(A) located in Alaska and part of the Alaska Federal Health Care Access Network;

“(B) reporting active clinical telehealth capabilities; or

“(C) offering school-based telemental health services relating to psychiatry to Indian youth.

“(3) GRANT PERIOD.—The Secretary shall award grants under this section for a period of up to 4 years.

“(4) AWARDING OF GRANTS.—Not more than 5 grants shall be provided under paragraph (1), with priority consideration given to Indian Tribes and Tribal Organizations that—

“(A) serve a particular community or geographic area where there is a demonstrated need to address Indian youth suicide;

“(B) enter in to collaborative partnerships with Indian Health Service or Tribal Health Programs or facilities to provide services under this demonstration project;

“(C) serve an isolated community or geographic area which has limited or no access to behavioral health services; or

“(D) operate a detention facility at which Indian youth are detained.

“(d) Use of Funds.—

“(1) In general.—An Indian Tribe or Tribal Organization shall use a grant received under subsection (c) for the following purposes:

“(A) To provide telemental health services to Indian youth, including the provision of—

“(i) psychotherapy;

“(ii) psychiatric assessments and diagnostic interviews, therapies for mental health conditions predisposing to suicide, and treatment; and

“(iii) alcohol and substance abuse treatment.

“(B) To provide clinician-interactive medical advice, guidance and training, assistance in diagnosis and interpretation, crisis counseling and intervention, and related assistance to Service, tribal, or urban clinicians and health services providers working with youth being served under this demonstration project.

“(C) To assist, educate and train community leaders, health education professionals and paraprofessionals, tribal outreach workers, and family members who work with the youth receiving telemental health services under this demonstration project, including with identification of suicidal tendencies, crisis intervention and suicide prevention, emergency skill development, and building and expanding networks among these individuals and with State and local health services providers.

“(D) To develop and distribute culturally appropriate community educational materials on—

“(i) suicide prevention;

“(ii) suicide education;

“(iii) suicide screening;

“(iv) suicide intervention; and

“(v) ways to mobilize communities with respect to the identification of risk factors for suicide.

“(E) For data collection and reporting related to Indian youth suicide prevention efforts.

“(2) Traditional health care practices.—In carrying out the purposes described in paragraph (1), an Indian Tribe or Tribal Organization may use and promote the traditional health care practices of the Indian Tribes of the youth to be served.

“(e) Applications.—To be eligible to receive a grant under subsection (c), an Indian Tribe or Tribal Organization shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of the project that the Indian Tribe or Tribal Organization will carry out using the funds provided under the grant;

“(2) a description of the manner in which the project funded under the grant would—

“(A) meet the telemental health care needs of the Indian youth population to be served by the project; or

“(B) improve the access of the Indian youth population to be served to suicide prevention and treatment services;

“(3) evidence of support for the project from the local community to be served by the project;

“(4) a description of how the families and leadership of the communities or populations to be served by the project would be involved in the development and ongoing operations of the project;

“(5) a plan to involve the tribal community of the youth who are provided services by the project in planning and evaluating the mental health care and suicide prevention efforts provided, in order to ensure the integration of community, clinical, environmental, and cultural components of the treatment; and

“(6) a plan for sustaining the project after Federal assistance for the demonstration project has terminated.

“(f) Collaboration; Reporting to National Clearinghouse.—

“(1) Collaboration.—The Secretary, acting through the Service, shall encourage Indian Tribes and Tribal Organizations receiving grants under this section to collaborate to enable comparisons about best practices across projects.

“(2) Reporting to national clearinghouse.—The Secretary, acting through the Service, shall also encourage Indian Tribes and Tribal Organizations receiving grants under this section to submit relevant, declassified project information to the national clearinghouse authorized under section 701(b)(2) in order to better facilitate program performance and improve suicide prevention, intervention, and treatment services.

“(g) Annual Report.—Each grant recipient shall submit to the Secretary an annual report that—

“(1) describes the number of telemental health services provided; and

“(2) includes any other information that the Secretary may require.

“(h) Report to Congress.—Not later than 270 days after the termination of the demonstration project, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a final report, based on the annual reports provided by grant recipients under subsection (h), that—

“(1) describes the results of the projects funded by grants awarded under this section, including any data available which indicates the number of attempted suicides;

“(2) evaluates the impact of the telemental health services funded by the grants in reducing the number of completed suicides among Indian youth;

“(3) evaluates whether the demonstration project should be—

“(A) expanded to provide more than 5 grants; and

“(B) designated a permanent program; and

“(4) evaluates the benefits of expanding the demonstration project to include Urban Indian Organizations.

“(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,500,000 for each of fiscal years 2008 through 2011.

“SEC. 709. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH FACILITIES DESIGN, CONSTRUCTION, AND STAFFING.

“Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems. For the purposes of this subsection, California shall be considered to be 2 Area Offices, 1 office whose location shall be considered to encompass the northern area of the State of California and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California. The Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

“SEC. 710. TRAINING AND COMMUNITY EDUCATION.

“(a) Program.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement or assist Indian Tribes and Tribal Organizations to develop and implement, within each Service Unit or tribal program, a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education about behavioral health issues to political leaders, Tribal judges, law enforcement personnel, members of tribal health and education boards, health care providers including traditional practitioners, and other critical members of each tribal community. Such program may also include community-based training to develop local capacity and tribal community provider training for prevention, intervention, treatment, and aftercare.

“(b) Instruction.—The Secretary, acting through the Service, shall, either directly or through Indian Tribes and Tribal Organizations, provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol disorders to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

“(c) Training Models.—In carrying out the education and training programs required by this section, the Secretary, in consultation with Indian Tribes, Tribal Organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

“(1) the elevated risk of alcohol and behavioral health problems faced by children of alcoholics;

“(2) the cultural, spiritual, and multigenerational aspects of behavioral health problem prevention and recovery; and

“(3) community-based and multidisciplinary strategies for preventing and treating behavioral health problems.

“SEC. 711. BEHAVIORAL HEALTH PROGRAM.

“(a) Innovative Programs.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, consistent with section 701, may plan, develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

“(b) Awards; Criteria.—The Secretary may award a grant for a project under subsection (a) to an Indian Tribe or Tribal Organization and may consider the following criteria:

"(1) The project will address significant unmet behavioral health needs among Indians.

"(2) The project will serve a significant number of Indians.

"(3) The project has the potential to deliver services in an efficient and effective manner.

"(4) The Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

"(5) The project may deliver services in a manner consistent with traditional health care practices.

"(6) The project is coordinated with, and avoids duplication of, existing services.

"(c) EQUITABLE TREATMENT.—For purposes of this subsection, the Secretary shall, in evaluating project applications or proposals, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

"SEC. 712. FETAL ALCOHOL DISORDER PROGRAMS.

"(a) PROGRAMS.—

"(1) ESTABLISHMENT.—The Secretary, consistent with section 701, acting through the Service, Indian Tribes, and Tribal Organizations, is authorized to establish and operate fetal alcohol disorder programs as provided in this section for the purposes of meeting the health status objectives specified in section 3.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—Funding provided pursuant to this section shall be used for the following:

"(i) To develop and provide for Indians community and in-school training, education, and prevention programs relating to fetal alcohol disorders.

"(ii) To identify and provide behavioral health treatment to high-risk Indian women and high-risk women pregnant with an Indian's child.

"(iii) To identify and provide appropriate psychological services, educational and vocational support, counseling, advocacy, and information to fetal alcohol disorder affected Indians and their families or caretakers.

"(iv) To develop and implement counseling and support programs in schools for fetal alcohol disorder affected Indian children.

"(v) To develop prevention and intervention models which incorporate practitioners of traditional health care practices, cultural values, and community involvement.

"(vi) To develop, print, and disseminate education and prevention materials on fetal alcohol disorder.

"(vii) To develop and implement, in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol disorder clinics for use in Indian communities and Urban Centers.

"(B) ADDITIONAL USES.—In addition to any purpose under subparagraph (A), funding provided pursuant to this section may be used for 1 or more of the following:

"(i) Early childhood intervention projects from birth on to mitigate the effects of fetal alcohol disorder among Indians.

"(ii) Community-based support services for Indians and women pregnant with Indian children.

"(iii) Community-based housing for adult Indians with fetal alcohol disorder.

"(3) CRITERIA FOR APPLICATIONS.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

"(b) SERVICES.—The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall—

"(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol disorder in Indian communities; and

"(2) provide supportive services, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol disorder.

"(c) TASK FORCE.—The Secretary shall establish a task force to be known as the Fetal Alcohol Disorder Task Force to advise the Secretary in carrying out subsection (b). Such task force shall be composed of representatives from the following:

"(1) The National Institute on Drug Abuse.

"(2) The National Institute on Alcohol and Alcoholism.

"(3) The Office of Substance Abuse Prevention.

"(4) The National Institute of Mental Health.

"(5) The Service.

"(6) The Office of Minority Health of the Department of Health and Human Services.

"(7) The Administration for Native Americans.

"(8) The National Institute of Child Health and Human Development (NICHD).

"(9) The Centers for Disease Control and Prevention.

"(10) The Bureau of Indian Affairs.

"(11) Indian Tribes.

"(12) Tribal Organizations.

"(13) Urban Indian Organizations.

"(14) Indian fetal alcohol disorder experts.

"(d) APPLIED RESEARCH PROJECTS.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and Urban Indians affected by fetal alcohol disorder.

"(e) FUNDING FOR URBAN INDIAN ORGANIZATIONS.—Ten percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations funded under title V.

"SEC. 713. CHILD SEXUAL ABUSE AND PREVENTION TREATMENT PROGRAMS.

"(a) ESTABLISHMENT.—The Secretary, acting through the Service, and the Secretary of the Interior, Indian Tribes, and Tribal Organizations, shall establish, consistent with section 701, in every Service Area, programs involving treatment for—

"(1) victims of sexual abuse who are Indian children or children in an Indian household; and

"(2) perpetrators of child sexual abuse who are Indian or members of an Indian household.

"(b) USE OF FUNDS.—Funding provided pursuant to this section shall be used for the following:

"(1) To develop and provide community education and prevention programs related to sexual abuse of Indian children or children in an Indian household.

"(2) To identify and provide behavioral health treatment to victims of sexual abuse who are Indian children or children in an Indian household, and to their family members who are affected by sexual abuse.

"(3) To develop prevention and intervention models which incorporate traditional health care practices, cultural values, and community involvement.

"(4) To develop and implement culturally sensitive assessment and diagnostic tools for use in Indian communities and Urban Centers.

"(5) To identify and provide behavioral health treatment to Indian perpetrators and perpetrators who are members of an Indian household—

"(A) making efforts to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated; and

"(B) providing treatment after the perpetrator is released, until it is determined that the perpetrator is not a threat to children.

"(c) COORDINATION.—The programs established under subsection (a) shall be carried out in coordination with programs and services authorized under the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.).

"SEC. 714. BEHAVIORAL HEALTH RESEARCH.

"The Secretary, in consultation with appropriate Federal agencies, shall make grants to, or enter into contracts with, Indian Tribes, Tribal Organizations, and Urban Indian Organizations or enter into contracts with, or make grants to appropriate institutions for, the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Service, Indian Tribes, or Tribal Organizations and among Indians in urban areas. Research priorities under this section shall include—

"(1) the multifactorial causes of Indian youth suicide, including—

"(A) protective and risk factors and scientific data that identifies those factors; and

"(B) the effects of loss of cultural identity and the development of scientific data on those effects;

"(2) the interrelationship and interdependence of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

"(3) the development of models of prevention techniques.

The effect of the interrelationships and interdependencies referred to in paragraph (2) on children, and the development of prevention techniques under paragraph (3) applicable to children, shall be emphasized.

"SEC. 715. DEFINITIONS.

"For the purpose of this title, the following definitions shall apply:

"(1) ASSESSMENT.—The term 'assessment' means the systematic collection, analysis, and dissemination of information on health status, health needs, and health problems.

"(2) ALCOHOL-RELATED NEURODEVELOPMENTAL DISORDERS OR ARND.—The term 'alcohol-related neurodevelopmental disorders' or 'ARND' means, with a history of maternal alcohol consumption during pregnancy, central nervous system involvement such as developmental delay, intellectual deficit, or neurologic abnormalities. Behaviorally, there can be problems with irritability, and failure to thrive as infants. As children become older there will likely be hyperactivity, attention deficit, language dysfunction, and perceptual and judgment problems.

"(3) BEHAVIORAL HEALTH AFTERCARE.—The term 'behavioral health aftercare' includes those activities and resources used to support recovery following inpatient, residential, intensive substance abuse, or mental health outpatient or outpatient treatment. The purpose is to help prevent or deal with relapse by ensuring that by the time a client or patient is discharged from a level of care, such as outpatient treatment, an aftercare plan has been developed with the client. An aftercare plan may use such resources as a community-based therapeutic group, transitional living facilities, a 12-step sponsor, a local 12-step or other related support group, and other community-based providers.

"(4) DUAL DIAGNOSIS.—The term 'dual diagnosis' means coexisting substance abuse and mental illness conditions or diagnosis. Such clients are sometimes referred to as mentally ill chemical abusers (MICAs).

"(5) FETAL ALCOHOL DISORDERS.—The term 'fetal alcohol disorders' means fetal alcohol syndrome, partial fetal alcohol syndrome and alcohol related neurodevelopmental disorder (ARND).

"(6) FETAL ALCOHOL SYNDROME OR FAS.—The term 'fetal alcohol syndrome' or 'FAS' means a syndrome in which, with a history of maternal alcohol consumption during pregnancy, the following criteria are met:

"(A) Central nervous system involvement such as developmental delay, intellectual deficit, microencephaly, or neurologic abnormalities.

"(B) Craniofacial abnormalities with at least 2 of the following: microophthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

"(C) Prenatal or postnatal growth delay.

"(7) PARTIAL FAS.—The term 'partial FAS' means, with a history of maternal alcohol consumption during pregnancy, having most of the criteria of FAS, though not meeting a minimum of at least 2 of the following: microophthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

"(8) REHABILITATION.—The term 'rehabilitation' means to restore the ability or capacity to engage in usual and customary life activities through education and therapy.

"(9) SUBSTANCE ABUSE.—The term 'substance abuse' includes inhalant abuse.

"SEC. 716. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out the provisions of this title.

"TITLE VIII—MISCELLANEOUS

"SEC. 801. REPORTS.

"For each fiscal year following the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall transmit to Congress a report containing the following:

"(1) A report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and assessments and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians and ensure a health status for Indians, which are at a parity with the health services available to and the health status of the general population.

"(2) A report on whether, and to what extent, new national health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian Tribes, Tribal Organizations, and Urban Indian Organizations to address such impact, including a report on proposed changes in allocation of funding pursuant to section 808.

"(3) A report on the use of health services by Indians—

"(A) on a national and area or other relevant geographical basis;

"(B) by gender and age;

"(C) by source of payment and type of service;

"(D) comparing such rates of use with rates of use among comparable non-Indian populations; and

"(E) provided under contracts.

"(4) A report of contractors to the Secretary on Health Care Educational Loan Repayments every 6 months required by section 110.

"(5) A general audit report of the Secretary on the Health Care Educational Loan Repayment Program as required by section 110(n).

"(6) A report of the findings and conclusions of demonstration programs on development of educational curricula for substance abuse counseling as required in section 125(f).

"(7) A separate statement which specifies the amount of funds requested to carry out the provisions of section 201.

"(8) A report of the evaluations of health promotion and disease prevention as required in section 203(c).

"(9) A biennial report to Congress on infectious diseases as required by section 212.

"(10) A report on environmental and nuclear health hazards as required by section 215.

"(11) An annual report on the status of all health care facilities needs as required by section 301(c)(2)(B) and 301(d).

"(12) Reports on safe water and sanitary waste disposal facilities as required by section 302(h).

"(13) An annual report on the expenditure of non-Service funds for renovation as required by sections 304(b)(2).

"(14) A report identifying the backlog of maintenance and repair required at Service and tribal facilities required by section 313(a).

"(15) A report providing an accounting of reimbursement funds made available to the Secretary under titles XVIII, XIX, and XXI of the Social Security Act.

"(16) A report on any arrangements for the sharing of medical facilities or services, as authorized by section 406.

"(17) A report on evaluation and renewal of Urban Indian programs under section 505.

"(18) A report on the evaluation of programs as required by section 513(d).

"(19) A report on alcohol and substance abuse as required by section 701(f).

"(20) A report on Indian youth mental health services as required by section 707(h).

"(21) A report on the reallocation of base resources if required by section 808.

"SEC. 802. REGULATIONS.

"(a) DEADLINES.—

"(1) PROCEDURES.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations or amendments thereto that are necessary to carry out titles II (except section 202) and VII, the sections of title III for which negotiated rulemaking is specifically required, and section 807. Unless otherwise required, the Secretary may promulgate regulations to carry out titles I, III, IV, and V, and section 202, using the procedures required by chapter V of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

"(2) PROPOSED REGULATIONS.—Proposed regulations to implement this Act shall be published in the Federal Register by the Secretary no later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 and shall have no less than a 120-day comment period.

"(3) FINAL REGULATIONS.—The Secretary shall publish in the Federal Register final regulations to implement this Act by not later than 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007.

"(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and representatives of Indian Tribes, and Tribal Organizations, a majority of whom shall be nominated by and be representatives of Indian Tribes and Tribal Organizations from each Service Area.

"(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

"(d) LACK OF REGULATIONS.—The lack of promulgated regulations shall not limit the effect of this Act.

"(e) INCONSISTENT REGULATIONS.—The provisions of this Act shall supersede any conflicting provisions of law in effect on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

"SEC. 803. PLAN OF IMPLEMENTATION.

"Not later than 9 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall submit to Congress a plan explaining the manner and schedule, by title and section, by which the Secretary will implement the provisions of this Act. This consultation may be conducted jointly with the annual budget consultation pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq).

"SEC. 804. AVAILABILITY OF FUNDS.

"The funds appropriated pursuant to this Act shall remain available until expended.

"SEC. 805. LIMITATION ON USE OF FUNDS APPROPRIATED TO INDIAN HEALTH SERVICE.

"Any limitation on the use of funds contained in an Act providing appropriations for the Department for a period with respect to the performance of abortions shall apply for that period with respect to the performance of abortions using funds contained in an Act providing appropriations for the Service.

"SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.

"(a) IN GENERAL.—The following California Indians shall be eligible for health services provided by the Service:

"(1) Any member of a federally recognized Indian Tribe.

"(2) Any descendant of an Indian who was residing in California on June 1, 1852, if such descendant—

"(A) is a member of the Indian community served by a local program of the Service; and

"(B) is regarded as an Indian by the community in which such descendant lives.

"(3) Any Indian who holds trust interests in public domain, national forest, or reservation allotments in California.

"(4) Any Indian in California who is listed on the plans for distribution of the assets of rancherias and reservations located within the State of California under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

"(b) CLARIFICATION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

"SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.

"(a) CHILDREN.—Any individual who—

"(1) has not attained 19 years of age;

"(2) is the natural or adopted child, stepchild, foster child, legal ward, or orphan of an eligible Indian; and

"(3) is not otherwise eligible for health services provided by the Service,

shall be eligible for all health services provided by the Service on the same basis and subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. The existing and potential health needs of all such individuals shall be taken into consideration by the Service in determining the need for, or the allocation of, the health resources of the Service. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for such services until 1 year after the date of a determination of competency.

"(b) SPOUSES.—Any spouse of an eligible Indian who is not an Indian, or who is of Indian descent but is not otherwise eligible for the health services provided by the Service, shall be eligible for such health services if all such spouses or spouses who are married to members of each Indian Tribe being served are made eligible, as a class, by an appropriate resolution of the governing body of the Indian Tribe or Tribal Organization providing such services. The health needs of persons made eligible under this paragraph shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

"(c) PROVISION OF SERVICES TO OTHER INDIVIDUALS.—

"(1) IN GENERAL.—The Secretary is authorized to provide health services under this subsection through health programs operated directly by the Service to individuals who reside within the Service Unit and who are not otherwise eligible for such health services if—

"(A) the Indian Tribes served by such Service Unit request such provision of health services to such individuals; and

"(B) the Secretary and the served Indian Tribes have jointly determined that—

"(i) the provision of such health services will not result in a denial or diminution of health services to eligible Indians; and

"(ii) there is no reasonable alternative health facilities or services, within or without the Service Unit, available to meet the health needs of such individuals.

"(2) ISDEAA PROGRAMS.—In the case of health programs and facilities operated under a contract or compact entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the governing body of the Indian Tribe or Tribal Organization providing health services under such contract or compact is authorized to determine whether health services should be provided under such contract to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law. In making such determinations, the governing body of the Indian Tribe or Tribal Organization shall take into account the considerations described in paragraph (1)(B).

"(3) PAYMENT FOR SERVICES.—

"(A) IN GENERAL.—Persons receiving health services provided by the Service under this subsection shall be liable for payment of such health services under a schedule of charges prescribed by the Secretary which, in the judgment of the Secretary, results in reimbursement in an amount not less than the actual cost of providing the health services. Notwithstanding section 404 of this Act or any other provision of law, amounts collected under this subsection, including Medicare, Medicaid, or SCHIP reimbursements under titles XVIII, XIX, and XXI of the Social Security Act, shall be credited to the account of the program providing the service and shall be used for the purposes listed in section 401(d)(2) and amounts collected under this subsection shall be available for expenditure within such program.

"(B) INDIGENT PEOPLE.—Health services may be provided by the Secretary through the Service under this subsection to an indigent individual who would not be otherwise eligible for such health services but for the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent individual.

"(4) REVOCATION OF CONSENT FOR SERVICES.—

"(A) SINGLE TRIBE SERVICE AREA.—In the case of a Service Area which serves only 1 Indian Tribe, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian Tribe revokes its concurrence to the provision of such health services.

"(B) MULTITRIBAL SERVICE AREA.—In the case of a multitribal Service Area, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which at least 51 percent of the number of Indian Tribes in the Service Area revoke their concurrence to the provisions of such health services.

"(d) OTHER SERVICES.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other provision of law in order to—

"(1) achieve stability in a medical emergency;

"(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

"(3) provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through postpartum; or

"(4) provide care to immediate family members of an eligible individual if such care is directly related to the treatment of the eligible individual.

"(e) HOSPITAL PRIVILEGES FOR PRACTITIONERS.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may be extended to non-Service health care practitioners who provide services to individuals described in subsection (a), (b), (c), or (d). Such non-Service health care practitioners may, as part of the privileging process, be designated as employees of the Federal Government for purposes of section 1346(b) and chapter 171 of title 28, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible individuals as a part of the conditions under which such hospital privileges are extended.

"(f) ELIGIBLE INDIAN.—For purposes of this section, the term 'eligible Indian' means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.

"SEC. 808. REALLOCATION OF BASE RESOURCES.

"(a) REPORT REQUIRED.—Notwithstanding any other provision of law, any allocation of Service funds for a fiscal year that reduces by 5 percent or more from the previous fiscal year the funding for any recurring program, project, or activity of a Service Unit may be implemented only after the Secretary has submitted to Congress, under section 801, a report on the proposed change in allocation of funding, including the reasons for the change and its likely effects.

"(b) EXCEPTION.—Subsection (a) shall not apply if the total amount appropriated to the Service for a fiscal year is at least 5 percent less than the amount appropriated to the Service for the previous fiscal year.

"SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.

"The Secretary shall provide for the dissemination to Indian Tribes, Tribal Organizations, and Urban Indian Organizations of the findings and results of demonstration projects conducted under this Act.

"SEC. 810. PROVISION OF SERVICES IN MONTANA.

"(a) CONSISTENT WITH COURT DECISION.—The Secretary, acting through the Service, shall provide services and benefits for Indians in Montana in a manner consistent with the decision of the United States Court of Appeals for the Ninth Circuit in McNabb for McNabb v. Bowen, 829 F.2d 787 (9th Cir. 1987).

"(b) CLARIFICATION.—The provisions of subsection (a) shall not be construed to be an expression of the sense of Congress on the application of the decision described in subsection (a) with respect to the provision of services or benefits for Indians living in any State other than Montana.

"SEC. 811. MORATORIUM.

"During the period of the moratorium imposed on implementation of the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service, the Indian Health Service shall provide services pursuant to the criteria for eligibility for such services that were in effect on September 15, 1987, subject to the provisions of sections 806 and 807, until the Service has submitted to the Committees on Appropriations of the Senate and the House of Representatives a budget request reflecting the increased costs associated with the proposed final rule, and the request has been included in an appropriations Act and enacted into law.

"SEC. 812. TRIBAL EMPLOYMENT.

"For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, chapter 372), an Indian Tribe or Tribal Organization carrying out a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not be considered an 'employer'.

"SEC. 813. SEVERABILITY PROVISIONS.

"If any provision of this Act, any amendment made by the Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the remaining amendments made by this Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

“SEC. 814. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON INDIAN HEALTH CARE.

“(a) ESTABLISHMENT.—There is established the National Bipartisan Indian Health Care Commission (the ‘Commission’).

“(b) DUTIES OF COMMISSION.—The duties of the Commission are the following:

“(1) To establish a study committee composed of those members of the Commission appointed by the Director of the Service and at least 4 members of Congress from among the members of the Commission, the duties of which shall be the following:

“(A) To the extent necessary to carry out its duties, collect and compile data necessary to understand the extent of Indian needs with regard to the provision of health services, regardless of the location of Indians, including holding hearings and soliciting the views of Indians, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, which may include authorizing and making funds available for feasibility studies of various models for providing and funding health services for all Indian beneficiaries, including those who live outside of a reservation, temporarily or permanently.

“(B) To make legislative recommendations to the Commission regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

“(C) To determine the effect of the enactment of such recommendations on (i) the existing system of delivery of health services for Indians, and (ii) the sovereign status of Indian Tribes.

“(D) Not later than 12 months after the appointment of all members of the Commission, to submit a written report of its findings and recommendations to the full Commission. The report shall include a statement of the minority and majority position of the Committee and shall be disseminated, at a minimum, to every Indian Tribe, Tribal Organization, and Urban Indian Organization for comment to the Commission.

“(E) To report regularly to the full Commission regarding the findings and recommendations developed by the study committee in the course of carrying out its duties under this section.

“(2) To review and analyze the recommendations of the report of the study committee.

“(3) To make legislative recommendations to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

“(4) Not later than 18 months following the date of appointment of all members of the Commission, submit a written report to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

“(c) MEMBERS.—

“(1) APPOINTMENT.—The Commission shall be composed of 25 members, appointed as follows:

“(A) Ten members of Congress, including 3 from the House of Representatives and 2 from the Senate, appointed by their respective majority leaders, and 3 from the House of Representatives and 2 from the Senate, appointed by their respective minority leaders, and who shall be members of the standing committees of Congress that consider legislation affecting health care to Indians.

“(B) Twelve persons chosen by the congressional members of the Commission, 1 from each Service Area as currently designated by the Director of the Service to be chosen from among 3 nominees from each Service Area put forward by the Indian Tribes within the area, with due regard being given to the experience and expertise of the nominees in the provision of health care to Indians and to a reasonable representation on the commission of members who are familiar with various health care delivery modes and who represent Indian Tribes of various size populations.

“(C) Three persons appointed by the Director who are knowledgeable about the provision of health care to Indians, at least 1 of whom shall be appointed from among 3 nominees put forward by those programs whose funds are provided in whole or in part by the Service primarily or exclusively for the benefit of Urban Indians.

“(D) All those persons chosen by the congressional members of the Commission and by the Director shall be members of federally recognized Indian Tribes.

“(2) CHAIR; VICE CHAIR.—The Chair and Vice Chair of the Commission shall be selected by the congressional members of the Commission.

“(3) TERMS.—The terms of members of the Commission shall be for the life of the Commission.

“(4) DEADLINE FOR APPOINTMENTS.—Congressional members of the Commission shall be appointed not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, and the remaining members of the Commission shall be appointed not later than 60 days following the appointment of the congressional members.

“(5) VACANCY.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

“(d) COMPENSATION.—

“(1) CONGRESSIONAL MEMBERS.—Each congressional member of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission and shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

“(2) OTHER MEMBERS.—Remaining members of the Commission, while serving on the business of the Commission (including travel time), shall be entitled to receive compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of the Commission. For purpose of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the United States Senate.

“(e) MEETINGS.—The Commission shall meet at the call of the Chair.

“(f) QUORUM.—A quorum of the Commission shall consist of not less than 15 members, provided that no less than 6 of the members of Congress who are Commission members are present and no less than 9 of the members who are Indians are present.

“(g) EXECUTIVE DIRECTOR; STAFF; FACILITIES.—

“(1) APPOINTMENT; PAY.—The Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay for level V of the Executive Schedule.

“(2) STAFF APPOINTMENT.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

“(3) STAFF PAY.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

“(4) TEMPORARY SERVICES.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(5) FACILITIES.—The Administrator of General Services shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

“(h) HEARINGS.—(1) For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, provided that at least 6 regional hearings are held in different areas of the United States in which large numbers of Indians are present. Such hearings are to be held to solicit the views of Indians regarding the delivery of health care services to them. To constitute a hearing under this subsection, at least 5 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established in this section may count toward the number of regional hearings required by this subsection.

“(2) Upon request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

“(3)(A) The Director of the Congressional Budget Office or the Chief Actuary of the Centers for Medicare & Medicaid Services, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

“(B) The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of that Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

“(4) Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

“(5) Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

“(6) The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

“(7) The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 4, United States Code. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

“(8) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

“(9) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 to carry out the provisions of this section, which sum shall not be deducted from or affect any other appropriation for health care for Indian persons.

“(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

“SEC. 815. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS; QUALIFIED IMMUNITY FOR PARTICIPANTS.

“(a) CONFIDENTIALITY OF RECORDS.—Medical quality assurance records created by or for any Indian Health Program or a health program of an Urban Indian Organization as part of a medical quality assurance program are confidential and privileged. Such records may not be disclosed to any person or entity, except as provided in subsection (c).

“(b) PROHIBITION ON DISCLOSURE AND TESTIMONY.—

“(1) IN GENERAL.—No part of any medical quality assurance record described in subsection (a) may be subject to discovery or admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (c).

“(2) TESTIMONY.—A person who reviews or creates medical quality assurance records for any Indian Health Program or Urban Indian Organization who participates in any proceeding that reviews or creates such records may not be permitted or required to testify in any judicial or administrative proceeding with respect to such records or with respect to any finding, recommendation, evaluation, opinion, or action taken by such person or body in connection with such records except as provided in this section.

“(c) AUTHORIZED DISCLOSURE AND TESTIMONY.—

“(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record described in subsection (a) may be disclosed, and a person referred to in subsection (b) may give testimony in connection with such a record, only as follows:

“(A) To a Federal executive agency or private organization, if such medical quality assurance record or testimony is needed by such agency or organization to perform licensing or accreditation functions related to any Indian Health Program or to a health program of an Urban Indian Organization to perform monitoring, required by law, of such program or organization.

“(B) To an administrative or judicial proceeding commenced by a present or former Indian Health Program or Urban Indian Organization provider concerning the termination, suspension, or limitation of clinical privileges of such health care provider.

“(C) To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record or testimony is needed by such board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization.

“(D) To a hospital, medical center, or other institution that provides health care services, if such medical quality assurance record or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization and who has applied for or been granted authority or employment to provide health care services in or on behalf of such program or organization.

“(E) To an officer, employee, or contractor of the Indian Health Program or Urban Indian Organization that created the records or for which the records were created. If that officer, employee, or contractor has a need for such record or testimony to perform official duties.

“(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record or testimony be provided for a purpose authorized by law.

“(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (F), but only with respect to the subject of such proceeding.

“(2) IDENTITY OF PARTICIPANTS.—With the exception of the subject of a quality assurance action, the identity of any person receiving health care services from any Indian Health Program or Urban Indian Organization or the identity of any other person associated with such program or organization for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record described in subsection (a) shall be deleted from that record or document before any disclosure of such record is made outside such program or organization. Such requirement does not apply to the release of information pursuant to section 552a of title 5.

“(d) DISCLOSURE FOR CERTAIN PURPOSES.—

“(1) IN GENERAL.—Nothing in this section shall be construed as authorizing or requiring the withholding from any person or entity aggregate statistical information regarding the results of any Indian Health Program or Urban Indian Organizations's medical quality assurance programs.

“(2) WITHHOLDING FROM CONGRESS.—Nothing in this section shall be construed as authority to withhold any medical quality assurance record from a committee of either House of Congress, any joint committee of Congress, or the Government Accountability Office if such record pertains to any matter within their respective jurisdictions.

“(e) PROHIBITION ON DISCLOSURE OF RECORD OR TESTIMONY.—A person or entity having possession of or access to a record or testimony described by this section may not disclose the contents of such record or testimony in any manner or for any purpose except as provided in this section.

“(f) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Medical quality assurance records described in subsection (a) may not be made available to any person under section 552 of title 5.

“(g) LIMITATION ON CIVIL LIABILITY.—A person who participates in or provides information to a person or body that reviews or creates medical quality assurance records described in subsection (a) shall not be civilly liable for such participation or for providing such information if the participation or provision of information was in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

“(h) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including a patient's medical records, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

“(i) REGULATIONS.—The Secretary, acting through the Service, shall promulgate regulations pursuant to section 802.

“(j) DEFINITIONS.—In this section:

“(1) The term ‘health care provider’ means any health care professional, including community health aides and practitioners certified under section 121, who are granted clinical practice privileges or employed to provide health care services in an Indian Health Program or health program of an Urban Indian Organization, who is licensed or certified to perform health care services by a governmental board or agency or professional health care society or organization.

“(2) The term ‘medical quality assurance program’ means any activity carried out before, on, or after the date of enactment of this Act by or for any Indian Health Program or Urban Indian Organization to assess the quality of medical care, including activities conducted by or on behalf of individuals, Indian Health Program or Urban Indian Organization medical or dental treatment review committees, or other review bodies responsible for quality assurance, credentials, infection control, patient safety, patient care assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review and identification and prevention of medical or dental incidents and risks.

“(3) The term ‘medical quality assurance record’ means the proceedings, records, minutes, and reports that emanate from quality assurance program activities described in paragraph (2) and are produced or compiled by or for an Indian Health Program or Urban Indian Organization as part of a medical quality assurance program.

“SEC. 816. APPROPRIATIONS; AVAILABILITY.

“Any new spending authority (described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (Public Law 93–344; 88 Stat. 317)) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

“SEC. 817. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.”.

(b) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of Health

and Human Services (6)." and inserting "Assistant Secretaries of Health and Human Services (7)".

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking "Director, Indian Health Service, Department of Health and Human Services".

(c) AMENDMENTS TO OTHER PROVISIONS OF LAW.—

(1) Section 3307(b)(1)(C) of the Children's Health Act of 2000 (25 U.S.C. 1671 note; Public Law 106–310) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(2) The Indian Lands Open Dump Cleanup Act of 1994 is amended—

(A) in section 3 (25 U.S.C. 3902)—

(i) by striking paragraph (2);

(ii) by redesignating paragraphs (1), (3), (4), (5), and (6) as paragraphs (4), (5), (2), (6), and (1), respectively, and moving those paragraphs so as to appear in numerical order; and

(iii) by inserting before paragraph (4) (as redesignated by subclause (II)) the following:

"(3) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary for Indian Health.";

(B) in section 5 (25 U.S.C. 3904), by striking the section designation and heading and inserting the following:

"SEC. 5. AUTHORITY OF ASSISTANT SECRETARY FOR INDIAN HEALTH.";

(C) in section 6(a) (25 U.S.C. 3905(a)), in the subsection heading, by striking "DIRECTOR" and inserting "ASSISTANT SECRETARY";

(D) in section 9(a) (25 U.S.C. 3908(a)), in the subsection heading, by striking "DIRECTOR" and inserting "ASSISTANT SECRETARY"; and

(E) by striking "Director" each place it appears and inserting "Assistant Secretary".

(3) Section 5504(d)(2) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note; Public Law 100–297) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(4) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 763(a)(1)) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(5) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377) are amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health".

(6) Section 317M(b) of the Public Health Service Act (42 U.S.C. 247b–14(b)) is amended—

(A) by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health"; and

(B) in paragraph (2)(A), by striking "the Directors referred to in such paragraph" and inserting "the Director of the Centers for Disease Control and Prevention and the Assistant Secretary for Indian Health".

(7) Section 417C(b) of the Public Health Service Act (42 U.S.C. 285–9(b)) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(8) Section 1452(i) of the Safe Drinking Water Act (42 U.S.C. 300j–12(i)) is amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health".

(9) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)) is amended in the last sentence by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(10) Section 203(b) of the Michigan Indian Land Claims Settlement Act (Public Law 105–143; 111 Stat. 2666) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

SEC. 102. SOBOBA SANITATION FACILITIES.

The Act of December 17, 1970 (84 Stat. 1465), is amended by adding at the end the following:

"SEC. 9. Nothing in this Act shall preclude the Soboba Band of Mission Indians and the Soboba Indian Reservation from being provided with sanitation facilities and services under the authority of section 7 of the Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267).".

SEC. 103. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

(a) IN GENERAL.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE VIII—NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

"SEC. 801. DEFINITIONS.

"In this title:

"(1) BOARD.—The term 'Board' means the Board of Directors of the Foundation.

"(2) COMMITTEE.—The term 'Committee' means the Committee for the Establishment of Native American Health and Wellness Foundation established under section 802(f).

"(3) FOUNDATION.—The term 'Foundation' means the Native American Health and Wellness Foundation established under section 802.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(5) SERVICE.—The term 'Service' means the Indian Health Service of the Department of Health and Human Services.

"SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, the Native American Health and Wellness Foundation.

"(2) FUNDING DETERMINATIONS.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

"(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of health care and services to Indians; or

"(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of health care and services to Indians.

"(b) PERPETUAL EXISTENCE.—The Foundation shall have perpetual existence.

"(c) NATURE OF CORPORATION.—The Foundation—

"(1) shall be a charitable and nonprofit federally chartered corporation; and

"(2) shall not be an agency or instrumentality of the United States.

"(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

"(e) DUTIES.—The Foundation shall—

"(1) encourage, accept, and administer private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, the mission of the Service;

"(2) undertake and conduct such other activities as will further the health and wellness activities and opportunities of Native Americans; and

"(3) participate with and assist Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the health and wellness activities and opportunities of Native Americans.

"(f) COMMITTEE FOR THE ESTABLISHMENT OF NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.—

"(1) IN GENERAL.—The Secretary shall establish the Committee for the Establishment of Native American Health and Wellness Foundation to assist the Secretary in establishing the Foundation.

"(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

"(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

"(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the Board is established;

"(C) establish the constitution and initial bylaws of the Foundation;

"(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

"(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

"(g) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

"(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

"(3) SELECTION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

"(B) REQUIREMENTS.—

"(i) NUMBER OF MEMBERS.—The Board shall have at least 11 members, who shall have staggered terms.

"(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

"(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

"(II) shall have staggered terms.

"(iii) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in Native American health care and related matters.

"(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

"(h) OFFICERS.—

"(1) IN GENERAL.—The officers of the Foundation shall be—

"(A) a secretary, elected from among the members of the Board; and

"(B) any other officers provided for in the constitution and bylaws of the Foundation.

"(2) CHIEF OPERATING OFFICER.—The secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation, or the Board may appoint a chief operating officer, who shall serve at the direction of the Board.

"(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

"(i) POWERS.—The Foundation—

"(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

"(2) may adopt and alter a corporate seal;

"(3) may enter into contracts;

"(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

"(5) may sue and be sued; and

"(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

"(j) PRINCIPAL OFFICE.—

"(1) IN GENERAL.—The principal office of the Foundation shall be in the District of Columbia.

"(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

"(k) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

"(l) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

"(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of their authority.

"(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

"(m) RESTRICTIONS.—

"(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

"(A) the amounts transferred to the Foundation under subsection (o) during the preceding fiscal year; and

"(B) donations received from private sources during the preceding fiscal year.

"(2) PERCENTAGES.—The percentages referred to in paragraph (1) are—

"(A) for the first fiscal year described in that paragraph, 20 percent;

"(B) for the following fiscal year, 15 percent; and

"(C) for each fiscal year thereafter, 10 percent.

"(3) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

"(4) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

"(n) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

"(o) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each fiscal year, as adjusted to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor.

"(2) TRANSFER OF DONATED FUNDS.—The Secretary shall transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), if the transfer or use of the funds is not prohibited by any term under which the funds were donated.

"SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.

"(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

"(1) may provide personnel, facilities, and other administrative support services to the Foundation;

"(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

"(3) shall require and accept reimbursements from the Foundation for—

"(A) services provided under paragraph (1); and

"(B) funds provided under paragraph (2).

"(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

"(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

"(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

"(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services—

"(1) are available; and

"(2) are provided on reimbursable cost basis.".

(b) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (25 U.S.C. 458bbb et seq.) as title VII;

(2) by redesignating sections 501, 502, and 503 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sections 701, 702, and 703, respectively; and

(3) in subsection (a)(2) of section 702 and paragraph (2) of section 703 (as redesignated by paragraph (2)), by striking "section 501" and inserting "section 701".

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

SEC. 201. EXPANSION OF PAYMENTS UNDER MEDICARE, MEDICAID, AND SCHIP FOR ALL COVERED SERVICES FURNISHED BY INDIAN HEALTH PROGRAMS.

(a) MEDICAID.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended—

(A) by amending the heading to read as follows:

"SEC. 1911. INDIAN HEALTH PROGRAMS."; and

(B) by amending subsection (a) to read as follows:

"(a) ELIGIBILITY FOR PAYMENT FOR MEDICAL ASSISTANCE.—The Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payment for medical assistance provided under a State plan or under waiver authority with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title and under such plan or waiver authority.".

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

"(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—A facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title and under a State plan or waiver authority which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.".

(3) REVISION OF AUTHORITY TO ENTER INTO AGREEMENTS.—Subsection (c) of such section is amended to read as follows:

"(c) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into an agreement with a State for the purpose of reimbursing the State for medical assistance provided by the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization (as so defined), directly, through referral, or under contracts or other arrangements between the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization and another health care provider to Indians who are eligible for medical assistance under the State plan or under waiver authority.".

(4) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—Such section is further amended by striking subsection (d) and adding at the end the following new subsections:

"(d) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

"(e) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.

"(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe','Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(b) MEDICARE.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1880 of such Act (42 U.S.C. 1395qq) is amended—

(A) by amending the heading to read as follows:

"SEC. 1880. INDIAN HEALTH PROGRAMS."; and

(B) by amending subsection (a) to read as follows:

"(a) ELIGIBILITY FOR PAYMENTS.—Subject to subsection (e), the Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payments under this title with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title.".

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

"(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subject to subsection (e), a facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.".

(3) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—

(A) IN GENERAL.—Such section is further amended by striking subsections (c) and (d) and inserting the following new subsections:

"(c) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

"(d) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.".

(B) CONFORMING AMENDMENT.—Paragraph (3) of section 1880(e) of such Act (42 U.S.C. 1395qq(e)) is amended by inserting "and section 401(c)(1) of the Indian Health Care Improvement Act" after "Subsection (c)".

(4) DEFINITIONS.—Such section is further amended by amending subsection (f) to read as follows:

"(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe', 'Service Unit', 'Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(c) APPLICATION TO SCHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C), the following new subparagraph:

"(D) Section 1911 (relating to Indian Health Programs, other than subsection (d) of such section).".

SEC. 202. INCREASED OUTREACH TO INDIANS UNDER MEDICAID AND SCHIP AND IMPROVED COOPERATION IN THE PROVISION OF ITEMS AND SERVICES TO INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b-9) is amended to read as follows:

"SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XVIII, XIX, AND XXI.

"(a) AGREEMENTS WITH STATES FOR MEDICAID AND SCHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

"(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

"(2) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

"(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI.

"(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

SEC. 203. ADDITIONAL PROVISIONS TO INCREASE OUTREACH TO, AND ENROLLMENT OF, INDIANS IN SCHIP AND MEDICAID.

(a) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—The limitation under subparagraph (A) on expenditures for items described in subsection (a)(1)(D) shall not apply in the case of expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).".

(b) ASSURANCE OF PAYMENTS TO INDIAN HEALTH CARE PROVIDERS FOR CHILD HEALTH ASSISTANCE.—Section 2102(b)(3)(D) of such Act (42 U.S.C. 1397bb(b)(3)(D)) is amended by striking "(as defined in section 4(c) of the Indian Health Care Improvement Act, 25 U.S.C. 1603(c))" and inserting ", including how the State will ensure that payments are made to Indian Health Programs and Urban Indian Organizations operating in the State for the provision of such assistance".

(c) INCLUSION OF OTHER INDIAN FINANCED HEALTH CARE PROGRAMS IN EXEMPTION FROM PROHIBITION ON CERTAIN PAYMENTS.—Section 2105(c)(6)(B) of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by striking "insurance program, other than an insurance program operated or financed by the Indian Health Service" and inserting "program, other than a health care program operated or financed by the Indian Health Service or by an Indian Tribe, Tribal Organization, or Urban Indian Organization".

(d) SATISFACTION OF MEDICAID DOCUMENTATION REQUIREMENTS.—

(1) IN GENERAL.—Section 1903(x)(3)(B) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

"(v)(I) Except as provided in subclause (II), a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe.

"(II) With respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.".

(2) TRANSITION RULE.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by paragraph (1)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

(e) DEFINITIONS.—Section 2110(c) of such Act (42 U.S.C. 1397jj(c)) is amended by adding at the end the following new paragraph:

"(9) INDIAN; INDIAN HEALTH PROGRAM; INDIAN TRIBE; ETC.—The terms 'Indian', 'Indian Health Program', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

SEC. 204. PREMIUMS AND COST SHARING PROTECTIONS UNDER MEDICAID, ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP, AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

(a) Premiums and Cost Sharing Protection Under Medicaid.—

(1) In general.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "and (i)" and inserting ", (i), and (j)"; and

(B) by adding at the end the following new subsection:

"(j) No Premiums or Cost Sharing for Indians Furnished Items or Services Directly by Indian Health Programs or Through Referral Under the Contract Health Service.—

"(1) No cost sharing for items or services furnished to Indians through Indian health programs.—

"(A) In general.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under the contract health service for which payment may be made under this title.

"(B) No reduction in amount of payment to Indian health providers.—Payment due under this title to the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, or a health care provider through referral under the contract health service for the furnishing of an item or service to an Indian who is eligible for assistance under such title, may not be reduced by the amount of any enrollment fee, premium, or similar charge, or any deduction, copayment, cost sharing, or similar charge that would be due from the Indian but for the operation of subparagraph (A).

"(2) Rule of construction.—Nothing in this subsection shall be construed as restricting the application of any other limitations on the imposition of premiums or cost sharing that may apply to an individual receiving medical assistance under this title who is an Indian.

"(3) Definitions.—In this subsection, the terms 'contract health service', 'Indian', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(2) Conforming amendment.—Section 1916A (a)(1) of such Act (42 U.S.C. 1396o–1(a)(1)) is amended by striking "section 1916(g)" and inserting "subsections (g), (i), or (j) of section 1916".

(b) Treatment of Certain Property for Medicaid and SCHIP Eligibility.—

(1) Medicaid.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new paragraph:

"(13) Notwithstanding any other requirement of this title or any other provision of Federal or State law, a State shall disregard the following property for purposes of determining the eligibility of an individual who is an Indian (as defined in section 4 of the Indian Health Care Improvement Act) for medical assistance under this title:

"(A) Property, including real property and improvements, that is held in trust, subject to Federal restrictions, or otherwise under the supervision of the Secretary of the Interior, located on a reservation, including any federally recognized Indian Tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act, and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior.

"(B) For any federally recognized Tribe not described in subparagraph (A), property located within the most recent boundaries of a prior Federal reservation.

"(C) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish, and shellfish) resulting from the exercise of federally protected rights.

"(D) Ownership interests in or usage rights to items not covered by subparagraphs (A) through (C) that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.".

(2) Application to SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (E), as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

"(B) Section 1902(e)(13) (relating to disregard of certain property for purposes of making eligibility determinations).".

(c) Continuation of Current Law Protections of Certain Indian Property From Medicaid Estate Recovery.—Section 1917(b)(3) of the Social Security Act (42 U.S.C. 1396p(b)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) The standards specified by the Secretary under subparagraph (A) shall require that the procedures established by the State agency under subparagraph (A) exempt income, resources, and property that are exempt from the application of this subsection as of April 1, 2003, under manual instructions issued to carry out this subsection (as in effect on such date) because of the Federal responsibility for Indian Tribes and Alaska Native Villages. Nothing in this subparagraph shall be construed as preventing the Secretary from providing additional estate recovery exemptions under this title for Indians.".

SEC. 205. NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b-9), as amended by section 202, is amended by redesignating subsection (c) as subsection (d), and inserting after subsection (b) the following new subsection:

"(c) Nondiscrimination in Qualifications for Payment for Services Under Federal Health Care Programs.—

"(1) Requirement to satisfy generally applicable participation requirements.—

"(A) In general.—A Federal health care program must accept an entity that is operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

"(B) Satisfaction of State or local licensure or recognition requirements.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221 of the Indian Health Care Improvement Act, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

"(2) Prohibition on Federal payments to entities or individuals excluded from participation in Federal health care programs or whose State licenses are under suspension or have been revoked.—

"(A) Excluded entities.—No entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment under any such program for health care services furnished to an Indian.

"(B) Excluded individuals.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension or has been revoked shall be eligible to receive payment under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

"(C) Federal health care program defined.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.".

SEC. 206. CONSULTATION ON MEDICAID, SCHIP, AND OTHER HEALTH CARE PROGRAMS FUNDED UNDER THE SOCIAL SECURITY ACT INVOLVING INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANIZATIONS.

(a) In General.—Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by sections 202 and 205, is amended by redesignating subsection (d) as subsection (e), and inserting after subsection (c) the following new subsection:

"(d) Consultation With Tribal Technical Advisory Group (TTAG).—The Secretary shall maintain within the Centers for Medicaid & Medicare Services (CMS) a Tribal Technical Advisory Group, established in accordance with requirements of the charter dated September 30, 2003, and in such group shall include a representative of the Urban Indian Organizations and the Service. The representative of the Urban Indian Organization shall be deemed to be an elected officer of a tribal government for purposes of applying section 204(b) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534(b)).".

(b) SOLICITATION OF ADVICE UNDER MEDICAID AND SCHIP.—

(1) MEDICAID STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69), by striking "and" at the end;

(B) in paragraph (70)(B)(iv), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70)(B)(iv), the following new paragraph:

"(71) in the case of any State in which the Indian Health Service operates or funds health care programs, or in which 1 or more Indian Health Programs or Urban Indian Organizations (as such terms are defined in section 4 of the Indian Health Care Improvement Act) provide health care in the State for which medical assistance is available under such title, provide for a process under which the State seeks advice on a regular, ongoing basis from designees of such Indian Health Programs and Urban Indian Organizations on matters relating to the application of this title that are likely to have a direct effect on such Indian Health Programs and Urban Indian Organizations and that—

"(A) shall include solicitation of advice prior to submission of any plan amendments, waiver requests, and proposals for demonstration projects likely to have a direct effect on Indians, Indian Health Programs, or Urban Indian Organizations; and

"(B) may include appointment of an advisory committee and of a designee of such Indian Health Programs and Urban Indian Organizations to the medical care advisory committee advising the State on its State plan under this title.".

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 204(b)(2), is amended—

(A) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

"(B) Section 1902(a)(71) (relating to the option of certain States to seek advice from designees of Indian Health Programs and Urban Indian Organizations).".

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as superseding existing advisory committees, working groups, guidance, or other advisory procedures established by the Secretary of Health and Human Services or by any State with respect to the provision of health care to Indians.

SEC. 207. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

(a) EXCLUSION WAIVER AUTHORITY.—Section 1128 of the Social Security Act (42 U.S.C. 1320a-7) is amended by adding at the end the following new subsection:

"(k) ADDITIONAL EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS.—In addition to the authority granted the Secretary under subsections (c)(3)(B) and (d)(3)(B) to waive an exclusion under subsection (a)(1), (a)(3), (a)(4), or (b), the Secretary may, in the case of an Indian Health Program, waive such an exclusion upon the request of the administrator of an affected Indian Health Program (as defined in section 4 of the Indian Health Care Improvement Act) who determines that the exclusion would impose a hardship on individuals entitled to benefits under or enrolled in a Federal health care program.".

(b) CERTAIN TRANSACTIONS INVOLVING INDIAN HEALTH CARE PROGRAMS DEEMED TO BE IN SAFE HARBORS.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a-7b(b)) is amended by adding at the end the following new paragraph:

"(4) Subject to such conditions as the Secretary may promulgate from time to time as necessary to prevent fraud and abuse, for purposes of paragraphs (1) and (2) and section 1128A(a), the following transfers shall not be treated as remuneration:

"(A) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.—Transfers of anything of value between or among an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that are made for the purpose of providing necessary health care items and services to any patient served by such Program, Tribe, or Organization and that consist of—

"(i) services in connection with the collection, transport, analysis, or interpretation of diagnostic specimens or test data;

"(ii) inventory or supplies;

"(iii) staff; or

"(iv) a waiver of all or part of premiums or cost sharing.

"(B) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, OR URBAN INDIAN ORGANIZATIONS AND PATIENTS.—Transfers of anything of value between an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization and any patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, including any patient served or eligible for service pursuant to section 807 of the Indian Health Care Improvement Act, but only if such transfers—

"(i) consist of expenditures related to providing transportation for the patient for the provision of necessary health care items or services, provided that the provision of such transportation is not advertised, nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided);

"(ii) consist of expenditures related to providing housing to the patient (including a pregnant patient) and immediate family members or an escort necessary to assuring the timely provision of health care items and services to the patient, provided that the provision of such housing is not advertised nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided); or

"(iii) are for the purpose of paying premiums or cost sharing on behalf of such a patient, provided that the making of such payment is not subject to conditions other than conditions agreed to under a contract for the delivery of contract health services.

"(C) CONTRACT HEALTH SERVICES.—A transfer of anything of value negotiated as part of a contract entered into between an Indian Health Program, Indian Tribe, Tribal Organization, Urban Indian Organization, or the Indian Health Service and a contract care provider for the delivery of contract health services authorized by the Indian Health Service, provided that—

"(i) such a transfer is not tied to volume or value of referrals or other business generated by the parties; and

"(ii) any such transfer is limited to the fair market value of the health care items or services provided or, in the case of a transfer of items or services related to preventative care, the value of the future health care costs reasonably expected to be avoided.

"(D) OTHER TRANSFERS.—Any other transfer of anything of value involving an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, or a patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that the Secretary, in consultation with the Attorney General, determines is appropriate, taking into account the special circumstances of such Indian Health Programs, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, and of patients served by such Programs, Tribes, and Organizations.".

SEC. 208. RULES APPLICABLE UNDER MEDICAID AND SCHIP TO MANAGED CARE ENTITIES WITH RESPECT TO INDIAN ENROLLEES AND INDIAN HEALTH CARE PROVIDERS AND INDIAN MANAGED CARE ENTITIES.

(a) IN GENERAL.—Section 1932 of the Social Security Act (42 U.S.C. 1396u-2) is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES WITH RESPECT TO INDIAN ENROLLEES, INDIAN HEALTH CARE PROVIDERS, AND INDIAN MANAGED CARE ENTITIES.—

"(1) ENROLLEE OPTION TO SELECT AN INDIAN HEALTH CARE PROVIDER AS PRIMARY CARE PROVIDER.—In the case of a non-Indian Medicaid managed care entity that—

"(A) has an Indian enrolled with the entity; and

"(B) has an Indian health care provider that is participating as a primary care provider within the network of the entity,

insofar as the Indian is otherwise eligible to receive services from such Indian health care provider and the Indian health care provider has the capacity to provide primary care services to such Indian, the contract with the entity under section 1903(m) or under section 1905(t)(3) shall require, as a condition of receiving payment under such contract, that the Indian shall be allowed to choose such Indian health care provider as the Indian's primary care provider under the entity.

"(2) ASSURANCE OF PAYMENT TO INDIAN HEALTH CARE PROVIDERS FOR PROVISION OF COVERED SERVICES.—Each contract with a managed care entity under section 1903(m) or under section 1905(t)(3) shall require any such entity that has a significant percentage of Indian enrollees (as determined by the Secretary), as a condition of receiving payment under such contract to satisfy the following requirements:

"(A) DEMONSTRATION OF PARTICIPATING INDIAN HEALTH CARE PROVIDERS OR APPLICATION OF ALTERNATIVE PAYMENT ARRANGEMENTS.—Subject to subparagraph (E), to—

"(i) demonstrate that the number of Indian health care providers that are participating providers with respect to such entity are sufficient to ensure timely access to covered Medicaid managed care services for those enrollees who are eligible to receive services from such providers; or "(ii) agree to pay Indian health care providers who are not participating providers with the entity for covered Medicaid managed care services provided to those enrollees who are eligible to receive services from such providers at a rate equal to the rate negotiated between such entity and the provider involved or, if such a rate has not been negotiated, at a rate that is not less than the level and amount of payment which the entity would make for the services if the services were furnished by a participating provider which is not an Indian health care provider.

"(B) PROMPT PAYMENT.—To agree to make prompt payment (in accordance with rules applicable to managed care entities) to Indian health care providers that are participating providers with respect to such entity or, in the case of an entity to which subparagraph (A)(ii) or (E) applies, that the entity is required to pay in accordance with that subparagraph.

"(C) SATISFACTION OF CLAIM REQUIREMENT.—To deem any requirement for the submission of a claim or other documentation for services covered under subparagraph (A) by the enrollee to be satisfied through the submission of a claim or other documentation by an Indian health care provider that is consistent with section 403(h) of the Indian Health Care Improvement Act.

"(D) COMPLIANCE WITH GENERALLY APPLICABLE REQUIREMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), as a condition of payment under subparagraph (A), an Indian health care provider shall comply with the generally applicable requirements of this title, the State plan, and such entity with respect to covered Medicaid managed care services provided by the Indian health care provider to the same extent that non-Indian providers participating with the entity must comply with such requirements.

"(ii) LIMITATIONS ON COMPLIANCE WITH MANAGED CARE ENTITY GENERALLY APPLICABLE REQUIREMENTS.—An Indian health care provider—

"(I) shall not be required to comply with a generally applicable requirement of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) if such compliance would conflict with any other statutory or regulatory requirements applicable to the Indian health care provider; and

"(II) shall only need to comply with those generally applicable requirements of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) that are necessary for the entity's compliance with the State plan, such as those related to care management, quality assurance, and utilization management.

"(E) APPLICATION OF SPECIAL PAYMENT REQUIREMENTS FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—

"(i) FEDERALLY-QUALIFIED HEALTH CENTERS.—

"(I) MANAGED CARE ENTITY PAYMENT REQUIREMENT.—To agree to pay any Indian health care provider that is a Federally-qualified health center but not a participating provider with respect to the entity, for the provision of covered Medicaid managed care services by such provider to an Indian enrollee of the entity at a rate equal to the amount of payment that the entity would pay a Federally-qualified health center that is a participating provider with respect to the entity but is not an Indian health care provider for such services.

"(II) CONTINUED APPLICATION OF STATE REQUIREMENT TO MAKE SUPPLEMENTAL PAYMENT.—Nothing in subclause (I) or subparagraph (A) or (B) shall be construed as waiving the application of section 1902(bb)(5) regarding the State plan requirement to make any supplemental payment due under such section to a Federally-qualified health center for services furnished by such center to an enrollee of a managed care entity (regardless of whether the Federally-qualified health center is or is not a participating provider with the entity).

"(ii) CONTINUED APPLICATION OF ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—If the amount paid by a managed care entity to an Indian health care provider that is not a Federally-qualified health center and that has elected to receive payment under this title as an Indian Health Service provider under the July 11, 1996, Memorandum of Agreement between the Health Care Financing Administration (now the Centers for Medicare & Medicaid Services) and the Indian Health Service for services provided by such provider to an Indian enrollee with the managed care entity is less than the encounter rate that applies to the provision of such services under such memorandum, the State plan shall provide for payment to the Indian health care provider of the difference between the applicable encounter rate under such memorandum and the amount paid by the managed care entity to the provider for such services.

"(F) CONSTRUCTION.—Nothing in this paragraph shall be construed as waiving the application of section 1902(a)(30)(A) (relating to application of standards to assure that payments are consistent with efficiency, economy, and quality of care).

"(3) OFFERING OF MANAGED CARE THROUGH INDIAN MEDICAID MANAGED CARE ENTITIES.—If—

"(A) a State elects to provide services through Medicaid managed care entities under its Medicaid managed care program; and

"(B) an Indian health care provider that is funded in whole or in part by the Indian Health Service, or a consortium composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Indian Health Service, has established an Indian Medicaid managed care entity in the State that meets generally applicable standards required of such an entity under such Medicaid managed care program, the State shall offer to enter into an agreement with the entity to serve as a Medicaid managed care entity with respect to eligible Indians served by such entity under such program.

"(4) SPECIAL RULES FOR INDIAN MANAGED CARE ENTITIES.—The following are special rules regarding the application of a Medicaid managed care program to Indian Medicaid managed care entities:

"(A) ENROLLMENT.—

"(i) LIMITATION TO INDIANS.—An Indian Medicaid managed care entity may restrict enrollment under such program to Indians and to members of specific Tribes in the same manner as Indian Health Programs may restrict the delivery of services to such Indians and tribal members.

"(ii) NO LESS CHOICE OF PLANS.—Under such program the State may not limit the choice of an Indian among Medicaid managed care entities only to Indian Medicaid managed care entities or to be more restrictive than the choice of managed care entities offered to individuals who are not Indians.

"(iii) DEFAULT ENROLLMENT.—

"(I) IN GENERAL.—If such program of a State requires the enrollment of Indians in a Medicaid managed care entity in order to receive benefits, the State, taking into consideration the criteria specified in subsection (a)(4)(D)(ii)(I), shall provide for the enrollment of Indians described in subclause (II) who are not otherwise enrolled with such an entity in an Indian Medicaid managed care entity described in such clause.

"(II) INDIAN DESCRIBED.—An Indian described in this subclause, with respect to an Indian Medicaid managed care entity, is an Indian who, based upon the service area and capacity of the entity, is eligible to be enrolled with the entity consistent with subparagraph (A).

"(iv) EXCEPTION TO STATE LOCK-IN.—A request by an Indian who is enrolled under such program with a non-Indian Medicaid managed care entity to change enrollment with that entity to enrollment with an Indian Medicaid managed care entity shall be considered cause for granting such request under procedures specified by the Secretary.

"(B) FLEXIBILITY IN APPLICATION OF SOLVENCY.—In applying section 1903(m)(1) to an Indian Medicaid managed care entity—

"(i) any reference to a 'State' in subparagraph (A)(ii) of that section shall be deemed to be a reference to the 'Secretary'; and

"(ii) the entity shall be deemed to be a public entity described in subparagraph (C)(ii) of that section.

"(C) EXCEPTIONS TO ADVANCE DIRECTIVES.—The Secretary may modify or waive the requirements of section 1902(w) (relating to provision of written materials on advance directives) insofar as the Secretary finds that the requirements otherwise imposed are not an appropriate or effective way of communicating the information to Indians.

"(D) FLEXIBILITY IN INFORMATION AND MARKETING.—

"(i) MATERIALS.—The Secretary may modify requirements under subsection (a)(5) to ensure that information described in that subsection is provided to enrollees and potential enrollees of Indian Medicaid managed care entities in a culturally appropriate and understandable manner that clearly communicates to such enrollees and potential enrollees their rights, protections, and benefits.

"(ii) DISTRIBUTION OF MARKETING MATERIALS.—The provisions of subsection (d)(2)(B) requiring the distribution of marketing materials to an entire service area shall be deemed satisfied in the case of an Indian Medicaid managed care entity that distributes appropriate materials only to those Indians who are potentially eligible to enroll with the entity in the service area.

"(5) MALPRACTICE INSURANCE.—Insofar as, under a Medicaid managed care program, a health care provider is required to have medical malpractice insurance coverage as a condition of contracting as a provider with a Medicaid managed care entity, an Indian health care provider that is—

"(A) a Federally-qualified health center that is covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

"(B) providing health care services pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.); or

"(C) the Indian Health Service providing health care services that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

are deemed to satisfy such requirement.

"(6) DEFINITIONS.—For purposes of this subsection:

"(A) INDIAN HEALTH CARE PROVIDER.—The term 'Indian health care provider' means an Indian Health Program or an Urban Indian Organization.

"(B) INDIAN; INDIAN HEALTH PROGRAM; SERVICE; TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian Health Program', 'Service', 'Tribe', 'tribal organization', 'Urban Indian Organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

"(C) INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'Indian Medicaid managed care entity' means a managed care entity that is controlled (within the meaning of the last sentence of section 1903(m)(1)(C)) by the Indian Health Service, a Tribe, Tribal Organization, or Urban Indian Organization, or a consortium, which may be composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Service.

"(D) NON-INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'non-Indian Medicaid managed care entity' means a managed care entity that is not an Indian Medicaid managed care entity.

"(E) COVERED MEDICAID MANAGED CARE SERVICES.—The term 'covered Medicaid managed care services' means, with respect to an individual enrolled with a managed care entity, items and services that are within the scope of items and services for which benefits are available with respect to the individual under the contract between the entity and the State involved.

"(F) MEDICAID MANAGED CARE PROGRAM.—The term 'Medicaid managed care program' means a program under sections 1903(m) and 1932 and includes a managed care program operating under a waiver under section 1915(b) or 1115 or otherwise.".

(b) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(1)), as amended by section 206(b)(2), is amended by adding at the end the following new subparagraph:

"(H) Subsections (a)(2)(C) and (h) of section 1932.".

SEC. 209. ANNUAL REPORT ON INDIANS SERVED BY SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b-9), as amended by the sections 202, 205, and 206, is amended by redesignating subsection (e) as subsection (f), and inserting after subsection (d) the following new subsection:

"(e) ANNUAL REPORT ON INDIANS SERVED BY HEALTH BENEFIT PROGRAMS FUNDED UNDER THIS ACT.—Beginning January 1, 2007, and annually thereafter, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Indian Health Service, shall submit a report to Congress regarding the enrollment and health status of Indians receiving items or services under health benefit programs funded under this Act during the preceding year. Each such report shall include the following:

"(1) The total number of Indians enrolled in, or receiving items or services under, such programs, disaggregated with respect to each such program.

"(2) The number of Indians described in paragraph (1) that also received health benefits under programs funded by the Indian Health Service.

"(3) General information regarding the health status of the Indians described in paragraph (1), disaggregated with respect to specific diseases or conditions and presented in a manner that is consistent with protections for privacy of individually identifiable health information under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"(4) A detailed statement of the status of facilities of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization with respect to such facilities' compliance with the applicable conditions and requirements of titles XVIII, XIX, and XXI, and, in the case of title XIX or XXI, under a State plan under such title or under waiver authority, and of the progress being made by such facilities (under plans submitted under section 1880(b), 1911(b) or otherwise) toward the achievement and maintenance of such compliance.

"(5) Such other information as the Secretary determines is appropriate.".

Mr. THOMAS. Mr. President, I rise today regarding the introduction of the Indian Health Care Improvement Act Amendments of 2007. This legislation will reauthorize the Indian Health Care Improvement Act and provide essential improvements to the Indian health system.

These improvements are needed to raise the health status of Indian communities where the mortality and disease rates are far greater than the national averages. For example, on the Wind River Indian Reservation in Wyoming, the average age at death is 49, according to recent data from the Indian Health Service.

The reauthorization has been an ongoing effort since 1999 and significant progress has been made particularly in the last two Congresses. The bill being introduced today incorporates provisions that the Committee has developed in the course of the previous two Congresses.

Even though there may be remaining issues on certain provisions, the introduction of this very important bill will facilitate the process of resolving those issues. I look forward to continuing work on those issues and advancing a bill that is effective in addressing the health care needs of Indian people.

I encourage my colleagues to join Chairman DORGAN and me in these efforts to improve the lives of Indian people.

By Mr. SANDERS (for himself, Mr. LIEBERMAN, Mr. LEAHY, and Mr. FEINGOLD):

S. 1201. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Environment and Public Works.

Mr. SANDERS. Mr. President, today I am introducing the Clean Power Act of 2007. I ask unanimous consent that the full text of the bill be printed in the RECORD. This legislation is modeled after legislation spearheaded by my predecessor and ardent protector of the environment and the public health, Senator JIM JEFFORDS. I am proud to sit on the Environment and Public Works Committee that was under his leadership for a time, and I am also honored to be a member of another Committee of significant importance, the Energy and Natural Resources Committee.

The Clean Power Act of 2007 gets to a problem on the minds of those in the northeast, who suffer insults to their health and their environment in the form of dirty air and polluted lakes, as well as those all across the country who want to see power plants shape up their act. This legislation will help clean the air and reduce global warming pollution by dramatically reducing the four major pollutants emitted by power plants—carbon dioxide, nitrogen oxide, sulfur dioxide, and mercury.

Congress must work toward an economy-wide approach to addressing global warming, along the lines of the legislation I introduced with Senator BOXER and others: S. 309, the Global Warming Pollution Reduction Act. However, power plants should begin reducing their greenhouse gas emissions now, at the same time they are reducing emissions of other air pollutants. The Clean Power Act of 2007 would set this process in motion by using a cap and trade approach for reducing carbon dioxide, nitrogen oxide, and sulfur dioxide emissions. Additionally, the legislation makes specific linkages to an economy-wide reduction of pollutants responsible for global warming by specifying that if Congress has not passed, and the President has not signed, legislation affecting at least 85 percent of manmade sources of global warming pollutants by 2012, that the emissions from power plants must be decreased each year by 3 percent until atmospheric concentrations of global warming pollutants are stabilized at 450 parts per million carbon dioxide equivalent. So, while I am putting forward this power plant only bill today, let it be clear that I remain firm in my belief that we must tackle the problem of global warming in a way that will actually make a difference to the future of the planet.

I am happy to be joined in introducing this legislation by Senator LIEBERMAN, Senator LEAHY, and Senator FEINGOLD. Additionally, I am glad to have the support of many national organizations, including the Clean Air Task Force, National Wildlife Federation, Environmental Defense, National Environmental Trust, the American Lung Association, Natural Resources Defense Council, and U.S. PIRG.

As we move forward to address global warming and to protect current and future generations, dealing with power plant emissions is a good start. I look forward to gaining the support of my colleagues on this important legislation.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Power Act of 2007".

SEC. 2. ELECTRIC ENERGY GENERATION EMISSION REDUCTIONS.

(a) IN GENERAL.—The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

"TITLE VII—ELECTRIC ENERGY GENERATION EMISSION REDUCTIONS

"Sec. 701. Findings.
"Sec. 702. Purposes.
"Sec. 703. Definitions.
"Sec. 704. Emission limitations.
"Sec. 705. Emission allowances.
"Sec. 706. Permitting and trading of emission allowances.
"Sec. 707. Emission allowance allocation.
"Sec. 708. Mercury emission limitations.
"Sec. 709. Other hazardous air pollutants.
"Sec. 710. Emission standards for affected units.
"Sec. 711. Low-carbon generation requirement.
"Sec. 712. Geological disposal of global warming pollutants.
"Sec. 713. Energy efficiency performance standard.
"Sec. 714. Renewable portfolio standard.
"Sec. 715. Standards to account for biological sequestration of carbon.
"Sec. 716. Effect of failure to promulgate regulations.
"Sec. 717. Prohibitions.
"Sec. 718. Modernization of electric generation facilities.
"Sec. 719. Condition for treatment of electric generation facilities after 2020.
"Sec. 720. Paramount interest waiver.
"Sec. 721. Relationship to other law.

"SEC. 701. FINDINGS.

"Congress finds that—

"(1) public health and the environment continue to suffer as a result of pollution emitted by powerplants across the United States, despite the success of Public Law 101–549 (commonly known as the 'Clean Air Act Amendments of 1990') (42 U.S.C. 7401 et seq.) in reducing emissions;

"(2) according to the most reliable scientific knowledge, acid rain precursors must be significantly reduced for the ecosystems of the Northeast and Southeast to recover from the ecological harm caused by acid deposition;

"(3) because lakes and sediments across the United States are being contaminated by mercury emitted by powerplants, there is an increasing risk of mercury poisoning of aquatic habitats and fish-consuming human populations;

"(4) electricity generation accounts for approximately 40 percent of the total emissions in the United States of carbon dioxide, a major global warming pollutant causing global warming;

"(5) the cumulative impact of powerplant emissions on public and environmental health must be addressed swiftly by reducing those harmful emissions to levels that are less threatening;

"(6) 1,803,000,000 metric tons of carbon dioxide equivalent were emitted during 1990;

"(7)(A) the atmosphere is a public resource; and

"(B) emission allowances, representing permission to use that resource for disposal of air pollution from electricity generation, should be allocated to promote public purposes, including—

"(i) protecting electricity consumers from adverse economic impacts;

"(ii) providing transition assistance to adversely affected employees, communities, and industries; and

"(iii) promoting clean energy resources and energy efficiency;

"(8) an array of technological options exist for use in reducing global warming pollution emissions, and significant reductions can be attained using a portfolio of options that will not adversely impact the economy;

"(9) the ingenuity of the people of the United States will allow the United States to become a leader in solving global warming; and

"(10) it should be a goal of the United States to achieve a reduction in global warming pollution emissions in the United States—

"(A) to ensure that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

"(B) to ensure the achievement of an average global atmospheric concentration of global warming pollutants that does not exceed 450 parts per million in carbon dioxide equivalent.

"SEC. 702. PURPOSES.

"The purposes of this title are—

"(1) to alleviate the environmental and public health damage caused by emissions of sulfur dioxide, nitrogen oxides, global warming pollutants, and mercury resulting from the combustion of fossil fuels in the generation of electric and thermal energy;

"(2) to reduce the annual national emissions from electric generation facilities to not more than—

"(A) for calendar years 2010 through 2012—

"(i) 2,250,000 tons of sulfur dioxide; and

"(ii) 1,510,000 tons of nitrogen oxides; and

"(B) for calendar year 2013 and each calendar year thereafter—

"(i) 1,300,000 tons of sulfur dioxide; and

"(ii) 900,000 tons of nitrogen oxides;

"(3)(A) to reduce, by December 31, 2012, the annual national emissions of mercury from electric generation facilities to not more than 5 tons; and

"(B) to the maximum extent practicable, to achieve a facility-specific reduction in emissions of mercury of more than 90 percent;

"(4) beginning in calendar year 2010, to reduce each calendar year the annual national emissions of global warming pollutants from electric generation facilities to achieve a reduction in emissions of global warming pollutants equal to—

"(A) by December 31, 2011, not more than 2,300,000,000 metric tons of carbon dioxide equivalent;

"(B) by December 31, 2015, not more than 2,100,000,000 metric tons of carbon dioxide equivalent;

"(C) by December 31, 2020, not more than 1,803,000,000 metric tons of carbon dioxide equivalent; and

"(D) by December 31, 2025, not more than 1,500,000,000 metric tons of carbon dioxide equivalent;

"(5) to effectuate the reductions described in paragraphs (2) through (4) by—

"(A) requiring electric generation facilities to comply with specified emission limitations by specified deadlines; and

"(B) allowing electric generation facilities to meet the emission limitations (other than the emission limitation for mercury) through an alternative method of compliance consisting of an emission allowance and transfer system;

"(6) to reduce, by December 31, 2050, emissions from power plants of global warming pollutants that cause global warming to facilitate the achievement of an economy-wide reduction, consistent with the goal of stabilization of worldwide atmospheric concentrations of global warming pollutants at 450 parts per million carbon dioxide equivalent; and

"(7) to encourage energy conservation, use of renewable and clean alternative technologies, and pollution prevention as long-range strategies, consistent with this title, for reducing air pollution and other adverse impacts of energy generation and use.

"SEC. 703. DEFINITIONS.

"In this title:

"(1) ACADEMY.—The term 'Academy' means the National Academy of Sciences.

"(2) CARBON DIOXIDE EQUIVALENT.—The term 'carbon dioxide equivalent' means, for each global warming pollutant, the quantity of the global warming pollutant that makes the same contribution to global warming as 1 metric ton of carbon dioxide, as determined by the Administrator, taking into consideration the report described in section 705(d)(1).

"(3) COVERED POLLUTANT.—The term 'covered pollutant' means—

"(A) sulfur dioxide;

"(B) any nitrogen oxide;

"(C) mercury; and

"(D) any global warming pollutant.

"(4) ELECTRIC GENERATION FACILITY.—The term 'electric generation facility' means an electric or thermal electricity generating unit, a combination of such units, or a combination of 1 or more such units and 1 or more combustion devices, that—

"(A) has a nameplate capacity of 25 megawatts or more (or the equivalent in thermal energy generation, determined in accordance with a methodology developed by the Administrator);

"(B) generates electric energy, for sale, through combustion of fossil fuel; and

"(C) emits a covered pollutant into the atmosphere.

"(5) ELECTRICITY INTENSIVE PRODUCT.—The term 'electricity intensive product' means a product with respect to which the cost of electricity consumed in the production of the product represents more than 5 percent of the value of the product.

"(6) EMISSION ALLOWANCE.—The term 'emission allowance' means a limited authorization to emit in accordance with this title—

"(A) 1 ton of sulfur dioxide;

"(B) 1 ton of nitrogen oxides; or

"(C) 1 ton of global warming pollutant.

"(7) ENERGY EFFICIENCY PROJECT.—The term 'energy efficiency project' means any specific action (other than ownership or operation of an energy efficient building) commenced after the date of enactment of this title—

"(A) at a facility (other than an electric generation facility), that verifiably reduces the annual electricity or natural gas consumption per unit output of the facility, as compared with the annual electricity or natural gas consumption per unit output that would be expected in the absence of an allocation of emission allowances (as determined by the Administrator); or

"(B) by an entity that is primarily engaged in the transmission and distribution of electricity, that significantly improves the efficiency of that type of entity, as compared with standards for efficiency developed by the Administrator, in consultation with the Secretary of Energy, after the date of enactment of this title.

“(8) ENERGY EFFICIENT BUILDING.—The term ‘energy efficient building’ means a residential building or commercial building completed after the date of enactment of this title for which the projected lifetime consumption of electricity or natural gas for heating, cooling, and ventilation is at least 30 percent less than the lifetime consumption of a typical new residential building or commercial building, as determined by the Administrator (in consultation with the Secretary of Energy)—

“(A) on a State or regional basis; and

“(B) taking into consideration—

“(i) applicable building codes; and

“(ii) consumption levels achieved in practice by new residential buildings or commercial buildings in the absence of an allocation of emission allowances.

“(9) ENERGY EFFICIENT PRODUCT.—The term ‘energy efficient product’ means a product manufactured after the date of enactment of this title that has an expected lifetime electricity or natural gas consumption that—

“(A) is less than the average lifetime electricity or natural gas consumption for that type of product; and

“(B) does not exceed the lesser of—

“(i) the maximum energy consumption that qualifies for the applicable Energy Star label for that type of product; or

“(ii) the average energy consumption of the most efficient 25 percent of that type of product manufactured in the same year.

“(10) FACILITY.—The term ‘facility’ means any building, structure, or installation that is located—

“(A) on 1 or more contiguous or adjacent properties under the common control of at least 1 person; and

“(B) in the United States.

“(11) GLOBAL WARMING POLLUTANT.—The term ‘global warming pollutant’ means—

“(A) carbon dioxide;

“(B) methane;

“(C) nitrous oxide;

“(D) hydrofluorocarbons;

“(E) perfluorocarbons;

“(F) sulfur hexafluoride; and

“(G) any other anthropogenically-emitted gas that the Administrator, after notice and comment, determines to contribute to global warming.

“(12) GLOBAL WARMING POLLUTION.—The term ‘global warming pollution’ means any combination of 1 or more global warming pollutants emitted into the ambient air or atmosphere.

“(13) LIFETIME.—The term ‘lifetime’ means—

“(A) in the case of a residential building that is an energy efficient building, 30 years;

“(B) in the case of a commercial building that is an energy efficient building, 15 years; and

“(C) in the case of an energy efficient product, a period determined by the Administrator to be the average life of that type of energy efficient product.

“(14) MERCURY.—The term ‘mercury’ includes any mercury compound.

“(15) NAS REPORT.—The term ‘NAS report’ means a report completed by the Academy under subsection (d)(1) or (e)(2) of section 705.

“(16) NONWESTERN REGION.—The term ‘nonwestern region’ means the area of the States that is not included in the western region.

“(17) RENEWABLE ELECTRICITY GENERATING UNIT.—The term ‘renewable electricity generating unit’ means a unit that—

“(A) has been in operation for 10 years or less; and

“(B) generates electric energy by means of—

“(i) wind;

“(ii) biomass;

“(iii) landfill gas;

“(iv) a geothermal, solar thermal, or photovoltaic source; or

“(v) a fuel cell operating on fuel derived from a renewable source of energy.

“(18) SMALL ELECTRIC GENERATION FACILITY.—The term ‘small electric generation facility’ means an electric or thermal electricity generating unit, or combination of units, that—

“(A) has a nameplate capacity of less than 25 megawatts (or the equivalent in thermal energy generation, determined in accordance with a methodology developed by the Administrator);

“(B) generates electric energy, for sale, through combustion of fossil fuel; and

“(C) emits a covered pollutant into the atmosphere.

“(19) WESTERN REGION.—The term ‘western region’ means the area comprising the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

“SEC. 704. CONDITION FOR TREATMENT OF ELECTRIC GENERATION FACILITIES AFTER 2020.

“If, by December 31, 2012, Congress does not enact, and the President does not sign, an Act affecting at least 85 percent of man-made sources of global warming pollution in the United States designed to reduce, on an economy-wide basis, the quantity of global warming pollutants emitted from those sources, the emissions limitations for electric generation facilities shall be successively decreased by at least 3 percent below the limitations required by this title for the preceding calendar year—

“(1) for each of calendar years 2026 through 2050;

“(2) until, as determined by the Administrator, the purpose described in section 702(6) is achieved; or

“(3) until Congress enacts, and the President signs, such an Act.

“SEC. 705. EMISSION LIMITATIONS.

“(a) IN GENERAL.—Subject to subsections (b) through (e), the Administrator shall promulgate regulations to ensure that the total annual emissions of covered pollutants from all electric generation facilities located in all States does not exceed—

“(1) in the case of sulfur dioxide—

“(A) in the western region—

“(i) for calendar years 2010 through 2012, 274,500 tons; and

“(ii) for calendar year 2013 and each calendar year thereafter, 158,600 tons; and

“(B) in the nonwestern region—

“(i) for calendar years 2010 through 2012, 1,975,500 tons; and

“(ii) for calendar year 2013 and each calendar year thereafter, 1,141,400 tons;

“(2) in the case of nitrogen oxides—

“(A) for calendar years 2010 through 2012, 1,510,000 tons; and

“(B) for calendar year 2013 and each calendar year thereafter, 900,000 tons;

“(3) in the case of global warming pollutants, beginning in calendar year 2010, a quantity to be reduced each calendar year to achieve a reduction in emissions of global warming pollutants equal to—

“(A) by December 31, 2011, not more than 2,300,000,000 metric tons of carbon dioxide equivalent;

“(B) by December 31, 2015, not more than 2,100,000,000 metric tons of carbon dioxide equivalent;

“(C) by December 31, 2020, not more than 1,803,000,000 metric tons of carbon dioxide equivalent; and

“(D) by December 31, 2025, not more than 1,500,000,000 metric tons of carbon dioxide equivalent; and

“(4) in the case of mercury, by December 31, 2012, and during each calendar year thereafter, the lower of, as applicable—

“(A) 5 tons; and

“(B) to the maximum extent practicable, with respect to an electric generation facility, a quantity of mercury emissions that represents more than a 90-percent reduction of emissions of mercury by the electric generation facility, as compared to the average emissions of mercury during calendar years 2009 through 2011.

“(b) EXCESS EMISSIONS BASED ON UNUSED ALLOWANCES.—The regulations promulgated under subsection (a) shall authorize emissions of covered pollutants in excess of the national emission limitations established under that subsection for a calendar year to the extent that the number of tons of the excess emissions is less than or equal to the number of emission allowances that are—

“(1) used in the calendar year; but

“(2) allocated for any preceding calendar year under section 708.

“(c) REDUCTIONS.—For calendar year 2010 and each calendar year thereafter, the quantity of emissions specified for each covered pollutant in subsection (a) shall be reduced by the sum of—

“(1) the number of tons of the covered pollutant that were emitted by small electric generation facilities in the second preceding calendar year; and

“(2) any number of tons of reductions in emissions of the covered pollutant required under section 706(h).

“(d) ACCELERATED GLOBAL WARMING POLLUTION EMISSIONS LIMITATIONS.—

“(1) ACADEMY REPORT ON GLOBAL CHANGE EVENTS.—

“(A) IN GENERAL.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title, and every 3 years thereafter, shall submit to Congress and the Administrator a report that describes whether any event described in subparagraph (B)—

“(i) has occurred or is more likely than not to occur in the foreseeable future; and

“(ii) in the judgment of the Academy, is the result of anthropogenic climate change.

“(B) EVENTS.—The events referred to in subparagraph (A) are—

“(i) the exceedance of an atmospheric concentration of global warming pollutants of 450 parts per million in carbon dioxide equivalent; and

“(ii) an increase of global average temperatures in excess of 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average.

“(2) ACCELERATION OF LIMITATIONS.—If a NAS report determines that an event described in paragraph (1)(B) has occurred, or is more likely than not to occur in the foreseeable future, not later than 2 years after the date of completion of the NAS report, the Administrator, after an opportunity for notice and public comment and taking into consideration the new information contained in the NAS report, may—

“(A) adjust any global warming pollution emissions limitation under this section; and

“(B) promulgate such regulations as the Administrator determines to be necessary—

“(i) to reduce the aggregate net levels of global warming pollution emissions from the

United States on an accelerated schedule; and

"(ii) to minimize the effects of rapid climate change and otherwise achieve the purposes of this title.

"(e) REPORT ON ACHIEVEMENT OF GLOBAL WARMING POLLUTION EMISSIONS LIMITATIONS.—

"(1) DEFINITION OF TECHNOLOGICALLY INFEASIBLE.—In this subsection, the term 'technologically infeasible', with respect to compliance with a standard or requirement under this subsection, means that adequate technology or infrastructure does not exist, or is not reasonably anticipated to exist, within a sufficient time to permit compliance with the standard or requirement.

"(2) TECHNOLOGY REPORTS.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title and every 3 years thereafter, shall submit to Congress and the Administrator a report that analyzes—

"(A) the status of current global warming pollution emission reduction technologies, including—

"(i) technologies for capture and disposal of global warming pollutants;

"(ii) efficiency improvement technologies;

"(iii) zero-global-warming-pollution-emitting energy technologies; and

"(iv) above- and below-ground biological sequestration technologies;

"(B) whether any requirement under this title (including regulations promulgated pursuant to this title) requires a level of emission control or reduction that, based on available or expected technology, will be technologically infeasible at the time at which the requirement becomes effective;

"(C) the projected date on which any technology determined to be technologically infeasible will become technologically feasible;

"(D) whether any technology determined to be technologically infeasible cannot reasonably be expected to become technologically feasible before January 1, 2050; and

"(E) the costs of available alternative global warming pollution emission reduction strategies that could be used or pursued in lieu of any technology that is determined to be technologically infeasible.

"(3) CONCLUSION.—If a NAS report concludes that a global warming pollution emissions limitation required by this section cannot be achieved because the limitation is technologically infeasible, the Administrator shall submit to Congress a notification of that conclusion.

"(4) EVALUATION OF CERTAIN PURPOSE.—Not later than December 31, 2037, the Administrator shall offer to enter into a contract with the Academy under which, not later than December 31, 2039, the Academy shall prepare and submit to Congress and the Administrator a report on the appropriateness of the purpose described in section 702(6), taking into consideration—

"(A) information that was not available as of the date of enactment of this title; and

"(B) events that have occurred since that date relating to—

"(i) climate change;

"(ii) climate change technologies; and

"(iii) national and international climate change commitments.

"SEC. 706. EMISSION ALLOWANCES.

"(a) CREATION AND ALLOCATION.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), there are created, and the Administrator shall allocate in accordance with section 708, emission allowances as follows:

"(A) In the case of sulfur dioxide—

"(i) in the western region—

"(I) for calendar years 2010 through 2012, emission allowances for 274,500 tons; and

"(II) for calendar year 2013 and each calendar year thereafter, emission allowances for 158,600 tons; and

"(ii) in the nonwestern region—

"(I) for calendar years 2010 through 2012, emission allowances for 1,975,500 tons; and

"(II) for calendar year 2013 and each calendar year thereafter, emission allowances for 1,141,400 tons.

"(B) In the case of nitrogen oxides—

"(i) for calendar years 2010 through 2012, emission allowances for 1,510,000 tons; and

"(ii) for calendar year 2013 and each calendar year thereafter, emission allowances for 900,000 tons.

"(C) In the case of global warming pollutants, beginning in calendar year 2010, a quantity of emission allowances to be reduced each calendar year to achieve a reduction in emissions of global warming pollutants equal to—

"(i) by December 31, 2011, not more than 2,300,000,000 metric tons of carbon dioxide equivalent;

"(ii) by December 31, 2015, not more than 2,100,000,000 metric tons of carbon dioxide equivalent;

"(iii) by December 31, 2020, not more than 1,803,000,000 metric tons of carbon dioxide equivalent; and

"(iv) by December 31, 2025, not more than 1,500,000,000 metric tons of carbon dioxide equivalent.

"(2) REDUCTIONS.—For calendar year 2010 and each calendar year thereafter, the number of emission allowances specified for each covered pollutant in paragraph (1) shall be reduced by a number equal to the sum of—

"(A) the number of tons of the covered pollutant that were emitted by small electric generation facilities in the second preceding calendar year; and

"(B) any number of tons of reductions in emissions of the covered pollutant required under subsection (h).

"(3) UPDATES.—Once every 5 years, the Administrator shall—

"(A) review the formula by which the Administrator allocates allowances under this title; and

"(B) update that formula, as the Administrator determines to be necessary given the results of the review.

"(b) NATURE OF EMISSION ALLOWANCES.—

"(1) NOT A PROPERTY RIGHT.—An emission allowance allocated by the Administrator under subsection (a) is not a property right.

"(2) NO LIMIT ON AUTHORITY TO TERMINATE OR LIMIT.—Nothing in this title or any other provision of law limits the authority of the United States to terminate or limit an emission allowance.

"(3) TRACKING AND TRANSFER OF EMISSION ALLOWANCES.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish an emission allowance tracking and transfer system for emission allowances of sulfur dioxide, nitrogen oxides, and global warming pollutants.

"(B) REQUIREMENTS.—The emission allowance tracking and transfer system established under subparagraph (A) shall—

"(i) incorporate the requirements of subsections (b) and (d) of section 412 (except that written certification by the transferee shall not be necessary to effect a transfer); and

"(ii) permit any entity—

"(I) to buy, sell, or hold an emission allowance; and

"(II) to permanently retire an unused emission allowance.

"(C) PROCEEDS OF TRANSFERS.—Proceeds from the transfer of emission allowances by any person to which the emission allowances have been allocated—

"(i) shall not constitute funds of the United States; and

"(ii) shall not be available to meet any obligations of the United States.

"(c) IDENTIFICATION AND USE.—

"(1) IN GENERAL.—Each emission allowance allocated by the Administrator shall bear a unique serial number, including—

"(A) an identifier of the covered pollutant to which the emission allowance pertains; and

"(B) the first calendar year for which the allowance may be used.

"(2) SULFUR DIOXIDE EMISSION ALLOWANCES.—In the case of sulfur dioxide emission allowances, the Administrator shall ensure that the emission allowances allocated to electric generation facilities in the western region are distinguishable from emission allowances allocated to electric generation facilities in the nonwestern region.

"(3) YEAR OF USE.—Each emission allowance may be used in the calendar year for which the emission allowance is allocated or in any subsequent calendar year.

"(d) ANNUAL SUBMISSION OF EMISSION ALLOWANCES.—

"(1) IN GENERAL.—On or before April 1, 2011, and April 1 of each year thereafter, the owner or operator of each electric generation facility shall submit to the Administrator 1 emission allowance for the applicable covered pollutant (other than mercury) for each ton of sulfur dioxide, nitrogen oxides, or global warming pollutants emitted by the electric generation facility during the preceding calendar year.

"(2) SPECIAL RULE FOR OZONE EXCEEDANCES.—

"(A) IDENTIFICATION OF FACILITIES CONTRIBUTING TO NONATTAINMENT.—Not later than December 31, 2009, and the end of each 3-year period thereafter, each State, consistent with the obligations of the State under section 110(a)(2)(D), shall identify the electric generation facilities in the State and in other States that are significantly contributing (as determined based on guidance issued by the Administrator) to nonattainment of the national ambient air quality standard for ozone in the State.

"(B) SUBMISSION OF ADDITIONAL ALLOWANCES.—In calendar year 2010 and each calendar year thereafter, on petition from a State or a person demonstrating that the control measures in effect at an electric generation facility that is identified under subparagraph (A) as significantly contributing to nonattainment of the national ambient air quality standard for ozone in a State during the preceding calendar year are inadequate to prevent the significant contribution described in subparagraph (A), the Administrator, if the Administrator determines that the electric generation facility is inadequately controlled for nitrogen oxides, may require that the electric generation facility submit 3 nitrogen oxide emission allowances for each ton of nitrogen oxides emitted by the electric generation facility during any period of an exceedance of the national ambient air quality standard for ozone in the State during the preceding calendar year.

"(3) REGIONAL LIMITATIONS FOR SULFUR DIOXIDE.—The Administrator shall not allow—

"(A) the use of sulfur dioxide emission allowances allocated for the western region to meet the obligations under this subsection of electric generation facilities in the nonwestern region; or

"(B) the use of sulfur dioxide emission allowances allocated for the nonwestern region to meet the obligations under this subsection of electric generation facilities in the western region.

"(e) EMISSION VERIFICATION, MONITORING, AND RECORDKEEPING.—

"(1) IN GENERAL.—The Administrator shall ensure that Federal regulations, in combination with any applicable State regulations, are adequate to verify, monitor, and document emissions of covered pollutants from electric generation facilities.

"(2) INVENTORY OF EMISSIONS FROM SMALL ELECTRIC GENERATION FACILITIES.—On or before July 1, 2008, the Administrator, in cooperation with State agencies, shall complete, and on an annual basis update, a comprehensive inventory of emissions of sulfur dioxide, nitrogen oxides, global warming pollutants, and particulate matter from small electric generation facilities.

"(3) MONITORING INFORMATION.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Administrator shall promulgate regulations to require each electric generation facility to submit to the Administrator—

"(i) not later than April 1 of each year, verifiable information on covered pollutants emitted by the electric generation facility in the preceding calendar year, expressed in—

"(I) tons of covered pollutants; and

"(II) tons of covered pollutants per megawatt hour of energy (or the equivalent thermal energy) generated; and

"(ii) as part of the first submission under clause (i), verifiable information on covered pollutants emitted by the electric generation facility in each of calendar years 2002 through 2006 if the electric generation facility was required to report that information in those calendar years.

"(B) SOURCE OF INFORMATION.—Information submitted under subparagraph (A) shall be obtained using a continuous emission monitoring system (as defined in section 402).

"(C) AVAILABILITY TO THE PUBLIC.—The information described in subparagraph (A) shall be made available to the public—

"(i) in the case of the first year in which the information is required to be submitted under that subparagraph, not later than 18 months after the date of enactment of this title; and

"(ii) in the case of each year thereafter, not later than April 1 of the year.

"(4) AMBIENT AIR QUALITY MONITORING FOR SULFUR DIOXIDE AND HAZARDOUS AIR POLLUTANTS.—

"(A) IN GENERAL.—Beginning January 1, 2008, each coal-fired electric generation facility with an aggregate generating capacity of 50 megawatts or more shall, in accordance with guidelines issued by the Administrator, commence ambient air quality monitoring within a 30-mile radius of the coal-fired electric generation facility for the purpose of measuring maximum concentrations of sulfur dioxide and hazardous air pollutants emitted by the coal-fired electric generation facility.

"(B) LOCATION OF MONITORING POINTS.—Monitoring under subparagraph (A) shall include monitoring at not fewer than 2 points—

"(i) that are at ground level and within 3 miles of the coal-fired electric generation facility;

"(ii) at which the concentration of pollutants being monitored is expected to be the greatest; and

"(iii) at which the monitoring shall be the most frequent.

"(C) FREQUENCY OF MONITORING OF SULFUR DIOXIDE.—Monitoring of sulfur dioxide under subparagraph (A) shall be carried out on a continuous basis and averaged over 5-minute periods.

"(D) AVAILABILITY TO THE PUBLIC.—The results of the monitoring under subparagraph (A) shall be made available to the public.

"(f) EXCESS EMISSION PENALTY.—

"(1) IN GENERAL.—Subject to paragraph (2), section 411 shall be applicable to an owner or operator of an electric generation facility.

"(2) CALCULATION OF PENALTY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the penalty for failure to submit emission allowances for covered pollutants as required under subsection (d) shall be equal to 3 times the product obtained by multiplying—

"(i) as applicable—

"(I) the number of tons emitted in excess of the emission limitation requirement applicable to the electric generation facility; or

"(II) the number of emission allowances that the owner or operator failed to submit; and

"(ii) the average annual market price of emission allowances (as determined by the Administrator).

"(B) MERCURY.—In the case of mercury, the penalty shall be equal to 3 times the product obtained by multiplying—

"(i) the number of grams emitted in excess of the emission limitation requirement for mercury applicable to the electric generation facility; and

"(ii) the average cost of mercury controls at electricity generating units that have a nameplate capacity of 25 megawatts or more in all States (as determined by the Administrator).

"(g) SIGNIFICANT ADVERSE LOCAL IMPACTS.—

"(1) IN GENERAL.—If the Administrator determines that emissions of an electric generation facility may reasonably be anticipated to cause or contribute to a significant adverse impact on an area (including endangerment of public health, contribution to acid deposition in a sensitive receptor area, and other degradation of the environment), the Administrator shall limit the emissions of the electric generation facility as necessary to avoid that impact.

"(2) VIOLATION.—Notwithstanding the availability of emission allowances, it shall be a violation of this Act for any electric generation facility to exceed any limitation on emissions established under paragraph (1).

"(h) ADDITIONAL REDUCTIONS.—

"(1) PROTECTION OF PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT.—If the Administrator determines that the emission levels necessary to achieve the national emission limitations established under section 705 are not reasonably anticipated to protect public health or welfare or the environment (including protection of children, pregnant women, minority or low-income communities, and other sensitive populations), the Administrator may require reductions in emissions from electric generation facilities in addition to the reductions required under the other provisions of this title.

"(2) EMISSION ALLOWANCE TRADING.—

"(A) STUDIES.—

"(i) IN GENERAL.—In 2015 and at the end of each 3-year period thereafter, the Administrator shall complete a study of the impacts of the emission allowance trading authorized under this title.

"(ii) REQUIRED ASSESSMENT.—The study shall include an assessment of ambient air quality in areas surrounding electric generation facilities that participate in emission allowance trading, including a comparison between—

"(I) the ambient air quality in those areas; and

"(II) the national average ambient air quality.

"(B) LIMITATION ON EMISSIONS.—If the Administrator determines, based on the results of a study under subparagraph (A), that adverse local impacts result from emission allowance trading, the Administrator may require reductions in emissions from electric generation facilities in addition to the reductions required under the other provisions of this title.

"(i) USE OF CERTAIN OTHER EMISSION ALLOWANCES.—

"(1) IN GENERAL.—Subject to paragraph (2), emission allowances or other emission trading instruments created under title I or IV for sulfur dioxide or nitrogen oxides shall not be valid for submission under subsection (d).

"(2) EMISSION ALLOWANCES PLACED IN RESERVE.—

"(A) IN GENERAL.—An emission allowance described in paragraph (1) that was placed in reserve under section 404(a)(2) or 405 or through regulations implementing controls on nitrogen oxides, because an affected unit emitted fewer tons of sulfur dioxide or nitrogen oxides than were permitted under an emission limitation imposed under title I or IV before the date of enactment of this title, shall be valid for submission under subsection (d).

"(B) EMISSION ALLOWANCES RESULTING FROM ACHIEVEMENT OF NEW SOURCE PERFORMANCE STANDARDS.—If an emission allowance described in subparagraph (A) was created and placed in reserve during the period of 2001 through 2009 by the owner or operator of an electric generation facility through the application of pollution control technology that resulted in the achievement and maintenance by the electric generation facility of the applicable standards of performance required of new sources under section 111, the emission allowance shall be valid for submission under subsection (d).

"SEC. 707. PERMITTING AND TRADING OF EMISSION ALLOWANCES.

"Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish a permitting and emission allowance trading compliance program to implement the limitations on emissions of covered pollutants from electric generation facilities established under section 705.

"SEC. 708. EMISSION ALLOWANCE ALLOCATION.

"(a) SULFUR DIOXIDE AND NITROGEN OXIDES.—

"(1) INITIAL ALLOCATIONS.—For calendar years 2010 through 2012, the Administrator shall allocate emission allowances for sulfur dioxide and nitrogen oxides, consistent with applicable law (including regulations).

"(2) SUBSEQUENT ALLOCATIONS.—

"(A) IN GENERAL.—For calendar year 2013 and each calendar year thereafter, the Administrator shall allocate emission allowances for sulfur dioxide and nitrogen oxides as the Administrator determines to be appropriate in accordance with subparagraphs (B) and (C).

"(B) ALLOCATION FACTORS.—In allocating emission allowances for sulfur dioxide and nitrogen oxides under subparagraph (A), the

Administrator, in consultation with the Secretary of Commerce, shall take into consideration the factors described in subsection (c)(1).

"(b) Global Warming Pollutants.—

"(1) In general.—For calendar year 2010, the Administrator shall transfer to each trustee appointed pursuant to paragraph (4)(A) for auction not less than 50 percent of the quantity of emission allowances available for allocation for global warming pollutants for the calendar year for the purposes described in paragraph (4).

"(2) Increase in quantity.—For calendar year 2011 and each calendar year thereafter, taking into consideration the factors described in paragraph (3), the Administrator shall successively increase the quantity of emission allowances transferred to trustees for auction under paragraph (1) until, by not later than 15 years after the date of enactment of this title, 100 percent of emission allowances available for allocation for global warming pollutants for a calendar year are available for auction.

"(3) Allocation factors.—In transferring emission allowances to trustees for auction under paragraph (1), the Administrator, in consultation with the Secretary of Commerce, shall take into consideration the factors described in subsection (c)(1).

"(4) Requirements.—Regulations promulgated to carry out this subsection may provide for, as the Administrator determines to be necessary, the appointment of 1 or more trustees—

"(A)(i) to receive emission allowances for the benefit of households, communities, and other entities;

"(ii) to sell the emission allowances at fair market value; and

"(iii) to distribute the proceeds of any sale of emission allowances to the appropriate beneficiaries; or

"(B) to allocate emission allowances, in accordance with applicable regulations, to—

"(i) communities, individuals, and companies that have experienced disproportionate adverse impacts as a result of—

"(I) the transition to a lower carbon-emitting economy; or

"(II) global warming;

"(ii) owners and operators of highly energy-efficient buildings, including—

"(I) residential users;

"(II) producers of highly energy-efficient products; and

"(III) entities that carry out energy-efficiency improvement projects that result in consumer-side reductions in electricity use;

"(iii) entities that will use the emission allowances for the purpose of carrying out geological sequestration of carbon dioxide produced by an anthropogenic global warming pollution emission source in accordance with requirements established by the Administrator;

"(iv) such individuals and entities as the Administrator determines to be appropriate, for use in carrying out projects to reduce net carbon dioxide emissions through above-ground and below-ground biological carbon dioxide sequestration (including sequestration in forests, forest soils, agricultural soils, rangeland, or grassland in the United States);

"(v) such individuals and entities (including fish and wildlife agencies) as the Administrator determines to be appropriate, for use in carrying out projects to protect and restore ecosystems (including fish and wildlife) affected by climate change; and

"(vi) manufacturers producing consumer products that result in substantially reduced global warming pollution emissions, for use in funding rebates for purchasers of those products.

"(c) Administration.—

"(1) Allocation factors.—Before making any allocation or transfer of emission allowances under subsection (a) or (b), the Administrator, in consultation with the Secretary of Commerce, shall take into consideration—

"(A) the distributive effect of the allocations on household income and net worth of individuals;

"(B) the impact of the allocations on corporate income, taxes, and asset value;

"(C) the impact of the allocations on income levels and energy consumption of consumers;

"(D) the effects of the allocations with respect to economic efficiency;

"(E) the ability of electric generation facilities to pass through compliance costs to customers of the electric generation facilities;

"(F) the degree to which the quantity of allocations to the covered sectors should decrease over time; and

"(G) the need to maintain the international competitiveness of United States manufacturing and avoid the additional loss of United States manufacturing jobs.

"(2) Allocation recommendations and implementation.—

"(A) In general.—Not later than 2 years after the date of enactment of this title, and before making any allocation or transfer of emission allowances under subsection (a) or (b), the Administrator shall submit a description of any determination of the Administrator relating to the allocation or transfer under that subsection to—

"(i) the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate; and

"(ii) the Committees on Energy and Commerce and Science of the House of Representatives.

"(B) Treatment of determinations.—A determination of the Administrator described in subparagraph (A), and any allocation or transfer of emission allowances made pursuant to such a determination, shall be—

"(i) considered to be a major rule (as defined in section 804 of title 5, United States Code); and

"(ii) subject to the requirements of chapter 8 of that title.

"(d) Ratepayer Protection.—

"(1) Definitions.—In this subsection:

"(A) Affected facility.—The term 'affected facility' means an electric generation facility that uses a conventional coal technology.

"(B) Authorized rate.—The term 'authorized rate' means a rate charged for electricity generated by an affected facility that is—

"(i) authorized by an appropriate regulatory agency; and

"(ii) based on, or calculated to recover, the reasonable capital and operating costs of the generation.

"(C) Conventional coal technology.—The term 'conventional coal technology' means a technology for the generation of electricity that—

"(i) involves the combustion of coal in a boiler; and

"(ii) does not provide for the capture or sequestration of carbon.

"(2) Protection.—

"(A) In general.—Subject to paragraph (3) and except as provided in subparagraph (B), no owner or lessor of an affected facility who sells, at wholesale or retail, any electricity generated by the affected facility at an authorized rate shall recover through the authorized rate, in whole or in part, the cost of compliance with any Federal greenhouse gas reduction requirement relating to emissions from the affected facility.

"(B) Exception.—Subparagraph (A) shall not apply to an owner or lessor of an affected facility if the appropriate regulatory agency determines no feasible alternative exists to the use of conventional coal technology by the affected facility.

"(3) Applicability.—Paragraph (2)(A) shall apply to an owner or lessor described in that paragraph only if—

"(A) the affected facility enters operation after January 1, 2009; and

"(B) the cost of compliance described in paragraph (2) is incurred after the date of enactment of this title.

"SEC. 709. MERCURY EMISSION LIMITATIONS.

"(a) In General.—

"(1) Regulations.—

"(A) In general.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish emission limitations for mercury emissions by coal-fired electric generation facilities.

"(B) No exceedance of national limitation.—The regulations shall ensure that the national limitation for mercury emissions from each coal-fired electric generation facility established under section 705(a)(4)(A) (and, to the maximum extent practicable, the goal described in section 705(a)(4)(B)) is not exceeded.

"(C) Emission limitations for 2012 and thereafter.—In carrying out subparagraph (A), for calendar year 2012 and each calendar year thereafter, the Administrator shall not—

"(i) subject to subsections (e) and (f) of section 112, establish limitations on emissions of mercury from coal-fired electric generation facilities that allow emissions in excess of 2.48 grams of mercury per 1000 megawatt hours; or

"(ii) differentiate between facilities that burn different types of coal.

"(2) Annual review and determination.—

"(A) In general.—Not later than April 1 of each year, the Administrator shall—

"(i) review the total mercury emissions during the 2 preceding calendar years from electric generation facilities located in all States; and

"(ii) determine whether, during the 2 preceding calendar years, the total mercury emissions from facilities described in clause (i) exceeded the national limitation for mercury emissions established under section 705(a)(4)(A).

"(B) Exceedance of national limitation.—If the Administrator determines under subparagraph (A)(ii) that, during the 2 preceding calendar years, the total mercury emissions from facilities described in subparagraph (A)(i) exceeded the national limitation for mercury emissions established under section 705(a)(4)(A), the Administrator shall, not later than 1 year after the date of the determination, revise the regulations promulgated under paragraph (1) to reduce the emission rates specified in the regulations as necessary to ensure that the national limitation for mercury emissions is not exceeded in any future year.

"(3) Compliance flexibility.—

"(A) In general.—Each coal-fired electric generation facility subject to an emission limitation under this section shall be in compliance with that limitation if that limitation is greater than or equal to the quotient obtained by dividing—

“(i) the total mercury emissions of the coal-fired electric generation facility during each 30-day period; by

“(ii) the quantity of electricity generated by the coal-fired electric generation facility during that period.

“(B) MORE THAN 1 UNIT AT A FACILITY.—In any case in which more than 1 coal-fired electricity generating unit at a coal-fired electric generation facility subject to an emission limitation under this section was operated in 1999 under common ownership or control, compliance with the emission limitation may be determined by averaging the emission rates of all coal-fired electricity generating units at the electric generation facility during each 30-day period.

“(b) PREVENTION OF RE-RELEASE.—

“(1) REGULATIONS.—Not later than July 1, 2008, the Administrator shall promulgate regulations to ensure that any mercury captured or recovered by emission controls installed at an electric generation facility is not re-released into the environment.

“(2) REQUIRED ELEMENTS.—The regulations shall require—

“(A) daily covers on all active waste disposal units, and permanent covers on all inactive waste disposal units, to prevent the release of mercury into the air;

“(B) monitoring of groundwater to ensure that mercury or mercury compounds do not migrate from the waste disposal unit;

“(C) waste disposal siting requirements and cleanup requirements to protect groundwater and surface water resources;

“(D) elimination of agricultural application of coal combustion wastes; and

“(E) appropriate limitations on mercury emissions from sources or processes that reprocess or use coal combustion waste, including manufacturers of wallboard and cement.

“(c) NEW AFFECTED UNIT LIMITATION.—An affected unit that enters operation on or after the date of enactment of this title shall achieve, on an annual average basis, a mercury emission rate of not more than 2.48 grams of mercury per 1,000 megawatt hours, regardless of the type of coal used at the affected unit.

“SEC. 710. OTHER HAZARDOUS AIR POLLUTANTS.

“(a) IN GENERAL.—Not later than January 1, 2008, the Administrator shall issue to owners and operators of coal-fired electric generation facilities requests for information under section 114 that are of sufficient scope to generate data sufficient to support issuance of standards under section 112(d) for hazardous air pollutants other than mercury emitted by coal-fired electric generation facilities.

“(b) DEADLINE FOR SUBMISSION OF REQUESTED INFORMATION.—The Administrator shall require each recipient of a request for information described in subsection (a) to submit the requested data not later than 180 days after the date of the request.

“(c) PROMULGATION OF EMISSION STANDARDS.—The Administrator shall—

“(1) not later than January 1, 2008, propose emission standards under section 112(d) for hazardous air pollutants other than mercury; and

“(2) not later than January 1, 2009, promulgate emission standards under section 112(d) for hazardous air pollutants other than mercury.

“(d) PROHIBITION ON EXCESS EMISSIONS.—It shall be unlawful for an electric generation facility subject to standards for hazardous air pollutants other than mercury promulgated under subsection (c) to emit, after December 31, 2010, any such pollutant in excess of the standards.

“(e) EFFECT ON OTHER LAW.—Nothing in this section or section 709 affects any requirement of subsection (e), (f)(2), or (n)(1)(A) of section 112, except that the emission limitations established by regulations promulgated under this section shall be deemed to represent the maximum achievable control technology for mercury emissions from electricity generating units under section 112(d).

“SEC. 711. EMISSION STANDARDS FOR AFFECTED UNITS.

“(a) DEFINITION OF AFFECTED UNIT.—In this subsection, the term ‘affected unit’ means a unit that—

“(1) is designed and intended to provide electricity at a unit capacity factor of at least 60 percent; and

“(2) begins operation after December 31, 2011.

“(b) INITIAL STANDARD.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations requiring each affected unit to meet the standard described in paragraph (2).

“(2) STANDARD.—Beginning on December 31, 2015, an affected unit shall meet a global warming pollution emission standard that is not higher than the emission rate of a new combined cycle natural gas generating unit.

“(3) MORE STRINGENT REQUIREMENTS.—For the period beginning on January 1 of the calendar year following the effective date of the regulations promulgated pursuant to paragraph (1) and ending on December 31, 2029, the Administrator may increase the stringency of the global warming pollution emission standard described in paragraph (2) with respect to affected units as the Administrator determines to be appropriate to ensure a reduction in the emission rate of global warming pollutants of at least 90 percent from each affected unit.

“(c) FINAL STANDARD.—Not later than December 31, 2030, the Administrator shall require each unit that is designed and intended to provide electricity at a unit capacity factor of at least 60 percent, regardless of the date on which the unit entered operation, to meet the applicable emission standard under subsection (b).

“(d) ADJUSTMENT OF REQUIREMENTS.—If the Academy determines, pursuant to section 705(e), that a requirement of this section is or will be technologically infeasible at the time at which the requirement becomes effective, the Administrator, by regulation, may adjust or delay the effective date of the requirement as the Administrator determines to be necessary, taking into consideration the determination of the Academy.

“SEC. 712. LOW-CARBON GENERATION REQUIREMENT.

“(a) DEFINITIONS.—In this section:

“(1) BASE QUANTITY OF ELECTRICITY.—The term ‘base quantity of electricity’ means the total quantity of electricity produced for sale by a covered generator during the calendar year immediately preceding a compliance year from—

“(A) coal;

“(B) petroleum coke;

“(C) lignite; or

“(D) any combination of the fuels described in subparagraphs (A) through (C).

“(2) COVERED GENERATOR.—The term ‘covered generator’ means an electric generation facility that—

“(A) has a rated capacity of 25 megawatts or more; and

“(B) has an annual fuel input at least 50 percent of which is provided by—

“(i) coal;

“(ii) petroleum coke;

“(iii) lignite; or

“(iv) any combination of the fuels described in clauses (i) through (iii).

“(3) LOW-CARBON GENERATION.—The term ‘low-carbon generation’ means electric energy generated from an electric generation facility at least 50 percent of the annual fuel input of which, in any year—

“(A) is provided by—

“(i) coal;

“(ii) petroleum coke;

“(iii) lignite; or

“(iv) any combination of the fuels described in clauses (i) through (iii); and

“(B) results in an emission rate into the atmosphere of not more than 250 pounds of carbon dioxide per megawatt-hour (after adjustment for any carbon dioxide emitted from the electric generation facility that is geologically sequestered in a geological repository approved by the Administrator pursuant to section 713).

“(4) PROGRAM.—The term ‘program’ means the low-carbon generation credit trading program established under subsection (d)(1).

“(b) REQUIREMENT.—

“(1) CALENDAR YEARS 2015 THROUGH 2020.—Of the base quantity of electricity produced for sale by a covered generator for a calendar year, the covered generator shall provide a minimum percentage of that base quantity of electricity for the calendar year from low-carbon generation, as specified in the following table:

“Calendar year:	**Minimum annual percentage:**
2015	0.5
2016	1.0
2017	2.0
2018	3.0
2019	4.0
2020	5.0

“(2) CALENDAR YEARS 2021 THROUGH 2025.—For each of calendar years 2021 through 2025, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by not more than 2 percentage points from the preceding year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 705(a)(3).

“(3) CALENDAR YEARS 2026 THROUGH 2030.—For each of calendar years 2026 through 2030, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by not more than 3 percentage points from the preceding year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 705(a)(3).

“(c) MEANS OF COMPLIANCE.—An owner or operator of a covered generator shall comply with subsection (b) by—

“(1) generating electric energy using low-carbon generation;

“(2) purchasing electric energy generated by low-carbon generation;

“(3) purchasing low-carbon generation credits issued under the program; or

“(4) any combination of the actions described in paragraphs (1) through (3).

“(d) LOW-CARBON GENERATION CREDIT TRADING PROGRAM.—

“(1) IN GENERAL.—Not later than January 1, 2008, the Administrator shall establish, by regulation, after notice and opportunity for comment, a low-carbon generation trading program to permit an owner or operator of a covered generator that does not generate or purchase enough electric energy from low-carbon generation to comply with subsection (b) to achieve that compliance by purchasing sufficient low-carbon generation credits.

"(2) REQUIREMENTS.—In carrying out the program, the Administrator shall—

"(A) issue to producers of low-carbon generation, on a quarterly basis, a single low-carbon generation credit for each kilowatt hour of low-carbon generation sold during the preceding quarter; and

"(B) ensure that a kilowatt hour, including the associated low-carbon generation credit, shall be used only once for purposes of compliance with subsection (b).

"(e) ENFORCEMENT.—An owner or operator of a covered generator that fails to comply with subsection (b) shall be subject to a civil penalty in an amount equal to the product obtained by multiplying—

"(1) the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b); and

"(2) the greater of—

"(A) 2.5 cents (as adjusted under subsection (g)); or

"(B) 200 percent of the average market value of those low-carbon generation credits during the year in which the violation occurred.

"(f) EXEMPTION.—This section shall not apply, for any calendar year, to an owner or operator of a covered generator that sold less than 40,000 megawatt-hours of electric energy produced from covered generators during the preceding calendar year.

"(g) INFLATION ADJUSTMENT.—Not later than December 31, 2008, and annually thereafter, the Administrator shall adjust the amount of the civil penalty for each kilowatt-hour calculated under subsection (e)(2) to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(h) TECHNOLOGICAL INFEASIBILITY.—If the Academy determines, pursuant to section 705(e), that the schedule for compliance described in subsection (b) is or will be technologically infeasible for covered generators to meet, the Administrator, by regulation, may adjust the schedule as the Administrator determines to be necessary, taking into consideration the determination of the Academy.

"(i) TERMINATION OF AUTHORITY.—This section and the authority provided by this section shall terminate on December 31, 2030.

"SEC. 713. GEOLOGICAL DISPOSAL OF GLOBAL WARMING POLLUTANTS.

"(a) GEOLOGICAL CARBON DIOXIDE DISPOSAL DEPLOYMENT PROJECTS.—

"(1) IN GENERAL.—The Administrator shall establish a competitive grant program to provide grants to 5 entities for the deployment of projects to geologically dispose of carbon dioxide (referred to in this subsection as 'geological disposal deployment projects').

"(2) LOCATION.—Each geological disposal deployment project shall be conducted in a geologically distinct location in order to demonstrate the suitability of a variety of geological structures for carbon dioxide disposal.

"(3) COMPONENTS.—Each geological disposal deployment project shall include an analysis of—

"(A) mechanisms for trapping the carbon dioxide to be geologically disposed;

"(B) techniques for monitoring the geologically disposed carbon dioxide;

"(C) public response to the geological disposal deployment project; and

"(D) the permanency of carbon dioxide storage in geological reservoirs.

"(4) REQUIREMENTS.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall establish—

"(i) appropriate conditions for environmental protection with respect to geological disposal deployment projects to protect public health and the environment, including—

"(I) site characterization and selection;

"(II) geomechanical, geochemical, and hydrogeological simulation;

"(III) risk assessment;

"(IV) mitigation and remediation protocols;

"(V) the issuance of permits for test, injection, and monitoring wells;

"(VI) specifications for the drilling, construction, and maintenance of wells;

"(VII) ownership of subsurface rights and pore space;

"(VIII) transportation pipeline specifications;

"(IX) the allowed composition of injected matter;

"(X) testing, monitoring, measurement, and verification for the entire chain of operations, beginning with the point of capture of carbon dioxide to a storage site;

"(XI) closure and decommissioning procedures;

"(XII) transportation pipeline siting; and

"(XIII) short- and long-term legal responsibility and indemnification procedures for storage sites; and

"(ii) requirements relating to applications for grants under this subsection.

"(B) RULEMAKING.—The establishment of requirements under subparagraph (A) shall not require a rulemaking.

"(C) MINIMUM REQUIREMENTS.—At a minimum, each application for a grant under this subsection shall include—

"(i) a description of the geological disposal deployment project proposed in the application;

"(ii) an estimate of the quantity of carbon dioxide to be geologically disposed over the life of the geological disposal deployment project; and

"(iii) a plan to collect and disseminate data relating to each geological disposal deployment project to be funded by the grant.

"(5) PARTNERS.—An applicant for a grant under this subsection may carry out a geological disposal deployment project under a pilot program in partnership with 1 or more public or private entities.

"(6) SELECTION CRITERIA.—In evaluating applications under this subsection, the Administrator shall—

"(A) consider the previous experience of each applicant with similar projects; and

"(B) give priority consideration to applications for geological disposal deployment projects that—

"(i) offer the greatest geological diversity, as compared to other geological disposal deployment projects that received grants under this subsection;

"(ii) are located in closest proximity to a source of carbon dioxide;

"(iii) make use of the most affordable source of carbon dioxide;

"(iv) are expected to geologically dispose of—

"(I) the largest quantity of carbon dioxide; and

"(II) a minimum quantity of 1,000,000 tons of carbon dioxide for each project carried out as part of the demonstration project;

"(v) are combined with demonstrations of advanced coal electricity generation technologies;

"(vi) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed demonstration project and the greatest likelihood that the demonstration project will be maintained or expanded after Federal assistance under this subsection is completed; and

"(vii) minimize any adverse environmental effects from the project.

"(7) PERIOD OF GRANTS.—

"(A) IN GENERAL.—A geological disposal deployment project funded by a grant under this subsection shall begin construction not later than 3 years after the date on which the grant is provided.

"(B) TERM.—The Administrator shall not provide grant funds to any applicant under this subsection for a period of more than 5 years.

"(8) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Administrator shall establish mechanisms to ensure that the information and knowledge gained by participants in the program are published and disseminated, including to other applicants that submitted applications for a grant under this subsection.

"(9) SCHEDULE.—

"(A) PUBLICATION.—Not later than 180 days after the date of enactment of this title, the Administrator shall publish in the Federal Register, and elsewhere as appropriate, a request for applications to carry out geological disposal deployment projects.

"(B) DATE FOR APPLICATIONS.—An application for a grant under this subsection shall be submitted not later than 180 days after the date of publication of the request under subparagraph (A).

"(C) SELECTION.—After the date by which applications for grants are required to be submitted under subparagraph (B), the Administrator, in a timely manner, shall select, after peer review and based on the criteria under paragraph (6), those geological disposal deployment projects to be provided a grant under this subsection.

"(b) INTERIM STANDARDS.—Not later than 3 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of Energy, shall, by regulation, establish interim geological carbon dioxide disposal standards that address—

"(1) site selection;

"(2) permitting processes;

"(3) monitoring requirements;

"(4) public participation; and

"(5) such other issues as the Administrator and the Secretary of Energy determine to be appropriate.

"(c) FINAL STANDARDS.—Not later than 6 years after the date of enactment of this title, taking into consideration the results of geological disposal deployment projects carried out under subsection (a), the Administrator, by regulation, shall establish final geological carbon dioxide disposal standards.

"(d) CONSIDERATIONS.—In developing standards under subsections (b) and (c), the Administrator shall consider the experience in the United States in regulating—

"(1) underground injection of waste;

"(2) enhanced oil recovery;

"(3) short-term storage of natural gas; and

"(4) long-term waste storage.

"(e) TERMINATION OF AUTHORITY.—This section and the authority provided by this section shall terminate on December 31, 2030.

"SEC. 714. ENERGY EFFICIENCY PERFORMANCE STANDARD.

"(a) DEFINITIONS.—In this section:

"(1) ELECTRICITY SAVINGS.—

"(A) IN GENERAL.—The term 'electricity savings' means reductions in end-use electricity consumption relative to consumption by the same customer or at the same new or existing facility in a given year, as defined in regulations promulgated by the Administrator under subsection (e).

"(B) INCLUSIONS.—The term 'electricity savings' includes savings achieved as a result of—

"(i) installation of energy-saving technologies and devices; and

"(ii) the use of combined heat and power systems, fuel cells, or any other technology identified by the Administrator that recaptures or generates energy solely for onsite customer use.

"(C) EXCLUSION.—The term 'electricity savings' does not include savings from measures that would likely be adopted in the absence of energy-efficiency programs, as determined by the Administrator.

"(2) RETAIL ELECTRICITY SALES.—The term 'retail electricity sales' means the total quantity of electric energy sold by a retail electricity supplier to retail customers during the most recent calendar year for which that information is available.

"(3) RETAIL ELECTRICITY SUPPLIER.—The term 'retail electricity supplier' means a distribution or integrated utility, or an independent company or entity, that sells electric energy to consumers.

"(b) ENERGY EFFICIENCY PERFORMANCE STANDARD.—Each retail electricity supplier shall implement programs and measures to achieve improvements in energy efficiency and peak load reduction, as verified by the Administrator.

"(c) TARGETS.—For calendar year 2008 and each calendar year thereafter, the Administrator shall ensure that retail electric suppliers annually achieve electricity savings and reduce peak power demand and electricity use by retail customers by a percentage that is not less than the applicable target percentage specified in the following table:

Calendar Year	Reduction in peak demand	Reduction in electricity use
2008	.25 percent	.25 percent
2009	.75 percent	.75 percent
2010	1.75 percent	1.5 percent
2011	2.75 percent	2.25 percent
2012	3.75 percent	3.0 percent
2013	4.75 percent	3.75 percent
2014	5.75 percent	4.5 percent
2015	6.75 percent	5.25 percent
2016	7.75 percent	6.0 percent
2017	8.75 percent	6.75 percent
2018	9.75 percent	7.5 percent
2019	10.75 percent	8.25 percent
2020 and each calendar year thereafter.	11.75 percent	9.0 percent"

"(d) BEGINNING DATE.—For the purpose of meeting the targets established under subsection (c), electricity savings shall be calculated based on the sum of—

"(1) electricity savings realized as a result of actions taken by the retail electric supplier during the specified calendar year; and

"(2) cumulative electricity savings realized as a result of electricity savings achieved in all preceding calendar years (beginning with calendar year 2006).

"(e) IMPLEMENTING REGULATIONS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to implement the targets established under subsection (c).

"(2) REQUIREMENTS.—The regulations shall establish—

"(A) a national credit system permitting credits to be awarded, bought, sold, or traded by and among retail electricity suppliers;

"(B) a fee equivalent to not less than 4 cents per kilowatt hour for retail energy suppliers that do not meet the targets established under subsection (c); and

"(C) standards for monitoring and verification of electricity use and demand savings reported by the retail electricity suppliers.

"(3) CONSIDERATION OF TRANSMISSION AND DISTRIBUTION EFFICIENCY.—In developing regulations under this subsection, the Administrator shall consider whether electricity savings, in whole or part, achieved by retail electricity suppliers by improving the efficiency of electric distribution and use should be eligible for credits established under this section.

"(f) COMPLIANCE WITH STATE LAW.—Nothing in this section supersedes or otherwise affects any State or local law requiring, or otherwise relating to, reductions in total annual electricity consumption or peak power consumption by electric consumers to the extent that the State or local law requires more stringent reductions than the reductions required under this section.

"(g) VOLUNTARY PARTICIPATION.—The Administrator may—

"(1) pursuant to the regulations promulgated under subsection (e)(1), issue a credit to any entity that is not a retail electric supplier if the entity implements electricity savings; and

"(2) in a case in which an entity described in paragraph (1) is a nonprofit or educational organization, provide to the entity 1 or more grants in lieu of a credit.

"SEC. 715. RENEWABLE PORTFOLIO STANDARD.

"(a) RENEWABLE ENERGY.—

"(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Energy, shall promulgate regulations defining the types and sources of renewable energy generation that may be carried out in accordance with this section.

"(2) INCLUSIONS.—In promulgating regulations under paragraph (1), the Administrator shall include of all types of renewable energy (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))) other than energy generated from—

"(A) municipal solid waste;

"(B) wood contaminated with plastics or metals; or

"(C) tires.

"(b) RENEWABLE ENERGY REQUIREMENT.—Of the base quantity of electricity sold by each retail electric supplier to electric consumers during a calendar year, the quantity generated by renewable energy sources shall be not less than the following percentages:

"Calendar year:	**Minimum annual percentage:**
2008 through 2009	5
2010 through 2014	10
2015 through 2019	15
2020 and subsequent years	20"

"(c) RENEWABLE ENERGY CREDIT PROGRAM.—Not later than 1 year after the date of enactment of this title, the Administrator shall establish—

"(1) a program to issue, establish the value of, monitor the sale or exchange of, and track renewable energy credits; and

"(2) penalties for any retail electric supplier that does not comply with this section.

"(d) PROHIBITION ON DOUBLE COUNTING.—A renewable energy credit issued under subsection (c)—

"(1) may be counted toward meeting the requirements of subsection (b) only once; and

"(2) shall vest with the owner of the system or facility that generates the renewable energy that is covered by the renewable energy credit, unless the owner explicitly transfers the renewable energy credit.

"(e) SALE UNDER PURPA CONTRACT.—If the Administrator, after consultation with the Secretary of Energy, determines that a renewable energy generator is selling electricity to comply with this section to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a–3), the retail electric supplier shall be treated as the generator of the electric energy for the purposes of this title for the duration of the contract.

"(f) STATE PROGRAMS.—Nothing in this section precludes any State from requiring additional renewable energy generation under any State renewable energy program.

"(g) VOLUNTARY PARTICIPATION.—The Administrator may issue a renewable energy credit pursuant to subsection (c) to any entity that is not subject to this section only if the entity applying for the renewable energy credit meets the terms and conditions of this section to the same extent as retail electric suppliers subject to this section.

"SEC. 716. STANDARDS TO ACCOUNT FOR BIOLOGICAL SEQUESTRATION OF CARBON.

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of title, the Secretary of Agriculture, with the concurrence of the Administrator, shall establish standards for accrediting certified reductions in the emission of carbon dioxide through above-ground and below-ground biological sequestration activities.

"(b) REQUIREMENTS.—The standards shall include—

"(1) a national biological carbon storage baseline or inventory; and

"(2) measurement, monitoring, and verification guidelines based on—

"(A) measurement of increases in carbon storage in excess of the carbon storage that would have occurred in the absence of a new management practice designed to achieve biological sequestration of carbon;

"(B) comprehensive carbon accounting that—

"(i) reflects sustained net increases in carbon reservoirs; and

"(ii) takes into account any carbon emissions resulting from disturbance of carbon reservoirs in existence as of the date of commencement of any new management practice designed to achieve biological sequestration of carbon;

"(C) adjustments to account for—

"(i) emissions of carbon that may result at other locations as a result of the impact of the new biological sequestration management practice on timber supplies; or

"(ii) potential displacement of carbon emissions to other land owned by the entity that carries out the new biological sequestration management practice; and

"(D) adjustments to reflect the expected carbon storage over various time periods, taking into account the likely duration of the storage of carbon in a biological reservoir.

"(c) UPDATING OF STANDARDS.—Not later than 3 years after the date of establishment of the standards under subsection (a), and every 3 years thereafter, the Secretary of Agriculture shall update the standards to take into consideration the most recent scientific information.

“SEC. 717. EFFECT OF FAILURE TO PROMULGATE REGULATIONS.

“If the Administrator fails to promulgate regulations to implement and enforce the limitations specified in section 705—

“(1)(A) each electric generation facility shall achieve, not later than January 1, 2010, an annual quantity of emissions that is less than or equal to—

“(i) in the case of nitrogen oxides, 15 percent of the annual emissions by a similar electric generation facility that has no controls for emissions of nitrogen oxides; and

“(ii) in the case of global warming pollutants, 75 percent of the annual emissions by a similar electric generation facility that has no controls for emissions of global warming pollutants; and

“(B) each electric generation facility that does not use natural gas as the primary combustion fuel shall achieve, not later than January 1, 2010, an annual quantity of emissions that is less than or equal to—

“(i) in the case of sulfur dioxide, 5 percent of the annual emissions by a similar electric generation facility that has no controls for emissions of sulfur dioxide; and

“(ii) in the case of mercury, 10 percent of the annual emissions by a similar electric generation facility that has no controls included specifically for the purpose of controlling emissions of mercury; and

“(2) the applicable permit under this Act for each electric generation facility shall be deemed to incorporate a requirement for achievement of the reduced levels of emissions specified in paragraph (1).

“SEC. 718. PROHIBITIONS.

“It shall be unlawful—

“(1) for the owner or operator of any electric generation facility—

“(A) to operate the electric generation facility in noncompliance with the requirements of this title (including any regulations implementing this title);

“(B) to fail to submit by the required date any emission allowances, or pay any penalty, for which the owner or operator is liable under section 706;

“(C) to fail to provide and comply with any plan to offset excess emissions required under section 706(f); or

“(D) to emit mercury in excess of the emission limitations established under section 709; or

“(2) for any person to hold, use, or transfer any emission allowance allocated under this title except in accordance with regulations promulgated by the Administrator.

“SEC. 719. MODERNIZATION OF ELECTRIC GENERATION FACILITIES.

“(a) In General.—Beginning on the later of January 1, 2015, or the date that is 40 years after the date on which the electric generation facility commences operation, each electric generation facility shall be subject to emission limitations reflecting the application of best available control technology on a new major source of a similar size and type (as determined by the Administrator) as determined in accordance with the procedures specified in part C of title I.

“(b) Additional Requirements.—The requirements of this section shall be in addition to the other requirements of this title.

“SEC. 720. PARAMOUNT INTEREST WAIVER.

“(a) In General.—If the President determines that a national security emergency exists and, in light of information that was not available as of the date of enactment of this title, that it is in the paramount interest of the United States to modify any requirement under this title to minimize the effects of the emergency, the President, after opportunity for notice and public comment, may temporarily adjust, suspend, or waive any regulation promulgated pursuant to this title to achieve that minimization.

“(b) Consultation.—In making an emergency determination under subsection (a), the President, to the maximum extent practicable, shall consult with and take into consideration any advice received from—

“(1) the Academy;

“(2) the Secretary of Energy; or

“(3) the Administrator.

“(c) Judicial Review.—An emergency determination under subsection (a) shall be subject to judicial review under section 307.

“SEC. 721. RELATIONSHIP TO OTHER LAW.

“(a) In General.—Except as expressly provided in this title, nothing in this title—

“(1) limits or otherwise affects the application of any other provision of this Act; or

“(2) precludes a State from adopting and enforcing any requirement for the control of emissions of air pollutants that is more stringent than the requirements imposed under this title.

“(b) Regional Seasonal Emission Controls.—Nothing in this title affects any regional seasonal emission control for nitrogen oxides established by the Administrator or a State under title I.”.

(b) Conforming Amendment.—Section 412(a) of the Clean Air Act (42 U.S.C. 7651k(a)) is amended in the first sentence by striking “opacity” and inserting “mercury, opacity,”.

SEC. 3. SAVINGS CLAUSE.

Section 193 of the Clean Air Act (42 U.S.C. 7515) is amended by striking “date of the enactment of the Clean Air Act Amendments of 1990” each place it appears and inserting “date of enactment of the Clean Power Act of 2007”.

SEC. 4. ACID PRECIPITATION RESEARCH PROGRAM.

Section 103(j) of the Clean Air Act (42 U.S.C. 7403(j)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (F)(i), by striking “effects; and” and inserting “effects, including an assessment of—

“(I) acid-neutralizing capacity; and

“(II) changes in the number of water bodies in the sensitive ecosystems referred to in subparagraph (G)(ii) with an acid-neutralizing capacity greater than zero; and”; and

(B) by adding at the end the following:

“(G) Sensitive Ecosystems.—

“(i) In General.—Beginning in 2008, and every 4 years thereafter, the report under subparagraph (E) shall include—

“(I) an identification of environmental objectives necessary to be achieved (and related indicators to be used in measuring achievement of the objectives) to adequately protect and restore sensitive ecosystems; and

“(II) an assessment of the status and trends of the environmental objectives and indicators identified in preceding reports under this paragraph.

“(ii) Sensitive Ecosystems to Be Addressed.—Sensitive ecosystems to be addressed under clause (i) include—

“(I) the Adirondack Mountains, mid-Appalachian Mountains, Rocky Mountains, and southern Blue Ridge Mountains;

“(II) the Great Lakes, Lake Champlain, Long Island Sound, and the Chesapeake Bay; and

“(III) other sensitive ecosystems, as determined by the Administrator.

“(H) Acid Deposition Standards.—Beginning in 2008, and every 4 years thereafter, the report under subparagraph (E) shall include a revision of the report under section 404 of Public Law 101–549 (42 U.S.C. 7651 note) that includes a reassessment of the health and chemistry of the lakes and streams that were subjects of the original report under that section.”; and

(2) by adding at the end the following:

“(4) Protection of Sensitive Ecosystems.—

“(A) Determination.—Not later than December 31, 2014, the Administrator, taking into consideration the findings and recommendations of the report revisions under paragraph (3)(H), shall determine whether emission reductions under titles IV and VII are sufficient to—

“(i) achieve the necessary reductions identified under paragraph (3)(F); and

“(ii) ensure achievement of the environmental objectives identified under paragraph (3)(G).

“(B) Regulations.—

“(i) In General.—Not later than 2 years after the Administrator makes a determination under subparagraph (A) that emission reductions are not sufficient, the Administrator shall promulgate regulations to protect the sensitive ecosystems referred to in paragraph (3)(G)(ii).

“(ii) Contents.—Regulations under clause (i) shall include modifications to—

“(I) provisions relating to nitrogen oxide and sulfur dioxide emission reductions;

“(II) provisions relating to allocations of nitrogen oxide and sulfur dioxide allowances; and

“(III) such other provisions as the Administrator determines to be necessary.”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR DEPOSITION MONITORING.

(a) Operational Support.—In addition to amounts made available under any other law, there are authorized to be appropriated for each of fiscal years 2008 through 2017—

(1) for operational support of the National Atmospheric Deposition Program National Trends Network—

(A) $2,000,000 to the United States Geological Survey;

(B) $600,000 to the Environmental Protection Agency;

(C) $600,000 to the National Park Service; and

(D) $400,000 to the Forest Service;

(2) for operational support of the National Atmospheric Deposition Program Mercury Deposition Network—

(A) $400,000 to the Environmental Protection Agency;

(B) $400,000 to the United States Geological Survey;

(C) $100,000 to the National Oceanic and Atmospheric Administration; and

(D) $100,000 to the National Park Service;

(3) for the National Atmospheric Deposition Program Atmospheric Integrated Research Monitoring Network $1,500,000 to the National Oceanic and Atmospheric Administration;

(4) for the Clean Air Status and Trends Network $5,000,000 to the Environmental Protection Agency; and

(5) for the Temporally Integrated Monitoring of Ecosystems and Long-Term Monitoring Program $2,500,000 to the Environmental Protection Agency.

(b) Modernization.—In addition to amounts made available under any other law, there are authorized to be appropriated—

(1) for equipment and site modernization of the National Atmospheric Deposition Program National Trends Network $6,000,000 to the Environmental Protection Agency;

(2) for equipment and site modernization and network expansion of the National Atmospheric Deposition Program Mercury Deposition Network $2,000,000 to the Environmental Protection Agency;

(3) for equipment and site modernization and network expansion of the National Atmospheric Deposition Program Atmospheric Integrated Research Monitoring Network $1,000,000 to the National Oceanic and Atmospheric Administration; and

(4) for equipment and site modernization and network expansion of the Clean Air Status and Trends Network $4,600,000 to the Environmental Protection Agency.

(c) AVAILABILITY OF AMOUNTS.—Each of the amounts appropriated under subsection (b) shall remain available until expended.

SEC. 6. TECHNICAL AMENDMENTS.

Title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.)—

(1) is amended by redesignating sections 401 through 403 as sections 801 through 803, respectively; and

(2) is redesignated as title VIII and moved to appear at the end of that Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 167—CONGRATULATING THE UNIVERSITY OF WISCONSIN MEN'S INDOOR TRACK AND FIELD TEAM ON BECOMING THE 2006-2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I INDOOR TRACK AND FIELD CHAMPIONS

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 167

Whereas, on March 10, 2007, in Fayetteville, Arkansas, the University of Wisconsin men's indoor track and field team (referred to in this preamble as the "Badgers indoor track and field team") became the first-ever Big 10 Conference school to win the National Collegiate Athletic Association (NCAA) Division I Indoor Track and Field Championship, by placing first with 40 points, 5 points ahead of second place finisher Florida State University, and 6 points ahead of the third place finisher, the University of Texas;

Whereas the Badgers indoor track and field team secured its victory through the strong performances of its members, including—

(1) senior Chris Solinsky, who placed first in the 5,000-meter run, with a time of 13:38.61, and placed second in the 3,000-meter run, with a time of 7:51.69;

(2) senior Demi Omole, who placed second in the 60-meter dash with a time of 6.57;

(3) senior Tim Nelson, who placed fifth in the 5,000-meter run with a time of 13:48.08;

(4) senior Joe Detmer, who finished fifth in the Heptathlon with 5,761 points; and

(5) freshman Craig Miller, sophomore James Groce, junior Joe Pierre, and freshman Jack Bolas, who finished fifth in the Distance Medley Relay with a time of 9:35.81;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the Badgers indoor track and field team, including—

(1) Zach Beth;
(2) Brandon Bethke;
(3) Brennan Boettcher;
(4) Jack Bolas;
(5) Nathan Brown;
(6) Joe Conway;
(7) Ryan Craven;
(8) Joe Detmer;
(9) Victor Dupuy;
(10) Peter Dykstra;
(11) Stu Eagon;
(12) Sal Fadel;
(13) Jake Fritz;
(14) Ryan Gasper;
(15) Barry Gill;
(16) Dan Goesch;
(17) James Groce;
(18) Eric Hatchell;
(19) Luke Hoenecke;
(20) Paul Hubbard;
(21) Lance Kendricks;
(22) Andrew Lacy;
(23) Nate Larkin;
(24) Billy Lease;
(25) Jim Liermann;
(26) Rory Linder;
(27) Steve Ludwig;
(28) Steve Markson;
(29) Zach McCollum;
(30) James McConkey;
(31) Brian McCulliss;
(32) Chad Melotte;
(33) Craig Miller;
(34) Tim Nelson;
(35) Pat Nichols;
(36) Demi Omole;
(37) Landon Peacock;
(38) Seth Pelock;
(39) Tim Pierie;
(40) Joe Pierre;
(41) Adam Pischke;
(42) Jarad Plummer;
(43) Ben Porter;
(44) Nathan Probst;
(45) Codie See;
(46) Noah Shannon;
(47) Chris Solinsky;
(48) Mike Sracic;
(49) Derek Thiel;
(50) Joe Thomas;
(51) Jeff Tressley;
(52) Christian Wagner; and
(53) Matt Withrow;

Whereas the success of the Badgers indoor track and field team was facilitated by the knowledge and commitment of the team's coaching staff, including—

(1) Head Coach Ed Nuttycombe;
(2) Assistant Coach Jerry Schumacher;
(3) Assistant Coach Mark Guthrie;
(4) Assistant Coach Will Wabaunsee;
(5) Volunteer Coach Pascal Dorbert;
(6) Volunteer Coach Nick Winkel; and
(7) Volunteer Coach Chris Ratzenberg;

Whereas, on February 24, 2007, in Bloomington, Indiana, the Badgers indoor track and field team won its seventh consecutive Big 10 Championship by placing first with 120 points, 27 points ahead of the second place finisher, the University of Minnesota, and 31 points ahead of the third place finisher, the University of Michigan;

Whereas numerous members of the Badgers indoor track and field team were recognized for their performances in the Big 10 Conference, including—

(1) Demi Omole, who was named Track Athlete of the Year and Track Athlete of the Championships;

(2) Joe Detmer, who was named Field Athlete of the Year and was a Sportsmanship Award honoree;

(3) Craig Miller, who was named Freshman of the Year;

(4) Ed Nuttycombe, who was named Coach of the Year;

(5) Chris Solinsky, Demi Omole, and Joe Detmer, who were named First Team All-Big 10; and

(6) Brandon Bethke, Craig Miller, Luke Hoenecke, Steve Markson, and Tim Nelson, who were named Second Team All-Big 10;

Whereas numerous members of the Badgers indoor track and field team were recognized for their performance in the NCAA Indoor Track and Field Championships, including—

(1) Ed Nuttycombe, who was named Division I Men's Indoor Track and Field Coach of the Year by the U.S. Track and Field and Cross Country Coaches Association;

(2) Jack Bolas, Joe Detmer, Stu Eagon, James Groce, Tim Nelson, Demi Omole, Joe Pierre, and Chris Solinsky, who were recognized as 2007 Men's Indoor Track All-Americans; and

(3) Chris Solinsky, who was named Division I Men's Track Athlete of the Year by the U.S. Track and Field and Cross Country Coaches Association, and was the first University of Wisconsin men's track athlete to be named national athlete of the year; and

Whereas several members of the 2007 Badgers indoor track and field team were also members of the 2005 University of Wisconsin men's cross country NCAA Division I Championship team, including—

(1) Brandon Bethke;
(2) Stu Eagon;
(3) Ryan Gasper;
(4) Tim Nelson;
(5) Tim Pierie;
(6) Joe Pierre;
(7) Ben Porter;
(8) Codie See;
(9) Chris Solinsky;
(10) Christian Wagner; and
(11) Matt Wintrow: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin-Madison men's indoor track and field team, Head Coach Ed Nuttycombe, Athletic Director Barry Alvarez, and Chancellor John D. Wiley, on an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

SENATE RESOLUTION 168—CONGRATULATING THE UNIVERSITY OF WISCONSIN WOMEN'S HOCKEY TEAM FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S ICE HOCKEY CHAMPIONSHIP

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 168

Whereas, on March 18, 2007, in Lake Placid, New York, by defeating the University of Minnesota-Duluth by a score of 4-1 in the championship game and defeating St. Lawrence University by a score of 4-0 in the semifinals, the University of Wisconsin women's hockey team (referred to in this preamble as the "Badgers") won the women's Frozen Four championship, earning their second consecutive National Collegiate Athletic Association (NCAA) title;

Whereas Sara Bauer scored a goal and tallied 2 assists, Erika Lawler scored a goal and tallied an assist, Jinelle Zaugg scored a goal, Jasmine Giles scored a goal, Meghan Duggan contributed an assist, Meaghan Mikkelson contributed an assist, and Jessie Vetter stopped 17 shots in the final game to earn her 20th win of the season;

Whereas every player on the University of Wisconsin women's hockey team (Sara Bauer, Rachel Bible, Christine Dufour, Meghan Duggan, Maria Evans, Jasmine Giles, Kayla Hagen, Tia Hanson, Angie Keseley, Heidi Kletzien, Emily Kranz, Erika Lawler, Alycia Matthews, Alannah McCready, Meaghan Mikkelson, Phoebe Monteleone, Emily Morris, Mikka Nordby, Kyla Sanders, Bobbi-Jo Slusar, Ally Strickler, Jessie Vetter, Kristen Witting, and Jinelle Zaugg) contributed to the success of the team;

Whereas Sara Bauer was named to the RBK/American Hockey Coaches Association All-American First Team, and was a finalist for the Patty Kazmaier Memorial Award for national player of the year, the United States College Hockey Online's (USCHO) Player of the Year for the second straight season, and the WCHA Player of the Year and WCHA Scoring Champion, and earned a spot on the All-USCHO First Team and the All-Western Collegiate Hockey Association (WCHA) First Team;

Whereas Bobbi-Jo Slusar was named to the RBK All-American Second team, the All-USCHO First Team, and the All-WCHA Second Team, and was named USCHO Defensive Player of the Year;

Whereas Meaghan Mikkelson was named to the All-USCHO First Team and the All-WCHA First Team, and was named the WCHA Defensive Player of the Year;

Whereas Jessie Vetter was named to the RBK All-American First Team, All-USCHO Second Team, and All-WCHA First Team;

Whereas Meghan Duggan was named to the All-USCHO Rookie Team and named WCHA Rookie of the Year, Christine Dufour was named to the All-WCHA Third Team and was WCHA Goaltending Champion, and Erika Lawler was named to the All-WCHA Third Team;

Whereas Coach Mark Johnson, who won an NCAA championship as member of the University of Wisconsin men's hockey team in 1977, was a member of the gold-medal winning 1980 United States Olympic hockey team, and is one of the few people who have won a national championship as both a player and coach, was named the WCHA Coach of the Year;

Whereas the Badgers are the first University of Wisconsin program to repeat as NCAA champions since the University of Wisconsin women's cross country team won the title in both 1984 and 1985; and

Whereas the Badgers ended the season on a 26-game undefeated streak, finishing with a record of 36–1–4, while outscoring opponents 166–36, and the Badgers broke or tied 6 NCAA single-season team records: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin women's hockey team, the coaching staff, including Head Coach Mark Johnson and Assistant Coaches Tracey Cornell and Daniel Koch, Program Assistant Sharon Eley, Director of Women's Hockey Operations Paul Hickman, Athletic Trainer Jennifer Pepoy, Volunteer Coach Jeff Sanger, and Athletic Director Barry Alvarez, and Chancellor John D. Wiley on an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

SENATE RESOLUTION 169—RECOGNIZING SUSAN G. KOMEN FOR THE CURE ON ITS LEADERSHIP IN THE BREAST CANCER MOVEMENT ON THE OCCASION OF ITS 25TH ANNIVERSARY

Mrs. HUTCHISON (for herself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 169

Whereas, Nancy G. Brinker promised her dying sister, Susan G. Komen, that she would do everything in her power to end breast cancer;

Whereas, in Dallas, Texas, in 1982, that promise became Susan G. Komen for the Cure and launched the global breast cancer movement;

Whereas, Susan G. Komen for the Cure has grown to become the world's largest grassroots network of breast cancer survivors and activists fighting to save lives, empower people, ensure quality care for all, and energize science to find the cure;

Whereas, Susan G. Komen for the Cure has invested nearly $1,000,000,000 to fulfill its promise, becoming the largest source of nonprofit funds in the world dedicated to curing breast cancer;

Whereas, Susan G. Komen for the Cure is committed to investing an additional $1,000,000,000 over the next decade in breast health care and treatment and in research to discover the causes of breast cancer and, ultimately, its cure;

Whereas, Susan G. Komen for the Cure serves the breast health and treatment needs of millions, especially under-served women, through education and support to thousands of community health organizations, with grants to date of more than $480,000,000;

Whereas, Susan G. Komen for the Cure has played a critical role in virtually every major advance in breast cancer research over the past 25 years, with research investments to date of more than $300,000,000;

Whereas, Susan G. Komen for the Cure has advocated for more research on breast cancer treatment and prevention, with the Federal Government now devoting more than $900,000,000 each year to breast cancer research, compared with $30,000,000 in 1982;

Whereas, Susan G. Komen for the Cure is a leader in the global breast cancer movement, with more than 100,000 activists in 125 cities and communities, mobilizing more than 1,000,000 people every year through events like the Komen Race for the Cure Series - the world's largest and most successful awareness and fundraising event for breast cancer;

Whereas, Susan G. Komen for the Cure has been a strong supporter of the National Breast and Cervical Cancer Early Detection Program and the Mammography Quality Standards Act;

Whereas, in the last 25 years early detection and testing rates have increased, with nearly 75 percent of women over 40 years of age now receiving regular mammograms, compared with 30 percent of such women in 1982;

Whereas, in the last 25 years, the 5 year breast cancer survival rate has increased to 98 percent when the cancer is caught before it spreads beyond the breast, compared with 74 percent in 1982;

Whereas, without better prevention and a cure, 1 in 8 women in the United States will continue to suffer from breast cancer—a devastating disease with physical, emotional, psychological, and financial pain that can last a lifetime;

Whereas, without a cure, an estimated 5,000,000 Americans will be diagnosed with breast cancer—and more than 1,000,000 could die—over the next 25 years;

Whereas, Susan G. Komen for the Cure is challenging individuals, communities, States, and Congress to make breast cancer an urgent priority;

Whereas, Susan G. Komen for the Cure recognizes that in the world of breast cancer, the big questions are still without answers: what causes the disease and how it can be prevented; and

Whereas, Susan G. Komen for the Cure is marking its 25th anniversary by recommitting to finish what it started and end breast cancer: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Susan G. Komen for the Cure on its 25th anniversary;

(2) recognizes Susan G. Komen for the Cure as a global leader in the fight against breast cancer and commends the strides the organization has made in that fight; and

(3) supports Susan G. Komen for the Cure'scommitment to attaining the goal of a world withoutbreast cancer.

SENATE RESOLUTION 170—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL CHILD CARE WORTHY WAGE DAY

Mr. MENENDEZ (for himself, Mr. KERRY, Mrs. BOXER, Mr. INOUYE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. DURBIN, and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 170

Whereas approximately 63 percent of the Nation's children under 5 are in nonparental care during part or all of the day while their parents work;

Whereas the early care and education industry employs more than 2,300,000 workers;

Whereas these workers indirectly add $580,000,000,000 to the economy by enabling millions of parents to perform their own jobs;

Whereas the average salary of early care and education workers is $18,180 per year, and only ⅓ of these workers have health insurance and even fewer have a pension plan;

Whereas the quality of early care and education programs is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood program staff is roughly 30 percent per year, and low wages and lack of benefits, among other factors, make it difficult to retain high quality educators who have the consistent, caring relationships with young children that are important to the children's development;

Whereas the compensation of early childhood program staff should be commensurate with the importance of the job of helping the young children of the Nation develop their social, emotional, physical, and cognitive skills, and helping them to be ready for school;

Whereas providing adequate compensation to early childhood program staff should be a priority, and resources can be allocated to improve the compensation of early childhood educators to ensure that quality care and education are accessible for all families;

Whereas additional training and education for the early care and education workforce is critical to ensuring high-quality early learning environments;

Whereas child care workers should receive compensation commensurate with such training and experience; and

Whereas the Center for the Child Care Workforce, a project of the American Federation of Teachers Educational Foundation, with support from the National Association for the Education of Young Children and other early childhood organizations, recognizes May 1 as National Child Care Worthy Wage Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1, 2007, as National Child Care Worthy Wage Day; and

(2) calls on the people of the United States to observe National Child Care Worthy Wage Day by honoring early childhood care and education staff and programs in their communities.

Mr. MENENDEZ. Mr. President, I am proud to be submitting a resolution designating May 1, 2007, as National Child Care Worthy Wage Day. On this day, child care providers and other early childhood professionals nationwide conduct public awareness and education efforts highlighting the importance of good early childhood education for our Nation's young children. This resolution is an effort to support these initiatives and to help develop greater public awareness to our early educators and the critical work they do.

Every day, nearly 63 percent of children under the age of 5 are cared for outside their home so their parents can work. Early care and education workers, who number more than 2.3 million, make it possible for millions of parents to leave their children at day care and go to work. By enabling parents to go to work every day, our early education workers add more than $580 billion to our economy nationwide.

The importance of early education cannot be overstated. From the day they are born, children begin to learn, and the quality of care they receive will affect their language development, math skills, behavior, and general readiness for school. Our early educators help future leaders and workers of our Nation develop their social, emotional, physical and cognitive skills so they can be ready for school.

However, the committed individuals who nurture and teach these young children continue to be undervalued, with grossly low wages and lack of benefits. It is outrageous that the average salary of our early education staff is just a little over $18,000 per year, that only one-third has health insurance and even fewer have pension plans.

Early childhood educators perform essential work by supporting the development of our Nation's children. Yet poor wages and benefits have made it difficult to attract and retain high-quality early childhood care takers and educators, and one-third of all early childhood educators leave their jobs every year. This is not only unfair to our child care workers, but it determines the quality of care that our children receive.

Our early educators deserve nothing less than to be recognized and adequately compensated for the work they do. We must give our Nation's early childcare workers wages worthy of the incredible work they do every day to train and develop the future workforce of America.

The Nation's childcare workforce, and the families who depend on them, deserve our support, and I urge my colleagues to join me in supporting this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 913. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table.

SA 914. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 915. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 916. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 917. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 918. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 919. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 920. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 921. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 922. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 923. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 924. Mr. OBAMA (for himself and Ms. Mikulski) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 925. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 926. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 927. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 928. Mr. DeMINT (for himself, Mr. Martinez, Mr. Cornyn, and Mr. Ensign) submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 929. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 930. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 931. Mrs. McCASKILL (for herself and Mr. DeMint) submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 932. Mrs. McCASKILL (for herself and Mr. DeMint) submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 933. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 934. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 935. Mr. VOINOVICH (for himself and Mr. Kohl) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 936. Mr. SANDERS (for himself, Mr. Baucus, Mr. Leahy, and Mrs. Lincoln) submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 937. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 938. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 939. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 940. Mr. KENNEDY proposed an amendment to the bill S. 761, supra.

SA 941. Ms. SNOWE (for herself and Mr. Kohl) submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 942. Mr. KOHL (for himself, Ms. Snowe, Mr. Reed, Ms. Stabenow, Mr. Brown, Mr. Levin, Mr. Durbin, Mrs. Clinton, Mr. Kerry, Mr. Leahy, Mr. Roberts, and Mr. Biden) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 943. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 944. Mr. COLEMAN (for himself and Mr. Pryor) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 945. Mr. WYDEN (for himself, Mr. Smith, Mr. Pryor , and Mr. Kerry) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 946. Mr. COLEMAN (for himself and Mr. Pryor) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 947. Mr. BINGAMAN (for Mr. Dodd (for himself, Mr. Shelby, and Mr. Reed)) proposed an amendment to the bill S. 761, supra.

SA 948. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 949. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 902 proposed by Mr. CORNYN to the bill S. 761, supra; which was ordered to lie on the table.

SA 950. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 951. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 952. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 953. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 954. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 955. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 956. Mr. CRAPO (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 957. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 958. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 959. Mr. NELSON of Florida (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 960. Mr. LEVIN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 961. Mr. BROWN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 962. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 963. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 964. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 913. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEASIBILITY STUDY ON FREE ONLINE COLLEGE DEGREE PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct and complete a feasibility study on creating a national, free online college degree program that would be available to all United States citizens who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand, such as mathematics, sciences, and foreign languages. The study shall look at the need for a free college degree program as well as the feasibility of—

(1) developing online course content;

(2) developing sufficiently rigorous tests to determine mastery of a field of study; and

(3) sustaining the program through private funding.

(b) STUDY.—The study described in subsection (a) shall also include a review of existing online education programs to determine the extent to which these programs offer a rigorous curriculum in areas like mathematics and science and the National Academy of Sciences shall make recommendations for how online degree programs can be assessed and accredited.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008.

SA 914. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. H-1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(B)) is amended by striking "$1,500" and inserting "$2,000".

(b) USE OF ADDITIONAL FEE.—Section 286 of such Act (8 U.S.C. 1356) is amended by adding at the end the following:

"(w) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 25 percent of the fees collected under section 214(c)(9)(B).

"(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).".

SA 915. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 120, strike lines 1 through 8, and insert the following:

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(1) are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(2) make Advanced Placement math, science, and critical foreign language courses available to students who are prepared for such work not later than 9th or 10th grade.

On page 127, line 6, insert "by the grade the student is enrolled in," after "subject,".

On page 127, line 12, insert "by the grade the student is enrolled in at the time of the examination" before the semicolon.

SA 916. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Beginning on page 69, strike line 21 and all that follows through line 4 on page 70, and insert the following:

"(1) PROGRAMS AT THE NATIONAL LABORATORIES.—The Secretary, acting through the Director, shall establish or expand programs of summer institutes at each of the National Laboratories to provide—

"(A) additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d); and

"(B) experimental learning opportunities to advanced students in middle and secondary schools to strengthen learning in mathematics and science in accordance with the activities authorized under subsection (c).".

On page 70, line 13, inserting after "grade 12," the following: "and to provide experimental learning opportunities to advanced students in middle and secondary schools to strengthen learning in mathematics and science".

On page 70, line 21, strike "and" at the end.

On page 70, between lines 21 and 22, insert the following:

"(ii) assists in providing experimental learning opportunities to advanced middle and secondary school students; and".

On page 70, line 22, strike "(ii)" and insert "(iii)".

On page 72, line 2, strike "and" at the end.

On page 72, line 4, strike the period and insert "; and".

On page 72, between lines 4 and 5, insert the following:

"(9) in the case of a program described in subsection (b)(1)(B), create, under the guidance of experienced teachers, college faculty, and math and science professionals, experimental, hands-on opportunities for advanced middle and secondary school students that supplement coursework available in their school districts, allows them to explore science topics in depth, provides opportunities to work with scientists on current and future research projects, and expose students to math and science career paths.".

SA 917. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) The national debt of the United States of America now exceeds $8,500,000,000,000.

(2) Each United States citizen's share of this debt exceeds $29,000.

(3) Every cent that the United States Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security.

(4) The power of the purse belongs to Congress.

(5) Congress authorizes and appropriates all Federal discretionary spending and creates new mandatory spending programs.

(6) For too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints Americans face everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources.

(7) Last year, the interest costs of the Federal debt the government must pay to those who buy U.S. Treasury bonds were about 8 percent of the total Federal budget. In total, the Federal government spent $226 billion on interest costs alone last year.

(8) According to the Government Accountability Office, interest costs will consume 25 percent of the entire Federal budget by 2035. By way of comparison, the Department of Education's share of Federal spending in 2005 was approximately 3 percent of all Federal spending. The Department of Health and Human Services was responsible for approximately 23 percent of all Federal spending. Spending by the Social Security Administration was responsible for about 20 percent of all Federal spending. Spending on Medicare was about 12 percent of all Federal spending. Spending in 2005 by the Department of Defense—in the midst of two wars in Iraq and Afghanistan and a global war against terrorism—comprised about 19 percent of all Federal spending. Thus, if we do not change our current spending habits, GAO estimates that as a percentage of Federal spending, interest costs in 2035 will be larger than defense costs today, Social Security costs today, Medicare costs today, and education costs today.

(9) The Federal debt undermines United States competitiveness by consuming capital that would otherwise be available for private enterprise and innovation.

(10) It is irresponsible for Congress to create or expand government programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans without reductions in spending elsewhere within the Federal budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress has a moral obligation to offset the cost of new Government programs and initiatives.

SA 918. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. SUNSET.

The provisions of this Act, and the amendments made by this Act, shall cease to have force or effect on and after October 1, 2011.

SA 919. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Strike title III.

SA 920. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Beginning on page 68, strike line 16 and all that follows through page 74, line 8, and insert the following:

"CHAPTER 4—NUCLEAR SCIENCE

SA 921. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows.

At the appropriate place, insert the following:

SEC. . DISCONTINUATION OF THE ADVANCED TECHNOLOGY PROGRAM.

(a) REPEAL.—Section 28 of the Act of March 3, 1901 (15 U.S.C. 278n) is repealed.

(b) UNOBLIGATED BALANCES.—Any amounts appropriated for the Advanced Technology Program of the National Institute of Standards and Technology, which are unobligated as of the effective date of this section, shall be deposited in the General Fund of the Treasury of the United States for debt reduction.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 922. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows.

At the end of title V of division A, add the following:

SEC. 1503. NOAA ACCOUNTABILITY AND TRANSPARENCY.

(a) REVIEW OF ACTIVITIES CARRIED OUT WITH NOAA FUNDS.—

(1) REQUIREMENT FOR REVIEW.—The Inspector General of the Department of Commerce shall conduct routine, independent reviews of the activities carried out with grants or other financial assistance made available by the Administrator of the National Oceanic and Atmospheric Administration. Such reviews shall include cost-benefit analysis of such activities and reviews to determine if the goals of such activities are being accomplished.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make each review conducted pursuant to paragraph (1) available to the public through the website of the Administration not later than 60 days after the date such review is completed.

(b) PROHIBITION ON USE OF NOAA FUNDS FOR MEETINGS.—No funds made available by the Administrator through a grant or contract may be used by the person who received such grant or contract, including any subcontractor to such person, for a banquet or conference, other than a conference related to training or a routine meeting with officers or employees of the Administration to discuss an ongoing project or training.

(c) PROHIBITION ON CONFLICTS OF INTEREST.—Each person who receives funds from the Administrator through a grant or contract shall submit to the Administrator a certification stating that none of such funds will be made available through a subcontract or in any other manner to another person who has a financial interest or other conflict of interest with the person who received such funds from the Administrator.

SA 923. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows.

On page 5, line 19, strike the period at the end and insert the following: ", including representatives of science, technology, and engineering organizations and associations that represent women and underrepresented minorities in science and technology enterprises.".

On page 5, line 24, strike "for areas" and insert ", including recommendations to increase the representation of women and underrepresented minorities in science, engineering, and technology enterprises, for areas".

Beginning on page 8, strike line 9 and all that follows through page 9, line 8, and insert the following:

"(11) the extent to which individuals are being equipped with the knowledge and skills necessary for success in the 21st century workforce, as measured by—

"(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 (b)(3)), especially in mathematics, science, and reading, identified by ethnicity, race, and gender;

"(B) the rate of student entrance into institutions of higher education, identified by ethnicity, race, and gender, by type of institution, and barriers to access to institutions of higher education;

"(C) the rates of—

"(i) students successfully completing postsecondary education programs, identified by ethnicity, race, and gender; and

"(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics, identified by ethnicity, race, and gender; and

"(D) access to, and availability of, high quality job training programs;

"(12) the projected outcomes of increasing the number of members of underrepresented groups, such as women and underrepresented minorities, in science, technology, engineering, and mathematics fields; and

"(13) the identification of strategies to increase the participation of women and underrepresented minorities into science, technology, engineering, and mathematics fields.

On page 12, line 20, after "employees" insert the following: ", including partnerships with scientific, engineering, and mathematical professional organizations representing women and minorities underrepresented in such areas,".

On page 17, line 18, strike the period at the end and insert the following: ", including strategies for increasing the participation of women and underrepresented minorities into science, technology, engineering, and mathematics fields.".

On page 19, insert between lines 22 and 23, the following:

"(vi) Nongovernmental organizations, such as professional organizations, that represent women and underrepresented minorities in the areas of science, engineering, technology, and mathematics.

SA 924. Mr. OBAMA (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 145, between lines 13 and 14, insert the following:

SEC. 3202. SUMMER TERM EDUCATION PROGRAMS.

(a) PURPOSE.—The purpose of this section is to create opportunities for summer learning by providing students with access to summer learning in mathematics, technology, and problem-solving to ensure that students do not experience learning losses over the summer and to remedy, reinforce, and accelerate the learning of mathematics and problem-solving.

(b) DEFINITIONS.—In this section:

(1) EDUCATIONAL SERVICE AGENCY.—The term "educational service agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that—

(A) desires to participate in a summer learning grant program under this section by providing summer learning opportunities described in subsection (d)(4)(A)(ii) to eligible students; and

(B) is—

(i) a local educational agency;

(ii) a for-profit educational provider, nonprofit organization, science center, museum, or summer enrichment camp, that has been approved by the State educational agency to provide the summer learning opportunity described in subsection (d)(4)(A)(ii), including an entity that is in good standing that has been previously approved by a State educational agency to provide supplemental educational services; or

(iii) a consortium consisting of a local educational agency and 1 or more of the following entities:

(I) Another local educational agency.

(II) A community-based youth development organization with a demonstrated record of effectiveness in helping students learn.

(III) An institution of higher education.

(IV) An educational service agency.

(V) A for-profit educational provider described in clause (ii).

(VI) A nonprofit organization described in clause (ii).

(VII) A summer enrichment camp described in clause (ii)

(3) ELIGIBLE STUDENT.—The term "eligible student" means a student who—

(A) is eligible for a free lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(B) is served by a local educational agency identified by the State educational agency in the application described in subsection (c)(2); or

(C)(i) in the case of a summer learning grant program authorized under this section for fiscal year 2008, 2009, or 2010, is eligible to enroll in any of the grades kindergarten through grade 3 for the school year following participation in the program; or

(ii) in the case of a summer learning grant program authorized under this section for fiscal year 2011 or 2012, is eligible to enroll in any of the grades kindergarten through grade 5 for the school year following participation in the program.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECRETARY.—The term "Secretary" means the Secretary of Education.

(7) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(8) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(c) DEMONSTRATION GRANT PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—From the funds appropriated under subsection (f) for a fiscal year, the Secretary shall carry out a demonstration grant program in which the Secretary awards grants, on a competitive basis, to State educational agencies to enable the State educational agencies to pay the Federal share of summer learning grants for eligible students.

(B) NUMBER OF GRANTS.—For each fiscal year, the Secretary shall award not more than 5 grants under this section.

(2) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall identify the areas in the State where the summer learning grant program will be offered and the local educational agencies that serve such areas.

(3) AWARD BASIS.—

(A) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to a State educational agency that agrees, to the extent possible, to enter into agreements under subsection (d)(4) with eligible entities that are consortia described in subsection (b)(2)(B)(iii) and that include 2 or more of the entities described in subclauses (I) through (VII) of such subsection (b)(2)(B)(iii) as partners.

(B) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall take into consideration an equitable geographic distribution of the grants.

(d) SUMMER LEARNING GRANTS.—

(1) USE OF GRANTS FOR SUMMER LEARNING GRANTS.—

(A) IN GENERAL.—Each State educational agency that receives a grant under subsection (c) for a fiscal year shall use the grant funds to provide summer learning grants for the fiscal year to eligible students in the State who desire to attend a summer learning opportunity offered by an eligible entity that enters into an agreement with the State educational agency under paragraph (4)(A).

(B) AMOUNT; FEDERAL AND NON-FEDERAL SHARES.—

(i) AMOUNT.—The amount of a summer learning grant provided under this section shall be—

(I) for each of the fiscal years 2008 through 2011, $1,600; and

(II) for fiscal year 2012, $1,800.

(ii) FEDERAL SHARE.—The Federal share of each summer learning grant shall be not more than 50 percent of the amount of the summer learning grant determined under clause (i).

(iii) NON-FEDERAL SHARE.—The non-Federal share of each summer learning grant shall be not less than 50 percent of the amount of the summer learning grant determined under clause (i), and shall be provided from non-Federal sources, such as State or local sources.

(2) DESIGNATION OF SUMMER SCHOLARS.—Eligible students who receive summer learning grants under this section shall be known as "summer scholars".

(3) SELECTION OF SUMMER LEARNING OPPORTUNITY.—

(A) DISSEMINATION OF INFORMATION.—A State educational agency that receives a grant under subsection (c) shall disseminate information about summer learning opportunities and summer learning grants to the families of eligible students in the State.

(B) APPLICATION.—The parents of an eligible student who are interested in having their child participate in a summer learning opportunity and receive a summer learning grant shall submit an application to the State educational agency that includes a ranked list of preferred summer learning opportunities.

(C) PROCESS.—A State educational agency that receives an application under subparagraph (B) shall—

(i) process such application;

(ii) determine whether the eligible student shall receive a summer learning grant;

(iii) coordinate the assignment of eligible students receiving summer learning grants with summer learning opportunities; and

(iv) if demand for a summer learning opportunity exceeds capacity—

(I) in a case where information on the school readiness (based on school records and assessments of student achievement) of the eligible students is available, give priority for the summer learning opportunity to eligible students with low levels of school readiness; or

(II) in a case where such information on school readiness is not available, rely on randomization to assign the eligible students.

(D) FLEXIBILITY.—A State educational agency may assign a summer scholar to a summer learning opportunity program that is offered in an area served by a local educational agency that is not the local educational agency serving the area where such scholar resides.

(E) REQUIREMENT OF ACCEPTANCE.—An eligible entity shall accept, enroll, and provide the summer learning opportunity of such entity to, any summer scholar assigned to such summer learning opportunity by a State educational agency pursuant to this subsection.

(4) AGREEMENT WITH ELIGIBLE ENTITY.—

(A) IN GENERAL.—A State educational agency shall enter into an agreement with the eligible entity offering a summer learning opportunity, under which—

(i) the State educational agency shall agree to make payments to the eligible entity, in accordance with subparagraph (B), for a summer scholar; and

(ii) the eligible entity shall agree to provide the summer scholar with a summer learning opportunity that—

(I) provides a total of not less than the equivalent of 30 full days of instruction (or not less than the equivalent of 25 full days of instruction, if the equivalent of an additional 5 days is devoted to field trips or other enrichment opportunities) to the summer scholar;

(II) employs small-group, research-based educational programs, materials, curricula, and practices;

(III) provides a curriculum that—

(aa) emphasizes mathematics, technology, engineering, and problem-solving through experiential learning opportunities;

(bb) is primarily designed to increase the numeracy and problem-solving skills of the summer scholar; and

(cc) is aligned with the standards and goals of the school year curriculum of the local educational agency serving the summer scholar;

(IV) applies assessments to measure the skills taught in the summer learning opportunity and disaggregates the results of the assessments for summer scholars by race and ethnicity, economic status, limited English proficiency status, and disability category, in order to determine the opportunity's impact on each subgroup of summer scholars;

(V) collects daily attendance data on each summer scholar;

(VI) provides professional development opportunities for teachers to improve their practice in teaching numeracy, and in integrating problem-solving techniques into the curriculum; and

(VII) meets all applicable Federal, State, and local civil rights laws.

(B) AMOUNT OF PAYMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), a State educational agency shall make a payment to an eligible entity for a summer scholar in the amount determined under paragraph (1)(B)(i).

(ii) ADJUSTMENT.—In the case in which a summer scholar does not attend the full summer learning opportunity, the State educational agency shall reduce the amount provided to the eligible entity pursuant to clause (i) by a percentage that is equal to the percentage of the summer learning opportunity not attended by such scholar.

(5) USE OF SCHOOL FACILITIES.—State educational agencies are encouraged to require local educational agencies in the State to allow eligible entities, in offering summer learning opportunities, to make use of school facilities in schools served by such local educational agencies at reasonable or no cost.

(6) ACCESS OF RECORDS.—An eligible entity offering a summer learning opportunity under this section is eligible to receive, upon request, the school records and any previous supplemental educational services assessment records of a summer scholar served by such entity.

(7) ADMINISTRATIVE COSTS.—A State educational agency or eligible entity receiving funding under this section may use not more than 5 percent of such funding for administrative costs associated with carrying out this section.

(e) EVALUATIONS; REPORT; WEBSITE.—

(1) EVALUATION AND ASSESSMENT.—For each year that an eligible entity enters into an agreement under subsection (d)(4), the eligible entity shall prepare and submit to the Secretary a report on the activities and outcomes of each summer learning opportunity that enrolled a summer scholar, including—

(A) information on the design of the summer learning opportunity;

(B) the alignment of the summer learning opportunity with State standards; and

(C) data from assessments of student mathematics and problem-solving skills for the summer scholars and on the attendance of the scholars, disaggregated by the subgroups described in subsection (d)(4)(A)(ii)(IV).

(2) REPORT.—For each year funds are appropriated under subsection (f) for this section, the Secretary shall prepare and submit a report to Congress on the summer learning grant programs, including the effectiveness of the summer learning opportunities in improving student achievement and learning.

(3) SUMMER LEARNING GRANTS WEBSITE.—The Secretary shall make accessible, on the Department of Education website, information for parents and school personnel on successful programs and curricula, and best practices, for summer learning opportunities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2012.

SA 925. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —TECHNOLOGY TRANSFER

SEC. —01. TECHNOLOGY TRANSFER OPPORTUNITIES.

(a) IN GENERAL.—The Secretary of Commerce shall conduct a study of technology transfer barriers, best practices, and outcomes of technology transfer activities at Federal laboratories related to the licensing and commercialization of energy efficient technologies, and other technologies that, compared to similar technology in commercial use, result in reduced emissions of greenhouse gases, increased ability to adapt to climate change impacts, or increased sequestration of greenhouse gases. The Secretary shall submit a report setting forth the findings and conclusions of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The Secretary shall work with the existing interagency working group to address identified barriers to technology transfer.

(b) BUSINESS OPPORTUNITIES STUDY.—The Secretary of Commerce shall perform an analysis of business opportunities, both domestically and internationally, available for climate change technologies. The Secretary shall transmit the Secretary's findings and recommendations from the first such analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act, and shall transmit a revised report of such findings and recommendations to those Committees annually thereafter.

(c) AGENCY REPORT TO INCLUDE INFORMATION ON TECHNOLOGY TRANSFER INCOME AND ROYALTIES.—Paragraph (2)(B) of section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is amended—

(1) by striking "and" after the semicolon in clause (vi);

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

"(vii) the number of fully-executed licenses which received royalty income in the preceding fiscal year for climate-change or energy-efficient technology;

"(viii) the total earned royalty income for climate-change or energy-efficient technology; and".

(d) INCREASED INCENTIVES FOR DEVELOPMENT OF CLIMATE-CHANGE OR ENERGY-EFFICIENT TECHNOLOGY.—Section 14(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)) is amended—

(1) by striking "15 percent," in paragraph (1)(A) and inserting "15 percent (25 percent for climate change-related technologies),"; and

(2) by inserting "($250,000 for climate change-related technologies)" after "$150,000" each place it appears in paragraph (3).

SEC. —02. INTERDISCIPLINARY RESEARCH AND COMMERCIALIZATION.

(a) IN GENERAL.—The Director of the National Science Foundation shall develop and implement a plan to increase and establish priorities for funding for multidisciplinary and interdisciplinary research at universities in support of the adaptation to and mitigation of climate change. The plan shall—

(1) address the cross-fertilization and fusion of research within and across the biological and physical sciences, the spectrum of engineering disciplines, and entirely new fields of scientific exploration; and

(2) include the area of emerging service sciences.

(b) REPORT TO CONGRESS.—The Director shall transmit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act.

(c) SERVICE SCIENCE DEFINED.—In this section, the term "service science" means the melding together of the fields of computer science, operations research, industrial engineering, mathematics, management science, decision sciences, social sciences, and legal sciences in a manner that may transform entire enterprises and drive innovation at the intersection of business and technology expertise.

SEC. —03. CLIMATE INNOVATION PARTNERSHIPS.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Director of the National Science Foundation, shall create a program of public-private partnerships that—

(1) focus on supporting climate change related regional innovation;

(2) bridge the gap between the long-term research and commercialization;

(3) focus on deployment of technologies needed by a particular region in adapting or mitigating the impacts of climate change; and

(4) support activities that are selected from proposals submitted in merit-based competitions.

(b) Institutional Diversity.—In creating the program, the Secretary and the Administrator shall—

(1) encourage institutional diversity; and

(2) provide that universities, research centers, national laboratories, and other nonprofit organizations are allowed to partner with private industry in submitting applications.

(c) Grants.—The Secretary may make grants under the program to the partnerships, but the Federal share of funding for any project may not exceed 50 percent of the total investment in any fiscal year.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. —04. RESEARCH GRANTS.

Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) Research Grants.—

"(1) Committee to develop list of priority research areas.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.

"(2) Director of OSTP to transmit list to NSF.—The Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

"(3) Funding through NSF.—

"(A) Budget request.—The National Science Foundation shall include, as part of the annual request for appropriations for the Science and Technology Policy Institute, a request for appropriations to fund research in the priority areas on the list developed under paragraph (1).

"(B) Authorization.—For fiscal year 2008 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $25,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.".

SEC. —05. ABRUPT CLIMATE CHANGE RESEARCH.

(a) In General.—The Secretary, through the National Oceanic and Atmospheric Administration, shall carry out a program of scientific research on potential abrupt climate change designed—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order sufficiently to identify and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate these mechanisms into advanced geophysical models of climate change; and

(4) to test the output of these models against an improved global array of records of past abrupt climate changes.

(b) Abrupt Climate Change Defined.—In this section, the term "abrupt climate change" means a change in climate that occurs so rapidly or unexpectedly that human or natural systems may have difficulty adapting to it.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $60,000,000 for fiscal year 2008 to carry out this section, such sum to remain available until expended.

SEC. —06. NATIONAL CLIMATE CHANGE VULNERABILITY AND RESILIENCE PROGRAM.

(a) Establishment.—The Secretary of Commerce shall establish a National Climate Change Vulnerability and Resilience Program to evaluate and make recommendations about local, regional, and national vulnerability and resilience to impacts relating to longer-term climatic changes and shorter-term climatic variations, including changes and variations resulting from human activities.

(b) Consultation.—In designing the Program, the Administrator of the National Oceanic and Atmospheric Administration shall consult with Federal agencies participating in the United States Global Change Research Program established under section 103 of the Global Change Research Act of 1990 (15 U.S.C. 2933) and any other appropriate Federal, State, or local agency.

(c) Office of Climate Change Vulnerability and Resilience Research.—The Secretary shall establish an Office of Climate Change Vulnerability and Resilience Research within the Department of Commerce, which shall—

(1) be responsible for managing the Program; and

(2) in accordance with the design of the Program, coordinate climatic change and climatic variation vulnerability and resilience research in the United States.

(d) Vulnerability Assessments.—The Program shall include—

(1) evaluations, based on historical data, current observational data, and, where appropriate, available predictions, of local, State, regional, and national vulnerability to phenomena associated with climatic change and climatic variation, including—

(A) severe weather events, such as severe thunderstorms, tornadoes, and hurricanes;

(B) annual and interannual climate events, such as the El Niño Southern Oscillation and the North Atlantic Oscillation;

(C) changes in sea level and shifts in the hydrological cycle;

(D) natural hazards, including tsunamis, droughts, floods, and wildfires; and

(E) alterations of ecological communities as a result of climatic change and climatic variation; and

(2) the production of a vulnerability scorecard, in cooperation with State and local institutions including university researchers and programs, that assesses the vulnerability and capacity of each State to respond to climatic change and climatic variation hazards.

(e) Preparedness Recommendations.—Not later than 2 years after the date of enactment of this Act, the Office shall submit to Congress a report that—

(1) includes the vulnerability scorecards produced under subsection (d)(2); and

(2) identifies, and recommends implementation and funding strategies for, short-term and long-term actions that may be taken at the local, State, regional, or national level—

(A) to minimize climatic change and climatic variation threats to human life and property;

(B) to minimize negative economic impacts of climatic change and climatic variation; and

(C) to improve resilience to climatic change and climatic variation hazards.

(f) Vulnerability Research.—In addition to other responsibilities under this section, the Office shall—

(1) apply the results of available, vulnerability research to develop and improve criteria that measure resilience to climatic change and climatic variation hazards at the local, State, regional, and national levels;

(2) coordinate the implementation of short-term and long-term research programs based on the recommendations made under subsection (e)(2);

(3) measure progress in increasing the capacity of each State to respond to climatic change and climatic variation hazards, using the vulnerability scorecards produced under subsection (d)(2) as a benchmark; and

(4) not less than annually, review and, if appropriate due to the availability of additional information, update the vulnerability scorecards and the recommendations made under subsection (e)(2).

(g) Information and Technology Dissemination.—The Secretary shall—

(1) make widely available appropriate information, technologies, and products to assist local, State, regional, and national efforts to reduce loss of life and property due to climatic change and climatic variation; and

(2) coordinate the dissemination of the information, technologies, and products through all appropriate channels.

(h) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000.

SA 926. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division D, insert the following:

SEC. _____. PARTNERSHIPS FOR ACCESS TO LABORATORY SCIENCE PILOT PROGRAM.

(a) Findings.—Congress finds the following:

(1) To remain competitive in science and technology in the global economy, the United States must increase the number of students graduating from high school prepared to pursue postsecondary education in science, technology, engineering, and mathematics.

(2) There is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that laboratory experience is so integral to the nature of science that it must be included in every science program for every science student.

(3) In America's Lab Report, the National Research Council concluded that the current quality of laboratory experiences is poor for most students and that educators and researchers do not agree on how to define high school science laboratories or on their purpose, hampering the accumulation of research on how to improve labs.

(4) The National Research Council found that schools with higher concentrations of non-Asian minorities and schools with higher concentrations of poor students are less likely to have adequate laboratory facilities than other schools.

(5) The Government Accountability Office reported that 49.1 percent of schools where the minority student population is greater than 50.5 percent reported not meeting functional requirements for laboratory science well or at all.

(6) 40 percent of those college students who left the science fields reported some problems related to high school science preparation, including lack of laboratory experience and no introduction to theoretical or to analytical modes of thought.

(7) It is the national interest for the Federal Government to invest in research and demonstration projects to improve the teaching of laboratory science in the Nation's high schools.

(b) GRANT PROGRAM.—Section 8(8) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and indenting appropriately;

(2) by moving the flush language at the end 2 ems to the right;

(3) in the flush language at the end, by striking "paragraph" and inserting "subparagraph";

(4) by striking "INITIATIVE.—A program of" and inserting "INITIATIVE.—

"(A) IN GENERAL.—A program of"; and

(5) by inserting at the end the following:

"(B) PILOT PROGRAM.—

"(i) IN GENERAL.—In accordance with subparagraph (A)(v), the Director shall establish a pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to pay the Federal share of the costs of improving laboratories and providing instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

"(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

"(II) maintenance, renovation, and improvement of laboratory facilities;

"(III) professional development and training for teachers;

"(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science academic achievement standards;

"(V) training in laboratory safety for school personnel;

"(VI) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

"(VII) assessment of the activities funded under this subparagraph.

"(ii) PARTNERSHIP.—Grants awarded under clause (i) shall be to a partnership that—

"(I) includes an institution of higher education or a community college;

"(II) includes a high-need local educational agency;

"(III) includes a business or eligible nonprofit organization; and

"(IV) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

"(iii) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts from a grant under clause (i) shall not exceed 50 percent.".

(c) REPORT.—The Director of the National Science Foundation shall evaluate the effectiveness of activities carried out under the pilot projects funded by the grant program established pursuant to the amendment made by subsection (b) in improving student performance in mathematics, science, engineering, and technology. A report documenting the results of that evaluation shall be submitted to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Science and Technology of the House of Representatives not later than 5 years after the date of enactment of this Act. The report shall identify best practices and materials developed and demonstrated by grant awardees.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section and the amendments made by this section $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

SA 927. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 24, between lines 19 and 20, insert the following:

SEC. 1203. BRINGING UNIVERSITY GENERATED TECHNOLOGICAL INNOVATIONS TO MARKET.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by adding at the end the following:

"(g) GRANTS TO BRING TECHNOLOGICAL INNOVATIONS TO COMMERCIAL MARKETS.—

"(1) IN GENERAL.—The Secretary shall work with technology transfer offices of institutions of higher education to develop a program to identify technological innovations with commercial potential, enhance the commercial viability of those technological innovations, bring them to the attention of potential investors, and bring their technological innovations to market.

"(2) GRANTS.—

"(A) IN GENERAL.—As part of the program developed under paragraph (1), the Secretary shall establish a grant program to underwrite efforts by a higher education institution's technology transfer office—

"(i) to identify technological innovations with significant potential commercial applications;

"(ii) to evaluate steps necessary to modify, enhance, or further develop the technological innovations for commercial applications;

"(iii) to assist in such modification, enhancement, or development; and

"(iv) to bring the technological innovations to the attention of potential investors.

"(B) SUPPORT LEVELS.—The Secretary may make grants under the program of—

"(i) not more than $5,000 for the evaluation of a technological innovation for further development, including market analysis, determining adoption drivers, assessment of risk factors and identification of additional steps required, including the production of preliminary product or prototype specifications, analysis of critical success factors, and prospects for private sector funding; and

"(ii) not more than $50,000 for investment in a working prototype or detailed development plan.

"(3) ADMINISTRATIVE MATTERS.—

"(A) COMPETITIVE AWARDS.—Grants under the program shall be awarded on a competitive basis.

"(B) APPLICATIONS.—An application for a grant under the program shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(C) RELATED TECHNOLOGICAL INNOVATIONS.—For the purpose of determining the amount of a grant awarded under the program, all related technological innovations intended or designed to function in concert for a product or technology shall be considered a single technological innovation.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2008 through 2013 such sums as may be necessary to carry out this section not to exceed 20 million dollars.".

SA 928. Mr. DEMINT (for himself, Mr. MARTINEZ, Mr. CORNYN, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the appropriate place, insert the following:

SEC. . SMALLER PUBLIC COMPANY OPTION REGARDING INTERNAL CONTROL PROVISION.

Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

"(c) SMALLER PUBLIC COMPANY OPTION.—

"(1) VOLUNTARY COMPLIANCE.—A smaller issuer shall not be subject to the requirements of subsection (a), unless the smaller issuer voluntarily elects to comply with such requirements, in accordance with regulations prescribed by the Commission. Any smaller issuer that does not elect to comply with subsection (a) shall state such election, together with the reasons therefor, in its annual report to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

"(2) DEFINITION OF SMALLER ISSUER.—

"(A) IN GENERAL.—For purposes of this subsection, and subject to subparagraph (B), the term 'smaller issuer' means an issuer for which an annual report is required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)), that—

"(i) has a total market capitalization at the beginning of the relevant reporting period of less than $700,000,000;

"(ii) has total product and services revenue for that reporting period of less than $125,000,000; or

"(iii) has, at the beginning of the relevant reporting period, fewer than 1500 record beneficial holders.

"(B) ANNUAL ADJUSTMENTS.—The amounts referred to in clauses (i) and (ii) of subparagraph (A) shall be adjusted annually to account for changes in the Consumer Price Index for all urban consumers, United States city average, as published by the Bureau of Labor Statistics.".

SA 929. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 8, strike lines 7 through 9, and insert the following:

(10) all provisions of the Internal Revenue Code of 1986, including tax provisions, compliance costs, and reporting requirements, that discourage innovation;

(11) the extent to which Federal funding promotes or hinders innovation; and

(12) the extent to which individuals are being

SA 930. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes a congressional earmark of appropriated funds authorized by this Act.

(b) DEFINITIONS.—For the purpose of this section, the term "congressional earmark" means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 931. Mrs. McCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.

(a) REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines each annual and interim report required to be submitted to Congress under this Act (including any amendment made by this Act);

(2) assesses the effectiveness of the activities, grants, and programs carried out under this Act (including any amendment made by this Act); and

(3) includes any recommendation of legislative or administrative actions as the Comptroller General determines are appropriate to improve the effectiveness of such activities, grants, and programs.

(b) SURVEY.—

(1) IN GENERAL.—In carrying out subsection (a), the Comptroller General shall conduct an anonymous, double blind survey of employees of departments and agencies, contractors, and other recipients of relevant funds, and stakeholders to assess—

(A) compliance with the provisions of law applicable to activities, grants, and programs carried out under this Act (including any amendment made by this Act);

(B) any mismanagement of such activities, grants, and programs; and

(C) any retaliation or pressure against any individual who reports or refuses to participate in any violation of law applicable to such activities, grants, and programs.

(2) PUBLICATION.—The Comptroller General shall—

(A) publish the results of the survey conducted under this subsection in the Federal Register; and

(B) post the results on the website of the Government Accountability Office.

SA 932. Mrs. McCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.

(a) REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines each annual and interim report required to be submitted under this Act (including any amendment made by this Act);

(2) assesses the effectiveness of the activities, grants, and programs carried out under this Act (including any amendment made by this Act); and

(3) includes any recommendation of legislative or administrative actions as the Comptroller General determines are appropriate to improve the effectiveness of such activities, grants, and programs.

(b) SURVEY.—

(1) IN GENERAL.—In carrying out subsection (a), the Comptroller General shall conduct an anonymous, double blind survey of employees of departments and agencies, contractors, and other recipients of relevant funds, and stakeholders to assess—

(A) compliance with the provisions of law applicable to activities, grants, and programs carried out under this Act (including any amendment made by this Act);

(B) any mismanagement of such activities, grants, and programs; and

(C) any retaliation or pressure against any individual who reports or refuses to participate in any violation of law applicable to such activities, grants, and programs.

(2) PUBLICATION.—The Comptroller General shall—

(A) publish the results of the survey conducted under this subsection in the Federal Register; and

(B) post the results on the website of the Government Accountability Office.

(c) SUNSET.—Effective on and after the date occurring 5 years after the date of enactment of this Act, the provisions of this Act (including any amendment made by this Act) shall cease to have any force and effect.

SA 933. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL INSTITUTE FOR LEARNING SCIENCE AND TECHNOLOGY.

(a) ESTABLISHMENT.—There is established within the Department of Commerce a pilot program, which shall be known as the "National Institute for Learning Science and Technology" (referred to in this section as the "Institute"), to provide leadership and coordination in developing applications for the research described in subsection (c)(1).

(b) DIRECTOR.—The Institute shall be headed by a Director, who shall be appointed by the Secretary of Commerce.

(c) GRANTS.—

(1) AUTHORIZATION.—The Director shall award grants, on a competitive basis, to entities described in paragraph (2), to support basic and applied research in developing technologies for enhancing education, learning, and workforce training, including—

(A) innovative learning and assessment systems;

(B) advanced technology prototypes for learning;

(C) education and training; and

(D) the tools needed to create the systems and prototypes referred to in subparagraphs (A) and (B).

(2) APPLICATIONS.—An entity with demonstrated scientific research experience in technology, learning, math, or science, which is seeking a grant under this subsection, shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director, in consultation with the Secretary, may reasonably require.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, on an annual basis, a rigorous evaluation of all of the programs and projects carried out with grants awarded under this section.

(2) REPORT.—Not later than April 30 of each year, the Director shall submit a report describing the activities of the Institute during the previous year to—

(A) the Secretary of Commerce; and

(B) the appropriate committees of Congress.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each of the fiscal years 2009 through 2012.

(f) SUNSET DATE.—This section is repealed on September 30, 2012.

SA 934. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Strike title III of division A.

SA 935. Mr. VOINOVICH (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . ADVANCED MULTIDISCIPLINARY COMPUTING SOFTWARE CENTERS.

(a) Definitions.—In this section:

(1) Advanced multidisciplinary computing software center; center.—The terms "Advanced Multidisciplinary Computing Software Center" and "Center" mean a center created by an eligible entity with a grant awarded under subsection (b).

(2) Eligible entity.—The term "eligible entity" means any—

(A) nonprofit organization;

(B) consortium of nonprofit organizations; or

(C) partnership between a for profit and a nonprofit organization.

(3) Nonprofit organization.—The term "nonprofit organization" means any organization that—

(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(B) is exempt from taxation under section 501(a) of such Code.

(4) Small business or manufacturer.—The term "small business or manufacturer" has the meaning given the term "small business concern" in section 3(a) of the Small Business Act (15 U.S.C. 632(a)), including a small manufacturing concern.

(5) Under secretary.—The term "Under Secretary" means the Under Secretary for Technology of the Department of Commerce.

(b) Grants.—

(1) In general.—The Under Secretary shall award grants to eligible entities to establish up to 5 Advanced Multidisciplinary Computing Software Centers throughout the United States.

(2) Purposes.—Each Center established with grant funds awarded under paragraph (1) shall—

(A) conduct general outreach to small businesses and manufacturers in all industry sectors within the geographic region assigned to the Center by the Under Secretary; and

(B) conduct technology transfer, development, and utilization programs for businesses throughout the United States in the specific industry sector assigned to the Center by the Under Secretary.

(3) Application.—

(A) In general.—Each eligible entity desiring a grant under this section shall submit an application to the Under Secretary at such time, in such manner, and accompanied by such additional information as the Under Secretary may reasonably require.

(B) Publication in federal register.—Not later than 6 months after the date of the enactment of this Act, the Under Secretary shall publish the application requirements referred to in subparagraph (A) in the Federal Register.

(C) Contents.—Each application submitted under subparagraph (A) shall—

(i) conform to the requirements prescribed by the Under Secretary under this paragraph; and

(ii) a proposal for the allocation of the legal rights associated with any invention that may result from the activities of the proposed Center.

(D) Selection criteria.—In evaluating each application submitted under subparagraph (A) on the basis of merit, the Under Secretary shall consider—

(i) the extent to which the eligible entity—

(I) has a partnership with nonprofit organizations, businesses, software vendors, and academia recognized for relevant expertise in its selected industry sector;

(II) uses State-funded academic supercomputing centers and universities or colleges with expertise in the computational needs of the industry assigned to the eligible entity under paragraph (2)(A);

(III) has a history of working with small businesses and manufacturers;

(IV) has experience providing educational programs aimed at helping organizations adopt the use of high-performance computing and computational science;

(V) has partnerships with education or training organizations that can help educate future workers on the application of computational science to industry needs;

(VI) is accessible to businesses, academia, incubators, or other economic development organizations via high-speed networks; and

(VII) is capable of partnering with small businesses and manufacturers to enhance the ability of such entities to compete in the global marketplace;

(ii) the ability of the eligible entity to enter successfully into collaborative agreements with small businesses and manufacturers to experiment with new high performance computing and computational science technologies; and

(iii) such other factors that the Under Secretary considers relevant.

(4) Maximum amount.—The Under Secretary may not award a grant under this section in an amount which exceeds $5,000,000 for any year of the grant period.

(5) Duration.—

(A) In general.—Except as provided under subparagraph (B), a grant may not be awarded under this subsection for a period exceeding 5 years.

(B) Renewal.—The Under Secretary may renew any grant awarded under this subsection.

(6) Matching requirement.—

(A) In general.—The Under Secretary may not award a grant under this subsection unless the eligible entity receiving such grant agrees to provide not less than 50 percent of the capital and annual operating and maintenance funds required to create and maintain the Center established with such grant funds.

(B) Funding from other federal, state, or local government agencies.—The funds provided by the eligible entity under subparagraph (A) may include amounts received by the eligible entity from the Federal Government (other than the Department of Commerce), a State, or a unit of local government.

(7) Limitation on administrative expenses.—The Under Secretary may establish a reasonable limitation on the portion of each grant awarded under this subsection that may be used for administrative expenses or other overhead costs.

(8) Fees and alternative funding sources authorized.—

(A) In general.—A Center established with a grant awarded under this Act may, in accordance with regulations established by the Under Secretary—

(i) collect a nominal fee from a small business or manufacturer for a service provided under this section, if such fee is utilized for the budget and operation of the Center; and

(ii) accept financial assistance from the Federal Government (other than the Department of Commerce) for capital costs and operating budget expenses.

(B) Condition.—Any Center receiving financial assistance from the Federal Government (other than the Department of Commerce) may be selected, and if selected shall be operated, in accordance with this section.

(c) Use of Funds.—Grant funds received under subsection (b) shall be used for the benefit of businesses in the industry sector designated by the Under Secretary under subsection (b)(2)(A) to—

(1) create a repository of nonclassified, nonproprietary new and existing federally funded software and algorithms;

(2) test and validate software in the repository;

(3) determine when and how the industry sector it serves could benefit from resources in the repository;

(4) work with software vendors to commercialize repository software and algorithms from the repository;

(5) make software available to small businesses and manufacturers where it has not been commercialized by a software vendor;

(6) help software vendors, small businesses, and manufacturers test or utilize the software on high-performance computing systems; and

(7) maintain a research and outreach team that will work with small businesses and manufacturers to aid in the identification of software or computational science techniques which can be used to solve challenging problems, or meet contemporary business needs of such organizations.

(d) Reports and Evaluations.—

(1) Annual report.—Each eligible entity that receives a grant under subsection (b) shall submit an annual report to the Under Secretary that describes—

(A) the goals of the Center established by the eligible entity; and

(B) the progress made by the eligible entity in achieving the purposes described in subsection (b)(2).

(2) Evaluation.—The Under Secretary shall establish a peer review committee, composed of representatives from industry and academia, to review the goals and progress made by each Center during the grant period.

(e) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $25,000,000 for each of the fiscal years 2008 through 2012 to carry out this section.

(2) Availability.—Funds appropriated pursuant to paragraph (1) shall remain available until expended.

SA 936. Mr. SANDERS (for himself, Mr. Baucus, Mr. Leahy, and Mrs. Lincoln) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYEE OWNERSHIP EXPANSION.

(a) Findings.—Congress makes the following findings:

(1) Between 2000 and 2006, the United States lost more than 3,000,000 manufacturing jobs.

(2) In 2006, the international trade deficit of the United States was more than $763,000,000,000, $232,000,000,000 of which was due to the Nation's trade imbalance with China.

(3) Preserving and increasing jobs in the United States that pay a living wage should be a top priority of Congress.

(4) Providing loan guarantees, direct loans, grants, and technical assistance to employees to buy their own companies will increase the competitiveness of the United States.

(b) United States Employee Ownership Competitiveness Fund.—

(1) Establishment.—Not later than 30 days after the date of the enactment of this Act,

the Secretary of Commerce (referred to in this section as the "Secretary") shall establish the United States Employee Ownership Competitiveness Fund (referred to in this section as the "Fund") to foster increased employee ownership of companies and greater employee participation in company decision-making throughout the United States.

(2) ORGANIZATION.—

(A) MANAGEMENT.—The Fund shall be managed by a Director, who shall be appointed by, and serve at the pleasure of, the Secretary.

(B) STAFF.—The Director may select, appoint, employ, and fix the compensation of such employees as shall be necessary to carry out the functions of the Fund.

(3) FUNCTIONS.—Amounts in the Fund established under paragraph (1) may be used to provide—

(A) loans subordinated to the interests of all other creditors, loan guarantees, and technical assistance, on such terms and subject to such conditions as the Secretary determines to be appropriate, to employees to purchase a business through an employee stock ownership plan or eligible worker-owned cooperative that are at least 51 percent employee owned; and

(B) grants to States and nonprofit and cooperative organizations with experience in developing employee-owned businesses and worker-owned cooperatives to—

(i) provide education and outreach to inform people about the possibilities and benefits of employee ownership of companies, gain sharing, and participation in company decision-making, including some financial education;

(ii) provide technical assistance to assist employee efforts to become business owners;

(iii) provide participation training to teach employees and employers methods of employee participation in company decision-making; and

(iv) conduct objective third party prefeasibility and feasibility studies to determine if employees desiring to start employee stock ownership plans or worker cooperatives could make a profit.

(4) PRECONDITIONS.—Before the Director makes any subordinated loan or loan guarantee from the Fund under paragraph (3)(A), the recipient employees shall submit to the Fund—

(A) a business plan showing that—

(i) at least 51 percent of all interests in the employee stock ownership plan or eligible worker-owned cooperative is owned or controlled by employees;

(ii) the Board of Directors of the employee stock ownership plan or eligible worker-owned cooperative is elected by all of the employees; and

(iii) all employees receive basic information about company progress and have the opportunity to participate in day-to-day operations; and

(B) a feasibility study from an objective third party with a positive determination that the employee stock ownership plan or eligible worker-owned cooperative will be profitable enough to pay any loan, subordinated loan, or loan guarantee that was made possible through the Fund.

(5) INSURANCE OF SUBORDINATED LOANS AND LOAN GUARANTEES.—

(A) IN GENERAL.—The Director shall use amounts in the Fund to insure any subordinated loan or loan guarantee provided under this section against the nonrepayment of the outstanding balance of the loan.

(B) ANNUAL PREMIUMS.—The annual premium for the insurance of each subordinated loan or loan guarantee under this subsection shall be paid by the borrower in such manner and in such amount as the Secretary determines to be appropriate.

(C) PREMIUMS AND GUARANTEE FEES AVAILABLE TO COVER LOSSES.—The premiums paid to the Fund from insurance issued under this paragraph and the fees paid to the Fund for loan guarantees issued under paragraph (2)(A) shall be deposited in an account managed by the Secretary of Commerce and may be used to reimburse the Fund for any losses incurred by the Fund in connection with any such loan or loan guarantee.

(6) TECHNICAL ASSISTANCE IN THE DISCRETION OF THE SECRETARY.—If a grant is made under paragraph (3)(B)(ii), the Secretary may require the Director to—

(A) provide for the targeting of key groups such as retiring business owners, unions, managers, trade associations, and community organizations;

(B) encourage cooperation in organizing workshops and conferences; and

(C) provide for the preparation and distribution of materials concerning employee ownership and participation.

(7) PARTICIPATION TRAINING IN THE DISCRETION OF THE SECRETARY.—If a grant is made under paragraph (3)(B)(iii), the Secretary may require the Director to provide for—

(A) courses on employee participation; and

(B) the development and fostering of networks of employee-owned companies to spread the use of successful participation techniques.

(c) RULEMAKING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce shall promulgate regulations that ensure—

(1) the safety and soundness of the Fund; and

(2) that the Fund does not compete with commercial financial institutions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $100,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for subsequent fiscal years.

SA 937. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

After section 3002 of division C, insert the following:

SEC. 3003. CONSOLIDATION AND ELIMINATION AUTHORITY FOR STEM PROGRAMS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the Office of Science and Technology Policy shall be authorized to—

(1) eliminate existing Federal education programs focused on science, technology, engineering, and mathematics; or

(2) consolidate such Federal education programs.

(b) EFFECTIVE DATE OF ELIMINATION OR CONSOLIDATION.—The Director of the Office of Science and Technology Policy's decision to eliminate or consolidate any program under subsection (a) shall become effective 60 days after the Director notifies Congress of such consolidation or elimination.

SA 938. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

Strike section 4002.

SA 939. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "taxes during the period beginning November 1, 2003, and ending November 1, 2007:" and inserting "taxes:".

SA 940. Mr. KENNEDY proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 98, lines 14 and 15, strike "mathematics, science," and insert "mathematics, science, technology,".

On page 98, between lines 17 and 18, insert the following:

(3) to develop programs for professionals in mathematics, science, or critical foreign language education that lead to a master's degree in teaching that results in teacher certification.

On page 103, lines 19 and 20, strike "mathematics, science," and insert "mathematics, science, technology, engineering,".

On page 105, line 18, strike "mathematics or science" and insert "mathematics, science, technology, or engineering".

On page 105, lines 22 and 23, strike "mathematics, science" and insert "mathematics, science, technology, engineering,".

On page 106, line 15, strike "mathematics and science" and insert "mathematics, science, and where applicable, technology and engineering".

On page 106, line 18, strike "mathematics and science" and insert "mathematics, science, and, where available, technology and engineering".

On page 109, lines 1 and 2, strike "**MATHEMATICS, SCIENCE,**" and insert "**MATHEMATICS, SCIENCE, TECHNOLOGY,**".

On page 109, line 10, strike "and implement" and all that follows through line 13, and insert the following:

and implement—

(1) 2- or 3-year part-time master's degree programs in mathematics, science, technology, or critical foreign language education for teachers in order to enhance the teacher's content knowledge and teaching skills; or

(2) programs for professionals in mathematics, science, engineering, or critical foreign language that lead to a 1 year master's degree in teaching that results in teacher certification.

On page 109, line 18, strike "mathematics, science," and insert "mathematics, science, engineering, technology,".

On page 109, line 21, insert "the" after "of".

On page 109, lines 21 through 24, strike "in mathematics, science, or a critical foreign language for teachers that enhance the teachers' content knowledge and teaching skills" and insert "authorized under subsection (a)".

On page 110, line 12, strike "mathematics and science" and insert "mathematics, science, and, where applicable, technology and engineering".

On page 110, line 19, strike "teachers" and insert "participants".

On page 110, line 22, strike "teachers" and insert "participants".

On page 110, line 24, insert "(or mathematics, science, or critical language professionals)" after "teachers".

Beginning on page 110, line 25 through page 111, line 1, strike "mathematics, science," and insert "mathematics, science, engineering, technology,".

On page 111, line 12, strike "teachers participating in the program" and insert "the program participants".

On page 111, insert between lines 12 and 13 the following:

(11) methods to ensure applicants to the master's degree program for professionals in mathematics, science, or critical foreign language demonstrate advanced knowledge in the relevant subject.

On page 111, line 19, insert ", or programs for professionals in mathematics, science, or critical foreign language that lead to a 1-year master's degree in teaching that results in teacher certification" after "skills".

On page 111, lines 20 and 21, strike "the teachers participating in the program" and insert "that program participants".

On page 112, lines 2 and 3, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 113, line 1, strike "mathematics, science," and insert "mathematics, science, engineering, technology,".

On page 113, insert between lines 6 and 7 the following:

(9) create opportunities for enhanced and ongoing professional development for teachers that improves the mathematics and science content knowledge and teaching skills of such teachers; and

On page 113, line 14, strike "increasing".

On page 113, line 15, strike "The" and insert "Increasing the".

On page 113, lines 15 and 16, strike "mathematics, science," and insert "mathematics, science, engineering, technology,".

On page 114, strike lines 6 and 7 and insert the following:

(2) Bringing professionals in mathematics, science, engineering, or critical foreign language into the field of teaching.

(3) Retaining teachers who participate in the program.

On page 114, line 13, strike "section" and insert "subtitle".

On page 117, line 21, insert ", or another highly rigorous, evidence-based, postsecondary preparatory program terminating in an examination administered by a nationally recognized educational association" before the period at the end.

On page 129, between lines 11 and 12, insert the following:

Subtitle C—Promising Practices in Mathematics, Science, Technology, and Engineering Teaching

SEC. 3131. PROMISING PRACTICES.

(a) Purpose.—The purpose of this section is to strengthen the skills of mathematics, science, technology, and engineering teachers by identifying promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education.

(b) National Panel on Promising Practices in Teaching Mathematics, Science, Technology, and Engineering.—The Secretary is authorized to contract with the National Academy of Sciences to convene, not later than 1 year after the date of enactment of this Act, a national panel to identify existing promising practices in the teaching of mathematics, science, technology, and engineering in kindergarten through grade 12.

(c) Composition of National Panel.—

(1) Consultation.—The Secretary shall enter into a contract with the National Academy of Sciences to establish a panel to identify existing promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education with demonstrated evidence of increasing student academic achievement.

(2) Selection.—The National Academy of Sciences shall ensure that the panel established under paragraph (1) broadly represents scientists, practitioners, teachers, principals, and representatives from entities with expertise in education, mathematics, and science. The National Academy of Sciences shall ensure that the panel includes the following:

(A) A majority representation of teachers and principals directly involved in teaching mathematics, science, technology, or engineering in kindergarten through grade 12.

(B) Representation of teachers and principals from all demographic areas, including urban, suburban, and rural schools.

(C) Representation of teachers from public and private schools.

(3) Qualifications of members.—The members of the panel established under paragraph (1) shall be individuals who have substantial knowledge or experience relating to—

(A) mathematics, science, technology, or engineering education programs; or

(B) mathematics, science, technology, or engineering curricula content development.

(d) Authorized Activities of National Panel.—The panel shall—

(1) identify promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education;

(2) identify techniques proven to help teachers increase their skills and expertise in improving student achievement in mathematics, science, technology, and engineering; and

(3) identify areas of need for promising practices in mathematics, science, technology, and engineering.

(e) Dissemination.—The Secretary shall disseminate information collected pursuant to this section to the public, State educational agencies, and local educational agencies, and shall publish appropriate and relevant information on the promising practices on the website of the Department in an easy to understand format.

(f) Mathematics, Science, Technology, and Engineering "Promising Practices".—

(1) Reliability and measurement.—The promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education collected under this section shall be—

(A) reliable, valid, and grounded in scientific theory and research;

(B) reviewed regularly to assess effectiveness; and

(C) reviewed in the context of State academic assessments and student academic achievement standards.

(2) Students with diverse learning needs.—In identifying promising practices under this section, the panel established under subsection (c) shall take into account the needs of students with diverse learning needs, particularly for students with disabilities and students who are limited English proficient.

(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008.

On page 129, strike line 12 and insert the following:

TITLE II—MATHEMATICS

On page 129, lines 23 and 24, strike "based on the best available evidence of effectiveness" and insert "research-based and reflect a demonstrated record of effectiveness".

On page 133, strike lines 12 through 15 and insert the following:

(i) implementing mathematics programs or comprehensive mathematics initiatives that are research-based and reflect a demonstrated record of effectiveness;

On page 134, lines 9 through 11, strike "instructional materials and interventions (including intensive and systematic instruction)" and insert "programs or comprehensive mathematics initiatives".

On page 134, lines 16 and 17, strike "based on the best available evidence of effectiveness" and insert "research-based and reflect a demonstrated record of effectiveness".

On page 136, line 24, strike "materials or".

On page 137, lines 2 and 3, strike "based on the best available evidence of effectiveness" and insert "research-based and reflect a demonstrated record of effectiveness".

On page 137, line 11, strike "and".

On page 137, line 19, strike the period at the end and insert "; and".

On page 137, between lines 19 and 20, insert the following:

(E) an assurance that the State will establish a process to safeguard against conflicts of interest, consistent with subsection (g)(2), for individuals providing technical assistance on behalf of the State educational agency or participating in the State peer review process under this title.

On page 138, line 16, strike "materials or".

On page 138, lines 20 and 21, strike "and materials are based on the best available evidence of effectiveness" and insert "are research-based and reflect a demonstrated record of effectiveness".

On page 139, strike lines 19 and 20 and insert the following:

(g) Prohibitions.—

On page 140, between lines 5 and 6, insert the following:

(2) Conflict of interest.—Any Federal employee, contractor, or subcontractor involved in the administration, implementation, or provision of oversight or technical assistance duties or activities under this section shall—

(A) disclose to the Secretary any financial ties to publishers, entities, private individuals, or organizations that will benefit from funds provided under this section; and

(B) be prohibited from maintaining significant financial interests in areas directly related to duties or activities under this section, unless granted a waiver by the Secretary.

(3) Reporting.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and Labor of the House of Representatives on any of the special allowances or waivers granted under paragraph (2)(B).

On page 140, line 6, strike "(2)" and insert "(3)".

Beginning on page 156, line 24, strike "elementary" and all that follows through "requirements" on page 157, line 1, and insert "State academic content standards".

On page 157, lines 18 and 19, strike "prekindergarten" and insert "preschool".

On page 158, between lines 5 and 6, insert the following:

(iii) a representative of the agencies in the State that administer Federal or State-funded early childhood education programs;

(iv) not less than 1 representative of a public community college;

On page 158, strike lines 15 through 17 and insert the following:

(viii) not less than 1 early childhood educator in the State;

On page 161, line 7, strike "prekindergarten" and insert "preschool".

On page 161, line 21, after "developing" insert "or providing guidance to local educational agencies within the State on the adoption of".

On page 162, lines 20 through 22, strike "the students are adequately prepared when the students enter secondary school" and insert "such standards and assessments are appropriately aligned and adequately reflect the content needed to prepare students to enter secondary school".

On page 165, line 3, strike "PREKINDERGARTEN" and insert "PRESCHOOL".

On page 165, line 6, strike "prekindergarten" and insert "preschool".

On page 166, line 1, strike "PREKINDERGARTEN" and insert "PRESCHOOL".

On page 166, line 3, strike "prekindergarten" and insert "preschool".

On page 168, lines 1 and 2, strike "student knowledge and skills" and insert "State academic content standards".

On page 168, line 25, after "school" insert "and preschool".

On page 169, line 7, strike "content" and all that follows through "students" on line 11, and insert "academic content standards, substantive curricula, remediation, and acceleration opportunities for students, as well as other changes determined necessary by the State".

On page 177, strike lines 7 through 15, and insert the following:

(3) PREFERENCES.—The Director shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to create or improve professional science master's degree programs, to those applicants—

(A) located in States with low percentages of citizens with graduate or professional degrees, as determined by the Bureau of the Census, that demonstrate success in meeting the unique needs of the corporate, non-profit, and government communities in the State, as evidenced by providing internships for professional science master's degree students or similar partnership arrangements; or

(B) that secure more than ⅔ of the funding for such professional science master's degree programs from sources other than the Federal Government.

On page 181, line 17, after "science" insert ", technology,".

Strike section 4012 and insert the following:

SEC. 4012. ROBERT NOYCE TEACHER PROGRAM.

(a) IN GENERAL.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-1) is amended—

(1) in the section heading, by striking "**SCHOLARSHIP**" and inserting "**TEACHER**";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "(or consortia of such institutions)" and inserting ", consortia of such institutions, or partnerships";

(ii) by striking "to provide scholarships, stipends, and programming designed";

(iii) by inserting "and to provide scholarships, stipends, or fellowships to individuals participating in the program" after "science teachers"; and

(iv) by striking "Scholarship" and inserting "Teacher";

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "or consortia" and inserting "consortia, or partnerships";

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking "encourage top college juniors and seniors majoring in" and inserting "recruit and prepare undergraduate students to pursue degrees in"; and

(bb) by striking "to become" and inserting "and become qualified as";

(II) in clause (ii)—

(aa) by striking "programs to help scholarship recipients" and inserting "academic courses and clinical teaching experiences designed to prepare students participating in the program";

(bb) by striking "programs that will result in" and inserting "such preparation as is necessary to meet requirements for"; and

(cc) by striking "licensing; and" and inserting "licensing;";

(III) in clause (iii)—

(aa) by striking "scholarship recipients" and inserting "students participating in the program";

(bb) by striking "enable the recipients" and inserting "enable the students"; and

(cc) by striking "; or" and inserting "; and"; and

(IV) by adding at the end the following:

"(iv) providing summer internships for freshman and sophomore students participating in the program;";

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking "encourage" and inserting "recruit and prepare"; and

(bb) by inserting "qualified as" after "to become";

(II) by striking clause (ii) and inserting the following:

"(ii) offering academic courses and clinical teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such preparation as is necessary to meet requirements for teacher certification or licensing; and"; and

(III) in clause (iii), by striking the period at the end and inserting "; or"; and

(iv) by adding at the end the following:

"(C) to develop and implement a program to recruit and prepare mathematics, science, or engineering professionals to become NSF Teaching Fellows, and to recruit existing teachers to become NSF Master Teaching Fellows, through—

"(i) administering fellowships in accordance with subsection (e);

"(ii) offering academic courses and clinical teaching experiences that are designed to prepare students participating in the program to teach in secondary schools and that, in the case of NSF Teaching Fellows, result in a master's degree in teaching and teacher certification or licensing; and

"(iii) offering programs to participants to assist in the fulfillment of the participants' responsibilities under this section, including mentoring, training, mentoring training, and induction and professional development programs."; and

(C) by adding at the end the following:

"(4) ELIGIBILITY REQUIREMENT.—To be eligible for an award under this section, an institution of higher education, a consortium of such institutions, or a partnership shall ensure that specific faculty members and staff from the mathematics, science, or engineering department of the institution (or a participating institution of the consortium or partnership) and specific education faculty members of the institution (or such participating institution) are designated to carry out the development and implementation of the program. An institution of higher education and consortium may also include teachers to participate in developing the pedagogical content of the program and to supervise students participating in the program in the students' field teaching experiences. No institution of higher education, consortium, or partnership shall be eligible for an award unless faculty from the mathematics, science, or engineering department of the institution (or such participating institution) are active participants in the program.

"(5) MATCHING REQUIREMENT.—An institution of higher education, consortium of institutions of higher education, or partnership receiving a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

"(6) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, and not supplant, other Federal or State funds available for the type of activities supported by the grant.";

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "or consortium" and inserting "consortium, or partnership";

(ii) by striking subparagraph (A) and inserting the following:

"(A) a description of the program that the applicant intends to operate, including—

"(i) the number of scholarships and summer internships or the size and number of stipends or fellowships the applicant intends to award;

"(ii) the type of activities proposed for the recruitment of students to the program; and

"(iii) the selection process that will be used in awarding the scholarships, stipends, or fellowships;";

(iii) in subparagraph (B)—

(I) by striking "scholarship or stipend"; and

(II) by striking "; and" and inserting ", which may include a description of any existing programs at the applicant's institution that are targeted to the education of mathematics and science teachers and the number of teachers graduated annually from such programs;"; and

(iv) by striking subparagraph (C) and inserting the following:

"(C) a description of the academic courses and clinical teaching experiences required under subparagraph (A)(ii), (B)(ii), or (C)(ii) of subsection (a)(3), as applicable, including—

"(i)(I) a description of the undergraduate program under subsection (a)(3)(A)(ii) that will enable a student to graduate in 4 years with a major in mathematics, science, or engineering and to obtain teacher certification or licensing; or

"(II) a description of the master's degree programs offered under subsection (a)(3)(C)(ii);

"(ii) a description of clinical teaching experiences proposed; and

"(iii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which clinical teaching experiences will occur;

"(D) a description of the programs required under subparagraph (A)(iii), (B)(iii), or (C)(iii) of subsection (a)(3), as applicable, including activities to assist new teachers in fulfilling their service requirements under this section; and

"(E) an identification of the applicant's mathematics, science, or engineering faculty and its education faculty who will carry out the development and implementation of the program as required under subsection (a)(4)."; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively;

(ii) by inserting after subparagraph (A) the following:

"(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognize the specialized pedagogy required to teach mathematics and science effectively in elementary schools and secondary schools;"; and

(iii) in subparagraph (D) (as redesignated by clause (i)), by striking "or stipend" and inserting ", stipend, or fellowship";

(4) in subsection (c)—

(A) in paragraph (3)—

(i) by striking "$7,500" and inserting "$10,000"; and

(ii) by striking "of scholarship support" and inserting "of scholarship support, unless the Director establishes a policy by which part-time students may receive additional years of support"; and

(B) in paragraph (4), by inserting "with a maximum service requirement of 4 years" after "scholarship was received";

(5) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

"(1) In general.—Stipends under this section shall be available only to—

"(A) teachers enrolled in a master's degree program in science, technology, engineering, or mathematics; and

"(B) mathematics, science, or engineering professionals who, while receiving the stipend, are enrolled in a program to receive certification or licensing to teach.";

(B) in paragraph (3), by inserting ", except that if an individual is enrolled in a part-time program, such stipend shall be prorated according to the length of the program" after "stipend support"; and

(C) in paragraph (4), by striking "for each year a stipend was received";

(6) by redesignating subsections (e) through (h) and subsection (i) as subsections (f) through (i) and subsection (l), respectively;

(7) by inserting after subsection (d) the following:

"(e) National Science Foundation Teaching Fellowships.—

"(1) Purpose.—The purpose of the fellowships under this subsection is to promote and recognize high-level achievement in advanced mathematics and science teaching.

"(2) Partnership requirements.—In order to receive a grant under this section to carry out this subsection, the recipient of such grant shall be a partnership and the only local educational agencies that shall be members of the partnership shall be local educational agencies that agree not to reduce the base salary normally paid to an individual solely because such individual receives a salary supplement under this subsection.

"(3) General criteria.—A partnership receiving a grant to carry out a fellowship program under this subsection shall award such fellowships only to—

"(A) mathematics, science, or engineering professionals who enroll in 1-year master's degree programs in teaching that result in teacher certification or licensing and who shall be referred to as 'NSF Teaching Fellows'; and

"(B) mathematics and science teachers who possess a master's degree in their field and who shall be referred to as 'NSF Master Teaching Fellows'.

"(4) Selection.—Individuals shall be selected to receive fellowships under this section primarily on the basis of—

"(A) professional achievement;

"(B) academic merit;

"(C) demonstrated advanced content knowledge; and

"(D) in the case of NSF Master Teaching Fellows, demonstrated success in improving student academic achievement in mathematics, science, technology, or engineering.

"(5) Use of funds.—Each partnership receiving a grant under this section to award fellowships under this subsection shall—

"(A) provide a stipend to each NSF Teaching Fellow for the duration of the Fellow's enrollment in the master's degree program, to be used to offset the cost of tuition, fees, and living expenses; and

"(B) provide salary supplements to each NSF Teaching Fellow and NSF Master Teaching Fellow during the period of the Fellow's service obligation under paragraph (4).

"(6) Service obligation.—If an individual is awarded a fellowship under this subsection, that individual shall be required to serve in a high-need local educational agency for—

"(A) in the case of a NSF Teaching Fellow, 4 years; and

"(B) in the case of a NSF Master Teaching Fellow, 5 years.

"(7) Duties.—A recipient of a fellowship under this section, during the service obligation required under paragraph (6) and in addition to regular classroom activities, shall take on a leadership role within the school or local educational agency in which the recipient is employed, as defined by the partnership according to the recipient's expertise, including serving as a mentor or master teacher, developing curricula, and assisting in the development and implementation of professional development activities.";

(8) in subsection (f) (as redesignated by paragraph (6))—

(A) by striking paragraph (1) and inserting the following:

"(1) accepting—

"(A) the terms of the scholarship pursuant to subsection (c), the stipend pursuant to subsection (d), or the fellowship pursuant to subsection (e); and

"(B) the terms regarding the failure to complete a service obligation required for the scholarship, stipend, or fellowship pursuant to subsection (h);"; and

(B) in paragraph (3)—

(i) by striking "scholarship" and inserting "scholarship, stipend, or fellowship"; and

(ii) by striking "subsection (g)" and inserting "subsection (h)";

(9) in subsection (g)(1) (as redesignated by paragraph (6))—

(A) by striking "(or consortium thereof)" and inserting ", consortium, or partnership"; and

(B) by striking "scholarship and stipend" and inserting "scholarship, stipend, and fellowship";

(10) in subsection (h) (as redesignated by paragraph (6))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ", stipend, or fellowship" after "scholarship"; and

(ii) in subparagraph (C), by striking "baccalaureate degree"; and

(B) by striking paragraph (2) and inserting the following:

"(2) Repayment for failure to complete service.—

"(A) Less than 1 year of service.—If a circumstance described in paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.

"(B) 1 year or more of service.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, an amount equal to ½ of the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.";

(11) in subsection (i) (as redesignated by paragraph (6))—

(A) by striking "or consortia" and inserting ", consortia, or partnerships";

(B) by striking "scholarship recipients and stipend recipients" and inserting "scholarship, stipend, and fellowship recipients"; and

(C) by striking "subsection (e)" and inserting "subsection (f)";

(12) by inserting after subsection (i) (as redesignated by paragraph (6)) the following:

"(j) Science and Mathematics Scholarship Gift Fund.—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to supplement, but not supplant, scholarships, stipends, internships, or fellowships associated with the programs under this section.

"(k) Assessment of Teacher Retention.—Not later than 4 years after the date of enactment of the America COMPETES Act, the Director shall transmit to Congress a report on the effectiveness of the program carried out under this section regarding the retention of participants in the teaching profession beyond the service obligation required under this section.";

(13) in subsection (l) (as redesignated by paragraph (6))—

(A) by redesignating paragraphs (1), (2), (3), (4), and (5) as paragraphs (2), (5), (7), (9), and (10), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

"(1) the term 'advanced content knowledge' means demonstrated mathematics or science content knowledge as measured by a rigorous, valid assessment tool that has been approved by the Director;";

(C) by inserting after paragraph (2) (as redesignated by subparagraph (A)) the following:

"(3) the term 'fellowship' means an award under subsection (e);

"(4) the term 'high-need local educational agency' means a local educational agency or educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

"(A)(i) that serves not less than 10,000 children from low-income families;

"(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

"(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

"(B)(i) for which there is a higher percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

"(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure;";

(D) in paragraph (5) (as redesignated by subparagraph (A)), by inserting "engineering," after "mathematics, science,";

(E) by inserting after paragraph (5) (as redesignated by subparagraph (A)) the following:

"(6) the term 'mathematics and science teaching' means mathematics, science, engineering, or technology teaching at the elementary or secondary school level;";

(F) in paragraph (7) (as redesignated by subparagraph (A)) by inserting "or had a career" after "is working"; and

(G) by inserting after paragraph (7) (as redesignated by subparagraph (A)) the following:

"(8) the term 'partnership' means a partnership that shall include—

"(A) an institution of higher education or a consortium of such institutions;

"(B) a department within an institution of higher education participating in the partnership that provides an advanced program of study in mathematics and science;

"(C)(i) a school or department within an institution of higher education participating in the partnership that provides a master teacher's preparation program; or

"(ii) a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with an institution of higher education participating in the partnership;

"(D) not less than 1 high-need local educational agency and a public school or a consortium of public schools served by the agency; and

"(E) 1 or more nonprofit organizations that have the capacity to provide expertise or support to meet the purposes of this section;"; and

(14) by adding at the end the following:

"(m) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001 of the America COMPETES Act and except as provided in paragraph (2), there are authorized to be appropriated to the Director for the Robert Noyce Teacher Program under this section—

"(A) $117,000,000 for fiscal year 2008, of which at least $18,000,000 shall be used for capacity building activities described in clauses (ii) and (iii) of subsection (a)(3)(A), clauses (ii) and (iii) of subsection (a)(3)(B), and clauses (ii) and (iii) of subsection (a)(3)(C);

"(B) $130,000,000 for fiscal year 2009, of which at least $21,000,000 shall be used for such capacity building activities;

"(C) $148,000,000 for fiscal year 2010, of which at least $24,000,000 shall be used for such capacity building activities; and

"(D) $200,000,000 for fiscal year 2011, of which at least $27,000,000 shall be used for such capacity building activities.

"(2) EXCEPTION.—For any fiscal year for which the funding allocated for activities under this section is less than $105,000,000, the amount of funding available for capacity building activities described in subparagraphs (A) through (D) of paragraph (1) shall not exceed 15 percent of the allocated funds.".

(b) CONFORMING AMENDMENTS.—

(1) SECTION 4.—Section 4 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended in the matter preceding paragraph (1) by striking "In this Act:" and inserting "Except as otherwise provided, in this Act:".

(2) SECTION 8.—Section 8(6) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(A) in the paragraph heading, by striking "SCHOLARSHIP" and inserting "TEACHER"; and

(B) by striking "Scholarship" and inserting "Teacher".

On page 205, line 8, strike "during the summer".

SA 941. Ms. SNOWE (for herself and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of title IV of division A, insert the following:

SEC. 1407. CLARIFICATION OF ELIGIBLE CONTRIBUTIONS IN CONNECTION WITH REGIONAL CENTERS RESPONSIBLE FOR IMPLEMENTING THE OBJECTIVES OF THE HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.

Paragraph (3) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(3)) is amended to read as follows:

"(3) FINANCIAL SUPPORT.—

"(A) IN GENERAL.—Any nonprofit institution, or group thereof, or consortia of nonprofit institutions, including entities existing on August 23, 1988, may submit to the Secretary an application for financial support under this subsection, in accordance with the procedures established by the Secretary and published in the Federal Register under paragraph (2).

"(B) CENTER CONTRIBUTIONS.—In order to receive assistance under this section, an applicant for financial assistance under subparagraph (A) shall provide adequate assurances that non-Federal assets obtained from the applicant and the applicant's partnering organizations will be used as a funding source to meet not less than 50 percent of the costs incurred for the first 3 years and an increasing share for each of the last 3 years. For purposes of the preceding sentence, the costs incurred means the costs incurred in connection with the activities undertaken to improve the management, productivity, and technological performance of small- and medium-sized manufacturing companies.

"(C) AGREEMENTS WITH OTHER ENTITIES.—In meeting the 50 percent requirement, it is anticipated that a Center will enter into agreements with other entities such as private industry, universities, and State governments to accomplish programmatic objectives and access new and existing resources that will further the impact of the Federal investment made on behalf of small- and medium-sized manufacturing companies. All non-Federal costs, contributed by such entities and determined by a Center as programmatically reasonable and allocable are includable as a portion of the Center's contribution.

"(D) ALLOCATION OF LEGAL RIGHTS.—Each applicant under subparagraph (A) shall also submit a proposal for the allocation of any legal right associated with any invention that may result from an activity of a Center for which such applicant receives financial assistance under this section.".

SA 942. Mr. KOHL (for himself, Ms. SNOWE, Mr. REED, Ms. STABENOW, Mr. BROWN, Mr. LEVIN, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, Mr. LEAHY, Mr. ROBERTS, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 34, line 17, strike "$120,000,000" and insert "$122,005,000".

On page 34, line 20, strike "$125,000,000" and insert "$131,766,000".

On page 34, line 23, strike "$130,000,000" and insert "$142,300,000".

SA 943. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ENGLISH FOR ALL CHILDREN.

(a) IN GENERAL.—Notwithstanding any other provision of law, Executive Order, administrative rule, or policy:

(1) Any Federal funds provided for the education of English language learners or limited English proficient children shall be used solely for English language immersion programs that are limited to a duration of 1 year.

(2) Any consent decree that requires a State, county, school district, or school to conduct programs of transitional bilingual education or dual language immersion is null and void and shall not be enforced.

(b) REPEAL.—Subsections (b) and (c) of section 3001 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801(b) and (c)) are repealed.

SA 944. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of Division C, insert the following:

TITLE _—MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

SEC. _01. MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

(a) In General.—From amounts appropriated under subsection (d), the Secretary of Education shall award a grant—

(1) for each of the school years 2007–2008 through 2010-2011, to each of the 3 elementary schools and each of the 3 secondary schools in each State, whose students demonstrate the most improvement in mathematics, as measured by the improvement in the students' average score on the State's assessments in mathematics for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded; and

(2) for each of the school years 2008-2009 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools in each State, whose students demonstrate the most improvement in science, as measured by the improvement in the students' average score on the State's assessments in science for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded.

(b) Grant Amount.—The amount of each grant awarded under this section shall be $50,000.

SEC. _02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2008, and $30,000,000 for each of the fiscal years 2009 through 2011.

SA 945. Mr. WYDEN (for himself, Mr. SMITH, Mr. PRYOR, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows.

In division D, insert after section 4014 the following:

SEC. 4015. NANOTECHNOLOGY IN THE SCHOOLS.

(a) Findings.—Congress makes the following findings:

(1) The rapidly growing field of nanotechnology is generating scientific and technological breakthroughs that will benefit society by improving the way many things are designed and made.

(2) Nanotechnology is likely to have a significant, positive impact on the security, economic well-being, and health of Americans as fields related to nanotechnology expand.

(3) In order to maximize the benefits of nanotechnology to individuals in the United States, the United States must maintain world leadership in the field of nanotechnology, including nanoscience and microtechnology, in the face of determined competition from other nations.

(4) According to the National Science Foundation, foreign students on temporary visas earned 32 percent of all science and engineering doctorates awarded in the United States in 2003, the last year for which data is available. Foreign students earned 55 percent of the engineering doctorates. Many of these students expressed an intent to return to their country of origin after completing their study.

(5) To maintain world leadership in nanotechnology, the United States must make a long-term investment in educating United States students in secondary schools and institutions of higher education, so that the students are able to conduct nanoscience research and develop and commercialize nanotechnology applications.

(6) Preparing United States students for careers in nanotechnology, including nanoscience, requires that the students have access to the necessary scientific tools, including scanning electron microscopes designed for teaching, and requires training to enable teachers and professors to use those tools in the classroom and the laboratory.

(b) Purpose.—The purpose of this section is to strengthen the capacity of United States secondary schools and institutions of higher education to prepare students for careers in nanotechnology by providing grants to those schools and institutions to provide the tools necessary for such preparation.

(c) Definitions.—In this section:

(1) Eligible institution.—The term "eligible institution" means an institution that is—

(A) a public or charter secondary school that offers 1 or more advanced placement science courses or international baccalaureate science courses;

(B) a community college, as defined in section 3301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011); or

(C) a 4-year institution of higher education or a branch, within the meaning of section 498 of the Higher Education Act of 1965 (20 U.S.C. 1099c), of such an institution.

(2) Qualified nanotechnology equipment.—The term "qualified nanotechnology equipment" means equipment, instrumentation, or hardware that is—

(A) used for teaching nanotechnology in the classroom; and

(B) manufactured in the United States at least 50 percent from articles, materials, or supplies that are mined, produced, or manufactured, as the case may be, in the United States.

(d) Program Authorized.—

(1) Program authorized.—The Director of the National Science Foundation (referred to in this section as the "Director") shall establish a nanotechnology in the schools program to strengthen the capacity of eligible institutions to provide instruction in nanotechnology. In carrying out the program, the Director shall award grants of not more than $150,000 to eligible institutions to provide such instruction.

(2) Activities supported.—

(A) In general.—An eligible institution shall use a grant awarded under this section—

(i) to acquire qualified nanotechnology equipment and software designed for teaching students about nanotechnology in the classroom;

(ii) to develop and provide educational services, including carrying out faculty development, to prepare students or faculty seeking a degree or certificate that is approved by the State, or a regional accrediting body recognized by the Secretary of Education; and

(iii) to provide teacher education and certification to individuals who seek to acquire or enhance technology skills in order to use nanotechnology in the classroom or instructional process.

(B) Limitation.—

(i) Uses.—Not more than ¼ of the amount of the funds made available through a grant awarded under this section may be used for software, educational services, or teacher education and certification as described in this paragraph.

(ii) Programs.—In the case of a grant awarded under this section to a community college or institution of higher education, the funds made available through the grant may be used only in undergraduate programs.

(3) Applications and selection.—

(A) In general.—To be eligible to receive a grant under this section, an eligible institution shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(B) Procedure.—Not later than 180 days after the date of enactment of this Act, the Director shall establish a procedure for accepting such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

(C) Selection.—In selecting eligible institutions to receive grants under this section, and encouraging eligible institutions to apply for such grants, the Director shall, to the greatest extent practicable—

(i) select eligible entities in geographically diverse locations;

(ii) encourage the application of historically Black colleges and universities (meaning part B institutions, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) and minority institutions (as defined in section 365 of such Act (20 U.S.C. 1067k)); and

(iii) select eligible institutions that include institutions located in States participating in the Experimental Program to Stimulate Competitive Research (commonly known as "EPSCoR").

(4) Matching requirement and limitation.—

(A) In general.—

(i) Requirement.—The Director may not award a grant to an eligible institution under this section unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to ¼ of the amount of the grant.

(ii) Waiver.—The Director shall waive the matching requirement described in clause (i) for any institution with no endowment, or an endowment that has a dollar value lower than $5,000,000, as of the date of the waiver.

(B) Limitation.—

(i) Branches.—If a branch described in subsection (c)(1)(C) receives a grant under this section that exceeds $100,000, that branch shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this section.

(ii) Other eligible institutions.—If an eligible institution other than a branch referred to in clause (i) receives a grant under this section that exceeds $100,000, that institution shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this section.

(5) Annual report and evaluation.—

(A) Report by institutions.—Each institution that receives a grant under this section shall prepare and submit a report to the Director, not later than 1 year after the date of receipt of the grant, on its use of the grant funds.

(B) Review and evaluation.—

(i) Review.—The Director shall annually review the reports submitted under subparagraph (A).

(ii) EVALUATION.—At the end of every third year, the Director shall evaluate the program authorized by this section on the basis of those reports. The Director, in the evaluation, shall describe the activities carried out by the institutions receiving grants under this section and shall assess the short-range and long-range impact of the activities carried out under the grants on the students, faculty, and staff of the institutions.

(C) REPORT TO CONGRESS.—Not later than 6 months after conducting an evaluation under subparagraph (B), the Director shall prepare and submit a report to Congress based on the evaluation. In the report, the Director shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program carried out under this section, as may be appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director to carry out this section $15,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal years 2009 through 2011.

SA 946. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. SBIR-STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "eligible entity" means a grantee under the SBIR Program that provides an internship program for STEM college students;

(3) the terms "Phase I" and "Phase II" mean Phase I and Phase II grants under the SBIR Program, respectively;

(4) the term "pilot program" means the SBIR-STEM Workforce Development Grant Pilot Program established under subsection (b);

(5) the term "SBIR Program" has the meaning given that term in section 9(e) of the Small Business Act (15 U.S.C. 638(e)); and

(6) the term "STEM college student" means a college student in the field of science, technology, engineering, or math.

(b) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish an SBIR-STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities to STEM college students, by providing an SBIR bonus grant to eligible entities.

(c) AWARDS.—A bonus grant to an eligible entity under the pilot program shall be in an amount equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the pilot program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2008;

(2) $1,000,000 for fiscal year 2009;

(3) $1,000,000 for fiscal year 2010; and

(4) $1,000,000 for fiscal year 2011.

SA 947. Mr. BINGAMAN (for Mr. DODD (for himself, Mr. SHELBY, and Mr. REED)) proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SMALL BUSINESS GROWTH AND CAPITAL MARKETS.

(a) FINDINGS.—The Congress finds that—

(1) the United States has the most fair, most transparent, and most efficient capital markets in the world, in part due to its strong securities statutory and regulatory scheme;

(2) it is of paramount importance for the continued growth of our Nation's economy, that our capital markets retain their leading position in the world;

(3) small businesses are vital participants in United States capital markets, and play a critical role in future economic growth and high-wage job creation;

(4) section 404 of the Sarbanes-Oxley Act of 2002, has greatly enhanced the quality of corporate governance and financial reporting for public companies and increased investor confidence;

(5) the Securities and Exchange Commission (in this section referred to as the "Commission") and the Public Company Accounting Oversight Board (in this section referred to as the "PCAOB") have both determined that the current auditing standard implementing section 404 of the Sarbanes-Oxley Act of 2002 has imposed unnecessary and unintended cost burdens on small and mid-sized public companies;

(6) the Commission and PCAOB are now near completion of a 2-year process intended to revise the standard in order to provide more efficient and effective regulation; and

(7) the chairman of the Commission recently has said, with respect to section 404 of the Sarbanes-Oxley Act of 2002, that, "We don't need to change the law, we need to change the way the law is implemented. It is the implementation of the law that has caused the excessive burden, not the law itself. That's an important distinction. I don't believe these important investor protections, which are even now only a few years old, should be opened up for amendment, or that they need to be.".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Commission and the PCAOB should complete promulgation of the final rules implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262).

SA 948. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division D, add the following:

SEC. 4015. CENTER FOR NANOTECHNOLOGY RESEARCH AND ENGINEERING.

(a) CENTER ESTABLISHED.—The Director of the National Science Foundation shall establish a geographically diverse, interdisciplinary Center for Nanotechnology Research and Engineering (hereafter in this section referred to as the "Center") to focus on—

(1) the science and engineering of manufacturing at the nanoscale in multiple dimensions; or

(2) nanotechnology for sustainable energy, water, agriculture, and the environment.

(b) CENTER OR NODE.—The Center may be a Nanoscale Science and Engineering Center or a National Nanotechnology Infrastructure Network Node.

(c) COMPOSITION.—The Center shall consist of a lead academic institution located in an Experimental Program to Stimulate Competitive Research (EPSCoR) State and at least 1 additional academic institution located in a second EPSCoR State.

(d) DUTIES.—The Center shall—

(1) collaborate with other National Science Foundation grantees, and with grantees from other Federal agencies, working on nanomanufacturing;

(2) share resources with the programs of the grantees described in paragraph (1) for the purpose of mutual advantage; and

(3) work toward a nanomanufacturing network that encourages extensive industrial collaboration.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section $2,500,000 for each of the fiscal years 2008 through 2012.

SA 949. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 902 proposed by Mr. CORNYN to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 21, after line 2, add the following:

Subtitle E—H–1B and L–1 Visa Fraud and Abuse Prevention

SEC. 1651. SHORT TITLE.

This subtitle may be cited as the "H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2007".

SEC. 1652. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking "(E)(i) In the case of an application described in clause (ii), the" and inserting "(E) The"; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking "In the case of" and all that follows through "where—" and inserting the following: "The employer will not place the nonimmigrant with another employer if—"; and

(iii) in subparagraph (G), by striking "In the case of an application described in subparagraph (E)(ii), subject" and inserting "Subject";

(B) in paragraph (2)—

(i) in subparagraph (E), by striking "If an H–1B-dependent employer" and inserting "If an employer that employs H–1B nonimmigrants"; and

(ii) in subparagraph (F), by striking "The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer."; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking "90 days" each place it appears and inserting "180 days";

(ii) in subparagraph (F)(ii), by striking "90 days" each place it appears and inserting "180 days"; and

(B) in paragraph (2)(C)(iii), by striking "90 days" each place it appears and inserting "180 days".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking "(i) has provided" and inserting the following:

"(ii)(I) has provided";

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

"(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and".

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

"(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

"(i) on a website maintained by the Department of Labor, which website shall be searchable by—

"(I) the name, city, State, and zip code of the employer;

"(II) the date on which the job is expected to begin;

"(III) the title and description of the job; and

"(IV) the State and city (or county) at which the work will be performed; and

"(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105-220).

"(B) Each available job advertised on the list shall include—

"(i) the employer's full legal name;

"(ii) the address of the employer's principal place of business;

"(iii) the employer's State, city, and zip code;

"(iv) the employer's Federal Employer Identification Number;

"(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

"(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

"(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

"(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

"(ix) a statement of the expected hours per week that the job will require;

"(x) the date on which the job is expected to begin;

"(xi) the date on which the job is expected to end, if applicable;

"(xii) the number of persons expected to be employed for the job;

"(xiii) the job title;

"(xiv) the job description;

"(xv) the city and State of the physical location at which the work will be performed; and

"(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

"(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

"(D) The Secretary may promulgate rules, after notice and a period for comment—

"(i) to carry out the requirements of this paragraph; and

"(ii) that require employers to provide other information in order to advertise available jobs on the list.".

(3) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date that is 30 days after the creation of the list described in section 212(n)(6) of the Immigration and Nationality Act, as added by paragraph (2); and

(B) shall apply to all applications filed on or after such date.

(d) H-1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H-1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

"(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

"(I) the job or jobs are only available to persons who are or who may become H-1B nonimmigrants; or

"(II) persons who are or who may become H-1B nonimmigrants shall receive priority or a preference in the hiring process.

"(ii) The employer has not only recruited persons who are, or who may become, H-1B nonimmigrants to fill the job or jobs."; and

(2) in the undesignated paragraph at the end, by striking "The employer" and inserting the following:

"(K) The employer".

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

"(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H-1B nonimmigrant with another employer;" and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H-1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

"(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H-1B nonimmigrants.".

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

"(A) The employer—

"(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H-1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

"(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

"(II) the median average wage for all workers in the occupational classification in the area of employment; or

"(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

"(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed."; and

(B) in subparagraph (D), by inserting "the wage determination methodology used under subparagraph (A)(i)," after "shall contain".

(2) PROVISION OF W-2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

"(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H-1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W-2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

"(l) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.".

SEC. 1653. H-1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 1652(d)(2), is amended—

(1) by inserting "and through the website of the Department of Labor, without charge." after "D.C.";

(2) by inserting ", clear indicators of fraud, misrepresentation of material fact," after "completeness";

(3) by striking "or obviously inaccurate" and inserting ", presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate";

(4) by striking "within 7 days of" and inserting "not later than 14 days after"; and

(5) by adding at the end the following: "If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking "12 months" and inserting "24 months"; and

(B) by striking "The Secretary shall conduct" and all that follows and inserting "Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.";

(2) in subparagraph (C)(i)—

(A) by striking "a condition of paragraph (1)(B), (1)(E), or (1)(F)" and inserting "a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)"; and

(B) by striking "(1)(C)" and inserting "(1)(C)(ii)";

(3) in subparagraph (G)—

(A) in clause (i), by striking "if the Secretary" and all that follows and inserting "with regard to the employer's compliance with the requirements of this subsection.";

(B) in clause (ii), by striking "and whose identity" and all that follows through "failure or failures." and inserting "the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.";

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking "meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months" and inserting "comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months";

(G) by amending clause (v), as redesignated, to read as follows:

"(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.";

(H) in clause (vi), as redesignated, by striking "An investigation" and all that follows through "the determination." and inserting "If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination."; and

(I) by adding at the end the following:

"(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C)."; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

"(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.".

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: "The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants.".

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking "$1,000" and inserting "$2,000";

(2) in clause (ii)(I), by striking "$5,000" and inserting "$10,000"; and

(3) in clause (vi)(III), by striking "$1,000" and inserting "$2,000".

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

"(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

"(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

"(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

"(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.".

SEC. 1654. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (E), by striking "In the case of an alien spouse admitted under section 101(a)(15)(L), who" and inserting "Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)"; and

(3) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

"(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees;

"(X) evidence of the financial status of the new facility; and

"(XI) any other evidence or data prescribed by the Secretary.

"(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

"(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.".

(b) Restriction on Blanket Petitions.—Section 214(c)(2)(A) of such Act is amended to read as follows:

"(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants described in section 101(a)(15)(L).".

(c) Prohibition on Outplacement.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L–1 nonimmigrant with another employer.".

(d) Investigations and Audits by Department of Homeland Security.—

(1) Department of homeland security investigations.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

"(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

"(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide the Secretary with information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

"(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

"(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

"(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

"(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).

"(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).".

(2) Reporting requirement.—Section 214(c)(8) of such Act is amended by inserting "(L)," after "(H),".

(e) Penalties.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

"(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

"(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

"(II) the employer shall be liable to employees harmed for lost wages and benefits.".

(f) Wage Determination.—

(1) Change in minimum wages.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

"(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

"(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

"(bb) the median average wage for all workers in the occupational classification in the area of employment; or

"(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

"(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

"(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

"(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

"(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

"(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

"(aa) the opportunity to participate in health, life, disability, and other insurance plans;

"(bb) the opportunity to participate in retirement and savings plans; and

"(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

"(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.".

(2) Effective date.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 1655. WHISTLEBLOWER PROTECTIONS.

(a) H–1B Whistleblower Protections.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting "take, fail to take, or threaten to take or fail to take, a personnel action, or" before "to intimidate"; and

(2) by adding at the end the following: "An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.".

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section 1654, is further amended by adding at the end the following:

"(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

"(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

"(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

"(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

"(iii) In this subparagraph, the term 'employee' includes—

"(I) a current employee;

"(II) a former employee; and

"(III) an applicant for employment.".

SEC. 1656. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 950. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 163, between lines 6 and 7, insert the following:

(v) incorporating 21st century learning skills into the State plan, which skills shall include critical thinking, problem solving, communication, collaboration, global awareness, and business and financial literacy.

SA 951. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 153, between lines 12 and 13, insert the following:

(M) distance learning projects for critical foreign language learning.

SA 952. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. COLLECTION OF DATA RELATING TO TRADE IN SERVICES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall establish a program within the Bureau of Economic Analysis to collect and study data relating to export and import of services. As part of the program, the Secretary shall annually—

(1) provide data collection and analysis relating to export and import of services;

(2) collect and analyze data for service imports and exports in not less than 40 service industry categories, on a state-by-state basis;

(3) include data collection and analysis of the employment effects of exports and imports on the service industry; and

(4) integrate ongoing and planned data collection and analysis initiatives in research and development and innovation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce $3,000,000 for each of the fiscal years 2008, 2009, 2010, 2011, 2012, to carry out the provisions of this section.

SA 953. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Beginning on page 85, strike line 18 and all that follows through page 86, line 5, and insert the following:

Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) $5,000,000,000 for fiscal year 2008;

"(3) $6,000,000,000 for fiscal year 2009;

"(4) $7,000,000,000 for fiscal year 2010; and

"(5) $8,000,000,000 for fiscal year 2011.".

SA 954. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Strike section 2005 and insert the following:

SEC. 2005. ADVANCED RESEARCH PROJECTS ADMINISTRATION-ENERGY.

(a) ESTABLISHMENT.—There is established the Advanced Research Projects Administration-Energy (referred to in this section as "ARPA–E").

(b) GOALS.—The goals of ARPA–E are to reduce the quantity of energy the United States imports from foreign sources and to improve the competitiveness of the United States economy by—

(1) promoting revolutionary changes in the critical technologies that would promote energy competitiveness;

(2) turning cutting-edge science and engineering into technologies for energy and environmental application; and

(3) accelerating innovation in energy and the environment for both traditional and alternative energy sources and in energy efficiency mechanisms to—

(A) reduce energy use;

(B) decrease the reliance of the United States on foreign energy sources; and

(C) improve energy competitiveness.

(c) DIRECTOR.—

(1) IN GENERAL.—ARPA–E shall be headed by a Director (referred to in this section as the "Director") appointed by the President.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Director, Advanced Research Projects Administration-Energy.".

(d) DUTIES.—

(1) IN GENERAL.—In carrying out this section, the Director shall award competitive grants, cooperative agreements, or contracts to institutions of higher education, companies, or consortia of such entities (which may include federally funded research and development centers) to achieve the goal described in subsection (b) through acceleration of—

(A) energy-related research;

(B) development of resultant techniques, processes, and technologies, and related testing and evaluation; and

(C) demonstration and commercial application of the most promising technologies and research applications.

(2) SMALL-BUSINESS CONCERNS.—The Director shall carry out programs established under this section, to the maximum extent practicable, in a manner that is similar to the Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638) to ensure that small-business concerns are fully able to participate in the programs.

(e) PERSONNEL.—

(1) PROGRAM MANAGERS.—

(A) APPOINTMENT.—The Director shall appoint employees to serve as program managers for each of the programs that are established to carry out the duties of ARPA–E under this section.

(B) DUTIES.—Program managers shall be responsible for—

(i) establishing research and development goals for the program, as well as publicizing goals of the program to the public and private sectors;

(ii) soliciting applications for specific areas of particular promise, especially areas for which the private sector cannot or will not provide funding;

(iii) selecting research projects for support under the program from among applications submitted to ARPA–E, based on—

(I) the scientific and technical merit of the proposed projects;

(II) the demonstrated capabilities of the applicants to successfully carry out the proposed research project; and

(III) such other criteria as are established by the Director; and

(iv) monitoring the progress of projects supported under the program.

(2) OTHER PERSONNEL.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director shall appoint such employees as are necessary to carry out the duties of ARPA–E under this section.

(B) LIMITATIONS.—The Director shall appoint not more than 250 employees to carry out the duties of ARPA–E under this section, including not less than 180 technical staff, of which—

(i) not less than 20 staff shall be senior technical managers (including program managers designated under paragraph (1)); and

(ii) not less than 80 staff shall be technical program managers.

(3) EXPERIMENTAL PERSONNEL AUTHORITY.—In appointing personnel for ARPA-E, the Director shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(4) MAXIMUM DURATION OF EMPLOYMENT.—

(A) PROGRAM MANAGERS AND SENIOR TECHNICAL MANAGERS.—

(i) IN GENERAL.—Subject to clause (ii), a program manager and a senior technical manager appointed under this subsection shall serve for a term not to exceed 4 years after the date of appointment.

(ii) EXTENSIONS.—The Director may extend the term of employment of a program manager or a senior technical manager appointed under this subsection for not more than 4 years through 1 or more 2-year terms.

(B) TECHNICAL PROGRAM MANAGERS.—A technical program manager appointed under this subsection shall serve for a term not to exceed 6 years after the date of appointment.

(5) LOCATION.—The office of an officer or employee of ARPA-E shall not be located in the headquarters of the Department of Energy.

(f) TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.—

(1) IN GENERAL.—To carry out projects through ARPA-E, the Director may enter into transactions (other than contracts, cooperative agreements, and grants) to carry out advanced research projects under this section under similar terms and conditions as the authority is exercised under section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)).

(2) PEER REVIEW.—Peer review shall not be required for 75 percent of the research projects carried out by the Director under this section.

(g) PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.—The Director may carry out a program to award cash prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development,. and prototype development that have the potential for application to the performance of the mission of ARPA-E under similar terms and conditions as the authority is exercised under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396).

(h) COORDINATION OF ACTIVITIES.—The Director—

(1) shall ensure that the activities of ARPA-E are coordinated with activities of Department of Energy offices and outside agencies; and

(2) may carry out projects jointly with other agencies.

(i) REPORT.—Not later than September 30, 2008, the Director shall submit to Congress a report on the activities of ARPA-E under this section, including a recommendation on whether ARPA-E needs an energy research laboratory.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $300,000,000 for fiscal year 2008;
(2) $600,000,000 for fiscal year 2009;
(3) $1,100,000,000 for fiscal year 2010;
(4) $1,500,000,000 for fiscal year 2011; and
(5) $2,000,000,000 for fiscal year 2012.

SA 955. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION AGAINST FUNDING ANTI-COMPETITIVENESS

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

SA 956. Mr. CRAPO (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING CAPITAL MARKETS.

(a) FINDINGS.—The Senate finds that—

(1) United States capital markets are losing their competitive edge in the face of intensifying global competition, posing a risk to economic growth, a problem that is well-documented in initial public offerings (IPO), over-the-counter (OTC) derivatives, securitization, and traditional lending;

(2) according to the Senator Charles E. Schumer and Mayor Michael R. Bloomberg report, entitled "Sustaining New York's and the US's Global Financial Services Leadership", "In looking at several of the critical contested investment banking and sales and trading markets—initial public offerings (IPOs), over-the-counter (OTC) derivatives, and debt—it is clear that the declining position of the US goes beyond this natural market evolution to more controllable, intrinsic issues of US competitiveness. As market effectiveness, liquidity and safety become more prevalent in the world's financial markets, the competitive arena for financial services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the US is moving in the wrong direction.";

(3) further, the report referred to in paragraph (2) stated that—

(A) "The IPO market also offers the most dramatic illustration of the change in capital-raising needs around the world, and US exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place globally in 2006, the share of IPO volume attracted by US exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega-IPOs – those over $1 billion - US exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006."; and

(B) "London already enjoys clear leadership in the fast-growing and innovative over-the-counter (OTC) derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasingly see derivatives and cash markets as interchangeable and are therefore combining trading operations for both products. Indeed, the derivatives markets can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America's competitiveness in both cash and derivatives flow trading is at risk, as is its position as a center for financial innovation.";

(4) on March 13, 2007, the Department of the Treasury convened a conference on United States capital markets competitiveness, where—

(A) key policymakers, consumer advocates, members of the international community, business representatives, and academic experts, each with different perspectives, discussed ways to keep United States capital markets the strongest and most innovative in the world; and

(B) conference delegates examined the impact of the United States regulatory structure and philosophy, the legal and corporate governance environment, and the auditing profession and financial reporting on United States capital markets competitiveness;

(5) the foundation of any competitive capital market is investor confidence, and since1930, the United States has required some of the most extensive financial disclosures, supported by one of the most robust enforcement regimes in the world;

(6) a balanced regulatory system is essential to protecting investors and the efficient functioning of capital markets; and

(7) too much regulation stifles entrepreneurship, competition, and innovation, and too little regulation creates excessive risk to industry, investors, and the overall system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets; and

(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

SA 957. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 98, line 14, insert after "master's degree programs" the following: ", or full-time online master's degree programs,".

On page 99, line 5, strike "critical foreign language" and insert the following: "a critical foreign language, or on behalf of a department or school with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification,".

Beginning on page 100, strike line 16 and all that follows through page 101, line 3, and insert the following:

(ii)(I)(aa) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or a critical foreign language; and

(bb) a school or department within the eligible recipient that provides a teacher preparation program, or a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; or

(II) a department or school within the eligible recipient with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification; and

(iii) not less than 1 high-need local

On page 103, line 13, insert before the semicolon the following: "or how a department or school participating in the partnership with a competency-based degree program has ensured, in the development of a baccalaureate degree program in mathematics, science, engineering, or a critical foreign language, the provision of concurrent teacher certification, including providing student teaching and other clinical classroom experiences".

On page 109, line 11, insert after "grams" the following: ", or full-time online master's degree programs,".

On page 109, line 24, insert before the semicolon the following: ", or how a department or school with a competency-based degree program has ensured, in the development of a master's degree program, the provision of rigorous studies in mathematics, science, or a critical foreign language that enhance the teachers' content knowledge and teaching skills".

On page 111, line 16, insert after "program" the following: ", or a full-time online master's degree program,".

SA 958. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEASIBILITY STUDY ON FREE ONLINE COLLEGE DEGREE PROGRAM.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct and complete a feasibility study on creating a national, free online college degree program that would be available to all individuals described under section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5)) who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand, such as mathematics, sciences, and foreign languages. The study shall look at the need for a free college degree program as well as the feasibility of—

(1) developing online course content;

(2) developing sufficiently rigorous tests to determine mastery of a field of study; and

(3) sustaining the program through private funding.

(b) Study.—The study described in subsection (a) shall also include a review of existing online education programs to determine the extent to which these programs offer a rigorous curriculum in areas like mathematics and science and the National Academy of Sciences shall make recommendations for how online degree programs can be assessed and accredited.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008.

SA 959. Mr. NELSON of Florida (for himself and Mr. Webb) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division A, add the following new title:

TITLE VI—BROADBAND REPORTING REQUIREMENTS

SEC. 1601. BROADBAND REPORTING REQUIREMENTS.

(a) Reporting Requirements.—

(1) General requirements.—The Federal Communications Commission shall revise FCC Form 477 reporting requirements within 180 days after the date of enactment of this Act to require broadband service providers to report the following information:

(A) Identification of where the provider provides broadband service to customers, identified by zip code plus 4 digit location (hereinafter referred to as "service area").

(B) Percentage of households and businesses in each service area that are offered broadband service by the provider, and the percentage of such households that subscribe to each service plan offered.

(C) The average price per megabyte of download speed and upload speed in each service area.

(D) Identification by service area of the provider's broadband service's—

(i) actual average throughput; and

(ii) contention ratio of the number of users sharing the same line.

(2) Exception.—The Federal Communications Commission shall exempt a broadband service provider from the requirements in paragraph (1) if the Commission determines that a provider's compliance with the reporting requirements is cost prohibitive, as defined by the Commission.

(b) Demographic Information for Unserved Areas.—The Federal Communications Commission, using available Census Bureau data, shall provide to Congress, on an annual basis, a report containing the following information for each service area that is not served by any broadband service provider—

(1) population;

(2) population density; and

(3) average per capita income.

SA 960. Mr. LEVIN (for himself and Mr. Voinovich) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 48, line 9, strike "ocean" and insert "ocean, coastal, Great Lakes,"

On page 48, line 22, insert "Great Lakes," after "coastal,".

SA 961. Mr. BROWN (for himself and Mr. Schumer) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 24, between lines 19 and 20, insert the following:

SEC. 1203. REVOLVING LOAN FUNDS FOR SMALL MANUFACTURERS.

(a) Definitions.—In this section:

(1) Center.—The term "Center" means a Regional Center for the Transfer of Manufacturing Technology described in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(2) Manufacturing extension partnership program.—The term "Manufacturing Extension Partnership program" means the program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

(3) Revolving loan fund.—The term "revolving loan fund" means a revolving loan fund described in subsection (d).

(4) Secretary.—The term "Secretary" means the Secretary of Commerce.

(5) Small manufacturer.—The term "small manufacturer" means a manufacturer with less than $50,000,000 in annual sales.

(b) Grants Authorized.—

(1) In general.—The Secretary is authorized to award grants to States to establish revolving loan funds.

(2) Maximum amount.—The Secretary may not award a grant under this section in an amount that exceeds $10,000,000.

(3) Multiple grant awards.—A State may not receive more than 1 grant under this section in any fiscal year.

(c) Criteria for the Awarding of Grants.—

(1) Matching funds.—The Secretary may not make a grant to a State under this section unless the State agrees to provide contributions in an amount equal to not less than 25 percent of the Federal funds provided under the grant.

(2) Administrative costs.—A State receiving a grant under this section may only use such amount of the grant for the costs of administering the revolving loan fund as the Secretary shall provide in regulations.

(3) Preference.—In awarding grants each year, the Secretary shall give preference to States that have not previously been awarded a grant under this section.

(4) Application.—

(A) In general.—Each State seeking a grant under this section shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

(B) Content.—Each application submitted under subparagraph (A) shall contain the following:

(i) Evidence that the applicant can establish and administer a revolving loan fund.

(ii) The applicant's need for a grant under this section.

(iii) The impact that receipt of a grant under this section would have on the applicant.

(d) Revolving Loan Funds.—

(1) In general.—A State receiving a grant under this section shall establish, maintain, and administer a revolving loan fund in accordance with this subsection.

(2) Deposits.—A revolving loan fund shall consist of the following:

(A) Amounts from grants awarded under this section.

(B) All amounts held or received by the State incident to the provision of loans described in subsection (e), including all collections of principal and interest.

(3) EXPENDITURES.—Amounts in the revolving loan fund shall be available for the provision and administration of loans in accordance with subsection (e).

(4) ADMINISTRATION.—A State may enter into an agreement with a Center to administer a revolving loan fund.

(e) LOANS.—

(1) IN GENERAL.—A State receiving a grant under this section shall use the amount in the revolving loan fund to make the following loans:

(A) STAGE-1 LOANS.—A stage-1 loan means a loan made to a small manufacturer in an amount not to exceed $50,000, for new product development to conduct the following:

(i) Patent research.

(ii) Market research.

(iii) Technical feasibility testing.

(iv) Competitive analysis.

(B) STAGE-2 LOANS.—A stage-2 loan means a loan made to a small manufacturer in an amount not to exceed $100,000 to develop a prototype of and test a new product.

(2) LOAN TERMS AND CONDITIONS.—The following shall apply with respect to loans provided under paragraph (1):

(A) DURATION.—Except as provided in subparagraph (B), loans shall be for a period not to exceed 10 years.

(B) PREPAYMENT.—A recipient of a loan may prepay such loan at any time without penalty.

(C) INTEREST RATE.—Loans shall bear interest at a rate of 3.5 percent annually.

(D) ACCRUAL OF INTEREST.—Loans shall accrue interest during the entire duration of the loan.

(E) PAYMENT OF INTEREST.—A State may not require a recipient of a loan to make interest payments on such loan during the first 3 years of such loan.

(F) COLLATERAL.—No collateral or personal guaranty shall be required for receipt of a loan.

(G) SECURED INTEREST IN INTELLECTUAL PROPERTY.—Each loan shall be secured by an interest in any intellectual property developed by the recipient of such loan through the use of amounts from such loan.

(H) DEVELOPMENT OF BUSINESS PLANS AND BUDGETS.—Each recipient of a loan shall develop, in cooperation with a Center, a business plan and a budget for the use of loan amounts.

(I) PREFERENCE FOR LOAN APPLICANTS THAT PARTICIPATE IN THE MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—In selecting small manufacturers to receive a loan, a recipient of a grant under this section shall give preference to small manufacturers that are participants in the Manufacturing Extension Partnership program.

(J) LOCATION OF PRODUCT DEVELOPMENT.—Each recipient of a loan shall commit to developing and manufacturing the product for which a loan is sought in the State that provides the loan for the duration of the loan if such product is developed during such duration.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the provisions of this section, $52,000,000 for each of the fiscal years 2008 through 2014, of which—

(1) $50,000,000 shall be for providing grants under this section; and

(2) $2,000,000 shall be for the costs of administering grants awarded under this section.

SA 962. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. REQUIREMENTS FOR RECEIPT OF FEDERAL ASSISTANCE BY CERTAIN LARGE BUSINESS ENTITIES.

(a) INFORMATION REQUIRED.—Each Federal department or agency that provides grants, loans, or loan guarantees to certain large business entities after the date of the enactment of this Act shall require that, as a condition of that grant, loan, or loan guarantee, the business entity shall provide to the department or agency on an annual basis for the duration of the grant, loan, or loan guarantee the following information:

(1) The number of individuals employed by the business entity in the United States.

(2) The number of individuals employed by the business entity outside the United States.

(3) A description of the wages and benefits being provided to the employees of the business entity in the United States.

(4) A description of the wages and benefits being provided to the employees of the business entity outside the United States.

(b) CERTIFICATION REGARDING LAYOFFS.—In addition to the information required under subsection (a), beginning on the date that is 1 year after the date on which a Federal department or agency provides a grant, loan, or loan guarantee to a large business entity, the department or agency shall require the business entity to provide to the department or agency on an annual basis for the duration of the grant, loan, or loan guarantee a written certification that contains the following information:

(1) The percentage of the workforce of the business entity employed in the United States that has been laid off or induced to resign from the business entity during the 12-month period preceding the submission of the certification.

(2) The percentage of the total workforce of the business entity that has been laid off or induced to resign from the business entity during the 12-month period preceding the submission of the certification.

(c) PROHIBITION ON FEDERAL ASSISTANCE TO CERTAIN LARGE BUSINESS ENTITIES THAT LAY OFF A GREATER PERCENTAGE OF WORKERS IN THE UNITED STATES THAN IN OTHER COUNTRIES.—Notwithstanding any other provision of law, if, in the written certification provided to a Federal department or agency by a large business entity under subsection (b), the percentage described in paragraph (1) of subsection (b) is greater than the percentage described in paragraph (2) of subsection (b), the business entity shall be ineligible for further assistance from the department or agency. The business entity shall also be ineligible for assistance from any other Federal department or agency, unless and until the business entity provides to the department or agency a written certification that the number of employees of the business entity in the United States is in the same proportion to the number of the employees of the business entity worldwide, as that number was, on the later of—

(1) the date the business entity last made a certification under subsection (b), concerning the same financial assistance, that did not cause the business entity to become ineligible under this subsection for further financial assistance; or

(2) the date on which the business entity received the financial assistance for which this certification is being made.

(d) DEFINITIONS.—In this section:

(1) BUSINESS ENTITY; LARGE BUSINESS ENTITY.—The terms "business entity" and "large business entity" mean a corporation, partnership, or any other business entity that employs 1,000 or more employees, including the subsidiaries, parent companies, and affiliated businesses of the entity.

(2) UNITED STATES.—The term "United States" includes the territories of the United States.

SA 963. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 3, after line 5, add the following:

Subtitle —H–1B and L–1 Visa Fraud and Abuse Prevention

SEC. 1. SHORT TITLE.

This subtitle may be cited as the "H-1B and L–1 Visa Fraud and Abuse Prevention Act of 2007".

SEC 2. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking "(E)(i) In the case of an application described in clause (ii), the" and inserting "(E) The"; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking "In the case of" and all that follows through "where—" and inserting the following: "The employer will not place the nonimmigrant with another employer if—"; and

(iii) in subparagraph (G), by striking "In the case of an application described in subparagraph (E)(ii), subject" and inserting "Subject";

(B) in paragraph (2)—

(i) in subparagraph (E), by striking "If an H–1B-dependent employer" and inserting "If an employer that employs H–1B nonimmigrants"; and

(ii) in subparagraph (F), by striking "The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer."; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking "90 days" each place it appears and inserting "180 days";

(ii) in subparagraph (F)(ii), by striking "90 days" each place it appears and inserting "180 days"; and

(B) in paragraph (2)(C)(iii), by striking "90 days" each place it appears and inserting "180 days".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking "(i) has provided" and inserting the following:

"(ii)(I) has provided";

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

"(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and".

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

"(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

"(i) on a website maintained by the Department of Labor, which website shall be searchable by—

"(I) the name, city, State, and zip code of the employer;

"(II) the date on which the job is expected to begin;

"(III) the title and description of the job; and

"(IV) the State and city (or county) at which the work will be performed; and

"(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105-220).

"(B) Each available job advertised on the list shall include—

"(i) the employer's full legal name;

"(ii) the address of the employer's principal place of business;

"(iii) the employer's State, city, and zip code;

"(iv) the employer's Federal Employer Identification Number;

"(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

"(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

"(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

"(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

"(ix) a statement of the expected hours per week that the job will require;

"(x) the date on which the job is expected to begin;

"(xi) the date on which the job is expected to end, if applicable;

"(xii) the number of persons expected to be employed for the job;

"(xiii) the job title;

"(xiv) the job description;

"(xv) the city and State of the physical location at which the work will be performed; and

"(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

"(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

"(D) The Secretary may promulgate rules, after notice and a period for comment—

"(i) to carry out the requirements of this paragraph; and

"(ii) that require employers to provide other information in order to advertise available jobs on the list.".

(3) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date that is 30 days after the creation of the list described in section 212(n)(6) of the Immigration and Nationality Act, as added by paragraph (2); and

(B) shall apply to all applications filed on or after such date.

(d) H-1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H-1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

"(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

"(I) the job or jobs are only available to persons who are or who may become H-1B nonimmigrants; or

"(II) persons who are or who may become H-1B nonimmigrants shall receive priority or a preference in the hiring process.

"(ii) The employer has not only recruited persons who are, or who may become, H-1B nonimmigrants to fill the job or jobs."; and

(2) in the undesignated paragraph at the end, by striking "The employer" and inserting the following:

"(K) The employer".

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

"(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H-1B nonimmigrant with another employer;" and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H-1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

"(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H-1B nonimmigrants.".

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

"(A) The employer—

"(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H-1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

"(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

"(II) the median average wage for all workers in the occupational classification in the area of employment; or

"(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

"(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed."; and

(B) in subparagraph (D), by inserting "the wage determination methodology used under subparagraph (A)(i)," after "shall contain".

(2) PROVISION OF W-2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

"(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H-1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W-2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

"(l) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.".

SEC. ___3. H-1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section ___2(d)(2), is amended—

(1) by inserting "and through the website of the Department of Labor, without charge." after "D.C.";

(2) by inserting ", clear indicators of fraud, misrepresentation of material fact," after "completeness";

(3) by striking "or obviously inaccurate" and inserting ", presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate";

(4) by striking "within 7 days of" and inserting "not later than 14 days after"; and

(5) by adding at the end the following: "If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking "12 months" and inserting "24 months"; and

(B) by striking "The Secretary shall conduct" and all that follows and inserting "Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.";

(2) in subparagraph (C)(i)—

(A) by striking "a condition of paragraph (1)(B), (1)(E), or (1)(F)" and inserting "a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)"; and

(B) by striking "(1)(C)" and inserting "(1)(C)(ii)";

(3) in subparagraph (G)—

(A) in clause (i), by striking "if the Secretary" and all that follows and inserting "with regard to the employer's compliance with the requirements of this subsection.";

(B) in clause (ii), by striking "and whose identity" and all that follows through "failure or failures." and inserting "the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.";

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking "meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months" and inserting "comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months";

(G) by amending clause (v), as redesignated, to read as follows:

"(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.";

(H) in clause (vi), as redesignated, by striking "An investigation" and all that follows through "the determination." and inserting "If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination."; and

(I) by adding at the end the following:

"(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C)."; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

"(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H-1B employers as part of the adjudication process that indicates that the employer is not complying with H-1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.".

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: "The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H-1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H-1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H-1B nonimmigrants.".

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking "$1,000" and inserting "$2,000";

(2) in clause (ii)(I), by striking "$5,000" and inserting "$10,000"; and

(3) in clause (vi)(III), by striking "$1,000" and inserting "$2,000".

(f) INFORMATION PROVIDED TO H-1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

"(3)(A) Upon issuing an H-1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

"(iii) a copy of the employer's H-1B application for the position that the H-1B nonimmigrant has been issued the visa to fill.

"(B) Upon the issuance of an H-1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

"(iii) a copy of the employer's H-1B application for the position that the H-1B nonimmigrant has been issued the visa to fill.".

SEC. 4. L-1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (E), by striking "In the case of an alien spouse admitted under section 101(a)(15)(L), who" and inserting "Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)"; and

(3) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

"(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees;

"(X) evidence of the financial status of the new facility; and

"(XI) any other evidence or data prescribed by the Secretary.

"(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

"(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.".

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

"(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants described in section 101(a)(15)(L).".

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L-1 nonimmigrant with another employer.".

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

"(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

"(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide the Secretary with information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

"(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

"(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

"(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

"(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).

"(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H-1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).".

(2) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting "(L)," after "(H),".

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

"(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

"(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

"(II) the employer shall be liable to employees harmed for lost wages and benefits.".

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

"(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

"(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

"(bb) the median average wage for all workers in the occupational classification in the area of employment; or

"(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

"(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

"(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L-1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W-2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

"(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

"(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

"(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

"(aa) the opportunity to participate in health, life, disability, and other insurance plans;

"(bb) the opportunity to participate in retirement and savings plans; and

"(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

"(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. ___5. WHISTLEBLOWER PROTECTIONS.

(a) H-1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting "take, fail to take, or threaten to take or fail to take, a personnel action, or" before "to intimidate"; and

(2) by adding at the end the following: "An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.".

(b) L-1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section 4, is further amended by adding at the end the following:

"(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

"(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

"(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

"(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

"(iii) In this subparagraph, the term 'employee' includes—

"(I) a current employee;

"(II) a former employee; and

"(III) an applicant for employment.".

SEC. 6. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) In General.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 964. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie ont he table; as follows:

On page 36, between lines 14 and 15, insert the following:

(c) Development of Science Parks.—

(1) Finding.—Section 2 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701) is amended by adding at the end the following:

"(12) It is in the best interests of the Nation to encourage the formation of science parks to promote the clustering of innovation through high technology activities.".

(2) Definition.—Section 4 of such Act (15 U.S.C. 3703) is amended by adding at the end the following:

"(14) 'Business or industrial park' means a primarily for-profit real estate venture of businesses or industries which do not necessarily reinforce each other through supply chain or technology transfer mechanisms.

"(15) 'Science park'—

"(A) means a group of interrelated companies and institutions, including suppliers, service providers, institutions of higher education, start-up incubators, and trade associations that—

"(i) cooperate and compete with each other;

"(ii) are located in a specific area whose administration promotes real estate development, technology transfer, and partnerships between such companies and institutions; and

"(B) does not mean a business or industrial park.

"(16) 'Science park infrastructure' means facilities that support the daily economic activity of a science park.".

(3) Science parks.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following:

"SEC. 24. SCIENCE PARKS.

"(a) Development of Plans for Construction of Science Parks.—

"(1) In general.—The Secretary shall award grants for the development of feasibility studies and plans for the construction of new or expansion of existing science parks.

"(2) Limitation on amount of grants.—The amount of a grant awarded under this subsection may not exceed $750,000.

"(3) Award.—

"(A) Competition required.—The Secretary shall award any grant under this subsection pursuant to a full and open competition.

"(B) Advertising.—The Secretary shall advertise any competition under this paragraph in the Commerce Business Daily.

"(C) Selection criteria.—The Secretary shall publish the criteria to be utilized in any competition under this paragraph for the selection of recipients of grants under this subsection, which shall include requirements relating to—

"(i) the number of jobs to be created at the science park each year during its first 5 years;

"(ii) the funding to be required to construct or expand the science park during its first 5 years;

"(iii) the amount and type of cost matching by the applicant;

"(iv) the types of businesses and research entities expected in the science park and surrounding community;

"(v) letters of intent by businesses and research entities to locate in the science park;

"(vi) the expansion capacity of the science park during a 25-year period;

"(vii) the quality of life at the science park for employees at the science park;

"(viii) the capability to attract a well trained workforce to the science park;

"(ix) the management of the science park;

"(x) expected risks in the construction and operation of the science park;

"(xi) risk mitigation;

"(xii) transportation and logistics;

"(xiii) physical infrastructure, including telecommunications; and

"(xiv) ability to collaborate with other science parks throughout the world.

"(4) Authorization of appropriations.—There are authorized to be appropriated $7,500,000 for each of the fiscal years 2008 through 2012 to carry out this subsection.

"(b) Loan Guarantees for Science Park Infrastructure.—

"(1) In general.—The Secretary may guarantee up to 80 percent of the loan amount for loans exceeding $10,000,000 for projects for the construction of science park infrastructure.

"(2) Limitations on guarantee amounts.—The maximum amount of loan principal guaranteed under this subsection may not exceed—

"(A) $50,000,000 with respect to any single project; and

"(B) $500,000,000 with respect to all projects.

"(3) Selection of guarantee recipients.—The Secretary shall select recipients of loan guarantees under this subsection based upon the ability of the recipient to collateralize the loan amount through bonds, equity, property, and other such criteria as the Secretary shall prescribe. Entities receiving a grant under subsection (a) are not eligible for a loan guarantee during the period of such grant.

"(4) Terms and conditions for loan guarantees.—The loans guaranteed under this subsection shall be subject to such terms and conditions as the Secretary may prescribe, except that—

"(A) the final maturity of such loans made or guaranteed may not exceed the lesser of—

"(i) 30 years and 32 days; or

"(ii) 90 percent of the useful life of any physical asset to be financed by such loan;

"(B) a loan made or guaranteed under this subsection may not be subordinated to another debt contracted by the borrower or to any other claims against the borrowers in the case of default;

"(C) a loan may not be guaranteed under this subsection unless the Secretary determines that the lender is responsible and that adequate provision is made for servicing the loan on reasonable terms and protecting the financial interest of the United States;

"(D) a loan may not be guaranteed under this subsection if—

"(i) the income from such loan is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986; or

"(ii) the guarantee provides significant collateral or security, as determined by the Secretary, for other obligations the income from which is so excluded;

"(E) any guarantee provided under this subsection shall be conclusive evidence that—

"(i) the guarantee has been properly obtained;

"(ii) the underlying loan qualified for such guarantee; and

"(iii) absent fraud or material misrepresentation by the holder, the guarantee is presumed to be valid, legal, and enforceable;

"(F) the Secretary shall prescribe explicit standards for use in periodically assessing the credit risk of new and existing direct loans or guaranteed loans;

"(G) the Secretary may not extend credit assistance unless the Secretary has determined that there is a reasonable assurance of repayment; and

"(H) new loan guarantees may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required under section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

"(5) Payment of losses.—

"(A) In general.—If, as a result of a default by a borrower under a loan guaranteed under this subsection, after the holder has made such further collection efforts and instituted such enforcement proceedings as the Secretary may require, the Secretary determines that the holder has suffered a loss, the Secretary shall pay to such holder the percentage of such loss specified in the guarantee contract. Upon making any such payment, the Secretary shall be subrogated to all the rights of the recipient of the payment. The Secretary shall be entitled to recover from the borrower the amount of any payments made pursuant to any guarantee entered into under this section.

"(B) Enforcement of rights.—The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States as a result of the issuance of any guarantee under this section.

"(C) Forbearance.—Nothing in this section may be construed to preclude any forbearance for the benefit of the borrower which may be agreed upon by the parties to the guaranteed loan and approved by the Secretary, if budget authority for any resulting subsidy costs (as defined under the Federal Credit Reform Act of 1990) is available.

"(D) Management of property.—Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary may complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell any property acquired by the Secretary pursuant to the provisions of this section.

"(6) REVIEW.—The Comptroller General of the United States shall, not later than 2 years after the date of the enactment of this section—

"(A) conduct a review of the subsidy estimates for the loan guarantees under this subsection; and

"(B) submit to Congress a report on the review conducted under this paragraph.

"(7) TERMINATION.—A loan may not be guaranteed under this subsection after September 30, 2012.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(A) $35,000,000 for the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of guaranteeing $500,000,000 of loans under this subsection; and

"(B) $6,000,000 for administrative expenses for fiscal year 2008, and such sums as necessary for administrative expenses in subsequent years.

"(c) NATIONAL ACADEMY OF SCIENCES EVALUATION.—

"(1) IN GENERAL.—The Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall evaluate, every 3 years, the activities under this section.

"(2) TRI-ANNUAL REPORT.—Under the agreement entered into under paragraph (1), the Academy shall submit to the Secretary a report on its evaluation of science park development under that paragraph. Each report may include such recommendations as the Academy considers appropriate for additional activities to promote and facilitate the development of science parks in the United States.

"(d) TRI-ANNUAL REPORT.—Not later than March 31 of every third year, the Secretary shall submit to Congress a report on the activities under this section during the preceding 3 years, including any recommendations made by the National Academy of Sciences under subsection (c)(2) during such period. Each report may include such recommendations for legislative or administrative action as the Secretary considers appropriate to further promote and facilitate the development of science parks in the United States.

"(e) RULEMAKING.—Not later than 1 year after the date of the enactment of this section, the Secretary shall prescribe regulations to carry out this section in accordance with Office of Management and Budget Circular A–129, 'Policies for Federal Credit Programs and Non-Tax Receivables'.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on April 24, 2007, at 9:30 a.m. in SD–106. The title of this committee hearing is, "Challenges and Opportunities Facing American Agriculture Producers Today, Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 24, 2007, at 9:30 a.m., in open session to receive testimony on United States Pacific Command, United States Forces Korea, and United States Special Operations Command in review of the defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, April 24 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing will examine the state of U.S. broadband deployment and penetration. In addition, it will provide a forum for considering the state of U.S. telecommunications research and development and the consequences for competitiveness in the global economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, April 24, 2007 at 9:45 a.m. in Room 406 of the Dirksen Senate Office Building.

The agenda to be considered: Hearing on the Implications of the Supreme Court's Decision Regarding EPA's Authorities with Respect to Greenhouse Gases under the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, PENSIONS, AND LABOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on the No Child Left Behind Reauthorization during the session of the Senate on Tuesday, April 24, 2007 at 10 a.m. in SD–628.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "The Insurrection Act Rider and State Control of the National Guard" on Tuesday, April 24, 2007 at 2:30 p.m. in Dirksen Senate Office Building Room 226.

The Honorable Michael F. Easley, Governor, State of North Carolina, Raleigh, NC.

Lieutenant General H. Steven Blum, USA, Chief, National Guard Bureau, Alexandria, VA.

Major General Timothy Lowenberg, USAF, The Adjutant General, State of Washington, Tacoma, WA.

Sheriff Ted G. Kamatchus, Sheriff, Marshall County Iowa, President, National Sheriffs' Association, Marshalltown, IA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 24, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery be authorized to meet on Tuesday, April 24, 2007, at 9:30 a.m. for a hearing titled "Beyond Trailers, Part I: Creating a More Flexible, Efficient, and Cost Effective Federal Disaster Housing Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet on Tuesday, April 24, 2007, at 2:30 p.m., for a hearing entitled "Transit Benefits: How Some Federal Employees Are Taking Uncle Sam for a Ride."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Human Rights and the Law be authorized to meet on Tuesday, April 24, 2007 at 10 a.m. to conduct a hearing on "A Long Way Gone: Memoirs of a Boy Soldier" in room 226 of the Dirksen Senate Office Building.

Witness List

Ishmael Beah, author, "A Long Way Gone: Memoirs of a Boy Soldier," New York, NY; Kenneth Roth, executive director, Human Rights Watch, New York, NY; Anwen Hughes, senior counsel, Refugee Protection Program, Human Rights First, New York, NY; Joseph Mettimano, director, Public Policy and Advocacy, World Vision, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on Tuesday, April 24, 2007, at 3 p.m., to receive testimony on the readiness of U.S. ground forces in review of the defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–27g, as amended, appoints the following Senator as a member of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the first session of the 110th Congress: the Honorable PATRICK J. LEAHY of Vermont.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 110th Congress: the Senator from Iowa (Mr. GRASSLEY) and the Senator from Ohio (Mr. VOINOVICH).

The Chair announces, on behalf of the Republican Leader, pursuant to Public Law 101–509, the appointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress.

CONGRATULATING THE UNIVERSITY OF WISCONSIN MEN'S INDOOR TRACK AND FIELD TEAM

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 167 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. 167) congratulating the University of Wisconsin men's indoor track and field team on becoming the 2006–2007 National Collegiate Athletic Association Division I Indoor Track and Field Champions.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. 167) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 167

Whereas, on March 10, 2007, in Fayetteville, Arkansas, the University of Wisconsin men's indoor track and field team (referred to in this preamble as the "Badgers indoor track and field team") became the first-ever Big 10 Conference school to win the National Collegiate Athletic Association (NCAA) Division I Indoor Track and Field Championship, by placing first with 40 points, 5 points ahead of second place finisher Florida State University, and 6 points ahead of the third place finisher, the University of Texas;

Whereas the Badgers indoor track and field team secured its victory through the strong performances of its members, including—

(1) senior Chris Solinsky, who placed first in the 5,000-meter run, with a time of 13:38.61, and placed second in the 3,000-meter run, with a time of 7:51.69;

(2) senior Demi Omole, who placed second in the 60-meter dash with a time of 6.57;

(3) senior Tim Nelson, who placed fifth in the 5,000-meter run with a time of 13:48.08;

(4) senior Joe Detmer, who finished fifth in the Heptathlon with 5,761 points; and

(5) freshman Craig Miller, sophomore James Groce, junior Joe Pierre, and freshman Jack Bolas, who finished fifth in the Distance Medley Relay with a time of 9:35.81;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the Badgers indoor track and field team, including—

(1) Zach Beth;
(2) Brandon Bethke;
(3) Brennan Boettcher;
(4) Jack Bolas;
(5) Nathan Brown;
(6) Joe Conway;
(7) Ryan Craven;
(8) Joe Detmer;
(9) Victor Dupuy;
(10) Peter Dykstra;
(11) Stu Eagon;
(12) Sal Fadel;
(13) Jake Fritz;
(14) Ryan Gasper;
(15) Barry Gill;
(16) Dan Goesch;
(17) James Groce;
(18) Eric Hatchell;
(19) Luke Hoenecke;
(20) Paul Hubbard;
(21) Lance Kendricks;
(22) Andrew Lacy;
(23) Nate Larkin;
(24) Billy Lease;
(25) Jim Liermann;
(26) Rory Linder;
(27) Steve Ludwig;
(28) Steve Markson;
(29) Zach McCollum;
(30) James McConkey;
(31) Brian McCulliss;
(32) Chad Melotte;
(33) Craig Miller;
(34) Tim Nelson;
(35) Pat Nichols;
(36) Demi Omole;
(37) Landon Peacock;
(38) Seth Pelock;
(39) Tim Pierie;
(40) Joe Pierre;
(41) Adam Pischke;
(42) Jarad Plummer;
(43) Ben Porter;
(44) Nathan Probst;
(45) Codie See;
(46) Noah Shannon;
(47) Chris Solinsky;
(48) Mike Sracic;
(49) Derek Thiel;
(50) Joe Thomas;
(51) Jeff Tressley;
(52) Christian Wagner; and
(53) Matt Withrow;

Whereas the success of the Badgers indoor track and field team was facilitated by the knowledge and commitment of the team's coaching staff, including—

(1) Head Coach Ed Nuttycombe;
(2) Assistant Coach Jerry Schumacher;
(3) Assistant Coach Mark Guthrie;
(4) Assistant Coach Will Wabaunsee;
(5) Volunteer Coach Pascal Dorbert;
(6) Volunteer Coach Nick Winkel; and
(7) Volunteer Coach Chris Ratzenberg;

Whereas, on February 24, 2007, in Bloomington, Indiana, the Badgers indoor track and field team won its seventh consecutive Big 10 Championship by placing first with 120 points, 27 points ahead of the second place finisher, the University of Minnesota, and 31 points ahead of the third place finisher, the University of Michigan;

Whereas numerous members of the Badgers indoor track and field team were recognized for their performances in the Big 10 Conference, including—

(1) Demi Omole, who was named Track Athlete of the Year and Track Athlete of the Championships;

(2) Joe Detmer, who was named Field Athlete of the Year and was a Sportsmanship Award honoree;

(3) Craig Miller, who was named Freshman of the Year;

(4) Ed Nuttycombe, who was named Coach of the Year;

(5) Chris Solinsky, Demi Omole, and Joe Detmer, who were named First Team All-Big 10; and

(6) Brandon Bethke, Craig Miller, Luke Hoenecke, Steve Markson, and Tim Nelson, who were named Second Team All-Big 10;

Whereas numerous members of the Badgers indoor track and field team were recognized for their performance in the NCAA Indoor Track and Field Championships, including—

(1) Ed Nuttycombe, who was named Division I Men's Indoor Track and Field Coach of the Year by the U.S. Track and Field and Cross Country Coaches Association;

(2) Jack Bolas, Joe Detmer, Stu Eagon, James Groce, Tim Nelson, Demi Omole, Joe Pierre, and Chris Solinsky, who were recognized as 2007 Men's Indoor Track All-Americans; and

(3) Chris Solinsky, who was named Division I Men's Track Athlete of the Year by the U.S. Track and Field and Cross Country Coaches Association, and was the first University of Wisconsin men's track athlete to be named national athlete of the year; and

Whereas several members of the 2007 Badgers indoor track and field team were also members of the 2005 University of Wisconsin men's cross country NCAA Division I Championship team, including—

(1) Brandon Bethke;
(2) Stu Eagon;
(3) Ryan Gasper;
(4) Tim Nelson;
(5) Tim Pierie;
(6) Joe Pierre;
(7) Ben Porter;
(8) Codie See;
(9) Chris Solinsky;
(10) Christian Wagner; and
(11) Matt Wintrow: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin-Madison men's indoor track and field team, Head Coach Ed Nuttycombe, Athletic Director Barry Alvarez, and Chancellor John D. Wiley, on an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

CONGRATULATING THE UNIVERSITY OF WISCONSIN WOMEN'S HOCKEY TEAM

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 168, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 168) congratulating the University of Wisconsin women's hockey team for winning the 2007 NCAA Division I Women's Ice Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FEINGOLD. Mr. President, today, as a proud alumnus, I congratulate the University of Wisconsin for another fantastic season. This year, the University of Wisconsin women's hockey team defended its National Collegiate Athletic Association Championship, earning its second straight title.

The hard work of the Badger women's hockey team culminated in a 4–1 victory over the University of Minnesota-Duluth in the NCAA championship game on March 18, 2007, in Lake Placid, NY. The Badgers finished their season on a 26-game unbeaten streak and totaled an outstanding final record of 36–1–4.

I commend and congratulate Coach Mark Johnson, a member of the championship Badger hockey team of 1977. The Badgers won the title at Lake Placid, the site of the 1980 "Miracle on Ice" U.S. Olympic hockey team, of which Johnson was a member.

The continuing success of University of Wisconsin athletics has made the people of Wisconsin, and alumni throughout the country, proud to be Badgers. The success of this superb team helps remind sports fans in Wisconsin and around the country of UW-Madison's place as a dominant force in Big Ten and national athletics.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 168) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 168

Whereas, on March 18, 2007, in Lake Placid, New York, by defeating the University of Minnesota-Duluth by a score of 4–1 in the championship game and defeating St. Lawrence University by a score of 4–0 in the semifinals, the University of Wisconsin women's hockey team (referred to in this preamble as the "Badgers") won the women's Frozen Four championship, earning their second consecutive National Collegiate Athletic Association (NCAA) title;

Whereas Sara Bauer scored a goal and tallied 2 assists, Erika Lawler scored a goal and tallied an assist, Jinelle Zaugg scored a goal, Jasmine Giles scored a goal, Meghan Duggan contributed an assist, Meaghan Mikkelson contributed an assist, and Jessie Vetter stopped 17 shots in the final game to earn her 20th win of the season;

Whereas every player on the University of Wisconsin women's hockey team (Sara Bauer, Rachel Bible, Christine Dufour, Meghan Duggan, Maria Evans, Jasmine Giles, Kayla Hagen, Tia Hanson, Angie Keseley, Heidi Kletzien, Emily Kranz, Erika Lawler, Alycia Matthews, Alannah McCready, Meaghan Mikkelson, Phoebe Monteleone, Emily Morris, Mikka Nordby, Kyla Sanders, Bobbi-Jo Slusar, Ally Strickler, Jessie Vetter, Kristen Witting, and Jinelle Zaugg) contributed to the success of the team;

Whereas Sara Bauer was named to the RBK/American Hockey Coaches Association All-American First Team, and was a finalist for the Patty Kazmaier Memorial Award for national player of the year, the United States College Hockey Online's (USCHO) Player of the Year for the second straight season, and the WCHA Player of the Year and WCHA Scoring Champion, and earned a spot on the All-USCHO First Team and the All-Western Collegiate Hockey Association (WCHA) First Team;

Whereas Bobbi-Jo Slusar was named to the RBK All-American Second team, the All-USCHO First Team, and the All-WCHA Second Team, and was named USCHO Defensive Player of the Year;

Whereas Meaghan Mikkelson was named to the All-USCHO First Team and the All-WCHA First Team, and was named the WCHA Defensive Player of the Year;

Whereas Jessie Vetter was named to the RBK All-American First Team, All-USCHO Second Team, and All-WCHA First Team;

Whereas Meghan Duggan was named to the All-USCHO Rookie Team and named WCHA Rookie of the Year, Christine Dufour was named to the All-WCHA Third Team and was WCHA Goaltending Champion, and Erika Lawler was named to the All-WCHA Third Team;

Whereas Coach Mark Johnson, who won an NCAA championship as member of the University of Wisconsin men's hockey team in 1977, was a member of the gold-medal winning 1980 United States Olympic hockey team, and is one of the few people who have won a national championship as both a player and coach, was named the WCHA Coach of the Year;

Whereas the Badgers are the first University of Wisconsin program to repeat as NCAA champions since the University of Wisconsin women's cross country team won the title in both 1984 and 1985; and

Whereas the Badgers ended the season on a 26-game undefeated streak, finishing with a record of 36–1–4, while outscoring opponents 166–36, and the Badgers broke or tied 6 NCAA single-season team records: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin women's hockey team, the coaching staff, including Head Coach Mark Johnson and Assistant Coaches Tracey Cornell and Daniel Koch, Program Assistant Sharon Eley, Director of Women's Hockey Operations Paul Hickman, Athletic Trainer Jennifer Pepoy, Volunteer Coach Jeff Sanger, and Athletic Director Barry Alvarez, and Chancellor John D. Wiley on an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

RECOGNIZING SUSAN G. KOMEN FOR THE CURE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 169, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 169) recognizing Susan G. Komen for the Cure on its leadership in the breast cancer movement on the occasion of its 25th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 169) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 169

Whereas, Nancy G. Brinker promised her dying sister, Susan G. Komen, that she would do everything in her power to end breast cancer;

Whereas, in Dallas, Texas, in 1982, that promise became Susan G. Komen for the Cure and launched the global breast cancer movement;

Whereas, Susan G. Komen for the Cure has grown to become the world's largest grassroots network of breast cancer survivors and activists fighting to save lives, empower people, ensure quality care for all, and energize science to find the cure;

Whereas, Susan G. Komen for the Cure has invested nearly $1,000,000,000 to fulfill its promise, becoming the largest source of nonprofit funds in the world dedicated to curing breast cancer;

Whereas, Susan G. Komen for the Cure is committed to investing an additional $1,000,000,000 over the next decade in breast health care and treatment and in research to discover the causes of breast cancer and, ultimately, its cure;

Whereas, Susan G. Komen for the Cure serves the breast health and treatment needs of millions, especially underserved women, through education and support to thousands of community health organizations, with grants to date of more than $480,000,000;

Whereas, Susan G. Komen for the Cure has played a critical role in virtually every major advance in breast cancer research over the past 25 years; the research investments to date of more than $300,000,000;

Whereas, Susan G. Komen for the Cure has advocated for more research on breast cancer treatment and prevention, with the Federal

Government now devoting more than $900,000,000 each year to breast cancer research, compared with $30,000,000 in 1982;

Whereas, Susan G. Komen for the Cure is a leader in the global breast cancer movement, with more than 100,000 activists in 125 cities and communities, mobilizing more than 1,000,000 people every year through events like the Komen Race for the Cure Series—the world's largest and most successful awareness and fundraising event for breast cancer;

Whereas, Susan G. Komen for the Cure has been a strong supporter of the National Breast and Cervical Cancer Early Detection Program and the Mammography Quality Standards Act;

Whereas, in the last 25 years early detection and testing rates have increased, with nearly 75 percent of women over 40 years of age now receiving regular mammograms, compared with 30 percent of such women in 1982;

Whereas, in the last 25 years, the 5 year breast cancer survival rate has increased to 98 percent when the cancer is caught before it spreads beyond the breast, compared with 74 percent in 1982;

Whereas, without better prevention and a cure, 1 in 8 women in the United States will continue to suffer from breast cancer—a devastating disease with physical, emotional, psychological, and financial pain that can last a lifetime;

Whereas, without a cure, an estimated 5,000,000 Americans will be diagnosed with breast cancer—and more than 1,000,000 could die—over the next 25 years;

Whereas, Susan G. Komen for the Cure is challenging individuals, communities, States, and Congress to make breast cancer an urgent priority;

Whereas, Susan G. Komen for the Cure recognizes that in the world of breast cancer, the big questions are still without answers: what causes the disease and how it can be prevented; and

Whereas, Susan G. Komen for the Cure is marking its 25th anniversary by recommitting to finish what it started and end breast cancer: Now, therefore, be it

Resolved, That the Senate——

(1) congratulates Susan G. Komen for the Cure on its 25th anniversary;

(2) recognizes Susan G. Komen for the Cure as a global leader in the fight against breast cancer and commends the strides the organization has made in that fight; and

(3) supports Susan G. Komen for the Cure's commitment to attaining the goal of a world without breast cancer.

ORDERS FOR WEDNESDAY, APRIL 25, 2007

Mr. BINGAMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, April 25; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein, with the first 30 minutes under the control of the majority and final 30 minutes under the control of the Republicans; that following morning business, the Senate resume consideration of S. 761.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BINGAMAN. Mr. President, I understand my colleague from Tennessee, Senator ALEXANDER, wishes to make some final comments tonight.

If there is no further business today, I ask unanimous consent that following the remarks of Senator ALEXANDER, the Senate stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

AMERICA'S COMPETITIVENESS

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico. I say to him, it is always nice to serve with him in the Senate but especially this week because this week the Senate, as anyone can see, is debating perhaps the two greatest issues facing our country. One is a way forward in Iraq, about which we have profound disagreements; two is, how do we keep our jobs in a competitive world, how do we keep our brainpower advantage so we can continue this remarkable situation we find ourselves in where our country produces about 30 percent of all the money in the world, gross domestic product, for about 5 percent of the people?

I believe the election last November was as much about the conduct of business in Washington, DC, as it was about the conduct of the war in Iraq. I think most people—and I have said this many times—most people want to see us acting like grownups dealing with big issues. They know that while we have our principles and we have our politics, there are some issues before us that are simply too big for one political party to solve. We have not reached the point on Iraq where we can do that. I am hopeful we can. We need a political settlement here as much as Iraq needs one there. But we have reached—or we are close to reaching—a political settlement on the other great issue we are debating this week; that is, competitiveness. This is a great big issue. This is of concern to Tennesseans in every county where I go. This is the feeling down deep in your gut or in your heart while sitting around the table at night: Am I going to have a job? As the Presiding Officer has spoken eloquently to this, we come at this from many different ways, but we see that our country now is in a very fortunate position that we can't take for granted.

I was trying to think of an appropriate analogy today, and I was thinking of the University of Tennessee women's basketball team. I heard some nice compliments paid to the Wisconsin teams today. I think Pat Summitt and the University of Tennessee women's basketball team have won seven national championships, including the one this year.

There was a time 20 years ago when the University of Tennessee women's basketball team coached by Pat Summitt played any team in the Southeastern Conference and it wasn't even close. Everybody knew the Lady Volunteers—the Lady Vols—were so good, so strong, so far ahead that they were going to win. Now they still win, but they really have to work to win because there are a lot of great teams in the Southeastern Conference. In fact, there are a lot of great teams around the country, and that is the way as we look in the world in which we live today.

We cannot take for granted 1 year longer that our children and our grandchildren will enjoy this remarkable standard of living we have. There are a number of steps we need to take to deal with that.

The step we are talking about this week with a reasonable degree of consensus is keeping our brainpower advantage. Why do we say brainpower advantage? Because that is one way we gained our wealth as a country. In fact, many of the studies show that at least half and maybe a good deal more of the growth in the wealth of families, the family incomes in America since World War II, has come from technological advances. That is going back a long ways. That is from Thomas Edison's inventions. That is from Henry Ford's inventions, Walter Chrysler's inventions, and more recently the Google invention. Wherever those inventions come, the jobs grow.

I learned a long time ago that as important as it is for Governors, for example, to recruit jobs, it is more important to grow jobs. We were feeling pretty good down in Tennessee 25 years ago when Saturn came from General Motors and Nissan came to Tennessee. I added it all up, and that was 10,000 or 12,000 jobs. Then the suppliers came, and that was a lot more jobs.

But in Tennessee, as in most places in America, we lose jobs every year. The numbers are a little elusive. But in a State such as Tennessee where 2.5 million people work, maybe we lose 10 percent of our jobs every year. They just disappear. Companies go out of business. But that must mean we must create about that many new jobs every year. So the strong economies, the economies that are growing—the United States being the prime example—are the economies which create the best environment for the growth of the largest number of good new jobs. That is what a progrowth policy is.

We Republicans, we on this side of the aisle, are saying progrowth—yes, that means low taxes. I agree. I vote for low taxes. When I was Governor of Tennessee, we had low taxes. I believe we had the lowest taxes per capita in the country. That wasn't enough. We were the third poorest State, and we had low taxes. The problem was we had a lot of other rules and regulations and impediments and impairments that kept us from raising our family incomes. For example, we had a usury limit of 10 percent. We had very restrictive banking laws. On the good side, we had a right-to-work law. That helped us. There were a number of things that created a more competitive environment. On the negative side, we had a bad road system. Now we have one of the best four-lane highway systems in America.

As we worked through the goal of how do we in our State of Tennessee go from being the third poorest State to what we became—the fastest growing State in family incomes—we went through all those other issues and finally centered on better schools, better colleges, better universities, more brainpower, because if you went to work at the Saturn plant, you had to know statistics, you had to know other forms of math, you had to speak English well and work as part of a team. There really weren't any blue-collar jobs left in the auto industry; they were high-tech jobs, and you had to be well trained to be there.

As we have said to each other—and we all believe this, almost every one of us—our children have to know more than we did. Standards are higher and higher and higher because as some jobs leave our country, if we want to create more good new jobs, we are going to have to be smart enough to create them, smart enough to work at them, and smart enough to keep them. That is what the brainpower advantage is.

We have had that advantage. We have had the greatest K–12 system in the world here for a long time. It has some problems now, but it has been a remarkable system for our country. There is no doubt we have the finest system of colleges and universities in the world. More than half a million students around the world come here.

The former President of Brazil, Cardoso, was visiting with a group of Senators a couple of years ago, and someone asked him: What will you take back to Brazil, Mr. President? He taught at the Library of Congress and in other places in the world. He is an academic. He said: The American university.

No one in the world has a system like the American universities. That is why we have people lining up in India and China and everywhere else to come to our schools.

Then we have these remarkable National Laboratories, such as the Oak Ridge National Laboratory. Just in Knoxville, TN, the area where I grew up, with the Tennessee Valley Authority, the University of Tennessee research campus, and the Oak Ridge National Laboratory, we have more than 3,000 Ph.D.s. What a concentration of brain power. Out of that comes entrepreneurial hotspots, new jobs, and this high standard of living we talk about in our State, as well as for our country.

So what is the problem? You might even look at it, as the International Monetary Fund has said over the last several years, that we have been able to keep that high level of gross national product, but we all know anecdotally, and now from recommendations we have gotten from people who know what they are talking about, that we have a gathering storm. That is why simultaneously a number of us in the Senate, on both sides of the aisle, all began to come to about the same conclusion.

Senator LIEBERMAN and Senator ENSIGN, for example, took legislation from a group called the Council on Competitiveness, which said if we don't stay competitive, we are not going to keep our jobs. So what do we need to do? They told us. Senator BINGAMAN and I, with Senator DOMENICI's encouragement, and Representatives BOEHLERT and GORDON in the House of Representatives joined in, asked the National Academy of Sciences: We said, OK, you are supposed to know this. The Senator from Ohio and the Senator from Tennessee, we might have an idea, we might have a friend with a math program, but you are supposed to know. Exactly what do we need to do to keep our high standard of living, to keep our jobs from going to China and India? Tell us in priority order. They did that. They gave us this report, "Rising Above the Gathering Storm."

They said if we want to keep our jobs, we better do these 20 things in priority order. These aren't the only 20 things. Each of us can think of more to do. We might not agree about some of those things. Some might be tort reform. Some might be to give poor kids vouchers to go to school. Those things aren't in here. Some overhaul of the tax system. There are a lot of barriers to innovation, but this group came up with 20 recommendations.

What happened to that? We have worked together with the administration—homework sessions we called them—and we took the best advice we could. These 20 recommendations weren't willy-nilly. These were three Nobel laureates, a former president of MIT, business leaders like Craig Barrett of Intel, Bob Gates, the head of Texas A&M, now the Defense Secretary. They gave their summer. They reviewed hundreds of proposals. They said of all the proposals, here is one that seems effective; that makes a difference. Let's try it. This is what we need to do to keep our advantage.

We usually don't have that kind of dispassionate, disinterested advice. I think that is why, after we got going, we were able to have a piece of legislation, Domenici-Bingaman, that had 70 cosponsors—35 on this side, 35 on that side. We had a Republican majority, and we worked together to produce that bill, and Senator Frist and Senator REID introduced it last year as we were going out of session.

What has happened this year? We have a Democratic majority, and Senator REID and Senator MCCONNELL have taken the same bill, after it has made its way through all these committees—and it is a big bill, 208 pages. I reread it over the weekend. It is remarkably well organized, remarkably literate, remarkably easy to understand, and makes a lot of sense.

Is it perfect? No. We have 100 Senators. We have 62 cosponsors of this legislation by the majority leader and the minority leader. Yet there are several things, if I were writing it, that I would take out.

We have had a healthy debate today. We have had some good points made by Senator DEMINT and Senator SUNUNU and Senator GREGG and some others who are critical of provisions of the bill. That is the way the Senate is supposed to work. We put it out there, we work hard to get our advice, we have debates, we have votes, and we go on to the next thing, which is what we are doing tomorrow.

I would like to say, if all of us insisted on every right each of us has, we would never get anything done. So I am very grateful to my colleagues for the work they have done to help bring this to a conclusion, which we hope we can reach tomorrow.

I would like to make just a couple of other comments in response to some of the criticisms of the legislation. I don't want to make too many because most of the comments have been favorable. I mean, it is very impressive when senior members, such as Senators KENNEDY and ENZI from the HELP Committee, and Senators INOUYE and STEVENS from Commerce, and Senators BINGAMAN and DOMENICI from the Energy Committee bring this bill directly to the Senate floor and have a sense of urgency about its passage and step back and don't insist on all their prerogatives so we can actually come to a conclusion. They have produced a remarkably good bill.

In improving it, however, one thing that was done to improve it yesterday was an amendment that was adopted which Senator BINGAMAN offered. That took out any direct spending in the bill. So there is no mandatory spending in this legislation. This is an authorization bill. It doesn't spend one single penny. That is important for everyone to know.

There is also the question of its cost. Let me go to a Statement of Administration Policy that arrived last night. I used to work in the White House, in the Congressional Relations Office. I think if I had been doing it, and if the Senate had been working on this for 2 years, with maybe a dozen Senators, including some Republicans, I think I might have driven over here and given this to somebody. I would have appreciated that, and I think many other Senators would have. Nevertheless, I put this in the RECORD this morning as a courtesy to the White House because the President has spoken out forcefully for the competitiveness agenda in his State of the Union message for the last 2 years, and he put a large amount of funding in his budget for the next 4 years in support of it, and a number of the President's proposals, most of them in fact, are incorporated in this legislation.

So among the National Academy of Sciences, the Council on Competitiveness, and all the committees, we have the President of the United States, the most important voice in the country, saying this is what we need to do. I am grateful for that.

I am also grateful for this Statement of Administration Policy which has made some helpful suggestions, and we have been considering them. This statement points out, for example, that the Senate bill in support of competitiveness objectives would cost $61 billion over the next 4 years. Most of it comes from doubling funding for the hard sciences in the Office of Science in the Department of Energy, doing that over 10 years, and authorizing—again, not spending, authorizing—doubling of the National Science Foundation over 5 years. Mr. President, $61 billion is what the Senate bill would do. That is $9 billion more than the President's proposal.

Let me point out that the President himself proposed $52 billion over the next 4 years. We have proposed $8 billion or $9 billion more—no direct spending, and fairly close to what the President had recommended. As Senator BINGAMAN said, the Budget Committee and the Senate, by a 97-to-1 vote, approved an amendment making about $1 billion of room in our budget for the first year of these proposals.

In terms of new programs, it has been said there may be $16 billion of new proposals over the next 4 years. Let me try to put that in perspective. I consider this progrowth legislation. Over on this side of the aisle, we get very excited about progrowth legislation. I do. I like it. I just talked about how I was a progrowth Governor. The first thing that comes to mind is taxes, the Bush 2001 tax cuts. I voted for them. I will vote for them again. They are progrowth. They cost $552 billion over 5 years—$552 billion over 5 years. That is a lot of money. We do that over here and don't think twice about it because it is progrowth.

This is $16 billion over 4 years. It is progrowth. To my way of thinking, it is just as progrowth as tax cuts. In fact, most of the research shows that our brain power advantage is the single most important reason that we grow the largest number of new jobs in our country. Our tax structure is important, but our brain power advantage is more important. So this is progrowth.

Another way of thinking about it, if we are $8 billion more than the President's proposals, $8 billion is about what we spend in a month in Iraq. We spend about $2 billion a week in Iraq. I vote for that, too. But if we don't have growth, if we don't invest in education and research and keep our competitive advantage, we will never be able to pay for the urgent needs we have—in Medicare, Medicaid, to clean up after hurricanes, and to have a strong national defense. So this is progrowth legislation.

As I look through the Statement of Administration Policy, I won't seek to discuss each of these items, but there are some differences of opinion between those in the administration and those of us who worked on the bill. In some cases, it boils down to the President liking his new programs and not liking our new programs, although most of his are in there. It is not quite fair for the White House to say it is wrong for the Senate to add a few new programs but not wrong for the President to add a few new programs. We are coequal branches of the Government.

He has a new Math Now Program. We think it is a good program, and it is in here, but it is a new educational program. We have new educational programs, too, that were recommended by the Augustine commission, such as the You Teach Program from the University of Texas and the Penn Science Program from the University of Pennsylvania, both of which were judged to be the most outstanding programs in the country to help train existing teachers or train new teachers. And who told us that? This committee of 21, including three Nobel laureates who spent the summer reviewing all the ideas. That is pretty good advice we are getting, Mr. President. So I think we should take it.

The administration doesn't like what we call ARPA-E. It is what has been called DARPA over in the Defense Department, which has been very successful as a research agency. Out of it came Stealth, which permits us to own the night in our military activities. Out of it came the Internet. There are some differences between using that to solve our energy problems, but we think we ought to try. That is just a difference of opinion.

There are a few other differences of opinion. One is that some people think—although I haven't heard it said much on the floor today—we should not be using our National Laboratories to have math and science programs for teachers and students. I do not agree with that. My experience is totally the reverse. Our biggest problem with math and science is inspiring kids to learn math and science. What would inspire you more than to go to the Oak Ridge Laboratory, Los Alamos, being near a Nobel Prize winner if you are 14 or 15 years old or if you are a teacher? If you want to be a musician in Nashville, you would rather go on the road with Vince Gill or Martina McBride than sit in the business office of the Grand Ole Opry. So if we have these great National Laboratories, let's use them to inspire our students.

That is new. That is true, it is new. But what is wrong with a new idea every now and then if it has promise and it looks as if will work and it is recommended by the National Academy of Sciences, the Institute of Engineering, and the National Academy of Medicine as something we ought to do? There are a variety of very good suggestions made by the administration's statement of policy. We are taking them all into account.

We have had a number of amendments today. One of the concerns of the administration was that we not duplicate educational programs. That is our concern as well. In the work that we did, we asked the National Academies to look at existing programs and help us not duplicate those. So as an example, the National Academies suggested that we create a special program of scholarships to train new teachers. We looked at the National Science Foundation and, in fact, asked the Director. He already had a program like that called the Robert Noyce Scholarship Program. We judged that to be an effective program. Instead of creating a new one, we expanded the existing one. So we have been very sensitive to that.

The legislation itself sets up a Cabinet council which will review existing math and science programs in kindergarten through the 12th grade to try to make sure we do not duplicate and that all of the money we spend is effective. The administration has its own academic competitiveness council. It has been at work for about 18 months, I think. It hasn't reached its conclusions yet. It is going to be a very useful council as well. And the President's own Math Now proposal, a new program, will also be helpful in helping us take the existing programs and focus them correctly.

So the new Cabinet council within the administration, set up by this bill, the existing Academic Competitiveness Council already ongoing in the administration, and our own oversight, should help us continue this very valid inquiry to make sure the programs weren't duplicated.

I told the visiting chief State school officers today, who were here from around the country, that there was a lot to take home from this bill, and there is. When the academies were asked to put this in priority order, they didn't put a research and development tax credit as the No. 1 thing to keep our jobs. They didn't put bringing in students from overseas as the No. 1 thing, although we think it is terrifically important. They didn't even put more research in the universities as the No. 1 thing.

They said improving kindergarten through the 12th grade. And they took a number of steps, some of which I have already mentioned: the summer institutes of the National Laboratories, the teacher institutes at the National Science Foundation—70,000 new teachers will be trained to teach advanced placement courses in math, science, and the critical foreign languages. Especially, this will mean low-income children who are just as smart but just haven't had the opportunity to have a teacher who knew how to teach it or the money to pay for the test, this will take care of that. This is from a Houston, TX, program that has been judged effective because it has worked for many years.

Then I think a very exciting program is the idea of supporting these specialty math and science schools in each State, a residential math and science school such as the one in North Carolina, the one in Georgia. The Governor of Tennessee has just begun to have one. It forms a nucleus of excellence in a subject matter, in this case math and science, that attracts and inspires the best students and teachers.

We found in our State over the last 20 years that summer academies, just 2 or 4 weeks, in different subjects, has made a remarkable difference in the quality of education. In Georgia, for example, their experience is that half the students who go to the Georgia math and science academy then go to Georgia Tech. That means they stay in Georgia instead of going somewhere else and then they are the source of the new jobs and higher standard of living for our future.

As I hope you can tell, I am excited about what has happened today. I know enough about the Senate to know we are not through. The Senate is not done until it is done. My hope is that Senator BINGAMAN is right and we can finish tomorrow.

I thank the majority leader and the Republican leader for creating an environment in which we can succeed. They have given us the time to do it and our colleagues have been diligent. I hope our colleagues will come to the floor tomorrow with their suggestions. But I want the American people to know what I said when I began. It is always a privilege to serve in the Senate, but especially it is a privilege this week because this is the Senate acting as grown-ups, not playing partisan, petty politics, not dealing with little kindergarten issues. We are dealing with the two foremost issues facing our country: How we go forward in Iraq—we have profound disagreements still—and how we keep our competitive advantage, our brain power advantage, so we can keep our jobs. We are coming to a consensus because of very hard work on both sides. I think the American people will be proud of the result, if we are able to succeed, which I very much hope we can.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow, Wednesday, April 25.

Thereupon, the Senate, at 7:58 p.m., adjourned until Wednesday, April 25, 2007, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, April 24, 2007:

THE JUDICIARY

Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

HOUSE OF REPRESENTATIVES—*Tuesday, April 24, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. ENGEL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
April 24, 2007.

I hereby appoint the Honorable ELIOT L. ENGEL to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. DAVIS) for 2 minutes.

ARMY SPECIALIST JOEY CANTRELL

Mr. DAVIS of Kentucky. Thank you, Mr. Speaker.

One of the most solemn duties that we can have in the House of Representatives is to recognize the sacrifice, devotion and service of those who protect this Nation.

Mr. Speaker, today I rise to honor the memory of Army Specialist Joey Cantrell, a soldier from Westwood, Kentucky, who recently lost his life fighting in Taji, Iraq, serving with the Army's Second Battalion, Eighth Cavalry Regiment.

Specialist Cantrell graduated from Fairview High School in 2002 and was a celebrated athlete both on the football field and around the track. His football coach and mentor, Fairview school superintendent Bill Musick, told a local paper, "You always noticed Joey Cantrell because of how he presented himself. He was a sharp kid." Joey overcame adversity, achieved academic excellence, was a leader and a tough competitor in athletics, and won the friendship of many. When it came to serving, his coach shared with me that Joey felt it was a call to go into the military.

Recently, I had the opportunity to visit with his mother Sondra Adkins. His family and friends remembered his warm smile, thoughtful nature and his ability to excel at everything he did. Joey Cantrell will be deeply missed by all who knew him. His mother shared that Joey believed in what he was doing and gave his life doing what he wanted to do.

Today, as we honor Joey's memory, our Nation grieves with his mother and his family. We are deeply indebted to Joey and thankful for his service. Soldiers like Joey Cantrell make me proud to be an American.

ON THE PASSING OF CONGRESSWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair recognizes the gentleman from Maryland, the distinguished majority leader, Mr. HOYER.

Mr. HOYER. Thank you, Mr. Speaker.

It is with deep sadness that I rise today to note the passing of our colleague and friend, Congresswoman Juanita Millender-McDonald, a dedicated public servant who worked tirelessly on behalf of her constituents in California's 37th Congressional District and a devoted representative who cared deeply for those she served.

Congresswoman Millender-McDonald was someone who never allowed the conventions of her surroundings to define the role she would play. Because she understood that education would unlock her budding potential as a community leader, Juanita achieved something extraordinary by earning a bachelor's degree from Redlands University at the age of 40, and a master's degree from California State University at the age of 47.

Because she recognized her duty to give back just a little of what she had learned, Juanita made our children's future her life's work by teaching math and English in the Los Angeles Unified School District.

Because she could not sit idly by when she had much to offer, Juanita turned to public service in 1990, becoming the first African American woman to serve on the Carson city council, the first African American woman to chair two committees in the California State assembly, and the first African American woman to chair a full committee in the U.S. Congress.

And because she never let go of her abiding faith in the fact that our tomorrows can be better than our todays, Juanita will be remembered, remembered as a leader who inspired action, drove progress and labored diligently to improve the lives of people throughout our Nation.

Mr. Speaker, the advocates of equal rights for women and minorities have lost a powerful voice in the U.S. Congress, one that always sought to bring people together by elevating the bonds that unite us as Americans and as human beings. Children and the working poor have lost a compassionate ally. Men and women seeking to participate in their own governance have lost a steadfast guardian of voting rights who fought to expand the reach of democracy, not only in spirit but in practice as well. And defenders of human rights have lost a champion of their cause who never missed an opportunity to remind the free world of its obligation to help alleviate suffering and restore fundamental human dignity to those who have gone without it for far too long, such as those suffering in Darfur. Juanita Millender-McDonald personified what it means to serve others before serving self.

Mr. Speaker, I want Juanita's husband, James, and her children and grandchildren to know that the thoughts and prayers of a grateful Nation are with them as they mourn their loss. We join them in their mourning but we also join them in their joy of a life well-lived.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentlewoman from New York (Ms. CLARKE) is recognized during morning hour debates for 2 minutes.

Ms. CLARKE. Mr. Speaker, I just wanted to take a moment today to express my heartfelt condolences to the family, friends and constituents of Congresswoman Juanita Millender-McDonald and pay tribute to her legacy of leadership and her profound impact on this institution, the people she served and indeed our Nation.

Chairwoman McDonald was a trailblazer who paved the way for me and many others to be elected and to serve in the Congress. I am ever mindful of the legacy of integrity and excellence that she has imparted to each and

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

every one of us. I embrace it and can truly say that she has touched my life. Though we were colleagues in this body for a short while, we had many moments of interactions that were truly empowering. She never missed a moment to be encouraging and complimentary.

Just a week ago or so before the chairwoman took her leave from the Congress, we encountered one another in this very Chamber. She inquired of me about how I was doing. My response to her was, "I'm just trying to keep up with you, Madam Chair." She smiled her beautiful and elegant smile and said to me, "You're doing it, girl."

It has truly been a blessing for me as a freshman to have been acknowledged and encouraged by this truly remarkable, elegant and extraordinary role model. The legacy of Congresswoman Juanita Millender-McDonald will never be forgotten. It has been imparted to all of us and it will certainly always reside with me.

God bless you, sister. Thank you for all you have given to each and every one of us. Well done.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentlewoman from California (Ms. WATERS) is recognized during morning hour debates for 5 minutes.

Ms. WATERS. Mr. Speaker and Members, I come to the floor today to join with my colleagues in recognition of a public servant who served in this august body, who served in the California State legislature, who served the city of Compton as a city councilwoman, who served as head of the NAACP in the city of Compton, who was a community activist, a legislator and not only a committed servant but a woman who was determined to make sure that she did everything possible to bring about justice and equality, not only for our people but for all people.

I have known Juanita Millender-McDonald for over 35 years. I knew her before she was the president of the Compton chapter of the NAACP. She contacted me when she became the president and we worked on some projects together. We went on to work on many projects together. When my son ran for the California State legislature, she was involved with his campaign. When her son made an attempt to get back into professional football, my husband who was a professional football player, having played for the Cleveland Browns, helped to connect him with some recruiters in order to get him into professional football. And so we have interacted on a professional level, on a personal level and in so many ways for such a long period of time.

We have been involved in some of the same kind of issues over the years. I can recall, it was not so many years ago when it was revealed that perhaps our government had known about drugs that were being transported from Nicaragua into south central Los Angeles, and, of course, that revelation kicked off a firestorm in this country. Juanita McDonald invited the head of the CIA to come to south central Los Angeles to speak to the people and tell them what he knew about the Contras and about the Sandinistas and our involvement with the drug trade, this government. Did this government turn a blind eye while drugs were being transported across our borders?

It was an unusual event. Never had the head of the CIA been to a community to speak with the people, and people were everywhere. The FBI, the CIA, everybody was standing on roofs all over the place. It was a spectacular event. But that was her style.

Juanita McDonald and I not only worked on that issue in different ways. We have been involved in trying to save Martin Luther King Hospital for a number of years now. This has been a tough, tough battle. This hospital was born out of the ashes of the insurrection of 1965 in south Los Angeles. This is an institution that is so very much needed but is such at risk at this point. This institution has been threatened by the Federal Government to withdraw all of its Federal funds and we have fought day in and day out, month in and month out, year in and year out to maintain the funding from the Federal Government so that that hospital could stay there for people who need it so desperately.

Juanita McDonald has organized many meetings. She has interacted not only with CMS and the Federal Government but all of the county officials. Time after time we have sat before the board of supervisors, imploring them to do everything that they could to straighten out the problems at Martin Luther King Hospital, to work harder, to make sure there was the management and the supervision.

Juanita McDonald cared about health issues. Not only was she involved with trying to save Martin Luther King Hospital, she organized an AIDS walk that took place every year. She and her women's group organized and each year they went to one of the stadiums in the south Los Angeles area and they held their walk. It got a lot of attention, but this was her way of saying to the community, not only do I care about AIDS, I'm willing to put some quality time and attention on this issue. I want you to get tested. I want you to get involved in learning how you can protect yourself from being infected with HIV/AIDS. And so it is just a small example of the care and commitment that she has demonstrated over the years, whether we talk about health care or education or voting rights that she was so very much involved in before she took her leave of absence.

She cared about justice. She cared that this democracy would truly act in ways that supported the proposition that everybody has the right to a decent quality of life. Everybody must be protected by the Constitution of the United States of America. Everybody must enjoy the benefits of living in this great country. And she reached beyond with care for the mother continent of Africa. She was involved in those issues, also.

And so I stand here today to say, Juanita McDonald has taken her place in history and she did it her way. Sometimes we did it different ways, but she knew what she was doing and why she was doing it the way that she did. Her husband can be proud. Her children can be proud. And we can all be proud that we had the blessing and the opportunity to live and work with a woman of substance, a woman who cared, a woman who gave of herself and a woman who left us with dignity, a woman who never complained, a woman who never said, I feel bad, I have pain, I can't do it today. She worked right up until she took a leave of absence just a few days ago.

I am proud to stand here and say that I knew her, that I worked with her, that I have appreciated everything that she has contributed to our great society.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Texas (Mr. AL GREEN) is recognized during morning hour debates for 1 minute.

Mr. AL GREEN of Texas. Mr. Speaker, first allow me to please say amen to the words of the Honorable MAXINE WATERS.

Mr. Speaker, I rise to celebrate the superlative life of a superb woman, the Honorable Juanita Millender-McDonald. Indeed, she was a devoted wife, a loving mother, a superior scholar, a preeminent educator, and a powerful legislator.

Notwithstanding all of this, Mr. Speaker, she had a positive air and a special flair. She was a pillar of probity. Her integrity was beyond reproach. She was a repository of respect. Her mere presence commanded respect. She was the queen of self-esteem. She was comely, courtly and stately with a positive personality.

We were truly blessed to have her among us, she will surely be missed by us, and I thank God for her.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Alabama (Mr. DAVIS) is recognized during morning hour debates for 3 minutes.

Mr. DAVIS of Alabama. I thank the Chair for recognizing me.

Members of the House, we tend to use the term "friend" very liberally in this institution. We often apply it to anyone with whom we have had more than a casual or passing conversation. Juanita Millender-McDonald was someone that I genuinely viewed as a friend, not in the way the Members of the House use that term but in the way that ordinary people who are watching this on television use it.

There were a lot of days when we sat on this floor and we talked together. There were a lot of days when we sat on this floor and we exchanged confidences. There were a lot of days when we sat on this floor and I spoke to her of my aspirations and my goals and she spoke to me of hers. There were times when I spoke of my family and she spoke of her abiding, continuing faith in her family.

Many people do not realize because she did not speak of it a great deal, but Juanita was from Birmingham, Alabama, and it is a tragedy that a black woman born in 1937 or 1938 felt that she had to leave the State of Alabama to reach her full promise. Juanita did. And it was my State's loss. She went to the State of California, and so many of my colleagues have told the story of her wonderful ascension and her wonderful career there. But she always retained memories of growing up in the South. She always retained memories of growing up in a segregated environment. And her family, much of it remains there.

Another thing that was not widely known, Juanita's brother, Shelley Millender, was a longtime radio talk show host in the city of Birmingham and I have had a long-time attachment to him. When I ran for this job for the first time, there were very few people who would welcome me onto their programs or into their forums. The very first one to do so was Shelley Millender. He did it constantly and I have always appreciated that.

Juanita's nephew, Shelley, Jr., has become a friend of mine and I always enjoyed telling her how proud she should be of him and how well he conducts himself in the city of Birmingham.

So, Mr. Speaker, what I want to say today, Juanita Millender-McDonald was a phenomenally elegant, restrained and dignified woman. She richly deserved the title Madam Chairwoman that she was just beginning to wear so well, and I will remember my last conversation with her sitting just off this floor. It was not uncommon for us to gather and talk about what was going on as we left the floor. I remember her telling me during that conversation how much she looked forward to her work on the House Administration Committee. I remember her telling me how much she looked forward to several hearings that were upcoming. She never had the chance to do that which she talked about that day. But I will always remember her confidence, her courage, and her decency. And as she and her family watch and as they prepare for God to take her back to her home in heaven, know that the time she spent here was well served and the legacy that she left honors her native State of Alabama, my State, and the State she adopted and served so ably, California.

REMEMBERING JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Illinois (Mr. JACKSON) is recognized during morning hour debates for 3 minutes.

Mr. JACKSON of Illinois. Mr. Speaker, I want to send condolences to the family of my colleague, Chairwoman Juanita Millender-McDonald, and let them know that they are in my heart and in my prayers. I also want to send condolences to the people of the 37th Congressional District of California who placed their faith and trust in the strong, dedicated and elegant Juanita Millender-McDonald.

You have heard from some of my colleagues about the many firsts that Juanita achieved here in the Congress of the United States, including serving as the first African American woman to chair a full committee in the United States House of Representatives. But I just want to take a moment to reflect upon an aspect of her strength that was not readily apparent but clearly on display long before she came to Congress. While some of us have focused on the life that she lived, I want to talk about the Juanita Millender-McDonald who did not believe in self-pity but believed in using what she had to make a difference.

While many of my colleagues will come to this mike and talk about the life that she lived and her service to a grateful Nation, Juanita Millender-McDonald taught us something about character in her transition. No self-pity. Not a single Member of Congress knew that Juanita was ailing and that her ailment was terminal. Juanita did not want to walk around the House of Representatives and have Members of Congress feeling pity for her or feeling sad for her or making special speeches or concessions to her. She wanted all of us to recognize that we live our lives as if life is certain and death is uncertain, when in reality it is death that is certain and life that is uncertain. And, therefore, each of us is under an obligation to do the very best that we can with the time that God has given us on this Earth and in this world.

The Bible talks about serving this present age. "O may all my powers be engaged to do my Master's will." Clearly the type of ailment that ailed our colleague and our close and dear friend, Juanita Millender-McDonald, was not the kind of ailment that strikes one suddenly. She knew about it for quite some time and chose not to share it with Members of Congress. That is a statement about her dignity. It is a statement about her commitment to public service. It is a statement about character. And it is a statement about her strength under extraordinarily life-threatening odds.

Juanita Millender-McDonald was married, she raised five children, and then went to college to launch an impressive and inspiring career at an age when many people start slowing down. She combined higher education with her native Alabama wisdom and she set out to show women and men in life and in death that no matter where you came from, you can go where you want to go. She was a living example of the power of not only keeping your eyes on the prize but putting in the old-fashioned elbow grease to earn it.

No self-pity. She didn't want people looking down on her or feeling bad about her or seeing her physical ailments. No self-pity. She possessed the necessary tough-mindedness combined with the tenderheartedness that Dr. Martin Luther King, Jr. talked about. She understood, and Dr. King wrote, "There is little hope for us until we become tough-minded enough to break loose from the shackles of prejudice, half-truths and downright ignorance. The shape of the world today does not permit us the luxury of soft-mindedness. A nation or civilization that continues to produce soft-minded men and women purchases its own spiritual death on an installment plan."

I am proud to have had the opportunity to serve with Juanita Millender-McDonald, and once again I send my condolences to those who loved her. The House and the Nation have lost a dedicated public servant and someone who in life and death has taught us the meaning of character.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Georgia (Mr. LEWIS) is recognized during morning hour debates for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, we are here today to honor one of our colleagues, Representative Juanita McDonald of the 37th District of California.

Representative McDonald was an extraordinary woman. She was born in

Birmingham, Alabama at a time of racial violence and overt displays of the most open and systematic forms of racism. But she did not let that hold her down or hold her back. She went to college in California, she became a teacher in the Los Angeles school system, and throughout her career she used education as an instrument for change.

She was a great teacher, and she used the power of knowledge and her commitment to human understanding to break down institutional barriers and to reach across the aisle.

I think that is why she made so many strides as a Member of Congress. She knew gaining mutual understanding was the only way to build coalitions and lay all differences aside.

That's why her creativity and skillful leadership became legendary. She was the first Democrat to chair the Congressional Caucus For Women's Issues and she used that power to build a coalition between the women of the Supreme Court and the women of Congress. She knew the differences in their roles as public servants didn't matter. She believed all women in government shared a common bond.

She took concerned women of Congress to meet delegates to the United Nations to unify the global struggle against the exploitation of women and girls.

She developed the first National Teen Dating Violence Week as a platform for all women to speak out against a common problem—violence against teen girls. And she was the first Member to bring the head of the CIA to the city of Watts to address longstanding, widespread allegations of drug dumping in that community.

And, of course, she was the first African American to chair a full committee, the Committee on House Administration. This committee oversees some of the great educational institutions of our Nation—the Library of Congress, the Smithsonian Institution, the Government Printing Office, and the Capitol Fine Arts Board.

We can only dream about what this great teacher would have done in this capacity. I know she would have used the power of knowledge and education as an instrument of change.

But beyond that, Juanita McDonald was an elegant lady. She may have moved to California, but she never lost her southern charm. She was always a lady—as tough as steel but as sweet as honey. She was more than a colleague. She was our sister, our friend. Juanita was a sharp dresser, and sometimes she would dress to kill. She was beautiful on the outside and on the inside. She had a sweet, sweet spirit, and she will be deeply missed.

Sometimes when she would see me, she would call me Mr. Civil Rights. And sometimes when she would see Sanford Bishop, David Scott and me together, she would say, "What are you Georgia boys doing? What are you up to?"

And when she was planning programs in her district, she would stop by to see members of the Georgia delegation and tell us she needed a box of peanuts. And we would all ante up and make those peanuts available to her.

It is so unreal. It is so unbelievable that we will not see her on the floor of this Chamber again. Life is short, too short. We are here today, and we're gone tomorrow, but her spirit and her memory will live on in all of us.

With the passing of Congresswoman McDonald, it seems the world is a little darker. It seems that a light has gone out. Maybe here in this Chamber and on this Earth a light has gone out. But in another part of the universe Juanita is shining brighter than ever before.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from New York (Mr. MEEKS) is recognized during morning hour debates for 2 minutes.

Mr. MEEKS of New York. Thank you, Mr. Speaker.

I had to come to the floor today in remembrance of a phenomenal woman, Juanita Millender-McDonald. My heart is pained and it is unbelievable that we will not see this great woman, at least not on this planet, again. She was a woman that anytime that you saw her, she stood with such dignity and grace. She was a woman who was honest. I can recall when I would go to her and ask her opinion on various issues. She wouldn't tell me what I wanted to hear. She would tell me what I needed to hear. She would tell me what was indeed right. Being the father of three daughters, I can't help but say, Thank you, Juanita. Thank you for being the pioneer that you were. Thank you for blazing a trail, a trail that's so wide for women, all women, like my three young daughters, so that they can walk now on that path, so that they now can have opportunities that were denied others because you have fought the fight.

In the church that I come from, the question is, have you helped someone, and the song says, "If you've helped someone, then your living shall not be in vain."

In the life story of Juanita Millender-McDonald, she has indeed helped a whole lot of somebodies and she has made life better for a lot of children yet unborn. She has made history. And in the camera of history and in the camera of life of Juanita Millender-McDonald, it will be recorded that she was a soldier in this thing we call life, and she was a leader for all human beings but in particular to make sure that women, that their tomorrow is better than their yesterday or today.

Juanita, we will miss you, and we know that as you see the good Lord, He's saying, "Well done, Juanita. Job well done."

THE STATE OF INTELLIGENCE'S UNION

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, it is 6 years after 9/11, and reform of the intelligence community continues to be a primary concern for all of us. At the swearing-in ceremony of Director Mike McConnell, President Bush outlined three main categories for improvement: the need to strengthen individual agencies, increase information sharing action and improve the quality of intelligence produced. I wish to discuss this morning what this means.

The intelligence community has established new hiring and employment reforms to strengthen the workforce. Under the direction of the Director of National Intelligence (DNI), there is now a comprehensive intelligence community plan that focuses on hiring a more diverse workforce to address the critical need for variety in languages, backgrounds, and skills. He has also appointed a chief of equal employment opportunity and diversity, and has agreed to a set of wide-ranging recommendations that the diversity senior advisory panel made in their report: "Diversity: A National Security Imperative for the Intelligence Community."

The Director of National Intelligence is also establishing "joint duty" as a requirement for promotion to senior positions. This is imperative in transforming the culture to increase integration and a collaborative nature among agencies. It will also reduce "stovepipe" mentalities which hampered collection efforts pre-9/11. These are important reforms, Mr. Speaker, and good initiatives that have been undertaken to address the human resources challenges facing the intelligence community. I look forward to seeing the outcome of these reforms, and hope to see even more innovative programs to strengthen our human intelligence capabilities.

One of the critical lapses identified after September 11, particularly by the 9/11 Commission report, was the poor information sharing among agencies and departments. Recently there have been some improvements in this area. The National CounterTerrorism Center, NCTC, recently published a report entitled "NCTC and Information Sharing: Five Years Since 9/11, a Progress Report." The NCTC reports that today, following many reforms, analysts have access to dozens of networks and information systems that they were previously denied. This access is across intelligence, law enforcement, military, and homeland security communities. This enormous increase of the amount of information, while ultimately beneficial, also raised the concern of becoming overwhelmed by the flood of this new information. Therefore, the NCTC is continuously exploring new technologies to help analysts manage these volumes of terrorism-related data.

The NCTC also reports that they host communitywide video teleconferences three times a day to ensure awareness of ongoing operations and emerging threats. Participants in these video teleconferences can correct misunderstandings, compare notes, and share best practice ideas to enhance the capabilities of all involved. Mr. Speaker, this is a vital component to the ability to detect and respond effectively in real time to emerging terrorism threats.

They have also created an online counterterrorism library allowing nonintelligence community agencies easier access to counterterrorism information. This library today hosts over 6,000 users, 6 million documents, and has over 60 departments and agencies that contribute information to its files.

Finally, the ODNI has reformed overseas collection efforts among agencies, focusing collection efforts on the stated needs and goals of the policymakers receiving the intelligence products. In a March 4 press release from the public affairs of the Office of Director of National Intelligence, "The intelligence community has strengthened the quality of intelligence provided to policymakers through initiatives like the mission managers concept. Among the most experienced in the intelligence community, mission managers have highly developed analytical and collection management skills and they focus on the topics of highest interest to our policymakers. This strategy allows the intelligence community to identify collection gaps and address resources to cover those gaps, ensuring analysts have the required information to support policy decisionmakers." They have also streamlined production of National Intelligence Council (NIC) products, increasing output and minimizing delays in production time. They have included both more effective explanation behind judgments and the inclusion of alternative views of analysts, to incorporate a wide range of opinions and combat the dangers arising from "group think."

I look forward to monitoring the progress of these important first steps. However, it is vital that we maintain our momentum. As Director McConnell stated in his swearing-in speech, "Taking advantage of these advances in technology, today's threats move at increasing speeds. The time needed to develop a terrorist plot, communicated around the globe, and put it into motion has been drastically reduced. The time line is no longer a calendar, it is a watch."

THE REAL FILTHY SECRET BEHIND THE COAL ADS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from West Virginia (Mr. RAHALL) is recognized during morning hour debates for 4 minutes.

CHAIRWOMAN JUANITA MILLENDER-MC DONALD

Mr. RAHALL. Mr. Speaker, I join with my colleagues in the words of mourning and celebration of the life of our late colleague, Juanita Millender-McDonald. She was a leader on many issues as we have heard stated already. And foremost among those in my opinion was her leadership and her vision as the first African American female chairman of a major committee here on Capitol Hill. She had a plan for how this City on a Hill would operate in a more smooth and efficient manner. And while she may not be with us to see that vision carried out, it is my hope that we will carry it out in memory of her. So to her husband and to her children and to her grandchildren, I hope that her memories will serve as a source of inner strength, inspiration, courage and love for the rest of their lives.

Mr. Speaker, on another subject, if I might, over the last few weeks, a series of anti-coal advertisements sponsored by a group called the Clean Sky Coalition have been running in prominent publications, such as the Wall Street Journal, the Washington Post, and other publications that we in this body come to rely upon each day and view each day. These ads feature photos of people whose faces are smeared with coal dust and the headline reads, "Face It, Coal Is Filthy." Indeed, there have been bumper sticker handouts on the streets of Washington, DC, stating that same phrase.

But the real filthy secret here is that the people depicted in these ads are not our Nation's coal miners but they are Hollywood models, and the ads are not being financed by environmental groups as one might be led to believe by the title of Clean Sky Coalition but, rather, these ads are primarily being financed by elements of the natural gas industry, including Chesapeake Energy Corporation headquartered in Oklahoma City. These ads are despicable and so is this so-called Clean Sky Coalition. The sponsors are not being truthful and they would have you to believe that it is merely environmental groups leading this campaign. The filthy secret is that this ad campaign is about market share. It's about profits. It's about one segment of the energy industry trying to bamboozle the general public and policymakers to sell more of its product.

And the filthy secret is that these ads completely ignore the tremendous progress being made to burn coal cleanly and ignore the national security interests of this country. The only truth here is that these ads are an insult, an absolute insult to the hardworking men and women who go beneath this Nation's bowels each and every day to produce the energy that provides for this Nation's electricity.

CHAIRWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Louisiana (Mr. JEFFERSON) is recognized during morning hour debates for 2½ minutes.

Mr. JEFFERSON. I thank the Chair.

A 17th century poet John Donne speaks to death thusly: "Death be not proud," he says, "though some have called you mighty and dreadful, for thou art not so. And those thou thinkest thy doth overthrow die not, poor death. A short sleep past, we wake eternally and death shall be no more."

This is the confidence in her Christian faith with which our sister, Juanita Millender-McDonald, lived and with which she passed from this earth. This is what she meant when she told her family that she was going home. This is what we saw and at which we marveled as we observed her peace on display in the final hours that she worked amongst us, giving not a hint of distress or brokenheartedness or loss of confidence. Her grace and elegance in her final months and years when she knew well her earthly fate is a lesson in how to live and how to leave this life for those of us who still live on this side.

Chairwoman Juanita Millender-McDonald was serious about her work. I had the pleasure of finding this out firsthand when I was Chair of the Congressional Black Caucus Foundation and Juanita was chair of the CBCF's annual legislative weekend. She helped to organize this event, which drew over 40,000 African American leaders to Washington, with great attention to detail, taxing all of us—sometimes we thought then too much—to meet our responsibilities and on time. But the result was a magnificent event heralded by all of us as one of our very best. This House got only a glimpse of her profound organizational skills as she had the chance to serve us only a short time in her post as Chair of the Committee on House Administration. It would have been wonderful for we who work here and for our Nation if we had been privileged to see more.

As it is now, we welcome our sister to her rest in the bosom of her Lord and we pray for comfort and peace for James, her husband, and their five children and grandchildren, and we thank her for her friendship and commitment to the House, to her constituents, and to her country. She served us proudly and well, and she will be well remembered.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 15 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. SOLIS) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In the end it is faith that proves victorious. Days come and go. Wars and famine cry out for justice, charity and peace. It is faith which helps us all respond to every call. It is faith that strengthens Your people for the struggle and, in the end, brings promise beyond the sacrifice.

Lord God, as faith inspired the apostles and martyrs and all who have gone before us, let living faith now find expression in us through acts of love that will excite hope, especially in the hearts of the poor and the fragile.

Help the Members of Congress and all Americans make decisions today that will build a justice that will not fail tomorrow. With faith, enable them to set aside goods of the present moment in the hope of attaining eternal good. With faith, it is possible to hope to change the present for the future.

We pray for the Honorable Juanita Millender-McDonald and all Your servants who have served You and Your people in public service. With faith, they can leave this place and find in You eternal reward. The free children of God are always on the move, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 165

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Juanita Millender-McDonald, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the late Representative.

The message also announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1681. An act to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, the Chair, on behalf of the President pro tempore, appoints the following Senators to the United States Holocaust Memorial Council for the One Hundred and Tenth Congress:

The Senator from Utah (Mr. HATCH).

The Senator from Minnesota (Mr. COLEMAN).

The message also announced that pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–275, further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 20, 2004), the Chair, on behalf of the Republican Leader, announces the appointment of the following Senators to serve as members of the Senate National Security Working Group for the One Hundred and Tenth Congress:

The Senator from Mississippi (Mr. COCHRAN), Co-Chairman.

The Senator from Arizona (Mr. KYL), Administrative Co-Chairman.

The Senator from Kentucky (Mr. MCCONNELL), Co-Chairman.

The Senator from Mississippi (Mr. LOTT), Co-Chairman.

DEMOCRATS' IRAQ SUPPLEMENTAL BILL DENIES PRESIDENT AN OPEN COMMITMENT AND BLANK CHECK

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker, this week Congress will vote on an emergency war spending conference report that fully funds the war and our troops, and yet the President is still threatening a veto. The President's problem with the bill is Congress' strong message that we are not going to allow the war to go on indefinitely.

In years past, the President has dealt with Republican-controlled Congresses, which simply rubber-stamped his requests, despite countless mistakes in Iraq. Last November, the American people demanded a change.

Last month the Congress acted and brought a serious change to our policy in Iraq. We demanded that the Iraqi Government meet the political and economic benchmarks that the President himself outlined earlier this year and set timelines for withdrawal if those benchmarks are not met.

Defense Secretary Gates himself, last week, said that the timelines we passed here in Congress and the pressure that our legislation exerts on the Iraqi Government is having a positive impact. Our legislation is already impacting the events in Iraq. The President should allow this to continue by reconsidering his threat to veto the legislation.

THE IRAQ SUPPLEMENTAL

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I rise today on behalf of our troops who are still waiting for critical funding needed to fight the war on terror. I want to make sure the American people understand what is happening with legislation that provides money for our soldiers.

Instead of passing a clean bill the President could sign into law, the Democrats chose to pass a political statement that ties troop funding to arbitrary withdrawal deadlines, and it's loaded with earmarks. The Democrats have even dragged their feet on their own legislation, taking a 2-week recess without funding our troops and spending another week in Washington bickering over a bill that they know that the President will veto.

Why are we playing politics with money for our soldiers? Our troops can't win this war with political rhetoric. They need money, they need supplies, and they have been waiting over 70 days since the President made the request. I call on this House to pass a clean bill, get it to the President's desk, so we can give our war fighters the tools that they need to achieve victory.

SCHIP

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

Mr. CARNEY. Madam Speaker, I rise today in support of the SCHIP, the State Children's Health Insurance Program.

My home State of Pennsylvania is a model for this widely successful program. Our distinguished former Governor, the late Robert P. Casey, knew how important it was for Pennsylvania's children to have access to quality, affordable health care.

By meeting the health care needs of our children, we are better preparing them to be healthy adults. Numerous studies have shown that children with health insurance perform better in school and have higher attendance rates. Every child deserves a chance to grow up healthy and strong.

As the proud father of five, I know personally how important it is to have access to doctors, pharmacists and hospitals that your family can trust. Unfortunately, not all families have this security. Children without insurance are sometimes forced to delay treatment or put off preventive care entirely.

Our working families deserve better quality health care for their children. This is not a partisan issue. Rather, providing our children with health care should be a top priority for this Congress. Since its enactment in 1997, SCHIP has been enormously successful in reducing the number of uninsured children across the country.

HEALTH CARE SOLUTIONS WITH CREATIVE FEDERALISM

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, this week is "Cover the Uninsured Week," highlighting the fact that the health and well-being of our Nation's future is at stake.

Over 45 million Americans will be without health insurance at some point during this year. It's past time that Washington helps find real solutions to this very real problem. With colleagues on both sides of the aisle, and in the House and Senate, we have introduced legislation that will begin to take a meaningful approach to bringing down the cost of health care and help cover all Americans.

The Health Partnership through Creative Federalism Act, H.R. 506, empowers individual States and regions to develop unique solutions to fit the needs of their citizens. We are fighting to put the needs of patients first.

Unlike many other proposals, our reform rejects a one-size-fits-all model. The inflexibility of such an antiquated approach has continually proven ineffective in addressing individual health care needs. Working together, we can find a way to provide health care coverage for all Americans, so that American families will have a brighter and healthier future.

AMERICANS WITHOUT HEALTH INSURANCE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to address my concerns for the 5.4 million Texans who are without health insurance. Nearly 25 percent of Texans are uninsured. That's the highest rate in the entire country. The irony is that Dallas and other cities have great health care networks.

The problem is that of access to care. In Dallas, there are many examples of health care excellence, including Parkland Memorial Hospital, Baylor University Medical Center, Methodist Medical Center, UT Southwestern Medical School, the Dallas Veterans Administration Medical Center, and others.

However, the price of insurance is robbing Texans of access to the appropriate medical care. Emergency rooms are overcrowded. Only half of Texas children are covered by employment-based insurance.

We must fix the problem of the uninsured. Affordable, accessible health care coverage should be available to every American. Health care should not be a cash cow for the insurance companies.

THE WAR IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, as President Bush said yesterday, this is a tough time in Iraq.

This week our Congress will hear from our commander in Baghdad, General David Petraeus, here on Capitol Hill. I suspect we will hear what I heard from General Petraeus on the streets of Baghdad just 3 weeks ago. That is, despite a wave of recent insurgent bombing, this war is not lost.

In fact, because of the President's surge and the brave conduct of our forces and the Iraqi forces, we are making modest progress in Iraq. In Baghdad, despite recent bombings, sectarian violence is down. Baghdad is not safe, but it is safer because of the presence of more than two dozen U.S. and Iraqi joint operating centers, and now more than 20 Sunni sheiks across the Al Anbar Province have united together to oppose the insurgency and al Qaeda.

I truly believe that we are making progress because of the President's surge. This war is not lost. The American people know in their hearts that victory is our only option.

Let's give General Petraeus a willing ear, the time and the resources and the authority to secure a victory for freedom in Iraq, for ourselves and our posterity.

EQUAL PAY DAY

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Madam Speaker, today we observe Equal Pay Day, the day that indicates just how far into each year a woman must work to earn as much as a man earned in the previous year.

Women are more highly educated and productive than ever, yet these gains have not yet translated into equal pay across the board. A Government Accountability Office study that JOHN DINGELL and I sponsored showed that when occupation, marital status, job tenure, industry and race are accounted for, women still earn eighty cents for every dollar men earn.

This wage gap extends across all income levels and occupations, and it's even wider for minority women. There is no excuse for this gap between men and women. Both men and women must feed their families and pay their rent. Let's pass the Paycheck Fairness Act and close the gender wage gap for good.

VICTIMS SHOULD BE SEEN AND HEARD

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, to support National Crime Victims Week, the Washington Post printed an opinion piece submitted by a criminal defense lawyer that belittled victims of crime, implying that victims are what is wrong with the criminal justice system and our society.

It seems the op-ed writer does not believe the criminal justice system should pay any attention to victims. To him, crime victims should not be seen and not heard. However, the same Constitution that protects defendants also protects victims of crime.

Justice is viewed as a scale, a balance. As a former judge, I always balanced the rights of defendants with the rights of society to be safe and the rights of crime victims. A court of law is to seek justice, justice for defendants and justice for victims.

Sometimes defendants don't want justice, especially the guilty ones. They think it's Burger King, where they can have it their way. But justice is not having it your way. It's doing the right thing for the right reason. The right thing is for victims to be heard and present in our courts of law, and then let the courts weigh the rights of the defendants and victims to achieve justice so that we can have liberty and justice for all.

And that's just the way it is.

IRAQ TIMETABLE AND FUNDING

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute.)

Mr. MCNERNEY. Madam Speaker, this Congress remains committed to forging a new direction in Iraq. Overwhelmingly, the American people support our plan to establish important benchmarks and a responsible timetable to redeploy the troops.

Yet, the President has threatened to veto our legislation, even though it ensures our troops have everything they need, and for our veterans when they return home. However, just last week, Defense Secretary Robert Gates said, and I quote: The debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited.

Mr. Gates went on to say that the strong feelings expressed in the Congress about the timetable probably has had a positive impact on communicating to the Iraqis that this is not an open-ended commitment. To ensure that the Iraqis step up and take control of their own country, we must continue to demonstrate that the American people will not stand for an open-ended commitment of American resources or personnel.

□ 1215

INTERNATIONAL SOLID WASTE IMPORTATION AND MANAGEMENT ACT

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Madam Speaker, since 1992, Michigan has not been able to control the millions of tons of trash entering our State from Canada, and the problem continues. Every day, over 400 trucks from Canada dump trash into our State. These trucks come barreling across the border without inspection and examination, raising a viable national security threat.

At this time, our State government has almost no say in whether or not Michigan should accept the over 4 million tons of trash and hazardous waste from Canada every year. Michigan instituted laws banning Canadian trash in 1988, but the Supreme Court struck down these laws a mere 4 years later and ruled that Congress has not granted such authority to our State.

For too long, Michigan has had its hands tied by the Federal Government, and it is time to let the decisions about the integrity and the safety of our land be made by those who inhabit the land. As a proud cosponsor of H.R. 518, I urge my colleagues to support the International Solid Waste Importation and Management Act and empower Michigan to make certain the beauty and safety of our land remains intact for generations of Michiganders to enjoy in the future.

HOUSE DEMOCRATS LOOK TO COVER SOME OF OUR NATION'S UNINSURED BY EXPANDING SCHIP PROGRAM

(Ms. HOOLEY asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY. Madam Speaker, last month the Democratic Congress showed the commitment to expanding health care coverage to millions of children who are currently uninsured. In our budget for the upcoming fiscal year, we included a $50 billion funding increase for the SCHIP program so that we can provide health to millions of additional children.

After SCHIP was created 10 years ago, the number of uninsured children began to fall every year. But last year, for the first time since 1998, the number of uninsured actually went up.

As we recognize Cover the Uninsured Week, it is important to highlight the growing number of families without access to affordable health insurance and the need for this Congress to strengthen SCHIP now. For 6 long years, this problem of the growing number of uninsured has been ignored. This new Democratic Congress will not ignore the problem. We are committed to expanding health insurance to millions of children who need insurance, and our budget gives us the opportunity to achieve this worthy goal this year.

REJECT THE IRAQ EMERGENCY FUNDING BILL

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Madam Speaker, this week the House will once again take up an Iraq emergency funding bill which is seriously flawed and should be rejected.

Having 535 politicians attempt to micromanage the war on terror from atop Capitol Hill is a recipe for disaster. This Congress should not be telegraphing our war strategy to the enemy and setting arbitrary timetables for withdrawal, nor should we be tying the hands of our Commander in Chief and military leaders on the ground.

Iraq has become a central battlefield on the war on terror, not because we say so, but because the terrorists themselves have declared Iraq to be the central front for their global jihad. Therefore, it is vital that we win the war and achieve success in Iraq. To do so, this Congress must reject efforts to micromanage the war and give the Iraqi new strategy opportunity to succeed.

HONORING MR. DAVID HALBERSTAM

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, yesterday a great American died, David Halberstam. We had a mutual friend, and through that I got to know Mr. Halberstam. He chronicled and wrote and reported the events of the last half of the 20th century. He saw truth, he spoke truth, and he wrote truth; and he gained his first fame at the age of 30 when he received a Pulitzer Prize for reporting about a quagmire known as Vietnam, a misdirection of American energies in foreign policies that led us to lose over 50,000 lives and many casualties in a great blunder under American foreign policy. We have a similar situation today in Iraq, another mistaken folly, and lives are being lost.

Madam Speaker, I would hope that we could speak truth to power, and that power would know that the Congress is giving the President a bill to support the troops, to bring the troops home and support them by seeing that they are not put in harm's way, and that the President will support the bill that the Congress gives him.

We have lost a great leader in Mr. Halberstam, and may the truth and knowledge that he brought to this country be imbued in this House and in executive leadership where another politician along with the 535 here serve.

PASS A CLEAN BILL

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, the liberal leadership of this Congress put the lives of our soldiers in the field in a very difficult, very difficult position. When they passed the supplemental bill earlier this month, they loaded it up with pork. Actually, the bill sounds more like a shopping list. There is money for spinach and for fish and for peanut storage. A lot of pork, and it is something that does not do a service to our military.

But what the leadership did was to make an offer that couldn't be refused to a lot of Members. They claim to support the military, but in the bill what they are doing is tying the hands of the military by inserting a timetable for withdrawal and taking the power away from the commanders in the field. Majority Senate leader HARRY REID didn't help when he considered that the war was lost. That is the message that he is sending to our troops and to the terrorists alike, that everybody ought to give up.

American citizens need to ask themselves, is defeat an option? What would happen if we were to leave?

What we need to do is let the soldiers do their jobs, us do ours, pass a clean bill, and send it to the President.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

PRESERVATION APPROVAL PROCESS IMPROVEMENT ACT OF 2007

Ms. BEAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1675) to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preservation Approval Process Improvement Act of 2007".

SEC. 2. SUSPENSION OF ELECTRONIC FILING REQUIREMENT.

The Secretary of Housing and Urban Development shall—

(1) suspend mandatory processing of Previous Participation Certificates (form HUD-2530) under the Department of Housing and Urban Development's Automated Partners Performance System (APPS) and permit paper filings of such certificates until such time that the Secretary—

(A) revises the December 2006 draft proposed regulations under subpart H of part 200 of title 24, Code of Federal Regulations, to eliminate the unnecessary burdens and disincentives for program participants; and

(B) submits such revised draft proposed regulations to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate for review by such Committees; and

(2) suspend immediately all filing requirements under the Previous Participation Certificate process with respect to limited liability corporate investors who own or expect to own an interest in entities which are allowed or are expected to be allowed low-income housing tax credits under section 42 of the Internal Revenue Code of 1986.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Ms. BEAN) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Ms. BEAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Ms. BEAN. Madam Speaker, I yield myself such time as I may consume.

The Preservation Approval Process Improvement Act of 2007, introduced by myself and Representative GILLMOR, was recently reported out of the Committee on Financial Services without objection, and I am pleased it is being given consideration on the House floor today. In addition to expressing my appreciation to Chairman FRANK, Ranking Member BACHUS, and Housing Subcommittee Chairwoman WATERS, I would especially like to thank my colleague from Ohio (Mr. GILLMOR) in moving this bill forward and his efforts to address the regulatory barriers impacting the investment in affordable housing.

I am also very appreciative of the expert assistance provided by the House Financial Services Committee staff, including Jeff Riley and Cindy Chetti, who have been working on this issue for more than 1½ years.

H.R. 1675 will reduce burdens caused by HUD's unnecessarily complex regulation of its previous participation reporting requirements, known as the 2530 process.

Written many years ago when small mom-and-pop companies were investing in affordable housing, HUD's regulations governing the 2530 process are no longer in sync with the type of real estate transactions being conducted today. As a result, when applied to the more typical investor of today, these regulations impose huge administrative and regulatory hurdles. The application of these cumbersome regulations was made worse last summer when HUD automated the 2530 process using an electronic system known as APPS. In addition to being difficult to navigate, the APPS system experiences technical difficulties almost daily and has led to a number of security breaches involving personal data.

As a result, H.R. 1675 will suspend the requirement that 2530 filings be done through HUD's electronic APPS system. Participants may choose to continue to use APPS, but HUD must permit other participants to submit 2530 paper filings. The suspension of HUD's requirement that all filings be done through APPS will continue until HUD revises the 2530 rules to eliminate unnecessary burdens and disincentives for all participants. The revised regulations are to be submitted to the Committee on Financial Services as well as to the Senate Banking Committee for review.

Further, the bill requires the HUD Secretary to immediately suspend all filing requirements under the previous participation process for limited liability corporate investors owning an interest in entities that receive low-income housing tax credits. Limited liability corporate investors have no operational control over properties and pose no risk to the Department. The investors are simply providing much needed capital to build affordable housing for low-income Americans, and such investment should not be inadvertently discouraged by outdated, burdensome regulations.

I submit for printing in the RECORD a letter addressed to Chairman FRANK and Representative BACHUS from nearly 30 organizations endorsing this legislation, including the National Association of Realtors, National Multi-Housing Council, the National Association of State and Local Equity Funds, and many more.

It is time for us to bring a commonsense approach to affordable housing. In passing this bill we will be taking an important step toward encouraging investment in such housing options and reducing unnecessary regulatory roadblocks.

MARCH 27, 2007.

Hon. BARNEY FRANK,
Chairman, House Committee on Financial Services, Washington, DC.
Hon. SPENCER BACHUS,
Ranking Member, House Committee on Financial Services, Washington, DC.

DEAR SIRS: We are writing to express our support for H.R. 1675, the Preservation Approval Process Improvement Act of 2007, introduced by Congresswoman BEAN and Congressman GILLMOR on March 26, 2007. This legislation is very important to ensuring continued investment in safe, affordable rental housing.

The Preservation Approval Process Improvement Act will reduce unnecessary and onerous HUD filing requirements for purposes of participating in HUD programs. The current requirements, under the HUD 2530 filing process, are discouraging investment in affordable housing.

HUD's current 2530 Previous Participation Review process is intended as a risk assessment tool, but has, in fact, been a barrier to housing development and preservation. The current regulations and the accompanying electronic system that processes 2530 submissions do not take into account the complexities of today's real estate transactions. The reporting requirements are unduly burdensome and offer no additional benefit to HUD.

Presently, investors who represent more than half of the investment in the Low-Income Housing Tax Credit program have elected not to invest in HUD multifamily properties if such investment would subject them to the 2530 filing requirements. Investors have reduced their share of investments to below 25 percent in any property, or fund of properties, so as to not trigger the unduly burdensome requirements.

With the assistance of many members of the House Committee on Financial Services, we have been working with HUD for more than a year to try to resolve this issue. The Preservation Approval Process Improvement Act is a significant step toward reducing filing burdens and requires immediate useful action from HUD, whose previous response has been contrary to the goals of encouraging investment in affordable rental housing.

Our organizations strongly support this legislation to reduce filing burdens for, and encourage investment in, affordable rental housing. Please contact Francine E. Friedman, Affordable Housing Tax Credit Coalition, 202-955-1536, or Denise B. Muha, National Leased Housing Association, 202-785-8888, with any questions or concerns.

Affordable Housing Tax Credit Coalition
American Association of Homes and Services for the Aging
Bank of America
Barker Management Incorporated
Boston Capital Corporation
California Council for Affordable Housing
California Housing Partnership Corporation
CharterMac Capital LLC
Council for Rural Housing and Development
G.G. MacDonald Companies
Housing Advisory Group
Institute for Responsible Housing Preservation
Institute of Real Estate Management
The John Stewart Company
Local Initiatives Support Corporation
Mortgage Bankers Association
National Apartment Association
National Association of Affordable Housing Lenders
National Association of Home Builders
National Association of Realtors
National Association of State and Local Equity Funds
National Housing Conference
National Housing Trust/Enterprise Preservation Corporation
National Leased Housing Association
National Multi Housing Council
PNC MultiFamily Capital
The Related Companies of California
Stewards of Affordable Housing for the Future
Texas Affiliation of Affordable Housing Providers

Madam Speaker, I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 1675, the Preservation Approval Process Improvement Act of 2007, introduced by Representative MELISSA BEAN, Financial Institution Subcommittee Ranking Member PAUL GILLMOR, and Full Committee Chairman BARNEY FRANK.

1675 addresses problems with HUD's processing of previous participation certificate or HUD's form 2530 under HUD's automated partners performances system.

Specifically, this legislation suspends the electronic filing requirement for the previous participation certificates and the filing requirements of these certificates for certain low-income housing investors. Form 2530 has been used for many years to ascertain the prior record of participants in certain HUD programs. This enabled HUD to refuse to do business with participants who have not previously carried out their obligations. However, passive investor disclosure requirements have created problems for private individuals and groups who wish to participate in the construction and preservation of affordable housing through the low-income housing tax credit program.

The 2530 process is designed to review principals, including any limited partner, with a 25 percent or greater interest in property. These rules were developed long before low-income housing tax credit programs were actually created. Low-income housing tax credit deals with the typical investors or institutions, that is, publicly traded and regulated national and multi-national financial institutions, including government sponsored enterprises whose reputation is well established.

Under the 2530 process, officers, directors, and stockholders with 10 percent or greater holdings are required to submit their names, Social Security numbers, as well as their individual and prior record with HUD. Industry groups have objected to these disclosure requirements as they are passive investor partners and are not involved in the construction, maintenance, and operation of the property. They claim that these reporting requirements are costly, time intensive, and deter investment in affordable housing. Investors developers, syndicators, and others have contacted HUD to ask that passive investors be exempted from filing with HUD.

In December 2005, former Chairman Oxley requested that HUD extend the opportunity for paper filing, and asked HUD to explain why passive investors should be required to file. HUD allowed the paper filing until June 30, 2006. In December 2006, after repeated inquiries from the Financial Services Committee and requests from interested parties to provide relief, HUD sent the committee a proposal that, according to the industry, made filing more burdensome in many respects.

On December 21, 2006, noting that HUD's applications for 2530 filing requirements have become broad and overreaching and, in some cases, unnecessarily delayed or even prevented HUD transactions that were beneficial to people in need of housing, Chairman FRANK, Ranking Member BACHUS, Chairman WATERS, and Chairman Oxley asked HUD to discuss the matter further with interested parties before taking any action on the proposed rule. Since then, however, HUD has not taken any overt action to amend the proposal.

H.R. 1675, the Preservation Approval Process Improvement Act of 2007, requires that HUD take action to alleviate the concerns mentioned above in order to encourage private sector participation in affordable housing programs.

HUD's current 2530 previous participation review process is intended as a risk assessment tool, but in many ways has been a barrier with housing preservation because the current regulations in the accompanying electronic system that process 2530 submissions do not reflect the complexity of today's real estate transactions. The reporting requirements are unduly burdensome and offer no additional benefit to HUD.

To this end, H.R. 1675 requires that HUD suspend mandatory previous participation filings through the APPS computer program, and that it allow paper filing until HUD submits to Congress a revised draft that would eliminate unnecessary filing burdens.

In addition, this legislation eliminates the requirement to file a 2530 form for passive investors who expect to own entities that are allowed or expected to be allowed in low-income housing tax credits.

Madam Speaker, I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

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Ms. BEAN. I have no further requests for time, and I reserve the balance of our time.

Mr. NEUGEBAUER. Madam Speaker, I yield back the balance of my time.

Ms. BEAN. Madam Speaker, I would just say this is a bill where we had strong bipartisan support, and while technology didn't work in the case of the APPS system, bipartisanship did.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. BEAN) that the House suspend the rules and pass the bill, H.R. 1675.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIVE AMERICAN HOME OWNERSHIP OPPORTUNITY ACT OF 2007

Mr. BOREN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1676) to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Home Ownership Opportunity Act of 2007".

SEC. 2. LOAN GUARANTEES FOR NATIVE AMERICAN HOUSING.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended as follows:

(1) OUTSTANDING AGGREGATE LIMITATION.—In paragraph (5)(C), by striking "fiscal years 1997 through 2007" and inserting "fiscal years 2008 through 2012".

(2) AUTHORIZATION OF APPROPRIATIONS.—In paragraph (7), by striking "fiscal years 1997 through 2007" and inserting "fiscal years 2008 through 2012".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. BOREN) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

Mr. BOREN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BOREN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 1676, the Native American Home Ownership Opportunity Act of 2007, reauthorizing the section 184 Indian Loan Program.

Madam Speaker, I thank Chairman FRANK and Subcommittee Chairwoman WATERS for their hard work in making this legislation a priority and recognizing the importance of the section 184 program.

This program offers home ownership, property rehabilitation, new construction and refinance opportunities for Native Americans. The primary purpose of the section 184 program is a 100 percent loan guarantee program for Native American families seeking home ownership who are members of participating tribes; 196 federally recognized tribes participate in this program, including 24 tribes from my home State of Oklahoma. Therefore, this program works by increasing home ownership in Indian country and improving the quality of life in Indian communities. Without argument, this program increased Native American home ownership in Oklahoma and throughout Indian country across the Nation.

Section 184 is administered by the Department of Housing and Urban Development's Office of Native American Programs, created in 1992 to address the lack of private mortgage capital in Indian country, and authorizing HUD to guarantee loans made by private lenders to Native Americans.

The section 184 program guarantees single-family residential loans for Native American borrowers, and provides for a 100 percent guarantee of the outstanding principal and interest and payment of other necessary and allowable expenses. The flexible underwriting, low down payment, higher loan limits, loan guarantee fee, and absence of income limits make this the most affordable loan program available to tribal areas.

Madam Speaker, I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in support of H.R. 1676, the Native American Home Ownership Opportunity Act of 2007, introduced by Congressman BOREN and Congressman RENZI.

This important legislation authorizes section 184 of the Housing and Community Development Act of 1992, which established a loan guarantee program for Native American families, Indian Housing Authorities and federally recognized Native American tribes.

Under current law this program is authorized through 2007. This bill will reauthorize the program through 2012.

Congress established this program to provide access to private mortgage financing for Native American families, Indian Housing Authorities and federally recognized Native American tribes that could not otherwise acquire housing financing because of the unique legal status of Native American lands.

This loan guarantee under this program is used to construct, acquire, refinance or rehabilitate single-family housing located on trust land or land located in an Indian or an Alaska native area.

Section 184 of the program guarantees single family, one- to four-family units, residential loans for homes located in these Indian and Alaska native areas where land may be tribal trust, allotted individual trust or fee simple. HUD offers 100 percent guarantee on the outstanding principal and interest and payment of necessary and allowable expenses.

The flexible underwriting, low down payment, higher loan limits, low guarantee fee and the absence of income limits make this the most affordable loan program available in tribal areas.

In 2007, about $6 million was appropriated for the loan guarantee program. Consequently, CBO has estimated that H.R. 1675 will cost about $30 million over the 2008–2012 period if appropriators continue the funding at the level similar to previous years. Enacting this bill does not affect direct spending or revenues.

Madam Speaker, this legislation was approved by the Committee on Financial Services by voice vote, and I urge the passage of this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. BOREN. Madam Speaker, I continue to reserve the balance of my time.

Mr. NEUGEBAUER. Madam Speaker, it is my honor at this time to yield 3 minutes to the gentleman from Arizona (Mr. RENZI), who is one of the authors of this legislation and someone who has worked tirelessly for Native American issues all across the country and particularly in his home State of Arizona.

Mr. RENZI. Madam Speaker, the Native American Home Ownership Opportunity Act of 2007 is an important piece of legislation that reauthorizes this vital section 184 Native American housing program which is operated by the Department of Housing and Urban Development.

Back in 2004, the House Financial Services Subcommittee on Housing, chaired by former Congressman Bob Ney, held the first congressional hearing on Native American housing in the history of the United States Congress on tribal lands in Tuba City, Arizona, out west on Navajo country. And many of the folks from both sides of the aisle got together and went out there and visited the Grand Canyon and got a chance to see the Navajo Nation, the pink stones and the sands, and they got to visit the country and truly see the beauty and the conditions, but also the largest land mass of poverty in America, the size of West Virginia. And Bob Ney helped make that happen. And that hearing was important because it brought light to the challenges that face Native Americans when trying to achieve home ownership.

Native Americans, as a group, have the single lowest home ownership rate in America, less than 25 percent. And the problem is especially acute on the Navajo Nation.

So this section 184 program provides 100 percent guarantees to the outstanding principal and interest for single-family residential homes. And to date, over 4,200 loans have been guaranteed by this program. Now everybody is out there talking about subprime lending and the default and the foreclosures. Only 30 loans in this Native American program have ever been defaulted on, less than 1 percent. This low rate greatly shows the efficiency of section 184, and the program has received the highest rating of America's Office of Management and Budget, even though it doesn't need it. This year it is expected that the program will enable private lenders to finance about 1,600 new mortgages.

So I want to thank Congressman BOREN of Oklahoma, Chairman FRANK, who has been absolutely bipartisan and forward-thinking in pushing housing issues, particularly on Native American, Chairman WATERS and the subcommittee, Chairman BIGGERT, and I want to thank Bob Ney for his advocacy for the poor around America and for Native American housing. If my colleagues don't think this is good, they don't know what is good.

Mr. BOREN. Madam Speaker, I continue to reserve the balance of my time.

Mr. NEUGEBAUER. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. BOREN. Madam Speaker, I yield myself such time as I may consume.

I want to thank also my friends, Congressmen NEUGEBAUER from Texas and RENZI from Arizona for their work on this legislation and for their bipartisan effort here.

According to HUD, 4,200 loans have been guaranteed since the inception of the program, totaling $517 million. As lenders have become more comfortable with making loans secured by land in Indian country, interest in this program has only increased. My home State of Oklahoma represents 34 percent of the total loans guaranteed through section 184, thereby increasing the number of my constituents who have access to home ownership.

Again, I want to thank Chairman FRANK and Subcommittee Chairwoman WATERS for recognizing the importance of the section 184 program in Indian country.

Mr. BACA. Madam Speaker, I rise today to voice my strong support for H.R. 1676, the Native American Homeownership Opportunity Act of 2007. This important legislation reauthorizes the Section 184 Indian Loan Program, which offers home ownership, property rehabilitation, new construction, and refinance opportunities for Native Americans.

I want to thank my friend, Mr. BOREN, for sponsoring this bill and championing this cause which is of great significance to so many Native families in this country.

Section 184 advances the opportunity for Native Americans seeking homeownership and addresses the issue of lack of mortgage lending for homes in Indian Country.

The Section 184 program guarantees single-family residential loans for Native American borrowers, thereby increasing the homeownership for Native Americans.

While many Native Americans struggle to own a home and provide for their families, H.R. 1676 eases that burden. The program provides a 100 percent guarantee of the outstanding principal and interest and payment of other necessary and allowable expenses.

Section 184 allows for many Native Americans to become first-time homeowners. According to HUD, since the start of the program roughly 4,200 loans have been guaranteed.

Almost 200 tribes participate in the Section 184 program nationwide, 31 of which are from my home State of California.

In the Inland Empire alone, the Saboba Band of Luiseno Indians, the Cabazon Band of Cahulla Mission Indians and the Morongo Band of Mission Indians have been able to provide homeownership for many families through this program.

H.R. 1676 will help close the homeownership gap and increase for Native Americans in my area and all across the country. Let's help all Americans achieve the dream of owning a home.

I urge my colleagues to support this important bill.

Mr. BOREN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. BOREN) that the House suspend the rules and pass the bill, H.R. 1676.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE THAT CONGRESS SHOULD INCREASE PUBLIC AWARENESS OF CHILD ABUSE AND NEGLECT

Mr. McDERMOTT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 299) expressing the sense of the House of Representatives that Congress should increase public awareness of child abuse and neglect and should continue to work with the States to reduce the incidence of child abuse and neglect through such programs as the Child Welfare Services and Promoting Safe and Stable Families programs.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 299

Whereas child abuse and neglect continue to pose a serious threat to our Nation's children;

Whereas according to the most recent annual estimates, 3,600,000 children were the subject of child abuse and neglect investigations in 2005, an increase of 462,000 children from 2001;

Whereas more than 899,000 children were found to be the victims of abuse and neglect in 2005;

Whereas as of the end of 2005, approximately 513,000 children were unable to live safely with their families and instead were living in foster homes and institutions;

Whereas an estimated 1,460 children died because of abuse and neglect in 2005;

Whereas more than 75 percent of the children who died because of abuse and neglect in 2005 were under the age of 4;

Whereas studies have found that abused and neglected children tend to be at least 25 percent more likely than the general population of children to experience problems such as delinquency, teen pregnancy, low academic achievement, drug use, and mental illness;

Whereas a National Institute of Justice study indicated abuse or neglect during childhood increased the likelihood of arrest as a juvenile by 59 percent and adult criminal behavior by 28 percent;

Whereas studies have found that abusive parents often were themselves the victims of child abuse;

Whereas it is estimated that approximately ⅓ of abused and neglected children will eventually victimize their own children;

Whereas child abuse and neglect can have long-term economic and societal costs through the increased use of the juvenile and adult criminal justice systems, the increased health care costs resulting from mental illness, substance abuse, and domestic violence, and the loss of economic productivity due to unemployment and underemployment; and

Whereas it is appropriate to designate the month of April, 2007 as National Child Abuse Prevention Month: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that Congress should increase public awareness of child abuse and neglect and should continue to work with the States to reduce the incidence of child abuse and neglect through such programs as the Child Welfare Services and Promoting Safe and Stable Families programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. McDERMOTT. Madam Speaker, I yield myself as much time as I may consume.

Not every child in America is raised in a safe and loving home. More often than we realize, children become the victims of abuse and neglect from the very people they should be able to trust the most, their parents.

Today the Income Security and Family Support Committee that I chair is united behind this resolution to designate April as National Child Abuse Prevention Month. Democratic Representatives JOHN LEWIS, PETE STARK, MICHAEL MCNULTY, KENDRICK MEEK and Republican Representative JERRY WELLER, the subcommittee's ranking member, WALLY HERGER and JON PORTER are cosponsors of the resolution.

Our goal in designating April as National Child Abuse Prevention Month is to increase public awareness of the serious threats that child maltreatment imposes on children, and to encourage Americans to break the cycle of violence.

2005 is the most recent year for which data is available from the Department of Health and Human Services. Nine hundred thousand children were victims of substantiated cases of abuse and neglect. Nearly 1,500 children, mostly under the age of 4, died as a result. Another half a million children could not live safely with their parents and were removed from the home.

Child abuse and neglect has a devastating impact on the life of a child that goes beyond the immediate physical and emotional pain that is inflicted on them. Children who suffer from maltreatment are at greater risk of developmental delays and behavioral problems that could last a lifetime. Child maltreatment can delay or disrupt the normal cognitive development process which, in turn, impacts academic achievement.

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Children who are the victims of abuse and neglect tend to have lower math scores and English grades, and they repeat grades more frequently than other children. We know that poor academic skills can lead to a child's dropping out of school, continuing a cycle of negative consequences that can last a lifetime.

A history of child abuse and neglect can also disrupt the development of skills that children use to interact with others, such as problem-solving and communication. These skills are critical in stopping the development of other serious behavior problems even among seriously troubled youth. Moreover, victims of child abuse and neglect tend to have greater levels of depression compared to other children. These children are also more likely to suffer from mental illness, experience problems with drugs, and are more likely to become teen-age parents.

Not every child who has suffered from abuse and neglect will experience poor outcomes. Many maltreated children will persevere against the odds and find the ability to cope and even to thrive. They could develop and maintain the personal characteristics that will make them more resilient than others. Of course, this resilience can depend on a child's finding a safe and loving home to live in and access to support systems, educational resources, and health care.

These amazing kids deserve to be recognized and celebrated for their remarkable ability to persevere over the most difficult of circumstances and for setting an example for other children.

In recognition of the fact that too many of our Nation's children will become the victims of violence at the hands of their parents and many others are at risk of such abuse, Congress has expressed the commitment over the last several decades to stop child abuse and neglect. In 1935 Congress established the Child Welfare Services program to provide Federal funding for a variety of services for States to use to protect children who are at risk of abuse and neglect and who assist those who have been victimized.

In 1993, Congress took another step to protect children when it created the Promoting Safe and Stable Families program. This program is the largest source of Federal funding designed to stop child abuse and neglect before it starts and to support vulnerable families who are at risk of falling into crisis.

Last fall we reauthorized promoting Safe and Stable Families on a bipartisan basis, and we made a number of key improvements. For instance, new funding will allow us to respond to the growing methamphetamine problem that threatens the safety of many of our children in communities across America. We provided States with additional resources to attract, train, and retain caseworkers. We required States to have caseworkers visit children in foster care once a month to make sure they are getting the proper care. And we increased funding that is available to the Native American community as well.

These are only modest steps that will strengthen our ability to prevent the incidence of child abuse and support vulnerable families. Certainly more can be done, but these programs express the commitment of Congress to protect abused and neglected children.

In recognition of Child Abuse Prevention Month, I urge my colleagues to join me in increasing public awareness of the threat to innocent children and to promote public policies designed to prevent child abuse and safeguard our most vulnerable children.

Madam Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. WELLER of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WELLER of Illinois. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 299. This resolution reflects bipartisan support for increasing public awareness of child abuse and neglect, which is a necessary first step to better protect children.

Yesterday, the House passed a resolution honoring foster parents, who play a major role in ensuring hundreds of thousands of children are protected from abuse and neglect each year. Today's resolution before us highlights the too large number of children who are abused and neglected each year and the many negative consequences of that abuse for children, families, and our Nation. The numbers are bracing. Almost 900,000 children in the United States were victims of abuse and neglect in 2005, the most recent figures.

Several government programs overseen by the subcommittee on which Chairman McDERMOTT and I serve assist foster and adoptive families with children's needs or help reunify children with their own parents when that is safe and appropriate. But the very first step to ensure children are out of harm's way involves alert relatives, neighbors, friends, teachers, community organizations, and so many others in every neighborhood across this country. These are people who care, people who want to help, and people who take the time to step in to help make sure our children are safe and sound.

Consider some of those working hard right now to help children in the congressional district I represent in Illinois. Earlier this year I sat down with my local community support agencies to listen to their successes and their many challenges in helping to prevent child abuse and neglect. These agencies offer a wide variety of services to families, from Head Start, food programs, and affordable housing to social services and foster care when needed to ensure children are safe.

In the district I represent, Will County Catholic Charities protects over 300 children in foster care. The Guardian Angel Home and Groundwork in Joliet, Illinois, help abused women and children affected by domestic violence by providing services such as temporary housing, counseling, and legal assistance. Many others provide similar services in other parts of the district I represent, as well as in every congressional district in America.

We should never take these people and their agencies that deliver such good services for granted. Just last week, Catholic Charities in Chicago announced they are shutting down their foster care program after 90 years of service. Their absence will leave a void others will have to fill to ensure that more than 900 Illinois children they now care for are protected from harm. This will be a major challenge. Catholic Charities and the Guardian Angel Home are just two of the many organizations across the Nation that help children and families lead safe and productive lives. Many caseworkers and others who serve families directly have committed their lives to this critical service. They deserve our continued support.

Congress recently made improvements to key programs designed to protect children, including by providing additional resources for direct services and also caseworkers. Last year in the Child and Family Services Improvement Act, Congress increased accountability by requiring States to conduct more frequent caseworker visits to children in foster care. We also targeted over $145 million over the next 5 years for preventing and treating parental substance abuse, which is a key cause of child abuse and neglect. This legislation was fully paid for and was totally bipartisan. And for that I want to congratulate former Subcommittee Chairman WALLY HERGER of California, who worked with our current chairman, JIM McDERMOTT of Washington State, to accomplish this goal.

I expect to introduce legislation shortly that would provide caseworkers with more resources to better serve children. Currently, when private organizations provide training to their caseworkers, they are eligible for fewer Federal funds to support those costs than are paid for to support the training of government-employed caseworkers. Same training, same job, but different payments, simply because one worker is employed by a private agency and another by a government agency. That is arbitrary and unfair, and we should fix it. I hope the same spirit of bipartisanship evident here today and that which created our work last year will help us get this legislation passed this year, in 2007.

There certainly is much more work to do. Many experts have long been concerned that current programs focus too many resources on helping families after children have been abused and neglected. That is simply too late, especially when the right resources might help prevent abuse or neglect from occurring.

As this resolution expresses, Congress should continue to work with the States to reduce child abuse and neglect. Thoughtful efforts are under way in States like Florida and elsewhere to test ways to better prevent abuse and neglect from happening instead of addressing it after the fact. We are eager to see these results and stand ready to incorporate any positive measures in reforms yet to come. In the meantime, this resolution focuses public attention on child abuse and on the resources available today to prevent child abuse.

I urge my colleagues to support this resolution and to work together in a bipartisan way with the Ways and Means Committee to develop further measures to protect children from abuse and neglect.

Mr. STARK. Madam Speaker, I rise today in strong support of increasing public awareness of child abuse and neglect. Nearly 900,000 children were found to be victims of abuse and neglect in 2005. This is unacceptable. Congress must take bold action to protect our Nation's children.

Abused and neglected children face a trauma that does not end when the abuse stops. They must also contend with numerous future problems stemming from their abuse and neglect, including mental illness, poor academic achievement, and criminal behavior. In addition, abuse and neglect often starts or continues a cycle of abuse where a third of victimized children go on to become abusers themselves.

Congress has taken steps to prevent and ameliorate child abuse and neglect through programs such as the Promoting Safe and Stable Families program, Child Welfare Services, and the Community Based Child Abuse Prevention program. These are all good programs, but Congress and the President have consistently under funded them. For example, in fiscal year 2006, the Community Based Child Abuse Prevention program was under funded by $38 million. Congress must fully fund these programs at their authorized levels. The fraudulent war in Iraq and tax cuts for the rich has placed us in a difficult fiscal situation. Even so, we must fund the services that protect our most vulnerable children.

By increasing public awareness of child abuse and neglect, we also have an opportunity to implement new policies that address the health and safety of our children. There are 8 million uninsured children in this country. Continuing to deny health care to all children is simply another form of child neglect. We should work to provide health coverage to every child.

I hope that the resolution before us will help to galvanize this body to push for policies that protect and nurture children. The thousands of abused children and the millions of uninsured children deserve our attention and commitment.

Mr. WELLER of Illinois. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McDERMOTT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 299.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. McDERMOTT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

INTERNATIONAL SOLID WASTE IMPORTATION AND MANAGEMENT ACT OF 2007

Mr. WYNN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 518) to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Solid Waste Importation and Management Act of 2007".

SEC. 2. INTERNATIONAL TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding after section 4010 the following new section:

"SEC. 4011. INTERNATIONAL TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) STATE AUTHORITY TO ADDRESS IMPORTATION AND MANAGEMENT OF MUNICIPAL SOLID WASTE.—

"(1) IN GENERAL.—Until the date on which all final regulations issued by the Administrator to implement and enforce the Agreement (including notice and consent provisions of the Agreement) become effective, a State may enact a law or laws or issue regulations or orders imposing limitations on the receipt and disposal of foreign municipal solid waste within the State. Laws, regulations, and orders enacted or issued before that date may continue in effect according to their terms after that date.

"(2) EFFECT ON INTERSTATE AND FOREIGN COMMERCE.—No State action taken as authorized by this section shall be considered to impose an undue burden on interstate and foreign commerce or to otherwise impair, restrain, or discriminate against interstate and foreign commerce.

"(3) TRADE AND TREATY OBLIGATIONS.—Nothing in this section affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

"(b) AUTHORITY OF ADMINISTRATOR.—

"(1) IN GENERAL.—Beginning immediately after the date of enactment of this section, the Administrator shall—

"(A) perform the functions of the Designated Authority of the United States described in the Agreement with respect to the importation and exportation of municipal solid waste under the Agreement; and

"(B) implement and enforce the notice and consent and other provisions of the Agreement.

"(2) REGULATIONS.—Not later than 24 months after the date of enactment of this section, the Administrator shall issue final regulations with respect to the Administrator's responsibilities under paragraph (1).

"(3) CONSENT TO IMPORTATION.—In considering whether to consent to the importation under article 3(c) of the Agreement, the Administrator shall—

"(A) give substantial weight to the views of the State or States into which the municipal solid waste is to be imported, and consider the views of the local government with jurisdiction over the location where the waste is to be disposed;

"(B) consider the impact of the importation on—

"(i) continued public support for and adherence to State and local recycling programs;

"(ii) landfill capacity as provided in comprehensive waste management plans;

"(iii) air emissions from increased vehicular traffic; and

"(iv) road deterioration from increased vehicular traffic; and

"(C) consider the impact of the importation on homeland security, public health, and the environment.

"(4) ACTIONS IN VIOLATION OF THE AGREEMENT.—No person shall import, transport, or export municipal solid waste for final disposal or for incineration in violation of the Agreement.

"(c) COMPLIANCE ORDERS.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of this section, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) Any order issued pursuant to this subsection shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(d) PUBLIC HEARING.—Any order issued under this section shall become final unless, not later than 30 days after the order is served, the person or persons named therein request a public hearing. Upon such request, the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

“(e) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order.

“(f) DEFINITIONS.—For purposes of this section:

“(1) AGREEMENT.—The term ‘Agreement’ means—

“(A) the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, signed at Ottawa on October 28, 1986 (TIAS 11099) and amended on November 25, 1992; and

“(B) any regulations promulgated and orders issued to implement and enforce that Agreement.

“(2) FOREIGN MUNICIPAL SOLID WASTE.—The term ‘foreign municipal solid waste’ means municipal solid waste generated outside of the United States.

“(3) MUNICIPAL SOLID WASTE.—

“(A) WASTE INCLUDED.—Except as provided in subparagraph (B), the term ‘municipal solid waste’ means—

“(i) all waste materials discarded for disposal by households, including single and multifamily residences, and hotels and motels; and

“(ii) all waste materials discarded for disposal that were generated by commercial, institutional, municipal, and industrial sources, to the extent such materials—

“(I) are essentially the same as materials described in clause (i); and

“(II) were collected and disposed of with other municipal solid waste described in clause (i) or subclause (I) of this clause as part of normal municipal solid waste collection services, except that this subclause does not apply to hazardous materials other than hazardous materials that, pursuant to regulations issued under section 3001(d), are not subject to regulation under subtitle C.

Examples of municipal solid waste include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, and household hazardous waste. Such term shall include debris resulting from construction, remodeling, repair, or demolition of structures.

“(B) WASTE NOT INCLUDED.—The term ‘municipal solid waste’ does not include any of the following:

“(i) Any solid waste identified or listed as a hazardous waste under section 3001, except for household hazardous waste.

“(ii) Any solid waste, including contaminated soil and debris, resulting from—

“(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604 or 9606);

“(II) a response action taken under a State law with authorities comparable to the authorities of such section 104 or 106; or

“(III) a corrective action taken under this Act.

“(iii) Recyclable materials that have been separated, at the source of the waste, from waste otherwise destined for disposal or that have been managed separately from waste destined for disposal.

“(iv) Scrap rubber to be used as a fuel source.

“(v) Materials and products returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible reuse.

“(vi) Any solid waste that is—

“(I) generated by an industrial facility; and

“(II) transported for the purpose of treatment, storage, or disposal to a facility or unit thereof that is owned or operated by the generator of the waste, located on property owned by the generator or a company with which the generator is affiliated, or the capacity of which is contractually dedicated exclusively to a specific generator, so long as the disposal area complies with local and State land use and zoning regulations applicable to the disposal site.

“(vii) Any medical waste that is segregated from or not mixed with solid waste.

“(viii) Sewage sludge and residuals from any sewage treatment plant.

“(ix) Combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing (including pollution control) operations not essentially the same as waste normally generated by households.

“(x) Solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following new item:

“Sec. 4011. International transportation and disposal of municipal solid waste.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. WYNN) and the gentleman from Michigan (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. WYNN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material into the RECORD on the pending bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. WYNN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 518, the International Solid Waste Importation and Management Act of 2007.

This legislation is a culmination of efforts that began with the introduction of the international waste bill in the 104th Congress and has been introduced by our committee chairman, Mr. DINGELL; and sponsored by all the members of the Michigan delegation, including Mr. ROGERS, Mr. STUPAK, Mr. UPTON, Mr. EHLERS, Mr. MCCOTTER, Mr. LEVIN, Mr. CONYERS, Mr. KILDEE, Mrs. MILLER, Ms. KILPATRICK, Mr. CAMP, Mr. KNOLLENBERG, Mr. HOEKSTRA, and Mr. WALBERG. I want to thank and congratulate all these Members for their tireless efforts to move this legislation to the floor.

In March this legislation was reported out of the subcommittee which I chair, the Subcommittee on the Environment and Hazardous Materials, and out of the full Committee on Energy and Commerce.

□ 1300

This legislation, which has a long history of bipartisan support, is long overdue in providing States and localities control over the amount of international municipal solid waste that they are forced to accept.

The extent of this problem is exemplified by the millions of tons of solid waste that is trucked into this country at the rate of approximately 350 truckloads per day. The volume of the international solid waste that comes into this country on a daily basis places an undue burden on the States' and localities' landfill capacities, as well as their roads and infrastructure, solely at the expense of the States and localities.

This legislation seeks to address these concerns by providing the States with the authority to place limits on the amounts of international municipal solid waste that they will accept. It will give the States and the EPA clear authority to safely manage solid waste disposal and to control waste volumes in the best interests of the States and the Nation as a whole.

In addition, H.R. 518 provides the necessary legal authority for the United States, through the Environmental Protection Agency, to fully implement the 1986 Trans-Boundary Movement of Hazardous Wastes and Other Wastes Agreement between the United States and Canada. These are simple steps that will provide the legislative authority to the Federal and State governments, and are also consistent with the powers enumerated in the United States Constitution and our international trade obligations and agreement. I urge my colleagues to support the passage of this very important and bipartisan bill.

Madam Speaker, I would reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Speaker, I yield myself such time as I may consume.

I first want to thank JOHN DINGELL, a friend and colleague and chairman of the Energy and Commerce Committee, for working with us on putting together what I think is a great product, and really the first opportunity we are going to have in Michigan, I think the first really good opportunity to say “no” to Canadian trash. And for that, sir, I thank you. And Mr. WYNN, sir, thank you as well for working with us and standing tall, which is really an important issue. Michigan gets hit hardest, and your care and concern for those of us in the north is greatly appreciated.

Right now, the current law allows trash to move across international borders and States can do nothing to regulate this waste, as Congress has not given them the authority to do so. Canada has for years taken advantage of this situation by turning Michigan into the dumping ground for Ontario's trash. This bill, the fourth of its kind, really, since 2000, gives States the authority to regulate Canadian waste and directs the EPA to implement the existing U.S.-Canada Trans-Boundary Agreement. More importantly, it gives Michigan the authority to regulate trash coming from Ontario, no matter how the EPA chooses to implement that trans-boundary agreement.

In 2006 alone, over 3.6 million tons of Canadian trash was dumped in our great State of Michigan. As we lose landfill space, shipments of Canadian waste continue to increase every year, and this year was no exception, Madam Speaker.

While my colleagues and I have been trying to pass this law, the problem has only gotten worse. Since 2001, when I introduced the first bill to fight Canadian trash, over 17 million tons of garbage have been driven across the border and dumped into our back yards.

Since our first attempts to fix this problem, annual garbage loads from Canada have tripled. Of all the trash Canada sends to the United States, 90 percent of it ends up in Michigan. Six years ago, just 10 percent of the waste disposed in Michigan landfills came from Canada; today, that has doubled to 20 percent. Over 400 garbage trucks over a single day rumble through our neighborhoods and deposit and unload their waste in Michigan landfills.

Without the ability to regulate this out-of-control surge in Canadian waste, Michigan communities can only sit back and watch the trash pile up. And what have we been getting and why is this a concern? We have had human blood dripping from trash trucks; stopped the whole bridge crossing for almost 6 hours on one occasion as the local police tried to determine the cause of it. It turned out it was hazardous medical waste. Thank God it wasn't a body. But we didn't know, and there is no good way to search those trucks to find out. We had to find out because human blood was dripping from the back of a garbage truck.

We have found drugs in those garbage trucks. We have found, in the dumps that receive Canadian trash, that PCP levels have increased. It is a true and real environmental and security problem, not just for Michigan, but for the United States, that we don't get a handle and say to our good friends to the north, this is an unneighborly thing to do, let's work this out.

When we anticipated years ago in Michigan that we would cite landfills, which is a very difficult thing to do, we had 20 years' worth of capacity; pretty hard thing to do. You go in through neighborhoods, and we cited these landfills. And we did the right thing for the right environmental reasons. And because of Canada, we believe that our landfill capacity, because we were diligent and were trying to protect our environment in the future, may have been cut in half because of Canada's inability to deal with their own household municipal garbage problem.

The best part of this is that in Canada they actually allow its provinces to restrict intraprovince waste. So if you think about this, Saskatchewan could say "no" to Ontario's trash, while Michigan is compelled by law to take it. That is a problem. And again, I argue, it is unneighborly, and we should be able to fix this problem.

It is important to note that this bill would not impact State shipments of trash, commercial waste streams; it is only that household municipal waste, that trash that is at the end of the revenue stream where you dig a big hole and you throw it in, that is the only trash that this bill narrowly focused on. 518 is a balanced, narrow NAFTA-compliant bill that gives Michigan and other States the authority they need to be good stewards of their land.

Ladies and gentlemen, and Madam Speaker, Michigan needs your help. My colleagues and I urge the support of this important bill.

I again want to thank Chairman DINGELL and Chairman WYNN for their help and assistance in what really is not only an environmental issue, but a national security issue as well.

Madam Speaker, I reserve the balance of my time.

Mr. WYNN. It gives me great pleasure at this time to yield 5 minutes to the distinguished gentleman from Michigan (Mr. DINGELL), the chairman of the Energy and Commerce Committee.

Mr. DINGELL. Madam Speaker, I rise in strong support of H.R. 518, the International Solid Waste Management Act of 2007. This legislation is of the greatest importance to our people in Michigan, and it has been sponsored with great enthusiasm by all members of the Michigan delegation in a completely bipartisan fashion.

Mr. ROGERS, Mr. STUPAK, Mr. UPTON, Mr. EHLERS, Mr. MCCOTTER, Mr. LEVIN, Mr. CONYERS, Mr. KILDEE, Mrs. MILLER, Ms. KILPATRICK, Mr. CAMP, Mr. KNOLLENBERG, Mr. HOEKSTRA and Mr. WALBERG have all been important supporters of this bill. And I want to pay particular tribute to my colleague from Michigan (Mr. ROGERS) for his leadership.

I also want to thank the distinguished Chairman of the Subcommittee on Environment and Hazardous Materials for his leadership and for his help and for the way that he has taken care of us in Michigan in making it possible for this legislation to be on the floor at this particular time.

The gentleman from Maryland is an extremely effective and able leader, and we are not only grateful to him, but also to our dear friend, Mr. GILLMOR, who moved it for us in the last Congress.

The legislation is identical to the bill that passed the House of Representatives without opposition last September. In this Congress it was reported out both by the Subcommittee on Environment and Hazardous Materials and the full Committee on Energy and Commerce by voice vote, without dissent.

I would point out that it requires the EPA to enforce the notice-and-consent provisions in the bilateral U.S.-Canadian agreement, an agreement which was signed by the United States and Canada in 1986 to govern trans-boundary movement of hazardous waste, and amended in 1992 to include municipal solid waste.

I note now that the administration should comply with the notice-and-consent provisions which require both parties to use best efforts, absent regulation. Unfortunately, the needed efforts by the Administration have not been forthcoming. Although legislation was promised to be delivered "soon", by the Administration it has yet to appear.

Michigan's ability to manage the importation of solid waste is crucial to the comprehensive and environmentally sound waste management that the State of Michigan wants to have. Since 1996 when Michigan first began collecting the data, we have seen a 350 percent rise in the amount of Canadian waste disposed in Michigan, going from 2.7 million cubic yards to 12.1 cubic yards.

As mentioned by Mr. ROGERS, better than 400 trucks haul this waste across the bridges every day from Canada into Michigan. Not only is this waste an obnoxious substance, but it is a hazard to travelers and to our roads. It is also an environmental risk, a security risk, and a hazard to the health and security and safety of our people.

This legislation would ensure that the U.S.-Canadian Agreement is properly implemented and properly enforced. The bill provides criteria to ensure that the views of State and local governments are properly taken into account in implementing the bilateral agreement and the bill adds the necessary enforcement authority so that this can be dealt with fully, completely, and properly.

The legislation would also give not just Michigan, but all of the States, more authority to regulate foreign waste until the Environmental Protection Agency's rules and regulations go into effect. This is extremely important, as all of my colleagues in Michigan and elsewhere know.

I want to say that I am pleased that the House is moving forward. I commend my colleagues in the Michigan delegation for the extraordinary cooperation, leadership and energy with which they have addressed this problem. And I want to again thank and express my deep gratitude to the Chairman of the Subcommittee, my good friend from Maryland (Mr. WYNN) for the fine leadership which he has shown in this matter

Mr. ROGERS of Michigan. Madam Speaker, I will now yield 2½ minutes to the distinguished lady from Michigan, the former Secretary of State there, a distinguished Member in this body, CANDICE MILLER.

Mrs. MILLER of Michigan. Thank you. I certainly appreciate the gentleman yielding time to me.

Madam Speaker, my home State of Michigan shares a very long liquid border with the nation of Canada. We have a very strong and we have a positive relationship with our neighbors to the north; but one issue that has festered in recent years is the fact that Canada has made Michigan a dumping ground for their trash. In fact, all of the municipal waste from the city of Toronto, 100 percent of it all, is carried across the border and dumped in our home State of Michigan. I do not find this to be very neighborly. In fact, if you come to the Blue Water Bridge in St. Clair County, which is in my district, you can literally see, sometimes as far as the eye can see, these trucks lined up to enter into our country just brimming with Canadian trash. They are obviously congesting our roads, they are clogging this very vital border crossing, they are tearing up our highways, and they are threatening the safety of our drivers.

Pine Tree Acres, which is one of the largest landfills in Michigan, is in my district, it's in Lenox Township, and every day you can drive down and see a mountain of trash that is growing higher and higher because of all of the influx of Canadian trash that is being dumped there. And most Michigan communities plan very prudently to meet the solid waste needs of our citizens. We all took a lot of pride in planning for that. But now with the influx of all of this foreign trash, the Canadian trash, landfills across the State are overflowing and they are reaching their capacity years sooner than was ever anticipated by the local municipalities.

Much of this trash presents enormous health and safety hazards to our communities as well, and to our residents. Some of the trucks have even been found to be ferrying illegal drugs into our communities. And just to give one example of the kind of dangerous trash that is being imported, just last year a Canadian truck spilled human waste, which I think Mr. ROGERS referred to as well, all the way along a highway in our State, and this is simply unacceptable. In fact, I find it rather ironic that Canada has a reputation of being environmentally conscious because it seems they are employing something of a double standard here. They find it perfectly acceptable to use Michigan as their own personal garbage can for their waste, but God forbid that they would pollute their own environment and endanger their own citizens with this trash.

Madam Speaker, the people of Michigan have had enough, but presently they have no ability to stop the flow of foreign trash, and this legislation does give them that ability. So I would urge all of my colleagues to stand with the people of Michigan and every community in our Nation, to give them the ability to protect our environment and to control the flow of foreign trash into our landfills by supporting this very important legislation.

Again, I appreciate our colleagues' responsible action on this.

Mr. ROGERS of Michigan. Madam Speaker, I would yield 3 minutes to the distinguished gentleman, who has worked tirelessly on this effort in the past and has helped us craft this piece of legislation, Mr. GILLMOR of Ohio.

☐ 1315

Mr. GILLMOR. Madam Speaker, I very much appreciate the gentleman yielding, and I am pleased to rise in support of this bill.

I introduced a similar bill in the last Congress with the cosponsorship of my friends Mr. DINGELL and Mr. ROGERS and much of the rest of the Michigan delegation. We were successful in getting it passed last year, but the Senate did not act. I am proud to join as a cosponsor with those gentlemen in this effort this year, and I hope we get better luck in the Senate in this session.

This is a commonsense bill. It gives authority to the States to regulate foreign waste which is being dumped in our landfills. The process of planning, developing and maintaining landfills is often contentious and often very expensive. Our communities should not be forced to sit back and watch as their resources are overwhelmed with trash from outside the United States.

International waste, as has been mentioned, has become a tremendous burden for my neighbors to the north in the State of Michigan. And while much of the foreign waste coming into the United States ultimately ends up in Michigan, this is an issue for all Americans. Our landfills are an important resource, and I believe there will come a day when Michigan's landfills have a sign outside that reads "Landfill full. Continue to Ohio." It is that domino effect that makes international waste a national problem.

The current law rewards the environmentally irresponsible, those who won't make the investment and face the issue of creating landfill space. It punishes the environmentally responsible, like Michigan, who have gone to the effort to make landfill space available. That situation has to change. This legislation will do it, and I am pleased to support it.

Mr. KNOLLENBERG. Madam Speaker, today I rise to express my strong support for passage of H.R. 518, the International Solid Waste Importation and Management Act of 2007. Like every membr of the Michigan congressional delegation, I am a cosponsor of this bill.

For many years, Canada has shipped significant amounts of solid waste into the United States, with a large percentage of it going to Michigan. It is estimated that more than four hundred trucks bring this waste into Michigan from Ontario each day. That means nearly 150,000 truckloads full of Canadian solid waste is deposited in the great State of Michigan each year.

One of Michigan's greatest assets is the acres upon acres of beautiful land in its natural state. Michiganders are defined in part by our Great Lakes, and the health of our environment is one of our top priorities. It is imperative that we preserve our State's natural beauty, from the wilderness on Isle Royale and the Porcupine Mountains in the Upper Peninsula, all the way down to the lakes and streams in the bottom of our beloved mitten.

By allowing such an immense amount of Canadian trash into our landfills we are falling short of our responsibilities as stewards of our State's health. Canadian trash represents a threat to the health of our environment and the health of our citizens.

States must have the authority to address this matter as they see fit. H.R. 518 is necessary in order to provide Michigan with the power to address this issue, as the U.S. Supreme Court and other Federal courts have consistently ruled that States cannot restrict out-of-state trash without action by Congress.

Passage of H.R. 518 will finally allow States to regulate the importation of international waste in ways that best suit the needs of their citizens. I thank Mr. DINGELL for introducing this important legislation and urge my colleagues to support passage of H.R. 518.

Mr. KILDEE. Madam Speaker, I am an original cosponsor of H.R. 518, the International Solid Waste Importation and Management Act of 2007, and am proud to join Chairman JOHN DINGELL, the Dean of the House of Representatives, my bi-partisan colleagues from Michigan and others in strong support of its passage.

This legislation would require the U.S. to implement the "notice and consent" provisions of the 1992 bilateral U.S.-Canadian Agreement on municipal solid waste, and adds the necessary statutory enforcement authority. It also provides criteria to ensure that the views of the affected State and local governments are properly taken into account.

The importation of foreign trash is of great concern to the residents of Michigan's Fifth Congressional District, and citizens across the State vocally oppose the importation of foreign trash.

Nationally, more than 4 million tons of waste—about 400 truckloads per day—is transported from Canada to the U.S. each year, with three-quarters of it coming to Michigan. In Michigan alone, Canadian trash deposits have increased more than five-fold from 1999 to 2006—from about 710,000 tons to 3.67 million tons.

The growing amount of foreign trash coming into Michigan is polluting our environment, clogging our roadways, increasing the health and safety risks in our State, and poses a growing a homeland security threat. In 2006, the Department of Homeland Security Office of the Inspector General released a report finding that U.S. Customs does not have an effective method to screen and inspect the hundreds of truckloads of municipal solid waste that enter the U.S. daily through the Detroit and Port Huron ports of entry. In addition, multiple incidents have occurred on Michigan roadways where Canadian trash trucks have spilled waste on our roads.

Congress has had numerous opportunities to address this problem, either through legislation or the implementation of a bilateral agreement between the U.S. and Canada from 1992, which would allow Michigan to manage foreign waste being disposed of within its borders.

Madam Speaker, the time has come for Congress to take action to address this serious matter. H.R. 518 has broad, bipartisan support reinforced by its clear passage through the House Energy and Commerce Committee earlier this year without objection.

Once again, Madam Speaker, I strongly support H.R. 518, and urge my colleagues to pass this important legislation.

Mr. BROWN of South Carolina. Madam Speaker, I rise today to speak on H.R. 518, introduced by Chairman John Dingell from Michigan.

Madam Speaker, H.R. 518 is going to be considered under "suspension of the rules" which is usually reserved for non-controversial bills, but it has come to my attention that there are some strong objections both from the Canadian Embassy here in Washington D.C. as well as from the Administration, specifically the Department of State and from the United States Trade Representative.

I feel it is my duty as one of the Co-Chairs of the Congressional Friends of Canada Caucus to submit for the Record letters from the Canadian Ambassador to the United States, Michael Wilson, as well as letters from the Administration to Speaker Nancy Pelosi and to Republican Leader John Boehner that express concern over H.R. 518.

Canadian Embassy,
Washington, DC, April 12, 2007.

Hon. Nancy Pelosi,
Speaker, House of Representatives,
Washington, DC.

Dear Madam Speaker: I am writing regarding H.R. 518, "International Solid Waste Importation and Management Act of 2007", approved by the Energy and Commerce Committee on March 22, 2007. I would like to share with you Canada's views on this legislation.

Canada and the United States have a longstanding partnership in managing the two-way flow of hazardous and municipal solid wastes. Managing hazardous and municipal solid wastes has two components: the commercial relationship, and environmental management.

On the first, the trade in waste is governed by our respective rights and obligations pursuant to the World Trade Organization (WTO) Agreements and the North American Free Trade Agreement (NAFTA). HR 518 will grant to states the authority to discriminate between types of waste based solely on national origin, without any environmental or sound waste management considerations. The State of Michigan has already passed Legislation that would prohibit landfill operators from accepting solid waste from foreign sources. Canada views this legislation as inconsistent with the United States' WTO and NAFTA obligations. HR 518 would authorize Michigan's legislation, which would place the United States in contravention of its international trade obligations.

Furthermore, in 1986, both countries signed the Canada-U.S. Agreement on the Transboundary Movement of Hazardous Wastes, which resulted in effective measures in both countries to ensure that hazardous wastes would be moved to the nearest safe disposal site, without regard to borders. In 1992, Canada and the United States took environmentally sound waste management one step further when they agreed to amend the agreement to include municipal solid waste.

Canada is working toward implementation of the 1992 amendment. We hope that the U.S. will take similar steps in the near future. An Environment Canada-U.S. E.P.A. pilot program in 2005, based on the Agreement, clearly demonstrated that it is possible for our two countries to work together co-operatively to ensure that municipal solid waste is shipped in an environmentally sound manner.

H.R. 518 is a departure from the principle that the sound environmental management of waste should not be impeded because of borders. Canada believes we should follow that principle for municipal solid waste, just like for hazardous waste (of which the U.S. is a net exporter to Canada).

Canada agrees that shipping municipal solid waste to Michigan is not a sustainable solution. Ontario has committed to eliminate by the end of 2010 the shipment to Michigan of all municipally managed wastes. Ontario is on target to meet this short timeline, having already taken the steps necessary to clear the first two hurdles, being 20 percent reductions for the end of each of 2007 and 2008. To that end, about 50 million tonnes of new landfill capacity has been approved by the province of Ontario over the past two years.

We therefore strongly believe that this issue can be managed without resorting to legislation.

I urge you to give serious consideration to these issues and thank you for the opportunity to share Canada's views on this matter.

Yours sincerely,
Michael Wilson,
Ambassador.

April 23, 2007.

Hon. Nancy Pelosi,
Speaker of the House of Representatives,
Washington, DC.

Dear Madam Speaker: This letter is to express the Administration's concern with H.R. 518, the International Solid Waste Importation and Management Act of 2007. H.R. 518 would authorize states to restrict the receipt and disposal of municipal solid waste generated outside the United States.

The Administration is concerned that enactment of H.R. 518 would have the unintended result of increasing the disposal of hazardous waste in the United States and lead to an unnecessary trade dispute. According to the Environmental Protection Agency, approximately 230 U.S. companies in over 32 states shipped hazardous waste to Canada in 2004 alone. If states use the authority in H.R. 518 to restrict foreign waste imports, this could provoke reciprocal actions by Canada or other trading partners against U.S. waste exports.

In addition, because H.R. 518 would authorize states to enact laws or regulations that exclusively restrict the disposal of foreign-generated waste or limit the amount of foreign waste shipped to the United States, it could raise concerns by our trading partners regarding U.S. compliance with international rules prohibiting trade discrimination. In fact, the Government of Canada has already questioned whether H.R. 518, as well as the state laws and regulations it could lead to, would be compatible with U.S. obligations under the North American Free Trade Agreement and WTO agreements.

Moreover, H.R. 518 could result in a patchwork of individual and possibly conflicting state and federal laws and regulations on the receipt and disposal of foreign municipal waste that could make it more difficult to manage cross-border waste flows in an environmentally sound and economically efficient manner.

Finally, there are other ways to address concerns about imports of foreign waste. For example, the U.S.-Canada Agreement Concerning the Transboundary Movement of Hazardous Waste has been a successful mechanism for managing the flow of hazardous waste between our countries and illustrates how issues relating to this type of trade can be handled in a manner that does not raise concerns for our trading partners.

We appreciate your attention to these concerns. The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the President's program

Sincerely,
Justin McCarthy,
Assistant U.S. Trade Representative for Congressional Affiars.
Jeffrey T. Bergner,
Assistant Secretary of State for Legislative Affairs.

April 23, 2007.

Hon. John A. Boehner,
House of Representatives,
Washington, DC.

Dear Mr. Boehner: This letter is to express the Administration's concern with H.R. 518, the International Solid Waste Importation and Management Act of 2007. H.R. 518 would authorize states to restrict the receipt and disposal of municipal solid waste generated outside the United States.

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We appreciate your attention to these concerns. The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the President's program.

Sincerely,

JUSTIN MCCARTHY,
Assistant U.S. Trade Representative for Congressional Affairs.

JEFFREY T. BERGNER,
Assistant Secretary of State for Legislative Affairs.

Mr. LEVIN. Madam Speaker, as a cosponsor of H.R. 518, I rise in strong support of this measure. The issue of waste coming into Michigan from Ontario is one of great concern to the people I represent, and I appreciate Representative DINGELL's tireless efforts to move this legislation.

Like the bill approved by the House last year, the International Solid Waste Importation and Management Act directs the Environmental Protection Agency to implement and enforce the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada. The Administrator is required to issue final regulations within 24 months after the date of enactment.

The legislation further requires the Administrator of EPA, when considering whether to consent to a shipment of foreign municipal solid waste to give substantial weight to the views of the recipient State or States, and also consider the impact of the shipment on local recycling programs, landfill capacity, road deterioration, homeland security, public health and the environment, among other factors.

As I mentioned, the bill before the House is nearly identical to the legislation that the House approved last September. Unfortunately, the former leadership of the Senate failed to take up the bill last year, despite bipartisan pleas from Michigan's House delegation urging prompt action. Now that the Senate is under new management, I hope we can at last address this longstanding problem and get a bill to the President's desk for signature.

Our Nation has no closer friend in the world than Canada, but the current trash arrangement in which hundreds of trash trucks cross the border each day on their way to Michigan landfills is simply untenable. The legislation before the House builds on the agreement that Michigan's two Senators negotiated with the government of Ontario last year to reduce municipal waste shipments from Canada over the next four years.

I urge all my colleagues to join me in supporting the legislation before the House.

Mr. CAMP. Madam Speaker, I am pleased to be an original cosponsor of the bill before us today, the International Solid Waste Importation and Management Act, H.R. 518. Last year, the House of Representatives unanimously approved this bill. While the Senate failed to take action on this important legislation, I urge my colleges in the House to send it to the other body again.

This is an issue that transcends political partisanship. With the support of the entire Michigan delegation, and other Members representing Maryland and Virginia, H.R. 518 sends a strong signal to foreign countries, particularly Canada, that States should no longer be viewed as dumping grounds. The volume of foreign waste from Canada into Michigan continues unabated. Since 2002 Canadian shipments of waste to Michigan have increased 83 percent. Not only do these shipments crowd our landfills, but they also pose environmental, public health, and even national security risks. It is long past that time States are lawfully able to regulate the amount of municipal solid waste coming across the border and into their communities. H.R. 518 gives States the legal authority to regulate this waste until the Federal Government implements a 21-year-old bilateral agreement between the U.S. and Canada on this subject.

H.R. 518 does not violate trade agreements. The House has done its due diligence in crafting this legislation to avoid any potential trade issues. Simply put, H.R. 518 provides the legislative authority for the United States to implement the 1986 bilateral agreement this country signed with Canada.

More specifically, the legislation authorizes and directs the Administrator of the U.S. Environmental Protection Agency to implement and enforce the 1986 Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada. The Administrator is required to issue final regulations within 24 months after the date of enactment. Under the 1986 agreement shipments of hazardous waste require notification to the importing country and that country's consent before waste may be shipped. The agreement was amended in 1992 to establish similar requirements for municipal solid waste. H.R. 518 provides the legislative authority for the agreement to be implemented and ensure both governments provide proper notice and shipment information before dump trucks cross the U.S. northern border.

Stopping trash coming into Michigan from Canada must be done through statute—not handshakes. H.R. 518 accomplishes this goal. This bill represents the first real opportunity in a long time to ensure States know in advance what is coming into their communities and where it is going.

The Michigan delegation in the House of Representatives has done a terrific job of helping bring H.R. 518 to the floor for a vote. I encourage all of my colleagues to support it. I am hopeful the Senate will soon consider the measure.

Mr. CONYERS. Madam Speaker, I rise in strong support of H.R. 518, the International Solid Waste Importation and Management Act of 2007. H.R. 518 adds a new section to the Solid Waste Disposal Act requiring the Environmental Protection Agency to implement and enforce the "notice and consent" provisions of a bilateral U.S.-Canadian Agreement signed in 1986 to govern the transboundary movement of hazardous waste. This agreement was amended in 1992 to include municipal solid waste, but neither administration since then has made any effort to implement the bilateral agreement. Enforcement legislation promised "soon" by the present administration almost 4 years ago has yet to arrive. H.R. 518 provides criteria to ensure that the views of the affected State and local governments are properly taken into account, and it adds the necessary statutory enforcement authority.

According to the most recent information for fiscal year 2006, the largest source of waste imported into Michigan continues to be from Canada, with total reported imports to landfills of more than 12 million cubic yards. That is a 23 percent increase from fiscal year 2003. Even more disturbing is that the amount of Canadian waste being disposed of in Michigan has risen by 335 percent since 1996, when Michigan began collecting data.

Riverview and other downriver communities in my district have had to cope with hundreds of trucks full of Canadian trash rumbling down their streets on a daily basis for years. These trucks pass through our communities en route from the Ambassador Bridge to traffic dumps to the west. You can imagine the traffic congestion, environmental, and quality-of-life problems these truckloads of trash have created.

Local activists like Mr. George Read of Trenton and State Representative Kathleen Law have been working tirelessly alongside our congressional delegation to put an end to this never-ending flow of trash, and I am very pleased that the House today is taking a step toward that goal.

Mr. HERGER. Madam Speaker, I rise today in opposition to H.R. 518, the International Solid Waste Importation and Management Act of 2007. No one can accuse me of shying away from a fight to defend America's rights, including the right to regulate foreign trash that poses legitimate health or safety risks for our citizens. Yet there are right ways to address trade issues and wrong ways. This bill represents the wrong way. The bottom line is that this bill allows States to ban or restrict trash imports in violation of our Congressional prerogatives, Federalist system, and international commitments.

Yesterday, the U.S. Trade Representative's Office sent a letter to the Speaker and Republican Leadership expressing concerns that this bill would enable States to openly violate our international trade obligations—trade rules that we depend on to defend our companies and workers from unfair foreign practices. I would ask that this letter be included in the RECORD.

At a time when this Congress has called again and again for nations such as China to adhere to trade rules and for these rules to be vigorously enforced, how can we reasonably expect our trading partners to comply with trade obligations with which we do not comply ourselves?

Moreover, this bill is targeted at Canada, our largest trading partner, whose imports of American products impact virtually every corner of our country. Violations of our trade obligations to Canada would allow Canada to choose which products and industries to target for retaliation—exposing virtually every Congressman and Congresswoman here to damaging sanctions against their districts.

This bill would send us back to the Articles of Confederation, under which States setting their own trade policies almost tore our Nation apart. Now, more than 200 years later, we would be abdicating our Congressional responsibility and setting a very dangerous precedent.

Mr. STUPAK. Madam Speaker, as an original co-sponsor, I rise today in support of H.R. 518, The international Solid Waste Importation and Management Act, or what is commonly referred to as the Canadian Trash bill.

Last Congress, identical legislation (H.R. 2491) was unanimously approved by the Energy and Commerce Committee and the full U.S. House of Representatives.

Since coming to Congress, I have worked with Mr. DINGELL and other members to address the Canadian trash problem. After 14 years of work, I look forward to resolving this issue.

Over 400 trucks a day cross the border from Canada, bringing tons of trash into Michigan and other states. The unregulated flow of trash from Canada into Michigan and other states creates significant environment and public health concerns.

Even more alarming; a January 2006 audit conducted by the Department of Homeland Security has shown that these trucks are often found containing medical waste, illegal drugs, and illegal currency.

This report raises significant border security and national safety concerns that must be addressed.

This legislation would give residents of Michigan and other states the power to limit the trash from outside the United States they are currently forced to accept.

I look forward to continuing to work with supporters on both sides of the aisle to move this legislation to the President's desk.

Given the environmental, public health, border security, and national safety concerns, it is especially important that we act immediately to control the flow of trash from Canada.

I'd like to thank Chairman DINGELL for his leadership on this issue, and I encourage my colleagues to support this long overdue legislation.

Mr. DINGELL. Madam Speaker, I ask that my letter be inserted in the RECORD as part of the consideration of H.R. 518, the International Solid Waste Importation and Management Act of 2007, which passed under suspension of the rules on April 24, 2007. This letter responds to the letter received by the Speaker from Mr. Justin McCarthy, Assistant U.S. Trade Representative for Congressional Affairs, and the Hon. Jeffrey T. Bergner, Assistant Secretary of State for Legislative Affairs, regarding H.R. 518.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE
Washington, DC, April 30, 2007.

Mr. JUSTIN J. MCCARTHY
Assistant U.S. Trade Representative, for Congressional Affairs Office of the U.S. Trade Representative, Washington, DC.

Hon. JEFFREY T. BERGNER
Assistant Secretary of State for Legislative Affairs U.S. Department of State, Washington, DC.

DEAR MR. MCCARTHY AND ASSISTANT SECRETARY BERGNER: I have obtained a copy of your April 23, 2007, letter to Speaker Nancy Pelosi expressing the Administration's concern with H.R. 518, the International Solid Waste Importation and Management Act of 2007. I sponsored this bipartisan bill with the entire Michigan delegation and a number of other Members of the House of Representatives. It was favorably reported by the Subcommittee on Environment and Hazardous Materials and the full Committee on Energy and Commerce in late March and passed the House of Representatives on April 23, 2007, by a voice vote without opposition.

Your letter implies and attempts to raise concerns that H.R. 518 would somehow apply to hazardous waste shipments or in some way would be incompatible with U.S. obligations under the North American Free Trade Agreement and WTO agreements. Neither of these observations is correct.

First, the bill expressly applies only to "foreign municipal solid waste," not hazardous waste (new section 4011) (f)(2)). Further, hazardous waste is explicitly excluded from the term "municipal solid waste" (new section 4011 (f)(3)(B)(i)).

With regard to the issue of whether H.R. 518 is compatible with our international trade obligations, the bill explicitly preserves prior law relating to international trade obligations. New section 4011(a)(3) provides as follows:

"(3) Trade and Treaty Obligations.—Nothing in this section affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

Thus, Canada retains all of its rights under the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO) agreements to challenge a State action alleged to be inconsistent. Domestic waste trade measures that allegedly violate NAFTA might be challenged under the NAFTA general dispute settlement chapter.

Even where a measure is alleged to be inconsistent with NAFTA, the Congressional Research Service has noted that there may be general exceptions incorporated from Article XX of the GATT 1994 that allow parties to adopt or enforce measures necessary to protect human, animal, or plant life or health and measures relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restriction on domestic production or consumption.

Finally, your letter states that there are other ways to address concerns about imports of foreign waste, noting as an example the U.S.-Canada Agreement Concerning the Transboundary Movement of Hazardous Waste. I would hope you are aware that H.R. 518 is providing the Environmental Protection Agency (EPA) with the requisite statutory authority necessary to enforce that very agreement as it applies to municipal solid waste. EPA has maintained that it cannot fully implement and enforce the U.S.-Canada bilateral agreement without'the authority provided by H.R. 518 in new section 4011(c).

I also note that almost four years ago EPA officials testified that the current Administration would submit the necessary implementing legislation for the U.S.-Canadian bilateral agreement "soon." No such legislative proposal has ever been submitted by President Bush.

You should be aware that H.R. 518 directs the EPA Administrator to implement the U.S.Canadian bilateral agreement within 24 months and, as noted above, provides the necessary authority to enforce its provisions with respect to municipal solid waste. Thus, our bill would give effect to the U.S.-Canada bilateral agreement and ensure that it is implemented. The passage of H.R. 518 is important to the people of Michigan and similarly affected States.

I hope this correspondence serves to correct any misunderstandings concerning H.R. 518.

Sincerely,

JOHN D. DINGELL,
Chairman.

Hon. NANCY PELOSI
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This letter is to express the Administration's concern with H.R. 518, the International Solid Waste Importation and Management Act of 2007. H.R. 518 would authorize states to restrict the receipt and disposal of municipal solid waste generated outside the United States.

The Administration is concerned that enactment of H.R. 518 would have the unintended result of increasing the disposal of hazardous waste in the United States and lead to an unnecessary trade dispute. According to the Environmental Protection Agency, approximately 230 U.S. companies, in over 32 states shipped hazardous waste to Canada in 2004 alone. If states use the authority in H.R. 518 to restrict foreign waste imports, this could provoke reciprocal actions by Canada or other trading partners against u.s. waste exports.

In addition, because H.R. 518 would authorize states to enact laws or regulations that exclusively restrict the disposal of foreign-generated waste or limit the amount of foreign waste shipped to the United States, it could raise concerns by our trading partners regarding U.S. compliance with international rules prohibiting trade discrimination. In fact, the Government of Canada has already questioned whether H.R. 518, as well as the state laws and regulations it could lead to, would be compatible with U.S. obligations under the North American Free Trade Agreement and WTO agreements.

Moreover, H.R. 518 could result in a patchwork of individual and possibly conflicting state and federal laws and regulations on the receipt and disposal of foreign municipal waste that could make it more difficult to manage cross-border waste flows in an environmentally sound and economically efficient manner.

Finally, there are other ways to address concerns about imports of foreign waste. For example, the U.S.-Canada Agreement Concerning the Transboundary Movement of Hazardous Waste has been a successful mechanism for managing the flow of hazardous waste between our countries and illustrates how issues relating to this type of trade can be handled in a manner that does not raise concerns for our trading partners.

We appreciate your attention to these concerns. The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the President's program.

Sincerely,

JUSTIN MCCARTHY,
Assistant U.S. Trade Representative for Congressional Affairs.
JEFFREY T. BERGNER,
Assistant Secretary of State for Legislative Affairs.

Mr. ROGERS of Michigan. Madam Speaker, I have no further speakers at this time and would be honored to yield back my time.

Mr. WYNN. Likewise, Madam Speaker, we have no further speakers. Again, I would like to commend Chairman DINGELL and the Michigan delegation for their leadership on this issue.

I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and pass the bill, H.R. 518.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 362, 10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 327 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 327

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 362) to authorize science scholarships for educating mathematics and science teachers, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 362 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Vermont (Mr. WELCH) is recognized for 1 hour.

Mr. WELCH of Vermont. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. WELCH of Vermont. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 327 provides for consideration of H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act, under a structured rule. The rule provides 1 hour of debate, equally divided and controlled by the chairman and ranking member of the Committee on Science and Technology. The rule waives all points of order against the bill, except those arising under clauses 9 or 10 of rule XXI. The rule also makes in order and provides appropriate waivers for consideration of two amendments that were submitted for consideration. A third amendment was submitted, but was withdrawn by its sponsors. All three amendments that were submitted to the Rules Committee were offered by Democratic Members.

H.R. 362 is a bipartisan bill aimed at improving K–12 science, technology, engineering and mathematics, STEM, education through recruitment, training, mentoring and professional development of teachers.

The major provisions of H.R. 362 are in response to recommendations laid out by the National Academy of Sciences in their recent report on American competitiveness. That report, "Rising Above the Gathering Storm," identified K–12 science and math education as the highest priority policy recommendations. This legislation intends to implement those important recommendations. The report concluded a comprehensive and coordinated Federal effort is urgently needed to bolster U.S. competitiveness and preeminence in these areas.

This report, initiated, as you know, by Congress, makes four recommendations along with 20 implementation actions that Federal policymakers should take to create high-quality jobs and focus new science and technology efforts on meeting the Nation's needs. Those include, one, increasing America's talent pool by vastly improving K–12 mathematics and science education; two, sustaining and strengthening the Nation's commitment to long-term basic research; three, develop, recruit and retain top students, scientists and engineers, both from the U.S. and abroad; and, four, ensure that the United States is the premier place in the world for innovation.

According to that report, in 1999, 68 percent of U.S. eighth graders received math instruction from a teacher with no, repeat, no math certification or degree. Also, according to that report, in the year 2000, 92 percent of the fifth through ninth graders, our kids, were taught physical science by a teacher with no science degree or certification. In 2004, the United States high school students ranked 24th, 24th, out of 29 countries in math proficiency, according to the Organization for Economic Cooperation and Development, obviously a situation that is not tolerable.

This bill makes important strides towards achieving the goals laid out by the National Academy of Sciences report. H.R. 362 will authorize $1.5 billion to be appropriated for new and existing programs within the National Science Foundation and the Department of Energy that support the training and professional development of elementary and secondary school teachers in the fields of science, technology, engineering and mathematics. H.R. 362 addresses the academy's highest priority recommendations to invest in elementary and secondary education.

In summary, H.R. 362 creates programs at colleges and universities to improve the training of science, technology, engineering and math teachers; increases the size and duration of scholarships provided for those fields for people who become teachers; authorizes teacher training for advanced math and science courses; establishes a National Science Foundation grant program to support teachers institutes, including summer institutes for working math and science teachers; establishes master's degree programs for working math and science teachers through the NSF; and creates centers for improving undergraduate education in science, technology, engineering, and math.

The bill also authorizes scholarships for students majoring in these STEM fields who commit to teaching in our K-12 science and math programs.

The legislation has very broad support among our Nation's leading education and research institutions and broad bipartisan support in this body.

H.R. 362 will improve teacher preparation by providing our Nation's teachers with the necessary professional development, and it should improve our students' achievement by strengthening our math and science curriculum.

The reason for this legislation is clear: by 2010, one in four new jobs will be technically oriented, or will involve computers. Women still lag far behind in earning computer technology degrees and working in computer technology related professions, a situation we hope to change.

Constituents from my home State of Vermont have expressed their belief that this legislation provides the forward-thinking policy our Nation's education system requires.

H.R. 362 will provide a particular benefit to rural regions because of the number of rural school districts that currently don't have the resources to get these jobs done. High school lab courses not only reinforce what is going on in lecture, but obviously capture the attention and engagement of our students. These are useful tools for our students to acquire, no matter what career path they choose to follow.

An additional 10,000 math and science teachers across the United States will help ensure that our Nation can capture the imagination of our young people and give them the tools they need to succeed in the careers of science, engineering, technology, and math. The bill also supports the purchase of laboratory equipment, absolutely essential to achieving these goals, that will upgrade facilities in the development of programs that integrate laboratory experience with classroom instruction.

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Madam Speaker, I urge my colleagues to support H.R. 362 to invest in America's competitiveness. That is essentially what this bill is about. This bill will have a great impact on our teacher preparation, will strengthen and expand the science, technology, engineering and math workforce, and attract more of our best and brightest students into these fields.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I thank the gentleman from Vermont (Mr. WELCH) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, yesterday the Rules Committee met and granted a structured rule for consideration of the bill 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act. Only two amendments were submitted to the Rules Committee and both were offered by the underlying bill's lead sponsor and the chairman of the Science and Technology Committee, Mr. GORDON.

Madam Speaker, I am disappointed the Democrat majority rejected, on a party-line vote, an open rule for consideration of this measure, thus denying Members of the House of Representatives the opportunity to come to the floor and offer his or her amendments to this bill. And I frankly view this as another opportunity of the promises made by the new majority that were wasted with this bill.

However, the underlying bill mirrors the Science and Mathematics Education for Competitiveness Act, which was approved by the House Science Committee unanimously in the last Congress. The underlying legislation aims to increase K–12 science, technology, engineering and mathematics or "STEM" teachers annually by 10,000. Specifically, the bill authorizes competitive awards through the National Science Foundation to institutions of higher education to improve the training of STEM teachers and provide scholarships to students in STEM fields who commit to teaching after graduation.

I applaud the Science and Technology Committee for working in a bipartisan manner to help address the need for America to be more globally competitive in math, science, technology and engineering fields by focusing on increasing the number of quality math and science teachers in our Nation's classrooms. Our students and educators certainly stand to benefit from this bipartisan bill which I support.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I thank my friend from Washington.

Just in response to comments on the rule, the Rules Committee believes that this is a judicious rule. All of the amendments that were presented to the Rules Committee were made in order. This is essentially from our point of view an open rule, subject to a filing requirement. The filing requirement obviously gives Members as well as the Rules Committee an opportunity to review what is being proposed. The rule was adopted by a voice vote.

Mr. HASTINGS of Washington. Madam Speaker, will the gentleman yield?

Mr. WELCH of Vermont. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. The gentleman stated that in his mind this is an open rule. An open rule historically in this body has been where the committee of jurisdiction marks up the bill, takes it to the committee, and then the Rules Committee, with no restrictions, allows Members that are not on that committee to come down if they wish and submit their thoughts or improvements to the bill.

The bill we are about to vote on is a structured rule. Only two amendments were offered. Actually three, and one was withdrawn. Two amendments were made in order. Those amendments were sponsored by the chairman of the committee that has primary jurisdiction on this and the sponsor of the bill, to which it has strong bipartisan support because, as I mentioned in my remarks, this mirrors a bill passed out of the Science Committee last year.

This bill very easily could have been amended in the committee by the chairman, because he is the one who wanted to have the amendments, and it could have been on the Suspension Calendar. It would have passed with strong bipartisan support.

So with due respect to my friend from Vermont, this is not an open rule. This is a structured rule where Members are denied the opportunity if they wish to come to the floor of the House and offer amendments or improvements to this bill.

Mr. WELCH of Vermont. I would inquire of the gentleman, were any rules offered by Members on the Republican side that were rejected?

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. WELCH of Vermont. I yield to the gentleman.

Mr. HASTINGS of Washington. I will simply say that a requirement of an open rule is not necessarily to have amendments submitted to the Rules Committee. The committee of jurisdiction is the one that marks it up and they take a lot of give-and-take within the committee. That is how we break this down, we break this whole cumbersome process down so committees can work in specific ways.

It is after that process, when it goes to the floor, that Members should have an opportunity to submit whatever they wish. And there is no requirement, never has there been a requirement on something like that where they have to go to the Rules Committee and essentially ask permission to offer an amendment on the floor.

So with this rule, contrary to the promises your party made going into the election, this is a closed process. Only two amendments are made in order. So Members are denied an opportunity to offer their thoughts on the floor.

Mr. WELCH of Vermont. Madam Speaker, every amendment that was offered was allowed. There was one amendment that was offered and withdrawn. That is the reason it is not being offered. There was no denial of any proposed amendment by anybody in this body, Republican or Democrat. The only requirement under the rule is that if somebody had an amendment to propose, they had to do it in a timely way.

Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, let me thank our leaders on the committee. This is a very important bill. It is most especially for me, because for the last 15 years that I have been here, I have been preaching about this. So I rise in strong support of H.R. 362 for 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

The Committee on Science and Technology has worked to produce legislation to act upon the recommendations of the "Rising Above the Gathering Storm" report which was published by the National Academy of Sciences. This bill addresses the issues that they recommended to improve the quality and number of math and science teachers across the Nation.

Of particular interest to me is the Noyce teacher scholarship program. This program provides grants to universities to give scholarships to math, science and engineering students who become math and science teachers. Original law stated that for every 1 year the scholarship was awarded, new teachers must spend 2 years teaching in a high-needs school. This high-needs school requirement was softened by H.R. 362, but I am pleased that the chairman agreed to modify the bill in conference to restore incentives for teachers to serve in high-need schools. We are losing so many students because they are are from poor communities.

The new design will provide more money per scholarship for students who agree to teach in underserved classrooms. This incentive will hopefully entice passionate and high-quality Noyce scholars to share their talents with students most in need.

I want to commend the chairman's sensitivity to the great disparities that exist in availability of highly qualified math and science teachers in schools across the country. As a matter of fact, in my district we have the number one high school in the country in this area, but not without a great deal of effort. The subcommittee chair, where I was ranking member for about 6 years, Mr. BAIRD, and ranking member, Mr. GINGREY, of the Research and Science Education Subcommittee have been great advocates for lessening the achievement gap as well.

H.R. 362 also contains a laboratory science partnership pilot program that I have worked on with Mr. HINOJOSA from Texas, and he has been a strong advocate because many of these schools don't have equipment. Overall, this legislation is designed to strengthen our Nation's scientific competitiveness by producing thousands of talented and well-educated math and science teachers. That is the only way we are going to remain competitive in this country. I urge my colleagues to vote in favor of H.R. 362.

Mr. HASTINGS of Washington. Madam Speaker, we have had a discussion on the structure of this rule, and I just want to ask this question of my friend from Vermont, and I will be more than happy to yield to him.

This bill will be debated on the floor later on this afternoon. Is it possible under this rule for any Member, Democratic or Republican Member, to come down and offer an amendment on this bill?

Mr. WELCH of Vermont. Madam Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Vermont.

Mr. WELCH of Vermont. No.

Mr. HASTINGS of Washington. Thank you for your honest response on that.

Madam Speaker, I make the point that this, therefore, is not an open rule as was presented by my friend in his remarks. This is a structured rule, and what has happened is very simply that Members not on the committee are not given the opportunity to try to improve this bill. With that, I oppose the rule.

Madam Speaker, I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, this bill has received bipartisan support. There has been a slight argument here about the nature of a structured rule, but I have heard from the gentleman from Washington that there is broad support for the content of this bill. It is a step that is going to move this Nation ahead in the important areas of improving science, math, technology, and engineering.

It is absolutely crucial that our country remain competitive. It is a disgrace that we are 24th out of 29 countries as measured in our performance in K–12 instruction in these critical areas to our present economy.

So we support this bill and ask full support of the Members of the House of Representatives for its passage.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 363, SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 318 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 318

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any

Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 363 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. CARDOZA) is recognized for 1 hour.

☐ 1345

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Madam Speaker, House Resolution 318 provides for consideration of H.R. 363, the Sowing the Seeds through Science and Engineering Research Act, under a structured rule.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Science and Technology.

The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The bill shall be considered as read.

The rule makes in order and provides appropriate waivers for all three amendments that were submitted for consideration. The first amendment to be debated on the floor will be that of the gentleman from Texas (Mr. HALL), the ranking member of the Science and Technology Committee.

Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, the talent, intellect and entrepreneurial spirit of the American people have made this Nation the leader in economic and technological advancements. In fact, high-tech industries drive economic growth around the world.

Every day, however, my constituents tell me the United States has fallen further and further behind our competitors in Europe and Asia. The United States continues to lead the world in many statistical categories such as R&D spending and the number of scientists and engineers; however, the rest of the world is increasing its capacity, its R&D investments, and its will to catch up with us.

Other countries such as China and India are pouring resources into their scientific and technological infrastructure at staggering rates, which is increasing their ability to compete with us in the global economy.

For example, in South Korea, 38 percent of undergraduates received their degrees in science or engineering. In France, the figure is 47 percent. In China, it is 50 percent, and in Singapore, it is 67 percent. In the United States, only 15 percent of undergraduates receive a degree in science or engineering. More telling is the fact that approximately one-third of U.S. students intending to major in engineering switch majors to something else before graduating.

Madam Speaker, the warning signs could not be any clearer. Our leadership in the race to discovery is being challenged at unparalleled levels around the world. We cannot ignore this challenge, and we cannot afford to ignore this challenge.

Our society has always depended on innovation and discovery. It has depended on pioneers who push themselves to their intellectual and physical limits to find the hidden paths that lead to that discovery. Over 125 years ago, Thomas Edison who famously quipped that he had not failed but instead had found 10,000 different ways that would not work invented the light bulb, and it was Albert Einstein who once said, "I never came upon any of my discoveries through the process of rational thinking."

My point, Madam Speaker, is that our advancement as a society depends on leading the search for the unknown. Americans must continue to research, we must continue to develop, and we must continue to innovate in order to create new and thriving industries that will produce millions of good jobs and a better future for our children. To do that, however, we must continue to reinvigorate America's commitment to this discovery process.

The National Academy of Sciences recently released a report, "Rising Above the Gathering Storm." The report outlines specific recommendations to enhance the scientific building blocks in the United States. The bill we have today before us, H.R. 363, the Sowing the Seeds through Science and Engineering Research Act, draws directly from several of those recommendations.

To paraphrase the report, the report recommends that we strengthen our Nation's commitment to research to maintain the flow of new ideas that fuel the economy, provide security and enhance our quality of life. In that regard, H.R. 363 seeks to improve Federal support for scientific research and education in order to maintain our position as the unequivocal global leader in innovation.

H.R. 363 creates a program at the National Science Foundation to award grants to scientists and engineers at the early stage of their careers at colleges, universities and research institutions across the country. Young researchers are eligible to receive up to $80,000 per year for 5 years.

The awards are granted on a competitive basis and are based on intellectual merit of their work, the innovative or transformative nature of the proposed research, and the researcher's potential for leadership at the frontiers of knowledge.

The bill requires that the National Science Foundation director allocate at least 3.5 percent of its research funding for this grant program. The bill also creates a similar program in the Department of Energy for which $25 million is authorized.

H.R. 363 directs NSF to allocate at least 1.5 percent of its research funds to an integrated graduate education and research training program. This program provides support to those scientists and engineers who will pursue careers in research and education.

Just this week, Madam Speaker, the president of my alma mater from the University of Maryland, Dr. Mote, came by to describe some of the challenges for young researchers in just this area. It is so appropriate that Congress is taking this action at this time.

This bill establishes the Presidential Innovation Award, an award which will recognize scientists and engineers who develop unique innovations in the national interests. The bill creates a national coordination office within the Office of Science and Technology Policy to better coordinate research efforts, and, finally, H.R. 363 directs the National Institute of Standards and Technology to provide a report to Congress on the efforts to attract and retain young researchers.

But this bill goes far beyond the long-lasting impacts of development and innovation. It goes far beyond our ability to create jobs and compete in a global economy. It will plant the seeds of hope for a better tomorrow in communities across this country.

I know firsthand what research funding will be able to do. The University of California in Merced, my hometown in my district, is on the cutting edge of several research projects where additional funding could spur the next big breakthrough. UC Merced is a leader in solar concentration technologies, just one of the many of our ongoing projects. To date, this research has largely been supported through public and private partnerships. However, increased research funding could potentially improve the efficiencies of solar power and solar thermal technologies; and if efficiency and affordability are within our grasp, we can decrease the carbon emissions and reduce our dependence on foreign oil, certainly worthy goals for this Congress. This is but one example of many research efforts across our country that has the potential to define and shape tomorrow.

It is this type of project that would benefit from the funding of this bill, but how many more ideas could become reality if our researchers only had the tools that they sorely need? How many more concepts, how many more ideas are out there on the horizon waiting to be discovered?

Madam Speaker, it is our duty and our responsibility as legislators to help make those dreams and ideas become a reality.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentleman from California (Mr. CARDOZA) for yielding me the customary 30 minutes.

Madam Speaker, it is vital that the United States continue to grow more globally competitive in the areas of scientific research and technology. Federal and private investment in supporting research and development is essential to the health of our economy and our competitiveness as a Nation. We must plan for the future by investing in areas of basic research and science today.

The underlying bill, H.R. 363, reaffirms our Federal commitment to increase America's global competitiveness in the areas of science, technology, research and innovation by supporting America's future scientific leaders.

The central Washington area that I represent is home to the Pacific Northwest National Lab in Richland, a state-of-the-art research facility. The PNNL hosts a diverse staff of outstanding scientists, engineers and support professionals. Many of these individuals in the past have received the highest levels of recognition for outstanding achievements and discoveries in their field.

At this lab, researchers use their expertise in the fields of environmental, radiological, biological and computational sciences to make important contributions to the scientific advancement of our Nation. The development of fuel cell technologies, biomass systems and radiation portal monitors are just a few of the areas where lab researchers are leading efforts to solve our national security and energy security challenges.

I am pleased that this legislation includes efforts to help encourage collaborations between scientists and national labs. Specifically, this legislation allows the National Science Foundation grants to be used in collaboration with our national labs, which means more researchers at our labs will be eligible for Federal support.

Madam Speaker, the underlying legislation enjoys strong bipartisan support, and this rule makes in order all amendments that were submitted to the Committee on Rules. However, Madam Speaker, I question the need once again for a structured rule when an open rule could have been granted for consideration of this bill.

Accordingly, I urge my colleagues to oppose the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, before I turn it over and yield to my colleague from Texas, I just want to respond to the gentleman and say, on an ongoing basis, we have heard the same drumbeat that we are somehow trampling on the rights of the minority. It is true that this is a structured rule, but it is also true, as it was with the last bill, that every amendment that has been offered has been granted. Certainly that is in the spirit of collegiality and cooperation that this House deserves. We have gone far beyond what is required. This is not an open rule, but certainly we have done more open rules in this committee than was done in the past Congress already in the first few months. We are doing everything we can to accommodate the minority in both spirit and practice.

So I say to my colleague, my good friend from the State of Washington, that he has had the opportunity, every Member. I have heard no one who is clamoring for an amendment to this bill. In fact, all three amendments that were offered to the committee were, in fact, granted, and it seems to me that we are offering cooperation on a silver platter. We just need our colleagues to say "yes" and agree that we have done that.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. CARDOZA. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I appreciate the gentleman yielding, and I appreciate his acknowledgment that this is a structured rule and, therefore, Members cannot come down to the floor and ask for amendments to be made in order.

But I just want to make this point, and we talk about it a lot in the Rules Committee. A lot of these bills have strong bipartisan support, and, yes, there may or may not be Members that are clamoring for amendments. But it would just seem to me to keep the process in a way where all Members, if they desire, should have an opportunity to come down because maybe something was said in debate, maybe a point that was made that was overlooked, to at least have the opportunity to change. When bills have strong bipartisan support, that is probably the best time to have an open rule.

I respectfully tell my friend that there has been a change in definition of what open rules are. We could probably discuss that further because you have not had the open rules that we have had based on everybody having an opportunity.

I would just simply say that bills like this, if you are going to have them on the floor under the regular order of a rule, then it should be an open rule. Otherwise, it seems to me that it should be on a Suspension Calendar, like we pass so many pieces of our legislation.

□ 1400

That is just simply the point I am making. I appreciate the gentleman yielding.

Mr. CARDOZA. Reclaiming my time, I acknowledge this is not an open rule, this is a structured rule. That is what we put forward. In the 12 or 14 years that the current minority was in power, we saw a declining, ever-declining number of what he considers an open rule.

As I said before, we granted every amendment that came forward in the last two bills. Certainly that is in the spirit of cooperation that we bring this legislation to the House floor.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), a member of the Science Committee.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me proceed to thank my colleagues for bringing this rule to the House so that we can rise above the gathering storm.

Mr. Speaker, this is not to insult anyone. I know what it feels like not to be given the opportunity to offer an amendment, I truly do.

But this is a well-substantiated reason because we are in a crisis in this Nation, and we must rise to the occasion. We are moving backwards right now, or standing still. The measure is an investment in America's future, and we must move it.

We must support our American scholars so that we can get the leadership and the thoughts we need to convey to other young people. Our young scholars are not getting the support they need now. They really need more, because they are the future.

The alternative to this bill is to become a Third World nation with all the low-paying jobs, because all of the other ones will leave this country to go where the talent is. We must move fast.

We are in a crisis, and I would hope that we would accept this rule as it is.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ISRAEL), a member of the Appropriations Committee.

Mr. ISRAEL. I thank the gentleman for his leadership.

Mr. Speaker, not to quibble over a rule, but to get to the heart of this very important legislation, in 1957 the American people were terrorized when Sputnik orbited the Earth, and it looked like the Soviet Union had beat us into outer space. What we did then, in the face of that very grave threat to our national security, was to launch a new generation of engineers and scientists.

What we did then was went into our classrooms and nurtured a new generation of people who could engineer, research, develop, manufacture and mobilize. That generation of engineers landed us on the Moon.

People say that NASA landed man on the Moon. I have a very high regard for NASA, but NASA didn't land us on the Moon. The Grumman Corporation landed us on the Moon. NASA provided the incentives and the support and acted as a catalyst to help mobilize that generation of engineers that figured out how to get us to the Moon. We won the Cold War with that generation.

I believe that today our dependence on foreign oil is just as grave a threat as Sputnik was; just as grave a threat to our security, and my children's security, as the Cold War was. We need to engineer again, to research and develop, to mobilize and motivate and inspire a new generation of engineers who can develop plug-in hybrids and fuel cells, hydrogen fuel cells and batteries and cellulosic ethanol.

I was in China just 2 months ago on an energy security congressional delegation. The seventh wealthiest person in China is manufacturing solar panels in China and selling them to Germany; not here, but selling them to Germany.

In Brazil, seven out of every 10 cars is running on flex fuel. We beat Germany and Japan in World War II. They are now ahead of us in solar energy.

If we could win the Cold War and World War II, if we could defeat Germany and Japan in World War II, we should be able to get ahead of them in solar energy. If Brazil can do it, we can do it. It starts in the classroom. It starts with our schools. It starts with that generation.

We can no longer afford to turn our backs on the future. It is time to harness that energy so that generation can provide us with the energy and security we need. It is time to stop borrowing money from China in order to fund our military, to buy oil from the Persian Gulf to fuel our weapons to protect us from China and the Persian Gulf.

This is a national security issue, and it's time for us to treat it as that and invest in that next generation of engineers and scientists. That is what this bill does, and that is why I am so proud to support it.

Mr. HASTINGS of Washington. Mr. Speaker, I ask my friend from California if he has any more requests for time.

Mr. CARDOZA. We have no more requests for time and are prepared to close.

Mr. HASTINGS of Washington. Mr. Speaker, I simply want to say this is a very good bill. It's a bill that has been worked on in the past Congress, and, obviously, in this Congress. It has strong bipartisan support, and all of the points that my friend from New York made in his previous remarks, I would like to associate myself with them. We need that.

It just seems to me that during their whole process, when you have strong bipartisan support, under the rules of the House, all Members ought to have an opportunity to have some say in legislation as important as this that comes to the floor of the House, and not just those members within the committee of jurisdiction.

I am simply pointing that out. It is a promise that was made by the new majority in the last election. I will withhold judgment, obviously, until after this first session is over to see if, in fact, those promises were kept. But as we go along here, seeing structured rules on bills that could very well be on a Suspension Calendar. I just think it's another opportunity missed.

Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, I first want to acknowledge the fantastic remarks of my colleague, Mr. ISRAEL, from the great State of New York.

I also want to respond to my colleague in closing, that while we hear continued complaints about the rule process this session, we have granted the vast majority of amendments that have been offered on these last two bills. In fact, I think every amendment that was offered was granted to the minority. There is certainly no shortage of allowing the minority to have input, both in the committee and here on the floor.

I just get to the heart of the topic at hand today, and that is, quite simply, we must, we must reinvigorate America's commitment to discovery. Where there is research to be done, we must undertake it. There is opportunity to be pursued. This country has always pursued the opportunities presented. We have been an innovator in the last 225 years that we have been in existence, and we must continue to pursue it.

When a technological breakthrough lies far away on the horizon, we must seek it and discover it. I urge a "yes" vote on the rule and on the previous question.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CARDOZA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order: H. Res. 327, H. Res. 318, H. Res. 299, H. Res. 289, H. Res. 119, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 362, 10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 327, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 188, not voting 24, as follows:

[Roll No. 248]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson

Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Baker
Brady (PA)
Buyer
Castle
Cleaver
Cubin
Davis, Jo Ann
Deal (GA)
Fattah
Fossella
Hastings (FL)
Hobson
Honda
Kennedy
King (NY)
Kirk
Lampson
McCollum (MN)
Myrick
Rangel
Sutton
Waxman
Westmoreland
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in the vote.

☐ 1435

Messrs. HELLER of Nevada, FEENEY, HERGER, and REYNOLDS changed their vote from "yea" to "nay."

So the resolution was agreed to.

A motion to reconsider was laid on the table.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 363, SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 318, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 187, not voting 26, as follows:

[Roll No. 249]

YEAS—219

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering

Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—26

Baker
Brady (PA)
Buyer
Cleaver
Conaway
Cubin
Davis, Jo Ann
Deal (GA)
Fattah
Ferguson
Fossella
Hastings (FL)
Hobson
Honda
Kennedy
King (NY)
Kirk
Lampson
Lewis (CA)
McCollum (MN)
Myrick
Rangel
Sutton
Waxman
Westmoreland
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes left in this vote.

☐ 1443

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CONAWAY. Mr. Speaker, on rollcall No. 249 I was inadvertently detained. Had I been present, I would have voted "nay."

Mr. HONDA. Mr. Speaker, on Tuesday, April 24th, I was unavoidably detained and was not present for two rollcall votes.

Had I been present I would have voted: "yea" on rollcall 248 for passage of H. Res. 327, providing for consideration of H.R. 362 to authorize science scholarships for educating mathematics and science teachers, and for other purposes; "yea" on rollcall 249 for passage of H. Res. 318, providing for consideration of H.R. 363 to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes.

EXPRESSING SENSE OF HOUSE THAT CONGRESS SHOULD INCREASE PUBLIC AWARENESS OF CHILD ABUSE AND NEGLECT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 299, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 299.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 250]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Baker
Brady (PA)
Buyer
Cleaver
Cubin
Davis, Jo Ann
Deal (GA)
Fattah
Fossella
Gillibrand
Hastings (FL)
Hobson
Kennedy
King (NY)
Kirk
Lampson
Lewis (CA)
Myrick
Rangel
Sutton
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1452

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. GILLIBRAND. Mr. Speaker, on rollcall No. 250, had I been present, I would have voted "yea."

EXPRESSING SENSE OF HOUSE WITH RESPECT TO RAISING AWARENESS AND ENCOURAGING PREVENTION OF SEXUAL ASSAULT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 289, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 289.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 251]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Baker
Bishop (NY)
Brady (PA)
Buyer
Cleaver
Cubin
Davis, Jo Ann
Deal (GA)
Drake
Fattah
Fossella
Hastings (FL)
Hobson
Kennedy
King (NY)
Kirk
Lampson
Moore (WI)
Myrick
Rangel
Sutton
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1500

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE MISSION AND GOALS OF NATIONAL CRIME VICTIMS' RIGHTS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 119, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 119.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 25, as follows:

[Roll No. 252]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
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Hinchey
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Hoekstra
Holden
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Honda
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Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick

Kind
King (IA)
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Klein (FL)
Kline (MN)
Knollenberg
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Kuhl (NY)
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Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
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Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
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McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
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Simpson
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Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
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Snyder
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Thompson (CA)
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Thornberry
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Towns
Turner
Udall (CO)
Udall (NM)
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Van Hollen
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Visclosky
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Whitfield
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Wilson (NM)
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Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Baker
Bilirakis
Brady (PA)
Buyer
Cleaver
Cubin
Davis, Jo Ann
Deal (GA)
Fattah
Fossella
Hastings (FL)
Hobson
Kennedy
King (NY)
Kirk
Lampson
Lewis (CA)
McDermott
Moore (WI)
Myrick
Rangel
Sessions
Sutton
Waxman
Westmoreland

□ 1507

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. GILLIBRAND. Mr. Speaker, during the vote on rollcall 252, I was momentarily detained, and was not on the House floor. Had I been present and voting, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CLEAVER. Mr. Speaker, I missed the following votes due to an evacuation of the Longworth House Office Building which was conducted during the votes.

Mr. Speaker, had I been present for rollcall vote 248, providing for consideration of the bill (H.R. 362) to authorize science scholarships for educating mathematics and science teachers, and for other purposes, I would have voted "yea."

Mr. Speaker, had I been present for rollcall vote 249, providing for consideration of the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes, I would have voted "yea."

Mr. Speaker, had I been present for rollcall vote 250, expressing the sense of the House of Representatives that Congress should increase public awareness of child abuse and neglect and should continue to work with the States to reduce the incidence of child abuse and neglect through such programs as the Child Welfare Services and Promoting Safe and Stable Families program, I would have voted "yea."

Mr. Speaker, had I been present for rollcall vote 251, expressing the sense of the House of Representatives with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month, I would have voted "yea."

Mr. Speaker, had I been present for rollcall vote 252, Supporting the mission and goals of National Crime Victims' Rights Week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States during such week and throughout the year, I would have voted "yea."

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill, H.R. 362, as amended.

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

The SPEAKER pro tempore. Pursuant to House Resolution 327 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 362.

□ 1510

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 362) to authorize science scholarships for educating mathematics and science teachers, and for other purposes, with Mr. SALAZAR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chair, I rise in support of H.R. 362, and yield myself such time as I may consume for an opening statement.

In 2005, the National Academies assembled a blue-ribbon committee of national leaders in academia, business and government to address concerns about the national prosperity and the global economy in the 21st century. The Academies' report was entitled, "Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future." That report catalogs a number of worrisome indicators and presents recommendations that the Nation must follow to maintain its competitiveness.

What did this distinguished committee tell us is most important to the future of the economic health of our Nation? Here is the first recommendation from the report: Increase America's talent pool by vastly improving K-12 science and mathematics education.

The Gathering Storm report goes on to tell us where the focus should be in efforts to improve K–12 science and mathematics education. In brief, it says, "Focus on the teachers." H.R. 362 follows that blueprint.

In January, I partnered with Mr. HALL, ranking minority member on the Committee on Science and Technology, to introduce H.R. 362, whose purpose is to implement all of the action items from the Gathering Storm report and address the report's first recommendation.

I want to thank Mr. HALL for his assistance in developing this bill. With his support, it was favorably reported by the Science and Technology Committee by a unanimous vote.

□ 1515

This bill is endorsed by a wide variety of educational organizations and business coalitions, including the Association of American Universities, the Business Roundtable, the Council of

Competitiveness, the National Education Association, the National Science Teachers Association, and the STEM Education Coalition. These organizations are enthusiastic about H.R. 362 because it will dramatically improve the national corps of math and science teachers.

We call the first title of the bill "10,000 Teachers, 10 Million Minds Science and Math Scholarship Act." The bill will create thousands of new teachers with content and teaching skill expertise in their area of teaching.

The vehicle for accomplishing this goal is the Robert Noyce Scholarship Program at the National Science Foundation. Noyce awards go to universities that build model programs for recruiting math and science students into teaching. These programs provide mentoring, early field experiences, and a streamlined path toward teaching certification. Students who enroll in this program will receive $10,000-per-year scholarships. In return, they will make commitments of several years to the teaching profession.

H.R. 362 will also create summer institutes and graduate programs that provide sustained, content-oriented professional development to in-service teachers through the Math and Science Partnership Program at the National Science Foundation. We have a critical shortage of math and science teachers in the U.S., and many of our math and science teachers have no degree or certification in the field they teach. In fact, 87 percent of middle school and 58 percent of high school physical science teachers lack these qualifications.

This bill tackles this problem from both ends. On the one end, we bring in a new cadre of math and science teachers who are well-educated and well-prepared. That is what the Noyce program does. On the other end, we improve the teachers that we have through innovative, effective programs led by disciplinary faculty from higher education. That is what the Math and Science Partnerships program does.

Other provisions of H.R. 362 include an expansion of the STEM Talent Expansion Program at the National Science Foundation, a program to enhance the undergraduate education of the future science and engineering workforce, and a pilot program at the NSF to improve laboratory science in high-need secondary schools.

To maintain our high national standard of living, we need a workforce that is prepared in a world-class math and science education system. But there is a dark cloud looming. American students have performed poorly in recent years on an assortment of international tests of math and science achievement. That does not bode well for the future. Our next generation of innovators, where will they come from? That is what the gathering storm on the horizon is all about. To rise above it, we need to reform the math and science teaching profession. That is what this legislation now before us will do.

The stakes are high and the concern is urgent. I urge my colleagues to support the passage of H.R. 362.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 362. In the last Congress, we will remember that the National Academy of Sciences "Rising Above the Gathering Storm" report, as well as other reports, emphasized the importance of strengthening science, of strengthening technology, of strengthening engineering and mathematics, those fields of education in the U.S., to ensure that the Nation's workforce can compete globally in high-tech, high-value industries such as information technology, biotechnology, semiconductor manufacturing and nanotechnology.

President Bush followed up on these reports with his American Competitiveness Initiative, and Republicans have led this effort through the 109th Congress, the last Congress, because we understood the importance of promoting innovation to keep our Nation competitive globally.

I am pleased to be an original cosponsor of this legislation, most of which was included in a majority effort in the last Congress to implement many of the report's suggestions by expanding current programs versus creating duplicative new programs.

The bill authorizes programs to improve U.S. math, science and engineering education at all levels, K–12, undergraduate and graduate. These programs will develop and provide teacher training, attract math and science majors to teaching to improve undergraduate math, science and engineering courses and expand interdisciplinary graduate work, primarily by strengthening existing programs at the National Science Foundation.

I am particularly pleased with the 10,000 Teachers, 10 Million Minds title which is modeled on a program at the University of Texas called UTeach.

As reported, this is a good bill. I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield such time as he may consume to my friend, the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding, and I rise for the purpose of engaging in a colloquy with Chairman GORDON.

Mr. Chairman, I rise in order to request the attention of the distinguished chairman in addressing an important concern relating to the section in H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act of 2007, that amends the National Science Foundation Noyce Scholarship Program.

As you know, the core purpose of H.R. 362 is to increase the number of STEM teachers with strong content knowledge and teaching expertise serving in America's schools. In particular, the bill authorizes a large expansion of the Noyce program, which gives scholarships to students to become highly qualified teachers in exchange for their service in a public school.

I want to commend the chairman for crafting this very important legislation. It is an essential step in achieving our national goals of promoting innovative behavior and ensuring continued American strength and competitiveness.

If we are to expand the STEM pipeline, however, and if our investments in innovation and competitiveness are to pay large dividends, we must work to correct the large gaps in math and science test performance that exist today between underrepresented minority groups, which are concentrated in high need areas and the rest of the population. The first step in improving the participation of underrepresented groups is to prepare them to compete academically in STEM.

I am sure that the gentleman will agree that one of the most effective methods for resolving these disparities is by augmenting the number of quality, highly trained teachers serving in high-need areas. This is a job practically tailored for the Noyce Scholarship Program.

I would like to thank the distinguished chairman for his recognition of this need and for his willingness to work with me on this important issue, and I would like to yield to the gentleman at this point.

Mr. GORDON of Tennessee. Mr. Chairman, the gentleman is absolutely correct. The NSF Noyce Teacher Scholarship Program, as amended by H.R. 362, is specifically designed to help place highly qualified STEM teachers in every classroom across the Nation. I further agree with the gentleman that it is particularly important to reduce the number of out-of-field teachers in the schools that have a high proportion of minority students, who are currently underrepresented in science and technology.

Mr. REYES. Mr. Chairman, reclaiming my time, I thank the gentleman, and in order to address the points that we have both made, I would like to suggest to the chairman that we pursue the following: I would request that in conference the distinguished chairman seek to increase the scholarship amount for students who agree to teach in high-need schools from the current $10,000 per year to $12,000 per year over a 3-year period of scholarship support. The intention of this is to increase this scholarship amount to address the problem of a disproportionate number of high-need schools that have high percentages of out-of-field STEM teachers.

Does the chairman believe this is a modification he would find worthy of his support?

Mr. GORDON of Tennessee. Mr. Chairman, if the gentleman will yield further, let me first of all thank the gentleman for his recommendation and assure you that it is my intention when we go to conference on H.R. 362 to work to increase the size of the Noyce scholarship to $12,000 per year for students who agree to carry out their teaching commitment in high-need schools.

Mr. REYES. Mr. Chairman, reclaiming my time, I thank the gentleman.

In addition, I would also request that we ensure that the provisions requiring NSF to track the types of schools in which Noyce recipients carry out their teaching obligations include an assessment of the effectiveness of the increased scholarship amount on influencing individuals to teach in high-need schools. Does the chairman believe that this is a modification that he would find worthy of supporting?

Mr. GORDON of Tennessee. Mr. Chairman, if the gentleman will yield further, I certainly do; and I once again thank the gentleman for bringing this up.

As the gentleman points out, H.R. 362 now requires the National Science Foundation track the proportion of Noyce graduates who elect to teach in high-need schools. I will seek to expand this provision in conference to require NSF to assess the effect of increasing the size of scholarships on attracting graduates of the program to teach in high-need schools.

Mr. REYES. Mr. Chairman, reclaiming my time, I thank the gentleman.

In addition, seeing as that the problem of out-of-field teachers is most severe in high-need schools, I would request that in conference the distinguished chairman pursue modifications to the bill, clarifying that one of the purposes of Noyce is to close the gap between the number of highly qualified STEM teachers in high-need schools and the number of such teachers in non-high-need schools.

I would further request that this policy statement be included in section 103 of H.R. 362 titled "Policy Objectives." Does the chairman believe that this is a modification he would find worthy of his support?

Mr. GORDON of Tennessee. Mr. Chairman, once again we are on the same page. I agree with the gentleman that an important goal of the Noyce program is to reduce disparities in the distribution of highly qualified STEM teachers among schools in different regions of the Nation. I support the gentleman's proposed modification to section 103 of the bill and will pursue this change in conference.

Mr. REYES. Mr. Chairman, I would like to again thank the distinguished chairman for agreeing to address these points in conference and for the great job that he has done in crafting this very important and vital piece of legislation.

Mr. GORDON of Tennessee. Mr. Chairman, let me again thank the gentleman for his constructive efforts in making a good bill even better.

Mr. Chairman, I include for the RECORD an exchange of letters between the Committee on Science and Technology and the Committee on Education and Labor.

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, April 3, 2007.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GORDON: I am writing to confirm our mutual understanding regarding consideration of H.R. 362, the "10,000 Teachers, 10 Million Minds Science and Math Scholarship Act," which was referred to the Committee on Science. As you know, the Committee on Education and Labor has a jurisdictional interest in H.R. 362, particularly as we move forward to reauthorize the Higher Education Act this term.

Given the importance of moving this bill forward promptly, I do not intend to request the sequential referral of H.R. 362 to the Committee on Education and Labor. However, I do so only with the understanding that this procedural route should not be construed to prejudice this Committee's jurisdictional interests and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Education and Labor in the future. In addition, should this bill or similar legislation be considered in a conference with the Senate, I would expect members of the Committee on Education and Labor to be appointed to the conference committee on such measures.

Finally, I ask that you include a copy of our exchange of letters in your committee's report on H.R. 362 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

GEORGE MILLER,
Chairman.

COMMITTEE ON SCIENCE
AND TECHNOLOGY,
Washington, DC, April 5, 2007.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the consideration of H.R. 362, the "10,000 Teachers, 10 Million Minds Science and Math Scholarship Act." I appreciate your waiving your Committee's right to a referral on this bill so that it may move expeditiously to the Floor.

I recognize your Committee's jurisdiction in this area and will support any request you may make to have conferees on H.R. 362 or similar legislation. The exchange of letters between our two committees will be included in the Committee report on H.R. 362 and will be inserted in the Congressional Record during consideration of the bill.

Thank you for your attention to this matter.

Sincerely,

BART GORDON,
Chairman.

Mr. HALL of Texas. Mr. Chairman, I yield 7 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, all of us go back to our districts regularly and meet with our constituents, and some of the most sorrowful meetings I have are with students who have just graduated from high school and say, I can't get a job. I can't get a job. What a shock to them, after years of education. And I am not talking about dropouts. I am talking about students who have studied hard, worked hard, and tried to learn a lot.

When I analyze the problem, much of it circles around the fact that today, and, indeed, all the jobs of the future, require a good understanding of the basic principles of mathematics and science, and many students in today's curriculum are not getting that knowledge.

What can we do to help solve that? There are a number of aspects to the problem. Obviously, the first thing is to entice students to take those courses. But, secondly, and more importantly, is to make certain that all those teachers in our high schools across this Nation are adequately trained and adequately prepared to teach math and science courses and do it in a fashion that excites the students and entices them to take these courses so that they will develop the background in math and science that they need to get a job, both now and in the future.

The world has changed. China and India recognized this 20 years ago and changed their educational system. We did not change. We did not recognize what was happening, and so we have to play catch-up.

This bill, which I strongly support, is a good bill which will help us to improve U.S. math, science, and engineering education at all levels; K–12, undergraduate and graduate.

As most people in Congress know, I am a scientist. What you may not know is that over 40 years ago, I dedicated myself to trying to improve the science educational programs in the United States, basically from preschool through graduate school, because we were simply falling behind other countries in the areas of mathematics and science.

I am not talking only about producing good engineers and enough engineers, or good scientists and enough scientists. That is very important, and we must do it. We are losing out on that as well. But what we certainly have to do is to prepare everyone for the workplace of today, and especially the workplace of tomorrow.

☐ 1530

This bill will help do that. This bill builds on the Noyce Scholarship Program, an excellent program that has been in effect for a number of years and which was initially proposed by the former chair of the Science Committee, Sherry Boehlert. It is named after the person who helped to found Intel and make it grow into what it is today. They also have funded a number of scholarship programs, and this is our counterpart.

But this program does more than that. It strengthens and expands the Noyce Scholarship Program, but it also strengthens and focuses the Math and Science Partnership Program at the National Science Foundation, a program which has fallen on hard times in the last few years, primarily because the President's budget has sought to eliminate funding for that program. I think this is based on a misunderstanding in the administration or in the Office of Management and Budget about what the program does, and the mistaken belief that this program was a duplicate of one residing in the Department of Education. As a result the program in the Department of Education grew, and the one in the Science Foundation was cut back.

The fact of the matter is they are both good programs and necessary programs, and they are complementary, not competitive. We need both if we are going to strengthen our teacher training programs. That is why I strongly approve of the aspect of the bill that will strengthen and focus the Math and Science Partnership Program.

The bill also extends the authorization of and expands the NSF Science, Technology, Engineering and Mathematics Talent Expansion Program, better known as the STEP program, which provides grants to colleges and universities to improve undergraduate science, math and engineering education.

This bill enables NSF to fund the creation of centers at colleges and universities to develop new approaches to undergraduate education programs, and expands the focus of STEP beyond its initial focus of increasing the number of graduating STEM majors to also include increasing the number of nonmajors taking STEM courses.

The bill also establishes a pilot grant program at NSF to create a partnership to support science lab improvements in secondary schools, a proposal initiated by Mr. HINOJOSA in a separate bill, but that we are incorporating into this bill.

In short, this bill does a great deal to strengthen several programs at the NSF and, develop innovative programs which will provide better math, science education at all levels from the elementary schools through the undergraduate and the graduate programs.

We have worked together on this in a nonpartisan way. I commend Ranking Member HALL. Mr. HALL has been a strong person in this area and has strongly pushed this bill. I also commend the chairman of the committee, Mr. GORDON, who has also worked very hard on this. It has been a copacetic experience in the Science Committee to hear this discussion and see the progress we have made. I strongly support the bill, and urge the House to adopt it.

Mr. GORDON of Tennessee. Mr. Chairman, I would like to say amen to most of Dr. EHLERS' eloquent statement. He is a very constructive and positive force on our committee.

I yield 2 minutes to the gentleman from California (Mr. HONDA), a former science teacher.

Mr. HONDA. Mr. Chairman, I rise today in enthusiastic support of H.R. 362, the 10 Teachers, 10 Million Minds Science and Math Scholarship Act, and H.R. 363, the Sowing the Seeds Through Science and Engineering Act.

The National Academies' report, "Rising Above the Gathering Storm," found that the United States "must prepare with great urgency to preserve its strategic and economic security." To do this, we must compete by optimizing our knowledge-based resources, particularly in science and technology, and by sustaining the most fertile environment for new and revitalized industries and the well-paying jobs they bring.

As a Representative from Silicon Valley, I am keenly aware of how innovation is a driving force behind our Nation's economy. There is one thread that runs through both bills that I particularly support, something I call teaching innovation.

H.R. 363 authorizes the NSF to support research on the process of innovation and the teaching of inventiveness, while H.R. 362 enables the development and dissemination curriculum tools for teaching inventiveness and innovation. These provisions are derived from H.R. 1492, the Innovations for our Nation's Vital Educational Needs for Technology (INVENT) Act.

From talking to Silicon Valley CEOs, I have learned that, in especially innovative high-tech companies, the cutting-edge work has really been driven by a few highly innovative scientists and engineers who tend to have many patents, while other employees have only a few. To maximize our Nation's knowledge-based resources, I believe we need to figure out how these people do it and teach others those skills.

I am grateful to Chairman GORDON and also to the former chairman, Sherry Boehlert, with whom I worked on this during the 109th Congress.

Mr. HALL of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER), a member of the Science Committee.

Mr. ROHRABACHER. Mr. Chairman, I rise in support of H.R. 362. Let me first congratulate Chairman GORDON for the leadership that he is providing, along with Ranking Member HALL, and let us note that since the change of the guard here in the House of Representatives a few months ago, we have had an exemplary approach to bipartisanship and a positive spirit that we have seen in the Science Committee, and this legislation reflects that positive atmosphere and working environment that we have in the Science Committee.

H.R. 362 seeks to address the lack of qualified teachers for math and science in K–12 throughout our country. I support H.R. 362 because it is not just a giving of something to someone, a scholarship, but it is actually providing young people who may not have the means to go to school and to get their education. It requires 5 years of service as a science and mathematics teacher in order for them to get this scholarship. I see that as a two-for, if not a three-for or a four-for, because the kids are going to benefit, the schools are going to benefit, the country is going to benefit.

Trading service for education is an American tradition. I guess it goes back even further than the GI bill, but that is what brought it to mind. All of us had parents who were probably recipients of the GI bill. I know my father was.

We should be beefing up education benefits through the GI bill and other things like that for our Reserves and our National Guard and Active Duty people, now that we are at war and now that we are thinking about this. But this particular scholarship program we are talking about today will fill a need for our country of finding math and science teachers in order to fill these positions throughout our country that now can't be filled.

Let us note that 10,000 teachers provided these scholarships is certainly going to help. But the basic problem is not touched by this legislation, and that is that we would not need these scholarships if math and science teachers throughout the country were paid more than they are today.

What is happening is today, math and science teachers are being forced to accept wages, and then they don't accept them and just go someplace else, at the same level as teachers who teach things that are not quite as necessary. Or, in fact, there are many, many more teachers available for these other courses, whether it be social sciences or whatever. So since we do not have a pay differential, it is very difficult to fill these positions, and at least this legislation today will help meet the immediate challenge.

Instead, however, we should have worked on the fundamental problem throughout our country of making sure that people can go into math and science and be attracted to it. Fundamentally, what we need to do in America to address these types of shortages is to make sure that people who go into math and science and engineering make more money, whether they are teachers or anything else. Quite often, we do things that go contrary to this. Insisting that all teachers make the same money is one of those mistakes. H-1B visas that bring in hundreds of thousands of people from overseas and just depress the wages of people who are in math and science and engineering in our country is something else that is wrong, that ends up taking us in the wrong direction.

We need our young people attracted to math, science and engineering, and to get that education because they know they can earn a good living for their family and earn a decent living if they get that type of training.

So the legislation we pass today will help. It will provide scholarships. I support that. I salute the chairman and the ranking member for the leadership they provided in providing this help for our young people in exchange for what they will do teaching young people in our country. But again, that doesn't change the fact that there are some fundamental things we need to do in America to make sure that people go into math and science and don't have to subsidize our mistaken policies.

Mr. GORDON of Tennessee. I thank the gentleman from California (Mr. ROHRABACHER) for his support for this bill, and I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY) who has spent so much time working on the bill.

Ms. HOOLEY. Thank you, Chairman GORDON, for giving me time to speak on this important and crucial piece of legislation.

I also want to applaud you for your leadership on this issue, and the expediency that you moved this through committee, along with Ranking Member HALL.

This initiative was identified by the Academies as being the most important step to increase America's talent pool by vastly improving K–12 science and mathematics education.

Among the findings of the National Academies' "Gathering Storm" report, was a statistic that in 2000 more than 85 percent of students in grades 5–9 were taught physical science by a teacher lacking a major or certification in the physical sciences.

As a former teacher, I can appreciate how difficult it is to teach a subject when you are not comfortable with it, and this discomfort translates in discomfort for the subject to the students.

The key to the United States maintaining its position at the forefront of global innovation and technology is to get more students interested in the science and math fields. Our Nation's economic vitality is derived in large part from the productivity of well-trained people and the steady stream of scientific and technical innovations they produce.

After years of inattention and neglect, this legislation is an important first step towards a reinvestment in our Nation's science and math education. It will, in turn, positively benefit the American Competitive Initiative.

Once again, I applaud Chairman GORDON for his leadership on this issue, and I urge my colleagues to support this legislation.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

As you know, it is a sad truth that American students' performance in science and math is below that of other developed countries. Like many of my colleagues, I am concerned that without increased attention to this issue at the elementary, high school and post-secondary levels, our country's technological leadership could decline and ultimately harm not only today's students but tomorrow's economy as well as our national security.

This legislation provides a framework for improving math and science education by investing heavily in the recruitment and training of teachers.

In recent years, I have had the pleasure of observing several of the "For Inspiration and Recognition of Science and Technology," or FIRST Program's competitions. This program is designed to inspire young people to take an interest and participate in science and technology. Through FIRST, teams of students and their mentors work together to solve complex, real-world problems or design actual pieces of technology. They are given the opportunity to compete against their peers, all the while developing self-confidence, good sportsmanship, and critical life skills.

The talent and drive of the students I have observed in the FIRST competitions leaves me encouraged—in fact, awestruck—by the potential of America's high school students. I have seen first hand that with quality resources and instruction, our children can do great things in the areas of science, technology, engineering and mathematics. Today, our support for H.R. 362 is a tremendous step towards bringing these resources to future generations, and I urge my colleagues to vote in favor of this bill.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me thank Mr. GORDON, Mr. HALL, and our subcommittee chair as well as the ranking member.

I rise in strong support of H.R. 362. It is an essential measure to world competitiveness for this country. We are in the storm. We cannot accomplish rising above until we invest in our teachers, teachers that are qualified. Many of our teachers love teaching and they are trying hard, but they simply do not have the background needed. A lot of it has to do with pay, because the people who are well-qualified in these areas simply do not come to the classroom because they do not pay enough.

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I support the Noyce teacher scholarships, and I know that the storm of need is sure and it is now. It takes efforts and investment to deal with this issue. There are now more and more high-need schools which means we have more and more students that need special attention, and we cannot have a positive future until we include them in this education.

This is called the investment in America's future. We are depending on the home people to be prepared because the H–1B visas are causing us to brain drain other countries. This is a global need, and we must be ready to prepare our own. We will be left with no possible preparation in this area, and we will move right into a Third World nation.

We must remedy this. Implementing the provisions of H.R. 362 will go a long way in remedying this problem, and I firmly believe that with proper resources we know our young people can do it.

There is a school in my district with some of the poorest kids, but they are doing it because they have the proper resources.

Mr. HALL of Texas. Mr. Chairman, could you tell me how much time I have left.

The CHAIRMAN. The gentleman from Texas (Mr. HALL) has 17½ minutes remaining. The gentleman from Tennessee (Mr. GORDON) has 11½ minutes remaining.

Mr. HALL of Texas. I am going to yield to the gentleman from Tennessee 5 minutes of our time, and we reserve the balance of our time.

Mr. GORDON of Tennessee. Mr. Chairman, I certainly thank the gentleman for his generosity. There is a lot of interest in this bill.

I would like to yield now 2 minutes to the gentleman from Missouri (Mr. CARNAHAN), another active member of our committee.

Mr. CARNAHAN. Mr. Chairman, I stand today with enthusiastic support for H.R. 362, 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

I want to add my thanks to Chairman GORDON and Ranking Member HALL for their leadership on this issue and continued commitment of our entire Science and Technology Committee and the Research and Science Education Subcommittee.

Last year, I received a letter from a mother in New Jersey whose 14-year-old daughter was not satisfied with her education. This young girl wanted permission from her parents to move to Beijing, China, for high school because she felt like her counterparts were getting ahead of her education here in the United States.

To me, this story underscores the need for our Nation to strengthen its investment in education, and it is consistent with the international statistics that we have seen of U.S. students falling behind in both the number of graduates and in academic performance with regard to science and math education.

In particular, America must make a major renewed commitment to education in math and science and engineering to promote innovation and technological advancement.

As public servants, our constituents have entrusted us with the responsibility of ensuring our educators have the tools they need to best serve our young people.

I urge all my colleagues to support this bipartisan legislation to create a brighter future for our children, expanded support for our teachers, increased innovation in our research and technology, and a stronger competitive edge for the U.S. in the growing world marketplace.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. LIPINSKI), the vice chairman of the Science and Technology Committee.

Mr. LIPINSKI. Mr. Chairman, I rise today in support of H.R. 362, a bill that is critically important for America's future.

I thank Chairman GORDON for his hard work on this issue of science education and for making H.R. 362 a priority in this Congress. I also thank Representative HALL, ranking member of the committee, for his work on this bill and for his continuing work in a bipartisan manner in this committee to get things done that we need done for America.

Numerous studies have shown that our students are falling behind the international curve on math and science. When I was a college professor, I certainly saw far too many students coming to college unprepared.

Today, we see that America is at a crossroads. The path that we choose will dictate our standing in the world for decades to come. If we continue business as usual, we jeopardize America's competitiveness and the prosperity that we have all come to enjoy.

Instead, we must do all that we can to make sure that Americans are prepared by a world-class math and science education. America's high standard of living depends on this.

That is why H.R. 362 is a vital part of an American innovation agenda that will help to guarantee a continued prosperity in America's future. Right now, many school districts throughout the country are finding it increasingly difficult to find good math and science teachers.

Lyons Township High School Superintendent Dennis Kelly has spoken to me recently about the difficulties that they are having finding these teachers, and I hear this all across my district and all across the country. This bill targets this problem and offers viable solutions to recruiting new teachers, as well as developing and supporting current ones.

H.R. 362 will expand the Noyce Teacher Scholarship Program at the National Science Foundation allowing more universities to be able to host programs for recruiting students into teaching. This is a vital part of our educational system, connecting universities with K-12 education. This will ensure that our children have an abundance of qualified, well-equipped math and science teachers who will prepare them for their future.

I have a special understanding of the impact that teachers have on children's lives, especially when it comes to inspiring students in math and science. In addition to being a former college professor, I am only one of the handful of Members of Congress with a degree in engineering. In addition, my wife has a degree in math, and we often talk about the teachers who have inspired us.

I will always remember my high school physics teacher, Father Fergus, who inspired me to pursue a degree in engineering, and I also will always remember Father Thul who really inspired me in mathematics.

It is vital that we pass this bill and continue to produce these teachers that continue to inspire our children and make our future more secure.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS), the former State senator.

Ms. GIFFORDS. Thank you, Mr. Chairman. Thank you, Ranking Member HALL.

I rise today to enthusiastically express my support for H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

The purpose of this legislation is to improve our national corps of teachers in both math and science, both by recruiting new teachers and also by supporting the current ones. To build a world-class science and technology workforce, we need to have a world-class math and science education system, and H.R. 362 will help accomplish this goal.

According to the Nation's report card in 2005, only 30 percent of eighth graders performed at or above the proficient levels in math. Only 32 percent of eighth graders and 18 percent of 12th graders performed at or above the proficient levels in science.

America must do better. The National Academy's "Rising Above the Gathering Storm" report, presented to us in committee, states that "without fundamental knowledge and skills, the majority of students scoring below proficient" levels will "lack the foundation for good jobs and full participation in society."

America must invest in this national teaching force, especially in rural and poor areas.

Karen Nicodemus is president of Cochise Community College in my district in Arizona. She states that although the shortage of high-quality and high-qualified math and science teachers cuts across all educational systems, we feel it in the rural areas more than in other areas. We do a disservice to our brightest students in high school in those rural and poor areas by not investing and making sure that we have a qualified workforce.

To remain competitive in the 21st-century global economy, it is critical that we reform math and science education in America. All children, especially those in rural and in poor areas, should have the opportunity to become leaders, should be able to take our country to the next level.

It is an honor to be on this bill.

Mr. HALL of Texas. Mr. Chairman, I reserve my time.

Mr. GORDON of Tennessee. Mr. Chairman, thanks to the generosity of our ranking member, I yield 2½ minutes to one of his fellow Texans (Mr. HINOJOSA), chairman of the Subcommittee on Higher Education.

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of H.R. 362, the 10,000 Teachers, 10 Million Minds Act.

Today, this body will take up two bills that represent a bipartisan effort to implement the recommendations in the watershed report, "Rising above the Gathering Storm."

I would like to thank Chairman GORDON and Ranking Member HALL for their leadership in bringing these critical measures to us today.

H.R. 362 will address our competitiveness crisis at its foundation, our acute shortage of teachers in science, technology, engineering and mathematics, commonly known as the STEM fields.

Low-income, rural and minority communities bear a disproportionate share of the national shortfall of highly qualified STEM teachers. We must reverse that inequity. The 10,000 Teachers, 10 Million Minds Act will help us do exactly that.

H.R. 362 also addresses a quiet crisis in our high-need high schools, the lack of quality laboratory science opportunities.

The National Research Council's report on America's high school labs found that experience in high school labs was poor for most students and practically nonexistent for students in low-income or minority communities. We will never produce enough STEM professionals if we do not address this issue and invest the correct amount of money.

I am very pleased that the legislation before us today includes the provisions of my bill, H.R. 524, Partnerships for Access to Laboratory Science Act. This legislation will establish a pilot program that will partner high-need school districts with colleges and universities and the private sector to improve high school laboratories.

Through these pilot programs, we will be able to develop models and test effective practices for improving laboratory science in high-need schools. We will leverage resources from the local community and the private sector and build on our base of knowledge of what works in teaching science.

I would especially like to thank my friend and colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for working with me to move the PALS Act forward.

I want to close by saying that through the leadership of all of these gentlemen on this committee, we are going to be able to pass this legislation with your help.

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Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, our Nation's scientific and technological innovation has been a key source of our global economic competitiveness, but I fear that our competitiveness is in jeopardy because America's K-12 students are being underserved in math and sciences. If we do not provide our students with adequate education resources, we jeopardize our future economic prosperity.

H.R. 362, 10,000 Teachers, 10 Million Minds bill is a key step towards providing our students with the quality education needed to maintain our Nation's global competitiveness. We are facing a crisis in our schools because math and science college graduates are not being attracted to teaching careers. Too often, math and science teachers are instructing outside of their fields.

American students are facing a future of job competition on a global scale. In a global economy, highly educated workers from anywhere in the world can compete for America's high-skilled and high-paying jobs. To have a prosperous economy in which all segments of the population can compete for high-paying jobs, we need schools with well-placed labs and science programs.

H.R. 362 will promote the educational experience that all our youth deserve, being taught by competent math and science teachers, and this bill will provide universities and teacher preparation programs the incentives to track more math and science college graduates and prepare them for their successful teaching careers. The bill will also increase professional development resources for math and science teachers already instructing in America's neediest schools.

Mr. HALL of Texas. Mr. Chairman, we have no more speakers. To wrap it up, may I urge my colleagues to join me in supporting the bill. I also would like to reiterate to Mr. REYES that I, too, am sensitive to the needs of the high-needs schools. I think we have sufficiently addressed his concern in the underlying measure by providing an added incentive for Noyce scholars who choose to teach in high-needs schools.

Furthermore, the clearinghouse provided for under Mr. GORDON's amendment provides yet another layer of commitment to help guarantee that our high-needs schools are not left out of the selection process for the new STEM teachers.

Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, may I ask the amount of time that we have left here?

The CHAIRMAN. The gentleman has 4¾ minutes.

Mr. GORDON of Tennessee. Mr. Chairman, let me take just a moment to thank the staff, Jim Wilson, and our minority staff for the time they have put in on this bill. Two years ago, LAMAR ALEXANDER, and our former chairman, Sherry Boehlert, asked the National Academies to do a recommendation on the competitiveness of America in the 21st century. The recommendation was good news and bad news. The bad news was that we are in a very competitive environment and that we are on a losing track.

The good news was we had some recommendations. That is what we tried to do. We didn't try to make a Democratic or Republican bill; we took their recommendations and made a bipartisan bill. I think that today the bipartisan bill is the result of that. I again thank all the Members for their constructive efforts in doing this.

I understand that the Speaker is so committed to this bill that she is on her way to the floor, and she is not only on her way, but she has arrived, and I yield her the balance of my time.

Ms. PELOSI. I thank the gentleman for yielding. I commend the distinguished chairman of the Science Committee and the ranking member for their leadership in bringing this legislation to the floor with strong bipartisan support. This is indeed a great day for the Congress because we are here to talk about the future. I always say to people when they come, You visit Washington, you see all these monuments to people who lived a long time ago; but when you come to the floor of the Congress, what we are here to do is to make the future better for the next generation.

Central to that is a strong economy for our country. We have had a bipartisan commitment to an innovation agenda, a commitment to competitiveness to keep America number one. We know that innovation begins in the classroom, and that is why the legislation on the floor today is so important.

For some of us of a generation when I was a student, President Kennedy talked about putting a man on the Moon. It seemed impossible at the time.

When he said it, when he made his announcement, he said the vows of this Nation can only be fulfilled if we are first, and therefore we intend to be first. Our leadership in science and in industry, our hopes for peace and security, our obligations to ourselves and others as well, all require us to make this effort. It was with that our country made a strong commitment to science and technology, and within 10 years a man was on the Moon and safely returned.

Here we are again in this new century, all these many years later, recommitting to an innovation agenda. We have to talk about how we grow our economy to create new jobs here at home for the 21st century. We certainly have a commitment to trade, and that is important to us.

We can only succeed in the international global economy if we are competitive and if we innovate. We cannot innovate without the investment in education, the investment in science and technology.

Our effort for an innovation agenda began nearly 2 years ago outside of Washington, meeting all over the country with leaders and CEOs in many fields, whether it was biotech, high-tech, the academic community, venture capital, entrepreneurs, young people and telecommunications sector people who are creating jobs for the 21st century. We held forums in Silicon Valley, in Seattle, and in Boston, in Chicago, northern New Jersey, North Carolina's Research Triangle, El Paso, Texas, to name a few.

Using the expertise and advice that we heard from the outside, emphasizing a focus on public/ private partnerships, emphasizing a focus on the entrepreneurial spirit that is the hallmark of our country, we adopted an innovation agenda that will help create a new generation of innovators, an educated skilled workforce in the vital areas of science, math, engineering and information technology.

Thank you, Chairman GORDON, for your extraordinary leadership in this area and bringing this legislation to the floor. I also want to commend Chairman GEORGE MILLER for his leadership and focusing on STEM as well.

The agenda will help to make a sustained Federal research and development commitment that promotes private sector innovation, spur affordable access to broadband technology, achieve energy independence, strengthen our national security, protect our planet by developing emerging technologies for clean and sustainable alternatives, and provide small businesses with the tools they need to engage and encourage entrepreneurial innovation and job creation throughout our economy.

This is what was important to us. Again, pointing out the importance of education to all of this, I am very pleased to come to the floor to support the legislation that is on the floor today.

Once again, I want to thank Mr. HALL for his leadership in this area. I take special pride in the fact that this effort is bipartisan. The President has spoken on any number of occasions, in his State of the Union addresses or in other settings, about his commitment to this investment in the future.

Hopefully we can move these pieces of legislation along to his desk for his signature and on to better public policy to promote the United States as number one with an innovation agenda for the future.

Mr. UDALL of Colorado. Mr. Chairman, I am pleased to support H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

I am a cosponsor of this important legislation, which will greatly increase the numbers of science and math teachers across the country, both through creating more teachers from current college students and by providing better training for the teachers already in our schools.

America has long been a center for science and engineering discovery. Just looking back over the 20th century, American ingenuity has been truly incredible. From Ford's Model T in 1908 and on to the personal computer in 1981, American innovations have transformed our Nation and the world, again and again, creating whole new industries and occupations. Going forward, new innovations will continue to be critical, both in maintaining a solid industrial base and increasing our standard of living.

In short—innovation leads to new products and processes that sustain our industrial base; innovation depends on a solid knowledge base in math, science and engineering; without this knowledge base, innovation as well as our industrial base will erode.

Along those lines, all jobs of the future will require a basic understanding of math and science. The most recent 10 year employment projections by the U.S. Labor Department show that of the 20 fastest growing occupations projected for 2014, 15 require significant mathematics or science preparation to successfully compete for a job.

To succeed, U.S. students will need a strong background in math and science and our students have proven that they have talent in these areas. Compared to other countries, U.S. fourth graders score above average in both math and science on international tests. Yet, by the time these students graduate from high school, they score near the bottom of all industrialized countries.

We must do more to keep students involved, interested, and educated in science and math fields.

This bill will help us increasing the number of well-trained science and math teachers, which will lead to more scientists and engineers in future generations.

H.R. 362 will enhance and expand the national corps of math and science teachers, both by recruiting new teachers with backgrounds in science, technology, engineering, and math (STEM) fields and by supporting current teachers.

Specifically, the bill will improve the Noyce Teacher Scholarship Program at the National Science Foundation (NSF). Noyce Scholarships will award $10,000 scholarships to students enrolled in STEM majors who commit several years to teaching. Furthermore, this program will ensure that these new teachers have mentors and other support as they begin teaching.

For current teachers, the bill will enhance NSF's Math Science Partnership (MSP) program, which provides sustained, content-oriented professional development for current teachers with summer institutes and master's degree programs. Furthermore, teachers participating in these MSPs are encouraged to become teacher leaders by sharing their knowledge with other teachers in their schools.

I would like to thank Science and Technology Chairman GORDON for introducing this critical legislation and working to bring it to the floor today.

In conclusion, I encourage all of my colleagues to support H.R. 362. To ensure that we continue to have a strong and healthy economy in the new interconnected global market, we need to have a prosperous science and technology enterprise. This legislation will set us in the right direction.

Mr. WU. Mr. Chairman, I rise today in support of H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

I would like to thank Chairman GORDON, as well as Ranking Member HALL, on their hard work on this legislation, and the bipartisan manner in which the Science and Technology Committee operates to produce such substantial legislation.

Mr. Chairman, this legislation will come to the aid of America's need for more school teachers in our nation's classrooms. In their much referenced report, Rising Above the Gathering Storm, the National Academies found that 68 percent of U.S. 8th grade students received instruction from a mathematics teacher who did not hold a degree or certification in mathematics; in 2000, more than 85 percent of students in grades 5–9 were taught physical science by a teacher lacking a major or certification in the physical sciences.

Also, U.S. 15-year-olds ranked 24th out of 40 countries that participated in a 2003 administration of the Program for International Student Assessment (PISA) examination, which assessed students' ability to apply mathematical concepts to real-world problems. These figures could spell disaster for America's competitiveness in the fields of science, technology and innovation.

By amending and expanding the Noyce Teacher Scholarship Program at the National Science Foundation (NSF) which will go to universities that build model programs for recruiting students into teaching, H.R. 362 will move us down the road to improving the strength of our math and science teachers, while actively recruiting new teachers.

Our future lies in our students, and their ability to think critically, and ask thoughtful, insightful questions lie in the strength of their schooling. The un-bias nature of scientific inquiry and the natural beauty of math help students build their questioning and logic skills.

It is imperative that our students are taught by teachers whose strengths lie in conveying these concepts and inspiring young minds not only to go into the science and technology fields, but also to open their minds to be inquisitive in the world.

Mr. MITCHELL. Mr. Chairman, today we are considering several bills to implement the Innovation Agenda including H.R. 362, the "10,000 Teachers, 10 Million Minds" Science and Math Scholarship Act.

Last month, I was pleased to support this legislation in Committee. H.R. 362 invests in thousands of new and highly qualified teachers through professional development, summer training institutes, scholarships, and investment in undergraduate science, technology, engineering and math ("STEM") education.

I taught high school in Arizona for 28 years, and I know that my fellow teachers work hard and do a good job with the resources they have.

But I was also a State Senator for 8 years, and I know our schools need help. Arizona's students are below the national averages in every subject area. Arizona's teachers teach six children more per class than the national average.

That's a problem.

Arizona must increase the number of highly qualified teachers and lower the student to teacher ratio.

As a former educator, I understand firsthand the impact that education has on our children and their future. I appreciate Chairman GORDON's leadership on this issue, and I am pleased to see the chairman's legislation works to increase the number of qualified science and math teachers.

Ensuring that our students receive a first-rate education is vital not only to Arizona's future but our nation's as well. I believe that if we want to successfully compete and prosper in the 21st century, we must make education a national priority.

The National Academy of Science was asked how the United States can accomplish this goal. Their report, Rising Above the Gathering Storm, recommends action to recruit highly qualified science and math teachers and implement programs to strengthen the skills of our current teachers.

I wholeheartedly agree.

To continue to compete in the global economy we need to increase the number of science and technology graduates and our schools need the resources to successfully educate our children.

H.R. 362 supports this important goal and I look forward to supporting its passage today.

Ms. WOOLSEY. Mr. Chairman, innovation in math, science, and technology is the way America will stay strong and competitive in this century. Unfortunately, we are seeing our children's test scores slip behind the rest of the industrialized world. In a recent exam to test the real-world application ability of mathematical concepts, U.S. high-school students ranked 24th out of 40 countries that were tested.

As a mother and grandmother, I want all of our Nation's children to have the best possible education to empower them to be whatever they choose to be when they grow up. I can't help but be concerned with the idea that the America they will inherit will not be able to compete on the highest levels of the global marketplace. We must stem the tide of dropping test scores and fewer and fewer qualified teachers of science and math.

That's why I rise in support of H.R. 362, the 10,000 minds, 10 million Science and Math Scholarship Act. It's not enough that we have the scientists to drive the innovation to keep us competitive. We also need to be producing the educators to mentor and impart wisdom to our youth so that they can expand their fields of knowledge, innovate new technologies, discover new medicines, and answer questions we once thought unanswerable.

In a global economy, competition is going to keep increasing, and unless we take definitive action to increase our science and math capabilities, we are going to be left behind. H.R. 362, under the leadership of Chairman GORDON, is part of the definitive action we must take to get more qualified teachers in place to ensure that our kids have the knowledge and skills at hand to continue to lead the world.

Mr. Chairman, I urge my colleagues to support H.R. 362 and to help put America on track to remain strong, competitive, and well-educated in math and science.

Ms. JACKSON-LEE of Texas. Ms. Chairman, I am pleased to rise in support of H.R. 362, the "10,000 Teachers, 10 Million Minds Science and Math Scholarship Act," of which I am proud to be a co-sponsor. This bill is the first component of the new Democratic majority's Innovation Agenda, which is designed to make our nation more able to compete successfully in the global economy.

Mr. Chairman, it is essential that we invest in a workforce ready for global competition by creating a new generation of innovators and make a sustained commitment to federal research and development. We need to spur and expand affordable access to broadband, achieve energy independence, and provide small business with tools to encourage entrepreneurial innovation

H.R. 362 is a critical first step. It will place highly qualified teachers in math, science, and technology K–12 classrooms, based on the recommendations of the National Academies. It will invest in 10,000 new science and math teachers, totaling some 25,000 over five years, by increasing the number of scholarships for students majoring in science, technology, engineering and math (STEM) fields and who are committed to pursuing teaching.

Mr. Chairman, H.R. 362, will also strengthen the skills of math, science and technology of up to 250,000 teachers by improving education and training opportunities for math and science teachers and expanding professional development, summer training institutes, and graduate education assistance.

This important, bipartisan legislation seeks to advance science, technology, engineering, and mathematics, or STEM, education by providing for improved recruitment, training, mentoring, and professional development of teachers.

The establishment and maintenance of a capable scientific and technological workforce remains an important facet of U.S. efforts to maintain economic competitiveness. Pre-college instruction in mathematics and scientific fields is crucial to the development of U.S. scientific and technological personnel, as well as our overall scientific literacy as a nation. The value of education in scientific and mathematics is not limited to those students pursuing a degree in one of these fields, and even students pursuing nonscientific and nonmathematical fields are likely to require basic knowledge in these subjects.

In particular, there is a need to extend access to mathematics and scientific education to a number of specific groups. Even as certain minorities, including African Americans, Hispanics, and Native Americans, comprise an increasingly large proportion of the U.S. population, they continue to be underrepresented in science and engineering disciplines. Together, these three groups comprise over 25 percent of the population, but earn only 16.2 percent of the bachelor degrees, 10.7 percent of the masters degrees, and 5.4 percent of the doctorate degrees in these fields.

This legislation amends the National Science Foundation (NSF) Authorization Act of 2002 by revising the requirements for the Robert Noyce Scholarship program. This important program provides scholarships, stipends, and teacher training to science, mathematics, and engineering students and professionals, in exchange for a commitment to service as elementary or secondary school teachers following graduation.

H.R. 362 also provides for summer institutes and graduate programs through the Mathematics and Science Education Partnership program. It authorizes $195 million from FY 2008 to FY 2012 for the operation of an already existing NSF program to provide summer workshops for teachers. It authorizes additional funds to establish a new grant program aimed at encouraging the development of graduate degree programs for math and science teachers. This bill provides increasing funding for fiscal years 2010 through 2012 for the NSF STEM Talent Expansion program, and authorizes the NSF to create pilot programs to award grants to improve laboratories in secondary schools.

Mr. Chairman, according to the National Academies, the most important thing we can do for our future economic health is invest in our science and math teachers. A number of highly publicized studies have shown that the mathematics and science achievement of American students is poor by international standards. In 2005, 39 percent of 12th graders lacked even basic high school math skills.

H.R. 362 has been endorsed by a broad range of businesses and universities as well as industry and education groups, including the Business Roundtable, Association of American Universities, Council on Competitiveness, the College Board, Semiconductor Industry Association and the Business Software Alliance.

I strongly urge my colleagues to support this bill.

Mr. HOLT. Mr. Chairman, I rise today in support of the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act. Taking its name from the fifth chapter of the National Academies Report "Rising Above the Gathering Storm," H.R. 362 is part of an ambitious legislative portfolio that will fulfill the Innovation Agenda. I was proud to help craft the Innovation Agenda, on which our nation is dependent for its future prosperity.

In middle school, 68 percent of math students have a teacher who did not major in and has not certification in mathematics. Across all sciences, 57 percent of middle school students have teachers without a major or certification in the subject. In physical sciences, 93 percent have teachers without a major or certification. In high school, approximately 31 percent of math students, 45 percent of life science students, 61 percent of chemistry students, and 67 percent of physics students have teachers with no major or certification in the field.

The National Science Foundation's successful Noyce program recruits and trains math and science teachers, drawing from high-performing college students and from existing math and science professionals. The Noyce program also encourages those it trains and supports to serve in high-needs school districts. H.R. 362 expands the Noyce program and modifies it to include freshmen and sophomores.

Another successful math and science education program at the National Science Foundation is its Mathematics and Science Education Partnerships program, which provides grants to universities and nonprofits for the improvement of K–12 education. H.R. 362 improves the program by focusing grantees on teacher training, requiring grantees to offer masters programs for in-service teachers, and preparing teachers to instruct Advanced Placement courses.

H.R. 362 does not stop with the improvement of these existing programs. It recognizes the special need for quality hands-on science teaching by authorizing funds for the Laboratory Science Teacher Professional Development program. The Act also requires the Director of NSF to convene a panel of experts to develop nationally available K–12 math and science teaching materials, and it creates centers that will work on curriculum, pedagogy, and the training of professors and teaching assistants to increase undergraduate participation and performance in science, technology, engineering, and math courses.

I encourage my colleagues to support this resolution.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of this bill.

America is still the number one economy in the world, and we can keep that leadership. But we can only do so with a level of determination and commitment that we have not shown in almost half a century. Other countries are making aggressive investments in a competitive workforce. We must exceed those efforts.

That is why—nearly 2 years ago—then-Minority Leader NANCY PELOSI laid down a challenge to Congress and the President to invest in innovation in order to create vibrant industries, a strong economy, and good jobs here at home. Now, with Speaker PELOSI at the helm and Democrats determining the agenda before Congress, we are acting on that challenge.

Working with leaders from the hi-tech and bio-tech industries, venture capitalists, and academics, Democrats laid out a plan to boost America's competitiveness. We made it clear to the American people that we take this challenge seriously.

Today, we are taking the next steps on our commitment. The bill before the House today is an important step for America's future economic strength and the strength of America's middle class.

Mr. GORDON's legislation is a strong step in reaching a key goal of our innovation agenda. This bill will educate 25,000 highly qualified math and science teachers by creating high quality programs that integrate the strong teaching of both education programs as well as strong research and content area instruction.

In the Education and Labor Committee, we are also working to create a new generation of innovators by ensuring that today's students are taught to high academic standards and receive the workplace skills that are necessary to prepare them as scientists, engineers, and mathematicians in a global high-tech economy.

The Committee will work toward the goals of innovation agenda by educating 100,000 new innovators in the next five years. We propose a new public-private partnership with the business community and higher education institutions to produce well-qualified, highly-skilled workers by establishing Congressional Science fellowships and interdisciplinary Master's programs in science, engineering, and math that include specialized training and internships with business partners, and loan forgiveness options.

Additionally, we will build on the work of Mr. GORDON by placing a highly qualified teacher in math, science, and technology K–12 classrooms by offering up-front tuition assistance to talented undergraduates majoring in math, science or engineering who agree to teach in a high-needs school and by partnering community colleges with 4-year institutions to improve the teacher pipeline.

Lastly, we need to enhance the ability of states to coordinate education and workforce goals, identify the challenges of recruiting students and retaining them in innovative fields, and develop collaborative solutions through statewide coalitions of education, business, and community leaders, such as P–16+ Councils.

America's entrepreneurial, innovative spirit is one of the key reasons for our strength in the world today. If we match that spirit to these substantial investments, our economy will stay strong for generations to come. I look forward to continuing to press forward with other elements of the Innovation Agenda and to make sure that America stays No. 1 in the world.

Mr. VAN HOLLEN. Mr. Chairman, I rise today to support these important bills—the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act and the Sowing the Seeds Through Science and Engineering Research Act—and to keep our Nation competitive in an era of global economic and scientific competition.

Now, more than ever, we must ensure that America remains at the forefront of discovery and innovation. To do that, we must engage our young people and encourage more of them to pursue careers in science, math, and engineering. These two bills accomplish that by fostering student potential in K–12 classrooms and by investing in long-term scientific research to keep more young scientists in our Nation's laboratories.

The 10,000 Teachers, 10 Million Minds Science Math Scholarship Act would increase the number of scholarships for students majoring in the field of science, technology, engineering, and math who want to teach and would strengthen the skills of current STEM teachers by expanding professional development. These teachers would be better equipped to excite and engage students in math and science.

The Sowing the Seeds Through Science and Engineering Research Act would increase our investment in long-term scientific research and provide grants to young researchers. It would encourage our brightest young minds to think innovatively and push the boundaries of current research. Also, it will encourage young scientists to continue their study in U.S. institutions.

Mr. Chairman, these bills will help stimulate exciting research and increase the number of students entering the fields of math and science. They are an essential part of our competitiveness agenda, and I urge my colleagues to join me in voting for them today.

Mr. KENNEDY. Mr. Chairman, I rise today in support of H.R. 362, the "10,000 Teachers, Ten Million Minds" Science and Math Scholarship Act, and H.R. 363, the Sowing the Seeds Through Science and Engineering Research Act.

For the past century or more, the United States has been the undisputed leader of the global economy. The reasons for this success are many and diverse, but they are united by the principle of innovation that has guided our economy for decades. The United States is the birthplace of aviation and the automobile. We have led the information technology revolution and created the internet. The names of American pioneers are as familiar to us as those of our greatest Presidents: Henry Ford, Robert Oppenheimer, Bill Gates.

But today, the supremacy of the United States in international innovation is at risk. In 2005, the National Academies convened a panel, known as the Augustine Commission, made up of some of the most distinguished national leaders in academia, industry and government. Their report, Rising Above the Gathering Storm, was startling. It expressed serious concern that "the scientific and technological building blocks critical to our economic leadership are eroding at a time when many other nations are gathering strength." In order to prevent this erosion and maintain the United States' place at the forefront of the global economy, the Commission proposed several concrete actions.

The "10,000 Teacher, Ten Million Minds" Science and Math Scholarship Act is the direct result of the Augustine Commission's first recommendation. In 2000, more than 85 percent of students in grades 5–9 were taught physical science by a teacher lacking a major or certification in the physical sciences. In 1999, 68 percent of U.S. 8th grade students received instruction from a mathematics teacher who did not hold a degree or certification in mathematics. This legislation will create thousands of new math and science teachers, each with expertise in their specific area of teaching, and will create centers for improvement of undergraduate education in science and mathematics.

The "Sowing the Seeds Through Science and Engineering Research Act" derives from the Augustine Commission's second recommendation. This legislation will improve innovation efforts at the National Science Foundation. It will especially focus on outstanding researchers in the early stages of their careers. These are the researchers who are most likely to break existing paradigms and realize that singular achievement that will keep the United States at the cutting edge of global innovation.

These bills are only the first step. In the weeks and months to come, the House will consider several bills that will encourage technological progress and innovation. I commend Speaker PELOSI for her initiative and commitment to the innovation agenda, and I urge passage of these bills.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—SCIENCE SCHOLARSHIPS

Sec. 101. Short title.

Sec. 102. Findings.
Sec. 103. Policy objective.
Sec. 104. Robert Noyce Teacher Scholarship Program.

TITLE II—MATHEMATICS AND SCIENCE EDUCATION IMPROVEMENT

Sec. 201. Mathematics and science education partnerships amendments.
Sec. 202. Teacher institutes.
Sec. 203. Graduate degree program.
Sec. 204. Curricular materials.
Sec. 205. Science, Technology, Engineering, and Mathematics Talent Expansion Program.
Sec. 206. High-need local educational agency definition.
Sec. 207. Teacher leaders.
Sec. 208. Laboratory science pilot program.
Sec. 209. Study on laboratory equipment donations for schools.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The National Science Foundation has made significant and valuable contributions to the improvement of K-12 and undergraduate science, technology, engineering, and mathematics education throughout its 56 year history.

(2) Under section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862), the National Science Foundation is explicitly required to strengthen science, mathematics, and engineering research potential and education programs at all levels.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term "cost of attendance" has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(2) The term "Director" means the Director of the National Science Foundation.

(3) The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) The term "mathematics and science teacher" means a mathematics, science, or technology teacher at the elementary school or secondary school level.

TITLE I—SCIENCE SCHOLARSHIPS

SEC. 101. SHORT TITLE.

This title may be cited as the "10,000 Teachers, 10 Million Minds Science and Math Scholarship Act".

SEC. 102. FINDINGS.

Congress finds the following:

(1) The prosperity the United States enjoys today is due in no small part to investments the Nation has made in research and development over the past 50 years.

(2) Corporate, government, and national scientific and technical leaders have raised concerns that current trends affecting the science and technology enterprise of the Nation could result in erosion of this past success and jeopardize future prosperity.

(3) The National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine were tasked in a congressional request to recommend actions that the Federal Government could take to enhance the science and technology enterprise so that the United States can successfully compete, prosper, and be secure in the global community of the 21st century.

(4) The Academies' highest priority recommendation in its report, "Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future", is to improve K-12 mathematics and science education, and the Academies' first recommended action item is to institute a major scholarship program to recruit and educate annually 10,000 mathematics and science teachers.

SEC. 103. POLICY OBJECTIVE.

In carrying out the program under section 104, the National Science Foundation shall seek to increase by up to 10,000 per year the number of elementary and secondary mathematics and science teachers in the Nation's schools having both exemplary subject knowledge and pedagogical skills.

SEC. 104. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

(a) Program Amendments.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-1) is amended—

*(1) by inserting "**TEACHER**" after "**NOYCE**" in the section heading;*

(2) in subsection (a)(1)—

(A) by striking "to provide scholarships, stipends, and programming designed";

(B) by inserting "and to provide scholarships and stipends to students participating in the program" after "science teachers"; and

(C) by inserting "Teacher" after "Noyce";

(3) in subsection (a)(3)(A)—

(A) by striking "encourage top college juniors and seniors" and inserting "recruit and prepare undergraduate students"; and

(B) by inserting "qualified as" after "to become";

(4) in subsection (a)(3)(A)(ii)—

(A) by striking "programs to help scholarship recipients" and inserting "academic courses and early field teaching experiences designed to prepare students participating in the program";

(B) by striking "programs that will result in" and inserting "such preparation as is necessary to meet requirements for"; and

(C) by striking "licensing; and" and inserting "licensing;";

(5) in subsection (a)(3)(A)(iii)—

(A) by striking "scholarship recipients" and inserting "students participating in the program";

(B) by striking "enable the recipients" and inserting "enable the students"; and

(C) by striking "; or" and inserting "; and";

(6) in subsection (a)(3)(A) by inserting at the end the following new clause:

"(iv) providing summer internships for freshman students participating in the program; or";

(7) in subsection (a)(3)(B)—

(A) by striking "encourage" and inserting "recruit and prepare"; and

(B) by inserting "qualified as" after "to become";

(8) by amending clause (ii) of subsection (a)(3)(B) to read as follows:

"(ii) offering academic courses and field teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such preparation as is necessary to meet requirements for teacher certification or licensing; and";

(9) in subsection (a) by inserting at the end the following new paragraph:

"(4) Eligibility Requirement.—To be eligible for an award under this section, an institution of higher education (or consortia of such institutions) shall ensure that specific faculty members and staff from the institution's mathematics, science, or engineering departments and specific education faculty are designated to carry out the development and implementation of the program. An institution of higher education may also include teacher leaders to participate in developing the pedagogical content of the program and to supervise students participating in the program in their field teaching experiences. No institution of higher education shall be eligible for an award unless faculty from the institution's mathematics, science, or engineering departments are active participants in the program.";

(10) in subsection (b)(1)(A)—

(A) by striking "scholarship or stipend";

(B) by inserting "and summer internships" after "number of scholarships"; and

(C) by inserting "the type of activities proposed for the recruitment of students to the program," after "intends to award,";

(11) in subsection (b)(1)(B)—

(A) by striking "scholarship or stipend"; and

(B) by striking "; and" and inserting ", which may include a description of any existing programs at the applicant's institution that are targeted to the education of mathematics and science teachers and the number of teachers graduated annually from such programs;";

(12) in subsection (b)(1), by striking subparagraph (C) and inserting the following:

"(C) a description of the academic courses and field teaching experiences required under subsection (a)(3)(A)(ii) and (B)(ii), including—

"(i) a description of the undergraduate program that will enable a student to graduate within 5 years with a major in mathematics, science, or engineering and to obtain teacher certification or licensing;

"(ii) a description of the field teaching experiences proposed; and

"(iii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which field teaching experiences will occur;

"(D) a description of the programs required under subsection (a)(3)(A)(iii) and (B)(iii), including activities to assist new teachers in fulfilling their service requirements under this section; and

"(E) an identification of the applicant's mathematics, science, or engineering faculty and its education faculty who will carry out the development and implementation of the program as required under subsection (a)(4).";

(13) in subsection (b)(2)—

(A) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (C), (D), (E) and (F), respectively;

(B) by inserting after subparagraph (A) a new subparagraph as follows:

"(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognizes the specialized pedagogy required to teach mathematics, science, and technology effectively in elementary and secondary schools;"; and

(C) by amending subparagraph (F), as so redesignated by subparagraph (A) of this paragraph, to read as follows:

"(F) the ability of the applicant to recruit students who are individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).";

(14) in subsection (c)(1)(B), by striking "2 years" and inserting "3 years";

(15) in subsection (c)(3)—

(A) by striking "$7,500" and inserting "$10,000"; and

(B) by striking "2 years of scholarship support" and inserting "3 years of scholarship support, unless the Director establishes a policy by which part-time students may receive additional years of support";

(16) in subsection (c)(4)—

(A) by striking "6 years" and inserting "8 years";

(B) by inserting ", with a maximum service requirement of 6 years" after "was received"; and

(C) by striking "Service required under this paragraph shall be performed in a high-need local educational agency.";

(17) in subsection (c), by adding at the end a new paragraph as follows:

"(5) Exception.—The period of service obligation under paragraph (4) is reduced by 1 year for scholarship recipients whose service is performed in a high-need local educational agency.";

(18) in subsection (d)(1), by striking "to receive certification or licensing to teach" and inserting "established under subsection (a)(3)(B)";

(19) in subsection (d)(2), by inserting "and professional achievement" after "academic merit";

(20) in subsection (d)(3), by striking "1 year" and inserting "16 months";

(21) in subsection (d)(4)—

(A) by striking "6 years" and inserting "4 years"; and

(B) by striking "for each year a stipend was received";

(22) in subsection (g)(2)(A)—

(A) by striking "Treasurer of the United States," and inserting "Treasurer of the United States."; and

(B) by striking "multiplied by 2.";

(23) in subsection (i)(3), by inserting "or had a career in" after "is working in";

(24) in subsection (i)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following:

"(6) the term 'teacher leader' means a mathematics or science teacher who works to improve the instruction of mathematics or science in kindergarten through grade 12 through—

"(A) participating in the development or revision of science, mathematics, engineering, or technology curricula;

"(B) serving as a mentor to mathematics or science teachers;

"(C) coordinating and assisting teachers in the use of hands-on inquiry materials, equipment, and supplies, and when appropriate, supervising acquisition and repair of such materials;

"(D) providing in-classroom teaching assistance to mathematics or science teachers; and

"(E) providing professional development, for the purposes of training other teacher leaders, to mathematics and science teachers."; and

(25) by adding at the end the following:

"(j) Mathematics and Science Scholarship Gift Fund.—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to support scholarships, stipends, or internships associated with programs under this section.

"(k) Assessment of Teacher Service and Retention.—Not later than 4 years after the date of enactment of this subsection, the Director shall transmit to Congress a report on the effectiveness of the program carried out under this section. The report shall include the proportion of individuals receiving scholarships or stipends under the program who —

"(1) fulfill their service obligation required under this section in a high-need local educational agency;

"(2) elect to fulfill their service obligation in a high-need local educational agency but fail to complete it, as defined in subsection (g);

"(3) remain in the teaching profession beyond their service obligation; and

"(4) remain in the teaching profession in a high-need local educational agency beyond their service obligation.

"(l) Authorization of Appropriations.—There are authorized to be appropriated to the Director for the Robert Noyce Teacher Scholarship Program—

"(1) $70,000,000 for fiscal year 2008;

"(2) $101,000,000 for fiscal year 2009;

"(3) $133,000,000 for fiscal year 2010;

"(4) $164,000,000 for fiscal year 2011; and

"(5) $196,000,000 for fiscal year 2012.".

(b) Conforming Amendment.—Section 8(6) of the National Science Foundation Authorization Act of 2002 is amended—

(1) in the paragraph heading by inserting "TEACHER" after "NOYCE"; and

(2) by inserting "Teacher" after "Noyce".

TITLE II—MATHEMATICS AND SCIENCE EDUCATION IMPROVEMENT

SEC. 201. MATHEMATICS AND SCIENCE EDUCATION PARTNERSHIPS AMENDMENTS.

Section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n) is amended—

(1) in subsection (a)(2)—

(A) by striking "(A)";

(B) by striking subparagraph (B);

(C) by inserting ", through 1 or more of its departments in science, mathematics, or engineering," after "institution of higher education"; and

(D) by striking "a State educational agency" and inserting "education faculty from the participating institution or institutions of higher education, a State educational agency,";

(2) in subsection (a)(3)(B)—

(A) by inserting "content-specific" before "professional development programs";

(B) by inserting "which are" before "designed"; and

(C) by inserting "and which may include teacher training activities to prepare mathematics and science teachers to teach challenging mathematics, science, and technology college-preparatory courses, including Advanced Placement and International Baccalaureate courses" after "and science teachers";

(3) in subsection (a)(3)(C)—

(A) by inserting "and laboratory experiences" after "technology"; and

(B) by inserting "and laboratory" after "provide technical";

(4) in subsection (a)(3)(I) by inserting "including model induction programs for teachers in their first 2 years of teaching," after "and science,";

(5) in subsection (a)(3)(K) by striking "developing and offering mathematics or science enrichment programs for students, including after-school and summer programs;" and inserting "developing educational programs and materials and conducting mathematics, science, and technology enrichment programs for students, including after-school programs and summer camps for students described in subsection (b)(2)(G);";

(6) in subsection (a) by inserting at the end the following:

"(8) Master's Degree Programs.—Activities carried out in accordance with paragraph (3)(B) shall include the development and offering of master's degree programs for in-service mathematics and science teachers that will strengthen their subject area knowledge and pedagogical skills, as described in section 203 of the Act enacting this paragraph. Grants provided under this section may be used to develop and implement courses of instruction for the master's degree programs, which may involve online learning, and develop related educational materials.

"(9) Mentors for Teachers and Students of Challenging Courses.—Partnerships carrying out activities to prepare mathematics and science teachers to teach challenging mathematics, science, and technology college-preparatory courses, including Advanced Placement and International Baccalaureate courses, in accordance with paragraph (3)(B) shall encourage companies employing scientists, mathematicians, or engineers to provide mentors to teachers and students and provide for the coordination of such mentoring activities.

"(10) Inventiveness.—Activities carried out in accordance with paragraph (3)(H) may include the development and dissemination of curriculum tools that will help foster inventiveness and innovation.";

(7) in subsection (b)(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and inserting after subparagraph (D) the following new subparagraph:

"(E) the extent to which the evaluation described in paragraph (1)(E) will be independent and based on objective measures;";

(8) in subsection (b) by inserting at the end the following:

"(4) Minimum and Maximum Grant Size.—A grant awarded under this section shall be not less than $75,000 or greater than $2,000,000 for any fiscal year.";

(9) in subsection (c)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(C) by inserting after paragraph (1) the following new paragraphs:

"(2) Report on Model Projects.—The Director shall determine which completed projects funded through the program under this section should be seen as models to be replicated on a more expansive basis at the State or national levels. Not later than 1 year after the date of enactment of this paragraph, the Director shall transmit a report describing the results of this study to the Committee on Science and Technology and the Committee on Education and Labor of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

"(3) Report on Evaluations.—Not later than 4 years after the date of enactment of this paragraph, the Director shall transmit a report summarizing the evaluations required under subsection (b)(1)(E) of grants received under this program and describing any changes to the program recommended as a result of these evaluations to the Committee on Science and Technology and the Committee on Education and Labor of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate. Such report shall be made widely available to the public."; and

(10) by adding at the end the following new subsection:

"(d) Definitions.—In this section—

"(1) the term 'mathematics and science teacher' means a mathematics, science, or technology teacher at the elementary school or secondary school level; and

"(2) the term 'science', in the context of elementary and secondary education, includes technology and pre-engineering.".

SEC. 202. TEACHER INSTITUTES.

(a) National Science Foundation Institutes.—

(1) In General.—The Director shall establish a grant program to provide for summer or academic year teacher institutes or workshops authorized by section 9(a)(3)(B) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)(3)(B)) and shall allow grantees under the Teacher Institutes for the 21st Century program to operate 1 to 2 week summer teacher institutes with the goal of reaching the maximum number of in-service mathematics and science teachers, particularly elementary and middle school teachers, to improve their content knowledge and pedagogical skills.

(2) Preparation to Teach Challenging Courses.—The Director shall ensure that activities supported for awards under paragraph (1) include the development and implementation of teacher training activities to prepare mathematics and science teachers to teach challenging mathematics, science, and technology college-preparatory courses, including Advanced Placement and International Baccalaureate courses.

(3) AWARDS.—In awarding grants under this section, the Director shall give priority to applications that propose programs that will attract mathematics and science teachers from local educational agencies that—

(A) are receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) as a result of having within their jurisdictions concentrations of children from low income families; and

(B) are experiencing a shortage of highly qualified teachers, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), in the fields of science, mathematics, or technology.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the purposes of this section, $32,000,000 for fiscal year 2008, $35,200,000 for fiscal year 2009, $38,700,000 for fiscal year 2010, $42,600,000 for fiscal year 2011, and $46,800,000 for fiscal year 2012.

(b) LABORATORY SCIENCE TEACHER PROFESSIONAL DEVELOPMENT.—There are authorized to be appropriated to the Secretary of Energy for the Laboratory Science Teacher Professional Development program, $3,000,000 for fiscal year 2008, $8,000,000 for fiscal year 2009, $10,000,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $10,000,000 for fiscal year 2012.

SEC. 203. GRADUATE DEGREE PROGRAM.

(a) IN GENERAL.—The Director shall ensure that master's degree programs for in-service mathematics and science teachers that will strengthen their subject area knowledge and pedagogical skills are instituted in accordance with section 9(a)(8) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)(8)). The degree programs shall be designed for current teachers, who will enroll as part-time students, and to allow participants to obtain master's degrees within a period of 3 years.

(b) DISTRIBUTION OF AWARDS.—The Director shall, in awarding grants to carry out subsection (a), consider the distribution of awards among institutions of higher education of different sizes and geographic locations.

(c) PROGRAM ACTIVITIES.—Activities supported through master's degree programs established under subsection (a) may include—

(1) development of courses of instruction and related educational materials;

(2) stipends to defray the cost of attendance for students in the degree program; and

(3) acquisition of computer and networking equipment needed for online instruction under the degree program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the purposes of this section $46,000,000 for fiscal year 2008, $50,600,000 for fiscal year 2009, $55,700,000 for fiscal year 2010, $61,200,000 for fiscal year 2011, and $67,300,000 for fiscal year 2012.

SEC. 204. CURRICULAR MATERIALS.

The Director, in consultation with the Secretary of Education, shall convene a national panel of experts on mathematics and science education to identify and collect K–12 mathematics, science, and technology teaching materials that have been demonstrated to be effective and to recommend the development of new materials in areas where effective materials do not exist. The Director and Secretary shall develop ways to disseminate effective materials and support efforts to develop new materials, in accordance with the recommendations of the national panel. Recommendations made under this section shall not be considered a mandate of specific K–12 curricula.

SEC. 205. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS TALENT EXPANSION PROGRAM.

(a) AMENDMENTS.—Section 8(7) of the National Science Foundation Authorization Act of 2002 is amended—

(1) in subparagraph (A) by striking "competitive, merit-based" and all that follows through "in recent years." and inserting "competitive, merit-reviewed multiyear grants for eligible applicants to improve undergraduate education in science, mathematics, engineering, and technology through—

"(i) the creation of programs to increase the number of students studying toward and completing associate's or bachelor's degrees in science, technology, engineering, and mathematics, particularly in fields that have faced declining enrollment in recent years; and

"(ii) the creation of centers (in this paragraph referred to as 'Centers') to develop undergraduate curriculum, teaching methods for undergraduate courses, and methods to better train professors and teaching assistants who teach undergraduate courses to increase the number of students completing undergraduate courses in science, technology, engineering, and mathematics, including the number of nonmajors, and to improve student academic achievement in those courses.

Grants made under clause (ii) shall be awarded jointly through the Education and Human Resources Directorate and at least 1 research directorate of the Foundation.";

(2) by amending subparagraph (B) to read as follows:

"(B) In selecting projects under subparagraph (A)(i), the Director shall strive to increase the number of students studying toward and completing baccalaureate degrees, concentrations, or certificates in science, mathematics, engineering, or technology who are—

"(i) individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b); or

"(ii) graduates of a secondary school that is administered by a local educational agency that is receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) as a result of having within its jurisdiction concentrations of children from low income families.";

(3) in subparagraph (C)—

(A) by inserting "(i)" before "The types of";

(B) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively;

(C) by striking "under this paragraph" and inserting "under subparagraph (A)(i)"; and

(D) by adding at the end the following new clause:

"(ii) The types of activities the Foundation may support under subparagraph (A)(ii) include—

"(I) creating model curricula and laboratory programs;

"(II) developing and demonstrating research-based instructional methods and technologies;

"(III) developing methods to train graduate students and faculty to be more effective teachers of undergraduates;

"(IV) conducting programs to disseminate curricula, instructional methods, or training methods to faculty at the grantee institutions and at other institutions;

"(V) conducting assessments of the effectiveness of the Center at accomplishing the goals described in subparagraph (A)(ii); and

"(VI) conducting any other activities the Director determines will accomplish the goals described in subparagraph (A)(ii).";

(4) in subparagraph (D)(i), by striking "under this paragraph" and inserting "under subparagraph (A)(i)";

(5) in subparagraph (D)(ii), by striking "under this paragraph" and inserting "under subparagraph (A)(i)";

(6) after subparagraph (D)(iii), by adding at the end the following new clause:

"(iv) A grant under subparagraph (A)(ii) shall be awarded for 5 years, and the Director may extend such a grant for up to 2 additional 3 year periods.";

(7) in subparagraph (E), by striking "under this paragraph" both places it appears and inserting "under subparagraph (A)(i)";

(8) by redesignating subparagraph (F) as subparagraph (J); and

(9) by inserting after subparagraph (E) the following new subparagraphs:

"(F) Grants awarded under subparagraph (A)(ii) shall be carried out by a department or departments of science, mathematics, or engineering at institutions of higher education (or a consortia thereof), which may partner with education faculty. Applications for awards under subparagraph (A)(ii) shall be submitted to the Director at such time, in such manner, and containing such information as the Director may require. At a minimum, the application shall include—

"(i) a description of the activities to be carried out by the Center;

"(ii) a plan for disseminating programs related to the activities carried out by the Center to faculty at the grantee institution and at other institutions;

"(iii) an estimate of the number of faculty, graduate students (if any), and undergraduate students who will be affected by the activities carried out by the Center; and

"(iv) a plan for assessing the effectiveness of the Center at accomplishing the goals described in subparagraph (A)(ii).

"(G) In evaluating the applications submitted under subparagraph (F), the Director shall consider, at a minimum—

"(i) the ability of the applicant to effectively carry out the proposed activities, including the dissemination activities described in subparagraph (C)(ii)(IV); and

"(ii) the extent to which the faculty, staff, and administrators of the applicant institution are committed to improving undergraduate science, mathematics, and engineering education.

"(H) In awarding grants under subparagraph (A)(ii), the Director shall endeavor to ensure that a wide variety of science, technology, engineering, and mathematics fields and types of institutions of higher education, including 2-year colleges and minority-serving institutions, are covered, and that—

"(i) at least 1 Center is housed at a Doctoral/Research University as defined by the Carnegie Foundation for the Advancement of Teaching; and

"(ii) at least 1 Center is focused on improving undergraduate education in an interdisciplinary area.

"(I) The Director shall convene an annual meeting of the awardees under this paragraph to foster collaboration and to disseminate the results of the Centers and the other activities funded under this paragraph.".

(b) REPORT ON DATA COLLECTION.—Not later than 180 days after the date of enactment of this Act, the Director shall transmit to Congress a report on how the Director is determining whether current grant recipients in the Science, Technology, Engineering, and Mathematics Talent Expansion Program are making satisfactory progress as required by section 8(7)(D)(ii) of the National Science Foundation Authorization Act of 2002 and what funding actions have been taken as a result of the Director's determinations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the program described in paragraph (7) of section 8 of the

National Science Foundation Authorization Act of 2002—

(1) $44,000,000 for fiscal year 2008, of which $4,000,000 shall be for the grants described in subparagraph (A)(ii) of that paragraph;

(2) $55,000,000 for fiscal year 2009, of which $10,000,000 shall be for the grants described in subparagraph (A)(ii) of that paragraph;

(3) $60,000,000 for fiscal year 2010, of which $10,000,000 shall be for the grants described in subparagraph (A)(ii) of that paragraph;

(4) $60,000,000 for fiscal year 2011, of which $10,000,000 shall be for the grants described in subparagraph (A)(ii) of that paragraph; and

(5) $60,000,000 for fiscal year 2012, of which $10,000,000 shall be for the grants described in subparagraph (A)(ii) of that paragraph.

SEC. 206. HIGH-NEED LOCAL EDUCATIONAL AGENCY DEFINITION.

Section 4(8) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended to read as follows:

"(8) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency that—

"(A) is receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) as a result of having within its jurisdiction concentrations of children from low income families; and

"(B) is experiencing a shortage of highly qualified teachers, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), in the fields of science, mathematics, or engineering.".

SEC. 207. TEACHER LEADERS.

The National Science Foundation Authorization Act of 2002 is amended—

(1) in section 4(11)—

(A) by striking "MASTER TEACHER" and inserting "TEACHER LEADER";

(B) by striking "master teacher" and inserting "teacher leader"; and

(C) in subparagraph (E), by striking "master teachers" and inserting "teacher leaders"; and

(2) in section 9—

(A) in subsection (a)(3)(E), by striking "master teachers" and inserting "teacher leaders"; and

(B) in subsection (a)(4)—

(i) by striking "MASTER TEACHERS" and inserting "TEACHER LEADERS"; and

(ii) by striking "master teachers" each place it appears and inserting "teacher leaders".

SEC. 208. LABORATORY SCIENCE PILOT PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) To remain competitive in science and technology in the global economy, the United States must increase the number of students graduating from high school prepared to pursue postsecondary education in science, technology, engineering, and mathematics.

(2) There is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that laboratory experience is so integral to the nature of science that it must be included in every science program for every science student.

(3) In America's Lab Report, the National Research Council concluded that the current quality of laboratory experiences is poor for most students and that educators and researchers do not agree on how to define high school science laboratories or on their purpose, hampering the accumulation of research on how to improve labs.

(4) The National Research Council found that schools with higher concentrations of non-Asian minorities and schools with higher concentrations of poor students are less likely to have adequate laboratory facilities than other schools.

(5) The Government Accountability Office reported that 49.1 percent of schools where the minority student population is greater than 50.5 percent reported not meeting functional requirements for laboratory science well or at all.

(6) 40 percent of those college students who left the science fields reported some problems related to high school science preparation, including lack of laboratory experience and no introduction to theoretical or to analytical modes of thought.

(7) It is in the national interest for the Federal Government to invest in research and demonstration projects to improve the teaching of laboratory science in the Nation's high schools.

(b) GRANT PROGRAM.—Section 8(8) of the National Science Foundation Authorization Act of 2002 is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively;

(2) by inserting "(A)" before "A program of competitive"; and

(3) by inserting at the end the following new subparagraphs:

"(B) In accordance with subparagraph (A)(v), the Director shall establish a research pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to improve laboratories and provide instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

"(i) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

"(ii) maintenance, renovation, and improvement of laboratory facilities;

"(iii) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science academic achievement standards;

"(iv) training in laboratory safety for school personnel;

"(v) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

"(vi) assessment of the activities funded under this subparagraph.

"(C) Grants may be made under subparagraph (B) only to a partnership—

"(i) for a project that includes significant teacher training and professional development components; or

"(ii) that establishes that appropriate teacher training and professional development is being addressed, or has been addressed, through other means.

"(D) Grants awarded under subparagraph (B) shall be to a partnership that—

"(i) includes an institution of higher education or a community college;

"(ii) includes a high-need local educational agency;

"(iii) includes a business or eligible nonprofit organization; and

"(iv) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

"(E) The Federal share of the cost of activities carried out using amounts from a grant under subparagraph (B) shall not exceed 50 percent.

"(F) The Director shall require grant recipients to submit a report to the Director on the results of the project supported by the grant.".

(c) REPORT.—The Director shall evaluate the effectiveness of activities carried out under the research pilot projects funded by the grant program established pursuant to the amendment made by subsection (b) in improving student performance in mathematics, science, engineering, and technology. A report documenting the results of that evaluation shall be submitted to the Committee on Science and Technology of the House of Representatives and the Committees on Commerce, Science, and Transportation and on Health, Education, Labor, and Pensions of the Senate not later than 5 years after the date of enactment of this Act. The report shall identify best practices and materials developed and demonstrated by grant awardees.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section and the amendments made by this section $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

SEC. 209. STUDY ON LABORATORY EQUIPMENT DONATIONS FOR SCHOOLS.

Not later than 2 years after the date of enactment of this Act, the Director shall transmit a report to the Congress examining the extent to which institutions of higher education are donating used laboratory equipment to elementary and secondary schools. The Director, in consultation with the Secretary of Education, shall survey institutions of higher education to determine—

(1) how often, how much, and what type of equipment is donated;

(2) what criteria or guidelines the institutions are using to determine what types of equipment can be donated, what condition the equipment should be in, and which schools receive the equipment;

(3) whether the institutions provide any support to, or follow-up with the schools; and

(4) how appropriate donations can be encouraged.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–105. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–105.

Mr. GORDON of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GORDON of Tennessee:

Page 12, line 22, page 13, line 2, and page 13, line 4, redesignate paragraphs (22), (23), and (24) as paragraphs (24), (26), and (27), respectively.

Page 12, after line 21, insert the following new paragraphs:

(22) in subsection (e)—

(A) by inserting "or section 10A" after "under this section"; and

(B) in paragraph (1) by inserting "or section 10A" after "subsection (d)";

(23) in subsection (f)(1), by inserting "or section 10A" after "under this section";

Page 13, after line 1, insert the following new paragraph:

(25) in subsection (h), by inserting "or section 10A" after "under this section";

Page 13, line 3, insert "and" after the semicolon.

Page 13, lines 7 and 9, redesignate subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively.

Page 13, after line 6, insert the following new subparagraph:

(B) in paragraph (5), by inserting "or section 10A" after "subsection (d)";

Page 15, line 12, redesignate subsection (b) as subsection (c).

Page 15, after line 11, insert the following new subsection:

(b) SPECIAL PARTNERSHIP PROGRAM FOR STIPENDS.—The National Science Foundation Authorization Act of 2002 is amended by inserting after section 10 the following new section:

"SEC. 10A. SPECIAL PARTNERSHIP PROGRAM FOR STIPENDS.

"(a) IN GENERAL.—As part of the Robert Noyce Teacher Scholarship Program established under section 10, the Director shall establish a separate type of award for eligible entities described in subsection (b). Stipends under this section shall be available only to mathematics, science, and engineering professionals who, while receiving the stipend, are enrolled in a program to receive certification or licensing to teach.

"(b) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an institution of higher education (or consortia of such institutions) shall enter into a partnership with one or more private sector nonprofit organizations, local or State government organizations, and businesses. The members of the partnership shall provide the teaching supplements described in subsection (f).

"(c) USE OF GRANTS.—Grants provided under this section shall be used by institutions of higher education or consortia to develop and implement a program to encourage science, mathematics, or engineering professionals to become qualified as mathematics and science teachers, through—

"(1) administering stipends in accordance with this section;

"(2) offering academic courses and field teaching experiences designed to prepare stipend recipients to teach in elementary and secondary schools, including such preparation as is necessary to meet the requirements for certification or licensing; and

"(3) offering programs to stipend recipients, both during and after matriculation in the program for which the stipend is received, to enable recipients to become better mathematics and science teachers, to fulfill the service requirements of this section, and to exchange ideas with others in their fields.

"(d) SELECTION PROCESS.—

"(1) MERIT REVIEW.—Grants shall be provided under this section on a competitive, merit-reviewed basis.

"(2) APPLICATIONS.—An eligible institution of higher education or consortium seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

"(A) a description of the program that the applicant intends to operate, including the number of stipends the applicant intends to award, the type of activities proposed for the recruitment of students to the program, and the amount of the teaching supplements to be provided in accordance with subsection (f);

"(B) a description of the selection process that will be used in awarding stipends, including a description of the rigorous, nationally recognized test that will be administered during the selection process in order to determine whether individuals applying for stipends have advanced content knowledge of science or mathematics;

"(C) evidence that the applicant has the capability to administer the program in accordance with the provisions of this section, which may include a description of any existing programs at the applicant's institution that are targeted to the education of mathematics and science teachers and the number of teachers graduated annually from such programs;

"(D) a description of the academic courses and field teaching experiences described in subsection (c)(2), including—

"(i) a description of an educational program that will enable a student to obtain teacher certification or licensing within 16 months; and

"(ii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which field teaching experiences will occur;

"(E) a description of the programs described in subsection (c)(3), including activities to assist new teachers in fulfilling their service requirements under this section; and

"(F) evidence that the partnership will provide the teaching supplements required under subsection (f).

"(3) CRITERIA.—In evaluating the applications submitted under paragraph (2), the Director shall consider, at a minimum—

"(A) the ability of the applicant to effectively carry out the program and to meet the requirement of subsection (f);

"(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognizes the specialized pedagogy required to teach mathematics and science effectively in elementary and secondary schools;

"(C) the extent to which the applicant is committed to making the program a central organizational focus;

"(D) the degree to which the proposed programming will enable stipend recipients to become successful mathematics and science teachers;

"(E) the number and quality of the students that will be served by the program; and

"(F) the ability of the applicant to recruit students who would otherwise not pursue a career in teaching.

"(e) STIPENDS.—Individuals shall be selected to receive stipends under this section primarily on the basis of their content knowledge of science or mathematics as demonstrated by their performance on a test designated in accordance with subsection (d)(2)(B). Among individuals demonstrating equivalent content knowledge, consideration may be given to financial need and to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

"(f) TEACHING SUPPLEMENTS.—The members of a partnership shall identify a source of non-Federal funding to provide salary supplements to individuals who participate in the program under this section during the period of their service obligation under subsection (h).

"(g) AMOUNT AND DURATION.—Stipends under this section shall be not less than $10,000 per year, except that no individual shall receive for any year more than the cost of attendance at that individual's institution. Individuals may receive a maximum of 16 months of stipend support.

"(h) SERVICE OBLIGATION.—If an individual receives a stipend under this section, that individual shall be required to complete, within 6 years after completion of the educational program for which the stipend was awarded, 4 years of service as a mathematics or science teacher in a public secondary school.".

The CHAIRMAN. Pursuant to House Resolution 327, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

The Robert Noyce Teacher Scholarship Program at the National Science Foundation aims to increase the number of first-rate math and science teachers in the U.S.

The program targets two resources from which to recruit these teachers: one, undergraduates who are majoring in the math and science field; and, two, science and math engineering professionals who want to switch to a teaching degree.

The reported version of H.R. 362 considerably expands the Noyce program. It also amends a part of the program that targets undergraduates. But the part of the program that targets professionals was left for the most part unchanged. This amendment establishes within the Noyce program a new model for recruiting professionals to a teaching career.

This new model is based on a program called Math for America, which has shown astonishing success in making first-rate teachers out of former scientists and engineers. Math for America was launched in 2004 by James Simons, a mathematician who founded an enormously successful private investment firm in New York City.

Mr. Simon's philanthropic foundation has provided much of the funding for Math for America. This is just the third year of Math for America, but already they have recruited 90 teachers for New York City public schools. The math for America model has so much in common with the Noyce program at the National Science Foundation.

Consistent with the Math for America model, my amendment has the following features: An institution of higher education wishing to establish this new program must create a partnership with at least one non-Federal entity to be eligible for the NSF support; a scientist or engineer participating in the program must demonstrate advance content knowledge through a nationally recognized standardized test; participants take specialized education courses in a 16-month teacher certification program during which they receive a stipend; graduates from the program must teach in a secondary school for a period of 4 years, during which they receive a teaching supplement to their ordinary salary.

The teaching supplements are provided by the partnerships from non-Federal sources. This amendment, therefore, adds a component to the Noyce program to develop the kind of public/private partnership that we see working so well in Math for America.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I rise in support of the chairman's amendment. I know on this bill, H.R. 362, this is a perfect example of everything being said but not every one of us having an opportunity to say it. I rise in support of the amendment of Chairman GORDON and also the bill.

I can't improve on the words of the distinguished Speaker that we heard from just a few minutes ago, but I do want to applaud and support this H.R. 362, 10,000 Teachers, 10,000 Minds Science and Math Scholarship Act, and certainly applaud Chairman GORDON and Ranking Member HALL and the work that they have done. I am proud to be a member of the Science and Technology Committee and to see this come to the floor today.

☐ 1615

The National Academy released a report, Mr. Chairman, entitled "Rising Above the Gathering Storm" that looked at the ways in which the Federal Government could enhance our country's science and technology enterprise so that we can continue to compete and prosper in the global marketplace. The commission arrived at one outstanding and alarming conclusion: American students are falling behind in the areas of science, technology, engineering, and math, sometimes referred to as STEM.

In response to this sobering reality, the report recommends vastly improving the K–12 science and math programs in classrooms across the country in order to increase America's talent pool. We talk about raising the level of H–1B visas, doubling them. That might be part of the solution, Mr. Chairman, but we need to develop our homegrown talent. Early education is crucial in getting children not only excited about math and science, but adequately prepared to pursue these fields later in life. And I strongly believe by recruiting, retaining, and training better educators in these fields more students will want to attend college in the areas of science, technology, and math. And that is the key to keeping America competitive in the ever-increasing technological global marketplace.

The 10,000 Teachers, 10 Million Minds Science and Math Scholarship program begins to remedy this situation by implementing a variety of action items recommended by this report. First, H.R. 362 seeks to raise both the quantity and quality of math and science teachers in America by increasing the number and amount of grants available to teachers and students who pursue continuing education in these fields. It also increases grants within a program at the National Science Foundation that provides financial aid to students who make a commitment to teach after college.

Mr. Chairman, I firmly believe this legislation is a good first step to address this impending crisis of America's workforce. I am again proud to support the bill, to support Chairman GORDON's amendment. I respectfully ask my colleagues on both sides of the aisle to do the same.

Mr. HALL of Texas. Mr. Chairman, I certainly from a policy standpoint don't have an issue with the amendment; in fact, I think it might go a long way in enticing retired STEM professionals to get their teacher's certification and to put their many years of expertise to work in the K–12 classroom, educating and inspiring our next generation of scientists, engineers, and mathematicians. I support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, in conclusion, I want to thank Dr. GINGREY for his support for this bill and, more importantly, his constructive role that he plays on the Science and Technology Committee. Again, I want to thank Mr. HALL for his constructive role, and also for his generosity in having additional time for us.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–105.

Mr. GORDON of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GORDON of Tennessee:

Page 8, line 16, after paragraph (4), insert the following new paragraph:

"(5) AWARDS.—In awarding grants under this section, the Director shall endeavor to ensure that the recipients are from a variety of types of institutions of higher education. In support of this goal, the Director shall broadly disseminate information about when and how to apply for grants under this section, including by conducting outreach to Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3)))."

Page 12, line 9, insert the following sentence at the end of paragraph (5): "The Director shall establish and maintain a central clearinghouse of information on teaching opportunities available in high-need local educational agencies throughout the United States, which shall be made available to individuals having a service obligation under this section.".

The CHAIRMAN. Pursuant to House Resolution 327, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

The Noyce program at the National Science Foundation has up to now required scholarship recipients to teach in high-need schools. H.R. 362 substantially expands the program, scaling it up from fewer than 1,000 pre-service STEM teachers per year to 10,000 per year.

The Noyce program is being scaled up by H.R. 362 to address the needs of schools in all parts of the Nation which have large numbers of out-of-field STEM teachers. For example, the percentage of physical science teachers in middle schools with neither a major in the field nor certification is nearly 90 percent.

As part of enlarging the program's scale, the bill also removes the requirement that all graduates teach in a high-need school. But the bill also adds in its place an incentive for teachers to serve in high-need schools. The amendment I am proposing makes clear that we are not backing away from our firm commitment to address the requirements of high-need schools.

The amendment has two provisions. The first provision requires the NSF to broadly disseminate information about the program, including to Historically Black Colleges and Universities. This is to ensure that students in minority schools have improved chances of seeing a minority teacher prepared through a Noyce program.

The second provision requires the foundation to maintain a clearinghouse on teaching opportunities in high-need schools. This will assist Noyce scholars in finding their ideal placement.

Without this amendment, Noyce scholars seeking placement might not know which schools meet the definition of high-need in any given year or which such schools have openings.

This amendment will both help increase the number of individuals from minority-serving institutions who participate in the Noyce program and will help recruit Noyce scholars to teaching positions in high-need schools. I recommend adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I urge my colleagues to join me in supporting this amendment, which the chairman has already described.

Mr. Chairman, I yield the balance of my time to Dr. Ehlers, the gentleman from Michigan.

Mr. EHLERS. I thank the gentleman for yielding.

Mr. Chairman, I do support this amendment and I think we should approve it, but I would like to spend the majority of my time discussing the previous amendment which we already accepted. I would like to make a point in connection with that. A very good part of that amendment is that it provides an additional stipend for teachers during their 4-year service requirement.

We have a major problem in America with math and science teachers; in fact, we have a major problem with a lot of teachers who do not stick with their field. We just don't have the retention rate we should. But that is especially true of good math and science teachers because the market out there for them is tremendous. Frequently, they can double their salary by going into industry, and at the very least they can increase their salary by 40 or 50 percent. It is very difficult for the schools to compete with that, although I have argued for years we should have a salary differential for those teachers who have very strong economic incentives to leave the teaching profession and to go into another job.

We simply have to meet the market, and unfortunately that has not been the tradition in the schools. I think we should establish that. If you don't meet the market, you are going to lose your best teachers, and we certainly don't want to lose them after all the work we have done through these various scholarships to develop good teachers.

So I strongly support the part of the Noyce amendment No. 2 which Chairman GORDON offered, and I hope that we can work, not just within this Congress but within this Nation, with the teachers, the school boards, and the teachers unions to develop a system that recognizes that a mechanism is needed to meet the market for those teachers who are offered large inducements to leave the teaching profession and go to another field.

I simply wanted to make that point in connection with the first amendment simply because that amendment is a start in the right direction, and I hope we can carry that principle onward.

I appreciate Chairman GORDON offering the amendment, and I hope that we can continue along that path in future bills relating to the subject.

Mr. GORDON of Tennessee. Mr. Chairman, I would like to once again thank Dr. EHLERS for his support for this bill, but more importantly for making a good bill a better bill.

Mr. Chairman, I yield 1 minute to the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me thank Mr. EHLERS as well as Mr. GORDON for accepting this amendment, and I fully support it and I fully support the bill.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. SALAZAR, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 362) to authorize science scholarships for educating mathematics and science teachers, and for other purposes, pursuant to House Resolution 327, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOEKSTRA. In its present form, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoekstra moves to recommit the bill, H.R. 362, to the Committee on Science and Technology with instructions to report back the same forthwith with an amendment. The amendment is as follows:

Amend section 204 to read as follows:

SEC. 204. CURRICULA.

Nothing in this Act, or the amendments made by this Act, shall be construed to limit the authority of State governments or local school boards to determine the curricula of their students.

Mr. GORDON of Tennessee. Madam Speaker, I reserve a point of order on the motion to recommit.

The SPEAKER pro tempore. The gentleman from Tennessee reserves a point of order.

The gentleman from Michigan is recognized for 5 minutes.

Mr. HOEKSTRA. Madam Speaker, I offer this motion to recommit with instructions. My motion to recommit addresses a glaring inconsistency in this bill with all other Federal education laws by removing a provision that moves us in the direction of national standards and curriculum and puts those decisions back in the hands where they belong, in the hands of our State and local education leaders and, most importantly, parents.

Education in this country has always been predominantly a State and local issue, and within that context parents had a protected right to direct their children's education.

Even in the years after the passage of No Child Left Behind, the Federal contribution towards educating our children continues to be less than 10 percent, with States, counties, cities, and towns, actually parents and their local communities, providing over 90 percent of their funding to educate the next generation.

It is not only appropriate but imperative that the Federal law prevents the Federal Government from telling States and districts and schools what and how they should teach.

For example, the No Child Left Behind Act prohibits the Federal Government from mandating, directing, reviewing, or controlling a State, district, or school's choice of instructional content or curriculum.

In addition, No Child Left Behind strictly prohibits the Department of Education from endorsing, approving, or sanctioning any curriculum for an elementary or secondary school.

The rationale behind these provisions is important. As a Nation, we believe that the people closest to our children should make the decision as to what works best.

☐ 1630

Children learn differently. Some are visual learners. Some learn best from listening. Others need hands-on opportunities. While there are some things that work well for some groups of children, determining definitively what works at the national level for all children is absurd. Therefore, when the Federal Government says that these five, 10 or 15 specific science curricula are most effective, it is implicitly telling States, districts and schools that they should use these identified options, irrespective of whether that is what is best for their students or their area.

Case in point is the current debate regarding the implementation of Reading First. There are allegations that some States and districts took information from technical assistance center employees and, to be fair, some department employees, to be implied endorsements of specific programs, believing that those were the only programs that would be funded under Reading First.

No one seems happy about the outcome, yet this underlying bill would create another panel to provide "recommendations" that it then requires the Director of NSF and the Secretary of Education to disseminate.

Take a look at this motion to recommit. Very simple. Nothing in this act or the amendments made by this act shall be construed to limit the authority of State governments or local school boards to determine the curricula of their students. It very clearly states and adds the clarifying language that it is the State and local school districts' responsibility and accountability for developing and approving the most appropriate, the most effective teaching methods and the most effective content.

This Congress has long taken the position that we do not want to develop national curriculum and national standards. This Congress has consistently taken the position that we need and want local control of our schools.

I urge my colleagues to vote for this motion to recommit, to once again say that parents and local school districts, the ones who know the needs and the names of our children in their schools, are the ones in the best position to make the decisions as to what will happen in the classrooms in their local schools.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Does the gentleman from Tennessee insist on his point of order?

Mr. GORDON of Tennessee. Madam Speaker, this motion simply states the status quo, and we are glad to accept it.

The SPEAKER pro tempore. Does the gentleman withdraw his point of order?

Mr. GORDON of Tennessee. Yes, he does.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOEKSTRA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic passage on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 408, nays 4, not voting 20, as follows:

[Roll No. 253]

YEAS—408

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—4

Abercrombie
Crowley
Pascrell
Slaughter

NOT VOTING—20

Bilirakis
Boucher
Brady (PA)
Buyer
Cubin
Davis, Jo Ann
Fattah
Fossella
Hastert
Hastings (FL)
Kennedy
King (NY)
Kirk
Lampson
Myrick
Olver
Poe
Rangel
Sutton
Westmoreland

☐ 1658

Ms. SLAUGHTER and Mr. ABERCROMBIE changed their vote from "yea" to "nay."

Messrs. JOHNSON of Georgia, ELLISON, SHADEGG, NUNES, and ROTHMAN changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

Mr. OBEY submitted the following conference report and statement on the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes:

CONFERENCE REPORT (H. REPT. 110–107)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1591), "making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $460,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 1101. There is hereby appropriated $40,000,000 to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used to replenish the Bill Emerson Humanitarian Trust.

CHAPTER 2

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $1,648,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,450,000, to remain available until September 30, 2008.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,736,000, to remain available until September 30, 2008.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $268,000,000, of which $258,000,000 is to remain available until September 30, 2008 and $10,000,000 is to remain available until expended to implement corrective actions in response to the findings and recommendations in the Department of Justice Office of Inspector General report entitled, "A Review of the Federal Bureau of Investigation's Use of National Security Letters", of which $500,000 shall be transferred to and merged with "Department of Justice, Office of the Inspector General".

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $12,166,000, to remain available until September 30, 2008.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2008.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $17,000,000, to remain available until September 30, 2008.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $8,853,350,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $1,100,410,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,495,827,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,218,587,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $147,244,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $86,023,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $5,660,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $11,573,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $545,286,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $44,033,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $20,373,379,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $4,676,670,000, of which up to $120,293,000 shall be transferred to Coast Guard, "Operating Expenses", for reimbursement for activities which support activities requested by the Navy.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operdtion and Maintenance, Marine Corps", $1,146,594,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $6,650,881,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,714,487,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $74,049,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $111,066,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $13,591,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $10,160,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $83,569,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $38,429,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for "Afghanistan Security Forces Fund", $5,906,400,000, to remain available until September 30, 2008.

IRAQ SECURITY FORCES FUND

For an additional amount for "Iraq Security Forces Fund", $3,842,300,000, to remain available until September 30, 2008.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $355,600,000, to remain available for transfer until September 30, 2008: Provided, That up to $50,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for "Joint Improvised Explosive Device Defeat Fund",

$2,432,800,000, to remain available until September 30, 2009.

STRATEGIC RESERVE READINESS FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided in this or any other Act, for training, operations, repair of equipment, purchases of equipment, and other expenses related to improving the readiness of non-deployed United States military forces, $2,000,000,000, to remain available until September 30, 2009; of which $1,000,000,000 shall be transferred to "National Guard and Reserve Equipment" for the purchase of equipment for the Army National Guard; and of which $1,000,000,000 shall be transferred by the Secretary of Defense only to appropriations for military personnel, operation and maintenance, procurement, and defense working capital funds to accomplish the purposes provided herein: Provided, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the Secretary of Defense shall, not fewer than thirty days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfers made pursuant to this authority: Provided further, That funds shall be transferred to the appropriation accounts not later than 120 days after the enactment of this Act: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $619,750,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $111,473,000, to remain available until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $3,404,315,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $681,500,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $11,076,137,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $1,090,287,000, to remain available until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $163,813,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $159,833,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $748,749,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $2,252,749,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $2,106,468,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $94,900,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $6,000,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $2,096,200,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $980,050,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $100,006,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $298,722,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $187,176,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $512,804,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,315,526,000.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,000,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $3,251,853,000; of which $2,802,153,000 shall be for operation and maintenance, including $600,000,000 which shall be available for the treatment of Traumatic Brain Injury and Post Traumatic Stress Disorder and remain available until September 30, 2008; of which $118,000,000 shall be for procurement, to remain available until September 30, 2009; and of which $331,700,000 shall be for research, development, test and evaluation, to remain available until September 30, 2008: Provided, That if the Secretary of Defense determines that funds made available herein for the treatment of Traumatic Brain Injury and Post Traumatic Stress Disorder are in excess to the requirements of the Department of Defense he may transfer amounts in excess of that requirement to the Department of Veterans Affairs to be available only for the same purpose.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $254,665,000, to remain available until expended.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for "Intelligence Community Management Account", $71,726,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Appropriations provided in this chapter are available for obligation until September 30, 2007, unless otherwise provided in this chapter.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: Provided further, That funds previously transferred to the "Joint Improvised Explosive Device Defeat Fund" and the "Iraq Security Forces Fund" under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this chapter, or made available by the transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

(TRANSFER OF FUNDS)

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this chapter under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan and Pakistan: Provided, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commanders' Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. Section 9010 of division A of Public Law 109–289 is amended by striking "2007" each place it appears and inserting "2008".

SEC. 1309. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" in this chapter may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1310. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking "$310,277,000" and inserting "$376,446,000".

SEC. 1311. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 1312. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 1313. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2008. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the three-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund".

SEC. 1314. None of the funds appropriated or otherwise made available by this chapter may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

SEC. 1315. Not more than 85 percent of the funds appropriated in this chapter for operation and maintenance shall be available for obligation unless and until the Secretary of Defense submits to the congressional defense committees a report detailing the use of Department of Defense funded service contracts conducted in the theater of operations in support of United States military and reconstruction activities in Iraq and Afghanistan: Provided, That the report shall provide detailed information specifying the number of contracts and contract costs used to provide services in fiscal year 2006, with sub-allocations by major service categories: Provided further, That the report also shall include estimates of the number of contracts to be executed in fiscal year 2007: Provided further, That the report shall include the number of contractor personnel in Iraq and Afghanistan funded by the Department of Defense: Provided further, That the report shall be submitted to the congressional defense committees not later than August 1, 2007.

SEC. 1316. Section 1477 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "A death gratuity" and inserting "Subject to subsection (d), a death gratuity";

(2) by redesignating subsection (d) as subsection (e) and, in such subsection, by striking "If an eligible survivor dies before he" and inserting "If a person entitled to all or a portion of a death gratuity under subsection (a) or (d) dies before the person"; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) During the period beginning on the date of the enactment of this subsection and ending on September 30, 2007, a person covered by section 1475 or 1476 of this title may designate another person to receive not more than 50 percent of the amount payable under section 1478 of this title. The designation shall indicate the percentage of the amount, to be specified only in 10 percent increments up to the maximum of 50 percent, that the designated person may receive. The balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with paragraphs (1) through (5) of subsection (a).".

SEC. 1317. Section 9007 of Public Law 109–289 is amended by striking "20" and inserting "287".

SEC. 1318. INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLDOVER PERSONNEL. (a) PERIODIC INSPECTION REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.

(2) Where appropriate, standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—

(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to the congressional defense committees a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) where appropriate, standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

SEC. 1319. From funds made available for the "Iraq Security Forces Fund" for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

SEC. 1320. INDEPENDENT ASSESSMENT OF CAPABILITIES OF IRAQI SECURITY FORCES. (a) IN GENERAL.—Of the amount appropriated or otherwise made available for the Department of Defense, $750,000 is provided to commission an independent, private-sector entity, which operates as a 501(c)(3) with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(1) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12–18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(2) The training; equipping; command, control and intelligence capabilities; and logistics capacity of the ISF.

(3) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (1).

(b) REPORT.—Not later than 120 days after passage of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations, and Intelligence.

SEC. 1321. AWARD OF MEDAL OF HONOR TO WOODROW W. KEEBLE FOR VALOR DURING KOREAN WAR. (a) WAIVER OF TIME LIMITATIONS.—Notwithstanding any applicable time limitation under section 3744 of title 10, United States Code, or any other time limitation with respect to the award of certain medals to individuals who served in the Armed Forces, the President may award to Woodrow W. Keeble the Medal of Honor under section 3741 of that title for the acts of valor described in subsection (b).

(b) ACTS OF VALOR.—The acts of valor referred to in subsection (a) are the acts of Woodrow W. Keeble, then-acting platoon leader, carried out on October 20, 1951, during the Korean War.

(TRANSFER OF FUNDS)

SEC. 1322. Of the amount appropriated under the heading "Other Procurement, Army", in title III of division A of Public Law 109–148, $6,250,000 shall be transferred to "Military Construction, Army".

(TRANSFER OF FUNDS)

SEC. 1323. Notwithstanding any other provision of law, not to exceed $110,000,000 may be transferred to the "Economic Support Fund", Department of State, for use in programs in Pakistan from amounts appropriated by this Act as follows:

"Military Personnel, Army", $70,000,000;

"National Guard Personnel, Army", $13,183,000; and

"Defense Health Program", $26,817,000.

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $150,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1401. The Administrator of the National Nuclear Security Administration is authorized to transfer up to $1,000,000 from Defense Nuclear Nonproliferation to the Office of the Administrator during fiscal year 2007 supporting nuclear nonproliferation activities.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

ANALYSIS AND OPERATIONS

For an additional amount for "Analysis and Operations", $15,000,000, to remain available until September 30, 2008, to be used for support of the State and Local Fusion Center program.

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $115,000,000, to remain available until September 30, 2008, to be used to increase the number of officers, intelligence analysts and support staff responsible for container security inspections, and for other efforts to improve supply chain security: Provided, That up to $5,000,000 shall be transferred to Federal Law Enforcement Training Center "Salaries and Expenses", for basic training costs.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", for air and marine operations on the Northern Border, including the final Northern Border air wing, $120,000,000, to remain available until September 30, 2008.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $10,000,000, to remain available until September 30, 2008.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for "Aviation Security", $970,000,000; of which $815,000,000 shall be for procurement and installation of checked baggage explosives detection systems, to remain available until expended; of which $45,000,000 shall be for expansion of checkpoint explosives detection pilot systems, to remain available until expended; and of which $110,000,000 shall be for air cargo security, to remain available until September 30, 2009.

FEDERAL AIR MARSHALS

For an additional amount for "Federal Air Marshals", $8,000,000, to remain available until September 30, 2008.

NATIONAL PROTECTION AND PROGRAMS

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For an additional amount for "Infrastructure Protection and Information Security", $37,000,000, to remain available until September 30, 2008.

OFFICE OF HEALTH AFFAIRS

For an additional amount for "Office of Health Affairs" for nuclear event public health assessment and planning and other activities, $15,000,000, to remain available until September 30, 2008.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For expenses for management and administration of the Federal Emergency Management Agency, $25,000,000, to remain available until September 30, 2008: Provided, That none of such funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: Provided further, That unobligated amounts in the "Administrative and Regional Operations" and "Readiness, Mitigation, Response, and Recovery" accounts shall be transferred to "Management and Administration" and may be used for any purpose authorized for such amounts and subject to limitation on the use of such amounts.

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $552,500,000; of which $190,000,000 shall be for port security grants pursuant to section 70107(l) of title 46 United States Code; of which $325,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants; of which $35,000,000 shall be for regional grants and regional technical assistance to high risk urban areas for catastrophic event planning and preparedness; and of which $2,500,000 shall be for technical assistance: Provided, That none of the funds made available under this heading may be obligated for such regional grants and regional technical assistance until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: Provided further, That funds for such regional grants and regional technical assistance shall remain available until September 30, 2008.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for "Emergency Management Performance Grants", $100,000,000.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for expenses of "United States Citizenship and Immigration Services" to address backlogs of security checks associated with pending applications and petitions, $10,000,000, to remain available until September 30, 2008: Provided, That none of the funds made available under this heading shall be available for obligation until the Secretary of Homeland Security, in consultation with the United States Attorney General, submits to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for "Research, Development, Acquisition, and Operations" for air cargo security research, $10,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for "Research, Development, and Operations" for non-container, rail, aviation and intermodal radiation detection activities, $39,000,000, to remain available until expended.

SYSTEMS ACQUISITION

For an additional amount for "Systems Acquisition", $223,500,000, to remain available until expended: Provided, That none of the funds appropriated under this heading shall be obligated for full scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1501. (a) AMENDMENTS.—Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by:

(1) in subsection (c), by striking "consistent with similar" and inserting "identical to the protections given";

(2) in subsection (c), by striking ", site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material" and inserting "and site security plans shall be treated as sensitive security information (as that term is used in section 1520.5 of title 49, Code of Federal Regulations, or any subsequent regulations relating to the same matter)"; and

(3) by adding at the end of the section the following:

"(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State.".

(b) REGULATORY CLARIFICATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall update the regulations administered by the Secretary that govern sensitive security information, including 49 CFR 1520, to ensure the protection of all information required to be protected under section 550(c) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), as amended by paragraph (a).

SEC. 1502. None of the funds provided in this Act, or Public Law 109–295, shall be available to carry out section 872 of Public Law 107–296.

SEC. 1503. LINKING OF AWARD FEES UNDER DEPARTMENT OF HOMELAND SECURITY CONTRACTS TO SUCCESSFUL ACQUISITION OUTCOMES. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

CHAPTER 6

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,437,000, as follows:

ALLOWANCES AND EXPENSES

For an additional amount for allowances and expenses as authorized by House resolution or law, $6,437,000 for business continuity and disaster recovery, to remain available until expended.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Government Accountability Office, $374,000, to remain available until September 30, 2008.

CHAPTER 7

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,255,890,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $173,700,000 shall be available for study, planning, design, and architect and engineer services: Provided further, That of the funds made available under this heading, $369,690,000 shall not be obligated or expended until the Secretary of Defense submits a detailed report explaining how military road construction is coordinated with NATO and coalition nations: Provided further, That of the funds made available under this heading, $401,700,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Army end-strength growth to the Committees on Appropriations of the House of Representatives and Senate: Provided further, That of the funds provided under this heading, $274,800,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $370,990,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $49,600,000 shall be available for study, planning, design, and architect and engineer services: Provided further, That of the funds made available under this heading, $324,270,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Marine Corps end-strength growth to the Committees on Appropriations of the House of Representatives and Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $43,300,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $3,000,000 shall be available for study, planning, design, and architect and engineer services.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended: Provided, That within 30 days of the enactment of this Act, the Secretary of Defense shall submit a detailed spending plan to the Committees on Appropriations of the House of Representatives and Senate.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1701. Notwithstanding any other provision of law, none of the funds in this or any other Act may be used to close Walter Reed Army Medical Center until equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped: Provided, That to ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately funded, to include necessary renovation and maintenance of existing facilities, to maintain the maximum level of inpatient and outpatient services.

SEC. 1702. Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to reorganize or relocate the functions of the Armed Forces Institute of Pathology (AFIP) until the Secretary of Defense has submitted, not later than December 31, 2007, a detailed plan and timetable for the proposed reorganization and relocation to the Committees on Appropriations and Armed Services of the Senate and House of Representatives. The plan shall take into consideration the recommendations of a study being prepared by the Government Accountability Office (GAO), provided that such study is available not later than 45 days before the date specified in this section, on the impact of dispersing selected functions of AFIP among several locations, and the possibility of consolidating those functions at one location. The plan shall include an analysis of the options for the location and operation of the Program Management Office for second opinion consults that are consistent with the recommendations of the Base Realignment and Closure Commission, together with the rationale for the option selected by the Secretary.

CHAPTER 8

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", $870,658,000, to remain available until September 30, 2008, of which $96,500,000 for World Wide Security Upgrades is available until expended: Provided, That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: Provided further, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected *results, for fiscal years 2007 and 2008: Provided further, That of the amount available under this heading, $258,000 shall be transferred to, and merged with, funds available in fiscal year 2007 for expenses for the United States Commission on International Religious Freedom: Provided further, That 20 percent of the amount available for Iraq operations shall not be obligated until the Committees on Appropriations receive and approve a detailed plan for expenditure, prepared by the Secretary of State, and submitted within 60 days after the date of enactment of this Act: Provided further, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading "Emergencies in the Diplomatic and Consular Service" for emergency evacuations: Provided further, That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for terrorism rewards.*

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $36,500,000, to remain available until December 31, 2008: Provided, That $35,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $20,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $50,000,000, to remain available until September 30, 2008.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $288,000,000, to remain available until September 30, 2008.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Child Survival and Health Programs Fund", $161,000,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, if the President determines and reports to the Committees on Appropriations that the human-to-human transmission of the avian influenza virus is efficient and sustained, and is spreading internationally, funds made available under the heading "Millennium Challenge Corporation" and "Global HIV/AIDS Initiative" in prior Acts making appropriations for foreign operations, export financing, and related programs may be transferred to, and merged with, funds made available under this heading to combat avian influenza: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $165,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $8,700,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $3,500,000, to remain available until September 30, 2008.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $2,649,300,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, $57,400,000 shall be made available to nongovernmental organizations in Iraq for economic and social development programs and activities in areas of conflict: Provided further, That the responsibility for policy decisions and justifications for the use of funds appropriated by the previous proviso shall be the responsibility of the United States Chief of Mission in Iraq: Provided further, That none of the funds appropriated under this heading in this Act or in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available for the Political Participation Fund and the National Institutions Fund: Provided further, That of the funds made available under the heading "Economic Support Fund" in Public Law 109–234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 should be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for "Assistance for Eastern Europe and the Baltic States", $229,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $260,000,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than $190,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, and not less than $60,000,000 shall be made available for the United States Agency for International Development, for democracy, human rights and rule of law programs in Iraq: Provided further, That not later than 60 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", $257,000,000, to remain available until September 30, 2008.

Of the amounts made available for procurement of a maritime patrol aircraft for the Colombian Navy under this heading in Public Law 109–234, $13,000,000 are rescinded.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $130,500,000, to remain available until September 30, 2008, of which not less than $5,000,000 shall be made available to rescue Iraqi scholars.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $55,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $57,500,000, to remain available until September 30, 2008.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for "International Affairs Technical Assistance", $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $265,000,000, to remain available until September 30, 2008.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $230,000,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than $40,000,000 shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance for Liberia for security sector reform: Provided further, That not later than 30 days after enactment of this Act and every 30 days thereafter until September 30, 2008, the Secretary of State shall submit a report to the Committees on Appropriations detailing the obligation and expenditure of funds made available under this heading in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs.

GENERAL PROVISIONS—THIS CHAPTER

AUTHORIZATION OF FUNDS

SEC. 1801. Funds appropriated by this title may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

EXTENSION OF OVERSIGHT AUTHORITY

SEC. 1802. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), is amended by inserting "or fiscal year 2007" after "fiscal year 2006".

LEBANON

SEC. 1803. (a) LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR LEBANON.—None of the funds made available in this Act under the *heading "Economic Support Fund" for cash transfer assistance for the Government of Lebanon may be made available for obligation until the Secretary of State reports to the Committees on Appropriations on Lebanon's economic reform plan and on the specific conditions and verifiable benchmarks that have been agreed upon by the United States and the Government of Lebanon pursuant to the Memorandum of Understanding on cash transfer assistance for Lebanon.*

(b) LIMITATION ON FOREIGN MILITARY FINANCING PROGRAM AND INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE FOR LEBANON.—None of the funds made available in this Act under the heading "Foreign Military Financing Program" or "International Narcotics Control and Law Enforcement" for military or police assistance to Lebanon may be made available for obligation until the Secretary of State submits to the Committees on Appropriations a report on procedures established to determine eligibility of members and units of the armed forces and police forces of Lebanon to participate in United States training and assistance programs and on the end use monitoring of all equipment provided under such programs to the Lebanese armed forces and police forces.

(c) CERTIFICATION REQUIRED.—Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings "Foreign Military Financing Program" and "Nonproliferation, Anti-Terrorism, Demining and Related Programs", the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

(d) REPORT REQUIRED.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on the Government of Lebanon's actions to implement section 14 of United Nations Security Council Resolution 1701 (August 11, 2006).

(e) SPECIAL AUTHORITY.—This section shall be effective notwithstanding section 534(a) of Public Law 109–102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5).

DEBT RESTRUCTURING

SEC. 1804. Amounts appropriated for fiscal year 2007 for "Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring" may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 1805. To facilitate effective oversight of programs and activities in Iraq by the Government Accountability Office (GAO), the Department of State shall provide GAO staff members the country clearances, life support, and logistical and security support necessary for GAO personnel to establish a presence in Iraq for periods of not less than 45 days.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 1806. The Assistant Secretary of State for Democracy, Human Rights, and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 1807. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the "Inspector General") may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 1 additional year.

(3) Not more than 10 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2007. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FUNDING TABLES

SEC. 1808. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

"Diplomatic and Consular Programs".

"Economic Support Fund".

"Democracy Fund".

"International Narcotics Control and Law Enforcement".

"Migration and Refugee Assistance".

(b) Any proposed increases or decreases to the amounts contained in the tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1809. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter, except for funds appropriated under the heading "International Disaster and Famine Assistance": Provided, That funds appropriated under the headings in this chapter, except for funds appropriated under the heading named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

CONDITIONS ON ASSISTANCE FOR PAKISTAN

SEC. 1810. None of the funds made available for assistance for the central Government of Pakistan under the heading "Economic Support Fund" in this title may be made available for non-project assistance until the Secretary of State submits to the Committees on Appropriations a report on the oversight mechanisms, performance benchmarks, and implementation processes for such funds: Provided, That notwithstanding any other provision of law, funds made available for non-project assistance pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds made available for assistance for Pakistan under the heading "Economic Support Fund" in this title, $5,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, for political party development and election observation programs.

CIVILIAN RESERVE CORPS

SEC. 1811. Of the funds appropriated by this Act under the heading "Diplomatic and Consular Programs", up to $50,000,000 may be made available to support and maintain a civilian reserve corps: Provided, That none of the funds for a civilian reserve corps may be obligated without specific authorization in a subsequent Act of Congress: Provided further, That funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

COORDINATOR FOR IRAQ ASSISTANCE

SEC. 1812. (a) COORDINATOR FOR IRAQ ASSISTANCE.—Not later than 30 days after the date of the enactment of this Act, the President shall appoint a Coordinator for Iraq Assistance (hereinafter in this section referred to as the "Coordinator"), by and with the advice and consent of the Senate, who shall report directly to the President.

(b) DUTIES.—The Coordinator shall be responsible for—

(1) Developing and implementing an overall strategy for political, economic, and military assistance for Iraq;

(2) Coordinating and ensuring coherence of Iraq assistance programs and policy among all departments and agencies of the Government of the United States that are implementing assistance programs in Iraq, including the Department of State, the United States Agency for International Development, the Department of Defense, the Department of the Treasury, and the Department of Justice;

(3) Working with the Government of Iraq in meeting the benchmarks described in section 1904(a) of this Act in order to ensure Iraq continues to be eligible to receive United States assistance described in such section;

(4) Coordinating with other donors and international organizations that are providing assistance for Iraq;

(5) Ensuring adequate management and accountability of United States assistance programs for Iraq;

(6) Resolving policy and program disputes among departments and agencies of the United States Government that are implementing assistance programs in Iraq; and

(7) Coordinating United States assistance programs with the reconstruction programs funded and implemented by the Government of Iraq.

(c) RANK AND STATUS.—The Coordinator shall have the rank and status of ambassador.

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

SEC. 1901. (a) Congress finds that it is Defense Department policy that units should not be deployed for combat unless they are rated "fully mission capable".

(b) None of the funds appropriated or otherwise made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the chief of the military department concerned has certified in writing to the Committees on Appropriations and the Committees on Armed Services at least 15 days in advance of the deployment that the unit is fully mission capable.

(c) For purposes of subsection (b), the term "fully mission capable" means capable of performing assigned mission essential tasks to prescribed standards under the conditions expected in the theater of operations, consistent with the guidelines set forth in the Department of Defense readiness reporting system.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the deployment to Iraq of a unit that is not assessed fully mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the chief of the military department's assessment that the unit is not fully mission capable, may waive the limitation prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1902. (a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the extension of a unit's deployment in Iraq beyond the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's extended deployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1903. (a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days or that Marine Corps and Marine Corps Reserve units should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the redeployment of a unit to Iraq in advance of the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's redeployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

SEC.1904. (a) The President shall make and transmit to Congress the following determinations, along with reports in classified and unclassified form detailing the basis for each determination, on or before July 1, 2007:

(1) whether the Government of Iraq has given United States Armed Forces and Iraqi Security Forces the authority to pursue all extremists, including Sunni insurgents and Shiite militias, and is making substantial progress in delivering necessary Iraqi Security Forces for Baghdad and protecting such Forces from political interference; intensifying efforts to build balanced security forces throughout Iraq that provide even-handed security for all Iraqis; ensuring that Iraq's political authorities are not undermining or making false accusations against members of the Iraqi Security Forces; eliminating militia control of local security; establishing a strong militia disarmament program; ensuring fair and just enforcement of laws; establishing political, media, economic, and service committees in support of the Baghdad Security Plan; and eradicating safe havens;

(2) whether the Government of Iraq is making substantial progress in meeting its commitment to pursue reconciliation initiatives, including enactment of a hydro-carbon law; adoption of legislation necessary for the conduct of provincial and local elections; reform of current laws governing the de-Baathification process; amendment of the Constitution of Iraq; and allocation of Iraqi revenues for reconstruction projects;

(3) whether the Government of Iraq and United States Armed Forces are making substantial progress in reducing the level of sectarian violence in Iraq; and

(4) whether the Government of Iraq is ensuring the rights of minority political parties in the Iraqi Parliament are protected.

(b) If the President fails to make any of the determinations specified in subsection (a), the Secretary of Defense shall commence the redeployment of the Armed Forces from Iraq no later than July 1, 2007, with a goal of completing such redeployment within 180 days.

(c) If the President makes the determinations specified in subsection (a), the Secretary of Defense shall commence the redeployment of the Armed Forces from Iraq not later than October 1, 2007, with a goal of completing such redeployment within 180 days.

(d) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this or any other Act are immediately available for obligation and expenditure to plan and execute a safe and orderly redeployment of the Armed Forces from Iraq, as specified in subsections (b) and (c).

(e) After the conclusion of the redeployment specified in subsections (b) and (c), the Secretary of Defense may not deploy or maintain members of the Armed Forces in Iraq for any purpose other than the following:

(1) Protecting American diplomatic facilities and American citizens, including members of the U.S. armed forces;

(2) Serving in roles consistent with customary diplomatic positions;

(3) Engaging in targeted special actions limited in duration and scope to killing or capturing members of al-Qaeda and other terrorist organizations with global reach; and

(4) Training and equipping members of the Iraqi Security Forces.

(f) Notwithstanding any other provision of law, 50 percent of the funds appropriated by title I of this Act for assistance to Iraq under each of the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" shall be withheld from obligation until the President has made a certification to Congress that the Government of Iraq has enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis; adopted legislation necessary for the conduct of provincial and local elections, taken steps to implement such legislation, and set a schedule to conduct provincial and local elections; reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws; amended the Constitution of Iraq consistent with the principles contained in Article 137 of such constitution; and allocated and begun expenditure of $10,000,000,000 in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

(g) The requirement to withhold funds from obligation pursuant to subsection (f) shall not apply with respect to funds made available under the heading "Economic Support Fund" for continued support for the Community Action Program and Community Stabilization Program in Iraq administered by the United States Agency for International Development or for programs and activities to promote democracy in Iraq.

(h) Beginning on September 1, 2007, and every 60 days thereafter, the Commander, Multi-National Forces—Iraq and the United States Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail the current progress being made by the Government of Iraq regarding the criteria set forth in subsection (a).

TITLE II

ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

SEC. 2101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended by striking "During calendar year 2006, the" and inserting "The".

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, notwithstanding the provisions of section 511 of said Act, $50,000,000, to remain available until expended: Provided, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricanes Katrina and Rita: Provided further, That these funds shall be apportioned among the States in quotient to their level of violent crime as estimated by the Federal Bureau of Investigation's Uniform Crime Report for the year 2005.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", for necessary expenses related to the consequences of Hurricanes Katrina and Rita on the shrimp and fishing industries, $110,000,000, to remain available until September 30, 2008.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for "Exploration Capabilities" for necessary expenses related to the consequences of Hurricane Katrina, $35,000,000, to remain available until September 30, 2009.

GENERAL PROVISION—THIS CHAPTER

Sec. 2201. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109–234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $25,300,000, to remain available until expended, which may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $1,407,700,000, to remain available until expended: Provided, That $1,300,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading "Flood Control and Coastal Emergencies", in chapter 3 of Public Law 109–148: Provided further, That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled "Mississippi, Coastal Improvements Program Interim Report, Hancock, Harrison, and Jackson Counties, Mississippi": Provided further, That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing for all costs associated with operation and maintenance of the project: Provided further, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of the Act.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2301. The Secretary is authorized and directed to determine the value of eligible reimbursable expenses incurred by local governments in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area that the Secretary determines to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

Sec. 2302. (a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading "Flood Control and Coastal Emergencies" for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized, subject to the approval of the House and Senate Committees on Appropriation.

Sec. 2303. The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue canals in the New Orleans area directed for construction in Public Law 109–234 concurrently or in series with existing pumping stations serving these canals and the advantages, disadvantages and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges; and the advantages, disadvantages and technical operational effectiveness of replacing or improving the floodwalls and levees adjacent to the three outfall canals: Provided, That the analysis should be conducted at Federal expense: Provided further, That the analysis shall be completed and furnished to the Congress not later than three months after enactment of this Act.

Sec. 2304. Using funds made available in Chapter 3 under title II of Public Law 109–234, under the heading "Investigations", the Secretary of the Army, in consultation with other agencies and the State of Louisiana shall accelerate completion as practicable the final report of the Chief of Engineers recommending a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf Outlet: Provided, That the plan shall incorporate and build upon the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006 pursuant to Public Law 109–234.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

Disaster Loans Program Account

(INCLUDING TRANSFER OF FUNDS)

Of the unobligated balances under the heading "Small Business Administration, Disaster Loans Program Account", $25,069,000, to remain available until expended, shall be used for administrative expenses to carry out the disaster loan program, which may be transferred to and merged with "Small Business Administration, Salaries and Expenses".

Of the unobligated balances under the heading "Small Business Administration, Disaster Loans Program Account", $25,000,000 shall be used for loans under section 7(b)(2) of the Small Business Act for businesses located in an area for which the President declared a major disaster because of the hurricanes in the Gulf of Mexico in calendar year 2005, of which not to exceed $8,750,000 is for direct administrative expenses and may be transferred to and merged with "Small Business Administration, Salaries and Expenses" to carry out the disaster loan program of the Small Business Administration.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Relief", $4,610,000,000, to remain available until expended: Provided, That $4,000,000 shall be transferred to "Office of Inspector General".

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2501. (a) In General.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Florida, Alabama, and Texas in connection with Hurricanes Katrina, Wilma, Dennis, and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(b) Applicability.—The Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

Sec. 2502. (a) Community Disaster Loan Act.—

(1) In general.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88) is amended by striking "Provided further, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:".

(2) Effective date.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88).

(b) Emergency Supplemental Appropriations Act.—

(1) In general.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended under Federal Emergency Management Agency, "Disaster Assistance Direct Loan Program Account" by striking "Provided further, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:".

(2) Effective date.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

Sec. 2503. (a) In General.—Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended by striking "12 months" and inserting "24 months".

(b) Effective Date.—The amendment made by this section shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

CHAPTER 6

DEPARTMENT OF THE INTERIOR

National Park Service

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina *and other hurricanes of the 2005 season, $10,000,000, to remain available until September 30, 2008: Provided, That the funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: Provided further, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: Provided further, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: Provided further, That individual grants shall not be subject to a non-Federal matching requirement: Provided further, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.*

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 2601. Of the disaster relief funds from Public Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, "National Park Service—Historic Preservation Fund", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season that were allocated to the State of Mississippi by the National Park Service, $500,000 is hereby transferred to the "National Park Service—National Recreation and Preservation" appropriation: Provided, That these funds may be used to reconstruct destroyed properties that at the time of destruction were listed in the National Register of Historic Places and are otherwise qualified to receive these funds: Provided further, That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, the property is iconic to or essential to illustrating that community's historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.

CHAPTER 7

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For an additional amount under part B of title VII of the Higher Education Act of 1965 ("HEA") for institutions of higher education (as defined in section 101 or section 102(c) of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to Hurricanes Katrina or Rita, $30,000,000: Provided, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: Provided further, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA.

HURRICANE EDUCATION RECOVERY

For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama primarily for recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators, who commit to work for at least three years in school-based positions in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness, with priority given to teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators who previously worked or lived in one of the affected areas, are currently employed (or become employed) in such a school in any of the affected areas after those disasters, and commit to continue that employment for at least 3 years, Provided, That funds available under this heading to such States may also be used for 1 or more of the following activities: (1) to build the capacity, knowledge, and skill of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (2) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school-based school principals, assistant principals, principal resident directors, and assistant directors; and (3) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: Provided further, That the Secretary of Education shall allocate amounts available under this heading among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 19 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the State Superintendent of Education: Provided further, That, in the case of any State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act, and in collaboration with local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, the State educational agency shall develop a plan for a rating system for performance bonuses, and if no agreement has been reached that is satisfactory to all consulting entities by such deadline, the State educational agency shall immediately send a letter notifying Congress and shall, not later than 30 days after such notification, establish and implement a rating system that shall be based on classroom observation and feedback more than once annually, conducted by multiple sources (including, but not limited to, principals and master teachers), and evaluated against research-based rubrics that use planning, instructional, and learning environment standards to measure teacher performance, except that the requirements of this proviso shall not apply to a State that has enacted a State law in 2006 authorizing performance pay for teachers.

PROGRAMS TO RESTART SCHOOL OPERATIONS

Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e), for the following costs: (1) recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators for school-based positions in public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness; (2) activities to build the capacity, knowledge, and skills of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (3) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and school-based school principals, assistant principals, principal resident directors, and assistant directors; and (4) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2 701. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: "With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008."

SEC. 2 702. Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading "Social Services Block Grant" in division B of Public Law 109–148 shall be available for expenditure by the States through the end of fiscal year 2009.

SEC. 2 703. (a) In the event that Louisiana, Mississippi, Alabama, or Texas fails to meet its match requirement with funds appropriated in fiscal years 2006 or 2007, for fiscal years 2008 and 2009, the Secretary of Health and Human Services may waive the application of section 2617(d)(4) of the Public Health Service Act for Louisiana, Mississippi, Alabama, and Texas.

(b) The Secretary may not exercise the waiver authority available under subsection (a) to allow a grantee to provide less than a 25 percent matching grant.

(c) For grant years beginning in 2008, Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas shall comply with each of the applicable requirements under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $682,942,000, to remain available until expended: Provided, That section 125(d)(1) of title 23, United States Code, shall not apply to emergency relief projects that respond to damage caused by the 2005–2006 winter storms in the State of California: Provided further, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $682,942,000 are rescinded: Provided further, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricanes Katrina and Rita, $35,000,000, for the operating and capital costs of transit services, to remain available until expended: Provided, That the Federal share for any project funded from this amount shall be 100 percent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $7,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. The third proviso under the heading "Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance" in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) is amended by striking "for up to 18 months" and inserting "until December 31, 2007".

SEC. 2802. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the third proviso: ": Provided further, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies specified in category 1 below shall receive funding for calendar year 2007 based on the higher of the amounts the agencies would receive under the previous proviso or the amounts the agencies received in calendar year 2006, and public housing agencies specified in categories 2 and 3 below shall receive funding for calendar year 2007 equal to the amounts the agencies received in calendar year 2006, except that public housing agencies specified in categories 1 and 2 below shall receive funding under this proviso only if, and to the extent that, any such public housing agency submits a plan, approved by the Secretary, that demonstrates that the agency can effectively use within 12 months the funding that the agency would receive under this proviso that is in addition to the funding that the agency would receive under the previous proviso: (1) public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) or are located in the same counties as those eligible under section 901 and operate voucher programs under section 8(o) of the U.S. Housing Act of 1937 but do not operate public housing under section 9 of such Act, and any public housing agency that otherwise qualifies under this category must demonstrate that they have experienced a loss of rental housing stock as a result of the 2005 hurricanes; (2) public housing agencies that would receive less funding under the previous proviso than they would receive under this proviso and that have been placed in receivership or the Secretary has declared to be in breach of an Annual Contributions Contract by June 1, 2007; and (3) public housing agencies that spent more in calendar year 2006 than the total of the amounts of any such public housing agency's allocation amount for calendar year 2006 and the amount of any such public housing agency's available housing assistance payments undesignated funds balance from calendar year 2005 and the amount of any such public housing agency's available administrative fees undesignated funds balance through calendar year 2006".

SEC. 2803. Section 901 of Public Law 109–148 is amended by deleting "calendar year 2006" and inserting "calendar years 2006 and 2007".

TITLE III

OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $60,400,000, to remain available until September 30, 2008: Provided, That the National Marine Fisheries Service shall cause such amounts to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" to dredge navigation channels related to the consequences of hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law, $150,000,000, to remain available until expended: Provided, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of the Act.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", $18,000,000, to remain available until expended for drought assistance: Provided, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for the implementation of a nationwide initiative to increase protection of national forest lands from drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISION—THIS CHAPTER

SEC. 3301. (a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, *or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.*

(b) There is appropriated $425,000,000, to remain available until December 31, 2007, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking "2006" and "2007" each place they appear and inserting "2007" and "2008", respectively.

CHAPTER 4

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000 for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories: Provided, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: Provided further, That the amount provided under this heading shall remain available until September 30, 2008.

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out activities under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109–148), $50,000,000, to remain available until expended.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)), $200,000,000.

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $200,000,000.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, $625,000,000, to remain available until expended: Provided, That this amount shall be for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided further, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)), $25,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING RESCISSIONS)

SEC. 3401. (a). From unexpended balances available for the Training and Employment Services account under the Department of Labor, the following amounts are hereby rescinded:

(1) $3,589,000 transferred pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38);

(2) $834,000 transferred pursuant to the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211); and

(3) $71,000 for the Consortium for Worker Education pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117).

(b) From unexpended balances available for the State Unemployment Insurance and Employment Service Operations account under the Department of Labor pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117), $4,100,000 are hereby rescinded.

SEC. 3402. (a) For an additional amount under "Department of Education, Safe Schools and Citizenship Education", $8,594,000 shall be available for Safe and Drug-Free Schools National Programs for competitive grants to local educational agencies to address youth violence and related issues.

(b) The competition under subsection (a) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965.

CHAPTER 5

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for "Capitol Power Plant", $50,000,000, for utility tunnel repairs and asbestos abatement, to remain available until September 30, 2011: Provided, That the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives.

CHAPTER 6

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $466,778,000, to remain available until expended, of which $30,000,000 shall be for the establishment of at least one new Level I comprehensive polytrauma center; $9,440,000 shall be for the establishment of polytrauma residential transitional rehabilitation programs; $10,000,000 shall be for additional transition caseworkers; $20,000,000 shall be for substance abuse treatment programs; $20,000,000 shall be for readjustment counseling; $10,000,000 shall be for blind rehabilitation services; $100,000,000 shall be for enhancements to mental health services; $8,000,000 shall be for polytrauma support clinic teams; $5,356,000 shall be for additional polytrauma points of contact; $228,982,000 shall be for treatment of Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $25,000,000 shall be for prosthetics.

MEDICAL ADMINISTRATION

For an additional amount for "Medical Administration", $250,000,000, to remain available until expended.

MEDICAL FACILITIES

For an additional amount for "Medical Facilities", $595,000,000, to remain available until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma network sites; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: Provided, That the amount provided under this heading for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation: Provided further, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan, by project, for non-recurring maintenance prior to obligation: Provided further, That semi-annually, on October 1 and April 1, the Secretary shall submit to the Committees on Appropriations of both Houses of Congress a report on the status of funding for non-recurring maintenance, including obligations and unobligated balances for each project identified in the expenditure plan.

MEDICAL AND PROSTHETIC RESEARCH

For an additional amount for "Medical and Prosthetic Research", $32,500,000, to remain available until expended, which shall be used for research related to the unique medical needs of returning Operation Enduring Freedom and Operation Iraqi Freedom veterans.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "General Operating Expenses", $83,200,000, to remain available until expended, of which $1,250,000 shall be for digitization of military records; $60,750,000 shall be for expenses related to hiring and training new claims processing personnel; up to $1,200,000 for an independent study of the organizational structure, management and coordination processes, including seamless transition, utilized by the Department of Veterans Affairs to provide health care and benefits to active duty personnel and veterans, including those returning Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $20,000,000 shall be for disability examinations: Provided, That not to exceed $1,250,000 of the amount appropriated under this heading may be transferred to the Department of Defense for the digitization of military records used to verify stressors for benefits claims.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $35,100,000, to remain available until expended, of which $20,000,000 shall be for information technology support and improvements for processing of Operation Enduring Freedom and Operation Iraqi Freedom veterans benefits claims, including making electronic Department of Defense medical records available for claims processing and enabling electronic benefits applications by veterans; and $15,100,000 shall be for electronic data breach remediation and prevention.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, Minor Projects", $326,000,000, to remain available until expended, of which up to $36,000,000 shall be for construction costs associated with the establishment of polytrauma residential transitional rehabilitation programs.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 3601. The Director of the Congressional Budget Office shall, not later than November 15, 2007, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting appropriations necessary for the Departments of Defense and Veterans Affairs to continue providing necessary health care to veterans of the conflicts in Iraq and Afghanistan. The projections should span several scenarios for the duration and number of forces deployed in Iraq and Afghanistan, and more generally, for the long-term health care needs of deployed troops engaged in the global war on terrorism over the next ten years.

Sec. 3602. Notwithstanding any other provision of law, appropriations made by Public Law 110–5, which the Secretary of Veterans Affairs contributes to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 8111(d) of title 38, United States Code, shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

Sec. 3603. (a)(1) Notwithstanding any other provision of law, the Secretary of Veterans Affairs (referred to in this section as the "Secretary") may convey to the State of Texas, without consideration, all right, title, and interest of the United States in and to the parcel of real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

(2) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.

(b) In carrying out the conveyance under subsection (a), the Secretary—

(1) shall not be required to comply with, and shall not be held liable under, any Federal law (including a regulation) relating to the environment or historic preservation; but

(2) may, at the discretion of the Secretary, conduct environmental cleanup on the parcel to be conveyed, at a cost not to exceed $500,000, using amounts made available for environmental cleanup of sites under the jurisdiction of the Secretary.

TITLE IV

OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Farm Service Agency

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Farm Service Agency, $37,500,000, to remain available until September 30, 2008: Provided, That this amount shall only be available for network and database/application stabilization.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 4101. Of the funds made available through appropriations to the Food and Drug Administration for fiscal year 2007, not less than $4,000,000 shall be for the Office of Women's Health of such Administration.

Sec. 4102. None of the funds made available to the Department of Agriculture for fiscal year 2007 may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

Sec. 4201. Hereafter, federal employees at the National Energy Technology Laboratory shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

Sec. 4202. Prohibition on Certain Uses of Funds by BPA. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the "Administrator") or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

Sec. 4301. (a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is amended by striking "January 1, 2006" and inserting "March 1, 2008".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

Sec. 4302. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110–5) may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

Sec. 4303. From the amount provided by section 21067 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

Sec. 4304. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2509 (Public Law 109–115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.

Sec. 4305. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall prepare and submit to the Senate Committee on Appropriations, the House Committee on Appropriations, the Senate Committee on Banking, Housing, and Urban Affairs, the House Committee on Financial Services, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee a written report, which may include a classified annex, containing the names of companies which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, are known to conduct significant business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals. The reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan.

(b) Not later than 45 days following the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction as required above, the General Services Administration shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress which may include a classified annex, regarding the companies, nature of the contract, and dollar amounts involved.

(INCLUDING RESCISSION)

Sec. 4306. (a) Of the funds provided for the General Services Administration, "Office of Inspector General" in section 21061 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $4,500,000 are rescinded.

(b) For an additional amount for the General Services Administration, "Office of Inspector General", $4,500,000, to remain available until September 30, 2008.

Sec. 4307. Section 21073 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) is amended by adding a new subsection (j) as follows:

"(j) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this division for 'Federal Payment for Foster Care Improvement in the District of Columbia' shall be available in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment.".

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

GENERAL PROVISIONS—THIS CHAPTER

Sec. 4401. Not to exceed $30,000,000 from unobligated balances remaining from prior appropriations for United States Coast Guard, "Retired Pay", shall remain available until expended in the account and for the purposes for which the appropriations were provided, including the payment of obligations otherwise chargeable to lapsed or current appropriations for this purpose.

Sec. 4402. (a) In General.—Any contract, subcontract, task or delivery order described in subsection (b) shall contain the following:

(1) A requirement for a technical review of all designs, design changes, and engineering change proposals, and a requirement to specifically address all engineering concerns identified in the review before the obligation of further funds may occur.

(2) A requirement that the Coast Guard maintain technical warrant holder authority, or the equivalent, for major assets.

(3) A requirement that no procurement subject to subsection (b) for lead asset production or the implementation of a major design change shall be entered into unless an independent third party with no financial interest in the development, construction, or modification of any component of the asset, selected by the Commandant, determines that such action is advisable.

(4) A requirement for independent life-cycle cost estimates of lead assets and major design and engineering changes.

(5) A requirement for the measurement of contractor and subcontractor performance based on the status of all work performed. For contracts under the Integrated Deepwater Systems program, such requirement shall include a provision that links award fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(6) A requirement that the Commandant of the Coast Guard assign an appropriate officer or employee of the Coast Guard to act as chair of each integrated product team and higher-level team assigned to the oversight of each integrated product team.

(7) A requirement that the Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under a procurement subject to subsection (b) unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions or the head of contracting activity for the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(b) CONTRACTS, SUBCONTRACTS, TASK AND DELIVERY ORDERS COVERED.—Subsection (a) applies to—

(1) any major procurement contract, first-tier subcontract, delivery or task order entered into by the Coast Guard;

(2) any first-tier subcontract entered into under such a contract;

(3) any task or delivery order issued pursuant to such a contract or subcontract.

(c) EXPENDITURE OF DEEPWATER FUNDS.—Of the funds available for the Integrated Deepwater Systems program, $650,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan directly from the Coast Guard that—

(1) defines activities, milestones, yearly costs, and life-cycle costs for each procurement of a major asset, including an independent cost estimate for each;

(2) identifies life-cycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

(3) identifies competition to be conducted in each procurement;

(4) describes procurement plans that do not rely on a single industry entity or contract;

(5) contains very limited indefinite delivery/indefinite quantity contracts and explains the need for any indefinite delivery/indefinite quantity contracts;

(6) complies with all applicable acquisition rules, requirements, and guidelines, and incorporates the best systems acquisition management practices of the Federal Government;

(7) complies with the capital planning and investment control requirements established by the Office of Management and Budget, including circular A-11, part 7;

(8) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department of Homeland Security that the Coast Guard has established sufficient controls and procedures and has sufficient staffing to comply with all contracting requirements, and that any conflicts of interest have been sufficiently addressed;

(9) includes a description of the process used to act upon deviations from the contractually specified performance requirements and clearly explains the actions taken on such deviations;

(10) includes a certification that the Assistant Commandant of the Coast Guard for Engineering and Logistics is designated as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater Systems program; and

(11) identifies progress in complying with the requirements of subsection (a).

(d) REPORTS.—(1) Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: (i) a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater Systems program; and (ii) a report on how the Coast Guard will utilize full and open competition for any contract that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater Systems program, entered into after the date of enactment of this Act; and (2) within 30 days following the submission of the expenditure plan required under subsection (c), the Government Accountability Office shall review the plan and brief the Committees on Appropriations of the Senate and the House of Representatives on its findings.

SEC. 4403. None of the funds provided in this Act or any other Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, the Coast Guard Academy and the Coast Guard Research and Development Center, except as specifically authorized by a statute enacted after the date of enactment of this Act.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 4404. (a) RESCISSIONS.—The following unobligated balances made available pursuant to section 505 of Public Law 109–90 are rescinded: $1,200,962 from the "Office of the Secretary and Executive Management"; $512,855 from the "Office of the Under Secretary for Management"; $461,874 from the "Office of the Chief Information Officer"; $45,080 from the "Office of the Chief Financial Officer"; $968,211 from Preparedness "Management and Administration"; $1,215,486 from Science and Technology "Management and Administration"; $450,000 from United States Secret Service "Salaries and Expenses"; $450,000 from Federal Emergency Management Agency "Administrative and Regional Operations"; and $25,595,532 from United States Coast Guard "Operating Expenses".

(b) ADDITIONAL APPROPRIATIONS.—

(1) For an additional amount for United States Coast Guard "Acquisition, Construction, and Improvements", $30,000,000, to remain available until September 30, 2009, to mitigate the Service's patrol boat operational gap; and

(2) For an additional amount for the "Office of the Under Secretary for Management", $900,000, for an independent study to compare the Department of Homeland Security senior career and political staffing levels and senior career training programs with those of similarly structured cabinet-level agencies.

SEC. 4405. (a) IN GENERAL.—With respect to contracts entered into after June 1, 2007, and except as provided in subsection (b), no entity performing lead system integrator functions in the acquisition of a major system by the Department of Homeland Security may have any direct financial interest in the development or construction of any individual system or element of any system of systems.

(b) EXCEPTION.—An entity described in subsection (a) may have a direct financial interest in the development or construction of an individual system or element of a system of systems if—

(1) the Secretary of Homeland Security certifies to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Commerce, Science and Transportation of the Senate that—

(A) the entity was selected by the Department of Homeland Security as a contractor to develop or construct the system or element concerned through the use of competitive procedures; and

(B) the Department took appropriate steps to prevent any organizational conflict of interest in the selection process; or

(2) the entity was selected by a subcontractor to serve as a lower-tier subcontractor, through a process over which the entity exercised no control.

(c) CONSTRUCTION.—Nothing in this section shall be construed to preclude an entity described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

(d) REGULATIONS UPDATE.—Not later than June 1, 2007, the Secretary of Homeland Security shall update the acquisition regulations of the Department of Homeland Security in order to specify fully in such regulations the matters with respect to lead system integrators set forth in this section. Included in such regulations shall be (1) a precise and comprehensive definition of the term "lead system integrator", modeled after that used by the Department of Defense, and (2) a specification of various types of contracts and fee structures that are appropriate for use by lead system integrators in the production, fielding, and sustainment of complex systems.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: "; and of which, not to exceed $143,628,000 shall be available for contract support costs under the terms and conditions contained in Public Law 109–54".

SEC. 4502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: ", of which not to exceed $7,300,000 shall be transferred to the 'Indian Health Facilities' account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $525,099,000; the amount in the ninth proviso shall be $269,730,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required".

SEC. 4503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after "$55,663,000" the following: "of which $13,000,000 shall be for Save America's Treasures".

SEC. 4504. Funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading "Land Acquisition" may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for "National Institute of Allergy and Infectious Diseases", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

OFFICE OF THE DIRECTOR

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for "Office of the Director", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $300,000, to remain available until expended, for necessary expenses related to the requirements of the Post-Katrina Emergency Management Reform Act of 2006, as enacted by the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

SEC. 4601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after "$5,000,000": "(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost), to remain available through September 30, 2008.".

SEC. 4602. Section 20607 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting "of which $9,666,000 shall be for the Women's Bureau," after "for child labor activities,".

SEC. 4603. Of the amount provided for "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services" in the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $23,000,000 shall be for Poison Control Centers.

SEC. 4604. From the amounts made available by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $1,000,000 are rescinded.

SEC. 4605. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking "$7,172,994,000" and inserting "$7,176,431,000";

(2) amending subparagraph (A) to read as follows: "(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;"; and

(3) amending subparagraph (C) to read as follows: "(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;".

SEC. 4606. The provision in the first proviso under the heading "Rehabilitation Services and Disability Research" in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section 4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

SEC. 4607. Notwithstanding sections 20639 and 20640 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,360,000 from the account under the heading "National and Community Service Programs, Operating Expenses" under the heading "Corporation for National and Community Service", to the account under the heading "Salaries and Expenses" under the heading "Corporation for National and Community Service".

SEC. 4608. (a) Section 1310.12(a) of title 45, Code of Federal Regulations, shall take effect 30 days after the date of enactment of this Act.

(b)(1) Notwithstanding subsection (a), any vehicle used to transport children for a Head Start program as of January 1, 2007, shall not be subject to a requirement under such section (including a requirement based on the definitions set forth or referenced in section 1310.3 or any other provision set forth or referenced in part 1310 of such title, or any corresponding similar regulation or ruling) regarding rear emergency exit doors, for 1 year after that date of enactment.

(2) Not later than 60 days after the National Highway Traffic Safety Administration of the Department of Transportation submits its study on occupant protection on Head Start transit vehicles (related to Government Accountability Office report GAO–06–767R), the Secretary of Health and Human Services shall review and shall revise as necessary the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) relating to allowable alternate vehicles used to transport children for a Head Start program. In making any such revision, the Secretary shall revise the standards to be consistent with the findings contained in such study, including making a determination on the exemption of such a vehicle from Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, if such vehicle meets all other applicable Federal motor vehicle safety standards, including standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling).

(3) Notwithstanding subsection (a), until such date as the Secretary of Health and Human Services completes the review and any necessary revision specified in paragraph (2), the provisions of section 1310.12(a) relating to Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, for allowable alternate vehicles used to transport children for a Head Start program, shall not apply to such a vehicle if such vehicle meets all other applicable Federal motor vehicle safety standards, as described in paragraph (2).

CHAPTER 7

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Gloria W. Norwood, widow of Charles W. Norwood, Jr., late a Representative from the State of Georgia, $165,200.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

TECHNICAL AMENDMENT

SEC. 4801. (a) Notwithstanding any other provision of law, subsection (c) under the heading "Assistance for the Independent States of the Former Soviet Union" in Public Law 109–102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, division B) as amended by Public Laws 109–369, 109–383, and 110–5.

(b) Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended, in the second proviso, by inserting after "subsection (b) of that section" the following: "and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section".

(c) Subject to section 101(c)(2) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), the amount of funds appropriated for "Foreign Military Financing Program" pursuant to such Resolution shall be construed to be the total of the amount appropriated for such program by section 20401 of that Resolution and the amount made available for such program by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) which is made applicable to the fiscal year 2007 by the provisions of such Resolution.

SEC. 4802. Notwithstanding any provision of title I of division B of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 109–369, 109–383, and 110–5), the dollar amount limitation of the first proviso under the heading, "Administration of Foreign Affairs, Diplomatic and Consular Programs", in title IV of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2319) shall not apply to funds appropriated under such heading for fiscal year 2007.

CHAPTER 9

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $6,150,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to funds provided under this heading in Public Law 109–115: *Provided*, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4901. Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexican motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—

(1) granting such authority is first tested as part of a pilot program;

(2) such pilot program complies with the requirements of section 350 of Public Law 107–87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and

(3) simultaneous and comparable authority to operate within Mexico is made available to motor carriers domiciled in the United States.

SEC. 4902. Funds provided for the "National Transportation Safety Board, Salaries and Expenses" in section 21031 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) include amounts necessary to make lease payments due in fiscal year 2007 only, on an obligation incurred in 2001 under a capital lease.

SEC. 4903. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the second proviso: ": Provided further, That paragraph (2) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading 'Annual Contributions for Assisted Housing', the heading 'Housing Certificate Fund', and the heading 'Project-Based Rental Assistance' for fiscal year 2006 and prior fiscal years: Provided further, That paragraph (3) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $47,500,000: Provided further, That paragraph (4) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $5,900,000: Provided further, That paragraph (5) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance".

SEC. 4904. Section 232(b) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377) is amended to read as follows:

"(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) as in effect before such enactment, or under section 8(d)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(2)) as in effect before the enactment of the Quality Housing and Work Responsibility Act of 1998 (title V of Public Law 105–276), assistance may be renewed or extended under such section 8(o)(13), as amended by subsection (a), provided that the initial contract term and rent of such renewed or extended assistance shall be determined pursuant to subparagraphs (F) and (H), and subparagraphs (C) and (D) of such section shall not apply to such extensions or renewals.".

CHAPTER 10

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 4950. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DESIGNATION FOR TITLE I

SEC. 4951. Amounts in title I are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and as making appropriations for contingency operations directly related to the global war on terrorism and other unanticipated defense-related operations pursuant to section 402 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

EMERGENCY DESIGNATION FOR OTHER TITLES

SEC. 4952. Amounts in titles II, III, V, and VI are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE V

AGRICULTURAL ASSISTANCE

SEC. 5101. CROP DISASTER ASSISTANCE.

(a) ASSISTANCE AVAILABLE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make emergency financial assistance available to producers on a farm that incurred qualifying quantity or quality losses for the 2005 or 2006 crop, or that part of the 2007 crop year before February 28, 2007, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed planting), as determined by the Secretary. However, to be eligible for assistance, the crop subject to the loss must have been planted before February 28, 2007 or, in the case of prevented planting or other total loss, would have been planted before February 28, 2007 in the absence of the damaging weather or any related condition.

(b) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the 2005, 2006, or 2007 crop years, the producer shall elect to receive assistance under this section for losses incurred in only one of such crop years. The producer may not receive assistance under this section for more than one crop year.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (a), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (a) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary of Agriculture to determine quantity losses for the crop of the commodity under subsection (a).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (a), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to one or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the one or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary of Agriculture shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(f) ELIGIBILITY REQUIREMENTS AND LIMITATIONS.—The producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses; or

(3) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

(h) DEFINITIONS.—In this section:

(1) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 5102. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to carry out the livestock compensation program established under subpart B of part 1416 of title 7, Code of Federal Regulations, as announced by the Secretary on February 12, 2007 (72 Fed. Reg. 6443), to provide compensation for livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007). However, the payment rate for compensation under this subsection shall be 70 percent of the payment rate otherwise applicable under such program. In addition, section 1416.102(b)(2)(ii) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444) shall not apply.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) conducts a livestock operation that is located in a disaster county with eligible livestock specified in paragraph (1) of section 1416.102(a) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444), an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)), or other animals designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of paragraphs (3) and (4) of section 1416.102(a) of title 7, Code of Federal Regulations, and all other eligibility requirements established by the Secretary for the program.

(3) ELECTION OF LOSSES.—

(A) If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years, and such losses must have been incurred in a county declared or designated as a disaster county in that same calendar year.

(B) Producers may elect to receive compensation for losses in the calendar year 2007 grazing season that are attributable to wildfires occurring during the applicable period, as determined by the Secretary.

(4) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term "disaster county" means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make livestock indemnity payments to producers on farms that have incurred livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007) in a disaster county. To be eligible for assistance, applicants must meet all eligibility requirements established by the Secretary for the program.

(2) ELECTION OF LOSSES.—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years. The producer may not receive payments under this subsection for more than one calendar year.

(3) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(4) LIVESTOCK DEFINED.—In this subsection, the term "livestock" means an animal that—

(A) is specified in clause (i) of section 1416.203(a)(2) of title 7, Code of Federal Regulations (72 Fed. Reg. 6445), or is designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of clauses (iii) and (iv) of such section.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term "disaster county" means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

SEC. 5103. EMERGENCY CONSERVATION PROGRAM.

There is hereby appropriated to the Secretary of Agriculture $20,000,000, to remain available until expended, to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.) for the cleanup and restoration of farm and agricultural production lands.

SEC. 5104. PAYMENT LIMITATIONS.

(a) REDUCTION IN PAYMENTS TO REFLECT PAYMENTS FOR SAME OR SIMILAR LOSSES.—The amount of any payment for which a producer is eligible under sections 5101 and 5102 shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(b) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply with respect to assistance provided under sections 5101, 5102, and 5103.

SEC. 5105. ADMINISTRATION.

(a) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement sections 5101 and 5102.

(b) PROCEDURE.—The promulgation of the implementing regulations and the administration of sections 5101 and 5102 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) USE OF COMMODITY CREDIT CORPORATION; LIMITATION.—In implementing sections 5101 and 5102, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out sections 5101 and 5102 unless funds have been specifically appropriated for such purpose.

SEC. 5106. MILK INCOME LOSS CONTRACT PROGRAM.

Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding "and" at the end;

(2) in subparagraph (B), by striking "August" and all that follows through the end and inserting "September 30, 2007, 34 percent."; and

(3) by striking subparagraph (C).

SEC. 5107. DAIRY ASSISTANCE.

There is hereby appropriated $20,000,000 to make payments to dairy producers for dairy production losses in disaster counties, as defined in section 5102 of this title, to remain available until expended.

SEC. 5108. NONINSURED CROP ASSISTANCE PROGRAM.

For states in which there is a shortage of claims adjustors, as determined by the Secretary, the Secretary shall permit the use of one claims adjustor certified by the Secretary in carrying out 7 CFR 1437.401.

SEC. 5109. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

There is hereby appropriated $21,000,000 to carry out section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a), to remain available until expended.

SEC. 5110. CONSERVATION SECURITY PROGRAM.

Section 20115 of Public Law 110-5 is amended by striking "section 726" and inserting in lieu thereof "section 726; section 741".

SEC. 5111. ADMINISTRATIVE EXPENSES.

There is hereby appropriated $30,000,000 for the 'Farm Service Agency, Salaries and Expenses', to remain available until September 30, 2008.

SEC. 5112. CONTRACT WAIVER.

In carrying out crop disaster and livestock assistance in this title, the Secretary shall require forage producers to have participated in a crop insurance pilot program or the Non-Insured Crop Disaster Assistance Program during the crop year for which compensation is received.

TITLE VI

ELIMINATION OF SCHIP SHORTFALL AND OTHER MATTERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

STATE CHILDREN'S HEALTH INSURANCE FUND

For an additional amount to provide additional allotments to remaining shortfall States under section 2104(h)(4) of the Social Security Act, as inserted by section 6001, such sums as may be necessary, but not to exceed $650,000,000 for fiscal year 2007, to remain available until expended.

SEC. 6001. ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS FOR FISCAL YEAR 2007.

(a) ELIMINATION OF REMAINDER OF FUNDING SHORTFALLS, TIERED MATCH, AND OTHER LIMITATION ON EXPENDITURES.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—

(1) in the heading for paragraph (2), by striking "REMAINDER OF REDUCTION" and inserting "PART"; and

(2) by striking paragraph (4) and inserting the following:

"(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—

"(A) IN GENERAL.—From the amounts provided in advance in appropriations Acts, the Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

"(B) ·REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected Federal expenditures under such plan for the State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

"(ii) the amount of the State's allotment for fiscal year 2007; and

"(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).".

(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—

(1) in paragraph (1)(B), by striking "subject to paragraph (4)(B) and";

(2) in paragraph (2)(B), by striking "subject to paragraph (4)(B) and";

(3) in paragraph (5)(A), by striking "and (3)" and inserting "(3), and (4)"; and

(4) in paragraph (6)—

(A) in the first sentence—

(i) by inserting "or allotted" after "redistributed"; and

(ii) by inserting "or allotments" after "redistributions"; and

(B) by striking "and (3)" and inserting "(3), and (4)".

SEC. 6002. (a) PROHIBITION.—

(1) LIMITATION ON SECRETARIAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 1 year after the date of enactment of this Act, take any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to—

(A) finalize or otherwise implement provisions contained in the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations);

(B) promulgate or implement any rule or provisions similar to the provisions described in subparagraph (A) pertaining to the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act; or

(C) promulgate or implement any rule or provisions restricting payments for graduate medical education under the Medicaid program.

(2) CONTINUATION OF OTHER SECRETARIAL AUTHORITY.—The Secretary of Health and Human Service shall not be prohibited during the period described in paragraph (1) from taking any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to enforce a provision of law in effect as of the date of enactment of this Act with respect to the Medicaid program or the State Children's Health Insurance Program, or to promulgate or implement a new rule or provision during such period with respect to such programs, other than a rule or provision described in paragraph (1) and subject to the prohibition set forth in that paragraph.

(b) REQUIREMENT FOR USE OF TAMPER-RESISTANT PRESCRIPTION PADS UNDER THE MEDICAID PROGRAM.—

(1) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking "or" at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting "; or"; and

(C) by inserting after paragraph (22) the following new paragraph:

"(23) with respect to amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2)) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to prescriptions executed after September 30, 2007.

(c) EXTENSION OF CERTAIN PHARMACY PLUS WAIVERS.—

(1) AUTHORITY TO CONTINUE TO OPERATE WAIVERS.—Notwithstanding any other provision of law, any State that is operating a Pharmacy Plus waiver described in paragraph (2) which would otherwise expire on June 30, 2007, may elect to continue to operate the waiver through December 31, 2009.

(2) PHARMACY PLUS WAIVER DESCRIBED.—For purposes of paragraph (1), a Pharmacy Plus waiver described in this paragraph is a waiver approved by the Secretary of Health and Human Services under the authority of section 1115 of the Social Security Act (42 U.S.C. 1315) that provides coverage for prescription drugs for individuals who have attained age 65 and whose family income does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of such Act (42 U.S.C. 1397jj(c)(5)).

TITLE VII

FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 7000. SHORT TITLE.

This subtitle may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 7001. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 7002. APPLICABILITY OF MINIMUM WAGE TO AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a)—

(1) the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), *beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this paragraph is equal to the minimum wage set forth in such section; and*

(2) the minimum wage applicable to American Samoa under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) the applicable wage rate in effect for each industry and classification under section 697 of title 29, Code of Federal Regulations, on the date of enactment of this Act;

(B) increased by $0.50 an hour, beginning on the 60th day after the date of enactment of this Act; and

(C) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to American Samoa under this paragraph is equal to the minimum wage set forth in such section.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended—

(A) by striking sections 5 and 8; and

(B) in section 6(a), by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 60 days after the date of enactment of this Act.

SEC. 7003. STUDY ON PROJECTED IMPACT.

(a) STUDY.—Beginning on the date that is 26 months after the date of enactment of this Act, the Secretary of Labor shall, through the Bureau of Labor Statistics, conduct a study to—

(1) assess the impact of the wage increases required by this Act through such date; and

(2) to project the impact of any further wage increase,

on living standards and rates of employment in American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) REPORT.—Not later than the date that is 32 months after the date of enactment of this Act, the Secretary of Labor shall transmit to Congress a report on the findings of the study required by subsection (a).

Subtitle B—Small Business Incentives

SEC. 7004. SHORT TITLE.

This subtitle may be cited as the "Small Business and Work Opportunity Act of 2007".

SEC. 7005. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) COMPLIANCE GUIDE.—

"(1) IN GENERAL.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) COMPLIANCE ACTIONS.—

"(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) EXPLANATION.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

"(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

"(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) REPORTING.—Not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

SEC. 7006. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT AND PERIOD OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section. The Secretary shall make the grant for a period of 3 years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATIONS.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term "covered entity" means a small business or a consortium formed in accordance with subsection (d)(3).

(2) INDIAN COMMUNITY.—The term "Indian community" means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms "Indian tribe" and "tribal organization" have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term "State" includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term "State" includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term "State-level activities" includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) STUDIES AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting studies required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2012.

SEC. 7007. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the benefits, costs, risks, and barriers to workers and to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

SEC. 7008. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(m) CONTINUED FUNDING FOR CENTERS.—

"(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

"(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

"(3) APPLICATION AND APPROVAL CRITERIA.—

"(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

"(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

"(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

"(4) AWARD OF GRANTS.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

"(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

"(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

"(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

"(5) RENEWAL.—

"(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

"(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

"(n) PRIVACY REQUIREMENTS.—

"(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

"(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

"(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

"(A) restrict Administration access to program activity data; or

"(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).".

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

SEC. 7009. REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(b) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a *report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.*

"(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

"(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

"(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

"(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

"(D) a summary of—

"(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

"(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

"(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

Subtitle C—Small Business Tax Incentives

SEC. 7510. SHORT TITLE; AMENDMENT OF CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the "Small Business and Work Opportunity Tax Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:

Subtitle C—Small Business Tax Incentives

Sec. 7510. Short title; amendment of Code; table of contents.

PART I—SMALL BUSINESS TAX RELIEF PROVISIONS

SUBPART A—GENERAL PROVISIONS

Sec. 7511. Extension and modification of work opportunity tax credit.
Sec. 7512. Extension and increase of expensing for small business.
Sec. 7513. Determination of credit for certain taxes paid with respect to employee cash tips.
Sec. 7514. Waiver of individual and corporate alternative minimum tax limits on work opportunity credit and credit for taxes paid with respect to employee cash tips.
Sec. 7515. Family business tax simplification.

SUBPART B—GULF OPPORTUNITY ZONE TAX INCENTIVES

Sec. 7521. Extension of increased expensing for qualified section 179 Gulf Opportunity Zone property.
Sec. 7522. Extension and expansion of low-income housing credit rules for buildings in the GO Zones.
Sec. 7523. Special tax-exempt bond financing rule for repairs and reconstructions of residences in the GO Zones.
Sec. 7524. GAO study of practices employed by State and local governments in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005.

SUBPART C—SUBCHAPTER S PROVISIONS

Sec. 7531. Capital gain of S corporation not treated as passive investment income.
Sec. 7532. Treatment of bank director shares.
Sec. 7533. Special rule for bank required to change from the reserve method of accounting on becoming S corporation.
Sec. 7534. Treatment of the sale of interest in a qualified subchapter S subsidiary.
Sec. 7535. Elimination of all earnings and profits attributable to pre-1983 years for certain corporations.
Sec. 7536. Deductibility of interest expense on indebtedness incurred by an electing small business trust to acquire S corporation stock.

PART II—REVENUE PROVISIONS

Sec. 7541. Increase in age of minor children whose unearned income is taxed as if parent's income.
Sec. 7542. Suspension of certain penalties and interest.
Sec. 7543. Modification of collection due process procedures for employment tax liabilities.
Sec. 7544. Permanent extension of IRS user fees.
Sec. 7545. Increase in penalty for bad checks and money orders.
Sec. 7546. Understatement of taxpayer liability by return preparers.
Sec. 7547. Penalty for filing erroneous refund claims.
Sec. 7548. Time for payment of corporate estimated taxes.

PART I—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 7511. EXTENSION AND MODIFICATION OF WORK OPPORTUNITY TAX CREDIT.

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking "December 31, 2007" and inserting "August 31, 2011".

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

"(5) DESIGNATED COMMUNITY RESIDENTS.—

"(A) IN GENERAL.—The term 'designated community resident' means any individual who is certified by the designated local agency—

"(i) as having attained age 18 but not age 40 on the hiring date, and

"(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(B) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE, COMMUNITY, OR COUNTY.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(C) RURAL RENEWAL COUNTY.—For purposes of this paragraph, the term 'rural renewal county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.".

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

"(D) a designated community resident,".

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.".

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking "agency as being a member of a family" and all that follows and inserting "agency as—

"(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

"(ii) entitled to compensation for a service-connected disability, and—

"(I) having a hiring date which is not more that 1 year after having been discharged or released from active duty in the Armed Forces of the United States, or

"(II) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.".

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

"(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.".

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting "($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))" before the period at the end, and

(B) by striking "ONLY FIRST $6,000 OF" in the heading and inserting "LIMITATION ON".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 7512. EXTENSION AND INCREASE OF EXPENSING FOR SMALL BUSINESS.

(a) EXTENSION.—Subsections (b)(1), (b)(2), (b)(5), (c)(2), and (d)(1)(A)(ii) of section 179 (relating to election to expense certain depreciable business assets) are each amended by striking "2010" and inserting "2011".

(b) INCREASE IN LIMITATIONS.—Subsection (b) of section 179 is amended—

(1) by striking "$100,000 in the case of taxable years beginning after 2002" in paragraph (1) and inserting "$125,000 in the case of taxable years beginning after 2006", and

(2) by striking "$400,000 in the case of taxable years beginning after 2002" in paragraph (2) and inserting "$500,000 in the case of taxable years beginning after 2006".

(c) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(5) is amended—

(1) by striking "2003" and inserting "2007",

(2) by striking "$100,000 and $400,000" and inserting "$125,000 and $500,000", and

(3) by striking "2002" in clause (ii) and inserting "2006".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7513. DETERMINATION OF CREDIT FOR CERTAIN TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) In General.—Subparagraph (B) of section 45B(b)(1) is amended by inserting "as in effect on January 1, 2007, and" before "determined without regard to".

(b) Effective Date.—The amendment made by this section shall apply to tips received for services performed after December 31, 2006.

SEC. 7514. WAIVER OF INDIVIDUAL AND CORPORATE ALTERNATIVE MINIMUM TAX LIMITS ON WORK OPPORTUNITY CREDIT AND CREDIT FOR TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) Allowance Against Alternative Minimum Tax.—Subparagraph (B) of section 38(c)(4) is amended by striking "and" at the end of clause (i), by inserting a comma at the end of clause (ii), and by adding at the end the following new clauses:

"(iii) the credit determined under section 45B, and

"(iv) the credit determined under section 51.".

(b) Effective Date.—The amendments made by this section shall apply to credits determined under sections 45B and 51 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2006, and to carrybacks of such credits.

SEC. 7515. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) In General.—Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Qualified Joint Venture.—

"(1) In general.—In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title—

"(A) such joint venture shall not be treated as a partnership,

"(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

"(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

"(2) Qualified joint venture.—For purposes of paragraph (1), the term 'qualified joint venture' means any joint venture involving the conduct of a trade or business if—

"(A) the only members of such joint venture are a husband and wife,

"(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

"(C) both spouses elect the application of this subsection.".

(b) Net Earnings From Self-Employment.—

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking ", and" at the end of paragraph (15) and inserting a semicolon, by striking the period at the end of paragraph (16) and inserting "; and", and by inserting after paragraph (16) the following new paragraph:

"(17) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.".

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking "and" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; and", and by inserting after paragraph (15) the following new paragraph:

"(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Subpart B—Gulf Opportunity Zone Tax Incentives

SEC. 7521. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking "this subsection, the term" and inserting "this subsection—

"(A) In general.—The term", and

(2) by adding at the end the following new subparagraph:

"(B) Extension for certain property.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

"(i) without regard to subsection (d)(6), and

"(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.".

SEC. 7522. EXTENSION AND EXPANSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN THE GO ZONES.

(a) Time for Making Low-Income Housing Credit Allocations.—Subsection (c) of section 1400N (relating to low-income housing credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) Time for making low-income housing credit allocations.—Section 42(h)(1)(B) shall not apply to an allocation of housing credit dollar amount to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone, if such allocation is made in 2006, 2007, or 2008, and such building is placed in service before January 1, 2011.".

(b) Extension of Period for Treating GO Zones as Difficult Development Areas.—

(1) In general.—Subparagraph (A) of section 1400N(c)(3) is amended by striking "2006, 2007, or 2008" and inserting "the period beginning on January 1, 2006, and ending on December 31, 2010".

(2) Conforming amendment.—Clause (ii) of section 1400N(c)(3)(B) is amended by striking "such period" and inserting "the period described in subparagraph (A)".

(c) Community Development Block Grants Not Taken Into Account in Determining if Buildings Are Federally Subsidized.—Subsection (c) of section 1400N (relating to low-income housing credit), as amended by this Act, is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) Community development block grants not taken into account in determining if buildings are federally subsidized.—For purpose of applying section 42(i)(2)(D) to any building which is placed in service in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone during the period beginning on January 1, 2006, and ending on December 31, 2010, a loan shall not be treated as a below market Federal loan solely by reason of any assistance provided under section 106, 107, or 108 of the Housing and Community Development Act of 1974 by reason of section 122 of such Act or any provision of the Department of Defense Appropriations Act, 2006, or the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.".

SEC. 7523. SPECIAL TAX-EXEMPT BOND FINANCING RULE FOR REPAIRS AND RECONSTRUCTIONS OF RESIDENCES IN THE GO ZONES.

Subsection (a) of section 1400N (relating to tax-exempt bond financing) is amended by adding at the end the following new paragraph:

"(7) Special rule for repairs and reconstructions.—

"(A) In general.—For purposes of section 143 and this subsection, any qualified GO Zone repair or reconstruction shall be treated as a qualified rehabilitation.

"(B) Qualified GO zone repair or reconstruction.—For purposes of subparagraph (A), the term 'qualified GO Zone repair or reconstruction' means any repair of damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone (or reconstruction of such building in the case of damage constituting destruction) if the expenditures for such repair or reconstruction are 25 percent or more of the mortgagor's adjusted basis in the residence. For purposes of the preceding sentence, the mortgagor's adjusted basis shall be determined as of the completion of the repair or reconstruction or, if later, the date on which the mortgagor acquires the residence.

"(C) Termination.—This paragraph shall apply only to owner-financing provided after the date of the enactment of this paragraph and before January 1, 2011.".

SEC. 7524. GAO STUDY OF PRACTICES EMPLOYED BY STATE AND LOCAL GOVERNMENTS IN ALLOCATING AND UTILIZING TAX INCENTIVES PROVIDED PURSUANT TO THE GULF OPPORTUNITY ZONE ACT OF 2005.

(a) In General.—The Comptroller General of the United States shall conduct a study of the practices employed by State and local governments, and subdivisions thereof, in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005 and this Act.

(b) Submission of Report.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein recommendations (if any) relating to such findings. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) Congressional Hearings.—In the case that the report submitted under this section includes findings of significant fraud, waste or abuse, each Committee specified in subsection (b) shall, within 60 days after the date the report is submitted under subsection (b), hold a public hearing to review such findings.

Subpart C—Subchapter S Provisions

SEC. 7531. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) In General.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

"(B) Passive investment income defined.—

"(i) In general.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) CONFORMING AMENDMENT.—Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(C)" and inserting "section 1362(d)(3)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7532. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—

"(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) CROSS REFERENCE.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)".

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 7533. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7534. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) IN GENERAL.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7535. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 7536. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) IN GENERAL.—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

"(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

PART II—REVENUE PROVISIONS

SEC. 7541. INCREASE IN AGE OF MINOR CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) IN GENERAL.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

"(A) such child—

"(i) has not attained age 18 before the close of the taxable year, or

"(ii)(I) has attained age 18 before the close of the taxable year and meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and

"(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5) (without regard to subparagraph (A) thereof)) for such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7542. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking "18-month period" and inserting "36-month period".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of this Act.

SEC. 7543. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a disqualified employment tax levy,".

(b) DISQUALIFIED EMPLOYMENT TAX LEVY.—Section 6330 of such Code (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(h) DISQUALIFIED EMPLOYMENT TAX LEVY.—For purposes of subsection (f), a disqualified employment tax levy is any levy in connection with the collection of employment taxes for any taxable period if the person subject to the levy (or any predecessor thereof) requested a hearing

under this section with respect to unpaid employment taxes arising in the most recent 2-year period before the beginning of the taxable period with respect to which the levy is served. For purposes of the preceding sentence, the term 'employment taxes' means any taxes under chapter 21, 22, 23, or 24.".

(c) Effective Date.—The amendments made by this section shall apply to levies served on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 7544. PERMANENT EXTENSION OF IRS USER FEES.

Section 7528 (relating to Internal Revenue Service user fees) is amended by striking subsection (c).

SEC. 7545. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) In General.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) Effective Date.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 7546. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) Application of Return Preparer Penalties to All Tax Returns.—

(1) Definition of tax return preparer.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking "income" each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking "subtitle A" each place it appears and inserting "this title".

(2) Conforming amendments.—

(A)(i) Section 6060 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(ii) Section 6060(a) is amended—

(I) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(II) by striking "each income tax return preparer" and inserting "each tax return preparer", and

(III) by striking "another income tax return preparer" and inserting "another tax return preparer".

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(B) Section 6103(k)(5) is amended—

(i) by striking "income tax return preparer" each place it appears and inserting "tax return preparer", and

(ii) by striking "income tax return preparers" each place it appears and inserting "tax return preparers".

(C)(i) Section 6107 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears in subsections (a) and (b) and inserting "a tax return preparer",

(III) by striking "Income Tax Return Preparer" in the heading for subsection (b) and inserting "Tax Return Preparer", and

(IV) in subsection (c), by striking "income tax return preparers" and inserting "tax return preparers".

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking "Income tax return preparer" and inserting "Tax return preparer".

(D) Section 6109(a)(4) is amended—

(i) by striking "an income tax return preparer" and inserting "a tax return preparer", and

(ii) by striking "INCOME RETURN PREPARER" in the heading and inserting "TAX RETURN PREPARER".

(E) Section 6503(k)(4) is amended by striking "Income tax return preparers" and inserting "Tax return preparers".

(F)(i) Section 6694 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) in subsection (c)(2), by striking "the income tax return preparer" and inserting "the tax return preparer",

(IV) in subsection (e), by striking "subtitle A" and inserting "this title", and

(V) in subsection (f), by striking "income tax return preparer" and inserting "tax return preparer".

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income tax return preparer" and inserting "tax return preparer".

(G)(i) Section 6695 is amended—

(I) by striking "**INCOME**" in the heading, and

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer".

(ii) Section 6695(f) is amended—

(I) by striking "subtitle A" and inserting "this title", and

(II) by striking "the income tax return preparer" and inserting "the tax return preparer".

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income".

(H) Section 6696(e) is amended by striking "subtitle A" each place it appears and inserting "this title".

(I)(i) Section 7407 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) by striking "income tax preparer" both places it appears in subsection (a) and inserting "tax return preparer", and

(IV) by striking "income tax return" in subsection (a) and inserting "tax return".

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(J)(i) Section 7427 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**", and

(II) by striking "an income tax return preparer" and inserting "a tax return preparer".

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

"Sec. 7427. Tax return preparers.".

(b) Modification of Penalty for Understatement of Taxpayer's Liability by Tax Return Preparer.—Subsections (a) and (b) of section 6694 are amended to read as follows:

"(a) Understatement Due to Unreasonable Positions.—

"(1) In general.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $1,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) Unreasonable position.—A position is described in this paragraph if—

"(A) the tax return preparer knew (or reasonably should have known) of the position,

"(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

"(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

"(ii) there was no reasonable basis for the position.

"(3) Reasonable cause exception.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

"(b) Understatement Due to Willful or Reckless Conduct.—

"(1) In general.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $5,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) Willful or reckless conduct.—Conduct described in this paragraph is conduct by the tax return preparer which is—

"(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

"(B) a reckless or intentional disregard of rules or regulations.

"(3) Reduction in penalty.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).".

(c) Effective Date.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 7547. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) In General.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) Civil Penalty.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) Excessive Amount.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) Coordination With Other Penalties.—This section shall not apply to any portion of *the excessive amount of a claim for refund or credit which is subject to a penalty imposed under part II of subchapter A of chapter 68.''.*

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

"Sec. 6676. Erroneous claim for refund or credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim filed or submitted after the date of the enactment of this Act.

SEC. 7548. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''106.25 percent'' and inserting ''114.25 percent''.

This Act may be cited as the ''U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007''.

And the Senate agree to the same.

David R. Obey,
Rosa L. DeLauro,
John P. Murtha,
Peter J. Visclosky,
Nita Lowey,
Carolyn Kilpatrick,
Norman D. Dicks,
Chet Edwards,
Alan B. Mollohan,
John Olver,
José E. Serrano,
Debbie Wasserman Schultz,
James E. Clyburn,
Managers on the Part of the House.

Robert C. Byrd
Daniel K. Inouye,
Patrick J. Leahy,
Tom Harkin,
Barbara A. Mikulski,
Herb Kohl,
Patty Murray,
Byron L. Dorgan,
Dianne Feinstein,
Richard J. Durbin,
Tim Johnson,
Mary L. Landrieu,
Jack Reed,
Frank R. Lautenberg,
Ben Nelson,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in the report accompanying H.R. 1591 (H. Rept. 110-60) and included by the Senate in the report accompanying S. 965 (S. Rept. 110-37) should be complied with unless specifically addressed in this statement of the managers. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

The conference agreement designates amounts in title I as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress) and as making appropriations for contingency operations directly related to the global war on terrorism and other unanticipated defense-related operations pursuant to section 402 of H. Con. Res. 376 (109th Congress). Further, the agreement designates amounts in titles II, III, V, and VI as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress) and pursuant to section 501 of H. Con. Res. 376 (109th Congress). The House proposed designations under H. Con. Res. 376 on an item-by-item basis, while the Senate included designations under H. Con. Res. 95 title-by-title.

TITLE I—SUPPLEMENTAL APPROPRIATIONS FOR THE GLOBAL WAR ON TERROR

CHAPTER 1—DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

PUBLIC LAW 480 TITLE II GRANTS

The conference agreement provides $460,000,000, to be available until expended, for Public Law 480 Title II grants, instead of $450,000,000 as proposed by the House and $475,000,000 as proposed by the Senate.

The Farm Security and Rural Investment Act of 2002 required the establishment of a micronutrient fortification program relating to the utilization of foods for humanitarian assistance programs such as title II of Public Law 480. The conferees encourage the Secretary of Agriculture to move forward with such a program. The conferees direct that any such funds used for this purpose during fiscal year 2007 should be used for internal federal agency operations to develop a framework for this program and not be used for the purpose of executing any grant, contract, or cooperative agreement with a non-federal entity.

GENERAL PROVISION THIS CHAPTER

SEC. 1101. The conference agreement provides $40,000,000, instead of $82,000,000 as proposed by the Senate, for replenishment of the Bill Emerson Humanitarian Trust.

The conferees direct the Secretary to provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the available cash, amount of commodity by type, and detail of disbursements made during that quarterly period.

CHAPTER 2—DEPARTMENT OF JUSTICE

Legal Activities

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $1,648,000 for General Legal Activities for the Criminal Division as proposed by the House, instead of $4,093,000 as proposed by the Senate and requested by the President. The funds are provided for litigation support services to the Special Inspector General for Iraqi Reconstruction for ongoing investigations and cases involving corruption in the reconstruction of Iraq. The conference agreement does not include $2,445,000 as requested by the President and as proposed by the Senate to create Iraq and Afghanistan Support Units within General Legal Activities, Criminal Division. While the conferees support these activities, they can be provided for with funds available to the Secretary of State.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $5,000,000 for the United States Attorneys as proposed by the House and requested by the President, instead of $12,500,000 as proposed by the Senate. The funds are provided for extraordinary litigation expenses associated with terrorism prosecutions.

United States Marshals Service

SALARIES AND EXPENSES

The conference agreement includes $6,450,000 for the United States Marshals Service, instead of $2,750,000 as proposed by the House and $32,500,000 as proposed by the Senate. The funds are provided for security at high-threat terrorist trials in the United States and to support judicial and witness security in Afghanistan.

The conference agreement does not include a rescission of $15,000,000 from funds made available in this Act for Department of State Educational and Cultural Exchange Programs, as proposed by the Senate.

The conferees are aware of substandard conditions in space occupied by U.S. Marshals Service employees in the Moultrie Courthouse Building in the District of Columbia. The Senate bill included funds within chapter 2 of title I for the U.S. Marshals to address some of the problems, but the conference agreement does not include these funds. The conferees direct the U.S. Marshals and the District of Columbia Courts to work together in a coordinated manner to develop a renovation and improvement plan that addresses these issues. The conferees believe that the Committees on Appropriations should consider progress in these plans when developing the fiscal year 2008 appropriations bills.

The conferees also direct that the Inspector General of the Department of Justice shall conduct a review of the health, safety, and security conditions in the Moultrie Courthouse Building space occupied by the U.S. Marshals. Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Committees on Appropriations a written report that contains the findings of the review and includes recommendations, as may be appropriate.

National Security Division

SALARIES AND EXPENSES

The conference agreement includes $1,736,000 for the National Security Division for investigations and prosecutions as proposed by the House and Senate.

Federal Bureau of Investigation

SALARIES AND EXPENSES

The conference agreement includes $268,000,000 for the Federal Bureau of Investigation (FBI) instead of $118,260,000 as proposed by the House and as requested by the President and $348,260,000 as proposed by the Senate. Funding is provided for counterterrorism and weapons of mass destruction operations and support requirements.

The conferees concur with the language in the Senate report regarding the March 2007 report by the Office of Inspector General (OIG) regarding the FBI's use of national security letters. The conferees are extremely concerned by the OIG report and the failings of the FBI to correct the actions earlier in the investigation. The conference agreement includes $10,000,000 as proposed by the Senate to ensure that the Inspector General's recommendations are implemented by the FBI in an expeditious manner. The conference agreement includes bill language transferring $500,000 to the OIG from the FBI for continued audits and investigations related to national security letters.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $12,166,000 for the Drug Enforcement Administration (DEA) instead of $8,468,000 as proposed by the House and as requested by the President and $25,100,000 as proposed by the Senate. The funds provided above the amount requested by the President are provided to hire additional DEA special agents and support personnel related to the Global War on Terror. The conferees concur with language in the House report directing the DEA Administrator to submit a report on a plan to target and arrest Afghan Drug Kingpins.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The conference agreement includes $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives, as proposed by the House and the Senate and as requested by the President.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes $17,000,000 for the Federal Prison System, as proposed by the House and the Senate and as requested by the President.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

The conference agreement provides $95,528,670,000 for the Department of Defense, instead of $95,529,712,000, as proposed by the House, and $93,532,793,000, as proposed by the Senate.

The following table provides details of the supplemental appropriations for the Department of Defense—Military.

	(In thousands of dollars)		
	House	Senate	Conference
CHAPTER 3			
DEPARTMENT OF DEFENSE - MILITARY			
Military Personnel			
Military Personnel, Army (emergency)	8,878,899	8,870,270	8,853,350
Military Personnel, Navy (emergency)	1,100,410	1,100,410	1,100,410
Military Personnel, Marine Corps (emergency)	1,495,828	1,495,827	1,495,827
Military Personnel, Air Force (emergency)	1,229,334	1,218,587	1,218,587
Reserve Personnel, Army (emergency)	173,244	147,244	147,244
Reserve Personnel, Navy (emergency)	82,800	77,523	86,023
Reserve Personnel, Marine Corps (emergency)	15,000	---	5,660
Reserve Personnel, Air Force (emergency)	14,100	9,073	11,573
National Guard Personnel, Army (emergency)	552,725	474,978	545,286
National Guard Personnel, Air Force (emergency)	24,600	41,533	44,033
Subtotal	13,566,940	13,435,445	13,507,993
Operation and Maintenance			
Operation and Maintenance, Army (emergency)	20,897,672	20,373,379	20,373,379
Operation and Maintenance, Navy (emergency)	5,115,397	4,865,003	4,676,670
(Transfer to Coast Guard) (emergency)	(-120,293)	(-120,293)	(-120,293)
Operation and Maintenance, Marine Corps (emergency)	1,503,694	1,101,594	1,146,594
Operation and Maintenance, Air Force (emergency)	6,909,259	6,685,881	6,650,881
Operation and Maintenance, Defense-Wide (emergency)	2,855,993	2,790,669	2,714,487
Operation and Maintenance, Army Reserve (emergency)	74,049	74,049	74,049
Operation and Maintenance, Navy Reserve (emergency)	111,066	111,066	111,066
Operation and Maintenance, Marine Corps Reserve (emergency)	13,591	13,591	13,591
Operation and Maintenance, Air Force Reserve (emergency)	10,160	10,160	10,160
Operation and Maintenance, Army National Guard (emergency)	133,569	83,569	83,569
Operation and Maintenance, Air National Guard (emergency)	38,429	38,429	38,429
Afghanistan Security Forces Fund (emergency)	5,906,400	5,906,400	5,906,400
Iraq Security Forces Fund (emergency)	3,842,300	3,842,300	3,842,300
Iraq Freedom Fund (emergency)	155,600	455,600	355,600
Joint Improvised Explosive Device Defeat Fund (emergency)	2,432,800	2,432,800	2,432,800
Strategic Reserve Readiness Fund (emergency)	2,500,000	---	2,000,000
Subtotal	52,499.979	48,784,490	50,429,975
Procurement			
Aircraft Procurement, Army (emergency)	461,850	619,750	619,750
Missile Procurement, Army (emergency)	160,173	111,473	111,473
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	3,474,389	3,400,315	3,404,315
Procurement of Ammunition, Army (emergency)	681,500	681,500	681,500
Other Procurement, Army (emergency)	10,197,399	10,589,272	11,078,137
Aircraft Procurement, Navy (emergency)	995,797	963,903	1,090,287
Weapons Procurement, Navy (emergency)	171,813	163,813	163,813
Procurement of Ammunition, Navy and Marine Corps (emergency)	159,833	159,833	159,833
Other Procurement, Navy (emergency)	937,407	722,506	748,749
Procurement, Marine Corps (emergency)	1,885,383	1,703,389	2,252,749
Aircraft Procurement, Air Force (emergency)	2,474,916	1,431,756	2,106,468
Missile Procurement, Air Force (emergency)	140,300	78,900	94,900
Procurement of Ammunition, Air Force (emergency)	95,800	6,000	6,000
Other Procurement, Air Force (emergency)	2,042,183	1,972,131	2,096,200
Procurement, Defense-Wide (emergency)	934,930	903,092	980,050
National Guard and Reserve Equipment (emergency)	---	1,000,000	---
Subtotal	24,813,673	24,507,633	25,592,224

	(In thousands of dollars) House	Senate	Conference
Research, Development, Test and Evaluation			
Research, Development, Test and Evaluation, Army (emergency)	60,781	125,576	100,006
Research, Development, Test and Evaluation, Navy (emergency)	295,737	308,212	298,722
Research, Development, Test and Evaluation, Air Force (emergency)	132,928	233,869	187,176
Research, Development, Test and Evaluation, Defense-wide (emergency)	545,904	522,804	512,804
Subtotal	1,035,350	1,190,461	1,098,708
Revolving And Management Funds			
Defense Working Capital Funds (emergency)	1,315,526	1,315,526	1,315,526
National Defense Sealift Fund (emergency)	5,000	5,000	5,000
Subtotal	1,320,526	1,320,526	1,320,526
Other Department of Defense Programs			
Defense Health Program (emergency)	2,789,703	2,466,847	3,251,853
Operation and maintenance (emergency)	(2,289,703)	(2,277,147)	(2,802,153)
Procurement (emergency)	---	(118,000)	(118,000)
Research, development, test and evaluation (emergency)	(500,000)	(71,700)	(331,700)
Medical support fund (emergency)	---	---	---
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	259,115	254,665	254,665
Subtotal	3,048,818	2,721,512	3,506,518
Related Agencies			
Intelligence Community Management Account (emergency)	57,426	71,726	71,726
General Provisions			
Sec. 1302. New transfer authority (emergency)	(3,500,000)	(3,500,000)	(3,500,000)
Sec. xxxx. Additional transfer authority (emergency)	---	---	---
Sec. 1305. Defense Cooperative Account transfer authority (emergency)	1,000	1,000	1,000
Sec. xxxx. Procurement, Marine Corps MRAP (emergency)	---	1,500,000	---
Sec. xxxx. Contractor efficiency savings (emergency)	-815,000	---	---
Sec. xxxx. Army IG disability claims recommendations	1,000	---	---
Sec. 1322. Military Construction, Army (by transfer) (emergency)	---	---	(-6,250)
Sec. 1323. Economic Support Fund (Department of State) (by transfer) (emergency)	(-100,000)	---	(-110,000)
Total, Chapter 3	95,529,712	93,532,793	95,528,670

REPORTING REQUIREMENTS

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees within 30 days after the date of enactment of this legislation on the allocation of the funds within the accounts listed in this chapter. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this chapter are no longer available for obligation. The conferees direct that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this chapter by program and sub activity group for the continuation of the war in Iraq and Afghanistan; a listing of equipment procured using funds provided in this chapter. The conferees expect that in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriations accounts for purposes other than those specified in this report. The conferees direct the Department of Defense to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this chapter.

MINE RESISTANT AMBUSH PROTECTED VEHICLES (MRAPS)

The amended supplemental budget request includes $1,832,300,000 for Mine Resistant Ambush Protected (MRAPs) Vehicles. These vehicles provide superior protection to our troops from Improvised Explosive Devices (IEDs). Recognizing the survivability enhancements brought to our warfighters by MRAPs, Congress previously appropriated $592,000,000 for MRAPs in fiscal year 2007. Since IEDs continue to be the biggest threat to our troops in theater, the conferees believe it is imperative that these critical force protection items be provided to the warfighter as quickly as possible. Therefore, based on the most current information provided by the military services, the conferees provide $1,200,000,000 above the request for a total of $3,032,300,000 for MRAPs in the conference agreement. Further, the conferees designate MRAPs as a congressional interest item. The table below delineates MRAP funding in the conference agreement by appropriations account.

Given this program's critical importance, the conferees expect funds to be placed on contract expeditiously and direct the military services to jointly report to the congressional defense committees no later than 30 days after the enactment of this Act on the MRAP program's status, requirements, and the execution of funds provided in the conference agreement. Further, the conferees direct the services to provide updates to the congressional defense committees every 30 days thereafter until all funds provided in the conference agreement are fully obligated.

FY 2007 SUPPLEMENTAL MRAP FUNDING

[In thousands of dollars]

	Supplemental Request	Conference	Conference vs. Request
Operation and Maintenance, Navy	24,000	24,000	
Other Procurement Army, line 129	770,000	1,217,000	+447,000
Other Procurement, Navy, line 124	122,000	130,040	+8,040
Procurement, Marine Corps, line 70	678,000	1,263,360	+585,360
Other Procurement, Air Force, line 8 (Air Force)	15,200	139,040	+123,840
Procurement, Defense-wide, line 59 (SOCOM)	73,100	108,860	+35,760
Procurement, Defense-wide, line 61 (SOCOM)	150,000	150,000	
Total, MRAPs	1,832,300	3,032,300	+1,200,000

CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex accompanying this conference report.

MILITARY PERSONNEL

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)		
	House	Senate	Conference
RECAPITULATION			
MILITARY PERSONNEL, ARMY	8,878,899	8,870,270	8,853,350
MILITARY PERSONNEL, NAVY	1,100,410	1,100,410	1,100,410
MILITARY PERSONNEL, MARINE CORPS	1,495,828	1,495,827	1,495,827
MILITARY PERSONNEL, AIR FORCE	1,229,334	1,218,587	1,218,587
RESERVE PERSONNEL, ARMY	173,244	147,244	147,244
RESERVE PERSONNEL, NAVY	82,600	77,523	86,023
RESERVE PERSONNEL, MARINE CORPS	15,000	---	5,660
RESERVE PERSONNEL, AIR FORCE	14,100	9,073	11,573
NATIONAL GUARD PERSONNEL, ARMY	552,725	474,978	545,286
NATIONAL GUARD PERSONNEL, AIR FORCE	24,600	41,533	44,033
GRAND TOTAL, MILITARY PERSONNEL	13,566,940	13,435,445	13,507,993

The conference agreement provides $13,507,993,000 for Military Personnel, instead of $ 13,566,940,000 as proposed by the House, and $13,435,445,000 as proposed by the Senate. The conferees provide $1,148,369,000 above the President's request to fully fund all identified shortfalls for Basic Allowance for Housing for the remainder of fiscal year 2007.

The conferees are encouraged by the recent success of the Armed Forces to meet or exceed their established recruiting and retention goals and urge the Services to continue pursuing innovative and cost-effective programs to attract and retain high-quality personnel. However, recruiting and retaining challenges still exist, particularly within highly specialized occupational disciplines.

For this reason, the conference agreement fully funds the supplemental request for recruiting and retention incentives and provides an additional $10,000,000 to specific reserve components that identified recruitment and retention shortfalls.

MILITARY PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
50 MILITARY PERSONNEL, ARMY			
100 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS			
150 BASIC PAY	479,185	493,534	493,534
200 RETIRED PAY ACCRUAL	166,037	169,837	169,837
250 BASIC ALLOWANCE FOR HOUSING	476,045	487,919	411,479
300 BASIC ALLOWANCE FOR SUBSISTENCE	15,552	16,060	16,060
350 SPECIAL PAYS	404,368	415,457	415,457
400 SOCIAL SECURITY TAX	34,931	36,012	36,012
450 TOTAL, BUDGET ACTIVITY 1	1,576,118	1,618,819	1,542,379
500 ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL			
550 BASIC PAY	1,297,546	1,323,548	1,323,548
600 RETIRED PAY ACCRUAL	459,397	466,287	466,287
650 BASIC ALLOWANCE FOR HOUSING	1,560,492	1,350,445	1,409,965
700 SPECIAL PAYS	1,860,843	1,896,707	1,896,707
750 SOCIAL SECURITY TAX	99,068	101,057	101,057
800 TOTAL, BUDGET ACTIVITY 2	5,277,346	5,138,044	5,197,564
850 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL			
900 BASIC ALLOWANCE FOR SUBSISTENCE	152,830	155,782	155,782
950 SUBSISTENCE-IN-KIND	1,131,175	1,216,195	1,216,195
1000 TOTAL, BUDGET ACTIVITY 4	1,284,005	1,371,977	1,371,977
1050 ACTIVITY 5: PERMANENT CHANGE OF STATION			
1100 ACCESSION TRAVEL	19,679	19,679	19,679
1150 OPERATIONAL TRAVEL	182,113	182,113	182,113
1200 ROTATIONAL TRAVEL	218,906	218,906	218,906
1250 TOTAL, BUDGET ACTIVITY 5	420,698	420,698	420,698
1300 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS			
1350 INTEREST ON SOLDIERS DEPOSITS	21,779	21,779	21,779
1400 RESERVE INCOME REPLACEMENT PROGRAM	8,208	8,208	8,208
1450 UNEMPLOYMENT BENEFITS	144,489	144,489	144,489
1500 DEATH GRATUITIES	95,056	95,056	95,056
1550 SGLI/TSGLI INSURANCE PREMIUM	51,200	51,200	51,200
1700 TOTAL, BUDGET ACTIVITY 6	320,732	320,732	320,732
1750 TOTAL, MILITARY PERSONNEL, ARMY	8,878,899	8,870,270	8,853,350

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
MILITARY PERSONNEL, ARMY				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
Basic Allowance for Housing	379,919	476,045	487,919	411,479
BA-2: PAY AND ALLOWANCES OF ENLISTED				
Basic Allowance for Housing	1,098,445	1,560,492	1,350,445	1,409,965

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

ARMY PHYSICAL DISABILITY SYSTEM

The conferees direct the Secretary of the Army to take the necessary actions to implement the recommendations of the Army Inspector General to improve legal representation for soldiers pursuing claims through the Army Physical Disability Evaluation System.

MILITARY PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
1800 MILITARY PERSONNEL, NAVY			
1850 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS			
1900 BASIC PAY	78,148	78,148	78,148
1950 RETIRED PAY ACCRUAL	20,681	20,681	20,681
2000 BASIC ALLOWANCE FOR HOUSING	121,604	20,374	20,374
2050 BASIC ALLOWANCE FOR SUBSISTENCE	2,233	2,233	2,233
2100 SPECIAL PAYS	43,929	43,929	43,929
2150 SOCIAL SECURITY TAX	5,966	5,966	5,966
2200 TOTAL, BUDGET ACTIVITY 1	272,561	171,331	171,331
2250 ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL			
2300 BASIC PAY	145,279	145,279	145,279
2350 RETIRED PAY ACCRUAL	38,494	38,494	38,494
2400 BASIC ALLOWANCE FOR HOUSING	369,944	471,174	471,174
2450 SPECIAL PAYS	152,440	152,440	152,440
2500 SOCIAL SECURITY TAX	11,110	11,110	11,110
2550 TOTAL, BUDGET ACTIVITY 2	717,267	818,497	818,497
2600 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL			
2650 BASIC ALLOWANCE FOR SUBSISTENCE	14,103	14,103	14,103
2700 SUBSISTENCE-IN-KIND	13,149	13,149	13,149
2750 TOTAL, BUDGET ACTIVITY 4	27,252	27,252	27,252
2800 ACTIVITY 5: PERMANENT CHANGE OF STATION			
2850 ACCESSION TRAVEL	7,911	7,911	7,911
2950 OPERATIONAL TRAVEL	15,936	15,936	15,936
3000 ROTATIONAL TRAVEL	4,437	4,437	4,437
3050 SEPARATION TRAVEL	6,216	6,216	6,216
3150 TOTAL, BUDGET ACTIVITY 5	34,500	34,500	34,500
3200 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS			
3300 RESERVE INCOME REPLACEMENT PROGRAM	3,000	3,000	3,000
3350 UNEMPLOYMENT BENEFITS	28,200	28,200	28,200
3400 DEATH GRATUITIES	11,001	11,001	11,001
3450 SGLI/TSGLI INSURANCE PREMIUM	6,629	6,629	6,629
3600 TOTAL, BUDGET ACTIVITY 6	48,830	48,830	48,830
3650 TOTAL, MILITARY PERSONNEL, NAVY	1,100,410	1,100,410	1,100,410

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
MILITARY PERSONNEL, NAVY:				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
Basic Allowance for Housing	20,374	121,604	20,374	20,374
BA-2: PAY AND ALLOWANCES OF ENLISTED				
Basic Allowance for Housing	62,891	369,944	471,174	471,174

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

MILITARY PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	House	Senate	Conference
3700 MILITARY PERSONNEL, MARINE CORPS			
3750 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS			
3800 BASIC PAY	185,119	185,119	185,119
3850 RETIRED PAY ACCRUAL	49,056	49,056	49,056
3900 BASIC ALLOWANCE FOR HOUSING	89,649	89,649	63,537
3950 BASIC ALLOWANCE FOR SUBSISTENCE	5,839	5,839	5,839
4000 SPECIAL PAYS	27,331	27,331	27,331
4050 SOCIAL SECURITY TAX	14,162	14,162	14,162
4100 TOTAL, BUDGET ACTIVITY 1	371,156	371,156	345,044
4150 ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL			
4200 BASIC PAY	241,654	241,654	241,654
4250 RETIRED PAY ACCRUAL	64,039	64,039	64,039
4300 BASIC ALLOWANCE FOR HOUSING	215,803	215,803	241,915
4350 SPECIAL PAYS	438,169	438,168	438,168
4400 SOCIAL SECURITY TAX	18,487	18,487	18,487
4450 TOTAL, BUDGET ACTIVITY 2	978,152	978,151	1,004,263
4500 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL			
4550 BASIC ALLOWANCE FOR SUBSISTENCE	38,624	38,624	38,624
4650 TOTAL, BUDGET ACTIVITY 4	38,624	38,624	38,624
4700 ACTIVITY 5: PERMANENT CHANGE OF STATION			
4750 ACCESSION TRAVEL	4,131	4,131	4,131
4850 OPERATIONAL TRAVEL	43,038	43,038	43,038
5050 TOTAL, BUDGET ACTIVITY 5	47,169	47,169	47,169
5100 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS			
5250 UNEMPLOYMENT BENEFITS	20,500	20,500	20,500
5300 DEATH GRATUITIES	31,121	31,121	31,121
5350 SGLI/TSGLI INSURANCE PREMIUM	9,106	9,106	9,106
5500 TOTAL, BUDGET ACTIVITY 6	60,727	60,727	60,727
5550 TOTAL, MILITARY PERSONNEL, MARINE CORPS	1,495,828	1,495,827	1,495,827

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request 1/	House 2/	Senate	Conference
MILITARY PERSONNEL, MARINE CORPS:				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
Basic Allowance for Housing	63,337	89,649	89,649	63,537
BA-2: PAY AND ALLOWANCES OF ENLISTED				
Basic Allowance for Housing	133,159	215,803	215,803	241,915

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

MILITARY PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	House	Senate	Conference
5600 MILITARY PERSONNEL, AIR FORCE			
5650 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS			
5700 BASIC PAY	142,957	143,092	143,092
5750 RETIRED PAY ACCRUAL	40,146	40,182	40,182
5800 BASIC ALLOWANCE FOR HOUSING	87,597	91,989	91,989
5850 BASIC ALLOWANCE FOR SUBSISTENCE	5,152	5,156	5,156
5900 SPECIAL PAYS	6,642	6,721	6,721
5950 ALLOWANCES	4,608	4,650	4,650
6000 SOCIAL SECURITY TAX	11,589	11,599	11,599
6050 TOTAL, BUDGET ACTIVITY 1	298,691	303,389	303,389
6100 ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL			
6150 BASIC PAY	348,598	348,642	348,642
6200 RETIRED PAY ACCRUAL	99,297	99,309	99,309
6250 BASIC ALLOWANCE FOR HOUSING	252,808	259,124	259,124
6300 SPECIAL PAYS	44,777	44,859	44,859
6350 ALLOWANCES	16,586	16,623	16,623
6400 SOCIAL SECURITY TAX	28,665	28,668	28,668
6450 TOTAL, BUDGET ACTIVITY 2	790,731	797,225	797,225
6500 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL			
6550 BASIC ALLOWANCE FOR SUBSISTENCE	34,421	34,424	34,424
6600 SUBSISTENCE-IN-KIND	66,790	66,848	66,848
6650 TOTAL, BUDGET ACTIVITY 4	101,211	101,272	101,272
6700 ACTIVITY 5: PERMANENT CHANGE OF STATION			
6850 OPERATIONAL TRAVEL	5,500	5,500	5,500
7050 TOTAL, BUDGET ACTIVITY 5	5,500	5,500	5,500
7100 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS			
7250 UNEMPLOYMENT BENEFITS	16,200	16,200	16,200
7300 DEATH GRATUITIES	8,453	8,453	8,453
7350 SGLI/TSGLI INSURANCE PREMIUM	8,548	8,548	8,548
7500 TOTAL, BUDGET ACTIVITY 6	33,201	33,201	33,201
7510 ADJUSTMENT TO PAY AND ALLOWANCES	---	-22,000	-22,000
7550 TOTAL, MILITARY PERSONNEL, AIR FORCE	1,229,334	1,218,587	1,218,587

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1]	House [2]	Senate	Conference
MILITARY PERSONNEL, AIR FORCE:				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
Basic Allowance for Housing	54,189	87,597	91,989	91,989
BA-2: PAY AND ALLOWANCES OF ENLISTED				
Basic Allowance for Housing	157,624	252,808	259,124	259,124
Adjustment to Pay and Allowances - Transfer to National Guard Personnel, Air Force			-22,000	-22,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

RESERVE PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
7600 RESERVE PERSONNEL, ARMY			
7650 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT			
7660 SPECIAL TRAINING (PRE/POST MOB TRAINING)	1,103	1,103	1,103
7700 SPECIAL TRAINING (PRE/POST MOB TRAINING)(BAH)	32,397	6,397	6,397
7750 RECRUITING AND RETENTION	139,744	139,744	139,744
7900 TOTAL RESERVE PERSONNEL, ARMY	173,244	147,244	147,244

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
RESERVE PERSONNEL, ARMY				
BA-1: RESERVE COMPONENT TRAINING & SUPPORT				
Special Training (PRE/POST MOB Training) (BAH)	6,397	32,397	6,397	6,397

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

RESERVE PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	House	Senate	Conference
7950 RESERVE PERSONNEL, NAVY			
8000 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT			
8050 UNIT TRAINING	35,000	35,000	35,000
8060 SPECIAL TRAINING (PRE/POST MOB TRAINING)	22,689	22,689	22,689
8100 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)	7,111	6,834	10,334
8110 SCHOOL TRAINING (PRE/POST MOB TRAINING)	11,960	11,960	11,960
8150 SCHOOL TRAINING (PRE/POST MOB TRAINING)(BAH)	1,040	1,040	1,040
8160 RECRUITING AND RETENTION	5,000	---	5,000
8200 TOTAL, RESERVE PERSONNEL, NAVY	82,800	77,523	86,023

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1/]	House [2/]	Senate	Conference
RESERVE PERSONNEL, NAVY:				
BA-1: RESERVE COMPONENT TRAINING & SUPPORT				
Special Training (PRE/POST MOB Training) (BAH)	2,111	7,111	6,834	10,334
Recruitment and Retention		5,000		5,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

RESERVE PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	House	Senate	Conference
	(In thousands of dollars)		
8250 RESERVE PERSONNEL, MARINE CORPS			
8300 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT			
8340 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)........	10,000	---	5,660
8360 RECRUITING AND RETENTION	5,000	---	---
	============	============	============
8400 TOTAL, RESERVE PERSONNEL, MARINE CORPS..............	15,000	---	5,660

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request 1/	House 2/	Senate	Conference
RESERVE PERSONNEL, MARINE CORPS:				
BA-1: RESERVE COMPONENT TRAINING & SUPPORT				
Special Training (PRE/POST MOB Training) (BAH)		10,000		5,660
Recruitment and Retention		5,000		0

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

RESERVE PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	House	Senate	Conference
	(In thousands of dollars)		
8450 RESERVE PERSONNEL, AIR FORCE			
8500 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT			
8550 SPECIAL TRAINING (PRE/POST MOB TRAINING)	3,000	3,000	3,000
8555 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)........	6,100	6,073	6,073
8560 RECRUITING AND RETENTION	5,000	---	2,500
	============	============	============
8600 TOTAL, RESERVE PERSONNEL, AIR FORCE.................	14,100	9,073	11,573

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1]	House [2]	Senate	Conference
RESERVE PERSONNEL, AIR FORCE:				
BA-1: RESERVE COMPONENT TRAINING & SUPPORT				
Special Training (PRE/POST MOB Training) (BAH)		6,100	6,073	6,073
Recruitment and Retention		5,000		2,500

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

NATIONAL GUARD PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	House	Senate	Conference
	(In thousands of dollars)		
8650 NATIONAL GUARD PERSONNEL, ARMY			
8700 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT			
8800 SPECIAL TRAINING (PRE/POST MOB TRAINING)	24,666	24,666	24,666
8810 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)........	120,032	42,285	112,593
8850 SCHOOL TRAINING (PRE/POST MOB TRAINING)..............	15,475	15,475	15,475
8860 SCHOOL TRAINING (PRE/POST MOB TRAINING) (BAH).........	7,766	7,766	7,766
8900 RECRUITING AND RETENTION	339,600	339,600	339,600
8910 RECRUITING AND RETENTION (BAH).......................	40,786	40,786	40,786
8950 DISABILITY AND DEATH GRATUITY........................	4,400	4,400	4,400
	============	============	============
9000 TOTAL, NATIONAL GUARD PERSONNEL, ARMY..............	552,725	474,978	545,286

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1]	House [2]	Senate	Conference
NATIONAL GUARD PERSONNEL, ARMY:				
BA-1: RESERVE COMPONENT TRAINING & SUPPORT				
Special Training (PRE/POST MOB Training) (BAH)	3,332	120,032	42,285	112,593

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

NATIONAL GUARD PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	House	Senate	Conference
	(In thousands of dollars)		
9010 NATIONAL GUARD PERSONNEL, AIR FORCE			
9015 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT			
9020 SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)........	19,600	19,533	19,533
9035 RECRUITING AND RETENTION	5,000	---	2,500
9037 ADJUSTMENT TO PAY AND ALLOWANCES......................	---	22,000	22,000
	============	============	============
9040 TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE..........	24,600	41,533	44,033

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request [1]	House [2]	Senate	Conference
NATIONAL GUARD PERSONNEL, AIR FORCE:				
BA-1: RESERVE COMPONENT TRAINING & SUPPORT				
Special Training (PRE/POST MOB Training) (BAH)		19,600	19,533	19,533
Recruitment and Retention		5,000		2,500
Adjustments to Pay and Allowances - Transfer from Military Personnel, Air Force			22,000	22,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

OPERATION AND MAINTENANCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	 Senate	 Conference
RECAPITULATION			
OPERATION AND MAINTENANCE, ARMY	20,897,672	20,373,379	20,373,379
OPERATION AND MAINTENANCE, NAVY	5,115,397	4,865,003	4,676,670
OPERATION AND MAINTENANCE, MARINE CORPS	1,503,694	1,101,594	1,146,594
OPERATION AND MAINTENANCE, AIR FORCE	6,909,259	6,685,881	6,650,881
OPERATION AND MAINTENANCE, DEFENSE-WIDE	2,855,993	2,790,669	2,714,487
OPERATION AND MAINTENANCE, ARMY RESERVE	74,049	74,049	74,049
OPERATION AND MAINTENANCE, NAVY RESERVE	111,066	111,066	111,066
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	13,591	13,591	13,591
OPERATION AND MAINTENANCE, AIR FORCE RESERVE	10,160	10,160	10,160
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	133,569	83,569	83,569
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	38,429	38,429	38,429
AFGHANISTAN SECURITY FORCES FUND	5,906,400	5,906,400	5,906,400
IRAQ SECURITY FORCES FUND	3,842,300	3,842,300	3,842,300
IRAQ FREEDOM FUND	155,600	455,600	355,600
JOINT IED DEFEAT FUND	2,432,800	2,432,800	2,432,800
STRATEGIC RESERVE READINESS FUND	2,500,000	---	2,000,000
GRAND TOTAL, OPERATION AND MAINTENANCE	52,499,979	48,784,490	50,429,975

The conference agreement provides $50,429,975,000 for Operation and Maintenance, instead of $52,499,979,000 as proposed by the House, and $48,784,490,000 as proposed by the Senate. The conferees provide a net increase $171,368,000 above the President's request. The level of funding agreed to by the conferees fully funds critical ground combat operations, flying hours, military intelligence activities, logistical support, fuel purchases, base support, depot maintenance and over-ocean transportation related to the wars in Iraq and Afghanistan.

The conferees believe that military operations in Afghanistan are vital to defeating terrorism and therefore provide an additional $750,000,000 for OPERATION ENDURING FREEDOM above the original budget request as follows:

OPERATION ENDURING FREEDOM

($'s in millions)

Army	+510
Navy	+100
Marine Corps	+45
Air Force	+80
Defense-wide	+15
Total OEF	+750

OPERATION AND MAINTENANCE, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)		
	House	Senate	Conference
50 OPERATION AND MAINTENANCE, ARMY			
70 BUDGET ACTIVITY 1: OPERATING FORCES			
90 ADDITIONAL ACTIVITIES	17,631,309	17,606,616	17,606,616
95 OPERATION ENDURING FREEDOM OPTEMPO	500,000	---	---
110 COMMANDER'S EMERGENCY RESPONSE PROGRAM	456,000	456,400	456,400
150 TOTAL, BUDGET ACTIVITY 1	18,587,309	18,063,016	18,063,016
165 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
170 SECURITY PROGRAMS	597,614	597,614	597,614
190 SERVICE-WIDE TRANSPORTATION	1,712,749	1,712,749	1,712,749
195 TOTAL, BUDGET ACTIVITY 4	2,310,363	2,310,363	2,310,363
211 TOTAL, O&M, ARMY	20,897,672	20,373,379	20,373,379

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

O-1	Budget Request 1/	House 2/	Senate	Conference
OPERATION AND MAINTENANCE, ARMY				
BA-1: OPERATING FORCES				
OEF OPTEMPO	0	**500,000**	0	0
Additional Activities	**17,656,616**	**17,631,309**	**17,606,616**	**17,606,616**
Correction of budget submission error		456,000		0
Mobilization training		88,500		0
Readiness Enhancements		200,000		0
Unjustified request			-50,000	-50,000
Commanders' Emergency Response Program	**456,400**	**456,000**	**456,400**	**456,400**
Correction of budget submission error		-50,400		

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

COMMANDERS' EMERGENCY RESPONSE PROGRAM

Within the funds provided for Operation and Maintenance, Army, the conference agreement includes $456,400,000 for the Commanders' Emergency Response Program (CERP). Within this amount, $350,400,000 shall be for CERP activities in Iraq and $106,000,000 for activities in Afghanistan.

The following table provides details within Operation and Maintenance, Army line items recommended by the conferees:

Line and Category		Conference Recommendation
135	OIF/OEF Operations and Sustainment	3,472,494
135	LOGCAP	2,511.402
135	Subsistence	965,300
135		IBA/RFI/Other Force Protection
135	Predeployment Training and Support	1,484,768
135	Active Component Overstrength (30K)	386,189
135	Soldier and Family Support	863,365
135	Contract Linguists/Cultural Advisors	884,902
135	CONUS Base Support/Security	851,903
135	Recruiting and Retention	215,869
135	Reconstruction Support (GRD/PCO)	790,082
135	BCT Acceleration	177,245
135	Theater Plus Up/Surge	3,029,745
135	COCOM Regional War on Terror	90,832
135	Other GWOT	218,949
135	Intelligence Activities	119,859
	Subtotal Additional Activities	17,606,616
136	CERP	456,400
411	Security programs	597,614
421	Second Destination Transportation	1,712,749
	Grand Total, Operation and Maintenance, Army	20,373,379

OPERATION AND MAINTENANCE, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	House	Senate	Conference
270 OPERATION AND MAINTENANCE, NAVY			
290 BUDGET ACTIVITY 1: OPERATING FORCES			
310 MISSION & OTHER FLIGHT OPERATIONS	1,309,203	1,121,040	1,121,040
330 FLEET AIR TRAINING	41,661	41,661	41,661
350 INTERMEDIATE MAINTENANCE	1,420	1,420	1,420
370 AIR OPERATIONS AND SAFETY SUPPORT	6,614	6,614	6,614
390 AIR SYSTEMS SUPPORT	6,005	6,005	6,005
410 AIRCRAFT DEPOT MAINTENANCE	190,304	184,663	56,104
430 MISSION & OTHER SHIP OPERATIONS	824,606	767,758	767,758
450 SHIP OPERATIONAL SUPPORT/TRAINING	15,417	15,417	15,417
470 SHIP DEPOT MAINTENANCE	278,235	269,009	109,235
490 SHIP DEPOT OPERATIONS SUPPORT	11,463	11,463	11,463
510 COMBAT COMMUNICATIONS	10,656	10,656	10,656
530 ELECTRONIC WARFARE	9,088	9,088	9,088
550 SPACE SYSTEMS & SURVEILLANCE	3,190	3,190	3,190
570 WARFARE TACTICS	11,861	11,861	11,861
590 OP METEOROLOGY AND OCEANOGRAPHY	4,919	4,919	4,919
610 COMBAT SUPPORT FORCES	1,683,241	1,074,667	1,074,667
630 EQUIPMENT MAINTENANCE	8,991	8,991	8,991
650 IN-SERVICE WEAPONS SYSTEMS SUPPORT	23,316	23,316	23,316
670 WEAPONS MAINTENANCE	6,671	6,671	6,671
690 OTHER WEAPONS SYSTEMS SUPPORT	463	463	463
710 FACILITIES SUSTAINMENT, RESTORATION & MOD (FSRM)	27,665	27,665	27,665
730 BASE OPERATING SUPPORT (BOS)	491,069	491,069	491,069
750 UNEXECUTABLE FY 2007 FUNDING	-306,000	---	---
760 OPERATION ENDURING FREEDOM OPTEMPO	200,000	---	100,000
765 ADJUSTMENT TO CORRECT OFFICIAL BUDGET REQUEST	-554,855	---	---
770 TOTAL, BUDGET ACTIVITY 1	4,305,203	4,097,606	3,909,273
790 BUDGET ACTIVITY 2: MOBILIZATION			
810 SHIP PREPOSITIONING & SURGE	187,302	162,761	162,761
850 FLEET HOSPITAL PROGRAM	7,903	7,903	7,903
860 ADJUSTMENT TO CORRECT OFFICIAL BUDGET REQUEST	-24,000	---	---
870 TOTAL, BUDGET ACTIVITY 2	171,205	170,664	170,664

		(In thousands of dollars) House	Senate	Conference
890	BUDGET ACTIVITY 3: TRAINING AND RECRUITING			
910	OFFICER ACQUISITION	71	71	71
950	SPECIALIZED SKILL TRAINING	84,292	67,849	67,849
970	FLIGHT TRAINING	8,656	8,656	8,656
990	RECRUITING & ADVERTISING	1,152	1,152	1,152
1010	ADJUSTMENT TO CORRECT OFFICIAL BUDGET REQUEST	-16,272	---	---
1050	TOTAL, BUDGET ACTIVITY 3	77,899	77,728	77,728
1070	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
1090	ADMINISTRATION	6,027	6,027	6,027
1110	EXTERNAL RELATIONS	98	98	98
1130	MILITARY MANPOWER/PERSONNEL MANAGEMENT	1,188	1,188	1,188
1150	OTHER PERSONNEL SUPPORT	2,392	2,392	2,392
1170	SERVICE-WIDE COMMUNICATIONS	72,089	71,489	71,489
1190	SERVICE-WIDE TRANSPORTATION	346,938	194,011	194,011
1210	PLANNING, ENGINEER & DESIGN	3	3	3
1230	ACQUISITION AND PROGRAM MANAGEMENT	109,817	54,212	54,212
1250	COMBAT/WEAPONS SYSTEM	436	436	436
1270	SPACE & ELECTRONIC WARFARE SYSTEM	55	55	55
1290	SECURITY PROGRAMS	106,962	65,147	65,147
1310	NAVAL INVESTIGATIVE SERVICE	3,654	3,654	3,654
1330	ADJUSTMENT TO CORRECT OFFICIAL BUDGET REQUEST	-208,862	---	---
1350	TRANSFER TO COAST GUARD	120,293	120,293	120,293
1390	TOTAL, BUDGET ACTIVITY 4	561,090	519,005	519,005
1410	TOTAL, O&M, NAVY	5,115,397	4,865,003	4,676,670

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request 1/	House 2/	Senate	Conference
OPERATION AND MAINTENANCE, NAVY				
BA-1: OPERATING FORCES				
Amended Budget (correction of submission error)	**0**	**-554,855**	**0**	**0**
OEF OPTEMPO	**0**	**200,000**	**0**	**100,000**
Mission & Other Flight Operations	**1,121,040**	**1,208,965**	**1,121,040**	**1,121,040**
Marine Corps Flying hours		80,000		0
Aircraft Depot Maintenance	**190,304**	**53,304**	**184,663**	**56,104**
Funds not executable in FY 2007		-137,000	-8,441	-137,000
Aircraft survivability equipment (Marine Corps)			2,800	2,800
Ship Depot Maintenance	**278,235**	**109,235**	**269,009**	**109,235**
Funds not executable in FY 2007		-169,000	-9,226	-169,000
Combat Support Forces Maintenance	**1,235,279**	**0**	**1,074,667**	**1,074,667**
Funds not executable in FY 2007			-160,612	-160,612

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

UNEXECUTABLE DEPOT MAINTENANCE

In the fiscal year 2007 emergency supplemental request, the Navy requested funding for additional depot maintenance associated with the surge of combat forces to Iraq and the CENTCOM area of responsibility. Based on more recent analysis of depot maintenance requirements subsequent to the budget submission, the conferees reduce the amount of funding identified by the Navy as being unexecutable in fiscal year 2007.

OPERATION AND MAINTENANCE, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)		
	House	Senate	Conference
1430 OPERATION AND MAINTENANCE, MARINE CORPS			
1450 BUDGET ACTIVITY 1: OPERATING FORCES			
1490 OPERATIONAL FORCES	664,833	514,633	514,633
1510 FIELD LOGISTICS	531,632	381,632	381,632
1570 SUSTAINMENT, RESTORATION, AND MODERNIZATION	19,186	19,186	19,186
1590 BASE SUPPORT	33,474	33,474	33,474
1592 OPERATION ENDURING FREEDOM OPTEMPO	100,000	---	45,000
1595 TOTAL, BUDGET ACTIVITY 1	1,349,125	948,925	993,925
1605 BUDGET ACTIVITY 3: TRAINING AND RECRUITING			
1610 RECRUIT TRAINING	1,900	---	---
1650 TRAINING SUPPORT	62,936	62,936	62,936
1670 RECRUITING AND ADVERTISING	24,000	24,000	24,000
1675 TOTAL, BUDGET ACTIVITY 3	88,836	86,936	86,936
1685 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
1730 SERVICE-WIDE TRANSPORTATION	65,733	65,733	65,733
1735 TOTAL, BUDGET ACTIVITY 4	65,733	65,733	65,733
1750 TOTAL, O&M, MARINE CORPS	1,503,694	1,101,594	1,146,594

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request 1/	House 2/	Senate	Conference
OPERATION AND MAINTENANCE, MARINE CORPS				
BA-1: OPERATING FORCES				
OEF OPTEMPO	**0**	**100,000**	**0**	**45,000**
Operational Forces	**664,633**	**664,833**	**514,633**	**514,633**
Additional individual equipment		200		0
Unexecutable Funding			-150,000	-150,000
Field Logistics	**531,632**	**531,632**	**381,632**	**381,632**
Unexecutable Funding			-150,000	-150,000
BA-3: TRAINING AND RECRUITING	**86,936**	**88,836**	**86,936**	**86,936**
Recruit Training		1,900		0

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

UNEXECUTABLE FUNDING

Subsequent to the budget submission, the Marine Corps identified $300,000,000 that is unexecutable in fiscal year 2007 based on unanticipated lag time associated with current funding execution.

OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	House	Senate	Conference
1770 OPERATION AND MAINTENANCE, AIR FORCE			
1790 BUDGET ACTIVITY 1: OPERATING FORCES			
1810 PRIMARY COMBAT FORCES	1,281,232	1,252,192	1,252,192
1830 PRIMARY COMBAT WEAPONS	2,427	2,427	2,427
1850 COMBAT ENHANCEMENT FORCES	91,586	91,586	91,586
1890 COMBAT COMMUNICATIONS	339,480	339,480	339,480
1910 DEPOT MAINTENANCE	85,400	85,400	85,400
1930 FSRM	184,505	184,505	184,505
1950 BASE OPERATING SUPPORT	1,711,157	1,811,157	1,711,157
1970 GLOBAL C3I AND EARLY WARNING	20,872	20,872	20,872
1990 NAVIGATION AND WEATHER SUPPORT	6,344	6,344	6,344
2010 OTHER COMBAT OPS SUPPORT	270,506	257,732	257,732
2030 MANAGEMENT AND OPERATIONAL	104,503	95,139	95,139
2050 TACTICAL INTEL & OTHER SUPPORT	930	930	930
2070 LAUNCH FACILITIES	1,103	1,103	1,103
2090 LAUNCH VEHICLES	20	20	20
2110 SPACE CONTROL SYSTEMS	572	572	572
2130 SATELLITE SYSTEMS	73	73	73
2150 OTHER SPACE OPERATIONS	7,949	7,949	7,949
2170 FSRM	157	157	157
2190 BASE OPERATING SUPPORT	9,058	9,058	9,058
2195 OPERATION ENDURING FREEDOM OPTEMPO	140,000	---	65,000
2210 TOTAL, BUDGET ACTIVITY 1	4,257,874	4,166,696	4,131,696
2225 BUDGET ACTIVITY 2: MOBILIZATION			
2230 AIRLIFT OPERATIONS	1,683,783	1,551,583	1,551,583
2270 AIRLIFT OPERATIONS C3I	12,284	12,284	12,284
2290 MOBILIZATION PREPAREDNESS	19,988	19,988	19,988
2310 DEPOT MAINTENANCE	209,000	209,000	209,000
2330 FSRM	1,464	1,464	1,464
2350 BASE OPERATING SUPPORT	95,302	95,302	95,302
2370 TOTAL, BUDGET ACTIVITY 2	2,021,821	1,889,621	1,889,621

(In thousands of dollars)

	House	Senate	Conference
2385 BUDGET ACTIVITY 3: TRAINING AND RECRUITING			
2390 RECRUIT TRAINING	54	54	54
2430 BASE OPERATING SUPPORT	1,510	1,510	1,510
2450 SPECIALIZED SKILL TRAINING	65,036	65,036	65,036
2470 FLIGHT TRAINING	25	25	25
2490 PROFESSIONAL DEVELOPMENT TRAINING	692	692	692
2510 TRAINING SUPPORT	1,241	1,241	1,241
2530 FSRM	2,406	2,406	2,406
2550 BASE OPERATING SUPPORT	15,000	15,000	15,000
2570 RECRUITING AND ADVERTISING	72	72	72
2590 TOTAL, BUDGET ACTIVITY 3	86,036	86,036	86,036
2605 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
2610 LOGISTICS OPERATIONS	191,550	191,550	191,550
2650 TECHNICAL SUPPORT ACTIVITIES	1,101	1,101	1,101
2670 SERVICE-WIDE TRANSPORTATION	113,776	113,776	113,776
2690 FSRM	145	145	145
2710 BASE OPERATING SUPPORT	15,124	15,124	15,124
2730 ADMINISTRATION	1,421	1,421	1,421
2750 SERVICE-WIDE COMMUNICATION	40,765	40,765	40,765
2770 PERSONNEL PROGRAMS	222	222	222
2790 OTHER SERVICE-WIDE ACTIVITIES	47,486	47,486	47,486
2810 OTHER PERSONNEL SUPPORT	2,603	2,603	2,603
2830 BASE OPERATING SUPPORT	2,862	2,862	2,862
2850 SECURITY PROGRAMS	102,842	102,842	102,842
2870 INTERNATIONAL SUPPORT	23,631	23,631	23,631
2890 TOTAL, BUDGET ACTIVITY 4	543,528	543,528	543,528
2910 TOTAL, O&M, AIR FORCE	6,909,259	6,685,881	6,650,881

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request 1/	House 2/	Senate	Conference
OPERATION AND MAINTENANCE, AIR FORCE				
BA-1: OPERATING FORCES				
OEF OPTEMPO	**0**	**140,000**	**0**	**65,000**
Base Operating Support	**2,011,157**	**1,711,157**	**1,811,157**	**1,711,157**
Unjustified Growth		-300,000	-200,000	-300,000
Airlift Operations	**1,701,583**	**1,683,783**	**1,551,583**	**1,551,583**
Unjustified Growth			-150,000	-150,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
2930 OPERATION AND MAINTENANCE, DEFENSE-WIDE			
2950 BUDGET ACTIVITY 1: OPERATING FORCES			
2970 THE JOINT STAFF (TJS)	35,200	61,904	60,200
2990 US SPECIAL OPERATIONS COMMAND (US SOCOM)	653,147	667,197	653,147
3010 TOTAL, BUDGET ACTIVITY 1	688,347	729,101	713,347
3025 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
3030 AMERICAN FORCES INFORMATION SERVICE (AFIS)	18,785	18,785	18,785
3050 DEFENSE CONTRACT AUDIT AGENCY (DCAA)	16,372	15,000	16,372
3070 DEFENSE CONTRACT MANAGEMENT AGENCY (DCMA)	6,169	5,882	6,169
3090 DEFENSE HUMAN RESOURCES ACTIVITY (DHRA)	21,681	6,551	6,551
3110 DEFENSE INFORMATION SYSTEMS AGENCY (DISA)	76,347	162,347	76,347
3130 DEFENSE LOGISTICS AGENCY (DLA)	24,600	---	---
3170 DOD EDUCATION ACTIVITY (DODEA)	136,900	119,922	129,922
3190 DEFENSE SECURITY COOPERATION AGENCY (DSCA)	650,000	500,000	500,000
3210 DEFENSE THREAT REDUCTION AGENCY (DTRA)	11,900	1,200	1,200
3230 OFFICE OF THE SECRETARY OF DEFENSE	40,180	40,180	45,180
3250 WASHINGTON HEADQUARTERS SERVICES (WHS)	4,800	4,800	4,800
3270 CLASSIFIED	1,129,912	1,186,901	1,180,814
3275 OPERATION ENDURING FREEDOM OPTEMPO	30,000	---	15,000
3300 TOTAL, BUDGET ACTIVITY 4	2,167,646	2,061,568	2,001,140
3310 TOTAL, O&M, DEFENSE-WIDE	2,855,993	2,790,669	2,714,487

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

	Budget Request 1/	House 2/	Senate	Conference
The Joint Staff (TJS)	**61,904**	**35,200**	**61,904**	**60,200**
Combatant Commander Initiative Fund (CCIF)		-25,000		
Contingency planning database (CPD) and effects-based assessment system (EBASS)		-1,704		-1,704
US Special Operations Command (US SOCOM)	**667,197**	**653,147**	**667,197**	**653,147**
Program reduction		-14,050		-14,050
Defense Contract Audit Agency (DCAA)	**15,000**	**16,372**	**15,000**	**16,372**
Iraq reconstruction efforts: civilian personnel		1,263		1,263
Iraq reconstruction efforts: temporary/additional duty		13		13
Iraq reconstruction efforts: miscellaneous contracts		96		96
Defense Contract Management Agency (DCMA)	**5,882**	**6,169**	**5,882**	**6,169**
Contract oversight of Iraq and Afghanistan mission requirements: pay		287		287
Defense Human Resources Activity (DHRA)	**21,681**	**21,681**	**6,551**	**6,551**
Homeland Security Presidential Directive No. 12			-15,130	-15,130
Defense Information Systems Agency (DISA)	**162,347**	**76,347**	**162,347**	**76,347**
Expeditionary virtual network (EVNO)		-86,000		-86,000
Defense Logistics Agency (DLA)	**24,600**	**24,600**	**0**	**0**
Lithium battery program adjustment			-24,600	-24,600
DoD Education Activity (DoDEA)	**119,922**	**136,900**	**119,922**	**129,922**
Guantanamo Bay quality of life		-38,322		
Family assistance for Guard and Reserve		7,000		4,000
Child care for Guard and Reserve		10,000		6,000
Defense Security Cooperation Agency (DSCA)	**950,000**	**650,000**	**500,000**	**500,000**
Support to coalition partners: global lift and sustain		-50,000	-50,000	-50,000
Support to coalition partners: global train and equip		-300,000	-300,000	-300,000
Coalition support reduction			-100,000	-100,000
Defense Threat Reduction Agency (DTRA)	**1,200**	**11,900**	**1,200**	**1,200**
Office of the Secretary of Defense	**40,180**	**40,180**	**40,180**	**45,180**
Transfer from Procurement of Ammunition, Air Force only for Handgun Replacement Study				5,000
Classified	**1,185,809**	**1,129,912**	**1,186,901**	**1,180,814**
OEF OPTEMPO	**0**	**30,000**	**0**	**15,000**

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

Expeditionary Virtual Network (EVNO)

The conference agreement deletes funds requested within the Defense Information Systems Agency for the expeditionary virtual network. The conferees direct that these activities shall be funded within funds made available in this Act for the Iraq Security Forces Fund.

SOAR Virtual School District

The conferees direct that the Deputy Undersecretary of Defense for Military Community and Family Policy shall release a request for proposal as soon as practicable for funding provided in the fiscal year 2007 Defense Appropriations Act for Student Online Achievement Resources (SOAR Virtual School District), an Internet-based initiative designed to assist children from military families reap the greatest benefit from their public education, especially as families relocate and students move from school to school. This effort shall involve online assessments to identify strengths and weaknesses in both literacy and math and will be provided by a teacher education program of an institution of higher education that has experience working with teachers to provide curricula for children of Armed Forces personnel. Further, this project shall link schools through a "virtual school district," providing a vehicle by which a student's individual performance records can transfer to a student's new school.

Family Advocacy Programs

The conference agreement provides $10,000,000 for Family Advocacy Programs, instead of $17,000,000 as proposed by the House. Of the additional amounts provided, $4,000,000 is to fund initiatives to bolster Guard and Reserve family pre-deployment and post deployment support programs. These initiatives should utilize Joint Reserve & Guard Family Assistance Centers. The conferees also provide $6,000,000 to support the child care needs of deployed Guard and Reserve members in their local communities, to include respite and emergency child care.

The conferees also are aware of and concerned about the growing need for family members to have access to professional counseling to help alleviate the mental stresses associated with deployments. At select bases around the country, it has been reported that children of service members are experiencing higher truancy rates and falling grades in school. As such, the conferees urge the family advocacy programs to work with the Department's Health Affairs office, specifically the Defense Health Program, to coordinate efforts to ensure that counseling is provided to all family members of the active duty and reserve component members on deployment or preparing for deployment overseas.

Global Train And Equip

The conference report does not contain an emergency appropriation requested by the Administration for Global Train and Equip authorized under section 1206 of the Fiscal Year 2006 National Defense Authorization Act. Based upon discussions with the Department of Defense, the conferees understand that the Department, working with other federal agencies, has identified requirements associated with Global Train and Equip activities, and is developing a reprogramming request for consideration by the congressional defense committees. The conferees await such a request and anticipate favorable consideration of the reprogramming, provided that the sources of funds meet the committees' approval.

Handgun Replacement Study

The conferees provide $5,000,000 only for a study that examines joint sidearm requirements (including service-unique requirements, as appropriate), the M9 9mm handgun's capabilities (including its lethality), and handgun and ammunition alternatives that address these requirements. The conferees understand that it will be necessary to purchase up to 50 handguns and associated ammunition to conduct this study. In order to inform deliberations on the fiscal year 2008 appropriations bill for the Department of Defense, the conferees direct that the results of the study be provided in a written report to the congressional defense committees by August 31, 2007.

Operation And Maintenance, Army Reserve

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
3330 OPERATION AND MAINTENANCE, ARMY RESERVE			
3351 ADDITIONAL ACTIVITIES	74,049	74,049	74,049
3370 TOTAL, O&M, ARMY RESERVE	74,049	74,049	74,049

OPERATION AND MAINTENANCE, NAVY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
3410 OPERATION AND MAINTENANCE, NAVY RESERVE			
3430 MISSION & OTHER FLIGHT OPERATIONS	43,601	43,601	43,601
3450 INTERMEDIATE MAINTENANCE	9,110	9,110	9,110
3470 MISSION & OTHER SHIP OPERATIONS	22,151	22,151	22,151
3490 COMBAT COMMUNICATIONS	1,170	1,170	1,170
3510 COMBAT SUPPORT FORCES	29,000	29,000	29,000
3530 BASE OPERATING SUPPORT (BOS)	6,034	6,034	6,034
3550 TOTAL, O&M, NAVY RESERVE	111,066	111,066	111,066

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
3570 OPERATION AND MAINTENANCE, MARINE CORPS RESERVE			
3590 OPERATIONAL FORCES	13,591	13,591	13,591
3650 TOTAL, O&M, MARINE CORPS RESERVE	13,591	13,591	13,591

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	House	Senate	Conference
	(In thousands of dollars)		
3670 OPERATION AND MAINTENANCE, AIR FORCE RESERVE			
3710 PRIMARY COMBAT FORCES	7,100	7,100	7,100
3730 BASE SUPPORT	3,060	3,060	3,060
3750 TOTAL, O&M, AIR FORCE RESERVE	10,160	10,160	10,160

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
3770 OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD			
3850 ADDITIONAL ACTIVITIES	133,569	83,569	83,569
3870 TOTAL, O&M, ARMY NATIONAL GUARD	133,569	83,569	83,569

EXPLANTION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

	Budget Request 1/	House 2/	Senate	Conference
Additional Activities	**83,569**	**133,569**	**83,569**	**83,569**
Additional activities: recruitment and retention		50,000		0

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

	House	Senate	Conference
	(In thousands of dollars)		
3890 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD			
3910 AIRCRAFT OPERATIONS	27,200	27,200	27,200
3930 MISSION SUPPORT OPERATIONS	11,229	11,229	11,229
3951 TOTAL, O&M, AIR NATIONAL GUARD	38,429	38,429	38,429

AFGHANISTAN SECURITY FORCES FUND

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
4010 AFGHANISTAN SECURITY FORCES FUND			
4030 MINISTRY OF DEFENSE FORCES:			
4050 INFRASTRUCTURE	209,900	209,900	209,900
4070 EQUIPMENT AND TRANSPORTATION	3,214,500	3,214,500	3,214,500
4090 TRAINING	185,900	185,900	185,900
4110 SUSTAINMENT	255,200	255,200	255,200
4130 MINISTRY OF INTERIOR FORCES:			
4150 INFRASTRUCTURE	594,200	594,200	594,200
4170 EQUIPMENT AND TRANSPORTATION	624,200	624,200	624,200
4190 TRAINING	414,800	414,800	414,800
4210 SUSTAINMENT	399,500	399,500	399,500
4230 RELATED ACTIVITIES	8,200	8,200	8,200
4250 TOTAL, AFGHANISTAN SECURITY FORCES FUND	5,906,400	5,906,400	5,906,400

IRAQ SECURITY FORCES FUND

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	House	Senate	Conference
IRAQ SECURITY FORCES FUND			
MINISTRY OF DEFENSE FORCES:			
INFRASTRUCTURE	264,800	264,800	264,800
EQUIPMENT AND TRANSPORTATION	1,739,800	1,584,300	1,584,300
TRAINING	51,700	51,700	51,700
SUSTAINMENT	1,079,600	1,079,600	1,079,600
MINISTRY OF INTERIOR FORCES:			
INFRASTRUCTURE	205,000	205,000	205,000
EQUIPMENT AND TRANSPORTATION	373,600	373,600	373,600
TRAINING	52,900	52,900	52,900
SUSTAINMENT	72,900	72,900	72,900
RELATED ACTIVITIES	2,000	157,500	157,500
TOTAL, IRAQ SECURITY FORCES FUND	3,842,300	3,842,300	3,842,300

IRAQ SECURITY FORCES FUND

The conference agreement includes $3,842,300,000, the same level as proposed by both the House and the Senate for the Iraq Security Forces Fund. Within this amount, the conference agreement includes $155,500,000 for assistance to the Government of Iraq to disarm, demobilize and reintegrate militias and illegal armed groups. The House had proposed to delete these funds.

The conference agreement modifies a general provision proposed by the House that required certain reports before the obligation of more than 50 percent of the funds made available under this heading.

The conference agreement deletes the withholding of funds under this heading until the reports are provided and, in lieu thereof, requires the submission of the aforementioned reports to the congressional defense committees. The conferees note the pressing need for the data mandated in these reports and fully expect the Department of Defense and the Office of Management and Budget to submit these reports, and any updates thereto, within the timeframes identified in the provision.

IRAQ FREEDOM FUND

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
4550 IRAQ FREEDOM FUND			
4570 JOINT RAPID ACQUISITION FOR GLOBAL WAR ON TERROR......	50,000	100,000	100,000
4590 REMAINS, TRANSPORTATION................................	105,600	105,600	105,600
4595 STATE OWNED FACTORY RESTART, IRAQ.....................	---	100,000	50,000
4600 PROVINCIAL RECONSTRUCTION TEAMS, IRAQ.................	---	150,000	100,000
4610 TOTAL, IRAQ FREEDOM FUND............................	155,600	455,600	355,600

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
4630 JOINT IMPROVISED EXPLOSIVE DEVICE (IED) DEFEAT FUND			
4650 ATTACK THE NETWORK	834,500	834,500	834,500
4670 DEFEAT THE DEVICE	1,485,700	1,485,700	1,485,700
4690 TRAIN THE FORCE	112,600	112,600	112,600
4730 TOTAL, JOINT IED DEFEAT FUND	2,432,800	2,432,800	2,432,800

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

The conference agreement provides $2,432,800,000 for the Joint Improvised Explosive Device Defeat Organization (JIEDDO), as requested, and proposed by both the House and the Senate. Both chambers have expressed concerns with JIEDDO's management practices, and the conferees concur with the findings made by the respective Committees. The conferees direct the Joint Improvised Explosive Device Defeat Organization to adhere to the reporting requirements as set forth in Senate Report 110–37 and the direction and reprogramming requirements as set forth in House Report 110-60.

The conferees agree to provide substantial resources to the JIEDDO in support of the prescribed objective to develop and field innovative solutions and countermeasures to mitigate the critical threat posed by improvised explosive devices. However, the conferees remain concerned with the organization's financial management practices, including its continued failure to provide a plan for obligation and expenditures for previously appropriated and for currently requested funding. The conferees are concerned that the organization is not effectively managing its resources to deliver effective counter-IED solutions to theater., Furthermore, the conferees are concerned with the JIEDDO's inability to provide timely and detailed responses to the congressional defense committees' inquiries for specific information regarding its budget requests. The conferees will be hard-pressed to fully fund future budget requests unless the JIEDDO improves its financial management practices and its responsiveness.

STRATEGIC RESERVE READINESS FUND

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
4750 STRATEGIC RESERVE READINESS FUND	2,500,000	---	2,000,000

STRATEGIC RESERVE READINESS FUND

The conference agreement provides $2,000,000,000 to establish the Strategic Reserve Readiness Fund, instead of $2,500,000,000 as proposed by the House. From the amount provided, $1,000,000,000 shall be transferred to the National Guard and Reserve Equipment appropriation to support improvements to the readiness of the Army National Guard.

PROCUREMENT

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
SUMMARY			
ARMY			
AIRCRAFT	461,850	619,750	619,750
MISSILES	160,173	111,473	111,473
WEAPONS, TRACKED COMBAT VEHICLES	3,474,389	3,400,315	3,404,315
AMMUNITION	681,500	681,500	681,500
OTHER	10,197,399	10,589,272	11,076,137
TOTAL, ARMY	14,975,311	15,402,310	15,893,175
NAVY			
AIRCRAFT	995,797	963,903	1,090,287
WEAPONS	171,813	163,813	163,813
AMMUNITION	159,833	159,833	159,833
OTHER	937,407	722,506	748,749
MARINE CORPS	1,885,383	1,703,389	2,252,749
TOTAL, NAVY	4,150,233	3,713,444	4,415,431
AIR FORCE			
AIRCRAFT	2,474,916	1,431,756	2,106,468
MISSILES	140,300	78,900	94,900
AMMUNITION	95,800	6,000	6,000
OTHER	2,042,183	1,972,131	2,096,200
TOTAL, AIR FORCE	4,753,199	3,488,787	4,303,568
DEFENSE-WIDE			
DEFENSE-WIDE	934,930	903,092	980,050
NATIONAL GUARD AND RESERVE EQUIPMENT			
NATIONAL GUARD AND RESERVE EQUIPMENT	---	1,000,000	---
TOTAL PROCUREMENT	24,813,673	24,507,633	25,592,224

AIRCRAFT COMBAT LOSSES

The conferees have agreed to fund procurement of aircraft to replace combat losses. The conference agreement includes funding for three F/A-18E/F aircraft to directly replace F/A-18 aircraft lost in combat and to fund a single EA-18G aircraft which is a functional replacement for an EA-6B Prowler combat loss. Additionally, funding is provided to bolster the readiness and capabilities of aviation assets operating in extremely high rates. As such, the conferees agree to fund six UH-60 helicopters and five C-130 aircraft.

FUNDING FOR EFFORTS IN BASE BUDGET

The conferees agree to delete funding for procurement items that are better suited to receive funding through the normal budget process. Replacing obsolete computer equipment and installing non-emergency equipment modifications or upgrades should be funded as part of the base budget. The Department of Defense is encouraged to appropriately identify their needs so that only emergency items are requested in the supplementals and routine procurements are funded in the normal budget process. Additionally, the Department is reminded that supplemental funding should not be requested for items that can not be executed in a timely fashion.

AIRCRAFT PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
50 AIRCRAFT PROCUREMENT, ARMY			
100 ARMED RECONNAISSANCE HELICOPTER	38,000	---	---
150 UH-60M BLACKHAWK (MYP)	30,403	136,303	136,303
250 GUARDRAIL MODS (TIARA)	33,000	33,000	33,000
300 ARL MODS (TIARA)	15,000	15,000	15,000
350 AH-64 MODS	64,200	64,200	64,200
400 CH-47 CARGO HELICOPTER MODS	30,000	120,000	120,000
450 ASE INFRARED CM	231,555	231,555	231,555
500 COMMON GROUND EQUIPMENT	1,811	1,811	1,811
550 AIRCREW INTEGRATED SYSTEMS	10,200	10,200	10,200
600 AIR TRAFFIC CONTROL	7,681	7,681	7,681
650 TOTAL, AIRCRAFT PROCUREMENT, ARMY	461,850	619,750	619,750

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
3	**Armed Reconnaissance Helicopter**	**38,000**	**38,000**	**0**	**0**
	Baseline budget requirement			-38,000	-38,000
5	**UH-60M Blackhawk Multiyear**	**106,303**	**30,403**	**136,303**	**136,303**
	Defer acquisition funding for non-battle loss replacement aircraft		-75,900		0
	War Replacement Aircraft			30,000	30,000
12	**CH-47 Cargo Helicopter Mods**	**120,000**	**30,000**	**120,000**	**120,000**
	Defer acquisition funding for non-battle loss replacement aircraft		-90,000		0
	(Note: The conference agreement includes one SOCOM CH-47 battle loss and three CH-47s for the Army National Guard)				

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

MISSILE PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
700 MISSILE PROCUREMENT, ARMY			
750 JAVELIN	103,673	74,673	74,673
800 GUIDED MLRS ROCKET	19,700	---	---
850 ITAS/TOW MODIFICATIONS	36,800	36,800	36,800
900 TOTAL, MISSILE PROCUREMENT, ARMY	160,173	111,473	111,473

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1	Budget Request 1/	House 2/	Senate	Conference
5 Javelin	**103,673**	**103,673**	**74,673**	**74,673**
Unexecutable Request			-29,000	-29,000
15 GMLRS	**19,700**	**19,700**	**0**	**0**
Unit Cost Efficiencies			-19,700	-19,700

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)		
		House	Senate	Conference
950	PROCUREMENT OF W&TCV, ARMY			
1000	BRADLEY BASE SUSTAINMENT (G80718)	520,800	520,800	520,800
1150	STRYKER VEHICLE (G85100)	857,685	767,685	767,685
1200	CARRIER, MOD (GB1930)	36,191	36,191	36,191
1250	FIST VEHICLE (MOD) (GZ2300)	16,257	16,257	16,257
1300	BFVS SERIES (MOD) (GZ2400)	115,190	115,190	115,190
1350	HOWITZER, MED SP FT 155MM M109A6 (MOD) (GA0400)	15,785	15,785	15,785
1400	IMPROVED RECOVERY VEHICLE (M88 MOD) (GA0570)	65,635	57,635	61,635
1500	M1 ABRAMS TANK (MOD) (GA0700)	75,259	75,259	75,259
1550	SYSTEM ENHANCEMENT PGM: (SEP M1A2) (GA0730)	325,000	325,000	325,000
1600	HOWITZER, LIGHT, TOWED, 105MM, M119 (G01300)	17,696	17,696	17,696
1650	M240 MEDIUM MACHINE GUN (7.62MM) (G13000)	66,165	72,277	72,277
1700	M249 SAW MACHINE GUN, 5.56MM (G12900)	3,314	3,314	3,314
1750	MK-19 GRENADE MACHINE GUN (40MM) (G13400)	36,462	41,871	41,871
1800	MORTAR SYSTEMS (G02200)	35,212	35,212	35,212
1850	M107, CAL 50, SNIPER RIFLE (G01500)	719	719	719
1900	XM110 SEMI -AUTOMATIC SNIPER SYSTEM (SASS) (G01505)	317	317	317
1950	M4 CARBINE (G14904)	94,912	98,412	98,412
2000	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) (G18300)	4,000	---	---
2050	COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) (G047	220,000	220,000	220,000
2100	M4 CARBINE MODS (GB3007)	127,341	129,752	129,752
2150	M2 50 CAL MACHINE GUN MODS (GB4000)	4,000	4,000	4,000
2200	M249 SAW MACHINE GUN MODS (GZ1290)	13,556	13,556	13,556
2250	M240 SAW MACHINE GUN MODS (GZ1300)	3,591	3,591	3,591
2300	PHALANX MODS (GL1000)	150,000	150,000	150,000
2350	M16 RIFLE MODS (GZ2800)	1,947	1,947	1,947
2400	MODS LESS THAN $5.0M (WOCV-WTCV) (GC0925)	21,454	21,900	21,900
2450	ITEMS LESS THAN $5.0M (WOCV-WTCV) (GL3200)	4,074	4,996	4,996
2500	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) (GC0076)	8,202	8,202	8,202
2550	REF SMALL ARMS (G15400)	560	560	560
2600	MACHINE GUN, CAL .50 M2 ROLL (GB2000)	32,480	41,369	41,369
2650	XM320 GRENADE LAUNCHER MODULE (GLM) (G01501)	4,234	4,471	4,471
2700	ABRAMS UPGRADE PROGRAM (M1A2 SEP) (GA0750)	596,351	596,351	596,351
2750	TOTAL, PROCUREMENT OF W&TCV, ARMY	3,474,389	3,400,315	3,404,315

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
5	**Stryker Vehicle (GB5100)**	857,685	857,685	767,685	767,685
	Premature Funding Request, Mobile Gun System			-90,000	-90,000
12	**Improved Recovery Vehicle (M88 MOD) (GA0570)**	65,635	65,635	57,635	61,635
	Pricing Adjustment			-8,000	-4,000
20	**M240 Medium Machine Gun (7.62MM) (G13000)**	72,277	66,165	72,277	72,277
22	**M-19 Grenade Machine Gun (40MM) (G13400)**	41,871	36,462	41,871	41,871
27	**M4 Carbine (G14904)**	98,412	94,912	98,412	98,412
28	**Shotgun, Modular Accessory System (G18300)**	4,000	4,000	0	0
	Premature Funding			-4,000	-4,000
32	**M4 Carbine MODS (GB3007)**	129,752	127,341	129,752	129,752
40	**MODS Less than $5.0 Million**	21,900	21,454	21,900	21,900
41	**Items Less than $5.0 Million**	4,996	4,074	4,996	4,996
48	**Machine Gun, Cal .50 M2 (GB2000)**	41,369	32,480	41,369	41,369
49	**XM320 Grenade Launcher Module (GO1501)**	4,471	4,234	4,471	4,471

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

PROCUREMENT OF AMMUNITION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

		House	Senate	Conference
		(In thousands of dollars)		
2800	PROCUREMENT OF AMMUNITION, ARMY			
2900	7.62MM ALL TYPES	25,000	25,000	25,000
2950	CTG, .50 CAL, ALL TYPES	39,300	39,300	39,300
3000	20MM ALL TYPES	38,100	38,100	38,100
3050	25MM ALL TYPES	15,000	15,000	15,000
3100	30MM ALL TYPES	40,000	40,000	40,000
3150	40MM ALLTYPES	165,200	165,200	165,200
3200	CTG, TANK, 120MM TACTICAL, ALL TYPES	8,000	8,000	8,000
3250	MACS	20,000	20,000	20,000
3300	MINE CLEARING CHARGE ALL TYPES	6,000	6,000	6,000
3350	SHOULDER FIRED ROCKETS ALL TYPES	30,000	30,000	30,000
3400	ROCKET, HYDRA 70, ALL TYPES	28,000	28,000	28,000
3450	DEMOLITION MUNITIONS ALL TYPES	23,500	23,500	23,500
3500	GRENADES ALL TYPES	2,000	2,000	2,000
3550	SIGNALS ALL TYPES	163,900	163,900	163,900
3600	SIMULATORS ALL TYPES	12,000	12,000	12,000
3650	NON-LETHAL AMMUNITION ALL TYPES	55,500	55,500	55,500
3700	ITEMS LESS THAN $5M	10,000	10,000	10,000
3750	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	681,500	681,500	681,500

OTHER PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
3800 OTHER PROCUREMENT, ARMY			
3850 TACTICAL TRAILERS/DOLLY SETS (DA0100)................	4,977	11,417	11,417
3900 SEMITRAILERS, FLATBED: (D01001)......................	8,234	27,544	27,544
3950 SEMITRAILERS, TANKERS (D02001).......................	6,173	---	6,173
4000 HI MOB MULTI-PURP WLHD (HMMWV) (D15400)...............	866,791	953,548	953,548
4300 FAMILY OF MEDIUM TACTICAL VEH (FMTV) (D15500).........	1,610,692	1,471,661	1,541,661
4350 FAMILY OF HEAVY TACTICAL VEH (FTHV) (DA0500).........	572,762	574,432	574,432
4450 ARMORED SECURITY VEHICLES (ASV) (D02800).............	301,498	301,498	301,498
4500 TRUCK, TRACTOR, LIN HAUL, M915/M915 (DA0600)..........	5,448	181,873	181,873
4650 MODIFICATION OF IN SVC EQUIP (DA0924).................	1,159,889	1,159,889	1,159,889
4700 PASSENGER CARRYING VEHICLES (D23000)..................	6,149	---	---
4750 NON TACTICAL VEHICLES, OTHER (D3000)..................	133,072	193,721	193,721
4760 ADD-ON ARMOR FOR COMMERCIAL VEHICLES..................	---	7,400	7,400
4800 DEFENSE ENTERPRISE WIDEBAND SATCOM SYS (SPACE) (BB8500	19,200	19,200	19,200
4850 SAT TERM, EMUT (SPACE) (K77200).......................	17,600	17,600	17,600
4950 NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) (K47800)....	32,532	34,398	34,398
5000 SMART-T (SPACE) (BC4002)..............................	8,960	8,960	8,960
5050 GLOBAL BRDCST SVC - GBS (BC4120)......................	1,800	1,800	1,800
5100 MOD OF IN-SVC EQUIP (TAC SAT) (BB8417)................	12	12	12
5150 ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) (BU1400)...	58,127	58,127	58,127
5200 SINCGARS FAMILY (BW0006)..............................	532,544	433,250	458,709
5250 BRIDGE TO FUTURE NETWORKS (BB1500)....................	390,723	390,723	390,723
5300 COMBAT SURVIVOR EVADER LOCATOR (CSEL) (B03200)........	49,360	49,360	49,360
5350 RADIO, IMPROVED HF (COTS) FAMILY (BU8100).............	461,608	509,260	509,260

	(In thousands of dollars)		
	House	Senate	Conference
5450 MEDICAL COMM FOR CBT CASUALTY CARE (MC4) (MA8046)	56,997	56,997	56,997
5500 TSEC - ARMY KEY MGT SYS (AKMS) (BA1201)	313	1,517	1,517
5550 INFORMATION SYSTEM SECURITY PROGRAM-ISSP (TA0600)	78,496	55,201	55,201
5600 INFORMATION SYSTEMS (BB8650)	1,000	1,000	1,000
5650 ALL SOURCE ANALYSIS SYS (ASAS) (MIP) (KA4400)	40,800	40,858	40,858
5700 JTT/CIBS-M (MIP) (V29600)	840	840	840
5750 PROPHET GROUND (MIP) (BZ7326)	23,000	23,000	23,000
5800 TACTICAL UNMANNED AERIAL SYS (TUAS)MIP (B00301)	197,479	197,479	197,479
5950 SMALL UNMANNED AERIAL SYSTEM (SUAS) (B00303)	5,372	5,372	5,372
6000 DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP) (KA2550)	17,000	17,000	17,000
6050 TACTICAL EXPLOITATION SYSTEM (MIP) (BZ7317)	19,500	19,500	19,500
6100 DCGS-A (MIP) (BZ7316)	67,105	69,705	69,705
6150 CI HUMINT INFO MANAGEMENT SYSTEM (CHIMS) (MIP) (BK5275	1,928	1,928	1,928
6200 ITEMS LESS THAN $5.0M (MIP) (BK5278)	33,827	33,827	33,827
6250 LIGHTWEIGHT COUNTER MORTAR RADAR (B05201)	10,470	10,470	10,470
6300 WARLOCK (VA8000)	---	13,250	---
6350 COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES (BL5283)	206,233	206,233	206,233
6400 NIGHT VISION DEVICES (KA3500)	131,339	144,696	144,696
6450 LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM (K38300)	14,073	14,073	14,073
6500 NIGHT VISION, THERMAL WPN SIGHT (K22900)	86,701	109,547	109,547
6550 ARTILLERY ACCURACY EQUIP (AD3200)	3,500	3,500	3,500
6600 PROFILER (K27900)	16,195	16,195	16,195
6650 MOD OF IN-SVC EQUIP (FIREFINDER RADARS) (BZ7325)	64,556	64,556	64,556
6700 FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2) (W61900)	307,800	347,295	347,295
6750 LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLDR) (K3110	91,200	91,200	91,200
6800 COMPUTER BALLISTICS: LHMBC XM32 (K99200)	11,446	11,446	11,446
6850 MORTAR FIRE CONTROL SYSTEM (K99300)	3,474	---	---
6900 TACTICAL OPERATIONS CENTERS (BZ9865)	162,472	162,472	162,472
6950 AFATDS	6,878	3,378	3,378
7000 LWTFDS	23	23	23

(In thousands of dollars)

	House	Senate	Conference
7050 BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BCS3) (W346	1,249	1,249	1,249
7100 FAAD C2 (AD5050)	21,500	21,500	21,500
7150 AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD PCS)	65,248	65,248	65,248
7200 FED	8,514	8,514	8,514
7250 KNIGHT FAMILY (B78504)	3,488	3,488	3,488
7300 LIFE CYCLE SOFTWARE SUPPORT (LCSS) (BD3955)	3,316	3,316	3,316
7350 LOGTECH	24,000	24,000	24,000
7400 TC AIMS II (BZ8900)	12,403	32,403	12,403
7450 TACTICAL INTERNET MANAGER (B93900)	12,472	12,472	12,472
7500 MANEUVER CONTROL SYSTEM (MCS) (BA9320)	58,654	58,654	58,654
7550 SINGLE ARMY LOGISTICS ENTERPRISE (SALE) (W10801)	94,036	---	---
7600 AUTOMATED DATA PROCESSING EQUIP (BD3000)	12,100	12,100	12,100
7650 CSS COMMUNICATIONS (BD3501)	37,423	74,857	37,423
7750 CBRN SOLDIER PROTECTION (M01001)	134,830	134,830	134,830
7800 SMOKE & OBSCURANT FAMILY: SOF (NONAAO ITEM) (MX0600)	107	107	107
7850 TACTICAL BRIDGE (MX0100)	26,000	26,000	26,000
7900 TACTICAL BRIDGE, FLOAT-RIBBON (MA8890)	13,000	13,000	13,000
7950 HANDHELD STANDOFF MINE DETECTION SYSTEM (R68200)	5,551	5,551	5,551
8000 GRND STANDOFF MINE DETECTION SYSTEMS (R68200)	689,640	939,640	1,386,640
8050 EXPLOSIVE ORDNANCE DISPOSAL EQUIP (MA9200)	6,600	6,600	6,600
8100 HEATERS AND ECU'S (MF9000)	12,772	12,772	12,772
8150 LAUNDRIES, SHOWERS, AND LATRINES (M82700)	12,300	12,300	12,300
8250 SOLDIER ENHANCEMENT (MA6800)	9,662	9,662	9,662
8300 FIELD FEEDING EQUIPMENT (M65800)	7,032	7,032	7,032
8350 ITEMS LESS THAN $5M (ENG SPT) (ML5301)	611	611	611
8400 QUALITY SURVEILLANCE EQUIPMENT (MB6400)	42,220	42,220	42,220
8450 DISTRIBUTION SYSTEMS, PETROLEUM & WATER (MA6000)	3,093	3,283	3,283
8500 WATER PURIFICATION SYSTEMS (R05600)	9,401	9,401	9,401
8550 COMBAT SUPPORT MEDICAL (MN1000)	24,579	20,579	24,579
8600 SHOP EQ CONTACT MAINTENANCE TRK MTD (M61500)	52,474	52,474	52,474
8650 WELDING SHOP, TRAILER MTD (M62700)	7,171	7,171	7,171

		(In thousands of dollars) House	Senate	Conference
8700	ITEMS LESS THAN $5.0M (MAINT EQ) (ML5345)	68,912	67,912	67,912
8800	LOADERS (R04500)	145	145	145
8850	HYDRAULIC EXCAVATOR (X01500)	10	10	10
8900	TRACTOR FULL TRACKED (M05800)	1,435	1,435	1,435
8950	CRANES (M06700)	25	25	25
9000	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS (R05901)	7,740	7,740	7,740
9050	ITEMS LESS THAN $5.0M (CONST. EQUIP)	1,487	1,487	1,487
9150	GENERATORS AND ASSOCIATED EQUIP (MA9800)	62,992	50,792	50,792
9200	ROUGH TERRAIN CONTAINER HANDLER (M41200)	15,400	---	---
9250	ALL TERRAIN LIFTING ARMY SYSTEM (M41800)	4,809	5,548	5,548
9300	COMBAT TRAINING CENTERS (CTC) SUPPORT (MA6601)	309	309	309
9350	TRAINING DEVICES, NONSYSTEM (NA0100)	15,819	15,819	15,819
9400	CALIBRATION SETS EQUIPMENT (N1000)	17,100	17,100	17,100
9450	INTEGRATED FAMILY OF TEST EQUIPMENT (MB4000)	96,303	96,303	96,303
9500	TEST EQUIPMENT MODERNIZATION (TEMOD) (N11000)	10,920	10,920	10,920
9550	RAPID EQUIPPING SOLDIER SUPPORT EQUIP (M80101)	20,036	20,036	20,036
9600	PHYSICAL SECURITY SYSTEMS (OPA3) (MA0780)	152,678	152,678	152,678
9650	MODIFICATION OF IN-SVC EQUIP (OPA3) (MA4500)	9,917	---	4,917
9700	BUILDING PRE-FAB RELOCATABLE (MA9160)	93,603	93,603	93,603
9750	INITIAL SPARES FOR LARGE AREA SMOKE OBSCURANT SYS. (M5	948	948	948
9800	SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM (B88605).	12,813	12,813	12,813
9850	COUNTER-ROCKET ARTILLERY & MORTAR (CRAM)	245,000	245,000	245,000
9900	FIRE SUPPORT C2 FAMILY (B28501)	987	987	987
9950	CLASSIFIED PROGRAMS	527	527	527
10000	AMC CRITICAL ITEMS	37,870	37,870	37,870
10150	TOTAL, OTHER PROCUREMENT, ARMY	10,197,399	10,589,272	11,076,137

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
1	**Tactical Trailers/Dolly Sets (DA0100)**	11,417	4,977	11,417	11,417
2	**Semitrailers, Flatbed: (D01001)**	31,544	8,234	27,544	27,544
	Premature Funding Request			-4,000	-4,000
3	**Semitrailers, Tankers (D02001)**	24,165	6,173	0	6,173
	Premature Funding Request			-24,165	-17,992
4	**HMMWV (D15400)**	953,548	866,791	953,548	953,548
5	**Family of Medium Tactical Vehicles (FMTV) (D15500)**	1,616,661	1,610,692	1,471,661	1,541,661
	Stabilize Production Rate			-145,000	-75,000
7	**Family of Heavy Tactical Vehicles (FMTV) (DA0500)**	574,432	572,762	574,432	574,432
10	**Truck, Tractor, Line Haul, M915/M916 (DA0600)**	181,873	5,448	181,873	181,873
17	**Passenger Carrying Vehicles (D23000)**	6,149	6,149	0	0
	Funded in IFF			-6,149	-6,149
18	**Non Tactical Vehicles, Other (D3000)**	203,572	133,072	193,721	193,721
	Funded in IFF			-9,851	-9,851
NEW	**Add-On Armor for Commercial Vehicles**	7,400	0	7,400	7,400
25	**Navstar Global Positioning System (K47800)**	34,398	32,532	34,398	34,398
34	**SINCGARS Family (BW0006)**	533,709	532,544	433,250	458,709
	Unexecutable Request			-100,459	-75,000
42	**Radio, Improved HF (COTS) Family (BU8100)**	509,260	461,608	509,260	509,260
45	**TSEC - Army Key Mgt Sys (BA1201)**	1,517	313	1,517	1,517
46	**Information System Security Program (TA0600)**	78,501	78,496	55,201	55,201
	Transfer to RDT&E, A, line 174 for Execution			-23,300	-23,300
52	**Information Systems**	13,200	1,000	1,000	1,000
	Information Systems Equipment Adjustment		-12,200		-12,200
	Excess to Need			-12,200	0
59	**All Source Analysis Sys (MIP) (KA4400)**	40,858	40,800	40,858	40,858
67	**DCGS-A (MIP) (BZ7316)**	69,705	67,105	69,705	69,705
74	**Warlock**	13,250	0	13,250	0
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund		-13,250		-13,250

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
77	**Night Vision Devices (KA3500)**	**144,696**	**131,339**	**144,696**	**144,696**
80	**Night Vision, Thermal Weapon Sight (K22900)**	**109,547**	**86,701**	**109,547**	**109,547**
89	**Force XXI Battle Command Brigade & Below**	**347,295**	**307,800**	**347,295**	**347,295**
92	**Mortar Fire Control System (K99300)**	**3,474**	**3,474**	**0**	**0**
	Slow Execution			-3,474	-3,474
96	**AFATDS**	**6,878**	**6,878**	**3,378**	**3,378**
	Baseline Budget Requirement			-3,500	-3,500
106	**TC AIMS II**	**32,403**	**12,403**	**32,403**	**12,403**
	Defer non-emergency TC AIMS II procurement		-20,000		-20,000
110	**Single Army Logistics Enterprise (SALE)**	**0**	**94,036**	**0**	**0**
	Defer non-emergency STAMIS Tactical Computers upgrades		-82,000		0
115	**CSS Communications (BD3501)**	**74,857**	**37,423**	**74,857**	**37,423**
	Defer non-emergency upgrades in CSS Communications		-37,000		-37,434
129	**Ground Standoff Mine Detection Systems (R68200)**	**939,640**	**689,640**	**939,640**	**1,386,640**
	Mine Resistant Ambush Protected (MRAP) Vehicles				447,000
144	**Distribution Systems, Petroleum & Water (MA6000)**	**3,283**	**3,093**	**3,283**	**3,283**
146	**Combat Support Medical (MN1000)**	**20,579**	**24,579**	**20,579**	**24,579**
	Medical Equipment Modernization and Replacement		4,000		4,000
149	**Items Less than $5 Million (Maint Eq) (ML5345)**	**67,912**	**68,912**	**67,912**	**67,912**
165	**Generators and Associated Equipment (MA9800)**	**50,792**	**62,992**	**50,792**	**50,792**
166	**Rough Terrain Container Handler (M41200)**	**15,400**	**15,400**	**0**	**0**
	Premature Funding Request			-15,400	-15,400
167	**All Terrain Lifting Arm System (M41800)**	**5,548**	**4,809**	**5,548**	**5,548**
179	**Modification of In-Service Equipment (MA4500)**	**9,917**	**9,917**	**0**	**4,917**
	Baseline Budget Requirement			-9,917	-5,000

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SINGLE CHANNEL GROUND AND AIRBORNE RADIO SYSTEM (SINCGARS) FAMILY

The conferees are concerned that the Army may not be using all the available and qualified industrial capacity to deliver funded quantities of SINCGARS radios to units in the field. The conferees strongly encourage the Army to pursue aggressively the necessary industrial capacity to produce the needed SINCGARS radios and to equip the units of the Army, including the Army Reserve Components, in a timely manner. The conferees recommend $458,709,000 for SINCGARS radios, a reduction of $75,000,000 from the amended budget request. Additionally, $175,000,000 of the amount provided may not be obligated by the Army until 15 days after the Secretary of the Army provides a report to the congressional defense committees that includes an evaluation of SINCGARS capable commercial off-the-shelf tactical radios that can meet operational needs and that explains the Army's strategy to leverage available industrial capacity in order to produce the needed radios at a significantly faster rate.

AIRCRAFT PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
10200 AIRCRAFT PROCUREMENT, NAVY			
11350 EA-18G	83,000	75,000	75,000
11400 F/A-18E/F (FIGHTER) HORNET (MYP)	208,000	16,000	208,000
11450 UH-1Y/AH-1Z	---	50,000	50,000
11460 C-12	---	21,000	21,000
11500 EA-6 SERIES	178,495	178,495	178,495
11550 AV-8 SERIES	9,850	9,850	9,850
11600 F-18 SERIES	85,614	96,814	90,014
11650 H-46 SERIES	49,905	70,505	70,505
11700 AH-1W SERIES	21,100	42,200	21,100
11750 H-53 SERIES	181,848	181,848	181,848
11800 SH-60 SERIES	15,956	15,956	15,956
11850 H-1 SERIES	18,007	18,007	18,007
11900 P-3 SERIES	18,800	24,300	18,800
11950 E-2 SERIES	7,000	7,000	7,000
12000 C-130 SERIES	29,815	29,815	29,815
12050 CARGO/TRANSPORT ACFT SERIES	4,259	4,259	4,259
12100 SPECIAL PROJECT ACFT	5,120	5,120	5,120
12150 AVIATION LIFE SUPPORT MODS	486	486	486
12200 COMMON ECM EQUIPMENT	42,900	92,900	71,900
12250 V-22 (TILT/ROTOR ACFT) OSPREY SERIES	3,510	---	---
12300 SPARES AND REPAIR PARTS	29,332	21,548	10,332
12350 COMMON GROUND EQUIPMENT	2,800	2,800	2,800
12400 TOTAL, AIRCRAFT PROCUREMENT, NAVY	995,797	963,903	1,090,287

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
2	**EA-18G**	**75,000**	**83,000**	**75,000**	**75,000**
	Fund 1 EA-6B combat loss replacement		-367,000		0
4	**F/A-18E/F (Fighter) Hornet (MYP)**	**16,000**	**208,000**	**16,000**	**208,000**
	3 F/A-18's combat loss replacements		192,000		192,000
9	**UH-1Y/AH-1Z**	**50,000**	**0**	**50,000**	**50,000**
	NRE for AH-1Z new build aircraft		-50,000		0
16A	**C-12**	**0**	**0**	**21,000**	**21,000**
	2 C-12 Aircraft for USMC (ASE for USMC)			21,000	21,000
28	**F-18 Series**	**96,814**	**85,614**	**96,814**	**90,014**
	JHMCS modification - requires R&D funding		-3,400		-3,400
	Station 4 integration - incomplete effort		-7,800		-3,400
29	**H-46 Series**	**28,805**	**49,905**	**70,505**	**70,505**
	CH-46E IR Engine Suppression (ASE for USMC)		11,700	22,700	22,700
	CH-46E Wire Strike (ASE for USMC)		4,500	9,100	9,100
	CH-46E Countermeasures (ALE-47) (ASE for USMC)		3,600	7,200	7,200
	CH-46E Ramp Mounted Weapon System (ASE)		1,300	2,700	2,700
30	**AH-1W Series**	**42,200**	**21,100**	**42,200**	**21,100**
	Fund installations through FY 2009 only		-21,100		-21,100
31	**H-53 Series**	**46,848**	**181,848**	**181,848**	**181,848**
	DIRCM protection upgrades (ASE for USMC)		135,000	135,000	135,000
35	**P-3 Series**	**24,300**	**18,800**	**24,300**	**18,800**
	Non-emergency obsolesence upgrades		-5,500		-5,500
50	**Common ECM Equipment**	**34,900**	**42,900**	**92,900**	**71,900**
	Non-emergency obsolesence and testing upgrades		-21,000		-21,000
	AAR-47B(V) (Rotary Wing Common ECM) (ASE)		29,000	58,000	58,000
54	**V-22 (Tilt/Rotor Acft) Osprey Series**	**3,510**	**3,510**	**0**	**0**
	Change to program plan			-3,510	-3,510
55	**Spares and Repair Parts**	**40,548**	**29,332**	**21,548**	**10,332**
	Support facilities		-11,216		-11,216
	SHARP Spares - buying ahead of need			-19,000	-19,000

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2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

WEAPONS PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	House	Senate	Conference
	(In thousands of dollars)		
12450 WEAPONS PROCUREMENT, NAVY			
12600 JT STANDOFF WEAPON (JSOW)	8,000	---	---
12650 HELLFIRE	400	400	400
12700 SMALL ARMS AND WEAPONS	72,113	72,113	72,113
12750 GUN MOUNT MODS	72,000	72,000	72,000
12800 MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM	19,300	19,300	19,300
12850 TOTAL, WEAPONS PROCUREMENT, NAVY	171,813	163,813	163,813

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1	Budget Request [1/]	House [2/]	Senate	Conference
7 **JT Standoff Weapon (JSOW)**	**8,000**	**8,000**	**0**	**0**
JSOW unjustified request			-8,000	-8,000

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PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)		
		House	Senate	Conference
12900	PROCUREMENT OF AMMO, NAVY & MARINE CORPS			
12950	AIRBORNE ROCKETS, ALL TYPES	15,553	15,553	15,553
13000	AIR EXPENDABLE COUNTERMEASURES	7,966	7,966	7,966
13050	5 INCH/54 GUN AMMUNITION	11,000	11,000	11,000
13100	INTERMEDIATE CALIBER GUN AMMO	27	27	27
13150	OTHER SHIP GUN AMMUNITION	18,412	18,412	18,412
13200	SMALL ARMS & LNDG PARTY AMMO	21,862	21,862	21,862
13250	PYROTECHNIC AND DEMOLITION	274	274	274
13300	5.56 MM, ALL TYPES	4,658	4,658	4,658
13350	7.62 MM, ALL TYPES	2,132	2,132	2,132
13400	LINEAR CHARGES, ALL TYPES	2,412	2,412	2,412
13450	.50 CALIBER	2,420	2,420	2,420
13500	40 MM, ALL TYPES	4,093	4,093	4,093
13550	60 MM, ALL TYPES	9,864	9,864	9,864
13600	81 MM, ALL TYPES	10,088	10,088	10,088
13650	120 MM, ALL TYPES	7,779	7,779	7,779
13700	CTG 25 MM, ALL TYPES	80	80	80
13750	9 MM ALL TYPES	155	155	155
13800	GRENADES, ALL TYPES	1,138	1,138	1,138
13850	ROCKETS, ALL TYPES	5,125	5,125	5,125
13900	ARTILLERY, ALL TYPES	13,045	13,045	13,045
13950	DEMOLITION MUNITIONS, ALL TYPES	705	705	705
14000	FUZE, ALL TYPES	661	661	661
14050	NON LETHALS	4,891	4,891	4,891
14100	AMMO MODERNIZATION	15,394	15,394	15,394
14150	ITEMS LESS THAN $5 MILLION	99	99	99
14200	TOTAL, PROCUREMENT AMMUNITION, NAVY	159,833	159,833	159,833

OTHER PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
14250	OTHER PROCUREMENT, NAVY			
14500	CHEMICAL WARFARE DETECTORS	436	436	436
14550	STANDARD BOATS	35,614	35,614	35,614
14600	TACTICAL SUPPORT CENTER	5,850	5,850	5,850
14650	SHIPBOARD IW EXPLOIT	45,750	45,750	45,750
14700	GCCS-M EQUIPMENT	6,966	6,966	6,966
14750	MATCALS	10,890	10,890	10,890
14800	PORTABLE RADIOS	75,850	25,850	25,850
14850	SHIP COMMUNICATIONS AUTOMATION	5,784	5,784	5,784
14900	COMMUNICATIONS ITEMS UNDER $5M	10,777	10,777	10,777
14950	NAVAL SHORE COMMUNICATIONS	1,077	1,077	1,077
15000	METEOROLOGICAL EQUIPMENT	---	7,497	---
15050	AVIATION LIFE SUPPORT	3,300	3,300	3,300
15100	GENERAL PURPOSE TRUCKS	961	---	---
15150	CONSTRUCTION & MAINTENANCE EQUIPMENT	225,261	173,861	199,561
15200	FIRE FIGHTING EQUIPMENT	700	700	700
15250	TACTICAL VEHICLES	258,890	207,290	215,330
15300	ITEMS UNDER $5 MILLION	28,446	28,446	28,446
15350	MATERIALS HANDLING EQUIPMENT	46,810	46,810	46,810
15400	SPECIAL PURPOSE SUPPLY SYSTEMS	5,900	5,900	5,900
15450	COMMAND SUPPORT EQUIPMENT	54,639	28,720	28,720
15500	INTELLIGENCE SUPPORT EQUIPMENT	8,400	8,400	8,400
15550	OPERATING FORCES SUPT EQUIP	33,500	25,500	25,500
15600	PHYSICAL SECURITY EQUIPMENT	42,684	8,166	8,166
15650	SPARES AND REPAIR PARTS	28,922	28,922	28,922
15750	TOTAL, OTHER PROCUREMENT, NAVY	937,407	722,506	748,749

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
1	**LM-2500 Gas Turbine**	**0**	**0**	**0**	**0**
	Non-emergency Digital Fuel Control upgrade		-970		0
2	**Allison 501K Gas Turbine**	**0**	**0**	**0**	**0**
	Non-emergency Digital Controls upgrade		-4,000		0
73	**Portable Radios**	**40,850**	**75,850**	**25,850**	**25,850**
	ELMR - Baseline Budget requirement			-15,000	-15,000
93	**Meteorological Equipment**	**7,497**	**0**	**7,497**	**0**
	Non-emergency NITES upgrades		-7,497		-7,497
122	**Construction & Maint Equip**	**173,861**	**225,261**	**173,861**	**199,561**
	Seabee equipment		51,400		25,700
124	**Tactical Vehicles**	**207,290**	**258,890**	**207,290**	**215,330**
	Mine Resistant Ambush Protected (MRAP) Vehicles		51,600		8,040
134	**Command Support Equipment**	**36,639**	**54,639**	**28,720**	**28,720**
	NMCMPS			-7,919	-7,919
138	**Operating Forces Supt Equip**	**25,500**	**33,500**	**25,500**	**25,500**
					0
141	**Physical Security Equipment**	**8,166**	**42,684**	**8,166**	**8,166**
					0

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

PROCUREMENT, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)		
	House	Senate	Conference
15800 PROCUREMENT, MARINE CORPS			
15850 AAV7A1 PIP	48,352	48,352	48,352
16050 M1A1 FIREPOWER ENHANCEMENTS	4,470	4,470	4,470
16100 HIGH MOBILITY ARTILLERY ROCKET SYSTEM	20,571	20,571	20,571
16150 WPNS & CMBT VEHS UNDER $5 MILLION	16,162	16,162	16,162
16200 MODULAR WEAPON SYSTEM	2,589	2,589	2,589
16250 WEAPONS ENHANCEMENT PROGRAM	21,170	21,170	21,170
16300 JAVELIN	1,200	1,200	1,200
16400 MODIFICATION KITS	34,623	34,623	34,623
16650 UNIT OPERATIONS CENTER	57,100	57,100	57,100
16700 REPAIR AND TEST EQUIPMENT	5,214	5,214	5,214
16750 COMBAT SUPPORT SYSTEM	85	85	85
16800 MODIFICATION KITS	16,571	16,571	16,571
16850 AIR OPERATIONS C2 SYSTEMS	56,800	---	---
16900 RADAR SYSTEMS	20,900	20,900	20,900
16950 FIRE SUPPORT SYSTEM	21,282	21,282	21,282
17000 INTELLIGENCE SUPPORT EQUIPMENT	32,073	32,073	32,073
17050 NIGHT VISION EQUIPMENT	73,431	73,431	73,431
17100 COMMON COMPUTER RESOURCES	27,631	27,631	27,631
17150 COMMAND POST SYSTEMS	18,083	18,083	18,083
17200 RADIO SYSTEMS	263,278	147,084	111,084
17250 COMM SWITCHING & CONTROL SYSTEMS	7,273	7,273	7,273
17300 COMM & ELEC INFRASTRUCTURE SUPT	1,606	1,606	1,606
17350 5/4T TRUCK HMMWV (MYP)	69,985	69,985	69,985

(In thousands of dollars)

	House	Senate	Conference
17400 MOTOR TRANSPORT MODIFICATIONS	52,000	52,000	52,000
17450 MEDIUM TACTICAL VEH REPL	26,215	26,215	26,215
17500 LOGISTICS VEHICLE SYSTEM REP	16,800	16,800	16,800
17550 FAMILY OF TACTICAL TRAILERS	2,818	2,818	2,818
17600 ITEMS LESS THAN $5 MILLION	2,370	2,370	2,370
17650 ENV CNTRL EQUIP ASSORTED	143	143	143
17700 BULK LIQUID EQUIPMENT	28	28	28
17750 TACTICAL FUEL SYSTEMS	168	168	168
17800 POWER EQUIPMENT ASSORTED	364	364	364
17850 EOD SYSTEMS	480,664	730,664	1,316,024
17855 MRAP	259,000	---	---
18000 MATERIAL HANDLING EQUIP	40,000	40,000	40,000
18050 FIELD MEDICAL EQUIPMENT	692	692	692
18100 TRAINING DEVICES	110,043	110,043	110,043
18150 CONTAINER FAMILY	2,172	2,172	2,172
18200 FAMILY OF CONSTRUCTION EQUIPMENT	45,000	45,000	45,000
18300 FAMILY OF INTERNALLY TRANS VEH (ITV)	7,875	7,875	7,875
18350 RAPID DEPLOYABLE KITCHEN	391	391	391
18500 ITEMS LESS THAN $5 MILLION	18,191	18,191	18,191
18700 TOTAL, PROCUREMENT, MARINE CORPS	1,885,383	1,703,389	2,252,749

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request[1]	House[2]	Senate	Conference
33	**Air Operations C2 Systems**	**56,800**	**56,800**	**0**	**0**
	Premature Request			-56,800	-56,800
50	**Radio Systems**	**299,278**	**263,278**	**147,084**	**111,084**
	E-Land Mobile Radios - Baseline budget requirement			-152,194	-152,194
	Communications Installs on US Navy Ships Program Delay		-36,000		-36,000
70	**EOD Systems**	**730,664**	**480,664**	**730,664**	**1,316,024**
	Mine Resistant Ambush Protected (MRAP) Vehicles				585,360
70A	**Mine Resistant Ambush Protected (MRAP) Vehicles**		**259,000**	**0**	**0**
	Mine Resistant Ambush Protected (MRAP) Vehicles		259,000		0
72	**Physical Security Equipment**	**143,332**	**0**	**0**	**0**
	Rapid Aerostat Initial Deployment (RAID)/Ground-Based Operational Surveillance System (G-BOSS)		-143,332	-143,332	-143,332

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

AIRCRAFT PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
18750	AIRCRAFT PROCUREMENT, AIR FORCE			
18850	C -17	111,100	---	---
18900	C-130J	388,000	---	388,000
18950	CV-22 OSPREY	146,300	---	99,252
19000	PREDATOR UAV	487,900	398,700	443,700
19100	B-1	6,880	---	6,880
19150	A-10	239,486	163,886	163,886
19200	F-15	49,962	122,562	112,762
19250	C-5	54,300	5,600	35,600
19300	C-17	191,600	92,000	122,000
19350	C-37	112,400	112,400	112,400
19400	C-40	90,500	90,500	90,500
19450	C-130	296,363	222,663	252,663
19500	COMPASS CALL	23,700	23,700	23,700
19550	DARP	15,000	15,000	15,000
19600	E-8C	17,500	---	---
19650	OTHER AIRCRAFT	23,950	33,570	23,950
19700	INITIAL SPARES/REPAIR PARTS	2,480	2,480	2,480
19750	B-2A ICS	4,000	4,000	4,000
19800	OTHER PRODUCTION CHARGES	213,495	144,695	209,695
19850	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	2,474,916	1,431,756	2,106,468

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
7	**C-17**	111,100	111,100	0	0
	Premature funding request			-111,100	-111,100
11	**C-130J**	0	388,000	0	388,000
	Five Aircraft				388,000
18	**CV-22 Osprey**	0	146,300	0	99,252
	One Aircraft				146,300
	Transfer to Procurement, Defense-Wide, Line 42, for CV-22 SOF Modifications				-47,048
25	**Predator UAV**	398,700	487,900	398,700	443,700
	Predator UAV		29,000		10,000
	Reaper UAV		60,200		35,000
27	**B-1**	6,880	6,880	0	6,880
	Premature funding request			-6,880	0
30	**A-10**	249,786	239,486	163,886	163,886
	Hellfire II Launch Rails		-10,000		0
	Unjustified request			-32,400	-32,400
	Premature funding request for missile rails and EIRCM			-53,500	-53,500
31	**F-15**	191,962	49,962	122,562	112,762
	AESA		-72,000		-9,200
	JHMCS		-70,000		-70,000
	Premature funding request			-69,400	0
35	**C-5**	5,600	54,300	5,600	35,600
	LAIRCM for C-5B Aircraft only		48,700		30,000
38	**C-17**	92,000	191,600	92,000	122,000
	LAIRCM		99,600		30,000
53	**C-130**	222,663	296,363	222,663	252,663
	LAIRCM		73,700		30,000
61	**E-8C**	17,500	17,500	0	0
	Premature funding request			-17,500	-17,500
65	**Other Aircraft**	33,570	23,950	33,570	23,950
	TARS Block 40/50 Modification		-4,320		-4,320
	TARS Initial Spares		-5,300		-5,300
80	**Other Production Charges**	148,495	213,495	144,695	209,695
	Classified Requirement		65,000		65,000
	Baseline budget requirement			-3,800	-3,800

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2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

MISSILE PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

		House	Senate	Conference
		(In thousands of dollars)		
19900	MISSILE PROCUREMENT, AIR FORCE			
19950	PREDATOR HELLFIRE MISSILE	104,300	78,900	78,900
20000	SMALL DIAMETER BOMB	36,000	---	16,000
20050	TOTAL, MISSILE PROCUREMENT, AIR FORCE	140,300	78,900	94,900

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1	Budget Request 1/	House 2/	Senate	Conference
6 **Hellfire**	104,300	104,300	78,900	78,900
Unexecutable request			-25,400	-25,400
7 **Small Diameter Bomb**	36,000	36,000	0	16,000
Unjustified request			-36,000	-20,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

PROCUREMENT OF AMMUNITION, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
20100 PROCUREMENT OF AMMUNITION, AIR FORCE			
20150 CARTRIDGES	19,100	---	---
20200 EXPLOSIVE ORDNANCE DISPOSAL (EOD)	3,000	3,000	3,000
20250 SMALL ARMS	73,700	3,000	3,000
20300 TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	95,800	6,000	6,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1	Budget Request [1/]	House [2/]	Senate	Conference
2 **Cartridges**	**19,100**	**19,100**	**0**	**0**
Handgun Replacement Program - Baseline budget requirement			-19,100	-19,100
16 **Small Arms**	**73,700**	**73,700**	**3,000**	**3,000**
Handgun Replacement Program - Baseline budget requirement			-70,700	-65,700
Transfer to Operation & Maintenance, Defense-Wide, only for the Handgun Replacement Study				-5,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

HANDGUN REPLACEMENT PROGRAM

The supplemental request includes $89,800,000 to replace the Air Force M9 9mm handgun and associated ammunition. The conferees understand that the Army, Marine Corps, Navy, and Special Operations Command procure the M9 9mm handgun as their standard issue sidearm. Therefore, the conferees believe that a replacement or upgrade to the 9mm handgun should address joint requirements. Since this coordination did not occur prior to the supplemental budget submission, the conferees deny the requested funding for a single service replacement program. However, recognizing the importance of a reliable and lethal sidearm to the warfighter, the conferees provide $5,000,000 only for a study that examines joint sidearm requirements (including service-unique requirements, as appropriate), the M9 9mm handgun capabilities (including its lethality), and handgun and ammunition alternatives that address these requirements. The conferees understand that it will be necessary to purchase up to 50 handguns and associated ammunition to conduct this study. In order to inform deliberations on the fiscal year 2008 appropriations bill for the Department of Defense, the conferees direct that the results of the study be provided in a written report to the congressional defense committees by August 31, 2007.

OTHER PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)		
		House	Senate	Conference
20350	OTHER PROCUREMENT, AIR FORCE			
20500	PASSENGER CARRYING VEHICLES	360	360	360
20550	MEDIUM TACTICAL VEHICLE	30,300	30,300	154,140
20600	FIRE FIGHTING/CRASH RESCUE VEHICLES	23,213	18,888	18,888
20650	HALVORSEN LOADER	620	620	620
20700	RUNWAY SNOW REMOVAL AND CLEANING EQUIPMENT	400	400	400
20750	ITEMS LESS THAN $5 MILLION (VEHICLES)	4,440	4,440	4,440
20800	INTELLIGENCE COMM EQUIPMENT	16,600	16,600	16,600
20850	TRAFFIC CONTROL/LANDING	3,300	7,500	3,300
20900	NATIONAL AIRSPACE SYSTEM	---	9,000	9,000
20950	THEATER AIR CONTROL SYSTEM IMPROVEMENT	14,800	14,800	14,800
21000	WEATHER OBSERVATION FORECAST	2,433	2,433	2,433
21050	AIR FORCE PHYSICAL SECURITY SYSTEM	10,680	10,680	10,680
21100	AIR OPERATIONS CENTER (AOC)	1,250	1,250	1,250
21150	MILSATCOM SPACE	35,000	---	---
21200	TACTICAL CE EQUIPMENT	34,750	34,750	34,750
21250	COMBAT SURVIVOR EVADER LOCATER	44,010	44,010	44,010
21300	RADIO EQUIPMENT	5,400	5,400	5,400
21350	BASE COMM INFRASTRUCTURE	19,020	19,020	19,020
21400	COMM ELECT MODS	16,000	16,000	16,000
21450	NIGHT VISION GOGGLES	9,317	9,317	9,317
21500	BASE PROCURED EQUIPMENT	10,530	10,530	10,530
21550	AIR BASE OPERABILITY	7,200	7,200	7,200
21600	ITEMS LESS THAN $5 MILLION (BASE SUPPORT)	18,000	18,000	18,000
21650	DARP, MRIGS	21,607	21,607	21,607
21700	CLASSIFIED PROGRAMS	1,682,953	1,669,026	1,658,455
21710	OPERATION ENDURING FREEDOM OPTEMPO	30,000	---	15,000
21750	TOTAL, OTHER PROCUREMENT, AIR FORCE	2,042,183	1,972,131	2,096,200

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
8	**Medium Tactical Vehicles**	**30,300**	**30,300**	**30,300**	**154,140**
	Mine Resistant Ambush Protected Vehicles				123,840
22	**Fire Fighting / Crash Rescue Vehicles**	**23,213**	**23,213**	**18,888**	**18,888**
	HAZMAT Vehicles - Baseline Budget Request			-4,325	-4,325
40	**Traffic Control/Landing**	**7,500**	**3,300**	**7,500**	**3,300**
	USAFE Instrument Landing System		-4,200		-4,200
41	**National Airspace System**	**9,000**	**0**	**9,000**	**9,000**
	Radar Approach Control for PACAF		-9,000		0
66	**MILSATCOM Space**	**35,000**	**35,000**	**0**	**0**
	GBS-RPRS Premature funding request			-35,000	-35,000
999	**Classified Programs**	**1,750,324**	**1,712,953**	**1,669,026**	**1,658,455**
	Program Adjustment		-37,371	-81,298	-91,869
	Operation Enduring Freedom OPTEMPO	**0**	**30,000**	**0**	**15,000**

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GLOBAL BROADCAST SERVICE—RUCKSACK PORTABLE RECEIVE SUITE

The conferees understand that additional research and development would further reduce the weight of the Global Broadcast Service—Rucksack Portable Receive Suite (GBS-RPRS). Due to the premature request, the conferees deny funding for this item, without prejudice. The conferees encourage the Air Force to proceed with the development effort and intend to review the program should a request be received for funding in fiscal year 2008.

PROCUREMENT, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)		
		House	Senate	Conference
21800	PROCUREMENT, DEFENSE-WIDE			
22400	GLOBAL COMMAND AND CONTROL SYSTEM	3,142	3,142	3,142
22450	TELEPORT	3,670	3,670	3,670
22500	NET-CENTRIC ENTERPRISE SERVICES (NCES)	975	975	975
22550	DEFENSE INFORMATION SYSTEMS NETWORK (DISN)	5,324	5,324	5,324
22600	MAJOR EQUIPMENT, DLA	1,600	1,600	1,600
22650	MAJOR EQUIPMENT, TJS	32,700	59,450	32,700
22660	MH-47 SLEP	22,000	---	22,000
22670	CV-22 MODIFICATIONS	---	---	47,048
22700	C-130 MODS	49,833	49,833	49,833
22750	SOF ORDNANCE REPLENISHMENT	45,788	45,788	45,788
22800	SOF ORDNANCE ACQUISITION	54,976	51,376	53,176
22850	COMM EQPT & ELECTRONICS	58,032	78,342	78,342
22900	SOF INTELLIGENCE SYSTEMS	33,883	5,120	5,120
22950	SMALL ARMS AND WEAPONS	49,775	57,805	57,805
23000	SOF COMBATANT CRAFT SYSTEMS	30,500	16,900	16,900
23050	TACTICAL VEHICLES	108,550	129,340	165,100
23100	MISSION TRAINING AND PREPARATION SYS	5,300	---	5,300
23150	COMBAT MISSION REQUIREMENTS	150,000	150,000	150,000
23200	UNMANNED VEHICLES	76,231	107,731	107,731
23250	MISC EQUIPMENT	52,880	1,000	1,000
23300	SOF OPERATIONAL ENHANCEMENTS	86,653	65,678	65,678
23350	CLASSIFIED PROGRAMS	61,962	68,862	60,662
23400	CLASSIFIED PROGRAMS	1,156	1,156	1,156
23450	TOTAL, PROCUREMENT, DEFENSE-WIDE	934,930	903,092	980,050

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request 1/	House 2/	Senate	Conference
25	**Major Equipment, TJS**	**59,450**	**32,700**	**59,450**	**32,700**
	Request in excess of validated requirement		-26,750		-26,750
38	**MH-47 SLEP**	**0**	**22,000**	**0**	**22,000**
	MH-47 Mods for Battle-loss MH-47		22,000		22,000
42	**CV-22 SOF Modifications**				**47,048**
	CV-22 SOF Modifications (Transferred from AP,AF Line 18 for execution)				47,048
49	**SOF Ordnance Acquisition**	**54,976**	**54,976**	**51,376**	**53,176**
	SOPGM - Unexecutable request			-3,600	-1,800
50	**Comm Eqpt & Electronics**	**58,032**	**58,032**	**78,342**	**78,342**
	TACLAN - E - Unexecutable Request			-300	-300
	Forward Deployed Equipment - Transfer from Line 67			20,610	20,610
51	**SOF Intelligence Systems**	**33,883**	**33,883**	**5,120**	**5,120**
	MERLIN - Unjustified request			-29,983	-29,983
	Forward Deployed Equipment - Transfer from line 67			1,220	1,220
52	**Small Arms and Weapons**	**49,775**	**49,775**	**57,805**	**57,805**
	Forward Deployed Equipment - Transfer from Line 67			8,030	8,030
56	**SOF Combatant Craft Systems**	**30,500**	**30,500**	**16,900**	**16,900**
	IBS Upgrade - Unexecutable request			-13,600	-13,600
59	**Tactical Vehicles**	**108,550**	**108,550**	**129,340**	**165,100**
	Lightweight ATV - Unexecutable Request			-750	-750
	Forward Deployed Equipment - Transfer from Line 67			21,540	21,540
	Mine Resistant Ambush Protected (MRAP) Vehicles				35,760
60	**Mission Training and Preparation Systems**	**5,300**	**5,300**	**0**	**5,300**
	AC-130 BMC - Baseline budget request			-5,300	0
63	**Unmanned Vehicles**	**107,731**	**76,231**	**107,731**	**107,731**
	Program Reduction for undetermined needs		-31,500		0
67	**Misc Equipment**	**52,880**	**52,880**	**1,000**	**1,000**
	Forward Deployed Equipment - Transfer to Lines 50,51,52,59 for execution			-51,410	-51,410
	MK 5 Clamshell - Unexecutable request			-470	-470
69	**SOF Operational Enhancements**	**86,653**	**86,653**	**65,678**	**65,678**
	Program Adjustments			-20,975	-20,975
999	**Classified Programs**	**70,162**	**61,962**	**68,862**	**60,662**

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NATIONAL GUARD AND RESERVE EQUIPMENT

The conference agreement provides funding for National Guard and Reserve Equipment for the Army National Guard in the Strategic Reserve Readiness Fund instead of in the National Guard and Reserve Equipment account as proposed by the Senate.

		(In thousands of dollars)		
		House	Senate	Conference
23500	NATIONAL GUARD AND RESERVE EQUIPMENT			
23510	ARMY NATIONAL GUARD	---	1,000,000	---
23600	TOTAL, PROC., NATIONAL GUARD AND RESERVE EQUIPMENT	---	1,000,000	---

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
RECAPITULATION			
Research, Development, Test and Evaluation, Army	60,781	125,576	100,006
Research, Development, Test and Evaluation, Navy......	295,737	308,212	298,722
Research, Development, Test and Evaluation, Air Force.	132,928	233,869	187,176
Research, Development, Test and Evaluation, Defense-Wide...	545,904	522,804	512,804
GRAND TOTAL..	1,035,350	1,190,461	1,098,708

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	House	Senate	Conference
	(In thousands of dollars)		
50 RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY			
100 COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.....	---	3,560	---
150 SOLDIER SUPPORT AND SURVIVABILITY.....................	---	27,625	7,625
200 ALL SOURCE ANALYSIS SYSTEM (ASAS).....................	3,400	---	3,400
250 INFANTRY SUPPORT WEAPONS..............................	8,158	8,158	8,158
300 AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE.........	38,900	38,900	38,900
400 MATERIEL SYSTEMS ANALYSIS.............................	---	5,410	---
450 INFORMATION SYSTEMS SECURITY PROGRAM..................	---	31,600	31,600
550 TACTICAL WHEELED VEHICLE (TWV) PRODUCT................	10,323	10,323	10,323
600 TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.....	60,781	125,576	100,006

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

R-1		Budget Request 1/	House 2/	Senate	Conference
34	**Combat Vehicle and Automotive Advanced Technology**	**3,560**	**0**	**3,560**	**0**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund		-3,560		-3,560
63	**Soldier Support and Survivability**	**27,625**	**0**	**27,625**	**7,625**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund		-27,625		-20,000
82	**ASAS - Human Tracking System**	**3,400**	**3,400**	**0**	**3,400**
	Unjustified Request			-3,400	0
102	**Automatic Test Equipment Development**	**6,500**	**0**	**0**	**0**
	Defer non-emergency development of aviation test equipment		-6,500		-6,500
	Unjustified request			-6,500	0
141	**Materiel Systems Analysis**	**5,410**	**0**	**5,410**	**0**
	Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund		-5,410		-5,410
174	**Information Systems Security Program**	**8,300**	0	**31,600**	**31,600**
	Defer non-emergency development		-8,300		0
	Transfer from OPA, Line 46 for Execution			23,300	23,300
177	**WWMCCS/Global Command and Control System**	**3,800**	**0**	**0**	**0**
	Database interoperability applications for situational awareness		-3,800		-3,800
	Unjustified Request			-3,800	0

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

2/ House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)		
		House	Senate	Conference
650	RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY			
1000	MARINE CORPS GRND CMBT/SUPT SYS	---	10,000	5,000
1050	TACTICAL CRYPTOLOGIC SYSTEMS	5,000	---	5,000
1060	OTHER HELO DEVELOPMENT	13,000	13,000	13,000
1070	H-1 UPGRADES	---	18,000	18,000
1100	V-22A	3,800	---	---
1150	ELECTRONIC WARFARE (EW) DEV	1,245	1,245	1,245
1200	MARINE CORPS PROGRAM WIDE SUPT	---	5,000	2,000
1250	HARM IMPROVEMENT	---	2,230	---
1300	AVIATION IMPROVEMENTS	---	500	500
1350	MARINE CORPS COMMS SYSTEMS	41,540	68,800	41,540
1400	MC GROUND CMBT SPT ARMS SYS	---	4,000	2,000
1450	MARINE CORPS CMBT SERVICES SUPT	15,566	14,851	14,851
1500	CLASSIFIED PROGRAMS	150,500	105,500	130,500
1550	MANNED RECONNAISSANCE SYS	65,086	65,086	65,086
1600	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	295,737	308,212	298,722

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request 1/	House 2/	Senate	Conference
58	**Marine Corps Ground Combat/Support System**	**36,800**	**0**	**10,000**	**5,000**
	Joint Light Tactical Vehicle (JLTV)		-36,800	-26,800	-31,800
140	**Tactical Cryptologic Systems**	**5,000**	**5,000**	**0**	**5,000**
	Unjustified request			-5,000	0
84	**Other Helo Development**	**0**	**13,000**	**13,000**	**13,000**
	DIRCM Integration (ASE for USMC)		1,000	1,000	1,000
	NRE for LW/DIRCM (ASE for USMC)		12,000	12,000	12,000
93	**H-1 Upgrades**	**0**	**0**	**18,000**	**18,000**
	Aircraft survivability (DIRCM) for H-1(ASE for USMC)			18,000	18,000
95	**V-22A**	**3,800**	**3,800**	**0**	**0**
	Excess to need			-3,800	-3,800
158	**Marine Corps Program Wide Supt**	**10,100**	**0**	**5,000**	**2,000**
	Program Wide Support		-10,100	-5,100	-8,100
179	**Harm Improvement**	**2,230**	**0**	**2,230**	**0**
	Defer Thermobaric Modification		-2,230		-2,230
183	**Aviation Improvements**	**500**	**0**	**500**	**500**
	Aircraft mooring		-500		0
186	**Marine Corps Communications Systems**	**165,348**	**41,540**	**68,800**	**41,540**
	C2PC		-14,000		0
	Commom Operations Center		-18,000		0
	Battle Tracking Identification Systems		-1,500		0
	G-BOSS (funded in JIEDDO)		-30,000		0
	GCSS-MC		-8,900		0
	CREW (funded in JIEDDO)		-7,000		0
	G/ATOR		-19,508		0
	MCEITS		-2,400		0
	CAC2S		-29,500		0
	Funds near-term deliverables			-96,548	-123,808
187	**Marine Corps Ground Combat Support Arms System**	**4,000**	**0**	**4,000**	**2,000**
	Ground Weaponry PIP		-4,000		-2,000
188	**Marine Corps Cmbt Services Supt**	**15,566**	**15,566**	**14,851**	**14,851**
	Funds near-term deliverables			-715	-715
xx	**Classified Programs**	**150,500**	**150,500**	**105,500**	**130,500**
	Classified Program Adjustment			-45,000	-20,000

1/ Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
2/ House action relative to the official fiscal year 20007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	House	Senate	Conference
	(In thousands of dollars)		
1650 RESEARCH, DEVELOPMENT, TEST & EVAL, AF			
1700 INTEGRATED BROADCAST SERVICE	9,000	4,000	4,000
1750 B-1B	17,030	17,030	17,030
1800 SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	2,000	2,000	2,000
1850 B-52 SQUADRONS	---	24,500	24,500
1900 A-10 SQUADRONS	---	10,000	10,000
1950 MISSION PLANNING SYSTEMS	13,300	13,300	13,300
2000 DRAGON U-2 (JMIP)	---	660	---
2050 AIRBORNE RECONNAISSANCE SYSTEMS	---	6,000	---
2100 MANNED RECONNAISSANCE SYSTEMS	20,540	20,540	20,540
2150 PREDATOR UAV (JMIP)	20,000	20,000	20,000
2200 GLOBAL HAWK UAV	---	19,033	---
2250 CLASSIFIED PROGRAMS	51,058	96,806	75,806
2300 TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF	132,928	233,869	187,176

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1	Budget Request [1]	House [2]	Senate	Conference
50 **Integrated Broadcast Service**	**9,000**	**9,000**	**4,000**	**4,000**
CO-GINS Funding ahead of need			-5,000	-5,000
121 **B-52 Squadrons**	**24,500**	**0**	**24,500**	**24,500**
ATP Integration		-24,500		0
129 **A-10 Squadrons**	**10,000**	**0**	**10,000**	**10,000**
Hellfire II		-10,000		0
199 **Dragon U-2 (JMIP)**	**660**	**0**	**660**	**0**
SYERS-2 Qualification and Certification Testing		-660		-660
200 **Airborne Reconnaissance Systems**	**6,000**	**0**	**6,000**	**0**
TARS Integration on Block 40/50 F-16 Aircraft		-6,000		-6,000
204 **Global Hawk UAV**	**19,033**	**0**	**19,033**	**0**
MASINT and SIGINT Capability Development		-19,033		-19,033
999 **Classified Programs**	**78,658**	**51,058**	**96,806**	**75,806**
Program Adjustment		-27,600	18,148	-2,852

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[1] Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.

[2] House action relative to the official fiscal year 2007 emergency supplemental request submitted as part of the fiscal year 2008 budget.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) House	Senate	Conference
2350	RESEARCH, DEVELOPMENT, TEST & EVAL, DW			
2400	CRITICAL INFRASTRUCTURE PROGRAM (CIP)	15,700	15,700	15,700
2450	CLASSIFIED PROGRAMS	530,204	507,104	497,104
2500	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW	545,904	522,804	512,804

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

R-1	Budget Request [1]	House [2]	Senate	Conference
999 Classified Programs	**635,164**	**530,204**	**507,104**	**497,104**
Classified Program Adjustment		-104,960	-128,060	-138,060

[1] Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007.
[2] House action relative to the official fiscal year 20007 emergency supplemental request submitted as part of the fiscal year 2008 Budget.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

The conference agreement provides $1,315,526,000, as proposed by both the House and the Senate.

NATIONAL DEFENSE SEALIFT FUND

The conference agreement provides $5,000,000 as proposed by both the House and the Senate.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) House	Senate	Conference
Defense Health Program (emergency)	2,789,703	2,466,847	3,251,853
Operation and maintenance (emergency)	(2,289,703)	(2,277,147)	(2,802,153)
Procurement (emergency)	---	(118,000)	(118,000)
Research, development, test and evaluation (emergency)	(500,000)	(71,700)	(331,700)
Medical support fund (emergency)	---	---	---

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request	House	Senate	Conference
OPERATION AND MAINTENANCE	**1,073,147**	**2,289,703**	**2,277,147**	**2,802,153**
Amputee Care	28,600	61,950	28,600	61,950
Bethesda Emergency Preparedness Plan		5,000		5,000
Blast Injury Prevention, Mitigation & Treatment	7,100	14,800	7,100	14,800
Improved Identification and Access to Mental Health/PTSD Treatment		200,000	40,000	300,000
Improved Identification and Access to Traumatic Brain Injury Treatment		200,000	20,000	300,000
Care Givers Support Program		12,000		12,000
Burn Care	7,800	14,800	7,800	14,800
Comprehensive Combat Casualty Care (C5)	6,500	6,500	6,500	6,500
BAMC Infrastructure (Elevators)		1,500		1,500
WRAMC Infrastructure (Building 18 & other infrastructure)		20,000	20,000	20,000
Efficiency Wedge			382,000	382,000
Restores Funding for Legislative Proposal not adopted		730,000	742,000	660,750
PROCUREMENT			**118,000**	**118,000**
Efficiency Wedge				118,000
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION		**500,000**	**71,700**	**331,700**
Peer Reviewed Post Traumatic Stress Disorder Research				150,000
Peer Reviewed Traumatic Brain Injury Research				150,000
Peer Reviewed Burn, Orthopedic, and Trauma Research				31,700
MEDICAL SUPPORT FUND	**50,000/1**		**0**	**0**

/1 Reflects the official budget amendments for fiscal year 2007 submitted by the President on March 12, 2007

The conference agreement provides $3,251,853,000 for the Defense Health Program, instead of $2,789,703,000 as proposed by the House and $2,466,847,000 as proposed by the Senate.

TRAUMATIC BRAIN INJURY (TBI) AND POST TRAUMATIC STRESS DISORDER (PTSD) TREATMENT AND RESEARCH

The conferees believe that, if a service member is correctly diagnosed with TBI or PTSD, the better chance he or she has of a full recovery. It is critical that health care providers are given the resources necessary to make accurate, timely referrals for appropriate treatment and that service members have high priority access to such services. Therefore, the conference agreement provides $900,000,000 for access, treatment and research for TBI and PTSD. Of the amount provided, $600,000,000 is for operation and maintenance and $300,000,000 is for research, development, test and evaluation to conduct peer reviewed research.

By increasing funding for TBI and PTSD, the conferees believe that the Defense Department now will have significant resources to dramatically improve screening for risk factors, diagnosis, treatment, counseling, research, facilities and equipment to prevent or treat these illnesses.

If the Secretary of Defense determines that funds made available within the operation and maintenance account for the treatment of TBI and PTSD are excess to the requirements of the Department of Defense, the conference agreement provides the authority to transfer excess amounts to the Department of Veterans Affairs to be available only for the same purpose.

CARE GIVER SUPPORT PROGRAMS

The conference agreement provides $12,000,000 for care giver support programs, to be allocated as recommended in House Report 110-60, in order to assist the military medical facilities' nurses and doctors who are treating the wounded by ensuring they have sufficient stress prevention and management programs.

AMPUTEE HEALTH CARE

The conference agreement provides a total of $61,950,000 for amputee health care. The additional monies, to be allocated consistent with House Report 110-60, will enhance health care services and operations at Walter Reed, Brooke Army Medical Center/Center for the Intrepid, Landstuhl Regional Medical Center and National Naval Medical Center—Balboa.

SUSTAINING THE MILITARY HEALTH CARE BENEFIT

When the fiscal year 2007 budget request was submitted, it assumed savings anticipated from legislation that would have significantly increased fees and premiums paid by military members. The legislation was not enacted by Congress. The conference agreement provides $660,750,000 to fully fund the Defense Health Program for fiscal year 2007. The conferees strongly urge the Department to examine other ways to sustain the benefit without relying on Congress to enact legislation that would increase the out-of-pocket costs to the beneficiaries.

MILITARY HEALTH CARE BUDGET—"EFFICIENCY WEDGE"

The conference agreement provides $500,000,000 in operation and maintenance and procurement funding to reverse "efficiency wedge" savings mandated by the Department of Defense. The monies are to be allocated consistent with Senate Report 110-37 and will return funding to appropriate levels within the Direct Care system and allow the services to address critical needs.

HEALTH CARE IN SUPPORT OF ARMY MODULAR FORCE CONVERSION AND GLOBAL POSITIONING

The conferees are concerned that the Army has been directed to cover costs associated with health care support of Army modular force (AMF) conversion and global positioning. The cost of these movements is estimated at $68,000,000 and will enable the Army to provide the capacity to meet increases in the demand for health care created as the Army repositions forces. This necessary funding is required to ensure that soldiers, particularly those returning from combat, and their families are able to access military health care.

The conferees direct the Assistant Secretary of Defense for Health Affairs and the Surgeon General of the Army to coordinate an effort and report back to the congressional defense committees by June 29, 2007, on how these anticipated costs will be funded to ensure soldiers and their families affected by AMF and global positioning will have access to the health care they deserve.

TRAUMATIC BRAIN INJURY

The conferees direct the Assistant Secretary of Defense for Health Affairs to submit a report to the congressional defense committees regarding the extent of, treatment of, and outreach to patients with traumatic brain injury, through military hospitals and outpatient clinics and their families. The report shall be submitted within 120 days after enactment of this Act, and it shall describe the Department's diagnosis and screening processes, communication procedures and policies for family members, and provide an accounting of funds budgeted and expended for this type of injury.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides $254,665,000, as proposed by the Senate, instead of $259,115,000 as proposed by the House.

The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request	House	Senate	Conference
Afghan National Interdiction Unit Counternarcotics Police (Training/Equipment/Facilities)	108,515	108,515	108,515	108,515
Afghan National Interdiction Unit Counternarcotics Police (Air Mobility)	12,000	12,000	12,000	12,000
Intelligence Fusion Centers	500	500	500	500
Afghan Counternarcotics Border Policy (Training/Equipment)	15,500	15,500	15,500	15,500
Intelligence and Technology	45,700	45,700	45,700	45,700
Other Program Support	5,000	5,000	5,000	5,000
Other Nation Support				
Tajikistan	9,000	9,000	9,000	9,000
Turkmenistan	9,400	9,400	9,400	9,400
Yemen	1,000	1,000	0	0
Pakistan	41,950	41,950	41,950	41,950
Kyrgyzstan	5,000	5,000	5,000	5,000
Kazakhstan	2,100	2,100	2,100	2,100
Turkey	1,000	1,000	0	0
Horn of Africa	2,450	2,450	0	0

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

The conference agreement provides $71,726,000 as proposed by the Senate instead of $57,426,000 as proposed by the House.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement retains a provision (Section 1301), as proposed by both the House and Senate, which provides for the obligation of appropriations made available in this chapter until September 30, 2007.

The conference agreement includes a provision (Section 1302), as proposed by the Senate, relating to general transfer authority.

The conference agreement retains a provision (Section 1303), as proposed by both the House and Senate, which provides for the obligation and expenditure of funds related to activities pursuant to section 504(a)(1) of the National Security Act of 1947.

The conference agreement retains a provision (Section 1304), as proposed by both the House and Senate, which prohibits funds provided in this chapter to finance programs or activities denied by Congress, or to initiate a new start program without prior notification to the congressional defense committees.

The conference agreement includes a provision (Section 1305), as proposed by the Senate, relating to amounts transferred or credited to the Defense Cooperation Account.

The conference agreement modifies a provision (Section 1306), as proposed by both the House and Senate, which provides funds for support for counter-drug activities of the Governments of Afghanistan and Pakistan.

The conference agreement includes a provision (Section 1307), as proposed by the Senate, relating to the Commanders' Emergency Response Program.

The conference agreement includes a provision (Section 1308), as proposed by the House, relating to submission of the Measuring Stability in Iraq report.

The conference agreement includes a provision (Section 1309), as proposed by the Senate, relating to supervision and administrative costs associated with construction contracts in Iraq and Afghanistan.

The conference agreement retains a provision (Section 1310), as proposed by both the House and Senate, relating to U.S. contributions to NATO common-funded budgets.

The conference agreement retains a provision (Section 1311), as proposed by both the House and Senate, relating to permanent bases in Iraq.

The conference agreement includes a provision (Section 1312), as proposed by the Senate, which prohibits funds to contravene laws or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The conference agreement deletes a provision, as proposed by the House (Section 1312), permitting the transfer of up to $100,000,000 from Operation and Maintenance, Defense-Wide to the Department of State "Economic Support Fund" to support provincial reconstruction teams in Iraq and Afghanistan. The conference agreement includes funds for this activity within the appropriation for the Iraq Freedom Fund.

The conference agreement modifies a provision (Section 1313), as proposed by the House, relating to the withholding of funds appropriated under certain headings until the Department of Defense and the Office of Management and Budget submit certain reports relating to Iraq and Afghanistan security forces.

The conference agreement modifies a provision (Section 1314), as proposed by the House, relating to contractor award fees.

The conference agreement modifies a provision (Section 1315), as proposed by the House, relating to the cost of Department of Defense contracts and number of contracted personnel in Iraq and Afghanistan by deleting the reduction of $815,000,000, increasing the amounts withheld pending a DoD report on contract costs and personnel, and clarifying the reporting requirements.

The conference agreement includes a provision (Section 1316), as proposed by the House, which provides temporary authority to allow service members to designate a portion of their death gratuity benefit to someone other than next of kin.

The conference agreement includes a provision (Section 1317), as proposed by the Senate, which provides up to 287 heavy armored vehicles for force protection purposes in Iraq and Afghanistan.

The conference agreement modifies a provision (Section 1318), as proposed by the Senate, which requires the Secretary of Defense to inspect all military medical treatment facilities and military quarters housing medical hold and medical holdover personnel.

The conference agreement does not include a provision, as proposed by the House (Section 1320), relating to the legal representation for soldiers pursuing claims through the Army Physical Disability Evaluation System. The conference agreement addresses this matter elsewhere in the joint explanatory statement.

The conference agreement includes a provision (Section 1319), as proposed by the Senate, regarding the disarming of militias.

The conference agreement modifies a provision (Section 1320), as proposed by the Senate, relating to an independent assessment of the capabilities of the Iraqi security forces.

The conference agreement includes a provision (Section 1321) which provides a one-time waiver of time limitations for the award of the Medal of Honor.

The conference agreement includes a provision (Section 1322) that from funds appropriated in "Other Procurement, Army", in the Department of Defense Appropriations Act, 2006, $6,250,000 shall be transferred to "Military Construction, Army".

The conference agreement includes a provision (Section 1323) permitting the transfer of up to $110,000,000 from various appropriations to the Department of State "Economic Support Fund" to support programs in Pakistan.

The conference agreement deletes a provision, as proposed by the House (Section 1319), which would have amended section 1403(a) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (as amended).

The conference agreement deletes a provision, as proposed by the Senate (Section 1318), relating to the redevelopment of the industrial sector in Iraq. The conference agreement addresses this issue within the appropriation for the Iraq Freedom Fund.

The conference agreement deletes a provision, as proposed by the Senate (Section 1319), to provide $1,500,000,000 for Mine Resistant Ambush Protected Vehicles. This matter is addressed within various appropriations in this chapter.

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides $150,000,000 for Defense Nuclear Nonproliferation activities by the National Nuclear Security Administration, as proposed by the House instead of $63,000,000 as proposed by the Senate. Within the amounts provided, $136,000,000 is included for the International Nuclear Materials Protection and Cooperation program, including $25,000,000 for Rosatom Weapons Complex activities to begin comprehensive security upgrades at Mayak plutonium facilities where Russia recently agreed to allow access to U.S. teams for cooperative security work; $87,000,000 for the Megaports initiative to accelerate activities in host countries with seaports that have signed implementation agreements but are currently not funded to complete deployment of radiation detection equipment for scanning cargo containers; and $24,000,000 for additional high priority activities. Further the recommendation includes $14,000,000 for the Global Threat Reduction Initiative for Kazakhstan spent fuel security activities.

Sec. 1401. The conference agreement includes a provision regarding National Nuclear Security Administration transfer authority.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The conferees agree with the Senate's concern that the management and administrative challenges facing the Department will increase unless a stronger focus is placed on hiring, training, and maintaining career leaders. In particular, the conferees are concerned that the Department and its components will not be able to function effectively when the change in administration occurs in 2009. The conferees direct the Department to provide, by July 20, 2007, a report on senior staffing, as proposed by the Senate. The conferees further direct the Government Accountability Office to assess the strengths and weaknesses of the report within 90 days after the Department submits the report. In addition, the conferees provide $900,000 in title IV of the bill for the Under Secretary for Management to award a grant or contract to the National Academy of Public Administration (NAPA) to undertake a study to compare the Department of Homeland Security's reported senior career and political staffing levels and senior career training programs with those of similarly structured cabinet-level agencies. NAPA is an independent, non-partisan organization chartered by Congress to assist Federal, State, and local governments in improving their effectiveness, efficiency, and accountability. The conferees direct the Department to execute such grant or contract no later than the July 20, 2007, report submission date, and for NAPA to submit its report within six months thereafter.

OFFICE OF THE CHIEF INFORMATION OFFICER

The Chief Information Officer is directed to submit to the Committees on Appropriations no later than 30 days after the date of enactment of this Act a report on the full costs to transition information to the Department of Homeland Security's primary data center. This report is to include, by departmental component: a schedule for data transition; costs for each fiscal year required to complete the transition; identification of items associated with the transition required to be procured and related procurement schedule; and identification of any transition costs provided in fiscal year 2007 or requested in the fiscal year 2008 President's budget. A report on the same elements for the data center to be selected in the summer of 2007 shall be submitted to the Committees on Appropriations no later than 30 days after a final selection has been made.

ANALYSIS AND OPERATIONS

The conferees provide an additional $15,000,000 in support of the State and local fusion center program, instead of $35,000,000 as proposed by the House. The Senate bill contains no similar provision. These funds, along with amounts made available to date in fiscal year 2007, will allow DHS to support 35 fully-operational centers by the end of 2008.

Consistent with the House report, the conferees direct the Department's Chief Intelligence Officer to provide on-going, quarterly updates to the Committees on Appropriations, starting on July 1, 2007, that detail progress in placing DHS homeland security intelligence professionals in State and local fusion centers. These reports shall include: the qualification criteria used by DHS to decide where and how to place DHS intelligence analysts and related technology; total expenditures to support each center to date and during the most recent quarter of the current fiscal year, in the same categorization as materials submitted to the Committees on Appropriations on March 23, 2007; the location of each fusion center, including identification of those with DHS personnel, both operational and planned; the schedule for operational stand-up of planned fusion centers; the number of DHS-funded employees located at each fusion center, including details on whether the employees are contract or government staff; the privacy protection policies of each center, including the number of facility personnel trained in Federal privacy, civil rights, and civil liberties laws and standards; and the number of local law enforcement agents at each center approved or pending approval to receive and review classified intelligence information.

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conferees provide an additional $115,000,000 for Salaries and Expenses, instead of $100,000,000 as proposed by the House and $140,000,000 as proposed by the Senate. Included in this amount are funds to:

(1) implement Security and Accountability For Every Port Act of 2006 (Public Law 109–347) requirements and advance goals of the Secure Freight Initiative to improve significantly the ability of United States Customs and Border Protection (CBP) to target and analyze U.S.-bound cargo containers; expand the screening of such cargo overseas and the capacity to physically inspect containers; procure and integrate non-intrusive inspection equipment into inspection and radiation detection operations; and improve supply chain security, to include enhanced analytic and targeting systems using data collected via commercial and government technologies and databases;

(2) support hiring of not less than an additional 600 CBP Officers, and additional intelligence and trade specialist and support positions for targeting and screening on the Northern Border, at overseas locations, and at the National Targeting Center, and staffing required for Northern Border Air and Marine Operations; and

(3) transfer up to $5,000,000 to the Federal Law Enforcement Training Center for basic training costs associated with the additional personnel funded in this Act.

The conferees direct CBP to submit expenditure and staffing plans for these additional funds to the Committees on Appropriations no later than 30 days after the date of enactment of this Act and prior to the obligation of the funds.

The conferees direct CBP to sustain the current level of Border Patrol staffing on the Northern Border and to inform the Committees on Appropriations immediately if CBP does not expect to achieve its plan of having at least 1,179 Border Patrol agents permanently deployed to the Northern Border by the end of fiscal year 2007.

ALIEN SMUGGLING TRACKING

The conferees are aware that CBP has established an Office of Alien Smuggling Interdiction (ASI), including three field-level Regional Carrier Liaison Groups. According to CBP, ASI facilitates the exchange of intelligence and information within CBP and between CBP and external agencies related to alien trafficking and smuggling; coordinates such efforts within CBP; and maintains close working relationships with other offices, including the Human Smuggling and Trafficking Center (HSTC), the Border Patrol, and the U.S. Coast Guard. The conferees agree such efforts are consistent with the CBP mission to interdict smuggling, but also coordination requires active CBP participation in the multi-agency HSTC. The conferees direct CBP and ICE jointly to brief the Committees on Appropriations no later than 60 days after the date of enactment of this Act on the role each agency plays in enforcing laws against human smuggling, how those missions are coordinated, and the timeline for placement of CBP detailees at the HSTC.

CONSTRUCTION

The conferees have recently become aware of significant CBP construction program management lapses that may adversely impact deployment of new Border Patrol agents and endanger the successful implementation of border security initiatives. The conferees direct CBP to review and assess the staffing levels committed to facilities management and oversight and submit the Construction Master Plan required by Public Law 109–295 to the Committees on Appropriations as expeditiously as possible.

PERMANENT BORDER PATROL CHECKPOINT

The conferees understand that CBP agrees that no permanent checkpoint will be planned for Southern Arizona without significant and direct community involvement. Any planned permanent checkpoint must: (1) be part of an overall network of border security technology and infrastructure, as well as an increase in personnel; (2) be designed to significantly reduce the number of illegal immigrants and the amount of contraband entering the U.S. through Arizona, and increase the security of our nation by employing technology and capabilities to detect individuals or implements associated with terrorism; and (3) contain attributes that reduce to a minimum the impact on the commerce and quality of life of communities. Prior to the operation of a possible permanent checkpoint in Southern Arizona, CBP must ensure that any temporary checkpoint be administered in a manner consistent with current case law, and address the checkpoint's impact on residents, legitimate travelers, and public safety.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The conferees provide an additional $120,000,000 for Air and Marine Interdiction, Operations, Maintenance, and Procurement, instead of $150,000,000 as proposed by the House and $75,000,000 as proposed by the Senate. Included in this amount are funds to accelerate planned deployment of Northern Border Air and Marine operations. This includes: establishment of the final Northern Border air wing; procurement of assets, such as fixed wing aircraft, helicopters, unmanned aerial systems, marine and riverine vessels, and other equipment; relocation of aircraft; site acquisition; and the design and building of facilities. The conferees direct CBP to submit an expenditure plan for the use of these funds to the Committees on Appropriations no later than 30 days after the date of enactment of this Act and prior to the obligation of the funds.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The conferees provide an additional $10,000,000 for Salaries and Expenses instead of $20,000,000 as proposed by the Senate. The House bill contains no similar provision. Of this amount, $5,000,000 is provided to create a security advisory opinion review unit within the Visa Security Program consistent with the Senate report. The remaining $5,000,000 is provided for the Human Smuggling and Trafficking Center (HSTC). The conferees intend that U.S. Immigration and Customs Enforcement (ICE) serve as the Department's lead at the HSTC, but also direct CBP, given its border protection, inspection, and interdiction missions, to fully participate in the HSTC. The conferees direct ICE to submit an expenditure plan for the use of the HSTC funds to the Committees on Appropriations no later than 30 days after the date of enactment of this Act and prior to the obligation of the funds.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

The conferees provide an additional $970,000,000 for Aviation Security instead of $1,250,000,000 as proposed by the House and $660,000,000 as proposed by the Senate. Within this total, $815,000,000 is for the procurement and installation of checked baggage explosives detection systems; $45,000,000 is for the expansion of checkpoint explosives detection pilot systems; and $110,000,000 is for air cargo security. Funding for the procurement and installation of checked baggage explosives detection systems and checkpoint explosives detection pilots is available until expended. Funding for air cargo security is available until September 30, 2009.

The conferees direct the Transportation Security Administration (TSA) to utilize funding for explosives detection systems at airports that would derive significant security benefits, consistent with the optimal screening solutions prioritized in TSA's strategic plan for electronic baggage screening. As directed by the Senate, TSA shall submit a revised fiscal year 2007 explosives detection system expenditure plan to the Committees on Appropriations no later than 90 days after the date of enactment of this Act.

The conferees provide $45,000,000 for the deployment and pilot testing of advanced checkpoint explosives detection equipment and screening technologies to determine preferred operational and equipment protocols. The fiscal year 2008 budget request identifies a number of emerging technologies that could be expedited so that airline passengers and carry-on baggage are screened for explosives, weapons, and other threat objects by the most advanced equipment currently under development. TSA has lagged behind in this area and should use this funding to accelerate this work. The conferees are disappointed that TSA failed to meet a January

23, 2007, deadline to submit a strategic plan for deployment of checkpoint technologies and direct TSA to expeditiously submit that strategic plan, as directed in the joint explanatory statement of managers accompanying the fiscal year 2007 conference report (Report 109-699), and include these additional funds as part of this effort.

The conferees provide $110,000,000 for air cargo security. This funding sets a path for all cargo carried on passenger aircraft to be screened. Within the amount provided, the conferees direct TSA to: (1) hire no fewer than 150 additional air cargo inspectors to establish a more robust enforcement and compliance regime; (2) complete air cargo vulnerability assessments, as described in TSA's recent report on air cargo security for all Category X airports; (3) expand the National Explosives Detection Canine Program by no fewer than 170 additional canine teams; and (4) procure and install explosives detection systems, explosives trace machines, and other technologies to screen air cargo. The conferees permit a portion of these funds to be used for proprietary canine teams led by TSA, as proposed by the Senate. In addition, the conferees direct TSA to pursue canine screening methods utilized internationally, which focus on air samples taken from air cargo for explosives detection. Within 90 days after the date of enactment of this Act, TSA shall provide an expenditure plan detailing how it will utilize the $110,000,000 to increase the screening of air cargo carried on passenger aircraft.

FEDERAL AIR MARSHALS

The conferees provide an additional $8,000,000 for Federal Air Marshals instead of $15,000,000 as proposed by the Senate. The House bill contains no similar provision. Funding shall be used to support higher coverage on critical flights that would otherwise have had insufficient coverage. The conferees direct TSA to report back within 30 days from the date of enactment of this Act on how these additional funds will be allocated.

NATIONAL PROTECTION AND PROGRAMS

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

The conferees provide an additional $37,000,000 for Infrastructure Protection and Information Security instead of $25,000,000 as proposed by the House and $18,000,000 as proposed by the Senate. Of this total amount, $25,000,000 shall be to develop State and local interoperability plans in support of the state interoperable grant program; and $12,000,000 shall be to support implementation of new chemical security regulations.

As outlined in the House report, the conferees direct the Office of Emergency Communications to work in conjunction with the Science and Technology Office of Interoperable Communications and the Federal Emergency Management Agency to support the efforts of State and local governments as they develop state interoperable communications plans. Within 30 days from the date of enactment of this Act, DHS is directed to provide the Committees on Appropriations a detailed expenditure plan for execution of a nationwide state interoperable communications planning effort, including key milestones for achievement of the decisions necessary to support the Public Safety Interoperable Communications Grant Program. The conferees encourage the Department to allow States that do not use reallocated public safety spectrum to be eligible for the Public Safety Interoperable grant funds as long as their systems are compatible with those using reallocated spectrum.

The conferees provide $12,000,000 to ensure that DHS is able to implement chemical facility security regulations efficiently and effectively as described in the Senate report.

The conferees are concerned with the process used by the Office of Cyber Security to acquire access to a facility for a Secret Service-led computer forensics training program. While the conferees strongly support the Department's efforts to fight cyber-crime, the Department's first notification to Congress of this program was via a press release announcing the Secretary's ribbon cutting at the planned center. This approach represents a violation of the spirit, if not the letter, of section 503 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295). Within 30 days from the date of enactment of this Act, the Secretary is directed to submit to the Committees on Appropriations a report providing a detailed description of the source and amount of funds to be used in support of the new program, the original purpose of each of the funding sources, a legal opinion providing the legal basis for the actions taken in establishing this activity, and the process that will be used in the future to ensure that Congress is informed in advance of any activity that could be construed as either creating new programs or making awards that do not involve an appropriate competitive solicitation of participants or service providers. In addition, the report shall include a justification outlining why this activity is properly undertaken by the Secret Service and DHS rather than the Federal Bureau of Investigation and the Department of Justice.

OFFICE OF HEALTH AFFAIRS

The conferees provide $15,000,000 for the Office of Health Affairs instead of $18,000,000 as proposed by the Senate. The House bill contains no similar funding. Of this amount, $4,000,000 is to support medical readiness, planning, and other activities tasked to this Office.

The remaining $11,000,000 is for nuclear event public health assessment and planning. The Office of Health Affairs, in conjunction with appropriate agencies and national labs, shall: expeditiously develop plans for the response to, and model the effects of, a 0.1, 1.0 and 10 kiloton nuclear explosion on each tier one Urban Area Security Initiative (UASI) city, where such analysis has not already been completed; assess whether current response and recovery plans of all levels of government provide the greatest public health benefit; document what modifications and appropriate practices for responding to such an event would improve health outcomes; assess if identified affected distribution systems would be sufficient to support the proposed response; and set a strategy, in consultation with the Federal Emergency Management Agency and other appropriate agencies, to ensure consistent and sufficient delivery of information to the public, medical community, and first responders on appropriate protective actions to prepare for and respond to a nuclear attack.

The Office of Health Affairs shall provide quarterly briefings to the Committees on Appropriations on the status of this assessment beginning three months after the date of enactment of this Act.

In addition, of the amount made available for the assessment, up to $2,000,000 is for the National Academy of Sciences (NAS) to evaluate the Department's estimates of the effects of a nuclear attack and the current level of preparation in tier one UASI cities. NAS shall report on: available healthcare capacity to treat the affected population; treatments available for pertinent radiation illnesses; efficacy of medical countermeasures; the likely capability of the Federal, State, and local authorities to deliver available medical countermeasures in a timely enough way to be effective; and the overall expected benefit of available countermeasures and those in the development pipeline. NAS shall also assess the availability, quality, and benefit of public and medical education in reducing the illness and death associated with a nuclear attack. NAS shall submit its report to the Committees on Appropriations within 18 months after the date of enactment of this Act.

The conferees note the Department has not finalized its Protective Action Guides for Radiological Dispersal Devices and Improvised Nuclear Device Incidents for Federal agencies, State and local governments, emergency responders, and the general public. This guidance would be critical in planning and responding to radiological incidents. The conferees direct the Department to finalize this guidance as quickly as possible.

The conferees direct the Office of Health Affairs to submit an expenditure plan prior to the obligation of any funds provided under this heading. Funds are available until September 30, 2008.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

The conferees provide $25,000,000 for Management and Administration instead of $25,000,000 as proposed by the House for Salaries and Expenses and $20,000,000 as proposed by the Senate for Administrative and Regional Operations. Within the funding provided, $10,000,000 is for disaster communications equipment to be placed in Federal Emergency Management Agency (FEMA) regions across the country; $2,500,000 is to strengthen interstate mutual aid agreements; $5,000,000 is for regional strike teams; $6,000,000 is for improvements for financial and information systems; $500,000 is for the Law Enforcement Liaison Office; $500,000 is for the Disability Coordinator; and $500,000 is for the National Advisory Council. The conferees include bill language prohibiting the obligation of this $25,000,000 until the Committees on Appropriations receive and approve an expenditure plan. Such plan should be submitted within 45 days after the date of enactment of this Act. Funds are available until September 30, 2008.

The “Management and Administration” account combines the former “Administrative and Regional Operations” and “Readiness, Mitigation, Response, and Recovery” accounts. A provision is included to transfer all funds in the “Administrative and Regional Operations” and “Readiness, Mitigation, Response, and Recovery” accounts into the new “Management and Administration” account.

NUCLEAR PREPAREDNESS

The conferees are concerned that cities have little guidance available to them to better prepare their populations to react in the critical moments shortly after a nuclear event. The conferees direct FEMA, in conjunction with the Office of Health Affairs, to report on the general status and adequacy of public fallout shelters and other protective measures, as appropriate, and pre-planned guidance to the public in the tier one UASI cities. Further, FEMA shall report on how it is coordinating with State and local governments and the Department of Health and Human Services for delivery of prepackaged announcements with major radio and television outlets to assure immediate and helpful guidance after a nuclear attack.

STATE AND LOCAL PROGRAMS

The conferees provide an additional $552,500,000 for State and Local Programs instead of $415,000,000 as proposed by the House and $850,000,000 proposed by the Senate. Within the funding provided, $190,000,000 is for port security grants pursuant to the Security and Accountability For Every Port Act of 2006 (Public Law 109-347); $325,000,000 is for intercity rail passenger transportation, freight rail, and transit security grants; $35,000,000 is for regional catastrophic event planning grants and regional technical assistance; and $2,500,000 is for technical assistance programs.

The conferees continue to be concerned about the Department's poor track record for awarding security grants on a timely basis. The additional funding provided in this Act for port security and rail and mass transit security grants shall be awarded by September 30, 2007. The conferees direct the Department to provide potential grant recipients with pending applications an opportunity to apply for these additional funds.

The conferees provide $35,000,000 for all-hazard regional catastrophic event planning grants and regional technical assistance as proposed by the Senate. These funds are provided for grants and technical assistance to tier one UASI cities and other participating governments for the purpose of developing all-hazard regional catastrophic event plans and preparedness. FEMA Regional Offices are directed to work with the UASI areas in this effort. Plans and preparedness efforts must address every risk and include logistics, response (including mass evacuation and shelter-in-place), recovery, public education, and business outreach. The conferees include bill language prohibiting the obligation of funds for regional catastrophic event planning grants and regional technical assistance until the Committees on Appropriations receive and approve an expenditure plan. The conferees direct FEMA to provide the expenditure plan by July 1, 2007, so as not to delay this important initiative. The Department shall report to the Committees on Appropriations no later than January 15, 2008, regarding the results of this effort.

The conferees recognize that the majority of grant dollars are spent on first responder equipment at the State and local level. To be effective, it is imperative that first responders are also trained to properly use and maintain the equipment. Therefore, the conferees provide $2,500,000 to the technical assistance program for operation and maintenance training on detection and response equipment. The program must be competitively awarded. Funds are available until September 30, 2007.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The conferees provide an additional $100,000,000 for Emergency Management Performance Grants. The conferees do not include bill language proposed by the Senate to provide funds for expenses related to the Nationwide Plan Review.

The conferees are concerned by the findings of the Department's Plan Review, which found that emergency management plans across the country are not up-to-date or systematic. State and local emergency management agencies use Emergency Management Performance Grants to enhance their emergency management capabilities and to link efforts regionally and nationwide. The conferees direct FEMA to provide guidelines encouraging State and local governments to address the findings identified in the Nationwide Plan Review. The conferees also direct FEMA to brief the Committees on Appropriations regarding the status of successfully addressing the Nationwide Plan Review findings no later than June 29, 2007.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

The conferees agree to provide an additional $10,000,000 for United States Citizenship and Immigration Services instead of $30,000,000 as proposed by the Senate. The House bill contains no similar provision. The conferees understand that there are approximately 170,000 immigration applications and petitions awaiting security checks by the Federal Bureau of Investigation. These funds are provided under the terms and conditions listed in the Senate report, including a restriction from obligation until the Committees on Appropriations receive a specific plan that describes how this security check backlog will be addressed comprehensively.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The conferees provide an additional $10,000,000 for Research, Development, Acquisition, and Operations instead of $15,000,000 as proposed by the Senate. The House bill contains no similar provision. The conferees direct that this funding be used for research on improved air cargo screening technologies to protect aircraft from explosives and other harmful materials, as discussed in the Senate report. None of the funds shall be used to continue, beyond the current timeframe, ongoing air cargo pilots. The benefits and findings from these pilots should be made available to all stakeholders as quickly as possible.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

The conferees provide an additional $39,000,000 for Research, Development and Operations as proposed by the Senate. The House bill contains no similar provision. Within the funding provided, $5,000,000 is to enhance detection links between seaports and railroads as authorized in Section 121(i) of Security and Accountability For Every Port Act of 2006 (Public Law 109-347); $8,000,000 is to accelerate development and deployment of detection systems at international rail border crossings; and $26,000,000 is for development and deployment of a variety of screening technologies at aviation facilities as discussed in the Senate report. Funding is available until expended.

SYSTEMS ACQUISITION

The conferees provide an additional $223,500,000 for Systems Acquisition instead of $400,000,000 as proposed by the House. The Senate bill contains no similar provision. Funding shall be used to acquire and deploy additional radiation portal monitors at all locations DHS determines necessary. No funds shall be used to acquire advanced spectroscopic portal monitors until the Secretary of Homeland Security certifies that these systems will achieve a significant increase in operational effectiveness. If the Secretary is unable to certify an increase in operational effectiveness, the conferees direct the Domestic Nuclear Detection Office to acquire currently available radiation portal monitors. Funds are available until expended.

GENERAL PROVISIONS

Section 1501.—The conferees modify a provision proposed by both the House and Senate that clarifies Federal preemption of State and local chemical site security regulations. The conferees also modify a House provision on information security standards for chemical facility vulnerability information.

Sec. 1502.—The conferees include a provision proposed by the Senate that precludes the Department from using funds in this Act or provided by P.L. 109-295 to carry out reorganization authority. The House bill contains no similar provision.

Sec. 1503.—The conferees include a provision proposed by the Senate that mandates that the Department of Homeland Security require all contracts that provide award fees to link such fees to successful acquisition outcomes. The House bill contains no similar provision.

The conferees do not include a provision proposed by the Senate regarding the Domestic Preparedness Equipment Technical Assistance Program.

CHAPTER 6

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

The conferees agree to provide $6,437,000 for the House of Representatives for business continuity and disaster recovery. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendment of the House.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

The conference agreement provides $374,000 to the Government Accountability Office to remain available until September 30, 2008. This is the same amount as proposed by the Senate. The House bill carried no such provision.

CHAPTER 7

DEPARTMENT OF DEFENSE

NATO Security Investment Program (NSIP) reimbursement for military construction in Afghanistan.—The conferees understand that military construction projects carried out in Afghanistan may be eligible for reimbursement under NSIP. The conferees therefore direct the Department of Defense to aggressively pursue NSIP funding for military construction in Afghanistan and review all future projects for NSIP eligibility.

MILITARY CONSTRUCTION, ARMY

The conferees agree to provide $1,255,890,000 for Military Construction, Army, instead of $1,329,240,000 as proposed by the House and $1,261,390,000 as proposed by the Senate. The funds are provided as follows:

Location	Project description	Request	Conference Agreement
CO Fort Carson	Unit Operations Facilities		18,000,000
GA: Fort Stewart	Unit Operations Facilities		30,500,000
KS: Fort Riley	Site Prep. Accelerated BCT	1,500,000	1,500,000

Location	Project description	Request	Conference Agreement
KS: Fort Riley	Unit Operations Facilities		24,000,000
KY: Fort Campbell	Unit Operations Facilities		18,000,000
MD: Fort Meade	Military Intelligence Admin/Ops Center	42,000,000	42,000,000
MO: Fort Leonard Wood	Trainee Barracks Complex		77,100,000
NY: Fort Drum	Unit Operations Facilities		14,600,000
NC: Fort Bragg	Unit Operations Facilities		11,800,000
TX: Fort Bliss	Unit Operations Facilities		38,000,000
TX: Fort Hood	Unit Operations Facilities		
WW: Unspecified	Growing the Force Projects, Various Locs	250,000,000	
Afghanistan: Bagram AB	Bulk Fuel Storage, Phase 1	9,500,000	9,500,000
Afghanistan: Bagram AB	Bulk Fuel Storage, Phase 2	25,000,000	25,000,000
Afghanistan: Bagram AB	CMU Barracks	17,000,000	17,000,000
Afghanistan: Bagram AB	Communications System Facility	8,200,000	8,200,000
Afghanistan: Bagram AB	Electrical Distribution/Utility Chase	17,500,000	17,500,000
Afghanistan: Bagram AB	New Roads	26,000,000	
Afghanistan: Bagram AB	Perimeter Fence and Guard Towers	8,900,000	8,900,000
Afghanistan: Bagram AB	RSOI Surge Area	14,000,000	14,000,000
Afghanistan: Bagram AB	Storm Water Collection	5,600,000	5,600,000
Afghanistan: Bagram AB	Water Treatment and Distribution	22,000,000	22,000,000
Afghanistan: Bagram AB	WWTP and Sewer Collection	16,500,000	16,500,000
Afghanistan: Various Locations	Road—Freedom/Asabalad to Blessing	17,500,000	17,500,000
Afghanistan: Various Locations	Road—Naray to Kamdash	27,000,000	27,000,000
Afghanistan: Various Locations	Road—Asmar to Naray	9,700,000	9,700,000
Afghanistan: Various Locations	Road—Jalalabad to Shali Kot	15,000,000	15,000,000
Afghanistan: Various Locations	Road—South of Jalalabad	6,800,000	6,800,000
Afghanistan: Various Locations	Road—Through Sharana	7,300,000	7,300,000
Afghanistan: Various Locations	Road—West of Orgun-E	7,300,000	7,300,000
Afghanistan: Various Locations	Road—South of Sharana	33,000,000	33,000,000
Afghanistan: Various Locations	Road—Khowst to BSP9	7,900,000	7,900,000
Afghanistan: Various Locations	Road—FB Chamkani to Pakistan Border	13,000,000	13,000,000
Afghanistan: Various Locations	Road—West of Khowst	9,700,000	9,700,000
Afghanistan: Various Locations	Road—North of Waza Kwah	36,000,000	36,000,000
Afghanistan: Various Locations	Road—Qalat to Mazan	30,000,000	30,000,000
Afghanistan: Various Locations	Road—Qalat to Shinkay	57,000,000	57,000,000
Afghanistan: Various Locations	Road—Tarin Kowt to Oshay	34,000,000	34,000,000
Afghanistan: Various Locations	Road—Crossings 1 to 2 (BAF to Kabul)	3,550,000	3,550,000
Afghanistan: Various Locations	Road—Crossings 2 to 3 (BAF to Kabul)	790,000	790,000
Afghanistan: Various Locations	Road—Crossing 3 to 5KM (BAF to Kabul)	3,550,000	3,550,000
Afghanistan: Various Locations	Dry Stream Bed Crossing 1 (BAF to Kabul)	8,300,000	8,300,000
Afghanistan: Various Locations	Dry Stream Bed Crossing 2 (BAF to Kabul)	8,300,000	8,300,000
Afghanistan: Various Locations	Dry Stream Bed Crossing 3 (BAF to Kabul)	34,000,000	34,000,000
Iraq: Al Asad	Detainee Interrogation Facility	5,500,000	
Iraq: Al Asad	Electrical Infrastructure Upgrades	14,600,000	14,600,000
Iraq: Al Asad	Heavy Aircraft Apron	14,400,000	14,400,000
Iraq: Al Asad	Runway With Shelters	13,600,000	13,600,000
Iraq: Al Asad	Transient Aircraft Apron	4,150,000	4,150,000
Iraq: Al Asad	Water Storage Tanks	14,000,000	14,000,000
Iraq: Camp Anaconda	CJSOAC Operations Center	3,450,000	3,450,000
Iraq: Camp Anaconda	North Entry Control Point	7,400,000	7,400,000
Iraq: Camp Anaconda	POL Tanks	9,900,000	9,900,000
Iraq: Camp Anaconda	South Entry Control Point	7,500,000	7,500,000
Iraq: Camp Anaconda	Truck Lane Access Road	2,600,000	2,600,000
Iraq: Camp Anaconda	Water Storage Tanks	10,000,000	10,000,000
Iraq: Camp Anaconda	Water Wells	2,200,000	2,200,000
Iraq: Various Locations	Facilities Replacement	96,000,000	
Iraq: Al Asad	Facilities Replacement		23,000,000
Iraq: Camp Adder	Facilities Replacement		1,800,000
Iraq: Camp Anaconda	Facilities Replacement		7,000,000
Iraq: Camp Speicher	Facilities Replacement		19,000,000
Iraq: Oayyarah West	Facilities Replacement		1,800,000
Iraq: Scania	Facilities Replacement		2,400,000
Iraq: Victory Base	Facilities Replacement		33,000,000
Iraq: Various Locations	Facilities Replacement—AT/FP		8,000,000
Iraq: Various Locations	Life Support Areas	75,000,000	
Iraq: Al Asad	Life Support Areas		16,500,000
Iraq: Camp Adder	Life Support Areas		8,500,000
Iraq: Camp Anaconda	Life Support Areas		8,500,000
Iraq: Camp Speicher	Life Support Areas		8,500,000
Iraq: Victory Base	Life Support Areas		33,000,000
Worldwide: Unspecified	Planning and Design (Growing the Force)	151,700,000	151,700,000
Worldwide: Unspecified	Planning and Design (GWOT)	23,900,000	22,000,000
Total		1,289,290,000	1,255,890,000

Coordination of military road construction in Afghanistan.—The conferees agree to include a provision, as proposed by the House, to prohibit the obligation or expenditure of $369,690,000 in funds until the Secretary of Defense submits a detailed report on the coordination of military road construction in Afghanistan with NATO and coalition nations. The Senate bill contained no similar provision.

Growing the Force, Army.—The conferees agree to provide $401,700,000 for construction and planning and design efforts in support of the Army's proposed permanent end-strength increase of up to 65,000 soldiers. The conferees are concerned, however, about the lack of an overall plan to station and accommodate these increases with the necessary facilities. The conferees therefore agree to include language that prohibits the obligation and expenditure of these funds until the Secretary of Defense submits a Grow the Force Stationing Plan that includes the following for the entire 65,000–soldier increase: the new units to be created and the number of soldiers in each such unit; the specific increases in the number of soldiers to existing units; the installation where each new unit or augmented unit will be located; the estimated dates of initial operational capability and full operational capability of each new unit; the types of temporary and permanent facilities required (including family housing) and the estimated cost; and any other pertinent information. This report also shall provide the same information, where appropriate, for the proposed increase of 8,200 personnel to the Army National Guard and the proposed increase of 1,000 personnel to the Army Reserve.

Permanent bases in Iraq.—The conferees agree to include a provision, as proposed by the Senate, to prohibit the obligation or expenditure of $274,800,000 in funds until the Secretary of Defense certifies that none of these funds are to be used for the permanent basing of U.S. military personnel in Iraq. The House bill contained no similar provision.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conferees agree to provide $370,990,000 for Military Construction, Navy and Marine Corps, instead of $389,300,000 as proposed by the House and $347,890,000 as proposed by the Senate. The funds are provided as follows:

Location	Project description	Request	Conference Agreement
AZ: MCAS Yuma	Grow the Force Interim Facilities Site Prep	—	1,200,000
CA: MCAS Miramar	Grow the Force Interim Facilities Site Prep	—	4,800,000
CA: Camp Pendleton	Grow the Force Interim Facilities Site Prep	—	39,730,000

Location	Project description	Request	Conference Agreement
CA: Twentynine Palms	Grow the Force Interim Facilities Site Prep	—	27,340,000
HI: MCB Hawaii	Grow the Force Interim Facilities Site Prep	—	2,170,000
NC: Camp Lejeune	3/9 Maintenance/Operations Complex	41,490,000	41,490,000
NC: Camp Lejeune	BEO, Hadnot Point	40,560,000	40,560,000
NC: Camp Lejeune	EOD Building FC292 Addition	2,570,000	2,570,000
NC: Camp Lejeune	Mess Hall	16,100,000	16,100,000
NC: Camp Lejeune	MP Company Operations Complex	5,800,000	5,800,000
NC: Camp Lejeune	Regimental Headquarters Addition	8,600,000	8,600,000
NC: Camp Lejeune	Truck Company Maintenance/Ops Complex	9,150,000	9,150,000
NC: Camp Lejeune	Grow the Force Interim Facilities Site Prep	—	50,660,000
NC: MCAS Cherry Point	Grow the Force Interim Facilities Site Prep	—	27,050,000
NC: MCAS New River	Grow the Force Interim Facilities Site Prep	—	850,000
Djibouti: Camp Lemonier	Electrical Power Plant	17,990,000	17,990,000
Djibouti: Camp Lemonier	Wastewater Treatment	19,700,000	19,700,000
Djibouti: Camp Lemonier	Water Production	18,310,000	—
Djibouti: Camp Lemonier	Water Storage	5,630,000	5,630,000
Worldwide: Unspecified	Unspecified Construction	153,800,000	—
Worldwide: Unspecified	Planning and Design (GWOT)	4,600,000	3,400,000
Worldwide: Unspecified	Planning and Design (Growing the Force)	46,200,000	46,200,000
Total		390,500,000	390,500,000

Growing the Force, Marine Corps.—The conferees agree to provide $324,270,000 for construction and planning and design efforts in support of the Marine Corps' proposed permanent end-strength increase of up to 27,000 marines. The conferees are concerned, however, about the lack of an overall plan to station and accommodate these increases with the necessary facilities. The conferees therefore agree to include language that prohibits the obligation and expenditure of these funds until the Secretary of Defense submits a Grow the Force Stationing Plan that includes the following for the entire 27,000-marine increase: the new units to be created and the number of marines in each such unit; the specific increases in the number of marines to existing units; the installations where each new unit or augmented unit will be located; the estimated dates of initial operational capability and full operational capability of each new unit; the types of temporary and permanent facilities required (including family housing) and the estimated cost; and any other pertinent information.

Military Construction, Air Force

The conferees agree to provide $43,300,000 for Military Construction, Air Force, instead of $60,200,000 as proposed by the House and $34,700,000 as proposed by the Senate. The funds are provided as follows:

Location	Project description	Request	Conference Agreement
Afghanistan: Bagram AB.	Hot Cargo Pad and Access Road.	7,300,000	7,300,000
Afghanistan: Bagram AB.	Parallel Taxiway	49,000,000	33,000,000
Worldwide: Unspecified.	Planning and Design	3,900,000	3,000,000
Total		60,200,000	43,300,000

Parallel Taxiway, Bagram, Afghanistan.—The conferees agree to provide $33,000,000 to extend the existing parallel taxiway at Bagram, rather than the $49,000,000 requested to build a new taxiway. One of the justifications for this project provided by the Deparment of Defense is to allow for parking expansion to accommodate wide-body aircraft. The conferees note, however, that the Administration's March 9 revisions deleted the Strategic Aircraft Ramp from the original request, indicating that it no longer considers such expansion to be a priority.

Base Realignment and Closure Account 2005

The conferees agree to provide $3,136,802,000 for the Base Realignment and Closure Account 2005 as proposed by both the House and the Senate.

General Provisions—This Chapter

The conferees agree to include a modified general provision related to the Walter Reed Army Medical Center.

The conferees agree to include a general provision proposed by the Senate related to the Armed Forces Institute of Pathology. The House bill contained no similar provision.

CHAPTER 8

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $870,658,000 for Diplomatic and Comular Programs, instead of $966,954,000 as proposed by the House and $815,796,000 as proposed by the Senate. Within the total under this heading, $96,500,000 is for World Wide Security Upgrades and is available until expended, instead of $102,155,000 as proposed by the House and $70,000,000 as proposed by the Senate.

The conference agreement includes the transfer of $258,000 to the United States Commission on International Religious Freedom from within the funds provided under the heading as proposed by the House. The Senate included no similar provision.

The conference agreement includes $20,000,000 under this heading for public diplomacy programs, as proposed by the Senate. The House included the same amount for this purpose, but did not include the language in the bill.

The conferees recognize that public diplomacy activities, when effectively implemented, engage and inform foreign audiences, communicate and advocate policies of the United States, and convey shared interests and values across the globe. These activities are important in building the goodwill and cooperation that is necessary for the United States to achieve our foreign policy and national security goals. The conferees believe that although there has been increased attention on public diplomacy efforts since the terrorist attacks of September 11, 2001, a more focused interagency effort is necessary. Therefore, the conferees direct that the Secretary of State develop a comprehensive, interagency strategy for public diplomacy programming in predominantly Muslim countries, as proposed by the Senate, including programming efforts via various media. The conferees expect the plan to include planned expenditures, by category, of funding available in fiscal year 2007 for public diplomacy activities, as proposed by the House. The conferees direct the report to be provided to the Committees on Appropriations not later than 45 days after the enactment of this Act.

The conference agreement includes $750,000,000 for Diplomatic and Consular Programs relating to Iraq, instead of $790,641,000 as proposed by the House and $723,896,000 as proposed by the Senate. The conferees understand that a Memorandum of Agreement between the Departments of State and Defense was finalized on February 27, 2007, specifying operational requirements, authorities, and responsibilities shared between the U.S. Mission in Iraq and the Multi-National Forces in Iraq. The conferees recognize that the assumptions on which the request was based may have changed. Therefore, the conference agreement includes bill language withholding from obligation twenty percent of the amount made available under this heading for Iraq operations until the Committes on Appropriations receive and approve a detailed expenditure plan of funding for such operations, similar to language proposed by the House. The Senate bill included no similar provision.

The fiscal year 2005 Emergency Supplemental Appropriations Act (P.L. 109-13) included $592,000,000 for the construction of a new embassy compound in Baghdad, Iraq, based on a number of 1,157 desks and 619 beds. The conferees are dismayed to learn that the Department of State continues to plan for an increase in staffing of thirty percent in desks and an increase of ninety-six percent in beds above the amount approved by the Congress. Therefore, the conferees direct the Secretary of State, in consultation with the U.S. Chief of Mission in Iraq, to undertake a review of the current personnel plan for the Mission in Iraq and provide justification for the deviation from the 2005-approved plan prior to obligation of funding under this heading. The conferees expect a report on the new embassy compound personnel requirements in light of the available office space, including a housing plan from the Overseas Buildings Operations Bureau, not later than 45 days of enactment of this Act.

The conference agreement does not include language under this heading included in the House bill providing up to $50,000,000 to establish and maintain a civilian reserve corps. Instead, the conference agreement includes a modified general provision similar to language in section 1712 of the Senate bill.

The conference agreement includes a provision directing the Office of Management and Budget to apportion $15,000,000 appropriated in the fiscal year 2006 Emergency Supplemental Appropriations Act (P.L. 109-148) for Emergencies in the Diplomatic and Consular Service funding, as proposed by the

Senate. The House included no similar provision.

The conference agreement includes a provision similar to that proposed by the Senate authorizing the transfer of up to $20,000,000 from funds made available under this heading to the Emergencies in the Diplomatic and Consular Service account only for the payment of terrorism rewards. The House bill included no similar provision.

The conferees concur with language included in the House report denying funds requested for salaries and allowances for new domestic staff positions and to lease additional space.

Funds under this heading are provided on an emergency basis.

The conference agreement allocates funding as follows:

DIPLOMATIC AND CONSULAR PROGRAMS

(In thousands)

Account	Request	House	Senate	Conference
Afghanistan	$47,155	$82,155	$55,000	$79,000
World Wide Security Upgrades (non-add)	47,155	82,155	55,000	79,000
Iraq	823,941	790,641	723,896	750,000
Sudan	21,900	21,900	16,900	19,400
World Wide Security Upgrades (non-add)	20,000	20,000	15,000	17,500
Public Diplomacy	20,000	20,000	20,000	20,000
Bureau of Intelligence and Research	0	2,000	0	2,000
U.S. Commission on International Religious Freedom	0	258	0	258
Civilian Reserve Corps (up to authority)[1]	0	50,000	[50,000]	[50,000]
Total—Diplomatic and Consular Programs	912,996	966,954	815,796	870,658

[1] Note: Numbers in brackets are "non-adds".

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $36,500,000 for the Office of the Inspector General as proposed by the Senate, instead of $46,800,000 as proposed by the House. Within the amount provided under this heading, $35,000,000 is for a transfer to the Special Inspector General for Iraq Reconstruction (SIGIR) to conduct oversight work on reconstruction projects in Iraq, $1,300,000 is for the Department of State Inspector General's oversight work related to operations in Iraq, and $200,000 is for the Department of State Inspector General's oversight work related to operations in Afghanistan.

The conferees direct the SIGIR to report to the Committees on Appropriations not later than 90 days of enactment of this Act on the number of personnel, contract services, and budgetary needs of SIGIR at the time of the report and the projected operational requirements for the remainder of fiscal year 2007 and fiscal year 2008. The conferees intend that the report specifically address the personnel and resource requirements of section 2 of P.L. 109-440. The SIGIR shall inform the Committees on Appropriations regarding the enactment of any legislation subsequent to the submission of the report which imposes additional oversight responsibilities on SIGIR or which otherwise affects its operational requirements.

Funds under this heading are provided on an emergency basis.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $20,000,000 for Educational and Cultural Exchange Programs as proposed by the House, instead of $10,000,000 as proposed by the Senate.

The conferees concur with language in the Senate report regarding support for a pilot program, which would create a two-way exchange component of the Youth Exchange and Study program.

Funds under this heading are provided on an emergency basis.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $50,000,000 for Contributions to International Organizations, instead of $59,000,000 as proposed by the Senate. The House bill included no similar provision.

These funds are intended to pay arrears to organizations that are involved in global efforts to combat international terrorism and to prevent the spread of avian influenza.

Funds under this heading are provided on an emergency basis.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides $288,000,000 for assessed costs of U.N. peacekeeping operations as proposed by the House instead of $200,000,000 as proposed by the Senate. Within the total provided under this heading, $184,000,000 is for the U.N. Interim Force in Lebanon, $16,000,000 is for the U.N. Mission in Timor Leste, and $88,000,000 is intended for a potential U.N. mission in Chad, as proposed by the House. The Senate bill included funding for Chad under the Peacekeeping Operations account.

The conferees direct that if funds are not obligated for a U.N. mission in Chad by August 15, 2007, the Department of State should consult with the Committees on Appropriations on the funding needs for other priority missions within the Contributions for International Peacekeeping Activities account.

Funds under this heading are provided on an emergency basis.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $10,000,000 for International Broadcasting Operations as proposed by the House and the Senate.

Funds under this heading are provided on an emergency basis.

BILATERAL ECONOMIC ASSISTANCE

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $161,000,000 for the Child Survival and Health Programs Fund account, as proposed by the House and the Senate.

The conference agreement includes language, similar to that proposed by the Senate, providing authority to the President to use funding under the Millennium Challenge Corporation and Global HIV/AIDS Initiative accounts to combat an avian influenza pandemic, if he determines that the human-to-human transmission of the avian influenza virus is efficient and sustained, and is spreading internationally. The conferees note that this is the highest threat level of the World Health Organization's Global Influenza Preparedness Plan. The conferees expect the Office of Management and Budget to request reimbursement of any funds used from the Millennium Challenge Corporation and Global HIV/AIDS Initiative accounts in the event the President exercises this authority.

The conferees endorse House report language requiring a report on planned expenditures not later than 45 days of enactment of this Act.

Funds under this heading are provided on an emergency basis.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

The conference agreement includes $165,000,000 for International Disaster and Famine Assistance, instead of $135,000,000 as proposed by the House and $187,000,000 as proposed by the Senate.

Within the total provided under this heading, not less than $45,000,000 is for Iraq, not less than $44,000,000 is for Sudan, not less than $20,000,000 is for Somalia, and not less than $16,000,000 is for assistance for internally displaced persons in and near Kabul, Afghanistan. The remaining $40,000,000 is included for unmet or unforeseen humanitarian assistance requirements in countries such as the Central African Republic, Chad, the Democratic Republic of the Congo, and Uganda.

Funds under this heading are provided on an emergency basis.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement includes $8,700,000 for operating expenses of the United States Agency for International Development (USAID), instead of $10,700,000 as proposed by the House and $5,700,000 as proposed by the Senate. The conferees provide additional funding for security and other operating costs associated with USAID personnel in Afghanistan.

Funds under this heading are provided on an emergency basis.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $3,500,000 for operating expenses of the USAID Office of Inspector General as proposed by the House instead of $4,000,000 as proposed by the Senate. The conferees intend that the additional funding is for expenses associated with oversight of the expanded programs in Afghanistan and Iraq.

Funds under this heading are provided on an emergency basis.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement includes $2,649,300,000 for Economic Support Fund, instead of $2,953,000,000 as proposed by the House and $2,602,200,000 as proposed by the Senate.

The conference agreement includes $1,574,000,000 for Iraq under this heading, instead of $1,887,000,000 as proposed by the House and $1,524,000,000 as proposed by the Senate.

Of the amounts provided for Iraq, the conferees include $57,400,000 for economic and social development programs in areas of conflict in Iraq, and intend these funds to be used to counter extremist elements in that country. The conferees provide the U.S. Chief of Mission in Iraq with the responsibility for policy decisions and justification for the use of these funds. The conferees do not support the Department of State proposal to provide assistance directly to Iraqi political parties, as contained in the budget request justification materials, and note that these funds are in lieu of those requested for the Political Participation Fund and the National Institutions Fund.

The conference agreement includes not less than $95,000,000 for the Community Action Program, instead of $75,000,000 as proposed by the House and $100,000,000 as proposed by the Senate. Of the funds provided for the Community Action Program under this heading, the conferees instruct that not less than $5,000,000 be provided for the Marla Ruzicka Iraqi War Victims Fund as proposed by the Senate. The House did not include a similar provision.

The conferees concur with language in the House report requiring a report on the ethnic and geographic distribution of U.S. assistance programs in Iraq, specifically to the Nineveh Plain region.

The conference agreement includes $737,000,000 for assistance for Afghanistan, instead of $743,000,000 as proposed by the House and $686,000,000 as proposed by the Senate. Of the funds provided for Afghanistan, the conference agreement provides $10,000,000 for the Afghan Civilian Assistance Program as proposed by the Senate. The House included no similar provision.

The conference agreement provides $295,000,000 for assistance for Lebanon, instead of $300,000,000 as proposed by the House and $265,000,000 as proposed by the Senate. The conferees note that language establishing conditions on assistance for Lebanon is included under the general provisions for this chapter.

The conference agreement includes $3,000,000 for environmental remediation and health activities in Vietnam, instead of $3,200,000 as proposed by the Senate. The House did not include a similar provision. The conferees endorse language in the Senate report regarding this matter, and stipulate that prior to the obligation of these funds the Committees on Appropriations be consulted on the planned use of the funds. The conferees recommend that these funds be matched, to the maximum extent possible, with contributions from other public and private sources.

The conference agreement includes $2,000,000 for assistance for Uganda as proposed by the Senate. The House did not include a similar provision. The conferees endorse language in the Senate report regarding this matter, and stipulate that prior to the obligation of these funds the Committees on Appropriations be consulted on the planned use of the funds.

The conference agreement includes $5,000,000 for assistance for Nepal, instead of $6,000,000 as proposed by the Senate. The House did not include a similar provision. The conferees intend these funds to be used to support elections and for demobilization and reintegration of former combatants. The conferees endorse language in the Senate report regarding this matter, and stipulate that prior to the obligation of these funds the Committees on Appropriations be consulted on the planned use of the funds.

The conference agreement includes $5,000,000 for typhoon reconstruction assistance for the Philippines, instead of $6,000,000 as proposed by the Senate. The House did not include a similar provision.

The conference agreement includes $10,300,000 for assistance for Jordan under this heading. The conferees intend these funds to be used to improve basic education, health, water and sanitation services in Jordanian communities that have experienced a significant influx of Iraqi refugees.

The conference agreement does not provide $110,000,000 for Pakistan under this heading, as proposed by the Senate. The House did not include a similar provision.

Funds under this heading are provided on an emergency basis.

The conference agreement allocates funding as follows:

ECONOMIC SUPPORT FUND

Account ($ in thousands)	Request	House	Senate	Conference
Iraq:				
Security:				
Provincial Reconstruction Teams (PRTs)	720,000	620,000	660,000	620,000
Community Action Program (CAP)	50,000	75,000	100,000	95,000
Marla Ruzicka Iraqi War Victims Fund	0	0	5,000	5,000
Community Stabilization Program (CSP)	384,000	354,000	384,000	354,000
Local Governance Program	100,000	100,000	90,000	90,000
Subtotal Security	1,254,000	1,149,000	1,234,000	1,159,000
Economic:				
Private Sector Agribusiness Development	75,000	75,000	70,000	70,000
Strengthen Financial Markets	12,500	12,500	10,000	10,000
Financial Market Development	12,500	12,500	10,000	10,000
Targeted Development Programs	—	—	—	57,400
Subtotal Economic	100,000	100,000	90,000	147,400
Political:				
National Capacity Development	180,000	160,000	140,000	140,000
Policy, Subsidy, Legal and Regulatory Reform	110,000	90,000	60,000	60,000
Democracy	428,000	388,000	—	—
Civil Society Development	—	—	—	67,600
Subtotal Political	718,000	638,000	200,000	267,600
Provided under Democracy Fund	—	—	[385,000]	[250,000]
Subtotal—Iraq ESF	2,072,000	1,887,000	1,524,000	1,574,000
Afghanistan:				
Provincial Reconstruction Teams (PRTs)	117,000	217,000	144,000	174,000
Rural Development	120,000	160,000	125,000	155,000
Agriculture	13,000	13,000	25,000	19,000
Governance Capacity Building	21,000	21,000	[25,000]	25,000
New Power Generation Construction	40,000	40,000	40,000	40,000
Rural Road Construction	342,000	292,000	342,000	314,000
Civilian Assistance Program	—	—	10,000	10,000
Subtotal—Afghanistan ESF	653,000	743,000	686,000	737,000
Lebanon:				
Budget Support	250,000	250,000	250,000	250,000
Project Assistance	50,000	50,000	15,000	45,000
Provided under Democracy Fund	—	—	[35,000]	[5,000]
Subtotal—Lebanon ESF	300,000	300,000	265,000	295,000
Sierra Leone Special Court	—	3,000	—	3,000
Jordan:				
Basic Education and Health Activities	—	—	—	10,300
Permissive Transfer from Iraq PRT Funding (non-add)	—	—	(100,000)	—
Subtotal—Jordan ESF	—	—	—	10,300
Nepal Elections and Peace Process	—	—	6,000	5,000
Democratic Republic of the Congo Governance and Peace Process	—	15,000	—	15,000
Liberian Presidential Personal Security	—	5,000	—	[1]
Uganda Peace Process	—	—	2,000	2,000
Vietnam Environment and Health Programs	—	—	3,200	3,000
Philippines Reconstruction	—	—	6,000	5,000
Total—ESF	3,135,000	2,953,000	2,602,200	2,649,300

[1] Funding for this purpose is included under the Nonproliferation, Anti-Terrorism, Demining and Related Programs account.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement includes $229,000,000 for Assistance for Eastern Europe and the Baltic States for assistance for Kosovo, instead of $239,000,000 as proposed by the House and $214,000,000 as proposed by the Senate. The conferees endorse the reporting requirement included in the House report regarding the proposed pledge of funds.

Funds under this heading are provided on an emergency basis.

DEPARTMENT OF STATE

DEMOCRACY FUND

The conference agreement provides $260,000,000 for Democracy Fund, instead of $465,000,000 as proposed by the Senate. The House provided funding for this purpose under the requested accounts. The conference agreement includes the following amounts in the accounts requested: $125,000,000 for assistance for Iraq; $25,000,000 for assistance for Afghanistan; $15,000,000 for assistance for Kosovo; and $30,000,000 for assistance for Lebanon.

The conference agreement provides a total of $250,000,000 for democracy, human rights and rule of law programs in Iraq, of which $190,000,000 is for the Human Rights and Democracy Fund (HRDF) of the Department of State's Bureau of Democracy, Human Rights, and Labor, and $60,000,000 is for USAID. The conferees direct that funds included under this heading for assistance for Lebanon be made available to the HRDF, and that of the funds included for media and democracy programs in Somalia, $3,000,000 be made available to USAID, and $2,000,000 to the HRDF.

The conference agreement includes language, similar to that proposed by the Senate, requiring the Secretary of State to submit a report to the Committees on Appropriations not later than 60 days after enactment of this Act describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq. This report should be developed in consultation with USAID, and should include the anticipated funding required for successful implementation of the strategy in subsequent fiscal years.

The conferees endorse language in the Senate report regarding the conduct of appropriate rule of law programs concurrently with activities to professionalize the Afghan National Police.

Funds under this heading are provided on an emergency basis.

The conference agreement allocates funding as follows:

DEMOCRACY FUND

Account ($ in thousands)	Request	House	Senate	Conference
Afghanistan	[21,000]	[1]	25,000	[2]
Iraq				
Continuation of Democracy Programs	[181,600]	[1]	200,000	200,000
Political Participation Fund	[42,800]	[1]	19,400	[2]
National Institutions Fund (including Parliament)	[76,000]	[1]	38,000	[2]
Human Rights	[40,000]	[1]	40,000	40,000
Women's Programs	[10,000]	[1]	10,000	10,000
Provincial Funds via PRTs	[32,000]	[1]	32,000	[2]
Security for International Election Monitors	[17,600]	[1]	17,600	[2]
International Visitors Program	[8,000]	[1]	8,000	[2]
Support for Media	[20,000]	[1]	20,000	[2]
Subtotal—Iraq	[428,000]	[388,000]	385,000	250,000
Kosovo				
Legislative Reform	[2,000]	[1]	2,000	[2]
Conflict Mitigation	[5,000]	[1]	5,000	[2]
Institution/Capacity Building	[8,000]	[1]	8,000	[2]
Subtotal—Kosovo	[15,000]	[1]	15,000	[2]
Lebanon				
Strength the Rule of Law		[1]	10,000	[2]
Municipal Capacity Building		[1]	20,000	[2]
Promote Consensus Building		[1]	5,000	
Democracy Programs				5,000
Subtotal—Lebanon	[35,000]	[1]	35,000	5,000
Somalia				
Media and Democracy Programs			5,000	5,000
Subtotal—Somalia			5,000	5,000
Total—DF			465,000	260,000

[1] The House included these funds in the accounts requested.

[2] The conference agreement includes these funds in the accounts requested.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes $257,000,000 for International Narcotics Control and Law Enforcement, instead of $334,500,000 as proposed by the House and $210,000,000 as proposed by the Senate. The conference agreement includes the rescission of $13,000,000 in prior appropriations as proposed by the Senate. House bill did not include a similar provision.

The conferees endorse language included in the Senate report denying funding for construction of corrections facilities.

Funds under this heading are provided on an emergency basis.

The conference agreement allocates funding as follows:

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

Account ($ in thousands)	Request	House	Senate	Conference
Iraq	200,000	180,000	150,000	150,000
Afghanistan		94,500		47,000
Lebanon	60,000	60,000	60,000	60,000
Total—INCLE	260,000	334,500	210,000	257,000

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement includes $130,500,000 for Migration and Refugee Assistance, instead of $111,500,000 as proposed by the House and $143,000,000 as proposed by the Senate.

The conference agreement provides not less than $5,000,000 to rescue Iraqi scholars, as proposed by the Senate. The House bill did not include a similar provision. The conferees endorse language on this matter in the Senate report and urge the Department of State to act expeditiously to develop and implement a plan for resettling Iraqi scholars.

Funds under this heading are provided on an emergency basis.

The conference agreement allocates funding as follows:

MIGRATION AND REFUGEE ASSISTANCE

Account ($ in thousands)	Request	House	Senate	Conference
Afghanistan			18,000	16,000
Iraq	15,000	15,000	65,000	45,000
Allocated to Other Countries	0	0	60,000	0
Unallocated for Unforeseen Requirements	56,500	96,500		69,500
Total—MRA	71,500	111,500	143,000	130,500

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement includes $55,000,000 for the United States Emergency Refugee and Migration Assistance Fund as proposed by the Senate, instead of $35,000,000 as proposed by the House.

Funds under this heading are provided on an emergency basis.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement includes $57,500,000 for Nonproliferation, Anti-Terrorism, Demining and Related Programs, instead of $87,500,000 as proposed by the House and $27,500,000 as proposed by the Senate. The conferees $25,000,000 for border security programs in Jordan, and include $5,000,000, as proposed in the House bill under "Economic Support Fund", for the protection of the Liberian President.

The conferees direct the Secretary of State to submit to the Committees on Appropriations not later than 30 days after enactment of this Act a report on strengthening the personal security of President of South Sudan. This report shall include a spending plan for the use of funds appropriated in fiscal year 2007, including from Peacekeeping Operations or Nonproliferation, Anti-Terrorism, Demining and Related Programs.

Funds under this heading are provided on an emergency basis.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement includes $2,750,000 for International Affairs Technical Assistance as proposed by both the House and the Senate.

Funds under this heading are provided on an emergency basis.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement includes $265,000,000 for the Foreign Military Financing Program, instead of $260,000,000 as proposed by the House and $220,000,000 as proposed by the Senate. The conference agreement includes $220,000,000 for assistance for Lebanon and $45,000,000 for assistance for Jordan.

The conferees recognize that Jordan is a key ally of the United States in the region and affirm the special transfer authorities of the President under section 614(a) of the Foreign Assistance Act of 1961 should additional emergency security assistance for Jordan be required.

Funds under this heading are provided on an emergency basis.

PEACEKEEPING OPERATIONS

The conference agreement includes $230,000,000 for Peacekeeping Operations, instead of $225,000,000 as proposed by the House and $323,000,000 as proposed by the Senate.

The conferees endorse language in the House report directing the Department of State to report on the status of implementation of the African Union Mission in Sudan (AMIS) mandate and to provide a timetable for a hybrid U.N./AMIS peacekeeping force in Darfur.

The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 30 days after enactment of this Act, and every 30 days thereafter until September 30, 2008, detailing the obligation and expenditure of funds made available under this heading. The conferees request that this information be provided on a country-by-country basis, with descriptive information on activities supported.

Funds under this heading are provided on an emergency basis.

GENERAL PROVISIONS—THIS CHAPTER

Section 1801. Authorization of Funds—The conference agreement includes a general provision authorizing the expenditure of funds provided by this title, as proposed by the Senate (sec. 1701). The House bill did not include a similar provision.

The conference agreement does not include a general provision proposed by the Senate extending the availability of funds (sec. 1702).

Sec. 1802. Extension of Oversight Authority—The conference agreement includes a general provision extending the authority of the Special Inspector General for Iraq Reconstruction through fiscal year 2007, as proposed by the Senate (sec. 1703). The House proposed a similar provision (sec. 1801) extending the authority for both fiscal years 2007 and 2008.

Sec. 1803. Lebanon—The conference agreement includes a general provision restricting certain assistance for Lebanon, similar to language proposed by the House (sec. 1802) and the Senate (sec. 1706).

Sec. 1804. Debt Restructuring—The conference agreement includes a general provision permitting the use of funds made available in fiscal year 2007 for debt restructuring to assist Liberia, as proposed by both the House and Senate.

The conference agreement does not include a general provision authorizing the transfer of funds under the Economic Support Fund account to other accounts for assistance for Jordan, as proposed by the Senate (sec. 1705).

Sec. 1805. Government Accountability Office—The conference agreement includes a new provision requiring that the Department of State support personnel from the Government Accountability Office (GAO) for periods of not less than 45 days to conduct oversight in Iraq. The conferees expect that housing and office space, appropriate for handling classified materials, for three GAO personnel would be provided in Baghdad's International Zone.

Sec. 1806. Human Rights and Democracy Fund—The conference agreement includes a general provision regarding the management responsibilities of the Assistant Secretary of State for Democracy, Human Rights, and Labor, as proposed by the Senate (sec. 1707). The House bill included no similar provision.

Sec. 1807. Inspector General Oversight of Iraq and Afghanistan—The conference agreement modifies a general provision from the Senate bill (sec. 1708) regarding certain authorities of the Department of State's Inspector General. The House bill included no similar provision.

Sec. 1808. Funding Tables—The conference agreement modifies a general provision from the Senate bill (sec. 1709) requiring that certain funds provided in this chapter be made available for programs and countries in the amounts contained in the respective tables included in this Statement of Managers, subject to the regular notification procedures of the Committees on Appropriations. The House bill included no similar provision.

Sec. 1809. Spending Plan and Notification Procedures—The conference agreement modifies a general provision included in the Senate bill (sec. 1711) regarding the submission of a report detailing planned expenditures for funds appropriated under the headings in this chapter. The House bill included no similar general provision.

Sec. 1810. Conditions on Assistance for Pakistan—The conference agreement includes a provision requiring the Secretary of State to submit an implementation plan to the Committees on Appropriations before any nonproject assistance is made available to the Government of Pakistan. This report shall detail the process by which the use of these funds will be determined and overseen, as well as outline the benchmarks for the use of these funds. The report shall also detail the United States and Pakistani entities responsible for implementation and oversight, and assess their operational capacity. The conferees expect the spending plan to include detailed information on assistance by sector and program, project, and activity. This report shall also indicate which "FATA Sustainable Development Plan" sub-sector is supported by each program, project, or activity. The conferees also direct that $5,000,000 of the funds made available for Pakistan under the heading "Economic Support Fund" be provided for political party development and election observation programs to the Human Rights and Democracy Fund.

Sec. 1811. Civilian Reserve Corps—The conference agreement modifies language proposed by the House (under the heading "Diplomatic and Consular Programs") and by the Senate (sec. 1712) authorizing the Secretary of State to make available up to $50,000,000 to support and maintain a civilian reserve corps.

Sec. 1812. Coordinator for Iraq Assistance—The conference agreement includes a provision concerning the appointment and duties of a new Coordinator for Iraq Assistance, as proposed by the House. The Senate bill included no similar provision. The conferees expect the Coordinator to consult on a regular and ongoing basis with the U.S. Chief of Mission in Iraq.

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

The conference agreement includes a provision proposed by the House related to the mission capabilities of units deployed to Iraq.

The conference agreement includes a provision proposed by the House related to the deployment of units in Iraq.

The conference agreement includes a provision proposed by the House related to the early redeployment of troops to Iraq.

The conference agreement includes modified House and Senate language establishing benchmarks and timetables for the redeployment of U.S. combat forces from Iraq.

TITLE II—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY

Funding in this title provides continuing support for hurricane disaster relief and recovery. One of the groups that has been most adversely affected are the children in the Gulf Coast region. The conferees provide additional funding of $4,610,000,000 to the Federal Emergency Management Agency Disaster Relief fund. This funding can help continue to address the needs of the estimated 372,000 students affected by Hurricane Katrina. The Disaster Relief fund includes support for public assistance grants to repair and reconstruct school buildings, replace contents in schools including books and desks, and provide portable classrooms. A provision included in this legislation mandates that the full cost of the assistance to affected States, applied for prior to enactment of this Act, is borne by the federal government.

The supplemental also provides $30,000,000 in emergency assistance for the public elementary and secondary schools most severely impacted by the 2005 Gulf Coast hurricanes in order to help them recruit and retain high quality classroom teachers for the children returning to these communities.

The supplemental also extends the availability of $550,000,000 in emergency funds provided for the Title XX Social Services Block Grant in 2006 that will otherwise expire on

September 30, 2007. A portion of these funds will be used to provide behavioral health services, foster care, protective, and day care services for children.

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

Sec. 2101. The conference agreement includes a general provision that would allow the Secretary of Agriculture to continue to enroll eligible participants into the Emergency Forestry Conservation Reserve Program (EFCRP) as proposed by the Senate. The EFCRP was created in the aftermath of Hurricane Katrina to assist forest landowners with the restoration of damaged timber stands.

The conference agreement does not include additional hurricane disaster assistance for livestock, irrigated crops, or citrus as proposed by the House. Qualifying losses are covered under the Agriculture Assistance title.

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes $50,000,000 for Edward Byrne Discretionary Grants for State and local law enforcement, instead of $170,000,000 as proposed by the Senate. The House did not include this funding. This funding is provided for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricanes Katrina and Rita. The conferees agree that funding shall be distributed to the States in relation to their level of violent crime as estimated by the Federal Bureau of Investigation's Uniform Crime Report for 2005.

The conference agreement does not include $100,000,000 for Edward Byrne Discretionary Grants for State and local law enforcement for security related to the 2008 Presidential Conventions. As proposed by the Senate, the funds would have been distributed equally between the host cities of Denver, Colorado and St. Paul, Minnesota. The House proposed no funding.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $110,000,000 under this heading, instead of $120,000,000 as proposed by the House and $165,900,000 as proposed by the Senate. Within this amount, the Senate proposal included $60,400,000 for a salmon fishery disaster along the Klamath River. The House provided funding for this purpose in a different title. The conferees agree to provide funding for the consequences of this disaster in Title III of this Act.

The conferees provide: $24,000,000 for the Office of Coast Survey and the Office of Response and Restoration to conduct scanning and mapping as well as to provide debris removal in Louisiana's traditional fishing grounds; $85,000,000 for assistance programs authorized under section 115 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, of which funding shall be distributed to eligible recipients in States most affected by Hurricanes Katrina and Rita; and $1,000,000 for real-time observations and forecasts for critical marine navigation at the next highest priority seaports along the northern Gulf of Mexico, and to continue to repair and replace tide gauge stations throughout the entire region which are critical components to coastal shipboard navigation and storm surge information.

The conferees direct the Department of Commerce to work with the States of Louisiana, Mississippi, and Alabama and other appropriate entities to distribute assistance funding based on an assessment of the needs of the fishing industries in those States. The conferees direct the Department of Commerce to notify the Committees on Appropriations on the allocation of funds provided under this heading for the above activities no later than 15 days prior to obligaion of such funds.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

The conference agreement includes $35,000,000 for risk mitigation projects at the National Aeronautics and Space Administration (NASA), as proposed by the House. The Senate did not include funding under this heading.

GENERAL PROVISION—THIS CHAPTER

The conference agreement includes language to allow NASA to use previously appropriated emergency funds to cover hurricane response expenses incurred in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

The conference agreement provides $25,300,000 for "Construction", instead of $37,080,000 as proposed by the House and $150,000,000 as proposed by the Senate. These funds are provided for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement provides $1,407,700,000 for "Flood Control and Coastal Emergencies" as proposed by the Senate instead of $1,300,000,000 as proposed by the House. Additional funding for this account is provided under title III.

The Conferees include $107,700,000 to construct interim flood and storm damage reduction measures recommended in the Chief of Engineers report dated December 31, 2006, entitled" Mississippi Coastal Improvements Program, Interim Report", at full federal expense.

Funds provided in Public Law 109-148, the third emergency supplemental appropriations act of 2006, were intended to complete the West Bank and vicinity and Lake Pontchartrain and vicinity, Louisiana, projects. However, the magnitude of the effort required to provide the pre-Katrina authorized levels of protection is now recognized to be much greater than originally anticipated. Accordingly, $1,300,000,000 is included to complete the pre-Katrina authorized level of protection for the West Bank and vicinity project as well as make progress toward providing authorized protection for the remaining portions of the Lake Pontchartrain and vicinity project.

The Conferees are aware that the Corps of Engineers is considering the placement of interim protective structures at the Inner Harbor Navigation Canal to provide an enhanced measure of protection against storm surges traveling up the Mississippi River Gulf Outlet or the Gulf Intracoastal Waterway until authorized permanent protective measures can be designed and built. The Conferees support this use of Flood Control and Coastal Emergency funds made available under P.L. 109-234. The Corps is reminded that a potentially catastrophic emergency situation continues to exist at the Inner Harbor and encourages the Corps to employ all legitimate emergency means and authorities to ensure that some enhanced level of interim protection can be put into place during 2007, and that permanent protective structures can be completed by 2010.

Additionally, a provision is included to allow the reallocation of funds provided in chapter 3 of Public Law 109-234 under the heading "Flood Control and Coastal Emergencies" for projects in the greater New Orleans area. The provision requires any reallocation of funds be approved by the House and Senate Committees on Appropriations. The Conferees are aware of only one instance where the reallocation of funds is advisable, the provision of permanent protection at the Inner Harbor Navigation Canal. While the Conferees recognize there may be future circumstances where the use of this authority will be desirable, the Corps is instructed to use it judiciously.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2301. The conference agreement includes a provision relating to reimbursements to local governments for expenses incurred for eligible storm and flood damage reduction activities.

Sec. 2302. The conference agreement includes a provision related to the utilization of funds provided under Public Law 109-234.

Sec. 2303. The conference agreement includes a provision directing the study of the effectiveness of pumping stations and other alternatives at specific sites in New Orleans.

Sec. 2304. The conference agreement includes a provision directing the acceleration of the Mississippi River Gulf Outlet study, as practicable.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement modifies the House and Senate proposals and provides for the use of $25,069,000 in unobligated balances of the Disaster Loans Program Account to be used for administrative expenses. The House and Senate recommended $25,069,000 as a new appropriation.

The conference agreement also provides that $25,000,000 in unobligated balances shall be used for the Small Business Administration Disaster Loans Program for Economic Injury Disaster Loans. Not more than $8,750,000 may be used for administrative expenses. The Senate proposed a direct appropriation as part of section 2401. The House did not include similar language.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement does not include language proposed as Senate section 2401 regarding Economic Injury Disaster Loans.

The conference agreement does not include language proposed as Senate section 2402 to extend the HUBZone program and to terminate the Small Business Competitive Demonstration Program.

The conference agreement does not include language proposed as Senate section 2403 to modify the Reservist Program.

CHAPTERS

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

The conferees understand the Office of the Federal Coordinator for Gulf Coast Rebuilding is working on several initiatives, such as working with the Federal Emergency Management Agency (FEMA) to advance public assistance projects, including those that focus on education and criminal justice; working with the Department of Housing and Urban Development (HUD) on a public housing plan; and developing a plan to transition evacuees into permanent housing. The conferees agree that the housing problem in the Gulf Coast is especially daunting and expect the Office of the Federal Coordinator for Gulf Coast Rebuilding to take a leadership role in order to ensure progress is made. The focus of the Office of the Federal Coordinator for Gulf Coast Rebuilding should not only be on public housing but also on other HUD programs including Section 202, Section 811, and rental assistance. The conferees expect that a near-term goal is to develop housing solutions for all evacuees. The conferees direct the Office of the Federal Coordinator for Gulf Coast Rebuilding to provide quarterly progress reports to the Committees on Appropriations outlining monthly progress on ongoing initiatives, factors delaying progress, and the goals and expectations against which progress is being measured.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

The conferees provide $4,610,000,000 for Disaster Relief instead of $4,310,000,000 as proposed by the House and Senate. The conferees agree with the House report requiring the Government Accountability Office to review how FEMA develops its estimates of the funds needed to respond to any given disaster.

The conferees provide that $4,000,000 of the amount provided be transferred to the Office of Inspector General to increase oversight of Hurricanes Katrina, Rita, and Wilma expenditures and eliminate waste, fraud and abuse, as proposed by the House.

GENERAL PROVISIONS

Section 2501.—The conferees include provisions proposed by the House and Senate eliminating the State and local match requirement for certain Federal assistance applied for prior to enactment of this Act pursuant to Title IV of the Stafford Act in response to Hurricanes Katrina, Rita, Wilma, and Dennis in Louisiana, Mississippi, Texas, Florida, and Alabama. The conferees direct FEMA to apply the cost share waiver to all eligible projects for which a "request for public assistance from" has been submitted and for other needs assistance that has been applied for by an individual prior to enactment of this Act.

Section 2502.—The conferees include a provision proposed by the House and Senate restoring FEMA's ability to forgive Community Disaster Loans that were issued in response to Hurricanes Katrina and Rita. This is consistent with previous disasters. This provision is retroactive to the date of enactment of P.L. 109–234 and P.L. 109–88, as proposed by the House.

Section 2503.—The conferees include a provision proposed by the House and Senate extending the availability of utilities assistance for those leases negotiated by State and local governments and reimbursed by FEMA. This provision is retroactive to the date of enactment of P.L. 109–234, as proposed by the House.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

The conference agreement provides $10,000,000 for the historic preservation fund instead of $15,000,000 as recommended by the Senate and no funding recommended by the House. The agreement includes the bill language and instructions recommended by the Senate.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

Section 2601. The conference agreement modifies language proposed by the Senate. The conference agreement makes a technical correction to P.L. 109–234 permitting $500,000 of emergency Hurricane Katrina disaster funds provided in fiscal year 2006 to be transferred from the National Park Service Historic Preservation Fund account to the National Recreation and Preservation account. These funds will be used for hurricane related reconstruction activities.

CHAPTER 7

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

The conference agreement includes $30,000,000 for grants to institutions of higher education impacted by Hurricanes Katrina or Rita. The House bill and Senate amendment also proposed $30,000,000 for grants to institutions of higher education, but used different eligibility criteria to define how the funds should be allocated. The conferees direct the Secretary to allocate funds to interested eligible institutions based on their share of unreimbursed expenses, including tuition and fees revenue lost, expenses incurred in remediating the effects of the hurricanes, and estimated construction costs for repairing and replacing campus buildings. These data should reflect revenue lost and expenses incurred through the current semester of this academic year.

The conferees direct the Department to disburse these funds within 60 days of the date of enactment of this act. The conferees also direct the Department to brief the Committees on Appropriations of the House of Representatives and Senate on the proposed methodology for allocating these funds prior to any action notifying the public of the availability of these funds.

HURRICANE EDUCATION RECOVERY

The conference agreement provides $30,000,000 for grants to hurricane-impacted States and local educational agencies to build the capacity of public schools that were forced to suspend operations due to Hurricane Katrina or Hurricane Rita. The House bill and Senate amendment also proposed $30,000,000 for this purpose, but used different criteria regarding the use and distribution of the funds. The conferees request that the Department of Education provide quarterly reports to the House Committee on Education and Labor; the Senate Committee on Health, Education, Labor, and Pensions; and the House and Senate Committees on Appropriations on the use of this emergency assistance, including amounts paid for recruitment incentives such as performance pay, relocation, and housing.

PROGRAMS TO RESTART SCHOOL OPERATIONS

The conference agreement modifies bill language proposed by the House and Senate to expand the uses of funds provided for emergency aid to restart school operations appropriated in Public Law 109–148 to include costs associated with recruitment and retention of educators and other activities to assist in building the capacity of public schools that were forced to suspend operations due to Hurricane Katrina or Hurricane Rita. The House bill and Senate amendment had similar language.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2701. The conference agreement modifies bill language proposed by the House and Senate providing flexibility to eligible States and local educational agencies in the use of emergency aid to restart school operations appropriated in Public Law 109–148.

Sec. 2702. The conference agreement includes a provision similar to that proposed by the House and the Senate that extends until September 30, 2009, the availability of emergency title XX Social Services Block Grant funds provided to the States affected by the 2005 Gulf Coast hurricanes under the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006.

Sec. 2703. The conference agreement includes language permitting the Secretary of Health and Human Services to grant waivers modifying three provisions of the Ryan White State HIV/AIDS grants for four States affected by the 2005 Gulf Coast hurricanes. The Senate amendment included similar language. The House bill did not include a similar provision.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes $682,942,000 for the Emergency Relief Program, instead of $388,903,000 as proposed by the Senate. The House had no similar funding provision. The conference agreement also includes language that waives the per-State per-disaster limitation for the 2005–2006 winter storms which severely impacted forty counties in the State of California. In taking this action, the conferees make eligible the costs associated with this disaster that exceed the statutory limitation but do not prioritize them above the costs associated with any other disaster eligible for emergency relief assistance. The conference agreement eliminates the total current backlog of formal and pending requests for emergency relief funding.

The cost of providing these funds is offset by a rescission of an equal amount of the unobligated balances of funds apportioned to the states under chapter 1 of title 23, United States Code, excluding safety programs and funds set aside within the state for population areas. The conferees direct the FHWA to administer the rescission by allowing each state maximum flexibility in making adjustments among the apportioned highway programs.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

The conference agreement includes $35,000,000, instead of $75,000,000 as proposed by the Senate, for the Federal Transit Administration's formula grant program for emergency expenses associated with the continuation of transit services in communities severely impacted by Hurricanes Katrina and

Rita. The conferees direct that funding shall be allocated by the Secretary both for operating expenses necessary to keep transit services affordable for local residents as well as for capital costs associated with the replacement of rolling stock destroyed by the hurricanes. The conferees direct the Federal Transit Administration to make this assistance available without requirement for local match. The House included no similar appropriation.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $7,000,000 for the Office of the Inspector General instead of $10,240,000 as proposed by the House and $5,000,000 as proposed by the Senate. These funds shall be used to meet the necessary HUD OIG expenses related to the auditing and oversight of HUD funds provided previously to address the consequences of Hurricanes Katrina and Rita. These funds shall remain available until expended, as proposed by the Senate. The conferees believe that the oversight of emergency CDBG funds is an important responsibility for the HUD IG to ensure that disaster funds provided for the Gulf are used efficiently and effectively. The conferees expect the OIG to establish benchmarks to identify the effective use of these funds.

Since this is a substantial increase of funding for the OIG, the conferees direct that these supplemental funds not be used solely to increase the number of OIG staff. The conferees cannot be certain that resources will be available to annualize the costs of such a substantial staffing boost. Rather, the conferees expect the OIG to view these supplemental resources as non-recurring and focus these resources on a multi-year effort targeted solely on HUD-related investigations and audits related to the emergency CDBG and other HUD funds provided to rebuild the Gulf region and house low-income tenants.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes a general provision as proposed by the House to extend until December 31, 2007 the existing authority to waive Section 8 income eligibility and tenant contribution requirements for the Disaster Voucher Program. The Senate did not include a similar provision.

The conference agreement modifies a general provision proposed by both the House and Senate that temporarily exempts specific categories of public housing authorities from the new 12–month formula for the Tenant-Based Rental Assistance program. To the extent a demonstration of need is made, the specific categories are as follows: 1) public housing agencies impacted by Hurricanes Katrina and Rita; and 2) public housing agencies that are under receivership or declared to be in breach of their Annual Contributions Contract. Public housing agencies that spent more than the total of their allocated funds for 2005 and 2006 may not receive a higher allocation. The conference agreement does not include an exemption for public housing authorities operating under the Moving to Work program as proposed by the House.

The conference agreement includes a new general provision that extends until December 31, 2007, the provision of Sec. 901 of Public Law 109-148. This provision will continue to allow public housing authorities in the most heavily impacted areas in Mississippi and Louisiana the flexibility to combine separate funding streams to assist tenants and reconstruct and rehabilitate low-income rental housing.

The conference agreement does not include language proposed by the House to extend the funds associated with the Disaster Voucher Program because Congress has been assured by senior level officials from the Department of Housing and Urban Development (HUD) that HUD will obligate all remaining funds prior to September 30, 2007.

TITLE III—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conferees provide $60,400,000, as proposed by the House and the Senate, for disaster relief for commercial salmon fishermen and other eligible entities along the coasts of California and Oregon due to the 2006 salmon fishery failure in the Klamath River as designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE

The conference agreement provides $3,000,000 for "Operation and Maintenance" as proposed by the Senate. Funds are provided for emergency dredging needs due to the effects of hurricanes of the 2005 season.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement provides $150,000,000 for "Flood Control and Coastal Emergencies" as proposed by the Senate in title II. Funds are provided for repairs to eligible Federal facilities damaged by natural disasters and emergency drought assistance.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

The conference agreement provides $18,000,000 for "Water and Related Resources" as proposed by the Senate.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $100,000,000 of emergency funding for wildland fire management activities of the Department of the Interior as proposed by both the House and the Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $7,398,000 of emergency funding for activities related to avian flu within the resource management account as recommended by both the House and the Senate.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $525,000 of emergency funding for activities related to avian flu within the Operation of the National Park System account as recommended by both the House and the Senate.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $5,270,000 of emergency funding for activities related to avian flu within the Surveys, Investigations, and Research account as recommended by both the House and the Senate.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

The conference agreement includes $12,000,000 of emergency funding for the national forest system as recommended by the Senate instead of no funding as recommended by the House. The conference agreement is consistent with the Senate proposal to increase drug eradication on national forest system lands and clarifies that these funds should be used for law enforcement against all types of drug traffickers. The managers agree that funding should be directed for increased staffing, equipment, training and cooperative agreements to increase protection of national forest lands in areas that face the highest concentration of drug-trafficking activity.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $400,000,000 of emergency funding for wildland fire management activities of the Forest Service as proposed by both the House and the Senate.

GENERAL PROVISIONS—THIS CHAPTER

Section 3301. The conference agreement replaces language recommended by the House in section 4501 and language recommended by the Senate in Title II, section 2601, dealing with payments for county schools and other purposes. The agreement makes one-time payments to States in the same amounts and in the same manner, to the maximum extent practicable, as were done in 2006 under the Secure Rural Schools and Community Self-Determination Act of 2000. The agreement allows certain revenues, fees, penalties or miscellaneous receipts for both the Forest Service and the Bureau of Land Management, not to exceed $100,000,000, to be distributed, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act. The agreement also appropriates $425,000,000 of emergency funding to cover any shortfall for payments made under this section from funds not otherwise appropriated. Lastly, the agreement amends this Act to allow the resource advisory committees to function for another full year.

CHAPTER 4

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

The conference agreement provides $13,000,000, to remain available until September 30, 2008, for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories as proposed by the Senate. The House bill did not include a similar provision.

The conference agreement includes a bill language provision, as proposed by the Senate, that quarterly progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations, the House Committee on Education and Labor, and the Senate Committee on Health, Education, Labor and Pensions. The House bill did not include a similar provision.

The conference agreement also includes $50,000,000 to remain available until expended for health monitoring and treatment of rescue and recovery workers who responded to the attacks of September 11, 2001 as specified under section 5011 (b) of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006. These funds will continue baseline and follow-up screening, clinical examinations, long-term medical health monitoring, and analysis for rescue and recovery personnel who were exposed to toxins during their service in response to the attacks, and support treatment services for those rescue and recovery personnel suffering illness or injuries related to their exposure. The Senate amendment proposed $3,589,000 for this purpose. The House bill had no similar provision.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

The conference agreement provides $400,000,000 for the Low-Income Home Energy Assistance Program, including $200,000,000 for State block grants and $200,000,000 for the contingent emergency reserve. The Senate amendment included $640,000,000 (equally divided between the State block grants and the emergency reserve) and the House bill included $400,000,000 (also equally divided).

The conference agreement does not include bill language proposed by the House permitting a State, or other grantee, to obligate the block grant through September 30, 2008, to address home energy needs in the event of an emergency or for crisis intervention. The Senate amendment did not contain similar language.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $625,000,000, to remain available until expended, for the Department of Health and Human Services to prepare for and respond to an influenza pandemic. The House bill included $969,650,000 and the Senate amendment included $820,000,000 for this purpose. These funds are intended to be used to purchase antivirals, establish high-volume domestic surge capacity through vaccine purchases and retrofitting of production facilities, and accelerate development of cell-based vaccine capabilities as proposed by the Administration.

The conference agreement includes bill language provisions proposed by both the House and Senate giving the Secretary various authorities to purchase goods for the stockpile, enter into contracts for the construction or renovation of privately owned facilities for the production of pandemic vaccine or other biologicals, and to transfer funds to other HHS accounts.

The conferees direct the Secretary to provide on a monthly basis to the Committees on Appropriations of the House of Representatives and the Senate a table identifying the obligation, as well as any unobligated balances, of funds received for pandemic influenza preparedness. The level of detail provided in the report should be at the program level identified in the table on the second page of the December 29, 2006, report to Congress on pandemic influenza preparedness spending. This table should be in addition to the semi-annual report to the House and Senate Committees on Appropriations that identifies the disbursement of pandemic influenza preparedness funds at the level of detail specified in the statement of managers accompanying the conference report for the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006.

COVERED COUNTERMEASURE PROCESS FUND

The conference agreement includes $25,000,000, to remain available until expended, for the compensation fund established by the Public Readiness and Emergency Preparedness (PREP) Act. The House bill and the Senate amendment had proposed $50,000,000 for this purpose.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING RESCISSIONS)

Sec. 3401. (a) The conference agreement includes three provisions rescinding unobligated balances from the Training and Employment Services account under the Department of Labor: $3,589,000 from the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–8); $834,000 from the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211); and $71,000 from the Emergency Supplement Act, 2002 (Public Law 107–117). The Department of Labor has indicated that these balances are no longer needed for their original purposes. The Senate amendment included only the rescission of $3,589,000 from Public Law 107–38. The House bill did not contain any rescissions of Training and Employment Services funds.

(b) The conference agreement rescinds $4,100,000 from unobligated balances available from the State Unemployment Insurance and Employment Service Operations account under the Department of Labor pursuant to Emergency Supplemental Act, 2002 (Public Law 107–117). Neither the House bill nor the Senate amendment included this rescission.

Sec. 3402. The conference agreement includes a provision similar to one proposed by the Senate providing $8,594,000 for Safe and Drug-Free Schools to address youth violence and related issues in schools that are identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965. The House bill did not contain a similar provision.

CHAPTER 5

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

The conference agreement includes $50,000,000 to the Architect of the Capitol for utility tunnel repairs and asbestos abatement. The conferees agree to language that the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives, as proposed by the Senate. This is the same amount as proposed by the House for asbestos abatement and other improvements, instead of $25,000,000 as proposed by the Senate for emergency utility tunnel repairs and asbestos abatement. The conferees direct the Government Accountability Office to assist the Committees on Appropriations in their oversight of the project through monitoring the Architect of the Capitol's strategic planning and use of resources related to this project.

CHAPTER 6

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

The conferees have not included funding in this account for a pilot program of benefits medical examinations as proposed by the House. The Senate bill contained no similar provision. Instead, the conferees have included funding under General Operating Expenses for authorized examinations to assist in claims processing.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

The conferees have agreed to provide $466,778,000 for Medical Services, instead of $414,982,000 as proposed by the House and $454,131,000 as proposed by the Senate. The conference agreement includes $228,982,000 for treatment of OIF/OEF veterans; $30,000,000 for at least one new Level I polytrauma care center; $25,000,000 for prosthetics; $100,000,000 for enhancement to mental health services; $9,440,000 for the establishment of residential transitional rehabilitation programs; $10,000,000 for additional caseworkers to facilitate seamless transition; $20,000,000 for substance abuse treatment programs; $20,000,000 for readjustment counseling efforts; $10,000,000 for blind rehabilitation services; $8,000,000 for polytrauma support clinic teams; and $5,356,000 for additional polytrauma points of contact.

The conferees direct the Secretary to provide a report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act detailing the number of Level I polytrauma centers to be opened and sites selected. The report should include an analysis of projected demand in areas of the country where Level I polytrauma centers are not readily accessible.

MEDICAL ADMINISTRATION

The conferees have agreed to provide $250,000,000 for Medical Administration as proposed by the Senate instead of $256,300,000 as proposed by the House.

MEDICAL FACILITIES

The conferees have agreed to provide $595,000,000 for Medical Facilities as proposed by both the House and the Senate. The amount provided includes $45,000,000 for facility and equipment upgrades at existing polytrauma care centers. In addition, $550,000,000 is provided for non-recurring maintenance and is to be allocated in a manner not subject to the Veterans Equitable Resource Allocation model.

The conferees have included language in the bill which requires the Department to submit an expenditure plan within 30 days for the use of the non-recurring maintenance funding appropriated. In addition, the Department is to provide semi-annual updates on the expenditure of these funds.

MEDICAL AND PROSTHETIC RESEARCH

The conferees have agreed to provide $32,500,000 for Medical and Prosthetic Research, instead of $35,000,000 as proposed by the House and $30,000,000 as proposed by the Senate.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conferees have agreed to provide $83,200,000 for General Operating Expenses, instead of $62,000,000 as proposed by the House and $46,000,000 as proposed by the Senate. The amount provided includes $20,000,000 for disability medical examinations. Additionally, $60,750,000 is to be used for the expenses related to hiring and training additional disability claims processors and $1,250,000 is to be for digitization of military service records.

The conferees are concerned that effective management structures and inter-agency coordination processes must be in place to ensure that services of the Department of Veterans Affairs are provided in a timely and efficient manner, especially to returning OEF/OIF veterans. In particular, the conferees are concerned about the bureaucratic process many OEF/OIF veterans are encountering in transition from active duty to veteran status. Therefore, the conferees have included funding for the Secretary of Veterans Affairs to award a grant or contract to the National Academy of Public Administration, an independent, non-partisan organization, which was charted by Congress to assist Federal, State, and local governments in improving their effectiveness, efficiency, and accountability. Such grant or contract shall be to conduct a study of Department management structures in place to provide health care to veterans and active duty personnel of OEF/OIF, and benefits to veterans of OEF/OIF. The study also should look at the organization and management structure of the Department as it relates to providing health care and benefits to the approximately 7.9 million veterans currently enrolled in the system. The conferees direct the Department to execute such grant or contract no later than 30 days after enactment of this Act.

INFORMATION TECHNOLOGY SYSTEMS

The conferees have agreed to provide $35,100,000 for Information Technology Systems, instead of $35,000,000 as proposed by the House and $36,100,000 as proposed by the Senate. The amount provided includes $15,100,000 for electronic data breach remediation and prevention as proposed by the Senate. Also included in the bill is $20,000,000 for system improvements for processing OIF/OEF veterans.

CONSTRUCTION, MAJOR PROJECTS

The conferees have included no funding for Construction, Major Projects, as proposed by the Senate instead of $23,800,000 as proposed by the House.

CONSTRUCTION, MINOR PROJECTS

The conferees have agreed to provide $326,000,000 for Construction, Minor Projects, instead of $260,000,000 as proposed by the House and $355,907,000 as proposed by the Senate. Of the amount provided, up to $36,000,000 may be used for construction of polytrauma residential transitional rehabilitation facilities.

GENERAL PROVISIONS—THIS CHAPTER

The conferees have agreed to include a general provision which directs the Congressional Budget Office to report on the future funding projections for costs associated with providing necessary health care to OIF/OEF veterans, as proposed by the Senate.

The conferees have not included a general provision, proposed by the Senate, which would direct the Department of Veterans Affairs to contract with the National Academy of Public Administration for a study of management practices. The conferees have included similar language in the General Operating Expenses paragraph of the bill.

The conferees have included a general provision which permits the Secretary of Veterans Affairs to transfer facilities to the State of Texas, as proposed by the Senate.

The conferees have included a modified general provision, proposed by the Senate, which provides for contributions to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund to remain available until expended.

TITLE IV—OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement provides $37,500,000 for 'Salaries and Expenses' of the Farm Service Agency instead of $48,000,000 as proposed by the House and $75,000,000 as proposed by the Senate.

The conference agreement includes language that these funds shall only be used for network and database/application stabilization to address immediate needs identified by the Department. The conferees direct the Secretary to provide a monthly update to the Committees on Appropriations of the House of Representatives and the Senate on the progress of this project, including usage of funds as proposed by the Senate.

The conferees note that the Farm Service Agency computer system that is responsible for processing payments for all Farm Bill programs administered by the Farm Service Agency has been experiencing periodic shutdowns due to capacity overload, causing the efficiency of thousands of Farm Service Agency county office employees to decrease dramatically. The conferees are aware that a plan to upgrade this system is being developed by USDA. The conferees direct the Secretary to submit to the Committees on Appropriations of the House of Representatives and the Senate, and the agriculture authorizing committees of the House of Representatives and the Senate a report that has been approved by the Office of Management and Budget and reviewed by the Government Accountability Office. The report shall include: (1) an enterprise architecture; (2) an Information Technology Human Capital Plan; (3) a capital investment plan for implementing the enterprise architecture; (4) a description of the information technology capital planning and investment control process; and (5) a spending plan. The spending plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected savings or cost avoidance to be achieved by the project.

GENERAL PROVISIONS—THIS CHAPTER

Section 4101. The conference agreement includes language regarding the Food and Drug Administration as proposed by the House.

Section 4102. The conference agreement includes language to prevent the Food Safety and Inspection Service (FSIS) from implementing a risk-based inspection program in any location until the USDA Office of the Inspector General (OIG) has studied the program, including a review of the adequacy of the FSIS plan for evaluating pilot projects, and reported its findings to FSIS and the Committees on Appropriations of the House of Representatives and the Senate; and FSIS has addressed and resolved issues identified by the OIG.

The conferees emphasize that FSIS should continue other activities related to the implementation of the program, such as data collection and public meetings. The conferees recognize that moving forward with the risk-based inspection program without comprehensive and accurate scientific data to rank product risk and an unbiased system for determining establishment risk would have the potential of jeopardizing public health.

The conference agreement does not include a rescission of unobligated balances from the Trade Adjustment Assistance program as proposed by the Senate.

The conference agreement does not include language regarding the implementation of the Wetlands Reserve Program and the Farmland Protection Program as propose by the Senate.

The conference agreement does not include language regarding the Rural Utilities Service Guaranteed Underwriting Program as proposed by the Senate.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

Section 4201. The Committee has included a provision designating all Federal employees at the National Energy Technology Laboratory as inherently governmental.

Section 4202. The Committee has included a provision related to the Bonneville Power Administration.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

Section 4301. The conference agreement modifies a provision proposed by the House (section 4301) to amend section 102(a)(3)(B) of the Help America Vote Act of 2002 by striking "January 1, 2006" and inserting "March 1, 2008". The Senate bill did not include similar language.

Section 4302. The conference agreement includes a provision proposed by the Senate (section 3301) requiring the components of the Office of National Drug Control Policy to remain as they were on October 1, 2006, and requiring approval of the Committees on Appropriations to implement a reorganization. The House bill did not include similar language.

Section 4303. The conference agreement includes language proposed by the Senate (section 3304) authorizing the National Archives and Records Administration to spend fiscal year 2007 funds for activities of the Public Interest Declassification Board. The House bill did not include similar language.

Section 4304. The conference agreement includes language proposed by the Senate (section 3307) to provide flexibility to reallocate $1,000,000 in fiscal year 2007 funds for the District of Columbia Courts. The House bill did not include similar language.

Sec. 4305. The conference agreement includes modified language proposed by the Senate (section 3307) requiring that the Treasury Department, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, prepare and submit a report, with a classified annex as necessary, to Congress concerning companies known to conduct business operations relating to natural resource extraction in Sudan. The language further directs the General Services Administration to notify Congress of any existing Federal contracts with the identified companies. The House bill did not include similar language.

Section 4306. The conference agreement modifies a provision proposed by the Senate (section 3308) extending the availability of $4,500,000 in fiscal year 2007 funding for the General Services Administration, Office of Inspector General. The House bill did not include similar language.

Section 4307. The conference agreement includes language proposed by the Senate (section 3309) which allows the District of Columbia to use funds made available for foster care improvements according to a spending plan submitted to Congress within 60 days. The House bill did not include similar language.

The conference agreement does not include language proposed as Senate section 3302 concerning funds made available in section

21075 of the Continuing Appropriations Resolution, 2007.

The conference agreement does not include language proposed as Senate section 3303 to make a technical correction to a recipient of funds under section 613 of P.L. 109–108.

The conference agreement does not include language proposed as Senate section 3305 to require the resubmission of a fiscal year 2007 spending plan by the General Services Administration within 7 days.

The conference agreement does not include language proposed as Senate section 3310 to authorize a cost of living adjustment for federal judges and justices for fiscal year 2007.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING RESCISSIONS OF FUNDS)

Section 4401.—The conferees modify a provision proposed by the Senate to address a funding shortfall in the United States Coast Guard "Retired Pay" appropriation. The House bill contains no similar provision. The conferees note that estimates for this appropriation have been woefully inaccurate over the past several years and direct the Coast Guard to take immediate action to improve the quality and reliability of the data used in its estimates. Within 45 days after the date of enactment of this Act, the Coast Guard shall submit a report on steps being taken to improve the accuracy of its estimates for the "Retired Pay" appropriation. In addition, the conferees direct the Coast Guard to submit quarterly information to the Committees on Appropriations on the use of unobligated balances made available by this Act to address the projected shortfall in this appropriation, as well as updated estimates for fiscal year 2008.

Sec. 4402.—The conferees modify provisions proposed by the House and Senate regarding Coast Guard contracting and the Integrated Deepwater Systems program.

Sec. 4403.—The conferees include a provision proposed by the Senate regarding Coast Guard's Civil Engineering Program. The House bill contains no similar provision.

Sec. 4404.—The conferees modify a provision proposed by the House and rescind $30,900,000 from unobligated balances made available pursuant to section 505 of Public Law 109-90. The House bill rescinds $89,800,000. The Senate bill contains no similar provision. The conferees note the Department's poor planning and slow use of funds available pursuant to section 505. In addition, to address an urgent operational need, the conferees provide $30,000,000 for Coast Guard "Acquisition, Construction, and Improvements" to help mitigate the patrol boat operational gap. No additional appropriation was included in either the House or Senate bills. The Coast Guard is currently operating 25,000 hours, or twenty-five percent, short of its needed patrol boat mission hours. This "gap" means that undocumented migrants, drugs, and other unlawful activity are less likely to be intercepted by the Coast Guard. Funding provided in this section is to be used to acquire four new Coastal Patrol Boats, as was requested by the Department of Homeland Security via official correspondence on March 11, 2007. This includes the production, warranty, training, spares, outfitting and project management costs for all four patrol boats. The Coast Guard has indicated these new Coastal Patrol Boats will partially relieve the burden on existing 110′ patrol boats until a replacement patrol boat can be placed in service. Currently, Florida-based 110′ patrol boats average more than 5,500 mission hours annually which can be performed by the smaller 87′ Coastal Patrol Boats operating out of the three primary Florida ports of Tampa, Miami and Key West. This will allow the 110′ patrol boats currently operating in these areas to be utilized farther south where undocumented migrant traffic and drug smuggling are more prevalent. In addition, the conferees provide $900,000 for the Under Secretary for Management to award a grant or contract to the National Academy of Public Administration to compare the Department of Homeland Security's reported senior career and political staffing levels and senior career training programs with those of similarly structured cabinet-level agencies.

Sec. 4405.—The conferees include a provision proposed by the House regarding limitations on lead system integrators. The Senate bill contains no similar provision.

The conferees do not include a provision proposed by the House regarding Border Patrol checkpoints. The Senate bill includes no similar provision.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

Sec. 4501 includes a technical correction to the Bureau of Indian Affairs language in P.L. 110–5 as recommended by the Senate in Title III, section 3501 so the Bureau may pay certain contract support costs. The House had a similar provision in section 4502.

Sec. 4502 includes a technical correction to P.L. 110–5 as recommended by the Senate in Title III, section 3502, to allow the Indian Health Service to pay certain contract support costs and transfer $7,300,000 from "Services" to "Facilities". The House had a similar provision in section 4503.

Sex. 4503 provides a technical correction to P.L. 110-5 designating the funding level for the Save America's Treasures program of the National Park Service, Historic Preservation Fund which was recommended by both the House and the Senate.

Sec. 4504 modifies a provision recommended by the Senate in Title III, section 3504 that allows the Fish and Wildlife Service to use land acquisition funds for land conservation partnerships authorized by the Highlands Conservation Act of 2004. The House had no similar provision.

The conference agreement does not include the proposal in Senate Title II, Chapter 6, section 2601 to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000. The conference agreement deals with this issue in Title III.

The conference agreement does not include Senate recommended sections 3505, regarding the Water Environment Research Foundation, and 3506 related to EPA grant funding.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH, NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

The conference agreement includes language proposed by the House transferring $49,500,000 from the National Institutes of Health, National Institute of Allergy and Infectious Diseases, to the Office of the Secretary, Public Health and Social Services Emergency Fund, to support advanced research and development of biodefense countermeasures. This work is to be conducted by the Assistant Secretary for Preparedness and Response, consistent with the authority provided in the Pandemic and All-Hazards Preparedness Act. The Senate amendment included similar language.

OFFICE OF THE DIRECTOR

(TRANSFER OF FUNDS)

In addition to the funds transferred above, the conference agreement includes language which transfers $49,500,000 from the National Institutes of Health, Office of the Director, to the Office of the Secretary, Public Health and Social Services Emergency Fund. These funds would further increase funding for advanced research and development of biodefense countermeasures, consistent with the authority provided in the Pandemic and All-Hazards Preparedness Act. Neither the House bill nor Senate amendment included this component of the advanced development transfer.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

The conference agreement includes $300,000, to remain available until expended, for expenses related to meeting the requirements of the Post-Katrina Emergency Management Reform Act, pertaining to emergency preparedness planning to address the needs of individuals with disabilities. Neither the House bill nor the Senate amendment included this provision.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFERS OF FUNDS AND RECISSION)

Section 4601. The conference agreement includes language authorizing the transfer of $7,000,000 from the Pension Benefit Guaranty Corporation to the Employee Benefits Security Administration (EBSA) for the development of the EFAST2 electronic Form 5500 filing system, as proposed by both the House bill and Senate amendment. These funds, together with not less than $5,000,000 available from the fiscal year 2007 appropriation for the EBSA, shall be available for obligation for the EFAST2 system until September 30, 2008. The House bill required that $7,500,000 from EBSA's fiscal year 2007 appropriation be used for the EFAST2 system and allowed the funds to be available for obligation for two years, while the Senate amendment proposed funding of not less than $5,000,000, without extended availability.

The conferees expect EBSA to contribute an additional amount of $2,500,000 from its fiscal years 2007 and 2008 appropriations for this system, generated by one-time cost savings proposed in the last two years' budget requests. The conferees also expect EBSA to minimize any potential negative impact of the project's financing on enforcement activities, and compliance outreach and education programs. The conferees request a briefing on EBSA's plans for the EFAST2 system prior to the announcement of the availability of funds for its development.

Sec. 4602. The conference agreement includes a provision amending the Continuing Appropriations Resolution, 2007 that designates $9,666,000 for the Women's Bureau within the appropriation for "Departmental Management, Salaries and Expenses" under the Department of Labor. Neither the House bill nor the Senate amendment included this provision.

The conferees are concerned that the progress being made by International Labor Organization's International Program to Eliminate Child Labor (IPEC), which is aimed at eradicating the most abusive forms of child labor could be jeopardized by the Department of Labor's plans not to make the United States contribution to this program for FY 2007. Last May the ILO reported that the number of exploited children fell by 11 percent between 2000 and 2004, and that the organization believes that if the current pace of decline were to be sustained, the global commitment to stop child labor could feasibly eliminate most of the worst forms of this practice within 10 years. This is a longstanding program with a unique approach that relies on the obligations of ILO Member States under the requirements of ILO Convention 182 on the Worst Forms of Child Labor. The conferees are concerned that if the United States—the largest contributor—pulls its funding commitment to this program, that action would set back the global partnership and have real consequences in specific countries where IPEC projects are underway.

The conferees believe the Department has the flexibility to continue this program under its own procurement guidelines. The conferees expect that any alternative approach should yield equal or better results. Therefore, the conferees direct the Department to submit a report to the Committees on Appropriations of the Senate and the House of Representatives that justifies any proposed approach for the use of these funds by providing information to demonstrate that the alternative approach will be as effective as the IPEC tripartite program before any of these funds are obligated to alternative entities.

Sec. 4603. The conference agreement includes a provision that designates $23,000,000 for poison control centers within the appropriation for "Health Resources and Services" under the Department of Health and Human Services. Neither the House bill nor the Senate amendment included this provision. The conferees direct HRSA to submit a revised operating plan within fifteen days of enactment of this Act to the Committees on Appropriations of the House of Representatives and the Senate with respect to any changes to that plan that result from this provision.

Sec. 4604. The conference agreement rescinds $1,000,000 from the Office of the Secretary in the Department of Health and Human Services as proposed by the Senate and deletes a Senate provision pertaining to Public Law 108-406. The House bill did not include these provisions.

The conferees are concerned about delays in receiving technical assistance from the Department of Health and Human Services. There have been several instances in which the Department has not responded to Committee requests for information in a prompt, timely fashion. In addition, after repeated complaints, communications between the Department and the Committee staff continue to be a major problem. The conferees direct the Department to expedite future information requests through the Office of Resources and Technology and request that the Office of Legislative Affairs and the Office of Resources and Technology coordinate their efforts to keep Committee staff fully informed on matters concerning the Committee.

Sec. 4607. The conference agreement includes bill language permitting the Chief Executive Officer of the Corporation for National and Community Service (CNCS) to transfer not more than $1,360,000 from "National and Community Services Programs, Operating Expenses" to CNCS "Salaries and Expenses" as proposed by the Senate. The House bill did not include a similar provision.

The conferees direct that this funding be taken from the Innovations, Assistance, and Other Activities budget line to complete the Service Center Consolidation Plan rather than the National Service Trust.

Sec. 4608. The conference agreement includes a provision proposed by the Senate modifying section 1310.12(a) of title 45 of the Code of Federal Regulations with respect to Head Start transportation vehicles. The conferees expect that the ultimate regulation governing the safety of Head Start transit vehicles will be consistent with the National Highway Traffic Safety Administration study on occupant protection on Head Start Transit vehicles. The conferees intend the interim rule to be in effect only until the Department has reviewed such study and has made any necessary revisions to be consistent with the study outcomes.

The conference agreement does not include language proposed by the Senate which would have created exceptions for two hospitals in Minnesota and Mississippi so that they could be certified as Medicare critical access hospitals. The House bill contained no similar provision.

The conference agreement does not include a provision proposed by the Senate rescinding $2,000,000 from student aid administration in the Department of Education and providing $2,000,000 for a grant to the University of Vermont or the provision also proposed by the Senate repealing the former provision. The House bill did not include similar provisions.

The conference agreement does not include a provision proposed by the Senate to create an authorization of appropriations for a grant to the Delta Health Alliance. The House bill did not contain a similar provision.

The conference agreement does not include a provision proposed by the House extending the availability of a portion of funds previously appropriated for veterans employment and training activities with the Department of Labor. The Senate amendment did not include this provision. The conferees agree that the House provision is not needed because the Department already has the authority to incur obligations for this program through December 31, 2007.

CHAPTER 7

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The conference agreement provides $165,200 for payment to Gloria W. Norwood, widow of Charles W. Norwood, late a Representative from the State of Georgia, as proposed by the House. Inasmuch as this item relates solely to the House, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendment of the House.

CHAPTER 8

DEPARTMENT OF STATE

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION,

UNITED STATES AND MEXICO

CONSTRUCTION.

The conference agreement does not include an appropriation to augment funding in fiscal year 2007 for the Rio Grande Flood Control System Rehabilitation project, as proposed by the House. The Senate included no similar provision.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement does not include a provision proposed by the Senate (sec. 3901) concerning the United States-China Economic and Security Review Commission. The House bill included no similar provision.

Sec. 4801. Technical Amendment—The conference agreement includes a provision clarifying the availability of certain funds in fiscal year 2007, making a technical change to the composition of the Board of the Middle East Foundation and clarifying the availability of funding in fiscal year 2007 for the Foreign Military Financing Program, as proposed by the Senate. The House bill included the same provision regarding the Middle Foundation.

Sec. 4802. Funding Limitation—The conference agreement includes a provision proposed by the House (sec. 4802) concerning the modification of funding limitations on the Department of State's Bureau of Legislative Affairs for fiscal year 2007. The Senate bill included no similar provision.

The conferees direct that funding for the Bureau not exceed $11,383,000, the amount requested in the fiscal year 2007 budget.

CHAPTER 9

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $6,150,000 for the Office of Federal Housing Enterprise Oversight instead of $7,568,000 as proposed by the House and $4,800,000 as proposed by the Senate. The conference agreement includes language as proposed by the Senate that reduces this appropriation to zero dollars through offsetting collections.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes a general provision proposed by the Senate regarding a pilot program on cross-border trucking between the United States and Mexico. The House did not include a similar provision.

The conference agreement modifies a general provision proposed by the House that allows funds provided in fiscal year 2007 for the National Transportation Safety Board to be used to make capital lease payments due in fiscal year 2007. The Senate did not include a similar provision.

The conference agreement includes a general provision proposed by both the House and the Senate to clarify the fiscal year 2007 levels of funding for the Tenant-Based Rental Assistance account.

The conference agreement includes a general provision proposed by the House to allow housing projects subsidized with project-based certificates to be renewed under the Project-Based Rental Assistance program. The Senate did not include a similar provision.

The conference agreement does not include a provision proposed by the House making a technical change to a proviso regarding the "Moving to Work" program.

The conference agreement does not include a provision proposed by the Senate regarding asset-based management because the Department of Housing and Urban Development has administratively changed the compliance date to October 1, 2007.

TITLE V

AGRICULTURAL ASSISTANCE

The conferees direct the Secretary to adhere to all existing federal statutes, program regulations, executive orders and program guidance or directives to ensure that compensation is provided only where appropriate and allowed under such reglations, orders or guidance and that the integrity of the program is maintained without exception.

Section. 5101. The conference agreement includes language regarding Crop Disaster Assistance providing financial assistance to producers on a farm who incurred qualifying quantity or quality losses for a 2005, 2006 or 2007 crop before February 28, 2007 due to damaging weather or any related condition.

The conference agreement does not include a separate provision for sugar beet and sugar cane disaster assistance as proposed by the Senate. Qualifying losses are covered under the Crop Disaster Assistance provision.

Sec. 5102. The conference agreement includes language providing financial assistance through the Livestock Compensation Program and the Livestock Indemnity Program for livestock losses and livestock indemnity payments to producers on farms that have incurred livestock losses between January 1, 2005 and February 28, 2007.

Sec. 5103. The conference agreement provides $20,000,000 for the Emergency Conservation Program as proposed by the House instead of $35,000,000 as proposed by the Senate.

The conference agreement does not include a separate provision for the tree assistance program as proposed by the Senate. Qualifying losses are covered under the Emergency Conservation Program provision.

Sec. 5104. The conference agreement includes language regarding payment limitations.

Sec. 5105. The conference agreement includes provisions regarding the administration of the foregoing sections.

Sec. 5106. The conference agreement includes language regarding the National Dairy Market Loss Payment program.

Sec. 5107. The conference agreement provides $20,000,000 instead of $95,000.00 as proposed by the Senate for payments to dairy producers for losses in counties designated as disaster areas.

Sec. 5108. The conference agreement includes language to clarify the use of claims adjustors.

Sec. 5109. The conference agreement does not provide funding for the Small Business Economic Loss Grant Program. Instead, the conference agreement provides $21,000,000 to carry out activities authorized under section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a) to provide emergency grants to assist low-income migrant and seasonal farmworkers. The conferee are aware that storms and other natural disasters have caused serious disruption to local economies and individuals who are involved in agriculture but will not otherwise qualify for assistance under this title.

Sec. 5110. The conference agreement includes language regarding the Conservation Security Program as proposed by the Senate. In fiscal year 2007, producers hold previously executed contracts with the Department of Agriculture on which they have relied for undertaking various conservation measures. As a consequence of current federal funding levels, many producers will be unable this fiscal year to recover costs already incurred that are associated with their contract performance. The conference agreement will allow the Department of Agriculture to meet the intended outcome of contracts executed between the Department and the affected producers, and to take other measures as appropriate under existing authorities.

Sec. 5111. The conference agreement provides $30,000,000, as proposed by the Senate, to cover necessary costs related to the administration of programs, of which $8,500,000, as identified by the Farm Service Agency, is for information technology upgrades to assist in carrying out the agricultural disaster assistance provisions of this title.

Sec. 5112. The conference agreement includes language to clarify participation in a crop Insurance pilot program.

The conference agreement does not provide funding for fresh spinach growers and first handlers as proposed by the House.

The conference agreement does not include language regarding payments to fresh spinach growers and first handlers as proposed by the Senate.

The conference agreement does not provide funding for the peanut storage costs program as proposed by the House.

The conference agreement does not provide funding for aquaculture losses as proposed by the House.

The conference agreement does not provide funding for flooded crop and grazing land as proposed by the Senate.

The conference agreement does not provide funding for insect infestations as proposed by the Senate.

TITLE VI

ELIMINATION OF SCHIP SHORTFALL AND OTHER MATTERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

STATE CHILDREN'S HEALTH INSURANCE FUND

The conference agreement includes an appropriation of $650,000,000 to eliminate anticipated State Children's Health Insurance Program (SCHIP) funding shortfalls for fiscal year 2007 for 14 States. The House bill provided $750,000,000; the Senate amendment included an appropriation of such sums as necessary.

Sec. 6001. The conference agreement includes language similar to provisions in both the House bill and Senate amendment which amend the authorizing law to describe the States considered to be in shortfall.

Sec. 6002. The conference agreement includes language which prohibits the Secretary of the Department of Health and Human Services from taking action in the next year to finalize or otherwise implement a proposed regulation affecting the Medicaid program or any regulation restricting payments for graduate medical education under the Medicaid progam. The Senate amendment had similar language prohibiting implementation of the rules for two years. The House bill did not contain a similar provision.

The bill includes a provision to offset the estimated cost of blocking the Medicaid rules in this section. This provision: (1) requires States, as a condition of receiving Federal matching funds in Medicaid, to require all providers to use tamper-proof prescription drug pads when writing prescriptions for Medicaid beneficiaries; and (2) extends certain Pharmacy Plus waivers under the Medicaid program. The Senate amendment contained a different offset, which increased the required rebate for drugs sold through the Medicaid program. The House bill contained no similar provision.

TITLE VII

FAIR MINIMUM WAGE AND TAX RELIEF

SUBTITLE A—FAIR MINIMUM WAGE

The conference agreement includes provisions to increase the Federal minimum wage in the United States to $7.25 an hour over two years as proposed by both the House and the Senate. The conference agreement also provides for Federal minimum wage increases of $0.50 per hour, beginning 60 days after enactment, and annually thereafter, in the Commonwealth of the Northern Mariana Islands and American Samoa, until their minimum wage reaches that of the United States. In addition, the agreement requires that the Department of Labor, through the Bureau of Labor Statistics, transmit a report to Congress assessing the impact of wage increases in the Commonwealth of the Northern Mariana Islands and American Samoa not later than 32 months after enactment.

The House bill included a phased increase of $0.50 upon enactment, and $1.00 annually thereafter, in the Federal minimum wage for both the Commonwealth of the Northern Manana Islands and American Samoa until their minimum wage reaches that of the United States, while the Senate amendment provided a phased increase of $0.50 upon enactment, and $1.00 annually thereafter, in the Federal minimum wage for the Commonwealth of the Northern Mariana Islands, but no increase in American Samoa.

SUBTITLE B—SMALL BUSINESS INCENTIVES

The conference agreement modifies small business and work opportunity provisions in the Senate amendment that provide enhanced compliance assistance for small businesses, authorize a program for small business child care grants at the Department of Health and Human Services, require a study on certain aspects of the Earned Income Tax Credit, authorize renewal grants for women's business centers, and require a report under the Buy American Act. The House bill did not contain similar provisions.

SUBTITLE C

SMALL BUSINESS TAX INCENTIVES

The conference agreement modifies provisions in the House bill and Senate amendment regarding small business incentives. The conference agreement extends the Work Opportunity Tax Credit ("WOTC") through August 31, 2011, later than the House proposed but sooner than the Senate proposed. The conference agreement expands WOTC to include more veterans with service-connected disabilities, "high risk youth," and employees in "outward migration counties." The House and the Senate had proposed various enhancements.

The conference agreement enhances the tip credit for certain small businesses by freezing the minimum wage level for purposes of calculating the credit. The House had similar language, but the Senate did not.

The conference agreement permanently waives both individual and corporate alternative minimum tax limitations on WOTC and tip credits. The House had similar language, but the Senate did not.

The conference agreement extends small business expensing under section 179 through 2010 and increases the expensing limit from the current $112,000 to $125,000, as the House had proposed. The Senate had similar language.

The conference agreement extends and expands several tax provisions affecting Gulf Opportunity Zones affected by hurricanes Katrina, Rita and Wilma. The agreement modifies language proposed by the Senate. The House did not include similar language.

The conference agreement makes several changes to the treatment of Subchapter S corporations. The Senate had proposed similar language. The House did not include similar language.

The conference agreement raises the age of children whose unearned income is taxed as their patents' income. The House and Senate both had similar language.

The conference agreement modifies IRC section 6404(g) which provides for suspension of interest and certain penalties, from the current 18 months after filing to 36 months. The House had proposed 22 months and the Senate had proposed repeal of suspensions.

The conference agreement increases the penalty for bad checks and money orders, creates a new penalty on claims for refunds filed without any reasonable basis, and expands the penalties on tax return preparers. Both House and Senate proposed similar language.

The conference agreement increases the estimated tax payments due July through September, 2012 for corporations with assets in excess of $1 billion. The House had similar language, but the Senate did not.

CONTRACTING REFORM

The conference agreement does not include language proposed by the House (as title V of the House bill) relating to federal contracting reform.

NOTIFICATION OF EMERGENCY LEGISLATION

The congressional budget resolution (H. Con. Res. 95) agreed to by Congress for fiscal year 2006, and both the House and Senate versions of the congressional budget resolution for fiscal year 2007 include provisions relating to the notification of emergency spending. These provisions require a statement of how the emergency provisions contained in the conference agreement meet the criteria for emergency spending as identified in the budget resolution.

The conference agreement contains emergency funding for fiscal year 2007 for the global war on terror, hurricane recovery in the gulf coast region, emerging threats to homeland security, pandemic influenza prevention, unmet veterans' healthcare needs, and agriculture disaster relief. The funding is related to unanticipated needs and is for situations that are sudden, urgent, and unforeseen, specifically the global war on terror and thy hurricanes of 2005. These needs meet the criteria for emergencies.

EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, this conference report contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2007 recommended by the Committee of Conference, comparisons to the 2007 budget estimates, and the House and Senate bills for 2007 follow:

(In thousands of dollars)

Budget estimates of new (obligational) authority, fiscal year 2007	103,015,427
House bill, fiscal year 2007	124,315,636
Senate bill, fiscal year 2007	122,807,084
Conference agreement, fiscal year 2007	124,173,007
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2007	+21,157,580
House bill, fiscal year 2007	−142,629
Senate bill, fiscal year 2007	+1,365,923

DAVID R. OBEY,
ROSA L. DELAURO,
JOHN P. MURTHA,
PETER J. VISCLOSKY,
NITA LOWEY,
CAROLYN KILPATRICK,
NORMAN D. DICKS,
CHET EDWARDS,
ALAN B. MOLLOHAN,
JOHN OLVER,
JOSÉ E. SERRANO,
DEBBIE WASSERMAN SCHULTZ,
JAMES E. CLYBURN,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK J. LEAHY,
TOM HARKIN,
BARBARA A. MIKULSKI,
HERB KOHL,
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
RICHARD J. DURBIN,
TIM JOHNSON,
MARY L. LANDRIEU,
JACK REED,
FRANK R. LAUTENBERG,
BEN NELSON,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the 5-minute voting will continue.

There was no objection.

10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

Mr. GORDON of Tennessee. Madam Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 362, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Amend section 204 to read as follows:

SEC. 204. CURRICULA.

Nothing in this Act, or the amendments made by this Act, shall be construed to limit the authority of State governments or local school boards to determine the curricula of their students.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 22, not voting 21, as follows:

[Roll No. 254]

YEAS—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Feeney
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri

Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—22

Barrett (SC)
Blackburn
Campbell (CA)
Cannon
Conaway
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Hensarling
King (IA)
Lamborn
Mack
Manzullo
Miller (FL)
Paul
Pence
Poe
Sali
Shadegg
Tancredo

NOT VOTING—21

Bilirakis
Boucher
Brady (PA)
Buyer
Cubin
Davis (KY)
Davis, Jo Ann
Farr
Fattah
Fossella
Gohmert
Hastings (FL)
Kennedy
King (NY)
Kirk
Lampson
Myrick
Rangel
Ryan (OH)
Sutton
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1708

Mr. POE changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FARR. Madam Speaker, on rollcall No. 254, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. KIRK. Madam Speaker, had I been present, I would have voted as follows: on rollcall No. 245—"yes"; 246—"yes"; 247—"yes"; 248—"no"; 249—"no"; 250—"yes"; 251—"yes"; 252—"yes"; 253—"yes"; and 254—"yea".

PERSONAL EXPLANATION

Mr. BILIRAKIS. Madam Speaker, unfortunately, I was unavoidably detained and missed rollcall votes Nos. 253 and 254.

I take my voting responsibility seriously, and if I had been present, I would have voted "yes" on rollcall No. 253 and "yes" on rollcall No. 254.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill, H.R. 363, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

The SPEAKER pro tempore. Pursuant to House Resolution 318 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 363.

☐ 1710

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes, with Mr. WATT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we spent quite a bit of time on the last bill talking about "Rising above the Gathering Storm," the report. It charts a course for continuing American prosperity in the decades to come. I recommend that my colleagues heed the warning of this report and pursue policies to implement its four major policy recommendations.

One of those recommendations is to "sustain and strengthen the Nation's traditional commitment to long-term basic research that has the potential to be transformational, to maintain the flow of new ideas that fuel the economy and provide security and enhance the quality of life." The Gathering Storm report goes on to propose specific high-priority action items to realize this recommendation.

In this bill, H.R. 363, we have identified several of these action items that have broad bipartisan support. We call the bill the Sowing the Seeds Through Science and Engineering Act.

I want to thank my colleague, Mr. HALL from Texas, ranking minority member of the Committee on Science and Technology, who helped craft the current version of this bill.

Six weeks ago, the committee voted unanimously to favorably report this bill. We have heard from such groups as The Business Roundtable and the Council of Competitiveness expressing their support for the bill. These organizations represent a broad spectrum of business interests, understand that new technology ideas are necessary for the U.S. prosperity in a global 21st century economy. In fact, some economists have estimated that half of the economic growth in the United States since World War II can be attributed to technological innovation. H.R. 363 is needed to prevent the United States from falling behind other nations whose national commitments to research are increasing, just as ours have been decreasing. The fear is not just about falling behind scientifically, it's about falling behind economically.

The first two provisions of H.R. 363 focus on support for early-career scientists and engineers through grant programs at the National Science Foundation and the Department of Energy. These grants will identify and support our best and brightest young researchers who are engaged in high-risk, high-reward research that is transformational or highly innovative. By focusing on young researchers, we promote new ideas and research on the frontiers of knowledge.

The bill also supports graduate student training grants for individuals interested in research areas relative to industry's technological needs, establishes a Presidential Award for Innovation, creates a planning mechanism for maintaining the Nation's major research facilities, authorizes the National Science Foundation to support research on innovation, directs reports on Federal efforts to recruit new scientists and engineers, identifies NASA as a key player in the national competitiveness policy.

This bill doesn't merely seek to fund all of science, it focuses on fostering the most innovative elements of a scientific enterprise. It is through research such as these that we lay a foundation for future of global economic competitiveness. In the future, a healthy scientific and technological enterprise spawns innovation, creating jobs that pay good wages and produces products that make our lives better.

□ 1715

We must pave the way to that future, and I urge my colleagues to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to support what is essentially the second piece of the Science Committee's innovation and competitiveness agenda package. I am pleased that this Congress continues to advance the innovation agenda that the President laid out 2 years ago.

Primarily, this bill enhances the Faculty Early Career Development Program at NSF to help researchers establish a lab and pursue risky research in emerging fields. It establishes a similar program at the Department of Energy. It also ensures that funding increases proportionately to the overall NSF budget for the Integrative Graduate Education and Research Traineeship, which supports graduate students in cutting-edge interdisciplinary fields.

Again, most of this bill was part of a Republican-led effort in the last Congress to incorporate many of the suggestions and various innovation and competitiveness reports without necessarily reinventing the wheel to do so. While H.R. 363 is similar to what we did last year, it does have some additions that were never vetted at the committee level, and I have some concern with that process. I hope as we continue the reauthorization process for NSF, the chairman will work with me, as he always has and as he does, and we can thoughtfully pass good legislation as we move forward.

With specific regard to H.R. 363, I do thank the chairman for working with us to restore a few of the provisions that had been previously accepted by the committee, particularly in NIST report language and a sense of the Congress that NASA also has a role to play in United States innovation and competitiveness.

It is important, Mr. Chairman, that our Nation continue to lead the world in technological innovation. To that end, we should support legislation that advances basic science research at the National Science Foundation and the Department of Energy. Research conducted by these young scholars will yield countless advantages. Americans understand that if we are to become energy independent, we will need solutions that promote clean, affordable and reliable American energy resources. That is why we introduced the competitiveness agenda last year and that is why I continue to support this initiative. America's solutions for the future begin today.

This is a good bill. I thank the chairman for helping make it a good bill, and I urge my colleagues to vote in favor of H.R. 363.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself 30 seconds to absolutely concur with Mr. HALL in that we will work as a partnership as this bill works its way through. He has been a constructive partner, and I want to continue that partnership.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS), a valued member of our committee.

Ms. GIFFORDS. Thank you, Mr. Chairman, and thank you Ranking Member HALL.

Mr. Chairman, I rise today to express my support for H.R. 363, the Sowing the Seeds Through Science and Engineering Act. In 2005, a bipartisan group of congressional legislators came together and asked the National Academies for a list of the top 10 action items that policymakers must take in order to assure that America stays globally competitive.

Their report, which was reduced, called "Rising Above the Gathering Storm," found that the U.S. would stand to lose our global competitiveness if we did not act immediately. One of their recommendations was to invest in research in an effort to "sustain and strengthen the Nation's traditional commitment to long-term basic research that has the potential to be transformational to maintain the flow of new ideas that fuel the economy, provide security, and enhance the quality of life." This bill does exactly that.

This legislation provides early-career awards for scientists and engineers at the National Science Foundation and at the Department of Energy. Young researchers and scientists can shift paradigms, break out of traditions, and think of new ideas within their field; and it is this outside-of-the-box thinking that we must promote.

The early-career awards in this bill awards young scientists for engaging in both high-risk, but also high-reward, research that is transformational and innovative.

This bill does not fund all science. This bill focuses on fostering the most innovative of elements in the scientific enterprise. With countries such as India and China becoming more and more competitive, we have to take every action possible to ensure that the United States of America stays globally competitive.

Thank you, Mr. Chairman, for bringing this bill forward. I am honored to be a sponsor.

Mr. HALL of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman for yielding, and I do rise today in strong support of H.R. 363, the Sowing the Seeds Through Science and Engineering Research Act.

This legislation, just like H.R. 362 which we just passed, is a fantastic opportunity for bipartisanship to support math and science education in this country. Taken in combination with that bill, 10,000 Teachers, 10 Million Minds, we lay a crucial foundation in maintaining America's competitiveness worldwide.

The National Academies released a report entitled "Rising Above the Gathering Storm." It looked at ways in which the Federal Government could enhance our country's science and technology enterprise so we can continue to compete and prosper in this global marketplace. In addition to its recommendations with respect to K-12 education, the commission came to the conclusion that there is a general lack of research in science and engineering in America.

Our country must face the reality that China and India are making significant strides and pouring major resources into science and engineering. Therefore, in order to stay competitive, we need to not only encourage young students to get excited by the possibilities that exist with technology advances, but we also need to support young scientist research. Since younger scientists are more likely to do innovative and transformative work, it is in our country's best interest to ensure that these young scientists indeed have the support that they need.

Mr. Chairman, the Sowing the Seeds Through Science and Engineering Act offers rewards for younger students in order to encourage them to continue their work in the fields of science and engineering.

This legislation also strengthens Federal support for science and engineering researchers at the early stages of their career by expanding the Integrative Graduate Education and Research Traineeship program at NSF, establishing a Presidential Innovation Award, and authorizing NSF to authorize research on innovation.

Again, I want to emphasize that I truly believe in order for our great Nation to remain competitive in the ever-advancing global marketplace, we need to sustain and strengthen our commitment to long-term basic research. This is research that has the potential to be transformational in maintaining the flow of new ideas that fuel our economy, provide security and enhance the quality of life for all Americans.

Mr. Chairman, I firmly believe this legislation is a great first step to address this impending crisis, both in America's workforce and our country's research institutions, and I am proud to support the bill, and I ask all of my colleagues to do the same.

Mr. Chairman, before I conclude, and hopefully I will not run out of time, but I did want to at this point say that as much as I am for this bill, I have to oppose one of the amendments that is going to be offered by the gentlelady from New York, Mrs. GILLIBRAND, the

Gillibrand amendment. It is duplicative. We already do that under the Department of Education in regard to providing scholarships, merit scholarships for advanced students in our high schools. We already do that through the Department of Education, and it is a very well-funded program.

But more importantly, Mr. Chairman, the reason I am opposed to the amendment, in a way it contradicts what we just did in H.R. 362, where we said we will give these grants to these students to encourage them to study and pursue math and science and engineering types of advanced degrees in college with a payback, a two-for-one payback if they go into the teaching profession in a community where we have that great need for outstanding math and science teachers.

With that, Mr. Chairman, again, I support the bill. I am opposed to the Gillibrand amendment for the reasons outlined.

Mr. GORDON of Tennessee. Mr. Chairman, let me thank my friend, Dr. GINGREY, for his support for this good bipartisan bill, and I yield 2 minutes to another active member of our committee, the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Chairman, I rise today in strong bipartisan support of H.R. 363, Sowing the Seeds Through Science and Engineering Research. Before my election to Congress, I spent my entire academic and professional career as a scientist, as a mathematician and an engineer.

I was particularly concerned when I read the sobering conclusions of the National Academies' "Rising Above the Gathering Storm" about America's declining competitiveness in a science and technology-based global economy. The report calls for an immediate action to maintain America's competitive advantage, and I agree with those recommendations.

We are already moving forward to carry out some of the report's recommendations in an effort to renew interest in scientific development. H.R. 363 will provide grants to support young researchers in the early stages of their careers to engage in the high-risk, high-reward innovative research that challenges existing assumptions. The bill also establishes a Presidential Innovation Award to stimulate scientific and engineering advances in the public interest.

As a Nation, we face many daunting and almost overwhelming challenges, the solutions to which will require serious and dedicated scientific research. Conclusive research can take years, so we must work now to inspire today's students and researchers to take up such scientific pursuits. This bill provides just the right kind of specific incentives to compel young researchers to do the kind of pioneering and groundbreaking research that will yield dividends for the public interest.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Chairman, I rise today to support this bill and thank Chairman GORDON and Ranking Member HALL, a fellow Texan, for their hard work and leadership on this issue.

I think we can all agree on the importance of ensuring America is competitive in science and engineering. As the National Academy of Sciences report "Rising Above the Gathering Storm" warned, this country is in danger of losing its leadership role in these fields.

Last year I sponsored the Research For Competitiveness Act to address this issue. Unfortunately, that legislation did not come to the floor of the House after being passed by the Science Committee. However, I am pleased in this Congress in a bipartisan fashion to note that H.R. 363 incorporates sections from last year's bill that establish early-career grants for young scientists and engineers. These grants will encourage scientists and engineers in the early stages of their academic careers to establish innovative lines of research. This approach continues the successful model of partnership between the Federal Government and America's universities.

As you know, many of the technologies we enjoy today, such as breakthroughs that enabled e-commerce to become a reality in the 1990s, are based on research initially conducted at universities like the University of Texas in my hometown of Austin.

When we fund programs such as these, we are investing in minds and helping create the next generation of America's high-tech workforce. Therefore, I strongly support this legislation and urge my colleagues to vote "yes" on this bill.

Mr. GORDON of Tennessee. Mr. Chairman, I thank Mr. MCCAUL for his support for this good bipartisan bill, and I yield 3 minutes to another Texan (Ms. EDDIE BERNICE JOHNSON), who is an active member of the Science and Technology Committee.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, thank you for our committee leadership.

Mr. Chairman, I rise in support of H.R. 363, the Sowing the Seeds Through Science and Engineering Research Act. This legislation was based on policy recommendations from the "Rising Above the Gathering Storm" report to Congress by the National Academy of Sciences.

One of the greatest challenges new researchers face is getting grant funding for their research. In Dallas, the University of Texas Southwest Medical School has four Nobel laureates, where they earned them right there, and UT-Dallas has at least one. Baylor University and others are stellar research institutions, and they compete at the national level for grants and perform award-winning scientific research.

□ 1730

These universities depend on Federal research funding.

When new faculty are hired at research universities in Texas and elsewhere, they are expected to be able to write grant proposals and successfully win funding from Federal agencies such as the National Institutes of Health, National Science Foundation, Department of Energy, and others.

According to NIH, the average age at which the investigator first obtains RO1 major grant funding is age 42. If students are earning Ph.D.s in their late twenties, that means there are many years of struggle before they can establish themselves and eventually become full professors at these universities.

As a result, many scientists have dropped out of science. It is too hard to get funding. The stress level is too high.

Mr. Chairman, grant support targeted at new investigators is an important step toward resolving this problem. If Congress would fund Federal research as vigorously as our competitors overseas are doing, we wouldn't have such a problem.

H.R. 363 targets young investigator grant support at the National Science Foundation, Department of Energy, and other scientific research agencies under the purview of the Committee on Science and technology.

This is a good bill and I encourage my colleagues to support it.

Mr. HALL of Texas. Mr. Chairman, I yield as much time as he may consume to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding, and I rise with pleasure to support this bill.

The National Science Foundation for years has been one of the primary sources of research funding for outstanding research in this Nation. In addition, the Department of Energy Office of Science has been a leader in certain areas, particularly high energy or particle physics, but also in a number of other physics areas, including the high energy light sources such as we have at Berkeley and a few other labs.

I strongly support these programs, but a difficulty that has developed over the past few years is that we have some early career researchers, some young people just entering the field, and they really have difficulty obtaining funding because the tendency of the reviewers at the National Science Foundation and the Department of Energy Office of Science is to say well, we have this group of very well-known good researchers. We know their backgrounds and we know they can produce and how well they can do; we should just give them the money because we don't know for sure about the early researchers. Now, I don't think they actually say that, but, unfortunately, I think it is in the back of the minds of the peer review folks as they consider proposals.

I experienced this personally with my son, who as a young scientist had trouble breaking into the field and had a number of proposals denied before he finally received funding. Even though he had made some national strides and was well-known in the field, yet it was difficult to get the funding.

These programs will be very, very helpful to support the early career researchers. But there is another aspect about which we need some new thinking and some change, and that is the fact that more and more science is becoming interdisciplinary, where you may have biology and physics, or biophysics; and you have relationships between biology and chemistry or chemistry and physics. You can go on and on. There are all sorts of different variations. Sometimes you may need five or six different disciplines represented in the research program to really cover all of the aspects of the research. When you submit a proposal, usually you are required to specify one field and if you specify interdisciplinary, sometimes the other fields are not adequately represented on the peer review panel.

I admit these are perhaps exceptions; but, nevertheless, we have to make sure that all of these bright young scientists or those wishing to branch out into another discipline, for example, having a very good background in physics and deciding they can really do some good work in biophysics. So we need to take account of that, and this bill will provide that within both the National Science Foundation and the Department of Energy.

I strongly support this bill. I believe both agencies, I know NSF supports it, and I am sure that the Department of Energy Office of Science also supports this bill because they have also noted the need for these changes.

Mr. GORDON of Tennessee. Mr. Chairman, I thank Dr. EHLERS for his support for this bill, and his help in bringing it to the floor today.

Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD), the chairman of the Subcommittee on Research and Science.

Mr. BAIRD. Mr. Chairman, I thank my friend and chairman.

This is a good day for science and research, and that means it is a good day for the United States of America and for our economic prosperity and for our children's future.

As Chair of the Research and Science Subcommittee, I rise today in support of H.R. 363, the Sowing the Seeds Through Science and Engineering Act, and I want to commend Chairman GORDON for his strong leadership on this bill that we are considering now, and on the one that passed earlier today.

I share Chairman GORDON's absolute commitment and belief that we must take bold steps now to ensure that American students and workers are prepared for the careers of the future and so our Nation is equipped to compete in the global economy.

To accomplish this, however, we must make sure our young scientists receive the support they need. That is why, as many of our prior speakers have pointed out, it is critically important to invest in the minds of young researchers now, because not only are they highly productive, but one day they will fill the ranks of our senior established and groundbreaking scientists on which our country's economy, competitiveness, and indeed our national security depend.

That is why I am so pleased we are considering H.R. 363 today. The bill will ensure continued innovation by supporting outstanding researchers in early career stages, and ensuring that graduate students in research fields of particular importance to our future competitiveness receive adequate funding. I also share Ranking Member EHLERS' commitment to the importance of interdisciplinary scientific studies which he so well articulated.

This bill and the one before it that we considered already and passed today, are critically important to the future prosperity of our country. I share Chairman GORDON's commitment to them, and I urge passage.

I also would like to take this opportunity briefly to express support for the amendment soon to be offered by Mrs. GILLIBRAND of New York. Her amendment will require the National Science Foundation to institute a program to award scholarships in science, technology, engineering, or mathematics to undergraduate scholars. As a former teacher of undergraduate scholars and researchers, I know how important this stage is to career development and I support her commitment to it, applaud her offering the amendment. I urge passage of that, as well as final passage of the bill.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished chairman of the Science Committee, as well as the ranking member. We have had a long and I like to think of it as a productive relationship, and it is an honor to come and acknowledge that we are finally listening to the voices of the 21st century.

I want to hold up this document that claims the 110th Congress is a Congress that will move the innovation agenda. As a former member of the Science Committee I remember, as the century turned in 2000, listening to CEOs who indicated the crisis in both teaching, understanding and creative in math, science and technology.

Let me rise and belatedly say I have certainly supported the last legislative initiative dealing with 10,000 Teachers, 10 Million Minds that we just passed, and I am delighted to be able to support the Sowing the Seeds Through Science and Engineering Research Act of 2007 and to say this: Science is in fact the work of the 21st century, but we are falling behind.

We don't need to hear the statistics again of how many engineers China graduates, for example, compared to the United States. This workforce cannot be prepared for the 21st century without actual investment by this country, and understanding that without researchers and scientists and engineers, we do not create work.

Clearly, even though these might be considered passe and simple, but the light bulb, the typewriter, the car, all innovative aspects of our work, the airplane, created eons and years and decades of work.

This legislation in particular provides an opportunity for research, and the amendment provides an opportunity for research for undergraduate scholars.

At Texas Southern University, we have a transportation study program. It has a pharmacy school, all small aspects of science. It has a solar energy project that I was proud to take Members of Congress to in 2001.

There are budding opportunities all over America, but what must we do to ensure that it works? We have to invest and provide the resources. We have to encourage not only students, but teachers, and then researchers that their work is valued. NASA and our move to the moon all concentrate on having those who will be researchers, technologists, readers of software, and yes, we hope, astronauts.

I applaud this legislation for what it does for engineers and scientists and physicians who are pioneers of the work of the 20th century and now can be pioneers of the work of the 21st century.

I believe that we have a step further to go. We need geologists. As we look at global warming, we must find ways to be efficient in the securing of energy, balancing what we call the resources of the ground as well as nuclear as well as solar.

I think this is an outstanding bill, and I ask my colleagues to support it. I thank the distinguished chairman.

I rise in strong support of H.R. 363, the "Sowing the Seeds Through Science and Engineering Research Act," of which I am proud to be a cosponsor. This bill is the second component of the new Democratic majority's Innovation Agenda, which is designed to make our nation more able to compete successfully in the global economy.

Mr. Chairman, it is essential that we invest in a workforce ready for global competition by creating a new generation of innovators and make a sustained commitment to federal research and development. We need to spur and expand affordable access to broadband, achieve energy independence, and provide small business with tools to encourage entrepreneurial innovation. H.R. 363 a critical first step.

Charles Drew, Benjamin Banneker, Clarence Elder, and David Crosthwait, Jr. are only a few of the names associated with great American scientific history. These engineers, scientist, and physicians were pioneers in their respective fields, and have touched all our lives in ways that we probably never consider. Whether it is enjoying the comfortable atmosphere of Radio City Music hall, navigating the streets of Washington, DC, or having a loved one receive a blood transfusion these men have all made significant contributions to America and the world. Yet, the beautiful thing about science is its' evolutionary nature. Innovation never sleeps, and great minds are always at work.

Therefore to continue the legacy of these great men, and to ensure that America is at the forefront of new technological and scientific discoveries, I rise in support of H.R. 363. Representing Houston, I realize the importance of institutions like NASA and the sense of national pride that NASA can produce when they are leading the global effort in advancing science and technology.

Mr. Chairman, according to the National Academies, the most important thing we can do for our future economic health is to increase the nation's expertise in science, technology, math, and engineering. H.R. 363 represents a critical down-payment toward achieving this goal. Therefore, I strongly urge my colleagues to support this bill.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I just quickly yield myself the balance of my time to say this truly has been a collaborative, bipartisan effort. I thank Mr. HALL and his very able staff. We have worked together. We have a good bill, and we need to pass this bill.

Mr. HALL of New York. Mr. Chairman, tonight the House took a critical step in the effort to ensure that America remains at the leading edge of the global economy by passing H.R. 363, the Sowing the Seeds Through Science and Engineering Act. The provisions in the bill, including expanded grants through the National Science Foundation and Department of Energy for early career researchers, support for research in fields of national importance, and government recruitment of young scientists build on the recommendations of the National Academy of Sciences and will help to rebuild our knowledge infrastructure. By doing so, the legislation will help America maintain its leadership in scientific research and allow American innovators to strengthen our economy by finding solutions to achieve energy independence, greater environmental protection, the development of new medical treatments, and a host of other goals. It is for these reasons that I voted to support H.R. 363.

However, I am deeply opposed to language, added to the bill through a motion to recommit, that prioritizes support for research into advanced nuclear reprocessing. Although supporters of nuclear power have renewed their efforts to increase America's reliance on nuclear power, the reality is that there are significant safety and environmental concerns associated with nuclear energy. The storage of spent nuclear fuel is a growing problem facing individual power plants and communities throughout the nation. At the Indian Point Energy Center, there is an ongoing leak of radioactive material from spent fuel pools into the Hudson River, and throughout the country communities that host nuclear facilities are being forced to contemplate the cleanup and security costs associated with the storage of nuclear waste.

We must also clearly understand that, at a time when nuclear terrorism is one of the greatest threats facing our nation, the process used to recycle spent fuel would create a significant proliferation risk by resulting in the production of plutonium that can be used in nuclear weapons. The language prioritizing support for a technology that threatens to damage our environment and undermine our national security is misguided, and tarnishes an otherwise laudable piece of legislation. I am hopeful that this language will not be included in the conference report.

Mr. HOLT. Mr. Chairman, I rise today in support of the Sowing the Seeds Through Science and Engineering Research Act. Taking its name from the sixth chapter of the National Academies Report "Rising Above the Gathering Storm," H.R. 363 is part of an ambitious legislative portfolio that is part of the Innovation Agenda. I was proud to help craft the Innovation Agenda, on which our nation is dependent for its future prosperity.

Fifty thousand people hold postdoctoral appointments in the United States. In 1999, postdocs were 43% of the first authors in articles in the prestigious journal Science. Postdoctoral appointments are temporary by design and are compensated poorly. Postdocs are generally motivated by the idea of becoming professors, a goal to which three quarters of postdocs aspire. However, only 20 percent will attain faculty positions. This had led to an increasingly dramatic and problematic holding pattern which could select more for flexibility and perseverance than for talent and performance.

As science funding has become tighter, it's become more difficult for postdocs to find permanent academic positions and to remain in science. The availability of positions is entirely dependent on the likelihood of a new professor finding funding. As of 2002, the median age at which one receives a first NIH grant as a primary investigator is 42. In 1981, the median age was 35. In the biological sciences, in 1980, researchers under 40 years old received more than half of all competitive research grants. By 2003, this had fallen to less than 17 percent. At NSF, the funding rates for first-time grant recipients fell from 25 percent in 2000 to 17 percent in 2004.

H.R. 363 addresses this problem by setting aside funds specifically for early career researchers, which are defined as assistant professors or the equivalent thereof. Assistant professor is the role to which most postdocs aspire as their next step. It is one step short of having a tenured, permanent position in a research institution. H.R 363 also requires DOE and NIST to report on how they are doing with recruitment and retention of early career engineers and scientists.

H.R. 363 supports the early career part of the science and technology professional pipeline in other ways, as well. The act requires NSF to set aside at least 1.5 percent of funds appropriated for research and related activities to the Integrative Graduate Education and Research Traineeship (IGERT) program and permits the NSF to research the process of innovation and the teaching of inventiveness.

At present, the United States research infrastructure is deficient. In 2001, more than 60 percent of the Department of Energy Office of Science lab space was over 30 years old. This requires $2 billion to correct. In 1998, the NSF estimated that $11.4 billion were needed to renovate U.S. academic research facilities. In 2001, the NIH estimated $5.6 billion in health research infrastructure needs.

This problem is in part caused by a 26 percent cap on reimbursement to universities from research grants for infrastructure costs. Since this cap was created in 1991, universities have been unable to find sufficient sources of funding to keep their scientific facilities competitive or, in some cases, adequate. At the same time, they are using these facilities to attempt to compete internationally for scientists.

H.R. 363 addresses this problem by instructing the Office of Science and Technology Policy to create a National Coordination Office for Research Infrastructure. This office would prioritize deficiencies in research facilities at universities and national labs and then work to coordinate a response to these deficiencies.

I encourage my colleagues to support this resolution. Without its reforms to our research infrastructure and science talent pipeline we will continue to deteriorate.

Mr. CARNAHAN. Mr. Chairman, I rise today in strong support of H.R. 363, the Sowing the Seeds Through Science and Engineering Research Act.

I first want to thank Chairman GORDON for his leadership on the important issue of innovation, and commend our Committee's work towards investing in our research communities.

This past August, I invited Chairman GORDON to join me in a panel to discuss the subject of Innovation back in St. Louis. The Event was a tremendous success and sparked a conversation about competitiveness, STEM education and innovation that still continues with enthusiasm in St. Louis.

While this is an issue that warrants much discussion, the time has come for bold action.

Unfortunately, our nation's standing as the global leader in science and technology has slipped in recent years.

H.R. 363 will counteract this worrying trend by investing in long-term scientific research and encouraging young scientists and researchers to pursue high-risk and high-reward research.

Specifically, the bill administers awards to outstanding early-career researchers in academia and in nonprofit research organizations, provides graduate research assistantships in areas of national need and establishes a national coordination office to prioritize university and national research infrastructure needs. By investing in our young researchers, we invest in the ideas that will shape our country's future.

I urge my colleagues to support this bill to advance our nation's status as a leader in the global economy.

Mr. COSTELLO. Mr. Chairman, I rise in strong support of H.R. 363, the Sowing the Seeds through Science and Engineering Research Act.

The bill authorizes appropriations for basic research in science and engineering, and provides support of graduate fellowships, as well as research grants, to scientists and engineers in the early phases of their careers.

As a member of the Science and Technology Committee, I commend Chairman GORDON for crafting this important legislation and bringing it to the House floor today.

We must take bold steps now to insure that American students and workers are prepared for the careers of the future and that our nation is equipped to compete in the global economy.

The bill is based on the recommendations of the National Academies' widely-acknowledged "Rising Above the Gathering Storm" report, which found that the U.S. stands to lose its competitive edge in the international economy unless immediate action is taken.

Statistics show that U.S. 12th-grade students performed below the international average of 21 countries on a test of general knowledge of math and science.

In 2004, America graduated 70,000 engineers, while China turned out 10 times as many.

We know that American high-tech companies often look abroad for workers who are willing to work for less pay.

I am very concerned about the issue of offshoring and outsourcing, and it troubles me when companies say they need to go overseas just to find employees who are skilled in math and science.

I believe there is a clear link between offshoring and outsourcing and how these trends relate to future employment opportunities and career choices of students in the science and engineering fields.

I believe we have to raise awareness of this issue and work together in a bipartisan manner in order to keep high-wage science and engineering jobs here in the U.S. and maintain our competitive edge.

H.R. 363 puts us on the right path and demonstrates our commitment to strengthening our science, technology, engineering, and mathematics educational programs in order produce a skilled and knowledgeable workforce here at home.

Maintaining U.S. innovation and leadership demands hard work and investment. While there are no quick fixes, we can take steps, like H.R. 363, now to accomplish these important goals.

With that, I urge my colleagues to support this bill.

Mr. MITCHELL. Mr. Chairman, today we are considering several bills to implement the Innovation Agenda including H.R. 363, the Sowing the Seeds Through Science and Engineering Research Act.

In February I was pleased to support this legislation in Committee. H.R. 363 provides merit-based grants for researchers early in their careers, establishes a Presidential innovation award, and creates a national office to identify, prioritize, and coordinate research infrastructure needs at universities and national laboratories.

America needs innovators and leaders if we want to remain competitive in the global economy. This is especially true when it comes to science and engineering.

Retaining scientists and engineers, however, is often difficult, because they receive such low pay early-on in their careers.

If we don't invest early in our future innovators, we will fall behind.

H.R. 363 supports an important goal and I look forward to its passage today.

Mr. WU. Mr. Chairman, I rise today in support of H.R. 363, a piece of legislation that is desperately needed to enhance tomorrow's scientific research.

We all know what it's like to start out on our own—the uncertainty of your financial footing, but with great faith in yourself and your ideas. Imagine that feeling on an exponential scale and that might be how a young, talented researcher feels as they work on a cure for autism, or traumatic brain injury for our troops, or a new source of cleaner, renewable energy.

The field of research is high-risk and high-yield, and the federal government is right to invest in research that benefits us all. H.R. 363 will help "sustain and strengthen the nation's traditional commitment to long-term basic research . . . to maintain the flow of new ideas that fuel the economy, provide security, and enhance the quality of life," as prescribed by the National Academies report, Rising Above the Gathering Storm, that has been the focus of our work in the Science and Technology Committee, and mentioned many times today.

Young researchers are the key to innovation, as they are more likely than established researchers to shift paradigms, break with tradition, or bring new ideas to a discipline or to a combination of disciplines. The early-career awards outlined in this bill reward young researchers for engaging in high-risk/high-reward research that is likely to be transformative or highly innovative. The establishment of a presidential innovation award is designed to identify and recognize people who develop the unique scientific and engineering innovations in the national interest at the time they occur. This bill doesn't simply seek to fund all science; it focuses on fostering the most innovative elements of the scientific enterprise.

I would also like to thank Chairman GORDON, as well as Ranking Member HALL, on their hard work on this legislation, and the bipartisan manner in which the Science and Technology Committee is run to produce such substantial legislation.

Mr. GORDON of Tennessee. Mr. Chairman, I submit the accompanying exchange of letters regarding H.R. 363.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, April 27, 2007.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write regarding H.R. 363, which authorizes appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes. I am concerned that certain provisions of the bill as reported may be broad enough to include applicability with respect to biomedical and behavioral research conducted or supported by the National Institutes of Health or other agencies of the Public Health Service. As you know, those matters are within the jurisdiction of the Committee on Energy and Commerce.

I support passage of the bill based on my understanding that you have agreed that the inaction of the Committee with respect to the bill does not in any way serve as a jurisdictional precedent as to our two committees.

Further, as to any conference on the bill, the Committee on Energy and Commerce reserves the right to seek the appointment of conferees for consideration of any portions of the bill that are within the Committee's jurisdiction. It is my understanding that you have agreed to support a request by the Committee with respect to serving as conferees on the bill (or similar legislation).

I request that you send me a letter confirming our agreements as to jurisdiction, including with respect to conferees, and that our exchange of letters be included in the Congressional Record as part of the consideration of the bill.

I look forward to working with you on this important legislation. If you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

JOHN D. DINGELL,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, April 26, 2007.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the consideration of H.R. 363, the "Sowing the Seeds Through Science and Engineering Research Act." I appreciate your support of this important legislation.

I recognize your Committee's jurisdictional interest in this area as it pertains to the National Institute of Health and other agencies of the Public Health Service. I agree that the inaction of the Committee on Energy and Commerce with respect to the bill does not in any way serve as a jurisdictional precedent as to our two committees, and I will support any request you may make to have conferees on those portions of H.R. 363, or similar legislation, that implicate the Public Health Service. The exchange of letters between our two committees will be placed in the Congressional Record.

Thank you for your attention to this matter.

Sincerely,

BART GORDON,
Chairman.

Mr. GORDON of Tennessee. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sowing the Seeds Through Science and Engineering Research Act".

SEC. 2. NATIONAL SCIENCE FOUNDATION EARLY CAREER AWARDS FOR SCIENCE AND ENGINEERING RESEARCHERS.

(a) IN GENERAL.—The Director of the National Science Foundation shall carry out a program to award grants to scientists and engineers at the early stage of their careers at institutions of higher education and organizations described in subsection (c)(2) to conduct research in fields relevant to the mission of the Foundation. The existing Faculty Early Career Development (CAREER) Program may be designated as the mechanism for awarding such grants.

(b) SIZE AND DURATION OF AWARD.—The duration of awards under this section shall be 5 years, and the amount per year shall be at least $80,000.

(c) ELIGIBILITY.—Award recipients shall be individuals who are employed in a tenure-track position as an assistant professor or equivalent title, or who hold an equivalent position, at—

(1) an institution of higher education in the United States; or

(2) an organization in the United States that is a nonprofit, nondegree-granting research organization such as a museum, observatory, or research laboratory.

(d) SELECTION.—Award recipients shall be selected on a competitive, merit-reviewed basis.

(e) SELECTION PROCESS AND CRITERIA FOR AWARDS.—An applicant seeking funding under this section shall submit a proposal to the Director at such time, in such manner, and containing such information as the Director may require. In evaluating the proposals submitted under this section, the Director shall consider, at a minimum—

(1) the intellectual merit of the proposed work;

(2) the innovative or transformative nature of the proposed research;

(3) the extent to which the proposal integrates research and education, including undergraduate education in science and engineering disciplines; and

(4) the potential of the applicant for leadership at the frontiers of knowledge.

(f) AWARDS.—In awarding grants under this section, the Director shall endeavor to ensure that the recipients are from a variety of types of institutions of higher education and nonprofit, nondegree-granting research organizations. In support of this goal, the Director shall broadly disseminate information about when and how to apply for grants under this section, including by conducting outreach to Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))).

(g) AUTHORIZATION OF APPROPRIATION.—For each of the fiscal years 2008 through 2012, the Director shall allocate at least 3.5 percent of funds appropriated to the National Science Foundation for Research and Related Activities to the grants program under this section.

(h) REPORT.—Not later than 6 months after the date of enactment of this Act, the Director shall transmit to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report describing the distribution of the institutions from which individuals have participated in the Faculty Early Career Development Program since fiscal year 2001 among each of the categories of institutions of higher education defined by the Carnegie Foundation for the Advancement of Teaching and the organizations in subsection (c)(2).

(i) EVALUATION.—Not later than 2 years after the date of enactment of this Act, the Director shall transmit to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report evaluating the impact of the program carried out under this section on the ability of young faculty to compete for National Science Foundation research grants.

SEC. 3. DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE AND ENGINEERING RESEARCHERS.

(a) IN GENERAL.—The Director of the Office of Science of the Department of Energy shall carry out a program to award grants to scientists and engineers at the early stage of their careers at institutions of higher education and organizations described in subsection (c)(2) to conduct research in fields relevant to the mission of the Department.

(b) SIZE AND DURATION OF AWARD.—The duration of awards under this section shall be up to 5 years, and the amount per year shall be at least $80,000.

(c) ELIGIBILITY.—Award recipients shall be individuals who are employed in a tenure-track position as an assistant professor or equivalent title, or who hold an equivalent position, at—

(1) an institution of higher education in the United States; or

(2) an organization in the United States that is a nonprofit, nondegree-granting research organization such as a museum, observatory, or research laboratory.

(d) SELECTION.— Award recipients shall be selected on a competitive, merit-reviewed basis.

(e) SELECTION PROCESS AND CRITERIA FOR AWARDS.—An applicant seeking funding under this section shall submit a proposal to the Director of the Office of Science at such time, in such manner, and containing such information as the Director may require. In evaluating the proposals submitted under this section, the Director shall consider, at a minimum—

(1) the intellectual merit of the proposed work;

(2) the innovative or transformative nature of the proposed research;

(3) the extent to which the proposal integrates research and education, including undergraduate education in science and engineering disciplines; and

(4) the potential of the applicant for leadership at the frontiers of knowledge.

(f) COLLABORATION WITH NATIONAL LABORATORIES.—In awarding grants under this section, the Director shall give priority to proposals in which the proposed work includes collaboration with the Department of Energy National Laboratories.

(g) AWARDS.—In awarding grants under this section, the Director shall endeavor to ensure that the recipients are from a variety of types of institutions of higher education and nonprofit, nondegree-granting research organizations. In support of this goal, the Director shall broadly disseminate information about when and how to apply for grants under this section, including by conducting outreach to Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out the Director's responsibilities under this section $25,000,000 for each of the fiscal years 2008 through 2012.

(i) REPORT ON RECRUITING AND RETAINING EARLY CAREER SCIENCE AND ENGINEERING RESEARCHERS AT THE NATIONAL LABORATORIES.—Not later than 3 months after the date of enactment of this Act, the Director of the Office of Science shall transmit to the Committee on Science and Technology of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a report on efforts to recruit and retain young scientists and engineers at the early stages of their careers at the Department of Energy National Laboratories. The report shall include—

(1) a description of Department of Energy and National Laboratory policies and procedures, including financial incentives, awards, promotions, time set aside for independent research, access to equipment or facilities, and other forms of recognition, designed to attract and retain young scientists and engineers;

(2) an evaluation of the impact of these incentives on the careers of young scientists and engineers at Department of Energy National Laboratories, and also on the quality of the research at the National Laboratories and in Department of Energy programs;

(3) a description of what barriers, if any, exist to efforts to recruit and retain young scientists and engineers, including limited availability of full time equivalent positions, legal and procedural requirements, and pay grading systems; and

(4) the amount of funding devoted to efforts to recruit and retain young researchers and the source of such funds.

SEC. 4. INTEGRATIVE GRADUATE EDUCATION AND RESEARCH TRAINEESHIP PROGRAM.

(a) FUNDING.—For each of the fiscal years 2008 through 2012, the Director of the National Science Foundation shall allocate at least 1.5 percent of funds appropriated for Research and Related Activities to the Integrative Graduate Education and Research Traineeship program.

(b) COORDINATION.—The Director shall coordinate with Federal departments and agencies, as appropriate, to expand the interdisciplinary nature of the Integrative Graduate Education and Research Traineeship program.

(c) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Director is authorized to accept funds from other Federal departments and agencies to carry out the Integrative Graduate Education and Research Traineeship program.

SEC. 5. PRESIDENTIAL INNOVATION AWARD.

(a) ESTABLISHMENT.—The President shall periodically present the Presidential Innovation Award, on the basis of recommendations received from the Director of the Office of Science and Technology Policy or on the basis of such other information as the President considers appropriate, to individuals who develop one or more unique scientific or engineering ideas in the national interest at the time the innovation occurs.

(b) PURPOSE.—The awards under this section shall be made to—

(1) stimulate scientific and engineering advances in the national interest;

(2) illustrate the linkage between science and engineering and national needs; and

(3) provide an example to students of the contribution they could make to society by entering the science and engineering profession.

(c) CITIZENSHIP.—An individual is not eligible to receive the award under this section unless at the time such award is made the individual—

(1) is a citizen or other national of the United States; or

(2) is an alien lawfully admitted to the United States for permanent residence who—

(A) has filed an application for naturalization in the manner prescribed by section 334 of the Immigration and Nationality Act (8 U.S.C. 1445); and

(B) is not permanently ineligible to become a citizen of the United States.

(d) PRESENTATION.—The presentation of the award shall be made by the President with such ceremonies as he may deem proper, including attendance by appropriate Members of Congress.

SEC. 6. NATIONAL COORDINATION OFFICE FOR RESEARCH INFRASTRUCTURE.

(a) IN GENERAL.—The Office of Science and Technology Policy shall establish a National Coordination Office for Research Infrastructure. Such Office shall—

(1) identify and prioritize the deficiencies in research facilities and major instrumentation located at academic institutions and at national laboratories that are available for use by academic researchers; and

(2) institute and coordinate the planning by Federal agencies for the acquisition, refurbishment, and maintenance of research facilities and major instrumentation required to address the deficiencies identified under paragraph (1).

In prioritizing the deficiencies identified under paragraph (1), the Office shall consider research needs in areas relevant to the Nation's economic competitiveness.

(b) STAFFING.—The Director of the Office of Science and Technology Policy shall appoint individuals to serve in the Office established under subsection (a) from among the principal Federal agencies that support research in the sciences, mathematics, and engineering, and shall at a minimum include individuals from the National Science Foundation and the Department of Energy.

(c) REPORT.—The Director of the Office of Science and Technology Policy shall provide annually a report to Congress at the time of the President's budget proposal—

(1) describing the research infrastructure needs identified in accordance with subsection (a);

(2) listing research facilities projects and budget proposals, by agency, for major instrumentation acquisitions that are included in the President's budget proposal; and

(3) explaining how these facilities projects and instrumentation acquisitions relate to the deficiencies and priorities arrived at in accordance with subsection (a).

SEC. 7. RESEARCH ON INNOVATION AND INVENTIVENESS.

In carrying out its research programs on science policy and on the science of learning, the National Science Foundation may support research on the process of innovation and the teaching of inventiveness.

SEC. 8. REPORT ON NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY EFFORTS TO RECRUIT AND RETAIN EARLY CAREER SCIENCE AND ENGINEERING RESEARCHERS.

Not later than 3 months after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall transmit to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on efforts to recruit and retain young scientists and engineers at the early stages of their careers at the National Institute of Standards and Technology laboratories and joint institutes. The report shall include—

(1) a description of National Institute of Standards and Technology policies and procedures, including financial incentives, awards, promotions, time set aside for independent research, access to equipment or facilities, and other forms of recognition, designed to attract and retain young scientists and engineers;

(2) an evaluation of the impact of these incentives on the careers of young scientists and engineers at the National Institute of Standards and Technology, and also on the quality of the research at the National Institute of Standards and Technology's laboratories and in the National Institute of Standards and Technology's programs;

(3) a description of what barriers, if any, exist to efforts to recruit and retain young scientists and engineers, including limited availability of full time equivalent positions, legal and procedural requirements, and pay grading systems; and

(4) the amount of funding devoted to efforts to recruit and retain young researchers and the source of such funds.

SEC. 9. NASA'S CONTRIBUTION TO INNOVATION.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) a balanced science program as authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155) contributes significantly to innovation in and the economic competitiveness of the United States; and

(2) a robust National Aeronautics and Space Administration, funded at the levels authorized under sections 202 and 203 of that Act, would offer a balance among science, aeronautics, exploration, and human space flight programs, all of which can attract and employ scientists, engineers, and technicians across a broad range of fields in science, technology, mathematics, and engineering.

(b) PARTICIPATION IN INNOVATION AND COMPETITIVENESS PROGRAMS.—The Administrator of the National Aeronautics and Space Administration shall fully participate in any interagency efforts to promote innovation and economic competitiveness through scientific research and development within the spending levels cited in subsection (a).

Amend the title so as to read: "A bill to authorize programs for support of the early career development of science and engineering researchers, and for support of graduate fellowships, and for other purposes.".

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–99. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HALL OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–99.

Mr. HALL of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HALL of Texas:

Page 4, line 15, insert ", except to the extent that a sufficient number of meritorious grant applications have not been received for a fiscal year" after "under this section".

The CHAIRMAN. Pursuant to House Resolution 318, the gentleman from Texas (Mr. HALL) and the gentleman from Tennessee (Mr. GORDON) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise to encourage my colleagues to support my amendment. One of the key elements of this bill is a grant program at NSF designed to help scientists and engineers at early stages of their careers at institutions of higher learning.

Eligible applicants are tenure-track faculty, and allow the existing faculty early career development program to be designed and designated as the mechanism for awarding such grants that we are talking about here.

We also require the director of the NSF to allocate at least 3.5 percent of funds appropriated to the NSF research and related activities account for the purposes in the bill.

This amendment would modify the 3.5 percent allocation provision to include the following clause: "except to the extent that a sufficient number of meritorious grant applications have not been received for a fiscal year."

I did this out of concern that the bill required the allocation of 3.5 percent of the funds appropriated to the earlier career awards for science and engineering, without taking into account there may be years in which there are not sufficient meritorious grant applications in that area and NSF could use the funds more effectively maybe in another area.

I hope my good friend, Chairman GORDON, and my colleagues will join me in support of this amendment.

Mr. Chairman, I reserve the balance of my time.

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Mr. GORDON of Tennessee. Mr. Chairman, this is a good amendment and a thoughtful amendment and I recommend its passage.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished chairman, and I thank the distinguished ranking member.

If I might inquire of Mr. HALL, your amendment does not cut funds, it just refines the use? That is what I was trying to understand. Does your amendment cut funds?

Mr. HALL of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. HALL of Texas. No, absolutely not.

Ms. JACKSON-LEE of Texas. It just sends it back if they are not utilized?

Mr. HALL of Texas. Yes. It really provides a way for them to use the funds in other areas if they are not used up.

Ms. JACKSON-LEE of Texas. Reprogrammed?

Mr. HALL of Texas. Yes.

Ms. JACKSON-LEE of Texas. Let me thank you. I know this is not in the bill, but I just wanted to mention a school district I have been working with where I tried to draw in private interests in helping with math and science labs.

I know that as you look at the Innovation Agenda, I want to make sure we do not frighten away the private financiers as well. This happens to be a large energy company, and I am going to openly say to them, I hope you have not abandoned the commitment to the North Forest Independent School District where we were committed to science labs and math labs and math scholar teachers. So it is tracking the same innovativeness of this particular bill, and I think we can work together as a partner.

I want to support the gentleman's amendment.

Mr. GORDON of Tennessee. Mr. Chairman, I thank Ms. JACKSON-LEE for her addition to this informational session here; and once again, let me say that I think Mr. HALL has a good amendment, and I support that amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HALL).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MRS. TAUSCHER

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–99.

Mrs. TAUSCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mrs. TAUSCHER:

Page 4, line 10, insert "In awarding grants under this section, the Director shall give special consideration to eligible early-career researchers who have followed alternative career paths such as working part-time or in nonacademic settings, or who have taken a significant career break or other leave of absence." after "(20 U.S.C. 1067k(3)).".

Page 10, line 9, strike "needs; and" and insert "needs;".

Page 10, line 10, redesignate paragraph (3) as paragraph (4).

Page 10, after line 9, insert the following new paragraph:

(3) show the potential of such innovation to substantively enhance the economic competitiveness of the United States through development of commercializable intellectual property; and

The CHAIRMAN. Pursuant to House Resolution 318, the gentlewoman from California (Mrs. TAUSCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. TAUSCHER. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I want to thank my friend Chairman GORDON for reporting these two critical bills out of the Science Committee, one focused on math and science education and the second on science and engineering.

Taken together, these two bills are a critical step toward restoring our American technological base as well as giving students, engineers, and researchers the tools they need to compete in a global economy.

And they are a great way to kick off the Innovation Agenda, an effort that is vital to America's competitiveness, economy and security, and an effort the New Democrat Coalition, which I chair, is proud to be leading.

I am very proud to offer a bipartisan amendment with my good friend, Congresswoman JUDY BIGGERT of the Science Committee. Our amendment would expand eligibility for National Science Foundation Early Career Awards to thousands of scientists and engineers previously deemed ineligible. These men and women have followed alternative career paths such as working part-time or in non-academic settings, or have taken a significant career break or other leave of absence.

In particular, our amendment would level the playing field for women scientists who have taken maternity leaves, and for all scientists and engineers who have taken internships, worked in industry, or who have pursued entrepreneurial efforts.

The amendment would also expand the scope of the Presidential Innovation Award to recognize and reward innovations that result in intellectual property that significantly enhances the economic competitiveness of the United States.

I strongly support Speaker PELOSI and Chairman GORDON's efforts to promote a strong Innovation Agenda that grows our economy and creates more jobs.

I appreciate working with JUDY BIGGERT on this issue and ask my colleagues to support our amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of the Tauscher-Biggert amendment to H.R. 363, the Sowing the Seeds Through Science and Engineer Research Act.

While I am pleased to have worked with my colleague from California (Mrs. TAUSCHER) in developing this amendment, she deserves the credit for the substance of it. I just happen to think she had a great idea, and I am honored to lend my support.

Mr. Chairman, we face a world in which our economic competitors in Asia and Europe are making significant new investments in their own research capabilities, in terms of both infrastructure and human capital. These investments are beginning to pay off, as Asia and European countries challenge U.S. leadership in the sciences no matter how it is measured, by number of patterns won, articles submitted to scientific journals, Nobel Prizes won, the percentage of gross domestic product dedicated to research and development, and even the number of degrees awarded.

Report after report from the National Academies to the Task Force on the Future of American Innovation has concluded that we need more people with scientific expertise and engineering talent if we are to counter this threat. Only our national security and our economic competitiveness are at stake.

Unfortunately, the number of undergraduate degrees and Ph.D.s awarded in the U.S. in science and engineering has been flat or stagnant for over a decade; and of those undergraduates who have obtained a degree in science or engineering, only 28 percent actually go on to get their graduate degree or pursue a career in science and engineering.

That is why this amendment is so important. It expands eligibility for the NSF Early Career Awards to the thousands of scientists and engineers who have followed alternative career paths, such as working part-time or in non-academic settings, or who have taken a significant career break but want to get back into the lab.

For instance, over 12,000 men and women with doctorates in science or engineering currently are not working because of family responsibilities, according to the most recent statistics compiled by NSF. Of those, over 11,000 are women who may be raising children or caring for a sick parent. Imagine the countless benefits of just getting these 11,000 women back into the lab.

But this amendment has the potential to do so much more than that. It provides an opportunity for thousands of other people with scientific expertise and training, men and women, to get the support they need to reenter the scientific and engineering workforce and get back to doing the scientific work that is so important to the competitiveness of our Nation.

This amendment also recognizes and rewards those scientist and engineers whose innovative ideas enhance the economic competitiveness of the

United States. It does so by making them eligible for the Presidential Innovation Award created by this bill.

Mr. Chairman, by creating additional opportunities to expand the ranks of scientists and engineers and rewarding them for innovative ideas that make the Nation more economically competitive, this amendment strengthens our ability to innovate.

It is our ability to innovate that has made and will make America the envy of the world in terms of our freedoms, our security and our culture, health and prosperity.

I thank the ranking member, Mr. HALL, for his support for this amendment. I urge my colleagues to support it as well.

Mr. Chairman, I yield back the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I am happy to yield 1 minute to the gentleman from Tennessee (Mr. GORDON), the chairman of the Committee on Science and a great leader on innovation.

Mr. GORDON of Tennessee. Mr. Chairman, I thank my friend for yielding, but more importantly, I thank her for bringing this amendment before us.

It really is an example of why diversity of collaboration helps you make better decisions. This was a niche that we simply overlooked; and with her help, as well as our fellow member of the Science Committee, Mrs. BIGGERT, we have a better bill.

We thank you for the amendment. We thank you for another example of, again, why diversity helps us make better decisions. This is a good amendment. I support it.

Mrs. TAUSCHER. Mr. Chairman, I thank the chairman for his support of the bill. I appreciate the ranking member's support of the bill. I really want to thank my colleague from Illinois (Mrs. BIGGERT) for her friendship and her support.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MRS. GILLIBRAND

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-99.

Mrs. GILLIBRAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. GILLIBRAND:

At the end of the bill, add the following new section:

SEC. 10. UNDERGRADUATE SCHOLARSHIPS FOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(a) ESTABLISHMENT.—The National Science Foundation shall establish a program, to be known as the Undergraduate Scholarships for Science, Technology, Engineering, and Mathematics, or US-STEM, program, for awarding scholarships to undergraduate scholars in science, technology, engineering, and mathematics.

(b) ELIGIBILITY.—A student is eligible for a scholarship under this section only if the student—

(1) is enrolled at a public, 4-year college or university;

(2) will have completed at least one-half of the credit requirements for an undergraduate degree before beginning studies to be funded by the scholarship;

(3) has maintained a grade point average in undergraduate studies of at least 3.0 on a scale of 4.0, or an equivalent level as calculated by the National Science Foundation, except that if the student's institution appeals this criterion on the basis of undue hardship on the student, the National Science Foundation may waive this paragraph;

(4) has a total family income of less than $75,000 per year, with such amount to be adjusted annually by the National Science Foundation for inflation;

(5) has not been convicted of a felony; and

(6) is a citizen or permanent resident alien of the United States.

(c) SELECTION CRITERIA.—Scholarship recipients shall be selected on the basis of merit and such other criteria as the National Science Foundation shall establish.

(d) AWARDS.—The National Science Foundation shall announce awards before April 1 for each upcoming academic year, and may make up to 2,500 awards per year. Awards may be made for a maximum of 2 academic years for each student, and scholarship amounts shall be paid to the institution.

(e) ADVISORY BOARD.—The Director of the National Science Foundation shall establish an advisory board, which shall make recommendations to the Director for selection criteria for scholarship recipients, and provide guidance and oversight for the program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for carrying out this section—

(1) $30,000,000 for fiscal year 2009;
(2) $60,000,000 for fiscal year 2010;
(3) $61,800,000 for fiscal year 2011;
(4) $63,600,000 for fiscal year 2012; and
(5) $65,500,000 for fiscal year 2013.

The CHAIRMAN. Pursuant to House Resolution 318, the gentlewoman from New York (Mrs. GILLIBRAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. GILLIBRAND. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, first I want to thank the chairman of the Committee on Science and Technology, Mr. GORDON, for putting forward H.R. 363, which will increase America's competitiveness in the world by strengthening our science and research base.

I offer this bipartisan amendment to build the pipeline for our country's future teachers, scientists, engineers and researchers by proposing 2,500 scholarships each year of full tuition to any State university or college.

My amendment is based on the National Academies' strong recommendation for the Federal Government to develop an undergraduate scholarship program for students studying science, technology, engineering, and mathematics. This amendment will create the recommended scholarship program through the National Science Foundation.

Under the amendment, an undergraduate student who comes from a family with an income of less than $75,000, maintains at least a 3.0 grade point average and is studying science, technology, engineering, or mathematics may receive up to 2 years of paid tuition at that State university.

Since the year 2001, tuition at State universities has risen by 41 percent, making the task of paying for college much more difficult. Scholarships for bright students will increase the number of students who will have the resources to go into the STEM field and achieve their God-given potential.

Having a home-grown, educated workforce will be crucially important to the future strength of America's economy, not only by allowing families and students who are financially stretched to continue their education at high-quality programs such as the nanotechnology program in SUNY Albany, SUNY-Delhi's College of Technology, or the Cytotechnology program at SUNY Plattsburgh, all colleges that are very important to my district in upstate New York, but because by educating America's students in these fields, we will ensure that America retains our competitive advantage in the science field around the world.

My upstate New York district is beginning an exciting new economic revival based on the high-tech sector, and we need to maintain a local workforce that is skilled in engineering and mathematics.

Investments in higher education and science are some of the most important investments our government can make, and I urge everyone to vote "yes."

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

The amendment would create a new merit scholarship program at NSF for undergraduate scholars pursuing science, technology, engineering, or mathematics degrees, the STEM degrees. To receive a scholarship, a student has to be a junior or a senior at a 4-year public institution, have at least a 3.0 grade point average, come from a family with an income of $75,000 or less, and be a citizen or a permanent resident alien with no felony conviction.

Generally, I am supportive of merit scholarships, and while this particular concept sounds good, it is duplicative. An almost identical program already exists at the Department of Education. It is called the Science and Mathematics Access to Retain Talent Grant and is part of the President's American Competitiveness Initiative.

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Therefore, our 2008 budget request for this scholarship program is $1.2 billion. We don't need to add another $281 million scholarship program at another agency that achieves essentially the exact same thing.

The other main reason I oppose this amendment is its effect on the bill we just debated, H.R. 362. The driving force between H.R. 362 is to expand the Noyce Scholarship Program for undergraduates to entice them to enter the STEM K–12 teaching profession. A requirement for this scholarship is that they give back to society by obligating to teach 2 years for every year of scholarship money they receive. This amendment includes no commitment of any kind from these proposed awardees.

What kind of a message are we sending if we require Noyce scholarship recipients to give back to society with a teacher service obligation, when the recipients of scholarships under this amendment have nothing to repay?

In addition to the two bills before us today, the Science Committee is also working on NSF's reauthorization, which also includes quite a bit of undergraduate STEM education improvements. I just think the amendment currently before us is not only recreating a scholarship program that is already in existence, but it's entirely inappropriate for this legislation we are considering today. I encourage my colleagues to vote against it.

Mr. Chairman, I reserve the balance of my time.

Mrs. GILLIBRAND. Mr. Chairman, I yield 1 minute to my distinguished colleague from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Chairman, I rise in strong support of Mrs. GILLIBRAND's amendment to H.R. 363.

Our universities and research institutes lead the world in innovation. Today we stand at the cusp of new breakthroughs in fields ranging from medicine, to computer technology and renewable energy.

Unfortunately, too few of our undergraduates are choosing to enter science-related fields. In order to continue our remarkable record of achievement, we must do a better job of encouraging students to pursue careers in science, mathematics and engineering. This amendment will provide scholarships for science students from low- and moderate-income families, and will help young Americans realize their potential.

We have a chance today to open new doors for our children, and we should seize this opportunity. This amendment will benefit students and our Nation. I hope that all of my colleagues will join me in support of this amendment.

Mr. HALL of Texas. Mr. Chairman, I yield the balance of my time to Dr. EHLERS, the gentleman from Michigan.

The CHAIRMAN. The gentleman is recognized for 2½ minutes.

Mr. EHLERS. I thank the gentleman for yielding.

Mr. Chairman, I also rise in opposition to this amendment, although I would say I would be delighted to support it if we could also be guaranteed that the budget of the National Science Foundation would be increased by another $1 billion.

I say that because the National Science Foundation has not been treated well in its budgets over the last 12 or 13 years. It has increased very slowly. We even had a decrease 2 years ago for the first time in many, many years. It's a shame that we have not treated the National Science Foundation adequately. It has hurt our Nation, it has hurt our economy, and we certainly have to improve that situation.

We are in a catchup mode. I am reminded of former Speaker Newt Gingrich, who was instrumental in getting the doubling of the National Institutes of Health, who today has told me, and I have heard him tell audiences in speeches a number of times, that he regards one of his great mistakes, perhaps the greatest, the failure to double the National Science Foundation at the same time that we doubled the NIH.

Nevertheless, that didn't happen, so we are in a period of poverty for the National Science Foundation. Therefore, I oppose adding a new program. Even though at this point it's only $281 million, I am sure it will be a popular program and end up costing well over $1 billion. We simply cannot afford it at this time. I would be happy to consider this proposal at some time in the future if we, in fact, do double the NSF as we hope. But even that will leave us with a skimpy budget there.

The other factor is that this program does already exist in the Department of Education. It's a very good program. It has been in operation for several years.

I hope that we will keep that in mind, that we will turn down this amendment at this point, and perhaps consider it sometime in the future when we are bound to have an abundance of money at the National Science Foundation.

Mrs. GILLIBRAND. Mr. Chairman, I yield 1 minute to the distinguished chairman, Mr. GORDON.

Mr. GORDON of Tennessee. Mr. Chairman, let me say I can understand the concerns of the opponent of this amendment. There are programs that are similar in the Department of Education.

Let me point out only 15 percent of the graduates in the United States receive a degree in engineering, where in China it's 50 percent; in Singapore it's 67 percent. It would seem there is still room to improve this statistic in the United States.

I support the gentlelady's amendment.

Mrs. GILLIBRAND. Mr. Chairman, I would like to briefly respond to my colleague's arguments.

I appreciate the remarks of the gentleman from Michigan (Mr. EHLERS). I thought they were very thoughtful, and I appreciate your long-term vision for the growth of science and technology deficit in the Nation.

I disagree with the analysis of the gentleman from Texas (Mr. HALL). Primarily his argument seemed to say that this program is too expensive. But this is about our national security, it's about our economic security, and what is so necessary right now in our vision for America's future is the investment in the next generation. What we need to be is producing graduates who have science, math and technology expertise so that we can be competitive with both China and India in the generations and decades to come. We need to begin to fund the pipeline. I think the argument of being too expensive is misplaced.

Second, I would like to say this is a priority for our Nation, and I think we can all agree to strengthen our economy, and our national security has to be number one.

Mr. BAIRD. Mr. Chairman, as Chairman of the Subcommittee on Research and Science Education, I rise in support of Ms. GILLIBRAND's amendment.

This amendment will require the National Science Foundation to institute a program to award scholarships in science, technology, engineering, or mathematics to undergraduate scholars.

Congresswoman GILLIBRAND and I share a commitment to recruiting and educating our young people to meet the growing need for a larger science and engineering workforce. I commend Congresswoman GILLIBRAND for her leadership on this issue and, as Chairman, look forward to continuing to work with her to strengthen math and science education in this country and ensure our future competitiveness.

I urge adoption of this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from New York (Mrs. GILLIBRAND).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 165, not voting 18, as follows:

[Roll No. 255]

AYES—254

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—165

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—18

Bilbray
Boehner
Brady (PA)
Buyer
Christensen
Clarke
Cubin
Davis, Jo Ann
DeFazio
Fattah
Fossella
Hunter
Jones (NC)
King (NY)
Lampson
Latham
Sutton
Westmoreland

□ 1832

Mr. FORBES, Mr. COBLE and Mrs. MILLER of Michigan changed their vote from "aye" to "no."

Ms. KILPATRICK, Mr. JOHNSON of Illinois, Mr. ROTHMAN and Ms. PRYCE of Ohio changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SNYDER) having assumed the chair, Mr. WATT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes, pursuant to House Resolution 318, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

PARLIAMENTARY INQUIRIES

Mr. PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, isn't it true that under the rules of the House adopted in this 110th Congress, the five Delegate Members are allowed to vote in the Committee of the Whole, but not in the whole House?

The SPEAKER pro tempore. The gentleman is correct.

Mr. PRICE of Georgia. Further parliamentary inquiry, Mr. Speaker.

Isn't it true that the number of eligible Members to vote in the whole House is 435 when all seats are filled?

The SPEAKER pro tempore. That is correct.

Mr. PRICE of Georgia. Isn't it further true, Mr. Speaker, that the number of eligible votes in the Committee of the Whole is 440?

The SPEAKER pro tempore. Currently it is 438 because of absences due to two deaths. But normally it is 440, that is correct.

Mr. PRICE of Georgia. Four hundred forty if all seats were filled.

The SPEAKER pro tempore. That is correct.

Mr. PRICE of Georgia. Isn't it further true, Mr. Speaker, that the vote in the Committee of the Whole on the Gillibrand amendment was adopted by a vote of 254–165?

The SPEAKER pro tempore. That is correct.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SULLIVAN

Mr. SULLIVAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SULLIVAN. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sullivan of Oklahoma moves to recommit the bill H.R. 363 to the Committee on

Science and Technology, with instructions to report back the same forthwith with an amendment. The amendment is as follows:

Page 5, line 19, insert ", giving priority to grants to expand domestic energy production and use through coal-to-liquids technology and advanced nuclear reprocessing" after "mission of the Department".

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. SULLIVAN. Mr. Speaker, today I stand before Congress to offer this motion to recommit because we must encourage new innovations in domestic energy supply. This motion to recommit gives priority to grants to expand domestic energy production through the use of coal-to-liquids technology and advanced nuclear reprocessing.

H.R. 363 already emphasizes the need for increased science and engineer research grants, especially with regard to our Nation's young people. What it does not emphasize is the need for further diversification of our energy sources that will help achieve American energy independence and energy security. World energy demand is expected to increase by over 50 percent by the year 2030, a startling statistic, for sure. In America alone, energy demand is expected to increase by one-third.

There is no one simple solution to arrive at energy independence and energy security. There are, in fact, several pieces to the energy puzzle. It is vital that we wean America off unstable foreign sources of energy.

Congress must urge researchers to invest time and money into the rich technology of coal-to-liquid and nuclear reprocessing. We must commit to support coal-to-liquid technologies for the total life cycle, from coal extraction, through benefaction, processing, refining, packaging, distribution and end product consumption.

It has been said that the United States is the Saudi Arabia of coal. If we can economically produce liquid transportation fuel from coal, we could displace barrels of unstable foreign oil with barrels of domestically produced fuel. As America's most abundant domestic energy source, coal is an obvious choice to diversify our transportation fuels mix and to reduce our dependence on foreign energy sources. If we invest in coal-to-liquid fuels technology in the early stages, we can take one more step towards energy independence.

Several countries, including France and Japan, are already reprocessing their spent nuclear fuel. It is important for our young scientists and engineers to learn how to develop this progression of reprocessing nuclear fuel.

In 20 years, the number of university nuclear engineering programs has declined from 65 to 29. These young engineers should be encouraged to reuse nuclear fuel in an efficient and cost-effective way. This motion to recommit will promote our colleges to train our future scientists and engineers. In an aging nuclear workforce it is important that these young people are properly trained.

It is time to encourage American energy supply through the development of coal-to-liquid and advanced nuclear technologies. With these technologies we can achieve this energy independence we so desperately need.

This motion to recommit will allow us to meet this energy demand on our own terms by giving priority to grants to expand domestic energy production through the use of coal-to-liquids technology and advanced nuclear reprocessing.

Mr. Speaker, I would like to yield some time to the gentleman from Illinois, Congressman SHIMKUS.

Mr. SHIMKUS. Mr. Speaker, I want to thank my colleague from Oklahoma for bringing forth this motion to recommit.

I have been down here a couple of times on other motions to recommit, and they are very similar to what we are addressing now. This is a call to my fossil fuel Democrats, my coal Democrats, to address the need of our energy security issues and help us with this motion to recommit to say that what we need to do is address, in this bill, and prioritize coal-to-liquid research and development. And just as important, the global security needs and the global warming with carbon sequestration. This motion to recommit will help prioritize these educational funds to do that.

Likewise, for those who support nuclear power, especially those who feel that there is a concern of high-level nuclear waste, that we learn how to properly reprocess that fuel so we can use that to help our energy independence.

I appreciate my colleague from Oklahoma, and I hope I have my friends on the other side support this motion to recommit.

Mr. SULLIVAN. Mr. Speaker, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, unfortunately, we were not given the courtesy of seeing this motion to recommit until a matter of seconds before it was introduced.

But, with that said, we will accept this motion, and we will consider it in conference where it can be considered under the light of more scrutiny.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SULLIVAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 264, noes 154, not voting 14, as follows:

[Roll No. 256]

AYES—264

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellsworth
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hobson
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Kaptur
Keller
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lantos
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Ortiz
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher

Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walz (MN)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—154

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boyda (KS)
Braley (IA)
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clay
Cleaver
Clyburn
Conyers
Cooper
Crowley
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Ehlers
Ellison
Emanuel
Engel
Farr
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Green, Al
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Price (NC)
Rangel
Reichert
Rothman
Roybal-Allard
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Solis
Spratt
Stark
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu

NOT VOTING—14

Bilbray
Brady (PA)
Clarke
Cubin
Davis, Jo Ann
Fattah
Fossella
Hastert
King (NY)
Lampson
Miller (NC)
Sutton
Westmoreland
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1903

Mrs. BOYDA of Kansas, Mrs. MALONEY of New York, Ms. HARMAN and Messrs. BACA, PRICE of North Carolina, WALSH of New York, REICHERT, MITCHELL, GILCHREST, MEEHAN, HOYER and EMANUEL changed their vote from "yea" to "nay."

Messrs. SENSENBRENNER, GONZALEZ, CUMMINGS and BUYER changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. GORDON of Tennessee. Mr. Speaker, pursuant to instructions of the House on the motion to recommit, I report the bill, H.R. 363, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Page 5, line 19, insert ", giving priority to grants to expand domestic energy production and use through coal-to-liquids technology and advanced nuclear reprocessing" after "mission of the Department".

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 20, not voting 15, as follows:

[Roll No. 257]

YEAS—397

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—20

Akin
Barrett (SC)
Blackburn
Campbell (CA)
Duncan
Feeney

Flake
Franks (AZ)
Garrett (NJ)
Hensarling
Johnson, Sam
Lamborn
Manzullo
Paul
Pence
Rohrabacher
Royce
Sali
Shadegg
Tancredo

NOT VOTING—15

Bilbray
Brady (PA)
Clarke
Cubin
Davis, Jo Ann
Fattah
Fossella
Gilchrest
Hastert
King (NY)
Lampson
Sullivan
Sutton
Westmoreland
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1912

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize programs for support of the early career development of science and engineering researchers, and for support of graduate fellowships, and for other purposes.".

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 362, 10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to conform the table of contents to the text of H.R. 362.

The SPEAKER pro tempore (Mr. LINCOLN DAVIS of Tennessee). Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 363, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1332, SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–108) on the resolution (H. Res. 330) providing for consideration of the bill (H.R. 1332) to improve the access to capital programs of the Small Business Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 249, WILD FREE-ROAMING HORSES AND BURROS SALE AND SLAUGHTER PROHIBITION

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–109) on the resolution (H. Res. 331) providing for consideration of the bill (H.R. 249) to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–110) on the resolution (H. Res. 332) waiving points of order against the conference report to accompany the bill (H.R. 1591) making energy supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNIVERSARY OF ARMENIAN GENOCIDE

(Mr. COSTA asked and was given permission to address the House for 1 minute.)

Mr. COSTA. Mr. Speaker, I rise today to commemorate the 96th anniversary of the Armenian genocide.

On March 24, 1915, 300 Armenian leaders were rounded up and deported and killed under the orders from the young Turk Government. And so began the genocide that lasted for 7 years, resulting in an estimated over 1.5 million Armenian deaths. To this day, unfortunately, the Turkish Government denies that this occurred.

Ladies and gentlemen, Members of the House, I just returned from Darfur with a group of our colleagues 2 weeks ago. Over 450,000 people have been killed and millions displaced in Darfur; yet government officials claim there in Darfur and Sudan that there is no genocide, that the situation is overblown.

Yesterday Rwanda, today Darfur. And we can remember the Holocaust. Clearly, silence is genocide's best ally. It is time that the Congress end this silence and pass the Armenian genocide resolution. The message will be clear: the United States of America will never forget and never stand for those who support genocide.

□ 1915

PROTECT IMPORTANT TAX RELIEF

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise tonight to express my concern that Democrats will not extend tax relief measures critical to the American people. Residents in my State are at risk. Floridians currently have the ability to deduct their sales tax from their Federal tax returns. However, this deduction expires after 2007.

As Democrats set the agenda for the coming year, there is talk of offsetting increases in Federal spending by raising taxes for millions of Americans. Frankly, I worry that they will use this important provision to pay for additional spending.

Listen up America: Congress needs to make sure that taxpayers do not face unnecessary tax increases. I appeal to my colleagues on both sides of the aisle to ensure that our constituents can keep more of their hard-earned money.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LINCOLN DAVIS of Tennessee). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DO NOT FORGET IMPRISONED TEXAS LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the 98th day since a great injustice took place in this country. On January 17, 2007, two U.S. Border Patrol agents entered Federal prison to begin serving 11 and 12 year sentences respectively.

Agents Compean and Ramos were convicted last spring for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas. These agents never should have been prosecuted, yet the U.S. Attorney's Office prosecuted the agents and granted immunity to the drug smuggler, who claimed he was unarmed. The illegal drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is suing the Border Patrol for $5 million for violating his civil rights.

Mr. Speaker, he is not an American citizen. He is a criminal.

The same U.S. Attorney's Office in western Texas also prosecuted another law enforcement officer, Deputy Sheriff Gilmer Hernandez, who was doing his job to protect the American people.

This makes no sense. Citizens across this country and many of us in Congress want to know why does the Federal prosecutor in western Texas choose to go after law enforcement officers while protecting illegal aliens who commit crimes.

The American people have not forgotten agents Ramos and Compean, who should never have been sentenced to jail. Instead, they should be commended for trying to protect the American people. I encourage citizens across this country to continue calling the White House and asking the President to use his authority to immediately pardon these two heroes.

Many of us in Congress are concerned about the Federal prosecutor in this case and the justification for the criminal charges brought against these agents. Senate Judiciary chairman PATRICK LEAHY has already approved Senator DIANNE FEINSTEIN's request for an investigation of this case; and just last week in testimony before the Senate Judiciary Committee, Attorney General Gonzales responded to Senator JOHN CORNYN's call for an oversight hearing by promising to fully cooperate.

Mr. Speaker, I am hopeful that the House, under the leadership of House Judiciary chairman JOHN CONYERS, will soon hold hearings to look into this injustice.

Mr. Speaker, I hope that the House will continue to encourage the chairman of the Judiciary Committee, Mr. CONYERS, to look into this case, and I ask the American people to continue to call the White House and to complain about this injustice.

MOURNING THE PASSING OF DAVID HALBERSTAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, yesterday this Nation lost one of its most gifted journalists and authors in a car accident in California, David Halberstam.

As a reporter for The New York Times, his coverage of the Vietnam War earned him a Pulitzer Prize and the enduring respect of his colleagues. This man embodied the spirit of a thoughtful, free, and independent press.

President Kennedy was so frustrated by the truth of his reporting on Vietnam that he once called The New York Times and demanded David be fired. The New York Times did not back down, and neither did David. He was labeled unpatriotic because the stories he wrote did not flatter the administration. But he reported what he saw, regardless of the consequences. Now we see the value of his great insight in the history of that conflict.

I have often said that without the members of the press, the civil rights movement would have been like a bird without wings. In David's reporting at the Nashville Tennessean and later in his book on the Nashville student movement, called "The Children," he delivered the message of injustice in the South.

We trusted David. We knew that he was determined to report the truth. We trusted 'that he would get the story right, and we believed he would be fair. He was deeply moved and affected by the dizzy dint, the commitment and the dedication of the young people in the Nashville student movement because they were prepared to face violence with non-violence and peace.

I feel that we have lost one of the greatest minds in America, who understood the deepest ramification of violence and war. I only wish that he were here today for Members of this body to consult as we try to find answers in Iraq.

David was a sympathetic referee in the cause of civil rights and social justice. He helped convince the Nation that the price of segregation and racial discrimination was too high. He used his pad and his pen to answer the calling of his conscience. He stood up for what he believed to be right.

This Nation will always be indebted to him and people like him, who are willing to speak the truth regardless of the consequences.

I have known David for almost 50 years. In him the Nation has lost one of its prolific writers, but I feel like I have lost a very good friend. I feel like I have lost a companion in the struggle for civil rights and social justice in America.

PREDATORY LENDING PRACTICES IN THE SUBPRIME MORTGAGE INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to express my deep concern with regard to predatory lending practices in the subprime mortgage industry and to emphasize the need for Congress to act swiftly in addressing this critical issue.

Owning a home is an essential component of the American Dream. Simply put, homeownership has the power to transform lives. I still remember the day 45 years ago when my family first moved into our own home. I was only 10 years old, but I will never forget that momentous event.

Homeownership changed life for me and my seven brothers and sisters. We were able to go to better schools, and our family was able to build wealth. Over the years, my parents worked hard to make the mortgage payments every month, building equity, and eventually paying it off. My mother at 81 still lives in that house, mortgage-free. Because my parents invested in their home, my mother can now live out her final years in dignity and with a sense of security.

Every American family deserves the benefits of homeownership that transformed my life. That is why I am outraged by reports of predatory lending practices in the subprime mortgage industry and the upsurge in foreclosures that have occurred as a result thereof.

The national foreclosure rate has been increasing at an alarming rate. According to RealtyTrac, a realty research firm, foreclosures increased by 42 percent from 2005 to 2006, to 1.2 million. That translates into one foreclosure for every 92 households.

Much has been made of the impact these foreclosures will have on Wall Street. However, I am equally concerned with the impact that they will have on the hundreds of thousands of Americans who are losing their homes.

Increasing foreclosures are directly related to the subprime mortgage industry, which has grown from less than 8 percent of the total mortgage market in 2001 to approximately 20 percent of the market today. Subprime mortgages, which target borrowers with low credit scores, often cost more than prime mortgages, and include terms that allow payments to balloon or grow exponentially over time.

Predatory lending practices are common in the subprime mortgage industry, where borrowers are more likely to either have limited options available to them or be unaware of their options. Disturbingly, African Americans and Latinos are more likely to get higher rates than white borrowers with the same qualifications, and borrowers over the age of 65 have five times the odds of receiving a subprime loan than younger borrowers.

This trend is illustrated in the congressional district that I represent, the Seventh Congressional District of Maryland.

If you look at these maps, it is clear. In the map on the left, the red indicates the concentration of low-income African American and Latino populations. In the map on the right, the red area is the highest concentration of subprime loans.

Note that the two areas are nearly identical, indicating that subprime loans in the Seventh District are more likely to be given to African Americans and Latinos and lower-income people. This is simply unconscionable. Somebody is making big bucks off of vulnerable families in my district who are losing their homes. For those of us who remember redlining, this is simply more of the same. We must end discrimination in lending practices now.

Mr. Speaker, I want to conclude by urging my colleagues to continue to work on this issue. Today I introduced a resolution expressing the sense of the Congress that issues related to the subprime market must be addressed.

Specifically, the legislation identifies the following goals for reform: Strengthening Federal regulations, banning unfair and deceptive practices, requiring lenders to establish a borrower's ability to pay, increasing the disclosure of alternative mortgage products, reducing or eliminating the prepayment penalty, eliminating mandatory arbitration, identifying brokers and lenders with high rates of foreclosure, and mandating preloan counseling.

As a member of the Baltimore Home Ownership Preservation Coalition and the Joint Economic Committee, I urge all of my colleagues to support this resolution and join with our chairman of the Committee on Financial Services, the gentleman from Massachusetts (Mr. FRANK), in addressing this critical issue.

Finally, I want to thank all of my colleagues who have come to the floor this evening to address this issue.

☐ 1930

PREDATORY LENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, American families are hardworking, good people and deserve financial security. American families do not deserve to have their physical, emotional and financial security compromised by predatory lending practices engaged in by the subprime mortgage industry.

Subprime mortgage lending includes a wide range of loan products. What these loans have in common is they are marketed to hardworking people made vulnerable by credit scores that disqualify them from traditional loans, or who have limited credit history, thereby limiting their borrowing power.

Subprime lending is associated with significantly higher levels of foreclosure than prime lending. Subprime lenders make excessive mortgage loans of up to $1 million, and often the borrower can obtain "cash out" refinancing. Additionally, subprime lenders offer 100 percent financing to those with poor or limited credit.

Subprime lenders are known for their forceful marketing techniques which have included "stated income" loans in which the borrower is not required to provide documentation. This places American families in danger of borrowing a substantially greater amount that what is reasonably affordable and places them in danger of being unable to meet their mortgage payments.

These predatory lending practices are forcing large numbers of American families into foreclosure. Said another way, American families are losing their homes, homes they worked hard for. They are enduring undue stress and emotional instability when confronted with this prospect.

In 2002, approximately 2.2 million American families who had borrowed money from a subprime lender had either lost their home to foreclosure or were thought to be in danger of foreclosure. The Center for Responsible Lending conducted a study in which they found that millions of American households will lose their homes and as much as $164 billion due to foreclosures in the subprime market.

In Ohio, my home State, Ohio leads the Nation in the rate of foreclosure. Ohio's foreclosure rate is roughly three times the national rate, according to the Mortgage Bankers Association.

Cuyahoga County, which includes Cleveland, my hometown, had 11,000 foreclosures in 2005, more than triple the number a decade earlier. In Cleveland in 1995, local depositories held about 60 percent of the market share of mortgages. By 2005, that number dropped to 20 percent. What has happened to my city in the past decade is a story that is reflected nationwide.

Furthermore, foreclosure has a detrimental effect on the greater community. Neighborhoods with foreclosed properties are likely to experience declining property values. These lower property values and the corresponding decline in owner equity can contribute to additional incidents of foreclosure. Foreclosed homes are often left vacant for extended periods of time and can subsequently attract crime to neighborhoods.

I began my political career as a representative in the inner city. Later I became the mayor of Cleveland, and during my tenure, Cleveland became the first city to sign the Community Reinvestment Act agreement pursuant to the newly enacted CRA of 1977. The Community Reinvestment Act was passed to prevent lending institutions from withholding home loans or insurance from communities labeled as economically risky. The act was intended to expand credit and depository services to low- and middle-income communities.

The CRA extends and clarifies the longstanding expectation by hardworking Americans that financial institutions will serve the convenience and needs of their local communities. The CRA established a regulatory regime to monitor the lending, investment and services offered by banks in low- and moderate-income neighborhoods, and has resulted in significant benefits.

Lenders and community organizations have signed 428 CRA agreements totaling $4.1 trillion in reinvestment dollars between the CRA's enactment in 1977 and the beginning of 2005. The CRA has also facilitated a surge of home loans to low-income and minority households.

Despite these positive gains, significant financial problems continue to exist in low- and moderate-income communities.

When you look at a map of Cleveland, a pattern begins to emerge that is not unlike that being experienced by other communities. The pattern is this: In geographical areas where the number of subprime mortgage loans is the highest, the number of foreclosures for the same geographical area will also be high, while the number of prime loans made by depository banks will be relatively few.

Looking at the same geographical area, we find that neighborhoods experiencing these trends are predominantly African American neighborhoods. Lack of access to prime loans, a high frequency of subprime loans and a high rate of foreclosures are by no means specific to any racial group, but the pattern certainly carries an overtone of America's historic denial of equal rights based on race.

A recently published report entitled "Paying More for the American Dream" found that Citigroup, Countrywide, GMAC, HSBC, JP Morgan Chase, Washington Mutual and Wells Fargo all originated a substantial volume of both higher-cost subprime and lower-cost prime loans.

Mr. Speaker, this is an issue that I am proud to join my colleagues, including my friend and colleague from Cleveland, Mrs. TUBBS JONES, and I thank her for the work she has done on this issue.

American families are hard-working, good people who deserve financial security. American families do not deserve to have their physical, emotional and financial security compromised by predatory lending practices engaged in by the subprime mortgage industry.

Subprime mortgage lending includes a wide range of loan products; what these loans have in common is that they are marketed to hardworking people made vulnerable by credit scores that disqualifies them from traditional loans or who have a limited credit history thereby limiting their borrowing power.

Subprime lending is associated with significantly higher levels of foreclosure than prime lending.

Subprime lenders make accessible mortgage loans of up to $1 million and often the borrower will be able to obtain "cash out" refinancing. Additionally, subprime lenders offer 100 percent financing to those who have poor or limited credit.

Subprime lenders are known for their forceful marketing techniques which include "stated income" loans in which the barrower is not required to provide documentation supporting claims of income.

This places American families in danger of borrowing a substantially greater amount than what is reasonably affordable and places them in danger of being unable to meet their mortgage payments.

These predatory lending practices are forcing large numbers of American families into foreclosure. Said another way—American families are loosing their homes; homes that they have worked hard for. They are enduring undue stress and emotional instability when confronted with this prospect.

As 2006 came to an end, approximately 2.2 million American families who had borrowed money from a subprime lender had either lost their home to foreclosure or are thought to be in danger of foreclosure at some point in the near future.

The Center for Responsible Lending conducted a study in which they found that "millions of American households will lose their homes and as much as $164 billion due to foreclosures in the subprime mortgage market."

My home state of Ohio leads the nation in the rate of foreclosure. Ohio's foreclosure rate (3.3 percent) is roughly three times the national rate, according to the Mortgage Bankers Association.

Cuyahoga County, which includes Cleveland, my home town, had 11,000 foreclosures in 2005, more than triple the number a decade earlier.

In Cleveland in 1995, local depositories held about 60 percent of the market share of mortgages. By 2005, that number had dropped to 20 percent.

What has happened to my city in the past decade is a story that is reflected nationwide.

Furthermore, foreclosure has a detrimental effect on the greater community. Neighborhoods with foreclosed properties are likely to experience declining property values. These lower property values and the corresponding decline in owner equity can contribute to additional incidents of foreclosure in our communities.

Foreclosed homes are often left vacant for extended periods of time and can subsequently attract crime to our neighborhoods which further hurts our communities and threatens our families.

I began my political career as a representative of Slavic Village in the Cleveland City Council. Later I became the mayor of Cleveland and during my tenure, Cleveland became the first city to sign a Community Reinvestment Act Agreement pursuant to the newly enacted Community Reinvestment Act of 1977.

The Community Reinvestment Act, or CRA, was passed to prevent lending institutions from withholding home loans or insurance from communities labeled as economically risky.

Additionally the Act was intended to expand credit and depository services to low and middle income communities.

The Community Reinvestment Act both extends and clarifies the long standing expectation by hardworking Americans that financial institutions will serve the convenience and needs of their local communities.

The CRA established a regulatory regime to monitor the lending, investment and services offered by banks in low and moderate income neighborhoods and has resulted in significant benefits.

Lenders and community organizations have signed 428 CRA agreements totaling more than $4.1 trillion in reinvestment dollars between the CRA's enactment in 1977 and the beginning of 2005.

The CRA has also facilitated a surge of home loans to low-income and minority households.

Despite these positive gains, significant financial problems continue to exist in low and moderate income communities.

When you look at a map of Cleveland, my home town, a pattern begins to emerge that is not unlike what is being experienced by cities around the country.

The pattern is this: In geographical areas where the number of subprime mortgage loans is the highest, the number of foreclosures for the same geographical area will also be high, while the number of prime loans made by depository banks will be relatively few.

Looking at this same geographical area we find that the neighborhoods experiencing these trends are predominately African-American neighborhoods.

Lack of access to prime loans, a high frequency of subprime loans and a high rate of foreclosures are by no means specific to any racial group, but the pattern certainly carries an overtone of America's historic denial of equal rights based on race.

A recently published report entitled Paying More for the American Dream found that Citigroup, Countrywide, GMAC, HSBC, JP Morgan Chase, Washington Mutual and Wells Fargo all originated a substantial volume of both higher cost subprime and lower cost prime loans.

The report also found that for these seven lenders, the percentage of total home purchase loans to African Americans that were higher-cost was six times greater than the percentage of higher cost home purchase loans to whites. (41.1 percents vs. 6.9 percent).

Loans to Latinos that were higher-cost loans were 4.8 times greater than the percentage of higher cost home purchase loans to whites (32.8 percents vs. 6.9 percent).

In each of the cities examined, the seven lenders combined showed larger African American/white and Latino/white disparities than those exhibited in the overall lending market.

Foreclosure and discrimination in lending practices are serious problems for America's cities. We are now on the brink of a massive wave of foreclosures in this country.

Although there are a significant number of individuals and organizations working to reverse existing problems in the lending system and create viable alternatives to foreclosure and subprime mortgages, the tide will not be turned because the magnitude of the problem outstrips even the best of their abilities and efforts.

To turn the tide of foreclosure in America's cities, leadership at the federal government level is necessary as well. We must examine the problem and the steps that can be taken before it becomes bigger and beyond us all.

PREDATORY LENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I am glad to join my colleague, Mr. CUMMINGS, as he organizes this hour around predatory lending.

I rise today to speak out against the issue of predatory lending within the subprime lending industry.

I came to Congress in 1999, served on the Committee on Financial Services, and started instantly raising the issue of predatory lending practices. One of the things that we have learned is that all subprime lenders are not predatory lenders, but all predatory lenders are subprime lenders.

Let me say it again. All subprime lenders are not predatory lenders, but all predatory lenders are subprime lenders. In fact, subprime lending has been a way in which many people who have been locked out of and left out of the credit area, or having an opportunity to have credit, have been able to come in. But what has come in with that practice are these predators who prey on our communities.

I have heard from countless constituents in my district regarding this issue. As you know, as the gentleman from Ohio (Mr. KUCINICH) said, Ohio has one of the highest rates of foreclosure in the country. Members of my community who have owned homes for years are being forced with foreclosure, after owning a home for more than 40 years in some cases.

Seniors are being affected at a disproportionate rate. Lenders prey on seniors who have been in their homes all of their lives and have a substantial amount of equity in their home. They get them on the phone and say: "Oh, Ms. Jones, do you need a new kitchen? Oh, I can help you get a new kitchen and it won't cost you any money. But, Ms. Jones, you might need a driveway also. Let me help you out."

And it goes on. So they enter into this agreement. They enter into these balloon and adjustable rate mortgages that look attractive and are affordable in their initial stages. However, after 2 years or more, these loans readjust to much higher payments with higher interest rates.

For instance, one of my constituents is currently in an adjustable rate mortgage which locked in a payment of $1,088 for 2 years. After 2 years, the mortgage payment increased to $1,488. And 3 months later, the payment increased to $1,715. This payment increase has had a significant impact on this individual's budget, and because they are not in a position to refinance, they are currently facing foreclosure. And that was one of the deals made in the early predatory lending situations.

"Oh, get it now. The interest rate is going to go down, and you will be able to refinance or purchase your house." The thing they don't say is often the appraisal far exceeds the value of the home, and if it exceeds the value of the home, by the time they get ready to refinance, they owe more on the home than the home is worth.

Creating wealth is the most fundamental goal of minorities that seek economic equity. One of the first steps towards creating wealth is home ownership. The equity from owning a home is often the only means to secure funding for a new business, college tuition or retirement. I know my girlfriend, Barbara Lee, talked about her home was the way in which she started her first business.

Predatory lending targets low-income and minority communities. It compromises the opportunity to own a home, and hinders economic stability, creating greater disparities in wealth.

Mr. KUCINICH went through a lot of the statistics with regard to predatory lending and issues that came through the Nonprofit Center for Responsible Lending, so I won't try and go after that again. But what I will say, predatory lending has expanded its reach beyond mortgage lending. Predatory practices are becoming increasingly prevalent in refund anticipation, auto and payday loans. There were over 12 million refund anticipation loan borrowers in 2003. That is where you go into the place and they say, "Oh, you are going to file your taxes. Let me give you a loan on your taxes and you can get your money right now," and the interest rate is outrageous.

Tax preparers and lenders strip about $1.57 billion in fees each year from the earned income tax credit paid to working families, according to a 2005 study.

It is also estimated that predatory payday lending practices cost American families $4.2 billion annually. Understand that the reason that the payday loan people have been able to come into our community is because often some of the traditional lending institutions have left the community and people have nowhere to operate. There are people who never get a checking or credit account. They pay their bills in cash. How can that be in the United States of America, but it is true. They walk up and want to pay the phone bill and the light bill and gas bill.

Anyway, I have been hollering, screaming, dancing about this issue since 1999. It is unfortunate that the only way we come to pay attention to this issue is when it begins to have an impact or threat to corporations and financial mortgage security industries in our country.

The nonprofit Center for Responsible Lending projects that as this year ends, 2.2 million households in the subprime market will either have lost their homes to foreclosure or hold subprime mortgages that will fail over the next several years. These foreclosures will cost homeowners as much as $164 billion, primarily in lost home equity.

It is also projected that one out of five (19 percent) subprime mortgages originated during the past two years will end in foreclosure. This rate is nearly double the projected rate of subprime loans made in 2002, and it exceeds the worst foreclosure experience in the modern mortgage market, which occurred during the "Oil Patch" disaster of the 1980s.

The nonprofit Center for Responsible Lending analyzed 15.1 million subprime loans from 1998 through 2006 and found that only about 1.4 million were for first-time home buyers. Most were for refinancing. To date, more than 500,000 of those subprime borrowers have lost their homes to foreclosures. An additional 1.8 million are likely to follow as the market deteriorates. That's nearly 2.4 million lost homes.

In Ohio the foreclosure epidemic went from bad to much worse last year as the number of new cases grew by nearly 24% from 2005. Cuyahoga county led the state in new cases with 13,610 new filings last year. This ranking has attracted national attention with Ohio's foreclosure rate currently at 18% which is higher than the national average of 17%. The problem has gone from bad to worse and from worse to regress in Ohio, with $7,479 filings in February 2007 alone.

Predatory lending has expanded its reach beyond mortgage lending. Predatory practices are becoming increasingly prevalent in refund anticipation, auto, and payday loans.

There were over 12 million Refund Anticipation Loan borrowers in 2003. Tax preparers and lenders strip about $1.57 billion in fees each year from the earned-income tax credits paid to working parents, according to a 2005 study by the National Consumer Law Center.

It is also estimated that Predatory payday lending practices cost American families $4.2 billion annually. In addition, research indicates that minorities pay on average $2,000 more per vehicle purchased than nonminorities. Predatory auto lending is taking an estimated $2 billion dollars a year out of African American communities alone.

PREDATORY LENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, first let me just thank the gentleman from Maryland (Mr. CUMMINGS) for organizing these 5-minute speeches tonight, and for his leadership in fighting for home ownership and opportunity and against predatory lending practices.

As my colleague Congresswoman JONES just said very eloquently, it is a real shame and disgrace that we once again have to take to the floor to raise the issue of predatory and deceptive lending practices.

As many of us can attest, which you are hearing tonight once again, these practices are out of control and on the rise, and they are leaving many, many people out in the cold and in foreclosure.

The statistics regarding the current subprime lending debacle are staggering. It is estimated that bad loans have forced 1.5 million homeowners into foreclosure this year alone, according to ACORN. In 2006, the number of foreclosures stood at 2.6 million, topping the prior year total of 900,000 people. The problem is only getting worse.

The subprime industry's practice of higher rates, teaser rates, higher fees, prepayment penalties, payday loans, check cashing facilities and other unfavorable and hidden costs combine to create conditions that push homeowners into hopelessness. We must remember that foreclosures not only devastate individuals and families, but they also depress communities and decrease property values.

This does not have to be the case for many subprime customers. The assumption that subprime loans are for people who cannot qualify for a prime loan at a good rate is false. Fannie Mae, and this is really unbelievable, Fannie Mae and Freddie Mac have assessed that one-third to one-half of subprime borrowers could have qualified for better loan rates but were not given that option. They just weren't given that option. The education and the information were simply not provided to these customers, and I wonder why.

Regulators haven't done enough to protect consumers against predatory lending. Because of the Bush administration's lack of regulatory rigor and oversight of the subprime mortgage industry and their tendency to pander to the business industry at the expense of hardworking middle- and low-income Americans, we are in the mess we are in today.

Sadly, many of the victims of predatory lending are the elderly, single parents, and people of color. In fact, communities of color continue to be the target of predatory lenders. I call them loan sharks. They are all over my community, and these unscrupulous financial service schemes prey on the dream of home ownership and the prospect for generational wealth building.

Within the last year, investigations of real estate agents were designated by HUD for testing, they uncovered an 87 percent rate of racial steering and a 20 percent denial rate for African Americans and Latinos.

A Federal Reserve study showed that African American and Latino borrowers are more likely to receive higher cost subprime loans than their white counterparts. However, the likelihood of receiving a higher cost loan to buy a house than a white borrower for African Americans is 3.7 times more likely and for Latinos, 2.3 times more likely.

So we must put an end to this type of lending discrimination and predatory practice. Enough is enough.

Sometimes people ask me what is institutional racism. They do not quite get it. Well, let me tell you, this is a very glaring and unfortunate clear example of institutional racism, and so we must support all of the efforts by Congressman CUMMINGS and other efforts by Congressman MEL WATT, BRAD

MILLER, BARNEY FRANK, members of the Financial Services Committee to put forth legislation that provides a floor, not a ceiling, for a policy such as this. We have got to face reality. That means we must take a look at these, and I just call them exotic loans, and they are exotic, and adjustable rate mortgages that soon become unaffordable, as Congresswoman TUBBS JONES said, after a couple of years.

To entice borrowers to take on risks that they may not be aware of is just plain setting them up to fail, and this is just wrong. It is a shame. It is a disgrace.

We need to provide relief, first of all, to victims of these loan sharks and protect the national economy from the consequences of a mortgage industry crisis which I believe is looming. We must act immediately to protect a generation of homeowners. They are counting on us. They deserve an opportunity to achieve the American Dream of homeownership which is quickly turning into a nightmare for many.

For the majority of Americans, like for myself, purchasing a home is the only way, I mean the only way, you can build any type of equity to be able to just send your kids to college or to buy a house or to do some of the things that you want to do, start a small business. So we have got to clamp down and we have got to clamp down hard on these loan sharks.

☐ 1945

TRIBUTE TO THE LATE RALPH FORD, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, first of all, I would like to associate myself with the remarks of my former colleagues who have talked about foreclosures and predatory lending.

As a matter of fact, I also want to thank the committee that I established a few weeks ago, made up of about 50 people, including State Representative LuShawn Ford, who has agreed to chair. I come from the community that pretty much led the movement for community reinvestment in this country under the leadership of a woman named Gail Cincotta who was the head of the Organization for a Better Austin, and then Gail came to Washington and went ahead and founded the National Training and Action Committee which still exists to this day.

So I simply want to associate with those comments made by my colleagues.

But, Mr. Speaker, I really also rise with a great level of sadness to pay tribute to a good son, a good husband, a good father, a good citizen and one of Chicago's finest of the men and women in blue, Police Sergeant Ralph Ford, Jr.

It has been my pleasure and that of my wife to know the Ford family for many years. I first knew Ralph's mother, Mrs. Jacqueline Ford, when she was a pioneer community activist serving on the board of the Martin Luther King, Jr, neighborhood health center. She and my wife Vera have attended Carey Tercentenary AME Church together, and I say forever.

I first knew Ralph well when he was a young Chicago police officer. I had begun to run for public office. He was a diligent and enthusiastic volunteer who was not afraid to be associated with our campaign, even though I was running as what we call an Independent against the existing political machine.

The fact that Ralph had attended the University of Arkansas at Pine Bluff added another star to his crown because I had attended the same school when it had another name, Arkansas AM&N College, before it attained university status.

Being the excellent police officer that he was, Ralph made sergeant and outdistanced many of his peers. He was jovial, a great talker, had a great personality and a wonderful sense of humor.

Family meant everything to Ralph. He was totally devoted to his wife and children, and he had a great affinity for other members of his family, and of course, he and his mother Jackie had an absolute long-standing love affair.

Of course, Ralph passed away a few days ago. Mr. Speaker, Sergeant Ralph Ford, Jr, was an absolute credit to his law enforcement profession, the apple of his wife and family's eyes and a joy to humanity. He shall be sorely missed.

SUBPRIME LENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. CUMMINGS) for reserving this time tonight to bring to the attention of the American people our deep concern about subprime lending and the rising foreclosure rate across our Nation.

Last week, we learned that the foreclosure rate jumped 47 percent in March of 2007 from just 1 year ago. Several weeks ago, Freddie Mac, which buys loans from lenders and sets underwriting standards, stopped purchasing 2/28 and 3/27 loans, or loans on which interest rates are fixed for only the first 2 years or 3 years of a 30-year loan.

Freddie Mac, recognizing the increase in number of defaults on these exotic loans because of rising rates and falling real estate prices, cut its losses short and got out of the subprime business.

Within the last month, the Nation's second largest subprime lender, New Century Financial Corporation, suspended making any new subprime loans because of the huge number of defaults on subprime mortgage loans and has since filed for bankruptcy protection. Incidentally, the executives of First Century have asked for an exit package of some $6.5 million.

Countrywide, the largest subprime lender in the United States, also has problems with its subprime and prime portfolios.

Numerous subprime lenders have been forced into bankruptcy or have been sold to larger lenders.

General Motors Acceptance Corporation is out of the subprime business altogether. The list continues to grow with each passing day.

Defaults on subprime mortgage loans have prompted investors to turn their backs on mortgage-backed securities, making it more difficult for subprime lenders to sell their loans and to raise the cash for new loans. This has created a liquidity trap for many borrowers who want to refinance out of the nontraditional mortgage products. Huge amounts of cash that once sought the high yields tied to mortgage-backed securities creating easy money for borrowers, many of whom had less than stellar credit, or lacked loan documentation, or sought zero down payment products, is no longer available. No one knows for sure what the extent of the exposure is and exactly who is exposed because the way mortgages are packaged into pools and sold to investors makes it difficult to determine who owns the loans and how much money is lost.

One estimate by Lehman Brothers suggests that approximately $19 billion in losses are parked in loan pools put together in 2005, 2006 and this year, representing 5.5 percent of all mortgages.

The Center for Responsible Lending December 2006 report entitled, "Losing Ground: Foreclosures in the Subprime Market and Their Cost to Homeowners," documents the relationship between subprime lending and foreclosures and suggests that by the end of 2006, 2.2 million households in the subprime market either will have lost their homes to foreclosure or hold subprime mortgages that will fail over the next several years. These foreclosures will cost homeowners as much as $164 billion, primarily in home equity.

One out of five, or 20 percent, of the subprime mortgages originated during the first 2 years will end in foreclosure. So rather than wealth creation that we expect with homeownership, we will witness wealth evaporation tied to foreclosures.

Federal regulators issued guidance last year acknowledging that subprime loans were a problem. The guidance speaks to loans where the rates can change dramatically after the second or third year of the mortgage, such as from 7 percent to 11.5 percent. That guidance suggests that lenders be required to take into account the borrower's ability to make monthly payments at higher rates and also property taxes and homeowners insurance which are often not escrowed in the subprime loans.

I applaud the guidance, but what we really need is for there to be forbearance on the part of lenders while we get this mess straightened out and before it leads to something catastrophic in the financial markets. It has already spilled over into the home building industry, and the fallout is far from over.

Congress must still balance the interest of assisting home buyers who are low- and moderate-income first-time buyers, while ensuring that they avoid the pitfalls of the subprime market and that they have safe options. Providing assistance to existing subprime borrowers who are in danger of losing their homes is key.

I believe that FHA modernization is part of the solution, and so we will mark up H.R. 1852, the Expanding American Homeownership Act of 2007, a bill that I have introduced, next week in the Committee on Financial Services. Reasonable workout plans represent another mechanism that can assist homeowners from falling into foreclosure.

In effect, the lenders know that they are better off not losing these borrowers to foreclosure since it is very costly to the lenders. It only creates a ripple effect in the communities where the properties are located, creating vacancies, blight, arson and other social ills. In addition, the cycle of predatory lending activity continues with investors purchasing foreclosed property at depressed prices only to turn around and sell the properties quickly at inflated prices.

I have asked Freddie to take a look at prohibiting the use of its resources to finance this type of mortgage lending.

A big plus is that Freddie Mac just took proactive steps, announcing that it will make $20 billion available to assist borrowers by the summer with refinancing. Fannie Mae will join this effort. I can not predict what will happen in the subprime lending market, but I do believe that we can stem the tide of foreclosures by working closely with Freddie, Fannie and the lenders. One thing that I do know is that we will have to correct this problem if the markets can not fix it. We can not sit by and watch Americans, many through no fault of their own, lose their homes. Every time there is a victim to foreclosure, the rate of homeownership in American falls and the gap between the rich and the poor worsens. No one wants to reverse the progress that we have made in this country on homeownership, certainly not me.

OUT IN THE COLD: OHIOANS HIT HARDEST BY HOME FORECLOSURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WILSON) is recognized for 5 minutes.

Mr. WILSON of Ohio. Mr. Speaker, being from Ohio and speaking on this issue is really quite easy because Ohio leads the Nation in predatory lending and in foreclosures, an unfortunate statistic that we are not proud of.

As a new Member of Congress and one that has worked very hard in the Ohio House and the Ohio Senate to pass legislation against predatory lending, I feel it a real calling to be one who speaks up strongly here in the Congress on the same type of issue that people are being taken advantage of in a big way.

So, Mr. Speaker, Ohio's working families are paying the price, and in many cases, they are paying with their homes. In fact, Ohio leads the Nation, as I said, in foreclosures.

In my district, Mr. Speaker, in southeastern Ohio, from the suburbs of Youngstown to the small rural communities along the West Virginia and the Kentucky borders, predatory lenders are targeting honest Ohioans who only want one thing: they want a chance to purchase a home of their own and live the American Dream.

For millions who struggle with bad credit, these subprime and adjustable rate mortgages seem like the perfect opportunity to correct their problems. But in reality, when it sets in, it is the worst solution that they could choose.

Rates begin to skyrocket, late fees pile up, and before long it is too late. Too many families are losing their homes to foreclosure. Too many families are being left out in the cold.

The numbers are alarming. These subprime loans account for 63 percent of Ohio's foreclosures.

Mr. Speaker, this is a problem that has spread far beyond Ohio to our major cities all across America. In fact, two-thirds of the subprime loans are used in non-urban areas as well.

Today's working families are being challenged in so many ways. While wages stay flat or decline, we have seen people's gas prices and health care costs continue to soar. It's time that our working families finally get the relief they deserve, and taking on predatory lenders has to be a part of the solution.

As a member of the Senate, as I said, I joined colleagues to work on Ohio's predatory lending laws. I work on this important issue here in Washington also, because I believe it's an important one for the people of this country.

One of the things I did was to take a first step in introducing House Resolution 1723. It's a bill that I introduced that targets FHA home loans. It clearly outlines unacceptable practices that could be used in an attempt to influence an appraisal on a home. It also puts in place a blind draw, a system that would randomly select the appraiser, rather than having loan companies have favorites that they use to make unrealistic appraisals.

Ensuring that homes are appraised fairly is an important piece of the puzzle. Many borrowers cannot refinance, or sell to avoid defaulting because their property is not worth what they owe on the home. Too often, the original mortgage is based on the inflated appraisal, and H.R. 1723 will keep that from happening when it comes to FHA loans.

Families across the Nation are now feeling the kind of pain that we in Ohio have suffered; 2.2 million subprime home loans made in recent years have already failed, or will in foreclosure. These foreclosures will cost homeowners as much as $164 million, and that figure only begins to describe the cost to the families.

Our sons and daughters, our mothers and fathers, are losing their homes, and in the process they are losing their hold on the American dream. Our working families deserve real relief, not just empty words.

I urge this Congress to take a strong stand on predatory lending. We must make sure that Americans' dream of home ownership does not turn into a nightmare for even more families.

☐ 2000

SUBPRIME LENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, the best news for the American middle class is our home ownership rates. Wages are stagnant for the middle class. They are not keeping up with inflation. Health care costs just keep going up. Folks do not know what their health insurance is going to pay for until they get sick. They don't know if their pension is really going to be there when it comes time for them to retire, or their employers take a quick dip in bankruptcy so they can short the promises they made to their employees.

Almost 70 percent of American families own their own homes. We heard Mr. CUMMINGS speak just a few minutes ago, powerfully, of what it meant to his family when he was 10 years old and they bought a home for the first time.

The deed to a home is the membership card in the middle class. For the middle class, the equity they build in their home becomes the bulk of their life savings. What they build by paying a mortgage faithfully month after month becomes the bulk of their life savings.

When they need to borrow money, when they have one of life's rainy days, when they want to send the kids to college, or someone in the family gets sick, or they lose their job or they go through a divorce, or they need to repair their homes or they get in over their head in credit card debt, they have to borrow money against their homes. Too often when they borrow money against their homes, they are having their trust betrayed.

Several Members tonight have talked about subprime lending as lending that goes to those who have problems with their credit. Some is, but more of it, more of it, has to do with who places it with which borrowers, which homeowners put their trust in the wrong people and have their trust betrayed. According to Freddie Mac, a quarter of mortgages, subprime mortgages, are made to people who qualified for prime loans, who didn't have problems with their credit, but they went to the wrong person and they had their trust betrayed.

Subprime loans, or predatory loans, take fees and costs that cannot be justified by the cost of the loan or the risks that are posed that the borrower will not make their payments. Those loans strip equity and steal the life savings of the borrower. Lenders even pay more to brokers who bring them loans where the borrower has agreed to pay more than what they qualified for based upon their own credit history and what they own of their home, their equity in their home.

They put borrowers in loans, in mortgages, they cannot possibly pay back. They will have to refinance again so they can flip the loan. They will have to come back again, often having to pay a prepayment penalty to get out of a bad loan so they can refinance again. They are teaser rates. They are only good for a couple, 3 years, and then the rates are adjusted.

For many borrowers, they can qualify for the teaser rate, but they can't possibly pay their monthly payment when it goes up by 50 percent or more, as happens too often. They refinance again, and every time they refinance, they lose more of their equity in their home. They lose more of their life savings.

People who are in the subprime market for as much as a decade, for as much as 10 years, they have an almost 1 in 3 chance of losing their home to foreclosure. When they lose their home to foreclosure, they lose their membership in the middle class. They fall back into poverty, probably for the rest of their lives.

I have introduced in the last two Congresses, with Mr. WATT from North Carolina, my colleague, and Mr. FRANK, the chairman of the Financial Services Committee, legislation that is based upon successful State laws that protect homeowners from those kinds of abuses, those kinds of predatory loans, and this has not prevented there being good availability of good mortgages, sound mortgages, mortgages that help folks build wealth, not steals their wealth from them.

We need to do a great deal more now to help the people who are facing foreclosure right now, who are facing losing their homes, who are facing falling from the middle class for the rest of their lives. Businesses can go into bankruptcy. They can have obligations, promises they made with their eyes wide open, written. But a middle-class homeowner cannot go into bankruptcy and have a mortgage rewritten, adjusted, mortgages that they entered when their trust was betrayed.

The American middle class needs someone to be on their side. They are facing an uncertain world. They are facing an insecure world where what they need to know is there for them, that they can own their home, that they can pay off their home and live out the balance of their lives in a home that is theirs outright. They need that certainty. They need to know health care is there. They need to know that their pension is there. They need someone on their side.

This Congress needs to be on their side.

THE OCCUPATION OF IRAQ: THE VOICES OF AMERICA'S CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, like all of my colleagues, I have received thousands of e-mails, letters, faxes and phone calls about the ongoing occupation of Iraq. So many of them are touching, and they are impassioned. They urge me, they call on me, and they even beg me to get the administration to bring our troops home, and to allow the Iraqis to restore the security of their Nation.

Last week I received a set of letters that stood out among all of them, from Ms. Rene King's students at Sheppard School in Santa Rosa, California. Most of the children are 9 through 13 years old, yet their thoughts are mature and beyond their age. In fact, their words speak so much truth, a truth which we can absolutely not ignore.

From Marcos, 10 years old, "Can you please stop the war in Iraq? Because the people in Iraq aren't safe. Their villages and houses are destroyed. I do not like fighting."

From Arturo, 11 years old. "Can you please stop the war in Iraq? There is a lot of killing, a lot of people have died. People want to get out of fighting. I feel sad when people die."

From Freddy, 11 years old. "Can you please stop the war in Iraq? I do not like fighting and killing people. Some people are dead. Don't send my people, please. We don't like to fight all the people. The people are sad. We need to save money for poor people here in America. Ms. King (my teacher) is sad. Stop sending people into the war."

From Tony, 11 years old. "Can you please stop the war in Iraq? There are a lot of sad and crying families. I feel sad in our country. I don't like when people are mad at our country. I do not feel safe and other people do not feel safe."

From Genaro, age 13, "Can you please stop the war in Iraq? There is a lot of killing. More than 3,000 Americans have died. Stop sending people to the war. We need to save the money for poor people here in America."

From Yovany, age 12, "Can you please stop the war in Iraq? There is a lot of killing. We need to save money for the poor people. More than 600,000 Iraqis have died. Please stop sending people to the war."

From Jose, 10 years old. "Can you please stop the war in Iraq? The people of Iraq aren't safe in their villages, and houses are destroyed. More than 3,000 Americans have died. Please stop sending people to war."

From Tomas, age 9, "Can you please stop the war in Iraq? There is a lot of killing. A lot of people have died. More than 3,000 Americans have died: Families are being broken apart."

From Steven, age 12. "Can you stop the war, please? A lot of people have died. Please. I don't like wars. No one feels safe. If you keep sending soldiers, more people will be sad."

One student, Angelina, wrote directly to the President, and here is what she wrote. "I think you are making a big mistake. I like you, but your choices make me mad. You need to ask your people about war. I know these people said they will serve the Army. They never said they wanted to die there. If you were ever able to run again, Mr. President, I would not vote for you. I wish I could say you are helping, but you are not. There is another way to handle things other than guns and bombs. I think you should be more like Martin Luther King, Jr., Mr. President. He thought there was another way to handle things than war. I think the United States needs a different President."

These words are honest, these words are true. If only more people listen to the children, the future of this Nation may be different. What a better world we could be living in.

□ 2015

AMERICANS WITHOUT HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) is recognized for 5 minutes.

Ms. SCHWARTZ. Mr. Speaker, the United States is the world's leading, industrial Nation. We are the wealthiest Nation in the world, and we are a country at the cutting edge of medicine and health care, leading the world in discovery of new medicines, treatments and methods of care.

Yet we are a Nation that, despite spending the most per capita on health care, has some of the highest rates of infant mortality, the lowest rates of life expectancy, and the highest proportion of uninsured, when compared to other industrialized nations. We are a Nation where nearly 45 million Americans do not have health insurance. We are a Nation where over one-half of all uninsured are adults working full time, and we are a Nation where 9 million children are without health coverage.

Too many Americans, too many hardworking families, too many children, are without care and they are suffering the consequences. Democrats believe something must be done, and Democrats will lead our Nation in a new direction. We have solutions to drive down the cost of care. We have a plan to expand health coverage opportunities for working families, for small businesses, and for the self-employed. We understand that we must provide Americans with access to affordable health care, and we will start with America's children.

America's uninsured children are twice as likely to forego needed care. They are more likely to use costly emergency services for routine care, and they are more likely to miss school and to underperform, compared to their peers who have health coverage. America's uninsured children come from working families. Six million children have at least one parent who works full time.

America's population of uninsured children is growing. Last year, for the first time since 1998, the number of uninsured children in our country has increased. This trend is alarming, it is unacceptable, and it cannot continue.

That is why Democrats are committed to continuing and expanding the State Children's Health Insurance Program, which is commonly known as SCHIP, by reauthorizing this initiative and dedicating an additional $50 billion over the next 5 years so that we can expand coverage to qualified families. This is a significant and wise investment, and it demonstrates that we as a Nation understand why health coverage matters for families, for the healthy development of children, and for the continued economic competitiveness of our Nation.

More than 14 years ago, the Pennsylvania State legislature enacted legislation establishing one of the Nation's first state-supported public/private children's health insurance initiatives for children of working families. I authored this proposal and I championed its enactment. This is one of my proudest accomplishments in my years of public service. I am proud of this effort not only because it led to a dramatic increase in the access to care for Pennsylvania's children, but also because it inspired Federal action.

Five years after Pennsylvania enacted its CHIP program, the U.S. Congress recognized that providing America's children health coverage is one of the most cost-effective worthwhile investments we can use as a Nation. So using Pennsylvania's law as a model, we enacted SCHIP. SCHIP has been an unqualified success, which is why the Democratic-led Congress wants to significantly strengthen it, and Governors like Ed Rendell of Pennsylvania want to expand it. Unfortunately, President Bush does not.

The President's budget did not include funding to even maintain coverage for those children already enrolled in SCHIP. It would also severely restrict those children who qualify for SCHIP. At a time when there is broad bipartisan support for moving forward and expanding our efforts to cover more children, sadly the President wants to move us backwards and cover fewer children.

Mr. Speaker, every child in America deserves access to health care. Our children deserve access to primary doctors who will help make sure that they enter school healthy and ready to learn, and that their hardworking parents deserve the ability to afford the insurance that provides for their care.

We have a plan to insure all of America's children. I look forward to working with my colleagues, Democrats and Republicans alike, to enact this top priority for this Democratic Congress and for America's families.

HEALTH CARE UNINSURED AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, this is Health Care Uninsured Awareness Week. The number of Americans without health insurance has grown about 5 million since President Bush took office. The health care crisis is America's single largest domestic issue, but the President has offered Band-Aids to cover his lack of leadership. And the people have noticed. Nine out of ten Americans told a recent CBS/New York Times poll that the American health care system needs to be completely rebuilt.

Today, the number of Americans without any health insurance surpasses the combined population of 24 U.S. States: Alaska, Arkansas, Connecticut, Delaware, Hawaii, Idaho, Iowa, Kansas, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Utah, Vermont, West Virginia, and Wyoming. That is the population without health insurance.

But the crisis is even worse than that. Millions of Americans are underinsured, and millions more can't afford the copay, or have to fight constant battles with the big drug companies and the HMOs.

In Seattle, my congressional district, here is what one constituent wrote to Health Care for All Washington, one of the organizations I work closely with:

"My dad has prostate cancer and has taken a turn for the worse. We had to postpone a quarterly injection of his drug because we are having trouble with the health insurance over the cost of the drug. It has been extremely frustrating as the insurance company has the drug in the wrong category. They sent us a letter admitting as much, but every 3 months we have to fight with them again, anywhere from $180 to $1,800. Anyway, since we postponed it, my dad has suffered."

Does that sound familiar?

The pain inflicted by the health care crisis is hurting families across the United States. According to the Census Bureau, almost one-third of Latinos are uninsured, one-fifth of African Americans, 15 percent of children, 18 percent of full-time employees, and 11 percent of middle-class families.

In other words, only the rich can afford to live without risk. Only the rich are immune, because they have been coddled by the Republican-imposed income tax shelters that can pay for health care. Every other American is one layoff, one major accident, one major illness or divorce away from being uninsured and facing financial ruin.

Since the President took office, health care premiums have risen 87 percent. Have your wages gone up that much?

Here is another personal story from a letter: "I have always worked and I have never taken welfare or asked for help from anyone. Last month, I was diagnosed with follicular lymphoma. There is no cure for this slow-moving cancer. I will not be able to buy health insurance now because I have a preexisting condition. Even if I can find it somewhere, I would not be able to afford the big premiums. The only solution I can come up with is to leave America and move to another nation where I can get health care coverage."

When American citizens consider leaving the country as the only viable option, that is not a solution, that is an indictment of a failure to act. The only solution to America's health care crisis is a single payer, universal health care system. We have tried everything else except the right idea.

Under H.R. 1200, my bill, every American would be guaranteed a package of benefits. States would administer their own programs, with decisions made closest to the patient. The health care system today is all about profits, not patients. My bill would put patients back in charge. It would provide predictable and lower cost for American businesses, and everyone would be covered.

The special interests have run the health care system into the ground, and millions of Americans have been ground into financial ruin as a result. The single most common cause for going into bankruptcy in this country is health care costs.

America stands virtually alone in the industrialized world in not caring for its citizens, and being a loner is insensitive, incomprehensible, and intolerable. If all we do is read these poignant stories and ring our hands, we will turned our backs on the people who elected us to serve them by leading. It is time to pass universal health care. We can do it, but it will take some leadership in the White House. Unfortunately, we may have to wait until 2009 to get a President who understands that all Americans should be protected with health insurance.

THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PENCE. Mr. Speaker, I am grateful for the opportunity to come before my colleagues and those that might be looking in to speak about the war in Iraq.

We have heard colleagues speak about the issue tonight in poignant and, no doubt, sincere terms. Mostly, the words of my Democrat colleagues register their objection to the ongoing war in Iraq, and that is expected, as Democrats will prepare to bring to the floor of the House of Representatives by this weekend a war spending bill that will include timetables for withdrawal that will add unconstitutional provisions which will necessitate the beginning of troop withdrawals by July 2007, with the goal of ending U.S. combat operations no later than March of 2008.

I want to leave for a little later, Mr. Speaker, the discussion of whether or not Congress has the constitutional authority that will be contemplated in this legislation, but for now I want to speak specifically to the state of the war. And I want to say, as President Bush said yesterday in the Oval Office, this is a tough time in Iraq.

In my role as the ranking Republican member of the Middle East Subcommittee of the Foreign Affairs Committee here in the House of Representatives, I am regularly and routinely briefed both about our surge strategy, the efforts of U.S. and coalition and Iraqi forces on the ground, and of course regularly briefed on the efforts of insurgents and al Qaeda and those attempting to foment sectarian violence and to generate a civil war in Iraq. It is a tough time in Iraq.

This week, we will hear from our commander in Baghdad. General David Petraeus is on Capitol Hill as we speak, preparing to meet tomorrow with Members of the United States House of Representatives to present his report on the progress of the surge. And that is specifically what I want to speak about tonight, because, Mr. Speaker, I suspect my colleagues will hear tomorrow what I heard from General David Petraeus in Baghdad just 3 weeks ago when I traveled with colleagues in the House and Senate to tour literally the streets of Baghdad and to tour our progress in Ramadi and in al-Anbar province.

I believe what General Petraeus will tell our colleagues on Capitol Hill tomorrow is that despite a recent wave of insurgent and horrific bombings, this war is not lost. In fact, because of the President's surge and the brave and courageous conduct of American soldiers on the ground and brave Iraqis on the ground, we are making modest progress in Iraq in the early months of this surge.

But, as General Petraeus will say, while Congress will this week contemplate embracing a resolution that will be built upon the predicate that the war is lost, in fact there is evidence that this new surge strategy both in Baghdad and in the al-Anbar province are beginning to have a good effect.

In Baghdad, for instance, as I will chronicle tonight, despite recent and horrific bombings, sectarian violence is down significantly in the past 2 months. Baghdad is not safe, but it is safer because of the deployment of more than two dozen U.S. and Iraqi joint operating centers throughout the city. And now, perhaps most compellingly, in the al-Anbar province in Ramadi, more than 20 of the Sunni sheik leaders have come together to form what they call the Iraq Awakening Movement. For the first time ever, Sunni leadership in the al-Anbar province are standing with the American soldier and with the government of Nouri al-Maliki.

Again, let me say, this is a tough time in Iraq. But we are in the midst of a strong backlash and counterattacks by insurgency in al Qaeda. We are beginning to see the seedlings of hope in that war-torn country. I truly believe we are making progress precisely because of the President's surge strategy.

This war is not lost. And before I close tonight, I will reflect on my heartfelt sentiment that I believe the American people know that victory is our only option in Iraq, and I will urge this Congress to give General Petraeus not only a willing ear tomorrow but also the time, the resources, and the authority under his Commander in Chief to secure a victory for freedom in Iraq.

Now, Mr. Speaker, I am aware of the skepticism of my colleagues on this point and perhaps even the skepticism of some who would be looking in tonight. So let me stick tonight not so much with rhetoric or semantics, but let's just talk about the facts on the ground in Baghdad. Because it seems to me just, not as a Congressman, but as an American, that most of the facts that I get in the popular debate in America in the mainstream media have to do with the horrific counterattacks that insurgents and al Qaeda are conducting in response to the surge.

□ 2030

But I want to focus tonight, in the time that I have been allotted, on the products of the surge, both militarily, both with regard to security in Baghdad and in Ramadi, where I visited just 3 short weeks ago, and also, in the political process which we all know ultimately holds the solution to our impasse in Iraq.

Let me begin by saying, first and foremost, despite the difficulty of our challenge in Iraq, we are seeing positive indicators under the President's new strategy that we hope will turn into positive trends.

General Petraeus has been carrying out this new strategy now for just over 2 months. He will not have the full complement of U.S. forces and reinforcements on the ground in Baghdad for several months yet, which makes all the more questionable those who would be prepared at this point to announce withdrawal before the surge has been even fully implemented in Iraq.

Iraqi and American forces are making incremental gains, specifically in the Iraqi capital of Baghdad. And let me emphasize, President's strategy, from the first time he outlined it to the Nation, from the time, a few days before that what I and a handful of Members were in the Cabinet Room and the President described his strategy for a surge of military reinforcements.

This is not about sending in enough forces to provide military control of the entire country of Iraq. President's strategy, the so-called surge, actually found its origin in the Iraq Study Group report, which, if memory serves, on page 74 in the published edition, actually said that, and I quote, that the Iraq Study Group said that they would support a temporary increase in forces or a surge in U.S. forces in Baghdad to quell violence in the capital city, to make possible a political solution.

Now, I know in the past, and perhaps even before the end of this week, many of my colleagues who oppose the war will cite glowingly the Iraq Study Group. But I will take whatever opportunity I have, informally or formally, to respectfully point them to that page of the Iraq Study Group report. The President's surge is a military strategy designed to quell violence in the capital city of Baghdad, and, to no less extent, in Ramadi and the al-Anbar Province.

The belief is that if we can, U.S. and Iraqi forces in the lead, if we can quell violence in the capital city, we can create an environment where the political process and a political settlement and, ultimately, regionally a diplomatic settlement can take hold. And there is some evidence that that surge strategy is beginning, just beginning to deliver on the security that will make that political and diplomatic settlement possible. The most significant element, therefore, of the new strategy is being carried out in Baghdad.

Baghdad, it is widely known, was the site of most of the sectarian violence in Iraq, and therefore it is the destination for most of our reinforcements. At this point there are three additional American brigades that have reached the Iraqi capital, and while another is in Kuwait preparing to deploy, one more will arrive next month.

The Iraq Government, for its part, when I am home in Indiana I am asked a lot about what are Iraqis doing for their own security as a part of this surge and as a part of this war. Well, the Iraqi Government is meeting its pledge to boost force levels in Baghdad.

Here is a jarring statistic, Mr. Speaker. For every U.S. combat soldier deployed in Baghdad, there are now roughly three Iraqi military forces deployed in Baghdad. Let me say that again. For every one American combat force, for every American soldier, combat soldier deployed in Baghdad, there are now roughly three soldiers as a part of the Iraq Security Force deployed in Baghdad.

And American troops are now living and working side by side with Iraqi forces. I actually had the chance to see it firsthand in our trip to Baghdad; in fact, our trip to a joint operating center with General David Petraeus on April 1. These neighborhood small outposts are called joint security stations.

In fact, on this map, Mr. Speaker, we see the coalition's forward operating bases in the fall of 2006. Here we see in the center of town the international zone, so-called the Green Zone. Of course here is the Baghdad international airport. And at this point, in fall of 2006, roughly, these diagrams, these small triangles, 1, 2, 3 and 4 represented all of the forward operating bases in Baghdad.

Since the beginning of the surge, now, Mr. Speaker, there are 21, 21 combat outposts throughout Baghdad, and 26 joint security stations run together with U.S. and Iraqi forces. These are seen as a key building block in an effort to increase security for Baghdad's residents.

As I mentioned, we traveled out to the al Karada joint security station during my April 1st trip to Baghdad. We helicoptered from the Green Zone. We landed at the al Karada joint security station. These joint stations, for all the world, they are like neighborhood police stations. And U.S. forces, literally, on 2-week rotations, move to these stations.

And it was very compelling to me to see U.S. and Iraqi forces side by side when we arrived in this joint operating security station. And they greeted us warmly, and we spoke with Iraqi military personnel; spoke, of course, with American personnel.

And I remember one of the facts that stuck out in my mind was that when they were building this particular joint operating center at al Karada, right literally in downtown Baghdad, they offered, out of respect to religious traditions, they offered the Iraqi forces, they said, Well, you could have separate living forces from the U.S. forces so that you wouldn't have to essentially bunk together. And it was the Iraqi soldiers who said, Absolutely not. We want to bunk together with the American forces. We want to, essentially, be in the same dorm with them, and we are deploying with them every day.

And there is a tremendous sense for all the world, Mr. Speaker, of esprit de corps that one gets when you see the American soldier and you see the Iraqi soldier, as we did that day at the al Karada joint security station.

Let me say again, I was unable to bring tonight, Mr. Speaker, a diagram that would show all of the locations of the 26 joint security stations that now dot the landscape of Baghdad, 26 stations that were not there in the fall of 2006. Security issues would not permit me to put that on, essentially, global television through C–SPAN coverage, looking in.

But for all the world, if you can imagine, here we had four forward-deployed stations in the Green Zone, and now, literally, I would mark up this map into almost an incomprehensible state if I were to draw the 21 combat outposts and the 26 combat security stations that are now on the ground in Baghdad.

Iraqi and American forces are working together. Specifically, not only living at these stations, but deploying 24/7 to clear out and secure neighborhoods. If a heavy fight breaks out, American forces step in. Iraqi forces learn, side by side, valuable skills in fighting shoulder to shoulder with our troops.

Iraqi and American forces have also, in the past 3 months, received more tips than during any 3-month period on record.

Baghdad is not safe; can we say that for the RECORD? But Baghdad is safer because of the presence of U.S. and Iraqi forces throughout the capital city. And an evidence of that, number one, is a sharp decline in insurgent sectarian violence within the city of Baghdad, a sharp decline which I mentioned in my opening comments.

But also evidence we can point to is more tips from people in Baghdad than at any 3-month period on record. By living in Baghdad neighborhoods, it is believed that American forces are getting to know the culture, the concerns, the local residents.

I don't understand every operational profile of our presence in Iraq. I have been there five different times. But my sense is, Mr. Speaker, that prior to, essentially, the embedding of these joint security stations throughout the capital city, American forces essentially would deploy from one of our forward operating bases where there was a problem, patrol, deal with the problem and go back to base. Now we go, we stay. And that is what is being widely credited with two facts, one good and one bad.

The first fact, as I have mentioned, and I will say again, there has been a drop in sectarian violence in Baghdad, as well as in Ramadi, which I will get to in a minute. That is the good news.

The bad news is that the enemy is fighting back in the form of horrific bombings. We saw the bridge car bomb. We saw bombings against unsecured marketplaces, particularly recently on the south and west of Baghdad. Heartbreaking, violent acts by the enemy, which I believe give evidence of the fact that we are taking the fight to the enemy and the enemy is responding.

But again, let me say again, sectarian violence overall in Baghdad is down in the first 2 months. And it gives us just an inkling of hope for success of the surge.

Baghdad is not safer. But it is safer because of the presence of 26 joint operating centers where U.S. and Iraqi forces deploy and live together and patrol the neighborhoods 24/7.

Now, let me speak a little bit about the al-Anbar Province, truly an extraordinary experience from our time in Baghdad. Our delegation traveled west into the al-Anbar Province, the capital of which is the city of Ramadi. And Ramadi is a very dangerous place, Mr. Speaker. It is a place where there has been a great and tremendous and consistent insurgent presence.

Ramadi historically is where, frankly, most of the Sunni power in the country was focused. Most of the wealth of Sunnis was concentrated in Ramadi, and therefore the Sunni insurgency against the al-Maliki government found much expression in violence in that city.

Here is a picture on the ground, unclassified, of the insurgent presence in

Ramadi. of just 2 months ago. the river passing through the middle of town. I believe the U.S. military base is in this direction.

But just to give you a snapshot here. Mr. Speaker, you can see all of this red area that shows insurgent presence in Ramadi. Quick snapshot. the present picture in Ramadi is this. And again it is in direct connection with the leadership of General Odierno. U.S. forces and Iraqi forces employing exactly the same strategy that I just described is being deployed in Baghdad, the deployment of joint security stations, Iraqis and Americans working together.

Now, the city of Ramadi that was highly compromised 2 months ago with insurgent presence, according to U.S. sources this would represent al Qaeda in Iraq positions, now, according to official U.S. military sources, now has been reduced in its scope to a relatively isolated area of the city of Ramadi.

Well, how is that happening? Is it all about joint operating centers and the military response?

Well, it certainly is a part of that. But I would also add, a great deal has to do with a sea change that is taking place among Sunni sheiks and Sunni leadership.

Remember, in the history of the three successive national elections and referenda that took place in Iraq, for the most part. Sunnis, and particularly Sunnis in al-Anbar Province, not only were opposed to measures, but refused to participate in most cases.

Now, there has been a breakthrough in recent months, and we met with a Sheik Sitar, a courageous man, roughly my age, who ended up, Mr. Speaker, being featured for all the world on a 60 Minutes program a week after we returned from Iraq, for all the world to see and hear his own words.

We sat in a room with Sheik Sitar and we heard them describe what he helped to found. It is called the Iraq Awakening Movement. The Iraq Awakening Movement already includes 22 of 24 Ramadi-area Sunni tribes that are now cooperating with U.S. and Iraqi forces.

Let me say that again; 22 of 24 Ramadi area tribes are now cooperating with U.S. and Iraqi and coalition forces.

□ 2045

Sheikh Sattar himself has an extraordinary and compelling story. His father was killed in his native town of Ramadi by al Qaeda. His two brothers were killed by al Qaeda. And to hear him tell it, Sheikh Sattar just said, That's enough, and began in the process with other sheikhs and other tribal leaders throughout the Sunni population of Ramadi and to say this is not going to happen like this anymore. And they came to the American base in Ramadi and sat down with officials and said, We want to figure out how to move forward.

He made comments that were echoed across the Nation on that "60 Minutes" CBS television program. And I commend Scott Pelley and I commend CBS News for replaying his comments.

He looked at us across the table and spoke about the American soldier. And I paraphrase now, Mr. Speaker, but Sheikh Sattar said, Anyone who points a gun at an American soldier in Ramadi is pointing a gun at an Iraqi. It was incredibly moving. He spoke of their gratitude to the American soldier. And then he looked me right in the eye across this small conference table at the U.S. military base in Ramadi, and he said, Congressman, anyone who tells you the Iraqi people don't like Americans is lying to you. And then he said with even greater emphasis, Iraqis love Americans and, particularly, he added, the American soldier. I don't have his words precisely correct, but it was very moving to this small-town boy to hear a man roughly my age living in this war-torn country who was now risking his life to stand with his own nascent government, the al Maliki government, and to stand with U.S. and coalition forces.

We are forward deployed. Much of the strategy that I described in Baghdad we were told in Ramadi is being employed in Ramadi. But I think something else is happening in the al-Anbar province: tribal sheikhs cooperating with American and Iraqi forces to fight al Qaeda, providing highly specific intelligence. We have sent more troops to the al-Anbar province with these significant changes where presence of al Qaeda terrorists in the city has declined significantly in the past 6 months, as evidenced by these charts.

But it would be important to note, as I return to my original graphic, that al Qaeda responds to these changes with sickening brutality. But the local Sunnis in al-Anbar province and in Ramadi are refusing to be intimidated, and they are stepping forward to drive out terrorists.

We are cracking down on extremists also gathering in other parts of Iraq, but as I conceded on a news program this afternoon, one of the concerns that I heard, Mr. Speaker, from General Odierno in Ramadi and General Petraeus in Baghdad was that as we move U.S. and Iraqi forces into those major cities with a special emphasis on Baghdad, number one, the enemy will fight back, and the horrific bombings of the past few weeks are evidence that this enemy will not go quietly. But, number two, the other, and we are seeing evidence of this already, is that the al Qaeda and the insurgent elements, to the extent that we are able systematically neighborhood by neighborhood to drive them out of those major cities, that they will move into the outlying province, and we are seeing evidence of that.

But let me say again the strategy here is not to go neighborhood by neighborhood to secure the entire city of Baghdad. The President's surge strategy is a clear hold-and-build strategy designed to provide enough security in Baghdad and a critical area in Ramadi to allow a political solution to take hold.

We can assume our enemies will continue to fight back. These are ruthless, blood-thirsty killers who not only desire the power that would come with a nation-state in Iraq, but they desire to do us harm and to do harm to our posterity. They will continue to fight back. But I believe there is evidence that this strategy to clear areas, to hold them with the joint operating centers, again, 26 joint operating centers throughout the city of Baghdad where American forces and Iraqi forces are living and patrolling 24/7 is a strategy where we can provide the kind of stability to facilitate the political and economic progress that will make a lasting peace possible.

And let me speak to that. As we increase our troop levels, it is vital that we also strengthen our civilian presence, provisional reconstruction teams, organizations that restore basic services, stimulate job creation, promote reconciliation.

I was at USAID yesterday. I met with Ambassador Tobias and learned about the extraordinary efforts that are taking place to meet real and human needs on the ground. I met in my office today with the head of the Iraqi Red Crescent organization, an admirable organization modeled in effect after the American Red Cross but built on the Muslim tradition of the Crescent. The Iraqi Red Crescent is an organization that day in and day out is answering the humanitarian crisis on the ground in this violent and war-torn country.

Military operations are beginning to open up a breathing space, though, for political progress, and therein lies the real hope, Mr. Speaker. As we sat down with the foreign minister, seven members of the cabinet, and the Vice President of Iraq over a long and lengthy and brutally frank dinner in the ambassador's headquarters in the Green Zone at the end of our day in Baghdad, we emphasized the need to move forward on reconciliation, to move forward on an agreement that would distribute the oil revenues equitably between all the ethnic groups in Iraq. And, truthfully, as they reminded us, the Iraq legislature has met some key milestones, met one benchmark by passing a budget that commits $10 billion for reconstruction. The Council of Ministers recently approved legislation that would provide a framework for an equitable sharing of oil revenues.

Now that legislation will go before the Iraq Parliament for its approval. The government has formed a committee to organize provincial elections.

And I want to say of the al-Anbar province, with Sunnis now in the Iraq Awakening movement beginning to stand with U.S. and Iraqi forces and the al Maliki government, we urged them very strongly to move as quickly as possible toward provincial elections with the expectation that Sunnis in the al-Anbar province and in other provinces of the country would, in many cases for the first time, participate and take ownership in the electoral and the governing process.

The Iraqi cabinet, as they reminded us, are all taking steps to finalize toward agreement on a de-Baathification law. And in a conference in Egypt next month, Prime Minister Maliki will seek increased diplomatic and financial commitments for Iraq's democracy.

Ultimately, let me say as clearly as I can, during these difficult days for the war in Iraq, the answer in Iraq is not exclusively military, but we must provide the military support to give the al Maliki government and this nascent democracy the capacity to defend its capital. To defend its capital is at the very essence of the credibility of any government. And given the opportunity to provide basic services and basic security in Baghdad, we believe that all of these objectives could move forward, not only internally in Iraq. The de-Baathification law, oil revenue sharing agreement, provincial elections, all of which would contribute to a widening sense of ownership in this new democracy, but also it would provide an opportunity where Iraq could begin, as it has just recently begun, to reach out to its neighbors with the United States already at the table. Even with countries greatly antagonistic to our interests in the region, the United States has been willing to sit down and begin to facilitate the achievement of a diplomatic solution.

The truth is that giving up on Iraq would have consequences far beyond Iraq's borders, and there may be time before the end of this week and before the end of this debate to expand on that. But let me just say emphatically, Mr. Speaker, that withdrawal is not a strategy. Withdrawal would do nothing to prevent violence from spilling out across the country and plunging Iraq into chaos and anarchy.

In fact, when I asked the leader of the Iraq Red Crescent movement today what a precipitous and early withdrawal of U.S. forces would mean, he painted a frightening picture of a humanitarian crisis, true civil conflict and strife, potentially widening into a wider regional war generated by the instability and uncertainty in Iraq.

But that being said, let me speak, if I can, in my time remaining, of the proposal that we will consider this week on the floor of the Congress. And that is what I have described in the past as the Democrat plan for retreat and defeat in Iraq. I wanted to come to the floor tonight, Mr. Speaker, to basically share what General David Petraeus shared with me in Baghdad and just the seedlings, the very beginning of hope, that the President's planned surge is beginning to produce modest progress in Iraq.

But let me say again at the outset, it is easy to be understood in this debate, it is a tough time in Iraq; but despite a recent wave of insurgent bombings, this war is not lost, and Congress would do well to reflect very deeply on the real facts on the ground, not the images in the media, but the real facts on the ground that I have recited tonight, that General Petraeus will recite to Members tomorrow, before we make a decision to embrace a plan contemplated by House and Senate agreement, a $124 billion spending plan expected to come to the floor with the goal of bringing U.S. troops home beginning July of this year and ending U.S. combat operations no later than March of 2008.

When I think of the Democrat plan in the midst of this hard-fought effort, street by street, the sacrifices that American and Iraqi soldiers are making, and the fact that both in Baghdad and in Ramadi sectarian violence is down. Despite the horrific bombing, sectarian violence is down. Cooperation in the form of tips is increasing. We are just beginning to see the inklings of hope in Iraq. And yet the Democrat majority will bring forward a proposal that would micromanage it, deadlines for withdrawal. For all the world, that makes me think of George Orwell, who said: "The quickest way to end the war is to lose it." And I really do believe the Democrat plan is a prescription for retreat and defeat.

Now, let me speak about the proper role of Congress in this context. And I think it speaks of the great wisdom of our Founders that Congress, as a body of 435 otherwise well-intentioned men and women, is not particularly well suited to the conduct of war. In fact, at the Constitutional Convention, almost no issue was more summarily dealt with than what our Founders referred to as war by committee. They feared it. Their experience was derived from stories of the Revolutionary War as General Washington was chased from New York all the way across New Jersey, facing almost certain defeat in the Philadelphia suburbs across the river, the Delaware.

□ 2100

Every single night, General Washington would later record that he would sit in his tent and write letter after letter to Congress asking for appropriations, asking for support, asking for details.

As our founders put together the Constitution of the United States, they said there would be one Commander in Chief, and that would be the President of the United States of America; and that we would not have war by committee. And the Constitution is more clear on no other fact. Congress can declare war, Congress can choose to fund or not to fund military operations, but Congress cannot conduct war. In fact, those times in American history where Congress has intruded itself on the purview of the Commander in Chief have been marked as summarily perilous times.

I am recently reading up on the committee in this Congress during the Civil War. I think it was loosely entitled "The Committee on the Conduct of the War." And it was a committee in Congress that did not just attend itself to President Lincoln's use of public assets and funding of the war, but it involved itself well into recommendations about military operations and the like. It would be none other than Robert E. Lee, the leader of the Army of the Confederacy, who would say, "That committee in Congress was worth two divisions to me." Robert E. Lee, leading the Army of the Confederacy, would say that the Committee on the Conduct of the War, functioning in Congress, was worth two divisions to him. And yet, we will see this majority bring forward a measure that I believe violates both common sense, the Constitution and our history with a plan for withdrawal from Iraq. And a message of withdrawal at a time when we are just beginning, in the midst of horrific counterattacks by the enemy, where we are just beginning to see evidence of modest progress from the surge, I think is precisely the wrong message to send.

But on this constitutional argument it is worth noting that it would not simply be my reading of history and the Constitution that would criticize the plan for a timetable for withdrawal included in the war funding bill this week, but let me quote, if I may, Mr. Speaker, an editorial in the Los Angeles Times that was published in the month of March under the heading, "Do We Really Need a General Pelosi?" Their main point was, in effect, "Congress can cut funding for Iraq, but it shouldn't micromanage the war." That newspaper went on to say, and I am quoting now the Los Angeles Times, "After weeks of internal strife, House Democrats have brought forth their proposal for forcing President Bush to withdraw troops from Iraq by 2008."

The L.A. Times said, "The plan is an unruly mess, bad public policy, bad precedent and bad politics. If the legislation passes, President Bush says he will veto it, as well he should."

They go on. "It was one thing for the House to pass a nonbinding vote of disapproval, it's quite another for it to set out a detailed timetable with specific benchmarks and conditions for the continuation of the conflict." They add, "Imagine if Dwight Eisenhower had been forced to adhere to a congressional war plan in scheduling the Normandy landings; or if in 1863 President Lincoln had been forced by Congress to conclude the Civil War by the following year."

"This is the worst kind of congressional meddling in military strategy," so wrote the left column lead editorial in the L.A. Times in March. Not exactly a ringing endorsement from the editorial board of record in the home State of Speaker PELOSI.

And about the same time the Washington Post, really another lion of the liberal media in America, wrote in a lead editorial entitled, "The Pelosi Plan for Iraq," the following: "In short, the Democratic proposal to be taken up this week is now an attempt to impose detailed management on the war without regard to the war itself." "Congress should rigorously monitor the Iraq Government's progress on those benchmarks." "By Mr. Bush's own account, the purpose of the troop surge in Iraq is to enable political progress." They wrote, "If progress does not occur, the military strategy should be reconsidered, but aggressive oversight is quite different from mandating military steps according to a flexible timetable conforming to the need to capture votes in Congress, or in 2008 at the polls." So wrote the editorial in the Washington Post.

You know, it really is amazing sometimes how politics, common sense and the Constitution can make such strange bedfellows. I don't think I've ever come to the floor of this House and quoted in any length the lead editorial in either the Washington Post or the L.A. Times, but I do so approvingly this evening. In both cases, these newspapers identified what I asserted at the beginning, that the Democrats should heed the call of the Constitution and common sense and reject the Pelosi plan for retreat-defeat in Iraq. They should reject it on the basis of our history and Constitution, but they should also reject it because, as General Petraeus will describe to our colleagues tomorrow, in the midst of horrific counterattacks by our enemy, there is evidence of modest progress on the ground. Sectarian violence is down in Baghdad and Ramadi. Cooperation among civilians is up. And I say once again, where there once were four forward operating bases in the fall of 2006 in Baghdad proper, now, like the joint security station I visited on April 1st in downtown Baghdad, now there are 26 joint operating stations throughout Baghdad, almost as many, I'm told, in Ramadi, where U.S. and Iraqi forces are living together 2 weeks at a stretch and deploying and patrolling neighborhoods 24/7. This is exactly not the time to embrace arbitrary timetables for withdrawal, or for Congress to tell our generals on the ground how to conduct the war.

I believe in my heart of hearts that the American people know that we have but one choice in Iraq, that victory is our only real option. And let me say this again; if I am repetitive tonight, Mr. Speaker, it is intentional. I mean to be understood.

This is a tough time in Iraq. As General Petraeus comes to Capitol Hill this week, I expect that he will tell our colleagues what he told me and Members of the House and Senate on the streets of Baghdad just 3 short weeks ago. And that is that, despite a recent wave of insurgent bombings, counterattacks by the enemy responding to our surge on the ground, this war is not lost. In fact, because of the President's surge and the brave conduct of U.S. and Iraqi forces on the ground, we are making modest progress in Iraq.

In Baghdad, despite the recent bombings, sectarian violence is down. Baghdad is not safe, but it is safer because of the presence of 26 joint operating stations where U.S. and Iraqi forces are deployed. And as I mentioned earlier, the extraordinary developments in Ramadi, which has seen a precipitous decline in the last 2 months in sectarian violence, and also has seen 22 of 24 Ramadi-area Sunni tribes now cooperating and supporting U.S. forces and supporting the new al-Maliki government is truly an extraordinary development, to say the least.

I believe in my heart that the American people know that victory is our only option. And I just began recently, Mr. Speaker, rereading a biography that you might well approve of. It is the David McCollough biography of President Harry Truman. I have appropriated a few quotes by President Truman that I found particularly compelling and particularly appropriate at this time, and I will quote them with respect because I think they speak to our time, which is a tough time in Iraq, and a hard time for an American people that have little interest, almost at the level of our DNA.

We are not a Nation interested in foreign entanglements. We are not an empire-building Nation. And throughout our history, we have quickly grown weary of long-term foreign entanglements. So this is a hard time at home, it is a hard time on the ground. We are taking the battle with the enemy with the President's surge, and the enemy is fighting back.

President Truman faced such times, difficult days both in his personal career and as a wartime President. So I will reflect on his words and that of a leader of another country in difficult times as I reflect what I think is very close to the character of this Nation. Harry S. Truman said, "Carry the battle to them. Don't let them bring it to you. Put them on the defensive, and don't ever apologize for anything." That was advice he gave to Hubert Humphrey in September of 1964.

In 1945, President Truman said, "I wonder how far Moses would have gotten if he had taken a poll in Egypt. What would Jesus Christ have preached if he had taken a poll in Israel? Where would the Reformation have gone if Martin Luther had taken a poll?" President Truman went on to say, "It isn't polls or public opinion of the moment that counts; it is right and wrong, and leadership, men with fortitude and honesty and a belief in the right that makes epochs in the history of the world," President Harry Truman said in 1945.

And for those who would embrace withdrawal as a means of achieving peace, President Truman says out of history, quote, "A reminder: The absence of war is not peace." And I would argue the absence of U.S. forces in Iraq is not peace; it is a prescription for anarchy.

I would also appropriate from history as I speak to what I truly believe in my heart is at the very core of the American identity, and that upon which we must avail ourselves during this time of testing in the war on terror, and they are the words of Sir Winston Churchill, Prime Minister of England, and a man considered by many to be the greatest leader of the free world in the 20th century. He gives us words that I believe speak to our time. And I quote, "Never, never, never believe any war will be smooth and easy, or that anyone who embarks on a strange voyage can measure the tides and hurricanes he will encounter. The statesman who yields to the war fever must realize that once the signal is given, he is no longer the master of policy, but the slave of unforeseeable and uncontrollable events."

Winston Churchill would also say, "You ask, 'What is our policy?' I will say it is to wage war, by sea, land and air, with all our might and all the strength that God can give us; to wage war against a monstrous tyranny never surpassed in the dark, lamentable catalog of human crime. That is our policy.

"You ask, 'What is our aim?' I can answer with one word: Victory—victory at all costs, victory in spite of terror, victory however long and hard the road may be. For without victory, there is no survival."

And of our time, where many of our countrymen would wish away this war-torn part of the world, I can't help but think that this quote is appropriate. Sir Winston Churchill said, "One ought never to turn one's back on a threatened danger or try to run away from it. If you do, that will double the danger; but if you meet it promptly and without flinching, you will reduce it by half."

These are difficult days in Iraq. Sacrifices that American forces and their families are making are deeply humbling to me and to every Member of Congress and, I believe, of the American people. But I believe that, despite the recent wave of insurgent bombings, this war is not lost. In fact, because of the President's surge and the bold leadership of General David Petraeus in Baghdad and General Odierno in Ramadi, our U.S. forces on the ground, in combination with Iraqi forces, we are beginning to see modest progress in Iraq.

☐ 2115

In Baghdad, despite recent bombings, sectarian violence overall is down, and the same is true in Ramadi. Baghdad is not safe, but it is safer because of the deployment of 26 joint operating centers throughout the city. A city where there once were simply an International Green Zone, the Baghdad Victory Base, and four forward-operating bases in Baghdad, now throughout the city, in form when I visited them on April 1 in Baghdad for all the world looked like neighborhood police stations. They call them joint operating centers, where U.S. and Iraqi forces live together, work together, eat together and deploy together, in 2-week rotations. And it is making a difference on the ground.

In the al Anbar province in Ramadi, it is extraordinary to say 22 of the 24 Sunni tribal leaders, led in part by Sheikh Sattar, with whom I spent one of the most memorable hours of my life on April 2 earlier this month, Sunni leadership is standing with the al Maliki government, standing with the American soldier, rejecting the insurgency, rejecting al Qaeda, and reclaiming their city and their country for peace and security.

We have a long way to go, but not that long before we know whether this new surge strategy will work. I believe it is imperative that Congress give General Petraeus not only a willing ear tomorrow when he comes to Capitol Hill, but I think it is high time that we sent the President a clean bill, take out all the micromanagement of the war, all the unconstitutional benchmarks and datelines for withdrawal, for that matter, take out all the pork-barrel spending that has nothing to do with our military, and send General Petraeus and our soldiers on the ground the resources they need to get the job done and come home.

You know, I was asked by a soldier in Ramadi, a soldier from Indiana, he looked at me and he said, Congressman, I just want to ask you an honest question. He said, When is it going to be enough? When are we going to have been here long enough? And I said to him with great humility, I said, Son, I will answer this as straight with you as I can: I think we have to stick around here until these people can defend themselves, and not a minute longer.

That is what we need to accomplish, Mr. Speaker. We need to stick around long enough to help Iraqi security forces provide the basic stability in their capital and in the critical al Anbar province, and particularly in Ramadi, in order that the political process and the diplomatic process regionally can go forward. And then, like Americans of past generations, we can pick up and go home, and only ask for a debt of friendship in return.

It is a time of testing for our country. It is not a time for shrinking back. But based on the evidence, the facts that General Petraeus shared with me in Baghdad and will share with us on Capitol Hill, it is time to give the surge a chance to succeed.

The Congress will likely pass a supplemental bill that will have unconstitutional benchmarks and datelines for withdrawal. The President of the United States will keep his word. He will promptly veto that legislation. But my hope, and, candidly, Mr. Speaker, my prayer, is that after we have gone through this exercise and Congress has made its importance felt, we will get our soldiers the resources they need and we will give them the time and the freedom to succeed in this surge.

But there are no guarantees. We are up against a ruthless and brutal enemy, who even this very day claimed American lives in another ruthless suicide car bomb attack.

I believe it would be a stain on our national character that we would not wipe off for generations if we were to walk away now; if we were simply to say to the good people of Iraq, hundreds of which I have had the chance to meet and to speak with over my five journeys there over the last 4 years of this war, it would be a stain on our national character to that generation of Iraqis to leave them unable to defend themselves, to harvest a whirlwind of sectarian violence, revenge killings, and to leave them to become a part of a country that would become subjugated by the blood-sworn enemies of the United States of America. And it would be a stain on our national character to leave Iraq, in effect, worse off than how we found it.

As bad as it was under Saddam Hussein, I can't help but believe that if those who fight us in the form of the insurgency and al Qaeda today gain the reins of control in that Nation, that we will, as Winston Churchill said, we will double the danger, and our children and our children's children will pay a price we dare not imagine.

So we are faced with choices today, and my challenge to my colleagues and to any looking on is to listen to the facts, not the adjectives, not the "spin," as it is referred to in the popular debate, but listen to the facts. And the facts are that it is a tough time in Iraq. We are facing a determined enemy. But that despite a recent wave of insurgent bombings, this war is not lost.

In fact, because of the President's surge and the extraordinary courage of U.S. and Iraqi forces, we are making modest progress in Iraq. In Baghdad, despite recent bombings, sectarian violence is down. Baghdad is not safe, but it is safer because of the presence of more than two dozen U.S. and Iraqi joint operating centers. And now 22 of 24 Sunni sheikhs and tribal leaders have come together in Ramadi and the al Anbar province to support the al Maliki government and U.S. forces.

Let's give General Petraeus a willing ear. Let's listen to the facts. And then let us reject timetables for withdrawal, pork-barrel-laden spending bills, and simply provide our soldiers the resources they need to get the job done and come home safe.

I believe that we can secure victory for freedom in Iraq, and in so doing we will deliver a victory for freedom, not only for the Iraqi people, but for ourselves and our posterity. We will unleash, as the President has spoken so eloquently, the forces of freedom and stability in a part of the world that has known little of either. That is my hope, and that is my prayer.

ECONOMIC OBSERVATIONS BY THE 43 MEMBER STRONG, FISCALLY CONSERVATIVE DEMOCRATIC BLUE DOG COALITION

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, this evening, as most Tuesday evenings, I rise on behalf of the 43 member strong, fiscally conservative Democratic Blue Dog Coalition. We are a group of Democrats that believe in restoring common sense, fiscal discipline and accountability to our Nation's government.

As you walk the Halls of Congress, Mr. Speaker, it is easy to know when you are walking by the office of a member of the fiscally conservative, Democratic Blue Dog Coalition, because you will see this poster in the hallway as not only a welcome mat to that Blue Dog member's office, but to remind Members of Congress and the American people on a daily basis that our country is in a fiscal mess.

In fact, today, the U.S. national debt is $8,827,851,749,695, and I ran out of room, Mr. Speaker, but you could add a quarter on to that, 25 cents. You divide that enormous number by every man, woman and child in America, and every one of us, our share of the national debt is $29,262. It is what I commonly refer to as the debt tax, D-E-B-T tax, which is one tax that cannot go away until we get our Nation's fiscal house in order.

The Federal deficit is something we don't have to have, Mr. Speaker. In fact, from 1998 through 2001 our Nation enjoyed a surplus. We had a balanced budget. We lived within our means. That was under President Clinton. He was the first Democrat or Republican to give us a balanced budget in some 30 or 40 years. And the economy was doing pretty good when there was no deficit and when we had a balanced budget.

We all remember those days, how the stock market performed. People had good-paying jobs with good benefits. Many of those jobs today have been shifted to places like China and Mexico and India. It is true that most of the folks have gone on and found other work, but if you really research it and look at it, they have found lesser-paying jobs with lesser benefits or, in many cases, no benefits at all.

In fact, this is Cover the Uninsured Week, Mr. Speaker. Forty-eight million people in America are without health insurance tonight. Who are they? It is not the people that can't work or don't want to work. They qualify for Medicaid, which is health insurance for the poor, disabled, and elderly. It is not our seniors. They are provided coverage through Medicare, which is the only health insurance plan most seniors have to stay healthy and get well.

So who are these 48 million people? It is the folks in this country, working families, Mr. Speaker, that are trying to do the right thing and stay off welfare, but they are working the jobs with no benefits. Ten million of them are children. One in five children will go to bed tonight in America hungry. Ten million will go to bed tonight without health insurance. This is America, and I believe that we have a duty and an obligation to find a way to ensure that health care is affordable, available and accessible for all of God's children and for all of us here in America.

As long as we have got this type of debt and this type of deficit, it is going to be difficult to meet that challenge, as well as others.

The total national debt from 1789 to 2000 was $5.67 trillion; but by 2010, under this administration, the total national debt will have increased to $10.88 trillion. Mr. Speaker, that is a doubling of the 211-year debt in just 10 years. In just one decade.

Interest payments on this debt are one of the fastest growing parts of the Federal budget. In fact, Mr. Speaker, we will spend more of your tax money this year paying interest on the national debt than we will spend on educating our children, providing health care and other benefits to our veterans, and, yes, we will spend more money paying interest on the national debt this year than we will spend protecting our homeland through the Department of Homeland Security.

So many of America's priorities are going unmet. Why? Because this town and this Congress and this administration for the past 6 years have given us record deficit after record deficit, record debt after record debt, to the extent that today, today our Nation is borrowing about $1 billion a day. But what is even more alarming than that is before we borrow $1 billion today, we will spend half a billion dollars paying interest on the debt we already have.

□ 2130

I represent a very rural district in south Arkansas, in the western half of Arkansas. Half of the 29 counties I represent, nearly half of them, are located in what is referred to as the Delta region of this country, one of the poorest regions of America.

We have hope in that area by investing in alternative renewable fuels like ethanol by biodiesel, creating new jobs for our working families and new markets for our farm families and our landowners through cellulosic ethanol, taking the slash, the treetops and the limbs, what is left down in the woods and giving it a value and finding a use for that.

Another way for us to accomplish those things, our government must invest in research and development for cellulosic ethanol. Our government must invest more in research and development for alternative and renewable fuels. The real tragedy is that we will send the Iraqis more money in the next 8 hours than we will spend on research and development for alternative renewable fuels in the next 365 days. That is one example of why the deficit and the debt do matter.

A half a billion dollars a day going to pay interest on the national debt. We could build 200 brand-new elementary schools every single day in America just on the interest that we are paying on the national debt. In southeast Arkansas, we have great hope in Interstate 69, an interstate under construction, sort of. It was announced in Indianapolis 5 years before I was born, that was 50 years ago, and with the exception of 40 miles in Kentucky and a stretch just south of Memphis, none of it has been built south of Indianapolis in 50 years, and yet we have great hope that this road can create jobs and economic opportunities for the people in the Delta region. We need $1.5 billion to finish it.

For a country boy from Prescott and Emmet and Hope, Arkansas, I can tell you that is a staggering amount. But when you look at it this way, we will spend more money paying interest on the national debt in the next 3 days than what it would take to build Interstate 69.

On the western side of my district, there is great hope for Interstate 49. We need about $2 billion to finish it, again a staggering number until you look at it this way: We will spend more money in the next 4 days paying interest on the national debt than what it would take to complete Interstate 49, which would provide the first and only interstate quarter through the middle of the United States of America.

So until this Congress starts standing up to this administration and saying "no" to these irresponsible budgets, America's priorities will continue to go unmet.

I am proud to tell you that under this new Democratic majority, they are listening to the 43 of us in the fiscally conservative Democratic Blue Dogs. For the last 6 years, we reached out to the Republicans on the other side of the aisle and asked to work with them on a budget that made sense for the American people. We were told that they didn't need us.

Mr. Speaker, I believe the American people are sick and tired of all of the partisan bickering that goes on in our Nation's Capital. For members of the Blue Dog Coalition, we don't care if it is a Republican or Democrat idea, we want to know if it is a commonsense idea, and does it make sense for the people back home who sent us here to be their voice.

So the Republican leadership turned a deaf ear to us for the past 6 years while they were in power. The American people decided to give the Democrats a chance at being in the majority this past November. I am proud to tell you that we didn't have to offer up a Blue Dog budget this year. Why? Because the new Democratic majority listened to the Blue Dogs and included our key provisions that can restore commonsense fiscal discipline and accountability to our government.

So we are beginning through the budget that passed on the floor of this House just a few weeks ago, we are beginning to develop a path that over time, in fact by 2012, Mr. Speaker, can get us back to the days we had under President Clinton of a balanced budget in this country.

Why do deficits matter? They matter because they reduce economic growth, they burden our children and grandchildren with liabilities. Again, the debt tax, D-E-B-T, is $29,262 for every man, woman and child in America, and they increase our reliance on foreign lenders who now own 40 percent of our debt.

This President, this administration and, for the past 6 years, this Republican-led Congress up until January borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined. You want to talk about a risk to a national security, there is one for you.

We have got a lot of active Members within the Blue Dogs who come to Washington and stand up and proudly proclaim that they are conservative Democrats with a commonsense vision for the United States. I am absolutely delighted to be joined this evening by several of them. At this time I would yield to an active Member within the Blue Dog Coalition, the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Speaker, I am proud today to be joined by my colleagues of the Blue Dog Coalition to speak about our Nation's problems.

Mr. ROSS brought up the U.S. national debt now being $8.8 trillion, knocking on the door of $9 trillion. I remember the very first day I came to Congress where the actual figure was $7.54 trillion. Not even 2½ years ago, each American's share of the national debt was $26,000 at that time. What a shame. Over $3,000 more in 2 years.

Well, I am proud to join my fellow Blue Dogs today to talk about accountability in government and the gross negligence for taxpayer dollars in Washington. The Blue Dogs have been fighting for greater accountability in Washington for over 10 years. We have argued for a return to a PAYGO system or a balanced budget. We offered a 12-step reform plan to cure our Nation's addiction to deficit spending. We have argued that all earmarks should require written justification from a Member of Congress before being considered.

I am proud that our current leadership has taken into account what the Blue Dogs are saying. The Blue Dogs advocate accountability. Let's consider the facts. In 2004, the Federal Government spent $25 billion that it cannot account for. In that same year, only 6 of 63 Pentagon departments were able to produce a clean audit. For 2005, the GAO reports that 19 of the 24 Federal agencies can't produce a clean audit or fully explain how they spend taxpayer dollars.

In March of 2005, the Veterans Affairs inspector general issued a report calling for the agency's information systems and securities to be upgraded. No action was taken. And since that time, the personal information of millions of our Nation's veterans has been stolen.

Several of our Federal agencies received serious red-flag disclaimers on their 2005 financial statements, including the Office of the Inspector General for the Department of Defense who wrote, "We are unable to give an opinion on the fiscal year 2005 DOD financial statements because of the limitations on the scope of our work. Thus, the financial statements may be unreliable. Therefore, we are unable to express and we do not express an opinion on the DOD's financial statements."

Mr. Speaker, the American public deserves the honest truth. The Office of the Inspector General of the Department of Homeland Security wrote, "Unfortunately, the department made little or no progress to improve its financial reporting during fiscal year 2005. KPMG was unable to provide an opinion on the department's balance sheet."

The inspector general for NASA in its 2005 financial report in the enclosed report from independent auditors, Ernest & Young, disclaimed an opinion on NASA's financial statement for the fiscal year ending September 30, 2005. The disclaimer resulted from NASA's inability to provide an auditable financial statement and sufficient evidence to support financial statements throughout the fiscal year and at year end.

Federal agencies are treating the taxpayer dollars that fund them like a joke, and the administration is incapable of lifting a finger to manage them effectively.

I believe we need strong enforcement measures in Congress and the Federal Government to make it more accountable for taxpayer dollars. We must ensure that Congress has the tools to hold Federal agencies responsible for their use of taxpayer dollars.

Mr. Speaker, American taxpayers deserve to know how Congress and this administration are spending their money.

I am proud once again to join my Blue Dog colleagues to demand more fiscal accountability in Iraq. The Blue Dogs have a plan for fiscal accountability in Iraq. Our plan calls for transparency on how war funds are being utilized. It creates a commission to investigate how contracts are awarded, and it stops the use of emergency supplementals to fund this war. This is the first administration, Mr. Speaker, that has used emergency supplementals to fund a war year after year after year.

The Blue Dogs also call for American resources to improve Iraq's ability to police themselves. The Blue Dog legislation addresses the glaring lack of oversight and accountability in Iraq. We make sure that taxpayer dollars are accounted for. Government reports have documented waste, fraud and abuse in Iraq. I think it is time to stop that waste. Congressional oversight is desperately needed. The administration must be held accountable for how reconstruction funds are being utilized.

The Blue Dog proposals are commonsense proposals. They ensure transparency and accountability. We have already spent $437 billion in Iraq, according to the Congressional Research Service, and we will spend another $100 billion in Iraq in 2007 alone. That is over $500 billion with virtually no oversight from Congress. We must start showing improvement in Iraq. Accountability leads directly to success, in my opinion. Iraq must begin making progress towards full responsibility by policing their own country. Without progress, it is a waste to continue U.S. investment in troops and financial resources.

We all support our troops. We must support our troops. We will do everything in our power to make sure that they have the equipment that they need. However, we cannot continue to write a blank check to this administration. Until our last troop has returned home, the American people deserve to know how their money is being spent. Accountability is not only patriotic, it often determines success from failure.

The Blue Dog proposal gives us an opportunity to regain that oversight and responsibility. This is the responsibility that we have to all of our men and women in uniform, to their parents, and to the American taxpayer who is footing the bill.

The Congressional Research Service and the Congressional Budget Office have clearly stated that if this continues, our fiscal irresponsibility in Congress, if it continues by the year 2040, every single penny of revenue that the Federal Government receives will go just to fund the interest on our national debt.

Mr. Speaker, we cannot afford to let this happen. We cannot saddle our children with the irresponsibilities of this administration.

Mr. ROSS. I thank the gentleman, Mr. SALAZAR, a member of the fiscally conservative Blue Dog Coalition for joining us this evening.

The gentleman is absolutely correct. Every one of us, Democrat and Republican, we support our troops. All of the troops in harm's way tonight are in our prayers.

Just this week I visited Walter Reed Army Hospital and visited a 19-year-old corporal, John Slatton, from Delight, Arkansas. Most folks have never heard of Delight, Arkansas. It is a town of about 400 people. If you are my age or older, you might remember it as the hometown of Glen Campbell, who was a country singer and had a comedy show on Saturday nights back in the 1960s.

But this young man got to Iraq in October, had to have staples put in his head from a bullet that grazed his head in December. And on Easter, his family received a call that he had been shot by enemy fire and the bullet had entered near his left ear and exited the right side. The good Lord was working overtime that day. It missed his brain and he is going to survive. He is going to have some challenges, and I ask that everybody join me in keeping him and his family in our hearts and our prayers.

We have all been touched by this. My brother-in-law is in the Air Force. He is serving in the Middle East tonight, and I am so very proud of his service and all of those who serve us in uniform. They do everything that we as a government ask them to do. But it is very important that we not only support them but that we provide them a direction that can ensure victory in Iraq and allow them to return home in the not-too-distant future to their families and loved ones.

□ 2145

I thank the gentleman for standing here with me tonight to demand accountability because we owe it to these brave men and women in uniform who serve our country and who we are so very proud of.

This is not a Democrat or a Republican thing. This is an American thing, and as Americans, we all stand in support of our men and women in uniform, not only while they are serving us overseas, but we have a commitment to them to provide them a new generation of veterans coming home with the very best in medicine and health care and opportunities so that they can be reintegrated into our society as productive citizens, as important citizens who have done so much for this country and for whom we owe so much.

I am very pleased to be also joined this evening by a fellow Blue Dog from the State of Tennessee, Mr. LINCOLN DAVIS. At this time, I would yield to the gentleman from Tennessee.

Mr. LINCOLN DAVIS of Tennessee. I thank my friend from Arkansas (Mr. ROSS).

I have had an opportunity to get to meet a lot of folks that I have served with here in the U.S. House. All of those obviously within the Blue Dog Coalition have become pretty endeared to me because of the commitments we focus on as being deficit hawks and defense hawks. We talk about those issues conservatively. I am going to talk a little bit about each of those issues tonight.

I had a privilege recently to spend considerable time with my good friend JOHN SALAZAR from Colorado. I have become convinced he knows how to hook up a piece of equipment.

I am also convinced in the conversations with him that he and his family have shared in the good Lord's Earth in being farmers with his brothers; and in talking with him, I had a much deeper understanding and certainly a much deeper abiding friendship knowing that as my brother and I both farm, brother doing most of it back home, that all of us come from different parts of the country maybe, but we all have that same spirit and that same heartfelt belief that America is the greatest place in the world to live and raise your family. For those of us who live in rural areas, obviously we believe that is probably the best place for America to raise their families.

I traveled today with a group of young students from both Clark Grange and York Institute, being named after Alvin C. York, Sergeant York, from the hometown of Pall Mall where I live, and as we traveled through the Capitol I could see their eyes light up as we talked about the history of this great building that we serve in, the great Chamber that we are in here this afternoon.

But as you look on the wall in the rotunda, you realize that America in the 1770s, in 1775, at the Boston siege, we convinced with our ragtag Army, the Continental Army, convinced the British soldiers and sailors that we could defeat them, and they set sail late in the winter, early spring and went to New York. We followed them there, and by 1776 we suffered a pretty strong defeat.

The first victory that we received for our independence, for our democracy that we have was in Saratoga in the fall of 1777, which convinced another nation called France to come and join us in our fight for independence, but I can assure you, no one won our independence for us. In this country, we fought until basically the battle at Yorktown where Cornwallis, general of the British forces, decided that he had to surrender, and surrendered.

That basically ended the hostilities until Washington in 1783 resigned his commission to the Continental Congress that existed at that time. So from 1775 basically until hostilities pretty much ceased in 1781, we fought for our independence in this country. We fought so we could establish a democracy that would be a shining example, as Mr. Reagan used to say, on that hill to the rest of the nations of the world that this is what can be accomplished.

That took us 6 years, and 2 years into being sure to sort of protect that fragile peace that we had until Washington gave up his commission and surrendered it in 1783.

I want to remind the people of America and the people of Iraq, we fought for our independence. We fought for this democracy that we have. No one came to this country and forced upon us a democracy. No one came to this country and said this is the gift we want to give you.

The blood and the tears and the hard work and the sweat of our young men and women from this country have been in Iraq now for over 4 years, toiling, and in fact, in many cases going to war with the Iraqis, first of all, to depose a ruthless dictator, we all agree with that, and then we fought with the Iraqis and in many cases against the Iraqis, whether they be Sunni or Shia, to say we want to give you this gift that we fought for over 200 years ago, we want to give you this gift called democracy.

In 2005, in December, we literally sent a surge of our troops over in the midsummer of 2005 to be sure that those brave individuals from Iraq, men and women, over 12 million of them, went to vote to establish the leaders of their country so they could establish their own Constitution. The surge then allowed them to vote. They finalized their commitment, in my opinion, for the democracy.

No one gave us ours. We are trying to give them theirs. And we have tried and we have tried and we have tried and we have spent billions of dollars making it happen.

Mr. SALAZAR. Mr. Speaker, if the gentleman will yield, I often tell this story of my father. I served during the tail end of Vietnam and my father was a World War II veteran. My son served now during Iraqi Freedom. He just finished his tour last December, but I like to tell this story of my father who was a proud veteran.

At the age of 82, my father was diagnosed with Alzheimer's disease; and as was usual on Sunday mornings, I would go over to Mom and Dad's ranch house, and we would have breakfast with my mom and dad. We had been told by the doctors that my dad had Alzheimer's, and it was one day right around, he must have been around 84 when one Sunday morning we heard him fumbling around in his back bedroom. Shortly thereafter, he came out and in his hand he bore his World War II staff sergeant uniform, and he told us, this is the uniform that I want to be buried in. We thought at the time, well, it sounded a little bit self-serving but doctors tell you not to argue with Alzheimer's patients. So we said, sure, Dad, no problem. We will do that.

Well, the disease continued to progress over the next couple of years, but often, often he would bring up the issue of wanting to be buried in his uniform, and it was at the age of 86 that my father suffered a severe heart attack. My mother called me over. We live about a quarter mile away. When I got there, the ambulance was there, and I remember lifting my father off the floor to put him on the gurney to take him to the hospital. And with the last ounce of strength he had in his body, he lifted his arms up around my neck and he said, I love you, and the last word he ever whispered to me was the word "uniform."

My father had forgotten almost everything in life, even how to use his bodily functions; but there are two things he had not forgotten, the love that he had for his family and the love that he had for his country and how proud he was to have served his country.

For many veterans, that is the greatest legacy that they have, and so when we propose an Iraqi war supplemental, we are also proposing funding to make sure that the veterans that have served this country are protected.

I tell this story because it is important that we protect those that have protected us, and I know that we as members of the Blue Dog Coalition are very proud to stand beside our veterans and make sure that they have the things that they need.

The gentleman from Arkansas talks about visiting Walter Reed. I do that on a regular basis, and it is the most disheartening feeling in the world to see our troops without arms and legs. They do not ask for anything. All they ask for is help me get through life. We owe that to our veterans.

Mr. LINCOLN DAVIS of Tennessee. You have to invite me to come out to your home sometime. I invite you to my home in Pall Mall, but I have got to visit more with your family. As I learn more and more, I realize the quality of people that we have here serving. It was such a wonderful yield, the comments you made during that period of time. It is certainly good to be on the floor with you.

But as I talk about that democracy that we fought for, that we fought for, I realize that there has never been a time that a democracy in any country has ever been imposed from without. It has always been from within, the French Revolution, the startings of the Magna Carta where we said we are no longer going to give taxes if you are basically going to squander it on your parties, Mr. KING.

When Israel established a nation in the Middle East, what type was it? It was a democracy.

My fear is that we can keep our soldiers, our young men and women in the battlefields in Iraq for a long, long time, and we can never force a democracy on the people of Iraq or anywhere else. We went into Iraq, and Iraq especially, without realizing the national customs, the traditions, the faith, their family values that are totally different in many cases than ours.

I think everyone loves liberty and freedom. I just believe as we engage that we ought to realize that we cannot impose our will on anyone unless we do it with a much larger force than what we have today.

Let me stay on Iraq for a moment.

Mr. ROSS. The gentleman from Tennessee makes a very important point, and that is, look, I was here on 9/11 and shortly after the plane hit the Pentagon we were evacuated. A few hours later, I would learn a young Navy petty officer named Nehamin Lyons from Pine Bluff, Arkansas, would be among those killed on that tragic day that we now all refer to as 9/11.

And all of us, Democrats and Republicans, for the most part voted to go to Afghanistan to put an end to terrorism.

I will never forget later being invited to the White House September 26, 2002, sitting in a cabinet room: Andy Card, Condoleezza Rice, about 18 Members of Congress and the President. I have still got the notes I took that day, and the President told us that Saddam Hussein has weapons of mass destruction, trains terrorists on weapons of mass destruction, and if military force is used, it will be, in the President's words, swift. September 26, 2002.

And then a few months later, we saw the banner "Mission Accomplished," and we thought, wow, it was swift. But now we know, and I am not one of these conspiracy theorists that believes the President misled us. I think he received bad intelligence and shared it with us; and until proven otherwise, that is what I will believe because anything other than that would be a very unfair and strong attempt at trying to say something that we do not know whether it is true or not. I have to assume he just received bad intelligence.

But I will tell you this: there is not a more difficult decision that Members of Congress have to make than whether or not to send our men and women in uniform into harm's way; and when we are asked and called upon to make those kind of decisions, we have got to know, we must know that our intelligence is correct.

So for the most part, we all voted to go there. We are now there. What do we do about it? You want to talk about supporting the troops, one of the ways that you support the troops is to stop moving the goal post, to stop moving the victory line.

We say we went there because of weapons of mass destruction. They no longer have them. We won.

Then they said, well, we have got to stay until we overthrow Saddam.

□ 2200

We won. They said we have to stay till we capture him. We pulled him out of that spider hole. We won. Then the administration said we have to stay till we assassinate him. We assassinate him until he is executed, put to death, and he was.

So, based on that, we won. Then they said, well, we have got to stay until the Iraqi people can have elections. They did. We won.

Yet, now they are saying that, you know, we have got to stay there, and it's, you know, the line they use now is it's better to fight the terrorists there than here. There weren't terrorists in Iraq. Saddam wouldn't put up with them. He chopped their heads off.

Obviously, there are terrorists there now, and there are those from other neighboring countries wanting to create havoc. But for the most part what we have today, as the gentleman from Tennessee indicated, is civil war. Nobody fought our civil war for us, and it's pretty apparent the Iraqis don't want us fighting their civil war for them.

Now, understand, we had 3,200 U.S. soldiers die there, 25,000 injured, over 10,000 in ways that will forever change their lives. We are sending the Iraqis $12 million an hour. What do they think about us? Seventy-one percent don't want us there and 60 percent of them think it's okay to kill a U.S. soldier.

Contrast that with Afghanistan, where the Taliban is back on the rise. They are back training. We will spend more money in Iraq this month than we will spend in Afghanistan in the next 2½ years. We have 225,000 troops in the Iraqi region today, and the President wants to add 21,000 more. Yet we only have 25,000 in Afghanistan.

The Taliban is back, organizing and getting trained, and the mountains of Afghanistan are nothing more than a breeding ground for terrorists. This administration is so focused on Iraq that they are losing sight of what is going on in Afghanistan, where 84 percent of the people in Afghanistan do want us there.

I just wanted to throw that out there for any comment you might have, because I thought you made an excellent point about how we fought our Civil War, and it's time they accept responsibility and fight their own. We cannot continue to put our men and women in uniform on their front lines and have them standing behind us. It is time for them to step up, accept responsibilities, train their men and women, and put them in uniform. They need to fight this war, if they really want a taste of freedom. No one can give you that. You have got to get it country by country.

Mr. LINCOLN DAVIS of Tennessee. I hear the other side, the minority party in this Chamber, talk about the defeatist Democrats, the retreatist Democrats, whatever terminology they want to use. I find that somewhat repulsive that there are those who would assume that Democrats want to lose a war.

Let me tell you something. I come from Tennessee. Andrew Jackson in the war of 1812 and 1814, when he had that battle, the war was over with. There had already been a surrender of the British. He still fought that war, and I believe he was a good Democrat. In World War I, a fellow named Woodrow Wilson, I happen to believe he was a Democrat, he fought the war until it was over with. We won that war.

In World War II, we went to war and took 16 million people. We call them the Greatest Generation. They came back home, and they started having children like rabbits in the spring. That is 77 million folks we call baby boomers. They give us a huge workforce in this country.

Then we went to Korea, and let me finish, in World War II, we lost Roosevelt during that time. Harry Truman had the forces. We had invaded Normandy and had conquered the Germans and had conquered Europe. We had already put in place the invasion Army that was going into Japan. Harry Truman changed course. You need to replay that message to the White House, Harry Truman changed course. He didn't put the invasion force in the ships. He dropped a couple of bombs, a horrible occurrence that happened, but it saved millions of lives and stopped the war. Then we occupied Germany and Japan, and they now have two thriving democracies in the world because they chose that type of government.

Then in Korea we had a fellow named Truman who got us engaged there as well, happened to be a Democrat. But the person who quit fighting was Eisenhower, a Republican.

In the 1970s, in Vietnam, the President at that time was a Republican named Richard Nixon, when we left Vietnam. We can talk about Democrats not following through. We have never lost a war when we have had Democrats in the White House. Andrew Jackson, when he was in New Orleans, a general, we couldn't keep him from fighting and conquering General Packingham.

I am tired about this talk of the Democratic Party not being strong on national defense. Baloney. That is not the case. Let's stop it. Let's start talking about how we win, and how we stay in Iraq, and that becomes winning for us.

This resolution that we vote on tomorrow still allows several thousand people to stay in Iraq after we have taken our soldiers out of the kill zone and the battle zones in Iraq.

We still will be there with several tens of thousands of troops that will be training, providing security, and protection, quite frankly, for many of the folks in Iraq. We will also keep tens of thousands of troops there that will seek out and search the al Qaeda cells if they exist in Iraq, or any terrorist groups that exist in Iraq.

So I get kind of unhappy when I hear the other side start talking about what great success we are having. It is my hope that this search would work, because then we in America can claim a huge successful victory in Iraq.

Mr. SALAZAR. I was in the Soviet Union during the fall of communism when Gorbachev was still in power in 1989, when we were out there studying international government with the Colorado Agriculture Leadership Program.

It's true. I couldn't agree with you more, that the spirit of democracy has to come from within, from within a country. They want to have it. They want to want it. A perfect example of how you win a war, it's with the spirit of sheer military force, but you also have to have a diplomatic surge as well. That is what Blue Dogs are asking for. They are asking to adopt the Iraqi Study Group recommendations. Sure, we can support a group surge, but coupled with a diplomatic surge. That is how you win wars. But they have to want it.

Mr. LINCOLN DAVIS of Tennessee. As we move now, I want to move briefly to the accusing tone we often hear that Democrats are big government. When Bill Clinton became President in 1992, and was sworn in 1993, the government had grown to 22.4 percent of gross domestic income.

When he became the President, working with the Republican Congress in 1995, we saw a government decrease of 18.1 percent of gross domestic income. We saw over a 4 percent decrease in spending during the 8 years that a Democratic President was in office. It had grown to a little more than 22 percent under Reagan and Bush and had receded to 18.1 percent under Bill Clinton.

It has now grown over the last 5 years, 6 years, to over 21 percent. How can anyone in this Chamber talk about being conservatives or blaming anyone for growth? The growth periods actually have occurred under Reagan, Bush, decreased under Clinton, and increased under this Bush administration.

How do you call that being conservative? I just think that it is time that the American people realized that they are being told a lot of things on this floor that aren't true.

I used to see a truth squad. I really wish they were telling the truth on a lot of issues that they were talking about.

I thank you for allowing me to come visit with you tonight.

Mr. LINCOLN DAVIS of Tennessee. Mr. SALAZAR, it was good to be with you and hear the commitment that your family has made, your father and others, to defend the Nation.

Mr. SALAZAR. May I ask a question? You have some figures on this chart that show that basically through the Iraqi war supplementals we have actually budgeted $378.5 billion. Could I ask the gentleman, is this really the true cost of the war, or is this just what we budgeted through the supplementals?

Mr. ROSS. As you can see from the chart here, let me just work through it with you. With the enactment of fiscal year 2007 appropriations, Congress has approved a total of about $378.5 billion for military operations initiated since the 9/11 attacks. According to the Congressional Research Service, this number will continue to escalate over the next several years.

The cost of Operation Iraqi Freedom alone cost American taxpayers $2.5 billion in 2001 and 2002, $51 billion in 2003, $77.3 billion in 2004, $87.3 billion in 2005, and $104.2 billion in 2006. You see a trend here. The cost of the war continues to go up.

Mr. SALAZAR. But is this the actual, is this an actual true reflection of what the war in Iraq has cost? For example, we see that our troop levels, our military armor, and the equipment that our troops have is not adequate in many cases. So are we actually spending from other sources as well to supplement this?

Mr. ROSS. It's my understanding the cost of Operation Iraqi Freedom is $378.5 billion. That is to date. Now, you have to understand what that means is, at this time we are spending about $2 billion a week, about $9.5 billion to $10 billion a month, or, again, put it another way, if you do the math, that is about $12 million an hour.

The Congress has appropriated $29.9 billion in aid to the Iraqi people. Of this amount, only $16.9 billion of that has been disbursed to the Iraqis, and yet the President is now asking for more.

On February 5, 2007, the Defense Department submitted a $94.4 billion fiscal 2007 supplemental request. If enacted, the DOD's total emergency funding for fiscal year 2007, and, again, for 2006, was $104 billion, this is to date, today, this is $60 billion. But if they get what they asked for, then the spending for $2007 will be $163.4 billion. I will repeat that. In 2006 it was $104 billion. In 2007 it will be $163.4 billion; or, put it another way, 40 percent more from the previous year and 50 percent more than the Office of Management and Budget estimated last summer.

Now, the administration also requested about $3 billion for Iraq, and $1 billion for Afghanistan in emergency foreign and diplomatic operations funds, if that is where you are going with that. If the fiscal year 2007 supplemental request is approved, total war-related funding would reach about $607 billion, including about $448 billion for Iraq, $126 billion for Afghanistan, $28 billion for enhanced security, and $5 billion that is unallocated.

For fiscal year 2008, the Department of Defense has already requested $481.4 billion for its regular budget, and $141.7 billion for war costs. If Congress approves both, the fiscal year 2007 emergency supplemental request and the fiscal year 2008 war request for the fiscal year beginning in October, then total funding for Iraq and the global war on terror would reach about $752 billion, including $564 billion for Iraq, $155 billion for Afghanistan, and $28 billion for enhanced security. Put another way, it almost doubles the number that was prepared January 24 of this year.

In fiscal year 2007 alone, spending on the thousands of government contractors involved in reconstruction has risen to $10 billion per month, including $8.6 billion for Iraq and $1.4 billion for Operation Enduring Freedom in Afghanistan.

Since the war is essentially financed through deficit spending, interest payments over time could amount to another $100 billion or more.

The Congressional Budget Office estimates that additional war costs for the next 10 years could total $919 billion by 2013. If these estimates are added to already appropriated amounts, total funding for Iraq and the war on terror could reach about $980 billion to $1.4 trillion by 2017.

☐ 2215

Adding another 21,500 troops alone will cost the American taxpayers another $5.6 billion per year.

Believe me, we have got 225,000 troops in the Iraqi region today. If adding another 21,500, which the President is already doing, would win this thing, we would all be for it. But, again, we have had numerous victories over there. Again, the President and this administration continues to move the goal post, the victory line. And that is not fair to our men and women in uniform who have performed bravely and admirably for our Nation.

We don't need a troop surge in Iraq. We need a diplomatic surge, and we need to demand responsibility from the Iraqi people.

I yield to the gentleman from Colorado.

Mr. SALAZAR. I want to thank the gentleman for his comments. I think it is clear, with the figures that you have given us, that the $378 billion is not really a true reflection of what the Iraqi war has cost us.

And you are absolutely right, we as Blue Dogs, we as Democrats will stand strong with our troops making sure that they have the equipment that they need, and that is one of the things I wanted to talk about tonight was the Iraq war supplemental that our leadership has proposed includes making sure that we take care of our veterans; it includes money for devastated farmers and ranchers across this country due to weather problems and other issues.

So I believe that this is the right thing to do. It is the right thing to do. But I would ask the administration to please look into trying some diplomatic efforts in the Middle East, and hopefully we can move this forward and bring our troops home as quickly and safely as possible. In the meantime, let us not forget the men and women in uniform who serve this country bravely. And I want to thank the gentleman for inviting me today to visit with the American public and tell them the truth about what is going on with America's budget.

Mr. ROSS. I thank the gentleman from Colorado for joining me this evening here on the floor to talk about restoring accountability to our government and demanding responsibility from the Iraqi people.

The American people spoke loud and clear on election day: they are ready for a new direction in Iraq. They don't want more of the same; they want a new direction. And that is what will be voted on on the floor of the House tomorrow. There will be a lot of mischaracterizations of what we are voting on.

Here is the bottom line: we are giving the President every penny he asked for for Iraq. Above and beyond that, we are going to provide funding for Walter Reed Army Hospital and for other VA hospital facilities to ensure that this new generation of veterans coming home, not only from Iraq, but also from Afghanistan, receive the very best in health care available to them, because we owe it to them. We owe a huge debt of gratitude to our brave men and women in uniform who have done everything that has been asked of them.

What this bill also does, I think it is important, Mr. Speaker, that people understand this, the other thing this bill says is that we will have troops in Iraq for another year. And even after the year is up, we will continue to have troops there; but instead of having our men and women in uniform from America on the front lines getting shot at and wounded and killed, we will be there in an advisory role to train Iraqis and demand, a year from now, demand that they step up, that they step up and provide the police and military force for their country.

I think it is very important that the American people understand we are going to send our brave men and women in uniform every dime the President has asked for them, but we are also going to demand accountability and responsibility by the Iraqi people and tell them a year from now it is their turn.

Mr. SALAZAR. I just wanted to thank the gentleman. We see him on the floor every Tuesday trying to get the message out to the American public and trying to make sure that the figures that are being stated here in Congress are the true figures. I think that the American people deserve to know the truth, and I commend the gentleman for his dedication not only to the Blue Dog Coalition but also to the American people. And it is superimportant, I believe, that the American people know the truth. Thank you very much. I appreciate your inviting me to speak with you tonight.

Mr. ROSS. I thank the gentleman from Colorado, a fellow Blue Dog member, a member of the 43-member strong fiscally conservative Democratic Blue Dog Coalition, for joining me here on the floor this evening.

Mr. Speaker, if you have any comments, questions, or concerns, I would invite you to e-mail us at BlueDog@mail.house.gov. Again, Mr. Speaker, if you have any comments, questions, or concerns, I would encourage you to e-mail us at BlueDog@mail.house.gov.

In the final 3 minutes that we have in the Special Order this evening, I want to point out that one of the things that has been endorsed by the Blue Dog Coalition that we are 100 percent united on is what is called House Resolution 97, Providing for Operation Iraqi Freedom Cost Accountability. The Blue Dogs have endorsed and introduced House Resolution 97. It was offered by JANE HARMAN, former ranking member of the House Intelligence Committee and Congressman PATRICK MURPHY who was a captain in our Army and served in Iraq. And it provides for Operation Iraqi Freedom cost accountability to address the lack of oversight and accountability with regard to the Federal Government's funding of the war in Iraq.

House Resolution 97, which currently has 61 cosponsors, puts forward tangible commonsense proposals that ensure future transparency and accountability in the funding of Operation Iraqi Freedom. If we are going to send $12 million an hour of your tax money to Iraq, we expect accountability and responsibility for how that money is being spent. We want to know without a shadow of a doubt that it is being spent to protect and equip our brave men and women in uniform. It is an important first step toward making sure that more resources get to our troops in the field.

There is a big debate right now of whether the body armor provided them in 2003, is that the best body armor in 2007. If we are going to send our troops over there, we must provide them with the very best, most advanced equipment that is available.

House Resolution 97 focuses on four crucial points for demanding fiscal responsibility in Iraq:

Number one, a call for transparency on how Iraq war funds are spent;

Number two, the creation of a Truman Commission to investigate the awarding of contracts;

Number three, a need to fund the Iraq war through the normal appropriations process, and not through the so-called emergency supplementals;

And, number four, using American resources to improve Iraqi assumption of internal policing operations, demand more from this new Iraqi Government.

In addition, House Resolution 97 calls for the Iraqi Government and its people to progress toward full responsibility for internally policing their country. Members of the Blue Dog Coalition also believe strongly that funding requests for the Iraq war should come through the normal appropriations process rather than through multiple emergency supplemental requests. Since 2003, the Republican-held Congress has been funding the war through emergency supplemental requests, $166 billion in 2003, $25 billion in 2004, $76 billion in 2005, $50 billion in 2006, and another $70 billion after that and $99 billion for 2007 and $142 for 2008. And the list goes on and on.

If we are going to be there and if we know we are going to be there, let's put it in the budget and quit hiding it in the so-called emergency supplementals. The American people deserve to know that some $12 million an hour of their tax money is going to Iraq. And what the Blue Dogs are asking for in House Resolution 97, we are demanding from this administration and from the Pentagon accountability to ensure that every dime that goes over there is spent protecting and equipping and serving our honorable men and women in uniform who do everything that this country asks of them.

In closing, Mr. Speaker, I ask that you join me in keeping our brave men and women in uniform serving us tonight in Iraq and Afghanistan and other parts of the world in our hearts and in our prayers.

With that, Mr. Speaker, I yield back the balance of my time.

COVER THE UNINSURED WEEK

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 60 minutes.

Ms. BALDWIN. Mr. Speaker, I rise tonight during Cover the Uninsured Week to draw attention to a national crisis.

According to the Census Bureau, 46.6 million Americans are without health insurance. Millions more encounter a health care system that is inadequate in meeting their basic medical needs because they are underinsured.

According to a recent Commonwealth Fund study, there are 16 million Americans who are underinsured, meaning that their insurance did not adequately protect them against catastrophic health care expenses. That means, in total, 61 million Americans have either no health insurance or only sporadic coverage, or have insurance coverage that leaves them exposed to high health care costs. Sixty-one million Americans is nearly 21 percent of all Americans, one in five.

The lack of affordable, comprehensive health care affects every congressional district in this Nation. To highlight the issue and the real impact that being uninsured has on the lives of Americans, I have selected some letters that I have received from my constituents who have had difficulty in obtaining and affording comprehensive health care coverage. Too often here in Congress we speak of health care issues in antiseptic jargon of policymakers and lawyers. But people across America are hurting, and these letters tell their stories in their own words.

I represent a district in south central Wisconsin, and while the letters I read may be from the State of Wisconsin, they speak to the difficulties of people all over the United States, difficulties people face every day. I am going to start with a few letters about the ever-increasing price of health care.

Eva from Madison, Wisconsin writes: "I am contacting you in regards to my desperate need for public health care. I am a grad student. I recently sprained my ankle playing soccer and had to go to the emergency room for x-rays. My bill came out to $1,242.50 because I can only afford measly insurance that only has catastrophic coverage. This is a ridiculous amount of money for such a visit, and it causes me to consider those less fortunate than me who have even more serious injuries and less familial support. This cost can truly make waves in the lives of people."

Suzanne from Stoughton, Wisconsin writes: "It is time, time to have the government deal with health care. We are covered under COBRA, which will run out in March. The cost is going from $500 per month to $900 per month. We checked with Blue Cross, and they refused us coverage because of a preexisting condition. They will not even offer a waiver for this preexisting condition. We checked with the Wisconsin State Insurance Program, which will cover us for $1,200 per month. Please, let people over 60 buy into Medicare. It is impossible to find a job that offers health insurance."

And then there is the story of Sylvia from Fitchburg, Wisconsin. Sylvia was uninsured when she was hospitalized with a need for an appendectomy. Even after the hospital charity program reduced her bill, she still owed over $11,000 to the hospital. Sometimes the bill collectors call her at home five times a day. Sylvia chips away at this bill sending in the most she can, $20 to $50 a month.

Roberta from Janesville, Wisconsin writes: "I think insurance bills for both medical and dental care are horrendous. Both my husband and I work full time, with two small children, living pay check to pay check. My insurance costs have caused us many heartaches, with us owing more money than what needs to be paid. As a result, I will not get a needed medical procedure done. Something drastically needs to change in the United States of America where hardworking individuals and families can get the treatment they need without going broke."

Roberta brings up an important point in her letter, because people without health insurance are often not getting the care that they desperately need. A recent study released by the Robert Wood Johnson Foundation found that cost prevented 41.1 percent of uninsured adults from seeking a doctor when they needed to seek care.

But getting needed care is also difficult for Americans who have health insurance because of the financial strain relating to high premiums, high health care costs, increasing copays, deductibles. These place an incredible strain on American families, often forcing them to choose between needed health care and basic necessities like food.

□ 2230

It is no wonder that illness, injury and medical debt is responsible for nearly 50 percent of all personal bankruptcies in the United States. Only about 40 percent of businesses who employ low-wage or part-time workers offer health benefits. And at $11,480 a year, the average family's health insurance premiums now cost more than a minimum wage worker makes in a year. And as we all know, the costs of health care are rising faster than inflation. Between 2000 and 2006, health premiums for employer-sponsored insurance jumped 87 percent, far outpacing inflation's 18 percent overall increase over the same period of time.

Patricia, from Madison, Wisconsin writes: We need to fix health care. I have to choose between heat and food and medications. I have lost 80 pounds because of this. Please help.

Heather, from Waterloo, Wisconsin writes: I am married and together with my husband I own a home. We live a modest, middle-class life, managing to always have what we need except for health care coverage. My husband has excellent health care at his job, but for me to also be covered by his plan, we would need to pay nearly $400 per month. That is two-thirds as much as our home mortgage. Through school, I have worked less and less in order to maintain health coverage, and I have only been able to afford short-term, major medical coverage. I am grateful that we can afford this, and it does make a difference. However, even now, I have a sore throat and I will wait for a few days to see how I feel. And I will wait because if I don't need to go, I will certainly save the money. This is disturbing to me, as a nursing student, because I know about the importance of early treatment and prevention. And it is upsetting to me as a person because I value my health. It is unacceptable to me as a citizen, because I know there are other people just like me who wait and get sicker or can't take the medications they need.

Mr. Speaker, simply put, our health care system is failing, and America knows this. Among the thousands of letters regarding health care that I receive, there is a common thread, a common theme that brings them together, and that common theme is an overwhelming frustration with the system, a system they know is just not working, and a call for us in Congress to take action, bold action.

Brad, from Mount Horeb, Wisconsin writes: I write to you today to urge you to take action on a growing crisis in America: health care. I strongly believe that we need a national health care plan to insure all Americans. My major concern with the current system is that when people attempt to obtain insurance, insurance companies refuse them because of past health history. Let's face it. Insurance companies are in business to make a profit. The best way to make a profit is to insure the healthy so you can minimize the claims you pay out, and not insure those who need medical care or may potentially need medical care.

Brad goes on to write: I am 38 years old, with a family of four. I currently participate in a health savings account. For all practical purposes, I pay all of my own medical needs, including the recent birth of our daughter. I recently attempted to switch insurance providers. The insurance companies will insure me, but they will not insure my daughter for any type of treatment for her asthma for 3 years, along with no drug coverage for life. The policy I was requesting had a $10,000 deductible, yet they still refused the coverage.

Lisa, from Madison, Wisconsin writes: I am a very healthy person, and my husband and children are very healthy. We cannot get insurance. I think everyone should attempt to gain an individual health policy just to see how impossible it is. I am not a risk. Really, I am not. I am terrified right now because we are uninsured.

Carol, from Madison, Wisconsin writes: As someone who has had no health insurance at all for 3 years, I can tell you that it was pretty miserable being one of the millions of people in this country without health insurance. Not long ago, my best friend died at age 42 because of ovarian cancer because she did not have health insurance and waited too long to see what was causing all of her symptoms. Yes, people in America actually die from not having health insurance.

Darla from Fitchburg, writes me. She says, "I lost my job because of unpredictable attendance due to my health issues. Upon losing my job I signed up for COBRA. Last week I received a letter indicating that my COBRA eligibility ends soon. In order for me to get health coverage, I would have to work at least 20 hours per week, but my physicians believe that it would do me more harm than good relating to my health issues. If I don't get some sort of health insurance, I will need to stop all treatments, as I have no money to pay for doctors' services. My prescription drugs will have to stop, as I will not be able to pay for them either. What can I do?" Darla asks.

Kimberly, from Madison, Wisconsin writes to me, "I am writing today because of my family's frustration and anxiety over health care. Although we hear a lot of rhetoric about making health care more affordable and/or more available for Americans, nothing is happening, at least not soon enough.

"Let me briefly share our story," Kimberly proceeds. "My husband recently started his own business. Obviously, it will take some time for his new company to see any profits, much less income. In the meantime, we are without health insurance. I am 5 months pregnant, and we have a 2-year-old son. Because of my preexisting condition, we cannot buy affordable health coverage. COBRA would cost us $1,200 per month. I am currently applying for Medicaid and other forms of public assistance as a last resort. This is ridiculous.

"As someone with no insurance, I wonder what could possibly be the problem with implementing a public health care system. Oh, I have heard the horrible stories about having fewer choices in doctors or longer waiting lists for procedures and less incentive among doctors and researchers to develop new technologies. But what is most frightening to me is the chance that my son might get sick, or my baby might be born with expensive complications while we are uninsured.

"I am not naive. I know that funding public health care is an issue. But is it wise to sacrifice the health and well-being of American citizens to avoid the challenge of implementing a change? I, for one, would be satisfied to pay more for goods and services if I could rest assured that my family's basic health care needs were being met."

David, from Cross Plains, Wisconsin writes, "My wife and I have been self-employed for over 18 years, and have paid thousands of dollars for health insurance premiums. As of a few months ago, we had to drop out and are now without health insurance. The cost is completely out of reach. In fact, it is nuts. Now that I am 50 years old, it is not a matter of if I will have health problems, it is a matter of when. Tammy, we will lose everything we have ever worked for. So much for the American dream. Now we look forward to dying broke and possibly homeless."

Victor, from Stoughton, Wisconsin, writes, "My wife can only work part time because of her health. Her employer offers a generic policy that costs only $3.97 per week and requires no background check. This policy covers basically nothing. Medical supplies, check-ups, doctors' visits necessary on a routine basis for my wife to survive are now not covered. My wife is uninsurable because of her health, and we have been turned down for health insurance that we have applied for. We cannot believe that this is happening."

Ronald, from Deerfield, Wisconsin writes, "I was on COBRA insurance for 3 years, which ended this past fall. I spent from March until September trying to get private insurance, but could not because of my neck injury. I was, in effect, looked at and dismissed by 33 private insurance companies because of my preexisting condition with my neck injury. Imagine how you would feel, after being dismissed by this many companies. I was finally insured through disability and Medicare. The sad reality of it is that if I want to try to work full-time again, I cannot, because in doing so it would cost me the only insurance options that I have left.

"The truth is that many other countries can and do provide equitable health insurance to all of their citizens, no matter what preexisting conditions they have, or their ability to pay, or what income level they have. I believe this country does have top-notch medical facilities, but not decent or equitable insurance for the poor and middle-income families.

Susan, from Baraboo, Wisconsin writes me, "I am writing you today regarding health insurance coverage for single people with no children. As of this time, I feel that I am left out of the loop in regards to this topic: I am 42, and last September I was diagnosed with breast cancer. In January of this year, the company that I worked for informed us that they would be closing down. I was laid off in December while I was out due to my cancer treatment. I have been searching for health care coverage everywhere because my COBRA will be going up, and I am on unemployment and barely able to pay the $244.76 for the coverage now. I cannot get insurance because of the breast cancer.

"The High Risk State Insurance Program, which is the Wisconsin program, is too expensive for me to get coverage, since they want 4 months of premiums up front, and as they only cover some things. What are single people supposed to do," Susan asks? "We don't qualify for any government assistance because we are single. We cannot go without insurance. There are no programs to help us out. So when you are working on health care in the House of Representatives, please remember that there are other single people out there also in my shoes. I am at a crossroads because I have no avenue for assistance when it comes to health care. Come November, I will be unable to get coverage when I need it at this point in my life:

Janet from Portage, Wisconsin writes, "I have a 53-year-old brother who has psoriasis all over his body and arthritis that is caused by this. Three weeks ago he fell and needs surgery on his shoulder to repair it. He has no job, no money, and no insurance. We started looking for a program to help him. There are none that we can find. There is nothing to get him help to get his shoulder fixed. But after it heals wrong and he is disabled because of it, then there are programs to help him. They won't help him get it fixed so he can find a good job. Instead, they would rather support him for the rest of his life instead of trying to help him now:

Gail, from Janesville, Wisconsin writes, "My husband recently lost his job. He applied for over 100 positions, only to be told that he lacked a college degree, or he is overqualified, or that they can only pay $8 an hour. I was diagnosed with breast cancer in June of 1998, and again in 2003. I have gone through breast cancer twice, and have undergone a mastectomy and reconstructive surgery. COBRA has run out, and without a stable income, we cannot afford to pay the premiums for our own health care policy. My husband is 59 and I am 58, and we have no medical coverage. I have looked into every insurance company and get turned down because of my medical history. All our lives we have paid into these insurance companies, only to be turned away when we need the coverage the most."

□ 2245

Lastly, I want to relay a story that was shared with me by Laurie. Laurie is a fourth grade teacher in the Madison, Wisconsin, public school system. Laurie recently had a student fall during recess and break his foot. Laurie wrote: "As he was waiting, in extreme pain and cold, for the school nurse to get to him, he cried to an assistant waiting with him, 'I can't go to the doctor. We don't have insurance.'"

That a 9- or 10-year-old boy should think even something like this is an atrocity.

Mr. Speaker, I hope that as Cover the Uninsured Week continues, my colleagues will join me in recognizing that obtaining comprehensive, affordable health care presents a very real challenge for millions upon millions of Americans. We cannot turn a deaf ear to our constituents' pleas for help. I invite my colleagues to join me in working on this most pressing domestic priority to provide affordable health care for all Americans.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CLARKE (at the request of Mr. HOYER) for today after 6:00 p.m.

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. JOHNSON of Georgia, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. WILSON of Ohio, for 5 minutes, today.

Mr. MILLER of North Carolina, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. SCHWARTZ, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, April 25 and 25.

Mr. POE, for 5 minutes, May 1.

ADJOURNMENT

Ms. BALDWIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, April 25, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1250. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-37, "Class Exclusion Standards Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1251. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-36, "Quality Teacher Incentive Clarification Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1252. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-35, "Retail Service Station Clarification Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1253. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-34, "Comprehensive Plan Response to NCPC Recommendations and Technical Corrections Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1254. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-33, "Nonprofit Organizations Oversight Improvement Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1255. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-38, "Public Education Reform Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1256. A letter from the Acting Chief Counsel, Department of Transportation, transmitting the Department's final rule — Tariff of Tolls [Docket No. SLSDC 2006-26584] (RIN: 2135-AA25) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1257. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Construction and Maintenance [FHWA Docket No. FHWA-2006-23552] (RIN: 2125-AF18) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1258. A letter from the Acting Chief Counsel, Department of Transportation, transmitting the Department's final rule — Seaway Regulations and Rules: Periodic Update, Various Categories [Docket No. SLSDC 2006-26397] (RIN: 2135-AA24) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1259. A letter from the Secretary, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Maintenance and Repair Reimbursement Pilot Program [Docket No. MARAD-2006-23804] (RIN 2133-AB68) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1260. A letter from the Assistant General Counsel Aviation Enforcement and Proceedings, Department of Transportation, transmitting the Department's final rule — Domestic Baggage Liability [Docket OST-2007-27020] (RIN: 2105-AD62) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1261. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Size and Weight Enforcement and Regulations [FHWA Docket No. FHWA-2006-24134] (RIN: 2125-AF17) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1262. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Statewide Transportation Planning; Metropolitan Transportation Planning [Docket No. FHWA-2005-22986] (RIN: 2125-AF09; FTA RIN 2132-AA82) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1263. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Surface Transportation Project Delivery Pilot Program [FHWA Docket No. FHWA-05-22707] (RIN: 2125-AF13) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1264. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Creston, IA. [Docket No. FAA-2006-25941; Airspace Docket No. 06-ACE-11] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1265. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mineral Point, WI [Docket No. FAA-2006-24448; Airspace Docket No. 06-AGL-02] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1266. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Williamsburg, KY [Docket No. FAA-2006-26040; Airspace Docket No. 06-ASO-13] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1267. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30535; Amdt. No. 3205] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1268. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30537; Amdt.

No. 3207] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBEY: Committee of Conference. Conference report on H.R. 1591. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes (Rept. 110–107). Ordered to be printed.

Mr. ARCURI: Committee on Rules. House Resolution 330. Resolution providing for consideration of the bill (H.R. 1332) to improve the access to capital programs of the Small Business Administration, and for other purposes (Rept. 110–108). Referred to the House Calendar.

Mr. SUTTON: Committee on Rules. House Resolution 331. Resolution providing for consideration of the bill (H.R. 249) to restore the prohibition on the commercials sale and slaughter of wild free-roaming horses and burros (Rept. 110–109). Referred to the House Calendar.

Ms. SLAUGHTER: Committed on Rules. House Resolution 332. Resolution providing for consideration of the conference report to accompany the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes (Rept. 110–110). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RAHALL (for himself and Ms. Bordallo) (both by request):

H.R. 2010. A bill to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS (for himself, Mr. Berry, Mr. Snyder, and Mr. Boozman):

H.R. 2011. A bill to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. ROSS (for himself, Mr. Whitfield, Mr. Boozman, Mr. Hall of Texas, Mrs. Drake, and Mr. Allen):

H.R. 2012. A bill to amend the Fairness to Contact Lens Consumers Act to require contact lens sellers to provide a toll-free telephone number and a dedicated email address for the purpose of receiving communications from prescribers; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. Gordon, Mr. Lincoln Davis of Tennessee, Mr. David Davis of Tennessee, and Mr. Gonzalez):

H.R. 2013. A bill to provide a technical correction to the Federal preemption of State or local laws concerning the markings and identification of imitation or toy firearms entering into interstate commerce; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself and Mr. Weller):

H.R. 2014. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements and to modify the depreciation rules relating to such leasehold improvements for purposes of computing earnings and profits; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Ms. Pryce of Ohio, Ms. Baldwin, Mr. Shays, Mr. Crowley, Ms. Kilpatrick, Mrs. Capps, Mr. Wynn, Mr. Clay, Mrs. Maloney of New York, Mr. Ackerman, Mr. Honda, Mr. Pallone, Mr. Langevin, Mr. Pastor, Mr. Waxman, Ms. Linda T. Sánchez of California, Mr. Gonzalez, Mr. Meehan, Mr. Allen, Mr. Farr, Ms. McCollum of Minnesota, Mr. McDermott, Mr. Emanuel, Mr. Hinojosa, Mr. Moran of Virginia, Mr. Moore of Kansas, Mr. Abercrombie, Mr. Levin, Mr. Johnson of Georgia, Mr. Doyle, Ms. Zoe Lofgren of California, Mr. Cummings, Mr. Loebsack, Mr. Dingell, Ms. Eddie Bernice Johnson of Texas, Mr. Berman, Mr. Wexler, Mr. Rangel, Ms. Jackson-Lee of Texas, Mr. Schiff, Mr. Wu, Mr. Van Hollen, Ms. Ros-Lehtinen, Mr. Cleaver, Mr. Doggett, Mr. Hinchey, Ms. Hirono, Mr. Matheson, Mr. Andrews, Mr. Pascrell, Mr. Holt, Mr. Hastings of Florida, Mr. Filner, Mr. Michaud, Mr. Nadler, Mr. McGovern, Mr. Capuano, Mr. Engel, Mr. Delahunt, Mr. Markey, Mr. Olver, Mr. Neal of Massachusetts, Mr. DeFazio, Ms. Norton, Mr. Sires, Mr. Ellison, and Mrs. Davis of California):

H.R. 2015. A bill to prohibit employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself, Mr. Moran of Virginia, Mrs. Bono, Mr. Renzi, Mr. Udall of New Mexico, Mr. Hinchey, Mr. Inslee, Mr. Pallone, Mrs. Maloney of New York, Ms. Berkley, Mrs. Capps, Ms. Lee, Mrs. Wilson of New Mexico, Mr. Udall of Colorado, Mr. Doggett, Mr. Gilchrest, and Mr. Kirk):

H.R. 2016. A bill to establish the National Landscape Conservation System, and for other purposes; to the Committee on Natural Resources.

By Mr. HOLT (for himself, Mr. George Miller of California, Mr. Payne, Mrs. McCarthy of New York, Mr. Davis of Illinois, Mr. Hare, Mr. Sires, Mr. Conyers, Ms. Watson, Mr. Israel, Ms. Lee, Ms. Zoe Lofgren of California, Ms. Corrine Brown of Florida, Mrs. Tauscher, Mr. Jefferson, Mr. Gene Green of Texas, Mr. Rush, Mrs. Napolitano, Mr. Honda, Mr. Delahunt, Mr. McNulty, Mr. McDermott, Mrs. Maloney of New York, Mr. Al Green of Texas, Mr. Holden, Ms. Schakowsky, Mr. Gonzalez, and Mr. McGovern):

H.R. 2017. A bill to provide access and assistance to increase college attendance and completion by part-time students; to the Committee on Education and Labor.

By Mr. JEFFERSON:

H.R. 2018. A bill to provide additional authority to the Administrator of the Small Business Administration with respect to disaster surety bonds; to the Committee on Small Business.

By Ms. NORTON:

H.R. 2019. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Education and Labor.

By Mr. PLATTS (for himself, Mr. Shays, Ms. Matsui, and Mr. Price of North Carolina):

H.R. 2020. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate for charitable purposes to the standard mileage rate established by the Secretary of the Treasury for business purposes; to the Committee on Ways and Means.

By Mr. RUPPERSBERGER (for himself, Mr. Rangel, Mr. McDermott, Mr. Gilchrest, Mr. Lewis of Georgia, Mr. Shays, Mr. Van Hollen, Mr. Young of Alaska, Mrs. Maloney of New York, Mr. Kennedy, Mr. Cummings, Mr. Wynn, Ms. Norton, Mr. Butterfield, Ms. Watson, Mr. Davis of Illinois, Mrs. Gillibrand, Mr. Sarbanes, Mr. Cuellar, Ms. Schakowsky, Ms. Wasserman Schultz, Ms. McCollum of Minnesota, Mr. Cohen, and Ms. Kilpatrick):

H.R. 2021. A bill to amend the Internal Revenue Code of 1986 to increase the credit for employers establishing workplace child care facilities, to increase the child care credit to encourage greater use of quality child care services, and to provide incentives for students to earn child care-related degrees and to work in child care facilities; to the Committee on Ways and Means.

By Mr. SHULER (for himself, Mr. McHenry, Mr. Jones of North Carolina, Ms. Foxx, and Mr. Boren):

H.R. 2022. A bill to provide for the consideration of a petition for Federal Recognition of the Lumbee Indians of Robeson and adjoining counties, and for other purposes; to the Committee on Natural Resources.

By Mr. TANCREDO (for himself, Mr. Holt, Mr. Bishop of Georgia, and Mr. Wolf):

H.R. 2023. A bill to establish a student loan forgiveness program for members of the Sudanese Diaspora to enable them to return to southern Sudan and contribute to the reconstruction effort of southern Sudan; to the Committee on Education and Labor.

By Mr. TANNER (for himself and Mr. Castle):

H.R. 2024. A bill to establish the Comprehensive Entitlement Reform Commission; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS:

H. Con. Res. 127. Concurrent resolution supporting home ownership and responsible lending; to the Committee on Financial Services.

By Mr. KUCINICH:

H. Res. 333. A resolution impeaching Richard B. Cheney, Vice President of the United States, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. MILLER of North Carolina (for himself, Mr. George Miller of California, Mr. Wu, Mr. Wicker, Mr. Castle, Mr. McKeon, Mr. Van Hollen, Mr. Holden, Mr. Spratt, and Mr. Cuellar):

H. Res. 334. A resolution supporting the goals and ideals of National Community College Month; to the Committee on Education and Labor.

By Mrs. CAPPS (for herself, Mr. Whitfield, and Mrs. Christensen):

H. Res. 335. A resolution expressing the sense of the House of Representatives that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program to reduce the lung cancer mortality rate by at least 50 percent by 2015; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H. Res. 336. A resolution expressing the sense of the United States House of Representatives that the United States should adhere to moral and ethical principles of economic justice and fairness in developing and advancing United States international trade treaties, agreements, and investment policies; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

27. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to House Resolution No. 169 urging the Congress of the United States to enact the Employee Free Choice Act; to the Committee on Education and Labor.

28. Also, a memorial of the Legislature of the State of California, relative to a resolution relating to the Medicare reimbursement rates and access to a life saving therapy called Intravenous Immune Globulin Therapy (IVIG); jointly to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Loebsack.

H.R. 65: Mr. Fortuño, Mrs. Christensen, and Mr. Altmire.

H.R. 176: Mr. Lewis of Georgia and Mr. Moran of Virginia.

H.R. 197: Mr. Waxman, Mr. McCarthy of California, Mr. Smith of Washington, and Ms. Kaptur.

H.R. 223: Ms. Foxx.

H.R. 255: Mr. Gonzalez.

H.R. 322: Ms. Fallin and Mr. Carter.

H.R. 359: Mr. Cohen.

H.R. 369: Mr. Filner.

H.R. 436: Mr. McCaul of Texas.

H.R. 464: Mrs. McCarthy of New York.

H.R. 508: Mr. Moran of Virginia.

H.R. 524: Mr. Udall of Colorado and Ms. Schakowsky.

H.R. 549: Mr. Simpson.

H.R. 550: Mr. Ramstad, Mr. Welch of Vermont, Mr. Grijalva, Mrs. Capps, Mr. Frank of Massachusetts, Ms. Baldwin, Mr. Kline of Minnesota, Mr. Price of North Carolina, Ms. DeLauro, Mr. Van Hollen, Mr. Knollenberg, Mr. Sestak, Mr. Roskam, Mr. Olver, and Mr. Tierney.

H.R. 570: Mr. Gillmor.

H.R. 661: Mr. Courtney.

H.R. 690: Mr. Pickering, Mr. Payne, and Mr. Oberstar.

H.R. 692: Ms. Hooley.

H.R. 698: Mr. McNerney, Mr. Filner, Mr. Pearce, Mr. Abercrombie, Mr. Aderholt, Mr. Blumenauer, Mr. Moran of Kansas, Mr. Bartlett of Maryland, Mr. Hayes, Mr. Gerlach, and Ms. Giffords.

H.R. 711: Mr. Forbes.

H.R. 718: Mr. Platts, Mr. Donnelly, Mrs. Myrick, Mr. Lincoln Davis of Tennessee, and Mr. Hodes.

H.R. 726: Mr. Crowley and Mr. Marshall.

H.R. 736: Mr. Deal of Georgia.

H.R. 741: Mr. Carney, Mr. Larson of Connecticut, Mrs. McCarthy of New York, Mrs. Maloney of New York, and Mr. Serrano.

H.R. 770: Mr. Davis of Illinois and Mr. Markey.

H.R. 784: Mr. Blunt and Mr. Moran of Kansas.

H.R. 811: Mrs. Bono.

H.R. 821: Mr. Holden, Mr. Ellison, Mr. Michaud, Ms. Watson, and Mr. Grijalva.

H.R. 840: Mr. Rothman.

H.R. 869: Mrs. Myrick, Mr. Burton of Indiana, and Mr. Udall of Colorado.

H.R. 871: Ms. Watson.

H.R. 879: Mr. Akin.

H.R. 891: Mr. McHugh.

H.R. 933: Ms. Jackson-Lee of Texas.

H.R. 962: Mr. Honda and Mr. Allen.

H.R. 980: Ms. Woolsey, Ms. Baldwin, and Mr. Walsh of New York.

H.R. 1029: Mr. Boswell and Mr. Gonzalez.

H.R. 1043: Mr. Murphy of Connecticut, Mr. LaHood, Mr. Walberg, Mr. Fossella, and Mr. Manzullo.

H.R. 1064: Ms. Herseth Sandlin, Ms. Schakowsky, Mr. McGovern, Mr. Ross, Mr. Capuano, and Mr. Altmire.

H.R. 1070: Mr. Kind.

H.R. 1076: Mr. Jackson of Illinois, Mr. King of Iowa, and Mr. Ryan of Wisconsin.

H.R. 1098: Mr. Gonzalez.

H.R. 1103: Mr. Al Green of Texas.

H.R. 1115: Mr. Turner.

H.R. 1120: Mr. Fortenberry, Mr. Gilchrest, Mr. Kingston, Ms. Pryce of Ohio, Mr. Wolf, Mr. McCotter, Mr. Burgess, Mr. English of Pennsylvania, Mr. Frelinghuysen, Mr. Goodlatte, Mr. Ramstad, Mr. Walsh of New York, and Mrs. Capito.

H.R. 1134: Ms. Zoe Lofgren of California.

H.R. 1153: Mr. Neugebauer.

H.R. 1192: Mr. Clay and Mr. McDermott.

H.R. 1198: Mr. Allen and Mr. Chandler.

H.R. 1225: Ms. Slaughter.

H.R. 1228: Mr. Davis of Illinois.

H.R. 1237: Mr. Gonzalez, Mr. Boswell, Mr. Sullivan, Ms. Baldwin, Mr. Doyle, and Mr. Latham.

H.R. 1239: Mr. Higgins.

H.R. 1261: Mr. Knollenberg, Mr. Ryan of Wisconsin, and Mr. Bishop of Utah.

H.R. 1264: Mr. McCotter, Mr. Chandler, and Mr. Ross.

H.R. 1278: Mr. Knollenberg.

H.R. 1291: Mr. McDermott and Mr. Rehberg.

H.R. 1320: Mr. Cooper, Mrs. Maloney of New York, and Ms. Berkley.

H.R. 1330: Mr. Gonzalez.

H.R. 1331: Mr. Conyers, Mr. Ross, Mr. Delahunt, Mr. Larsen of Washington, Mr. Smith of Washington, Mr. Larson of Connecticut, and Mr. Hare.

H.R. 1350: Ms. Bean and Ms. Baldwin.

H.R. 1359: Mr. Feeney and Mr. Boozman.

H.R. 1379: Mr. Moran of Virginia.

H.R. 1399: Mr. Costello and Mr. Neugebauer.

H.R. 1413: Mr. Gonzalez.

H.R. 1414: Mr. Wexler.

H.R. 1424: Mrs. Boyda of Kansas.

H.R. 1430: Mr. Inglis of South Carolina, Mr. Gordon, and Mr. Deal of Georgia.

H.R. 1435: Mr. Filner.

H.R. 1439: Mr. Carter and Mr. LoBiondo.

H.R. 1440: Mr. Holden.

H.R. 1441: Mr. Crenshaw.

H.R. 1458: Mr. Carney.

H.R. 1474: Mr. Wexler, Mr. McHenry, Mr. Price of North Carolina, Mr. Jordan, Mr. Carney, Mr. Kanjorski, and Mr. LoBiondo.

H.R. 1481: Mr. English of Pennsylvania.

H.R. 1514: Ms. DeLauro, Mr. Rogers of Kentucky, Mr. McHugh, Mr. Gerlach, Mr. Gonzalez, and Mr. Jones of North Carolina.

H.R. 1527: Mr. Peterson of Pennsylvania and Mr. Marshall.

H.R. 1536: Ms. Baldwin.

H.R. 1543: Mr. Abercrombie and Mr. Lipinski.

H.R. 1551: Mr. Lewis of Georgia and Ms. Solis.

H.R. 1553: Mr. Waxman and Mr. Markey.

H.R. 1561: Mr. Filner.

H.R. 1567: Mr. Gene Green of Texas and Ms. Watson.

H.R. 1576: Mr. Nunes.

H.R. 1611: Mr. Holt.

H.R. 1617: Mr. Blunt, Mr. Hulshof, and Mr. Graves.

H.R. 1618: Mrs. Miller of Michigan and Mr. McCaul of Texas.

H.R. 1627: Mrs. Emerson.

H.R. 1645: Mr. Olver and Mr. Moran of Virginia.

H.R. 1647: Mr. Rangel, Mr. Forbes, Mr. Young of Florida, Mr. English of Pennsylvania, Mr. Smith of Nebraska, and Mr. Holden.

H.R. 1653: Mr. Tierney, Mr. Ellison, Ms. Norton, Mr. DeFazio, Mr. Olver, Mr. Delahunt, and Ms. Kilpatrick.

H.R. 1660: Ms. Jackson-Lee of Texas.

H.R. 1687: Mrs. Drake, Mr. Kildee, Mr. LaHood, and Mr. Davis of Illinois.

H.R. 1700: Mr. Mahoney of Florida, Mr. Hare, Mr. Grijalva, Mr. Etheridge, Mr. Filner, and Mr. Visclosky.

H.R. 1707: Mr. Markey and Mr. Lantos.

H.R. 1709: Ms. Slaughter and Ms. Herseth Sandlin.

H.R. 1713: Ms. Norton and Ms. Harman.

H.R. 1718: Mr. Conyers and Mr. Moran of Virginia.

H.R. 1738: Mrs. Emerson, Mr. Wolf, Mr. McCotter, Mr. Higgins, and Mr. Davis of Alabama.

H.R. 1742: Mr. McCaul of Texas.

H.R. 1760: Mr. Gingrey.

H.R. 1761: Mr. Barrett of South Carolina.

H.R. 1772: Mr. Fortenberry, Mr. McCaul of Texas, Mr. Lantos, Ms. Baldwin, and Mr. McHugh.

H.R. 1773: Mr. Udall of Colorado, Mr. Altmire, Ms. McCollum of Minnesota, Mr. Rahall, and Mr. Skelton.

H.R. 1783: Mr. Chandler, Ms. Wasserman Schultz, and Mr. Davis of Illinois.

H.R. 1787: Mr. Hensarling, and Mr. Lincoln Diaz-Balart of Florida.

H.R. 1792: Mr. LEWIS of Kentucky.

H.R. 1801: Mr. MCCAUL of Texas and Ms. WOOLSEY.

H.R. 1865: Mr. PLATTS.

H.R. 1873: Mr. MICHAUD and Mr. LIPINSKI.

H.R. 1880: Mr. ETHERIDGE and Ms. NORTON.

H.R. 1884: Ms. JACKSON-LEE of Texas and Mr. MCHUGH.

H.R. 1926: Mr. ALLEN, Mr. YARMUTH, Mrs. EMERSON, Mr. MCCOTTER, Mr. SESSIONS, Mr. WALZ of Minnesota, Ms. ROS-LEHTINEN, Mr. WOLF, Mr. BOUSTANY, Mr. UPTON, and Mr. CAPUANO.

H.R. 1930: Mr. CARTER.

H.R. 1940: Mr. GOODLATTE.

H.R. 1954: Mr. PASTOR.

H.R. 1964: Mr. PAYNE.

H.R. 1971: Mr. ETHERIDGE, Mrs. TAUSCHER, Mr. HINOJOSA, Mr. SHAYS, Mr. MOORE of Kansas, Mr. SIRES, Mr. GRIJALVA, Ms. MATSUI, Mr. EHLERS, Mr. HASTINGS of Florida, and Mr. WATT.

H.R. 1992: Mr. DEFAZIO and Mr. VISCLOSKY.

H.R. 2005: Mr. RODRIGUEZ, Ms. HOOLEY, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 7: Mrs. CAPPS, Mr. MATHESON, Mr. GUTIERREZ, Mr. MCCOTTER, and Mr. AKIN.

H. Con. Res. 48: Mr. HULSHOF, Mr. WALDEN of Oregon, Mr. DAVIS of Illinois, Mrs. BONO, Mr. HENSARLING, Mr. HALL of Texas, and Mrs. MYRICK.

H. Con. Res. 75: Mr. MARKEY.

H. Con. Res. 80: Mr. FATTAH, Ms. WOOLSEY, Mr. SCOTT of Georgia, Mr. MCGOVERN, and Mr. CHABOT.

H. Con. Res. 108: Ms. BALDWIN.

H. Con. Res. 112: Ms. SCHWARTZ.

H. Con. Res. 115: Mr. WEXLER and Ms. SLAUGHTER.

H. Con. Res. 117: Mr. LAMBORN, Mr. GINGREY, Mr. ENGLISH of Pennsylvania, Mr. LEWIS of California, Mr. SESSIONS, Mr. CALVERT, Mr. BAKER, Mr. ADERHOLT, Mr. GILLMOR, Mrs. MYRICK, Mr. GARY G. MILLER of California, Mr. NUNES, Mr. SMITH of Nebraska, Mr. PITTS, Mr. NEUGEBAUER, Mr. SHUSTER, Mr. COBLE, Mr. SAXTON, Mr. SOUDER, Mr. ROHRABACHER, Mr. CAMP of Michigan, Mr. WAMP, Mrs. SCHMIDT, Mrs. BIGGERT, Mr. ROYCE, Mr. BISHOP of Utah, Mr. PUTNAM, Mr. HASTERT, Mr. CARTER, Mr. WALSH of New York, Mr. TIBERI, Mr. WHITFIELD, Mr. KING of Iowa, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. SHADEGG, Mr. LINCOLN DIAZ-BALART of Florida, Mr. TIAHRT, Mr. SAM JOHNSON of Texas, Mrs. BLACKBURN, Mr. HUNTER, Mr. HAYES, Mr. CANNON, Mr. YOUNG of Florida, Mr. RAMSTAD, Mr. BARRETT of South Carolina, Mr. DENT, Mr. PETRI, Mr. BILIRAKIS, and Mr. PICKERING.

H. Con. Res. 121: Mr. CAPUANO, Ms. WOOLSEY, Mr. PAUL, Mrs. CAPPS, and Mr. HULSHOF.

H. Con. Res. 126: Mrs. LOWEY and Mr. NADLER.

H. Res. 37: Mrs. EMERSON, Ms. VELÁZQUEZ, Mr. GILCHREST, and Mr. FARR.

H. Res. 49: Mr. LOBIONDO.

H. Res. 68: Mr. HOLT and Mr. MARKEY.

H. Res. 71: Mr. DAVIS of Illinois.

H. Res. 100: Mr. VAN HOLLEN and Mr. BLUNT.

H. Res. 101: Mr. ACKERMAN.

H. Res. 111: Mrs. MCCARTHY of New York and Mr. BERRY.

H. Res. 121: Mrs. JONES of Ohio, Mr. ROSKAM, Mr. HINCHEY, Mr. BERMAN, Mr. BRADY OF PENNSYLVANIA, MR. CALVERT, and Mr. MARKEY.

H. Res. 146: Mr. MARKEY.

H. Res. 164: Mr. ISRAEL.

H. Res. 169: Mr. RYAN of Wisconsin.

H. Res. 208: Mr. LANTOS.

H. Res. 223: Mr. ROTHMAN.

H. Res. 227: Mr. MARKEY.

H. Res. 232: Mr. BACHUS.

H. Res. 258: Mr. VAN HOLLEN, Mr. BOSWELL, and Mr. HOLDEN.

H. Res. 282: Ms. HOOLEY, Mr. SARBANES, Mr. INSLEE, Mr. HOLT, Mr. HIGGINS, Mr. MCNERNEY, Mr. HASTINGS of Florida, Ms. CARSON, Mr. FRANK of Massachusetts, Ms. HARMAN, Mr. LOEBSACK, and Mr. GOODE.

H. Res. 283: Mr. JONES of North Carolina.

H. Res. 287: Mr. LAMBORN and Ms. WOOLSEY.

H. Res. 291: Ms. FOXX, Mr. ELLISON, Mr. GARRETT of New Jersey, Mr. WYNN, Mr. REYES, Mr. MCCAUL of Texas, Mrs. MYRICK, Ms. JACKSON-LEE of Texas, Mrs. DRAKE, Mr. GOODE, Mr. GONZALEZ, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. ELLSWORTH, Mr. CANTOR, Mr. FOSSELLA, Mr. LOBIONDO, and Mr. SHAYS.

H. Res. 294: Mr. GRIJALVA, and Mr. MORAN of Virginia.

H. Res. 309: Mr. BERMAN, and Ms. SCHWARTZ.

H. Res. 316: Mr. BAIRD, Mr. HONDA, Mr. MCGOVERN, Ms. ESHOO, Ms. JACKSON-LEE of Texas, Mr. EHLERS, and Mr. ROTHMAN.

H. Res. 320: Mr. ADERHOLT.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Rahall or a designee to H.R. 249 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

9. The SPEAKER presented a petition of Deborah J. Glick, Assemblymember of the State of New York, relative to petitioning the Congress of the United States to stop the implementation of a proposed rule published by the Centers for Medicare and Medicaid Services (CMS) entitled, "Medicaid Program: Cost Limits for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership"; to the Committee on Energy and Commerce.

10. Also, a petition of Michael Benjamin, Assemblymember of the State of New York, relative to petitioning the Congress of the United States to stop the implementation of a proposed rule published by the Centers for Medicare and Medicaid Services (CMS) entitled, "Medicaid Program: Cost Limits for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership"; to the Committee on Energy and Commerce.

11. Also, a petition of Rory I. Lancman, Assemblymember of the State of New York, relative to petitioning the Congress of the United States to stop the implementation of a proposed rule published by the Centers for Medicare and Medicaid Services (CMS) entitled, "Medicaid Program: Cost Limits for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership"; to the Committee on Energy and Commerce.

12. Also, a petition of the Yukon Tribe, California, relative to Resolution No. 07-20 supporting the Johnson O'Malley Program and opposing the elimination or reduction of funding for the Johnson O'Malley Program; to the Committee on Natural Resources.

13. Also, a petition of the San Francisco Board of Supervisors, California, relative to Resolution No. 53-07 urging the Congress of the United States to pass Comprehensive Immigration Reform; to the Committee on the Judiciary.

14. Also, a petition of the Town of Woodbury, Vermont, relative to a resolution requesting an investigation of President George W. Bush and Vice Prsident Richard B. Cheney and supporting the men and women serving in all branches of the United States Armed Forces in Iraq; to the Committee on the Judiciary.

15. Also, a petition of the Town of Warren, Vermont, relative to a resolution requesting that the Congress of the United States investigate the outlined charges and initiate the process of impeachment of President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

16. Also, a petition of the Town of Shaftsbury, Vermont, relative to a Town Meeting Resolution calling for the immediate and orderly withdrawal of American military forces from Iraq; jointly to the Committees on Armed Services and Veterans' Affairs.

17. Also, a petition of the Major County Sheriffs' Association, relative to a resolution urging all levels of the federal government to take immediate action to adequately fund the operations of the United States Immigration and Customs Enforcement (ICE) Agency; jointly to the Committees on the Judiciary and Homeland Security.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 249

OFFERED BY: MR. RAHALL

AMENDMENT NO. 1: Page 2, line 5, strike "the period" and insert "'the program authorized' and all that follows".

Page 2, line 6, insert "the program authorized by section 3:" before "*Provided*,".

Page 2, strike lines 11 through 13 and insert the following:

(b) CRIMINAL PROVISIONS.—Section 8 of Public Law 92-195 (16 U.S.C. 1338) is amended—

(1) by inserting "(a)" before "Any person"; and

(2) in subsection (a), by striking "except as provided in section 3(e),".

EXTENSIONS OF REMARKS

HONORING SARIE TOSTE OF HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Sarie Toste, a distinguished educator in Humboldt County, California, and a recognized leader in educating young children on the importance of learning to save money. Sarie spearheads a program in elementary schools across Northern California that helps child learn the fundamentals of financial literacy.

Sarie initiated the first "Learn to Earn" program 11 years ago as the superintendent at Pacific Union Elementary School, when she realized that the children did not understand that they could save their money, watch it grow and help realize future dreams.

"Learn to Earn" is a collaborative effort with a regional financial institution, Umpqua Bank, which provides weekly on-campus banking. The children sign up, deposit $1 and receive a passbook. Every week a bank representative visits the school and accepts student deposits. The children set savings goals, calculate interest earned and watch their account grow.

With over seventy schools throughout Northern California, the nearly 6,000 young savers have banked $1.5 million making "Learn to Earn" the largest, most successful school savings program in California. The curriculum that has been developed helps teachers introduce the basic concepts of sound money management.

This is in sharp contrast to the savings habits of our nation's adults. Today, America's savings rate is negative, the lowest rate since the Great Depression. Even more alarming is the dramatic increase in personal debt, which has grown over the past decade by approximately 300 percent.

Madam Speaker, it is appropriate that today, on "National Teach Children to Save Day" we recognize the outstanding commitment of Sarie Toste for her foresight and dedication to the future of our children and teaching them how to "Learn to Earn."

TRIBUTE TO MS. ANNIE LUU

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. TANCREDO. Madam Speaker, I would like to congratulate Ms. Annie Luu, an accomplished Gonzaga University student from Colorado's 6th District. Ms. Luu and a team of fellow Gonzaga students were recently honored by the U.S. Environmental Protection Agency, becoming finalists in the third annual EPA student design competition.

Since 2004, the EPA has honored college students from across the country for their research efforts towards environmental sustainability through the "P3—People, Prosperity, and the Planet" contest. This year, only 41 proposed projects were chosen for development out of more than 100 submissions. The 41 student teams will exhibit their designs on the National Mall on Tuesday, April 24, 2007 at the National Sustainable Design Expo. The National Academy of Engineering will judge the competition and recommend the winners to the EPA.

Ms. Luu and her teammates will present their project, entitled "Decentralized Waste Treatment and Energy Recovery in Rwanda," during this event.

Ms. Luu and her peers should be commended for their commitment and contributions to environmental sustainability. I wish her all the best in her future endeavors.

HONORING THE MESQUITE CHAMPIONSHIP RODEO

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. HENSARLING. Madam Speaker, today, I would like to help celebrate the Mesquite Championship Rodeo and its 50th anniversary. This fine organization has entertained a wide variety of people over the years, from young children to our Nation's Presidents and foreign heads-of-state.

The Mesquite Rodeo opened its chutes in 1958 and has become an integral part of the community and the State of Texas; so much so that in 1993 the Texas legislature proclaimed the city of Mesquite the "Rodeo Capital of Texas."

Every Friday and Saturday night during the rodeo season, thousands of visitors experience the excitement of our Nation's original western sport: the rodeo. From cowboys to clowns, and fast horses to big bulls, the Mesquite Rodeo has come to exemplify championship rodeos. My family and I can attest to the entertainment value of the events and showmanship that the Mesquite Rodeo is known for throughout the United States.

As the congressional representative of Mesquite, Texas, home to the Mesquite Championship Rodeo, it is my distinct pleasure to honor them today in the United States House of Representatives.

DON IMUS

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. AL GREEN of Texas. Madam Speaker, I would like to express my opinion concerning the offensive remarks of radio personality Don Imus. His insensitive comments, directed at the Rutgers University women's basketball team after the team's loss to Tennessee in the NCAA tournament, exceeded the boundaries of humor, even by Mr. Imus's standards. While I recognize Mr. Imus's right to free speech under the First Amendment to the U.S. Constitution, I vehemently condemn his remarks and support his dismissal from MSNBC and CBS broadcasting companies.

Imus's deplorable comments have overshadowed the Rutgers Scarlet Knights' record of success. Starting the season with 2 wins and 4 losses, the Scarlet Knights overcame great odds through their hard work, determination, and dedication. In the face of adversity, the team made a triumphant comeback by becoming the Eastern Division champions, which later set the stage for their first-ever appearance in a national championship competition. So what should have been the team's finest hour became its worse hour caused by the regrettable actions of Mr. Imus.

Yet amidst the Imus controversy, this remarkable group of student-athletes has responded to the situation with dignity and grace, which is emblematic of the caliber of these women. The Rutgers Scarlet Knights is comprised of five freshmen and five upperclassmen. Of the freshman class, each student has a combined grade point average of 3.0. These accomplished women are valedictorians of their class, future doctors, musical prodigies, and Girl Scouts. These women exemplify beauty, strength, and integrity—the very opposite of Imus's characterization of them.

The dismissal of Don Imus sends a powerful message to not only these young women but to the rest of Nation. The message: Enough is enough. Racism and sexism in any of its ugly forms will no longer be tolerated, not even for the sake of a good laugh or good ratings.

HONORING THE 95TH ANNIVERSARY OF THE FOUNDING OF ST. JOHN THE BAPTIST CATHOLIC SCHOOL IN NAPA, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize the 95th anniversary of St. John the Baptist Catholic

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

School in Napa, California. This school, and the associated Catholic Church, has been a prominent fixture in the community for many years, and many students have benefited from the excellent education and outstanding guidance it has offered.

In the fall of 1911 Father Joseph Byrne took the first steps to open a Catholic school in Napa when he invited the Dominican Sisters of San Rafael to staff a new school to be founded in Napa. When the school was opened the next spring, it served 120 students from the location on Franklin Street. Today that same building is used by the Napa Community Thrifts Project. That building remained in use for 15 years until the school moved to the current location on Main and Napa Streets in January, 1927. It has remained in its current location for more than 80 years.

St. John the Baptist School currently enrolls almost 300 students, and is well served by its current pastor Father Gordon Kalil, and Principal Nancy Jordan. The school now enrolls students from pre-kindergarten through 8th grade, and this has allowed the school to develop programs for children of many different ages. The school has also taken the important step of involving parents in children's education, and indeed has made this one of the core missions. By making parents into educators and encouraging children to reach out and participate in their greater community, St. John's and Father Kalil have reinforced that civic-mindedness is one of the key characteristics of a well-rounded young person.

Madam Speaker, I ask that my colleagues join me in acknowledging the 95th anniversary of St. John the Baptist Catholic School in Napa, California. St. John's has been an important fixture in the education of young men and women in Napa, and has laid an important intellectual and spiritual foundation for generations of young people. In the years to come, this excellent tradition will continue to be of the greatest benefit to the Napa community and a credit to the parish of the St. John's Catholic Church.

TRIBUTE TO ROBLEY REX

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. WHITFIELD. Madam Speaker, it is my distinct honor to recognize Mr. Robley Rex of Louisville, Kentucky. Mr. Rex was born in Christian County, Kentucky, on May 2, 1901. He is the only surviving World War I veteran in Kentucky. Robley Rex has faithfully served his country since entering the United States Army in 1919, He has worked as a mail clerk with the railroad. He was ordained as a Methodist minister. He joined the Veterans of Foreign War (VFW) service organization in 1924.

Rex Robley began volunteering through the VFW at the age of 86, logging over 13,000 hours of service. He has served his fellow veterans at the Veterans Affairs Medical Center in Louisville. By his count, he has served veterans for 75 years. He has been honored by the VFW as a National Volunteer of the Year.

Madam Speaker, Mr. Robley Rex embodies the spirit, commitment and sacrifice that we all should strive for in our daily lives. I extend my thanks to him for his efforts, and I am proud to bring his accomplishments to the attention of this House.

TRIBUTE TO MS. KAREN BROWN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. TANCREDO. Madam Speaker, I would like to congratulate Ms. Karen Brown, an outstanding school teacher from Littleton, Colorado. Ms. Brown, who teaches at Coronado Elementary School, was recently named a recipient of the 2006 Milken Family Foundation National Educator Award. The award program is one of the most prominent in the United States.

Honoring teachers, principals and specialists from across the nation, recipients are chosen based on such criteria as effective instructional practices, student learning results and educational accomplishments as well as their potential for leadership within the field. Ms. Brown joins a network of more than 2,200 Milken Educators who have been honored by the program since 1985.

In addition to a $25,000 individual award, Ms. Brown also attended the annual Milken National Education Conference in Los Angeles, California from the 21st to 24th of April.

Ms. Brown should be commended for her commitment to community and her contributions to education in Colorado. I wish her all the best in her future endeavors.

IN APPRECIATION OF BRUCE GOURLEY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to mark the retirement of Bruce Gourley, who has been a member of the International Brotherhood of Electrical Workers for 30 years, During this time, he has served the group in a number of capacities, and has brought the voice of Local 180 to a variety of forums throughout the State.

Mr. Gourley was born in St. Petersburg, Florida, but completed high school in Denver before joining the Navy. He served until 1970, and when he left the service he decided to remain in the Vallejo area with his family. He received his business degree from Solano Community College in 1973.

Mr. Gourley joined the IBEW Local 180 in 1978 while he was working as a construction electrician. Even as he continued to work, he pursued a teaching credential from the University of California at Berkeley. He became credentialed in 1983, and has taught classes through an apprenticeship program for many years.

In 1988, Mr. Gourley was elected to the executive board of Local 180, and has since served 3 terms while taking on a variety of other responsibilities on behalf of numerous local and State labor interests. Within Local 180, he has served 3 terms as the Business Manager Financial Secretary, helping to guide the financial activity of the group.

Mr. Gourley has also served with numerous other organizations, including the California Electricians Public Relations Committee, the Vallejo Unified School District, and beginning in 2001 he was tapped to use his teaching experience with the California Electrical Joint Apprenticeship and Training Committee. He has also been extensively involved with the committees of the Northern California Sound and Communication workers. In 2003 he was appointed to assist and lead the very important work of the Council on Industrial Relations.

Madam Speaker, it is appropriate at this time that we thank Bruce Gourley for his many years of service to the labor community. His extensive efforts to educate future generations of electrical workers, and his determination to foster a productive negotiating environment in northern California have been extremely valuable.

HONORING WOMEN IN SERVICE AND ENTERPRISE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. HENSARLING. Madam Speaker, for the past six years, the greater Mesquite area has embraced the opportunity to honor many exceptional women in the community through the Women in Service and Enterprise (WISE) Award Luncheon and Style Show. Today I would like to honor this year's award recipient, Dr. Linda Henrie, who is an example of strong, capable and dedicated leadership. I would also like to recognize honorees Patti Hawkins, Pat Ogles and Marjorie Seward for their valuable service and commitment to their community.

Dr. Henrie is the Superintendent of the Mesquite Independent School District (MISD) where she oversees more than 34,000 students and more than 4,000 professional and auxiliary staff. She has served in this position with distinction since 2001.

Dr. Henrie has served on numerous boards in the greater Mesquite community including: The Board of Directors for Mesquite Social Services, the Board of Directors for the Mesquite Symphonic Band and as President of the Mesquite Education Association. Dr. Henrie also serves as President of the Texas Association for Supervision and Curriculum Development and the Dallas County Workforce Development Board. In addition to being active in the community and holding multiple leadership roles, Dr. Henrie has been recognized for the Association of Texas Professional Educator's Administrator of the Year Award in 2002 and was named one of the 100 Heroes of MISD.

Past WISE Award winners have served in a variety of ways, but they are united by the long-lasting impact they have made on their community. Their service, community involvement and dedication to enterprise continue to inspire younger generations.

Today, I would like to recognize all of the WISE honorees for their outstanding service and congratulate them on their awards. Thank you, ladies, for helping make our community and country a better place.

HONORING THE UKIAH MAIN STREET PROGRAM FOR 20 YEARS OF SUCCESSFUL COMMUNITY SERVICE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize the Ukiah Main Street Program which has provided outstanding and distinguished service to the town of Ukiah, California, and its citizens for 20 years.

Since its founding by Mayor Colleen Henderson in 1987, the Ukiah Main Street Program has given merchants and residents tools to improve neighborhoods and advance redevelopment of the commercial district. Through numerous workshops and consultations with business owners the UMSP has helped make Historic Downtown Ukiah a safe and friendly business district.

Six years later, in 1993, Ukiah was named the number one place to live in California and the sixth best place to live in the United States by Norman Crampton in his book The 100 Best Small Towns in America. The recognition brought lots of publicity, and Ukiah was featured in publications around the country.

The UMSP Economic Restructuring Committee has facilitated the openings of dozens of new businesses in the downtown including the Ukiah Brewing Company, the first organic brewpub in California. UMSP produces a map of the historic downtown and directory of businesses that is useful to tourists as well as locals.

The UMSP Design Committee is responsible for beautification projects in the historic downtown. Landscaped planter triangles and painted crosswalks throughout the downtown corridor have helped create a safer and more clearly defined pedestrian area. Trees were planted and are maintained in the adjacent Alex Thomas Plaza, a place for many events and community gatherings. UMSP installed decorative lighting in the trees to enhance the ambiance and walkability of downtown at night.

The Ukiah Main Street Program began many popular community events including the Annual Country Pumpkin Fest, Winter Wonderland, Taste of Downtown, Thursday Night Farmers Market, Fabulous Flashback Car Show, Cinco de Mayo Festival, North Coast Express Bike Race, Home for the Holidays, Moonlight Movie Madness, Downtown Halloween, Deep Valley Brew Tasting, Comedy Alley and First Night Ukiah. These events attract locals and visitors alike who enjoy the amenities of small town life and neighborliness.

UMSP created a mini-park in the parking lot adjacent to the post office and started the Standley Street demonstration block façade improvement program that spurred refurbishment and façade improvement on 38 downtown properties with an investment of roughly $713,441 in public and private funds. In addition nearly 2 million dollars have been raised by the UMSP, which is organized as a non-profit with a dedicated volunteer board of directors composed of the community's business leaders.

Madam Speaker, I am proud to enter my remarks honoring the Ukiah Main Street Program for two decades of exemplary successes, making it a model of public and private partnership.

REGIONAL ACADEMIC ALL-STAR TEAM FROM THE PENNYROYAL REGION IN WESTERN KENTUCKY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. WHITFIELD. Madam Speaker, I rise today to recognize nominees for the Regional Academic All-Star Team from the Pennyroyal region in western Kentucky. The regional academic All-Star program's purpose is to recognize top academic scholars and performers.

Students from Caldwell, Christian, Trigg and Todd Counties of Kentucky were nominated based upon their academic performance in seven disciplines: English, foreign language, journalism, mathematics, science, social studies and the creative and performing arts. The students are judged on their core academic score, the curriculum of the student, their grade point average, academic honors earned, unique accomplishments and achievements, extracurricular activities, both school related and outside school activities, employment history, and an autobiographical essay.

Madam Speaker, education is the foundation upon which we reach our human potential. Students in my district are developing their talents, furthering their education and pursuing their aspirations in life through programs like the Academic All-Star program. Encouragement and recognition develop confidence and achievement among young Americans—the future leaders of our country.

The following students have been nominated for their academic excellence:

William Cole Davis, Emily Faulkner, Rachel Marie Furnas, Britni Kay Holder, Stephen R. Incata, Adrian Leigh Nelson, Darian Goldin Stahl, Kelsey Leigh Willen, John David Fourqurean II, Erika Michelle Kirby, Andrew Boyd Newton, Prentice Kyle Robertson, Alexandria Frances Soyk, Jessica Lynn Stallons, Kyle Andrew Winn, Ashlee Castle, Taylor Elizabeth Cline, Kyle Raymond Cobb, Crystal Jo Fishburn, Sarah Joy Galloway, Morgan Michelle Milburn, Matthew Franklin Morse, William Thomas Noel, Philip Allen, Brittney Ann Beebe, Elizabeth Hope Chester, Hykeem M. Craft, Kelsey Elizabeth Lewis, Adrian Leigh Nelson, Clayton Alan Sanderson, Catherine Clark Smith, Millie Beth Deason, Hayla Joi Frye, Clara Elizabeth Heisterberg, Kelsie Marie Nelson, Seth Thomas Riker II, Ami Prakash Shah, Samantha Danielle Adams, Shaena Maria Godwin, Brianna Rose McGuire, Kevin M. McLendon, Joshua Lee Robinson, Paula Lynn Southall, Robert Zachary Thompson, Cameron Ross Williams, Barron Stewart Adams, Benjamin Charles Boden, Carrie Louise Burks, Adam Blake Humphries, Bonnie McCullagh, Margaret Oats, Laura Don Oliver, Robert Joseph Williams, Jr., James Tyler Chapman, Skye Lynn Darnell, Emily Paige Doss, Danbee Mishell Kim, Michael Lee Mason, Heather Nicole Moore, Rebecca Schultz, Amy Ja-Le Weatherford, Kelsey Jo Brown, Cahle Buckingham, Zach C. Gaines, Lester W. Gibbs, Jessica Hanks, Cori Hatley, Meaghan Ann Key, Ashley Matlock, Matthew Kyle Spencer, Rebecca Vargas, Cassie M. Whitt, Craig Hodge, Donovan Kates, Eunbee Grace Kim, Mary Gayle Martin, Shelby Martin, Tess Miller, Ryan Michael Russell, James Sears, Nicki Seay, Matt Treadway, Joseph E. Williams, Jr., Taylor Bennett, Chesika J. Crump, Sarah Curasco, Meagen Dunleavy, Dean France, Daniel Joiner, Griffin Lee Joiner, Kristen Sarene Kursave, Kaitlynn Pritchett, Hayley Stewardson, Mallory Taylor, Russell V. Buzzard, Kaylin Dilbeck, Mara Lynn East, Cory Fish, Cody Grinnell, Rachel Marie Hampton, Brenden Hoffman, Sean Hurd, Russell Jones, Austin C. Norrid, Joel Ben Thomas.

Madam Speaker, these students embody the spirit, commitment and sacrifice that we all should strive for in our daily lives. I am proud to represent them in my District. I extend my thanks to these students for their efforts, and I am proud to bring their accomplishments to the attention of this House.

INTRODUCTION OF THE NATIONAL OFFSHORE AQUACULTURE ACT OF 2007

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. RAHALL. Madam Speaker, today I am introducing by request the Administration's National Offshore Aquaculture Act of 2007. This bill would authorize the Secretary of Commerce to establish and implement a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone.

I commend Secretary Carlos Gutierrez for his leadership, and initiating the debate on aquaculture. While I do not agree with many provisions in this legislation, I think it is important for Congress to take a serious look at marine aquaculture and see if it is possible to establish a program that makes economic and environmental sense.

At the moment, there are no aquaculture projects in U.S. Federal waters, but there are successful farming operations onshore. In my state, West Virginians are successfully raising arctic char, a fish tasting similar to salmon.

The Department of Commerce believes aquaculture has the potential to meet our growing demand for seafood. The United States imports more than 80 percent of its seafood, and half of our imports are fish farmed. With a successful aquaculture program in place, the United States could reduce its $8 billion trade deficit in seafood, according to the recent report from the Marine Aquaculture Task Force. Additionally, aquaculture could help alleviate the overushing and exploitation of fisheries world wide.

The aquaculture industry claims the United States is technologically and economically ready to venture into offshore waters to farm fish. Done responsibly, with strict environmental standards, offshore aquaculture has the potential to address the growing demand for seafood, provide jobs, relieve pressure on some of our wild fish stocks, and perhaps even help to replenish some depleted fish stocks.

Again, I commend Secretary Gutierrez for his leadership and look forward to working with him to ensure that offshore aquaculture production occurs in a manner that is both economically and environmentally sustainable.

As we have heard from both national ocean commissions, the oceans are in trouble. We must be very careful that offshore aquaculture does not further jeopardize the health of our oceans in any way.

IN TRIBUTE TO STAFF SGT. JESSE WILLIAMS OF SANTA ROSA, CALIFORNIA WHO WAS KILLED IN IRAQ

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today with a heavy heart to observe the death of Staff Sergeant Jesse Williams of Santa Rosa, California. Jesse was a fine man and a fine soldier, and he leaves behind a loving family bowed but not broken by the loss of a father, husband, and son.

Sgt. Williams was serving his second tour with the 5th Battalion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division at the time of his death during combat operations in Baqubah, in eastern Iraq.

Before and during his tours in Iraq, Sgt. Williams had served in the army with distinction, earning numerous accolades and awards. During his first tour in Iraq from 2003–2004 he earned a Purple Heart after being injured in an explosive attack. Then, just three weeks before his death, Sgt. Williams proved his uncommon character and valor when he jumped in to rescue two fellow soldiers who were trapped in a flaming vehicle ignited by an insurgent attack. For his heroism he is currently being considered for a Bronze Star.

Sgt. Williams was known to friends and family for his sense of humor and love of life. As a younger man, he found discipline and his calling when he joined the Boy Scouts. In less than 2 years he had completed all the requirements to become an Eagle Scout, indicating the highest level of achievement. During a leave from the Army, he returned to Santa Rosa and spoke to the City Council in favor of establishing a memorial for Sonoma County's Iraq veterans. At the time, he made a strong impression with his words; now his name will be one of those featured on the memorial.

Sgt. Williams leaves behind his wife Sonya, and an 11-month old daughter Amaya. Amaya was 5 weeks old when Sgt. Williams was deployed to Iraq for his second tour of duty. His father, Herb Williams, resides in Santa Rosa as well.

On Monday the community of Santa Rosa paused to acknowledge their fallen soldier as hundreds of policemen, firefighters and members of the community took to bridges and overpasses with signs and flags while his casket was brought back into the city. Yesterday, almost one thousand people gathered for a memorial service paying tribute to his life.

Madam Speaker, at this time I ask that my colleagues join me in rising to pay tribute to Staff Sergeant Jesse Williams, who gave his life for his country. I know that his family is immensely proud of his service, and we are all in his debt.

HONORING ROGER DENNIS ON HIS RETIREMENT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. ANDREWS. Madam Speaker, I rise today to honor Roger Dennis who is retiring as Provost of Rutgers University. Roger has been a member of the Camden Campus community in Camden, New Jersey for almost a quarter of a century, and I consider him a dear friend.

Roger has greatly contributed to the reputation of excellence at Rutgers University. Serving as Provost since 1997, he fostered exciting developments in the City of Camden and the Southern New Jersey region. Among these initiatives are the Rutgers-Camden Technology Campus, the Senator Walter Rand Institute for Public Affairs, and the first doctoral program in children's studies to be offered on the Camden Campus. He has also spearheaded several ongoing improvements to the existing campus.

Madam Speaker, I offer my congratulations to Roger Dennis for his outstanding years of service to Rutgers University and the City of Camden. Roger has been a trusted friend and I thank him for his support and advice over the years. I wish him all the best in his future endeavors.

HONORING UNITED WAY OF BUCKS COUNTY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize an organization dedicated to improving volunteer service, United Way of Bucks County. The selfless work of the volunteers of United Way has made us a stronger community in countless ways.

For more than 50 years, United Way has been devoted to improving the community at large through the use of social services and volunteer projects. Upon its founding in 1952, it was known as "The Bucks County United Services Foundation." Since then, it has exceeded its own expectations, surpassing its own fundraising goals and touching more lives than was originally thought possible.

Today, United Way of Bucks County strives to spread its impact to the greatest number of people. Funding is distributed to three fundamental categories: ages and life stages, promoting self-sufficiency, and building a healthy community. The services of the organization extend to one in three Bucks County residents, and have forever changed the lives of many.

Madam Speaker, simply put, the work done by United Way of Bucks County touches the lives of thousands of families. The generosity of its members reminds us of the basic giving spirit of Americans. The inner strength and compassion of humanity is exemplified in these outstanding volunteers.

The work of United Way of Bucks County has provided scholarships for daycare and camps, dignity for the elderly, stability and friendship for those who need it most and employment and training for the developmentally disabled. Most importantly, however, they have offered hope and extended a hand to those who most need help.

Madam Speaker, it is my pleasure to rise today to congratulate, thank and honor United Way of Bucks County for years of philanthropic contributions to society and for making our community stronger.

TRIBUTE TO MARK HOGAN

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mrs. EMERSON. Madam Speaker, I rise today to honor the accomplishments of Southeast Missouri State University baseball coach Mark Hogan. Coach Hogan recently eclipsed the all-time career wins record at Southeast Missouri State University. Under Coach Hogan's leadership, Southeast Missouri State University has become one of the premier teams in the Ohio Valley Conference.

Coach Hogan is no stranger to success. He has excelled as a player and a coach at Southeast Missouri State. He was a player on the 1976 team that finished third in the nation at the NCAA Division II College World Series. The squad became the first baseball team inducted into the Southeast Missouri State University Athletics Hall of Fame as part of the 2006 induction class.

Southeast Missouri State is fortunate to have a great coach and first class citizen leading their team on and off the field. As a coach, he has compiled 751 career victories while winning Coach of the Year honors on more than one occasion. Coach Hogan is a role model to players, coaches and fans. He is a reminder that accomplishing our goals requires planning, hard work and plenty of sacrifice.

Today I join with Coach Hogan's family, his friends, his colleagues at Southeast Missouri State, the young men who have played on his teams, and the proud fans of the Eighth Congressional District to congratulate Coach

Hogan on the achievement of this career milestone. We are proud of the success of Southeast Missouri State University's baseball team and most proud of Coach Hogan.

HONORING MATTIE COOPER

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. PICKERING. Madam Speaker, today I want to recognize a Mississippian who has been a true champion for Head Start for over 40 years. This Friday, on April 27, 2007, the Winston County Complex Mississippi Action for Progress will celebrate the "Mattie Cooper's Day." I join them in expressing my appreciation to Mattie for her love of Head Start. Her colleagues know her as a steadfast advocate with unwavering support for both the mission and the children of Head Start.

Mattie Cooper knows Head Start. She started out as a teacher's assistant and progressed through the program. Currently she serves as the County Administrator for the Winston County Complex Mississippi Action for Progress, in Louisville, Mississippi. Her work is a calling, a mission, and she strives every day to make a difference in the lives of young Mississippians.

Mattie Cooper started her career with the Wesley Education Association (WEA) in 1966. Recognizing her talents, they encouraged her to attend the Tuskegee Institute to obtain teacher certification. Following 5 years at Tuskegee, WEA asked her to participate in classes, workshops, seminars and conferences at various Mississippi universities to obtain her Social Worker's license. She earned her certification and WEA promoted her to Social Services Director. They also named her the Parent Involvement/Volunteer Coordinator. She continued her success in motivating the parents and community with phenomenal results.

When Wesley Education Association joined the Mississippi Action for Progress (MAP), this new and stronger Head Start program promoted Mattie Cooper to Center Administrator. Quickly recognizing her talents and the potential of the Winston County Complex, MAP's executive director promoted Mattie to the highest position for the county: County Administrator.

Mattie Cooper graduated Magna Cum Laude in 1992 and number one in her class with an associate's degree from Mary Holmes College. In 1962, she was valedictorian of her high school. In addition to Head Start, she serves her community and church. She maintains the integrity of elections and confidence of voters in our democratic system as a Winston County Election Commissioner. And for almost 40 years, she has served as secretary for the Mount Moriah Missionary Baptist Church in Louisville.

Mattie's dedication to service begins at home. For almost 45 years, she has been a supportive wife to William Cooper. Together, they have a daughter Sharon Cooper Johnson who, with her husband Robert Johnson, Jr., is rearing a new generation of this family in Robert (Tré) Johnson, III.

I have known Mattie Cooper for over a decade and she makes her dedication to Head Start and her community evident and a priority in all her work. I hope Congress joins me in honoring this Mississippi servant-leader and commending her work at enhancing her community, supporting her church, training the children of Winston County, and nurturing her family. She is a tremendous pillar of Louisville and deserves the honor given her this Friday.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, April 23, 2007, I was unable to cast my votes on H. Res. 179, H.R. 1434, and H.R. 1402 and wish the record to reflect my intentions had I been able to vote. Had I been present for rollcall No. 245 on the motion to suspend the rules and agree to H. Res. 179, expressing support for a National Foster Parents Day, I would have voted "aye"; had I been present for rollcall No. 246 on the motion to suspend the rules and pass H.R. 1434, designating the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the Rachel Carson Post Office Building, I would have voted "aye."; had I been present for rollcall No. 247 on the motion to suspend the rules and pass H.R. 1402, designating the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the Sergeant Dennis J. Flanagan Lecanto Post Office Building, I would have voted "aye."

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. LEVIN. Madam Speaker, last Friday, I was unavoidably absent during rollcalls 236 through 244. Had I been present, I would have voted "nay" on rollcall 236, the Sessions Amendment. I would have voted "nay" on rollcall 237, the Garrett Amendment. I would have voted "nay" on rollcall 238, the Campbell Amendment. I would have voted "nay" on roll call 239, the McHenry Amendment. I would have voted "nay" on rollcall 240, the Price Amendment. I would have voted "nay" on rollcall 241, the Putnam Amendment. I would have voted "nay" on rollcall 242, the Price Amendment. I would have voted "nay" on rollcall 243, the motion to recommit H.R. 1257 with instructions. I would have voted "yea" on rollcall 244, final passage of H.R. 1257, the Shareholder Vote on Executive Compensation Act of 2007.

IN RECOGNITION OF MARJORIE "PEGGY" KATHLEEN HELLER

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. CARDOZA. Madam Speaker, it is with a heavy heart that I rise today to remember the late Marjorie Kathleen Heller. Known to all as "Peggy," she was a wonderful friend, a remarkable teacher, an outstanding mother, and an extraordinary member of our community in Atwater, California. At the age of 91, Peggy Heller passed away on Friday, April 20, 2007.

This occasion is particularly personal to me because Peggy Heller was my reading teacher in the third grade. She taught me to read in a small silver trailer on the playground of Elmer Wood Elementary School in Atwater. She was an inspiring woman, a great friend, and I never knew her to have a bad day. Peggy's love for children was evident in her words, her generosity, and her entire persona. She was a pillar of the community, an amazing educator and a dear friend who will be missed by everyone in our community.

Peggy Heller was born in Oakland, California, on June 15, 1915, to Walter and Mac Gemreich. She graduated from the University of California, Berkeley in 1935 at the age of 19 and began teaching a year later at South Fork Union High School in Miranda, California. In 1938, she married Jim Heller and they moved to Atwater, California.

Peggy devoted her life to the field of education and to her community. During the early years of her sons' lives, she worked as a substitute teacher at Livingston High School. She later began her work as a full-time teacher in Atwater in 1943. While working as a third grade teacher, the superintendent, Mr. Tom Olaeta, suggested she pursue her interests in reading instruction. She became Merced County's first reading specialist in 1955 and later earned her reading teacher's credentials in 1968.

Many of the instructional approaches Peggy used as a teacher have now been implemented in schools across the Central Valley. She loved and respected children and strived to instill a positive feeling of self worth in each of them. She was also a mentor-teacher long before the idea was popular and she always assisted those who came to her for advice. She devoted countless hours to tutoring students and assisting teachers before, after school and on the weekends. She effortlessly helped diagnose and remediate students' reading troubles. She is an inspiration to many teachers, not only in Merced County, but to the State of California. Peggy believed each member of the school staff played a vital role in the education of youngsters. Not only did Peggy work hard in her classroom, she graciously hosted many special occasions for teachers such as Christmas get-togethers and retirement teas. Even though Peggy was the resident expert on reading instruction, her inquisitive nature led her to constantly read journals and books about education. She attended classes and seminars often at her own expense and she always shared her knowledge with others.

In 1981, after 45 years of teaching, Peggy retired, briefly. She was called upon to teach English as a second language, which she did with much success. In 1987, Peggy was appointed supervisor for Chapman College.

Aside from the fact that Peggy was an outstanding professional educator, she and her husband were great humanitarians. Throughout the years she served our community in a variety of capacities. She was responsible for forming the Atwater Recreation Commission and served as its first chairwoman. During her tenure as chairwoman, the commission built Ralston Park and Heller Park. She served on the County Recreation Commission, too. Both Peggy's and Jim's interest in Atwater's youth was shown by their effort to organize fundraisers for a new public swimming pool, the Atwater Plunge. They even housed Red Cross swimming instructors for many summers. She and her friends started a club for teens and taught dancing on Friday nights. The Hellers also helped Atwater develop good relations with Castle Air Force Base and they helped find housing for and entertained military personnel. Peggy was an active participant in the Girl Scouts of America, Parent Teachers Associations, International Reading Association, American Association of University Women, Retired Teachers, Atwater Women's Club, Merced County Historical Society and Bloss Historical Society.

Peggy received many awards for her service to the community and her work as an educator. The National Education Association named Peggy "Outstanding Teacher at the Intermediate Level" in central California in March of 1966 and presented her with the Golden Apple, of which she earned several. She received Atwater's "Mother of the Year" award and was named "Woman of Distinction" in 1991 by Soroptomist. In 1995, she was given the ultimate honor of dedicating a new school in her name, the Peggy Heller Elementary School in Atwater. Later that year she received recognition from the State legislature during Women's History Month for her work with Project Cherish in Atwater. In 1999, as a member of the California State Assembly, I named Peggy "Woman of the Year" for the 26th District.

Peggy Heller was preceded in death by her grandson Brian Boru in 1983 and her husband Jim in 1985. Today, she is survived by her son Jim and his wife Barbara, and her son Brian and his wife Dee. She also leaves behind her grandchildren Jim III and his wife Kathy, Randall and his wife Diana, Christopher and his wife Amy, Tamera and her husband Mark Johnson, and Kandace and her husband Ron Osborn. Also surviving are her 12 great-grandchildren Spencer, James IV, Randall, Nicole, Joshua and Lindsay Heller, Sophia Heller, Samantha, Mason and Tyler Johnson, and Jared and Courtney Osborn. Lastly, Peggy is survived by her caregivers Jeffrey Lawton, Mary McMurry and Jackie Benner.

Madam Speaker, it is my honor and privilege to join the community of Atwater in recognizing Marjorie "Peggy" Kathleen Heller. Our community benefits greatly from the example she set throughout her lifetime of service as an educator who dedicated her life to her community and her family.

CELEBRATING THE 100TH ANNIVERSARY OF ST. CHARLES HOSPITAL

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. BISHOP of New York. Madam Speaker, I rise to celebrate a major anniversary and an irreplaceable institution in New York's First Congressional District, St. Charles Hospital.

Established in 1907 by four sisters with a mission to provide compassionate care for those in need, St. Charles Hospital has evolved into a state of the art community hospital serving tens of thousands of patients. The hospital has established itself as a nationally recognized center for rehabilitation, providing specialized rehabilitation services for pediatric patients, stroke victims, and a variety of other debilitating diseases.

This year, St. Charles Hospital celebrates its 100th anniversary. After a century of dedicated service to the community and millions served, the hospital has remained loyal to its founding mission of compassionate care for the underserved.

Madam Speaker, there is an Arabic proverb that says: "He who has health has hope; and he who has hope has everything." On behalf of the residents of New York's First District, I thank St. Charles Hospital for providing health and hope to all of us. I congratulate them on their 100th anniversary and I hope they continue to improve the lives of Long Island's residents for years to come.

IN RECOGNITION OF THE PASSING LIEUTENANT COMMANDER KEVIN J. DAVIS, UNITED STATES NAVY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. MILLER of Florida. Madam Speaker, it is with great sadness that I rise today to recognize the life and accomplishments of Lieutenant Commander Kevin Davis, United States Navy. LCDR Davis passed away over the weekend in service to our Nation in Beaufort, South Carolina. He was flying Blue Angel Number 6, known as the "opposing solo" position.

A qualified F–14 and F/A–18 pilot, a veteran of Operation Enduring Freedom with more than 2,500 flight hours and 200 carrier arrested landings, LCDR Davis joined the Blue Angels in 2005 and was well-liked and respected by the entire Blue Angels team. He joined a long line of distinguished Navy and Marine Corps Aviators with his selection to the elite performing squad. His dedication to the Navy during his operational tours and his time with the Blue Angels is something I hope all naval aviators look to as a fine example and a goal to pursue.

Formed in 1946, the Blue Angels have awed and inspired hundreds of millions of Americans and certainly led young men and women into the naval service. Since the creation of the team, 26 of our brave Blue Angels have given their lives. While we mourn all of these losses, I am reminded of how selfless the service is from the members of our military and am confident Kevin was no exception.

I am privileged to serve the people of the First District of Florida and boast to my colleagues that I represent the home of the Blue Angels. This is not lip service. My constituents and I take justifiable pride in knowing we are friends and neighbors with people who represent so much of what is good with our country. I have met many of the "Blues" and unfortunately, I did not get the chance to meet Kevin. I know if I had, he would have impressed me, and I would have been better having known him.

In this time of deep sadness in Pensacola and on our beloved Naval Air Station, Vicki and I will keep LCDR Davis, his family, and our military in our thoughts and prayers.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. GERLACH. Madam Speaker, I was not able to be present during consideration of H.R. 1275, the Shareholder Vote on Executive Compensation Act. I was not present for rollcall votes 236, 237, 238, 239, 240, 241, 242, 243 and 244. Had I been present, on rollcall 236 I would have voted "yea"; on rollcall 237 I would have voted "nay"; on rollcall 238 I would have voted "nay"; on rollcall 239 I would have voted "nay"; on rollcall 240 I would have voted "nay"; on rollcall 241 I would have "nay"; on rollcall 242 I would have voted "nay"; on rollcall 243 I would voted "yea" and on rollcall 244 I would have voted "yea."

TRIBUTE TO EARTH DAY AND ARBOR DAY

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. SMITH of Nebraska. Madam Speaker, earlier this week, our Nation joined together to celebrate Earth Day and this Friday people around the world will celebrate Arbor Day, which as you may know originated in my home state of Nebraska.

This is an opportunity for us to take a look at the impact we each have on our environment.

I represent Nebraska's Third Congressional District, where agriculture is a way oflife. I'm proud to say that farmers and ranchers were our country's first environmentalists, maintaining and improving the soil and natural resources to pass on to future generations.

Just as businesses make every effort to improve their services and products, the stewards of the land make use of modern technology and age-old techniques to protect their land and their stock.

We are fortunate to live in a time in which we understand the world around us as never before. We have access to technology to both protect the environment and to encourage innovation. We have the opportunity to engage in meaningful dialogue on how to confront our changing climate and other enviromnental concerns without hamstringing the agriculture industry.

This week, as we celebrate Earth Day and Arbor Day, let us appreciate the beauty of nature and renew our commitment to protect the environment for generations to come.

IN MEMORY OF ANDREW ALBERT ESPARZA, IRVING POLICE DEPARTMENT

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. SESSIONS. Madam Speaker, I rise today in memory of Officer Andrew Albert Esparza and in honor of his life dedicated to service and public safety.

Andrew passed away on April 13, 2007 in a fatal car accident while on his way to assist another officer. After graduating from the University of Texas in Arlington with degrees in business marketing and Spanish, Andrew followed in his brother's footsteps by joining the Irving Police Department in 2005. He was recently selected to join the SWAT team on a part-time basis and always made himself available as a Spanish translator. Though he was only with the Irving Police Department for 2 years, Andrew demonstrated great promise with expertise, maturity, and professionalism beyond his years of experience.

He is survived by his parents, Rafael and Christina of Fort Worth, TX; two brothers, Rafael Esparza, Jr. and wife, Jennifer of Irving, TX; Felix Esparza and wife, Haylee of Burleson, TX; sister, Zoe Esparza of Burleson, TX; grandparents, Lydia Garcia of Fort Worth, TX; Lazaro and Olivia Cantu of Fort Worth, TX; and nieces and nephews, Saeya, Sloan, Slade, and Rylee Esparza.

He will be remembered as a compassionate officer, a dedicated family man, and a devout Christian. May God bless all those he loved, and may I convey to them my sincerest condolences and the gratitude of the American people.

A TRIBUTE TO JOHN H. SIMS, JR.

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. MICHAUD. Madam Speaker, I rise today to congratulate John (Jack) Sims on the occasion of his retirement from the Department of Veterans Affairs, after more than 35 years of dedicated service. Jack will be greatly missed, and I join his many friends, co-workers and the veterans he served in wishing him the best of luck in the next phase of his life.

Jack's service to our country began in 1963, when he joined the United States Army. He began his VA career at the Martinez, California VA Medical Center in 1971 as an accountant trainee. Jack has held many positions in the VA across the country including Chief of Fiscal Service at VA Medical Centers in Washington, Illinois and California; Associate Center Director at VA Medical Centers in Oregon and New York; and Health System Administrator with Veterans Health Services and Research Administration in Albany, New York.

For the past 17 years, Jack has served as the Director of the Togus VA Medical Center. Under his leadership, the number of Maine veterans receiving care at Togus has increased from 13,000 to 33,000. Jack has also supervised the creation, relocation and renovations of six community-based outpatient clinics and two off-site mental health clinics to care for Maine's rural veteran population.

As Director, Jack and his dedicated staff of more than 1,000 VA employees have helped transform the Togus VA Medical Center into one of the best medical centers in the VA system.

Jack will be missed for his dedication and for his compassion by the veterans of Maine. I am pleased to join his colleagues, his family, and his friends in congratulating Jack on this milestone. I wish him a rewarding and enjoyable retirement.

A TRIBUTE TO DR. KEVIN BOND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor to the work and achievements of Reverend Dr. Kevin Bond. Beginning at age 11, Dr. Bond began to gravitate toward the church. He studied the bible under Bishop Carl E. Williams, Sr. for whom he became an Associate Minister after orating his first sermon at the age of 18.

Dr. Bond enhanced his biblical knowledge by receiving a collegiate education. He earned High Honors at the Community Bible and Tabernacle Bible Institute and the New York School of the Bible. He also received a Masters of Divinity from the New York Theological Seminary and a Doctorate of Ministry from the United Theological Seminary in Dayton, OH.

Dr. Bond is one of 12 delegates to join a significant work with the UJA Federation of New York and the Jewish Community Relations Council of New York for their Community Leaders' Mission in 2004.

Dr. Bond always felt a need to help others in his community. His unfettered desire to do so was demonstrated when he established his own pastorship of the Citadel of Praise and Worship Church. He founded the Citadel's first bible study class in order to help enlighten fellow members of his community by teaching them the stories of the bible. On January 5, 1997, the Citadel held its first Sunday morning worship service in Brooklyn, NY, with 35 people attendance at Dr. Bond's first-ever service.

His efforts to help others did not stop at the Citadel. Dr. Bond preached as he traveled across the country, with a focus on helping those in urban communities. To this day, Dr. Bond continues to assist those living in an urban setting with early child care learning programs, youth mentoring, and food and counseling programs for the homeless. Dr. Bond also educates young people in the secular realm, by serving as an educator with the New York State Board of Education to the academic and social development of the urban community.

Madam Speaker, I would like to recognize Dr. Kevin Bond's selfless education and community betterment efforts that have improved the lives of countless individuals.

Madam Speaker, I urge my colleagues to join me in paying tribute to Dr. Kevin Bond.

SUPPORT SELF-DETERMINATION FOR THE PEOPLE OF PUERTO RICO

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. HONDA. Madam Speaker, I rise today in support of H.R. 1230, the Puerto Rico Self-Determination Act of 2007. I would also like to thank the Governor of Puerto Rico, Aníbal Acevedo Vilá, for his leadership in developing the concepts and ideals embodied by this legislation. H.R. 1230 allows for the voice of the Puerto Rican people to be heard through a democratic and unbiased political process. This bill affords the people of Puerto Rico one of the most fundamental human rights, self-determination.

Affording the people the opportunity to decide their own future and government is fundamental to the history of the United States. As representatives of American Government, we are responsible to uphold the ideals and virtues of democracy, freedom, and choice. As such, the people of the Commonwealth of Puerto Rico are entitled to a democratic process of self-determination defined by the well considered decision of the Puerto Rican people.

The process outlined by H.R. 1230 respects the right of the people of Puerto Rico to elect delegates to a constitutional convention that will draft and submit a proposal outlining the desired self-determination option. This proposal would then be approved by the people and then sent on for congressional approval. H.R. 1230 does not bias the decision of the people by imposing unsupported definitions and skewing the debate in the direction of any option; nor does it attempt to exclude others. This bill recognizes the right of the people of Puerto Rico to hold open and democratic debate on the topic of political status and affiliation with the United States. Congress should offer their input and response only after the Puerto Rican people have reached their own consensus on a self-determination proposal.

Madam Speaker, I ask that my colleagues in this House not support any process that is imposed on Puerto Rico and its people by the Federal Government. I urge my colleagues to support H.R. 1230 and provide the Puerto Rican people the path to decide their future. The Commonwealth deserves, and is entitled to, true self-determination.

HONORING THE FIRST ANNUAL KEEP SEAGOVILLE BEAUTIFUL CITY CLEAN UP DAY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. HENSARLING. Madam Speaker, I would like to recognize the many students, civic organizations, Boy and Girl Scouts, service organizations, families and individuals who recently volunteered to "Keep Seagoville Beautiful." On April 14, 2007, the City of Seagoville and the Keep Seagoville Beautiful Commission sponsored the first annual Keep Seagoville Beautiful city-wide clean up. On that Saturday morning, over 150 dedicated citizens of Seagoville met at City Park to clean up their community. By the end of the day, those hard working volunteers had persevered through wind, rain, and cold to collect over 12 truckloads full of trash.

This annual event strives to "create an environment that continuously encourages the citizens to improve their quality of life and sense of pride in their community." It is the hard work of citizens like these, who take pride in their city, that will preserve our communities for future generations.

It is for these reasons that I have the distinct pleasure to honor the City of Seagoville, the Keep Seagoville Beautiful Commission, and the many dedicated volunteers who participated in this event. I am honored to represent them in the United States House of Representatives.

PEPFAR: AN ASSESSMENT OF PROGRESS AND CHALLENGES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. SMITH of New Jersey. Madam Speaker, this morning the Committee on Foreign Affairs held a hearing in anticipation of the reauthorization of the President's Emergency Plan for AIDS Relief. I concur on the importance of examining the extraordinary successes of this program, as well as the means by which we can ensure that it continues to meet the needs of those impacted by the pandemic.

In my travels abroad, particularly in Africa and Vietnam, I have seen for myself how the intervention has transformed lives and infused hope in individuals, families and communities affected by HIV/AIDS. One experience that struck me, in particular, was in Uganda when I visited there last year. I had the privilege of meeting Mr. John Robert Ongole, who is 29 years old and the first person to benefit from the first treatment program funded by PEPFAR. I was told that when he first started receiving the anti-retroviral therapy, he looked like a walking skeleton. When I met him, he was healthy and energetic, leading an active life and caring for his family. I have recently learned that he has almost completed his bachelor's degree in teaching. He and countless others have expressed their profound gratitude to President Bush and the American people for giving them a new lease on life in the face of this devastating disease.

Perhaps the most controversial aspect of PEPFAR here in Congress is the requirement that one-third of prevention funding be expended on abstinence and fidelity programs, known as the A and B aspects of the ABC (abstinence, be faithful and condoms) prevention model. Some have called for the removal of this requirement in favor of an evidence-based approach, free from legislative constraints, that takes into account the particular situation of the individual country. What these people fail to take into account is that the ABC model is evidence-based, and those countries with generalized epidemics that have experienced declines in prevalence have emphasized behaviors of abstinence, and fidelity in relationships between un-infected partners.

In a statement published in 2004 in the prestigious scientific journal, The Lancet, over 160 scientists and the President of Uganda noted that "when targeting young people, for those who have not started sexual activity, the first priority should be to encourage abstinence or delay of sexual onset, hence emphasizing risk avoidance as the best way to prevent HIV and other sexually transmitted infections as well as unwanted pregnancies. After sexual debut, returning to abstinence or being mutually faithful with an uninfected partner are the most effective ways of avoiding infection."

In the past, even those considered "experts" on the ground have resisted implementing the ABC strategy with the proper emphasis on A and B, and so the spending requirement was necessary. I have met representatives of USAID who acknowledged that they were initially skeptical of the possibility of changing people's behavior as a key element of HIV/AIDS prevention, but due to their experience of implementing the PEPFAR abstinence and fidelity programs they had become convinced of their efficacy.

I would strongly encourage my fellow Members to examine the growing evidence regarding the success of the ABC model in HIV/AIDS prevention. It is, fundamentally, a matter of life and death.

ISLAND OF CYPRUS AND THE ANNAN PLAN

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. WHITFIELD. Madam Speaker, I rise today to bring renewed attention to the continued situation on the island of Cyprus. On this date three years ago, the inhabitants of the island participated in a referenda put forward by the United Nations under Secretary General Kofi Annan. The Annan Plan, as it is often referred to, foresaw a bi-communal, bi-zonal federation based on political equality. We recall that the Turkish Cypriots in the north of the island voted by an impressive majority in favor of the Annan Plan. Unfortunately, this support was not reciprocated by the Greek Cypriots and a comprehensive settlement was not, nor has been since, agreed to.

The Annan Plan was the product of intense negotiations conducted under the auspices of the United Nations Secretary General between the Turkish Cypriots, Greek Cypriots, Turkey and Greece. It was the first plan to date to be submitted for public approval. In addition, it struck a fair compromise between the two sides on the island and was supported by both the United States and the European Union. Had it passed, it would have brought about a resolution to the longstanding separation of the island and contributed to political stability in this region of the world. Following the referenda, the Greek Cypriot side, which rejected the Annan Plan, was granted entrance into the EU. However, the Turkish Cypriot side, which accepted the settlement plan, remained outside the EU.

Soon after the referenda, the former U.N. Secretary-General, in his report to the Security Council, pointed out this injustice and stressed that the isolation of the Turkish Cypriots should be lifted given that they had voted for a settlement. In the same report, he called upon all states to eliminate the unnecessary restrictions and barriers that have the effect of isolating the people of Northern Cyprus and impeding development.

The Council of the European Union, the Parliamentary Assembly of the Council of Europe and the Organization of the Islamic Conference all concurred in declaring the need to put right this injustice.

Although it has been three years since the international community made commitments towards this end, and despite the conviction that reducing the inequalities between the economies of the two sides would facilitate the reunification of the island, the necessary steps have not been taken regarding the removal or relaxation of the isolation. Admirably, the Turkish Cypriots have not wavered in their determination to engage in further efforts to find a comprehensive solution to the Cyprus problem and they welcome the initiatives carried out under the mission of good offices of the U.N. Secretary General.

More than ever before, as supporters of a comprehensive settlement on the island, I strongly believe that the removal of the isolation of the Turkish Cypriots—economic, social, and political—would be the most positive step in the quest for the resumption of political negotiations on the path to a settlement. The Turkish Cypriots have demonstrated remarkable flexibility and political maturity. They rose to the occasion when the critical moment came three years ago in mutually deciding the future of Cyprus. Acknowledging and properly responding to their constructive behavior is not only the right message to all concerned, but is also a requisite of fairness and justice.

SENATE—*Wednesday, April 25, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, abide with our lawmakers. Make them so aware of Your presence that the faithful may be blessed, the sad may be comforted, the depressed may be encouraged, the ungrateful may give thanks, and the perplexed may understand. May companionship with You enable our Senators to be guided by Your providence.

Speak to the successful and keep them from pride. Speak to those who are too self-confident and keep them from falling. Speak to those who are so sure of their position that they are certain that everyone else is wrong. Lord, keep them from intolerance. From day to day, guard us from anything that brings shame, so that in the eventide of life, when our task is done, we may see the smile of Your approval. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 25, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning there will be an hour of morning business, with the first half controlled by the majority and the second half controlled by the Republicans. Following morning business, we will resume consideration of S. 761. Under an agreement entered last night, once we get back on the bill, there will be 30 minutes of debate with respect to the Sununu amendment, which is numbered 938, which strikes a section of the bill seeking to strengthen science, technology, engineering, and mathematics education at all school levels. We expect the amendment will be voted on at a little after 11 this morning. My understanding is once we dispose of the Sununu amendment, then the Sanders amendment remains pending.

Mr. President, let me say to everyone, I have not had the opportunity to speak to the Republican leader today, but it would be my intention that we would be in recess from 4 until 5:30 for the briefings by General Petraeus, General Pace, and others up in room 407. But it would be my intention to finish this bill after that.

It is my understanding there are some Coburn amendments—he has three of them—and we would like to get votes scheduled on those. If there are other amendments, let's bring them forward. But we will not get the bill from the House on the supplemental until tonight, anyway. We are not going to be able to do anything on it tonight. I think it would be a good step forward if we can finish this bill tonight. That means we would work on it until late in the evening and finish this bill. That is my intention. I hope there are no efforts to delay this bill. If, in fact, that is the case, as I have said before, we would just back off the bill. If we cannot pass, on a bipartisan basis, legislation that has more than 50 cosponsors, I think it is not a good day for us. We should be able to show the American people there are some things we can do on a bipartisan basis.

I remind all Members that there will be a briefing today, as I have indicated, in 407 beginning at 4 p.m.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein, with the first 30 minutes under the control of the majority and the final 30 minutes under the control of the Republicans.

The Senator from Ohio is recognized.

TRADE AGREEMENTS

Mr. BROWN. Mr. President, last week our colleague, Senator BYRON DORGAN, chairman of the Commerce Committee's Subcommittee on Interstate Commerce, Trade, and Tourism, held the first in a series of hearings on our U.S. trade policy. I was proud to join Chairman DORGAN as we asked the pivotal question on the minds of workers and small business owners across the country: Is free trade working? Is it working for American communities? Is it working for our families? Is it working for our workers?

For the majority of Americans and people worldwide, the answer is a resounding no. For a privileged few, yes, this model of trade has increased the bottom lines. But the economic values embodied by this free-trade model are skewed toward a very select few in our Nation. Not only is our trade policy not working, it is worsening the problem of income equality across the Nation.

From 1946 to 1973, economic opportunities for poor and working families in this country grew. As you can see, that income, people's income—they are divided into five groups—the lowest income, 20 percent, the middle groups, and then the wealthiest 20 percent.

Between 1947 and 1973 in this country, the 20 percent lowest income workers actually saw their income rise the fastest. From 1947 to 1973, that was a time of strong economic growth. It was a time of actual trade surpluses during those years. It was a time of fairly stable energy prices—all of that.

The lesson here: Families that worked hard, that played by the rules, had a real chance of getting ahead.

Then the next, from 1973 to 2000, that economic opportunity began to flatten out for those families. We saw, in those years, from 1973 to 2000—1973 was the year we went from a trade surplus to a trade deficit. That was only one of the reasons. The lowest income workers saw their income grow by the least. People whose income was in the top 20 percent saw their income grow the fastest.

If we had a third chart here, income since 2000, since 2000, income has gone up only for the wealthiest 20 percent in this country.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

When Secretary Paulson came to the Banking Committee and spoke to us, he bragged about 3½ percent economic growth for this country—a good thing. The problem is, profits are up, productivity is up, but workers are not sharing in the wealth they create. Profits are up, executive salaries are up, and almost everybody else's income in this country has been pretty stagnant.

Our economic house is not in order. It is not in order nationally, and it is not anywhere where it needs to be in my State of Ohio. When I first ran for Congress in 1992, our trade deficit was $38 billion. Our trade deficit figures for 2006 topped $800 billion. That is from $38 billion to $200 billion from 1992 to 2006. Our trade deficit with China went from low double figures in 1992 to well over $200 billion—an increase of almost 20 times in those 15 years or so. In fact, since 1982, we have accumulated trade deficits of $4.3 trillion. The aggregate trade deficit from 1982 to the present day is $4.3 trillion. That is money which eventually will have to be paid. Put another way, we have produced 4.3 trillion fewer manufactured goods, in most cases, than we have purchased. Put another way, to understand what $4.3 trillion of wealth transferred out of our country means, if you had $4.3 trillion and you spent $1,000 every second of every minute of every hour of every day, to spend that $4.3 trillion trade debt, it would take you 131 years.

We have lost more than 3 million manufacturing jobs across the country. Those are jobs which pay an average of 31 percent more than service sector jobs. Service sector jobs, the ones that NAFTA and the World Trade Organization proponents said would replace manufacturing jobs, they also are tradable and they are also moving offshore at a swift pace.

The trade policies we have set in Washington and negotiated across the globe have a direct impact on places such as Toledo and Hamilton, OH, Cleveland and Steubenville, and Lime, OH, as well as in Mexico and Korea and Bangladesh.

We must shrink income equality, grow our business community, and create good-paying jobs. We must establish trade policy that builds our economic security, not undermines it. Job loss does not just affect the worker or even just the worker's family. Job loss, especially job loss in the thousands, obviously devastates communities, layoffs of police and fire and teachers and all of that. It hurts local business owners, the drugstore, the grocery store, the neighborhood restaurant.

This model of trade is also not winning us more friends abroad. Last month, tens of thousands of workers in Korea took to the streets protesting a pending free-trade agreement with the United States, similar to the tens of thousands of protesters against the Central American Free Trade Agreement in our country and in the six countries in Central America.

Much has been written and said about the waning enthusiasm for the free trade area of the Americas, throughout Latin America, most notably because of what NAFTA has done to Mexico's rural population, with a million and a half small farmers' livelihoods devastated. It almost toppled the favored Presidential candidate in Mexico last year, as the challenger talked about NAFTA's negative impact on Mexico and who came within a hair of winning. In Brazil, in Bolivia, in Ecuador, and elsewhere, leaders are responding to the demand for a very different, more equitable trading system, not one modeled after the North American Free Trade Agreement.

A few years ago, I traveled to McAllen, TX, where I crossed the border with a couple of friends into Reynosa, Mexico. I met a husband and wife who worked for General Electric Mexico, 3 miles from the United States, and lived in a shack about 15 feet by 15 feet, no running water, no electricity, dirt floors. When it rained hard, the floors turned to mud. Behind their little shack was a ditch maybe 4 feet wide, human and industrial waste flowing through that ditch. The American Medical Association said it is the most toxic place in the Western Hemisphere.

As you walked through their neighborhood, you could tell where the people living in each of those shacks worked because their homes were constructed from the packing material, the boxes and the wooden crates and the pieces of cardboard and all, the packing material from the company for which they worked.

You could go nearby to an auto plant, nearby to these homes in this neighborhood, 3, 4 miles from the United States of America. The auto plant looked just like an auto plant in Lordstown, OH, or just like the auto plant in Avon Lake or just like the auto plant at Twinsburg, OH. The auto plant was modern, the technology was up to date, the floors were clean, the workers were productive, and the workers were working hard. The only difference between the Mexican auto plant and the American auto plant is the Mexican auto plant did not have a parking lot because the workers are not paid enough to buy the cars they make.

You could go halfway around the world to a Motorola plant in Malaysia, and the workers are not paid enough to buy the cell phones they make, or come back to our hemisphere, to Costa Rica, to a Disney plant, and the workers are not making enough at the Disney plant to buy the toys for their children. You can go back halfway around the world to a Nike plant in China, and the workers are not making enough to buy the shoes they make in their jobs.

Only when workers share in the wealth they create will we know our trade policy is working. American workers are more and more productive every year, an explosion in productivity in this country, yet workers' wages are flat, as we see, especially the bottom 60 or 80 percent, and especially since 2000, where our trade policy is having a depressing impact on wages.

Two years ago, thousands of workers in Central America took to the streets protesting that failed trade policy. CAFTA still has not been implemented in Coast Rica because it is so controversial. In fact, this week in Costa Rica, there will be a public referendum on the Central American Free Trade Agreement.

This shift in thinking about free trade, both in the Senate and the House, in this country among the public and abroad, presents all of us today with an opportunity, the challenge we face, which grows in urgency as to how we trade and take part in our global economy without continuing to destroy, to undermine the middle class. The current system is not sustainable.

Those of us who support free trade—not fair trade but support free trade—we want trade, we want plenty of it, but under new rules. We want legitimate fair trade. It is considered protectionist by some to fight for labor and environmental standards, but they consider it free trade to protect drug company patents and Hollywood DVDs. If we can protect intellectual property rights with enforceable provisions in trade agreements, as we should, we absolutely can do the same for labor standards and environmental protections and food safety standards.

I am pleased to say this Congress is already hard at work in building a better trade policy. Senator DORGAN and I have introduced antisweatshop legislation. We need more fair trade to build the middle class and lift up American workers. There will be more of those proposals in the future. It is not a matter of if we trade but how we trade and who benefits from that trade. Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

IRAQ SUPPLEMENTAL

Mrs. MURRAY. Mr. President, I am here to speak on the floor today because American lives, American security, and America's future are on the line in Iraq. The American people know it. They sent a clear message last November. The Iraq Study Group has told us. They gave us honest assessments and recommendations to move forward in Iraq.

Generals have spoken out. General Casey told us in January:

> The longer we in the U.S. Forces continue to bear the main burden of Iraq's security, it

> lengthens the time that the government of Iraq has to make the hard decisions about reconciliation and dealing with the militias.

General Abizaid told us in November:

> I do not believe that more American troops right now is the solution to the problem.

Colin Powell has talked about it. He said:

> I am not persuaded that another surge of troops into Baghdad for the purpose of suppressing this communitarian violence, this civil war, will work.

The numbers speak for themselves. More than 3,300 Americans have died in Iraq and nearly 25,000 have been wounded. A few days ago, 9 more U.S. soldiers were killed in a bombing, and 20 more U.S. troops and an Iraqi soldier were injured.

Americans have heard the military experts, they have heard the Iraq Study Group, they have seen the sacrifice of our troops and their families, and now they are demanding a change in course. But, sadly, the President refuses to listen. He is ignoring the military experts, the bipartisan Iraq Study Group, and the American people.

It is clear the Iraqi civil war requires a political solution, not a military solution. Our servicemembers have done everything we have asked them to do. They deserve better than to be stuck in the middle of a civil war.

Four years into this war—starting the fifth year—the President is still tossing around heated rhetoric while trying to convince the American people that Democrats do not support the troops. I reject that rhetoric, and I call on him to put politics aside and begin to put our troops first. We can all agree, it is long past time for that.

Now is the time to show our troops we support them with the funds and supplies and armor they need but that we also support them enough to change direction when the current course simply is not working.

Now is the time to show our troops we respect our military, and we refuse to decimate the world's finest fighting forces through extended deployments, limited time at home, and the destruction of valuable equipment in another country's civil war.

Now is the time to show our troops their lives mean more than an open-ended commitment to an Iraqi Government that has repeatedly failed to meet deadlines and take ownership for their own future.

Now is the time to show our troops we understand that America needs them, not in the middle of an Iraqi civil war but in places such as Afghanistan, where al-Qaida is growing in strength.

And now is the time to show our troops their Government is about more than promises and rhetoric. We must stand together to say we will meet the needs of our injured servicemembers and our veterans who have paid the price for this administration's failure to plan for the war and its aftermath.

Congress is moving forward now to pass a supplemental bill that shows our troops they come first. All the President has to do is sign on the dotted line. Unfortunately, because the Bush administration failed to plan and failed to understand the centuries' old tensions in this region, we now, more than ever, need a political and diplomatic solution in Iraq.

As the past 2 months have brutally revealed, the escalation is not working. The civil war has intensified and our troops are stuck in the middle of sectarian violence and find themselves the target of insurgent attacks. It is hard to argue that the situation on the ground—both for our troops and for Iraqis—has gotten better.

Last Wednesday, the New York Times reported:

> Bombs ripped through the streets of Baghdad killing at least 171 people in the deadliest day in the capital since the American-led security plan for the city took effect two months ago.

Two days ago, the Boston Globe noted:

> The deaths raised to 85 the number of U.S. servicemembers who died in Iraq in April, making it the deadliest month for American troops since December, when 112 died.

According to the Associated Press:

> Outside the capital, 1,504 civilians were killed between Feb. 14 and Thursday, April 12 compared with 1,009 deaths during the two previous months.

It is time to transition our mission in Iraq from that of policing a civil war. Our troops are trained for combat, not for refereeing warring factions with a long and complex history. It is time to focus on strengthening America's security and bringing our troops home.

Transitioning the mission should center on three realistic and achievable goals for our military: Training and equipping Iraqi security forces, conducting targeted counterterrorism operations, and protecting our remaining U.S. forces and interests in Iraq.

The second part of the equation is a surge in diplomatic and political efforts. This is a necessary task the President has refused to undertake. America alone does not own the keys to Iraq's future. Iraq's neighbors must help as well. They should play a larger role in training the Iraqi military and police and in reconstruction. They should play a larger role in convincing Iraqis they must make compromises and take responsibility for their future. Without a targeted and serious regional effort to stabilize Iraq, the country's future will remain in question.

The cause of continued insecurity and destruction has not been our military, but, rather, the political and policy failures of a President who has hid in his bunker and stubbornly refused to pursue a strategy needed to bring stability to Iraq.

As we all saw vividly in November, the American people have lost patience with the President's go-it-alone strategy. It is simply wrongheaded to continue on with an open-ended commitment to an Iraqi Government that has repeatedly failed to meet deadlines and to take responsibility for their own country.

The supplemental bill we will send to the White House requires the President to send a report to Congress by July 1 of this year certifying whether Iraq is meeting responsible benchmarks. The American people deserve to know if the sacrifices made by our troops are being met by the Iraqi Government.

Specifically, the American people deserve to know if the Iraqi Government has given U.S. and Iraqi security forces the authority to pursue all extremists, including the Sunni insurgents and the Shia militias.

The American people deserve to know if Iraq is making substantial progress in delivering necessary Iraqi security forces for Baghdad and protecting those forces from political interference.

We deserve to know if Iraq is intensifying efforts to build balanced security forces throughout Iraq that provide evenhanded security for all Iraqis.

Specifically, we deserve to know if the Iraqi Government is making substantial progress in meeting reconciliation initiatives, including enacting laws to equitably share oil revenue among all Iraqi regions, whether they are adopting laws for provincial and local elections, whether they are reforming their laws banning members of the Baath party from public service, and whether they are shouldering the cost of reconstruction through allocation of oil revenue.

Those are reasonable benchmarks Americans should require of Iraq if we are asking our young Americans to put their lives on the line. That is why Congress is about to send this supplemental request to the White House with language that begins the phased redeployment of our troops no later than October 1 of this year, with a goal of removing all combat forces by April 1, 2008—with the exception of those who will remain to train and equip Iraqi security forces, to continue targeted counterterrorist operations, and to protect our remaining U.S. forces.

From sending our troops to war without critical armor, to housing them in squalor at Walter Reid, to leaving them to fend for themselves when they need mental health care, the Bush administration has utterly failed our servicemembers, our veterans, and their families.

As we rightfully change the mission of our troops in Iraq and prepare to redeploy, we cannot—and we must not—forget about our veterans when they come home. Nowhere is that failure more apparent than in the handling of what will one day become known as the signature wound of this war: traumatic brain injury. It is now estimated that 10 percent of Iraq and Afghanistan veterans have suffered traumatic brain injury during their service in Iraq and Afghanistan. One of the biggest problems with traumatic brain injury, or TBI, is that it is an unseen wound. Often, because of that, it is misdiagnosed. In too many cases today, unless a servicemember is involved in an IED incident and is bleeding, he or she is not documented as even having been involved in that explosion, if he was 100 yards away or 200 yards away. So as a result, the actual number of OIF and OEF veterans with TBI could be even much higher than the statistics today even indicate.

Now, I know many of us are familiar with ABC News anchor Bob Woodruff's experience with traumatic brain injury. I personally was moved by Bob's struggle with his injury. His family had unrelenting hope for his recovery, and their ongoing work toward triumph was so apparent throughout this horrible situation. Bob Woodruff has seen a tremendous recovery from his horrendous injury, but I fear the care he received has not been duplicated today for thousands of other troops with similar injuries when they have returned home.

He detailed for us several cases of soldiers who were suffering from injuries, not unlike his own, and the lack of care they received when they left flagship care centers for our smaller, local hospitals.

Our wounded warriors and our veterans have faced massive budget shortfalls. They have faced horribly long waiting lines and sickening hospital conditions. But this administration continues to be reactive to this problem to this day. It is time for that posture to end. Taking care of our troops, taking care of our veterans, taking care of their families has to be a part of the cost of this war.

When it comes to caring for our troops and our veterans, this administration—from the White House, to the Pentagon, to the Department of Veterans Affairs—has consistently waited until conditions reached a critical stage before taking action to remedy them.

In this supplemental conference report we are sending to the President, Congress is saying: Enough is enough. We are finally providing more funding for our troops than even the President himself has sought. The bill we are sending includes over $100 billion for the Department of Defense, which I should note is nearly $4 billion more than the President's request for our troops. We provide critical funding for vehicles that will help our troops be protected from these horrible IEDs.

This military has also been brought to the brink by a President who has, time and again, extended their tours and called upon our National Guard and Reserve to join combat brigades in Iraq. This supplemental bill will rebuild our overburdened military and calls for an end to the deployment of nonbattle-ready troops. It provides $1.8 billion for the VA to provide first class health care to our wounded and $2.5 billion for military health care.

For the last 4 years, this administration has conducted this war with little regard for the tremendous strains it is placing on the VA, on our veterans, and their families. Today, we are putting an end to their neglect. The days of ignoring our wounded warriors as a cost of this war are over.

As the President acknowledged in a speech last September, our terrorist enemies are more dangerous than ever. On that point, the President is correct. Unfortunately, he fails to acknowledge that terrorists are rapidly growing and gathering strength outside of Iraq, and he fails to acknowledge that having our forces in the middle of a civil war is making Iraq sap our ability to combat terrorism in other parts of the globe. It is clear that terrorist cells with heavy anti-American bents are gaining power and continue to grow in places such as Afghanistan and Pakistan. If we turn a blind eye to those anti-American cells and focus only on Iraq, the consequences for America's future security are dire. By redeploying our forces, we can reconcentrate on the war on terror. We can devote our resources toward pursuing those who would do America harm.

As we deal with the situation overseas, we cannot neglect our needs at home. That is why the supplemental bill provides $1.8 billion for veterans health care; $20 million to repair Walter Reed Hospital; $6.9 billion to repair the gulf coast after Hurricane Katrina, long past due; $650 million for the SCHIP children's health program; and $2.25 billion to secure our homeland, a vital need—securing our ports and borders, transit security, screening for explosives at airports—vital needs that are included in this bill.

Somehow the White House is claiming that all of those investments are unnecessary. I think most Americans would disagree. I know most Americans want us to take care of our citizens at home.

In recent weeks we have heard some false claims about the supplemental that I want to take a moment to correct. First of all, we are moving this bill to the President at a rapid pace. In fact, we are moving even faster than the Republicans did last year and the year before that.

Secondly, we are doing our job in meeting the needs at home. Anyone who thinks that domestic needs should be ignored in an emergency supplemental ought to look at the last four supplementals, all written and passed by a Republican Congress signed by a Republican President.

The emergency supplementals approved by Republican Congresses in 2003, 2004, 2005, and 2006 included funding for domestic needs. Interestingly, during those years, the President never complained about domestic funding in supplementals.

As our Government spends billions in Iraq, I believe it is our job to also meet our needs at home. If the President vetoes this bill, he is going to have to explain to the American people why he is delaying funding to our troops overseas, why he is blocking funding to care for our injured troops, why he is ignoring the will of military experts, the Iraq Study Group, and the American people. He is going to have to explain why he is ignoring the needs of our hard-hit communities that are struggling to recover and why he is standing in the way of security needs at home that are so critical.

Congress has agreed to a supplemental bill that shows our troops they come first. The President has repeatedly reminded Congress that he is the Commander in Chief and he is the one with the authority to make the military and policy decisions that impact not only our troops and veterans but the well-being of our gulf coast, our borders, and the future of America's security. The President is alone in his bunker. If he truly cares about getting this funding to our troops as soon as possible and providing them with the supplies and the health care and direction they deserve, he will quickly sign this bipartisan supplemental bill.

Mr. President, 1600 Pennsylvania Avenue is just a short distance from Capitol Hill, but if the President vetoes this sensible legislation to give our troops a successful path forward in Iraq, then he is miles away from the will of the American people whom he serves.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized. Only 1 minute remains on the Democratic side.

IRAQ SUPPLEMENTAL CONFERENCE REPORT

Mr. FEINGOLD. Mr. President, I strongly oppose President Bush's statements that the Democratic leaders are trying to use the current emergency supplemental bill to make a political statement. Congress is acting on its mandate from the American people, who used their votes last November to register their opposition to the war in Iraq.

The President has repeatedly made it clear that nothing—not the wishes of the American people, not the advice of military foreign policy experts, not the concerns of members of both parties—will discourage him from pursuing a war that has no end in sight and that has no military solution. With our heroic troops stuck in an Iraqi civil war, Congress cannot wait for the President to change course. We must change the course ourselves.

Once again, President Bush is stalling for time as he threatens to veto a bipartisan bill that could finally change the course in Iraq.

Although the conference report does not go as far or move as quickly as I would like, it is an important step toward ending the President's misguided policies in Iraq. It requires the President to begin redeploying U.S. troops from Iraq, while permitting troops to remain in Iraq for defined and narrow purposes: To protect U.S. personnel and facilities, to engage in "targeted special actions" against al-Qaida and their affiliates and to train and equip Iraqi forces. The vast majority of our troops would have to be redeployed, thus bringing to an end our current involvement in what may be the greatest foreign policy blunder in American history.

Some of my colleagues may still feel we should defer to the Commander in Chief. But these arguments disregard our congressional responsibilities. Congress authorized this war and we have the power and the responsibility to bring it to a close.

We have a responsibility to end a war that is taking away resources from our top national security priority—the global fight against al-Qaida and its affiliates. Let me remind my colleagues that this is indeed a global fight—focusing so much of our resources on one country against an enemy that operates around the world is shortsighted and self-defeating.

I am not suggesting that we leave the Iraqis to their own devices. There are many serious and troubling political problems in Iraq that are driving the insurgency and sectarian struggle and they require the attention of U.S. policymakers. But they will not be solved by an open-ended, massive military engagement.

Instead, we need a strategic approach to redeployment and a global strategy to defeat the threats posed by terrorist networks. As long as the President's Iraq policy goes unchecked, our military will continue to put their lives on the line unnecessarily, our constituents will continue to pour billions of their dollars into this war, our military readiness will continue to erode, and we will be unable to develop a strategy to truly confront al-Qaida.

If the President vetoes this bill, he will be rejecting the wishes of the American people and the imperatives of our national security. I will oppose any efforts to send a weaker bill to the President's desk and I will continue to speak out on this issue until the voices of the American people are finally heard in Congress and the White House.

Mr. GRAHAM. Mr. President, we have 30 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct, there is 30 minutes remaining.

Mr. GRAHAM. Would the Presiding Officer let me know when 10 minutes have passed?

The ACTING PRESIDENT pro tempore. The Senator will be notified.

IRAQ WAR SUPPLEMENTAL

Mr. GRAHAM. The President will veto this measure. He should. It is one of the worst ideas to ever come out of the Congress in the history of warfare that the United States has been engaged in. It sets a date for withdrawal. I think it is October. It intrudes on the President's Commander in Chief role. It is letting the enemy know exactly what they have to do in terms of date and time to win in Iraq. Everyone who dies waiting on the time to pass, what have they died for? What have they been injured for?

What I would like to point out is that we should talk about those who have lost their lives in Iraq wearing the uniform, and civilians included, who have been serving our country. But we shouldn't use their deaths as a reason to withdraw from a war we can't afford to lose—and we have not lost. We should be honoring their service and their sacrifice, their ultimate sacrifice, because they are standing for our national security interests. Why do they serve? Why do they go to Iraq? Why do they keep reenlisting in the Iraqi theater and the Afghan theater at a higher rate than the military as a whole? What do they see about Iraq that people here in the Senate are blinded to? Why would they keep going back to a war they believe is lost? Why would they go three and four times? Why would they enlist at levels beyond any other group in the military?

Because they know after having gone that if we win in Iraq, their children, their grandchildren, the Nation as a whole is more secure. And if we lose in Iraq, the war is not over, it just gets bigger, and the likelihood of their children being involved in a war in the Middle East goes up, not down. So that is why they go. That is why they are not withdrawing. That is why enlistments are up, not down, because they get it.

The Senate doesn't get it. The Democratic leadership doesn't get it at all. Blinded by a dislike of this President, they can't see clearly what is going on in Iraq. Whether we should have gone or not is over; we are there. There are other people who are there who would like to win this war. Al-Qaida is there in large numbers, trying to kill this infant democracy, because they know if a democracy can flourish in Iraq, their agenda has taken a mighty blow.

How are they trying to drive us out? By killing civilians and coalition forces in as large a number as they can muster.

So is it going to be the foreign policy of the United States when it comes to fighting terrorism that if they can kill enough of us—whatever that magic number is—we leave? You win? Do you think for one moment declaring Iraq lost makes us safer? There is sectarian violence in Iraq, but there are plenty of people of the Shia, Sunni, and Kurdish persuasions that want the same thing for Iraq that we want. There are Shia extremists who want to align with Iran. There are Sunni extremists who want to come back in power and have the good old days of Saddam. They are in the minority. There is not open civil war in this country. There are extremists groups representing the Sunni and the Shia sects that are trying to change Iraq for their purposes, bend Iraq to their will, against the majority of Iraqis, and in the middle of these sects is al-Qaida. In the middle of these sects is Iran.

Why is Iran playing so hard in Iraq? The biggest nightmare to this Iranian theocracy would be a democracy on their border, where different groups would live together, where a woman could have a say about her children, where people could vote for their leaders, not be dictated to from on high. That is why they are playing in Iraq. That is why al-Qaida is there.

The question is, Why do we want to leave? It is tough to watch young Americans killed and maimed in war, but we didn't start this war. War is inevitably about young people getting hurt and getting killed. That is why the world—after so many thousands of years, it seems as if mankind would have learned that war is not the way, but we haven't learned that lesson as mankind. The people who attacked us on September 11, 2001, there will never be a surrender document negotiated with them.

Iraq was about replacing a dictator who was trying to make a joke of U.N. inspections, trying to make the world and his neighbors believe that he was acquiring weapons of mass destruction. It was a dictatorship that was sending money to suicide bomber families in Palestine. It was a dictatorship that was making everything in the Middle East harder. It was a dictatorship that was shooting at American airplanes every day in violations of U.N. agreements. It was a dictatorship that is now in the ash dump of history. From this dictatorship we are trying to do something new and different for the Mideast, and it will inure to our benefit greatly as a nation: create the ability of different people from different backgrounds to vote for their leaders, to live under the rule of law, and not the rule of the gun. That makes us safer. It changes the Mideast, and it is a great blow to the terrorists. That is why they enlist. That is why they keep reenlisting. That is why they are dying.

Now, our majority leader, Senator REID, who is a fine fellow, and I have enjoyed working with him, has made a colossal mistake for the ages by declaring this war lost. Not only does it run against the grain of the way Americans feel about combat when our Nation is at war, it runs against the reality of the consequences of having declared the war lost. To me, it shows a lack of understanding of what that statement means because when you say the war is lost, the next question to ask is, if we lost, who won? In war, there are winners and there are losers, and if the majority leader has declared us the loser, then the question needs to be asked by the world and this country: Who won that war in Iraq?

Well, I will tell you who will claim credit for winning the war in Iraq—al-Qaida. They will put on their Web site and in their propaganda to anybody who will listen: We won in Iraq. I guarantee you, if we lost, they won. Do you feel comfortable with that as a Senator representing the United States of America? I don't.

Who else won, if we lost? The Shia extremists who are trying to turn Iraq into a theocracy aligned with Iran. Does that satisfy you as a United States Senator? Is that OK with you? It is certainly not OK with me. The Sunni extremists, they won, the ones who are trying to take Iraq back to the good old days of Saddam.

Who are the biggest losers beyond us? We know who the winners are, the extremists in Iraq and al-Qaida, the ultimate extreme group. If you believe giving these groups Iraq makes us safer, you know nothing about human behavior or history as a whole.

This is not Vietnam, I say to my colleagues. This is the 1930s all over again where we have world leaders trying to appease a tyrant—give him Czechoslovakia, give him one more country, him being Hitler. Did that satisfy his appetite? The moral of the story is that when we let tyranny go unchecked, when we give into the dark forces of humanity, when we allow people who slaughter the innocent to win wars, we don't end their desire, we whet their appetite.

We have not lost this war. We will never lose this war as long as we have the will to win. If we have half the political courage as those who reenlist and go back three and four times, or the physical courage, there is nothing we can't accomplish in Iraq.

Some people worry about their next election, and they are trying to get right with the polls. My focus is on those who reenlist time and again and who are literally sacrificing everything they have to offer to their family and to their country.

So when we mention the death of someone wearing the uniform in the service of our Nation as a reason to withdraw from a war we cannot afford to lose, shame on this body. This bill will be vetoed. This new general, General Petraeus, is committed to winning, has a plan to win, and the question is, Are we going to undercut him?

If you passed the legislation and this legislation went to the President's desk and he did not veto it, then you would be cutting the legs out from under General Petraeus. You would be making everything that he is doing impossible to accomplish because you would change the dynamics on the ground so he would have no chance. And, yes, it is working. Violence is part of the 21st century. Israel lives with this every day. They don't let suicide bombers define the fate of Israel.

Are we going to let suicide bombers define the foreign policy of the United States? If we give them Iraq, you better double the size of the military because we are going to go back with a bigger war, not a smaller war. So I hope once the President vetoes it, we will understand that this new general with a new strategy is our best chance for success—with no guarantee because we have made so many mistakes in the past.

The biggest mistake was not having enough people to secure the country. If we want political reconciliation, which we know we have to achieve to win in Iraq, how can we have it without security? Why don't we have security? We let the country get out of control. We didn't have enough troops on the ground or enough capacity to train and fight.

We are doubling the size of the combat capability in Baghdad, and it is working. Mr. President, 16 of the 21 sheiks in Anbar Province have rejected al-Qaida and aligned with us. Six months ago, Al Anbar Province, where the Sunnis live, I would have written off. But now it is the greatest success story of the new strategy. We are still losing people in Anbar, but we are fighting along with the sheiks to combat al-Qaida because they have seen what al-Qaida holds for them and they have said, no, they don't want to live under the al-Qaida banner. They have tasted it and it doesn't taste well. They are coming our way.

Four thousand marines in Anbar province are making a huge difference. The sheiks, the tribal leaders, called for the young people of Anbar Province to join the police—before, we could not get anybody to join the Iraqi police—and they came in such large numbers that hundreds were turned away because we could not process them. Diyala is a result of success in Baghdad. Al-Sadr left Sadr City because we are in there now and are going to places we have never gone before. The mayor of Sadr City aligned with us, and they tried to kill him. He is in the hospital clinging to life. He tasted what the Shia extremists had for his people, the Shia, and he said no.

The only people I know of right now who seem to believe walking away from the fight in Iraq doesn't have severe consequences for the world are the ones in this body. I cannot envision a failed state in Iraq leading to a more secure United States. I cannot envision walking away from Iraq, declaring the war lost, not empowering al-Qaida beyond any other single event that we have engaged in since 9/11. The consequences of destroying General Petraeus's chance to be successful are enormous for the national security interests of this country.

Declaring a war lost by the Senate majority leader is unprecedented, ill-advised, and it is something we need to quickly correct because if we have lost, the people who will claim victory are our worst nightmare. We will be sending young men and women back to the Middle East to fight extremism in other countries as far as the eye can see or we can give this new general a chance to be successful, give him the time, the money, and the resources he needs to be successful, honor each death as a noble sacrifice for the cause of our freedom—for our own freedom, for the alignment of moderation against extremism—or we can let the car bomber and the suicide bomber drive us out of Iraq. We can let them dictate our foreign policy.

If we do that, we can come back home thinking we are safe, but we will have unleashed Pandora's box. The Gulf States are next if we lose in Iraq, and then eventually Israel. The consequences to our national security interests could not be greater.

Americans understood what it was like to live without freedom 200 years ago. That is why they died for it. There are people in the Mideast getting a taste of it. Let's side with those who believe in freedom against those who want to take us to the dark ages.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak in morning business on another subject for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST RESPONSE BROADCASTERS ACT

Ms. LANDRIEU. Mr. President, I rise today not to speak about the Iraq war or the supplemental, which has been the focus of this morning's debate. I will return to the floor later to speak on both of those subjects. I wanted to take a minute this morning, while we had some time, to speak about a bill I intend to introduce later this week with my cochair, the ranking member of our new Subcommittee on Disaster Recovery, Senator TED STEVENS from Alaska, and other members of my subcommittee, Senators CARPER and PRYOR, as we begin to lay down pieces of legislation that are apparent and necessary to improve the general disaster response for this country, which has been found to be severely lacking.

The bill I will introduce later today is called the First Response Broadcasters Act. It is a piece of legislation, as I said, I will be filing with other members of my subcommittee.

As my State continues to rebuild out of the rubble and destruction and devastation of the first and third worst natural disasters to hit the country, and the subsequent levee breaks that filled up a major American city within 24 hours and continues to wreak havoc on those struggling to get home and rebuild their lives, we learned one of the most vital lessons was that information—good information, accurate information—was not only vital, but it was essential as the first building block to our recovery. In providing it, all of our local media—broadcasters, Web sites and newspapers—did an amazing job to keep the people of Louisiana and our region and the gulf coast informed. Frankly, they also kept informed the Nation and world community that was aghast at what was happening in south Louisiana and the New Orleans region from Katrina, and in the Southwest region from Rita 4 weeks later.

With phone lines down, cell phones out, and streets too flooded to move around to get any kind of perspective about what was actually happening, and where the 4 to 20 feet of water was coming from, when we had never seen anything like that in the history of our city, the sound of local radio and television stations was what hundreds of thousands of my constituents relied on. It was the only voice for them in the first darkest days and nights, and it continued for weeks and months. Actually, Mr. President, it continues to this day. And because of the credibility of our local broadcasters at a time when the public needed them, they were there. Our local broadcasters provided lifesaving information.

As you will recall, we have lost over 1,000 lives in Louisiana and over 200 lives in Mississippi. But many lives, I am convinced, were saved because broadcasters, having lost their own stations, their own equipment, their own homes, and with their own loved ones missing, stayed on the job. More importantly, they stayed on the air so the reporters could report what was happening, and even those of us in powerful positions could get a better handle on the situation.

As local radio and television stations stand up, as so many did, and put commercial interests aside to serve the public interest, the Federal Government, in my opinion, should be ready to stand up with them. That is what this bill is about. It is not a long or complicated bill. It really doesn't cost very much money. But it will have a major impact as this Nation tries to fashion better responses for our country. We are in desperate need of new tools, new tool boxes, and this is one of them.

In fact, for more than 50 years, we have required local broadcasters to be at the front line of sounding the alarm in a disaster. With the entire industry dependent upon public airwaves, broadcasters have a duty to serve the public in times of crisis. That is what so many of them did.

This is why stations today are required by law to be part of the emergency alert system. At the system's core are 34 primary entry points, radio stations with direct lines from emergency command centers in Washington and in their State. But half of our States don't even have these entry points. To receive an alert in Mississippi, for example, you needed to rely on the message being passed on from station to station from an entry point in Louisiana.

One of the several things this bill does is add primary entry points to every underserved State and region to make sure every State has an equal chance to be well prepared when disaster strikes and to try to put their best assets forward. I have said many times that all the assets in the world, all the plans in the world are not worth the paper they are written on, or the text found on Internet Web sites, if you cannot communicate them at the appropriate time to the appropriate people in the appropriate order.

What good is a successful emergency information chain if the last link fails? By technical necessity, this last link is right in the disaster's path. Simply put, a transmitter needs to be in the same area as the people in need of a warning.

Despite our Federal investment in emergency systems and entry point stations, there were several gulf coast broadcasters after the hurricanes who could not stay on the air simply because the Government, our Government, took their fuel away. Let me repeat this. The stations struggling to stay on the air, to tell first responders and others what was actually happening, to try to get their signals up, their electricity up, so when people in Washington kept asking what is going on, we could give some answers, the fuel was confiscated because some low-level FEMA person decided they had higher priorities.

When this bill is passed, local broadcasters will be on the list as first responders, and their food, water, and fuel will not be allowed to be taken away, so that the public can get the information they are desperate for in as independent and accurate way as possible.

It also creates a matching grant program. It also helps to bring broadcast engineers back into the disaster zone more quickly to restore transmitters and other key facilities.

No disaster warning evacuation plan or emergency instruction matters if it cannot get to the people who need to hear it. That is basically why this bill is so important.

Finally, the bill is very important for the journalists, who depend on all of this equipment, technology and access to do their job, which is to report the story in as accurate a fashion as they can to the public that needs to respond, as well as the first responders themselves, and to Government leaders.

For journalists working to tell the story, newspapers and Web sites included, the bill makes sure that the local officials who know the local reporters best decide where the journalists can go, who can go and how long they can stay.

Again, there will be no longer a contract, part-time FEMA official directing the news media or the broadcasters. The law will govern their basic rights, put them on the right list, make it clear they themselves are first responders and, in this Senator's view, extremely important first responders.

I am extremely pleased to have Senator STEVENS join me. This is a bipartisan bill. It is not complicated, it is rather simple, but critical as we begin to stand up a better disaster response this country is certainly most worthy of. The people of Louisiana, Mississippi, Texas, Florida, and other parts of the country are still suffering from disasters that in split seconds, in minutes, sometimes in a few hours, dash the hopes and dreams of millions of Americans.

We cannot prevent tornadoes. We most certainly cannot prevent hurricanes. We cannot prevent earthquakes. We can do a better job of predicting them. But the most important thing we can do is to warn people and help people deal with these terrible tragedies that come their way.

In this Senator's view, we have a lot of work to do.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMERICA COMPETES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 761, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Pending:

Bingaman (for Sununu) amendment No. 938, to strike the provisions regarding strengthening the education and human resources directorate of the National Science Foundation.

Bingaman (for Sanders) amendment No. 936, to increase the competitiveness of American workers through the expansion of employee ownership.

AMENDMENT NO. 938

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate with respect to amendment No. 938, with the time equally divided and controlled by the Senator from New Hampshire and the Senator from Massachusetts or their designees.

Who yields time?

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I understand under the order that I will control 15 minutes, and I believe Senator BINGAMAN will control 15 minutes in opposition.

This morning we have 30 minutes of debate on an amendment I offered yesterday afternoon. This amendment deals directly with the National Science Foundation, which I think many Members of Congress believe is the crown jewel for Federal initiatives, investment, and funding of basic scientific research—research in chemistry, mathematics, physics, material science—that provides benefits that are spread over countless areas of our economy, provides benefits over very long time horizons. This is basic research the markets don't invest in, venture capital firms don't look at. It is fundamental science carried out at the best laboratories and universities across America.

I worked at one time in my career as an engineer. I studied to be a mechanical engineer. I worked as an electrical engineer. I have a little bit of an understanding of some of the scientific principles these laboratories, scientists, and graduate students work on every single day. I certainly have enough appreciation for these concepts to recognize that no Member of Congress should be telling the professional leadership, the academic leadership at the National Science Foundation, which program should be funded on any given day, month, or year. That is why the National Science Foundation has a competitive process, a peer review process where ideas are submitted and approved by panels of experts in each of these areas.

As I say, it is competitive, it is free from politics, free from earmarks, the pet projects and pet policies of legislators, whether they are Democratic or Republican. They are insulated from those things, and that is why it has been so successful.

Unfortunately, in the underlying bill before us, there is for the first time ever a provision to set aside some of that money for a specific area of interest. It may be an interesting area and a very valuable area—the area of human resources and education—but never before have we set aside in legislation funding in this way: over $1 billion of the approximately $6.5 billion the National Science Foundation has to spend each year being set aside for this purpose. For the first time, it guarantees a specific authorization. For the first time, the legislation would guarantee a specific increase for this particular area in outyears. For the first time, and maybe even what I think is most fundamentally wrong, it says that because of these protections, this is a more important area. We don't provide this protection to chemistry or physics or computational mathematics. They do not get a designated allocation in this bill. They do not get a specific increase in funding year on year in this bill. But we give it to the area of human resources.

As I said, that is a worthwhile area for investment, the side of education, it can certainly make a difference, but when we start setting it ahead of, on top of, and at a higher priority than the physics, chemistry, computational mathematics, for which the National Science Foundation is not just designed but for which it is world renowned, we are making a huge mistake. We make a mistake not just because it is wrong to set it ahead of these other programs but it is a mistake because it sets us on the wrong path, because the next time we do legislation such as this, someone else is going to want to set aside funds for another initiative and someone else is going to want to guarantee an increase for another area of programming. Over time, we will undermine, weaken, and perhaps even destroy the integrity of the competition and peer review process that is at the heart of the National Science Foundation.

Those who will oppose this amendment will say this is about human resources and education and we care about those things. Well, I care about those things also, but it is still wrong to carve up the National Science Foundation funding in this way. Moreover, if we care about the education initiatives for science, technology, engineering, and mathematics, we should be looking at the report of the Competitiveness Council that categorized over 106 different science, technology, education, and math programs in 8 or 10 different agencies, and 34 of them are within the National Science Foundation, but a dozen are within the Department of Agriculture, 13 in the Department of Commerce, 9 in the Department of Education, 9 in the Department of Defense, 6 in the Department of Transportation, and so on.

Where in this bill did we look at these 106 programs to make them work better? Where in this legislation did we review which of these programs is most effective and most focused on encouraging students to pursue careers in science, technology, and mathematics? Rather than do that, the authors of this particular provision, section 4002, say, well, the National Science Foundation does work in these areas, so let's make sure they are guaranteed $1 billion a year and guaranteed increases over time.

I think that is the wrong approach to take. It is the wrong approach to take for the National Science Foundation. The scientists who are supported by that foundation have visited me in my office—I am sure they have visited with many other Members of Congress—and time and time again they have said, protect the peer review process, protect the investment in basic science and mathematics. That is what I intend to do as a Senator, and that is why I have offered this amendment to strike that provision that sets aside funds, that guarantees an increase, because it is not the right way to deal with the National Science Foundation.

Mr. President, I yield the remainder of my time.

Mr. BINGAMAN. Mr. President, obviously, I have great respect for my colleague from New Hampshire, and particularly because he is, I believe, the only trained engineer in the Senate, I certainly pay attention when he speaks on issues related to engineering and science, and I think we all need to do that. But I think he is clearly wrong in this circumstance, and let me explain why.

The Senator is offering an amendment to strike the provisions of this bill that provide for annual funding increases for education and human resource programs at the National Science Foundation. The purpose of the provision that is in the bill he wants to strike is to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering, and math education at the elementary, secondary, and the postsecondary level.

This underlying bill, S. 761, provides for substantial increases in funding for the National Science Foundation, and the amount of those increases is contained in section 401. You can see for the next 4 years there are substantial increases. I would reiterate, as we have many times in this debate, these are authorizing levels. This is not actual appropriation of money. That is the heavy lifting which we are going to have to do later on this year. This authorizes, however, significant increases in funding for the National Science Foundation.

As appropriations for the National Science Foundation increase under this legislation, under S. 761, funds for the education and human resources programs will also increase by a proportional amount. We are not in any way diverting funds from basic research or other activities of the National Science Foundation, and we are not specifying that they do things they have not traditionally done. The National Science Foundation has a very impressive record of accomplishment in education at all levels with regard to science, engineering, and mathematics.

The National Science Foundation is the engine of innovation for K-12 science, technology, engineering, and math education. Strengthening science and math education is a core mission of the National Science Foundation. This is not a sideline, this is a core mission. When the agency was founded, Congress recognized the importance of involving scientists in the critical questions relating to science education, and they made science education a key part of the agenda of that agency. The National Science Foundation programs range from graduate fellowships to programs for secondary school teachers, to informal museum programs. They are designed to attract students to science, engineering, technology, and mathematics. They are designed to give them the preparation and the fundamental knowledge they need to pursue undergraduate and graduate degrees, and they are designed to support the completion of those degrees.

The EHR, which is the education and human resources directorate within the National Science Foundation, also pursues ways for advancing participation and equity in access for all who are interested in pursuing careers in these fields. As a research and development institution, the National Science Foundation is uniquely situated to bring insights to science and math education, and that is the reason why we gave them that job.

The National Science Foundation education programs are a catalyst for change in education, and they have been demonstrated to do that. Let me give one example of a successful program, which is NSF's math and science partnership program. An analysis of 123 schools that participated in that program shows improvements in student proficiency in math and science at the elementary, the middle, and high school levels over a 3-year period. This year, the National Science Foundation's budget includes $30 million for these MSP, or math and science partnership, awards.

A recent report by the Academic Competitiveness Council found that of the 10 math and science education programs at various Federal agencies they evaluated, all 4 of the programs they found to be effective were being run out of the National Science Foundation. So the authorization level for education and human resources in this bill reflects what the President asked for in fiscal 2008, plus an adjustment of $300 million to allow for the new programs authorized in the bill.

Let me directly respond to the main points I understood my colleague from New Hampshire to be making. He started by saying no Member of Congress should be telling NSF how to spend their money, basically. We do that every time we pass an appropriations bill. We tell NSF how to spend their money. We also do it whenever we pass an authorization bill. The last time we passed the NSF reauthorization, which I think was 2003, we specified there precisely how much would go into education versus into other types of activities. So this is not in any way a change.

I think everyone in Congress knows the one thing we are good at is micromanaging. We do not give tens of billions of dollars to any agency and say do what you want. We tell them we want this much spent on research and development, and we want this much spent on education.

The one other point my colleague from New Hampshire made is we should not get into interfering with the peer review system, which is designed to ensure the best activities are chosen. We anticipated that problem and agree entirely with him. Section 4007 of this legislation, on page 183, is entitled "Reaffirmation of the Merit-Review Process of the National Science Foundation," and it says:

> Nothing in this division or division A, or the amendments made by this division or division A, shall be interpreted to require or recommend that the National Science Foundation (1) alter or modify its merit-review system or peer-review process; or, (2) exclude the awarding of any proposal by means of the merit-review or peer-review process.

So there is nothing in the section the Senator would have us strike that in any way undermines the peer review system. That is certainly something I would not support doing.

I believe very strongly this is not a good amendment; that deleting section 4002, which is what the Senator's amendment would do, would be a substantial mistake, and I urge my colleagues to resist the amendment.

I yield the floor.

Mr. ALEXANDER. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 7 minutes remaining in opposition.

Mr. ALEXANDER. Mr. President, if you would let me know when 3 minutes remain.

I am trying to respect Senator SUNUNU's amendment, because he is a very careful student of these matters, and I am looking at the authorization bill, and I want to ask the Senator a few questions in a moment, if I may, and I will do it on my time.

I am looking at the authorization bills for fiscal years 2003, 2004, and 2005, which is the current authorization bill. In each of those years—the authorization bill—there is a number for specific authorized allocations for, first, research; next, for education and human resources, which is the area the Senator is objecting to; next, a specific authorized allocation for research equipment; next, for salaries; and next, for the Office of Inspector General. Then we go to 2004 and it is the same there. In each year, there is a specific authorized allocation for each area; one for research, one for education, and one for each of the others.

The difference in this proposed authorization is that for education it says the number. The allocation for education shall go up as much as the specific authorization for research. Would the Senator be more comfortable—and this is my question, through the Chair, if I may ask this—would the Senator be more comfortable if there were specific number allocations which are enacted now for future years? In other words, if we turn the percentages or the suggestion that it ought to go up the same amount and say, instead of that, we will take a number and insert it in there for each of those years? Because that is exactly the way it is done in the current bill.

Mr. SUNUNU. Mr. President, I am happy to respond. First, I would certainly be more comfortable if the guaranteed increases were struck from the bill, because that is a protection, a consideration for this area of funding that isn't given to other areas of funding. I would have concern about that allocation in past years, again because it puts this particular area in effect ahead of the different disciplines of chemistry, math, or physics. It treats it somewhat uniquely.

To the response on the point about appropriations, Senator BINGAMAN is absolutely right. Each year we do an appropriations bill that is much more specific than this, where, ultimately, allocations are made in the specific areas of research, chemistry, or physics. That is based, however, on a request by the National Science Foundation itself in front of that Appropriations Committee. It is based on an exchange for that given year.

I would agree with you, the peer review process needs to be protected. We shouldn't be specifying in authorizing language—even if you make the point it is not meaningful because it is only an authorization—we shouldn't be specifying how much money we are going to allocate to superconducting materials in 2008 or how much funding we are going to authorize for plasma physics in 2009.

We should be much more responsive than that, not prejudge what the needs of the National Science Foundation are going to be in the outyears.

Mr. ALEXANDER. Mr. President, I will take 30 seconds, if I may. I think I am reading this differently than is the Senator. I am reading the authorization language for the year 2003, 2004, 2005, 2006—the existing law, there are specific authorization allocations for each year, not just for education but for research and for research equipment and for salaries and expenses. It goes up each year in the authorization language that exists today. So we are reading a different bill. I will be happy, if I am a part of any conference discussion, if it would help with his concerns, to translate the "as much as" into specific numbers, if other Senators agree with that.

The PRESIDING OFFICER. Who yields time? The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, let me use a portion of my time to address a particular point; that is, equipment. I fully recognize that equipment is different from funding for specific research. Capital equipment, infrastructure, buildings—those are going to receive separate allocations year on year, and they are going to receive separate authorization numbers. But I come back to this issue of whether we are going to treat the human resources area differently by protecting annual increases and whether we are going to ensure that in the future we maximize the resources available to the National Science Foundation for its core mission of research, of investment in math, science, and engineering research projects. I understand the education role. I understand that is part of the mission of the National Science Foundation, and I support that effort. But I think we need to be very careful before creating long-term setasides for an area such as this.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. BINGAMAN. How much time remains for the Senator from New Hampshire?

The PRESIDING OFFICER. A little over 7 minutes.

Mr. BINGAMAN. Let me use the remaining 2 minutes in opposition to the Senator from New Hampshire, and then the Senator can obviously use as much time as he would like.

Let me just reiterate that I think this section which he is proposing that we strike is an important section to retain in the legislation. This is something which is a direct outgrowth of what the Augustine Commission recommended. They recommended that we increase funding for the National Science Foundation and that we ensure that the National Science Foundation substantially increase its efforts with regard to science education. That is what this provision does. That is what this section of the bill does. It says we want to increase authorization for the National Science Foundation, and as we are doing that, we want to be sure there is adequate funding, there is adequate attention given to science education.

I believe, if there were a single thing which the National Academy of Sciences report concluded, it is that we are investing way too little as a country in science and engineering and math education across-the-board—in the Department of Education, in the Department of Energy, in the National Science Foundation, in our schools, elementary and secondary and postsecondary and universities.

This is an important provision. We should keep this in the bill. I know it is very important to Senator KENNEDY. He was very involved in the discussions that went into the drafting of this portion of the bill. As a member of his committee, I strongly object to us deleting this section of the bill.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. I wonder if the distinguished Senator will yield?

Mr. SUNUNU. Mr. President, I am happy to yield 4 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will ask that it be taken off the bill, not off his time.

The PRESIDING OFFICER. That time has expired. Without objection, it is so ordered.

Mr. DOMENICI. Very briefly, I wish to say to the Senator that he has made an eloquent presentation and he has certainly shown people that he understands what the National Science Foundation is supposed to do and what it does. But there is no question that it does two things at least and, in most cases, more. It does research, but it also does education. That is enumerated in the year we are in and enumerated in the outyears. That, along with other activities, including research that the Senator is worried about, is enumerated and protected by an actual appropriation; that is, the thing that worries him is the one that should worry all of us, and that is the adequacy and assurance of research and that it will not be gobbled up or picked at as time changes.

It seems to me we did it right here because we earmarked, in a sense, all the different areas and put the two worrying him the most—both of these are there. Both research and education are there. It seems to me that is what we want to do. I don't know how you could do it any other way and we be able to tell the Senators who helped us put this together that they are protected for science research and for education. That is really what we are trying to do because they worked hard on it. They thought this was an area of importance. We agreed with them. It turns out, as Senator BINGAMAN said just two moments ago, it is true, this bill is beginning to sound right because it is saying we were really hurting on basic science, and this is an area, the National Science Foundation, an instrumentation of our Government, which has been doing very well and we want to give them a lot of extra money if we want to do this, a bill like this, for our country.

I thank the Senator for the time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, in closing, let me thank the Senator from New Mexico for his points. I certainly appreciate the commitment I have heard from everyone who has spoken this morning about the value of the peer-review process, the commitment to this critical role of research, basic research within the National Science Foundation, the desire to make sure we are not giving special treatment, unique treatment to any particular area within the National Science Foundation, notwithstanding the fact that in this legislation, there are guaranteed proportional increases for human resources in the educational area. Of course, I have to take every Senator at their word, but I very much appreciate the word and commitment given here to continue to champion and protect the integrity of the peer-review process moving forward.

Second, I reiterate that there is very little done that I can see in the legislation to look at the existing science, technology, education, and math programs within our Government. There is support for those programs and even creation of some new programs in this legislation, but very little is done to follow up on findings we have in front of us about weaknesses and duplication and overlap in these programs and the need to make them work better for those math, science, and engineering students whom they are intended to benefit. I encourage my colleagues to continue to pursue these very questions as this bill moves off the floor and into conference.

I understand there were a lot of sensitive issues and committee jurisdictions and tradeoffs that had to be made in constructing the legislation. I understand the managers of the bill are not going to support my amendment. But I think the message this amendment carries is an extremely important one. I hope it will be heeded, not just in deliberations over the coming year when we are dealing with math and science and the National Science Foundation, to protect what makes it work.

but also as this legislation moves to conference.

I yield any time I have remaining.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment.

Mr. SUNUNU. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 74, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—24

Allard
Bunning
Burr
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Graham
Grassley
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Sessions
Shelby
Sununu
Thomas
Thune
Vitter

NAYS—74

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—2

Johnson
McCain

The amendment (No. 938) was rejected.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just get the attention of Senators for a minute. We made good progress on this bill yesterday, and then, of course, we just had a vote this morning. We are anxious to try to complete this bill before this briefing which is scheduled with General Petraeus at 4 o'clock this afternoon, if we possibly can. So we would be very appreciative if Members would come to the floor with any amendments they have and offer those amendments and take a short time to explain them. For any of them it appears we can accept, we are glad to try to accept them. Some we will not be able to accept. But we are anxious to get any additional amendments any Senator wishes to have considered brought to the Senate floor as soon as possible.

I believe both Senator DOMENICI and Senator ALEXANDER want to say a word, and then I believe Senator SANDERS wishes to speak to his amendment.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I just want to second that motion as to what Senator BINGAMAN just said and ask Senators on my side of the aisle to take a look, as soon as you can, with your staffs at this bill and tell us whether you have amendments. If we are going to finish at a time certain, we do not want everybody to come down at 4 o'clock and complain. We have a lot of time, but it will be useless if Senators do not bring their amendments down. We know there are some floating around, but we certainly do not have an adequate understanding of how many Senators have. It would be helpful if Senators would send us a message that they have amendments and what they amount to. We will work with Senators so we can get them done quickly.

Mr. President, I thank Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 936 WITHDRAWN

Mr. SANDERS. Mr. President, I intended to have considered an amendment I have offered, which is a very important amendment, which would provide assistance from the Department of Commerce to workers, to employees who want to move forward in terms of ESOPs, employee stock ownership plans.

At a time when we are losing millions of good-paying blue-collar manufacturing jobs, white-collar information technology jobs, it seems to me that the ESOP concept, the worker-ownership concept, is, in fact, an important model the U.S. Government should be exploring in terms of how we help those workers purchase their own companies and keep jobs in the United States of America.

I understand there is a problem with jurisdiction. The chairman and ranking member of the Banking Committee would like to work with me on this issue. I think we would like to go forward in terms of holding hearings and then coming forward with some legislation, which seems to me to be a sensible idea.

What I would like to do is, if I could, yield to the chairman of the Banking Committee, Mr. DODD, and then maybe to Ranking Member SHELBY.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague for yielding. I thank my colleague for his consideration.

For those of us who remember the days of Russell Long talking about the employee stock option plans, we all were lectured considerably during our tenure here with Russell Long, who was a strong advocate of the idea of employees being able to have an invested ownership in companies.

I applaud my colleague from Vermont for this idea. It is one that certainly deserves consideration. I have told my colleague from Vermont I will be happy to either conduct the hearing myself or have an appropriate subcommittee conduct it, and be involved with it, as well as the Banking Committee to look at this.

The jurisdiction may also be in the Finance Committee. I know Senator BAUCUS has an interest in this issue as well, so I want to be careful about stepping on the toes of another committee that may have some piece of this as well as the Banking Committee. But it is an economic development issue, and I am sure, between Senator BAUCUS and myself, we can conduct a hearing that will complement both committees' jurisdictions.

Mr. SANDERS. Mr. President, if my friend will yield briefly, Senator BAUCUS is a cosponsor of this legislation, along with Senator LEAHY and Senator LINCOLN.

Mr. President, I yield back to the Senator.

Mr. DODD. Mr. President, I thank my colleague for his observation. I see my friend from Alabama is in the Chamber, the former chairman of the committee, my ranking member, who cares about this issue as well. I know of his interest in the subject matter.

So we will move forward on this issue in a timely fashion to see if we can have a good hearing and develop further interest in this idea, which I think has great merit. I thank the Senator for raising it.

Mr. SANDERS. Mr. President, I yield to my friend from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I thank my colleague for yielding.

As Senator DODD said, we are all interested in promoting the economic interests of our workers. The ESOP program, employee stock ownership program, has helped a lot of workers create wealth, save jobs, and save companies in this country.

I know this is probably a subject matter for a number of committees, but Chairman DODD said he would hold a hearing on this in the Banking Committee. I join with him in working on this issue. If this or some other legislation like this will help people own companies where they work, I think that is good for America.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I very much thank my friend from Alabama and my friend from Connecticut. We look forward to working with you.

Mr. President, at this time, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that on Wednesday, today, April 25, at 2 o'clock, the Senate proceed to debate concurrently three Coburn amendments, Nos. 918, 921, and 922; that there be a total of 60 minutes of debate, divided as follows: 40 minutes under the control of Senator COBURN and 20 minutes under the control of myself or my designee; that upon the use or yielding back of time, the Senate proceed to vote in relation to each amendment in the order listed in this agreement; that there be 2 minutes of debate equally divided as specified above prior to the second and third votes; that no amendments be in order to any of the amendments covered under this agreement prior to the vote; and that the second and third votes in the series be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am glad to accommodate the Senator from West Virginia. He asked if I would restate the unanimous consent request. I am glad to do that.

Mr. President, I ask unanimous consent that on Wednesday, April 25, at 2 p.m., the Senate proceed to debate concurrently three Coburn amendments, Nos. 918, 921, and 922; that there be a total of 60 minutes of debate, divided as follows: 40 minutes under the control of Senator COBURN and 20 minutes under the control of Senator BINGAMAN or his designee; that upon the use or yielding back of time, the Senate proceed to vote in relation to each amendment in the order listed in this agreement; that there be 2 minutes of debate equally divided as specified above prior to the second and third votes; that no amendments be in order to any of the amendments covered under this agreement prior to the vote; and that the second and third votes in this series be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, in Ecclesiastes, the Preacher warns:

> The race is not to the swift, or the battle to the strong, nor does food come to the wise, or wealth to the brilliant, or favor to the learned; but time and chance happen to them all.

America is used to being the swiftest. We are used to being the strongest. America has become used to winning the race. We have become used to receiving the cream of the world's wealth. But we would do well to heed the warning of Ecclesiastes, for time and chance will happen to us, as well.

New global competitors have entered the race. Over time, they are growing stronger and more learned. America cannot leave winning the race to chance. We must redouble our speed. We must redouble our learning if we are not to fall behind.

That is why I started in June of 2005 delivering a series of addresses on America's economic leadership. That is why, during the last Congress and this one as well, I have introduced a series of bills addressing American competitiveness. Those bills dealt with education, with energy, with trade, research, and savings. That is why much of the work of the Finance Committee this Congress this year will address America's economic competitiveness.

The Finance Committee will shortly mark up education tax incentives. We will follow with tax incentives for cleaner and more renewable energy. This year we intend to extend trade adjustment assistance, and we hope to address small business health concerns as well. Each of these bills will help American businesses remain the world's leaders.

The bill before us will help, and it will help a lot. The bill before us will promote excellence in education, technology, and science. I hope to contribute a series of amendments to this bill. Each, I believe, will bolster America's economic competitiveness.

A noted MIT scholar once commented that:

> The ability to learn faster than your competitors may be the only sustainable competitive advantage.

Having an educated workforce able to learn and adapt is a cornerstone of a competitive agenda.

My first amendment thus encourages States to incorporate 21st century learning skills into their curriculum. This amendment would help our school systems teach skills to America's students that will best prepare them for tomorrow's economy.

America faces a world more integrated, more interdependent, and more competitive than ever. It is our challenge to succeed in this environment. It is our challenge to leave our children and grandchildren with an economy that is better than the one which we inherited. We must meet this challenge.

Meeting this challenge starts with addressing education in a new way. This bill is just a beginning.

We must change the way we look at education. As policymakers, we tend to look at our education challenge like a multiple choice test. We want to choose between a few simple options—more science and math classes, more AP classes, or better teachers. But the answers are not as simple as "A," "B," or "C."

We must look at our challenge as if it were a math proof. We must think through every step, to reach the end result. The process is as important as the outcome. The outcome must be appropriate for today's needs, but the outcome must also be appropriate for the needs of the future.

One hundred years from now—even 10 years from now—our society will be very different from what we see today.

If we find the right solution, our students will excel in school. If we find the right solution, our graduates will be ready to enter the workforce. If we find the right solution, America will retain its economic leadership. But if we look only for simple options, we may never reach a solution.

My first amendment will assist in the process of developing these solutions. My amendment will encourage school systems to think first and plan early. My amendment will encourage States to look at the big picture. My amendment will encourage States to look at education comprehensively.

My amendment encourages States to incorporate 21st century learning skills into the States' education plan.

Twenty-first century learning skills emphasize learning skills, collaboration, and communication skills.

Our students must know science and math, but more importantly, our students must excel in problem-solving and critical thinking skills. Our students must excel in financial, economic, and business literacy. It is these skills that students today will need to be successful tomorrow.

Our students must also be able to communicate effectively. Twenty-first century skills also include language learning.

This bill sets aside funding for foreign language programs, but in many rural areas like Montana there are not enough teachers. The way to help solve this problem is through distance learning.

That is why I also worked hard to include in the bill a provision to allow language funds to go to programs that use distance learning.

I am proud of programs such as the U.S. Arabic Distance Learning Network out of Montana State University. This program uses interactive video classrooms to allow two-way communication between the professor and students. This innovative solution is helping students to acquire important language skills.

We must look for more ways to be creative in our education methods. Our schools must adapt to new challenges. Our students must begin to learn the skills that companies need today, and students must learn the skills that companies anticipate needing tomorrow.

This bill is a piece of the process in solving the proof. I will continue working on this issue and I encourage my colleagues to do so as well.

Many of the proposals in these amendments and this legislation are good solutions for serious problems, but addressing our problems is not enough. We must also improve the way we identify them. We must improve our diagnosis.

Getting the right diagnosis is especially important to the most dynamic sector of our economy—the services sector. Our economy has evolved from agriculture and manufacturing to services. Services industries today comprise 80 percent of our economy. Since 1990, private services industries have added over 22 million jobs. In our international trade picture, services are a bright spot. Where we so often see deficits, America has a surplus in services exports.

To keep this sector vigorous in a global market, we must track its health and development. But we don't.

Today, the Bureau of Economic Analysis does not produce annual, State-by-State, sector-specific services export data. Tracking this kind of export data is critical to knowing where our strengths and our weakness lie. These data are critical to knowing where jobs are being created and how to build on those successes. These data are equally critical to knowing where jobs are being lost, and to how we can best help those workers.

That is why I am offering an amendment to fund a program in the Bureau of Economic Analysis to study services exports in detail, annually, thoroughly, on a State-by-State basis. We know too little about this sector of our economy and its standing internationally. This amendment would remedy that.

I also have amendments to improve America's energy research. My amendment would double funding for the Department of Energy's Office of Science. That office is the largest supporter of physical sciences research in America. It would provide more than 40 percent of total funding in this area nationwide. The Office oversees a broad range of energy-related research, including that related to renewable energy.

For example, the Office of Science funds research and development projects at the National Renewable Energy Laboratory, or NREL. NREL is the Nation's primary lab for renewable energy and energy efficiency R&D. The Finance Committee has heard testimony from two NREL representatives this year—Dr. Dan Arvizu, director of the lab, and Dr. Robert Farrington, manager of the lab's research on advanced vehicles.

Both of these individuals are very impressive. I believe strongly that we must support their work.

Unfortunately, that support has been lacking in recent years. In January, the New York Times outlined NREL's budget challenges. The Times pointed out that:

> Money flowing into the nation's primary laboratory for developing renewable fuels is actually less than it was at the beginning of the Bush administration.

The lab got a bit of a boost after that story was published in January, but the administration's 2008 budget still plans a 3 percent cut for the lab.

We can fix that by doubling the Office of Science's budget over the next 5 years. This injection of resources would provide badly needed funding for NREL and the other national labs. The Office of Science would receive $3.8 billion for 2007, a small increase over last year's amount. My amendment would increase the Federal commitment to DOE's Office of Science to $8 billion by 2011. That is double what the office receives now, and that is more than a 50 percent increase over what is called for in the underlying bill.

This amendment is consistent with a recommendation of the National Commission on Energy Policy, a bipartisan group of 20 of the Nation's leading energy experts. Last week, the commission recommended doubling Federal spending on energy-technology R&D.

But simply increasing funds for DOE's Office of Science is not enough. We also need to establish a new office of research outside DOE. My amendment to establish ARPA-E would do just that.

I am very pleased that the underlying bill proposes an Advanced Research Projects Authority—Energy, or ARPA-E.

The National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine joined to form the Committee on Prospering in the Global Economy of the 21st Century. Norm Augustine chaired the committee. The committee recommended creating an ARPA-E: Advanced Research Projects Agency—Energy.

The new agency would be modeled on DARPA—the Defense Advanced Research Projects Agency—in the Department of Defense. Among the revolutionary technologies that DARPA has developed are the Internet and stealth technology for aircraft.

The Augustine Committee recommended that ARPA-E be designed to conduct transformative, out-of-the-box energy research.

In the last Congress, and earlier this year, I introduced legislation to create an ARPA-E.

The bill before us today proposes a variation on my legislation by creating an "authority" within the Department of Energy, instead of an agency.

My amendment would move the "authority" out of the DOE and establish it as an agency, and my amendment would flesh out some of the details of the office.

My amendment proposes that ARPA-E be a small agency with a total of 250 people. A minimum of 180 of them would be technical staff. A director of the agency and four deputies would lead ARPA-E. My amendment proposes that ARPA-E be funded at $300 million in fiscal year 2008, ramping up to $2.0 billion in 2012.

With gasoline again rising to $3 a gallon and increased concerns about global warming, I believe we need to establish the most muscular ARPA-E possible. That is why my amendment frees the agency from the bureaucratic restrictions of the DOD, and that is why my amendment would elevate the status of the agency by establishing a direct reporting link to the President.

The underlying bill has taken a critical step forward by proposing an ARPA-E. It is now up to the Senate and House to make this terrific idea a reality to address the issues of energy security, energy supply, and global warming.

By advancing amendments like these, we can help to ensure America's economic leadership.

Let us thereby help to ensure that America's business remains the swiftest. Let us ensure that our economy remains strong. Let us not leave our economic future to time and chance.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. McCASKILL. Mr. President, I am a proud cosponsor of the important legislation we have been debating this week in order to help America compete, to put America in a competitive place with the rest of the world on technology and engineering. I know how important it is that we make smart investments right now. In a previously adopted amendment I cosponsored along with Senator DEMINT, we have adopted an amendment I proposed, along with Senator DEMINT, which is important to this legislation.

While I support this legislation, while I think it is very important we invest in technology and invest in the future of our economy in a new, global, technology-driven marketplace, I also am very concerned about the way we spend Federal money. I am very concerned about programs that are put in place that we don't check back on to make sure they are working the way they should and that we are spending money the way we should. The amendment that has been adopted—and I want to thank the managers of the bill for accepting the amendment—simply says this: In 3 years, the GAO has to take a look. The GAO has to come in and do a study on how we have spent all of these billions of dollars we are going to set aside—precious dollars—precious Federal tax dollars that, frankly, have so many needs right now, including bringing our deficit under control.

I understand sometimes you have to invest money in order to make our economy thrive, and I am all for that investment, but it needs to be a wise investment. The GAO needs to come in in 3 years and look at the way this money has been spent and tell the American people—and, most importantly, my colleagues in the Senate and our colleagues in the House—that this money is being used the way we want it to be used: efficiently and, most importantly, effectively. That will give us an opportunity to take the temperature of these programs to make sure we are not throwing money down a rat hole, that we are not coming up with a good idea and never having the discipline to follow up and make sure the money is wisely spent.

So I appreciate the acceptance of this amendment. I think it is important. I think doing the kind of followup scrutiny of Government programs is something that has been woefully lacking in Washington, DC, and I look forward to continuing to mandate GAO studies at intervals in programs such as this to make sure the money is being spent the way the taxpayers would want it to be spent.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ SUPPLEMENTAL APPROPRIATIONS BILL

Mr. DURBIN. Mr. President, in the next day or two, the House and Senate will consider the Iraq supplemental appropriations bill. This is the fifth year of our war in Iraq. This is the seventh time the President has come to Congress for an emergency supplemental bill.

In the ordinary course of events, a President and administration will submit to Congress an appropriation. We carefully review it, consider amendments, vote on it, and send it back to the President for signature.

The exceptions to the rule I just gave are for emergency situations, unanticipated situations, such as natural disasters, situations that came upon us so quickly that we could not have anticipated them. But for 5 straight years now this administration has insisted that this ongoing war is an unanticipated expenditure. I wish that were true, but we have known now for more than 4 years that this war is costly: first, in terms of human life, and, second, in terms of the Treasury of this country. Despite that, the President continues to send us emergency bills, unanticipated appropriations.

This time, almost $100 billion is to be added to the expenses of the wars in Iraq and Afghanistan. The total cost to date is somewhere in the range of $500 billion. We have appropriated that money. We have given the President every penny he has asked for and more. Members of Congress and the Senate with serious misgivings about this policy in Iraq have said to the President as Commander in Chief responsible for our men and women in uniform: We never want to shortchange them in battle. We want them to be safe. We want them to come home safe.

I was one of 23 Senators who voted against this invasion of Iraq. I thought this was a serious mistake from the start, but I have never said no to the President's request for the funds for those troops. As I have said often, and I will repeat now, if it were my son or daughter in uniform, I would want them to have everything they need to come home. I may think this is the worst foreign policy decision in our time, but it is not to be taken out on our troops. They shouldn't be the bargaining chip in this important debate which is going on in Washington.

Now comes the President with another supplemental, about $100 billion that he wants for the troops to have in the months to come. He will receive that money. There is no doubt that he will receive it. The Democratic majority in the House and Senate has already pledged to provide all the money our troops need. But we cannot ignore the obvious. It is time for us to have a serious discussion in this country about this war.

The day before yesterday, nine American lives were given up in Iraq. Nine soldiers and marines lost their lives while many of us were in the safety of our homes or at our workplace.

Whether it is on Sunday with the Stephanopoulos show or every day in the Washington Post, I try to make a point of reading the names and ages and hometowns of these soldiers, marines, sailors, and airmen who are casualties. I do that because I don't want their loss to become a numbing statistic. I want to try to visualize that 19-year-old soldier, that 23-year-old sergeant, that corporal in the Marine Corps who was 20 years old. I want to try to visualize them in terms of my family and the people I love. I think every Member of Congress needs to do the same thing—and I hope they do the same thing—to remember that it isn't just 3,320 lives, these are 3,320 sons and daughters and husbands and fathers, mothers and wives, loved ones. These are real people and real lives.

So now we are in this debate about how this war is going to end. It is well overdue that we have this debate.

When we went into this war, we were told by the President that there were reasons for doing it. I think most Americans recall it. I recall the litany very well.

First, the administration told us that Saddam Hussein and Iraq had weapons of mass destruction which could be used—chemical and biological weapons—in a terrorist mode to kill innocent people in the Middle East and around the world.

Second, we were told they were developing nuclear weapons in Iraq, nuclear weapons that could destabilize the Middle East and even attack America. The leaders in this administration were giving speeches about mushroom clouds from these nuclear weapons.

Then we were told that Saddam Hussein had some connection to the al-Qaida terrorists who caused the 9/11 tragedy in America.

Then we were told that this madman, this dictator, was so ruthless that he even killed and gassed his own innocent civilians, his own people in Kurdish regions.

The Senate came to debate this, listening to the speeches by President Bush, Vice President CHENEY, Secretary Rumsfeld, Secretary Colin Powell, and Condoleezza Rice, and the debate engaged. At the time of this debate, I was a member of the Senate Intelligence Committee. I would read the headlines in the paper in the morning and watch the television newscasts and shake my head because, you see, just a few hundred feet away from here in a closed room, carefully guarded, the Intelligence Committee was meeting on a daily basis for top-secret briefings about the information we were receiving, and the information we had in the Intelligence Committee was not the same information being given to the American people. I couldn't believe it. Members of this administration were in active, heated debate over whether aluminum tubes really meant that the Iraqis were developing nuclear weapons. Some in the administration were saying, of course, not, it is not the same kind of aluminum tube; at the same time, members of the administration were telling the American people to be fearful of mushroom-shaped clouds.

I was angry about it. Frankly, I couldn't do much about it because, in the Intelligence Committee, we are sworn to secrecy. We can't walk outside the door and say the statement made yesterday by the White House is in direct contradiction to classified information that is being given to this Congress. We can't do that. We couldn't make those statements. So in my frustration, I sat on the floor of the Senate and listened to this heated debate about invading Iraq thinking the American people are being misled, they are not being told the truth. That is why I joined 22 of my colleagues in voting no. I didn't believe at the time that the American people knew the real facts.

So what happened? We invaded, turned loose hundreds, if not thousands of people scouring Iraq for these weapons of mass destruction and never found one of them. We looked for nuclear weapons. There was no evidence whatsoever. We went into our intelligence files and said: OK, Saddam Hussein and al-Qaida—let's get this linkage put together once and for all. There was no evidence at all of a linkage.

The American people were deceived into this war. That doesn't take a thing away from the men and women in uniform who answered the call. They stand and fight. They don't make the policy. The policy is made in Washington. And they have shown extraordinary courage.

Now, in this supplemental appropriations bill for Iraq, we want to engage the White House and the American people in an active discussion about where this war is going. I don't want to wake up every single day and read a headline about 5 more Americans, 9 more Americans, 10 more Americans losing their lives in the middle of a civil war. We are saying to the President: It is time for you to accept the reality of the situation, and the reality is, as good as our military is—and it is the best in the world—it cannot win a civil war in Iraq. This war dates back 14 centuries. Two sects of the Islamic religion in pitched battle for 1,400 years about who is the legitimate heir of the great Prophet Muhammad, and our soldiers are in the middle of this fight? Is that what we bargained for? Had the President come to us and said: We want to send in 150,000 American soldiers to risk their lives in the hopes that these two warring religious sects will reach an agreement in Iraq, he wouldn't have had two votes in favor of that. But that is where we are today.

Meanwhile, this Iraqi Government, a Government which we have had a great deal to do with creating, continues to fail us.

The supplemental appropriation we will send to the President of the United States starts talking about bringing American troops home, not all at once, not immediate, not a hasty withdrawal that would be dangerous for everyone, but in a systematic way. Many of us believe that is the only way to convince the Iraqis to stand up and take responsibility for their own country, to make the important and tough political decisions for their own future. Unless and until we do that, I am afraid we will continue to see the casualties grow and we won't see the stability we seek.

This congressional action which we are sending to the President with this supplemental appropriation is not about really sending a message to the President, unfortunately. He is not listening. We know he has ignored his generals, and they are lined up to say the policy and strategy in Iraq is not succeeding. He has ignored the American people, who overwhelmingly believe it is time for American soldiers to start coming home. And he has refused to accept the realities of this war.

Sadly, this administration is the architect of the worst foreign policy decision in recent memory. The President has led the best military in the world into a desperate civil war. He has spent American treasure at a record rate, driving us deeply into debt, and, unfortunately, there is no end in sight.

The poor judgment of this administration has led to the invasion of Iraq, which has cost us over 3,300 American lives, over 25,000 injured, as many as 10,000 seriously injured with amputations and traumatic brain injury. His failed leadership has sent too few soldiers into too many battles without the training, the equipment, and the rest they need. And now he is extending the tours of duty of these men and women. I can't imagine that family back home marking the days off the calendar, reading the e-mails in anticipation of dad coming home, being told: You have to stay 90 days longer.

Do you know, Mr. President, that this extension of the tour of duty for National Guard members is the largest extension since World War II? We are pushing these men and women to the limit. We are asking more of them than has been asked in 40 or 50 years. It is obvious that this administration had no idea at the time of this invasion of the extreme cost of ending this war, and frankly, they still don't.

This failed policy in Iraq may not change until this President has left the White House, but that doesn't mean congressional action and congressional debate are any less important. If President Bush is not listening, then we trust that the Iraqis will listen. They should know this Congress will continue to work to make one thing very clear: American troops are coming home. The Iraqis have to stand up for their own country.

I commend to my colleagues and all those who follow this debate an article from the New York Times of April 4 this year, just a few weeks ago, written by Leon Panetta, a former colleague of mine in the House of Representatives—a great personal friend, I might add, a man who has served this Government at the congressional level and then again in the Clinton White House and most recently was a member of the Iraq Study Group.

What he basically says in this article of April 4 is, What about those other Iraq deadlines? What he does is he goes through and lists all of the deadlines the Iraqis agreed they would live by, the things they said they would achieve. As you go through them, you can understand the frustration many of us have about the current situation.

The Iraqis promised to achieve by the end of 2006 or early 2007 the approval of a provincial election law. So far, no progress on that.

The approval of a law to regulate their oil industry and share revenues—a very hot political topic, and while the Council of Ministers in Iraq has approved a draft, it has yet to be approved by their Parliament.

They agreed by the end of 2006 or early this year to approve the debaathification law, to reintegrate officials of the former regime and Arab nationalists into public life. No progress at all.

They agreed to approve a law to rein in sectarian militias. No progress at all.

By March, the Government promised to hold a referendum on constitutional amendments. No progress at all.

By May, the Prime Minister of Iraq committed to putting in place the law controlling militias. No progress at all. The approval of an amnesty agreement—no progress at all. The completion of all reconciliation efforts—clearly no progress.

By June, the Iraqi Government promised to hold provincial elections. No date has been set.

By April, the Iraqis want to take over total control of the Iraqi Army. Not likely based on the current situation.

By September, the Iraqis want to be given full civil control of all the provinces. Today, they control 3 out of the 18 provinces.

By December, the Iraqis, with U.S. support, want to achieve total security self-reliance. It is too early to tell, but does anyone believe that will occur?

What Leon Panetta spelled out here is promises by Iraqis; that if we continue to risk American lives, if we continue to spend $8 billion to $10 billion a month, they will tackle the tough political issues in their country, and time and time again they have failed. How long will we wait? How many American lives will we offer up while they twiddle their thumbs thinking about political possibilities?

Mr. President, I ask unanimous consent to have printed in the RECORD the April 4 op-ed by Leon Panetta.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 4, 2007]

WHAT ABOUT THOSE OTHER IRAQ DEADLINES?

(By Leon E. Panetta)

SEASIDE, CA.—What has been particularly frustrating about the debate in Washington over Iraq is that everyone seems to be fighting one another and forgetting the fundamental mission of the war.

Whether one is for or against the war, the key to stability is to have an Iraq that, in the words of the president himself, can "govern itself, sustain itself and defend itself." Achieving that goal is largely dependent on the political reforms that Iraqi leaders have promised but failed to put in place in their country.

As a member of the Iraq Study Group, I found that every military commander we talked to felt that the absence of national reconciliation was the fundamental cause of violence in Iraq. As one American general told us, if the Iraqi government does not make political progress on reforms, "all the troops in the world will not provide security."

Instead of dividing over the strategy on the war, the president and the Congress should make very clear to the Iraqis that there is no open-ended commitment to our involvement. As the Iraq Study Group recommended, Iraqi leaders must pay a price if they continue to fail to make good on key reforms that they have promised the Iraqi people.

In calling for a specific withdrawal date, the House and Senate versions of the supplemental spending bill send a clear message to the Iraqis (even if they do face a certain veto). The worst mistake now would be to provide money for the war without sending the Iraqis any message at all about their responsibility for reforms. Both the president and the Congress at the very least must make the Iraqi government understand that future financial and military support is going to depend on Baghdad's making substantial progress toward the milestones Prime Minister Nuri al-Maliki has publicly committed to.

Unfortunately, with a few exceptions, little progress has been made. Consider efforts toward stabilizing democracy and achieving national reconciliation:

The Iraqis promised to achieve, by the end of 2006 or early 2007, the approval of a provincial election law (so far, no progress); approval of a law to regulate the oil industry and share revenues (while the Council of Ministers has approved a draft, it has yet to be approved by the Parliament); approval of the de-Baathification law to reintegrate officials of the former regime and Arab nationalists into public life (no progress); and approval of a law to rein in sectarian militias (no progress).

By March, the government promised to hold a referendum on constitutional amendments (no progress).

By May, the prime minister committed to putting in place the law controlling militias (no progress); the approval of the amnesty agreement (no progress); and the completion of all reconciliation efforts.

By June, the Iraqi government promised to hold provincial elections (no date has been set).

As for security issues, things are not going much better. The Iraqis have increased security spending over 2006 levels as promised, but they are falling behind on the number of battle-ready Army units.

By April, the Iraqis want to take over total control of the Iraq Army (not likely based on current progress).

By September, the Iraqis want to be given full civil control of all provinces (to date they control 3 of 18 provinces).

By December, the Iraqis, with United States support, want to achieve total security self-reliance (too early to tell, but does anyone really find this likely?).

Yes, there have been some notable successes. For example, the Baghdad government has made good on its promise to appreciate the Iraqi dinar to combat accelerating inflation, and has increased domestic prices for refined petroleum products.

But particularly in terms of reforms needed to reconcile Sunnis and Shiites, progress has been minimal. And unless the United States finds new ways to bring strong pressure on the Iraqis, things are not likely to pick up any time soon.

In seeking support for the so-called surge and the supplemental spending bill, the Bush administration argues that American forces have to provide temporary stability to enable the Iraqi leaders to negotiate political solutions. True, but after a while this becomes an excuse for inaction on the political reforms that are essential to stability itself.

This is why the Iraq Study Group report made clear that "if the Iraqi government does not make substantial progress toward the achievement of milestones on national reconciliation, security and governance, the United States should reduce its political, military or economic support for the Iraqi government."

Until the Bush administration and Congress can jointly convince the Iraqi government that this threat is real, there will be little chance of reaching the one goal on which Republicans and Democrats can agree: a safe, stable and prosperous Iraq.

Mr. DURBIN. Mr. President, this debate is long overdue. It is time for us to let them know we are coming home. It is time for them to understand in Iraq that they have received more from the United States than any nation should ever ask or hope for. We have offered up our best and bravest men in uniform. We have brought home those broken in body and spirit and said we will stand by them the rest of their lives, knowing in the process the sacrifices that have been made by them and their families.

We have spent $500 billion, which might have been spent in this country for a lot of things we desperately need—health care, paying for No Child Left Behind, medical research, basic investments in this country's future. We have given up on them because we had to spend the money in Iraq, and we continue to.

When it comes to this bill, which we hope to send to the President, he has already dismissed it with a wave of the hand. I am going to veto this bill, he says. Well, he is going to be vetoing a bill which is critically important. It is important to tell the Iraqis they have to accept responsibility for their own future. It is important because it adds billions of dollars for medical care for our veterans, billions of dollars we need so we don't face that shameful situation at Walter Reed that was reported a few weeks ago, billions of dollars so our veterans hospitals can truly take care of these soldiers who are coming home with injuries that were unimaginable just years ago; a billion dollars for the National Guard to buy more equipment which has been destroyed or left behind in Iraq so they can keep America safe while they prepare for their next redeployment.

These are dollars that are critically necessary for America. For the President to just, with the back of his hand, say: I'm going to veto this because this is just a political game, is to ignore the obvious. There is no political gamesmanship in this bill. This is a critical, life-and-death debate about a lot of our brave Americans whose lives are on the line today.

I urge my colleagues, when this bill comes to the Senate, to search their hearts and ask, how many more days can we stand reading about nine Americans losing their lives? How many more funerals? How many more broken bodies returning from Iraq? How many more families heart broken that their soldiers are going to have to stay on and on and on in a war that has no end? This foreign policy decision is one that will haunt America for a generation. We need to do our part to speak for America, to speak for the families who have no other voice, and to speak for those soldiers. If we truly support those soldiers, support their coming back home to the heroes' welcome they deserve.

I yield the floor.

IRAQ TROOP WITHDRAWAL

Mr. GREGG. Mr. President, I believe it is appropriate to respond to the assistant leader on the Democratic side relative to his commentary because this is obviously an issue of significance, probably the most significant issue we face as a nation today in the area of concern for our citizens who are carrying the burden of service and who wear the uniform of America.

I do think it is a touch cynical for the other side of the aisle to come to the floor of the Senate and say they are going to support the troops, when only 3 months into General Petraeus's leadership in Iraq they are suggesting that the rug should be pulled out from underneath his efforts. General Petraeus was sent there with an overwhelming vote of this body in support of his efforts to try to bring stability, specifically to Baghdad, and to give the Government of Iraq, which was freely elected—something which the other side of the aisle manages to ignore with a fair amount of energy—to give them the breathing space they need in order to be able to get going and to be able to create stability.

A stable Iraq is critical to our national defense, and it is critical to our ability to fight terrorism. A unilateral withdrawal forced upon us by the Democratic leadership of this Congress within the next 3 months—which is the proposal they put into the language of this bill—will guarantee that Iraq goes into chaos. It will probably guarantee that thousands, tens of thousands of Iraqis will die as a result of genocidal activity or activity that will border on genocide, and that will make the Balkans look like it was minor in comparison to Iraq as far as chaos. It will establish without doubt a client state for Iran, probably partitioned within Iraq. It will clearly create functioning safe havens for al-Qaida, which has sworn, of course, to attack America on American soil, and has already done so and has proven its ability to do this.

The fact that after only 3 months of General Petraeus being in the field we would pull from beneath him the ability to support the troops he needs there is really, in my opinion, an act of cynicism. The plan is set up in a manner—the language which was put into this plan is set up in a manner so that the Iraqi Government must meet 16 major goals in restructuring its Government within 2½ months. My goodness, the Congress of the United States, the Senate of the United States can't pass anything in 2½ months. Yet we expect the Iraqi Government and Legislature to reorganize its entire structure within 2½ months?

That is the condition put in this bill in order to maintain funds for our troops who are in the field. If the Iraqi Government is unable to meet those conditions, then within 3 months the money is withdrawn from the troops in the field, General Petraeus's flexibility is removed, and he is essentially handcuffed. The commanders in the field are no longer the generals in the field. It is no longer General Petraeus and his colonels and lieutenant colonels, his captains and his lieutenants. The commanders become the leadership of the other side of the aisle. They make the decisions on military action within Baghdad. General Petraeus's hands will be tied behind him, or at least one hand will be tied behind him.

Even if the Iraqi Government did the amazing thing of putting in place all these, significant conditions—and there should be conditions, no question, benchmarks for Iraq—these fairly significant conditions in a compressed timeframe, which guarantees they will not be accomplished, but let's say even if that Government were able to succeed in those conditions, then what is the reward for putting in place that type of stability and that type of restructuring? The language in the bill requires that the troops begin to be withdrawn and the money start to be cut off 3 months later. They are giving them a 3-month breathing space of having the support they need and General Petraeus having the support he needs in order to accomplish his goals.

The other side of the aisle comes to the floor of the Senate and acts as if these are not significant; that we are not putting in place things which can't be accomplished; that we want to support the troops in the field. Well, read the conditions. The conditions cannot be met, and they are intentionally structured not to be met. Listen to the real language from the other side of the aisle.

The majority leader says the war is lost. He wasn't talking just about Iraq. It appears he was talking about the entire war against terrorism, which happens to be a fairly significant statement. It is also obvious that when you make a statement like that, as the leader of the Democratic Party, the most senior Democratic Member of the Senate, one of the most senior Members of the Democratic leadership of the Government of this country, when you say the war is lost, you put your credibility on the line.

Quite honestly, if we institute the language as proposed in this bill, which dramatically limits the capacity of General Petraeus and the American troops to succeed in their mission, well, I guess that will probably guarantee the war is lost, so they will have a self-fulfilling prophecy as relates to Iraq. The consequences of that will be catastrophic in the area of death and destruction within Iraq.

For us, as a nation and for our national security, should a client state be created for Iran within Iraq, should al-Qaida have free haven in Iraq, the consequences for us could be equally dramatic.

In addition, a little point should be made here. The language in this bill, as it is being brought forward, is blatantly unconstitutional. It essentially cedes responsibility for the management of the troops in the field to the legislative branch. Nowhere in the Constitution did the Founding Fathers believe there should be 435 people running military decisions in the field. They had just been through a war. They had been through the revolution, where they had one person running the army in the field, George Washington. They understood that you either put one person in charge or you have chaos in any sort of military action. That is why the Constitution says the Commander in Chief shall be the President, and that the military shall report to the Commander in Chief.

The language of this bill, on its face, is clearly unconstitutional because it essentially cedes responsibility for field command over our troops to the leadership of the Senate, the Democratic leadership of the Senate, ironically, which guarantees chaos in the area of order relative to defining and executing the mission as assigned to the troops in the field. You can't say to the American soldier, who is on the ground in Iraq, who is in Baghdad, who is doing their mission, and doing their mission well, very, very well—and General Petraeus has said there is progress occurring there—you can't say to that soldier: A, we are going to take the money away from you to support your mission; B, we are going to give your enemies a defined date when we are going to leave so that your enemies, our enemies, can wait you out and can basically harass you knowing that you are going to withdraw; and, C, that your new commander is the majority leader and the assistant leader of the Senate and the Speaker of the House.

We can't say: When General Petraeus gives you a command, you don't necessarily have to listen to him because the people who are going to make the decision as to how you execute your mission aren't in the line of authority of the military or the Commander in Chief; they have suddenly become the legislative branch of the Government.

The language in this bill is structured to accomplish one thing, and that is to assure defeat in our efforts to try to bring about a stable and responsible Government in Iraq. All you have to do to confirm the logic of that view and the accuracy of that view is to return to the words of the majority leader. The war is lost, he said. In order to assure that happens, they have brought forth the language in this bill which guarantees that our enemy will know when we are going to leave; that the freely elected Government of Iraq will not get the support it needs to survive as a stable and responsible Government; and that our soldiers will not know who is commanding them, but they will know they are not going to get the necessary support to accomplish their mission. That is defeat.

Mr. President, I yield the floor.

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there objection? Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I will yield to the chairman for a UC request before I bring up my amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for his courtesy.

Mr. President, I ask unanimous consent that Senator DEMINT be recognized to offer amendment No. 930; that there be 20 minutes of debate prior to a vote in relation to the amendment, with the time equally divided and controlled between Senator DEMINT and myself or our designees; that no amendments be in order to the amendment prior to the vote; that at the use or yielding back of time, the amendment be set aside to recur at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 930

Mr. DeMINT. Mr. President, again, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 930 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DeMINT] proposes amendment No. 930.

Mr. DeMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit congressional earmarks of funds appropriated pursuant to authorizations in the bill)

At the appropriate place, insert the following:

SEC. ___. EARMARKS.

(a) In General.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes a congressional earmark of appropriated funds authorized by this Act.

(b) Definitions.—For the purpose of this section, the term "congressional earmark" means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) Supermajority Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of $\frac{3}{5}$ of the Members, duly chosen and sworn. An affirmative vote of $\frac{3}{5}$ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. DeMINT. Mr. President, my amendment provides what we call an earmark shield for the funds authorized in this bill, the America COMPETES Act, S. 761.

Specifically, it establishes a 60-vote point of order against appropriations bills that contain congressional earmarks for the funds authorized in this bill. Let me be very clear. This does not apply to all appropriations bills or to all appropriations earmarks. It simply applies to those bills that contain appropriations earmarks for the programs authorized in the bill that we are considering today, the America COMPETES Act.

What we are trying to avoid is setting up a new fund for new earmarks, so we are setting this bill aside and protecting it from earmarks. If an appropriations bill comes to the floor for funding of these programs but without earmarks, no point of order would lie against the bill. In a similar way, if an appropriations bill comes to the floor with earmarks for other programs outside of the programs funded through the America COMPETES Act, then no point of order would lie against that bill either.

My amendment only creates an earmark shield for the program we are funding today. The goal of this amendment is to ensure the funds authorized in this bill are allocated according to a competitive or merit-based process.

As my colleagues know, congressional earmarks circumvent the normal competitive or merit-based process, and award funds based on politics. This bill is focused on competition. Earmarking perverts the competitive process and substitutes the judgment of lawmakers and their staff for professional scientists and engineers who truly recognize a competitive proposal that merits funding.

Congress has been able to keep earmarks out of the National Science Foundation and it has made that foundation one of the most successful Federal science agencies. The bill recognizes and affirms what is already explicitly in the bill. Let me read a section from the America COMPETES Act. My amendment is consistent with the stated intent of the bill, which says on page 183 that nothing in divisions A or D shall be interpreted to require the National Science Foundation to "alter or modify its merit-based system or peer review process."

Many of America's leading institutions oppose earmarks for research because they understand earmarks siphon funds away from the research programs their talented researchers could compete for. Several universities have official policies in place opposing congressional earmarks. Let me read a few of their policies. I will start with the University of Michigan and I will quote from their policy statement.

> The University of Michigan supports competitive peer review as the primary and best mechanism to allocate Federal research funds. Consequently, it is the policy of the university not to seek or accept government earmarks in support of faculty research.

Here is a quote from Yale:

> Yale University does not seek appropriations for individual research projects that would circumvent existing merit-based procedures of Federal agencies for selecting projects for funding. The university has long held that evaluation of proposed projects on the basis of merit as judged by peer review is the best method of identifying the most promising research or scholarly projects.

And a quote from MIT's policy:

> MIT has a long-standing policy that prohibits the knowing acceptance of grants and contracts funded via Congressional action. Such awards are known as "earmarks," and funding is not generally the result of peer review. Earmarked funds are often a way to secure funds for new buildings, and for major equipment needed for cutting edge research, but institutionally MIT avoids seeking or accepting earmarked funds.

It seems the whole country is starting to realize that the earmarking process we have adopted in this Congress is wasteful and actually subverts the goals we set for many of these bills. It is clear we do not need to earmark funds in order for our funding programs to be effective. My amendment simply creates an earmark shield for funds authorized in this bill to ensure they are allocated in the most competitive way.

It is important to recognize that a number of Members of this Senate from many different committees have placed the authorization of this money in very specific categories that we need to protect and not subvert. It is time for the Senate to begin taking steps to discourage the use of earmarks when appropriating funds for important programs and we need to make sure this bill is not a new slush fund for Congress. My amendment will not only preserve the integrity of the competitive allocation process, but it will also make America more competitive by making these programs more effective.

I thank the Senator for his courtesy in allowing me to bring up this bill. I understand we will be voting on it as part of a number of bills after the lunch hour.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank the Senator for coming to the floor and making his argument for this amendment at this time. He is right, under this unanimous consent agreement the plan would be to add it to a package of other amendments we are voting on later this afternoon at a time chosen by the majority leader.

I will speak briefly in opposition to the amendment at this point. I know the Senator from South Carolina has had to leave the floor, but I do think it best in order that anyone who is following our discussions here on the floor can know the problem I have with the amendment.

First, I agree with the concern about Congress stepping in and diverting funds from the good purposes we lay out in this legislation and diverting those to other, more parochial applications. That is a valid concern. I object to that and I hope we can prevent that from happening in the future. But I would argue this amendment is not the way to keep that from happening.

This amendment sets up a unique process. It basically says you cannot bring an appropriations bill to the Senate floor unless you have 60 votes. Any appropriations bill you try to bring to the floor is subject to a 60-vote point of order if it contains in it what is described as a congressional earmark.

You say, What is meant by a congressional earmark? It goes on to say that is any provision or report language—if you have a report that accompanies the appropriations bill, that is report language—that provides or authorizes or recommends a specific amount of funding or discretionary authority or credit to an entity.

That is pretty broad. Essentially what we would be saying is the Appropriations Committee, for example, if they determine—one example the Senator from Tennessee and I were talking about today as we were discussing this amendment was, if we said we want $60 million spent for the supercomputing program and the Appropriations Committee said, no, it ought to be $80 million, an extra $20 million for the supercomputing programs in a particular agency of the Federal Government, that is in fact within the definition of "earmarked Congressional funding here," so a 60-vote point of order could be raised against that provision.

I don't think the Congress wants to go to that extreme in tying its own hands. You would have essentially two sets of rules: one set of rules that would apply to most appropriations bills and a different set of rules that would apply to appropriations bills that would cover the subjects that are the subject of this legislation—that would be Health and Human Services, because there is a substantial amount in this legislation that goes to the Department of Education; that would be the Commerce, Science and Justice legislation. Let's see, what is the other—the Energy and Water appropriations bill, of course. Those are appropriations bills that would be subject to this different and more strenuous point of order requirement.

This is well intentioned, I am certain. I have no doubt about the good intentions of the Senator from South Carolina. We have all been concerned about the overuse of earmarks in the Congress in recent years. I know there is a great deal going on to require more transparency, to require that all these things be out in public so we can know what is being voted on and we can object. That is the best shield. He talked about an earmark shield. That is the best shield. It is the eternal vigilance of people here in Congress, paying attention to what is in the bills and insisting only those things are in the bills that in fact further a good public purpose.

So I do object.

I yield the remainder of the time that is reserved in opposition to this amendment. But before I yield the floor, let me do another consent agreement.

AMENDMENTS NOS. 931, AS MODIFIED; 923, AS MODIFIED; 941, AND 960

There are four amendments that have been filed that relate to the Commerce Committee's jurisdiction and that have been cleared on both sides of the aisle. There is a modification at the desk to amendment No. 931 by Senator McCASKILL. She spoke to that amendment a few minutes ago. There is a modification at the desk to amendment No. 923 by Senator OBAMA. There is an amendment No. 941 by Senators SNOWE and KOHL. There is an amendment No. 960 by Senators LEVIN and VOINOVICH.

I ask unanimous consent that these amendments, as modified if modified, be agreed to and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 931, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines each annual and interim report required to be submitted to Congress under this Act (including any amendment made by this Act);

(2) assesses or evaluates assessments of the effectiveness of the new or expanded activities, grants, and programs carried out under this Act (including any amendment made by this Act); and

(3) includes any recommendations as the Comptroller General determines are appropriate to improve the effectiveness of such activities, grants, and programs.

(b) SURVEY.—

AMENDMENT NO. 923, AS MODIFIED

On page 5, line 19, strike the period at the end and insert the following: ", including representatives of science, technology, and engineering organizations and associations that represent individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b."

On page 5, line 24, strike "for areas" and insert ", including recommendations to increase the representation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, engineering, and technology enterprises, for areas".

Beginning on page 8, strike line 9 and all that follows through page 9, line 8, and insert the following:

"(11) the extent to which individuals are being equipped with the knowledge and skills necessary for success in the 21st century workforce, as measured by—

"(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)), especially in mathematics, science, and reading, identified by ethnicity, race, and gender;

"(B) the rate of student entrance into institutions of higher education, identified by ethnicity, race, and gender, by type of institution, and barriers to access to institutions of higher education;

"(C) the rates of—

"(i) students successfully completing postsecondary education programs, identified by ethnicity, race, and gender; and

"(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics, identified by ethnicity, race, and gender; and

"(D) access to, and availability of, high quality job training programs;

"(12) the projected outcomes of increasing the number of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields; and

"(13) the identification of strategies to increase the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields.

On page 12, line 20, after "employees" insert the following: ", including partnerships with scientific, engineering, and mathematical professional organizations representing individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b)."

On page 17, line 18, strike the period at the end and insert the following: ", including strategies for increasing the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields.".

On page 19, insert between lines 22 and 23, the following:

"(vi) Nongovernmental organizations, such as professional organizations, that represent individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in the areas of science, engineering, technology, and mathematics.

AMENDMENT NO. 941

(Purpose: To clarify the types of expenses available to Regional Centers under the Hollings Manufacturing Extension Partnership program in meeting their non-Federal funding commitment, and for other purposes)

At the end of title IV of division A, insert the following:

SEC. 1407. CLARIFICATION OF ELIGIBLE CONTRIBUTIONS IN CONNECTION WITH REGIONAL CENTERS RESPONSIBLE FOR IMPLEMENTING THE OBJECTIVES OF THE HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.

Paragraph (3) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(3)) is amended to read as follows:

"(3) FINANCIAL SUPPORT.—

"(A) IN GENERAL.—Any nonprofit institution, or group thereof, or consortia of nonprofit institutions, including entities existing on August 23, 1988, may submit to the Secretary an application for financial support under this subsection, in accordance with the procedures established by the Secretary and published in the Federal Register under paragraph (2).

"(B) CENTER CONTRIBUTIONS.—In order to receive assistance under this section, an applicant for financial assistance under subparagraph (A) shall provide adequate assurances that non-Federal assets obtained from the applicant and the applicant's partnering organizations will be used as a funding source to meet not less than 50 percent of the costs incurred for the first 3 years and an increasing share for each of the last 3 years. For purposes of the preceding sentence, the costs incurred means the costs incurred in connection with the activities undertaken to improve the management, productivity, and technological performance of small- and medium-sized manufacturing companies.

"(C) AGREEMENTS WITH OTHER ENTITIES.—In meeting the 50 percent requirement, it is anticipated that a Center will enter into agreements with other entities such as private industry, universities, and State governments to accomplish programmatic objectives and access new and existing resources that will further the impact of the Federal investment made on behalf of small- and medium-sized manufacturing companies. All non-Federal costs, contributed by such entities and determined by a Center as programmatically reasonable and allocable are includable as a portion of the Center's contribution.

"(D) ALLOCATION OF LEGAL RIGHTS.—Each applicant under subparagraph (A) shall also submit a proposal for the allocation of any legal right associated with any invention that may result from an activity of a Center for which such applicant receives financial assistance under this section.".

AMENDMENT NO. 960

(Purpose: To include the Great Lakes in research, development, and science education programs of the National Oceanic and Atmospheric Administration)

On page 48, line 9, strike "ocean" and insert "ocean, coastal, Great Lakes,"

On page 48, line 22, insert "Great Lakes," after "coastal,".

Mr. BINGAMAN. Mr. President, let me, to alert my colleagues as to the state of activity here at the current time, say what it is, as I understand it.

We have a unanimous consent agreement to consider three amendments Senator COBURN of Oklahoma wishes to offer. That will begin at 2 o'clock this afternoon. We are not certain if we will require a rollcall vote on all three of those amendments or only two of those amendments, but that will be determined in the future.

We also, of course, now have a unanimous consent agreement to have a vote on the DeMint amendment we were discussing. That will be scheduled presumably after we have the votes on the Coburn amendments or in some sequence around that same time.

I am informed we also have an amendment Senator INHOFE wishes to bring to the floor and to discuss and offer, which I hope can be done between now and the 2 o'clock time for beginning the discussion on the Coburn amendments. I see Senator INHOFE is on the floor. If he is agreeable to going ahead with his amendment at this time, he could argue in favor of his amendment, and then I will have some arguments against his amendment, and there may be others also wishing to speak against his amendment, and we could hopefully schedule a vote on that as well.

That is a total of five amendments I am aware of that may require rollcall votes. I hope we can get all of those amendments debated and scheduled for votes and voted on before we have the briefing at 4 o'clock, the briefing by General Petraeus. If we were able to do that, I don't know why we couldn't also go to final passage before 3 o'clock, or if there were a problem in doing that, of course, we could come back after the briefing and have final passage. But I know of no other amendments.

If Senators are sitting in their offices or their staffs are sitting in their offices with other amendments they intend to offer to this legislation, we urge they come to the floor and offer those amendments in the very near future.

I will defer to my colleague from Tennessee for his observations, but as far as I am informed, once we have disposed of these five amendments, we will have disposed of all of the amendments people have insisted on having rollcall votes on.

With that, I yield the floor and I will allow my colleague from Tennessee to speak.

Mr. ALEXANDER. That is my understanding as well. Senator GRASSLEY still has an amendment about which he wants us to talk. That is the only other amendment I know about, other than the one you said. It is my hope we could follow the schedule the Senator from New Mexico suggested and finish the bill before 4 o'clock. I think that would be the sentiment of most Senators to whom I talked. It will permit us to move promptly to the business before us concerning Iraq.

I concur in the comments of Senator BINGAMAN. I hope by now we have had such extensive participation in this legislation over the last 2 years that everyone believes he or she has had a good hearing. The Coburn amendments and Inhofe amendment are the only ones I know about for sure. They are scheduled, or will be, and we will have to talk with Senator GRASSLEY about his proposal.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 955

Mr. INHOFE. Mr. President, it is going to be my intention in just a moment to bring up and ask for the immediate consideration of my amendment, No. 955.

We are working on a modification to make sure those on the Finance Committee will find it to be acceptable. I have discussed this with the leadership and the minority. However, it will take a minute to get the language up.

Essentially, what the amendment will say is, notwithstanding any other provision of the law, no Federal funds shall be provided to any organization or entity that advocates against tax competition or U.S. tax competitiveness.

Now, I cannot think of anything that would be more significant in a competitiveness bill than to have this language. There are several organizations, one of which is called the OECD, which is the Organization of Economic Cooperation and Development. This organization actually was transformed back in 1961 after the Marshall Plan came into effect, and they have been, over a period of time, advocating increases in taxes for the United States. In fact, over the past fairly short period of time, 24 different times they have advocated increases in U.S. taxes. One was—I will just list them here—a value-added tax, a 40-cent increase in the gas tax, a carbon tax, a fertilizer tax, ending the deductibility of State and local taxes in the calculation of Federal taxes, new taxes at the State level, and a host of other new and innovative taxes on U.S. citizens.

They also have advocated for a period of time a global taxation scheme. It is very difficult to find anyone in this country who would say this is in our best interest.

Now, in this particular organization there are some things they do that I have found have been helpful. So the modifications I am making will list three things that will not be considered under this act to be anticompetitive. That is the language I am waiting for right now, which we should have in the next couple of minutes.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, I rise today to offer my strong support for the American COMPETES Act, legislation that will help to ensure that our Nation remains competitive in today's increasingly global economy. The basis of this bipartisan legislation was a report by Norm Augustine called "Rising Above the Gathering Storm," and a report by the Council of Competitiveness titled "Innovate America."

I remember being at a dinner last year not too far from these Chambers, and well over 30 Senators were there. It wasn't a fundraiser, we were there to hear Norm Augustine—bipartisan, leadership, new Members. I think it speaks to the importance of this issue.

Both of these reports assess the current situation. What they do is set out specific plans to get us where we need to be. The reports have served to put us on notice that we cannot take our competitive leadership for granted in a world that, as Tom Friedman has put so well, is increasingly flat.

For the American people following our deliberations on this legislation, I hope you will take notice that this is one of those issues that rises above party politics, rises above partisan politics, legislation that is about Republicans and Democrats coming together to address fundamental challenges to our Nation's competitiveness.

I am proud to join in that effort. Keeping our country competitive is ultimately about jobs. It is about ensuring that our future workforce can compete in a global economy and that our current workforce remains competitive.

I was chairman of the Western Hemisphere Subcommittee the last 4 years. I remember being at a conference in Mexico, with some Mexican academics complaining about the impact of low-wage jobs in China on the Mexican manufacturing economy.

When I was in China last year talking with some Chinese academics and economists, they complained about the impact of low-wage jobs in Vietnam on the Chinese manufacturing economy.

If we begin to lose ground, we are not going to win the race to low-wage jobs. Our ability to be the world's greatest economic power is going to depend on our creativity, our productivity, and our innovation. If we begin to lose ground in the critical areas of math and science, we will also lose ground in the race for high-wage jobs, and that is the race we should be winning better trained workers, greater opportunity.

Last month, Microsoft's Bill Gates came before the Health, Education, Labor and Pensions Committee to talk about keeping our country competitive. One of his statements particularly stood out to me.

He said:

> The U.S. cannot maintain its economic leadership unless our workforce consists of people who have the knowledge and skills needed to drive innovation.

He further said:

> We simply cannot sustain an economy based on innovation unless our citizens are educated in math, science and engineering.

I could not agree more. The challenges we face are significant when it comes to the future competitiveness of our workforce. Today, China graduates at least four times as many engineers as the United States. In fact, I was told at one point the figure was 600,000 engineers in China, 350,000 in India, and 70,000 in America.

The small nation of South Korea graduates just as many as we do. In 3 short years, Asia will be home to more than 90 percent of the world's scientists and engineers.

According to a recent poll, 84 percent of middle school students preferred to clean their rooms, take out the garbage, go to their dentist, or eat their vegetables than to do homework, something we have to change.

As Tom Friedman wrote in his book "The World is Flat," when he was growing up, his mother used to tell him to eat all his vegetables because kids in China were starving. Today, his mother would say: Do your homework because the kids in China are starving to take your job.

Several reports have indicated that U.S. students do not perform at the level of their international counterparts in math and science. American high school students currently rank 24th out of 29 among developed nations in math literacy and problem solving.

As if this were not worrisome enough, we also need to concern ourselves with the coming retirement wave of high-skilled workers in the fields of engineering, science and technology, and math.

According to the National Science Foundation, about one-third of American scientists and engineers are over 50 years old. Tiger Woods said before a recent major tournament:

> I can't win the Masters on Thursday, but I can lose it.

We can't win the global economic battle today, but we can lose it in our elementary school classrooms.

Mr. President, the legislation before us will help go a long way toward preparing our future workers by improving K–12 education. For instance, the bill increases the offering of advanced placement and international baccalaureate programs and expands math and science specialty schools.

While we are beginning to take action in Washington, I proudly note that my State of Minnesota has been very active in ensuring the State's future workforce can compete with the best of them from around the world. Our Governor is a leader in the development of the National Governors Association Innovation America initiative. In Woodbury, a math and science academy is developing a curriculum to meet the needs of the 21st century workplace. In Brainerd, the chamber of commerce is developing an innovative program to transform education through five rural school districts by creating career pathways focusing on regional high-demand, high-pay occupations called Bridges Career Academies.

Minnesota is doing its part.

While the challenges to our leadership in the global economy are indeed significant, I am confident that through a bipartisan and public-private partnership approach, we will meet those challenges.

I have a series of amendments that I anticipate and hope the body will act upon before we conclude deliberation on this bill. One of them is a bonus grants program. Both of these I coauthored with Senator PRYOR. On the other one, he is the principal author. The bonus grants provide math and science partnership grants to three elementary and three secondary high schools in each State which make the largest year-to-year improvement in their efforts to score highly on the State's math and science assessment test. This is about putting our money where our mouths are. This is about providing reward and incentive for schools to do better in these critical areas of math and science.

The other amendment, which is a Pryor-Coleman amendment, No. 966, establishes a small business innovation, research, science, technology, engineering, and math workforce development grant program. This is a way to get leading small businesses to provide short-term workforce training opportunities for colleges in the field of science, technology, engineering, and math.

The one amendment I will not offer but I do want to bring to the attention of the Senate has to do with expediting the FBI background check on doctors and scientists. We have the world-renown Mayo Clinic in Rochester, MN, the greatest medical facility in the world. Some of the doctors have been waiting years to get background checks cleared. We are in danger of losing them. We need to move quickly.

I know the sense is that immigration issues will be dealt with at a later time. We need to deal with the immigration issue. We need to deal with it in the sense of stronger borders, guest worker programs, and we also need to look at some of these smaller pieces that are important—expediting the ability to get background checks so we keep the best and brightest in this country. That debate will be for another day.

Today, the debate is to ensure that America can compete in a global economy. This bill offers that opportunity. It is bipartisan. I am glad to be part of that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 955

Mr. INHOFE. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 955.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

> The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 955.

Mr. INHOFE. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect American competitiveness)

At the appropriate place, insert the following:

SEC. . PROHIBITION AGAINST FUNDING ANTI-COMPETITIVENESS.

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

AMENDMENT NO. 955, AS MODIFIED

Mr. INHOFE. Mr. President, we had some objection to this amendment. We have been working with people from both tax committees and the Foreign Relations Committee. I have agreed to some language. I will read the language, but first I ask unanimous consent that the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION AGAINST FUNDING ANTI-COMPETITIVENESS.

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

Provided, however, that advocating for effective tax information exchange, advocating for effective transfer pricing, and advocating for income tax treaties is not considered to be advocating against the competition of United States tax competitiveness.

Mr. INHOFE. Mr. President, I have already stated what this amendment does. It does try to get some sense into some of these organizations advocating noncompetitiveness or anticompetitiveness for the United States. One such organization is called the OECD, Organization for Economic Cooperation and Development. This organization I have already talked about, but one of the things they advocate is high taxes for the United States. In order to make sure we can still use this organization for a function that seems to be desirable by the tax committee, I will read the modification. The amendment currently reads:

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

This is the modification:

Provided, however, that advocating for effective tax information exchange, advocating for effective transfer pricing, and advocating for income tax treaties is not considered to be advocating against the competition of United States tax competitiveness.

I think we have taken care of that need.

With that, I ask that we get into the mix here so we can get a vote on this or else agreement.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I appreciate the Senator's willingness to consider modifications in the amendment. We are still checking with particular Senators who have expressed an interest in this on our side. It will still be a few minutes before we are in a position to say whether this is still an amendment on which we would require a vote. I hope this is something on which we can agree not to have to have a rollcall vote. Perhaps we will know in the next few minutes.

AMENDMENT NO. 905, AS MODIFIED

While I have the floor, let me indicate there is an amendment which has been filed which relates to the Energy Committee's jurisdiction. It has been cleared on both sides. It is a modification that is at the desk to amendment No. 905 by Senator OBAMA. I ask unanimous consent that this amendment, as modified, be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 905), as modified, was agreed to, as follows:

On page 78, strike line 21 and insert the following:

"(D) $27,500,000 for fiscal year 2011.

"CHAPTER 6—ADMINISTRATION

"SEC. 3195. MENTORING PROGRAM.

"(a) IN GENERAL.—As part of the programs established under chapters 1, 3, and 4, the Director shall establish a program to recruit and provide mentors for women and underrepresented minorities who are interested in careers in mathematics, science, and engineering. The program shall pair mentors with women and minorities who are in programs of study at specialty schools for mathematics and science, Centers of Excellence, and summer institutes established under chapters 1, 3, and 4, respectively.

"(b) PROGRAM EVALUATION.—The Secretary shall annually—

"(1) use metrics to evaluate the success of the programs established under subsection (a); and

"(2) submit to Congress a report that describes the results of each evaluation.".

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 914

Mr. GRASSLEY. Mr. President, I come to the floor to offer an amendment that I am going to withdraw. I ask unanimous consent, if necessary, to set the pending amendment aside and offer my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 914.

The amendment is follows:

(Purpose: To increase the fee to be paid by employers of H–1B nonimmigrants and to set aside 25 percent of such fees to improve programs and projects for gifted and talented students)

At the appropriate place, insert the following:

SEC. ___. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(B)) is amended by striking "$1,500" and inserting "$2,000".

(b) USE OF ADDITIONAL FEE.—Section 286 of such Act (8 U.S.C. 1356) is amended by adding at the end the following:

"(w) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 25 percent of the fees collected under section 214(c)(9)(B).

"(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).".

Mr. GRASSLEY. Mr. President, in his bestselling book, "The World is Flat," Thomas Friedman discusses the challenges of globalism using the metaphor of the world getting flatter to describe how the breaking down of international barriers to the movement of goods, services, people, and ideas creates an intensely competitive global environment. I liked it so much, and it has so much wisdom in it.

In chapter 8, entitled "This Is Not a Test," Friedman says, "If this moment has any parallel in American history, it is the height of the cold war, around 1957, when the Soviet Union leaped ahead of America in the space race by putting up the Sputnik satellite."

Not coincidentally, the Congress passed the National Defense Education Act the following year, 1958.

That act really started Federal Government involvement in education.

It was designed primarily to jumpstart education in math, science, and modern foreign languages so we would be able to match and exceed the achievements of the Soviets and win the cold war.

According to Thomas Friedman, to meet the challenges of what he calls "flatism" will require, "as comprehensive, energetic, and focused a response as did meeting the challenge of communism."

As I mentioned, Federal education policy started with an urgency to support and encourage students to excel in fields that were considered to be of major importance to national security during the cold war.

Subsequently, Federal education policy became concerned with equity between students of different socioeconomic classes as part of President Johnson's war on poverty.

Both of these dual focuses of Federal education policy, excellence and equity, are legitimate and important.

However, we sometimes seem to ping pong between the two, forgetting about one in favor of the other.

The No Child Left Behind Act of 2001 deepened the existing focus of the Elementary and Secondary Education Act on making sure that all students have an adequate education.

Now while we don't have a single event like Sputnik to bring home to us the current challenges we face, there is a growing recognition that, for the sake of our future economic competitiveness, we cannot neglect the importance of challenging and encouraging students to excel so that they will some day be the scientists, engineers, and researchers that will create the innovations that will drive our economy.

This means that we must not only help underachieving students to achieve at grade level, but we must encourage high ability students to achieve to their full potential.

For years, I have been leading the charge to do a better job unlocking the tremendous potential that lies in gifted and talented young Americans. They represent a national resource that, unfortunately, too often goes untapped.

Gifted students learn faster and to a greater depth than other students and often look at the world differently than other students. As a result, it takes a great deal more to keep them challenged and stimulated.

If they are not sufficiently stimulated, they often learn to get by with minimum effort and adopt poor learning habits that can prevent them from achieving to their potential.

In fact, many gifted and talented students underachieve or even drop out of school.

Jan and Bob Davidson, from the majority leader's home State, wrote an important book called "Genius Denied" about how, nationwide, we are letting gifted students fall through the cracks and wasting their potential.

The Belin-Blank Center in my home State of Iowa produced a report titled, "A Nation Deceived: How Schools Hold Back America's Brightest Students."

This situation must be reversed if America is to retain its competitive edge which, obviously, is the purpose of the very good legislation before us, led by Senators BINGAMAN and ALEXANDER.

I am glad that the American competitiveness bill currently before the Senate recognizes the need to do a better job of helping students to excel in fields like math, science, and critical foreign languages.

However, if we want to go toe to toe with countries that place a very high value on learning, we must do more to support and encourage the best and brightest American students.

My amendment would increase the fee employers pay for H1-B visas for highly skilled foreign workers to immigrate to the United States and to use that additional funding for the Jacob Javits Gifted and Talented Students Education Act.

This is the only Federal program that provides funding to support programming to meet the unique learning needs of our brightest, most promising students.

It funds a national research center that produces invaluable research in instructional strategies that can truly tap into the potential of gifted students as well as a small grant program to encourage such research nationwide.

The Javits Act also contains a grant program to encourage greater focus in the States on meeting the needs of gifted learners, although it has been funded at levels that severely limit its effectiveness. The quality or even existence of services for gifted students varies widely among our 50 States.

While the Federal Government should not assume the primary responsibility for funding gifted and talented education, just as Congress provides funding to augment State efforts to provide an equitable education for disadvantaged students and students with disabilities, the Federal Government still has a vital national interest in encouraging State efforts to fully develop the gifts and talents of American youth.

The proposal that is in my amendment before the Senate would essentially charge a fee to those investing in talent from abroad and use it to invest in talent for the future here at home.

Doesn't it make sense if we are using our educational system to bring students or workers over here to train them better—they take advantage of our higher education system; they take advantage of our educational system generally—wouldn't it be wise to use those resources so we can enhance the opportunity we have for our own gifted and talented students right here in the United States?

We have to put more attention on education. Now, I am offering a Federal program, I know, or the expansion of a Federal program, and funding it in a way that is not appreciated by those who will soon be involved in the immigration bill that is going to be before us. They have asked I not offer this amendment, and that is why I said I would offer it and withdraw it.

But I think this is a very important approach we must use if we are going to make adequate use of our own talented and our own gifted students right here at home—the homebred students whom we have—as opposed to thinking we have to rely, in the 21st century, in this great country of America, upon the talent of foreign lands.

Now, there is a lot of talent in foreign lands that if we can draw upon it, we ought to draw upon it. But the fact we have to do that, or we think we are willing to submit to that sort of an approach, to advance the competitiveness of our economy in this globalization we are involved in, is a sad commentary.

That is why I have offered this amendment. I want to say even though I am withdrawing it, I am doing it with the idea I am not giving up on this effort. I am going to advance this effort in other appropriate places in the legislative process in the future.

Let me suggest, for those who maybe want to fight it, it is going to be in the near future. For those who maybe like it, would they join me in this effort to get this job done?

Having emphasized competitiveness and everything involved in it, I want to say my philosophy of improving education in this country is not rested only upon Federal programs. I think four basic things are at the base of changing or improving our educational system, and they do not involve the expenditure of more money. It basically is a societal attitude that needs to be changed.

No. 1, we have to think in terms that there is nothing wrong with homework. There are too many parents, too many teachers in this country who think, somehow, we have to eliminate homework. Secondly, we have to have the schools in this country and the parents involved think that education and book learning is more important than sports; thirdly, that weekends are not something just for leisure. Weekends have to be used for study as well. And lastly—and the one thing that is most important—parents, to a greater degree than they are presently, have to be involved and show interest in the education of their own kids, and supporting the great teachers of this country who are there doing both the job of parenting as well as the job of teaching.

Those societal changes are going to do more to enhance education and the competitiveness of our economic system than anything we can do by passing any Federal program. But I think we can enhance a lot of programs, and this bill is a good step in that direction. I wish I had been able to convince the people on the Judiciary Committee that we ought to advance this amendment here at this time because it is very associated with the competitiveness of our society and the purposes of this bill.

AMENDMENT NO. 914 WITHDRAWN

But I ask unanimous consent to withdraw the amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is withdrawn.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, today, I join with over 60 of my colleagues from both sides of the aisle to support the prompt passage of the America COMPETES Act. Before I begin, I want to thank my colleagues who have actively participated in developing and cosponsoring this legislation in the 109th Congress. In particular, I wish to acknowledge the work of Senator JOE LIEBERMAN with whom I began the task of developing competitiveness legislation over 2 years ago.

Last August, working together, in a bipartisan manner, we were able to bring together a bill that combined elements of the PACE Energy bill that Senator ALEXANDER, Senator DOMENICI, and Senator BINGAMAN had worked on, with the American Innovation and Competitiveness Act that Senators STEVENS, INOUYE, HUTCHISON, and I worked on. We also included important education provisions from Senator KENNEDY, Senator ENZI, and members of the HELP Committee.

Today, I am very pleased to say the cooperative, bipartisan effort we undertook in the last Congress has led to the consideration of the America COMPETES Act in this Congress. As other Members have noted, this legislation focuses on three primary areas of importance: increasing Federal investment in basic research; fostering science, technology, engineering, and mathematics talent in the United States; and developing an innovation infrastructure. The bill reflects a good balance of spending on key priorities, such as basic research and education, while being sensitive to avoiding duplication among Federal agencies.

It was not easy, but we remained focused on the key recommendations in the "Innovate America" and the "Rising Above the Gathering Storm" reports. There are a lot of folks with plenty of good ideas out there. By sticking to the recommendations in these two groundbreaking reports, however, we were able to safeguard this bill from becoming so large, unwieldy, and expensive that it could never pass the Senate. This is why we have a good chance on this bill of actually passing it in a strong bipartisan way either today or tomorrow. One of the keys to this process was getting the chairmen and ranking members of the Commerce Committee, Energy Committee, and HELP Committee to join the majority leader and minority leader to introduce the final product.

The America COMPETES Act would double funding for the National Science Foundation by 2011, increase support for the National Institutes of Standards and Technology, and the Department of Energy's Office of Science. I am a fiscal conservative, but the dollars we invest in basic research will come back to us in spades in terms of stimulating economic activity and helping the United States to remain at the forefront of global innovation.

Our continued investment in basic research is made more essential by the actions of other nations such as China and India. Such countries are not sitting idly by waiting to see what we will do to remain competitive. Rather, they are undertaking ambitious efforts to expand their own research and development base at our expense. A study recently highlighted by the Council on Competitiveness indicates that China has surpassed the United States as the most attractive location for the world's top corporate R&D investors to locate their R&D facilities. Sadly, in 2006, the World Economic Forum announced our country had dropped from first to sixth place in its Global Competitive Index.

We must address the long-term competitiveness challenges we face to maintain our leadership in innovative research, and this bill will enable us to do so. In addition, the bill addresses the need to encourage more American students, from elementary school through graduate school, to pursue careers in science, technology, engineering, and mathematics.

Although estimates of the number of engineers, computer scientists, and information technology students who obtain 2-, 3-, and 4-year degrees vary, there is no question that the increased focus in China and India on educating more of their population in these fields is cause for serious concern. One estimate indicates that in 2004, China graduated about 350,000 engineers, computer scientists, and information technologists with 4-year degrees, while the United States graduated about 140,000. Over the past 3 years, both China and India have doubled their production of 3- and 4-year degrees in the field of engineering, but in the United States the production of engineers has stagnated. This must change.

We need to aggressively encourage more American students to pursue careers in these fields, especially as our current scientific workforce ages. The America COMPETES Act would do this in part by expanding existing graduate research programs and strengthening NSF's technology talent program. The bill also strengthens the skills of thousands of math and science teachers by establishing new undergraduate and graduate training programs.

Finally, the bill authorizes competitive grants to States to promote better alignment of elementary and secondary education with the knowledge and skills needed to succeed in institutions of higher education in the 21st century. It is very important we focus on transforming our educational system to meet the workforce needs of tomorrow. Technological change and globalization have increased the need for our students to receive better education to remain competitive in the world economy for high-skilled jobs that lead to innovative solutions, higher incomes, and better standards of living. This emphasis on quality education in science, technology, engineering, and mathematics needs to start early in the course of a student's education.

Unfortunately, last year, the Organization for Economic Cooperation and Development released a study on education that highlights the fact that while the United States invests significantly more per student on education—with an $83,000 cumulative expenditure per student ages 6 through 15,—than any other country in the world except for Switzerland, students from 16 other countries' students performed better, on average, than American students in science. Sixteen other countries performed better than American students in science. In mathematics, the numbers are even more troubling. Students in 23 other nations performed better, on average, than American students did—23 other nations. This was on an international standardized math exam.

Other countries have more scientists and mathematicians teaching science and math. In the United States, we mostly have education majors teaching science and math. If you think about it, if your passion is science and math, you have a better chance of translating that passion to your students. I have spoken with the presidents of our schools back in Nevada, at UNR and UNLV and our community college, about trying to transform the way we teach our teachers in Nevada. The University of Texas at Austin has an innovative program called UTeach. They are actually taking science and math majors and teaching them to be teachers. The results so far have been very promising. The University of California system is pursuing a similar approach. Our country must try to change the way we are educating science and math teachers so we can inspire the next generation of Americans more effectively.

I am also reminded of the story the president of the Museum of Science in Boston, Dr. Yannis Miaoulis, shared with me last year when discussing how to foster innovation in math and science education. Dr. Miaoulis discussed how in school, at a young age, students learn about volcanoes and make models to simulate how they work. While the accumulation of knowledge on volcanoes or other life science topics is a very good thing, unfortunately, grade schools often do not dedicate as much time and attention to exploring science through practical exploration of engineering topics—for instance, how a car works. To drive home his point on the need to focus more attention on engineering at an earlier stage in students' education, Dr. Miaoulis asked us a simple question: Do we spend more time in a car or a volcano?

The answer is obvious, and his point is well taken. We need to think strategically about how to educate and inspire the next generation of Americans and increased focus on science, technology, engineering, and mathematics is a very important part of maintaining our Nation's long-term global competitiveness.

As the title of Thomas Friedman's popular book reminds us, in the 21st century, the world is flat and the United States must adjust to this reality in creative ways or suffer the consequences.

This bill before us today, the America COMPETES Act, will be a critical first step forward to lay the groundwork for the kinds of change and investments we need to make for our country to be competitive in this new century. The key to success on this issue is to move the bipartisan bill before us, while resisting the urge to attach every good idea that has come along in math, science, and technology areas. We were able to keep this work product fiscally responsible while addressing critical needs, and a big part of that was including metrics to measure and reward successful efforts and to provide more accountability for existing governmental programs. As our citizens, businesses, universities, and scientists compete in the most interconnected global economy in history, failure to pass a competitiveness bill now would seriously harm the economic and national security of the United States.

I hope all of my colleagues will join with me in helping to pass this critical bipartisan bill as soon as possible.

Mr. ENZI. Mr. President, I wish to speak about the importance of supporting and passing the America COMPETES Act.

It has been 50 years since Sputnik was launched by the Soviet Union. The United States was quick to react with a flurry of activity and investment to spur innovation. Its launch also had a dramatic impact on education in this country. Students wanted to be the best and wanted to prove that the United States was a better and stronger country. Today the need is just as great, but we don't have a catalyst, like Sputnik, driving the need. The need is driven by our economy and companies that need bright and innovative workers. This need is driven by the competition the United States now faces from across the globe.

Last year I was in India and saw firsthand what Thomas Friedman discusses in his book, "The World is Flat". It does not take long to figure out that by numbers alone, India has to educate only 25 percent of its population to have more literate and educated people than the total population of the United States. This trip reinforced my belief that we need to ramp up our efforts in the areas of education and labor to keep our country competitive.

Add to this perspective the fact that China has 20 percent of the world's population and has sharply increased the proportion of its college-age population participating in higher education from 1.4 percent to over 20 percent in just a generation. It should not be surprising that a substantial portion of our workforce now finds itself in direct competition for jobs with highly motivated and often well-educated people from around the world. Unless we pay attention to these facts, this competition will only increase in the future.

Here are a few of the facts that I find paint a compelling picture and show why this legislation is needed: Business is spending billions each year to train new employees and remediate the educational skill gaps of those already in the workforce. The American workforce is aging—77 million baby boomers are set to retire over the next several decades.

Reading proficiency among 12th graders has declined to the point where just over one-third of them are even considered proficient readers. In addition, 47 percent of those with a college degree are not considered proficient readers according to the most recent National Assessment of Adult Literacy. Only 68 of every 100 ninth grade students graduate "on time," in other words, within 4 years. America's high school graduation rate is among the lowest in the industrialized world, and the impact on our minority students has been especially severe, where this rate hovers around 50 percent.

Nearly one-third of entering college freshmen need at least one remedial course. The United States has one of the highest college enrollment rates, but a college completion rate average to below average among developed countries in the world.

Four out of every five jobs will require postsecondary education or the equivalent, yet only 52 percent of Americans over the age of 25 have achieved this level of education. Seventy-five percent of today's workforce will need to be retrained just to keep their current jobs.

Median earnings of a high school graduate are 43 percent higher than those of a nongraduate and those of a college graduate are 62 percent higher than those of a high school graduate. Two-thirds of the 7 million worker gap in 2010 will be a skilled worker shortage.

If our students and workers are to have the best chance to succeed in life and employers to remain competitive, we must ensure that everyone has the opportunity to achieve academically and obtain the skills they need to succeed, regardless of their background. To accomplish this, we need to build, strengthen, and maintain our educational pipeline, beginning in elementary school. We must also strengthen programs that encourage and enable citizens of all ages to enroll in postsecondary education institutions and obtain or improve their knowledge and skills. The decisions we make about education and workforce development will have a dramatic impact on the economy and our society for generations to come.

This legislation is the product of bipartisan negotiations and input from members of 3 Senate committees—the Senate Commerce, Energy, and HELP Committees. Work on this legislation began last year in response to the "Rising Above the Gathering Storm" report, the "Innovate America" report, and the President's American Competitiveness Initiative. I want to thank all those who worked on this bill for their hard work and dedication and commend them for the collegial manner in which this bill was crafted.

This bill includes provisions that improve math, science, and critical foreign language education in our Nation from elementary school through graduate school. It supports improvements to teacher preparation, establishes stronger links between graduate schools and employers, provides funding to support students trained at the doctoral level in science, technology, engineering, and mathematics, and enhances Federal programs that support students in graduate school.

It should come as no surprise that I particularly support the education components of this bill. Education at all levels, including lifelong learning opportunities, is vital to ensuring that America retains its competitive edge in the global economy. In this global economy, learning is never over and school is never out. Every American can and should be part of our Nation's success. The education and skills of today and tomorrow's workforce were a high priority for me even before I became chairman and now the lead Republican of the Health, Education, Labor, and Pensions Committee.

The America COMPETES Act is a good starting point, but we need to do more. Maintaining America's competitiveness requires that all students have the opportunity to continue to build their knowledge and skills. We need to find ways to encourage high school students to stay in school and prepare for and enter high-skill fields such as math, science, engineering, health, technology, and critical foreign languages. For many, including those at the cutting-edge of science, technology, engineering, and mathematics, acquiring a postsecondary education or training will be the key to their success. Therefore, I remain committed to reauthorizing the Higher Education Act.

Individuals in the workforce often need retraining to keep up with our fast-paced economy. Businesses also need help in finding well-qualified individuals to meet their needs. The Workforce Investment Act and the system created to support it provide those needed services. We must reauthorize the Workforce Investment Act this Congress.

Finally, our children need a strong foundation of knowledge to succeed in both education and knowledge. The No Child Left Behind Act provides funds to States and local school districts to support our neediest and most disadvantaged students. Those students need a hand up in order to succeed in the future. I look forward to working with

Chairman KENNEDY to reauthorize the No Child Left Behind Act this year.

Fifty years after Sputnik, the United States is in another equally important race that will define our leadership. This race is fueled by innovation, education, and skills. Its success is measured by jobs and prosperity for American families. It is a race we cannot afford to lose.

I ask my colleagues to support the passage of the America COMPETES Act.

Mr. LIEBERMAN. Mr. President, I rise today in support of the America COMPETES Act. I am pleased to join Senators REID and MCCONNELL, together with Senators BINGAMAN, ALEXANDER, INOUYE, STEVENS, ENSIGN, KENNEDY, ENZI and a majority of the Senate, in this bipartisan effort.

I particularly commend my colleague from Nevada, Senator ENSIGN, for his foresight and leadership on innovation and competitiveness issues. Beginning in 2005, I started working together with Senator ENSIGN on the National Innovation Act to build a new century of progress and prosperity for our Nation by spurring a new wave of American innovation. With his leadership in the Commerce Committee, Senator ENSIGN and I supported a bipartisan approach, focused on talent, investment, and infrastructure, to sustain and enhance U.S. science and technology leadership for the future. The National Innovation Act addressed a number of the most critical issues involving technology leadership in the United States, realizing the critical need for increased Federal support for basic research.

Senator ENSIGN and I also worked closely together on the National Innovation Education Act. The intent of that bill was to enhance our science and technology talent base and to improve national competitiveness through strengthened education initiatives. Our bill proposed initiatives spanning across the science education spectrum to improve quality instruction and access to learning for all students.

I am pleased that the America COMPETES Act addresses many of the approaches to science research and education proposed by Senator ENSIGN and I in these measures in addition to many of the initiatives put forth by Senators BINGAMAN, ALEXANDER, and others in the PACE bills. In large part, these bills sought to incorporate recommendations from the National Academies' report "Rising Above the Gathering Storm" and "Innovate America" from the Council on Competitiveness.

In this bill we seek to address the challenge of keeping the United States competitive in the global economy. Innovation, from the development of the Internet to the sequencing of the human genome, stimulates economic growth and improves the quality of life and health for all Americans. Through our investments and leadership in basic research and innovation, we ensure that our children and grandchildren will continue to have the unprecedented prosperity and opportunity that we enjoy today. We also have high expectations that science and engineering will solve essential worldwide needs from the mitigation of natural disasters to the development of alternative energy sources.

This act recognizes that the Nation depends upon the development and the productivity of highly trained people to generate these innovations. It is disconcerting that only 29 percent of Americans believe the United States has the most innovative economy in the world. Nearly half choose China or Japan instead. Why? The No. 1 reason cited by Americans is their belief that other countries are more committed to their education, their youth, or their schools. In fact, tests show U.S. students are falling behind other developed nations in math and science. We must restore confidence in our education system and ensure it is second to none.

For example, we need to engage the Nation's top universities to lead some of their best and brightest students, especially in science, technology, engineering and mathematics, STEM, fields, into successful teaching careers. In this bill we stimulate partnerships for college math, science, and engineering departments to work with teacher development programs. These programs will increase the supply of certified, knowledgeable teachers in areas critical to meeting America's needs, giving us a greater opportunity to improve student interest and achievement in STEM areas.

We know that new teachers in STEM classrooms across the country need support and mentoring from knowledgeable, established teachers. This bill supports programs for existing teachers seeking to enhance their content knowledge, teaching skills, and leadership in STEM and foreign languages.

We cannot wait for students to reach college to ensure that they are prepared for the future. It is troubling that many students with their newly obtained high school diplomas find themselves ill-equipped for college or the workforce. It is time to ensure that high schools prepare their students for the future. To do this right, States must start aligning what children learn starting in kindergarten, or earlier, to meet the evolving higher education and business needs for the 21st century and beyond.

High-quality data systems are also critical to improve schools and student outcomes. Accountability for high school graduation numbers and dropout rates is important to address education reform in our high schools. States and schools need data systems to trace successful educational outcomes back to specific programs, coursework, and interventions. They need to know what works and what doesn't work. I am pleased that this legislation contains many of the components of a bill I introduced last year, the College Pathways Act, to improve data systems and alignment.

The National Science Foundation is the principal agency sustaining basic research across all science and engineering fields. Basic research outcomes have led to many important innovations, stimulating economic growth and improving the quality of life for all Americans. NSF focuses on the areas of discovery, learning, and in building the country's research infrastructure and world-class facilities. These areas line up directly with our three primary areas in this act: increased research investment, STEM education, and innovative infrastructure. It is critical that we develop and support each of these: the people, their ideas and the large-scale tools needed for discovery and innovation.

To encourage more students to enter technical professions, this legislation increases Federal support for STEM graduate fellowships and trainee programs by expanding the NSF Graduate Research Fellowship Program and the Integrated Graduate Education and Research Traineeship Program by a total of 2,500 students.

The America COMPETES Act further addresses the issue of improving talent across scientific disciplines by expanding the existing STEM Talent Expansion Program, STEP, to the scope originally intended. The STEP, or Tech Talent Program, which I first proposed in 2001 as part of the Technology Talent Act, provides competitive grants to undergraduate institutions to develop new methods of increasing the number of students earning degrees in science, math, and engineering.

The Department of Energy's Office of Science is the principal Federal agency for research in high energy physics, nuclear physics, and fusion energy sciences. This legislation puts the Office of Science on a doubling track, over 10 years. We create important educational opportunities through Centers of Excellence in Mathematics and Science. These centers bring together our premier National Laboratories as partners with high-need high schools. National Laboratories also will host summer teacher institutes and will provide expert assistance to teachers at specialty schools in math and science.

The bill also creates an Innovation Acceleration Research Program to stimulate transformational research by setting a goal for Federal research agencies to allocate 8 percent of their current R&D budgets to breakthrough research—the kind of research that gave us fiber optics, the Internet, and countless other technologies relied on every day in this country and around the world. We anticipate this funding will be used for "grand challenges" and other high-risk/high-reward research that will expand the frontiers of discovery and innovation.

It is time once more for the Nation to focus on the health and direction of scientific research. Late in 1944, President Roosevelt called on a leading science and engineering advocate, Vannevar Bush, to report on how the Nation should prepare in the post-World War II era to deal with the "new frontiers of the mind [that] are before us" and to "create a fuller and more fruitful employment and a fuller and more fruitful life." The report, "Science—The Endless Frontier," led to the development of the National Science Foundation. We call on the President to issue a new report on key research and technology challenges based on a national science and technology summit of leaders from labor, industry, academia, government, and elsewhere. The President will also establish a Council on Innovation and Competitiveness to, among other things, assess R&D investment and address future areas needed to maintain the United States as a world leader in research and technological innovation.

We must continue to encourage the groundbreaking experimentation and longer-term outlook that made this country great. I am pleased to join my colleagues in this bipartisan effort to address the science, technology, and education needs that will fuel innovation and continue to drive American growth and prosperity. I urge my colleagues to join us and support passage of the America COMPETES Act.

Mr. OBAMA. Mr. President, there is concern that America is losing its competitive leadership. I am proud to cosponsor the America COMPETES Act because it proposes a meaningful response to that loss of leadership, and I compliment the bill managers on the bipartisan manner in which the Senate is addressing this issue. America COMPETES is a strong piece of legislation, but I wish to propose amendments that I believe will strengthen this legislation in several areas.

As our Nation becomes more diverse, scientists, engineers, and technology professionals continue to be recruited from a narrowing segment of our population. If we were able to increase the participation of underrepreseneted groups, including women, to a level reflective of their representation in the population, we would diminish the workforce issues that restrict our economic progress and generate a pool of talent that could refresh our ability to innovate. If we do not tap the diversity of our Nation as a competitive strength, we will diminish our capacity to innovate. Full participation by all segments of our populace would do more than just increase the number of workers in high technology fields; full participation would bring fresh perspectives and inventive solutions.

To increase participation, I have offered several amendments to America COMPETES. The first establishes a mentoring program to support women and underrepresented groups as they progress through education programs being proposed at the Department of Energy. Mentoring is an effective means for experienced scientists to provide professional assistance and advice to developing scientists, and such a program would ensure the success of these education programs. I also propose that women and minority scientists and engineers be represented and consulted as strategies are developed to increase America's competitiveness. This inclusion should occur at the proposed National Science and Technology Summit, on the President's Council on Innovation and Competitiveness, and elsewhere. If the concerns of diverse groups of technology professionals are not heard, it will be too easy to overlook the advantages these groups can bring to the innovation landscape.

I have also proposed that, to profit from the strength of our diversity, we must start with America's young students. Summer is a time when, as a result of summer learning loss, young students may lose several months in math skills. The summer learning loss is greatest for children living in poverty. Summer programs combat this loss, accelerate learning, and can serve to close the achievement gap in mathematics and problem-solving that currently robs us of the talents of too many children. I have introduced an amendment that supports summer learning opportunities, with curricula that emphasize mathematics and problem solving, aligned to the standards of school-year classes.

Finally, I propose that one of the major challenges facing us is an issue we understand on the basis of science; an issue that can be solved, at least partially, through technology; an issue that has the potential to greatly affect our competitiveness. It is an issue offering both challenges and great opportunities. Therefore, I am proposing an amendment to create a Climate Change Education Program to broaden our understanding of climate change. The program would emphasize information to help us comprehend climate change and to promote implementation of new technologies that would ensure our place as an international leader, willing to use science to understand our world, willing to apply technologies to address the serious challenges facing us.

I urge my colleagues to support these amendments.

Mrs. CLINTON. Mr. President, at a moment of profound change for our country, as the global economy grows more interdependent, the reach of technology more vast, and the consequences more important for future generations of Americans, I am proud to support the America COMPETES Act as an original cosponsor and proud to have been able to include several of my proposals in the final bill. I am also pleased to see that partnership—not partisanship—ruled the day.

The challenge is to achieve the promise while avoiding the perils of this moment.

Modern technology is making the American workforce more and more productive—while making it increasingly possible for employers to hire the most skilled workers no matter where in the world they live. Our young people see so many promising new fields and avenues—but too many American students, even some graduates of college, are not equipped with the skills to compete, especially when it comes to participation in challenging math and science fields.

That is why this bill is so important: education will help us overcome these obstacles while opening the doors to new opportunities.

America's global economic competitiveness will rest more and more on the back of our education system, and the scientists, engineers, and inventors that the system produces—but today that back is breaking.

The United States currently ranks 21st out of 40 industrialized nations in the largest and most comprehensive educational study to date. China produces far more engineers than the United States each year. Fewer well-educated scientists and engineers means fewer inventions, fewer high-tech exports, and fewer jobs for Americans.

And we are trying to compete with one hand behind our back: half our population disproportionately avoids math and science. Women and minorities are routinely underrepresented in these fields.

The National Academy of Sciences, NAS, outlined solutions to these and other challenges America will face as we contend with other counties in the science, technology, engineering, and mathematics. Their report, "Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future," gave us a roadmap to avoid this storm. The America COMPETES Act will implement these recommendations.

For example, this legislation would provide funding to increase the number of teachers serving high-need schools who are qualified to teach advanced, college level courses in math and science. It also supplies grants to community colleges to offer training to allow women to enter higher paying technical jobs.

This act also provides new incentives for math and science research. The bill doubles the current funding for the National Science Foundation, NSF.

I am also pleased this legislation includes two of my amendments. The first asks the National Academy of Sciences to collect and disseminate "Promising Practices" in the areas of math and science education, as well as techniques proven to help teachers improve their instructional skills. Many States across the country are doing an amazing job of raising their State standards, while others are watering them down.

The NAS report outlined the need for consistency in math and science education as one of the important recommendations in their report. That is why I introduced the Math and Science Consistency Act which instructs the National Academy of Sciences to create voluntary goals for learning in the areas of math and science education.

I thank everyone involved with this package, in particular Senator BINGAMAN, for working with me to include elements of my legislation into the America COMPETES Act.

If we want to truly prepare our students to compete, then it is especially important to look at successful models of math and science education and place this information in the hands of our math and science teachers. These promising practices will help all States improve their math and science education.

It is imperative that we figure out what is working and reproduce it. The math and science education our children receive today is an investment in the economy of tomorrow.

I also worked alongside Senator SCHUMER to include a provision that will create two new fellowship programs within the National Science Foundation. These new fellowship programs are modeled after the highly successful Newton Fellowship and Newton Master Teacher Programs in New York City.

Through Math for America, the Newton Fellowship Program has brought a cadre of talented professionals to teach math in NYC school. Additionally, the Newton Master Teacher Program trains current math teachers who demonstrate solid math knowledge to become leaders in their schools through mentoring and professional development. I am pleased our amendment will allow these successful models to be replicated around the country.

Once implemented, the first fellowship program will be available for professionals who possess advanced math and science skills. It will allow professionals from the private and public sectors to apply to become "NSF Teaching Fellows." If selected, these individuals would receive a scholarship to attend a 1-year master's program that results in certification. The fellows would then commit to teach for 4 years in a high-need school. This is the commonsense approach we need in order to build a pipeline of math and science teachers who are experts in their fields.

The second fellowship program entitled the "NSF Master Teaching Fellows" Program, will allow current teachers who hold a master's in math or science to apply and serve as leaders in a high-need school. In exchange for receiving a stipend, these fellows would commit to mentoring their peers, developing curricula, and assisting in professional development activities for 5 years.

I am pleased that we are making a commitment to expanding the pipeline of math and science teachers, and this amendment is our first step in that expansion. I thank Math for America and the Newton Fellows and Newton Master Teachers for all they do every day to improve math education for students in New York City and around the country.

The America COMPETES Act is a comprehensive strategy to help America compete and win in the global marketplace. As cochair of the Senate Manufacturing Caucus, I am pleased that this legislation makes a significant investment in the Manufacturing Extension Partnership Program that is critical to sustaining our nation's manufacturing base.

I am also pleased that this bill includes a new energy research proposal modeled on DARPA. This is an idea that I first put forward at the Clinton Global Initiative in 2005, and introduced legislation on in January of 2006. My legislation would create a new agency to sponsor a diverse portfolio of projects that will: Increase national security by significantly reducing petroleum and imported fuels consumption; significantly improve the efficiency of electricity use and the reliability of the electricity system; and significantly reduce greenhouse gas emissions. Section 2005 of the America Competes Act mirrors many of these provisions. However, section 2005 does not include provisions from my legislation that provide additional management flexibility, and that I believe are important to the success of this new agency. In addition, section 2005 does not authorize a specific level of funding. I recognize that there are funding constraints, but I think that a much bigger, bolder investment is needed. So I am pleased that section 2005 is included in the bill, but I hope that we can make improvements during conference with the House.

We must do what is best for our children and their economic future. When Americans have the tools for success, America succeeds and that is what this bipartisan legislation can help us achieve.

Mr. MARTINEZ. Mr. President, I rise today to address S. 761, the America COMPETES Act. This is an effort to help prepare our children to enter the fields of math, science, engineering, and technology and the ultimate goal is to keep the United States at the forefront of these fields on the increasingly competitive global stage.

I congratulate Senators LAMAR ALEXANDER and JEFF BINGAMAN for posing the questions they did to the National Academies of Sciences, Engineering, and Medicine and for working the panel's recommendations into legislation. And I agree with the findings that basically say if we don't do a better job of teaching our children in the areas of math, science, and technology, other countries will surpass us in a way that we might never overcome.

I commend the Academies' full report to all of you, and I think they are on the right track. We need to take some significant and comprehensive steps to better prepare our young people to enter the Information Age workforce. It is critical to our Nation's future and it is critical that we approve this legislation and start preparing our children of today for the future of tomorrow.

And it is critically important we start preparing for tomorrow today.

In a 2003 Trends in International Mathematics and Science Study, fourth graders in three countries—Chinese Taipei, Japan, and Singapore—outperformed U.S. fourth graders in both mathematics and science. In the new world marketplace, the United States will have to make an even greater effort to keep our high standard of living, to remain competitive.

People in India, China, Singapore, Finland, and Ireland know very well that brainpower is universal, it is valuable, and it is the secret weapon to producing good jobs and a good quality of life.

Given that physical barriers such as distance have been torn down by the World Wide Web and the benefits of free trade, our foreign competitors know there is no reason that they can't have a standard of living more like the United States. So they are working hard to develop better trained citizens and create their own stream of discoveries.

The challenge of our generation is to change these troubling trends. Our commitment needs to be redoubled.

I am a great believer in the transforming power of education. Coming from Cuba at age 15, not knowing the language of this country, not knowing how my future would unfold, I relied heavily on the power of education to survive.

My father was the first person in our family to earn a college degree, and he would always remind us that the only thing the Communists could not take from him was his education. That concept of an education became a valued treasure in our family. So that is why I worry so greatly about the education of our next generation.

According to recent statistics compiled by the U.S. Department of Education, our nationwide graduation rate in public schools is about 74 percent. That means one out of every four children who starts out as a freshman, does not get a high school degree. In Florida, the graduation rate drops to 71 percent. Nationally, if you look at young people between the ages of 16 and 24 who don't have a high school diploma, the numbers are alarming: Hispanics, 25 percent, Blacks, 11 percent, Whites, 6 percent.

These are rates that have been virtually static over the last decade. They forecast a tragic pattern that we must change, for the good of these children, but also as a matter of national competitiveness in a shrinking but competitive world.

We as a country are falling behind. We are losing the opportunity to remain competitive on a global scale unless we address these percentages and change them.

So when we talk about improving education, we, as individuals, parents, community leaders and elected officials, need to focus on quality education.

We need to encourage our young people to seek that diploma and degree, and we need to help those who might otherwise not have access to a higher education.

And we need to remember that America has been the global leader in innovative technologies, and as those technologies grow and expand and proliferate throughout the world, we have to become even more prepared to compete in a global market.

All young Americans, no matter their race, creed, or ethnicity deserve the opportunity to gain not just an education, but the best quality education. This is our obligation and our national imperative.

We are a great nation, but that greatness will not be enjoyed by the next generations if we fail to properly educate that next generation. That is why the America COMPETES Act is so very critical.

This bill will improve teacher training in math and science by creating summer programs hosted by the National Science Foundation.

This bill will increase the support for Advanced Placement Programs to expand access for low income students so they might perform better in college preparatory courses.

Over the next decade, this bill doubles the investment in basic research at our Nation's leading Federal scientific research facilities so that we can take research out of the classrooms and put it into real-world applications.

That last point is equally important as the previous two. Yes, we should expand the math, science and engineering training for teachers, but we also need to focus now on the kinds of research that will elevate the production of technological innovation.

I am certain all of us come into contact with a computer every day, and it is a safe bet that many of those computers have an Intel chip inside.

One of the people who worked on the Academies report, Craig Barrett, the chairman of Intel, points out that 90 percent of the products his company delivers on December 31 did not even exist on January 1 of that same year.

That is an amazing pace of change. Handheld computers, Blackberrys, flash drives, the iPhone—these kinds of advancements create opportunity and demand for human capital. Human capital can harness science and opportunity—and keep our Nation at the cutting edge of global innovation.

So the challenge is clear we need to ensure our young people have the tools they need to harness their brainpower and keep up with the rate of innovation. That's going to take a greater commitment to public education in the areas of math, science, and engineering.

And I can tell you that if our children can't, won't, or don't take advantage of these opportunities, the children of other countries will. Our task is to commit to their success and this legislation does just that.

To conclude, I will say that the Federal Government alone will not solve these problems, and I don't believe Congress has a magic bullet to address all—or even most—of the challenges mentioned here today.

I do, however, believe we can all support the legislation before us today. The report by the National Academies panel is a fair and realistic assessment of how we ought to proceed.

Who could argue that we shouldn't look at ways to increase the pool of qualified math and science teachers, strengthen the Nation's commitment to research, make the United States the most attractive place to the Nation's and world's brightest minds, and ensure we protect intellectual property while allowing the freedom to innovate? These issues deserve the attention of our Nation.

I know—working together—we can and will adopt initiatives that will provide the best education for our future generations.

Mr. BOND. Mr. President, in today's global economy, continued progress in math, science, and engineering, and the transfer of this knowledge, is vital if the U.S. is to maintain its competitiveness and keep good-paying, cutting-edge jobs here at home. New products, processes, industries and future employment opportunities depend on the advances in research and their movement into the marketplace.

Missouri is a leader in a field of science that hardly existed 20 years ago—biotechnology. And I want Missouri to continue to be a leader in producing the best math and science minds in the country. How do we do that? One of our toughest educational challenges is helping our young people perform better in science and math.

We know that America's fourth graders and eighth graders are performing above the international average in math and science. But when they get to high school, they fall behind.

We need to do more. That is why I am pleased to support the America COMPETES Act, which strengthens educational opportunities in science, technology, engineering, and mathematics from elementary through graduate school, with a particular focus on math and science teachers. In addition, this bill makes a bold Federal investment in basic science research at the National Science Foundation, the DOE Office of Science, NASA and the National Institute of Standards and Technology.

As many of you know, I have been a strong supporter of NSF over the years. NSF plays a critical role in the economic, scientific and intellectual growth of this Nation. It is one of our primary tools in meeting the global challenges of the 21st century by pushing the boundaries of scientific research and technology. NSF's work will give us a better insight into the world around us. This work will grow our economy and speed innovation, improving the quality of life for all people.

NSF's impact over the past half century has been monumental, especially in the field of medical technologies and research. The investments have also spawned not only new products, but also entire industries, such as biotechnology, Internet providers, e-commerce, and geographic information systems. Medical technologies such as magnetic resonance imaging, ultrasound, digital mammography and genomic mapping could not have occurred, and cannot now improve to the next level of proficiency, without underlying knowledge from NSF-supported work in biology, physics, chemistry, mathematics, engineering, and computer sciences.

New NSF support for research in nanotechnology, high-speed computing, plant genome research, biocomplexity, and cognitive neuroscience will further advance the state of technological change and improve our quality of life through creation of new products, a better understanding of how humans behave, and how our ecological systems can survive.

Unfortunately, the Federal Government has not always adequately supported NSF and the physical sciences with the dollars it deserves. While the Congress and the current and past Administration has strongly supported the life sciences, the physical sciences have been left behind. This has resulted in a major funding disparity between the life sciences and the physical sciences. This funding imbalance is alarming because it directly jeopardizes our Nation's ability to lead the world in scientific innovation. Further, we jeopardize the work of the National Institutes of Health because we are undermining the physical sciences, which provide the underpinning for medical technological advances.

Inadequate funding for NSF also hurts our economy and the creation of good jobs. In recent years, there has been an outcry of outsourcing jobs to other countries. And, our high-tech industry has been struggling to fill high-tech positions with American born workers. The best remedy to this issue is not protectionism but investing in the education and skills of our future workforce. This means better math and science education and technological skills, such as computer literacy. This is also a major part of NSF's mission.

My good friend Senator BARBARA MIKULSKI and I, along with many of my other colleagues, were pioneers in the fight to double the funding of NSF. Thanks to this effort we increased funding for NSF significantly; however, we fell short of our goal to double funding. The bill before us today provides an important opportunity to refocus attention on this critical goal and I am pleased that this bill puts us on the path to double NSF funding. It is critical that doubling funding for NSF remain one of our highest priorities and as a member of the Appropriations Committee, I hope we can do our part.

Future job and economic growth in the areas of health care, life sciences, defense, agriculture and transportation is directly related to scientific advancement. For these reasons it is important to support the America COMPETES Act and make an important investment in the economic security and growth of our country.

Mr. MENENDEZ. Mr. President, I rise in support of S. 761, the America COMPETES Act. I am proud to be an original cosponsor of this legislation, which takes important steps to make sure we are preparing our young people to be competitive and working to secure our Nation's future in a global economy.

That need has never been more urgent than today, when globalization and technology are tearing down the walls of geography, language, and income. Globalization has brought increased educational, technological, and societal advances to regions that only once dreamed of innovation. Today, as nations abroad are gaining a competitive edge, our younger generations are at risk of falling behind.

For a nation with endless resources at its fingertips, it is inexplicable that the United States continues to fall far below other nations when it comes to higher achievement. Yet this is the reality. On international assessments, our young people score below the average compared to other developed nations on math tests. Even when we just look at the highest achieving students, the United States still ranks near the bottom.

In the global race to have the most trained, highly-skilled, best prepared workforce, we are losing ground. And we are especially losing ground in fields that are the source of innovation and technology, which will increasingly become a key sector of the global economy.

Fewer of our college students are pursuing degrees in math, science and engineering, and if those trends continue, by 2010 more than 90 percent of all our world's scientists and engineers would be living outside the United States.

We cannot sit back and expect that we will continue to be at the top when it comes to global achievement. Where other countries are strengthening their education systems, we are not keeping up. We must regain that ground by investing in our younger generations. We must provide quality opportunities for young people now so that they can gain the science, math, and technological skills they need in an emerging global marketplace. We stand at a critical juncture, and how we proceed will determine the future for generations to come.

That is why this legislation is so critical—it is a commitment that we will do what is necessary to strengthen our Nation's future. This legislation will both bolster our research and development capabilities and better equip our young people to become the future leaders that this Nation needs. The America COMPETES Act will strengthen educational opportunities in science, technology, engineering, and mathematics from elementary through graduate school. It will create grants for master's degrees in math, science, and foreign language and establish programs to improve math instruction for elementary and secondary students. This legislation also calls for substantially increasing funding for the National Science Foundation, doubling basic research funding over the next decade, and the creation of a national science and technology summit.

I am pleased this bill includes provisions I introduced last year to increase the participation of women and minorities in science. Specifically, this bill directs the Energy Department to increase the numbers of women and minorities in science and technology fields at all education levels—from kindergarten through the graduate level—and establishes a new outreach program for underrepresented minorities in grades K–12 to encourage careers in science and technology. While opportunities in these fields are becoming more accessible to all students, women and minorities are still sorely underrepresented in the sciences. It is my hope this legislation will help us to close that gap and ensure that young people of all backgrounds have the opportunities they deserve.

This bill also contains an initiative that would authorize partnerships between high-need or rural school districts, higher education institutions and the private sector, with the goal of revitalizing the high school science labs in those schools. This will help schools purchase scientific equipment, renovate laboratory space, design new experiments or methods of integrating the laboratory with traditional lectures, and provide professional development for high school lab teachers. This provision—which I introduced last year as a separate bill—will improve the science learning experience for students in low-income and rural schools across the country.

As someone who was raised to believe there were no boundaries to what I could achieve, I know first hand that a strong education is the key to success. I was not constricted by the income my parents made, or by the neighborhood I lived in, but only my ability and my determination. With the assistance of the Federal Government, I graduated from college and law school, and had a world of opportunity open to me. I want every young person to have the chance to achieve their dreams an fulfill their God-given potential. This bill will undoubtedly help countless young people reach that goal.

The time has come to make a robust, national commitment to the education of our youth at all levels, from kindergarten through graduate school and beyond. We cannot expect our country to be adequately prepared unless we are making the necessary investments in all of our students.

Our Nation faces great challenges to meeting the demands of global innovation and competition. A nation that is united in its purpose can answer that challenge, as we have so many times throughout our history. Just as an entire generation was once inspired to dream new dreams of reaching space, and a nation launched a bold investment in science and technology that put a man on the Moon, so can we lead a generation to be the next great leaders and innovators. This legislation will help achieve that goal. It will strengthen not only the competitive future of our young people but of our Nation. I urge my colleagues to support this important bill.

Mr. DODD. Mr. President, I wish to express my support for ensuring the ongoing competitiveness of U.S. capital markets, our economy and American workers. I have served on the Banking Committee since my first day in the Senate 26 years ago. During my tenure on the committee, and now as its chairman, preserving and strengthening America's preeminent position as the world's leading financial center has been among my primary objectives.

Based on that experience, I would like to share what I believe are three important considerations that should guide us in any discussion of how to make America's capital markets more competitive.

First, we must remain mindful that our markets remain the largest, most liquid, and most transparent on the planet.

Second, the current and continued success of those markets depends on the presence of effective, efficient legal rules that protect investors; as such, we should resist the temptation to engage in a regulatory race to the bottom as a rationale to stay on top. Members of the Senate resisted that temptation yesterday when they voted, overwhelmingly, to defeat an amendment that would have significantly weakened a critical investor protection provision of the Sarbanes-Oxley Act. I want to thank the sponsors of this amendment, Senator SCHUMER and Senator CRAPO, for their vote opposing yesterday's amendment. In doing so, they affirmed their support for an efficient and effective regulatory structure and ongoing efforts at the Securities and Exchange Commission to lower the cost of compliance for small businesses.

Third the success of our markets also depends on our Nation's ability to educate, train, and recruit the kind of talented and driven people who can compete and win in the global economy.

We should do all we can to promote the ongoing competitiveness of America's capital markets. Our Nation's ability to strengthen security, create opportunity, and expand prosperity for every citizen depends in large part on the success of our capital markets and of our financial services sector generally. Maintaining the preeminence of capital markets will not be easy. It will require honest and thoughtful leadership. As chairman of the Banking Committee, I look forward to furthering the dialogue on this important issue.

Mr. President, I ask for unanimous consent that the following remarks on competitiveness that I recently delivered to the U.S. Chamber of Commerce in March be inserted into the RECORD immediately following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Prepared Remarks of Senator Dodd to the U.S. Chamber of Commerce, Mar. 14, 2007]

FIRST ANNUAL CAPITAL MARKETS SUMMIT: SECURING AMERICA'S COMPETITIVENESS

Thank you, Tom, for that kind introduction. And thank you all for this opportunity to speak with you this morning. It's hard to believe that ten years have passed since Tom became President and CEO of the Chamber. He has done an outstanding job of leading this remarkable organization.

I am proud to have had Tom's and the Chamber's support on some of the most important pieces of legislation with which I have been associated. Laws like the Private Securities Litigation Reform Act; the Y2K litigation reform act; the Class Action Fairness Act; the Gramm-Leach-Bliley Act, which has helped bring our financial services sector into the 21st century; and the Terrorism Risk Insurance Act, which in the aftermath of 9/11 has played a crucial role in keeping our economy strong.

In all seriousness, these pieces of legislation represent hard-fought changes that have benefited 'the American economy and in so doing have also made our Nation a more hopeful and prosperous place for all.

They represent what can happen when people decide to reject partisanship and embrace partnership to create positive change for America. It is once again that sense of partnership that has brought us together today.

America in these early years of the 21st century is by some measures doing well. But I defy anyone to say that we cannot do better. Wherever I go—from boardrooms to class rooms to living rooms—Americans are deeply concerned about our nation's future. And I share that concern.

We are at a critical moment in our nation's history. Our leadership in the world has been achieved over a period of two and a quarter centuries by the vision and sacrifice of generations of patriots and statesmen. U.S. leadership is today being questioned and in some ways squandered as it has never been before. The stakes for all of us as Americans could not, in my view, be higher.

The topic of today's gathering is the future of America's capital markets. But in reality, we are all here out of a shared concern about the future of America itself. The issue before us today presents an opportunity for us all—Democrats and Republicans, private entrepreneurs and public leaders—to come together to have a serious discussion about ways to move our country forward.

The Capital Markets Commission report is a thoughtful document that makes an important contribution to the debate about the future of our Nation's capital markets.

I commend the Chamber, the Commission and its co-chairs—my good friend Bill Daley and Arthur Culvahouse—for highlighting some of the key challenges facing our capital markets. I look forward to analyzing the report's recommendations in greater depth and examining them in the Senate Banking Committee at a hearing I intend to hold in the coming weeks.

I have served on the Banking Committee since my first day in the Senate. No one now in the Senate has served there any longer. As a member of that Committee, and now as its Chairman, I have had one overarching objective: to preserve and strengthen America's preeminent position as the world's leading financial center.

That objective is so crucial because our nation's ability to strengthen security, create opportunity, and expand prosperity for every citizen depends in large part on the success of our capital markets and of our financial services sector generally.

My service on the Banking Committee has provided me with a tremendous opportunity to observe, study, and, I hope, strengthen our capital markets. Based on that experience, I would like to share what I believe are three important considerations that should guide us in any discussion of how to make America's capital markets more competitive.

First, we should keep in mind that, as we speak, America's capital markets remain the most dominant in the world. That is not empty rhetoric. It is a demonstrable fact.

For example, the total amount of financial stock in the U.S.—equities, bonds, loans, and deposits—is more than six times the amount of the U.K.'s, more than double Japan's, and four times that of the other Asian capital markets.

America's dominance is also proven by the market capitalization of the major exchanges. Yes, IPO and trading activity on overseas exchanges has been growing. I am very aware of that, but the market capitalization of the major U.S. exchanges dwarfs that of their overseas competitors. The market cap of the New York Stock Exchange is $15 trillion dollars. That is 15 times the value of the Shanghai Stock Exchange, four times the value of the London Stock Exchange, and three times the value of the Tokyo Stock Exchange.

Much of the growth in capital is coming from overseas investors—and according to some measures, in record amounts. The most recent Economic Report of the President found that foreign investment in U.S. financial stock such as U.S. Treasury securities, corporate stocks, and corporate and other private bonds totaled $5.7 trillion in 2005—the highest level in nearly thirty years.

In addition, 34 foreign IPOs listed on U.S. exchanges last year—the highest percentage of foreign IPOs in the U.S. in 20 years.

It is worth pointing out that all of this growth has been achieved despite the 2001 recession, the 9/11 terrorist attacks, a string of corporate scandals, and the ongoing lengthy, bloody, and costly wars in Iraq and Afghanistan.

So, despite the bearishness of some, the United States remains the preeminent destination for global capital.

We're hearing a lot these days about London, and Hong Kong, and Shanghai. But the fact is, the U.S. capital markets remain the largest, most liquid, most innovative, most resilient, and most lucrative in the world.

And on my watch, as Chairman of the Senate Banking Committee, I intend to keep them that way. Which leads me to the second consideration that must guide us: our capital markets are strong precisely because of—not despite—the legal architecture within which those markets have been conceived and grown.

That is probably not a particularly surprising observation from someone who has helped to build that architecture. But lawmakers are not the only ones who understand the value of our laws to our capital markets.

Three years ago, Alan Greenspan was asked to explain the phenomenal size and strength of the American economy. He had this to say: "[A]rguably the most important factor is the type of rule of law under which economic activity takes place."

Glenn Hubbard, the former chairman of President Bush's Council of Economic Advisors, echoed those thoughts in a 2004 report. He said: "Effective capital markets require . . . the enforcement of laws and property rights, transparency and accuracy in accounting and financial reporting, and laws and regulations that provide the proper incentives for good corporate governance."

More recently, last month, a Goldman Sachs study analyzed the condition of America's capital markets. It found that the strength and continued appeal of those markets could be explained in no small part by what the report called: "a history of solid regulation."

That "history of solid regulation" means that investors know that they are reasonably certain to get a fair shake in our markets. Win or lose, they invest with a high degree of confidence that American balance sheets are accurate, that investment products like securities and derivatives are properly valued, and that the markets are well-policed against those who would commit negligent, deceptive, or fraudulent acts.

So the value of the laws and regulations within which our markets operate can hardly be overstated.

Now, let me quickly add that is not to say that all regulation is good—any more than it is accurate to say that any regulation is bad. Our laws and regulations are not to be entrenched—and attempts to revise them must not be resisted.

On the contrary, we write our laws on paper. We don't etch them in stone. We should never be unwilling to revisit and reexamine past assumptions, and we will do just that under my Chairmanship.

That is why I also support the efforts of Chairman Cox and Chairman Olson with regard to improving regulations implementing the Sarbanes-Oxley Act. Sarbanes-Oxley was never intended to handcuff companies that seek to innovate. It was meant to improve accountability and transparency in our public companies and restore confidence in the integrity of the markets. The rulemaking currently underway will help ensure that the core intent of Sarbanes-Oxley is upheld and advanced.

That is also why I support the effort by the NASD and the NYSE to consolidate into a single SRO for all broker-dealers. This new self-regulatory organization holds the potential to not only improve the efficiency and consistency of securities industry oversight, but also to reduce costs to member firms.

I have always been open to new ideas and new approaches to achieve important policy goals in new, more efficient, and more effective ways. That kind of approach is more critical today than ever. The stakes are simply too high for us to be afraid to think innovatively and to act decisively.

I take a back seat to no one in my commitment to the preeminent power of America's markets.

But we must resist the temptation to engage our international competitors in a regulatory race to the bottom. Our laws and rules to protect individual investors are a crucial competitive advantage in the global marketplace. Our competitors know that. If we jettison some of those legal protections, we hand our competitors a victory greater than any they could achieve on their own. And we would almost certainly see the slow flow of capital out of our markets and into those of our competitors.

The third and final thought I wish to make today is that America's continued ability to attract financial capital hinges on our ability to cultivate and attract intellectual capital.

There is no question that the growth of capital markets in Asia, Europe, and elsewhere merits our consideration—and in certain respects, our concern. Without a doubt, the number and size of IPOs in places like Moscow, London, and Hong Kong is on the rise. I want you to know that I am not unmindful of that.

But a closer examination of these foreign markets reveals an interesting fact: American firms are leaders there, just as they are leaders here. Consider America's leadership in the European capital markets. According to the McKinsey report commissioned by Mayor Bloomberg and Senator Schumer, three of the top five firms in the European markets—be they engaged in IPOs, mergers and acquisitions, or debt issuance—are Americans.

Visit virtually any emerging market in the world today, and you are almost certain to find American firms shaping, guiding, and leading that market into the 21st century global economy. American firms are providing the lawyers, accountants, analysts, investors, and entrepreneurs who are structuring deals, growing jobs, and creating new wealth.

In that regard, the growth of markets overseas is something to embrace rather than fear. Because that growth is creating new opportunities for American firms to earn new business.

However, our ability to tap and shape those markets depends in large measure on our ability to educate, recruit, and train the best talent in the world. Last week, I listened to Bill Gates. He came to Washington to sound an alarm bell about how the shortage of educated and skilled workers threatens our Nation's overall economic competitiveness. It was a sobering assessment.

Yet, a decline in the number of educated and skilled American workers is by no means inevitable. On the contrary, many of us in the Senate—Republicans as well as Democrats—share a strong commitment to improving the educational achievement of our students. That is particularly true of math and science, where we continue to lag behind many other industrialized nations.

In a global economy, we must realize that an American child no longer competes for a job against the child from the next town. Nor does he or she compete against a child from another state or region ofthe country. No. Now our kids are competing for jobs against kids from China and England and India. And the best jobs will go to the kids who can think creatively, can understand key mathematical and science concepts, and can solve problems—regardless of where they live.

So we must work to increase the pool of home-grown entrepreneurs and highly skilled workers. At the same time, we must remain open to those from other nations who have the talent and drive to succeed in America. Our immigration laws necessarily should place a priority on homeland security needs. But that can be done without erecting needless barriers to those who can help America create new wealth and new jobs.

In sum, then, when we discuss the competitiveness of America's capital markets, I hope that we will keep these thoughts in mind:

First, that our markets are still the largest, most liquid, and most transparent on the planet.

Second, that the current and continued success of those markets depends on the presence of effective, efficient legal rules that protect investors.

And third, that the success of our markets also depends on our nation's ability to educate, train, and recruit the kind of talented and driven people who can compete and win in the global economy.

Creating the change necessary to maintain the preeminence of our capital markets will not be easy. It will require leadership. But we dare not shrink from the challenge.

At the outset of these remarks, I said that while today's meeting is about the future of our capital markets, in a broader sense, it is about the future of our country.

I had an experience not long ago that I want to share with you. My five year old daughter, Grace, was getting ready for school one morning, when she looked up at me and said, "I wonder what my day is going to be like." It's not every day that you get that question from a five year old.

A moment later, she looked up again and said these exact words: "I wonder what my life is going to be like." She had just turned 5. How do you answer that? It's a question that I would guess many of you have heard before. Because it's a question that all parents often ask about their children or grandchildren.

None of us can know with certainty the answer to that question. But we do know that the lives all of our children lead will depend in no small measure on the work that you and I will accomplish in the next few years.

We gather today not as Republicans or Democrats, but as Americans who are committed to the future success of the greatest wealth generator of all time: American capitalism.

We all have a stake in creating hope and prosperity for those who will come after us. I will work with you to build on our legacy of the American dream and expand security and opportunity for all Americans.

Because these urgent times demand nothing less than all of us working together to create that change.

That is what I have been doing my entire life in public service—reaching out and turning rhetoric into results, ideals into initiatives, and principles into progress for our country. Many talk about change. This is not a time for talk. It's a time for action. Our challenges are too serious and too urgent to merit anything less.

So let us join together once again to turn people's dreams into realities. And let later generations say that, at the beginning of the 21st Century, after an uncertain start, America's leaders charted a new course that once again matched America's progress to her promise.

Mrs. MURRAY. Mr. President, with this bill, we are taking a major step forward to help America's workers compete and win in the global economy.

I have been working on education, workforce and competitiveness issues for many years, and I will never forget a roundtable I held in Washington State a few years ago. Sitting around the table, we had business owners, higher education officials and public school educators.

The big question was this—who is responsible for making sure our students get the skills they need? Businesses didn't want to hire somebody and then have to train them in the basics. Higher education leaders wanted to be able to focus on college-level material, not remediation. And high school leaders were working as hard as they could just to deal with the demands on their plate.

So whose responsibility is it to make sure our students get the skills they need?

It is all of our responsibility, and that is what this bill finally recognizes. It ensures that our Federal agencies—from Commerce to Education to Energy to the National Science Foundation—take aggressive steps to keep American workers ahead of the curve.

I am very proud that our country is home to some of the most innovative workers, schools, and companies in the world. But I have been frustrated that for too long our government has not used all the tools available to strengthen the hand of American workers in the world marketplace. This bill finally gets us on the right track, and that's going to pay dividends for generations.

I worked to strengthen this bill through my amendment to improve math education in high school. Just yesterday, we had a hearing in the Senate HELP Committee, where education experts from across the country told us that math instructional support does not extend as far as it needs to in high school. That's why I offered an amendment to help address this shortcoming. The Murray Math Skills Program offers competitive grants to help high schools hire math coaches to provide targeted support for students and math teachers. It will ensure high school students have the rigorous math materials, instruction, and support they need to pursue college and careers in engineering, science, math and technology. I am excited that my amendment was included in this bill to make sure high school students get the math support they need.

I am pleased that this bill doubles funding for the National Science Foundation and the Energy Department's Office of Science over the next 10 years. It also encourages high-risk research and supports research at NASA.

As I work on issues like this, I bring the perspective of not just a Senator, but a former educator and someone who represents one of the most innovative regions of our country—the Pacific Northwest. I have seen firsthand the connection between what we do in our schools and what our businesses and economy are able to do. I am proud to represent a state that is home to some of the most innovative workers and companies in the world in diverse fields like computers, software, biotechnology, aerospace, and many more. So as I work on these issues, I know how important a skilled workforce is to our quality of life.

I also know that so much is at stake. Businesses spend about $60 billion just to remediate new employees, and that doesn't include what colleges have to spend to help incoming students catch up.

The statistics are troubling. According to a report called "Tough Choices or Tough Times" from the National Center on Education and the Economy, the number of engineering degrees in the United States is down 20 percent from its peak year in 1985. This is just one indicator of the trouble ahead if we don't turn this ship around.

I have heard time and again from experts, including the "Rising Above the Gathering Storm" report, that our economic future depends on our ability to innovate, think creatively, and create technological breakthroughs.

Our students and workers need strong skills in math, science, engineering, technology, and problem solving to make these kinds of technological and scientific breakthroughs that help ensure our Nation's place in the world. This bill moves us in the right direction by putting in place several key pieces of the puzzle.

Let me turn to the substance of the bill. The America COMPETES Act helps increase our country's investment in research, including the type of higher risk research that can lead to major breakthroughs. It also helps students get the skills and experiences they need from elementary school through graduate school in science, technology, engineering, and mathematics. I applaud the bill for also making great steps towards attracting women and minorities into these studies and careers; groups that have been historically underrepresented in math and science. Finally, the bill helps bring an array of representatives to the table to develop a foundation for innovation and creativity, which is so important to our country's competitiveness.

When the HELP Committee first began to consider these issues in the 110th Congress, we heard from Bill Gates, chairman of Microsoft in my home State, at a hearing titled "Strengthening American Competitiveness for the 21st Century." We all heard his urgent call for our country to invest in education, healthcare, and basic science research. As Bill Gates put it:

> The U.S. cannot maintain its economic leadership unless our work force consists of people who have the knowledge and skills needed to drive innovation.

This bill recognizes that truth and moves our country in the right direction. It is not the final word. We still have a lot of work to do in areas like workforce investment—but it is a critical step forward, and I urge my colleagues to join me in voting for the America COMPETES Act.

Mr. VOINOVICH. Mr. President, I rise today to join a number of my colleagues in support of the America COMPETES Act, of which I am an original cosponsor.

Prior to the completion of the National Academy of Sciences' "Rising Above the Gathering Storm" report more than a year ago, I joined my colleagues, Senators ALEXANDER and BINGAMAN, in a meeting with Norm Augustine, the lead author of the report and the former CEO of Lockheed Martin. It became clear to me then that Congress had to make the report's recommendations a top priority in order to maintain our Nation's competitive edge. I am proud to come to the floor today to say that we are on our way toward meeting their challenge.

In the big picture of where the United States stands, it is clear that the economic framework of our Nation needs to be renewed. I happen to believe that our Nation's health care system places our businesses at a disadvantage globally, and that we must build regimes globally to enforce intellectual property rights, which will be the currency from which our economies will grow. Most importantly, the time is now right for a national commitment toward becoming more energy independent. I call it a Second Declaration of Independence—this time from foreign sources of energy.

However, reaching these goals will be impossible without a workforce full of educated and motivated young Americans. This means we must place more emphasis on careers based in the fields of science, engineering and mathematics.

Right now, we are not getting the job done. Globally, the United States ranks 17th in the proportion of the college-age population earning science and engineering degrees, falling from third place several decades ago. Countries including England, South Korea, Germany, Australia, Singapore, Japan and Canada all produce a higher percentage of science and engineering graduates than the United States.

The America COMPETES Act will help us reverse these trends. The COMPETES Act would strengthen mathematics, science and engineering education and expand opportunities for students; it also would improve our science infrastructure and increase our investment in critical research.

Since the release of the NAS report, I have traveled throughout Ohio to discuss the recommendations with scientists from our State's top research institutions, elementary and secondary school teachers who are preparing tomorrow's workforce, business leaders and others. At Youngstown State University, I visited with local math and science teachers in grades 5–10 who had partnered with the University and the Department of Education to improve their skills and gain the tools necessary to pique students' interests in the math and science fields. I also traveled to The Ohio State University in Columbus and spent time at the Future Engineers Summer Camp with Ohio eighth graders, and was briefed on the collaboration among the University of Akron, Akron City Schools and the National Inventors Hall of Fame for a middle school focused on math and science. These are the types of programs that will strengthen our nation's competitiveness and these are exactly the types of programs that the COMPETES Act aims to expand.

Again, I am encouraged that so many of my colleagues in Congress have recognized the need to focus on these goals by sponsoring the bipartisan COMPETES Act. While this bill isn't perfect, it is certainly a step in the right direction and a great example of what my colleagues and I can do by working together. Too often around here we get caught up in driving our own train and are too busy to realize that we don't have any passengers. I am happy to be a passenger on this particular "train" and am confident our action in the Senate this week on the COMPETES Act is a step in the right direction for our country and our position in today's global economy.

Mr. LEVIN. Mr. President, yesterday I voted to table Senator COBURN's sense-of-the-Senate amendment that would have called for a requirement that all newly authorized programs be offset by deauthorizing something else. I support eliminating programs which are wasteful or unneeded whether or not we are authorizing a new program.

The Coburn amendment was offered to an authorization bill which spends no money. It targets the authorizing process, not the appropriations process by which Congress allocates funds and determines priorities among authorized programs. The Coburn amendment also fails to address tax cuts which dig us into a deeper and deeper deficit ditch.

I support fiscal responsibility and have supported a number of strong budget tools this year like the provision which reestablishes a strong pay-go rule, which would require any new spending or tax cuts be paid for elsewhere in the budget or receive a supermajority of at least 60 votes in the Senate. The amendment offered by Senator COBURN takes the wrong approach.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

AMENDMENT NO. 942

Mr. KOHL. Mr. President, I ask unanimous consent the pending amendment be set aside so I can call up my amendment, which is No. 942, for consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Ms. SNOWE, Mr. REED, Ms. STABENOW, Mr. BROWN, Mr. LEVIN, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, and Mr. LEAHY, proposes an amendment numbered 942.

Mr. KOHL. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KOHL. I ask unanimous consent to add Senators BAYH, MENENDEZ, and VOINOVICH as cosponsors to amendment No. 942.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amounts authorized to be appropriated for the Manufacturing Extension Partnership Program)

On page 34, line 17, strike "$120,000,000" and insert "$122,005,000".

On page 34, line 20, strike "$125,000,000" and insert "$131,766,000".

On page 34, line 23, strike "$130,000,000" and insert "$142,300,000".

Mr. KOHL. Mr. President, I rise today to offer this amendment to the America COMPETES Act which would authorize appropriations for the Manufacturing Extension Partnership, known as MEP, through 2011. I am a long-time supporter of the MEP program and believe a healthy manufacturing sector is key to better jobs, rising productivity, and higher standards of living in the United States.

Manufacturers today are seeking ways to level the playing field so they can compete globally. One way to level the playing field and increase competitiveness of manufacturers is through the MEP program. MEP streamlines operations, integrates new technologies, shortens production times, and lowers costs, which leads to improved efficiency, by offering resources to manufacturers, including organized workshops and consulting projects.

In Wisconsin, three of our largest corporations—John Deere, Harley-Davidson, and Oshkosh Truck—are working with MEP centers to develop domestic supply chains. I am proud to say these companies found it more profitable to work with small- and medium-sized Wisconsin firms than to look overseas for cheap labor.

The amendment I am offering would increase the amount of funding available to the MEP program by $19 million over 4 years, allowing MEP centers to reach more manufacturers and to increase the services they provide. I believe we would be hard-pressed to find another program that has produced the results that MEP has on their limited budget. In fiscal year 2005, MEP clients reported over 53,000 new or retrained workers, sales of $6.3 billion, and $1.3 billion in cost savings. This is the type of program in which we should be investing more, not less.

Unfortunately, the administration doesn't support this award-winning program. I believe MEP is one of the most valuable assets the Government gives manufacturers. The program has a proven record of saving manufacturing jobs now, and it will strengthen the U.S. manufacturing base for the future. I have written to Secretary Gutierrez, and I have spoken to him about the need to save MEP. The MEP program has received wide bipartisan support in the Senate. This year, 48 Senators signed a letter asking for increased funding for MEP, and the amendment I am offering has 12 cosponsors from both sides of the aisle.

Ten years ago, American manufacturers were not facing the competitive threats they now face from low-cost producing countries such as China and India. The increase in competition from these countries has required our manufacturers to find better, cheaper, and other ways to produce their products, which is where MEP directly comes in. MEP can help these companies reduce their costs and enter new markets, thus allowing them to be competitive in the global marketplace. With the increased threats American manufacturers now face, there is more need than ever to increase the funding for the MEP program. So I urge my colleagues to support this program.

At this time I will avoid asking for the yeas and nays.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I ask unanimous consent that notwithstanding adoption of Obama amendment No. 923, as modified, the previously agreed to DeMint amendment No. 929 still be in order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I rise in support of the Kohl amendment. I, first of all, appreciate the terrific work he has done in the Manufacturing Extension Partnership.

I come from a State with many of the same problems the Senator from Wisconsin faces, including a decline in our industrial base. In too many cases, many of the 3 million manufacturing jobs our country has lost are in my State, and it especially hurts those small manufacturing companies, those small tool and dye makers, those small machine shops in Steubenville and Akron and Toledo. The work he has done on the Manufacturing Extension Partnership has already helped turn around some of those businesses in my State, in Ohio, in the Miami Valley, and the Mahoney Valley and everything in between.

The MEP allows small companies—the big companies don't need the help so much—similar to the Agriculture

Extension Service, which is so important throughout the world and America—the Manufacturing Extension Partnership has really mattered in helping these small companies, whether it is cutting energy costs, whether it is learning how to export, working with the U.S. Export Assistance Center, whether it is dealing with some kind of trade policy, perhaps, or tax policy, helping those small companies learn how to compete in this increasingly difficult and competitive global environment. The MEP has had strong support from both parties, so I strongly urge my colleagues in both parties to support this amendment.

There is simply no reason the administration every year comes and tries to cut this, and every year we fight back and restore the funding. I will be discussing later, either in this bill or sometime later, legislation I have introduced to allow a revolving fund through the Manufacturing Extension Program done locally. In Ohio I believe there are 11 or 12 regions of the State under MEP that can help, that really can help, help form MEP programs in working with these small businesses, these small manufacturers. In Cleveland there is a program called Magna, and in Kyoga County specifically they have had this revolving loan program—sort of a pilot program—that has helped with innovation and with the manufacturing, marketing, and with the development of new products. I think the Kohl amendment will go a long way in helping MEP help small businesses and help us compete globally. So I ask my colleagues for support of the Kohl amendment.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 955, AS MODIFIED

Mr. BINGAMAN. Mr. President, I am informed by the chairman and ranking member of the Finance Committee, whose jurisdiction this would be under, that the amendment Senator INHOFE has offered, amendment No. 955, as modified, which is now at the desk, is acceptable to both sides at this point.

Mr. President, I ask unanimous consent that it be brought up, agreed to, and that the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 955) was agreed to.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. REID are printed in today's RECORD under "Morning Business.")

Mr. REID. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, in consultation with the managers of the bill, they have granted me some time to bring up three additional amendments that I believe are important as we look at the bill.

AMENDMENT NO. 918

Mr. COBURN. First, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 918 be called up.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 918.

The amendment is as follows:

(Purpose: To provide a sunset date)

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. SUNSET.

The provisions of this Act, and the amendments made by this Act, shall cease to have force or effect on and after October 1, 2011.

The ACTING PRESIDENT pro tempore. Under the order, the Senator is recognized for up to 20 minutes.

Mr. COBURN. Mr. President, this is a sunset amendment. It is very plain, very straightforward. It says, can we be assured that we have, with absolute certainty, all the wisdom, facts, and knowledge we will need 4 years from now as to the viability of the programs expressed in this bill?

It is one thing the American people would like to see us do—relook at, on a regular basis, what we authorize to make sure what we are doing still has application. As a matter of fact, the biggest problem I have noticed in our Government is that we don't do oversight, we don't review and reassess, except in very rare instances.

This amendment is very simple. It just says that in 4 years, we are going to look at it again. We are going to sunset the bill, and probably a year before that Senator ALEXANDER and his companions will come back, relook at it, tweak this, make the changes they need to make, and then have the America COMPETES Act again 4 years from now. The key component of what it does is it forces us to look at it because it is going to expire, it is going to run out of gas.

What happens now is that we pass things and don't ever look at them again. I believe the Senator from Tennessee, as well as the Senator from New Mexico, would agree that we fail to do proper oversight in this body. That is one of the very lacking components of the job. It is hard work, oftentimes not fun, but it is very important to the future of this country.

Some people will say that we should not sunset this, that the implication is that we know now what we are going to need to know 4 years from now. But, in fact, we sunset a lot of things, from the PATRIOT Act, to the tax bills, to the Ryan White health care bill, to Defense bills, to veterans bills. I put forward that we need more sunsets because of the discipline it will force on us as representatives of the American people to do what is in their best interest, with the knowledge we have on hand at that time.

I don't know whether this amendment will pass, but it is a great judgment for the American people to look at us and say are we serious about doing the business or are we so arrogant or elitist that we think we know now absolutely what we need to know 4 years from now.

I had a good debate with Senator DURBIN on the previous bill the body considered. One of his suggestions was that I should have offered a sunset to that legislation. I think that is a great suggestion. I think it is equally apropos that we do it on this legislation. It gives us the benefit of our experience over the next 3 years, it allows us to have the hearings in the committee and the committee work we need to do—as a parenthesis, this bill didn't go through any committees, didn't have the pleasure of the Commerce or HELP Committee—and allows us to look at and see what we have been doing and whether it is effective, whether or not the American people actually get good value for the money over what we intend them to do. That is our real obligation. It is not to create an America COMPETES Act, it is not to pass a piece of legislation, but, in fact, it is to make sure that whatever we do, the American taxpayer dollar gets a great accomplishment for that.

I reserve the remainder of my time and will listen to the opposing points of view on this amendment.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will speak briefly on the amendment. I know the Senator has two other amendments he wants to also discuss.

and there may be others who want to come back and say something about this amendment.

I urge my colleagues not to support this amendment. Under the rules of procedure that we follow in the Senate, an appropriation can be objected to if the underlying activity that the money is being appropriated for has not been authorized. So we try to pass authorizing bills. That is what this legislation is. This is authorizing legislation.

If everything were perfect around this place, then we would always get our authorizing bills reauthorized in time so that there would never be a lapse. Unfortunately, that is not the case. There are a lot of authorizing bills that we have allowed to lapse. That does not mean that we quit funding those activities. We, in fact, continue funding those activities through the appropriations process until Congress organizes itself and passes a new reauthorization. But the old reauthorization remains in place until there is something new to replace it or until there is some conscious decision.

These are not new activities, by and large, we are talking about in this legislation. A lot of this is activities that we have done for a long time, and we are trying to, once again, authorize them. We are trying to increase the amounts available for these different activities, whether it is science education, scientific research—whatever the issue is.

If the amendment of the Senator is adopted, my understanding is that effective on October 1, 2011, there is no authorization at that point from then on for any of this bill. Therefore, any Congress that tries to appropriate the funds, a point of order could be raised that this is trying to appropriate money for an activity for which there has not been an authorization. I think that would be unwise. That is my basic view.

I certainly favor the Congress performing its appropriate job of coming back by the time these authorizations are completed, the various dollar figures we have in this bill, and looking at this again and doing a rewrite of the authorization. That is what we are trying to do with No Child Left Behind right now. I can tell you that before No Child Left Behind was ever enacted, there was a year or 2 years where the Elementary and Secondary Education Act essentially had expired by its language. There was no sunset such as the Senator is recommending here, but the 5-year authorization had expired. Yet we could go ahead because the underlying language still had force and effect.

I also have great questions as to the legal effect of this amendment. Here we say the provisions of the act and the amendments made by the act shall cease to have force and effect on or after October 1, 2011.

Some of the provisions of the act are repeals of other acts or repeals of other provisions. Are we saying that in one bill we would be saying we are repealing this provision, but we are also saying as of October 1, 2011, the repeal no longer has any force and effect and the provision comes back into effect?

I think there are all sorts of confusion that would be sown by trying to adopt this amendment. I oppose it myself. As I say, I think there are others who wish to speak on it before we get to a vote. I know the Senator has two other amendments he wishes to address.

I yield the floor, and yield to my colleague from New Mexico, Senator DOMENICI.

Mr. DOMENICI. Mr. President, I don't want much time. How much time does the Senator have?

The ACTING PRESIDENT pro tempore. The Senator has 15½ minutes for all three amendments.

Mr. DOMENICI. Mr. President, I hope I don't use over 3 minutes. Maybe the Chair can notify me at 3 minutes.

I rise to indicate that I don't think we should adopt this amendment. Frankly, some of the provisions in this act are only authorized through 2011. Now we come along and authorize them for that long, meaning we are going to probably work at redoing them, but we have hanging over our heads a sunset that came into existence just a couple of years after we put the bill into play.

Here is the problem: If you want to go to a sunset approach to minimizing our Government, then why in the world would you start with one of the best pieces of legislation we have adopted? This is good law. This is going to be doing great things. If you want to have a sunset provision, pick a bunch of these things you know aren't any good and sunset them, not sunset a bill that has some force and effect that carries on much broader and has the chance of doing some real good.

This one in the end will be extremely mischievous at the most, and some people will claim that it did great things. The truth is, this bill needs more than the time allowed by this amendment because it is new ground, new approaches to putting more brain power into the brains of America's students as they go through school. You can't do that in a short period of time.

This is the wrong bill, the wrong time to sunset, and it won't do any good. Therefore, it should not be adopted. I thank the Senator for yielding me 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the claim of Senator BINGAMAN that a point of order will lie against this is wrong. Paragraph 7, rule XVI only requires the Appropriations Committee to list the unauthorized programs. He made my point: 20 percent of our appropriations are unauthorized from expired or sunsetted programs. It won't stop anything if it is a good program.

I contend with Senator DOMENICI that he thinks this is a great bill, but the only way we are going to know is the results of the bill. So based on what we think, not on what we know, is the reason this bill should be sunsetted so that it forces us to go back and look at what we might think we know today but didn't know and change it.

It is about putting discipline into our body. It is about forcing us to do the work the people told us they wanted done when we came here. It requires us to not be fortune tellers, to not be seance dwellers, but to, in fact, look at the facts after 3 years, see what it has accomplished, and forces us to make the changes.

The Senator knows quite well that on most of the programs we haven't done that. That is one of the reasons we had a $350 billion deficit. That is one of the reasons we had $200 billion that we spent on wasteful, duplicated, or fraudulent programs last year out of the $1 trillion we spent in the discretionary budget.

What I am trying to do is force us to do the hard work of relooking. I agree, does that make it hard? Yes. Nobody said it was going to be easy. But I would want any Senator in this body who says they know the outcome of this bill to put something behind that and say we don't need to relook at it. That is the question. This is a disciplinary force that says we have to come back and look at it.

Let me remind my colleagues again. There are great ideas in this legislation. I don't doubt that for a minute. This didn't go through the committee process. This wasn't made available for amendments. On an $80 billion authorization—which is what it is going to be if we guess at the sums that are authorized for this bill—to not have it go through either committees of jurisdiction and come to the floor, and we are going to spend this kind of money and we are going to think rather than know it is going to work, and to say we should not look at it I find really ironic, and I feel pretty sure most of the American people would think we can't know for sure.

It is a commonsense amendment and will cause us to do what is necessary.

AMENDMENT NO. 922

Mr. President, I ask unanimous consent to set the pending amendment aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. I call up amendment No. 922.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 922.

Mr. COBURN. Mr. President. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To promote transparency at the National Oceanic and Atmospheric Administration)

At the end of title V of division A, add the following:

SEC. 1503. NOAA ACCOUNTABILITY AND TRANSPARENCY.

(a) REVIEW OF ACTIVITIES CARRIED OUT WITH NOAA FUNDS.—

(1) REQUIREMENT FOR REVIEW.—The Inspector General of the Department of Commerce shall conduct routine, independent reviews of the activities carried out with grants or other financial assistance made available by the Administrator of the National Oceanic and Atmospheric Administration. Such reviews shall include cost-benefit analysis of such activities and reviews to determine if the goals of such activities are being accomplished.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make each review conducted pursuant to paragraph (1) available to the public through the website of the Administration not later than 60 days after the date such review is completed.

(b) PROHIBITION ON USE OF NOAA FUNDS FOR MEETINGS.—No funds made available by the Administrator through a grant or contract may be used by the person who received such grant or contract, including any subcontractor to such person, for a banquet or conference, other than a conference related to training or a routine meeting with officers or employees of the Administration to discuss an ongoing project or training.

(c) PROHIBITION ON CONFLICTS OF INTEREST.—Each person who receives funds from the Administrator through a grant or contract shall submit to the Administrator a certification stating that none of such funds will be made available through a subcontract or in any other manner to another person who has a financial interest or other conflict of interest with the person who received such funds from the Administrator.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President. we passed the Fisheries Act, the Magnuson-Stevens Act, which was reauthorized this year in which Senator STEVENS undertook, correctly, the responsibility of eliminating conflicts of interest and created oversight on the fisheries boards.

We have recently had notification and seen some pretty significant abuse within NOAA of some of their grant processes. All this amendment says is. we are going to add some accountability and transparency to the National Oceanic and Atmospheric Administration grants program.

I refer my colleagues to a Baltimore Sun article which has been prominent in that newspaper over the last couple of weeks where over $10 million in a grant has failed to demonstrate results. It is riddled with conflicts of interest, and it has had little to no oversight from NOAA.

Before we expand NOAA, one of the things we ought to do is make sure there are no conflicts of interest, financial or otherwise, in the grant process.

I ask unanimous consent to have printed in the RECORD both articles outlining this situation, as well as a Stanford study on other areas of NOAA where there is a lack of informed consent and a lack of conflict of interest rules for NOAA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Environment News Service, Nov. 13, 2003]

FISH PERISH AS CONFLICT OF INTEREST SNARES MANAGEMENT COUNCILS

WASHINGTON, DC.—The regional fishery management councils that govern the multibillion dollar U.S. commercial and recreational fishing industry are dominated by the industry, exempted from federal conflict of interest laws, and subject to little federal oversight, says a new report released Wednesday by three Stanford University researchers. Sixty percent of appointed council members have a direct financial interest in the fisheries that they manage and regulate, say the authors of the report, "Taking Stock of the Regional Fishery Management Councils."

Stanford's Josh Eagle, Barton Thompson Jr., and Sarah Newkirk conducted a review of the mandates, constitution, rules, and procedures of the United States' Regional Fishery Management Councils, and surveyed members of four of the eight councils. Their study, sponsored by The Pew Charitable Trusts, concludes that the councils have presided over the economic and biological decline of many fisheries, and that the councils are not likely to implement the kind of management necessary to prevent future declines. "The oceans are among the nation's greatest natural resources, yet few Americans know who manages the nation's fisheries or how decisions affecting the sustainability of fisheries are made," said co-author Josh Eagle, director of the Stanford Fisheries Policy Project and lecturer in law at Stanford Law School.

The eight fishery councils were established in 1976 by the passage of the Fishery Conservation and Management Act, now known as the Magnuson-Stevens Act, to take primary responsibility for the management of dozens of fisheries along U.S. coasts in Atlantic, Caribbean, Gulf of Mexico and Pacific waters.

The recent collapses of once abundant species, such as cod in New England and rockfish off the Pacific coast, have caused hardship for fishing communities across the country. In addition salmon, tuna, red snapper, lobster, and blue crab, among many other species, are overfished, and many scientists, including the report's authors, say an essential step in helping these species recover is to put an end to overfishing. Eagle said, "With more than a third of the nation's studied fish stocks overfished and the status of many more uncertain, it is clear that we must apply standards of good government to the management of America's fisheries and place the public's interest first."

The councils opened a three day conference today in Washington, DC to educate the public, policy makers, and media on the marine fishery management process. They are presenting successful management examples by region, and current management and research initiatives. The councils say they wish to "help bridge the gap between perception and reality regarding fisheries management" and to provide a forum for information exchange and to solicit a wide range of perspectives on future management and marine research directions. But Eagle, Thompson, and Newkirk say in their report that the councils are unlikely to solve the current problems facing the Nation's fisheries for at least three reasons.

First, council members face a conflict of interest because they must limit the number of fish that can be caught to ensure their conservation while also allocating the allowable catch among members of the industry, who may apply pressure to increase the size of their quotas. Second, because 80 to 90 percent of appointed council members are from the fishing industry, diverse viewpoints are not fairly represented in council discussions and decisionmaking, the report states. Each council has only one environmental representative, one state official and one federal official in addition to the fishing industry members. Congress requires federal advisory commissions to be "fairly balanced in terms of points of view represented and the functions to be performed by the advisory commission," but the fisheries management councils are not subject to the Federal Advisory Committee Act.

Finally, the split in responsibilities between the councils and the National Marine Fisheries Service removes effective accountability for the status of the Nation's fisheries, the report's authors conclude. An example from the Western Pacific Fishery Management Council based in Honolulu, reported by the "Cascadia Times," shows how the process works in practice. In June the Secretary of Commerce appointed longline fisherman Sean Martin to a seat on the Western Pacific Fishery Management Council. Martin is also co-owner, with Jim Cook, of Pacific Ocean Producers, a fishing equipment supply company.

Longlining kills endangered sea turtles when they become entangled in the 60 mile long fishing lines baited for swordfish and other commercial fish species.

On September 23, the Western Pacific Fishery Management Council decided whether or not to reopen swordfishing in Hawaiian waters through which endangered leatherback turtles migrate. Biologists told the council the rule would harm 144 sea turtles per year, but on a motion by Martin, the council voted 8–5 to reopen the fishery. The September 23 vote may also lead to violations of the Endangered Species Act. "It would authorize a far higher number of sea turtle takes than the scientific record supports," says William Hogarth, assistant administrator of the National Marine Fisheries Service, now known as NOAA Fisheries.

Some fisheries management councils do take action to protect fish species. On November 21, following action taken by the federal Pacific Fishery Management Council and conforming action taken by the state of California, recreational and most commercial fisheries for nearshore rockfishes, shelf rockfishes, California scorpionfish (sculpin), and lingcod will close in all Pacific waters. "In past years, anglers had more opportunities to fish for rockfish in deeper waters. This year, fishing for rockfish was limited to waters shallower than 120 feet which put greater pressure on nearshore species," explained Fred Wendell, California Department of Fish and Game nearshore fishery manager. And some fish populations are doing well. The Mid-Atlantic Fishery Management Council released survey data in June showing summer flounder numbers had reached the highest levels ever recorded since the survey began in 1968.

"The robust recovery of the summer flounder stock is a direct reflection of the positive impacts that the management measures have had on the resource," said Dr. Christopher Moore, council deputy director. "The Council and Commission should be extremely proud of the management decisions they have made over the years to rebuild summer flounder." Still, many members of the four fisheries management councils polled by the authors of "Taking Stock" agreed that there are problems with the current system and that these problems should be addressed.

Eagle, Thompson, and Newkirk report that more than half of the council members polled said environmental interests are underrepresented on the councils. Roughly a third of the respondents said they had felt it unfair in one or more past instances for a fellow council member to participate in a decision in which he or she had a financial interest. A similar percentage expressed concern about decisions in which the relatives or friends of voting council members had a financial interest in the outcome.

Eagle, Thompson, and Newkirk call for changes in federal policy on fisheries management councils that would institute the same standards of "good government" that apply to other federal and state agencies charged with managing U.S. natural resources. First, they say Congress should separate the institutional decisionmaking responsibilities for conservation and quota allocation. To broaden council representation, Congress could require governors to submit a more diverse list of candidates, or require that nominations be made by an independent body such as the National Academy of Sciences, they recommend. And finally, only federal management exempts federal decisionmakers, the council members, from conflicts of interest. Remedies suggested by the authors include lowering the recusal threshold and prohibiting those holding financial interests in regulated fisheries from council appointment.

[From the Baltimore Sun, Apr. 1, 2007]

Oystermen Reap Federal Bounty—Bid To Revive Bivalve Benefits Watermen More

(By Rona Kobell and Greg Garland)

At the Hyatt Regency resort in Cambridge, several dozen scientists, watermen and government regulators gathered to sip martinis and mingle over hors d'oeuvres. Later, there were cheers and tributes as they dined on crab and filet mignon. The mood was celebratory at January's annual meeting of the Oyster Recovery Partnership. Yet the government-financed nonprofit has made little progress toward its stated mission of restoring oysters to the Chesapeake Bay. Maryland officials set up the group more than a decade ago in what was envisioned as a groundbreaking attempt to revive a species all but destroyed by overharvesting and disease. Since 2002 alone, the partnership has received $10 million in federal funds to lead Maryland's efforts to make oysters an abundant, self-sustaining species again.

The way to do that, leading scientists say, is to leave the shellfish in the water so they can reproduce and propagate the species. But the partnership puts most of its oysters in places where watermen can take them out—and sell them for roughly $30 a bushel. "If you're serious about the ecological value of oysters, then they must remain in the bay and live," said veteran oyster biologist George Krantz, former fisheries director at the Maryland Department of Natural Resources. The partnership's spending has done more to create income for watermen than bring back the Maryland oyster, an investigation by The Sun has found. The group not only provides watermen a crop to harvest, but it also pays them to do work that many scientists say has little merit. The Sun found:

While the partnership has planted tens of millions of hatchery-raised oysters, less than a third have been put in protected sanctuaries. Most are planted in places where they can be harvested.

The group is paying the Maryland Watermen's Association nearly $400,000 this year to remove diseased oysters from one part of the bay and dump them in another. Proponents say this practice helps other oysters survive, but it has no proven scientific value. Critics say a primary benefit is to provide work for watermen.

The head of the Watermen's Association sits on the partnership's board and is among those who benefit financially from the federal grants. Association president Larry Simns Sr. doled out tens of thousands of dollars of the grant money to watermen last year to help plant or move oysters. Also, he collected $40,100 for supervising their work.

The group used $46,000 in federal funds to hold its annual meeting at the Hyatt Regency, a golf resort and spa. The money went not just for the fancy dinner but also for hotel rooms for 50 of the guests. Private funds were used only for the alcohol.

While solid figures are not available, the Department of Natural Resources estimates that there are fewer oysters in the Chesapeake today than when the Oyster Recovery Partnership began its work in 1994. Its efforts have failed to overcome the devastating impact of two oyster parasites, MSX and Dermo, that have all but wiped out the oyster population. Partnership officials nonetheless consider their work a huge success. "We're certainly doing infinitely better than what has been done in the past," said Torrey C. Brown, a former state natural resources secretary who now serves as the partnership's unpaid chairman. He is proud of the group's extensive oyster-planting program. Partnership officials say it makes sense to let watermen harvest many of those oysters because the shellfish would die eventually of disease. They point out that in the several years before the oysters are harvested, they help the bay by filtering away pollution. "The idea that it is a watermen's welfare program is nonsense," Brown said. "I don't think that they're getting any untoward benefit."

Though the partnership gets millions in federal funds, it operates with virtually no governmental oversight. The group gets the money as the result of a budget "earmark" arranged by Sen. Barbara Mikulski, a Maryland Democrat, and the grant is distributed. by the National Oceanic and Atmospheric Administration. A top NOAA official acknowledged that his agency hasn't intervened as the partnership used the grant to run programs that he said are effectively subsidies for watermen. Because the money was approved specifically for the partnership through an earmark, agency officials believed they had no authority to interfere, said Lowell Bahner, a NOAA administrator who until recently oversaw the agency's Chesapeake Bay office.

"Senator Mikulski said, 'I want oysters in the water for harvest by watermen,'" Bahner said. "Is that a subsidy? That's what it looks like. And I think she would be proud of that." Mikulski declined to be interviewed for this article. But in a written response to questions from The Sun, she said she expected NOAA "to have strong oversight" of how the grant was being spent. In addition, she said the money "was never intended to be a subsidy for industry or watermen." "Unlike farm subsidies, this does not guarantee revenue for watermen or industry," Mikulski said. "This was intended . . . to help jumpstart restoration for the economic and environmental health of the Bay."

Many scientists question why the partnership is spending millions of federal dollars to plant oysters, only to let watermen take them before they can reach full reproductive potential. "You can't justify doing it," said Krantz. "The agenda has virtually excluded any scientific personnel who voiced opposition to this concept. . . . The decision to take them out is based on a harvester's wishes, not a conservationist's wishes."

ROCK BOTTOM

The Oyster Recovery Partnership traces its roots to the winter of 1993, when Maryland's oyster industry hit rock bottom. Watermen harvested fewer than 80,000 bushels of oysters that season, taking home about $1 million. Just a decade earlier, they were bringing in more than a million bushels, which fetched $16 million at the dock. In the years before that, the harvests were even better, providing a stable income for thousands of people who earned their living on the water.

The fast decline of the oyster was alarming not just because it was putting watermen out of a job. Oystering was part of Maryland's identity, the old-fashioned simplicity of the work immortalized in sepia-toned photographs of watermen plying their wooden tongs from sail-powered skipjacks. The collapse of the species was of tremendous concern to scientists. Oysters are the backbone of many aquatic communities, providing reefs that are crucial habitat for crabs and small fish. They are also critical to the health of the Chesapeake because, as they suck in water to filter out food, they literally filter away pollution.

Among those most concerned was Brown, then Maryland's secretary of natural resources. He gathered everyone he could think of with a stake in keeping oysters healthy, assembling in one room a motley coalition of 40—watermen, regulators, legislators, university professors. He hired a facilitator to calm tensions at what became known as the Oyster Roundtable. No one was allowed to leave the table until everyone agreed on what to do next.

But as further meetings were held, Brown said, it was clear the warring parties didn't trust each other. So he suggested creating a nonprofit agency that would get the various groups involved in an effort to bring back oysters. It would not be a research organization—plenty of those already existed. Rather, it would work with scientists and watermen to plant oysters in the water and monitor their progress. Ideally, the group would receive a small amount of government money, but it would also raise private funds.

The Oyster Recovery Partnership was formally created in 1994, under a board that today numbers 18 people, including seafood executives, other businessmen and environmentalists. Its purpose, according to a written agreement with the state, was to develop projects to promote "the ecological restoration of oysters in the Chesapeake Bay." The agreement says nothing about helping watermen. But the group's first office was in a back room of the Maryland Watermen's Association headquarters in Annapolis. The partnership has since moved into space across the hall. The organization got off to a rocky start. It never raised the private money its founders had hoped for, and its small staff often seemed overwhelmed. By 2000, the group had gone through two executive directors and was in poor financial shape. It advertised for a new executive director and interviewed dozens of candidates. Charles Frentz was one of the last. "I told them, 'I am either going to put you out of business or straighten you out,'" Frentz recalls.

A LACK OF FOCUS

Frentz conceded that he knew little about the biology of the bay—he had spent much of his career running several horse racing businesses in Florida, including one that put on the prestigious Breeders' Cup. He said he hadn't been looking for a job; he was retired and had moved to Maryland largely to marry his high-school sweetheart, an executive at the Social Security Administration. But he brought with him a passion for the bay that came from growing up near Sparrows Point and spending summers at a family home in Tolchester Beach, trawling for soft-shell crabs. More importantly, he said, he could apply sound management practices to a foundering organization. "It was almost a feel-good situation where you had good intentions, but there was a lack of business focus," Frentz said. "There was no question that I challenged how they did business, why they did business and how they would do business in the future."

When Frentz came on board, the partnership was getting about $450,000 from NOAA and had little other income. It was using volunteers to plant small clusters of oysters on tiny plots throughout the bay. If the partnership had any prayer of significantly increasing the number of oysters in the Chesapeake, Frentz reasoned, it would need to plant many more baby oysters. To do that, it would need more money.

Frentz persuaded Donald Meritt, the manager of the University of Maryland's Horn Point hatchery, to produce more oysters, promising to get money to upgrade the facility. Frentz also cultivated Mikulski, who had been earmarking money for the partnership. In his first year in the job, Frentz nearly doubled the ORP's federal funding, to $850,000. By 2002, the group was getting $1 million; by 2004, $2 million. Last year, the funding doubled again to about $4 million.

As the money increased, so did Frentz's pay. He was hired for $58,000 in 2000, according to the partnership. By the time he retired three months ago, he was earning $151,000, most of it from federal funds. He still gets $10,000 a month as a consultant. Frentz frequently praised Mikulski, even presenting a video tribute to the woman he called "Our Bay Lady." She returned the compliments. In a 2004 letter to Frentz, she called him "just about the best thing that has happened to the Chesapeake Bay since the skipjack."

HELPING WATERMEN

The idea of using government money to help watermen isn't new. The Maryland Department of Natural Resources has for years run oyster programs that are essentially subsidies. The state agency moves baby oysters from the lower Chesapeake, where they are abundant naturally, and spreads them around the bay. A committee of oystermen tells the department where they want this "seed," as the babies are called, and the department delivers. The idea is to help watermen from upper bay counties earn a living, state officials say. The agency has been doing this for decades. But when parasites began to attack the bay's oysters in the 1970s and 1980s, this practice turned out to have a down side. The parasites that attack oysters thrive in the same salty waters where oysters reproduce. So when the state moved oyster seed to lower-salt waters, the parasites hitched a ride—spreading disease.

Initially, state officials thought that wouldn't happen because they believed the parasites wouldn't survive in the fresh water of the upper bay. Once it was clear the parasites would survive, the department continued to move the seed around anyway, arguing that since the bay's oyster population was so far gone, stopping the program wouldn't lessen disease and would only hurt watermen. "History is what it is," said Chris Judy, the department's longtime shellfish director, explaining why the practice has continued. "The time to [say] 'Let's not move diseased seed' was at the beginning."

MANAGED RESERVES

Charlie Frentz didn't want to spend millions of dollars to plant disease-resistant oysters only to have the state turn around and deposit diseased seed nearby. So he asked the watermen to turn down the state's seed. He said the partnership would instead provide hatchery-raised oysters that would eventually be available for harvest. The oysters would be planted on special bars that he called "managed reserves."

Normally, watermen can take oysters from the bay when they are 3 inches long. In the managed reserves, they had to wait until the oysters were 4 inches. The larger size meant the oysters would have an extra year or so to live in the bay. But after the first year, when one waterman was so mad about the restrictions that he threw an oyster hammer at Larry Simns, the partnership changed the rules. Today, when half a bar's oysters reach 4 inches, watermen also can remove the 3-inch oysters.

Meritt, the hatchery manager, calls the managed reserve "a really nice compromise" because it gives many oysters an extra year in the bay to provide ecological benefits. But other scientists say the program is nothing more than an expensive put-and-take fishery falsely billed as restoration. An oyster's ability to reproduce increases exponentially with each year it survives. So harvesting the animal after just four years—about the time it takes to reach 4 inches—cuts off its life span at a critical time, according to Krantz, the former fisheries chief.

He estimates that if an oyster reaches 5 or 6 inches, it will have a 3,000 percent increase in reproductive capability. Krantz and other scientists say it's crucial to leave the oysters in the water; even if many will die of disease, the ones that live will help propagate a species that can withstand disease. Of the 950 million hatchery-raised oysters that the partnership has planted since 2000, more than half have gone into managed reserves. About 100 million were planted for harvesting without any special restrictions. Only about 265 million were put in oyster sanctuaries where harvesting is prohibited. The sanctuary oysters have done better than many expected. About 20 percent of them are still alive, according to Kennedy T. Paynter Jr., a University of Maryland scientist who is paid by the partnership to monitor its bars. That survival rate is good, Paynter said, given that half of the oysters planted anywhere in the bay are expected to die in the first year. The numbers appear to contradict the watermen's assertions that if oysters are not harvested, they will just die of disease. "To use that as an excuse to harvest is a logical absurdity," said University of Maryland oyster biologist Roger Newell. "If an oyster is harvested, there is a 100 percent chance of it dying." If you leave it at the bottom, he said, there is a chance it will live.

BAR-CLEANING

More lucrative for Simns and some other watermen has been the "bar-cleaning" work—removing diseased adult oysters from some of the partnership's bars and dumping them in another spot. Watermen will return to the spot later to harvest the oysters for private sale; while disease eventually kills the shellfish, infected oysters are safe for people to eat. So the watermen earn money twice in this process. They are paid by the partnership to move the diseased oysters, and then they get to harvest them. The bar-cleaning work is done in the spring, between the end of oyster season and the start of crabbing season—a period when many watermen have time on their hands. But removing the bad oysters is also good for the bay, according to Paynter.

When oysters die, they gape open and spread disease. So it's important, Paynter said, to get them out while they're alive. Paynter said, however, there is no scientific benefit to putting the diseased oysters back in the bay for watermen to harvest later. "Really," he said, "we'd like to take the diseased oysters out and put them into the driveway." Other scientists and state officials say bar cleaning has little merit even in terms of removing disease. A state study in 2005 showed that bar cleaning leaves behind infected oysters.

"Bar cleaning may buy you a little bit of time to produce more market-size oysters, but eventually disease is going to take hold," said DNR assistant fisheries director Tom O'Connell. He argues the partnership shouldn't be spending so much money on bar cleaning until it is studied more. Despite the lack of scientific evidence that the process works, the ORP allocated almost $400,000 of this year's $4 million federal grant to the Maryland Watermen's Association for bar cleaning. Simns, a member of the ORP's executive board, hands out that money—wearing his hat as president of the Watermen's Association. He says he uses a process that is above board and fair.

He sends out "bid forms" to the roughly 500 watermen who have oyster licenses asking them to suggest a daily price for the work, he said. Then, Simns said, he sets a rate based on the average of the bids he receives—last year, $450 a day. He gives work to pretty much everyone who asks, Simns said, about 50 watermen last year.

Simns acknowledges that he used ORP money to pay himself $40,100 last year, in part to supervise this work that is done by men who are members of his association. The people who are paid include his son, Larry Jr., who gets $100 day as a crewman on his father's boat, partnership records show. The Watermen's Association itself gets about $65,000 of the money for administering the contract—money it uses for operating expenses. As for his own pay, Simns argues that the partnership needs him to oversee the work—he has been working the water since he was a boy, and he knows all the watermen. "It's better for ORP to have someone like the Watermen's Association manage the watermen," said Simns, 70. "They can't blow smoke at me, because I know. I've done all that stuff."

He said Frentz assured him that his role in the Watermen's Association was not a problem—that he could be on the ORP board at the same time he was getting money from an ORP grant. "I don't vote on anything that has to do with the Maryland Watermen's Association," Simns said. But his position as a member of a nonprofit's board who derives financial benefits from the relationship raises conflict-of-interest questions. Daniel Borochoff, president of the American Institute of Philanthropy, a watchdog group that monitors nonprofits, said it generally is not good practice for an organization to pay one of its governing board members for services. "A board member receiving money to perform services, that is frowned upon," he said.

According to Simns, the other watermen net from $100 to $125 from their $450 barcleaning checks after paying for gas and the expense of keeping up a boat. Nevertheless, it can be an important source of income, said Floyd "Bunky" Chance, an Eastern Shore waterman. "Everyone who participates likes it, for the income if nothing else. . . . Most watermen are just trying to keep the wolf from the door," he said.

HEY, TRUST US

NOAA officials acknowledge that they have done little to manage or oversee the money their agency gets from the earmark and passes on to the Oyster Recovery Partnership. The agency does not scrutinize the partnership's salaries, administrative expenses or the money it spends on its annual banquet, said NOAA grant manager Rich Takacs. "It's up to the organization receiving the funds to use their internally approved business practices," Takacs said.

When asked for copies of the partnership's contracts with the Watermen's Association for bar cleaning and other work, Takacs said he didn't have any. The partnership wasn't asked to provide them, he said. Takacs said the partnership's approach to its bar cleaning and oyster planting operations has been "a lot of 'Hey, trust us.'" Unlike many other NOAA grantees, which provide detailed reports on their scientific work, the partnership provides only cursory reports of one to two pages with a broad general description of its work, he said.

As a result, there has been no comprehensive assessment of what the $10 million in federal funds granted to the partnership in the past five years has done to help the cause of restoring oysters to the bay, NOAA officials said. Even in terms of helping watermen, the program almost certainly is not cost-effective, partnership and NOAA officials admit. A government analysis of the Department of Natural Resources seed-moving program showed that, for every dollar the state spent to create a crop for watermen to harvest, the watermen earned 13 cents in oyster sales.

Bahner, who ran NOAA's Chesapeake Bay office until last year and has taken a job at the agency's Silver Spring headquarters, said he believes the partnership is making a valuable contribution to the bay in planting millions of oysters. He also said, however, that Mikulski's earmark put his agency in a difficult position.

Federal scientists and grant managers wanted to ensure that the money was used in the best way to restore oysters, he said. But partnership officials argued that the program was designed to help watermen and that NOAA's job was to hand over the checks. "When the program started, it was primarily, 'Put the oysters in the water for the watermen,'" Bahner said. "You've got this whole watermen's community. It's a subsidy program."

[From the Baltimore Sun, Apr. 14, 2007]

OYSTER GRANTS TO STATE DISPUTED—SENATOR ASKS DETAILS ON $10 MILLION

(By Greg Garland)

A conservative Oklahoma senator who wants to eliminate congressional earmarks has asked a federal agency for a detailed explanation of how $10 million in government grants for oyster recovery has been spent in Maryland.

In a letter to the head of the National Oceanic and Atmospheric Administration, U.S. Sen. TOM COBURN said he was "very concerned" about questionable spending practices detailed in an article in The Sun about the Maryland's Oyster Recovery Partnership. "It sounds like a dubious use of federal dollars and raises a lot of questions," Roland R. Foster, an aide to the Oklahoma Republican, said yesterday. The partnership, a nonprofit group charged with trying to restore oysters to the Chesapeake Bay, receives its annual funding through a federal budget "earmark" arranged by U.S. Sen. BARBARA A. MIKULSKI, a Maryland Democrat.

The Sun reported this month that while the group has planted nearly a billion hatchery-raised oysters since 2000, less than a third have been put in protected sanctuaries. Most have been planted in places where they can be harvested by watermen and sold. The newspaper also found that the partnership is paying the Maryland Watermen's Association nearly $400,000 this year to remove diseased oysters from one part of the bay and dump them in another. Proponents say this practice helps other oysters survive, but it has no proven scientific value. Critics say its primary purpose is to provide income for watermen. The partnership also used $46,000 in federal funds to hold its annual dinner at the Hyatt Regency golf resort and spa in Cambridge, The Sun reported. Meanwhile, the bay's oyster population remains at historic lows.

In the letter to NOAA chief Conrad C. Lautenbacher Jr., Coburn questioned how the earmarked funds were being used. "What oversight has NOAA conducted of this specific grant?" Coburn asked. "[P]articularly was NOAA aware that funds were being used for banquets or of the financial conflicts of interest between staff and organizations receiving funding?"

Coburn also asked for reports on how the partnership is doing in meeting its stated goals and whether its federally funded efforts have been cost effective. Monica Allen, a spokeswoman for NOAA, declined to comment on Coburn's letter but said the agency would provide a copy of its response when it is completed and sent to Coburn. Stephan Abel, executive director of the Oyster Recovery Partnership, said, "It would be inappropriate to comment until NOAA has had the opportunity to respond." Foster said Coburn has attempted to focus attention on earmarks as part of a campaign to end what he regards as wasteful government spending. A year ago, Coburn and Arizona Sen. John McCain sent a letter to all 100 U.S. senators announcing they would challenge every earmark, or "pork project," on the Senate floor.

The problem with earmarks, Foster said, is they are made based on political connections and aren't subject to competition or stringent oversight. Coburn said The Sun's article about the Oyster Recovery Partnership's spending raises larger concerns about how NOAA handles its federal grants. "Is this one example the exception, or is this a widespread problem at NOAA?" Foster asked. Lautenbacher has taken issue with The Sun's findings, saying in a recent letter to the newspaper that his agency provides adequate oversight of the federal funds provided to the partnership.

NOAA officials have pointed to the fact that the partnership has hired an auditor each year to do a standard financial review to comply with federal requirements. In 2006, Senator Mikulski asked NOAA for "an independent audit" of the partnership. In response, records show, the partnership had its usual accounting firm review its own audit reports from prior years. The firm found its reports to be appropriate.

Mr. COBURN. Mr. President, it has come to mind that NOAA, when they do the grants, lets the grantee set the terms of oversight. I ask unanimous consent to have printed in the RECORD from NOAA's official Web site their financial assistance application for their grants where they ask the grantee what kind of oversight they want rather than setting it up themselves.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOAA FINANCIAL ASSISTANCE APPLICATION

C. FEDERAL INVOLVEMENT

C1. Is the proposed activity going to be conducted in partnership with NOAA or would the proposed activity require NOAA's direct involvement, activity, or oversight? If yes, describe NOAA's involvement, activity, or oversight, including the name of the office or program that is involved.

C2. Would the proposed activity involve any other federal agency(ies) partnership, direct involvement, activity, or oversight? If yes, provide the name(s) of the agency(ies) and describe its involvement, activity, or oversight.

Mr. COBURN. Mr. President, let me describe what has happened. There was an earmark which NOAA believed they did not have the responsibility to oversee, since it was an earmark, in terms of rehabitating oyster beds. We have seen from the investigations so far that it has been highly ineffective. But more importantly, what we have seen is conflicts of interest in terms of the board that manages the program and the ownership of the companies that are given the grant money.

I won't go into the details. Senator MIKULSKI is in agreement that they should be oversighted and looked at and conflict of interest should be eliminated. This amendment is very simple. It just says that ought to happen and there ought to be a review, there ought to be a prohibition of use of NOAA funds for meetings. There is $46,000 yearly going out for a meeting out of this grant money with no real concern. There is no conflict of interest requirement in the grant authority-making process at NOAA. So this amendment simply sets out that we ought to have basic conflict of interest rules of engagement in the grant-making process with NOAA.

I reserve the remainder of my time.

Mr. BINGAMAN. Mr. President, let me speak, again regretfully, against the Senator's amendment, and I do so first on behalf of Senator INOUYE as chairman of the Commerce Committee. This is, of course, within the jurisdiction of the Commerce Committee. The provisions of the amendment relate to the Department of Commerce and NOAA, and the statement I have been given by Senator INOUYE is pretty straightforward and says the amendment, while possibly based on good intentions, actually causes substantial harm to numerous NOAA programs and activities and missions.

Some of the specifics cited are that the provision requiring that audits be posted on the Web within 60 days does not contain safeguards for proprietary information that may have been gathered as a result of the audit. Also, a concern has been raised about the prohibition in section B on the use of NOAA funds for meetings. The provision in the amendment says:

> No funds made available by the administrator through a grant or contract can be used by the person who received the grant or the contract to attend any conference other than a conference related to training or routine meetings of officers or employees of the administration.

One of the basic activities scientists and engineers engage in is doing their research and then presenting that research at conferences so they can have reaction from their colleagues and their peers and have an interchange about the validity of the work they have done. This would prohibit the use of funds for that purpose, which is one reason it would be objectionable.

The other concern that has been raised is we are setting up a separate procedure here with regard to handling conflict of interest issues at NOAA which would be separate and apart from the general procedures the Federal Government has with regard to grant review processes. The thought is that those general processes should be made to apply and we should not be writing into law, particularly as an amendment to this legislation, some kind of separate provision and requirement with regard to just this one agency within the Department of Commerce under the jurisdiction of the Commerce Committee.

Mr. President, I yield the floor.

Mr. COBURN. Mr. President, what you just heard was a denial that we need oversight and that people shouldn't be accountable for how they spend Federal dollars. The fact is, this is one program and one meeting. This doesn't stop meetings. This doesn't stop any legitimate function. This was a golf tournament and a meeting for 2 days that cost $46,000 of Federal funds. I will tell you, NOAA does not have any conflict of interest rules presently in their guidelines.

So what the Senator is saying is, leave it the way it is today. Let's don't change it. That is exactly the problem, because this didn't come through the Commerce Committee. They would have fixed it, as Senator STEVENS fixed the fishery boards. Instead, what we are trying to do with this is to fix the same thing Senator STEVENS did with the fishery boards. Because it didn't come through committee, that didn't get attached. Now that we want to attach it on the floor, we don't want to have that done.

The fact is, there is no oversight catalyst with these grant programs. By defeating this amendment, we are going to continue saying there is none. If you don't like this amendment, then fix it in conference. There is no reason why we shouldn't hold these grants to the light of day. There is no reason why they shouldn't be transparent. Everything in this Government should be transparent.

There is nothing in these grants that is fiduciary or private that shouldn't be exposed. The fact is, if you are going to take money from the Federal Government, the American people ought to know what you do with it. What we are saying is, we don't want that to happen. That is what defeating this amendment means. It means more secrecy, less transparency. It means, by the way, if there is a financial conflict of interest, don't worry about it, we don't want to hold them accountable.

I understand the resistance, but the American people won't understand the resistance. The real problem we are faced with is our Government is so big and into so many things that we don't know where it is being handled right or wrong. This is one small step to say there shouldn't be a conflict of interest. There ought to be reporting, there ought to be oversight, which there is not. We ought to be asking the GAO to oversee it and to look at it. That is all it does.

Mr. President, I will rest with the will of the body on that amendment.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ALEXANDER. Mr. President, I wonder if the Senator from Oklahoma would permit me a couple of minutes to comment on something.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I want to describe how this bill got to the floor because it has been suggested it might not have come through committee. The energy parts of this bill were fully considered by the Energy Committee when it was chaired by Senator DOMENICI last year, and it was then reported to the Senate in March. The Commerce Committee parts of it were fully considered by the Commerce Committee in May or June and reported to the full Senate then. The only parts of the legislation that didn't go through the regular committee process were from the Health, Education, Labor, and Pensions. That was the decision of that committee to do that. They had a series of roundtables and a series of meetings and made recommendations to the working group.

The working group then had meetings with the administration officials, and Senator DOMENICI presided over most of them—we called them homework sessions—and then Senator Frist and Senator REID introduced this legislation last October. It has been public all that time. Then Senator REID and Senator MCCONNELL introduced the legislation in January of this year, and it has been public all that time.

I wanted to make sure it was known that this is legislation that has been fully exposed to the light of day, whatever the merits. I am not commenting on the merits of the comments of the Senator from Oklahoma, but I did want everyone to be reminded of the process through which this went to get to the floor.

Mr. President, I thank the Senator for his courtesy.

AMENDMENT NO. 921

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and that amendment No. 921 be called up.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Oklahoma [Mr. COBURN] proposes amendment No. 921.

The amendment is as follows:

(Purpose: To discontinue the Advanced Technology Program of the National Institute of Standards and Technology)

At the appropriate place, insert the following:

SEC. ___. DISCONTINUATION OF THE ADVANCED TECHNOLOGY PROGRAM.

(a) REPEAL.—Section 28 of the Act of March 3, 1901 (15 U.S.C. 278n) is repealed.

(b) UNOBLIGATED BALANCES.—Any amounts appropriated for the Advanced Technology Program of the National Institute of Standards and Technology, which are unobligated as of the effective date of this section, shall be deposited in the General Fund of the Treasury of the United States for debt reduction.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 90 days after the date of the enactment of this Act.

Mr. COBURN. Mr. President, this is an amendment to eliminate the Advanced Technology Program. I see the Senator from Michigan is here, and I am sure she will mount a rigorous defense in regard to it.

There are some things people should be aware of. We had an oversight hearing on this program in my Federal Financial Management Subcommittee. We showed it to be ineffective. Between 1990 and 2004, 35 percent of the $2 billion of this program went to Fortune

500 companies—Fortune 500 companies—with 65 percent of the grants under this program never being asked to be funded outside of the program. In other words, they never went to the private sector. Almost two-thirds never attempted to get funding in the private sector.

This was a program that was designed to help with technology. It wasn't designed to be a corporate welfare program. In fact, what has happened is that five companies since 1990 have consumed $376 million of this money. Let me tell you who the companies were. They were: General Motors, hardly in need of taxpayer money to fund research; IBM, hardly in need of taxpayer money to fund research; General Electric, hardly in need of taxpayer money to fund research; Minnesota Mining, 3M; and Motorola. Their combined revenues yearly are in excess of $50 billion.

We are going to see a large defense of this program, because there have been some instances where it has done some good. I don't deny that. But for the $2 billion we have spent on it, what have we gotten? The House has eliminated this program, by the way. We decreased it over the last 2 years. This is a program that is not working efficiently, is not working effectively, and we are not getting great return for our money.

Mr. President, with that, I will withhold the rest of my comments and retain the balance of my time.

Mr. DOMENICI. Would the Senator yield for 30 seconds to the Senator from New Mexico?

Mr. COBURN. I believe you all still have time.

Mr. DOMENICI. I intend to vote for your NOAA amendment, and I compliment you on what it does. I do think you have some merit in the other amendments, including the last one. It is just very hard to do that kind of thing now on this bill.

I think you have raised some real points about that big program. We ought to be careful when we have a $2 billion program, and we are not. It is not getting out there to small and independent businesses that have to go and seek private assistance, and you have made good points. It is just hard to do it on this bill.

The NOAA amendment, I am telling you in advance, I am for you.

Mr. COBURN. I thank the Senator for his comments. I would note that the House didn't find it hard to eliminate ATP on their component piece of legislation that will be matched up with this and, in fact, last year we eliminated ATP in the funding cycle on the appropriations side.

I know there are some positive things about the program, but overall it is a poor investment for the Federal taxpayer.

Mr. President, I yield the floor at the present time, and I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BINGAMAN. Mr. President, I yield 5 minutes to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. Mr. President, I appreciate the leadership role Senator BINGAMAN and Senator ALEXANDER are playing on this critical bill, as well as Senator DOMENICI and others who have worked on putting together this legislation.

It makes no sense to eliminate the Advanced Technology Program. In fact, the House is renaming it but extending the very same approach in terms of a partnership for the kind of research that takes place after basic research.

I might say that 65 percent of the ATP awards have gone to small businesses, many of them small- and medium-sized manufacturers. The reality is that, yes, our large employers and small have joined together with universities, with the Federal Government, and with Federal labs to do partnerships where the Federal Government puts up half the money and they put up half the money to do the kinds of research to move the industry forward in order to be able to compete in a global economy.

Frankly, this is one of the areas where we are woefully behind, I would suggest to my friend from Oklahoma. We are woefully behind. One example of this is in advanced battery technology. While we are developing the basic science in the United States, it is Japan and China and South Korea that are taking the next steps to make those batteries. A $50 million investment in Japan alone; a 5-year commitment from China of over $100 million; a 5-year commitment from South Korea of over $100 million. Yet in our budget in the United States we have $11 million to focus on what is one of the most critical parts of technology to move forward on alternative fuels and new breakthroughs.

ATP is different. It is unique among Federal research programs. Most research is focused on advanced scientific knowledge, but there is a very long road from scientific discovery in a university lab to the commercialization of that product. This is in between that. You might call it a bridge project, or a bridge loan. This is that in-between period before industry feels confident enough to pick it up and move forward with it.

The goal of ATP is to push basic research knowledge into the innovation pipeline. That is what it is all about. When we add more dollars to increase basic research, we have to make sure we are also not creating a bottleneck in that innovation pipeline. We have to be able to fund the next step in that partnership. I would suggest this has been a tremendous investment in terms of what has actually happened.

The ATP programs have succeeded in a wide range of fields. There is no question, when you are doing this research it is basic research. By the way, we give the R&D tax credit to those same large companies my colleagues spoke about. We give it to large companies and small companies to do basic research—no different. This is the next step.

We have seen wide-ranging successes. They have already delivered on cheaper, better bone marrow transplants, mammograms, cartilage repair. They are enabling companies to make biodegradable plastics from corn, improving manufacturing, and powering longer lasting lightweight fuel cells, all of which are critical for our future.

The Advanced Technology Program has made investments in nanotechnology. They were making them long before anybody knew what nanotechnology was, along with investments in homeland security and bringing fuel cells and solar cells and microturbines to the marketplace.

In 2003, the White House sponsored a fuel cell demonstration, and the President tested a long-life mobile phone. The phone the President tested was powered by advanced fuel cell technology. Without the advanced technology program, MTI microfuel cells would not have been developed. This breakthrough technology was developed to power the very phone the President was holding. It would not have happened without that joint partnership with ATP.

There are certainly other companies where ATP projects have not been successful. That is the nature of high-risk, high-payoff research programs, and people around the world know that. Governments around the world know that. Right now, I should add, our companies are competing with governments around the world, governments that own companies, governments that are doing these kinds of research.

Let's put the successes and failures in the overall context. A 2003 survey of over 350 companies indicates the actual economic value resulting from ATP joint ventures exceeded $7.5 billion. The ATP annual report showed the program has generated $17 billion in economic benefits from just 41 of the 736 completed projects.

In conclusion, this is a program that works. We should not be cutting off this investment in innovation in America.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. The Senator from New Mexico has close to 5 minutes.

Mr. BINGAMAN. How much time on the side of the Senator from Oklahoma?

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma has 21 minutes.

Mr. BINGAMAN. Let me go ahead and use the remainder of our time in opposition to the amendments, and then the Senator from Oklahoma can use as much additional time as he would like, obviously.

I agree with the comments the Senator from Michigan has just made about the ATP program. I do think one of our weaknesses historically, particularly in recent decades in this country, is although we have done reasonably well on basic research, we have not done as well in taking that basic research the next step and getting it to a point where it can be commercialized and manufacturing can occur in this country.

I have a chart I was going to show. Let me put up the chart and try to make the point as to where the advanced technology program is in the development cycle, as I understand it. This chart tries to point out the venture capital funds focused on late-stage research.

There are five different categories represented on this chart: seed funding, startup funding, other early stage, expansion, and then later stage.

Regarding venture capital funding, the higher bars on the chart, of course, are in the later stage. The seed funding and the startup funding are the two areas on which the Advanced Technology Program concentrates. It does so in a way which is intended to get the very best results.

These programs are peer-reviewed. There is real competition, rigorous peer-reviewed competition in the allocation of this money. The funds go to those researchers and those technologists who are most likely to be able to take these basic discoveries and turn them into commercial products and commercial services. There are many examples of successes in this area.

Unfortunately, we do not have as many today that we can point to, relative to the rest of the world, as we used to have. The competition, frankly, between ourselves and many of our competitors, is very severe at this point. When you go to a country such as Japan and look at the extent of the Government's support of this kind of technology development, it is extremely impressive. We shy away from that. We say we are not going to help; it is up to our individual companies to do the best they can. Sometimes they do well, sometimes they do poorly. But the Advanced Technology Program helps them to do better. It has been a very good investment.

The Academies of Science did a report looking at this very thing a few years ago. Their expert panel included top executives from companies such as Intel and Xerox and groups such as Sematech, venture capitalists, also academic researchers. They concluded the following:

> The Advanced Technology Program is an effective Federal partnership program. The selection criteria applied by the program enabled it to meet broad national needs and to help ensure that the benefits of successful awards extend across firms and industries. Its costshared, industry-driven approach to funding promising new technological opportunities has shown considerable success in advancing technologies that can contribute to important societal goals such as improved health diagnostics, developing tools to exploit the human genome, and improving the efficiency and competitiveness of U.S. manufacturing.

This is a program I think deserves the increased levels of support that are contemplated in this legislation. I urge my colleagues to resist the amendment of the Senator to delete funding for the Advanced Technology Program.

Is there still time on my side?

The ACTING PRESIDENT pro tempore. The Senator has 17 seconds.

Mr. BINGAMAN. I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I am somewhat perplexed. We had a debate on Medicare Part D. The debate was about corporate welfare. I find it hard to believe that we want to continue to fund General Electric and IBM and Intel and all these other companies with taxpayer money after we have claimed we do not want to do corporate welfare.

Tell me where in that process—if the Senator from New Mexico would care to put his sign back up—this money is? Tell me why an IBM needs money at that stage. Tell me why a General Electric needs taxpayer money at that stage, money that is going to go to them. They have all the resources. IBM just announced they are buying back 10 percent of their stock. They have plenty of cash. They are buying back their stock. Tell me why, in a time when we have a $300 billion deficit, $300 billion we borrowed from two generations from now, that we should give a penny to IBM, corporate welfare to enhance anything. They have all the resources they need. Tell me why we should give a penny to General Electric or Intel or any of those large companies that consume 30 percent of this money.

If we want to have an Advanced Technology Program, why wouldn't we say, yes, we will do it, but you have to be at a certain size. You have to truly not be able to access the capital markets. They have no problems accessing the capital markets for research. So what we are doing is taking from two generations from now and giving it to the richest corporations in this country and making ourselves feel good because it wouldn't happen otherwise. It will happen otherwise. That is what markets are all about.

I will be happy to have the Senator respond to my question.

Mr. BINGAMAN. Mr. President, I am happy to respond. I would respond by saying we are not providing funds to particular companies so they can compete effectively. What we are doing is saying there are sectors of U.S. industry which are in very substantial competition with their counterparts worldwide. Whether it is the automobile industry, whether it is the semiconductor industry, whether it is the biologics industry, whatever the area is, we have companies in our country that are competing in those areas, and there is early stage research and seed development—early stage development into which they should be putting significant efforts.

When you look at it from the point of any individual company, it might not make that much sense to say we are going to devote a substantial portion of our research dollars to this because it is long term. It may not pay off in 10 years. It may never pay off. But here we can use some taxpayer dollars to prime the pump, so to speak, and to go to these companies on a cost-shared basis and say: You guys get together. We will help you develop advanced battery technology because otherwise we may eliminate our dependence on foreign oil. But we are going to become dependent on foreign battery cells. That is not good for the U.S. economy as a whole.

If General Motors happens to be one of the participants in that consortium of companies that is working on that advanced battery technology, then so much the better. But I do not consider that corporate welfare. I consider that good, intelligent allocation of our resources in order to keep our industry competitive in the world marketplace.

Mr. COBURN. Let me reclaim my time. I thank the Senator for answering my question. I guess the difference is, in the long run, where is the benefit? If any of those industries are going to survive, they are going to be putting research dollars into those areas already. That is my contention. We know from the studies that, of all the Fortune 500 companies, the money that has been given to them they would have spent anyway. This is just money that they don't have to spend because we are going to spend American taxpayer dollars on it. The fact is, anybody in any of those areas, especially major companies that have all the capital resources they need—they have an inherent self-interest to fund that research. Why? Because their livelihood and their existence depends on it.

What we are doing is we are saying, for the big companies, the Fortune 500 companies, we are going to take away their risk. The market has already created the risk. Their risk is to develop the program. So I would disagree. I think it is corporate welfare, especially with regard to the Fortune 500 companies that have significant assets.

All you have to do is look at what is out there today, look at the share buybacks. They have more than enough money with which to fund all these things.

I can give you specific examples from GE, IBM, and Intel. All of those projects were going to be funded anyway. We just gave them a gift. We just simply gave them a gift.

Mr. BINGAMAN. Mr. President, I ask the Senator if he will yield for a question.

Mr. COBURN. I am happy to yield for a question.

Mr. BINGAMAN. Here is the information I am given. I would cite this to the Senator and ask if he has a reason to disagree.

Of the single applicant awards under the Advanced Technology Program, 78 percent have gone to small businesses, 11 percent have gone to medium-size businesses and nonprofits, and only 11 percent of solo awards have gone to large businesses. Is that accurate?

Mr. COBURN. That is inaccurate; 21 percent of the ATP grants over the last 14 years went to Fortune 500 companies.

Mr. BINGAMAN. That is 21 percent over the last 14 years?

Mr. COBURN. Yes.

Mr. BINGAMAN. That is contrary to the information I was given. I thank the Senator for yielding for the question.

Mr. COBURN. Let me just summarize, and then I will yield back the remainder of my time. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 14½ minutes.

Mr. COBURN. I will be happy to yield after I finish this last statement, and I appreciate the managers of this bill for the time they have given me on these amendments, and their courtesy.

There is no question, there are positive aspects of this program. I said that before. The question comes—and it really comes from what Senator STABENOW said. We already give them an R&D tax credit. They already get a direct writeoff for doing this research anyway. So the American taxpayers are already paying for it. Now we come along and give them more.

The point is, we do not need both. We do not need both. IBM gets an R&D tax credit, and then they get money from us under ATP for things they were going to do anyway. General Electric gets an R&D tax credit, then they get money from us in the ATP program for these things they are going to do anyway.

I believe there has to come a time when we start thinking about how we spend our money and whether we are getting a good return. The fact is, with ATP, overall, all the money we have spent, we have not gotten back a return.

The other point I would make is, only four States have received about 60 percent of the money on this ATP program. Ironic, isn't it? Four States. So there is great consensus among those people on a parochial basis to support this program because it is a big program for those individual States.

Mr. President, I will finish by saying that all three amendments I have offered today are designed to increase transparency, increase accountability, eliminate conflicts of interests, and eliminate wasteful Government spending. That is what we have to be about if we, in fact, want to leave the heritage to our children and grandchildren that we will receive by such great sacrifice of those people who came before us. That is the real deal. The way you leave a heritage is to sacrifice today. We cannot have everything we want today if we want our kids and grandkids to have what we have experienced.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I know the Senator from Georgia has an amendment he wishes to speak to and offer and proposes to withdraw. I will yield in a moment for him to do that. But let me ask unanimous consent that following his statement and his action, the votes in relation to the pending amendments occur in the following order: DeMint amendment No. 930, Coburn amendment No. 918, Coburn amendment No. 921, Coburn amendment No. 922, and Kohl amendment No. 942; that no amendment be in order to these amendments prior to the vote or to this final Kohl amendment prior to the vote; that prior to each vote in the sequence listed here, there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote in the sequence, the remaining votes be 10-minute votes: further, that provisions of previous orders governing these amendments remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I thank the Senator from New Mexico.

I rise today to propose and then to withdraw an amendment that will make sure our Nation's historically Black colleges and universities, our HBCUs, are not overlooked in this important bill, the America COMPETES Act of 2007.

In the State of Georgia, we have eight HBCUs: Albany State University, Clark Atlanta University, Fort Valley State University, Morehouse College, Savannah State University, Spelman College, Paine College, and Morris Brown College.

This is a pretty simple amendment which would simply ensure that the HBCUs are included in the study by the National Academy of Sciences on barriers and innovations to advanced technologies. Specifically, I want to make sure we are able to find and highlight what HBCUs are doing nationally to equip their students with the knowledge and skills to compete in the 21st century workforce.

The underlying bill would establish a President's Council on Innovation and Competitiveness. My amendment simply includes HBCUs in the Council's recommendation for strengthening innovation and competitiveness capabilities in academia.

I wish to specifically highlight two examples of programs at Spelman College in Atlanta. Established in 1987, the Spelman College Women In Science and Engineering—or WISE—Scholars Program is a model student development effort that has successfully facilitated the recruitment, retention, and graduation of more than 200 African-American females pursuing baccalaureate degrees in sciences, mathematics, or a dual degree in engineering. The WISE Program addresses a national need to increase the prevalence of underrepresented racial minorities and women in science, technology, engineering, and mathematics disciplines, while strengthening Spelman's capacity to continue to serve as a national conduit for the human resources needed to sustain the country's global economic competitiveness. The WISE Program continues Spelman's important role in providing the Nation with a skilled scientific workforce.

As part of the American Competitiveness Initiative, unveiled during last years's State of the Union Address, the President called upon the Nation to, one, double the Federal commitment to the most critical basic research programs in the physical sciences; two, make permanent the research and development tax credit; and three, train 70,000 high school teachers to lead advanced-placement courses in math and science and bring 30,000 math and science professionals to teach in classrooms.

Both the National Science Foundation and National Aeronautics and

Space Administration believe Spelman's WISE Scholars Program is the vehicle to meet the Nation's increasing need for math and science teachers. Also, in 2003, NASA awarded the college with a $4.5 million grant to enhance its WISE Scholars Program.

In 2005, six Spelman women qualified for the international RoboCup 2005 four-legged robot soccer competition in Osaka, Japan. The students created computer programs for the robots to compete in the soccer tournament, requiring the robots to play without human intervention. Of the 24 teams that qualified internationally, the SpelBots, as the team was called, were the first and only historically Black college and university, the only all-women institution, and the only U.S. undergraduate institution to qualify for the tournament. When looking back years from now at historically Black colleges and robotics research, all searches will lead to Spelman.

Mr. President, these are just two examples of what is taking place at our HBCUs all across our country. That is why I believe HBCUs and programs such as these should be included in the recommendations by the President's Council on Innovation and Competitiveness.

Now, I am going to withdraw this amendment because I have had a discussion with the Senator from Tennessee and the Senator from New Mexico, and I think they are probably right that this might be more appropriate as we reauthorize the Higher Education Act, which I understand will be marked up in the HELP Committee here within the next couple of weeks, in all probability. So I am going to withdraw the amendment. But I do wish to put this body on notice that we need to recognize the contributions our HBCUs are making in math, science, and technology, and that is a critical component of this bill. It will also be a critical component of the Higher Education Act. At that point I will be bringing this amendment forward to highlight those men and women who are at our HBCUs and the contribution they are making to math, science, and technology innovation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Georgia for his leadership on the issue of competitiveness. He has been one of the foremost advocates for this legislation, which has made its way through so many committees and reached the floor, and we are close to passage today. I thank him as well for his consistent advocacy for historically Black colleges and universities of which Georgia has several of the most prominent. He has talked to me and other members of the HELP Committee about that. He is exactly right. Reauthorization of the higher education bill is fairly imminent. Hopefully in the next couple of weeks we will begin to mark up a bill. Senator CHAMBLISS has made it clear he expects the committee to take seriously his amendment. I have assured him that for my part, the committee will. I know Senator KENNEDY and Senator ENZI feel the same way. Senator WARNER of Virginia has also noted he wants to make certain that what we do in this legislation takes into account historically Black colleges and universities. He, too, is looking toward the Higher Education Act reauthorization. It is very helpful of both of them to, in this case, take the floor and in other conversations to make us aware of what needs to happen as that act comes up in the next couple of weeks. The Chambliss amendment and his advocacy will be an important part of the discussion. I thank him for his leadership.

AMENDMENT NO. 930

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 930 offered by the Senator from South Carolina, Mr. DEMINT.

Mr. BINGAMAN. Mr. President, let me take the lead in opposition to the amendment. This is the amendment that would set up a new 60-vote point of order on any appropriations bill that comes to the floor with anything contained in it that could be designated a congressional earmark. Unfortunately, the definition of congressional earmark set out in the amendment is very broad. It basically says: If you are specifying money going to an entity, either in the language of the appropriations bill or in the report accompanying it, and it relates to items being authorized in this legislation, the objection could be made that you had to have 60 votes. So you would have one set of rules for most appropriations bills and a different set of rules for appropriations bills that would include appropriations relevant to this competitiveness bill. It would be a very bad policy. I urge colleagues to oppose the amendment.

Mr. BYRD. Mr. President, I am strongly opposed to the amendment offered by the junior Senator from South Carolina, which would prohibit congressional earmarks of funds appropriated, pursuant to authorizations in this bill, for the America Competes Act. The effect of the amendment proposed by the Senator from South Carolina could be waived or suspended in the Senate only by a 60-vote supermajority.

If this amendment were agreed to, it would set up two criteria for all appropriations legislation, pursuant to authorizations in the America Competes Act—one criterion requiring a simple majority vote for Presidential budget recommendations and another criterion requiring a supermajority of 60 votes for congressional earmarks, which, according to this legislative provision, is virtually anything that Congress changes from the President's budget request.

Under the Constitution of the United States, the Congress has the power of the purse. The Senate should jealously guard that prerogative. Our system of government includes checks and balances that have served us well through over 200 years as a Republic. And the power of the purse is a check on the ambitions of the executive branch.

Earlier this year, the Senate considered comprehensive ethics reform. It passed with an overwhelming majority of 96–2. In addition, the Senate Appropriations Committee has announced a new policy of increased transparency and accountability in regard to earmarks, which uses the same definition of earmarks contained in the ethics bill that was adopted overwhelmingly on the floor of the U.S. Senate. These changes in the appropriations process are intended to help restore confidence in the Congress. It ends "business as usual" in Washington. It restores integrity to the appropriations process. It will increase accountability and openness. Moreover, Senators will be required to certify that neither they nor their spouses have a financial interest in any earmark. I have asked Senators to submit a letter to Senator COCHRAN and me certifying they have no financial interest in a project being proposed for an earmark. Those letters will be available for public inspection.

Earmark disclosure, as important as it is, is only one part of a much broader package of ethics reforms that has already passed the Senate. This includes strengthened gift and travel rules for Members of the Senate, strengthened lobbying disclosure, and outlawing some of the notorious lobbying abuses in which Mr. Abramoff and others were involved. We should not cherry pick this legislation. It needs to be enacted as a whole.

In the meantime, I would like to remind my colleagues that when we considered the joint funding resolution earlier this year, which included all of the pending appropriations bills from the previous Republican-controlled Congress that had yet to be enacted, the House Appropriations Chairman, Mr. OBEY, and I made a bold move and eliminated 9,300 earmarks that were in bills authored when the Senator from South Carolina was in the majority. We eliminated every single one of them—all 9,300 earmarks. The joint funding resolution, which was signed into law on February 15, 2007, contained no new earmarks.

In summary, the process of earmarking funds has gotten out of control. The status quo is not satisfactory. That is why I have taken the initiative to establish new standards for transparency and accountability. That is why I joined with House Appropriations Committee Chairman DAVID OBEY to eliminate earmarks from the fiscal 2007 funding resolution.

I strongly oppose the amendment from the Senator from South Carolina. The Senate has already voted on an ethics reform package that revises the method by which earmarks will be considered. The Senate Appropriations Committee has already put in place rules that will increase the transparency and accountability for earmarks in the fiscal 2008 process. But most of all, I oppose the amendment by the Senator from South Carolina because it would establish two criteria for earmarks—those proposed by the President would require only a simple majority, while those proposed by the Congress, in which the power of the purse resides, would require a 60-vote supermajority.

The Framers of our Constitution chose to give the power of the purse to the Congress for a reason. They did not want an overbearing, unaccountable executive branch.

I hope my colleagues will reject the proposal by the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senator from Tennessee for all his work on this bill. The question is, after we have gone through these many months of work on this bill to make America more competitive and we have directed funds to the Federal agencies that we think are most appropriate and would be most helpful in raising the quality and skill level of our labor force, do we want it to happen? Do we want this authorization bill to be implemented as we have written it? As the sponsors have been very careful to point out, this is an authorization bill, not an appropriations bill. What my amendment does is ensure that this bill is carried out the way it is authorized and that the appropriators do not take money for the National Science Foundation and say: I want some to go to my State or to this university, and we spread it out instead of using the merit-based peer review process. We change a bill that has a lot of thought and bipartisan support, and we basically turn it over to the appropriators to change. If Members want this bill implemented the way it is written, please support the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 930.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Delaware (Mr. CARPER), the Senator from South Dakota (Mr. JOHNSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 71, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—22

Allard
Burr
Chambliss
Coburn
Cornyn
DeMint
Dole
Ensign
Feingold
Graham
Grassley
Hagel
Inhofe
Isakson
Kyl
Lugar
Martinez
McCaskill
Sununu
Thomas
Thune
Vitter

NAYS—71

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Enzi
Feinstein
Gregg
Harkin
Hatch
Hutchison
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Warner
Webb
Whitehouse
Wyden

NOT VOTING—7

Biden
Brownback
Carper
Johnson
McCain
Rockefeller
Voinovich

The amendment (No. 930) was rejected.

Mr. REID. Mr. President, we have a briefing at 4 o'clock. We are going to do this next vote and complete that. We have scheduled another vote right at 5:30. We are going to finish this bill tonight. If people have amendments, they should offer them.

These two managers have worked extremely hard to finish this bill. This will be a feather in the cap for bipartisanship. We are going to stay here tonight until we finish this bill. We have, as I understand it, about three amendments left after we do this one, but we should all have the opportunity to go to that briefing. So we will be back here at 5:30 after this next vote.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 942

Mr. BINGAMAN. Mr. President. I ask unanimous consent that the Kohl amendment No. 942 be the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I am informed that additional debate on this amendment is not needed and that there is no request for a rollcall vote, so I ask we proceed to a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 942.

The amendment (No. 942) was agreed to.

Mr. BINGAMAN. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I believe we can proceed to the second rollcall vote, which is the Coburn amendment No. 918.

AMENDMENT NO. 918

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 918 offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time?

Mr. BINGAMAN. Mr. President, this amendment is one which I think would be bad policy, a bad precedent for us here in the Senate. It basically puts a hard and fast, drop-dead date on any legislation contained in this bill and says there is a sunset provision so that any program authorized here, any kind of activity permitted under this legislation, would be prohibited following that date in 2011. It is not the kind of sunset we would normally adopt on legislation. I don't think it is appropriate here. I urge colleagues to oppose the amendment.

The PRESIDING OFFICER. Who yields time in support of the amendment?

Mr. ALEXANDER. Mr. President, I yield back the time on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 918.

Mr. COBURN. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Arkansas Mr. (STEVENS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 67, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—27

Allard
Bayh
Burr
Chambliss
Coburn
Corker
Cornyn
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Inhofe
Isakson
Kyl
Lott
Martinez
McCaskill
Sessions
Shelby
Specter
Sununu
Thomas
Thune

NAYS—67

Akaka
Alexander
Baucus
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hatch
Hutchison
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—6

Biden
Brownback
Johnson
McCain
Rockefeller
Stevens

The amendment (No. 918) was rejected.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that following the disposition of the previously ordered amendments, the only other amendments in order be Senator LANDRIEU's amendment No. 975, Senator DORGAN's amendment No. 958, and a managers' amendment, which must be cleared by both managers; that after disposition of the above amendments, the bill be read the third time, and the Senate, without any intervening action or debate, vote on final passage of S. 761.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate stand in recess until 5:30 p.m.

There being no objection, the Senate, at 4:10 p.m., recessed until 5:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. OBAMA).

AMERICA COMPETES ACT—Continued

AMENDMENTS NOS. 915, AS MODIFIED; 916, AS MODIFIED; 924, AS MODIFIED; 926, AS MODIFIED; 944, AS MODIFIED; 950, 951, 952, AS MODIFIED; 957, AS MODIFIED; 958, 965, AS MODIFIED; 970, AS MODIFIED; 975, 977, AND 980

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, we have a managers' package of amendments which have been cleared and which are at the desk. Some are in modified form. Let me go through the list and then ask consent for their approval:

Amendment No. 915, as modified, by Senator GRASSLEY; amendment No. 916, as modified, by Senator GRASSLEY; amendment No. 924, as modified, by Senator OBAMA; amendment No. 926, as modified, by Senator MENENDEZ; amendment No. 944, as modified, by Senator COLEMAN; amendment No. 950 by Senator BAUCUS; amendment No. 951 by Senator BAUCUS; amendment No. 952, as modified, by Senator BAUCUS; amendment No. 957, as modified, by Senator HATCH; amendment No. 958 by Senator DORGAN; amendment No. 965, as modified, by Senator MURRAY; amendment No. 970, as modified, by Senator FEINGOLD; amendment No. 975 by Senator LANDRIEU; amendment No. 977 by Senator MURRAY; and amendment No. 980 by Senators ALEXANDER and BINGAMAN.

I ask unanimous consent that these amendments, as modified, if modified, be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 915, AS MODIFIED

On page 120, strike lines 1 through 8, and insert the following:

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(1) are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(2) make Advanced Placement math, science, and critical foreign language courses available to students who are prepared for such work in earlier grades than traditionally made available.

On page 127, line 6, insert "by the grade the student is enrolled in," after "subject,".

On page 127, line 12, insert "by the grade the student is enrolled in at the time of the examination" before the semicolon.

AMENDMENT NO. 916, AS MODIFIED

On page 62, insert after line 14:

(c) be of at least 2 weeks in duration.

On page 63, after line 2 insert:

(3) STUDENT ACHIEVEMENT.—The Director may consider the academic achievement of middle and secondary school students in determining eligibility under this section, in accordance with subsection (1) and (2).

AMENDMENT NO. 924, AS MODIFIED

On page 145, between lines 13 and 14, insert the following:

SEC. 3202. SUMMER TERM EDUCATION PROGRAMS.

(a) PURPOSE.—The purpose of this section is to create opportunities for summer learning by providing students with access to summer learning in mathematics, technology, and problem-solving to ensure that students do not experience learning losses over the summer and to remedy, reinforce, and accelerate the learning of mathematics and problem-solving.

(b) DEFINITIONS.—In this section:

(1) EDUCATIONAL SERVICE AGENCY.—The term "educational service agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that—

(A) desires to participate in a summer learning grant program under this section by providing summer learning opportunities described in subsection (d)(4)(A)(ii) to eligible students; and

(B) is—

(i) a high-need local educational agency; or

(ii) a consortium consisting of a high-need local educational agency and 1 or more of the following entities:

(I) Another local educational agency;

(II) A community-based youth development organization with a demonstrated record of effectiveness in helping students learn;

(III) An institution of higher education;

(IV) An educational service agency; or

(V) A for-profit educational provider, nonprofit organization, science center, museum, or summer enrichment camp, that has been approved by the State educational agency to provide the summer learning opportunity described in subsection (d)(4)(A)(ii).

(3) ELIGIBLE STUDENT.—The term "eligible student" means a student who—

(A) is eligible for a free lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(B) is served by a local educational agency identified by the State educational agency in the application described in subsection (c)(2).

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term high-need local educational agency means a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

(A) that serves not less than 10,000 children from low-income families;

(B) for which not less than 20 percent of the children served by the agency are children from low-income families; or

(C) with a total of not less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8 as determined by the Secretary of Education.

(7) SECRETARY.—The term "Secretary" means the Secretary of Education.

(8) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth

of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(9) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(c) DEMONSTRATION GRANT PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—From the funds appropriated under subsection (f) for a fiscal year, the Secretary shall carry out a demonstration grant program in which the Secretary awards grants, on a competitive basis, to State educational agencies to enable the State educational agencies to pay the Federal share of summer learning grants for eligible students.

(B) NUMBER OF GRANTS.—For each fiscal year, the Secretary shall award not more than 5 grants under this section.

(2) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall identify the areas in the State where the summer learning grant program will be offered and the local educational agencies that serve such areas.

(3) AWARD BASIS.—

(A) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to a State educational agency that agrees, to the extent possible, to enter into agreements with eligible entities that are consortia described in subsection (b)(2)(B)(iii) and that propose to target services to children in grades K–8.

(B) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall take into consideration an equitable geographic distribution of the grants.

(d) SUMMER LEARNING GRANTS.—

(1) USE OF GRANTS FOR SUMMER LEARNING GRANTS.—

(A) IN GENERAL.—Each State educational agency that receives a grant under subsection (c) for a fiscal year shall use the grant funds to provide summer learning grants for the fiscal year to eligible students in the State who desire to attend a summer learning opportunity offered by an eligible entity that enters into an agreement with the State educational agency under paragraph (4)(A).

(B) AMOUNT; FEDERAL AND NON-FEDERAL SHARES.—

(i) AMOUNT.—The amount of a summer learning grant provided under this section shall be—

(I) for each of the fiscal years 2008 through 2011, $1,600; and

(II) for fiscal year 2012, $1,800.

(ii) FEDERAL SHARE.—The Federal share of each summer learning grant shall be not more than 50 percent of the amount of the summer learning grant determined under clause (i).

(iii) NON-FEDERAL SHARE.—The non-Federal share of each summer learning grant shall be not less than 50 percent of the amount of the summer learning grant determined under clause (i), and shall be provided from non-Federal sources.

(2) DESIGNATION OF SUMMER SCHOLARS.—Eligible students who receive summer learning grants under this section shall be known as "summer scholars".

(3) SELECTION OF SUMMER LEARNING OPPORTUNITY.—

(A) DISSEMINATION OF INFORMATION.—A State educational agency that receives a grant under subsection (c) shall disseminate information about summer learning opportunities and summer learning grants to the families of eligible students in the State.

(B) APPLICATION.—The parents of an eligible student who are interested in having their child participate in a summer learning opportunity and receive a summer learning grant shall submit an application to the State educational agency that includes a ranked list of preferred summer learning opportunities.

(C) PROCESS.—A State educational agency that receives an application under subparagraph (B) shall—

(i) process such application;

(ii) determine whether the eligible student shall receive a summer learning grant;

(iii) coordinate the assignment of eligible students receiving summer learning grants with summer learning opportunities; and

(iv) if demand for a summer learning opportunity exceeds capacity, the State educational agency shall prioritize applications to low-achieving eligible students.

(D) FLEXIBILITY.—A State educational agency may assign a summer scholar to a summer learning opportunity program that is offered in an area served by a local educational agency that is not the local educational agency serving the area where such scholar resides.

(E) REQUIREMENT OF ACCEPTANCE.—An eligible entity shall accept, enroll, and provide the summer learning opportunity of such entity to, any summer scholar assigned to such summer learning opportunity by a State educational agency pursuant to this subsection.

(4) AGREEMENT WITH ELIGIBLE ENTITY.—

(A) IN GENERAL.—A State educational agency shall enter into an agreement with one or more eligible entities offering a summer learning opportunity, under which—

(i) the State educational agency shall agree to make payments to the eligible entity, in accordance with subparagraph (B), for a summer scholar; and

(ii) the eligible entity shall agree to provide the summer scholar with a summer learning opportunity that—

(I) provides a total of not less than the equivalent of 30 full days of instruction (or not less than the equivalent of 25 full days of instruction, if the equivalent of an additional 5 days is devoted to field trips or other enrichment opportunities) to the summer scholar;

(II) employs small-group, research-based educational programs, materials, curricula, and practices;

(III) provides a curriculum that—

(aa) emphasizes mathematics, technology, engineering, and problem-solving through experiential learning opportunities;

(bb) is primarily designed to increase the numeracy and problem-solving skills of the summer scholar; and

(cc) is aligned with State academic content standards and goals of the local educational agency serving the summer scholar;

(IV) measures student progress to determine the gains made by summer scholars in the summer learning opportunity, and disaggregates the results of such progress for summer scholars by race and ethnicity, economic status, limited English proficiency status, and disability status, in order to determine the opportunity's impact on each subgroup of summer scholars;

(V) collects daily attendance data on each summer scholar;

(VI) provides professional development opportunities for teachers to improve their practice in teaching numeracy, and in integrating problem-solving techniques into the curriculum; and

(VII) meets all applicable Federal, State, and local civil rights laws.

(B) AMOUNT OF PAYMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), a State educational agency shall make a payment to an eligible entity for a summer scholar in the amount determined under paragraph (1)(B)(i).

(ii) ADJUSTMENT.—In the case in which a summer scholar does not attend the full summer learning opportunity, the State educational agency shall reduce the amount provided to the eligible entity pursuant to clause (i) by a percentage that is equal to the percentage of the summer learning opportunity not attended by such scholar.

(7) ADMINISTRATIVE COSTS.—A State educational agency or eligible entity receiving funding under this section may use not more than 5 percent of such funding for administrative costs associated with carrying out this section.

(e) EVALUATIONS; REPORT; WEBSITE.—

(1) EVALUATION AND ASSESSMENT.—For each year that an eligible entity enters into an agreement under subsection (d)(4), the eligible entity shall prepare and submit to the Secretary a report on the activities and outcomes of each summer learning opportunity that enrolled a summer scholar, including—

(A) information on the design of the summer learning opportunity;

(B) the alignment of the summer learning opportunity with State standards; and

(C) data from assessments of student mathematics and problem-solving skills for the summer scholars and on the attendance of the scholars, disaggregated by the subgroups described in subsection (d)(4)(A)(ii)(IV).

(2) REPORT.—For each year funds are appropriated under subsection (f) for this section, the Secretary shall prepare and submit a report to the HELP Committee of the Senate and the Education & Labor Committee of the House on the summer learning grant programs, including the effectiveness of the summer learning opportunities in improving student achievement and learning.

(3) SUMMER LEARNING GRANTS WEBSITE.—The Secretary shall make accessible, on the Department of Education website, information for parents and school personnel on successful programs and curricula, and best practices, for summer learning opportunities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 through fiscal year 2012.

AMENDMENT NO. 926, AS MODIFIED

(b) GRANT PROGRAM.—Section 8(8) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and indenting appropriately;

(2) by moving the flush language at the end 2 ems to the right;

(3) in the flush language at the end, by striking "paragraph" and inserting "subparagraph";

(4) by striking "INITIATIVE.—A program of" and inserting "INITIATIVE.—

"(A) IN GENERAL.—A program of"; and

(5) by inserting at the end the following:

"(B) PILOT PROGRAM.—

“(i) IN GENERAL.—In accordance with subparagraph (A)(v), the Director shall establish a pilot program designated as ‘Partnerships for Access to Laboratory Science’ to award grants to partnerships to pay the Federal share of the costs of improving laboratories and providing instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

“(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

“(II) Acquire appropriate nanotechnology equipment and software designed for teaching students about nanotechnology in the classroom;

“(III) professional development and training for teachers aligned with activities supported under section 2123 of the ESEA of 1965;

“(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science, and to the extent applicable, technology and engineering, academic achievement standards;

“(V) training in laboratory safety for relevant school personnel;

“(VI) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

“(VII) assessment of the activities funded under this subparagraph.

“(ii) PARTNERSHIP.—Grants awarded under clause (i) shall be to a partnership that—

“(I) includes an institution of higher education or a community college;

“(II) includes a high-need local educational agency;

“(III) includes a business or eligible nonprofit organization; and

“(IV) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

“(iii) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts from a grant under clause (i) shall not exceed 30 percent.”.

(c) REPORT.—The Director of the National Science Foundation shall evaluate the effectiveness of activities carried out under the pilot projects funded by the grant program established pursuant to the amendment made by subsection (b) in improving student performance in mathematics, science, engineering, and technology and recommend whether such activities should continue. A report documenting the results of that evaluation shall be submitted to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Science and Technology of the House of Representatives not later than 3 years after the date of enactment of this Act. The report shall identify best practices and materials for the classroom developed and demonstrated by grant awardees.

(d) SUNSET.—The provisions of this section shall cease to have force or effect at the beginning of fiscal year 2012.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section and the amendments made by this section such sums for fiscal year 2008 and each of the 3 succeeding fiscal years.

AMENDMENT NO. 944, AS MODIFIED

At the end of Division C, insert the following:

TITLE __—MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

SEC. _01. MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

(a) IN GENERAL.—From amounts appropriated under subsection (d), the Secretary of Education shall award a grant—

(1) for each of the school years 2007–2008 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools each of which has a high concentration of low income students as defined in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) in each State, whose students demonstrate the most improvement in mathematics, as measured by the improvement in the students' average score on the State's assessments in mathematics for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded; and

(2) for each of the school years 2008–2009 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools each of which has a high concentration of low income students as defined in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) in each State, whose students demonstrate the most improvement in science, as measured by the improvement in the students' average score on the State's assessments in science for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded.

(b) GRANT AMOUNT.—The amount of each grant awarded under this section shall be $50,000.

SEC. _02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section such sums for fiscal years 2008 through 2011.

AMENDMENT NO. 950

(Purpose: To provide that 21st century learning skills are included in the alignment of education programs)

On page 163, between lines 6 and 7, insert the following:

(v) incorporating 21st century learning skills into the State plan, which skills shall include critical thinking, problem solving, communication, collaboration, global awareness, and business and financial literacy.

AMENDMENT NO. 951

(Purpose: To allow distance learning projects as an optional activity for the foreign language partnership program)

On page 153, between lines 12 and 13, insert the following:

(M) distance learning projects for critical foreign language learning.

AMENDMENT NO. 952, AS MODIFIED

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. COLLECTION OF DATA RELATING TO TRADE IN SERVICES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall establish a program within the Bureau of Economic Analysis to collect and study data relating to export and import of services. As part of the program, the Secretary shall annually—

(1) provide data collection and analysis relating to export and import of services;

(2) collect and analyze data for service imports and exports in not less than 40 service industry categories, on a state-by-state basis;

(3) include data collection and analysis of the employment effects of exports and imports on the service industry; and

(4) integrate ongoing and planned data collection and analysis initiatives in research and development and innovation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce such sums for each of the fiscal years 2008, 2009, 2010, 2011, 2012, to carry out the provisions of this section.

AMENDMENT NO. 957, AS MODIFIED

On page 99, line 5, strike “critical foreign language” and insert the following: “a critical foreign language, or on behalf of a department or school with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification,”.

Beginning on page 100, strike line 16 and all that follows through page 101, line 3, and insert the following:

(ii)(I)(aa) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or a critical foreign language; and

(bb) a school or department within the eligible recipient that provides a teacher preparation program, or a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; or

(II) a department or school within the eligible recipient with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification; and

(iii) not less than 1 high-need local

On page 103, line 13, insert before the semicolon the following: “or how a department or school participating in the partnership with a competency-based degree program has ensured, in the development of a baccalaureate degree program in mathematics, science, engineering, or a critical foreign language, the provision of concurrent teacher certification, including providing student teaching and other clinical classroom experiences”.

On page 109, line 24, insert before the semicolon the following: “, or how a department or school with a competency-based degree program has ensured, in the development of a master's degree program, the provision of rigorous studies in mathematics, science, or a critical foreign language that enhance the teachers' content knowledge and teaching skills”.

AMENDMENT NO. 958

(Purpose: To provide for a feasibility study with regard to a free online college degree program)

At the appropriate place, insert the following:

SEC. . FEASIBILITY STUDY ON FREE ONLINE COLLEGE DEGREE PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct and complete a feasibility study on creating a national, free online college degree program that would be available to all individuals described under section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5)) who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand, such as mathematics, sciences, and foreign languages. The study shall look at the need for a free college degree program as well as the feasibility of—

(1) developing online course content;

(2) developing sufficiently rigorous tests to determine mastery of a field of study; and

(3) sustaining the program through private funding.

(b) STUDY.—The study described in subsection (a) shall also include a review of existing online education programs to determine the extent to which these programs offer a rigorous curriculum in areas like mathematics and science and the National Academy of Sciences shall make recommendations for how online degree programs can be assessed and accredited.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008.

AMENDMENT NO. 965, AS MODIFIED

At the end of title II of division C, insert the following:

SEC. 3202. MATH SKILLS FOR SECONDARY SCHOOL STUDENTS.

(a) The purposes of this section are—

(1) to provide assistance to State educational agencies and local educational agencies in implementing effective research-based mathematics programs for students in secondary schools, including students with disabilities and students with limited English proficiency;

(2) to improve instruction in mathematics for students in secondary school through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness;

(3) to provide targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level; and

(4) to provide in-service training for mathematics coaches who can assist secondary school teachers to utilize research-based mathematics instruction to develop and improve students' mathematical abilities and knowledge, and assist teachers in assessing and improving student academic achievement.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency that is eligible to receive funds, and that is receiving funds, under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(2) MATHEMATICS COACH.—The term "mathematics coach" means a certified or licensed teacher, with a demonstrated effectiveness in teaching mathematics to students with specialized needs in mathematics and improving student academic achievement in mathematics, a command of mathematical content knowledge, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support mathematics improvement, who works on site at a school—

(A) to train teachers to better assess student learning in mathematics;

(B) to train teachers to assess students' mathematics skills and identify students who need remediation; and

(C) to provide or assess remedial mathematics instruction, including for—

(i) students in after-school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(3) SECONDARY SCHOOL.—The term "secondary school" means a school that provides secondary education, as determined under State law.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as be necessary for fiscal year 2008 and each of the 3 succeeding fiscal years.

(d) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under subsection (c) for a fiscal year, the Secretary shall establish a program, in accordance with the requirements of this section, that will provide grants on a competitive basis to State educational agencies to award grants and subgrants to eligible local educational agencies for the purpose of establishing mathematics programs to improve the overall mathematics performance of secondary school students in the State.

(2) LENGTH OF GRANT.—A grant to a State educational agency under this section shall be awarded for a period of 4 years.

(e) RESERVATION OF FUNDS BY THE SECRETARY.—From amounts appropriated under subsection (c) for a fiscal year, the Secretary may reserve—

(1) not more than 3 percent of such amounts to fund national activities in support of the programs assisted under this section, such as research and dissemination of best practices, except that the Secretary may not use the reserved funds to award grants directly to local educational agencies; and

(2) not more than ½ of 1 percent of such amounts for the Bureau of Indian Education of the Department of the Interior to carry out the services and activities described in subsection (1)(3) for Indian children.

(f) GRANT FORMULAS.—

(1) COMPETITIVE GRANTS TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under subsection (c) and not reserved under subsection (e), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish mathematics programs for the purpose of improving overall mathematics performance among students in secondary school in the State.

(2) MINIMUM GRANT.—The Secretary shall ensure that the minimum grant made to any state educational agency under this section shall be not less than $500,000.

(g) APPLICATIONS.—

(1) IN GENERAL.—In order to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall meet the following conditions:

(A) A State educational agency shall not include the application for assistance under this section in a consolidated application submitted under section 9302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7842).

(B) The State educational agency's application shall include assurances that such application and any technical assistance provided by the State will be guided by a peer review team, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(C) The State educational agency will participate, if requested, in any evaluation of the State educational agency's program under this section.

(D) The State educational agency's application shall include a program plan that contains a description of the following:

(i) How the State educational agency will assist eligible local educational agencies in implementing subgrants, including providing ongoing professional development for mathematics coaches, teachers, paraprofessionals, and administrators.

(ii) How the State educational agency will help eligible local educational agencies identify high-quality screening, diagnostic, and classroom-based instructional mathematics assessments.

(iii) How the State educational agency will help eligible local educational agencies identify high-quality research-based mathematics materials and programs.

(iv) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(v) How the State educational agency will ensure that professional development funded under this section—

(I) is based on mathematics research;

(II) will effectively improve instructional practices for mathematics for secondary school students;

(III) will improve student academic achievement in mathematics; and

(IV) is coordinated with professional development activities funded through other programs, including section 2113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613).

(vi) How funded activities will help teachers and other instructional staff to implement research-based components of mathematics instruction and improve student academic achievement.

(vii) The subgrant process the State educational agency will use to ensure that eligible local educational agencies receiving subgrants implement programs and practices based on mathematics research.

(viii) How the State educational agency will build on and promote coordination among mathematics programs in the State to increase overall effectiveness in improving mathematics instruction and student academic achievement, including for students with disabilities and students with limited English proficiency.

(ix) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this section.

(h) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this section shall—

(1) establish a peer review team comprised of researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools, to provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based mathematics programs for secondary school students;

(2) use 80 percent of the grant funds received under this section for a fiscal year to fund high-quality applications for subgrants to eligible local educational agencies having applications approved under subsection (1); and

(3) use 20 percent of the grant funds received under this section—

(A) to carry out State-level activities described in the application submitted under subsection (g);

(B) to provide—

(i) technical assistance to eligible local educational agencies; and

(ii) high-quality professional development to teachers and mathematics coaches in the State;

(C) to oversee and evaluate subgrant services and activities undertaken by the eligible local educational agencies as described in subsection (l)(3); and

(D) for administrative costs, of which not more than 5 percent of the grant funds may be used for planning, administration, and reporting.

(i) Notice to Eligible Local Educational Agencies.—Each State educational agency receiving a grant under this section shall provide notice to all eligible local educational agencies in the State about the availability of subgrants under this section.

(j) Prohibitions.—

(1) In general.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) Conflict of interest.—Any federal employee, contractor, or subcontractor involved in the administration, implementation, or provision of oversight or technical assistance duties or activities under this section shall—

(A) disclose to the Secretary any financial ties to publishers, entities, private individuals, or organizations that will benefit from funds provided under this section; and

(B) be prohibited from maintaining significant financial interests in areas directly related to duties or activities under this section, unless granted a waiver by the Secretary.

(3) Reporting.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives, on each of the waivers granted under paragraph (2)(B).

(4) Rule of construction.—Nothing in this section shall be construed to authorize or permit the Secretary, Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(k) Supplement Not Supplant.—Each State educational agency receiving a grant under this section shall use the grant funds to supplement, not supplant, State funding for activities authorized under this section or for other educational activities.

(l) Subgrants to Eligible Local Educational Agencies.—

(1) Application.—

(A) In general.—Each eligible local educational agency desiring a subgrant under this subsection shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency.

(B) Contents.—In addition to any information required by the State educational agency, each application under paragraph (1) shall demonstrate how the eligible local educational agency will carry out the following required activities:

(i) Development or selection and implementation of research-based mathematics assessments.

(ii) Development or selection and implementation of research-based mathematics programs, including programs for students with disabilities and students with limited English proficiency.

(iii) Selection of instructional materials based on mathematics research.

(iv) High-quality professional development for mathematics coaches and teachers based on mathematics research.

(v) Evaluation and assessment strategies.

(vi) Reporting.

(vii) Providing access to research-based mathematics materials.

(C) Consortia.—Consistent with State law, an eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium of local educational agencies if each member of the consortium is an eligible local educational agency.

(2) Award basis.—

(A) Priority.—A State educational agency awarding subgrants under this subsection shall give priority to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(B) Amount of grants.—Subgrants under this subsection shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this subsection.

(3) Local use of funds.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to carry out, at the secondary school level, the following services and activities:

(A) Hiring mathematics coaches and providing professional development for mathematics coaches—

(i) at a level to provide effective coaching to classroom teachers;

(ii) to work with classroom teachers to better assess student academic achievement in mathematics;

(iii) to work with classroom teachers to identify students with mathematics problems and, where appropriate, refer students to available programs for remediation and additional services;

(iv) to work with classroom teachers to diagnose and remediate mathematics difficulties of the lowest-performing students, so that those teachers can provide intensive, research-based instruction, including during after-school and summer sessions, geared toward ensuring that those students can access and be successful in rigorous academic coursework; and

(v) to assess and organize student data on mathematics and communicate that data to school administrators to inform school reform efforts.

(B) Reviewing, analyzing, developing, and, where possible, adapting curricula to make sure mathematics skills are taught within other core academic subjects.

(C) Providing mathematics professional development for all relevant teachers in secondary school, as necessary, that addresses both remedial and higher level mathematics skills for students in the applicable curriculum.

(D) Providing professional development for teachers, administrators, and paraprofessionals serving secondary schools to help the teachers, administrators, and paraprofessionals improve student academic achievement in mathematics.

(E) Procuring and implementing programs and instructional materials based on mathematics research, including software and other education technology related to mathematics instruction with demonstrated effectiveness in improving mathematics instruction and student academic achievement.

(F) Building on and promoting coordination among mathematics programs in the eligible local educational agency to increase overall effectiveness in—

(i) improving mathematics instruction; and

(ii) increasing student academic achievement, including for students with disabilities and students with limited English proficiency.

(G) Evaluating the effectiveness of the instructional strategies, teacher professional development programs, and other interventions that are implemented under the subgrant; and

(H) Measuring improvement in student academic achievement, including through progress monitoring or other assessments.

(4) Supplement not supplant.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to supplement, not supplant, the eligible local educational agency's funding for activities authorized under this section or for other educational activities.

(5) New services and activities.—Subgrant funds provided under this subsection may be used only to provide services and activities authorized under this section that were not provided on the day before the date of enactment of this Act.

(6) Evaluations.—Each eligible local educational agency receiving a grant under this subsection shall participate, as requested by the State educational agency or the Secretary, in reviews and evaluations of the programs of the eligible local educational agency and the effectiveness of such programs, and shall provide such reports as are requested by the State educational agency and the Secretary.

(m) Matching Requirements.—

(1) State educational agency requirements.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in-kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) Waiver.—The Secretary may waive all or a portion of the matching requirements described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(n) Program Performance and Accountability.—

(1) Information.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the

grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school districtwide, or classroom-based monitoring reports or assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at the proficient or advanced level on the State student academic achievement standards in mathematics under section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii));

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving proficiency or advanced levels on such State academic content standards in mathematics;

(III) significantly increased the number of students making significant progress toward meeting such State academic content and achievement standards in mathematics; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in advanced mathematics courses in grades 9 through 12, including the percentage of such students who pass such courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) REPORTING AND DISAGGREGATION.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

AMENDMENT NO. 970, AS MODIFIED

On page 164, strike lines 11 through 22 and insert the following:

(C) PRIVACY AND ACCESS TO DATA.—

(i) IN GENERAL.—Each State that receives a grant under subsection (c)(2) shall implement measures to—

(I) limit the State's use of information in the statewide P–16 education data system to the purposes and functions for use of such information set forth in Federal or State law regarding education and allow access to the information in the statewide data system only to those State employees, and only on such terms, as may be necessary to fulfill those purposes and functions;

(II) prohibit the disclosure of information in the statewide P–16 education data system to any other person, agency, institution, or entity, except to the extent necessary to assist the State in fulfilling the purposes and functions for use of such information set forth in Federal or State law regarding education, and only if such party has signed a data use agreement that—

(aa) prohibits the party from further disclosing the information;

(bb) prohibits the party from using the information for any purpose other than the purpose specified in the agreement, which purpose must relate to assisting the State in carrying out the purposes and functions for use of such information set forth in Federal or State law regarding education; and

(cc) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(III) keep an accurate accounting of the date, nature, and purpose of each disclosure of information in the statewide P–16 education data system, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(IV) maintain adequate security measures to ensure the confidentiality and integrity of the data system;

(V) ensure that the statewide P–16 education data system meets any further requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);

(VI) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(VII) ensure adequate enforcement of the requirements of this clause.

(ii) USE OF UNIQUE IDENTIFIERS.—

(I) GOVERNMENTAL USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to use the unique identifiers employed in the statewide P–16 education data systems for any purpose other than as authorized by Federal or State law regarding education, or to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

(II) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall promulgate regulations governing the use by governmental and non-governmental entities of the unique identifiers employed in statewide P–16 education data systems, including, where necessary, regulations requiring States desiring grants for statewide P–16 education data systems under this section to implement specified measures, with the goal of safeguarding individual privacy to the maximum extent practicable consistent with the uses of the information authorized in this Act or other Federal or State law regarding education.

On page 169, strike lines 15 through 17 and insert the following:

(i) a description of the privacy protection and enforcement measures that the State has implemented or will implement pursuant to subparagraph (C), and assurances that these measures will be in place prior to the establishment or improvement of the statewide P–16 education data system; and

AMENDMENT NO. 975

(Purpose: To require the Secretary of Energy, acting through the Director of Mathematics, Science, and Engineering Education, to provide grants to States to assist the States in establishing or expanding programs to enhance the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses)

On page 78, strike line 21 and insert the following:

"(D) $27,500,000 for fiscal year 2011.

"CHAPTER 6—NATIONAL ENERGY EDUCATION DEVELOPMENT

"SEC. 3195. NATIONAL ENERGY EDUCATION DEVELOPMENT.

"(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to enhance the knowledge of the students of the science of energy, the sources of energy, the uses of energy in society, and the environmental consequences and benefits of all energy sources and uses by—

"(1) improving instruction in science related to energy for students in kindergarten through grade 9 through the implementation of energy education programs and with the support of comprehensive science education initiatives that are based on the best available evidence of effectiveness; and

"(2) providing professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

"(A) to improve the understanding of students of the scientific, economic, and environmental impacts of energy;

"(B) to improve the knowledge of teachers, administrators, and other school staff related to the scientific content of energy;

"(C) to increase the use of effective instructional practices; and

"(D) to reflect science content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

"(b) PROGRAM.—The Secretary (acting through the Director) (referred to in this section as the 'Secretary') shall provide grants to States to assist the States in establishing or expanding programs to enhance the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses.

"(c) COORDINATION.—In carrying out this section, the Secretary shall use and coordinate with existing State and national programs that have a similar mission.

"(d) GRANTS.—The Secretary shall award grants, on a competitive basis, under this section to States to pay the Federal share of the costs of establishing or expanding high-quality energy education curricula and programs.

"(e) PROGRAMS.—In carrying out this section, the Secretary shall award grants to establish or expand programs that enhance—

"(1) the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses; and

"(2) the understanding of students of the science, economics, and environmental impacts of energy production and consumption.

"(f) FEDERAL AND NON-FEDERAL SHARES.—

"(1) FEDERAL SHARE.—The Federal share of the costs of carrying out a program under this section shall be 50 percent.

“(2) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out a program under this section may be provided in the form of cash or in-kind contributions, fairly evaluated, including services.

“(g) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—

“(1) ensure a wide, equitable distribution of grants among States that propose to serve students from urban and rural areas; and

“(2) provide equal consideration to States without National Laboratories.

“(h) USES OF FUNDS.—

“(1) IN GENERAL.—Subject to paragraph (2), States, or other entities through States, that receive grants under this section shall use the grant funds to—

“(A) employ proven strategies and methods for improving student learning and teaching regarding energy;

“(B) integrate into the curriculum of schools comprehensive, science-based, energy education, including instruction and assessments that are aligned with—

“(i) the academic content and student academic achievement standards of the State (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311));

“(ii) classroom management;

“(iii) professional development;

“(iv) parental involvement; and

“(v) school management; and

“(C) provide high-quality and continuous teacher and staff professional development.

“(2) REQUIREMENTS.—Grant funds under this section may be used for activities described in paragraph (1) only if the activities are directly related to improving student academic achievement related to—

“(A) the science of energy;

“(B) the sources of energy;

“(C) the uses of energy in society; and

“(D) the environmental consequences and benefits of all energy sources and uses.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) $1,000,000 for each of fiscal years 2008 and 2009; and

“(2) $2,000,000 for each of fiscal years 2010 and 2011.”.

AMENDMENT NO. 977

(Purpose: To encourage members of the Armed Forces to participate in programs for master's degrees in mathematics, science, or critical foreign languages education)

On page 113, between lines 2 and 3, insert the following:

(B) members of the Armed Forces who are transitioning to civilian life; and

AMENDMENT NO. 980

(Purpose: To express the sense of Senate regarding policies related to deemed export control)

At the appropriate place in the bill, add the following:

“SEC. ___. SENSE OF THE SENATE.

It is the Sense of Senate that—

U.S. government policies related to deemed exports should safeguard U.S. national security and protect fundamental research;

The Department of Commerce has established the Deemed Export Advisory Committee to develop recommendations for improving current controls on deemed exports;

The Administration and Congress should consider the recommendations of the Deemed Export Advisory Committee in its development and implementation of export control policies.”.

AMENDMENT NO. 921

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 921 offered by the Senator from Oklahoma.

Mr. BINGAMAN. Mr. President, let me use the minute in opposition to the amendment. The Senator from Oklahoma may wish to speak in favor of his amendment.

This is the amendment to strike the funding and the provisions in the bill for the Advanced Technology Program. In my view, this would be a very bad step for us to take. I know there are some Members who do not believe this is a worthwhile use of taxpayers' dollars. I am not one of those. I believe the Federal Government should partner with industry to assist in the early stages of technology development, and particularly that is important when we compete with other countries that spend heavily to assist their industrial sectors to compete in world markets.

So I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, there is no question the ATP program has had some successes. The fact is that over $2.5 billion has gone to Fortune 500 companies over the last 14 years for research they would have done otherwise. This is a program which is outmoded. We have a way to help businesses do research and development. It is called the R&D tax credit. This is not effective. It is a poor way to spend our money.

I yield back the remainder of my time. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 921. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—39

Alexander
Allard
Bennett
Bunning
Burr
Chambliss
Coburn
Cochran
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Murkowski
Roberts
Sanders
Sessions
Shelby
Sununu
Thomas
Thune
Vitter

NAYS—57

Akaka
Baucus
Bayh
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Conrad
Dodd
Dole
Dorgan
Durbin
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—4

Biden
Brownback
Johnson
McCain

The amendment (No. 921) was rejected.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 956

Mr. BINGAMAN. Mr. President, we inadvertently left a cleared amendment off the list I read describing the managers' package. I ask unanimous consent that amendment No. 956 be agreed to and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 956) was agreed to, as follows:

(Purpose: To express the sense of the Senate regarding concerns that United States capital markets are losing their competitive edge in intensifying global competition, and to recommend that Congress and the Administration take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING CAPITAL MARKETS.

(a) FINDINGS.—The Senate finds that—

(1) United States capital markets are losing their competitive edge in the face of intensifying global competition, posing a risk to economic growth, a problem that is well-documented in initial public offerings (IPO), over-the-counter (OTC) derivatives, securitization, and traditional lending;

(2) according to the Senator Charles E. Schumer and Mayor Michael R. Bloomberg report, entitled “Sustaining New York's and the U.S.'s Global Financial Services Leadership”, “In looking at several of the critical contested investment banking and sales and trading markets—initial public offerings (IPOs), over-the-counter (OTC) derivatives, and debt—it is clear that the declining position of the U.S. goes beyond this natural market evolution to more controllable, intrinsic issues of U.S. competitiveness. As market effectiveness, liquidity and safety

become more prevalent in the world's financial markets, the competitive arena for financial services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the U.S. is moving in the wrong direction.";

(3) further, the report referred to in paragraph (2) stated that—

(A) "The IPO market also offers the most dramatic illustration of the change in capital-raising needs around the world, and U.S. exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place globally in 2006, the share of IPO volume attracted by U.S. exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega-IPOs—those over $1 billion—U.S. exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006."; and

(B) "London already enjoys clear leadership in the fast-growing and innovative over-the-counter (OTC) derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasingly see derivatives and cash markets as interchangeable and are therefore combining trading operations for both products. Indeed, the derivatives markets can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America's competitiveness in both cash and derivatives flow trading is at risk, as is its position as a center for financial innovation.";

(4) on March 13, 2007, the Department of the Treasury convened a conference on United States capital markets competitiveness, where—

(A) key policymakers, consumer advocates, members of the international community, business representatives, and academic experts, each with different perspectives, discussed ways to keep United States capital markets the strongest and most innovative in the world; and

(B) conference delegates examined the impact of the United States regulatory structure and philosophy, the legal and corporate governance environment, and the auditing profession and financial reporting on United States capital markets competitiveness;

(5) the foundation of any competitive capital market is investor confidence, and since 1930, the United States has required some of the most extensive financial disclosures, supported by one of the most robust enforcement regimes in the world;

(6) a balanced regulatory system is essential to protecting investors and the efficient functioning of capital markets; and

(7) too much regulation stifles entrepreneurship, competition, and innovation, and too little regulation creates excessive risk to industry, investors, and the overall system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets; and

(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

Mr. SCHUMER. Mr. President, I rise to join my colleague Senator CRAPO in offering our Sense of the Senate to express that the Congress and the administration take the necessary steps to sustain the United States' position as the global leader in financial services to S. 761.

We can all agree that the U.S. is the financial capital of the world. Today, Wall Street is booming, and our Nation's short-term economic outlook is strong. But to maintain our success far into the future we must immediately address a real and growing concern: our global competitive position in the capital markets is being threatened.

The evidence is quite clear.

London, certainly our greatest competitor, has been working hard to gain on us in financial services in the last few years. And, although London has not overtaken us, it is no longer a distant second.

While New York is still the dominant global exchange center, we have been losing ground as the leader in capital formation. In 2005, only one out of the top 24 IPOs was registered in the U.S. and four were registered in London.

Sadly, the problem is not just IPOs. Our competitive position is being challenged in most businesses that are globally contestable.

Today London leads in some of the fastest growing and innovative areas in the financial services. They account for 70 percent of the global secondary bond market, 40 percent of the derivatives market, 30 percent of foreign exchange activity, and 30 percent of cross border equities trading.

Why is this happening? Not because London is more innovative—New York City is and 49 percent of the top CEOs say so. But, what they also say is—given the risks associated with developing innovative financial instruments and the importance of attracting talent in finance—the U.S.'s legal, regulatory and immigration policies are not attractive and it only makes sense to pursue cutting edge activity overseas. To make matters even worse, it is not only London. As technology has virtually eliminated barriers to the flow of capital, it now freely flows to the most efficient markets, in all corners of the globe. So, in addition to London we're increasingly competing for position against cities like Hong Kong, Tokyo and Bombay.

My concern about this issue has been keeping me awake at night. For over a year now I have been racking my brain, trying to understand the causes and fixes needed to keep us No. 1.

Well . . . that is precisely what Mayor Bloomberg and I set out to do in a more formal way when we commissioned McKinsey Consulting to conduct a study to examine the competitive position of New York City's financial services industry, specifically in comparison to London's. The study identified the drivers that might cause New York City to lose its competitive edge, but more importantly provided recommendations and an action plan to correct the problem.

We gathered detailed analyses of market conditions here and abroad. McKinsey interviewed and consulted more than 50 respected leaders from the financial services industry, consumer and labor groups, and other stakeholders.

Our report which was released in January illustrated the reality of the situation. The U.S., New York in particular, is in grave danger of losing its status as the financial capital of the world without a major change in policy and regulation. If we continue on with the status quo, within the next ten years we will go from being number one, to becoming a marginalized regional market—spelling disaster for New York and the entire country.

Financial services comprise 8 percent of the U.S. economy—the third fastest growing sector of the U.S. economy. The industry also plays an important intermediary role in promoting economic activity and creating jobs (savings, investment, borrowing, capital formation, wealth accumulation, transactions). 1 in every 19 jobs in the U.S. is in financial services.

This clearly is not just a New York issue. Many of you will be surprised to learn, just as I was—that seven states (Connecticut, Massachusetts, Delaware, Rhode Island, North Carolina, South Dakota), including New York, have more than 10 percent of their State's GDP devoted to financial services.

Resolving this issue will require all hands on deck. In New York we already recognize that—the Mayor, the Governor, and I have already joined forces.

I strongly believe that we are in a good position to act now in order to lessen the damage that could be waiting for us 10 years down the road.

Cleary, this is an issue that will take some time to work through—taking on our country's regulatory regime, legal system and immigration policies will be no easy undertaking. In recognizing the complexities, our report focused on near term recommendations that are mostly administrative and the longer term recommendations that are legislative.

I want to commend Secretary Paulson and the Department of Treasury for convening a conference on United States capital markets' competitiveness. I hope this will build more momentum for other financial services regulators and Congress to take action and sends a signal that we are in need of a renewed U.S. focus on competitiveness.

We deed to take action to level the playing field for both domestic and foreign companies doing business in the United States, to address more complex policy, legal, regulatory and other structural issues affecting the U.S. position as the world's leading financial center. We must create a responsive, market-oriented regulatory framework, moving closer towards a fair and predictable legal environment, and provide access to skilled professionals from outside of the U.S.

I want to thank my friend and colleague Senator CRAPO for his commitment and leadership on this issue. I look forward to working with you over the next several months to protect our capital markets—this is not a Democrat or Republican issue, it's an American issue.

The bottom line is that we, in New York and in the U.S., literally cannot afford to lose our place as the global leader in financial services and we must examine which factors impede our competitive standing.

At the same time, we have to be smart, careful, and balanced as we seek to continue to redefine the exquisite balance of innovation and regulation as markets evolve internationally.

We know that addressing these challenges and ensuring that we do so in a way that continues to offer strong protections to consumers and investors will be a huge undertaking. But if all stakeholders—industry, consumer advocates, labor, and government—come together in the name of securing our economic future, we can do it.

Failing to do so would be dereliction of duty.

We must all commit to seeking a shift in national policy in a direction that will ensure that New York and America retain its leadership position in the financial services industry well into the 21st Century.

I thank my colleagues for joining us in support of this amendment.

Mr. CRAPO. Mr. President, I rise today in support of this global competitiveness amendment with the senior Senator from New York to S. 761 and to call attention to the challenges facing U.S. financial markets. I really appreciate the leadership role the senior Senator from New York has taken in the global capital markets competitiveness debate and I really appreciate our working relationship.

The first part of the amendment highlights findings that U.S. capital markets are losing their competitive edge in the face of intensifying global competition in initial public offerings, IPOs, over-the-counter, OTC, derivatives, securitization, and traditional lending. The second half of the amendment expresses the sense of the Senate about what steps should be taken to bolster the competitiveness of this essential sector of the U.S. economy.

According to the Schumer/Bloomberg report entitled Sustaining New York's and the U.S.' Global Financial Services Leadership, "In looking at several of the critical contested investment banking and sales and trading markets—initial public offering, over-the-counter derivatives, and debt—it is clear that the declining position of the U.S. goes beyond this natural market evolution to more controllable, intrinsic issues of U.S. competitiveness. As market effectiveness, liquidity and safety become more prevalent in the world's financial markets, the competitive arena for financial services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the U.S. is moving in the wrong direction."

This is a very alarming trend because IPOs and OTC derivatives contribute to a robust and dynamic capital market which is a tremendously beneficial force for our economy and an empowerment to our citizens. It is critical to ensuring economic growth, job creation, low costs of capital, innovation, entrepreneurship, and a strong tax base in key areas of the country. The U.S. financial sector acts as a catalyst for all other sectors in the U.S. economy. That is why the decline in global initial public offerings in the United States, and the fact that London already enjoys clear leadership in the fast growing OTC derivatives market, are such worrying trends.

The report further states, "The IPO market also offers the most dramatic illustration of the change in capital raising needs around the world, and the U.S. exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place globally in 2006, the share of IPO volume attracted by U.S. exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega IPOs—those over $1 billion—U.S. exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006."

It further notes: "London already enjoys clear leadership in the fast-growing and innovative over-the-counter derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasing use derivatives and cash markets as interchangeable and are therefore combining trading operations for both products. Indeed, the derivatives market can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America's competitiveness in both cash and derivatives flow trading is at risk, as its position as a center for financial innovation."

One of the common themes we are seeing in terms of movement of business away from the United States to London and other capital markets are the regulatory burdens and the regulatory regime that we impose here in the United States. I do not think anybody would say that we should simply take down our regulatory position, because we do have one of the strongest markets in the world. But the question is are we over-regulating.

Fortunately, academics, business leaders, and politicians are working together to study this issue. They have identified several specific problems that hinder the competitiveness of the U.S. capital markets and have issued reports outlining possible solutions:

Interim Report of the Committee on Capital Markets Regulation, November 2006; Schumer/Bloomberg report entitled: "Sustaining New York's and U.S.' Global Financial Services Leadership, January 2007; Commission on the Regulations of U.S. Capital Markets in the 21st Century, March 2007.

I would especially like to commend the senior Senator from New York for his efforts in this project. All three reports add considerably to the understanding of the challenges that American capital markets face and offer solutions that could help American markets, companies, and workers to better compete.

Additionally, on March 13, 2007, the Department of the Treasury convened a conference on United States capital markets competitiveness where conference delegates discussed ways to keep U.S. capital markets the strongest and most innovative in the world. This problem is well-documented and it is time that we take the necessary steps to restore America's leadership position in the global financial services marketplace.

This amendment states it is the sense of the Senate

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets;

(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

This amendment is supported by the American Bankers Association, the Business Roundtable, United States Chamber of Commerce, Financial Services Forum, Investment Company Institute, International Swaps and Derivatives Association, Securities Industry and Financial Markets Association, NASDAQ, and NYSE.

I also thank my colleagues for joining me in supporting this amendment, and I thank the senior Senator from New York for working with me on this amendment

AMENDMENT NO. 922

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 922, offered by the Senator from Oklahoma.

Mr. INOUYE. Mr. President, I wish to speak against this amendment. This amendment will increase the work of the inspector general because of its mandatory nature, but it will not add any additional results.

Secondly, it provides that audits be posted on the Web within 60 days without any safeguards for proprietary information that may be gathered as a result of the audit, and it provides no protections under existing information privacy laws.

Then there is the word "conference," which I think is too broad and has implications for existing and future educational activities, which is the major part of the underlying bill.

For this reason, and many others, I am opposed to it.

I yield back my remaining time.

The PRESIDING OFFICER. Does the Senator from Oklahoma wish to be heard?

Mr. COBURN. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 922.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 14, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—82

Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lott
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—14

Akaka
Byrd
Dodd
Feingold
Gregg
Inouye
Kennedy
Kerry
Levin
Lieberman
Lincoln
Lugar
Rockefeller
Stevens

NOT VOTING—4

Biden
Brownback
Johnson
McCain

The amendment (No. 922) was agreed to.

Mr. LEVIN. Madam President, I voted against Senator COBURN's amendment, No. 922, because it will place a difficult burden on grant activities of the National Oceanic and Atmospheric Administration, NOAA. The amendment as drafted has disturbing privacy implications. The inspector general's audits must be posted on the Web within 60 days without any safeguards for proprietary information. Further, the amendment is drafted so broadly that some reasonable uses of grant awards would be jeopardized. Researchers might be restrained from attending peer conferences which are a part of the scientific process. NOAA awards grants throughout Michigan in order to protect and restore the Great Lakes, and I want to ensure that this amendment does not interfere with NOAA's mission in the Great Lakes and our Nation's waters. I support the goal of the amendment to provide for accountability and transparency, and I hope that my concerns with the amendment will be addressed in conference so that I can support the provision in the conference report.

NANOTECHNOLOGY IN THE SCHOOLS

Mr. WYDEN. Madam President, I would like to thank the distinguished Senator from New Mexico, Mr. BINGAMAN, and the distinguished Senator from Tennessee, Mr. ALEXANDER, for their leadership in crafting the America COMPETES Act and managing it on the Senate floor. I would also like to thank Senator INOUYE and Senator KENNEDY for their roles in developing and moving this bill. It is a critical piece of legislation that will help ensure our great Nation remains competitive in the global economy.

I would also like to thank my distinguished colleague from Oregon, Mr. SMITH, the distinguished Senator from Massachusetts, Mr. KERRY, and the distinguished Senator from Arkansas, Mr. PRYOR, for working with me to draft language to enable high schools and colleges to purchase nanotechnology equipment through grants from the National Science Foundation. And I thank the distinguished Senator from New Jersey, Mr. MENENDEZ, for working with us to add some of that language to his important amendment to this fine bill.

Nanotechnology involves the understanding and control of matter at dimensions of roughly 1 to 100 nanometers—as small as a single molecule. At that scale, unique phenomena enable novel applications. The rapidly growing field of nanotechnology is generating scientific and technological breakthroughs that will benefit society by improving the way many things are designed and made. It will continue to be at the heart of innovation in a wide range of sectors for decades to come.

With the inclusion of the language that we proposed, partnerships between low income school districts, colleges and universities, and businesses will be able to secure funds to purchase classroom versions of scanning electron microscopes and other tools that are fundamental to the study of nanotechnology.

Mr. SMITH. Madam President, I thank my distinguished colleague and the Senators from New Mexico, Tennessee, Massachusetts, Arkansas, and New Jersey.

Nanotechnology will have a significant, positive impact on the security, economic well-being, and health of Americans as fields related to nanotechnology expand. In order to maximize the benefits of nanotechnology to our citizens, the United States must maintain world leadership in the field.

According to the National Science Foundation, foreign students on temporary visas earned 32 percent of all science and engineering doctorates awarded in the United States in 2003, the last year for which data is available. Foreign students earned 55 percent of the engineering doctorates. Many of these students expressed an intent to return to their country of origin after completing their study.

To maintain world leadership in nanotechnology, the United States must make a long-term investment in educating U.S. students in high schools and colleges, so that our students are able to conduct nanoscience research and develop and commercialize nanotechnology applications.

Preparing students for careers in nanotechnology requires they have access to the necessary scientific tools, including scanning electron microscopes designed for teaching, and involves training to enable teachers and professors to use the tools in classrooms and laboratories.

Mr. WYDEN. I agree with my colleague. It is well documented that America needs to address the science, technology, engineering and math deficit—this entire bill is a reflection of that understanding. This deficit is possibly greatest in the Nation's poorest school districts. Yet these school districts also offer a reservoir of potential—potential, if properly tapped, that could generate hundreds of thousands of scientists and engineers who can help ensure that America can compete in the global marketplace, and harness the economic promise—and good paying jobs—of emerging fields like nanotechnology.

I have seen some of the nanotechnology equipment that folks will be able to use these funds to purchase. And honestly, it is exciting stuff. I expect that it will help generate the enthusiasm, as well as the knowledge and understanding, necessary to attract and retain America's future nanotechnologists.

So I would urge the Director of the National Science Foundation, as he is implementing this program, to give special attention to grant proposals that include a nanotechnology element.

Mr. SMITH. I agree with my colleague from Oregon and I also hope that the Director will give special attention to grant proposals that include a nanotechnology element. Nanotechnology is not a specific technology, but a descriptive term encompassing a range of fields from biology to computer science, and from medicine to engineering. This legislation will enable high schools and colleges, in partnership with local businesses, to purchase basic tabletop nanotechnology tools for classroom use—not laboratory use for research, but classroom use for education—to help create the next generation of scientists of all kinds, and to ensure that they will have the skills to apply nanotechnology to whatever specific scientific field they enter.

Mr. WYDEN. I would like to make one last point—the 21st Century Nanotechnology Research and Development Act will come up for reauthorization next year. As one of the authors of the act, and as one of the cochairmen of the Congressional Nanotechnology Caucus, I am looking forward to hearing my colleagues' thoughts about how the act might be amended to further promote American competitiveness in the vitally important field of nanotechnology.

AUTHORIZATION FOR DEPARTMENT OF ENERGY BASIC RESEARCH, SECTION 2006

Mr. DOMENICI. Madam President, I wish to commend the managers of the bill for continuing here on the floor the remarkable cooperative effort that characterized the development of this legislation by the three Senate committees. That said, I want to note that I think we need to give further consideration to the funding pattern for basic research within the Department of Energy in Section 2006. We have responded to the Augustine Report's call for increasing our commitment to basic research in the physical sciences by doubling funding over the next decade, but we need to make sure that those funds are distributed over the years in a manner that will maximize the effectiveness of those programs. I suggest that we need to increase and accelerate funding for these basic research programs. I request that the managers agree to work with me to accomplish that as this bill works its way through conference.

Mr. BINGAMAN. I share my colleague's concern. We must ensure that the funding increases for the Office of Science at the Department of Energy are sufficient and that they are allocated to specific years so that there is a nexus between the needs of each of the various research programs and the amounts provided for each fiscal year. I will be pleased to work with my colleagues in conference to refine further these authorizations.

Mr. ALEXANDER. I thank the senior Senator from New Mexico for bringing this matter to our attention. I, too, recognize the significant contributions of the Department of Energy Office of Science to our Nation's commitment to basic research. It is the largest Federal funding source of basic research in the physical sciences. So it is, of course, extremely important that we get the funding right. I will also be pleased to work with my colleagues to make certain we provide optimal support for these programs.

Mr. DOMENICI. I thank my colleagues for their willingness to work with me on this issue, and I am hopeful that the conference report we ultimately consider will have the best funding scenario we can provide for these basic research programs.

AUTHORIZATION OF THE ATP PROGRAM

Mr. LEVIN. Madam President, I had intended to call up amendment No. 969 which sets forth authorization levels for the Advanced Technology Program, ATP, to restore the ATP program to its historic funding levels. The Senate's defeat of the Coburn amendment expresses the will of the Senate to support the ATP program. I am also confident that the chairman and the committee can accomplish in conference what this amendment intended to do.

Again, by defeating the Coburn amendment to repeal the authorization for the Advanced Technology Program, ATP, the Senate has again expressed its support for ATP.

This body understands the importance of this program. In the past the Senate has, on numerous occasions, supported amendments to the budget resolution to provide for ATP. Every time we have had an appropriations vote on this program we have retained funding for ATP.

We have lost 3 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies.

The ATP is one of the key Federal programs available to help U.S. manufacturers remain competitive in a global economy.

I have spoken with the chairman of the Senate Energy Committee and I am confident he will support strong funding for the ATP program in conference.

Mr. BINGAMAN. I will support efforts to authorize this important program which the Senate has so often voted to support, consistent of course with our ability to get a conference report that the Senate can pass.

I thank Senator LEVIN for bringing this matter to the attention of the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, if all of the Members are here now, I want to express thanks—I think I speak for the whole Senate—for the work done by Senators BINGAMAN and ALEXANDER. It is a very important piece of legislation. This is the fifth day we have worked on this piece of legislation; this is only the floor days. We spent hours and hours coming up with the idea, having meetings, meeting with individual Senators.

It is a good piece of legislative work. As we know, legislation is the art of compromise. They have made the compromises which improved the legislation. They were assisted by the chair and ranking member of the HELP Committee, KENNEDY and ENZI; Commerce Committee, INOUYE and STEVENS; and, of course, Senator BINGAMAN's housemate from New Mexico, Senator DOMENICI, has been on the floor a lot these past few days. It is good to see him up around, back in his fighting form. He has done very good work as usual.

I also express my appreciation to Senator MCCONNELL for allowing us to move forward. This is a good bipartisan piece of legislation. I said when this legislation started we were going to do something on a bipartisan basis. Recognizing that although there was a little bit of downtime on a few occasions, I made the decision before we went to this bill there would be no procedural cloture votes filed. I thought it was good to let everybody know we can work through these bills if we have to with a little cooperation from everyone.

Thank you very much.

Let me finally say, the House is going to complete the work on the supplemental sometime late tonight. We will get that sometime late tomorrow. We are going to try to have the final passage of this about a quarter to 1 tomorrow. I am assuming it will be final passage: we will have the vote, anyway. Then that will be the last vote for this week.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, let me join my good friend the majority leader, and say this is a good example of the Senate, a broad bipartisan bill of consequence, with spectacular, widespread participation led by Senator ALEXANDER, Senator DOMENICI, Senator STEVENS, and others on this side; Senator BINGAMAN and others on that side. This is a proud moment for the Senate. I congratulate all of those who spent a couple of years crafting this measure and putting it together so it can enjoy this large vote it is about to receive.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 973

Mr. BINGAMAN. Madam President, we did inadvertently leave one additional amendment off the list that I read describing the managers' package. I ask unanimous consent that amendment No. 973 be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 973) was agreed to, as follows:

(Purpose: To include the Administrator of the Small Business Administration on the President's Council on Innovation and Competitiveness)

On page 16, strike lines 15 and 16 and insert the following:

(P) The Small Business Administration.

(Q) Any other department or agency designated by the President.

Mr. BINGAMAN. Madam President, let me say very briefly that I very much appreciate Senator REID's leadership in setting time aside and making this a priority for the Senate, and Senator MCCONNELL as well. And, of course, I acknowledge the great work Senator ALEXANDER has done at every stage in this process. He has done a terrific job, and he has been the persistent impetus for getting this legislation to this point and deserves great credit for it. Senator DOMENICI does as well. He took a very strong leadership role in the last Congress and again in this Congress in getting this done.

Of course, Senator ENSIGN and Senator LIEBERMAN have been real leaders on the issue, and Senator MIKULSKI, Senator INOUYE, Senator STEVENS, Senator HUTCHISON, Senator KENNEDY, and Senator ENZI. All of them have played a major part.

This is multicommittee legislation and multi-Senator legislation. It is bipartisan, as was said. It is a good step for the Senate to be taking. I appreciate everyone's cooperation and help.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, out of respect to our colleagues, I am going to defer my remarks until after the vote except to say—all of the thank-yous, except to say one thing: There are a number of issues before this body that are too big for one party to solve. This has been one of them. But after 2 years of work across party lines, we ended up with 63 cosponsors, 208 pages of legislation. We dealt with 40 amendments in the last 3 days without any cloture. I hope this sets an example for dealing with some of the other large issues we have that are too big for one party to solve.

I thank my colleagues for working with us in this way. I will be more specific about those thanks to the leaders and the other Senators after the vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, fellow Senators, I have been involved in the last 2 years in two major legislative efforts; both of them have been bipartisan, extremely bipartisan. I don't know how far that will carry us, but it certainly is a good feeling. It is different to know that Senators on both sides of the aisle support the effort you are making when you work hard for something like we did for this one.

The brain power of our youth is the salvation of our country. It is the source of innovation and the source of our economic power. It is failing because we are not educating our children properly. That is the heart of the recommendation given to us. It is the heart of what they gave us as their recommendations, the great American leaders who volunteered, and we were able to keep most of it regardless of how difficult the committee jurisdictions are. Three major committees getting together to fix this is pretty good work.

I thank everyone. There are, more that I want to thank one on one. I will thank them later. But it has been a great effort. I thoroughly enjoyed it after these many years of being a Senator. The last couple of years have been absolutely terrific when you can get a couple of major bills done with both sides of the aisle.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BINGAMAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—88

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—8

Allard
Coburn
DeMint
Graham
Gregg
Inhofe
Kyl
Thomas

NOT VOTING—4

Biden
Brownback
Johnson
McCain

The bill (S. 761), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. BINGAMAN. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Madam President, I speak today in support of the America Competes Act, ACA, a bill designed to increase math and science opportunities for our Nation's youth, an issue of great importance in our increasingly global economy. I have heard from Wisconsinites at the K–12 education level as well as members of my State's higher education community who have voiced support for the ACA and the boost it provides to math and science programming. I am particularly pleased the Senate accepted my amendment to improve education privacy protections in the P–16 database component of this legislation.

For decades, America has dominated the science and technological fields both in the higher education community and the business sector. As the National Academy of Sciences', NAS, report "Above the Gathering Storm: Energizing and Employing America for Brighter Future" outlined, the United States is facing some important challenges that need to be addressed if our country wishes to remain the worldwide economic and scientific leader. The report made clear that the science and technology preeminence that we have enjoyed for decades should not be taken for granted and deserves serious attention.

The NAS report also highlights the need for supporting basic and applied research as a foundation for America's continued competitive edge. The America COMPETES Act follows through on these suggestions by boosting funding for competitive basic research through the NSF and other agencies. I have long been a strong supporter of competitive research funding, cultivating young researchers, graduate students and professionals, and creating an overall environment that encourages innovation, so I was glad to see these provisions in the legislation. While this legislation provides a Federal emphasis, this effort is going to have to be a partnership with public and private universities and colleges to be successful. Knowing Wisconsin, I am sure our institutions and higher education and companies will step up to the plate and embrace this partnership.

Keeping America competitive globally is particularly relevant as manufacturing and industrial plants have closed in the United States and been rebuilt in other nations where the cost of hiring technical experts like engineers and chemists are often one-fifth or even one-tenth that in the US. While we need to boost education and employment training for these workers, I am concerned that retraining and major investment in the science and technology arena will not be enough to make a long-term difference without improved trade agreements. I continue to be troubled by the trade agreements into which our country has entered in recent years. Too often, they lack even the most basic labor and environmental standards needed to prevent a race to the bottom, and to ensure that our businesses and workers can compete on an equal footing. The unfortunate result of these flawed agreements has been the flight of jobs overseas and downward pressure on wages and benefits for those jobs that remain. If agreements such as these continue to be the rule, I am afraid that even with significant investment in science and technology our global position will continue to erode.

While trade policy is an important aspect of our country's competitiveness, maintaining and strengthening America's competitiveness is a multidisciplinary effort. I am pleased that the ACA includes funding for various important education programs including teacher professional development and summer learning institutes for K–12 teachers, and expanded access to AP and IB courses for students in high-need schools. Providing training and support to America's teachers is an essential component of strengthening our nation's educational system and ensuring the educational growth of American students. Teacher quality is one of the biggest factors that impacts student achievement and too many students in our nation's most disadvantaged schools are taught by less experienced and less qualified teachers than their counterparts in our more advantaged schools. The programs provided in the ACA move our country in the right direction towards closing the gap in teacher quality and increasing the number of math and science teachers throughout the country.

I am pleased the Senate adopted my amendment to strengthen the education privacy provisions in the title IV section of the bill which funds alignment of education programs. Under this section, States could apply for grants to improve alignment of the K–12 education standards with the skills that are needed for both the workforce and college. States could also use the grants to create P–16 databases which would compile information on students from kindergarten through college for the purposes of improving education policy in the States. While I fully support better alignment between the K–12 and higher education systems, I was concerned that the privacy provisions of the underlying bill were not strong enough to protect this important student data. As we have seen recently with the unauthorized uses of the federal National Student Loan Data System, these data systems are not completely secure and are potentially subject to abuse by those who have access to such data systems.

My amendment adds some commonsense protections that States would have to comply with in order to receive Federal funding to create or improve education databases. States and third parties will only be able to use the data in the P–16 systems to fulfill purposes set out in State and Federal education law and third parties who access the data must sign a data use agreement prohibiting further disclosure or unauthorized uses. States will also have to account for all disclosures of data and make the accounting available to individuals whose data has been disclosed. Additionally, States must maintain adequate electronic security measures to safeguard the confidentiality and integrity of the data. Databases established with these Federal grant dollars would be subject to the protections of the Family Educational and Privacy Rights Act. Finally, the underlying bill requires States to assign students unique identifiers in the State databases and my amendment would prohibit Federal, State, and local agencies from using the unique identifiers for any purposes except those allowed under Federal and State education law, as well as requiring the Secretary of Education to promulgate regulations to govern the use of unique identifiers in order to safeguard individual privacy.

During consideration of the bill I supported several amendments that would impose greater fiscal responsibility, such as Senator DEMINT's amendment opposing earmarks and Senator COBURN's amendment addressing the Advanced Technology Program. I did not support other amendments that, while well-intentioned, could have undermined the principles and purposes of the bill. I opposed Senator COBURN's amendment to sunset the provisions of the ACA and its amendments because of my concerns that this would nullify positive policy changes made by the ACA. I also opposed his amendment regarding the grant programs of the National Oceanic and Atmospheric Administration. That amendment would have unduly interfered with grant recipients' ability to meet the objectives of their grants by prohibiting participation in conferences that, for example, could further scientific understanding. Grant recipients from all Federal agencies already must comply with regulations that prohibit the misuse of Federal funds on things such as entertainment and alcohol expenses.

I am pleased we were able to work in a bipartisan manner to pass this important legislation. Improving math and science programs for disadvantaged youth and strengthening professional development opportunities for America's teachers are critically important to our Nation's future. The United States has long been known for its leadership in scientific discoveries and achievement, but our country must continue to improve and strengthen our education programs related to math, science, and technology if the United States wants to remain the world's leader on these issues. I believe the America COMPETES Act moves our country in the right direction towards achieving these important goals.

Mr. REID. Madam President, passing S. 761, the America COMPETES Act, is an important first step towards maintaining our country's competitive advantage in the global economy.

This legislation was written with strong bipartisan cooperation and negotiation. Many competing interests and competing views were heard during an open amendment process with Senators free to offer their ideas for improving the legislation. And, in what I hope is a sign of things to come, we were not forced to file cloture to complete action on this bill. Over the past few days, the Senate worked just as it was designed to do.

We would not have achieved this great bipartisan success were it not for the hard work of Senators BINGAMAN and ALEXANDER. While many Senators played important roles in passing this bill, Senators BINGAMAN and ALEXANDER were responsible for raising the awareness of our diminishing ability to compete, and for bringing a much-needed sense of urgency to this issue. I also want to recognize the hard work of a number of my colleagues, Senators INOUYE, STEVENS, KENNEDY, ENZI, LIEBERMAN, ENSIGN, MIKULSKI, and HUTCHISON, who were also instrumental in crafting and now passing this legislation.

I look forward to working with my colleagues to ensure that we follow through on the commitments and investments we made today in passing the America COMPETES Act. And I am hopeful that we can continue to work together in a bipartisan manner to move this country forward.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, let me speak again about the extraordinary effort that went into this legislation and talk particularly about the staff work that has brought us to this point.

I think everyone involved in this legislation knows this represents many days and many nights of hard work by staff people in our personal offices as well as on committee staff. We have seen a great example of how the staffs of the various committees can come together and produce a good product.

I will reiterate the leadership among Senators for this work. Senator ALEXANDER, of course, deserves tremendous credit. Senator DOMENICI deserves tremendous credit. Senator LIEBERMAN and Senator ENSIGN have both worked very hard on this legislation and deserve great credit as well. I know Senators REID and MCCONNELL acknowledged their good work. We also, of course, could not have done this without the leadership of Senator KENNEDY and Senator ENZI on the HELP Committee, and without the leadership of Senator INOUYE, Senator STEVENS, Senator MIKULSKI, and Senator HUTCHISON. There are several others I am sure I should have on the list as well because this was a combined effort.

The three committees that put this legislation together were the Health, Education, Labor, and Pensions Committee, under the leadership of Senator KENNEDY and Senator ENZI; of course, the Commerce, Science, and Transportation Committee under Senator INOUYE and Senator STEVENS; and the Energy and Natural Resources Committee. The portion of this legislation that came from the Energy and Natural Resources Committee was reported out when Senator DOMENICI was the chairman in the last Congress. I was proud to work with him in doing that. I can recall the effort the three of us made—Senator ALEXANDER, Senator DOMENICI, and myself—to persuade the President to make this a priority. He did make it a priority. Of course, he deserves credit for that as well.

Let me also talk for a minute about individual staff members on both sides of the aisle who worked very hard to make this a success—from the Commerce Committee: Jean Toal-Eisen, Jason Mulvihill, Chan Lieu, Beth Bacon, Jeff Bingham, H.J. Derr, Floyd Deschamps, and Christine Kurth; from the HELP Committee: Missy Rohrbach, Lindsay Hunsicker, Michael Yudin; from my staff: Carmel Martin, David Cleary, Anne Clough, Beth Buehlman, Roberto Rodriguez, and Ilyse Schuman; from the Energy Committee: Bob Simon, staff director Jonathan Epstein, who has been working with me tirelessly on this legislation, Sam Fowler, and, of course, our general counsel, Kathryn Clay, and Melanie Roberts; on Senator ALEXANDER's staff: Matt Sonnesyn and Jack Wells are the two with whom I am most familiar who have worked so hard; from Senator LIEBERMAN's staff: Rachel Stotsky, Craig Robinson, and Colleen Shogan; and from on my staff: My legislative director Trudy Vincent has been extremely involved and helpful in getting this legislation completed. I wish to acknowledge the great work done by Jason Unger and Mark Wetjen on Senator REID's staff and by Libby Jarvis on Senator MCCONNELL's staff.

This is legislation which could not have come together without the good work of all of these people whose names I have mentioned. They can be proud of their success in this venture.

Of course, this is only one hurdle in the process. It seems, in the legislative process, no matter how many hurdles jumped, there is always another ahead. We now have to find a way to reconcile any differences we have with the House on this set of issues. We hope we can do that successfully in the near future and send the bill to the President.

Again, I particularly congratulate Senator ALEXANDER and Senator DOMENICI. I know Senator ALEXANDER has some comments he wants to make.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent to add the following Senators as cosponsors of S. 761, the America COMPETES Act: Senators SNOWE and HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, let me say to Senator BINGAMAN, I greatly appreciate working with him. I do not believe there will be a more important piece of legislation to come before Congress this year because it goes right to the heart of something every American understands, which is, How do we keep our jobs? This is the way we do it. We keep our brainpower advantage. We keep our jobs in competition with China and India. There are other factors as well, but what we know is—and we have a broad consensus in the Senate—that most of our remarkable standard of living, a situation where we have 30 percent of all the money in the world produced in this country for about 5 percent of the people, comes from our brainpower advantage, kindergarten through the twelfth grade, a wonderful higher education system, and our research institutes. That is the importance of this legislation.

The second thing about the legislation is that, to a remarkable degree, we rely on the people we ought to rely on in giving the answer to the question, How do we keep our brainpower advantage? Senator BINGAMAN and I, with the encouragement and under the leadership of Senator DOMENICI, who last year was chairman of the Energy Committee, asked the National Academy of Sciences: Please tell us the 10 things we need to do in order to keep our brainpower advantage so we can keep our jobs.

So they asked Norm Augustine, the former head of Lockheed Martin, to chair a distinguished group of about 21, and they gave up their summer 2 years ago. They included three Nobel laureates, the former head of MIT, and others of that caliber, and they gave us 20—in priority order—things to do. At about that same time, the Council on Competitiveness had finished its work. Senator LIEBERMAN and Senator ENSIGN had introduced their bill.

That legislation, which was the Domenici-Bingaman legislation, after a lot of work with the Bush administration, became the Frist-Reid bill toward the end of last year. Then, when we changed parties in the Senate, the very same bill became the Reid-McConnell bill. So we had worked closely together in a bipartisan way where we were able to overcome differences.

I do not want the 88-to-8 vote to fool anybody. This was not that easy to do. This has been 2 years of work, with lots of different committees, many different ideas. But it has been a successful effort.

As I said, briefly, just before the vote, it is a privilege always to be a Senator. It has especially been a privilege this week because the Senate is acting as the Senate should. We are dealing, first, with one of the biggest issues facing our country. Second, we are recognizing it is one of that handful of big issues that cannot be solved by one party alone. The Democrats could have charged up and down the hill all night long, and they could not have done it. The Republicans could have done the same, and we could not have done it. We could only have done it in the way we did it, and we did.

There are other issues out there like that. I think of immigration, which the majority leader has said we will be moving to soon. There is the question of affordable health insurance for every American. There is the question of energy independence. I hope this is a model for how we can work together and avoid some of the petty bickering we sometimes fall into. I think the American people would appreciate that, and I hope they will appreciate this.

I wish to thank especially the Senators whom Senator BINGAMAN talked about. He and his staff have been a delight to work with. Senator DOMENICI, of course, has been terrific to me as a junior member of his committee last year, allowing me to work on this. But when Senator STEVENS and Senator INOUYE and Senator KENNEDY and Senator ENZI, basically, lent their prestige and sense of urgency to this legislation and stepped back and allowed it to proceed and participated rather than claim some jurisdictional advantage, that is what really helped.

Senator ENSIGN made a tremendous difference within the Republican caucus, and Senator HUTCHISON and Senator BOND, and Senator MIKULSKI on that side. Senator CHAMBLISS and others from the very beginning have worked on this issue. That is why we had 70 Senators on the Domenici-Bingaman bill last year—35 Republicans, 35 Democrats. And that is why we had 63 cosponsors of the Reid-McConnell bill.

Finally, Senator REID allowed this to come forward, and Senator MCCONNELL worked with him in a way that permitted this environment. It is pretty remarkable. We have had nothing like this in the Senate this year. We had no cloture—not one bit of cloture. We had a very complicated bill. We dealt with 40 amendments, and we got it all done within a week—on one of the most important pieces of legislation. That is a significant achievement. We should not forget the role Senator Frist played last year in helping to move things along. So I thank my colleagues for the privilege of being a part of it.

Senator BINGAMAN read the names, I believe, of all of the Democratic staff and Republican staff. I do not think he left anyone out. I want to especially, therefore, say—I hope this is appropriate to do—to Jonathan Epstein and Senator BINGAMAN's staff how much we appreciate all of them. They really have been indispensable to this effort. I also thank Matt Sonnesyn, who has been our lead. He has been indispensable, as well, and David Cleary; and Kathryn Clay on Senator DOMENICI's staff, who has been crucial to the effort. The staff have spent hundreds of hours, literally, in the last 2 years working carefully through the bill.

I might say this, in conclusion—I know Senator DOMENICI has something to say—I took the legislation home over the weekend and reread it, all 208 pages. It is remarkably coherent, well written, and well organized. Maybe this process would be a good model for other legislation.

The House of Representatives is already moving. Congressman GORDON and Congressman Boehlert joined Senator BINGAMAN and me in asking the National Academies for their recommendations 2 years ago. Those recommendations have been introduced in the House. It is my hope that after our legislation goes there, the House will act soon, and we will be able to send this legislation to the President.

Senator DOMENICI took us to the White House last year to talk with the President about this issue. He secured the invitation, and it was not just a Republican Senator or another Republican Senator, it was a Republican senior Senator and a Democratic senior Senator meeting with the President. That is the way we worked on this issue. So we appreciate the President's attention and priority to this issue. It would not have happened without that, either.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I will be very brief because so much has been said, I do not think I should repeat it. I think all of the people who deserve to be thanked have been thanked. I thank Senator BINGAMAN for being so gracious to all of those who worked on this legislation. I say to Senator BINGAMAN, you always do, and you made sure the RECORD reflects each of their names, including those of my staff. We all thank you for that act of courtesy.

I just want to say, we all knew when we started we were addressing a very big problem. I am sure each of us from time to time has wondered whether what we were doing was going to have as big an effect as we hoped on our children in their ability to improve their brainpower, as we help teachers who teach them be better teachers of the hard subjects of math and science and the like.

I am sure many times we wondered whether this was the right avenue and approach. But once we got into it, it was apparent we had not been led astray, that the leaders who put it together for us—and there is not a large group of them, but they are very talented, and they are very American—sought nothing but to give us the best recommendations for our country. That was a wonderful group in the Academies. Of course, their chairman, the former CEO of Lockheed Martin, just did a marvelous job.

I am very hopeful, now that we have done this, we will get the money appropriated. I pledge here tonight I will do everything I can—and I hope we will muster more help as we go through appropriations—to see that we give this legislative thrust a chance. If you want a shell, you will get a shell. If you do not want to pay for these programs, you will not help your kids, because there is nothing mysterious about this. There is a huge amount of work that has to be done by people and institutions that have to be paid.

This bill says how we are going to pay for it, but it is an authorizing bill. I told the Senate that, and I proved it, there is nothing we could do in terms of the Budget Act for those who wanted to stop it, because it does not spend money. It authorizes a series of new ideas as the program for the country. The program is immobile without the resources that are stated. As we look at it carefully, we might even see we did not put enough in certain areas. I am certainly going to go to conference and work on the Appropriations Committee with the full idea that we must fully fund this bill for the next 3 or 4 years if we are going to get what we want for our young people and the teachers and parents who so anxiously wait for something good and positive.

This day has been a long time coming. For over a year, we have been working to pass a bill that will give America the brain power needed to compete in the global marketplace.

This is a process that began in the Energy Committee, with a request to the National Academy of Sciences to put together a report that told us what needed to be done to help America compete. That report, "Rising Above the Gathering Storm," led by former Lockheed CEO Norm Augustine, serves as the basis for the legislation we just passed.

Last year, the Energy Committee moved forward with legislation that utilizes the Department of Energy and its national labs to train our teachers and rekindle interest in math and science. We called that bill the PACE—Protecting America's Competitive Edge.

At the end of last session, and again this year, we were able to partner with our leaders, Senator REID and Senator MCCONNELL, and our colleagues on the Commerce and HELP Committees, to put together the comprehensive America COMPETES Act.

Less than 6 percent of high school seniors have plans to study engineering, but 50 percent of our current U.S. science and engineering workforce is approaching retirement age.

By bringing our national labs into the classroom, we can begin to address this problem.

Since the Augustine report emphasizes the need for a renewed focus on basic science and research, this bill authorizes doubling the funding for DOE's Office of Science.

I look forward to working with the House in conference to pass a strong, bipartisan bill that will allow America to rise above the gathering storm and compete once again.

With that, Madam President, once again, I thank Senator BINGAMAN. It has been a pleasure to get another bipartisan bill through with you. If we keep doing this, they are going to be mentioning the Senator from New Mexico so much—mentioning you and then me—they are going to think the whole place is full of Senators from New Mexico. We do not have to worry about that. We will take what we can get and do the best we can with it.

I say to the Senator, thank you, LAMAR, for coming to me and asking: Could I push this with you all? It was a pleasure—and under my chairmanship—to push it with you and for you. It came out very well.

I yield the floor.

Mr. OBAMA. Mr. President, I congratulate Senator BINGAMAN and Senator ALEXANDER for the passage of America COMPETES, legislation which they crafted carefully to enhance American innovation and competitiveness. I also thank them for accepting three amendments which I offered, which will help expand the range of innovative possibilities by which America faces its competitive challenges.

Let me explain this. The president of the National Academy of Engineering once said that innovation is a profoundly creative process, and that like other creative processes, it depends on the life experiences of the people involved. If we include a more diverse sample of our population, we will derive more varied and more innovative design options. We become more competitive by embracing our diversity, by involving a more representative cross-section of our populace in science, technology, and engineering endeavors.

To increase participation, I have offered three amendments that have been accepted into America COMPETES. The first establishes a mentoring program to support women and underrepresented groups as they progress through science and technology education programs, increasing the likelihood of their success. I also propose that groups representing women and minority scientists and engineers be involved as strategies are developed to increase America's competitiveness.

Also accepted was an amendment to increase the math and problem solving skills of young learners, by providing summer learning opportunities for students in elementary grades. This amendment springs from legislation I introduced earlier, with Senator MIKULSKI, the STEP UP Act, S. 116. This legislation responds to evidence showing that students may lose several months equivalent of math skills during the summer, if not provided learning opportunities when not in school. This is particularly important for children of poverty, for whom summer learning losses are greatest. Summer programs combat this loss in knowledge and skills, and well-designed programs can fuel the curiosity of children, helping them become active problem solvers and learners when they return to school in the fall.

I thank my colleagues for their support of these amendments.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Mexico.

MORNING BUSINESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JACK HICKMAN'S RETIREMENT

Mr. REID. Mr. President, prior to this job as Democratic leader, I basically lived on the floor for 6 years. I was here from the time the Senate came into session until we went out every day. During that period of time, I got to know staff up here very well because I basically lived with them.

One of the people whom I certainly have gotten to know over that period of time is a man by the name of Jack Hickman. Since 1996, Jack has worked in the Senate Document Room, has been the executive communications clerk, and is now the morning business editor. When he is here, he sits at the table right in front of me.

Jack is physically a giant of a man, very big. He has a wonderful sense of humor and is very easy to get along with. He loves his alma mater, the University of Wisconsin. One of his sad times was when UNLV beat them once, which was unexpected in a lot of quarters. He follows Wisconsin basketball and all of their sports teams very closely.

Jack has two sons, Paul and Brian. His wife's name is Margaret, and he brags about her all the time.

I want the RECORD to be spread with the fact that it has been an enjoyable experience for me to be able to work with someone of Jack's caliber, to be able to joke with him and make fun of each other in a respectful way on some of our idiosyncracies.

Jack Hickman is going to retire. Tomorrow is his last day here. He and his wife had purchased a place in Florida some time ago. He has been going down there on vacation in our off times. Now he will live there full time.

Jack does, as do all of the Senate personnel, invaluable work for us. He makes sure what we say goes in the right place in the RECORD. He works with the court reporters and the rest of the staff. His work, even though it is not very noteworthy to the public, is essential to the Senate functioning properly.

I will really miss Jack a lot. He is someone with whom I have a real strong comfort level. I look forward, in the years to come, to being able to visit with him again and talk about some of the times we have had. We have spent many hours together on the Senate floor. During those years, I didn't control what we did; I was just here on the floor. We waited for long periods of time for the leader—whether it was a Democratic or Republican leader—to come and take us out at the end of the day. We complained to each other, saying, "I wonder what they are doing." Well, since I got this job, I have a better picture of that. Even though it appears there is nothing going on out here, a lot of times, in the respective leaders' offices, a lot is going on.

Mr. President, I speak about Jack, but in the process I speak of all these people who do so much for us and make us look good.

I wish Jack good luck in his retirement.

RECOGNIZING CHARLES A. SCHOLZ

Mr. DURBIN. Mr. President, today I congratulate my good friend Charles A. Scholz. On April 29, he will be honored by the Mississippi Valley Council, Boy Scouts of America and presented with the 2007 Distinguished Citizen Award. This commendation recognizes the important contributions of American men and women to scouting and their community. Charles A. Scholz is certainly deserving of such an award.

Charlie has spent most of his life in Quincy, IL. At 80, he retains fond memories of his years as a Boy Scout in Quincy. Charlie attended St. Francis Grade School and Quincy Notre Dame High School.

Beginning in July of 1944, he served in the Navy V-12 Program, a unique initiative designed to recruit commissioned officers during World War II and allow young men to pursue college degrees while serving on active duty. Charlie continued his education at Mercer University, ultimately receiving his juris doctorate degree.

After graduation, Charlie returned home to Quincy. On June 10, 1950, he married the late Nancy Wright. Together they raised seven children in Quincy, instilling in each a desire to serve the community. The success achieved by the Scholz children, serves as a testament to Charlie and Nancy's characters, as well as their dedication to the family and their faith.

Charlie has been a successful attorney in Quincy for years; but he is known equally well for his continuing efforts to give back to the community.

For 25 years, Charlie served on the board of directors of the Quincy Free Public Library. During his tenure as president of the library board, volunteers carried out a successful campaign to raise funds for a new library. Charlie also served board of trustees of the former St. Mary's Hospital in Quincy, first as a member and then as the board's president.

Charlie founded the Quincy Notre Dame Foundation to help support his alma mater. He served on the board of governors of the Franciscan Sisters of the Poor Foundation, Inc. and served as a member of the Board of Land of Lincoln Legal Services Foundation. In addition, Charlie was a past member of the Board of directors of the Community Foundation of Quincy.

The late Dr. Martin Luther King, Jr. once said, "Everyone can be great, because everyone can serve." Well, Charlie Scholz has taken that declaration to heart. He lives a life committed to his family, his faith, and his community. I congratulate him on receiving this award and thank him for his years of service.

VIRGINIA TECH TRAGEDY

Mr. CHAMBLISS. Mr. President, I wish to express my heartfelt condolences to the family of 35-year-old Christopher James "Jamie" Bishop, one of the victims of the tragic Virginia Tech shooting rampage that occurred this week. He was teaching an introductory German language course in Norris Hall when the shooting occurred.

Jamie Bishop grew up in Pine Mountain and attended the University of Georgia, where he earned a bachelor's degree in German studies in 1993 and a master's degree in German linguistics in 1998. Additionally, he was a Fulbright Scholar at Christian-Albrechts-University in Kiel, Germany, in 1993 and worked as an academic technology liaison at the University of North Carolina at Chapel Hill.

It is clear that Jamie Bishop touched many lives with his personality, his sense of humor, his numerous talents, his passion for teaching, and his love of scientific art. In fact, those who were close to him have said he talked about "changing the world with art." He has been described as an intelligent, artistic, caring, gentle, and polite individual.

It is difficult to fathom how something like this could happen, and words can't fully describe the grief we all feel as the weight of this tragedy settles over our Nation. My prayer is that, through faith and resolve, our country will emerge from this disaster in unity and strength as together we find healing from this sorrow.

Julianne and I will keep his wife Stefanie Hofer, who is a member of the Virginia Tech faculty, as well as his parents Michael and Jerri Bishop in our thoughts and prayers during this time of sorrow.

HONORING OUR ARMED FORCES

PETTY OFFICER 1ST CLASS JOSEPH ADAM MCSWEEN

Mr. NELSON of Nebraska. Mr. President, I wish to honor U.S. Navy Petty Officer 1st Class Joseph Adam McSween of Oak Harbor, WA.

Petty Officer McSween will be remembered as a loving husband and father, a dedicated friend and sailor, and a strong leader. After graduating from Georgia Christian High School, he received a track scholarship to York College in York, NE, where he would later graduate in 2001 with an associate degree. While there, Petty Officer McSween was recognized as a natural leader and participated in campus leadership activities. He also met and fell in love with his wife Erin Hammitt while they were students together. They later had two daughters: Lily, age 5, and Gwyneth, age 2.

On April 6, 2007, while serving near Kirkuk, Iraq, as a demolition specialist with the Navy Explosive Ordnance Disposal Unit 11, based at Whidbey Island, WA, Petty Officer McSween and two others passed away when a rocket hit their humvee. McSween was 26 years old. He was awarded the Bronze Star "V", Combat Distinguished Device, the Purple Heart, and the Combat Action Ribbon at his military service.

Adam was not a Nebraska resident, but he chose to be buried in York, NE. His very close friend, Petty Officer Randy Leppell, U.S. Navy, had this to say at the funeral: "One thing I remember about Adam, one story he told was that he called back to some crazy little town called York, Nebraska, which I'd never heard of, and he told me he hadn't been to the school for a while. But the admissions officer still remembered his name. He said, 'This is Adam.' The Admissions Officer said 'Adam McSween?' He couldn't believe it. I couldn't believe it. I think it speaks volumes for the people of York."

Hundreds of people from York and many other areas of Nebraska and surrounding States, people who never even knew a young college student named Adam McSween, came to his funeral and lined the streets, proudly displaying the American Flag as the procession made its way to Adam's final resting place in Greenwood Cemetery in York, NE.

In addition to his wife and two daughters, Petty Officer McSween is survived by his parents Bob and Florence McSween; his two brothers Robert and Kyle; and his sister Angela. I offer my sincere condolences to the family and friends of Petty Officer McSween. He made the ultimate and most courageous sacrifice for our Nation. I join all Americans in grieving the loss of this remarkable young man and know that Petty Officer McSween's passion for serving, his leadership, and his selflessness will remain a source of inspiration for us all.

BACKGROUND CHECKS

Mr. LEVIN. Mr. President, the Brady law requires prospective gun purchasers to undergo a criminal background check before they are able to obtain a firearm from a federally licensed firearm dealer. It was created to prevent felons, fugitives, domestic abusers, and other prohibited persons from gaining access to guns. However, there are significant holes in this legislation that permit exploitation by those who wish to avoid criminal background checks and still obtain guns.

In 1993, President Clinton signed the Brady bill into law. This law required a waiting period for handgun sales until records were available to instantly check criminal background of prospective gun purchasers. Once the National Instant Check System, NICS, became operational in 1998, the Justice Department maintained background check records on approved purchases for 6 months in order to ensure that felons and other prohibited buyers were not mistakenly approved. In 2001, the Justice Department shortened this record retention period to 90 days, the actual amount of time it takes to ensure proper audits of NICS.

Under the Bush administration, however, Attorney General John Ashcroft sought to require the records of approved purchasers to be destroyed within 24 hours. In July 2002, the Government Accountability Office, GAO, issued a report on the potential effects of next-day destruction of NICS background check records. It concluded that destroying these records within 24 hours would prevent the Government from auditing the NICS system to ensure its accuracy and "would have public safety implications." The GAO warned that a corrupt dealer could provide the FBI with a different name than that of the actual buyer to obtain approval for the name of the false purchaser and then proceed with the sale to the actual prohibited buyer. Such a scheme would be nearly impossible to detect with background check records destroyed before the ATF could audit the dealer. Citing his concern about the privacy of gun owners, Attorney General Ashcroft ignored the GAO report and the 24-hour record-destruction provision went into effect.

Another loophole in the law is that it applies only to sales by licensed gun dealers, not to private transfers between unlicensed persons. Approximately 40 percent of gun sales are between private persons, such as at gun shows. Only six States require background checks on all firearm sales. According to the ATF, almost one-third of trafficked guns are acquired at gun shows and flea markets. These gatherings present the perfect opportunity for unlicensed sellers to offer countless guns for sale with no questions asked. People who would not pass a background check in a licensed gun store are able to purchase as many guns as they wish at gun shows.

Between the enactment in 1993 and 2005, the Brady Act has prevented approximately 1.4 million convicted felons and other prohibited persons from buying guns from licensed retail dealers. Without NICS records, law enforcement officers do not have the opportunity to retrieve a mistakenly sold gun in order to protect against its use in a crime. I urge my colleagues to pass commonsense gun regulations which would put an end to these gaping holes in our gun laws.

SMALL BUSINESS' VITAL CONTRIBUTION TO THE ECONOMY

Mr. SNOWE. Mr. President, today I offer a few remarks regarding National Small Business Week, which President Bush designated for April 22–28, 2007. As ranking member of the Senate Committee on Small Business and Entrepreneurship, one of my top priorities is to champion our Nation's small businesses and to promote their needs and concerns. Our top job creators deserve nothing less.

This week, I have already discussed how Congress must solve the small business health insurance crisis and bolster the state of our Nation's small manufacturers. Today, I would like to spend a few minutes on the critical role small businesses play in the American economy. In the back of our minds, we in Congress all know how vital small businesses are to economic growth. But when we come to the floor to speak about small businesses issues, we are generally trying to fix a specific problem. We generally gloss over the overall impact small businesses have on driving our Nation's economy.

The Small Business Administration's Office of Advocacy, an independent voice for small businesses within the Federal Government, has published a wide variety of statistics regarding small firms. This data, which shows that small businesses are responsible for 50 percent of nonfarm economic output, or gross domestic product, clearly reflects how vital small businesses are to job creation and the Nation's economy.

One little known fact is that small businesses represent just about every private-sector employer in the United States. According to the Office of Advocacy, which defines a small business as an independent employer with fewer than 500 employees, small firms represent 99.7 percent of all employer firms. In 2005, approximately 25.8 million small businesses, 671,800 of which are estimated to have opened in that year alone, were operational and providing consumers and businesses with goods and services. Of these firms, 5.8 million had employees, and 18.6 million were sole proprietorships. In contrast, there were only approximately 17,000 larger business in operation across the country in 2005.

Not only do small businesses account for just about every employer in the United States, but these firms are also job providers. Small businesses employ fully half of all private-sector workers. They also pay more than 45 percent of U.S. private payroll. Of the 113.4 million nonfarm private-sector workers in 2003, 57.4 million were employed by small firms with fewer than 500 employees. Notably, small businesses with fewer than 100 employees accounted for 41 million of that number.

In addition to employing American workers, small businesses are also at the forefront of creating new jobs. Over the last decade, small businesses have generated 60 to 80 percent of net new jobs annually. What is particularly interesting is that in 2003, the most recent year for which complete data is available, small businesses created 1,990,326 net new jobs. In contrast, large firms with 500 or more employees shed 994,667 jobs. Thus, if it were not for small businesses, the economy would have lost jobs in 2003 instead of creating just about 1 million new employment opportunities for America's workforce.

It is vital to point out that the jobs small businesses are creating reflect the needs of a high-tech, innovative, and global marketplace. Small businesses have led the technological revolution and currently employ 41 percent of high-tech workers, including scientists, engineers, and information technology professionals. Moreover, small businesses are constantly creating new products, producing 13 to 14 times more patents per employee than large firms. In addition, these patents are twice as likely as large-firm patents to be among the one percent most-often cited. Finally, America's small business are competing on a global scale, comprising 97 percent of all identified exporters and producing 28.6 of total exports in 2004.

The fact is small businesses are the driving force behind our Nation's economic growth creating nearly three-quarters of all net new jobs and employing nearly 51 percent of the private sector workforce. These are the reasons it is so essential that we in Congress continue to support small businesses' ability to grow and expand so that our economy can accelerate forward and create more jobs. I hope we keep this in mind when we come to the floor to fight for fewer regulations, a lower tax burden, and more affordable and accessible health insurance for small businesses and their employees.

COMBATTING VIOLENCE WITH JOBS FOR YOUTH

Mr. KENNEDY. Mr. President, a recent op-ed article in the Boston Globe emphasizes the severity of the employment problems facing today's youth and its relationship to the increase in gang and gun-related violence in the Nation's cities.

Easy access to guns and other dangerous weapons and the shameful prevalence of drugs are major contributors to this problem, but so too is the lack of job opportunities available for our youth. We have failed to develop job programs that will help these youths build a future without guns and gangs.

In the Globe piece, William Spring, the distinguished former vice president of the Federal Reserve Bank of Boston and a senior member of the domestic policy staff in the Carter administration, and Andrew Sum of Northeastern's Center for Labor Market Studies, argue that although we face a very real problem with youth unemployment, we can do something constructive about it. The only question is whether we have the will and the wisdom to make the investments necessary to enable our youth to seek, find, and take advantage of the job opportunities that can transform their lives and make our communities safer and stronger.

I believe the article will be of interest to all of us in Congress, and I ask unanimous consent that it be printed in the RECORD.

[From the Boston Globe, Apr. 5, 2007]

COMBATTING VIOLENCE WITH JOBS FOR YOUTHS

(By William Spring and Andrew Sum)

During the past few weeks, attention has been focused on the rise in fatal shootings and gang-related activities in Boston. Governor Deval Patrick and Boston Mayor Thomas Menino recently announced joint efforts to combat gang violence, including an expansion in youth summer jobs. Renewed public policy attention to youth labor market problems in Boston and the state is clearly warranted. While the overall number of jobs has increased over the past few years, the labor market for teenagers in both the nation and state has remained extraordinarily weak.

Employment rates for the nation's and state's teens (age 16–19) in 2005 and 2006 were the lowest in the past 50 years. Male high school students and dropouts across the state have found it particularly difficult to find work over the past six years, often increasing their involvement in gang and criminal activities.

To make matters worse, job opportunities for high school youths are distributed unevenly across key demographic and socioeconomic groups. In 2005, white high school youths were twice as likely to work as black youths and 40 percent more likely than Hispanic youths. The need for a concerted set of public policy responses both short-term and long-term is needed.

A variety of favorable educational, social, and labor market outcomes can be generated from an expansion of in-school work opportunities for high school students, especially those from race-ethnic minority and low-income groups.

National research has shown that minority and low-income youths who work in high school are less likely to drop out than their peers who do not work. Students with jobs that offer work-based learning opportunities are more likely to see the relevance of school curriculum to future job performance and remain more committed to their school work.

Teenage women who live in local areas that provide more job opportunities to them are less likely to become pregnant, and male teens are less likely to become involved with the criminal justice system. National, state, and local research also consistently reveals that work in high school facilitates the transition to the labor market upon graduation and increases the annual earnings of youth in their late teens and early 20s.

There are a variety of workforce development strategies that can be pursued to boost employment opportunities for high school students during the regular school year and the summer.

First, the hiring of professional staff to work with students and employers to create work-based learning opportunities, paid internships, and regular job opportunities is important, especially for youth from low-income families and those whose parents do not work. Job brokering services of these career specialists also can broaden the range of jobs by industry and occupation to which high school students can be exposed.

At a minimum, maintaining last year's increased funding for the existing Connecting Activities Program at $7 million can help local Workforce Investment Boards increase the hiring of staff to work with students and employers to improve teen job prospects. The governor and Legislature should jointly support an increase in funding for such connecting activities and demand strong accountability for performance.

Second, employers who provide work-based learning opportunities and wages for students in school-to-career programs should receive tax credits for their hiring and training of high school students. Many employers provide important staff support and in-kind contributions to such programs and should be rewarded for their efforts.

Third, the governor should encourage all state agencies to promote the hiring of high school students during the summer months, and more of the state's mayors and town managers should follow the lead of Menino in promoting the hiring of their high school students by the private sector.

Fourth, the state should adopt a youth apprenticeship program similar to that of the state of Wisconsin's and more aggressively promote apprenticeship training under the existing system in our state. Young workers in Wisconsin can receive youth apprenticeship training in up to 21 occupational fields under the state's system, thereby providing employers with access to young skilled workers in a structured work/training system.

Massachusetts should aim to become a national leader in both the employment and training of its high school students and out-of-school youth. A more successful youth employment and training system can help promote the future growth and quality of our state's resident labor force and help stem high levels of out-migration.

REFORMING THE STUDENT LOAN INDUSTRY

Mr. KENNEDY. Mr. President, a column by Joe Nocera from last Saturday's New York Times contains an excellent analysis of the student loan industry and the recent sale of Sallie Mae. We often hear about the rising cost of college and the debt that so many students shoulder to attend college. As this article emphasizes, the industry reaps enormous profits by forcing students to burden themselves with excessive debt.

The recent sale of Sallie Mae illustrates the problem. The company, the largest player in the industry, was purchased earlier this month by private equity firms and banks for an incredible $25 billion, 50 percent premium over Sallie Mae's stock price.

Financial specialists know how profitable lenders such as Sallie Mae are because of the large Government subsidies these companies receive subsidies of more than a billion dollars last year. As Congress moves forward with reauthorizing the Higher Education Act, we must look closely at this industry and its practices to ensure that America's students are the ones being served, not just the bottom lines of America's lenders.

Mr. Nocera, a Times' business columnist and former editorial director of Fortune magazine, is widely respected and has won numerous awards for excellence in business journalism. I believe his column will be of interest to all of us in Congress, as we consider the reauthorization of the Higher Education Act, and I ask unanimous consent that his article, "Sallie Mae Offers a Lesson in Cashing In," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 21, 2007]

SALLIE MAE OFFERS A LESSON ON CASHING IN

(By Joe Nocera)

Aren't you just fuming about that Sallie Mae deal?

The company, formally known as the SLM Corporation, which has been the subject of recent exposés and investigations, announced this week that it had agreed to be taken private in a deal worth $25 billion. The stock, which has been in a slow decline over the last year, leapt. The market was pleased.

But I'm here to tell you that the deal stinks, though not in the usual "management and private equity are stealing your company" kind of way. You're free to disagree, of course, though if you do, you're probably not struggling to put your children through college.

Sallie Mae is the nation's largest student lender; indeed, it dominates the business. It has the biggest share of government-guaranteed loans, originating $16 billion of such loans last year alone. In 2006, it also generated $7.4 billion in "private" loans: that is, loans that aren't guaranteed, but which students need because their tuition, room and board so far exceeds the pathetic $23,000 the government guarantees over the course of an undergraduate degree.

The most popular government-guaranteed loans come with interest rate caps (currently 6.8 percent) but they also have certain undeniable advantages for Sallie Mae and its competitors. They are subsidized by the Department of Education. The government makes the lenders nearly whole, even if the student defaults. And the companies are guaranteed by law a decent rate of return.

In other words, the lender takes no risk. The private loans are even more lucrative because companies can charge whatever interest rate they want—not to mention all kinds of fees. In all, Sallie Mae originated more than 25 percent of the student loans made last year.

But wait. There's more. Sallie Mae buys loans from other education lenders and then securitizes them. It has a loan consolidation business, so students can wrap all their education loans into one big fat Sallie Mae loan. It even has its own collection agency so it can hound delinquent broke graduates into repaying. (Government-guaranteed college loans, by the way, aren't easily discharged if the borrower files for bankruptcy.) Sallie's market power—and its close ties to university financial aid administrators, as we've been learning lately from Jonathan D. Glater, a reporter for The New York Times, and others—have made it immensely profitable. In 2006, the company made over $1 billion.

Thus, you can't blame the private equity guys for drooling over Sallie Mae. They look at the company, and the arena in which it plays, and they see never-ending tuition increases. The need for a college education will only increase in importance. Most cash-short students and middle-class parents will continue to borrow lots of money to pay the $100,000 to $150,000 required to attend a good college. Although the Democrats want to cut the subsidies for government-backed loans, and lower the interest rate caps, the more lucrative private market is going to continue to explode. No wonder the private equity firms of J. C. Flowers & Company and Friedman Fleischer & Lowe were willing to offer a 50 percent premium over Sallie's stock price—and load on $16 billion in new debt. This thing is a gold mine, I tell you.

But there's another, less market-oriented way to look at this. The entire educational-lending racket is built around the business of piling thousands of dollars worth of debt onto a class of Americans who will probably have to struggle to pay it back. "We ask people who are trying to make something of themselves to mortgage their future, and Sallie Mae profits from that," said Elizabeth Warren, a professor at Harvard Law School.

And when those former students have to start paying back the loans, and they don't have a good-paying job, and they start to fall behind, the industry takes full advantage. Meanwhile, many of the practices now under investigation by the New York attorney general, Andrew M. Cuomo, are intended primarily to keep out competition that might bring down the cost of those loans. Last week, Sallie Mae paid $2 million to settle an investigation that Mr. Cuomo's office was undertaking. In other words, Sallie Mae and its competitors are maximizing profits on the backs of college students. Can that really be the right priority for our society?

It wasn't always like this. Sallie Mae was started in 1972, and for most of its existence it was a "government-sponsored entity" like Fannie Mae or Freddie Mac. Its primary role was to buy up and securitize government-backed student loans originated by banks and others so that they, in turn, would have the cash to make yet more student loans. The government subsidized such loans to give lenders the incentive to make them, since the interest rates were fairly low, and the margins were thin. The private loan business largely didn't exist.

During the Clinton administration, the government created a new direct-loan program, thus potentially cutting out the industry, and leaving Sallie Mae with the prospect of becoming irrelevant. At the time, Sallie Mae was prevented by law from originating its own loans.

In 1997, Albert L. Lord became the chief executive of Sallie Mae. (He remains the company's chairman.) Despite presiding over a government-sponsored entity, Mr. Lord was an unapologetic capitalist, who decided that Sallie's best bet was to untether itself from the feds and go directly into the loan business.

Under his leadership, Sallie shed its status as a government-sponsored entity and began the process of dominating the industry. It built those controversial ties to financial aid officials. It helped push back the direct loan business, which many people believe offers taxpayers a much better deal. It got into the private loan business. It became the 800-pound gorilla. From 1999 to 2004, Mr. Lord accumulated $235 million, most of it from stock options. He got so rich making student loans that he even led one of the groups trying to buy the Washington Nationals baseball team.

The abuses and problems that have recently come to light have actually been around for years. But it wasn't until a new entrant into the field, MyRichUncle, began running a series of advertisements asking pointed questions about the cozy relationships between financial aid officials and executives at the big educational lenders, that the world took notice. The small company's two founders, Raza Khan and Vishal Garg, both 29, had the radical idea that if they offered lower interest rates and a better deal, students and parents would flock to them. Instead, they discovered that most people simply did whatever the university federal aid officer suggested, and they couldn't get on the list of "preferred lenders."

Shut out by what they saw as a cartel, they decided to fight back with a public campaign. That campaign helped set in motion the current investigation by Mr. Cuomo—and earned the MyRichUncle founders the eternal enmity of Sallie Mae and the rest of the industry.

Not that they appear to care. "We love talking about Sallie Mae," Mr. Khan told me with a devious chuckle. Mr. Khan believes that students will be better served if the lending companies start competing on the basis of interest rates and price—and not just on who can cozy up to the universities. It is hard to disagree with him.

What does Sallie Mae say about all of this? You will not be surprised to hear that the company views itself not as the college student's tormentor but as her best friend. I spoke to two Sallie Mae representatives, a senior vice president named Barry Goulding, and Tom Joyce, its vice president for corporate communications, both of whom insisted that Sallie Mae was the dominant player because it offered students and administrators the best level of service, and the best array of products. They insisted that borrowers who exhibited exemplary behavior often got interest rate reductions. (Those who missed a payment weren't so lucky, however.) They said that the so-called preferred-lender list was actually a good thing, and not a way to keep out competition.

"The vast majority of schools go through a competitive bidding process and get the best deals for students," Mr. Joyce said.

According to them—and they are right about this—a big part of the problem is that Congress hasn't raised the limit on government-guaranteed loans since the early 1990s, and that fact, rather than the lenders' greed, is what has driven the explosive rise in private loans. Although they complained that any move by Democrats to lower subsidies and interest rates would hurt its business, they denied that this would cause Sallie Mae to promote its private business at the expense of its government-guaranteed business.

And maybe it won't. But even so, the current for-profit student lending industry is still more about shareholders and profits than about the genuine needs of students, who very often don't have enough money in the first 2, or 5, or even 10 years out of college to pay the high interest rates and onerous fees that make the industry so profitable.

There are some things in life that really ought to be about more than making money. Surely, student loans should be on that list. Sallie Mae was once an institution where profits took a back seat to performing a public good. That, alas, is no longer the case.

Lest you doubt me, listen to Mr. Lord himself. On Thursday, The Washington Post published an interview in which he bluntly declared that his decision to take the company private stemmed from his frustration with "the politicians" whose decisions were hurting Sallie's share price. These are the same politicians, of course, who passed the laws that made Sallie's business possible. But never mind.

"I didn't see our share price rebounding anytime soon and I said, 'This is silly,'" Mr. Lord told the paper. Mr. Lord added that when the buyout is complete and he leaves the company, he'll walk away with a $135 million payout.

Are you mad yet?

THE VISIT OF PRIME MINISTER SHINZO ABE

Mr. OBAMA. Mr. President, today I extend my welcome to Prime Minister Shinzo Abe of Japan, who is making his first trip to the United States as Prime Minister this week.

The U.S. Japan alliance has been one of the great successes of the postwar era, and Japan's remarkable achievements and constructive role in world affairs over the past 60 years are a great testament to the Japanese people. As the world's two wealthiest democracies, the U.S. and Japan, have a shared interest in promoting security and prosperity in Asia and around the world—shared interests that rest on a bedrock of shared values: in democracy, the rule of law, human rights, and free markets.

As one of America's closest allies, Japan today plays a vital role in working with the United States in maintaining regional security and stability, promoting prosperity, and meeting the new security challenges of the 21st century.

Japan's role in the Six Party Talks—supporting efforts to persuade North Korea to abandon its nuclear weapons program and return to the non-proliferation treaty and IAE safeguards—has been essential. And beyond North Korea, Japan today is playing a leading role in the architecture of the Asia-Pacific region, including participating in peace keeping operations, and in building stable and enduring structures for cooperative regional security.

In the face of such threats as North Korea's nuclear and missile programs, Japan, in partnership with the United States, has also sought to reinvigorate its security profile in the region. Japan's efforts to develop a more capable Self-Defense Forces, as well as the Prime Minister's elevation of the Japan Defense Agency to a Ministry, are, in my view, both to be welcomed as signs of a "normal" Japan, able and willing to play a leading and responsible role in the region.

The U.S.-Japan alliance must remain at the core of efforts to revitalize Japan's role in ensuing stability and security in the region. One key aspect of this effort is the realignment of forces currently in Japan, making certain that America's ability to respond to threats in the region is not diminished.

Japan has shown that it is not only playing a responsible leadership role in its own region, but globally as well.

The occasion of the Prime Minister's visit provides an opportunity for the people of the United States to express our deep appreciation to Japan for its contributions to our efforts to combat al-Qaeda and other international terrorist organizations. In Afghanistan, Japan has donated over $1 billion in development funds to rebuild vital infrastructure precisely the sort of effort to transform the environment in Afghanistan that will be key to defeating al-Qaeda and the Taliban. And Japan has provided critical support—often unseen—in multilateral efforts to thwart the growth of terrorist organizations in Southeast Asia.

Japan has also proved to be an invaluable partner in providing humanitarian response and relief in the Southeast Asia. Japan joined with the United States in responding to the tragic December 2005 tsunami, and has worked with others across the region to develop an effective tsunami early warning system.

And Japan has worked with the United States and others in the international community to develop the infrastructure and institutions we need in order to face new transnational challenges like the threat of avian influenza. Also, although Japan's foreign assistance level declined earlier in the decade, as part of the 2005 G8 global development discussions, Japan announced it would increase foreign aid by $10 billion in aggregate over the next 5 years, and double its assistance to Africa over the next 3 years.

With newspaper headlines that remind us on a daily basis of the risk the planet faces from climate change, we must also recognize the critical leadership role in the international community that Japan has played on environmental issues and climate change. The Kyoto Protocol, which was negotiated in Japan's ancient capital of Kyoto in 1997, has now been ratified by over 160 nations.

Japan has also played a key role in forging the Asia-Pacific Partnership on Clean Development and Climate, through which the U.S., Japan, and others in the region seek to marshal the scientific and technical expertise needed to develop cleaner and more efficient technologies and bring about a carbon-neutral Asia-Pacific region without sacrificing economic growth.

As the world's second-largest economy, Japan is a vital source of growth and dynamism for the rest of the world. In this regard, the reemergence of Japan from its "lost decade" of virtually no economic growth is a most welcome development.

There is nonetheless still more Japan can do at home to improve the structure of its economy, from removing regulations that stifle business competition and innovation to further develop Tokyo as a global financial market. And the Japanese economy is still not open enough to imports in key sectors or to foreign direct investment. The United States has an interest in seeing Japan address these challenges so that the Japanese economy can continue to play a leading role in sustaining global economic growth.

Although not without its challenges—as is natural in any normal bilateral relationship—the United States and Japan today have a strong and deep relationship and the basis for close cooperation and partnership which will allow us to work together to meet the challenges of the decades ahead.

But I would be remiss in my duties as a friend of Japan if I did not note that for Japan to be able to play a leading role in Asia and be perceived by its neighbors as a "normal" nation it must deal forthrightly with its history. It is important for Japan to face these issue fully, openly, and honestly. A Japan that is mindful of its past can and should play a leading role in Asia's future.

So let me, in turn, close with some thoughts on the future of the U.S.-Japan relationship.

First, I believe that it is important for Americans, so used to a close partnership with Japan, to embrace the complex realities of a Japan that is a "normal nation"—one that has its own identity, vision, and goals. Such a Japan should be welcomed by the United States as a true partner and friend, even while understanding that it may mean that there will be differences on certain issues.

Given the new regional realities, United States can no longer take managing the U.S.-Japan alliance for granted.

Second, although the U.S.-Japan relationship remains the centerpiece of both U.S. and Japanese policy in the Asia-Pacific region, in recent years the Bush administration has let its attention to this critical relationship drift as it has been distracted by other issues.

The alliance demands, and is deserving of, close political cooperation and coordination at every level, reflecting the key role Japan plays as an anchor of U.S. economic and security interests in the region and across the globe.

Third, recognizing the important role that Japan now plays around the globe—on peacekeeping, economic development, global warming and new transnational threats—I believe the time has long since passed for Japan to have a role commensurate with its responsibilities, including in the U.N. Security Council.

The visit of Prime Minister Abe provides us an opportunity to rededicate ourselves to the U.S.-Japan partnership, with the same spirit that has governed our relations for over 60 years. America benefits greatly from a close and productive partnership with a Japan that is confident about its future and willing and able to play a leading role in creating a peaceful and prosperous Asia.

STATE-BASED HEALTH CARE REFORM ACT

Mr. FEINGOLD. Mr. President, there is a crisis facing our country, a crisis that directly affects the lives of over 45 million people in the United States, and that indirectly affects many more. The crisis is the lack of universal health insurance in America, and its effects are rippling through our families, our communities, and our economy. It is the No. 1 issue that I hear about in Wisconsin, and it is the No. 1 issue for many Americans. Nevertheless, the issue has been largely ignored in the Halls of Congress. We sit idle, locked in a stalemate, refusing to give this life-threatening problem its due attention. We need a way to break that deadlock, and that is why I have introduced a bill with the Senator from South Carolina, LINDSEY GRAHAM, that will do just that—the State-Based Health Care Reform Act.

Senator GRAHAM and I are from opposite ends of the political spectrum, we are from different areas of the country, and we have different views on health care. But we agree that something needs to be done about health care in our country. Every day, all over our Nation, Americans suffer from medical conditions that cause them pain and even change they way they lead their lives. Every one of us has either experienced this personally or through a family member suffering from cancer, Alzheimer's, diabetes, genetic disorders, mental illness or some other condition. The disease takes its toll on both individuals and families, as trips to the hospital for treatments such as chemotherapy test the strength of the person and the family affected. This is an incredibly difficult situation for anyone. But for the uninsured and underinsured, the suffering goes beyond physical discomfort. These Americans bear the additional burden of wondering where the next dollar for their health care bills will come from; worries of going into debt; worries of going bankrupt because of health care needs. When illness strikes families, the last thing they should have to think about is money, but for many in our country, this is a persistent burden that causes additional stress and hopelessness when they are ill.

It is difficult to do justice to the magnitude of the uninsurance problem, but I want to share a few astounding statistics. Forty-seven percent of the uninsured avoided seeking care in 2003 due to the cost. Thirty-five percent needed care but did not get it. Thirty-seven percent did not fill a prescription because of cost. The uninsured are seven times more likely to seek care in an emergency room. They are less likely to receive preventative care because they cannot afford to see the doctor, and they are more likely to die as a result. Each year, at least 18,000 people die prematurely in this country because of uninsurance. If the uninsured had access to continuous health coverage, a reduction in mortality of 5 percent to 15 percent could be achieved.

The United States is the only industrialized nation that does not guarantee health care for its citizens. In other countries, if someone is sick, they get proper care regardless of ability to pay. In our country, that is not the case. It is unacceptable for a nation as great as America to not provide good health care for all our citizens. We are failing those in need. We are failing the hard-working family that cannot afford the insurance offered to them. We are failing the uninsured children whose parents do not have any access to insurance. We are failing low-income Americans and middle-income Americans alike. This is not right. We can do better.

Even for those Americans who currently have health insurance through their employer, the risk of becoming uninsured is very real. Large businesses are finding themselves less competitive in the global market because of skyrocketing health care costs. Small businesses are finding it difficult to offer insurance to employees while staying competitive in their own communities. Our health care system has failed to keep costs in check, and there is simply no way we can expect businesses to keep up. More and more, employers are forced to increase employee cost-sharing or to offer subpar benefits, or no benefits at all. Employers cannot be the sole provider of health care when these costs are rising faster than inflation.

I travel to each of Wisconsin's 72 counties every year to hold townhall meetings. Almost every year, the No. 1 issue raised at these listening sessions is the same—health care. The failure of our health care system brings people to these meetings in droves. These people used to think government involvement was a terrible idea, but not anymore. Now they come armed with their frustration, their anger, and their desperation, and they tell me that their businesses and their lives are being destroyed by health care costs, and they want the government to step in.

I am pleased to be joined by Senator GRAHAM in introducing the State-Based Health Care Reform Act. In short, this bill establishes a pilot project to provide states with the resources needed to implement universal health care reform. The bill does not dictate what kind of reform the States should implement, it just provides an incentive for action, provided the states meet certain minimum coverage and low-income requirements.

Even though Senator GRAHAM and I support different methods of health care reform, we both agree that this legislation presents a viable solution to the logjam preventing reform. I have long said that a single-payer health care system is what I prefer for our country. Senator GRAHAM would like to see health care privatized and see a base, catastrophic coverage offered to everyone. Despite our disagreements about the form that health care reform should take, we agree on this legislation.

This bipartisan legislation harnesses the talent and ingenuity of Americans to come up with new solutions. This approach takes advantage of America's greatest resources—the mind power and creativity of the American people—to move our country toward the goal of a working health care system with universal coverage. With help from the Federal Government, States will be able to try new ways of covering all their residents, and our political logjam around health care will begin to loosen.

Over the years I have heard many different proposals for how we should change the health care system in this country. Some propose using tax incentives as a way to expand access to health care. Others think the best approach is to expand public programs. Some feel a national single payer health care system is the only way to go. We need to consider all of these as we address our broken health care system.

Under our proposal, States can be creative in the state resources they use to expand health care coverage. For example, a state can use personal or employer mandates for coverage, use State tax incentives, create a single-payer system or even join with neighboring States to offer a regional health care plan. The proposals are subject only to the approval of the newly created Health Care Coverage Task Force, which will be composed of health care experts, consumers, and representatives from groups affected by health care reform. This task force will be responsible for choosing viable state projects and ensuring that the projects are effective. The task force will also help the States develop projects, and will continue a dialogue with the States in order to facilitate a good relationship between the State and Federal Governments.

The task force is also charged with making sure that the State plans meet certain minimal requirements. First, the State plans must include specific target dates for decreasing the number of uninsured, and must also identify a set of minimum benefits for every covered individual. These benefits must be comparable to health insurance offered to Federal employees. Second, the State plans must include a mechanism to guarantee that the insurance is affordable. Americans should not go broke trying to keep healthy, and health care reform should ensure that individual costs are manageable. The State-Based Health Care Reform Act bases affordability on income.

Another provision in this legislation requires that the States contribute to paying for their new health care programs. The Federal Government will provide matching funds based on enhanced FMAP—the same standard used for SCHIP—and will then provide an additional 5 percent. States that can afford to provide more are encouraged to, but the matching requirement will ensure the financial viability of the bill and state buy-in. Other than these requirements, the states largely have flexibility to design a plan that works best for their respective residents. The possibilities for reform are wide open.

One of the main criticisms of Federal Government spending on health care is that it is expensive and increases the deficit. My legislation is fully offset, ensuring that it will not increase the deficit. The bill doesn't avoid making the tough budget choices that need to be made if we are going to pay for health care reform.

One of the offsets in the bill was proposed by the Congressional Budget Office: an increase in the flat rebate paid by drug manufacturers for Medicaid prescription drugs. Currently, Medicaid recoups a portion of its drug spending through a rebate paid by the manufacturer. The savings mechanism would set a flat rebate, and provide funding for the States' health care reform projects. Another offset in the bill, also proposed by the Congressional Budget Office, is reduced subsidies for Medicare Part D prescription drug benefits for the highest income seniors. This would impact only single retirees earning more than $80,000 per year and married retirees earning more than $160,000—less than 5 percent of all Medicare beneficiaries.

Additional funding for the bill comes from the President's fiscal year 2007 budget proposal to extend the authority of the Federal Communications Commission to auction the radio spectrum and the authority of Customs and Border Protection to collect multiple different conveyance and passenger user fees through fiscal year 2016. My bill proposes similar extensions of these established authorities. Also, my bill proposes to both simplify and reduce the Federal subsidy of airline passenger screening costs by replacing the current variable fee, which is capped at $5 per one-way trip, with a flat $5 fee. This proposal is similar to one in the president's fiscal year 2007 budget and would decrease Federal subsidies to about 30 percent of passenger security costs, without reducing aviation security spending.

We can say that it is time to move toward universal coverage, but it is empty rhetoric without a feasible plan. I believe that this is the way to make universal coverage work in this country. Universal coverage doesn't mean that we have to copy a system already in place in another country. We can harness our Nation's creativity and entrepreneurial spirit to design a system that is uniquely American. Universal coverage doesn't have to be defined by what's been attempted in the past. What universal coverage does mean is providing a solution for a broken system where millions are uninsured, and where businesses and Americans are struggling under the burden of health care costs.

It has been over 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they used to corrupt the legislative process. The legislative landscape is now much different. Soft money can no longer be used to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country's health care crisis.

We are fortunate to live in a country that has been abundantly blessed with democracy and wealth, and yet there are those in our society whose daily health struggles overshadow these blessings. That is an injustice, but it is one we can and must address. Dr. Martin Luther King, Jr., said, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane." It is long past time for Congress to heed these words and end this terrible inequality. I urge my colleagues to support the State-Based Health Care Reform Act.

COMMEMORATING GREEN MOUNTAIN NATIONAL FOREST

Mr. LEAHY. Mr. President, 75 years ago today, President Herbert Hoover signed a proclamation officially establishing the Green Mountain National Forest in Vermont.

This was the result of significant effort on the part of the State of Vermont and several of the State's leading conservationists and legislators of the time. While a number of Vermonters had proposed a national forest in the State just after the turn of the 20th century, it took a sustained effort over the next three decades for this vision to become a reality.

In 1925, the Vermont General Assembly passed the enabling act to allow the Forest Service to purchase land in Vermont. Many would argue just 2 years later that the devastating impact of the 1927 flood showed the need for sound forest management practices in the Green Mountains. It was fitting that the initial land purchases for the southern half of Vermont's national forest were from the estate of Marshall J. Hapgood, who, years earlier, had advocated for a National Forest in the Green Mountains. Hapgood was a practitioner of scientific forestry on his own lands and saw the value of a sustainable timber resource and watershed protection.

From that initial Hapgood acquisition of just over 1,000 acres, the Green Mountain National Forest has grown to more than 400,000 acres today, and it includes in the northern half of the forest many of the lands conserved by another conservation pioneer, Joseph Battell.

The Green Mountain National Forest today is fulfilling the vision of those early forestland stewards by protecting watersheds, providing forest products, forest management demonstration and recreational opportunities. The Green Mountain forest hosts segments of the Long and Appalachian Trails, alpine ski areas, several wilderness areas and two national recreation areas, one of which is now named in honor of our late colleague, Robert T. Stafford.

As one of Vermont's Senators, I am proud to have been able to play a role in the growth of the national forest in my State, in both land area and with its facilities. I am also grateful to the dedicated, professional staff of the Green Mountain National Forest who recently completed the new land and resource management plan for the forest and who were particularly helpful to the congressional delegation during our recent wilderness deliberations.

As we celebrate its 75th anniversary, we are also proud that the Green Mountain National Forest will be providing the 2007 Capitol christmas tree for the National Mall, and the companion trees for many of our public buildings in Washington a tangible example of how the Green Mountain National Forest is being shared by all Americans.

ADDITIONAL STATEMENTS

RECOGNITION OF DR. MARY STRANAHAN

• Mr. BAUCUS. Mr. President, today I wish to recognize Dr. Mary Stranahan. Dr. Stranahan is a retired medical doctor and an active philanthropist who lives in Arlee, MT. Arlee is a small town in western Montana located on the Flathead Indian Reservation in Lake County. Arlee is a place of incredible physical beauty, like so many places in Montana. But amid the beauty are poverty and economic challenges. Lake County ranks as one of the poorest counties in Montana. In her years as a practicing family physician in Lake County and on the reservation, Mary saw first-hand the relationship between limited economic opportunity and family health.

Since retiring from medicine, Dr. Stranahan has become immersed in the survival and success of local agriculture and mainstreet businesses. She knows agriculture and small business play a vital role in healthy rural communities. Over the years, Dr. Stranahan has, as a concerned individual, been a core donor for innumerable charities and non-profits in Montana.

But this year Dr. Stranahan is taking her philanthropic commitment to a whole new level in chartering the Montana Good Works Foundation. This new Montana foundation will work to focus Dr. Stranahan's grants and donations on social justice, rural community development, and sustainable business development in Montana.

In one of the Montana Good Works Foundation's first gifts, Dr. Stranahan has shown extraordinary leadership by giving $1.42 million to the Montana Community Development Corporation. This gift kicks off MCDC's campaign to grow its loan fund for Montana businesses to $15 million and it empowers MCDC to expand its business coaching services.

Dr. Stranahan has further committed to help Montana Community Development Corporation recruit more philanthropists to this important effort to build entrepreneurship in Montana.

I commend Dr. Stranahan for her great leadership in rural philanthropy. The Big Sky Institute reports that rural States like Montana are on the short end of a great disparity in foundation grant-making. The Big Sky Institute found that, adjusting for population, foundation grants to rural States are less than a fifth of the national average. After adjusting for population, foundation grants to rural States are less than a tenth of the amount received in the State of New York.

Last May, I spoke to the annual conference of the Council on Foundations in Pittsburgh, PA. I challenged foundations to double their grant-making to rural States within 5 years. And I am working with leaders in the nonprofit and foundations communities to convene a rural philanthropy conference in Missoula this August. I am proud of the progress we are making in rural philanthropy. And I look forward to working together with Montana philanthropists like Dr. Stranahan to keep the ball rolling.

I applaud Dr. Stranahan for the vision and the scope of her philanthropy. In particular, I commend her commitment to building rural entrepreneurs as a core philanthropic strategy. Dr. Stranahan is one of the new Montana leaders who are showing the world that Montana truly deserves its designation as the Treasure State.

I recognize and commend Dr. Mary Stranahan for her substantial efforts on behalf of Montana's communities and Montana's future.•

HONORING THE LIFE OF FRED OCHI

• Mr. CRAPO. Mr. President, I note the passing of a most distinguished and talented Idaho artist and businessman, Fred I. Ochi, on February 18, 2007. Fred lived in my hometown of Idaho Falls and was best known throughout Idaho and the West for his beautiful paintings; barns were one of the trademark subjects of his Japanese-influenced art. Although known for his art work, Fred's life reflected a penchant for perseverance, business, and appreciation of the importance of art to communities.

Fred, a Japanese American, was born in California in 1913. After losing his mother at the young age of eight, Fred and his brother spent 3 years in Japan living with their grandparents. He returned to California where he studied art and became a theatre manager in the San Francisco Bay area in the 1930s. He found a public place for his artwork back then—movie marquees of the 17 theatres he managed. Due to the war, Fred was evacuated from California in 1942 and moved to southeastern Idaho, where he managed marquees for theatres there. Fred was an unfortunate victim of one of the darker periods in Idaho history; he had to be escorted by Idaho National Guard troops when people organized a protest against the theatres based on Fred's ethnicity.

Fred continued his life's work in Idaho Falls. He settled there in 1943 and spent the rest of his life working there, raising his children with his wife Yoshiko. The man who completed 10,000 watercolors over the course of his lifetime opened a commercial art and sign shop, and was a founding member of the Idaho Falls Art Guild. In Idaho Falls, he served as a longtime member of the Chamber of Commerce and the Kiwanis Club. Fred left an indelible mark on arts in Idaho. He served as president of the Idaho Art Association and earned the 1998 Governors Award for Excellence in Art. During Idaho's State Centennial, Fred was named one of the "100 Citizens Who Made a Difference for the State."

Fred was generous with his talent, sharing it with students of all ages throughout Idaho and western Wyoming. Fred's ready smile and sense of humor was well-known: his business cards read "Smiling Irishman, Fred O'Shay." My sister Christine knew Fred well. Knowing of her interest in art, Fred would invite her to watch him work at his studio, the "log hut." She remembers his painting style as fast and powerful; he used many different brushes with big brush strokes. It was intentional and bright, like his personality.

Fellow Idaho Falls artist Gloria Miller Allen observed:

> I will always remember him in old white dress shirts slightly spattered with paint, and with his glasses spattered as well. I can still see him in his red kimono selling paintings down by the river. Idaho Falls will miss this good man.

Fred's legacy lives on in his 5 children, 11 grandchildren and 2 great-grandchildren. He will be sorely missed, and I offer his family my condolences and our gratitude for sharing Fred and his art and legacy with us all.●

MESSAGE FROM THE HOUSE

At 11:42 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 362. An act to authorize science scholarships for educating mathematics and science teachers, and for other purposes.

H.R. 363. An act to authorize programs for support of the early career development of science and engineering researchers, and for other purposes.

H.R. 518. An act to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes.

H.R. 1675. An act to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.

H.R. 1676. An act to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 362. An act to authorize science scholarships for educating mathematics and science teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 363. An act to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 518. An act to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1675. An act to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1676. An act to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1613. A communication from the Deputy Director for Regulations, Office of Pipeline Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Design and Construction Requirements to Reduce Internal Corrosion in Gas Transmission Pipelines" (RIN2137–AE09) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1614. A communication from the Assistant Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revision of Requirements for Authorization of Use of International Standards" (RIN2137–AE01) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1615. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (18)" ((RIN2120–AA63)(Amdt. No. 467)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1616. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (127)" ((RIN2120–AA65)(Amdt. No. 3212)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1617. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (8)" ((RIN2120–AA65)(Amdt. No. 3211)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1618. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (85)" ((RIN2120–AA65)(Amdt. No. 3210)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1619. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (11)" ((RIN2120–AA65)(Amdt. No. 3209)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1620. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (22)" ((RIN2120–AA65)(Amdt. No. 3208)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1621. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation 501–D Series Turboprop Engines" ((RIN2120–AA64)(Docket No. 2001–NE–01)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1622. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney PW4077D, PW4084D, PW4090, and PW4090–3 Turbofan Engines" ((RIN2120–AA64)(Docket No. 2006–NE–05)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1623. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320 and A321 Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–026)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1624. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Beech Models 45, A45, and D45 Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–33)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1625. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–235)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1626. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–61)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1627. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–173)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1628. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Microturbo Saphir 20 Models 095 Auxiliary Power Units" ((RIN2120–AA64) (Docket No. 2006–NE–21)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1629. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6–80C2 Turbofan Engines" ((RIN2120–AA64) (Docket No. 2006–NE–01)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1630. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland GmbH Model MBB–BK 117 C–2 Helicopters" ((RIN2120–AA64) (Docket No. 2006–SW–28)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1631. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Teledyne Continental Motors GTSIO–520 Series Reciprocating Engines" ((RIN2120–AA64) (Docket No. 2005–NE–05)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1632. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 Airplanes and Model A340–200 and –300 Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–157)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1633. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–216)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1634. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Aircraft Engines CF34–3A1/–3B/–3B1 Turbofan Engines" ((RIN2120–AA64) (Docket No. 2007–NE–06)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1635. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Glasfugel Models H 301 'Libelle,' H 301B 'Libelle,' Standard 'Libelle,' and Standard Libelle–201B Sailplanes" ((RIN2120–AA64) (Docket No. 2006–CE–28)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1636. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT9D Series Turbofan Engines" ((RIN2120–AA64) (Docket No. 98–ANE–47)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1637. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–78)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1638. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mooney Airplane Company, Inc., Models M20M and M20R Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–51)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1639. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA-Groupe AEROSPATIALE Models M.S. 760, M.S. 760 A, and M.S. 760 B Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–74)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1640. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–38)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1641. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–600, –700, –700C, and –800 Series Airplanes" ((RIN2120–AA64) (Docket N[illegible]6–NM–096)) received on April 23, 2007[illegible]e Committee on Commerce, Scien[illegible]nd Transportation.

EC–1642. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of Class D and E Airspace; Fairbanks, Fort Wainwright Army Airfield, AK" ((RIN2120–AA66) (Docket No. 06–AAL–16)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1643. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Huslia, AK" ((RIN2120–AA66) (Docket No. 06–AAL–13)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1644. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Low Altitude Reporting Point; AK" ((RIN2120–AA66) (Docket No. 06–AAL–17)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1645. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Norton Sound Low Offshore Airspace Area; AK" ((RIN2120–AA66) (Docket No. 06–AAL–10)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1646. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; Potosi, MO" ((RIN2120–AA66) (Docket No. 06–ACE–14)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1647. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Adak, AK" ((RIN2120–AA66) (Docket No. 06–AAL–12)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1648. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D Airspace; Broomfield, CO" ((RIN2120–AA66) (Docket No. 06–AWP–10)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1649. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Wellington Municipal Airport, KS" ((RIN2120–AA66) (Docket No. 06–ACE–44)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1650. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Kaiser/Lake Ozark MO" ((RIN2120–AA66) (Docket No. 06–ACE–6)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1651. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Willow, AK" ((RIN2120–AA66) (Docket No. 06–AAL–02)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1652. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Offshore Airspace Area 1485L and Revision of Control 1485H; Barrow, AK" ((RIN2120–AA66) (Docket No. 06-AAL–9)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1653. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D Airspace; Elko, NV" ((RIN2120–AA66) (Docket No. 06–AWP–11)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Provo, UT" ((RIN2120–AA66) (Docket No. 06–AWP–5)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Kalispell, MT" ((RIN2120–AA66) (Docket No. 05–ANM–15)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1656. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Pinedale, WY" ((RIN2120–AA66) (Docket No. 05–ANM–17)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Eagle, CO" ((RIN2120–AA66) (Docket No. 06–ANM–2)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Mooresville, NC" ((RIN2120–AA66) (Docket No. 06–ASO–8)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E2 Surface Area; Elko, NV" ((RIN2120–AA66) (Docket No. 06–AWP–12)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and E Airspace; Amendment of Class E Airspace; Leesburg, FL" ((RIN2120–AA66) (Docket No. 06–ASO–3)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1661. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fremont, MI" ((RIN2120–AA66) (Docket No. 06–AGL–01)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1662. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Inspection Authorization Two-Year Renewal" ((RIN2120–AI83) (Docket No. FAA–2007–27108)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1663. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Incorporation of EuroSID II Dummy Into 49 CFR Part 572" (RIN2127–AI89) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1664. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Incorporation of SID-II's Side Impact Crash Test Dummy Into Part 572" (RIN2127–AJ16) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1665. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (ID No. 032107B) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1666. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (ID No. 032807A) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1667. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Temporary Rule for Interim Measures to Address Overfishing of Gulf of Mexico Red Snapper During 2007" (RIN0648–AT87) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1668. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Definition, Emergency Episode, and Monitoring Regulations" (FRL No. 8300–5) received on April 18, 2007; to the Committee on Environment and Public Works.

EC–1669. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of Revisions to the State of Hawaii Operating Permit Program" (FRL No. 8303–5) received on April 18, 2007; to the Committee on Environment and Public Works.

EC–1670. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glyphosate; Pesticide Tolerance" (FRL No. 8122–8) received on April 23 , 2007; to the Committee on Environment and Public Works.

EC–1671. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Administrative Revisions to Plant-Incorporated Protectant Tolerance Exemptions" (FRL No. 7742–2) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1672. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Peopixonazole; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8121–2) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1673. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cooperative Agreements and Superfund State Contracts for Superfund Response Actions" (FRL No. 8306–2) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1674. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Prevention of Significant Deterioration and New Source Review" (FRL No. 8305–1) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1675. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State Operating Permit Programs; Maryland; Revisions to the Acid Rain Regulations" (FRL No. 8304–8) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1676. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Certain Ethanol Production Facilities Under the 'Major Emitting Facility' Definition" ((RIN2060–AN77) (FRL No. 8301-4)) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1677. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Temporary Exhaust Emission Test Procedure Option for All Terrain Vehicles" (FRL No. 8305–8) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1678. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Promulgation of Air Quality Implementation Plans; Ohio; Approval of Revision to Rescind Portions of the Ohio Transportation Conformity Regulations" (FRL No. 8305-3) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1679. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products" (FRL No. 8304-2) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1680. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Air Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning" (FRL No. 8303-6) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1681. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulations of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to Illinois Portion of the St. Louis, Illinois-Missouri Ozone Nonattainment Area" (FRL No. 8304–1) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1682. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971; Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; and Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units" ((RIN2060–AN97)(FRL No. 8304-8)) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1683. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—May 2007" (Rev. Rul. 2007–29) received on April 20, 2007; to the Committee on Finance.

EC–1684. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: S Corporation Shareholders Attempt to Transfer the Incidence of Taxation on S Corporation Income by Donating S Corporation Stock to a Tax Exempt Organization While Retaining the Economic Benefits Associated with the Stock" (Notice 2004–30) received on April 20, 2007; to the Committee on Finance.

EC–1685. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Distressed Asset/Debt Tax Shelters" (UIL No. 9300.99–05) received on April 20, 2007; to the Committee on Finance.

EC–1686. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, transmitting, pursuant to law, the Board's 2007 Annual Report; to the Committee on Finance.

EC–1687. A communication from the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Insurance Trust Funds, transmitting, pursuant to law, the 2007 Annual Report of the Boards; to the Committee on Finance.

EC–1688. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: National Median Gross Income Figures for 2007" (Rev. Proc. 2007–31) received on April 24, 2007; to the Committee on Finance.

EC–1689. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2007–32) received on April 24, 2007; to the Committee on Finance.

EC–1690. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 relative to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–1691. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA–147–FOR) received on April 25, 2007; to the Committee on Energy and Natural Resources.

EC–1692. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports for the period from February 28, 2007 to April 24, 2007 relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC–1693. A communication from the Secretary of Labor, transmitting, the report of proposed legislation entitled "Workforce Investment Act Amendments of 2007"; to the Committee on Health, Education, Labor, and Pensions.

EC–1694. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Allowances and Differentials" (RIN3206–AL07) received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1695. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–37, "Class Exclusion Standards Temporary Amendment Act of 2007" received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1696. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-35, "Retail Service Station Clarification Temporary Amendment Act of 2007" received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1697. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–36, "Quality Teacher Incentive Clarification Temporary Act of 2007" received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1698. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–34, "Comprehensive Plan Response to NCPC Recommendations and Technical Corrections Act of 2007" received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1699. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–33, "Nonprofit Organizations Oversight Improvement Amendment Act of 2007" received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1700. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–38, "Public Education Reform Amendment Act of 2007" received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1701. A communication from the Office Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Relief from Fingerprinting and Criminal History Records Check for Designated Categories of Individuals Permitted Unescorted Access to Certain Radioactive Materials or Other Property" (AI04) received on April 17, 2007; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–71. A joint resolution adopted by the House of Representatives of the Legislature of the State of Maine memorializing the President 'and Congress to fulfill the intent to fund sixty percent of the costs of special education and to end unfunded mandates; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-third Legislaure of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the Congress of the United States as follows:

Whereas, the Congress of the United States has found that all children deserve a high-quality education, including children with disabilities; and

Whereas, the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400. et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess expenses of education for children with disabilities; and

Whereas, the Congress of the United States has committed to contribute up to 40 percent of the average per-pupil extenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assit the states; and

Whereas, the Federal Government has never contributed more than a fraction of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

Whereas, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a high-quality education; and

Whereas, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of that state and what resources should be directed to address these issues and concerns; and

Whereas, the Federal Government recognized the inequalities of unfunded mandates on state governments when it passed the Unfunded Mandates Reform Act of 1995; and

Whereas, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirement: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States either provide 60 percent of the national average per-pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending imposition of unfunded federal mandates on state governments; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honrable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

POM–72. A resolution adopted by the Senate of the Legislature of the State of Michigan urging the Department of Homeland Security to complete an economic analysis of the costs of compliance with the requirements of the federal Real ID Act and the Western Hemisphere Travel Initiative; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 20

Whereas, in response to the need for heightened security measures following the 9–11 attacks, Congress enacted the Real ID Act in 2005. This legislation require the states to dramatically redesign their respective driver's licenses. Digital photos, proof of legal status, and centralized database capabilities will be required. The act and the Western Hemisphere Travel Initiative also greatly alter the documentation required from American citizens seeking reentry into this country; and

Whereas, as the deadlines for full compliance with the requirements of the Real ID Act approach, there remains a significant level of confusion over how the states can meet target dates and develop the necessary policies and technology. With the size and scope of the task of redesigning driver's licenses and increasing identification procedures in all 50 states, the current uncertainties are complicating our ability to make our homeland more secure; and

Whereas, as with any undertaking of this magnitude, there are major costs involved. At this point, however, there seems to be no comprehensive estimate of the overall economic impact of complying with the Real ID Act and the Western Hemisphere Travel Initiative; and

Whereas, the multiple issues involved in following the provisions of the Real ID Act and the Western Hemisphere Travel Initiative are vitally important in Michigan. With some of the world's busiest international crossing points, especially at the Detroit/Windsor border, Michigan has a strong stake in this transition proceeding smoothly and with all the information needed to do so: Now, therefore, be it

Resolved by the Senate, That we urge the United States Department of Homeland Security to complete an economic analysis of the costs of compliance with the requirements of the federal Real ID Act and the Western Hemisphere Travel Initiative; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Homeland Security, the Office of the President of the United States; the United States Secretary of State; the President of the United States Senate; the Speaker of the United States House of Representatives; the chairs and ranking members of the United States Senate Foreign Relations Committee, the United States Senate Homeland Security and Governmental Affairs Committee, the United States House Homeland Security Committee, and the United States House International Relations Committee; the members of the Michigan congressional delegation; and the Michigan Secretary of State.

POM–73. A resolution adopted by the Senate of the Legislature of the State of Michigan memorializing the Department of State and the Department of Homeland Security to develop a pilot program in Michigan for a dual purpose state driver's license/personal identification card to comply with the provisions of the Real ID Act and the Western Hemisphere Travel Initiative; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 21

Whereas, in response to the need for heightened security measures following the 9–11 attacks, Congress enacted the Real ID Act in 2005. This legislation requires the states to dramatically redesign their respective driver's licenses. Digital photos, proof of legal status, and centralized database capabilities will be required; and

Whereas, another component of recent federal legislation, the Western Hemisphere Travel Initiative, also greatly alters the documentation required from American citizens seeking reentry into this country. By January 1, 2008, for example, United Sates citizens may be required to show passports when they drive across the border from Canada; and

Whereas, with the new requirements of the Real ID Act, state driver's licenses would closely mirror passports not only in the way they are used by travelers, but also in providing a higher level of identification. There is an opportunity in this transition to explore the possibility of combining the secure technology of a passport into the driver's license and realizing significant savings without compromising the security that is the goal of the federal legislation; and

Whereas, with some of the busiest international crossing points in the world, Michigan is well-suited for a pilot project to develop a dual driver's license/passport. With $70 billion worth of commercial traffic and nearly 3 million visitors crossing the Michigan/Canadian border each year, including thousands crossing for their jobs each day, Michigan has an unsurpassed stake in how the Western Hemisphere Travel Initiative is implemented; and

Whereas, Michigan's Secretary of State is in strong support of the concept of exploring a dual purpose state driver's license/personal identification card. The impact of such a project here could reap widespread benefits for our entire country: Now, therefore, be it

Resolved by the Senate, That we memorialize the United States Department of State and the Department of Homeland Security to work with the Michigan Secretary of State to develop a pilot program in Michigan for a dual purpose state driver's license/personal identification card to comply with the provisions of the Real ID Act and the Western Hemisphere Travel Initiative; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Homeland Security, the Office of the President of the United States; the United States Secretary of State; the President of the United States Senate; the Speaker of the United States House of Representatives; the chairs and ranking members of the United States Senate Foreign Relations Committee, the United States Senate Homeland Security and Governmental Affairs Committee, the United States House Homeland Security Committee, and the United States House International Relations Committee; the members of the Michigan congressional delegation; and the Michigan Secretary of State.

POM–74. A resolution adopted by the Board of County Commissioners of Miami-Dade County in the State of Florida urging the Florida Legislature to require Florida schools to provide information to 11- and 12-year old girls and their parents about the Human Papillomavirus, the vaccine against HPV, and Cervical Cancer that results from HPV; to the Committee on Health, Education, Labor, and Pensions.

POM-75. A resolution adopted by the Board of County Commissioners of Miami-Dade County in the State of Florida urging Congress to fully fund the local mandates included in the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

POM-76. A resolution adopted by the Board of County Commissioners of Miami-Dade County in the State of Florida urging the Florida Legislature to provide for creation of the Magic City Children's Zone Pilot Project; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2007" (Rept. No. 110-56).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 116. A resolution designating May 2007 as "National Autoimmune Diseases Awareness Month" and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

S. Res. 125. A resolution designating May 18, 2007, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. Res. 146. A resolution designating June 20, 2007, as "American Eagle Day", and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States.

S. Res. 162. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Colonel Travis D. Balch, 3742, to be Brigadier General.

Army nomination of Col. Stephen L. Jones, 5583, to be Brigadier General.

Air Force nomination of Col. Thomas J. Masiello, 8449, to be Brigadier General.

Air Force nomination of Brig. Gen. Thaddeus J. Martin, 2444, to be Major General.

Army nomination of Brig. Gen. William C. Kirkland, 4541, to be Major General.

Army nomination of Col. Gregory E. Couch, 8914, to be Brigadier General.

Navy nomination of Rear Adm. Jeffrey L. Fowler, 7245, to be Vice Admiral.

Army nomination of Lt. Gen. Martin E. Dempsey, 8511, to be Lieutenant General.

Army nominations beginning with Brigadier General Mari K. Eder and ending with Colonel James T. Walton, which nominations were received bythe Senate and appeared in the Congressional Record on March 22, 2007.

Marine Corps nomination of Maj. Gen. George J. Trautman III, 0849, to be Lieutenant General.

Navy nomination of Rear Adm. Harold D. Starling II, 4248, to be Vice Admiral.

Army nomination of Maj. Gen. William G. Webster, Jr., 9468, to be Lieutenant General.

Army nomination of Col. Mark J. MacCarley, 2185, to be Brigadier General.

Army nomination of Col. Daniel J. Nelan, 2853, to be Brigadier General.

Navy nomination of Capt. Michael A. Giorgione, 3106, to be Rear Admiral (lower half).

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Thomas M. Angelo and ending with Daniel S. Zulli, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Air Force nominations beginning with Thomas I. Anderson and ending with Mussaret A. Zuberi, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2007.

Air Force nomination of David J. Carrell, 8142, to be Colonel.

Air Force nomination of James G. Wolf, 6912, to be Lieutenant Colonel.

Air Force nomination of Craig L. Allen, 9804, to be Lieutenant Colonel.

Air Force nominations beginning with Brian L. Evans and ending with Duncan D. Smith, which nominations were received by the Senate and appeared in the Congressional Record on March 29, 2007.

Air Force nominations beginning with Robert W. Beadle and ending with Brent S. Miller, which nominations were received by the Senate and appeared in the Congressional Record on March 29, 2007.

Air Force nomination of Noana Issargrill, 4686, to be Major.

Army nomination of Melissa W. Jones, 9625, to be Lieutenant Colonel.

Army nomination of Barbara J. King, 3425, to be Lieutenant Colonel.

Army nominations beginning with James F. Beck and ending with Kevin S. Mckiernan, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

Army nominations beginning with Daniel L. Hurst and ending with George T. Talbot, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

Army nominations beginning with Franklin M. Crane and ending with Gary T. Kirchoff, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nominations beginning with Mark W. Crumpton and ending with D060629, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nominations beginning with Thomas Brooks and ending with Deborah C. Warren, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nominations beginning with Damon T. Arnold and ending with Gijsbertus F. Vanstaveren, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nomination of D060461, to be Lieutenant Colonel.

Army nomination of Bernadine F. Peletzfox, 0166, to be Major.

Army nomination of D060470, to be Major.

Army nomination of Josef Rivero, 5036, to be Major.

Army nomination of Stephen J. Velez, 5317, to be Major.

Army nominations beginning with Kirk O. Austin and ending with Lee W. Smithson, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2007.

Army nominations beginning with Craig E. Bennett and ending with Darlene M. Shealy, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2007.

Marine Corps nomination of Charles E. Parham, Jr., 7703, to be Lieutenant Colonel.

Marine Corps nominations beginning with Eduardo A. Abisellan and ending with Joseph J. Zarba, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007. (minus 1 nominee: Kevin M. Gonzalez)

Marine Corps nominations beginning with Aaron D. Abdullah and ending with Scott W. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

Marine Corps nomination of Jason K. Fettig, 7799, to be Major.

Marine Corps nomination of Michael J. Colburn, 2511, to be Colonel.

Navy nomination of Brian D. Petersen, 1675, to be Captain.

Navy nomination of Stanley R. Richardson, 8043, to be Captain.

Navy nominations beginning with Benjamin Amdur and ending with David M. Zielinski, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning with Kirsten R. Martin and ending with Richard V. Timme, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

Coast Guard nominations beginning with Brooke E. Grant and ending with Maria A. Ruttig, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2007.

By Mr. LEAHY for the Committee on the Judiciary.

Frederick J. Kapala, of Illinois, to be United States District Judge for the Northern District of Illinois.

Benjamin Hale Settle, of Washington, to be United States District Judge for the Western District of Washington.

John Roberts Hackman, of Virginia, to be United States Marshal for the Eastern District of Virginia for the term of four years.

Robert Gideon Howard, Jr., of Arkansas, to be United States Marshal for the Eastern

District of Arkansas for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD:

S. 1204. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. HARKIN):

S. 1205. A bill to require a pilot program on assisting veterans service organizations and other veterans groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MURKOWSKI (for herself, Ms. STABENOW, and Ms. LANDRIEU):

S. 1206. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967 to clarify the age discrimination rules applicable to the pension plan maintained by the Young Woman's Christian Association Retirement Fund; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 1207. A bill to amend the Internal Revenue Code of 1986 to increase and extend the energy efficient commercial buildings deduction; to the Committee on Finance.

By Mr. DORGAN:

S. 1208. A bill to provide additional security and privacy protection for social security account numbers; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1209. A bill to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. KOHL, Mr. FEINGOLD, and Mr. DURBIN):

S. 1210. A bill to extend the grant program for drug-endangered children; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1211. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Ms. STABENOW, Mr. INOUYE, Ms. CANTWELL, and Mrs. MURRAY):

S. 1212. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. BINGAMAN, and Mrs. LINCOLN):

S. 1213. A bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1214. A bill to amend the Internal Revenue Code of 1986 to modify the partial exclusion for gain from certain small business stocks; to the Committee on Finance.

By Mr. AKAKA:

S. 1215. A bill to amend title 38, United States Code, to extend and improve certain authorities of the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1216. A bill to allow certain nationals of Mexico entering the State of New Mexico on a temporary basis to travel up to 100 miles from the international border between the State of New Mexico and Mexico, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. LAUTENBERG, Mr. SALAZAR, Mr. SCHUMER, Mr. KENNEDY, Mr. DURBIN, and Mr. BROWN):

S. 1217. A bill to enhance the safety of elementary schools, secondary schools, and institutions of higher learning; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 1218. A bill to provide quality, affordable health care for all Americans; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. KERRY, Mr. AKAKA, Mr. DURBIN, and Mr. LIEBERMAN):

S. 1219. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 1220. A bill to increase the standard mileage rate for use of an automobile for business, medical, and moving deduction purposes for 2007 and permanently increase such rate for charitable deduction purposes under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees; to the Committee on Finance.

By Mr. KERRY:

S. 1221. A bill to provide for the enactment of comprehensive health care reform; to the Committee on Homeland Security and Governmental Affairs.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. 1222. A bill to stop mortgage transactions which operate to promote fraud, risk, abuse, and under-development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself, Mr. STEVENS, Mr. CARPER, and Mr. PRYOR):

S. 1223. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KENNEDY):

S. 1224. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. SMITH, and Ms. COLLINS):

S.J. Res. 12. A joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. BIDEN, Mr. MCCAIN, Ms. MIKULSKI, Mr. CARPER, and Mr. DODD):

S. Res. 171. A resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. WEBB):

S. Res. 172. A resolution commemorating the 400th Anniversary of the settlement of Jamestown; considered and agreed to.

ADDITIONAL COSPONSORS

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 358

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Hawaii (Mr. INOUYE) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 399

At the request of Mr. BUNNING, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 430

At the request of Mr. LEAHY, the name of the Senator from Arkansas

(Mr. PRYOR) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. BOND, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 430, supra.

S. 573

At the request of Ms. STABENOW, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 579

At the request of Mr. REID, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 651

At the request of Mr. HARKIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 700

At the request of Mr. CRAPO, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 761

At the request of Mr. REID, the names of the Senator from New York (Mr. SCHUMER), the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

At the request of Mr. ALEXANDER, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 761, supra.

S. 823

At the request of Mr. OBAMA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 823, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.

S. 898

At the request of Ms. MIKULSKI, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Oregon (Mr. SMITH), the Senator from Oklahoma (Mr. COBURN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from North Carolina (Mrs. DOLE) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1013

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1013, a bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medicaid program with access to comprehensive tobacco cessation services.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1062, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 1070

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. BOND) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1087

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1087, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1154

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1154, a bill to promote biogas production, and for other purposes.

S. 1173

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1173, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 1181

At the request of Mr. OBAMA, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 146

At the request of Mr. ALEXANDER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 146, a resolution designating June 20, 2007, as "American Eagle Day", and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States.

AMENDMENT NO. 941

At the request of Ms. SNOWE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 941 proposed to S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

AMENDMENT NO. 942

At the request of Mr. KOHL, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Louisiana (Mr. VITTER), the Senator from Utah (Mr. HATCH), the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of amendment No. 942 proposed to S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 942 proposed to S. 761, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 1204. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I rise to introduce the Shaken Baby Syndrome Prevention Act of 2007, important legislation that promotes awareness and prevention of Shaken Baby Syndrome, a devastating form of child abuse that results in the severe injury, disability or death of hundreds of children each year.

Child abuse and neglect is a well-documented tragedy for some of our youngest and most vulnerable citizens. According to the National Child Abuse and Neglect Data System (NCANDS) almost 900,000 children were victims of abuse and neglect in 2005. More than four children die every single day as a result of abusive maltreatment in this country. Babies are particularly vulnerable; in 2005, children aged 12 months or younger accounted for nearly 42 percent of all child abuse and neglect fatalities and children under age 3 accounted for almost 77 percent. Yet even these disturbing statistics may not paint an accurate picture; most experts agree that child abuse is widely under-reported.

Abusive head trauma, including Shaken Baby Syndrome, is the leading cause of death of physically abused children, in particular for infants younger than one. When a frustrated caregiver loses control and violently shakes a baby or impacts the baby's head, the trauma can kill the child or cause severe injuries, including loss of vision, loss of hearing, brain damage, paralysis, and/or seizures, resulting in lifelong disabilities and creating profound grief for many families.

Far too many children have experienced the horrible devastation of Shaken Baby Syndrome. A 2003 report in the Journal of the American Medical Association estimates that as a result of Shaken Baby Syndrome, an average of 300 U.S. children will die each year, and 600 to 1,200 more will be injured, of whom two-thirds will be infants younger than one. Medical professionals believe that thousands of Shaken Baby Syndrome cases are misdiagnosed or undetected, as many children do not immediately exhibit obvious symptoms after the abuse.

Prevention programs can significantly reduce the number of cases of Shaken Baby Syndrome. For example, the Upstate New York SBS Prevention Project at Children's Hospital of Buffalo has used a simple video to educate new parents before they leave the hospital, reducing the number of shaken baby incidents in the area by nearly 50 percent.

In Connecticut, a multifaceted prevention approach involving hospitals, schools, childcare providers, and community-based organizations in awareness and training activities, including home visits and targeted outreach, has raised awareness and encouraged prevention across the state. Hospitals in many States educate new parents about the dangers of shaking a baby, yet it is estimated that less than 60 percent of parents of newborns receive information about the dangers of shaking a baby. Without more outreach, education and training, the risk of Shaken Baby Syndrome will persist.

With the introduction of the Shaken Baby Syndrome Prevention Act of 2007, I hope to reduce the number of children injured or killed by abusive head trauma, and ultimately to eliminate Shaken Baby Syndrome. Our initiative provides for the creation of a public health campaign, including development of a National Action Plan to identify effective, evidence-based strategies for prevention and awareness of SBS, and establishment of a cross-disciplinary advisory council to help coordinate national efforts.

The campaign will educate the general public, parents, child care providers, health care professionals and others about the dangers of shaking, as well as healthy preventative approaches for frustrated parents and caregivers coping with a crying or fussy infant. The legislation ensures support for families who have been affected by SBS, and for families and caregivers struggling with infant crying, through a 24-hour hotline and an informational website. All of these activities are to be implemented through the coordination of existing programs and/or the establishment of new efforts, to bring together the best in current prevention, awareness and education practices to be expanded into areas in need.

Awareness is absolutely critical to prevention. Families, professionals and caregivers responsible for infants and young children and must learn about the dangers of violent shaking and abusive impacts to the head.

On behalf of the victims of Shaken Baby Syndrome, including Cynthia from New York, Hannah from California, Sarah from New York, Kierra from Nevada, Miranda from Pennsylvania, Taylor from Illinois, Cassandra from Arizona, Gabriela from Florida, Amber from New York, Bennett from Missouri, Jamison from Florida, Maggie from Texas, Dalton from Indiana, Stephen from Texas, Kaden from Washington, Joseph from Texas, Dawson from Pennsylvania, Macie from Minnesota, Jake from Maine, Benjamin from Michigan, Chloe from New Mexico, Madison of Oklahoma, Peanut from Texas, Nykkole from Minnesota, Gianna from Rhode Island, Brynn from Washington, Rachael from Texas, Jack from Maryland, Ryan from Virginia, David from California, Reagan from Virginia, Skipper from New York, and many other innocent lives lost or damaged, I look forward to working with my colleagues to see that this legislation becomes law so that we can expand efforts to eradicate Shaken Baby Syndrome.

I ask unanimous consent that a list of groups supporting this resolution be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS SUPPORTING THE SHAKEN BABY SYNDROME PREVENTION ACT OF 2007

American Association of Neurological Surgeons; American Professional Society on the Abuse of Children; American Psychological Association; The Arc of the United States; Association of Maternal and Child Health Programs; Association of University Centers on Disabilities; Brain Injury Association of America; Center for Child Protection and Family Support; Child Welfare League of America; Children's Defense Fund; Children's Healthcare is a Legal Duty; Congress of Neurological Surgeons; The Connecticut Children's Trust Fund; Council for Exceptional Children; Cynthia Gibbs Foundation; Division for Early Childhood of the Council for Exceptional Children; Easter Seals; Epilepsy Foundation; Fight Crime: Invest in Kids; and The G.E.M. Child Protection Foundation.

Hannah Rose Foundation; IDEA Infant Toddler Coordinators Association; Kierra Harrison Foundation; Lifetime Family Resource Center, Inc.; Massachusetts Citizens for Children; The Multidisciplinary Pediatric Education and Evaluation Consortium; National Association of Child Care Resource & Referral Agencies; National Association of Children's Hospitals; National Association of State Head Injury Administrators; National Center for Learning Disabilities; National Center on Shaken Baby Syndrome; National Child Abuse Coalition; National Family Partnership; National Respite Coalition; National Shaken Baby Coalition; National Shaken Baby Syndrome Nursing Network; Parents Anonymous; Pennsylvania Shaken Baby Syndrome Prevention and Awareness Program; Prevent Child Abuse America: Shaken Baby Association; Shaken Baby Prevention, Inc.; Shaking Kills: Instead Parents Please Educate and Remember Initiative (SKIPPER); United Cerebral Palsy; and Upstate New York Shaken Baby Syndrome Prevention and Awareness Program.

By Mr. SMITH (for himself and Mr. HARKIN):

S. 1205. A bill to require a pilot program on assisting veterans' service organizations and other veterans' groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SMITH. Mr. President, I rise today to introduce the Heroes Helping Heroes Demonstration Program of 2007, along with my distinguished colleague from Iowa, Senator HARKIN. I ask unanimous consent that the text of this bill be printed in the RECORD.

Our intention is to expand the use of peer-support approaches to assist the reintegration of America's veterans as they return from active duty to their homes and communities. We hope that this legislation will demonstrate the effectiveness of peer-support approaches and ease the burden of the social, economic, medical and psychological struggles our veterans face.

Deployed soldiers face extreme stress and at times devastating injuries. Left untreated, this stress can have devastating impact on soldiers and their families. Army researchers have found that alcohol misuse went from 13 percent among soldiers to 21 percent one year after returning from Iraq and Afghanistan. It also has been found that soldiers with anger and aggression issues increase from 11 percent to 22 percent after deployment. Furthermore, the best studies to date have shown that up to one-third of our current war veterans are coping with a serious mental health problem, most notably Post Traumatic Stress Disorder (PTSD).

In addition to these personal struggles, returning soldiers also face serious social and economic challenges. Data from the U.S. Bureau of Labor Statistics indicates that unemployment among soldiers returning to civilian life is 15 percent—three times the national average. Those soldiers planning to divorce their spouse rose from nine percent to 15 percent after time spent in the combat zone. Unfortunately, as more troops are deployed, deployments are extended and breaks between deployments become shorter these problems will only become more prevalent.

At present, the Department of Defense and the Department of Veterans Affairs are struggling to meet the needs of returning veterans. Situations like those recently uncovered at Walter Reed Hospital demonstrate a health care system stretched to its limits. Furthermore, it would require significant additional resources to build up traditional service organizations and approaches to be sufficient to deal with these serious problems.

I have risen on this floor many times to speak about the need to adequately address the mental health and physical health needs of our citizens. However, there has never been a case when the responsibility and duty of this body and our country has been clearer than the duty to aid our veterans who have sacrificed their bodies, minds and lives for this country.

Fortunately, "peer-support" approaches offer a low cost and effective adjunct to traditional services by allowing the heroes of our country to help each other. Veteran peer-support offers two things that no kind of professionalized service can ever hope to: the support of someone who has had the same kinds of experiences and truly understands what the veteran is going through; and the potential of a large pool of experienced volunteers who can assist and support returning veterans at very little cost.

The effectiveness of these approaches has been documented in a variety of domains. Specifically, for mental health disorders like PTSD and depression, peer-support programs have shown that participation yields improvement in psychiatric symptoms and decreased hospitalizations, the development of larger social support networks, enhanced self-esteem and social functioning, as well as lower services costs. The Substance Abuse and Mental Health Service Administration (SAMHSA), and even the President's New Freedom Commission on Mental Health, have recognized peer-support approaches as an emerging best practice that is helping people recover from traumatic events.

Although the peer-support approach is promising, the need for this type of assistance is growing and far exceeds the services that are available. A report from the National Symposium for the Needs of Young Veterans hosted by AMVETS recognized this need in Voices for Action: A Focus on the Changing Needs of America's Veterans.

The legislation that I am introducing today requires the Veterans Administration to create a pilot project. This project would demonstrate and assess the feasibility of funding community based veterans' organizations and groups to create and expand peer-support programs for veterans. It also authorizes $13.5 million over three years for this program. These funds will be used to support the development or expansion of peer-support programs in up to 20 non-profit organizations that support the reintegration of veterans on a local and national level.

The use of peer-support approaches is supported by veterans, veterans' organizations and mental health professionals. I ask for unanimous consent to include in the record the following letters from the Iraq and Afghanistan Veterans of America, Disabled American Veterans, the National Coalition for Homeless Veterans, Vets4Vets and the American Psychological Association.

I am pleased that Senator HARKIN has joined me in this effort. Our legislation is an important step to expand and improve the support available to our veterans and their transition back to community life. We hope that this bill will continue to focus attention on the needs of our veterans who have given so much to their country.

Mr. President, I yield the floor.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PILOT PROGRAM ON ASSISTING VETERANS ORGANIZATIONS IN FACILITATING COMMUNITY REINTEGRATION OF VETERANS.

(a) Program Required.—

(1) In general.—The Secretary of Veterans Affairs shall carry out a pilot program to demonstrate and assess the feasibility and advisability of delivering community reintegration support and services to veterans by assisting veterans organizations in developing and promoting peer support programs for veterans.

(2) Designation.—The pilot program required by paragraph (1) shall be known as the "Heroes Helping Heroes Program".

(b) Duration of Program.—The pilot program shall be carried out during the three-year period beginning on October 1, 2007.

(c) Selection of Pilot Program Participants.—

(1) In general.—The Secretary shall select not more than 20 eligible entities to participate in the pilot program.

(2) Application.—Each eligible entity seeking to participate in the pilot program shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary shall require.

(3) Selection.—The Secretary shall select participants in the pilot program from among the applicants under paragraph (1) that the Secretary determines—

(A)(i) have existing peer support programs that can be expanded or enhanced, and resources, for the delivery of community reintegration support and services to veterans (including mentoring programs, self-help groups, and Internet and other electronic-based peer support resources) that are suitable for the pilot program; or

(ii) have the capacity, including the skill and resources necessary, to develop and maintain new peer support programs for the delivery of community reintegration support and services (including mentoring programs, self-help groups, and Internet and other electronic-based peer support resources) that are suitable for the pilot program; and

(B) have a plan to continue such peer support programs after the pilot program ends.

(d) Grants.—

(1) In general.—The Secretary shall award grants to pilot program participants to develop and promote peer support programs that deliver community reintegration support and services for veterans.

(2) Amount.—The Secretary shall ensure that the average amount of the grant awarded under paragraph (1) to a pilot program participant is not more than $300,000 and not less than $100,000 per fiscal year.

(3) Matching funds.—A recipient of a grant under paragraph (1) shall contribute towards the development and promotion of peer support programs that deliver community reintegration support and services to veterans an amount equal to not less than ten percent of the grant awarded to such recipient.

(4) Duration.—The duration of any grant awarded under paragraph (1) may not exceed three years.

(e) Use of Funds.—A grant awarded to a pilot program participant pursuant to subsection (d) shall be used by the pilot program participant for costs and expenses connected with the development and promotion of peer support programs that deliver community reintegration support and services to veterans, including costs and expenses of the following:

(1) Program staff or a coordinator of volunteers, but not more than 50 percent of such grant award may be used for such purpose in any fiscal year of such pilot program.

(2) Consultation services, but not more than 20 percent of such grant award may be used for such purpose in any fiscal year of such pilot program.

(3) Program operations, including costs and expenses relating to the following:

(A) Advertising and recruiting.

(B) Printing.

(C) Training of volunteers, veterans, and staff.

(D) Incentives, such as food and awards.

(E) Overhead expenses, but not more than ten percent of such grant award may be used for such purposes.

(f) Technical Assistance.—In addition to the award of grants under subsection (d), the Secretary shall provide technical assistance to pilot program participants to assist them in developing and promoting peer support programs that deliver community reintegration support and services to veterans.

(g) Definitions.—In this section:

(1) Eligible entity.—The term "eligible entity" means—

(A) a veterans service organization;

(B) a not-for-profit organization—

(i) the primary mission of which is to assist veterans;

(ii) that has been in continuous operation for at least 12 months; and

(iii) is not a veterans service organization; or

(C) a partnership between an organization described in subparagraph (A) or (B) and an organization that is not described in subparagraph (A) or (B).

(2) Pilot program participant.—The term "pilot program participant" means an eligible entity that is selected by the Secretary, in accordance with subsection (c), to participate in the pilot program under this section.

(3) Veterans service organization.—The term "veterans service organization" means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(h) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Veterans Affairs to carry out this section, $4,500,000 for each of fiscal years 2008, 2009, and 2010.

Iraq and Afghanistan
Veterans of America,
April 10, 2007.

Hon. Gordon Smith,
404 Russell Senate Office Building,
Washington, DC.

Dear Senator Gordon Smith: Only a veteran can truly understand the story of another veteran. When a servicemember returns home from a combat zone they are subjected to a myriad of transitional issues; finding a new job, reconnecting with family, and mostly important, learning about the person they have become. We must find creative ways to reach out and connect these returning heroes with people who understand their story.

The Heroes Helping Heroes Program is a Demonstration Project which seeks to aid existing veterans' service organizations and other non-profit organizations that currently work with veterans in the development and promotion of peer support programs across America. Iraq and Afghanistan Veterans of America (IAVA) strongly endorses the Heroes Helping Heroes Program as a creative attempt to connect returning veterans with other veterans.

This program will bolster existing local veterans support organizations by offering grants, allowing them to expand services at the fraction of the cost of starting new programs. Heroes Helping Heroes will help fulfill the government's duty to assist our service men and women who fulfilled their solemn duty to serve.

Sincerely,

Paul Rieckhoff,
Executive Director.

Vets4Vets,
Tucson, AZ, April 4, 2007.

To whom it may concern: Vets4Vets is proud to endorse Senator Gordon Smith's bill setting up a pilot program to encourage peer support programs for Iraq-era veterans.

Vets4Vets is a non-partisan peer support program, staffed almost exclusively by Iraq-era veterans and dedicated to helping Iraq and Afghanistan era veterans feel good about themselves and heal from any negative aspects of service and war. In our weekend workshops, one-on-ones, and local groups, Vets4Vets allows veterans to take equal and uninterrupted turns sharing their experiences and expressing their feelings in a truly confidential setting. To further promote healing Vets4Vets encourages service men and women to take part in positive community action of their choosing that empowers them to reach out to other veterans.

Over 200 Iraq-era veterans have taken part in one or more of our nine weekend workshops in the last year in various parts of the country. Almost all of them have been combat veterans. Many of them are now actively reaching out to their peers to set up local peer support groups. There are already groups meeting in a half dozen or so cities around the country.

As would be expected from the existing body of research on peer support programs, these veterans universally enjoyed the program and report significant improvement in their lives.

We urge Members of Congress to support this bill and the peer support programs for Iraq-era veterans which it will encourage.

Sincerely,

Abel Moreno,
Former Sergeant 82nd Airborne with tours in Iraq and Afghanistan; Vets4Vets Media and Local Outreach Coordinator.

Jason Ridolfi,
Former Sergeant, USMCR with two tours in Iraq; Vets4Vets Internet Outreach Coordinator.

NATIONAL COALITION
FOR HOMELESS VETERANS,
Washington, DC, April 11, 2007.
Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: The National Coalition for Homeless Veterans (NCHV) writes to express our support for your bill, which would establish a demonstration project entitled "Heroes Helping Heroes Program." The project would provide expanded peer support services for veterans through veteran service organizations and other nonprofit community-based organizations that serve veterans.

Established in 1990, NCHV is a nonprofit organization with the mission of ending homelessness among veterans by shaping public policy, promoting collaboration, and building the capacity of service providers. NCHV's membership of over 250 community based organizations (CBOs) in 48 states and the District of Columbia provides housing and supportive services to homeless veterans and their families.

The Department of Veterans Affairs (VA) reports an estimated 400,000 veterans experience homelessness at some time during a year, and 200,000 are homeless on any given night. With the VA reaching only 25 percent of the homeless veteran population and CBOs 30 percent of those in need, a substantial number of homeless veterans undoubtedly do not receive much needed services. Moreover, because some areas of our country have no community based organizations or VA facilities nearby, other programs that serve veterans are needed.

Findings from a survey conducted by NCHV in November 2005 suggest the homeless veteran population in America may be experiencing significant changes. In addition to those who are aging and need permanent supportive housing, the percentage of women veterans seeking services is growing. Moreover, combat veterans of Operation Iraqi Freedom, Operation Enduring Freedom and the Global War on Terror are returning home and suffering from war related conditions that may put them at risk for homelessness. These men and women are beginning to trickle into the Nation's community-based homeless veteran service provider organizations and need a variety of services—from mental health programs and peer support to housing, employment training and job placement assistance. The Heroes Helping Heroes program will serve as a starting point to help these returning heroes address their many needs.

NCHV supports your efforts and leadership on behalf of our nation's veterans. Thank you for providing an opportunity to help them successfully reintegrate back into civilian life.

Sincerely,

CHERYL BEVERSDORF,
President and CEO.

DISABLED AMERICAN VETERANS,
March 28, 2007.
Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the Disabled American Veterans (DAV), I am writing with regards to the legislation that would create the "Heroes Helping Heroes Program."

As you know, active duty service members sometimes have difficulty making the transition back to civilian life. This is particularly true for our injured service members and service members who served in combat. For some severely-disabled veterans of Operations Iraqi and Enduring Freedom, the success of becoming a productive member of society will be measured by their ability to live independently and achieve the highest quality of life possible.

Your legislation seeks to help veterans reintegrate into their communities by authorizing the Department of Veterans Affairs to create a pilot program to assist in the development and capitalization of peer support programs. While DAV does not have a resolution from our membership to actively support this legislation, its purpose appears beneficial and we would not be opposed to the favorable consideration of this bill.

The DAV sincerely appreciates your efforts and commitment to improve the lives of our nation's sick and disabled veterans, their dependents and survivors.

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
April 4, 2007.
Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND HARKIN: On behalf of the American Psychological Association (APA) and our 148,000 members and affiliates; I am writing to thank you for your leadership in legislative efforts to promote the reintegration of America's veterans as they return from active duty to their homes and communities.

Deployed soldiers face unique risks and experience stress and at-times devastating injuries. Left untreated, the attendant mental health problems can severely restrict veterans' lives and their ability to reconnect to family, work, and social relationships. In their most tragic forms, such problems can also lead to marital dissolution, the abuse of alcohol and other drugs, and suicide. At present, the Department of Defense (DoD) and the Department of Veterans Affairs (VA) are striving to meet the mental health treatment. needs of returning veterans. It is imperative that we redouble our efforts to aid our veterans who served in Iraq and Afghanistan and are suffering from post-traumatic stress disorder and other mental health problems.

Your proposed bill, which would establish a demonstration project entitled "the Heroes Helping Heroes Program," would provide expanded peer support services for veterans through veterans service organizations and other non-profit community-based organizations that serve veterans. Through peer support programs, veterans help one another to cope with the trauma of combat experience, the mental anguish that comes from debilitating physical injury, and the difficulties of readjusting to a civilian mindset and the rhythms of daily life. Such programs are highly effective in providing needed support to veterans, as we know from the veterans readjustment counseling centers currently run by the VA.

In closing, I thank you once again for your efforts and leadership on behalf of our nation's veterans.

Sincerely,

NORMAN B. ANDERSON, Ph.D.,
Chief Executive Officer.

Mr. HARKIN. Mr. President, I am pleased to join with the distinguished Senator from Oregon, Senator SMITH, to introduce the Heroes Helping Heroes Act, to expand the availability of peer support programs for veterans.

As our military personnel return from combat, they face daunting challenges in transitioning back to civilian life. They have to deal with family issues arising from their long absence from home. They have to find new employment. They also have to cope with separation from their close friends. After spending many months if not years with the men and women in their unit—sharing intense wartime experiences and looking out for each other—they may not find that same close support when they return.

In addition, many members of our Armed Forces have endured tremendous stress during combat, which can trigger severe mental health issues after they have returned home. Research shows that one in three veterans of the war in Iraq, and one in nine veterans of the war in Afghanistan, are coping with a serious mental health problem, including depression, substance abuse, and/or post-traumatic stress disorder (PTSD). Untreated and under-treated stress exposure for soldiers results in a higher incidence of suicide, higher divorce rates, and higher rates of drug or alcohol abuse. Additionally, there have been almost 25,000 non-fatal American casualties. Such injuries often have serious impacts on the ability of transitioning veterans to reintegrate into their home and community life.

Currently, VA facilities are overwhelmed by the sheer number of veterans who need assistance. The Government Accountability Office (GAO) reported that many VA medical facilities are unprepared to care for the mental health needs of the number of veterans who will need services. Peer support approaches offer a low-cost and effective supplement to traditional services by allowing veterans to help each other. In peer support programs, transitioning veterans can talk to someone who had similar experiences and understands what they are going through. Veteran peer counselors who are trained to provide support and refer for services when necessary can provide outreach to other veterans and assist in a smooth transition back to civilian life.

The Heroes Helping Heroes program will allow veterans' service organizations to develop or expand peer support programs. Veterans' service organizations and other non-profits that serve veterans are well-equipped to provide such peer support programs. Given that the VA is stretched to capacity, these organizations are able to run such programs in addition to mental health services provided by professional counselors.

The Substance Abuse and Mental Health Service Administration

(SAMSHA) and the President's New Freedom Commission on Mental Health have recognized peer support approaches as an emerging best practice in helping people to recover from traumatic events. Research has found that peer support programs are effective in alleviating PTSD symptoms and depression, reducing the likelihood of hospitalization, and increasing social support.

When members of our Armed Forces come home from war, this does not necessarily mean that the war is over for them. Many continue to carry physical and psychological wounds and scars. We have a profound moral contract to care for those who have fought for our country and sacrificed so much. One additional way to make good on that contract in a cost-effective way is to expand the availability peer support programs nationwide. To that end, I urge my colleagues to join with Senator SMITH and me in sponsoring the Heroes Helping Heroes Act.

By Ms. MURKOWSKI (for herself, Ms. STABENOW, and Ms. LANDRIEU):

S. 1206. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967 to clarify the age discrimination rules applicable to the pension plan maintained by the Young Woman's Christian Association Retirement Fund; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will clarify the legal status of the Young Women's Christian Association's Retirement Fund.

The YWCA Retirement Fund is one of the oldest pension plans serving the retirement needs of women. This bill will help protect the retirement security of thousands of YWCA employees nationwide who serve well over a million users.

Whether it is providing day care for working mothers, keeping a battered women's shelter open, or meeting the other pressing needs of women in our communities, the YWCA has a long tradition of service. Those who work at our local YWCAs deserve to know that their retirement plan is secure.

Today, the YWCA Retirement Fund is a unique pension program. First, approximately 90 percent of its participants are women. Second, it is a multiple employer pension plan—one that relies on 300 local YWCAs to make funding contributions. And lastly, since it was established in 1924, the pension plan's structure has remained generally unchanged—it is partially a defined benefit plan, and partially a defined contribution plan.

Recently, some employers have transformed their traditional defined benefit pension plans into various types of "hybrid" plans, and in the process, some have reduced the rate at which benefits accrue for their older workers. Older workers have successfully challenged some of these arrangements as age discriminatory. During its more than 80-year history, the YWCA Retirement Fund has never treated any worker differently based on age or longevity of employment. Most of the controversy surrounding these plans focuses on how employers treat certain participants when they convert their pre-existing pension plans. But the YWCA pension program never converted—its basic structure has remained the same since it was established in 1924.

The success of some of these lawsuits has raised questions about whether the YWCA pension plan could be found to be age discriminatory merely on the basis of its design. This threat is particularly acute given the fact that the YWCA Retirement Fund is a multiple employer pension plan—a plan that relies on contributions from each local YWCA. This enormous potential liability would be shared jointly by all local YWCAs. Under current law, even the mere threat of a lawsuit could cause local YWCAs to end their participation in this plan.

This legislation merely delineates many of the unique characteristics of the YWCA pension plan and clarifies what age discrimination standard applies to the plan with respect to any future legal claim. This bill protects participants from being treated differently on the basis of age, while eliminating the potential crippling legal threat that currently exists.

Legislation was enacted in 2004—Public Law 108-476—to clarify the legal status of the YMCA pension plan, a plan that is similar to the YWCA plan. Congress was right to protect the YMCA pension plan then and now it is time to protect the pension plan serving our YWCAs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Young Women's Christian Association Pension Clarification Act of 2007".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Young Women's Christian Association Pension Plan is a multiple employer plan (subject to the requirements of section 210 of the Employee Retirement Income Security Act of 1974) which is maintained by a corporation created by State law prior to the enactment of the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967 and whose primary purpose is the maintenance of retirement programs.

(2) No applicable plan amendment, as defined in clause (v) of section 204(b)(5)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(5)(B)(v)) (added by section 701(a) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 982)) and clause (v) of section 4(i)(10)(B) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10)(B)(v)) (added by section 701(c) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 986)), or any applicable plan amendment causing a participant's accrued benefit to be less than the amount described in clause (iii) of such section 204(b)(5)(B) or clause (iii) of such section 4(i)(10)(B), has ever been made to the Young Women's Christian Association Pension Plan.

(3) Under the terms of the Young Women's Christian Association Pension Plan, as in effect as of June 29, 2005, all pension benefits of all participants under the plan are immediately nonforfeitable.

(4) As of April 25, 2007, the Young Women's Christian Association Pension Plan provides—

(A) for periods including June 29, 2005, and ending on or before December 31, 2007, a credit to the account of each participant equal to 40 percent of the pay credit provided to such participant and interest credits determined for each plan year at the average of the annual rates of interest on 10-year Treasury securities during a designated period in the preceding plan year, and

(B) for periods beginning on or after January 1, 2008, interest credits which satisfy the requirements of section 204(b)(5)(B)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(5)(B)(i)) (added by section 701(a) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 981)) and section 4(i)(10)(B))(i) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10)(B)(i)) (added by section 701(c) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 989)).

(b) PURPOSE.—The purpose of this Act is to clarify the age discrimination rules under section 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974 and section 4(i)(1) of the Age Discrimination in Employment Act of 1967, as they relate to periods prior to June 29, 2005, during which violations of such rules are alleged to have occurred in civil actions commenced on or after April 25, 2007.

SEC. 3. CLARIFICATION OF AGE DISCRIMINATION RULES.

(a) IN GENERAL.—In the case of any civil action which—

(1) is commenced on or after April 25, 2007, and

(2) alleges a violation of section 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(H)) or section 4(i)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(1)) occurring before June 29, 2005, with respect to any benefit provided under the Young Women's Christian Association Pension Plan,

such sections 204(b)(1)(H) and 4(i)(1) shall be applied as if paragraph (5) of section 204(b) of the Employee Retirement Income Security Act of 1974 (as added by section 701(a)(1) of the Pension Protection Act of 2006 (29 U.S.C. 1054(b)(5); 120 Stat. 981) and paragraph (10) of section 4(i) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10); 120 Stat. 998) applied to any period in which such alleged violation occurred.

(b) YOUNG WOMEN'S CHRISTIAN ASSOCIATION PENSION PLAN.—For purposes of this Act, the term "Young Women's Christian Association Pension Plan" means the defined benefit plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974) established on January 1, 1926, and maintained by the Young Women's Christian Association Retirement Fund, a corporation created by an Act of the State of New York which became law on April 12, 1924.

By Ms. LANDRIEU:

S. 1207. A bill to amend the Internal Revenue Code of 1986 to increase and extend the energy efficient commercial buildings deduction; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I rise today to introduce legislation entitled Giving Reductions to Energy Efficient New Buildings, the GREEN Buildings Act. This bill will extend the energy efficient building tax deduction from December 31, 2008 until December 31, 2013. This bill will also increase the tax deduction from $1.80 to $2.25 per square foot.

Our Nation is diligently searching to find the long-term solutions to global warming and, how to reduce our carbon foot print. As Congress continues to search for these solutions, we must continue to provide incentives to those who have the knowledge and resources to make an impact now. Congress understands the impact 'green buildings' have on reducing our Nation's energy consumption and carbon emissions. That is why in the Energy Policy Act of 2005 we created a tax deduction for energy efficient buildings. Unfortunately, that deduction will expire on December 31, 2008. Congress must not allow this deduction to expire. Building energy efficient buildings is one of the key things being done right now to reduce carbon dioxide emissions as well as reduce our Nation's energy consumption.

Commercial buildings are a substantial part of our Nation's energy consumption and can be a key to reducing demand for electricity. These buildings are responsible for 40 percent of total U.S. energy consumption, they use 70 percent of the nation's electricity and they are accountable for 40 percent of the U.S. carbon dioxide emissions. They are a major piece to enabling our Nation's energy independence and to solving the global warming puzzle and Congress must not overlook them or leave them out.

The average life-span of a commercial building is 75 years. We must use our resources, to build energy-efficient buildings today and make these buildings truly ready for the future. One way to do so is to provide incentives to those who are willing to step up to the plate and accept the challenge.

Another benefit from building energy efficient or green buildings is that they also improve our health. Americans spend about 90 percent of their time indoors. The concentration of indoor pollutants is sometimes 10 to 100 times more than outdoor pollutants increasing the frequency of illnesses and ailments.

Researchers have proven that employees who are exposed to more sunlight are more productive workers. They have proven that by changing the carpets on the floor and paint on the walls workers have less respiratory ailments. These are simple things that can be done to increase employees' health and their productivity and our nation's overall success.

Our Nation is doing a good job of researching and developing new technologies to reduce our dependence on foreign energy and to combat global warming, and Congress has helped move these technologies along by providing incentives in the way of tax deductions. Unfortunately, many of these incentives have an expiration date that expires too soon to provide the help it is intended to provide. Congress needs to keep these incentives intact and provide stability so companies and investors can be assured of their investment. In turn, maintaining these incentives will advance our Nation's energy independence and reduce our carbon dioxide emissions—two very important goals. I urge my fellow Senators to support this sensible and much needed tax incentive. We don't have another 75 years to wait.

By Mr. DORGAN:

S. 1208. A bill to provide additional security and privacy protection for social security account numbers; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am introducing a piece of legislation called the "Social Security Account Number Protection Act" that would restrict the ability of companies to sell or purchase Social Security numbers.

Let me describe why this legislation is so necessary.

On February 15, 2005, Georgia-based data warehouser ChoicePoint disclosed that it had compromised the private customer data of 145,000 individuals. Criminals posing as legitimate small business people had purchased files on about 145,000 people, some of whom were later defrauded.

One of the critical pieces of information that ChoicePoint sold to these criminals was Social Security numbers. That's Social Security numbers of 145,000 people in all 50 states.

Here is a statistic that I found incredible: Choice Point has 17,000 business "customers" for such information. Can you imagine your Social Security number potentially being sold to 117,000 businesses? And that's just one of the companies that was selling databases that included Social Security numbers at the time.

I bet that most Americans were surprised to find out that it was perfectly legal for companies to sell their Social Security numbers to tens of thousands of other companies. If you took a national survey and asked Americans this question: "Do you think that private companies should have the ability to purchase and sell your Social Security number?" I assure you that the answer would overwhelmingly be "no."

In the 109th Congress, when the Senate Commerce Committee marked up S. 1408, the ID Theft Protection Act, I offered an amendment that very simply said that it should be illegal to sell or purchase Social Security numbers.

This as a commonsense amendment, and it passed unanimously. The ID Theft Protection Act was reported by the Commerce Committee in December 2005, but the bill did not make it to the Senate floor.

But the problem of ID theft has not gone away. In its most recent survey, the Better Business Bureau estimated that approximately 8.9 million Americans were victims of identity theft in 2006. The total U.S. annual identity fraud cost is an estimated $52.6 billion per year.

We will shortly be marking up another ID theft bill in the 110th Congress, through the Commerce Committee. The bill the Commerce Committee is considering now does not have provisions restricting the sale or purchase of Social Security numbers, and I intend to offset an amendment to fix that, with the language that I am introducing as standalone legislation today.

I should note that the FTC issued a report on ID theft just this month, which emphasized the importance of protecting Social Security numbers.

The FTC report said the following about Social Security numbers: "Consumer information is the currency of identity theft, and perhaps the most valuable piece of information for the thief is the SSN. The SSN and a name can be used in many cases to open an account and obtain credit or other benefits in the victim's name."

In fact elsewhere in the report, the FTC underscored that Social Security numbers are "the most valuable commodity for an identity thief."

One of the FTC's top recommendations was that federal agencies should reduce the unnecessary use of Social Security numbers.

And it's clear that the FTC heard from many Americans who were unhappy with the widespread overuse of Social Security numbers. Indeed, the FTC report notes that one of the main concerns that Americans have in protecting their identity is "the overuse of Social Security numbers as identifiers."

It stands to reason that the more that Social Security numbers are sold from one business to another for marketing and other commercial purposes, the greater the chance that the numbers will be lost, misplaced, stolen, leaked, or otherwise fall into the wrong hands.

Now, I'll be the first to recognize that there are some instances where the use of Social security numbers is appropriate. So my amendment has a number of reasonable exceptions to the prohibition on the sale of Social Security numbers, for purposes such as national security, public health, law enforcement, administration of federal or state tax laws, credit reporting agencies, prevention and investigation of ID theft, and tracking of missing and abducted children.

What's more, my bill allows an "opt-in" clause. That is, it allows individuals, if they so choose, to agree in writing to have their Social Security number sold or purchased by others—provided the individual provides his affirmative consent, and the individual is not obligated to provide the Social Security number as a condition for conducting a transaction.

I think these are reasonable exemptions.

I should add that in the 109th Congress, Senators SPECTER and LEAHY also introduced S. 1332, a bill that similarly restricts the sale of Social Security numbers.

So this is a bipartisan concept, and I hope that my legislation will have bipartisan support when it reaches the floor of the U.S. Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Account Number Protection Act".

SEC. 2. SOCIAL SECURITY NUMBER PROTECTION.

(a) PROHIBITION OF UNNECESSARY SOLICITATION OF SOCIAL SECURITY NUMBERS.—

(1) IN GENERAL.—Unless there is a specific use of a social security account number for which no other identifier reasonably can be used, a covered entity may not solicit a social security account number from an individual except for the following purposes:

(A) For use in an identification, verification, accuracy, or identity proofing process.

(B) For any purpose permitted under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) or the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)).

(C) To comply with the requirement of Federal, State, or local law.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the solicitation of a social security account number—

(A) for the purpose of obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.),

(B) by a consumer reporting agency for the purpose of authenticating or obtaining appropriate proof of a consumer's identity, as required under that Act;

(C) for any purpose permitted under section 502(e) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)); or

(D) to the extent necessary for verifying the accuracy of information submitted by an individual to a covered entity, its agents, contractors, or employees or for the purpose of authenticating or obtaining appropriate proof of an individual's identity;

(E) to identity or locate missing or abducted children, witnesses, criminals, fugitives, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs;

(F) to the extent necessary to prevent, detect, or investigate fraud, unauthorized transactions, or other financial liability or to facilitate the enforcement of an obligation of, or collection of a debt from, a consumer, provided that the person selling, providing, displaying, or obtaining the social security account number does not do so for marketing purposes.

(b) PROHIBITION OF THE DISPLAY OF SOCIAL SECURITY NUMBERS ON EMPLOYEE IDENTIFICATION CARDS, ETC.—

(1) IN GENERAL.—A covered entity may not display an individual's security account number (or any derivative of such number) on any card or tag that is commonly provided to employees (or to their family members), faculty, staff, or students for purposes of identification.

(2) DRIVER'S LICENSES.—A State may not display the social security account number of an individual on driver's licenses issued by that State.

(c) PROHIBITION OF PRISONER ACCESS TO SOCIAL SECURITY NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

"(x) No executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof (or person acting as an agent of such an agency or instrumentality) may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual who is confined in a jail, prison, or other penal institution or correctional facility, serving community service as a term of probation or parole, or serving a sentence through a work-furlough program.".

(2) TREATMENT OF CURRENT ARRANGEMENTS.—In the case of—

(A) prisoners employed as described in clause (x) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by paragraph (1), on the date of enactment of this Act: and

(B) contracts described in such clause in effect on such date,

the amendment made by paragraph (1) shall take effect 90 days after the date of enactment of this Act.

(d) PROHIBITION OF SALE AND DISPLAY OF SOCIAL SECURITY NUMBERS TO THE GENERAL PUBLIC.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person—

(A) to sell, purchase, or provide a social security account number, to the general public or display to the general public social security account numbers; or

(B) to obtain or use any individual's social security account number for the purpose of locating or identifying such individual with the intent to physically injure or harm such individual or using the identity of such individual for any illegal purpose.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), and subject to paragraph (3), a social security account number may be sold, provided, displayed, or obtained by any person—

(A) to the extent necessary for law enforcement or national security purposes;

(B) to the extent necessary for public health purposes;

(C) to the extent necessary in emergency situations to protect the health or safety of 1 or more individuals;

(D) to the extent that the sale or display is required, authorized, or permitted under any law of the United States or of any State (or political subdivision thereof);

(E) for any purposes allowed under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) or the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e));

(F) to the extent necessary for verifying the accuracy of information submitted by an individual to a covered entity, its agents, contractors, or employees or for the purpose of authenticating or obtaining appropriate proof of the individual's identity;

(G) to the extent necessary to identify or locate missing or abducted children, witnesses to an ongoing or potential civil or criminal lawsuit, criminals, criminal suspects, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, missing heirs, and for similar legal, medical, or family related purposes, if the person selling, providing, displaying, or obtaining the social security account number does not do so for marketing purposes;

(H) to the extent necessary to prevent, detect, or investigate fraud, unauthorized transactions, or other financial liability or to facilitate the enforcement of an obligation of, or collection of a debt from, a consumer, if the person selling, providing, displaying, or obtaining the social security account number does not do so for marketing purposes;

(I) to the extent the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business; or

(J) to the extent necessary for research (other than market research) conducted by an agency or instrumentality of the United States or of a State or political subdivision thereof (or an agent of such an agency or instrumentality) for the purpose of advancing the public good, on the condition that the researcher provides adequate assurances that—

(i) the social security account numbers will not be used to harass, target, or publicly reveal information concerning any identifiable individuals;

(ii) information about identifiable individuals obtained from the research will not be used to make decisions that directly affect the rights, benefits, or privileges of specific individuals; and

(iii) the researcher has in place appropriate safeguards to protect the privacy and confidentiality of any information about identifiable individuals, including procedures to ensure that the social security account numbers will be encrypted or otherwise appropriately secured from unauthorized disclosure; or

(K) to the extent that the transmission of the social security account number is incidental to the sale or provision of a document lawfully obtained from—

(i) the Federal Government or a State or local government, that the document has been made available to the general public; or

(ii) the document has been made available to the general public via widely distributed media.

(2) Limitation.—Paragraph (1)(K) does not apply to information obtained from publicly available sources or from Federal, State, or local government records if that information is combined with information obtained from non-public sources.

(3) Consensual sale.—Notwithstanding paragraph (1), a social security account number assigned to an individual may be sold, provided, or displayed to the general public by any person to the extent consistent with such individual's voluntary and affirmative written consent to the sale, provision, or display of the social security account number only if—

(A) the terms of the consent and the right to refuse consent are presented to the individual in a clear, conspicuous, and understandable manner;

(B) the individual is placed under no obligation to provide consent to any such sale or display; and

(C) the terms of the consent authorize the individual to limit the sale, provision, or display to purposes directly associated with the transaction with respect to which the consent is sought.

SEC. 3. ENFORCEMENT.

(a) Enforcement by Commission.—Except as provided in subsection (c), this Act shall be enforced by the Commission.

(b) Violation is Unfair or Deceptive Act or Practice.—The violation of any provision of this Act shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) Enforcement by Certain Other Agencies.—Compliance with this Act shall be enforced exclusively under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 and 611) by the Board of Governors of the Federal Reserve System;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), insured State branches of foreign banks by the Board of Directors of the Federal Deposit Insurance Corporation; and

(D) savings associations the deposits of which are insured by the Federal Deposit Insurance Corporation by the Director of the Office of Thrift Supervision;

(2) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the Board of the National Credit Union Administration Board with respect to any Federal credit union;

(3) the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) by the Securities and Exchange Commission with respect to—

(A) a broker or dealer subject to that Act;

(B) an investment company subject to the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and

(C) an investment advisor subject to the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.); and

(4) State insurance law, in the case of any person engaged in providing insurance, by the applicable State insurance authority of the State in which the person is domiciled.

(d) Exercise of Certain Powers.—For the purpose of the exercise by any agency referred to in subsection (c) of its powers under any Act referred to in that subsection, a violation of this Act is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (c), each of the agencies referred to in that subsection may exercise, for the purpose of 2enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(e) Other Authority Not Affected.—Nothing in this Act shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(f) Compliance With Gramm-Leach-Bliley Act.—

(1) Notice.—Any covered entity that is subject to the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et. seq.), and gives notice in compliance with the notification requirements established for such covered entities under title V of that Act is deemed to be in compliance with section 3 of this Act.

(2) Safeguards.—Any covered entity that is subject to the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et. seq.), and fulfills the information protection requirements established for such entities under title V of the Act and under section 607(a) of the Fair Credit Reporting Act (15 U.S.C. 1681e(a)) to protect sensitive personal information shall be deemed to be in compliance with section 2 of this Act.

SEC. 4. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) In General.—Except as provided in section 3(c), a State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate state or district court of the United States to enforce the provisions of this Act, to obtain damages, restitution, or other compensation on behalf of such residents, or to obtain such further and other relief as the court may deem appropriate, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a covered entity that violates this Act or a regulation under this Act.

(b) Notice.—The State shall serve written notice to the Commission (or other appropriate Federal regulator under section 3) of any civil action under subsection (a) at least 60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) Authority To Intervene.—Upon receiving the notice required by subsection (b), the Commission (or other appropriate Federal regulator under section 8) may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) Construction.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) Venue; Service of Process.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the covered entity operates; or

(B) the covered entity was authorized to do business;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with a covered entity in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) Limitation on State Action While Federal Action Is Pending.—If the Commission (or other appropriate Federal agency under section 3) has instituted a civil action or an administrative action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this Act alleged in the complaint.

SEC. 5. DEFINITIONS.

In this Act:

(1) Commission.—The term "Commission" means the Federal Trade Commission.

(2) Social security account number.—The term "social security account number" means a social security account number that contains more than 5 digits of the full 9-digit number assigned by the Social Security Administration but does not include social security account numbers to the extent that they are included in a publicly available information source, such as news reports, books, periodicals, or directories or Federal, State, or local government records.

By Mrs. FEINSTEIN (for herself and Mrs. Boxer):

S. 1209. A bill to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to join my colleague Senator Boxer in introducing the Channel Islands National Park Management Act of 2007.

This legislation seeks to clarify the future use and management of the park, and specifically protects Santa Rosa Island for the use of the public.

The taxpayers paid approximately $30 million to acquire Santa Rosa Island in 1986 to restore its native ecology and provide public access.

Unfortunately, late last year during conference negotiations a provision was slipped into the fiscal year 2007 Defense Authorization bill seeking to overturn a court-approved settlement agreement which requires the phasing out of private hunting on Santa Rosa Island.

Under a binding court settlement in the late 1990s, non-native deer and elk must be removed from Santa Rosa Island over a phased, 4-year period beginning in 2008.

Today, from mid-August through mid-November, a large portion of the island is closed to the public so that the island's prior owners can run a trophy hunting operation targeting the deer and elk on the island.

Under the settlement, this hunting operation was to end in 2011 allowing the island to be completely open to the public year round.

Now, under last year's provision, the prior owners will seek to continue charging $16,000 or more for their privately operated hunting trips.

Even though the Government purchased the island from them for $30 million in taxpayer money, the prior owners would seek to keep essentially everything they had before—and that's simply not in the public interest.

Some may be interested in learning a little history and background on this gem of an island: Santa Rosa Island is approximately 53,000 acres and lies about 50 miles west of Ventura Harbor. It is the second largest of the five islands making up the Channel Islands National Park. It is extremely rugged and pristine, with terrain ranging from grassy hills to steep, wind-carved canyons to white sandy beaches. Craggy, steep cliffs overlook rocky tide pools along its coast. Wildflowers cover many parts of the island during the spring and summer. It is ecologically sensitive and includes several endemic plants and species. For example, it is the only place in the world to see the island fox and spotted skunk in their natural habitat. A variety of shore birds—like the snowy plover—and sea mammals—such as seals and sea lions—breed on its beaches. It is seen by many scientists as one of the nation's most unique places. In addition to being the home of rare flora and fauna, it is an archaeological and paleontological treasure, with some sites dating back 11,000 years or to the Pleistocene-era. In fact, in 1994, the world's most complete skeleton of a pygmy mammoth was excavated on the island. It offers incredible recreational opportunities for the public, including hiking, camping, kayaking, fishing, sea sports, and wildlife watching.

The limitation of public access to the island to accommodate privately run hunting trips would be a tragedy. This is the public's land. It's a national park, and the public should be able to visit it and enjoy its breath-taking beauty and remoteness.

I also want to address one issue the provision in last year's Defense Authorization bill purportedly seeks to address: enhancing hunting opportunities for disabled veterans.

While no one opposes providing hunting opportunities for our veterans, it is clear that it is neither a practical nor viable option to use Santa Rosa Island as a hunting reserve for injured and disabled veterans.

This view is now supported by the Paralyzed Veterans of America, PVA, an organization which previously expressed support for the provision overturning the settlement.

Notably, in July 2006, the PVA reached the conclusion following an investigative visit to Santa Rosa that the "numerous obstacles inherent to the island, including ingress and egress, logistics, personal safety and cost, far outweigh the possible, limited benefit it could provide."

Furthermore, it should be pointed out that in California today, there are already 9 military installations that permit hunting—five that can accommodate disabled servicemembers.

Two of these military installations, Camp Pendleton and Vandenberg Air Force Base, are relatively close to the Channel Islands National Park, and allow disabled veterans to hunt a variety of animals, including deer, waterfowl, quail, feral pigs, small game, and coyote.

Altogether there are over 100 U.S. military installations where hunting is permitted, over 70 of which are currently accessible to disabled servicemembers and veterans.

Naturally, the Park Service is firmly opposed to the provision seeking to overturn the settlement. But it is also important to note that neither the Department of Defense nor the Veterans Administration asked for the language.

Consequently, I strongly believe that the Park Service should continue managing this National Park for the benefit of the general public. To allow any less would be a waste of taxpayer dollars and wrongly limit the public's access to this national treasure.

I strongly believe that we must do everything to protect the island for the public and oppose any measures that could continue to restrict access to the island.

This legislation we are introducing today would safeguard the island in just this manner. I urge my colleagues to support this legislation and I ask unanimous consent that the text of this proposed legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Channel Islands National Park Management Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Act of June 8, 1906 (16 U.S.C. 431 note);

(2) the Monument was expanded to include additional islands and redesignated as Channel Islands National Park in 1980 to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological; cultural, and scientific values of the Channel Islands in California;

(3) Santa Rosa Island was acquired by the United States in 1986 for approximately $29,500,000 for the purpose of restoring the native ecology of the Island and making the Island available to the public for recreational uses;

(4) Santa Rosa Island contains numerous prehistoric and historic artifacts and provides important habitat for several threatened and endangered species;

(5) under a court-approved settlement, the nonnative elk and deer populations are scheduled to be removed from the Park by 2011 and the Island is to be restored to management consistent with other National Parks; and

(6) there have been recent proposals to remove Santa Rosa Island from the administration of the National Park Service or to direct the management of the Island in a manner inconsistent with existing legal requirements and the sound management of Park resources.

SEC. 3. MANAGEMENT OF SANTA ROSA ISLAND, CHANNEL ISLANDS NATIONAL PARK.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior shall manage Santa Rosa Island, Channel Islands National Park (referred to in this section as the "Park")—

(1) in accordance with—

(A) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) title II of Public Law 96–199 (16 U.S.C. 410ff et seq.); and

(C) any other laws generally applicable to units of the National Park System; and

(2) in a manner that ensures that—

(A) the natural, scenic and cultural resources of Santa Rosa Island are protected, restored, and interpreted for the public; and

(B) visitors to the Park are provided with a safe and enjoyable Park experience.

(b) CONFORMING AMENDMENT.—Section 1077(c) of Public Law 109–364 (120 Stat. 2406) is repealed.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. KOHL, Mr. FEINGOLD, and Mr. DURBIN):

S. 1210. A bill to extend the grant program for drug-endangered children; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing with Senator GRASSLEY, as well as Senators KOHL, FEINGOLD and DURBIN as original cosponsors, the Drug Endangered Children Act of 2007. This bill would take an important grant program for drug-endangered children that Congress authorized in the USA PATRIOT Reauthorization Act, and extend it for two additional years.

In particular, the USA PATRIOT Reauthorization Act authorized $20 million in Federal grants for fiscal years 2006 and 2007 to States to assist in the treatment of children who have been endangered by living at a home where methamphetamine has been manufactured or distributed. But unless we pass new legislation, that authorization will not continue beyond the current fiscal year.

A companion bill was introduced earlier this year by California Congressman DENNIS A. CORDOZA, with bipartisan support in the House.

The White House's Office of National Drug Control Policy, or ONDCP, has documented that innocent children are sometimes found in homes and other environments, hotels, automobiles, apartments, etc., where methamphetamine and other illegal substances are produced.

According to the El Paso Intelligence Center (EPIC) National Clandestine Laboratory Seizure System, there were 1,660 children affected by or injured or killed at methamphetamine labs during 2005.

These children who live at or visit drug-production sites or are present during drug production face a variety of health and safety risks, including: inhalation, absorption, or ingestion of toxic chemicals, drugs, or contaminated foods that may result in nausea, chest pain, eye and tissue irritation, chemical burns, and death; fires and explosions; abuse and neglect, and hazardous lifestyles, presence of booby traps, firearms, code violations, and poor ventilation.

Where children are involved, drug lab seizures must go beyond the normal response from law enforcement, fire and HAZMAT organizations. Additional agencies and officials often must be called in to assist, including emergency medical personnel, social services, and physicians.

Recognizing this need, the ONDCP several years ago announced a national Drug Endangered Children (DEC) initiative to assist with coordination between existing State programs and create a standardized training program to extend DEC to states where such a program does not yet exist.

As a result of this initiative, several states developed DEC programs, to coordinate the efforts of law enforcement, medical services, and child welfare workers, to ensure that children found in these environments receive appropriate attention and care.

These DEC programs began to develop interagency protocols to support drug-endangered children, addressing issues such as: staff training, including safety and cross training; roles and responsibilities of agencies involved; appropriate reporting, cross-reporting, and information sharing; safety procedures for children, families, and responding personnel; interviewing procedures; evidence collection and preservation procedures, and medical care procedures.

Protocols were designed to identify and provide guidance on the variety of issues that responding agencies needed to address in these situations, such as taking children into protective custody and arranging for child protective services, immediately testing the children for methamphetamine exposure, conducting medical and mental health assessments, and ensuring short- and long-term care.

Unfortunately, the ONDCP's initiative, which had been funded in part through a DOJ award of $2.124 million under the Community Oriented Policing Services (COPS) Methamphetamine Initiative of 2003, was not continued thereafter.

The USA PATRIOT Reauthorization Act that we passed in 2005, establishing a specific grant program for this purpose, recognized the need to continue this initiative. Unfortunately, this grant program that we authorized was never funded. In fiscal year 2006, the program that we authorized was appropriated no funds at all.

In fiscal year 2007, the House of Representatives voted to include $5 million for this important program as part of its CJS Appropriations bill. But unfortunately, the 109th Congress adjourned without passing most of its FY2007 appropriations bills, and the Continuing Resolution we passed to keep the government running did not fund this provision either.

So the bill that I introduce today would give the Congress another chance to revive this important initiative. And it can't come too soon for places like Merced, California, where three-quarters of all foster care cases are reported to be methamphetamine-related.

I urge my colleagues to adopt this legislation and ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Endangered Children Act of 2007".

SEC. 2. DRUG-ENDANGERED CHILDREN GRANT PROGRAM EXTENDED.

Section 755(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(c)) is amended by striking "fiscal years 2006 and 2007" and inserting "fiscal years 2008 and 2009".

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague today, Senator FEINSTEIN, in introducing the Drug Endangered Children Act (DEC) of 2007. As U.S. Senators representing States that have been among the hardest hit by the scourge of meth, we have witnessed first hand how this horrible drug has devastated individual lives and families. We have seen the havoc wreaked on the environment as well as the child welfare system and we have listened to the horror stories of those caught in the grips of addiction.

Last year we worked together in a bipartisan effort to pass the Combat Meth Act, which was eventually included in the USA PATRIOT Act Reauthorization. The result has been a dramatic decrease in the number of clandestine meth lab seizures. While this is certainly welcome news, particularly for our first responders and local law enforcement community, last year there were over 6,400 clandestine meth lab incidents throughout the country. In my home State, we saw a 73 percent decrease in the number of meth lab incidents compared to the previous year yet there were still over 300 incidents last year alone. Clearly, the Combat Meth Act has made progress against locally produced meth, but further action is needed to fully combat this epidemic.

In spite of our success and ongoing efforts to reduce the dangers from "mom and pop" meth labs, new and more disturbing instances of meth production, trafficking, and abuse are becoming more prevalent throughout the country. In the State of Missouri, police recently made seven meth-related arrests in just as many hours in the tiny, quiet town of Ozark. The house where these arrests were made belonged to a 45-year-old grandmother, who was baby sitting her infant grandson while his mother was away at school. Upon her arrest she admitted to using meth, but denied she was a dealer. However, while police searched the house, six more individuals were picked up on meth-related charges. When it was all said and done, three children under the age of 3 watched as the police arrested their parent or grandparent for selling or possessing this dangerous drug.

Sadly, this was not an unusual incident. Since 2002, more than 12,000 children throughout the country have been affected, injured, or killed at meth lab sites and thousands more have been sent to foster homes or were victims of meth-related abuse in the home. In Iowa, the Department of Health reports that over 1,000 children over the past 4 years were classified as victims of abuse, and that nearly half of child abuse cases have been meth-related.

Due to the shocking number of children that were being victimized by meth in one form or another, I joined my colleagues in supporting the "Drug Endangered Children Act of 2005." This bill which passed into law as part of the USA PATRIOT Act Reauthorization, established a national grant program to support state Drug Endangered Children programs and to assist local law enforcement, medical services, and child welfare workers to ensure that victimized children would receive proper attention and treatment after living in these terrible environments. I'm pleased to report that since we implemented this grant program, a large number of communities throughout the nation have formed multi-disciplinary alliances for the benefit of drug-exposed children. There are 16 communities throughout Iowa that have taken advantage of these grants and more are in the process of planning and setting up programs.

The Drug Endangered Children Act of 2007 would re-authorize this important grant program for an additional 2 years and assist States in coordinating law enforcement, medical services, and child welfare efforts, to ensure that children found in such environments receive appropriate attention and care. I am pleased to join with my colleague again as we work together to renew this wonderful and worthwhile program. I ask that my colleagues join us in support of this important legislation and pass the Drug Endangered Children Act of 2007.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1211. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I join with Senator GRASSLEY in introducing the Saving Kids from Dangerous Drugs Act of 2007. This bill would increase the criminal penalties that apply when criminals market their illegal drugs to our children, using appalling techniques like the recently reported sales on our streets of candy-flavored methamphetamine.

In particular, the bill would: double the maximum penalties applicable to drug crimes if a criminal defendant manufactures, offers, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged or otherwise altered in a way that is designed to make it more appealing to a person under the age of 21; if the violation is a repeat offense, the maximum sentence would be tripled; and a mandatory minimum prison sentence of at least a year would apply in every case involving illegal drugs that targets its marketing at minors.

The growing problem of marketing illegal drugs to minors was highlighted in a recent USA Today article, entitled "Flavored Meth Use on the Rise," which stated, "Reports of candy-flavored methamphetamine are emerging around the nation, stirring concern among police and abuse prevention experts that drug dealers are marketing the drug to younger people."

Normally, methamphetamine—a highly addictive stimulant—is a brownish, bitter-tasting crystalline powder. But drug dealers, recognizing that this may not be appealing to children or teenagers, have reacted by reaching a new low: they are using candy and soda flavors to market their meth.

Soda flavors. Strawberry methamphetamine that they market as "Strawberry Quick." Reddish methamphetamine marketed as an energy drink like "Red Bull." Even "chocolate quick."

Scott Burns, Deputy Drug Czar at the White House Office of National Drug Control Policy, warns that this development may negatively affect the gains we have recently made in getting the word out to our young people about how horrible this drug is.

According to the National Survey on Drug Use and Health, the number of people 12 and older who used methamphetamine for the first time in the previous year decreased from 318,000 people in 2004 to 192,000 people in 2005. That's the good news.

But Deputy Drug Czar Burns warns that with drug dealers having a tougher time selling their product, especially to young people, "they have to come up with some sort of gimmick." And that gimmick, he warns, is the use of flavored methamphetamine.

In my own State of California, San Francisco police since late January have arrested teens with quantities of meth designed to taste like chocolate. The Haight-Asbury clinic also confirms chocolate-flavored methamphetamine being used on the streets.

Dr. Alex Stalcup, a nationally renowned drug counselor, reports seeing teenage patients at the New Leaf Treatment Center suffering the ill effects of flavored methamphetamine since the first of this year.

One of Dr. Stalcup's patients was unaware that the substance was meth at all, and said he was told that it was a solidified form of the energy drink Red Bull. Dr. Stalcup warns that this new form of the drug also may be more likely to lead to an overdose, by users who may not be aware of, or who may underestimate, a candy-flavored drug's impact.

Perhaps the first report of this problem emerged in late January, when a Carson City, Nevada police informant purchased 2 grams of a strawberry-flavored methamphetamine from an alleged member of the Lima Street gang. Officers later served a search warrant on his home and found more. Police bulletins warned this "new type of meth will be more attractive to a younger crowd and may surface in schools."

Additional reports also came in. On February 13, a police officer in Greene County, MO, seized a bag of "strawberry meth" from a female passenger in a car stopped in a rural area of Greene County, MO. And in Idaho, the Administrator of the Governor's Office of Drug Control Policy warned of how drug dealers were producing "strawberry quick" and "chocolate quick" forms of meth, to attract young buyers and spawn a new generation of drug buyers.

The Idaho Press-Tribune even reported that at Valentine's Day, drug dealers compressed the flavored form of the drug into heart-shapes, colored it bright pink, and wrapped it in shiny paper.

Based on intelligence gathered by Drug Enforcement Administration agents from informants, users, police and drug counselors, flavored crystals are now available in California, Nevada, Washington, Idaho, Texas, New Mexico, Missouri and Minnesota.

The bill I offer today would address this problem, by enacting penalties to discourage colored and flavored drugs and the marketing of drugs to minors.

Under current law, there is already an enhanced penalty if someone distributes illegal drugs to a minor. The maximum sentence is doubled, and tripled for a repeat offense, and there is a minimum of at least a year in prison. But the enhancement applies only if there is an actual distribution to a minor. Even possession with intent to distribute doesn't qualify. And current law doesn't address flavored drugs or marketing illegal drugs in ways appealing to kids.

The bill I introduce would fix that. If someone manufactures, creates, distributes, or possesses with intent to distribute an illegal drug that is flavored, colored, packaged or altered in a way designed to make it more appealing to someone under age 21, they would face this same enhanced penalty.

This bill will send a strong and clear message to the drug dealers—if you flavor up your drugs or alter them in a way that makes it more appealing to our children, there will be a very heavy price to pay.

Flavored meth is designed to get people to try it a few times. It's all about hooking young people. And that is truly tragic. Listen to what one former addict wrote after hearing about this new development:

> They do need to worry about our children because I happen to know quite a few 10 and 12 year olds on up that are already using it and selling it out there. So whoever thinks it's not a threat to our children—WRONG WRONG WRONG! It's more and more dangerous out there when people cannot handle it and they develop a chemical imbalance and lose their mind to where they don't even know who they are anymore. I happen to know a very, very young pretty girl I've met, and she will never come back to who she was. She's gone. She is crazy and is gonna end up hurt then dead one of these days. I pray for this girl all the time . . .

Estimates now place the number of habitual meth users worldwide at 26 million worldwide—more than the combined total for heroin and cocaine. It is extraordinarily addictive. We must act to preserve the gains we have made, and keep kids from getting cruelly tricked into an addiction they may never break.

These new penalties will make dealers think twice before flavoring up their drugs, and punish them appropriately if they don't. I urge my colleagues to support this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saving Kids from Dangerous Drugs Act of 2007".

SEC. 2. SENTENCING ENHANCEMENTS FOR MARKETING CONTROLLED SUBSTANCES TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in the section heading, by adding at the end the following: "; MARKETING TO MINORS";

(2) in subsection (a), by inserting after "twenty-one years of age" the following: ", or who manufactures, creates, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged, or otherwise altered in a way that is designed to make that controlled substance more appealing to a person under twenty-one years of age, or who attempts or conspires to do so,"; and

(3) in subsection (b), by inserting after "twenty-one years of age" the following: ", or who manufactures, creates, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged, or otherwise altered in a way that is designed to make that controlled substance more appealing to a person under twenty-one years of age, or who attempts or conspires to do so,".

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague today, Senator FEINSTEIN, in introducing the Saving Kids from Dangerous Drugs Act of 2007. I believe we have a moral obligation in this country to ensure our young people have every opportunity to grow up without being accosted by drug pushers at every turn, whether on TV, in the movies, or on the way to school.

This important legislation comes in response to the recent warnings issued by the Drug Enforcement Administration and the Office of National Drug Control Policy of candy-flavored meth and other illegal drugs being colored, packaged, and flavored in ways that appear to be designed to attract use by children and minors. As co-chairman of the Senate Caucus on International Narcotics Control, I can tell you that the most at-risk population for drug abuse is our young people. Research has shown time and again that if you can keep a child drug-free until they turn 20, chances are very slim that they will ever try or become addicted. Unfortunately, unscrupulous drug dealers are all too aware of statistics like these and have developed new techniques and marketing gimmicks to lure in younger users. As a parent and now grandparent, this is extremely worrisome.

Last year, we worked to pass the Combat Meth Act into law. Since that time, the number of clandestine meth lab seizures have dropped dramatically across the country. By placing the essential ingredient pseudoephedrine behind the counter, we have lifted a heavy burden from the shoulders of our local law enforcement and made our communities a safer place to live and raise a family. In my home State of Iowa alone, the number of seizures fell a remarkable 73 percent since the sale of pseudoephearine was restricted. But as anyone can tell you, we have a long way to go.

Despite our best efforts and recent success, meth continues to wreak havoc on families and communities across the country. While local "mom and pop" meth labs are being dismantled everywhere, drug dealers continue to look for new ways to market their poison. This legislation is intended to protect our young people by expanding existing penalties for those marketing their poison to kids.

Currently Federal law enhances Federal penalties for selling drugs to anyone under the age of 21. When a violation occurs, the Federal penalties are doubled—tripled for a repeat offense—and a mandatory minimum of at least 1 year also applies. However, only the dealer who directly sells drugs to someone under 21 is subject to a double sentence.

The Saving Kids from Dangerous Drugs Act would expand the circumstances under which these enhanced penalties apply. Under our bill, the enhanced penalties that already exist would also apply to anyone who "manufactures, creates, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged or otherwise altered in a way that is designed to make it more appealing to a person under 21 years of age, or who attempts or conspires to do so."

The fight against meth and other dangerous drugs is and will continue to be an ongoing struggle. We must adapt and change our tactics just as the dealers, distributors, and pushers have changed theirs. We must do all we can to protect the most vulnerable among us and send a clear message to those wishing to prey on our youth.

I ask that my colleagues join us in support of this important legislation and pass the Drug Endangered Children Act of 2007.

By Ms. MIKULSKI (for herself, Ms. STABENOW, Mr. INOUYE, Ms. CANTWELL, and Mrs. MURRAY):

S. 1212. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

Ms. MIKULSI. Mr. President, acknowledging the social workers' presence on Capitol Hill this week for their Annual Leadership Meeting Lobby Day, I rise today to introduce the "Clinical Social Work Medicare Equity Act of 2007." I am proud to sponsor this legislation that will ensure clinical social workers receive Medicare reimbursements for the mental health services they provide in skilled nursing facilities. Under the current system, social workers are not paid for the services they provide. Psychologists and psychiatrists, who provide similar counseling, are able to separately bill Medicare for their services.

Since my first days in Congress, I have been fighting to protect and strengthen the safety of our Nation's seniors. Making sure that seniors have access to quality, affordable mental health care is an important part of this fight. I know that millions of seniors do not have access to, or are not receiving, the mental health services they urgently need. Nearly 6 million seniors are affected by depression, but only one-tenth ever receive treatment. According to the American Psychiatric Association, up to 25 percent of the elderly population in the United States suffers from significant symptoms of mental illness and among nursing home residents the prevalence is as high as 80 percent. These mental disorders, which include severe depression and debilitating anxiety, interfere with the person's ability to carry out activities of daily living and adversely affect their quality of life. Furthermore, older people have a 20 percent suicide rate, the highest of any age group. Every year nearly 6,000 older Americans kill themselves. This is unacceptable and must be addressed.

As a former social worker, I understand the role social workers play in the overall care of patients and seniors. This bill protects patients across the country and ensures that seniors living in underserved urban and rural areas, where clinical social workers are often the only available option for mental health care, continue to receive the treatment they need. Clinical social workers, much like psychologists and psychiatrists, treat and diagnose mental illnesses. In fact, clinical social workers are the primary mental health providers for nursing home residents and seniors residing in rural environments. Unlike other mental health providers, clinical social workers cannot bill Medicare directly for the important services they provide to their patients. Protecting seniors' access to clinical social workers ensures that our most vulnerable citizens get the quality, affordable mental health care they need. This bill will correct this inequity and make sure clinical social workers get the payments and respect they deserve.

Before the Balanced Budget Act of 1997, clinical social workers billed Medicare Part B directly for mental health services they provided in nursing facilities for each patient they served. Under the Prospective Payment System, services provided by clinical social workers are lumped, or "bundled," along with the services of other health care providers for the purposes of billing and payments. Psychologists and psychiatrists, who provide similar counseling, were exempted from this system and continue to bill Medicare directly. This bill would exempt clinical social workers, like their mental health colleagues, from the Prospective Payment System, and would make sure that clinical social workers are paid for the services they provide to patients in skilled nursing facilities. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act addressed some of these concerns, but this legislation would remove the final barrier to ensuring that clinical social workers are treated fairly and equitably for the care they provide.

This bill is about more than paperwork and payment procedures. This bill is about equal access to Medicare payments for the equal and important work done by clinical social workers. It is about making sure our Nation's most vulnerable citizens have access to quality, affordable mental health care. The overarching goal we should be striving to achieve for our seniors is an overall improved quality of life. Without clinical social workers, many nursing home residents may never get the counseling they need when faced with a life threatening illness or the loss of a loved one. I think we can do better by our Nation's seniors, and I'm fighting to make sure we do.

The Clinical Social Work Medicare Equity Act of 2007 is strongly supported by the National Association of Social Workers. I also want to thank Senators STABENOW and INOUYE for their co-sponsorship of this bill. I look forward to working with my colleagues to enact this important legislation.

I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF SOCIAL WORKERS,
Washington, DC, April 25, 2007.

Senator BARBARA MIKULSKI,
Washington, DC.

DEAR SENATOR MIKULSKI: I am writing on behalf of the National Association of Social Workers (NASW), the largest professional social work organization in the world with 150,000 members nationwide. NASW promotes, develops, and protects the effective practice of social work services. NASW strongly supports the Clinical Social Work Medicare Equity Act of 2007, which will improve mental health care to nursing home residents and end the unfair treatment of clinical social workers under the Medicare Prospective Payment System (PPS) for Skilled Nursing Facilities (SNFs).

The Balanced Budget Act of 1997 authorized the creation of the PPS, under which the cost of a variety of routine services provided to SNF patients is bundled into a single amount. Prior to adoption of the PPS, a separate Medicare claim was filed by providers for individual services rendered to a patient. However, Congress recognized that some services, such as mental health and anesthesia, are provided on an individual as-needed basis rather than as part of the bundle of services. Thus, the following types of providers were excluded from the PPS: physicians, clinical psychologists, certified nurse-midwives, and certified registered nurse anesthetists. Unfortunately, due to an oversight during the drafting process, clinical social workers were not listed among the PPS excluded providers.

In 1996, the DHHS Inspector General issued a report entitled "Mental Health Services in Nursing Facilities," which described the types of mental health services provided in nursing facilities and identified their potential vulnerabilities. One critical finding of the report was that 70 percent of respondents stated that permitting clinical social workers and clinical psychologists to bill Medicare independently had a beneficial effect on the provision of mental health services in SNFs. Your legislation will improve care for SNF residents by restoring Medicare payments for specialized clinical social work services rendered to SNF patients.

Your tireless efforts on behalf of consumers of mental health services and professional social workers nationwide are greatly appreciated by our members. We thank you for your strong interest in and commitment to these important issues as demonstrated by your sponsorship of the Clinical Social Work Medicare Equity Act. NASW looks forward to working with you on this and future issues of mutual concern.

Sincerely,

ELIZABETH J. CLARK,
Executive Director.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1214. A bill to amend the Internal Revenue Code of 1986 to modify the partial exclusion for gain from certain small business stocks; to the Committee on Finance.

Mr. KERRY. Mr. President, this week we are celebrating National Small Business Week to recognize the contributions made by small businesses, which are the engine of our economic growth. During 2005, more than 25 billion small businesses in the United States contributed $918 billion to the economy.

Many of our most successful corporations started as small businesses, including AOL, Apple Computer, Compac Computer, Datastream, Evergreen Solar, Intel Corporations, and Sun Microsystems. As you can see from this partial list, many of these companies played an integral role in making the Internet a reality.

Today, Senator SNOWE and I are introducing the Invest in Small Business Act of 2007, to encourage private investment in small businesses by making changes to the existing partial exclusion for gain from certain small business stock.

We are at an integral juncture in developing technology to address global climate change. I believe that small business will repeat the role it played at the vanguard of the computer revolution by leading the Nation in developing the technologies to substantially reduce carbon emissions. Small businesses already are at the forefront of these industries, and we need to do everything we can to encourage investment in small businesses.

Back in 1993, I worked with Senator Bumpers to provide a partial exclusion for gain from the sale of small business stock. This provision would provide a 50 percent exclusion for gain for individuals from the sale of certain small business stock that is held for five years. Since the enactment of this provision, the capital gains rate has been lowered twice without any changes to the exclusion. Due to the lower capital rates, this provision no longer provides a strong incentive for investment in small businesses.

The Invest in Small Business Act makes several changes to the existing provision. This legislation increases the exclusion amount from 50 percent to 75 percent and decreases the holding period from five years to four years. This bill would allow corporations to benefit from the provision as long as they own less than 25 percent of the small business corporation stock.

Currently, the exclusion is treated as a preference item for calculating the alternative minimum tax (AMT). The Invest in Small Business Act of 2007 would repeal the exclusion as an AMT preference item. Under current law, the nonexcluded amount of gain is taxed at 28 percent. This legislation would tax the nonexcluded portion at the lower capital gains rate of 15 or 5 percent.

The Invest in Small Business Act of 2007 will provide an effective tax rate of 3.75 percent for the gain from the sale of certain small businesses. This lower capital gains rate will encourage investment in small businesses. In addition, the changes made by the Invest in Small Business Act of 2007 will make more taxpayers eligible for this provision.

As we celebrate the success of entrepreneurs this week, it is an appropriate time to encourage new investment. The Invest in Small Business Act of 2007 strengthens an existing tax incentive to provide an appropriate incentive to encourage innovation and entrepreneurship.

I ask unanimous consent that the text of the bill and a summary of the bill be printed in the RECORD

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Invest in Small Business Act of 2007".

SEC. 2. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

(a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Paragraph (1) of section 1202(a) of the Internal Revenue Code of 1986 (relating partial exclusion for gain from certain small business stock) is amended to read as follows:

"(1) IN GENERAL.—Gross income shall not include 75 percent of any gain from the sale or exchange of qualified small business stock held for more than 4 years.".

(2) EMPOWERMENT ZONE BUSINESSES.—Subparagraph (A) of section 1202(a)(2) of such Code is amended—

(A) by striking "60 percent" and inserting "100 percent", and

(B) by striking "50 percent" and inserting "75 percent".

(3) RULE RELATING TO STOCK HELD AMONG MEMBERS OF CONTROLLED GROUP.—Subsection (c) of section 1202 of such Code is amended by adding at the end the following new paragraph:

"(4) STOCK HELD AMONG MEMBERS OF 25-PERCENT CONTROLLED GROUP NOT ELIGIBLE.—

"(A) IN GENERAL.—Stock of a member of a 25-percent controlled group shall not be treated as qualified small business stock while held by another member of such group.

"(B) 25-PERCENT CONTROLLED GROUP.—For purposes of subparagraph (A), the term '25-percent controlled group' means any controlled group of corporations as defined in section 1563(a)(1), except that—

"(i) 'more than 25 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) section 1563(a)(4) shall not apply.".

(4) CONFORMING AMENDMENTS.—Subsections (b)(2), (g)(2)(A), and (j)(1)(A) of section 1202 of such Code are each amended by striking "5 years" and inserting "4 years".

(b) REPEAL OF MINIMUM TAX PREFERENCE.—

(1) IN GENERAL.—Subsection (a) of section 57 of the Internal Revenue Code of 1986 (relating to items of tax preference) is amended by striking paragraph (7).

(2) TECHNICAL AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) of such Code is amended by striking ", (5), and (7)" and inserting "and (5)".

(c) REPEAL OF 28 PERCENT CAPITAL GAINS RATE ON QUALIFIED SMALL BUSINESS STOCK.—

(1) IN GENERAL.—Subparagraph (A) of section 1(h)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

"(A) collectibles gain, over".

(2) CONFORMING AMENDMENTS.—

(A) Section 1(h) of such Code is amended by striking paragraph (7).

(B)(i) Section 1(h) of such Code is amended by redesignating paragraphs (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (10), (11), and (12), respectively.

(ii) Sections 163(d)(4)(B), 854(b)(5), 857(c)(2)(D) of such Code are each amended by striking "section 1(h)(11)(B)" and inserting "section 1(h)(10)(B)".

(iii) The following sections of such Code are each amended by striking "section 1(h)(11)" and inserting "section 1(h)(10)":

(I) Section 301(f)(4).

(II) Section 306(a)(1)(D).

(III) Section 584(c).

(IV) Section702(a)(5).

(V) Section 854(a).

(VI) Section 854(b)(2).

(iv) The heading of section 857(c)(2) is amended by striking "1(h)(11)" and inserting "1(h)(10)".

(d) INCREASE AGGREGATE ASSET LIMITATION FOR QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—Paragraph (1) of section 1202(d) of the Internal Revenue Code of 1986 (relating to qualified small business) is amended by striking "$50,000,000" each place it appears and inserting "$100,000,000".

(2) INFLATION ADJUSTMENT.—Section 1202(d) of such Code is amended by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2007, each of the $100,000,000 dollar amounts in paragraph (1) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $100.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to stock issued after December 31, 2007.

(2) SPECIAL RULE FOR STOCK ISSUED BEFORE DECEMBER 31, 2007.—The amendments made by subsections (a), (b), and (c) shall apply to sales or exchanges—

(A) made after December 31, 2007,

(B) of stock issued before such date,

(C) by a taxpayer other than a corporation.

SUMMARY OF THE INVEST IN SMALL BUSINESS ACT OF 2007

The Omnibus Budget Reconciliation Act of 1993 included a provision to encourage investment in small businesses. This provision created section 1202 of the tax code which provides a 50 percent exclusion for the gain from the sale of certain small business stock held for more than five years. The amount of gain eligible for the exclusion is limited to the greater of 10 times the taxpayer's basis in the stock, or $10 million gain from stock in that small business corporation. This provision is limited to individual investments and not the investments of a corporation. At the date of the issuance of the stock, the gross assets of the corporation cannot exceed $50 million. At least 80 percent of the assets of the corporation are used for the active conduct of business. For purposes of calculating the alternative minimum tax (AMT), seven percent of the excluded amount is added back into the AMT calculation. The nonexcluded portion of section 1202 gain is taxed at the lesser of ordinary income rates or 28 percent, instead of the lower capital gains rates for individuals. Since the enactment of this provision, the capital gains rate has been lowered twice. No corresponding changes were made to section 1202.

The Invest in Small Business Act of 2007 makes the following changes to section 1202 to encourage more investment in small businesses.

Increases the exclusion from 50 percent to 75 percent.

Decreases the holding period from five to four years.

Repeals the capital gains exclusions as an AMT preference.

Taxes the nonexcluded portion of section 1202 gains at the regular capital gains rate, which is currently 15 percent or 5 percent for individual taxpayers.

Allows corporations the benefits of section 1202, but to be eligible, a corporation cannot hold more than 25 percent of the stock of a qualified small business.

Provides a 100 percent exclusion for gain from the sale of small business stock of corporations located in an empowerment zone.

Increases the asset limitation from $50 million to $100 million.

Below are calculations based on $100 of gain calculated under current law and under the Invest in Small Business Act of 2007. Under the present law, calculations for the remaining $50 would be taxed at 28 percent and result in a tax of $14 for a regular taxpayer and $14.98 of tax for an AMT taxpayer. (This calculation is based on a taxpayer paying the 28 percent AMT rate.)

PRESENT LAW

Regular Tax Calculation:	
Gain	$100
Exclusion	−50
Regular Tax Rate	0.28
Total Regular Tax	$14
AMT Tax Calculation	
Excluded amount	$50
AMT preference rate	.07
AMT preference	3.5
AMT taxable income	53.5
(regular income plus preference)	
AMT rate	0.28
Total AMT	$14.98

INVEST IN SMALL BUSINESS ACT OF 2007

There is only one calculation under this legislation for individual taxpayers because section 1202 gain is no longer a preference item under the AMT. The total amount of tax on $100 of gain is $3.75 and this represents an effective tax rate of 3.75 percent. Under the changes made by the Invest in Small Business Act of 2007, the tax on capital gains of the sale of qualified small business stock is 3.75 percent, instead of 14 percent for individual taxpayers. Corporate taxpayers would have an effective tax rate of 8.75 percent instead of 35 percent.

Tax Calculation Individual Taxpayer:	
Gain	$100
Excluded Amount	−75
Capital Gains Tax Rate	0.15
Total Tax	$3.75
Tax Calculation Corporate Taxpayer:	
Gain	$100
Excluded Amount	−75
Capital Gains Tax Rate	0.35
Total Tax	$8.75

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1216. A bill to allow certain nationals of Mexico entering the State of New Mexico on a temporary basis to travel up to 100 miles from the international border between the State of New Mexico and Mexico, and for other purposes; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today with Senator BINGAMAN to introduce a bill of importance to the economic development of our Southwest border States, the Laser Visa Extension Act of 2007.

The United States and Mexico have had special travel rules for Mexican nationals who visit our country for short periods of time since 1953. These visitors can come into our country with a document known as a "laser visa" or "border crossing card", which is an alternative to a passport and must be obtained from the U.S. government. In the 1990s, the rule was that anyone who held such a document could travel up to 25 miles from the Mexico/U.S. border.

In 1999, Arizona and the Border Trade Alliance mounted a successful campaign to extend the mileage limit in Arizona to 75 miles because there is no large town within 25 miles of the Arizona/Mexico border, so Arizona wasn't getting the economic benefits of these travelers.

Similarly, there is no large town within 25 miles of the New Mexico/Mexico border, so my constituents do not get the economic benefits of laser visa travelers. This disparity needs to be corrected. Moreover, all four Southwest border States should see the same benefits of laser visa travelers.

Therefore, the bill I am introducing today extends the distance laser visa holders can travel into the United States to 100 miles, regardless of which State they are in. Such an extension will allow more towns in all four of our Southwest border States to reap the economic benefits of short-term visitors to our country who hold a travel document issued by our Federal Government.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Laser Visa Extension Act of 2007".

SEC. 2. TRAVEL PRIVILEGES FOR CERTAIN TEMPORARY VISITORS FROM MEXICO.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Homeland Security shall permit a national of Mexico to travel up to 100 miles from the international border between Mexico and the State of New Mexico if such national—

(1) possesses a valid machine-readable biometric border crossing identification card issued by a consular officer of the Department of State;

(2) enters the State of New Mexico through a port of entry where such card is processed using a machine reader;

(3) has successfully completed any background check required by the Secretary for such travel; and

(4) is admitted into the United States as a nonimmigrant under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)).

(b) EXCEPTION.—On a case-by-case basis, the Secretary of Homeland Security may limit the travel of a national of Mexico who meets the requirements of paragraphs (1) through (4) of subsection (a) to a distance of less than 100 miles from the international border between Mexico and the State of New Mexico if the Secretary determines that the national was previously admitted into the United States as a nonimmigrant and violated the terms and conditions of the national's nonimmigrant status.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. KERRY, Mr. AKAKA, Mr. DURBIN, and Mr. LIEBERMAN):

S. 1219. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the "Taxpayer Protection and Assistance Act of 2007" with Senators SMITH, AKAKA, DURBIN, KERRY, and LIEBERMAN. My colleagues may recall that similar legislation, S. 832, was introduced last Congress and ultimately reported out of the Finance Committee last year but unfortunately it never made it to the floor of the Senate. This Congress, the House has already passed taxpayer rights legislation which makes me optimistic that many of these long overdue reforms may finally become law.

This Act is a combination of a variety of well-vetted provisions that will ensure that our Nation's taxpayers are better able to prepare and file their tax returns each year in a fashion that is fair, reasonable and affordable. As long as we continue to require taxpayers to determine their own tax liability, Congress has a responsibility to ensure that we do not leave taxpayers vulnerable to abuses from those masquerading as tax professionals. The current environment is bad for everyone including the majority of tax return preparers who provide professional and much needed services to taxpayers in their communities. I encourage all of my colleagues to work with us to pass this legislation before the next filing season begins.

The first section of the Taxpayer Protection and Assistance Act would create a $10 million matching grant program for lower income tax preparation clinics much like the program we currently have in place for tax controversies. I have seen first hand the impact free tax preparation clinics can have on taxpayers and their communities, as we are fortunate to have one of the best State-wide programs in the Nation in New Mexico. Tax Help New Mexico, which has been in operation for many years, helped over 20,000 New Mexicans prepare and file their returns last year, resulting in over $20 million in refunds—all without refund anticipation loans. This program has turned into one of the best delivery mechanisms for public assistance I have seen in the State and has been fortunate enough to receive additional funding from the Annie E. Casey Foundation and the McCune Foundation. In order to continue to grow, though, we need to do our part in Congress and give them matching funding so they can continue their outreach into new communities in need of assistance.

The second set of provisions contained in this legislation would ensure that when taxpayers hire someone to help them with their tax returns they can be sure that the person is competent and professional. The first part of the bill makes sure that an enrolled agent, a tax professional licensed to practice before the IRS, shall have the exclusive right to describe him or herself as an "enrolled agent," "EA," or "E.A." In New Mexico, enrolled agents play an important role in helping taxpayers with problems with the IRS and with preparing their returns. Enrolled agents have earned the right to use their credentials. Furthermore, we should protect the credentials of those who have taken the rigorous exams and have experience in tax preparation rather than allow others to confuse the public into thinking they too have the same credentials.

The next part of the bill requires the Secretary of the Treasury to determine what standards need to be met in order for a person to prepare tax returns commercially. Like all other tax professionals, this will require people who make a living preparing tax returns to pass a minimum competency exam and take brush up courses each year to keep up to date with changes in tax law. The majority of tax return preparers already meet these standards, including many who have received credentials from the State or from a nationally recognized association of accountants or tax return preparers. We provide specific authority to the Secretary to determine whether people who have already taken a written proficiency exam as part of some other tax return credentialing will need to take the new exam. The Secretary will be able to exercise these authorizations only after thorough review of the specific examination and only for those examinations subsequently determined to be comparable. In that light, we urge the Secretary to exercise his authority in this area in a manner consistent with the goal of protecting taxpayers through ensuring the competency of enrolled preparers. The Treasury Department will also be required to operate a public awareness campaign so that taxpayers will know that they need to check to be sure that someone preparing their tax returns for a fee is qualified.

The fourth set of provisions would directly address the problems with refund anticipation loans (RALs)—a problem throughout the country, but one that is particularly troublesome in New Mexico. First, this bill requires refund loan facilitators to register with the Treasury Department. Refund loan facilitators are those people who solicit, process, or otherwise facilitate the making of a refund anticipation loan in relation to a tax return being electronically filed. The legislation also requires these refund loan facilitators to properly disclose to taxpayers that they do not have to get a RAL in order to file their return electronically, as well as clearly disclose what all the costs involved with the loan. Finally, the refund loan facilitators must disclose to taxpayers when the loans would allow their refunds to be offset by the amount of the loan. Much like the public awareness campaign for advertising the credentials required for preparing Federal tax returns, the Act requires the Treasury Department to operate a program to educate the public on the real costs of RALs as compared to other forms of credit. This program will be funded, at least in part, by amounts collected from penalties imposed on refund loan facilitators who have broken the law.

The next section of the bill is an issue that my colleague from Hawaii, Senator Akaka, has been actively working on for the last several years. This provision would authorize the Treasury Department to award grants to financial institutions or charitable groups that help low income taxpayers set up accounts at a bank or credit union. Because many taxpayers do not have checking or savings accounts, their refunds from IRS cannot be electronically wired to them. The alternative is to have the check mailed to the taxpayer or to have the refund immediately loaned to the taxpayer in the form of a RAL. Of course, getting people to set up a checking or savings account for purposes of receiving their tax refund will also have the benefits of getting many of these people to start saving for the first time.

Finally, we have added two new provisions to clarify existing law. The first clarifies that the National Taxpayer Advocate has the authority to issue taxpayer assistance orders in cases involving closing agreements and compromises. The other clarifies that the Secretary of the Treasury has the authority to take into account a taxpayers specific facts and circumstances when evaluating an offer in compromise. Both of these provisions are the result of bipartisan negotiations and are an improvement to our tax system.

I hope my colleagues will join with me and the cosponsors of this bill to pass this important legislation. Our voluntary tax system is dependent on taxpayers being able to receive the best advice and assistance possible. We have a responsibility to our Nation's taxpayers to make sure that they do receive such advice and assistance. This bill goes a long way toward that goal.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) Short Title.—This Act may be cited as the "Taxpayer Protection and Assistance Act of 2007".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. LOW-INCOME TAXPAYER CLINICS.

(a) Grants for Return Preparation Clinics.—

(1) In general.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting after section 7526 the following new section:

"SEC. 7526A. RETURN PREPARATION CLINICS FOR LOW-INCOME TAXPAYERS.

"(a) In General.—The Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or continuation of qualified return preparation clinics.

"(b) Definitions.—For purposes of this section—

"(1) Qualified return preparation clinic.—

"(A) In general.—The term 'qualified return preparation clinic' means a clinic which—

"(i) does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred), and

"(ii) operates programs which assist low-income taxpayers, including individuals for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

"(B) Assistance to low-income taxpayers.—A clinic is treated as assisting low-income taxpayers under subparagraph (A)(ii) if at least 90 percent of the taxpayers assisted by the clinic have incomes which do not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

"(2) Clinic.—The term 'clinic' includes—

"(A) a clinical program at an eligible educational institution (as defined in section 529(e)(5)) which satisfies the requirements of paragraph (1) through student assistance of taxpayers in return preparation and filing, and

"(B) an organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1).

"(c) Special Rules and Limitations.—

"(1) Aggregate limitation.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than $10,000,000 per year (exclusive of costs of administering the program) to grants under this section.

"(2) Other applicable rules.—Rules similar to the rules under paragraphs (2) through (7) of section 7526(c) shall apply with respect to the awarding of grants to qualified return preparation clinics.".

(2) Clerical amendment.—The table of sections for chapter 77 is amended by inserting after the item relating to section 7526 the following new item:

"Sec. 7526A. Return preparation clinics for low-income taxpayers.".

(b) Grants for Taxpayer Representation and Assistance Clinics.—

(1) Increase in authorized grants.—Section 7526(c)(1) (relating to aggregate limitation) is amended by striking "$6,000,000" and inserting "$10,000,000".

(2) Use of grants for overhead expenses prohibited.—

(A) In general.—Section 7526(c) (relating to special rules and limitations) is amended by adding at the end the following new paragraph:

"(6) Use of grants for overhead expenses prohibited.—No grant made under this section may be used for the overhead expenses of any clinic or of any institution sponsoring such clinic.".

(B) Conforming amendments.—Section 7526(c)(5) is amended—

(i) by inserting "qualified" before "low-income", and

(ii) by striking the last sentence.

(3) Promotion of clinics.—Section 7526(c), as amended by paragraph (2), is amended by adding at the end the following new paragraph:

"(7) Promotion of clinics.—The Secretary is authorized to promote the benefits of and encourage the use of low-income taxpayer clinics through the use of mass communications, referrals, and other means.".

(c) Effective Date.—The amendments made by this section shall apply to grants made after the date of the enactment of this Act.

SEC. 3. CLARIFICATION OF ENROLLED AGENT CREDENTIALS.

Section 330 of title 31, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and

(2) by inserting after subsection (a) the following new subsection:

"(b) Any enrolled agents properly licensed to practice as required under rules promulgated under subsection (a) shall be allowed to use the credentials or designation as 'enrolled agent', 'EA', or 'E.A.'.".

SEC. 4. REGULATION OF FEDERAL TAX RETURN PREPARERS.

(a) Authorization.—Section 330(a)(1) of title 31, United States Code, is amended by inserting "(including compensated preparers of Federal tax returns, documents, and other submissions)" after "representatives".

(b) Requirement.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations under section 330 of title 31, United States Code—

(A) to regulate those compensated preparers not otherwise regulated under regulations promulgated under such section on the date of the enactment of this Act, and

(B) to carry out the provisions of, and amendments made by, this section.

(2) Examination.—

(A) In general.—In promulgating the regulations under paragraph (1), the Secretary shall develop (or approve) and administer an eligibility examination designed to test—

(i) the technical knowledge and competency of each preparer described in paragraph (1)(A)—

(I) to prepare Federal tax returns, including individual and business income tax returns, and

(II) to properly claim the earned income tax credit under section 32 of the Internal Revenue Code of 1986 with respect to such individual returns, and

(ii) the knowledge of each such preparer regarding such ethical standards for the preparation of such returns as determined appropriate by the Secretary.

(B) STATE LICENSING OR REGISTRATION PROGRAMS.—The Secretary is authorized to accept an individual as meeting the eligibility examination requirement of this section if, in lieu of the eligibility examination under this section, the individual passed—

(i) a State licensing or State registration program eligibility examination that is comparable to the eligibility examination established by the Secretary, or

(ii) an eligibility examination administered by an existing organization for tax return preparers that is comparable to the eligibility examination established by the Secretary if such test was administered prior to the issuance of the regulations under this section.

(3) CONTINUING ELIGIBILITY.—

(A) IN GENERAL.—The regulations under paragraph (1) shall require a renewal of eligibility every 3 years and shall set forth the manner in which a preparer described in paragraph (1)(A) must renew such eligibility.

(B) CONTINUING EDUCATION REQUIREMENTS.—As part of the renewal of eligibility, such regulations shall require that each such preparer show evidence of completion of such continuing education requirements as specified by the Secretary.

(C) NONMONETARY SANCTIONS.—The regulations under paragraph (1) shall provide for the suspension or termination of such eligibility in the event of any failure to comply with the requirements for such eligibility.

(4) PENALTY FOR UNAUTHORIZED PREPARATION OF RETURNS, ETC.—In promulgating the regulations under paragraph (1), the Secretary shall impose a penalty of $1,000 for each Federal tax return, document, or other submission prepared by a preparer described in paragraph (1)(A) who is not in compliance with the requirements of paragraph (2) or (3) or who is suspended or disbarred from practice before the Department of the Treasury under such regulations. Such penalty shall be in addition to any other penalty which may be imposed.

(c) OFFICE OF PROFESSIONAL RESPONSIBILITY.—Section 330 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(e) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

"(1) IN GENERAL.—There shall be in the Internal Revenue Service an Office of Professional Responsibility the functions of which shall be as prescribed by the Secretary of the Treasury, including the carrying out of the purposes of this section.

"(2) DIRECTOR.—

"(A) IN GENERAL.—The Office of Professional Responsibility shall be under the supervision and direction of an official known as the 'Director, Office of Professional Responsibility'. The Director, Office of Professional Responsibility, shall report directly to the Commissioner of Internal Revenue and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, or, if the Secretary of the Treasury so determines, at a rate fixed under section 9503 of such title.

"(B) APPOINTMENT.—The Director, Office of Professional Responsibility, shall be appointed by the Secretary of the Treasury without regard to the provisions of title 5 relating to appointments in the competitive service or the Senior Executive Service.

"(3) HEARING.—Any hearing on an action initiated by the Director, Office of Professional Responsibility, to impose a sanction under regulations promulgated under this section shall be conducted in accordance with sections 556 and 557 of title 5 by 1 or more administrative law judges appointed by the Secretary of the Treasury under section 3105 of title 5.

"(4) COORDINATION WITH STATE SANCTION PROGRAMS.—In carrying out the purposes of this section, the Director, Office of Professional Responsibility shall coordinate with appropriate State officials in order to collect information regarding representatives, employers, firms and other entities which have been disciplined or suspended under State or local rules.

"(5) INFORMATION ON SANCTIONS TO BE AVAILABLE TO THE PUBLIC.—

"(A) SANCTIONS INITIATED BY ACTION.—When an action is initiated by the Director, Office of Professional Responsibility, to impose a sanction under regulations promulgated under this section, the pleadings, and the record of the proceeding and hearing shall be open to the public (subject to restrictions imposed under subparagraph (C)).

"(B) SANCTION NOT INITIATED BY ACTION.—When a sanction under regulations promulgated under this section (other than a private reprimand) is imposed without initiation of an action, the Director, Office of Professional Responsibility, shall make available to the public information identifying the representative, employer, firm, or other entity sanctioned, as well as information about the conduct which gave rise to the sanction (subject to restrictions imposed under subparagraph (C)).

"(C) RESTRICTIONS ON RELEASE OF INFORMATION.—Information about clients of the representative, employer, firm, or other entity and medical information with respect to the representative shall not be released to the public or discussed in an open hearing, except to the extent necessary to understand the nature, scope, and impact of the conduct giving rise to the sanction or proposed sanction. Disagreements regarding the application of this subparagraph shall be resolved by the administrative law judge or, when a sanction is imposed without initiation of an action, by the Director, Office of Professional Responsibility.

"(6) FEES.—Any fees imposed under regulations promulgated under this section shall be available without fiscal year limitation to the Office of Professional Responsibility for the purpose of reimbursement of the costs of administering and enforcing the requirements of such regulations.".

(d) BAN ON AUDIT INSURANCE.—Section 330 of title 31, United States Code, as amended by subsection (c), is amended by adding at the end the following new subsection:

"(f) BAN ON AUDIT INSURANCE.—No person admitted to practice before the Department of the Treasury may directly or indirectly offer or provide insurance to cover professional fees and other expenses incurred in responding to or defending an audit by the Internal Revenue Service.".

(e) PENALTIES.—

(1) INCREASE IN CERTAIN PENALTIES.—Subsections (a), (b), and (c) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) are each amended by striking "a penalty of $50" and all that follows and inserting "a penalty equal to—

"(1) $1,000, or

"(2) in the case of 3 or more such failures in a calendar year, $500 for each such failure. The preceding sentence shall not apply with respect to any failure if such failure is due to reasonable cause and not due to willful neglect.".

(2) USE OF PENALTIES.—Unless specifically appropriated otherwise, there is authorized to be appropriated and is appropriated to the Office of Professional Responsibility for each fiscal year for the administration of the public awareness campaign described in subsection (g) an amount equal to the penalties collected during the preceding fiscal year under sections 6694 and 6695 of the Internal Revenue Code of 1986 and under the regulations promulgated under section 330 of title 31, United States Code (by reason of subsection (b)(1)).

(3) REVIEW BY THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Section 7803(d)(2)(A) is amended—

(A) by striking "and" at the end of clause (iii),

(B) by striking the period at the end of clause (iv) and inserting ", and", and

(C) by adding at the end the following new clause:

"(v) a summary of the penalties assessed and collected during the reporting period under sections 6694 and 6695 and under the regulations promulgated under section 330 of title 31, United States Code, and a review of the procedures by which violations are identified and penalties are assessed under those sections,".

(f) COORDINATION WITH SECTION 6060(a).—The Secretary of the Treasury shall coordinate the requirements under the regulations promulgated under section 330 of title 31, United States Code, with the return requirements of section 6060 of the Internal Revenue Code of 1986.

(g) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury or the Secretary's delegate shall conduct a public information and consumer education campaign, utilizing paid advertising—

(1) to encourage taxpayers to use for Federal tax matters only professionals who establish their competency under the regulations promulgated under section 330 of title 31, United States Code, and

(2) to inform the public of the requirements that any compensated preparer of tax returns, documents, and submissions subject to the requirements under the regulations promulgated under such section must sign the return, document, or submission prepared for a fee and display notice of such preparer's compliance under such regulations.

(h) ADDITIONAL FUNDS AVAILABLE FOR COMPLIANCE ACTIVITIES.—The Secretary of the Treasury may use any specifically appropriated funds for earned income tax credit compliance to improve and expand enforcement of the regulations promulgated under section 330 of title 31, United States Code.

(i) ADDITIONAL CERTIFICATION ON DOCUMENTS OTHER THAN RETURNS.—The Secretary of the Treasury shall require that each document or other submission filed with the Internal Revenue Service (other than a return signed by the taxpayer) shall be signed under penalty of perjury and the identifying number of any paid preparer who prepared such document (if any) under rules similar to the rules under section 6109(a)(4).

SEC. 5. CONTRACT AUTHORITY FOR EXAMINATIONS OF PREPARERS.

The Secretary of the Treasury is authorized to contract for the development or administration, or both, of any examinations under the regulations promulgated under section 330 of title 31, United States Code.

SEC. 6. REGULATION OF REFUND ANTICIPATION LOAN FACILITATORS.

(a) REGULATION OF REFUND ANTICIPATION LOAN FACILITATORS.—

(1) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting at the end the following new section:

“SEC. 7529. REFUND ANTICIPATION LOAN FACILITATORS.

“(a) REGISTRATION.—Each refund loan facilitator shall register with the Secretary on an annual basis. As a part of such registration, each refund loan facilitator shall provide the Secretary with the name, address, and taxpayer identification number of such facilitator, and the fee schedule of such facilitator for the year of such registration.

“(b) DISCLOSURE.—Each refund loan facilitator shall disclose to a taxpayer both orally and on a separate written form at the time such taxpayer applies for a refund anticipation loan the following information:

“(1) NATURE OF THE TRANSACTION.—The refund loan facilitator shall disclose—

“(A) that the taxpayer is applying for a loan that is based upon the taxpayer's anticipated income tax refund,

“(B) the expected time within which the loan will be paid to the taxpayer if such loan is approved,

“(C) the time frame in which income tax refunds are typically paid based upon the different filing options available to the taxpayer,

“(D) that there is no guarantee that a refund will be paid in full or received within a specified time period and that the taxpayer is responsible for the repayment of the loan even if the refund is not paid in full or has been delayed,

“(E) if the refund loan facilitator has an agreement with another refund loan facilitator (or any lender working in conjunction with another refund loan facilitator) to offset outstanding liabilities for previous refund anticipation loans provided by such other refund loan facilitator, that any refund paid to the taxpayer may be so offset and the implication of any such offset,

“(F) that the taxpayer may file an electronic return without applying for a refund anticipation loan and the fee for filing such an electronic return, and

“(G) that the loan may have substantial fees and interest charges that may exceed those of other sources of credit and the taxpayer should carefully consider—

“(i) whether such a loan is appropriate for the taxpayer, and

“(ii) other sources of credit.

“(2) FEES AND INTEREST.—The refund loan facilitator shall disclose all refund anticipation loan fees with respect to the refund anticipation loan. Such disclosure shall include—

“(A) a copy of the fee schedule of the refund loan facilitator,

“(B) the typical fees and interest rates (using annual percentage rates as defined by section 107 of the Truth in Lending Act (15 U.S.C. 1606)) for several typical amounts of such loans and of other types of consumer credit,

“(C) typical fees and interest charges if a refund is not paid or delayed, and

“(D) the amount of a fee (if any) that will be charged if the loan is not approved.

“(3) OTHER INFORMATION.—The refund loan facilitator shall disclose any other information required to be disclosed by the Secretary.

“(c) FINES AND SANCTIONS.—

“(1) IN GENERAL.—The Secretary may impose a monetary penalty on any refund loan facilitator who—

“(A) fails to register under subsection (a), or

“(B) fails to disclose any information required under subsection (b).

“(2) MAXIMUM MONETARY PENALTY.—Any monetary penalty imposed under paragraph (1) shall not exceed—

“(A) in the case of a failure to register, the gross income derived from all refund anticipation loans made during the period the refund loan facilitator was not registered, and

“(B) in the case of a failure to disclose information, the gross income derived from all refund anticipation loans with respect to which such failure applied.

“(3) REASONABLE CAUSE EXCEPTIONS.—No penalty may be imposed under this subsection with respect to any failure if it is shown that such failure is due to reasonable cause.

“(d) DEFINITIONS.—For purposes of this section—

“(1) REFUND LOAN FACILITATOR.—

“(A) IN GENERAL.—The term ‘refund loan facilitator’ means any electronic return originator who—

“(i) solicits for, processes, receives, or accepts delivery of an application for a refund anticipation loan, or

“(ii) facilitates the making of a refund anticipation loan in any other manner.

“(B) ELECTRONIC RETURN ORIGINATOR.—For purposes of subparagraph (A), the term ‘electronic return originator’ means a person who originates the electronic submission of income tax returns for another person.

“(2) REFUND ANTICIPATION LOAN.—The term ‘refund anticipation loan’ means any loan of money or any other thing of value to a taxpayer in connection with the taxpayer's anticipated receipt of a Federal tax refund. Such term includes a loan secured by the tax refund or an arrangement to repay a loan from the tax refund.

“(3) REFUND ANTICIPATION LOAN FEES.—The term ‘refund anticipation loan fees’ means the fees, charges, interest, and other consideration charged or imposed by the lender or facilitator for the making of a refund anticipation loan.

“(e) REGULATIONS.—The Secretary may prescribe such regulations as necessary to implement the requirements of this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 77, as amended by this Act, is amended by adding at the end the following new item:

“Sec. 7529. Refund anticipation loan facilitators.”.

(b) DISCLOSURE OF PENALTY.—Section 6103(k) (relating to disclosure of certain returns and return information for tax administration purposes) is amended by adding at the end the following new paragraph:

“(10) DISCLOSURE OF PENALTIES ON REFUND ANTICIPATION LOAN FACILITATORS.—The Secretary may disclose the name and employer (including the employer's address) of any person with respect to whom a penalty has been imposed under section 7529 and the amount of any such penalty.”.

(c) USE OF PENALTIES.—Unless specifically appropriated otherwise, there is authorized to be appropriated and is appropriated to the Internal Revenue Service for each fiscal year for the administration of the public awareness campaign described in subsection (d) an amount equal to the penalties collected during the preceding fiscal year under section 7529 of the Internal Revenue Code of 1986.

(d) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury or the Secretary's delegate shall conduct a public information and consumer education campaign, utilizing paid advertising, to educate the public on making sound financial decisions with respect to refund anticipation loans (as defined under section 7529 of the Internal Revenue Code of 1986), including the need to compare—

(1) the rates and fees of such loans with the rates and fees of conventional loans; and

(2) the amount of money received under the loan after taking into consideration such costs and fees with the total amount of the refund.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(f) TERMINATION OF DEBT INDICATOR PROGRAM.—The Secretary of the Treasury shall terminate the Debt Indicator program announced in Internal Revenue Service Notice 9958 and may not implement any similar program.

SEC. 7. TAXPAYER ACCESS TO FINANCIAL INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Treasury is authorized to award demonstration project grants (including multi-year grants) to eligible entities which partner with volunteer and low-income preparation organizations to provide tax preparation services and assistance in connection with establishing an account in a federally insured depository institution for individuals that currently do not have such an account.

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—An entity is eligible to receive a grant under this section if such an entity is—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(B) a federally insured depository institution,

(C) an agency of a State or local government,

(D) a community development financial institution,

(E) an Indian tribal organization,

(F) an Alaska Native Corporation,

(G) a Native Hawaiian organization.

(H) a labor organization, or

(I) a partnership comprised of 1 or more of the entities described in the preceding subparagraphs.

(2) DEFINITIONS.—For purposes of this section—

(A) FEDERALLY INSURED DEPOSITORY INSTITUTION.—The term “federally insured depository institution” means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(B) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term “community development financial institution” means any organization that has been certified as such pursuant to section 1805.201 of title 12, Code of Federal Regulations.

(C) ALASKA NATIVE CORPORATION.—The term “Alaska Native Corporation” has the same meaning as the term “Native Corporation” under section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(D) NATIVE HAWAIIAN ORGANIZATION.—The term “Native Hawaiian organization” means any organization that—

(i) serves and represents the interests of Native Hawaiians, and

(ii) has as a primary and stated purpose the provision of services to Native Hawaiians.

(E) LABOR ORGANIZATION.—The term “labor organization” means an organization—

(i) in which employees participate,

(ii) which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and

(iii) which is described in section 501(c)(5) of the Internal Revenue Code of 1986.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary of the Treasury in such form and containing such information as the Secretary may require.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under this section may not use more than 6 percent of the total amount of such grant in any fiscal year for the administrative costs of carrying out the programs funded by such grant in such fiscal year.

(e) EVALUATION AND REPORT.—For each fiscal year in which a grant is awarded under this section, the Secretary of the Treasury shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Treasury, for the grant program described in this section, $10,000,000, or such additional amounts as deemed necessary, to remain available until expended.

(g) REGULATIONS.—The Secretary of the Treasury is authorized to promulgate regulations to implement and administer the grant program under this section.

(h) STUDY ON DELIVERY OF TAX REFUNDS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall conduct a study on the payment of tax refunds through Treasury debit cards or other electronic means to assist individuals that do not have access to financial accounts or institutions.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to Congress containing the result of the study conducted under subsection (a).

SEC. 8. CLARIFICATION OF TAXPAYER ASSISTANCE ORDER AUTHORITY.

(a) IN GENERAL.—Section 7811(b)(2) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) chapter 74 (relating to closing agreements and compromises),".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to orders issued after the date of the enactment of this Act.

SEC. 9. CLARIFICATION OF STANDARDS FOR EVALUATION OF COMPROMISE OFFERS.

Section 7122(d)(1) is amended—

(1) by inserting "based on doubt as to liability, doubt as to collectibility, or equitable consideration" after "dispute", and

(2) by inserting at the end the following new paragraph:

"(4) EQUITABLE CONSIDERATION.—In prescribing guidelines under paragraph (1), the Secretary shall compromise a liability to promote effective tax administration when it is inequitable to collect any unpaid tax (or any portion thereof, including penalties and interest) based on all of the facts and circumstances, including—

"(A) whether the taxpayer acted reasonably, responsibly, and in good faith under the circumstances, such as, by taking reasonable actions to avoid or mitigate the tax liability or delayed resolution of such liability,

"(B) whether the taxpayer is a victim of a bad act by a third party or any other unexpected event that significantly contributed to the tax liability or delayed resolution of such liability,

"(C) whether the taxpayer has a recent history of compliance with tax filing and payment obligations (before and after the situation that led to the current tax liability) or has a reasonable explanation for previous noncompliance,

"(D) whether any Internal Revenue Service processing errors, systemic or employee-related, led to or significantly contributed to the tax liability,

"(E) whether the Internal Revenue Service action or inaction has unreasonably delayed resolution of the tax liability, and

"(F) any other fact or circumstance that would lead a reasonable person to conclude that a compromise would be fair, equitable, and in the best interest of tax administration.".

By Mr. KERRY:

S. 1221. A bill to provide for the enactment of comprehensive health care reform; to the Committee on Homeland Security and Governmental Affairs.

Mr. KERRY. Mr. President, this week thousands of business owners, union members, faith leaders, physicians, nurses, and patients will come together in Washington and in each of the 50 States to demand immediate action to fix our Nation's growing health insurance crisis. The Robert Wood Johnson Foundation's fifth annual Cover the Uninsured Week will once again call attention to the 45 million of our neighbors, co-workers and friends—including 11 million children under age 21—who live without any health care coverage. Unable to afford doctor's visits and prescription drugs, they live day to day in fear that a child will get sick or suffer an accident. No family in this great Nation should have to live in such fear.

Understandably, the focus of Cover the Uninsured Week this year is on the great opportunity presenting this Congress to expand coverage to millions of America's uninsured children through the reauthorization and expansion of the successful, bipartisan State Children's Health Insurance Program. This is the number one domestic budget priority for me and for the new Democratic Congress.

In a given year, uninsured kids are only half as likely to receive any medical care. That neglect leads to chronic disease. Uninsured kids also cost us productivity when parents must choose between working and caring for a sick child without the help of a doctor. Kids in public insurance programs perform 68 percent better in school, and insuring all of them would reduce avoidable hospitalizations by 22 percent.

But while kids are undoubtedly our first priority, we must take care not to lose sight of our ultimate objective: Ensuring that every single man, woman, and child in America has affordable and meaningful health insurance coverage. The fact is that denying health insurance is not just immoral, it's ultimately more costly than insuring them. In the long run, this is an obvious choice.

But we do not have time to wait for the long run. Our businesses, families, and health care providers need relief immediately from the insecurity, inefficiency, and inequity bred by a system which insures too few at too high a cost.

Therefore, I am introducing today the "Countdown to Coverage Act of 2007." It's simple: The Countdown to Coverage Act requires Congress to pass legislation by the end of the 111th session that will ensure all Americans have quality, affordable health care coverage. If Congress fails to act, members will become responsible for 100 percent of the cost of their own plan through FEHBP.

Senators and Congressmen give ourselves the very best health care coverage, and it's American taxpayers who foot the bill. Now, Congress needs to step up and pass universal health care coverage by 2011—or pay the price and pick up the cost of our own health care ourselves. 45 million people—11 million kids—without health insurance is unacceptable in the richest country in the world. Every American deserves the kind of quality care that Senators and Congressmen give themselves, and this bill sets a deadline for members of Congress to take real action.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Countdown to Coverage Act of 2007".

SEC. 2. COMPREHENSIVE HEALTH CARE REFORM.

(a) IN GENERAL.—If a provision of law that ensures accessible, affordable, and meaningful health insurance for all Americans is not enacted before the adjournment, sine die, of the 111th Congress, as determined by Institute of Medicine, there shall be no Government contribution under section 8906 of title 5, United States Code, for any Member of Congress and any Member of Congress shall pay 100 percent of all premiums for any health benefits plan under chapter 89 of that title.

(b) NOTIFICATION.—The Institute of Medicine shall submit timely notice to the Office of Personnel Management, the Secretary of the Senate, and the Chief Administrative Officer of the House of Representatives of—

(1) the determination that a provision of law has not been enacted before the adjournment, sine die, of the 111th Congress, as described under subsection (a); and

(2) the dates and adjustments that are required to take effect under this Act.

(c) ADJUSTMENTS.—After receiving notice under subsection (b), the Office of Personnel Management, the Secretary of the Senate, and the Chief Administrative Officer of the House of Representatives shall make such adjustments as may be necessary on the first day of the first applicable pay period beginning on or after the date of that notice.

(d) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. 1222. A bill to stop mortgage transactions which operate to promote fraud, risk, abuse, and under-development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. OBAMA. Mr. President, I rise today to reintroduce legislation to protect American consumers and homeowners from fraudulent and abusive mortgage lending practices. Mortgage fraud and abuse are growing problems in this country, problems that are depriving thousands of Americans of their dream of homeownership and often their hard-earned life savings. These problems are also costing the mortgage industry hundreds of millions of dollars each year and making the housing market, which is critical to our economy and the stability of our neighborhoods, more vulnerable.

Although the data in this area is limited, mortgage fraud, which takes a variety of forms from inflated appraisals to the use of straw buyers, is a growing problem. In September of 2002, the FBI had 436 mortgage fraud investigations. Currently, they have more than 1,036—an increase of 137 percent in less than 5 years. And of the 1,036 current cases, more than half have expected losses of more than $1 million. This is due largely to the housing boom which has driven up housing prices across the country. Nearly $2.37 trillion in mortgage loans were made during 2006, and the number may be even higher this year.

But mortgage fraud is not just about dollars and statistics; it's about real people, real homes, and real lives. I first introduced this legislation last year after my hometown Chicago Tribune featured a series of articles about mortgage fraud in Illinois, which, along with Georgia, South Carolina, Florida, Missouri, Michigan, California, Nevada, Colorado and Utah, is among the FBI's top-ten mortgage fraud "hot spots."

The Tribune stories highlighted the plight of the good folks on May Street in Chicago, who saw a block's worth of homes go boarded up in the span of a just few years, as swindlers racked up hundreds of thousands of dollars in bad loans. The shells of houses were left behind as sad reminders of broken dreams. The Tribune highlighted the plight of 75-year-old Ruth Williams, who had to spend her personal funds to clear the title to her home after fraudsters secured $400,000 in loans on three buildings they didn't own. A recent Tribune investigation turned up a 91-year-old woman defrauded into signing away her brick Chicago home, her sole asset, leaving her with nothing.

Law enforcement, consumer groups and many in the mortgage industry are working extremely hard to combat fraud and abusive lending practices. I applaud their good work. Now, Congress should come to the table and do its part, and I'm pleased to introduce legislation today with my good friend Senator DURBIN to address this important issue.

The STOP FRAUD Act, which was first introduced in February 2006, is aimed at stopping mortgage transactions which operate to promote fraud, risk, abuse and underdevelopment. This year, the bill includes new provisions to protect the legal rights of borrowers with particularly risky subprime loans. The Act provides the first Federal definition of mortgage fraud and authorizes stiff criminal penalties against fraudulent actors. STOP FRAUD requires a wide range of mortgage professionals to report suspected fraudulent activity, and gives these same professionals safe harbor from liability when they report suspicious incidents. It also authorizes several grant programs to help State and local law enforcement fight fraud, provide the mortgage industry with updates on fraud trends, and further support the Departments of Treasury, Justice and Housing and Urban Development's fraud-fighting efforts.

At a time when many homeowners are concerned about losing their home to foreclosure, and policymakers are worried about fraudulent, deceptive, and even just plain confusing lending practices that are roiling communities across the country, STOP FRAUD provides $25 million for housing counseling. The Department of Housing and Urban Development will contract with public or private organization to provide information, advice, counseling, and technical assistance to tenants, homeowners, and other consumers with respect to mortgage fraud and other activities that are likely to increase the risk of foreclosure.

The Act also protects the legal rights of borrowers with risky, subprime loans. The greatest growth in the mortgage lending market is in subprime loans and some have estimated that more than 2 million homeowners with subprime mortgages are at risk of losing their homes. If a borrower receives a subprime mortgage with any one of several high-risk characteristics, the Act protects the rights of borrowers to challenge lending practices in foreclosure proceedings. The high-risk characteristics targeted by this Act include loans for which the borrower does not have the ability to repay at the maximum rate of interest, loans whose true long-term costs are not clearly disclosed to the borrower, stated-income and no-documentation loans, and loans with unreasonable prepayment penalties.

Many States are actively trying to prevent a wave of expected foreclosures as housing prices stop rising while adjustable rates on many risk loans start rising. STOP FRAUD instructs the Government Accountability Office to evaluate the various State initiatives and report to Congress on lending practices and regulations related to mortgage fraud and deception, predatory lending, and homeownership preservation efforts.

We cannot sit on the sidelines while increasing numbers of American families face the risk of losing their homes. There is excellent work being done by the Banking Committees in the House and Senate to tackle some of the thorniest and most challenging problems affecting the mortgage industry today. I look forward to working with my colleagues on comprehensive legislation to protect consumers and strengthen the housing market. The STOP FRAUD Act is just the beginning of an important Federal response. It is a tough, cost-effective, and balanced way to address the serious problem of mortgage fraud in our country and to provide additional protections for vulnerable borrowers. I urge my colleagues to join me in this important effort.

By Ms. LANDRIEU (for herself, Mr. STEVENS, Mr. CARPER, and Mr. PRYOR):

S. 1223. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. LANDRIEU. Mr. President, I come to the floor to speak about the First Response Broadcasters Act, legislation I am introducing today along with Senators STEVENS, CARPER and PRYOR.

As my State suffered the devastating impact of Hurricanes Katrina and Rita and the levee breaks that followed, we learned that one of the most vital relief supplies is information. In providing it, all of our local media—newspapers, broadcasters and web sites included—did amazing work to keep the people of my State informed, even when displaced thousands of miles away. But with phone lines down and streets too flooded to move around, the sound of a local radio or television station was for many of my constituents the only voice in those first few dark nights after the hurricanes. Our local broadcasters provided life-saving information and comfort when both were needed the most. Many of them worked through unimaginable technical and emotional obstacles, staying on the air as their facilities and staff homes were destroyed, and loved ones remained missing.

With the entire industry dependent on public airwaves, broadcasters have a duty to serve the public in times of crisis. As local radio and television stations stand up, as so many did, to put commercial interests aside to serve the public interest, the federal government should be ready to stand with them. This is not a new partnership.

Under laws going back to 1951, radio and television stations are today required to participate in the national Emergency Alert System (EAS), and many stations have protected, government-funded circuits connecting them to emergency command centers. This legislation would directly connect more stations nationwide to this network by authorizing $6.5 million to FEMA to set up Primary Entry Point radio stations in another twenty five states and U.S. territories. Currently there are thirty-two stations and two under development in Alabama and Mississippi.

A Primary Entry Point (PEP) station is a radio broadcast station designated to provide public information following national and local emergencies where there is no commercial power. For example, WWL Radio in New Orleans was the only PEP station in the Gulf Coast after Katrina and it provided radio broadcasts for two weeks after the storm until commercial power was restored. FEMA commissioned recommendations from the Primary Entry Point Advisory Committee, a non-profit group they set up to oversee the stations, and just needs the additional funds to build the additional facilities. Included in the findings of the legislation is a comprehensive list of the states that are currently without PEP stations and which would benefit from this provision. There are also States which have PEP stations, but because of geographic limitations, require an additional station to fully cover the State. This bill would provide those two additional stations in Kansas and Florida.

But what good is this successful emergency information chain if the last link fails? By technical necessity, this last link is right in the disaster's path. Simply put, the transmitter needs to be in the same area as the people in need of warning. Despite our Federal investments in the emergency system and entry point stations, there were several Gulf Coast broadcasters after the hurricanes that could not stay on the air simply because the government took their fuel away. They were told they weren't on the list."

This legislation puts these broadcasters on the list, where they belong. To protect vital broadcast infrastructure and encourage more broadcasters to deploy disaster-resistant telecommunications equipment, this bill would also create a 3-year pilot program managed by the Federal Emergency Management Agency to provide annual matching grants to qualified First Response Broadcasters for the protection and reinforcement of critical-to-air facilities and infrastructure. The program would receive $10 million per year to fund matching program grants, and grants could also be used for projects to enhance essential disaster-related public information services.

As the program encourages both disaster preparedness and community coordination, increased scoring would be granted to applications from broadcasters who form cooperative proposals with other broadcasters in the area or those who submit plans in conjunction with local or State governments. Priority scoring would also be given to applicants in disaster-prone areas and also based on the public service merits of the broadcasters disaster programming plan.

No disaster warning, evacuation plan or emergency instruction matters if it can't get to the people who need it. This is why the Federal Communications Commission and a presidential advisory panel have each recommended we take steps to keep these lifesaving broadcasts on the air.

In particular, this bill would require that the Federal Emergency Management Agency and other Federal response agencies, in coordination with State and local authorities and the National Guard, honor press access guidelines and credentials set by the local governing authority in the declared disaster area. For example, if the City of New Orleans issued press credentials before the disaster and the city decided to continue honoring them post-disaster, FEMA officials operating in the area would be required to honor those credentials as well. The local entity, at its own discretion, would be able to request that this credentialing authority be passed instead to federal or state officials.

Along these same lines, the bill would also direct the Federal Emergency Management Agency to coordinate with local and State agencies to allow access, where practicable and not impeding recovery or endangering public safety, into the disaster area for personnel and equipment essential to restoring or maintaining critical-to-air broadcast infrastructure. The priority policies and procedures for this coordination would be similar to those practiced for restoring public utilities, and would include access for refueling generators and re-supplying critical facilities.

For all journalists working to tell the story-newspapers and web sites included-the First Response Broadcasters Act makes sure that the local officials, who know local reporters best, decide where the journalists can go, not some Washington bureaucrat who just stepped off the plane.

In closing, I would like to submit for the record the stories of a few incredible broadcasters who through recent disasters have demonstrated exactly the type of response this bill is intended to encourage. I would also like to submit for the record a list of organizations which have already endorsed this legislation-including the state broadcasting associations from every one of the 50 states and the District of Columbia.

Broadcasters have a duty to the American people to spread the word in times of crisis. No one else can do it. They are already a key part of our national emergency response plan, and have been for more than 50 years. This bill merely reinforces this fact and secures the logical extension of commitments already made by Federal government. We have a responsibility to make sure the tools are protected to make the system work.

Broadcasters are first responders—and with this bill today, we will strengthen our essential partnership with them for the benefit of all Americans. I urge my colleagues to support this important legislation and ask unanimous consent that the text of the legislation, the broadcaster stories, and a list of the organizations already supporting this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "First Response Broadcasters Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) in the periods before, during, and after major disasters that occurred not long before the date of enactment of this Act (including Hurricane Katrina, Hurricane Rita, and the terrorist attacks of September 11, 2001), local media organizations (including newspapers, public and private broadcasters, and online publications) provided a valuable public service by transmitting and publishing disaster-related information, guidance, and assistance;

(2) local broadcasters, public and private, provided a particularly valuable public service by transmitting evacuation instructions, warnings of impending threats, timely response status updates, and other essential information related to such major disasters to listeners and viewers to whom other forms of media were often unavailable or inaccessible;

(3) an inability to access a disaster area may impede the ability of local media organizations to provide such public services;

(4) according to the report by the Committee on Homeland Security and Governmental Affairs of the Senate, titled "Hurricane Katrina: A Nation Still Unprepared",

dated May 2006, "It is essential that the news media receive accurate disaster information to circulate to the public. News media can also help inform the public by reporting on rumors and soliciting evidence and comment on their plausibility, if any";

(5) according to testimony provided on September 22, 2005, to the Committee on Commerce, Science, and Transportation of the Senate, an estimated 100 Gulf Coast broadcast stations were unable to broadcast as a result of Hurricane Katrina, with approximately 28 percent of television stations and approximately 35 percent of radio stations unable to broadcast in the area affected by Hurricane Katrina;

(6) according to testimony provided on September 7, 2005, to the Committee on Energy and Commerce of the House of Representatives, following Hurricane Katrina only 4 of the 41 radio broadcast stations in the New Orleans metropolitan area remained on the air in the immediate aftermath of that hurricane;

(7) the only television station in New Orleans to continue transmitting its over-the-air signal uninterrupted during and after Hurricane Katrina was able to do so only as a direct result of steps taken to better protect its transmitter and provide redundant production facilities in the region;

(8) fuel and other supply shortages inhibit the ability of a broadcaster to stay on the air and provide essential public information following a major disaster;

(9) according to the report by the Committee on Homeland Security and Governmental Affairs of the Senate, titled "Hurricane Katrina: A Nation Still Unprepared", dated May 2006, there were instances of Federal authorities confiscating privately-purchased fuel supplies in the area affected by Hurricane Katrina;

(10) the ability of several broadcasters in Mississippi to remain on the air was unduly compromised by the confiscation of their privately-purchased fuel supplies;

(11) practices put in place following Hurricane Andrew to involve broadcasters in disaster response and expedite access by broadcast engineers to disaster areas for the purpose of repairing critical-to-air facilities and infrastructure has significantly increased the ability of broadcasters in Florida to continue transmitting essential public information during subsequent major disasters;

(12) a June 12, 2006, report to the Federal Communications Commission from the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks recommends that cable and broadcasting infrastructure providers, and their contracted workers, be afforded emergency responder status under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and that this designation would remedy many of the access and fuel sharing issues that hampered industry efforts to quickly repair infrastructure following Hurricane Katrina;

(13) the partnership of competing radio broadcasters in the wake of Hurricane Katrina, casting aside commercial interests to provide uninterrupted, redundant public information programming from multiple transmission facilities, served the public well and for many hurricane victims was the only source of disaster-related information for many days;

(14) other similar models for regional broadcaster cooperation nationwide, such as the initiative by 3 public and private radio groups to cooperatively produce essential disaster-related programming in eastern and central Maine, will further prepare the industry to effectively respond to major disasters;

(15) following Hurricane Katrina, a Primary Entry Point station in Louisiana, operating only on generator power until commercial power was restored 2 weeks after the disaster, was instrumental in providing life-saving information to the general public throughout the area as battery-operated radios were the only source of official news and information;

(16) as of April 18, 2007, there were 24 States with 1 Primary Entry Point station, 4 States with 2 Primary Entry point stations, 2 Primary Entry Point stations located in territories of the United States, and 2 Primary Entry Point stations under development in Alabama and Mississippi;

(17) in the event of a man-made or natural disaster, it is essential to provide for Primary Entry Point stations in any State or territory where there is not a facility, meaning an additional 23 stations are required, located in—

(A) Arkansas;
(B) Connecticut;
(C) Delaware;
(D) the District of Columbia;
(E) Indiana;
(F) Iowa;
(G) Kentucky;
(H) Maine;
(I) Michigan;
(J) Nebraska;
(K) New Hampshire;
(L) New Jersey;
(M) Oklahoma;
(N) Oregon;
(O) Pennsylvania;
(P) Rhode Island;
(Q) South Dakota;
(R) Vermont;
(S) West Virginia;
(T) Wisconsin;
(U) American Samoa;
(V) the Northern Mariana Islands; and
(W) Guam; and

(18) in the event of a man-made or natural disaster, it is essential to provide for the Primary Entry Point stations in larger States where there is currently a facility, but an additional station is required to ensure full sufficient geographic coverage, meaning 2 stations are required, located in—

(A) Kansas; and
(B) Florida.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency;

(2) the term "disaster area" means an area in which the President has declared a major disaster, during the period of that declaration;

(3) the term "first response broadcaster" means a local or regional television or radio broadcaster that provides essential disaster-related public information programming before, during, and after the occurrence of a major disaster;

(4) the term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(5) the term "Secretary" means the Secretary of Homeland Security.

SEC. 4. PRIMARY ENTRY POINT STATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $6,500,000 to the Administrator of the Federal Emergency Management Agency for facility and equipment expenses to construct an additional 25 Primary Entry Point stations in the continental United States and territories.

(b) DEFINITION.—In this section, the term "Primary Entry Point station" means a radio broadcast station designated to provide public information following national and local emergencies where there is no commercial power.

SEC. 5. BROADCAST DISASTER PREPAREDNESS GRANT PROGRAM.

(a) DEFINITION.—In this section, the term "pilot program" means the Broadcast Disaster Preparedness Grant Program established under subsection (b).

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program under which the Administrator may make grants to first response broadcasters, to be known as the "Broadcast Disaster Preparedness Grant Program".

(c) PRIORITY.—The Administrator may give priority to an application for a grant under the pilot program that—

(1) is submitted—

(A) on behalf of more than 1 first response broadcaster operating in an area;

(B) in cooperation with State or local authorities;

(C) on behalf of a first response broadcaster with 50 employees or less;

(D) on behalf of a first response broadcaster that is principally owned and operated by individuals residing within the State, county, parish, or municipality in which the broadcaster is located; or

(2) provides, in writing, a statement of the intention of the applicant to provide disaster-related programming dedicated to essential public information purposes before, during, and after a major disaster.

(d) USE OF FUNDS.—A grant under the pilot program shall be used by a first response broadcaster to—

(1) protect or provide redundancy for facilities and infrastructure, including transmitters and other at-risk equipment (as determined by the Administrator), critical to the ability of that first response broadcaster to continue to produce and transmit essential disaster-related public information programming; or

(2) upgrade or add facilities or equipment that will enhance or expand the ability of the first responder broadcaster to acquire, produce, or transmit essential disaster-related public information programming.

(e) FEDERAL SHARE.—The Federal share of an activity carried out with a grant under this section shall be not more than 50 percent.

(f) TERMINATION.—The authority to make grants under the pilot program shall terminate at the end of the third full fiscal year after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the pilot program $10,000,000 for each of fiscal years 2008 through 2010.

SEC. 6. FIRST RESPONSE BROADCASTER ACCESS FOLLOWING A MAJOR DISASTER.

(a) ACCESS.—Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended—

(1) in subsection (a)(3)(B), by inserting "(including providing fuel, food, water, and other supplies to first response broadcasters, after providing essential emergency services, health care, and utility restoration services)" before the semicolon at the end; and

(2) in subsection (c)(6)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following:

"(A) FIRST RESPONSE BROADCASTER.—The term 'first response broadcaster' has the meaning given that term in section 707.".

(b) CONFISCATION.—Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5201 et seq.) is amended by adding at the end the following:

"SEC. 707. CONFISCATION FROM FIRST RESPONSE BROADCASTERS.

"(a) DEFINITION.—In this section, the term 'first response broadcaster' means a local or regional television or radio broadcaster that provides essential disaster-related public information programming before, during, and after a major disaster.

"(b) IN GENERAL.—In the event of a major disaster, and to the extent practicable and consistent with not endangering public safety, a Federal officer or employee may not confiscate fuel, water, or food from a first response broadcaster if that first response broadcaster adequately documents that such supplies will be used to enable that broadcast first responder to broadcast essential disaster-related public information programming in the area affected by that major disaster.".

(c) RESTORATION OF SERVICES.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) by redesignating section 425 (42 U.S.C. 5189e) (relating to essential service providers) as section 427; and

(2) in section 427, as so redesignated, by adding at the end the following:

"(d) FIRST RESPONSE BROADCASTERS.—

"(1) DEFINITION.—In this subsection, the term 'first response broadcaster' has the meaning given that term in section 707.

"(2) IN GENERAL.—In the event of a major disaster, the head of a Federal agency, in consultation with appropriate State and local government authorities, and to the greatest extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, shall allow access to the area affected by that major disaster for technical personnel, broadcast engineers, and equipment needed to restore, repair, or resupply any facility or equipment critical to the ability of a first response broadcaster to continue to acquire, produce, and transmit essential disaster-related public information programming, including the repair and maintenance of transmitters and other facility equipment and transporting fuel for generators.

"(3) NEWS GATHERING EMPLOYEES.—This subsection shall not apply to news gathering employees or agents of a first response broadcaster.".

(d) GUIDELINES FOR PRESS.—

(1) DEFINITIONS.—In this subsection—

(A) the term "credentialing authority" means a Federal, State, or local government agency that—

(i) issues press credentials; and

(ii) permits and coordinates access to a designated location or area on the basis of possessing such press credentials;

(B) the term "press credential" means the identification provided to news personnel to identify such personnel as members of the press; and

(C) the term "news personnel" includes a broadcast journalist or technician, newspaper or periodical reporter, photojournalist, and member of a similar professional field whose primary interest in entering the disaster area is to gather information related to the disaster for wider publication or broadcast.

(2) ACCESS TO DISASTER AREA.—For purposes of permitting and coordinating access by news personnel to a disaster area—

(A) any State or local government agency that serves as the primary credentialing authority for that disaster area before the date of the applicable major disaster shall remain the primary credentialing authority during and after that major disaster, unless—

(i) the State or local government agency voluntarily relinquishes the ability to serve as primary credentialing authority to another agency; or

(ii) the State or local government agency, in consultation with appropriate Federal disaster response agencies, assigns certain duties, including primary credentialing authority, to the Federal Emergency Management Agency or another appropriate Federal, State, or local government agency; and

(B) the Federal Emergency Management Agency and other appropriate Federal disaster response agencies operating in a disaster area shall permit and coordinate news personnel access to the disaster area consistent with the access guidelines determined by the primary credentialing authority for that disaster area.

(3) CATASTROPHIC INCIDENT ACCESS.—In the event of a catastrophic incident (as that term is defined in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311)) that leaves a State or local primary credentialing authority unable to execute the duties of that credentialing authority described under paragraph (2) or to effectively communicate to Federal officials a determination regarding the intent of that credentialing authority to retain, relinquish, or assign its status as the primary credentialing authority, the Secretary may designate the Federal Emergency Management Agency or another Federal agency as the interim primary credentialing authority, until such a time as the State or local credentialing authority notifies the Secretary of whether that authority intends to retain, relinquish, or assign its status.

ORGANIZATION ENDORSEMENTS

1. The National Association of Broadcasters
2. The Radio-Television News Directors Association
3. The Alabama Broadcasters Association
4. The Alaska Broadcasters Association
5. The Arizona Broadcasters Association
6. The Arkansas Broadcasters Association
7. The California Broadcasters Association
8. The Colorado Broadcasters Association
9. The Connecticut Broadcasters Association
10. The Florida Association of Broadcasters
11. The Georgia Association of Broadcasters
12. The Hawaii Association of Broadcasters
13. The Idaho State Broadcasters Association
14. The Illinois Broadcasters Association
15. The Indiana Broadcasters Association
16. The Iowa Broadcasters Association
17. The Kansas Association of Broadcasters
18. The Kentucky Broadcasters Association
19. The Louisiana Association of Broadcasters
20. The Maine Association of Broadcasters
21. The Maryland/DC/Delaware Broadcasters Association
22. The Massachusetts Broadcasters Association
23. The Michigan Association of Broadcasters
24. The Minnesota Broadcasters Association
25. The Mississippi Association of Broadcasters
26. The Missouri Broadcasters Association
27. The Montana Broadcasters Association
28. The Nebraska Broadcasters Association
29. The Nevada Broadcasters Association
30. The New Hampshire Association of Broadcasters
31. The New Jersey Broadcasters Association
32. The New Mexico Broadcasters Association
33. The New York State Broadcasters Association
34. The North Carolina Association of Broadcasters
35. The North Dakota Broadcasters Association
36. The Ohio Association of Broadcasters
37. The Oklahoma Association of Broadcasters
38. The Oregon Association of Broadcasters
39. The Pennsylvania Association of Broadcasters
40. The Rhode Island Broadcasters Association
41. The South Carolina Broadcasters Association
42. The South Dakota Broadcasters Association
43. The Tennessee Association of Broadcasters
44. The Texas Association of Broadcasters
45. The Utah Broadcasters Association
46. The Vermont Association of Broadcasters
47. The Virginia Association of Broadcasters
48. The Washington State Association of Broadcasters
49. The West Virginia Broadcasters Association
50. The Wisconsin Broadcasters Association
51. The Wyoming Association of Broadcasters
52. Calcasieu Parish (La.) Sherriff Tony Mancuso

REAL STORIES OF FIRST RESPONSE BROADCASTERS

[From WWL-TV—New Orleans, LA]

(By News Director Chris Slaughter)

Our 150 employees developed a plan that would enable WWL-TV to be the only television station to stay on the air and keep information flowing in our community's darkest hour. 95 percent of the station's news, engineering, production and administrative personnel made sure their families were safe, then devoted 14 straight days and nights using their most valuable tool—information—to help their metropolitan New Orleans neighbors survive. Many did this while knowing they had lost everything they owned (40 percent of station personnel lost homes in the storm). Many worked with the stress of knowing that spouses, relatives and friends were missing or working in dangerous situations.

During the course of the storm and initial aftermath, WWL-TV broadcast from four different studios. When the storm forced the evacuation of our French Quarter studio, the broadcast seamlessly shifted to the Louisiana State University Manship School of Mass Communications in Baton Rouge, which WWL-TV had chosen as an alternative broadcast site in early 2004. Half of the newsroom worked from that location while the other half stayed in New Orleans and worked from the station transmitter site. When it became apparent that lack of city services would keep us out of our undamaged station for an extended time, we rented the Louisiana Public Broadcasting studios in Baton Rouge. Our signal was carried by satellite to our New Orleans transmitter.

WWL-TV informed viewers wherever they were. The commercial-free programming was broadcast from our transmitter, simulcast on radio, streamed on our website and seen statewide on Louisiana's public broadcasting channel. Satellite feeds of our coverage were rebroadcast by stations from Texas to New England, and other areas housing evacuees.

Our parent company, Belo Corp., and its affiliated stations provided major support. Corporate staff worked to provide communications, housing, fuel, food and clothing for displaced WWL-TV employees. Satellite News Gathering trucks from Belo stations began moving in shortly after the storm first entered the Gulf of Mexico. The stations also sent news, production and technical staff to help as WWL covered the storm of the century.

[From KPLC-TV—Lake Charles, LA]

(By General Manager Jim Serra)

KPLC's non-stop coverage of the approach, passage, and aftermath of Hurricane Rita began several days before the storm came ashore just south of Lake Charles and extended for two weeks until the region was reopened to evacuees.

Throughout the storm, KPLC never lost its broadcast signal, and maintained full coverage including live streaming video on its website. Evacuated citizens of Southwest Louisiana, even those who fled far from the station's broadcast signal, never lost touch with local emergency information from their community

Upon its approach, Rita was the strongest hurricane ever recorded in the Gulf. Based on the anticipated threat of wind damage and flooding, 25 KPLC employees rode out the hurricane in a makeshift studio in the more secure confines of nearby CHRISTUS-St. Patrick Hospital. Hospital employees became our partners in the storm coverage.

After the hurricane, KPLC produced a DVD documentary on Rita, donating nearly $50,000 in proceeds to the St. Patrick Foundation. As a result of this partnership, CMN (Children's Miracle Network) awarded KPLC and St. Patrick Hospital their national community service award.

KPLC's coverage was simulcast on multiple local radio stations. It was also augmented by the efforts of several television stations within Louisiana and beyond.

[From WLOX-TV—Biloxi, MS]

(By News Director Dave Vincent)

For more than 12 days, WLOX employees banded together & provided exceptional coverage of Hurricane Katrina despite personal danger & ultimately great personal loss. WLOX News broadcast 24/7 for 12 days delivering life saving information to the people of South Mississippi. Our news coverage went wall to wall when it became apparent that Hurricane Katrina would gravely impact South Mississippi. Katrina's winds & deadly 30 foot plus tidal surge did not stop our coverage. Neither did her massive path of destruction nor her impact on our TV station. We continued to broadcast even when Katrina ripped off our newsroom roof, destroyed another wing of our station, toppled one of our TV towers, wiped out our Jackson & Hancock County news bureaus & forced us in the main station to evacuate to a safer section of our building.

There is no doubt that without the courageous action of WLOX employees many more lives would have been lost in this, the worst natural disaster to hit our county. In addition, we have been told by many viewers that we were their only life line during the height of the storm & in those first days after Katrina, when our community was devastated & very much like a third world country.

Here is an excerpt from one letter: "During the storm we ran our small generator a few hours a day. Your station was the only one we could count on to have news when we could see it. God Bless all of you for being there for all of us." Scott and Lori Lasher of Carnes, Mississippi Sept 16, 2005.

Here is one other letter: "First of all, I would like to commend you on an AWESOME JOB!! Your coverage of Hurricane Katrina and her aftermath was and continues to be superb! Thanks for giving us here in South Mississippi some semblance of normalcy during such a teffifying time." Doyla Ashe; Poplarville, MS Sept., 16 2005.

During our coverage, we were the source of information for our community. We told people where to find shelter, where to find food & medicine & other needed supplies. To insure that life saving information reached our community we reached out to all the radio groups on the coast & they carried our signal. Also the local newspaper contacted us & we put many of their reporters on the air. The local FOX affiliate even carried our signal for a few days. After Katrina knocked out our ability to stream our continual coverage on our web site, our sister stations in the Liberty chain took over the postings & helped us keep thousands of evacuees informed through wlox.com.

Hurricane Katrina left thousands of people homeless & forever changed the face of our community. Our station is a reflection of the community in which we live & work. At least 12 of our employees lost everything. Another 60 had significant damage to their homes. Everyone suffered some loss. Yet our employees continued to work putting the safety & welfare of their community above their personal situation.

[From WRC-TV—Washington, DC]

(By News Director Vicki Burns)

September 11th 2001 presented broadcast journalists with unforeseen and unprecedented challenges. In Washington DC and New York City, those challenges were especially difficult. The nation had never been attacked on this scale at home. Modern television journalists had a critical role in communicating what had happened and what it meant.

As journalists in the nation's capital, our responsibilities were two-fold: to report rapidly changing developments amidst an uncertain and frightening environment, and to keep the community and ourselves safe and informed.

The day of the initial attack was chaotic. Our ability to provide crucial public safety information to the community depended upon our access to key officials, locations and events, along with the ability to be mobile when necessary.

Our efforts were severely hampered when our portable Nextel radios, our cell phones, and our landline phones went down. Newsroom decision makers were unable to communicate with reporters and photographers for some time.

Our field teams were on site and on air for hours, sometimes days at a time. In order to sustain that coverage, we used couriers to shuttle food, water and supplies. Due to road closures and other limitations, that task became extremely difficult.

At every location, we were forced to provide several pieces of identification, and at times were turned away from critical places.

It is important to note that in a time of great chaos and danger, our role as journalists contributes to the solution. We cannot provide a service to the community without the cooperation and support of governing jurisdictions.

WITH POWER OUT, LOCAL RADIO STATION BECOMES VOICE IN THE DARK

(By John Curran, Associated Press Writer, Apr. 21, 2007)

RUTLAND, VT.—Some of them needed generators, others kerosene. Some wanted to know how many others were in the dark, or which streets were passable. Some just needed to hear a voice.

"This is Glendora," one caller said. "I'm a little nervous. The laundromat across my window here, the whole sign just completely came out of its case off and is flying over the street right now."

The power was out, she told Terry Jaye, who was taking calls on WJJR. Her house was shaking from the high winds and it had no heat. She didn't know who else to call.

"Only thing I have is my CD disc radio, listening to you guys, and a cell phone," she said.

When a ferocious nor'easter blew chaos into Rutland last Monday, she and others turned to WJJR. With the lights out, televisions silenced and personal computers powerless, the 50,000-watt local radio station shucked its adult contemporary music format and turned over its airwaves to listeners, giving and getting information about problems big and small.

It wasn't the first time local radio proved itself the go-to medium in time of crisis.

It happened when ice storms ravaged northern New England in 1998, it happened when Katrina devastated the Gulf Coast in 2005, it happened Monday after 70 mph winds from a nor'easter blew chaos into this small Vermont city.

When the lights go out and Google is unavailable, radio is.

"Part of it goes back to the technology," said former radio news director Suzanne Goucher, president of the Maine Association of Broadcasters. "People aren't likely to have battery-powered TVs in their home, but everybody's got a car radio. What you're left with is the old reliable standby of radio. It's always on and it's always on when you need it."

It was on at 7:30 a.m. Monday, when the winds ripped into town, snapping utility poles, blowing trees into houses and collapsing power lines in the streets. Soon, the switchboard at WJJR's studios in a downtown office building began lighting up.

The calls came from New York, Vermont and New Hampshire.

Don called to say a front window in his Victorian home had "imploded." Michelle from West Rutland called to say she had no power and no telephone service. Millie's power was out, and her back yard was full of fallen trees.

"It's horrible. It hit my ex-husband's car," she said.

"A lot of women would be happy if it hit their ex-husband's car," Jaye replied.

Some people called to pass on information about impassable streets. One was looking for a pet hotel. Another warned about the hazards of operating a generator indoors.

Jaye, 52, a veteran radio personality with a soothing voice and the patience of a traffic cop, was in his element.

"I had a lady call about a generator, which she needed for her husband's oxygen tank," he said Tuesday, taking a break from the microphone. "A friend of hers called the next morning to tell us that within 40 minutes of that call, a man from Springfield was on his way to her house with a generator. You hear stuff like that and go 'How cool is that?'"

"That's as important as it gets," he said.

The only breaks came when there were studio guests. Mayor Christopher Louras, Fire

Chief Robert Schlachter, police Officer Tim Tuttle and utility company spokesman Steve Costello all made appearances, eager to get word out about the condition of the city and the severity of the outages.

"We have 1,000 trees down," said Schlachter, asking callers not to bother reporting downed trees that posed no hazard. "If it's against a car, or you see arcing and sparking or someone in a car, let us know."

All that day and into Tuesday, as utility crews raced to address downed power lines and crippled substations, lines remained open.

Sometimes, the information they got was erroneous, and later corrected. Rutland Regional Medical Center was said to be open only for emergencies; soon after, Jaye corrected himself, saying anyone with an appointment there should go to it,

And there were callers like the one from Forest Dale, who lost power and reported winds howling "like a train" outside his home but appreciated having someone on the air.

"Boy, this is a real case for having radio stations that are staffed by actual live people. Thanks to you guys for getting into work and getting on the air," he told Jaye.

On Tuesday afternoon, WJJR started easing back into its normal format, as power began returning to many of the 50,000 homes and businesses in Rutland and elsewhere that had lost it.

Brian Collamore, 56, of sister station WSYB, also worked the impromptu storm-a-thon with Jaye and studio sidekick Nanci Gordon. He called situations like it the reason he got into radio in the first place.

"Satellite radio can't do this. TV can't do this. The Internet can't do this. When push comes to shove, and you're in a situation like this, this is the only medium that can do this," he said.

[From the Honolulu Star-Bulletin, Oct. 16, 2006]

2 Stations Take Real-Time Lead—KSSK Radio and KITV Become the Primary Sources for the Latest News After the Quakes

(By Gary C.W. Chun)

Soon after the earthquakes hit yesterday morning, "the coconut wireless" kicked into high gear at KSSK radio, getting out the news as quickly as possible to anxious local listeners.

At another building, KITV was using the Internet to stream its newscast on its Web site to a worldwide audience.

The key for such rapid response: backup generators.

Also, KSSK is the state's designated emergency action system radio station, connected to the state Civil Defense, and is expected to stay on the air.

Popular morning personalities Michael W. Perry and Larry Price took over the microphones around 9 a.m., relieving on-air personality Kathy Nakagawa and director of programming Paul Wilson, who broke into recorded public-service programming an hour earlier.

"When it's something of this magnitude, it's Perry-and-Price time," Nakagawa said.

With the help of their listener "posse," the familiar duo were the voices for the constantly flowing information, staying on the air for most of the day. Nakagawa and Wilson hung around to help. "It feels great to be here," Nakagawa said. "Those two are such a reassuring presence, just passing on the info to the public as we get it."

"Everyone's working well in crisis mode," Wilson said.

"And everyone on staff that was needed came in on their own," Nakagawa said.

"I'm planning to stay put till the power is restored," said Hawaii National Guard public relations officer Maj. Chuck Anthony, who was at the KSSK studios. "Coincidentally, the Guard is on drill weekend, with about 5,000 at the ready at duty stations and armories. We're just waiting to get damage assessment teams assembled."

Simulcasting on most of the other Clear Channel-owned stations, chief engineer Dale Machado, looking at all the activity around him, said "when something like this happens, it's back to basics. You dig out your transistor radio and turn it on for the news."

Regular morning newscaster Julia Norton-Dennis and assistant Gina Garcia were busily screening phone calls in the adjoining room to the on-air studio, occasionally typing up messages to send to Perry and Price for their immediate attention. Announcements about the cancellation and postponement of scheduled events and airline flights, the occasional emergency tip and the inevitable "will there be school tomorrow?" were all taken care of on air.

Gov. Linda Lingle called the station around 1 p.m. for her latest assessment of the disaster that struck especially close to her, having stayed at the Mauna Lani Bay Hotel in Kohala the previous night.

Just as KSSK was able to stream its audio on its Web site, KITV was doing the same thing, albeit with the additional help of its news staff and technicians.

KHON and KGMB were unable to stream their newscasts, although they did broadcast newscasts and updates when power was available.

KHNL/KFVE Internet coordinator Mike Strong said that with the help of a fellow Raycom station in Tyler, Texas, they were able to update information on its Web site and had set up a Yahoo! address to have people send digital photos of quake damage and information.

Photos were also sent to KITV, which inserted some of them into the streaming newscast.

KITV General Manager Mike Rosenberg said that anchor Pamela Young started it off around 8:15 a.m. from the update desk, with Paula Akana and Shawn Ching joining later.

"Coincidentally, we were in the process of doing emergency continuity planning, in light of what happened to our sister Hearst-Argyle-owned station in New Orleans after Hurricane Katrina," said Rosenberg. "We realized that even though we're not on the air, we could start streaming our newscast on the Internet."

CNN's pipeline premium subscriber service even picked up the KITV Webcast for further distribution on the Net.

Managing Editor Brent Suyama said that the station's site would easily approach 1 million hits yesterday. "I've already received dozens of e-mails from people everywhere thanking us for doing this. I even received one as far as South Africa from a man who wanted to check on his mom."

[From the Dotham Eagle, Mar. 14, 2007]

TV Weather Report Saves Life

(By Lance Griffin)

ENTERPRISE.—The sound of a backhoe moving debris next door rumbled as Gwen Black stood outside what is left of her Henderson Street home.

A blue Enterprise High School stadium cushion rests in a tree in her yard. It is one of the few trees left standing in this neighborhood. An American flag flies from one of its branches.

She still has moments when the tears come. This is one of them. It is almost two weeks after the March 1 tornado, but everything around her is a reminder of that terrible afternoon.

"I'll be glad when they knock this house down so I don't have to see it anymore," she said.

But Black is alive. She doesn't know how long she spent in the hall of her modest brick house. Sometimes, it feels like seconds, sometimes, hours. What she does know is a television weather alert saved her life along with the lives of most of her family.

Black, her three grandchildren, younger sister and her son were home watching television that afternoon when Dothan television station WDHN interrupted programming for a special weather bulletin. A tornado had been spotted on the ground in Enterprise. Meteorologist Greg Dee warned residents.

"I just remember him saying 'Enterprise, take cover now,'" Black recalled.

Black and the others were in the living room at the front of the house. She ordered everyone to the home's interior hallway. She held the remote control in her hand and turned up the volume as she backed into the hall.

At the same time, the twister was ravaging Enterprise High School. Black's home sits across the street from the football stadium. She and her husband bought the house last July, the first house they ever bought together.

"That's when the power went out and the roof blew off," she said.

Black said she remembers reaching her arms around her grandchildren, trying to protect them from flying glass and other debris tossed into their home.

"We were screaming, yelling and crying," Black said.

When the storm passed, much of the home was gone. The interior hall, however, remained. Black said a fireman responded almost immediately and took them to safety. Everyone was fine, other than a few scrapes and minor cuts from the glass. When she walked outside, something was missing.

"Where is our car-" she asked.

The wind snatched the Black's 2005 Mazda Tribute and tossed it into a back room of the house.

A few days later, a relative sent an e-mail to WDHN, letting management know Dee's report spurred the family to act.

Black and Dee met for the first time Tuesday at the Henderson Street home. Black cried and her hands trembled as she embraced Dee.

"If it hadn't been for you, we would have been dead. I know it," she said.

Dee walked through the destroyed home as Black showed him where the family huddled to avoid the storm.

"You talk about it on television, but when you see it first-hand, it brings it home," Dee said. "Just the fact we were able to make a difference means something. When I got that e-mail on my desk and read it, I just welled up."

Workers will tear down what is left of Black's home soon, but she plans to rebuild there.

"No tornado is going to move us away," she said.

By Mr. BROWNBACK (for himself, Mr. SMITH and Ms. COLLINS):

S.J. Res. 12. A joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 12

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Jerusalem Resolution".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Jerusalem has been the capital of the Jewish people for 3,000 years.

(2) Jerusalem has never been the capital for any other state other than for the Jewish people.

(3) Jerusalem is central to Judaism and is cited in the Tanach, the Hebrew Bible, 766 times.

(4) Jerusalem is not mentioned by name in the Koran.

(5) Every sovereign nation has the right to designate its own capital.

(6) Jerusalem is the seat of the Government of Israel, including the President, the parliament, and the Supreme Court.

(7) United States law states as a matter of United States policy that Jerusalem should be the undivided capital of Israel.

(8) Israel is the only country in which the United States neither maintains an embassy in the city designated as the capital by the host country nor recognizes such city as the capital.

(9) The citizens of Israel should be allowed to worship freely and according to their traditions.

(10) Israel supports religious freedom for all faiths.

(11) Relocating the United States Embassy in Israel from Tel Aviv to Jerusalem would express the continued support of the United States for Israel and for an undivided Jerusalem.

(12) The year 2007 marks the 40th anniversary of the reunification of Jerusalem.

SEC. 3. LOCATION OF UNITED STATES EMBASSY IN ISRAEL.

Not later than 180 days before recognizing a Palestinian state, the United States shall move the United States Embassy in Israel from Tel Aviv to Jerusalem.

SEC. 4. RECOGNITION OF ISRAEL AS UNDIVIDED CAPITAL OF ISRAEL.

The United States shall not recognize a Palestinian state until the international community resolves the status of Jerusalem by recognizing the city as the undivided capital of Israel.

SEC. 5. SENSE OF CONGRESS REGARDING FREEDOM OF WORSHIP.

It is the sense of Congress that the citizens of Israel should be allowed, as a fundamental human right recognized by the United States and United Nations General Assembly resolution 181 of November 29, 1947, to worship freely and according to their traditions.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 171—MEMORIALIZING FALLEN FIREFIGHTERS BY LOWERING THE UNITED STATES FLAG TO HALF-STAFF ON THE DAY OF THE NATIONAL FALLEN FIREFIGHTER MEMORIAL SERVICE IN EMMITSBURG, MARYLAND

Ms. COLLINS (for herself, Mr. BIDEN, Mr. MCCAIN, Ms. MIKULSKI, Mr. CARPER, and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 171

Whereas 1,100,000 men and women comprise the fire service in the United States;

Whereas the fire service is considered one of the most dangerous professions in the United States;

Whereas fire service personnel selflessly respond to over 22,500,000 emergency calls annually, without reservation and with an unwavering commitment to the safety of their fellow citizens;

Whereas fire service personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident; and

Whereas approximately 100 fire service personnel die annually in the line of duty: Now, therefore, be it

Resolved, That this year, the United States flags on all Federal facilities should be lowered to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

Ms. COLLINS. Mr. President, I rise to submit Senate Resolution 171 to memorialize our country's fallen firefighters by lowering U.S. flags to half-staff each year on the day of National Fallen Firefighters Memorial Service.

As a co-chair of the Congressional Fire Services Caucus, it is my honor to sponsor the tribute to some of America's bravest and most dedicated public servants. I am pleased that Senators BIDEN, MCCAIN, MIKULSKI, CARPER, and DODD have joined me in sponsoring this resolution.

More than a million men and women work in the fire service in the United States. They respond to more than 22 million emergencies every year, including not only fires, but accidents, medical emergencies, hazardous spills, and terror attacks.

And each year, about 100 of these brave firefighters die in the line of duty, often in circumstances too terrifying and agonizing for us to imagine. The sad toll in 2006 was 105 firefighters.

Recognizing the many dangers of our firefighters' profession and the essential public service that they selflessly provide, Congress has taken practical steps to ensure that firefighters possess the equipment and other resources needed to safely fulfill their many missions. For example, in 2001, Congress created the Assistance to Firefighters Grant Program, otherwise known as the Fire Act Grants, which fire departments—including many in Maine—have used to buy much-needed equipment and to fund training, health, and fitness programs.

Congress has also taken symbolic steps to honor the brave firefighters who have died in the line of duty. Under the leadership of our retired colleague senator Paul Sarbanes, Congress established the non-profit National Fallen Firefighters Foundation to honor America's fallen firefighters and to support their families.

The Foundation maintains the official national memorial to fallen firefighters in Emmitsburg, MD, and conducts an annual memorial weekend that draws thousands of firefighters and the families from around the country.

The memorial weekend, begun in 1982, will be held this year October 5 through 7, including a memorial service on Sunday, October 7.

The resolution I submit today would provide another demonstration of our respect and appreciation for our fallen firefighters. It would direct that flags on all Federal facilities would be lowered to half-staff each year on the day of the memorial service.

Our firefighters risk their lives every day for their fellow citizens. It is fitting that we offer this simple but richly symbolic tribute to all those firefighters who have given their lives in our defense.

SENATE RESOLUTION 172—COMMEMORATING THE 400TH ANNIVERSARY OF THE SETTLEMENT OF JAMESTOWN

Mr. WARNER (for himself and Mr. WEBB) submitted the following resolution; which was considered and agreed to:

S. RES. 172

Whereas the founding of the colony at Jamestown, Virginia, in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States;

Whereas the Jamestown Settlement owed its survival in large measure to the compassion and aid of the Native people in its vicinity;

Whereas Native Virginia people substantially aided the Jamestown colonists with food and supplies at times that were crucial to their survival;

Whereas the Native people served as guides to geography and natural resources, crucial assistance in the Virginia colonists' exploration of the Chesapeake Region;

Whereas the Jamestown Settlement brought people from throughout the Atlantic Basin together to form a society that drew upon the strengths and characteristics of English, European, African, and Native American cultures;

Whereas the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status;

Whereas the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown;

Whereas, in 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary, and Congress commends the Commission's hard work and dedication;

Whereas Congress reminds all Americans of the importance of their country's history and founding at Jamestown; and

Whereas the 2007 observance of the founding of Jamestown commemorates the 400th anniversary of the first permanent English colony in America: Now, therefore, be it

Resolved, That the Senate commemorates the 400th Anniversary of the founding of the colony Jamestown in 1607 and urges all Americans to honor this seminal event in our Nation's history.

AMENDMENTS SUBMITTED AND PROPOSED

SA 965. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy.

SA 966. Mr. PRYOR (for himself and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 967. Mr. CHAMBLISS (for himself, Mr. Graham, and Mr. Cochran) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 968. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 969. Mr. LEVIN (for himself, Ms. Snowe, Ms. Stabenow, Mr. Kerry, Mr. Rockefeller, and Mr. Schumer) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 970. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 971. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 972. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 973. Ms. SNOWE (for herself and Mr. Levin) submitted an amendment intended to be proposed by her to the bill S. 761, supra.

SA 974. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 975. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 761, supra.

SA 976. Mr. WARNER (for himself, Mr. Webb, Mr. Smith, Mr. Kerry, and Mr. Pryor) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 977. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 761, supra.

SA 978. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 979. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 980. Mr. ALEXANDER (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 981. Mr. LAUTENBERG (for himself and Mr. Cochran) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 965. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the end of title II of division C, insert the following:

SEC. 3202. MATH SKILLS FOR SECONDARY SCHOOL STUDENTS.

(a) The purposes of this section are—

(1) to provide assistance to State educational agencies and local educational agencies in implementing effective research-based mathematics programs for students in secondary schools, including students with disabilities and students with limited English proficiency;

(2) to improve instruction in mathematics for students in secondary school through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness;

(3) to provide targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level; and

(4) to provide in-service training for mathematics coaches who can assist secondary school teachers to utilize research-based mathematics instruction to develop and improve students' mathematical abilities and knowledge, and assist teachers in assessing and improving student academic achievement.

(b) Definitions.—In this section:

(1) Eligible local educational agency.—The term "eligible local educational agency" means a local educational agency that is eligible to receive funds, and that is receiving funds, under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(2) Mathematics coach.—The term "mathematics coach" means a certified or licensed teacher, with a demonstrated effectiveness in teaching mathematics to students with specialized needs in mathematics and improving student academic achievement in mathematics, a command of mathematical content knowledge, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support mathematics improvement, who works on site at a school—

(A) to train teachers to better assess student learning in mathematics;

(B) to train teachers to assess students' mathematics skills and identify students who need remediation; and

(C) to provide or assess remedial mathematics instruction, including for—

(i) students in after-school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(3) Secondary school.—The term "secondary school" means a school that provides secondary education, as determined under State law.

(4) Secretary.—The term "Secretary" means the Secretary of Education.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $130,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 3 succeeding fiscal years.

(d) Grants Authorized.—

(1) In general.—From funds appropriated under subsection (c) for a fiscal year, the Secretary shall establish a program, in accordance with the requirements of this section, that will provide grants on a competitive basis to State educational agencies to award grants and subgrants to eligible local educational agencies for the purpose of establishing mathematics programs to improve the overall mathematics performance of secondary school students in the State.

(2) Length of grant.—A grant to a State educational agency under this section shall be awarded for a period of 4 years.

(e) Reservation of Funds by the Secretary.—From amounts appropriated under subsection (c) for a fiscal year, the Secretary may reserve—

(1) not more than 3 percent of such amounts to fund national activities in support of the programs assisted under this section, such as research and dissemination of best practices, except that the Secretary may not use the reserved funds to award grants directly to local educational agencies; and

(2) not more than ½ of 1 percent of such amounts for the Bureau of Indian Education of the Department of the Interior to carry out the services and activities described in subsection (l)(3) for Indian children.

(f) Grant Formulas.—

(1) Competitive grants to State educational agencies.—From amounts appropriated under subsection (c) and not reserved under subsection (e), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish mathematics programs for the purpose of improving overall mathematics performance among students in secondary school in the State.

(2) Minimum grant.—The Secretary shall ensure that the minimum grant made to any state educational agency under this section shall be not less than $500,000.

(g) Applications.—

(1) In general.—In order to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall meet the following conditions:

(A) A State educational agency shall not include the application for assistance under this section in a consolidated application submitted under section 9302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7842).

(B) The State educational agency's application shall include assurances that such application and any technical assistance provided by the State will be guided by a peer review team, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(C) The State educational agency will participate, if requested, in any evaluation of the State educational agency's program under this section.

(D) The State educational agency's application shall include a program plan that contains a description of the following:

(i) How the State educational agency will assist eligible local educational agencies in implementing subgrants, including providing ongoing professional development for mathematics coaches, teachers, paraprofessionals, and administrators.

(ii) How the State educational agency will help eligible local educational agencies identify high-quality screening, diagnostic, and classroom-based instructional mathematics assessments.

(iii) How the State educational agency will help eligible local educational agencies identify high-quality research-based mathematics materials and programs.

(iv) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(v) How the State educational agency will ensure that professional development funded under this section—

(I) is based on mathematics research;

(II) will effectively improve instructional practices for mathematics for secondary school students;

(III) will improve student academic achievement in mathematics; and

(IV) is coordinated with professional development activities funded through other programs, including section 2113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613).

(vi) How funded activities will help teachers and other instructional staff to implement research-based components of mathematics instruction and improve student academic achievement.

(vii) The subgrant process the State educational agency will use to ensure that eligible local educational agencies receiving subgrants implement programs and practices based on mathematics research.

(viii) How the State educational agency will build on and promote coordination among mathematics programs in the State to increase overall effectiveness in improving mathematics instruction and student academic achievement, including for students with disabilities and students with limited English proficiency.

(ix) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this section.

(h) State Use of Funds.—Each State educational agency receiving a grant under this section shall—

(1) establish a peer review team comprised of researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools, to provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based mathematics programs for secondary school students;

(2) use 80 percent of the grant funds received under this section for a fiscal year to fund high-quality applications for subgrants to eligible local educational agencies having applications approved under subsection (l); and

(3) use 20 percent of the grant funds received under this section—

(A) to carry out State-level activities described in the application submitted under subsection (g);

(B) to provide—

(i) technical assistance to eligible local educational agencies; and

(ii) high-quality professional development to teachers and mathematics coaches in the State;

(C) to oversee and evaluate subgrant services and activities undertaken by the eligible local educational agencies as described in subsection (l)(3); and

(D) for administrative costs, of which not more than 5 percent of the grant funds may be used for planning, administration, and reporting.

(i) Notice to Eligible Local Educational Agencies.—Each State educational agency receiving a grant under this section shall provide notice to all eligible local educational agencies in the State about the availability of subgrants under this section.

(j) Prohibitions.—

(1) In general.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) Conflict of interest.—Any federal employee, contractor, or subcontractor involved in the administration, implementation, or provision of oversight or technical assistance duties or activities under this section shall—

(A) disclose to the Secretary any financial ties to publishers, entities, private individuals, or organizations that will benefit from funds provided under this section; and

(B) be prohibited from maintaining significant financial interests in areas directly related to duties or activities under this section, unless granted a waiver by the Secretary.

(3) Reporting.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives, on each of the waivers granted under paragraph (2)(B).

(4) Rule of construction.—Nothing in this section shall be construed to authorize or permit the Secretary, Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(k) Supplement Not Supplant.—Each State educational agency receiving a grant under this section shall use the grant funds to supplement, not supplant, State funding for activities authorized under this section or for other educational activities.

(l) Subgrants to Eligible Local Educational Agencies.—

(1) Application.—

(A) In general.—Each eligible local educational agency desiring a subgrant under this subsection shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency.

(B) Contents.—In addition to any information required by the State educational agency, each application under paragraph (1) shall demonstrate how the eligible local educational agency will carry out the following required activities:

(i) Development or selection and implementation of research-based mathematics assessments.

(ii) Development or selection and implementation of research-based mathematics programs, including programs for students with disabilities and students with limited English proficiency.

(iii) Selection of instructional materials based on mathematics research.

(iv) High-quality professional development for mathematics coaches and teachers based on mathematics research.

(v) Evaluation and assessment strategies.

(vi) Reporting.

(vii) Providing access to research-based mathematics materials.

(C) Consortia.—Consistent with State law, an eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium of local educational agencies if each member of the consortium is an eligible local educational agency.

(2) Award basis.—

(A) Priority.—A State educational agency awarding subgrants under this subsection shall give priority to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(B) Amount of grants.—Subgrants under this subsection shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this subsection.

(3) Local use of funds.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to carry out, at the secondary school level, the following services and activities:

(A) Hiring mathematics coaches and providing professional development for mathematics coaches—

(i) at a level to provide effective coaching to classroom teachers;

(ii) to work with classroom teachers to better assess student academic achievement in mathematics;

(iii) to work with classroom teachers to identify students with mathematics problems and, where appropriate, refer students to available programs for remediation and additional services;

(iv) to work with classroom teachers to diagnose and remediate mathematics difficulties of the lowest-performing students, so that those teachers can provide intensive, research-based instruction, including during after-school and summer sessions, geared toward ensuring that those students can access and be successful in rigorous academic coursework; and

(v) to assess and organize student data on mathematics and communicate that data to school administrators to inform school reform efforts.

(B) Reviewing, analyzing, developing, and, where possible, adapting curricula to make sure mathematics skills are taught within other core academic subjects.

(C) Providing mathematics professional development for all relevant teachers in secondary school, as necessary, that addresses both remedial and higher level mathematics skills for students in the applicable curriculum.

(D) Providing professional development for teachers, administrators, and paraprofessionals serving secondary schools to help the teachers, administrators, and paraprofessionals improve student academic achievement in mathematics.

(E) Procuring and implementing programs and instructional materials based on mathematics research, including software and other education technology related to mathematics instruction with demonstrated effectiveness in improving mathematics instruction and student academic achievement.

(F) Building on and promoting coordination among mathematics programs in the eligible local educational agency to increase overall effectiveness in—

(i) improving mathematics instruction; and

(ii) increasing student academic achievement, including for students with disabilities and students with limited English proficiency.

(G) Evaluating the effectiveness of the instructional strategies, teacher professional development programs, and other interventions that are implemented under the subgrant; and

(H) Measuring improvement in student academic achievement, including through progress monitoring or other assessments.

(4) Supplement not supplant.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to supplement, not supplant, the eligible local educational agency's funding for activities authorized under this section or for other educational activities.

(5) New services and activities.—Subgrant funds provided under this subsection may be used only to provide services and activities authorized under this section that were not provided on the day before the date of enactment of this Act.

(6) Evaluations.—Each eligible local educational agency receiving a grant under this subsection shall participate, as requested by the State educational agency or the Secretary, in reviews and evaluations of the programs of the eligible local educational agency and the effectiveness of such programs, and shall provide such reports as are requested by the State educational agency and the Secretary.

(m) Matching Requirements.—

(1) State educational agency requirements.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in-kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) Waiver.—The Secretary may waive all or a portion of the matching requirements described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(n) Program Performance and Accountability.—

(1) Information.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school districtwide, or classroom-based monitoring reports or assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at the proficient or advanced level on the State student academic achievement standards in mathematics under section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii));

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving proficiency or advanced levels on such State academic content standards in mathematics;

(III) significantly increased the number of students making significant progress toward meeting such State academic content and achievement standards in mathematics; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in advanced mathematics courses in grades 9 through 12, including the percentage of such students who pass such courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) Reporting and disaggregation.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

SA 966. Mr. PRYOR (for himself and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. SBIR-STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) Definitions.—In this section—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "eligible entity" means a grantee under the SBIR Program that provides an internship program for STEM college students;

(3) the terms "Phase I" and "Phase II" mean Phase I and Phase II grants under the SBIR Program, respectively;

(4) the term "pilot program" means the SBIR-STEM Workforce Development Grant Pilot Program established under subsection (b);

(5) the term "SBIR Program" has the meaning given that term in section 9(e) of the Small Business Act (15 U.S.C. 638(e)); and

(6) the term "STEM college student" means a college student in the field of science, technology, engineering, or math.

(b) Pilot Program Established.—From amounts made available to carry out this section, the Administrator shall establish an SBIR-STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities to STEM college students, by providing an SBIR bonus grant to eligible entities.

(c) Awards.—A bonus grant to an eligible entity under the pilot program shall be in an amount equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) Evaluation.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the pilot program.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2008;

(2) $1,000,000 for fiscal year 2009;

(3) $1,000,000 for fiscal year 2010; and

(4) $1,000,000 for fiscal year 2011.

SA 967. Mr. CHAMBLISS (for himself, Mr. Graham, and Mr. Cochran) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 8, line 2, insert "(including a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061))" after "education".

On page 17, line 22, insert "(including a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061))"after "academia".

SA 968. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXPEDITED NAME CHECKS FOR ALIENS WITH ADVANCED DEGREES.

Notwithstanding any other provision of law, the head of U.S. Citizenship and Immigration Services may request that the Director of the Federal Bureau of Investigation expedite a name check carried out for immigration purposes, except for naturalization purposes, for an alien with an advanced degree in science, technology, engineering, mathematics, or medicine who has previously been admitted to the United States as a nonimmigrant to perform advanced research or serve as a medical doctor.

SA 969. Mr. LEVIN (for himself, Ms. SNOWE, Ms. STABENOW, Mr. KERRY, Mr. ROCKEFELLER, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 47, after line 23, add the following:

SEC. 1407. ADVANCED TECHNOLOGY PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts appropriated pursuant to section 1401—

(1) $65,000,000 shall be available in fiscal year 2008 for new grants or contracts through the Advanced Technology Program authorized under section 28 of the Act of March 3, 1901 (15 U.S.C. 278n);

(2) $80,000,000 shall be available in fiscal year 2009 for new grants or contracts described in paragraph (1);

(3) $100,000,000 shall be available in fiscal year 2010 for new grants or contracts described in paragraph (1); and

(4) $100,000,000 shall be available in fiscal year 2011 for new grants or contracts described in paragraph (1).

(b) ANNUAL REPORT.—Section 28 of the Act of March 3, 1901 (15 U.S.C. 278n) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following:

"(j) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary, in consultation with the Director, shall submit a report to Congress that describes—

"(1) the activities undertaken through the Program during the previous year;

"(2) the status of all investments made in prior years and their impact on the economic competitiveness of the United States; and

"(3) any other matters that the Director determines to be appropriate.".

SA 970. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 164, strike lines 11 through 22 and insert the following:

(C) PRIVACY AND ACCESS TO DATA.—

(i) IN GENERAL.—Each State that receives a grant under subsection (c)(2) shall implement measures to—

(I) limit the State's use of information in the statewide P-16 education data system to the purposes and functions set forth in subparagraph (E) and allow access to the information in the statewide data system only to those State employees, and only on such terms, as may be necessary to fulfill those purposes and functions;

(II) prohibit the disclosure of information in the statewide P-16 education data system to any other person, agency, institution, or entity, except to the extent necessary to assist the State in fulfilling the purposes and functions set forth in subparagraph (E), and only if such party has signed a data use agreement that—

(aa) prohibits the party from further disclosing the information;

(bb) prohibits the party from using the information for any purpose other than the purpose specified in the agreement, which purpose must relate to assisting the State in carrying out the purposes and functions set forth in subparagraph (E); and

(cc) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(III) keep an accurate accounting of the date, nature, and purpose of each disclosure of information in the statewide P-16 education data system, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(IV) maintain adequate security measures to ensure the confidentiality and integrity of the data system;

(V) ensure that the statewide P-16 education data system meets any further requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);

(VI) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(VII) ensure adequate enforcement of the requirements of this clause.

(ii) USE OF UNIQUE IDENTIFIERS.—

(I) GOVERNMENTAL USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to use the unique identifiers employed in the statewide P-16 education data systems for any purpose other than as authorized by this Act, or to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

(II) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall promulgate regulations governing the use of the unique identifiers employed in statewide P-16 education data systems, including, where necessary, regulations requiring States desiring grants for statewide P-16 education data systems under this section to implement specified measures, with the goal of safeguarding individual privacy by minimizing to the extent practicable the use of unique identifiers by both governmental and nongovernmental entities.

On page 169, strike lines 15 through 17 and insert the following:

(i) a description of the privacy protection and enforcement measures that the State has implemented or will implement pursuant to subparagraph (C), and assurances that these measures will be in place prior to the establishment or improvement of the statewide P-16 education data system; and

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SA 971. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HIGH-PERFORMANCE COMPUTING.

(a) HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended—

(1) in the title heading, by striking "**AND THE NATIONAL RESEARCH AND EDUCATION NETWORK**" and inserting "**RESEARCH AND DEVELOPMENT**";

(2) in section 101—

(A) in subsection (a)—

(i) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

"(A) provide for long-term basic and applied research on high-performance computing;

"(B) provide for research and development on, and demonstration of, technologies to advance the capacity and capabilities of high-performance computing and networking systems;

"(C) provide for sustained access by the research community in the United States to high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, including provision for technical support for users of such systems;

"(D) provide for efforts to increase software availability, productivity, capability, security, portability, and reliability;

"(E) provide for high-performance networks, including experimental testbed networks, to enable research and development on, and demonstration of, advanced applications enabled by such networks;

"(F) provide for computational science and engineering research on mathematical modeling and algorithms for applications in all fields of science and engineering;

"(G) provide for the technical support of, and research and development on, high-performance computing systems and software required to address Grand Challenges;

"(H) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, computer and network security, applied mathematics, library and information science, and computational science; and

"(I) provide for improving the security of computing and networking systems, including Federal systems, including research required to establish security standards and practices for these systems.";

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(iv) in paragraph (2), as redesignated—

(I) by striking subparagraph (B);

(II) by redesignating subparagraphs (A) and (C) as subparagraphs (D) and (F), respectively;

(III) by inserting before subparagraph (D), as redesignated, the following:

"(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities;

"(B) establish Program Component Areas that implement the goals established under subparagraph (A), and identify the Grand Challenges that the Program should address;

"(C) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program;"; and

(IV) by inserting after subparagraph (D), as redesignated, the following:

"(E) develop and maintain a research, development, and deployment roadmap for the provision of high-performance computing systems under paragraph (1)(C); and"; and

(v) in paragraph (3), as redesignated—

(I) in the matter preceding subparagraph (A), by striking "paragraph (3)(A)" and inserting "paragraph (2)(D)";

(II) by amending subparagraph (A) to read as follows:

"(A) provide a detailed description of the Program Component Areas, including a description of any changes in the definition of or activities under the Program Component Areas from the preceding report, and the reasons for such changes, and a description of Grand Challenges supported under the Program;";

(III) in subparagraph (C), by striking "specific activities" and all that follows through "the Network" and inserting "each Program Component Area";

(IV) in subparagraph (D)—

(aa) by inserting "and for each Program Component Area" after "participating in the Program"; and

(bb) by inserting "and" at the end;

(V) by striking subparagraph (E);

(VI) by redesignating subparagraph (F) as subparagraph (E); and

(VII) in subparagraph (E), as redesignated, by inserting "and the extent to which the Program incorporates the recommendations of the advisory committee established under subsection (b)" before the period at the end;

(B) by amending subsection (b) to read as follows:

"(b) ADVISORY COMMITTEE.—(1) The President shall establish the Advisory Committee on High-Performance Computing (referred to in this subsection as the 'Advisory Committee'), which shall be composed of representatives of the research, education, and library communities, network providers, and industry, who are specially qualified to provide the Director with advice and information on high-performance computing.

"(2) The Director shall consider recommendations received from the Advisory Committee in reviewing and revising the Program. The advisory committee shall provide the Director with an independent assessment of—

"(A) progress made in implementing the Program;

"(B) the need to revise the Program;

"(C) the balance between the components of the Program, including funding levels for the Program Component Areas;

"(D) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in high-performance computing and networking technology; and

"(E) other issues identified by the Director.

"(3) The Advisory Committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program.

"(4) Not later than 1 year after the date of the enactment of the America COMPETES Act, and not less frequently than once every 2 years thereafter, the Advisory Committee shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives that summarizes—

"(A) the results of the assessments and evaluations conducted under this subsection; and

"(B) recommendations submitted to the Director.

"(5) Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee."; and

(C) in subsection (c)(1)(A), by striking "Program or" and inserting "Program Component Areas or".

(b) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) in paragraph (2), by inserting "and multidisciplinary teams of researchers" after "high-performance computing resources";

(2) in paragraph (3)—

(A) by striking "scientific workstations, supercomputer systems (including vector supercomputers and large scale parallel systems)" and inserting "supercomputer systems"; and

(B) by striking "and applications and systems software" and inserting "applications and systems software, and the management of large data sets";

(3) in paragraph (4), by striking "packet switched";

(4) in paragraph (5), by striking "and" at the end;

(5) in paragraph (6), by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following:

"(7) 'Program Component Areas' means the major subject areas under which are grouped related individual projects and activities carried out under the Program.".

SA 972. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Section 1401 is amended to read as follows:

SEC. 1401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for the use of the National Institute of Standards and Technology—

(1) for fiscal year 2008, $793,611,000, of which $205,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(2) for fiscal year 2009, $863,972,000, of which $210,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(3) for fiscal year 2010, $941,369,000, of which $215,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program; and

(4) for fiscal year 2011, $1,026,506,000, of which $220,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program.

SA 973. Ms. SNOWE (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 16, strike lines 15 and 16 and insert the following:

(P) The Small Business Administration.

(Q) Any other department or agency designated by the President.

SA 974. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 8, strike lines 7 through 9 and insert the following:

(10) the extent of damage resulting from the Gulf Coast hurricanes of 2005 to technology-based clusters in the declared disaster areas relating to those hurricanes, and recommendations for Federal and State policies to retain and expand those clusters;

(11) the extent to which Federal funding promotes or hinders innovation; and

(12) the extent to which individuals are being

SA 975. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 78, strike line 21 and insert the following:

"(D) $27,500,000 for fiscal year 2011.

"CHAPTER 6—NATIONAL ENERGY EDUCATION DEVELOPMENT

"SEC. 3195. NATIONAL ENERGY EDUCATION DEVELOPMENT.

"(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to enhance the knowledge of the students of the science of energy, the sources of energy, the uses of energy in society, and the environmental consequences and benefits of all energy sources and uses by—

"(1) improving instruction in science related to energy for students in kindergarten through grade 9 through the implementation of energy education programs and with the support of comprehensive science education initiatives that are based on the best available evidence of effectiveness; and

"(2) providing professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

"(A) to improve the understanding of students of the scientific, economic, and environmental impacts of energy;

"(B) to improve the knowledge of teachers, administrators, and other school staff related to the scientific content of energy;

"(C) to increase the use of effective instructional practices; and

"(D) to reflect science content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

"(b) PROGRAM.—The Secretary (acting through the Director) (referred to in this section as the 'Secretary') shall provide grants to States to assist the States in establishing or expanding programs to enhance the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses.

"(c) COORDINATION.—In carrying out this section, the Secretary shall use and coordinate with existing State and national programs that have a similar mission.

"(d) GRANTS.—The Secretary shall award grants, on a competitive basis, under this section to States to pay the Federal share of the costs of establishing or expanding high-quality energy education curricula and programs.

“(e) PROGRAMS.—In carrying out this section, the Secretary shall award grants to establish or expand programs that enhance—

“(1) the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses; and

“(2) the understanding of students of the science, economics, and environmental impacts of energy production and consumption.

“(f) FEDERAL AND NON-FEDERAL SHARES.—

“(1) FEDERAL SHARE.—The Federal share of the costs of carrying out a program under this section shall be 50 percent.

“(2) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out a program under this section may be provided in the form of cash or in-kind contributions, fairly evaluated, including services.

“(g) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—

“(1) ensure a wide, equitable distribution of grants among States that propose to serve students from urban and rural areas; and

“(2) provide equal consideration to States without National Laboratories.

“(h) USES OF FUNDS.—

“(1) IN GENERAL.—Subject to paragraph (2), States, or other entities through States, that receive grants under this section shall use the grant funds to—

“(A) employ proven strategies and methods for improving student learning and teaching regarding energy;

“(B) integrate into the curriculum of schools comprehensive, science-based, energy education, including instruction and assessments that are aligned with—

“(i) the academic content and student academic achievement standards of the State (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311));

“(ii) classroom management;

“(iii) professional development;

“(iv) parental involvement; and

“(v) school management; and

“(C) provide high-quality and continuous teacher and staff professional development.

“(2) REQUIREMENTS.—Grant funds under this section may be used for activities described in paragraph (1) only if the activities are directly related to improving student academic achievement related to—

“(A) the science of energy;

“(B) the sources of energy;

“(C) the uses of energy in society; and

“(D) the environmental consequences and benefits of all energy sources and uses.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) $1,000,000 for each of fiscal years 2008 and 2009; and

“(2) $2,000,000 for each of fiscal years 2010 and 2011.”.

SA 976. Mr. WARNER (for himself, Mr. WEBB, Mr. SMITH, Mr. KERRY, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 208, after line 2, add the following:

SECTION 4015. OFFICE OF MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY.

(a) SHORT TITLE.—This section may be cited as the “Minority Serving Institution Digital and Wireless Technology Opportunity Act”.

(b) ESTABLISHMENT OF OFFICE.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) by redesignating section 16 (42 U.S.C. 1875) as section 17; and

(2) by inserting after section 15 the following:

“SEC. 16. OFFICE OF MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established within the Foundation the Office of Minority Serving Institution Digital and Wireless Technology to carry out the provisions of this section.

“(2) PURPOSES.—The Office shall—

“(A) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies by awarding grants to, or executing contracts or cooperative agreements with, those institutions to provide such instruction; and

“(B) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

“(b) ACTIVITIES SUPPORTED.—An eligible institution may use a grant, contract, or cooperative agreement awarded under this section to—

“(1) acquire equipment, instrumentation, networking capability, hardware, software, digital network technology, wireless technology, and infrastructure;

“(2) develop and provide educational services, including faculty development, related to science, mathematics, engineering, or technology;

“(3) provide teacher education, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or in other instructional settings;

“(4) implement joint projects and consortia to provide education regarding technology in the classroom with a State, State education agency, local education agency, community-based organization, national non-profit organization, or business, including a minority business;

“(5) provide professional development in science, mathematics, engineering, or technology to administrators and faculty of eligible institutions with institutional responsibility for technology education;

“(6) provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications;

“(7) foster the use of information communications technology to increase scientific, mathematical, engineering, and technology instruction and research; and

“(8) develop proposals to be submitted under this section to develop strategic plans for information technology investments.

“(c) APPLICATION AND REVIEW PROCEDURE.—

“(1) IN GENERAL.—

“(A) APPLICATION.—An eligible institution seeking a grant, contract, or cooperative agreement under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

“(B) PROCEDURE.—The Director, in consultation with the advisory council established under paragraph (2), shall—

“(i) promulgate a regulation that establishes a procedure by which to accept and review applications submitted under subparagraph (A); and

“(ii) publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

“(2) ADVISORY COUNCIL.—

“(A) ESTABLISHMENT.—The Director shall establish an advisory council to—

“(i) advise the Director on the best approaches for involving eligible institutions in the activities described in subsection (b); and

“(ii) review and evaluate proposals submitted to the program.

“(B) MEMBERSHIP.—In selecting the members of the advisory council, the Director may consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council reflects participation by technology and telecommunications institutions, minority businesses, eligible institution communities, Federal agency personnel, and other individuals who are knowledgeable about eligible institutions and technology issues.

“(C) PROGRAM REVIEW.—Any panel assembled to review a proposal submitted to the program shall include members from minority serving institutions. Program review criteria shall include consideration of—

“(i) demonstrated need for assistance under this section; and

“(ii) diversity among the types of institutions receiving assistance under this section.

“(3) DATA COLLECTION.—An eligible institution that receives a grant, contract, or cooperative agreement under subsection (a)(2)(A) shall provide the Office with any relevant institutional statistical or demographic data requested by the Office.

“(4) INFORMATION DISSEMINATION.—The Director shall convene an annual meeting of eligible institutions receiving grants, contracts, or cooperative agreements under subsection (a)(2)(A) to—

“(A) foster collaboration and capacity-building activities among eligible institutions; and

“(B) disseminate information and ideas generated by such meetings.

“(d) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—The Director may not award a grant, contract, or cooperative agreement to an eligible institution under this section unless such institution agrees to make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to the lesser of—

“(A) 25 percent of the amount of the grant, contract, or cooperative agreement; or

“(B) $500,000.

“(2) WAIVER.—The Director shall waive the matching requirement under paragraph (1) for any institution or consortium that does not have an endowment that is valued at least $50,000,000.

“(e) LIMITATIONS.—

“(1) IN GENERAL.—An eligible institution that receives a grant, contract, or cooperative agreement under this section in an amount greater than $2,500,000 may not receive another grant, contract, or cooperative agreement under this section until every other eligible institution that has applied for a grant, contract, or cooperative agreement under this section has been awarded such grant, contract, or cooperative agreement.

“(2) AWARDS ADMINISTERED BY ELIGIBLE INSTITUTION.—Each grant, contract, or cooperative agreement awarded under this section shall be made to, and administered by, an eligible institution, even when awarded for the implementation of a consortium or joint project.

"(f) ANNUAL REPORTS AND EVALUATION.—

"(1) RECIPIENT REPORT.—Each institution that receives a grant, contract, or cooperative agreement under this section shall submit an annual report to the Director on the use of the funds received through the grant, contract, or cooperative agreement.

"(2) DIRECTOR EVALUATION.—The Director, in consultation with the Secretary of Education, shall—

"(A) review the reports submitted under paragraph (1); and

"(B) on the basis of such reports, evaluate the activities authorized under subsection (b) every 2 years.

"(3) CONTENTS OF EVALUATION.—The evaluation conducted under paragraph (2)(B) shall—

"(A) describe the activities undertaken by the institutions described in paragraph (1); and

"(B) assess the short-range and long-range impact of activities carried out under the grant, contract, or cooperative agreement on the students, faculty, and staff of such institutions.

"(4) REPORT TO CONGRESS.—The Director shall submit a report to Congress that includes—

"(A) the results of the evaluation;

"(B) such recommendations as may be appropriate, including recommendations concerning the continuing need for Federal funding to carry out this section.

"(g) DEFINITIONS.—In this section:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that is—

"(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2));

"(B) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

"(C) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

"(D) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

"(E) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

"(F) an institution that the Director, in consultation with the Secretary of Education, determines has enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for that year.

"(2) OFFICE.—The term 'Office' means the Office of Minority Serving Institution Digital and Wireless Technology established in subsection (a).".

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts appropriated pursuant to an authorization under this Act, $100,000,000 shall be made available to the Director of the National Science Foundation for each of the fiscal years 2008 through 2011 to carry out section 16 of the National Science Foundation Act of 1950, as added by this section.

SA 977. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 113, between lines 2 and 3, insert the following:

(B) members of the Armed Forces who are transitioning to civilian life; and

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SA 978. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 116, strike lines 1 through 3 and insert "**Advanced Placement, International Baccalaureate, and Concurrent Enrollment Programs**".

On page 116, line 8, insert "and Concurrent Enrollment programs" after "programs".

Beginning on line 10 on page 116 through line 25 on page 127, strike "Advanced Placement or International Baccalaureate courses" each place the term appears and insert "Advanced Placement or International Baccalaureate courses or Concurrent Enrollment courses".

Beginning on line 1 on page 117 through line 6 on page 127, strike "pre-Advanced Placement or pre-International Baccalaureate courses" each place the term appears and insert "pre-Advanced Placement or pre-International Baccalaureate courses or pre-Concurrent Enrollment courses".

On page 118, lines 5 and 6, strike "or International Baccalaureate services" and insert ", International Baccalaureate, or Concurrent Enrollment services".

On page 119, between lines 10 and 11, insert the following:

(7) CONCURRENT ENROLLMENT COURSE.—The term "Concurrent Enrollment course" means a course of college instruction provided to secondary school students—

(A) that is administered by an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(B) for which students who successfully complete the course receive college credit, as verified by an official transcript from the institution of higher education.

On page 119, lines 11 and 12, strike "**AND INTERNATIONAL BACCALAUREATE PROGRAMS**" and insert "**INTERNATIONAL BACCALAUREATE, AND CONCURRENT ENROLLMENT PROGRAMS**".

On page 120, line 14, strike "or International Baccalaureate" and insert ", International Baccalaureate, or Concurrent Enrollment".

On page 124, lines 24 and 25, strike "or International Baccalaureate" and insert ", International Baccalaureate, or Concurrent Enrollment".

On page 127, lines 9 and 10, strike "or International Baccalaureate" and insert ", International Baccalaureate, or Concurrent Enrollment".

SA 979. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division D, insert the following:

SEC. 4015. DEFINITION OF HIGH-NEED LOCAL EDUCATIONAL AGENCY.

Paragraph (8) of section 4 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended to read as follows:

"(8) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

"(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

"(ii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6,7, or 8, as determined by the Secretary; or

"(iii) that serves not fewer than 10,000 children from low-income families; and

"(B)(i) for which there is a high percentage of teachers not teaching in academic subject areas or grade levels in which the teachers were trained to teach; or

"(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.".

SA 980. Mr. ALEXANDER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the appropriate place in the bill, add the following:

"SEC. ____. SENSE OF THE SENATE.

"It is the Sense of the Senate that—

"U.S. Government policies related to deemed exports should safeguard U.S. national security and protect fundamental research;

"The Department of Commerce has established the Deemed Export Advisory Committee to develop recommendations for improving current controls on deemed exports;

"The Administration and Congress should consider the recommendations of the Deemed Export Advisory Committee in its development and implementation of export control policies.".

SA 981. Mr. LAUTENBERG (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 49, line 3, strike "agency." and insert "agency and may enter into grants, contracts, cooperative agreements, resource sharing agreements, or interagency financing with Federal, State, and regional agencies, tribes, commercial organizations, educational institutions, non-profit organizations, or other persons.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on April 25, 2007 at 9:30 a.m. in SD-106. The title of this committee hearing is, "Challenges and Opportunities Facing American Agriculture Producers Today, Part III."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Wednesday, April 25, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of this meeting will be to consider and approve the following legislation following bills: S. 294, S. 428, S. 924, S. 311, S. 675, S. 1142, the Identity Theft Prevention Act, and the promotion of Mr. Gribbin, in the United States Coast Guard.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, April 25, at 10 a.m. in Dirksen Room 226.

I. Committee Authorization: Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys.

II. Bills: S. 376, Law Enforcement Officers Safety Act of 2007; Leahy, Specter, Grassley, Kyl, Sessions, Cornyn, S. 119, War Profiteering Prevention Act of 2007; Leahy, Feinstein, Feingold, Schumer, Durbin, Cardin, S. 1079, Star-Spangled Banner and War of 1812 Bicentennial Commission Act; Cardin, Warner, Kennedy, S. 735, Terrorist Hoax Improvements Act of 2007; Kennedy, Kyl, Coleman, Schumer, Leahy, Grassley, Cornyn, H.R. 740, Preventing Harassment through Outbound Number Enforcement (PHONE) Act of 2007; Scott, Conyers, Forbes, Boucher, Jackson-Lee, Gutierrez, Sherman, S. 221, Fair Contracts for Growers Act of 2007; Grassley, Feingold, Kohl, Leahy, Durbin, S. 495, Personal Data Privacy and Security Act of 2007; Leahy, Specter, Feingold, Schumer, S. 239, Notification of Risk to Personal Data Act of 2007; Feinstein, S. 879, No Oil Producing and Exporting Cartels Act of 2007; (Kohl, Specter, Leahy, Grassley, Feingold, Schumer, Coburn, Durbin.

III. Nominations: Robert Gideon Howard, Jr. to be United States Marshal for the Eastern District of Arkansas; Frederick J. Kapala to be United States District Judge for the Northern District of Illinois; Benjamin Hale Settle to be United States District Judge for the Western District of Washington; John Roberts Hackman to be United States Marshal for the Eastern District of Virginia.

IV. Resolutions: S. Res. 125, designating May 18, 2007 as "Endangered Species Day"; Feinstein, Collins, Feingold, Biden, S. Res. 116, designating May 2007 as "National Autoimmune Disease Awareness Month"; Biden, S. Res. 146, designating June 20, 2007, as "American Eagle Day"; Alexander, Byrd, Kennedy, Feinstein, S. Res. 162, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; Leahy, Specter, Biden, Grassley, Cornyn, Durbin.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, April 25, 2007 to hold a hearing on mental health issues. The hearing will take place in room 418 of the Russell Senate Office Building beginning at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on Wednesday, April 25, 2007, at 10 a.m., in open session to receive testimony on whether the army is properly sized, organized, and equipped to respond to the most likely missions over the next two decades while retaining adequate capability to respond to all contingencies along the spectrum of combat in review of the Defense Authorization request for fiscal year 2008 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, April 25, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The agenda to be considered: Oversight Hearing on the Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on Wednesday, April 25, 2007, at 2 p.m., to receive testimony on efforts to improve the Department of Defense's language and cultural awareness capabilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet in open session during the session of the Senate on Wednesday, April 25, 2007, at 3:30 p.m., to receive testimony on Department of Energy atomic energy defense programs in review of the defense authorization request for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to hold a hearing during the session of the Senate on Wednesday, April 25, 2007 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 175, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District; S. 324, to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico; S. 542, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and for other purposes; S. 752, to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir; S. 1037, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, OR; S. 1116 and H.R. 902, to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources; and S. 1112 and H.R. 235, to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Elizabeth Goitein, a detailee from the Department of Justice in Senator FEINGOLD's Judiciary Committee office, be granted floor privileges for the remainder of this session of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 1591

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report of the supplemental appropriations bill, H.R. 1591, on Thursday, April 26, at 10 a.m., regardless of whether the Senate has yet received the papers from the House; that the time immediately following the prayer and the pledge until 12:45 p.m. be equally divided between the two leaders or their designees: and that the Senate vote, without any intervening action, provided that the message has been received in the Senate on passage of the conference report at 12:45 p.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 400TH ANNIVERSARY OF THE SETTLEMENT OF JAMESTOWN

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 172, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 172) commemorating the 400th anniversary of the settlement of Jamestown.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, in a few short weeks, America will commemorate the 400th anniversary of the founding of Jamestown, the first permanent English settlement in the New World. It is an event that I, along with many of my fellow Virginians and Americans, have looked upon with great anticipation.

Jamestown's anniversaries have always been major national patriotic events, and this year will be no different. Visitors and dignitaries from all over the world will converge on the site, where, in 1607, Captain John Smith and his motley crew of Englishmen first stepped ashore to begin life in the New World. Commemorating the Jamestown anniversary allows Americans to not only remember the bravery of Captain Smith's crew and the founding of America but also to celebrate the democratic ideals and institutions that trace their roots to that remarkable beginning. The rule of law, the entrepreneurial spirit, representative government, and cultural diversity all originated at Jamestown and all continue to have profound effects on America today.

To recognize the impact of Jamestown and to signal Congress's support for the 400th anniversary of its founding, I introduce today this resolution. It marks the importance of Jamestown to our Nation's history and recognizes its 400th anniversary as a seminal event for the American people. Furthermore, the resolution recognizes the critical role Native Americans played in the colony's survival, notes the democratic ideals first instilled at Jamestown, and reflects on the unique confluence of cultures that made Jamestown strong and successful. With this resolution, Congress has a chance to officially record for history its support for the commemoration of the 400th anniversary of the founding of Jamestown.

Mr. President, I urge my colleagues to join me in support of this resolution.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. 172) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 172

Whereas the founding of the colony at Jamestown, Virginia, in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States;

Whereas the Jamestown Settlement owed its survival in large measure to the compassion and aid of the Native people in its vicinity;

Whereas Native Virginia people substantially aided the Jamestown colonists with food and supplies at times that were crucial to their survival;

Whereas the Native people served as guides to geography and natural resources, crucial assistance in the Virginia colonists' exploration of the Chesapeake Region;

Whereas the Jamestown Settlement brought people from throughout the Atlantic Basin together to form a society that drew upon the strengths and characteristics of English, European, African, and Native American cultures;

Whereas the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status;

Whereas the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown;

Whereas, in 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary, and Congress commends the Commission's hard work and dedication;

Whereas Congress reminds all Americans of the importance of their country's history and founding at Jamestown; and

Whereas the 2007 observance of the founding of Jamestown commemorates the 400th anniversary of the first permanent English colony in America: Now, therefore, be it

Resolved, That the Senate commemorates the 400th Anniversary of the founding of the colony Jamestown in 1607 and urges all Americans to honor this seminal event in our Nation's history.

ORDERS FOR THURSDAY, APRIL 26, 2007

Mr. BINGAMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:15 a.m., Thursday, April 26; that on Thursday following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day, with a period of morning business until 10 a.m. with Senators permitted to speak therein; with the Senate proceeding to the conference report to accompany H.R. 1591, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:15 TOMORROW

Mr. BINGAMAN. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:08 p.m., adjourned until Thursday, April 26, 2007, at 9:15 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, April 25, 2007*

The House met at 10 a.m.

The Reverend Dr. Mark E. Harris, First Baptist Church, Charlotte, North Carolina, offered the following prayer:

Heavenly Father, we enter Your presence today on behalf of our Nation, our leaders and ourselves. We come, not by our own worthiness, but by Your glorious invitation to "come unto Me all who are weary, and I will give you rest."

Please grant us wisdom today, for we need divine wisdom to fulfill the purposes You have for us. We need Your guidance to be able to heal the brokenhearted. We need Your strength to proclaim liberty to the captives and recovery of sight to the blind. We need Your power to free the oppressed.

So, I ask, Lord, that You would speak to the Nation, and that, indeed, we would all have ears to hear, eyes to see, hearts and minds ready to receive Your word.

God bless this House of Representatives, and may their minds be of Your mind. I ask this prayer in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Tennessee (Mr. COHEN) come forward and lead the House in the Pledge of Allegiance.

Mr. COHEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND DR. MARK E. HARRIS

(Mrs. MYRICK asked and was given permission to address the House for 1 minute.)

Mrs. MYRICK. Madam Speaker, it's truly my honor to welcome Dr. Mark Harris of Charlotte, North Carolina, to the House of Representatives. He is a dynamic and a true leader in our city, and a graduate of Appalachian State University and Southeastern Baptist Theological Seminary. He is currently the senior pastor at First Baptist Church in Charlotte.

He is joined in his ministry by his wife, Beth, and their children, Laura, John and Matthew. Under his leadership, the church has become one of the fastest growing Baptist churches in our area.

He is very straightforward and powerful in his preaching, and he is always challenging his parishioners to rediscover the joy of a personal relationship with Jesus Christ. I thank him for being here today.

IRAQ TIMETABLE AND FUNDING, CONGRESS NEEDS TO PASS CONFERENCE REPORT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, nine more soldiers are dead, and our soldiers can claim victory in Iraq. Madam Speaker, even after losing thousands of American lives and spending billions of taxpayer dollars, the Bush administration continues to demand an open-ended commitment of American troops in Iraq with no exit plan and no strategy.

But this Democratic Congress, the leadership of Speaker PELOSI, understands the responsibility of war. We understand the commitment to the American people, and, yes, we understand the needs of national security. Retired military officers support our plan and the new direction for Iraq to begin to redeploy our troops to begin to bring them home.

Secretary Gates has gone to Iraq trying to stop the bleeding, but he believes that congressional debate is helpful, and he has said that the clock is ticking. Can the Bush administration understand that? The Pentagon has confirmed, through a Congressional Research Service report, that the President's comments about us stopping funding, the Congress stopping funding, is absolutely wrong.

We need to save lives. We need to restore the confidence and the leadership in Iraq, but we need to claim victory for our soldiers. They have done their job. It's time to bring them home now.

RESIGNATION AS MEMBER OF COMMITTEE ON NATURAL RESOURCES AND AS MEMBER OF COMMITTEE ON FINANCIAL SERVICES

The SPEAKER pro tempore (Mrs. TAUSCHER) laid before the House the following resignation as a member of the Committee on Natural Resources and as a member of the Committee on Financial Services:

HOUSE OF REPRESENTATIVES,
April 24, 2007.

Hon. NANCY PELOSI,
Speaker of the House, Office of the Speaker, U.S. Capitol, Washington, DC.

DEAR MADAME SPEAKER: It is my desire to resign from the House Committee on Natural Resources immediately. I look forward to returning to the committee soon.

Thank you.

Sincerely,

RICK RENZI,
U.S. Congressman,
First District of Arizona.

HOUSE OF REPRESENTATIVES,
April 24, 2007.

Hon. NANCY PELOSI,
Speaker of the House, Office of the Speaker, U.S. Capitol, Washington, DC.

DEAR MADAME SPEAKER: It is my desire to resign from the House Committee on Financial Services immediately. I look forward to returning to the committee soon.

Thank you.

Sincerely,

RICK RENZI,
U.S. Congressman,
First District of Arizona.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

LET THE SURGE WORK AND NOT SIGNAL DEFEAT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, many in Congress and around this country insist that the President take the advice of The Iraq Study Group. Well, the President is doing just that. The report states, "We could, however, support a short-term redeployment or surge of American combat forces to stabilize Baghdad, or to speed up the training and equipping missions needed."

Well, my colleagues, that is what the President is trying to do. The cochair of the study group, James Baker, had this to say: "Setting a deadline for withdrawal regardless of conditions in Iraq makes even less sense today because there is evidence that the temporary surge is reducing the level of violence in Baghdad."

Rather than support a bill that leaves our troops in harm's way for a cause Democrats believe cannot be won, Democratic leaders should be

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

willing to vote to allow time to let the surge work and not signal defeat.

SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute.)

Ms. SCHWARTZ. Madam Speaker, I rise today in support of the Sowing the Seeds through Science and Engineering Research Act. By cultivating the Nation's next generation of skilled scientists and researchers who are in the early stages of their careers, the House-passed plan will better ensure that our Nation educates the best and the brightest young people to be scientists and engineers.

I firmly believe that leadership and innovation is absolutely necessary for the United States to maintain its competitive advantage in the increasingly global marketplace. My own home district in southeastern Pennsylvania is a leader in the field of biotechnology. I have seen the economic and social benefits of innovation and technology in science and engineering.

Science, research and biotechnology industries attract highly skilled workers and offer them good wages and benefits. These innovators and the businesses they are creating in my home district make us competitive in this global marketplace. Most importantly, they are developing new treatments, medicines, vaccines, that are improving the quality of life for people around the world. As the sister of a dedicated scientist and the mother of a young medical researcher, I recognize the need to support the work of highly skilled scientists whose work is on the cutting edge of research and development.

Madam Speaker, the "Sowing the Seeds Through Science and Engineering Research Act" will help ensure that we encourage and train highly skilled scientists in Pennsylvania and across the Nation. I am proud to have supported its passage.

SUPPORT AND FUND THE TROOPS

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Madam Speaker, some of the Democratic leadership have declared it the job of Congress to micromanage the war in Iraq. Yet we learn today that the Speaker of the House has refused to be seen face-to-face with the very military commanders whose hands will be tied by the Democrat war funding bill.

This latest insult to our troops should come as no surprise as others in the Democratic leadership have declared the war lost despite our military commanders' statements to the contrary, and before General Petraeus has gotten the reinforcements he has requested. His reinforcement hasn't even been fully implemented before Congressional leaders have called it a failure.

I urge my colleagues to insist on a funding bill that does not give our enemies a date for our surrender. I believe our soldiers when they say the war is not lost, and we must give our military the resources it needs to win. Language of surrender is inappropriate with troops in the field and reinforces the perceptions of our enemies.

SUPPORT OUR TROOPS AND BRING THEM HOME

(Mr COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, there will be a conference committee report by the Senate and the House on the Iraq supplement, and the Iraq supplement will have a requested date, suggested date for our withdrawal.

It's not saying we have been defeated. We have won the war. America has won the war. Saddam Hussein's government was toppled and Saddam Hussein is history. We are now in an occupation, and you cannot win an occupation.

You cannot defeat beliefs with bullets. What we have in Iraq and in the Middle East are beliefs that are different from ours, and they can only be won by understanding and through changes, which God would put in people's hearts, and not through bullets. We need a bill to support our troops, and our bill will support our troops with more money than the administration gave it.

I ask the President to support the troops with the bill that the Congress will give him and support our troops and bring them home.

THE IRAQ SUPPLEMENTAL

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, 79 days and counting since President Bush committed his request for critical funding needed for our troops fighting on the front lines.

The Democratic leadership should bring the emergency supplemental to the floor without a timetable of defeat. It's not a decision of this House to arbitrarily pick a date this war should end. It's our job to ensure our military personnel have the resources they need to win and come home in victory. I wonder what men and women risking their lives every day for our safety, our security, our freedom, think about the Members of Congress sitting in their comfortable offices, playing politics with their money.

I came to the House floor this morning to speak to them and let them know there are Members of Congress who believe our military can succeed, and we are doing everything within our power to ensure victory. As long as I am United States Congressman, I will never turn my back on you. I will not stand in Washington, D.C., and tell your generals how to fight this war, and will never put politics above your safety or that of our Nation.

□ 1015

GUARANTEE ACCESS TO AFFORDABLE HEALTH CARE FOR ALL CITIZENS

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, I rise this morning on behalf of 47 million Americans who go to sleep every night knowing that tomorrow they may go broke solely because they cannot afford health insurance.

People without coverage often delay treatments they desperately require, and we are all paying the price, for early treatment saves lives and saves money. We saw that in Blacksburg, Virginia, and we see it every day in emergency rooms and in amputations due to diabetes.

There is a better way of doing things, a way to guarantee access to affordable care for all citizens. Let's build the largest insurance risk pool possible, 300 million strong. If you are a citizen, you are in.

Let's openly disclose prices so we know the price of a pill before we swallow it. And let's be kind to those who are in need.

I urge the President to extend the lifesaving SeniorCare drug program in Wisconsin, and please, please, please, do not veto the children's SCHIP health care program.

There is a better way of doing things. Let's find it together, with no patient left behind.

DEMOCRATS' DEFEATIST SUPPLEMENTAL BILL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. WILSON of South Carolina. Madam Speaker, while our troops are on the battlefield continuing to go without critical funding needed to fulfill their missions, Democrat leaders still refuse to put forward a clean supplemental bill.

Last week, Senate Democrat Leader HARRY REID declared the Iraq war "lost." Just yesterday, a Democrat Congressman said it is the job of Congress to micromanage the war. Our military leaders should manage the war, not politicians in Washington.

Despite reports of progress by our military leaders, Democrats continue to advocate withdrawal and defeat. This puts American families at risk at home. Early withdrawal will escalate, not end, the global war on terrorism.

Our troops deserve more from the men and women elected to provide for their well-being. Members of both parties should support our troops and pass a clean supplemental bill.

In conclusion, God bless our troops, and we will never forget September 11.

DEMOCRATS EXPAND HEALTH CARE COVERAGE

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, this is Covering the Uninsured Week, so I wanted to take this opportunity to remind my colleagues about the 9 million children in America that live without health insurance. I also wanted to take the opportunity to remind the American people that just last month, the Democratic Congress passed a 2008 budget that includes a $50 billion increase in funding for the State Children's Health Insurance Program, and we did it without raising a penny of taxes. By contrast, the President submitted a budget that, according to the nonpartisan Congressional Budget Office, would cut 1 million additional children out of the Children's Health Insurance Program.

Thankfully for the American people, Madam Speaker, Democrats rejected the President's budget in favor of one that expands health care for children.

TIME TO PASS A CLEAN TROOP FUNDING BILL

(Mr. CARTER asked and was given permission to address the House for 1 minute.)

Mr. CARTER. Madam Speaker, the Democratic leaders have ignored the President's promise to veto legislation which loads our soldiers down with their pork-barrel spending and sets arbitrary deadlines for pulling out of Iraq. They know it is going to be vetoed, but they continue to make our troops wait.

The Commander in Chief, by their provision, would have to wait 15 days to deploy troops in certain circumstances, preventing us from having reinforcements for our soldiers in harm's way. They want to tie the hands of our generals by setting a surrender date. The first surrender date, they said, is July 1 of this year.

We don't need 535 generals in Washington commanding our troops. We need the professionals.

It is past time for the Democrats to do the right thing and pass a bill which funds our troops in harm's way. Their final drop-dead date deadline that they have set is very interesting, April 1, 2008. April Fool's day. Who are they trying to fool?

CONGRESS NEEDS TO PASS SUPPLEMENTAL CONFERENCE REPORT

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Madam Speaker, the conference agreement reached between the House and the Senate on the Iraq accountability bill provides more funding than the President has asked for our troops, more for our veterans, while forging a new direction in Iraq. This bill will hold the President accountable for meeting his own military readiness standards. The Iraqi Government will also be held accountable for the first time for meeting political, economic, and security benchmarks that the administration itself has set.

This Congress must pass this legislation, because our troops have performed magnificently. The administration has failed. They have failed to hold the Iraqis accountable.

President Bush criticizes our time lines, while both Secretary Gates and General Petraeus admit there is no military solution, and Secretary Gates even called the time lines in the bill "constructive" and "helpful" in pushing the Iraqis to a solution.

Madam Speaker, this Congress has a constitutional responsibility to be accountable for war to the American public. The President will have the opportunity to sign this bill on the fourth-year anniversary of his declaration of "mission accomplished." I and the vast majority of the American people urge him to do so.

TROOPS NEED RESOURCES TO WIN THE WAR IMMEDIATELY

(Ms. FALLIN asked and was given permission to address the House for 1 minute.)

Ms. FALLIN. Madam Speaker, Congress must immediately send our troops the resources that they need to win this war, without strings and without delay. But instead, the Democrat leadership is proposing to tie the hands of our troops and hamstring our generals with a misguided plan to micromanage the war effort. This is just unacceptable.

The Los Angeles Times has said, "It's absurd to try and micromanage this conflict and the evolution of Iraqi society with arbitrary time lines and benchmarks." And I agree.

It is absurd to assume that this war can be planned by 535 Members of Congress instead of our generals and our Commander in Chief. War by committee is not an option. I encourage the Democrat leadership of Congress to bring forth immediately a clean bill that provides the necessary funds for our troops and leaves tactical decisions in the hands of our generals and those who are experts.

WORKERS MEMORIAL DAY

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Madam Speaker, this Saturday is Workers Memorial Day, when we mourn the loss of workers who have been killed on the job or from work-related diseases. Additionally, this year marks the 37th anniversary of the enactment of the Occupational Safety and Health Act. Although there has been progress, thanks to the tireless advocacy of organized labor, many workers are still at risk. Last year, in Illinois alone, 194 occupational fatalities were recorded. Unfortunately, OSHA, under the Bush administration, has issued only one major standard in its 6-year tenure, and has either withdrawn or delayed dozens of worker protection measures.

Congress must ensure the first step of workplace safety by requiring that OSHA issue timely standards and ensure the enforcement of those standards in all areas of the workforce.

I urge my colleagues to join me in this fight, and I encourage all Members of Congress to honor our Nation's workers this Saturday.

SUPPORT OUR TROOPS WITH A CLEAN SUPPLEMENTAL SPENDING BILL

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)

Mrs. BLACKBURN. Madam Speaker, the liberal leadership of this Congress has put themselves and the lives of our military members, our soldiers in the field, in a very difficult position. When they passed the supplemental spending bill earlier this month for the global war on terror, they only did it by loading it up with pork. It sounds like a grocery list. They have got money for spinach, for beef, for fish and for peanuts. Billions of dollars of pork. They made their Members an offer that they couldn't refuse.

They claim to support our military, but in this bill they tie the hands of that same military by instituting a timetable for withdrawal and taking the power for running the war away from the commanders in the field. The majority leader, HARRY REID, didn't help when he said he thinks the war is lost.

American citizens need to ask themselves the question: What would happen, what would happen, if we were to walk away? It is the same question our Speaker, who obviously isn't going to meet with our commanding general, also needs to ask.

Let's respect the soldiers in the field by doing our job and passing a clean budget.

GETTING ADVICE OF REAL PROFESSIONALS ON IRAQ

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, Bush, CHENEY and their Republican apologists here in Congress say "hands off their war. Leave it to the professionals."

Well, if they followed their own advice, we wouldn't be at war in Iraq. Remember CHENEY and Scooter Libby, who is on his way to prison, phonying up intelligence, overruling the intelligence and military professionals, saying there was a threat, that there were weapons of mass destruction? They didn't exist.

Then they fired General Shinseki because he had the temerity to suggest if we didn't put in 400,000 troops, there would be a massive insurgency and a civil war. They fired him. If they had not fired General Shinseki, if they followed his professional advice, our troops wouldn't be mired in the middle of a civil war; and Paul Bremer disbanding the Iraq Army, de-Baathification, against all professional military and intelligence advice.

Now the Republican lapdogs have the temerity to say "hands off Bush's war. Let the professionals run it." Well, it is time for some adults to step in here and really take advice from the professionals and get our troops out of the middle of this civil war.

COMMENDING ACTIONS BY INDIANA AUTHORITIES TO QUELL THE DISTURBANCE AT NEW CASTLE CORRECTIONAL FACILITY

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Madam Speaker, yesterday, as the Nation looked on, once again Indiana law enforcement, State, county and city personnel, showed their professionalism and courage.

I rise today to commend the swift response by Indiana State and local authorities to quell the disturbance that began at 2:01 p.m. at New Castle Correctional Facility, at the very heart of my congressional district.

During a routine transfer from a dining hall to their cellblocks, a group of inmates removed their shirts, an officer was knocked to the ground, and the situation quickly spiraled out of control involving nearly one-third of the prison's population.

Guards quickly isolated the areas of disturbance. As the Nation looked on over the cable airwaves, backup officers arrived just 15 minutes later. The Indiana Department of Correction activated its Special Emergency Response Team and involved the State police. All offenders and the facility were secured by 4:45.

Investigations will go forward and questions will be answered, but, Madam Speaker, on behalf of the citizens of eastern Indiana, I rise to express my pride and gratitude to the law enforcement community involved, the State, the local, the city and the county, all those who ensured that this disturbance was contained, tragedy was averted, and the people of my congressional district were protected.

DEMOCRATS REFUSE TO IGNORE THE NEEDS OF THE UNINSURED AND LOOK TO EXPAND SCHIP FOR CHILDREN

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, this week is Cover the Uninsured Week. This year's focus centers on expanding health care coverage for America's children.

For 6 years, President Bush and the Republican Congress ignored our Nation's health care crisis. As a result, the number of uninsured increased by 7 million, to 47 million Americans; 9 million of them are children.

Studies show us that a child's health can be greatly improved if they have health care coverage. Children with access to health care are better prepared to learn in school and are better prepared to succeed in life.

The new Democratic Congress refuses to ignore America's uninsured, and that is why we passed a budget last month that provides a significant increase in funding of the SCHIP program. The $50 billion increase in funding over the next 5 years would allow us to provide health care to millions of children who are currently uninsured.

THE MEDICARE HEARING ENHANCEMENT AND AUDITORY REHABILITATION ACT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute.)

Mr. BILIRAKIS. Madam Speaker, I rise today to encourage my colleagues to cosponsor H.R. 1912, the Medicare Hearing Enhancement and Auditory Rehabilitation, HEAR, Act.

H.R. 1912 will provide for Medicare coverage of hearing aids and auditory rehabilitation services. Medicare is currently specifically prohibited from paying for hearing aids. The HEAR Act repeals this prohibition and directs the Secretary of Health and Human Services to determine the most appropriate manner for Medicare to provide this benefit.

Hearing problems can make it difficult to understand and follow a doctor's advice, respond to warnings and hear doorbells and alarms. Hearing problems can also make it hard to enjoy talking with friends and family. All of this can be frustrating, embarrassing and even dangerous. It makes good sense to help these people better afford devices, treatments and other services that will improve their quality of life and increase their safety.

I urge my colleagues to cosponsor H.R. 1912.

CHANGING DIRECTION TO PROTECT OUR NATIONAL SECURITY

(Ms. CASTOR asked and was given permission to address the House for 1 minute.)

Ms. CASTOR. Madam Speaker, today the House will vote on and hopefully pass the emergency supplemental bill. To the individuals who disagree with this new direction and our demand for accountability, I ask, how much longer will you continue to sanction the undermining of our national security under the Bush-Cheney policy? As a member of the Armed Services Committee, I ask this because this bill states that "no units may be deployed to Iraq unless they are fully mission capable."

What are you saying if you vote against this measure? In the Armed Services Committee, the Army Chief of Staff testified that the Bush-Cheney strategy is outstripping the means to execute it. Our ground forces in the U.S. are short of training, personnel and equipment. This is very serious, and I ask how anyone can vote against this bill and sanction the unwise Bush-Cheney course.

The risk to our Nation is serious and deepening. We must change direction, make more strategic decisions and bring our diplomatic, economic and moral forces to bear to protect our national security.

□ 1030

A SHAMEFUL STRATEGY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, the Iraq supplemental bill being brought to the floor today is a bad idea wrapped in the wrong intentions. This is a time when Congress ought to be working together to provide our troops with the tools and the resources necessary to do their job.

Instead, the Democrat leadership is committed to a strategy that spells nothing but failure in Iraq. They are telling the commanders in the field that 535 politicians know better how to do their job. It is irresponsible for Members of Congress to play Commander in Chief. There is too much at stake in Iraq for political grandstanding.

This bill sends the wrong message to our soldiers, our allies and our enemies. It tells our troops that we have got no faith in them. It tells our allies that we lack the resolve of our stated commitment, and it tells our enemies all they have to do is wait.

This is shameful partisan politics that puts our troops at greater risk. It is wrong, and the American people are watching.

DEMOCRATS WILL NOT LET THIS WAR GO ON INDEFINITELY

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Madam Speaker, the emergency supplemental conference report that will come before this House today does three crucial things. One, it supports our military men and women; two, it sets benchmarks for the Iraqis to meet; and, three, it makes clear that the war will not continue indefinitely.

Unfortunately, after 4 years, thousands of lives lost, and billions of dollars spent, the President continues to demand an open-ended commitment to our American troops being deployed on the streets of Iraq. President Bush says he will veto the emergency supplemental, ignoring the views of this Congress, the American people, former military generals and the nonpartisan Iraq Study Group.

While he delays signing this bill, the President continues to claim that the resources for American troops will begin to run out later this month. However, the fact is that the Congressional Research Service confirms resources will be available well into the summer.

The New York Times notes this week that the real obstacle to getting the money promptly to the troops would be the veto of the President.

The President should support this important legislation which sends a message that this war is not going on indefinitely.

ILLEGAL IMMIGRATION

(Mr. BAKER asked and was given permission to address the House for 1 minute.)

Mr. BAKER. Madam Speaker, in 1986 the United States Congress passed an Immigration Reform Act. As a result, 2.7 million illegal immigrants were given amnesty. That translated immediately into 2.7 million reasons why anyone who wishes to come here should come here illegally.

Last week, in the storm-ravaged Katrina area, 88 illegal immigrants were arrested, 13 of whom had criminal felony convictions.

This is no longer just a minor problem. It is a taxpayer tragedy. Limited taxpayer resources are being stretched to meet the repair and rebuilding needs of the Katrina/Rita areas. To have those resources dissipated for those who ignore our law and come here illegally is not only a disservice to the American taxpayer, but to all the immigrants who play by the rules, who abide by American law and come here through the normal immigration process. It is time for this to come to an end. It is no longer an inconvenience. It is a tragedy.

HONORING ARKANSAS TEACHER OF THE YEAR AND NATIONAL TEACHER OF THE YEAR FINALIST, JUSTIN MINKEL

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute.)

Mr. BOOZMAN. Madam Speaker, I rise today to express my heartfelt congratulations and pride in a young man who makes a difference daily in the lives of Arkansas' children, Justin Minkel.

Justin is a second grade teacher at Harvey Jones Elementary School in Springdale, Arkansas. His school is 85 percent minority, 93 percent on free or reduced lunch. Seventeen of his 25 students were below grade level in reading. By the end of the year though, 14 of them had reached or surpassed expectation.

I am proud that Justin decided to return to his home district and teach, and do the hard work which truly leaves no child behind. I congratulate him on being named the Arkansas Teacher of the Year of 2007, and a National Teacher of the Year finalist.

Again, we appreciate the hard work of Justin Minkel and all that he represents in the teaching profession.

FUNDING FOR OUR TROOPS

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Madam Speaker, my message this morning is very simple, and it is this. Our troops in combat deserve to be sent the resources and the reinforcements that they deserve to succeed in their mission in Iraq without strings and without delay.

Putting in place a time line that allows for no flexibility and that culminates with a date certain for withdrawal just simply micromanages our commanders in the field and, unfortunately, will undermine the effort of our troops on the ground.

Today, General Petraeus has offered to meet with Members of Congress concerning the war effort, and I look forward to meeting with the general. I hope that our colleagues on the other side of the aisle will be there as well.

Can we remember that this war is truly about defeating terrorists, and that it is our effort to come together now, as Americans, to fight for freedom that will ultimately lead to our peace.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 65

Ms. HERSETH SANDLIN. Madam Speaker, I seek unanimous consent to remove my name from cosponsorship of H.R. 65.

The SPEAKER pro tempore (Mrs. TAUSCHER). Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

CALLING ON THE LEAGUE OF ARAB STATES TO ACKNOWLEDGE THE GENOCIDE IN DARFUR

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 7) calling on the League of Arab States to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 7

Whereas in July 2004, the House of Representatives and the Senate declared that the atrocities in the Darfur region of Sudan constitute genocide, and the Bush administration reached the same conclusion in September 2004, when then Secretary of State Colin Powell stated that "the evidence leads us to the conclusion that genocide has occurred and may still be occurring in Darfur";

Whereas estimates indicate that 400,000 people may have been killed by the Government of Sudan and its Janjaweed allies since the crisis began in 2003, more than 2,000,000 people have been displaced from their homes, and more than 250,000 people from Darfur remain in refugee camps in Chad;

Whereas the former United Nations Under-Secretary-General for Humanitarian Affairs, Jan Egeland, in late August 2006 stated that "[i]nsecurity is at its highest level since 2004, access at its lowest levels since that date, and we may well be on the brink of a return to all-out war";

Whereas despite the signing of the Darfur Peace Agreement in May 2006, violence against civilians, peacekeepers, and humanitarian workers continues unabated, including the killing of an estimated 12 humanitarian workers and 16 African Union Mission in Sudan peacekeepers;

Whereas in August 2006, the Government of Sudan began to deploy thousands of government troops for a major offensive in Darfur, once again threatening a major humanitarian catastrophe and risking the safety and security of millions of civilians;

Whereas, according to the Government of Sudan's plan, in a document submitted to the United Nations Secretary-General, Kofi Annan, the Government of Sudan planned to deploy approximately 26,500 additional troops and 7,050 additional police to Darfur;

Whereas the objectives of this deployment were "to deal with the threats posed by the activities of groups that have rejected the Darfur Peace Agreement and to gain control over the security situation and achieve stability in Darfur";

Whereas on August 31, 2006, the United Nations Security Council passed Resolution 1706, expanding the mandate of the United Nations Mission in Sudan (UNMIS) for the additional deployment of 17,300 peacekeeping troops and 3,300 civilian police personnel as well as 16 formed police units to Darfur;

Whereas implementation of the Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan People's Liberation Movement (SPLM) is slow, raising serious concern about the commitment of the Government of Sudan to fulfill its responsibilities;

Whereas President Omar Hassan El-Bashir of Sudan rejected the deployment of a United Nations peacekeeping force to Darfur, even as First Vice President Salva Kiir publicly stated his support for the deployment of a United Nations peacekeeping mission to Darfur;

Whereas in March 2006, at the Khartoum summit, Arab leaders worked against a plan to transform the African Union Mission in Sudan (AMIS) into a United Nations protection force with a mandate to protect civilians;

Whereas on August 20, 2006, in Cairo, Egypt, the League of Arab States met and backed Sudan's refusal of a United Nations peacekeeping force in the war-wracked Darfur region;

Whereas in September 2006, a resolution passed by the League of Arab States Council of Foreign Ministers called for the United Nations Security Council to give the Sudanese Government more time to implement its "plan to improve conditions and preserve security" in Darfur;

Whereas on November 30, 2006, the Peace and Security Council of the African Union approved a decision to extend the mandate of AMIS in Darfur through July 2007;

Whereas, although the United Nations was authorized and prepared to send peacekeeping forces to Darfur under United Nations Security Council Resolution 1706 (2006), the League of Arab States worked to obstruct the deployment of such forces or had sought to reduce their mandate;

Whereas the November 30, 2006, Abuja Communique of the Peace and Security Council of the African Union endorsed the deployment of a hybrid United Nations-African Union peacekeeping force and stated the following:

(1) The Special Representative shall be jointly appointed by the Chairperson of the Commission of the African Union and the Secretary-General of the United Nations, after appropriate consultations as per the practice.

(2) The Force Commander, who should be an African, shall be appointed by the Chairperson of the Commission in consultation with the Secretary-General of the United Nations.

(3) The Mission shall benefit from United Nations backstopping and command and control structures and systems.

(4) The size of the force shall be determined by the African Union and the United Nations, taking into account all relevant factors and the situation on the ground, as well as the requirements for it to effectively discharge its mandate.

Whereas in March 2007, ongoing negotiations between the United Nations Secretary-General, Ban Ki-moon, and President Omar Hassan El-Bashir of Sudan took place under the auspices of the League of Arab States Summit in Riyadh, Saudi Arabia, and with the encouragement of Saudi Arabia, Egypt and the Secretary General of the League of Arab States;

Whereas on April 16, 2007, Sudanese Foreign Minister Lam Akol announced that Sudan fully accepts a "heavy support" package from the United Nations, including significant additional logistical and military support, which represents the second phase of a three-step plan to create a hybrid United Nations-African Union peacekeeping force of approximately 17,000 troops and 3,000 police; and

Whereas the support of the League of Arab States and each Member State individually will be critical to end the genocide in Darfur: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) strongly urges the League of Arab States and each Member State individually to declare the systematic torture, rape, and displacement of Darfurians a genocide;

(2) strongly urges the League of Arab States and each Member State individually to agree and pass a resolution at their next meeting to support and accept a robust hybrid United Nations-African Union peacekeeping force, as agreed to by all parties to the Abuja Communique on November 30, 2006, to enforce the ceasefire, protect civilians, and ensure access to humanitarian assistance in Darfur; and

(3) strongly urges the League of Arab States to continue to work with the United Nations, the African Union and the United States Presidential Special Envoy for Sudan, Andrew Natsios, to bring about real and lasting peace and stability in Darfur, the refugee camps, and along the Chadian border.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of this resolution, and yield myself as much time as I may consume.

Madam Speaker, let me first thank the sponsor of this resolution, our friend and colleague from the Bay Area, BARBARA LEE, for introducing this important measure. Let me also acknowledge the leadership on the Darfur issue of our distinguished majority leader, our friend and colleague, STENY HOYER, who recently returned from a very important and timely mission to the region.

Madam Speaker, we are still haunted by the echoes of the Holocaust, which Congress commemorated last week in the Capitol rotunda. The message from that horrific time is fresh in our minds as we consider another terrible genocide, the slaughter in the Darfur region of the Sudan.

Despite that profound message, the international community has allowed as many as 450,000 people to be killed, by some estimates, in Darfur. The Sudanese Government has been allowed to perpetuate a shocking campaign of terror for too long. And complacent governments around the world have stood on the side lines for too long.

So today, the question faces us, will we again fail to heed the message of the Holocaust? Will we allow Khartoum to keep terrorizing the impoverished and desperate minority there into extinction?

Slight signs of progress have emerged over the past few weeks, even if it has come too late for the dead. The Sudanese Government agreed to let a 3,000 person strong United Nations peacekeeping force to enter the country and join the African Union troops already there. This is meant to be a stepping stone to a larger and more robust force.

But the Sudanese Government made the decision under pressure and only after months of excruciating backtracking and delay. But the Sudanese Government has resisted the U.N.'s efforts to send 20,000 peacekeepers to Darfur. The U.N. has deemed this larger force necessary to protect civilians and to enforce a peace.

I have no doubt that Khartoum will continue to play games until they once again feel the pain of international pressure. As we speak, the government there is deliberately intimidating aid workers in Darfur. Let me be clear: The difference between a small, targeted force and a very substantial deployment is no mere sticking point. It is absolutely essential.

It is essential to stopping the Arab militias from continuing to carry out the government's dirty deeds. It is essential to clearing the path for crucial food and water and health supplies to reach the refugee camps. And it is essential because injustice is only really addressed when it is obliterated, not when it is slowed to a painful trickle of displacement, harassment and disrupted lives. We must have that bigger U.N. force in the Sudan.

Now, finally, the international community has spoken with one voice. But more pressure needs to be applied. They cannot be allowed to slide backward this time.

The resolution before the House today urges those who may have the most influence, the Arab League and its member states, to take dramatic steps to help bring peace to Darfur.

The resolution urges the Arab states to declare the systematic torture, rape and displacement of Darfurians a genocide, and to support and accept U.N. peacekeepers. It also urges the Arab League to work with the United Nations, the African Union and the United States Presidential Special Envoy for the Sudan, Andrew Natsios, to bring about peace and stability to Darfur, the refugee camps, and along the Chadian border.

I believe it is the solemn duty of all who have said "never again" to speak out about genocide, especially this brutal one in Darfur. More importantly, I believe it is our duty in this Congress to do something about it without any delay.

I ask all of our colleagues to vote for this important and timely resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in very strong support of H. Con. Res. 7, and congratulate Congresswoman JACKSON-LEE for authoring this important measure. It sends a very clear and nonambiguous message to the Arab League to recognize the killing fields of Darfur as "genocide" and to support the deployment of the hybrid U.N. peacekeeping force pursuant to U.N. Resolution 1706.

It is timely that we consider this resolution today as leaders and activists around the world unite to raise awareness and urge action to stop the genocide during this week's Global Days for Darfur.

Madam Speaker, no other people on Earth have suffered more than the people of Sudan. Tragically, they have been victimized by not one, but two genocides. In the south, over the course of 2 decades, some 2 million people were murdered by the Khartoum regime, and only a robust peacemaking effort, backed by the military efforts on the ground by Dr. Garang, resulted in a comprehensive peace agreement that was very ably brokered by Senator Danforth as the Special Envoy appointed by President Bush. Indeed, President Bush, I think, made the crucial difference in bringing peace to southern Sudan.

But just as that peace was breaking out, in February of 2003, hostilities began in Darfur, and now we have, regrettably, another genocide, in excess of 400,000 people dead and 2 million people displaced.

Several months ago, Madam Speaker, I traveled to Darfur and met some of the heroic survivors of genocide at two camps, at Mukjar and at Kalma camp. When our old Soviet era helicopter landed at the remote Mukjar camp, thousands of women and children danced, clapped and sang beautiful traditional African songs. The people of Darfur, as we all know, have a remarkable generosity and spirit. And it was awe inspiring and heart breaking at the same time.

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At first glance most of the people had a superficial glow of physical wellness, thanks in large part to the brave NGOs bearing food, clothing, shelter, and medicine. However, even those necessities are now at risk due to the insecurity in Darfur caused by a lack of protection of humanitarian aid workers.

As the H. Con. Res. 7 points out, Khartoum is now targeting relief agencies and NGOs, and at least 12 humanitarian workers have been killed in Darfur.

It profoundly troubles me, and troubled me especially on the trip, to look at the appalling fear and trepidation. It is ever-present. Trauma, posttraumatic stress disorder is everywhere. I spoke with many women who told me personal stories of rape, senseless beatings and massacres by the Janjaweed and the Sudanese militias. Among the refugees and IDPs, emotional woundedness and brokenness is everywhere. Like you and me, Madam Speaker, all that the wonderful people of Darfur really want is to love God and their families and their friends and to earn a living and to live in peace, and yet they have had atrocities imposed upon them that no human should have to bear.

On that same trip, Madam Speaker, I also had a lengthy meeting with President Bashir at his presidential suite in Khartoum. All Bashir wanted to talk about was ending United States trade sanctions, not the horrific loss of life in Darfur. For me the exchange was eerily reminiscent of a conversation I had had in Serbia with the late Slobodan Milosevic after he invaded Croatia, then Bosnia, and unleashed the Balkan genocide. He too, like Bashir, was unmoved by the plight of suffering people.

On October 5 of 2006, I wrote a letter, cosigned by 175 Members of Congress, to the Secretary General of The League of Arab States, asking him to use his authority to employ all diplomatic means available to encourage Bashir to halt Sudan's military offensive in North Darfur, to withdraw Sudanese troops from the area, and to reverse the Arab League's opposition to the U.N. deployment of peacekeepers. I believe, and this resolution makes absolutely clear, that the UN-AU hybrid force is today the best option to enforce a cease-fire, protect civilians, ensure access to humanitarian assistance, and begin the path to reconstruction and reconciliation in Darfur. We pointed out in the October letter that the collective voice of the Arab League could clearly help save thousands of lives and bring peace and security to Darfur. Right now they are part of the problem. It is time the Arab League became part of the solution.

Finally, this legislation strongly urges the League of Arab States to declare that the systematic torture, rape, and displacement of Darfurians is a genocide, and strongly urges the Arab League to agree and pass a resolution to accept and support the U.N. peacekeepers, again, as the best option to enforce that cease-fire and to give the people of Darfur what they so desperately need: peace and reconciliation.

Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, I yield 8½ minutes to the gentlewoman from California (BARBARA LEE), member of the Committee on Appropriations and the main sponsor of this resolution now before us.

Ms. LEE. Madam Speaker, let me thank the gentleman for yielding and for his leadership on so many issues relating to human rights and genocide and our foreign policy.

I also want to thank Chairman LANTOS. I want to thank Speaker PELOSI. I want to thank our majority leader, Mr. HOYER, and I want to thank Congressman DON PAYNE, who for so long was the lone voice in the wilderness speaking out against the horrific genocide that is taking place in Darfur. Also I want to thank Congressman SMITH and all of our Republican colleagues, Congresswoman ROS-LEHTINEN; our staff, Joan Condon, Pearl Alice Marsh, Christos Tsentos, all of you who have not only worked so diligently with your expertise and your clarity but also because you all are committed to the work that we are doing to try to end this genocide.

Let me thank our cosponsors of this resolution. We have over 115 cosponsors, bipartisan cosponsors.

This is a very important moment for this House of Representatives and for the world. Thirteen years ago the world did stand by as nearly 1 million people were slaughtered in the genocide of Rwanda. The best our country could do then, the best we could do, was apologize, and that was after the fact. Many of us swore that another Rwanda would never happen again, would never take place on our watch. But, today, Madam Speaker, it is happening again.

Nearly 3 years ago, on July 22, 2004, Congress formally declared that genocide was taking place in Darfur. Estimates indicate that nearly 450,000 people now, 450,000 people, have been killed and 2.5 million innocent civilians have been displaced to this date. That is mind-boggling.

I witnessed this ongoing tragedy in January of 2005, when I first visited the refugee camps in Chad and in Darfur, led by another leader against this genocide, Congressman ED ROYCE; also with two great humanitarian leaders, Don Cheadle, Academy Award nominee for "Hotel Rwanda"; and Paul Rusesabagina, who also is a hero who was in Rwanda and led many people out of that tragedy.

In February 2006, once again under the leadership of our great Speaker, Speaker NANCY PELOSI, I visited the refugee camps with a bipartisan delegation in Darfur. And just 2 weeks ago, we returned from Darfur again. This was my third visit, again a bipartisan congressional delegation under the leadership of our leader, our majority leader, Congressman STENY HOYER.

I say this to say that I have seen this now three times, this tragedy, and it is quickly, quickly, continuing to deteriorate very rapidly. More and more people are dying. Regardless of what you hear, we know that more and more people are dying. We heard now that 1,500 to 2,000 a week are dying, and even humanitarian aid workers are at risk. Cars are being hijacked. The day before our delegation arrived, five African Union soldiers from Senegal were killed. They were killed. And the general, the head of the African Union, he begged us to send more peacekeepers. He begged us to send more logistical support and to help with what they need so that they can provide the civilian protection against this slaughter. Unfortunately, for many Darfurians, the situation is still very, very grim.

As part of our visit this time, we also went to Egypt and met with President Mubarak. He indicated that Egypt had deployed 900 troops to help implement the comprehensive peace agreement in southern Sudan. Additionally, Egypt had sent about 150 military observers and police to Darfur and was supporting a field hospital that was serving 200,000 people. These efforts are extremely, extremely important. But we urged him to do more and to use his influence with the Sudanese Government to help stop the atrocities.

News reports last week indicate that Egypt, Saudi Arabia, and the League of Arab States and the United Nations were all instrumental in pressuring President Bashir of the Sudan to accept the second phase of the three-part agreement to implement an African Union-United Nations hybrid peacekeeping force. If true, this agreement to deploy the so-called "heavy support package" would provide for an additional 3,000 peacekeepers, helicopters, and significant logistical and military support for the hybrid force. But as the African Union told us, they need at least 22,000-plus troops.

So whether or not we see this 3,000 force come into Darfur remains to be seen. Past experience has taught us that we can never take President Bashir at his word. News reports the very next day detailed a United Nations investigation that caught Khartoum disguising military supply planes in United Nations colors in order to supply weapons to their janjaweed allies.

The international community and our friends in the League of Arab States cannot allow this sort of double-dealing to take place. We have all got to keep the pressure on Khartoum, and that is why we have got to pass this bipartisan resolution today.

The thrust of this resolution is very simple. It calls on the League of Arab States and each member state to be our partners for peace by stepping up their efforts to end the genocide in Darfur. For too long the world has been silent in this struggle. I remember in my trips to Algeria, meeting with the President of Algeria, and a previous visit to Egypt several years ago that the government officials were very reluctant to call the ongoing atrocities in Darfur genocide, and some even denied that genocide was taking place. But we know that it is.

Even just last week, Egypt expressed its opposition to further United Nations sanctions against Sudan, urging that we give President Bashir more time. More time for what? To allow more innocent people to get killed?

While it appears today that in some cases those outlooks are changing of some of the Arab states, there is still much more that they can do and that we can do. We must demand that President Bashir follow through on the full deployment of the AU-UN hybrid force; and we must urge all parties, the rebels and the government, to end the violence and come to the table to negotiate a political solution. But we cannot and we should not hold a cease-fire declaration hostage to a peace agreement or vice versa. We cannot wait for a peace agreement to stop the slaughter. We must do both at the same time. And we must insist that Darfurians return to their homes, figure out a way so they can get home quickly to their villages and reclaim their lives.

Our own efforts to stop this genocide must intensify also. We must pursue divestment to remove all United States funding from any business that is supporting the Sudanese Government and the ongoing genocide. And we have got to explore further sanctions and legislation that I know my colleague Congressman DON PAYNE is working on.

Lastly, we must engage with the Chinese to leverage their influence on the Sudanese Government and help put a stop to this violence. As the principal buyer of oil from the Sudan, the Chinese have the ability to exert political and financial pressure on President Bashir. We need their help to end the genocide.

I salute the faith community and our young people around the country who are organizing and speaking out and working day and night to end this genocide. This week they are conducting a series of "Darfur Days" as they continue to say "not on our watch." We hope that our friends in the Arab world join these young people in saying not on their watch, never will this happen again.

I just want to mention that our beloved colleague Congresswoman Juanita Millender-McDonald, who passed away this weekend, worked tirelessly to end this genocide in Darfur. So I am asking for a strong bipartisan vote on this resolution in her honor. And for the young people, the men and the women whom we have seen and whose lives we know have been destroyed, and for those who have died, let us say to the entire world and let us ask our partners for peace in the Arab world to end this genocide now.

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Mr. SMITH of New Jersey. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I rise today in strong support of this legislation.

Earlier this month, I had the invaluable opportunity to travel to the war torn country of Sudan as part of a bipartisan congressional delegation led by our distinguished majority leader, Mr. HOYER. We journeyed to the besieged African nation to meet with the government and humanitarian leaders to discuss issues related to the ongoing atrocities in Darfur. What I saw was horrendous, and I am pleased that we have once again joined together here in this Congress to call for an end to this genocide.

The ongoing crisis in Darfur and western Sudan has led to a major humanitarian disaster. At the core of the current conflict is a struggle for control of political power and resources, with an estimated 1.9 million people displaced, and more than 213,000 people forced into neighboring Chad. Observers estimate that up to 450,000 people have been killed over the course of this violence.

It is deplorable that any government would use the systematic dislocation of its own people and the disease and starvation that inevitably follow as a weapon, not to mention the outright violence that the Government of Sudan has helped foster in Darfur. The situation there is clearly one of the worst humanitarian crises in recent times. As a Nation dedicated to freedom and the rights of the individual, we have a responsibility to speak out when those rights are violated, whether at home or abroad. This House has already taken action condemning the situation in Sudan, but still more must be done to end this humanitarian crisis. That is why I am joining with my colleagues in supporting this resolution.

The resolution calls on the League of Arab States, Sudan's neighbors, to acknowledge the genocide in Darfur and step up their efforts to end this genocide. This crisis has cast an international spotlight on Darfur and the region, and we must urge the Arab League to step up their efforts and join with the world in ending genocide.

While I have never seen anything like what I saw in Darfur, the situation is not completely hopeless. The humanitarian assistance the United States is providing is helping millions of people in desperate circumstances, but we must continue using international sanctions to force access for additional peacekeeping and humanitarian missions in order to stabilize this volatile place and prevent further genocide.

Madam Speaker, while I was in Darfur, we had the opportunity to visit the Alsalom Internally Displaced Persons Camp, where some 47,000 people live in the most humble of conditions, some in huts made of twigs barely the size of a pup tent, with perhaps a piece of cloth or plastic to provide some additional protection. This is one of a hundred such camps spread across Darfur containing nearly 2 million people.

While there, we had the opportunity to meet some very wonderful and very desperate people. We had the opportunity to look into the eyes of children, children who have the same hopes and expectations that all young children have, and yet, as I stood there, I realized how uncertain their future was.

As long as that condition exists, the United States must continue to be the leader in shining a spotlight on what is going on in Sudan and working together to bring an end to this atrocity, and to bring hope, real hope, to those children.

Mr. ACKERMAN. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey, Congressman BILL PASCRELL, a member of the Committee on Ways and Means.

Mr. PASCRELL. Madam Speaker, I rise to speak on an issue on which our Nation is united and the House is united, an issue upon which people from different political parties, people from all races and religious faiths agree upon, and that is the issue of Darfur. It should be a lesson for the rest of the day, what Ms. LEE and what Mr. SMITH are doing here.

So I stand today as a proud cosponsor of this legislation, the Darfur Partners for Peace for 2007. And I wish to thank both Congresswoman LEE and Congressman SMITH, and all the rest who had anything to do with this, my good friend, Congressman PAYNE, your personal experiences are heart wrenching, and America is listening.

America and much of the world stands united on the fact that more needs to be done to end the ongoing genocide in Darfur and finally address the dire humanitarian situation in the region. I have never seen an issue affect young Americans more than this issue on Darfur. We need to tap that. They are engaged.

A few nations, including China, have stood in the way of applying real pressure to the Sudanese Government to allow a real U.N. peacekeeping force so that the people of Darfur can finally have a sense of security, like every human being desires.

Among those who arguably have not done enough to end this horrendous genocide are the nations of the Arab League. I ask the Arab League to hear our voices, not only in Darfur, but also in the northern part of the continent, also in the Middle East. They must come forward and have the courage and the guts to speak up and do something.

The bill before us today would call upon that league to recognize the conflict in Darfur as genocide, the past resolution supporting and accepting a robust hybrid United Nations-African Union peacekeeping force, and to work with all the parties involved in the region.

There can be no excuse for inaction. By most estimates, over 400,000 people in Darfur have died, and an astounding 2.5 million people have been made into refugees, creating a humanitarian crisis of shocking proportions.

Terror comes in many forms, none of which are convenient. Many worry that the relative inaction of the Arab League to this crisis is subject to fuel the following falsehoods:

The fact is that this conflict is not about Muslims versus non-Muslims because the people of Darfur are predominantly Muslim. This conflict is not about Arabs versus non-Arabs because the Arabs of Darfur have stood against the Sudanese Government's war.

Quite simply, this conflict is about the Sudanese Government's attempt to subjugate and brutalize the innocent people of Darfur. President Bashir is not in denial. He is allowing the genocide.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I appreciate the gentleman from New Jersey yielding time. He has been a leader on this and other issues for so long, and I am honored to be here with him here today.

Madam Speaker, often on this floor, way too often from my perspective, we see a divisive, partisan discussion and debate. But, Madam Speaker, today we speak about an issue in which there is no partisanship and there is no political divide, and that, Madam Speaker, is what is transpiring and has transpired over the last several years in Darfur.

We know that there have been 2 million citizens of Sudan who no longer live in their homes or villages. We know that there has been 450,000 people killed in Sudan. It is something that demands our attention. It is something that we as Congress, we as a country, we as a world, must come together to bring the death and destruction, the inhumanity and the hunger and violence to an end.

Madam Speaker, I had the opportunity several weeks ago to join the honorable majority leader (Mr. HOYER), the distinguished majority leader of this House, along with the ranking Republican of the House Foreign Affairs Committee, ILEANA ROS-LEHTINEN, to visit Darfur. And there, of course, we had the opportunity to visit with government officials, as we in Congress often do. But we also had the opportunity to see for ourselves the conditions that human beings are living in today. And while I hope our meetings with government officials were useful, I know the view I saw, the scenes that were brought to my attention, the people of Darfur I met transcend any meeting I could have had with a government official to discuss what is going on. But it was an opportunity for me to see my life change as a human being, and to see that we all have a cause to see that life prevails and justice endures.

Upon my return, Madam Speaker, last Tuesday I took the opportunity to visit the Holocaust Museum. That week was the Week of Remembrance of the Holocaust. And while there, I saw the quote from Isaiah, Isaiah 43:10, "You are my witness." Madam Speaker, that speaks to me and should speak to all of us. We are the witnesses of a holocaust today.

Many Members of Congress, much more so than me and for much longer periods of time, have paid attention to this issue and have been trying to rise to the occasion and bring awareness to the world, and I commend those colleagues who have been outspoken on this issue for a long, long time, and today I join them.

Recently, I returned back to the Holocaust Museum where President Bush spoke. He spoke certainly about the remembrance of the death and destruction of the Jewish community, the people of Jewish faith who have suffered, but he also brought home the importance of addressing genocide and death today.

I commend the President for his demands that the Sudanese Government allow the African Union and the United Nations peacekeeping force, that they be allowed to reach out and be increased in their force, that they reach out to rebel leaders, that the Sudanese Government end its support for violent janjaweed militia and they permit humanitarian aid workers to do their work. President Bush outlined some steps that we as a country are willing to take and requests that we will make to the United Nations.

Congress designated last week as The Days of Remembrance in order to commemorate the victims of the Holocaust. While at the Holocaust Museum, I learned much about the reach of the Holocaust and saw the images of death and dehumanization.

As I reflected upon the Jews' past and considered the future of African tribes in Darfur, I have a question to ask: Are we going to wait until the proportions of death are similar to the Holocaust before we take action?

The part of the exhibit that moved me the most, Madam Speaker, was the list of 10,000 individuals who took action during the Holocaust. They have been identified by the Israelis as "the Righteous Among the Nations," those who risked their lives to save innocent Jews during Nazi rule.

When the conflict in Darfur has ended, everyone will feel sorrow for the unnecessary loss of life. But will our Nation be among those, will we, as individuals, be among those who feel shame for inaction, or will we have the opportunity to have pride for standing up for justice in Darfur?

Mr. ACKERMAN. Madam Speaker, I yield 2 minutes to the gentleman from Illinois, the Honorable BOBBY RUSH, chairman of the Energy and Commerce Subcommittee on Commerce Trade and Consumer Protection.

Mr. RUSH. I want to thank the gentleman for yielding, and I want to commend you and all the others, my colleague from California, my other colleagues and friends who have worked so tirelessly on this particular issue, and on other issues.

Congresswoman LEE, you are an inspiration to all of us because of the stance that you take on these and other humanitarian issues.

Madam Speaker, I rise today to show my strongest support for the Darfur Partners for Peace Act. We must continue to put pressure on the international community to intervene on behalf of the hundreds of thousands of men, women and children who are being brutally slaughtered even as we speak in the killing fields called Darfur. With over 2 million people displaced, and more than 400,000 people murdered, we cannot allow the world to become numb to the tragedy that is taking place in the Sudan.

Madam Speaker, after Rwanda we said "Never again. Never again. Never again." Well, Madam Speaker, never is now. This is a genocide, and now is the time to act. Now is the time to speak out, and now is the time to stand up against this viciousness and cruelty.

Madam Speaker, we can do no less than to use all of the resources, every resource at our command, every fiber in our body, every moral indignation that we can find in our humanity. We can do no less than to stand up now and to speak out against the killing of women, men and children in Darfur. Our future as a nation will be predicated on the issues and on how we react and stop this genocide.

Madam Speaker, a year from now, 2 years from now, 10 years from now, 20 years from now an apology should not be necessary and an apology should not be appropriate for this kind of tragedy. Never is now. Speak out now.

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Mr. SMITH of New Jersey. Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, to the Tenth District of Ohio, the Honorable DENNIS J. KUCINICH, chairman of the Oversight and Government Reform Subcommittee on Domestic Policy, I yield 1 minute.

Mr. KUCINICH. I thank the gentleman.

Madam Speaker, it has been long recognized that the Government of Sudan has tremendous responsibility to protect human rights and to maintain law and order. However, I would submit that the policies of the United States, since the Government of Sudan has said to be cooperating in the dubious war on terrorism, the Government of the United States has not been aggressive enough in causing Sudan to assert its responsibility for matters affecting Darfur in the first place.

Furthermore, there has to be a commitment obtained by that government to, first of all, investigate any of the war crimes and to see them taken to the ICC.

I think that it is imperative that this Congress not just pass this resolution but makes this the beginning of an ongoing effort to address the issues in Darfur.

Mr. SMITH of New Jersey. Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, it is now my distinct honor to yield to the gentleman from Maryland, the distinguished majority leader of the House of Representatives, recently returned from leading the delegation in this House personally to see the suffering going on, Mr. STENY HOYER.

Mr. HOYER. I thank my friend Mr. ACKERMAN for yielding, and I thank him for his leadership and commitment for decades to issues of human rights, humanitarian concerns, and peace.

I thank my friend BARBARA LEE who has been such an extraordinary leader. She worked for a gentleman that is a great hero of mine, Ron Dellums, who, when he was on this floor raised his voice for peace, raised his voice on behalf of the dispossessed, raised his voice on behalf of those who were under attack. BARBARA LEE has continued that very strong voice in representing that district. She is one of the experts in this House on issues relating to Africa, issues relating to AIDS, and on efforts to attain peace and securing this world for the citizens of this world.

I am also, Madam Speaker, very pleased to join my friend CHRIS SMITH. I had the privilege of cochairing the Helsinki Commission with Mr. SMITH for a number of years and serving with him for 15 years on the Helsinki Commission before I became the minority whip and took leave from the commission. I want to thank him. Not only in a collegial sense does he participate in these matters, but probably as much as any Member in this House of the 435 and the literally, probably, 2,000 that he and I have served with over the years has personally, individually, gone to some of the most troubled spots in the world. No publicity, no large delegation, no Air Force plane; I am going to speak briefly about the fact that we were able, but on his own.

He and FRANK WOLF, two of our Members who have gone to people in trouble and at risk and taken their hand and heard their story and brought it back and exposed it to the light of day. I thank Mr. SMITH for his leadership over the more than two decades, almost a quarter of a century that he and I have served together in this House.

This is a serious issue.

I want to congratulate JERRY MORAN. JERRY MORAN had not been on many codels or traveled. BARBARA LEE came over to me as he was speaking and said he got the message.

That is why we travel. Sometimes the public thinks that traveling is just a junket. Going to Darfur is no junket. Living in Darfur is much worse.

When I determined that I was going to take a delegation overseas as my first trip as majority leader of this House, I thought that I wanted to go to someplace where it was important that we tell the world that we thought they ought to be paying attention to. The world has been paying attention to it, so many people have gone to Darfur. But we went to Darfur, 11 of us went to Darfur, myself, BARBARA LEE from California, JERRY MORAN from Kansas, ILEANA ROS-LEHTINEN as the ranking Republican on the Foreign Affairs Committee, GREG MEEKS from New York, BRAD MILLER from North Carolina, G.K. BUTTERFIELD from North Carolina, BOB GOODLATTE from Virginia, RAY LAHOOD from Illinois, JOHN BARROW from Georgia, and JIM COSTA from California. A delegation of Democrats and Republicans who, when the plane took off from Andrews Air Force Base, flew not as Republicans or Democrats, but flew as Americans, flew as Americans who were concerned about humanitarian distress.

Madam Speaker, I want to thank the gentlewoman from California, Congresswoman LEE, for her hard work in bringing this important bipartisan resolution to the floor this morning and for her dedicated leadership in focusing attention on the continuing genocide in the Darfur region of Sudan.

JERRY MORAN is correct; all of us know that we talk about never forgetting, but never forgetting is not enough. Remembering is the first step, but acting is the absolutely essential step.

Since 2003, more than 400,000 people have been killed in Darfur, and an estimated 2½ million people have been displaced, mothers, sisters, brothers, old and feebled, sick.

Our delegation, as I know you have, Mr. SMITH, Mr. ACKERMAN, I know you as well, have had the opportunity to visit in the camps, in the medical facilities, talked to the mothers, talked to the children. I talked to a grandmother who had been forced away from her home by somebody. Was it the government? Was it a rebel group? Was it simply a band of thieves and criminals? Whatever it was, she was homeless. Her family was dispossessed, and she had nowhere to go except a displaced person's camp. That calls out to us to us in this House, it calls out to everybody in this globe to respond in a positive way to relieve that suffering.

The United Nations has identified the situation in Darfur as the worst current humanitarian and human rights crisis in the world. The United States calls it genocide.

Simply stated, the international community must not turn a blind eye to the suffering of innocents as has happened far too often throughout human history.

The international community's plaintive cry "never again" requires real collective action in Darfur now. There are people acting now, but they do not have enough help. This time we must prove that we mean it: Not now, never again.

House Concurrent Resolution 7 has 115 cosponsors on both sides of the aisle, and it is my hope that it will get 433, we have two Members who are no longer with us, 433 votes. This is an important step in this cause.

Congresswoman LEE's resolution calls on the League of Arab States to acknowledge the genocide in Darfur, to support and accept the United Nations peacekeepers as the best option to enforce a cease-fire, protect civilians, and ensure access for humanitarian workers, to work with the international community to bring about a lasting peace in Darfur.

In fact, Madam Speaker, during the recent bipartisan congressional delegation that I have spoken of to Sudan, a codel which included, as I said, Congresswoman LEE and the others, we also went to Egypt. Egypt is one, of course, of the most important members of the arab League, the largest Arab state, an important member in the league. I have been told that President Mubarak, at our request when we met with him, followed up on his pledge to our delegation to reach out to Sudanese President Bashir who has, unfortunately and tragically, been part of the problem, not part of the solution, deemed by the international community as someone who has facilitated and, yes, even participated in the humanitarian crisis that exists. We urged his government and President Mubarak says that he has urged Bashir to accept and facilitate humanitarian workers' work, to make their visas acceptable, make their travel around the country easier. I also understand that Foreign Minister Gheit, with whom we met, is currently in Sudan, and it is my hope that he is delivering the same message that we spoke of.

Now is not the time to offer a full report of our codel; however, I do want to briefly highlight the five specific steps that I believe must be taken in Darfur without delay.

First, it is imperative that we continue to ensure humanitarian access in Darfur.

Second, the international community must insist that the Bashir government accept more peacekeeping troops.

Third, we must initiate a process by which a political solution between the warring factions can be reached.

Fourth, we must make a stronger effort to engage Sudan's neighbors in the peace process, which was what this resolution is designed to do.

And, fifth, we must work with the Sudanese Government to help forge a comprehensive plan for stability and reconstruction across the whole of the country. North Sudan was mentioned by my friend BILL PASCRELL, as well as South Sudan which we visited.

Madam Speaker, I again want to thank Congresswoman LEE, Congressman ACKERMAN, Congressman SMITH, and all of our colleagues for this effort today. They continue to focus on Darfur. I urge all of my colleagues to unanimously support this very important resolution, a call to action, a call to humanitarian relief.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself 2 minutes.

First, let me say to the distinguished majority leader, I want to thank him for his leadership on a broad range of human rights issues. And I think it speaks volumes that the first trip as majority leader that you put together was to Darfur to try to promote peace and reconciliation. So I very much want to commend you for that.

I also thank you for your compliments to FRANK WOLF and I; but I would add to that, when you talk about going to remote places, that also applies to you. I think Members should know that there were a number of trips that we undertook during the dark days of the Soviet Union when human rights were being crushed daily. I will never forget a trip we took to Lithuania, led by then Chairman HOYER when Lansbergis, the President, was under siege, was literally surrounded by Soviet Black Berets. And we went there, to be a presence, to be a deterrent. Just prior to our arrival, more than a dozen people were murdered at TV tower, the gentleman will recall, but he nevertheless led our delegation to Vilnius and I do believe it had an impact in trying to mitigate further bloodshed. That's just one example. So I want to commend the distinguished majority leader for his leadership on Darfur.

Madam Speaker, I yield 2 minutes to Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I can rise enthusiastically to thank both Mr. ACKERMAN for managing this bill and his leadership and certainly sensitivity to these issues. I thank my good friend and colleague, Ranking Member SMITH, who has much roadway in front of him and behind him on these issues dealing with human rights. I am very proud to be a strong member of the Human Rights Caucus that has worked consistently on addressing these issues. And, I thank my friend and colleague, Congresswoman BARBARA LEE. We have worked on many, many issues together.

I am reminded of our first Presidential congressional trip to Africa, three women who went to address then, some almost 10 years ago, the devastation of HIV/AIDS, and we have pursued these issues of empowerment.

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There is no doubt, there is no quarreling with the fact that 450,000 have died. The janjaweed is alive and well. It is important that Members of Congress have been to the Darfur region and the south.

I am reminded of the time that I sat on the ground in Chad with refugees fleeing from the Sudan, and looked in the faces of women who had been brutalized and raped only because they left their village to get firewood to survive. That is what is going on today in 2007.

I also remember the time I can say on the floor of the House that I was banished, and not as some Members have been over the years, given visas to enter into Darfur and had to be utilizing extraordinary means. This is inhuman. This is not civil. This is not a nation that is part of the world family.

This resolution is very straightforward: Get your friends to talk to you about ensuring the United Nations can do its work. I ask that this resolution be supported so the raped women can have relief and response.

Madam Speaker, the current crisis in the Darfur region of Sudan is of paramount importance. Although Americans may differ greatly on many issues, there is a widespread and broad-based consensus among Democrats and Republicans alike that the ongoing genocide in Darfur is intolerable and must be ended. Today we are presented with a great opportunity to work in a bipartisan fashion to achieve a humanitarian result in responding to the overwhelming suffering in Darfur.

Not since the Rwandan genocide of 1994 has the world seen such a systematic campaign of displacement, starvation, rape, mass murder, and terror as we are witnessing in Darfur for the last three years. At least 400,000 people have been killed; more than 2 million innocent civilians have been forced to flee their homes and now live in displaced-persons camps in Sudan or in refugee camps in neighboring Chad; and more than 3.5 million men, women, and children are completely reliant on international aid for survival.

Unless the world stirs from its slumber and takes concerted and decisive action to relieve this suffering, the ongoing genocide in Darfur will stand as one of the blackest marks on humankind for centuries to come. The people of Darfur cannot wait. The time has come for decisive leadership from the United States.

It has been more than 2 years since my colleagues and I in the Congressional Black Caucus Darfur Task Force met with Secretary Colin Powell. We pressed successfully for the Administration to declare that the campaign of ethnic cleansing and atrocities against civilians in Sudan is genocide. The atrocities are committed primarily by the government of Sudan and its allied Janjaweed militias.

It has been more than a year since I flew to Chad, walked across the border to Sudan, and met with African Union troops who pleaded for more peacekeeping authority and the resources to protect the refugees from violence, rather than merely monitor it. After returning from that Congressional delegation, I worked with other Members of Congress to secure increased funding to aid the thousands of Sudanese displaced to refugee camps in Chad and to provide additional funding to assist Chad in responding to the humanitarian crisis.

It has been almost two years since the UN Security Council adopted Resolution 1556 demanding that the government of Sudan disarm the Janjaweed. This demand was later followed by Resolution 1706, which authorizes a 20,000 strong U.N. peacekeeping force.

It has been 9 months since the Darfur Peace Agreement was brokered in May 2006 between the government of Sudan and one faction of Darfur rebels.

However, signs of progress have recently emerged, even if it has come too late for the dead. The Sudanese government agreed to let a 3,500-person-strong United Nations peacekeeping force enter the country and join the African Union troops already there. It made the decision under pressure and only after months of unwarranted backtracking and delay.

But the Sudanese government has resisted the U.N.'s efforts to send 20,000 peacekeepers to Darfur. Let me be clear: the difference between a small, targeted force and a substantial deployment is no mere sticking point. It is absolutely essential.

It is essential to stopping the Arab militias from continuing to perpetuate a genocide. It is essential to clearing the path for crucial food and water and health supplies to reach refugee camps. And it is essential because injustice is only really addressed when it is obliterated, not when it is slowed to an excruciating trickle of displacement, harassment, and disrupted lives. We must have that larger U.N. force in Sudan. The international community has spoken with one voice but more pressure needs to be applied on Khartoum.

This resolution urges those who may have the most influence, the Arab League and its member states, to declare the systematic torture, rape, and displacement of Darfurians a genocide; to support and accept U.N. peacekeepers to enforce the ceasefire, protect civilians, and ensure access to humanitarian assistance in Darfur; and to work with the United Nations, the African Union and the United States Presidential Special Envoy for Sudan, Andrew Natsios, to bring about peace and stability to Darfur, the refugee camps, and along the Chadian border.

H. Con. Res. 7 urges the League of Arab States to: (1) declare the systematic torture, rape, and displacement of Darfurians a genocide; (2) pass a resolution to support and accept U.N. peacekeepers to enforce the ceasefire, protect civilians, and ensure access to humanitarian assistance in Darfur; and (3) work with the United Nations, the African Union and the United States Presidential Special Envoy for Sudan, Andrew Natsios, to bring about peace and stability to Darfur, the refugee camps, and along the Chadian border.

Nevertheless the violence continues; indeed, the violence is escalating. This violence is making it even more dangerous, if not impossible, for most of the millions of displaced persons to return to their homes and for humanitarian relief agencies to bring food and medical aid. According to Jan Egeland, the U.N.'s top humanitarian official, the situation in Darfur is "going from real bad to catastrophic."

We have come full circle. Violence is increasing, peace treaties and resolutions are not being implemented, and action must be taken.

We must increase pressure on Sudan President Omar Hassan al-Bashir of Sudan to allow in U.N. peacekeepers, or alternatively, a peacekeeping force of similar size comprised of Arab and Muslim troops under the auspices of the Arab League. As with any government, dialogue is the best way to attempt a solution to the issue at hand. However, previous engagements have too often yielded poor results—the government of Sudan has been all too willing to cooperate on the surface level by signing agreements and the like and all too willing to fail to implement them.

In 1997, the Clinton Administration imposed trade and economic sanctions on Sudan, an approach which I feel is likely to yield the best results. However, sanctions imposed by a limited number of countries do not pressure the government of Sudan adequately enough. It must be noted that no just and lasting peace in Sudan can be achieved without the responsible intervention of China.

For too long, China, which is Sudan's biggest oil consumer, has also served as Khartoum's enabler and protector by preventing the U.N. Security Council from imposing more serious sanctions on Sudan in response to the genocide and crimes against humanity committed in Darfur. As former Deputy Secretary of State Robert Zoellick stated in a major policy speech on China a year ago: "China should take more than oil from Sudan—it should take some responsibility for resolving Sudan's human crisis." It is my hope that China may be persuaded to provide the type of constructive leadership in Sudan befitting a great power.

These are the kind of constructive efforts that I feel will best represent the interests of the people of Darfur to bring an end to this horrible crisis. I am in favor of deploying U.N. peacekeeping troops to the region, and the U.N. needs to move swiftly. In addition, any options regarding United States military intervention should be carefully considered and not ruled out.

As we consider these options, Madam Speaker, I would like to remind you that it is not too early to begin the planning efforts needed to transform the Darfur region from a killing field to an economically, politically, and socially viable community. This work will, of course, require the active and purposeful engagement of the United States and other key stakeholders, such as China, and the Arab League.

Finally, we must be bold and imaginative in fashioning a solution commensurate with the scale of the problem. The way to do that is to develop a Marshall Plan for the Sudan. But the United Nations, and the international community, must draw a line in the sand and act to stop the genocide in Darfur. The words of President Lincoln speak to us from the ages:

> [W]e cannot escape history. We, of this Congress and this administration, will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation.

It speaks volumes that H. Con. Res. 7 has 111 co-sponsors, and I urge all of my colleagues to support this resolution.

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent to yield 2 minutes to the gentleman from New York (Mr. ACKERMAN), and that he may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ACKERMAN. I thank the gentleman for accommodating our Members on the majority side.

Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. CLARKE), the newest member of our delegation.

Ms. CLARKE. Madam Speaker, I rise today in support of H. Con. Res. 7, a resolution offered by the gentlelady from California calling on the League of Arab States to recognize the genocide that is currently taking place in Darfur, Sudan. The facts regarding the situation on the ground are indisputable. The Government of Sudan, through its proxy militia, the janjaweed, have been launching a scorched earth campaign in Darfur. More than 400,000 people have been murdered, and more than 2 million have been forcefully displaced.

This resolution calls upon the League of Arab States to acknowledge the genocide in Darfur and to pressure the Sudanese Government to take steps to bring the killings to an end.

The purpose of the League of Arab States is to coordinate the cultural and securities policies of its member states, of which Sudan is a member. If genocide or any atrocity is taking place in one member state, the other member states have a duty to recognize and act to end it.

Sudan has not moved to end the slaughter of its innocent civilians in Darfur. The international community, in particular the League of Arab States, must be united in its call for Sudan to end the genocide, stop the pillaging, stop the rape of women and girls, disarm the janjaweed and prosecute those responsible.

Mr. SHAYS. Madam Speaker, I strongly support this resolution calling on the Arab League to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to end it. The world collectively agreed to "never again" allow genocide after the 1994 mass murders in Rwanda. Tragically, genocide is again taking place.

The security, human rights and humanitarian situation in Darfur has continued to deteriorate since the Darfur Peace Agreement was signed in May 2006. Until a more effective U.N. peacekeeping force can be deployed to Sudan, we must continue to expand our support for the existing African Union forces on the ground in Darfur.

It is also critical the international community begin implementing and expanding the reach of some of the measures that have already been agreed in the Security Council including targeted sanctions, asset freezes and travel bans for Sudanese government leaders.

Unfortunately the concerns of the United States and many of our allies have fallen on deaf ears within the Sudanese government. It is especially difficult to convince a regime as callous and apathetic as Sudan of our determination to see the genocide end when other nations are not supporting our efforts. I am very concerned China, Russia and Arab League states have thwarted attempts to enact stronger sanctions and more quickly deploy international peacekeepers. There is a genocide occurring in Sudan, and all Nations are duty-bound to end it.

In August of last year the Arab League supported Sudan's refusal of a U.N. peacekeeping force in Darfur, and then passed a resolution calling for more time for the Sudanese government to improve conditions there. Madam Speaker, how much time should we give them? How many lives will be lost in the meantime?

Stronger action to end the genocide must be swift and resolving this crisis must be one of our world's highest priorities. Having the assistance, or at least ending the willful neglect of the genocide by Sudan's Arab League neighbors, would be extremely helpful.

I thank Congresswoman BARBARA LEE, as well as other members who have championed this issue, including FRANK WOLF and TOM LANTOS, for bringing this important resolution to the floor, and urge its passage.

Ms. WATERS. Madam Speaker, I rise to support H. Con Res. 7, which strongly urges the League of Arab States to step up their diplomatic efforts to stop the genocide in Darfur. This resolution urges the League of Arab States and each individual Member State to:

(1) Declare the systematic torture, rape, and displacement of the people of Darfur a genocide;

(2) Pass a resolution at their next meeting to support and accept a United Nations-African Union peacekeeping force to enforce the ceasefire, protect civilians, and ensure access to humanitarian assistance in Darfur; and

(3) Work with the United Nations, the African Union and the United States Presidential Special Envoy for Sudan, Andrew Natsios, to bring about real and lasting peace and stability in Darfur, the refugee camps, and along the Chadian border.

On August 20 of last year, the League of Arab States met in Egypt and supported Sudan's refusal to allow a United Nations peacekeeping force in Darfur. The following month, the League of Arab States called for the United Nations Security Council to give the government of Sudan more time to improve security conditions in Darfur. By that time, it had already been estimated that over 450,000 people had died as a result of genocide in Darfur. Since then the death toll has continued to mount.

Last year, I visited the Darfur region with my good friend, Speaker NANCY PELOSI, and I was deeply disturbed by what I saw. As far as the eyes could see, there were crowds of displaced people who had been driven from their homes, living literally on the ground with little tarps just covering them. It is unconscionable that this has been allowed to continue for yet another year.

There can be no doubt that what is taking place in Darfur is genocide, and the government of Sudan is responsible. The League of Arab States should tell the government of Sudan that their time is up. I urge my colleagues to vote in favor of this resolution, and I urge the League of Arab States to take a firm stand against the crime of genocide in Darfur.

Ms. SCHAKOWSKY. Madam Speaker, I rise in strong support of H. Con. Res. 7, which calls on the League of Arab States to acknowledge the genocide in Darfur and step up its effort to stop the genocide. I would like to thank my friend and colleague, Rep. BARBARA LEE, for bringing this important resolution to the House floor.

Since 2003, more than 400,000 people have been killed in Darfur and an estimated 2.5 million have been displaced. More than 3 million other Darfurians depend today on international aid for their survival. The United Nations has identified the situation in Darfur as the worst current humanitarian and human rights crisis in the world. The United States has officially labeled it genocide.

As we learned last week on Holocaust Remembrance Day, the international community must not turn a blind eye to the suffering of innocents. When we say we must "never forget," we must demonstrate that we mean it. H. Con. Res. 7, which has 115 co-sponsors on both sides of the aisle, is an important step in this cause.

This important legislation calls on the League of Arab States to support and accept United Nations peacekeepers as the best option to enforce a cease-fire, protect civilians, and ensure access for humanitarian aid workers; and to work with the international community to bring about a lasting peace in Darfur.

I hope that the Arab League will play a constructive role in ensuring humanitarian assistance in Darfur, insisting that the Bashir government accept more peacekeeping troops, and make a stronger effort to engage Sudan's neighbors in the peace process—which is what this Resolution is designed to do. Finally, the Arab League must work with the United States and the United Nations to work with the Sudanese government to help forge a comprehensive plan for stability and reconstruction across the whole of the country.

I am proud to be a cosponsor of H. Con. Res. 7 and I hope all of my colleagues will lend it their support.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 7, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ACKERMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 2007

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1678) to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Torture Victims Relief Reauthorization Act of 2007".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.

Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2008 and 2009, there are authorized to be appropriated to carry out subsection (a) $25,000,000 for each of the fiscal years 2008 and 2009.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.

Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 2008 and 2009 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President to carry out section 130 of such Act $12,000,000 for each of the fiscal years 2008 and 2009.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CONTRIBUTION TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.

Of the amounts authorized to be appropriated for fiscal years 2008 and 2009 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture $12,000,000 for each of the fiscal years 2008 and 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of this legislation, and yield myself such time as I may consume.

Let me first thank the distinguished ranking member of the Africa and Global Health Subcommittee, my very good friend, CHRIS SMITH, for his longstanding leadership in the fight against torture. I am very proud to be a cosponsor of this very important piece of legislation before us today.

The Torture Victims Relief Act of 1998 is a landmark piece of legislation that enshrines the fundamental commitment of this Nation to assist all survivors of torture, wherever and whoever they might be.

The programs supported by the TVRA combat the effects of the most despicable of all human rights violations: The increasing use of torture around the world.

Although exact figures are difficult to ascertain, according to Amnesty International, a well-respected defender of human rights, more than 150 countries worldwide still engage in torture.

An estimated 400,000 to 500,000 foreign torture victims reside in the United States, and over 100 million may exist worldwide. More than 250 treatment centers operate internationally with the sole purpose of providing medical, psychological and social services to torture survivors. These crucial facilities provide a distinctive type of treatment to those victims.

In the U.S., the Center for Victims of Torture, located in Minnesota, was the first of its kind in the United States and the third torture victims treatment center in the world.

The personal ramifications of torture are beyond the comprehension of those who have not gone through it. Torture leaves no victim unscarred. It shapes the remainder of their lives. While physical wounds may ultimately heal, torture survivors need ongoing psychological services and therapy to cope with post-traumatic stress that afflicts them daily. Recovering from torture is a long-term process. It can take years before torture survivors can once again feel emotionally stable and comfortable in society.

The bill before the House today funds our very important fight against torture, both nationally and internationally. For international programs, this legislation authorizes $12 million per year for centers and programs administered through USAID's Victims of Torture Fund. It also authorizes an additional $12 million a year for centers and programs administered through the U.N. Voluntary Fund for the Victims of Torture.

Domestically, our legislation authorizes $25 million annually for the Department of Health and Human Services so that HHS can assist domestic treatment centers fully and sufficiently.

The sad truth is that torture is not waning; if anything, it is on the rise. As a moral force and a Nation that exhibits empathy to those in most need, it is our firm responsibility to help the victims of torture with these comprehensive programs. The funds authorized are urgently needed to achieve this goal. I strongly support this legislation, and encourage every Member of the House to do so as well.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank Chairman LANTOS for his very strong support for the Torture Victims Relief Reauthorization Act of 2007. His longstanding concern about torture victims is legendary, and I want to thank him for that. And I want to thank Mr. ACKERMAN for his leadership as well, and for presenting the bill before the House today.

Madam Speaker, an estimated 400,000 foreign torture survivors reside in the United States today. Worldwide it is virtually impossible to count the numbers, although we know it is very high. As witnesses have repeatedly testified before Congress, the paralyzing scars from the physical and psychological wounds of torture can and do remain for years. Torture impacts not only on individual victims, especially as it relates to post-traumatic stress disorder, but their families and society as well.

I would note parenthetically, Madam Speaker, that we don't have to look very far to know there are torture victims in our own Congress. SAM JOHNSON, a very brave and dedicated soldier of the Vietnam war, suffered terrible hardship and torture when he was incarcerated in Hanoi. Because of his faith and courage, SAM overcame unspeakable torture and abuse and is today an inspiration to us all. The same goes for Senator JOHN MCCAIN, who also suffered horrible torture, survived and overcame. But they are really the exception. They are not the norm. So many people who do suffer never recover—unless they get significant help. They suffer irreparable psychological damage and live a life of real misery, pain and flashback, unless they get help.

My own involvement in torture victims relief began in 1981 when I read a book titled "Tortured for Christ," written by Pastor Richard Wurmbrand in Nicolae Ceausescu's Romania. That book detailed despicable tortures that were routinely imposed upon Pastor Wurmbrand and other religious prisoners in Romania by the securatate. Pastor Wurmbrand appealed to all to help the persecuted.

I also read Solzhenitsyn's book, "The Gulag Archipelago," and another book called "Against All Hope" by Armando Valladares in which he chronicled what Castro does routinely to people in his gulags—it is sickening and pathetic.

I would encourage Members and the listening public to pick up one of those books or others like them and read what really happens in dictatorships—and Castro's abuses continue to this day—where torture is used as a weapon against dissidents. Sadly, torture is used with impunity in China and North Korea.

Armando Valladares tells us in his book in one particular chapter how the political prisoners were marched into a huge vat of human excrement, and submerged. Many of the men got permanent disabilities and infection from it. The beatings were unceasing.

Torture is horrible. It is degrading and inhumane. It also constitutes grave violations of U.N. treaties and U.S. law and must be stopped wherever it rears its ugly head.

In the 1990s, FRANK WOLF and I visited the infamous Perm Camp 35 in the Ural Mountains—1,000 miles outside of Moscow—the place where Natan Sharansky spent years of his life, and met with many torture victims while they were still incarcerated and saw the mix of anger and hopelessness in their eyes and in their faces.

In 1998, Madam Speaker, Congress took a historic step towards repairing the broken lives of torture victims with the passage of the Torture Victims Relief Act of 1998. I sponsored that legislation and three reauthorizations that followed. As important as these congressional measures have been, there continues to be an enormous unmet need for us to try to reach out and robustly address, and that is what this legislation at least attempts to do. I strongly urge my colleagues to support this. This helps us to help those who have been hurt.

The domestic provision of H.R. 1678 is designed to ensure that particular attention is given to torture victims in regions with significant immigrant and refugee populations. The measure authorizes $25 million for fiscal years 2008 and 2009 to the Department of Health and Human Services to assist domestic treatment centers. This maintains the current $25 million authorization level for those centers.

Currently, 20 torture treatment centers in 15 States are assisted by the Department of Health and Human Services Office of Refugee Resettlement. These programs include treatment for the physical and psychological effects of torture as well as social and legal services for torture victims. In addition to direct assistance, many of these centers also provide training in the specialized treatment of torture victims to mainstream providers in the health care, education and social service fields.

H.R. 1678 also authorizes $12 million for both fiscal year 2008 and 2009 for foreign treatment centers and programs administered by the USAID Victims of Torture Fund. In fiscal year 2006, the Victims of Torture Fund supported treatment programs in 28 countries throughout the regions of Latin America and the Caribbean, Africa, Asia and the Near East and Europe and Eurasia.

Treatment centers often provide services beyond rehab, to include forensic documentation, written and verbal testimony to courts and legislatures, and advocacy for the rights of brutalized religious, ethnic and minority groups. This is the expertise Congress sought to foster when we first adopted the TVRA back in 1998.

Lastly, the measure increases current authorization levels of $7 million for fiscal year 2007 to the U.N. Voluntary Fund for the Victims of Torture to $12 million for both 2008 and 2009. Through this U.N. mechanism, the voluntary fund supports 175 projects in 64 countries in 2006, including within the United States. The type of humanitarian assistance provided by organizations which receive those grants from the fund consists mainly of psychological, medical, social, legal and economic assistance.

Madam Speaker, this is a bipartisan bill, and I urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, to the gentlewoman from the 18th District of Texas, the chairwoman of the Homeland Security Subcommittee on Transportation Security and Infrastructure Protection, and also a member of the Foreign Affairs Committee, SHEILA JACKSON-LEE, I yield 3 minutes.

☐ 1145

Ms. JACKSON-LEE of Texas. Madam Speaker, we almost wish we did not have to come to the floor of the House to address this question of ongoing torture in 2007. Again, I offer my appreciation for this work, your leadership and leadership of this committee, and to Mr. SMITH who has articulated his ongoing struggle with a crisis that will break your heart.

Even today we know that torture goes on in 150 nations around the world. We know that some 4- to 500,000 torture victims have found their way to the United States. Many of us have heard of the lost boys, some of us know the story of Sierra Leone and mutilation that occurred in Rwanda, children who were child soldiers who were victimized. But do we understand the ongoing psychological, traumatic experiences that requires necessary psychological services and therapy to cope with posttraumatic stress?

Now with the Iraq War and Afghan War, we hear of prisoners of war and the unending suggestions of torture that have occurred, and so we know that even in our own House we must respond to the crisis.

I rise to support this legislation, H.R. 1678, because its journey is not yet finished. Let me applaud the author of this legislation, as I am a cosponsor, that authorizes $12 million per year for centers and programs administered through USAID's victims of torture fund, an additional $12 million per year for centers and programs administered by the U.N. voluntary fund for victims of torture, and $25 million for the Department of Health and Human Services.

Let me also salute the Darfur Coalition for Peace. I believe these resources can be utilized for the Darfurian women who have reportedly and repeatedly been raped, a very, very difficult and brutal form of torture. These women have not only been raped, but they have been mutilated. They have been carved and scarred. They have bled, and they have a mass of psychological devastation.

The Darfur Peace Coalition will be attempting to place tents on the soil in Darfur, the only kind of structure that can then have counselors who will help these torture victims, these victims of rape.

This legislation can certainly be a partner in finding and weeding out torture where it is, but more importantly, in dealing with the torture victims who may have some small chance of regaining their lives again.

I rise to support this legislation in sadness, because its work is yet not done, and every day we know that there may be a victim of torture. I am proud of this Congress in moving forward on this legislation, and I ask for its passage.

Mr. SMITH of New Jersey. Madam Speaker, due to an event at the White House on malaria, I ask unanimous consent to yield the remainder of our time to the gentleman from Arkansas (Mr. BOOZMAN) and that he be able to control the balance of our time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BOOZMAN. Madam Speaker, we do not have any more speakers. Can I ask the gentleman if he has any more?

Mr. ACKERMAN. I thank the gentleman. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), the chairwoman of the Education and Labor Subcommittee on Workforce Protections and a member of the Foreign Affairs Committee.

Ms. WOOLSEY. Madam Speaker, I would like to thank Congressman SMITH for his work to bring this reauthorization and this important issue to the House floor, and I want to thank the chairman of the committee, Chairman LANTOS, for moving the bill so quickly, and our wonderful chairman of the subcommittee for running the floor today in such a good manner.

The United States has long been a haven for those who have been persecuted and those who have been victimized. One of our national symbols, actually the Statue of Liberty, opens her arms to welcome the most needy.

This bill reaffirms our commitment, the United States commitment, to victims of torture. It will provide for essential services for these victims such as treatment of the physical and psychological effects of torture. It will provide for social and legal services. It will provide for research and training of health care providers to deal with the trauma of these victims.

Madam Speaker, in a world that sometimes seems to be overrun with violence, a world that sees so much brutality, this bill actually provides hope for a group of people, those who have so little and need so much.

I thank the authors of this bill for bringing it forward, and I certainly hope that every single Member of this body will vote in favor of it.

Mrs. DAVIS of California. I want to express my strong support for the Torture Victims Relief Reauthorization Act, H.R. 1678. This important legislation funds treatment centers for torture survivors who now live in the U.S.

With help, torture survivors can recover from their trauma, rebuild successful lives, and be contributing members of our society. When these new Americans rebuild their lives, we all have much to gain.

I also want to take this opportunity to recognize the efforts of Survivors of Torture, International (SURVIVORS) in my district of San Diego, California. SURVIVORS is an independent, nonprofit organization dedicated to caring for survivors of politically-motivated torture and their families living in San Diego County.

Approximately 11,000 torture survivors are living in San Diego County today. These survivors are from countries where the systematic use of torture is documented, including nations in Africa, Southeast Asia, the Middle East, and Latin America.

Since its founding in 1997, SURVIVORS has helped more than 650 torture survivors from more than 50 countries to recover from their trauma through a holistic program including medical, dental, psychiatric, psychological, legal and social services. There is also a need to continue to make services even more comprehensive.

SURVIVORS empowers torture survivors to reclaim the strength and vitality that were stolen from them by brutal dictators and governments. The specialized care SURVIVORS provides these vulnerable individuals helps them to become self-sufficient, healthy members of their own families and of our community. SURVIVORS currently serves more than 300 survivors of torture and their families living in San Diego County.

SURVIVORS works with refugees, asylees, asylum seekers, and immigrants who are survivors of torture. By working with this large population in San Diego County, SURVIVORS is strengthening the Nation: many of its clients move to other communities in the United States after receiving the care and services necessary to successfully build a new life here. As SURVIVORS continues to work in the community, it receives an increasing number of referrals and requests for services each year.

The professional backgrounds of SURVIVORS' clients include: business, religious, government, and farm leaders; university students and educators; journalists; physicians and nurses. The significant majority of SURVIVORS clients suffer from post-traumatic stress disorder, major depressive disorder, or both. These are normal yet disabling reactions for ordinary people who have endured the extreme trauma of torture.

Madam Speaker, the TVRRA also authorizes a contribution to the United Nations Voluntary Fund for Victims of Torture (UNVFVT). Funding from the U.N. helps many centers feel more secure in the dangerous work of aiding those that a regime has identified as its enemies. The UNVFVT supports nearly 200 treatment programs all over the world, including nearly all U.S. centers.

H.R. 1678 is a vital piece of legislation which funds essential services for survivors of torture throughout the 53rd District of California and San Diego County, and enhances the standing and reputation by exporting America's values in the form of support for foreign treatment centers. I strongly urge my colleagues to join me in supporting this bill that is so important to so many.

Mr. CAPUANO. Madam Speaker, I rise in support of H.R. 1678, Torture Victims Relief Reauthorization Act of 2007, which was passed under suspension of the rules today. I rise also to pay tribute to those who provide these tragically essential services.

I am privileged to represent the Boston Center for Refugee Health and Human Rights. The BCRHHR, based at Boston Medical Center, cares for survivors of torture, slavery, oppression, and war. Its dedicated physicians, therapists, and social workers provide individual counseling and group support, as well as legal, social, and vocational services to individuals and families who, in many cases, have nowhere else to turn. Patients have suffered terrible injuries, both physical and psychic, and most are grieving the loss of close friends and relatives. Above all, the Center recognizes the essential connection between health and human rights. Its clinical work succeeds, I believe, because it helps people regain their sense of dignity and worth as human beings.

Doctors work closely with pro bono lawyers to support political asylum applications and to reunite families of refugees and asylum seekers. Shame and anxiety may keep torture survivors from seeking asylum because, in order to gain asylum, applicants must recount their sufferings in a judicial setting. Thus, in order to secure their patients' freedom to remain in the United States, doctors must help them as they relive their traumas. They give them courage to persevere and they sustain the hope that, once asylum is granted, surviving spouses and children can enter the United States.

One wishes our world did not need services for survivors of torture, but we do need them. We are privileged, as Members of Congress, for this opportunity to recognize and support this work.

Mr. EMANUEL. Madam Speaker, I rise today in strong support of H.R. 1678, the Torture Victims Relief Reauthorization Act of 2007, legislation which provides grants for medical centers that administer therapeutic treatment for victims of torture.

Currently, there are approximately 400,000 victims of torture who reside in the United States, all of whom live with painful memories of their trauma. America's torture treatment centers provide crucial recuperative services to these individuals who have suffered both physically and mentally, often while serving our country.

Victims of torture are in a unique position, requiring ongoing psychiatric counseling as well as physical therapy. These individuals carry the scars of their torture on their bodies and minds, and require years of support to overcome these wounds.

In my district and home-town of Chicago, the Marjorie Kovler Center for the Treatment of Survivors of Torture provides comprehensive, community-based services in which survivors of governmental or political torture work together with specialists to identify individual needs and overcome barriers to healing. At the Marjorie Kovler Center, patients find a welcoming and accepting environment which nurtures the body and mind, allowing individuals to successfully transition back into healthy social relationships. This crucial organization generously provides all of its services free of charge to its patients, and centers like it across the country utilize the funding provided in this legislation to deliver services and care to countless victims of torture.

Madam Speaker, I am proud to co-sponsor and support H.R. 1678. This legislation bolsters the therapeutic network for torture victims who have suffered tremendously, and are in great need of care. I urge my colleagues to join me in supporting the organizations that serve the men and women who are living with the mental and physical scars of torture by voting for H.R. 1678, the Torture Victims Relief Reauthorization Act of 2007.

Mr. BOOZMAN. Madam Speaker, I continue to reserve my time.

Mr. ACKERMAN. If the gentleman will yield back the balance of his time, we are prepared to do so as well.

Mr. BOOZMAN. Madam Speaker, I yield back the balance of my time.

Mr. ACKERMAN. I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and pass the bill, H.R. 1678.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ACKERMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING DEEP CONCERN OVER THE USE OF CIVILIANS AS HUMAN SHIELDS

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 125) expressing deep concern over the use of civilians as "human shields" in violation of international humanitarian law and the law of war during armed conflict, including Hezbollah's tactic of embedding its forces among civilians to use them as human shields during the summer of 2006 conflict between Hezbollah and the State of Israel, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 125

Whereas the term "human shields" refers to the use of civilians, prisoners of war, or other noncombatants whose mere presence is designed to protect combatants and objects from attack;

Whereas the use of human shields violates international humanitarian law (also referred to as the Law of War or Law of Armed Conflict);

Whereas throughout the summer of 2006 conflict with the State of Israel, Hezbollah forces utilized human shields to protect themselves from counterattacks by Israeli forces;

Whereas the majority of civilian casualties of that conflict might have been avoided and civilian lives saved had Hezbollah not employed this tactic;

Whereas the news media made constant mention of civilian casualties but rarely pointed to the culpability, under international law, of Hezbollah for their endangerment of such civilians;

Whereas United States and international leaders attempted to call the use of human shields to the world's attention;

Whereas on August 11, 2006, Secretary of State Condoleezza Rice stated, "Hezbollah and its sponsors have brought devastation upon the people of Lebanon, dragging them into a war that they did not choose, and exploiting them as human shields . . .";

Whereas on August 14, 2006, President George W. Bush stated, "Hezbollah terrorists targeted Israeli civilians with daily rocket attacks. Hezbollah terrorists used Lebanese civilians as human shields, sacrificing the innocent in an effort to protect themselves from Israeli response . . .";

Whereas Jan Egeland, United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator, accused Hezbollah of "cowardly blending . . . among women and children";

Whereas for states parties to Additional Protocol I, such as Lebanon, Article 50(1) to the Geneva Convention defines civilian as, "[a]ny person who does not belong to one of the categories of persons referred to in Article 4(A)(1), (2), (3), and (6) of the Third Convention and in Article 43 of this Protocol. In the case of doubt whether a person is a civilian, that person shall be considered a civilian.";

Whereas for states parties to Additional Protocol I, such as Lebanon, Article 51(7) to the Geneva Convention states, "[T]he presence or movement of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations."; and

Whereas Convention IV, Article 28, Relative to the Protection of Civilian Persons in Time of War of the Geneva Convention states, "The presence of a protected person may not be used to render certain points or areas immune from military operations.": Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the use of innocent civilians as human shields, including Hezbollah's use of this brutal and illegal tactic during the summer of 2006 conflict with Israel;

(2) calls on responsible nations to condemn the use of civilians as human shields as a violation of international humanitarian law; and

(3) calls on responsible nations and experts in the area of international humanitarian law to focus particular attention on the use of human shields in violation of international humanitarian law and make further recommendations on the prevention of such violation in the future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I might consume.

Last year, we witnessed a tragic conflict in Lebanon, instigated by Hezbollah's unprovoked cross-border raid into Israel. This Hezbollah action resulted in the killing of eight brave Israeli soldiers and the kidnapping of two others, Ehud Goldwasser and Eldad Regev.

The suffering of the Lebanese people was immense as thousands fled their homes in the subsequent fighting. Many homes were damaged or destroyed, and lives were lost.

The key reason that civilian areas were destroyed was the cynical strategy of Hezbollah guerrillas to stage their attacks from the middle of towns and residential areas.

The use of civilians as human shields is reprehensible and is in direct violation of all the laws of warfare. Indeed, the Rome Statute of the International Criminal Court provides that such conduct is a serious violation of the laws of war and should be prosecuted.

This resolution properly condemns the use of human shields and, in particular, the conduct of Hezbollah in this bloody conflict. Let us make no mistake. The loss of civilian life in Lebanon was due solely to Hezbollah's cruel and uncivilized use of civilian areas as military bases. Meanwhile, Hezbollah used rocket fire to murder Israeli civilians indiscriminately and to destroy Israeli civilian areas that were of no military value whatsoever.

This resolution calls on all responsible nations to condemn such heinous acts and to work to eliminate them. No nation that calls itself a member of the international community can engage in such barbaric practices. In conflicts all over the globe, human shields have been used for various purposes. None of them are acceptable.

Let us urge the President and our friends and allies to join us and do their utmost to stop the use of human shields once and for all.

Madam Speaker, I urge all of our colleagues to support the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield myself such time as I may consume.

During last summer's war between Israel and Lebanon, which was initiated by Hezbollah jihadist militants breaching Israel's border and killing and kidnapping Israeli soldiers, Hezbollah extremists used Lebanese civilians as human shields to protect themselves from counterattacks by Israeli forces.

Hezbollah jihadists embedded their forces among innocent civilians in violation of international law.

According to Secretary of State Condoleezza Rice, "Hezbollah and its sponsors have brought devastation upon the people of Lebanon, dragging them into a war that they did not choose, and exploiting them as human shields."

To express deep concern over the use of civilians by Hezbollah and to condemn these actions, my distinguished colleagues, Congressman RON KLEIN and Congresswoman ILEANA ROS-LEHTINEN, introduced this bill.

Among other things in the bill, it strongly condemns the use of innocent civilians as human shields, including Hezbollah's use of this savage and illegal tactic during last summer's war between Israel and Lebanon; calls on the international community to recognize and condemn these violations of international law; and calls on responsible nations and experts in the area of international humanitarian law to pay special attention on the use of human shields in violation of international humanitarian law and make further recommendations on the prevention of such violation in the future.

I urge my colleagues to support this very important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH), the chairman of the Oversight and Government Reform Subcommittee on Domestic Policy.

Mr. KUCINICH. Madam Speaker, I want to thank my good friend Mr. ACKERMAN for the opportunity to address the Congress on this issue.

As some of my colleagues are aware, on July 19, 2006, I introduced legislation to this Congress calling on the President to appeal to all sides in the crisis in the Middle East for an immediate cessation of violence and to commit the United States diplomats to multiparty negotiations with no preconditions. This resolution specifically related to the events that brought violence to Lebanon and to Israel as well.

I want to say from the start that I took that position because I believe that Israel has a right to survive and Israel is entitled to its security and so, too, the people of Lebanon have a right to survive and were entitled to their security.

I think that it is regrettable that our government did not become immediately involved in diplomatic relations so that we could have been able to forestall the disaster that was visited upon south Lebanon where tens of thousands of structures were leveled.

I am not speaking about this theoretically, Madam Speaker, because my wife and I went to south Lebanon and surveyed the damage, and it was utter destruction.

I would refer my colleagues to Amnesty International's report regarding the destruction in south Lebanon.

I also would like to put into the RECORD a copy of H. Con. Res. 450

which called on the President to appeal to all sides in the crisis.

H. Con. Res. 450

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) calls upon the President to—

(A) appeal to all sides in the current crisis in the Middle East for an immediate cessation of violence;

(B) commit United States diplomats to multi-party negotiations with no preconditions; and

(C) send a high-level diplomatic mission to the region to facilitate such multi-party negotiations;

(2) urges such multi-party negotiations to begin as soon as possible, including delegations from the governments of Israel, the Palestinian Authority, Lebanon, Iran, Syria, Jordan, and Egypt; and

(3) supports an international peacekeeping mission to southern Lebanon to prevent cross-border skirmishes during such multiparty negotiations.

[From the New York Times, Jan. 28, 2007]

Israel May Have Violated Arms Pact, U.S. Says

(By David S. Cloud and Greg Myre)

Washington, Jan. 27.—The Bush administration will inform Congress on Monday that Israel may have violated agreements with the United States when it fired American-supplied cluster munitions into southern Lebanon during its fight with Hezbollah last summer, the State Department said Saturday.

The finding, though preliminary, has prompted a contentious debate within the administration over whether the United States should penalize Israel for its use of cluster munitions against towns and villages where Hezbollah had placed its rocket launchers.

Cluster munitions are anti-personnel weapons that scatter tiny but deadly bomblets over a wide area. The grenadelike munitions, tens of thousands of which have been found in southern Lebanon, have caused 30 deaths and 180 injuries among civilians since the end of the war, according to the United Nations Mine Action Service.

Midlevel officials at the Pentagon and the State Department have argued that Israel violated American prohibitions on using cluster munitions against populated areas, according to officials who described the deliberations. But other officials in both departments contend that Israel's use of the weapons was for self-defense and aimed at stopping the Hezbollah attacks that claimed the lives of about 40 Israeli soldiers and civilians and at worst was only a technical violation.

Any sanctions against Israel would be an extraordinary move by the Bush administration, a strong backer of Israel, and several officials said they expected little further action, if any, on the matter.

But sanctions against Israel for misusing the weapons would not be unprecedented. The Reagan administration imposed a six-year ban on cluster-weapon sales to Israel in 1982, after a Congressional investigation found that Israel had used the weapons in civilian areas during its 1982 invasion of Lebanon. One option under discussion is to bar additional sales of cluster munitions for some period, an official said.

The State Department is required to notify Congress even of preliminary findings of possible violations of the Arms Export Control Act, the statute governing arms sales. It began an investigation in August.

Sean McCormack, the State Department spokesman, said that the notification to Congress would occur Monday but that a final determination about whether Israel violated the agreements on use of cluster bombs was still being debated.

"It is important to remember the kind of war Hezbollah waged," he said. "They used innocent civilians as a way to shield their fighters."

Even if Israel is found to be in violation, the statute gives President Bush discretion about whether to impose sanctions, unless Congress decides to take legislative action. Israel makes its own cluster munitions, so a cutoff of American supplies would have mainly symbolic significance.

Israel gave the State Department a dozen-page report late last year in which it acknowledged firing thousands of American cluster munitions into southern Lebanon but denied violating agreements that prohibit their use in civilian areas, the officials said. The cluster munitions included artillery shells, rockets and bombs dropped from aircraft, many of which had been sold to Israel years ago, one official said.

Before firing at rocket sites in towns and villages, the Israeli report said, the Israeli military dropped leaflets warning civilians of the attacks. The report, which has not previously been disclosed, also noted that many of the villages were deserted because civilians had fled the fighting, the officials said.

David Siegel, a spokesman for the Israeli Embassy in Washington, said Israel "provided a detailed response to the administration's request for information" on its use of cluster munitions "to halt Hezbollah's unprovoked rockets attacks against our civilian populations centers."

He added, "Israel suffered heavy casualties in these attacks and acted as any government would in exercise of its right to self-defense."

John Hillen, who was assistant secretary of state in charge of the bureau until he resigned this month, told Bloomberg News in December that Israel had provided "great cooperation" in the investigation. "From their perspective, use of the munitions was clearly done within the agreements," he said.

Another administration official said the investigation had caused "head-butting" involving the Bureau of Political-Military Affairs and the Bureau of Near Eastern Affairs at the State Department, as well as Pentagon arms sales officials. Some officials "are trying to find a way to not have to call this a substantial violation," the official said.

In particular, the State Department has asked Israel for additional information on reports that commanders and troops violated orders that restricted how cluster bombs could be used, an official said. In November, Lt. Gen. Dan Halutz, the chief of staff of the Israeli military until his resignation on Jan. 17, ordered an investigation into whether restrictions on use of the weapons were ignored by some units.

That investigation is still under way, and military officials have refused to divulge any details in public.

Israel's Channel 2 television reported in December that the military's judge advocate general was gathering evidence for possible criminal charges against military officers who might have ordered cluster bombs fired into populated areas.

Israel has told the State Department that it originally tried targeted strikes against Hezbollah rocket sites, but those proved ineffective.

Heavy use of cluster bombs was tried instead, to kill or maim Hezbollah fighters manning the launchers. Israeli commanders employed cluster weapons because they suspected that they would flee after firing their rockets. Even those attacks failed to stop the rockets barrages.

The agreements that govern Israel's use of American cluster munitions go back to the 1970s. But the details, which have been revised several times, are classified.

However, officials said that the agreements specified that cluster weapons could not be used in populated areas, in part because of the risk to civilians after a conflict is over if the bomblets fail to self-destruct, as they are designed to do.

The agreements said the munitions be used only against organized armies and clearly defined military targets under conditions similar to the Arab-Israeli wars of 1967 and 1973, when Israel arguably faced threats to its survival, officials said.

Since the end oflast summer's war, de-mining team have located 800 cluster-bomb strike areas, and they destroyed 95,000 bomblets, said Christopher Clark, program manager for the United Nations Mine Action Service in Lebanon. "We found them pretty much everywhere—in villages, at road junctions, in olive groves and on banana plantations," Mr. Clark said.

The casualty rate has come down sharply, he said. Right after the war, there were more than 40 casualties a week; now it is about 3 or 4 a week.

Donatella Rovera, a researcher with Amnesty International in London, said older American cluster weapons used by Israel during the war did not reliably self-destruct, compared with Israel's own cluster munitions, which are newer and are said to have a much lower dud rate.

"We've asked them to release detailed maps on where the cluster bombs were used," Ms. Rovera said of the Israeli military. "That is the one thing that could help speed up the cleanup process."

[From Human Rights Watch]

Israeli Cluster Munitions Hit Civilians in Lebanon: Israel Must Not Use Indiscriminate Weapons

Beirut, July 24, 2006.—Israel has used artillery-fired cluster munitions in populated areas of Lebanon, Human Rights Watch said today. Researchers on the ground in Lebanon confirmed that a cluster munitions attack on the village of Blida on July 19 killed one and wounded at least 12 civilians, including seven children. Human Rights Watch researchers also photographed cluster munitions in the arsenal of Israeli artillery teams on the Israel-Lebanon border.

"Cluster munitions are unacceptably inaccurate and unreliable weapons when used around civilians," said Kenneth Roth, executive director of Human Rights Watch. "They should never be used in populated areas."

According to eyewitnesses and survivors of the attack interviewed by Human Rights Watch, Israel fired several artillery-fired cluster munitions at Blida around 3 p.m. on July 19. The witnesses described how the artillery shells dropped hundreds of cluster submunitions on the village. They clearly described the submunitions as smaller projectiles that emerged from their larger shells.

The cluster attack killed 60-year-old Maryam Ibrahim inside her home. At least two submunitions from the attack entered the basement that the Ali family was using as a shelter, wounding 12 persons, including seven children. Ahmed Ali, a 45-year-old taxi driver and head of the family, lost both legs from injuries caused by the cluster munitions. Five of his children were wounded: Mira, 16; Fatima, 12; 'Ali, 10; Aya, 3; and 'Ola, 1. His wife Akram Ibrahim, 35, and his mother-in-law 'Ola Musa, 80, were also wounded. Four relatives, all German-Lebanese dual nationals sheltering with the family, were wounded as well: Mohammed Ibrahim, 45; his wife Fatima, 40; and their children 'Ali, 16, and Rula, 13.

Human Rights Watch researchers photographed artillery-delivered cluster munitions among the arsenal of Israel Defense Forces (IDF) artillery teams stationed on the Israeli-Lebanese border during a research visit on July 23. The photographs show M483A1 Dual Purpose Improved Conventional Munitions, which are U.S.-produced and -supplied, artillery-delivered cluster munitions. The photographs contain the distinctive marks of such cluster munitions, including a diamond-shaped stamp, and a shape that is longer than ordinary artillery, according to a retired IDF commander who asked not to be identified.

The M483A1 artillery shells deliver 88 cluster submunitions per shell, and have an unacceptably high failure rate (dud rate) of 14 percent, leaving behind a serious unexploded ordnance problem that will further endanger civilians. The commander said that the IOF's operations manual warns soldiers that the use of such cluster munitions creates dangerous minefields due to the high dud rate.

Lebanese security forces, who to date have not engaged in the fighting between Israel and Hezbollah, also accused Israel of using cluster munitions in its attacks on Blida and other Lebanese border villages. These sources also indicated they have evidence that Israel used cluster munitions earlier this year during fighting with Hezbollah around the contested Shebaa Farms area. Human Rights Watch is continuing to investigate these additional allegations.

Human Rights Watch believes that the use of cluster munitions in populated areas may violate the prohibition on indiscriminate attacks contained in international humanitarian law. The wide dispersal pattern of their submunitions makes it very difficult to avoid civilian casualties if civilians are in the area. Moreover, because of their high failure rate, cluster munitions leave large numbers of hazardous, explosive duds that injure and kill civilians even after the attack is over. Human Rights Watch believes that cluster munitions should never be used, even away from civilians, unless their dud rate is less than 1 percent.

Human Rights Watch conducted detailed analyses of the U.S. military's use of cluster bombs in the 1999 Yugoslavia war, the 2001–2002 Afghanistan war, and the 2003 Iraq war. Human Rights Watch research established that the use of cluster munitions in populated areas in Iraq caused more civilian casualties than any other factor in the U.S.-led coalition's conduct of major military operations in March and April 2003, killing and wounding more than 1,000 Iraqi civilians. Roughly a quarter of the 500 civilian deaths caused by NATO bombing in the 1999 Yugoslavia war were also due to cluster munitions.

"Our research in Iraq and Kosovo shows that cluster munitions cannot be used in populated areas without huge loss of civilian life," Roth said. "Israel must stop using cluster bombs in Lebanon at once."

Human Rights Watch called upon the Israel Defense Forces to immediately cease the use of indiscriminate weapons like cluster munitions in Lebanon.

BACKGROUND

Israel used cluster munitions in Lebanon in 1978 and in the 1980s. At that time, the United States placed restrictions on their use and then a moratorium on the transfer of cluster munitions to Israel out of concern for civilian casualties. Those weapons used more than two decades ago continue to affect Lebanon.

Israel has in its arsenal cluster munitions delivered by aircraft, artillery and rockets. Israel is a major producer and exporter of cluster munitions, primarily artillery projectiles and rockets containing M85 DPICM (Dual Purpose Improved Conventional Munition) submunitions. Israeli Military Industries, an Israeli government-owned weapons manufacturer, has reportedly produced more than 60 million M85 DPICM submunitions. Israel also produces at least six different types of air-dropped cluster bombs, and has imported from the United States M26 rockets for its Multiple Launch Rocket Systems.

There is growing international momentum to stop the use of cluster munitions. Belgium became the first country to ban cluster munitions in February 2006, and Norway announced a moratorium on the weapon in June 2006. Cluster munitions are increasingly the focus of discussion at the meetings of the Convention on Conventional Weapons, with ever more states calling for a new international instrument dealing with cluster munitions.

[From the New York Times, Aug. 25, 2006]

INQUIRY OPENED INTO ISRAELI USE OF U.S. BOMBS

(By David S. Cloud)

WASHINGTON, Aug. 24.—The State Department is investigating whether Israel's use of American-made cluster bombs in southern Lebanon violated secret agreements with the United States that restrict when it can employ such weapons, two officials said.

The investigation by the department's Office of Defense Trade Controls began this week, after reports that three types of American cluster munitions, anti-personnel weapons that spray bomblets over a wide area, have been found in many areas of southern Lebanon and were responsible for civilian casualties.

Gonzalo Gallegos, a State Department spokesman, said, "We have heard the allegations that these munitions were used, and we are seeking more information." He declined to comment further.

Several current and former officials said that they doubted the investigation would lead to sanctions against Israel but that the decision to proceed with it might be intended to help the Bush administration ease criticism from Arab governments and commentators over its support of Israel's military operations. The investigation has not been publicly announced; the State Department confirmed it in response to questions.

In addition to investigating use of the weapons in southern Lebanon, the State Department has held up a shipment of M–26 artillery rockets, a cluster weapon, that Israel sought during the conflict, the officials said.

The inquiry is likely to focus on whether Israel properly informed the United States about its use of the weapons and whether targets were strictly military. So far, the State Department is relying on reports from United Nations personnel and nongovernmental organizations in southern Lebanon, the officials said.

David Siegel, a spokesman for the Israeli Embassy, said, "We have not been informed about any such inquiry, and when we are we would be happy to respond."

Officials were granted anonymity to discuss the investigation because it involves sensitive diplomatic issues and agreements that have been kept secret for years.

The agreements that govern Israel's use of American cluster munitions go back to the 1970's, when the first sales of the weapons occurred, but the details of them have never been publicly confirmed. The first one was signed in 1976 and later reaffirmed in 1978 after an Israeli incursion into Lebanon. News accounts over the years have said that they require that the munitions be used only against organized Arab armies and clearly defined military targets under conditions similar to the Arab-Israeli wars of 1967 and 1973.

A Congressional investigation after Israel's 1982 invasion of Lebanon found that Israel had used the weapons against civilian areas in violation of the agreements. In response, the Reagan administration imposed a six-year ban on further sales of cluster weapons to Israel.

Israeli officials acknowledged soon after their offensive began last month that they were using cluster munitions against rocket sites and other military targets. While Hezbollah positions were frequently hidden in civilian areas, Israeli officials said their, intention was to use cluster bombs in open terrain.

Bush administration officials warned Israel to avoid civilian casualties, but they have lodged no public protests against its use of cluster weapons. American officials say it has not been not clear whether the weapons, which are also employed by the United States military, were being used against civilian areas and had been supplied by the United States. Israel also makes its own types of cluster weapons.

But a report released Wednesday by the United Nations Mine Action Coordination Center, which has personnel in Lebanon searching for unexploded ordnance, said it had found unexploded bomblets, including hundreds of American types, in 249 locations south of the Litani River.

The report said American munitions found included 559 M-42's, an anti-personnel bomblet used in 105-millimeter artillery shells; 663 M–77's, a submunition found in M-26 rockets; and 5 BLU–63's, a bomblet found in the CBU–26 cluster bomb. Also found were 608 M–85's, an Israeli-made submunition.

The unexploded submunitions being found in Lebanon are probably only a fraction of the total number dropped. Cluster munitions can contain dozens or even hundreds of submunitions designed to explode as they scatter around a wide area. They are very effective against rocket-launcher units or ground troops.

The Lebanese government has reported that the conflict killed 1,183 people and wounded 4,054, most of them civilians. The United Nations reported this week that the number of civilian casualties in Lebanon from cluster munitions, land mines and unexploded bombs stood at 30 injured and eight killed.

Dozen of Israelis were killed and hundreds wounded in attacks by Hezbollah rockets, some of which were loaded with ball bearings to maximize their lethality.

Officials say it is unlikely that Israel will be found to have violated a separate agreement, the Arms Export Control Act, which requires foreign governments that receive

> American weapons to use them for legitimate self-defense. Proving that Israel's campaign against Hezbollah did not constitute self-defense would be difficult, especially in view of President Bush's publicly announced support for Israel's action after Hezbollah fighters attacked across the border, the officials said.
>
> Even if Israel is found to have violated the classified agreement covering cluster bombs, it is not clear what actions the United States might take.
>
> In 1982, delivery of cluster-bomb shells to Israel was suspended a month after Israel invaded Lebanon after the Reagan administration determined that Israel "may" have used them against civilian areas.
>
> But the decision to impose what amounted to a indefinite moratorium was made under pressure from Congress, which conducted a long investigation of the issue. Israel and the United States reaffirmed restrictions on the use of cluster munitions in 1988, and the Reagan administration lifted the moratorium.

I also want to ask for this moment when we are talking about the use of human shields to remember that certainly the people of Israel suffered, and my wife and I visited Israel and we talked to government officials who were concerned about the threat to Israel's security that was presented by Hezbollah.

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But I also have to say that the use of cluster munitions and the use of bombs against the people of Lebanon needs to be recognized at this point. I could stand here, certainly, objecting, and I do, to Hezbollah's conduct, because we know what they did in creating conditions to use people in populated areas was wrong.

But I also think that it's important to call to the attention of this Congress the suffering of the people in Lebanon, because what happened was that bombs were dropped and perhaps over 1,000 people were killed. That needs to be discussed. We also need to recognize that the people of Lebanon have a love for America despite our Government's actions in standing back.

Let me share with you a story out of Qana that my wife and I visited. We went there late at night, and there was destruction everywhere. We were led to a graveyard where people had their families buried as a result of a U.S. attack. Then we were led to the site of where a bomb fragment or a bomb burst through an apartment building, and it killed dozens of people. It was thought that bomb was paid for by U.S. tax dollars.

The people who gathered around late at night from the village, knowing there was an American Congressman there, spoke out and said, you know, we love America. We don't like what your leaders do, but we love America. We do not wish anyone ill in America, and we want peace. We don't want Israel to be destroyed. This was made very clear. These were people who from the depths of their humanity were crying out for recognition about their suffering.

Madam Speaker, this is a fragment of the bomb which burst through an apartment building and killed dozens of women and children. I wanted to just show Congress this, because what we are talking about, using people as human shields, it's important also for the Israeli Government to take responsibilities for their actions as well. I say this as someone who speaks in defense of Israel and the defense of Israel's right to survive.

If we are going to ever have peace in the region, there has to be a mutual recognition of everyone's right to survive, and opportunity for all people to be able to bring their grievances forward and have them resolved.

I appreciate my friend's opportunity to present this.

Mr. BOOZMAN. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Madam Speaker, I rise today in support of H. Res. 125 and join with my colleagues in denouncing Hezbollah for employing the use and the tactic of placing weapons, defensive and offensive, in the midst of communities in which innocent civilians live.

I also associate myself with the previous speaker, though, in saying that we have to go beyond a narrow issue of a single enemy in the Middle East. The use of human shields in the Middle East is unfortunately widespread, not just by the cancer that grows, that is known as Hezbollah in Lebanon, but also throughout the region.

On this point, I would like to give credit where credit is due. These pictures were taken, this one was taken in 2004, where a 13-year-old Palestinian boy named Mohammed Badwan was tied to the hood of an Israeli police jeep in the West Bank. A group of Palestinian youths had been reportedly throwing rocks at Israeli police, so the boy was taken and tied to the jeep so that they would stop throwing their rocks.

On October 6, and I want to give credit where credit is due, because this has not been unanswered, on October 6, 2005, the Israel High Court of Justice, the equivalent of our Supreme Court, ruled that it was illegal for Israeli forces to use Palestinian civilians during military operations. This ruling effectively ended the officially sanctioned tactic known as neighborhood procedure, whereby Israeli soldiers would forcibly use Palestinian civilians for tasks, including entering buildings to check to see if they were booby-trapped, removing building occupants, and moving suspicious objects from roads used by the army.

One of the victims of this neighborhood procedure was a 19-year-old Palestinian student who in 2002 was killed in the West Bank after troops took the young man out of his house and forced him to knock on the door of a neighboring building, where a senior Hamas fugitive was hiding. Gunfire erupted, and the student was killed.

In addition to the Israeli Supreme Court, human rights group have also been recognized for their work, and I commend them. B'Tselem, Rabbis for Human Rights, and Adalah have worked extensively on these cases and brought them to the court. To the credit of the Israeli people and their court system, they have denounced it, and they have sought to stop it.

The Israeli Army itself, most recently, acted swiftly to suspend a commander caught on videotape using two Palestinian youths as human shields earlier this month. In the video that has been seen around the world and covered by the Associated Press, a peace activist is heard shouting to the Israeli soldiers who have positioned two youths standing in front of their vehicle, "You can't use them as human shields. It's against the law."

The Israeli soldier responds, "We are not using them as a human shield."

"They are standing in front of your jeep. How is that not a human shield? You are using them to protect you from stones," the activist retorts.

"We asked them to speak to their friends and ask them to stop throwing stones at us," the soldier says.

Shortly after this videotape was posted, the Israeli military announced the mission commander had been relieved of operational duty following this incident, in which IDF soldiers had apparently used these civilians, and the Israeli Government acted quickly.

I applaud their swift response and their efforts to make this use of human shields, once and for all, stop. This morning I circulated a Dear Colleague via e-mail with links to these videos and news stories.

I encourage my colleagues to take a look at these articles and efforts under way to stop the use of human shields. I have also issued statements that are on my Web site at www.issa.house.gov under the heading of "Banning the use of Human Shields."

Madam Speaker, I believe there are two sides to this. There is a difference. One side is continuing to be a cancer on the people of Lebanon. One side is continuing to use human shields with very little to stop them. The other side is taking those measures.

I came here today to commend the Israeli Government for taking those measures, to ask them to continue to use the strongest methods possible to make sure that is eliminated from one side of the equation. I will support this resolution denouncing the other side of the equation that continues to use human shields.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I might consume.

To my good friend from California, as well as my good friend from Ohio, I would address the following observations and concerns. First, I would like to thank each of them for their support for this resolution condemning Hezbollah for their actions.

But I would like to note for the record that there is a tremendous difference between a perpetrator and a victim. A perpetrator is the one who initiates the act. The victim is the one who is victimized by the act. Very often, in an act of violence, murder, mayhem, the victim fights back. The victim has every single right in the world, legally and morally, to defend itself against violence. Some might argue sometimes that in defense of oneself, the victim goes too far. The woman being raped tries to scratch out the eyes of the rapist. Who is to blame her?

I thank my two friends for also pointing out that there is a difference in systems, that there is a difference in moral values between that which the Hezbollah does and the response of the Israelis. I appreciated the fact that the gentleman from Ohio brought in part of a weapon of destruction that was used in self-defense, but I am also happy that we did not bring in gory pictures of Israeli children and women on their way to school or working on farms or in their villages, who every day are subject to attacks and missiles fired by Hezbollah as they go about their daily, innocent lives.

I thank the gentleman from California for calling to the House's attention in so eloquent a way of what is rarely government and governance and society and what Israel is all about, who points out graphically and with the evidence he brought before us the fact that it was an Israeli human rights defender who called out to the Israeli soldiers whose conduct he properly called into question, that they have no right to do that and that there are laws against it.

Where were the Lebanese people calling out to the Hezbollah who invaded their homes and their neighborhoods and took over and used them, sometimes willingly, sometimes not, as human shields, and said to them, we forbid you to do this, it's against our human rights, and it's against our laws? Not once.

I thank the gentleman from California for pointing out the Israeli system of justice, which stands basically equal to ours. We, too, in the pursuit of terrorists and evildoers, as the President would call them, sometimes unfortunately commit acts in that pursuit and in defense of ourselves against the terrorists, where civilians are hurt and civilians do die. But that is not our purpose. When the Hezbollah does that, that is their intention for the civilians to die.

I thank the gentleman from California for pointing out that this went through the Israeli justice system because it is contrary to the laws of the democracy of the democratic State of Israel. It went to the Supreme Court of Israel, and that court found, in full view, because Israeli television shows showed their soldiers doing something wrong, and they were charged, and the court found them guilty, and the court banned it.

People were held responsible in a responsible society. That did not happen with the Hezbollah. That did not happen in Lebanon. It happened in Israel where people paid the price, where the military officers who were in charge of the operation were found guilty.

That is the difference between a democratic, humane society, where there are innocent victims of self-defense, who unfortunately, as individuals within the military, sometimes get carried away. That happens in every army in the history of the world. But holding people responsible for those individual actions is a sign of a true democracy.

That did not happen with the Hezbollah. That did not happen with Lebanon. That is the difference between democratic, humane societies and terrorist organizations.

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I thank our two colleagues for bringing this to the attention of the House so that we might highlight the differences between two societies, Hezbollah, governed by terror, whose only purpose is to wreak havoc upon civilian populations, and a democracy like Israel, who responds to terrorism and sometimes have unfortunate incidents for which they hold individuals responsible and who pay the price.

Mr. BOOZMAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I rise in support of House Resolution 125, championed by Ranking Member ILEANA ROS-LEHTINEN, Dr. BOOZMAN and Mr. ACKERMAN, which opposes using civilians as human shields.

As a member of the Armed Services Committee, as a 31-year veteran of the Army Reserves and National Guard, and as the father of four sons in the U.S. military, I know firsthand that using human shields violates international law.

Just last year, American and international leaders condemned the use of human shields. The Lebanese have been particularly victims of human shields in the past year. On August 11, 2006, Secretary of State Condoleezza Rice stated, "Hezbollah and its sponsors have brought devastation upon the people of Lebanon, dragging them into a war that they did not choose and exploiting them as human shields."

On August 14, President George W. Bush stated, "Hezbollah terrorists targeted Israeli civilians with daily rocket attacks. Hezbollah terrorists used Lebanese civilians as human shields, sacrificing the innocent in an effort to protect themselves from Israeli response."

Also, as to Israel, we should note that the Israeli Supreme Court has ruled a ban to the use of human shields. Additionally, Israel has a strict policy against the use of civilians as human shields, and in dealing with the isolated incidents where the policy is violated, takes measure to punish those responsible and prevent these acts from occurring in the future.

It is clear, as eloquently reviewed by Mr. ACKERMAN, that no one should seek to apply a moral equivalency between isolated incidents formally opposed by Israel's democratically elected government and the actions of Hezbollah, whose policies and tactics show disregard for human life and advocate intentionally using the tactic of embedding its forces among civilians to use them as human shields, abusing the people of Lebanon.

I urge my colleagues to support House Resolution 125, condemning the use of human shields.

Mr. BOOZMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman, and I commend my colleagues for bringing this important legislation to the floor.

It was obvious, I think, to all people watching the news coverage during the recent Hezbollah-Israel war that it was standard operating procedure for Hezbollah to place its soldiers that were firing rockets into Israel, in housing projects, in housing areas where there were civilians, and the only way that Israel could respond to that rocket fire involved risking the lives of the women and children who lived in those areas. It was disgraceful and it was a violation of international law. And to me it is absolutely ridiculous that Hezbollah would find some photo of a bunch of Palestinian youths leaning on a tank and try to make an argument in front of the world stage that that is the moral equivalent of what they were doing. There is absolutely no comparison.

Mr. Speaker, I just wanted to commend my colleague from New York and people on both sides of the aisle for bringing forward this important piece of legislation.

Mr. HOYER. Mr. Speaker, last summer, Hezbollah militants kidnapped two Israeli soldiers and instigated an armed conflict in which they indiscriminately fired thousands of rockets and mortar shells into Israel with the hope of inflicting as many civilian casualties as possible.

And what was most disturbing about Hezbollah's actions was not that they targeted innocent men, women, and children with their attacks—the world has come to expect such cowardly tactics from terrorist organizations that are dedicated to inflicting anguish and destruction.

Rather, it was the fact that Hezbollah embedded their equipment and bases of operations amid the Lebanese civilian population—effectively using them as "human shields" to protect them from retaliation.

This brutal exploitation of a civilian population—and others like it that take place all too often in areas controlled by Hezbollah and Hamas—stands in direct violation of international humanitarian law and laws of war during armed conflict.

Today, I am proud to join with my fellow Members of Congress in condemning the use of human shields in armed conflict—and I stand with all of the people of the world who understand that the role of a soldier is to protect civilians, not exploit them for security or political gain.

Mr. GARRETT of New Jersey. Mr. Speaker, today I rise in support of the resolution condemning Hezbollah's frequent use of civilians to protect their military forces and cache of weapons. All too often we hear claims that Hezbollah and the Israeli Defense Forces are moral equivalents. But when we look at the facts, we see that Hezbollah constantly demonstrates that it is a force that does not operate under the international treaties that attempt to govern warfare.

Hezbollah has set up shop in southern Lebanon and, while they attempt to participate in the legal process of that nation, they are not under the control of any government. They use the funds of Iran and Syria to act as their proxies in the fight against Israel. There is little dispute that they store much of their military equipment below civilian houses and during the most recent conflict their military leadership holed up in bunkers filled with non-combatants.

Hezbollah fights their wars in the international press as much as they fight them in the battlefield. Sadly, civilian deaths are seen as a victory since they can use the cry of war atrocities to keep the Israelis from engaging their forces.

On the other side we see Israeli forces who clearly identify their military personnel by uniform and delineate their military installations from civilian. Yet, Hezbollah still chooses to indiscriminately shoot their rockets into principally civilian areas.

Hezbollah operates far outside the bounds of international law, something we must not forget as we seek to control them through international bodies such as the United Nations. With no regard for the lives of their own nationals, can we expect them to hold up their end of Security Council resolutions? We must stand with the legitimate government of Israel, a shining light of democracy and freedom besieged by those with no respect for law or life.

Mr. BOOZMAN. Mr. Speaker, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I have no further speakers on our side, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 125, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution expressing deep concern over the use of civilians as 'human shields' in violation of international humanitarian law, including Hezbollah's tactic of embedding its forces among civilians to use them as human shields during the summer of 2006 conflict between Hezbollah and the State of Israel.".

A motion to reconsider was laid on the table.

URGING ALL MEMBER COUNTRIES OF THE INTERNATIONAL COMMISSION OF THE INTERNATIONAL TRACING SERVICE TO EXPEDITE RATIFICATION PROCESS

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 240) urging all member countries of the International Commission of the International Tracing Service (ITS) who have yet to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty, to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 240

Whereas the International Tracing Service (ITS) archives located in Bad Arolsen, Germany, which are administered by the International Committee of the Red Cross, contain an estimated 50,000,000 records on the fates of some 17,500,000 individual victims of Nazi war crimes;

Whereas the ITS archives at Bad Arolsen remain the largest closed Holocaust-era archives in the world; while access to individual records can be requested by Holocaust survivors and their descendants, many who have requested information in the past have reported facing significant delays and even unresponsiveness; furthermore, the records remain inaccessible to researchers and research institutions;

Whereas the 1955 Bonn Accords, the treaty governing the administration of the ITS, established an International Commission of 11 member countries (Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, the United Kingdom, and the United States) charged with overseeing the administration of the ITS Holocaust archives;

Whereas following years of delay, in May 2006 in Luxembourg, the International Commission of the ITS agreed upon amendments to the Bonn Accords which would allow researchers to use the archives and would allow each Commission member country to receive digitized copies of archive materials and make the records available to researchers under the respective national laws relating to archives and privacy;

Whereas the May 2006 Amendments to the Bonn Accords require each of the 11 members of the International Commission to ratify the amendments before open access to the Holocaust archives is permitted;

Whereas although the final signature was affixed to the amendments in October 2006, only 4 out of the 11 Commission member countries (the United States, Israel, Poland, and the Netherlands) have ratified the amendments to date;

Whereas the United States Holocaust Memorial Museum has for years been working tirelessly to provide public access to the materials in the Bad Arolsen archives;

Whereas on March 8, 2007, representatives from the 11 member countries of the International Commission of the ITS met in the Netherlands and reviewed the current ratification status of each country and the ratification process in its entirety;

Whereas it is a moral and humanitarian imperative to permit public access to the millions of Holocaust records housed at Bad Arolsen;

Whereas it is essential that Holocaust researchers obtain access now, while survivors are living, so that the researchers can benefit in their scholarly work from the insights of eyewitnesses;

Whereas in the Holocaust's aftermath, there have been far too many instances of survivors and heirs of Holocaust victims being refused their moral and legal right to information—for restitution purposes, slave labor compensation, and personal closure;

Whereas opening the historic records is a vital contribution to the world's collective memory and understanding of the Holocaust and efforts to ensure that the anti-Semitism that made such horrors possible is never again permitted to take hold;

Whereas anti-Semitism has seen a resurgence in recent years; as recently as December 2006, the President of Iran, Mahmoud Ahmadinejad, held the second Holocaust denial conference in Tehran in one year; and

Whereas in light of this conference, President Ahmadinejad's anti-Semitic rhetoric, and a resurgence of anti-Semitism in part of the world, the opening of the archives at Bad Arolsen could not be more urgent: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends in the strongest terms all countries that have to date ratified the amendments to the Bonn Accords to allow for open access to the Holocaust archives of the International Tracing Service (ITS) located at Bad Arolsen, Germany;

(2) commends those countries that have committed to expedite the process of releasing the archives and expects those countries to abide by their commitments;

(3) strongly urges all countries that have to yet to ratify the amendments to abide by their treaty obligations made in May 2006 and to expedite the ratification of these amendments;

(4) strongly urges all Commission members to consider the short time left to Holocaust survivors and unanimously consent to open the ITS archives should all countries not ratify the amendments by May 2007;

(5) expresses the hope that bureaucratic and diplomatic processes will not further delay this process; and

(6) refuses to forget the murder of 6,000,000 Jews and more than 5,000,000 other victims during the Holocaust by Nazi perpetrators and their collaborators.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume.

Mr. Speaker, it is a distinct honor to introduce H. Res. 240, a resolution urging the immediate ratification of the amendments to the 1955 Bonn Accords. This treaty would open the immense records of the Holocaust to Nazi war crime victims in Bad Arolsen, Germany. I would like to thank my good friend from Florida, Representative ALCEE HASTINGS, who introduced this important resolution of which I am a proud cosponsor.

Mr. Speaker, the horror of Nazi crimes perpetrated on Jews and others across Europe were accompanied by meticulous recordkeeping that was maintained by the Third Reich throughout the reign of its terrible regime. These accounts include listings of victims, medical records, transport notes and other details that often provide the only history of millions of innocent people who perished at the hands of the Nazis.

An abandoned S.S. barracks at Bad Arolsen became the repository for many of these records, where they remained under the control the Allied Forces, and then under a consortium of 11 nations since the end of World War II, some 62 years ago.

Throughout those years, these records have been closed to the public. Most survivors' requests have been met with reluctance or disappointing bureaucratic neglect, resulting in some 500,000 legitimate requests for information that were outstanding by the year 2000, some of them made by people who are no longer with us today.

Bad Arolsen contains the records of 17.5 million individuals, and I have been told by experts at the Holocaust Museum here in Washington that almost every person to have known to have been a part of that terrible time can be found in those records, victims including Anne Frank, marks of saviors such as Oskar Schindler's famous list, and my octogenarian friend and constituent, Jacob Rosenthal of Long Island, and probably information on my own family members.

Mr. Speaker, there is a picture that hangs in my den. It used to hang in my mother's house. The color of the picture is completely in sepia, as was traditional for the time in which it was taken in Poland. It is a picture of the wedding party of my grandfather and grandmother, the grandmother whom I am named after and never met. It is a very old picture. The corners are turned down. It is starting to fade.

In front of the entire wedding party sits a whole group of young children sitting on the ground. My mother would point to this picture and point to the little children and say, "This is my Uncle Chaim, and this one is my Aunt Rachel." I would ask, "Mom, they are only children. How can they be your aunt and your uncle?" And her response was, "They will always be children."

My mother never knew what happened to them. She would have liked to have known. Maybe those records will tell us what happened to them.

For survivors of the Holocaust, such as our good friend and colleague and chairman of the Foreign Affairs Committee, TOM LANTOS, time for answers, for truth, for recognition that our loved ones existed and mattered is running out. We need these archives opened now, not next year, not a decade from now when fewer survivors will be here to find peace and possibly a strong degree of closure in the material in these archives. And perhaps opening these archives of over 17 million people will in part answer those evil people like the President of Iran, Mr. Ahmadinejad, who claims that the Holocaust never existed.

Our good friend from Kansas spoke on another bill and he cited scripture from Isaiah saying "you be my witness." The Nazis were their own witnesses and documented in tremendous detail the lives of all of these people, as well as their deaths.

The 1955 Bonn Accords Treaty governs these records. The 11 countries that signed that treaty agreed in 1998 to open these records to the public, but it did not happen. Last year, these nations agreed to ensure not only the opening of the records, but also the sharing of digitized copies and access for researchers.

Diplomatically, substantial progress has been made in recent years in achieving international agreement. Four countries have ratified the 2006 amendments: the United States, Israel, Poland and the Netherlands. With this resolution, Congress urgently encourages the remaining seven countries to ratify the amendments by May of 2007. Next month is the deadline, and we insist we make the digital archives records available as soon as they are ready this summer.

Mr. Speaker, I strongly support this resolution, and urge all of our colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H. Res. 240 dealing with the Holocaust archives. I would like to thank my colleague, Congressman HASTINGS of Florida, for introducing this bill which urges member countries of the International Commission of the International Tracing Service to ratify, if they haven't yet done so already, the May 2006 amendments to the 1955 Bonn Accords Treaty to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany.

The Holocaust stands as one of history's darkest moments. It is critical that we understand and educate future generations about what happened under the Nazi oppression and ensure that these atrocities are never repeated.

The ITS archives at Bad Arolsen are the largest closed Holocaust-era archives in the world, containing millions of records about the fate of over 17 million victims of Nazi Germany. Allowing open access to these records will provide researchers and scholars with materials necessary to enhance the public knowledge about the Holocaust as well as provide Holocaust survivors and their families with the information about their loved ones and help bring them closure.

Furthermore, creating open access to these documents will provide the information necessary to address issues of Holocaust compensation. In particular, many insurance companies have refused to honor Holocaust-era insurance policies brought about by Holocaust victims and survivors prior to and during World War II. These insurance companies have for over 60 years now refused to provide compensation under the insurance policies to Holocaust survivors or families of the Holocaust victims, arguing that Holocaust survivors and their families don't have the documentation, such as death certificates and insurance records. The concentration camps in which many of the Holocaust victims perished didn't issue death certificates and all assets and documents were confiscated from the Jews during that time by the Nazis. Many of these documents now remain closed in archives like Bad Arolsen.

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Unfortunately, today, we cannot bring back those who have perished in the Holocaust at the hands of Nazi Germany, nor can we erase the pain and suffering from the memories of those who survived these atrocities.

However, what we can do, and what H. Res. 240 aims to accomplish, is to make sure that the Holocaust-era archives are opened in an effort to bring long awaited justice and closure to Holocaust survivors and their families, as well as help ensure, through education, that atrocities committed during the Holocaust are never repeated.

Mr. Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, to the gentleman from Florida, chairman of the Rules Subcommittee on Legislative and Budget Process, the initiator, sponsor, motivator of this legislation to whom we owe a debt of gratitude, Representative ALCEE HASTINGS, I yield 5½ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my very good friend and an original cosponsor of this resolution, Representative GARY ACKERMAN, for the time.

Let me first say how grateful I am for the bipartisan cooperation and support of many House leaders to ensure that this important legislation was promptly brought to the House floor.

In particular, I thank the Chair of the House Foreign Affairs Committee, Representative TOM LANTOS, a true champion of this issue, and so many others in the international forum. I also thank the ranking member of the committee, and my fellow Floridian, ILEANA ROS-LEHTINEN. Both of them were critical in moving this bill forward.

I am also deeply appreciative of the tireless commitment to justice and fairness of the chairman of the Europe Subcommittee, my colleague and very good friend from Florida, Representative ROBERT WEXLER. Representative WEXLER not only held a critical hearing on this matter in his subcommittee, but also shepherded the resolution through the full committee.

And of course, I applaud the Republican cosponsor of this bill, my friend, Representative MARK KIRK, for his commitment to this issue. Both of these individuals have been instrumental in bringing this issue to the forefront of the United States Congress.

And, Mr. Speaker, very occasionally we don't mention our young staff people, but Eve Lieberman, in my office, had an awful lot to do with the work on this measure.

Mr. Speaker, appallingly, 62 years after the concentration camps of Europe were liberated, Holocaust survivors, their families and researchers still lack immediate, unfettered access to the Holocaust archives located in Bad Arolsen.

This important legislation follows upon previous efforts I made, with Representatives WEXLER and KIRK, to open the archives. Earlier this year, I led bipartisan congressional letters to several European countries urging them to swiftly ratify the agreement to open the archives.

I was also privileged to testify at a hearing on this issue, along with Holocaust Museum experts, the State Department and Holocaust survivors. Since that hearing took place last month, and the letters were penned, I am pleased to report to my colleagues that the United Kingdom and Germany have ratified the treaty.

Indeed, our efforts are paying off. Nevertheless, much more needs to be done.

In our world, filled with anti-Semitism, hate, racial bigotry, xenophobia and religious intolerance, it is imperative to expose the horrors of the Holocaust to all humanity.

When the leader of Iran hosts numerous Holocaust denial conferences, and others in the world attempt to legitimize it, it could not be more important to open these Holocaust archives.

The majority of the member countries of the International Tracing Service have been derelict in their obligations under the amendments to the Bonn Accords which they signed last May. These amendments require full and open access to the archives. Shamefully, it remains unclear when these countries will fulfill their obligations.

If European countries are actually committed to closing this dark chapter in world history and combating modern day anti-Semitism, then they must ratify these amendments immediately.

With every day the archives remain closed, Holocaust survivors who have suffered some of the most unimaginable and tragic horrors and terrors are being forced to suffer even more. It is unconscionable that these individuals are now the ones burdened the most by unwarranted bureaucratic delays.

In passing this legislation, Mr. Speaker, the House is proving its commitment to this issue, and that it is watching the remaining European nations to ensure their expeditious ratification. The short time left for the remaining Holocaust survivors does not afford us time to deprive them of this critical information any longer.

Next month I will attend an anti-Semitism conference in Romania. It will be my great hope that by that time the other countries have ratified this matter.

I thank my friend from New York, Representative ACKERMAN, for the time.

Mr. BOOZMAN. Mr. Speaker, I yield to the gentleman from Illinois, Congressman KIRK, as much time as he desires.

Mr. KIRK. Mr. Speaker, I thank the gentleman from Florida, and it has been a great partnership.

I rise in support of H. Res. 240, calling on the European nations to grant open access to the Holocaust archives in Bad Arolsen, Germany.

To date, the United States and Israel, Poland, the Netherlands, Great Britain, even Germany, ratified the amendments to the Bonn Accords, amendments which would finally give survivors real-time digital access to millions of Nazi records, and provide researchers access to all of the archives.

But for some reason, France and Italy, Greece, Belgium and Luxembourg are dragging their feet. One year after agreeing to these amendments, these five European nations remain silent on ratification. Mr. Speaker, silence on this issue is unacceptable and reprehensible.

We stand at a crossroads of history, at a time when Iran, a member of the United Nations, sponsors official conferences to deny the Holocaust, we need to act here. At a time when the President of Iran calls for the murder of another 6 million Jews, we need to act on this issue. At a time of resurgence of anti-Semitism and Holocaust denial throughout Europe and the Middle East, this is the time to act.

Sixty years ago the United States Army, when we liberated the camps, we made a solemn promise of "never again." And today, as President Ahmadinejad says he wants to, quote, wipe Israel off the map, we must say clearly to Europe, open these archives now to show the world that we stand behind this pledge.

I want to thank my longtime friend, the gentleman from Florida (Mr. HASTINGS), for giving me the privilege of working with him on this issue. I also want to thank Chairman LANTOS and Ranking Member ILEANA ROS-LEHTINEN and the gentleman from Florida (Mr. WEXLER) for their work.

I also want to thank Richard Goldberg, of my staff, and Eve Lieberman from Chairman HASTINGS' staff and Kay King from Chairman LANTOS' staff for this, as well as action by outside experts, Paul Shapiro at the U.S. Holocaust Museum, Rick Hirshaut at the Illinois Holocaust Museum, Rabbi Alan Cooper at the Simon Wiesenthal Center, Lonnie Nasatir at the Anti-Defamation League, and Jay Tcath of the Chicago Jewish Federation, who have all come together on an overwhelmingly bipartisan issue to send a clear message, open the archives. Make sure the message goes forth that the Holocaust deniers and especially the Iranian Government are wrong. We need to open the record, set it straight and make sure that the record is clear, especially to the survivors that are still among us.

Mr. BOOZMAN. Mr. Speaker, we don't have any other speakers. I also, though, would like to thank the staffs of the Foreign Affairs Committee for their hard work, not only on this bill, but the other bills that have been presented today.

I yield back the balance of our time.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise in support of H. Res. 240, the resolution calling on our colleagues in other nations to ratify the agreement opening the Bad Arolsen archives. I was proud to cosponsor this resolution but I am saddened that it is necessary to remind some of our closest allies what is at stake here.

The Bad Arolsen archives represent over 17 million people records related to the Holocaust and post-World War II displacement. Survivors of this tumultuous time want nothing more than to find evidence of what happened to their loved ones. We are all too aware that members of this generation are dying each day and that time is of the essence.

While survivors are able to make a request for records, the current system is both backlogged and poorly managed. Over 500,000 requests are unfulfilled and there are demonstrated cases where survivors have been incorrectly advised that there are no records concerning them.

Today, we call on the legislatures of the United Kingdom, Luxembourg, Germany, Belgium, Italy, Greece, and France to live up to their promises to swiftly approve the changes necessary to open the archive. How many more survivors need to pass away before the bureaucratic red tape is cleared away?

Now is the time to provide answers that survivors have been seeking for over 60 years. Now is the time to provide some measure of comfort to those who were terrorized by the systematic violence of the Nazis and the chaos of the war to end their reign.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of H. Res. 240 which would help open access to the Holocaust archives located at Bad Arolsen, Germany.

Sixty-two years after the end of the Second World War, the Holocaust archives located in Bad Arolsen remain the largest closed World War Two-era archives in the world. While access to individual records may be requested by Holocaust survivors and their families, many who have requested information in the past reported facing significant delays. These millions of extensive records continue to remain inaccessible to researches.

In order to allow for open access to the archives, each of the 11 members of the International Commission of the International Tracing Services must ratify the May 2006 amendments to the Bonn Accords. Deplorably, the majority of the member countries of the International Commission have yet to ratify these amendments. To date, the amendments have only been publicly ratified by 4 out of the 11 Commission member countries. That is why it is important that we are passing H. Res. 240 today.

The 110th Congress has recently recognized Holocaust Remembrance Day, and I am pleased that we are continuing our efforts to "never forget". My district, the 9th Congressional District of Illinois, is home to the largest concentration of survivors in the State of Illinois and perhaps in the country, and the opening of the Bad Arolsen Archive holds deep meaning for those individuals and the entire community. Perhaps the records located there will help these families fill in the blanks in their lives that were shattered by Nazi Germany.

I am proud to be a cosponsor of H. Res. 240, and I urge all of my colleagues to lend it their support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Res. 240, which urges all member countries of the International Commission of the International Tracing Service, ITS, who have yet to ratify the May 2006 amendments to the 1955 Bonn Accords Treaty, to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany.

The Holocaust was not a random act of mass murder but a systematic campaign of genocide carried out by the Nazis against the Jews. The world must never forget the more than 6 million Jews who perished in the Holocaust. In total, the atrocities were more than 60 percent of the pre-World War II Jewish population of Europe.

We must never forget the evil acts that happened during that era and we must continue the fight against racism, intolerance, bigotry, prejudice, discrimination and anti-Semitism in every form today.

After over 60 years, the Holocaust is still a presence, and there are living memorials all over the world dedicated to the memory of those who so cruelly lost their freedom and their lives, and to the continuing education to conquer prejudice, hatred, and injustice. As we allow for open access to the Holocaust archives, we remind the world that the Holocaust indeed was a sad part of our world's history, should anyone doubt its existence. As recently as December 2006, the President of Iran, Mahmoud Ahmadinejad, held the second Holocaust denial conference in Tehran in 1 year. The time to act is now. The opening of the archives at Bad Arolsen could not be more opportune, especially with the resurgence of anti-Semitism in this part of the world.

The International Tracing Service (ITS) archives located in Bad Arolsen, Germany, remain the largest closed Holocaust-era archives in the world. The 50,000,000 records on the fates of some 17,500,000 individual victims of Nazi war crimes will forever be memorialized, reminding the world of the travesty and devastation that occurred in Nazi Germany. There have been too many instances of survivors and heirs of Holocaust victims being refused their moral and legal right to information—for restitution purposes, slave labor compensation, and personal closure.

Problems persist when those who have requested information in the past have reported facing significant delays and even unresponsiveness; furthermore, the records remain inaccessible to researchers and research institutions.

The 1955 Bonn Accords established an International Commission of 11 member countries, which includes the United States, and is charged with overseeing the administration of the ITS Holocaust archives. The amendments to the Bonn Accords require each of the 11 members of the International Commission to ratify the amendments before open access to the Holocaust archives is permitted.

The International Commission of the ITS agreed upon amendments to the Bonn Accords that would allow researchers to use the archives and would allow each Commission member country to receive digitized copies of archive materials and make the records available to researchers under the respective national laws relating to archives and privacy. Only 4 members out of the 11 Commission member countries have ratified the amendments to date. Although the United States is one of the 4 members that have ratified the amendment, there are 7 member countries that have yet to ratify. It is imperative that these 7 member nations ratify the amendment because it is essential that Holocaust researchers obtain access now, while survivors are living. I join my colleagues in urging all countries that have yet to ratify the amendments to abide by their treaty obligations made in May 2006 and to expedite the ratification of these amendments.

The murder of 6,000,000 Jews and more than 5,000,000 other victims during the Holocaust must not be forgotten. We must remember those who survived the unprecedented horrors of the Holocaust and those who were not so fortunate to survive the evils committed by the Nazis. I strongly urge my colleagues to support H. Res. 240.

Mr. FOSSELLA. Mr. Speaker, for generations, Israel has been defending itself against hostile nations and terrorism in the midst of a region long plagued by turmoil and instability. The United States, now more than ever, must stand by its relationship with Israel. I want to take this opportunity to address in more detail my support of recent legislation before Congress regarding Israel.

I am pleased to see a key piece of legislation pass the House this week that I have cosponsored, H. Res. 125. The resolution expresses deep concern over the use of civilians as human shields in violation of international humanitarian law and the law of war during armed conflict. During the summer of 2006 conflict between Hezbollah and the State of Israel, Hezbollah routinely used this brutal and illegal tactic of embedding its forces among civilians to use them as human shields. This bill calls upon the international community to recognize the breaches of international law through the use of human shields and calls upon the State Department to make recommendations to prevent the future use of human shields during armed conflicts. The majority of civilian casualties of that conflict might have been avoided and civilian lives saved had Hezbollah not employed this tactic.

I am also very concerned about an issue facing the rapidly shrinking population of Holocaust survivors, and their right to research the facts of the unspeakable tragedy. Earlier this year, I signed letters addressed to the Ambassadors from Great Britain, France, Greece, Belgium and Italy urging them to expedite the process of releasing the Holocaust archival records of the International Tracing Service (ITS) located in Bad Arolsen, Germany. These millions of extensive records have remained inaccessible to Holocaust survivors, their families, and researchers alike for decades. Although progress was made last May when the International Commission of the ITS amended the Bonn Accords to allow each Commission member country to receive a digitized copy of the archives, some of the nations have yet to ratify the amendments. For the sake of these survivors and their families, I joined my colleagues in urging these governments to ratify this critical treaty amendment without delay. These letters led to the introduction of H. Res. 240, of which I am an original cosponsor and that passed the House this week. Mirroring the letters, the bill urges all countries that have not ratified the amendments to abide by their May 2006 treaty obligations and expedite such ratification. The bill goes on to urge all members of the International Commission of the ITS to consider the short time left to Holocaust survivors and unanimously consent to open the ITS archives should all countries not ratify the amendments by May 2007.

Since I was first elected to Congress, I have always supported strengthening the partnership between the United States and Israel. I am pleased to see these two important bills pass the House, and throughout the 110th Congress, I will continue to look for opportunities to bolster the relationship with our key ally, Israel.

Mr. ACKERMAN. We thank everybody for everything as well, including the Speaker. I have no further speakers. I yield back the balance of our time.

The SPEAKER pro tempore. All time has now expired. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 240.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND ACCOMPLISHMENTS OF GIAN CARLO MENOTTI

Ms. CLARKE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 68), honoring the life and accomplishments of Gian Carlo Menotti and recognizing the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 68

Whereas Gian Carlo Menotti was born on July 7, 1911, in Cadegliano-Viconago, Italy;

Whereas Mr. Menotti began writing songs at age 7, and at age 11 wrote both the libretto and music for his first opera, The Death of Pierrot;

Whereas Mr. Menotti began his formal musical training in 1923 at Milan's Verdi Conservatory;

Whereas after the death of his father, Mr. Menotti and his mother emigrated to the United States, and he enrolled at Philadelphia's Curtis Institute of Music;

Whereas Mr. Menotti's first full-length opera, The Consul, premiered in 1950, and it won both the Pulitzer Prize for Music and, in 1954, the New York Drama Circle Critics' Award for Musical Play of the Year;

Whereas in 1951, Mr. Menotti wrote his beloved Christmas opera, Amahl and the Night Visitors, for the Hallmark Hall of Fame;

Whereas Amahl and the Night Visitors was the first opera ever written for television in the United States and was first aired on Christmas Eve in 1951;

Whereas Amahl and the Night Visitors was such a success that it became an annual Christmas tradition and remains Mr. Menotti's most popular work to this day;

Whereas in 1955, Mr. Menotti won a second Pulitzer Prize for his opera, The Saint of Bleecker Street;

Whereas in 1958, Mr. Menotti founded the Festival dei Due Mondi (Festival of the Two Worlds) in Spoleto, Italy, as a forum for young American artists in Europe;

Whereas when the organizers of the Festival of Two Worlds decided to plan a companion festival in the United States, they searched for a city that would offer the charm of Spoleto, Italy;

Whereas Mr. Menotti and the Spoleto USA organizers decided that Charleston, South Carolina, was the perfect counterpart to Spoleto, Italy, because Charleston is small enough to be dominated by nonstop arts events during the 17-day festival, but also large and sophisticated enough to provide a knowledgeable audience and appropriate theaters;

Whereas the Spoleto USA organizers also observed that Charleston has an extensive history of involvement with the arts, from housing the Nation's first theater and ballet companies to housing the Nation's oldest musical organization;

Whereas Mr. Menotti founded the Spoleto Festival USA in 1977, and the festival quickly became a haven for a large group of artists, both traditional and experimental, who were attracted to the mix of dance, theater, opera, music, and visual arts;

Whereas the Spoleto Festival USA has maintained traditions of the Festival of Two Worlds, such as a dedication to young artists, an enthusiasm for providing unusual performance opportunities to recognized masters in their fields, and a commitment to all forms of the performing arts, including classical ballet, modern and post-modern dance, opera, chamber, symphonic, and choral music, jazz, theater, and visual arts;

Whereas the Spoleto Festival USA currently claims an audience of between 70,000 and 80,000 attendees each year; and

Whereas Gian Carlo Menotti died on February 1, 2007, in a hospital in Monte Carlo: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the life and accomplishments of Gian Carlo Menotti and recognizes the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. CLARKE. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Con. Res. 68 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. CLARKE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H. Con. Res. 68 honors the life and accomplishments of Gian Carlo Menotti, and recognizes the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded.

I would like to thank Representative BROWN from South Carolina for bringing this important resolution to the floor.

Gian Carlo Menotti was born July 7, 1911, at Cadegliano-Viconago, Italy. At the age of 7, under the guidance of his mother, he began to compose songs, and 4 years later he wrote the 'words and music of his first opera, "The Death of Pierrot."

Following the death of his father, his mother took him to the United States, where he was enrolled at Philadelphia's Curtis Institute of Music. There he completed his musical studies.

His first mature work, the one-act opera buffa, "Amelia Goes to the Ball," was premiered in 1937, a success that led to a commission from the National Broadcasting Company to write an opera especially for radio, "The Old Maid and the Thief," the first such commission ever given.

"The Consul," Menotti's first full-length work, won the Pulitzer Prize and the New York Drama Critics Circle Award as the best musical play of the year in 1954.

In 1984, Menotti was awarded the Kennedy Center Honor of Lifetime Achievement in the Arts. He was chosen 1991 Musician of the Year by Musical America, inaugurating worldwide tributes to the composer in honor of his 80th birthday.

Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 68. This resolution honors the life and accomplishments of Gian Carlo Menotti, and recognizes the success of the Spoleto Festival USA, which he founded in my birthplace of Charleston, South Carolina.

Born in Italy, near Lake Magiore and the Swiss border, Mr. Menotti began writing songs at the age of 7. By 11 he wrote both the story line and music for his first opera, "The Death of Pierrot," and shortly thereafter began his formal musical training at Milan's Verdi Conservatory.

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After the death of his father, Menotti and his mother immigrated to the United States, where he enrolled at Philadelphia's Curtis Institute of Music.

In 1951 Mr. Menotti wrote his beloved Christmas opera, "Amahl and the Night Visitors," for the Hallmark Hall of Fame. "Amahl and the Night Visitors" was the first opera ever written for television in the United States and was first aired on Christmas Eve in 1951. "Amahl and the Night Visitors" was such a success that it became an annual Christmas tradition and remains Mr. Menotti's most famous popular work to this day.

In 1958 he founded the Festival of Two Worlds in Spoleto, Italy. This festival was intended to bring opera to a popular audience and helped launch the careers of such artists as singer Shirley Verrett and choreographers Paul Taylor and Twyla Tharp.

In 1977 he founded its companion festival, Spoleto Festival USA, in Charleston, South Carolina. Spoleto Festival USA is an annual 17-day festival of the arts which produces opera, and it presents dance, theater, classical music, and jazz. The festival is held in late May and early June.

Charleston was chosen as the location for the festival due to its wealth of theaters and other performance spaces. Each year the festival hosts over 100 performances by international artists in a variety of disciplines. Since its inception it has presented 100 international premieres and 93 American premieres, notably "Creve Coeur" by Tennessee Williams and "The American Clock" by Arthur Miller. World-renowned artists who performed at Spoleto Festival USA early in their careers include Renee Fleming, Emanuel Ax, Joshua Bell, Joanna Simon, and Yo-Yo Ma. The festival claims an audience annually of between 70,000 to 80,000 persons each year.

In 1984 Menotti was awarded the Kennedy Center Honor for Achievement in the Arts, and in 1991 he was chosen Musical America's "Musician of the Year." In addition to composing operas to his own texts, on his own chosen subject matter, Menotti directed most productions of his work.

Gian Carlo Menotti died on February 1, 2007, at the age of 95 in a hospital in Monte Carlo, Monaco, where he had a home.

I want to thank my colleagues, led by Congressman HENRY BROWN and my fellow members of the South Carolina delegation, for honoring the life of this great Italian American artist as well as his lasting legacy, the Spoleto Festival USA.

I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. CLARKE. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from New Jersey, BILL PASCRELL, Jr., member of the Ways and Means Committee.

Mr. PASCRELL. Mr. Speaker, I want to thank the gentlewoman for yielding.

I rise today in strong support of House Concurrent Resolution 68, a resolution honoring the life and accomplishments of Gian Carlo Menotti, who passed away earlier this year at the age of 95.

As cochair of the congressional Italian American delegation, I am especially proud to be here today to honor Gian Carlo Menotti. This award-winning composer and champion of artists was one of the most significant composers to emerge after World War II.

A native of Italy, he was the sixth of ten children. He began writing songs when he was 7 years of age. If you can flash back to when we were 7 years of age, I know that maybe the Speaker was writing songs, but I wasn't. He wrote both the libretto and music for his first opera, "The Death of Pierrot." He was an immigrant. So we are not only talking about his life, we are talking about all of those immigrants who came here with nothing and made something that everybody was affected by in his life.

He came to this country in 1928. And his first full-length opera was "The Consul," which premiered in 1950. He won the Pulitzer Prize for Music and in 1954 the New York Drama Circle Critics' Award for Musical Play of the Year. The piece was translated into 12 languages and performed in no fewer than 20 countries.

In 1951 he wrote the Christmas opera "Amahl and the Night Visitors," the first opera ever written for television in the United States. It first aired on Christmas Eve in 1951, and it remains the most popular work to this day.

In 1958 he founded the Festival dei Due Mondi, which is the Festival of the Two Worlds, in Spoleto, Italy, as a forum for young American artists who were in Europe. This was a place for them to go to really bevel their skills so that they can communicate to the rest of the world the beauty of music.

When the organizers of the Festival of Two Worlds searched for a city, they went to Charleston, a great city which Congressman WILSON spoke of, and I think that is where he was born. So they gave us not only Congressman WILSON, but they also gave us great music. It is a beautiful city, and they saw what was in Spoleto, Italy, and they tried to replicate that.

Mr. Menotti founded the Spoleto Festival USA in Charleston in 1977, and it has since maintained the tradition, and you heard the speaker previously speak about how many people go to that festival.

I am proud to lend my voice today to the chorus of those in support of this resolution.

True, Mr. Speaker, there was no TV series or reality TV reflecting the genius of this man. Thank God. His music spoke for itself and sounded for itself. And when we talk about television and what goes on the tube and what passes for reality and the series that we see and are exposed to that are supposed to reflect to us the ethnicity of certain groups, it is shameful that we do not give presence to this beautiful immigrant who gave his life, as the individual we honored last year, who painted the inside of this Capitol and wound up with nothing in his pocket at the end of it. These are the people that made America. Not the people that get whacked on series. And thank God it is going to be over pretty soon.

So we celebrate the accomplishments of Gian Carlo Menotti not just for Italians, not just for Italian Americans, but for all of us. We are all immigrants. We are all immigrants. And so we say that word respectfully as we move towards the discussion and the debate about what our immigration policy will be later on in this year. And hopefully we will come to salient solutions which reflect the best of our immigrant population, every group, regardless of which continent you came here from.

So thank you, Madam Congresswoman, and thank you, Mr. WILSON from South Carolina.

Mr. WILSON of South Carolina. Mr. Speaker, I appreciate the information enthusiastically provided by Mr. PASCRELL, who is certainly one of the finest Members we have here, and I appreciate our long association.

Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I thank my good friend Joe Wilson for yielding me this time and for those great remarks of Mr. PASCRELL.

Mr. Speaker, I rise today to speak on H. Con. Resolution 68, which is a resolution honoring the life of Gian Carlo Menotti, who was the founder of the Spoleto Festival USA that happens every year in Charleston, South Carolina.

Mr. Speaker, on February 1, 2007, Gian Carlo Menotti passed away. He was a Pulitzer Prize-winning composer and champion of the arts in the United States and in Italy.

In 1958 he founded the Festival of Two Worlds in Spoleto, Italy, as a forum for young artists in Europe. In 1977 he decided to plan a companion American festival, and they searched for an American city that would offer the charm of Spoleto, Italy.

Mr. Menotti and the Spoleto Festival organizers decided that Charleston, South Carolina, was the perfect counterpart to Spoleto, Italy. Charleston is small enough to be dominated by nonstop arts events during the 17-day festival but also large and sophisticated enough to provide a knowledgeable audience and appropriate theaters.

Organizers also observed that Charleston, South Carolina, has an extensive history of involvement with the arts from housing America's first theater and ballet companies to housing the oldest musical organization in the country.

The Spoleto Festival quickly became a haven for a large group of artists, both traditional and experimental, who found the mix of dance, theater, opera, music, and the visual arts.

The Spoleto Festival USA has maintained traditions of the Festival of Two Worlds, such as a dedication to young artists and an enthusiasm for providing unusual performance opportunities to recognized masters in their fields and a commitment to all forums of the performing arts, including classical ballet, modern and post-modern dance, opera, chamber, symphonic, and choral music, jazz, theater, and visual arts.

Spoleto Festival USA currently claims an audience of over 75,000 attendees each year, and the festival continues its dedication to providing performance opportunities to young artists from across the United States and Italy.

Mr. Speaker, H. Con. Res. 68 has been endorsed by the National Italian American Foundation and is cosponsored by the entire South Carolina delegation, including my friend and colleague who also represents part of Charleston, South Carolina, the majority whip, Jim Clyburn.

I urge all of my colleagues to support H. Con. Res. 68 in honor of the father of Spoleto Festival USA, Gian Carlo Menotti.

Mr. WILSON of South Carolina. Mr. Speaker, I do want to conclude with thanking Mr. BROWN for his leadership in bringing this to the attention of our country.

Mr. Speaker, I yield back the balance of my time.

Ms. CLARKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 68.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE THAT SCHOOLS SHOULD CELEBRATE NATIONAL GARDEN MONTH THROUGH A CURRICULUM THAT INCLUDES OUTDOOR LEARNING

Ms. CLARKE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 292) expressing the sense of the House of Representatives that schools should celebrate National Garden Month through a curriculum that includes outdoor learning.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 292

Whereas individuals in the United States desire a healthy environment for the future;

Whereas teaching children to appreciate, respect, and protect the environment will have long-term benefits because children are the next generation of environmental stewards;

Whereas greater exposure to nature through outdoor learning and play is recognized as essential to the physical, emotional, and mental development and health of children;

Whereas gardening exposes children to the outdoors while increasing their knowledge of plant cultivation and soil ecosystems;

Whereas research has shown that gardening positively impacts not only environmental attitudes, but also nutritional attitudes, interpersonal skills, and self-esteem; and

Whereas the National Gardening Association recognizes April as National Garden Month: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that schools throughout the United States should celebrate National Garden Month through a curriculum that includes outdoor learning through gardening.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

□ 1300

GENERAL LEAVE

Ms. CLARKE. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 292 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. CLARKE. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 292 expresses the sense of the House of Representatives that schools should celebrate National Garden Month through a curriculum that includes outdoor learning.

I would like to thank my colleague, the gentlewoman from Ohio, Representative PRYCE, for bringing this resolution to the floor.

Mr. Speaker, the importance of getting children outside and involving them with the environment is critical to the survival of our planet, and this bill takes the first step in that direction. National Garden Month will introduce children, particularly children from the city, such as Brooklyn, where I represent, who would not be exposed to the outdoors an opportunity to involve themselves in gardening and the outdoors.

This resolution is a small step in helping to further our survival. I urge my colleagues to support the environment by supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield as much time as she may consume to the gentlelady from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. I thank the gentleman, my friend Mr. WILSON, for yielding me this time.

Mr. Speaker, I rise today in support of H. Res. 292, legislation I introduced to encourage schools to celebrate National Garden Month by including outdoor learning in their curriculum.

Mr. Speaker, I want to make special thanks to my friend, the gentlewoman from New York (Mrs. MCCARTHY) for cosponsoring this bill and helping me get it to the floor.

Mr. Speaker, the National Garden Association has designated April as National Gardening Month, during which people across the Nation take out time from their busy schedules to plant seeds and bulbs and trees to beautify their lawns and gardens and, ultimately, the communities in which they live. However, this annual ritual does more than just enrich the aesthetics of people's yards. Research has shown that gardening positively impacts environmental attitudes, interpersonal skills, self-esteem and even nutritional attitudes. That is why it is important that we expose our children, especially school-age children, to the benefits of nature and gardening through outdoor learning.

April is a fitting month for consideration of this measure as we celebrate both Earth Day, and in many States, Arbor Day. With conservation and environmental stewardship in the air, we should seize this opportunity to encourage children all across America to step away from their televisions and turn off their X-Boxes, get outside, get some fresh air, and become the young scientists in the living laboratory that is all around us.

More so than any one generation before it, children today are instilled with the values of environmentalism and conservation. H. Res. 292 builds upon and nurtures this value system and serves as a win-win for all.

With the long-term health of our environment becoming an increasingly hot topic, it is imperative that we teach our children to appreciate, respect and protect our environment. While doing so, it improves and beautifies the planet around us. It also is essential to the physical, emotional and mental development of our children. The practice of gardening has proven to improve landscapes and environmental health, nutrition and personal health and family and community bonds. This bill will introduce more children than ever to gardening and horticulture.

For a more beautiful America, and for healthier and happier children, I urge my colleagues to support this resolution.

Ms. CLARKE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY), Chair of the Subcommittee of Healthy Families and Communities of the Education and Labor Committee.

Mrs. MCCARTHY of New York. Thank you for yielding.

I want to thank my good colleague, DEBORAH PRYCE, for working on this bill and introducing the bill. I want to certainly thank my colleague on the Education Committee, Representative CLARKE from New York, also, for managing the bill.

Mr. Speaker, I rise in support of H. Res. 292. It is important for our schoolchildren to learn outside the classroom.

I am personally a gardener, and I hope that someday I'm actually going to become a master gardener. I also know that bringing my grandchildren into the garden and showing them, number one, how to grow things, and also the whole life of bugs, I know a lot of people might get a little squeamish about that, but to learn the science and to watch a praying mantis and to watch how they live and how the birds and the gardens work together, it is teaching our young children the wonders of the world. It also gets them interested in science. This world is a very complex place.

It is also extremely good for your mental health. I know that certainly with this job here, and all the years that I worked as a nurse, the first thing I went to was my garden when I got home. Just to put your hands in the soil, it gives you an immediate release of the tension that you might feel. So it is an activity that we are seeing more and more young people getting involved in.

I am happy to say that many of my schools on Long Island have gardens going around the school, number one, to beautify it, but also to teach the children how important gardening is. And growing vegetables. We find that children that grow their own vegetables actually enjoy eating vegetables a little bit more.

I certainly want my colleagues to vote for this. It is a good bill, and it is a good awareness for our young people.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 292, expressing the sense of the House of Representatives that schools should celebrate National Garden Month through a curriculum that includes outdoor learning through gardening.

I appreciate the leadership of its lead sponsor, Congresswoman DEBORAH PRYCE of Ohio.

Around the Nation, more and more schools and youth groups are becoming savvy to the ecological and educational benefits of building gardens. It gives students another reason to get outdoors and use their knowledge and academic skills to solve a real world problem.

Gardening offers active and engaging connections to academics from science and math to nutrition and literacy. Educators will tell you students retain information better when they design experiments, use more than one style of learning, and share their newfound knowledge with others.

Additionally, gardening benefits children's health and well-being, as well as their attitudes toward the environment. Indeed, gardening benefits the whole child. It captivates children's interests, teaches them nurturing skills, and gives them a sense of pride in their accomplishments. It introduces them to healthful foods and provides a way to improve and give back to the community.

I grew up with an appreciation of gardening in that my mother, Wray G. Wilson, was the garden editor of the Charleston News and Courier, where she encouraged the establishment of a municipal parks department for America's most historic city, with the leadership of Mayor J. Palmer Gailliard, Jr. Additionally, my two youngest sons, Julian and Hunter, have developed an appreciation of gardening, the environment and conservation by attending Camp Wildwood, sponsored by the South Carolina Department of Natural Resources and the Garden Clubs of South Carolina. I am grateful to Brad Taylor and Steve Bates for their enthusiastic coordination of Camp Wildwood.

For these reasons, Mr. Speaker, I am honored to join my friends, Congresswoman PRYCE, Congresswoman CLARKE, Congresswoman MCCARTHY and students across the Nation in celebrating National Gardening Month, and ask my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. CLARKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the resolution, H. Res. 292.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM FOR WINNING 2007 NCAA DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP

Ms. CLARKE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 320) congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I Women's Basketball Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 320

Whereas, on April 3, 2007, before a crowd of over 20,000 fans, the University of Tennessee women's basketball team (the "Lady Vols") defeated the Scarlet Knights of Rutgers by a score of 59–46 to win the 2007 National Collegiate Athletic Association (NCAA) Division I Women's Basketball Championship;

Whereas this championship was the first national title for the Lady Vols since their 3-year championship run in 1996–98, and their 7th national title in the last 20 years;

Whereas the Lady Vols were successful due to the leadership of Coach Pat Summitt, the Nation's all-time winningest NCAA basketball coach (men's or women's) with 947 wins over 33 seasons at the University of Tennessee;

Whereas Joan Cronan, the Women's Athletics Director, has shown vision and leadership throughout her 24-year career at the University of Tennessee and created one of the most visible and respected athletic programs in the country;

Whereas the Lady Vols were undefeated in conference games during the 2006–2007 season and compiled an impressive overall record of 34 wins and 3 losses;

Whereas Candace Parker tallied 17 points, 7 rebounds, and 3 assists and was selected the Most Outstanding Player for the 2007 tournament, becoming the 5th Lady Volunteer to be so honored, following in the footsteps of Chamique Holdsclaw (1998, 1997), Michelle Marciniak (1996), Bridgette Gordon (1989), and Tonya Edwards (1987);

Whereas Shannon Bobbitt, who at only 5 feet, 2 inches, is the smallest player ever at the University of Tennessee, scored 3 decisive 3-pointers in the 2nd half, finished the game with 13 points, and was named to the 2007 All-Tournament Team;

Whereas Nicky Anosike had a career high of 16 rebounds and was named to the 2007 All-Tournament team;

Whereas senior Sidney Spencer scored 11 points and Alberta Auguste scored 10 points, with both players achieving a combined 6 for 6 from the free throw line;

Whereas Alexis Hornbuckle played outstanding defense and created energy on the court;

Whereas Dominique Redding and Alex Fuller also contributed to the team's victory;

Whereas the 2006–2007 team has an average GPA above 3.0; and

Whereas Coach Pat Summitt's Lady Vols continue their remarkable graduation rate, with every student athlete who has completed her eligibility at the University of Tennessee either graduating or working toward all of the requirements for graduation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the University of Tennessee women's basketball team for being champions on and off the court and for their victory in the 2007 NCAA Division I Women's Basketball Championship;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the University of Tennessee Lady Vols win the NCAA championship; and

(3) respectfully requests the Clerk of the House of Representatives to transmit copies of this resolution to the following for appropriate display—

(A) Dr. John D. Petersen, President of the University of Tennessee;

(B) Dr. Loren Crabtree, Chancellor of the University of Tennessee, Knoxville;

(C) Joan Cronan, Women's Athletics Director; and

(D) Pat Summitt, Women's Basketball Head Coach.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

New York (Ms. CLARKE) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. CLARKE. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 320 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. CLARKE. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 320 congratulates the University of Tennessee women's basketball team for winning the 2007 NCAA Division I women's basketball championship.

I would like to thank my colleague, the gentleman from Tennessee, Representative DUNCAN, for bringing this resolution to the floor.

In recognition of the accomplishments of the Tennessee women's basketball team for winning the 2001 NCAA Division I championship, we need only reflect back to the year 1972, when in this body title VIII, also known as the Pepsi Teammate Equal Opportunity and Education Act, was enacted. Title VIII has demonstrated significant impact on high school and collegiate athletics. As a result, women nationwide have had the opportunity to engage in extracurricular activities enriching their collegiate experience. As well, as a result, we are here today to recognize the victory of the Tennessee women's basketball team 2007 NCAA Division I champions.

I urge my colleagues to support this resolution and demonstrate our commitment to girls and women's athletics.

Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), who has ably developed this resolution.

Mr. DUNCAN. I thank the gentleman from South Carolina for yielding me this time, and I thank the gentlelady from New York for her support for this resolution.

Mr. Speaker, I have the privilege and honor of representing Knoxville and the surrounding area, which is the home of the main campus of the University of Tennessee and the home of the great basketball team, the Tennessee Lady Vols.

I have sometimes said, Mr. Speaker, that the colors orange and white are almost as patriot or more patriotic in my district than red, white and blue. And I also have said that oftentimes it appears that the biggest thing in my district is Tennessee football and Tennessee women's basketball, although Tennessee men's basketball is coming back under the leadership of our great new coach, Coach Bruce Pearl. But we are especially proud of our Lady Vols basketball coach, Ms. Pat Head Summitt. Under Coach Summitt, Tennessee women's basketball sometimes frequently had crowds of two and three times the number of fans that the men's basketball team would draw, sometimes drawing crowds as large as 24,000, 25,000 people. Pat Summitt is the NCAA's winningest coach, man or woman, in Division I, and has posted an overall record of 947 wins against only 180 losses, a phenomenal winning percentage of 84 percent.

Her 2007 NCAA title was the seventh in her 33-year career at Tennessee. She also captured NCAA titles or led the Lady Vols to NCAA championship titles in 1987, 1989, 1991, 1996, 1997 and 1998, as well as this year. She trails only UCLA's legendary John Wooden for the most lifetime NCAA titles. Coach Wooden captured 10 during his tenure.

She was named SEC Coach of the Year in 1993, 1995, 1998, 2001, 2003, 2004, and 2007. She was the NCAA women's Coach of the Year an unbelievable number of times, in 1983, 1987, 1989, 1994, 1995, 1998 and 2004.

□ 1315

She was named the Naismith Coach of the Century in the year 2000. I want to congratulate Pat Head Summitt and her assistant head coach Holly Warlick who has been with her through most of those years, and also assistants Nikki Caldwell and Dean Lockwood.

The 2007 Lady Vols compiled a 27–2 regular season record, a 14–0 SEC record, a 34–3 allover record including the SEC and NCAA tournaments.

On April 3, 2007, before a crowd of over 20,000 fans, the Lady Vols beat the Scarlet Knights of Rutgers by a score of 59–46.

Mr. Speaker, all of the players on the Lady Vols have grade point averages over 3.0. Coach Summitt, in her 33 years of coaching, has had an astounding record of a 100 percent graduation rate. And she won't even let her young women take easy courses. It is an amazing record that no other coach in the country can match.

I want to commend Candace Parker, the most outstanding player of the 2007 NCAA tournament, and the starting lineup of Shannon Bobbitt, Nicky Anosike, Sidney Spencer, Alexis Hornbuckle; Sidney Spencer, the only senior on the team; and certainly the key bench players like Dominique Redding, Alberta Auguste, Alex Fuller, and Cait McMahan from my own district in Maryville, Tennessee.

I want to also thank all of the members of the Tennessee delegation for cosponsoring this resolution with me, as well as 22 other bipartisan cosponsors from across this country, from California to West Virginia and South Carolina to Pennsylvania.

I appreciate the nationwide support this resolution has.

Ms. CLARKE. Mr. Speaker, I am pleased to yield as much time as he may consume to the distinguished chairman of the Subcommittee on Health, Education, Labor, and Pensions of the Education and Labor Committee, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend from New York for yielding to me.

Mr. Speaker, I congratulate the outstanding athletes of the Lady Vols of the University of Tennessee for being outstanding students, outstanding athletes, and great representatives of their university in this country.

I must say, coming from New Jersey, as far as we were concerned, there were two champions playing in this championship game that took place. The Lady Vols won a decisive victory fair and square on the court, although those of us that are fans of Rutgers say we will be back next year to challenge again.

But I was in the chair when the Rutgers resolution passed last week, and I did not want to let this moment pass without adding my voice to acknowledge the championship quality of the young women on both of these teams. In New Jersey, we are particularly proud of the grace and dignity and class shown by the young women of the Rutgers Scarlet Knights basketball team. We think those characteristics are amply shared by the Lady Vols as well, and I just wanted to add my voice of congratulations as the runner-up to the Lady Vols. But we believe that our young ladies, Mr. Speaker, from Rutgers are champions in every sense of the word.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 3 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from South Carolina and my colleague from Tennessee for his work on the resolution, and I thank Mr. ANDREWS for his kind remarks. And, yes, we think the Scarlet Knights as we honored them last week did a wonderful job.

But I will have to tell you, Mr. Speaker, we were so thrilled with our Tennessee Lady Vols, and we did like that score of 59–46. We thought that was very good. We liked the fact that our Lady Vols captured their seventh title in 20 years, and it was the first NCAA championship since they won three straight titles, as my colleague from Knoxville mentioned, there in 1996, 1997, 1998.

He mentioned also their coach, Pat Head Summitt, and mentioned that she is the NCAA's all-time winningest coach, male or female. She is given to leadership and she is given to mentoring and role modeling. That is why she has totaled up 947 victories, and she is still counting because she is still out there.

And we accept that challenge from those at Rutgers. We know they are coming back next year, but so are we, and we know that Coach Summitt is going to be out there. And, again, we expect that they will dominate not only the SEC but the NCAA.

And, as always, the Lady Vols accomplished their goal with the dignity befitting one of college basketball's most celebrated programs. Yet their on-the-court exploits pale in comparison to the fact that the Lady Vols continue to set a standard for Division I college sports in the classroom. Coach Summitt and her staff demand the best, and that attitude is reflected in the championship team's 3.0 grade point average, and the program's remarkable graduate rate that has spurred every student who has completed her eligibility at the university to either graduate or continue working toward requirements for graduation. Basketball excellence deserves our applause, but a commitment to academic excellence and the pursuit of a young student athlete's college degree and their leadership and professional development deserves our celebration.

I do congratulate the Lady Vols, Coach Summitt, and the entire University of Tennessee family for their tremendous achievements.

Ms. CLARKE. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I am proud to join my colleagues from Tennessee and across the country who are honoring the Lady Vols for their terrific performance in the recent basketball tournament. We also want to honor, of course, the Scarlet Knights from Rutgers, all the teams that participated in this wonderful tournament and did a wonderful job; but particularly from Tennessee, we want to honor the Lady Vols, and their incredible coach, Pat Head Summitt.

I have the honor of representing part of Cheatham County, and Pat Summitt claims that as her home, and we are very proud that she is from there as the winningest coach in NCAA history.

So everything that should be said I think has been said. I would just like to associate myself with the remarks because Tennesseans and all Americans, I think, are proud of the performance of the Lady Vols.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding and for this moment for us to come and celebrate the Lady Vols' victory of the national championship.

Mr. Speaker, two of my favorite things in life, as people know who know me, are the game of basketball and the Tennessee Volunteers. In 3 months, I will have a son who is a junior at the University of Tennessee, and a daughter who is a freshman, as my son has been there for 2 years, and Kim and I are about to have both of our children as students at the University of Tennessee, and we very much love the school.

I want to speak a moment about the school, because with the HOPE scholarship and the tremendous influx in new students at the University of Tennessee, standards and scores continue to go up. With each and every freshman class, the University of Tennessee becomes a much better, even better institution of higher learning. The quality is very much on the rise, and we are very proud of our school.

But one of the aspects of the University of Tennessee that is so unique is the quality of student athletes that we see there at the University of Tennessee across the spectrum, and then the quality of the athletics that go with those student athletes, from sports like basketball and football, which are nationally well known, but across the spectrum to baseball and swimming and other athletic endeavors. And we are glad that Bruce Pearl is there now as well, and the men's team is sweet 16 and very, very strong. But we are known for ladies' basketball.

The Lady Vols are the best organization in the country for years and years. I won't go back through all the numbers. But, to me, the student athletes represent the very best of the University of Tennessee. We are very, very proud of them. As a Volunteer dad, I am especially proud and look forward to many successful years in the future and a great future for the University of Tennessee.

And I, too, want to pay tribute to Rutgers, a lot of attention, but incredible young women that I have seen on television articulating who they are and how proud they are of who they are, an outstanding coach. And so today we, frankly, come in joint recognition of two great teams, two great schools with great traditions. And you have got to feel good about the future of our country by looking at the Lady Vols and the Scarlet Knights. So congratulations to all.

Ms. CLARKE. Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. DAVID DAVIS).

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I rise today to support House Resolution 320, congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I women's basketball championship.

The Lady Vols are an institution statewide with an unmatched record of success. With their 59–46 victory over Rutgers on April 3, the Lady Vols won their unprecedented seventh NCAA national championship.

A quick review of the program's records in the past quarter of a century shows features unmatched in women's basketball history. They have seven national titles, 12 championship game appearances, 17 Final Four appearances, 25 sweet 16 appearances.

Tennessee is the only team that has appeared at all 26 NCAA women's basketball tournaments, and their Hall of Fame coach, Pat Summitt, has been a leader in this program for 33 years. And a record of 947 wins and 180 losses gives her more wins than any coach, men or women, in the history of college basketball. She has been a leader in advancing women's athletics to more of a prominent role, and her winning record is even more impressive when you become aware of the fact that every Lady Vol who has completed her eligibility at Tennessee has received her degree or is in the process of completing her degree.

Her players and staff have always displayed the highest levels of sportsmanship and have been tremendous ambassadors for our university. The national and statewide following enjoyed by the Lady Vols include numerous fans throughout the First Congressional District of Tennessee. Therefore, I am pleased to join my colleagues in supporting this worthy resolution honoring the coaches and players of the Lady Vols.

Mr. WILSON of South Carolina. Mr. Speaker I yield 3 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, it is with great pleasure that I rise today to congratulate the Lady Volunteers of the University of Tennessee on their 59–46 victory over Rutgers University to clinch the 2007 NCAA Division I women's basketball championship. But I am sure you are wondering why a Member from Illinois would rise to discuss a team from Tennessee.

Mr. Speaker, it is to congratulate not only this team but one of its key players, Candace Parker. Candace grew up in the district that I represent, the 13th District of Illinois, and once again she is doing great things. I first got to know Candace when she led the Naperville Central High School Red Hawks to a State basketball title in 2003, a feat that they repeated in 2004.

During her high school years, she was honored with both the Naismith and Gatorade National Players of the Year Awards. Candace followed Marianne Jones and LeBron James as only the third high school athlete in any sport to win the Gatorade National Player of the Year in back-to-back seasons, and is the first girls' basketball player to achieve this distinction.

During her first year at Tennessee, she was forced to take a medical red shirt at Tennessee where she underwent surgery to repair her torn ACL. During her time away from basketball, Candace was continuing to make headlines, but this time in the academic area. She earned a spot on the Lady Volunteers' honor roll, and was named to the Southeastern Conference All-Academic Freshman Team. She returned to the court for the 2005–2006 season without missing a beat. She was the only player on the team to start every game and led the Lady Vols in scoring and rebounds.

While facing Army in the 2006 NCAA tournament, she became the first female to dunk in a tournament game and the first to do it twice in any game.

□ 1330

That season, Candace was named the 2006 SEC Tournament MVP, the 2006 SEC Freshmen of the Year, and the 2006 SEC Rookie of the Year. Adding to her extensive list of awards this season, she was named the 2007 SEC Player of the Year.

But perhaps her greatest achievement came as she and the Lady Volunteers won the 2007 NCAA Division I women's national basketball championship.

Candace Parker is an outstanding athlete and scholar who has done so many impressive things in her short career. Again, I would like to congratulate her and her fellow Lady Volunteers for winning. All of Illinois, and especially the residents of the 13th Congressional District, are proud of Candace and wish her continued success in her endeavors.

I look forward to watching Candace and her teammates defend their title next season, perhaps against a team from Illinois.

Ms. CLARKE. Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I rise today to commend the Lady Vols on winning the 2007 national women's basketball championship.

You are probably wondering why someone from West Virginia is joining in the celebration. That is because Alexis Hornbuckle, a starting guard for the Lady Vols, is a native of West Virginia, and I actually have been privileged throughout the years to watch Alexis play not only with my daughter in AAU, but also since she was an 8-year-old girl she was a phenom on the court and we knew only great things were ahead of her. She is a wonderful student. She played on a four time State championship basketball team in high school. She is from a wonderful West Virginia family, and we join today as West Virginians to say congratulations to UT and congratulations to Alexis.

I would also like to say congratulations to her coach, Pat Summitt. She is a phenomenal coach of young women, and is growing future leaders of America.

Just to show you the quality of Pat Summitt, when she recruited Alexis, when she knew she was going to UT, Pat Summitt came to Alexis' church to meet not only her parents, her friends, but also her church family.

So I say a job well done to the University of Tennessee Lady Vols, and especially to West Virginia's own, Alexis Hornbuckle.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 320 congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I women's basketball championship.

I am happy to join my good friend and colleague, Representative DUNCAN, in honoring this exceptional team and all of its accomplishments, and wish all involved continued success. I ask my colleagues to support this resolution.

I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, I rise today to join our colleagues in congratulating the University of Tennessee Lady Volunteers for their 2007 NCAA Division I Women's Basketball Championship. This team, under the leadership of head coach Pat Summitt, made Tennesseans proud with their victory over the Rutgers Scarlet Knights.

Coach Summitt, the winningest coach either men's or women's basketball, continues to lead some of the finest student athletes in the country. The 2006–2007 Lady Vols team included Nicky Anosike, Alberta Auguste, Shannon Bobbitt, Elizabeth Curry, Alex Fuller, Alex Hornbuckle, Cait McMahan, Candace Parker, Dominique Redding and Sidney Spencer, led by Summitt, assistant head coach Holly Warlick and assistants Nikki Caldwell and Dean Lockwood. This group of dedicated players and coaches played magnificently throughout this entire basketball season and certainly earned their championship title. These young women are shining examples of loyalty, dedication and teamwork.

Mr. Speaker, I am an alumnus of the University of Tennessee and the UT basketball program, and am proud to be an avid fan of Tennessee Lady Vol basketball. I joined many orange-and-white-clad Tennesseans April 3 watching as the Lady Volunteers captured their seventh NCAA championship in the last 20 years. These successful student athletes bring honor to themselves and the University of Tennessee. I am proud to support this resolution and thank you and our colleagues for taking the time to recognize our Lady Vols.

Ms. CLARKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the resolution, H. Res. 320.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CLARKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING BENEFITS AND IMPORTANCE OF SCHOOL-BASED MUSIC EDUCATION

Ms. CLARKE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 121) recognizing the benefits and importance of school-based music education, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 121

Whereas school music programs enhance intellectual development and enrich the academic environment for students of all ages;

Whereas students who participate in school music programs are less likely to be involved with drugs, gangs, or alcohol and have better attendance in school;

Whereas the skills gained through sequential music instruction, including discipline and the ability to analyze, solve problems, communicate, and work cooperatively, are vital for success in the 21st century workplace;

Whereas the majority of students attending public schools in inner city neighborhoods have virtually no access to music education, which places them at a disadvantage compared to their peers in other communities;

Whereas the arts are a core academic subject, and music is an essential element of the arts; and

Whereas every student in the United States should have an opportunity to reap the benefits of music education: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that music education grounded in rigorous instruction is an important component of a well-rounded academic curriculum and should be available to every student in every school.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. CLARKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 121, recognizing the benefits and importance of school-based music education, and for other purposes, I would like to thank my colleague, the gentleman from Tennessee (Mr. COOPER), for bringing this resolution to the floor.

One of the basic reasons that every child must have an education in music is that music is a part of the fabric of our society. The intrinsic value of music for each individual is widely recognized in the many cultures that make up American life.

Music helps shape individual abilities and character. Success in society is predicated on success in school. Skills learned through the discipline of music transfer to study skills, communication skills, and the cognitive skills useful in every part of the curriculum.

Participation in music brings countless benefits to every individual throughout life. The benefits may be psychological, spiritual or physical. I ask my colleagues to support this resolution and support the next generation of music lovers.

Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 121, which highlights the benefits and importance of school-based music education. I would like to thank the gentleman from Tennessee (Mr. COOPER) and the gentleman from Nevada (Mr. PORTER) for their leadership on this issue and for introducing this resolution we are considering today.

Research has shown that students' involvement in their school music program is crucial to a complete education. Musical study develops critical thinking and self-discipline skills and improves a child's early cognitive development, basic math and reading abilities, self-esteem, SAT scores, ability to work in teams, spatial reasoning skills, and school attendance.

In an analysis by the U.S. Department of Education, data on more than 25,000 secondary school students, researchers found that students who report consistent high levels of involvement in instrumental music over the middle and high school years showed significantly higher levels of mathematics proficiency by grade 12 regardless of a student's socioeconomic status.

A 1999 report by the Texas Commission on Drug and Alcohol Abuse found that individuals who participated in band or orchestra reported the lowest levels of current and lifelong use of tobacco, alcohol and illicit drugs. So it is not surprising that children involved with music education are more likely to graduate from high school and attend college and are less likely to be involved with gangs and substance abuse.

In fact, many colleges and universities view participation in the arts and music as a valuable experience that broaden students' understanding and appreciation of the world around them.

For these reasons, I support H. Con. Res. 121. The resolution states it is the sense of Congress that music education grounded in rigorous instruction is an important component of a well-rounded academic curriculum, and should be available to every student in every school.

Music education is important to our children. It can broaden and strengthen their education and improve their lives. I join my colleagues in commending music educators and organizations across the country for the key roles they play in helping our students succeed in school and throughout life.

As former President Gerald Ford said, "Music education opens the doors that help children pass from school into the world around them, a world of work, culture, intellectual activity and human involvement. The future of our Nation depends on providing our children with a complete education that includes music."

I urge my colleagues to support House Con. Res. 121 and music education in our schools.

Mr. Speaker, I yield back the balance of my time.

Ms. CLARKE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Tennessee (Mr. COOPER), the sponsor of the resolution.

Mr. COOPER. Mr. Speaker, I thank the gentlewoman.

I thank my colleagues for supporting this effort to highlight the importance of music education in our schools.

A lot of folks who have had the privilege of a musical education take it for granted, but 30 million or more of our children across this country every day are being deprived of that chance to not only experience the joy of music but, as my colleagues have mentioned, the increased enhanced learning abilities that music offers, and also the ability of music to deter people from gangs and drugs and other undesirable activities.

Music education is a very important part of our education. For anyone who has seen the movie "Mr. Holland's Opus" featuring Richard Dreyfuss, that was a wonderful film demonstration of the importance of music in the lives of that particular high school. But it is true of every high school and every middle school and every elementary school across our country.

Whether it is band or orchestra, or whether it is students on their own learning the guitar or other instruments, it is a wonderful way to not only enjoy life but to enhance your skills.

Mr. Speaker, I represent Nashville, Tennessee, which is Music City U.S.A. We have some of the most talented and creative musicians on the planet, and they happen to choose to live in our wonderful city.

You can't tell it by driving down the streets, but there are some 3,000 private recording studios in the basements and attics of people's homes as they put their music and their thoughts on tape for the pleasure and enjoyment and the education of the world.

Mr. Speaker, I appreciate your help in allowing this measure to be brought to the floor. It has passed the House on two previous Congresses. We are hoping that this time the Senate will also see fit to do the right thing and pass this legislation.

Ms. CLARKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 121.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Genetic Information Nondiscrimination Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

Sec. 101. Amendments to Employee Retirement Income Security Act of 1974.
Sec. 102. Amendments to the Public Health Service Act.
Sec. 103. Amendments to the Internal Revenue Code of 1986.
Sec. 104. Amendments to title XVIII of the Social Security Act relating to medigap.
Sec. 105. Privacy and confidentiality.
Sec. 106. Assuring coordination.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

Sec. 201. Definitions.
Sec. 202. Employer practices.
Sec. 203. Employment agency practices.
Sec. 204. Labor organization practices.
Sec. 205. Training programs.
Sec. 206. Confidentiality of genetic information.
Sec. 207. Remedies and enforcement.

Sec. 208. Disparate impact.
Sec. 209. Construction.
Sec. 210. Medical information that is not genetic information.
Sec. 211. Regulations.
Sec. 212. Authorization of appropriations.
Sec. 213. Effective date.
TITLE III—MISCELLANEOUS PROVISIONS
Sec. 301. Guarantee agency collection retention.
Sec. 302. Severability.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Deciphering the sequence of the human genome and other advances in genetics open major new opportunities for medical progress. New knowledge about the genetic basis of illness will allow for earlier detection of illnesses, often before symptoms have begun. Genetic testing can allow individuals to take steps to reduce the likelihood that they will contract a particular disorder. New knowledge about genetics may allow for the development of better therapies that are more effective against disease or have fewer side effects than current treatments. These advances give rise to the potential misuse of genetic information to discriminate in health insurance and employment.

(2) The early science of genetics became the basis of State laws that provided for the sterilization of persons having presumed genetic "defects" such as mental retardation, mental disease, epilepsy, blindness, and hearing loss, among other conditions. The first sterilization law was enacted in the State of Indiana in 1907. By 1981, a majority of States adopted sterilization laws to "correct" apparent genetic traits or tendencies. Many of these State laws have since been repealed, and many have been modified to include essential constitutional requirements of due process and equal protection. However, the current explosion in the science of genetics, and the history of sterilization laws by the States based on early genetic science, compels Congressional action in this area.

(3) Although genes are facially neutral markers, many genetic conditions and disorders are associated with particular racial and ethnic groups and gender. Because some genetic traits are most prevalent in particular groups, members of a particular group may be stigmatized or discriminated against as a result of that genetic information. This form of discrimination was evident in the 1970s, which saw the advent of programs to screen and identify carriers of sickle cell anemia, a disease which afflicts African-Americans. Once again, State legislatures began to enact discriminatory laws in the area, and in the early 1970s began mandating genetic screening of all African Americans for sickle cell anemia, leading to discrimination and unnecessary fear. To alleviate some of this stigma, Congress in 1972 passed the National Sickle Cell Anemia Control Act, which withholds Federal funding from States unless sickle cell testing is voluntary.

(4) Congress has been informed of examples of genetic discrimination in the workplace. These include the use of pre-employment genetic screening at Lawrence Berkeley Laboratory, which led to a court decision in favor of the employees in that case Norman-Bloodsaw v. Lawrence Berkeley Laboratory (135 F.3d 1260, 1269 (9th Cir. 1998)). Congress clearly has a compelling public interest in relieving the fear of discrimination and in prohibiting its actual practice in employment and health insurance.

(5) Federal law addressing genetic discrimination in health insurance and employment is incomplete in both the scope and depth of its protections. Moreover, while many States have enacted some type of genetic non-discrimination law, these laws vary widely with respect to their approach, application, and level of protection. Congress has collected substantial evidence that the American public and the medical community find the existing patchwork of State and Federal laws to be confusing and inadequate to protect them from discrimination. Therefore Federal legislation establishing a national and uniform basic standard is necessary to fully protect the public from discrimination and allay their concerns about the potential for discrimination, thereby allowing individuals to take advantage of genetic testing, technologies, research, and new therapies.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

SEC. 101. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) No Discrimination in Group Premiums Based on Genetic Information.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended—

(1) in paragraph (2)(A), by inserting before the semicolon the following: "except as provided in paragraph (3)"; and

(2) by adding at the end the following:

"(3) No group-based discrimination on basis of genetic information.—For purposes of this section, a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.".

(b) Limitations on Genetic Testing; Prohibition on Collection of Genetic Information; Application to All Plans.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

"(c) Genetic Testing.—

"(1) Limitation on requesting or requiring genetic testing.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) Rule of construction.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(3) Rule of construction regarding payment.—

"(A) In general.—Nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

"(B) Limitation.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.

"(4) Research exception.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

"(A) The request is made, in writing, pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(B) The plan or issuer clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

"(i) compliance with the request is voluntary; and

"(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

"(D) The plan or issuer notifies the Secretary in writing that the plan or issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

"(E) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

"(d) Prohibition on Collection of Genetic Information.—

"(1) In general.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 733).

"(2) Prohibition on collection of genetic information prior to enrollment.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

"(3) Incidental collection.—If a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

"(e) Application to All Plans.—The provisions of subsections (a)(1)(F), (b)(3), (c), and (d), and subsection (b)(1) and section 701 with respect to genetic information, shall apply to group health plans and health insurance issuers without regard to section 732(a).".

(c) Application to Genetic Information of a Fetus or Embryo.—Such section is further amended by adding at the end the following:

"(f) Genetic Information of a Fetus or Embryo.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

"(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(d) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

"(5) FAMILY MEMBER.—The term 'family member' means, with respect to an individual—

"(A) a dependent (as such term is used for purposes of section 701(f)(2)) of such individual, and

"(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

"(6) GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

"(i) such individual's genetic tests,

"(ii) the genetic tests of family members of such individual, and

"(iii) subject to subparagraph (D), the manifestation of a disease or disorder in family members of such individual.

"(B) INCLUSION OF GENETIC SERVICES.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services (including genetic services received pursuant to participation in clinical research) by such individual or any family member of such individual.

"(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

"(D) APPLICATION TO FAMILY MEMBERS COVERED UNDER SAME PLAN.—Information described in clause (iii) of subparagraph (A) shall not be treated as genetic information to the extent that such information is taken into account only with respect to the individual in which such disease or disorder is manifested and not as genetic information with respect to any other individual.

"(7) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(8) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.

"(9) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

"(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

"(B) the computation of premium or contribution amounts under the plan or coverage;

"(C) the application of any pre-existing condition exclusion under the plan or coverage; and

"(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.".

(e) ERISA ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6), by striking "(7), or (8)" and inserting "(7), (8), or (9)"; and

(2) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following new paragraph:

"(9) SECRETARIAL ENFORCEMENT AUTHORITY RELATING TO USE OF GENETIC INFORMATION.—

"(A) GENERAL RULE.—The Secretary may impose a penalty against any plan sponsor of a group health plan, or any health insurance issuer offering health insurance coverage in connection with the plan, for any failure by such sponsor or issuer to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 702 or section 701 or 702(b)(1) with respect to genetic information, in connection with the plan.

"(B) AMOUNT.—

"(i) IN GENERAL.—The amount of the penalty imposed by subparagraph (A) shall be $100 for each day in the noncompliance period with respect to each participant or beneficiary to whom such failure relates.

"(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

"(I) beginning on the date such failure first occurs; and

"(II) ending on the date the failure is corrected.

"(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

"(i) IN GENERAL.—In the case of 1 or more failures with respect to a participant or beneficiary—

"(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

"(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such participant or beneficiary shall not be less than $2,500.

"(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

"(D) LIMITATIONS.—

"(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

"(I) such failure was due to reasonable cause and not to willful neglect; and

"(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

"(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

"(I) 10 percent of the aggregate amount paid or incurred by the plan sponsor (or predecessor plan sponsor) during the preceding taxable year for group health plans; or

"(II) $500,000.

"(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.

"(F) DEFINITIONS.—Terms used in this paragraph which are defined in section 733 shall have the meanings provided such terms in such section.".

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Secretary of Labor shall issue final regulations not later than 1 year after the date of enactment of this Act to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 18 months after the date of enactment of this Act.

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg-1(b)) is amended—

(A) in paragraph (2)(A), by inserting before the semicolon the following: "except as provided in paragraph (3)"; and

(B) by adding at the end the following:

"(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—For purposes of this section, a group health plan, and health insurance issuer offering group health insurance coverage in connection with a group health plan, may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.".

(2) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg–1) is amended by adding at the end the following:

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

"(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

"(B) LIMITATION.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.

"(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

"(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(B) The plan or issuer clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

"(i) compliance with the request is voluntary; and

"(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

"(D) The plan or issuer notifies the Secretary in writing that the plan or issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

"(E) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

"(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 2791).

"(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

"(3) INCIDENTAL COLLECTION.—If a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

"(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c), and (d) and subsection (b)(1) and section 2701 with respect to genetic information, shall apply to group health plans and health insurance issuers without regard to section 2721(a).".

(3) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

"(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

"(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(4) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following:

"(15) FAMILY MEMBER.—The term 'family member' means, with respect to any individual—

"(A) a dependent (as such term is used for purposes of section 2701(f)(2)) of such individual; and

"(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

"(16) GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

"(i) such individual's genetic tests,

"(ii) the genetic tests of family members of such individual, and

"(iii) subject to subparagraph (D), the manifestation of a disease or disorder in family members of such individual.

"(B) INCLUSION OF GENETIC SERVICES.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services (including genetic services received pursuant to participation in clinical research) by such individual or any family member of such individual.

"(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

"(D) APPLICATION TO FAMILY MEMBERS COVERED UNDER SAME PLAN.—Information described in clause (iii) of subparagraph (A) shall not be treated as genetic information to the extent that such information is taken into account only with respect to the individual in which such disease or disorder is manifested and not as genetic information with respect to any other individual.

"(17) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(18) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.

"(19) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

"(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

"(B) the computation of premium or contribution amounts under the plan or coverage;

"(C) the application of any pre-existing condition exclusion under the plan or coverage; and

"(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.".

(5) REMEDIES AND ENFORCEMENT.—Section 2722(b) of the Public Health Service Act (42 U.S.C. 300gg-22(b)) is amended by adding at the end the following:

"(3) ENFORCEMENT AUTHORITY RELATING TO GENETIC DISCRIMINATION.—

"(A) GENERAL RULE.—In the cases described in paragraph (1), notwithstanding the provisions of paragraph (2)(C), the succeeding subparagraphs of this paragraph shall apply with respect to an action under this subsection by the Secretary with respect to any failure of a health insurance issuer in connection with a group health plan, to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 2702 or section 2701 or 2702(b)(1) with respect to genetic information in connection with the plan.

"(B) AMOUNT.—

"(i) IN GENERAL.—The amount of the penalty imposed under this paragraph shall be $100 for each day in the noncompliance period with respect to each participant or beneficiary to whom such failure relates.

"(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

"(I) beginning on the date such failure first occurs; and

"(II) ending on the date the failure is corrected.

"(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

"(i) IN GENERAL.—In the case of 1 or more failures with respect to an individual—

"(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

"(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such individual shall not be less than $2,500.

"(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

"(D) LIMITATIONS.—

"(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

"(I) such failure was due to reasonable cause and not to willful neglect; and

"(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

"(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

"(I) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for group health plans; or

"(II) $500,000.

"(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.".

(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—

(1) IN GENERAL.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) (relating to other requirements) is amended—

(A) by redesignating such subpart as subpart 2; and

(B) by adding at the end the following:

"SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION.

"(a) PROHIBITION ON GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—A health insurance issuer offering health insurance coverage in the individual market may not establish rules for the eligibility (including continued eligibility) of any individual to enroll in individual health insurance coverage based on genetic information.

"(b) PROHIBITION ON GENETIC INFORMATION IN SETTING PREMIUM RATES.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium or contribution amounts for an individual on the basis of genetic information concerning the individual or a family member of the individual.

"(c) PROHIBITION ON GENETIC INFORMATION AS PREEXISTING CONDITION.—A health insurance issuer offering health insurance coverage in the individual market may not, on the basis of genetic information, impose any preexisting condition exclusion (as defined in section 2701(b)(1)(A)) with respect to such coverage.

"(d) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A health insurance issuer offering health insurance coverage in the individual market shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

"(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a health insurance issuer offering health insurance coverage in the individual market from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a) and (c).

"(B) LIMITATION.—For purposes of subparagraph (A), a health insurance issuer offering health insurance coverage in the individual market may request only the minimum amount of information necessary to accomplish the intended purpose.

"(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

"(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(B) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that—

"(i) compliance with the request is voluntary; and

"(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

"(D) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

"(E) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

"(e) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

"(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 2791).

"(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A health insurance issuer offering health insurance coverage in the individual market shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan in connection with such enrollment.

"(3) INCIDENTAL COLLECTION.—If a health insurance issuer offering health insurance coverage in the individual market obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

"(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

"(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(2) REMEDIES AND ENFORCEMENT.—Section 2761(b) of the Public Health Service Act (42 U.S.C. 300gg-61(b)) is amended to read as follows:

"(b) SECRETARIAL ENFORCEMENT AUTHORITY.—The Secretary shall have the same authority in relation to enforcement of the provisions of this part with respect to issuers of health insurance coverage in the individual market in a State as the Secretary has under section 2722(b)(2), and section 2722(b)(3) with respect to violations of genetic nondiscrimination provisions, in relation to the enforcement of the provisions of part A with respect to issuers of health insurance coverage in the small group market in the State.".

(c) ELIMINATION OF OPTION OF NON-FEDERAL GOVERNMENTAL PLANS TO BE EXCEPTED FROM REQUIREMENTS CONCERNING GENETIC INFORMATION.—Section 2721(b)(2) of the Public Health Service Act (42 U.S.C. 300gg-21(b)(2)) is amended—

(1) in subparagraph (A), by striking "If the plan sponsor" and inserting "Except as provided in subparagraph (D), if the plan sponsor"; and

(2) by adding at the end the following:

"(D) ELECTION NOT APPLICABLE TO REQUIREMENTS CONCERNING GENETIC INFORMATION.—The election described in subparagraph (A) shall not be available with respect to the provisions of subsections (a)(1)(F), (b)(3), (c), and (d) of section 2702 and the provisions of sections 2701 and 2702(b) to the extent that such provisions apply to genetic information.".

(d) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply—

(A) with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after the date that is 18 months after the date of enactment of this Act; and

(B) with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the date that is 18 months after the date of enactment of this Act.

SEC. 103. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Subsection (b) of section 9802 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(A), by inserting before the semicolon the following: "except as provided in paragraph (3)"; and

(2) by adding at the end the following:

"(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—For purposes of this section, a group health plan may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.".

(b) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 9802 of such Code is amended by redesignating subsection (c) as subsection (f) and by inserting after subsection (b) the following new subsections:

"(c) Genetic Testing.—

"(1) Limitation on requesting or requiring genetic testing.—A group health plan may not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) Rule of construction.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(3) Rule of construction regarding payment.—

"(A) In general.—Nothing in paragraph (1) shall be construed to preclude a group health plan from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

"(B) Limitation.—For purposes of subparagraph (A), a group health plan may request only the minimum amount of information necessary to accomplish the intended purpose.

"(4) Research exception.—Notwithstanding paragraph (1), a group health plan may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

"(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(B) The plan clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

"(i) compliance with the request is voluntary; and

"(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

"(D) The plan notifies the Secretary in writing that the plan is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

"(E) The plan complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

"(d) Prohibition on Collection of Genetic Information.—

"(1) In general.—A group health plan shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 9832).

"(2) Prohibition on collection of genetic information prior to enrollment.—A group health plan shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or in connection with such enrollment.

"(3) Incidental collection.—If a group health plan obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

"(e) Application to All Plans.—-The provisions of subsections (a)(1)(F), (b)(3), (c), and (d) and subsection (b)(1) and section 9801 with respect to genetic information, shall apply to group health plans without regard to section 9831(a)(2).".

(c) Application to Genetic Information of a Fetus or Embryo.—Such section is further amended by adding at the end the following:

"(f) Genetic Information of a Fetus or Embryo.—Any reference in this chapter to genetic information concerning an individual or family member of an individual shall—

"(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(d) Definitions.—Subsection (d) of section 9832 of such Code is amended by adding at the end the following:

"(6) Family member.—The term 'family member' means, with respect to any individual—

"(A) a dependent (as such term is used for purposes of section 9801(f)(2)) of such individual, and

"(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

"(7) Genetic information.—

"(A) In general.—The term 'genetic information' means, with respect to any individual, information about—

"(i) such individual's genetic tests,

"(ii) the genetic tests of family members of such individual, and

"(iii) subject to subparagraph (D), the manifestation of a disease or disorder in family members of such individual.

"(B) Inclusion of genetic services.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services (including genetic services received pursuant to participation in clinical research) by such individual or any family member of such individual.

"(C) Exclusions.—The term 'genetic information' shall not include information about the sex or age of any individual.

"(D) Application to family members covered under same plan.—Information described in clause (iii) of subparagraph (A) shall not be treated as genetic information to the extent that such information is taken into account only with respect to the individual in which such disease or disorder is manifested and not as genetic information with respect to any other individual.

"(8) Genetic test.—

"(A) In general.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) Exceptions.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes, or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a ,health care professional with appropriate training and expertise in the field of medicine involved.

"(9) Genetic services.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.

"(10) Underwriting purposes.—The term 'underwriting purposes' means, with respect to any group health plan ,or health insurance coverage offered in connection with a group health plan—

"(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

"(B) the computation of premium or contribution amounts under the plan or coverage;

"(C) the application of any pre-existing condition exclusion under the plan or coverage; and

"(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.".

(e) Enforcement.—

(1) In general.—Subchapter C of chapter 100 of the Internal Revenue Code of 1986 (relating to general provisions) is amended by adding at the end the following new section:

"SEC. 9834. ENFORCEMENT.

"For the imposition of tax on any failure of a group health plan to meet the requirements of this chapter, see section 4980D.".

(2) Conforming amendment.—The table of sections for subchapter C of chapter 100 of such Code is amended by adding at the end the following new item:

"Sec. 9834. Enforcement.".

(f) Regulations and Effective Date.—

(1) Regulations.—The Secretary of the Treasury shall issue final regulations or other guidance not later than 1 year after the date of the enactment of this Act to carry out the amendments made by this section.

(2) Effective date.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 18 months after the date of the enactment of this Act.

SEC. 104. AMENDMENTS TO TITLE XVIII OF THE SOCIAL SECURITY ACT RELATING TO MEDIGAP.

(a) Nondiscrimination.—Section 1882(s)(2) of the Social Security Act (42 U.S.C. 1395ss(s)(2)) is amended by adding at the end the following:

"(E) An issuer of a medicare supplemental policy shall not deny or condition the issuance or effectiveness of the policy (including the imposition of any exclusion of benefits under the policy based on a pre-existing condition) and shall not discriminate in the pricing of the policy (including the adjustment of premium rates) of an individual on the basis of the genetic information with respect to such individual.".

(b) Limitations on Genetic Testing and Genetic Information.—

(1) In general.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following:

"(x) Limitations on Genetic Testing and Information.—

"(1) Genetic testing.—

"(A) Limitation on requesting or requiring genetic testing.—An issuer of a medicare supplemental policy shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(C) RULE OF CONSTRUCTION REGARDING PAYMENT.—

"(i) IN GENERAL.—Nothing in subparagraph (A) shall be construed to preclude an issuer of a medicare supplemental policy from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (s)(2)(E).

"(ii) LIMITATION.—For purposes of clause (i), an issuer of a medicare supplemental policy may request only the minimum amount of information necessary to accomplish the intended purpose.

"(D) RESEARCH EXCEPTION.—Notwithstanding subparagraph (A), an issuer of a medicare supplemental policy may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

"(i) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(ii) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that—

"(I) compliance with the request is voluntary; and

"(II) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(iii) No genetic information collected or acquired under this subparagraph shall be used for underwriting, determination of eligibility to enroll or maintain enrollment status, premium rating, or the creation, renewal, or replacement of a plan, contract, or coverage for health insurance or health benefits.

"(iv) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this subparagraph, including a description of the activities conducted.

"(v) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this subparagraph.

"(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

"(A) IN GENERAL.—An issuer of a medicare supplemental policy shall not request, require, or purchase genetic information for underwriting purposes (as defined in paragraph (3)).

"(B) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—An issuer of a medicare supplemental policy shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the policy in connection with such enrollment.

"(C) INCIDENTAL COLLECTION.—If an issuer of a medicare supplemental policy obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of subparagraph (B) if such request, requirement, or purchase is not in violation of subparagraph (A).

"(3) DEFINITIONS.—In this subsection:

"(A) FAMILY MEMBER.—The term 'family member' means with respect to an individual, any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual.

"(B) GENETIC INFORMATION.—

"(i) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

"(I) such individual's genetic tests,

"(II) the genetic tests of family members of such individual, and

"(III) subject to clause (iv), the manifestation of a disease or disorder in family members of such individual.

"(ii) INCLUSION OF GENETIC SERVICES.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services (including genetic services received pursuant to participation in clinical research) by such individual or any family member of such individual.

"(iii) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

"(C) GENETIC TEST.—

"(i) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(ii) EXCEPTIONS.—The term 'genetic test' does not mean—

"(I) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(II) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(D) GENETIC SERVICES.—The term 'genetic services' means—

"(i) a genetic test;

"(ii) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

"(iii) genetic education.

"(E) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to a medicare supplemental policy—

"(i) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the policy;

"(ii) the computation of premium or contribution amounts under the policy;

"(iii) the application of any pre-existing condition exclusion under the policy; and

"(iv) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

"(F) ISSUER OF A MEDICARE SUPPLEMENTAL POLICY.—The term 'issuer of a medicare supplemental policy' includes a third-party administrator or other person acting for or on behalf of such issuer.".

(2) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Section 1882(x) of such Act, as added by paragraph (1), is further amended by adding at the end the following:

"(4) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this section to genetic information concerning an individual or family member of an individual shall—

"(A) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(B) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(3) CONFORMING AMENDMENT.—Section 1882(o) of the Social Security Act (42 U.S.C. 1395ss(o)) is amended by adding at the end the following:

"(4) The issuer of the medicare supplemental policy complies with subsection (s)(2)(E) and subsection (x).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an issuer of a medicare supplemental policy for policy years beginning on or after the date that is 18 months after the date of enactment of this Act.

(d) TRANSITION PROVISIONS.—

(1) IN GENERAL.—If the Secretary of Health and Human Services identifies a State as requiring a change to its statutes or regulations to conform its regulatory program to the changes made by this section, the State regulatory program shall not be considered to be out of compliance with the requirements of section 1882 of the Social Security Act due solely to failure to make such change until the date specified in paragraph (4).

(2) NAIC STANDARDS.—If, not later than June 30, 2008, the National Association of Insurance Commissioners (in this subsection referred to as the "NAIC") modifies its NAIC Model Regulation relating to section 1882 of the Social Security Act (referred to in such section as the 1991 NAIC Model Regulation, as subsequently modified) to conform to the amendments made by this section, such revised regulation incorporating the modifications shall be considered to be the applicable NAIC model regulation (including the revised NAIC model regulation and the 1991 NAIC Model Regulation) for the purposes of such section.

(3) SECRETARY STANDARDS.—If the NAIC does not make the modifications described in paragraph (2) within the period specified in such paragraph, the Secretary of Health and Human Services shall, not later than October 1, 2008, make the modifications described in such paragraph and such revised regulation incorporating the modifications shall be considered to be the appropriate regulation for the purposes of such section.

(4) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State changes its statutes or regulations to conform its regulatory program to the changes made by this section, or

(ii) October 1, 2008.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies as—

(i) requiring State legislation (other than legislation appropriating funds) to conform its regulatory program to the changes made in this section, but

(ii) having a legislature which is not scheduled to meet in 2008 in a legislative session in which such legislation may be considered, the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after July 1, 2008. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 105. PRIVACY AND CONFIDENTIALITY.

(a) IN GENERAL.—Part C of title XI of the Social Security Act is amended by adding at the end the following new section:

"APPLICATION OF HIPAA REGULATIONS TO GENETIC INFORMATION

"SEC. 1180. (a) IN GENERAL.—The Secretary shall revise the HIPAA privacy regulation (as defined in subsection (b)) so it is consistent with the following:

"(1) Genetic information shall be treated as health information described in section 1171(4)(B).

"(2) The use or disclosure by a covered entity that is a group health plan, health insurance issuer that issues health insurance coverage, or issuer of a medicare supplemental policy of protected health information that is genetic information about an individual for underwriting purposes under the group health plan, health insurance coverage, or medicare supplemental policy shall not be a permitted use or disclosure.

"(b) DEFINITIONS.—For purposes of this section:

"(1) GENETIC INFORMATION; GENETIC TEST; FAMILY MEMBER.—The terms 'genetic information', 'genetic test', and 'family member' have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), as amended by the Genetic Information Nondiscrimination Act of 2007.

"(2) GROUP HEALTH PLAN; HEALTH INSURANCE COVERAGE; MEDICARE SUPPLEMENTAL POLICY.—The terms 'group health plan' and 'health insurance coverage' have the meanings given such terms under section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), and the term 'medicare supplemental policy' has the meaning given such term in section 1882(g).

"(3) HIPAA PRIVACY REGULATION.—The term 'HIPAA privacy regulation' means the regulations promulgated by the Secretary under this part and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

"(4) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to a group health plan, health insurance coverage, or a medicare supplemental policy—

"(A) rules for eligibility (including enrollment and continued eligibility) for, or determination of, benefits under the plan, coverage, or policy;

"(B) the computation of premium or contribution amounts under the plan, coverage, or policy;

"(C) the application of any pre-existing condition exclusion under the plan, coverage, or policy; and

"(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

"(c) PROCEDURE.—The revisions under subsection (a) shall be made by notice in the Federal Register published not later than 60 days after the date of the enactment of this section and shall be effective upon publication, without opportunity for any prior public comment, but may be revised, consistent with this section, after opportunity for public comment.

"(d) ENFORCEMENT.—In addition to any other sanctions or remedies that may be available under law, a covered entity that is a group health plan, health insurance issuer, or issuer of a medicare supplemental policy and that violates the HIPAA privacy regulation (as revised under subsection (a) or otherwise) with respect to the use or disclosure of genetic information shall be subject to the penalties described in sections 1176 and 1177 in the same manner and to the same extent that such penalties apply to violations of this part.".

(b) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to carry out the revision required by section 1180(a) of the Social Security Act, as added by subsection (a). The Secretary has the sole authority to promulgate such regulations, but shall promulgate such regulations in consultation with the Secretaries of Labor and the Treasury.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 18 months after the date of the enactment of this Act.

SEC. 106. ASSURING COORDINATION.

Except as provided in section 105(b)(1), the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this title (and the amendments made by this title) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

SEC. 201. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Equal Employment Opportunity Commission as created by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4).

(2) EMPLOYEE; EMPLOYER; EMPLOYMENT AGENCY; LABOR ORGANIZATION; MEMBER.—

(A) IN GENERAL.—The term "employee" means—

(i) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(ii) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(iii) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(iv) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code; or

(v) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies.

(B) EMPLOYER.—The term "employer" means—

(i) an employer (as defined in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)));

(ii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(iii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(iv) an employing office, as defined in section 411(c) of title 3, United States Code; or

(v) an entity to which section 717(a) of the Civil Rights Act of 1964 applies.

(C) EMPLOYMENT AGENCY; LABOR ORGANIZATION.—The terms "employment agency" and "labor organization" have the meanings given the terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(D) MEMBER.—The term "member", with respect to a labor organization, includes an applicant for membership in a labor organization.

(3) FAMILY MEMBER.—The term "family member" means, with respect to an individual—

(A) a dependent (as such term is used for purposes of section 701(f)(2) of the Employee Retirement Income Security Act of 1974) of such individual, and

(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

(4) GENETIC INFORMATION.—

(A) IN GENERAL.—The term "genetic information" means, with respect to any individual, information about—

(i) such individual's genetic tests,

(ii) the genetic tests of family members of such individual, and

(iii) subject to subparagraph (D), the manifestation of a disease or disorder in family members of such individual.

(B) INCLUSION OF GENETIC SERVICES.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services (including genetic services received pursuant to participation in clinical research) by such individual or any family member of such individual.

(C) EXCLUSIONS.—The term "genetic information" shall not include information about the sex or age of any individual.

(5) GENETIC MONITORING.—The term "genetic monitoring" means the periodic examination of employees to evaluate acquired modifications to their genetic material, such as chromosomal damage or evidence of increased occurrence of mutations, that may have developed in the course of employment due to exposure to toxic substances in the workplace, in order to identify, evaluate, and respond to the effects of or control adverse environmental exposures in the workplace.

(6) GENETIC SERVICES.—The term "genetic services" means—

(A) a genetic test;

(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

(C) genetic education.

(7) GENETIC TEST.—

(A) IN GENERAL.—The term "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

(B) EXCEPTIONS.—The term "genetic test" does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes.

SEC. 202. EMPLOYER PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire, or to discharge, any employee, or otherwise to discriminate against any employee with respect to the compensation, terms, conditions, or privileges of employment of the employee, because of genetic information with respect to the employee; or

(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any employee of employment opportunities or otherwise adversely affect the status of the employee as an employee, because of genetic information with respect to the employee.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer to request, require, or purchase genetic information with respect to an employee or a family member of the employee except—

(1) where an employer inadvertently requests or requires family medical history of the employee or family member of the employee;

(2) where—

(A) health or genetic services are offered by the employer, including such services offered as part of a bona fide wellness program;

(B) the employee provides prior, knowing, voluntary, and written authorization;

(C) only the employee (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer except in aggregate terms that do not disclose the identity of specific employees;

(3) where an employer requests or requires family medical history from the employee to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employer purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history;

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer provides written notice of the genetic monitoring to the employee;

(B)(i) the employee provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the employee is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific employees; or

(6) where the employer conducts DNA analysis for law enforcement purposes as a forensic laboratory, includes such analysis in the Combined DNA Index System pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and requests or requires genetic information of such employer's employees, but only to the extent that such genetic information is used for analysis of DNA identification markers for quality control to detect sample contamination.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (6) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 203. EMPLOYMENT AGENCY PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency—

(1) to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of genetic information with respect to the individual;

(2) to limit, segregate, or classify individuals or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency to request, require, or purchase genetic information with respect to an individual or a family member of the individual except—

(1) where an employment agency inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employment agency, including such services offered as part of a bona fide wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employment agency except in aggregate terms that do not disclose the identity of specific individuals;

(3) where an employment agency requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employment agency purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employment agency provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employment agency, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 204. LABOR ORGANIZATION PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any member because of genetic information with respect to the member;

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any member, in any way that would deprive or tend to deprive any member of employment opportunities, or otherwise adversely affect the status of the member as an employee, because of genetic information with respect to the member; or

(3) to cause or attempt to cause an employer to discriminate against a member in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization to request, require, or purchase genetic information with respect to a member or a family member of the member except—

(1) where a labor organization inadvertently requests or requires family medical history of the member or family member of the member;

(2) where—

(A) health or genetic services are offered by the labor organization, including such services offered as part of a bona fide wellness program;

(B) the member provides prior, knowing, voluntary, and written authorization;

(C) only the member (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the labor organization except in aggregate terms that do not disclose the identity of specific members;

(3) where a labor organization requests or requires family medical history from the members to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where a labor organization purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the labor organization provides written notice of the genetic monitoring to the member;

(B)(i) the member provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the member is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the labor organization, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific members.

(c) Preservation of Protections.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 205. TRAINING PROGRAMS.

(a) Discrimination Based on Genetic Information.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs—

(1) to discriminate against any individual because of genetic information with respect to the individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining;

(2) to limit, segregate, or classify the applicants for or participants in such apprenticeship or other training or retraining, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual; or

(3) to cause or attempt to cause an employer to discriminate against an applicant for or a participant in such apprenticeship or other training or retraining in violation of this title.

(b) Acquisition of Genetic Information.—It shall be an unlawful employment practice for an employer, labor organization, or joint labor-management committee described in subsection (a) to request, require, or purchase genetic information with respect to an individual or a family member of the individual except—

(1) where the employer, labor organization, or joint labor-management committee inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employer, labor organization, or joint labor-management committee, including such services offered as part of a bona fide wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer, labor organization, or joint labor-management committee except in aggregate terms that do not disclose the identity of specific individuals;

(3) where the employer, labor organization, or joint labor-management committee requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where the employer, labor organization, or joint labor-management committee purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history;

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer, labor organization, or joint labor-management committee provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, labor organization, or joint labor-management committee, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals; or

(6) where the employer conducts DNA analysis for law enforcement purposes as a forensic laboratory, includes such analysis in the Combined DNA Index System pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and requests or requires genetic information of such employer's apprentices or trainees, but only to the extent that such genetic information is used for analysis of DNA identification markers for quality control to detect sample contamination.

(c) Preservation of Protections.—In the case of information to which any of paragraphs (1) through (6) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 206. CONFIDENTIALITY OF GENETIC INFORMATION.

(a) Treatment of Information as Part of Confidential Medical Record.—If an employer, employment agency, labor organization, or joint labor-management committee possesses genetic information about an employee or member, such information shall be maintained on separate forms and in separate medical files and be treated as a confidential medical record of the employee or member. An employer, employment agency, labor organization, or joint labor-management committee shall be considered to be in compliance with the maintenance of information requirements of this subsection with respect to genetic information subject to this subsection that is maintained with and treated as a confidential medical record under section 102(d)(3)(B) of the Americans With Disabilities Act (42 U.S.C. 12112(d)(3)(B)).

(b) Limitation on Disclosure.—An employer, employment agency, labor organization, or joint labor-management committee shall not disclose genetic information concerning an employee or member except—

(1) to the employee or member of a labor organization (or family member if the family member is receiving the genetic services) at the written request of the employee or member of such organization;

(2) to an occupational or other health researcher if the research is conducted in compliance with the regulations and protections provided for under part 46 of title 45, Code of Federal Regulations;

(3) in response to an order of a court, except that—

(A) the employer, employment agency, labor organization, or joint labor-management committee may disclose only the genetic information expressly authorized by such order; and

(B) if the court order was secured without the knowledge of the employee or member to whom the information refers, the employer, employment agency, labor organization, or joint labor-management committee shall inform the employee or member of the court order and any genetic information that was disclosed pursuant to such order;

(4) to government officials who are investigating compliance with this title if the information is relevant to the investigation; or

(5) to the extent that such disclosure is made in connection with the employee's compliance with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws.

(c) Relationship to HIPAA Regulations.—With respect to the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), this title does not prohibit a covered entity under such regulations from any use or disclosure of health information that is authorized for the covered entity under such regulations. The previous sentence does not affect the authority of such Secretary to modify such regulations.

SEC. 207. REMEDIES AND ENFORCEMENT.

(a) Employees Covered by Title VII of the Civil Rights Act of 1964.—

(1) In general.—The powers, remedies, and procedures provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person, alleging a violation of title VII of that Act (42 U.S.C. 2000e et seq.) shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(i), except as provided in paragraphs (2) and (3).

(2) Costs and fees.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice.

(3) Damages.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(b) Employees Covered by Government Employee Rights Act of 1991.—

(1) In general.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b, 2000e–16c) to the Commission, or any person, alleging a violation of section 302(a)(1) of that Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures this title provides to the Commission, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(ii), except as provided in paragraphs (2) and (3).

(2) Costs and fees.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice.

(3) Damages.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(c) Employees Covered by Congressional Accountability Act of 1995.—

(1) In general.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 201(a)(1) of that Act (42 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this title provides to that Board, or any person, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iii), except as provided in paragraphs (2) and (3).

(2) Costs and fees.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice.

(3) Damages.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(4) Other applicable provisions.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(d) Employees Covered by Chapter 5 of Title 3, United States Code.—

(1) In general.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person, alleging a violation of section 411(a)(1) of that title, shall be the powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iv), except as provided in paragraphs (2) and (3).

(2) Costs and fees.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice.

(3) Damages.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(e) Employees Covered by Section 717 of the Civil Rights Act of 1964.—

(1) In general.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging a violation of that section shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee or applicant described in section 201(2)(A)(v), except as provided in paragraphs (2) and (3).

(2) Costs and fees.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice.

(3) Damages.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(f) Definition.—In this section, the term "Commission" means the Equal Employment Opportunity Commission.

SEC. 208. DISPARATE IMPACT.

(a) General Rule.—Notwithstanding any other provision of this Act, "disparate impact", as that term is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(k)), on the basis of genetic information does not establish a cause of action under this Act.

(b) Commission.—On the date that is 6 years after the date of enactment of this Act, there shall be established a commission, to be known as the Genetic Nondiscrimination Study Commission (referred to in this section as the "Commission") to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under this Act.

(c) Membership.—

(1) In general.—The Commission shall be composed of 8 members, of which—

(A) 1 member shall be appointed by the Majority Leader of the Senate;

(B) 1 member shall be appointed by the Minority Leader of the Senate;

(C) 1 member shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(D) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the Speaker of the House of Representatives;

(F) 1 member shall be appointed by the Minority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Chairman of the Committee on Education and Labor of the House of Representatives; and

(H) 1 member shall be appointed by the ranking minority member of the Committee on Education and Labor of the House of Representatives.

(2) Compensation and expenses.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of

chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(d) ADMINISTRATIVE PROVISIONS.—

(1) LOCATION.—The Commission shall be located in a facility maintained by the Equal Employment Opportunity Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the objectives of this section, except that, to the extent possible, the Commission shall use existing data and research.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) REPORT.—Not later than 1 year after all of the members are appointed to the Commission under subsection (c)(1), the Commission shall submit to Congress a report that summarizes the findings of the Commission and makes such recommendations for legislation as are consistent with this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Equal Employment Opportunity Commission such sums as may be necessary to carry out this section.

SEC. 209. CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title shall be construed to—

(1) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights or protections provided for under this title, including the protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (including coverage afforded to individuals under section 102 of such Act (42 U.S.C. 12112)), or under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(2)(A) limit the rights or protections of an individual to bring an action under this title against an employer, employment agency, labor organization, or joint labor-management committee for a violation of this title; or

(B) provide for enforcement of, or penalties for violation of, any requirement or prohibition applicable to any employer, employment agency, labor organization, or joint labor-management committee the enforcement of which, or penalties for which, are provided under the amendments made by title I;

(3) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains;

(4) limit or expand the protections, rights, or obligations of employees or employers under applicable workers' compensation laws;

(5) limit the authority of a Federal department or agency to conduct or sponsor occupational or other health research that is conducted in compliance with the regulations contained in part 46 of title 45, Code of Federal Regulations (or any corresponding or similar regulation or rule);

(6) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations; or

(7) require any specific benefit for an employee or member or a family member of an employee or member under any group health plan or health insurance issuer offering group health insurance coverage in connection with a group health plan.

(b) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this title to genetic information concerning an individual or family member of an individual shall—

(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.

SEC. 210. MEDICAL INFORMATION THAT IS NOT GENETIC INFORMATION.

An employer, employment agency, labor organization, or joint labor-management committee shall not be considered to be in violation of this title based on the use, acquisition, or disclosure of medical information that is not genetic information about a manifested disease, disorder, or pathological condition of an employee or member, including a manifested disease, disorder, or pathological condition that has or may have a genetic basis.

SEC. 211. REGULATIONS.

Not later than 1 year after the date of enactment of this title, the Commission shall issue final regulations to carry out this title.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title (except for section 208).

SEC. 213. EFFECTIVE DATE.

This title takes effect on the date that is 18 months after the date of enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. GUARANTEE AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(6)(A)) is amended to read as follows:

"(ii) an amount equal to 23 percent of such payments for use in accordance with section 422B, except that beginning October 1, 2007, and ending September 30, 2008, this subparagraph shall be applied by substituting '22 percent' for '23 percent'.".

SEC. 302. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provisions to any person or circumstance shall not be affected thereby.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days in which Members may insert material relevant to H.R. 493 in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am pleased that the House will take up H.R. 493, the Genetic Information Nondiscrimination Act of 2007.

This legislation is sponsored by two of my distinguished colleagues, Congresswoman LOUISE SLAUGHTER, who has been waiting 10 years to debate this bill on the floor of the House of Representatives, and Congresswoman JUDY BIGGERT, who has been a member of the committee which I chair, the Committee on Education and Labor, and I commend the sponsors for their hard work and for their perseverance.

This bill is long overdue. The Human Genome Project started the revolution in science and medicine nearly 20 years ago by identifying the specific chromosomes within the genes that make up the human body. Once the scientists identified and understood these genetic building blocks, they developed tests that identified genetic markers for diseases that could, but may never, occur.

We understand that this scientific revolution can and will save lives. It can save children from devastating illnesses, and once these tests and treatments become more widely available, they will help us live longer lives with less debilitating diseases.

The key to unlocking this scientific revolution is to assure individuals of genetic privacy and nondiscrimination when they undergo genetic testing and counseling. Many Americans already forgo testing for fear of losing their jobs and their health insurance. In a 2003 National Institutes of Health study, 39 percent of the individuals surveyed cited fear of losing their health insurance as the most distressing issues related to genetic testing.

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There is a clear need for us to pass this law to protect genetic information from discriminatory uses. We all suffer if fears of lost jobs or health insurance stifle these scientific advances.

That is why 41 States have passed laws to prohibit discrimination in the individual health insurance market.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BOUSTANY), a member of the Education and Labor Committee.

Mr. BOUSTANY. Mr. Speaker, I rise in support of this legislation, and while I do not by any means think it is a perfect bill, I do believe it contains a number of important improvements over prior versions of the legislation. More importantly, it marks a commitment by this Congress to ensure that the law of the United States protects American workers and health care consumers from discrimination on the basis of their genetic makeup. Because that goal is so critical, I will vote for this bill today, and I urge my colleagues to do likewise.

I would like to commend my colleagues, and fellow member on the Committee on Education and Labor, Representative JUDY BIGGERT, and Congresswoman LOUISE SLAUGHTER for their tremendous work and years of dedication on this important issue. Both of you have been persistent and effective on so many issues that have come before this committee and this Congress. Both should be commended for adding this important bill to your list of legislative accomplishments.

As was noted during our committee's consideration of this bill, I believe that the title of the legislation before us, the Genetic Information Nondiscrimination Act, embodies a proposition that all members of our committee and, indeed, all Members of this Congress should endorse. Simply put, no employee should face discrimination on the basis of genetic makeup or on any characteristic other than the ability to do the job. Similarly, no employee should risk his or her health insurance status simply because of the possibility that they may someday develop an illness.

This bill was drafted with those fundamental principles in mind, and I believe that through the legislative process we have taken steps toward ensuring that the bill we pass fulfills those principles, while minimizing the potential for unintended consequences.

I would like to point out a number of improvements in the bill that I think merit attention.

I am pleased that the bill before us today embodies the same logic as a past executive order issued by President Clinton to ensure that this legislation would not inadvertently serve as a broad, new Federal mandate requiring all insurance plans and employers to cover all treatments related to genetic-related conditions. That is exactly the type of unintended consequence we were seeking to avoid, and I am pleased that we were able to work this out.

Second, I would like to highlight a provision in the legislation that ensures that employers, who are currently subject to a number of confidentiality and recordkeeping requirements under law, are not burdened by yet another redundant set of paperwork requirements. The bill before us today provides that with respect to genetic information, if an employer maintains employee records and treats them as it does confidential medical records under the Americans with Disabilities Act, it is in compliance with this new genetics law.

Third, I applaud a significant improvement in the bill, and namely, its extension of genetic nondiscrimination protection to all Americans. One of the issues raised during our committee's consideration of the bill was concern that the bill's protections did not adequately extend to cover children in utero or at early stages of development or in connection with in vitro fertilization and other technologies. I am very pleased that the final bill before us addresses these issues to the satisfaction of all Members on both sides of the aisle who have worked in good faith to ensure the broadest protection possible.

The bill contains a number of other improvements over prior versions, representing issues we were able to work through over the past couple of months and which demonstrate how the committee process is truly meant to work. We were presented with well-intentioned legislation, heard meaningful testimony on it and its potential impact on employers and employees alike, raised and debated legitimate concerns, and worked together to bridge the gap between where we began and where we stand today. I thank the staff on both sides of the aisle for making this a reality.

I would be remiss if I did not point out concerns I have with the bill and express my hope that as the legislative process continues, and if and when the provisions of this bill are administered, we give due weight to these concerns.

I remain concerned that the bill's penalty provisions are overbroad and will potentially subject employers to punitive damages for simple paperwork violations. I am equally concerned that the bill we pass today will not set a single national standard, but still leave employers subject to a patchwork of varying requirements on a State-by-State basis. And finally, I think the bill would be significantly improved if we made clear that employers would not be held liable for the acquisition and use of genetic information where such use was required or justified by business necessity.

As we send this bill to the United States Senate for consideration, I would urge my colleagues in that body to take up and address these issues. Beyond that, as courts and administrative agencies interpret and enforce these laws, I would urge them to heed the intent of Congress; namely, that this bill's most egregious penalties must be reserved for the most egregious violations of the law, and that our intent is not to ensnare employers acting in good faith in a legal web of penalties and damages.

As I noted at the outset of my remarks, our actions today will ensure that the law of the United States protects American workers and health care consumers from discrimination on the basis of their genetic makeup, a goal I think that is shared by every Member of this House. I urge my colleagues to support this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 5½ minutes to the gentlewoman from New York (Ms. SLAUGHTER), the Chair of the Rules Committee of the House, who has worked on this legislation for a very long time, without whose persistence with this bill we would not be here on the floor.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding, and I thank my partner, Mrs. BIGGERT, also for the hard work she has done. It has taken us collectively 12 years to get to this point, and I want to say at the outset we are not talking about some population of people who might have bad genes. We are talking about us, because every one of us has bad genes, between 30 and 40. So this protection goes not just to some employee somewhere, but all of us and the people we love.

It is with great pride that I rise today. As a matter of fact, I could not stop smiling all day. With the passage of this bill, we are going to stand up for the future health of our citizens and one of medicine's most promising fields, genetic research.

It is almost heartbreaking to me to think that we are 10 years behind in genetic research and the people we could have helped up to now, but it is the culmination of a bipartisan effort to prevent the improper use of genetic information in the workforce and insurance decisions.

It is no longer simply the work of science fiction writers.

There have been many instances of genetic discrimination, from a woman who was fired after a genetic test revealed her risk for lung disorder, to a social worker who, despite outstanding performance reviews, was dismissed because some member of her family had Huntington's disease.

Consider the case of Heidi Williams, an individual diagnosed with alpha-1 antitrypsin deficiency. In 2004, she testified that a large health insurance company had denied coverage for her two children because they were carriers for the disease.

GINA will make these discriminatory practices illegal by prohibiting health insurers from denying coverage or charging higher premiums to a healthy individual because of a genetic predisposition, which means you may never get the disease, might happen.

GINA also bars employers from using genetic information for hiring, firing, job placement or promotion decisions.

In the 12 years since I first introduced this legislation, the need for it has grown rapidly. Scientific research has advanced so quickly that we cannot possibly afford to wait any longer.

It offers immense potential for early treatment and prevention of numerous diseases.

Since the sequencing of the human genome was completed in 2003, researchers have identified genetic markers for a wide variety of health conditions, and new progress is being made every day.

Fifteen percent of all cancers are found to have an inherited susceptibility. Ten percent of adult chronic diseases, heart disease and diabetes, America's top killers, have a genetic component.

Already, over 15,500 recognized genetic disorders affect 13 million Americans, and each and every one of us, as I said before, and it is so important for you to know this, each and every one of us is in that category of carrying between 5 and 50 bad genes, or predicted genes. They may not be so bad.

That is exactly why this bill is so important to all of us, not just those with recognized disorders. There is not a single person on the planet that has perfect genes. Every one of us, and let me make that clear again, are all vulnerable to genetic discrimination.

To give you an idea of the potential that exists from this research, consider that a genetic test can tell a woman with a family history of breast cancer if she has the genetic mutation that can cause it, long before the cancer might develop.

For these exciting scientific advances to continue, for the potential of this technology to be realized, we have to make genetic testing something commonplace rather than something that is feared and kept secret.

But sadly, the threat of genetic discrimination and the fear of being passed over for promotion, forced to pay more for health insurance, or even denied coverage, men and women are much less likely to be tested and to take advantage of that potentially lifesaving information.

Most importantly, if individuals do not participate in the clinical trials, we will never be able to reap the great benefits of this genetic technology.

In a 2006 Cogent Research poll, 66 percent of respondents said they were concerned about how their genetic information would be stored and who would have access to it.

I want to thank everybody, first Dr. Collins who sequenced the human genome and testified before Congress at least 12 times, and I cannot imagine anybody would be not be moved by his testimony. He is here with us today.

I want to thank all the committee members, certainly Mrs. BIGGERT who has worked so hard, and her staff; and the three committees who have jurisdiction here who have done so much for us. Mr. MILLER, the first thing I think in January he told me this bill was coming to the floor.

I want to thank Congresswoman ESHOO for her untiring effort to help bring this, and certainly the member of my staff who has worked so hard.

It is a great day. You may not realize it but it also just turns out to be DNA Day. What a wonderful way to celebrate it.

Seventy-two percent agreed that the government should establish laws and regulations to protect the privacy of individuals' genetic information. And 85 percent said that without amending current law, employers would use this information to discriminate.

Before I close, I want to reiterate the broad support that this bill enjoys. We have over 220 Democrat and Republican cosponsors behind this bill.

In past Congresses, the Senate has passed this bill twice with unanimous support. And I would like to thank the President who today issued a statement of administration policy in support of the bill.

I want to take a moment to thank the lead Republican cosponsor of this bill, Congresswoman JUDY BIGGERT for her dedication to this bill, along with Congresswoman ANNA ESHOO for being a strong advocate for this bill over the years.

I also want to thank Dr. Francis Collins for his support. His testimonies over the years should have swayed even the firmest unbelievers that genetics has the potential to change our health care system as we know it.

Lastly, I want to thank the advocates from the health and science community. Over 200 organizations including Hadassah support this bill.

GINA will do more than stamp out a new form of discrimination—it will help our country be a leader in a field of scientific research that holds as much promise as any other in history.

And it will allow us to realize the tremendous potential of genetic research without jeopardizing one of the most fundamental privacies that can be imagined.

Mr. Speaker, today is a momentous day.

And, I urge all my colleagues to support this bill.

Mrs. BIGGERT. Mr. Speaker, I yield myself 3 minutes.

Obviously I rise in strong support of H.R. 493. I think it has been an honor to work with the gentlewoman from New York (Ms. SLAUGHTER) and. I might add, work we did.

When the Human Genome Project was completed in 2003, the House of Representatives recognized it as "one of the most significant scientific accomplishments of the past 100 years."

For the first time, individuals actually could know their genetic risk of developing disorders such as cancer, diabetes, heart disease, Parkinson's, Alzheimer's, and they could take preventative measures to decrease their risks. It spawned a personalized medicine movement, focusing on catching diseases earlier, when they are cheaper and easier to treat or, even better, preventing the onset of the disease in the first place.

But after investing more than $3.7 billion in taxpayer money to achieve this breakthrough, Congress walked away and left the job unfinished.

We left people without any assurance that their genetic information would not be used against them. So, understandably, they avoided this great technology, never realizing the untold health benefits and savings.

This concern even spilled over into NIH, where a fear of genetic discrimination is currently the most commonly cited reason for not participating in research on potentially lifesaving genetic testing for breast cancer and colon cancer. Fully one-third of those eligible to participate declined to do so for this reason, undermining the development of new treatments and cures.

Mr. Speaker, today Congress is here to settle some unfinished business and provide Americans the protections against genetic discrimination in health care insurance and employment that they need to utilize genetic testing without fear.

Besides the more than 200 health advocacy and business organizations that support this bill, recent surveys show 93 percent of Americans believe that employers and insurers should not be able to use genetic information to discriminate.

With numbers like this, it should come as no surprise that this legislation enjoys overwhelmingly bipartisan support. And I want to take a moment to thank my good friend Ms. SLAUGHTER, Mr. WALDEN and Ms. ESHOO. It truly has been a pleasure working with all of them. I would also like to thank Mr. MCKEON, Mr. MILLER and all the other chairmen and ranking full committee and subcommittee members for working together to make this a better bill.

I would be remiss if I did not mention the members of the Coalition for Genetic Fairness, without whom this bill would not be possible.

Finally, I would like to thank Brian Petersen of my staff and Michelle Adams of Ms. SLAUGHTER's staff and all the outstanding staff who worked tirelessly behind the scenes on our behalf and who have put in long hours on this legislation.

Why must we pass this bill today? Because it dramatically reduces health care costs while saving or extending human lives.

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Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the chairman of the Energy and Commerce Committee.

Mr. DINGELL. I thank the gentleman for yielding to me. I applaud the work of the three committees that have brought this legislation to us, and the work of my good friend from California (Mr. GEORGE MILLER) as well as that of the distinguished gentleman from New Jersey (Mr. ANDREWS). I want to say a word of praise for our colleagues from Ways and Means led by their distinguished chairman, Mr. RANGEL.

On our committee, a lot of people worked on it very hard: Mr. PALLONE, the chairman of our subcommittee; Ms. ESHOO, who worked very hard on the matter; and our good friend Mr. STUPAK and the distinguished gentlewoman from Colorado, who now occupies the Chair, Ms. DEGETTE, who both did a superb job in negotiating language to avoid the difficult questions associated with birth and issues relating to abortion.

I want to say a word of praise for the distinguished gentlewoman from New York (Ms. SLAUGHTER) who did so much.

Madam Speaker, this is an extraordinary bill. It prevents individuals from employment discrimination. It would make it unlawful for employers, employment agencies, labor organizations or training programs to deny individuals the employment opportunities because of genetic information. It requires genetic information to be treated as a part of the individual's confidential medical record. In addition to that, it protects individuals from insurance discrimination by prohibiting insurers both in the group and individual markets from using genetic information to determine eligibility to establish individual premiums based on genetic information of individuals or their family members.

The bill has been significantly amended since its introduction and has been refined through the work of the three able committees of jurisdiction. The version before us includes key elements that were reported by the Committee on Energy and Commerce, and includes a useful definition change of the word "family member." It is a fine piece of legislation.

I want to pay a tribute to my friend, Mr. BARTON, the ranking member of the committee on Energy and Commerce, for his cooperation on this matter. This is an excellent bill. It should pass, it should become law. My private guess, my dear friends, is that it will exceed, in terms of votes, 350 or 400.

I also want to express my respect and affection for the gentlewoman from California (Mrs. CAPPS), who worked hard on this bill.

Mrs. BIGGERT. Madam Speaker, I yield 3½ minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Let me also congratulate the authors of the bill and the fine work that they have done. We have had a hearing in Energy and Commerce, where I serve, but I thought I would just follow up a little bit on what the gentleman from Louisiana talked about, a little bit about the preemption.

Madam Speaker, I think almost everybody in this House is for genetic protection from genetic discrimination. There have been many bills over the years that Ms. SLAUGHTER has worked on. I think she indicated she has worked on it for 12 years. I compliment her on her perseverance. Sometimes it takes that kind of conscientiousness to get anything accomplished here. The fact we are able to get this today is a success story. In fact, the President has indicated, I think nationally, that he would like to sign this bill. So it is on a fast track, and I am sure that we won't have any trouble in the suspension passing it.

But one significant concern that I bring to the attention of my colleagues is a Federal preemption. I mention this as perhaps, as the Senate and the House come together, they can solve this problem. So I will continue to talk about it.

According to CBO, the bill would "preempt some State laws that establish confidentiality standards for genetic information, and would restrict how State and local governments use such information in employment practices and in the provision of health care to employees." This bill will create, I think, a little bit of a problem, the confusion in about the 42 States that currently have laws prohibiting discrimination based upon genetic information.

For example, my home State of Florida is very strong with clear definitions. If we superimpose this bill, it would create a lot of confusion, I think, in my State of Florida. Many exemptions occur, HIV testing, drug testing, forensic analysis, routine blood tests for current health would be negated. Even more frustrating for the regulated, the operative Federal-State relationship rule is whatever part of a State law is more stringent survives. The question is, who decides when that occurs? The courts? I think that is a question the Senate should look at.

There are better approaches, but partial preemption is what we see here. I think it should be changed. Maybe the answer is across-the-board preemption, and that is what I am recommending, or maybe allow States to apply for an exemption. I believe Florida and other States are substantially meeting this policy.

In any event, some Federal agency should at least adjudicate so that the regulated community is not subject to uncertainty, fines, ultimately litigation. So I asked this same question when we had the markup in Energy and Commerce.

So I asked during our Energy markup on March 23 about this to the staff. At that time, it was difficult to understand what their answer was. I followed up on March 27 with a letter to Chairman DINGELL, signed along with a Health Subcommittee ranking member NATHAN DEAL. We have not at this point received a reply to this letter, and I just urge that somehow in the conference on this bill that we try to answer that question.

Finally, 11 Energy and Commerce Republicans signed our views to the energy report, which, Madam Speaker, I make part of the RECORD, and I support the intention of this legislation. It's good. I congratulate everybody, but I would like to see a preemption and other clear issues worked out in conference.

I support protection from genetic discrimination, so much so I have offered my own bills in prior Congresses. However, this bill has, some problems I would like resolved.

(For the record: Many people have been remarking that we have been working for over a dozen years on legislation to safeguard individuals from discrimination against due to their genetic profile when they seek to purchase health insurance or employment.

Well, I count myself among those waiting. For, in 1995, I was proud to be named the first Chair of the Congressional Task Force on Medical Records and Genetics, by then Commerce Committee Chairman Bliley. Congressman GENE GREEN (Committee Democrat) was my Co-chair, and together we held many meetings and hearings with witnesses from the genetics community, including insurance companies, the biotech and pharmaceutical industries, and patient advocates. Indeed, one of my proudest legislative achievements came in the Health Insurance Portability and Accountability Act of 1996 (HIPAA). In the Commerce Committee markup of HIPAA, I was successful in adding two words to the list of protections: "genetic information." It survived and is in the HIPAA law today.

And, I have continued my engagement, authoring bills in the last several Congresses to prohibit genetic nondiscrimination in health insurance.)

One significant concern is the lack of clarity over federal pre-emption. According to CBO, the bill would "preempt some state laws that establish confidentiality standards for generic information, and would restrict how state and local governments use such information in employment practices and in the provision of health care to employees." GINA will create confusion for the 43 states that currently have laws prohibiting discrimination based on genetic information.

Florida's law, for example, is very strong, with clear definitions. If we superimpose GINA it will create a lot of confusion. Many exemptions—HIV testing, drug testing, forensic analysis, routine blood tests for current health—would be negated. Even more frustrating for the regulated, the operative Federal-state relationship rule is whatever part of a state law is more stringent survives. And who will decide? The courts.

There are better approaches, but partial preemption is unsatisfactory. Maybe the answer is across the board preemption. Or, maybe allow states to apply for an exemption. I believe Florida and other States are substantially meeting the policy. In any event, some Federal agency should at least adjudicate so that the regulated community is not subject to uncertainty, fines, or litigation.

I asked this in the Energy and Commerce markup March 23. And, I followed up on March 27 with a letter to Chairman DINGELL, signed along with Health Subcommittee Ranking Member NATHAN DEAL—a response to which has not arrived. Finally, eleven Energy and Commerce Republicans signed Additional Views to our Committee Report, which I resubmit for the RECORD.

Again, I support the intention of this legislation, but would like to see pre-emption and other unclear issues worked out in conference.

GINA WILL CREATE CONFUSION FOR THE 43 STATES THAT CURRENTLY HAVE LAWS PROHIBITING DISCRIMINATION BASED ON GENETIC INFORMATION

We have not done a complete survey but understand that 43 States already have programs and definitions. We would then want to ask Members if they find the programs in their state inadequate. If you were to superimpose the GINA requirements on those states it will involve a lot of confusion. Many exemptions and clear statements regarding HIV testing, drug testing, and other issues would appear to be wiped out. Even more frustrating for the regulatory community the operative Federal-state relationship rule is whatever part of a state law is more stringent survives. This means pieces of state law will apply while other pieces will be preempted. This would all have to be sorted out by the courts. We think there are better approaches. The worst approach is this partial preemption approach. For some programs there is across the board preemption. In other cases, a state is allowed to submit its program for evaluation as a whole. If such programs are adequate or substantially promoting the policy, they would stay intact. We believe our States are substantially meeting the policy and do not see the need for disruption. In any event, some Federal agency should at least sort out what law applies in advance so that the regulated community is not held hostage to more lawyers and uncertainty. Joe Barton. Nathan Deal. Michael Burgess. Steve Buyer. Barbara Cubin. Mike Rogers. John Shadegg. Cliff Stearns. Lee Terry. Heather Wilson. Tim Murphy.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO) who, again, has worked so hard to bring this legislation to the floor and helped to resolve some of the differences that have existed between the committees, and I thank her for her work.

Ms. ESHOO. I thank the distinguished chairman of the Education Committee.

Madam Speaker, today is a very exciting day. I don't think there is any feeling that beats coming to the floor and knowing that success awaits us and the American people. I think that's the case today as we gather to support the Genetic Information Nondiscrimination Act, known as GINA.

Many times over the course of American history in this Chamber, discrimination has been struck down. I believe that is what we are doing here today with this bill. When the sequencing of the Human Genome Project was completed in April of 2003, it was a great, great victory in the scientific community. So many of us understood what the implications were for our constituents, for the people of our Nation, and people in the world.

Researchers identified genetic markers for a variety of chronic health conditions. When they did, they threw open the doors to increase the potential for early treatment and prevention of numerous diseases.

But there was something that stepped in the way, and that was the threat of discrimination against anyone that subjected themselves to the test, found that they had a gene that wasn't perfect, which I think is the potential of every single one of us, and as a result of that, that their job would be threatened, and that their health care insurance could be dropped. What this bill does today is to throw the doors open with a guarantee by making it illegal for health plans and health insurers to deny coverage to a healthy individual or charge a higher premium based solely on genetic predisposition to a specific disease.

I could go on and on about the bill, but the fact of the matter is, it has well over 200 cosponsors. It is a real bipartisan bill. Thank you to Congresswoman LOUISE SLAUGHTER for her tenacity and her belief in the effort. Twelve years, that is a long time.

I would also like to say what a difference a new majority makes, because this bill was really blocked from coming to the floor for full consideration. To Representative BIGGERT, she has been just as tenacious as LOUISE SLAUGHTER, to all of my colleagues that have worked on this, to the chairman, Mr. GEORGE MILLER of California, Mr. DINGELL, Mr. RANGEL, for making sure that they saw this through and, Ms. SLAUGHTER, of course, she slaughtered us all, I tell you, on this, she made sure, and to the inspirational Dr. Francis Collins, who testified over and over again what the possibilities were that awaited the American people.

I pay tribute to all of you. It's a great day here in the House of Representatives.

Mrs. BIGGERT. Madam Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore (Ms. DEGETTE). The gentlelady from Illinois has 8 minutes remaining. The gentleman from California has 9 minutes remaining.

Mrs. BIGGERT. Madam Speaker, I yield 2 minutes to a member of the Energy and Commerce Committee, Dr. BURGESS.

Mr. BURGESS. Madam Speaker, it's my feeling that this bill should have been brought to the floor under a rule to perhaps allow additional improvement and amendment, as pointed out by Mr. STEARNS. There is the opportunity, perhaps in conference, to further improve the bill. I don't think our work is quite done.

One improvement that I was able to effect in our committee, the Committee on Energy and Commerce, is the exclusion of title II for covered entities already subject to regulation under HIPAA statutes, the Health Insurance Portability and Accountability Act statutes. Dual regulation of communications, uses, disclosures and other aspects and activities, subject to regulation, currently regulated by the Department of Health and Human Services, by GINA, would have had disastrous consequences for coordination of care.

We need to make clear that providing health services is not the same as hiring, firing or job promotion. Genetic information is medical information and is not restricted under the House bill for employer-sponsored services that are covered in entities under HIPAA. Also, nothing in this bill affects the practice of medicine. That is not the intention, and this is among the principles that I have sought to ensure.

I would note that the current HIPAA regulations are extremely sophisticated. They are the result of over 5,000 communications and comments. We are not going to trump those regulations under title II, and that will prevent the possibility for enormous disruption and adverse consequences.

Failure to address this issue would have been calamitous, for efforts of using health information, new efforts for using health information technology. Medical information systems cannot be burdened with legal requirements that would, in effect, force complicated segregation of genetic information from other medical information and health care, including those in employer-sponsored clinics.

Still, with all of those caveats, I will be voting in favor of the bill today. I do look forward to making certain that these modifications survive in conference and perhaps there will be the opportunity to even make things a little bit better in that process.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding. I congratulate Chairman MILLER and Mr. RANGEL and Mr. DINGELL for their work, and especially my friend, Congresswoman SLAUGHTER, and Congresswoman BIGGERT for her great work. I think we should reflect on the great work they are achieving on this bill.

Madam Speaker, if your grandmother had breast cancer, you shouldn't be denied a job or a promotion. That's what this bill says. If your dad is a diabetic, you shouldn't have to pay higher health insurance premiums. That's what this bill says.

When the scientific community comes to you and asks you to participate in a genetic study that may hold the key to unlocking the mystery of AIDS or Alzheimer's or leukemia, you should be able to participate fully and freely without fear that your genetic information will be unlawfully and improperly shared with someone who wants to do the wrong thing with it.

☐ 1415

This is a significant achievement, not only in protecting the working men and women of America from discrimination, but in empowering American scientists to achieve the maximum that we can from the promise of genetic medicine.

The bipartisan effort to support this bill will be vindicated year after year and case after case as Americans can work freely, can avoid discrimination, and as scientists can take the next step and the next step and the next step to unlock the keys to genetic medicine.

So I congratulate my friends, Madam Speaker, for their great work on this bill. I enthusiastically support it. I ask everyone to vote "yes."

I would like to note that the final version of H.R. 493 represents the input and compromises made by 3 committees of jurisdiction.

In particular, I would like to mention 3 critical compromises reflected in the final bill:

(1) the bill does not affect or limit the ability of health plans to provide information to their members about the availability and benefits of genetic tests,

(2) the bill is intended to supplement the protections afforded under HIPAA and not intended to prohibit practices permitted under HIPAA unless explicitly stated, and

(3) the bill is intended to provide 2 comparable but distinct causes of action for violations of the Act with respect to genetic information. Health plans and insurers generally are subject to the requirements of the title 1. Employers, including to the extent employers control or direct health benefit plans, are subject to the requirements of title II of the bill.

I commend my colleagues on all 3 committees for their hard work to enable us to pass this important genetic information protection bill.

Mrs. BIGGERT. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I think that by incorporating genetic testing, we can significantly reduce the cost of chronic disease, which currently accounts for 70 cents of every health care dollar. I think the President of the United States understands this, and I will include for the RECORD the statement of administrative policy from the White House in favor of this legislation.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, April 25, 2007.

STATEMENT OF ADMINISTRATION POLICY

H.R. 493—GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007 (REP. SLAUGHTER (D) NY AND 224 COSPONSORS)

The Administration favors enactment of legislation to prohibit the improper use of genetic information in health insurance and employment. The Administration supports House passage of H.R. 493, which would prohibit group health plans and health insurers from denying coverage to a healthy individual or charging that person higher premiums based solely on a genetic prediposition to developing a disease in the future. The legislation also would bar employers from using individuals' genetic information when making hiring, firing, job placement, or promotion decisions. The Administration appreciates that the House bill clarifies that the bill's protections cover unborn children.

The mapping of the human genome has led to more information about diseases and a better understanding of our genetic code. Scientists are pursuing new diagnostics, treatments, and cures based on this information, but the potential misuse of this information raises serious moral and legal issues. Concern about unwarranted use of genetic information threatens the utilization of existing genetic tests as well as the ability to conduct further research. The Administration wants to work with Congress to further perfect this legislation and to make genetic discrimination illegal and provide individuals with fair, reasonable protections against improper use of their genetic information.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I thank the chairman for yielding.

Madam Speaker, I rise in strong support of H.R. 493, of which I am a cosponsor. As science continues to make rapid advancement in the area of genetics, I cannot stress how important this bill is to every American citizen.

Genetic testing has increasingly become an integral part of the American health care system, providing the possibility to develop better therapies that are more effective against disease and allow individuals to take steps to reduce the likelihood that they will contract a particular disorder. However, as knowledge of the human genome expands, a greater proportion of the population will likely be identified as carriers of mutations associated with a greater risk of certain diseases, indicating that virtually all people are potentially victims of genetic discrimination in health insurance.

Along with the increasing prevalence of genetic testing comes the growing fear of the potential misuse of this information by way of discrimination in health insurance and employment. Accordingly, we need to strengthen current laws at both the Federal and State level in order to protect against the possibility of genetic discrimination. This bill will go a long way in making sure that this highly private information cannot be misused or abused.

In closing, I want to thank the primary sponsors of this legislation, particularly Ms. SLAUGHTER, I know how long she has worked on this, along with Ms. ESHOO and others. We finally came together in a bipartisan fashion to bring up what I think is a bipartisan bill. They should all be commended, all of us should be commended for our efforts. I think that this could serve as a model for bipartisan cooperation on other bills.

Mrs. BIGGERT. Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK), a member of the Energy and Commerce Committee.

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in support of H.R. 493, the Genetic Information Nondiscrimination Act, or GINA. Congratulations to all who have worked for the last number of years on this legislation, especially Ms. SLAUGHTER.

In reviewing this bill, I was concerned that families may face genetic information discrimination from testing of embryos and fetuses, plus I was concerned about children who are in the process of being adopted. As genetic testing becomes increasingly common, GINA protections must be extended to genetic material gathered through pre-implementation genetic diagnoses, amniocentesis or other future techniques.

Together with Chairman DINGELL, Ms. DEGETTE and Mr. SMITH, we were able to close this loophole, which could have been exploited against families on the basis of genetic material of their fetuses or children in the process of being adopted.

I am proud to have worked with so many Members to correct the concerns I had on this bill. I support the passage of this bill.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), a member of the committee.

Mrs. CAPPS. Madam Speaker, I thank my California colleague for yielding me time.

Madam Speaker, I also rise in strong support of H.R. 493, and I commend my colleagues, the Congresswomen who have been acknowledged, SLAUGHTER, ESHOO, BIGGERT and others who persisted over the years to bring this legislation to the floor, and acknowledge that the Caucus for Women's Studies of the 110th Congress has made the passage of this its highest priority.

I am also struck by the importance of the partnership that is highlighted with this legislation, a partnership between this legislative body and our colleagues in the National Institutes of

Health and work that we should be doing together on behalf of the American people.

As Dr. Francis Collins and his wonderful staff of the Genome Project have taught us, the identification of genetic markers for disease is one of the most remarkable accomplishments scientists have ever made. Being able to identify risks for certain conditions holds such great promise for our ability to identify and practice greater preventive health care in this country. The importance of preventive care to our well-being and our optimum health can never be overemphasized.

However, as with almost all great scientific advancements, we have also opened the door to a whole slew of unintended consequences. Preventive health care can be put at risk if patients decline genetic testing for fear of insurance or employment discrimination. We need to work together, and we will, on ways to promote ethical genetic testing, coupled with appropriate privacy protections and with measures such as we are doing today to prevent discrimination.

This bill accomplishes these goals, and I am extremely proud to support it. I urge all of my colleagues to vote "yes" on its passage

Mrs. BIGGERT. Madam Speaker, I have no further speakers, so I will yield myself the balance of my time to close.

Madam Speaker, this bill has been a bipartisan bill. It has got 95 Republicans and 125 Democrats. GINA passed the Education and Labor Committee, Energy and Commerce Committee and the Ways and Means Committee by voice vote. I think that GINA is needed to maintain high-quality genetic research and clinical trials at NIH. It passed the Senate last year 98–0, and the last Congress was a strong SAP for them, so when this goes to conference we will see what happens this year.

Let me just say that Newt Gingrich said to not have this bill is to cripple our ability to save lives. I would like to enter into the RECORD a statement of his in the Washington Times, and just to quote a little bit from it.

"Without protection from genetic discrimination, we risk missing out on the promise of personalized medicine. But if we apply time-honored principles of fairness and justice to the genome era, we can grant the American public the gift of better informed patients, better equipped providers, an enhanced biotech industry, improved health and lives saved.

"Let's not withhold this gift any longer. Let's empower all Americans to embrace the possibilities of personalized medicine for better health, and let's commend the forward-thinking bipartisanship of the 110th Congress that has brought us to the threshold of a world where Americans can embrace personalized medicine without fear.

"Our health, and that of our children and grandchildren, depends on it."

Let me just say that this bill had to go through three committees, and that is not easy, Education and Labor, Ways and Means and the Energy and Commerce. That is no small feat. I really thank Chairman SLAUGHTER for all that she did to make sure that this went through, and all the time she has spent on this. It has been a great honor to work with her.

Again, let me thank the chairmen of these committees and the ranking members for the time that they put in, and all the Members that came down to speak today and all the Members that supported this as cosponsors.

To go through the three committees, everybody knows something about this place, but everybody wants to put their stamp on it. To come out with a bill we can all agree on, and, as people said, they have some things they would still like to put in, but I think being able to manage all of the different committees, and what was their jurisdiction and what maybe they thought was their jurisdiction but really was the jurisdiction of another committee, makes it a very interesting process.

And I think we all learned about how this type of bill works. It is a very technical bill, and that is why we thank all of the 200 groups, at least 200 groups that have worked on this bill and been able to give us the technical information that we needed to make this something that is going to save lives. It is going to lower costs and it also is going to find the cures for so many of these diseases and disorders, because people will be willing to go into clinical trials. So I congratulate all of the people that participated.

Madam Speaker, I include the article by Newt Gingrich for the RECORD

CONGRESS OF THE UNITED STATES,
Washington, DC.

Why does Newt Gingrich Support GINA?

DEAR REPUBLICAN COLLEAGUE, We wanted to draw your attention to this op-ed by Newt Gingrich supporting H.R. 493, the Genetic Information Nondiscrimination Act. It appeared in the Washington Times on April 11, 2007. We urge you to vote "yes" when this legislation comes to the floor.

Sincerely,

JUDY BIGGERT,
Member of Congress.

GREG WALDEN,
Member of Congress.

[From the Washington Times]

HEALTH CARE RE-GIFTING LEGISLATION RIGHTLY AVOIDS GENETIC DISCRIMINATION

(By Newt Gingrich and Robert Egge)

Protecting every American from genetic discrimination is a long overdue gift to the nation. After 12 years of debate, Congress is at last poised to deliver this gift.

The sequencing of the human genome is leading to revolutionary advances in our understanding of the causes of disease. Four years after completing the Human Genome Project, we are witnessing the dawn of the era of personalized medicine.

The discovery of genetic variants that contribute to risk of common diseases will continue to grow rapidly during the next few years, offering better opportunities for individualized, preventive medicine. Already, health-care providers can test for DNA patterns that predispose some of us to cancer, and soon this will be possible for diabetes, heart disease and other common diseases. Doctors will also soon be able to prescribe medicines and treatments based on our own individual genetics. Pharmacogenomics will better equip doctors to give the right medicine to the right patient at the right dose and, by avoiding giving treatments to patients who would suffer a negative reaction, save both lives and money.

The arrival of this new era, however, is being delayed by widespread public fear of genetic discrimination. Individuals worry that genetic predisposition to a particular disease will deny them access to health care of employment. These fears are not unwarranted. This issue affects all of us; there are no perfect specimens at the DNA level. Each of us carries gene variants that increase risk of developing one disease or another, each of us is at risk for genetic discrimination.

A recent independent survey conducted by the Genetics and Public Policy Center showed that more than 90 percent of Americans support the use of genetic testing by doctors to identify a person's risk for future disease. But nearly all Americans (93 percent) believe that health insurers should not be able to use genetic test results about increased risk of future disease to deny or limit insurance or charge higher prices. Similarly, 93 percent felt that employers should not be able to use genetic information to make hiring or promotion decisions.

Not only do these fears discourage Americans from using genetic tests that could personally benefit them, but they risk delaying the arrival of new medical breakthroughs. At the National Institutes of Health, fear of genetic discrimination is the most commonly cited reason for declining to participate in research that includes potentially lifesaving genetic tests for cancer; over one-third of eligible participants decline on this basis.

In the past, lawmakers have come close to providing Americans the protections they seek. Two years ago, with the support of the Bush administration, the Senate passed the Genetic Information Nondiscrimination Act of 2005 by a 98–0 vote. Progress in the House was slower. Despite 244 cosponsors, including 117 Republicans, the bill never came to a House vote in the 109th Congress.

In this Congress, the 110th, House and the Senate champions have taken up genetic nondiscrimination with even greater determination. All the House and Senate committees involved have already held hearings on the bill, and the leadership has signaled a commitment to moving S 358 and HR 493 to a vote. President Bush has strongly restated his support. The time is right to put the needed protections in place.

Without protection from genetic discrimination, we risk missing out on the promise of personalized medicine. But if we apply time-honored principles of fairness and justice to the genome era, we can grant the American public the gift of better-informed patients, better-equipped providers, an enhanced biotech industry, improved health and lives saved.

Let's not withhold the gift any longer. Let's empower all Americans to embrace the possibilities of personalized medicine for better health. And let's commend the forward-thinking bipartisanship of the 110th Congress that has brought us to the threshold of a world where Americans can embrace personalized medicine without fear.

Our health, and that of our children and grandchildren, depends on it.

Madam Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I would just want to join in thanking all of the Chairs and the ranking members of the three committees and the subcommittees, and clearly LOUISE SLAUGHTER, our colleague from New York, who has worked so hard on this legislation so very long, and JUDY BIGGERT also, and ANNA ESHOO.

Given the importance of this legislation, it is hard to believe it has been stuck in the Congress of the United States for 10 years, but it has been. Maybe our reporting it today off of the floor is a tribute to a fresh start.

This is a very, very important piece of legislation to the health of the Nation and to the world. The advocacy of LOUISE SLAUGHTER has reminded us almost every day in those 10 years what we were missing by not passing this legislation and making it available so that we could get on with the wonderful discovery and the wonderful help that could be provided to individuals, to their families and to our communities. And the National Institutes of Health is to be commended, with all of the assistance they provided and all of the information provided to this Congress.

With that, I also want to thank the staffs of the three committees on both sides of the aisle for all of their work. They put in a lot of hours to get this resolved so that we could come to the floor and work over the differences that were there sometimes between the committees.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in support of H.R. 493, the Genetic Information Non-Discrimination Act.

The sequencing of the human genome was an amazing scientific advancement, and has contributed to the rise of genetic testing to inform patients of their proclivity for disease. Thanks to genetic testing, individuals with a risk of an illness can take precautionary steps ahead of time to ward off disease, which will contribute to lower health care costs over time.

As we take advantage of this scientific progress, however, it is critical that we protect individuals from any discrimination that could result from the information these tests reveal. The results should not be used by health insurers to deny anyone coverage or increase their premiums because of a pre-disposition to a certain disease. Likewise, the results should not be used by employers to discriminate against employees based on their predisposition to disease.

I am proud to be a co-sponsor of this legislation, which our colleagues Ms. SLAUGHTER and Mrs. BIGGERT have been working on for over a decade now. The health care marketplace has changed significantly since the bill's original introduction, and important changes were made to the bill during the 108th Congress to refine the bill's definitions and scope.

During the Energy and Commerce Committee's consideration of the bill, we learned about one segment of the health care marketplace that was excluded from the bill's protections—the long-term care insurance market. The bill sponsors and supporters all agreed that this bill was never intended to regulate the long-term care insurance market, and I understand that current statute treats long-term care insurance differently.

Regardless of the bill's original intent, the fact remains that the long-term care exclusion in this bill would allow a long-term care insurer to discriminate against an individual on the basis of genetic information. If an individual determines that she is at high-risk for developing Alzheimer's disease, the next obvious step is to plan her future care for Alzheimer's, including the purchase of long-term care insurance. Despite all of the good intentions in this legislation, the bill would allow long-term care insurance underwriters to refuse to cover her or charge her higher premiums for a disease she has yet to develop and may never develop.

As a Congress that continues to encourage Americans to plan for their future, we should ensure that future legislation extends the patient protections inherent in this bill to consumers who want to plan for their future and purchase long-term care. With that, Madam Speaker, I am pleased to support this important legislation and encourage my colleagues to vote for its passage.

Mr. PAUL. Madam Speaker, the supporters of H.R. 493, the Genetic Information Nondiscrimination Act, are right to be concerned over the possibility that third parties, such as the government or potential employers, will access an individual's genetic information without consent, and use that information to deny an individual health insurance or other benefits. I have long advocated repealing government laws and polices that allow third parties to access personal information. For example, I have worked to repeal the provision of Federal law giving the Federal Government the power to assign every American a "unique medical health identifier." I also support repealing the phony "medical privacy" regulations that give law enforcement officials and state-favored private interests the right to access medical records at will.

Because of the Federal Government's poor record in protecting privacy, I do not believe the best way to address concerns about the misuse of genetic information is through intrusive Federal legislation. Uniform Federal mandates are a clumsy and ineffective way to deal with problems such as employers making hiring decisions on the basis of a potential employee's genetic profile. Imposing Federal mandates on private businesses merely raises the costs of doing business and thus reduces the employment opportunities for all citizens. A much better way to eliminate irrational discrimination is to rely on state and local regulation. Unlike the Federal Government, states and localities are able to tailor their regulations to fit the needs of their particular populaces. I would remind my colleagues that 34 states currently ban genetic discrimination in employment, while 46 states forbid health insurers from engaging in genetic discrimination. Clearly, the states are capable of addressing this issue without interference from Washington. My colleagues should also remember that Congress has no constitutional authority to forbid private sector employers from making hiring or other employment decisions on the basis of genetic information.

The best way to address the sponsors of H.R. 493's legitimate concerns is to put individuals back in control of the health care dollar. When individuals control the health care dollar they, not their employers, insurance companies or Health Maintenance Organizations, can make all health care decisions, including whether or not to share individual genetic histories with a potential employer, insurer, or other third party. Therefore, instead of creating more Federal regulations and bureaucracies, my colleagues should increase individual control of health care by passing legislation expanding Health Savings Accounts and individual health care tax credits and deductions.

Mr. HOLT. Madam Speaker, I rise today in strong support of H.R. 493, the Genetic Non-Discrimination Act (GINA). As a cosponsor of this important legislation since I first came to Congress, I am delighted that it is finally being considered by the House of Representatives.

As humans, we have a genetic destiny that we cannot control. The genes we are born with are the genes we will die with, and it is wrong for any employer to fire, refuse to hire, or deny insurance to an employee based on that individual's genetic composition. It is unconscionable for employers to require their employees to submit to a genetic test or to secretly obtain genetic information, only to use the genetic information against the employees.

The Human Genome Project was created to provide a genetic map of the human body to aid the scientific and medical communities in their fight against some of the most insidious diseases and afflictions suffered by humanity. It is a great irony and a tragedy that this research is now being used as justification to fire or refuse to hire employees who have no control over their genetic destinies.

As a member of the Education and Labor Committee, I participated in hearings on GINA which highlighted the existing loopholes in federal and state laws protecting an individual's health information. Lacking a strong and clear national law prohibiting genetic discrimination, employees have been fired or denied insurance coverage based on this most personal of information.

Today, the House will act to end genetic discrimination in hiring and firing decisions. GINA will protect prospective and current employees from discrimination based on a genetic predisposition regardless of what state they live in. It will provide strong protections to those individuals who may suffer from actual genetic discrimination now and in the future. This legislation would pose a nominal cost to employers, but provide priceless protections for American workers and peace of mind for their families.

New Jersey, along with 32 other states, already prohibits genetic discrimination in decisions on hiring, firing, or benefits. However, only 25 states prohibit employers from requiring genetic information from their employees.

Worse yet, only 10 states prohibit employers from obtaining genetic information or genetic tests of employees through any means.

This vital legislation is supported by more than 200 groups and associations including: the Hereditary Disease Foundation, the American Association for the Advancement of Science, the American Jewish Congress, the American Association of People with Disabilities, the American Society of Human Genetics, the March of Dimes, the NAACP, the National Fragile X Foundation, the National Hemophilia Foundation, the National Council of La Raza, Citizens for Quality Sickle Cell Care, the Coalition for Genetic Fairness, the Cornelia de Lange Syndrome Foundation, the Cystic Fibrosis Foundation, The National Workrights Institute, the Religious Action Center for Reform Judaism, Rett Syndrome Research Foundation, the Spina Bifida Association of America and many others.

Madam Speaker, it is long past time for the Genetic Non-Discrimination Act to become law. I urge my colleagues to vote for this important legislation, which will protect the rights of American workers and their families.

Mr. STARK. Madame Speaker, I am pleased that we are finally passing the Genetic Information Nondiscrimination Act.

This is a bill that has languished in Congress more than a decade. The Senate has twice passed earlier versions of this bill with unanimous votes, but the House has always blocked action.

It's good to see that times have changed. Members from both sides of the aisle—as well as the President support the bill before us.

As I hope most of you know, this bill does something very simple, but something very important as well. It protects people's genetic information and family history from being used by health plans or employers to discriminate against them. Enactment of this law is critical to protect patients and for genetic science to advance.

Recent breakthroughs in medical science have made genetic testing available to more patients, but with these breakthroughs comes the fear that patients may be discriminated against by insurance companies and/or employers if they are pre-disposed to suffer from a disease or other condition.

We are here today to make sure that patients can undergo genetic tests which could help with treatments or cures without fear that the results will keep them from affordable, reliable health care.

This legislation is an overdue and important step toward ensuring that our laws governing patient rights are as current as the latest medical technology.

I urge strong support for this bill.

Mr. SHAYS. Madam Speaker, as an original cosponsor of H.R. 493, I rise in strong support of this legislation and am grateful we are finally considering it. The objective of this bill is simple: preventing both health insurance companies and employers from using genetic information to discriminate against individuals.

In the past decade, science has made remarkable advances on the human genome. Genetic tests are already available to measure an individual's likelihood of developing specific diseases. In fact, soon every individual will have a genetic profile available that predicts the diseases for which they are more at risk, and what side effects to which they are more susceptible. These genetic advances will make health care pre-emptive and ultimately save the health care system—and consumers—money.

While these advances hold amazing potential, they also hold potential for abuse. For example, health insurance companies could charge higher rates—or even deny coverage—to individuals who are determined to be at higher risk for certain disease or illnesses. Similarly, employers could screen applicants for certain positions based on their genetic make-up to get the individuals least likely to develop diseases.

Our laws need to keep pace with medical advancement. If Americans are afraid of retribution from their health insurance company or from their employer if they get genetic testing done, none of the medical advances that are possible will be achieved. We simply must move forward in this critical area of science, which is why I urge passage of this legislation.

Mr. BARTON of Texas. Madam Speaker, I want to commend the work of the Energy and Commerce Committee in making certain improvements to H.R. 493. In particular, I note the inclusion of information on embryos, fetuses, and adopted children. I further note a clear statement that nothing affects claims processing and quality improvement activities and related items. Finally, I am happy that there is a provision for covered entities already subject to regulations governing personally identifiable health information.

The primary author of the House bill, Ms. SLAUGHTER, has stated:

> "GINA prohibits group health plans and health insurers from denying coverage to a healthy individual or charging that person higher premiums based solely on a genetic predisposition to develop a disease in the future. Furthermore, it bars employers from using an individual's genetic information when making hiring, firing, job placement or promotion decisions."

That is the focus of this legislation. I expect the relevant Federal agencies will interpret this bill in light of the primary focus. GINA is a very complicated bill with a number of definitions capable of counterproductive readings. We have tried to improve the bill to reduce these problems. In the spirit of these efforts to improve the legislation I support its passage from the House and look forward to work in Conference.

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today in support of the Genetic Information Nondiscrimination Act.

I am a cosponsor of this important legislation, which bans discrimination in the workplace and in health insurance on the basis of predictive genetic information. It prohibits insurance companies from denying coverage or increasing premiums because of genetic factors. Also, under this bill, employers cannot consider genetic factors in the process of hiring, firing, or promoting workers. H.R. 493 is much like a Minnesota law, which I voted for when I was a member of the Minnesota House of Representatives.

Genetic discrimination has the potential to affect every person in the United States. Despite advances in modern medical technology, it is impossible to predict with certainty whether a given individual will actually develop a disease. Patients recognize that few laws exist to prevent health insurers or employers from using their predictive genetic information to deny them coverage or jobs. As a result, they may avoid taking an important genetic test or participating in genetic research.

Federal employees are already protected from genetic discrimination by an executive order signed by President Clinton and retained by President Bush. It is time to extend this protection to the rest of our country.

H.R. 493 will give Americans the security they need to take care of their health needs without worrying that they will face discrimination. I urge my colleagues to join me in supporting this bill.

Ms. DEGETTE. Madam Speaker, I rise in strong support of H.R 493, the "Genetic Information Nondiscrimination Act of 2007."

This bill will protect people from discrimination in securing health insurance or employment based on their genetic make-up. Such discrimination is wrong and should not be tolerated. I am proud to support a bill that would outlaw it. I applaud Representative SLAUGHTER and Representative BIGGERT for their hard work in bringing this bill to the floor today.

During consideration of H.R 493 by the Committee on Energy and Commerce, of which I am a member, a concern was raised by Representative STUPAK. The concern related to genetic discrimination dealing with embryos or fetuses, as well as adopted children and those in the process of being adopted. Like Representative STUPAK, I do not want to allow insurance companies to use genetic information to discriminate. Period.

I worked out language with Representative STUPAK to amend H.R. 493, which addressed his concerns in a mutually acceptable way. This language says that individuals cannot be discriminated against as a result of genetic information gleaned prior to birth. It further says that women cannot be discriminated against as a result of the genetic information of a fetus, embryo, adopted child, or child they are in the process of adopting. At the same time, it does not create a new legal status or convey new legal rights to fetuses or embryos. Thus, I feel it provides the proper balance between providing protections from genetic discrimination while not addressing other nongermane issues.

The compromise language was adopted by the full Committee on Energy and Commerce without objection during its consideration of H.R. 493. I am pleased that this language is included in the bill we are considering on the floor today.

I encourage all Members to support H.R. 493 and I look forward to its soon becoming law.

Mr. GEORGE MILLER of California. Madam Speaker, with that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 493, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

COMMUNICATION FROM THE HONORABLE JOHN E. PETERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN E. PETERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 2007.
Hon. NANCY PELOSI,
Speaker, of the House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, I have been served with a judicial subpoena for documents issued by the United States District Court for the Middle District of Pennsylvania.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JOHN E. PETERSON,
Member of Congress.

PROVIDING FOR CONSIDERATION OF H.R. 1332, SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1332) to improve the access to capital programs of the Small Business Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1332 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1430

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 330.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Madam Speaker, I yield myself such time as I may consume.

House Resolution 330 provides for consideration of H.R. 1332, the Small Business Lending Improvements Act of 2007 under a structured rule. The rule provides 1 hour of general debate controlled by the chairman and ranking minority member of the Committee on Small Business. The rule makes in order the substitute reported by the Committee on Small Business as an original bill for purpose of amendment. The rule makes in order all four germane amendments that were submitted to the Rules Committee. And finally, the rule provides one motion to recommit, with or without instructions.

Madam Speaker, this bipartisan legislation, crafted under the leadership of my colleague from New York, chairwoman of the Small Business Committee, Ms. VELÁZQUEZ, maintains support of a wide range of organizations, including the Independent Community Bankers of America, the American Dental Association, the American Veterans, and American College of Physicians.

Small businesses are the backbone of the American economy. In my home State of New York, 99 percent of all businesses are small businesses, and they employ 52 percent of the nonfarm, private sector workforce. In 2005, an estimated 62,000 new small firms began operations in New York, creating $77 billion in entrepreneurial income for the State of New York.

In my district and across this country, Americans depend on small businesses to drive the economy and provide essential everyday services. Sadly, it is a constant struggle for many of these entrepreneurs just to keep the lights on, as larger companies continue to push out the mom and pop businesses in the cities and towns across the country.

My constituents in upstate New York have experienced this loss firsthand. I am proud to have the opportunity, as a member of the distinguished Rules Committee, to manage this rule for such an important piece of legislation for our Nation's small businesses.

The Small Business Lending Improvements Act will help strengthen our Nation's small businesses by updating and streamlining two of the Small Business Administration's largest financing programs, the 7(a) and 504 loan programs.

This bill will make the 7(a) program more affordable for both borrowers and lenders by reducing fees and increasing the SBA guarantee on 7(a) loans. It will also modernize the 504 Certified Development Company Program by improving the ability of CDCs to liquidate defaulted loans and by requiring their local community leaders be included on every CDC board of directors. And it will make permanent the Community Express Program, providing increased access to capital for socially and economically disadvantaged small business owners.

This bill also establishes two important new 7(a) loan programs, one to encourage private health care providers to establish practices in federally designated Health Professional Shortage Areas, and one to assist our Nation's veterans in starting or expanding a small business.

Despite an abundance of health professionals, New York State has 102 communities designated by the Federal Government as Health Professional Shortage Areas. Only 16 percent of the physicians practicing in New York provide services in these medically underserved areas. According to the Department of Health and Human Services, the district I am privileged to represent is short nearly 70 dental, primary care and mental health practitioners. Further, a handful of counties I represent don't even have a resident OB/GYN, forcing thousands of women to travel 40 to 50 miles just to seek routine care.

Madam Speaker, this problem is not confined to upstate New York. Over 60 million Americans currently live in medically underserved areas across the country. The Small Business Lending Improvements Act will address this critical shortage by establishing a 7(a) loan program that reduces lender and borrower fees by half and increases the government guarantee to 90 percent of the doctors and dentists serving Health Professional Shortage Areas.

These financial incentives are critical to encouraging private health care providers to establish practices in underserved areas and to expand access to quality health care for millions of Americans.

Madam Speaker, this legislation will also ensure that our returning servicemen and women are afforded every opportunity to start or expand a small business by establishing a dedicated 7(a) loan program for veterans.

An estimated 900 of New York's Reservists currently deployed in Iraq and Afghanistan are self-employed, and another 100 are considered key employees within small businesses. The absence of these men and women during 12- or 15-month deployments often forces the small businesses they own to operate at greatly reduced levels, at times declining to near startup conditions by the time the owner returns. An absence due to deployment is most detrimental to the smallest towns where many Reserve and Guard members operate businesses essential to the community.

The Small Business Lending Improvements Act will help address the obstacles faced by small business owners deployed in Iraq and Afghanistan by eliminating borrower and lender fees and increasing to 90 percent the government guarantee for loans to veterans under the 7(a) program.

According to American Veterans National Commander Thomas C. McGriff, "These lenders fees, which can amount to thousands of dollars, are due up front and can deter entrepreneurs from seeking financial assistance altogether."

Madam Speaker, by creating a lender structure tailored specifically for veterans, this bill will encourage entrepreneurship and help to repay the enormous debt we owe to our brave men and women in uniform.

Madam Speaker, it is our Nation's small businesses that keep our Nation's economy moving full speed ahead. Let's take this opportunity to provide further encouragement for the creation of new small businesses and for our Nation's existing small business owners to expand

I am proud to support this bipartisan legislation and encourage my colleagues on both sides of the aisle to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Madam Speaker, the Small Business Administration was originally created to assist small businesses which are vital sources of job creation and economic growth here in America, but are often disadvantaged when it comes to access to capital.

The Small Business Administration's two largest small business finance programs, the 7(a) loan guarantee program and the 504 loan program, have assisted thousands of small businesses every year that otherwise would not have attained a commercial loan for the purpose, amount and on the terms that small business borrowers need.

The Small Business Lending Improvement Act enhances and streamlines these finance programs and makes the 7(a) program more affordable and accessible to borrowers and lenders by providing the Small Business Administration with the authority to use funds to reduce fees on both lenders and borrowers. This bill encourages increased lender participation in the 7(a) program by reducing application burdens for borrowers and lenders in rural areas and expediting the loan consideration time.

This bill was favorably reported by the Committee on Small Business by a voice vote, and it enjoys strong bipartisan support.

Madam Speaker, our Nation's small businesses are the engine that drives our economy. Small business represents 99.7 percent of all employers and have generated 60 to 80 percent of new jobs annually over the last decade. Clearly, we must act to help our Nation's small businesses continue to grow and create job opportunities.

While I support the underlying Small Business Lending Improvement Act, more must be done to help small businesses overcome the challenges they face. Congress must act quickly to continue tax incentives for small business expenses that spur job creation and grow the economy.

In the last Congress, I supported the Tax Increase Prevention and Reconciliation Act, which extended through 2009 the enhanced section 179 small business expensing allowance. In 2007 the maximum allowance will be $112,000. But in 2010, this maximum amount will plummet to $25,000 without an extension of the current law.

I am disappointed that the Democrat majority has chosen not to provide small businesses more significant tax relief in a form that has an opportunity to become law. We cannot afford to halt our Nation's economic growth and job creation opportunities by letting small business tax relief policies expire and become part of the Democrats' proposed largest tax increase in American history.

Congress must also act to provide regulatory relief and make health care more affordable for small business employees and the self-employed.

Madam Speaker, because of the way health insurance is priced and regulated, small businesses usually pay more for similar coverage than larger corporations, and I think this is simply unfair. It is currently estimated that 60 percent of those without health insurance work for or depend on small employers who lack the ability to provide health benefits for their workers.

The high cost of health insurance prevents many small business owners from providing health insurance to their employees, and we must look for ways to make health care more affordable. One way is to expand Health Savings Accounts so that individuals can choose a health plan that best meets their needs. Health Savings Accounts allow individuals to make their own decisions about their health care, while building, at the same time, savings tax free to pay for future medical expenses.

Another way to make health insurance more affordable and accessible is to allow small businesses to join together to use the marketplace to buy health insurance as a group. This would provide small businesses with greater bargaining power and lower health plan costs that larger companies now often afford.

We must also provide fairness to self-employed individuals who purchase their own health insurance, but yet are treated differently under the U.S. Tax Code than those who receive health insurance benefits from their employer.

So I call on this new majority to bring forth legislation to the House floor that not only makes improvements to small business lending programs, as this bill does, but that provides real tax and regulatory relief to small businesses and makes health insurance more accessible.

Madam Speaker, I am disappointed that this House Resolution 330 is a structured rule. I am even more concerned that an amendment offered by my colleague from Indiana, Mr. BUYER, the ranking member of the Committee on Veterans' Affairs, was not made in order by the Rules Committee. In fact, it was rejected by the Democrat majority on a party line vote.

Mr. BUYER's thoughtful amendment would authorize Federal contracting officials to treat small businesses owned by service-disabled veterans under the same rules as those applied to businesses in SBA's 8(a) program. Under House Resolution 330, Members are denied the opportunity to consider a full range of ideas on this floor to the Small Business Lending Improvement Act.

Accordingly, Madam Speaker, I urge my colleagues to vote against the previous question and against House Resolution 330.

Mr. McGOVERN. Madam Speaker, let me say at the outset that I always enjoy listening to my colleague from Washington State, Mr. HASTINGS, both on the floor and in the Rules Committee.

I want to respond to a couple of things he said. He talked about the Democrats and taxes. Let me remind him that the biggest tax increase that is looming that could impact small businesses is the alternative minimum tax, or so-called AMT. And the Democratic majority is actually working on a solution so that millions of Americans won't be unfairly burdened with that tax. That is an issue that, when the gentleman's party was in the majority, they chose not to deal with. And the Democrats will deal with that.

Let me say one other thing, Madam Speaker. It is always interesting to hear the gentleman from Washington complain about the rule.

□ 1445

Let me state for my colleagues, both Democrat and Republican, that every single germane amendment that was offered to this bill was made in order by the Rules Committee. That is something that very rarely happened when the gentleman's party was in the majority. So I think this is a good rule.

He complains that a nongermane amendment was not made in order, one that deals not with the issue of loans, which the underlying bill deals with, but instead the Buyer amendment deals with contracting. And the gentleman says that we need to do this for our veterans. Well, I want to do all we can for our veterans, and maybe in the right vehicle we can deal with that issue. But I also want to point out to my colleagues here in Congress that when the gentleman's party was in control, veterans health and veterans benefits were woefully underfunded. I mean, we are dealing with scandals at Walter Reed. We are dealing with scandals all over the country dealing with veterans health because of the inadequacy of the funding that came out of the Republican majority, budget after budget after budget after budget.

The Democrats take control and have literally pumped billions of dollars more into veterans programs, including veterans health programs. And I will say to the gentleman from Washington that today he will have the opportunity, in the conference report on the supplemental appropriations bill, to vote for a conference report that adds even billions of dollars more to help our veterans. So if people are concerned about helping our veterans, then they will have an opportunity this afternoon to vote that way.

Mr. HASTINGS of Washington. Madam Speaker, will the gentleman yield?

Mr. McGOVERN. I am happy to yield to the gentleman.

Mr. HASTINGS of Washington. Madam Speaker, I appreciate the gentleman's yielding.

Let me first talk about the issue of the structured rule and about Mr. BUYER's amendment, which I am going to call for a vote on the previous question so we can rectify what we didn't do in Rules last night, and that is simply this: The Rules Committee exists to make rules for debate on the floor of this House. We, on a regular basis, waive the rules for whatever. In fact, we are going to have the supplemental budget on the floor, and line 1 of that supplemental rule talks about waiving rules.

So the point is this: If we had had an open rule, as I suggested last night, Mr. BUYER could have offered his amendment.

Mr. McGOVERN. Madam Speaker, I would like to reclaim my time, if I may.

What the gentleman knows full well is that even with an open rule, the Buyer amendment would still not be germane and subject to a point of order by any Member of this House. I mean, we have germaneness rules for a reason.

Let me also point out another interesting fact that I think my colleagues should remember. The gentleman from Wisconsin (Mr. OBEY), during the last Congress, time and time and time again went before the Republican Rules Committee asking for a waiver on an amendment that would repeal the tax cut for the top 1 percent income earners in this country, the multibillionaires, if you will, so that those savings could be put into veterans programs. He needed a germaneness waiver. Time and time and time again, the Republican Rules Committee denied him the right to offer that amendment.

Now, I guess my point is that it is a little bit curious that the gentleman voted routinely to uphold the germaneness rules with regard to amendments to help veterans in the past, but now somehow is complaining that we need a different standard now that they are in the minority.

Madam Speaker, I would simply say that this is a fair rule. Every germane amendment that was offered is made in order. Anybody could have offered an amendment. And this is something that was very rarely afforded to us when we were in the minority. And I think it is a good rule.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I wonder if my friend has any more requests for time. If he is prepared to yield back, I will make my closing statement and then yield back.

Mr. McGOVERN. I am going to wait with bated breath while the gentleman gives his closing statement. I have no further requests for time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself the balance of my time.

Let me respond. I appreciate at least the short time that the gentleman yielded to me. I wish I could have made my point, but I will finish making it here.

And that is if we had had an open rule, Mr. BUYER could have come to the floor and attempted to offer his amendment. Somebody would have probably raised the germaneness issue under a point of order, and I have all the confidence in the world that the Speaker would have ruled it out of order because that is what the rules are.

But now, because we have established a policy here of going through structured rules, we want to give every Member in this body an opportunity to see if we should have this amendment considered that allows for disabled veterans who have businesses to be treated as others would under that section of the SBA Act.

The second point I want to make in response to my friend's talking about tax relief, he talked about this majority's attempt, and I think he used the word "attempt," or intention to address the AMT. I agree it needs to be addressed. There is a huge cost, as the gentleman knows; so we, in the past Congresses, have addressed it. But the tax relief issues that I was talking about in my remarks are already in place. They are already in place. They have been acted on. They were voted on, and the American people have enjoyed the tax relief. And they are going to go away if the majority follows at least the proposed budget that was passed by this body. It would result in the largest tax increase in American history, not only in the one that I cited but in others.

So with that, the last thing I would like to mention to my friend, because he talked about veterans funding, we not only dealt with and resolved the concurrent receipt issue, but in the last 6 years, veterans funding has increased by 50 percent. We all know that it is important that veterans get their due care because of what they have given us and our freedoms. So I just want to set the record straight that in the last 5 years, there has been a great deal of increase.

So we will be asking to vote, Madam Speaker, on the previous question. I will be asking for a "no" vote so that I can amend this rule to allow the House to consider an amendment offered by Mr. BUYER and provide the appropriate waivers. As I stated before, the Buyer amendment would authorize

Federal contracting officials to treat small businesses owned by service-disabled veterans under the same contracting rules as those applied to businesses in the 8(a) program.

Madam Speaker, as I mentioned, the Rules Committee met yesterday, and they rejected, on a party-line vote, making it in order.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material into the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Ms. DEGETTE). Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, I yield back the balance of my time.

Mr. McGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me begin by responding to a couple things the gentleman from Washington said.

First of all, on the issue of veterans funding, I don't know too many people who will get up and say that the funding under the previous majority for veterans was anywhere near adequate. The fact of the matter is we have more and more veterans each and every day as a result of the wars that we are involved with. The number of disabled veterans has gone up, and we have seen the direct impact of underfunding veterans health with the terrible tragedy at Walter Reed and so many of our other hospitals.

That is one of the reasons why, when the Democratic majority took over this place in January, one of the first items of business was to increase veterans health. And in the conference report on the supplemental appropriations bill that is coming before us today, there are billions of dollars more for veterans health. If you want to help veterans, vote for the money. It is not about rhetoric; it is about action.

Secondly, in terms of fiscal policies, I think there was a reason for the result in the last elections. I think Americans, Democrats and Republicans, were horrified with the fiscal policies of the previous Republican majority. We went from huge surpluses under Bill Clinton and a huge economic boom under Bill Clinton to now record deficits. We have the largest debt in the history of our country. And I think most Americans, no matter what their party affiliation is, have been justifiably horrified by that result. They want a change. They want fiscal responsibility. That is why we are back to pay-as-you-go, and that is why we are for responsible tax relief. And that is what the Democratic majority is going to pursue.

Madam Speaker, the Small Business Lending Improvements Act will go a long way towards strengthening our Nation's small businesses by establishing much-needed improvements to the SBA's primary loan programs. Today we have an opportunity to encourage entrepreneurship, particularly for those who are socially or economically disadvantaged and those who serve our Nation in the Armed Forces, and provide some additional opportunities for small business owners looking to expand.

I want to again commend my colleague from New York (Ms. VELÁZQUEZ) for her leadership in bringing this promising and long overdue legislation to the floor.

I think this is a fair rule. Everybody who wanted to offer a germane amendment to this bill could have done so. All the germane amendments are made in order. That is somewhat of a departure from the previous Congress, where we were routinely handed closed rules. So I would urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Amendment to H. Res. 330 Offered by Rep. Hastings of Washington

At the end of the resolution, add the following:

Sec. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Buyer of Indiana or a designee.

That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

Sec. 4. The amendment referred to in section 3 is as follows:

Add at the end of the bill the following:

TITLE III—8(a) PROGRAM

SEC. 301. AUTHORITY TO AWARD CONTRACTS UNDER 8(a) PROGRAM TO SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following new subsection:

"(o) SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—

"(1) AWARD OF CONTRACTS.—The Administrator may award a contract under subsection (a) to a small business concern owned and controlled by service-disabled veterans on the same basis as a contract awarded under that subsection to a socially and economically disadvantaged small business concern.

"(2) ANNUAL CERTIFICATION REQUIRED.—The Administrator shall require each small business concern owned and controlled by service-disabled veterans that is a Program Participant under section 7(j)(15) or that is awarded a contract under subsection (a) to certify, on an annual basis, that such concern is a small business concern owned and controlled by service-disabled veterans within the meaning of section 3(q).

"(3) DISADVANTAGED OWNER.—For purposes of this section, in the case of a small business concern owned and controlled by service-disabled veterans, the term 'disadvantaged owner' means an owner who is a service-disabled veteran.".

Mr. McGOVERN. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:30 p.m.

Accordingly (at 2 o'clock and 56 minutes p.m.), the House stood in recess until approximately 3:30 p.m.

☐ 1545

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. DEGETTE) at 3 o'clock and 45 minutes p.m.

GENERAL LEAVE

Mr. WALZ of Minnesota. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 121.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 330, by the yeas and nays;

Adopting House Resolution 330, if ordered;

Suspending the rules on H. Con. Res. 7, by the yeas and nays;

Suspending the rules on H.R. 1678, by the yeas and nays;

Suspending the rules on H.R. 493, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 1332, SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 330, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 226, nays 196, not voting 10, as follows:

[Roll No. 258]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Boehner
Cubin
Davis, Jo Ann
Hunter
King (IA)
Lampson
Serrano
Velázquez
Waxman
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

☐ 1610

Mr. WALSH of New York and Mrs. BIGGERT changed their vote from "yea" to "nay."

Ms. WASSERMAN SCHULTZ changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALLING ON THE LEAGUE OF ARAB STATES TO ACKNOWLEDGE THE GENOCIDE IN DARFUR

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 7, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 7, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 1, not voting 6, as follows:

[Roll No. 259]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—6

Cubin
Davis, Jo Ann
Lampson
McNerney
Walz (MN)
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1617

Mr. JORDAN of Ohio and Mr. SHAYS changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution calling on the League of Arab States and each Member State individually to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur.".

A motion to reconsider was laid on the table.

TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1678, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and pass the bill, H.R. 1678.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 7, not voting 7, as follows:

[Roll No. 260]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa

Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—7

Burton (IN)
Duncan
Flake
Goode
Paul
Rohrabacher
Sali

NOT VOTING—7

Carter
Cubin
Davis, Jo Ann
Green, Gene
Lampson
Lewis (CA)
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1625

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 260, had I been present, I would have voted "yea."

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 493, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 493, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 3, not voting 9, as follows:

[Roll No. 261]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen

Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
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Sherman
Shimkus
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Simpson
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Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
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Thompson (CA)
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Turner
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Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Flake
Paul
Royce

NOT VOTING—9

Cannon
Cubin
Davis, Jo Ann
Feeney
Jones (NC)
Lampson
Musgrave
Shea-Porter
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1632

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CANNON. Madam Speaker, on rollcall No. 261, I was inadvertantly detained. Had I been present, I would have voted "yea."

Ms. SHEA-PORTER. Madam Speaker, on rollcall No. 261, had I been present, I would have voted "yea."

GENERAL LEAVE

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend remarks and enter into the RECORD any extraneous material on the bill under consideration, H.R. 1332.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 330 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1332.

☐ 1635

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1332) to improve the access to capital programs of the Small Business Administration, and for other purposes, with Mr. PASTOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself as much time as I may consume.

Small businesses are this country's economic drivers, yet they continually face challenges that make it hard for them to succeed in today's marketplace. Entrepreneurs are already dealing with rising energy and health care costs as well as the increasing regulatory burden. The last thing they need is for accessing affordable capital to be another barrier in the way of their success.

What we continue to see is a steady increase in costs and a decrease in access for the very programs that are intended to help entrepreneurs. Over the past 2 years, for the 7(a) program alone, costs have doubled for smaller loans, and the average loan size has declined by 37 percent.

A recent study released by the National Small Business Association found that access to capital is the number two concern for entrepreneurs. This means that it is more of a concern than taxes and even the regulatory burden.

The Small Business Lending Improvements Act of 2007 is a bipartisan effort introduced by Ms. BEAN and Mr. CHABOT. This bill will make loans more economical, while providing long-term stability for small business owners.

H.R. 1332 touches all aspects of the SBA lending initiative, including the 504 program.

Not only will this legislation put affordable financing back into the hands of entrepreneurs, but will also accomplish a number of important public policy initiatives. H.R. 1332 provides incentives for medical professionals to locate in low income areas, establishes a rural lender program, and allows for veterans to secure funds to start or expand their firms.

With the number of veterans returning from Iraq and Afghanistan, the need for affordable financing is more important than ever. When Congress passed the GI bill, we made a commitment to education and homeownership for veterans. Today we have an opportunity to show our commitment to their entrepreneurial endeavors.

Small businesses must have the ability to continue spurring economic growth and creating jobs. For these reasons, H.R. 1332 has the support of American Community Bankers, Independent Community Bankers of America, American Veterans, Credit Union National Association, National Small Business Association, Veterans of Foreign Wars, American Bankers Association, the U.S. Women's Chamber of Commerce, the U.S. Hispanic Chamber of Commerce and the American Dental Association.

I strongly urge my colleagues to vote for the Small Business Lending Improvements Act of 2007.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, today, Madam Chairwoman and I rise to support H.R. 1332, the Small Business Lending Improvements Act of 2007. I want to especially thank the chairwoman and the gentlelady, Congresswoman BEAN, for working in a cooperative and bipartisan manner to bring this bill before the House, and I want to commend them for again working with us on this.

The Small Business Lending Improvements Act amends the Small Business Act to make necessary improvements and technical changes to the primary lending program offered by the Small Business Administration, the SBA, the 7(a) guaranteed loan program. H.R. 1332 also amends title V of the Small Business Investment Act of 1958 to make significant and necessary changes to the loan program, sometimes called the 504 loan program.

Before addressing the particulars of the legislation, it is important to note what H.R. 1332 does not do. The legislation does not modify the subsidy rate for the 7(a) guaranteed lending program. The subsidy rate for the program currently is zero. After this bill is enacted, the subsidy rate for the 7(a) lending program will be zero. In fact, if this bill attempted to modify the subsidy rate, it could not because it would require an appropriation. And of course, as an authorizing committee, we are unable to appropriate. So any argument that this bill will cost hundreds of millions or even billions of dollars over 10 years or so is just plain wrong.

At the correct time, I will oppose adding a subsidy for a program that works just fine without one.

And now, I turn my attention to what this bill does. The SBA charges a fee to borrowers which can be viewed as akin to paying points on a mortgage, which many people are familiar with doing. In addition, banks pay an ongoing fee each year on the amount of unpaid balance of the loan as guaranteed. Although some confusion exists about this point, I read the Small Business Act as authorizing the SBA to adjust the up front fee or points paid by borrowers in the same way that the SBA has the unquestioned authority to reduce fees to lenders. Despite the authority that the SBA has, the agency has not in recent memory reduced, except when dictated by Congress, the up front fees paid by borrowers. The SBA, on the other hand, has modified the annual fee paid by the lender. The SBA even testified at a committee hearing recently that it would be reducing the fees paid by lenders.

Section 101 does two very important things. First, it clarifies that the SBA has the authority to reduce or increase the fees paid by the borrower. This should resolve any confusion as to whether the SBA has the power to reduce the points or up front borrowing fee, as well as the annual fee paid by the lender. And as already noted, section 101 requires that these fees be calculated to arrive at a zero subsidy. That is so that the fees will cover the cost of the 7(a) loan program, without an appropriation, as I just mentioned. The section then goes on to restrict the administrator's discretion in only one regard: if an appropriation is made to support the 7(a) loan program, section 101 directs the administrator to first utilize the funds to reduce fees to borrowers and not lenders.

I support this change because the Small Business Act is, first and foremost, legislation designed to assist small businesses, not to assist small banks or any other banks. Therefore, the bill takes the logical step of directing that, should funds be made available, the administrator should reduce the fees to small businesses, not to banks.

Section 101 also requires that the administrator update quarterly the reduction in fees given available funding remaining. That makes sense, because if the SBA did not make that calculation, they would not know how much to reduce fees in an upcoming quarter, if at all. The need for this calculation simply recognizes that loan demand is not constant throughout the year and ensures that administrator properly allocates available funds. Once funds are exhausted, the legislation simply directs the administrator to operate the program at zero subsidy, the up front annual fees needed to cover the cost of the 7(a) loan program as if there was no appropriation.

Finally, to the extent that loan demand is not high, and there are sufficient funds available, the administrator may use any available extra funds to reduce the annual fee paid by banks. Although this is a possibility, the greater probability is that all funds will be utilized to reduce cost to small business owners.

There is more to H.R. 1332 than providing the administrator with a mechanism to reduce fees under the 7(a) loan program, if an appropriation is available. The guaranteed loan program is the largest of the SBA's financing programs, reaching the greatest number of businesses, yet there are businesses whose access to this program remains limited.

The SBA loan program is a fairly complex operation, and many banks, particularly community banks, do not have a sufficient loan volume to justify the expenses associated with a 7(a) loan program. This is particularly true for independent and community banks located in rural areas.

The bill requires the SBA to establish a low-document, or LowDoc, loan program for banks located in rural areas. To the extent that a rural community has no bank willing to participate in the program, there is nothing in the Small Business Act or the bill that prohibits a small business from using a rural lender not in the immediate vicinity.

Title I also makes the Community Express Loan Program permanent. I support this because I believe it can provide the same assistance to low income communities, including those in my district in Cincinnati, which would otherwise be provided under a more costly micro loan program.

In addition to providing greater assistance in rural communities and low income communities, the bill also reduces the cost of the 7(a) loans to veterans. In addition, the bill also provides for a reduction in fees to medical practitioners seeking to establish or expand practices in areas deficient of such practitioners. These are noble goals and deserve the support of all Members of the House.

Although title I is a significant achievement, I am particularly pleased with title II of this bill. It modifies and strengthens the loan program operator pursuant to title V of the Small Business Investment Act of 1958.

Certified development companies, or CDCs, are vital to long-term economic and community development in many districts, including mine, around the country. CDCs operate to provide long-term, fixed rate financing for small business concerns who find their financing needs cannot be met due to the loan limits of the 7(a) loan program.

□ 1645

And unlike many 7(a) lenders, CDCs must be locally based so they have a keen understanding of the needs of the communities they serve.

The first thing that title II does is change the name of the program. While this may sound minor, it is actually important. Colloquially, the program is known as the "504 loan" program for section 504 of title V of the Small Business Investment Act. This section authorizes the administrator to sell the loans made by the CDCs in a secondary market. It is not at all descriptive of the program or the entities involved in the program. By accurately describing the program, it will provide greater recognition to CDCs and enable them to better promote their important mission.

Section 202 makes important technical changes to the definitions in the CDC program, including, most importantly, defining the term "certified development company." As a corollary, title II eliminates the outdated term "qualified State and local development company" from the Small Business Investment Act of 1958.

In my estimation section 203 is the most important provision in the bill. It statutorily establishes the procedures by which the SBA designates entities as CDCs. The most important requirement of these statutory procedures is the mandate that the CDC have local board members familiar with the economic development needs of their communities. Even though the bill authorizes expansion only into neighboring States, the CDC must have representatives that understand the local economic development needs of the new State of operation.

Another very important aspect of the bill authorizes CDCs to perform their own liquidations. Data that I have seen shows that current loan liquidation returns are about 20 cents on the dollar. Think of that. Only 20 cents on the dollar liquidation rate. That is very inadequate. By having CDCs with their local expertise perform liquidations, the government should get a better return when a loan goes bad, and that should save the taxpayers money.

Title II also makes other changes that will benefit greater financial opportunities to small businesses under the CDC program. Together all these changes made will ensure a robust CDC program that will spur economic development.

For these reasons I ask my colleagues to support passage of this important bill.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. BEAN), who is a member of the Small Business Committee and sponsor of the legislation.

Ms. BEAN. Mr. Chairman, the Small Business Lending Improvements Act of 2007, which I introduced earlier this year, was recently reported out of the Committee on Small Business, without objection, and I am pleased that it is being given consideration on the House floor today.

I would like to begin by thanking Chairwoman VELÁZQUEZ and Ranking Member CHABOT for cosponsoring this legislation and for their leadership in moving this bill forward. The expedited consideration of this bill, as well as the bipartisan support it has received, underscores the importance of ensuring access to capital to our small business community.

I am also very appreciative of the expert assistance provided by the House Small Business Committee staff, especially Michael Day, whose work on this issue has been invaluable.

Having been a small business owner myself, I can appreciate the challenges that entrepreneurs and small business owners face in gaining access to the capital that they need to grow. That is why I have long been active in my support of measures to improve and expand the SBA loan programs, which offer low-interest, long-term loans, not subsidies, to business owners seeking affordable options.

This bill is no exception. H.R. 1332 makes much-needed changes to SBA's lending initiatives and, most importantly, helps to preserve the original intent of these programs, to help make available affordable sources of financing. This is of particular importance as the cost of capital through these programs has risen rapidly over the last few years, stifling plans for both new businesses and those ready for plant and equipment expansion. This bill helps to reverse this discouraging trend by supporting our entrepreneurs and not stifling their visions for growth.

In addition, H.R. 1332 addresses the need for lending in our rural communities by restoring the LowDoc program and by strengthening the 504 initiative, which is integral in stimulating economic growth in rural America.

Together, these initiatives will streamline and reduce the fees for SBA's lending programs, making it easier for small lenders to participate. Local economies throughout the country will benefit from new jobs and economic development that will occur in their communities as a result.

Again, I commend the work of the Small Business Committee, under the leadership of Chairwoman VELÁZQUEZ, for recognizing the need for this legislation and prioritizing it relative to other committee work. Small businesses are the backbone of our Nation's economic stimulus, driving 80 percent of domestic job growth, and their success is dependent upon their ability to grow and to expand. This legislation helps provide them with the fundamental tools they need to do so.

I urge your support of this bill.

Mr. CHABOT. Mr. Chairman, I would like to yield such time as she may consume to the gentlewoman from Oklahoma (Ms. FALLIN) for the purpose of entering into a colloquy with the gentlewoman from New York.

Ms. FALLIN. Mr. Chairman, I thank the ranking member for yielding.

I would now like to yield to the gentlelady from New York for the purposes of entering into a colloquy.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentlelady for yielding.

I know that the gentlelady has worked tirelessly to ensure that certain independently owned and operated franchises are afforded access to the SBA's 7(a) loan program. You have my assurance that I will work to address this concern as the bill moves forward.

Ms. FALLIN. Thank you.

Mr. Chairman, reclaiming my time, it is my goal to address the issue of certain franchisees, who by all intents and purposes are small businesses, not being allowed to receive 7(a) loans due to their affiliation with larger franchisors.

I believe the Small Business Lending Improvements Act should eventually contain language to modify the SBA's affiliation standard to allow that a business, if it is affiliated with another business and therefore determined to be something other than small, to still be eligible for a loan if it has no financial recourse to its affiliates for repayment of any of its debt.

These businesses operate financially independent of their franchisor and therefore operate like all other small businesses, and I believe they should be offered the same opportunity to receive the 7(a) loans as any other small business.

I ask that the gentlelady work with me to address this issue in the underlying legislation.

Ms. VELÁZQUEZ. Mr. Chairman, again I thank the gentlewoman for raising this important issue. I agree that this is an issue that we need to address, and I will make a commitment to work with you and your staff as this legislation heads to conference.

Ms. FALLIN. Mr. Chairman, I thank the chairwoman and ranking member for their work on this issue.

Mr. CHABOT. Mr. Chairman, I want to commend the gentlewoman from Oklahoma for her work on this issue. I know she has worked very hard to make this happen. So I want to commend her for that.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ), a member of the Small Business Committee.

Mr. GONZALEZ. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I rise today to express my strong support for H.R. 1332, the Small Business Lending Improvements Act of 2007.

I want to express my special thanks to the chairwoman of the Small Business Committee, NYDIA VELÁZQUEZ, as well as Ranking Member STEVE CHABOT, for their leadership in bringing this important bill which has strong bipartisan support to the floor today. I am honored to work with these fine leaders as we strive to support the small business community of this Nation.

The Small Business Lending Improvements Act of 2007 will boost our economic might by expanding entrepreneurs' access to capital through the Small Business Administration's 7(a) and 504 programs. The 7(a) and 504 programs are the SBA's largest in terms of number of loans made and amount of funds made available to small businesses. In fact, over the last decade, the SBA has approved more than 424,000 loans for over $90 billion. Furthermore, the programs operate as public-private partnerships to provide important financing for small firms through private sector lenders, greatly limiting costs to the United States Government.

Despite the positive impact of these programs, they must now be modernized and strengthened in order to continue to meet their goals. The Small Business Lending Improvements Act of 2007 provides much-needed changes to these programs. Provisions of this bill will give the SBA the authority to contribute funds for the purpose of reducing the burden associated with borrower and lender fees on 7(a) loans. It will also make it easier for rural lenders to assist local small businesses. It will increase access to capital for socially and economically disadvantaged small businesses. It will improve access to the program for medical professionals in health professional shortage areas. And, finally, it will expand opportunities for veterans to obtain such loans.

I think all of us in this Chamber often enough go back to our districts, and all small businesses will tell us that the greatest challenge is the lack of access to capital. This is a first step in addressing that very important challenge.

Mr. CHABOT. Mr. Chairman, I have no further requests for time, and I will continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. SHULER), a member of the Small Business Committee.

Mr. SHULER. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise today in support of H.R. 1332, the Small Business Lending Improvements Act of 2007.

As an entrepreneur, I understand the difficulties that small business owners face on a daily basis. I also know that small businesses are the backbone of our economy, both nationally and in western North Carolina.

Small businesses account for over half of all of our jobs in the U.S. and are responsible for 60 to 80 percent of all of our new jobs. For our small businesses to continue to grow and prosper, we must help them gain access to capital.

The bill will grant American entrepreneurs that access to capital by updating and streamlining SBA's 7(a) and

504 loan programs. Additionally, this bill will eliminate loan fees for veterans returning from Iraq and Afghanistan.

As a member of the Small Business Committee, I urge all Members to support this important legislation.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. Rush).

Mr. RUSH. Mr. Chairman, I want to thank the gentlewoman for yielding. I also want to commend her for her outstanding leadership on this issue and other important issues that face this Congress.

And I want to also commend the ranking member, Mr. Chabot, for his outstanding leadership on this particular issue.

Mr. Chairman, today I rise in strong support of H.R. 1332, the Small Business Lending Improvements Act of 2007.

As a former small business owner and an advocate for minority entrepreneurship and franchising, I might add, I am pleased that this legislation would target money more aggressively and efficiently towards small businesses and finally put them in a position to compete.

Mr. Chairman, the Small Business Administration's support of communities like my own in the First Congressional District of Illinois needs to be improved. One of the services that I provide to my constituents is monthly small business development seminars that we are conducting in cooperation with the local SBA. Also, I have hosted two franchise fairs to educate and engage my constituents on the power of minority entrepreneurship.

Mr. Chairman, one of the biggest issues raised is the accessibility of the SBA loans. Small business owners and startups have a hard time navigating the SBA. This important legislation bridges the financial gap for small business owners, particularly minority businesses. These owners are trying to create economic opportunities. They are trying to create jobs, and they are trying to increase the competition of goods and services. Not only do they need and deserve our support, but, Mr. Chairman, by focusing on these urban business pioneers, we honor the entrepreneur spirit that this Nation was built on.

I encourage my colleagues to support this legislation.

I fully support this bill's provision of:

Establishing a small bank outreach division;

Increasing capital for socially and economically disadvantaged small businesses; and

Completely eliminating loan fees to veteran-owned small businesses.

Mr. Chairman, this bill ensures that the mission and goals of the Small Business Administration are not only being maintained but that their standards for aggressive outreach, increasing access and promoting equitable lending are raised.

☐ 1700

Ms. VELÁZQUEZ. I yield 2 minutes to the gentlewoman from Ohio (Mrs. Jones), a former member of the Small Business Committee.

Mrs. JONES of Ohio. I want to thank the Chair of this wonderful committee, Nydia Velázquez. I was on this committee when I came to Congress, and she helped me understand what legislative bodies were all about, and I want to thank her for her leadership because many times people want to give small business to the Republican Party, but this Chair has shown that small business is a Democratic as well as a Republican issue. And I thank my colleague from Ohio (Mr. Chabot) for the work that he has done.

Today, I rise in support of H.R. 1332, the Small Business Lending Improvements Act of 2007. This act is a tremendous effort to adapt the sometimes arcane SBA rules to the American businesswoman.

Among the impressive provisions of this act are a requirement to authorize SBA loans for projects that reduce energy consumption by at least 10 percent. In addition, the rural lending outreach program sends a great message to our small businesses in rural areas, who sometimes have to manage isolation and lack of resources because they have no proximity.

In addition, by making the Community Express Program permanent, you provide an attractive incentive for the erstwhile disenfranchised entrepreneurs to set up legitimate businesses. These businesses help to keep families together, and eventually contribute to our tax base.

I am from Cleveland, Ohio, which at the moment is said to be the poorest city in the Nation. Ninety-five percent of the private sector jobs are provided by small businesses. Therefore, the creation of jobs and growth of our small businesses is vital to our economic recovery.

The Small Business Administration's 7(a) lending program is essential for small business owners who cannot access capital through conventional markets. However, the program has been and is currently underfunded, and the burden has been shifting increasingly onto small business owners. Recent changes to the program have increased the fees to access 7(a) programs, which diminishes access of small business owners.

I want to thank the chairwoman and the ranking member for their leadership around this issue. I want to thank you for the opportunity to be heard. And small business is not only a Republican issue, it is a Democratic issue. It's an American issue.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

I want to again thank the chairwoman for her leadership on this particular piece of legislation, which I think is very good for small businesses across the country.

Mr. Chairman, as was mentioned in the Rules Committee yesterday I believe by Mr. Dreier, it's preferable for small businesses to get their loans through the private sector if they're able to do so. And as one who believes in less government as opposed to more government, that would certainly be my preference. But there are some cases in which the private sector at this point just wouldn't cover those particular entities, some of the start-up small businesses, especially some in struggling areas, some disadvantaged areas as we have in some urban areas, and some rural areas as well. And so there is an appropriate place for 7(a) loans and the 504 loans. As I mentioned, the name of that particular program is going to be changed as a result of this bill.

I think these are vital improvements. A streamlining of the process will be helpful to small businesses all across the country. I think we have a responsibility to improve the climate for small businesses, especially when one considers that somewhere between 60 and 80 percent of the new jobs that are created in this country are created not by large corporations, but by small businesses. So I think this bill helps businesses who need it most. I think this is a good bill, and so I urge my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this week is Small Business Week, a time to honor entrepreneurs for the contributions they make to this country. Small businesses create three out of every four new jobs. They are the economic backbone, and our largest job creators.

However, it is not easy to be a small business owner. They struggle every day to provide health care for their employees, to comply with increasing regulatory burdens, and to access financing to keep their businesses up and running.

This week, rather than just talk about supporting our Nation's 26 million small businesses, we have an opportunity to do something, provide them with the support they deserve, and ensure it is not a struggle to access much needed capital.

H.R. 1332 will make loans more economical while providing long-term stability for small business owners. Ensuring loans are affordable and that relief from rising capital costs is available is critical for small firms to remain a driving force in today's economy. Let's put the money back into the hands of entrepreneurs where it belongs.

I want to thank the ranking member, Mr. CHABOT, for his work and his leadership in working with me on this legislation. I also want to thank the staff that worked on this bill; from the minority staff, Mike Smullen, Barry Pineles and Kevin Fitzpatrick; and from the majority staff, Michael Day, Adam Minehardt, Andy Jiminez and Tim Slattery, and Elizabeth Hart and Sam Hodas from Representative BEAN's staff.

I strongly urge my colleagues to vote for the Small Business Lending Improvements Act of 2007.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in support of H.R. 1332, the Small Business Lending Improvements Act. As a member of Congress, I have been a strong supporter of our Nation's small businesses. Already this week, we have debated bills seeking to ensure that America remains competitive in the global economy, and, in doing so, we have recognized the importance of ongoing technological innovation. Small businesses comprise an important segment of this process of development; by acting as a catalyst within our economy, they spur growth for all sectors of business.

Small businesses represent the American dream, and they define the American economy. These businesses currently account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. However, to keep this sector of the economy thriving, small businesses require access to loans to initiate, develop, and expand their range of goods and services. The Small Business Administration (SBA), a Federal organization that aids small businesses with loan and development programs, is a key provider of support to small businesses. The SBA's main loan program accounts for 30 percent of all long-term small business borrowing in America.

By streamlining the SBA's two largest finance programs directed at small businesses, H.R. 1332 would offer these businesses the crucial tools that they need to be successful in today's marketplace. This bill gives the SBA authority to contribute funds to reduce the burden associated with borrower and lender fees on 7(a) loans, making these loans more economical, without upsetting the program's current stability.

H.R. 1332 also creates several new loan programs under the 7(a) umbrella. It specifically reaches out to rural lenders, reducing their 7(a) loan paperwork. It makes permanent the Community Express Program, granting improved access to capital for socially and economically disadvantaged small businesses. It recognizes the I need for doctors and dentists in federally designated Health Professional Shortage Areas, and establishes a program to reduce borrower and lender fees in these areas. Finally, this bill offers help to our returning veterans, those who have served our Nation bravely in Iraq and Afghanistan, to establish and expand their own businesses. In addition to all these programs, H.R. 1332 seeks to establish a Small Bank Outreach division within SBA. This new division would provide direct support to community banks participating in the 7(a) program, and would enable these local banks to make loans to a wider range of deserving businesses. It would also work to strengthen local economies by providing lenders deemed Certified Development Companies with a range of tools to grant loans to businesses within their own communities.

As we consider what we as a Congress might do to make our Nation more economically secure, and to continue to augment our position within the global economy, it is crucial that we focus on the importance of small businesses. Small business owners are leaders in innovation, creative business operations and new technologies and products. I continue to believe that the success of our economy is dependent on these businesses. I urge my colleagues to support this bill, and to continue to assist small business owners to realize their potential.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of H.R. 1332, the Small Business Lending Improvements Act of 2007.

As we celebrate Small Business Week, it is only appropriate that we recognize the enormous contribution of small businesses to our economy by passing legislation that would facilitate access to capital. Without ready access to capital, small businesses are often forced to turn to more costly lending alternatives, including credit cards, which carry high interest rates and fees. Without access to financing, companies are unable to target new markets, grow, or hire new workers.

Currently, the SBA's 7(a) and 504 programs are the only federal lending programs available to small businesses and there are no federal grants for starting and/or financing small businesses. The SBA 7(a) and 504 programs were created to help small businesses gain access to affordable financing. However, these programs are in dire need to be modernized and strengthened if they are to continue to meet their important goals.

H.R. 1332 would make these necessary changes by updating and streamlining the 7(a) loan programs by reducing fees, make the Community Express Program permanent and reduce the paperwork generated by these loans. As a physician and Chair of the Congressional Black Caucus Health Braintrust, I am pleased that this bill also includes a provision to adapt the 7(a) program to improve access to the program for medical professionals in health professional shortage areas. Physicians are viewed first and foremost as health care providers but they are also small businesses and in today's economic environment many are struggling to stay afloat.

Mr. Chairman, I join the many organizations that support the passage this bill and urge my colleagues to support the bill as well. I would like to commend Chairwoman VELÁZQUEZ for her continued leadership and congratulate her and Ranking Member CHABOT for bringing this bill to the House floor.

Mr. INSLEE. Mr. Chairman, I thank the Chairwoman and Ranking Member for their this issue. I rise today to support my amendment to the Small Business Lending Improvements Act (H.R. 1332) which would add an eligibility area to Section 504 loans. My amendment will ensure that American entrepreneurs have the opportunity to start, build and, grow green small businesses by adding a sustainable design or low-impact design to the public policy goals of this lending program.

This common-sense amendment would decrease long-term operating costs for small business owners, stimulate green building technologies, create a better work environment for employees and reduce carbon emissions in the United States.

Buildings account for one-third of carbon emissions per year. It is important that we help small business owners make sustainable choices that they might not otherwise make due to cost, or simply due to the fact that some of these technologies are new. My amendment will help SBA expand their financing structure to help businesses use sustainable building standards, such as LEED certified, which have a minimal impact on our environment. Currently, SBA loans can help a company upgrade to required standards, but very few Small Business Loans have helped owners choose green building standards.

Furthermore, green buildings benefit workers. Case studies show examples of 2 to 16 percent increase in productivity in among employees who work in buildings that incorporate sustainable building design.

Sustainable design and green building practices are easy and available. An excellent example of how this can be done, and why green technologies help small businesses and the community, is the Snoqualmie Gourmet Ice Cream factory in Maltby, Wash. I recently toured this factory, which is Snohomish County's first sustainable commercial project, owned by Barry Bettinger. Barry used Small Business Administration (SBA) loans for low impact development strategies. With assistance from the Sustainable Development Task Force, he used technologies to cut his lighting costs by 50 percent, reduce his water usage by 40 percent and reduce energy for cooling fans by 75 percent.

I hope that the SBA and experts in sustainable design such as the National Institute of Building Sciences will work together to develop meaningful standards in this eligibility area of sustainable design.

Congress has a huge opportunity here to further improve the small business lending program to meet goals of reducing energy consumption in this country. Thank you for supporting this amendment.

Mr. MANZULLO. Mr. Chairman, I rise in reluctant opposition to the Small Business Lending Improvements Act of 2007. I strongly support the changes made in this legislation to the Certified Development Company Economic Development or 504 loan program. However, I have grave concerns regarding many of the changes made in this legislation to the other mainstay of the SBA's access to credit programs: the 7(a) guaranteed lending program.

Specifically, Section 101 sets the stage to eventually reinstate the federal loan subsidy for the 7(a) program later this year. This provision requires the Small Business Administration (SBA) to recalculate the subsidy rate each fiscal quarter so that if an appropriation is provided for sometime during the fiscal year, fees can be reduced for small business borrowers and lenders. While I believe this provision violates the Federal Credit Reform Act of 1990 because it requires the re-opening of the assumptions that comprise the credit subsidy model just for the SBA's 7(a) program as contained in the President's annual budget request, I am more concerned about its potential detrimental effects upon our Nation's small businesses. While I am all for lowering fees, it has to be done in a fiscally-responsible manner, particularly during these tight budgetary times. In short, Section 101 is unnecessary and will set the 7(a) program back on an unstable course, thus reducing its availability and attractiveness to potential small business borrowers and lenders. The primary association with the expertise on the 7(a) program the National Association of Government Guaranteed Lenders (NAGGL)—is neutral on H.R. 1332 and has declined to take a position on the legislation.

First, Section 101 is simply unnecessary. As the former chairman of the Small Business Committee, I never heard one complaint from any small business owner about the 7(a) fee structure. However, I heard dozens of complaints from small businesses when the 7(a) program was shut down or operated with severe constraints in 2002, 2003, and 2004 because the appropriations bill that contained the funding for the SBA did not pass in time. I frequently challenged the supporters of reinstating a loan subsidy for the 7(a) program to find me one small business that was not able to get a 7(a) loan because of the higher fees imposed after 2004. They were never able to produce me one example. Why is that? Because the so-called higher fees that went into effect in 2004 were at the same level as they were prior to 2002. What happened when the 7(a) fees went back to the 2002 level? Despite many dire predictions at the time, the 7(a) program grew and thrived because lenders and borrowers knew that it would be around for the long-haul. The 7(a) program no longer had to rely on the timeliness of passing an annual appropriation bill. The 7(a) program now operates on automatic pilot similar to how the other main access to credit programs at the SBA—the 504 and the Small Business Investment Company (SBIC) programs—that also receive no annual subsidy and operates totally on user fees. October 1st—the beginning of the new federal fiscal year—is no longer is a day of anxiety and worry for small business borrowers and lenders.

Second, Section 101 will set the 7(a) program back on a path of instability. Unfortunately, this is a very technical and arcane debate where numbers and statistics are thrown around very casually. Some argue that H.R. 1332 will reduce fees up to $50,000 to small business borrowers. But then in the next breath, they argue that this bill will not modify the subsidy rate. Both cannot be true. It's important to remember that the main goal of the Democratic proponents of this legislation is to reinstate the loan subsidy for the 7(a) program. That's why the Congressional Budget Office (CBO) estimated that Section 101 will increase spending by $305 million in Fiscal Year 2008 and $2.265 billion over the next five years. Keep in mind, Mr. Chairman, that the President requested only $464 million in spending on the entire SBA in FY '08. If fully implemented, this bill would almost double the spending on the SBA in one year!

The Democratic supporters of this legislation also wish to duplicate the 7(a) fee structure as it was in place between 2002 and 2004 in which there was a federal loan subsidy of approximately $100 million each year for a 7(a) program level of under $9.5 billion. However, there were only three fees temporarily reduced during this time period as part of an economic stimulus package in the aftermath of the terrorist attacks of September 11, 2001. Just like other economic stimulus measures, such as the 50 percent bonus tax depreciation, these 7(a) fee reductions were intended to only remain in place a short while until the economy got back on track. They were never intended to become part of permanent law.

The upfront 7(a) borrower fee was temporarily reduced from 2 percent to 1 percent for small businesses seeking smaller 7(a) loans of under $150,000. For 7(a) loans between $150,000 and $700,000, the upfront fee was temporarily reduced from 3 percent to 2.5 percent. The 3.5 percent upfront fee on 7(a) loans from $700,000 to $1 million, which was the maximum loan guarantee limit at the time, was not reduced at all during the 2002 to 2004 time period. However, the annual ongoing fee changed to lenders on the remaining outstanding balance on a 7(a) loan was also temporarily cut in half from 0.50 percent to 0.25 percent. Thus, at most, a fee structure that temporarily existed between 2002 and 2004 produced a maximum savings of $3,500 to a small business seeking to borrow $700,000. For a small business borrower seeking a loan of $150,000, the maximum savings was $1,500. Both figures are a far cry from $50,000.

It is also important to remember that the upfront fee is rolled into the overall loan and amortized over the life-time of the loan. In other words, a borrower is not forced to come up with the entire upfront fee at closing. For the average small business 7(a) borrower, the fee change in 2004 only amounted to an increased payment of $10 per month. Thus, in return for an extra $10 per month, small business borrowers and lenders no longer have to worry about the 7(a) program ending or operating with various restrictions. However, if the 7(a) program is put back in the appropriations process, then there will be uncertainty if the program will be around for the long-term. Section 101 also allows 7(a) fees to fluctuate every few months depending upon whether or not Congress adds or subtracts money for a loan subsidy; thus harming long-term planning. This policy change also sets the precedent to reinstate the loan subsidies for the 504 and SBIC programs, which is the long-term goal of the Democratic proponents of this legislation.

I'm also concerned that at a time when we should be streamlining government, H.R. 1332 creates three new lending programs at the SBA and makes one pilot program permanent. While I am sympathetic to the need to increase lending to rural areas, help health care professionals to open up shop in medically underserved areas, and assist veterans and reservists, the initiatives contained in Sections 102 through 105 of H.R. 1332 fundamentally undermine the "zero" loan subsidy policy in the 7(a) program. To fully implement these provisions, Congress will be forced to choose between higher fees for all other small business borrowers or an even higher appropriation to subsidize these new programs. Knowing the perspective of the Democratic proponents of this legislation who fundamentally disagree with "zero subsidy," these initiatives will put further pressure on Congress to reinstate an appropriation for the 7(a) loan subsidy. CBO estimated that these three specific proposals will cost the taxpayer $11 million in 2008 and $77 million over the next five years. These provisions also set the precedent for other well-deserving groups to request Congress at a later date to eliminate 7(a) fees for them and provide their group with a much higher 90 percent guarantee rate on 7(a) loans, further exposing precious taxpayer money to higher risk of default and loss. It will be very hard for a future Congress to say no to these groups once these precedents have been set in this bill. I enclose for the RECORD a copy of the Administration's position on H.R. 1332, which reflects many of my same concerns listed above.

I am proud over what Republicans on the Small Business Committee were able to accomplish over the last 12 years to promote fiscal responsibility at the SBA while at the same time helping a record number of small businesses. When Republicans were given stewardship of Congress in 1995, Congress spent $213 million of the taxpayer's hard-earned money on the SBA to support a 7(a) and 504 loan program volume of $8.3 billion to reach 55,800 small business borrowers. In 2006, the SBA doubled that level of assistance to reach over 100,000 small business borrowers with a 7(a) and 504 loan program usage level of $19.1 billion—all at no direct cost to the taxpayer. We should not return to the pre-1995 days just to satisfy a philosophical desire to restore loan subsidy, particularly for a program that doesn't need it. The old adage applies here—if it ain't broke, don't fix it. Again, NAGGL has not taken a position on this bill. In short, Mr. Chairman, the 7(a) program ain't broke and the "cure" in Title I of H.R. 1332 is worse than the "disease." I urge my colleagues on both sides of Capitol Hill to oppose this well-meaning but misguided legislation.

April 24, 2007.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1332—SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

The Administration has achieved significant results in expanding the availability of credit to small businesses. Between fiscal years 2001 and 2006, the Small Business Administration (SBA) has more than doubled the total number of guaranteed loans to small businesses under the Section 7(a) and Section 504 loan programs. SBA has achieved this growth while reducing program costs and taxpayer-provided subsidies. H.R. 1332 could potentially reverse this success by reintroducing or increasing taxpayer-funded subsidies for small business loan programs. The Administration therefore cannot support House passage of H.R. 1332 unless it is amended to delete provisions that would increase these subsidies and the need for appropriations and/or increased fees on other loan applicants.

The Administration also opposes provisions in the bill that would: (1) duplicate rural lending activities currently performed by the Department of Agriculture; (2) have SBA refinance private debt, as Federally-backed credit should not supplant private loans; and (3) raise constitutional questions by establishing race or gender-based preferences without presenting a strong basis in evidence that these preferences meet constitutional, standards. The Administration urges Congress to strike these provisions.

Mr. HOLT. Mr. Chairman, I rise today in support of the Small Business Lending Improvements Act of 2007. H.R. 1332 is part of an ambitious legislative portfolio that will fulfill the Innovation Agenda. I was proud to help craft the Innovation Agenda, on which our Nation is dependent for its future prosperity.

Small businesses are a big part of the U.S. economy. In fact, small businesses employ more than half of all private sector employees and pay 45 percent of the total U.S. private payroll. New jobs come disproportionately from small businesses, which generated 60 to 80 percent of new jobs in the past 10 years.

Small businesses face big challenges. Too often they must depend on costly lending alternatives, including credit cards. Personal credit cards are the primary funding source for U.S. entrepreneurs. Borrowing fees and high interest rates weigh heavily on small businesses.

As presented in Rising Above the Gathering Storm, our Nation faces unprecedented challenges to its international competitiveness and quality of life. Small businesses are catalysts for technological innovation, and the entrepreneurship of small American startups occasionally has revolutionized our economy and lives. The viability of American small businesses is inextricably linked to the future prosperity of all our citizens.

This Act makes American entrepreneurship more viable. It improves the existing 7(a) (business start-up loan) program and the existing 504 (certified development company economic development loan) program to better serve veterans, rural areas, and areas lacking sufficient medical expertise. It improves eligibility requirements for designation as a certified development company (CDC), revises procedures around the foreclosure and liquidation of defaulted small business loans, and authorizes loans for projects that reduce energy consumption by at least 10 percent.

I encourage my colleagues to support this resolution. This can help us gain and retain a lead in economic prosperity and quality of life.

Mr. REYES. Mr. Chairman, I rise in strong support of the Small Business Lending Improvement Act of 2007 (H.R. 1332).

The U.S. maintains its position as a world leader in technological innovation and economic prosperity largely because of the talent of its citizens, its strong educational system and the entrepreneurial spirit of its small business owners. From developing innovative solutions to our most pressing problems, to successfully introducing these solutions into local and world markets, American small business is crucial to our strength as a country.

Small businesses, however, face difficult challenges. In particular, many small businesses lack capital, making it difficult to access the financing and loans they need to succeed. With fewer assets to pledge as collateral and less reliable earnings than larger businesses, small businesses have difficulty tapping into traditional business loans.

The Small Business Lending Improvement Act of 2007 is designed to provide well-qualified small businesses with greater access to capital so they can turn their ideas into profit. H.R. 1332 will allow small business to more easily acquire 7(a) loans, which will provide much-needed capital to small business entrepreneurs. H.R. 1332 directs the Administrator of the Small Business Administration (SBA) to execute rural lending outreach programs, which will aid small businesses with expenses ranging from start-up costs to equipment repairs and employee compensation. It also provides incentives to small businesses to operate in an environmentally friendly fashion.

If the U.S. is to maintain its position as a world leader in technological innovation and economic prosperity, we must do more to ensure that small businesses have the tools they need to succeed. For small businesses, access to capital is the key. It is for this reason, I ask my colleagues in Congress to join me in support of H.R. 1332.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill will be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Lending Improvements Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—7(A) PROGRAM

Sec. 101. Authority for fee contributions.
Sec. 102. Rural Lending Outreach Program.
Sec. 103. Community Express program made permanent.
Sec. 104. Medical Professionals in Designated Shortage Areas Program.
Sec. 105. Increased Veteran Participation Program.
Sec. 106. Alternative size standard.
Sec. 107. Support to regional offices.

TITLE II—CERTIFIED DEVELOPMENT COMPANY ECONOMIC DEVELOPMENT LOAN PROGRAM

Sec. 201. Certified Development Company Economic Development Loan Program.
Sec. 202. Definitions.
Sec. 203. Eligibility of development companies to be designated as certified development companies.
Sec. 204. Definition of rural areas.
Sec. 205. Businesses in low-income areas.
Sec. 206. Combinations of certain goals.
Sec. 207. Refinancing.
Sec. 208. Additional equity injections.
Sec. 209. Loan liquidations.
Sec. 210. Closing costs.
Sec. 211. Maximum Certified Development Company and 7(a) loan eligibility.
Sec. 212. Eligibility for energy efficiency projects.
Sec. 213. Loans for plant projects used for energy-efficient purposes.
Sec. 214. Extension of period during which loss reserves of premier certified lenders determined on the basis of outstanding balance of debentures.
Sec. 215. Extension of alternative loss reserve pilot program for certain premier certified lenders.

TITLE I—7(A) PROGRAM

SEC. 101. AUTHORITY FOR FEE CONTRIBUTIONS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (18)(A) by striking "shall collect" and inserting "shall assess and collect";

(2) in paragraph (18) by adding at the end the following:

"(C) OFFSET.—The Administrator may, as provided in paragraph (32), offset fees assessed and collected under subparagraph (A).";

(3) in paragraph (23) by striking subparagraph (C) and adding at the end the following:

"(C) OFFSET.—The Administrator may, as provided in paragraph (32), offset fees assessed and collected under subparagraph (A)."; and

(4) by adding at the end the following:

"(32) FEE CONTRIBUTIONS.—

"(A) IN GENERAL.—To the extent that amounts are made available to the Administrator for the purpose of fee contributions, the Administrator shall—

"(i) first consider contributing to fees paid by small business borrowers under clauses (i) through (iii) of paragraph (18)(A), to the maximum extent possible; and

"(ii) then consider contributing to fees paid by small business lenders under paragraph (23)(A).

"(B) QUARTERLY ADJUSTMENT.—Each fee contribution under subparagraph (A) shall be effective for one fiscal quarter and shall be adjusted as necessary for each fiscal quarter thereafter to ensure that the amounts under subparagraph (A) are fully used. The fee contribution for a fiscal quarter shall be based on the loans that the Administrator projects will be made during that fiscal quarter, given the program level authorized by law for that fiscal year and any other factors that the Administrator considers appropriate.".

SEC. 102. RURAL LENDING OUTREACH PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking paragraph (25)(C); and

(2) by adding at the end the following:

"(33) RURAL LENDING OUTREACH PROGRAM.—The Administrator shall carry out a rural lending outreach program to provide up to an 85 percent guaranty for loans of $250,000 or less. The program shall be carried out only through lenders located in rural areas (as 'rural' is defined in section 501(f) of the Small Business Investment Act of 1958). For a loan made through the program, the following shall apply:

"(A) The Administrator shall approve or disapprove the loan within 36 hours.

"(B) The program shall use abbreviated application and documentation requirements.

"(C) Minimum credit standards, as the Administrator considers necessary to limit the rate of default on loans made under the program, shall apply.".

SEC. 103. COMMUNITY EXPRESS PROGRAM MADE PERMANENT.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(34) COMMUNITY EXPRESS PROGRAM.—The Administrator shall carry out a Community Express Program for loans of $250,000 or less. For a loan made under this paragraph, the following shall apply:

"(A) The loan shall be made to a business concern—

"(i) the majority ownership interest of which is directly held by individuals who are women, socially or economically disadvantaged individuals (as defined by the Administrator), or veterans of the Armed Forces; or

"(ii) that is located in a low- or moderate-income area, as defined by the Administrator.

"(B) The loan shall comply with the collateral policy of the Administration, except that, if the amount of the loan is less than or equal to $25,000, the Administration shall not require the lender to take collateral.

"(C) The loan shall include terms requiring the lender to ensure that technical assistance is provided to the borrower, through the lender or a third-party provider.

"(D) The Administration shall approve or disapprove the loan within 36 hours.".

(b) NOTICE AND COMMENT.—The program required by section 7(a)(34) of the Small Business Act, as added by subsection (a), shall be established after the opportunity for notice and comment and not later than 180 days after the date of the enactment of this Act.

SEC. 104. MEDICAL PROFESSIONALS IN DESIGNATED SHORTAGE AREAS PROGRAM.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(35) MEDICAL PROFESSIONALS IN DESIGNATED SHORTAGE AREAS PROGRAM.—The Administrator shall carry out a Medical Professionals in Designated Shortage Areas Program. For a loan made under this paragraph, the following shall apply:

"(A) The loan shall be made to a business concern that provides properly licensed medical, dental, or psychiatric services to the public.

"(B) The loan shall be for the purpose of opening a business concern in a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)).

"(C) The loan shall include the participation by the Administration equal to 90 percent of the balance of the financing outstanding at the time of disbursement.

"(D) The fees on the loan under paragraphs (18) and (23) shall be reduced by half.".

(b) NOTICE AND COMMENT.—The program required by section 7(a)(35) of the Small Business Act, as added by subsection (a), shall be established after the opportunity for notice and comment and not later than 180 days after the date of the enactment of this Act.

SEC. 105. INCREASED VETERAN PARTICIPATION PROGRAM.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(36) INCREASED VETERAN PARTICIPATION PROGRAM.—The Administrator shall carry out an Increased Veteran Participation Program. For a loan made under this paragraph, the following shall apply:

"(A) The loan shall be made to a business concern the majority ownership interest of which is directly held by individuals who are veterans of the Armed Forces.

"(B) The loan shall include the participation by the Administration equal to 90 percent of the balance of the financing outstanding at the time of disbursement.

"(C) The fees on the loan under paragraphs (18) and (23) shall not apply.".

(b) NOTICE AND COMMENT.—The program required by section 7(a)(36) of the Small Business Act, as added by subsection (a), shall be established after the opportunity for notice and comment and not later than 180 days after the date of the enactment of this Act.

SEC. 106. ALTERNATIVE SIZE STANDARD.

(a) IN GENERAL.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

"(5) In addition to any other size standard under this subsection, the Administrator shall establish, and permit a lender making a loan under section 7(a) and a lender making a loan under the development company loan program to use, an alternative size standard. The alternative size standard shall be based on factors including maximum tangible net worth and average net income.".

(b) APPLICABILITY.—Until the Administrator establishes, under section 3(a)(5) of the Small Business Act (as added by subsection (a)), an alternative size standard in the case of a lender making a loan under section 7(a) of that Act, the alternative size standard in section 121.301(b) of title 13, Code of Federal Regulations, shall apply to such a case.

SEC. 107. SUPPORT TO REGIONAL OFFICES.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(37) SUPPORT TO REGIONAL OFFICES.—The Administrator shall carry out a program, within an element of the Administration already in existence as of the date of the enactment of the Small Business Lending Improvements Act of 2007, to provide support to regional offices of the Administration in assisting small lenders who do not participate in the preferred lender program to participate in the 7(a) program.".

TITLE II—CERTIFIED DEVELOPMENT COMPANY ECONOMIC DEVELOPMENT LOAN PROGRAM

SEC. 201. CERTIFIED DEVELOPMENT COMPANY ECONOMIC DEVELOPMENT LOAN PROGRAM.

Section 504 of the Small Business Investment Act of 1958 (15 U.S.C. 697a) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c); and

(2) by inserting before subsection (b) (as so redesignated) the following:

"(a) The program to provide financing to small businesses by guarantees of loans under this Act which are funded by debentures guaranteed by the Administration may be known as the 'Certified Development Company Economic Development Loan Program'.".

SEC. 202. DEFINITIONS.

Section 103(6) of the Small Business Investment Act of 1958 (15 U.S.C. 662(6)) is amended to read as follows:

"(6) the term 'development company' means an entity incorporated under State law with the authority to promote and assist the growth and development of small-business concerns in the areas in which it is authorized to operate by the Administration, and the term 'certified development company' means a development company which the Administration has determined meets the criteria of section 506;".

SEC. 203. ELIGIBILITY OF DEVELOPMENT COMPANIES TO BE DESIGNATED AS CERTIFIED DEVELOPMENT COMPANIES.

Section 506 of the Small Business Investment Act of 1958 (15 U.S.C. 697c) is amended to read as follows:

"SEC. 506. CERTIFIED DEVELOPMENT COMPANIES.

"(a) AUTHORITY TO ISSUE DEBENTURES.—A development company may issue debentures pursuant to this Act if the Administration certifies that the company meets the following criteria:

"(1) SIZE.—The development company is required to be a small concern with fewer than 500 employees and not under the control of any entity which does not meet the Administration's size standards as a small business, except that any development company which was certified by the Administration prior to December 31, 2005 may continue to issue debentures.

"(2) PURPOSE.—The primary purpose of the development company is to benefit the community by fostering economic development to create and preserve jobs and stimulate private investment.

"(3) PRIMARY FUNCTION.—The primary function of the development company is to accomplish its purpose by providing long term financing to small businesses by the utilization of the Certified Development Company Economic Development Loan Program. It may also provide or support such other local economic development activities to assist the community.

"(4) NON-PROFIT STATUS.—The development company is a non-profit corporation, except that a development company certified by the Administration prior to January 1, 1987, may retain its status as a for-profit corporation.

"(5) GOOD STANDING.—The development company is in good standing in its State of incorporation and in any other State in which it conducts business, and is in compliance with all laws, including taxation requirements, in its State of incorporation and in any other State in which it conducts business.

"(6) MEMBERSHIP.—The development company has at least 25 members (or stockholders if the corporation is a for-profit entity), none of whom may own or control more than 10 percent of the company's voting membership, consisting of representation from each of the following groups (none of which are in a position to control the development company):

"(A) Government organizations that are responsible for economic development.

"(B) Financial institutions that provide commercial long term fixed asset financing.

"(C) Community organizations that are dedicated to economic development.

"(D) Businesses.

"(7) BOARD OF DIRECTORS.—The development company has a board of directors that—

"(A) is elected from the membership by the members;

"(B) represents at least three of the four groups enumerated in subsection (a)(6) and no group is in a position to control the company; and

"(C) meets on a regular basis to make policy decisions for such company.

"(8) PROFESSIONAL MANAGEMENT AND STAFF.—The development company has full-time professional management, including a chief executive officer to manage daily operations, and a full-time professional staff qualified to market the Certified Development Company Economic Development Loan Program and handle all aspects of loan approval and servicing, including liquidation, if appropriate. The development company is required to be independently managed and operated to pursue its economic development mission and to employ its chief executive officer directly, with the following exceptions:

"(A) A development company may be an affiliate of another local non-profit service corporation (specifically excluding another development company) whose mission is to support economic development in the area in which the development company operates. In such a case:

"(i) The development company may satisfy the requirement for full-time professional staff by contracting with a local non-profit service corporation (or one of its non-profit affiliates), or a governmental or quasi-governmental agency, to provide the required staffing.

"(ii) The development company and the local non-profit service corporation may have partially common boards of directors.

"(B) A development company in a rural area (as defined in section 501(f)) shall be deemed to have satisfied the requirements of a full-time professional staff and professional management ability if it contracts with another certified development company which has such staff and management ability and which is located in the same general area to provide such services.

"(C) A development company that has been certified by the Administration as of December 31, 2005, and that has contracted with a for-profit company to provide services as of such date may continue to do so.

"(b) AREA OF OPERATIONS.—The Administration shall specify the area in which an applicant is certified to provide assistance to small businesses under this title, which may not initially exceed its State of incorporation unless it proposes to operate in a local economic area which is required to include part of its State of incorporation and may include adjacent areas within several States. After a development company has demonstrated its ability to provide assistance in its area of operations, it may request the Administration to be allowed to operate in one or more additional States as a multi-state certified development company if it satisfies the following criteria:

"(1) Each additional State is contiguous to the State of incorporation, except the States of Alaska and Hawaii shall be deemed to be contiguous to any State abutting the Pacific ocean.

"(2) It demonstrates its proficiency in making and servicing loans under the Certified Development Company Economic Development Loan Program by—

"(A) requesting and receiving designation as an accredited lender under section 507 or a premier certified lender under section 508; and

"(B) meeting or exceeding performance standards established by the Administration.

"(3) The development company adds to the membership of its State of incorporation additional membership from each additional State and the added membership meets the requirements of subsection (a)(6).

"(4) The development company adds at least one member to its board of directors in the State of incorporation, providing that added member was selected by the membership of the development company.

"(5) The company meets such other criteria or complies with such conditions as the Administration deems appropriate.

"(c) PROCESSING OF EXPANSION APPLICATIONS.—The Administration shall respond to the request of a certified development company for certification as a multi-state company on an expedited basis within 30 days of receipt of a completed application if the application demonstrates that the development company meets the requirements of subsection (b)(1) through (b)(4).

"(d) USE OF FUNDS LIMITED TO STATE WHERE GENERATED.—Any funds generated by a development company from making loans under the Certified Development Company Economic Development Loan Program which remain after payment of staff, operating and overhead expenses shall be retained by the development company as a reserve for future operations, for expanding its area of operations in a local economic area as authorized by the Administration, or for investment in other local economic development activity in the State from which the funds were generated.

"(e) ETHICAL REQUIREMENTS.—

"(1) IN GENERAL.—Certified development companies, their officers, employees and other staff, shall at all times act ethically and avoid activities which constitute a conflict of interest or appear to constitute a conflict of interest. No one may serve as an officer, director or chief executive officer of more than one certified development company.

"(2) PROHIBITED CONFLICT IN PROJECT LOANS.—As part of a project under the Certified Development Company Economic Development Loan Program, no certified development company may recommend or approve a guarantee of a debenture by the Administration that is collateralized by a second lien position on the property being constructed or acquired and also provide, or be affiliated with a corporation or other entity, for-profit or non-profit, which provides, financing collateralized by a first lien on the same property. A business development company that was participating as a first mortgage lender, either directly or through an affiliate, for the Certified Development Company Economic Development Loan Program in either fiscal years 2004 or 2005 may continue to do so.

"(3) OTHER ECONOMIC DEVELOPMENT ACTIVITIES.—Operation of multiple programs to assist small business concerns in order for a certified development company to carry out its economic development mission shall not be deemed a conflict of interest, but notwithstanding any other provision of law, no development company may accept funding from any source, including but not limited to any department or agency of the United States Government—

"(A) if such funding includes any conditions, priorities or restrictions upon the types of small businesses to which they may provide financial assistance under this title; or

"(B) if it includes any conditions or imposes any requirements, directly or indirectly, upon any recipient of assistance under this title unless the department or agency also provides all of the financial assistance to be delivered by the development company to the small business and such conditions, priorities or restrictions are limited solely to the financial assistance so provided.".

SEC. 204. DEFINITION OF RURAL AREAS.

Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695) is amended by adding at the end the following new subsection:

"(f) As used in subsection (d)(3)(D), the term 'rural' shall include any area other than—

"(1) a city or town that has a population greater than 50,000 inhabitants; and

"(2) the urbanized area contiguous and adjacent to such a city or town.".

SEC. 205. BUSINESSES IN LOW-INCOME AREAS.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended by inserting after "business district revitalization" the following: "or expansion of businesses in low-income communities that would be eligible for new market tax credit investments under section 45D of the Internal Revenue Code of 1986 (26 U.S.C. 45D)".

SEC. 206. COMBINATIONS OF CERTAIN GOALS.

Section 501(e) of the Small Business Investment Act of 1958 (15 U.S.C. 695(e)) is amended by adding at the end the following:

"(7) A small business concern that is unconditionally owned by more than one individual, or a corporation whose stock is owned by more than one individual, is deemed to achieve a public policy goal under subsection (d)(3) if a combined ownership share of at least 51 percent is held by individuals who are in one of the groups listed as public policy goals specified in subsection (d)(3)(C) or (d)(3)(E).".

SEC. 207. REFINANCING.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

"(7) PERMISSIBLE DEBT REFINANCING.—Any financing approved under this title may also include a limited amount of debt refinancing for debt that was not previously guaranteed by the Administration. If the project involves expansion of a small business which has existing indebtedness collateralized by fixed assets, any amount of existing indebtedness that does not exceed one-half of the project cost of the expansion may be refinanced and added to the expansion cost, providing—

"(A) the proceeds of the indebtedness were used to acquire land, including a building situated thereon, to construct a building thereon or to purchase equipment;

"(B) the borrower has been current on all payments due on the existing debt for at least the past year; and

"(C) the financing under the Certified Development Company Economic Development Loan Program will provide better terms or rate of interest than now exists on the debt.".

SEC. 208. ADDITIONAL EQUITY INJECTIONS.

Clause (ii) of section 502(3)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)(B)) is amended to read as follows:

"(ii) FUNDING FROM INSTITUTIONS.—

"(I) If a small business concern provides the minimum contribution required under paragraph (C), not less than 50 percent of the total cost of any project financed pursuant to clauses (i), (ii), or (iii) of subparagraph (C) shall come from the institutions described in subclauses (I), (II), and (III) of clause (i).

"(II) If a small business concern provides more than the minimum contribution required under paragraph (C), any excess contribution may be used to reduce the amount required from the institutions described in subclauses (I), (II), and (III) of clause (i) except that the amount from such institutions may not be reduced to an amount less than the amount of the loan made by the Administration.".

SEC. 209. LOAN LIQUIDATIONS.

Section 510 of the Small Business Investment Act of 1958 (15 U.S.C. 697g) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

"(e) PARTICIPATION.—

"(1) MANDATORY.—Any certified development company which elects not to apply for authority to foreclose and liquidate defaulted loans under this section or which the Administration determines to be ineligible for such authority shall contract with a qualified third-party to perform foreclosure and liquidation of defaulted loans in its portfolio. The contract shall be contingent upon approval by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

"(2) COMMENCEMENT.—The provisions of this subsection shall not require any development company to liquidate defaulted loans until the Administration has adopted and implemented a program to compensate and reimburse development companies as provided under subsection (f).

"(f) COMPENSATION AND REIMBURSEMENT.—

"(1) REIMBURSEMENT OF EXPENSES.—The Administration shall reimburse each certified development company for all expenses paid by such company as part of the foreclosure and liquidation activities if the expenses—

"(A) were approved in advance by the Administration either specifically or generally; or

"(B) were incurred by the company on an emergency basis without Administration prior approval but which were reasonable and appropriate.

"(2) COMPENSATION FOR RESULTS.—The Administration shall develop a schedule to compensate and provide an incentive to qualified State or local development companies which foreclose and liquidate defaulted loans. The schedule shall be based on a percentage of the net amount recovered but shall not exceed a maximum amount. The schedule shall not apply to any foreclosure which is conducted pursuant to a contract between a development company and a qualified third-party to perform the foreclosure and liquidation.".

SEC. 210. CLOSING COSTS.

Paragraph (4) of section 503(b) of the Small Business Investment Act of 1958 (15 U.S.C. 697(b)) is amended to read as follows:

"(4) the aggregate amount of such debenture does not exceed the amount of loans to be made from the proceeds of such debenture plus, at the election of the borrower under the Certified Development Company Economic Development Loan Program, other amounts attributable to

the administrative and closing costs of such loans, except for the borrower's attorney fees;''.

SEC. 211. MAXIMUM CERTIFIED DEVELOPMENT COMPANY AND 7(A) LOAN ELIGIBILITY.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended by adding at the end the following:

''(C) COMBINATION FINANCING.—Financing under this title may be provided to a borrower in the maximum amount provided in this subsection, plus a loan guarantee under section 7(a) of the Small Business Act may also be provided to the same borrower in the maximum provided in section 7(a)(3)(A) of such Act.''.

SEC. 212. ELIGIBILITY FOR ENERGY EFFICIENCY PROJECTS.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (G) by striking ''or'' at the end;

(2) in subparagraph (H) by striking the period at the end and inserting '', or''; and

(3) by inserting after subparagraph (H) the following:

''(I) reduction of energy consumption by at least 10 percent.''.

SEC. 213. LOANS FOR PLANT PROJECTS USED FOR ENERGY-EFFICIENT PURPOSES.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (ii) by striking ''and'' at the end;

(2) in clause (iii) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iv) $4,000,000 for each project that reduces the borrower's energy consumption by at least 10 percent.''.

SEC. 214. EXTENSION OF PERIOD DURING WHICH LOSS RESERVES OF PREMIER CERTIFIED LENDERS DETERMINED ON THE BASIS OF OUTSTANDING BALANCE OF DEBENTURES.

Section 508(c)(6)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(c)(6)(B)) is amended by striking ''during the 2-year period beginning on the date that is 90 days after the date of the enactment of this subparagraph,'' and inserting ''through the end of fiscal year 2008,''.

SEC. 215. EXTENSION OF ALTERNATIVE LOSS RESERVE PILOT PROGRAM FOR CERTAIN PREMIER CERTIFIED LENDERS.

Section 508(c)(7)(J) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(c)(7)(J)) is amended by striking ''means'' and all that follows through the period at the end and inserting ''means each calendar quarter through the end of fiscal year 2008.''

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–108. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. MATHESON

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–108.

Mr. MATHESON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MATHESON:

Page 6, line 4, insert after ''Forces'' the following: ''or members of the reserve components of the Armed Forces''.

Page 8, line 14, insert after ''Forces'' the following: ''or members of the reserve components of the Armed Forces''.

The CHAIRMAN. Pursuant to House Resolution 330, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Mr. Chairman, I rise as a supporter of H.R. 1332, the underlying bill, and I would particularly like to thank the sponsor of the bill, Representative MELISSA BEAN, as well as the chairwoman of the Small Business Committee, Ms. VELÁZQUEZ, and the ranking member, Mr. CHABOT, for all their hard work in bringing this bipartisan bill to the floor today.

Now, the 7(a) program is SBA's largest primary business loan program and provides loan guarantees to thousands of small businesses that are unable to obtain financing through the traditional lending market. That is why I am pleased that section 105 of the underlying bill will establish the Increased Veteran Participation Program to help increase 7(a) loans to military veterans, which declined by over $170 million between fiscal year 2005 and fiscal year 2006.

Section 103 of the bill, which permanently establishes the Community Express Program, will also provide much needed loans to veterans.

As 14 percent of small businesses in America are owned by veterans, we should do all we can to support those who have served our country. However, we should not leave out the men and women who continue to serve our country honorably every day in the military reserves. Small business ownership is extremely challenging, especially for members of the Reserve component of the Armed Forces who must carefully balance their civilian careers with their duty to serve our Nation.

My amendment would simply include members of the Reserve components of the Armed Forces as eligible to receive loans under the Community Express Program in section 103 of the bill and as eligible to participate in the Increased Veteran Participation Program in section 105.

Since 9/11, I think we all know we have relied on members of the Reserve more and more to participate in serving our country, and this increased role should be recognized and supported.

I urge colleagues to support my amendment.

I yield to the Chair of the full committee, Ms. VELÁZQUEZ.

Ms. VELÁZQUEZ. I want to thank the gentleman for yielding.

Mr. Chairman, I am prepared to accept the amendment, and I will yield to Mr. CHABOT for any comments that he may have.

Mr. CHABOT. Mr. Chairman, we have no objection to the amendment. We commend the gentleman for offering this helpful amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MATHESON

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–108.

Mr. MATHESON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MATHESON:

Page 6, line 1, insert after ''women,'' the following: ''members of qualified Indian tribes,''.

The CHAIRMAN. Pursuant to House Resolution 330, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Mr. Chairman, as I just explained in the discussion on my previous amendment, SBA's 7(a) loan program helps thousands of entrepreneurs start new businesses, create jobs and grow the economy here in the United States. Unfortunately, many segments of the American population are still unable to obtain necessary capital to successfully become entrepreneurs. Now to help remedy this inequity, the SBA created the Community Express Program to reach out to segments of the small business community that have difficulty accessing capital from traditional lending markets. These businesses are typically owned by women, veterans and socially or economically disadvantaged individuals who are underrepresented as business owners and who need smaller business loans accompanied by technical assistance.

Members of Indian tribes especially lack sufficient access to capital for starting new businesses. Of minority-owned businesses, only 6.6 percent were owned by American Indians, the least percentage of any minority group surveyed. And of U.S. nonfarm businesses, less than 1 percent are owned by American Indians.

I represent many Native American tribes in my district, and I know the entrepreneurial spirit is alive and well if only scarce capital can be attained for new businesses.

My amendment would simply include members of qualified Indian tribes as eligible to receive loans under the

Community Express Program in section 103 of the underlying bill. This minor revision will provide loans to a currently underserved population and help participating lenders better determine who is actually eligible to receive loans under the Community Express Program.

I urge my colleagues to support this amendment.

I yield to the Chair of the full committee, Ms. VELÁZQUEZ.

Ms. VELÁZQUEZ. Mr. Chairman, I am prepared to accept this amendment. I want to thank you for bringing this issue.

I yield to the ranking member, Mr. CHABOT, for any comment.

Mr. CHABOT. I thank the gentlelady for yielding. We would also agree with this amendment. I think they are both excellent amendments. And I meant to comment on the other one as well. When the gentleman included our Reserve forces as well as other member veterans in Armed Forces, I think when one considers how patriotic our Reservists are and how many of them, especially with our involvement in Iraq and Afghanistan, are literally putting their lives on the line, I think this is a very helpful and important amendment, both of them. And so we would commend the gentleman for introducing them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. CUELLAR

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–108.

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 3 offered by Mr. CUELLAR:
>
> Page 5, line 2, strike the period and insert the following: "or, in the case of a small business concern located in a rural area that does not have a lender located within 30 miles of the principal place of business, through any lender that is enrolled in, and administers, the 7(a) loan program that the small business concern chooses.".

The CHAIRMAN. Pursuant to House Resolution 330, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

I rise today to encourage my colleagues to support my amendment and help rural small businesses receive the access to capital they need to grow.

I would like to thank my good friend, Chairwoman VELÁZQUEZ, for reporting out this critical bill, and to Congresswoman BEAN for taking the lead on this issue. I also want to thank the ranking member, Mr. CHABOT, for the leadership and bipartisan support that he has shown in this bill and in the committee.

My amendment would strengthen the underlying bill and ensure that we solve one of the most critical problems facing rural small businesses.

Like many parts of the United States, my congressional district is the home to many rural companies. It is well known that small businesses found in rural communities have a more difficult time accessing affordable capital than their counterparts in the large metropolitan areas.

Considering that there are probably about 1.2 million rural businesses, it is important to reach out to this vital part of our economy. The Rural Indian Outreach Program proposed in this bill will be a tremendous tool for lenders located in rural communities.

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The provisions outlined will take a major step toward expanding the financial options for the rural economy.

Unfortunately, this bill in the current form, the rural small businesses owner needs access to the rural lenders that use this particular program. In my rural areas, many small businesses do not live close to a bank and therefore they are forced to do banking many miles away from the closest city. We must make sure that we help both the rural lender and the rural business owner.

The amendment that I have, Mr. Chairman, states that a rural small business who is not within 30 miles of a rural lender can take advantage of the rural lending outreach program through any lender in the SBA 7(a) loan program. It is my hope that this amendment will further increase opportunities for small businesses and expand the rural economies throughout our Nation.

Mr. Chairman, I yield to Chairwoman VELÁZQUEZ at this time. And I believe there is support for this amendment.

Ms. VELÁZQUEZ. In our hearings, Mr. Chairman, the committee heard testimony on the various challenges facing the 7(a) program. One of the more troubling developments has been a steady decline in the number of lenders participating in the 7(a) program, particularly among small lenders and community banks located in rural areas. With fewer lenders in the program, we all lose.

The rural lender outreach program is intended to help remedy this problem. With simpler application standards and a streamlined lending process, the rural lender outreach program will facilitate participation in the 7(a) among small lenders in rural communities.

I look forward to working with my colleague to ensure that this amendment will help the rural lender outreach program achieve its important objectives.

I yield to the gentleman from Ohio for any comments that he might have.

Mr. CHABOT. I thank the gentlelady for yielding, and I want to commend the gentleman from Texas for offering a very thoughtful amendment here.

Oftentimes when you have a bill as complicated as this one is, the point of the bill obviously is pretty straightforward: It is to streamline and improve the process, make it more accessible to small business people, because that is one of the main problems that we have, that small businessmen have, and small businesswomen as well, is access to capital.

One has to look at this sometimes what do you do to benefit rural communities, and sometimes it is more urban communities. I happen to represent an overall fairly urban community, the city of Cincinnati. But I know the gentleman has a much larger district in mind, one in which the challenges may be somewhat different. And I think it is very good that the gentleman took the time to go through this bill with such care to find a way that he can benefit the people in his community and at the same time make it a better bill.

So I again commend the gentleman for his thoughtful approach to this bill, thank him for offering this amendment, and we are in a position to accept it. And I again thank him for his hard work on this.

Ms. VELÁZQUEZ. Mr. Chairman, we are prepared to accept the amendment.

Mr. CUELLAR. Mr. Chairman, I want to thank again Chairwoman VELÁZQUEZ and the ranking member for their support and leadership, their bipartisan support.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. INSLEE

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–108.

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 4 offered by Mr. INSLEE:
>
> Page 26, strike lines 3 through 8 and insert the following:
>
> (2) in subparagraph (H) by striking the period at the end and inserting a comma; and
>
> (3) by inserting after subparagraph (H) the following:
>
> "(I) reduction of energy consumption by at least 10 percent, or
>
> "(J) increased use of sustainable design or low-impact design to produce buildings that reduce the use of non-renewable resources, minimize environmental impact, and relate people with the natural environment.".

The CHAIRMAN. Pursuant to House Resolution 330, the gentleman from

Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. My fellow Members, we know that small businesses have been leaders in job creation and are the dynamic growth center for the American economy, and now they are poised to become the leaders in our green building revolution. We know that we have challenges on energy security, we know we have challenges to deal with on global warming, and we know that small businesses have challenges to receive capital to help in their programs to make their businesses more efficient, less costly for energy consumption, and less emitting of greenhouse gases.

Our amendment would create the ability of the SBA to provide capital to our small businesses across the country to do thousands of things that they want to start doing, items like putting additional energy-efficient equipment into their businesses, building green roofs that can prevent energy loss, installation of renewable energy sources like photovoltaic cells and energy equipment heating and cooling systems. The list is endless.

I would like to think of a little small business called the Snoqualmie Gourmet Ice Cream Cafe and Plant, which is some of the best ice cream in the world, but they used an SBA loan essentially to put pervious concrete and build a green roof, which helped their business operations and helped the environment to boot.

So we would propose that we expand the SBA purposes to allow our small businessmen and women to be on the cutting edge of green building and green businesses across the country. This will help them move a step forward to use their dynamic leadership.

Mr. Chairman, I yield to Ms. VELÁZQUEZ.

Ms. VELÁZQUEZ. Mr. Chairman, we are prepared to accept the amendment. I yield to the ranking member for any comments that he might have.

Mr. CHABOT. I thank the gentlelady for yielding. We are in a position to accept this amendment as well, and I commend the gentleman for offering it.

Mr. INSLEE. Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. DEGETTE) having assumed the chair, Mr. PASTOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1332) to improve the access to capital programs of the Small Business Administration, and for other purposes, pursuant to House Resolution 330, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCCRERY

Mr. MCCRERY. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCCRERY. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCrery moves to recommit the bill, H.R. 1332, to the Committee on Small Business, with instructions to report back the same forthwith with the following amendments:

Page 6, after line 7, insert the following:

"(B) For purposes of subparagraph (A)(i), the Administrator shall consider any small business concern that can demonstrate it is adversely affected by a raise in the Federal minimum wage to be economically disadvantaged.".

Page 6, line 8, strike "(B)" and insert "(C)".

Page 6, line 13, strike "(C)" and insert "(D)".

Page 6, line 17, strike "(D)" and insert "(E)".

Ms. VELÁZQUEZ. Madam Speaker, I reserve a point of order against the motion.

The SPEAKER pro tempore. The point of order is reserved.

The gentleman from Louisiana is recognized for 5 minutes.

Mr. MCCRERY. Madam Speaker, the motion to recommit that I am offering makes an important point about how we treat small businesses, the engine that drives much of our economy and creates many of our jobs in this country.

The underlying bill makes permanent the Community Express Program, which provides loans up to $250,000 to businesses which are owned by certain favored groups such as women, minorities, veterans, or socially or economically disadvantaged individuals. The measure does not define what it means for a business owner to be "economically disadvantaged."

This would require that the Small Business Administration would consider as economically disadvantaged those business owners that can demonstrate that they have been adversely impacted by an increase in the Federal minimum wage.

The importance of this motion is clear in the face of the failure of this House and the conferees on the supplemental appropriations bill that will be considered later tonight to adequately provide tax relief to those small businesses most impacted by an increase in the minimum wage.

The agreement reached by the majority and inserted into the supplemental does provide a larger dollar figure for relief than was passed by the House earlier this year, but almost none of the added tax revenues will provide relief to the small businesses most in need of assistance because of the increase in the minimum wage.

For example, more than 53 percent of the tax relief is in the form of a 44-month extension of the work opportunity tax credit. While extending the work opportunity tax credit may be good policy, and I happen to like that credit, more than 90 percent of the credits are claimed by firms with gross receipts over $50 million, hardly small businesses.

Other provisions, while well intentioned, will have little or no impact on small businesses. The S-Corp reforms, which costs almost $1 billion, have no direct relation to firms impacted by the minimum wage.

I support the changes in the package to the low income housing tax credit, but that $237 million in tax relief, again, does nothing towards satisfying the stated purpose of helping small businesses cope with the increase in the minimum wage.

While the work opportunity tax credit was expanded and was given a longer extension than in the House-passed package, provisions to help small businesses by increasing expensing were not given similar treatment. Other depreciation changes included in the Senate-passed bill that could have helped small businesses were completely left out of the conference agreement. In fact, barely $1 billion of the total almost $5 billion package provides relief to small businesses; and almost half of that, $457 million of it, exists solely to protect restaurant owners from the tax increase they would otherwise face from a minimum wage increase. Thus, only about one-eighth of the new benefits are targeted at small businesses.

That minimal relief for small businesses looks even smaller when compared against the Congressional Budget Office's estimate that the increase in the minimum wage will impose more than $16 billion in costs on the private sector over the next 5 years.

It should come as no surprise to anyone to learn that the National Federation of Independent Business, a small business association, released a statement today criticizing Congress for failing to deliver meaningful tax relief to the American small business community in the face of a mandated Federal minimum wage hike.

I submit for printing in the RECORD the entire statement of NFIB.

TAX PACKAGE TIED TO MINIMUM WAGE HIKE FAILS TO DELIVER RELIEF FOR SMALL BUSINESS

NFIB disappointed in diminished small-business tax relief in the federal supplemental spending bill

WASHINGTON, D.C., APRIL 25, 2007—Dan Danner, executive vice president of the National Federation of Independent Business, today made the following statement in reaction to the reduced small-business tax-relief package contained in the federal minimum wage increase legislation, now attached to the Iraq spending bill.

It's truly disheartening that during National Small Business Week Congress has decided to renege on their promise to deliver meaningful tax relief to the American small-business community in the face of a mandated federal minimum wage hike.

While small businesses appreciate the increased and extended expensing limit, the tax package as a whole simply does not offer enough growth-oriented tax relief to allow small businesses to invest and stay competitive. NFIB is disappointed to see that the reduced tax package falls short of truly offsetting the costs small businesses will be forced to absorb as a result of a minimum wage increase.

Small-business owners have always opposed mandated wage levels because it leaves them with fewer choices in how they compensate their employees. But in the face of an inevitable wage hike, the small-business community was pleased to hear that Congress was planning to offer a tax package aimed at helping small businesses cope with additional labor costs.

From the beginning of this debate, the accompanying tax package was supposed to be about helping the country's small businesses. Instead, Congress has spent more time catering to big business demands than providing real tax relief to those who need it most—American small-business owners.

As this debate continues, NFIB will continue its efforts to educate members of Congress about why small businesses need and deserve meaningful tax relief.

Last week my friend, the distinguished chairman of the Ways and Means Committee, indicated that the tax package on the supplemental was the final deal. I suppose he meant the final deal on taxes associated with the minimum wage increase. And I guess he meant that, even if the supplemental is vetoed, that we don't go back to square one, that there will still be no renegotiation of the tax package. That is unfortunate, and that is what brings us here today.

The majority has said it is unwilling to reconsider ways to ensure that we provide tax relief to the businesses most in need and to examine the shortcomings of the tax package. Thus, we must find other ways to help small businesses continue to be the engines of job creation in our economy. By making small businesses adversely affected by a minimum wage increase eligible for the community express program, Madam Speaker, we are offering the House an opportunity, a chance, to make good on the promise to help those businesses impacted by an increase of the minimum wage.

Madam Speaker, I urge passage of the motion.

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Madam Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I withdraw my point of order against the motion, and I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. Madam Speaker, it amazes me if the gentleman from Louisiana is so concerned about the state of small businesses in our country, why is it that every time that I brought an amendment to any bill to reduce the cost of the 7(a) business loan program, you voted against that bill, against those amendments? That is the way we provide relief to small businesses.

The problem with the gentleman from Louisiana is that he doesn't believe that the minimum wage should be raised, and that 10 years is not long enough. So by supporting this motion to recommit, you are voting against providing relief to small businesses.

What we are doing with this bill is reducing up to $50,000 in fees to borrowers in this country. That is real relief.

So I urge my colleagues to vote against this motion, and to support the underlying bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McCRERY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 197, nays 224, not voting 11, as follows:

[Roll No. 262]

YEAS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden

Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Bartlett (MD)
Bishop (GA)
Boyd (FL)
Cubin
Davis, Jo Ann
Hunter
Kaptur
Lampson
McIntyre
Westmoreland
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining to vote.

☐ 1755

Mr. MURPHY of Connecticut, Mr. KAGEN, Ms. DELAURO, Mr. MCNERNEY, Ms. MCCOLLUM of Minnesota, Mrs. GILLIBRAND, Messrs. HOYER, ALTMIRE, HILL, and SCOTT of Virginia changed their vote from "yea" to "nay."

Mr. MORAN of Kansas and Mr. PICKERING changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BOYD of Florida. Madam Speaker, on rollcall No. 262, had I been present, I would have voted "nay."

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, I rise for the purpose of inquiring about the schedule, and I yield to my friend, the majority leader, for information about the schedule, tomorrow, Monday and Tuesday.

Mr. HOYER. I thank the gentleman for yielding, and I want to tell the Members that tomorrow we have only one bill scheduled. That is H.R. 249. We will consider that bill. I am hopeful that we will complete that bill early afternoon.

On Monday, the funeral is being held for Congresswoman Millender-McDonald, and many of our Members on both sides of the aisle I know will be attending that funeral. We will have no business on Monday. Not only no votes, but there will be no business on Monday.

On Tuesday, you need to expect votes anytime after noon. So we plan to have a full day on Tuesday, not a 6:30 coming in here, but there will be no votes until noon on Tuesday.

Mr. BLUNT. I thank the gentleman for the information, and I think that is helpful to our Members.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. VELÁZQUEZ. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 380, noes 45, not voting 7, as follows:

[Roll No. 263]

AYES—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)

Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—45

Bachmann
Barrett (SC)
Biggert
Brady (TX)
Campbell (CA)
Cantor
Carter
Culberson
Davis (KY)
Deal (GA)
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Hastert
Hayes
Hensarling
Inglis (SC)
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Lamborn
Linder
Mack
Manzullo
McHenry
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Paul
Pence
Price (GA)
Radanovich
Rohrabacher
Royce
Sali
Shadegg
Tancredo

NOT VOTING—7

Buyer
Cubin
Davis, Jo Ann
Hunter
Lampson
Solis
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

☐ 1806

Mr. PENCE changed his vote from "aye" to "no."

Mr. AKIN changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Madam Speaker, During rollcall vote No. 263, the Small Business Lending Improvements Act, on April 25, 2007. I was unavoidably detained. Had I been present, I would have voted "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1332, SMALL BUSINESS LENDING IMPROVEMENTS ACT of 2007

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that the Clerk is authorized to correct section numbers, punctuation, and cross-references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 1332.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 1429, IMPROVING HEAD START ACT OF 2007; AND H.R. 1868, TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute.)

Ms. SLAUGHTER. The Rules Committee is expected to meet the week of April 30 to grant a rule which may structure the amendment process for floor consideration of H.R. 1429, the Improving Head Start Act of 2007.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 2:00 p.m. on Monday, April 30. Members are strongly advised to adhere to this amendment deadline to ensure the amendments receive consideration.

Amendments should be drafted to the bill as reported by the Committee on Education and Labor. A copy of that bill is posted on the Web site of the Rules Committee.

Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

The Rules Committee is also expected to meet the week of April 30 to grant a rule which may structure the amendment process for floor consideration of H.R. 1868, Technology Innovation and Manufacturing Stimulation Act of 2007.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 2:00 p.m. on Monday, April 30. Members are strongly advised to adhere to this amendment deadline to ensure the amendments receive consideration.

Amendments should be drafted to the bill as reported by the Committee on Science and Technology. A copy of that bill is posted on the Web site of the Rules Committee.

Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

PROVIDING FOR CONSIDERATION OF H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 332 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 332

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year, ending September 30, 2007, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks on House Resolution 332.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, H. Res. 332 provides for consideration of the conference report for H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes. The rule waives all points of order against the conference report and against its consideration. It also provides that the conference report shall be considered as read.

Mr. Speaker, after 4 years of the administration's relentless mismanagement of the Iraq war, mismanagement that has needlessly endangered our soldiers and lost countless Iraqi lives, this new Democratic Congress is determined to exercise our constitutional duty and to change the Nation's course in Iraq. We are hardly alone in our estimation of what must be done there.

A growing chorus of opinion has coalesced around the need for a new direction. Virtually all of our generals agree that this fight cannot be won militarily, and General David Petraeus has said that the American mission in Iraq is 20 percent military and 80 percent political, economic and diplomatic.

He is joined by the Secretary of Defense, Robert Gates, who applauded this debate, saying it will demonstrate to the Iraqi leadership that America will no longer tolerate an open-ended commitment without any benchmarks for success.

James A. Baker and Lee Hamilton of the President's own Iraq Study Group have called for the American military to focus on training Iraqi security forces instead of conducting endless security sweeps.

Retired generals have joined in as well. Retired Lieutenant General William E. Odom, to name just one, has said that the proposed change in course will, and I quote, "re-orient U.S. strategy to achieve regional stability, and win help from many other countries—the only way peace will eventually be achieved."

What of the people of the United States of America? It is their sons and daughters, their husbands and wives, their friends and family who have fought, have been injured and died in this war by the tens of thousands.

They, more than anyone else, have demanded that America's mission in Iraq be changed. This bill is a statement that Congress will no longer fund the war as it exists today.

With it, Democrats are demanding accountability and requiring that future support be based on tangible progress being made. We are refusing to ask our soldiers to continue fighting an open-ended battle to achieve goals that are constantly being altered. Such a request is not worthy of their sacrifice.

Let me say also that while the President said that this bill is nothing more than a political statement, the opposite is the case. Our bill reconciles hard realities with our most fundamental principles. It both protects our soldiers and seeks to give them the best chance to help to produce a secure Iraq. It could not be more sincere, and it will soon be on the President's desk. If he rejects it, that will be his political statement and not ours.

Finally, I must add briefly that this legislation also contains $18 billion to be spent on critically needed health care for the veterans injured in Iraq and Afghanistan, particularly for the traumatic brain injury victims, for Katrina recovery operations, for the avian flu vaccines, wildfire prevention, and for health insurance for children, among many other things. Those things are what supplemental bills have always been for, not to fund wars.

The President and his allies have chosen to dismiss this spending as unjustifiable pork. They have asked Congress to deliver a clean bill, in their words, but I can't think of programs much cleaner and more worthy of our support than those I just mentioned.

The definition of a great nation is one that has the power to define its own destiny and that uses its strength wisely to help others in need. Insurgents who seek to destroy what is left of the Iraq society are abominable, but they can do far less damage to our country than we do to ourselves by pursuing flawed policies that deplete our Armed Forces, undermine our alliances, and lessen our influence and moral authority around the world.

□ 1815

Why should we do what they cannot? At the same time, the Iraqi people deserve so much more than the life of fear they now lead. But America can be true to itself; we must have the humility and the vision to recognize what is working and what is not, and to correct our failures when reality demands it.

I believe that we are, indeed, a great Nation, Mr. Speaker. We have the ability to choose our own way forward. Starting today, starting here, we can choose to reject a path that is failing our soldiers, our citizens, and the people of Iraq. And we can set a new course that offers a real chance for a better future instead of endless, unfulfilled promises.

This bill is the first step on that new course, and I urge everybody in this body and in the White House to see it for what it truly is. It is not an admission of defeat, but it is proof that our country has the courage and the foresight needed to truly act like the great Nation that we truly are.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. DREIER. Mr. Speaker, I thank my very good friend from Rochester, the distinguished Chair of the Committee on Rules, for yielding me the customary 30 minutes.

Mr. Speaker, I rise in strongest opposition to both this rule and the underlying conference report.

Mr. Speaker, this conference report implements a policy of failure. It is nothing more than a cheap attempt to score political points at a time when the American people have understandably become very weary of war. Rather than offering the American people a policy that allows us to complete our mission in Iraq and bring our troops home, which we all want to do, this bill simply offers them a charade.

The President, Mr. Speaker, has made it very clear that he will veto this policy of failure, which does not have enough support to override his veto. We will be right back here in a matter of days voting on another supplemental. And while this political charade plays out, Mr. Speaker, our troops will be left waiting for the funding that they need to do their jobs, and our country trapped in a political quagmire created by the Democratic leadership in this Congress.

Mr. Speaker, this very dangerous game of "chicken" could have been avoided entirely. The Democratic leadership may be bereft of ideas, but I know for a fact that this entire body is not. Had we considered the original bill under an open process, which, as we all know, is the tradition for wartime supplementals in this House, we could have had a real debate. We could have considered the worthy ideas of Members in this body.

Instead, Mr. Speaker, all but a very few were shut out of this process entirely. Republicans and Democrats, liberals and conservatives alike, were denied the opportunity to participate in this process. We didn't get any of their ideas, their expertise, their suggestions in bringing this measure to the floor. And what did that very small group in the Democratic leadership come up with? A constitutionally dubious attempt at micromanaging the Iraq war into inevitable defeat; a cynical political ploy that will leave dire consequences for the region and our own security in its wake.

Mr. Speaker, the Constitution lays out a very clear system of checks and balances derived from the ideas of the very brilliant and inspired Framers of our Constitution. James Madison I am thinking of, as I look to my friend from Virginia, Mr. MORAN, obviously a native of Virginia. And I will tell you that that Madisonian spirit of giving the three branches of government distinct roles, allows us to guard ourselves against tyranny from any one branch.

The President must seek the support of Congress in order to wage war; it is Congress that has the power to authorize; and, as we all know very well, it must be this institution that funds a war. But, Mr. Speaker, once funding and authorization are granted, the President of the United States serves as the Commander in Chief, with the authority to execute the war.

This conference report ignores the intentions of our Founding Fathers and attempts to turn the Constitution on its head.

I mentioned, looking to my friend Mr. MORAN, the father, the author of the Constitution, James Madison. Well, Mr. Speaker, in Federalist No. 51, Madison wrote "that in framing a government that is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed, and in the next place oblige it to control itself."

Mr. Speaker, Madison recognized the inherent challenges in designing a government that is both effective and limited. He knew that without checks and balances, tyranny would ensue.

Mr. Speaker, this conference report, like the bill before it, attempts to diminish these checks and balances. It tries to turn Congress into 535 Commanders in Chief.

This legislation of micromanagement is based, Mr. Speaker, on a disastrous strategy. Its authors fund the war, and then mandate its failure. They seek to tie the hands of our military commanders, and then force them to retreat when they are unable to meet impossible timetables. We heard in a briefing today from General Petraeus, from Secretary England, from Secretary Negroponte and others that the notion of timetables in fact clearly will undermine the potential for success.

Mr. Speaker, that leadership also knew it fell hopelessly short of the necessary support within their own party for passage. But rather than opening up the process so that real ideas and solutions could be considered, they just loaded it up with billions of dollars in unrelated spending. This conference report trades victory for potential electoral gains.

Mr. Speaker, what would the consequences of defeat be? The National Intelligence Estimate, the 9/11 Commission, our people on the ground and those who briefed us today, have all made it very clear that a precipitous withdrawal would have disastrous consequences. Violence will spill out across the country and spread to the entire region.

We heard about Iran and Syria today and the challenges that exist there. In our absence, Iran and Syria will be utterly unfettered in their ability to incite a regional war that threatens global security, with enormous casualties suffered by the people in the region.

Mr. Speaker, as I have said, and I know this very well, and I join Americans who have been very discouraged by this war; it has been ugly, it has been difficult, it has been very painful. We all, Mr. Speaker, feel the toll it has taken and are keenly aware of the price that we are paying, especially in a human sense.

I know as I look to my colleagues on the other side of the aisle that every single one of us has had the challenge and the difficulty of looking into the eyes of constituents whose family and friends have made the ultimate sacrifice in this war. Their pain is very real, and we all know that their loss is profound.

But, Mr. Speaker, we do not honor those who have sacrificed by abandoning their mission. I have regularly quoted my very good friend, a man who has become a friend of mine, a former marine called Ed Blecksmith, whose son J.P. was killed in the battle of Fallujah 2 years ago this past November. He said that if we were to withdraw, his son will have died in vain.

Mr. Speaker, we do not honor those in the field who are fighting as we speak by tying their hands and depriving them of the means to succeed. We will honor them by winning the war in Iraq so that our men and women come home having completed their mission.

We know that their mission will not be complete in the immediate future. That was pointed out today by General Petraeus and others. As President Bush and General Petraeus have both acknowledged, success will take months, not days or weeks. But to abandon our mission would be disastrous.

Mr. Speaker, I urge my colleagues to reject the policy of defeat and the potential return of terrorism to our homeland. I urge my colleagues to reject this political charade that leaves our troops in limbo, and let us instead have a real debate with real ideas for a real solution in Iraq.

Mr. Speaker, I include the following article from the Sunday Times for the RECORD.

[From the Sunday Times, April 22, 2007]

AL-QAEDA 'PLANNING BIG BRITISH ATTACK'

(By Dipesh Gadher)

Al-Qaeda leaders in Iraq are planning the first "large-scale" terrorist attacks on Britain and other western targets with the help of supporters in Iran, according to a leaked intelligence report.

Spy chiefs warn that one operative had said he was planning an attack on "a par with Hiroshima and Nagasaki" in an attempt to "shake the Roman throne", a reference to the West.

Another plot could be timed to coincide with Tony Blair stepping down as prime minister, an event described by Al-Qaeda planners as a "change in the head of the company".

The report, produced earlier this month and seen by The Sunday Times, appears to provide evidence that Al-Qaeda is active in Iran and has ambitions far beyond the improvised attacks it has been waging against British and American soldiers in Iraq.

There is no evidence of a formal relationship between Al-Qaeda, a Sunni group, and the Shi'ite regime of President Mah-moud Ahmadinejad, but experts suggest that Iran's leaders may be turning a blind eye to the terrorist organisation's activities.

The intelligence report also makes it clear that senior Al-Qaeda figures in the region have been in recent contact with operatives in Britain.

It follows revelations last year that up to 150 Britons had travelled to Iraq to fight as part of Al-Qaeda's "foreign legion". A number are thought to have returned to the UK, after receiving terrorist training, to form sleeper cells.

The report was compiled by the Joint Terrorism Analysis Centre (JTAC)—based at MI5's London headquarters—and provides a quarterly review of the international terror threat to Britain. It draws a distinction between Osama Bin Laden and Al-Qaeda's core leadership, who are thought to be hiding on the Afghan-Pakistan border, and affiliated organisations elsewhere.

The document states: "While networks linked to AQ [Al-Qaeda] Core pose the greatest threat to the UK, the intelligence during this quarter has highlighted the potential threat from other areas, particularly AQI [Al-Qaeda in Iraq]."

The report continues: "Recent reporting has described AQI's Kurdish network in Iran planning what we believe may be a large-scale attack against a western target.

"A member of this network is reportedly involved in an operation which he believes requires AQ Core authorisation. He claims the operation will be on 'a par with Hiroshima and Naga-saki' and will 'shake the Roman throne'. We assess that this operation is most likely to be a large-scale, mass casualty attack against the West."

The report says there is "no indication" this attack would specifically target Britain, "although we are aware that AQI . . . networks are active in the UK".

Analysts believe the reference to Hiroshima and Nagasaki, where more than 200,000 people died in nuclear attacks on Japan at the end of the second world war, is unlikely to be a literal boast.

"It could be just a reference to a huge explosion," said a counter-terrorist source. "They [Al-Qaeda] have got to do something soon that is radical, otherwise they start losing credibility."

Despite aspiring to a nuclear capability, Al-Qaeda is not thought to have acquired weapons grade material. However, several plots involving "dirty bombs"—conventional explosive devices surrounded by radioactive material—have been foiled.

Last year Al-Qaeda's leader in Iraq called on nuclear scientists to apply their knowledge of biological and radiological weapons to "the field of jihad".

Details of a separate plot to attack Britain, "ideally" before Blair steps down this summer, were contained in a letter written by Abdul al-Hadi al-Iraqi, an Iraqi Kurd and senior Al-Qaeda commander.

According to the JTAC document, Hadi "stressed the need to take care to ensure that the attack was successful and on a large scale". The plan was to be relayed to an Iran-based Al-Qaeda facilitator.

The Home Office declined to comment.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the distinguished Chair of the Rules Committee for yielding me the time.

Mr. Speaker, I want this war to come to an end now. I had reservations when I voted in support of the supplemental a few weeks ago, and I have misgivings about the conference report that is before us today. I believe very deeply that this war represents one of the biggest blunders in our history and that we must change course and bring it to an end.

But, Mr. Speaker, to defeat this conference report tonight would provide President Bush with a victory that he does not deserve and that he has not earned, and it would affirm a disastrous policy in Iraq. A vote against this conference report is a vote to support the status quo, which is essentially a vote to support a failed policy.

Since the President decided to escalate the war in Iraq, the violence has gotten worse. This administration has demonstrated a contempt for the American people, who have demanded a change in our Iraq policy.

Mr. Speaker, this President is presiding over a policy and a war in Iraq that is making the United States more vulnerable, not more secure. He refuses to listen. He refuses to acknowledge the facts. He refuses to compromise.

Now he has threatened to veto this conference report. And if he does so, then this President will make perfectly clear to the American people that the only way this war is going to end, the only way our troops will ever come home to their families and loved ones, the only way the Iraqis will ever be held accountable for governing their own country and ending their sectarian violence, will be if Congress finds a way to end it.

Every day it becomes more and more clear that the President has decided to kick the ball down the field to make this war somebody else's problem. Two years ago, President Bush announced his exit strategy for Iraq. He said, "That's a problem for the next President."

Mr. Speaker, that is unacceptable and it is false. It is a problem for all of us. None of us in this Chamber wake up each morning in harm's way. None of us stare death in the eye or see our comrades fall to bullets and bombs. Not even the Green Zone provides a sense of security any longer.

Instead of demanding reconciliation, we are building walls to keep Shiites away from Sunnis. Every day, thousands of Iraqis are fleeing the horror that has become their country. The best and the brightest are leaving. The average shopkeeper, the next-door neighbor, all are packing their bags and trying to find a way out of town, out of the country, away from the violence, the death and destruction.

Mr. Speaker, the reality is that whenever we finally leave Iraq, it will not be pretty. This failed policy has left Iraq with few options. But until we begin to leave, no one has to make the hard choices about how Iraqis are going to live together or die together.

Mr. Speaker, this terrible chapter in our history must come to an end, and I urge all my colleagues to join with me in saying to the President of the United States, enough is enough.

Mr. DREIER. Mr. Speaker, at this time I am very pleased to yield 2 minutes to the distinguished ranking member of the Committee on Foreign Affairs, our good friend from Miami (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from California for the time.

At this difficult moment and in previous difficult moments in our Nation's history, there have always been those ready to declare that all was lost. Now we hear the voices of those proclaiming that the war against Islamic extremists in Iraq is lost. They say they support the troops, but the soldier cannot be separated from his mission.

When I consider the Parsons brothers from my congressional district, I know that our country has immense resources of courage and determination on which to draw. Huber Parsons was with the 101st Airborne for two long deployments in Iraq, and is currently on his third in Iraq with the Army Stryker Brigade. His twin, Bill, has served two tours in Afghanistan and two tours in Iraq. Their little brother, Charlie Parsons, is on his first deployment to Iraq. All three are serving in Baghdad right now, all three proud graduates of West Point.

Given the sacrifices and bravery of the Parsons brothers and all of the men and women serving our Nation in Iraq, we must not put them at risk by mandating artificial deadlines for withdrawal and surrender.

The consequences for our troops is a personal one for me. My stepson Doug and my daughter-in-law Lindsay both served in Iraq as marine fighter pilots, and Lindsay is currently deployed in Afghanistan.

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Last time I spoke on the floor, I said Lindsay was about to be deployed. Well, she is there now, we are proud of her service. We are proud of all of the men and women serving our Nation wearing our Nation's uniform.

Imposing an artificial, arbitrary deadline for withdrawal of our forces before Iraq is stable and secure will give the insurgents and the Islamic terrorists a road map, a how-to guide on how to defeat the U.S., our Iraqi partners and other coalition forces in Iraq.

Let's help the Parsons brothers. Let's help all of our troops. Vote against the rule and against the conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri and the Chair of the Armed Services Committee, Mr. SKELTON.

Mr. SKELTON. I thank the chairman of the Rules Committee. Mr. Speaker, I am blessed to be a Member of the House of Representatives.

Under the Constitution of our country, this is a co-equal branch of government. We are charged here in Congress to raise and maintain the military of the United States. The President is charged with being the Commander in Chief. Our job is clear. We must prepare and maintain our military to the highest standard possible.

1950, the North Koreans invaded South Korea. We had a small force there. General MacArthur, supreme commander in that part of the world, sent a unit that was untrained, underequipped and undersized, called Task Force Smith to stem the tide of the North Korean armies. They fought valiantly and found themselves in the southeast corner of South Korea in what is now known as the Pusan perimeter, and they were in serious trouble. General MacArthur's brilliant Inchon landing on the western coast of Korea changed the nature of the Korean War at that moment.

But the lesson of all of this is the lack of readiness of the United States Army as it was in 1950. Our job is to see that that does not ever happen again.

This rule, this bill, this resolution is the right one for our time. It will help the readiness of the United States military, in particular our Army. I am very concerned about the stretching and the straining of the Army in Iraq, so much so we just have to fund them, and this is a major step in that direction.

Now, some object for some Iraqi language, which frankly leaves a lot to the discretion of the White House. But what we are overlooking is the fact that this bill, this resolution does lead to supporting the troops and keeping the readiness at a higher level. A large percentage of the equipment of the active duty of the National Guard and of the Reserve is not here in America, is overseas in Iraq or Afghanistan. Readiness capability of the future is what this is all about.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 3 minutes to the distinguished gentleman from Indianapolis who has been a hardworking fighter on the Foreign Affairs Committee, Mr. BURTON.

Mr. BURTON of Indiana. Mr. Speaker, on 9/11, 2001, two planes flew into the World Trade Center and killed over 3,000 Americans, the worst attack on America in the history of this country, worse than Pearl Harbor. The people who are behind it were al Qaeda, and Osama bin Laden said numerous times he wanted to destroy America. They are the mortal enemy of the United States of America.

General Petraeus today, when he talked to the Members of Congress, said numerous times that they were fighting al Qaeda, al Qaeda, al Qaeda in Iraq, the mortal enemy of the United States of America.

Now my colleagues on the other side of the aisle want to pull us out of there. And if they do succeed, then I believe that that will become a gathering point for all of the al Qaeda operatives and other fellow travelers in the world, and they will try to attack the United States in numerous ways, probably on our home soil again. They attacked the USS Cole, our embassies in Africa, they attacked housing in Saudi Arabia.

I just want to say to my colleagues, remember what you are doing. If you force us out of Iraq now, you are helping al Qaeda. You are helping al Qaeda set up a base of operation, and they will be able to attack the United States of America again.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I will be happy to yield to my colleague.

Mr. DREIER. I will yield to my friend some additional time.

I just entered into the RECORD, and I didn't mention this in my opening remarks, an article that was in the Sunday Times of London last, this past Sunday, "Is al Qaeda Planning a Big British Attack?," and this is a report on intelligence that has just come forward of a massive, large scale terrorist attack on Britain and other Western targets with the help of supporters in Iran. According to a leaked intelligence report that came forward, they talk about this attack being on a par with Hiroshima and Nagasaki in an attempt to shake the Roman Empire. And I have entered this article in the RECORD that was in the Sunday Times, and I think it is very important that this be related to the remarks the gentleman has made. And I thank him for yielding. And I would yield whatever the balance of my time is on this side to him.

Mr. BURTON of Indiana. Let me just say that appeasement and weakness led to World War II, and 62 million people died. We are now in the nuclear age, and we have an enemy that will tie a nuclear weapon or plastic explosives around themselves and blow themselves up. If they come to America with a nuclear device, a suitcase nuclear device, they could destroy this place and kill all of us three blocks away from here by detonating that kind of a device.

Remember, they are our mortal enemy. Osama bin Laden said it. They are in Iraq. We have got to stand firm.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TIERNEY). All Members are reminded to address their comments to the Chair and not to other Members in the second person.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota, the Chair of the Transportation Committee, Mr. OBERSTAR.

Mr. OBERSTAR. Mr. Speaker, I support the conference report, but not the rescission of highway contract authority which this bill uses to offset nonhighway spending elsewhere in the conference report.

The report provides an additional $683 million for the Federal Highway Administration's Emergency Relief Program. No offset is needed for that emergency relief.

Nonetheless, the conference report rescinds $683 million in unobligated balances of highway funds that have been apportioned to the States. Now, the rescission does protect highway safety programs, but it leaves transportation environmental programs vulnerable.

The rescission of highway contract authority is the exclusive jurisdiction of the Committee on Transportation and Infrastructure, and this provision violates clause 2 of rule XXI of the Rules of the House.

These types of rescissions adversely affect the Federal aid highway program, specifically the ability to ensure that the Nation's transportation system has modal choices.

More than a dozen States have applied these rescissions disproportionately to cut contract authority for critical transportation and environmental programs, Congestion Mitigation and Air Quality Improvement and the Transportation Enhancement Program.

CMAQ funds are only 4 or 5 percent of highway apportionment every year, but they have accounted for 20 percent of the funds rescinded in recent years, and particularly in the State of Texas.

In fiscal year 2006 States rescinded $888 million in CMAQ funds. One out of every $4 rescinded by States in 2006 came from CMAQ programs. In 2006 also the States rescinded 602 million of enhancements funds in which Texas cut $223 million of enhancement funding and completely suspended its program.

The House, I think, will have an opportunity to reconsider the rescission issue in a future supplemental. And we, with all the environment problems that we have and the climate change problems, this is one area that we should not allow to be cut.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 2 minutes to a hardworking member of the Appropriations Committee, the gentleman from Morristown, New Jersey, Mr. FRELINGHUYSEN.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong opposition to this rule and to this conference report.

Fundamentally, this bill is about providing funding for our troops, making sure that men and women who are on the front lines as we speak, have the resources they need to stay safe and do their military and humanitarian missions in Iraq.

It is clear that our troops have the support of this House and the American people. Surely, no one wants to see our soldiers defeated in Iraq. We all want their mission in Iraq to be as short as possible. We want the war to end. We want our young soldiers, all volunteers, to return home.

But this conference report before us today prejudges the effectiveness of our young warfighters as they seek to secure Baghdad under a new plan, under new military leadership.

This proposal starts withdrawal of our forces from Iraq on October 1, irrespective of the judgment of our military commanders on the ground.

My colleagues, the reinforcement of the Army in Baghdad and the Marines in Anbar, designed and executed by General David Petraeus, is underway. It won't be complete for weeks.

And yet, there are some signs of progress. The plan must be given time to work. Make no mistake about it. There will be wide and dangerous consequences if we abandon the Iraqi people and their government, now just 1 year old, before it is capable of governing and protecting its own people. First, for our own soldiers there are consequences. And secondly, we could have an explosion of sectarian violence, killing and bloodshed on a larger, more barbaric scale than we have now.

Mr. Speaker, we are a Nation at war and the stakes are extremely high for America. Our troops need this money now. They deserved it yesterday.

Mr. Speaker, I urge my colleagues to join together to honor the service of our young men and women and to work with the President, our Commander in Chief, to have some measure of success in Iraq. I urge a "no" vote on the rule and the conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, last week the 2,100th American child had to be informed that they will never see their daddy or mommy again because their parent was killed in Iraq.

Mr. Speaker, our military families deserve a policy worthy of their sacrifice. They deserve better. This war is going to turn out to be one of the worst military, political, economic and moral blunders in American history.

I heard my colleague refer to 9/11. We now know that we were brought into this war through deliberate deception and the politics of fear. Saddam Hussein had nothing to do with 9/11, wouldn't allow al Qaeda into his country. In fact, he wasn't trying to get nuclear weapons. He had no weapons of mass destruction. All those mobile labs didn't manufacture chemical weapons. Nor is this war being paid for with Iraqi oil.

And yet, you want us, 4 years later, to believe the very same people that brought us into this fiasco. When do you start to lose your credibility? After we have had 58,000 soldiers killed as in Vietnam? We are up to 3,300 now. About 25,000 seriously wounded. And how can you stand before them and tell them that this fiasco was worthy of their sacrifice?

The government that we are supporting doesn't go outside the Green Zone in Baghdad. They don't serve their people. In fact, many of its ministers are corrupt. That is the reality of our policy in Iraq.

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And the fact too is that if the government we are supporting had the opportunity, they would turn Iraq into a Shi'a theocracy. Is that really worth our military families' sacrifice? The answer is no.

Support this rule and vote for this supplemental.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 3 minutes to the former member of the Rules Committee, now working hard on the Armed Services Committee, the gentleman from Marietta, Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise today, firmly and resolutely opposed to both this rule and the underlying conference report.

I regret to say that the Democratic leaders have once again demonstrated that it is either their way or the highway, except this time it is our fighting men and women who are left stranded in the middle of the road.

Mr. Speaker, I am truly saddened and, in truth, even angered by the majority's insistence on putting this war, our generals, and our war fighters on auto pilot with a forced retreat and an inflexible timetable.

The consequences of this decision, should it become law, will echo long beyond this date, this year, this decade. Defeat should not be an option, and yet it seems that this majority believes it is the only option.

We are at a critical juncture in history when the defenders of liberty and freedom have to stand firm against tyrants and terrorists.

And I will remind the gentleman from Virginia that just spoke, indeed, the famous quote says, "There are times in our history when the tree of liberty must be nourished by the blood of patriots."

Sure, without question, this war has been hard fought every step of the way, and it will continue to be. But few things worthwhile in life are ever easy.

Regrettably, this majority was bought and paid for by MoveOn.org and liberal extremists, and now they have come to collect, unfortunately, at the expense of our military and our security, today, tomorrow, and for decades to come.

When the Speaker of the House pushes to rewrite our foreign policy and yet refuses to meet with General Petraeus, our commander on the ground in Iraq, it becomes abundantly clear this majority would rather push left-wing politics over sound policy.

This political theater would be funny if its consequences weren't a matter of life and death, of victory and defeat. Every day that we delay a legitimate war-funding bill, the resources of our military and our soldiers' quality of life are diminished. In fact, this delay has forced the Pentagon to move $800 million from the Air Force's personnel accounts, money to pay our servicemembers, to make up for the gaps in the war funding.

I implore my colleagues on both sides of the aisle, oppose this rule, oppose this conference report. Let us end this political game and truly give victory a chance.

We can do better, Mr. Speaker. We have an obligation to do better for the sake of the men and women who put their lives on the line in Iraq and Afghanistan to protect ours.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, take a moment to travel through the Nation's hospitals and speak to those in this final injury ward, see the young women bending over their soldier husbands who now have lost the use of all of their limbs, 25,000-plus injured and 3,000-plus dead.

It is not the policies of this Democratic majority that is causing this absolute disaster. It is the misdirected policies of those in the administration who are causing harm to our soldiers.

Let me thank our soldiers for their leadership, for their service, and their patriotism. But as I stand here today and look at my Members, the Speaker of the House who went into the Mideast, Mr. Giuliani, there is no white flag on this side of the aisle, and I reject your insult and insensitivity.

This legislation will not give the administration a blank check. It will give a new direction to Iraq. It will begin to redeploy soldiers if the President cannot certify the readiness in July and then in October of 2007. It provides funding for veterans hospitals, for the injured with spinal injuries, with brain injury. And, yes, there are those on this side of the aisle who understand the shedding of blood of our soldiers.

That is why this legislation will allow us to go and fight the terrorists, to find Osama bin Laden, and to do the job that we have not done since the tragedy and the terrorism of 9/11.

This is a sad day in this body. I want us to support the rule and the underlying bill because there is no white flag. We have the solution, and that solution is a policy that responds to the needs of the American people and our soldiers on the battlefield. No more nine soldiers of the 82nd Airborne. We thank them for their service. We declare a military success. And we bring our soldiers home.

And maybe it will be good if some of those who did not serve would understand what it means to serve.

Mr. Speaker, as a proud member of the Progressive and the Out of Iraq Caucuses, I rise to speak in support of the Conference Report on H.R. 1591, the "U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act." I support the Conference Report because this compromise offers us the first real chance to end the misguided invasion, war, and occupation of Iraq. It puts us on the glide path to the day when our troops come home in honor and triumph and where we can "care for him who has borne the battle, and for his widow and orphan." This legislation helps to repair the damage to America's international reputation and prestige. It brings long overdue oversight, accountability, and transparency to defense and reconstruction contracting and procurement. Finally, it places the responsibility for bringing peace and security where it clearly belongs and that is squarely on the shoulders of the Iraqi government.

Mr. Speaker, the House and Senate conferees have approved legislation providing $124.2 billion primarily for the wars in Iraq and Afghanistan. As part of the legislation, conferees approved a sensible plan to redeploy U.S. forces in Iraq paired with progress made by the Iraqi government in meeting diplomatic and security benchmarks. These legislative provisions, which are subject to a Presidential waiver, will ensure adequate rest between tours of duty of both active duty and Guard and Reserve forces, while also requiring that their service in Iraq not be extended beyond a year for any tour of duty.

President Bush would be required to certify that the Iraqi government is meeting the diplomatic and security benchmarks. If he makes that certification, deployment shall begin no later than October 1, 2007, with the goal of completing the redeployment within 180 days. After that period, a limited number of U.S. forces could remain in Iraq for force protection, training and equipping Iraqi troops, and targeted counterterrorism options. The legislation makes it possible for the U.S. military to focus its resources on Osama bin Laden, whose organization attacked the nation on 9/11, and destroying his base of operations in Afghanistan.

Additionally, the U.S. commander in Iraq would provide regular progress reports to Congress on both the progress of the Iraqi government to take control of that country as well as the status of the redeployment efforts.

Finally, the conferees are also to be commended for providing needed funding to improve health care for returning soldiers and veterans, for continued Hurricane Katrina recovery for the Gulf Coast, to fill major gaps in homeland security, and to provide emergency drought relief for farmers.

Overall, the conference agreement provides more than $100 billion for the Department of Defense, primarily for continued military operations in Iraq and Afghanistan. The legislation includes a $1 billion increase for the National Guard and Reserve equipment and $1.1 billion for military housing. The legislation also provides $3 billion ($1.2 billion more than the President's request) for the purchase of Mine Resistant Ambush Protected Vehicles (MRAP)—vehicles designed to withstand roadside bombs and more than $5 billion to ensure that returning troops and veterans receive the health care that they have earned with their service.

Mr. Speaker, I would be remiss if I did not point out that the tragic loss of life last week at Virginia Tech still weighs heavily on our hearts and minds. Neither the mind nor the heart can contemplate a cause that could lead a human being to resort to such senseless violence to injure and destroy fellow human beings. The thoughts and prayers of people of goodwill everywhere go out to the victims and their families. In the face of such overwhelming grief, I hope they can take comfort in the certain knowledge that unearned suffering is redemptive.

The war in Iraq has also caused a lot of unearned suffering in Iraq and here at home. This is the same war, Mr. Speaker, whose proponents misrepresented to the nation would last no more than six months and likely less than six weeks. This same war in Iraq, we were led to believe by the Administration, would cost less than $50 billion and would be paid out of the ample revenues from Iraq's oil fields. The war in Iraq, the American people were promised, should have ended years ago with Americans troops greeted as liberators by jubilant Iraqis throwing rose petals at their feet.

The President has threatened to veto the legislation now before us if it passes. According to the President and the Vice-President, H.R. 1591 "would undermine our troops and threaten the safety of the American people here at home." Coming from an Administration that has been wrong on every important question relating to the decision to launch the Iraq War as well the conduct of it, this claim is laughable. Little wonder that nearly 70 percent of Americans disapprove of the way the President is handling the war. But more important, the President's claim is simply not true.

Mr. Speaker, many of the nation's most highly respected generals have endorsed H.R. 1591; all of them oppose the President's plan to escalate the war in Iraq. Take, for example, Maj. Gen. John Batiste, U.S. Army, Ret.

"This important legislation sets a new direction for Iraq. It acknowledges that America went to war without mobilizing the nation, that our strategy in Iraq has been tragically flawed since the invasion in March 2003, that our Army and Marine Corps are at the breaking point with little to show for it, and that our military alone will never establish representative government in Iraq. The administration got it terribly wrong and I applaud our Congress for stepping up to their constitutional responsibilities."

Maj. Gen. Paul Eaton, USA, Ret. Supports this legislation because it "gives General Petraeus great leverage for moving the Iraqi government down the more disciplined path laid out by the Iraq Study Group." According to Major Eaton, the real audience for the timeline language is Prime Minister al-Maliki and the elected government of Iraq:

The argument that this bill aides the enemy is simply not mature—nobody on the earth underestimates the United States' capacity for unpredictability. It may further create some sense of urgency in the rest of our government, beginning with the State Department.

Lt. Gen. William E. Odom, U.S. Army (Ret.), President Reagan's Director of the National Security Agency, supports the bill because it "gives the president a chance to pull back from a disastrous course, re-orient U.S. strategy to achieve regional stability, and win help from many other countries—the only way peace will eventually be achieved."

Mr. Speaker, to date, the war in Iraq has lasted longer than America's involvement in World War II, the greatest conflict in all of human history. But there is a difference. The Second World War ended in complete and total victory for the United States and its allies. But then again, in that conflict America was led by FDR, a great Commander-in-Chief, who had a plan to win the war and secure the peace, listened to his generals, and sent troops in sufficient numbers and sufficiently trained and equipped to do the job.

As a result of the colossal miscalculation in deciding to invade Iraq, the loss of public trust resulting from the misrepresentation of the reasons for launching that invasion, and the breath taking incompetence in mismanaging the occupation of Iraq, the Armed Forces and the people of the United States have suffered incalculable damage.

The war in Iraq has claimed the lives of 3,316 brave servicemen and women (64 in the first 16 days of this month). More than 24,912 Americans have been wounded, many suffering the most horrific injuries. American taxpayers have paid nearly $400 billion to sustain this misadventure.

The depth, breadth, and scope of the President's misguided, mismanaged, and misrepresented war in Iraq is utterly without precedent in American history. It is a tragedy in a league all its own. But it was not unforeseeable or unavoidable.

Mr. Speaker, H.R. 1591, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act the House passed last month provides real benchmarks and consequences if the Iraqi Government fails to live up to its commitments. First, it requires the President to certify and report to Congress on July 1, 2007 that substantial progress has been made on security, political and reconstruction benchmarks by the Iraqi government.

If the President cannot certify that the Iraqi government has made substantial progress, redeployment of U.S. combat troops must begin, with a goal of being completed within 180 days (by December 31, 2007). If the July certification is made, redeployment of U.S. combat troops must begin by October 1, 2007, with a goal of being completed within 180 days (by March 31, 2008).

The measure changes the mission of U.S. troops in Iraq after redeployment from combat to training and equipping Iraqi troops, targeted counterterrorism operations, and force protection.

I have to say, Mr. Speaker, the Iraqi Government is not off to a good start. The Green Zone surrounding Baghdad remains insecure. Two weeks ago, a suicide bomber managed to penetrate the security perimeter of the Iraqi Parliament and detonated a bomb that killed at least three members of the Iraqi parliament and wounded scores of others. Additionally, the market represented by Senator MCCAIN as an example of the improved security situation in Iraq was turned into a killing field within days after Senator MCCAIN'S visit. And just last week, we saw the bloodiest and deadliest day in Baghdad since the so-called "surge" began when 198 Iraqi civilians were massacred by insurgents.

Mr. Speaker, radical Shiite Muslim cleric Muqtada al-Sadr has reasserted his political power by yanking his loyalists from the Cabinet, a move aimed at showing his supporters he retains his credentials as an opposition leader and which increases the pressure on Prime Minister Nouri al-Maliki to loosen his embrace of the U.S. occupation, which many Iraqis blame for violence in the country.

These developments, Madam Speaker, illustrate the wisdom of requiring benchmarks the Iraqi Government must meet to justify continued American blood and treasure in Iraq. Moreover, because those benchmarks are established pursuant to President Bush's policies, it is passing strange indeed that he would threaten to veto the bill since it necessarily means he would be vetoing his own benchmarks for the performance of the Iraqi government. He would be vetoing his own readiness standards for U.S. troops. The President demands this Congress send him an Iraq war bill with "no strings." But the only "strings" attached, Madam Speaker, are the benchmarks and standards imposed by the President himself.

Mr. Speaker, in addition to the enormous financial cost, the human cost to the men and women of the United States Armed Forces has also been high but they have willingly paid it. Operation Iraqi Freedom has exacerbated the Veterans Administration health care facility maintenance backlog; placed an undue strain on the delivery of medical treatment and rehabilitative services for current and new veterans; and exacted a heavy toll on the equipment, training and readiness requirements, and the families of the men and women of the United States Armed Forces.

The emergency supplemental acknowledges the sacrifices made by, and the debt of gratitude, we and the Iraqi people owe to Armed Forces of the United States. But more than that, it makes a substantial down payment on that debt by providing substantial increases in funding for our troops.

The supplemental includes a total appropriation of $2.8 billion for Defense Health Care, which is $1.7 billion above the President's request. The additional funding supports new initiatives to enhance medical services for active duty forces and mobilized personnel, and their family members. Included in this new funding is $450 million for Post Traumatic Stress Disorder/Counseling; $450 million for Traumatic Brain Injury care and research; $730 million to prevent health care fee increases for our troops; $20 million to address the problems at Walter Reed; and $14.8 million for burn care.

Unlike the Republican leadership of the 109th Congress and the Bush Administration, the new Democratic majority is committed to America's veterans. What's more, we back up that commitment by investing in their well-being. For example, the supplemental includes $1.7 billion above the President's request for initiatives to address the health care needs of Iraq and Afghanistan veterans and the backlog in maintaining VA health care facilities, including $550 million to address the backlog in maintaining VA health care facilities so as to prevent the VA from experiencing a situation similar to that found at Walter Reed Medical Center.

We provide an additional $250 million for medical administration to ensure there are sufficient personnel to support the growing number of Iraq and Afghanistan veterans and to maintain a high level of services for all veterans; $229 million for treating the growing number of Iraq and Afghanistan veterans; $100 million for contract mental health care, which will allow the VA to contract with private mental health care providers to ensure that Iraq and Afghanistan veterans are seen in the most timely and least disruptive fashion, including members of the Guard and Reserve; and $62 million to speed up the processing of claims of veterans returning from Iraq and Aghanistan.

Madam Speaker, when American troops are sent into harm's way, America has an obligation to do all it can to minimize the risk of harm to the troops. That is why it was so important that we included additional funding above the President's request to support our troops. We provide $2.5 billion more to address the current readiness crisis of our stateside troops, including ensuring that they are better equipped and trained. We include $1.4 billion more for military housing allowances and $311 million more for Mine Resistant Ambush Protected (MRAP) vehicles for troops in Iraq. And there is included in the supplemental $222 million more for infrared countermeasures for Air Force aircraft to address the growing threat against U.S. air operations in Iraq and Afghanistan

Equally important, Mr. Speaker, the supplemental contains language directing the President to adhere to current military guidelines for unit readiness, deployments, and time between deployments.

The supplemental requires the Defense Department to abide by its current Unit Readiness policy, requiring the chief of the military department concerned to determine that a unit is "fully mission capable" before it is deployed to Iraq. The President may waive this provision by submitting a report to Congress detailing why the unit's deployment is in the interests of national security despite the assessment that the unit is not fully mission capable.

The Defense Department is also required to abide by its current policy and avoid extending the deployment of units in Iraq in excess of 365 days for the Army and 210 days for the Marines. The provision may be waived by the President only by submitting a report to Congress detailing the particular reason or reasons why the unit's extended deployment is in the interests of national security.

Mr. Speaker, to reduce the incidence of combat fatigue and enhance readiness, it is important that our troops have sufficient "time out of the combat zone and training between deployments. That is why we require the Defense Department to abide by its current policy and avoid sending units back into Iraq before troops get the required time away from the war theater. The President may waive this provision by submitting a report to Congress detailing why the unit's early redeployment to Iraq is in the interests of national security.

Mr. Speaker, the American people spoke loudly and clearly last November when they tossed out the Rubber-Stamp Republican Congress. They voted for a New Direction in Iraq and for change in America. They voted to disentangle American troops from the carnage, chaos, and civil war in Iraq. They voted for accountability and oversight, which we Democrats have begun to deliver on; already the new majority has held more than 100 congressional hearings related to the Iraq War, investigating everything from the rampant waste, fraud, and abuse of Iraq reconstruction funding to troop readiness to the Iraq Study Group Report to the shameful mistreatment of wounded soldiers recuperating at Walter Reed Medical Center.

Mr. Speaker, I urge the President should sign this measure, in order to get these needed resources to our troops and to our veterans and to hold the Iraqis accountable. By signing this legislation the President can help deliver the message to the Iraqi people that they must take responsibility for their own future. By signing this measure the President can show some leadership in the transitioning of the mission of U.S. troops from combat to training Iraqi troops and counterterrorism. Last, this legislation will help restore and strengthen our military, with a new Strategic Reserve Readiness Fund among other measures.

Last November the American people signaled clearly their loss of confidence in the President's leadership and their desire for a new direction in Iraq. In less than 120 days, the new Democratic majority has begun to deliver. And we will not rest, Madam Speaker, until we are clearly on a glide path to the day when our troops come home.

And even then our work will not be done. We must still be about the business of repairing the damage to America's international reputation and prestige. But this Democratic majority, led by the Progressive Caucus and the Out of Iraq Caucus, has ushered in a new era of oversight, accountability, and transparency to defense and reconstruction contracting and procurement.

I urge all members to join me in supporting the Conference Report to H.R. 1591. This is the best way to ensure accountability to our soldiers who have been sent into battle without proper training or equipment or a clear mission. It is the best way to keep faith with our veterans who are not getting the best medical care when they come home. Passing this supplemental appropriations bill is essential to restoring our military that is being stretched to the limits by the Bush policy. Last, it is absolutely necessary to regain the confidence of the American people who demand a new direction in Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members of the House are once again reminded that they should direct their comments to the Chair.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 3 minutes to one of our hardest-working fighters, the gentleman from Dallas, Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in great opposition to this rule and to this conference report.

We are here, yet again, discussing a Democrat plan for a statutory date certain for America's defeat in Iraq. We are here, yet again, discussing the Democrats' "slow bleed" strategy for our brave men and women in uniform in Iraq, designed to gradually deny them the critical equipment, support, and reinforcements they need to do the job. We are here, yet again, discussing just how much pork and unrelated spending can be shoved into this conference report to encourage or persuade reluctant Members to support this legislation.

And, Mr. Speaker, according to today's L.A. Times and other major media outlets, we are likely to have this vote again and again and again because the majority party's leadership somehow believes it is in their political interests to do so.

Now, Mr. Speaker, we all know about the recent announcement of the Democratic leader in the Senate. He has announced to our troops, he has announced to al Qaeda, he has announced to the world that the war in Iraq is lost.

Mr. Speaker, Corporal Tyler Rock of the 1st Battalion, 6th Marines seems to disagree. I would quote him directly, but I believe the House rules would not permit it; so allow me to paraphrase that he has a quote for the Senate majority leader. Let me go on to say that he has said, "We could leave this place and say we are sorry to the terrorists, and then we could wait for 3,000 more American civilians to die before we say, 'Hey, that's not nice again.'"

Mr. Speaker, I suspect that Corporal Rock speaks for most of our troops. Let's not cut their support. There will be no greater event to empower radical Islam than our defeat and retreat from Iraq.

The terrorists that we fight there believe they have the moral authority to kill 2 million, 2 million of our children, two of them being my own.

They are the ones that say the battlefield is in Iraq. Why can't we understand that in the Halls of Congress?

There is no doubt that fighting this war is costly. There is no more difficult duty I have, or any of us have, than to meet with the mothers of those who have lost loved ones on the field of battle. But as difficult as that duty is, I never, never, never want to meet with the mothers who lose children in the next 9/11 because we turned our back on our duty.

The cost of fighting this war is great. The cost of losing it is greater.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, according to our military leaders, the status quo is not working in Iraq. Major General Batiste said, "The administration got it terribly wrong and I applaud Congress for stepping up." Lieutenant General Odom said our bill "gives the President a chance to pull back from a disastrous course, reorient U.S. strategy to achieve regional stability, and win help from many other countries, the only way peace will eventually be achieved."

Our military has done everything the President and the Congress and American people have asked it. The President asked our men and women in uniform to invade a country, and they did. The President asked them to go to war against a nation's army, and they did. The President asked them to seize a capital, and they did. The President asked the men and women in uniform to depose a dictator, and they did. The President asked the men and women in uniform to capture that dictator, and they did.

Given all these military achievements by our Armed Forces, why do we have today the worst national security crisis in over a generation? There is not now, nor has there ever been, a political plan that matches the military leadership that we have seen from our Armed Forces. But this administration has offered no real plan for success, and our troops have been asked to back the Iraqi Government that has yet to stand up for itself. The entire plan over the last 4 years offered by the President and the Republican Congress has been more troops, more time, more money, and more of the same, even though we know that the challenges we face today require more than the status quo. The President's policy has come down to the status quo plus.

Secretary of Defense Gates had it right: "Any solution in Iraq is not purely military but also political."

Our plan holds the Iraqi people accountable for their own nation. It requires the Iraqi people to meet the benchmarks for success, the same benchmarks that the President outlined on January 10 before he turned against his own benchmarks. We will give our troops and commanders the resources and freedom to do their job. But we will do the one thing that a Republican Congress has refused to do over the years: demand accountability from the Iraqis.

I urge my colleagues to support the rule and to support this legislation.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank my friend from New York for yielding.

Mr. Speaker, the President says send him the money. Let's be clear. This bill provides every penny the President asked for to fund the troops in Iraq. It also provides for something the President did not ask for: funds to help improve the treatment of our wounded soldiers at Walter Reed and other places around this country.

It also provides something that the American people have now insisted on but the White House doesn't ask for, and that is accountability with respect to the war in Iraq. That is why the President doesn't like the bill before us. We know the White House has become an accountability-free zone. The White House got used to a Congress, the old Republican Congress, that gave the President a blank check, money without accountability. And this provides funding with accountability. That is why they don't like it.

Let us be very clear. If the President vetoes this bill, he will be saying "no" to ensuring that our troops have the training and equipment that they need. If he vetoes this bill, he will saying "no" to ensuring that we hold the Iraqi Government accountable to the benchmarks which the Bush administration and the Iraqi Government have said are absolutely necessary to achieve political stability in Iraq. If he vetoes this bill, he will be saying "no" to those additional funds for our wounded soldiers at Walter Reed and for our veterans health care system.

He will also be saying "no" to the additional funds that we put in this bill to the fight against al Qaeda in Afghanistan. Here we are so many years after the attacks of September 11, 2001. Al Qaeda remains a vibrant organization and Osama bin Laden remains at large; we provide funds to go after Osama bin Laden, additional funds; the President will be saying "no" to that.

And the President, if he vetoes this bill, will be saying "no" to the overwhelming sentiment of the American people who understand the failed policy and say we need to change direction.

Let's change direction. Let's say "yes" to this conference committee report.

□ 1900

Ms. SLAUGHTER. I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, we here highly resolve that starting today we will no longer allow President Bush to make an infinite number of mistakes with an infinite number of our sons and daughters.

We know one thing, the President believes he has done a heck of a job in Iraq; the American people disagree. The people who are now doing our bidding in Iraq proudly are standing up for democracy, and we want some democracy here. We know that there is a difficult road to hoe in Iraq, but we know there should be an infinite wisdom in one source in America, and that is the American people.

There is no sovereignty, there is no king, there is no person who always does a heck of a job. When push comes to shove, we have got to listen to the American people, and the American people have spoken to us loudly. They have said it is time for the Iraqi leadership to quit fiddling around and form a government. And they know, as we do, as the retired generals who have come out full force and said that the American people are right, we cannot expect our service personnel to solve the political problem in Iraq. And now, 13 months have gone by since supposedly they formed this constitution and they were going to solve this problem of what to do with their oil, and they still haven't got an agreement. They are still fiddling around while our sons and daughters die.

Now, the troops and the generals understand that there is a message being sent by this resolution, and the message is to Maliki and the rest of the Iraqi leadership: You have got to stop fiddling around and form a government, and you have got to reach an agreement about oil. And until you do, there is going to be civil strife, civil war and Americans driving in the middle of that. This is a message to them: Solve this problem.

Ms. SLAUGHTER. I will yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, we have a moral obligation to support our troops while they are in combat and when they come home; that is why in this bill we fully fund our troops in Iraq and Afghanistan. So a "no" vote against this bill is a vote against $3.1 billion to build better barracks, housing and training facilities here at home for troops returning from war.

We believe that supporting our veterans is a real cost of war, just as real as guns, tanks and bullets. A "no" vote on this bill is a vote against $1.8 billion and funding high priority health care programs for our veterans, with a special focus on taking care of those who need it the most, those suffering from traumatic brain injury, PTSD, or a loss of arms and legs. Our veterans' sacrifices don't end after they come home, and neither should our commitment to them.

A "no" vote on this bill is a vote against a $100 million for contracting out health care services so that members of the Guard and Reserves in rural areas can receive the timely health care that they need and deserve. For some, that timely care can mean the difference between good health and depression, for others the difference between life and death.

To prevent a Walter Reed Annex 18 tragedy from occurring in VA hospitals, we fund $550 million to address serious maintenance and repair needs at our VA facilities. A "no" vote on this bill is a vote against that funding for veterans. The needs addressed in this bill are real, the dollar amounts are fiscally sound, and our troops and our veterans deserve no less.

A vote for this bill is a vote for better health care and housing for America's heroes. By voting for this bill, we can honor and respect our troops, our veterans and their families, not just with our words, but with our deeds.

I urge a "yes" vote on this rule and a "yes" vote for our troops on this conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I rise in support of this legislation because where continuity is merited, we have continuity, and where change is demanded, we have change.

The continuity comes from the fact of a bipartisan consensus to provide every dollar that our troops in the field need, and this bill does that. That will not change. What must change, though, is the abrogation of constitutional responsibility by the erstwhile majority.

For over 3½ years, the erstwhile majority, Mr. Speaker, vacillated between apology and inaction. Yes, the President is the Commander in Chief, but no President should be the sole source of law and judgment. And for nearly 4 years, the erstwhile majority sat silently by as the quagmire deepened. That is changing under this legislation.

What also must change is the policy itself. We have been asked what our plan was. Here it is. We say to the Iraqis, you promised to pass an oil law. Pass it. You promised to have local elections. Have those elections. You promised to stand up your own security and police forces. Put them into the fight. If you succeed, we will then stay for an 18-month period of time to facilitate your success, but if you fail, the days of the blank check and the endless commitment are over.

The erstwhile majority, Mr. Speaker, has a hard time recognizing this plan because they have no plan. Their only approach is to ratify the failure of the status quo. The troops in the field and the American people deserve much, much better, and that is what this legislation provides.

I urge a "yes" vote.

Mr. DREIER. Mr. Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from California has 8 minutes remaining; the gentlewoman from New York has 1½ minutes remaining.

Mr. DREIER. Mr. Speaker, just a few weeks ago we lost a very dear friend of mine, one of our Nation's great former leaders, a woman who was a lifelong Democrat, and in 1984 she became a Republican when she addressed the Republican National Convention. Her name was Jeane Kirkpatrick; she served as Ronald Reagan's ambassador to the United Nations.

I will never forget the speech that she delivered at our party convention in 1984. She quoted the contemporary French writer, Jean-Francois Revel, who said, "Clearly, a civilization that feels guilty for everything that it is and does will lack the energy and conviction to defend itself."

Mr. Speaker, I was struck with that because that was at a time when there were many people who were maligning the United States of America; they said that we had gone to hell in a handbag. They were attacking all of the policies of Ronald Reagan, tax cuts which were ruining the country. And I have to say that on a regular basis, Mr. Speaker, I continue to hear the same kind of criticism, and yet we have what is obviously the greatest Nation the world has ever known.

Today, the Dow Jones Industrial Average crashed through 13,000. We saw last month 185,000 new jobs created, an unemployment rate of 4.4 percent. It is amazing that during this very difficult time in which we are trying to successfully prosecute the war on terror, we are enjoying such success because of the greatness of the United States of America and because of our people.

I am very proud of the record that we have put forward, and I am saddened regularly when I hear people malign us. And now we have this debate, we have this debate, which led, as was said by my friend from Marietta and by the gentleman from Dallas, the statement by the majority leader of the United States Senate that this war has been lost. I will tell you, Mr. Speaker, I believe that the American people are convinced that we can be successful.

I know that there are many who today are critical of the fact that we have gone to war. People are very upset about the fact that we have gone into Iraq. I happen to still at this moment believe that we did the right thing, but I know there are many people who have said that it was the wrong thing. And I've had constituents who have come up to me. In fact, just over this most recent district work period, I was at numerous meetings in California and a number of people came to me and they said, you know, I didn't support our going into Iraq, I think it was a mistake, but the fact of the matter is we are where we are. We have our men and women in uniform who are in Iraq.

We have seen elections take place in Iraq. We know the threat that continues to exist from Iran, Syria, Hezbollah, Hamas, al Qaeda, you can go right down the line. And people have said we want to figure out a way for victory. I've had people who said we shouldn't have gone into Iraq say to me, we need to figure out a way that we can be victorious. And the word "victory" is one that unfortunately we really haven't heard from the other side of the aisle. In fact, one of the questions asked today at the briefing with General Petraeus is, how do we define what victory is? Well, it is really twofold. It still is. It is, Mr. Speaker, an Iraq that can defend itself. And General Petraeus said to us today that there are members of the Iraqi Security Forces who are fighting and dying for their country, those are the exact words that he used, and an Iraq that can govern itself, Mr. Speaker.

We understand the fragility of this government, with the Shia, Sunni and Kurdish populations and the challenges that Prime Minister Maliki faces, but we do believe that we can be successful because we have to be successful.

Now we have gone through this process and we have heard people say on both sides of the aisle that we want to make sure that we get funding to our troops. Mr. Speaker, the best way for us to get funding to our troops is to defeat this rule and defeat the conference report. Why? Everyone has acknowledged that the President of the United States will veto a bill that guarantees failure, which is what this bill would do by establishing these arbitrary deadlines for withdrawal. So we have all acknowledged that the President is going to veto the bill.

Mr. Speaker, why don't we make sure that our troops have the support that everyone has said that they need by not going through the challenge of the Presidential veto, the time-consuming process of the Presidential veto, having this bill go to the other body to be considered tomorrow. Let's defeat it right now, defeat the rule. And if we don't defeat the rule, at least defeat the conference report itself so that we can immediately get down to work. When we do that, Mr. Speaker, I hope very much that we won't have a small cadre of individuals within the Democratic leadership preventing Democrats and Republicans from participating in this very important process to make sure that we have everything that is necessary so that the American people, who want victory, can in fact see victory achieved.

Mr. Speaker, with that, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am absolutely hard pressed to see how some people define "success."

I read in the New York Times front page that 80 percent of the marines who died of upper body wounds would have lived if only they had the proper equipment. I know that soldiers who serve in the National Guard and Reserve are losing their homes and their jobs, but never mind about that because the stock market is great. Aren't we doing well? It hasn't hurt us a bit. We haven't called for any sacrifice at all from the American people in this.

My heart is broken. I am ashamed and chagrined that this business about the booming economy could be brought into this debate about life and death. My worry is about the young people who go over there and don't get the proper care that they need.

I couldn't believe the testimony of Tillman's brother yesterday and Jessica Lynch who said the military lied about them. What are we doing in this country? The country that fought the Second World War to save this world, we've been reduced to this, that we decide as long as the stock market is good, the world is good, and let them go over there and die because we are going to give them some kind of government we don't even know they want? For heaven sakes, to every man and woman in country there comes a moment to decide, Mr. Speaker. This is one of those moments.

□ 1915

We either vote for this rule and this bill, and we tell the President of the United States if he vetoes this, he is absolutely continuing on a road to absolute failure and that we are not going to be a party to it. We want to take care of the soldiers. And if he vetoes the money, it is on his head, not ours. But we will continue until we can get those soldiers and marines out of that morass.

Mr. BUYER. Mr. Speaker, I stand before you in opposition to this resolution. Once again, it champions a dismally irresponsible and dangerous course of action. Setting a date certain for withdrawal of our troops from Iraq would envelope Iraq in a cloud of chaos and self destruction and expose us to a heightened threat of terrorism at home. It ignores the President's plan for success in totality. It makes no consideration for the effort to make progress on diplomatic and economic fronts—essential components for that success to occur. They offer no solutions in this bill, only criticism.

Mr. HOYER's failed attempt on April 19th to correlate my involvement regarding the U.S. efforts in Bosnia in the 1990s to that of the situation in Iraq today stretches into the realm of absurdity. However, what was clear from that debate was that Mr. HOYER at the time, as well as Mr. MURTHA, agreed that we should not tie the hands of our President in military operations, even in operations that the Congress did not approve.

Mr. Speaker, let me refresh everyone's memories of that debate which took place in this Chamber, a debate in which I was the lead sponsor of three significant resolutions or amendments that set the course of this Congress—all three which passed by significant margins with support from both sides of the aisle.

But before I begin let me remind the Nation that there are significant differences and some similarities between the debate of Bosnia and today in Iraq. First, Congress did not authorize the President to use force in Bosnia. Congress did authorize the President to use military force in Iraq. Second, we did not begin the conflict in Bosnia, but we did in Iraq. Third, the Republican majority in Congress did in fact try to work with President Clinton to find a solution. Former Senator Bob Dole and I with others traveled with President Clinton to Bosnia and worked with him to set benchmarks for the civil implementation of the Dayton Accords. I did not assign a date certain to define success for each benchmark, this would have been folly. At the time the leaders of the peace were once leaders during the war and they focused more on these differences than that which brought them together as a nation. President Clinton did a very good job focusing the Bosnian leaders to accomplish the benchmarks and move to resolve their differences and build their new nation.

Last week on the House Floor my colleague, STENY HOYER attempted to re-write the history of my involvement, claiming that I supported a date certain for withdrawal of our troops from Bosnia and therefore I should do the same with our forces in Iraq. The two contexts are dissimilar. Let me set the record straight.

On October 30, 1995, the House agreed to House Resolution 247, a bill that I sponsored with my Democrat colleague, Paul McHale of Pennsylvania, by a vote of 315 to 103. Representatives HOYER, MURTHA, and PELOSI voted "no," Mr. SKELTON voted "yes." The bill stated that there should not be a presumption that the United States Armed Forces would be deployed to enforce a peace agreement that resulted from the negotiations regarding the conflict in the Republic of Bosnia and Herzegovina.

In early December 1995, the Dayton Accords concluded, laying a basis for the path to peace in Bosnia.

On December 13, 1995, I sponsored House Resolution 302 with IKE SKELTON, a bipartisan bill that passed the House by a vote of 287 to 141. Representatives HOYER, MURTHA, and PELOSI voted "no." That bill reiterated the serious concerns and opposition to the President's policy that would result in the deployment of 20,000 members of the U.S. Armed Forces on the ground in the territory of the Republic of Bosnia and Herzegovina.

Despite the expressed will of the House, President Clinton chose to proceed with the deployment of those members of the Armed Forces to enforce the Dayton peace agreement in Bosnia. H.R. 302 declared the policy of the House was that the President should rely on the judgment of the commanders of U.S. forces on the ground on all matters affecting safety, support, and well being of U.S. forces. Congress also declared to furnish the resources to support the needs of President and the Secretary of Defense.

Also on December 13, 1995, the President expressed to Congress that the military mission in Bosnia would be accomplished in 1 year, and our troops would be pulled out no later than December 1996. No one believed that the goal could be accomplished within 1 year. A date certain does not define success, the mission does.

However, despite that assertion, in November 1996, without the consent of Congress, President Clinton announced that the timeline was slipping and that our troops would not be withdrawn until June 1998.

By that point, the United States Armed Forces had acted quickly to achieve their military objectives in Bosnia. In short order, the courage, dedication, and professionalism of those personnel resulted in a significant mitigation of the violence and suffering in that region.

However, the implementation of the civil infrastructure—the humanitarian support, the establishment of a judicial system and a validated police force—all of the fundamental parts that help make a society function had stalled and there was no definitive plan to remedy the situation.

In response, on June 24, 1997, I offered an amendment to the National Defense Authorization Act of 1998 that passed the House by a vote of 278 to 148. Representatives HOYER, MURTHA, and PELOSI voted "no", SKELTON voted "yes." That amendment would have cut funding to U.S. military operations in Bosnia after June 30, 1998—a date set by the President. I did not set the date Mr. HOYER, this was President Clinton's date. This amendment was later incorporated into the conference report that included provisions that would allow U.S. forces to remain if the President made certain certifications and accomplished certain benchmarks. While I used the date certain given to us by the President, I made it clear that I supported benchmarks that set the conditions for a withdrawal of U.S. forces after the mission had been successfully completed.

President Clinton had set an arbitrary date without articulating a comprehensive plan—he did not identify the conditions to be met into order to trigger a troop withdrawal from Bosnia. He simply set a date, and then revised that date. We in Congress took that date, and required certain benchmarks to be met, while at the same time allowing the President the flexibility to allow troops to remain if he thought it was in the interests of U.S. national security.

In Bosnia, we worked in a bipartisan manner with the President to set the conditions for success in Bosnia and gave the President maximum flexibility. Today, this President gets no such deference or flexibility from the Democrat majority. Mr. HOYER and Mr. MURTHA want to enforce a date certain for this President. They do not want to work with this President to set the conditions for success. They simply want to trigger a date for withdrawal, before the mission is done.

It is ironic that Mr. HOYER and Mr. MURTHA voted against that amendment—they did not want to set a date certain for withdrawal and tie the hands of their President. They wanted to give him the latitude that he needed to insure that the mission in Bosnia met with success; to re-establish civility, an effective government, a validated police force and civil infrastructure. Today, their position is the opposite. President Bush is not setting a date certain as President Clinton had done.

Speaker PELOSI, Majority Leader HOYER and Mr. MURTHA all are seeking to tie the hands of this President. They want to cut off funds to our forces who are only doing what this Congress has asked them to do.

Congress should not tie the hands of the President with a date certain for withdrawal from Iraq. Unlike President Clinton with Bosnia, President Bush had the approval of Congress to go into Iraq. He has given us a plan, conditions that must be met before we start to bring our troops home. Yet, Mr. HOYER and his party want to set an arbitrary date, a date certain for withdrawal that does not correspond to those conditions whatsoever—cut off funding for our troops who seek only to succeed in their mission. This is defeatist strategy.

We need to help establish a stable Iraq before we withdrawal our forces—the provisions in this bill do not allow us that flexibility and the price that we will pay is chaos in Iraq and further exposure to terror here at home.

The majority leader of the Senate, HARRY REID talks about polling data from Senator SCHUMER that indicate "political" gains by their party on Iraq. It is unfortunate that the Democrat majority think of Iraq in terms of political points, not national security. If we do not resolve this issue with immediacy, the readiness of our troops will be compromised. They are struggling to determine how they will redistribute funds to pay for their operations while we are here politicking. We must stop the defeatist strategy of the majority now—the one by which they hope to gain political capital from to the detriment of our troops in the field.

Mr. Speaker, I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 195, not voting 11, as follows:

[Roll No. 264]

AYES—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke

Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Blunt
Cubin
Davis, Jo Ann
Gilchrest
Goode
Lampson
Radanovich
Reynolds
Watson
Waxman
Westmoreland

☐ 1937

Mr. JORDAN of Ohio changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 332, I call up the conference report on the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 332, the conference report is considered as read.

(For conference report and statement, see proceedings of the House of April 24, 2007, at page 9925.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 1591.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 9 minutes.

Mr. Speaker, this bill gives the President the exit strategy from the Iraqi civil war that up until now he has not had.

Next Tuesday will be the fourth anniversary of the President's "Mission Accomplished" landing on that famous aircraft carrier. On that date, U.S. troops had won the war in Iraq, but since that time the administration's mismanagement, their misjudgments, and their missed opportunities have entangled us in a quagmire that has become a prolonged civil war. That civil war has gutted our influence in the Middle East and much of the world. In the last 4 years, the administration has spent over half a trillion dollars. It has stretched the Army to the limit, brought our Guard and Reserve to the breaking point, and reduced our military to the lowest state of military readiness in modern history.

The President has refused to finance this war through the normal appropriations process. He has chosen to mask the true cost of the war by paying for it on the installment plan through a series of supplemental requests. He has now requested another supplemental of almost another $100 billion in military spending, and almost $4 billion in other additional spending. The bill before us today is our response.

We provide $4 billion more than the President asked for for troops in the field. The President is objecting on two grounds. First, he does not like the conditions we have placed on funding for the war. Second, he objects to the money we have added for other crucial activities. He calls it "pork." So do some of the charter members of the "Invent Your Own Facts Club" that seems to populate this institution.

We have provided $4 billion more than he has asked for for operation and maintenance for personnel costs and for procurement.

We have provided $750 million more than he asked for for Afghanistan.

We have provided $2.2 billion more for military health to meet the medical needs of our returning soldiers. We have added $1.8 billion for veterans health care above the amount the President asked for.

We have provided $2.2 billion more for aviation security, port security, and border security.

We have provided $80 million more for nuclear nonproliferation, and we have added $150 million for the FBI.

We have provided $650 million more than the President asked for for the pandemic flu emergency, cleaning up an action that last year's Congress never got around to completing.

We have provided $3.3 billion more for Katrina, again cleaning up some more business that last year's Congress failed to complete.

We have also provided $3.1 billion more for BRAC which the administration itself asked for in its budget last year.

We provided $500 million for wild land fires, the same amount put into the same account by the Republican majority 2 years ago for the same purposes.

We have added $400 million to low income heating assistance because the previous Congress cut that by $1 billion. We should have added back the whole billion dollars, but in the interest of saving money we confined it to $400 million.

We have added $425 million to continue the rural school payments in the West that the last Congress never got around to renewing. Unfortunately, they allowed that program to expire, as they allowed so many other things to expire last year.

We have also provided $3.5 billion for agriculture disaster, again an issue which has been hanging around for more than a year. The President has declared more than 70 percent of the counties in this country to be agriculture disaster areas. There ought to be some action that flows from that unless we are taking the President's initial action to be meaningless.

We have also provided $396 million in SCHIP to make certain that low income children and low income families don't fall off the State health care rolls. We have been asked to do that by bipartisan Governors from 14 States.

If the President wants to object to those items and call them pork, or of members of the flat earth club in this body want to call it pork, that's fine with me; I think the public will look at those issues somewhat differently.

The President is attacking these additional items as a smoke screen to obscure the fact that the key issue on this bill is whether or not there will be a change in direction with respect to our policy in Iraq.

☐ 1945

This bill supports the troops. It begins to hold Iraq and the administration accountable, and it points the way to ending our involvement in a protracted civil war.

As a condition of providing the President with the funds he has asked for, we require that our American military units meet certain standards that are known as the Murtha standards. They simply require that any unit sent into battle be fully combat ready. They would require, as the Defense Department already has for the most part, they would require that any unit that has been in Iraq does not have to stay there for more than a year without relief, and they also require that if they are sent back, they get to spend at least a year at home before they go back. And in an era where no one is being asked to sacrifice except military families, it seems to me those are all minimum goals that we all ought to be willing to adhere to.

Because the President rejected these requirements, we have given him the right to waive these requirements, but only if he spells out to the country why he has departed from them. That is imminently reasonable. He owes the country that explanation.

We require that Iraq meet certain performance benchmarks, benchmarks that were first laid out by the President himself, and we tie those benchmarks to a timeline. If those benchmarks are met, redeployment of U.S. troops must begin by July 1. If they are not met, they must begin by October. Those dates are firm. The goal for completing such redeployment is 6 months after it starts.

Now, the President objects to the fact that we are setting timelines, but the Secretary of Defense himself was quoted in the Washington Post as noting that these timelines, in fact, have helped give the Iraqis a message that we are not going to stay in Iraq forever. We stand by them. We believe these benchmarks and these timelines are necessary in order to give General Petraeus the ability to make clear to the Iraqis that we are not going to stay there forever, while they refuse to make the political compromises necessary to end the civil war.

Iraqis and the President must understand our troops won the war. They cannot achieve the political and diplomatic compromises that are needed to end the civil war, only the Iraqis can do that.

Four years after "mission accomplished" is long enough, Mr. Speaker. If the President were here I would simply say to him, "Mr. President, with this bill we have compromised on two fronts. We have responded to your objection to the Murtha principles by giving you the ability to waive them; all you have to do is explain why to the country." We have responded to his concerns about those timelines by adjusting them and making them somewhat more flexible in terms of their completion.

So I would say to the President if he were here, "Mr. President, it is your turn; we need a new direction and we need it now. Please do not say, as you said last week" I will talk but I will not compromise. "Mr. President, after 4 years, you need to change the direction. You need to sign this bill."

Mr. Speaker, I include for the RECORD the following tabular material reflecting the funding levels in the conference report.

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2007				
TITLE I - SUPPLEMENTAL APPROPRIATIONS FOR THE GLOBAL WAR ON TERROR				
CHAPTER 1				
DEPARTMENT OF AGRICULTURE				
Foreign Agricultural Service				
Public Law 480 Title II Grants (emergency)...........	350,000	450,000	475,000	460,000
General Provisions				
Sec. 1101. Bill Emerson Humanitarian Trust (emergency)	---	---	82,000	40,000
Total, Chapter 1................................	350,000	450,000	557,000	500,000
CHAPTER 2				
DEPARTMENT OF JUSTICE				
General Administration				
Office of the Inspector General (emergency)...........	---	---	500	---
General Legal Activities				
Salaries and expenses (emergency).....................	4,093	1,648	4,093	1,648
United States Attorneys				
Salaries and expenses (emergency).....................	5,000	5,000	12,500	5,000
United States Marshals Service				
Salaries and expenses (emergency).....................	14,921	2,750	32,500	6,450
National Security Division				
Salaries and expenses (emergency).....................	1,736	1,736	1,736	1,736
Federal Bureau Of Investigation				
Salaries and Expenses (emergency).....................	118,260	118,260	348,260	268,000
Drug Enforcement Administration				
Salaries and Expenses (emergency).....................	8,468	8,468	25,100	12,166
Bureau of Alcohol, Tobacco, Firearms and Explosives				
Salaries and expenses (emergency).....................	4,000	4,000	4,000	4,000
Federal Prison System				
Salaries and expenses (emergency).....................	17,000	17,000	17,000	17,000
Total, Chapter 2................................	173,478	158,862	445,689	316,000
CHAPTER 3				
DEPARTMENT OF DEFENSE - MILITARY				
Military Personnel				
Military Personnel, Army (emergency)..................	8,510,270	8,878,899	8,870,270	8,853,350
Military Personnel, Navy (emergency)..................	692,127	1,100,410	1,100,410	1,100,410
Military Personnel, Marine Corps (emergency)..........	1,386,871	1,495,828	1,495,827	1,495,827
Military Personnel, Air Force (emergency).............	1,101,287	1,229,334	1,218,587	1,218,587
Reserve Personnel, Army (emergency)...................	147,244	173,244	147,244	147,244
Reserve Personnel, Navy (emergency)...................	72,800	82,800	77,523	86,023
Reserve Personnel, Marine Corps (emergency)...........	---	15,000	---	5,660
Reserve Personnel, Air Force (emergency)..............	3,000	14,100	9,073	11,573
National Guard Personnel, Army (emergency)............	436,025	552,725	474,978	545,286
National Guard Personnel, Air Force (emergency).......	---	24,600	41,533	44,033
Subtotal..	12,349,624	13,566,940	13,435,445	13,507,993

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
Operation and Maintenance				
Operation and Maintenance, Army (emergency)...........	20,423,379	20,897,672	20,373,379	20,373,379
Operation and Maintenance, Navy (emergency)...........	5,040,482	5,115,397	4,865,003	4,876,670
(Transfer to Coast Guard) (emergency)............	(-120,293)	(-120,293)	(-120,293)	(-120,293)
Operation and Maintenance, Marine Corps (emergency)...	1,401,594	1,503,694	1,101,594	1,146,594
Operation and Maintenance, Air Force (emergency)......	7,035,881	6,909,259	6,685,881	6,850,881
Operation and Maintenance, Defense-Wide (emergency)...	3,279,307	2,855,993	2,790,669	2,714,487
Operation and Maintenance, Army Reserve (emergency)...	74,049	74,049	74,049	74,049
Operation and Maintenance, Navy Reserve (emergency)...	111,066	111,066	111,066	111,066
Operation and Maintenance, Marine Corps Reserve (emergency)..	13,591	13,591	13,591	13,591
Operation and Maintenance, Air Force Reserve (emergency)..	10,160	10,160	10,160	10,160
Operation and Maintenance, Army National Guard (emergency)..	83,569	133,569	83,569	83,569
Operation and Maintenance, Air National Guard (emergency)..	38,429	38,429	38,429	38,429
Afghanistan Security Forces Fund (emergency)..........	5,906,400	5,906,400	5,906,400	5,906,400
Iraq Security Forces Fund (emergency).................	3,842,300	3,842,300	3,842,300	3,842,300
Iraq Freedom Fund (emergency).........................	565,600	155,600	455,600	355,600
Joint Improvised Explosive Device Defeat Fund (emergency)..	2,432,800	2,432,800	2,432,800	2,432,800
Strategic Reserve Readiness Fund (emergency)..........	---	2,500,000	---	2,000,000
Subtotal..	50,258,607	52,499,979	48,784,490	50,429,975
Procurement				
Aircraft Procurement, Army (emergency)................	627,750	461,850	619,750	619,750
Missile Procurement, Army (emergency).................	160,173	160,173	111,473	111,473
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)................................	3,502,315	3,474,389	3,400,315	3,404,315
Procurement of Ammunition, Army (emergency)...........	681,500	681,500	681,500	681,500
Other Procurement, Army (emergency)...................	10,946,687	10,197,399	10,589,272	11,076,137
Aircraft Procurement, Navy (emergency)................	730,713	995,797	963,903	1,090,287
Weapons Procurement, Navy (emergency).................	171,813	171,813	163,813	163,813
Procurement of Ammunition, Navy and Marine Corps (emergency)..	159,833	159,833	159,833	159,833
Other Procurement, Navy (emergency)...................	745,425	937,407	722,506	748,749
Procurement, Marine Corps (emergency).................	2,055,715	1,885,383	1,703,389	2,252,749
Aircraft Procurement, Air Force (emergency)...........	1,726,336	2,474,916	1,431,756	2,106,468
Missile Procurement, Air Force (emergency)............	140,300	140,300	78,900	94,900
Procurement of Ammunition, Air Force (emergency)......	95,800	95,800	6,000	6,000
Other Procurement, Air Force (emergency)..............	2,092,754	2,042,183	1,972,131	2,096,200
Procurement, Defense-Wide (emergency).................	979,380	934,930	903,092	980,050
National Guard and Reserve Equipment (emergency)......	---	---	1,000,000	---
Subtotal..	24,816,494	24,813,673	24,507,633	25,592,224
Research, Development, Test and Evaluation				
Research, Development, Test and Evaluation, Army (emergency)..	115,976	60,781	125,576	100,006
Research, Development, Test and Evaluation, Navy (emergency)..	460,175	295,737	308,212	298,722
Research, Development, Test and Evaluation, Air Force (emergency)..	220,721	132,928	233,869	187,176
Research, Development, Test and Evaluation, Defense-wide (emergency)...........................	650,864	545,904	522,804	512,804
Subtotal..	1,447,736	1,035,350	1,190,461	1,098,708
Revolving And Management Funds				
Defense Working Capital Funds (emergency).............	1,315,526	1,315,526	1,315,526	1,315,526
National Defense Sealift Fund (emergency).............	5,000	5,000	5,000	5,000
Subtotal..	1,320,526	1,320,526	1,320,526	1,320,526
Other Department of Defense Programs				
Defense Health Program (emergency)....................	1,123,147	2,789,703	2,466,847	3,251,853
Operation and maintenance (emergency).............	(1,073,147)	(2,289,703)	(2,277,147)	(2,802,153)
Procurement (emergency)...........................	---	---	(118,000)	(118,000)
Research, development, test and evaluation (emergency)....................................	---	(500,000)	(71,700)	(331,700)
Medical support fund (emergency)..................	(50,000)	---	---	---
Drug Interdiction and Counter-Drug Activities, Defense (emergency)..	259,115	259,115	254,665	254,665
Subtotal..	1,382,262	3,048,818	2,721,512	3,506,518

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
Related Agencies				
Intelligence Community Management Account (emergency)	66.726	57,426	71,726	71,726
General Provisions				
Sec. 1302. New transfer authority (emergency)	(3,500.000)	(3,500,000)	(3.500,000)	(3,500,000)
Sec. xxxx. Additional transfer authority (emergency)	(3,500.000)	---	---	---
Sec. 1305. Defense Cooperative Account transfer authority (emergency)	1.000	1,000	1,000	1,000
Sec. xxxx. Procurement, Marine Corps MRAP (emergency)	---	---	1,500,000	---
Sec. xxxx. Contractor efficiency savings (emergency)	---	-815,000	---	---
Sec. xxxx. Army IG disability claims recommendations	---	1,000	---	---
Sec. 1322. Military Construction, Army (by transfer) (emergency)	---	---	---	(-6,250)
Sec. 1323. Economic Support Fund (Department of State) (by transfer) (emergency)	(-110,000)	(-100,000)	---	(-110,000)
Total, Chapter 3	91.842.975	95.529.712	93.532.793	95.528.670
CHAPTER 4				
DEPARTMENT OF ENERGY				
Atomic Energy Defense Activities	---	---	---	---
National Nuclear Security Administration				
Defense nuclear nonproliferation (emergency)	63,000	150,000	63,000	150,000
CHAPTER 5				
DEPARTMENT OF HOMELAND SECURITY				
Analysis and operations (emergency)	---	35,000	---	15,000
United States Customs and Border Protection				
Salaries and expenses (emergency)	---	100,000	140,000	115,000
(Transfer to Federal Law Enforcement Training Center) (emergency)	---	(-1,000)	---	(-5,000)
Air and Marine Interdiction, Operations, Maintenance, and Procurement (emergency)	---	150,000	75,000	120,000
Subtotal	---	250,000	215,000	235,000
United States Immigration and Customs Enforcement				
Salaries and expenses (emergency)	---	---	20,000	10,000
Transportation Security Administration				
Aviation security (emergency)	---	1,250,000	660,000	970,000
Federal Air Marshals (emergency)	---	---	15,000	8,000
Subtotal	---	1,250,000	675,000	978,000
United States Coast Guard				
Operating expenses (Transfer from Defense, O&M, Navy) (emergency)	(120,293)	(120,293)	(120,293)	(120,293)
National Protection and Programs				
Infrastructure protection and information security (emergency)	---	25,000	18,000	37,000
Office of Health Affairs (emergency)	---	---	18,000	15,000
Federal Emergency Management Agency				
Management and Administration (emergency)	---	---	20,000	25,000
Salaries and expenses (emergency)	---	25,000	---	---
State and local programs (emergency)	---	415,000	855,000	552,500
Emergency management performance grants (emergency)	---	100,000	100,000	100,000
Subtotal	---	540,000	975,000	677,500
United States Citizenship and Immigration Services (emergency)	---	---	25,000	10,000

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
Federal Law Enforcement Training Center				
Federal Law Enforcement Training Center - (Transfer from Customs and Border Protection) (emergency)	---	(1,000)	---	(5,000)
Science and Technology				
Research, Development, Acquisition, and Operations (emergency)	---	---	15,000	10,000
Domestic Nuclear Detection Office				
Research, development and operations (emergency)	---	---	39,000	39,000
Systems Acquisition (emergency)	---	400,000	---	223,500
Subtotal	---	400,000	39,000	262,500
Total, Chapter 5	---	2,500,000	2,000,000	2,250,000
CHAPTER 6				
LEGISLATIVE BRANCH				
HOUSE OF REPRESENTATIVES				
Salaries and Expenses				
Allowances and expenses (emergency)	---	6,437	---	6,437
Government Accountability Office				
Salaries and expenses (emergency)	---	---	374	374
Total, Chapter 6	---	6,437	374	6,811
CHAPTER 7				
DEPARTMENT OF DEFENSE - MILITARY				
Military construction, Army (emergency)	1,289,290	1,329,240	1,261,390	1,255,890
Military construction, Navy and Marine Corps (emergency)	390,500	389,300	347,890	370,990
Military construction, Air Force (emergency)	60,200	60,200	34,700	43,300
Military construction, Air Force Reserve (emergency)	---	---	3,096	---
(Rescission)	---	---	-3,096	---
Department of Defense base closure account 2005 (emergency)	---	3,136,802	3,136,802	3,136,802
Total, Chapter 7	1,739,990	4,915,542	4,780,782	4,806,982
CHAPTER 8				
DEPARTMENT OF STATE				
Administration of Foreign Affairs				
Diplomatic and Consular Programs (emergency)	912,996	966,954	815,798	870,658
(Transfer out)(emergency)	---	---	(-20,000)	(-20,000)
Office of Inspector General (emergency)	35,000	46,800	36,500	36,500
Education and Cultural Exchange Programs (emergency)	20,000	20,000	25,000	20,000
Rescission of emergency funding (emergency)	---	---	-15,000	---
Emergencies in Diplomatic and Consular Service (By transfer)(emergency)	---	---	(20,000)	(20,000)
Subtotal	967,996	1,033,754	862,298	927,158
International Organizations				
Contributions for International Organizations (emergency)	---	---	59,000	50,000
Contributions for International Peacekeeping Activities (emergency)	200,000	288,000	200,000	288,000
(By transfer) (emergency)	---	---	(128,000)	---
Subtotal	200,000	288,000	259,000	338,000

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
RELATED AGENCY				
Broadcasting Board of Governors				
International Broadcasting Operations (emergency)	10,000	10,000	10,000	10,000
BILATERAL ECONOMIC ASSISTANCE				
Funds Appropriated to the President				
United States Agency for International Development				
Child survival and disease programs (emergency)	161,000	161,000	161,000	161,000
International disaster and famine assistance (emerg.)	105,000	135,000	187,000	165,000
Operating expenses of USAID (emergency)	5,700	10,700	5,700	8,700
Operating expenses of USAID, Office of the Inspector General (emergency)	---	3,500	4,000	3,500
Subtotal	271,700	310,200	357,700	338,200
Other Bilateral and Economic Assistance				
Economic Support Fund (emergency)	3,025,000	2,953,000	2,602,200	2,649,300
(Transfer from Department of Defense) (emergency)	(110,000)	(100,000)	---	(110,000)
Assistance for Eastern Europe and the Baltic States (emergency)	279,000	239,000	214,000	229,000
Subtotal	3,304,000	3,192,000	2,816,200	2,878,300
Department of State				
Democracy fund (emergency)	---	---	465,000	260,000
International narcotics control and law enforcement (emergency)	260,000	334,500	210,000	257,000
(Rescission of emergency funding)	---	---	-13,000	-13,000
Migration and refugee assistance (emergency)	71,500	111,500	143,000	130,500
United States Emergency Refugee and Migration Assistance fund (emergency)	30,000	35,000	55,000	55,000
Nonproliferation, Antiterrorism, Demining and Related programs (emergency)	27,500	87,500	27,500	57,500
Subtotal	389,000	568,500	887,500	747,000
Department of the Treasury				
International affairs technical assistance (emergency)	2,750	2,750	2,750	2,750
MILITARY ASSISTANCE				
Funds Appropriated to the President				
Foreign Military Financing Program (emergency)	220,000	260,000	220,000	265,000
Peacekeeping operations (emergency)	278,000	225,000	323,000	230,000
(Transfer out)(emergency)	---	---	(-128,000)	---
Subtotal	498,000	485,000	543,000	495,000
Total, Chapter 8	5,643,446	5,890,204	5,738,446	5,736,406
DEPARTMENT OF THE TREASURY				
Departmental Offices				
Salaries and expenses (emergency)	2,538	---	---	---
Total, Title I	99,615,427	109,600,757	107,118,084	109,294,871
Appropriations	---	(1,000)	---	---
Emergency appropriations	(99,615,427)	(109,599,757)	(107,149,180)	(109,307,871)
Rescission	---	---	(-3,096)	---
Rescission of emergency funding	---	---	(-28,000)	(-13,000)
by transfer (emergency)	(230,293)	(221,293)	(268,293)	(255,293)
transfer out (emergency)	(-230,293)	(-221,293)	(-268,293)	(-255,293)

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
TITLE II - ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY				
CHAPTER 1				
DEPARTMENT OF AGRICULTURE				
General Provisions				
Sec. 2101 Emergency Forestry Conservation Reserve program (emergency)	---	---	115,000	115,000
Sec. xxxx. Livestock assistance (emergency)	---	25,000	---	---
Sec. xxxx. Irrigated crops (emergency)	---	15,000	---	---
Sec. xxxx. Citrus (emergency)	---	100,000	---	---
Total, Chapter 1	---	140,000	115,000	115,000
CHAPTER 2				
DEPARTMENT OF JUSTICE				
Office of Justice Programs				
State and Local Law Enforcement Assistance (emergency)	---	---	170,000	50,000
(Hurricane recovery)	---	---	(70,000)	(50,000)
(Presidential conventions)	---	---	(100,000)	---
DEPARTMENT OF COMMERCE				
National Oceanic and Atmospheric Administration				
Operations research, and facilities (emergency)	---	120,000	165,900	110,000
Procurement, acquisition, and construction (emergency)	---	---	6,000	---
Fisheries Disaster Mitigation fund (emergency)	---	---	50,000	---
Subtotal	---	120,000	221,900	110,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION				
Exploration capabilities (emergency)	---	35,000	---	35,000
Total, Chapter 2	---	155,000	391,900	195,000
CHAPTER 3				
DEPARTMENT OF DEFENSE - CIVIL				
DEPARTMENT OF THE ARMY				
Corps of Engineers - Civil				
Construction (emergency)	---	37,080	150,000	25,300
(Transfer to Flood control and costal emergencies) (emergency)	(-270,000)	---	---	---
Flood control and coastal emergencies (emergency)	---	1,300,000	1,407,700	1,407,700
(Transfer from Construction) (emergency)	(270,000)	---	---	---
Total, Chapter 3	---	1,337,080	1,557,700	1,433,000
CHAPTER 4				
SMALL BUSINESS ADMINISTRATION				
Disaster loan program account:				
Administrative expenses (emergency)	---	25,069	25,069	---
Administrative expenses (unobligated balances (emergency)	---	---	---	(25,069)
Economic injury disaster loans (unobligated balances) (emergency)	---	---	---	(25,000)
General Provisions				
Sec. 2401. Economic injury disaster loan (emergency)	---	---	25,000	---
Total, Chapter 4	---	25,069	50,069	---

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
CHAPTER 5				
DEPARTMENT OF HOMELAND SECURITY				
Office of the Inspector General				
(Transfer from Disaster Relief) (emergency).......	---	(4,000)	---	(4,000)
Federal Emergency Management Agency				
Disaster Relief (emergency)...........................	3,400,000	4,310,000	4,310,000	4,610,000
(Transfer to OIG) (emergency)......................	---	(-4,000)	---	(-4,000)
General Provisions				
Sec.2502. Community Disaster Loan Act (emergency).....	---	320,000	320,000	320,000
Total, Chapter 5................................	3,400,000	4,630,000	4,630,000	4,930,000
CHAPTER 6				
DEPARTMENT OF THE INTERIOR				
National Park Service				
Historic Preservation Fund (emergency)................	---	---	15,000	10,000
General Provisions				
Sec. 2601.				
National recreation and preservation fund				
(by transfer) (emergency).......................	---	---	---	(500)
Historic Preservation Fund (transfer) (emergency).	---	---	---	(-500)
CHAPTER 7				
DEPARTMENT OF EDUCATION				
Higher education (emergency)..........................	---	30,000	30,000	30,000
Hurricane education recovery (emergency)..............	---	30,000	30,000	30,000
Total, Chapter 7................................	---	60,000	60,000	60,000
CHAPTER 8				
DEPARTMENT OF TRANSPORTATION				
Federal Highway Administration				
Federal-aid Highways				
Emergency relief programs (emergency).................	---	---	388,903	682,942
Federal-aid highways (rescission of contract authority)...	---	---	-388,903	-682,942
Federal Transit Administration				
Formula grants (emergency)............................	---	---	75,000	35,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Public and Indian Housing				
Tenant-based rental assistance:				
Disaster voucher program (emergency)..............	---	80,000	---	---
Unobligated balances (rescission) (emergency).....	---	-80,000	---	---
Office of Inspector General (emergency)...............	---	10,240	5,000	7,000
Total, Chapter 8................................	---	10,240	80,000	42,000
Total, Title II.................................	3.400,000	6,357,389	6,899,669	6,785,000
Emergency appropriations....................	(3.400,000)	(6,437,389)	(7,288,572)	(7,467,942)
Rescission of emergency funding.............	---	(-80,000)	---	---
Rescission of contract authority............	---	---	(-388,903)	(-682,942)
by transfer (emergency).......................	(270,000)	(4,000)	---	(4,500)
transfer out (emergency)................... ...	(-270,000)	(-4,000)	---	(-4,500)

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
TITLE III - OTHER EMERGENCY APPROPRIATIONS				
CHAPTER 1				
DEPARTMENT OF COMMERCE				
National Oceanic and Atmospheric Administration				
Operations research, and facilities (emergency)	---	60,400	---	60,400
CHAPTER 2				
DEPARTMENT OF DEFENSE - CIVIL				
DEPARTMENT OF THE ARMY				
Corps of Engineers - Civil				
Operation and maintenance (emergency)	---	---	3,000	3,000
Flood control and coastal emergencies (emergency)	---	---	150,000	150,000
DEPARTMENT OF THE INTERIOR				
Bureau of Reclamation				
Water and related resources (emergency)	---	---	18,000	18,000
Total, Chapter 2	---	---	171,000	171,000
CHAPTER 3				
DEPARTMENT OF THE INTERIOR				
Bureau of Land Management				
Wildland fire management (emergency)	---	100,000	100,000	100,000
United States Fish and Wildlife Service				
Resource management (emergency)	---	7,398	7,398	7,398
National Park Service				
Operation of the National Park System (emergency)	---	525	525	525
U.S. Geological Survey				
Surveys, investigations, and research (emergency)	---	5,270	5,270	5,270
Subtotal	---	113,193	113,193	113,193
DEPARTMENT OF AGRICULTURE				
Forest Service				
National Forest System (emergency)	---	---	12,000	12,000
Wildland fire management (emergency)	---	400,000	400,000	400,000
General Provisions				
Sec. 3301. Secure Rural Schools (emergency)	---	400,000	---	425,000
Subtotal	---	800,000	412,000	837,000
Total, Chapter 3	---	913,193	525,193	950,193
CHAPTER 4				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Centers for Disease Control and Prevention				
Disease control research and training (emergency)	---	---	13,000	13,000
CDC Occupational Safety and Health 9/11 (emergency)	---	---	3,589	50,000
Subtotal	---	---	16,589	63,000

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
Administration for Children and Families				
Low-income home energy assistance (emergency)	---	400,000	640,000	400,000
Office of the Secretary				
Public Health and Social Services Emergency Fund (emergency)	---	969,650	820,000	625,000
Covered Countermeasure Process Fund (emergency)	---	50,000	50,000	25,000
Subtotal	---	1,019,650	870,000	650,000
General Provisions				
Sec. 3401. DOL Training and employment services (rescission) (emergency)	---	---	-3,589	-4,494
Sec. 3401. DOL State unemployment insurance and employment service ops (rescission) (emergency)	---	---	---	-4,100
Sec. 3402. DOEd Safe and drug free school zone (national programs) (emergency)	---	---	---	8,594
Subtotal	---	---	-3,589	---
Total, Chapter 4	---	1,419,650	1,523,000	1,113,000
CHAPTER 5				
Architect of the Capitol				
Capitol power plant (emergency)	---	50,000	25,000	50,000
CHAPTER 6				
DEPARTMENT OF VETERANS AFFAIRS				
Veterans Benefits Administration				
Compensation and pensions	---	20,000	---	---
Veterans Health Administration				
Medical services (emergency)	---	414,982	454,131	466,778
Medical administration (emergency)	---	256,300	250,000	250,000
Medical facilities (emergency)	---	595,000	595,000	595,000
Medical and prosthetic research (emergency)	---	35,000	30,000	32,500
Subtotal	---	1,301,282	1,329,131	1,344,278
Departmental Administration				
General operating expenses (emergency)	---	62,000	46,000	83,200
Information technology systems (emergency)	---	35,000	36,100	35,100
Construction, major projects (emergency)	---	23,800	---	---
Construction, minor projects (emergency)	---	260,000	355,907	326,000
Subtotal	---	380,800	438,007	444,300
Total, Chapter 6	---	1,702,082	1,767,138	1,788,578
Total, Title III	---	4,145,325	4,011,331	4,133,171
Appropriations	---	(20,000)	---	---
Emergency appropriations	---	(4,125,325)	(4,014,920)	(4,141,765)
Rescission of emergency funding	---	---	(-3,589)	(-8,594)
TITLE IV - OTHER MATTERS				
CHAPTER 1				
DEPARTMENT OF AGRICULTURE				
Farm Service Agency				
Salaries and expenses	---	48,000	75,000	37,500

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
General Provisions				
Sec. xxxx. Trade Adjustment Assistance (rescission)	---	---	-75,000	---
Total, Chapter 1	---	48,000	---	37,500
CHAPTER 2				
DEPARTMENT OF HOMELAND SECURITY				
Sec. 4401. US Coast Guard retired pay (mandatory)	---	---	100,000	30,000
Sec. 4404 Rescission of unobligated balances:				
Office of the Secretary and Executive Management	---	---	---	-1,201
Office of the Under Secretary for Management	---	---	---	-513
Office of Chief Information Officer	---	---	---	-462
Office of the Chief Financial Officer	---	---	---	-45
Preparednes - Management and Administration	---	---	---	-968
Science and Technology - Management and Administration	---	---	---	-1,215
United States Secret Service - Salaries and Expenses	---	---	---	-450
FEMA - Administrative and Regional Operations	---	---	---	-450
United States Coast Guard - Operating expenses	---	---	---	-25,596
Various accounts	---	-20,000	---	---
Total, Rescission of unobligated balances	---	-20,000	---	-30,900
Sec. 4404. US Coast Guard Acquisition, construction and improvements	---	---	---	30,000
Sec. 4404. Office of the Undersecretary for Management	---	---	---	900
Total, Chapter 2	---	-20,000	100,000	30,000
CHAPTER 3				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Indian Health Service				
Sec. 4502.				
Indian health services (Transfer to Indian health facilities)	---	(-7,300)	(-7,300)	(-7,300)
Indian health facilities (Transfer from Indian health services)	---	(7,300)	(7,300)	(7,300)
CHAPTER 4				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
National Institutes of Health				
National Institute of Allergy and Infectious Diseases (Transfer to Public Health and Social Services Emergency Fund)	---	(-49,500)	(-49,500)	(-49,500)
Office of the Director (Transfer to Public Health and Social Services Emergency Fund)	---	---	---	(-49,500)
Subtotal	---	(-49,500)	(-49,500)	(-99,000)
Office of the Secretary				
Public Health and Social Services Emergency Fund (Transfer from National Institues of Health)	---	(49,500)	(49,500)	(99,000)
RELATED AGENCY				
National Council on Disability	---	---	---	300

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
General Provisions				
Sec. 4601. Employee Benefits Security Administration (Transfer from Pension Benefit Guaranty Corp)	---	(7,000)	(7,000)	(7,000)
Sec. 4601. Pension Benefit Guaranty Corp (transfer)	---	(-7,000)	(-7,000)	(-7,000)
Sec. 4604. HHS Office of the Secretary (rescission)	---	---	-1,000	-1,000
Sec. 4607. CNCS: Operating expenses (transfer out)	---	---	(-1,360)	(-1,360)
Sec. 4607. CNCS: Salaries and expenses (by transfer)	---	---	(1,360)	(1,360)
Sec. xxxx. Special Education	---	---	1,000	---
Sec. xxxx. Student aid administration (rescission)	---	---	-2,000	---
Subtotal	---	---	-2,000	-1,000
Total, Chapter 4	---	---	-2,000	-700
CHAPTER 5				
LEGISLATIVE BRANCH				
House of Representatives				
Payment to widows and heirs of deceased Members of Congress	---	165	---	165
Capitol Guide Service and Special Services Office				
Sec. xxxx. Capitol Guide Service	---	---	3,500	---
(Rescission)	---	---	-3,500	---
Total, Chapter 5	---	165	---	165
CHAPTER 6				
DEPARTMENT OF STATE				
International Commissions				
International Boundary and Water Commission, United States and Mexico, construction	---	10,000	---	---
CHAPTER 7				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Office of Federal Housing Enterprise Oversight				
Salaries and expenses	---	7,568	4,800	6,150
Offseting collections	---	-7,568	-4,800	-6,150
GENERAL PROVISIONS				
THE JUDICIARY				
Sec. xxxx. Judicial COLA (CBO)	---	---	5,000	---
Total, Title IV	---	38,165	103,000	66,965
Appropriations	---	(65,733)	(189,300)	(104,565)
Rescissions	---	(-20,000)	(-81,500)	(-31,450)
Offseting collections	---	(-7,568)	(-4,800)	(-6,150)
by transfer	---	(63,800)	(65,160)	(114,660)
transfer out	---	(-63,800)	(-65,160)	(-114,660)
TITLE V - AGRICULTURAL ASSISTANCE				
Sec. 5101. Crop disaster assistance (emergency)	---	1,808,000	2,090,000	1,850,000
Sec. 5102a. Livestock compensation program (emergency)	---	1,480,000	1,507,000	1,380,000
Sec. 5102b. Livestock indemnity payments (emergency)	---	31,000	33,000	33,000
Sec. 5103. Emergency conservation program (emergency)	---	20,000	35,000	20,000
Sec. 5106. National Diary Market Loss Payment Program (emergency)	---	283,000	31,000	31,000
Sec. 5107. Dairy assistance (emergency)	---	---	95,000	20,000
Sec. 5109. Low-income migrant and seasonal farmworkers (emergency)	---	---	---	21,000
Sec. 5110. Conservation security program (emergency)	---	---	115,000	115,000
Sec. 5111. Farm Service Agency, salaries and expenses (emergency)	---	---	30,000	30,000
Sec. xxxx. Ewe Lamb replacement (emergency)	---	---	13,000	---

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
Sec. xxxx. Flooded crop and grazing land (emergency)	---	---	6,000	---
Sec. xxxx. Sugar beet and sugar cane disaster assistance (emergency)	---	---	27,000	---
Sec. xxxx. Spinach (emergency)	---	25,000	---	---
Sec. xxxx. Small business economic loss grant program (emergency)	---	---	100,000	---
Sec. xxxx. Tree assistance program (emergency)	---	---	40,000	---
Sec. xxxx. Emergency watershed protection program (emergency)	---	---	50,000	---
Sec. xxxx. Peanut storage (emergency)	---	74,000	---	---
Sec. xxxx. Aquaculture (emergency)	---	5,000	---	---
Sec. xxxx. Insect infestations (emergency)	---	---	20,000	---
Total, Title V	---	3,726,000	4,192,000	3,500,000
TITLE VI - ELIMINATION OF SCHIP SHORTFALL AND OTHER MATTERS				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Centers for Medicare and Medicaid Services				
State Childrens Health Insurance Program (emergency)	---	735,000	448,000	646,000
Medicaid impact of SCHIP funding (emergency)	---	-287,000	---	-250,000
Sec. 6002. HHS/CMS (Medicaid regulation offsets)	---	---	---	-3,000
Total, Title VI	---	448,000	448,000	393,000
Appropriations	---	---	---	(-3,000)
Emergency Appropriations	---	(448,000)	(448,000)	(396,000)
TITLE VII - MINIMUM WAGE INCREASE AND SMALL BUSINESS TAX RELIEF				
Fair Minimum Wage and Tax Relief (emergency)	---	---	35,000	---
Grand total	103,015,427	124,315,636	122,807,084	124,173,007
Appropriations	---	(86,733)	(195,300)	(101,565)
Emergency appropriations	(103,015,427)	(124,336,471)	(123,121,672)	(124,813,578)
Rescissions	---	(-20,000)	(-84,596)	(-31,450)
Rescission of emergency funding	---	(-80,000)	(-31,589)	(-21,594)
Rescission of contract authority	---	---	(-388,903)	(-682,942)
Offseting collections	---	(-7,568)	(-4,800)	(-6,150)
By transfer	---	(63,800)	(65,160)	(114,660)
By transfer (emergency)	(500,293)	(225,293)	(268,293)	(259,793)
Transfer out	---	(-63,800)	(-65,160)	(-114,660)
Transfer out (emergency)	(-500,293)	(-225,293)	(-268,293)	(-259,793)
Transfer authority (emergency)	(7,000,000)	(3,500,000)	(3,500,000)	(3,500,000)

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
CONGRESSIONAL RECAP				
Scorekeeping adjustments:				
Department of Defense transfer to Economic Support Fund (Department of State):				
Defense function	-110,000	-100,000	---	-110,000
International Affairs function	110,000	100,000	---	110,000
Total Scorekeeping adjustments	---	---	---	---
Total (including adjustments)	103,015,427	124,315,636	122,807,084	124,173,007

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the Republican leader of the House.

Mr. BOEHNER. Mr. Speaker, what are we doing? What in the world are we doing? The President asked for funding for our troops in Afghanistan and Iraq to meet our commitments to bring freedom to those people and to protect the American people, and here we are with a bill that has some $25 billion worth of spending over and above what the President asked for. And if that is not bad enough, we handcuff our generals and we handcuff our troops and we go about this backhanded way of trying to end the war in a backhanded way because the votes are not there to do it in a straight-up fashion.

Mr. Speaker, we are sent here by the American people. We have grave responsibilities to them and to our allies around the world, and I understand that there are deeply held differences over what is going on in Iraq. But all of us understand what we heard today from General Petraeus. All of us understand what we have heard over the last few months coming out of Iraq.

The real battle in Iraq today is not with the Iraqis. The real battle in Iraq today is with al Qaeda that has made this the central front in their war with us. And let us remember, we did not start the war with al Qaeda; they did.

It is al Qaeda that has made Iraq the central front in their war with us, and if we are not willing to take on al Qaeda in Iraq today, when will we? When will we stand up to radical Islam that is spreading all over the world, endangering our allies and endangering our citizens? When will we stand up and fight? We did not do it like other world leaders for some 20 years because America, like the rest of the world, looked up, looked away, and just hoped the problem would go away. It is not just going to go away.

People who are raised to believe that killing Americans and our allies and killing freedom and hating freedom is the answer to get to Allah is not just going to go away. And so we can look up and we can walk out, we can walk out of Iraq, just like we did in Lebanon, just like we did in Vietnam, just like we did in Somalia, and we will leave chaos in our wake.

Now, if dealing with al Qaeda is not enough of a reason to finish the job that we have in Iraq, what about the issue of the Iranians? The Iranians are trying to spew their hate all over the Middle East and elsewhere. You see Iranians who are bringing new devices into Baghdad to kill Americans and our allies. It is Iranians who are bringing funds and doing training to stir up sectarian violence in Baghdad. Are we just going to look the other way again?

I say to my colleagues, and I have said this before, every generation of Americans has had their obligation. Every generation of Americans has had their obligation to stand up and to protect our country, not for just today but for tomorrow and for the next generation.

After looking away for 20 years during the 1980s and 1990s, what was America to do after 3,000 of our citizens died on 9/11? Just all hope it goes away, hope they do not care anymore?

I say to my colleagues that we have a solemn obligation to the American people to finish the job that we started. And while Iraq may not have started out as the central front in our war with al Qaeda, it may not have started out with a fight against the Iranians, all of us in this Chamber today know, all of us know that this is the central front in our war with al Qaeda, and this is the battleground with Iran. You all know it. You know it as well as I do.

And the question is, are we going to stand up and fulfill our obligation to the American people? Are we going to fulfill our obligation to the Iraqis who are struggling to create a government of the people, by the people and for the people?

I think they are on clear notice that they have got a job to do on their own, but if we step out today, we are ensuring that they will fail. We are ensuring that we will leave chaos in our wake. We will embolden our enemies, and it is our kids and their kids who will pay a very, very steep price.

This is not the right thing to do, in my opinion. I respect those who have opinions that are otherwise, but as I stand here as a Member of Congress, we need to think seriously about what we are doing, think seriously about the message that we are sending to our enemies around the world and ask ourselves, is this what our forefathers would have done? Is this the message that we want to send to the world? I would suggest to all of you it is not. We should vote "no."

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished Speaker of the House.

Ms. PELOSI. Mr. Speaker, thank you very much. I thank the gentleman for yielding and commend him for his exceptional leadership in bringing this important legislation to the floor. I also acknowledge the leadership of Mr. MURTHA and Mr. SKELTON for all that they are doing to make our country safer and to support our troops.

Mr. Speaker, the war in Iraq is the greatest ethical challenge facing our Nation. This is so because our troops are being sent into battle without the training, equipment. And the strategic plan for success because the administration is not honoring our commitment to our veterans and because the Iraqi war has strained our military, and therefore weakened our ability to fight the war on terrorism.

By placing an unacceptable strain on our military, this war is undermining our ability to protect the American people. Instead of making the American people safer, the war in Iraq has weakened our ability to protect our Nation from the threat posed by international terrorism, I repeat.

As Major General Petraeus said, right now we are not prepared. We are not prepared for the threat this Nation faces here at home. And, because in this business you cannot be half ready or half prepared, you are either ready or you are not.

We have put our citizens at greater risk. We have put their lives at greater risk, their property, our economy, our way of life, and that is just unacceptable.

Instead of strengthening our hand, the President's policies in Iraq have weakened our reputation in the world and diminished our ability to lead the international effort against terrorism, which again is the real threat.

With U.S. focus on Iraq, the war in Afghanistan has intensified because of the resurgence of the Taliban and al Qaeda in the absence of the fullest effort on our part there.

As Major General John Baptiste said, Here is the bottom line. Americans must come to grips with the fact that our military alone cannot establish a democracy. We cannot sustain the current operational tempo without seriously damaging the Army and the Marine Corps. Our troops have been asked to carry the burden of an ill-conceived mission. End of quote, Major General John Baptiste.

Our troops have done everything that they have been asked to do and excellently. We salute them for their courage, their patriotism, and the sacrifices they and their families are making. Instead of being honored as the heroes they are when they come home, our wounded veterans are being forced to cope with a system that is not equipped to care for them. Preparation was not made.

Americans have been shocked by the revelations of the appalling care at Walter Reed. As Senator Max Cleland, a great patriot, a decorated Army veteran, said, Walter Reed is the ugly face of the Iraq war. It is a face that the American people need to see because this administration from the beginning never planned to deal with casualties, never planned for the consequences of this war.

Last fall, the American people voted for a new direction in Iraq. They made it clear that our troops must be given all they need to do their jobs but that our troops must be brought home responsibly, safely and soon.

The President responded to this clear call for winding down the war in Iraq with a policy of escalation in Iraq that has been tried three times previously and failed and, additionally, has burdened our already strained military.

The problems addressed in this bill are problems of the President's own making. From the start of the war, the President has failed to recognize and to request in his budget the funds needed by our troops serving in Iraq, as has been indicated by the distinguished chairman of the Appropriations Committee, Mr. OBEY.

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This is the seventh emergency appropriations bill that Congress has had to pass to make up for the President's failure, seven emergencies. What is the surprise? Why aren't they understanding the cost of this war in lives and health, in reputation, in dollars, and the readiness of our military?

Furthermore, the President's budgets have failed to provide adequately for the medical needs of our troops wounded in Iraq and for other veterans. This bill supports our troops, honors our commitments to our veterans, rebuilds our military, and holds the Iraqi government accountable. It winds down the war by providing for the responsible redeployment of our combat forces based on benchmarks endorsed by the Iraqi government and by President Bush. They are his own benchmarks.

Oddly, though, even though they are the President's own benchmarks, holding the administration accountable to benchmarks has been criticized by the administration. They are criticizing their own benchmarks. Yet both Secretary of Defense Robert Gates and retired Major General Paul Eaton, formerly in charge of training of Iraqi security forces, have noted the value of timelines in persuading Iraqis to make the political compromises needed to end the violence.

Secretary Gates noted, we are all familiar with this, it bears repeating, "The strong feelings expressed in Congress about the timetables probably has had a positive impact . . . in terms of communicating to the Iraqis that this is not an open-ended commitment."

General Eaton said, "This bill gives General Petraeus great leverage for moving the Iraqi government down the more disciplined path laid out by the Iraq Study Group."

My colleagues, the war in Iraq has lasted longer than World War II and resulted in the lowest level of American military readiness since the Vietnam War. It has cost thousands of American lives, tens of thousands, scores of thousands of Iraqi lives, plus tens of thousands of our soldiers to suffer grievous injuries, and will cost well over $1 trillion if the war ended today.

The sacrifices borne by our troops and their families demand more than the blank check the President is asking for, for a war without end. The sacrifices demand a plan for bringing the war to an end. This bill contains that plan and provides the President for every dollar he asked for the troops, and, indeed, thank you, Mr. MURTHA, much more.

I urge my colleagues to support it. I urge the President to sign the bill so that we can focus on winning the war against terrorism, which is the real threat to the American people. That is our responsibility, and we fully intend to honor it.

Mr. LEWIS of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, we know that this conference report before us will be vetoed by the President because of the Iraqi withdrawal language and the many unrelated and costly spending items that have absolutely nothing to do with the global war on terror or recovery efforts in the gulf coast.

It is no secret that many Members of the House and Senate, both Republicans and Democrats, have strong reservations about the manner in which this legislation undermines the authority of the President, our Commander in Chief. Members are also rightly concerned about how this legislation places military decisions in the hands of politicians rather than the military commanders in the field.

As I have said many times before, this legislation ought to focus on our troops. It ought to focus on providing those in harm's way with the resources they need to complete their mission successfully. It ought to respect, not micromanage, our combatant commanders in whom we place the ultimate responsibility for prosecuting military actions.

My colleagues know that I have great respect for my friend, Mr. MURTHA, but I strongly disagree with his assertion that we ought to have 535 Members and Senators micromanaging the war in Iraq. With all due respect, that is not our job.

Let me again remind my colleagues, we are not generals, we are not the Secretary of State, and we most certainly are not the Commander in Chief. It is tragically ironic that the House is considering this conference report the same day that General David Petraeus met with Members in closed session on the current situation in Iraq.

It was on January 26 of this year, just 3 months ago, that the Senate voted 81–0 to confirm General Petraeus to be the top military commander in Iraq. One would have thought that Members and Senators would trust his judgment following such an extraordinary vote of confidence over 3 months ago. Senator REID, who supported the General's confirmation, now says, and I quote, "I don't believe him."

Recent history reminds us that the enemy we face in Iraq, in Afghanistan and other countries that harbor terrorists will stop at nothing to seek opportunities to attack the United States and our allies. Have we not learned anything from the original World Trade Center bombing in 1993, the Khobar Towers bombing, the attack on USS Cole or 9/11 itself?

Al Qaeda will view this legislation as the first sign of the United States backing down from its commitment to the war on terror. It will view the withdrawal provisions contained in this conference report as America signaling retreat and surrender. Indeed, al Qaeda will view this as a day that the House of Representatives threw in the towel, waved the white flag and signaled retreat and surrender in Iraq.

Our failure to learn the lessons of history, our failure to lead today, will result in devastating consequences, including an even greater loss of lives, and even more resources needed to fight tomorrow. Just as we have only one top General in Iraq, one Secretary of State and one Commander in Chief, we only have one Speaker of the House at a time.

Speaker PELOSI and I have been friends and have served as colleagues on the Appropriations Committee for many years. The Speaker played an important role in supporting the development of unmanned aerial vehicles, a critical and successful military capability that is a key element to the war on terror. She and I worked on that in the Intelligence Committee together years ago. It is puzzling to me that the Speaker would not only openly question the judgment of General Petraeus, Secretary Rice, and our Commander in Chief, but that she would also willingly work to undermine their efforts to secure a successful outcome in Iraq.

My colleagues, it is absolutely essential that America, the last remaining superpower on Earth, continue to be the voice for peace and freedom in our shrinking world. Our success is critical. Walking away will further signal to Syria, Iran, Afghanistan and others that the United States is no longer committed to a successful outcome in Iraq.

In closing, I ask Speaker PELOSI and my friends in the majority to weigh the implications of supporting this conference report. Even as I hold hope that the Speaker might have a road-to-Damascus conversion, I ask her to weigh the enormous consequences of putting our troops in peril. I strongly urge a "no" vote on this emergency supplemental.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), the Chair of the Foreign Operations appropriations subcommittee.

Mrs. LOWEY. Mr. Speaker, I rise in support of the conference report on H.R. 1591 and commend Chairman OBEY for your efforts to protect our troops, respect the wishes of the American people, and preserve our Nation's interest in this bill.

Our troops have served with honor and courage. However, they should be deployed only when battle ready and with a clear and achievable mission. Neither is the case today in Iraq. Recent reports indicate the troop surge is not working. The number of casualties rose again in March, and this bloody trend continues.

We have heard from this administration that it is not willing to negotiate on Iraq. Frankly, their unwillingness to compromise has led us to this point, and the right of the American people to be heard is nonnegotiable. No amount of American blood or treasure can help Iraq if the Iraqis don't help themselves.

The Maliki government must exhibit the political will to confront extremists, to give all segments of society a stake in Iraq's future, and to put Iraqi revenues towards the hard task of reconstruction. That is why this bill asks the President to certify that the Iraqis are doing their part in meeting critical benchmarks.

In addition, I am pleased the conference report includes nearly $200 million in increased funding for Afghanistan, $80.3 million for Jordan, $45 million for Liberia, $769 million for Lebanon, much needed assistance for Sudan and Somalia, increased funding for disaster and refugee aid to Iraq, increased accountability through funding expanded mandates for the special Inspector General and the State and USAID IG operations.

While this bill provides most of the funding requested by the President, it puts in place safeguards and oversight to stop waste, fraud and abuse with U.S. taxpayer dollars in Iraq.

I urge my colleagues to support this bill.

Mr. LEWIS of California. Mr. Speaker, I yield 4 minutes to the ranking member on Homeland Security, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Speaker, I rise, regrettably, today in opposition to the supplemental conference report before us, the first time I have risen in opposition to an appropriations conference report in more than 12 years. The Democratic side of the aisle and many of their liberal newspaper editors are intent on substituting their judgment for that of our professional, trained, experienced military leaders.

I am reminded of a quote that I want to read to you, it's very brief, that speaks to this subject. I will tell you the author in just a moment. "It appears we have appointed our worst generals to command forces, and our most gifted and brilliant citizens to edit newspapers. In fact, I discovered by reading newspapers that these editor geniuses plainly saw all my strategic defects from the start, yet failed to inform me until it was too late. Accordingly, I am readily willing to yield my command to these obviously superior intellects, and I will, in turn, do my best for the cause by writing editorials after the fact." Signed, Robert E. Lee.

This Congress is made up of 535 lawyers, doctors and teachers, some with military experience, some without. It is not, however, made up of 535 military commanders who possess the ability to manage a war against al Qaeda. Yet that is what this conference report does. It enables over just half of 535 politicians to micromanage the war in Iraq against al Qaeda.

Sadly, though, this is not the only reason to vote against this conference report. It's also full of billions of dollars in spending categorized as an emergency which undermines the true needs of our troops and gulf coast hurricane recovery efforts. Specifically for Homeland Security, the supplemental contains two categories of emergency funding, hurricane recovery and the global war on terrorism.

Speaking to the hurricane recovery portion, this is a true 2007 emergency. FEMA needs these funds now to continue our commitment to the devastated gulf coast region and to ensure the disaster relief fund does not run dry in the middle of what experts are predicting will be an active hurricane season.

I can only hope that in an effort to keep the overall exorbitant spending of the bill down, the majority has not shortchanged the true needs of this account.

The global war on terrorism, part of this funding bill, is another story. While it contains many worthy and important items such as nuclear and explosive detection systems and additional aircraft for the northern border, things I have supported in the past and continue to support, they are in no way a 2007 emergency. In every instance, these items could and should be addressed in the regular 2008 appropriations bill. By including them in this 2007 emergency, the majority is simply trying to look strong on security and buy down requirements to free up funds in 2008 for additional spending.

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While I support homeland security spending, I support it in a fiscally responsible way.

Mr. Speaker, it is not often that I have two such compelling reasons to vote against a bill: taking away authority to manage our war against al Qaeda from the military commanders, and carelessly adding billions of dollars in non-emergency spending. These are the very reasons we will be back here addressing these matters again in a couple of weeks after the President vetoes the bill.

We should address these issues now, and stop the political gamesmanship that harms both our troops and the gulf coast recovery effort. This bill is nothing short of a cut-and-run in the fight against al Qaeda. I urge a "no" vote.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader.

Mr. HOYER. Mr. Speaker, this bill is not cut and run. It's think and succeed. It's a good policy to try.

Mr. Speaker, tonight this House will adopt this reasonable conference report that fully funds our troops in Iraq and Afghanistan and that responds to the will of the American people, who are demanding, demanding, that our Nation change course. I urge all of our Members here, on both sides of the aisle, to support this bill.

After the Senate passes this conference report and it is sent to the White House, I urge and implore the President to sign this bill, even though he seems determined to veto this legislation, thereby defying the will of the American people, 70 percent of whom disapprove of his handling of the war in Iraq.

I know there is not a Member in this body who does not pray for our success in Iraq and for the safe return of our brave servicemen and women who serve us there. However, we cannot ignore the facts. After the loss of more than 3,300 American soldiers and nearly 25,000 injured, and after the expenditure of more than $400 billion, which will be after the end of this fiscal year some $600 billion, on a war now in its fifth year, even President Bush and Secretary of Defense Gates acknowledge that our efforts are not succeeding.

The Defense Department has concluded that the situation in Iraq is "properly descriptive of a civil war." The Army Chief of Staff has issued warnings about the effect of the war on America's overall military readiness. And the Iraq Government has failed to meet political goals, such as reversing debaathification, drafting a plan for national reconciliation and disbanding militias, all of which are essential if we are to reach a political solution, as General Petraeus says is necessary.

In fact, last week, six ministers loyal to Muqtada al Sadr withdrew from the Iraqi Government, imperiling the chances of political resolution, which General Petraeus, as I said, says is imperative because, quoting again General Petraeus, "There is no military solution to a problem like that in Iraq." General Petraeus: "There is no military solution to a problem like that in Iraq."

Meanwhile, the violence in Iraq continues. In just the last 2 weeks, a suicide attack inside the Iraqi Parliament killed eight, and spectacular car bombs, which occur almost daily, have killed hundreds.

Thus, Mr. Speaker, the question before the Members again today is this:

Will we change direction in Iraq, or will we continue to stay the course with a failing policy? That is the question before this House tonight.

The answer, I think, is clear. After 4 years of rubber-stamping this administration's failed policy, not a service to the American people, this Congress must insist on accountability and a new direction. As the Speaker has said, more blank checks from this Congress would constitute an abdication of our responsibility and of our duty.

In short, this conference report protects our troops, requiring deployments to adhere to existing Defense Department standards. Mr. MURTHA has not adopted these standards, nor has Mr. OBEY, nor have any of us on this side of the aisle. These are Defense Department standards for training, acquiring equipment and armor, while allowing the President to waive those standards that are the Defense Department standards if, in his judgment, national security requires it. How much more responsible a position can we take?

The conference report holds the Iraqi Government accountable. I think that reflects the sentiments of the American people, who believe that the Iraqis need to step up and take responsibility. What Secretary Gates said was if we do not have a consequence of not taking responsibility, they will not do it.

In fact, even if Mr. Maliki wants to do it, he will not be able to get the disparate factions in Iraq to do it, unless they feel a necessity to do it. We've seen that here in this Congress. That's democracy at work. So this is an assistance to the Iraqi Government to bring people together, because it says if you don't, there is a consequence. The American public supports that alternative.

And it includes a responsible strategy for a phased redeployment of U.S. forces and refocuses, refocuses our efforts on fighting al Qaeda and the Taliban in Afghanistan. There is nobody in this Congress who does not want to nor is not committed to confronting and defeating terrorism. No one should be misled by the false claims of those who argue that we must follow the same failing stay-the-course strategy. This bill does not constitute capitulation or micromanaging this war.

This may sound harsh, but had somebody told Custer that you are not supporting the troops unless you leave them here, they would have been wrong. As retired General Paul Eaton, who was in charge of training the Iraqi military in 2003 and 2004 recently stated, "This bill gives General Petraeus great leverage for moving the Iraqi Government down the more disciplined path laid out by the Iraq Study Group. The real audience for the timeline language is Prime Minister Maliki," as I have said, "and the elected Government of Iraq." So concluded Paul Eaton, the general in charge of training Iraqis in 2003 and 2004.

Mr. Speaker, the American people want and deserve a Congress that holds the Iraqis accountable for making progress. The American people are paying a steep price; our children are paying a steep price for this war. They haven't been given the bill yet, but they will be. And our young men and women, and not so young men and women, are paying with their lives, with their limbs, and with their health.

The American people want and deserve, as I have said, a Congress that holds the Iraqis accountable, that holds the administration accountable for implementing a policy designed to succeed. This conference report gives us that opportunity.

I urge all of my colleagues, on every side of the aisle, from whatever party, support this conference report. I urge the President, when we pass this conference report, when the Senate passes it and we send it to the President, sign this conference report. It fully funds our troops, it does not micromanage the war, it tells the Iraqis we expect accountability; because if they take accountability, our troops will be safer, our country will be better off and Iraq will be on the path to democracy that we hope for her and pray for her.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the ranking member on Military Construction of Appropriations, the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I served as a conferee on this bill Monday afternoon, and I was disappointed at what I saw. Everyone in the room knew then, as they know now, that President Bush will veto this legislation because it contains dangerous timelines for withdrawal in Iraq, undercutting our chances for success and making a political statement at a time when we should be working in a bipartisan manner to give our troops the resources they need to succeed.

Many of us heard General Petraeus this afternoon. I think most Members are highly impressed with his command of the situation and his candor. We ought to be willing to give him and his new strategy a chance. Instead, the bill before us tonight would guarantee failure.

This is a futile exercise and a waste of valuable time. It ensures further delay in getting the equipment, supplies and support to the troops. Because Congress has not provided this funding already, our military leaders must shuffle existing funds. Spending on new equipment will be postponed and repair work will be slowed on equipment needed elsewhere around the world, and the Pentagon will have to curtail training for National Guard and Reserve units. This will hamper their capabilities and their readiness.

The veto will come quickly, and, when it does, I hope the majority will not engage in further attempts to micromanage the war. Let's craft a responsible, focused supplemental package that funds the military and demonstrates to our soldiers that we support their efforts to complete the mission.

Contrary to what some in the Democratic leadership say, the war is not lost. Let's not legislate as if it is.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank our chairman for yielding.

Mr. Speaker, this is a good bill. We are legislators. The President has a job and we who represent the people have a job. It funds the war, a war that the other side started, and the speech that they are giving tonight is the same speech they gave 4 years ago.

It's time to change course. This bill funds veterans who have been wounded severely, children who need health care, and all the emergencies that this country needs to address and has not been taking care of the last decade.

Pass the bill.

Mr. President, sign the bill. It's the best bill. The Senate and House have agreed, and we don't care that the President has said, before we even passed it out of the first Chamber, that he would veto it. We have to pass this bill, bring our troops home, and have a plan for success.

This is a good conference report. Americans, speak out. If the President does veto the bill, there is something to be paid. The troops need our help and our support, and I thank Chairman OBEY and Chairman MURTHA for their leadership. Vote for the conference report.

"Few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation." Sen. Robert F. Kennedy.

This vote will affect us today, it will affect our children tomorrow, it will affect our grand children of the next generation. Unlike some of our colleagues, I refuse to legislate any bill, much less this bill, merely because the President has issued a veto threat. Our brand of government has lasted for more than 230 years because of the separation of powers. The President needs the money, and Congress controls the power of the purse.

We have the opportunity to change course, confront crises, and continue the legacy of not only the Democratic Party but of America with this vote today.

As of April 23, 2007, there have been 3,333 U.S. Military Deaths Confirmed by the Department of Defense. There have been at least 20,000 women and men who have been wounded, and untold numbers of women and men who have been affected by traumatic brain injuries that we are just discovering, and will suffer for decades from post traumatic stress disorder.

The Democrats have worked to compromise with the Administration. While I, like many of my colleagues, hoped that we would retain the House language with regard to the troop deployment provisions, I understand that honesty and compromise are the hallmarks of this august body.

Make no mistake about it; this vote is a vote to support our troops and will bring an end to the war in the near future. The military options for Iraq are exhausted; we need to pursue diplomatic solutions so that the Iraqis and other countries in the Middle East can be real shareholders in the fate of Iraq.

This supplemental enforces the President's own benchmarks that the Iraqis protect and end their civil war. This bill has the military's own standards for readiness and deployment. This bill provides more than the President requested for military procurement, construction, health care, and readiness.

I am proud that the Committee supported my request for increased funding for the Low Income Home Energy Assistance Program, to remove the matching funds for many of the grants and loans going to the rebuilding of states affected by Hurricane Katrina, in particular the city of New Orleans.

$450 million for Post Traumatic Stress Disorder (PTSD)/Counseling: African American male Vietnam and Iraq theater veterans have higher rates of PTSD than Whites. Rates of current PTSD are 28% among Hispanics, 21% among African Americans, and 14 percent among Whites. African Americans have greater exposure to war stresses and had more predisposing factors than Whites, which appeared to account for their higher rate of PTSD.

$450 million for Traumatic Brain Injury care and research: Traumatic brain injury (TBI) is caused by a blow or jolt to the head or a penetrating head injury that disrupts the function of the brain.

$20 million to address the problems at Walter Reed: When the federal base-closing commission recommended shutting down Walter Reed Army Medical Center in Washington, it was noted through a number of reports that most of the patients and communities affected were African-American.

$100 million to allow the VA to contract with private mental healthcare providers to offer veterans, including Guard and reserve members, quality and timely care: African Americans are more likely to be victims of serious violent crime than are non-Hispanic whites.

Food Assistance (PL 480 Title II): Adds $450 million, which is $100 million above the President's request, to support food aid in Sudan/Eastern Chad, Southern Africa, and the Horn of Africa.

Agricultural Assistance: Adds $3.7 billion. According to the National Farmers Union, over 80 percent of U.S. counties were designated as disaster areas in 2005, and 60 percent were declared in 2006, making this assistance essential if farmers are to maintain their livelihoods in the coming year.

Low Income Home Energy Assistance Program (LIHEAP): The Supplemental adds $400 million to partially restore cuts to the program.

Pandemic Flu Preparedness: Adds $1 billion to purchase vaccines needed to protect us from a global pandemic.

State Children's Health Insurance Program (SCHIP): As amended in Committee, the proposal adds $750 million for SCHIP to ensure continued healthcare coverage for children in 14 states that face a budget shortfall in the program.

Foreign Aid: $40 million in security assistance is added for Liberia. This provision was added only because of the CBC.

After far too long, the bill will address the outstanding needs of our working women and men by increasing the minimum wage of Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to address their remarks to the Chair.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG), the former chairman of the Defense Subcommittee and former chairman of the Appropriations Committee.

Mr. YOUNG of Florida. Mr. Speaker, first I want to make the point as strongly as I can that I want our troops out of Iraq and Afghanistan and anyplace else in the world where they are in harm's way as soon as we can possibly do it without risking the security of our own Nation and the security of our own people.

Mr. MURTHA and I have been partners in this business for many, many years, and he and I have both stood by the bedside of too many wounded troops and have attended too many funerals, and we want this over.

As a matter of fact, the legislation before us, the appropriations part of this defense bill is a good package. Mr. MURTHA and I met prior to him submitting this to the full Appropriations Committee and we agreed. Basically I told Mr. MURTHA that these are about the same numbers that I would have recommended if I were still the chairman. But we did agree to disagree on the issue of the restrictive language on the conduct of the battlefield.

My memory takes me back, as we discuss this legislation now, to October of 1983, where terrorists attacked the Marine barracks in Beirut. The Marines there on a peacekeeping mission and 241 of our troops were killed. In February of 1993, the World Trade Center was bombed, as Chairman LEWIS noted in his comments. Six lives were lost.

□ 2030

In June of 1996, Khobar Towers in Saudi Arabia, where our airmen were being housed, was bombed. Nineteen American lives were lost. August of 1998, our embassies in Kenya and Tanzania were bombed by terrorists again. Two hundred fifty-nine lives were lost. October of 2000, the USS *Cole* off the shore of Yemen was bombed by terrorists. Again, 17 American lives lost, and almost every crewman on the ship injured.

But all this time nothing happened except a lot of rhetoric. Well, we talked a lot. We were going to hunt them down. And you can run, but you can't hide.

But finally, after September 11, the people of America were so incensed by what they saw with the airplanes flying into the two World Trade Centers, the airplane flying into the ground in Pennsylvania, in or near Mr. MURTHA's district, and the airplane flying into the Pentagon right across the river, killing some 3,000 innocent people. The people of America were incensed. They demanded action. The President of the United States promised action, and the Congress provided action. And subsequently, our troops are in Afghanistan and are in Iraq. And it is essential that we provide whatever they need to carry out their mission and to protect themselves while they are carrying out the mission.

But now, what about leaving today or tomorrow or March or July, as some of these restrictions provide?

One of our great successes was Desert Storm. In Desert Storm, we attacked Saddam Hussein's armies successfully, and we annihilated, basically, his army. At least they ran away. They ran for cover. They surrendered. A lot of them lost the battle because the United States was aggressive and our coalition partners.

But here's where we made a mistake. Once we had Saddam's armies defeated, we left. We left before there was anything else there to provide a reasonable, logical government for the people of Iraq.

And what happened? Saddam responded in a vicious attack upon his own Iraqi citizens to continue the genocide that he began in earlier years. After we left from Desert Storm, he killed thousands of Shia Iraqis.

What General Petraeus and our American troops are trying to do is to give the Iraqi government that has been elected by the people, Constitution approved by the people, a parliament elected under the new Constitution by the people; General Petraeus said that the Iraqi security forces were growing in number, were growing in capability. Even the Sunnis are starting to join up with these security forces in Iraq to show a Sunni-Shia coming together. Not much, but a little bit.

But to let this government exist so that we didn't have another situation where we left, we didn't leave anybody in charge, and the bad guys took over again.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, you know, it's hard for me to even sit here and hear the other side talk about this, because they are missing the point. This is about our soldiers. If you care about our soldiers, you say you care about our soldiers, you will vote for this supplemental.

This supplemental has over $4 billion more than what the President asked for in everything. I'll tell you what this supplemental is about. It's about those soldiers that I visited in Landstuhl, Germany. On three different occasions, every time we went over to Iraq and over to Afghanistan we'd make a stop to come back.

You want to know what this supplemental is about? It's about those sons and daughters, 19 and 20 years old, who will never walk again with their legs because they have been cut off.

You talk about the President wants to veto this. Let's send it to him. Let him veto it. If he vetoes this bill that's got the money in it for the body armor that he sent troops into battlefield without, let him veto this. If he vetoes this bill, it will be like sending a dagger right in the heart of our soldiers.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to Mr. KINGSTON of Georgia, a member of the committee.

Mr. KINGSTON. Mr. Speaker, Winston Churchill said, "The United States of America always does the right thing after it has exhausted all the other alternatives."

And what we are doing here tonight, through the Democrat Party, is exhausting all the other alternatives.

This bill is wrong for a number of reasons. First of all, the Democrat leadership promised to cut out the pork and nondefense spending and give us a clean bill. But this bill contains minimum wage legislation, children's health care appropriations, $31 million for milk subsidies, $460 million for food aid, much of that not even going to the Middle East, $40 million for grain storage, $37 million for new computers for the FSA in Kansas City, $4 million for the Office of Women's Health, and $15 million for livestock subsidies.

What does this have to do with Iraq? Not a thing.

And yet some of this stuff may have a lot of merit and get bipartisan support. But why not bring it up on the proper pieces of legislation, not on a military aid bill?

It's interesting, one of the Democrat Senators actually justified the nonmilitary spending saying, "But the Republicans did it." And I agree with her. She's right. We did it. And that's why we are in the minority. The American people are tired of these kind of shenanigans.

Let's pull these items out and have a debate on their own merits, not on the backs of soldiers in Iraq.

Let's talk about Iraq. The Constitution, article I, section 2, says, and I quote, "The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States."

In other words, the President, as Commander in Chief, runs wars, not 535 arm chair generals on Capitol Hill.

But this legislation, or surrender document, usurps the President's constitutional prerogative. For this reason alone we should reject it.

And finally, let's talk about the gist of this surrender. Putting a timeline on a war is great if the enemy agrees with it. But for some reason, they never do. Never in the history of war has a country won by announcing their surrender date to the world. It's odd, it's reckless, and it won't work.

We should not micromanage this war. We should do as Winston Churchill said and do the right thing.

And I urge a "no" vote.

Mr. OBEY. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Pennsylvania, Mr. MURPHY.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today with a heavy heart. This week, nine of my fellow paratroopers from the 82nd Airborne Division were killed in Iraq. Nine more heroes killed, nine more paratroopers returning home in coffins draped in the American flag.

Mr. Speaker, Daniel Webster's words that are etched in the marble above implore each of us in this room, and I quote, "To see whether we also, in our day and generation, may not perform something worthy to be remembered."

Mr. Speaker, I know the task is daunting, but let this Congress be remembered for leading our country in a new direction in Iraq.

Mr. Speaker, I was deployed to Iraq in 2003 and 2004. Nineteen of my fellow paratroopers I served with never made it home from the streets of Baghdad. I carry their names with me every single day to remind myself of the solemn responsibility we face each time the Speaker bangs down her gavel.

Nineteen men, including Specialist Chad Keith from Indiana. Nineteen guys who never made it home to their families. Specialist James Lambert III, from North Carolina. Nineteen all Americans who paid the ultimate sacrifice. Private Kyle Gilbert from Vermont. Nineteen men who are missed. Private First Class Marc Seidan from New Jersey. Nineteen men. Now we have nine more paratroopers to add to this list.

Mr. Speaker, how many more suicide bombs must kill American soldiers before this President offers a time line for our troops to come home?

How many more military leaders must declare the war will not be won militarily before this President demands that the Iraqis stand up and fight for their country?

How many more terrorists will President Bush's foreign policy breed before he focuses on developing a new strategy, a real strategy for fighting and beating al Qaeda?

Mr. Speaker, this bill says enough is enough. No more shortchanging our troops. No more open ended commitment in Iraq. No more refereeing a religious civil war.

Mr. Speaker, on the fourth anniversary of the war, I led this body in a moment of silence. Now my fellow Democrats offer a time line to bring our troops home.

Mr. Speaker, I ask my colleagues on the other side of the aisle who are about to vote "no" on this bill, will you stand with us next year to offer a time line on the war's fifth anniversary?

How about a time line on the sixth? How about a time line on the 10th? Because that's what voting "no" does. It says no to the tough questions. No to accountability and no to providing our troops on the ground with a clear mission.

Mr. Speaker, I may be hopeful, but I am not naive. I hear Vice President CHENEY taunt patriotic Americans who are concerned with the direction of our country. I see the President using his veto to hold our troops hostage to further his failed strategy in Iraq. I read the Bush Republicans' attacks questioning my patriotism and support for my fellow soldiers. But, Mr. Speaker, we have all heard these attacks before.

The American people know that President Bush and his allies are sadly out of touch. The American people know that supporting the troops means demanding accountability. The American people know we need a change.

Mr. Speaker, one of my fellow soldiers lost his brother in the World Trade Center on September 11 of 2001. This soldier is now in Iraq serving on his second deployment. And last week he sent me a message, unsolicited. It said, and I quote, "Never did I think I would disagree with our foreign policy 5 years after my brother was murdered. Our latest mission here is to secure the Iraqi people. I signed up to secure the American people."

My fellow colleagues, this bill, this vote helps us secure the American people. For too long the American people have been craving leadership, craving accountability, and craving a new direction in Iraq. Let's give this to them today.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the ranking member on the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, when the new majority came into power, they talked about being fiscally conservative. They talked about bringing fiscal responsibility back to the people's House. Well, that's not what we see here today, and that's not what we have seen for the last 4 months.

Last session, Mr. Speaker, we brought a bill that said if we are going to do emergency spending bills, let's clean these up. Let's not put pork barrel, unnecessary spending in emergency spending. We actually defined what an emergency is.

□ 2045

And then we set aside a reserve fund, $6.4 billion, to say we are setting this aside for emergency spending, and if we go over this amount, we have to scrutinize every dollar to make sure that it is truly an emergency.

What did the new majority do? To their credit, they carried these rules over into this session of Congress. Thankfully, they said, you know what? Let's not pork up emergency spending bills. Let's make sure that if it's really an emergency, it will get funded as an emergency. If it's not, it won't.

What happened the first time the pressure hit? They waived the rules. They waived the rules completely. And now the new budget resolution the majority is proposing gets rid of these proposals altogether. No more checks on emergency spending. All it takes is to waive the rules, stamp it as an emergency, and we can spend as much as we want. It's outside the budget caps. It gets added onto the deficit. And that's what is happening right here tonight.

In fact, Mr. Speaker, this bill right here violates the majority's own PAYGO rules by $5.8 billion. That's right. They are violating their own PAYGO that they put into place just a few months ago by $5.8 billion. They are adding $21 billion of nonemergency spending that were unrequested, that have nothing to do with the war on terror. And they have added $11 billion of congressional add-ons that have nothing to do with the war on terror, that were not requested.

The majority came out with their first spending bill, adding $6 billion on top of the deficit. Now they are adding $21 billion on top of the deficit with this unrequested, nonemergency spending. And in their budget resolution they are bringing to the floor, another $25 billion next year.

Fiscal responsibility is the last thing you could say to describe this bill. I urge rejection of this motion.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would simply say in response to the previous speaker, last session your party couldn't even pass a budget. Last session your party couldn't complete action on a single domestic appropriation bill.

You may not like the decisions we have made, but at least we have made them. And we have had to spend the first 30 days of this session finishing the work that you could never manage to get around to. So I suggest you look to your own house before you start criticizing somebody who has at least gotten the work done that you couldn't get done last year.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from California for yielding.

It has been so interesting to listen to the debate this evening. I am reminded of my school teacher grandmother and an admonition that she would regularly give us to us, which was "Your actions speak louder than your words." And she would remind us of this time and time and time again.

And, Mr. Speaker, I can tell you, quite frankly, I think that what we are seeing is the actions of a majority who are doing their best to ensure, to ensure, that our men and women in uniform do not have the funding that they need.

I represent a lot of these military men and women, and I have heard from them. I am hearing from a lot of the military men and women and their families, and they feel like the modified withdrawal dates in this legislative disaster are nothing more than a vote of no confidence for our troops. They feel that this legislation will embolden our enemies and send a message to the rest of the world that they believe that they are more qualified to prosecute a war than the men and women we are sending to the frontlines. That is something, Mr. Speaker, that they do disagree with.

Our military leadership deserves the opportunity to fight this war with the funding and the support that they need to accomplish their goals. They deserve the ability and the opportunity to win. Yet the leadership in this House continues to try their best to micromanage the war and our troops without the funding that they need.

Despite what the majority leader in the other body and his supporters in the House believe, this war is not lost. Yet this dead-on-arrival supplemental bill will only exacerbate the problem and put our troops in harm's way.

I think that we should show our respect for the men and women in uniform by respecting the job they do. We should do our job: Send the funding to the troops.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3 minutes to our Republican whip, Mr. BLUNT.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding as this debate comes to an end.

The legislation we have debated here tonight was at one point supposed to be an emergency supplemental spending bill for our troops, dispatched to them with urgency, resolution, and purpose. It was supposed to provide money and resources for our fighting men and women on the frontlines so that they had the tools and equipment they needed to finish the task at hand.

Instead the majority turned this important funding package into an exercise in political theater, along the way, disregarding the testimony of our military commanders, the wishes of many in their own caucus, and basic and numerous dictates of our Constitution and our history.

The result has been a final conference report, though we know it really won't be a final conference report. It has been a conference report that imposes artificial deadlines, ties the hands of our commanders in the field, and demotes those tasked with managing an active military engagement to the rank of administrative assistant, forced to check new boxes before exercising the authority they have today to execute their mission.

And it would spend billions of dollars on things that should have been debated at another time. Some of those things have merit. Some of those things I agree with. Some of them I don't. But they shouldn't have been debated as part of this bill.

Those who attended today's briefing with General Petraeus benefited from a clear and sober assessment of our chances for achieving success in Iraq and the consequences we can expect by declaring defeat. But not a single person in that room today, with knowledge of our progress on the ground, believes this war was lost or that our presence there was without merit. Unfortunately, too many in this Chamber seem convinced of the inevitability of defeat.

However this vote turns out, I am hopeful that tonight's roll call will end this effort to undercut our mission by undermining the authority of our commanders in the field. Republicans are willing, and have been willing, to work with the majority on this bill. But we will not waver on our insistence that an emergency troop support bill passed by Congress actually be focused on supporting the troops. The legislation before us tonight fails to meet that most basic standard.

I urge a "no" vote on this bill and ask my colleagues to join me tonight in standing up for the interests of our men and women in harm's way. And hopefully, very soon, we can join together in crafting a bill that will be considered quickly, as this one should have been, passed quickly, with help to the frontlines as soon as possible.

It's time for the political theater to end and the real work to begin.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

I simply want to take this time to thank the staff on both sides of the aisle. They worked overtime for many days and many nights, and I appreciate it very much, especially the committee staff director, Rob Nabors.

I would also simply say that we have heard twice now from the minority that this bill endorses failure. Not at all. What we have seen the last 4 years is a failure of intelligence. We have seen a failure of the administration to listen to career military. We have seen a failure to plan for the occupation of Iraq. We have seen a failure on the part of the administration to give the Congress accurate information. We have seen a failure to focus on al Qaeda and Afghanistan rather than being diverted to Iraq. We have seen a failure to understand the nature of the civil war in Iraq. And as a result, we have seen a tremendous collapse of American influence in the world. It is tragic.

I urge an "aye" vote for the resolution.

Mr. Speaker, I yield the balance of my time to Mr. MURTHA.

Mr. MURTHA. Mr. Speaker, apparently a number of people have not read this bill. I know my friend BILL YOUNG has read it.

We have $1.5 billion to cover the full cost of housing allowances for the troops. If you vote against this, you are voting against housing allowances. We have a total of $2.3 billion in this bill to cover the full cost of fielding an additional 36,000 Army troops and 9,000 Marines. If you've read this bill, you'll realize we added $2 billion to address the training and equipment shortfalls in the forces not deployed. One billion dollars is dedicated to purchase Army National Guard equipment. If you vote against it, you're voting against $1 billion for the National Guard. You're voting against an additional $750 million for Afghanistan. You're voting against $2.4 billion with a joint IED task force. In procurement you're voting against the very thing that the military wants most, and that is the new vehicle with the V shape which is resistant to IEDs.

Now, let me talk a little bit about IEDs. In the last 4 months, we have lost more troops than any other period during this war. And I am sorry to hear from a friend of mine's wife who called me and said there was a joke on one of the shows last night by a Republican Presidential candidate who said that he brought an IED back and he put it under this guy's desk. That individual owes an apology to every troop that serves in Iraq.

When we go to the hospital, all of us, we see burn victims. We see victims that are wounded badly. And many of us don't get an opportunity to see the families.

I went to Fort Hood, Fort Bragg, and Fort Stewart. These folks are burned out. The truancy rate is up in the schools. The achievement is down in the schools where our troops' children go. One soldier said to me, a first sergeant, a woman, she says, I hate to tell my children I'm going back to Iraq.

They're going back the third and fourth time.

□ 2100

A general said to me, "I can only take 9 months." And we're sending them back to 18; I hear rumors that they are going to extend them to 18 months.

We have an accountability bill, this is called the "Iraq accountability bill." This war has been so mismanaged that we have the responsibility to force the White House to be accountable. The policy is not set by the military, the policy is set by the White House, and we have to hold the White House accountable for the mistakes that they have made.

We will have appropriated $1.2 trillion for the Defense Department in 1 year. We are spending nearly $10 billion a month in Afghanistan and Iraq. We have 126,000 contractors. And it took us 2 months, the committee that funds every cent that is spent in Iraq and Afghanistan had to spend 2 months to find out there were 126,000 contractors. And we told this to the Secretary of Defense. When one of the Members of Congress said, and one of them is making $300,000 a year, one of the contractors, he said, "That's more than I make." Imagine, we've got a contractor making more than the Secretary of Defense makes. We have a contractor that I saw, when I talked to the Cavalry Division that was in Iraq, here is a guy pumping gas, this is what a soldier told me, he gets $25,000 a year, and right beside him was a guy pumping gas for $80,000 a year. This is what I call accountability.

We have to hold the White House responsible for accountability. Why do they have 126,000 contractors? Because we don't have enough troops. Why are they extending the troops to 18 months, possibly?

And finally, they realized they couldn't send them back before they had a year at home. They had to be trained and they had to be equipped. That is what we say in this bill, we say you've got to be trained and equipped.

I had General Pace come up after the last hearing. I said, General, you've got to tell me you're not sending any troops back there untrained and ill-equipped. And I don't know that this conversation made the difference, but a short time later they announced they are going to extend people, and they are not going to send anybody back unless they had a year at home. It is absolutely essential.

I talked to some of the wives at Fort Bragg. I got one story from the hospitals about how the service was there, they were able to get service anytime they wanted, within a week they were able to get service. Then I talked to the wives, the officers' wives, I said, after talking to them for a while, how many of you got service in a week? No hands went up. How many did it take over a month? Half the hands went up. We've got to take care of the people at home.

Let me tell you something, I get fatigued in going to the hospitals. The caregivers that care for them every day, think what they go through. A nurse called me and said you've got to put some money in the bill, and we did, to take care of caregivers to give them some relief. These caregivers see it every day. So we put $6 million in for Landstuhl program. We put $1 million in for Walter Reed, for Brooke's and for Bethesda. They are burned out. The troops are burned out. What we are trying to do in this bill is hold the White House accountable for the policy mistakes that they made.

We went into Iraq without weapons of mass destruction. I believed it. When I went there the first time, I saw a line drawn around Baghdad. They told me they were going to use biological weapons. I believed that. It took me 6 or 7 months to realize we had made a mistake. We went to Afghanistan, it was the right place to go.

I am inspired by these troops. I am inspired by their families; but they are burned out and they are bearing as much as they can bear. When we sit here, and one of the previous speakers said "we." I hear this all the time, "we're fighting," "we're fighting terrorists." We are not fighting terrorism, we are sitting here in an air conditioned place while they are out there in dust.

And let me tell you about the policy in this latest deployment. I worried. I didn't say anything in public, but I worried. When you send 37 different elements out by themselves among the Iraqis, when you've got interpreters who you don't trust, you are going to expect the kind of disasters you just saw. That's the thing that worries me when you don't have enough troops. And one general said to me, he said, "If you're there more than 9 months, you start making mistakes." Imagine what he's saying? He said, "I question myself after 9 months." A psychologist told us, who came before the committee, he said 3 months in heavy combat, 3 months of going out every day and having IEDs, imagine a Presidential candidate making jokes about IEDs when these kids are blown apart? It's outrageous.

Let me tell you something, we owe a great deal of gratitude to these families and these young people who are doing the fighting. It's not "we" doing the fighting, it's "them" doing the fighting. They deserve accountability from the Congress of the United States, and we are going to demand that from this accountability bill.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this Defense Supplemental conference report.

Earlier, when the House considered the Defense Supplemental bill itself, I voted for it to ensure that America's soldiers get the equipment and resources they need and the top-quality health care they may require when they come home.

And I think the conference report is an improvement on that House bill.

As I said when the House debated the initial bill and again during debate on the motion to instruct conferees, I did not believe it was a good idea for the bill to include a date certain for withdrawing U.S. combat troops from Iraq. So I'm glad that language has been made more flexible in the conference report. It includes a goal of March 2008 for completing the redeployment of U.S. combat troops, and allows sufficient troops to remain to protect U.S. military and civilians in Iraq, conduct counterterrorism operations, and train Iraqi Security Forces. I remain convinced that we should steer clear of arbitrary public deadlines for military actions and focus instead on realistic diplomatic and political goals. Our military needs flexibility to be able to link movements of U.S. troops to the realities of the situation on the ground, and successful diplomacy requires such flexibility as well.

My vote for the conference report is not a vote to support the Bush administration's policy in Iraq. We are 4 years into a war the Bush administration assured us would be short and decisive. The administration's misjudgments, lack of planning and poor leadership have made a bad situation worse—and the tactic of increasing troops for a temporary "surge" is no substitute for what is needed, namely, a strategy for containing civil war and a wider regional war.

But whatever may be said about the wisdom of invading Iraq 4 years ago—and I am one who believed it was a mistake to do so—the fact is that we are still deeply engaged in Iraq. So long as our troops are in the field, we must provide them what they need. Beyond supplying our soldiers, however, we must extricate them from what objective defense experts have characterized as an emerging civil war.

Disengaging from that civil war is the purpose of the provisions in the conference report designed to hold the president accountable to the benchmarks set by his own administration and the Iraqi Government—including enactment of a hydro-carbon law; conducting of provincial and local elections; reform of current laws governing the de-Baathification process; amendment of the Constitution of Iraq; and allocation of Iraqi revenues for reconstruction projects.

I strongly support that approach because I am convinced that holding the president and the Iraqi Government accountable for achieving these benchmarks will provide us with the leverage necessary to pressure the Iraqi Government to forge the political solution we all know is required. In fact, Defense Secretary Gates has acknowledged that this provision in the House-passed bill has been helpful by showing the Iraqis that American patience is limited.

This conference report is an important step toward what I think must be our goal—a responsible end to the war in Iraq, based on a strategy of phased withdrawal of troops, accelerated diplomacy and redeployment that is based on Iraqi stability and not arbitrary deadlines.

The conference report fully funds our troops, providing $4 billion more for the troops than the president requested. It honors our veterans, providing $1.8 billion more for our veterans' unmet health care needs, including additional funds for treatment of Post Traumatic Stress Disorder and Traumatic Brain Injury care and research. It strengthens our military, providing $2 billion more to create a Strategic Readiness Reserve and address the serious readiness crisis our military is facing.

It also protects our troops by limiting deployment schedules and setting minimum readiness standards—based on current Defense Department standards—for U.S. troops deploying to the region. The president could waive these requirements but only by certifying in writing to Congress that waiving them would be in the interest of national security.

The conference report also provides $52.5 billion for military operations in Iraq and Afghanistan and provides $9.7 billion for the Afghan and Iraqi Security Forces to help them assume greater responsibility for their nations' security.

And the conference report includes $3.1 billion to fully fund the Pentagon's FY07 request for the 2005 Base Realignment and Closure Commission's recommendations, which is vitally important for Ft. Carson as it prepares to expand and for other military installations in Colorado.

On the non-military side, the conference report includes critically important funding for farmers and ranchers in southeastern Colorado who were recently hit hard by winter storms. Thousands of cattle were killed in storms worse than the October 1997 storm that killed approximately 30,000 cattle and cost farmers and ranchers an estimated $28 million. The struggles that family agriculture producers and small counties face are significant and are having a negative impact on the livelihood of hundreds of farmers and ranchers and their communities. So I am pleased that the Colorado delegation was successful in persuading the conferees to include financial assistance for farmers and ranchers, including for those affected by Colorado's recent blizzards.

Mr. Speaker, many of us who voted against authorizing the President to rush to war in Iraq were worried that while it would be easy to eliminate the Saddam Hussein regime, the aftermath would be neither easy nor quick. Sadly, our fears have proven to be justified. And now, as the Pentagon has finally admitted in its most recent quarterly report, the situation in Iraq is "properly descriptive of a civil war."

Insisting on keeping our troops in the middle of that kind of internecine war is not a recipe for victory; it is only a prescription for quagmire. And as a new Foreign Relations Council report notes, we bear responsibility for developments within Iraq, but are increasingly without the ability to shape those developments in a positive direction.

We need to be scaling back our military mission in Iraq. We need to make the U.S. military footprint lighter—not in order to hasten defeat or failure in Iraq, but to salvage a critical measure of security and stability in a region of the world that we can ill afford to abandon.

But as we do so, we must work to avoid a collapse in the region—not only because we have a moral obligation to the people of Iraq, but also because our national security has been so badly compromised by the Bush administration's failures there. The President's decision to take the nation to war has made our country less safe. We need to change course and chart a path that enhances our national security and sets the right priorities for the war on terrorism and struggle against extremists.

This conference report begins to chart this path, and I will support it. I hope the president will reconsider his stated intention of vetoing it.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in opposition to the conference report to accompany H.R. 1591.

As I have said on previous occasions, Congress has every right to limit the use of appropriated funds. In this instance, I disagree with the manner in which my Democratic colleagues have chosen to do so.

The Iraqi government needs to understand our patience is not unlimited. Indeed, establishing benchmarks could well have a useful purpose in the effort to have the Iraqis take more decisive steps towards autonomy. Making these benchmarks public and tying them to a specific date by which we must begin to withdraw our troops, however, is a mistake. It sends the wrong message to our troops, and it gives the enemy invaluable information.

Along with many of my colleagues, I want our troops to leave Iraq as quickly as possible. Setting a public date by which this must happen, however, will ultimately create more problems than it solves.

Mr. ORTIZ. Mr. Speaker, the way to support the troops is to give them what they need on the battlefield, and what they need when they return home from their service to reset—or rest and fix the force for future missions.

This government must be accountable to our troops and their families, the only people actually carrying the burden for these wars today . . . along with our children, for whom we are leaving the cost.

Today's bill provides much needed money for troops in Iraq and Afghanistan . . . policy that requires accountability from the Administration . . . and funding to heal the readiness of our troops.

It is not the best bill we could get, but you never have a perfect bill.

But the predicament we are in now demands we support this bill.

We have so many emergencies on our doorstep now . . . mostly because the last Congress refused to see the negative impact operations in Iraq had on our military readiness, leaving us vulnerable as a nation . . . and leaving important national business undone.

Support for the troops is entirely about giving them what they need to fight the battles we've committed them to fight . . . and this legislation does just, with one eye on the future . . . something previous Congresses failed to do.

I wish the Congress would have put more energy into readiness oversight over the past 5 years to prevent the current situation . . . but all we can do today is go forward.

I ask my colleagues to join me in supporting our troops—and this funding for them.

Today's bill addresses many of these readiness concerns, with additions above the President's request to support our troops, including:

$2 billion more to address the current readiness crisis of our stateside troops, including ensuring that they are better equipped and trained;

$1.1 billion more for military housing allowances;

$3 billion for Mine Resistant Ambush Protected (MRAP) vehicles for troops in Iraq ($1.2 billion above the President's request);

$1.6 billion for body armor;

$9.7 billion to train and equip Afghan and Iraqi security forces.

It also fully funds the BRAC accounts so communities like the Coastal Bend of Texas—and others adversely affected by base closure decisions—can plan appropriately for that eventuality.

So many Americans are coming home alive—yet traumatized in their minds or bodies—to an extent we have never seen before. The scandalous treatment of heroes at Walter Reed—and the fact that it took a newspaper story to change it—is testament to the gigantic challenges facing military and veterans' health care.

The Supplemental includes funding for new initiatives to enhance medical services for active duty forces and mobilized personnel, and their family members (appropriating $2.1 billion more than the President requested.) These initiatives include:

$900 million for Traumatic Brain Injury care and research and PTSD treatment and research;

$20 million for facility improvement at Walter Reed.

The bill includes $1.8 billion over the President's request to address the health care needs of veterans returning from Iraq and Afghanistan and the backlog in maintaining VA health care facilities, including:

$30 million for at least one new Level I polytrauma center;

$9.4 million in operations costs for new polytrauma residential transitional rehab programs;

$10 million for additional transition caseworkers;

$10 million for blind rehab programs;

$100 million for enhancements to mental health services;

$20 million for substance abuse treatment;

$8 million for polytrauma clinic support teams;

$25 million for prosthetics;

$228.9 million in additional funds to treat veterans from both wars.

This bill is an excellent starting point for this new Congress to begin the long overdue oversight of the defense department. We are far ahead of the past Congresses in giving our troops the true support they need—with appropriate funding and acknowledgment of the strain and burden of Iraq.

While the ideal situation for Congress is for the authorizing committee to determine policy, that's coming very soon. I am grateful to Chairman MURTHA for the extraordinary lengths we've gone to in this bill to protect our soldiers by certifying their readiness, protecting the military readiness of the United States.

While this bill is not perfect, it is an extraordinary first step.

As the Readiness Subcommittee Chair, let me offer the House some perspective on the current state of our readiness:

In the National Intelligence Estimate declassified on Feb. 2, the U.S. intelligence services note that—absent a remarkable reversal of fortunes in Iraq—they find that "the overall security situation will continue to deteriorate at rates comparable to the latter part of 2006." Further, the NIE determines: "even if the violence is diminished . . . Iraqi leaders will be hard pressed to achieve sustained political reconciliation in the time frame of this estimate"—which is 12–18 months.

The NIE goes on to say that if the U.S. were to leave Iraq, a greater, wider civil war would erupt, saying: "the ISF [Iraqi Security Forces] would be unlikely to survive as a non-sectarian national institution, and neighboring countries might intervene openly in the conflict."

Now, common sense tells me that will be the case whenever we leave . . . today, manana, this summer, next year . . . or 50 years from now. Whenever we leave Iraq, the unclassified intelligence estimate guides us on what we can expect. Our choice is in how long we remain . . . and how many more brave and patriotic volunteers—who carry the battle for this Nation—are lost in Iraq.

Today we have a chance to begin that change—in the purest way we can support the troops . . . men and women, and their families, who are alone in carrying the burden for the Iraq war.

The readiness of our next deployers—our ability to be prepared for current and future threats—is diminished due to the war in Iraq. We've worn out our force and their equipment, and that has huge implications for our ability to handle the threats to come.

The GAO has looked at this . . . and come away saying the Army itself "cannot determine the extent to which the existing inventory reflects what the Army needs" . . . and GAO notes that: "until these strategic and management challenges are addressed, the Army will face uncertain risks should new conflicts occur."

GAO also reports that all services "have drawn heavily from their prepositioned stocks to support [the ongoing wars]" . . . and "these sustained military operations are taking a toll on the condition and readiness of military equipment and the Army and Marine Corps face a number of long-term challenges that will affect the timing and cost of equipment repair and replacement."

GAO concludes: "the Army's decisions today have profound future implications for the entire department and potentially affect our ability to respond to a conflict."

Last year, Congress established a Commission on the National Guard and Reserves, which has also reported back to us. They tell us point blank: "DoD's failure to appropriately consider National Guard needs and funding requirements has produced a National Guard that is not fully ready to meet current and emerging missions."

The Commission says more pointedly: "The lack of sufficient and ready equipment is a problem common to active and reserve components.

In particular, the equipment readiness of the Army National Guard is unacceptable and has reduced the capability of the U.S. to respond to current and additional major contingencies, foreign and domestic."

Army Chief of Staff Schoomaker told the Commission: despite the readiness of troops overseas, "88 percent of the forces that are back here in the U.S. are very poorly equipped today in the Army National Guard."

The Commission also noted that state governors "have become increasingly concerned about whether their National Guard forces would be available to respond to emergencies here at home."

Mr. STARK. Mr. Speaker, I must again make the difficult decision to vote "present" on the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act.

I support the immediate withdrawal of American troops from Iraq.

I can't in good conscience vote to fund President Bush's War in Iraq. This senseless conflict has already taken the lives of more than 3300 American and tens of thousands of Iraqis. It has undermined the United States' prestige in the world, led to the outbreak of a Shiite-Sunni civil war, and cost us $379 billion. Those funds—and the tens of billions of dollars for the war in today's legislation—would be better spent on education, healthcare and other unmet domestic priorities.

Nor can I can vote, however, against a Democratic majority intent on taking America's Iraq policy in a new direction. I applaud Speaker PELOSI and the Democratic leadership for working toward the withdrawal of American troops from Iraq. My Republican colleagues voting against today's legislation are doing a disservice to both our troops and our security by supporting an open-ended commitment in Iraq. I cannot join their opposition to holding President Bush accountable.

My "present" vote is therefore an expression of strong opposition to the war's continuation for even one more day and strong support for the Democratic Congress' attempt to get an arrogant and stubborn President to change course in Iraq.

I urge the President to reconsider both his threat to veto this bill and his insistence on keeping our troops in harm's way. It is long past time for Bush to end a war he should never have begun.

Ms. WOOLSEY. Mr. Speaker, it is with great sadness that I rise today to oppose this Conference Report. Our ultimate goal should be to bring our troops home in the fastest and safest way possible. Unfortunately, this Conference Report does not achieve that goal. I will continue to work with my colleagues to provide for a fully-funded withdrawal and to bring our troops home for the holidays.

Let me make myself very clear. I will not stop, I will not rest and I will not back down in my fight until every last American soldier is home safely with their families.

Mr. BLUMENAUER. Mr. Speaker, by calling for a withdrawal date from Iraq, today the House is making a compromise that marks another stage in the unfortunate struggle with the President to end the war. Yet despite our hard work and the desire of the American people, this bill faces a veto from a President who is out of touch both with what the American people and the Iraqi people want: winding down the presence of American troops who are stuck in the midst of a civil war.

This is not the precise legislation I would have written, but it is a fair compromise that reflects the mindset of Americans who voted for a new direction in Iraq. The U.S. spends

$8 billion a month on the war, and Oregon has already lost 54 brave men and women in Iraq. I have opposed the war from the start, and this bill hastens the day when we bring the tragedy of the Iraq War to a close. I urge support for it.

Mr. OBERSTAR. Mr. Speaker, I rise in strong opposition to the rescission of $683 million of highway contract authority that is included in the Conference Report on H.R. 1591, the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act, 2007.

The Conference Report provides an additional $683 million for the Federal Highway Administration's ("FHWA") Emergency Relief Program. Section 4952 of the Conference Report designates this appropriation as an emergency requirement, for which no offset is required.

Despite the fact that no offset is required, the Conference Report rescinds $683 million in unobligated balances of highway funds that have been apportioned to the States. This rescission is highly gratuitous, as it is neither required nor effective as an offset for the supplemental appropriation to the Emergency Relief Program.

Rather than offsetting the supplemental appropriation for the Emergency Relief Program, the $683 million rescission of highway contract authority offsets other spending under the FY 2007 discretionary budget authority cap.

A similar provision was included in the Senate-passed version of the bill. The Senate amendment provided an emergency supplemental appropriation of $389 million for the FHWA's Emergency Relief Program, and rescinded $389 million in highway contract authority.

On April 23, 2007, I wrote to the conferees, strongly objecting to this unnecessary rescission of highway contract authority, and urged them to strike the rescission in conference. Instead, the conferees increased both the appropriation and the rescission to $683 million.

Madam Speaker, the rescission of highway contract authority is the exclusive jurisdiction of the Committee on Transportation and Infrastructure. This rescission violates clause 2 of Rule XXI of the Rules of the House.

Programmatically, I am concerned because of the effect these types of rescissions have on the Federal-aid Highway Program and, specifically, the ability to ensure that our nation's transportation system provides modal choices.

In recent years, the Appropriations Committees have increasingly relied on highway contract authority rescissions to finance non-highway spending in appropriations acts. In addition, more than a dozen states have chosen to apply such rescissions disproportionately to cut contract authority for the Congestion Mitigation and Air Quality Improvement (CMAQ) program, the Bridge program, and transportation enhancement funds.

I am particularly concerned with the treatment of the CMAQ program under these types of rescissions. The CMAQ program provides funding for projects and programs that reduce transportation-related emissions in areas that do not meet Clean Air Act air quality standards (i.e., nonattainment and maintenance areas).

Although CMAQ funds represent only about 4–5 percent of highway apportionments each year, CMAQ funds have accounted for about 20 percent of total highway funds rescinded in recent years. In FY 2006 states rescinded $881 million in CMAQ funds. Almost one of every four dollars rescinded by the States in FY 2006 came from the CMAQ program.

Comparing the treatment of CMAQ to other highway programs further illustrates the disproportionate cuts of these rescissions. In FY 2006, rescissions as a percentage of the total amount made available for programs are:

CMAQ—55 percent.

Interstate Maintenance—12 percent.

National Highway System—7 percent.

The Transportation Enhancements program has also received disproportionate contract authority cuts under the rescissions. The Transportation Enhancements program provides funds for bike paths, pedestrian walkways, historic preservation, and other activities that expand transportation choices and enhance the transportation experience.

In FY 2006, states rescinded $602 million in Transportation Enhancements funds, 15 percent of all rescissions in that year. Texas alone rescinded $223 million of Transportation Enhancements funding and the Texas Department of Transportation stated that it would not fund any transportation enhancement projects in that fiscal year. Texas' actions, which are facilitated by these contract authority rescissions, are directly contrary to our federal efforts to develop a balanced, multimodal surface transportation system.

During consideration of the FY 2004 Transportation-Treasury-HUD Appropriations bill, the Committee faced a similar effort to cut transportation enhancements funding. The bill, as reported by the Appropriations Committee, included a provision that would have prohibited funds from being used for the ten percent set aside for transportation enhancements under the Surface Transportation Program. Subcommittee Chairman PETRI and I offered an amendment to strike the anti-enhancements provision from the bill and the House overwhelmingly passed the amendment by a recorded vote of 327–90. This vote illustrates the tremendous support that exists among Members of Congress for transportation enhancements, the type of program that is disproportionately harmed by highway contract authority rescissions such as the one included in the Conference Report before us today.

Therefore, for both policy and procedural reasons, I oppose the rescission of highway contract authority as a means to offset non-highway spending elsewhere in the budget.

Mr. Speaker, I believe that this House will have an opportunity to reconsider this decision in a future Supplemental Appropriations bill and I would like to make clear that, with the urgent climate change issues that our nation faces, I strongly oppose efforts to allow the continued raid of CMAQ and Enhancements funding.

Mr. RANGEL. Mr. Speaker, I extend my strong support "The Small Business and Work Opportunity Act of 2007" as included in the Conference Report to H.R. 1591. I am glad that both chambers of Congress, in passing this Conference Report, have spoken to the fact that an increase in the Federal minimum wage enjoys broad bipartisan, bicameral support, as does the approximately $5 billion in small business tax relief also included in the agreement.

Passage of the Conference Report is an important step in achieving an important goal—ensuring an increase in the Federal minimum wage for hardworking American taxpayers. The minimum wage has not increased in more than nine years—the longest period in the history of the law. During that time, Members of Congress have received a $31,600 pay raise. More astounding is the fact that an average CEO earns more before lunchtime in one day than a minimum wage earner earns all year.

Raising the minimum wage to from $5.15 to $7.25 an hour over two years would benefit 13 million Americans including 7.7 million women, 3.4 million parents, and 4.7 million people of color, and provide an additional $4,400/year for a family of three, equaling 15 months of groceries, or over two years of health care. It is wrong to have millions of Americans working full-time and still living in poverty, and at $5.15 an hour, a full-time minimum wage worker makes $6,000 less than the poverty level for a family of three.

Americans overwhelmingly support increasing the Federal minimum wage. An Associated Press poll conducted in January showed almost 80% of those polled supported the $2.10 increase. In fact, the House of Representatives overwhelmingly supports increasing the minimum wage, and passed H.R. 2 with 315 votes in favor. The President has also been supportive of the increase. I hope that combining the tax provisions of this bill with a Federal minimum wage increase will encourage the President's quick action on signing these provisions into law without further delay.

The "Small Business and Work Opportunity Act of 2007" as included in the Conference Report to H.R. 1591 expands and extends the Work Opportunity Tax Credit (WOTC), which serves as an incentive to encourage employers to hire individuals from targeted groups which typically experience barriers to work. The WOTC provision in the Conference Report offers additional incentives to hire disabled veterans. The Conference Report also extends and expands the increased expensing amounts for small businesses, allowing them to invest in new technology and equipment. And as a complement to the minimum wage increase, the tax provisions of the Conference Report allow restaurants to continue claiming the full tip credit despite any increase in the Federal minimum wage. Finally, the Conference Report provides a permanent waiver of the individual and corporate AMT limitations to ensure that small businesses are fully able to claim the WOTC and the credit for Social Security taxes paid with respect to cash tips.

The Conference Report contains provisions that continue the Federal government's commitment to the still-recovering areas hit by Hurricane Katrina. It would extend the placed-in-service date as applies to special credits designed to encourage development of low-income housing. The extension of this deadline helps accelerate the use of the credits by eliminating the reallocation process that otherwise would be used. The Conference Report also modifies a tax-exempt bond financing program to allow funds to be used to refinance existing mortgages on homes that were damaged by the hurricanes in the area.

Finally, the tax provisions of the "Small Business and Work Opportunity Tax Act" as included in the Conference Report to H.R. 1591 are fiscally responsible and fully offset in a revenue-neutral package. Senate Finance Committee Chairman Baucus and I have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the bill. The technical explanation expresses the Committee's understanding and legislative intent behind this important legislation. It is available on the Joint Committee's website at *www.house.gov/jct.*

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, due to medical reasons, I will be unable to vote on the conference report on H.R. 1591, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007. However, if I had been in Washington, D.C. for the vote, I would have opposed this measure.

I believe that Congress is making a mistake with these attempts to substitute the judgment of military commanders in theater with the micromanaging of politicians in Washington.

Furthermore, I do not believe that setting artificial timetables for withdrawal of our forces from Iraq is in the best interests of our country or our military. While there have been mistakes made in Iraq, I believe that enacting this bill into law would have dangerous consequences for our Nation, Iraq, and the Middle East.

The Iraqi government continues to need our strong support as they rebuild their country, and this legislation would turn our backs on that country in its time of need.

Mr. CONYERS. Mr. Speaker, I rise today in support of the conference report on H.R. 1591, the Supporting Our Troops and Veterans' Health Care Act.

This legislation will support our troops and veterans, hold the Bush Administration and Iraqi government accountable and begin withdrawing our troops from Iraq by October 2007 or sooner. It will also provide emergency funding for critical programs that have suffered from years of neglect.

This supplemental appropriations bill provides emergency funding for critical programs that have long been underfunded by the Republicans. It includes $650 million to correct the funding shortfall in the State Children's Health Insurance program so that hundreds of thousands of children will not lose their health care. It provides $6.9 billion for Gulf Coast hurricane relief and recovery. The bill also adds $400 million to LIHEAP (Low Income Heating Assistance), as well as providing $1.8 billion to remedy the unconscionable state of our military and veterans' health care systems. All of these issues are emergencies in their own right and rise to the level of inclusion in this emergency supplemental spending bill.

The U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act requires the Iraqi government to meet the security, political and economic benchmarks established by the President in his address of January 10th, including improvements in the performance of the Iraqi security forces, a greater commitment by the Iraqi government to national reconciliation, and reductions in the levels of sectarian violence in Iraq.

In the bill, the President must determine that substantial progress is being made on security, political, and reconstruction benchmarks by July 2007. If the President cannot certify progress, redeployment must start by July with a goal of being completed within 180 days. If the President can certify progress by July 2007, redeployment must begin by October 1, with goal of completion within 180 days.

The bill ensures that our troops have the tools and resources they need to do the job they have been asked to do. It prohibits the deployment of troops who are not full trained, equipped and protected according to current Department of Defense standards. The President can only deploy unprepared troops if he certifies, in writing, to Congress, that deploying those troops is in the national interest. He must make similar certifications to lengthen troop deployments beyond DoD standards or to send troops back into battle who have not had enough time between deployments. The bill also provides funding so the Veterans Administration can meet the obligations of a new generation of veterans, particularly by ensuring that they will have the medical care they need.

I have been an outspoken opponent of military action against Iraq since the day the administration started beating the war drums. My preference would have been to vote for a stronger bill with a binding date certain for ending the war. I would have preferred not to include waivers to allow the President to send less than fully equipped and rested troops into battle. I have additional concerns about the section of the bill that allows an unspecified number of U.S. troops to remain in Iraq after the March 2008 deadline to train Iraqis and fight terrorism.

However, I support this legislation in spite of these deficiencies because I believe it is an affirmative step towards our ultimate goal of ending the war. This bill is not everything that I would have liked, but it represents a critical turning point. No longer will this body uncritically hand over billions of dollars for the President to wage an endless war. Congress has a Constitutional responsibility to provide accountability—a responsibility that was shirked for the first 6 years of the Bush presidency while Republicans controlled Congress. Today, we have followed through on that critical duty. We will send a bill to the President that would definitively change our course in Iraq. Mr. Bush should make the right decision and support our plan for change that is overwhelmingly endorsed by the American people. If he follows through on his veto threat, he will be the one who has failed to provide our troops and our veterans with the resources they need. He will be the one who has rejected his own benchmarks to measure success in Iraq. He will be the one responsible for the ongoing loss of American life in Iraq.

The President and most Congressional Republicans ask that we continue to fund this war with "no strings attached." But the United States cannot afford an open-ended commitment to a war without end. It is the responsibility of this Congress to devise a means to end the U.S. combat role in Iraq so that we can reclaim our position of leadership in the world and direct our resources back towards urgent needs here at home. I believe that this bill moves us towards these goals in an effective and responsible way.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this important legislation. This supplemental appropriations conference report contains vitally important funding for critical priorities and unmet needs. For example, this bill includes $1.7 billion more than the President requested for military health care, including funds to correct the scandalous conditions at Walter Reed and other military hospitals. It includes another $1.7 billion for veterans' health care, $2.5 billion for improving the readiness of our stateside troops and $1.4 billion for military housing allowances. A nation at war simply must provide necessary funds to support our troops.

In addition, this legislation includes $3.1 billion for military construction to implement the BRAC mandates that impact Fort Bragg in my Congressional District and military communities all across the country. It is important to note that the former Republican Congressional Majority failed to pass the military construction appropriations and imperiled these priority projects. This legislation corrects that failure.

Mr. Speaker, this legislation will assert some measure of oversight and accountability to a war policy that has been tragically mismanaged by this administration for too long. We need a new direction to rebuild our military and refocus on the true threat to America from al Qaeda and the Islamist jihadists who attacked us on 9/11. We must deploy our military might to eliminate Osama bin Laden and the true "grave and gathering threat" to America.

We must pass this legislation to send a wake-up call to the President that "Stay The Course" is no longer an option. Denial is no longer an acceptable policy. I urge my colleagues to support a new direction and vote for the conference report.

Should the President veto this bill, as he has indicated, I believe he should then meet with Congressional Leadership to work together and forge a consensus on these vitally important matters.

Mrs. CAPPS. Mr. Speaker, I rise to support the conference report on the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act.

For more than 3 years, when the President came to Congress to ask for funding for Iraq, the Republican leadership's only question was, "How much?"

When the President wanted to extend the tours of duty for troops already deployed and imposed stop-loss orders, the Republican leadership's only question was, "How soon?"

And when the President decided to send more troops to Iraq in one of the failed surges, the Republicans only asked, "How many?"

Mr. Speaker, today we end the era of Congressional fealty to the President's failed policies in Iraq.

Today we stop writing blank checks for this war.

We vote today for a new direction in Iraq.

My constituents know that we can't win this war militarily. They know that it's time to start bringing our troops home.

It's time for the President to stop the rhetoric and work with us to end this war.

Support the troops. Bring them home.

Mr. HOLT. Mr. Speaker, I rise today in support of this conference report because it recognizes the reality on the ground in Iraq. It's past time for the President to recognize that reality and to change course in Iraq.

As events in Iraq have shown repeatedly over the last 4 years, we are fighting an insurgency that retains the support of the Iraqi people. Every previous troop increase the President has implemented has failed to achieve its stated end: to reduce the violence and buy time for Iraq's government to work out a political solution to end the insurgency. So far, the President's latest troop surge has produced the same result: The insurgents have adapted, our casualties are rising, and Iraq's leaders are no closer to a political settlement that will end the fighting than they were before the "surge" began.

This week, the Government Accountability Office provided fresh evidence that events in Iraq are spiraling out of control.

GAO Comptroller General David Walker testified before the House Appropriations Subcommittee on Defense on April 23 that "Despite U.S. and Iraqi efforts to shift a greater share of the country's defense on Iraqi forces, the security situation continues to deteriorate." Mr. Walker further noted that "in November 2006, the State Department reported that corruption and infiltration by militias and others loyal to parties other than the Iraqi government have resulted in the Iraqi security forces being part of the problem in many areas instead of the solution." So despite multiple changes in our approach to training Iraq's security forces over the past 4 years, they remain just as sectarianly fragmented, undermanned and infiltrated by insurgents as when we began the process in 2003.

Additionally, Iraq's civilian government shows no signs of reforming itself. Indeed, as Mr. Walker noted in his testimony, "Some Iraqi ministries, including the Ministries of Interior, Agriculture, Health, Transportation, and Tourism, are led by ministers whose allegiance is to political parties hostile to U.S. goals. These ministers use their positions to pursue partisan agendas that conflict with the goal of building a government that represents all ethnic groups."

The Iraqi population continues to support the insurgents. Iraq's security forces remain ineffective, corrupt, and infiltrated by insurgents. Iraq's sectarian civil war rages. Key Iraqi Government ministers are actively working against stated American aims in Iraq. And the President of the United States wants this Congress to write him a blank check to continue funding this failed policy.

Fortunately, the conference report before us rejects the President's failed approach and holds him and the Iraqi Government accountable for events on the ground in this civil war-ravaged country. Passing this bill will send a clear message to Iraq's leaders that the patience of the American people has limits. Passing this bill is the best way to pressure Iraq's leaders to do what is necessary to end their civil war, because this Congress will not leave American troops in the crossfire between Iraq's sectarian factions year after year. I urge my colleagues to join me in voting for this bill.

Mr. CASTLE. Mr. Speaker, I rise in opposition to the Fiscal Year 2007 Emergency Supplemental Spending bill.

A few weeks ago, the House of Representatives passed a version of this legislation that included billions of dollars in non-emergency spending and numerous provisions relating to troop withdrawal that were not requested by the Administration or our military leaders. The conference agreement before us today endorses these extraneous provisions, and as a result the President has made clear he will veto this bill.

As our Nation continues to debate the future of U.S. involvement in Iraq, some of my colleagues have argued that Congress should mandate a hard deadline for the redeployment of U.S. troops. While I believe that Congress has an important role to play in this debate, such crucial decisions should not be made without substantial input from our military and foreign policy leaders. I have disagreed with many aspects of our strategy in Iraq, but I feel strongly that requiring an arbitrary date for troop withdrawal would endanger our soldiers and undermine efforts to maintain stability in the Middle East.

Now is the time for Democrats and Republicans to unite around a strategy that funds our troops and supports an effective way forward in Iraq. We cannot afford to waste precious moments arguing over political objectives and pork barrel spending projects, such as those included in this conference report.

Mr. Speaker, I intend to vote against this bill and I call upon my colleagues to dispense with the political rhetoric and get to work immediately on passing a bipartisan emergency supplemental spending bill.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of the conference report to H.R. 1591, the "U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act."

For far too long this administration, with no oversight from the previous Republican-led Congresses, has committed our precious resources to this war without a sufficient plan to win the peace. It sent our soldiers to war without adequate armor and equipment. It wasted billions of taxpayers' dollars in sole-source contracts and lost suitcases of cash.

This war also has severely hampered our readiness should a military operation become necessary somewhere else in the world. Top Army officials have acknowledged that the demands placed on the military mostly because of the war in Iraq have caused critical shortages in the number of available ground troops and equipment. With the President's surge of troops in Iraq, we are at a crisis point.

The mismanagement of this war must not continue. The false promises must end. The administration's free pass must be revoked.

H.R. 1591 provides critical funding for American soldiers in Iraq and Afghanistan while establishing a necessary timeline for the redeployment of U.S. forces from Iraq. It also directs the president to certify that the Iraqi government is making progress in meeting certain benchmarks. While the timeline is not as strong as the one previously passed by this body, I believe that we are moving in the right direction.

The bill includes $2.1 billion more in funding than the president requested for military health care and $1.8 billion more than the President's request for veterans' health care. The Walter Reed scandal showed the potential for far more widespread problems across the military health care system if we do not act now to take better care of our war veterans. More troops are returning home injured than our government predicted or was prepared for, and the system runs the risk of being stretched thin. Taking care of the men and women who have battled with the stars and stripes on their shoulders is more than a feel-good issue, it is a moral issue.

When Americans enlist in the Armed Forces, they are assuming the responsibility of defending our country. They do so with the belief that their country will assume the responsibility of taking care of their injuries as attentively and humanely as possible. Today, we are taking steps to ensure that what happened at Walter Reed will not happen anywhere else.

I also want to commend the conferees for including $50 million for Ground Zero workers and responders who risked their lives and are now suffering devastating health effects because of their brave service following the 9/11 terrorist attacks.

I urge my colleagues to support this legislation.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the conference report on H.R. 1591 will be followed by a 5-minute vote on H. Res. 320.

The vote was taken by electronic device, and there were—yeas 218, nays 208, answered "present" 2, not voting 5, as follows:

[Roll No. 265]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loebsack
Lofgren, Zoe

Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—208

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Emerson
Stark

NOT VOTING—5

Costa
Cubin
Davis, Jo Ann
Lampson
Westmoreland

□ 2127

Mr. YOUNG of Alaska and Mr. PAUL changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COSTA. Mr. Speaker, on rollcall No. 265, had I been present, I would have voted "yea."

CONGRATULATING UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM FOR WINNING 2007 NCAA DIVISION I WOMEN'S BASKETBALL TOURNAMENT

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 320, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the resolution, H. Res. 320.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 266]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster

Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Baker
Cramer
Cubin
Culberson
Davis, Jo Ann
Feeney
Gohmert
Hunter
Lampson
Linder
McCrery
McKeon
Radanovich
Stark
Waters
Weldon (FL)
Westmoreland

□ 2135

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING THE FAIRBANKS COMPANY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to congratulate the Fairbanks Company in Rome, Georgia, which is celebrating their 120th year of manufacturing this year. In fact, the Fairbanks Company is the oldest surviving manufacturer in Floyd County, dating back to the plant's establishment in 1987.

Well, much has changed over the past century. The company has seen its original product line of wagon and railroad track scales give way to the current line of hand-trucks, wheels, dollies and platform trucks. In fact, the company was responsible for all of the trucks that serviced the British steamship *Queen Mary* and S.S. *United States*.

But one thing has not changed over the past 120 years, Mr. Speaker, and that is the company's commitment to quality and community. Indeed, the Fairbanks Company is a critical industry in the Rome community, and the company's leaders and workers take exceptional pride in their product and their work.

Mr. Speaker, I ask that you join me in congratulating Fairbanks Company on 120 years of industry in the Floyd County community.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LINCOLN DAVIS of Tennessee). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRAQ WAR SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I would like to begin by thanking Speaker PELOSI and Chairman OBEY for bringing the conference report for the Iraq supplemental to the floor. You have shown tremendous leadership in the face of great opposition and criticism.

To my colleagues who joined me in passing this legislation, we have demonstrated to our constituents that we are listening to their mandate.

Five weeks ago, we commemorated the fourth year of the U.S. invasion of Iraq. Today, we move with urgency to end 4 years of bloodshed that has resulted in the death of 3,300 men and women in uniform deployed in Iraq, 59 of those being sons and daughters of the great State of Maryland.

While I opposed the war from the very beginning, I believe we have a duty to redeploy in a responsible manner that protects the Iraqi people and our troops.

Additionally, we have a responsibility to our courageous men and women in uniform, their families, and the American people by putting an end to their incredible sacrifices.

Despite the rhetoric, the President's plan is simply not working. According to a Washington Post report dated April 4, 2007, the number of Iraqi policemen killed across Iraq nearly doubled from 171 in February to 331 in March.

Meanwhile, the numbers of unidentified bodies found across Baghdad are rising again, suggesting an increase in sectarian-motivated death squad killings. Surely, this is not a sign of us winning the war in Iraq; but instead, it is a sign of how the conflict is swiftly tumbling into a civil war that is on the edge of becoming a battle beyond our control.

As Members of Congress, it is our duty to bring President Bush back to reality. Progress in Iraq will not be measured in military terms. The primary solution to many of the crises in Iraq are simply political, in that obtaining bilateral assistance from Iraq's neighbors, the international community and the Iraqis themselves, is a vital step to resolving many of the present conflicts.

Unfortunately, the President views the situation quite differently. Rather than attempting to reach compromise, he has threatened to use his veto power. In doing so, he will be rejecting the benchmarks for Iraq that he himself has repeatedly stated must be reached to resolve this crisis. The President will also be vetoing so much more.

The supplemental provides troops with three things they need to be successful: Training, equipment and rest.

Further, as a member of the House Armed Services Committee, I am particularly proud that $3 billion is provided for the purchase of mine resistant, ambush protected vehicles.

The President should take note that he will be vetoing accountability requirements in the area of homeland security. To that end, the supplemental makes important changes to the Coast Guard's $24 billion, 25-year Deepwater contract to prevent the development of assets that simply do not work.

Further, the supplemental will require the Coast Guard to identify both the staffing structure it needs to manage Deepwater, and the training that acquisitions oversight staff will require to be effective.

Having chaired two oversight hearings involving Deepwater, and having worked with Chairman OBERSTAR, chairman of the full committee, to conduct an investigative hearing into Deepwater, I know that the significant problems that have been experienced with this contract have arisen at least in part due to the decision of the Coast Guard to move forward with the program before they had the staff, expertise, and management systems in place to ensure effective oversight.

Finally, I strongly support these provisions and look forward to building on them in the Coast Guard reauthorization which we are drafting. If this supplemental is not signed and if we fail to override the veto, we will start from scratch, forcing us back to the drawing board. However, I will not give up or give in. It is time to bring our troops home

PERSONAL EXPLANATION

Mr. COSTA. Mr. Speaker, I ask unanimous consent to address the House regarding rollcall No. 265.

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object.

Mr. COSTA. Mr. Speaker, I simply want to note for the RECORD that I had voted previously for the supplemental measure, and that if I had been here at the time, I would have voted "aye" on rollcall No. 265. It is consistent with my previous vote on this measure. While this measure is imperfect, I think on balance it provides the benchmarks the President has recommended. It also provides disaster relief that I think is necessary for many areas of the country that have experienced disaster that the President has so designated in his own message, and I want the RECORD to note that I would have voted "aye" on rollcall No. 265.

☐ 2145

INTERVENTIONIST FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, no country has ever done as much for another country as the United States has done for Iraq. We have spent hundreds of billions rebuilding their infrastructure, providing police protection, building hospitals and clinics, schools, and water and power plants, giving free medical care, hiring hundreds of thousands of Iraqis and on and on. All of this in a country that had a total GDP of only $65 billion the year before the war was started.

In spite of all this generosity, a huge majority of Iraqis, 78 to 80 percent by almost every poll, wants us to leave. They want our money, of course, but not our presence, except those who are working for us. But there needs to be some limit to our generosity.

We need to start putting our own people first. If we do not, we are soon not going to be able to pay all the Social Security and military pensions, and all the other things we have promised our own people with money that will buy very much.

Governments all over the world have gotten in this situation. They then start printing more money, and people do not realize what is going on. All they see is each year their pensions buy less than the year before.

Today we have a national debt approaching $9 trillion. Even worse, according to the GAO, we have unfunded future pension liabilities of $50 trillion.

We all love and respect our military, but there is waste in any gigantic bureaucracy, and there is huge waste even in the military. A year and a half ago, it was reported by the Defense Department's own inspector general that $35 billion had been misspent in Iraq due to waste, fraud and abuse, and another $9 billion had simply been lost and could not be accounted for at all.

Not only has the U.S. done more for Iraq, we do more for every other country, by far, than does any other Nation. Almost every Federal department and agency has operations around the world.

Liberals will tell you that our foreign aid is only a little over 1 percent of our budget. This is very misleading. We are spending megabillions in other countries when you add up not only the Defense Department but all the other departments' spending, too.

We all love and appreciate our country, but all of this spending is not helping. There is more resentment than ever toward the U.S. because of our interventionist foreign policies.

President Bush campaigned in 2000, saying that we needed a more humble foreign policy, and that we should not be doing nation-building. Interventionist foreign policies and nation-building are not only causing resentment toward us, but we simply cannot afford them if we are going to pay our Social Security and other promises a few years from now. You can still love this country and be a very patriotic American and oppose interventionist foreign policies.

We cannot afford perpetual war just because defense contractors and people at the top levels of the Pentagon always want more and more money. All of this is stated more articulately by two conservative writers, Jacob Hornberger, president of the Future of Freedom Foundation, and Richard Ebeling of the Foundation for Economic Education.

Mr. Hornberger wrote: "If Americans come to realize that the Federal Government's philosophy on foreign aid, foreign intervention and empire lies at the heart of foreign anger, resentment, and hatred for America, then they will see that another option is available to them: End the motivation for terrorism by putting an end to the U.S. Government's role as international welfare provider, intervenor, and meddler.

"The interventionist and imperial vision will inevitably lead to more terrorism against Americans, less freedom for the American people, and more power for the Federal Government. It is a vision that will inevitably lead us away from the principles on which our Nation was founded."

He continued, "The contrary vision, a vision based on liberty, free markets and limited government, is the key to peace, prosperity and harmony for the American people. That vision entails ending the U.S. Government's interventionist and imperial role in the world and limiting it to protecting our Nation from attack or invasion."

Mr. Ebeling wrote: "Two wrongs do not make a right. That America does things abroad it should not is not an excuse or rationale for what happened on September 11. But the United States will continue to create desperate and fanatical men who will view it as the enemy for as long as it interferes into the affairs of other people in other nations. That means there is no end to this 'war on terrorism' as long as the United States follows the foreign policy" of recent years. "Ending U.S. foreign political and military interventionism is the only way to reduce the creation of enemies of America in other lands."

He continues, "Ending the policy of foreign internventionism is also crucial to protecting our freedoms at home.

"Who will guard us from the guardians is the perennial dilemma. When the crisis has passed there will be new government agencies and bureaus with new government employees who will look around for new justifications and rationales to keep their jobs and expand their budgets. They will have powers to intrude into our lives that they will want to use in ways not originally intended. And even more of our freedoms will then be at risk."

IT IS TIME FOR THE PRESIDENT TO STOP TALKING AND START LISTENING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the bill we just passed has the weight of a feather. It is very weak on setting a date to get our soldiers out of Iraq. If anything, this legislation bends in the wind as a sign of flexibility by the Democratic Congress to work with the President.

And yet a piece of legislation so inherently weak has provoked so many attacks from the White House that its real value may be proving to the American people that the President is out of touch and out of control.

The President's military escalation has only escalated the body count, but he claims we are making progress. Mr. Speaker, tell the President we are not making progress. We are making widows and widowers. The bloody awful war must end now, but the President is in total denial.

How many more must die before this President opens his eyes to reality? We are not seeding democracy. We are spilling blood into the soil, and what is growing is hatred for America, contempt for the President's military occupation and the killing and maiming of America's next generation.

What will the President say to the 82nd Airborne when his rationale for continuing this war is irrational? This heroic, distinguished unit of American soldiers has suffered its worst single day of casualties since the Vietnam War.

Mr. Speaker, what will the President say; we are winning? There will be bad days in Iraq? We are making progress? Mr. Speaker, tell the President we are not making progress. We are digging graves to bury mothers and fathers and sons and daughters, all patriotic Americans, all of them sacrificed needlessly.

They marched off to war, and tens of thousands of Americans are coming home in coffins and on stretchers. The American people have had enough of this bloody, worthless war, but the ways of Washington are not as wise and as pragmatic as the will of the American people.

Today, we passed a weak-kneed piece of legislation that this President will cut off at the knees. The President will emerge from his reality-proof bunker just long enough to veto the bill. He will make a speech and what will he say? My way or no way.

The stroke of the President's veto pen will be like a knife cutting away any hope of reason or sanity for ending this bloody, God-awful war.

The President has retreated to a bunker where he cannot hear the American people, the Iraqi people, our soldiers, military experts and world leaders who keep telling him that the Iraq War will never end until we end it by withdrawing our soldiers and demanding diplomacy.

The American people want their government to listen. The American people want this President to stop ordering soldiers into the crossfire of civil war. The American people want our soldiers home and out of harm's way.

I voted for this Iraq bill today, knowing it will never become law. But I voted for the Iraq bill today because the weight of a feather can sometimes support the resolve of a Nation.

This piece of legislation is the smallest step down the right road, the only road available to leaders who can truthfully assess the reality on the ground in Iraq and respond with reason.

Some will say we are sending a message with this bill, but I think differently.

I believe the President will be sending a message to the American people when he vetoes this bill, a bill so flexible that it could barely stand on its own. The President's veto message will be that he refuses to listen, refuses to change, refuses to work with Congress and rejects the will of the American people.

The President said America will still be at war in Iraq when he leaves office in January 2009. That ought to be America's worst fear. And the only way to overcome it is for the American people to demand that the Republicans vote with the Democrats to overturn any Presidential veto that perpetuates the war any longer. And if Republicans will not do it, then elect someone who will.

The American people have spoken in November and they have said, get out of Iraq. It is time for the President to stop talking and start listening. Bring our soldiers home and leave Iraq to the Iraqis.

THE FUTURE OF OUR COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I am really distressed after listening to all the debate today. I have not seen this House split like this in the 25 years that I have been here, and I am really concerned not only about the future of Iraq and our troops over there, but I am concerned about the future of this country.

After 9/11, we were told by the President that this was going to be a long, arduous war against al Qaeda and that we had to go after terrorists around the world, wherever they are. Al Qaeda has attacked the USS *Cole*, as has been mentioned. It has attacked our embassies in Africa. It has attacked our residences in Saudi Arabia. It has attacked in Britain. It has attacked in France. It has attacked in Spain. They are not going to go away.

Al Qaeda, according to General Petraeus today, he mentioned them about five or six times, is one of the major adversaries that we face today. In fact, the new military leader, or war leader, this is the successor to al-Zarqawi, who was killed in 2006, a member of al Qaeda, is al-Muhajer, an al Qaeda leader who is now the head of the military wing of al Qaeda and the terrorist movement in Iraq. They have stated that they want to create an Islamic state and they are hell-bent to do it.

Al Qaeda, they are the ones that attacked the World Trade Center and killed 3,000 Americans. They are the ones that flew the plane into the Pentagon. They are the ones that attacked the plane and it flew into the ground in Pennsylvania, al Qaeda.

And they are the ones that apparently, according to the majority, are going to drive us out of Iraq, and if they do, my concern is that that will be a breeding ground and a launching pad for terrorism not only in the Middle East but around the world. I really have a concern about that, and if that happens, I think that what will happen is we will be involved in a much, much bigger war down the road.

We may be, if we pull out of Iraq, and I have no doubt that the opposition is going to push like the dickens to get it done, if we pull out of Iraq before the job is done, and I have sympathy for our troops and their families and everybody else, but if we pull out of Iraq before the job is done, I think we may very well be sowing the seeds for World War III. And as I have said on this floor a number of times and have talked to my colleagues, appeasement and weakness leads to horrible things.

Lord Chamberlain, going to Munich and talking to Hitler and appeasing him, led to 62 million people dying in World War II. We are now in a nuclear age. We have people who will blow themselves up in order to get their aims. They do not want to live. They want to die. They want to be martyrs.

Can you imagine what will happen if Iran develops a nuclear program and they have briefcase nuclear weapons? They will blow themselves up with a nuclear weapon. As I said earlier today, two blocks from here they could ignite one of those bombs, and it would kill all of us. They could do it two or three blocks from the White House, and it will destroy completely an eight-square-block area and radioactive fallout will be all over the place, killing tens of thousands of others.

I am really worried, and I hope my colleagues will think long and hard about not only today or yesterday, but the future. If we don't deal with this problem correctly now, if we don't let al Qaeda know that they can't win, then I believe the problems down the road are going to be much more severe, and thousands, maybe hundreds of thousands, and maybe millions of people will die as a result of the wrong decision we are making right now.

□ 2200

THE SITUATION IN SUDAN, IN SUPPORT OF H. CON. RES. 7

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

Mr. WYNN. Mr. Speaker, I rise today to address the growing crisis in the Sudan. Today, earlier today, the House passed House Concurrent Resolution 7, an important piece of legislation that calls on the League of Arab States to acknowledge the genocide in Darfur, to support the U.N. peacekeepers and to work with the U.N. and the African Union to bring peace to the region. I am proud to have been a cosponsor of this important legislation, and I thank the House leadership for its attention to this crisis.

An estimated 200,000 noncombatant civilians, including women and children, have been murdered by the janjaweed militia fighters supported by the Sudanese government; 450,000 people have been killed in the conflict. To date, 2.5 million villagers in the Darfur region have been displaced from their homes. Most Darfurians live in camps today.

There is no question that the acts of the janjaweed militia and, by extension, the government of Sudan constitute a level of violence that can only be described as genocide. But now that violence has spread. With the splintering of rebel groups into as many as 12 factions, there is increasing rebel-on-rebel violence with the possibility of return to all-out war.

The African U.N. has deployed nearly 7,000 troops to the region. Last year the United Nations Security Council authorized a peacekeeping force of 22,000 U.N. troops for Darfur. Those peacekeepers, unfortunately, are still not in place due to the resistance of the government of Sudan.

Today, U.N. negotiations with Sudan continue in an attempt to add at least 3,000 U.N. peacekeepers to the existing 7,000 African U.N. peacekeepers, and to allow the U.N. to use helicopters to safeguard peacekeepers and the refugees they protect. The Bush administration has suspended its pending sanctions against Sudan at the request of the U.N. to give these negotiations time to work.

I hope that these negotiations will be successful, and that the peacekeepers can be effective in ensuring that there is no further loss of life and that international aid can get to those who most desperately need it. Humanitarian access to refugees is decreasing, due to the administrative foot dragging by the Sudanese government. Humanitarian groups are under increasing pressure due to restrictions placed on them by the Sudanese government, as well as the deteriorating security situation.

We must ensure access for humanitarian workers and continue provide to funding and support that they need to perform their lifesaving mission. The conference version of the appropriation bill approved by the House just a few minutes ago included over $360 million in peacekeeping and disaster assistance for the victims of this crisis. That includes $44 million in international disaster and famine assistance funding for immediate lifesaving needs of victims of the Darfur crisis, including health care, access to water, sanitation and shelter, $150 million for additional food assistance in Sudan and eastern Chad.

Most of the humanitarian groups now operating in Sudan are doing so supported by the U.S. Government, with money provided by U.S. taxpayers. We must work in cooperation with the United Nations and with our friends and allies around the world to stop these horrific crimes and to provide a essential aid to the victims of this conflict and to bring peace to the region.

We must be prepared to keep the pressure on. The emergency supplemental that we just passed calls on the Secretary of the Treasury to prepare a report on companies that do business in Sudan and determine whether the U.S. Government is currently doing business with them. The point is, that if the time comes for sanctions, Congress will be ready. Congress is also calling on Sudan's neighbors to acknowledge the genocide in Darfur and to take steps to stop it.

The bill we passed today calls on the Arab League to declare the systemic torture, rape and displacement of innocent civilians in Darfur as genocide. The Arab League must support and accept U.N. peacekeepers to ensure an end to hostilities and the safe passage of humanitarian aid. The Arab League needs to engage the U.S., African Union and Sudanese government to bring lasting peace and stability to Darfur.

I am very proud to have supported this legislation, as well as the conference report, and look forward to working with my colleagues to help bring a peaceful future to Sudan and peace to the lives of the Darfurian refugees.

SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, Monday, April 23 of this year marked the beginning of Small Business Week, honoring small business owners and their employees for their dedication and hard work that has helped to ensure that this Nation continues to remain a strong leader in the global economy.

This week, we celebrate their countless hours, their commitment to their families, communities and our Nation. The 11th district of Texas boasts a large number of successful small businesses and, combined, they have labored extraordinarily to establish themselves as a backbone of our economy. They have provided numerous jobs, endless opportunities, and sustained economic growth.

Mathis Field Cafe in San Angelo, Texas, is one of the small businesses that I am proud to represent in Washington. Mathis Field Cafe employs 26 people, specializing in serving authentic Chinese cuisine. It was founded by two Chinese immigrants in 1988, Sam and Rose Ng, who are now United States citizens running this very successful small business.

It is small establishments like this one in the 11th District of Texas that I proudly represent and that I want to honor and thank for their tireless efforts day in and day out. Steady pro-economic and pro-business policies encourage job growth and allow our small businesses to thrive. I expect to see cafe and other small businesses in District 11 reap the benefits of our strong economy and give back. This week we honor all small businesses alike.

IN MEMORY OF SERGEANT WILLIAM W. BUSHNELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

Mr. BOOZMAN. Mr. Speaker, I rise today to honor the memory of a fallen Arkansas hero, in fact, a true American hero, SGT William W. Bushnell of Jasper, Arkansas.

Sergeant Bushnell was a member of the 1st Cavalry at Fort Bliss. Sadly, he died from his wounds this past Saturday after his vehicle was hit by a rocket-propelled grenade.

Sergeant Bushnell's father, Wesley, told the Associated Press, "Billy served proudly in the airborne infantry. That's what he wanted to do when he joined and proud to do it. His shoulder was hurt a while back, and he went to a hospital in Kuwait. All he could think about was getting back in with his comrades in Baghdad."

This is the type of commitment towards others we can be so very proud of, to his fellow soldiers and commitment to his country.

My prayers, the prayers of my family, and the prayers of Arkansas are with the Bushnell family. I humbly offer my thanks to Sergeant Bushnell for his selfless service to the security and well-being of all Americans.

IN MEMORY OF ROSCOE LEE BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it is with great sadness and a deep sense of loss that we received the word of the passing of Roscoe Lee Brown on April 11, 2007. Mr. BROWN was a distinguished Californian whose deeds and life merit the grateful acknowledgment of his community, his State, the Nation and the world.

Roscoe was born on May 2, 1925, in Woodbury, New Jersey. He graduated from Lincoln University in Pennsylvania in 1946, earned his post-graduate degree at Middlebury College, and did graduate studies at Columbia University.

In college, Roscoe was also a star athlete, winning the world championship in the 800 meters in 1951. After finishing his college and post-graduate career, Roscoe returned to Lincoln, where he taught French and comparative literature.

At a dinner party in 1956, Roscoe announced his decision to become an actor, auditioned for and won a role in Julius Caesar the next day at the newly formed New York Shakespeare Festival, and found his life-long artistic passion, performing five more roles with that company.

In 1961, Roscoe appeared with James Earl Jones in the original off-Broadway cast of Jean Genet's landmark play, "The Blacks." He won an Obie for his role in "The Old Glory," received the Los Angeles Drama Critics Circle Award for both "The Dream on Monkey Mountain" in 1970, and "Joe Turner's Come and Gone" in 1989.

He wrote and directed "An Evening of Negro Poetry and Folk Music," 1966, returned to Broadway in Tommy Tune's 1983 "Kicking the Clouds Away," and earned a Tony nomination in August Wilson's "Two Trains Running." That was 1992.

In 1962, Roscoe made his debut in films, appearing in "The Connection." He has also appeared in "The Comedians" in 1967; "Up Tight!" in 1968, Hitchcock's "Topaz" in 1969, "The Liberation of L.B. Jones," "Superfly," "Uptown Saturday Night," "Logan's Run," "Legal Eagles," "The Mambo Kings" and "Dear God."

Roscoe's television career included memorable appearances on all the top 1970 sitcoms, including "All in the Family," "Maude," "Sanford and Son," "Good Times," and "Barney Miller." He replaced Robert Guillaume on "Soap," and in 1986 he won an Emmy guesting on "The Cosby Show."

His resonant baritone was heard in documentaries, live-action fare and animated films, as well as the spoken-word arena with such symphony orchestras as the Boston Pops and the Los Angeles Philharmonic. For many years he and actor Anthony Zerbe toured the United States in "Behind the Broken Words," an evening of poetry and dramatic readings.

Roscoe Lee Brown was a person of exceptional talent and accomplishments. He was among the first generation of African-American actors who sought to ply their craft during a period that rarely acknowledged or provided opportunity to persons of color.

It can truly be said that the Denzel Washingtons and other younger black actors in movies and television stood on the backs of giants like Roscoe Lee Brown, who blazed a trail for them through perseverance, hard work, and uncommon displays of exceptional talent.

May he rest in peace.

☐ 2215

A SAD AND SOBERING DAY FOR AMERICA

The SPEAKER pro tempore (Ms. CLARKE). Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Speaker, this is a sobering and sad day for America and for the House of Representatives. The Iraq supplemental war bill came to the floor this evening. It is a bill where the President had requested the resources of the American people to support American men and women in harm's way nearly 11 weeks ago. The bill that came to the floor tonight had that amount of resources, and then some. It had over $20 billion in extra money, Madam Speaker, money that nobody could honestly say with a straight face was appropriate in an emergency supplemental bill.

In addition to that, it also had all sorts of timelines and arbitrary benchmarks that make it so that the Speaker of the House and every single Member of this House is in fact a commander-in-chief.

There was celebration on the other side of the aisle when this bill passed, muted. I would suggest, Madam Speaker, it was a little embarrassed, because they understand in their heart what they have done. What they have done is a shameful action, Madam Speaker.

General Petraeus came to visit the Congress today. General Petraeus is the Commander of Coalition Forces in Iraq. General Petraeus and his men and women are putting their lives on the line, day in and day out.

He came to the House today. He came to Congress today to ask for clarification of what Congress had intended. He asked for the opportunity to inform the House of Representatives, the Members of the House. And from what I heard this evening, Madam Speaker, the majority party didn't listen and they didn't learn. All they have done, apparently, is to work on legislation that will ensure defeat.

Madam Speaker, this majority party is vested in failure. Vested in failure. Their actions do a disservice to our troops. They say to our troops, we have got no faith in you. We don't believe in your mission. We don't believe in you. That is what this majority party says.

They send the wrong message to our allies. What they say to our allies is that you can't trust America. America's word is not good, given this majority party.

And they send the wrong message to our enemies. What they say to our enemies is, all you have to do is wait.

Madam Speaker, this is a sad and a shameful day. The majority leader in the United States Senate has said that this war is lost. "This war is lost."

I stood with parents of a constituent of mine this weekend, Madam Speaker, this past weekend, who was on his way to Iraq that very day. They asked me, what am I supposed to say to my son? It is a heart-wrenching question, Madam Speaker, when you have the majority leader in the United States Senate saying that the war is lost. It is in headlines across this Nation that the majority leader says this war is lost.

Madam Speaker, I think it is incumbent, given that kind of statement by the majority leader in the United States Senate, for the House Democrat leaders to come down to this floor and say what they believe. Do they believe the war is lost? Do they agree with Senator REID?

Madam Speaker, their silence is deafening. Do you hear them? What do they say? Are they here tonight? Are they here to say what they believe about our troops? Are they here to say that they believe in the men and women who are protecting our freedom and working as hard as they can to protect themselves?

Madam Speaker, this Democrat silence is deafening. What a shame. What a terrible shame.

Madam Speaker, it pains me and it saddens me to say what appears to be leading these new Democrats is the same as the old, and that that it is all politics all the time. What a shame.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. MURPHY) is recognized for 50 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Madam Speaker, I am very pleased to be able to kick off what I hope will be a very interesting hour. Every week we try to get together at least once as members of the 30-Something Working Group at the pleasure of the Speaker of the House to talk about some of the most pressing issues, not only to this country at large, but in particular to the young people of this country. I appreciate the Speaker giving us this opportunity.

We are hopefully going to be joined today by some of the veteran 30-Something Members, but we are going to kick today off with Mr. ALTMIRE of Pennsylvania and myself and our special guest today from New Hampshire, young-at-heart PAUL HODES.

Madam Speaker, I think the gentleman from Georgia is right on one point at least, that this is a sobering week here in the halls of Congress. We have had a lot of bad news this week. We have mourned the death of far too many young people at Virginia Tech. We have mourned the loss of one of our own here on the House floor. We are wrapping up a month in which we have seen 86 more soldiers die on the battlefields of Iraq amidst a growing civil war, a war now that has cost over 3,300 lives, 24,000 wounded and $379 billion spent.

Our friend who just gave the final 5-minute speech on the other side of the aisle suggested that the silence was deafening from the Democratic side tonight in this Chamber. Well, we were talking all day. We were talking last week and the week before. There was no silence on this side of the aisle. For the first time, for the first time, this Congress picked its head up out of the sand to realize what is really happening over in Iraq.

You can talk all you want about failure and defeat and victory, but you have got to be a little bit clear about what we are talking about over there, because maybe we entered into a fight with an army commanded by Saddam Hussein, but we have now got ourselves mired in what is a civil war.

Madam Speaker, I got the chance, along with five other Members of this body, three Republicans, three Democrats, to go over to Iraq and Afghanistan a few weeks ago, and we asked the generals on the ground a very simple question: Of all of the fire that you find yourselves in the middle of on the streets of Baghdad, tell us what percentage of that which is directed at U.S. forces is a fight from insurgents directly against the United States, and tell us what percentage of that fire is sectarian strife, Sunnis and Shia fighting each other.

I have to tell you, listening to the other side, you would have no clue that the answer was 90 percent. Ninety percent of the fire directed at U.S. forces is simply by virtue of us being in the middle of what has become a civil war there.

So you can continue to bury your heads in the sand while we talk about this tonight, but we choose not to. We chose to side with the American people, 60 percent of whom say unequivocally that they want a timetable to bring our troops home. We sided with the Iraq Study Group, some of our top foreign policy leaders in this country, Republicans and Democrats, who unanimously stood up to say it is time to redeploy our forces. We stood with some of the brightest and most courageous military generals.

We have come to the position that it is de rigueur for generals to speak out against the war, because it seems that there is a new one coming out and talking about the tragedy of this war every day. Well, this didn't happen up until the Iraq conflict. You have never seen this number of former military men standing up and suggesting we need to set a different course.

So maybe this is a little bit of a quiet room tonight after a very long day, but, yes this was a loud and boisterous hall earlier tonight, because for the first time in a long time, this Congress stood up and excerpted the will of the American people.

Before I kick it over to Mr. ALTMIRE and Mr. HODES, let me just quickly talk about what we did here today.

You want to talk about supporting the troops. Let's talk about the fact that this bill had every dollar that the President asked for in it, and more. And more. We put in more money to make sure that every single troop has the equipment, the protection, the armor that they need.

This bill has $1.7 billion in additional money beyond what the President asked for for veterans, $1.7 billion beyond what the President asked for for healthcare for our existing armed forces.

You want to talk about supporting the troops, then you better look at the words and the numbers in this bill, balls what the President wanted, he got, and we put more on top of it to make sure that every single soldier is taken care of on the battlefield, and when they return to this country, they are not just given average healthcare, but they are given the gold standard of healthcare when they come back here.

What we did on that bill was for the first time suggest that this commitment cannot be open-ended. For Mr. HODES and Mr. ALTMIRE and myself, we have gotten the opportunity over the last few weeks to go back and talk to our constituents, and you are having to turn over a bunch of different rocks as time goes on to find people who are still willing to say that we should have absolutely no end to our commitment there. That we should do virtually nothing to force the Iraqis to stand up for themselves.

Let me give you one important quote from this week. Folks on the other side of the aisle will say that this timetable is somehow harming our efforts there. They maybe should speak to our own Secretary of Defense, who just this week said this: "The strong feelings expressed in the Congress about the timetable probably have had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment."

Our own Secretary of Defense, the spokesman on matters of war for this President, says that our discussion here about ending our open-ended commitment, about forcing the Iraqis to stand up for themselves, has had a positive effect. So to our friends on the other side of the aisle, they might want to check with the administration before they cast aspersions on the work that we are doing here.

The last thing to say. The last thing to say. We better put some definition on what war we are fighting here. I know Mr. HODES wants to say something about this as well. This is not a war for us that needs to be fought between two sectarian parties in Iraq. This is a war on the people that attacked this country. Maybe some people on the other side of the aisle haven't noticed, but the people that attacked this country came from Afghanistan, a country that we have left behind.

We had a chance to visit Afghanistan just a few months ago, and we found that the Taliban is in a resurgence there. We found that the new power player in the Middle East, Iran, is starting to meddle in the affairs of Afghanistan, in part because we haven't put the money and the troops and the resources and the infrastructure dollars behind our effort there to make sure that it is a self-governing country.

We have got fights all over the globe that this country needs to be a part of if we really want to talk about making this country safe. So when we talk about redeployment, we mean it. It is not just about withdrawal. It is not just about taking every single troop who is over there and bringing them home to their families. We would love to do that. There is not a single one of us who hasn't spent an amount of time with the National Guard and the Reserve troops that have been so heavily stressed by these multiple deployments. There is not one of us who has not sat with active duty families who have seen their family members deployed once, twice, three times, over to Iraq and Afghanistan.

We would love to bring every single one of them home. But we know that the reality of this new world order is that we have got to have a much more global view. We have got to make sure that we have the troops necessary to be committed all over the globe, to make sure that we recognize how broad the threat to this country is today.

That is not what we are doing right now. That is not what we are doing. In fact, what we have done is created a safe haven for terrorists. We have created what our own intelligence community calls the cause celebre for the Islamic extremist movement in this world, to find shelter in Iraq, to breed, to train, and then to present an even greater threat to this country.

So, yes, Madam Speaker, there was a little bit of celebration on this side of the aisle when we passed this bill tonight. Not because this isn't the most serious subject that this House will face over the next 2 years. It certainly is. We take that as a grave responsibility that it so deserves. But because it is about time that we picked our heads up out of the sand and said in our gut, in our conscience, we cannot allow our military forces to continue to be the referee of a civil war. And in our gut and in our conscience and in our head we know that this fight is broader than just what happens on the streets of Baghdad. This is a global fight against the people that took us on, and by redeploying those forces, by doing the right things by the soldiers who are on the ground in the middle of this civil war, by making a commitment as strong as ever to our troops and to our veterans, we finally, we finally, started imposing a foreign policy that will guarantee the security of this country, not just for the next week or the next month, but decades and hopefully centuries.

Madam Speaker, I would like at this point to yield, if I could, to a good friend and one of our new 30-Somethings, the gentleman from Pennsylvania, Mr. ALTMIRE.

□ 2230

Mr. ALTMIRE. I thank the gentleman from Connecticut. And I wanted to spend some time talking about what this bill actually does, because I heard some rhetoric during the debate from the other side that I couldn't believe I was hearing, because it had nothing to do with the facts of what's really in this bill. I heard Members stand up and say that the goal of the Democrats is to cut the funding for our troops and cut and run and do an immediate withdrawal. And none of that is in this bill. That is not what we voted on today.

And the great thing about democracy, the great thing about this House, the House of Representatives of the United States is that we have people who represent every side of the political spectrum. And there are a handful of Members who feel so strongly about this issue that they feel we need to immediately cut the funding and immediately withdraw our troops and bring them home. And they are very vocal. And what's interesting about that group is they didn't support this bill. The people who feel so strongly that we need to cut the funding and bring our troops home immediately voted against this bill, along with the Republicans.

So when I hear Members on the other side talk about what our goals are, and then I think of the fact that they are the ones that voted with the people who want to bring our troops home immediately and immediately cut the funding, that leads me to believe that perhaps they didn't read the bill closely enough, or maybe there's just some rhetoric that's being thrown around that they know is not true.

And what I would suggest to my colleagues, and certainly to the American people, is you look at what is in this bill. And we've talked about this before when we passed the first bill before it went to conference. We give the President more money than he asked for. The conference report that we voted today, 4 billion more dollars to go to Iraq and support our troops than President Bush asked us for. That's not cutting the funding. That is supporting our troops.

We increased funding for the Department of Defense health care facilities to make sure that situations like Walter Reed never happen again. We increased funding for the Veterans Affairs health care system to make sure that we have adequate coverage for our Nation's veterans, because, as we have talked about many times on this floor, there is no group that should stand ahead of our Nation's veterans when it comes time to make funding decisions.

And this bill, for now the fourth time in 4 months, we have voted to increase funding for the Veterans health care system, and not continue the past 6 years of chronic underfunding for the VA health care system.

And finally, this bill does, in fact, add some accountability to the process. The only remaining leverage that we have left in Iraq, almost 4 years to the day after we were told the mission was accomplished, that date was May 1, the only remaining leverage we have left is our presence there.

The gentleman from Connecticut talked about how he was in Iraq, and I don't want to put words in his mouth, but I am sure you spoke to some of the leadership over there and experienced the fact that the Iraqi government has not stepped up to manage their own affairs and administer their own government. In fact, they have failed miserably in that action, and they show no sign of being willing to step up to the plate. And the only leverage we have to make that happen, and that is the only solution to this conflict, is a political solution. There's no military solution because, it has, as you said, degenerated into a civil war. The only leverage we have there is our presence there. And until we say, loud and clear to the Iraqi government, that our presence there is not open ended, that we do consider this to be a situation that they need to step up, administer their own affairs and run their own government, nothing's going to change. And we did have, 4 years ago today, an announcement that the mission was accomplished; and we'll be here next year and the year after and the year after, and we'll still be waiting for the Iraqi government to step up unless we take affirmative action to add some accountability, which is what we did in this bill today.

So I'm going to give it back to the gentleman so he can talk to Mr. HODES momentarily, because I know he's chomping at the bit to say what he has to say. And I'm looking forward to hearing it myself.

But I just want to be crystal clear, this bill, in no way, represents a cut in funding for our brave men and women who are serving us in Iraq. It has more money in it for our troops, direct aid for our troops, than the President asked for. Make no mistake about that.

So at this point I would yield back to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. I want to read it one more time, Mr. ALTMIRE, just because it backs up everything you said. I want to read it one more time. Secretary Gates. "The strong feelings expressed in the Congress about the timetable probably have had a positive impact in terms of communicating to the Iraqis this is not an open ended commitment." I mean, that's worth saying again, because for all the rhetoric that we get about what we are doing here and what kind of impact it has in Iraq, we have our Secretary of Defense telling us exactly what has been our intuition for years; that the only way, Mr. ALTMIRE, just like you said, the only way for us to exert any pressure on the Iraqis to stand up for themselves, to get their military shop in order, to get their civil shop in order, to get their political stop in order, is to tell them that we are not going to be the crutch that they can rely on in the long run. We've recognized that here for a very long time. Our Secretary of Defense now joins us in that.

And at this point I would like to turn it over, yield to Mr. HODES.

Mr. HODES. Well, I thank my friend from Connecticut and my friend from Pennsylvania for being here. You know, I'm on the something side of 30, but we are all new Members here tonight. And we came here, in large part, because the American people are way ahead of the politicians in this country. And the American people have had it with this exercise in Iraq. In overwhelming numbers, they, in their wisdom, have had it, and they spoke loud and clear to that in November of this year and that, in large part, is why we, and many of our colleagues, are now privileged to serve in the House of Representatives.

And what we have done today in passing the Iraq accountability bill is truly historic. And it started here in the House; it went to the Senate through the wisdom of our founders. There was a conference of House and Senate leaders. The bill came back here in slightly altered form. And now, as we sit here tonight, speaking about this bill, it's on its way to the desk of the President of the United States. And the President of the United States has a choice to make about the direction of this country. He, now, has a choice to make. He has a choice to make about supporting the troops. He has a choice to make about holding the Iraqis accountable, as he said he was going to do. He has a choice to make about supporting our veterans. He has a choice to make about supporting our wounded, whose care has been a disgrace, as many of us have seen. The President of the United States has these choices to make.

Now, we have had a lot of rhetoric in the chamber today, and our colleagues on the other side of the aisle called this shameful. They accused us of weakening America. They essentially questioned our patriotism. They said we didn't support the troops, and that is poppycock. It's disinformation. It's not true.

We all, whether we are Democrats or Republicans, and I know this is true of the people in this country, care deeply about this country. And what we want to see is an America with real strength that is protecting the real security of the American people, and that is leading the world, as we once did, as the most credible of nations, as the nation which, in World War II, stood up to lead the fight against fascism, and then had the courage to put Nazis on public trial in the Nuremberg war trials because we were strong enough to have a transparent due process system. We weren't afraid. And we shouldn't be afraid in resolving this conflict in Iraq, in acting with the real strength that means real security.

Now, our brave troops have done everything that we've asked of them. They fought through an invasion, and after that, it was an ill advised invasion, but then, through the incompetence and mismanagement of this administration, they have been left in the quagmire of a civil war.

And I want to turn now to the words of somebody with far more military experience than me, to talk about the effect of what we have done here in the Congress tonight. Major General John Batiste, United States Army Retired, said, this important legislation sets a new direction for Iraq. It acknowledges that America went to war without mobilizing the Nation, that our strategy in Iraq has been tragically flawed since the invasion in March 2003, that our Army and Marine Corps are at the breaking point with little to show for it, and that our military, alone, will never establish representative government in Iraq. And Major General John Batiste said, the administration got it terribly wrong. And I applaud our Congress for stepping up to their constitutional responsibilities because this Congress, as Major General John Batiste has recognized, unlike the rubber stamp Congresses that have preceded us for years now, is finally the accountability Congress. We are holding our government accountable by passing the Iraq accountability act, which forces the Iraqi government to take responsibility for their own stability.

We are into the fifth year of this war. Hundreds of billions of dollars, and still, no progress on reforming the Constitution.

What about reconciliation? What about all the ministries in the Iraqi government fighting amongst themselves? What about the Sunni/Shia divide that al-Maliki does not seem to want to face and deal with? The Sunnis and Shiites killing each other, and our troops in the middle of it.

So we hold our government accountable to our troops, to our returning soldiers and our veterans. This accountability Congress has held oversight hearings to investigate government mismanagement and corruption in Iraq. We found, for instance, in oversight hearings, that this administration shipped $12 billion of cash over to Iraq without accounting for it, and gave it away to Iraqi ministries to use as they would, without ever asking for a single shred of accounting. No paper trail, no nothing. We're restoring accountability to contracting, ending the massive waste caused by no bid contracts.

And the contractors in Iraq, just so we are clear, on this, we now know that, in addition to the 150,000 troops, give or take, currently in Iraq, there are 126,000 private contractors. And as John Murtha so eloquently talked about the floor tonight, we've got a situation where our brave soldiers are standing there, they are making $25,000 a year, let's say they are pumping gas and doing some security details. And next to them there's a private contractor making $80,000 a year doing the same job. Some of these private contractors, we heard, are making $300,000 a year. That's more than any government official in the United States government. And you want to know where our billions and billions of dollars have gone.

So we're restoring some accountability to government with the Iraq Accountability Act tonight. We're restoring openness and transparency to government, to repair the fabric of our democracy that has been undermined in the course of this administration.

So this President does have a choice to make tonight. And I think of the words of Zbigniew Brzinski, the former National Security Adviser, who called this war an increasingly immoral, futile exercise in presidential hubris, because, my friends, I'm sorry to say that the President of the United States has said that he's going to veto what Congress has passed. He is going to essentially turn his back on the will of the American people. He's going to go against the advice of retired generals in droves who've come out to talk about the reality. And I believe the American people are going to be disappointed in that veto because they want a new direction in Iraq. And that is the course we have set tonight. I'll kick it back now to Mr. MURPHY.

Mr. MURPHY of Connecticut. Well, thank you very much, Mr. HODES. The three of us are new Members. We came here on that tidal wave of increasing popular angst against this war. And this place shouldn't be dictated just by what happens in elections, but elections have to mean something. When the people get a chance to go out there every 2 years and weigh in on the direction of their Federal Government, they have to feel, at some level, like what they say matters.

☐ 2245

And, Mr. HODES, I mean you are right. When they pick up the paper whatever day it is going to be when he actually vetoes this, the feeling inside, that voter who thought they went out and cast a courageous vote for Mr. ALTMIRE or Mr. HODES or Mr. MURPHY who decided to make a change when it doesn't happen very often that you have a change like this, maybe once every decade or every two decades, well, they are going to lose just a little bit of faith in this process. And every day that we continue to have an administration that refuses to honor where the American people want the course of this war to go, which, as we have said over and over again, it is not just the American people but it is the American people being backed up by generals, being backed up by the foreign policy community, the Iraq Study Group, there is a little piece of democracy that dies every day that that happens.

Let me just bring up an additional topic here. When I got out into Baghdad on the day that we were in Baghdad, what we saw was the escalation in progress. What the escalation essentially is, is it is asking these soldiers who are on their second or third tour of duty over there, who would normally do 12-hour shifts patrolling these incredibly dangerous streets, trying to dodge sniper fire, trying to keep clear of the increasing number of IEDs, roadside bombs, now those troops, after the 12-hour shift, aren't going back to safe barracks; they are lodging themselves in the neighborhoods, in some of the most dangerous, war-torn neighborhoods of Baghdad. They are living in bombed-out buildings with little or no electricity or running water, in squalid conditions. That is what the escalation is.

Now, if this was a fresh round of troops, if this was a group of young men and women who were there for the first time, maybe you could understand putting them in that position. But that is not what this is. Twenty-three percent of all the troops who are being deployed right now are National Guard and Reserve troops. Eighty-eight percent of those National Guard and Reserve troops are so poorly equipped that they are rated not ready right now. That is from the Washington Post, about a month back.

We know that the number of Active Duty and Reserve brigades in the United States that are considered combat-ready, zero. None of them. We have maxed out our military. We have asked, Mr. HODES, as you said, our men and women to do everything we have asked them to do, and we have got to start asking ourselves the question, have we asked them to do too much?

One day they are in the middle of a firefight. The next day they are sitting down and trying to mediate a dispute between two rival neighborhood groups. The day after that they are overseeing the construction of a water filtration plant. They are, within a 3-day period, being asked to be fighters, diplomats, and civil engineers.

Having gotten to spend a couple days on the ground with these folks, they are by all measure the best people that we could send over there, the bravest, the most capable. If there is anyone in this world that could do this job, I know it is them. I knew it intuitively from back here in the United States. Having spent a few days on the ground, you know it from the moment you talk to them. But we have maxed them out.

And why I try to get here as often as I can to hear Mr. MURTHA speak here on the floor is because there is no better in talking about this subject than Mr. MURTHA. He said it here tonight: There is no one more in touch with the troops than he is. And our danger is not just in asking them something they may not be able to do, but permanently damaging the capability of this military going forward.

Mr. HODES. Madam Speaker, the interesting thing about what this bill does, I mean the reality of what it does, is it gives this President an opportunity, it gives him a fabulous opportunity, to face reality, as a leader should, and understand that he is being given the opportunity for a new direction, for a new direction that is tough and smart, and smart about our security, because it is designed to make sure that our interests in the Middle East are taken care of in a responsible way. The American people know that. They want us to be responsible in the way we resolve the situation in Iraq.

Major General Paul Eaton addressed the notion of why this is so responsible when he said, "This bill gives General Petraeus great leverage for moving the Iraqi Government down the more disciplined path laid out by the Iraq Study Group. The real audience for the timeline language is Prime Minister al-Maliki and the elected Government of Iraq." Because it gives the general, it gives the President, the leverage to say, folks, it is time that you stepped up, to say to Prime Minister al-Maliki it is time you stepped up. Are you serious about reconciliation? Are you serious about the political stability that Iraq needs? Are you serious about the economic stability Iraq needs? Are you serious about it, or are you just waiting because we are going to be there forever? Because right now, the President has made an open-ended commitment, and this bill responsibly puts an end to that open-ended commitment.

Now, the folks on the other side of the aisle have said, time and time again, that this somehow weakens us because it gives notice to our enemy, whoever that may be. They say it is al Qaeda. We are in the middle of a civil war. There is some al Qaeda there to be sure. What Major General Paul Eaton said is, "The argument that this bill aids the enemy is simply not mature. Nobody on the Earth underestimates the United States' capacity for unpredictability. It may further create some sense of urgency in the rest of our government, beginning with the State Department."

Because we have got to ask, where are the diplomats? Where are the diplomats? There are some provincial reconciliation teams on the ground, working around the country and they are talking about more. But where have been the diplomats? Where has been the diplomatic effort that everybody acknowledges is really what is necessary to bring some stability in the Middle East?

Why did it take Speaker PELOSI to go to Syria to begin some dialogue? Because everybody recognizes that we have got to talk to people, even those who are our enemies in this complex world in the 21st century.

So this bill gives the President, it gives the generals, the leverage to forge a new direction.

Mr. MURPHY of Connecticut. Madam Speaker, I want to yield to Mr. ALTMIRE in a second.

But let me just underscore this to say none of us are happy to be in this situation. Myself, I think that this is the best course. I think that we need to set in law a sense of when our commitment is going to end there. The only way we will finally complete the training of our military and our Armed Forces within the Iraqi community is to give them a sense of when they will have to stand up for themselves.

Now, at the same time, there is no perfect option. In fact, there may be no good option here. We all have to admit at some level, Republicans and Democrats, that we have gotten ourselves into a mess here that there is no pretty way out of. And that is part of what government hasn't been pretty good about talking about. This administration, it is all about black and white to them. It is good or evil. It is right or wrong.

There is a lot of gray, and we created most of that gray by being the bull in the china shop there. But what we put forward today, what the majority of this caucus supported this afternoon and this evening is not the perfect, and it is probably not even the good, but it is the best that we can do in a very bad situation. And it is certainly the best that we can do by the brave men and women who are fighting.

So as proud as we are, I think, Mr. HODES and Mr. ALTMIRE, standing up today and finally getting our head out of the sand and putting some direction in what has been a directionless conflict, at the same time it is a sobering day because we all admit, especially as new Members who didn't participate in the lead-up to this very troubling time, that getting ourselves out of it isn't going to be an easy process and it is not going to be a very brief process.

With that, I will turn it over to Mr. ALTMIRE.

Mr. ALTMIRE. I thank the gentleman from Connecticut for yielding.

I want to talk about what these charts mean that the gentleman from New Hampshire is holding up next to where he is speaking. These are examples of generals, people who have seen firsthand what is happening on the ground in Afghanistan, people with the utmost military experience, who have said clearly, without ambiguity, that the President's course of action is wrong. And the course of action that we took today here in this House is endorsed by these generals. And this is a further example of the President's not listening to anybody but himself and his very, very close circle of advisers, any of whom, if they differ from him, find themselves reassigned or out on the street. And for some reason, the President doesn't listen to his generals. He doesn't listen to the Iraq Study Group.

You will recall, and I would like to remind my colleagues, that he said, when the Iraq Study Group formed and was going about their business of studying this situation and coming up with their report, that he was going to pay attention to what they said and take some of their advice. Well, unfortunately, the report came out and was promptly discarded by the administration, and they did nothing about what was in the Iraq Study Group.

Now, some of the things that were talked about that we should engage in diplomacy with countries like Iran and Syria, we know where the President stands on that. He is not going to change with that. The Iraq Study Group recommended that we do set a timeline on our activities to increase our leverage with the Iraqi Government, as I talked about earlier. But the President chose to discard that. He chose to discard what his generals on the ground said. Those that disagreed were reassigned, and some of them now, as Mr. HODES has pointed out, are saying that what we are doing is the right course of action. But what is most important and what is most relevant for what we did today in this House, the President is ignoring the American people.

We have all seen the polls about where the American public feels about this. But we shouldn't legislate by polls; we should legislate based on we are elected Representatives of the American people. There are 435 districts in this House, each of whom has a voice, and it is our responsibility as Representatives to go back into our districts, listen to what our constituents have to say on these issues of critical importance, return here on a day like today, debate the issue the entire day, come back at 11 o'clock at night and we are still debating the issue. But we took a vote and we had to put it on the line, yes or no, where do you come down on this issue? The Congress has spoken. At least the House has spoken. The Senate is going to speak in the next day or two.

And I want to make one thing clear. Let there be there be no discussion about this. If the Senate passes the conference report, which we expect, and sends this bill to the President, as Mr. HODES said, he has a decision to make. He can either sign that bill and provide the troops the funding that they need to continue the mission, or veto the bill and deny them the support that they need. That is his choice. The Congress has spoken on that.

So when any Member of this House has one of their constituents come up to them and say, well, when are you going to give our troops the money that they need to continue this fight? Well, we did it today. The answer to that question is we did it today. The Senate is going to do it tomorrow, perhaps the following day.

Then the President has a decision to make. And if he chooses to veto that bill, the troops' funding will be delayed. But that won't be because of us. That will be because of a decision that was made down the street at 1600 Pennsylvania Avenue.

Mr. MURPHY of Connecticut. Madam Speaker, reclaiming my time, I want to make sure everybody knows that there are no hard lines in the sand in this House. And, in fact, the bill that we voted on today is different from the bill that we voted on about 2 weeks ago. In fact, what this House voted on, and what many Members insisted upon several weeks ago, was a hard deadline in the sand that said that we had to be out of Iraq by next spring or, at the latest, next fall. And many of us stood up and said, for the reasons we talked about tonight, that in order to get the Iraqis to finally stand up for themselves, we have got to give them that sense.

The bill that we voted on today in an effort to bring the President to the table, to get him to sign a bill that puts every dollar he asked for, and, more for troops and veterans was a goal. It was a goal. Now, there are a lot of us who wanted to see more than a goal. All of this is an effort in compromise. But that goal even is apparently objectionable to this President. And I have a feeling that this House will move again and will try to come up with yet another means of resetting our policy and our course in Iraq that is acceptable to this President.

□ 2300

So if anybody has any idea out there that the House of Representatives is just saying X and the President is just saying Y, no, we're trying to make that effort. And you know what? People are going to look in the paper this morning and see a vote that has a lot of Democrats voting for it and a lot of Republicans voting against it. Lest they think that that's been the case day in and day out here, in fact, it's been the exception to the rule in how we have conducted ourselves in this House. The 100 hours agenda, making changes on our economic policy, our health care policy, our national security policy, our homeland security policy had record numbers of Republicans. We stood together and we have stood together on everything from the minimum wage to stem cell research to even the budget.

So we have made great progress, I think, in this House on bringing back together some of that partisan divide. Lest people look up at the vote that we took tonight and think that we didn't honor our pledge to really start to bring that back together, I think we have in large part.

And I think that's important to say because I know, Mr. HODES, that as important as it is to the new Members to get Iraq right, to get health care right, to get energy right, it's also really important for us to start bridging some of the gaps here. And it pains us when these things do hit party lines, but on something as important as Iraq, the vote is what the vote is. And we'll get back to building those bridges as soon as we get beyond it.

Mr. HODES. I thank the gentleman.

You know, I was hopeful that we could bring both sides of this House together on this bill because our goal is a common goal, to achieve real strength and real security for America.

We all honor our troops. We have a difference in opinion, apparently along party lines primarily, about how best to achieve that. Our friends on the other side of the aisle, and the President, apparently, think that an open-ended commitment and putting more troops into a city of 7 million people into a civil war is the way to do it. We believe that there is a smarter way to help the Iraqis step up and to achieve that security.

Let me just talk briefly about what this bill does, because it really does three important things. First, it adopts the military's own guidelines for troop readiness, training and equipment. We've been sending our soldiers without the right equipment, without adequate training, and without enough rest between deployments. They're stretched. They've been deployed two times, three times, four times. The length of their deployments have been stretched. And we've adopted the military's own guidelines to say that before troops are sent to Iraq they must be properly equipped, they've got to be trained, they've got to be ready to go.

I can't understand why the President would veto a bill that adopts the military's own guidelines for troop readiness. Because by his veto, he will therefore be rejecting the military's guidelines for troop readiness. He will be saying to the American people, I am perfectly satisfied with sending troops that aren't ready into combat.

The second thing this does is it fully funds the troops, as we have said. In fact, it provides $4 billion more than the President asked directly to the troops. So if he vetoes the bill, he will essentially be saying I'm vetoing, I'm rejecting funding for our troops. I am rejecting the funding that he asked for. I don't understand how he will do that, but that's what his veto will mean.

And finally, we provide a responsible way to redeploy that actually answers the concerns that people had about flexibility for our military commanders on the ground. Because what we do is we set a date based on benchmarks for the Iraqis that the President himself set out in a January 10 speech for the beginning of a strategic redeployment, and we give the military commanders the flexibility on the other end to reach the target goals. So if the President vetoes his own announced benchmarks for the Iraqis, I just don't understand it because he will be vetoing what he said in a speech to the American people on January 10 as his idea about what the Iraqis ought to be doing for themselves. He set the benchmarks, and now he said that he intends to veto his own benchmarks. It's beyond me to understand why he's going to veto what he said he wants to do.

If I can just go on for one more moment, I want to talk about some of the other money in this bill because this is really important. People have complained, I've heard it at home, about what they think is excess domestic spending in this bill. But here's what this bill does in terms of funding that is related to supporting our troops.

This bill provides $3 billion more for mine-resistant ambush-protected vehicles for troops in Iraq.

Mr. MURPHY of Connecticut. That doesn't sound like pork.

Mr. HODES. That's not pork. This bill provides $2 billion more for a Strategic Reserve Readiness Fund to meet the troops' readiness needs.

Mr. MURPHY of Connecticut. That doesn't sound like pork either.

Mr. HODES. That's not pork either.

It provides $1.1 billion more for needed military housing. Does that sound like pork?

Mr. MURPHY of Connecticut. That doesn't sound like pork to me, Mr. HODES.

Mr. HODES. The bill honors our returning veterans by providing $2.1 billion more for military health care than the President requested, including $900 million for post traumatic stress disorder and traumatic brain injury care and research, and $661 million to prevent health care fee increases for our troops. Because what they are now facing under this President's policies is getting sent off to war to fight for their country and coming home to find that their health insurance costs more, that the military health system is too overloaded to take care of them, and that the veterans' system has been overloaded beyond capacity.

Now, if the President vetoes these increases for the veterans and wounded warriors that his policies have created, it will be something that I don't understand and I don't think the American people are going to understand. And so he has a challenge in front of him. He has a challenge and a choice to make. And maybe between now and when this bill hits his desk, he will have one of those moments on the road to Damascus and decide that he will face the reality and do right by our troops, do right by the American people, do right by this country and set a new direction in Iraq.

I will kick it back to you, Mr. MURPHY.

Mr. MURPHY of Connecticut. We've got a few minutes left, so I'm going to throw it over for some closing remarks to Mr. ALTMIRE.

Mr. ALTMIRE. I wanted to change the subject here just momentarily here, if I could, here at the end and just mention something, because unfortunately, since we're not in session on Monday due to the unfortunate funeral that many of our colleagues are going to be attending for one of our colleagues, I wanted to mention the fact that Monday is going to be Paul Hayes, the House reading Clerk's last day. Paul has been here for 20 years, and to many viewers around the country of C-SPAN, he is the voice of the House of Representatives. I was going to do a 1 minute on Monday, but I will just do it today because we're not going to be in session on Monday and just say what an honor it has been for me, Paul, to be able to spend a few months as a Member with you here.

I was a staffer, as Mr. MURPHY knows, on Capitol Hill for 6 years in the early 1990s, and we used to watch Paul Hayes at work. And it has just been a great experience for me to come back as a Member of Congress and briefly be able to, for about 4 months, to be able to serve and work with you, Paul. So I just wanted to say congratulations, and we wish you all the best.

Mr. MURPHY of Connecticut. Well, it pains me to admit that I spent far too much of my life watching this House from a distance. And so I share those thoughts and I am so glad Mr. ALTMIRE would bring that up on this day.

With that, before we end our hour, we're going to allow our honored guest, who we hope is joining us for the first of many visits with the 30-Somethings.

As our veteran Members abandon us, our new Members step up. And Mr. HODES, if you might inform folks how they might find us via e-mail and via the Web.

Mr. HODES. Well, as I said at the beginning of the hour, Mr. MURPHY and Mr. ALTMIRE, I'm on the "something" side of 30, but I am glad to be with you because I am hoping that we, together, have brought an energy to this Congress that really has set a new tone and will help us set a new direction for this country, not just on the war on Iraq, but on health care, on energy, on education and all the policies that the American people want us to get to work on and we've been working hard on.

Before we go, I do want to say that Speaker PELOSI's 30-Something Working Group can be e-mailed at 30somethingdems@mail.house.gov. The 30-Somethings, whom I am now a proud guest, being on the something side, can be visited, and here is the Web site address on this chart, www.speaker.gov/30something/index.html.

So I invite everybody who has been working tonight to visit the 30-Something Web site for information on what the agenda for America is that Democrats have been working on. And I thank you for the opportunity to be with you.

Mr. MURPHY of Connecticut. Thank you very much. I thank the Speaker for giving us this opportunity once again.

THE FUTURE OF MEDICINE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 50 minutes as the designee of the minority leader.

Mr. BURGESS. Madam Speaker, I come to the House tonight to talk about something that isn't number one or number two or perhaps even number three on the list of things that people are concerned about, it is number four, it is health care, health care in our country that is provided by the private sector, that is provided by the public or the government sector. It is a debate that we will be hearing a lot more about as we get deeper into a year that's going to be consumed by presidential politics.

Right now in our country we have an amalgam, if you will, of health care, part paid by the government, part paid by the private sector. I am oversimplifying for the purposes of debate, but the public or government sector, in pure dollar amounts, accounts for about 50 percent of the health care expenditures in this country. The private is sector insures about 160 million Americans, and that is roughly 50 percent of the lives covered by private insurance in this country. And we will have the debate, as the presidential year unfolds, more government, more private sector. But tonight, what I really want to do is focus on the physician workforce, the physician workforce that we have now and the physician workforce that we might expect to have in the future.

Alan Greenspan, about a year and a half ago, right as his last days at the Fed were winding down came and talked to a group of us one morning, and inevitably the question came up about Medicare. In fact, we saw the trustee's report yesterday; everyone is concerned about the funding for Medicare, the future obligation that is there in Medicare. And Mr. GREENSPAN was pretty circumspect, he said, "At some point I expect the Congress to deal with the problem of funding." And then he went on to say, "What concerns me more is will there be anyone there to provide the services when you want them?" That really struck a cord with me. And in fact last month, the month of March, back in my home State of Texas my Texas Medical Association puts out a periodical every month called "Texas Medicine," and the cover story was in fact dedicated just to that concept, "Running Out of Doctors." And the thrust of the article is how do we keep the medical students that we graduate from Texas schools, how do we keep them practicing in Texas, particularly in the high-need areas in Texas? And concentrating on the physician workforce is what I want to do during this discussion, in the time that I have available for the discussion this evening.

My perspective, of course, 30 years ago I graduated from medical school in Houston, Texas, so I do have the perspective of looking back over the last 30 years. But I also want us to look over the horizon to the next 30 years. What about the young man or woman who is graduating from medical school this year, what kind of world do they want to find themselves practicing in? What type of practice environment do they want to see that we have laid out for them 30 years from now? It is going to be important that we take the correct steps today in order to provide the correct practice environment 30 years from now.

Since we're talking about the physician workforce, the part that the government pays for is paramount, that is critical. And really the thing that I want to focus on of that government sector is the pricing and the payment schedule in the Medicare program itself.

□ 2315

Medicare, a good program, just celebrated its 41st or 42nd birthday. We had the second anniversary of the prescription drug benefit part D, which in my first year here we passed in 2003 and was added on in the year 2006.

Medicare is an integrated program. Part A is the hospital, part B is the doctor's care, part C is the Medicare, what is now called the Medicare Advantage Plans or the HMOs, and part D is the prescription drugs. But while it is an integrated program, the funding for Medicare actually exists in funding silos.

If we look at the comparative payment updates from the year 2002 to projected 2007, you see that there is something wrong with this picture. And what is wrong with the picture is that physician reimbursement in part B is significantly lagging behind the payment updates for the Medicare Advantage Plan's hospitals and nursing homes are shown on this graph. And there is a reason for that. It is really not a very difficult reason: Medicare Advantage Plan's hospitals and nursing homes receive every year essentially a cost-of-living update. It is a market-basket update that they receive based on the cost of inputs from the previous year. CMS has actuaries that go back and figure this out: What did it cost the hospitals to provide the care that they delivered to our seniors?

Part B is calculated differently. Part B is what is described as a volumetric formula. It weights volume and intensity. But basically you have a fixed amount of money, a finite pie, that if more and more people are submitting claims, the slices get progressively smaller. And in 2002, you can see there was a big drop. The reason 2003, 2004, 2005 are not a downward projection is because in fact at the last minute, Congress swept in and said we are going to do something to prevent this from happening. And, in fact, doctors got a modest update in 2003, 2004, 2005. 2006 doesn't really show up because that was a zero percent update.

Now, Madam Speaker, I have not been in Washington all that long, but I have learned some of the parlance and the lexicon that we use here. And in any other Federal program or any other federally funded program, if you are held to a level funding or a zero percent update for that year, anyone else would regard that as a cut. But we told the doctors that was great, you are going to get a zero update for that year and you will be happy for it.

Projected for 2007, if we don't do something, is going to be a substantial decrease. Once again, we may very well ride in at the last minute and do something to blunt the effect of that; but year in and year out, this problem continues; and the real insidious part of this is the dollars to fix the problem get higher and higher every year.

Last year I introduced a bill to just simply do away with the SGR and replace the SGR with a market-basket update. It is called the Medicare Economic Index. And it is not my idea; a group called MedPac, a Medicare Payment Advisory Commission, worked this out in actuarial fashion some years ago. And the Medicare Economic Index would in fact provide a 2 to 2½ percent update for most years based on the cost of input for the physicians providing the services to the patient.

The cost last year scored by the Congressional Budget Office of replacing the SGR formula with the Medicare Economic Index was $218 billion. Clearly, that is a lot of money, and it disrupts any budget that either party might put up there. So, as a consequence, I didn't get a lot of activity on that bill last year. It is still important to do. And every year that we delay doing something, and even those years that we come in and it looks like we fixed it a little bit, we actually just compound the problem and make it worse in subsequent years.

So in just very general terms for this evening's talk, we have got a lot of people who are going to be joining the Medicare generation. As the baby boomers age and retire, the demand for services is going to go nowhere but up. And if the physician workforce trends continue as they are today, we may be not talking about funding a Medicare program, we may be talking about there is no one there to take care of the seniors.

In my home State of Texas, the number of physicians between 1995 and 2005 increased by 46 percent or nearly 5,000. Okay, that is good, it went up. However, the State is still below the national average, the national average being 230 physicians per 100,000 population. In Texas the ratio, even with the increase, is 186 to 100,000 residents.

The American Academy of Family Physicians predicts serious shortages of primary care doctors in five States, including Texas, and says that all States will have some level of family physician shortage by the year 2020. The Council on Graduate Medical Education, a congressionally authorized entity, estimates that after 2010, growth in the physician workforce will slow substantially; and after 2015, the rate of population growth will exceed the rate of growth for the number of doctors. In other words, we won't be keeping up anymore. At the same time, the demand is only going to increase year over year, resulting in critical shortages, particularly in primary care, but the reality is all specialties may well be affected.

So my thesis, my proposition, is that Congress needs to approach this sort of as a three-pronged attack or a three-pronged solution to mitigate this shortage for the future, to improve payments to current doctors, keep them in practice longer, improve Federal assistance to medical students, encourage students to go into high-need specialties, and increase the number of residency training programs, particularly in rural and suburban areas, and keep the physician pipeline open.

To do that, I am going to be next week introducing three bills to deal with those three areas. The first, to insure the physician workforce, really deals with the Medicare funding and the SGR. You talk to doctors my age, those who graduated from medical schools 30 years ago, and their concerns are really consistent. They are concerned about the liability environment, which is not part of tonight's discussion but one that we certainly need to have and I hope we do have in this Congress this year. Their concern is the year-over-year reduction in payment that the Center for Medicare and Medicaid Services comes up with for physician reimbursement. And it is not just a question of doctors wanting to make more money; it turns to be a real patient access problem, because there is not a week that goes by that I don't get a letter or fax from someone who says, you know what, I have just had enough and I am going to retire early, I am no longer going to see Medicare patients in my practice, or I am going to restrict the procedures that I offer Medicare patients.

Unfortunately, I know that is happening because I saw it in the hospital environment before I left the practice of medicine to come to Congress. But I also hear it in virtually every town hall that I do back in my district. Someone will raise their hand and say, How come on Medicare, you turn 65 and you have got to change doctors? And the answer is, because their doctor found it no longer economically viable to continue to see Medicare patients because they weren't able to pay the cost of delivering the care, let alone making any money on top of it. They weren't able to cover the cost of providing the care.

So in the bill to address that, the bill that I introduced last year, again, just simply repealed the SGR outright. The difficulty that I had with that was, again, just the cost was too high. But if we do that over time, perhaps we can bring that cost down to a level where it is manageable.

Getting the payment policy right in Medicare is going to be the first order of business for preserving the physician workforce. Paying physicians fairly will extend the careers of many physicians who are now in practice who would otherwise opt out of the Medicare program, seek early retirement, or restrict those procedures that they offer to their Medicare patients.

It also has the effect of insuring an adequate network of doctors available to older Americans as this country makes the transition to the physician workforce of the future.

In the bill, the SGR formula, this volume-based formula would be repealed in 2010, 2 years from now, but also provide incentive payments based on quality reporting and technology improvements to protect the practicing physician against that 5 percent cut that is likely to happen in 2008 and 2009. That would be voluntary. No one would be required to participate in the quality program or the technology improvement, but it would be available to those doctors or practices who wanted to offset the proposed cuts that will occur in physician reimbursement in the 2 years until the formal repeal of the SGR happens.

Now, why do it that way? Why not just bite the bullet and let's go ahead and get the SGR out of the way and get it repealed? Remember, it costs a tremendous amount of money to do that. Another problem that we have in Congress is we are required to submit all legislation to the Congressional Budget Office to find out how much it costs. If we are going to be spending the taxpayers' money, how much are we going to spend? Over what time will we spend it?

So that is not unreasonable, but because of the constraints of the Congressional Budget Office, we are not allowed to do dynamic scoring. We all knew, for example, when we began the prescription drug benefit 2 years ago, that if you deliver medications in a timely fashion, the timely treatment of disease, you are going to get better patient outcomes. And, in fact, that is what the trustee's report for Medicare that was released yesterday, although it still shows that we have got a big problem in paying for Medicare, the actual outlays for Medicare were down. And the reason they were down, I suspect, is a compendium of things; but part of it is treating disease in a timely fashion, not always catching it at the end stage but treating it at the beginning, you are going to end up with more functional individuals, to be sure, so they are going to continue to be productive in society. But the overall cost of Medicare is going to go down.

Unfortunately, we can't do that look-ahead with the Congressional Budget Office and say, you know, I think if we do this, we are going to save some money. So give me credit for that against that SGR score that you always rate my bill with. They won't and they can't do that.

So by postponing the repeal of the SGR by 2 years' time, taking the savings that occurs during that time and applying it to the SGR formula, actually may give us a number that is doable as far as releasing the SGR and replacing it with the Medicare Economic Index.

One of the main thrusts of this bill is to require the Center for Medicare and Medicare Services to look at their top 10 conditions that drive the highest percentage of payments in Medicare part B, and require CMS to adopt reporting measures relating to these conditions that have already been developed. It is not reinventing the wheel. The AMA Physician Consortium has already developed those reporting measures that drive that spending so high.

You know, the old famous bank robber Willie Sutton when he was asked why do you rob the bank, he said that is because that is where the money is. Let's go to those top 10 things where the greatest amount of money is spent, because that is where the greatest amount of savings can occur. If we can deliver care in a more timely fashion and if we can improve outcomes, we are actually going to spend less. And by focusing on those top 10 programs, at least initially, that will be the greatest return on investment for CMS and ultimately will be the greatest return on investment for retiring the SGR.

The same considerations may apply to the Medicaid program as well, so it will be a very useful exercise to go through that and identify those top 10 conditions. And where cost savings may be most easily gathered, not only will it have an improving effect on Medicare, but I suspect on Medicaid as well. We are going to establish quality measures focusing on these core conditions, and that is where the add-on payment for those 2 years, that is where half of it will come from. A 2½ percent update for those physicians who do voluntarily report quality measures on those top 10 conditions, that is where the protection from the continuation of the SGR for 2 years, that is where that protection will derive from.

We are going to report back to doctors on what their volume and intensity is. This information will not be made generally public, but it will be made available to the individual physician so they can see how they are doing, how they are doing relative to other doctors in their practice, other doctors in their community, other doctors around the country.

But the important point here is these are voluntary measures that will protect the physicians from the cuts that are inevitably going to occur as a result of the SGR program until the SGR can actually be repealed.

□ 2330

But, physicians can opt to take advantage of the bonuses, and it is going to return some value back to their businesses and return value to the taxpayer. Again, there may be an unintended benefit for the parallel Federal program to cover poor Americans under the Medicaid program if some of these programs deliver the benefit back that it is anticipated that they will.

The quality measures are going to be built around these high-cost conditions, and strive to improve the quality of care not only for those conditions and patients, but to drive down the cost of delivering Medicare.

There is also going to be a provision in the bill to help physicians' offices to bring their information technology, their infrastructure, hardware and software, bring it up to a standard where it will begin to derive benefit to not only the patient and the practice but to the Medicare system in general.

The percentage add-on payment is proposed to be 2½ percent, so those two bonus payments in aggregate would be 5 percent. And again, that is designed to be a protection against what are the anticipated reductions in payments that would occur in 2008 and 2009.

The provision will also create a safe harbor that will allow clinics, physicians' offices, and hospitals to share health information technology platforms, and the standards will be established and available to physicians' practices so they will understand how they need to comply with this. The standards must be established no later than January 1, 2008.

Madam Speaker, I wasn't always a big proponent of things like electronic records. I wasn't sure if it would deliver the payoff that people said it would. But here is a picture of the medical records department in Charity Hospital in New Orleans. This picture was made in January 2006, about 4 or 5 months after Hurricane Katrina and the downtown flooding that occurred. It is the medical records room. These records are ruined. You can see, this is not smoke or soot damage, this is black mold that is growing on the records. You look there and it almost goes on to infinity, tens of thousands, hundred of thousands of records that were active, ongoing charts of people's medical conditions absolutely now unavailable. No one is going to get into that medical records department and risk inhaling the spores from the mold that is covering those charts.

This is the kind of problem that you can get into with a paper medical record. Of course the youngsters of today, the college students of today, the young physicians of today, they understand this very well. They are all connected and wired in. They would no more imagine turning in or doing a paper for one of their classes where they just had a single copy, a single paper copy, the old adage "the dog ate my homework," most students will have a paper on a disk, on a flash drive and readily accessible and retrievable in many forms. We should do no less with our medical records.

But it costs money to do this. It is going to require a push for the private sector. I prefer to think as a bonus payment as being an inducement, an enticement for physician's offices to participate in this type of program. But it is also just good medicine. It is good patient care.

We all heard about the troubles at Walter Reed Hospital a few months ago. I went out to Walter Reed probably the week after the story broke in the Washington Post and talked to this young man who took me around Building 18. Yes, there was some concern. It was a crummy building. But his biggest concern was spending hours and hours with his medical record, his service record, going through the various parts of that and highlighting things. He had a yellow marker, a highlighter, highlighting parts of his medical record because this is how he was going to establish the benefits that he was going to receive in the VA system for his disability.

He said I can spend 20 man-hours putting this medical record together and it ends up on someone's desk and it doesn't get picked up, and then no one can find it and I have to start all over again. That was his main message to me that day.

Now the VA system has been indeed very forward-thinking in its embrace of electronic medical records and its investment in information technology. The problem is the medical records from the Department of Defense and the Department of Veterans Affairs do not possess the interoperability necessary to make this type of activity unnecessary.

So clearly delivering value to the patient, particularly a patient in that situation, is of paramount importance. And it is my contention that if we do make the bonus payment generally available to physicians, this will be something that they will embrace. There is a learning curve, to be sure. It is going to slow people down a little bit initially. But ultimately, the rapidity of the system will be impressive. And even in a smaller physician's office the ability, just think, never having to wait while they find your medical record because somebody didn't put it back in the right place. I know it happened in my medical practice, and I suspect it happens in offices across the country on a regular basis. If nothing else, you will save that time and embarrassment of not being able to locate a patient's record.

One of the problems last year when we dealt with trying to provide the health information technology bill that we passed here in the House and were never able to come to agreement with the Senate, part of the difficulty was being able to have the hospital and the clinic and the physician, there may need to be some relaxation in what are called the star clause to allow safe harbors so that these conditions can be met.

But the reality is that once people become used to this technology will embrace it. The other unintended consequence, the other unintended benefit of this is the rapidity with which the system can learn. When I say the system, the entire health care system because wouldn't it be nice to know which treatments deliver on the promise of getting people better faster at a lower cost. Wouldn't it be great to have that information and know what treatments were effective and what treatments were only marginal? That information can be literally at a physician's fingertips with the right type of computer architecture and technology environment. I believe the time has come that we do need to embrace that.

So the bill will include a Federal incentive to implement health information technology along with provisions providing safe harbors for the sharing of software, technical assistance and hardware, as well as the creation of consortiums.

Now, it is not just about physicians my age, because we have got to also concentrate on helping the younger doctors with residency programs. The funny thing about doctors is we to have a lot of inertia. A lot of us tend to practice very close to where we did our training. So the idea to get more training programs in areas that are underserved, rural areas, inner city areas, to get more training areas where the doctors themselves are actually needed.

So the second bill or the second prong of this three-pronged approach would be to develop a program that would permit hospitals that do not traditionally operate a residency training program, allow them the opportunity to start a residency training program to build the physician workforce of the future.

This bill would create a loan fund available to hospitals to create residency training programs where none has operated in the past. The programs would require full accreditation and generally be focused in rural, suburban, inner urban or frontier community hospitals.

On average, it costs $100,000 a year to train a resident and that cost for a smaller hospital can be prohibitive. The other issue is in 1997 the Congress passed what was called the balanced budget amendment and within that there is a residency cap that also limits resources to nontraditional residency hospitals such as smaller community hospitals. For the purposes of this bill, the loan amount to any institution would not exceed $1 million, and the loan itself would constitute startup funding for a new residency program. And the start-up money is essential. Since Medicare graduate medical education funding can be obtained only once a residency program is firmly established, the cost to start a training program for a smaller, more rural or suburban hospital can be cost prohibitive because these hospitals operate on much narrower margins.

The overall bill would authorize a total of $25 million to be available over 10 years. The fund, of course, would be replenished because these are constructed as loans and the Health Resources Service Administration may make the loans available to new loan applicants or extend loans to increase the number of residency slots available at existing programs or a loan to continue newly established residency programs to hospitals that have been approved.

To be eligible, a hospital must demonstrate that they currently do not operate a residency training program, have not operated a residency training program in the past, and that they have secured preliminary accreditation by the American Council on Graduate Medical Education.

Additionally, the petitioning hospital must commit to operating an allopathic or osteopathic residency program in one of five medical specialties, or a combination of these specialties: Family medicine, internal medicine, emergency medicine, obstetrics and gynecology, or general surgery. Again, the hospital may request up to $1 million to assist in the establishment of this new residency program. Funding could be used to offset the cost of the residents' salaries and benefits, faculty salaries and other costs directly attributable to the residency program.

The bill would require the Health Resources Services Administration to study the efficacy of this program in increasing the number of residents in family medicine, internal medicine, and primary care, and whether the program led to an increase in the number of available practitioners in these specialty areas, particularly in underserved areas. The loans would be made available beginning January 1, 2008, and the program would be sunsetted in 10 years time, January 1, 2018, unless Congress elected to reauthorize the program.

The third prong of the physician workforce for the future would be ensuring the availability for adequate future physicians, and provide medical students with assistance and incentives to practice in shortage specialties and shortage areas.

The third bill would establish a mix of scholarships, loan repayment funds, and tax incentives to entice more students to medical school and create incentives for those students and newly minted doctors to become primary care, family physicians, general surgeons, OB/GYNs and practice in shortage areas such as rural or frontier areas.

This bill would provide additional educational scholarships in exchange for a commitment to serve in a public or private nonprofit health facility determined to have a critical shortage of primary care physicians.

□ 2345

Such scholarships will be treated as equivalent to those made under the National Health Service Corps Scholarship Program and penalties apply for those that take advantage of the scholarships but do not go into one of those practice areas.

This will be a 5-year authorization, authorizing these loans and grants to be $5 million a year. The scholarship amounts will not exceed $30,000 per year. The scholarship amounts may be adjusted based on financial need, geographic difference and educational costs.

Again, this is going to be administered through the Department of Health and Human Services, specifically through the Health Resources Service Administration.

This program will have an established repayment program for students who agree to go into family practice, internal medicine, emergency medicine, general surgery, or OB/GYN, and practice in underserved areas. Again, HRSA will administer and promulgate the requirements. Recipients must practice in the prescribed specialty and prescribed area, which is designated as an underserved area, and the practices may include solo or group practices, clinics, public or private nonprofit hospitals. Again, a 5-year authorization at $5 million per year.

This will establish the Primary Care Physician Retention and Medical Home Enhancement grants to help ensure that primary care physicians continue to provide coordinated medical care to patients in underserved areas or high-risk populations. Now, I know we can all think of areas like that in our home districts and home States.

Also, in an area such as the gulf coast area where so many physicians left after the devastating twin hurricanes of Katrina and Rita a year and a half ago, it has been very hard on doctors in those areas. Many doctors have left. It is going to be difficult to attract doctors back to that area, and this will be yet one more tool, one more way, to get doctors to consider practicing in an area where the need is great.

This encourages States to establish Physician Workforce Commissions, especially in rural areas and in certain practice specialties such as family medicine, again basically primary care, by exempting from income tax any amount paid by the Physician Workforce Commission in the form of salary to a physician who has signed a contract with the political subdivision to practice in that area for any amount of time, no fewer than 4 years.

Every year there would be a report back to Congress about the effectiveness of this program, that is, once again, are we spending our dollars wisely, are we getting what we thought we would get when we initiated that program.

So, Madam Speaker, those are three bills that, again, I will be introducing during the week next week after we get back. I think these, while they may not be the answer to all the problems, certainly focus on where the problem areas exist, that is, physicians who are my age, 50 years plus or minus a little bit, who are in the Medicare program but looking to drop out or opt out because they can no longer continue their practices because we in Congress are cutting reimbursements to the point where we are no longer paying our fair share. We are no longer paying the freight on taking care of Medicare patients, but in addition to that, looking over the horizon to the future, being sure that we have the physician workforce of the future, to provide care for the baby boomers who are getting older, but just being able to provide that care in general.

In fact, we are not even talking about just the Medicare population here. We are talking about doctors who are going to work in primary care in a medically underserved area in a specialty which is in short supply in that area. That dual approach of increasing the number of residency slots, again, doctors tend to go into practice and stay in practice where they trained, and the other, a loan forgiveness program and a tax incentive program to young physicians getting out of school, may have several hundred thousand dollars in debt from their undergraduate and then their medical school training, this is a way for them to begin their careers without having that incredible debt load to carry with them, a loan forgiveness, a tax incentive program, provided they are willing to give back some time in a medically underserved area in a specialty that is in high medical need.

I believe that by taking these three steps, Madam Speaker, we really will go a long way towards alleviating the physician shortage. There is no question that we are going to need to devote a lot more time and energy to how we approach the problem dealing with health care in this country and dealing with the uninsured. I expect to have many more hours on subsequent evenings in the coming weeks to talk about just this problem and just what are some of the approaches that may be taken.

We had a fairly long hearing in committee this morning, in my committee, the Health Subcommittee of Energy and Commerce, hearing from a variety of people about how to provide additional care for the uninsured. Again, it is going to be a lively debate, what happens in the private sector or do we just simply give it over to a government program, perhaps bring the age for eligibility for Medicare down lower and lower, expanding the SCHIP program higher and higher, and then the two programs will meet in the middle and provide coverage for everyone in the country. I do not think that is necessarily a good way to go.

I think there are some reasons that the private practice of medicine does bring value to the entire American medical system. There is no question we have no shortage of critics in this country and around the world about the system of health care in this country, but my opinion, it is the American system that stands at the forefront of innovation in new technology, precisely the types of system-wide changes that are going to be necessary to efficiently and effectively provide care for Americans in the future.

There was an article in the New York Times published October 5, 2006, by Tyler Cowan. He writes, "When it comes to medical innovation, the United States is the world leader. In the past 10 years, for instance, 12 Nobel prizes in medicine have gone to American-born scientists working in the United States, three have gone to foreign-born scientists working in the United States, and just seven have gone to researchers outside of the country."

But he does go on to point out that five of the six most important medical innovations of the past 25 years have been developed within and because of the American system.

The fact is the United States is not Europe. American patients are accustomed to wide choices when it comes to hospitals, physicians, and pharmaceuticals. Because our experience is unique in this country, because Americans indeed are exceptional and we are different from the types of programs that are in other countries, this difference should be acknowledged and embraced, whether we are talking about public or private health insurance programs.

Madam Speaker, it has been a long day and we have gone fairly late into the evening. I appreciate the time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. WATSON, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

(The following Members (at the request of Mr. CONAWAY) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, on May 2.

Mr. BOOZMAN, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, May 1, 2, and 3.

Mr. PRICE of Georgia, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 521. An act to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on April 24, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 137. To amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

H.R. 727. To amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

H.R. 753. To redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building".

H.R. 1003. To amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 1130. To amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.

ADJOURNMENT

Mr. BURGESS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, April 26, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1269. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-16, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Norway for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1270. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-12, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1271. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-21, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1272. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-17, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1273. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-11, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1274. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1275. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting a certification related to the Global Fund to Fight AIDS, Tuberculosis and Malaria, pursuant to Public Law 109-102, section 525; to the Committee on Foreign Affairs.

1276. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report on Denial of Visas to Confiscators of American Property for the period of April 1, 2006 through March 31, 2007, pursuant to 8 U.S.C. 1182d; to the Committee on Foreign Affairs.

1277. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2007-16, pursuant to Section 534(d) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 2006, Pub. L. 109-102; to the Committee on Foreign Affairs.

1278. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of the Commercial Primary Instrument Systems, pursuant to Section 38(f) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1279. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act; to the Committee on Foreign Affairs.

1280. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's FY 2006 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1281. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's report on the amount of acquisitions made by the commission from entities that manufacture articles, materials or supplies outside the United States, pursuant to Section 641 of the Consolidated Appropriations Act of 2005; to the Committee on Oversight and Government Reform.

1282. A letter from the Director, National Science Foundation, transmitting the Foundation's annual report for FY 2006 prepared in accordance with Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1283. A letter from the Director, Office of Personnel Management, transmitting the Office's "Major" final rule — Examining System and Programs for Specific Positions and Examinations (Miscellaneous) (RIN: 3206-AK86) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1284. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2007 Revenue Estimate in Support of $50,000,000 in Commercial Paper Notes"; to the Committee on Oversight and Government Reform.

1285. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's FY 2006 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1286. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30533 ; Amdt. No. 3203] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1287. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30531 ; Amdt. No. 3201] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1288. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA — Groupe Aerospatiale TB 20 and TB 21 Airplanes [Docket No. FAA-2006-26236 Directorate Identifier 2006-CE-66-AD; Amendment 39-14891; AD 2007-02-04] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1289. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Dart 528, 529, 532, 535, 542, and 555 Series Turboprop Engines. [Docket No. FAA-2006-24825; Directorate Identifier 2006-NE-17-AD; Amendment 39-14894; AD 2007-02-07] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1290. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No. FAA-2007-26797; Directorate Identifier 2006-NM-195-AD; Amendment 39-14878; AD 2006-20-14] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1291. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model F2000EX Airplanes [Docket No. FAA-2007-26855; Directorate Identifier 2006-NM-264-AD; Amendment 39-14888; AD 2007-02-01] (RIN 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1292. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No. FAA-2006-25643; Directorate Identifier 2006-NM-135-AD; Amendment 39-14869; AD 2006-26-11] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1293. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation AE 2100D3 Turboprop Engines. [Docket No. FAA-2006-26414; Directorate Identifier 2006-NE-42-AD; Amendment 39-14854; AD 2006-25-13] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1294. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls Royce plc RB211 Trent 700 Series Turbofan Engines. [Docket No. FAA-2005-19559; Directorate Identifier 2004-NE-03-AD; Amendment 39-14892; AD 2007-02-05] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1295. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes Equipped with General Electric CF6-45 or -50 Series Engines, or Equipped with Pratt & Whitney JT9D-3 or -7 (Excluding -70) Series Engines [Docket No. FAA-2007-26811; Directorate Identifier 2006-NM-262-AD; Amendment 39-14887; AD 2007-01-15] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1296. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-22559; Directorate Identifier 2005-NM-076-AD; Amendment 39-14879; AD 2007-01-07] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1297. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206A, B, L, L-1, L-3, and L-4 Helicopters [Docket No. FAA-2005-22696; Directorate Identifier 2005-SW-22-AD; Amendment 39-14877; AD 2007-01-06] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1298. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sicma Aero Seat; Third Occupant Seat Assemblies, 133 Series [Docket No. FAA-2005-22959; Directorate Identifier 2005-NE-40-AD; Amendment 39-14856; AD 2006-25-15] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1299. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56 Series Turbofan Engines [Docket No. FAA-2006-26502; Directorate Identifier 2006-NE-37-AD; Amendment 39-14859; AD 2006-26-01] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1300. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524 Series Turbofan Engines; Correction [Docket No. 2004-NE-19-AD; Amendment 39-13197; AD 2004-26-05] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1301. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Model Duo Discus T Gliders [FAA-2006-26437; Directorate Identifier 2006-CE-73-AD; Amendment 39-14855; AD 06-25-14] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1302. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Airplanes [Docket No. FAA-2006-23659; Directorate Identifier 2005-NM-236-AD; Amendment 39-14863; AD 2006-26-05] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1303. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model S10, S10-V, and S10-VT Gliders [FAA-2006-26557; Directorate Identifier 2006-CE-85-AD; Amendment 39-14860; AD 2006-26-02] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1304. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145XR Airplanes [Docket No. FAA-2006-24440; Directorate Identifier 2006-NM-058-AD; Amendment 39-14862; AD 2006-26-04] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1305. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada (P&WC) PW535A Turbofan Engines [Docket No. FAA-2006-26112; Directorate Identifier 2006-NE-35-AD; Amendment 39-14837; AD 2006-24-08] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1306. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU formerly held by APEX Aircraft and AVIONS PIERRE ROBIN), Model R2160 Airplanes. [Docket No. FAA-2006-26492; Directorate Identifier 2006-CE-77-AD; Amendment 39-14861; AD 2006-26-03] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1307. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes Equipped with Rolls-Royce Engines [Docket No. FAA-2006-26675; Directorate Identifier 2006-NM-203-AD; Amendment 39-14864; AD 2006-26-06] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1308. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; B-N Group Ltd. BN-2, BN-2A, BN-2B, BN-2T, and BN-2T-4R Series (all individual models included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, dated December 9, 2002) Airplanes [Docket No. FAA-2006-25668; Directorate Identifier 2006-CE-44-AD; Amendment 39-14815; AD 2006-23-03] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1309. A letter from the Chemical Security Compliance Division, Office of Infrastructure Protection, Department of Homeland Security, transmitting the Department's "Major" final rule — Chemical Facility Anti-Terrorism Standards (RIN: 1601-AA41) received April 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JACKSON of Illinois (for himself, Mr. RUSH, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. HARE, Mr. LAHOOD, and Mr. SHIMKUS):

H.R. 2025. A bill to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the "Willye B. White Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. JONES of North Carolina (for himself and Mr. GOODE):

H.R. 2026. A bill to amend section 1922A of title 38, United States Code, to increase the amount of supplemental insurance available for totally disabled veterans; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS:

H.R. 2027. A bill to provide an additional 0.5 percent increase in the rates of military basic pay for members of the uniformed services above the pay increase proposed by the Department of Defense so as to ensure at least a minimum pay increase of 3.5 percent for members and to further narrow the "pay gap" that exists between the military and private sector pay scales; to the Committee on Armed Services.

By Mr. BOYD of Florida (for himself and Mr. MILLER of Florida):

H.R. 2028. A bill to extend Federal recognition to the Muscogee Nation of Florida; to the Committee on Natural Resources.

By Mrs. CAPPS:

H.R. 2029. A bill to facilitate the restoration of the native ecosystem on Santa Rosa Island within Channel Islands National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. CLAY (for himself, Mrs. CHRISTENSEN, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Ms. LEE, Mr. PAYNE, and Mr. RANGEL):

H.R. 2030. A bill to establish a commission to investigate the expulsion of African-American residents of the Missouri cities of Aurora, Monett, Newburg, Pierce City, Cassville, and Webb City from their homes that occurred between August 1894 and August 1901, and make recommendations regarding the feasibility and appropriateness of providing reparations to such residents; to the Committee on the Judiciary.

By Mr. DEFAZIO:

H.R. 2031. A bill to safely redeploy United States troops from Iraq; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 2032. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security and Medicare benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself, Mr. GOODLATTE, Mrs. MALONEY of New York, and Mrs. BONO):

H.R. 2033. A bill to amend title 17, United States Code, to provide protection for fashion design; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. STARK, Ms. SCHAKOWSKY, Mr. MARKEY, Mr. WYNN, Ms. BALDWIN, Mr. TOWNS, Ms. SOLIS, Mr. ENGEL, Mr. GENE GREEN of Texas, and Mr. DOYLE):

H.R. 2034. A bill to provide quality, affordable health care for all Americans; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself, Mr. SALAZAR, Mr. MORAN of Kansas, Mr. SMITH of Nebraska, and Mr. POMEROY):

H.R. 2035. A bill to tailor the rural broadband program to better serve those living in rural areas; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. HOLT, Mr. HALL of New York, Ms. BORDALLO, Mr. DELAHUNT, and Mr. BLUMENAUER):

H.R. 2036. A bill to promote the development and use of marine and hydrokinetic renewable energy technologies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Ways and Means, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H.R. 2037. A bill to amend the Energy Policy and Conservation Act of 1992 to require States to meet certain goals for the use of renewable fuels, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. NUNES):

H.R. 2038. A bill to promote biogas production, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN:

H.R. 2039. A bill to amend the Internal Revenue Code of 1986 to modify the alternative fuel vehicle refueling property credit; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself and Ms. PRYCE of Ohio):

H.R. 2040. A bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964; to the Committee on Financial Services.

By Mrs. MILLER of Michigan:

H.R. 2041. A bill to amend the Miscellaneous Trade and Technical Corrections Act of 2004 to authorize the establishment of Integrated Border Inspection Areas at the Blue Water Bridge connecting Port Huron, Michigan, and Point Edward, Ontario, Canada; to the Committee on Ways and Means, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER (for himself, Mr. CUMMINGS, Mr. SARBANES, and Mr. KENNEDY):

H.R. 2042. A bill to amend the Natural Gas Act to modify a provision relating to the siting, construction, expansion, and operation of liquefied natural gas terminals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself and Mrs. MCMORRIS RODGERS):

H.R. 2043. A bill to provide for a Medicaid demonstration project for chronic disease management; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 2044. A bill to amend title 10, United States Code, to extend eligibility for disability retired pay and separation pay to former cadets and midshipmen with prior enlisted service who incurred physical disabilities after January 1, 2000; to the Committee on Armed Services.

By Mr. UDALL of Colorado (for himself, Ms. GRANGER, Mr. BOSWELL, Mr. MCINTYRE, and Mr. CUMMINGS):

H.R. 2045. A bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States; to the Committee on Energy and Commerce.

By Mr. EHLERS:

H. Con. Res. 128. Concurrent resolution authorizing the printing of a commemorative document in memory of the late President of the United States, Gerald Rudolph Ford; to the Committee on House Administration.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Con. Res. 129. Concurrent resolution recognizing Susan G. Komen for the Cure on its leadership in the breast cancer movement on the occasion of its 25th anniversary; to the Committee on Energy and Commerce.

By Mrs. NAPOLITANO (for herself and Mr. TIM MURPHY of Pennsylvania):

H. Con. Res. 130. Concurrent resolution supporting the goals and ideals of Mental Health Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina (for himself and Mr. PENCE):

H. Con. Res. 131. Concurrent resolution commemorating the 40th anniversary of the reunification of Jerusalem; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. STUPAK, Mr. HOLDEN, and Mr. SHAYS):

H. Res. 337. A resolution supporting the goals and ideals of a Lyme Disease Awareness Month; to the Committee on Energy and Commerce.

By Mr. WEXLER (for himself, Mr. KIND, Mr. GALLEGLY, Mr. LANTOS, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, and Mr. ISSA):

H. Res. 338. A resolution encouraging increased cooperation between the United States and the European Union to strengthen the transatlantic market; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Ms. WOOLSEY, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. BISHOP of Georgia, Ms. WATERS, Mr. DINGELL, Mr. SCOTT of Georgia, Mr. MEEK of Florida, Mr. WATT, and Mr. RANGEL.

H.R. 23: Mr. HODES and Mr. KING of Iowa.

H.R. 73: Mr. HASTINGS of Washington.

H.R. 135: Mr. PRICE of Georgia, Mr. GINGREY, Mr. KUHL of New York, Mrs. MUSGRAVE, Mr. MARCHANT, and Mr. WELDON of Florida.

H.R. 177: Mr. LEWIS of Georgia.

H.R. 219: Mr. MARSHALL.

H.R. 255: Mr. TIM MURPHY of Pennsylvania.

H.R. 297: Mr. BOUCHER, Mrs. CAPPS, Mr. EMANUEL, Mrs. LOWEY, Mr. PASCRELL, and Ms. WOOLSEY.

H.R. 303: Mrs. MUSGRAVE, Mr. JINDAL, and Mr. PICKERING.

H.R. 322: Mr. PITTS, Mr. CAMPBELL of California, Mr. SHADEGG, Mr. YOUNG of Alaska, Mr. ROSKAM, Ms. GRANGER, Mr. HOEKSTRA, Mr. REYNOLDS, Mr. EHLERS, Mr. EVERETT, Mr. SHUSTER, Mr. CANTOR, and Mr. MCCAUL of Texas.

H.R. 370: Mr. RUSH.

H.R. 405: Mr. LARSEN of Washington.

H.R. 436: Mr. MCKEON.

H.R. 464: Mr. LOEBSACK.

H.R. 471: Mr. LINCOLN DAVIS of Tennessee, Mrs. CUBIN, Mr. HIGGINS, Mr. WALZ of Minnesota, Mr. KNOLLENBERG, Ms. HERSETH SANDLIN, and Mr. SKELTON.

H.R. 522: Mr. PAYNE and Mr. TOWNS.

H.R. 531: Mr. COHEN, Ms. JACKSON-LEE of Texas, and Mr. GRIJALVA.

H.R. 543: Mr. SMITH of Washington.

H.R. 551: Mr. GONZALEZ, Mr. MCCARTHY of California, Mr. NUNES, and Mr. ROHRABACHER.

H.R. 563: Mr. NUNES.

H.R. 579: Ms. WASSERMAN SCHULTZ and Mr. LOEBSACK.

H.R. 583: Mrs. BONO, Mr. CALVERT, Mr. WALZ of Minnesota, Ms. NORTON, and Mr. LANTOS.

H.R. 612: Mr. LATHAM.

H.R. 690: Mr. CUMMINGS.

H.R. 691: Mr. MILLER of North Carolina and Ms. SLAUGHTER.

H.R. 692: Mr. NADLER.

H.R. 695: Mr. SCHIFF.

H.R. 697: Mr. SMITH of Texas, Mr. SHADEGG, Mr. JINDAL, and Mr. DUNCAN.

H.R. 698: Mr. EDWARDS, Ms. SCHWARTZ, and Mr. MANZULLO.

H.R. 718: Mr. ABERCROMBIE, Mr. MURTHA, and Mr. CARNEY.

H.R. 728: Mr. CROWLEY.

H.R. 734: Ms. FALLIN and Mr. BONNER.

H.R. 741: Mr. RANGEL, Mr. SAXTON, Ms. SLAUGHTER, Mr. COURTNEY, Mr. ENGEL,

Mr. REYNOLDS, Mr. HALL of New York, Mr. FOSSELLA, Mrs. GILLIBRAND, and Mr. HOYER.

H.R. 758: Mr. LOEBSACK.

H.R. 760: Mrs. CAPITO.

H.R. 772: Mr. KAGEN.

H.R. 782: Mr. INGLIS of South Carolina, Mr. BISHOP of Utah, Mr. ROGERS of Alabama, and Mr. ETHERIDGE.

H.R. 801: Mr. PORTER.

H.R. 804: Ms. SUTTON, Mr. HARE, and Mr. JOHNSON of Georgia.

H.R. 853: Mr. MCGOVERN.

H.R. 869: Mr. HAYES.

H.R. 898: Mr. MCINTYRE and Mr. DELAHUNT.

H.R. 923: Mr. FARR.

H.R. 927: Mr. FOSSELLA.

H.R. 971: Mr. NEUGEBAUER and Mr. MELANCON.

H.R. 980: Mr. BOSWELL, Mr. TIAHRT, Mr. SPACE, Mr. WILSON of Ohio, Mr. HOLDEN, Mr. TIERNEY, Mr. LARSON of Connecticut, and Mr. DONNELLY.

H.R. 983: Mr. HASTINGS of Washington, Mr. HULSHOF, and Mr. WICKER.

H.R. 997: Mr. WELDON of Florida, Mr. MORAN of Kansas, and Mr. WALDEN of Oregon.

H.R. 1014: Mr. ETHERIDGE, Mrs. MALONEY of New York, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN, Mr. WYNN, Ms. WOOLSEY, Mr. OBERSTAR, Ms. CORRINE BROWN of Florida, Mrs. BONO, Mr. REHBERG, Mr. ORTIZ, Ms. CARSON, Mr. GOODE, Ms. MATSUI, Ms. DEGETTE, Mr. FARR, Mr. ABERCROMBIE, Mr. FERGUSON, Mrs. SCHMIDT, Ms. CASTOR, Ms. GRANGER, Ms. SCHWARTZ, Ms. HARMAN, Mrs. GILLIBRAND, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. CLARKE, Mr. LOEBSACK, Mr. PERLMUTTER, and Mr. MURTHA.

H.R. 1023: Mr. TOWNS and Mr. HASTINGS of Washington.

H.R. 1031: Mr. LANTOS.

H.R. 1032: Mr. RAHALL and Mr. MCINTYRE.

H.R. 1034: Mr. MCCRERY.

H.R. 1038: Ms. SLAUGHTER, Mr. LOEBSACK, and Mrs. MCCARTHY of New York.

H.R. 1061: Mr. MCCAUL of Texas, Mrs. GILLIBRAND, and Mrs. DAVIS of California.

H.R. 1063: Mr. TURNER.

H.R. 1071: Ms. CLARKE.

H.R. 1072: Mr. PRICE of North Carolina.

H.R. 1073: Mr. UDALL of New Mexico, Mr. JACKSON of Illinois, Mr. SHULER, and Mrs. DAVIS of California.

H.R. 1084: Ms. WATSON, Ms. MATSUI, and Ms. BORDALLO.

H.R. 1092: Mr. LINCOLN DAVIS of Tennessee, Mr. DINGELL, Mrs. DAVIS of California, Mr. GONZALEZ, Mr. MCNULTY, Ms. SCHWARTZ, Mr. WEXLER, Mr. RODRIGUEZ, and Ms. BERKLEY.

H.R. 1098: Ms. SCHWARTZ.

H.R. 1102: Mr. PETERSON of Minnesota and Mr. JINDAL.

H.R. 1117: Mr. HOLT, Mr. GEORGE MILLER of California, Mr. KIND, Mr. RUPPERSBERGER, Mr. FILNER, and Mr. ROTHMAN.

H.R. 1147: Mr. CAMP of Michigan.

H.R. 1148: Ms. SCHAKOWSKY.

H.R. 1157: Mr. BRADY of Pennsylvania, Mrs. GILLIBRAND, Mr. NUNES, Mr. ENGLISH of Pennsylvania, Mr. KUHL of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. LOBIONDO, Mr. ELLISON, Mr. VAN HOLLEN, Mr. MCHUGH, and Mr. MILLER of North Carolina.

H.R. 1188: Mr. RAHALL.

H.R. 1192: Mr. BOSWELL.

H.R. 1222: Mr. JINDAL and Mr. LARSON of Connecticut.

H.R. 1224: Mr. MORAN of Virginia, Mr. HOLDEN, and Mr. FORTUÑO.

H.R. 1225: Mr. SMITH of Washington.

H.R. 1228: Mr. WALZ of Minnesota and Mr. MCINTYRE.

H.R. 1250: Mr. GILLMOR.

H.R. 1260: Mr. DUNCAN and Mr. LINCOLN DAVIS of Tennessee.

H.R. 1280: Mr. GONZALEZ.

H.R. 1293: Mrs. CUBIN and Mr. GILLMOR.

H.R. 1302: Mr. JACKSON of Illinois, Ms. MOORE of Wisconsin, Mr. COHEN, Ms. SCHWARTZ, and Mr. MCCAUL of Texas.

H.R. 1330: Mr. LOEBSACK.

H.R. 1333: Mr. JINDAL, Mr. CAMPBELL of California, and Mr. CUELLAR.

H.R. 1336: Mr. MORAN of Kansas and Mr. WALDEN of Oregon.

H.R. 1352: Ms. ZOE LOFGREN of California.

H.R. 1355: Mr. CALVERT.

H.R. 1384: Mr. HERGER, Mr. LANTOS, and Ms. ROYBAL-ALLARD.

H.R. 1394: Mr. CHANDLER and Mr. KIND.

H.R. 1399: Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. KLINE of Minnesota, Mr. PLATTS, Mr. PICKERING, Mr. CALVERT, and Mr. KING of Iowa.

H.R. 1422: Mr. SAXTON and Mr. RUSH.

H.R. 1427: Mr. TERRY.

H.R. 1431: Mr. AKIN.

H.R. 1440: Mr. MCINTYRE.

H.R. 1459: Mr. EDWARDS, Mr. MEEKS of New York, Mr. EMANUEL, Mr. ELLSWORTH, Mr. YOUNG of Florida, Ms. WASSERMAN SCHULTZ, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1461: Mr. GUTIERREZ, Ms. CARSON, and Mr. CLAY.

H.R. 1466: Mr. REICHERT.

H.R. 1481: Mr. NEUGEBAUER and Mrs. EMERSON.

H.R. 1498: Mr. LAHOOD, Mr. ROSKAM, Mr. PAUL, and Ms. SCHWARTZ.

H.R. 1499: Mr. BAIRD.

H.R. 1524: Mr. JINDAL, Mr. MCCOTTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COHEN, Mr. PRICE of North Carolina, and Mr. SENSENBRENNER.

H.R. 1527: Mr. MILLER of Florida.

H.R. 1533: Mr. FORTENBERRY.

H.R. 1537: Mr. RADANOVICH, Ms. ZOE LOFGREN of California, Ms. LORETTA SANCHEZ of California, and Mr. PORTER.

H.R. 1540: Mr. MCDERMOTT.

H.R. 1541: Mrs. DAVIS of California.

H.R. 1583: Mr. NADLER, Mr. HINCHEY, Mr. HALL of New York, Mr. MEEKS of New York, Mrs. LOWEY, and Mr. PASCRELL.

H.R. 1593: Mr. GILCHREST, Mr. COSTELLO, and Mr. AL GREEN of Texas.

H.R. 1600: Mr. ANDREWS.

H.R. 1638: Mr. PASCRELL, MRS. MCCARTHY of New York, Mr. FERGUSON, and Mr. KING of New York.

H.R. 1641: Mr. PICKERING.

H.R. 1655: Mr. GERLACH.

H.R. 1662: Mr. COSTA and Mr. RADANOVICH.

H.R. 1665: Mr. CHANDLER and Mr. NEUGEBAUER.

H.R. 1673: Mr. PICKERING, Mr. GERLACH, and Mr. CHANDLER.

H.R. 1674: Mrs. MYRICK and Mr. CLYBURN.

H.R. 1709: Ms. HIRONO.

H.R. 1730: Mr. CARNEY.

H.R. 1731: Mr. ENGLISH of Pennsylvania, Mr. NEAL of Massachusetts, Ms. BORDALLO, Mr. DUNCAN, Mr. OBERSTAR, Mr. LEWIS of Georgia, and Mr. MCNULTY.

H.R. 1742: Mr. CARNEY.

H.R. 1756: Mr. HILL and Mr. REHBERG.

H.R. 1767: Mrs. DRAKE, Mr. SKELTON, Mr. CLEAVER, Mr. CALVERT, Mr. BONNER, and Mr. ORTIZ.

H.R. 1823: Mr. CLEAVER, Mr. WU, and Mr. HASTINGS of Washington.

H.R. 1827: Mr. ENGLISH of Pennsylvania.

H.R. 1845: Mr. ROGERS of Alabama, Mr. BOUSTANY, Mr. COLE of Oklahoma, and Mr. ETHERIDGE.

H.R. 1871: Mrs. MALONEY of New York.

H.R. 1873: Mr. REYES, Mr. LARSEN of Washington, Mr. GONZALEZ, Mr. JORDAN, and Ms. BEAN.

H.R. 1881: Mr. PASCRELL, Mr. JOHNSON of Georgia, and Mr. MCCOTTER.

H.R. 1889: Mr. PETERSON of Minnesota.

H.R. 1890: Mr. PETERSON of Minnesota.

H.R. 1902: Mr. MARSHALL.

H.R. 1907: Mr. PAYNE and Mr. ALLEN.

H.R. 1909: Mr. NEUGEBAUER, Mr. AL GREEN of Texas, and Mr. MCCAUL of Texas.

H.R. 1929: Mrs. BOYDA of Kansas, Mr. EVERETT, Mrs. CUBIN, Mr. PETERSON of Minnesota, Mr. LINCOLN DAVIS of Tennessee, Mr. BOSWELL, and Mr. DONNELLY.

H.R. 1930: Mr. REICHERT.

H.R. 1932: Mr. MCCOTTER, Mrs. EMERSON, and Mr. LATOURETTE.

H.R. 1940: Mr. DAVID DAVIS of Tennessee, Mr. GINGREY, Mr. PRICE of Georgia, Mr. CARTER, Mr. CULBERSON, Mr. MCKEON, Mr. SULLIVAN, Mr. WESTMORELAND, Mr. TANCREDO, Mrs. DRAKE, and Mr. HUNTER.

H.R. 1945: Mrs. MALONEY of New York.

H.R. 1960: Mr. FATTAH and Ms. CARSON.

H.R. 1971: Ms. SCHWARTZ.

H.R. 1974: Ms. SCHWARTZ and Mr. SESSIONS.

H.R. 1975: Mr. NEAL of Massachusetts.

H.R. 1980: Ms. MATSUI.

H.R. 1986: Mr. ROSS, Mr. MOORE of Kansas, and Ms. HERSETH SANDLIN.

H.R. 2005: Mr. WALZ of Minnesota, Mr. KAGEN, Mr. ELLISON, Mr. PETERSON of Minnesota, and Mr. ENGLISH of Pennsylvania.

H.R. 2016: Mr. HOLT.

H.R. 2017: Mr. REYES and Ms. HIRONO.

H.J. Res. 9: Mr. LATHAM, Mr. BURTON of Indiana, Mr. HENSARLING, and Mr. PICKERING.

H.J. Res. 30: Mr. STARK.

H. Con. Res. 21: Mr. CANTOR.

H. Con. Res. 70: Mr. GOODE, Mr. SHAYS, and Mr. UDALL of Colorado.

H. Con. Res. 95: Mr. ROTHMAN.

H. Con. Res. 102: Mr. MCCOTTER.

H. Con. Res. 104: Ms. CARSON, Mr. ENGLISH of Pennsylvania, Mr. CLEAVER, Mr. DELAHUNT, Mr. WEXLER, Mr. SMITH of Washington, and Mr. SIRES.

H. Con. Res. 105: Ms. ROS-LEHTINEN, Ms. GINNY BROWN-WAITE of Florida, Ms. FALLIN, Mr. LUCAS, Mrs. BONO, Mrs. CAPITO, Mrs. BIGGERT, Mrs. WILSON of New Mexico, and Ms. PRYCE of Ohio.

H. Con. Res. 108: Mr. LOEBSACK.

H. Con. Res. 112: Ms. DELAURO, Mr. KILDEE, and Ms. SHEA-PORTER.

H. Con. Res. 122: Ms. CASTOR, Ms. MCCOLLUM of Minnesota, Mr. FARR, and Ms. SCHAKOWSKY.

H. Res. 87: Mr. PICKERING.

H. Res. 128: Mr. RUPPERSBERGER and Mr. FERGUSON.

H. Res. 145: Mr. BECERRA, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mr. HINOJOSA, Mr. REYES, Mr. WU, and Mr. BISHOP of New York.

H. Res. 194: Mr. SCHIFF, Mr. BERMAN, Mr. HOLT, and Mr. WAXMAN.

H. Res. 197: Mr. LOEBSACK.

H. Res. 216: Mr. CONAWAY, Mr. GERLACH, and Mr. ENGLISH of Pennsylvania.

H. Res. 223: Mr. MCNULTY, Mr. KUHL of New York, Mrs. MUSGRAVE, Mr. LAMBORN, Mr. MARCHANT, and Mr. CARTER.

H. Res. 231: Mr. WAMP and Mr. LAMBORN.

H. Res. 272: Mr. RUSH.

H. Res. 282: Mr. CARNEY, Mr. SKELTON, Ms. WASSERMAN SCHULTZ, Mr. SAXTON, Mr. UDALL of Colorado, Mr. ISRAEL, Mr. GRIJALVA, Mr. DONNELLY, and Mr. PAYNE.

H. Res. 287: Mr. WOLF.

H. Res. 291: Mr. THOMPSON of Mississippi, Mr. MOORE of Kansas, Mr. KUHL of New York, and Mr. WOLF.

H. Res. 296: Mr. HIGGINS, Mr. BOYD of Florida, and Mr. TOM DAVIS of Virginia.

H. Res. 308: Ms. CLARKE , Mr. HASTINGS of Florida, Mr. SHAYS, Mr. FOSSELLA, Mr. HARE, Mr. JOHNSON of Illinois, Mr. COHEN, Mr. MCDERMOTT, Mr. MCCOTTER, Mr. CROWLEY, Mr. KING of New York, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. HOLDEN, and Mr. NEAL of Massachusetts.

H. Res. 313: Ms. LINDA T. SÁNCHEZ of California, Mr. LOBIONDO, Mr. SESSIONS, Mr. SHERMAN, Mr. BOUCHER, Ms. KAPTUR, Mr.

GUTIERREZ, Mr. PETERSON of Minnesota, Mr. GRIJALVA, and Mr. YOUNG of Alaska.

H. Res. 326: Ms. BORDALLO, Mr. BURTON of Indiana, Mrs. MALONEY of New York, Ms. SHEA-PORTER, Mr. TIM MURPHY of Pennsylvania, Mr. LAMPSON, Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mr. STUPAK, Mr. HIGGINS, Mr. WILSON of Ohio, Mr. JOHNSON of Georgia, Ms. WOOLSEY, Mr. MCGOVERN, and Mr. UDALL of New Mexico.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative *Robert C. "Bobby" Scott* or a designee to H.R. *1429*, the *Improving Head Start Act of 2007*, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 65: Ms. HERSETH SANDLIN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 249

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 2: At the end of the bill, add the following new section:

SEC. 2. REQUIREMENT OF OFFSETS.

(a) IN GENERAL.—No authorization of appropriations made by this Act or other provision of this Act that results in costs to the Federal Government shall be effective except to the extent that this Act provides for offsetting decreases in spending of this Act does not either increase the Federal deficit or reduce the Federal surplus.

(b) DEFINITIONS.—In this section, the terms "deficit" and "surplus" have the meanings given such terms in the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

EXTENSIONS OF REMARKS

CURRENT SITUATION IN DARFUR

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. SMITH of New Jersey. Madam Speaker, last week the House Committee on Foreign Relations held an important hearing on the current situation in Darfur. I am grateful to Chairman TOM LANTOS for keeping this critical issue in the spotlight of the committee.

President Omar Hassan al-Bashir has proven that he considers the people of Darfur to be merely pawns in a game that he is playing with the international community. Even as his representative is sending a letter to the UN Secretary General accepting the Heavy Support Package that is supposed to lead to a joint UN–AU protective force in the region, we are receiving news reports that his government is flying arms and heavy military equipment into Darfur under the disguise of UN and AU aircraft in order to fuel the conflict.

The gulf between Bashir's actions and his words is as wide as the callous attitude I encountered when I met with him personally in Khartoum and the desperate, deeply grieved look on the faces of the refugees I met in the camps of Darfur. It is time for the global community to stop considering Bashir as a legitimate negotiating partner and to start treating him as he is—the despotic tyrant responsible for more than 400,000 deaths and 2 million people displaced from their homes in Darfur. That is in addition to the 2 million dead and 4 million who were displaced during the war in the south.

I welcome President Bush's announcement last week that our government will be taking several new steps if the Sudanese Government does not meet its commitments. I strongly urge the President to make that window of opportunity for Bashir to finally follow through on his word extremely short. Bashir has long since lost any entitlement to one day more than is absolutely necessary to establish peace in Darfur.

In order to be effective, however, the efforts of the United States must be joined by those of the international community. We must ALL decide that NOW is the time to end this crisis. Our partners on the UN Security Council should agree immediately to the resolution that will be introduced by the United States applying new sanctions against the Sudanese Government and any individual that violates human rights or obstructs the peace process. Particularly given the revelations of the government's continued military support to the Arab militias, the Security Council must also impose an expanded embargo on arms sales to the government of Sudan, prohibit Sudan's government from conducting any offensive military flights over Darfur, and strengthen the international community's ability to monitor and report any violations.

The Government of the People's Republic of China, in particular, should take a leadership role in ending the Darfur conflict. Instead of lending money to Bashir for a new presidential palace, the Chinese Government should be pressuring him to enable the people of Darfur to live in their own homes in peace and security. I have long exhorted the Chinese Government to stop the reprehensible violation of the human rights of its own people, and I have signaled the upcoming 2008 Olympics in Beijing as a singular opportunity for the international community to insist on the respect of those rights. I applaud the outstanding efforts of Ms. Mia Farrow, one of our distinguished witnesses at the hearing, to galvanize the world to object to China's hosting of the Olympics at the same time it is ignoring the plight of our brothers and sisters suffering in Darfur. I would encourage my colleagues here in Congress to join these efforts with respect to the Olympics and to seek other measures to end the genocide.

COMMEMORATING ISRAEL'S 59TH BIRTHDAY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. CANTOR. Madam Speaker, today we commemorate Israel's 59th birthday. We all know some of the reasons why our 2 countries remain so close—an appreciation of democracy, human rights and peace, as well as a commitment to fighting terrorism and radicalism. But beyond the obvious lie a remarkably similar national narrative which has shaped our values and sense of national purpose.

In his recent book "Power, Faith and Fantasy: America in the Middle East," Michael Oren examines that narrative as well as the rich history of American support for a Jewish state in Israel. When William Bradford and the persecuted Puritans landed at Plymouth Rock in 1620, Bradford exclaimed "Come, let us declare the word of God in Zion." That's because the Puritans saw themselves as the New Israelites. They believed that God had finally delivered them from bondage to their new promised land. There, in freedom, they could shine a glowing light for the rest of the world to see. During the American Revolution, Oren describes, our leaders drew strong parallels to the Jews' struggle for repatriation. Thomas Jefferson and Ben Franklin even proposed for the Great Seal an image of Moses leading the Children of Israel toward the Holy Land.

This longing for freedom and tolerance in a new homeland also spawned the American democratic experiment. While our democracy remains imperfect, it has been our vision of a new, exceptional land that has motivated us to make America the greatest beacon of hope in the world. The Israelis are driven by similar desires.

Fifty-nine years ago today, Jews declared a state of their own. Several thousand had been in Nazi concentration camps just a few years prior. In Israel, they saw a 2,000-year overdue opportunity to live free of persecution in their ancestral homeland. But before they could rejoice, five Arab armies attacked the nascent state on all fronts. Israel, despite long odds, emerged victorious and finally celebrated its victory. Still, it was bittersweet, since they had lost 6,000 people, at least 1 percent of the population.

Israel chose the song Hatikva, or "The Hope," as its national anthem. Fittingly, in a small Democracy perpetually terrorized by hostile enemies surrounding its territory, hope has sustained it. Israel's territory, devoid of natural resources, has been transformed into a prosperous state. Just as the United States has represented hope to the rest of the world for years, so too does Israel represent the limitless possibilities of freedom and hope.

HONORING PATRICK TURLEY OF PALMER, MASSACHUSETTS, RECIPIENT OF THE SMALL BUSINESS ADMINISTRATION'S PHOENIX AWARD FOR SMALL BUSINESS DISASTER RECOVERY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. NEAL of Massachusetts. Madam Speaker, it is my great honor today to acknowledge Patrick Turley from Palmer, Massachusetts upon being named the recipient of the Small Business Administration's Phoenix Award for Small Business Disaster Recovery.

Patrick Turley, President of Turley Publications, received the Phoenix Award in Washington, DC today for his tremendous commitment to his community. SBA Administrator Steven Preston describes recipients of these awards as "individuals [who have] displayed tremendous courage and selflessness in the midst of the most devastating disasters ever experienced by our Agency." The SBA also describes the Phoenix Award as an acknowledgement of an individual's heroic efforts, and as "a token of appreciation for their support of the physical and economic recovery efforts in the Gulf Coast and New England States."

Turley Publications is one of New England's largest printers of community and university newspapers. Located in Palmer, Massachusetts, the company was founded in 1962 when Patrick H. and Thomas A. Turley purchased the Palmer Journal & Monson Register. From these humble beginnings, this locally owned

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

family business has grown from 1 weekly newspaper into a chain of 15 weekly newspapers ringing the Springfield market and 3 monthly specialty publications with national circulations.

In addition, Turley Publications prints student newspapers and magazines for the 5 sister colleges in the Springfield/Holyoke region—as well as for Harvard University, Yale University, Boston University, Boston College, Tufts University, and UMass-Amherst. Turley Publications has been printing the Daily Collegian, the UMass Amherst student newspaper, since that publication went daily in 1967. It also prints other newspapers, including the Worcester Business Journal and its sister publications Hartford Business Journal, and Mainebiz, as well as the Holden Landmark.

Today, Turley Publications remains locally owned and operated by Patrick Turley and his sons Keith and Doug. They are responsible for nearly 250 employees working in various locations. The two main production facilities are located in West Springfield and Palmer, Massachusetts.

Turley Publications was forced to stop the presses in October 2005 when floodwater caused property losses over 900 thousand dollars. I visited Turley Publications immediately after the flooding occurred and can personally attest to the severity of the damage at the Water Street facility in Palmer.

But high water didn't stop Patrick Turley from tackling the job that needed to be done. He decided he wasn't going to miss a deadline. Dedicated employees helped with the cleanup, electricity was restored, and 2 university newspapers were printed on time. Turley received an SBA disaster loan and within 5 months the plant was running once more at full capacity.

I had the honor of meeting with Patrick Turley and his wife Ann today when they visited my Washington office. I would like to echo the accolades of the Small Business Administration in recognizing Patrick Turley as an extraordinary businessman and citizen. Congratulations.

COMMON-SENSE GUN LEGISLATION IS NEEDED NOW

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Ms. SCHAKOWSKY. Madam Speaker, I rise today to extend my condolences to the families of the 32 Virginia Tech students and teachers who lost their lives due to senseless gun violence on April 16, 2007. I would also like the families of Columbine High School tragedy—which occurred 8 years ago on April 20th—to know that my thoughts and prayers are with them as well. As those two tragedies demonstrate, we are not doing enough to protect our schools, workplaces, homes, and communities from gun violence. In honor of all the victims of gun violence, I call on my colleagues to pass tougher gun laws, including requiring more stringent background checks and banning the use of assault weapons and high-ammunition clips.

It is a well-known fact that it takes very little time and is very easy and for individuals to buy powerful weapons in this country. In fact, depending on the state, it takes anywhere from just 2 hours to a mere 2 minutes to conduct a background check. Since it took the assailant in the Virginia Tech case only 10 minutes to get approval to buy a gun, it is no wonder that the store from which he made his purchase missed the fact that a court had ordered him to undergo outpatient treatment. Federal law states that anyone who has been adjudicated for being a "mental defective", as the assailant had, cannot purchase weapons. Had there not been an expedited process for buying a gun, and the background check relying on the self-reporting of mental illness, perhaps this tragedy could have been prevented. I support the efforts of my colleagues, Representatives MCCARTHY and DINGELL, to provide federal funding to states for computers systems that will allow them to promptly upload information about potential gun buyers from the National Instant Criminal Background Check System. As we have tragically learned, we can no longer wait for all states to get online.

Additionally, we need to renew the bans on assault weapons and high-capacity ammunition clips. We have allowed this ban to expire, every day more police officers and innocent families are in sight of criminals wielding Uzis, Tec–9s, AK–47s. And, high-capacity ammunition clips—which have no purpose other than to kill people—allowed the gunman at Virginia Tech to kill 32 students and teachers. Because of the high-capacity ammunition clips, even those who survived were left with multiple bullet wounds.

Every day that we allow to pass without a ban on assault weapons and high-capacity ammunition clips is another day that Americans are needlessly put at risk. We need to support and pass Representative McCarthy's, H.R. 1022, the Assault Weapons Ban, which would renew that ban.

I am proud to represent the 9th Congressional District, a district that is strongly in favor of getting guns off our streets. Chicago, Wilmette, Morton Grove and Evanston have laws outlawing handguns, and I think this is a great start. We need to bring that commitment to our children's safety, to the safety of our neighborhoods, and to the safety of our schools, to the rest of our country.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this chamber yesterday, April 23, 2007. Had I been present, I would have voted "yea" on rollcall votes 245, 246 and 247.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. POE. Madam Speaker, due to other Congressional business, I unfortunately missed recorded votes on the House floor on Monday, April 23, 2007.

Had I been able to vote that day, I would have voted "yea" on rollcall votes No. 245, 246, and 247.

H.R. 1338, THE PAYCHECK FAIRNESS ACT

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. HONDA. Madam Speaker, today I rise in recognition of Equal Pay Day. Issues of equity and fairness are integral to the strength of our democracy. Pay equity, and its effect on every person in the U.S., is a vital issue and it is unconscionable that in the 21st century, the vast majority of women are still not paid fairly for their work. I look forward to the day when every person, regardless of their gender, race or ethnicity, is receiving equal pay for equal work.

According to the Census, women are paid, on average, 77 cents per one dollar earned by a man. Racial and ethnic disparities exacerbate this difference with African American women making 66 cents, Latinas making 55 cents and Asian American women making 80 cents. A recent study by the American Association of University Women reveals that the income gap between men and women widens dramatically following graduation from college, growing from a 20 percent difference immediately following graduation to a 31 percent difference ten years later. This gap persisted despite controls for numbers of hours worked, parenthood, and occupation choice.

I am a proud co-sponsor of H.R. 1338, the Paycheck Fairness Act, which will improve the remedies available to victims of wage discrimination based on sex. Passage of this legislation will be one of many societal changes we have seen over the past one hundred years of women's struggle for equality in America, but there remains much to be done. The current income gap continues to stand in the way of true equality and as a Nation we must work to close the gap faster than the current, abysmally slow, 1.5 cents per year. There are rays of sunshine to be seen on the horizon, but we cannot consider this particular battle won. I look forward to continuing the struggle for equality with my colleagues in Congress during the 110th Congress.

CELEBRATING LIFE OF MARTIE J. "JAY" ABOUSSIE, JR.

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. CARNAHAN. Madam Speaker, I rise today to celebrate the life of Martie J. "Jay" Aboussie, Jr., the devoted son of Martie and LeEllen Aboussie and the loving brother of Amy Aboussie.

Jay earned a Bachelor of Arts Degree in Political Science from St. Louis University, and graduated with honors on May 14, 2005 while maintaining nearly perfect attendance in spite of his chronic health problems.

Jay's family, friends, and numerous people unknown to Jay have been inspired by his bravery, courage, and deep religious faith. He refused to surrender to the debilitating physical ailments which ultimately took his life.

Jay's leadership qualities and academic excellence were recognized by the Faculty and Administration of Christian Brothers College High School when they selected Jay as "Senior of The Year" among a class of 217 seniors. Moreover, Jay was a member of the National Honor Society and was regularly on the Honor Roll at CBC.

Jay's family and high school colleagues have chosen to honor his life and preserve his memory by supporting the Martie J. "Jay" Aboussie, Jr. '01 Scholarship Fund at Christian Brothers College.

I commend the efforts of his friends and family in honoring Jay's life to ensure that his memory lives on.

TRIBUTE TO THE LATE RALPH FORD JR.

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. DAVIS of Illinois. Madam Speaker, I rise with a level of sadness to pay tribute to a good son, a good husband, a good father, a good citizen and one of Chicago's finest of the men and women in blue, Police Sargent Ralph Ford Jr.

It has been my pleasure and that of my wife to know the Ford Family for many years. I first knew Ralph's mother, Mrs. Jacqueline Ford, when she was a pioneer community activist serving on the board of the Martin Luther King Jr. neighborhood health center. She and my wife Vera have attended Carey Tercentenary AME Church together forever. I first knew Ralph well when he was a young Chicago police officer and I began to run for public office; he was a diligent and enthusiastic volunteer who was not afraid to be associated with our campaign even though I was running as an independent against the existing political machine. The fact that Ralph had attended the University of Arkansas at Pine Bluff added another star to his crown because I had attended the old Arkansas A.M. & N College before it attained University status. Being the excellent police officer that he was, Ralph made Sargent and outdistanced many of his peers. He was jovial, a good talker, had a great personality and a wonderful sense of humor.

Family meant everything to Ralph, he was totally devoted to his wife and children, he had a great affinity for other members of the family, and of course he and his mother Jackie had an absolute long-standing love affair.

Madam Speaker, Sargent Ralph Ford Jr. was an absolute credit to his law enforcement profession, the apple of his wife and family's eyes and a joy to humanity. He shall be sorely missed.

H.R. 362 AND H.R. 363

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I am encouraged by the continued development of science, technology, engineering, and mathematics (STEM) education programs in the United States as we seek to stay competitive at the global level. While H.R. 362 and 363 attempt to boost these endeavors, we have to examine at what cost and whether that cost is commensurate with what they accomplish. H.R. 363 alone would cost $1.25 billion over 5 years and H.R. 362 represents an expenditure of $1.5 billion over 5 years.

Oddly, these duplicative bills seek to establish programs that are already in existence and expand others that have yet to show a return on their original investment. As outlined by the Statement of Administrative Policy, "the Academic Competitiveness Council has identified 105 existing STEM education programs spending over $3 billion annually, including 45 programs that support training of STEM teachers, and found that very few of these programs demonstrated evidence-based effectiveness."

My colleagues on the other side of the aisle would like to pour more money into programs that are simply not working. I have continued to support successful legislation like loan forgiveness for science and math teachers to encourage development in this field. I also encourage individual states to look into programs like that in New Jersey's Core Curriculum Content standards, which I was proud to work on in the New Jersey Assembly. Under this program, students are taught the highest level of math and science while also providing development of pre-engineering and design and equipping students with modern computer literacy.

Out of a sense of responsibility to our Nation's next generation, I could not in good conscience support these expensive, bureaucracy-laden bills. I will continue to support measures that are proven to work while upholding states' Constitutional right to design STEM programs which work well for them and their students.

THE INTRODUCTION OF THE FAIR PAY ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Ms. NORTON. Madam Speaker, the 1963 Equal Pay Act (EPA), the first of the great civil rights statutes of the 1960s, was highly successful for close to 20 years, but it is too creaky with age to be useful today. It is long past the time to amend the EPA to meet the changed economy, where women work almost as much as men. Every year, my House colleague ROSA DELAURO and I, and scores of other Members, introduce the Paycheck Fairness Act, a bill to amend the EPA to make its basic procedures equal to those used in other antidiscrimination statutes. However, the Fair Pay Act (FPA), which Senator TOM HARKIN and I have also introduced, not only amends the EPA, but it picks up where the EPA leaves off to bring the EPA into the 21st century by taking on sex segregated jobs where gender influenced wages leaves average women workers without any remedy too long. Congresswoman DELAURO and I have long pressed for the passage of the Paycheck Fairness Act and both of us will testify at its first hearing today before the Committee on Education and Labor about what is at bottom a procedural update that should have occurred 25 years ago. I will be testifying from my own experience as the first woman chair of the Equal Employment Opportunity Commission (EEOC), when President Jimmy Carter moved the EPA and other civil rights statutes to the EEOC as parts of a historic organization when I became chair.

Along with my indispensable Senate partner, TOM HARKIN, I again introduce the Fair Pay Act to reach the average woman worker, who is often first steered to and then locked into jobs with wages that are deeply influenced by the gender of those who have traditionally held those jobs. Women are greatly underused today because of employer steering, and because of deeply rooted wage stereotypes that result in pay according to gender and not according to the skills, efforts, responsibilities and working conditions necessary to do the job. I introduce the Fair Pay Act because the pay problems of most women today stem mainly from this sex segregation between the jobs that women and men traditionally do. Two-thirds of white women, and three quarters of African American women, work in just three areas: sales and clerical, service, and factory jobs. Only a combination of more aggressive strategies can break through the ancient societal habits present throughout human time the world over, as well as the employer steering of women into women's jobs that is as old as paid employment itself.

The FPA recognizes that if men and women are doing comparable work, they should be paid a comparable wage. If a woman is an emergency services operator, a female-dominated profession, for example, she should be paid no less than a fire dispatcher, a male-dominated profession, simply because each of these jobs has been dominated by one sex. If a woman is a social worker, a traditionally female occupation, she should earn no less than a probation officer, a traditionally male job, simply because of the gender associated with each of these jobs.

The FPA, like the EPA, will not tamper with the market system. As with the EPA, the burden will be on the plaintiff to prove discrimination. She must show that the reason for the disparity is sex discrimination, not legitimate market factors. Corrections to achieve comparable pay for men and women are not radical or unprecedented. State employees in almost half the State governments, in red and blue States alike, have already demonstrated that you can eliminate the part of the pay gap tht is due to discrimination. Twenty States have adjusted wages for women State employees, raising pay for teachers, nurses, clerical workers, librarians, and other female-dominated jobs that paid less than men with comparable jobs. Minnesota, for example, implemented a pay equity plan when they found that similarly skilled female jobs paid 20 percent less than male jobs. There often will be some portion of the gap that is traceable to market conditions, but 20 States have shown that you can tackle the discrimination gap without interfering with the free market system. The States generally have closed the discrimination gap over a period of 4 or 5 years at a one-time cost no more than 3 to 4 percent of payroll.

In addition, routinely, many women workers achieve pay equity through collective bargaining, and countless employers on their own, as they see women shifting out of vital female-dominated occupations, the resulting effects of the shortage of workers, and the unfairness to women, and are raising women's wages with pay equity adjustments. Unequal pay has been built into the way women have been treated since Adam and Eve. To dislodge such deep seated and pervasive treatment, we must go to the source, the female occupations where pay now identifies with gender and always has.

Recently, I thought we were seeing progress when the census reported last year that Black, college-educated women actually earned more than white, college-educated women, although the overall wage gap for Black women, at 65 percent, remains considerably larger than the gap for white women. No explanation was offered for the progress for Black women, but other data and information suggest that even when women seem to catch up it may not be what we had in mind. I suspect that African American women are represented disproportionately among the 50 percent of all multiple job holders who are women. I am certain that this progress for African American women also tells a tragic story. The decline in marriageable Black men, eaten alive by ghetto life, also means that many college-educated Black women are likely to be single with no need for even the short time-out for children that many white women often take that may affect their wages as compared with Black women.

The best case for a strong and updated EPA with at least the Paycheck Fairness Act occurred here in the Congress in 2003, when women custodians in the House and Senate won an EPA case after showing that women workers were paid a dollar less for doing the same and similar work as men. Had they not been represented by their union, they would have had an almost impossible task using the rules for bringing and sustaining an EPA class action suit. The FPA simply modernizes the EPA to bring it in line with later passed civil rights statutes. From my tenure as EEOC chair, I know all too well the several ways that this historic legislation needs a 21st century make-over.

We cosponsored both these two bills every year to say let's at least start with the Paycheck Fairness Act so we can be prepared to go further with the Fair Pay Act. Start where you like, but Congress should be ashamed to let another year go by while working families lose more than $200 billion annually—more than $4,000 per family—because even considering education, age, hours works and location, women are paid less than they are worth. Let's start this year to make pay worthy of the American women we have asked to go to work.

HAMAS BREAKS TRUCE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. GARRETT of New Jersey. Madam Speaker, early this morning, the day that marks the 59th year of Israeli independence, Hamas militants broke their truce by launching dozens of rockets and mortars into Israel. While no one was hurt and there was no reported damage, this is yet another setback for Middle East peace and for the kidnapped Gilad Shalit and his family who have patiently awaited his return.

Hamas remains an organization full of contradictions. While their militant wing says the cease fire is over, the political wing insists that the cease fire is to be resumed. Hamas claims that Shalit is a prisoner of war and yet they bar the Red Cross from visiting him and have offered only scant proof the he even remains alive.

There cannot be lasting peace in the Holy Land until the Palestinian people insist that all armed parties come under the control of a freely elected government. Palestinian terrorist groups operate under their own authority, planning and carrying out their attacks based on their warped view of Israeli grievances. This is just as destructive for peace-loving Palestinians as for peace-loving Israelis.

Hamas continues to call for the destruction of Israel in its official policy statements. How can Israel hope to negotiate a lasting peace if the stated goal of the other sitting government is the very annihilation of their state? There can be peace, but only if Hamas shows in word and deed that coexistence is its goal.

Until that time, the international community should support Israel, a state that abides by international treaties and is actively seeking a long-term solution to violence. As long as Hamas continues to promulgate random attacks on civilians and violate international prisoner of war standards, it cannot be trusted to sit down with the Israelis in good faith negotiations for peace.

RECOGNIZING EQUAL PAY DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. CONYERS. Madam Speaker, I rise today in observation of Equal Pay Day, a day where we recognize that women and people of color continue to suffer the consequences of inequitable pay. This day symbolizes the time in the year which wages, especially paid to American women, catch up to the wages paid to men from the previous year.

Ever since the Equal Pay Act was signed into law in 1963, the wage gap between men and women has only been closing at a slow rate. Back then, women who worked full-time year-round made 59 cents on average for every dollar earned by men. Even today, women only earn 77 cents to the dollar, which means that the gap has narrowed by less than half a cent per year. In 2006, there were 70.2 million women aged 16 and over in the workforce, which made up 46 percent of all workers, and reflected a significant increase from only 18.4 million working women in 1950. Over a working lifetime, this wage disparity costs the average American woman and her family $700,000 to $2 million in lost wages, and thus impacting social Security benefits and pensions.

With the growing rate of women in the workforce, and more families reliant upon their paychecks for livelihood, the issue of equal pay is not simply a women's issue, but a family issue. The wage gap hurts everyone because it decreases a family's income that pays for their essential needs. When women earn more, the entire family benefits.

For these reasons Madam Speaker, I am in strong support of the Paycheck Fairness Act. I hope that this Congress will bring new light to this bill do what has not been done over the past 40 years. It will be through our bipartisan efforts that we eradicate the unfair treatment of women in the labor market, and help families gain the resources they need to ensure that their children have access to a better future in the 21st century.

MR. LAMBORN CONDEMNS TRAGIC ANNIVERSARY

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. LAMBORN. Madam Speaker, I rise today to recognize but not celebrate the 40th anniversary of the legalization of abortion in the State of Colorado. On April 25, 1967, the Colorado State Legislature passed its first law legalizing abortion. Since the passage of this law, hundreds of thousands of Coloradans have lost their lives as a direct result. Today the death toll continues to mount in Colorado as well as the rest of the country, and with it the tremendous cost to our society.

What would have become of the 50 million Americans whose lives were so untimely taken from them? What discoveries will we never see? What diseases will never be cured because we allowed these lives to be taken? The loss to society, resulting from the perverse logic that the life of an "unplanned" child does not possess the same value as that of any other child, is staggering.

The most common medical procedure performed in the United States, abortion is also a deplorable attack on the health of American women. Abortion, though it was legalized in the name of women's health, causes immediate medical complications for over 140,000 women a year, increases the risk of premature birth in subsequent pregnancies, and results in a higher chance of infertility. Furthermore, post-abortion syndrome, which is similar to post-traumatic stress disorder, has led to untold amounts of suffering among American women. Compared to women that give birth, women who abort their unborn children are almost three times more likely to require psychological care.

I believe that our grandchildren and great-grandchildren will one day look upon abortion as we now look upon slavery, as an evil so great it tore apart the moral fabric of our Nation. While fighting slavery, the inhumane scourge of his own era, Frederick Douglass said, "one and God makes a majority." Those who fight in the name of life are therefore the majority, and will ultimately prevail. I hope and pray that I will never again have to observe this dark anniversary, and promise that I will continue to do everything in my power to protect innocent lives and the well-being of women.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. BOOZMAN. Madam Speaker, due to a funeral, I was unable to return in time to vote on Monday, April 23, 2007. Please find below a listing of my missed votes and a record of my votes, had I been present.

Rollcall #245 on H. Res. 179, I am not recorded because I was absent due to a funeral. Had I been present, I would have voted "aye."

Rollcall #246 on H.R. 1434, I am not recorded because I was absent due to a funeral. Had I been present, I would have voted "aye."

Rollcall #247 on H.R. 1402, I am not recorded because I was absent due to a funeral. Had I been present, I would have voted "aye."

THE ISSUE OF PREDATORY LENDING PRACTICES

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today to speak out on the issue of predatory lending practices within the subprime lending industry.

Madam Speaker, I have heard from countless constituents in my district regarding this issue. As you may know, Ohio has one of the highest rates of foreclosure in the country. Members of my community that I have known for years are being faced with foreclosure after owning a home for over 40 years in some cases. Seniors are being affected at a disproportionate rate. Lenders prey on seniors who have been in their homes all of their lives, and have a substantial amount of equity in their home. They promote these balloon and adjustable rate mortgages that look attractive and are affordable in their initial stages. However, after 2 years or more, these loans readjust to much higher payments with higher interest rates. For instance, one of my constituents is currently in an adjustable rate mortgage, which locked in a payment of $1088 for 2 years. After 2 years, the mortgage payment increased to $1488. Three months later the payment increased to $1715. This payment increase has had a significant impact on this individual's budget and because they are not in a position to refinance, they are currently facing foreclosure.

Creating wealth is the most fundamental and important goal of minorities that seek economic equity. One of the first steps toward creating wealth is homeownership. The equity from owning a home is often the only means to secure funding for a new business, college tuition, or retirement. Predatory lending targets low income and minority communities. It compromises the opportunity to own a home and hinders economic stability, creating greater disparities in wealth.

The nonprofit Center for Responsible Lending projects that as this year ends, 2.2 million households in the subprime market will either have lost their homes to foreclosure or hold subprime mortgages that will fail over the next several years. These foreclosures will cost homeowners as much as $164 billion, primarily in lost home equity.

It is also projected that one out of five (19 percent) subprime mortgages originated during the past two years will end in foreclosure. This rate is nearly double the projected rate of subprime loans made in 2002, and it exceeds the worst foreclosure experience in the modern mortgage market, which occurred during the "Oil Patch" disaster of the 1980s.

The nonprofit Center for Responsible Lending analyzed 15.1 million subprime loans from 1998 through 2006 and found that only about 1.4 million were for first-time home buyers. Most were for refinancing. To date, more than 500,000 of those subprime borrowers have lost their homes to foreclosures. An additional 1.8 million are likely to follow as the market deteriorates. That's nearly 2.4 million lost homes.

In Ohio the foreclosure epidemic went from bad to much worse last year as the number of new cases grew by nearly 24 percent from 2005. Cuyahoga County led the state in new cases with 13,610 new filings last year. This ranking has attracted national attention with Ohio's foreclosure rate currently at 18 percent which is higher than the national average of 17 percent. The problem has gone from bad to worse and from worse to regress in Ohio, with 7,479 filings in February 2007 alone.

Predatory lending has expanded its reach beyond mortgage lending. Predatory practices are becoming increasingly prevalent in refund anticipation, auto, and payday loans.

There were over 12 million Refund Anticipation Loan borrowers in 2003. Tax preparers and lenders strip about $1.57 billion in fees each year from the earned-income tax credits paid to working parents, according to a 2005 study by the National Consumer Law Center.

It is also estimated that Predatory payday lending practices cost American families $4.2 billion annually. In addition, research indicates that minorities pay on average $2,000 more per vehicle purchased than nonminorities. Predatory auto lending is taking an estimated $2 billion dollars a year out of African American communities alone.

Madam Speaker, I have been hollering about this issue since I came to Congress in 1999. It is unfortunate that the issue is being given some serious national attention only after posing a threat to corporations and financial and mortgage security industries. Last August, I along with the Financial Services Committee organized a field hearing in my Congressional District to hear from local officials and community representatives that work with this issue on a day-to-day basis. The hearing brought Ohio to the forefront of the foreclosure issue as it held rankings among the highest in the Nation.

To continue in the fight, this week, I will be introducing the Predatory Lending Practices Reduction Act. This legislation serves to accomplish three main goals: 1) Establish a federal certification program to require mortgage brokers and other agents involved in subprime loan transactions to become certified and pass a written examination that covers, among other things, Federal law relative to Truth in Lending, Fair Housing, Equal Credit Opportunity Act and other Federal legislation. 2) Sets up minimum standards as they relate to providing information to consumers as well as best practices for dispute/complaint resolution; and 3) Creates civil penalties for violations of federal law pertaining to predatory lending; In addition it addresses appraisal fraud which has become increasingly popular among predatory practices.

I commend Chairman BARNEY FRANK of the Financial Services Committee on his commitment to working on this issue. I look forward to working with the Chairman and my colleagues on a solution to an issue that has devastated minority communities for over a decade.

Thank you to my colleague Mr. CUMMINGS for organizing this effort.

HONORING THE OREGON-DAVIS HIGH SCHOOL BOYS' BASKETBALL TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. DONNELLY. Madam Speaker, today I rise to express my congratulations to the Oregon-Davis boys' basketball team for winning the Indiana 1–A boys' basketball state championship on March 24, 2007. The Bobcats' victory comes just 3 weeks after the Lady-Bobcats captured the 1–A girls' State crown with a 54–46 victory in the title game. This is the first time in Indiana High School Basketball history that both the boys' and girls' State basketball titles were won by the same school in the same year.

The Bobcats' 63–52 victory over the Barr-Reeve Vikings was the crowning achievement to an almost perfect season. Oregon-Davis finished with a record of 27–1 and held the top ranking in Division 1–A for most or the season. The Bobcats' win was led by the individual performances of seniors Justin Egger and Nathan Ferch who scored 19 and 18 points, respectively, the victory was a team effort, The boys made 20 of 25 free throws throughout the game, tying the Indiana record for most free throws in a State championship.

The Bobcats' varsity roster consisted of 11 young men, including seniors Justin Egger, Nathan Ferch, Brandon Johnston, Joseph Baughman, Austen Cornell, and Adam Pflugshaupt; juniors Daniel Henigsmith, Ryne Sweeney, Andy Lawrence, and Josh Taylor; sophomore Mike Wood; and freshmen Travis Collings and Nick Hofferth. Following the game, Adam Pflugshaupt was awarded with the prestigious Arthur L. Tester "Award for Mental Attitude" for his excellence in leadership, scholarship, and athletic ability.

The boys were supported throughout the season by the dedicated coaching staffed by Head Coach Travis Hannah; assisted by coaches Ryan Reese, Jim Ash, and Shaun Johnston; and managed by Brandon Surma. School administrators such as Superintendent William Rentschler, Principal Greg Biles, and Athletic Director Will Hostrawser must also be recognized for their crucial role in the team's success.

Finally, recognition must be given to the school community of Oregon-Davis and its surrounding areas for the enthusiastic support of the team both during the season and in the State finals. Despite Oregon-Davis's enrollment of only 246, the athletic department sold over 1,800 tickets to Bobcat fans who then traveled to Indianapolis to support the team in the State finals. This show of support no doubt was instrumental in the team's victory.

Again, I offer my congratulations to the Bobcats' boys basketball team, as well as to all Oregon-Davis students, staff, and supporters for the team's outstanding achievements in the 2006–2007 basketball season.

HONORING THE PLYMOUTH HIGH SCHOOL BOYS' BASKETBALL TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. DONNELLY. Madam Speaker, today I rise before you to offer a word of congratulations to the Plymouth High School boys' basketball team. The Pilgrims were crowned Division 3A Indiana state basketball champions on March 24, 2007, at Indianapolis's Conseco Fieldhouse. Plymouth captured the state title with a 72–61 victory over Evansville's Benjamin Bosse High School.

The boys worked tirelessly throughout the season and compiled an overall record of 25–2. This season's efforts bested the team's 2005 finish of State runner-up. This is only the second time in the school's history that the boys' basketball team has captured the State title, and this season's triumph marks the 25th anniversary of the school's 1982 championship season.

This year's team was led by seniors Jason Renz, Jared Wendel, Chad Clinton, Jacob Palmer, and Bryron Faulstich. Other members of the team include juniors P.J. Gretter, Randy Davis, Nick Neidlinger, Sam Faulstich, Ryan Welch, and Blaine Schafer, and sophomore Jeremy Renz. Randy Davis and Jared Wendel gave impressive individual performances in the championship game, scoring 28 and 20 points, respectively. Individual honors were also bestowed upon Jason Renz as he was awarded the prestigious Arthur L. Trester Mental Attitude Award for his distinguished leadership, scholarship, and athletic ability.

This team's achievements would not have been possible without the support of a wide variety of coaches and school officials. Head Coach Jack Edison—in his 34th season of coaching at Plymouth—and his assistant staff of John Scott, Michael Edison, Joel Grindle, Zach Scott, Tony Plothow, and Tom Isenbarger provded the players with guidance both on and off the court. Administrators such as Superintendent Dr. John Hill, Principle Richard Tobias, and Athletic Director Roy Benge must also be recognized for their efforts in support of the team's continued success. Last, but certainly not least, all the Plymouth fans, and in particular the always energetic student body, should be recognized for their enthusiasm and pride in the team.

The 2006–2007, Plymouth boys' basketball team has secured a place in the storied history of Indiana high school basketball. I offer my congratulations to the members of the team, the coaching staff, the school, and the greater Plymouth community on their accomplishments throughout the season.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee--of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 26, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 30

2 p.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine Halliburton and United States business ties to Iran.
SR–253

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the Federal government's role in empowering Americans to make informed financial decisions.
SD–342

MAY 1

9:30 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Howard Charles Weizmann, of Maryland, to be Deputy Director of the Office of Personnel Management.
SD–342

10 a.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine improving air service to small and rural communities.
SR–253

Health, Education, Labor, and Pensions
To hold hearings to examine No Child Left Behind Reauthorization, focusing on measuring progress and supporting effective interventions.
SD–106

Judiciary
To hold hearings to examine process patents.
SD–226

2 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine conservation policy recommendations for the farm bill.
SR–328A

2:30 p.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine S. 129, to study and promote the use of energy-efficient computer servers in the United States, S. 838, to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, H.R. 85, to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies, and H.R. 1126, to reauthorize the Steel and Aluminum Energy Conservation andTechnology Competitiveness Act of 1988.
SD–366

Armed Services
SeaPower Subcommittee
To hold hearings to examine the Department of Defense transportation programs in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.
SR–222

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine Electronic On-Board Recorders (EOBR's) and truck driver fatigue reduction.
SR–253

Intelligence
To hold hearings to examine the Foreign Intelligence Surveillance Act (Public Law 95–511).
SD–106

MAY 2

9:15 a.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine United States trade relations with China.
SR–253

10 a.m.
Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine strengthening the security of international travel documents, focusing on interrupting terrorist travel.
SD–226

10:30 a.m.
Aging
To hold hearings to examine the Nursing Home Reform Act (Public Law 100-203), focusing on what has been accomplished and what challenges still remain.
SD–628

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 27, to authorize the implementation of the San Joaquin River Restoration Settlement.
SD–366

3 p.m.
Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the government of the District of Columbia, focusing on the federally-funded entities.
SD–192

MAY 3

9:30 a.m.
Armed Services
To hold hearings to examine the United States Central Command in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.
SD–106

10 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2088 for the Office of the Secretary of the Senate and the Library of Congress.
SD–124

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Housing and Urban Development.
SD–138

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine pending nominations.
SR–253

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 390, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, S. 647, to designate certain land in the State of Oregon as wilderness, S. 1139, to establish the National Landscape Conservation System, H.R. 276, to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for otherpurposes, H.R. 356, to remove certain restrictions on the Mammoth Community WaterDistrict's ability to use certain property acquired by that Districtfrom the United States, S. 205, to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska, and H.R. 865, to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska.
SD–366

Intelligence
Closed business meeting to consider certain intelligence matters.
SH–219

9:30 p.m.
Indian Affairs
To hold hearings to examine S. 310, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.
SR–485

MAY 9

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine farm bill policy proposals relating to farm and energy issues and rural development.
SR–328A

Veterans' Affairs
To hold hearings to examine benefits legislation.
SD–562

2:30 p.m.
Commerce, Science, and Transportation
Consumer Affairs, Insurance, and Automotive Safety Subcommittee
To hold hearings to examine All-Terrain Vehicle (ATV) safety.
SR–253

MAY 16

10 a.m.
Veterans' Affairs
To hold hearings to examine the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.
SD–562

MAY 17

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine rail safety reauthorization.
SR–253

MAY 23

9:30 a.m.
Veterans' Affairs
To hold hearings to examine health legislation.
SD–562

HOUSE OF REPRESENTATIVES—*Thursday, April 26, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LINCOLN DAVIS of Tennessee).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 26, 2007.

I hereby appoint the Honorable LINCOLN DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Monsignor George Coyne, Saint Joseph Roman Catholic Church, Tiltonsville, Ohio, offered the following prayer:

We gather in this special place this morning, aware of our dependence upon our Creator for the spiritual gifts needed to conduct the affairs of this great Nation. Elected officials are called by God through the voice of the people to work for peace and justice.

Almighty God, empower these men and women of the Congress with knowledge and wisdom so that they will lead and govern Your people in the right way. Be with them today in the deliberations and the decisions they will make. Guide them so that they will always keep the common good as their first priority. Help them always to be aware of Your presence in their lives.

Creator God, we ask Your special blessing on all world leaders. May they work together to end terrorism. May they be instruments for peace in our world.

We ask Your blessing on our President. Bless our Senators. Bless the men and women of this Congress. Bless all who assist in the operation of our government. Bless the people of our great Nation. Keep each of us today and every day in Your loving care and protection.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. TIM MURPHY) come forward and lead the House in the Pledge of Allegiance.

Mr. TIM MURPHY of Pennsylvania led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF MONSIGNOR GEORGE COYNE

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, it is with great pride that I welcome my good friend, Monsignor George Coyne, to the Congress this morning.

I have known Monsignor Coyne since I was a young boy and he was a student in the seminary. At that time, he was also working for my grandfather in our family business. My entire family came to know him well. Monsignor Coyne set such a good example that his brothers, Jerry and Tim, followed him as employees of our family business.

Even back then, Monsignor carried a deep faith and a commitment to serving others in our community, which he has all of his life as a priest. All of these years later, his faith and commitment are more evident than ever. Today, Monsignor Coyne serves the parishioners at two churches in eastern Ohio: Saint Joseph Church in Tiltonsville, and Saint Lucy Church in Yorkville.

Just as I have, parishioners at Saint Joseph and Saint Lucy have witnessed Monsignor Coyne's passion firsthand. Today the Congress and the viewers across the Nation have had their chance to see what makes Monsignor Coyne such a special person. For that I am deeply grateful.

In closing, I would like to thank Monsignor Coyne for joining us here today and for his years of dedicated service to the people of eastern Ohio.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 5 one-minute speeches on each side.

SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

(Mrs. BOYDA of Kansas asked and was given permission to address the House for 1 minute.)

Mrs. BOYDA of Kansas. Mr. Speaker, I rise today in support of the Small Business Lending Improvements Act of 2007, passed yesterday by this House by an overwhelming margin.

Small businesses are critical to the Kansas and American economies. They create jobs, they keep wealth in our local communities, and they spur innovation. But in order to succeed, small businesses need ready access to startup capital and financial services.

The Small Business Association's 7(a) loans have helped tremendously. Last year alone, 757 Kansas businesses received $104 million through the 7(a) program.

The Small Business Lending Improvements Act will increase the accessibility of small business loans, helping to drive the Kansas economy forward. I especially support its provisions benefiting the rural lenders that serve so many entrepreneurs in my district.

I was pleased to vote for this important and innovative bill.

AVOID FUTURE CAMPUS TRAGEDIES

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. The recent tragedy at Virginia Tech leads us to ask what else could have been done to protect students at our colleges and universities.

The Federal Education Rights and Privacy Act of 1974 is intended to protect the confidentiality of student records and define under what instances parents can have access to student information and grades. Unfortunately, under the definitions in the act, there are many examples where information was not released to parents or guardians regarding a student's mental health, which led to withholding of vital information that could have prevented suicides, assaults and other crimes.

Schools are hesitant to release information for fear of legal action. In my 25 years of practice as a psychologist, I have known many instances where these problems arose.

I am introducing legislation to clarify the act to help define circumstances where universities can release vital information to parents, including risks for suicide, homicide and physical assaults. Further, it will hold harmless colleges and universities who, after consultation with a mental health specialist, act in the best interest of the student, where they can release information to help save lives. We can no longer let this 30-year act be a barrier between parents, students and schools.

I urge my colleagues to sign in support of this bill.

DAY OF DEFEAT

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the Iraq defeat bill that this House has passed sets the day certain that American troops will leave Iraq. By doing so, Congress is trying to legislate "defeat day" no matter the consequences.

In other words, retreat, retreat, at any price, retreat. Quit, quit, at any price, quit. Withdraw, withdraw, at any price, withdraw. Flee, flee, at any price, flee. Surrender, surrender, at any price surrender.

Congress has changed the phrase, "when the going gets tough, send in the U.S. Cavalry, send in the U.S. Marines," to, "when the going gets tough, leave," leave in the darkness of the night and let the Iraqis go it alone.

I am sure there is joy in "Desertville" in the fanatical minds of the enemies of freedom. Mr. Speaker, war is hard. This war is hard. But we cannot neglect our duty because it is hard.

The stability of the region and our national security depend on our U.S. success in defeating the enemy. We need to make it hard on them. Give them a day to remember.

And that's just the way it is.

DEMOCRAT BUDGET: "RESERVE FUNDS"

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the American public deserves to have all the facts about the Democrats' $3 trillion budget resolution.

On the surface, it looks great, more money for program after program, all the while balancing the budget. If it sounds too good to be true, it's because it is.

This budget funds a wish list of spending with so-called reserve funds. On paper, these reserve funds appear to designate funding for billions of dollars in Federal spending. But the fact is they are empty, little more than a clever gimmick to help balance the books, a shell game.

In order to fund them, offsets would have to be found elsewhere or taxes would have to be raised. Since their plan doesn't include offsets, that leaves only one option, tax hikes.

In other words, the Democrats are asking Americans to tighten their belts so that Uncle Sam can loosen his. Congress has serious fiscal challenges to solve, but tax hikes and budget gimmicks are not the right answer.

COMMENDING MOUNT PLEASANT, NORTH CAROLINA, HIGH SCHOOL WRESTLING TEAM

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I rise today to acknowledge and pay tribute to the Mount Pleasant High School Wrestling Team for the 2007 North Carolina High School Athletic Association State 1–A/2–A Championship Title win.

Mount Pleasant completed an impressive run to the team championship title. The overall team record for the 2006–2007 season was 31–1. The Tigers also hold the 2007 titles of Cabarrus County Champions, Rocky River Conference Regular Season and Tournament Champions, and 1–A/2–A Midwest Regional Champions.

This season there were nine State qualifiers and eight State place winners on the team, the most in Mount Pleasant's high school history. In the title match, Mount Pleasant recorded 135.5 points to second-place Mayodan Dalton McMichael High School's 82 points.

I am extremely proud of the hard work, dedication and scholarship of these young men from North Carolina's Eighth District. Congratulations, Coach Greg Hinson, Coach Randy Kaiser and the Mount Pleasant High School men's wrestling team on your successful season and State championship victory. Go Tigers.

FAREWELL TO TIA WILLIAMS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, tomorrow the Second Congressional District of South Carolina will lose an important public servant. Tia Williams is departing the Washington office to be in graduate school at the University of Virginia where she will seek a master's degree in urban and environmental planning.

Tia has served as staff assistant to the Second District since March 2006. Many South Carolinians have come to know her, as she was vital in arranging tours for Palmetto State families visiting Washington.

A native of South Congaree, Tia is the daughter of Marty and Angie Williams and the sister of Taylor Williams. She is a graduate of Clemson University and Airport High School of West Columbia.

I appreciate Tia's dedication to the people of the Second District. I know she will apply the same dedication to her studies at UVA.

In conclusion, God bless our troops, and we will never forget September 11. All Americans should read the Lieberman op-ed in today's Washington Post.

ADJOURNMENT TO MONDAY, APRIL 30, 2007

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 249, WILD FREE-ROAMING HORSES AND BURROS SALE AND SLAUGHTER PROHIBITION

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 331 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 331

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 249) to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 249 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1015

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 331.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. Mr. Speaker, House Resolution 331 provides for consideration of H.R. 249, to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros, under an open rule with a preprinting requirement.

The rule provides 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule requires that any amendments to the bill must be preprinted in the CONGRESSIONAL RECORD prior to their consideration. The rule provides one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 249 is a bipartisan bill that restores important protections for wild horses and burros from sale and slaughter. This bill is necessary because these long-standing protections were stripped by a rider inserted into the 2005 omnibus spending bill without a hearing or debate.

The transportation practices faced by these wild horses and burros are cruel and inhumane. They are transferred hundreds or thousands of miles in cramped quarters, just so their meat can be consumed in foreign markets. H.R. 249 bans the sale of wild horses and burros by the Bureau of Land Management, as well as the transfer of these animals for the purpose of processing into commercial products.

Over the last 2 years, the House has voted twice on this issue, and these passed either unanimously or overwhelmingly. But they have never been signed into law. It is time we end this inhumane practice once and for all.

Since the enactment of these protections through the passage of the Wild Free-Roaming Horses and Burros Act in 1971, we have seen wild horse populations fall by more than 50 percent. These animals cannot wait any longer for us to reaffirm our commitment to the protections we promised 34 years ago.

As an animal lover, I am deeply disturbed and opposed to suffering inflicted on animals and will work against practices that lead to their torture or injury. That is why we must pass this rule and pass H.R. 249. These animals need protection, and it is time we restored it for them.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend, the gentlewoman from Ohio (Ms. SUTTON) for the time, and I yield myself such time as I may consume.

Mr. Speaker, in 1971 Congress passed the Wild Free-Roaming Horse and Burro Act. That law established as national policy that wild free-roaming horses shall be protected from capture, branding, harassment and death; and to accomplish this, they are considered in the area where presently found as an integral part of the natural system of the public lands. The law also directed that no wild free-roaming horse or its remains may be sold or transferred for consideration for processing into commercial products. However, the fiscal year 2005 Consolidated Appropriations Act directed that wild horses over 10 years old or that were not adopted after three attempts must be sold unconditionally.

While "excess" wild horses have been cited as the reason for the recent changes in law, there are fewer wild horses on the public lands today than there were a quarter of a century ago. In 1980, there were approximately 62,000 wild horses on public lands. Today, there are approximately 28,000. The underlying bill, H.R. 249, would undo the current practice and would prohibit the commercial sale of wild horses by the Bureau of Land Management.

With regard to process, again the majority likes to proclaim that they have offered another bill under what they are describing as an open rule. But it really is not an open rule. According to a survey of activities of the House Committee on Rules from the 104th Congress, an open rule is defined as "one under which any Member may offer an amendment that complies with the standing rules of the House and the Budget Act." A modified open rule requiring preprinting in the CONGRESSIONAL RECORD is defined as a type of rule that permits the offering only of those amendments printed in the CONGRESSIONAL RECORD.

Because Members under this rule that bring the underlying legislation to the floor today must submit their amendments prior to floor consideration, they are prohibited from offering amendments on the floor as the debate progresses. So if a Member, for example, Mr. Speaker, is watching the debate and has an idea to improve the bill pursuant to the debate, he or she has an idea, this rule prevents that Member from offering their amendment. So by its very nature, the rule is restrictive. It is not an open rule. So for the sake of clarity and specificity, we would point that out for the record, and we think the majority should stop calling it an open rule.

I also want to point out that once again the majority offers this modified open rule on noncontroversial, bipartisan bills such as the one that we bring to the floor today, bills that really should be considered under suspension of the rules or under a genuinely open rule. If the majority really wants to live up to their campaign promise of a more open and bipartisan Congress, they should offer open rules, for example on this bill, and on bills where there is some controversy.

Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his support of the underlying measure.

This House, in a bipartisan manner, has demonstrated its strong support for our wild horses and burros twice over the last 2 years. There is no reason we cannot continue this strong commitment to protecting these animals here again today. This is a commonsense issue that must be addressed. No longer can we ignore the inhumane treatment inflicted upon these wonderful and beautiful animals. I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 249.

The SPEAKER pro tempore (Ms. SUTTON). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

WILD FREE-ROAMING HORSES AND BURROS SALE AND SLAUGHTER PROHIBITION

The SPEAKER pro tempore. Pursuant to House Resolution 331 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 249.

□ 1028

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 249) to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros, with Mr. LINCOLN DAVIS of Tennessee in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 249 is important legislation with broad, bipartisan support. I am pleased to be joined in this endeavor by my colleague, the gentleman from Kentucky, Mr. ED WHITFIELD, and a number of other Members on both sides of the aisle.

This Congress is tasked with the stewardship of much that is invaluable, our breathtaking natural wonders, our healthy rivers and streams, icons of American history; and it is our responsibility as public stewards of our land to manage these resources for the good of future generations. It is a responsibility as chairman of the House Natural Resources Committee that I take very seriously.

The proper care and preservation of wild horses which roam public lands in the West fall within our stewardship, and we are failing to live up to our responsibility. I say that because in 1971 Congress formally protected these wild horses and mandated that they cannot be sold or processed into commercial products, in effect, slaughtered.

□ 1030

Since that time when the Bureau of Land Management has determined that the wild horse population is excessive to the ability of the range to support them, captured animals have been offered to the public through adoption.

But all that changed as a result of a rider tucked away into a massive omnibus appropriation bill enacted during December 2004.

The so-called Burns rider overturned 33 years of national policy on the care and management of wild horses and burros by repealing the prohibition on the commercial sale and slaughter of these animals that had been in law. In effect, Mr. Chairman, these animals were earmarked for death.

Since that time, some of these animals, which belong to all Americans I might add, and which represent the very spirit of the American West, have been rounded up for slaughter and shipped overseas.

And to what end? So their meat can end up on menus in France, Belgium and Japan, where it is considered a delicacy.

Incredible. It is truly and simply incredible. We do not allow the commercial sale of horseflesh in this country for human consumption, but we are exporting horse meat for that very purpose abroad.

Since I first introduced this legislation during the last Congress, I have received an impressive volume of heartfelt letters and e-mails from across the Nation.

The very notion that wild horses, wild American horses, would be slaughtered as a food source for foreign gourmets has struck a chord with the American people. They see in this issue the pioneering spirit and the ideals of freedom. And the current policy has created disillusionment with many over how their government works and what their elected leaders stand for.

The measure we are now considering will halt that practice. The sale and slaughter of wild horses and burros must stop not only because it is wrong, but also because the program is a failure.

While the Bureau of Land Management, the Federal agency which oversees the program, may sincerely hope that these animals do not end up on menus in France or Japan or Belgium, the Burns rider severely handicaps efforts to protect these herds.

Now, some will say the sale authority is necessary because the agency costs of managing the program have grown too high, but this is an issue of the BLM's own making. Each year they round up more animals than can be adopted. The excess animals are sent to holding facilities where their numbers simply increase per year, year after year, driving up management costs. If the agency wants to save money without selling these animals, it needs only to get its round-ups and adoptions in sync.

There are also those who say we need to allow these animals to be sold off because there are too many of them on the public lands and they are causing massive resource damage.

First of all, it should be noted that there are significantly fewer wild horses and burros on public lands today than there were just 25 years ago.

Second, compared to the 3 to 4 million cattle that graze these same acres, wild horses and burros are hardly the most serious threat to our public rangelands.

All I seek to do in this legislation, with H.R. 249, is to return the law to the way it existed for 33 years prior to the Burns rider. The House has twice gone on record supporting a prohibition on the commercial sale and slaughter of wild horses and burros.

So I conclude by asking my colleagues' support once again today. It's time to do right by these living icons of the American West.

I reserve the balance of my time, Mr. Chairman.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

It is indeed an honor for me to be here with the distinguished chairman of the Resources Committee. Through his illustrious career I have been impressed with the way he has run the committee. I've also been impressed with his commonsense approach to issues, except for this one. And I appreciate the opportunity of being here.

You know, Mr. Chairman, this is the time of year when everyone has a great deal of hope. This is the beginning of the baseball season, where every team, with the possible exception of the Royals, still has a mathematical chance of winning the division.

And as a loyal Cub fan, who is now in my 99th year, consecutive year, of reconstruction and renewal, there is still hope for me.

It is also sad because we are about to commemorate very soon the 43rd anniversary of the worst trade made in the history of baseball, according to many scholars. And that trade was a six-player trade in which my Cubs sent three players, including Lou Brock, to the St. Louis Cardinals in exchange for three other players and Ernie Broglio, who was an 18-game winner at the time.

Now, on paper this trade made great sense for the Cubs. They were getting an outfielder, a veteran relief pitcher, and a starting pitcher, a 20-game winner who had won 18 games the year before.

What happened in reality, of course, is that Lou Brock accepted the role of a lead-off hitter when he went to the Cardinals and spurred them to not only the Pennant but also the World Series victory on his way to a Hall of Fame career.

Broglio, a great pitcher, actually developed arm problems, won only seven games the rest of his career, and 2 years later he is out of baseball.

Now, this is known as one of those great trades that looked perfect on paper but in reality it simply wasn't there.

With all due respect, this bill is one of those great bills on paper, but the reality of it simply isn't there. This is an Ernie Broglio bill if there ever was one.

Now, I have to admit that I don't have a great deal of personal knowledge about horses. My reference to horses in the last 30 years is probably helping my kid to choose either the striped or the painted one on the merry-go-round. The unfortunate thing is that most of the people who will be voting on this bill have the exact same background that I do have.

I am happy to note, though, that I do have a brother who met his wife while he was the rodeo clown, and his wife was in the barrel racing contest and is one the few people who has actually trapped and trained a wild horse on the open desert in Utah and Nevada. So I am using that background from the history as we talk about this particular bill.

And as I looked at this bill as it came out of committee and studied it closer, there are five areas in which I think this bill has significant flaws.

The first is that this bill does not do what its supporters claim it will do. Not the sponsor. He's been totally honest in this. But many of those who have been writing about this particular bill have exaggerated what it actually does.

Secondly, this bill takes away a tool of management from BLM and does not replace it with anything created to help them in their established goal.

Number three, this bill has a difficult system in making the ecosystem of the West, the desert West, a more difficult area to manage.

Number four, there is indeed an extreme cost that the taxpayers are paying in this program that actually ends up being more abusive of the animals that we are trying to preserve and to help.

And finally, I think there is, indeed, a regional bias that can be seen in this particular bill.

Now, if I could, Mr. Chairman, I would like to just talk about perhaps that first issue, just that first issues. This bill does not do what the proponents claim. I have seen the Dear Colleague letters from Robert Redford and Willie Nelson, and one came from the Humane Society making all sorts of claims that are actually not done by this particular bill. The reality is, as well-intentioned as this bill may be, there is actually no change in what will happen with the BLM and their priorities.

If this bill passes, no horse is actually safer than it would have been. And if this bill fails, no horse is actually going to be eaten in France. The idea is this is a very narrow bill that only deals with BLM and deals with forestlands. It doesn't deal with all public lands, doesn't deal with national parks or wildlife refuges or reservations or military affairs. It has been said there are about 90,000 horses a year that are unwanted. Their owners either cannot or will not maintain them.

On BLM lands we are only talking about 7,000 horses, 6,800 last year that were taken off land because of the inability of the land to sustain them. This is only a small portion that this bill deals with, so the overall idea of trying to help all the animals, to stop foreign sales consumption of those, it's not covered in this particular bill. What it does do, though, is take away a management tool the BLM has.

And with that, Mr. Chairman, in the coming speeches by my colleagues who will be down here, and as we go through for the next hour this particular bill, I hope to explore those other issues.

Therefore, I will reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, only to respond to the latter point that the gentleman has just made, the original 1971 language only dealt with BLM lands, so that is why we are not considering all these other areas to which the gentleman referred.

I continue to reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, it's my honor to recognize and yield time to the distinguished Representative from Idaho. I yield Mr. SALI 2 minutes and 14 seconds, which is what he says he needs.

Mr. SALI. Mr. Chairman, I rise today in opposition to H.R. 249 that would end the Bureau of Land Management's authority to sell wild horses. This is an important resource and wildlife management issue that affects our Nation's rangelands.

Recognizing the need to ensure healthy herds and healthy rangelands, the U.S. Congress gave the administration the authority to manage, protect and control wild horses and burros with the enactment of the Wild Free-Roaming Horses and Burros Act of 1971.

The statute directs the agency to maintain populations at a designated appropriate managed level, based on wild herds and rangeland monitoring, to determine the number of animals, including livestock and wildlife, that the land can support. In spite of the removal of horses, as was mentioned by the gentleman from Utah, currently the population of wild horses on the range is more than 10,000 above the appropriate management level.

The excess horse populations are causing significant resource and environmental damage. Even conservation groups such as the National Association of Conservation Districts, the International Association of Fish and Wildlife Agencies, the Izaak Walton League, and a number of others have acknowledged the damage caused by this overpopulation of horses. Balanced management, respecting recreation, watersheds, wildlife and grazing must be restored to the public lands where these horses roam.

I urge a vote against H.R. 249 to help protect the environment and ecosystems of the western States.

Mr. RAHALL. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I would be pleased to yield 5 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, just for the record, I want everyone to know that I am wearing one of my favorite ties, which is a horse tie. I have been a lifelong farmer and rancher, and I can assure you that no one in this Chamber loves horses more than I do.

But the good citizens of western Colorado and all Americans love our beautiful country and the public plans administered by the National Park Service, the Forest Service and the BLM. For more than 100 years, the Forest Service, the BLM lands, have been managed for multiple use and sustainable yield of their products. This means historic uses such as grazing remain a bedrock use of the land, and conservation remains a bedrock principle for which these lands are managed.

It is one thing to agree on these core principles. It is another one to do the hard work needed to effectively express the principles and actions and policies. Great needs for land management are going unanswered because Congress lacks the will to provide adequate funding to these core management functions. And at the same time, Mr. Chairman, the courage to adjust these laws reflects the reality of land management today.

So, for example, conservation of wildlife under the Endangered Species Act and other laws is regarded by many, including myself, as among the highest conservation priorities in our country. Nevertheless, Congress consistently fails to provide adequate funding for species conservation on the ground, or funding agencies to adequately implement the law.

We are at a similar place with respect to wild horses and wild burros. Legal recognition of the place of wild horses and burros on public lands was introduced in the passage of the Wild Horse and Burro Act in 1971. This law reflected America's love for horses and the concern that they be managed properly on public lands. These are values that, undoubtedly, we all share. The key provisions of the law required the BLM to manage the horses to an appropriate management level, called the AML. As a practical matter, this means that horse population numbers had to be managed within the multiple-use framework controlling management of BLM land.

For years, BLM has not been able to bring horse populations down within the AML ceiling. This means public lands have been degraded from overgrazing by horses. The habitat and food is taken from the wildlife, and the areas overpopulated by horses cannot sustain other multiple uses of the land. Congress has consistently declined to provide the funding needed to gather more horses off BLM land and support them to live a healthy life in long-term holding facilities.

☐ 1045

Still, the law calls for maintenance of wild horse populations at the AML, but the political will has been lacking to allow the agency to succeed.

So Congress enacted a legislative solution in the fiscal year 2005 appropriations bill to help relieve the overpopulation of wild horses on public lands by authorizing the sale of unadoptable horses. These are horses that no one wanted. Not ranchers, not public officials, not even members of the animal rights groups or horse protection leagues, and, I am most certainly sure, no one voting "yes" on H.R. 249.

That first year, in 2005, more than 1,500 horses were sold. BLM credits the law with allowing them to operate their program within budget for the first time in a number of years. A small sales program continues today that is significant to the BLM budget. This year already, in 2007, 346 horses have been sold. BLM estimates that it could run a small sales program of about 600 horses per year. The sale of this number of horses is worth several million dollars to BLM over the life of the horses, for a program that is funded only at approximately $30 million annually.

H.R. 249, sponsored by the great chairman, whom I have the greatest of respect for and I know his intentions are good, would eliminate this sales program. Why do it? BLM efforts to prevent the slaughter of horses have been successful to date. Congress is not making sufficient funding available to take necessary care of the horses in long-term care facilities.

While the public is adopting some horses under the BLM program, horses are not being adopted at a rate sufficient to ease the overpopulation on public lands. Perhaps worst of all, the administration's budget for fiscal year 2008 called for a complete cutting of the funding for the horse and burro program. The slow progress that has been made towards achieving the AML in recent years will be reversed if BLM lacks the funds to gather the horses. Expenses will increase in the near future, as there will be more horses to manage because the population will not be controlled next year.

The existing sale authority is a small but necessary tool in an overall program to manage wild horses and burros on public lands.

If you care about the proper management of public lands, responsible government, horse welfare, and political courage, you will vote "no" on H.R. 249.

Mr. RAHALL. Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

Once again it is my pleasure to try to say a couple of other elements. As I said, there were five concerns that we have with this particular bill.

The first one, as I mentioned, is it really does not solve the problem. This bill does nothing that the BLM is not already doing in common practice. That is why I said if this bill were to pass, it simply would have no more impact on horses than it does now. No horse would be safer. If it doesn't pass, no horse is going to the slaughter, and no horse is going to be consumed by someone in France.

This bill is very, very narrow. It only deals with a portion of the public lands and a portion of the number of horses that are there, not the overall situation.

But it does do one thing that is harmful. This is the second element. It takes away the tool, as the gentleman from Colorado clearly enunciated, that is used for the management of wild animals, wild horses, on public lands.

There are only two things that we can do. You can either allow these horses that are excess, that are destroying the habitat, that have to be taken off the land, roughly 7,000 last year. About 28,000 are being held in pens right now as we speak that are excess horses, about half of everything the Federal Government actually controls. You can either adopt them, which is a year-long practice and individuals are limited to four adoptees per individual. Or you can sell them. Sell them either for $100 to $2,000, if it is especially a unique animal, and it is limitless. That is what has been happening in the past. BLM has had the ability and about 2,500 horses have been sold. None for consumption purposes.

Now, you have to realize that if you buy a horse from the BLM today, by law and by contract it cannot be resold for consumption. It cannot be resold for slaughter. If that happens, that is a felony. That is why this bill does nothing that it is not already doing today. But this bill does take away the ability to sell those animals, which means you are down to the adoption, which is a very difficult process to go through. That means it will be harder for BLM and the Forest Service, which actually doesn't run their process, which always works through BLM, to actually find homes and places for the excess animals on public lands.

In taking that tool of management away, this bill does nothing to give BLM a creative solution to the situation. Just saying "no" may be a good slogan for a drug policy, but saying "no" to the BLM does not help them in their chartered task of trying to manage the herd as well as the ecosystem that is going on there.

These horses are not native species to these lands. They do hurt the environment. They trample it down. That is why since 1971 almost a quarter of a million, roughly 200,000 horses, have been taken off the public lands because the habitat is not there for them.

The bottom line is there are too many horses for the land that is available. The bulk of these animals are in my State, Nevada, a few in Colorado, and some in Wyoming and Arizona. This is desert territory. It is not the natural habitat of these horses. This is not the idea of horses running over the rolling hills. If you did that, you would probably want to send them back east to where the natural habitat is, but there is no BLM land back there.

Actually if you really want to help the situation out, you would take about 150 head and put them in Central Park where they could roam freely without any fear of contamination, disease, or muggings like the New York citizens themselves have back in Central Park. That would really help the situation out.

What we have to do here is either allow nature to take its course, in which case these horses will die a pitiful, miserable death of starvation, disease, or by the hands or by the mouths of a predator; or destroy the ecosystem; or, worse, both situations happening, unless we give BLM the tools to remove the animals and find an alternative source for them.

This is a cost for the government. In reality we are spending $38.6 million every year to run the wild horse program. The overwhelming majority of that, almost either $20 million to $25 million, depending on which source you look at, is simply for holding these excess horses in pens, not letting them run free, not giving them the freedom in the wild that you think of, but actually holding them in pens.

Some of the problems for the horses we look at is sometimes we think of Sea Biscuit as we are talking about these animals, an animal that has been bred and groomed and is well taken care of.

These animals fight for their own existence. They are not necessarily the most lovable of animals. And, therefore, they have a hard time being adopted, which means BLM has to put them in a pen where they don't move, they don't do anything except sit around all day and eat. And since they eat and are fed and there are no predators around, these animals can live for up to 30 years at a cost of about $15,000 per animal to the Federal taxpayer, to have them sit around in a pen with no chance of activity whatsoever, in actually a miserable condition.

We are spending $20 million a year to be more abusive to animals than they would be if we gave them the tools to actually give them to other sources. We actually allow them to sell in some particular way, which is why the Humane Society, from their air conditioned offices downtown, wrote me and told me to support this bill. The Farm Bureau that actually works with these animals and knows what they are talking about wrote me and told me to oppose this bill. And in past years when we had further variations of this particular concept, veterinarian groups, horse owners, cattlemen, over 200 organizations that specifically know and understand horses have opposed the concepts that we are trying to codify in this particular bill.

So once again I say the problem that we have here in the House is that most people like me have no access and no understanding or knowledge of these animals. They are like me, where the biggest decision they have to make with a horse is whether to put their kid on the horse or the snail on the carousel ride. And we are making decisions that actually go against the attitude and the advice that professionals that work with these animals and that know the situation are asking us to do. And it may seem emotional. It may seem good on paper. But trust me. This is the Ernie Broglio bill. It is not as good in reality as it looks in black and white.

Let me also say that to me there is an element of regional bias within this. This is a map of all the public land that is owned in the United States. Everything in blue is the amount of public land owned in the United States. You will notice that there is kind of a balance towards the West. This is where the public land is. This is where the wild horses are. This is desert country. This is not their natural habitat. All of our good friends who are proposing and supporting this type of legislation, unfortunately, are living over here, where there is no BLM land or very little BLM and no wild horse activity, but this is, indeed, the natural habitat. It is unfair to us to try to impose a solution without creative alternatives by the representatives from here on this piece of territory.

We know what the situation is, and that is why we are simply asking you, as best we possibly can, to vote "no" on this particular piece of legislation.

I have avoided using any cliches and any bad puns so far. And, LISA, I need to know what my cliches are. Until now, which means I am asking you to notice that this bill is all hat and no saddle. I am asking you that the horse may be with you, and I urge you to vote "neigh" on this piece of legislation.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. All Members are reminded to direct their comments to the Chair.

Mr. RAHALL. Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado.

Mr. SALAZAR. Mr. Chairman, I thank the gentleman for yielding.

I noticed on the map, Mr. Ranking Member, that we show across the western States much public land. Among the public land is also a great amount of ranching and farming land. I know that in some of my farming country and my own farm in Costilla County, every now and then, almost every year, we have a beautiful potato field that is run over by a herd of wild horses just because BLM does not have the proper funding and the authority to be able to manage these horses properly. I firmly believe that this bill will take those tools away that BLM currently has to manage wildlife.

Divisional Wildlife manages elk and deer herds so that they can thrive within the habitat that they currently have. One of the biggest problems that I see is that BLM uses the tools that they have and the funding that they have to be able to manage wildlife and horses on public land; but the biggest problem that I see is that if this bill passes, they will not be able to weed out the bad apples in the wild herds.

For example, they round up these horses. They put back into the wildlife the horses that are good, many of them that are good, but the ones that are lame or the ones that we saw like the one here in this picture, the ones that have broken legs, they can weed out of the population so that they can have better wild horse populations out there.

There is nothing more beautiful than to see a herd of wild horses out on the public lands running forever. I can assure you that if this bill passes, it will hurt BLM's ability to manage the great wild horse populations.

So I would also urge my colleagues to vote "no" on this bill.

Mr. RAHALL. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield back the balance of my time.

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Mr. RAHALL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, in response to several arguments that have been brought up about BLM's management of these lands and the cost of the program, I would respond that if there is a cost problem with the management of wild horses and burros, it is one, as I said in my opening remarks, of the BLM's own making.

Each year the Bureau of Land Management rounds up more animals than can be adopted. The excess animals are then sent to holding facilities, where their numbers increase year after year. That drives up the cost of the program. If the BLM wants to save more money, then as I've said, it needs only to get its round-ups and its adoptions in sync. There are ways other than the sale and slaughter of wild horses to save money. For example, a 2004 USGS study found that in the wild, use of contraceptive measures alone would save $7.7 million. So I don't think we should blame the wild horses and the burros for BLM's mismanagement of the program.

And as far as the map the gentleman from Utah presented about where these lands exist, that's true, they exist out West. But it's also true that the title to these lands is in the holding of every American taxpayer, as they are the lands of the public, and our names are on that deed for these lands.

I would note also, in conclusion, that on a similar amendment to last year's Interior appropriation bill, in which language was written to prohibit any such funds, the amendment did pass the House of Representatives by a vote of 249–159, and on this side of the aisle, the majority today, there were only 19 noes on that particular amendment to the Interior appropriation bill.

So I would urge my colleagues to vote "aye," again, to help us protect an icon of the American West, and to provide for the humane consideration and treatment of these wild horses and burros.

Mr. BLUMENAUER. Mr. Chairman, today's legislation marks a continuation of the important effort to advance animal welfare in the 110th Congress. One of the stark differences with the new congressional majority is the ability to deal meaningfully with important animal welfare provisions. Congress, as one of its first orders of business, passed the long-stalled animal fighting legislation, ending barbaric cruelty that helped foster and advance other illegal and dangerous activities.

Today Congress has the opportunity to take another step reaffirming policies that deal with the protection of horses and wild burros; protection of free roaming horses and burros from commercial sale and slaughter.

Actually, it's embarrassing that it had to get to this point because, since 1971, the Federal Government has had a policy to protect these animals. Unfortunately, in the last Congress, without hearing or public notice, a rider was slipped into legislation that eliminated these protections. I'm pleased that a majority of the Commerce Committee and a strong bipartisan majority has voted to support this important provision. The Senate is also moving to protect animals by ending the sale of horse meat for human consumption. These are important steps reflecting a renewed commitment to animal welfare, an essential part of any vision of a livable community.

It is important and overdue that Congress renew our commitment to developing a policy framework strongly supported by the American public.

Mr. SPRATT. Mr. Chairman, I have to return to South Carolina to attend the presidential primary debate and the dedication of the library at Shaw Air Force Base. As a result, I will be unable to cast my vote today for H.R. 249, to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros. If I were able to cast my vote, I would vote in favor of H.R. 249, as I have done in the past 109th Congress, rollcall vote 199.

In the 109th Congress, I joined Representatives RAHALL, Sweeney, and WHITFIELD in offering an amendment to the Department of the Interior Environment, and Related Agencies Appropriations Act of 2006 to ensure that none of the funds made available would be used for the sale or slaughter of wild free-roaming horses and burros. Our amendment passed the House by a vote of 249–159.

The number of wild horses is dwindling. Just a century ago, 2 million horses roamed the west. Today, the combined number of wild horses and burros is less than 30,000, demonstrating that these animals need more protection.

I hope that others will join me in supporting this and other legislation to end the slaughter of our American horses.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in strong support of H.R. 249, a bill to restore the prohibition on the sale for slaughter of wild horses and burros.

Behind closed doors, language was added to the fiscal year 2005 Omnibus Appropriations bill that overturned the 33-year-old ban on the slaughter of wild horses and burros. Immediately, Congress rejected this ploy by voting to amend the fiscal year 2006 Agriculture Appropriations bill to reinstate the ban. That amendment, introduced by Congressman NICK RAHALL, passed overwhelmingly by a vote of 249–159 in the House and the same amendment was included in the fiscal year 2007 bill. We must restore a permanent ban on the slaughter of wild horses and burros to ensure that they remain protected.

Legislators are working to put an end to horse slaughter in this country because horses are some of the most beautiful and beloved domesticated animals on earth. Americans have long appreciated horses—for transport, on ranches, as police mounts, and as cherished companions. America's wild horses are especially prized. The approximately 28,500 horses and burros that roam public land—our prairies, ranges, and the open plains—are cherished symbols of American freedom.

The American Horse Council reports that 1.9 million Americans currently own horses. Another 7.1 million Americans are involved in the industry as horse owners, service providers, employees and volunteers, while tens of millions participate in horse events as spectators. These millions of Americans know that horses should be treated with dignity and respect in life and death. They are disgusted, as I am, that in 2006 over 100,000 horses were slaughtered at three American-based, foreign-owned plants so that the meat could be shipped to Europe and Asia for consumption as a delicacy. And they are saddened that wild horses were sentenced to the same fate, despite the Bureau of Land Management's access to humane options, including adoption, sterilization, relocation, and placement with qualified organizations and individuals.

Not surprisingly, a recent poll conducted by Public Opinion Strategies found that 65 percent of Americans do not support horse slaughter. And 64 percent of Americans believe that horses are a companion animal, like dogs and cats, and killing a horse to eat is not different than killing a cat or dog to eat.

I think it's time to listen to the American public and finally end the barbaric practice of horse slaughter, for wild horses, and for all horses. This legislation demonstrates that we are willing to heed the call of the American people, and take the necessary steps to protect horses from an inhumane and unjust fate.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of H.R. 249, which will "Restore the Prohibition on the Commercial Sale and Slaughter of Wild Free-Roaming Horses and Burros." I am sure my colleagues would agree that horses are as American as apple pie, and a symbol of our great Nation. From the time of great explorers like Lewis and Clark to the present day celebration at Churchill Downs, horses have been an intricate part of our society. To their owners, they are companions, for law enforcement officials they are colleagues, but to the American people they have never served as a source of food.

Last year, I stood on this floor in support of H.R. 503, American Horse Slaughter Prevention Act. That act sought to prohibit the horrendous practice of domestic horse slaughter for consumption. At the time I spoke out against the appalling practices of this industry that tend to fly under the radar. Horses are forced to travel across our borders for more than 24 hours without rest, water or food in trailers that provide little protection from the elements. Many horses—sick, lame, pregnant or blind—are in distress even before being loaded.

Once at the slaughterhouse, the suffering gets worse. Horses are left for long periods in tightly packed trailers, subjected to further extremes of heat and cold. In hot weather, thirst is acute. Downed animals are unable to rise. All the horses are moved off forcibly when it's time to unload and hurried through the facility into the kill box. In the face of these deplorable conditions, including overcrowding, deafening noise, and the smell of blood, the horses typically become desperate, exhibiting fear typical of "flight" behavior—pacing in prance-like movements with their ears pinned back against their heads and eyes wide open.

Despite the Federal mandate that horses be rendered unconscious before being put to death, many horses are killed alive by repeated blows to the head with captive bolt pistols. While writhing in pain, the coup de grace is administered by a slit of the throat. The dead animal is then processed for shipment overseas and destined for a foreign dining table.

Mr. Chairman, I support H.R. 249 because it extends protection to wild free-roaming horses and burros. This legislation closes the final loophole that jobbers—the middlemen for slaughterhouses—can use. I urge my colleagues to support H.R. 249.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in strong support of H.R. 249, which would restore the prohibition on commercial sale of wild horses and burros that was in place from 1971 to 2004.

I want to thank my colleagues Representative NICK RAHALL from West Virginia and Representative ED WHITFIELD from Kentucky for their hard work in restoring this ban, which should have never been lifted in the first place. In the 2 years since the prohibition was eliminated, hundreds of wild horses have been slaughtered. This is unacceptable.

Wild horses are a fixture in United States history. In the 1800s there were more than 2 million wild horses and burros in this country. Today, there are fewer than 29,000. This bill will protect the small number of wild horses and burros who remain, preserving them as national treasures.

Mr. Chairman, this House has time and again expressed the desire of the American people to end the slaughter of innocent, beautiful horses by voting in support of legislation that would ban the slaughter of horses. I urge my colleagues to vote "yes" on H.R. 249.

Mr. UDALL of Colorado. Mr. Chairman, I support this bill, but I think the Natural Resources Committee should consider whether additional legislation would be appropriate in order to improve the management of wild horses and burros on Federal lands.

The bill repeals a provision enacted in 2004 as part of an appropriations bill that itself repealed the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros that had been the law since 1971.

The Wild Free-Roaming Horse and Burro Act of 1971 established as national policy that wild free-roaming horses and burros were to be protected from capture, branding, harassment, and death and, among other things, it directed that "no wild free-roaming horse or burros or its remains may be sold or transferred for consideration for processing into commercial products."

Practically since its enactment, the law's implementation has been problematic. In particular, the Bureau of Land Management—BLM—has been criticized by the Government Accountability Office and the Interior Department's Inspector General for the way it has responded to the challenge.

Under the act, the agencies inventory horse and burro populations on Federal land to determine "appropriate management levels." They are authorized to remove animals determined to be exceeding the range's carrying capacity so as to restore a natural ecological balance and protect the range from deterioration.

Toward that end, the law authorizes removed animals to be offered for private adoption. New owners can receive title after a 1-year wait, with certification of proper care during that time. An individual may receive title to no more than four animals per year.

The law says that if adoption demand is insufficient, the remaining healthy animals are to be destroyed—but that authority has not been used for more than 20 years, and BLM was prohibited from doing so by funding limitations included in the appropriations act from 1988 through 2004.

The latest numbers I have seen indicated that there currently are an estimated 28,500 wild horses and burros on BLM's 199 herd management areas. I understand this is the lowest level since the early 1970s and is the closest to what BLM considers to be the appropriate management level since that time—but evidently BLM expects the population to increase to about 34,000 in this fiscal year while a reduced emphasis on removal, as proposed in the President's budget request for fiscal 2008, could result in a considerable increase in the number of wild horses and burros on BLM-managed lands. My understanding is that as of the end of fiscal year 2006 there were another 3,180 wild horses and burros on 37 "territories" managed by the Forest Service.

Removals have long been controversial. Some think they are not appropriate, while others are of the opinion that reduction of herds protects range resources and balances wild horse and burro levels with wildlife and domestic livestock. BLM says it bases decisions about appropriate management levels on population censuses and range monitoring, taking into account natural resources, such as wildlife and vegetation, and land uses, including grazing.

My understanding is that between fiscal 1972 and fiscal 2006, 268,709 horses and burros were removed, of which 216,942 were adopted, while others died of natural causes, were sent to holding facilities, or were sold. Because more animals have been removed than have been adopted, large numbers of animals are being held in facilities.

This was the context in which Congress enacted the requirement for sale of unadopted animals that this bill would repeal. However, in April 2005, BLM temporarily suspended sale and delivery of wild horses and burros due to concerns about the slaughter of some animals. The agency did not sell animals directly for slaughter, and was requiring purchasers to give written affirmation of an intent to provide humane care. Nevertheless, 41 sold animals were resold or traded and then sent to slaughterhouses. Another 52 animals were sold to slaughterhouses, but Ford Motor Co. committed to purchasing them. In May 2005, BLM resumed sales after revising its bill of sale and pre-sale negotiation procedures.

I support this bill because the provision it would repeal was inserted without the benefit of any hearings or public notice and without an opportunity for the Natural Resources Committee, which has jurisdiction, to consider possible alternative approaches.

For the same reason, when the House considered the fiscal 2006 Interior appropriations bill, I supported the Rahall amendment that prohibited the use of funds for the sale or slaughter of wild free-roaming horses and burros—an amendment that the House again included in the fiscal 2007 Interior Appropriations bill by voice vote.

After passage of this bill, the appropriate next step will be for our committee to review the status of the wild horse and burro program to see whether there is a need for more carefully considered changes in the law.

Mr. FARR. Mr. Chairman, I rise today in strong support of H.R. 249, to ban the commercial sale and slaughter of wild free-roaming horses and burros.

At the beginning of the 20th century, there were an estimated 2 million wild horses and burros, but by the 1950s there were only 20,000. Today, the number of horses has increased to 32,000. The population is mainly controlled through adoption. Since 1972, almost 217,000 horses have been adopted.

This is mostly due to the Wild Free-Roaming Horses and Burros Act of 1971, which has sought to preserve wild horses and burros on federal lands and has made the Bureau of Land Management (BLM) responsible for their preservation.

In 2004, the Wild Free-Roaming Horses and Burros Act was amended to reverse the long-standing policy that protected wild horses from being shipped off to slaughterhouses. It also removed the criminal penalties that are imposed for such actions. Seeking to correct this injustice is H.R. 249, which would once again place a prohibition on the commercial sale and slaughter of wild horses and burros.

As a compassionate society, we have an obligation to protect all animals. Some scientists have found that America's wild horses have greater genetic diversity, as compared to their domestic counterparts, due to little inbreeding.

Sadly, this bill is too late to save some horses. There have been several cases of horses that were purchased for seemingly innocuous reasons and then sent immediately to slaughter. H.R. 249 would protect the more than 8,400 horses that are in jeopardy of being slaughtered.

Mr. Chairman, I urge my colleagues to pass H.R. 249, which would restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

Mr. ETHERIDGE. Mr. Chairman, I rise today in support of H.R. 249.

This legislation is critical to preserving a part of America's roots, and it is an important symbol of the rugged, wild, and freedom that is the American West. As old as the red rock on the canyon walls, and as reliable as the sun rising in the clear western sky, America's wild and free-roaming horses and burros on our public lands are part of our Nation's fabric and history.

H.R. 249, a bill to protect wild free-roaming horses and burros, will expressly prohibit the sale, transfer, or slaughter for commercial product processing of any freeroaming horse or burro on U.S. public lands.

I urge my colleagues to vote "yes" on H.R. 249.

Mr. RAHALL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SALE OF WILD FREE-ROAMING HORSES AND BURROS.

(a) IN GENERAL.—Section 3(d)(5) of Public Law 92–195 (16 U.S.C. 1333(d)(5)) is amended—

(1) by striking the period and inserting the following: "*Provided*, That no wild free-roaming horse or burro or its remains may be sold or transferred for consideration for processing into commercial products."; and

(2) by striking subsection (e).

(b) CRIMINAL PROVISIONS.—Section (8)(a)(4) of Public Law 92–195 (16 U.S.C. 1338(a)(4)) is amended by striking "except as provided in section 3(e).".

The CHAIRMAN. No amendment to the bill shall be in order except those printed in the designated place in the Congressional Record and pro forma amendments for the purpose of debate. Amendments printed in the Record may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Are there any amendments to the bill?

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PRICE of Georgia:

At the end of the bill, add the following new section:

SEC. 2. REQUIREMENT OF OFFSETS.

(a) IN GENERAL.—No authorization of appropriations made by this Act or other provision of this Act that results in costs to the Federal Government shall be effective except to the extent that this Act provides for offsetting decreases in spending of the Federal Government, such that the net effect of this Act does not either increase the Federal deficit or reduce the Federal surplus.

(b) DEFINITIONS.—In this section, the terms "deficit" and "surplus" have the meanings given such terms in the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

Mr. PRICE of Georgia. Mr. Chairman, H.R. 249, the bill that we are discussing here, prohibits the commercial sale of wild horses and burros by the Bureau of Land Management.

As part of the Bureau of Land Management's program to protect and manage and control wild, free-roaming horses and burros, they are permitted to sell wild horses and burros that are over 10 years of age for commercial purposes for approximately $10 per animal, if the animals have not been successfully adopted in three auctions. If the animals are not adopted and BLM cannot sell the animals, then it will have to provide long-term care for them.

Implementing this bill, H.R. 249, will cause the Bureau of Land Management to lose the minimal revenue it is currently able to generate from the sale of the animals and incur additional costs by requiring it to provide long-term care for the animals that they otherwise wouldn't have to, essentially, by mandating a new responsibility.

Now, according to the CBO report accompanying this bill, it says, "Based on information from Bureau of Land Management about the number of animals sold and the cost to care for them, CBO estimates that the resulting net changes in discretionary spending under H.R. 249 would not exceed $500,000 annually, assuming the availability of appropriated funds."

However, it costs BLM roughly $25 million a year to feed and shelter roughly 30,000 wild horses in its management program. In 2006, 100,000 horses were slaughtered for consumption, which raises concerns that the cost of this legislation could turn out to be much more significant than CBO and the bill's proponents predict.

My amendment is very simple. It will apply the principle of pay-as-you-go to any new spending authorized by this legislation. It would require that any new spending as a result of this legislation must have a specific offset before this legislation can take effect.

Now, Mr. Chairman, as you know, an excerpt of the New Direction For

America, which was proposed by the new majority, the House Democrats, in the 109th Congress as their plan once they were to take the majority, reads, "Our new direction is committed to pay-as-you-go budgeting. No more deficit spending. We are committed to auditing the books and subjecting every facet of Federal spending to tough budget discipline and accountability, forcing the Congress to choose a new direction and the right priorities for all Americans." And I agree, Mr. Chairman.

On April 18, the majority leader was quoted as saying, "We want to get the budget deficit under control. We've said that fiscal responsibility was necessary, but we are not going to be hoisted on the torrent of fiscal responsibility." That was just prior to the new majority ignoring their own PAYGO rules in order to pass a bill.

Now, Mr. Chairman, I would submit that rules aren't rules if you only follow them when you want to. Democrats promised to use PAYGO rules for everything, and instead they are picking and choosing when to do so. At home, we call that breaking a rule and breaking a promise.

So I urge the new majority to rededicate itself to the principle of pay-as-you-go spending. Fiscal responsibility shouldn't be something that is talked about only on the campaign trail.

This might not seem like a lot of money to my friends on the other side of the aisle, but Mr. Chairman, the American people deserve for us to be good stewards of their hard-earned money all the time, not just when it's politically convenient.

I urge adoption of this quality, commonsense, simple PAYGO amendment.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Price of Georgia amendment. The gentleman is attempting to put PAYGO requirements on a bill that neither authorizes nor contains any spending. I repeat that. The gentleman is attempting to put PAYGO provisions on a bill that neither authorizes nor contains any spending.

H.R. 249 merely returns the law the way it existed for 33 years prior to changes made in the law by an appropriations writer in 2004. Both the CBO and the Budget Committee have determined that there are no PAYGO implications with H.R. 249.

What the gentleman from Georgia is proposing to do is an unnecessary, unwise addition to the legislation. He has attempted it many times before. It has been rejected by the Homeland Security many times before. Those times include identical amendments to H.R. 569 and H.R. 700 which were considered by the House in March, and in both cases the House rejected the Price amendments, the first time by a vote of 166–260, and the second time by a vote of 176–256.

So again, I repeat, there should be no PAYGO requirements because it neither authorizes nor contains any spending.

I would urge the House to reject this unwise and unnecessary amendment.

Mr. BISHOP of Utah. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate what Representative PRICE is trying to do. Let me try and put in context, once again, what the issue at hand in this very narrowly crafted bill is.

As of today, by rule, by court order, and by regulation and law, BLM, if it sells an animal, may not sell that animal for consumption. If the buyer resells that animal for consumption, that is a felony. It violates the contract they signed, which means the ability of selling, which is different from adopting, is a management tool of BLM. If this bill passes, it would take the option of sale away.

Last year, there were 2,400 horses that were sold. That would no longer be the case. And indeed, BLM would then incur a new burden for keeping those animals and providing for those animals. That is why we support Representative PRICE's amendment that applies PAYGO standard to this bill. There will be an additional cost because the policy will change.

If H.R. 249 passes and the BLM can no longer sell, not for consumption, but just sell wild horses, this agency estimates it will cost $12- to $15 million over the next 10 years. Long-term care and feeding of these animals were not considered when the CBO scored this bill.

I urge a "yes" vote on this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I rise to strike the last word and to address the House for 5 minutes in opposition to this amendment.

Mr. Chairman, I want to express my very strong support for the bill that Mr. RAHALL, the Chair of the Resources Committee, has brought to this floor because it restores a longstanding prohibition on the commercial sale and slaughter of wild horses and burros.

This amendment that we are currently debating is designed to defeat the substance of this bill. The reality is that this is not a bill that costs the Treasury money, but it does cost our country something of great value.

At the turn of the 20th century, some 2 million wild horses roamed freely in the wild. But by the 1950s, just half a century, their population had dwindled to fewer than 20,000. The population went from 2 million to 20,000. Ninety-nine percent of these majestic creatures were taken off the face of the American continent, and many of them were being inhumanely captured by profiteers who would slaughter them and then sell their meat for pet food and human consumption in European and Asian restaurants.

So, after enough awareness and concern, Congress passed the Wild Free-Roaming Horses and Burros Act of 1971 that protects wild horses and burros on Federal lands from such atrocities. But then in the 108th Congress, under different leadership, longstanding Federal policy that protects wild horses from being sold at auctions and subsequently shipped to slaughter plants was reversed.

Last year, two Texas plants and one in Illinois slaughtered nearly 105,000 horses for human food, mainly for European and Asian consumers. I think it's time to end this senseless for-profit massacre, really, of the symbol of the spirit of the American West.

Animals are given into our care, and we ought to treat them with some greater respect than we do, particularly in the case of horses.

I believe that a generation from now we will shudder at how recklessly we treated these animals which are so symbolic of the spirit, the strength, the stamina of this country. In the event of survival, so many of them face neglect and abuse today, and that is the argument that is raised. But that is not an excuse not to pass this legislation nor to implement a more humane policy, because this policy is inhumane at every step in the process, from how they're purchased at auction, to their transportation to the slaughterhouse, to how they are killed.

Many of the horses that are transported to the slaughterhouse are bought by what are called "killer buyers" at auction. These unscrupulous buyers prey on the trust of horse owners who believe that their horse is being bought by a good family and will lead a comfortable life. They are unaware that they are being misled by professional slaughterhouse agents, with their companion animal being sent to a very painful death.

The reality of the slaughtering process is difficult and uncomfortable for many of us to hear, but the suffering begins during the transportation of horses to the slaughterhouse. They are shipped with no food or water or any ability to rest. Often due to overcrowding and slippery floor surfaces, the horses fall and they are trampled during transportation. If they survive the trip to the slaughterhouse, the horse's suffering needlessly continues. Due to their cautious nature, many of these horses are not properly stunned before slaughter. Many are completely conscious when they have their throats cut. Simply put, this is not in the American tradition.

Despite what some of my colleagues will have you believe, the practice is not needed to control the number of horses in the United States. California banned horse slaughter in 1998, and since then there has been no corresponding rise in cruelty or neglect cases.

□ 1115

There has even been a 34 percent drop in horse theft since the ban went into effect.

The fact is that the American public wants to protect horses and is horrified that they are being slaughtered for use as food in other countries. Poll after poll shows that 70 percent of Americans believe that we should end the slaughter of horses. They are right, we should end this slaughter, today. And that is why we should pass this bill and defeat the amendment.

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I certainly admire and respect the gentlemen who are offering this amendment and making arguments in favor of it. I agree, however, with the gentleman from West Virginia that it has very negligible fiscal impact on the Federal budget.

As has been stated, there are less than 20,000 wild mustangs and burros left on Federal lands in the West. And if they are concerned about the fiscal impact of not slaughtering a few horses, I would say there are over 214 million acres of Federal lands in the West that the ranchers and corporations that are leasing that land are paying the Federal Government less than 10 cents per acre per year.

Now, that is much less being paid than what my farmers that I represent in Kentucky are paying for leased land. I recognize that this land in the West, much of it is arid, it is not really that rich. But there are lots of people who would be willing to lease land for less than 10 cents per acre. And I think we at the Federal level have a responsibility to protect these wild mustangs and burros; and as the gentleman before me said, at one time the population was around 2 million, now it is around 20,000 head, and we have an obligation to protect these animals.

I want to commend the gentleman from West Virginia for offering this bill, H.R. 249, to restore the Federal protections of these animals that have been in effect since 1971. And the only reason that it was changed in the omnibus bill a couple of years ago without anyone's knowledge, those Federal protections were removed. And so H.R. 249 simply restores that protection.

Mr. Chairman, I would urge the Members to vote against this amendment and to support H.R. 249.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I stand in opposition to the amendment and in support of the underlying bill, Mr. RAHALL's bill, to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

A lot of people bet on horses. Today, the horses are betting on us. They are betting that we remember something essential about the America of long ago to which these wild horses and burros connect us, betting that we do not misuse our power to cause these horses, these wild animals to be subject to slaughter. They are betting that we have the sense to put together policies that can provide for the protection of the wild horses and burros.

Now, it is the responsibility of the Bureau of Land Management to enforce the laws on public lands that related to the bill that Congress passed 36 years ago that established as national policy that wild free-roaming horses and burros shall be protected from capture, branding, harassment, and death. And this Bureau of Land Management has not done the job. They haven't properly managed their responsibilities, they haven't enforced the law. Why should we permit the wild horses to be further victimized by the Bureau of Land Management?

This legislation exposes part of the spirit of America to an attack because of the ineffectiveness and inefficiency and indeed the callous disregard of those at the Bureau of Land Management. Rather than pass a law which opens up wild horses to commercial sale and slaughter, we should be looking at a dramatic revision of the Bureau of Land Management's responsibilities here. We should be looking at that agency which took the responsibility by law in 1971 to make sure that these horses were protected, because they haven't done that. And now we are having Members advocate that we continue a condition where these horses are subjected to slaughter.

I think that occasionally we reconnect to our greatness as a country when we remember where we came from, when we remember our connection with the land, when we remember our connection with Native Americans, when we remember our connection with the sky, when we remember our connection with the water, and when we remember our connection with God's creatures who still, through the grace of God, freely roam the plains of this country as wild horses and burros.

Support the Rahall bill.

Mr. BISHOP of Utah. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me just say a couple of things to try and set the record straight about the last couple of speeches which haven't actually been dealing with the amendment nor necessarily the bill itself.

There are approximately 33,000 wild horses on public range lands today. There are 28,000 wild horses that are standing in pens today. That is the total amount.

Those animals are not slaughtered. If they are sold or adopted, it is a felony to slaughter those animals. That is the BLM practice today. Any kind of talking about animals being slaughtered for consumption are not the animals owned by the Federal Government nor the animals that are subject to this particular bill. All this bill does is take away the opportunity of selling these animals, not for consumption or slaughter, to someone else. And it takes away a standard which the BLM has estimated will cost them between $10 million and $12 million over the next 10 years to try to keep these animals standing in a pen all day.

The problem is, we do have an arid topography. This is not the land that can support these animals. All of my good friends in the east have perfect land for that. And, to be honest, if they would open up some of their land so that wild horses can run freely back in their districts, you might be able to solve this problem again. But it is not going to happen unless you actually give them the tools to do it on this limited number of animals we are actually speaking about.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Are there further amendments?

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 238, not voting 13, as follows:

[Roll No. 267]

AYES—186

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.

Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Salazar
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—238

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Everett
Faleomavaega
Farr
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Cannon
Clyburn
Cubin
Davis, Jo Ann
Engel
Etheridge
Fattah
Feeney
Johnson, E. B.
Lampson
Rodriguez
Spratt
Westmoreland

□ 1152

Messrs. MURPHY of Connecticut, BOUCHER, ROTHMAN, Ms. HOOLEY, Ms. LEE, Messrs. BAIRD, GORDON of Tennessee, WELCH of Vermont, WATT, MELANCON, CUELLAR and DONNELLY changed their vote from "aye" to "no."

Messrs. TANCREDO, BARTLETT of Maryland, GILCHREST, WELDON of Florida, TURNER and CARNEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR) having assumed the chair, Mr. LINCOLN DAVIS of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 249) to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros, pursuant to House Resolution 331, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PRICE of Georgia. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Price of Georgia moves to recommit the bill H.R. 249 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Page 2, after line 13, insert the following:

(c) EFFECTIVE DATE.—This legislation shall not take effect until 60 days after the date on which the Secretary certifies to Congress that the long-term care of all animals not sold as a result of this Act does not exceed $500,000 annually.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, this motion to recommit offers an effective date for fiscal responsibility.

H.R. 249 prohibits the commercial sale of wild horses and burros by the Bureau of Land Management. Implementing this bill will cause the BLM to lose the ability to sell these animals and incur additional costs by requiring it to provide long-term care for the animals that they otherwise would not be required to, thus mandating a new responsibility.

Mr. Speaker, according to the CBO report accompanying this bill, it said, based on the information from BLM about the number of animals sold and the cost to care for them, CBO estimates that the resulting net changes in discretionary spending under H.R. 249 would not exceed $500.000 annually, assuming the availability of appropriated funds.

However, the Bureau of Land Management spends roughly $25 million a year to feed and shelter 30.000 wild horses in its management program. This motion to recommit will establish an effective date for the legislation, requiring the Secretary to certify to Congress that the long-term care of animals spared by this act will not exceed the cost of $500,000, which is noted in the bill and is the CBO estimate.

We all know that the CBO is noted for outrageously poor estimates. The capital gains tax reductions from 2003 to 2006, from 20 to 15 percent, that were enacted, CBO estimated revenue at $197 billion. In fact, Mr. Speaker. $330 billion were gained, an error of 68 percent. This is after the CBO underestimated capital gains revenue following the 1997 decrease by $217 billion. Further. CBO underestimated Federal tax revenue due to the responsible tax decreases that were enacted earlier this decade by $255 billion. Of course, Mr. Speaker, we all know that CBO estimated the Medicare part D premium would cost $38 a month, and in fact, it costs $22 per month, an error of 72 percent.

Mr. Speaker, this week in The Hill newspaper, former Congressman Charlie Stenholm appealed to Congress not to pass this legislation for budgetary reasons. Under the new PAYGO regime, Congress should not be perpetuating long-term options when another, less costly, option is available.

As of December 2004, 8,400 wild horses and burros became eligible for sale, and as of April 2007, the Bureau of Land Management has sold more than 2,300 horses. If the remaining horses which are available for sale are safe for long-term care, then the Secretary should be required to clarify that the care will not create an undue financial burden on the American people.

If the Secretary can certify that this legislation will not exceed $500,000 annually, then this proposal goes forward. If the Secretary cannot certify this requirement, then the legislation should be stopped, and the onus is on Congress to revisit the proposal and find new money.

I urge the new majority to rededicate themselves to the principle of fiscal responsibility. Fiscal responsibility should not be something that is just talked about on the campaign trail. This may not seem like a lot of money to my friends on the other side of the aisle, but the American people deserve for us to be good stewards of their hard-earned money all the time, not just when it is politically convenient.

I urge a "yes" vote on the motion to recommit.

☐ 1200

Mr. RAHALL. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, first, I will respond to the gentleman from Georgia that this was an open rule. All Members knew that, and I cannot understand why the gentleman would not have offered this as an amendment during the normal process of legislative consideration of this bill. Instead, he comes at the last moment in the recommittal, which is true to his nature on previous legislation that has passed this body.

The gentleman's motion to recommit would change the effective date until 60 days after the date on which the Secretary of the Interior certifies to Congress that the long-term care of all unsold wild horses and burros as a result of this act does not exceed $500,000 annually. There is no time limit placed on that period during which the Secretary of the Interior has to certify. I am assuming that the gentleman is entrusting the same Federal agency, the Bureau of Land Management, that has so mismanaged this whole process in the beginning, entrusting with that agency the same responsibility to do such certification. Again, there is no time limit. It could be 30 days, it could be 30 years, it could be 300 years before the Secretary so certifies.

So the amendment is purely a killer amendment. The Members know that is the intent of the gentleman from Georgia, and I would urge its rejection.

In addition, as I have emphasized so many times on this bill, there is no PAYGO issue with this bill. The CBO estimated that the administrative cost of this bill is less than $500,000.

Third, the impact of this amendment is to allow slaughter for another 60 days, at the minimum, but more likely, indefinitely, as I said, because there is no time limit on the certification procedure stated in the motion to recommit. There is no time frame. The certification is open-ended. We have no idea as to how long that process will take.

Again, I respond to the gentleman from Georgia, this is a killer amendment. Every Member that voted against the previous amendment and has voted for this legislation in the past knows that is such.

I would urge opposition to the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of the passage of the bill.

The vote was taken by electronic device, and there were—ayes 182, noes 234, not voting 16, as follows:

[Roll No. 268]

AYES—182

Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
English (PA)
Fallin
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy (CT)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ryan (WI)
Salazar
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Walz (MN)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (SC)
Young (AK)

NOES—234

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Doggett
Doyle
Ellison
Emanuel
Emerson
Eshoo
Everett
Farr
Ferguson
Filner
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Heller
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Platts
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Reynolds
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger

Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—16

Cannon
Clyburn
Cubin
Davis, Jo Ann
Engel
Etheridge
Fattah
Feeney
Harman
Johnson, E. B.
Lampson
Meehan
Rodriguez
Spratt
Sullivan
Westmoreland

☐ 1222

Mrs. EMERSON changed her vote from "aye" to "no."

Mrs. GILLIBRAND and Messrs. MURPHY of Connecticut, LAHOOD, BARROW and CUELLAR changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

TRIBUTE TO PAUL HAYS UPON HIS RETIREMENT AS READING CLERK FOR THE HOUSE OF REPRESENTATIVES

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, it is hard to think of our institution without the services of our reading clerk, Paul Hays. Before we get back, Paul will retire, after some 41 years of service here in the House.

[Applause, the Members rising.]

Mr. Speaker, Paul's distinctive voice, I think, is familiar to all of us. I think all of you know that Paul is a patriot. He even got married on the 4th of July. From his service in the National Guard, to his service with the Capitol Hill Restoration Society, Paul has given much to our country, and he has given much to all of us and to our institution.

Paul, thank you.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I would be happy to yield to my colleague from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, and I rise to join him in thanking Paul Hays for the extraordinary service he has given to this institution.

Our reading clerk, Paul Hays, who after 19 years in this position as reading clerk and, as has been noted by the distinguished minority leader, 41 years as an employee of this House, has announced he will retire effective Monday, April 30, and begin a new phase of his life.

The fact is, Mr. Speaker, Paul Hays, with his deep, crisp, commanding voice is perhaps most recognized to our viewers on C-SPAN, perhaps more than many of the rest of us, because he is here all the time and that voice is heard and his visage is seen.

It has been a privilege, I know, for him to serve here, but as I have noted on other occasions when other members of the desk have retired, they serve our country as well as those who have been elected to serve, and we appreciate their service.

Since 1789, the House has employed reading clerks, who are responsible for reading aloud, obviously, the text of bills, amendments, motions, messages, special rules and other privileged resolutions and veto messages. Our reading clerks almost always, almost always, have been appointed from the ranks of existing House employees who have extensive prior floor experience. Paul was one of those.

Paul, a graduate of Georgetown University, is no exception. In fact, Paul was appointed reading clerk in 1988 by one of the most distinguished persons with whom I have served, one of the most decent Americans that has served in this House, the distinguished minority leader, Bob Michel.

It is no coincidence, Mr. Speaker, that given his speaking talents, Paul, as I understand it, intends to do voiceover work in the future.

Now, Paul, we want you to be very discriminating in what voiceovers you do. There may be a lot of requests. We want you to know how nice we are being to you today.

Paul, I want to thank you. I want to thank you for your service to this institution and to our country. As you go from this phase of your very successful life into the next successful phase of your life, not only do we thank you, but we wish you well.

[Applause, the Members rising.]

Mr. BOEHNER. Mr. Speaker, I thank my colleague for his remarks.

Paul, we all wish you well, and no more excuses about your golf game.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill, H.R. 249.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WICKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 277, nays 137, not voting 18, as follows:

[Roll No. 269]

YEAS—277

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blumenauer
Bono
Boozman
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Campbell (CA)
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Cohen
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Emanuel
English (PA)
Eshoo
Everett
Farr
Ferguson
Filner
Forbes
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Marchant
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pitts
Platts
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wilson (SC)

Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—137

Akin
Alexander
Bachmann
Bachus
Baker
Barrow
Barton (TX)
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Camp (MI)
Cantor
Cardoza
Carter
Coble
Cole (OK)
Conaway
Costa
Cramer
Cuellar
Culberson
Davis, David
Deal (GA)
Dingell
Doolittle
Drake
Ellsworth
Emerson
Fallin
Flake
Fortenberry
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hinojosa
Hoekstra
Hulshof
Hunter
Inglis (SC)
Johnson, Sam
Jordan
Kind
King (IA)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Melancon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Nunes
Oberstar
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Poe
Pomeroy
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rohrabacher
Ryan (WI)
Salazar
Sali
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Walz (MN)
Weldon (FL)
Wicker
Young (AK)

NOT VOTING—18

Cannon
Clyburn
Cubin
Davis, Jo Ann
Engel
Etheridge
Fattah
Feeney
Gonzalez
Harman
Johnson, E. B.
Lampson
McNulty
Rodriguez
Rush
Spratt
Sullivan
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1238

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my good friend from Maryland, the majority leader, for the purpose of inquiring about next week's schedule.

Mr. HOYER. I thank my friend, Mr. BLUNT, for yielding.

On Monday, the House will meet at 12 noon in pro forma session. No legislative business.

On Tuesday the House will meet at 10:30 for morning hour business and noon for legislative business. We will consider several bills under suspension of the rules. A complete list of those bills will be made available by the close of business tomorrow.

On Wednesday and Thursday the House will meet at 10 a.m.

On Friday no votes are expected, assuming we complete our business scheduled for Wednesday and Thursday.

We'll consider H.R. 1429, the Head Start reauthorization bill; H.R. 1867, the National Science Foundation reauthorization bill; H.R. 1868, the NIST reauthorization bill; and H.R. 1592, the Local Law Enforcement and Hate Crimes Prevention Act.

Mr. BLUNT. I thank the gentleman for that information. And on the discussion of Tuesday, I want to say, first of all, I appreciate the early information you were able to give us on Monday and Tuesday, and wonder, as Members are planning on traveling either Monday or Tuesday, if you have any further sense of when votes may occur on Tuesday.

Mr. HOYER. Votes could occur as early as 12 noon. It will be a full day. Even though we are not here Monday, usually you're in 6:30 the next day. But because of the shortness of the week, we will be in, as I indicated, at 10:30 a.m. for morning hour and then 12 for business. There could be votes as early as 12 noon.

Mr. BLUNT. I appreciate that, and I think that is helpful to Members to know where the leader is headed on that topic.

Two bills you mentioned for next week. I know the local law enforcement, the hate crimes, some of our Members are beginning to be, I think, concerned about this bill, refer to it as a thought crimes bill. But there was a long markup in committee, lots of amendments, and I am thinking on that bill we're hopeful that we can have the same kind of opportunity for a wide-ranging discussion on the floor that the committee had; and on both that and the Head Start bill, we are hoping for a rule that allows that. I wonder if the gentleman has any sense of what the rule on those two bills will look like.

Mr. HOYER. The answer is I have not talked to Rules Committee Chairman SLAUGHTER about the specific nature of those rules. But, as you know, the Rules Committee is scheduled to meet on the Head Start bill and two science bills on Tuesday, and they will do the rules then.

We'll do the hate crimes bill rule later in the week, probably Wednesday, for consideration on Thursday.

But I understand the gentleman's observation that there was significant debate on both these bills. There are issues that a number of people want to raise on the floor, and I would think that the committee would want to try to make in order some amendments to accomplish that objective.

Mr. BLUNT. Well, I certainly hope so. And I think the time that this took, and the bill on hate crimes or thought crimes, whatever we decide to refer to it as in the coming days, the markup there would indicate a lot of interest.

On the supplemental that we voted on last week, Mr. Leader, do we have a sense of when that will go to the White House or how quickly that bill will come back? And would you expect us to deal with a return? I mean, we all expect the President to veto this particular supplemental. Would it be your sense that we would likely deal with that next week as well?

Mr. HOYER. Obviously, to some degree, that is dependent upon how quickly the President acts. Obviously, he has a number of days to act. But our presumption is he will act soon. And one of the reasons that we have put the time of 12 noon, I mean, it depends upon how early in the day he vetoes that bill. We may have it back here very soon. I talked to the majority leader in the Senate just an hour ago. It's his expectation that that vote will occur today. It's our expectation that we will send the bill down either late Monday, obviously the funeral is occurring and people won't be here, or very, very early Tuesday so that the President will have it Tuesday. And then it will depend upon how soon the President acts. But it would be our expectation that we would act quickly on any action the President took if he vetoes the bill.

We, of course, as you know, are hopeful that he will sign the bill. We think it gives all the money for the troops that the President has asked for, and then some additional monies, and it does not either micromanage the troops or set any precipitous withdrawal dates. But obviously the President has expressed a contrary opinion.

So I think you're right; I think the expectation, based upon the President's representation, is that he is going to veto that bill if it comes to him, and we will have to consider that veto.

Mr. BLUNT. This bill has been, of course, very widely debated, pretty divisive in our points of view on it. A couple of our Members voted with you. A number of your Members voted with us against the bill. But I am certainly in agreement with the gentleman's view that we should pursue whatever next steps are there as soon as possible.

I'd also like to say to the gentleman that I, and I know others on our side, a significant number of others on our side, are eager to work with the majority and the White House both, and get this issue resolved so that our troops are appropriately funded. We can move on to the other appropriations work. And some of these issues, I am sure, are going to be available to the other appropriations bills as topics of discussion that don't necessarily need to be resolved immediately.

On the topic of rules, on the bill that was considered on Tuesday, the science bill, we had an open rule on that. But the deadline to file an amendment, a potential amendment, was last Friday. Obviously, Friday was a travel day.

Normally the deadline would have been sometime the day before the bill was taken up, and I am hopeful that we are not seeing that as a pattern; that we'll still give maximum time for Members to look at legislation, to be able to file a bill. And obviously, if you've got a rule that requires looking at the amendments, you have to have the amendments in before the Rules Committee can meet. But a Friday deadline, when no one was here anyway, on a bill to be handled on Tuesday, seemed to me to be outside of the norm.

□ 1245

And I hope that the gentleman's response is that it is outside the norm and not a new view of a very limited, needlessly limited, time to file amendments. And I would be glad to hear your response to that.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield.

Mr. HOYER. I thank the gentleman for yielding.

Of course, as you know, that bill was scheduled for consideration last week. We did not get to that bill. We took it off the calendar.

Mr. BLUNT. I think I am talking about the other science bill. Not the one that was scheduled on Friday, but the one that was the teachers bill also had a Friday deadline.

Mr. HOYER. Let me find out.

Mr. BLUNT. I believe that is the case. Maybe we could let our staff sort this out.

Mr. HOYER. I am not sure of the exact sequencing. But let me say this in answer to your question, because your question was really not necessarily about this specific bill, but about general process.

Mr. BLUNT. It was.

Mr. HOYER. Clearly, we are trying to pursue a process which gives notice to Members about what they are going to consider.

As you noted, I hope, we waited the full 24 hours on the supplemental conference report so that Members will have the full 24 hours. And as a matter of fact, we were almost to the hour at 5:50 p.m. yesterday. And although there were some Members whom it had caused a problem to because of their schedules, we had said we were going to give 24 hours' notice, and we did give 24 hours' notice, and we want to continue to do that.

On the amending process, obviously, we are going to many times require that amendments be filed timely so that Members have an opportunity to see what amendments are going to be asked of the Rules Committee. But we will pursue what we believe to be, and hope in consultation with you, is a reasonable time frame to expect people to notice their amendments. Clearly, they have to be out of committee. Clearly, they have to have time to see the bill and prepare amendments. But we want to have amendments in many instances noted so that the membership can know what they are considering.

Mr. BLUNT. I appreciate that and I appreciate your commitment to consultation. Our staffs can look at which of these two Science Committee bills that we are talking about.

And, again, my concern would be that we give Members maximum opportunity to file a bill and not set a deadline on a travel day for a bill that is not going to be on the floor for several days anyway. And I think we have had a discussion that I am comfortable with, and I hope our staff continues to talk about that process meeting everybody's needs, the Rules Committee, the Members that want to file amendments, and understanding that a deadline on a day when Members are trying to get back to their district is really almost a day that the Members themselves may not be able to be engaged in that process. If it is necessary, it is necessary. But when it is not, I would hope we can avoid it. And I believe the gentleman suggested we will continue to view that in that way.

Mr. HOYER. If the gentleman would yield.

Mr. BLUNT. I would.

Mr. HOYER. Certainly we want to make a process where all Members on either side of the aisle have the opportunity to note their amendments in a fashion that does not put them in a place where it makes it very difficult for them. On the other hand, obviously, it is not just the floor that considers it. It is the Rules Committee that has to; so you have to consider when the Rules Committee is going to meet as well.

And although I appreciate the gentleman's observation about Fridays, I have heard a lot about what we can or cannot do on Fridays, I will tell my friend, or what we should be doing on Fridays.

But having said that, assuming a Member is working with his staff and/or the committee's staff or CRS in preparing his or her amendment, obviously if they get it ready and the Rules Committee is going to meet Monday or Tuesday, an expectation that it would be filed by close of business on Friday I don't think is unreasonable, even if we are not here on Fridays, because presumably their staff has been working with them on their amendment and can make sure that amendment gets filed even if the Member is not physically present here.

Mr. BLUNT. Mr. Speaker, I would say to my friend as long as the bill is available the full week before, and our opportunity at the end of the week to talk about what is going to be available, I think there is reasonableness there. On a bill that suddenly we just decide we have time to do it, that might be different than the normal procedure that my friend is suggesting.

Mr. HOYER. Will my friend yield?

Mr. BLUNT. I would.

Mr. HOYER. Because you said as long as the bill has been available at least a week before. I want to think about that timeframe. That was sort of an add-on in your comment. I don't want my silence to be perceived as, oh, yes, okay, that's a procedure we can follow. I am not sure we can follow that. But certainly the substance of your comment we do want to follow, and that is give Members a reasonable opportunity to prepare an amendment to a bill. Obviously they considered it in committee and they reported it out of committee, but there may be times, as you observed, when that doesn't happen and it goes more quickly.

Mr. BLUNT. On that topic of what may be out there, Mr. Speaker, I have just a couple of final questions.

One is we are now approaching 4 weeks before another opportunity for a district work period during the Memorial Day time. I wonder if the leader has a sense of a couple of items, your sense of what you are hoping as major things to get done during that month, generally; and, specifically, if there is any information about a GSE bill. The committee voted a GSE bill out on March 28. That was a full month ago. I am wondering if there is a sense of when that might be on the floor. And anything else the gentleman has about an appropriation schedule that might involve the next 4 weeks would be helpful. And that would be my final question unless your answer prompts a question.

I yield to my friend.

Mr. HOYER. I will try to be precise so that your response will be germane to my observations.

Let me say that with respect to the GSE bill, there has been a reference to another committee. That committee has not reported out that bill, so obviously we have to find out what it does.

On your general question, let me say it is my hope during the next 30 days prior to the Memorial Day break there will be a number of significant things we will do. We mentioned this coming week's work. We will start the appropriations process. I am hopeful that we will adopt a budget resolution conference report by that time. If we do not, as I indicated last week to you, it would be my hope that we would have the Appropriations Committee move ahead and mark bills to the House-passed level, as we have done in the past, and deem its passage.

I would hope that we would pass a number of appropriations bills in May. And as the gentleman also knows, as we have historically done, we will be considering the defense authorization bill in May.

So appropriation bills, the authorization bill. There will be some other pieces of legislation, but I expect them to be the major focus of the balance of time between now and when we take the Memorial Day break.

Mr. BLUNT. I think that is very helpful, and I thank the majority leader.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. ARCURI). Is there objection to the request of the gentleman from Maryland?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, in accordance with the rules of the House of Representatives, I respectfully submit the rules of the Permanent Select Committee on Intelligence for the 110th Congress for publication in the CONGRESSIONAL RECORD.

The committee adopted these rules by voice vote, with a quorum being present, at our organizational meeting on January 18, 2007.

Pursuant to rule XI, Clause 2(a)(2) of the Rules of the House of Representatives, I respectfully submit the rules for the 110th Congress for the Permanent Select Committee on Intelligence for publication in the CONGRESSIONAL RECORD. The Committee adopted these rules by voice vote, with a quorum being present, at our organizational meeting on January 18, 2007.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE UNITED STATES HOUSE OF REPRESENTATIVES 110TH CONGRESS (HOUSE OF REPRESENTATIVES—JANUARY 18, 2007)

Rules of Procedure for the Permanent Select Committee on Intelligence

1. MEETING DAY

Regular Meeting Day for the Full Committee. The regular meeting day of the Committee for the transaction of Committee business shall be the first Wednesday of each month, unless otherwise directed by the Chairman.

2. NOTICE FOR MEETINGS

(a) GENERALLY.—In the case of any meeting of the Committee, the Chief Clerk of the Committee shall provide reasonable notice to every Member of the Committee. Such notice shall provide the time and place of the meeting.

(b) DEFINITION.—For purposes of this rule, "reasonable notice" means:

(1) Written notification;

(2) Delivered by facsimile transmission, regular mail, or electronic mail that is

(A) Delivered no less than 24 hours prior to the event for which notice is being given, if the event is to be held in Washington, D.C.; or

(B) Delivered no less than 48 hours prior to the event for which notice is being given, if the event is to be held outside Washington, D.C.

(c) EXCEPTION.—In extraordinary circumstances only, the Chairman may, after consulting with the Ranking Minority Member, call a meeting of the Committee without providing notice, as defined in subparagraph (b), to Members of the Committee.

3. PREPARATIONS FOR COMMITTEE MEETINGS

(a) GENERALLY.—Designated Committee Staff, as directed by the Chairman, shall brief Members of the Committee at a time sufficiently prior to any Committee meeting in order to:

(1) Assist Committee Members in preparation for such meeting; and

(2) Determine which matters Members wish considered during any meeting.

(b) BRIEFING MATERIALS.

(1) Such a briefing shall, at the request of a Member, include a list of all pertinent papers, and such other materials, that have been obtained by the Committee that bear on matters to be considered at the meeting; and

(2) The Staff Director shall also recommend to the Chairman any testimony, papers, or other materials to be presented to the Committee at the meeting of the Committee.

4. OPEN MEETINGS

(a) GENERALLY.—Pursuant to Rule XI of the House, but subject to the limitations of subsections (b) and (c), Committee meetings held for the transaction of business and Committee hearings shall be open to the public.

(b) MEETINGS.—Any meeting or portion thereof, for the transaction of business, including the markup of legislation, or any hearing or portion thereof, shall be closed to the public, if the Committee determines by record vote in open session, with a majority of the Committee present, that disclosure of the matters to be discussed may:

(1) Endanger national security;

(2) Compromise sensitive law enforcement information;

(3) Tend to defame, degrade, or incriminate any person; or

(4) Otherwise violate any law or Rule of the House.

(c) HEARINGS.—The Committee may vote to close a Committee hearing pursuant to House Rule X clause 11(d)(2), regardless of whether a majority is present, so long as at least two Members of the Committee are present, one of whom is a member of the Minority and votes upon the motion.

(d) BRIEFINGS.—The Committee briefings shall be closed to the public.

5. QUORUM

(a) HEARINGS.—For purposes of taking testimony, or receiving evidence, a quorum shall consist of two Committee Members, at least one of whom is a member of the Majority.

(b) OTHER COMMITTEE PROCEEDINGS.—For purposes of the transaction of all other Committee business, other than the consideration of a motion to close a hearing as described in rule 4(c), a quorum shall consist of a majority of Members.

6. PROCEDURES FOR AMENDMENTS AND VOTES

(a) AMENDMENTS.—When a bill or resolution is being considered by the Committee, Members shall provide the Chief Clerk in a timely manner with a sufficient number of written copies of any amendment offered, so as to enable each Member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the Committee.

(b) REPORTING RECORDED VOTES.—Whenever the Committee reports any measure or matter by record vote, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of, and the votes cast in opposition to, such measure or matter.

(c) POSTPONEMENT OF FURTHER PROCEEDINGS.—In accordance with clause 2(h) of House Rule XI, the Chairman is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

7. SUBCOMMITTEES

(a) GENERALLY.

(1) Creation of subcommittees shall be by majority vote of the Committee.

(2) Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct.

(3) Subcommittees shall be governed by these rules.

(4) For purposes of these rules, any reference herein to the "Committee" shall be interpreted to include subcommittees, unless otherwise specifically provided.

(b) ESTABLISHMENT OF SUBCOMMITTEES.—The Committee establishes the following subcommittees:

(1) Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence;

(2) Subcommittee on Technical and Tactical Intelligence;

(3) Subcommittee on Oversight and Investigations; and,

(4) Subcommittee on Intelligence Community Management.

(c) SUBCOMMITTEE MEMBERSHIP.

(1) GENERALLY.—Each Member of the Committee may be assigned to at least one of the four subcommittees.

(2) EX OFFICIO MEMBERSHIP.—In the event that the Chairman and Ranking Minority Member of the full Committee do not choose to sit as regular voting members of one or more of the subcommittees, each is authorized to sit as an ex officio member of the subcommittees and participate in the work of

the subcommittees. When sitting ex officio, however, they:

(A) Shall not have a vote in the subcommittee; and

(B) Shall not be counted for purposes of determining a quorum.

(d) Regular Meeting Day for Subcommittees.—There is no regular meeting day for subcommittees.

8. PROCEDURES FOR TAKING TESTIMONY OR RECEIVING EVIDENCE

(a) Notice.—Adequate notice shall be given to all witnesses appearing before the Committee.

(b) Oath or Affirmation.—The Chairman may require testimony of witnesses to be given under oath or affirmation.

(c) Administration of Oath or Affirmation.—Upon the determination that a witness shall testify under oath or affirmation, any Member of the Committee designated by the Chairman may administer the oath or affirmation.

(d) Questioning of Witnesses.

(1) Generally.—Questioning of witnesses before the Committee shall be conducted by Members of the Committee.

(2) Exceptions.

(A) The Chairman, in consultation with the Ranking Minority Member, may determine that Committee Staff will be authorized to question witnesses at a hearing in accordance with clause (2)(j) of House Rule XI.

(B) The Chairman and Ranking Minority Member are each authorized to designate Committee Staff to conduct such questioning.

(e) Counsel for the Witness.

(1) Generally.—Witnesses before the Committee may be accompanied by counsel, subject to the requirements of paragraph (2).

(2) Counsel Clearances Required.—In the event that a meeting of the Committee has been closed because the subject to be discussed deals with classified information, counsel accompanying a witness before the Committee must possess the requisite security clearance and provide proof of such clearance to the Committee at least 24 hours prior to the meeting at which the counsel intends to be present.

(3) Failure to Obtain Counsel.—Any witness who is unable to obtain counsel should notify the Committee. If such notification occurs at least 24 hours prior to the witness' appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel, however, will not excuse the witness from appearing and testifying.

(4) Conduct of Counsel for Witnesses.—Counsel for witnesses appearing before the Committee shall conduct themselves ethically and professionally at all times in their dealings with the Committee.

(A) A majority of Members of the Committee may, should circumstances warrant, find that counsel for a witness before the Committee failed to conduct himself or herself in an ethical or professional manner.

(B) Upon such finding, counsel may be subject to appropriate disciplinary action.

(5) Temporary Removal of Counsel.—The Chairman may remove counsel during any proceeding before the Committee for failure to act in an ethical and professional manner.

(6) Committee Reversal.—A majority of the Members of the Committee may vote to overturn the decision of the Chairman to remove counsel for a witness.

(7) Role of Counsel for Witness.

(A) Counsel for a witness:

(i) Shall not be allowed to examine witnesses before the Committee, either directly or through cross-examination; but

(ii) May submit questions in writing to the Committee that counsel wishes propounded to a witness; or

(iii) May suggest, in writing to the Committee, the presentation of other evidence or the calling of other witnesses.

(B) The Committee may make such use of any such questions, or suggestions, as the Committee deems appropriate.

(f) Statements by Witnesses.

(1) Generally. A witness may make a statement, which shall be brief and relevant, at the beginning and at the conclusion of the witness' testimony.

(2) Length. Each such statement shall not exceed five minutes in length, unless otherwise determined by the Chairman.

(3) Submission to the Committee. Any witness desiring to submit a written statement for the record of the proceeding shall submit a copy of the statement to the Chief Clerk of the Committee.

(A) Such statements shall ordinarily be submitted no less than 48 hours in advance of the witness' appearance before the Committee and shall be submitted in written and electronic format.

(B) In the event that the hearing was called with less than 24 hours notice, written statements should be submitted as soon as practicable prior to the hearing.

(g) Objections and Ruling.

(1) Generally.—Any objection raised by a witness, or counsel for the witness, shall be ruled upon by the Chairman, and such ruling shall be the ruling of the Committee.

(2) Committee Action.—A ruling by the Chairman may be overturned upon a majority vote of the Committee.

(h) Transcripts.

(1) Transcript Required.—A transcript shall be made of the testimony of each witness appearing before the Committee during any hearing of the Committee.

(2) Opportunity to Inspect.—Any witness testifying before the Committee shall be given a reasonable opportunity to inspect the transcript of the hearing, and may be accompanied by counsel to determine whether such testimony was correctly transcribed. Such counsel:

(A) May review the transcript only if he or she has the appropriate security clearances necessary to review any classified aspect of the transcript; and

(B) Should, to the extent possible, be the same counsel that was present for such classified testimony.

(3) Corrections.

(A) Pursuant to Rule XI of the House Rules, any corrections the witness desires to make in a transcript shall be limited to technical, grammatical, and typographical corrections.

(B) Corrections may not be made to change the substance of the Testimony.

(C) Such corrections shall be submitted in writing to the Committee within 7 days after the transcript is made available to the witnesses.

(D) Any questions arising with respect to such corrections shall be decided by the Chairman.

(4) Copy for the Witness.—At the request of the witness, any portion of the witness' testimony given in executive session shall be made available to that witness if that testimony is subsequently quoted or intended to be made part of a public record. Such testimony shall be made available to the witness at the witness' expense.

(i) Requests to Testify.

(1) Generally.—The Committee will consider requests to testify on any matter or measure pending before the Committee.

(2) Recommendations for Additional Evidence.—Any person who believes that testimony, other evidence, or commentary, presented at a public hearing may tend to affect adversely that person's reputation may submit to the Committee, in writing:

(A) A request to appear personally before the Committee;

(B) A sworn statement of facts relevant to the testimony, evidence, or commentary; or

(C) Proposed questions for the cross-examination of other witnesses.

(3) Committees Discretion.—The Committee may take those actions it deems appropriate with respect to such requests.

(j) Contempt Procedures.—Citations for contempt of Congress shall be forwarded to the House only if:

(1) Reasonable notice is provided to all Members of the Committee of a meeting to be held to consider any such contempt recommendations;

(2) The Committee has met and considered the contempt allegations;

(3) The subject of the allegations was afforded an opportunity to state either in writing or in person, why he or she should not be held in contempt; and

(4) The Committee agreed by majority vote to forward the citation recommendations to the House.

(k) Release of Name of Witness.

(1) Generally.—At the request of a witness scheduled to be heard by the Committee, the name of that witness shall not be released publicly prior to, or after, the witness' appearance before the Committee.

(2) Exceptions.—Notwithstanding paragraph (1), the chairman may authorize the release to the public of the name of any witness scheduled to appear before the Committee.

9. INVESTIGATIONS

(a) Commencing Investigations.—The Committee shall conduct investigations only if approved by the Chairman, in consultation with the Ranking Minority Member.

(b) Conducting Investigation.—An authorized investigation may be conducted by Members of the Committee or Committee Staff members designated by the Chairman, in consultation with the Ranking Minority Member, to undertake any such investigation.

10. SUBPOENAS

(a) Generally.—All subpoenas shall be authorized by the Chairman of the full Committee, upon consultation with the Ranking Minority Member, or by vote of the Committee.

(b) Subpoena Contents.—Any subpoena authorized by the Chairman of the full Committee, or the Committee, may compel:

(1) The attendance of witnesses and testimony before the Committee, or

(2) The production of memoranda, documents, records, or any other tangible item.

(c) Signing of Subpoena.—A subpoena authorized by the Chairman of the full Committee, or the Committee, may be signed by the Chairman, or by any Member of the Committee designated to do so by the Committee.

(d) Subpoena Service.—A subpoena authorized by the Chairman of the full Committee, or the Committee, may be served by any person designated to do so by the Chairman.

(e) Other Requirements.—Each subpoena shall have attached thereto a copy of these rules.

11. COMMITTEE STAFF

(a) Definition.—For the purpose of these rules, "Committee Staff" or "Staff of the Committee" means:

(1) Employees of the Committee;

(2) Consultants to the Committee;

(3) Employees of other Government agencies detailed to the Committee; or

(4) Any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee.

(b) APPOINTMENT OF COMMITTEE STAFF AND SECURITY REQUIREMENTS.

(1) CHAIRMAN'S AUTHORITY.—Except as provided in paragraph (2), the Committee Staff shall be appointed, and may be removed, by the Chairman and shall work under the general supervision and direction of the Chairman.

(2) STAFF ASSISTANCE TO MINORITY MEMBERSHIP.—Except as provided in paragraphs (3) and (4) and except as otherwise provided by Committee Rules, the Committee Staff provided to the Minority Party Members of the Committee shall be appointed, and may be removed, by the Ranking Minority Member of the Committee, and shall work under the general supervision and direction of such member.

(3) SECURITY CLEARANCE REQUIRED.—All offers of employment for prospective Committee Staff positions shall be contingent upon:

(A) The results of a background investigation; and

(B) A determination by the Chairman that requirements for the appropriate security clearances have been met.

(4) SECURITY REQUIREMENTS.—Notwithstanding paragraph (2), the Chairman shall supervise and direct the Committee Staff with respect to the security and nondisclosure of classified information. Committee Staff shall comply with requirements necessary to ensure the security and nondisclosure of classified information as determined by the Chairman in consultation with the Ranking Minority Member.

LIMIT ON DISCUSSION OF CLASSIFIED WORK OF THE COMMITTEE

(a) PROHIBITION.

(1) GENERALLY.—Except as otherwise provided by these rules and the Rules of the House of Representatives, Members and Committee Staff shall not at any time, either during that person's tenure as a Member of the Committee or as Committee Staff, or anytime thereafter, discuss or disclose, or cause to be discussed or disclosed:

(A) The classified substance of the work of the Committee;

(B) Any information received by the Committee in executive session;

(C) Any classified information received by the Committee from any source; or

(D) The substance of any hearing that was closed to the public pursuant to these rules or the Rules of the House.

(2) NON-DISCLOSURE IN PROCEEDINGS.

(A) Members of the Committee and the Committee Staff shall not discuss either the substance or procedure of the work of the Committee with any person not a Member of the Committee or the Committee Staff in connection with any proceeding, judicial or otherwise, either during the person's tenure as a Member of the Committee, or of the Committee Staff, or at any time thereafter, except as directed by the Committee in accordance with the Rules of the House and these rules.

(B) In the event of the termination ofthe Committee, Members and Committee Staff shall be governed in these matters in a manner determined by the House concerning discussions of the classified work of the Committee.

(3) EXCEPTIONS.

(A) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may discuss and disclose those matters described in subsection (a)(1) with:

(i) Members and staff of the Senate Select Committee on Intelligence designated by the chairman of that committee;

(ii) The chairmen and ranking minority members of the House and Senate Committees on Appropriations and staff of those committees designated by the chairmen of those committees;

(iii) The chairman and ranking minority member of the Subcommittee on Defense of the House Committee on Appropriations and staff of that subcommittee as designated by the chairman of that subcommittee; and

(iv) Members and staff of the Intelligence Oversight Panel of the House Appropriations Committee designated by the chairman of that panel.

(B) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may discuss and disclose only that budget-related information necessary to facilitate the enactment of the annual defense authorization bill with the chairmen and ranking minority members of the House and Senate Committees on Armed Services and the staff of those committees designated by the chairmen of those committees.

(C) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may discuss with and disclose to the chairman and ranking minority member of a subcommittee of the House Appropriations Committee with jurisdiction over an agency or program within the National Intelligence Program (NIP), and staff of that subcommittee as designated by the chairman of that subcommittee, only that budget related information necessary to facilitate the enactment of an appropriations bill within which is included an appropriation for an agency or program within the NIP.

(D) The Chairman may, in consultation with the Ranking Minority Member, upon the written request to the Chairman from the Inspector General of an element of the Intelligence Community, grant access to Committee transcripts or documents that are relevant to an investigation of an allegation of possible false testimony or other inappropriate conduct before the Committee, or that are otherwise relevant to the Inspector General's investigation.

(E) Upon the written request of the head of an Intelligence Community element, the Chairman may, in consultation with the Ranking Minority Member, make available Committee briefing or hearing transcripts to that element for review by that element if a representative of that element testified, presented information to the Committee, or was present at the briefing or hearing the transcript of which is requested for review.

(F) Members and Committee Staff may discuss and disclose such matters as otherwise directed by the Committee.

(b) NON-DISCLOSURE AGREEMENT.

(1) GENERALLY. All Committee Staff must, before joining the Committee, agree in writing, as a condition of employment, not to divulge or cause to be divulged any classified information which comes into such person's possession while a member of the Committee Staff, to any person not a Member of the Committee or the Committee Staff, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(2) OTHER REQUIREMENTS. In the event of the termination of the Committee, Members and Committee Staff must follow any determination by the House of Representatives with respect to the protection of classified information received while a Member of the Committee or as Committee Staff.

(3) Requests for Testimony of Staff.

(A) All Committee Staff must, as a condition of employment agree in writing to notify the Committee immediately of any request for testimony received while a member of the Committee Staff, or at any time thereafter, concerning any classified information received by such person while a member of the Committee Staff.

(B) Committee Staff shall not disclose, in response to any such request for testimony, any such classified information, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(C) In the event of the termination of the Committee, Committee Staff will be subject to any determination made by the House of Representatives with respect to any requests for testimony involving classified information received while a member of the Committee Staff.

13. CLASSIFIED MATERIAL

(a) Receipt of Classified Information.

(1) GENERALLY. In the case of any information that has been classified under established security procedures and submitted to the Committee by any source, the Committee shall receive such classified information as executive session material.

(2) STAFF RECEIPT OF CLASSIFIED MATERIALS.—For purposes of receiving classified information, the Committee Staff is authorized to accept information on behalf of the Committee.

(b) NON-DISCLOSURE OF CLASSIFIED INFORMATION.—Any classified information received by the Committee, from any source, shall not be disclosed to any person not a Member of the Committee or the Committee Staff, or otherwise released, except as authorized by the Committee in accord with the Rules of the House and these rules.

14. PROCEDURES RELATED TO HANDLING OF CLASSIFIED INFORMATION

(a) SECURITY MEASURES.

(1) STRICT SECURITY.—The Committee's offices shall operate under strict security procedures administered by the Director of Security and Registry of the Committee under the direct supervision of the Staff Director.

(2) U.S. CAPITOL POLICE PRESENCE REQUIRED.—At least one U.S. Capitol Police officer shall be on duty at all times outside the entrance to Committee offices to control entry of all persons to such offices.

(3) Identification Required.—Before entering the Committee's offices all persons shall identify themselves to the U.S. Capitol Police officer described in paragraph (2) and to a Member of the Committee or Committee Staff.

(4) MAINTENANCE OF CLASSIFIED MATERIALS.—Classified documents shall be segregated and maintained in approved security storage locations.

(5) EXAMINATION OF CLASSIFIED MATERIALS.—Classified documents in the Committee's possession shall be examined in an appropriately secure manner.

(6) PROHIBITION ON REMOVAL OF CLASSIFIED MATERIALS.—Removal of any classified document from the Committee's offices is strictly prohibited, except as provided by these rules.

(7) EXCEPTION.—Notwithstanding the prohibition set forth in paragraph (6), a classified

document, or copy thereof, may be removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handling of any classified documents removed from the Committee's offices.

(b) Access to Classified Information by Member.—All Members of the Committee shall at all times have access to all classified papers and other material received by the Committee from any source.

(c) Need-to-know.

(1) Generally.—Committee Staff shall have access to any classified information provided to the Committee on a strict "need-to-know" basis, as determined by the Committee, and under the Committee's direction by the Staff Director.

(2) Appropriate Clearances Required.—Committee Staff must have the appropriate clearances prior to any access to compartmented information.

(d) Oath.

(1) Requirement.—Before any Member of the Committee, or the Committee Staff, shall have access to classified information, the following oath shall be executed:

"I do solemnly swear (or affirm) that I will not disclose or cause to be disclosed any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the Committee or the House of Representatives."

(2) Copy.—A copy of such executed oath shall be retained in the files of the Committee.

(e) Registry.

(1) Generally.—The Committee shall maintain a registry that:

(A) Provides a brief description of the content of all classified documents provided to the Committee by the executive branch that remain in the possession of the Committee; and

(B) Lists by number all such documents.

(2) Designation by the Staff Director.—The Staff Director shall designate a member of the Committee Staff to be responsible for the organization and daily maintenance of such registry.

(3) Availability.—Such registry shall be available to all Members of the Committee and Committee Staff.

(f) Requests by Members of Other Committees.—Pursuant to the Rules of the House, Members who are not Members of the Committee may be granted access to such classified transcripts, records, data, charts, or files of the Committee, and be admitted on a non-participatory basis to classified hearings of the Committee involving discussions of classified material in the following manner:

(1) Written Notification Required.—Members who desire to examine classified materials in the possession of the Committee, or to attend Committee hearings or briefings on a non-participatory basis, must notify the Chief Clerk of the Committee in writing.

(2) Committee Consideration.—The Committee shall consider each such request by non-Committee Members at the earliest practicable opportunity. The Committee shall determine, by roll call vote, what action it deems appropriate in light of all of the circumstances of each request. In its determination, the Committee shall consider:

(A) The sensitivity to the national defense or the confidential conduct of the foreign relations of the United States of the information sought;

(B) The likelihood of its being directly or indirectly disclosed;

(C) The jurisdictional interest of the Member making the request; and (D) Such other concerns, constitutional or otherwise, as may affect the public interest of the United States.

(3) Committee Action.—After consideration of the Member's request, the Committee may take any action it may deem appropriate under the circumstances, including but not limited to:

(A) Approving the request, in whole or part;

(B) Denying the request;

(C) Providing the requested information or material in a different form than that sought by the Member; or (D) Making the requested information or material available to all Members of the House.

(4) Requirements for Access by Non-Committee Members.—Prior to a non-Committee Member being given access to classified information pursuant to this subsection, the requesting Member shall:

(A) Provide the Committee a copy of the oath executed by such Member pursuant to House Rule XXIII, clause 13; and

(B) Agree in writing not to divulge any classified information provided to the Member pursuant to this subsection to any person not a Member of the Committee or the Committee Staff, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(5) Consultation Authorized.—When considering a Member's request, the Committee may consult the Director of National Intelligence and such other officials as it considers necessary.

(6) Finality of Committee Decision.

(A) Should the Member making such a request disagree with the Committee's determination with respect to that request, or any part thereof, that Member must notify the Committee in writing of such disagreement.

(B) The Committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, the Committee will take.

(g) Advising the House or Other Committees.—Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413), and to the Rules of the House, the Committee shall call to the attention of the House, or to any other appropriate committee of the House, those matters requiring the attention of the House, or such other committee, on the basis of the following provisions:

(1) By Request of Committee Member.—At the request of any Member of the Committee to call to the attention of the House, or any other committee, executive session material in the Committee's possession, the Committee shall meet at the earliest practicable opportunity to consider that request.

(2) Committee Consideration of Request.—The Committee shall consider the following factors, among any others it deems appropriate:

(A) The effect of the matter in question on the national defense or the foreign relations of the United States;

(B) Whether the matter in question involves sensitive intelligence sources and methods;

(C) Whether the matter in question otherwise raises questions affecting the national interest; and

(D) Whether the matter in question affects matters within the jurisdiction of another Committee of the House.

(3) Views of Other Committees.—In examining such factors, the Committee may seek the opinion of Members of the Committee appointed from standing committees of the House with jurisdiction over the matter in question, or submissions from such other committees.

(4) Other Advice.—The Committee may, during its deliberations on such requests, seek the advice of any executive branch official.

(h) Reasonable Opportunity To Examine Materials.—Before the Committee makes any decision regarding any request for access to any classified information in its possession, or a proposal to bring any matter to the attention of the House or another committee, Members of the Committee shall have a reasonable opportunity to examine all pertinent testimony, documents, or other materials in the Committee's possession that may inform their decision on the question.

(i) Notification to the House.—The Committee may bring a matter to the attention of the House when, after consideration of the factors set forth in this rule, it considers the matter in question so grave that it requires the attention of all Members of the House, and time is of the essence, or for any reason the Committee finds compelling.

(j) Method of Disclosure to the House.

(1) Should the Committee decide by roll call vote that a matter requires the attention of the House as described in subsection (i), it shall make arrangements to notify the House promptly.

(2) In such cases, the Committee shall consider whether:

(A) To request an immediate secret session of the House (with time equally divided between the Majority and the Minority); or

(B) To publicly disclose the matter in question pursuant to clause 11(g) of House Rule X.

(k) Requirement To Protect Sources and Methods.—In bringing a matter to the attention of the House, or another committee, the Committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(l) Availability of Information to Other Committees.—The Committee, having determined that a matter shall be brought to the attention of another committee, shall ensure that such matter, including all classified information related to that matter, is promptly made available to the chairman and ranking minority member of such other committee.

(m) Provision of Materials.—The Director of Security and Registry for the Committee shall provide a copy of these rules, and the applicable portions of the Rules of the House of Representatives governing the handling of classified information, along with those materials determined by the Committee to be made available to such other committee of the House or non-Committee Member.

(n) Ensuring Clearances and Secure Storage.—The Director of Security and Registry shall ensure that such other committee or non-Committee Member receiving such classified materials may properly store classified materials in a manner consistent with all governing rules, regulations, policies, procedures, and statutes.

(o) Log.—The Director of Security and Registry for the Committee shall maintain a written record identifying the particular classified document or material provided to such other committee or non-Committee Member, the reasons agreed upon by the Committee for approving such transmission, and the name of the committee or non-Committee Member receiving such document or material.

(p) MISCELLANEOUS REQUIREMENTS.

(1) STAFF DIRECTOR'S ADDITIONAL AUTHORITY.—The Staff Director is further empowered to provide for such additional measures, which he or she deems necessary, to protect such classified information authorized by the Committee to be provided to such other committee or non-Committee Member.

(2) NOTICE TO ORIGINATING AGENCY.—In the event that the Committee authorizes the disclosure of classified information provided to the Committee by an agency of the executive branch to a non-Committee Member or to another committee, the Chairman may notify the providing agency of the Committee's action prior to the transmission of such classified information.

15. LEGISLATIVE CALENDAR

(a) GENERALLY.—The Chief Clerk, under the direction of the Staff Director, shall maintain a printed calendar that lists:

(1) The legislative measures introduced and referred to the Committee;

(2) The status of such measures; and

(3) Such other matters that the Committee may require.

(b) REVISIONS TO THE CALENDAR.—The calendar shall be revised from time to time to show pertinent changes.

(c) AVAILABILITY.—A copy of each such revision shall be furnished to each Member, upon request.

(d) CONSULTATION WITH APPROPRIATE GOVERNMENT ENTITIES.—Unless otherwise directed by the Committee, legislative measures referred to the Committee may be referred by the Chief Clerk to the appropriate department or agency of the Government for reports thereon.

16. COMMITTEE WEBSITE

The Chairman shall maintain an official Committee web site for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members and other Members of the House.

17. MOTIONS TO GO TO CONFERENCE

In accordance with clause 2(a) of House Rule XI, the Chairman is authorized and directed to offer a privileged motion to go to conference under clause 1 of House Rule XXII whenever the Chairman considers it appropriate.

18. COMMITTEE TRAVEL

(a) AUTHORITY.—The Chairman may authorize Members and Committee Staff to travel on Committee business.

(b) REQUESTS.

(1) MEMBER REQUESTS.—Members requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request directly to the Chairman.

(2) COMMITTEE STAFF REQUESTS.—Committee Staff requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request through their supervisors to the Staff Director and the Chairman.

(c) NOTIFICATION TO MEMBERS.

(1) GENERALLY.—Members shall be notified of all foreign travel of Committee Staff not accompanying a Member.

(2) CONTENT.—All Members are to be advised, prior to the commencement of such travel, of its length, nature, and purpose.

(d) TRIP REPORTS.

(1) GENERALLY.—A full report of all issues discussed during any travel shall be submitted to the Chief Clerk of the Committee within a reasonable period of time following the completion of such trip.

(2) AVAILABILITY OF REPORTS.—Such report shall be:

(A) Available for review by any Member or appropriately cleared Committee Staff; and

(B) Considered executive session material for purposes of these rules.

(e) LIMITATIONS ON TRAVEL.

(1) GENERALLY.—The Chairman is not authorized to permit travel on Committee business of Committee Staff who have not satisfied the requirements of subsection (d) of this rule.

(2) EXCEPTION.—The Chairman may authorize Committee Staff to travel on Committee business, notwithstanding the requirements of subsections (d) and (e) of this rule,

(A) At the specific request of a Member of the Committee; or

(B) In the event there are circumstances beyond the control of the Committee Staff hindering compliance with such requirements.

(f) DEFINITIONS.—For purposes of this rule the term "reasonable period of time" means:

(1) No later than 60 days after returning from a foreign trip; and

(2) No later than 30 days after returning from a domestic trip.

19. DISCIPLINARY ACTIONS

(a) GENERALLY.—The Committee shall immediately consider whether disciplinary action shall be taken in the case of any member of the Committee Staff alleged to have failed to conform to any rule of the House of Representatives or to these rules.

(b) EXCEPTION.—In the event the House of Representatives is:

(1) In a recess period in excess of 3 days; or

(2) Has adjourned sine die; the Chairman of the full Committee, in consultation with the Ranking Minority Member, may take such immediate disciplinary actions deemed necessary.

(c) AVAILABLE ACTIONS.—Such disciplinary action may include immediate dismissal from the Committee Staff.

(d) NOTICE TO MEMBERS.—All Members shall be notified as soon as practicable, either by facsimile transmission or regular mail, of any disciplinary action taken by the Chairman pursuant to subsection (b).

(e) RECONSIDERATION OF CHAIRMAN'S ACTIONS.—A majority of the Members of the full Committee may vote to overturn the decision of the Chairman to take disciplinary action pursuant to subsection (b).

20. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, a majority of the Committee may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in the Rules of the House.

21. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

(a) GENERALLY.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with the Rules of the House of Representatives.

(b) NOTICE OF WITHHOLDING.—The Chairman shall notify the Ranking Minority Member of any decision, pursuant to the Rules of the House of Representatives, to withhold a record otherwise available, and the matter shall be presented to the full Committee for a determination of the question of public availability on the written request of any Member of the Committee.

22. CHANGES IN RULES

(a) GENERALLY.—These rules may be modified, amended, or repealed by vote of the full Committee.

(b) NOTICE OF PROPOSED CHANGES.—A notice, in writing, of the proposed change shall be given to each Member at least 48 hours prior to any meeting at which action on the proposed rule change is to be taken.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO CONGRESSWOMAN JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, on Monday we will lay to rest a truly gifted friend, colleague, and public servant, Representative from the California's 37th Congressional District, Juanita Millender-McDonald. So today I would like to pay tribute to her legacy.

In 1997 Glamour Magazine wisely named Congresswoman Millender-McDonald as "one of 11 women who will change the world." And even though she has left us before her time, her very significant and meaningful impact on the world is known.

Although Congresswoman Millender-McDonald has crossed over, her actions will continue to reverberate for us and for generations yet unborn.

We both came to the Congress as a result of special elections in 1996. She came on March 25 and I was sworn in on April 26. As a close colleague, I was proud to see her take the helm of the House Administration Committee, which deemed her the "Mayor of the House of Representatives." And, indeed, she was. In fact, she was the first African American woman to chair a House Committee.

Further, within this committee, she was a leader in addressing issues of voting irregularities and voter disenfranchisement.

I also worked closely with her on the House Transportation and Infrastructure Committee for 11 years. And most recently, as Congress worked with the passage of the SAFETEA-LU bill, a major piece of legislation addressing highways, transit, and other public legislation, she was indeed a strong advocate for her district and for her State.

When I served as chairman of the Congressional Black Caucus, I asked her to serve as the chairperson of the Annual Legislative Weekend, and she did with class.

2003, the year that she served as head of the Annual Legislative Weekend, was a very difficult year for all of us. The caucus had several issues to confront: Widespread unemployment, the war in Iraq, and coping with the negative effects of the Bush administration policies. Still, amidst these tough times, she led a 4-day conference entitled, "Collective Leadership—Challenging a Bold New World."

That conference reenergized our constituencies to fight for that better world that she fought for every day.

Congresswoman Millender-McDonald changed the world by being a pioneer, and she paved a path for many to follow. She was the first African American woman to serve on the Carson City Council. She was the first to hold the position of chairperson of two very powerful California State Assembly committees, Insurance and Revenue Taxation, in her first term.

Here in Washington she gave a voice to the voiceless by speaking out against genocide in Cambodia, Darfur, and other regions of the world. She also addressed global HIV/AIDS, which was a major issue for her, and she conducted an annual march in her district.

During the 108th Congress, she drafted language that was incorporated into the U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act, which authorized funding to reduce mother-to-child transmissions of HIV/AIDS and gave priority in awarding of funds to organizations focused on family survival.

In the 109th Congress, she introduced legislation to amend the Foreign Assistance Act of 1961 that would establish a network of pediatric centers in certain developing countries to provide treatment and care for children with HIV/AIDS. She fought tirelessly for women's rights and empowering women to be all that they can be.

As the first Democratic chair of the Congressional Democratic Caucus for Women's Issues, she led the caucus on two groundbreaking meetings, the first with U.N. Secretary General Kofi Annan to talk about the plight of women globally, and another with the chairman of the New York Stock Exchange to develop strategies for increasing women's investments and net worth.

She also worked to give women who served our country in uniform during wartime the recognition which they richly deserved. In this regard, she initiated the first annual Memorial Day tribute to women in the military at the Women's Memorial in Arlington National Cemetery, and led the fight to secure $15 million for the maintenance of that memorial.

Congresswoman Juanita Millender-McDonald did indeed change the world, and she will not be forgotten. My prayers go out to her husband and her family.

□ 1300

PLAN B

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 5 minutes.

Mr. YARMUTH. Madam Speaker, some years ago I heard someone say that the secret to life is how you handle plan B. That resonated with me because so few things in this world go exactly as planned. Tragically, for the 3,300 American soldiers who have lost their lives in Iraq, there will never be a plan B. And for more than 20,000 other soldiers, plan B, sadly, will include a wheelchair, a prosthetic limb, a serious brain injury, or a lifetime of posttraumatic stress disorder. And the even greater tragedy is that the sacrifices of many of those courageous men and women could have been avoided had President Bush had a plan B in Iraq.

Many of us saw this coming back in 2002. It was evident that the President's team was either so brazenly self-confident or so badly misinformed that they never saw the need for an alternative strategy, and certainly not for an exit strategy. And now, 4 years after "mission accomplished," there is still no plan B coming from the White House, only a transparent appeal to the national pride that we must win, without regard to cost or duration, and without the slightest understanding of what a victory might look like.

Last night, this body took an important step in the Iraq tragedy. We set a new direction for our effort because the President has refused to do so. We not only provided the resources requested by the President to ensure the safety of our troops, we added funding needed to fulfill our obligations to those troops who have been wounded in action, and to the veterans who have sacrificed so much for all of us. But more important, we have provided the framework for bringing our troops home.

Like many of my colleagues, I would have preferred a stronger measure. While I have never advocated a fund cutoff as a way to end our combat activity in Iraq, I would have liked to have forced the redeployment of our troops out of harm's way as soon as reasonably possible. But as our extraordinary Speaker has said, we must not let our search for the perfect become the enemy of the good. And last night we passed a good and reasonable approach to ending the war in Iraq.

The President has said that he will veto this bill, and it is clear to me that after 4 years of refusing help or advice from anyone who has not bought into his policy, he is not about to welcome our assistance now. But he should. This bill provides President Bush with the exit strategy he has never had, but which the American people so desperately want. He would be foolish not to sign it.

POVERTY CRISIS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Last year, and I guess also nearly 2 years ago, and really for many of our lives, we have known that there is a poverty crisis in America, which is growing. I think what we saw after the terrible hurricanes was that this gap, of course, is widening between the haves and the have-nots, and it is not only in the gulf coast region, it is throughout our country.

While the hurricanes, especially Hurricane Katrina, exposed the disparity for all to see, the fact is, poverty is not just isolated to the gulf coast; it does exist throughout our Nation.

Madam Speaker, I rise today to talk about the fact and to remind the country that our land really should be a land of opportunity, but the sad reality is that income inequality continues to grow, and more people are falling into poverty than getting ahead. We are heading in the wrong direction, and we need a national commitment to address the growing poverty crisis in the Nation. That is why this week's release of a report by the Center for American Progress entitled, "From Poverty to Prosperity", a national strategy to cut poverty in half, this is a significant contribution to the efforts of anti-poverty activists, and it is a valuable roadmap for concerned lawmakers, like all of us are.

The report found that not only is poverty in the United States bad, it's getting worse. Just consider the fact that over 37 million Americans, more than the population of my home State, are in poverty, and the number has grown by 5 million since the Bush administration took office. One in eight Americans now live in poverty. Poverty in the United States is far higher than in many other developed nations, and poverty and inequality, of course, here is at an all-time high.

The richest 1 percent of Americans in 2005 held the largest share of the Nation's income since 1929, and at the same time, the poorest 20 percent held only 3.4 percent of the Nation's income.

The report's recommendations are based on four principles: promoting decent work, promoting opportunity for all; ensuring economic security; and helping people build wealth. Based on these principles, the report offered 12 steps, which include raising the minimum wage and indexing it to inflation, expanding the earned income and children's tax credits, promoting unionization by making it easier for employees to vote to join a union, offering child care assistance for low-income families, guaranteeing early education for all, and providing 2 million people with opportunity housing vouchers.

Madam Speaker, you may have noticed that the new Democratic Congress has taken steps toward enacting these recommendations. Additionally, many of my colleagues have been advocating for related poverty alleviation issues and ideas and strategies through the Out-of-Poverty Caucus that I founded, along with my colleagues, Congressman JOHN CONYERS, Congressman BUTTERFIELD, Congressman MIKE HONDA, and Congressman JOE BACA.

In the same vein, I have also introduced a comprehensive package of poverty elimination legislation. These three bills are designed to create leadership, accountability, and the national reevaluation of our economic priorities and developing policies to eliminate poverty in our Nation.

The first bill, H. Con. Res 19, calls on President Bush to submit to Congress a plan, this is just a plan, mind you, to eradicate poverty by 2015.

The second bill, H. Con. Res 10, requires accountability from Congress by requiring the Congressional Budget Office to report the poverty impact of legislation pending before Congress similar to environmental impact statements.

The final bill, H.R. 352, demands a reevaluation of our priorities by rolling back tax cuts for the wealthiest 5 percent and dedicating the funds to poverty elimination programs.

Madam Speaker, fighting poverty really isn't a mystery, it's just not a priority for us, and it's time to make it a national priority. It just requires us to make a commitment to the goal of eliminating poverty and then dedicate the resources to do that.

So I urge my colleagues to join me in this important fight by reading the report, first of all, and cosponsoring these bills and joining the Out-of-Poverty Caucus.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ENGEL (at the request of Mr. HOYER) for today on account of a family emergency.

Mr. ETHERIDGE (at the request of Mr. HOYER) for today.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today.

Mr. RODRIGUEZ (at the request of Mr. HOYER) for today on account of official business in the district.

Mr. SPRATT (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. REYES) to revise and extend their remarks and include extraneous material:)

Mr. REYES, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Kentucky, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. POE, for 5 minutes, May 3.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1681. An act to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

ADJOURNMENT

Ms. LEE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, April 30, 2007 at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1310. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-07, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

1311. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-07, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1312. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 3204(f); to the Committee on Armed Services.

1313. A letter from the Secretary of the Air Force, Department of Defense, transmitting a report of a critical breach in Average Procurment Unit Cost (APUC) for the Joint Air-to-Surface Standoff Missile, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

1314. A letter from the Directors, Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the technical assumptions to be used in preparing estimates of National Defense Function (050) fiscal year 2008 outlay rates and prior year outlays, pursuant to 10 U.S.C. 226; to the Committee on Armed Services.

1315. A letter from the Acting Secretary of the Army, Department of Defense, transmitting the Department's Interim Report on the Recruiter Incentive Pay Pilot Program, pursuant to Section 681 of the National Defense Authorization Act for 2006; to the Committee on Armed Services.

1316. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on the specific amounts of staff years of technical effort to be allocated for each Federally Funded Research and Development Center during FY 2008, as required by section 8023(e) of the Department of Defense Appropriations Act, Pub. L. 109-289; to the Committee on Armed Services.

1317. A letter from the Assistant Secretary for the Army for Installations and Environment, Department of Defense, transmitting the Department's report on the Adaptive Re-Use Study for the GSA Warehouse Area, Springfield, Virginia, as required by Section 2868 of the John Warner National Defense Authorization Act for Fiscal Year 2007; to the Committee on Armed Services.

1318. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the FY 2006 annual report on Military Assistance, Military Exports, and Military Imports, as required by Section 655 of the Forei gn Assistance Act of 1961 (FAA); to the Committee on Foreign Affairs.

1319. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report for 2006 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307 (a) of the Foreign Assistance Act, pursuant to Public Law 105-277, section 2809(c)(2); to the Committee on Foreign Affairs.

1320. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's Report on the Development and U.S. Effects of the Corporation's FY 2006 projects, in accordance with Section 240A of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

1321. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a copy of the Commission's Fiscal Year 2006 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

1322. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's FY 2006 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1323. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's FY 2006 Annual Report on EEO Complaints Activity, in compliance with Section 203 of the No FEAR Act; to the Committee on Oversight and Government Reform.

1324. A letter from the Chief Administrative Officer, Patent and Trademark Office, transmitting the Office's FY 2006 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1325. A letter from the Administrator, Small Business Administration, transmitting a copy of the Administration's Fiscal Year 2006 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1326. A letter from the Senior Vice President, Tennessee Valley Authority, transmitting the Authority's FY 2006 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1327. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Corporation 501-D Series Turboprop Engines. [Docket No. FAA-2006-26193; Directorate Identifier 2001-NE-01-AD; Amendment 39-14853; AD 2006-25-12] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1328. A letter from the Program Analyst, Department of Transportation, transmitting Airworthiness Directives; Pratt & Whitney PW4077D, PW4084D, PW4090, and PW4090-3 Turbofan Engines [Docket No. FAA-2006-24034; Directorate Identifier 2006-NE-05-AD; Amendment 39-14959; AD 2007-04-26] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1329. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A318, A319, A320 and A321 Airplanes [Docket No. FAA-2007-27360; Directorate Identifier 2007-NM-026-AD; Amendment 39-14986; AD 2007-06-05] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1330. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) Airplanes [Docket No. FAA-2006-25105; Directorate Identifier 2006-CE-33-AD; Amendment 39-14982; AD 2007-06-01] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1331. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26231; Directorate Identifier 2006-CE-61-AD; Amendment 39-14985; AD 2007-06-04] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1332. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 Airplanes [Docket No. FAA-2007-26834; Directorate Identifier 2006-NM-235-AD; Amendment 39-14984; AD 2007-06-03] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1333. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2006-26516; Directorate Identifier 2006-NM-173-AD; Amendment 39-14983; AD 2007-06-02] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1334. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Microturbo Saphir 20 Models 095 Auxiliary Power Units (APU) [Docket No. FAA-2006-24846; Directorate Identifier 2006-NE-21-AD; Amendment 39-14981; AD 2007-05-20] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1335. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH Model MBB-BK 117 C-2 Helicopters [Docket No. FAA-2006-26721; Directorate Identifier 2006-SW-28-AD; Amendment 39-14961; AD 2006-26-51] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1336. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF6-80C2 Turbofan Engines [Docket No. FAA-2006-23871; Directorate Identifier 2006-NE-01-AD; Amendment 39-14975; AD 2007-05-14] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1337. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Teledyne Continental Motors GTSIO-520 Series Reciprocating Engines [Docket No. FAA-2005-20850; Directorate Identifier 2005-NE-05-AD; Amendment 39-14976; AD 2007-05-15] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1338. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 Airplanes and Model A340-200 and -300 Series Airplanes [Docket No. FAA-2006-26707; Directorate Identifier 2006-NM-157-AD; Amendment 39-14973; AD 2007-05-12] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1339. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes [Docket No. FAA-2006-26706; Directorate Identifier 2006-NM-216-AD; Amendment 39-14974; AD 2007-05-13] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1340. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Aircraft Engines (GE) CF34-3A1/-3B/-3B1 Turbofan Engines [Docket No. FAA-2007-27308; Directorate Identifier 2007-NE-06-AD; Amendment 39-14977; AD 2007-05-16] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1341. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glasflugel Models H 301 "Libelle," H301B "Libelle," Standard "Libelle," and Standard Libelle-201B Sailplanes [Docket No. FAA-2006-24709; Directorate Identifier 2006-CE-28-AD; Amendment 39-14980; AD 2007-05-19] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1342. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines [Docket No. FAA-2007-27023; Directorate Identifier 98-ANE-47-AD; Amendment 39-14978; AD 2007-05-17] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1343. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU previously held by APEX Aircraft and AVIONS PIERRE ROBIN) Model R2160 Airplanes [Docket No. FAA-2006-26493; Directorate Identifier 2006-CE-78-AD; Amendment 39-14964; AD 2007-05-03] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1344. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mooney Airplane Company, Inc., (Mooney) Models M20M and M20R Airplanes [Docket No. FAA-2006-6071; Directorate Identifier 2006-CE-51-AD; Amendment 39-14965; AD 2007-05-04] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1345. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Models M.S. 760, M.S. 760A, and M.S. 760B Airplanes [Docket No. FAA-2006-26489; Directorate Identifier 2006-CE-74-AD; Amendment 39-14966; AD 2007-05-05] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1346. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H Airplanes [Docket No. FAA-2006-25261; Directorate Identifier 2006-CE-38-AD; Amendment 39-14971; AD 2007-05-10] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1347. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-600, -700, -700C, and -800 Series Airplanes [Docket No. FAA-2006-25000; Directorate Identifier 2006-NM-096-AD; Amendment 39-14955; AD 2005-24-03 R1] (RIN: 2120-AA64) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1348. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fremont, MI [Docket No. FAA-2006-23902; Airspace Docket No. 06-AGL-01] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

1349. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Class D and E Airspace, Amendment of Class E Airspace; Leesburg, FL [Docket No. FAA-2006-23866; Airspace Docket No. 06-ASO-3] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1350. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revocation of Class E2 Surface Area; Elko, NV [Docket No. FAA-2006-25252; Airspace Docket No. 06-AWP-12] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1351. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Mooresville, NC [Docket No. FAA-2006-24858; Airspace Docket No. 06-ASO-8] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1352. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Pinedale, WY [Docket No. FAA-2005-23361; Airspace Docket No. 05-ANM-17] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1353. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Eagle, CO [Docket No. FAA-2006-24467; Airspace Docket No. 06-ANM-2] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1354. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kalispell, MT [Docket No. FAA-2005-23157; Airspace Docket No. 05-ANM-15] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1355. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Provo, UT [Docket No. FAA-2006-24234; Airspace Docket No. 06-AWP-5] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1356. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace; Elko, NV [Docket No. FAA-2006-24243; Airspace Docket No. 06-AWP-11] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1357. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Offshore Airspace Area 1485L and Revision of Control 1485H; Barrow, AK [Docket No. FAA-2006-23872; Airspace Docket No. 06-AAL-9] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1358. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Willow, AK [Docket No. FAA-2006-23709; Airspace Docket No. 06-AAL-02] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1359. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Kaiser/Lake Ozark, MO [Docket No. FAA-2006-25008; Airspace Docket No. 06-ACE-6] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1360. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Wellington Municipal Airport, KS [Docket No. FAA-2006-24869; Airspace Docket No. 06-ACE-4] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1361. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace; Broomfield, CO [Docket No. FAA-2006-25153; Airspace Docket No. 06-AWP-10] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1362. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Adak, AK [Docket No. FAA-2006-24003; Airspace Docket No. 06-AAL-12] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1363. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Potosi, MO [Docket No. FAA-2006-25944; Airspace Docket No. 06-ACE-14] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1364. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Modification of the Norton Sound Low Offshore Airspace Area; AK [Docket No. FAA12006-23926; Airspace Docket No. 06-AAL-10] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1365. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revocation of Low Altitude Reporting Point; AK [Docket No. FAA-2005-225010; Airspace Docket No. 06-AAL-17] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1366. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Huslia, AK [Docket No. FAA-2006-24004; Airspace Docket No. 06-AAL-13] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure

1367. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Modification of Legal Description of Class D and E Airspace: Fairbanks, Fort Wainwright Army Airfield, AK [Docket No. FAA-2006-24813; Airspace Docket No. 06-AAL-16] (RIN: 2120-AA66) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1368. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Licensing and Safety Requirements for Launch [Docket No. FAA-2000-7953; Amendment Nos. 401-4, 406-3, 413-7, 415-4, 417-0] (RIN: 2120-AG37) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1369. A letter from the Senior Attorney, Department of Transportation, transmitting the Department's final rule—Review of Data Filed by Certified or Commuter Air Carriers To Support Continuing Fitness Determinations Involving Citizenship Issues [Docket No. OST-2003-15759] (RIN: 2105-AD25) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1370. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Human Space Flight Requirements for Crew and Space Flight Participants [Docket No. FAA-2005-23449] (RIN: 2120-AI57) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 1873. A bill to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes, with an amendment; referred to the Committee on Oversight and Government Reform for a period ending not later than May 4, 2007, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(m), rule X (Rept. 110-111, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FRANK of Massachusetts (for himself, Mr. PAUL, Mr. WEXLER, Mr. ACKERMAN, Mr. CLAY, Mr. GUTIERREZ, Mr. CAPUANO, Mr. WATT, Ms. BERKLEY, Ms. CARSON, Mr. KING of New York, and Mr. ISRAEL):

H.R. 2046. A bill to amend title 31, United States Code, to provide for the licensing of Internet gambling facilities by the Director of the Financial Crimes Enforcement Network, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT (for himself, Mr. KIRK, Mr. GERLACH, Ms. ROS-LEHTINEN, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. COLE of Oklahoma, Mr. MARIO DIAZ-BALART of Florida, Mr. PORTER, Mr.

SHAYS, Mr. ROSKAM, Mr. KING of Iowa, Mr. SESSIONS, Mr. REICHERT, Mrs. BIGGERT, and Mr. PRICE of Georgia):

H.R. 2047. A bill to remove the 18 or 36 month limitation on the period of COBRA continuation coverage; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY (for himself, Mr. PASCRELL, Mr. PLATTS, Mr. ELLSWORTH, Mr. UPTON, and Mr. HILL):

H.R. 2048. A bill to facilitate the provision of care and services for members of the Armed Forces for traumatic brain injury, and for other purposes; to the Committee on Armed Services.

By Ms. WOOLSEY (for herself, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. PAYNE, Mr. TIERNEY, Mr. HOLT, Ms. LINDA T. SÁNCHEZ of California, Mr. LOEBSACK, Mr. HARE, Ms. SHEA-PORTER, Mr. ENGEL, Mr. MCDERMOTT, and Mr. DOYLE):

H.R. 2049. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Education and Labor.

By Mr. ALLEN (for himself and Mrs. CUBIN):

H.R. 2050. A bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the Medicaid Program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases; to the Committee on Energy and Commerce.

By Mrs. CAPPS (for herself, Mr. ISSA, Mr. FARR, Mr. CALVERT, Mr. CARDOZA, Mr. GALLEGLY, Mr. FILNER, Mr. MCCARTHY of California, Ms. LORETTA SANCHEZ of California, and Mr. HUNTER):

H.R. 2051. A bill to amend the Agricultural Marketing Act of 1946 to provide for the application of mandatory minimum maturity standards applicable to all domestic and imported Hass avocados; to the Committee on Agriculture.

By Mrs. LOWEY:

H.R. 2052. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Energy and Commerce.

By Mr. BECERRA (for himself, Mr. RAMSTAD, Ms. HOOLEY, and Mr. SESSIONS):

H.R. 2053. A bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself, Mr. TERRY, Mr. FILNER, Mrs. CAPITO, Mr. GRAVES, Mrs. CUBIN, Mr. FORTENBERRY, Mr. MANZULLO, Mr. KING of Iowa, and Mr. RADANOVICH):

H.R. 2054. A bill to reform the universal service provisions of the Communications Act of 1934, and for other purposes; to the Committee on Energy and Commerce.

By Ms. CASTOR:

H.R. 2055. A bill to improve children's access to health care coverage under the Medicaid Program and the State Children's Health Insurance Program (SCHIP); to the Committee on Energy and Commerce.

By Mr. COURTNEY (for himself and Mr. MURPHY of Connecticut):

H.R. 2056. A bill to amend part D of title XVIII of the Social Security Act to improve the Medicare part D prescription drug program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 2057. A bill to amend the Energy Policy Act of 2005 to repeal a rebuttable presumption that the use of a categorical exclusion under the National Environmental Policy Act of 1969 would apply with respect to actions by the Secretary of the Interior and the Secretary of Agriculture with respect to certain activities for the purpose of exploration or development of oil or gas; to the Committee on Natural Resources.

By Mr. HOLT (for himself, Mr. FERGUSON, Mr. FRELINGHUYSEN, Mr. GRIJALVA, Mr. BOSWELL, Mr. MCNULTY, Ms. NORTON, Mr. CUMMINGS, Ms. WOOLSEY, Mr. JOHNSON of Georgia, Mr. ELLISON, Ms. HIRONO, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. COHEN, and Mr. WYNN):

H.R. 2058. A bill to include costs incurred by the Indian Health Service, a federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program; to the Committee on Energy and Commerce and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY:

H.R. 2059. A bill to amend title 32, United States Code, to provide members of the National Guard additional time to transition to civilian life when they return from active duty in support of contingency operations or homeland defense missions; to the Committee on Armed Services.

By Mr. INSLEE:

H.R. 2060. A bill to nullify the March 2, 2007, determination of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JONES of Ohio:

H.R. 2061. A bill to protect home buyers from predatory lending practices; to the Committee on Financial Services.

By Mr. LANGEVIN:

H.R. 2062. A bill to set forth limitations on the United States military presence in Iraq and on United States aid to Iraq for security and reconstruction, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Rules, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. EMANUEL, Mr. MCDERMOTT, and Mr. KENNEDY):

H.R. 2063. A bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Mr. RYAN of Ohio, Mrs. DAVIS of California, Ms. HARMAN, Ms. LORETTA SANCHEZ of California, and Mr. SHAYS):

H.R. 2064. A bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities; to the Committee on Armed Services.

By Mr. MURPHY of Connecticut (for himself and Mr. COURTNEY):

H.R. 2065. A bill to amend title XVIII of the Social Security Act to provide for a Medicare operated prescription drug plan option to deliver a meaningful drug benefit and lower prescription drug prices under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OLVER (for himself, Mr. BARROW, Mr. BOUCHER, Mrs. CAPPS, Ms. HERSETH SANDLIN, Mr. HINCHEY, Mr. KILDEE, Mr. MARKEY, Mr. MCDERMOTT, Mr. POMEROY, Mr. TOWNS, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. SHAYS, Mr. LATOURETTE, Mr. ENGLISH of Pennsylvania, Mr. AL GREEN of Texas, and Ms. BALDWIN):

H.R. 2066. A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself, Mr. MATHESON, Mr. GARY G. MILLER of California, Ms. VELÁZQUEZ, Mr. SHAYS, and Mr. DANIEL E. LUNGREN of California):

H.R. 2067. A bill to provide construction, architectural, and engineering entities with qualified immunity from liability for negligence when providing services or equipment on a volunteer basis in response to a declared emergency or disaster; to the Committee on the Judiciary.

By Mr. REYES (for himself, Mr. HINOJOSA, Mr. FILNER, Mr. ORTIZ, Mr. CUELLAR, Mr. RODRIGUEZ, Ms. GIFFORDS, Mr. GRIJALVA, and Mrs. DAVIS of California):

H.R. 2068. A bill to establish the Southwest Regional Border Authority; to the Committee on Transportation and Infrastructure, and in addition to the Committee on

Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself and Mr. MCDERMOTT):

H.R. 2069. A bill to amend the Internal Revenue Code of 1986 to reduce emissions of carbon dioxide by imposing a tax on primary fossil fuels based on their carbon content; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 2070. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 regarding adequate yearly progress and assessments; to the Committee on Education and Labor.

By Mrs. WILSON of New Mexico:

H.R. 2071. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico; to the Committee on Natural Resources.

By Ms. McCOLLUM of Minnesota (for herself, Mr. ELLISON, and Ms. JACKSON-LEE of Texas):

H.J. Res. 42. A joint resolution proposing an amendment to the Constitution of the United States regarding health care; to the Committee on the Judiciary.

By Mr. BACA (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARDOZA, Mr. HINOJOSA, Mr. SERRANO, Mr. GENE GREEN of Texas, Ms. LEE, Mr. LANTOS, Mr. COSTA, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, and Mr. AL GREEN of Texas):

H. Con. Res. 132. Concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on Foreign Affairs.

By Ms. HERSETH SANDLIN (for herself, Mr. BOUSTANY, Mr. ALLEN, Mr. FERGUSON, Mr. HINCHEY, Ms. GINNY BROWN-WAITE of Florida, and Mr. BURGESS):

H. Con. Res. 133. Concurrent resolution supporting the goals and ideals of a Long-Term Care Awareness Week; to the Committee on Energy and Commerce.

By Mr. BURGESS (for himself and Ms. GIFFORDS):

H. Res. 339. A resolution supporting the goals of Motorcycle Safety Awareness Month; to the Committee on Transportation and Infrastructure.

By Mr. CHABOT (for himself, Mr. LAMPSON, Mr. POE, and Mr. RAMSTAD):

H. Res. 340. A resolution expressing the sense of the House of Representatives of the importance of providing a voice for the many victims (and families of victims) involved in missing persons cases and unidentified human remains cases; to the Committee on the Judiciary.

By Mr. DAVID DAVIS of Tennessee (for himself, Mr. DUNCAN, and Mr. TANNER):

H. Res. 341. A resolution supporting the goals and ideals of "American Eagle Day", and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States; to the Committee on Natural Resources.

By Mr. PASCRELL (for himself, Mr. GARRETT of New Jersey, Mrs. MALONEY of New York, and Mr. SIRES):

H. Res. 342. A resolution congratulating Berkeley College on the occasion of its 75th anniversary; to the Committee on Education and Labor.

By Mr. ROGERS of Kentucky:

H. Res. 343. A resolution commemorating the marinas of the United States, expressing support for the designation of the sixth annual National Marina Day, and for other purposes; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PATRICK MURPHY of Pennsylvania introduced a bill (H.R. 2072) to authorize and request the President to award the Medal of Honor to Richard Gresko, of Newtown, Pennsylvania, for acts of valor in the Republic of Vietnam on March 11 and 12, 1970, while serving as a lance corporal in the Marine Corps during the Vietnam War; which was referred to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Ms. CARSON, Mr. STARK, Mrs. BIGGERT, Mr. RODRIGUEZ, and Ms. HOOLEY.

H.R. 111: Mr. KAGEN, Ms. LORETTA SANCHEZ of California, Mr. WESTMORELAND, Ms. SCHWARTZ, and Mr. JOHNSON of Georgia.

H.R. 154: Ms. HIRONO and Mr. RAHALL.

H.R. 176: Mr. BISHOP of Georgia, Mr. CUMMINGS, and Ms. ZOE LOFGREN of California.

H.R. 284: Mr. LEWIS of Kentucky.

H.R. 297: Mr. MORAN of Virginia.

H.R. 505: Mr. COLE of Oklahoma.

H.R. 507: Mr. PERLMUTTER, Mr. WU, Ms. MATSUI, Mr. HINCHEY, Mr. GRAVES, Ms. HIRONO, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MICHAUD.

H.R. 531: Ms. NORTON and Ms. WATSON.

H.R. 549: Mr. LOEBSACK.

H.R. 553: Mr. DONNELLY.

H.R. 562: Mr. BRADY of Texas.

H.R. 592: Mr. ENGEL and Mr. CONYERS.

H.R. 601: Mr. FILNER and Mr. BAIRD.

H.R. 631: Mr. PLATTS.

H.R. 638: Mr. MCCARTHY of California.

H.R. 642: Mr. ENGEL, Mr. AL GREEN of Texas, and Mr. SHUSTER.

H.R. 643: Mr. ROGERS of Michigan, Mr. DENT, Ms. MATSUI, Mr. CAPUANO, Mr. SMITH of Nebraska, Mr. SCOTT of Virginia, Mr. WALSH of New York, Mr. GONZALEZ, Mr. COOPER, Mr. NEUGEBAUER, and Mrs. BLACKBURN.

H.R. 677: Mr. LANTOS and Mr. LOEBSACK.

H.R. 721: Mr. PRICE of North Carolina.

H.R. 741: Mr. ETHERIDGE, Mr. WEINER, and Mr. MURPHY of Connecticut.

H.R. 748: Ms. BALDWIN, Ms. HOOLEY, Mr. SMITH of New Jersey, Mr. LOEBSACK, and Mr. WAXMAN.

H.R. 757: Mr. LEWIS of Georgia.

H.R. 758: Mr. PASTOR.

H.R. 805: Mr. LARSON of Connecticut.

H.R. 819: Mr. BUTTERFIELD and Mr. LEVIN.

H.R. 894: Mr. WAXMAN, Mr. OLVER, Mr. ABERCROMBIE, and Mr. EMANUEL.

H.R. 989: Mr. WESTMORELAND, Mr. BISHOP of Utah, and Mr. TIAHRT.

H.R. 1022: Mr. EMANUEL, Ms. WATSON, and Ms. WOOLSEY.

H.R. 1023: Mr. ANDREWS.

H.R. 1092: Mr. HASTINGS of Florida.

H.R. 1123: Mr. COSTELLO.

H.R. 1125: Mr. LATOURETTE.

H.R. 1142: Mr. ALTMIRE, Mr. RUPPERSBERGER, Mr. MCCOTTER, Mr. PRICE of North Carolina, Mr. MCGOVERN, Mr. CUMMINGS, Mr. BACA, Mr. MARKEY, and Ms. BEAN.

H.R. 1147: Ms. SCHWARTZ.

H.R. 1229: Mr. MOLLOHAN, Mr. PATRICK MURPHY of Pennsylvania, Mrs. MYRICK, Mr. GILLMOR, Mr. ROGERS of Alabama, Mr. PITTS, and Mr. LATOURETTE.

H.R. 1236: Ms. LEE, Mr. BISHOP of New York, Mr. LANTOS, Mr. WOLF, Mr. HIGGINS, Mr. HONDA, Mr. CAPUANO, and Ms. HIRONO.

H.R. 1282: Mr. RUPPERSBERGER, Mr. CAPUANO, Mrs. DAVIS of California, and Ms. SCHWARTZ.

H.R. 1330: Mrs. LOWEY.

H.R. 1331: Ms. LEE and Mr. WEXLER.

H.R. 1343: Mr. WHITFIELD, Mr. SMITH of Texas, Mr. MCINTYRE, Mr. RANGEL, Mr. PLATTS, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. GONZALEZ, Mr. LANTOS, Mrs. JO ANN DAVIS of Virginia, Mr. DICKS, Mr. BOUSTANY, Mr. BISHOP of New York, and Mrs. DRAKE.

H.R. 1344: Ms. CARSON, Mr. BACA, and Mr. FILNER.

H.R. 1346: Mrs. JONES of Ohio and Mr. HODES.

H.R. 1365: Mr. BARTLETT of Maryland.

H.R. 1366: Mr. BURTON of Indiana.

H.R. 1377: Mr. DAVIS of Illinois.

H.R. 1381: Mr. ABERCROMBIE, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, and Mr. FARR.

H.R. 1398: Mrs. CUBIN, Mr. CARTER, Mr. BARTLETT of Maryland, Mrs. SCHMIDT, Mr. GOODE, Ms. GINNY BROWN-WAITE of Florida, Mr. WALDEN of Oregon, Mrs. DRAKE, and Mr. CANNON.

H.R. 1407: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1419: Ms. SCHWARTZ and Mr. MORAN of Virginia.

H.R. 1474: Mr. THOMPSON of California, Mr. LARSEN of Washington, Mr. SHULER, Mr. BARROW, Mr. PERLMUTTER, Mr. RAMSTAD, Mr. COBLE, and Mr. CRAMER.

H.R. 1506: Mr. PRICE of North Carolina, Ms. SCHWARTZ, Mr. MURPHY of Connecticut, Mr. TIERNEY, Mr. CARNEY, Mr. SARBANES, and Mr. SCOTT of Georgia.

H.R. 1510: Mr. BRADY of Pennsylvania, Ms. WOOLSEY, Ms. SCHAKOWSKY, and Ms. JACKSON-LEE of Texas.

H.R. 1514: Ms. MATSUI, Mr. WYNN, and Mr. HINOJOSA.

H.R. 1532: Mrs. DAVIS of California, Ms. MOORE of Wisconsin, and Ms. ZOE LOFGREN of California.

H.R. 1537: Mr. WELDON of Florida and Ms. DELAURO.

H.R. 1576: Mr. GOODLATTE.

H.R. 1584: Mr. WU, Mr. PICKERING, Mr. MCNERNEY, Mr. NUNES, and Mr. CRENSHAW.

H.R. 1609: Ms. WATSON, Mr. LANTOS, and Mrs. LOWEY.

H.R. 1610: Mr. MEEKS of New York, Mr. HIGGINS, Mr. BUCHANAN, Mr. BAKER, Mr. CULBERSON, Mr. MCHUGH, Mr. SENSENBRENNER, Mr. WALZ of Minnesota, Mr. SHUSTER, Mr. HULSHOF, Mrs. CUBIN, Mr. GARY G. MILLER of California, Mr. HENSARLING, Mr. RYAN of Wisconsin, Mrs. BONO, Mr. HOLDEN, Mr. KELLER, Mr. DOYLE, Mr. CAMPBELL of California, Mr. BROWN of South Carolina, Mr. FILNER, and Mr. VISCLOSKY.

H.R. 1647: Mr. MCINTYRE and Mr. KING of Iowa.

H.R. 1649: Mr. CHANDLER, Mr. BISHOP of Georgia, and Mr. MCINTYRE.

H.R. 1688: Mr. JEFFERSON, Mr. WYNN, and Mrs. CHRISTENSEN.

H.R. 1693: Mr. HOLT, Mr. LANTOS, Mr. MEEK of Florida, Mr. SNYDER, and Mr. DAVIS of Illinois.

H.R. 1728: Mr. BLUMENAUER.

H.R. 1735: Mrs. MYRICK.

H.R. 1740: Mr. MCHUGH, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. KUCINICH, Mr. KUHL of New York, Mr. LANTOS, Mr. WALSH of New York, Mr. FARR, and Ms. WOOLSEY.

H.R. 1762: Mr. MELANCON.

H.R. 1770: Mr. BOUSTANY.

H.R. 1773: Mr. DAVIS of Kentucky and Mr. SHULER.

H.R. 1783: Ms. KAPTUR, Mr. FILNER, Mr. BLUMENAUER, and Mr. DOGGETT.

H.R. 1789: Mr. BARRETT of South Carolina.

H.R. 1810: Mr. TIBERI.

H.R. 1835: Mr. BERMAN.

H.R. 1870: Mr. GORDON, Mr. ELLSWORTH, and Mr. PLATTS.

H.R. 1875: Mr. COLE of Oklahoma.

H.R. 1878: Ms. ZOE LOFGREN of California, Ms. BORDALLO, Ms. HIRONO, and Mr. ELLISON.

H.R. 1902: Mr. GORDON.

H.R. 1907: Mr. FARR and Mr. GILCHREST.

H.R. 1909: Mr. FILNER.

H.R. 1930: Mr. PENCE and Mr. CONAWAY.

H.R. 1937: Mr. GOHMERT, Mr. SENSENBRENNER, Mr. GOODE, Mr. DICKS, Mr. INSLEE, Mr. SMITH of Washington, Mr. NEUGEBAUER, Mr. ETHERIDGE, Mr. LEWIS of Kentucky, and Mr. SIMPSON.

H.R. 1940: Mr. HAYES, Mr. DAVIS of Kentucky, Mr. ISSA, and Mr. GALLEGLY.

H.R. 1961: Mr. SMITH of Washington.

H.R. 1992: Mr. MOLLOHAN and Ms. KAPTUR.

H.R. 2015: Mr. MCNULTY, Mr. UDALL of Colorado, Ms. LEE, Mr. BISHOP of New York, Mr. MURPHY of Connecticut, Mr. LYNCH, Mr. KENNEDY, Mrs. LOWEY, and Mr. PAYNE.

H.R. 2032: Ms. SCHAKOWSKY, Mr. OBERSTAR, Mr. BUTTERFIELD, and Ms. MATSUI.

H.J. Res. 16: Mr. LINDER.

H. Con. Res. 25: Mr. PALLONE and Mr. LOEBSACK.

H. Con. Res. 72: Mr. ALTMIRE, Ms. HIRONO, Mr. CONYERS, Mr. HINCHEY, Ms. NORTON, Mrs. MALONEY of New York, Mr. DINGELL, and Mrs. DAVIS of California.

H. Res. 95: Mr. MCGOVERN.

H. Res. 100: Mr. YARMUTH.

H. Res. 102: Ms. LINDA T. SÁNCHEZ of California and Mr. ISSA.

H. Res. 121: Mrs. LOWEY, Mrs. DAVIS of California, and Ms. DELAURO.

H. Res. 146: Mrs. LOWEY.

H. Res. 171: Mr. HINCHEY, Ms. MCCOLLUM of Minnesota, Mr. ENGLISH of Pennsylvania, Mr. CROWLEY, Mr. KILDEE, Mr. BROWN of South Carolina, and Mr. BURTON of Indiana.

H. Res. 189: Mr. BOSWELL, Mr. CARNEY, Mr. ORTIZ, Ms. MCCOLLUM of Minnesota, Ms. WOOLSEY, Mr. COURTNEY, and Mr. HINCHEY.

H. Res. 223: Mr. SHAYS.

H. Res. 250: Mr. AKIN, Mr. ISSA, Mr. BARRETT of South Carolina, and Mr. ROSKAM.

H. Res. 257: Mrs. MYRICK, Mr. HOLDEN, Mr. GERLACH, Mr. MOORE of Kansas, Mrs. DRAKE, Mr. DELAHUNT, Mr. KNOLLENBERG, Mr. OBERSTAR, Mr. EDWARDS, Mr. CLAY, Mr. TIAHRT, and Mr. BARRETT of South Carolina.

H. Res. 259: Ms. KAPTUR, Mr. MCNULTY, and Mr. SKELTON.

H. Res. 264: Mrs. NAPOLITANO.

H. Res. 272: Mr. BISHOP of Georgia.

H. Res. 282: Mr. WALZ of Minnesota, Mr. GEORGE MILLER of California, Mr. LAHOOD, and Mr. RUSH.

SENATE—*Thursday, April 26, 2007*

The Senate met at 9:15 a.m. and was called to order by the Honorable ROBERT P. CASEY, a Senator from the State of Pennsylvania.

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Rev. John Koski, Dearborn Assembly of God, Dearborn, MI.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Omnipotent God, thank You for our hand, which reminds us of our priorities in prayer. Our thumb reminds us to pray for those closest to us. Bless our Senators' loved ones, friends, and staff.

Our pointing finger reminds us to pray for our spiritual leaders and teachers. Show our Senators the straight way so that they will not go astray.

Our tallest finger reminds us to pray for our elected leaders. Give our Senators wisdom in dealing with people who oppose them.

Our ring finger reminds us to pray for the weak in our society. Empower our Senators to support children and future children, the fatherless and widows, the poor, the needy, the sick and elderly.

Our little finger reminds us to pray for ourselves last. Bring balance to our Senators' lives, spirit, soul, and body.

In the name of our all-powerful Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 26, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, a Senator from the State of Pennsylvania, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to turn shortly to the senior Senator from Michigan to say a few words regarding the prayer.

Today, all time until 12:45 p.m. is equally divided between the two leaders, with a period for morning business extending only until 10 a.m.

At 10, the Senate will begin consideration of the supplemental conference report. At that time, the chairman and ranking member of the Appropriations Committee are expected to be here to make their opening statements.

The vote on adoption of the conference report is expected to occur at 12:45 p.m. today.

ORDER OF PROCEDURE

I ask unanimous consent that the last 15 minutes prior to the vote be equally divided between the two leaders with the majority leader controlling the last half.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, let me indicate I probably will give some of that time to one of my colleagues on this side of the aisle and use the leader time. But I will have a very brief statement right before the vote.

I commend the majority leader and all of us for working together, frankly, to get this bill down to the President at the earliest possible time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, are we under controlled time at this point?

The ACTING PRESIDENT pro tempore. Yes.

Mr. LEVIN. Mr. President, I yield myself 8 minutes.

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes.

THE GUEST CHAPLAIN

Mr. LEVIN. Mr. President, our opening prayer this morning was delivered by Rev. John Koski, an associate pastor at the Dearborn Assembly of God in Dearborn, MI. I am delighted that Chaplain Black was able to include him in our schedule of guest Chaplains.

Reverend Koski has served as a pastor on a Native American reservation in Montana, as a Christian school administrator in Colorado, and as a Bible College professor in Louisiana. He has conducted a bicycling ministry for 4 years in southeast Asia, traveling 20,000 miles on his bicycle.

I know my colleague Senator STABENOW joins me in thanking Reverend Koski for delivering our opening prayer this morning and wishing him all the best in his ministries in the future.

SUPPLEMENTAL APPROPRIATIONS CONFERENCE REPORT

Mr. LEVIN. Mr. President, relative to the conference report that is before the Senate, this emergency supplemental appropriations bill includes $95 billion for the Department of Defense, primarily to fund military operations in Iraq and Afghanistan. That is approximately $4 billion more than the President requested for the Department of Defense, including $2.2 billion above the President's request for health care for our service men and women and their families.

When the military forces are in harm's way, it is our solemn duty to provide the equipment they need and the health care they deserve, and we are meeting that duty with this bill. We also owe it to our troops to give them the best chance to succeed. In the case of Iraq, a majority of the Members of the Congress and a majority of Americans believe a change in course in Iraq will provide the best chance of success. That is at the heart of the debate here in Washington.

There is at least a broad, if not universal, consensus that the war in Iraq will not be won militarily and that a political settlement by the Iraqi leaders is required to end the sectarian violence and defeat the insurgency. General Petraeus made that point in a press conference in Baghdad on March 8 when he said:

> Any student of history recognizes that there is no military solution to a problem like Iraq.

Iraq's own Prime Minister Maliki noted 5 months ago that:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

> The crisis is political, and the ones who can stop the cycle of aggravation and blood-letting of innocents are the [Iraqi] politicians.

The debate, then, is how best to bring about the political settlement that must take place. There are some who say security, particularly in Baghdad, is the key, and if Baghdad can be made secure, the Iraqi politicians will have breathing room to reach the agreements and pass the legislation that will lead to reconciliation.

Others, including this Senator, believe the Iraqis must be pressured to take responsibility for their own future, and the best way to do that is to convince them our military presence is not open-ended.

The emergency supplemental before us is designed to do just that. It forces the Iraqi leaders to take responsibility for their own country by ending the open-ended commitment to provide a U.S. security blanket. Instead, it would require the beginning of a partial reduction of U.S. troops, leaving time for the Iraqis to make the political compromises they promised to make months ago.

The bill calls for a change in mission for our forces in Iraq, from policing a civil war to a limited support mission, so that the Iraqis can finally realize our military presence in Iraq is not open-ended; that the future of their country is in their hands, not ours.

The present course in Iraq is failing. The Iraqis are no closer to political reconciliation today than they were when the surge began. Instead of Prime Minister Maliki's government becoming stronger, it appears it is weaker. Disagreements in the Government have prevented proposals for debaathification and oil revenue sharing legislation from even being forwarded to the Council of Representatives for consideration.

The committee considering amendments to the Iraqi constitution appears to be as far from completing its work as it has always been. Meanwhile, the Iraqi Assembly is apparently planning to go on a 2-month recess at the end of June. Now, let me repeat that since it is so unbelievable. The Iraqi Council of Representatives is apparently planning to go on a 2-month recess at the end of June.

Incredibly enough, a man named Hasan Suneid, who is a lawmaker and the adviser to Prime Minister Maliki, was quoted in the paper the other day as saying, "Time is irrelevant."

Well, time is plenty relevant to us, to our troops, and to their families. Baghdad is burning while the politicians in Iraq avoid responsibility for their own country's future. Even the detonation of a suicide bomb within the Green Zone killing Iraqi parliamentarians has failed to change the political situation. It appears the Iraqi factions are content to seek vengeance rather than reconciliation.

Senior administration officials, including Secretary Gates, Secretary Rice, and Ambassador Khalilzad have, in fact, wisely used this debate in Congress in an attempt to pressure the Iraqis to achieve political reconciliation.

Secretary Gates said the week before last in Jordan:

> The debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited. The strong feelings expressed in the Congress about the timetable probably has had a positive impact . . . in terms of communicating to the Iraqis that it is not an open-ended commitment.

Secretary Gates told a press conference just last Thursday:

> I think one of the ancillary benefits of the debate on the Hill is that the Iraqis have to know that this isn't an open-ended commitment. The President has said that our patience is not unlimited. I don't think we've been very stubborn in communicating these messages to the Iraqis.

That is what Secretary Gates said: "I don't think we've been very stubborn in communicating these messages to the Iraqis" that our patience is not unlimited. Well, we need to change course in Iraq. We need to stubbornly communicate our message to the Iraqis. Voting for this bill will help to send that message.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein.

Under the previous order, all time until 12:45 p.m. will be equally divided between the two leaders or their designees.

The Senator from Wyoming is recognized.

AMERICA COMPETES ACT

Mr. THOMAS. Mr. President, I am glad we are ready to begin again, after we finished up on our bill yesterday.

Finally, we will be prepared to deal with the funding for our troops today. It has taken a very long time but, nevertheless, I am glad the time has arrived.

I just wanted to say that as often is the case, I have had the opportunity to visit with several students from my wife's class at Washington Lee High School. Each year I look forward to her bringing her class here because it is important for young people to understand this is their Government as much as yours and mine. So I am delighted at the number of young people who come here from Wyoming and, in this case, from Virginia.

To learn more about this Government is so important, and these young people are, of course, tomorrow's responsible leaders. I am just delighted to have them here. We talked about the American COMPETES Act. These students and opportunities for them is what it is all about. That is what we have been talking about and thinking about.

The American COMPETES Act has a good purpose and a good role. America must maintain its competitiveness to be able to continue to compete. We need to challenge our young people and encourage them to challenge themselves to be prepared to move into the future and be prepared to take advantage of the opportunities this country provides for all of us.

However, I do not believe the solution to keeping America in the forefront of technology simply lies in throwing money there, without any particular reason to expect results from it.

We have gotten in the position here in the Congress that when we hear of a problem—and there are problems—if we can pass a bill and send some money, then we have accomplished our job. I am sorry, I do not believe that is necessarily the case. I think we have to take a look at where we are on these issues. For instance, how many Federal educational programs are there now? What kind of a job have we done in trying to see how effectively those dollars have been spent and are being spent? So just having more programs and more money is not necessarily the answer.

Certainly, these students and these schools need more money, and they need to have programs, but they really need support from dedicated teachers, from parents, from family members, and friends.

Having discussed this topic on the floor before, we have to be careful about the number of Federal programs we continue. We talk about the budget over here, about deficit spending, and yet at the same time: Well, let's have another bill, let's have another $60 billion and go forward with programs of that kind.

It is important that we try to concern ourselves about adding more programs and not knowing necessarily where and how effectively that money is going to be spent. Unfortunately, most of the programs we put out there are institutionalized. They suddenly become part of the permanent process and are there forever and become permanent fixtures, irrespective of whether there are objectives to be met and whether they are meeting them. I hope, as we go forward, as we are now in the process of doing, with appropriations and funding for the year 2008 and being concerned about the deficit, about the amount of spending the Federal Government finds itself in and, frankly, the role of the Federal Government in terms of what the States should be doing, what local schools should be doing, these kinds of things, we will reevaluate what is the role of the Federal Government and how we can be most effective. We have a role, there is no question, but there is a limit to that role.

It is a little easy for us, if we see a problem, to say: Let's just pass another bill. Let's put some more money out there and then just walk away from it and say: We have done our job. That is not necessarily the case.

I believe the America COMPETES Act has good intentions. Perhaps it will do some good. But I have to say again that in retrospect, it is important that we look at what is the role of the Federal Government. What programs are we doing and how do we measure their effectiveness and how do we measure how long they will be there and how can we measure their impact. We will find out soon how that works.

IRAQ SUPPLEMENTAL

A word or two about the supplemental bill that will come before us today. We have talked about this a number of times. I must say that I am not pleased with how we have gotten to where we are. It has absolutely taken too long. There is no question, as my friend from the other side of the aisle says, that we need to talk about this issue. We have talked about it. We need to take positions. We have taken positions. That is a good thing. But the idea of simply stalling the money that is necessary to support our troops who are already there is not a good idea. Funding is not the way to deal with our feelings about it.

In particular, the process has taken too long. Billions in nonemergency spending has been added to the bill, things that may have merit, some of them, and some of them do not. Fortunately, some of them have been taken out. But the idea of adding spending that is totally irrelevant to funding the troops just doesn't seem to be appropriate. It sort of indicates the way we keep spending money around here and finding ways to hook it onto something else. I am disappointed in that.

The majority has attached an increase in the minimum wage to this bill. How does that fit the funding for the troops in Afghanistan and Iraq? During the conference, additional measures not in either the House nor Senate bill were quietly tucked in. We are using this as a transportation system for a lot of things, when the challenge before us is that we have troops there who have to be funded. There is talk about: Well, they don't need to be funded until July because they can take their money from somewhere else. Then you are taking money away from the various kinds of health care that is available for veterans and other things that are equally important.

What is most frustrating is the majority has used the parliamentary maneuver to deny a vote that I had intended as an amendment on the most egregious spending. We didn't get a chance to put that on the floor. Certainly, if there is anything that is appropriate, that would have been the way.

At any rate, we seem to have lost our focus somewhat. We had a good report yesterday from the commanding general in Iraq. He indicated that while we are not experiencing runaway success, we are beginning to see success in a new approach with new leadership, and they need our support. I am optimistic the Senate will have another opportunity to get through this, get it right, and get the funding to the troops. I will do my part to ensure that we do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Mr. President, I join with my colleague from Wyoming in rising to express my concerns about the budgetary problems the Army and Marine Corps are going to face because the Democratic majority has committed to staging a showdown with the White House instead of fulfilling our obligation to fund the military.

Over 2 months ago, the former Army Chief of Staff, General Schoomaker, testified before the Armed Services Committee that if the Army and Marine Corps do not get the supplemental funding by mid-April, the services will experience a serious cashflow problem and have to take extraordinary measures that will slow down the whole system. On April 11, the Secretary of Defense wrote Congress and stated:

> It is a simple fact of life that if the Fiscal Year 2007 supplemental legislation is not enacted soon, the Army faces a real and serious funding problem that will require increasingly disruptive and costly measures to be initiated—measures that will inevitably negatively impact readiness and Army personnel and their families.

Moreover, on April 19, the Associated Press reported that the $70 billion provided to fight the war has mostly run out. I want to say that again: The $70 billion that the Army needs to fight this war has mostly run out.

In order to stretch their remaining funds through June, the Army is slowing down the purchase of nonessential repair parts. I am not sure what repair parts during a war are nonessential. I guess we will have to leave it to our generals to inform their soldiers that their vehicles are not getting repaired because they are nonessential.

There is important funding in this supplemental. For example, Senator BIDEN offered an amendment to purchase more mine-resistant, ambush-protected vehicles for our soldiers in the field. I commend Senator BIDEN for offering this amendment. I commend his commitment to it. Senator BIDEN said two things with which I wholeheartedly agree. First, he said that providing funding for these vehicles is a moral imperative. Second, he said it was a matter of life and death. I agree. His amendment and the supplemental as a whole represent a moral imperative for every Senator. It is a matter of life and death for our soldiers serving in combat. Yet the Democratic leadership is not handling this issue as a matter of life and death because they are determined to send a bill to the President that he has said he will veto.

As we all know, the President's objection to this bill is the troop withdrawal language that ties our commanders' hands and telegraphs to our enemies the time and place of our surrender. Congress should not and Congress must not get into the habit of interjecting itself into the military chain of command. To do so invites disaster and moves the country from the premise of conducting our military operations with one Commander in Chief and not running it by committee.

I direct some of my comments to some of our colleagues on the other side, primarily the leadership. I have been very concerned and shocked recently to read statements of members of the majority stating that their strategy is to send the President bills he will veto because it is politically advantageous. Some of our colleagues on the other side were quoted as saying recently:

> We are going to pick up Senate seats because of this war.

Quoting again:

> We will break them, because they [the Republicans] are looking extinction in the eye.

I would say to my Democratic colleagues, we are not the enemy. If you want to break something, let's break the enemy. Let's break al-Qaida. I am concerned about where this debate is headed.

I have to tell my colleagues, as I have listened to our colleagues talk about this war particularly of late, we have had Democratic leadership saying that the war was lost. If that is true, then who won? Terrorism? Al-Qaida? Religious extremists who murder the innocent? Or all of the above? If this is a true and accurate representation of the majority's position, it is not surprising that Congress has not sent an emergency supplemental to the President.

I serve on the Armed Services Committee. I have traveled several times to Iraq. I have visited, numerous times, Walter Reed Hospital and the military hospital in Germany. I have to say that I have not talked to one GI who says the war is lost. I have not talked to one injured soldier who says the war is lost. I have not talked to one officer who has said the war is lost. I have not talked to one commander who has said the war is lost. The only place I hear the statement that the war is lost is right here from the Halls of our Nation's Capitol or from news reports from Al-Jazeera or Iranian television quoting the majority leader of the Senate.

Our American soldiers believe they can win. Our American soldiers always believe they can win. That is why they are American soldiers. They are the best. It has to be very disturbing to our American soldiers to constantly hear politicians in Washington, DC, telling them they can't win. The Democratic leadership in Washington is playing a game of roulette with the administration where the only losers will be the American soldier.

We need to focus on providing our troops the equipment and resources they need to win this war. It is a global war. We have to quit acting as if short-term political gains are going to win this war for us. They will not. We need a unified and serious effort on the part of both parties in the Congress to win this war and to keep our Nation secure. History is going to judge us based on how we respond to the crisis of our generation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, instead of this body appointing an accusatory finger across the partisan aisle, what this body ought to be doing is invoking the old principle that in the old days, at the water's edge, partisanship stops. We have seen on both sides of the aisle too much of that partisanship, particularly in matters of war and peace. There is a genuine disagreement not only over the conduct of the war but the very fact that we are in this war to begin with. We can't do anything about that now. We were given false information, massaged information, misinformation that caused us to enter this war and, after a quick and very decisive and very impressive victory, then set about the process of an occupation that was fraught with error and misinformation. But that was then, and now is now. What is in the interest of the United States? Clearly it is to stabilize Iraq, if that is possible.

A distinguished group of Americans, five Republicans and five Democrats in the Iraq study commission, unanimously came together last winter and said what they thought would be the plan, the best way we could stabilize Iraq, led by an eminent and distinguished Republican, former Secretary of State and a former Chief of Staff in the White House to President Reagan, Jim Baker, and led by the longtime and distinguished and equally as respected former Congressman and former chairman of the Foreign Relations Committee in the House, Lee Hamilton.

Now, this is not a question about losing or winning a war; this is a question about, What is the best chance we have for stabilizing Iraq? Because clearly a stabilized Iraq in that part of the world is going to certainly help the neighbors in the region, and it is certainly going to help us, and clearly it is going to help the Iraqis.

So what did the Iraq study commission say? Well, they said it very clearly. I am reading from the Executive Summary:

> The primary mission of U.S. forces in Iraq should evolve to one of supporting the Iraqi army, which would take over primary responsibility for combat operations. By the first quarter of 2008—

By the way, that is a year from now, that is April, that is the end of March—

> By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq.

It is true, they did not say "should be out of Iraq." They said "could be out of Iraq." But they are giving a blueprint.

I continue with the quote:

> At that time, U.S. combat forces in Iraq could be deployed only in units embedded with Iraqi forces, in rapid-reaction and special operations teams, and in training, equipping, advising, force protection, and search and rescue.

I conclude this particular paragraph:

> Intelligence and support efforts would continue. A vital mission of those rapid reaction and special operations forces would be to undertake strikes against al Qaeda in Iraq.

That is the Iraq Study Group report. It said: Go after al-Qaida. It said: Continue to train the Iraqi forces. It specifically talked about, in that training, embedding with Iraqi forces. It said "force protection," meaning force protection for our forces and for U.S. personnel. And it said "search and rescue" missions. That is exactly what we have in front of us today to vote on.

Now, there is additional language put in here about the President would have to certify and waive on this and that progress by the Iraqi Government. Clearly, you want to give some indicators to the Iraqi Government of what we expect. Again, what we are voting on today is a goal of having redeployed—basically, with the waiver by the President, we are talking about October 1. This is April—May, June, July, August, September—6 months from now is the goal of starting the redeployment. It does not say "withdrawal," it says "redeployment" because "redeployment" is a term that is then defined by all of those things we just talked about. That is in this legislation we are going to vote on today.

Now, there are those in this body I certainly respect who would say they do not want any kind of conditions put on the President in order to conduct the war. I respect that. That is a difference of opinion that we have. But common sense would tell you that you cannot conduct a war if you do not have the support of the American people. The American people clearly want change. So it is time for us to start the process of the change.

Now, this Senator, along with most every Senator in this Senate, was in the meeting yesterday with General Petraeus. There was clearly a message that General Petraeus had hope, but seasoned with a great deal of reality, realizing the additional complexity. There were no clear-cut answers yesterday in us meeting with the top general over there in Iraq, a general whom we all admire and respect. Yes, there is still hope. But there is also the need for change. This document starts the process of the change.

Now, it is my hope that after we go through this exercise, it will pass today—narrowly, just like it passed a month ago narrowly—the legislation will go down to the President—and he has already said he is going to veto it—and then is the opportunity for cooler heads, as the Good Book says, to come let us reason together. That is my hope.

So I will be voting for this supplemental funding request that funds the troops, that funds other necessary emergencies.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

IRAQ

Mr. ENSIGN. Mr. President, I rise to speak on the subject of the emergency war supplemental and the adverse impact this political theater is having on our efforts in Iraq.

For me, this political gamesmanship calls to mind a book written some 50 years ago about some very brave men in our Nation's history—not brave in the sense of today's marines and soldiers, who are doing the grunt work in Afghanistan and Iraq to ensure that the free world can sleep in peace at night. No, the men in this book were brave for a very different reason.

The book I am referring to is the 1956 classic, "Profiles in Courage," written by a young U.S. Senator from Massachusetts, John F. Kennedy, who later became our 35th President. The book is an account of men of principle, integrity, and bravery in American politics.

Then-Senator Kennedy profiled eight exceptional U.S. Senators from throughout the Senate's history whom he considered to be models of virtue and courage under pressure. These men defied the public opinion of the day in order to do what was right for the country even though they suffered severe criticism and losses in popularity because of these actions.

The Senators profiled included: Thomas Benton from Missouri, for staying in the Democratic Party despite his opposition to extending slavery into the territories; Sam Houston from Texas, for opposing Texas' secession from the Union—for refusing to support this secession, Houston was later deposed as Governor—and Edmund Ross from Kansas, for voting for acquittal in the Andrew Johnson impeachment trial. As a result of Ross' vote, Johnson's presidency was saved and the stature of the office was preserved.

In this definitive book on political courage, each of the eight Senators profiled is today considered a "hero" for having done the right thing, not the popular thing.

They are heroes today for having filtered out the political noise of the chattering classes of their day.

They are heroes for having done what was in the best interest of the United States and not in their own political best interest.

They are heroes for doing what was necessary instead of simply doing what was easy.

Today, each of us faces our own "Profiles in Courage" moment. A clash of visions regarding America's future has brought us to this point.

One vision has America defeating al-Qaida and the forces of Islamic fascism.

The other vision has America surrendering in Iraq and allowing jihadist forces to determine Iraq's future, making America and the rest of the world less safe.

These competing visions must be reconciled by each individual Senator.

But let's understand exactly what the majority party is attempting to accomplish by hijacking this legislation. I could speak at length about the ample amounts of unrelated pork that have somehow found their way into this emergency supplemental. Those embarrassments continue to be addressed by my colleagues.

What I would like to do is spend a few minutes specifically discussing the misguided efforts of the other side to revise, or more accurately restrict, this Nation's policy in Iraq.

Democrats are once again attempting to constrain this Nation's Commander in Chief in the execution of his constitutional duties; this time by inserting language in the emergency supplemental that would limit the use of force in Iraq to certain congressionally preapproved ends.

It would also provide a date certain for the surrender of U.S. forces in Iraq. This language within the emergency supplemental unconstitutionally micromanages the conduct of the war from the floor of the U.S. Senate. It does so by providing that Congress, and not the Commander in Chief, would determine just how our military is to be used. It inserts 535 "commanders in chief" into the decisionmaking process when it comes to the execution of military operations in Iraq.

This is not what our Founding Fathers intended.

This legislation, as it is currently written, directs the President to begin the surrender of our forces no later than October 1 of this year, and calls for all U.S. combat forces to be back in the United States 180 days after that.

As a matter of policy, even the bipartisan Baker-Hamilton Commission specifically considered and rejected setting a timetable for our withdrawal from Iraq.

But this current debate we are engaged in regarding the emergency supplemental affects more than politicians on Capitol Hill. It goes far beyond the political posturing taking place on Sunday talk shows. It is more than a mere power struggle between the Commander in Chief and a new majority in Congress asserting itself.

No, this debate directly affects the health and well being of our men and women in uniform; men and women that this Congress authorized the President to send to Iraq.

This is unconscionable.

Recently, the Readiness and Management Support Subcommittee of the Senate Armed Services Committee held a hearing on overseas basing issues. Witnesses represented the Department of Defense and the Departments of the Army, Navy, and Air Force.

As the ranking member, I asked these witnesses about the impact that delaying enactment of the emergency supplemental would have on Department of Defense operations, particularly those associated with Iraq and Afghanistan.

I learned from them that the Army has already started to feel the financial squeeze of our failure to pass the emergency supplemental and has begun to limit certain functions.

They have had to curtail the training of Army Guard and Reserve units within the United States, thus reducing their readiness levels.

They have had to reprioritize predeployment training and eliminate anything that is not Iraq specific. No longer will units deploy to Iraq capable of handling the full spectrum of possible military scenarios.

The Army has begun reducing quality of life initiatives, including the routine upgrade of barracks and other facilities.

They have stopped the repair and maintenance of hundreds of tanks, Bradleys, and other vehicles necessary for deployment training.

The impact only gets worse with time.

If the emergency supplemental funding is not received by May 15—less than a month from now—the Army will undertake further actions.

These include:

reducing the pace of equipment overhaul work at Army depots, which will worsen the equipment availability problems facing stateside units;

curtailing training rotations for brigade combat teams scheduled for deployment to Iraq. This will also slow the arrival of more brigades which are needed to expand the Army's rotational pool and reduce stress on existing units.

This smaller rotational pool will result in the further extension of those currently deployed until their replacements are judged to be ready for deployment.

The Army would be forced to implement a civilian hiring freeze.

They would have to prohibit the execution of new contracts and service orders.

They would have to hold or cancel repair parts orders in the nondeployed Army, directly impacting the units' ability to deploy with mission capable equipment and fully trained soldiers.

I shudder to think of what additional steps the military will need to take if Democrats remain as stubborn and irresponsible regarding the emergency supplemental as they have proven to be up to this point.

Before we consider voting on any emergency supplemental legislation which includes the offending surrender language, we need to seriously ask ourselves: in 20, or 50, or even 100 years, will those generations that follow us look upon us as the heroes of our time for having done the courageous thing?

Will we be admired for having chosen to do what was in the best interest of the Nation, in the best interest of the world, regardless of the political costs?

Or will this body be viewed with disdain for having cast our vote to set certain a date for our surrender to the forces of al-Qaida?

Will we be viewed as inhumane for condemning some 25 million Iraqis to a living hell on earth?

It is my opinion that this misguided effort by my Democratic colleagues is a surrender strategy for Iraq; a surrender that will take us at least a year to complete, but a surrender strategy nonetheless.

I join today with the President in refusing to surrender to the likes of al-Qaida.

Calling this surrender a "withdrawal," or a "redeployment," is like putting lipstick on a pig. No matter what you call it, it is still a pig. And no matter what you call this surrender, it is still a "surrender".

Now, there might have been a time in our history when we could have hidden behind our own borders and not had to worry about what was happening in the Middle East or any place else across the ocean. Those days haven't existed for some time.

Remember the consequences of our abandonment of Afghanistan in the 1980s. We supported the Mujahedin against the Soviets until the Soviets surrendered, or "withdrew" as my Democratic friends would call it, in 1989. Then we left the Afghans to fend for themselves. In short order, they had a civil war. The Taliban rose to power and provided a safe haven for al-Qaida. Osama bin Laden established training camps where he trained some 20,000 terrorists in the late 1990s; graduates of those camps came here and killed 3,000 of our fellow citizens on 9/11.

Perhaps, at the end of the Cold War, it was difficult to imagine the impact of the U.S. leaving Afghanistan. The same cannot be said about leaving Iraq. We have to prevail in Iraq, and we can if we don't choose to surrender.

In closing, I have a question for those on the other side.

If my Democratic colleagues believe our current struggle against Islamic jihadists in Iraq is such a mistake; if you honestly believe that you were lied to or misled into initially supporting this war and that there is no useful purpose for continuing; if you believe that the lives of those in uniform who have made the ultimate sacrifice were truly wasted; if you believe that al-Qaida and the threat of Islamic fascism confronting America is merely something invented by a small band of neoconservatives, or; if Islamic fascism is simply an ideological movement that can be appeased and reasoned with; then why are you seeking to continue funding our fight in Iraq for even another day?

If you believe that Iraq is simply a mistake gone bad, then you should at least have the courage of your convictions and act accordingly. Vote to end the funding now.

Don't string along those putting their lives on the line for you to make some sort of weak political statement.

This may well be our "Profiles in Courage" moment. I implore you to do the right thing, not the currently popular thing. Support our men and women in uniform, and do it now.

ORDER OF PROCEDURE

Mr. ENSIGN. Mr. President, I ask unanimous consent that the time on the Republican side be allocated as the sheet I will send to the desk indicates, and I further ask that quorum calls be charged to both sides.

The PRESIDING OFFICER (Mr. OBAMA). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the conference report on H.R. 1591, which the clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1591), "making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes," having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of Tuesday, April 24, 2007.)

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Ms. LANDRIEU. Mr. President, I would like to speak just for a few moments, not about the pending business, which I know is extremely important and that debate will go on throughout the day and perhaps over the next several days as we try to make decisions about supplemental spending for the Gulf of Mexico and the importance of the emergency that is still underway there, and as we try to debate the best way to find success in Iraq.

I wanted to take a moment to speak about another issue that is important today to many Americans. In fact, we are celebrating that day on Capitol Hill. It is called Take Our Daughters and Sons to Work Day.

I have been honored over the many years with my cochair, Senator KAY BAILEY HUTCHISON, who is on the floor of the Senate today, to cohost this event for the Senate. We have many colleagues and staff members who participate in bringing their children and grandchildren and friends and neighbors to the Capitol to work to see the work of the Senate and the Capitol—how it happens, who makes it happen, and the significance of it. These children come from all over our country and take this experience back to their classrooms and into their homes and neighborhoods and share with their friends throughout the year.

I thank Ms. Magazine for starting this. Over 35 million adults and children will participate today. So in skyscrapers all over America, and on farms out in our rural areas, in small businesses and restaurants and small little boutique hotels, and even in home offices, children will be working with their parents or with their grandparents understanding the value of work, understanding and exploring options for themselves as they grow, and trying to make choices about how they can contribute significantly to this economy and to being part of the world community.

So I am pleased today to be able to submit for the RECORD the names of 14 young ladies who are with me today. I am not going to take the time to read their names, but I will submit them for the RECORD. They are from New Orleans, LA, and some from Manderville; some are from Washington, DC, friends of the family who are here; and others are from outlying areas such as Maryland and Virginia who have joined us today to be part of the Senate.

Already this morning some of these girls have participated in closing the gap with the Susan G. Komen Breast Cancer Foundation that met on Capitol Hill out on the west lawn of our Capitol this morning to talk about the great effort that is being made to address breast cancer, particularly in this country, and to not only find cures but to offer preventive measures to help women and families stay healthy in our country. They have already participated in a press conference and will be joining us later today as we work through our offices in and around the Senate complex.

I wanted to welcome them to the Senate. I will submit their names to be printed in the RECORD, and I encourage anyone in the Capitol complex, if you are not participating today, to think about next year and what you could do to contribute to make this day a special day for some child in either your family or in your community who could use an extra boost or some insight into a possible career for themselves.

I thank Senator REID for making the tour of the Senate possible today for the young girls and boys who got to spend some time on the floor earlier this morning, and I thank minority leader MITCH MCCONNELL for arranging the special tours for that as well.

Mr. President, I again thank Ms. Magazine for an extraordinary effort. I know the children enjoy getting a day off from school, but it is more than that, and I have enjoyed participating these many years.

I ask unanimous consent that the list to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Morgan Daigle, 11, New Orleans, LA, St. Dominic.

Christine Evans, 10, Washington, DC, National Cathedral School.

Katherine Evans, 10, Washington, DC, National Cathedral School.

Charlotte Ganucheau, 13, Mandeville, LA, Our Lady of the Lake.

Sofia Gonzales, 13, New Orleans, LA, Metarie Park Country Day School.

Jamie Hauptmann, 11, Mandeville, LA, Lake Harbor, Middle.

Lena Jones, 12, Washington, DC, St. Peter's Inter-parish School Capitol Hill.

Gabrielle Kehoe, 11, New Orleans, LA, St. Pius X.

Kristen Landrieu, 12, New Orleans, LA, St. Dominic.

Natalie Mufson, 13, Washington, DC, Georgetown Day School.

Selin Odabas-Geldiay, 13, Washington, DC, Georgetown Day School.

Erica Sensenbrenner, 14, New Orleans, LA, Dominican High School.

Hannah Sensenbrenner, 12, New Orleans, LA, St. Dominic.

Eliza Matthews

Ms. LANDRIEU. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak on the Iraqi supplemental. I want to discuss this briefly with my colleagues. I will vote against the conference report with a deadline in it. A conference report with a deadline in it, if it passes, and sending it to the President to sign—he is not going to sign it, but if he does sign it, if he would sign it—would be the day al-Qaida would declare victory. The day the deadline is set would be the day they would declare victory. I think it is the wrong way for us to go, and that is why I will be voting against the supplemental.

I am very pleased to support the President in his efforts not to set a deadline. I want to take the brief time I have to talk about a way forward because I think there is a bipartisan way forward. Once we get through this, and once this is forced upon the President, once he vetoes it, and once the veto is upheld—and I think these are motions we should not be going through because they take away precious time from focusing on a way forward, on a political solution that involves both sides of the aisle—we should focus on federalism in Iraq. It is something Senator BIDEN has spoken often about on the Democratic side, and I have spoke about on this side: federalism that will require a longtime presence by the United States in Iraq.

I have spoken several times on this floor about how Iraq is more than three groups in one country: a Kurdish group, a Sunni group, and a Shia group. It has been held together for much of its history—not altogether but in much of its history—by exterior forces that have not wanted it to fly apart, who still don't want it to fly apart. I think we should recognize these realities as we did in the former Yugoslavia, as we are today in Sudan where the south is going to vote to secede, and recognize these political forces and put in place a federated system: one country, three states, Baghdad as a Federal city where powers devolve to the states, and recognize that it will require a long-term U.S. military presence to ensure that it will work. It is a route forward, and it is a route forward that we can agree upon as a body. It is a route forward that has allowed for the Iraqi Constitution, with a distribution of oil revenues equally distributed throughout the country, to be able to help hold things together. It is a route forward that can get us to a political equilibrium, that can get the violence down, that can give each of the groups their area, their region, and allow us to move forward. It requires a long-term U.S. military presence such as what happened in Bosnia and the Dayton Accords, where 15 years later we are still there and we are going to be there for some period of time because if we are not, they are going to go back to the violent ways they have had, and they have done previously.

This is a realistic route that both sides of the aisle, that both parties, and the executive and legislative branches, could embrace.

I met last week with the Vice President about it. I talked with the National Security Adviser about it. Many of my colleagues on the other side of the aisle are saying: What is the plan? What is the exit plan? How do we get out? Here is a route to be able to deal with this. But they have to admit, as well, on their side that a timeline, a deadline will not work. We cannot do that. We cannot hoist it upon the President, and it will not work in that region. As soon as you set that deadline, as I said, al-Qaida will declare victory and people in the region will start looking for security in other places. They will be going to militias and different groups, and it will further fragment the country.

If we would just set our partisanship aside for a little while and think about this, we would recognize that this is the situation we are in and this is the only viable solution forward. We don't want to bring back a dictator or allow one back into Iraq. We don't want Iraq to devolve into a full-scale civil war with a terrorist state taking place in that country. We don't want to turn it over and just have the Shia run the whole place and run over the Kurds and run over the Sunni in the region. That is not realistic.

The other options are not viable and will not work. This is a route forward. I urge my colleagues that this prospect, this federalism that is enshrined in the Iraqi Constitution—the Iraqi Parliament passed a federalism law last year—the Kurdish regions in northern Iraq show that it is possible for Iraq and deepens its commitment to a Federal system. I urge my colleagues to embrace this after this is vetoed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mrs. HUTCHISON. Mr. President, could I ask the Senator from West Virginia to yield for a unanimous consent request?

Mr. BYRD. Yes.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be recognized immediately following the remarks of Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Senator from Texas.

It has been 4 years since the President sent our troops into Iraq, 4 long years. That is longer than it took to win World War II. More than 3,300 troops have sacrificed their lives in Iraq, and nearly 25,000 have been wounded—many severely.

With passage of this conference agreement, Congress will have appropriated more than $450 billion for the war in Iraq. Did my colleagues hear that? Four hundred and fifty billion dollars. That compares with the $296 billion which the United States spent on World War II. Yet in the 4 years since our troops succeeded in removing Saddam Hussein from power, the President has failed—and I say this with all due respect when I speak about the President—the President has failed in his mission to bring peace and stability to the people of Iraq. The troops had the courage and the strength to win the war, but the President has not had the wisdom to win the peace. It is time—past time—for a new direction in Iraq.

The agreement before us today provides that new direction. But rather than admit the need to change course, the President—and I say this with all due respect—continues to try to mislead the American public about the war in Iraq.

He recently asked Congress to "put partisanship on hold." But then he, the President, voiced the incredible assertion that the attacks on 9/11 are linked to the war in Iraq. That is not true, and the American people know it.

The President complained that Congress is holding funding for the troops hostage to funding for domestic needs. President Bush claims that Democrats are adding porkbarrel spending to a bill intended for the troops. The President has charged that Democrats are "legislating defeat" in Iraq.

President Bush has tried to scare the pants off the public by suggesting that our bill could result in death and destruction in America. What utter nonsense. What hogwash. This Senate must not be a rubberstamp for this or any President. Under the Constitution, Congress has a duty to question the war policies of this or any President. We must listen to the voices of the people, and the American people have sent a very clear message to Washington: It is time to start to bring our troops home from Iraq.

The Congress has responded, crafting a new direction that will spur the Iraqi Government to pursue real political reconciliation in that country. The American people do not support an open-ended U.S. military occupation in Iraq. It is time for the truth; it is time for the White House to stop the fear mongering and face the truth.

In the book of John, chapter 8, verse 32 of the King James version of the Holy Bible are these words:

> And ye shall know the truth and the truth shall make you free.

The Congress is not holding funding for the troops hostage to domestic porkbarrel spending. The $6.9 billion for rebuilding the gulf coast after Hurricane Katrina is not pork barrel spending. Ask the citizens of New Orleans. The $1.8 billion for the VA to provide first-class health care to our wounded veterans is not porkbarrel spending. Ask the troops who are waiting for care, and ask their families. I know $20 million to repair Walter Reed Hospital is not pork barrel spending. The $650 million for the SCHIP child health program to deal with the shortfall in 14 States is not porkbarrel spending. Ask the parents with sick children. The $2.25 billion for securing the country from terrorist attack, including port and border security, transit security, funds to improve screening for explosives at airports, and/or screening cargo on passenger aircraft is not porkbarrel spending. It is homeland security to prevent the death and destruction which President Bush warns about.

This country must not forsake critical domestic needs because of this President's single-minded obsession with his failed mission. Congress has appropriated more than $38 billion for rebuilding Iraq, and this agreement adds another $3 billion. I simply do not understand why this President—our President—is eager to commit billions of dollars to rebuild Baghdad but absolutely opposes additional money to rebuild the gulf coast here in America. Why does President Bush decry needed funds for the Veterans' Administration to build a first-class health care system for our brave troops?

Porkbarrel spending? I think not. The conference agreement that is before the Senate today totals $124 billion. It is lower than the House bill. Yet essential funding for gulf coast recovery, veterans medical care, homeland security, and agricultural disaster relief remains.

The conference report also includes an increase in the minimum wage—the first increase since 1997. It is needed, it is fair, and it is long overdue.

There is also $4.9 billion in tax incentives for small businesses that are fully paid for in the bill. Small business is the backbone of our economy and these incentives will help economic growth.

This bill includes more than $100 billion for the Department of Defense—nearly $4 billion above the President's inadequate request. It protects the troops by including $1.2 billion above the President's low number for mine-resistant vehicles.

This bill cares for the troops by providing $2.1 billion more than the President for health care, including more resources for troops with traumatic brain injury. Porkbarrel? I think not.

The President—our President—claims this is a partisan bill. The President claims Congress is trying to micromanage the war, substituting our judgment for the judgment of our generals. The President knows better.

The Constitution says that "the Congress shall have power"—do you know what that means? The Congress, that is us—"the Congress shall have power to . . . provide for the common Defence." It is the Congress—yes, it is the Congress—that is given the sole power to declare war. The Congress is sworn to "raise and support Armies." The Congress has heard the voices of the people, and we have responded as we are elected to do.

This conference agreement provides a new directive for the war in Iraq. It is patriotic, not partisan, to help the President to see the truth—the truth. It is our duty. It is a duty born of love for this great country, the Constitution, and the American people.

If the President decides to veto the bill, he will be holding funding for the troops hostage to his stubborn insistence on going into Iraq and the resulting disaster caused by his, the President's, war policies.

I encourage all Members to vote for this conference report. We can send a strong message to the White House. We can help this President face the truth. Four years after our troops removed Saddam Hussein from power, the President's policies simply are not working. They must change. We must come together as a country to repair the damage caused by this horrendous war—this horrendous war—and chart a new direction in Iraq.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is to be recognized for 5 minutes.

Mrs. MURRAY. Mr. President, will the Senator yield?

Mrs. HUTCHISON. I will be happy to yield.

Mrs. MURRAY. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. On the majority side, including time reserved for the leader, there is 53 minutes. And on the minority side, including the time of the leader, there is 74 minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the speakers be in the following order: that following Senator HUTCHISON, I be recognized for 5 minutes, then Senator LIEBERMAN, then to Senator DURBIN for 5 minutes, to Senator INHOFE, and then to Senator KENNEDY for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, and I won't object, I am wondering why we are confining the time to 5 minutes if we have that many minutes remaining. If the Senator wishes to expand the time——

Mrs. MURRAY. Mr. President, I inform the Senator that I was limiting the Senators on our side to 5 minutes. The Senator from Oklahoma has unlimited time. I did not give time to speak on the Senator's side.

Mrs. HUTCHISON. Parliamentary inquiry: There is a unanimous consent agreement already on our side.

The PRESIDING OFFICER. That is correct.

Mrs. HUTCHISON. What is the amount allocated for Senator INHOFE?

The PRESIDING OFFICER. Under the previous agreement, Senator INHOFE is provided 5 minutes.

Is there objection to the request? Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, does the time start now?

The PRESIDING OFFICER. Yes. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, when Tom Brokaw wrote the book "The Greatest Generation," it reminded America what is great about our country. It reminded us that men and women have sacrificed through the years for our country to make sure it was free for the next generation.

Can you imagine in the middle of World War II the Congress mandating the withdrawal of U.S. forces from Europe and the Pacific, oblivious to the facts on the ground or the absolute necessity to win? Can you even imagine in the middle of the Cold War if Congress had required the withdrawal of troops from the same parts of the world, thinking that if we withdrew our troops, the Communists would do the same and peace would prevail?

If earlier Congresses had done what it appears this Congress is trying to do, freedom would have died in Europe, it would have died where it was in Asia, and who knows what would have happened in the future in America.

Today we have to ask ourselves: Are we worthy of the sacrifices so many have made in the past? Are we going to stand for freedom and fight for future Americans to have the same opportunities we have had because so many brave men and women have sacrificed?

There are those who say this isn't a world war; it is a civil war; it is over there, and we can't do anything about it. This is a tough time, there is no question. Every one of us grieves when we see the killing of innocent people, Iraqis or Americans. But make no mistake about it, this is a world war. Al-Qaida is in Iraq. General Petraeus said that yesterday. They have all the evidence. They know what al-Qaida is doing there. They are attacking Americans. They are attacking Iraqis. They are trying to take over Iraq so they will have the capability to spread their terrorism throughout the world.

Does that mean they are in a civil war or are they an enemy we must face? If we don't face it there, we will face it in our own country. General Abizaid, the former Commander of U.S. CENTCOM, said to the Armed Services Committee: If we leave, they will follow us home. If we don't stand for freedom against this enemy, we will see it again. We will see it on our own shores, and we will see it in other parts of the world.

It would be unimaginable to me for Congress not to fund our troops and to send the mixed message out of Washington to the enemy, to our allies in such an important conflict that Congress isn't sure if America has the will to stand and fight for freedom. And make no mistake about it, that is what is at stake in these votes that are happening on Capitol Hill.

I have heard people say: Oh, we are going to vote on this every month because it is good for politics. They may think it is good for politics, but I say the American people are going to get it. They are going to understand if we look weak in the Congress on standing and fighting the enemy wherever it is to keep Americans secure, they will see what happens and they will question if we are worthy of the sacrifices of the greatest generation.

I wondered when that book came out: If America were ever attacked, would we stand and fight for freedom? I hope the answer is yes. I hope the Congress will wake up and see that setting deadlines and sending the signal to the enemy that we are weak is not worthy of the sacrifices of the past.

I hope Congress will do the right thing, strip this language, send the money to the troops, and show that we, too, will stand for freedom for our children.

I thank the Chair. I yield the floor.

Mrs. MURRAY. Mr. President, I rise today in strong support of this supplemental appropriations conference report, and let me begin by thanking Senator BYRD, the chairman of our Appropriations Committee, who has worked diligently throughout the process to bring us to this point today where we are addressing the critical infrastructure needs of this country as well as moving forward and changing course in Iraq.

I also thank and commend our majority leader, Senator REID, for his courage and his diligence in speaking out to get us to a point where we will be sending a message to the President and to the country that we are willing to be courageous and change course in Iraq.

The agreement before us takes us on a responsible path on many of the most pressing issues of the day—the war in Iraq, as we have talked about and I spoke about on the floor yesterday, moving forward with the needs of our veterans and our injured servicemembers, homeland security, and the needs of our hard-hit communities here at home.

I realize my colleagues across the aisle would prefer that Congress obediently approve the President's request, but we are not. Instead, we are providing a funding bill that meets the needs of the American people and those bravely serving for us overseas and all of those here at home.

Last November, on November 7, the American people called for an end to the rubberstamp Congress, and today we are here to deliver. This is not, as some have tried to say, simply a war-funding bill. Instead, it provides funding for critical needs here at home in addition to the $100 billion in funding that is directed to our troops who are serving us so honorably overseas.

In recent weeks, there has been a lot of heated rhetoric and plenty of mischaracterizations about this important bill. Much of that has focused on the critically necessary language that is included in this bill that will transition our mission in Iraq and begin to redeploy our troops.

As Senator BYRD stated, there is much more in this bill. We need to pass this legislation because we need a new direction in Iraq, but we also need to pass this bill because it provides everything our troops need to complete their mission. It provides billions of dollars more to take care of them when they come home, and it will, finally, help American communities recover and rebuild.

In addition to funding for the troops overseas, this conference agreement provides more than $5 billion to ensure that our returning troops and veterans get the critically important healthcare they have earned and deserve and which we now so vividly see is needed.

It provides $6.9 million for the victims of Hurricane Katrina and Hurricane Rita. Senator LANDRIEU has been on the floor many times to talk about those families who have been forgotten on the gulf coast. We have not forgotten them in this bill, and this must get to the President and be signed to take care of those families.

We provide $2.25 billion in homeland security investments, including funds for port security and mass-transit security, for explosives detection equipment at our airports, and for initiatives in the 9/11 bill that recently passed here in the Senate. These are needs which we cannot forget, and we include them in this bill.

We provide $3½ billion to provide relief for our farmers and our ranchers across the country. There are many families who are struggling and who have suffered from drought and agricultural disasters. For too long, we have forgotten them in this country or ignored them or blocked their needs. The Senate today is saying we have not forgotten.

Finally, this conference agreement includes emergency funding for forest firefighting, a critical need throughout the West; low-income energy assistance, drastically needed in many of our communities; and pandemic flu preparations that all of us know we cannot forget.

I was on the floor yesterday to talk about much of the funding, but critically important is the funding for our troops and our veterans when they come home. We all vividly saw the Walter Reed scandal just a few weeks ago. We provide the funding to make sure our soldiers, whether they are at Walter Reed or any of our facilities across the country, get the best of care, from traumatic brain injury to post-traumatic stress syndrome.

Of course, again, we do have the Iraq language, which is so critical. I hope our colleagues, as we move this bill to the President, will remind him and the country that this bill is essential for our troops, for those of us here at home, and for the future of this country. We urge him to read the bill and to sign it.

Mr. BYRD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

The Senator said it well. The Senator could not have said it better. Senator MURRAY is right.

I thank Senator MURRAY, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut has 10 minutes allocated in his own right.

Mr. LIEBERMAN. Mr. President, the supplemental appropriations bill we are debating today contains language that would have Congress take control of the direction of our military strategy in Iraq. Like most Senators of both parties, I support the appropriations in this bill. But because I strongly oppose its language on Iraq, I will vote no.

Earlier this week, the Senate majority leader spoke at the Woodrow Wilson Center and laid out the case for why the bill now before this Chamber, in his view, offers a viable alternative strategy for Iraq. It was the most comprehensive recent argument in support of this position, and so I wish to address myself to its content respectfully and point by point.

I have great respect for my friend from Nevada. I believe he has offered this proposal in good faith, and therefore I wish to take it up in good faith and examine its arguments and ideas carefully and in-depth because this is a very serious discussion we are having this morning for America and its future security.

In his speech Monday, the Senate majority leader described the several steps this new strategy for Iraq would entail. The first step, he said, is to:

> . . . transition the U.S. mission away from policing a civil war . . . to training and equipping Iraqi security forces, protecting U.S. forces, and conducting targeted counter-terror operations.

I ask my colleagues to step back for a moment and consider this plan. When we say that U.S. troops shouldn't be policing a civil war, that their operation should be restricted to the narrow list of missions, what does this actually mean? To begin with, it means our troops will not be allowed to protect the Iraqi people from the insurgents and militias and terrorists who are trying to terrorize and kill them.

Instead of restoring basic security, which General Petraeus has effectively argued should be the focus of any counterinsurgency campaign, it means our soldiers would, instead, be ordered, by force of this proposed law, not to stop the sectarian violence happening all around them no matter how vicious or horrific it becomes. I fear if we begin to withdraw, it will become both vicious and horrific.

In short, it means telling our troops to deliberately and consciously turn their backs on ethnic cleansing, to turn their backs on the slaughter of innocent civilians—men, women, and children singled out and killed on the basis of their religion alone or their ethnicity. It means turning our backs on the policies that led us correctly to intervene in the civil war in Yugoslavia in the 1990s, the principles that today lead many of us to cry out and demand intervention in Darfur. To me, this makes no moral sense at all.

It also makes no strategic or military sense. Al-Qaida's own leaders have repeatedly said that one of the ways they intend to achieve victory in Iraq is to provoke civil war. They are trying to kill as many people as possible, precisely in the hope of igniting sectarian violence because they know this is their best way to collapse Iraq's political center, overthrow Iraq's elected Government, radicalize its population, and create a failed state in the heart of the Middle East that they can use as a base. That is why al-Qaida blew up the Golden Mosque in Samarra last February, and that is why we are seeing mass-casualty suicide bombings by al-Qaida in Baghdad today. The sectarian violence the majority leader says he wants to order American troops to stop policing, in other words, is the very same sectarian violence al-Qaida hopes will take it to victory. The suggestion that we can draw a bright legislative line between stopping terrorists in Iraq and stopping civil war in Iraq flies in the face of this reality. I don't know how to say it any more plainly. It is al-Qaida that is trying to inflame a full-fledged civil war in Iraq. So we cannot both fight al-Qaida and get out of the civil war. They are one.

The majority leader said on Monday that he believes U.S. troops will still be able to conduct targeted counterterror operations under his plan. Even if we stop trying to protect civilians in Iraq, in other words, we can still go after the bad guys. But, again, I ask my colleagues, how would this translate into reality on the ground? How would we find these terrorists, who do not gather on conventional military bases or fight in conventional formations?

By definition, targeted counterterrorism requires our forces to know where, when, and against whom to strike, and that, in turn, requires accurate, actionable, real-time intelligence. This is the kind of intelligence which can only come from ordinary Iraqis—the sea of people among whom the terrorists hide. That, in turn, requires interacting with the Iraqi people on a close, personal, daily basis. It requires winning individual Iraqis to our side because they conclude we are there on their side, gaining their trust, and convincing them they can count on us to keep them safe from the terrorists if they share valuable information about them. This is no great secret. It is at the heart of what is happening in Iraq today and is part of the Petraeus plan.

In sum, on this point, you can't have it both ways. You can't withdraw combat troops from Iraq and still say you are going to fight al-Qaida there. If you believe that there is no hope of winning in Iraq or that the cost of victory there is not worth it, then you should be for complete withdrawal as soon as possible.

There is another irony in the Iraq language in this bill. For most of the past 4 years, under former Defense Secretary Rumsfeld, the United States did not try to establish basic security in Iraq. Rather than deploying enough troops necessary to protect the Iraqi people, the focus of our military has been on training and equipping Iraqi forces, protecting our own forces, and conducting targeted antiterrorist sweeps and raids—in other words, the very same missions proposed by the proponents of the legislation before us.

That Rumsfeld strategy failed, and we know why it failed. It failed because we didn't have enough troops doing the right things to ensure security, which in turn created an opening for al-Qaida and its allies to exploit and allowed sectarian violence to begin to run rampant. Al-Qaida stepped into the security vacuum, as did the sectarian militias, and through horrific violence created a climate of fear and insecurity in which political and economic progress became impossible.

For years, many Members of Congress saw this and spoke to it. We talked about it. We called for more troops and a new strategy—and, for that matter, a new Secretary of Defense. Yet now, when President Bush has come around, when he has acknowledged the mistakes that have been made and the need to focus on basic security in Iraq and to install a new Secretary of Defense and a new commander in Iraq, now his critics in Congress have changed their minds and decided that the old failed strategy—the Rumsfeld strategy—wasn't so bad after all, because that is what would be adopted in the language on Iraq in this bill. What is going on here? What has changed so that the strategy we criticized and rejected in 2006 suddenly makes sense in 2007?

The second element in the plan outlined by the majority leader on Monday is the phased redeployment of our troops no later than October 1, 2007. Let us be absolutely clear what this means. The legislation would impose a binding deadline for U.S. troops to begin retreating from Iraq. That withdrawal would happen regardless of conditions on the ground, regardless of the recommendations of General Petraeus—in short, regardless of reality, on October 1, 2007. As far as I can tell, none of the supporters of withdrawal have attempted to explain why October 1 is the magic date, what strategic or military significance this date holds. Why not September 1? Why not January 1 or April 1? October 1, 2007, is a date as arbitrary as it is inflexible. It is, I contend, a deadline for defeat.

How do proponents of this deadline defend it? On Monday, Senator REID gave several reasons. First he said a date for withdrawal puts "pressure on the Iraqis to make desperately needed political compromises."

But will it? According to the legislation now before us, the withdrawal will happen, regardless of what the Iraqi Government does. How, then, if you are an Iraqi Government official, does this give you any incentive to make the right choices? On the contrary, there is compelling reason to think a legislatively directed withdrawal of American troops will have exactly the opposite effect than its sponsors intend.

I ask the Chair, how much time have I used?

The PRESIDING OFFICER (Mr. BROWN). The Senator from Connecticut has consumed the 10 minutes he was allocated.

Mr. LIEBERMAN. I gather Senator CORNYN has yielded his 5 minutes to me?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

This, in fact, is exactly what the most recent National Intelligence Estimate on Iraq predicted. A withdrawal of American troops in the months ahead would "almost certainly lead to a significant increase in the scale and scope of sectarian conflict, intensify Sunni resistance, and have adverse effects on national reconciliation."

That is the NIE, broadly supported and embraced by proponents of the Iraq language in this legislation.

Second, the majority leader said withdrawing our troops will "reduce the specter of the U.S. occupation which gives fuel to the insurgency."

My colleague from Nevada, in other words, is saying the insurgency is in some measure being provoked by the very presence of American troops. By diminishing that presence, presumably the insurgency will diminish.

But I ask my colleagues, where is the evidence to support this theory? I find none. In fact, all the evidence I find supports the opposite conclusion. Since 2003, and before General Petraeus took command and began implementing our new strategy there, American forces were ordered on several occasions to pull back from Iraqi cities and regions, including Mosul, Fallujah, Tel'Afar, and Baghdad. What happened in these places? Did they stabilize when the American troops left? Did the insurgency go away? Of course not.

On the contrary, in each of these places where U.S. forces pulled back, al-Qaida and sectarian warriors rushed in. Rather than becoming islands of peace, they became safe havens for terrorists, islands of fear and violence.

So I ask advocates of withdrawal, on what evidence, on what data have you concluded that pulling U.S. troops out will weaken the insurgency there when every single experience we have had since 2003 suggests that withdrawal, the kind of withdrawal mandated by this legislation, will strengthen the terrorists and insurgents and increase violence?

I ask my colleagues to consider the words of Sheikh Abdul Sattar, one of the leading tribal leaders in Anbar Province, who is now fighting on our side against al-Qaida because he is convinced we are on his side. This is what he told the New York Times when asked last month what would happen if U.S. troops withdraw? He said:

> In my personal opinion, and in the opinion of most of the wise men of Anbar, if the American forces leave right now, there will be civil war and the area will fall into total chaos.

This is a man whose father was killed by al-Qaida, who risks his life every day to work with us, a man who was described by one Army officer as "the most effective local leader in Ramadi I believe the coalition has worked with . . . since 2003."

In his remarks earlier this week, Senator REID also observed there is "a large and growing population of millions—who sit precariously on the fence. They will either condemn or contribute to terrorism in the years ahead. We must convince them of the goodness of America and Americans. We must win them over."

On this I completely agree with my friend from Nevada. But my question to him and others supporting this language is this: How does this strategy you propose in this bill possibly help win over this population of millions in Iraq who sit precariously on the fence?

What message, I ask, does this legislation announce to these people who are the majority in Iraq? How will they respond when we tell them we are not longer going to make an effort to protect them and their families against insurgents and death squads? How will they respond when we declare we will be withdrawing our forces, regardless of whether they are making progress in the next few months toward political reconciliation? Where will their hopes be for a better life when we withdraw the troops that are the necessary precondition for the security and stability and opportunity for a better life that the majority of Iraqis clearly yearn for?

Do my friends believe this is the way to convince Iraqis and the world of the goodness of America and Americans? Does anyone in this Chamber believe that by announcing a date certain for withdrawal we will empower Iraqi moderates, the mainstream, or enable Iraq's reconstruction, or open more schools for their children or more hospitals for their families or provide more freedom for everyone? With all due respect, this is a fantasy.

The third step the majority leader proposes is to impose "tangible, measurable, and achievable benchmarks on the Iraqi government."

I am all for such benchmarks. In fact, Senator McCAIN and I were among the first to propose legislation to apply such benchmarks on the Iraqi government.

But I don't see how this plan will encourage Iraqis to meet these or any other benchmarks, given its ironclad commitment to abandon them—regardless of how they behave.

We should of course be making every effort to encourage reconciliation in Iraq and the development of a decent political order that Sunnis, Shiites, and Kurds can agree on.

But even if today that political solution was found, we cannot rationally think that our terrorist enemies like al-Qaida in Iraq will simply vanish.

Al-Qaida is not mass murdering civilians on the streets of Baghdad because it wants a more equitable distribution of oil revenues. Its aim in Iraq is not to get a seat at the political table.

It wants to blow up the table—along with everyone seated at it. Al-Qaida wants to destroy any prospect for democracy in Iraq, and it will not be negotiated or reasoned out of existence. It must be fought and defeated through force of arms. And there can be no withdrawal, no redeployment from this reality.

The fourth step that the majority leader proposed on Monday is a "diplomatic, economic, and political offensive . . . starting with a regional conference working toward a long-term framework for stability in the region."

I understand why we are drawn to ideas such as those that are in this legislation on Iraq. All of us are aware of the justified frustration, fatigue, and disappointment of the American people with Iraq. All of us would like to believe there is a better solution—quicker, easier—to the challenges we face in Iraq. But none of this gives us an excuse to paper over hard truths of which I have tried to speak. We delude ourselves if we think we can wave a legislative wand and suddenly our troops in the field will be able to distinguish between al-Qaida terrorism and sectarian violence or that Iraqis will suddenly settle their political differences because our troops are leaving or that sweet reason alone will suddenly convince Iraq and Syria to stop destabilizing Iraq, stop enabling the terrorists and insurgents who are killing too many Americans and Iraqis there today.

What we need now is a sober assessment of the progress we are beginning to make and a recognition of the significant challenges we still face. There are many uncertainties before us, many complexities, many challenges. Barely half of the new troops General Petraeus requested have even arrived in Iraq.

In following General Petraeus's path, there is no guarantee of success, but there is hope and a new plan for success. In rejecting General Petraeus's path, as this legislation would do, there is a guarantee of failure and, I fear, disaster. The plan embedded in this language contains no reasonable prospects for success. It is a strategy based on catch phrases and bromides rather than military realities and all that is on the line for us in Iraq.

It does not learn from the many mistakes that have been made in Iraq. Rather, it promises to repeat them. Let me be absolutely clear. In my opinion, Iraq is not yet lost, but if we follow the plan in this legislation, it will be lost and so, I fear, will much of our hope for stability in the Middle East and security from terrorism here at home. That is why I will vote no.

Mr. AKAKA. Mr. President, we are now in our fifth year of this conflict in Iraq, and throughout that time I have met with commanders of our Armed Forces, listened to their experiences and recommendations, and after much consideration I have come to the conclusion that we are not on the right path. While some of my colleagues believe that we should support President George W. Bush, who continues to make decisions that place our men and women in the Armed Forces in harm's way, I disagree.

The past few months have been among the deadliest for our military personnel. We have seen 79 U.S. soldiers killed in February, 82 in March, and 85 so far this month. To the more than 3,300 U.S. soldiers that have been killed and the over 24,000 wounded since the conflict began, to our men and women in the Armed Forces and their families who are valiantly serving our country and to the American people, I say to all of you, we must change our course.

To stay the course is to welcome disaster. Iraq lies like the proverbial clay pot broken in shards on the ground. It is shattered into the fragments of warring factions, clans, and religious groups. Afghanistan, still the center of the war on al-Qaida, is becoming progressively more dangerous as our attention remains focused on Iraq. Al-Qaida and the Taliban are rebuilding their forces and terrorists have extended their attacks to North Africa and Western Europe. We are facing, as our military leaders tells us again and again, a "thinking enemy," one that learns and adapts. Should we not also learn and adapt? Can anyone doubt that our strategy needs to change?

Some have painted this conflict as simply a war against al-Qaida in Iraq. Let us not make the mistake of fooling ourselves. Al-Qaida is stoking the flames but it is the internal divisions among the Iraqis themselves which has made it the bonfire it is today. If the Iraqis unite, they can defeat al-Qaida as they have demonstrated in some provinces already. But as everyone, including the President and our military leaders, have observed, the Iraqis themselves must form a reconciliation government. American soldiers are not a thread that can permanently stitch together the broken parts of Iraq. The Iraqis themselves are the masters of their own fate.

The legislation before us today is a call for a new strategy. It requires that we change our present course. It makes clear that the war in Iraq can only be won by Iraqis. It is their will and their will alone that must determine the fate of their country. Americans cannot do the fighting for them. A democratic Iraq will not be established unless the Iraqis do it for themselves. We cannot put the shattered pieces of Iraq together. Only the Iraqis can do that.

Today, with the Senate passage of H.R. 1591, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, we will be providing $100 billion for the Department of Defense, primarily for continued military operations in Iraq and Afghanistan. It also includes a $1 billion increase for the National Guard and Reserve equipment and $1.1 billion for military housing. Mr. President, $1.789 billion would be provided for the Department of Veterans Affairs to specifically target treatment for veterans of Operation Iraqi Freedom and Operation Enduring Freedom, reduce the backlog of benefit claims, and ensure that facilities are maintained at the highest level. In addition, $6.9 billion would be appropriated for the victims of Hurricane Katrina and Hurricane Rita, $650 million would be provided for the State Children's Health Insurance Program, $2.25 billion in homeland security investments, including funds for port security and mass transit security, and $3.5 billion to help relieve pressures that farmers and ranchers experienced due to severe drought and agricultural disasters.

In addition to funding these important efforts, the legislation includes an important step in setting the proper course in Iraq for our military servicemembers and their families by providing them with a road map to success. By outlining the benchmarks that must be met by the Iraqi government and clarifies our military involvement in Iraq. It defines our mission in Iraq by steering our military away from policing a civil war to training and equipping Iraqi security forces, protecting U.S. forces, and conducting targeted counterterror operations. A phased redeployment of our troops would begin no later than October 1, 2007, with a goal of removing all combat forces by April 1, 2008, except for those carrying out security, training, and counterterror operations. This bill holds the Iraqi government accountable by setting benchmarks that must be met for security, political reconciliation, and improving the lives of the Iraqi people. It is no longer acceptable for this Administration to set arbitrary benchmarks that have no consequences attached to it. It is time for the Iraqi government and regional leaders to work together to promote democracy in Iraq. It is time for the United States to take the necessary steps that illustrates our willingness to relinquish control and allow the Iraqi government and the Iraqi people to control their own destiny. And it is time for the Iraqi people to set their own path to victory and democracy.

The American people and more importantly, our servicemembers and their families, deserve to have the administration define our mission in Iraq. The President must also give a clear directive to the Iraqi government that it must demonstrate the will to overcome the civil unrest that is taking control of their country. Unfortunately, the President has indicated that he will veto this important legislation. By vetoing this legislation, this administration is sending the wrong message. It is preventing our troops from receiving the funds they need to continue their mission in Iraq and Afghanistan. It is preventing victims of Hurricane Katrina and Hurricane Rita from rebuilding their lives and farmers and ranchers from receiving relief due to severe drought and agricultural disasters. Moreover, it is preventing our veterans from receiving the health care and benefits that they deserve.

It is time for this administration, this President, to lead us out of the morass in Iraq. This legislation sends the right message to our servicemembers, to the Iraqi government and its people, and to the American people. I urge the President to do the right thing and enact H.R. 1591, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.

Mr. SALAZAR. Mr. President, today I will vote for the Iraq-Afghanistan emergency supplemental bill. I believe that this bill supports our troops, our veterans and their families, and should be signed by the President.

But first I would like to say that as we continue the debate on this legislation and on the best way forward in Iraq, I come to the floor today with two key principles in mind.

One, we should honor the bravery and courage of our troops. America's finest men and women have done an extraordinary job—too often without the needed equipment and support. But honoring our troops means more than just singing their praise. It means making sure that every American in Iraq is adequately trained and equipped; it means guaranteeing every veteran access to all available benefits and services; and it means setting a policy that is as wise as our soldiers are brave.

And two, we should work to heal the deep divisions which this war has caused at home. Not since Vietnam has the American public been so divided. I am concerned that the bitterness and the harshness of the debate clouds good judgment on the future direction in Iraq.

It is important for us to remember that, no matter how contentious this debate may become, every Senator shares the same goal: peace and stability in the Middle East and a safe return home for our troops. While we may disagree on the best path to that end, we must continue to work together for a constructive change in our policy. It is important to remember what binds us together—so that we will not be torn too far apart.

I would now like to comment on the bill before us today.

Specifically, the bill includes: More than $100 billion for our troops on the ground in Iraq and Afghanistan; more than $5 billion to help ensure that our veterans and their families can receive the health care they need and deserve when they return home; nearly $7 billion to rebuild the gulf coast and help the victims of Hurricanes Katrina and Rita so that they can finally rebuild their homes, communities and livelihoods; and $3.5 billion in disaster assistance to help our farmers and ranchers across the Nation recover from 7 years of drought capped by this winter's devastating blizzards.

The bill sends a direct message to the Iraqis that our military commitment is not open-ended. We hold the Iraqi government accountable through measurable and achievable benchmarks for security, political reconciliation and improving the lives of ordinary Iraqis.

The bill also launches a new diplomatic, economic and political offensive and takes steps to begin to rebuild our military.

Finally, it sets an April 1, 2008, goal of redeploying U.S. troops not engaged in carrying out security, training and counterterror operations in Iraq.

I support this new direction for Iraq. This new direction recognizes the reality that success in Iraq is contingent upon a strategy of military, political and diplomatic progress.

I am disappointed that the President has said he intends to veto this legislation. But I remain hopeful. I believe that we must continue to seek a new course in Iraq. I believe we can and should do that by achieving a bipartisan consensus on the best path to success.

I know most of my Republican colleagues do not support this bill. But I believe they sincerely want to join in finding a solution to the difficult problem that confronts us in Iraq. The Iraq Study Group provides a model for how we can work in good faith, across party lines. And I believe that the group's recommendations can and should be our blueprint for a compromise that can gain broad support here in the Senate.

So next week, I will be back on the floor to discuss with my colleagues how we can implement those recommendations, working with the President.

Ms. MIKULSKI. Mr President, this morning I had the honor of saluting members of the Maryland Army National Guard as they departed to begin training for their upcoming deployment to Iraq. The 58th Brigade Combat Team, including the Headquarters Company from Pikesville, MD, the 1st Battalion of the 175th Infantry from Dundalk, MD, and the 1st Squadron of the 158th Cavalry Regiment, are leaving their families and communities to answer our Nation's call. As the Senator from Maryland and the Senator for Maryland, I have promised them that I will do everything I can to support them while they are on the battlefield, help care for their families while they are gone, and ensure they have the medical care, education, and job training benefits they need when they return.

I support the conference report on the fiscal year 2007 emergency supplemental appropriations bill because it will help us keep our promises to America's citizen soldiers and their families. Unfortunately, President Bush continues to threaten to veto this bill. I hope it will not come to that. I urge the President to work with this Congress to meet the pressing needs of our men and women in uniform.

I support this emergency supplemental bill because it: Fully funds the needs of our warfighters on the battlefield; adds $466 million to ensure veterans get health care they need when they come home; and requires the President to immediately change our mission in Iraq; and sets the goal of bringing our troops home by no later than April 1, 2008.

This bill states clearly that Congress and the American people will continue to support and protect our troops. Our troops must understand that Congress will never abandon them, not while they are fighting on the battlefield and not when they come home. The best way to support our troops is to bring them home—swiftly and safely.

I am not new to this position. I never wanted to go to war in the first place. I was one of the 23 who voted against this war, 4 years ago, on October 11, 2002. I opposed giving the President unilateral authority to launch a preemptive attack. I said the United States had to exhaust our diplomatic options. I encouraged the administration to stick with the United Nations U.N., to let the U.N. meet its responsibility to deal with the threat from Saddam. The day of the vote, I said, we don't know if we will be greeted with flowers or landmines. Well, now we know: When we got to Iraq, there were no weapons of mass destruction, but the destruction happened, and it happened fast.

The United States went to war with Iraq, but today, we are at war within Iraq. Saddam is gone, but we are still there, mired in a civil war. No one could ask more of our troops. They are brave and courageous and have fought valiantly. And it is time to bring them home.

We need a way forward in Iraq. The Iraq Study Group gives us 79 recommendations as a way to go forward, but the President has completely ignored this report. Surely out of 79 recommendations, there are 50 we can agree on. The Iraq Study Group report calls for new and enhanced diplomatic and political efforts in Iraq and a change in the primary mission of U.S. forces in Iraq to enable the United States to begin to move our forces out of Iraq responsibly. It provides a direction for the U.S. and Iraqi Governments to follow that could lead to withdrawal of American forces by the first quarter of 2008.

This is exactly the approach called for by this supplemental bill, which will have most of our troops out of Iraq by March 31, 2008. What are we voting for? This bill contains a binding resolution that directs the President to promptly transition the mission of U.S. forces in Iraq and begin a phased redeployment within 120 days. It sets a goal of bringing U.S. combat forces home by April 1, 2008, except for a limited number of troops essential for force protection, training, and equipping Iraqi troops, and targeted counter terror operations.

This resolution also says success in Iraq depends on the Iraqi Government's ability to meet important benchmarks, including the training and equipping of Iraqi security forces so they can control the capitol city of Baghdad; giving Iraqi military commanders the authority to conduct operations without political interference; disarming sectarian militias and ensuring that Iraqi security forces are loyal to Iraq's Government; drafting and implementing legislation to ensure the equal division of Iraqi oil revenues; drafting and implementing legislation to reform the debaathification process; implementing a fair process for amending the Iraqi constitution to ensure minority rights are protected; and implementing new rules to protect minority rights in the Iraqi Parliament.

I support this Iraq resolution. It says what the Iraq Study Group has already told us: the problems in Iraq cannot be solved by the U.S. military—they require a political solution by the Iraqis and diplomatic engagement with Iraq's neighbors. It says Congress and the American people will not only support the troops but continue to protect them as well.

I want to end this war, and the resolution in this bill will do just that. Yet in ending the war, it is my responsibility as a Senator to ensure that our troops are brought home not only swiftly but safely. I will not vote to end funding for the pay that supports military spouses and children, body armor and armored humvees our troops need for survival, tourniquets and surgical hospitals on the battlefield, jet fuel for the airplanes that take injured troops from Baghdad to Germany and then home, or the medical care they need when they get here.

In the last few weeks, we have all been shocked and awed by the conditions facing our wounded warriors. We know that more than 22,000 Purple Hearts have been awarded in Iraq. Yet our troops are being twice wounded. We know that acute care for our injured troops has been astounding, with historic rates of survival from even the most brutal battlefield injuries. Yet, while we have saved their lives, we are failing to give them their life back. Outpatient care, facilities, social work, case workers, disability benefits—the whole system is dysfunctional.

This supplemental includes an additional $20 million to improve conditions at Walter Reed Army Medical Center and an additional $900 million for research and treatment of traumatic brain injury, post-traumatic stress disorder, and other physical and mental trauma. It also adds $466 million for veterans' health care, including $53 million for new polytrauma facilities and services, $10 million for 100 additional caseworkers to aid troops and their families as they transition from active duty, $25 million for prosthetic research and $120 million for mental health treatment.

We know this is only a downpayment for our troops and veterans. We need to overhaul the disability benefits system that is outdated and adversarial. We need a better system for transitioning our troops from active duty to the Veterans' Administration, to ensure they get the health care, job training, and educational benefits they deserve. We need to hear the recommendations of the Dole-Shalala Commission on how to fix the problems in our military and veterans hospitals. And I look forward to working with Senator MURRAY, Senator LEVIN, and Senator INOUYE on a comprehensive reform package that will ensure our troops have the medical care they will need for the rest of their lives.

This supplemental supports our troops, follows the will of the American people, and follows the advice of the Iraq Study Group. It is time to change our direction in Iraq and bring our forces home. Let's send in the diplomats and bring our troops home safely and soon.

Mr. CONRAD. Mr. President, I offer for the record, the Budget Committee's official scoring of the conference report to H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007.

The conference report includes $124.153 billion in net, new discretionary budget authority for 2007, of which $100.681 billion is for defense activities and $23.472 billion is for nondefense activities. The additional budget authority will increase outlays by $31.935 billion in 2007. Of the total spending authority provided, H.R. 1591 designates $124.789 billion in budget authority as emergency spending, which will increase outlays by $31.926 billion.

The conference report to H.R. 1591 is subject to several points of order. First, the conference report includes emergency funding that would cause the $86.3 billion cap on 2007 emergency funding to be exceeded. This cap was included in S. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2007, and was made applicable by the deeming resolution included in section 7035 of P.L. 109-234. Funding above the cap counts against the subcommittees' allocations and would cause them to exceed their allocations As a result, the conference report is subject to a point of order under 302(f) of the Congressional Budget Act. Second, the small business tax relief provisions included in the conference report reduce revenues by $4.465 billion over the 2006-2010 period. Because the Congress is over the revenue aggregates under the 2006 budget resolution, the conference report is subject to a point of order under section 311 of the Congressional Budget Act. It should be noted that the tax provisions are fully offset over the 2007-2012 and 2007-2017 periods. Finally, the conference report is subject to a point of order under section 402 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006, for including a number of emergency designations for spending on nondefense activities.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 1591, THE CONFERENCE REPORT TO H.R. 1591, MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2007

[Fiscal year 2007; $ millions]

	Defense	Non-defense	Total
Conference Report:			
Emergency:			
Budget Authority	$100.681	24.108	124,789
Outlays	26,665	5,261	31,926
Nonemergency:			
Budget Authority	0	−636	−636
Outlays	0	9	9
Total:			
Budget Authority	100,681	23,472	124.153
Outlays	26,665	5,270	31,935

Mr. DOMENICI. Mr. President, it is irresponsible for Congress to operate this way.

With the provisions in this bill, Congress is deserting our commitments to our military leaders and telling them that none of it matters, the war is over and your mission is done. Congress, with this bill, is reneging on the war and sending our men and women in uniform a demoralizing message.

I am committed to giving our military, led by General Petraeus, time and resources to try to calm Baghdad.

I understand the deep national unrest over the course of the war. I do not support an open-ended commitment in Iraq. The Iraqi government must do more.

But effectively abandoning our military effort at this time poses a treacherous threat to the United States and the region.

We should do right by our troops, give them the resources they need and work with the Iraqis toward solutions that will bring our Armed Forces home at an appropriate time.

Mr. DODD. Mr. President, our soldiers, sailors, airmen, and marines have performed valiantly in Iraq in the face of great adversity. The costs of this war have been great to them and our Nation. Over 3,300 brave American servicemembers have been killed in Iraq over 30 from my own State of Connecticut.

To date, over $500 billion has been approved by Congress for military operations in Iraq and Afghanistan, not including the $95.5 billion included in the conference agreement being debated today or the $141.7 billion in additional funding already requested by the administration for fiscal year 2008.

In addition, because of the war, our forces have been drained of critical combat gear and training time, adding another element to the costs of this war—our military's combat readiness. Two-thirds of the Army in the United States and 88 percent of our National Guard are reporting "not ready" for duty, largely due to equipment and training shortfalls.

Now, as we have entered the fifth year of the Iraq war, it is long past time for a course correction. Rather than continue abetting the administration's efforts to escalate our entanglement in Iraq's civil war, it is time for Congress to assert itself and heed the American people's call for change.

The conference report before us today takes the first steps toward that change. While I wish it would have included stronger language to immediately begin withdrawing combat troops from Iraq and limiting the mission there to counterterrorism, training and equipping Iraqi troops and force protection for remaining U.S. personnel, it does for the first time set some new goals for this administration and the Iraqi Government that will mandate a change of course. For the first time it demands real accountability from the President to take action to restore our military's readiness which has been hollowed out as a result of his policies. And this bill finally provides critical resources for combat gear and protective equipment that the Bush-Cheney-Rumsfeld administration has consistently shortchanged in their budget proposals.

Regrettably, as my colleagues know, the President has already said that he will refuse to sign this legislation into law. He has announced his intention to veto this bill because after 4 years of a disastrous war policy, escalating combat deaths, and growing instability in the region, he insists that his is the only way. It is disheartening that President Bush does not see or will not admit that his policy in Iraq is a failure.

In plowing ahead on the current course in Iraq, the President has rejected the advice of experts from across the political spectrum, from the Baker-Hamilton Report, and from members of Congress, all of whom have urged him to change the course in Iraq, to diminish our military footprint there, and to start a surge of diplomacy in the region. Like all my colleagues, I want to see success in Iraq. I wish that the President's policies were working. I wish that U.S. combat forces were able to restore security to Baghdad and to other parts of Iraq. I wish that the President had not mismanaged this war from day one. I wish that we had deployed enough troops on the ground to secure the peace at the outset. I wish that Secretary Rumsfeld hadn't run the Coalition Provisional Authority like a staffing agency for Republican political operatives, displacing countless U.S. Foreign Service professionals in the beginning of the war. I wish we hadn't disbanded the Iraqi Army and that we hadn't allowed looting. And I wish that our surge of 30,000 more men and women in uniform into Iraq could be successful in stabilizing that country.

But now is not the time for wishful thinking. Now is the time to address the real facts on the ground. This conflict cannot be resolved by increased military action. It requires a coherent, broad-based strategy to promote the political reconciliation necessary to secure the future for Iraq.

The bill before us begins that process. If the President determines that the Iraqis are not making progress on key political, security, and economic benchmarks, then, under this legislation, the redeployment of American troops would begin this summer. If, on the other hand, the President determines that the Iraqis are complying with the benchmarks set forth in the legislation, then the redeployment of American forces would begin later in the fall of 2007. These reasonable and responsible timetables and benchmarks will force the President to change his strategy and will incentivize the Iraqi Government to take difficult but necessary steps toward reconciliation, power sharing, and security.

This bill also allows for a limited ongoing presence of U.S. forces in Iraq for the specific purposes of training and equipping reliable Iraqi security forces, carrying out counterterrorism operations within Iraq, and providing force protection, because we understand that these vital components will be necessary to ensure a stable and secure Iraq even after our combat troops have been redeployed. Iraqis will continue to need some limited American assistance, and it is in our and Iraq's national interests for that limited support to continue.

Exactly 1 day after President Bush disingenuously charged the Democratic Congress for causing what he called "unacceptable" delays in troops returning home, Secretary Gates announced that he was immediately extending the tour lengths of those units sent to Iraq to 15 months—3 months longer than before. In addition, 13,000 National Guard troops from Arkansas, Indiana, Oklahoma, and Ohio, as well as other States, were recently told to prepare to be deployed to Iraq.

As a result of 4 years of war in Iraq, our Army has been stretched to its breaking point.

It is time to say, "enough is enough." And with this supplemental bill, Congress is taking a big step in that direction. This bill holds the President directly responsible for units being deployed who are not "fully mission capable", by requiring him to waive requirements that mandate that units fully restock their depleted equipment inventories and restore their mission readiness prior to deployment. It includes funding for critical equipment, including mine-resistant, ambush-protection vehicles which would dramatically lower the number of injuries and casualties sustained by our troops. And it includes billions of dollars for health care for our wounded veterans, many of whom return home with debilitating and life-altering injuries. They have sacrificed everything for this Nation, and at the very least we owe them the best health care available.

Sadly, there is no magic formula for fixing the myriad problems in Iraq, as the Baker-Hamilton Commission rightly pointed out. But it is critical that Iraqis make progress on reconciliation and security and that the Government improves the living conditions of its citizens. Iraq's neighbors and regional leaders must also play a role in finding such a solution. The United States and Iraq's neighbors all have long-term interests in the region, and a broken Iraq does not advance those interests.

With this supplemental bill, Congress is offering the President an opportunity to change our course in Iraq, to listen and respond to the will of the American people, to support the men and women sacrificing their lives there, and to provide for a responsible change in strategy in Iraq.

It is also vital that we make America more resilient here at home. This bill begins to do just that, in providing $325 million to protect the millions of Americans who ride public transportation each day.

Our Nation's public transit systems are inadequately prepared to minimize the threat and impact of potential terrorist attacks. Since the terrorist attacks of September 11, 2001, the Federal Government has invested nearly $24 billion in aviation security—protecting the 1.8 million people who fly on an average day. At the same time, our National Government has invested only $386 million, before the 110th Congress began, in transit security to protect the 14 million people who ride transit on an average workday. Put another way, since 2001, our Nation has spent over $7.50 per passenger on aviation security but less than one penny per transit rider on transit security. I am not suggesting that we ought to be investing equally, but clearly this is not the appropriate balance.

As chairman of the Senate Banking, Housing, and Urban Affairs Committee, I have made improving our national security a top priority. The very first hearing that I held as chairman focused on increasing the security of our Nation's 14 million daily transit passengers. The very first legislation that the committee considered during my chairmanship was the Public Transportation Terrorism Prevention Act of 2007, which was reported by the Banking Committee unanimously on February 8. The legislation authorizes the distribution of $3.5 billion in security funds, over the next 3 fiscal years, on the basis of risk directly to transit agencies.

The Public Transportation Terrorism Prevention Act of 2007 was included as title XV of the 9/11 bill, which the Senate passed on March 13. Senator SHELBY and I worked with Senator BYRD and Senator COCHRAN to include language in the legislation to allow for such sums as necessary to be appropriated in this fiscal year to address the critical needs of our Nation's transit systems. The $325 million included in this appropriations act is a significant investment toward our goal of better securing our Nation's rail and transit systems. This investment builds on the $175 million that was included in the fiscal year 2007 continuing resolution. I once again thank all of the members of the Banking and Appropriations Committees who have worked so hard to advance us to where we are today.

This bill also continues congressional efforts to help the citizens of Mississippi and Louisiana rebuild their lives after the catastrophic effects of Hurricane Katrina by including more than $1.3 billion to fund flood and storm damage reduction projects in affected areas.

Finally, I want to take a few brief moments to discuss the minimum wage increase provision included in this bill. It has been nearly 10 years since millions of hard-working men and women have seen their wages go up. During that time, inflation has eroded the purchasing power of families being paid the minimum wage. In fact, the real value of the minimum wage has declined $4 below what it was nearly 40 years ago, in 1968. It is currently at its lowest inflation-adjusted level in more than 50 years. During the past 10 years, while the minimum wage remained unchanged, the cost of housing, food, health care, education, transportation, and energy has increased.

We cannot reduce poverty if we don't tackle raising the minimum wage. It is simply outrageous that so many Americans live in poverty, and it is long overdue that we take action to reduce the inexcusable and unconscionably high levels of poverty in this country. The language of the Fair Minimum Wage Act, which is included in this bill, will provide a three-step increase in wages over 26 months from the current level of $5.15 per hour to $7.25 per hour. This additional $4,400 per year would allow a low-income family of three to buy 8 months of rent, 15 months of groceries, 19 months of utilities, 20 months of childcare, or more than 24 months of health insurance.

I urge the President to seize this opportunity to make America and Iraq stronger and safer. I sincerely hope he will reconsider his decision to veto this bill when it arrives on his desk. Such a veto would be an affirmation of the status quo in America, a status which this Nation can simply no longer afford.

Mr. BAUCUS. Mr. President, the pending emergency supplemental appropriations bill includes a number of items within the jurisdiction of the Finance Committee. I would have preferred that the Senate had considered these matters on legislation that the Finance Committee had reported. I believe in the committee process. In the future, I will try to minimize the occasions on which Finance Committee legislation travels on legislation reported by other committees.

But the House of Representatives included the minimum wage and small business tax provisions in the House-passed version of this supplemental appropriations bill. So it was only appropriate that the full Senate respond. The Senate Appropriations Committee added matters related to health care, so it was only appropriate that the conference committee on this supplemental appropriations bill address those issues, as well.

I appreciate that the conference committee on this supplemental appropriations bill deferred to members of the Finance Committee in the formulation of these Finance Committee tax and health matters in the conference report on this bill. I particularly thank Chairman BYRD for his assistance in this regard.

Some have been concerned that an increase in the minimum wage would burden small businesses. Small businesses are a vital source of job creation, economic opportunity, and technological innovation.

There are about 23 million small businesses in America. Businesses with fewer than 500 employees represent more than 99 percent of all businesses in America. They pay more than 45 percent of American private payroll. They have generated 60 to 80 percent of net new jobs annually over the last decade. They employ 41 percent of high-tech workers.

Small business is particularly important in my home State of Montana. Small businesses are the backbone of our communities.

We have the opportunity to help small businesses through tax incentives that stimulate their rates of formation and growth. That is why Chairman RANGEL and I worked together to combine the House and Senate small business tax packages to achieve a comprehensive small business tax package.

This is a responsible package that will help small businesses in the context of an increase in the Federal minimum wage.

The nonpartisan Joint Committee on Taxation has made available to the public a technical explanation of the bill. The technical explanation expresses the committee's understanding and legislative intent behind this important legislation.

The small business tax package provided a more than 3-year extension of the work opportunity tax credit, or WOTC. WOTC allows employers a tax credit for wages that they pay to economically disadvantaged employees. The final small business tax package also expands WOTC to allow the credit for employers who hire disabled veterans, a proposal that was part of both the Senate and House packages. The package includes the Senate's proposed expansion to allow the credit for employers who hire employees in a county that has suffered significant population loss.

The small business tax package also includes a 1-year extension of section 179 expensing. Section 179 allows small business owners to purchase and write off more equipment each year for use in their trade or business. Section 179 expensing was included in both the Senate and House small business tax packages. The final small business tax package also increases the amount allowed to be expensed in 2007 from $112,000 to $125,000, a proposal in the House version.

Enhancement of the tip credit, family business tax simplification, and waiver of limitations under the alternative minimum tax on WOTC and tip credits are three other House proposals included in the final small business tax package.

Enhancement of the tip credit for certain small businesses will prevent a decrease in the amount of business tax credit that restaurant and other service-oriented business owners may claim for the Social Security taxes that they pay on their employee's tips despite an increase in the Federal minimum wage.

The family business tax simplification proposal ensures that when a married couple jointly owns a small business, both spouses will receive credit for paying Social Security and Medicare taxes.

The waiver of individual and corporate AMT limitations on WOTC and tip credits would allow business owners to take the WOTC and tip credits under AMT.

The Senate's S corporation package is also included in the final small business tax package. The S corporation package includes several simplifications and modifications to rules governing community banks and other small businesses that operate as S corporations.

The small business tax package includes several tax incentives included in both the Senate and House small business tax packages to help recovery of small business and low-income housing in areas hit by Hurricanes Katrina, Rita, and Wilma.

The small business tax package is a responsible package that is completely offset. The package includes offsets that were included in both the Senate and the House small business tax packages, such as modification to the interest suspension rules for IRS and a proposal to discourage the practice of transferring investments to one's child for the purpose of avoiding higher tax rates.

The package also includes modifications to the collection due process for employment taxes, an expansion of preparer penalties, and a new penalty on erroneous refund claims. These offsets were part of the administration's fiscal year 2008 budget proposal to improve tax compliance.

The small business tax package does not include the Senate's 15-year depreciation proposal for improvements made to leaseholds, retailer-owned businesses, and restaurants. Nor does this final package include the Senate's proposal to expand availability of the cash method of accounting.

These proposals both have merit. They were included in the chairman's mark when the Finance Committee wrote the Senate's small business tax package. These proposals enjoy the support of many Senators, including Senators KERRY and SNOWE. But there simply was not enough room in a $4.8 billion conference package to include the 15-year depreciation and cash method of accounting proposals, as they have a combined estimated pricetag of nearly $7.4 billion. But this will not be the last bill in which the Senate can address these important proposals.

If and when the President vetoes this bill, and it comes back again, we need to preserve the integrity of this balanced compromise. Congress should not litigate this tax package over again. I urge my colleagues to support this package.

This bill also accomplishes key urgent health priorities.

The bill includes emergency funding for the State Children's Health Insurance Program, or CHIP. This fiscal year, 14 States will run short in their Federal CHIP funds by a total of about $624 million. The Congressional Budget Office estimates that 700,000 children will lose CHIP coverage unless Congress acts.

This bill fills the gap in Federal CHIP funds. It ensures that all States can meet the demand for CHIP coverage for all those now eligible for coverage this year.

I thank Chairman BYRD and Chairman HARKIN for their help on this provision. Keeping children from losing their health coverage is a critical national priority. I will work with my colleagues to ensure that the final supplemental bill includes this provision.

Another provision originally offered by Senator DURBIN puts a 1-year hold on rulemaking relating to Medicaid payment rates for public hospitals and nursing homes. In January, the Secretary of Health and Human Services proposed a rule that would make sweeping changes to reimbursement rates for public facilities. The rule also proposed major changes to how States can define which governmental facilities can pay a State's Medicaid share.

The Nation's Governors have weighed in against the Medicaid rule, as have many hospitals and nursing homes. They are concerned that this rule would do immediate harm to our Nation's safety net by cutting Medicaid reimbursement for publicly owned facilities that serve our most vulnerable citizens.

I am concerned this rule goes too far in implementing new policy, making changes that are better made by Congress.

It is Congress's job to make major changes to the law. A 1-year moratorium will give the Finance Committee enough time to study this issue and determine the right approach in legislation to limit opportunities for fraud and abuse of Medicaid, while protecting the vulnerable individuals and vital safety net providers who rely on Medicaid payments.

Some have raised concerns about the original Durbin amendment moratorium. They said that it should not have been included in an appropriations bill and that it could undermine oversight of Medicaid at the Department of Health and Human Services. I agree that we should keep Finance Committee issues within the committee. In this case, however, the Department is poised to act before July of this year. We need to take action now, before it is too late.

I also agree that protecting against fraud and abuse in Medicaid is a priority. Not one taxpayer dollar should be misspent. That is why the revised version of this amendment clarifies that the moratorium has no affect on all other Medicaid integrity enforcement activity at the Department of Health and Human Services.

This final version also removes the increase in the Medicaid prescription drug rebate that was used to offset the cost and replaces it with other Medicaid policies that will save Federal dollars. The new version includes provisions that will lower the incidence of fraud in Medicaid drug prescribing and preserve access to affordable prescriptions for 100,000 seniors covered by Wisconsin's Pharmacy Plus program.

I think this is the right approach. It provides a shorter moratorium that allows the Finance Committee to act and preserves oversight on fraud and abuse at the Department of Health and Human Services.

I will work with Senator DURBIN and members of the Appropriations Committee to ensure that this version stays in the final bill.

Once again, I thank Chairman BYRD for his help in reaching this good outcome. And I urge my colleagues to support this legislation.

RETAIL IMPROVEMENTS

Mr. KERRY. Mr. President, I would like to followup on the comments Chairman BAUCUS made about the depreciation of retail improvements and engage in a colloquy with Senators SNOWE and BAUCUS. Under current law, improvements made to rented retail property are depreciated over 15 years. Improvements made to owned property are depreciated over 39 years. The current tax treatment of improvements to retail property results in an inequity. There is no justification to treat these improvements differently for tax purposes based on whether the property is owned or rented. Unfortunately, this provision was not included in the small business tax package.

Ms. SNOWE. I join Senator KERRY in my disappointment that this provision that would benefit retail operations like Greenacres Kennel Shop in Bangor, ME, was not included in the conference agreement of the supplemental appropriations bill. The provision originated from legislation, S. 271, that I introduced with Senators LINCOLN, HUTCHISON, and KERRY to provide relief and equity to our Nation's 1.5 million retail establishments, most of which have less than five employees. This bill will simply conform the Tax Code to the realities that retailers on Main Street face. Despite the fact that small businesses are the real job-creators in our Nation's economy, the current tax system is placing an entirely unreasonable burden on them when trying to satisfy their tax obligations. What is most troubling is that companies that employ fewer than 20 employees spend nearly $1,304 per employee in tax compliance costs, an amount that is nearly 67 percent more than larger firms. As a result, I was most pleased when the chairman and ranking member included this modest proposal as part of the small business tax relief package. Unfortunately, the provision did not survive conference negotiations with the House.

Mr. KERRY. I agree with the comments made by Senator SNOWE, and we have heard first hand how important this provision is to small businesses. During the January Finance Committee hearing on small business tax issues, Mr. Dave Ratner, owner of Dave's Soda and Pet City of western Massachusetts, testified about the need for retail owners to be able to depreciate improvements over 15 years instead of 39 years. He eloquently explained why owners and renters should be treated in the same manner and how difficult it is for small businesses to compete with large retail chains. Senator SNOWE and I would like to work with you to address this inequity.

Mr. BAUCUS. Mr. President, I understand and share the concerns expressed by Senator KERRY and Senator SNOWE. I agree that owners and renters should receive the same tax treatment for improvements.

There are many small businesses in Montana in which the owners would like to make improvements. And this provision would be extremely helpful.

Just this week, I received an e-mail message from Scott Brown, the owner of The Base Camp in Helena, MT. Scott told me how this provision would help him and other Montana retailers to be more competitive.

I will continue to work with my colleagues to find additional opportunities to address this important provision.

Mr. KERRY. I look forward to continuing to work with you on this important provision which helps small businesses. We need to provide equal tax treatment for depreciated property regardless of whether it is owned or rented.

Ms. SNOWE. I concur with Senator KERRY and appreciate his support for this proposal that simply would bring equity between retail operations. Frankly, this provision should have been included when Congress first extended accelerated depreciation for leasehold improvements. This is not a new provision but, rather, it simply perfects current law. Though disappointed by the absence of the provision in the conference agreement, I appreciate the chairman's commitment to this issue and hope he will continue to work with Senator KERRY and me, as well as the other cosponsors of S. 271, to see that the provision receives full and fair consideration as the process to finally enact small business relief continues to move forward

I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent in the order that has already been placed, following Senator KENNEDY, Senator ISAKSON be recognized, and then the following Senators be recognized on our side, alternating with Republicans, for 4 minutes each Senator: CARDIN, MENENDEZ, WEBB, SCHUMER, FEINSTEIN, JACK REED, and Senator INOUYE.

Mr. INHOFE. Parliamentary inquiry, please: I ask the Senator from Washington, that takes place after the Senator from Illinois and I are recognized, is that correct?

Mrs. MURRAY. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, this is a war which never should have started and on this President's watch may never end. But the face of this war is not the face of President George W. Bush, nor is it the face of any Member of Congress. The face of this war can be found in the grief of children, wives, mothers, in 3,333 homes across America where a folded American flag and fading photograph are daily reminders of a fallen soldier.

The face of this war can be found in a hospital room in the Midwest where a 22-year-old soldier sits in a wheelchair. When you walk in the room he notices you and watches you, but he cannot speak. He is a victim of traumatic brain injury, the signature injury of this war. His powers of communication are very limited. We hope that will change, but it may not.

Seated next to this 22-year-old soldier in the hospital room is a 21-year-old wife, holding the picture of a 2-year-old daughter. For 10, 20, 30, or 40 years, this may be his life and her life. The face of this war can be found in hundreds of counseling sessions that are now treating thousands of soldiers who returned, haunted by the demons of this war or fighting post-traumatic stress disorder. The face of this war can be found in the wives and mothers at home, anxiously awaiting the return of their soldier, paying the bills, caring for the kids, hoping their marriage will survive.

Today we send the President a chance to change the course of this war, a chance to finally demand accountability from the Iraqis, and a chance to honor our great men and women in uniform by bringing them home in an orderly, sensible, safe way.

When the President receives this bill early next week, I hope he will ask himself some basic questions. How many lives? How many wounds? How many soldiers must America sacrifice, waiting for the Iraqis to accept their responsibility?

Time and again the Iraqis have failed to shoulder the burden of leadership. They have set their own timetables and deadlines to finally bring political order to their country, and have failed time and time and time again. Instead of being held to the task of governing their own country, some in this Government make excuses and say let's send in some more soldiers and buy them some more time. As the Iraqis fail, brave Americans fall—victims of IEDs, victims of car bombs, victims of a civil war that has its roots in an Islamic battle that has gone on for 14 centuries; victims of Iraqi politicians who delay making the hard political decisions which might bring stability to their country.

The law we send the President will give him a chance to start anew, an opportunity to finally accept change—a moment in history where he can accept the reality of this grim and deteriorating war in Iraq.

The President has already predicted he is going to take this bill and veto it. But we hope there will be 1 moment—1 moment of prayerful reflection before he puts that pen to paper. In that moment, if he closes his eyes in prayer, I hope he sees the faces I have spoken of, of these fallen soldiers, of these battered warriors, of these men and women and families who have given more than we can ever ask of anyone in this country, and I hope he will realize, with that pen in his hand, he can honor them, honor this country, and bring this war to an end.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, it is very difficult for me to believe some of the things I am actually hearing right now. In fact, I don't believe them after General Petraeus has made such a fine presentation to us. There are a few things in the closed session that we cannot talk about, but I have taken those out. The things we can talk about—in answer to a question, you said: Can you talk about some of the positive things that have happened?

He is talking about Anbar. I am now quoting: Anbar has gone from being assessed as being lost to a situation that now is quite heartening because of the decision by a number of Sunni Arab tribes to join the fight against al-Qaida; the reduction of sectarian murders in Baghdad, that is down by approximately a third; progress in Anbar is almost something that is breathtaking—the killing of the security Amir of al-Qaida in eastern Anbar Province; the detention of the Khazali network; we have picked up the Shabani network head in Iraq. That is the explosively-formed projectile element in Iraq that gets them from others in Iraq, these are the explosively-formed projectiles.

It goes on and on. He talks about the progress in Ramadi.

My only wish is that so many of those who are detractors would have had the opportunity and had taken the opportunity to go and spend the time in the area of operations, in the whole area out there. But I can recall so many things that people just are not aware of here.

I remember being in Tikrit. Tikrit is where they had the Iraqi security forces building that was blown up. Forty of them were either—these are Iraqi security trainees—40 either were killed or were injured so that they would not be able to go back to the fields. You know, the families—you do not hear about this—of all 40 of these supplied the one who had died with another member of the family. In other words, they have this commitment that is so strong.

I asked the general yesterday, I said: Are you still getting the family support that I witnessed when I was over there?

He said: It is even stronger now. They are lined up and talking about it.

The Iraqi security forces in Fallujah—now, that was a great experience that I had, having the honor of being there during two of their elections. The Iraqi security forces go out and vote the day before the rest of the public votes for two reasons: one, so they can provide security for the public when they vote, and the second reason is that they go out there knowing that is the risky time. They are willing to risk their lives, and several of them in the Fallujah area died just in the process of voting.

I remember sitting down with the general—his name is General Mahdi—and he was one, I have to say—he was the brigade commander for Saddam Hussein. He hated Americans. He was the one who said—when they came in there after the fall of Saddam Hussein—he was still the brigade commander for the Iraqis until the marines came to Fallujah and started training with the Iraqi security forces. He made the statement—he said: We became so close to the marines—this is the general who had been Saddam Hussein's brigade commander. He said: We became so close to the marines that when they rotated out, we got together and we all cried.

We went from there on up, flew in a Black Hawk, and the easiest way to get around there is to fly low and fast over the Triangle, only to see the little kids down there waving American flags. I just wonder, if something like this is passed and we are telling all of those kids down there and we are telling the Iraqi security forces that are doing so well right now in their advanced training, that they are now on the point of these invasions that are taking place, the defenses that are taking place all throughout Iraq, that we are saying that we are the cut-and-run guys, we built up your hopes, we now see an improved Iraq, we see hospitals are opened, we see manufacturers that are making clothing, we see girls who are going to school when this has never happened in the history of Iraq, we have seen all of this progress, but we are going to dump on you now.

So I just hope that we can stand back from the politics and do the right thing and get a good resolution—defeat this bill, get it vetoed, get a good resolution so we can finish what we started and give General Petraeus a chance to finish what he has started so successfully.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, will the Chair notify me when I have 15 seconds remaining?

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. KENNEDY. Mr. President, first of all, I wish to congratulate our Democratic leader for his bold and decisive leadership and his determination to bring our troops home from Iraq in an orderly, responsible, and safe way. Those who are disparaging him are engaged in nothing more than a ploy to change the focus of the debate.

HARRY REID is an effective and capable leader. What the American people and our soldiers in Iraq need is new leadership from the White House and a new policy in Iraq that requires the Iraqis to take responsibilities and our troops to begin to come home.

A timeline for the withdrawal of combat troops is the only realistic way to encourage the Iraqis to take responsibility for their future. The Bush administration supported deadlines for three Iraqi elections and for writing of the Constitution as part of its strategy to ensure that Iraqis would make essential decisions. Yet the administration remains emphatically opposed to any timeline for the withdrawal of our military. The administration should follow the logic of its past action and embrace, rather than reject, a timeline. It should stop defying the will of the American people who want to bring our troops home to the heroes' welcome they have earned.

The President is wrong to threaten to veto this legislation, he was wrong to get us into this war, wrong to conduct it so poorly, wrong to ignore the views of the American people, and wrong to accuse those of us who are working to change course as harming our troops. Now he is wrong to threaten to veto this bill, delaying funds and keeping our troops in a civil war with no end in sight to our commitment. Instead, President Bush should be listening to the American people and working with Congress to bring this tragic war to an end.

Instead of continuing to defy the will of the American people and Congress by threatening to veto the legislation, he should be putting the Iraqis on notice. He must make it clear to the Iraqi Government that it is time for them to take responsibility for their country and resolve their political differences. The American military will not police Iraq's civil war indefinitely. It is time to end the loss of American lives and to begin to bring our soldiers home. For the sake of our troops, we cannot repeat the mistakes of Vietnam and allow this to drag on long after the American people know it is a mistake.

We have Presidents who make mistakes. President Johnson was wrong in escalating in Vietnam. President Nixon was wrong to continue that escalation, and we saw the loss of 58,000 American lives. Presidents make mistakes.

This President has made this mistake. The American people were right in Vietnam and brought that war to an end, and the American people are right now. No one in the administration can tell the American people in good faith and in good conscience that we are making progress in Iraq. Iraq is sliding deeper into civil war, and our military cannot solve their problems. It is time the President listen to the Iraq Study Group, the Congress, and the American people and work with us to bring our troops home.

Mr. President, yesterday the United Nations issued a progress report on the progress of violence in Iraq. I ask unanimous consent that sections of that report be printed at the appropriate place in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY

1. The Government of Iraq continued to face immense security challenges in the face of growing violence and armed opposition to its authority and the rapidly worsening humanitarian crisis. A number of large-scale insurgency attacks had devastating effects on both the civilian population and Iraqi law enforcement personnel, and continued to claim lives among Multinational Force (MNF) personnel. Civilian casualties of the daily violence between January and March remained high, concentrated in and around Baghdad. Violent deaths were also a regular feature of several other cities in the governorates of Nineveh, Salahuddin, Diyala and Babel. The implementation of the Iraqi-led Baghdad Security Plan (Khittat Fardh al-Qanun) on 14 February saw an increase in Iraqi and MNF troop levels and checkpoints on the streets of Baghdad, expanded curfew hours and intensified security operations and raids. The challenge facing the Government of Iraq is not limited to addressing the level of violence in the country, but the longer term maintenance of stability and security in an environment characterized by impunity and a breakdown in law and order. In this context, the intimidation of a large segment of the Iraqi population, among them professional groups and law enforcement personnel, and political interference in the affairs of the judiciary, were rife and in need of urgent attention.

2. In its previous reports on the human rights situation in Iraq, UNAMI regularly cited the Iraqi Government's official data, including the Ministry of Higher Education's statistics on killings among academics and the Ministry of Interior's statistics on killings among police officers. It is therefore a matter of regret that the Iraqi Government did not provide UNAMI access to the Ministry of Health's overall mortality figures for this reporting period. UNAMI emphasizes again the utmost need for the Iraqi Government to operate in a transparent manner, and does not accept the government's suggestion that UNAMI used the mortality figures in an inappropriate fashion.

3. Evidence which cannot be numerically substantiated in this report nonetheless show that the high level of violence continued throughout the reporting period, attributable to large-scale indiscriminate killings and targeted assassinations perpetrated by insurgency groups, militias and other armed groups. In February and March, sectarian violence claimed the lives of large numbers of civilians, including women and children, in both Shi'a and Sunni neighborhoods. One of the most devastating attacks occurred on 3 February when a truck packed with a ton of explosives detonated, killing an estimated 135 people and injuring 339 others in a busy market in the predominantly Shi'a district of al-Sadriyya of Baghdad. While government officials claimed an initial drop in the number of killings in the latter half of February following the launch of the Baghdad Security Plan, the number of reported casualties rose again in March.

4. In its previous reports, UNAMI expressed its concern that many Baghdad neighborhoods had become divided along Sunni and Shi'a lines and were increasingly controlled by armed groups purporting to act as protectors and defenders of these areas. Efforts to find a long-term and durable solution to mass displacement will necessitate a reversal of this trend, enabling civilians to return to their homes safely and voluntarily. According to figures from the United Nations High Commissioner for Refugees (UNHCR), an estimated 736,422 persons were forced to flee their homes due to sectarian violence and military operations since the bombing of the al-Askari shrine in Samarra' on 22 February 2006. Of these, more than 200,000 were displaced since December 2006. Together with 1.2 million IDPs displaced prior to 22 February 2006, they are in need of continuous assistance, including shelter and improved access to the Public Distribution System (PDS). Additionally, Palestinian refugees residing in several neighborhoods in Baghdad continued to be victims of the deteriorating security situation. According to a Palestinian human rights organization and other Palestinian sources, 198 Palestinians were killed in targeted assassinations or attacks on their residential compounds since 4 April 2003. Many Palestinians responded to continuing threats and attacks by leaving their homes and seeking refuge in camps along the Iraq-Syria border.

5. UNAMI notes again the serious trend of growing intolerance towards minorities, whose representatives continued to lodge complaints about discrimination, intimidation and individual targeting on religious and political grounds. The 2005 Iraqi Constitution protects the "religious freedoms" of all of its citizens. Of equal concern are ongoing attempts to suppress freedom of expression through tighter control of the broadcast media and printed press. UNAMI noted several incidents of harassment, legal action and intimidation against journalists addressing issues of corruption and mismanagement of public services in the Region of Kurdistan. Across the country, attacks against journalists and media outlets continued, resulting in a high number of casualties among media workers.

6. UNAMI remained concerned at the apparent lack of judicial guarantees in the handling of suspects arrested in the context of the Baghdad Security Plan. While in his public statements Prime Minister Nouri al-Maliki pledged that the government would respect human rights and ensure due process within a reasonable time for those under arrest, there were no references to any mechanisms for monitoring the conduct of arresting and detaining officials. The new emergency procedures announced on 13 February contained no explicit measures guaranteeing minimum due process rights. Rather, they authorized arrests without warrants and the interrogation of suspects without placing a time limit on how long they could be held in pre-trial detention. The use of torture and other inhumane treatment in detention centers under the authority of the Ministry of Interior and the Ministry of Defense continues to be of utmost concern. UNAMI reemphasizes the urgent need to establish an effective tracking mechanism to account for the location and treatment of all detainees from the point of arrest.

7. During this reporting period, UNAMI further expanded its monitoring and reporting activities in the three northern governorates under the authority of the Kurdistan Regional Government (KRG), where the security situation remained stable. Infringements to freedom of expression, including press and media freedoms, were of serious concern. Equally serious was the lack of due process with regard to detainees held by Kurdish security forces (Asayish), the majority on suspicion of involvement in acts of terrorism and other serious crimes. Hundreds have been held for prolonged periods without referral to an investigative judge or charges brought against them. UNAMI also noted the absence of serious measures by the KRG authorities to address the growing level of violence against women, including prompt investigations and criminal prosecution of perpetrators.

"Civilian casualties of the daily violence between January and March remained high concentrated in and around Baghdad." [page 3 of U.N. report.]

"By late February, government officials announced that the number of such killings had decreased, which they attributed to the success of the Baghdad Security Plan. Despite this announced decrease, the number of victims was nevertheless high, with up to 25 bodies still being found on some days during this period in Baghdad. March again witnessed a rise in the number of casualties, with reports of large number of bodies found in Baghdad, al-Ramadi, al-Hilla, Kirkuk, Mosul, Khalis, Tikrit and Himreen." [page 8 of U.N. report.]

"Despite reports from Iraqis in late February that security had somewhat improved, there were a series of indiscriminate attacks targeting civilians, and the rate of kidnappings remained high." [page 7 of U.N. report.]

Large-scale suicide and car bomb attacks were carried out between January and March, with several incidents claiming the lives of more than 50 people each [page 6 of U.N. report].

According to the U.N. High Commissioner for Refugees, more than 200,000 Iraqis have been displaced since last December. [page 4 of U.N. report.]

Mr. KENNEDY. Mr. President, I am very pleased that this conference report includes the minimum wage bill. After 10 long years, we will finally be able to send a minimum wage increase to the President. It's long overdue, and it's yet another reason why the President should sign this important bill.

The minimum wage bill passed the House and Senate by overwhelming margins in January and February of this year. Under it, minimum wage workers will get a raise of \$2.10 per hour. Those who work full time will earn an additional \$4,400 a year.

That's enough to pay for utilities that might otherwise be shut off, to put gas in the car so you can get to work, or to pay for after-school care for a son or daughter who might otherwise be left home alone.

In many ways, including the minimum wage increase in this bill on Iraq couldn't be more appropriate. The minimum wage represents the values our troops are fighting for—basic fairness. It's about what we stand for as a Nation.

Americans believe that hard work should help you build a better life for your family. They believe that a job should keep you out of poverty, not force you to live in poverty.

Our troops are away fighting to provide a better future for the people of Iraq. We'd like to think that our men and women in uniform don't have to worry about the economic security of their families here at home. But many of our fighting forces have husbands or wives back at home who are struggling to make ends meet.

Ten percent of military spouses earn between \$5.15 and \$7.25 per hour. 50,000 military families will benefit from an increase in the minimum wage to \$7.25 per hour. Our troops are overseas putting their lives on the line for their country, and we should provide fair opportunities for their spouses who are working hard here at home.

I hope we can provide these families—and all other struggling families across the country—with the fair wages they deserve as soon as possible. I hope the President will do the right thing for our troops and for America's minimum wage workers by signing this important bill.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 5 minutes.

Mr. ISAKSON. Mr. President, at the beginning of my remarks, I wish to associate my remarks with the Senator from Connecticut, Mr. LIEBERMAN. I think his point-by-point rebuttals to previous declarations were appropriate and were right on point.

I will not talk long, but I rise to explain precisely why I will vote against this supplemental. In fact, there are a number of reasons I will vote against it—140,000 reasons are the men and women deployed right now on behalf of the United States of America and the civilized world.

It is right for the Senate to debate this war. It is right for us to ask questions. But it is wrong to hold hostage the money that supports those troops. We should separate the money from the debate. We should never hold hostage the money for our troops who are, on order of the President of the United States, defending our country and what we stand for.

There are almost 3,300 reasons I will vote no; that is, the sacrifices that have already been made on behalf of the United States of America, those troops who have fought and those who have given the ultimate sacrifice, troops like Diego Rincon, the first soldier from Georgia to die in Iraq, and LT Noah Harris, a famous Georgian who sacrificed his life as well. I have known those families. I have gone to those services. I understand the sacrifice, and I know how they feel of the pride of their sons who fought on behalf of this noble cause.

There are six additional reasons—my grandchildren. This is the ultimate war between good and evil. This is but one battle in a war that will determine the future security of the world. Make no mistake, there have been mistakes made, but it would be a horrible mistake to not confront terror or the agents of terror, because if we do, they have won.

Unlike any other war ever fought by the United States, we are fighting a group of people who don't want what we have, they don't want us to have what we have: the Bill of Rights; the right for me to express myself and Senator KENNEDY to do the same without fear or without cowering; the right for the press to call it as they see it; the right to worship as you see fit; the right to bear arms. The 10 basic rights of the Bill of Rights are precisely what they want to take away, not only from us but from the rest of the world.

Terrorists want us to cower in fear and want to run the world based on that principle. To pass a supplemental appropriations bill that couches the support of our troops based on arbitrary deadlines that only serve to benefit the very people we fight is just plain wrong.

I relish debate of this war every day on the floor and hope we will continue. The way you avoid making mistakes in the future is debating those things which have happened in the past. But it would be the worst of mistakes to withhold funding from our troops or condition it upon arbitrary deadlines and circumstances in another country, at another time, at another place.

Mr. President, I end my remarks by thanking those brave men and women who have sacrificed and those who are sacrificing now and the families of those troops, many of them families who live in my State of Georgia. I will vote for the supplemental appropriations of our troops unconditionally and separate our debate of other issues to another document. But I will not support holding hostage our troops or their money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 4 minutes.

Mr. CARDIN. Mr. President, 2½ hours ago, along with Senator MIKULSKI, I attended a mobilization ceremony for members of the Maryland National Guard who are being deployed to Iraq. All Marylanders are proud of the service of our members of the National Guard who have been called up and have served in Iraq and Afghanistan and are now being called up. It was an emotional morning as these soldiers said goodbye to their families.

I can tell you, they are ready. They are ready to serve our country. They will serve with great distinction. I told our soldiers and their families I would do everything I could as a Senator to make sure they had all of the resources so they can carry out the mission that has been assigned to them as safely and as effectively as possible. That is one reason I will vote for this conference report. I told their families I would do everything I could to help support their needs and to support the needs of military families around this Nation and to support the needs of veterans around this Nation, to take care of their support services, including their health care needs. That is another reason I will be voting for this conference report.

We need a change in our mission in Iraq so our soldiers can achieve a mission that is in the best interest of this country. That is another reason I am supporting this conference report. It spells out a mission that is in the best interest of this Nation and can be achieved. We need to change our role in Iraq. We need to get our soldiers out of the middle of a civil war, to focus on the war against terror, to help the Iraqi people take care of their own needs, to bring our troops home. That is another reason I will be supporting this conference report.

We need measurable and achievable benchmarks for the Iraqi Government so they can secure their own country to undertake political reconciliation and to provide basic needs for ordinary Iraqi citizens, another reason I will be supporting this conference report.

We need a political framework to include all the Iraqi stakeholders in order to provide a political answer to the problems of that country, another reason I support this conference report.

The President of the United States has threatened a veto. That would only delay the delivery of much needed funds to our forces, delay a change in direction in Iraq, and undermine the need for political reform in Iraq itself. We have our responsibility. Our first responsibility is to act and to pass this supplemental appropriations bill.

I urge colleagues to support this appropriation. It is in the best interest of the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 4 minutes.

Mr. MENENDEZ. Mr. President, a lot has been said about this bill. Let's get the facts straight before we cast a vote. This administration has said: If you vote for this bill, you don't support the troops. Nothing could be further from the truth. This bill is the ultimate definition of supporting the troops. The truth is, a "yes" vote ensures our troops are equipped and prepared to defend themselves, moves them out of another country's civil war, and provides health care that has been lacking for those who return home injured. This is not about surrender, this is about our best chance for success.

A vote against this $124 billion spending bill is a vote against the $100 billion for our troops in Iraq and Afghanistan. A vote against this bill is a vote against a billion-dollar increase to get desperately needed equipment to our National Guard and Reserve who fight abroad and protect us at home. A vote against this bill is a vote against $3 billion for the purchase of 8,500 mine-resistant, ambush-protected vehicles to protect our soldiers from deadly roadside bombs. A vote against this bill is a vote against nearly $3 billion to help reform an overburdened veterans health system struggling to take care of our returning wounded. A vote against this bill is a vote against $900 million to research and treat posttraumatic stress disorder and traumatic brain injuries, two of the most critical issues facing wounded soldiers. A vote against this bill is a vote against more than $650 million in emergency funding for children's health care coverage. Without this funding, we are closing our doctors' doors to our Nation's children. A vote against this bill is a vote against $6.9 billion for the victims of Hurricanes Katrina and Rita who are still struggling to rebuild their homes and their lives more than a year after the storms hit.

A vote against this bill is a vote against allowing States to have stronger standards to protect chemical security plants. A vote against this bill is a vote against over $2 billion in homeland security initiatives, including mass transit, port security, and other measures that passed in the 9/11 bill in the Senate.

Quite frankly, I don't have faith in President Bush's escalation, a plan with benchmarks but no real consequences. I have said again and again, benchmarks without consequences are just aspirations. We have seen countless misguided plans from this administration, but the Iraqis have never been held accountable.

We were told that by the end of 2006 a provincial election law would be approved. That benchmark has not been met. We were told the Iraqis would approve a law for debaathification, but that benchmark has not been met. We were told the Iraqis would create a law to help restrain sectarian militias. That benchmark has not been met. We were told that Iraqis would establish a law to regulate the oil industry and share revenues, but that benchmark has not been met. We were told that by March the Iraqi Government was supposed to hold a referendum on constitutional amendments, but that benchmark has not been met.

Time and time again, the Iraqi Government has fallen short, and time and again this administration has looked the other way, basing their plans on the hope that the Iraqi Government will step up.

Continuing this failed policy in Iraq based on the mere hope that things will improve is not good enough. The broken promises must stop.

Some on the other side of the aisle point out that the President is the Commander in Chief. I remind my friends that the Constitution puts the Congress in charge of appropriating funds. Congress has the power, the right, and the obligation to make sure we spend the taxpayers' money wisely. What we are saying today with this bill is no more blank check for the Iraq war.

This bill sends a strong message to the Iraqis that it is their responsibility to take control of their own country and that our involvement in Iraq is not indefinite. As Thomas Friedman has written: It is time to decide "we will no longer play host to a war where we are everyone's protector and target."

We must put in motion a plan to bring a responsible end to this war. I urge all colleagues to vote for the supplemental, a vote that takes care of our troops, a vote to responsibly bring our troops home, and a vote for a new direction in Iraq and here at home.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. GRASSLEY. Mr. President, the title of this bill, "The U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act," doesn't say much for the contents of this legislation because it has gone way beyond that with a lot of material that has nothing to do with the title. The Finance Committee matters definitely don't fit into this bill.

As the distinguished chairman of the Appropriations Committee, Senator BYRD has said on so many occasions the Founding Fathers vested the great power of the purse in the Congress. Likewise, the other great power, the power to raise taxes, is vested in Congress. The power of the purse, appropriations, is our power. We are directly accountable to our constituents for our spending actions. In that vein, I deeply respect the deep traditions of the Appropriations Committee.

As former chairman and now ranking member of the Finance Committee, I also deeply respect the division of power. The power to tax is our power as a committee, and we are directly accountable to our constituents for our taxing actions. We should mix the jurisdiction of the two great money committees—Finance and Appropriations—rarely, if at all. It should only occur if at all when the senior members of the tax writing and appropriations committees agree. Mixing tax writing and appropriations jurisdiction should not occur. As a leadership power play, those kinds of actions demean the committees.

Fortunately, the leadership respected this division of jurisdiction between the tax writers and appropriators over the last 6 years. Unfortunately, early on in the tenure of this new Democratic majority and their leadership, we have seen a dramatically different course of action for purely partisan reasons.

The Democratic leadership inserted into this sensitive supplemental appropriations bill two major matters that involve Finance Committee jurisdiction. So the first lesson we have learned is that the line between the tax writing committee jurisdiction and appropriations jurisdiction will not be observed. That will only undermine each committee and break down the committee process. The second lesson is the "I told you so." Shortly after the Senate acted on the minimum wage and small business tax relief bill, I said

I had learned something from the Democratic leadership, as they were in the minority over the last 6 years. It was a lesson the Democrats taught us while they were in the minority. That lesson is, get a preconference agreement. Put another way, if you are in the Senate minority, as we are now, don't agree to a conference unless you secure an agreement for fair treatment in advance. That is something that worked well for the Democrats while they were in the minority, something we ought to have learned, and we have learned.

Now let me say I appreciate all the consultation and courtesy that Chairman BAUCUS has given me. He worked with me and I worked with him to get the minimum wage, small business tax relief bill through the committee. But the composition of the final package that is before us is heavily weighted toward an extension and modification of the work opportunity tax credit—and I support that credit—and the benefits of that policy are delayed. Small businesses need tax relief to be in sync with the time of the minimum wage kicking in. Both of these outcomes do not reflect a proportionate agreement between the House and Senate bills. The arbitrary ceiling on the amount of tax relief was not a fair balance. This agreement confirms that a preconference process—learning that from the Democratic minority of the last 4 years—is necessary to ensure that a conference agreement will reflect the priorities of both bodies. I will reiterate my point to the Republican leadership again on that. This process proves that we need a preconference agreement before agreeing to go to conference in the first place.

Now I will return to the substance of the deal, Mr. President. I am hearing from a lot of small business folks who are going to be paying the minimum wage. They want to retain their current workforces, hey have to look to the bottome line. They are very disappointed that the arbitrary $5 billion limit meant that important tax relief measures were tossed out. I am referring to a simplification of the cash method of accounting. That proposal would cut down on a lot of paperwork small businesses currently have to do. I'm also referring to faster depreciation rules for new restaurant buildings, and I am referring to faster depreciation rules for retailers and owner-financed building improvements. All of these proposals would help with the coming cash crunch that these small businesses will be facing.

I am not hearing from a lot of the big business folks who were targeted by the loophole closers and antitax shelter measures. Because of House opposition and fealty to the $5 billion number, those reasonable revenue raisers were tossed out the window.

This was a missed opportunity. It was a missed opportunity for a Congress that started with a supposed reform mission to send a message to K Street in DC and Wall Street in New York City. That message would've been simple. Don't engage in tax shelters like the so-called "SILO" transactions. Don't move your company headquarters offshore to minimize your American tax responsibilities like the so-called "inversion" transactions. For high-paid CEOS, don't rely too much on non-qualified deferred compensation arrangements. Nope, you can kiss that opportunity goodbye.

When it came to the small business tax relief package, K Street and Wall Street big business won and Main Street small business lost. Not a good outcome. Hopefully, once this bill is vetoed and we return to the minimum wage/small business tax relief package, Main Street small business will come out on top.

Now I am going to turn to the other Finance Committee material in this time-sensitive appropriations bill. I am referring to Medicaid proposals in the conference agreement. There is a provision in the conference agreement that would prevent CMS from implementing the cost-limitation rule.

Certainly, a one-year moratorium is an improvement over the two-year moratorium that was in the bill as passed by the Senate, but the language in the bill still encourages states to push the envelope on payment schemes.

If CMS gets a waiver or state plan amendment that has authority to do with the rule, I don't think CMS has the authority to turn it down. Neither does CMS.

And after trying to work it out with the sponsors of the provision for the last couple of weeks, I don't think they want CMS to have any authority either.

Why? This is a provision written for the benefit of a special interests so they can avoid real scrutiny of their financing arrangements.

This provision will encourage states to offer payment schemes that CMS has previously disallowed as being inappropriate.

It will encourage litigation if CMS tries to assert that they do still maintain jurisdiction.

This is just bad public policy.

The inspector general has investigated and reported to congress on why there are problems in the areas the rule addresses.

We have not had the first hearing on why the rule doesn't work and must be stopped.

This is a tremendous mistake and should not be in the bill.

The way that this provision is paid for is equally noxious.

The extension of the Wisconsin pharmacy plus waiver is an unnecessary earmark. Every State but Wisconsin has changed their pharmacy assistance program as the MMA required.

But why hasn't Wisconsin? It's very simple. They want the Federal dollars that Medicaid provides and the rebates they get from drug companies.

That it is an earmark is bad. But the way the language is written is really offensive. The language is written in a way that games Medicaid's budget neutrality test. It's written to guarantee that it appears to save money.

The reality is that Wisconsin will be providing many poor seniors with less of a benefit than they could get through part d. Wisconsin charges greater cost-sharing than Medicare for low income seniors.

It truly is another missed opportunity. They could have paid for this with a provision we would have gladly supported.

But again, the special interest won out. We could have struck a provision that the House Rules Committee stuck in the tax bill in the middle of the night last December that creates an unfair advantage for certain private fee-for-service Medicare Advantage plans.

Senator BAUCUS and I thought this was terrible policy, we said so on the floor, and have wanted to change it. Plans based in Illinois and Nevada are among the plans it advantages most. So for some reason, striking the provision didn't make it into the bill. It's a corporate giveaway that should be eliminated.

Legislating to prevent CMS from cleaning up intergovernmental transfers scams on this appropriation bill sets a bad precedent. That is clear. It's legislation on Medicaid and, that is a basic part of the jurisdiction of the Finance Committee.

If the Senate proceeds in this manner, then nothing then would prevent the Senate legislating changes on other Medicaid and Medicare issues on appropriation bills without the benefit of hearings or committee action on those subjects.

Invading the Medicaid and Medicare jurisdiction of the Finance Committee is a mistake.

It is almost impossible to cope with Medicaid and Medicare legislation on appropriation bills. These are complex issues that are best dealt with by the committee of jurisdiction.

This bill is going to be vetoed. The Appropriations Committee will return to its work to fund the troops in the field. We ought to focus on that. On minimum wage/small business tax relief, we need to go to regular order. Let's arrive at a pre-conference agreement on the House and Senate bills and go to conference and hash it out with a real conference. Unlike this situation, the chairmen and ranking members of both tax writing committees should be conferees. In that setting, we can arrive at a bipartisan agreement that passes the House, Senate, and be signed by the President. On the Medicaid provision, it ought to be crafted by the committees of jurisdiction and incorporated in a vehicle controlled by those committees.

After the veto, let's get this right. I would ask the leadership to get out of the way of the tax writing committees and let us do our work on our schedule in line with our committees' objectives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 4 minutes.

Mr. WEBB. Mr. President, there is a lot of emotion in the Congress today, as there is in the country, on this issue. There is a lot of rhetoric flying back and forth. Some of it is inaccurate. The first thing we need to say is that this is not an issue of the Congress denying anything to the people of the Armed Forces. We are exercising our constitutional power to appropriate. We are sending the President a $100 billion check. If he chooses not to cash that check, it is up to him to come up with the reasons why, not us.

There is also a lot of rhetoric going around over the past couple of days about defeatism and surrender and accusations of betraying the troops. We need to calm down a bit. There is no one in this Congress who wants anything more than to support those people who have been put into harm's way. I believe people should be very careful on this floor to discuss political motivations of our military which reflect very closely the political views of the country at large. Poll after poll shows that.

In respect to accusations about defeatism and surrender, the question becomes: Defeat by whom and surrender to whom? We won this war 4 years ago. The question is, When do we end the occupation? Iraq has been in turmoil for thousands of years. It will be in turmoil of one kind or another long after we leave. The U.S. military is not going to change the societal makeup of Iraq. The Maliki government is not going to bring peace among Iraq's competing factions without the strong, over diplomatic cooperation of other countries in the region. Despite the rhetoric to the contrary, these other countries, all of them, do have an incentive in seeing a stable Iraq.

This administration claims that our deciding to withdraw from the internal problems of Iraq will embolden the enemy. Then the question becomes: Just which enemy? Do they mean the enemy that attacked us on 9/11? We all know that was Osama bin Laden. He not only was not in Iraq, but he was opposed to the continuation of Saddam Hussein's regime because it was a secular government.

Do they mean Saddam Hussein, whose ouster was their justification for beginning this war? Do they mean the remnants of the old regime, which was their catch phrase when the occupation began? Do they mean al-Qaida? Let's remember, there were no al-Qaida operations in Iraq before we invaded, and there will be very little motivation for al-Qaida to continue in Iraq once we have left. Not only that, but the Iraqis themselves are quite capable of standing up to al-Qaida without our help. They do not want al-Qaida in Iraq. That is why they are cooperating with our forces in Anbar Province right now. And they kept al-Qaida out of Iraq before we got there. Or do they mean what this administration continually calls the insurgency, as if there were a monolithic group of defeatable guerrilla forces? We keep hearing about this insurgency. Well, which one? The Sunnis? The Shia? Ask yourselves again, against whom are the insurgents operating? Some are operating against us. Why? Because we are there and they want us to leave, as a vast majority of the Iraqis say in poll after poll. Some are operating against other ethnic factions in Iraq. But to what extent is that the responsibility of the United States military, to try to end ethnic rivalries that go back hundreds of years? Or perhaps, as defined by this administration, we are talking about the factions within the factions that are busily trying to kill each other, just as the factions in Lebanon were trying to kill each other more than 20 years ago, when we put the marines in the middle of that violence.

Some say our withdrawal from Iraq would create chaos in the region. I have long advocated a withdrawal that should be accomplished under the umbrella of a strong diplomatic effort that involves regional cooperation. But I must regrettably say, for those of us who warned against invading Iraq and decapitating that existing Government, the chaos the administration is now predicting is exactly the chaos their invasion has brought us in the first place—instability in the region, a loss of American prestige, a rise in the influence of Iran, an increase in terrorist activity.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WEBB. Mr. President, I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I wish to say I am very disappointed in some of the provisions in this report. I must say that candidly. At the same time, I believe, very strongly, the reservations I have pale in comparison with my disappointment in the failure of leadership that has brought us into Iraq in the first place—a leadership that refuses to find a suitable turning point which will bring us out.

This administration must be confronted. It must understand the American people have grown tired of this disastrous, one-dimensional approach to a crisis that demands innovative answers. It is for that reason I support this measure.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Utah is recognized for 8 minutes.

Mr. HATCH. Mr. President, today I rise to speak on a question that continues to weigh rather heavily on my heart. I am reluctant to ask it since such a question would never have been asked, or even contemplated, by previous generations of Americans. But it is a question that now must be asked since it is central to our future: Do we, as Americans, have the resolve to see our commitments through? It is a question we must confront in a number of policy arenas that will directly affect the way we, our children, and our grandchildren will live in this new century. Do we have the resolve and the courage to meet our commitments and confront the looming crisis of Social Security?

Do we have the resolve to balance our Nation's budget? Do we have the resolve to endow our children with a proper education so they can master and push the limits of science, thereby providing our Nation the means to compete in an increasingly competitive world economy?

However, at this point in our Nation's history, the crucial question concerning our resolve as a nation does not relate to matters of domestic policy. It relates to our commitments beyond our borders. It is the central and critical component in determining who will prevail in the global war on terrorism. Will we, our coalition allies, the people of Iraq and their elected Government, emerge victorious? Or will we renounce and abdicate our commitments and responsibilities to the Iraqi people—leaving them to a fate controlled by terrorists and leaving our future security as a nation in peril?

Generations ago that, unto itself, would be a stain on the honor of this country; but these are different times.

Turning our back now will only provide our enemies with a new base of operations, and unlike Afghanistan, this base contains vast oil wealth. Imagine al-Qaida with billions of dollars to do with as Osama bin Laden wishes. I wonder what they will buy with all that money. Remember, shortly after the liberation of Kabul, there were numerous media reports that al-Qaida was working on chemical weapons.

So, with that in mind, I again ask: Do we have the resolve to see our commitments through?

As we seek to answer this question, I am reminded of events that occurred during the summer of 1940. The Nazi armies, seemingly invincible, had conquered Western Europe. France, the Netherlands, Poland, Denmark, Norway, and Belgium had all fallen.

The British Army, after its rescue from Dunkirk, no longer possessed sufficient numbers of artillery and tanks to defend against the blitzkrieg. All that stood between Hitler and complete victory was the English Channel and 650 fighters of the Royal Air Force.

Then Hitler offered a deal. In exchange for a "free hand in Europe," the Nazis would provide "guarantees" that they would not invade Great Britain.

Despite the fact that the British Army lacked sufficient equipment to effectively repulse an invasion, Prime Minister Churchill resolved to keep his nation's commitment to the people of Europe. He would not abandon them.

His words, which I will paraphrase, still echo today:

> The Battle of France is over . . . the Battle of Britain is about to begin. Upon this battle depends the survival of . . . Western civilization. . . . The whole fury and might of the enemy must very soon be turned on us. Hitler knows that he will have to break us . . . or lose the war. If we can stand up to him, all Europe may be free. . . . But if we fail, then the whole world, including the United States . . . and all that we have known and cared for, will sink into the abyss of a new Dark Age made more sinister, and perhaps more protracted, by the lights of perverted science. Let us, therefore, brace ourselves to our duties and so bear ourselves that . . . men will say—This Was Their Finest Hour.

This is the lesson that history teaches us: that resolution to see your commitments through is what great statesmen and nations are made of—that peace and justice can only be restored through bold action.

So what do my colleagues on the other side of the aisle offer, knowing full well this lesson of history? In a word: defeat. In his own words, the Democratic leader said on the floor of the Senate, on April 19, the "war is lost." To be fair, the leader did attempt to temper his words by saying:

> As long as we follow the President's path, the war is lost. But there is still a chance to change course and we must change course. No one wants us to succeed in the Middle East more than I do. But there must be a change of course.

So what plan, or new course, does the Democratic leader or other Democrats offer? How can we, in his words, "succeed in the Middle East"?

His answer can be found in the conference report to this bill. But I warn anyone who attempts to read this legislation, first you must wade through billions in spending allocated to projects and programs that have nothing to do with the war before you learn how our Democratic colleagues plan to "succeed in the Middle East."

What is their plan for victory? Well, their legislation states that no matter what happens, the bulk of our forces will begin to withdraw after July 1, or if the President makes certain certifications, after October 1.

So what is their strategy? I believe Winston Churchill would have characterized the Democratic strategy as: guaranteed defeat.

Is this resolve?

Is this determination to see our commitments through?

No.

This is the worst case of capitulation to appeasement since Neville Chamberlain spoke the words "peace in our time."

What is needed now is leadership. Now, at this critical moment in history, great nations need to follow Churchill's advice, yet the Democrats offer us only Chamberlain's.

The Democratic leaders previously stated, in 2005:

> [A]s far as setting a timeline . . . that's not a wise decision because it only empowers those who don't want us there, and it doesn't work well to do it.

Wise and sound words. That was real leadership. Unfortunately, that was when the polls supported their position to stand firm. Now the Democratic leaders have reversed themselves because the polls have told them that is what they should do.

Two days ago, during an interview on CNN, the Senator from Nevada was asked if he would believe the words of our new commander General Petraeus "that there is progress going on in Iraq, that the so-called surge is working. Will you believe him when he says that?"

What was his response? "No, I don't believe him, because it's not happening."

Now, I find this to be an incredible remark. Less than 3 months ago, the majority leader had joined a unanimous Senate and voted in favor of General Petraeus. But this was more than just another confirmation vote. The major subject of his confirmation hearing and the subsequent debate on the Senate floor was the new strategy the general had outlined.

So what is the new strategy? Simply put, General Petraeus is executing one of the tenets of a classic counterinsurgency strategy by providing and maintaining security to the local population and neighborhoods in Baghdad. Only when this is achieved will the Iraqi Government be able to continually offer basic services such as clean water and electricity, which are the backbone of any modern society.

This, in turn, creates conditions where the Iraqi people can begin to develop a growing economy and where families feel safe to send their kids to school. As these goals are achieved, more and more of the population will desire even greater stability and will support and work toward creating Iraqi Government institutions and security services that maintain and enhance this new, secure environment.

How is this different from the past? Previously, U.S. forces would clear an area of insurgents, but, unfortunately, soon thereafter, our forces would leave and the insurgents would return. Now, under General Petraeus's plan, American and Iraqi security forces will maintain security in the cleared neighborhoods of Baghdad. To date, over 50 security force units, based in what are called garrisons, can be found in the neighborhoods of the city, and even more are planned.

That is why the additional forces that we are sending to Iraq are vital. It is not more for more's sake, but to maintain a secure environment for the Iraqi people and to help them stand up for themselves.

Based upon the briefing that the Senate received yesterday from General Petraeus, and information I have examined as a member of the Senate Intelligence Committee, I can report that we are seeing signs of progress.

Frankly, I believe the changes that have been made in the last 3 months are remarkable and need our full support, and it is readily apparent we do not yet have all the promised forces deployed and in Iraq.

So let us return to the question that I asked when I began my remarks: Do we, as Americans, have the resolve to see our commitments through? Or will we falter?

That is what the vote on this conference report will demonstrate. Will we stand with firm resolve behind our commitments and see our new strategy through? Or do we adopt a policy of appeasement and hope that al-Qaida, and those who wish us harm and seek to destroy the values that we hold so dear, do not follow us home to our country?

What side of history do you wish to be on? Based on America's history and our resolve that has seen us through so many difficulties in the past, I believe the American people do not want retreat, they want success and security.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New York is recognized for 4 minutes.

Mr. SCHUMER. Thank you, Mr. President.

Mr. President, we can do both: fund the troops and change our mission in Iraq. That is what this supplemental does, and we urge you, Mr. President, to look into your heart, reconsider, and sign it.

The American people, bipartisan majorities in both Houses of Congress, military experts, and the Iraq Study Group all agree the only way to succeed is to change our mission. Only President Bush and his small band of advisers think we should stay the course.

What is more, the President wrongly thinks the only way to support our troops is for everyone to rubberstamp his policies. That is not what the American people want. The American people want a change in mission. They want a new direction, not more of the same failed policies.

I have talked to generals and to NCOs. They do not want us to rubberstamp the President's policies. They want a debate because everyone knows the present direction is failing.

Everyone knows we need a change of mission—except the President and his small group of advisers who are clustered down there at 1600 Pennsylvania Avenue and refuse to listen—stubbornly refuse to listen—to the experts, to the American people, and to so many others.

First, let me tell you what this supplemental does. The first thing it does is fund our troops. It fully supports our troops. It allocates more dollars for them than the President has asked for.

Second, it provides reasonable and meaningful guidelines to protect our troops by ensuring that all units that are sent overseas to fight are ready, trained, and equipped to fight. It will require the Department of Defense to adhere to its own guidelines to ensure that every unit that is deployed is "fully mission capable."

Why would President Bush want to send our troops to Afghanistan and Iraq, into fierce battles, without the training and equipment needed to get the job done and come home safely? But when he says he will veto this bill, he will veto that provision.

Third, this legislation shows both the United States and Iraq how to change the failing strategy.

What has happened is simple. Our mission in Iraq has devolved so that most of what we do is patrol, police, and stand in the middle of a civil war. The Sunnis and the Shiites have hated each other for centuries. Their enmity goes way back. They will continue to not like each other, not work with each other, fight with each other long after we are gone—whether it is 3 months or 3 years. Yet most of the time our troops—our brave men and women—are simply caught in the middle of a civil war. We have not chosen a side; we are just in the middle.

The original purpose in Iraq was to fight terrorism. Our supplemental says, let's go back to that original purpose: counterterrorism, as well as force protection, and training the Iraqis. But to continue to spend most of our time, effort, and lives—lives—patrolling a civil war makes no sense.

The PRESIDING OFFICER (Mr. TESTER). The Senator's time has expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent for 30 seconds.

Mrs. MURRAY. Mr. President, I yield the Senator 30 additional seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, in conclusion, again, there is a simple answer to our problems in Iraq, which is mission change. We can both support the troops and change the mission. That is what the American people want. That is what the experts tell us. I believe that is what most of our soldiers want. I urge support of this supplemental and again urge the President to reconsider and sign it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, our job in this body right now for all of us is to fight and win the war that radical Islam terrorists have declared upon us.

As I see it, Congress has three choices. First, Congress can and should provide the money it needs to support the troops. That is the only proper choice. There is money in this supplemental for additional mine-resistant armored protection vehicles—vehicles the Army reports will reduce casualties by 70 percent. Each day this Congress neglects to fund the troops and pass a bill that can be signed into law is an additional day our troops are without that protection.

Second, if you want to stop this war, Congress can vote to cut off funding. However, doing so would tell the troops that even though 77 Members of this body said we should fight this war to keep America safe, we would now be telling all of our brave men and women in Iraq, their families, and the families of those who gave their lives, we did not mean it, that we did not want to finish this job, and that when the going gets tough, America gets going—out. We will tell America we are no longer concerned about keeping our homeland safe from a new 9/11, about denying al-Qaida the safe haven it has declared it is seeking in Iraq to prepare for new attacks on America. While that choice is deadly wrong, it is an honest choice under the constitutional power given to the Congress.

Third, and most deplorable, Congress is delaying the funds by forcing vote after vote, while attempting to score political points, and trying to micromanage the war, even though war management is the President's constitutional responsibility.

Most sadly, this is the course of action the Democratic leadership has chosen—a course that will result in "death by a thousand cuts."

Those who are attempting to end the war precipitously, politically, because they think it will score them seats in Congress or perhaps even the White House, are putting polls and politics ahead of our national security. Democratic leaders have stated they intend to pick up seats as a result of what they have referred to as a lost war. These comments were not just broadcast here in the United States; this talk about war loss was picked up and broadcast gleefully by al-Jazeera to our enemies and the world.

The Los Angeles Times has reported a top House Democrat has said: Our goal is to keep giving them—Republicans—votes on Iraq.

The article goes on to say:

> Democratic strategists also believe that repeated votes on the war will allow the party to expand its congressional majorities in next year's elections by continuing to link GOP lawmakers with the President and his war policies.

I am sure our troops in the field appreciate very much that some of the Democratic leadership are working to win the war—not the war against our sworn enemies blowing up our troops and killing Iraqi children who rely on our protection but against fellow Americans in coming elections. Where is their strategy to win, to leave Iraq a stable and safe country?

As I have said, the other side's leadership, by embracing a policy of repeated votes and delaying funding, is denying our troops the resources they need. Their enemy should be al-Qaida and its murderous insurgents, not the President and Republican opponents.

Substituting Congress for General Petraeus's leadership and telling him how to run a war from 8,000 miles away is a disaster. General Petraeus is executing a new plan, a plan essentially recommended by the Baker-Hamilton Iraq Study Group, which last fall our colleagues on the other side of the aisle said we should follow. But now even if some generals in Congress think they are smarter than General Petraeus and can devise in legislation a better plan, which I strongly doubt, I am very doubtful they can adjust that plan to conditions on the battlefield. This is a sad reflection of how vested the Democratic leaders are in defeat—defeat for President Bush but defeat for our troops and our safety in Iraq.

Congress attempts to put artificial political timetables on the management of the war and does nothing to accomplish the mission. The Baker-Hamilton commission explicitly rejected timetables for withdrawal, because they recognized—the bipartisan group recognized—it was a disaster, and many Democratic leaders have previously stated a legislative timetable, laying out this strategy in legislation, is absolutely unacceptable. What the political timetable does is give al-Qaida the encouragement and information it needs to know when and where and how to attack our troops.

This January, in open session, leaders of our intelligence community came before the Senate Intelligence Committee to answer questions about establishing a political withdrawal and the consensus was alarming.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BOND. I understand I had 7 minutes.

The PRESIDING OFFICER. The Senator did. He is down to 1 minute.

Mr. BOND. Mr. President, the intelligence community said withdrawing forces before we can provide security will result in chaos: more killing among Iraqis, an al-Qaida safe haven, and a possible regionwide declaration of war.

We need a political solution in Iraq, not in Washington, to allow the leaders in the national unity government to come together, but to get that, we need to repel the terrorists, we need to rebuild the Iraqi security forces. What won't help General Petraeus is direction from armchair generals in Congress.

What I would say to those who want to direct the war is: If you want to run it, you will own it. When a newly revitalized al-Qaida carries out a renewed 9/11 scale attack, you will own that one, too.

Mr. President, hundreds of thousands of soldiers and their families at home will remember that. I suggest we support our troops.

As my colleagues know, I hail proudly from the Show-Me-State.

If all of the rhetoric in Washington about supporting the troops is true and I suspect it is, then I suggest that the Congress show our troops that we do support them, get them the funds and give them a chance to succeed.

Comments like "The war is lost" do not help our troops, but they do embolden the enemy.

Our actions should inspire our troops and the millions of Iraqi citizens who actually trust that Americans will not embrace defeat.

Our action should not be one that inspires al-Qaida and the murderous insurgents.

We should not pass legislation that provides our enemy the clear path to their victory, a victory which some in this body have already awarded them.

Mr. LOTT. Mr. President, I thank Senator BOND for his remarks. As the senior Republican on the Intelligence Committee, I know he has knowledge and information and passion maybe some of the rest of us don't have the benefit of.

Mr. President, I rise today to oppose final passage of the emergency supplemental funding bill.

It troubles me to oppose this bill because our troops need this money right now to continue operations in Iraq, Afghanistan, and around the globe.

But there are so many things I find objectionable in this final bill that I cannot support it.

The bill still includes over $21 billion in unrequested items—$425 million for rural schools, $3.5 billion for agricultural assistance, and even an additional $910 million more than the President requested in FEMA disaster relief for communities impacted by Hurricanes Katrina and Rita.

It is not that these programs are bad or wrong, because many of them aren't—in fact, most of this assistance is very valid. We desperately need that FEMA money on the gulf coast to repair our communities as many communities are still struggling to get back on their feet.

But this is an emergency supplemental that is supposed to focus on the urgent needs of our military in fighting the war on terror. We should not be including money for a multitude of requirements that may be important, but are not urgent.

I'm also very troubled that this bill micromanages the President's ability and constitutional mandate to serve as Commander in Chief of the Armed Forces.

Through this bill, the Congress says to General Petraeus: "Thank you very much, General. We unanimously think that you're the right man for the job—we just don't believe you when you tell us what you need to do that job, or when you tell us how things are actually going on the ground."

It tells our enemies: Just wait a few months, and the place is yours.

It tells our friends: When the going gets tough, don't count on America to stick around.

And it tells President Malaki: Good luck with that democracy and freedom thing you are working on. Let us know how it turns out.

This is exactly the wrong message at the wrong time to send—not only to the terrorists in Iraq, but to terrorists and rogue states around the globe.

The stakes only get higher from here. I'm convinced that surrender in Iraq will embolden these terrorists and ultimately threaten the security of our shores.

Don't get me wrong—I, too, want our servicemen and women to come home as soon as possible. I pray that not 1 more American has to pay the ultimate price in this struggle.

I agree that the Iraqi Government must step up to the plate as soon as possible, and take responsibility for the security of their county.

I have always supported the establishment of benchmarks to ensure that expectations are clear, and progress against those expectations can be measured.

What I don't agree with is telling the President and the Generals on the ground how to do their job.

But this bill is even worse then that—this bill is like a bait and switch: we'll give the money today for operations in Iraq, but you need to come home tomorrow because we don't support operations in Iraq.

Which one is it? Do we support our troops and their mission, or not?

If my colleagues on the other side of the aisle want our troops to come home tomorrow, they can make that happen. It is easy. The Constitution of the United States gives the legislative branch the power of the purse.

You can cut off money today—you can vote against this bill today.

When you start marking up the fiscal year 2008 Defense appropriation, you can cut off Iraq funding there as well.

But what we have here is political theatre. This is a "do nothing" Congress at its worst.

The President has been very clear many times—he is going to veto this bill because of the withdrawal timeline and all the excess projects. And in the Congress, there will not be enough votes to overturn that veto. Then what?

I guess we'll get to talk about this matter again next week or the week after. But at some point, very soon, our inaction is going to cause some real harm—and I hope that the real harm doesn't include the loss of more American lives around the world.

If we can't get moving and fund our troops with no strings attached, we are eventually going to impact the safety and capability of our military, not just in Iraq, but around the globe.

This should not be about the President. It should not be about the Congress. This is about funds for our troops—the men and women in uniform—who are in Afghanistan and Iraq right now, doing the job they were directed to do. They need this money. They need the equipment the money would provide to do the job, and that should be our focus.

This funding was requested by the President on February 6, almost 3 months ago, and through this political theater we are fixed to embark upon a vote we know will not become law, one that will surely be vetoed by the President. This legislation is dead before arrival. Why don't we acknowledge that and find a way to get the job done without delaying even more, forcing our military to move funds around, to borrow from Peter to pay for Paul. It will have a negative effect on our men and women in the Navy and the Air Force and the rest of the military.

We could have turned this over to our senior members of the Appropriations Committee, my colleague from Mississippi and the other appropriators, including the Senator from Washington State, and said: Look, work through this. Let's get something we can support in good conscience.

There are more problems with this than just artificial deadlines. The $21 billion in domestic spending was added beyond—I believe that is approximately right—what the President asked for. Some of it is needed and justified. I know my colleague from Mississippi and the Appropriations Committees on both sides of the aisle and on both sides of the Capitol could have worked through that and come up with a bill to get the job done. It is not that some of these adds are not good and justified. The President asked for funds for Katrina recovery, and I think maybe some funds have been added to that beyond what he asked for. This is important to me and my State, but I refuse to be trying to get funds that may be immediately needed for a disaster on the back of our troops and to delay it even more. Surely there is a way we can come to an agreement on how to achieve this result.

This is an emergency supplemental. Some of the things that have been added—not just money but language—don't relate to an emergency domestically or in terms of what our troops need. That language should be stricken. We make grand speeches here on the floor about how we should not legislate on appropriations, yet things have been added in a number of categories, not just the minimum wage and small business tax cuts that don't get the job done.

This is a classic case of micromanagement where the Congress is trying to set dates. We have an alternative. If we want to use the power of the purse to stop the war on terror and our efforts in Iraq and Afghanistan, vote no. Vote no. Vote against this. Don't provide the troops the funds they need or any of this other money. If you want to do that, go right ahead. There is a procedure. But here we are trying to set ourselves up as the final judges.

General Petraeus was here yesterday telling us what is going on. He was honest. He didn't say it is perfect. There was a change in strategy. It is being implemented and carried forward. We voted 100 percent for General Petraeus, and now we are saying: Oh, well, sorry about that, General. We are going to try to tell you when to do what, not wait until we get more reports from you. Wait months, our enemies are told, and the place is yours. When the going gets tough, can you count on the Americans to see it through in a responsible way? This is the wrong message at the wrong time.

Mr. President, I am an incurable optimist. Let's get it done. Let's let it go on through. The President will veto it. But next week, can we get together and do the right thing for our country and for our troops? I beg my colleagues on both sides of the aisle. We have made our political points, our political statements. Then let's get our job done. Let's do the right thing for America, not the right thing for Republicans or Democrats but the right thing for our troops.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent that on our side the Senator from Louisiana, Ms. LANDRIEU, be recognized; following her, going back and forth, then Senator FEINSTEIN for 4 minutes, and then Senator JACK REED for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I have a book which is a poignant and wonderful account of life in Louisiana after the storms. It is called "1 Dead in Attic," written by Chris Rose, a reporter for the Times Picayune. The title refers to the unique system for identifying what happened in people's homes during the storm. The notation, sprayed on the wall for everyone to see, would explain whether there were pets or people or, in this case, someone no longer living. This symbol—this information—remains spray painted on the sides of many houses to this day.

In this book, Mr. Rose describes 2005:

> This was the year that defines our city, our lives, our destiny. Nothing comparable has ever happened in modem times in America, and there is no blueprint for how we do this. We just wing it. Do good works. Save someone or something.
>
> * * *
>
> If there was no New Orleans, America would just be a bunch of free people dying of boredom.

A photographer for from England noted:

> I witnessed the destruction of one of the finest cities in America, her soul bared and exposed, her inequality and inefficiency laid out for all to see. And through it all I saw the grace, courage and dignity of her citizens, forced to flee their homes, their lives, their history. I trust her soul will be repaired.

I want to thank Chairman BYRD for his many courtesies and assistance in this bill. I also want to thank his staff for all of their hard work and long hours. I also want to thank Senator COCHRAN, who has done so much for the people of the gulf and who shares so much of the hard work on the recovery with me and the other gulf coast Senators. In fact, the entire Senate appropriations Committee—my fellow Senators and their staff—have been so supportive of us through this process—and I thank them.

There are many provisions that will help the ongoing recovery efforts in my state and along the rest of the gulf coast included in this bill.

I intend to vote for this bill because it provides critical resources and removes obstacles to the recovery of the gulf coast. In addition, the bill provides funding necessary to support our troops in Iraq.

Hurricane Katrina hit the gulf coast in August of 2005 and Hurricane Rita followed on its heels just a few weeks later. While a great deal of time has passed, and a lot of progress has been made, this recovery will take many, many years.

As you have heard me say on many occasions, the damage to the gulf coast is unimaginable. Sometimes I think that people forget just how unimaginable the damage was. Mr. President, 1,836 people were killed. To put this in perspective, this means that 1 out of every 3 people who work here in the Senate would have lost their lives 6008 people work for the Senate. Mr. President, 650,000 people were displaced. It would be as if every single solitary person in the District of Columbia were displaced from their homes and neighborhood.

Over 275,000 homes were damaged, with over 205,000 of those in Louisiana alone—again, this is the equivalent of every home in the District of Columbia being flooded, damaged, or destroyed, and 240,000 jobs were lost. Here in DC, we are lucky, there are more jobs than there are residents. However, were a similar disaster to strike DC., every other person employed in the District would have lost their job. Also, 875 schools were destroyed and there was $82 billion in property damage.

If you want to try an experiment at home, paint a chalk line at a point 3 feet from the floor and imagine that everything below that line submerged in water.

But we are coming back from that aweful year. It is a long, hard struggle but there are signs of hope. Our people are rebuilding their homes. There are now over 223,000 people living in Orleans Parish—about 43 percent of the pre-storm population—and over 450,000 in Jefferson. Our businesses are reopening. Visitors are returning. Our schools are rebuilding—better than before. We are creating a new health care system for the 21st century in Louisiana.

However, much work remains. This bill will help so very much with those ongoing efforts. I want to thank all of you for supporting these measures.

Some out there have taken issue with this funding. This assistance to the gulf coast is not "extraneous". It is necessary. However, the President has called this spending "excessive nonemergency spending". This is simply untrue.

This bill provides about $3 billion in additional direct aid to the gulf coast. We spend $8.6 billion per month in Iraq, which is $286 million per day. So, we are providing the people of the Gulf Coast with the equivalent of 10 days of the funding for the war. To date; we have spend $470 billion in Iraq and Afghanistan. In Iraq only, we have spent $379 billion.

Mr. President, you tell Cameron Parish where all 6 of their grade schools were closed until October 31, 2005 and 62 percent of all school facilities were destroyed that their teachers don't deserve a little extra money and that providing $30 million for bonuses and incentives for the grade schools in Mississippi and Louisiana is too much.

You tell Dillard University, which had $115 million dollars in physical damage and lost $26 million in revenues—which counts Ellis Marsalis and Reavis Ortiz among its alumni—whose campus is not far from the lower levee breach of the London Avenue Canal and which suffered extensive flood damage in the aftermath of Hurricane Katrina and whose main hall, Nelson Hall, was destroyed by a fire, during the flood, whose students took their normal classes at The New Orleans World Trade Center and The New Orleans Hilton Riverside Hotel until this fall, that $30 million in assistance—to be divided among the 27 universities that were closed in Louisiana and Mississippi—is "excessive".

You tell small businesses in St. Bernard—where there were 1,400 businesses before the storm and only about 400 have re-opened and less than 70 percent of the population has returned—that $25 million for economic injury loans is "extraneous" or unnecessary. Even Wal-Mart has not reopened in this Parish.

You tell the people of Jefferson Parish, St. Bernard Parish, Plaquemines Parish, and Orleans Parish that their levees should not be repaired and that their homes and businesses will remain vulnerable to the next storm and that an additional $1.3 billion for their safety is too much.

What is included in the Emergency Supplemental is FAIR funding, waiver of the 10 percent match. This bill eliminates the red-tape associated with so much of the Federal money. This supplemental includes the FAIR Funding Act language which will waive the local cost share for FEMA public assistance. This is FAIR. Hurricanes Katrina and Rita were the first and third most costly disasters in the history of this country and the Federal Government has waived this local share requirement in 32 different disasters since 1985, including Hurricanes Andrew and Iniki.

Forgiveability of CDLs is included. This bill will also correct a grave inequity and allow for our community Disaster loans to have the same treatment as all others.

Levee money is included. In addition, this bill will shore up a shortfall that has been identified by the Army Corp of Engineers. They have estimated that they will be short $1.3 billion dollars this year for necessary levee work in Louisiana. However, instead of asking for money to alleviate this shortfall, the administration merely wanted to rob Peter to pay Paul. However, this committee has wisely decided to provide additional money for this necessary work. Unfortunately, I do not believe that this will be sufficient to meet the ongoing needs—or will be enough to restore, repair and rebuild our levee system.

There is support for our education system. The Universities in Louisiana have been critical to our rebuilding efforts. They have fought to come back and about 80 percent of the students have returned. More importantly, the universities have provided resources and leadership during the rebuilding of the region. In Louisiana, they are also helping our grade schools stand up—forging new and stronger partnerships with our new school system.

Our universities suffered over a billion dollars in damages as a result of Hurricanes Katrina and Rita. In the 4th supplemental passed last Congress, we provided $40 million dollars for higher ed assistance—of which $33 million went to Louisiana universities. In this bill, we appropriate another $30 million, every penny of which is necessary.

We also provide $30 million in order to reward the teachers who give their hearts out trying to bring normalcy to our children and prepare them for the future.

I appreciate the continued assistance that this committee and my colleagues in the Seanate have given to the people of the Gulf Coast—and the hope that this legislation provides to them.

Mr. President, it is not often I disagree with my good friend from Mississippi, but I will say the people of the gulf coast don't think they are riding on the backs of the troops; they think they are the troops. The Guard and National Reserve who were in Iraq who are from Louisiana, 3,000 fighting in Iraq, only to come home to have their homes destroyed, have their jobs lost. They don't think it is too much to ask of the President to include $3 billion in a $24 billion bill—$3 billion for the gulf coast recovery, which is domestic emergency funding that has been included in every supplemental, even when the Republicans drafted a bill where there was money for domestic emergencies. The people of the gulf coast don't believe $3 billion is too much to ask.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. We are spending $8.6 billion a month in Iraq, which is $286 million a day. In this bill, we are asking the gulf coast to have 10 days—10 days of funding for the troops who are fighting in Iraq who lost their homes in the gulf coast. I don't think it is excessive. I ask the President to rethink his veto policy.

The PRESIDING OFFICER. The Senator from California is recognized for 4 minutes.

Mrs. FEINSTEIN. Mr. President, in 1999, when George Bush was a candidate for the Presidency and President Clinton was Commander in Chief, George Bush had this to say about American troops in Bosnia:

> Victory means exit strategy, and it's important for the President to explain what the exit strategy is.

Well, the Congress has been asking for an exit strategy year after year for 4 years now. In fact, President Bush has no exit strategy. So the United States is bogged down in an impossible situation: "Shock and awe," followed by ineffective follow-on efforts. Today, in the fifth year of this war, the United States is enmeshed in what has become a vicious and terrifying civil war. It cannot be won through the use of American military force. This war can only be won through political accommodation between Sunni and Shia, which means only the Iraqis can settle it, which means only the Iraqi Government can settle it. To this date, they appear to be unable to do what needs to be done to stop this conflict.

So without an exit strategy, the war goes on, the killings continue, and the casualties rise. Nearly 25,000 Americans injured, with tens of thousands of Iraqis killed and injured, and hundreds of thousands of people displaced from their homes by this war. Estimates put Iraqi civilian deaths in the first 3 months of this year at more than 5,500 in the Baghdad area alone.

On Monday, two truck bombs killed nine members of the 82nd Airborne Division and wounded 20 more. It was the deadliest day of combat in the division's history since the Vietnam war.

I fear that unless Congress acts and puts forward that exit strategy, this bloodshed will continue year after year. That is intolerable.

Today, we have before us a measure that offers a solution and a strategy to fill the void left by the administration. The Iraqi supplemental spending bill responsibly funds our troops and changes the course in Iraq.

Most importantly, it sends a message to the Iraqi Government that the U.S. commitment is not open-ended, that benchmarks will measure the progress, and that political accommodation is crucial.

Under this legislation, the Iraqi Government would be judged on how it disarms militias, pursues Sunni-Shia reconciliation initiatives, establishes fair oil-sharing laws, reforms debaathification laws, and protects the rights of minorities. This is as it should be.

This legislation ensures that our troops have sufficient rest and training and are provided well-maintained equipment. This is as it should be.

It allows for a redefined mission for American forces limited to antiterrorism operations, training Iraqi forces, and protecting American civilians and members of the Armed Forces. This is as it should be.

It begins the process of bringing our troops home. Into the fifth year of a war, this, too, is as it should be.

The American people spoke in a clear voice. Today, the United States Senate will as well.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I rise to express my strong opposition to this measure before the Senate, and I will cast my vote against it.

This measure places undue constraints on the utilization of our brave military, together with our allies working with us and, indeed, constraints on the utilization of the Iraqi military, which likewise has followed through with a brave performance with our forces.

This is a very complex situation on the battlefield, and in the government, with respect to Iraq. Last fall, with other Senators, I returned from my eighth visit to Iraq and I said the complexity of the battlefield has forced the sovereign nation of Iraq to "drift sideways." Regrettably, it continues, in my judgment, to drift. Our forces, and indeed our allies in that country, have fought bravely and are following through on their mission to try and bring about a greater degree of security in Baghdad.

While I expressed some concerns about the "surge" operation when it was announced on January 10, it is an ongoing operation now. We are losing life and limb daily, and we must allow our troops to be properly funded to carry out their missions.

Now, we heard yesterday from General Petraeus, and in my judgment, he gave a very factual, pragmatic, professional military opinion, showing objectivity. He is to be commended and our forces bravely fighting under his command should likewise be commended as well.

I want to bring to the attention of my colleagues a comment made by our distinguished Secretary of Defense, Secretary Gates, during his trip. He said, "our commitment to Iraq is long-term, but it is not a commitment to have our young men and women patrolling Iraqi streets open-endedly." In no way does he question the long-term need for our Nation to show its resolve and commitment to give security to this region of the world. But he clearly says it is not open-ended.

We cannot ask our forces, nor the Iraqi forces, to risk life and limb during their missions, unless the Iraqi legislature and the government of Iraq begins to give an equal or greater measure of commitment to perform their responsibility to achieve political solutions. A military solution, we all acknowledge, will not alone achieve a strong, survivable, sovereign Iraq. A political solution and a framework of legal reconciliation is essential.

And we must, at this point in time, bring to light a serious potential problem, which I have been told, that the Iraqi legislature might possibly take a 2-month recess during July and August. That is not acceptable. An action of that consequence would severely hinder those of us, myself and others, who are looking at the greater issue beyond Iraq as to the impact on this region if the combined efforts of our country and other nations fail.

We are seeing some progress as it relates to the international group of nations coming together, the border nations are scheduled to meet a second time. It is through only political reconciliation measures and bold leadership by the Prime Minister and each and every Member of the Iraqi Legislature, that this conflict can bring forth a stable, sovereign government, that is fully functioning, and is capable of providing for its own security. In so doing, Iraq will then be able to play an integral role in the security of this region.

Further, we must again, and again, signal to Prime Minister Maliki and to each of the Members of the Iraqi Legislature that they must do their job in a timely manner because every day Iraqi and American lives are being lost in their heroic effort to provide the security for the Iraqi government to function.

Finally, while I will vote against this report, I pledge to work with other Senators on how to rewrite the next bill, following the veto process, for these funds are essential for our troops and as we draft the next bill, we must we must assure the world of our resolve and commitment to the region.

I yield the floor so that others may speak.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, we must change the mission of our military forces in Iraq. We have to concentrate on training Iraqi forces so they can assume the burden of this hostility. We have to continue our efforts in counterterrorism to strike those international terrorists wherever they may be. And we have to protect our forces at all times. But we cannot continue an open-ended commitment and involvement in a civil war. That is essentially what the President is urging us to do.

This appropriations bill provides more resources for our military than was requested. It also funds extremely important domestic concerns, including the Veterans' Administration, so we can keep faith with those veterans who have served and will continue to serve; and also, as my colleague from Louisiana pointed out, we have to begin to reconstruct our gulf coast. It is ironic that we are pouring billions into Baghdad, helping them build all sorts of utilities, and still Americans languish along the gulf coast.

It also includes the Murtha standards of readiness on our forces as they deploy, to ensure that no American unit goes into the war zone without proper equipment, proper training, and appropriate personnel. The President has the ability to waive this under certain circumstances, so we are not unduly constricting his ability as Commander in Chief.

Then, of course, this legislation has benchmarks so that the Iraqi Government can stand up to their task. I think the one common theme that I have heard in this body is, ultimately, this is a political struggle and, ultimately, the Iraqi Government will make the decisions that are so important to the success of their efforts, which will allow us to begin a phased redeployment. But their record is very discouraging when it comes to their government.

Leon Panetta published an editorial a few days ago in the New York Times. He points out the Iraqis promised to achieve by the end of last year and the beginning of this year the approval of a provincial election law but, so far, no progress; approval of a law to regulate the oil industry and share revenues, and a draft is circulating, but it has not been approved by the parliament; approval of a debaathification law to reintegrate officials of the former regime and have a reconciliation, but there has been no progress; approval of a law to rein in sectarian militias, but no progress there either.

By March, the Government promised to hold a referendum on constitutional amendments. No progress.

By May, the Prime Minister committed to putting in place the law controlling militias, with no progress; the approval of the amnesty agreement, with no progress; and the completion of all reconciliation efforts. No progress.

If the Iraqi Government is unwilling to stand up to the demands they must face, then I think we can legitimately—and, indeed, we must—tell them very strongly that we will not support an open-ended commitment to that Government, that we will change our mission and refocus our resources.

It is interesting to me that our Secretary of Defense and the Secretary of State, those who travel to Baghdad, stand up and say this: Tell them what we are doing here is important, critical, and will happen, unless the Iraqis change. But in Washington, we are criticized for doing this.

I think the reality in Baghdad has to be the same as here. We have to move forward with this legislation to change the course, protect our soldiers in the field, and to allow a chance for success in Iraq.

I think we are all committed, we hope, to a policy that will lead us and the people of Iraq to a much better day. I believe supporting this initiative will do that.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, this conference report is the wrong response to the President's request for the supplemental funding that is urgently needed by the Department of Defense.

While most of the funds—over $109 billion—are appropriated to wage the global war on terrorism, to continue operations in Afghanistan, and to support Iraqi security forces, the conference report also includes funding for continuing the recovery from Hurricane Katrina and ensuring that our veterans receive the care they deserve.

I am very disappointed this bill includes language that sets forth a timetable for the withdrawal of troops from Iraq. We should be providing the President with a bill he can sign so our military forces can receive the funding they now need.

I recently brought to the attention of the Senate a letter I received from the

Joint Chiefs of Staff on April 2 describing the urgency of an appropriations bill and their concerns about further delays of funding. It has been now over 3 weeks since that letter was received.

It is very clear that delay is occurring, and it is undermining the ability to manage the responsibilities of the Department of Defense. We are talking about life-and-death situations and the ability to obtain equipment, armaments, and the training that is necessary by our Armed Forces to carry out their mission.

The Joint Chiefs pointed this out in their letter:

> Without approval of the supplemental funds in April, the Armed Services will be forced to take increasingly disruptive measures in order to sustain combat operations.

In addition, they stated:

> These restrictions increase the burden on servicemembers and their families during this time of war.

I cannot support this effort to dictate the management of this very serious threat to our Nation's security interests. The opponents of the President's efforts to win the battle against the terrorists should not be permitted to hijack this supplemental appropriations bill. The responsible thing for us to do is to send this conference report to the President so he can veto it. We can then revise it so it can be enacted without the offensive language.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, it is my understanding that there is 8½ minutes remaining on this side; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. REID. I yield 4 minutes to Senator INOUYE.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I believe that all Members of this body support the Defense appropriations section. The only area of concern and contention is that which refers to Iraq.

I think all of us agree that our forces today are bogged down in Iraq. They are caught in the middle of a civil war, and we need a change in plans. This war has dragged on too long and, incidentally, longer than our involvement in World War II. Staying the course is not working, and I, for one, am not convinced that it ever will.

The only way we can succeed in Iraq is if the Iraqis fundamentally change the dynamic. The language in the conference agreement embraces this idea of offering a new plan. This new plan eventually should allow for forces to be withdrawn from Iraq.

The proposal establishes a goal—and I repeat the word "goal"—of redeploying most of our forces from Iraq by next March. It does not mandate that all the troops are removed. To the contrary, it allows that forces remain in Iraq to protect U.S. and coalition personnel. It also stipulates that U.S. forces can continue to train and equip the Iraqis so they can better defend themselves, and it directs that we may continue targeted counterterrorism operations in Iraq.

This is a balanced plan. It recognizes that we still have responsibilities in Iraq and will continue to do so even a year from now, but it will force the Iraqis to fight their own civil war if they insist on doing so.

We all know there are very few military objectives to be achieved in Iraq. We defeated the Iraqi Army 4 years ago. We should keep that in mind. I still recall the huge banner on the carrier that said: "Mission Accomplished." Yes, the military mission was accomplished. We won that part of the war, the part the military can win. We failed in not preparing for the aftermath of direct conflict, and now we are enmeshed in an untenable position.

Our military has performed remarkably. They have achieved their military objectives. But the plan to rely on the military to achieve political objectives has not worked, and what we desperately need is a political solution. And in the end, how many truly believe we will emerge victorious with a Jeffersonian democracy on the banks of the Tigris River? What is victory? I have asked this question many times. What will constitute victory? And no one has answered that question. Or we can embrace a new plan that begins to reshape our forces in Iraq to provide those missions that our military is best suited for with a goal, not a mandate, but a goal of redeploying the remaining forces.

If Iraq is to succeed, it must assume responsibility for its own destiny. It must decide if it wants to stop the civil war. We cannot do that for them. This is a very modest proposal, but one that is caught up in the emotion of the debate. This conference report offers a plan, one that has much greater chance of success than staying the course.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INOUYE. May I have 30 seconds?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. It does not mandate a timetable for ending our involvement in Iraq but provides a new way ahead which will ensure better protection for our forces and a greater chance for the Iraqis to succeed.

This is a good, balanced package. It includes the best from each of our bills. It funds the critical needs of our military and provides a way ahead for our forces in Iraq.

I urge all my colleagues to support this conference agreement.

I thank the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, 3 months ago, President Bush set a new course in Iraq. He proposed a plan to secure Baghdad and its resident population, and he asked GEN David Petraeus, one of our best military minds of this generation, to carry out the mission. A Democratic-controlled Congress approved the general without dissent and wished him well.

Then something strange happened. Soon after sending General Petraeus into the field of battle, the Democratic leadership began its own change in course. It decided this new mission was over before it even had time to work.

We were told in January by some of our Democratic colleagues to listen to the generals. Yet this week, with our top general in Iraq here to report on progress, most of those on the other side of the aisle covered their ears. The Speaker of the House skipped General Petraeus's briefing altogether, didn't even go listen to him.

This posture may be calculated to impress opponents of the war at home, but it frustrates our troops abroad, and today the Democratic leadership does further damage by passing a war spending bill that has no chance—no chance—of being signed into law, a bill that calls for withdrawing U.S. troops without regard to conditions on the ground, a bill that says we leave in October if the Iraqis have made progress and that we leave in July if they haven't.

Let me say that again. This bill says that we leave in October if the Iraqis have made progress and leave in July if they haven't. Either way, we are gone.

It should not be this way. We should uphold our end of the bargain and pass a bill that funds our troops and gives us a reasonable period of time to judge this new strategy.

The Iraq Study Group has outlined the stakes. They said premature withdrawal would "almost certainly produce greater sectarian violence and further deterioration of conditions. The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al-Qaeda would depict our withdrawal as a historic victory. If we leave and Iraq descends into chaos, the long-term consequences could eventually require the United States to return."

That is the Iraq Study Group which has been so frequently cited by our good friends on the other side of the aisle.

Bin Laden knows the stakes, too. In a letter last year, bin Laden had this to say: America's defeat in Iraq would mean defeat in all its wars.

Yesterday, the commander of a senior Afghan Islamist group said bin Laden is personally involved in attacks on Americans in Iraq. General Petraeus went even further. He said al-Qaida has declared war on all of Iraq.

I call on my friends on the other side to have an open mind and listen to the general. We must give this plan for winning the military component of our strategy in Iraq a real chance to succeed. Without it, there is no political solution. Just 4 months old and operating at half its ultimate strength, the Baghdad security plan is already having an effect. Military leaders say the increased violence around Baghdad is a sign that the terrorists are shaken. The latest attacks were meant to be dramatic and to be visible. They were meant to force our withdrawal and ultimately our humiliation.

George Orwell said:

> The quickest way to end a war is to lose it.

This is a road we must not take. This legislation is tragic. If the Iraqis make progress, we leave; if they don't, we leave. This is not a choice, it is a mandate for a defeat that al-Qaida desperately wants.

It is not too late to change course. I ask my colleagues to be as patient as our soldiers and marines—and, indeed, the terrorists—and draft a bill that does not arbitrarily circle a date on the calendar and trigger withdrawal without regard to conditions on the ground. Then we can tell our troops that help is on the way, that they can finish this mission, and that they will return with honor. If not, if we give up, we will truly have reason to fear because if we cannot win this most important battle, how will we ever win the war?

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, all time has expired on the other side; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, this is meritorious legislation, important legislation. First, I thank Senator BYRD, the chairman of our Appropriations Committee, and his staff for working so hard to get us where we are. I thank Congressman OBEY, chairman of the comparable committee in the House of Representatives.

I know that my friend, the distinguished senior Senator from Mississippi, does not agree with the Iraq language, but I express my appreciation to his staff. This bill has in it more than the Iraq language, and his staff has worked with us all the way to get that done. I extend my appreciation for his usual gentlemanly way doing everything he does here.

Also, because she worked so hard on a lot of things that she was assigned to do by Senator BYRD, Senator PATTY MURRAY has done an outstanding job on this bill. She is in the Chamber, and I express my appreciation to her for her usual fine work but especially her fine work on this matter.

The individuals I have just mentioned have delivered to us a tremendous conference report, one we can all be proud to send to the President and we should send to the President. This conference report honors and provides for our courageous men and women in uniform. This conference report doesn't forget the emergencies Americans face at home while the war rages abroad. This conference report makes us more secure by charting a new, more sustainable course in Iraq so we can find a responsible end to the war and return our focus to the global challenges that lie ahead.

President Bush requested $91.5 billion for continued military operations in Iraq and Afghanistan. We provided every penny of that request, but, Mr. President, more. Our bill matches the President dollar for dollar on the equipment and training he requested for the 140,000 troops in Iraq and the 20,000 deployed in Afghanistan, including hundreds of troops deployed from the State of Nevada.

This conference report doesn't stop there because we recognize the President's request shortchanges our troops and our security in a number of critical areas. For example, with the roadside bombs that have accounted for over half of the fatalities suffered by our troops in Iraq, Democrats have added $1.2 billion for mine-resistant vehicles. This is important.

My friend—and he is my friend—the distinguished Republican leader, said we should live up to our end of the bargain. Our end of the bargain? We have done pretty well, spending over one-half trillion dollars in the faraway land of Iraq, having lost more than 3,300, through death, of our finest, 27,000 wounded, a third of them missing limbs, 2,000 double amputees, brain injuries as we have never seen before, and paralysis. We have lived up to our end of the bargain.

At a time when the health care needs of thousands of our soldiers and veterans are being ignored, Democrats have added—with the help of two courageous Republicans, who I am confident will vote with us on this matter—we have added $2.5 billion to ensure all of our troops receive the quality care they have earned—our troops—veterans. These funds will improve the unconscionable conditions at Walter Reed and other medical facilities around the country and greatly enhance the care provided to those who suffer from brain trauma and post-traumatic stress disorder.

Every Thursday, Senator ENSIGN and I, when we are in session, in the Johnson Room, have a "Welcome to Washington" for Nevadans. The Baileys were here today. They had a 27-year-old son who went to Iraq and came home with severe emotional problems. He was fine before he went. He went to a VA facility in Southern California, hundreds of miles away from his parents, where he was not taken care of. He died of a drug overdose. Not illegal drugs but drugs they gave him. What we have put in this bill to help veterans, those people returning from Iraq who have been injured, is important. It is in this bill and it should stay here.

At a time when our citizen soldiers have been pushed to their limit, and most Guard and Reserve units lack the equipment they need to conduct their mission, our bill would provide an additional $1 billion for the supplies and equipment they need. Despite the fact a majority of the American people disapprove of this administration's Iraq policy, this bill clearly takes care of the men and women who are serving us courageously in Iraq, as clearly as anyone who opposes this legislation would set back or hurt badly our efforts to support our fighting forces.

We provide for our troops, we do that, but we also believe we have an obligation to address emergencies facing Americans here at home. That is what emergency supplemental bills were at one time—emergencies that developed during the year.

President Bush has made numerous trips to the gulf region to take a look at the devastation created by Hurricanes Katrina and Rita, which devastated that region of the country, but he hasn't done anything about it, to speak of. We believe we have a responsibility to help the victims of this historic tragedy. We agree with the sentiment of the people of this country, who are determined to help their fellow citizens, and that is what this bill does. We provide $7 billion for the victims of Hurricanes Katrina and Rita, whose help is long overdue.

Thousands of family farmers and ranchers from virtually every State in this country are suffering the effects of extreme drought or damaging weather conditions. These are emergencies. We rely upon these American farmers and ranchers for the Nation's food supply, and we believe we have an obligation to help them when disaster strikes. That is why we provide $3.5 billion to help address some of the losses suffered by farmers and ranchers caused by drought, flood, fire, hurricanes, and pestilence.

More than 5 years after the terrible terrorist attacks of 9/11, we know gaps remain in this Nation's homeland security efforts. This is an emergency. We have tried here on the Senate floor to offer amendments to cover this. We have been defeated on a straight party-line basis. This bill has that relief. That is why we provide $2 billion for port security, mass transit security, airport security, and other initiatives to address the shortcomings identified by the bipartisan 9/11 Commission, whose recommendations came down almost 3 years ago.

Tens of thousands of children across this country will lose their health care in the next several months if we don't do something in this conference report. This, too, is an emergency. That is why we provide $650 million to keep the State Children's Health Insurance Program running. This is health care for kids.

All of these nonmilitary investments are crucial priorities, but fully funding our troops and changing the course of the war in Iraq is this bill's primary goal. No one wants this Nation to succeed in the Middle East more than I do. But I know that after more than 4 years of mismanagement and incompetence of the war in Iraq by this administration, there is no magic formula or silver bullet that will lead us to the victory we all desire. Yet I also believe there is a way forward that gives us our best chance to end the war responsibly while protecting our strategic interests, strengthening our security, and better positioning us to provide the long-term assistance Iraq will need for years to come. This way forward is consistent with what our military leaders are telling us, including General Petraeus, who repeated again yesterday, publicly—not privately but publicly—that this war cannot be won militarily. That is what General Petraeus says.

I want to talk about what is in this bill as relates to Iraq.

First, we transition the U.S. mission from policing a civil war to training and equipping Iraqi security forces, protecting U.S. forces and conducting targeted counterterror operations.

Second, we begin the phased redeployment of our troops no later than October 1, 2007, with the goal of removing all combat forces by April 1, 2008, except for those carrying out the limited missions I have mentioned.

Third, we impose tangible, measurable, and achievable benchmarks on the Iraqi Government so they will be held accountable for making progress in security, political reconciliation, and improving the lives of ordinary Iraqis, who have suffered so very much.

Fourth, we launch the kind of diplomatic, economic, and political offensive the President's strategy lacks, starting with a regional conference working toward a long-term framework for stability in the region, as recommended by the Iraq Study Group, with Saudi Arabia, Jordan, Egypt, Syria, and, yes, Iran must be involved.

Fifth, and finally, we build up our overburdened military to ensure that only battle-ready troops are sent into battle, and giving them the manpower and support they need to face the daunting challenges that lie ahead. My friend Congressman MURTHA, whom I had the good fortune to serve with when I was in the House of Representatives, pointed out clearly in the debate on the House floor last night that we are currently paying 126,000 individuals, independent contractors, to supplement the work of our soldiers. These contractors are not held to the same standards or accountability of our troops, yet often earn tens of thousands of dollars more. This is unacceptable. Do the American taxpayers know this, that 126,000 people are being paid over there for various things? Doing what? Why? This is costing billions, and for what? And why? This supplemental funding bill was forged by listening to Members of Congress from both parties, to military experts, and, most importantly, to the American people. I have had a number of people from the other side who have come to me and said, we know you are doing the right thing but we can't help you now. There are two people on the other side, however, who are coming and saying they are going to vote on this matter. I don't know what I can say, other than to say it is for the American people, and they have a lot of courage.

This compromise was forged through thoughtful negotiation. It was forged with the firm resolve that we must do what is right for our troops, our Nation's security, and Iraq's future. Once we pass this bill, we will send it to the President's desk. We know he has threatened to veto this legislation. But in the same spirit of compromise and bipartisanship with which this bill was written, we hope the President will reconsider his stubbornness and his refusal to listen to the American people. This is a good conference report. It provides for the safety of our troops, it helps Americans recover from emergencies that have plagued us here at home, and it sets us on a new course, away from a civil war with no end in sight, and toward a responsible, phased redeployment, and it holds the Iraqis accountable. This is a responsible plan for redeployment, not a precipitous withdrawal.

Our troops in harm's way will always have the resources to do the mission their leaders ask of them. It directs our attention to eliminating al-Qaida, addresses refugee and humanitarian crises, and launches the diplomatic and political surges necessary to prevent regional instability. It also allows us to provide the longer term investments and the political solutions needed in Iraq. It prevents the jihadists from being able to claim victory over America, and it begins to restore America's prestige, power, and influence in the region and throughout the world.

Some will say there is no alternative to the President's course. They say the only course is to stay the course or fail; that there is no plan B. But our President is wrong. I say that with all due respect. The choice is in our hands. Today, we have the chance to support our troops, represent the will of the American people, and lead America to a path of responsibility. If the President refuses to change direction, America risks being bogged down in Iraq for years, not months.

This President, who took us to war under false pretenses, now needs the courage to admit his policies have failed and work with us to bring the war to a responsible end. This conference report gives him that path forward, and I hope he follows it.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the conference report.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—46

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Graham
Johnson
McCain

The conference report was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, for Members of the Senate, as we have announced, there will be no more rollcall votes this week.

We hope that we can move, on Monday, without any problems, to the FDA reauthorization. This is an extremely important piece of legislation which Senator KENNEDY and Senator ENZI have worked on for months. Now, we hope we can move to that. We know people want to offer amendments. Certainly, that will be part of what we are doing here because the bill is imperfect. But it is a bill on which we must move forward. With all of the food safety and health safety issues that have come up during the past several years, we must do this. So we are going to move to that bill on Monday. That will be the next order of business for the Senate.

Mrs. CLINTON. Madam President, with this vote, Congress has provided funding for our troops while also putting forward sensible provisions to begin the withdrawal of troops from Iraq. I call upon the President to work with Congress in order to ensure the troops receive these funds and that we change course in Iraq.

I am also pleased to announce with Senator SCHUMER that after a long struggle, and thanks to the leadership of Senator BYRD and Senator HARKIN, we have secured $50 million for the monitoring, diagnosis, and treatment for the thousands of men and women whose health has been terribly affected by the dust, debris, and poisons that filled the air after the attacks of 9/11.

I am grateful for the support of Senator BYRD, Senator HARKIN and Senator SPECTER who have been steadfast in recognizing our duty to help those who helped New York in our hour of need—and help everyone whose health and lives have been affected by 9/11.

This is a great victory for the victims and heroes, for New York, and for our values which were targeted on 9/11.

The Centers of Excellence providing care through the Mt. Sinai consortium and the Fire Department of New York with Federal funds are doing heroic work—but more and more people are walking through the doors because of respiratory problems and other debilitating conditions. These treatment centers—centers that provide essential care to those who responded in our time of need—are on the brink of running out of Federal resources in the fall. Thanks to the funding in this bill, we will be able to send a lifeline of funding before these treatment centers fall over the financial cliff.

Based upon the estimates of the Centers for Disease Control and Prevention, it would take nearly $283 million to treat to 34,000 first responders and workers for just one year. And that number doesn't take into account the treatment needs of forgotten populations, such as residents, office workers, students, and others who were also exposed to these toxic substances.

The funding contained in this legislation is a great step forward and will serve as a bridge fund until we are able to come up with a long term solution. This $50 million will be used to help provide both inpatient and outpatient treatment services for responders and workers affected by debilitating respiratory and mental health problems.

These are more than names on a list or lines in a budget. These are lives that have been turned upside down, often silently, often without public notice.

When the towers collapsed, thousands of tons of coarse and fine particulate matter were released into the air, and inhaled into the lungs of hundreds of thousands of individuals—substances that included cement dust, glass fibers, asbestos, lead, hydrochloric acid, and other toxic pollutants. The combustion of jet fuel after the attacks created a dense plume of black smoke, filled with other toxic substances like benzene and polycyclic aromatic hydrocarbons. Fires at Ground Zero continued to burn underground for several months after the attacks.

Of course, none of our incredibly brave firefighters, police officers, emergency responders, workers, volunteers and others stopped to think about the health implications of what they were walking into—they risked their lives to help save others.

The day after 9/11, I visited Ground Zero; it was evident that the air was not fit to breathe and these conditions continued for months afterwards.

Over the next 9 months, it is estimated that hundreds of thousands of individuals were exposed to the dust and debris not only at Ground Zero, but also a site at Fresh Kills, the landfill in Staten Island, where workers sifted through the debris in an attempt to recover evidence from the attacks.

People began coming down with what we would later call World Trade Center cough. We heard reports of previously healthy detectives who could bench press 250 pounds unable to lift a child. Firefighters who could run miles no longer able to climb stairs. Construction workers in perfect physical shape before the attacks with incredible difficulty breathing after the attacks. Increased risk of cancer. Newly developed asthma, bronchitis, persistent sinusitis, laryngitis, or other respiratory problems. For these individuals, their illnesses are a constant reminder of that terrible day.

On March 21, the HELP Committee held a hearing—which I led along side Chairman KENNEDY—on the long term impacts of 9/11.

What we heard that day was nothing short of devastating and all of us in the room during the hearing came away with a new sense of urgency in making sure that the workers, residents, students, volunteers and others who are experiencing adverse health effects due to exposure of 9/11 toxins get the care they desperately need.

Of particular concern: many of those who are ill are falling through the cracks of traditional health coverage. According to testimony presented at this hearing, more than 40 percent of the responders enrolled in the Mt. Sinai treatment program are uninsured, and an additional 23 percent are underinsured. New York City reports that approximately 60 percent of those enrolled at Bellevue Hospital's treatment program are also uninsured.

Today, Congress has sent a powerful message to the police officers, firefighters, first responders, workers, and volunteers of 9/11: You are not forgotten. We will respond to an attack on our values and way of life by honoring our values and helping the victims.

But we must go further.

We need a longer-term Federal solution to provide monitoring, diagnosis, and treatment. The city and local organizations have done a tremendous service, but this was as an attack on our whole Nation and our whole Nation should support the efforts taking place in New York. These funds will only support the work for the short term. And a third treatment center at Bellevue Hospital—the only center that evaluates and treats many of the forgotten victims: residents, office workers, students, and others—has not received any Federal help at all.

I have introduced the 9/11 Heroes Health Improvement Act to provide $1.9 billion in grants for ongoing medical and mental health treatment and monitoring, and I will continue to work with my colleagues on the Health, Education, Labor and Pensions Committee to ensure that we have a long-term solution for 9/11 affected individuals.

We should always keep in our hearts the people who deserve our help.

Retired New York Police Detective Michael Valentin is one of those who is living with the health effects of 9/11. He rushed to Ground Zero from his home on Long Island on 9/11 and for the first few days searched for remains in the area, later working on the pile and providing perimeter security.

Before 9/11, he was running miles a day and going to college at night to become a supervisor.

Since 9/11, he has experienced respiratory problems and breathing difficulties, asthma attacks, operations to treat tumors he has developed, and other conditions. He could no longer find the strength to attend college at night or run enough to pass even the police department's physical test. He retired officially on January 31 of this year.

Detective Valentin wanted to attend the hearing in Washington. He wanted to speak out and be heard because too many of the victims and heroes feel forgotten and left behind. Unfortunately, Detective Valentin was too sick to make the trip, and he is not alone.

The tragedy of 9/11 is not over. The loss of life, the pain, and the suffering are not over. The tragic legacy continues for the families who lost loved ones and for residents, workers, volunteers, first responders and others who have faced hardship and health consequences in the aftermath of the attacks.

Today, we have achieved a great victory—but it must only be a first step to make sure those that gave so much on that terrible day are not forgotten and receive the help they deserve.

The PRESIDING OFFICER. The Senator from California is recognized.

MORNING BUSINESS

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, and that the following Senators be recognized in the following order: Senator SHELBY, 3 minutes; Senators FEINSTEIN and FEINGOLD, 10 minutes total; Senator BUNNING, 15 minutes; and Senator SCHUMER, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

THANKING STAFF

Mrs. MURRAY. Madam President, before the Senator proceeds, I wish to take a minute and thank all of our staffs who worked tremendously hard to get this bill to the floor, the staff on the Appropriations Committee, Senator BYRD's personal staff—many Members worked very hard, along with their staff members but particularly those people who sit in the back row back there and are not recognized who stay up very late to get this to all of us. To all of our floor staff, I say thank you for your tremendous work in getting us to this point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

SUPPLEMENTAL APPROPRIATIONS

Mr. SHELBY. Madam President, in passing this emergency supplemental appropriations bill this afternoon, the Democratic-controlled Senate has sent a message—one that the war is lost, that we have given up, and that we have no hope of victory.

Today, we have also put an arbitrary deadline on our military. I believe it is unequivocally wrong to do this, the wrong message at exactly the wrong time. I believe we must give our troops the opportunity to win. We cannot tie the hands of our commanders on the ground. We cannot have 535 generals micromanaging the war from the Halls of Congress.

This war is a test of wills. Our defeatist message states that today our will has been broken. This is not the message we want our enemy to hear. Our actions in the Senate have consequences. I believe we have just sent a message—the wrong message—that our efforts were not enough. We have sent a message that the enemy has won. I believe we have sent a message of surrender, a message of submission, a message of failure. And this message was not just sent to those fighting against us in Iraq, it reverberates around the globe. Today, I believe the Senate has illustrated raw partisan politics at its worst.

I believe the American people deserve better. Our troops deserve better. Our Armed Forces need the support of the people—us—who sent them into a war zone, not partisan politics. They need the time to succeed, not a timetable for retreat.

George Orwell once said: The quickest way to end a war is to lose it. Yes, the quickest way to end the war is to lose it. With today's vote, we are well on our way. Yet fortunately, for our troops, the President will veto this bill, and Congress will have enough votes to sustain it.

In the coming weeks, when Congress crafts a new supplemental appropriations bill, I believe we must not use the same narrow-minded approach. We must not send another message of defeat, of surrender.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

CAMPAIGN DISCLOSURE PARITY ACT

Mrs. FEINSTEIN. Madam President, on April 17, just over a week ago, I rose, along with the Senator from Wisconsin, Senator FEINGOLD, to ask unanimous consent that the Senate take up and adopt S. 223, which was reported unanimously by the Rules Committee on March 28. Senator ALEXANDER objected on behalf of a Republican Senator. As a result, the bill remains in limbo. To this date, that Republican Senator has declined to come forward to say why the bill should not become law.

This is such a simple, direct bill with respect to transparency. It is an idea whose time has long come. It is very hard for us to understand who could oppose this good government bill and what their reason for opposing it could be.

After last week's roadblock halted passage, the minority leader's spokesman told the Washington Post:

> Senators are now reviewing the bill in anticipation of legislative action.

We would hope that review is complete. We could now get down to business and today, by unanimous consent, just as we did in the Rules Committee, pass this bill, send it to the House, and have it become law. At our hearing on March 14 and our markup on March 28, it was clear there was no public opposition whatsoever to this bill. It is really time for the Senate to act.

The bill is titled the "Senate Campaign Disclosure Parity Act." It is sponsored by Senators FEINGOLD and COCHRAN and 33 additional Senators. It would simply require that the Senate campaign finance reports be filed electronically rather than in paper format, just as everyone else is doing now.

Currently, House candidates, Presidential candidates, political action committees, and party committees are all required to file electronically. And they do. But Senators, Senate candidates, authorized campaign committees, and the Democratic and Republican senatorial campaign committees are exempt. As a result, we have a cumbersome system in which paper copies of disclosure reports are filed with the Senate Office of Public Records, which scans them to make an electronic copy and sends the copy to the FEC on a dedicated communications line. The FEC then prints the report and sends it to the vendor in Fredericksburg, VA, where the information is keyed in by hand and then transferred back to the FEC database at a cost of approximately $250,000 to the taxpayers. This is $250,000 which is needlessly spent to continue an archaic system. It is long past time to bring the Senate into the modern era.

I urge my colleagues on both sides of the aisle to let this bill go today.

I yield the floor to the author of the bill, the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I certainly thank the Senator from California, Mrs. FEINSTEIN, once again for being so committed to getting this bill passed. It has been, as she said, over a week since we came to the floor to try to get the Senate to pass the Senate Campaign Parity Act.

Last Tuesday, the senior Senator from Tennessee objected "on behalf of a Republican Senator." Now we have waited to hear from that Senator, whoever he or she is, about his or her concerns about the bill. So far, not a word. It would not take very long to review this bill. It is very simple.

In fact, it seems as if the source of the objection is hoping never to be identified because a citizen effort to find out who the objector is, supported by a number of blogs from both the right and the left, has so far come up empty.

There has been a lot of discussion in the press and the blogs about whether the objection we heard last week constitutes one of those so-called secret holds, which have rightly come under attack in recent years. Well, someone anonymously blocked the bill from being passed last Tuesday, that person has made no effort to resolve his or her concerns with us, and the Republican leadership will not tell us who that person is. Now, that is a "secret hold," in my book. It is time for some sunshine here. If someone has a problem with this bill, he or she should step forward and discuss it with us. I am hopeful that after a week to take a look at the bill, the objector will have realized how completely noncontroversial it is and will let it go through this week.

This bill simply puts Senate campaigns under the same obligations to file their reports electronically that House and Presidential campaigns have been under for years. There is simply no reason the information in Senate campaign finance reports should remain less accessible to the public than any other campaign finance report.

As the Senator from California said, we now have 37 bipartisan cosponsors, and not a single concern about the bill was heard in the Rules Committee. The bill passed the committee by a voice vote, and no one has come up to us with any concerns, even in this last week. So the time has come to get this done.

I once again thank the Senator from California for her persistence. It is a pleasure to work with her.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I would like to thank the Senator from Wisconsin for his leadership and for his continuing interests. Hopefully, this will pass today.

In that vein, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar item No. 96, S. 223, a bill to require Senate candidates to file designated statements and reports in electronic form, and that the committee-reported amendment be considered and agreed to, the bill as amended be read three times, passed, and the motion to reconsider be laid upon the table with no intervening action.

Mr. BUNNING. Madam President, on behalf of the Republican side, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. FEINSTEIN. I thank the Chair. We will be back and back and back again.

The PRESIDING OFFICER. The Senator from Kentucky.

IRAQ SUPPLEMENTAL

Mr. BUNNING. Madam President, I was precluded from speaking prior to the vote taken on the Iraq supplemental. I am going to speak for about 15 minutes at this time and voice my strong opposition, as Senator SHELBY, to the conference report that just passed this body. This bill is a highly irresponsible bill showing both a disregard for taxpayer money and our American service people. It is probably the most dangerous bill I have seen in over 20 years of service in the Congress of the United States.

I don't say that lightly. Last month I came to the floor to voice my opposition to the emergency supplemental spending bill. I wanted a clean bill that the President could sign into law. Instead, today we passed a bill that ties troop funding to arbitrary withdrawal deadlines and billions and billions of dollars in unrelated spending.

Now, 3 weeks later, we find ourselves with essentially the same piece of legislation. It is an insult to the men and women who serve in our armed services. Funding our troops is not a political game. We are a nation at war. There are unexpected costs and needs that must be continued to promote our freedoms and troops at home and help them succeed in Iraq. That is why we have emergency supplemental legislation. It is used to meet the immediate needs of the men and women in the Armed Forces on our frontlines.

The extra spending goes beyond emergency needs and, instead, adds additional nondefense funds that are not necessary right now. There is a lot of fat in this bill that the Senate should consider under the regular appropriations process. That is what appropriations bills are all about. The hurricanes of 2005 were truly devastating. I have supported the Government's rebuilding efforts in the region. But the bill before us today includes billions of dollars in unrequested and unnecessary funding for the Corps of Engineers. These provisions are inappropriate for a wartime supplemental.

Another area of extra spending relates to agriculture. I have been a strong supporter of America's farmers, but the programs in this bill do not belong in a supplemental wartime bill. I cannot justify $20 million for dairy farmers and $60 million for salmon fisheries in the Pacific Northwest. This bill is about our troops, not our farmers. There are even more glaring examples in this conference report: $18 million for drought assistance in the upper Midwest; $25 million for NASA facilities in the gulf region; $10 million for historic preservation funds. This bill doubles the 20 million I opposed for asbestos abatement at the Capitol powerplant. The list goes on.

I am ashamed that this Congress believes it can solve its own budgetary problems on the backs of our fighting men and women.

Finally, instead of helping our troops, this supplemental bill only ends up offending them. We ought to be sending a clear message of support for our men and women in harm's way. It should be clear that this Congress and this country will make sure that the men and women of our Armed Forces have the necessary supplies and resources to carry out their missions. Unfortunately, this legislation only serves to undermine our military missions. It pulls the rug right out from under our troops, just as we are at a point of seeing some signs of increased security in Baghdad.

To me, this bill is a strategy for defeat. It sends a detrimental message to our troops and only serves to embolden our enemies. It tells the terrorists: Mark your calendars with our date for withdrawal from Iraq; sit and wait for us to get out.

Like many of my colleagues, I had the opportunity to hear firsthand from my good friend, David Petraeus, yesterday about the current situation in Iraq. I am sorry it was a very highly classified briefing or I would share those things with the Senate. But I want to give the mood of his report. He was very frank in his report. The situation in Iraq is not any closer to being resolved than it was 2 months ago when his mission started. The country still suffers from violent sectarian strife and is at war with a cluster of enemies, including primarily al-Qaida, Osama bin Laden, Sunni insurgents, and Shia radicals. The other side of the aisle has already said the war is lost. But we haven't even given the President's plan a chance to work. We still have a long way to go in Iraq, but sectarian killings have dropped dramatically since January. There is greater cooperation between the U.S. forces and the Iraqi Army, and we are beginning to see the Iraqi people work toward complete sovereignty.

We should not dictate arbitrary guidelines for the future. The Iraqi Government is still in a critical development stage. It must be given the time and room to grow with our guidance. The same Senators and Congressmen calling for an immediate withdrawal from Iraq or setting an arbitrary withdrawal date do not discuss the ramifications of such an action. It may be because they know that immediate withdrawal from Iraq would be disastrous to the Middle East and threaten international stability and our national defense. Withdrawal is not a viable option. If we leave Iraq prematurely, we lose. Peace-loving people in Iraq lose, and Islamic radicals and al-Qaida win. That is the situation we are in today. We need to be honest about it as we proceed forward.

I have voted against past withdrawal language and voted against it again today. Setting a withdrawal deadline will have grave consequences for the United States. It will put our national security at risk. After the President vetoes this bill—and we sustain his veto—we need to refocus our attention and our productive manner on how to best help our commanders on the ground to achieve success in Iraq. No arbitrary timetable, no billions of dollars in unrelated pork—we need a clean bill that funds our men and women in uniform and gives them a chance for success.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

HEROIC NEW YORK STATE TROOPERS

Mr. SCHUMER. Madam President, I rise to speak on a very sad occasion that occurred in my State in the last 2 days and to recognize the three heroic New York State troopers shot in an act of cold-blooded violence. Sadly, one trooper, David C. Brinkerhoff, a member of the specially trained mobile response team, has been killed. Tonight my thoughts and prayers are with his family, friends, and coworkers.

Trooper Brinkerhoff and Trooper Richard Mattson were shot at about 8:45 a.m. Tuesday while searching for a gunman who was suspected of shooting a third trooper, Trooper Matthew Gambosi, during a traffic stop in nearby Margaretville, NY, a beautiful town in Delaware County. Trooper Mattson is in serious condition at a local hospital and, praise God, Trooper Gambosi only suffered minor wounds as the bullet was caught by his bulletproof vest. We pray for their speedy recoveries.

Law enforcement raided the farm where the gunman was holed up yesterday, and his body was recovered late last night. Now that this man is no longer a threat, we must turn our attention to the troopers' families and friends who have been devastated by these tragic events.

New York State troopers represent the best of all of us. They are brave, selfless heroes who put their lives on the line every day with unequaled character and dignity. They are tough, and they are just. The events of the past 48 hours have devastated our entire State. Now we will mourn together. The entire trooper community and the people of the great State of New York have suffered an enormous loss. The greatest way we can honor them is to remember their sacrifice always and to pledge to rise above this tragedy by continuing to do exactly what they did when they got into harm's way on our behalf. Of course, I speak of impartial, courageous, and professional law enforcement.

Trooper Brinkerhoff was born and raised in the Southtowns area of western New York and was only 29. He was an 8½-year State police veteran and joined the mobile response team in early 2006. He is survived by his wife Barbara and a 7-month-old daughter. Brinkerhoff is the second member of the New York State mobile response unit to be killed in less than a year. Trooper Joseph Longobardo was killed by serial killer Ralph "Bucky" Phillips in the woods of Chautauqua County in the western end of our State. Far too often our troopers and law enforcement officers are struck down by senseless violence. However, every time their mettle is tested, they return stronger and more determined to keep New York safe.

I am also pleased that the Senate will approve later today a resolution commemorating the sacrifice of the men and women of law enforcement who have lost their lives on the job. They are all true heroes. We honor each and every one of them.

My thoughts and those of my family are with Barbara and her daughter tonight, and I send them the full condolences of the Senate and the people of the State of New York. We will not forget you or the sacrifice of Trooper Brinkerhoff.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. LAUTENBERG. Madam President, I want to take some time, as we contemplate what is going to happen with the supplemental bill we just passed because, frankly, I am in a state of shock over the casual dismissal of the opinions of the American people, in huge majorities, who say: We have had enough of this war, and we want to make a change. They want us to start to position ourselves in a manner that would allow us to bring our people home.

Not far from this Senate floor, in the middle of the National Mall, is a place of stone and water, of strength and reflection. It is a place that is important to me and, I think, important to the country as a whole. It is where we honor those who served and those who died in World War II.

I proudly wore the uniform of my country during that war. I do not consider myself a hero, but I did my duty to the best of my ability. I and 16 million others went to war because our mission was clear: defeat the enemy who attacked us. And while the battles were fought across the ocean, the entire country united. They all sacrificed. That was the message: sacrifice, sacrifice at home, use less gas, turn off the lights, reduce energy consumption, black out the beachfront places or coastal areas so the enemy could not see the lights of the cities. Even with rising injuries and casualties in World War II, America kept its resolve because we believed in our leaders.

How times have changed.

There is one simple reason the American people have lost faith in this war effort: It has become clear our leaders are not providing us with the truth. And the chief purveyor of misstatements is Vice President CHENEY. He chooses to say whatever he wants to, to advance his agenda. But the agenda has now, we know, resulted in the deaths of thousands of Americans, thousands of Iraqis. It is time to say: Enough is enough.

I want to review some of the outlandish statements the Vice President has made about this war. On the eve of the invasion, in March 2003, Vice President DICK CHENEY assured the Nation that "we will be greeted as liberators."

I ask the question: How dare he make a statement such as that—without knowledge, without any idea of what the consequences of that action might be. We will be greeted as liberators?

He went on to say the fight would be "weeks rather than months."

In June of 2005, Vice President CHENEY assured us the insurgency in Iraq is "in the last throes." That was almost 2 years ago. Ask our people in uniform, ask our people in combat, ask those who are facing another deployment after having been there once or even twice—ask them what they think about that statement, about the accuracy of those remarks.

Earlier this year, even after the Pentagon admitted there was no evidence at all of a connection between Saddam Hussein and al-Qaida, the Vice President said there was a connection. If you say it, maybe you can convince people, even if it is not the truth.

And now, this week, we have our Vice President speaking out against this bill we just passed, again making outlandish claims.

You have to ask yourself a question: Who is still listening to those comments and giving them any credibility? Unfortunately, there are people, despite his outrageous and unsubstantiated claims—claims such as the "insurgency is in its last throes"—who tend to believe him. He is, after all, the Vice President of the United States. It is a prestigious job. There is an automatic assumption that credibility goes to the occupant of that position.

We may never know the real motivation behind this administration's drive to Iraq, but we do know the following: They presented false intelligence to the American people and our allies.

We have seen some of those responsible, credible people, who believed in the case that was being made by the intelligence reports—look at one of the great figures in American contemporary history, Colin Powell—a general, Chief of Staff. I remember his speech at the United Nations providing evidence of materials that confirmed there were weapons of mass destruction there. And now this man, who has a lifetime built on honesty and credibility, has said he regrets those statements. But we do not hear that pause, that reflection, coming from the President or the Vice President of the United States.

The administration knowingly misled the country about Iraq's nuclear ambitions in President Bush's 2003 State of the Union Address.

In a recent CBS News poll, 66 percent of the American people disapproved of the way President Bush is handling this situation with Iraq. That disapproval has continued to build. If you look at some of the polling data we have seen over the last couple years, less and less of the people in the country believe we are doing a good job with the situation in Iraq, as portrayed by the President.

On Monday, President Bush said:

> There's been some progress.

That statement shows the President is living in an alternate reality.

On that same day—Monday—10 American troops were killed, 9 of them in a single attack. Since the beginning of this war, more than 3,300 of our people in uniform have died.

One of those people was a fellow from Toms River, NJ, Marine Cpl Thomas Saba. He served with the Marines' Flying Tigers. He volunteered to extend his tour of duty after his squadron was deployed to Iraq. He died with his comrades in February when their helicopter was shot down by insurgents. Corporal Saba is one of 77 people from my home State of New Jersey to see their last sunset in Iraq. Ten more have died in Afghanistan.

Beyond these casualties, nearly 25,000 of our troops have left the combat theater with serious wounds. More than 800 of them have lost at least one limb. We have spent mountains of taxpayer money in Iraq. We have spent $400 billion, going now at the rate of $3 billion a week. What have we gotten for our investment? A disaster. That is the reality of Iraq, not the endless and empty picture of optimism the Vice President and others in the administration and the President continue to paint. "Extend our victories." What victories are they talking about? I don't see any victories. We see more threats. Not only to our people—that is the most serious one—not only to our reputation, but to our leadership in the world as it disintegrates in front of us as this conflict continues.

We need a new course, and we need it now. This supplemental provides that new course. We hope the President will reflect a little bit, instead of the braggadocio attitude and false stories about how Democrats want to surrender. That is the most offensive thing. Democrats want to surrender? Senator INOUYE, a Medal of Honor winner here, and other people who fought in Vietnam and other places. We want to surrender America? It is an outrage.

Outside my office, we have a memorial and it shows the "Faces of the Fallen"—photographs. Some of them are blank, but they have a name and a location of the person—the faces of the fallen from Iraq and Afghanistan. Typically it carries each picture, and we have about 3,000 of them. It takes a while to get the pictures together. People walk by, they stop and pause and write notes in a journal we have there. It includes the name and age, the rank and the battalion or company they served in, the cause of death of each of the Nation's fallen servicemembers, inscribed with their photo on the memorial. Families, friends, and visitors search those photos on a daily basis looking for people from their State, from their area, people who many knew and loved and miss. One woman found a picture of her son up there and wrote an inscription in our journal.

As they search these pictures, some write notes in a book of reflections. I want to share two of those reflections. A person named Prudence Hart from New Jersey wrote:

> We honor our soldiers for answering the call of their Nation. We must honor them and this Nation by never allowing another President to wage war as this one has.

Another person, Jay Miller from Rhode Island, wrote:

> We are at a pivotal point in our country's history. Our leaders must take a stand and use their constitutional powers to end this madness.

To Prudence Hart, Jay Miller, and every American, I say: We are with you. We do honor those who have bravely taken up their task, able and willing to do it. Some of those troops are the third deployment away from a spouse, children, community, job. They are the ones making the sacrifice, and they are the ones whom we want to honor. We want to honor them by remembering those who paid the ultimate price, but we want to honor them further by bringing them home and giving them appropriate post-service treatment.

I wish we were treating our veterans in the same honorable manner in which they were recruited. We have failed in many instances. We failed, even as people criticize Democrats and those who disagree with them, even as they try to discredit us as wanting to surrender, when they didn't provide the right equipment, whether the humvees were sufficiently armored, or whether they had the proper flak jackets.

I went to Iraq some years ago, and when I asked the people I met from New Jersey: What is it we could do to make their job better and protect them more, one of them said, Senator—and I was with four other colleagues—Senators, the flak jackets you are wearing, the body armor you are wearing is the latest and the best. We don't have it. People who were in the coalition have that, but we don't. What else? They said: Our humvees are not sufficiently armored to protect us. We know what has happened.

So if we want to talk about honoring our troops, where was the administration while Halliburton was stealing from the country with food and shelter and had a fine of millions of dollars imposed by the auditors from the Defense Department? Shame on them. In the war I fought in, there wasn't anybody except a traitor who would do something that might help the enemy like having a sham corporation in the Cayman Islands, a branch in Dubai where they then did business with Iran—Iran, which supplies weapons and encouragement to insurgents who want to kill our people there. It is shocking that we see that, and when we hear these false tales coming from the Vice President of the United States, when he talks about victory, and I am paraphrasing: victory within our grasp, within our reach. The American people don't believe it, and I tell my colleagues I don't believe it, and a lot of my colleagues don't believe it.

We had a vote one day that was significant. It was 56 to 44, and it included seven of our colleagues from the Republican side, people who had the courage to stand up and say: Look, we are not ashamed to be Republicans, and we are not ashamed to be Democrats, but we think this policy is wrong. We had enough votes—not to get cloture, but to establish a significant majority. I know some of our colleagues over there who are loyal to the party and to the President who don't like a bit what he is asking of the American people now, and asking of us, labeling this bill as a porkbarrel thing.

I can't get the word "surrender" out of my mind.

I sit on the Appropriations Committee, and I was at a conference committee of the House and the Senate the other night, and the ranking Republican on the House side said the Democrats want to surrender just when General Petraeus is coming in—surrender. This bill is our stand, the American stand. It begins to set a timetable for us to come home—not to run away from our responsibilities. Our responsibility has been more than met. But we are even willing to leave enough of a cadre there to say: OK, we will help the Iraqis learn to defend themselves. We will help the Iraqis to reconstruct their society. We will help even to do some counterterrorism and counterinsurgencies.

It is time to come home. It is time to come home, and I hope the President of the United States will follow the demands of the American people and a major number of people who oppose where we are, a huge majority.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I was in Iraq this weekend, and I was there in December, right before Christmas, with my friend, Senator NELSON of Florida. Our meetings at that time took place in the shadows of the 2006 Congressional elections and in the wake of the much anticipated Iraq Study Group report. During each of our visits at that time, the atmosphere exuded a feeling of transition, a desire to get out of the constant struggle of lateral movement to a feeling of longing for a new strategy, long overdue in Iraq. On January 10, we learned the details of that new strategy. It wasn't exactly what many of us expected and it raised some particular concerns for me. Two weeks earlier when I was in Iraq, I met with the National Security Adviser for the Prime Minister of Iraq, Dr. al-Rubaie, and he told Senator NELSON and me he didn't think sectarian violence was the biggest problem in Iraq. To express that kind of denial was incredulous. Senator NELSON and I kind of looked at each other. His comments reflected to me at that time that I didn't think the Iraqi Government had the commitment to reconciliation needed to warrant an increase in U.S. forces in Baghdad and in an area wracked by sectarian civil war.

So at the time I stated the idea of sending an additional force of 20,000 troops into Baghdad, into the lion's den of sectarian violence without any additional commitment from the Iraqi Government was something I did not feel I could support. Because of the duty we share as Members of this deliberative body, I put myself on record expressing my views. I wasn't popular with a lot of my constituents. I joined the senior Senator from Virginia, a colleague whom I respect so deeply on military matters, the former chairman of the Armed Services committee, and I cosponsored his resolution expressing the concern over the proposed surge in Baghdad.

A slightly modified version of his resolution came before the full Senate on February 5, a little over 2 months ago. Although my colleagues in the majority at that time sought to limit our opportunity to amend this legislation through procedural maneuvering, I believed I had a duty to follow my conscience and I supported the procedural motion to move forward on that resolution. I joined many of my colleagues, mostly on the other side of the aisle, in voting for cloture on this resolution on February 5.

Here we are, 2 short months later, and how the debate has changed. I will talk a little bit about what I have seen in Iraq but how the debate has changed. I thought I would take a brief moment to remind some of my colleagues across the aisle what they went on record as supporting on February 5. On February 5, my colleagues on the other side of the aisle said: We respect what S. 470 said, we respect the constitutional authorities given to the President, that the President shall be Commander in Chief of the Army and Navy of the United States. Here we are 2 months later making an attempt to limit his constitutional authority to exercise his fundamental constitutional duties.

On February 5, my colleagues on the other side of the aisle said the resolution they supported should not be interpreted as precipitating any immediate reduction in, or withdrawal of, the present level of forces.

Here we are, 2 short months later, picking an arbitrary withdrawal date without the consent of our commanders on the ground and advocating a pullout.

On February 5, my colleagues on the other side of the aisle stated their belief that "the U.S. should continue vigorous operations in Anbar province." And here we are 2 short months later and we are trying to pull our forces out and leave the Sunnis in Anbar alone to deal with the terror of al-Qaida.

On February 5, my colleagues on the other side of the aisle stated their belief that "a failed state in Iraq would present a threat to regional and world peace." I don't know that many who have studied this issue would disagree with that notion. And here we are 2 short months later essentially working to ensure that this frightening prospect materializes.

On February 5, my colleagues on the other side of the aisle commended our troops in the field, agreeing that they have served our country "with the bravery and professionalism consistent with the finest traditions of the U.S. Armed Forces." But here we are today, reflecting on comments that they have "lost" the war in Iraq.

Most importantly, on February 5, my colleagues on the other side of the aisle stated their belief that the U.S. "should not take any action that will endanger U.S. military forces in the field, including the elimination or reduction of funds for our troops." Here we are 2 months later, conditioning that funding on withdrawal timelines to handcuff our military leaders, delaying the delivery of resources our forces need.

One of the things I heard in Anbar Province from a Marine general was that they needed these V-shaped humvee vehicles to protect against IEDs. Regular humvees are flat and they take the full force of a blast. With the use of these V-shaped humvee bottoms, we have not had many casualties. This bill the President will veto has about 8,000 of those V-shaped vehicles that we need.

I supported that resolution in February, but I did not support the bill before us today. It is unfortunate that the majority in this body has decided to utilize this important piece of legislation to attempt to set us on a course for failure in Iraq. When I say that, it is true this bill contains a lot of important things for our military, our veterans. But it is unconscionable that our veterans would be used as pawns in a political game, where the majority seeks to ensure failure in Iraq at all costs. That is what happens when you say it is lost, when you tell the enemy this is when we are withdrawing. I think our soldiers and our families deserve better.

My recent trip to Iraq underscored the fact that while we face formidable challenges, there are also glimmers of hope. General Petraeus said that to me in Baghdad on Saturday. He showed me the charts of the declines in the death squads and sectarian violence in Baghdad. He talks about the sheiks in Anbar Province coming over and fighting shoulder to shoulder with us against al-Qaida in Iraq.

When I visited Iraq this weekend, I traveled to Taqaddum in Anbar Province, between Fallujah and Ramadi, and Talil, in south central Iraq. I also spent time in Baghdad. We have some Minnesota National Guard in Talil and Taqaddum. We have a long way to go. It is certainly too early to tell whether our new strategy, including the surge in troops, is succeeding at the level set out by the President. Even General Petraeus has said that. Certainly our headlines here at home still echo the horrific suicide bombs and insurgent attacks we have sadly grown to expect when we read the morning paper. This is an enemy with resolve. It understands the impact of those actions on the American people.

General Petraeus told me and others in this body that he will come back to us in September—his troops are not all deployed at this point in time—and he can show the progress and the decline in the killings and sectarian violence. He talked about the elimination of some of the killing cells and some of their leadership. He will come back in September with the Ambassador, whom I also had dinner with that night, to discuss the situation. They will tell us whether they have succeeded in providing the stability in Baghdad that will allow the process of reconciliation to move forward more aggressively. He used the phrase many times that "the clock in Washington ticks much faster than in Iraq." We know that. He did say military action cannot win this war. But my colleagues on the other side, when they quote that, don't quote the other half of the sentence. He said it is 20 percent military action, but you cannot do the other 80 percent unless you are successful in the military action. He is clear about that. I believe General Petraeus and the troops he commands deserve to be given the time they need before we arbitrarily decide the war is lost.

I continue to have my doubts about the Iraqi leadership. I met with the

Prime Minister of Iraq, and he told me he was annoyed by a statement by the Secretary of Defense regarding the need to bring Sunnis more into their Government. His comment was that the Shia is a majority and it would undermine the democracy, tell the majority what they have to do. I said: Respectfully, I serve in the Senate. In the Senate, we protect in this country against one of the enemies of democracy, which is the tyranny of the majority. That is what has to go into the reconciliation in Iraq. I don't believe, as I listened to him, that he has the kind of commitment yet we need to make reconciliation successful. So that is of concern.

For us in this body, it is hard to think that giving a voice to the minority would constitute undermining democracy. We know the perils of a tyranny of the majority, which Alexis de Tocqueville defined in 1835, and that Madison and Hamilton alluded to in the Federalist Papers. The fact we are still trying to persuade the Prime Minister that he has to do a better job of reaching out to his own countrymen makes it hard for me to be optimistic.

Despite these challenges, the atmosphere in my meetings last weekend was so different than what I saw in December. The brave American civilians who are executing the diplomatic components of our strategy have a new sense of mission. I met with State Department folks—two of them—at breakfast Saturday morning. They are part of the new PRT. They are about to go Anbar Province, and they are reading in the paper that the war is "lost" and they are going out into Anbar Province to work on the reconstruction of Anbar and Fallujah. They are just about to begin their mission with a sense of hope, and shame on us if we dash it here. Some of the Iraqi leaders I was with reacted strongly in an opposite direction from the Prime Minister and clearly understood our commitment is not open-ended. Certainly, the courageous men and women in the field told me to relay to my colleagues this war is not lost. Let me be very clear. I sat in meetings with members of the Minnesota National Guard—by the way, I am unhappy about their tours of duty being extended. They and their families heard in the press that they were being extended. I complained about that to the Army and received an apology. In spite of that, they stood up and said to me: Use our names. Tell the Senate the war is not lost.

MAJ Brian Melton, from Moorhead, MN, said: Tell the Senate the war is not lost. Lieutenant Martin of the 1/34th Support Battalion in Talil, Iraq, wants the Senate to know the war is not lost. These soldiers talked about at one point it being kind of the Wild West in Anbar Province and it is being transformed.

I wish my colleagues would have heard the story from LTC Gregg Parks of Walker, MN. He told me about a suicide bomber who came into a town called Habbaniyah, and he veered into a crowd coming out of a mosque, blew himself up, and wounded or killed many Iraqis. Not a single American shed blood in that attack; yet our soldiers lined up to give blood. The next day, the mayor and local sheiks came in and gave the names of al-Qaida operatives and pledged to work side by side with our troops to drive al-Qaida out of Iraq. I wish my colleagues could have heard COL David Elicerio, commander of the 1/34 Brigade Combat Team of the Minnesota National Guard. He told me about the "adopt a highway" program his men and women have implemented with the local Iraqis. He said the local sheiks came in and identified where there were two IEDs.

There are many challenges that lie ahead, probably too many to name here. I don't see the situation in Iraq through rose-colored glasses and I am not trying to paint an unrealistic picture. The violence we have see over the past weeks in places like Baqubah reminds us all too well of the struggles we face.

I know the American public has run out of patience on this war. I don't know what the next round of letters to the editor will look like, or the attack ads on moveon.org for the vote I cast; but I am committed to stemming the flow of terrorism, not handing al-Qaida a victory they will be able to use to strengthen their forces and hurt and kill more Americans.

This bill we passed, with the timeline for surrender, doesn't make America safer. I am not for an open-ended commitment or a blank check, but as General Petraeus has said, you have to have a plan B. If the Iraqis don't do what they need to do for reconciliation, we are going to figure out a way to get Americans out of the crosshairs of that civil war. Some say we will be in Kuwait or some other area. General Petraeus told me he has to refuel his helicopters three times to get back into Baghdad, and if there is a "Rwanda" in Baghdad, we are not going to be able to do anything about it. We will redeploy our troops if this surge doesn't work, put them outside the center area.

In the end, they may have to look at a plan B. But that decision will come soon. General Petraeus said: Let me come back in September. Perhaps that is not soon enough for the American public, but the decision we made today, the statement that the war is "lost," the decision to set into place a timetable for surrender, doesn't help us provide an opportunity for reconciliation to occur in Iraq, or for there to be greater stability in the region, and it will let al-Qaida have a victory. A timetable for surrender hurts our warriors on the front line. It is a path I could not follow, one America shall not follow. Let us come back with a different supplemental and let us give our warriors the money they need to fight the war that has to be fought. Let us do that quickly.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

HONORING OUR ARMED FORCES

SERGEANT JOSEPH M. TACKETT

Mr. McCONNELL. Mr. President, I ask the Senate to pause for a moment today in loving memory and honor of Sgt. Joseph M. Tackett of Whitehouse, KY. Sergeant Tackett was tragically killed on June 23, 2005, in Baghdad while serving his country in the U.S. Army. He was 22 years old, and the recipient of numerous awards including the Bronze Star.

Not long after Sergeant Tackett's death, his body returned home to Johnson County, KY, and family, neighbors and friends came to pay their respects at his flag-draped casket in the Johnson County Middle School gymnasium. Even the kindergarten students at his old elementary school to whom he wrote letters remembered him that day as a friend and a hero.

Joe "was just very excited and enthusiastic about protecting a country he loved," says Nellie Bowen, Joe's third-grade teacher. "He had a pride in our country that we sometimes miss."

It was Ms. Bowen's class of kindergartners that Sergeant Tackett wrote to, becoming their overseas pen pal even while serving in Iraq. He replied to every letter they sent him, and even came to the school to speak to the children after his first tour of duty.

Mr. President, when you know this about Sergeant Tackett, you can see why so many in Johnson County turned out to support the Tackett family after the loss of their brother and son.

That Sergeant Tackett excelled in the Army is no surprise. He embraced his duty to serve with the same vigor and passion he displayed for so many activities in his short but full life.

"He looked at everything with enthusiasm," Joe's mother, Kathy Tackett, tells us. "He was so looking forward to the future, [and] he was always planning for the future."

As a child, Joe turned this infectious enthusiasm to many activities, including music. He was the singer for a Christian band and also a budding entrepreneur.

High-profile musicians didn't often include Whitehouse on their tours. But Joe filled the gap by producing rock concerts locally, showcasing local bands.

His love for music persisted to his time in Iraq. While there, he befriended Iraqi college students and introduced them to American rock music. Joe made friends so easily this way, he even exchanged emails with Iraqis while back home in Kentucky between tours.

Joe graduated from Johnson Central High School in 2000 and even then held dreams of one day becoming a soldier. He attended Big Sandy Community and Technical College, and then the terrorist attacks of 9/11 happened. Joe enlisted a month later.

He was assigned to the 1st Battalion, 76th Field Artillery, 4th Brigade Combat Team of the Third Infantry Division based at Fort Stewart, GA. He saw the Army as a way to learn new things and gain new experiences, and he devoured each new experience with excitement.

Sent to Iraq and Afghanistan for his first tour of duty, Joe learned new skills and new proficiencies. He took online classes while serving in Iraq to get his college degree. He took any training that became available and was always open to opportunities for self-improvement.

"Joe wanted to travel . . . he was curious about other countries, other lands," Kathy Tackett says. Joe called his mother once from the Middle East telling her he was standing in a mosque. "There's not many people who have ever done this, Mom," she remembers him saying with pride.

Sergeant Tackett was deployed a second time in January 2005. His assignment was to escort visiting dignitaries through the heavily fortified Green Zone in Baghdad. Even while undertaking this important mission, he still found time to write e-mails to his family back home. "He was interested in so many things," Kathy Tackett recalls. "I can't imagine the person that he would have become, if he would've had more years."

Sergeant Tackett's families may never know the answer to that question. But I think we know Joe would have tackled anything he did with energy and with enthusiasm, as he did throughout his life.

Sergeant Tackett leaves behind a loving family. He is loved and remembered by his mother, Kathy, his father, Wendell, his brother, Sam, his sister, Michelle Spencer, his nieces Hailey Tackett and Shawna Spencer, and other beloved family members.

Mr. President, no words we can say today will ease the pain of the Tackett family. I know they are still searching for answers. But I hope the reverence and respect this Senate shows Sergeant Tackett will remind them that he lived and served as a hero, and his country will forever honor and remember his sacrifice.

I ask my colleagues to keep the family of SGT Joseph M. Tackett in their thoughts and prayers. I know they will be in mine.

1ST LIEUTENANT SHAUN M. BLUE

Mr. BAYH. Mr. President, it is with a heavy heart and deep sense of gratitude that I honor the life of a brave young man from Munster. Shaun Blue, 25 years old, died on April 16 while deployed in Al Anbar Province on Operation Iraqi Freedom. With his entire life before him, Shaun risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Shaun was a lifelong Hoosier, graduating among the top 10 students of his class from Munster High School in 2000. He joined the military because, as his high school principal said, "He was one of those kids who did things everyone else was afraid to do." His valor over the course of his service in Iraq exemplifies Hoosier values and courage. His track and field coach at Munster High described Shaun as a mentally tough kid saying, "The fact that he chose the career path that he did didn't surprise me. It was perfectly suited for him."

Shaun was killed by an improvised explosive device while serving his country in Operation Iraqi Freedom. He was a member of the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, based in Twenty-nine Palms, CA.

Today, I join Shaun's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Shaun, a memory that will burn brightly during these continuing days of conflict and grief.

Shaun was known for his dedication to his community and his love of country. Today and always, Shaun will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Shaun's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Shaun's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Shaun M. Blue in the official RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Shaun's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Shaun.

PRIVATE FIRST CLASS DAVID NEIL SIMMONS

Mr. President, it is with a heavy heart and deep sense of gratitude that I honor the life of a brave young man from Kokomo. Neil Simmons, 20 years old, was killed on April 8th while deployed in Baghdad, when his convoy encountered an improvised explosive device and insurgent fire. He had been in Iraq for less than 2 weeks. With his entire life before him, Neil risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Neil attended Kokomo's Northwestern High School and followed the example set by his father and uncle by enlisting in the Army a few months before graduating in 2005. He enjoyed the structure of the military and felt a sense of duty to serve his community and country. His father described Neil as "an avid outdoorsman who was happy and always had plenty of friends."

Neil was killed while serving his country in Operation Iraqi Freedom. He was a member of the 2nd Battalion, 69th Armor Regiment, 3rd Brigade Combat Team, 3rd Infantry Division, in Fort Benning, GA. Neil's father reflected on his son's death, asking, "What's the odds of, among 160,000 troops your only child is there 1 week and gets killed?" Private First Class Simmons leaves behind his father, David, and uncle, Jim Simmons.

Today, I join Neil's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Neil, a memory that will burn brightly during these continuing days of conflict and grief.

Neil was known for his dedication to his family and his love of country. Today and always, Neil will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Neil's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Neil's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of David Neil Simmons in the official RECORD of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope families like Neil's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Neil.

SPECIALIST JASON J. BEADLES

Mr. President, it is with a heavy heart and deep sense of gratitude that I honor the life of a brave young man from La Porte. Jason Beadles, 22 years old, died on April 11th while deployed in Baghdad on Operation Iraqi Freedom. With his entire life before him, Jason risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Jason has been a lifelong Hoosier, graduating from La Porte High School in 2003. He had been interested in technical engineering throughout high school, earning his welding certificate from A.K. Smith Career Center before graduating. Army Specialist Beadles enlisted in the Army as an engineer after the attacks of 9/11. His valor over the course of his service in Iraq exemplifies Hoosier values and courage. He decided to enlist because as his welding instructor put it, "he was always concerned about other people." Jason enjoyed the military, and he believed that throughout all the hardships they faced he and his company were helping the Iraqi people.

Jason died while serving his country in Operation Iraqi Freedom. He was a member of the 887th Engineer Company, 326th Engineer Battalion, 101st Airborne Division (Air Assault), in Fort Campbell, KY.

Today, I join Jason's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Jason, a memory that will burn brightly during these continuing days of conflict and grief.

Jason was known for his dedication to his community and his love of country. Today and always, Jason will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Jason's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jason's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Jason J. Beadle in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope families like Jason's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jason.

PRIVATE FIRST CLASS RICHARD P. LANGENBRUNNER

Mr. President, it is with a heavy heart and deep sense of gratitude that I honor the life of a brave young man from Fort Wayne. Richard Langenbrunner, 19 years old, was killed on April 17 while deployed in Rustamiyah, Iraq. With his entire life before him, Richard risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Richard was a lifelong Hoosier, graduating from Northrop High School in 2006. He completed basic training this past January and was deployed just a few weeks later. He is remembered for his love of people, life, and adventure. "He was so happy and excited about his future before he graduated," said a former classmate. "He joined the military because he wanted to drive a tanker." Richard enlisted in the Army just before graduating high school. His valor over the course of his service in Iraq exemplifies Hoosier values and courage.

Richard died while serving his country in Operation Iraqi Freedom. He was a member of the 2nd Battalion, 69th Armor Regiment, 3rd Brigade, 3rd Infantry Division, stationed in Fort Benning, Georgia.

Today, I join Richard's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Richard, a memory that will burn brightly during these continuing days of conflict and grief.

Richard was known for his dedication to his community and his love of country. Today and always, Richard will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Richard's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Richard's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Richard P. Langenbrunner in the official RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Richard's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Richard.

STAFF SERGEANT BRADLEY D. KING

Mr. President, it is with a heavy heart and deep sense of gratitude that I honor the life of a brave young man from Gas City. Bradley King, 28 years old, was killed on April 2 while deployed in Al Amiriyah, Iraq, when a roadside bomb exploded near his Humvee. With his entire life before him, Bradley risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Bradley attended Mississinewa High School, enlisting in the National Guard in 1997, a year before his graduation in 1998. Bradley enjoyed the military and felt a sense of duty to serve his community and country. The day before he was deployed, Bradley told his mother that he felt "called to serve in the military for his country." His aunt described Bradley as "a responsible young man determined to do his best for the people he loved."

Bradley was killed while serving his country in Operation Iraqi Freedom. He was a member of the 2nd Battalion, 152nd Infantry Regiment, 76th Infantry Brigade, Marion, IN. Master Sergeant Bill Wallen, King's supervisor, told local media, "he was a heck of a human being, he's what everybody else needs to be in this world." Staff Sergeant King leaves behind his wife Adrian and 15-month-old son, Daethan.

Today, I join Bradley's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Bradley, a memory that will burn brightly during these continuing days of conflict and grief.

Bradley was known for his dedication to his family and his love of country. Today and always, Bradley will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Bradley's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Bradley's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Bradley D. King in the official RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Bradley's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Bradley.

SPECIALIST CODY A. PUTMAN

Mr. President, it is with a heavy heart and deep sense of gratitude that I honor the life of a brave young man from Lafayette. Cody Putman, 22 years old, was killed on April 11th while deployed in Baghdad on Operation Iraqi Freedom. With his entire life before him, Cody risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Cody was a lifelong Hoosier, graduating from Twin Lakes High School in 2003. He is remembered for his love of people, life, and adventure. "He was someone who was always looking to have a good time with others," said a former teacher. "He joined the military because of the teamwork." Cody enlisted in the Army after high school, and his valor over the course of his service in Iraq exemplifies Hoosier values and courage. A month before he died, Cody had been home on leave for 2 weeks vacationing with his family in Florida. Cody is survived by his father, Harry Putman, and his mother, Pam Mow. He also leaves behind his wife, Molly Putman, 20, and 3-year-old daughter Madelyn.

Cody died while serving his country in Operation Iraqi Freedom. He was a member of the 1st Squadron, 40th Cavalry Regiment, 4th Brigade Combat Team, 25th Infantry Division, based in Fort Richardson, AK.

Today, I join Cody's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Cody, a memory that will burn brightly during these continuing days of conflict and grief.

Cody was known for his dedication to his community and his love of country. Today and always, Cody will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Cody's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Cody's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Cody A. Putman in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope families like Cody's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Cody.

SPECIALIST ERIC R. SIEGER

Mr. HATCH. Mr. President, today I wish to pay tribute to SPC Eric R. Sieger of Layton, UT, who died of injuries suffered while conducting operations in Iraq. He was a remarkable young man who overcame much adversity in his life. On March 9 of this year, he would have turned 19 years old.

Part of the 1st Cavalry Division, Specialist Sieger was also a member of a very special family. I understand that his parents, Wolfgang and Krista, have 15 children, 6 of whom were adopted, including the Specialist. Early life was not easy for the Specialist but that all changed when he was adopted at the age of 11 by the loving Sieger family.

I have been informed that Specialist Sieger enjoyed running, being with his friends, building and fixing things. He had a girlfriend whom he met while stationed at Fort Hood, TX. Shortly before his passing, Specialist Sieger was able speak to his mother on the phone. His mother said, "They spent most of the time laughing and joking with each other."

Specialist Sieger's father said, "He was dutiful in wanting to do what is right."

Undoubtedly, this led him to become a member of the Civil Air Patrol as a teenager and enlist in the Army at 17. Military service is a calling for other members of the Sieger family, as well. Currently, one of his sisters is also deployed to Iraq, another sister is preparing to deploy, and a brother is a member of the Air National Guard.

I would like to conclude my remarks by quoting the words of Specialist Sieger's mother and father. Krista Sieger stated, "He felt since he was in the Army, since he took the oath, he has to do everything he was asked to do. And he did." Wolfgang Sieger said, "I would call him a hero. He is definitely a hero in my sight. I honor him as a hero."

I do not know of any higher praise that parents could give a son in military service. Specialist Sieger and his family will always be in my prayers.

SERGEANT FIRST CLASS DOUGLAS C. STONE

Mr. President, I wish to honor one of Utah's fallen sons, SFC First Class Douglas C. Stone.

SFC Stone had a lifelong connection to our Nation's military. His father served in the Air Force. Yet, SFC Douglas Stone joined the Army Reserve later in life. As his mother Dolores Feigley said about her son, "I think he was the oldest at boot camp."

However, his maturity was only to be an asset to his country, which was affirmed when he became a full-time reservist. Over the past 6 years, SFC Douglas Stone assisted in the preparation of reservists from the 96th Regional Readiness Command for deployments in support of Operations Enduring Freedom and Iraqi Freedom. As my good friend, MG Peter S. Cooke, the commanding officer of the 96th Regional Readiness Command said about SFC Stone "There wasn't a unit or individual sent from our headquarters that SFC Stone did not personally assist in preparing for their mobilization or deployment."

This was not the first time SFC Douglas Stone had gone in harm's way for his country. He also was a part of the fuel re-supply effort during the First Gulf War.

However, his life's most important work undoubtedly was as a family man. Sergeant First Class Stone was husband to his wife, Mary, and father to two boys Nathan, 13, and Cameron, 10.

SFC Douglas Stone was also a member of Fort Douglas's Honor Guard. I understand that Rick Edginton, one of his fellow Honor Guardsmen who participated at his friend's funeral said, "for me, probably one of the toughest moments was when I was standing at the head of the casket and I looked over to the side and I saw a note from his sister on the flowers that were there. It said, 'To Doug, my brother, and my Hero.'"

No truer words have been written.

SFC Douglas Stone was a hero. He served his country with pride and answered its call when it needed him most. All of Utah shall remember him and will be praying for this hero and his family.

SERGEANT BRANDON A. PARR

Mr. President, today I wish to pay tribute to SGT Brandon A. Parr. Sergeant Parr was a member of the 630th Military Police Company and gave his life with two other servicemembers when their vehicle was struck by an improvised explosive device.

There are certain pictures that define a time and a moment in our Nation's history. Such examples can be found in the raising of Old Glory over Mount Suribachi, Iwo Jima. I respectfully submit that a picture taken during Sergeant Parr's funeral should be added to that category. In that photo, Sergeant Parr's wife, Shannah, is seen holding the hand of their young son, Nicholas. Nicholas, standing on some steps, is wearing the camouflage uniform of an American soldier—a young son's tribute to his fallen father. This is an image that I will remember for all my days and a fitting tribute to a true hero.

Sergeant Parr enlisted in the Army in 2003, and this was his second tour in Iraq. He was involved in one of the most critical tasks in this war: training Iraqi police and providing security to the Iraqi people. By all accounts, Sergeant Parr preformed these assignments at the highest standards of our Nation's military.

Shannah Parr said of her husband, "He was very laid back and very funny. He made everyone feel good."

His mother, Teota Dangel said, "I think he would have gone (to Iraq) even if he knew this was going to be the outcome." Words like this can only be spoken of a true hero and patriot.

Sergeant Parr and his entire family will always be in my prayers.

CORPORAL STEPHEN KOWALCZYK

Mr. President, I wish to pay tribute to CPL Stephen Kowalczyk, a member of the 1st Calvary Division, who recently lost his life while on patrol in Iraq.

Upon learning of about his life, I was struck by all the adventures that Corporal Kowalczyk had undertaken. He had been the captain of the swim team at Macalester College, traveled extensively throughout Europe, the Middle East, including working as a handyman in Jerusalem. I understand that he even leapt from an iceberg and swam in the frigid waters of the Arctic Ocean. Clearly, this was a young man that seized all that life had to offer.

Three years ago, at the age of 29, he began a new adventure and joined the Army. According to his family he loved it.

During a recent memorial service in Iraq, one of his comrades SSG Richard Coombes stated: "He was a man who taught me that there was still beauty in our everyday life, even in Iraq. I looked at him and wondered if he had already figured life out. He was in such peace and harmony." CPT Kevin Bradley would often notice that Corporal Kowalczyk would look from the rooftops at the area around him. When asked why, he reportedly would reply, "You should see it up here. It's beautiful." Another friend remembered him as "a gentle, kind soul, I cannot think of anybody who did not love this man."

And yet he never forgot why he was deployed to Iraq—to help the Iraqi people. This commitment was reflected in the letters that he would write home asking for history books that he could give to Iraqis that he met, and pencils, notepads, and Hershey bars for Iraqi children.

What a fine man. What an extraordinary life.

I will always remember him and his family in my prayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent that following my remarks, Senator DORGAN be recognized to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. CASEY. Mr. President, I stand today in strong support of H.R. 1591, the congressional supplemental bill. In casting our votes on this important measure, all of us must ask a fundamental question: Do we support a change in course in Iraq or do we want more of the same?

This supplemental bill delivers over $100 billion in necessary funding, an increase of $4 billion over the President's request for our military forces in Iraq and Afghanistan, fully meeting the President's request. More important, the bill establishes a change in course for our policy in Iraq by transitioning the mission of American troops away from involvement in a growing civil war to a more targeted mission, one focused on counterterrorism, training and equipping Iraqi forces, and force protection for American troops.

The supplemental bill that was voted on today offers a path away from the current quagmire in Iraq, a state of bloodshed and chaos which is straining the U.S. Army, diverting our attention from a resurgent al-Qaida in Afghanistan and elsewhere, and finally sacrificing too many of our finest men and women.

We must never forget the enormous personal sacrifices our troops are asked to make every day. As of today, 162 Pennsylvanians and more than 3,300 Americans as a whole have given their lives in Iraq, with tens of thousands more suffering lifelong injuries, including amputations, severe burns, and traumatic brain injuries. On Monday, nine members of the 82nd Airborne Division gave their lives when a suicide bomber infiltrated their outpost in Diyala Province, the deadliest single attack on U.S. forces in Iraq since December 2005.

We pray today for our fallen heroes—today and always—but we also pray for ourselves that we may be worthy of their valor.

Our troops have done all they can. They have deposed Saddam, and they fought insurgents and foreign terrorists. They spent the last 4 years partnering with their Iraqi counterparts in a courageous effort to establish the foundation for democracy and a free society. They have been asked to mediate disputes and protect innocent civilians as targets in a crossfire of a civil war.

So our troops have done their part. Now it is time for the Congress and the White House to do their part. As retired military generals, experienced diplomats, and scholars with intimate knowledge of Iraq have declared and as a bipartisan Iraq Study Group concluded just last winter, any success in Iraq requires a political and diplomatic solution and cannot be achieved through military might alone.

Just ask General Petraeus, who, upon assuming his new command in March, declared:

> There is no military solution to a problem like that in Iraq, to the insurgency of Iraq . . . A political resolution of various differences . . . will determine, in the long run, the success of that effort.

GEN Barry McCaffrey recently returned from his latest trip to Iraq. One of our most widely respected former military officers, General McCaffrey fought in Vietnam with distinction, commanded a division in the gulf war in 1991, and led U.S. operations in Latin America. He submitted a formal report on his trip, which is very sober reading. One line stands out for me, and I quote from General McCaffrey's report:

> No Iraqi Government official, coalition soldier, diplomat, reporter, foreign nongovernmental organization, nor contractor can walk the streets of Baghdad, nor Mosul, nor Kirkuk, nor Basra, nor Tikrit, nor Najaf, nor Ramadi, without heavily armed protection.

This supplemental bill provides the Congress and the White House a chance to do their part to ensure success in our mission in Iraq. It brings to an end the "stay the course" mentality that defined our approach for the past 4 years in at least three ways.

First, the supplemental revises our mission in Iraq away from policing a civil war toward training and equipping Iraqi security forces, protecting U.S. forces, and conducting targeted counterterror operations.

Second, it initiates a phased redeployment of our troops no later than October 1 of this year, with a goal of removing all combat troops by April 1 of next year. These steps were called for in the bipartisan Iraq Study Group and represent the will of the American people. I am pleased that the Congress is finally following suit.

Third, the supplemental at least holds the Iraqi Government accountable by setting measurable and achievable benchmarks on the Iraqi Government for ending the sectarian conflict, political reconciliation, and improving the lives of ordinary Iraqis.

If the Iraqi Government refuses to meet these benchmarks, they will put at risk future U.S. assistance and the continued presence of U.S. troops. We have repeatedly seen past benchmarks established by the Bush administration and the Iraqi Government come and go without progress and without consequence. Just this week, a revealing article in USA Today highlighted the growing lack of confidence among Iraqi Parliamentarians in the al-Maliki government, and one legislator was quoted as saying:

> This government hasn't delivered and is not capable of doing the job.

This bill, once and for all, establishes a series of accountable benchmarks.

Finally, the supplemental recognizes the toll this war has taken on our uniformed military, especially the Army and Marine Corps. It establishes a set of troop-readiness standards that establish minimum levels between deployments for our troops and limits the duration of those deployments.

The legislation includes a Presidential waiver authority, but it would require the President to certify that the continued strain on our military forces is in our national interest. These provisions will force the President to think long and hard about the impact of the Iraq war on the readiness of our military to handle other pressing challenges, including the need to fight and kill al-Qaida terrorists wherever we find them.

The congressional debate that has helped produce this supplemental bill has been attacked by the President and his supporters. However, our Secretary of Defense last week described our debate as helpful in "communicating to the Iraqis that this is not an open-ended commitment."

Two of my distinguished colleagues, on a recent visit to Baghdad, explicitly informed Iraqi leaders that growing congressional pressure on the need for a phased redeployment signified that it was time for the Iraqi Government to get serious and start taking the hard steps needed for political reconciliation, including a fair distribution of oil revenues. Without the steps this Congress has taken, without the pressure it has applied, the Maliki regime would continue to be receiving an open-ended blank check from the White House, with our soldiers paying the ultimate price.

The President has regrettably chosen to distort and malign our intentions in sending him the bill that is before us today. I wish to take a few minutes to briefly address those charges and demonstrate why it is the President—the President—and not the Congress who has cynically held hostage the funding and well-being of our troops.

First, the President has repeatedly charged that our military forces needed the supplemental funding immediately and any delay to pass the supplemental in his exact specifications would harm their readiness. A number of my colleagues already cited authoritative research from the Congressional Research Service that demonstrates that the needed funding is available to the U.S. Army from mid to late July—let me say that again, mid to late July—without jeopardizing the war effort. However, there is a much larger cynicism at play here. There would be no need for a supplemental bill at all if this President had submitted an honest, regular budget request for this fiscal year.

Four years into the war, this administration should be able to tell the American people how much the war in Iraq cost. Yet the administration has refused to incorporate wartime costs into his regular budget request, instead seeking to finance our operations in Iraq and Afghanistan through a series of supplemental bills. Of course, the President doesn't want to do that because regular appropriations requests are subject to greater public and congressional scrutiny.

Financing the war through supplemental bills also allows the President to better hide the impact of the war on our Federal budget. It is not surprising that a President who has run' up the largest deficits in modern history would want to hide that fact. Doing so on the backs of our troops is outrageous.

So the President is plain wrong when he attacks the Congress on supplemental funding for our troops in Iraq. The reality is that we have exceeded the President's request and on a timetable which is quicker than that of the previous Congress controlled by the President's party.

If the President chooses to veto this bill, it is he—it is he—who is prolonging this process and denying necessary funds to our young men and women in uniform. If the President had been honest with the Congress and the American people on the true cost of this war from the very beginning, we would not have needed this supplemental bill.

The second claim the President has made over and over again in recent weeks is that this supplemental bill is larded up with porkbarrel spending that is unrelated to our military operation in Iraq and Afghanistan. Yet, once again, the President is distorting both his own actions and those of Congress for crude political gain. We should not forget that the President's original request for supplemental funding also included funds not related to the war in Afghanistan and in Iraq. The President's request included money for debt relief in Kosovo, cultural exchanges, and assistance to refugees in Burundi. The President keeps calling for a clean bill, yet his own request to the Congress included extra items with no connection to Iraq or Afghanistan. In light of the President's request, the Congress, acting as an independent and equal branch of Government, engaged in its own deliberations and determined other emergency priorities that required funding through this supplemental bill.

This President seems to think that the Congress exists merely to follow his orders and that it should not exercise any independent judgment. This may have been the case with our predecessors but not with this Congress and not with this Senator. We were elected by the people of our States, and we report to them, not the President and not the Vice President. So the Congress acted to ensure additional funding for a number of key priorities.

The President has broadly tarred these projects as "egregious porkbarrel." Does the President believe that label applies to the $1.2 billion in funds for accelerated production of mine-resistent vehicles so our soldiers have a better chance of surviving IED attacks? Does he believe that label applies to $2.1 billion to better provide health care for our veterans? Does he believe that $650 million to help with the children's health insurance shortfall in 14 States is frivolous spending? I could also talk about the funding for victims of Hurricanes Katrina and Rita and our farmers and on and on.

This supplemental bill, agreed upon by the House and the Senate, is a responsible effort that guarantees the funds our troops need, provides funding for other critical emergency priorities, and sets a badly needed change in course in Iraq.

In conclusion, our policy in Iraq is not working, and it must change if we are to salvage our mission and seek to leave behind a functioning government in Baghdad that can defend its national borders and contain internal violence. It is time to recognize the reality of Iraq as it is today, get our mission right, and allow our troops to begin coming home with the honor they deserve.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senator TESTER be recognized following my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the Senate has passed a piece of legislation that includes funding for our troops who are committed to action in Iraq and other parts of the world, especially Iraq and Afghanistan. I expect there will be no controversy about the issue of funding, although we have provided more funding for the soldiers than requested by the President, but there are other portions of the legislation that are controversial. I understand that. But I wish to talk about something that has not been talked about nearly enough as we send our soldiers to war.

William Manchester wrote a book called "The Glory and the Dream." I remember, when I read that book, thinking about what an unbelievable commitment this country made during the Second World War. We have now been at war in Iraq longer than we were at war in the Second World War.

Let me take a couple of brief comments from "The Glory and the Dream," written by Manchester, about what this country did during the Second World War.

This country geared up. Its factories were humming. Rosie the Riveter was riveting, and we had output from our factories that was nearly unbelievable in support of the war effort. There was rationing. There were all kinds of things happening in which the country supported the war effort and supported the soldiers.

Let me quote:

> From an initial keel-to-delivery time of over 200 days, Henry Kaiser cut the average work time on a liberty ship to 40 days. In 1944, he was launching a new escort aircraft carrier every week, and they were turning out entire cargo ships in 17 days. During the first 212 days of 1945, they completed 247 cargo ships, better than 1 a day.

That is what this country mobilized to do during the Second World War.

From the same book, "The Glory and the Dream," quote:

> In the 5 years following the French collapse, America turned out: 296,000 warplanes, 102,000 tanks, 2.4 million trucks, 8,700 warships, and 5,400 cargo ships.

Now, why did that happen? Because this country mobilized. This country's factories were humming.

At a meeting, Joseph Stalin observed to the American President—the American President, FDR, Joseph Stalin, and Winston Churchill. Stalin said: We couldn't win this war without America's production.

This country mobilized.

Now, let me read something. Just understanding that in 1944, we were producing 4,000 warplanes a month, 50,000 warplanes a year, let me read something. Colonel Hammes came and testified last year at a policy committee hearing I chaired, and here is what he said:

> Since the improvised explosive devices exploded in Iraq in the summer of 2003, we as a country have known—

I am quoting him—

> we have known there are better and safer vehicles available than the armored HUMVEE—for instance, the M-1117 armored security vehicle. Yet in 3 years, the Pentagon has purchased less than 1,000 of them. I find it remarkable that a Nation that could produce 4,000 warplanes a month during World War II can produce 45 armored vehicles per month today.

Continuing to quote:

> We didn't ask soldiers to invade France in 1944 with the inferior equipment they had in 1941. Why are we asking our soldiers and Marines to use the same armor that was insufficient in 2003? It's simple. The administration has refused to dedicate the resources necessary to make it happen. It is content to let our troops ride in inferior vehicles.

Continuing to quote:

> The administration has failed to replace and maintain the equipment necessary for the units to be ready for other potential operations, although our units lack equipment to train, our repair depots are working single shifts and 5 days a week. The American people haven't refused to provide what our people need in the battlefield, the administration has refused to ask for the funding. The failure to provide our best equipment is a serious moral failure on the part of our leadership.

Now, why do I raise this question today? In the Second World War, in 1944, we were producing 4,000 warplanes a month, and yet we have not mobilized. We have sent troops abroad to go to war, but the message here at home is to go shopping. Troops go to the war, we go to the mall. We haven't mobilized.

Let me read to you a letter dated 1 March 2007. This is from the Marine Commandant about a vehicle called the MRAP vehicle, the mine-resistent ambush-protected vehicle, a vehicle that is much stronger than the humvee, much safer than the humvee our soldiers are now riding in in Iraq on patrol.

This is from the Marine Corps Commandant, in his memorandum to the Chairman of the Joint Chiefs of Staff:

> The MRAP vehicle has a dramatically better record of preventing fatal and serious injuries from attacks by improvised explosive devices. We estimate that the use of the MRAP could reduce the casualties in vehicles due to IED attacks by as much as 80 percent.

Now, think of that, 3,325 U.S. troops have been killed in Iraq, and 70 percent of those casualties have come as a result of IEDs. The Commandant of the Marine Corps says the MRAP vehicle would save 80 percent of those casualties. Eighty percent. No marines have died in 300 separate attacks on MRAP vehicles by IEDs, according to BG John Allen, deputy commander of coalition forces in Anbar Province—300 attacks on MRAP vehicles and no marines have died.

Now, why do I raise all this? Well, we need about 6,700 of these MRAP vehicles if this country is intending to provide the best equipment for our troops who are on patrol in Iraq. Until recent months, we were producing about 45 a month. Let me say that again. We are sending soldiers to war, and there is a vehicle that the Commandant of the Marine Corps says will save 80 percent of the lives now being lost in these IED explosions because this is a much safer vehicle than the humvee. It is called the MRAP. But we are not mobilized to produce the MRAP. No one has said: This is urgent, let's provide the best equipment for these soldiers.

So what did we do? Well, in the 2007 Omnibus appropriations bill, we added money. Yes, we in Congress added money for it. In the bill we just voted for today, we added money for it because the President wasn't requesting sufficient money. We have a need for 6,700 of them. The administration, with all of their requests, would fund less than a third of that. In their 2008 budget request, which would take effect next October, once again it is underfunded.

Let me show a picture, if I might, a photograph of what is called the MRAP vehicle. Three versions of the MRAP. The Defense Department experts say that soldiers on patrol, riding in this version of the MRAP 80 percent of the soldiers who would otherwise lose their lives from IED explosives will be saved. Think of that. With 300 attacks against this vehicle, not 1 life has been lost. Yet we have soldiers patrolling in Iraq with vehicles much less safe, and 70 percent of the 3,325 troops who have been killed have been killed as a result of IEDs, riding in vehicles that are not as safe as this vehicle, and until recently we were producing 45 a month. That is unbelievable. A country that could send everyone into its factories and have those factories humming three shifts a day and produce 4,000 warplanes a month and a liberty ship a day, every single day, the country that won the Second World War with its prodigious productions, supporting its wonderful troops, that country can't mobilize? This President can't ask that country to mobilize? We have to stick money in this supplemental bill above the President's request in order to say that this is a priority, this is urgent, this is about saving the lives of soldiers?

Again, I raise the question because we are at war. Yet you would hardly know it, with respect to the daily lives most of us lead. In the Second World War, it wasn't that way. Yet we have been at this war longer than the Second World War. In the Second World War, here is what we produced—the might of American production, in which a nation came together to say that we are going to support our troops and beat back the forces of fascism and defeat Adolf Hitler and where we produced 296,000 warplanes—think of it—and 8,762 warships. We didn't do that working one shift a day. We didn't do that making 45 MRAPs a month. This country mobilized then, but it is not mobilized now.

So we passed a piece of legislation here today. It has some areas the President says will persuade him to veto it. I assume this is not one of those areas. The President didn't request this funding for MRAPs. He should have. He didn't request enough funding in the coming fiscal year. He should have. If this country is going to send its soldiers to war, then we, all of us in this country, have an obligation to send them to war with the very finest equipment available to protect them and to help them. Regrettably, that is not now the case.

Early on in this war, I received e-mail pictures, photographs from Iraq, from soldiers showing me their humvees with welded pieces of metal on the doors, metal they pulled out of a scrap heap and welded to a door to try to strengthen it because those humvees weren't up-armored. Even now, much later, when all of the humvees on patrol are up-armored, we know there is a much safer vehicle that will save, we think, 80 percent of the fatalities that now exist through IEDs. There is no excuse—no excuse, in my judgment—for our not having three shifts at every plant available to produce these vehicles and get them to our soldiers in Iraq and save these lives. That is what we did in this supplemental appropriations bill.

When anyone talks about undercutting or undermining soldiers, I refer them to this. This was the first time, today, in which this Congress said to the President and said to the country we are going to mobilize. We insist that if we send soldiers to war, we want them to go to war with the finest equipment available with the potential to save their lives.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Montana is recognized.

Mr. TESTER. Madam President, I rise today to express my support for the conference report on the emergency supplemental appropriations bill we passed early this afternoon. This bill needs to be signed by the President. It will do a lot of good for a lot of people in this great country. It will not only help our troops serving in Iraq and Afghanistan, but also millions of Americans who have suffered over the last year due to drought and the aftermath of Hurricane Katrina.

This bill has nearly $7 billion for cleanup and recovery on the gulf coast, which is, 18 months later, still dealing with the aftermath of Hurricane Katrina. There is $1.8 billion for veterans health care in this supplemental, to give our veterans the care they deserve when they return from serving our Nation. It contains $3.5 billion for agricultural assistance, assistance that is desperately needed. I have heard from several farmers in Montana about the drought and how it has devastated their farms and how they are barely hanging on.

Tom Lightner, a farmer and rancher from north of Choteau, MT, grows wheat, barley, and alfalfa, and he used to run some cattle. But the continuing drought has hurt his operation. The reservoir near his operation, Bynum Reservoir, has been almost empty for the past 5 years because of this drought, and in 2005 Tom had to sell off his 120 head of cattle he used to run on his ranch. In February of this year, Tom wrote me this letter. What it says is:

> I am writing to you in need of your assistance. I own and operate a small farm and ranch north of Choteau. Because of the continuing drought conditions in this area, making it from one year to the next has been a real challenge. In my present circumstances, it may become impossible [to stay in business].

Now Tom is in danger of losing his crop insurance and is looking for help from me, and from us, and from the President, to help him through these difficult times.

Another farmer in Montana, from Dagmar, wrote about conditions last year during the growing season. He writes that it is a foggy morning, no meaningful precipitation, but it cooled down some, which is good news in the heat of summer with little moisture. But the damage was done. Some of the late seeding re-crop had the top half of the head burnt right off.

What does that mean, in a nutshell? He is not going to cut much of a crop and it is not going to have much quality when he does get it in the bin. What does that mean in reality? That means no money to pay expenses, to pay for insurance, to pay for heating, to pay for seeding costs; no money to buy groceries, to pay that operating loan or mortgage loan.

That is why it is so critically important that the President of the United States sign this supplemental. Farmers and ranchers in Montana and throughout this country have suffered long enough. They have dedicated their lives to feeding the world, and it is the very least we can do to provide them with the assistance they need to keep going.

Before I finish, I want to talk a little bit about our great men and women who are serving in Iraq and Afghanistan. They have done everything we have asked and they have done it very well. This supplemental bill also gives our troops all the funding they need, and more, to meet the needs not addressed by the President's request. It provides a plan to get our troops out of the Middle East in this civil war they find themselves engaged in, and back to fighting the real war, the war on terrorism.

It sets a goal, not a deadline, of being out of Iraq by the spring of 2008. But it allows our troops to continue to train the Iraqi security forces, to conduct operations against terrorist groups, and to protect United States assets. This is hardly handcuffing the President of this country. This is a responsible plan to continue our fight against terrorism while getting our troops out of this Iraqi civil war.

For these reasons, I urge the President of the United States to sign this emergency supplemental into law. No more excuses, sign the supplemental. Our troops, our farmers, the people of this country, deserve no less.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Madam President, I understand we are in morning business, is that correct?

The PRESIDING OFFICER. The Senator is correct.

BIPARTISANSHIP

Mr. ALLARD. Madam President, I came to the floor today to express my surprise that any Member of this body could attempt to characterize the current political situation as one in which the administration is failing to work with Congress. Any realistic discussion of today's political climate must revolve around the fact that the current majority has refused to work in any meaningful way with the minority party. The most blatant example of this is in the use of cloture by the majority leader to avoid consensus on the consideration of legislation.

In the 110th Congress, the majority leader so far has filed 24 cloture motions. During the same timeframe in the first session of the 109th Congress, Republicans had only filed five cloture motions. In the 108th Congress, by this date Republicans had only filed five cloture motions.

Just as surprising were the circumstances that surrounded General Petraeus's briefing yesterday. What I found remarkable was the original instinct of the Speaker of the House and our Senate majority leader was to avoid meeting the general here on Capitol Hill. Can you imagine that? The most important issue of our day is Iraq and the man we unanimously approved to lead our efforts is not worth their time to hear from? The only explanation for this is that the disdain felt by the majority in working with the minority and the administration was also extended to working with our military.

Of course, once it was clear that there was public outcry in not meeting General Petraeus, they relented. But what was also evident is there was an effort to avoid actually believing anything the general had to say about the situation on the ground. General Petraeus is not giving us information that has been filtered through some political process. He is giving a factual and sobering account of what is happening, block by block, in Iraq.

Yet the other side of the aisle, with a few exceptions, wants to cover their ears and not listen to the facts. They would rather pretend they know what is going on in Iraq rather than hear it from the general again.

The situation in Iraq is a dynamic and ever-changing one, and after yesterday's briefing, it is more clear to me than ever that we must resist arbitrary deadlines to our fight in Iraq.

But my Democratic colleagues would rather play politics with our men and women in the field and score a few points for the far left wing of their party. They would rather play politics on the Senate floor than work to pass meaningful legislation.

I ask the majority leader and the other side of the aisle to put politics aside and do the right thing, work in a truly bipartisan manner to do what the American people expect us to do.

This obstruction and unwillingness to work in a truly bipartisan effort to provide funding to our troops who are even now in harm's way is outrageous and disappointing.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORMER SPEAKER JOHN O'BRIEN

Ms. CANTWELL. Madam President, I rise today to commemorate and pay tribute to the life of a great Washingtonian, a great American, and someone who in the State of Washington will be remembered for his great contributions and who will be remembered across our country. I am talking about our former Washington State Speaker of the House, John L. O'Brien, who died this past week at the age of 95. Speaker O'Brien actually passed away on the last day of this year's legislative session, almost an appropriate dedication for him for the remembrance of his service in our State government.

I am proud to say John L. O'Brien was a good friend, a mentor, and someone who imparted a lot of political wisdom in the State of Washington. He served in our State legislature for 52 years, from 1939 to 1993, and he served as speaker of the house for a chunk of that period, 1955 to 1963. He served under nine different Governors. At one point in time, I believe, he held the record in our country for the longest serving State legislator.

He did a tremendous job as majority leader; I am sure at times as minority leader; as speaker, as I mentioned, speaker pro tem. I believe he served on every single committee in our State legislature. He led our State's government through some great challenges for us and for our country. He literally was in office when the United States went to declare World War II in 1954. He was speaker when the first flight of the Boeing 707 was completed. He saw the Space Needle completed for the World's Fair that was held in Seattle in 1962. He was there when Microsoft was founded. He led our State through the challenging times responding to Mount St. Helen's eruption in 1980. And he was there to lead our celebration as Washington State celebrated our 100th anniversary as a State in 1989.

But John O'Brien also was a man who thought about the future, and he has an unending list of accomplishments that literally touched the lives of thousands of Washingtonians. He changed the course of history in our State by his generosity, by his leadership, by his commitment, his inspiration.

I know my remarks will not do him justice, but I just want to say that he did a lot in a time and period of making sure that despite the lofty position he held in the house, he never lost track of what the constituents of his district and of our State cared about. He worked on property tax relief for seniors and low-income individuals. He fought for prescription and over-the-counter drug information labeling so that seniors knew what kind of products they were purchasing. He was a champion of State employee collective bargaining and workplace safety issues. He sponsored Washington State's first clean air act. That might sound like something lots of people do, but he actually sponsored that legislation in 1940. So he was ahead of his time in thinking about Washington State's environment and how to preserve the pristine quality of life that is so important to us.

He helped to establish one of the first programs in the Nation to commit a percentage of our construction budget for the creation of art. He helped save and restore Franklin High School. He worked to make sure we established a drug-free zone and got legislation passed removing the sales tax from items sold at charitable auctions.

John O'Brien represented one of the most diverse neighborhoods in Seattle, an area called the Rainer Valley. The Rainer Valley began as an Irish and Italian community of immigrants, and with Speaker O'Brien's leadership, it helped to incorporate various waves of new immigrants from various communities: the Chinese-American community, Japanese, Filipino, African American, Orthodox Jews, Vietnamese, East African, and Hispanic citizens. Now, it is, as I said, one of the most diverse areas of our State.

When the Seattle Times ran a story about Speaker O'Brien's life and how his values were shaped, they said:

> Mr. O'Brien was just 7 years old when his Irish immigrant father, a detective with the Seattle Police, came home after a particularly tough day on the job. He turned to his eldest son and asked, rhetorically, "What will ever become of you if something happens to me?"

Two years later his father was shot and killed while on duty. That left the young Mr. O'Brien to help his mother, also an Irish immigrant, care for their siblings. By the time he was a teenager, he was bringing home a paycheck as a truckdriver for Keefe's Grocery in Rainier Valley. He went on to start his own accounting firm.

The Seattle Post-Intelligencer quoted former Governor Dan Evans, who knew John O'Brien well, who said:

> He knew how to lead and occasionally when things got rambunctious, he had to have a heavy gavel to get things back in order.

Evans remembered one time when he challenged an O'Brien ruling. O'Brien slammed his gavel down so hard the head snapped off.

While O'Brien was a fiscally conservative Democrat, he understood what the role of the speaker required of him. He was always ready to have a good time.

I remember that if there was ever anybody who captured the saying, "when Irish eyes are smiling," it was John O'Brien because he had a twinkle in his eye and a way to get people engaged. When I entered the State legislature at the age of 28, I was the youngest member at the time, and he was the most senior member of our legislature. Knowing of my Irish heritage background, he got me to commit to him that I would participate in St. Patrick's Day celebrations in his office by doing the Irish jig if, in fact, he produced someone with a bagpipe.

Well, unbeknownst to me, our secretary of state, Ralph Monroe, of Scottish heritage, had such bagpipes stored in his office and was quite frequently seen in the halls of Olympia playing the bagpipes. So on St. Patrick's Day I did participate in Speaker O'Brien's St. Patrick's Day celebration, as did our secretary of state, Ralph Monroe, and many others.

I hope to this day that there is not a picture of my rendition of my Irish heritage dance. But I know I will always remember on St. Patrick's Day John O'Brien and his great service and his heritage in our State.

On the last two pages of his biography, "Speaker of the House," Speaker John O'Brien sums up his philosophy on how to survive in a legislature. He said:

> Do your best, count the votes, and, win or lose, move on to other pressing issues.

He said:

> It might stay with you for a while, but as far as being disappointed, you cannot let it remain as a personal matter because there's always another rollcall. There's always another day.

We can find inspiration in Speaker O'Brien's service as we face tough legislative issues here and as we face our vote today. No matter on what side of the political aisle you stand, we can all join in honoring the inspiration from others who have served and honoring the life of Speaker John L. O'Brien for his lifetime of public service.

My thoughts are with his family: his wife Mary, their six children, John O'Brien, Jr., Laurie, MaryAnn, Karen, Jeannie, and Paul, and to their grandchildren.

John O'Brien was a great Washingtonian, a great citizen of our country, and we will miss him, and we will try to live up to his accomplishments and to his legacy.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. MURKOWSKI pertaining to the introduction of S. 1236 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO JOHN O'BRIEN

Mrs. MURRAY. Madam President, I come to the floor this afternoon to take a couple of minutes to speak and to honor the life and legacy of a great leader from my home State of Washington. He was the former Speaker of the House, John O'Brien, and he passed away just this past weekend.

It is no exaggeration to say that John O'Brien had one of the longest and most accomplished careers of anyone who served in our Washington State Legislature. I was really lucky to have an opportunity to work with him when I was in the Washington State Senate and he was serving in the House. He was one of those people whom, whenever he walked into a room, everyone noticed. I always thought he was just so tall, but then I am only 5 feet tall, so to me he was tall. But it is amazing to me how many people say that his stature brought the respect of everyone who ever met him, and it certainly was true for me and for so many of us.

As Speaker of the House, he was known to be very tough but always fair. He was always firm, and he was always compassionate. I think I learned most from him that when you know the rules and use them for the betterment of all people, that is the kind of power which leaves you with a legacy everybody admires.

John leaves us many legacies. He leaves us a record of long and distinguished service in the State legislature. There is a building on our capitol grounds in Washington State that bears his name. He leaves behind laws that made our State a better place to work, to live, and to raise a family. Most importantly, he left a legacy of service that lives on in all of us who were lucky enough to serve with him and to be inspired by his leadership. It is the kind of legacy that any elected official would be proud of.

On this sad occasion, I extend my condolences to his family, to his many friends, and to all of us who served with him. We will not forget his legacy.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

IRAQ SUPPLEMENTAL

Mr. BROWN. Madam President, recently we learned the Ohio National Guard could face early redeployment. We learned the National Guard is being asked to train without the proper equipment. Our Guard will do the job well regardless of the circumstances, but it is wrong to send them to Iraq with incomplete training and inadequate equipment and with insufficient downtime.

The supplemental passed today echoes what many of us in Congress and military families across the country have been saying: We need a new direction for Iraq. Make no mistake, we take a backseat to no one in supporting the brave men and women fighting in Iraq. We absolutely support their families. However, more of the same is not a plan for our troops and will not end this war in Iraq. This war has made our world and our country less safe. The Iraq war has cost 142 Ohioans their lives. It has wounded another 1,000 Ohioans.

Congress will continue to fight for our Nation's military by working to see they have the resources and support they need and leadership they deserve. The supplemental did that today. The supplemental fully funds and fully supports our troops, while establishing conditions that will bring our troops home. It provides desperately needed funding to the VA, something the President simply has not asked for, to help care for the hundreds of thousands of new veterans created by this war.

In the Veterans' Committee yesterday, we heard from families about tragedy after tragedy, from families who have lost loved ones in this war, who didn't get the proper care from the VA because of underfunding, who didn't get the proper direction when they returned home from Iraq because the White House simply did not schedule in the way they should have the kind of help for returning Iraqi veterans. If the President won't take responsibility for those failures and lead our troops home, then Congress must. We owe it to our soldiers, sailors, air men and women, our marines, and especially to their families.

The President should listen to the military leaders and listen to the American people and work with Congress to change course in Iraq instead of threatening vetoes. I hope the President reads this legislation before he makes his final determination whether to sign it or whether to veto it. Vetoing this legislation would deny funding that our military needs and that our veterans desperately need, such as $99 billion in emergency Department of Defense spending—$4 billion more than the President requested; $3 billion for mine-resistant, ambush-protected vehicles; $4.8 billion in military construction in part to fund BRAC—$3.1 billion will go to funding the BRAC 2005 account, and we know all over the country how important that is; and $1.6 billion for individual body armor.

The President and the Pentagon and civilian leaders of this country have fallen shamefully short in their failures to provide the body armor for our troops. We have all heard too many stories. I have heard them in Steubenville and Toledo and Dayton about soldiers' families telling us they didn't have the proper body armor they needed.

The VA would get $1.7 billion more than the President's VA proposal. We know the VA is underfunded at least that much. They have increased only about 10 percent in terms of employees but have a workload of returning Iraqi war veterans of at least 2.5 times that number. There is $39 million in our supplemental budget for polytrauma-related funding. There is $10 million for blind veterans programs. There is $100 million—and this is essential—for VA mental health services and $25 million for prosthetics. None of those did the President include in his request, and none of those have we prepared for properly in the previous Congress and in the White House.

When we add up the numbers and we see 3,300 soldiers and marines in our country have lost their lives in the Iraq war, when you understand the tens of thousands of injuries, we see that our VA is simply not prepared. They are not prepared for this year and next year, let alone for the 50 years down the road when taxpayers are going to be taking care of these deserving veterans, giving the kind of care that we should be providing. We are going to see we are not prepared over the next 50 years to do that, either for health treatment or for treatment of mental health injuries.

In addition to the Iraq spending and the spending for our Nation's returning veterans, there are other things in this emergency spending bill, as there were in Republican bills in the past, drafted by the White House, passed by the Republican House and Senate. There is other crucial emergency spending that needs to be dealt with: $1.3 billion for Katrina relief, $100 million for FEMA and emergency management performance grants, $425 million for securing rural schools, $13 million for mine safety. We have seen some of the most dangerous times in our Nation's mines in the last couple of years. There is $625 million for pandemic flu response, something public health authorities warn us about every week or so here. There is $400 million for LIHEAP to take care of deserving elderly and indigent who simply cannot afford their heating and cooling bills and another $683 million for emergency relief grants—all that this Congress needs to do.

The President has set our Nation on a path that leads in the wrong direction in Iraq and fails to meet the needs of our returning veterans. It is time to change paths. I ask again that the President of the United States read this bill, understand this bill, and understand how the supplemental bill addresses the needs our country faces in the years ahead.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEPARATION OF POWERS

Mr. CARPER. Madam President, the Founders of our country did not believe in monarchy. They put up with one king for a while and didn't want to have to put up with another one down the line. Meeting in Philadelphia about 220 years ago, about 30 miles from my home in Wilmington, DE, our Founding Fathers did not invest all power over national affairs in our national destiny in the hands of any one person. Rather, they created a separation of powers. They created, as we all know, three coequal branches of Government.

I don't sit down every day or night and actually open the Constitution and read it. But every now and then I think a review of some of it and its parameters is instructive. For those who take the time—particularly looking at the debate we have had in recent days on whether it is appropriate for us to provide some guidance and expression with respect to the expenditure of these moneys in the supplemental appropriations, especially in Iraq—it is helpful to look at the Constitution and get a sense of what our Founding Fathers had in mind.

In looking at article II in this copy of the Constitution, section 2, there is about a sentence where it talks about the power of the President. This is what it says:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.

That is what it says. You can go back a couple pages before that to article I, section 8, and our Founding Fathers talk about the powers and responsibilities of the legislative branch in this regard. Here is what it says, in part:

> The Congress shall have the power To . . .

Then there are all kinds of things listed, such as lay and collect taxes, borrow money, regulate commerce, and so forth, with foreign nations. It also says the Congress shall have the power:

> To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water;
>
> To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer term than two years;
>
> To provide and maintain a Navy;
>
> To make Rules for the Government and Regulation of the land and naval Forces;
>
> To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
>
> To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States.

It goes on and on.

The point I am trying to make is that the Constitution makes it clear that there is a division of responsibility, a sharing of responsibilities. Part of it lies with the executive branch, and a great deal lies with the legislative branch. For those of us who are trying to figure out which is the right side to come down on with respect to these issues, keep in mind the words of the Constitution.

When it comes to charting our Nation's course in Iraq, all three branches of Government do have responsibilities. For the President to go to war in Iraq, he had to come to us in Congress for approval, for authorization. Now, to continue that war he has had to come back to the Congress each and every year to request and receive approval for more funding.

Both Congress and the Supreme Court have exercised oversight over this President's war policies—Congress through oversight hearings, and the Supreme Court through rulings on constitutional questions concerning the detention and interrogation of prisoners. That Congress act as a coequal branch of Government, and not a rubberstamp for decisions made by the President, is what the Founding Fathers wanted in 1787. I believe it is what most of the American people want today. It was, in part, because Congress failed in recent years to exercise adequate oversight over the President's policies in Iraq that the American people went to the polls last November and demanded a change in this body and in the folks in the House of Representatives.

Let's not debate today, at this moment, whether Congress has a role to play in charting our course in Iraq. We do. Let's not kid ourselves that Congress can meet its responsibilities in this regard by continuing to rubberstamp the decisions of the President.

The President has come to Congress once again to request continued funding for the war in Iraq. To put matters in the most basic of terms, Congress has three options: We can say yes, we can say no, or we can say yes, but.

To simply to say yes, after U.S. policy and conditions on the ground have drifted in the wrong direction for more than 3 years, I believe would be to abdicate our responsibility as a coequal branch of Government.

To simply say no, when we have troops on the ground in harm's way, would be a betrayal of the very Army this Congress is charged by the Constitution to raise and support.

The responsible action is to respond to the President's request by saying yes, but. It is to provide our troops with the support they need to perform their assigned mission but at the same time to exercise our power as a coequal branch to begin to change the nature of that mission.

The first part of our response to the President—funding the troops—should not be controversial. I don't believe it is in this body. The President has requested the funding. We are providing that funding for our troops. Indeed, we are not only providing what the President requested, we are making some additions, particularly to improve the care of the wounded when they come home.

The second part of our response to the President—seeking a change in the nature of our mission in Iraq—should not be controversial either.

There is an old saying: The definition of insanity is doing the same thing over and over again and expecting different results. We have been approaching the challenges we face in Iraq in essentially the same manner now for close to 4 years. Over that time, conditions on the ground have grown progressively worse. It is clearly time that we change our approach.

Last year, the minority in Congress called for such a change. In response, the American people, the voters of this country, made that minority in Congress last year a majority this year. That majority—this majority—has a responsibility to the people who elected us and who pay our keep to follow through and demand change from the President, from the executive branch.

The changes that we seek are not sudden nor are they rash. They reflect the sober assessments and the unanimous recommendations of the bipartisan Iraq Study Group, cochaired last year ably by Jim Baker, a prominent Republican, and former Representative Lee Hamilton, a highly regarded Democrat who also served as Vice Chair of the 9/11 Commission.

The Iraq Study Group said we need to make it clear to the leaders of the various factions in Iraq that we are not going to be there forever. That is the first message we are sending with this legislation.

The President, and some around him, equate this with surrender. But his own Secretary of Defense, Secretary Gates, said otherwise last week. He said the fact that Congress is beginning to send this message to the leadership in Iraq is having a beneficial effect on the ground in Iraq. His words, not mine.

Last year the Iraq Study Group said a political settlement between the factions in Iraq is needed to quell the sectarian violence. The legislation Congress will send to the President today or tomorrow establishes benchmarks by which Congress and the American people can measure the progress of the administration and the leadership in Iraq toward achieving this political settlement.

The Iraq Study Group said that a diplomatic settlement is needed among Iraq's neighbors to ensure regional stability. The legislation Congress will send to the President this week creates a window of opportunity, while our forces are transitioned to a new mission for a regional diplomatic offensive aimed at containing Iraq's sectarian violence and preventing a broader regional conflict.

The President does not want to change the mission in Iraq. I believe he wants to do more of the same. The bipartisan Iraq Study Group rejected that approach, the American people have rejected that approach, and now the Congress of the United States is rejecting that approach.

For all who wonder what this debate is really about, it comes down to two points—one a point of agreement, the other a point of disagreement.

On one point, the Congress and the President do agree that we should support the troops. The way to support the troops is for Congress to pass this bill and I believe for the President to sign it. The funding is all there.

On one point, Congress and the President disagree. Congress wants to begin to change the mission in Iraq. Unfortunately, the President apparently wants to do more of the same. We disagree on the second point of whether the time has come for a change. The question is whose view should ultimately prevail. The answer is the will of the American people should prevail. They are the ones paying for this war, not only with their dollars, they are paying for it by sending their sons and daughters to fight, in some cases to be wounded, in some cases to die in this war. As they told us loudly and clearly at the ballot box last fall, the American people want a change. Provide our troops with the support they deserve and provide the American people with the change they demand.

I realize the conventional wisdom around here is the President will veto this bill, he will send it back to us, and then we will all get serious about hammering something out that can become law.

With all due respect, Mr. President, this legislation should become law. I urge you to drop your veto threat, pick up your pen, and sign it.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIRGINIA TECH SHOOTINGS AND KOREAN AMERICANS

Mr. DURBIN. Madam President, the shootings last week at Virginia Tech touched every American, indeed people around the world. Those who were most deeply affected, of course, were the family and friends of the victims, the students who were injured, the entire Virginia Tech community. Our hearts go out to them as we read each day in the papers across this country about young lives ended too soon. We mourn with the families and their friends and students at Virginia Tech. But the ripples of pain of this terrible incident reach far beyond Blacksburg, VA.

Among the others who care are the people of the Republic of South Korea, Korean Americans and Korean immigrants in our Nation. In Seoul, South Korea, more than 1,000 people gathered last week to sing hymns and pray for the victims. Closer to home in Chicago, in my State of Illinois, leaders of the Korean-American community held a candlelight vigil last Thursday at the headquarters of the Korean-American Association to express their condolences to the families of those who died. These vigils were everywhere—from Illinois to California to Korea. Around the world, sympathy and compassion was felt for the victims, their families, and Virginia Tech and its community.

In addition, a coalition of Korean-American organizations has joined together to form a foundation to assist the families and the Virginia Tech community in this time of healing. The Korean American Coalition, the Korean American League for Civic Action, the Korean American Students Conference, the Mirae Foundation, the Southern California Korean College Student Association, the Korean Academy for Educators, the Network of Korean American Leaders, and others have joined to create the Virginia Tech Memorial Fund to support those who have been affected by the recent tragedy. This is another example of the amazing compassion communities throughout our Nation and the world feel for these victims.

Sadly, some members of the Korean community have also shared feelings of guilt that they are somehow responsible simply because the Virginia Tech gunman, Seung Hui Cho, was Korean. Last week, South Korea's Ambassador to the United States, Lee Tae Sik, spoke at a candlelight vigil in Fairfax County, VA. Through tears, Ambassador Lee said that the Korean-American community needed to repent. He even went so far as to suggest that a fast by individuals in his community, 1 day for each of the victims of the Virginia Tech gunman, would prove that Koreans were "a worthwhile ethnic minority in America."

But Korean Americans do not need to apologize for the tragedy at Virginia Tech. To those members of the Korean-American community who have been so pained by this terrible tragedy, I repeat what one young woman said in the Washington Post Special Edition last week. She said:

> The actions of Seung Hui Cho are no more the fault of Korean Americans than the actions of the Washington area snipers were the fault of African Americans.

I agree with what she said. The actions of this 23-year-old young man is no more the fault of Korean Americans than the fault of every 23-year-old young man in our Nation. When will we move away from racial tensions that sometimes threaten to break apart our national community? We are all part of a greater community that feels tremendous sorrow and grief, as Americans and as human beings, no matter what our nationality may be.

If there are any glimmers of hope to come out of these horrible events at Virginia Tech, they are, first of all, the great courage, faith, and compassion demonstrated by these Hokies and the extended Virginia Tech family.

One other glimmer of hope is the fear many Korean Americans and Korean immigrants have expressed of being persecuted and blamed are not being realized. Rather than blaming a group of people, Americans of all ethnic backgrounds are showing a deeper understanding of what it means to be one community to mourn together, to work together so that this may never happen again.

One man was responsible for the tragedy at Virginia Tech, but we all share responsibility to do what we can to prevent such a horrific loss from ever occurring again.

STUDENT LOANS

Mr. DURBIN. Madam President, in April, students all across the Nation will make final decisions about where they want to go to college, and with college costs higher than ever, they are figuring out how they are going to pay for school. For most, the financial aid office at their chosen school is their only guide through the complex world of higher education funding.

Students are making financial decisions and choosing their colleges. They are making decisions, though, that will affect them for 20 or 30 years after they graduate. They are making these decisions based on what they believe to be impartial advice from their future school's financial aid officers. Unfortunately, we have learned over the last few weeks, the advice given to many may not have always been passed on with the student's best interest in mind.

Where is the student loan industry today? Here is where we are: Student loans are an $85 billion industry. Lenders have been clamoring to be placed on schools' preferred lenders' list. Financial aid officers of prominent schools have been placed on leave over allegations of holding significant financial interest in the parent company of a lender they have been recommending to students.

A top official at the Department of Education's Federal student aid office has been placed on leave after it was disclosed that he held a significant amount of stock in a parent company of a lender.

Let's go back in history for a moment to 1965, the year that Congress began guaranteeing loans to needy students and paying the interest while the student was in school. To entice the financial industry to loan money to students without a credit history, lenders were given a helping hand from the Government. Congress created the Federal family education loan program, the FFEL program, which subsidizes lenders and guarantees them against default. Congress also chartered the Government-sponsored entity then known as the Student Loan Marketing Association, euphemistically called Sallie Mae, to create a secondary market for lenders participating in the loan program. Sallie Mae would purchase loans from the lenders, thereby providing liquidity so that the FFEL lenders could continue loaning money to each new class of students.

Now fast-forward to 1994 when the Direct Loan Program went into effect and the Federal Government began loaning money directly to students. The General Accounting Office, the Congressional Budget Office, even President Bush found that the Direct Loan Program cost the Federal Government a lot less than the FFEL program. Using the President's numbers, for every $100 private lenders loaned to students in 2006, it cost the Federal Government $13.81 for the FFEL Government loans, while the same amount borrowed through the Direct Loan Program cost the Federal Government only $3.85—$13.81 for the private lenders, $3.85 per $100 for the direct loans.

For a few years, the Direct Loan Program grew quickly, capturing one-third of the student loan market. My predecessor in office, Senator Paul Simon of Illinois, was one of its strongest advocates. However, the private lenders weren't going to go down without a fight. They were making too much money on these students. They didn't want to lose this opportunity. They wanted this market to be there for years to come. College costs were on the rise, students needed to borrow more and more money, and private lenders saw potential profits in student debt. So they began to offer money to schools to pull out of the Direct Loan Program.

Even though the program cost the Federal Government less money, these private lenders went to the universities and said, well, why don't you just use our private lending operation. Don't go the direct loan route. Of course, they had a profit motive in doing that. They sued to prevent the Direct Loan Program from becoming more competitive. Their efforts paid off. The direct loan market is now down to less than a quarter of the student loan market. It is shrinking.

It is about this time that Sallie Mae, led by a man named Albert Lord, decided to become independent of the Federal Government so it could offer student loans, not just purchase loans on the secondary market. It successfully shed its GSE status in 1997 and now is one of the most dominant players in the student loan market in America. Its shareholders and executives have benefitted handsomely.

Let me show what has happened to the stock price of Sallie Mae, SLM if you are looking for a way to look it up on the Internet. Stock prices from 2001 to the present have appreciated 281 percent. This is the industry loaning money to our students around America. Doing quite well. Company revenues went from $3.5 billion in 2001 to $8.75 billion in 2006.

One would like to think these Federal subsidies would at least make college more affordable if we are putting this much money into this private corporation that is loaning money to students. Let's see what happened to college costs. Tuition, fees, and room and board at 4-year public schools have followed a similar trajectory, increasing by 42 percent since the year 2001.

The remarks I am going to make today have a lot to do with the people who are loaning money to students across America, how profitable it has become, how well they have done, and how poorly the students are doing. The debt is being heaped on them. They end up graduating from college, if they are lucky, with a debt as big as the mortgages most of us faced when we bought our first home. Now we say to these students: Congratulations, here is your diploma and your book to pay back your loan. Good luck in America.

I don't want to absolve the colleges and universities from this conversation. The fact is, they have been a party to the dramatic increase in the cost of higher education during this same period of time. We will save that topic, as important as it is, largely for another day.

Speaking to the student loan industry, with higher government subsidies and higher college costs, something is wrong with this picture. Remember Mr. Albert Lord I mentioned earlier, the former CEO and now chairman of the company called Sallie Mae? Mr. Lord has done pretty well loaning money to students across America, so well that he recently got into a little controversy in the Washington area. He proposed the construction of a golf course, and people in Anne Arundel County didn't like the idea much. They didn't want the traffic that might be associated with the golf course, so they started complaining. Mr. Lord, however, disabused them of the notion that this would cause traffic congestion when he told them that the 244 acres he was setting aside for the golf course was for his own personal and private golf course.

Doing quite well, isn't he, at the expense of students across America? He had enough personal wealth to lead a serious but unsuccessful bid to purchase the Washington Nationals baseball team. In 2002, Mr. Lord, appropriately named, was ranked first in the Washington Post's executive compensation survey of local companies, and Sallie Mae's current CEO, Thomas Fitzpatrick, was ranked second. What a terrific business it is loaning money to students struggling to get their education.

In 2004, Mr. Lord was ranked second on the list, with $41.8 million in total compensation. Not a bad year. Yes, Sallie Mae's executives have come quite far from the days when they worked as a quasi-governmental operation. Sallie Mae's dramatic financial growth didn't happen without some financial help. Since the start of the Bush administration, Federal officials have turned a blind eye to problems surrounding private lenders. And why wouldn't they? The Bush administration rewarded loan industry officials with key positions in the Department of Education.

There isn't anything inherently wrong having people with experience in the loan industry working in the Department of Education. What I am asking, though, is whether the cozy relationship that developed between the Bush administration, the Republican-led Congress, and the lenders have left the loan industry essentially unregulated.

If I was a lender who heard Representative BOEHNER, former chairman of the House Education Committee, say to the loan industry, "know that I have all of you in my two trusted hands," what do you think I would do? Exactly what the lending industry has done—do whatever it takes to push the student loan industry in my favor—especially at a time when I knew no one would be there to stop me.

This is when revenue-sharing arrangements between colleges and lenders began. Sallie Mae led the way with one of the most offensive schemes called "opportunity pools." Here is how it works. A lender provides a school with a fixed amount of private loan money the school can lend a student who otherwise wouldn't qualify for loans. These loans come at higher interest rates. In return, the college agrees to make the lender its exclusive provider of federally backed loans.

Some of Sallie Mae's competitors complained to the inspector general; however, Department officials chose not to take any action, insisting that the loan industry could regulate itself. What do you think Sallie Mae's competitors did with this tacit approval of opportunity pools? They did what any business would do to compete—they began offering similar deals to schools.

But they didn't stop at opportunity pools. Lenders have loaned financial aid offices staff and have operated call centers on behalf of schools. Students and their families seeking information and advice on tuition financing options are talking to individuals they believe to be school officials but are actually employees of the lenders. Lenders have long provided schools with little office trinkets, such as post-it pads and pens. No harm done. However, in recent years the little trinkets have turned into gifts, such as iPods and trips to exotic locations for so-called educational conferences.

Let me give you one example. Last year, EduCap, a nonprofit lender who offers loans under the name, Loan to Learn, invited financial aid officers and their spouses or guests from all across the Nation to an educational, all-expense paid "summit" held at the luxurious, beachfront Four Seasons Resort in Nevis in the West Indies.

This resort, by the way, has been rated as one of the top luxury resorts by Travel and Leisure magazine.

Between symposiums, forums, and roundtable discussions on the importance of addressing the cost of higher education, guests could enjoy snorkeling, water and beach sports, sailing, kayaking, volleyball, sailboarding, access to an 18-hole championship golf course, a 10-court tennis complex, beachfront pools, and a luxury spa. Not a bad deal for college officials being entertained by the student loan industry. News of the trip generated such negative response from the public that EduCap had to cancel it, unfortunately, before it occurred.

After reading about the West Indies trip, I asked the inspector general of the Department of Education to investigate whether lenders are offering kickbacks or inducements to school officials in return for loan business. My staff passed along information provided to us by constituents regarding these inducements. You can imagine my disappointment when a member of my staff received an e-mail response from the inspector general's office. The e-mail merely described the results of the inspector general's conversations with my constituents. My staff didn't think the e-mail could possibly be the inspector general's official response and followed up to confirm. Even with all the recent news stories, I am still waiting to hear from the inspector general of the Department of Education as to whether they are going to initiate an investigation into these lender inducements.

Sallie Mae recently agreed to be bought out and turned into a private company. Is this a good deal? Is it good for taxpayers that subsidize student loans? Is it good for students? It certainly is a good deal for Sallie Mae's executives and shareholders.

The buyers, two private investment funds, J.P. Morgan Chase and Bank of America, have agreed to pay $25 billion for this company at $60 a share for its stock. In case you are wondering how much that is over the stock price that is published, it is 50 percent, a 50-percent premium over Sallie Mae's share prices before news of the buyout was reported. Let's see how much Mr. Lord and Mr. Fitzpatrick are going to do if this deal goes through.

Well, it looks like Mr. Lord is going to end up with $47.2 million, and Mr. Fitzpatrick, a little better, with $58.6 million. They are riding high. They are riding high at the expense of students all across this country.

There was a time when this Congress cared enough about students in this country to create a program called the National Defense Education Act. It was a time when Sputnik had been launched. We were afraid of the Soviet Union and what it might do with its satellite capacity, and Congress, for the first time, said let's create a student loan program, the first time ever.

I know a little about this program because I happened to be one of the recipients, one of the borrowers. I borrowed money to go to college and law school from the National Defense Education Act and paid it back after graduation at 3 percent interest. I couldn't have asked for better treatment and better consideration from those who were lending money.

Those were the early days when we were just thinking about students and education and the future of America. Now we are talking about big business, fat profits, basically indefensible compensation for the CEOs who run these companies. I hope someone is able to uncover what other fees and payments Sallie Mae's executives may be receiving to help take the company private.

Will this deal be good for students? Sure, Sallie Mae and many other lenders have long touted that they have been able to offer better deals for students through loan fee and interest rate discounts. Of course, they can offer a discount. They are obviously still making enough money off student loans. Look at their profitability. Look at what has happened to their stock price. Look at how much they are being paid. Yet they made sure the Direct Loan Program, cheaper for the Federal Government, better for the students, could not compete.

Now we know why they have been able to make money off students. The Washington Post recently reported that some lending companies with access to the National Student Loan Data System, which includes confidential information on 60 million student loan borrowers, have repeatedly searched the database in ways that violate the Federal rules on privacy. It appears the lenders were giving unauthorized users, such as marketing firms, collection agencies, and loan brokerage firms, access to this database.

Lenders are allowed to access information contained in the database only if they have the permission of the student or have a financial relationship with the student, but the Department of Education recently decided to cut off outside access to the database. Were lenders using this information gathered from the database to sell other nonrelated loan products to students? We don't know for sure, but I intend to find out. I have sent letters to the largest student loan companies asking them to reveal how many times they have accessed the database in the last 4 years and explain what they subsequently did with the information.

I am concerned about the proposed sale of Sallie Mae. A private Sallie Mae could lead to even less information being disclosed to the public. Sure, lenders are required to provide certain information in order to participate in the Federal loan program, but we should make sure all lenders are held to the same standard of disclosure, regardless of whether the lender is a school or a nonprofit, a private or a publicly traded company.

Let me conclude by saying that tuition at 4-year public institutions has risen by 42 percent in the last 5 years. Students and their families are struggling to pay off college debt. Students are leaving college, on average, with nearly $20,000 in debt, and many much more. We must take serious steps to help these students achieve the American Dream.

On the Democratic side of the aisle we are proposing a $1,090 increase in the maximum Pell grant over 5 years, a cap on loan repayments at 15 percent of an individual's income, and reducing the student loan interest rate. How will we pay for it? By cutting $22.3 billion from the lenders' subsidies, which we give to those like Sallie Mae. Sure, it is more than President Bush's proposed cut, but only a little bit, $2.3 billion. Of course, lenders are claiming that the proposed cut goes beyond what they think is sustainable and that lenders will decide to leave the student loan business. It is difficult to be moved by these claims when a company like Sallie Mae is worth $25 billion and its buyers are willing to pay a 50-percent premium, knowing that the lenders' subsidies will likely be cut.

It is time we return to the day where the Federal Government makes a serious investment in one of its most valuable assets, its children. The future of our country depends on it. We need to be asking those who are involved in this business of student loans to keep in mind first these students and their families.

THE RETIREMENT OF JOHN C. HICKMAN, JR.

Mr. DURBIN. Mr. President, one of the ways Congress maintains its contact with the American people is by the official report of the business we do. Through its recent modern history, we have published a CONGRESSIONAL RECORD so that people across this country, online and in printed form, can read the words of Senators and can follow the debate on the floor of the Senate. None of this effort would be productive or even possible were it not for those in the Office of the Official Reporters of Debates who come here and follow every word that is spoken on the floor. They make these publications possible.

Today, Jack Hickman, the Morning Business Clerk for the CONGRESSIONAL RECORD, is marking the end of his service to the Senate. In the future he will be able to listen to Senators and not remember a word. But at this point in time he has dispatched his official duties.

I know I speak for the entire Senate family, thanking Jack Hickman for his service.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

VOTE EXPLANATION

Mr. ROCKEFELLER. Mr. President, I want to explain why I missed two votes early during yesterday's session, Senator DEMINT's amendment No. 930 and Senator COBURN's amendment No. 918 on S. 761, America COMPETES Act, a bill that I cosponsored. I was confident that my vote would not change the outcome, and the DeMint amendment failed by a vote of 22 to 79 and the Coburn amendment failed by a vote of 27 to 67. If I had been able to come to the floor, I would have voted against both amendments, but the outcome would have been the same.

The reason I missed the votes was that I was attending a very special hearing in the Senate Veterans' Affairs Committee on mental health issues for our returning soldiers. The first panel included a recent Iraq veteran with PTSD, parents of an Iraq veteran who committed suicide after returning home, and parents of an Iraq veteran soldier who died of an overdose of his own prescription drugs while in VA care. One of the families had come from Iowa and the other from California to talk about the tragedy of each son's death and to seek ways to ensure that other families might avoid such tragedies. The Iraq veteran, a combat medic, spoke eloquently on his own problems acknowledging and treating his PTSD and the similar problems of fellow soldiers in his platoon.

One father testified that after his son died of an overdose in VA care, he and his wife went to claim his son's personal effects, and the items were handed to them in a plastic garbage bag. I was shocked and outraged. I knew that it would seem heartless to cut their panel short and not let these parents and this veteran share their full story so I volunteered to stay and listen so that the full story could be given in committee. These families already feel that parts of our Government do not care, and that is sad. I needed to stay to chair the hearing and let these courageous witnesses continue their testimony.

I am very glad I did. Despite the tragedy and grief these individuals face, they are speaking out boldly in hopes of changing the current system so other veterans and other families do not face the same ordeals they have faced. These are stories that must be told and, more importantly, must be heard in public by those who can and must make changes. These witnesses had good ideas and suggestions on how to change the delivery system for the mental health care of our returning veterans. They spoke passionately about how soldiers are trained to serve bravely and not show weaknesses. I could not walk away from this important hearing about issues crucial to our combat veterans returning from Iraq and Afghanistan.

I am very grateful to veteran Patrick Campbell, Mr. and Mrs. Randall Omvig, and Mr. Tony Bailey for their compelling personal testimonies. I am committed to push hard for action to change the VA system for future veterans and their families.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 5, 2006, in Fairfax County, VA, Leslie Carver was charged with murder for killing Marvin Greenwell. Greenwell was one of nine gay men murdered in what was known as the "pickup murders" of 1993 and 1994. The "pickup murders" were a series of attacks against gay men in the Washington, DC area. While most of these murders remain unsolved, DNA evidence was able to link Carver to the Greenwell murder.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE DEATH PENALTY

Mr. FEINGOLD. Mr. President, I firmly believe that the death penalty should be abolished, at all levels of government. Just a few months ago, I introduced the Federal Death Penalty Abolition Act of 2007 toward that end. The bill would abolish the death penalty at the Federal level; it would put an immediate halt to executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

I first introduced my bill in 1999, and since then only a few Members of the Senate have been willing to join me in this cause. Not too long ago, some believed that opposition to or criticism of the death penalty was politically dangerous. But times have changed. The American people are expressing greater and greater concerns about the death penalty. A May 2006 Gallup poll reported that for the first time, when given a choice between the two sentencing options, more Americans choose the sentence of life without parole than the death penalty. The American public understands that the death penalty raises serious and complex problems.

Leaders across the country are publicly expressing their opposition to the death penalty—leaders such as Governor Corzine of New Jersey, Governor O'Malley of Maryland, and Governor Kaine of Virginia. State legislatures in Maryland, Montana, Nebraska, and New Mexico have all given serious consideration to abolition bills in the past 3 months alone. In fact, each of these four measures failed to move to the next step of the process by only one vote. In Maryland, an abolition bill failed to pass out of a Senate committee by one vote. In Montana, a bill to repeal the State's death penalty passed the senate and then failed by just one vote to move out of a house committee. In Nebraska, the unicameral legislature failed to move an abolition bill forward by just one vote. And in New Mexico, an abolition bill passed the house and then lost in a senate committee by just one vote.

Other States have taken important steps. Pennsylvania recently created a commission to study the administration of the State's death penalty, joining many other States that have already done so. Moratoriums on executions remain in place in Illinois and New Jersey and are under consideration in other States. New York's death penalty was overturned by a court decision in 2004 and has not been reinstated by the legislature. Along with New York, four other States that still have the death penalty technically on their books have not executed any individuals since 1976. In addition, there are 12 States, plus the District of Columbia, whose laws do not provide for capital punishment at all. And in 11 more States, executions have been halted while the courts grapple with the issue of whether the lethal injection process used by these States is unconstitutional.

At the same time, the number of executions, the number of death sentences imposed, and the size of the death row population have decreased for the second year in a row. In the prosecutors' offices, jury boxes, and legislative chambers, it seems that consensus is growing that it is time for a change.

In this connection, I think it is significant that the editorial boards for two major newspapers in very geographically diverse locations, Chicago and Dallas, recently called for an end to the death penalty. The Chicago Tribune's editorial page has been a leader for years in calling for reforms to the capital punishment system, yet it has never called for abolition—until now. Explaining its decision to renounce the death penalty, the editorial board stated, "The system is arbitrary, and the system just plain gets it wrong." And the Dallas Morning News reversed its century-old stance on the death penalty, which is particularly notable because Texas has long been a bedrock of support for the death penalty and is the State with the dubious distinction of leading the Nation in executions. Even in a jurisdiction where support for the death penalty runs deep—even there—this strong voice of dissent rose to proclaim, "we do not believe that any legal system devised by inherently flawed human beings can determine with moral certainty the guilt of every defendant convicted of murder."

For these editorial boards, opposition to the death penalty sprang from concerns that mistakes might be made and innocent individuals executed. Since 1976, when the death penalty was reinstated by the Supreme Court, there have been 1,060 executions across the country, including three at the Federal level. During that same time period, 123 people on death row have been exonerated and released from death row. These people never should have been convicted in the first place.

Consider those numbers. One thousand and sixty executions and one hundred and twenty-three exonerations in the modern death penalty era. Had those exonerations not taken place, had those 123 people been executed, those executions would have represented an error rate of greater than 10 percent. That is more than an embarrassing statistic; it is a horrifying one, one that should have us all questioning the use of capital punishment in this country. In fact, since 1999 when I first introduced the Federal Death Penalty Abolition Act, 46 death row inmates have been exonerated throughout the country.

The continued use of the death penalty in the United States is beneath us. The death penalty is at odds with our best traditions. It is wrong and it is immoral. The adage "two wrongs do not make a right" applies here in the most fundamental way. Our Nation has long ago done away with other barbaric punishments like whipping and cutting off the ears of criminals. Just as we did away with these punishments as contrary to our humanity and ideals, it is time to abolish the death penalty. It is not just a matter of morality. The continued viability of our criminal justice system as a truly just system that deserves the respect of our own people requires that we do so, as does our Nation's commitment to freedom, liberty, and equality.

I applaud those leaders, be they in State government or in the media, who are stepping forward to challenge a practice that has no place in this day and age. Abolishing the death penalty will not be an easy task. It will take patience, persistence, and courage. As each new voice joins us, we become stronger, and together we will one day find success.

PROVIDING SMALL BUSINESSES WITH TARGETED TAX RELIEF AND REGULATORY REFORM

Ms. SNOWE. Mr. President, I rise today to commemorate "National Small Business Week, which President Bush designated for April 22–28, 2007. As ranking member of the Senate Committee on Small Business and Entrepreneurship, I simply cannot understate the vital role of small business in our Nation's economy. There was a time when "what was good for General Motors was good for America." But the fact is what's truly good for this country—what built it, what sustains it, what drives it, and what represents its core—are the small businesses that each and every year create nearly three-quarters of all net new jobs. In my home State of Maine, small businesses comprise 97.5 percent of all businesses.

First, I would like to discuss the unfair and onerous tax and regulatory burdens that continue to impede the ability of our Nation's small businesses to compete in an ever-increasing global marketplace. According to the Small Business Administration's Office of Advocacy, small businesses spend an astounding 8 billion hours each year complying with government rules and regulations. Eighty percent of this time is spent on completing tax forms. Furthermore, businesses employing fewer than 20 employees spend nearly $1,304 per employee in tax compliance costs, nearly 67 percent more than the comparable cost to larger firms. Despite the fact that small businesses are the primary job-creators for our economy, the tax system is not working because small companies spend their money and time satisfying their tax obligations.

For that reason, I have introduced a package of proposals that will provide not only targeted, affordable tax relief to small business owners, but also simpler rules under the tax code. By simplifying the Tax Code, small business owners will be able to satisfy their tax obligation in a cheaper, more efficient manner, allowing them to be able to devote more time and resources to their business.

I have introduced legislation, S. 269, in response to the repeated requests from small businesses in Maine and from across the Nation to allow them to expense more of their investments, like the purchase of essential new equipment. My bill modifies the Internal Revenue Code by doubling the amount a small business can expense from $100,000 to $200,000, and make the provision permanent as President Bush proposed this change in his fiscal year 2007 tax proposals. With small businesses representing 99 percent of all employers, creating 75 percent of net new jobs and contributing 51 percent of private-sector output, their size is the only "small" aspect about them.

By doubling and making permanent the current expensing limit and indexing these amounts for inflation, this bill will achieve two important objectives. First, qualifying businesses will be able to write off more of the equipment purchases today, instead of waiting 5, 7, or more years to recover their costs through depreciation. That represents substantial savings both in dollars and in the time small businesses would otherwise have to spend complying with complex and confusing depreciation rules. Moreover, new equipment will contribute to continued productivity growth in the business community, which economic experts have repeatedly stressed is essential to the long-term vitality of our economy.

Second, as a result of this bill, more businesses will qualify for this benefit because the phase-out limit will be increased to $800,000 in new assets purchases. At the same time, small business capital investment will be pumping more money into the economy. This is a win-win for small business and the economy as a whole and I am pleased to have Senators LOTT, ISAKSON, CHAMBLISS, and COLLINS join me as cosponsors of this legislation.

Another proposal that I have introduced, with Senators LINCOLN and LOTT, the Small Business Tax Flexibility Act of 2007, S. 270, will permit start-up small business owners to use a taxable year other than the calendar year if they generally earn fewer than $5 million during the tax year. Specifically, the Small Business Tax Flexibility Act of 2007 will permit more taxpayers to use the taxable year most suitable to their business cycle. Until 1986, businesses could elect the taxable year-end that made the most economic sense for the business. In 1986, Congress passed legislation requiring partnerships and S corporations, many of which are small businesses, to adopt a December 31 year-end for tax purposes. The Tax Code does provide alternatives to the calendar year for small businesses, but the compliance costs and administrative burdens associated with these alternatives prove to be too high for most small businesses to utilize.

Meanwhile, C corporations, as large corporations often are, receive much more flexibility in their choice of taxable year. A so-called C corporation can adopt either a calendar year or any fiscal year for tax purposes, as along as it keeps its books on that basis. This creates the unfair result of allowing larger businesses with greater resources greater flexibility in choosing a taxable year than smaller firms with fewer resources. This simply does not make sense to me. My bill changes these existing rules so that more small businesses will be able to use the taxable year that best suits their business.

To provide relief and equity to our nation's 1.5 million retail establishments, most of which have less than five employees, I have introduced a bill, S. 271, with Senators LINCOLN, HUTCHISON, and KERRY, that reduces from 39 to 15 years the depreciable life of improvements that are made to retail stores that are owned by the retailer. Under current law, only retailers that lease their property are allowed this accelerated depreciation, which means it excludes retailers that also own the property in which they operate. My bill simply seeks to provide equal treatment to all retailers.

Specifically, this bill will simply conform the tax codes to the realities that retailers on Main Street face. Studies conducted by the Treasury Department, Congressional Research Service and private economists have all found that the 39-year depreciation life for buildings is too long and that the 39-year depreciation life for building improvements is even worse. Retailers generally remodel their stores every five to seven years to reflect changes in customer base and compete with newer stores. Moreover, many improvements such as interior partitions, ceiling tiles, restroom accessories, and paint, may only last a few years before requiring replacement.

Finally, I joined Senator BOND in introducing S. 296 that will simplify the tax code by permitting small business owners to use the cash method of accounting for reporting their income if they generally earn fewer than $10 million during the tax year. Currently, only those taxpayers that earn less than $5 million per year are able to use the cash method. By increasing this threshold to $10 million, more small businesses will be relieved of the burdensome record keeping requirements that they currently must undertake in reporting their income under a different accounting method.

Earlier this year, I was very pleased when the Senate passed small business tax relief that included portions of my proposals on small business expensing, cash method accounting, and accelerated depreciation for improvements to retail-owned property. Sadly, I must report that on the very same week of "National Small Business Week," cash method accounting and my proposal to bring depreciation equity for retailer-owned property were stripped from the small business tax relief package in conference negotiations between the House and Senate. This is extremely unfortunate especially when one considers that the Senate-passed package, which was fully offset, was both modest and fiscally responsible. In the coming months, I will continue to fight for these proposals and am hopeful that Congress will enact them into law.

This package of proposals are a tremendous opportunity to help small enterprises succeed by providing an incentive for reinvestment and leaving them more of their earnings to do just that. Notably, providing tax relief by passing these simplification measures will also help us reduce the tax gap by increasing compliance. I urge my colleagues to join me in supporting these proposals.

In addition to reforming the tax code, we in Congress should level the regulatory playing field for small businesses. Over the past 20 years, the number and complexity of Federal regulations have multiplied at an alarming rate. For example, in 2004, the Federal Register contained 75,675 pages, an all-time record, and 4,101 rules. These rules and regulations impose a much more significant impact on small businesses than larger businesses.

To illustrate this conclusion, a recent report prepared for the SBA's Office of Advocacy that said that in 2004, the per-employee cost of Federal regulations for firms with fewer than 20 employees was $7,647. In contrast, the per-employee cost of federal regulations for firms with 500 or more workers was $5,282, which results in a 44 percent increase in burden for smaller businesses compared to their larger counterparts. Clearly, we must find ways to ease the regulatory burden for our nation's small businesses so that they may continue to create jobs and drive economic growth. All too often, small businesses do not maintain the staff, or possess the financial resources to comply with complex Federal rules and regulations. This puts them at a disadvantage compared to larger businesses, and reduces the effectiveness of the agency's regulations. If an agency can not describe how to comply with its regulation, how can we expect a small business to figure it out?

This is why I have offered bipartisan legislation, the Small Business Compliance Assistance Enhancement Act, S. 246, with Senators KERRY, ENZI, and LANDRIEU, which would clarify small business requirements that exist under Federal law. Our measure is drawn directly from recommendations put forth by the Government Accountability Office and is intended only to clarify an already existing requirement under the Small Business Regulatory Enforcement Fairness Act, SBREFA, which unanimously passed the Senate in 1996. Specifically, our bill clarifies when a small business compliance guide is required, how a guide shall be designated, how and when a guide shall be published, and that the agency make the guide available on the Internet. It would not create any new rules or requirements. This commonsense, good government reform would provide a major regulatory reform for small businesses at virtually no cost to the Federal Government.

It is clear that in order to ensure our small businesses are able to grow, thrive, and, most importantly, create jobs, we need to simplify the tax code and reduce the regulatory burden. Over the coming months, I will continue to fight to accomplish these commonsense objectives.

WORKERS MEMORIAL DAY

Mr. DODD. Mr. President, Saturday, April 28, is Workers Memorial Day. Tomorrow, working men and women around the world will gather to remember their millions of brothers and sisters who have been injured or killed on the job. I join them in their grief-and in their determination to secure a safer future.

Work-related accidents kill Americans with a regularity that calls us to question the very word "accident." Fifteen deaths every day, and more than 11,000 injuries: They are grimly predictable and often preventable.

Today is for men like Eleazar Torres-Gomez, a laundry worker who was dragged by a conveyor belt into a 300-degree industrial dryer, where he burned to death. Sadness at his death is matched by an equal anger-especially when we learn that, in the two years preceding it, his employer was cited more than 170 times for unsafe, illegal working conditions. We remember Eleazar today.

Today is for the 12 miners killed last year in Sago, West Virginia, when an explosion trapped them underground for two days. Only a few years before, the Mine Safety and Health Administration struck down 17 new safety rules for trapped miners—rules that might have saved the miners in Sago. We remember them today.

Today is for the 28 union construction workers killed in Connecticut, 20 years ago this month, when the apartment towers they were building collapsed with a roar, within seconds, into ruined concrete and steel. In the wake of their deaths, we outlawed the dangerous lift-slab construction method that led to the collapse. But we can never replace those lives; today we remember them, too.

How can we honor them? I know this much: Words alone would be an insult. The men and women we remember this Saturday risked their lives so we could lie down and wake up in health and safety and comfort, and merely speaking our gratitude would be emptier than doing nothing. We owe them action.

We owe them action equal to the historic Occupational Safety and Health Act (OSHA), which was passed 37 years ago tomorrow and has saved an estimated 350,000 lives. We need to cover more workers—because more than 8.5 million are not protected by OSHA. We need more resources for inspection and enforcement—because, at the current rate, federal inspectors are only able to examine workplaces, on average, once every 133 years. We need stiffer penalties for employers who knowingly put their workers' lives at risk—because employers like those who compromised Mr. Torres-Gomez's life now face a maximum penalty of a simple misdemeanor.

And we need the Occupational Safety and Health Administration to take its work more seriously—because, according to a New York Times report released this week, "the agency has killed dozens of existing and proposed regulations and delayed adopting others."

Taking these vital steps for workers adds up to more than increased resources or stronger oversight—ultimately, it translates to respect. We owe their memories nothing less. Five thousand seven hundred workers were killed on the job last year, and our economic prosperity is built on their flesh and blood.

More than half a century ago, George Orwell remarked on the disregard that so often greets manual labor: "It keeps us alive, and we are oblivious of its existence. . . . We are capable of forgetting it as we forget the blood in our veins."

Today we pledge ourselves as the exception to that rule. And if we mean our words, we will be the exception tomorrow, and the day after that. For America's working men and women deserve nothing less than our eternal gratitude and diligence in preventing future workplace tragedies.

INTERNET GAMBLING

Mr. KYL. Mr. President, I rise to express concern that serious violations of the law appear to be occurring and should be aggressively pursued by the IRS and, in turn, prosecuted by the Department of Justice.

Specifically, numerous Internet gambling websites may be violating statutes such as 26 U.S.C. 4401 et seq. Section 4401 requires an excise tax equal to 2 percent of the amount of unauthorized wagers. Section 4404 makes clear that the tax applies to wagers "placed by a person who is in the United States with a person who is a citizen or resident of the United States."

I applaud the indictment in United States v. BETonSPORTS.COM and the inclusion of tax evasion charges in counts 14, 15, and 16.

These counts charge that the defendants attempted to "evade and defeat the . . . wagering excise tax" in three ways: (1) by failing to make any wagering excise tax returns on or before the last day of the month following the month the wagers were accepted, as required by law, to any proper officer of the Internal Revenue Service, (2) by failing to pay to the Internal Revenue Service said wagering excise tax, and (3) by directing that the wagering funds be sent outside the United States—all in violation of Title 26, United States Code, Section 7201, and Title 18, United States Code, Section 2.

I firmly support the decision of the Department of Justice to enforce the wagering excise tax and pursue any persons in violation.

Additionally, it is important to note that extremely large sums of money are at issue: count 14 charges that from January 29, 2001 to on or about February 3, 2002, the sum of approximately $1,094,669,000.00 in taxable wagers were had and received; count 15 charges that from February 4, 2002 to on or about February 2, 2003, the sum of approximately $1,228,874,000.00 in taxable wagers were had and received; and count 16 charges that from February 3, 2003 to on or about February 1, 2004, the sum of approximately $1,235,374,000.00 in taxable wagers were had and received. That is over $3.5 billion in three years, and Internet betting has increased significantly in the last two years.

I would like to point out that significant income taxes and excise taxes appear to be owed by numerous persons. Collecting these amounts would be an important component of the Administration's efforts to address the "tax gap."

Further, with such large sums at issue, the IRS and the Department of Justice should see if money laundering is involved.

The State Department has expressed strong concern that Internet gambling operations could be used not only for tax evasion, but also for other criminal activities such as money laundering and terrorist financing:

> Internet gambling is particularly well-suited for the laying and integration stages of money laundering, in which launderers attempt to disguise the nature or ownership of the proceeds by concealing or blending transactions within the mass of apparently legitimate transactions. Due in large measure to the volume and speed of transactions, as well as the virtual anonymity offered by the Internet, offshore gambling websites are an area of considerable money laundering concern. The Internet gambling operations are, in essence, the functional equivalent of wholly unregulated offshore banks with the bettor accounts serving as bank accounts for account holders who are, in the virtual world, virtually anonymous. For these reasons, Internet gambling operations are vulnerable to be used, not only for money laundering, but also for criminal activities ranging from terrorist financing to tax evasion. (State Department, International Narcotics Control Strategy Report, released March 2004.)

The Department of Justice has echoed these concerns. At a hearing before the Senate Banking Committee, John G. Malcolm, Deputy Assistant Attorney General, Criminal Division, testified:

> Another major concern that the Department of Justice has about on-line gambling is that Internet gambling businesses provide criminals with an easy and excellent vehicle for money laundering, due in large part to the volume, speed, and international reach of Internet transactions and the offshore locations of most Internet gambling sites, as well as the fact that the industry itself is already cash-intensive.
>
> It is a fact that money launderers have to go to financial institutions either to conceal their illegal funds or recycle those funds back into the economy for their use. Because criminals are aware that banks have been subjected to greater scrutiny and regulation, they have—not surprisingly—turned to other non-bank financial institutions, such as casinos, to launder their money. On-line casinos are a particularly inviting target because, in addition to using the gambling that casinos offer as a way to hide or transfer money, casinos offer a broad array of financial services to their customers, such as providing credit accounts, fund transmittal services, check cashing services, and currency exchange services.
>
> Individuals wanting to launder ill-gotten gains through an on-line casino can do so in a variety of ways. For example, a customer could establish an account with a casino using illegally-derived proceeds, conduct a minimal amount of betting or engage in offsetting bets with an overseas confederate, and then request repayment from the casino, thereby providing a new "source" of the funds. If a gambler wants to transfer money to an inside source in the casino, who may be located in another country, he can just play until he loses the requisite amount. Similarly, if an insider wants to transfer money to the gambler, perhaps as payment for some illicit activity, he can rig the game so the bettor wins.
>
> The anonymous nature of the Internet and the use of encryption make it difficult to trace the transactions. The gambling business may also not maintain the transaction records, in which case tracing may be impossible. While regulators in the United States can visit physical casinos, observe their operations, and examine their books and records to ensure compliance with regulations, this is far more difficult, if not impossible, with virtual casinos. (John G. Malcolm, Deputy Assistant Attorney General, Criminal Division, Department of Justice, March 18, 2003.)

Again, there should be strong enforcement efforts to ensure that Internet gambling entities are not violating the law.

FOOD AND DRUG ADMINISTRATION REVITALIZATION ACT

Mr. GREGG. Mr. President, the Food and Drug Administration, FDA, plays a major role in ensuring that the American people have access to the safe and effective medicines that they need. In fact, FDA-regulated products account for about 25 cents of every consumer dollar spent. At the heart of all FDA's regulatory activities is a judgment about whether a product's benefits to users will outweigh its risks. These judgments must be science-based to allow the agency to provide the most health promotion and protection at the least cost to the public. As we work on FDA legislation this year, we need to keep that science-based mission at the forefront of our decision making.

Last week, the HELP Committee reported S. 1082, the Food and Drug Administration Act, FDARA. The bill couples must-pass reauthorizations of the Prescription Drug User Fee Act, PDUFA, and the Medical Device User Fee and Modernization Act, MDUFMA, with tour additional pieces of legislation that I am unable to support at this time. It is my hope that we can continue to work in a bipartisan way to improve this bill as it moves to the floor.

The Prescription Drug User Fee Act, PDUFA, first enacted in 1992, gives the FDA the authority to collect user fees from pharmaceutical manufacturers in order to enhance their ability to ensure timely access to safe and effective medicines. By reducing the length of review time required to approve a drug, PDUFA has clearly been a success.

Following the success of PDUFA, Congress enacted the Medical Device User Fee and Modernization Act; MDUFMA in 2002. Like with prescription drugs, MDUFMA funds have been essential to reducing the length of time of the approval process and other improvements critical to the success of the device review process.

This year, both the PDUFA and MDUFMA reauthorizations have been negotiated between the FDA and industry and are worthy of support. In fact, I believe these agreements improve both programs and will improve the safety of these products in the marketplace. If we do not renew these programs by September 30, we risk losing this essential source of funding and patients will face longer review times and diminished access to much needed medicines and devices.

However, the Kennedy-Enzi language also includes provisions on drug safety and pediatric medicines and devices. All are important issues, but each title of the bill includes provisions that I believe could do more harm than good.

Originally, drug safety legislation was intended to address legitimate concerns many had about how long it took FDA to identify unexpected complications after a drug was approved and to provide FDA with additional authorities to act in those instances.

The Kennedy-Enzi language attempts to address the length of time it can take to identify problems by including language that directs the FDA to establish an active surveillance system. This is essential to addressing any potential problems with postmarket drug safety. I strongly support this in concept but feel the language needs to be strengthened to ensure that the FDA has the direction it needs to implement a robust system in an expedited timeframe. Information collected must be standardized, and the overall system should be validated. Without these and other important benchmarks included in my Safer DATA bill, we are essentially setting the FDA up for failure.

While not going far enough on drug surveillance, the bill goes too far on providing FDA with new authorities. The Kennedy-Enzi language imposes new requirements on manufacturers to develop Risk Evaluation and Mitigation Strategies, REMS, and gives the FDA the authority to require them in both the preapproval and postmarket settings. Importantly, the standards by which FDA can impose REMS are very broad and lack specific requirements through which this standard is triggered. This gives the FDA excessive discretion on imposing REMS on manufacturers even when a drug has a low risk profile.

While clearly the FDA needs new authorities, it is critical to strike a balance, and I fear the Kennedy-Enzi language has gone too far and will slow the approval of new medicines and thereby reduce access.

Instead, the language should be modified so that REMS only applies when the Secretary determines that the new active surveillance system has signaled a risk. At that point, FDA should have the authority to require manufacturers to judiciously minimize risks without encumbering drug availability or interfering with drug research, development, and delivery. Any expansion of FDA authority should respect this approach.

The Kennedy-Enzi language also gives the FDA the authority to require prereview of direct-to-consumer advertising, specific drug advertising disclosures, and a 2-year moratorium on direct-to-consumer advertising. As drafted, these provisions raise a variety of first amendment issues, specifically the 2-year ban on advertising. Much can be done to ensure that consumers receive information that is not false or misleading without banning patient access to health care information.

The Kennedy-Enzi language also includes three separate pediatrics bills: the reauthorization of the Best Pharmaceuticals for Children Act, BPCA, the reauthorization of the Pediatric Research Equity Act, PREA, and the Pediatric Medical Device Safety and Improvement Act.

To encourage the study of more drugs in the pediatric population, BPCA as originally enacted as part of the Food and Drug Administration Modernization Act in 1997, and reauthorized in 2002, grants an additional 6 months of patent life to a product or pediatric exclusivity in exchange for the voluntary studies of prescription drugs conducted on children. Since its enactment, BPCA has been viewed as a highly successful program and has produced at least 132 completed studies, leading to at least 115 pediatric label changes.

Under the Kennedy-Enzi language, the pediatric exclusivity would be capped at 3 months if annual sales for all drugs with the same active ingredient are over $1 billion in any year. This cap for "blockbuster" drugs unfairly segments patent protection regimes by making more successful drugs subject to reduced incentives. Our health care system needs to enhance research into children's drugs, not reduce the incentives for manufacturers that produce them. Simply put, the current program is working, and imposing a "cap" on the pediatric exclusivity award will reduce the incentive to conduct pediatric studies and, however formulated, would significantly complicate the administration of the program.

Enacted in 2003, PREA gives the FDA authority to require pediatric studies on the same approved indication of a certain drug in adults. BPCA and PREA work hand in hand to encourage the further study of prescription drugs in pediatric populations. It is because of the great success of these two programs that I am pleased that the bill requires both programs to be reauthorized together in 2012. This joint sunset date allows for further reauthorizations to continue to balance the incentives and authorities that drive pediatric study.

One troubling aspect of the BPCA and PREA reauthorizations is the creation of an internal review committee. Nobody would argue that pediatric populations should not get special consideration within the inner workings of the agency; however, as drafted, the internal review committee conflicts with the current staff functions of the FDA.

The Pediatric Medical Device Safety and Improvement Act aims to improve the process for approving pediatric medical devices and encourages research, development, and manufacture of pediatric devices through demonstration grants and incentives. It modifies the human device exemption for medical devices to allow manufacturers to earn a profit for HDE-approved pediatric devices but maintains the requirement that a humanitarian use device is limited to one that treats and diagnoses diseases or conditions that affect fewer than 4,000 individuals in the United States. This is a good policy, which will help foster the development of pediatric devices. Unfortunately, the bill also expands FDA's authority to require companies to conduct postmarket studies of adult devices, even in circumstances in which the manufacturer has no intent to market the device to pediatric populations. Forcing companies to conduct studies on their products for unintended and unapproved use diverts resources that could be used for further innovation, research, and development.

Of additional concern is that at this time, many provisions of the bill have never been scored by CBO. The provisions in this bill have a significant impact on the FDA and require a number of changes at the agency that will require significant dollars. Because PDUFA and MDUFMA are based on negotiations between industry and the administration, any changes that impact that careful compromise need to be fully vetted and understood. Unfortunately, at this time we do not have that information.

It is clear to all that there are numerous complicated issues involved. Some provisions provide a great benefit, while others may have graver consequences than even the bill's sponsors would intend. It is my hope that as we deal with these issues, we can do so in a manner that is science based and favors patient access over regulatory burden.

I ask that the following statement of HHS Secretary Leavitt be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF HEALTH AND
HUMAN SERVICES,
Washington, DC, April 17, 2007.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: I am pleased to share the Department's views on the Chairman's mark to S. 1082, the Food and Drug Administration Revitalization Act. We appreciate the commitment of you and the Committee in addressing many of the critical issues facing the Food and Drug Administration. We support many of the provisions of the bill and note the many changes made in response to HHS comments. However, we continue to have significant concerns with a number of provisions and hope to work with you to address these before the measure is considered on the floor.

OVERVIEW

The Administration strongly supports the reauthorization of the prescription drug user fee and medical device user fee programs. These user fee programs expire at the end of the current fiscal year and their timely reauthorization is critical to the ability of FDA to continue to speed new drugs, biologics and devices to market to benefit the health of the American people.

We are pleased that the bill is consistent with our PDUFA IV proposal by providing the sound financial footing for FDA, enhancing premarket review, creating a new program for review of television advertisements, and significantly strengthening the post-market drug safety system. However, we are troubled by the proposal to fund drug safety activities in Title II with user fees. In our view, the amount that could be raised through user fees may be inadequate, but we are concerned with reopening the PDUFA IV proposal.

We also thank the Committee for including language that reflects the draft MDUFMA II proposal. However, we want to work with you to address any concerns once the public comment process has been completed and we are able to transmit the final package to Congress.

There are other provisions in the bill that raise serious concerns. In particular, both BPCA and PREA have been very successful in providing the necessary incentives for drug companies to conduct pediatric clinical trials to improve drug labeling for children, thus enhancing the quality of their medical care.

We support the extension of the Best Pharmaceutical for Children's Act. However, the provisions in the substitute bill would reduce the incentive to conduct clinical trials for children, thus reducing the effectiveness of the program and changes are made that make the program virtually unworkable. For these reasons, we favor a straight extension of current law over the enactment of the BPCA provisions in this bill.

In addition, the PRIA, as drafted, would make this program burdensome for FDA to the point that we would instead propose a straight extension of current law.

Finally, as demonstrated by proposed increases for drug safety in the President's FY 2008 Budget Request and the drug safety enhancements in our PDUFA IV proposal, we have a strong commitment to improving the FDA drug safety system. In our view, the core issues of drug safety are better tools for surveillance of drug events, improved scientific tools for evaluating drug safety problems, and better means of communicating drug safety problems to providers and patients. However, the bill as drafted is overly onerous in terms of process and structural changes and could actually have the unintended effect of slowing down drug approvals—while doing little to address the core issues of drug safety. In addition, this would be extremely resource intensive.

Now, I would like to turn to more detailed comments on the substitute bill.

TITLE I—PRESCRIPTION DRUG USER FEES

FDA's review of new drug applications (NDAs) and biologics license applications (BLAs) is central to FDA's mission to protect and promote the public health. In 1992 Congress enacted PDUFA, intending to reduce the time necessary for new drug application review, and subsequently has reauthorized it twice. As you know, the current user fee program is scheduled to expire on September 30, 2007.

PDUFA has produced significant benefits for public health, including providing the public access to 1,220 new drugs and biologics. During the PDUFA era, FDA reviewers have approved: 76 new medicines for cancer; 178 anti-infective medications (including 56 for treatment of HIV or Hepatitis); 111 medicines for metabolic and endocrine disorders; 115 medicines for neurological and psychiatric disorders; and 80 medicines for cardiovascular and renal disease.

In addition, PDUFA implementation efforts have dramatically reduced product review times. While maintaining our rigorous review standards, we now review drugs as fast as or faster than anywhere in the world. The median approval time for priority new drug and biologic applications has dropped from 14 months in fiscal year (FY) 1993 to only six months in FY 2006.

The most recent reauthorization of PDUFA directed FDA to consult with the House Committee on Energy and Commerce, the Senate Committee on Health, Education, Labor, and Pensions, appropriate scientific and academic experts, health care prefessionals, patient representatives, consumer advocacy groups, and the regulated inustry in developing recommendations for PDUFA reauthorization. We have complied with these requirements in preparing our PDUFA IV proposal, and we are pleased that the draft bill reflects the Administration's PDUFA IV proposal. We believe that the proposal places PDUFA on a sound financial footing, enhance premarket review, and create a modern post-market drug safety system that follows products across their life cycle. Importantly, the proposal also supports new user fees to support the review of direct-to-consumer television advertisements voluntarily submitted to FDA for review prior to airing.

TITLE II—DRUG SAFETY

SUBTITLE A—RISK EVALUATION AND MITIGATION STRATEGIES [REMS]

New drugs, biologics, devices, and diagnostics present the greatest opportunities currently available to improve health care and the way medicine is practiced. The number of lives saved are prolonged by new therapies outweighs the risks that the treatments themselves pose. It is also true that all such products pose potential risks. Thus, a drug safety system of the highest possible quality should not be confused with a system in which drugs are risk free. Because there are risks whenever anyone uses a medication, safety considerations involve complex judgments by the healthcare provider community, patients, and consumers, who must constantly weigh the benefits and assess the risks before deciding to use a medical product.

Attempts to address these risks must balance access and innovation with regulatory steps to improve the approach to safety issues. We need to make sure that such steps do not impede access to new medical products that can be used safely and effectively by patients suffering from unmet medical needs today. Many of these bill provisions seem fixed on process changes and structural changes in government programs, and not on making fundamental improvements in the science of drug safety. Some changes prescribe specific Agency action when the science of drug safety may not require such intervention, such as the requirement to present all new molecular entities to advisory committees for discussion. Such changes could limit access to needed medicines and slow down new innovations while doing little to address the core issues of drug safety.

Improved drug safety is not simply a matter of extending new legal authorities to FDA or requiring the Agency to engage in certain detailed activity. Indeed, extending these interventions or expanding the use of REMS is unlikely to result in improvements in drug safety as desired by the bill's sponsors.

The better overall strategy is to ensure that FDA has appropriate resources and the capacity to develop better scientific tools and approaches to drug review, including (1) improving information available to the Agency; (2) improving its ability to evaluate this information; and (3) improving how that evaluation is communicated to the public.

Accordingly, the Administration's proposed PDUFA IV recommendations support improvements with respect to: the information that the Agency receives, and with which it makes drug-safety related decisions, including the spontaneous reports we get from sponsors and providers as well as our ability to tap into epidemiological data sets to probe more routine questions; our analytical tools and approaches for evaluating this information and turning raw data about drug-safety related questions into practical medical facts that can be communicated to providers and patients to help them better inform their decision making; and the way in which we can effectively communicate these findings, as well as communicate the Agency's response once we draw a conclusion about the data we have, or we are made aware of a potential drug safety problem or an emerging safety issue.

We support the addition of provisions for an active drug safety surveillance system that would be established through a public-private partnership and we want to work with you on this provision to ensure the most effective implementation.

We continue to oppose the breadth of the proposed requirements for risk evaluation and mitigation strategies outlined in the bill. We believe it is unnecessarily burdensome on FDA and industry to require routine active surveillance and periodic reassessments for all drugs, as the legislation now does.

Even as modified in the substitute bill, the REMS approach would duplicate and overlap elements of the extensive adverse event reporting system already required by FDA (which includes incident-specific, quarterly, and annual reporting). It would also duplicate existing FDC Act labeling requirements, which provide for MedGuides, package inserts, and other materials which convey information to physicians and pharmacists (as well as patients) to address and minimize risk. Moreover, FDA and industry already engage in efforts with respect to implementation of risk minimization action plans ("RiskMAPs") for those products that warrant such additional risk minimization protocols. In addition, FDA already has authority to require post-approval studies in select circumstances. Codifying new authority to these same ends is unnecessary and redundant.

We are also concerned about the adequacy of resources proposed for the significant increase in work that the legislation would entail (e.g., active surveillance, REMS-related activities, the Drug Safety Oversight Board activities, compliance work, and public meetings). Moreover, we are particularly concerned that the proposal would support all of these activities by PDUFA user fees, although this was not part of the industry agreement. Reopening negotiations at this time would risk the timely reauthorization of PDUFA.

Finally, the Drug Safety Oversight Board [DSOB] would be used to review disputes between the sponsor and the FDA concerning REMS. Not only does the DSOB not have the necessary expertise to handle dispute resolutions, the bill proposes the disputes be raised directly to the DSOB bypassing the existing dispute resolution process specified in current law [Section 562 of the Act] thus eliminating the possibility of resolving disputes at a lower level. Since the DSB would be the primary source of dispute resolution, this requirement would so overburden the DSB that they will be unable to conduct their other important functions.

SUBTITLE B—REAGAN-UDALL FOUNDATION FOR THE FOOD AND DRUG ADMINISTRATION

This subtitle would amend chapter VII of the Federal Food, Drug and Cosmetic Act to establish the Reagan-Udall Foundation for the Food and Drug Administration, for purposes of advancing the FDA's mission to modernize the medical, veterinary, food, food ingredient, and cosmetic product development, accelerate innovation, and enhance product safety. We believe that the proposed Foundation may accelerate the national effort to modernize product-related sciences with some additional changes. Another sel0us concern is the creation in statute of the Office of the Chief Scientist. This is redundant and the functions would duplicate and conflict with the functions of the current Chief Medical Office position. We look forward to working with you to continue to refine this section.

SUBTITLE C—CLINICAL TRIALS

Subtitle C would establish a publicly available database to improve opportunities for enrollment in clinical trials and to enhance access to clinical trials results for the benefit of patients, health care providers and researchers.

We support the goal and concept of enhancing access to information on clinical trials and providing a mechanism to enable health care professionals and the public to obtain information about trial results. We believe that such efforts should: emphasize transparency; minimize costs and administrative burdens and build on current efforts; utilize available technology to streamline and minimize the need for new funding; ensure that such activities improve the public health; and recognize legal or funding limitations of the affected federal agencies.

In addition, we have concerns with the mandated negotiated rule making process which is time consuming and resource intensive.

The draft language takes important steps to addressing concerns previously raised by the department, and we look forward to continuing to work with the Committee on these issue.

SUBTITLE D—CONFLICTS OF INTEREST

FDA's advisory committees play an essential role in FDA's activities to protect and promote public health through the regulation of human and animal drugs, biological products, medical devices, and. foods: It is important that any legislation concerning review of conflicts of interest for advisory committee members and criteria for eligibility for participation in meetings afford FDA the flexibility to obtain needed external expertise while minimizing the potential for a conflict of interest. We appreciate the improvements to the draft legislation to address these important issues. We note that some concerns remain regarding the scope and applicability of the waiver provision, the limitation on waivers if a member's own scientific work is under consideration, prescreening requirements and the scope of financial disclosures by advisory Committee candidates and members. We hope to work further with the Committee to address these remaining issues.

TITLE III—MEDICAL DEVICE USER FEES

FDA's review of medical device applications is essential to FDA's mission to protect and promote the public health. In 2002 Congress enacted MDUFMA, intending to reduce the time necessary for new medical device application review. As you know, the current user fee program is scheduled to expire on September 30, 2007.

Similar to PDUFA, FDA was directed to consult with stakeholders in developing recommendations for MDUFMA reauthorization. We have complied with these requirements in preparing our MDUFMA II proposal, and we are pleased that the draft bill is consistent with the Administration's draft MDUFMA II recommendations as laid out in the Federal Register notice.

As we announced on April 16, FDA is holding a public meeting on April 30 and providing the public with a 30-day period in which to comment on the Administration's legislative recommendations in accordance with Section 105 of MDUFMA. We look forward to sending you the Administration's final recommendations shortly after the public comment period closes.

TITLE IV—PEDIATRIC MEDICAL PRODUCTS

SUBTITLE A—BEST PHARMACEUTICALS FOR CHILDREN

The Administration supports reauthorization of the Best Pharmaceuticals for Children Act. The incentive for pediatric studies provided in this legislation has had a powerful impact on providing important safety, efficacy, and dosing information for drugs used in children. It has created an environment that promotes the study of drugs in children, fostered an infrastructure for pediatric clinical trials that was previously non-existent, and enabled FDA to obtain important pediatric information and numerous labeling changes.

However, the substitute bill contains several provisions that we believe will have a severe negative impact on this successful program. The incentive to conduct clinical trials for children will be compromised and the creation of an internal review committee and other program changes will make the BPCA virtually unworkable. For this reason, the Administration would favor a straight reauthorization over the enactment of these provisions. I will now review some of our specific concerns.

First, as mentioned above, the current incentive of the 6 month period of exclusivity has worked well and should be maintained. Through this legislation, FDA has been able to effect important labeling changes on 122 different products. Any weakening of this incentive can only have the effect of reducing its effectiveness. Accordingly, the proposal to shorten this incentive or to only provide exclusivity to drugs with one or more year left of patents and exclusivity life are of significant concern.

FDA supports greater internal cooperation; however, the draft bill's creation of an internal review committee is of concern for a number of reasons. First, a legislative requirement for what are primarily staff functions is in direct conflict with the expertise, flexibility and efficiency needed to ensure rapid review of pediatric product development. We have concerns about the structure and composition of the committee. Second, the proposal assigns the dual function of approving written requests and granting exclusivity, which may result in conflicts between the subjective intent of the written request and the objective evaluation as to whether the studies fairly respond to the actual terms of written request. We recommend keeping the two functions separate. Third, we believe that tracking pediatric studies are responsibilities more appropriately assigned to agency staff, since they are routine functions that do not require a decision-making body.

There are a number of critical technical provisions which affect the submission of reports, labeling changes, and disclosure of information which needs to be modified to ensure the process works as intended.

SUBTITLE B—PEDIATRIC RESEARCH IMPROVEMENT ACT

As noted above, we support the efforts to improve internal consistency and efficiency. However, the bill's creation of an internal review committee for Pediatric Research Equity Act [PREA] assessments is also of concern similar to the reasons stated above. A legislative requirement for what are primarily staff functions is in direct conflict with the expertise, flexibility and efficiency needed to ensure rapid review of pediatric product development. We do have serious concerns about the structure and composition of the committee as well as the potential impact on the current process given the number and extent of assessments.

There are technical provisions which affect the submission of reports, labeling changes, and disclosure of information which needs to be modified to ensure the process works as intended. As stated above with regard to BPCA, we feel that the changes in the substitute bill will make the Pediatric Research Equity Act program unworkable and the Administration would rather have a straight reauthorization of PREA than enactment of the substitute bill.

SUBTITLE C—PEDIATRIC MEDICAL DEVICES

With regard to Subtitle C-Pediatric Medical Devices, while we support measures to stimulate the increase availability of pediatric devices, we have major concerns with these provisions.

In the area of pediatric device research, NIH has a number of research efforts underway in this area and we believe it would be more efficient and effective to utilize current research initiatives at NIH rather than embark on a new private sector initiative. The funding of a private consortia would siphon off dollars for administrative expenses [that could otherwise go for pediatric device research. In addition, we oppose having a private entity making the decisions on research priorities.

The amendment to the Humanitarian Device Exemption would remove the profit-making restriction for HDEs approved for pediatric indications on the theory that allowing profit will stimulate the production of more pediatric devices for limited populations. Allowing profits up to a sales cap is an impractical policy tool. Our view is that this amendment to the HDE exemption would be administratively burdensome and costly for industry and the FDA, and would have a questionable impact on the incentive to develop new pediatric devices.

CONCLUSION

In conclusion, this letter has cited many problems with provisions included in this bill—some we believe will not achieve their policy objectives; some are unduly burdensome on the industry and the FDA. Still others appear to be unworkable or potentially costly. In addition to these concerns, the Administration may have additional concerns in connection with this legislation.

We have raised many serious objections in our comments above and it is our hope that we can work with you and others to resolve these before the bill is considered on the floor. Our support of this legislation is contingent on the satisfactory resolution of these concerns.

OMB advises that from the standpoint of the Administration's program there is no objection to the transmittal of this letter. We look forward to our collaboration with you on this legislation.

Sincerely,

MICHAEL O. LEAVITT.

ANNUAL CRAWFISH BOIL IN GILLETTE, WYOMING

Mr. ENZI. Mr. President, I would like to speak about community spirit. In the Senate, we work day in and day out to pass good policy that will provide for the safety, security, and health of the Nation, but we are not alone in our effort to make our country better. In fact, we are but a small part. There are great events taking place every day in our country that are examples of neighbor helping neighbor, people who do not wait and do not ask for help but take it upon themselves to act. I would like to tell you about one such example that has been going on for years in Wyoming right in the small community I call home.

When people think about my hometown of Gillette, WY, many images come to mind—sagebrush as far as the eye can see, coal trucks, and cattle herds. We have deer, antelope, and some buffalo in the neighboring community of Wright. Our kids are great basketball players, and we work hard to get the methane gas and minerals that power this country. The list goes on. But after living in Gillette for more than three decades, what stands out about home are the people themselves, their character, their sense of community, and how they come together to help each other. And then there is the crawfish. Yes, I said crawfish.

This week, Gillette will be kicking off a 24-year tradition of flying in 10,000 pounds of crawfish for the annual Crawfish Boil. The event raises money for local families with medical hardships and was started in 1983 by the Society of Petroleum Engineers. The event raised $117,000 last year to help people get medical treatment. This weekend we hope to top that number.

Wyoming may be small in population, but our families know how to help each other out more than any other State in the Nation. Wyomingites do not just rely on government for help—they talk to neighbors, they come up with a good idea, they organize, and they follow through. The crawfish feed is an example for the Nation on how to pull yourself and your neighbor up by the bootstraps and have fun doing it.

Gillette not only raised $117,000 at last year's Crawfish Boil, the Festival of Trees raised $51,500 for hospice and lifeline services, the Chili Cook-Off raised $28,800 for the Council of Community Services, the Black Cat Ball raised $26,000 for the Hospice Hospitality House, the Chuckles for Charity event raised $24,000 for the Gillette Area Refuge, and the Rotary Ball raised $40,000 for education and other programs in Gillette. Mr. President, $287,000 in 1 year, in one community with roughly 25,000 residents. I could not think of a better place to call home.

ADDITIONAL STATEMENTS

CODY CARITHERS

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that I honor and congratulate Cody Carithers who is a senior at Highland High School in Arkansas and will graduate on May 18, 2007. Cody has accomplished an amazing feat—he has never missed a day of school. Since kindergarten at Cherokee Elementary School in Highland until now, never missed a day.

This accomplishment has not been easy. Cody was diagnosed with a brain tumor near his optic nerve a little over 2 years ago. This caused frequent headaches and required many trips to Arkansas Children's Hospital in Little Rock. Cody was adamant about maintaining his perfect attendance, and the hospital worked with him to schedule his appointments on school holidays or in the evening so he wouldn't miss a day of school. What a determined young man.

Cody is involved in a number of school activities, clubs and organizations. He is an active member of Future Farmers of America and is president of the Rebels Against Drugs Program at Highland High School. He has also participated in sports.

During the summer, Cody volunteered at the Sharp County Library. He has been employed for the past 2 years at Ivey's Automotive Center in Highland. Cody's plans after graduation are to attend Black River Technical College and pursue a degree in aviation maintenance or automotive technology.

I ask my colleagues to join me in applauding Cody Carithers for his determination, drive and incredible school attendance record. He exemplifies Highland High School's motto, "A tradition of excellence."•

TRIBUTE TO DR. DAVID M. GIPP

• Mr. CONRAD. Mr. President, today I pay tribute to an extraordinary scholar, leader, and friend, Dr. David M. Gipp.

On May 2, Dr. Gipp will celebrate 30 years at the helm of United Tribes Technical College in Bismarck, ND. United Tribes Technical College, UTTC, is the only intertribally owned postsecondary vocational institution in the Nation. Since its founding in 1969, the college has served more than 10,000 students representing 75 federally recognized tribes.

During his tenure as president, Dr. Gipp has spearheaded an incredible transformation of the college and in higher education for American Indians. Dr. Gipp was the first executive director of the American Indian Higher Education Consortium and later he served as its president. He was instrumental in the formulation of the Tribal Colleges or Universities Assistance Act, which started to address the Federal Government's obligation in providing higher education for American Indians.

Under Dr. Gipp's leadership, UTTC has grown from just over 100 students and 12 programs of study to more than 1,018 students for the 2006–2007 school year with 24 different 2-year and certificate programs and bachelor's programs. In this time, Dr. Gipp has led the college's transition from traditional vocational trades to programs geared toward the labor needs of Indian Country. He also propelled UTTC into becoming the first tribal college in the Nation to be authorized to offer full online degree programs. In recent years, Dr. Gripp has led the fight to restore funding for the college that was cut from the Department of Interior's budget.

Dr. Gipp has been an agent of positive change in the lives of thousands of students who have attended United Tribes Technical College. He is a true champion for higher education and a powerful national advocate for the tribal colleges. His passion is infectious, and he has empowered individuals to reach to their goals no matter how small or large.

John Quincy Adams once said "[I]f your actions inspire others to dream more, learn more, do more and become more, you are a leader." Dr. Gipp is a leader in every sense of the word. I want to extend my congratulations to Dr. Gipp on 30 years as president of United Tribes Technical College.•

TRIBUTE TO CECIL E. WILLIAMS, JR.

• Mr. PRYOR. Mr. President, today I wish to honor the life of a man revered as the most influential man in Arkansas agriculture. Cecil E. Williams, Jr., who passed on April 12, was respected by his peers and seen as an unparalleled advocate for farmer's interests, where he tried to save not only their lives, but also their jobs and livelihood.

Undoubtedly, agriculture is the backbone of rural Arkansas and rural America. Today, Arkansas agriculture provides nearly one in every five jobs in my State, and we rank in the top 10 nationally in the production of many commodities, including rice and cotton, where we rank No. 1 and No. 2 respectively. Much of Arkansas' success in agriculture can be directly attributed to Cecil Williams and his hard work. Mr. Williams worked hard during his lifetime to make Arkansas agriculture a force to be reckoned with while establishing workable, sensible, and sound farm policy. For nearly 40 years, Cecil Williams, known as the "Dean of Farm Bills," served as the director of the Agricultural Council of Arkansas, ACA, where he took great pride in serving what he considered a worthwhile cause: farmers and agriculture.

After receiving an agribusiness degree in 1960 from Louisiana State University, Mr. Williams began his career as a fieldworker for the National Cotton Council and gained valuable insight into the production, business, and policy angles of agriculture. After an impressive 5 years with the National Cotton Council, the Agricultural Council of Arkansas recognized his talents and heavily recruited him to join their ranks. Once at the council, he quickly ascended to a leadership role with the organization and went on to fight for farm policy that made sense for Arkansas, improve checkoff programs for crops, and provide better insurance programs. One of Williams' most storied accomplishments was getting the average farmer involved in the leadership and policy development process, most notably by developing the National Cotton Council's Producer Steering Committee. To this day, the Steering Committee continues to ensure producers have an active voice on policy issues. He never underestimated the knowledge and influence carried by the producer. Farmers all over Arkansas appreciated that and never forgot the respect he gave their opinions.

Cecil Williams took each event in stride and persevered with leadership and optimism. His ability to develop and foster leadership among the producer ranks was and still is an impressive feat. His relentless defense of agriculture, and the years he spent cultivating active and knowledgeable producers in Arkansas will be long remembered by those whose lives he touched through his tireless devotion. I am always proud to see Arkansas farmers when they make their way to Washington or when I am traveling the state. These are, without a doubt in my mind, the best farmers in America thanks to the leadership of people like Cecil Williams.

During his lifetime, Williams always led by example and stayed true to his cause; rarely will you find such a noble and grounded leader. This was a man who could see the big picture and still thoroughly understand the components needed on the ground. He believed firmly in what he represented and remained active in production agriculture and the legislative arena up until his last days.

Arkansas agriculture has suffered a great loss with the passing of Cecil Williams, but we will continue to remember this great man and benefit from his foresight and leadership. During his lifetime, Cecil Williams saw the passage of numerous farm bills and agricultural laws. From his active role in production agriculture and agricultural policy, he was also able to see the consequences of both good and bad farm policy. As Congress works on drafting the 2007 farm bill, let us not forget the legacy Cecil Williams left behind and take heed from the wisdom of his decades of experience.

I pay my tribute to this legend of Arkansas agriculture and express my greatest condolences to his family. He will be missed.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:15 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 521. An act to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILL SIGNED

At 11:18 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1681. An act to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 1:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 249. An act to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

H.R. 493. An act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

H.R. 1332. An act to improve the access to capital programs of the Small Business Administration, and for other purposes.

H.R. 1678. An act to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 7. Concurrent resolution calling on the League of Arab States and each Member State individually to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur.

H. Con. Res. 68. Concurrent resolution honoring the life and accomplishments of Gian Carlo Menotti and recognizing the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded.

H. Con. Res. 121. Concurrent resolution recognizing the benefits and importance of school-based music education, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 249. An act to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros; to the Committee on Energy and Natural Resources.

H.R. 1678. An act to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 7. Calling on the League of Arab States and each Member State individually to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur; to the Committee on Foreign Relations.

H. Con. Res. 121. Concurrent resolution recognizing the benefits and importance of school-based music education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 493. An act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1702. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the Administration's implementation of actions recommended to streamline the certification process for airplane seats and restraint systems; to the Committee on Commerce, Science, and Transportation.

EC–1703. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's annual report covering the fiscal year from October 1, 2005, through September 30, 2006; to the Committee on Energy and Natural Resources.

EC–1704. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Removal of Two Chemical Substances from Preliminary Assessment Information Reporting and Health and Safety Data Reporting Rules" ((RIN2070-AB08) (RIN2070-AB11) (FRL No. 8124–9)) received on April 26, 2007; to the Committee on Environment and Public Works.

EC–1705. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Change in Deadline for Rulemaking to Address the Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder" ((RIN2060–A026) (FRL No. 8306–7)) received on April 26, 2007; to the Committee on Environment and Public Works.

EC–1706. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Illinois" (FRL No. 8302-5) received on April 26, 2007; to the Committee on Environment and Public Works.

EC–1707. A communication from the Coordinator, U.S. Assistance to Europe and Eurasia, Department of State, transmitting, pursuant to law, the organization's annual report relative to U.S. assistance and cooperative activities with Eurasia for fiscal year 2006; to the Committee on Foreign Relations.

EC–1708. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, an annual report relative to applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2006; to the Committee on the Judiciary.

EC-1709. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Office's Annual Report for fiscal year 2005; to the Committee on the Judiciary.

EC-1710. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of draft legislation entitled "Denying Firearms and Explosives to Dangerous Terrorists Act of 2007"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Intelligence:

Special Report entitled "Report of the Select Committee on Intelligence Covering the Period January 4, 2005, to December 8, 2006" (Rept. No. 110-57).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL:

S. 1225. A bill to establish a process for aliens who meet certain conditions to be granted permanent resident status; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. HATCH, Mrs. LINCOLN, Mr. BINGAMAN, Mr. COLEMAN, and Mr. SALAZAR):

S. 1226. A bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care; to the Committee on Finance.

By Mr. KERRY:

S. 1227. A bill to amend the Clean Air Act to establish carbon dioxide new source performance standards for new coal-fired electric generated units; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 1228. A bill to amend section 485(f) of the Higher Education Act of 1965 regarding law enforcement emergencies; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 1229. A bill to amend the Agricultural Marketing Act of 1946 to provide for the application of mandatory minimum maturity standards applicable to all domestic and imported Hass avocados; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DODD:

S. 1230. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for contributions to qualified tuition programs; to the Committee on Finance.

By Mr. REED:

S. 1231. A bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 1232. A bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. CRAIG):

S. 1233. A bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself and Mrs. CLINTON):

S. 1234. A bill to strengthen the liability of parent companies for violations of sanctions by foreign entities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORNYN:

S. 1235. A bill to impose appropriate penalties for the assault or murder of a Federal law enforcement officer or Federal judge, for the retaliatory assault or murder of a family member of a Federal law enforcement officer or Federal judge, and for other purposes; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1236. A bill to amend the Elementary and Secondary Education Act of 1965 regarding highly qualified teachers, growth models, adequate yearly progress, Native American language programs, and parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG:

S. 1237. A bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists; to the Committee on the Judiciary.

By Mr. CASEY (for himself and Mr. WEBB):

S. 1238. A bill to repeal certain provisions of the Energy Policy Act of 2005, close tax loopholes, impose windfall profits tax on major integrated oil companies, provide a reserve fund for biofuels research and infrastructure, and payments for low-income households; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. KERRY, Mr. BINGAMAN, Ms. STABENOW, Mr. SMITH, Mr. BROWN, and Mrs. DOLE):

S. 1239. A bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. MENENDEZ, Mrs. BOXER, Ms. CANTWELL, Mr. KERRY, Mrs. MURRAY, and Mr. LAUTENBERG):

S. 1240. A bill to provide for the provision by hospitals receiving Federal funds through the Medicare program or Medicaid program of emergency contraceptives to women who are survivors of sexual assault; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1241. A bill to amend the Internal Revenue Code of 1986 to clarify student housing eligible for the low-income housing credit, and for other purposes; to the Committee on Finance.

By Mr. TESTER:

S. 1242. A bill to amend the Federal Crop Insurance Act and Farm Security and Rural Investment Act of 2002 to establish a biofuel pilot program to offer crop insurance to producers of experimental biofuel crops and a program to make loans and loan guarantees to producers of experimental biofuel crops; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself, Mr. MENENDEZ, and Mr. DURBIN):

S. 1243. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. INOUYE, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. FEINGOLD, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CASEY, and Mrs. MCCASKILL):

S. 1244. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Ms. MIKULSKI, and Mr. WARNER):

S. 1245. A bill to reform mutual aid agreements for the National Capitol Region; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, and Mr. AKAKA):

S. 1246. A bill to establish and maintain a wildlife global animal information network for surveillance internationally to combat the growing threat of emerging diseases that involve wild animals, such as bird flu, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN:

S. 1247. A bill to amend the Weir Farm National Historic Site Establishment Act of 1990 to limit the development of any property acquired by the Secretary of the Interior for the development of visitor and administrative facilities for the Weir Farm National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW:

S. Res. 173. A resolution designating August 11, 2007, as "National Marina Day"; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, Ms. CANTWELL, Mr. LIEBERMAN, Mr. BAYH, Mr. VITTER, Mr. COLEMAN, and Mr. CARDIN):

S. Res. 174. A resolution honoring the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, beginning April 22, 2007; considered and agreed to.

By Mr. BROWNBACK (for himself, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. COLEMAN, Mr. LOTT, Mr. CHAMBLISS, Mr. CRAIG, Mr. VITTER, Mr. KYL, Mrs. FEINSTEIN, Mrs. DOLE, Mr. ISAKSON, Mr. BUNNING, Ms. MURKOWSKI, Ms. CANTWELL, Mrs. BOXER, Mr. CASEY, Mr. BAYH, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. HATCH, Mr. SMITH, Mr. CARDIN, Mr. MARTINEZ, Mr. DURBIN, Mr. SPECTER, Mr. BIDEN, and Mr. MCCONNELL):

S. Res. 175. A resolution recognizing the 59th anniversary of the independence of the State of Israel; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. REID, Mr. LEAHY, Mr. SPECTER, Mr. OBAMA, Mrs. CLINTON, Mr. BROWNBACK, and Mr. MARTINEZ):

S. Con. Res. 29. A concurrent resolution encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 223

At the request of Mr. FEINGOLD, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 351

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 351, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 413

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 535

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 703

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 703, a bill to expand the definition of immediate relative for purposes of the Immigration and Nationality Act.

S. 727

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 766

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 823

At the request of Mr. OBAMA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 823, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.

S. 879

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 879, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 902

At the request of Mr. HARKIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 950

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 950, a bill to develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Niño events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Kansas (Mr. ROBERTS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 961, supra.

S. 970

At the request of Mr. SMITH, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1060

At the request of Mr. BIDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1117

At the request of Mr. BOND, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1147

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1147, a bill to amend title 38, United States Code, to terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as "Priority 8").

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1181

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

At the request of Mr. THOMAS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1200, supra.

S. 1212

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1212, a bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities.

S. 1213

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1213, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State Children's Health Insurance Programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1224

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. RES. 125

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 125, a resolution designating May 18, 2007, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. RES. 146

At the request of Mr. ALEXANDER, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Hampshire (Mr. GREGG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 146, a resolution designating June 20, 2007, as "American Eagle Day", and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States.

S. RES. 154

At the request of Mr. ALLARD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Res. 154, a resolution demanding the return of the USS Pueblo to the United States Navy.

S. RES. 155

At the request of Mr. DODD, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 155, a resolution expressing the sense of the Senate on efforts to control violence and strengthen the rule of law in Guatemala.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—APRIL 25, 2007

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KENNEDY):

S. 1224. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, when we enacted the Children's Health Insurance Program a decade ago, we made a promise to low-income working families to assist them in obtaining health insurance coverage for their children, and we must continue to keep that promise. Today, with Senators ROCKEFELLER and SNOWE, I am pleased to introduce The Children's Health Insurance Program Reauthorization Act of 2007.

CHIP has been a significant success, and has made a real difference in many children's lives. Over the past decade, the percentage of uninsured children has dropped dramatically, even though more and more of their parents have been losing coverage because employers decide to reduce it or drop it entirely.

In its first year, the program enrolled nearly a million children, and enrollment has grown ever since. Average monthly enrollment is now 4 million, and over 6 million have been enrolled for at least part of the year.

We know CHIP has made a difference in the lives of millions of children, but we also know that this is no time to rest on past success. We can and must do more to enroll the 6 million uninsured children who are eligible but not enrolled for CHIP and Medicaid, and to expand coverage so that all children can obtain the health care they need.

The bill we are introducing today reauthorizes the program and it will make sure that states have enough funds to provide health care to all children who need this assistance. No parents should be faced with the impossible decision of whether they can afford to take their sick child to the doctor.

The bill establishes a strong, reliable financing structure for CHIP. It more than doubles the Federal resources currently available over the next 5 years for covering children through CHIP. It ensures that all states will have the Federal matching funds needed both to sustain their existing programs and to move forward to cover the millions of children who are eligible for CHIP and Medicaid but remain unenrolled.

Millions of uninsured children in America isn't just wrong. It's unacceptable. We need to act now in getting to guarantee them the health coverage they need.

This bill adopts a variety of approaches to help states increase their enrollment. It strengthens CHIP by expanding the current program, improving its outreach, and making sure that all children have access to dental care and mental health services, so that good health care can be a reality for every child in America.

Quality health care for children isn't just a good option or a nice idea. It's not merely something we wish we could do. It's something we have to do. It's an obligation. We started earlier this year by pledging what is needed in the budget, but we also need a CHIP reauthorization that gives children the coverage we've promised them for the healthy future they deserve. The bill we're introducing today does that.

There's a reason the CHIP program has always enjoyed bipartisan support. It's because all of us know how important it is that all children have the chance to get a healthy start in life. I look forward to working to make sure all children get the health care they need, and I urge my colleagues to support this bill.

Mr. ROCKEFELLER. Mr. President, this week is Cover the Uninsured Week.

And, I cannot think of a more appropriate time to introduce the legislation that Senators OLYMPIA SNOWE, TED KENNEDY, and I introduced yesterday—the Children's Health Insurance Program (CHIP) Reauthorization Act of 2007 (S. 1224). There are more than 45 million uninsured people in our country today, and 9 million of them—20 percent—are children. This is an embarrassing statistic for the wealthiest country in the world, and it has catastrophic consequences for our children.

In 1964, when I first came to West Virginia as a VISTA volunteer in Emmons, I was shocked to learn that many of the school-age children living there had never been to a dentist before. I made raising health care standards one of my first priorities in Emmons, and we ultimately got a bus to bring children to the Tiskelwah grade school in Charleston for dental care. Now, more than 30 years later, there are still children in West Virginia and throughout the Nation without access to adequate dental care.

Several weeks ago, millions across the country mourned the death of twelve year old Deamonte Driver, whose lack of dental care led to fatal brain infection. His death was a sad reminder of how our country continues to fail in its efforts to ensure access to vital medical care for our nation's youth. Yet, Deamonte was not the only child to succumb to the perils of inadequate health coverage. There are countless other children who have suffered the same fate. We must make universal coverage for children a national priority and reauthorization of CHIP is the first step in that process.

When CHIP was established in 1997, nearly 10 million children were uninsured. Congress responded by making a landmark, bipartisan commitment to help states provide comprehensive health insurance coverage to millions of these children. As a result, 6 million children have access to medical benefits through CHIP that they would have otherwise been forced to do without. I am proud to have been a part of CHIP's creation, and I am especially proud of the progress this program has made in providing working families an affordable and dependable option for protecting the health and well-being of their children. A healthy start in life is a necessary component in preparing our children to lead healthy, happy and productive lives in the future.

Today, however, we find ourselves in a situation strikingly similar to the dilemma we faced in 1997—more than 9 million children are currently without health insurance in this country. In fact, in 2005, the number of uninsured children increased for the first time since CHIP was enacted. This means that, despite our best efforts, we have taken a step backwards in terms of covering children. We cannot allow this trend to continue. Instead, we must make covering children a top priority—just like we did in 1997.

The CHIP Reauthorization Act makes health insurance coverage for children a priority. Not only does this important legislation renew and strengthen the commitment we made to our working families 10 years ago; it also provides significant new Federal resources for states to reach the 6 million additional children who are currently eligible for Medicaid and CHIP, but unenrolled. With many states already leading the charge on children's health and the additional federal support this legislation provides them, the Nation will be able to take another substantial step forward toward ensuring that all of America's children have comprehensive health insurance.

Our bill strengthens the underlying CHIP financing formula to provide states a stable and reliable source of funding for their efforts to cover more uninsured children. It also combines a variety of approaches, such as Express Lane eligibility, to help states enroll more uninsured kids who are currently eligible for CHIP or Medicaid. These innovative approaches will allow states to reach millions of additional children, particularly in rural parts of the country.

I am especially proud of our efforts to permit states to provide more meaningful coverage for children by including other vital benefits like dental care and mental health services. I have already talked about the importance of oral health for a child, but I'd also like to say something about children's mental health. I spend a lot of time with veterans, many who suffer from Post-Traumatic Stress Disorder (PTSD), and when those veterans get home, their children often suffer as well. We also need to consider the mental health of our children more broadly. Children are living in very tough times. They face enormous amounts of mental pressure from a variety of sources. If the Virginia Tech tragedy taught us anything, it taught us that we need to hug our children everyday and that we need to get appropriate help for our children when they have mental health needs, no matter how big or small.

While I had hoped that we could require Early Periodic Screening Diagnostic and Treatment (EPDST) services as part of this bill, I believe we were able to reach an appropriate compromise that will help us to achieve broad bipartisan support. I am still as committed as I ever have been to including EPDST services in CHIP. However, Senators SNOWE, KENNEDY, and I wanted to craft a bill that could pass the Senate, and we believe we have achieved that objective.

A final component of our legislation that I would like to highlight are the important steps we take to develop child-focused quality measures that will directly improve the coverage provided to children enrolled in CHIP. We establish a new child health quality initiative to enhance data collection, identify best practices, develop a pediatric electronic medical record, and disseminate health quality information. We hope this new initiative will greatly improve the health outcomes of children.

In closing, I'd like for our country to get to the point where we never have to have another Cover the Uninsured Week again. Of course I greatly appreciate all the wonderful work the Robert Wood Johnson Foundation has done over the years to raise awareness about the uninsured problem. My hope is that we will eventually have universal coverage for all. Certainly, we can take the first step toward achieving that goal by providing health care coverage for all of our Nation's children.

With this reauthorization bill, Congress now has an opportunity to make profound positive changes in the lives of millions of American children and their families. I urge my colleagues to join us in supporting the passage of the CHIP Reauthorization Act of 2007.

I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Health Insurance Program (CHIP) Reauthorization Act of 2007".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) MEDICAID; CHIP; SECRETARY.—In this Act:

(1) CHIP.—The term "CHIP" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) MEDICAID.—The term "Medicaid" means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq,).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(d) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; table of contents.
Sec. 2. Findings.

TITLE I—MAKING CHILDREN'S HEALTH COVERAGE A NATIONAL PRIORITY

Sec. 101. Providing necessary funding for CHIP.

TITLE II—IMPROVING CHIP FINANCING

Sec. 201. State CHIP allotments that are responsive to health care costs, population growth, and the needs of low-income uninsured children.

Sec. 202. 2-year initial availability of CHIP allotments for all States and territories
Sec. 203. Establishment of timely and responsive redistribution process.
Sec. 204. Improving funding for the territories under CHIP and Medicaid.
Sec. 205. Extension of authority for qualifying States to use CHIP allotments for certain Medicaid expenditures.
Sec. 206. State option to expand coverage of children under CHIP up to 300 percent of the poverty line.
Sec. 207. Requiring responsible CHIP enrollment growth.

TITLE III—ENROLLING UNINSURED CHILDREN ELIGIBLE FOR CHIP AND MEDICAID

Sec. 301. "Express Lane" option for States to determine components of a child's eligibility for Medicaid or CHIP.
Sec. 302. Information technology connections to simplify health coverage determinations.
Sec. 303. Enhanced administrative funding for translation or interpretation services.
Sec. 304. Enhanced assistance with coverage costs for States with increasing or high coverage rates among children.
Sec. 305. Elimination of counting Medicaid child presumptive eligibility costs against title XXI allotment.
Sec. 306. State option to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid.

TITLE IV—START HEALTHY, STAY HEALTHY

Sec. 401. State option to expand or add coverage of certain pregnant women under Medicaid and CHIP.
Sec. 402. Coordination with the maternal and child health program.
Sec. 403. Optional coverage of legal immigrants under Medicaid and CHIP.
Sec. 404. Improving benchmark coverage options.
Sec. 405. Requiring coverage of dental and mental health services.
Sec. 406. Clarification of requirement to provide EPSDT services for all children in benchmark benefit packages under Medicaid.
Sec. 407. Childhood obesity demonstration project.

TITLE V—IMPROVING ACCESS TO HEALTH CARE FOR CHILDREN

Sec. 501. Promoting children's access to covered health services.
Sec. 502. Institute of Medicine study and report on children's access to health care.

TITLE VI—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES OF CHILDREN

Sec. 601. Strengthening child health quality improvement activities.
Sec. 602. Application of certain managed care quality safeguards to CHIP.

TITLE VII—OTHER IMPROVEMENTS

Sec. 701. Strengthening premium assistance programs.
Sec. 702. Permitting coverage of children of State employees.
Sec. 703. Improving data collection.
Sec. 704. Moratorium on application of PERM requirements related to eligibility reviews during period of independent study and report.
Sec. 705. Elimination of confusing program references.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP) AND MEDICAID HAVE GREATLY IMPROVED CHILDREN'S COVERAGE RATES AND ACCESS TO NEEDED HEALTH CARE SERVICES.—

(A) CHIP and Medicaid serve as the critical health care safety net for 34,000,000 children over the course of a year, with 28,000,000 children enrolled in Medicaid and more than 6,000,000 children enrolled in CHIP.

(B) CHIP and Medicaid have accounted for a ⅓ decline in the rate of uninsured low-income children since 1997.

(C) During the recent economic downturn, and as the number of uninsured people has climbed to the highest number ever recorded in the United States, CHIP and Medicaid offset losses in employer-sponsored coverage that affected children and parents alike.

(D) While the number of children living in low-income families increased between 2000 and 2005, the number of uninsured children fell due to Medicaid and CHIP.

(E) Children enrolled in CHIP or Medicaid are much more likely to have a usual source of care than uninsured children, and are much more likely than uninsured children to receive well-child care, see a doctor during the year, and get dental care. Studies have found that children enrolled in public insurance programs experienced significant improvement in measures of school performance.

(F) Since CHIP was created, coverage rates have increased significantly among children of all ethnic and racial groups.

(G) According to one Federal evaluation of CHIP, uninsured children who gained coverage through the program received more preventive care, and their parents reported better access to providers and improved communications with their children's doctors.

(2) EVEN WITH THE SUCCESS OF CHIP AND MEDICAID, MORE NEEDS TO BE DONE TO IMPROVE THE HEALTH STATUS OF OUR NATION'S CHILDREN.—

(A) There are currently 9,000,000 uninsured children under age 19, accounting for nearly 20 percent of our Nation's uninsured.

(B) Approximately 7 out of every 10 uninsured children are eligible for CHIP or Medicaid.

(C) The cost of unmet health needs among children extends beyond measurable health system costs. For example, problems that could be prevented, managed, or treated with regular access to care can become more serious, resulting in lower school attendance and increased health care costs.

(D) Reducing the number of uninsured children in our country is an essential first step to improve health status. CHIP reauthorization presents an opportunity to secure health care coverage for more children who are eligible for CHIP or Medicaid but not yet enrolled.

(3) WE MUST MAINTAIN COVERAGE FOR THE CHILDREN CURRENTLY ENROLLED IN CHIP.—

(A) When CHIP was created in 1997, Congress allocated $40,000,000,000 for the 10-year authorization.

(B) At current funding levels, nearly 2,000,000 children are at risk of losing their CHIP coverage over the next 5 years because the current CHIP financing structure is inadequate and States are facing CHIP funding shortfalls.

(C) We must eliminate Federal funding shortfalls by providing States with significant new Federal resources for children's health coverage.

(D) CHIP reauthorization offers an opportunity to increase CHIP funding and to provide stable, predictable Federal funding so that States not only have the ability to maintain their current caseloads but also to expand coverage to currently unenrolled children.

(4) WE MUST REACH THE UNINSURED CHILDREN WHO ARE ALREADY ELIGIBLE FOR CHIP OR MEDICAID BUT UNENROLLED.—

(A) More than 6,000,000 uninsured children are eligible for CHIP or Medicaid at any point during the year.

(B) In some States, it is estimated that up to 50 percent of children covered through CHIP do not remain in the program due to reenrollment barriers.

(C) Difficult renewal policies and reenrollment barriers make seamless coverage in CHIP unattainable. Studies indicate that as many as 67 percent of children who were eligible but not enrolled in CHIP or Medicaid had applied for coverage but were denied eligibility due to procedural issues.

(D) States have tools at their disposal to streamline enrollment procedures, but further Federal changes would help States reach more children.

(E) Insuring parents is an effective way to increase children's participation in public programs and to increase children's access to health care services.

(F) To reduce the number of uninsured children, improve our children's health, and continue our progress in reducing health disparities, the reauthorization of CHIP should provide States with the tools and resources necessary to identify, enroll, and maintain coverage for children who are eligible for CHIP or Medicaid.

(5) WE MUST SUPPORT AND ENCOURAGE STATES THAT ARE LEADING THE WAY WITH INITIATIVES TO COVER MORE CHILDREN.—

(A) States in every region of the country are seeking to move forward in covering more children, either by reaching already eligible children or further expanding eligibility.

(B) The Federal government should serve as a partner in these efforts by providing sufficient funding to solidify and strengthen this momentum.

(6) WE MUST PROMOTE HIGH-QUALITY HEALTH CARE THAT PROMOTES CHILDREN'S HEALTHY DEVELOPMENT.—

(A) Children and adolescents deserve better quality care than what they currently receive.

(B) Most States report using some kind of measure to evaluate and improve the quality of care children receive through their CHIP and Medicaid programs. However, State efforts are often hampered by budget constraints, limitations on information technology systems, and a need for improved measurement tools and performance measurement standards.

(C) As we improve access to health coverage as part of CHIP reauthorization, Congress also has an opportunity to enhance quality by improving and standardizing data collection efforts.

(7) WE MUST SUPPORT POLICIES THAT STRENGTHEN AND EXPAND HEALTH INSURANCE COVERAGE.—

(A) There are more than 46,000,000 uninsured Americans today.

(B) No one who is currently covered should lose coverage because of changes to CHIP or Medicaid as part of the reauthorization of CHIP.

(C) Coverage of parents through family coverage waivers furthers the objectives of CHIP in that it promotes children's enrollment, positively impacts children's utilization of services, and improves family well-being.

(D) Coverage of parents through family coverage waivers is also consistent with long-standing CHIP policy - the explicit authorization in the CHIP statute for the Secretary to grant waivers that are consistent with the objectives of CHIP, the parent waiver guidelines for CHIP issued by the Secretary, and the flexibility broadly accorded states through CHIP.

(E) Parent coverage waivers have been granted to States that have made a commitment to cover children first and then to use funding to cover low-income parents.

(F) Research indicates that having an uninsured parent not only decreases the likelihood that a child will have a well-child visit, it also decreases the likelihood that a child will see any medical provider at all.

(G) We strongly support maintaining the current flexibility under CHIP that permits family coverage through waivers to cover parents, while assuring that children remain the primary focus of CHIP.

TITLE I—MAKING CHILDREN'S HEALTH COVERAGE A NATIONAL PRIORITY

SEC. 101. PROVIDING NECESSARY FUNDING FOR CHIP.

Section 2104(a) (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(11) for fiscal year 2008, $8,525,000,000;

"(12) for fiscal year 2009, $10,075,000,000;

"(13) for fiscal year 2010, $11,250,000,000;

"(14) for fiscal year 2011, $13,150,000,000;

"(15) for fiscal year 2012, $15,400,000,000; and

"(16) for fiscal year 2013 and each fiscal year thereafter, the total allotment amount appropriated under this subsection for the preceding fiscal year, multiplied by the adjustment determined for such fiscal year under subsection (i)(2)(C).".

TITLE II—IMPROVING CHIP FINANCING

SEC. 201. STATE CHIP ALLOTMENTS THAT ARE RESPONSIVE TO HEALTH CARE COSTS, POPULATION GROWTH, AND THE NEEDS OF LOW-INCOME UNINSURED CHILDREN.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(i) ANNUAL ALLOTMENTS FOR STATES OTHER THAN TERRITORIES BEGINNING WITH FISCAL YEAR 2008.—

"(1) IN GENERAL.—Subject to paragraph (4), of the total allotment amount appropriated under subsection (a) for a fiscal year beginning with fiscal year 2008 and remaining available after the application of subsection (j) and subsection (c)(5), the Secretary shall allot to each State (as defined for purposes of this subsection in paragraph (5)) the sum of the following:

"(A) The coverage factor, as determined under paragraph (2), based on the State's prior spending adjusted for health care cost growth and child population growth.

"(B) The uninsured children factor, as determined under paragraph (3), based on the number of low-income children without health insurance in the State, adjusted for geographic variation in health care costs.

"(2) COVERAGE FACTOR.—

"(A) IN GENERAL.—For purposes of paragraph (1)(A), subject to subparagraphs (B) and (D), the coverage factor determined for a State is equal to the following:

"(i) FISCAL YEAR 2008.—For fiscal year 2008, the higher of the following:

"(I) The total Federal payments to the State under this title for fiscal year 2007, multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

"(II) The amount allotted to the State for fiscal year 2007 under subsection (b), multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

"(III) The projected total Federal payments to the State under this title for fiscal year 2007, as reported by the State to the Secretary by the State as of November 2006 (or the projected total Federal payments to the State under this title for fiscal year 2007 as reported by the State to the Secretary as of May 2006 if the projected total Federal payments to the State under this title for such fiscal year were at least $95,000,000 higher than such projected payments as of November 2006), multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

"(IV) The projected total Federal payments to the State under this title for fiscal year 2008, as reported by the State to the Secretary by the State as of February 2007.

"(ii) FISCAL YEAR 2009.—For fiscal year 2009, the amount determined under clause (i), multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

"(iii) FISCAL YEAR 2010 AND EACH SECOND SUCCEEDING FISCAL YEAR; PROVIDING FOR REBASING.—Subject to subparagraphs (B) and (D), for fiscal year 2010 and each second succeeding fiscal year, the total Federal payments to the State under this title for the previous fiscal year attributable to any allotments available to the State in such fiscal year under paragraph (1) and subsection (b) multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

"(iv) FISCAL YEAR 2011 AND EACH SECOND SUCCEEDING FISCAL YEAR.—For fiscal year 2011 and each second succeeding fiscal year, the amount determined under clause (iii) for the preceding fiscal year, multiplied by the annual adjustment determined under subparagraph (C) for the State for that fiscal year.

"(B) LIMITATION AND MINIMUMS.—

"(i) IN GENERAL.—Subject to clause (ii), if the total of the coverage factors determined under subparagraph (A) for all States exceed in any fiscal year the total allotment amount under subsection (a) for a fiscal year beginning with fiscal year 2008 remaining available after the application of subsections (c)(5) and (j)(2)(C), each State's coverage factor shall be equal to the total allotment amount under subsection (a) for a fiscal year remaining available after application of such subsections, multiplied by the ratio of—

"(I) the amount of the State's coverage factor determined under subparagraph (A); to

"(II) the total of such coverage factors for all States for such fiscal year.

"(ii) MIMIMUM COVERAGE FACTOR.—At a minimum, the coverage factor for a State for a fiscal year shall not be less than the lesser of—

"(I) the State's total Federal payments attributable to any allotments available to the State in the prior fiscal year under paragraph (1) and subsection (b), multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year; and

"(II) the total allotment for the State under paragraph (1) for the prior fiscal year, multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

"(C) ANNUAL ADJUSTMENT FOR HEALTH CARE COST GROWTH AND CHILD POPULATION GROWTH.—The annual adjustment with respect to a State for any fiscal year is equal to the product of the amounts determined under clauses (i) and (ii):

"(i) PER CAPITA HEALTH CARE GROWTH.—1 plus the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for such fiscal year over the preceding fiscal year, as most recently published by the Secretary before the beginning of the fiscal year involved.

"(ii) CHILD POPULATION GROWTH.—1.01 plus the percentage increase in the population of children under 19 years of age in the United States from July 1 of the previous fiscal year to July 1 of the fiscal year involved, as determined by the Secretary based on the most recent published estimates of the Bureau of the Census before the beginning of the fiscal year involved.

"(D) REBASING RULE FOR FISCAL YEAR 2010 AND EACH SECOND SUCCEEDING FISCAL YEAR FOR CERTAIN STATES.—

"(i) IN GENERAL.—For fiscal year 2010 and each second succeeding fiscal year, a State receiving reallocated funds under subsection (j) in the prior fiscal year shall receive an additional spending amount equal to the proportion (determined under clause (ii)) of the total allotment amount under subsection (a) for such fiscal year remaining available after the application of subsections (c)(5) and (j)(2)(C), and subparagraphs (A) and (B), if any, multiplied by the ratio of—

"(I) the total Federal payments to the State under this title for the previous fiscal year attributable to any funds made available to the State in the previous fiscal year under subsection (j), multiplied by the annual adjustment determined under subparagraph (C) for the fiscal year; to

"(II) the total of such payments for all States for the previous fiscal year.

"(ii) PROPORTION.—For purposes of clause (i), the proportion shall equal—

"(I) for fiscal year 2010, 20 percent; and

"(II) for fiscal year 2012 and each second succeeding fiscal year, 40 percent.

"(3) UNINSURED CHILDREN FACTOR.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraph (B), the uninsured children factor for a State is equal to the total allotment amount under subsection (a) for a fiscal year beginning with fiscal year 2008, remaining available after application of subsections (c)(5) and (j)(2)(C) and paragraph (2), multiplied by the following:

"(i) FISCAL YEAR 2008 AND EACH SECOND SUCCEEDING FISCAL YEAR.—In the case of fiscal year 2008, and each second succeeding fiscal year, the ratio of—

"(I) the uninsured children adjustment for the State determined under subparagraph (B); to

"(II) the sum of the uninsured children adjustments for all States determined under subparagraph (B).

“(ii) FISCAL YEAR 2009 AND EACH SECOND SUCCEEDING FISCAL YEAR.—In the case of fiscal year 2009, and each second succeeding fiscal year, the ratio determined under clause (i) for the previous fiscal year.

“(B) UNINSURED CHILDREN ADJUSTMENT.—The uninsured children adjustment determined under this subparagraph for a State is equal to the product of the following:

“(i) NUMBER OF LOW-INCOME CHILDREN WITHOUT HEALTH INSURANCE.—The average of the number of low-income children under 19 years of age in the State with no health insurance for a fiscal year, as reported and defined in the 2 most recent March supplement to the Current Population Survey of the Bureau of the Census available prior to the beginning of such fiscal year.

“(ii) GEOGRAPHIC VARIATION IN HEALTH CARE COSTS.—The adjustment for geographic variation in health care costs, as determined under subsection (b)(3).

“(4) DATA.—In computing the amounts under paragraphs (2) and (3) and subsection (c)(5) that determine the allotments to States for each fiscal year, the Secretary shall use the most recent expenditure data for the prior year available to the Secretary before the start of each fiscal year. The Secretary may adjust such amounts and allotments, as necessary, on the basis of the expenditure data for the prior year reported by States on CMS Form 64 or CMS Form 21 not later than November 30 of each fiscal year but in no case shall the Secretary adjust the allotments provided under this subsection or subsection (c)(5) for a fiscal year after December 31 of such year.

“(5) STATE DEFINED.—In this subsection, the term ‘State’ means one of the 50 States or the District of Columbia.”.

(b) CONFORMING AMENDMENTS.—Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (a), by striking “subsection (d)” and inserting “subsections (d), (h), and (i)”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “subsection (d)” and inserting “subsections (d), (h), and (i)”; and

(B) in paragraph (3)(A), by inserting “and subsection (i)(3)(D)(ii)” after “paragraph (1)(A)(ii)”.

(3) in subsection (c)(1), by striking “subsection (d)” and inserting “subsections (d), (h), and (i)”.

SEC. 202. 2-YEAR INITIAL AVAILABILITY OF CHIP ALLOTMENTS FOR ALL STATES AND TERRITORIES.

Section 2104(e) (42 U.S.C. 1397dd(e)) is amended to read as follows:

“(e) AVAILABILITY OF AMOUNTS ALLOTTED.—Subject to paragraphs (3) and (4) of subsection (j), amounts allotted to a State pursuant to subsections (b), (c), or (i)—

“(1) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

“(2) for fiscal year 2008 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the succeeding fiscal year.”.

SEC. 203. ESTABLISHMENT OF TIMELY AND RESPONSIVE REDISTRIBUTION PROCESS.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd), as amended by section 201, is amended by adding at the end the following new subsection:

“(j) TIMELY AND RESPONSIVE REDISTRIBUTIONS BEGINNING WITH FISCAL YEAR 2008.—

“(1) REALLOCATION TO STATES FACING FEDERAL FUNDING SHORTFALLS.—

“(A) IN GENERAL.—Notwithstanding subsection (f), in each fiscal year quarter of fiscal year 2008 and each subsequent fiscal year, the Secretary shall reallocate to a shortfall State described in subparagraph (D) from the funds available under paragraph (2) an amount equal to the projected amount of the shortfall for the fiscal year. The Secretary shall only make such a reallocation under this paragraph to the extent that there are amounts available under paragraph (2).

“(B) PRORATION RULE.—If the amounts available under paragraph (2) for any fiscal year quarter for reallocation under subparagraph (A) are less than the total shortfall amounts for the fiscal year determined under subparagraph (A), the reallocated amount to each shortfall State shall be reduced proportionally.

“(C) AVAILABILITY OF REALLOCATED FUNDS.—Any funds made available to a shortfall State described in subparagraph (D) shall remain available to such State through the end of the fiscal year in which such funds are reallocated.

“(D) SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a shortfall State is a State (as defined in subsection (i)(5)) that has a State child health plan approved under this title (or waiver of such title approved by the Secretary) for which the Secretary estimates on a quarterly basis using the most recent data available to the Secretary as of such quarter, that the projected expenditures under such plan (or waiver) for the State for the fiscal year will exceed the sum of—

“(i) the amount of the allotments provided under subsection (b) or (i) in fiscal years preceding such fiscal year that remain available to the State;

“(ii) the amount of the allotment under subsection (i) for such fiscal year to the State; and

“(iii) the amount of any reallocated funds made available under subparagraph (A) in previous quarters of such fiscal year to the State.

“(2) AMOUNTS AVAILABLE FOR REALLOCATION.—Amounts available for reallocation in any fiscal year under this subsection shall equal the sum of the following:

“(A) Any allotments remaining unexpended after the period of availability under subsection (e).

“(B) Any amounts available for reallocation and remaining unexpended at the end of the previous fiscal year under paragraph (3).

“(C) Subject to paragraph (4), 5 percent of the total amount available under subsection (a) for such fiscal year.

“(3) CONTINUED AVAILABILITY OF UNEXPENDED REALLOCATED FUNDS.—Any unexpended amounts reallocated to a shortfall State remaining available after the period of availability under paragraph (1)(C) and any amounts available for redistribution in a fiscal year that are not reallocated to a shortfall State because the total amount available for reallocation exceeds the total of all reallocated amounts under paragraph (1)(A) shall remain available for reallocation until expended.

“(4) LIMITS ON WITHHOLDING FROM TOTAL ALLOTMENTS FOR PURPOSES OF REALLOCATION.—If the Secretary determines that the total amounts available for reallocation under paragraph (2) for a fiscal year exceeds 10 percent of the total amount available under subsection (a) for that fiscal year, the Secretary shall reduce the percentage under paragraph (2)(C) accordingly so that the total amount available for reallocation under paragraph (2) for the fiscal year does not exceed 10 percent of the total amount available under subsection (a) for such fiscal year.”.

SEC. 204. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID.

(a) UPDATE OF CHIP ALLOTMENTS.—Section 2104(c) (42 U.S.C. 1397dd(c)) is amended—

(1) in paragraph (1), by inserting “and paragraphs (5) and (6)” after “subsection (d)”; and

(2) by adding at the end the following new paragraphs:

“(5) ANNUAL ALLOTMENTS FOR TERRITORIES BEGINNING WITH FISCAL YEAR 2008.—Of the total allotment amount appropriated under subsection (a) for a fiscal year beginning with fiscal year 2008 and remaining available after the application of subsection (j), the Secretary shall allot to each of the commonwealths and territories described in paragraph (3) the following:

“(A) FISCAL YEAR 2008.—For fiscal year 2008, the highest amount of Federal payments to the commonwealth or territory under this title for any fiscal year occurring during the period of fiscal years 1998 through 2007, multiplied by the annual adjustment determined under subsection (i)(2)(C) for the fiscal year.

“(B) FISCAL YEAR 2009 AND SUCCEEDING FISCAL YEARS.—For fiscal year 2009 and each succeeding fiscal year, the amount determined under clause (i), multiplied by the annual adjustment determined under subsection (i)(2)(C) for the fiscal year.

“(6) REDISTRIBUTIONS FOR TERRITORIES FACING FEDERAL FUNDING SHORTFALLS.—Notwithstanding subsection (f), the Secretary shall determine an appropriate procedure for reallocating to each commonwealth or territory described in paragraph (3) that would, with respect to each fiscal year quarter of fiscal year 2008 be a shortfall State described in subsection (j)(1)(D) if such subsection applied to such commonwealth or territory, from the funds available under subsection (j)(2) for such fiscal year, the same proportion as the proportion of the commonwealth's or territory's allotment under paragraph (2) to such percentage (not to exceed 1.05 percent) as the Secretary determines appropriate of such funds.”.

(b) REMOVAL OF FEDERAL MATCHING PAYMENTS FOR DATA REPORTING SYSTEMS FROM THE OVERALL LIMIT ON PAYMENTS TO TERRITORIES UNDER TITLE XIX.—Section 1108(g) (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

“(4) EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.—With respect to fiscal year 2008 and each fiscal year thereafter, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under subparagraph (A)(i), (A) (iii), (A)(iv), or (B) of section 1903(a)(3) for a calendar quarter of such fiscal year, the limitation on expenditures under title XIX for such commonwealth or territory otherwise determined under subsection (f) and this subsection for such fiscal year shall be determined without regard to such payment.”.

(c) GAO STUDY AND REPORT.—Not later than September 30, 2009, the Comptroller General of the United States shall submit a report to Congress regarding Federal funding under Medicaid and the State Children's Health Insurance Program for Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. The report shall include the following:

(1) An analysis of all relevant factors with respect to—

(A) eligible Medicaid and CHIP populations in such commonwealths and territories;

(B) historical and projected spending needs of such commonwealths and territories and the ability of capped funding streams to respond to those spending needs;

(C) the extent to which Federal poverty guidelines are used by such commonwealths and territories to determine Medicaid and CHIP eligibility; and

(D) the extent to which such commonwealths and territories participate in data collection and reporting related to Medicaid and CHIP, including an analysis of territory participation in the Current Population Survey versus the American Community Survey.

(2) Recommendations for improving Federal funding under Medicaid and the State Children's Health Insurance Program for such commonwealths and territories.

SEC. 205. EXTENSION OF AUTHORITY FOR QUALIFYING STATES TO USE CHIP ALLOTMENTS FOR CERTAIN MEDICAID EXPENDITURES.

Section 2105(g)(1)(A) (42 U.S.C. 1397ee(g)(1)(A)), as amended by section 201(b) of the National Institutes of Health Reform Act of 2006 (Public Law 109-482) is amended by striking "not more than 20 percent of any allotment under section 2104 for fiscal year 1998, 1999, 2000, 2001, 2004, 2005, 2006, or 2007" and inserting "any allotment under subsection (b) or (i) of section 2104 for a fiscal year".

SEC. 206. STATE OPTION TO EXPAND COVERAGE OF CHILDREN UNDER CHIP UP TO 300 PERCENT OF THE POVERTY LINE.

Section 2110(b)(1)(B) (42 U.S.C. 1397jj(b)(1)(B)) is amended—

(1) in clause (i), by striking ", or" at the end and inserting a semicolon;

(2) in clause (ii)(III), by striking "and" at the end and inserting "or"; and

(3) by adding at the end the following new clause:

"(iii) is a child—

"(I) whose family income (as determined under the State child health plan) does not exceed 300 percent of the poverty line for a family of the size involved; or

"(II) whose family income exceeds 300 percent of the poverty line but does not exceed 50 percentage points above the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) applied under the State child health plan on the date of enactment of this clause; and".

SEC. 207. REQUIRING RESPONSIBLE CHIP ENROLLMENT GROWTH.

(a) LIMITATION ON APPROVAL OF PROPOSED PLAN AMENDMENTS.—Section 2106(b)(3)(B) (42 U.S.C. 1397ff(b)(3)(B)) is amended by adding at the end the following new clause:

"(iii) AMENDMENTS TO EXPAND ELIGIBILITY BEYOND HIGHEST INCOME ELIGIBILITY PERMITTED.—Any plan amendment that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage for a child whose family income exceeds the highest income eligibility level permitted under section 2110(b)(1)(B)(iii) (in this clause referred to as an 'expansion amendment') may not take effect, and shall not remain in effect, unless the Secretary determines that the following conditions are met:

"(I) UNINSURED RATE FOR LOW-INCOME CHILDREN IS BELOW THE NATIONAL AVERAGE.—With respect to each fiscal year in which the expansion amendment is in effect, the percentage of low-income children without private health coverage who are uninsured is below the national average percentage of such children, for the most recent year for which such data is available (as determined by the Secretary on the basis of the 2 most recent Annual Social and Economic Supplements of the Current Population Survey of the Bureau of the Census).

"(II) OPEN ENROLLMENT; MAINTENANCE OF ELIGIBILITY STANDARDS.—The State does not impose any numerical limitation, waiting list, or similar limitation on eligibility for targeted low-income children described in section 2110(b)(1)(B)(iii) under the State child health plan, or to make more restrictive the eligibility standards for such children, while the expansion amendment is in effect.

"(III) IMPLEMENTATION OF SIMPLIFIED OUTREACH AND ENROLLMENT PROCEDURES.—The State submitting the expansion amendment has implemented procedures to effectively enroll and retain children eligible for medical assistance under title XIX and children eligible for child health assistance under this title by adopting and effectively implementing with respect to such children at least 3 of the following policies and procedures under title XIX and this title:

"(aa) JOINT APPLICATION AND RENEWAL PROCESS THAT PERMITS APPLICATION OTHER THAN IN PERSON.—The application and renewal forms and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children for medical assistance under title XIX and child health assistance under this title, and such process does not require an application to be made in person or a face-to-face interview.

"(bb) NO ASSETS TEST.—The State does not apply any assets test for eligibility under title XIX and this title with respect to children.

"(cc) 12-MONTHS CONTINUOUS ELIGIBILITY.—The State has elected the option of continuous eligibility for a full 12 months for children described in section 1902(e)(12) under title XIX, and applies such option under this title.

"(dd) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State has implemented the option, for purposes of title XIX and this title, of applying presumptive eligibility for children in accordance with sections 1920A and 2107(e)(1)(F).

"(IV) ANNUAL REPORTING OF MEASURES OF QUALITY OF HEALTH CARE FOR CHILDREN.—The State satisfies the requirements of section 1905(y)(2)(B)(iv) (relating to annual reporting of measures of quality of health care for children under title XIX and this title).".

(b) APPLICATION TO WAIVERS.—Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(1) by striking ", the Secretary" and inserting ":

"(1) The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary may not approve a waiver, experimental, pilot, or demonstration project with respect to a State that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage for a child whose family income exceeds the highest income eligibility level permitted under section 2110(b)(1)(B)(iii) (in this paragraph referred to as an 'expansion waiver') unless the Secretary determines that the conditions described in each of subclauses (I) through (IV) of section 2106(b)(3)(B)(iii) are met (and determines on an ongoing basis, that such conditions continue to be met while the expansion waiver is in effect).".

TITLE III—ENROLLING UNINSURED CHILDREN ELIGIBLE FOR CHIP AND MEDICAID

SEC. 301. "EXPRESS LANE" OPTION FOR STATES TO DETERMINE COMPONENTS OF A CHILD'S ELIGIBILITY FOR MEDICAID OR CHIP.

(a) MEDICAID.—Section 1902(e) (42 U.S.C. 1396a(e)) is amended by adding at the end the following new paragraph:

"(13)(A)(i) At the option of the State, notwithstanding any other provision of law, including subsection (a)(46)(B) and sections 1137(d) and 1903(x), the State may rely on a determination made within a reasonable period (as determined by the State) by an Express Lane agency (as defined in subparagraph (F)(i)) to determine whether an individual has met the income, assets or resources, or citizenship status criteria for eligibility for medical assistance under this title (including under a waiver of the requirements of this title).

"(ii) The option under clause (i) shall apply to redeterminations or renewals of eligibility for medical assistance, as well as to initial applications for such assistance.

"(iii) The option under clause (i) shall apply to a child who is under an age specified by the State (not to exceed 21 years of age) and, at State option, may also apply to an individual who is not a child.

"(B) Nothing in this paragraph shall be construed to relieve a State of the obligation to determine eligibility for medical assistance under this title if an individual is determined ineligible for such assistance on the basis of information furnished pursuant to this paragraph.

"(C) A State shall inform an individual (or, in the case of a child, the family of the child) enrolled in the State plan under this title and required to pay premiums for such enrollment based on an income determination furnished to the State pursuant to this paragraph that the individual or family may qualify for lower premium payments if directly evaluated for eligibility by the State Medicaid agency.

"(D) If a State applies the eligibility process described in subparagraph (A) to individuals eligible for medical assistance under this title, the State may, at its option, implement its duties under subparagraphs (A) and (B) of section 2102(b)(3) using either or both of the following approaches:

"(i) The State may—

"(I) establish a threshold percentage of the Federal poverty level (that shall exceed the income eligibility level applicable for a population of individuals under this title by 30 percentage points (as a fraction of the Federal poverty level) or such other higher number of percentage points as the State determines reflects the typical application of income methodologies by the program administered by the Express Lane agency and the State plan under this title); and

"(II) provide that, with respect to any individual within such population whom an Express Lane agency determines has income that does not exceed such threshold percentage for such population, such individual is eligible for medical assistance under this title (regardless of whether such individual would otherwise be determined to be eligible to receive such assistance).

In exercising the approach under this clause, a State shall inform families whose children are enrolled in a State child health plan under title XXI based on having family income above the threshold described in subclause (I) that they may qualify for medical assistance under this title and, at their option, can seek a regular eligibility determination for such assistance for their child, and that if their child is determined to be eligible for such assistance, the child may receive health benefits coverage that is more affordable and comprehensive than the coverage that would be provided to the child under the State child health plan.

"(ii) Regardless of whether a State otherwise provides for presumptive eligibility under section 1920A, a State may provide presumptive eligibility under this title, consistent with subsection (e) of section 1920A, to a child who, based on a determination by an Express Lane agency, would qualify for child health assistance under a State child health plan under title XXI. During such presumptive eligibility period, the State may determine the child's eligibility for medical assistance under this title, pursuant to subparagraph (A) of section 2102(b)(3), based on telephone contact with family members, access to data available in electronic or paper form, and other means of gathering information that are less burdensome to the family than completing an application form on behalf of the child. The procedures described in the previous sentence may be used regardless of whether the State uses similar procedures under other circumstances for purposes of determining eligibility for medical assistance under this title.

"(E)(i) At the option of a State, an individual determined to be eligible for medical assistance pursuant to subparagraph (A), (C), or (D) or other procedures through which eligibility is determined based on data obtained from sources other than the individual, may receive medical assistance under this title if such individual (or, in the case of an individual under age 19 (or if the State elects the option under subparagraph (A), age 20 or 21) who is not authorized to consent to medical care, the individual's parent, guardian, or other caretaker relative) has acknowledged notice of such determination and has consented to being enrolled in the State plan under this title. The State (at its option) may waive any otherwise applicable requirements for signatures by or on behalf of an individual who has so consented.

"(ii) In the case of an individual enrolled pursuant to clause (i), the State shall inform the individual (or, in the case of an individual under age 19 (or if the State elects the option under subparagraph (A), age 20 or 21), the individual's parent, guardian, or other caretaker relative) about the significance of such enrollment, including appropriate methods to access covered services.

"(F) In this paragraph, the term 'Express Lane agency' means a Federal or State agency, or a public or private entity making such determination on behalf of such agency, specified by the plan, including an agency administering the State program funded under part A of title IV, the State child health plan under title XXI, the Food Stamp Act of 1977, the Richard B. Russell National School Lunch Act, or the Child Nutrition Act of 1966, notwithstanding any differences in budget unit, disregard, deeming, or other methodology, but only if—

"(i) the agency or entity has fiscal liabilities or responsibilities affected by such determination;

"(ii) the agency or entity notifies the child's family—

"(I) of the information which shall be disclosed in accordance with this paragraph;

"(II) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under this title or for child health assistance under title XXI;

"(III) that interagency agreements limit the use of such information to such purposes; and

"(IV) that the family may elect to not have the information disclosed for such purposes; and

"(iii) the requirements of section 1939 are satisfied.".

(b) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) Section 1902(e)(13) (relating to the State option to base a determination of a child's eligibility for assistance on determinations made by an agency other than the State Medicaid agency.".

(c) PRESUMPTIVE ELIGIBILITY.—Section 1920A(b)(3)(A)(i) (42 U.S.C. 1396r–1a(b)(3)(A)(i)) is amended by striking "or (IV)" and inserting "(IV) is an agency or entity described in section 1902(e)(13)(F), or (V)".

(d) SIGNATURE REQUIREMENTS.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law, a signature under penalty of perjury shall not be required on an application form for medical assistance as to any element of eligibility for which eligibility is based on information received from a source other than an applicant, rather than on representations from the applicant. Notwithstanding any other provision of law, any signature requirement for an application for medical assistance may be satisfied through an electronic signature, as defined in section 1710(1) of the Government Paperwork Elimination Act (44 U.S.C. 3504 note).".

SEC. 302. INFORMATION TECHNOLOGY CONNECTIONS TO SIMPLIFY HEALTH COVERAGE DETERMINATIONS.

(a) ENHANCED ADMINISTRATIVE FUNDING FOR INFORMATION TECHNOLOGY USED TO SIMPLIFY ELIGIBILITY DETERMINATIONS.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)) is amended—

(1) by striking "and" at the end of clause (i); and

(2) by adding at the end the following new clause:

"(iii) 75 percent of so much of the sums expended during such quarter as are attributable to information technology needed to conduct data matches or for the exchange of electronic information with an Express Lane agency (as defined in 1902(e)(13)(F)) as the Secretary determines is directly related to reducing the need for an individual undergoing an eligibility determination for medical assistance under this title or child health assistance under title XXI (including a determination of a renewal of eligibility for such assistance) to provide information previously submitted by or on behalf of the individual to such agency, and".

(b) AUTHORIZATION OF INFORMATION DISCLOSURE.—

(1) IN GENERAL.—Title XIX (42 U.S.C. 1396 et seq.) is amended—

(A) by redesignating section 1939 as section 1940; and

(B) by inserting after section 1938 the following new section:

"AUTHORIZATION TO RECEIVE PERTINENT INFORMATION

"SEC. 1939. (a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data potentially pertinent to eligibility determinations under this title (including eligibility files maintained by Express Lane agencies described in section 1902(e)(13)(F), information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, if—

"(1) such data or information are used only to establish or verify eligibility or provide coverage under this title; and

"(2) an interagency or other agreement, consistent with standards developed by the Secretary, prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security.

"(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to this section only if the following requirements are met:

"(1) The individual whose circumstances are described in the data or information (or such individual's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

"(2) Such data or information are used solely for the purposes of—

"(A) identifying individuals who are eligible or potentially eligible for medical assistance under this title and enrolling such individuals in the State plan; and

"(B) verifying the eligibility of individuals for medical assistance under the State plan.

"(3) An interagency or other agreement, consistent with standards developed by the Secretary—

"(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security; and

"(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll individuals in the plan.

"(c) CRIMINAL PENALTY.—A person described in the subsection (a) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section shall be fined not more than $1,000 or imprisoned not more than 1 year, or both, for each such unauthorized activity.

"(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).".

(2) CONFORMING AMENDMENT TO TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 301(b), is amended by adding at the end the following new subparagraph:

"(F) Section 1939 (relating to authorization to receive data potentially pertinent to eligibility determinations).".

(3) CONFORMING AMENDMENT TO ASSURE ACCESS TO NATIONAL NEW HIRES DATABASE.—Section 453(i)(1) (42 U.S.C. 653(i)(1)) is amended by striking "and programs funded under part A" and inserting ", programs funded under part A, and State plans approved under title XIX or XXI".

(4) CONFORMING AMENDMENT TO PROVIDE CHIP PROGRAMS WITH ACCESS TO NATIONAL INCOME DATA.—Section 6103(l)(7)(D)(ii) of the

Internal Revenue Code of 1986 is amended by inserting "or title XXI" after "title XIX".

(5) CONFORMING AMENDMENT TO PROVIDE ACCESS TO DATA ABOUT ENROLLMENT IN INSURANCE FOR PURPOSES OF EVALUATING APPLICATIONS AND FOR CHIP.—Section 1902(a)(25)(I)(i) (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by inserting "(and, at State option, individuals who are potentially eligible or who apply)" after "with respect to individuals who are eligible"; and

(B) by inserting "under this title (and, at State option, child health assistance under title XXI)" after "the State plan".

SEC. 303. ENHANCED ADMINISTRATIVE FUNDING FOR TRANSLATION OR INTERPRETATION SERVICES.

Section 1903(a)(2) (42 U.S.C. 1396b(a)(2)) is amended by adding at the end the following new subparagraph:

"(E) an amount equal to 75 percent of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to translation or interpretation services in connection with the enrollment and use of services under this title by individuals for whom English is not their primary language; plus".

SEC. 304. ENHANCED ASSISTANCE WITH COVERAGE COSTS FOR STATES WITH INCREASING OR HIGH COVERAGE RATES AMONG CHILDREN.

Section 1905 (42 U.S.C. 1396d) is amended—

(1) in subsection (b), in the first sentence—

(A) by striking "and (4)" and inserting "(4)"; and

(B) by inserting ", and (5) the Federal medical assistance percentage with respect to medical assistance provided to individuals who have not attained age 19 for a fiscal year shall be increased, notwithstanding the previous clauses of this sentence, in the case of a State that meets the conditions described in subparagraph (A) of subsection (y)(1) in the preceding fiscal year by the number of percentage points determined under subparagraph (B) of that subsection, in the case of a State that is described in subparagraph (A) of subsection (y)(2) in the preceding fiscal year, by the number of percentage points determined under subparagraph (D) of that subsection, and, in the case of a State described in both such subparagraphs in the preceding fiscal year, by the greater of the number of percentage points determined under paragraph (1)(B) or (2)(D) of subsection (y)" before the period; and

(2) by adding at the end the following new subsection:

"(y) DETERMINATION OF INCREASE IN FMAP FOR MEDICAL ASSISTANCE FOR CHILDREN FOR CERTAIN STATES.—

"(1) FOR STATES SIGNIFICANTLY INCREASING ENROLLMENT OF ELIGIBLE CHILDREN.—

"(A) SIGNIFICANT INCREASE IN ENROLLMENT OF ELIGIBLE CHILDREN.—

"(i) IN GENERAL.—For purposes of clause (5) of the first sentence of subsection (b), a State described in this paragraph is a State that satisfies the reporting requirements described in clause (iii) and has a percentage increase in the child caseload in the reference year over the initial reference year that exceeds the benchmark rate of growth.

"(ii) DEFINITIONS.—For purposes of clause (i):

"(I) CHILD CASELOAD.—The term 'child caseload' means the average monthly enrollment of individuals under age 19 in the State plan under this title or under a waiver of such title, as determined by the Secretary.

"(II) INITIAL REFERENCE YEAR.—The term 'initial reference year' means the 12-month period preceding August 1, 2007.

"(III) REFERENCE YEAR.—The term 'reference year' means, with respect to a fiscal year, the 12-month period preceding August 1 of such fiscal year.

"(IV) BENCHMARK RATE OF GROWTH.—The term 'benchmark rate of growth' means, with respect to a fiscal year, the product of the projected rate of growth of children in Medicaid at time of enactment, multiplied by the number of fiscal years that have elapsed since the initial reference year.

"(V) PROJECTED RATE OF GROWTH OF CHILDREN IN MEDICAID AT TIME OF ENACTMENT.—The term 'projected rate of growth of children in Medicaid at time of enactment' means the average annual rate of growth for children enrolled in all State plans under this title (or under waivers of such title) during the period beginning with fiscal year 2007 and ending with fiscal year 2010, as projected in March 2007 by the Director of the Congressional Budget Office.

"(iii) STATE REPORTING REQUIREMENTS.—The State shall submit to the Secretary such data relating to the average monthly enrollment of individuals who have not attained age 19 under this title and title XXI (including under waivers of such titles) as the Secretary shall specify for the purpose of increasing under clause (5) of subsection (b) the Federal medical assistance percentage for a State for a fiscal year in accordance with this subsection.

"(B) DETERMINATION OF INCREASE.—

"(i) IN GENERAL.—Subject to clause (ii), for purposes of clause (5) of the first sentence of subsection (b), in the case of a State described in subparagraph (A), the number of percentage points determined under this subparagraph is equal to the percentage increase in the State child caseload determined for purposes of subparagraph (A)(i).

"(ii) LIMITATION ON INCREASE.—In no event may the Federal medical assistance percentage for a State for a fiscal year exceed 85 percent as a result of an increase under this paragraph.

"(C) SECRETARIAL RESPONSIBILITIES.—

"(i) REVIEW AND VERIFICATION OF CHILD CASELOAD DATA.—The Secretary shall review the child caseload data provided by States for purposes of this paragraph and shall conduct data matches on a periodic basis to verify the child caseloads determined for States.

"(ii) NOTICE TO STATES.—Not later than September 30 of each fiscal year beginning with fiscal year 2008, the Secretary shall inform each State on the extent to which the child caseload in the most recent reference year exceeds or does not exceed the benchmark rate of growth for such fiscal year.

"(2) FOR STATES THAT HAVE ACHIEVED AT LEAST A HIGH PARTICIPATION RATE FOR COVERAGE OF UNINSURED LOW-INCOME CHILDREN.—

"(A) IN GENERAL.—For purposes of clause (5) of the first sentence of subsection (b), a State described in this paragraph is a State—

"(i) for which the percentage of low-income children without private health coverage who are uninsured (as determined under subparagraph (D)) is at least 90 percent; and

"(ii) that satisfies the conditions described in subparagraph (B) (with respect to coverage of children under this title and title XXI) and paragraph (1)(A)(iii).

"(B) CONDITIONS DESCRIBED.—The conditions described in this subparagraph are the following:

"(i) CONTINUOUS ELIGIBILITY REQUIREMENT.—The State has elected the option of continuous eligibility for a full 12 months for children described in section 1902(e)(12) under this title, as well as applying such policy under its State child health plan under title XXI.

"(ii) NO WAITING LIST FOR TITLE XXI.—The State does not impose any numerical limitation, waiting list, or similar limitation on eligibility for assistance under title XXI and has not imposed any such limitation or list within the preceding 3 years.

"(iii) NO ASSETS TEST.—The State does not apply any assets test for eligibility under this title or title XXI with respect to children.

"(iv) ANNUAL REPORTING OF MEASURES OF QUALITY OF HEALTH CARE FOR CHILDREN.—The State annually reports on the measures required under section 601 of the Children's Health Insurance Program (CHIP) Reauthorization Act of 2007 with respect to the quality of health care for children under the State plan under this title and the State child health plan under title XXI or is otherwise determined by the Secretary to have implemented a comprehensive system for gathering information and reporting on the quality of health care for children enrolled under such plans.

"(C) DETERMINATION OF INCREASE.—

"(i) IN GENERAL.—Subject to clause (ii), for purposes of clause (5) of the first sentence of subsection (b), in the case of a State described in subparagraph (A), the number of percentage points determined under this subparagraph is equal to the number of percentage points by which the percentage described in subparagraph (A)(i) exceeds 90 percent.

"(ii) LIMITATION ON INCREASE.—In no event may the Federal medical assistance percentage for a State for a fiscal year exceed 85 percent as a result of an increase under this paragraph.

"(D) SECRETARIAL RESPONSIBILITIES.—

"(i) DETERMINATION OF STATE RATES.—The rates described in subparagraph (A)(i) shall be determined by the Secretary on the basis of the 2 most recent Annual Social and Economic Supplements of the Current Population Survey of the Bureau of the Census.

"(ii) NOTICE TO STATES.—Not later than September 30 of each fiscal year beginning with fiscal year 2008, the Secretary shall inform each State on the extent to which the State's participation rate among uninsured low-income children exceeds or does not exceed 90 percent.

"(3) INCREASE IN CAP ON PAYMENTS TO TERRITORIES.—If Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for an increase in the Federal medical assistance percentage under subsection (b)(5) for a fiscal year, the additional Federal financial participation under this title that results from such increase shall not be counted towards the limitation on total payments under this title for such commonwealth or territory otherwise determined under subsections (f) and (g) of section 1108.

"(4) SCOPE OF APPLICATION.—The increase in the Federal medical assistance percentage under subsection (b)(5) shall only apply for purposes of payments under section 1903 with respect to medical assistance provided to individuals who have not attained age 19 and shall not apply with respect to—

"(A) disproportionate share hospital payments described in section 1923;

"(B) payments under title IV or XXI; or

"(C) any payments under this title that are based on the enhanced FMAP described in section 2105(b).".

SEC. 305. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))"; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) [reserved]".

SEC. 306. STATE OPTION TO REQUIRE CERTAIN INDIVIDUALS TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF PROOF OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.

(a) In General.—Section 1902(a)(46) (42 U.S.C. 1396a(a)(46)) is amended—

(1) by inserting "(A)" after "(46)";

(2) by adding "and" after the semicolon; and

(3) by adding at the end the following new subparagraph:

"(B) at the option of the State and subject to section 1903(x), require that, with respect to an individual (other than an individual described in section 1903(x)(1)) who declares to be a citizen or national of the United States for purposes of establishing initial eligibility for medical assistance under this title (or, at State option, for purposes of renewing or redetermining such eligibility to the extent that such satisfactory documentary evidence of citizenship or nationality has not yet been presented), there is presented satisfactory documentary evidence of citizenship or nationality of the individual (using criteria determined by the State, which shall be no more restrictive than the criteria used by the Social Security Administration to determine citizenship, and which shall accept as such evidence a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood, and, with respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, such other forms of documentation (including tribal documentation, if appropriate) that the Secretary, after consulting with such tribes, determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subparagraph));".

(b) Limitation on Waiver Authority.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(c) Conforming Amendments.—Section 1903 (42 U.S.C. 1396b) is amended—

(1) in subsection (i)—

(A) in paragraph (20), by adding "or" after the semicolon;

(B) in paragraph (21), by striking "; or" and inserting a period; and

(C) by striking paragraph (22); and

(2) in subsection (x) (as amended by section 405(c)(1)(A) of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432))—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraph (2) as paragraph (1);

(C) in paragraph (1), as so redesignated, by striking "paragraph (1)" and inserting "section 1902(a)(46)(B)"; and

(D) by adding at the end the following new paragraph:

"(2) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.".

(d) Clarification of Rules for Children Born in the United States to Mothers Eligible for Medicaid.—Section 1903(x) (42 U.S.C. 1396b(x)), as amended by subsection (c)(2), is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "or" at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or"; and

(2) by adding at the end the following new paragraph:

"(3) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.".

(e) Effective Date.—

(1) Retroactive application.—The amendments made by this section shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 4).

(2) Restoration of eligibility.—In the case of an individual who, during the period that began on July 1, 2006, and ends on the date of enactment of this Act, was determined to be ineligible for medical assistance under a State Medicaid program solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by this section, had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

TITLE IV—START HEALTHY, STAY HEALTHY

SEC. 401. STATE OPTION TO EXPAND OR ADD COVERAGE OF CERTAIN PREGNANT WOMEN UNDER MEDICAID AND CHIP.

(a) Medicaid.—

(1) Authority to expand coverage.—Section 1902(l)(2)(A)(i) (42 U.S.C. 1396a(l)(2)(A)(i)) is amended by inserting "(or such higher percentage as the State may elect for purposes of expenditures for medical assistance for pregnant women described in section 1905(u)(4)(A))" after "185 percent".

(2) Enhanced matching funds available if certain conditions met.—Section 1905 (42 U.S.C. 1396d) is amended—

(A) in the fourth sentence of subsection (b), by striking "or subsection (u)(3)" and inserting ", (u)(3), or (u)(4)"; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following new paragraph:

"(4) For purposes of the fourth sentence of subsection (b) and section 2105(a), the expenditures described in this paragraph are the following:

"(A) Certain pregnant women.—If the conditions described in subparagraph (B) are met, expenditures for medical assistance for pregnant women described in subsection (n) or in section 1902(l)(1)(A) in a family the income of which exceeds 185 percent of the poverty line, but does not exceed the income eligibility level established under title XXI for a targeted low-income child.

"(B) Conditions.—The conditions described in this subparagraph are the following:

"(i) The State plans under this title and title XXI do not provide coverage for pregnant women described in subparagraph (A) with higher family income without covering such pregnant women with a lower family income.

"(ii) The State does not apply an effective income level for pregnant women that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under the State plan under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

"(C) Definition of poverty line.—In this subsection, the term 'poverty line' has the meaning given such term in section 2110(c)(5).".

(3) Payment from title XXI allotment for Medicaid expansion costs.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)), as amended by section 305, is amended by striking subparagraph (B) and inserting the following new subparagraph:

"(B) for the portion of the payments made for expenditures described in section 1905(u)(4)(A) that represents the additional amount paid for such expenditures as a result of the enhanced FMAP being substituted for the Federal medical assistance percentage of such expenditures;".

(b) CHIP.—

(1) Coverage.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

"SEC. 2111. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN.

"(a) Optional Coverage.—Notwithstanding any other provision of this title, a State may provide for coverage, through an amendment to its State child health plan under section 2102, of pregnancy-related assistance for targeted low-income pregnant women in accordance with this section, but only if—

"(1) the State has established an income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 that is at least 185 percent of the income official poverty line; and

"(2) the State meets the conditions described in section 1905(u)(4)(B).

"(b) DEFINITIONS.—For purposes of this title:

"(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term 'child health assistance' in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women.

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

"(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

"(B) whose family income exceeds the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, on January 1, 2008, to be eligible for medical assistance as a pregnant woman under title XIX but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

"(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

"(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

"(1) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income pregnant woman.

"(2) Any such reference to child health assistance with respect to such women is deemed a reference to pregnancy-related assistance.

"(3) Any such reference to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2)(A).

"(4) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State Medicaid plan under title XIX is deemed a reference to pregnant women.

"(5) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any preexisting condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.

"(6) In applying section 2103(e)(3)(B) in the case of a pregnant woman provided coverage under this section, the limitation on total annual aggregate cost sharing shall be applied to such pregnant woman.

"(7) The reference in section 2107(e)(1)(F) to section 1920A (relating to presumptive eligibility for children) is deemed a reference to section 1920 (relating to presumptive eligibility for pregnant women).

"(d) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).".

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(i) in the heading, by inserting "OR PREGNANCY-RELATED SERVICES" after "PREVENTIVE SERVICES"; and

(ii) by inserting before the period at the end the following: "or for pregnancy-related services".

(B) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking ", and" at the end and inserting a semicolon;

(ii) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman.".

(c) OTHER AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking "so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance".

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) (42 U.S.C. 1396r–1(b)) is amended by adding after paragraph (2) the following new flush sentence:

"The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).".

SEC. 402. COORDINATION WITH THE MATERNAL AND CHILD HEALTH PROGRAM.

(a) IN GENERAL.—Section 2102(b)(3) (42 U.S.C. 1397bb(b)(3)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting.".

(b) CONFORMING MEDICAID AMENDMENT.—Section 1902(a)(11) (42 U.S.C. 1396a(a)(11)) is amended—

(1) by striking "and" before "(C)"; and

(2) by inserting before the semicolon at the end the following: ", and (D) provide that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting".

SEC. 403. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER MEDICAID AND CHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

"(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) CHILDREN.—Individuals under 21 years of age, including optional targeted low-income children described in section 1905(u)(2)(B).

"(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.".

(b) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by sections 301(b) and 302(b)(2), is amended by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) Section 1903(v)(4) (relating to optional coverage of categories of lawfully residing immigrant children), but only if the State has elected to apply such section to the category of children under title XIX.".

SEC. 404. IMPROVING BENCHMARK COVERAGE OPTIONS.

(a) LIMITATION ON USE OF SECRETARY-APPROVED COVERAGE.—Section 2103(a)(4) (42 U.S.C. 1397cc(a)(4)) is amended by striking the period at the end and inserting ", but only if such determination was made before March 1, 2007.".

(b) STATE EMPLOYEE COVERAGE BENCHMARK.—Section 2103(b)(2) (42 U.S.C. 1397(b)(2)) is amended—

(1) by striking "A health benefits coverage plan" and inserting "The health benefits coverage plan"; and

(2) by inserting "and that has the largest enrollment among such employees with dependent coverage in either of the previous 2 plan years" before the period.

SEC. 405. REQUIRING COVERAGE OF DENTAL AND MENTAL HEALTH SERVICES.

(a) REQUIRED COVERAGE OF DENTAL AND MENTAL HEALTH SERVICES.—Section 2103 (42 U.S.C. 1397cc(c)) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "subsection (c)(5)" and inserting "paragraphs (5) and (6) of subsection (c)"; and

(2) in subsection (c)—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4), the following new paragraph:

"(5) OTHER REQUIRED SERVICES.—The child health assistance provided to a targeted low-income child shall include coverage of the following:

"(A) DENTAL SERVICES.—Dental services described in section 1905(r)(3) and provided in accordance with section 1902(a)(43).

"(B) MENTAL HEALTH SERVICES.—Mental health services.".

(b) STATE CHILD HEALTH PLAN REQUIREMENT.—Section 2102(a)(7)(B) (42 U.S.C. 1397bb(c)(2)) is amended by inserting "and services described in section 2103(c)(5)" after "emergency services".

(c) CONFORMING AMENDMENTS.—Section 2103(c)(2) (42 U.S.C. 1397cc(c)(2)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

SEC. 406. CLARIFICATION OF REQUIREMENT TO PROVIDE EPSDT SERVICES FOR ALL CHILDREN IN BENCHMARK BENEFIT PACKAGES UNDER MEDICAID.

(a) IN GENERAL.—Section 1937(a)(1), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended—

(1) in subparagraph (A)—

(A) in the matter before clause (i), by striking "Notwithstanding any other provision of this title" and inserting "Subject to subparagraph (E)"; and

(B) by striking "enrollment in coverage that provides" and all that follows and inserting "benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2).";

(2) by striking subparagraph (C) and inserting the following new subparagraph:

"(C) STATE OPTION TO PROVIDE ADDITIONAL BENEFITS.—A State, at its option, may provide such additional benefits to benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2) as the State may specify."; and

(3) by adding at the end the following new subparagraph:

"(E) REQUIRING COVERAGE OF EPSDT SERVICES.—Nothing in this paragraph shall be construed as affecting a child's entitlement to care and services described in subsections (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1903(a)(43) whether provided through benchmark coverage, benchmark equivalent coverage, or otherwise.".

(b) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

SEC. 407. CHILDHOOD OBESITY DEMONSTRATION PROJECT.

(a) AUTHORITY TO CONDUCT DEMONSTRATION.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such project. Such model shall—

(1) identify, through self-assessment, behavioral risk factors for obesity among children;

(2) identify, through self-assessment, needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors;

(3) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and

(4) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under title XIX of the Social Security Act or child health assistance is available under title XXI of such Act among such target individuals.

(b) ELIGIBILITY ENTITIES.—For purposes of this section, an eligible entity is any of the following:

(1) A city, county, or Indian tribe.

(2) A local or tribal educational agency.

(3) An accredited university, college, or community college.

(4) A federally-qualified health center.

(5) A local health department.

(6) A health care provider.

(7) A community-based organization.

(8) Any other entity determined appropriate by the Secretary, including a consortia or partnership of entities described in any of paragraphs (1) through (7).

(c) USE OF FUNDS.—An eligible entity awarded a grant under this section shall use the funds made available under the grant to—

(1) carry out community-based activities related to reducing childhood obesity, including by—

(A) forming partnerships with entities, including schools and other facilities providing recreational services, to establish programs for after school and weekend community activities that are designed to reduce childhood obesity;

(B) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

(C) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

(2) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, including by—

(A) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

(i) after hours physical activity programs; and

(ii) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problem-solving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

(B) providing education and training to educational professionals regarding how to promote a healthy lifestyle and a healthy school environment for children;

(C) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

(D) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity for children;

(3) carry out activities through the local health care delivery systems including by—

(A) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

(B) providing patient education and counseling to increase physical activity and promote healthy eating behaviors;

(C) training health professionals on how to identify and treat obese and overweight individuals which may include nutrition and physical activity counseling; and

(D) providing community education by a health professional on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; and

(4) provide, through qualified health professionals, training and supervision for community health workers to—

(A) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

(B) educate families about effective strategies to improve nutrition, establish healthy eating patterns, and establish appropriate levels of physical activity; and

(C) educate and guide parents regarding the ability to model and communicate positive health behaviors.

(d) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to awarding grants to eligible entities—

(1) that demonstrate that they have previously applied successfully for funds to carry out activities that seek to promote individual and community health and to prevent the incidence of chronic disease and that can cite published and peer-reviewed research demonstrating that the activities that the entities propose to carry out with funds made available under the grant are effective;

(2) that will carry out programs or activities that seek to accomplish a goal or goals set by the State in the Healthy People 2010 plan of the State;

(3) that provide non-Federal contributions, either in cash or inkind, to the costs of funding activities under the grants;

(4) that develop comprehensive plans that include a strategy for extending program activities developed under grants in the years following the fiscal years for which they receive grants under this section;

(5) located in communities that are medically underserved, as determined by the Secretary;

(6) located in areas in which the average poverty rate is at least 150 percent or higher of the average poverty rate in the State involved, as determined by the Secretary; and

(7) that submit plans that exhibit multisectoral, cooperative conduct that includes the involvement of a broad range of stakeholders, including—

(A) community-based organizations;

(B) local governments;

(C) local educational agencies;

(D) the private sector;

(E) State or local departments of health;

(F) accredited colleges, universities, and community colleges;

(G) health care providers;

(H) State and local departments of transportation and city planning; and

(I) other entities determined appropriate by the Secretary.

(e) PROGRAM DESIGN.—

(1) INITIAL DESIGN.—Not later than 1 year after the date of enactment of this Act, the

Secretary shall design the demonstration project. The demonstration should draw upon promising, innovative models and incentives to reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Minority Health, the heads of other agencies in the Department of Health and Human Services, and such professional organizations, as the Secretary determines to be appropriate, on the design, conduct, and evaluation of the demonstration.

(2) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall award 1 grant that is specifically designed to determine whether programs similar to programs to be conducted by other grantees under this section should be implemented with respect to the general population of children who are eligible for child health assistance under State child health plans under title XXI of the Social Security Act in order to reduce the incidence of childhood obesity among such population.

(f) REPORT TO CONGRESS.—Not later than 3 years after the date the Secretary implements the demonstration project under this section, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates the beneficiary satisfaction under the project, and includes any such other information as the Secretary determines to be appropriate.

(g) DEFINITIONS.—In this section:

(1) FEDERALLY-QUALIFIED HEALTH CENTER.—The term "Federally-qualified health center" has the meaning given that term in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)).

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

(3) SELF-ASSESSMENT.—The term "self-assessment" means a form that—

(A) includes questions regarding—

(i) behavioral risk factors;

(ii) needed preventive and screening services; and

(iii) target individuals' preferences for receiving follow-up information;

(B) is assessed using such computer generated assessment programs; and

(C) allows for the provision of such ongoing support to the individual as the Secretary determines appropriate.

(4) ONGOING SUPPORT.—The term "ongoing support" means—

(A) to provide any target individual with information, feedback, health coaching, and recommendations regarding—

(i) the results of a self-assessment given to the individual;

(ii) behavior modification based on the self-assessment; and

(iii) any need for clinical preventive and screening services or treatment including medical nutrition therapy;

(B) to provide any target individual with referrals to community resources and programs available to assist the target individual in reducing health risks; and

(C) to provide the information described in subparagraph (A) to a health care provider, if designated by the target individual to receive such information.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for each of fiscal years 2008 through 2012.

TITLE V—IMPROVING ACCESS TO HEALTH CARE FOR CHILDREN

SEC. 501. PROMOTING CHILDREN'S ACCESS TO COVERED HEALTH SERVICES.

(a) MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION.—Title XIX (42 U.S.C. 1396 et seq.) is amended by inserting before section 1901 the following new section:

"MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

"SEC. 1900. (a) ESTABLISHMENT.—There is hereby established the Medicaid and CHIP Payment and Access Commission (in this section referred to as 'MACPAC').

"(b) DUTIES.—

"(1) REVIEW OF ACCESS POLICIES AND ANNUAL REPORTS.—MACPAC shall—

"(A) review policies of the Medicaid program established under this title (in this section referred to as 'Medicaid') and the State Children's Health Insurance Program established under title XXI (in this section referred to as 'CHIP') affecting children's access to covered items and services, including topics described in paragraph (2);

"(B) make recommendations to Congress concerning such access policies;

"(C) by not later than March 1 of each year (beginning with 2009), submit a report to Congress containing the results of such reviews and MACPAC's recommendations concerning such policies; and

"(D) by not later than June 1 of each year (beginning with 2009), submit a report to Congress containing an examination of issues affecting Medicaid and CHIP, including the implications of changes in health care delivery in the United States and in the market for health care services on such programs.

"(2) SPECIFIC TOPICS TO BE REVIEWED.—Specifically, MACPAC shall review and assess the following:

"(A) MEDICAID AND CHIP PAYMENT POLICIES.—Payment policies under Medicaid and CHIP, including—

"(i) the factors affecting expenditures for items and services in different sectors, including the process for updating hospital, skilled nursing facility, physician, Federally-qualified health center, rural health center, and other fees;

"(ii) payment methodologies; and

"(iii) the relationship of such factors and methodologies to access and quality of care for Medicaid and CHIP beneficiaries.

"(B) INTERACTION OF MEDICAID AND CHIP PAYMENT POLICIES WITH HEALTH CARE DELIVERY GENERALLY.—The effect of Medicaid and CHIP payment policies on access to items and services for children and other Medicaid and CHIP populations other than under this title or title XXI and the implications of changes in health care delivery in the United States and in the general market for health care items and services on Medicaid and CHIP.

"(C) OTHER ACCESS POLICIES.—The effect of other Medicaid and CHIP policies on access to covered items and services, including policies relating to transportation and language barriers.

"(3) CREATION OF EARLY-WARNING SYSTEM.—MACPAC shall create an early-warning system to identify provider shortage areas or any other problems that threaten access to care or the health care status of Medicaid and CHIP beneficiaries.

"(4) COMMENTS ON CERTAIN SECRETARIAL REPORTS.—If the Secretary submits to Congress (or a committee of Congress) a report that is required by law and that relates to access policies, including with respect to payment policies, under Medicaid or CHIP, the Secretary shall transmit a copy of the report to MACPAC. MACPAC shall review the report and, not later than 6 months after the date of submittal of the Secretary's report to Congress, shall submit to the appropriate committees of Congress written comments on such report. Such comments may include such recommendations as MACPAC deems appropriate.

"(5) AGENDA AND ADDITIONAL REVIEWS.—MACPAC shall consult periodically with the chairmen and ranking minority members of the appropriate committees of Congress regarding MACPAC's agenda and progress towards achieving the agenda. MACPAC may conduct additional reviews, and submit additional reports to the appropriate committees of Congress, from time to time on such topics relating to the program under this title or title XXI as may be requested by such chairmen and members and as MACPAC deems appropriate.

"(6) AVAILABILITY OF REPORTS.—MACPAC shall transmit to the Secretary a copy of each report submitted under this subsection and shall make such reports available to the public.

"(7) APPROPRIATE COMMITTEE OF CONGRESS.—For purposes of this section, the term 'appropriate committees of Congress' means the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate.

"(8) VOTING AND REPORTING REQUIREMENTS.—With respect to each recommendation contained in a report submitted under paragraph (1), each member of MACPAC shall vote on the recommendation, and MACPAC shall include, by member, the results of that vote in the report containing the recommendation.

"(9) EXAMINATION OF BUDGET CONSEQUENCES.—Before making any recommendations, MACPAC shall examine the budget consequences of such recommendations, directly or through consultation with appropriate expert entities.

"(c) MEMBERSHIP.—

"(1) NUMBER AND APPOINTMENT.—MACPAC shall be composed of 17 members appointed by the Comptroller General of the United States.

"(2) QUALIFICATIONS.—

"(A) IN GENERAL.—The membership of MACPAC shall include individuals who have had direct experience as enrollees or parents of enrollees in Medicaid or CHIP and individuals with national recognition for their expertise in Federal safety net health programs, health finance and economics, actuarial science, health facility management, health plans and integrated delivery systems, reimbursement of health facilities, health information technology, pediatric physicians, dentists, and other providers of health services, and other related fields, who provide a mix of different professionals, broad geographic representation, and a balance between urban and rural representatives.

"(B) INCLUSION.—The membership of MACPAC shall include (but not be limited to) physicians and other health professionals, employers, third-party payers, and individuals with expertise in the delivery of health services. Such membership shall also include consumers representing children, pregnant women, the elderly, and individuals with disabilities, current or former representatives of State agencies responsible for administering Medicaid, and current or former representatives of State agencies responsible for administering CHIP.

"(C) MAJORITY NONPROVIDERS.—Individuals who are directly involved in the provision, or management of the delivery, of items and services covered under Medicaid or CHIP shall not constitute a majority of the membership of MACPAC.

"(D) Ethical disclosure.—The Comptroller General of the United States shall establish a system for public disclosure by members of MACPAC of financial and other potential conflicts of interest relating to such members. Members of MACPAC shall be treated as employees of Congress for purposes of applying title I of the Ethics in Government Act of 1978 (Public Law 95–521).

"(3) Terms.—

"(A) In general.—The terms of members of MACPAC shall be for 3 years except that the Comptroller General of the United States shall designate staggered terms for the members first appointed.

"(B) Vacancies.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in MACPAC shall be filled in the manner in which the original appointment was made.

"(4) Compensation.—While serving on the business of MACPAC (including travel time), a member of MACPAC shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code; and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of MACPAC. Physicians serving as personnel of MACPAC may be provided a physician comparability allowance by MACPAC in the same manner as Government physicians may be provided such an allowance by an agency under section 5948 of title 5, United States Code, and for such purpose subsection (i) of such section shall apply to MACPAC in the same manner as it applies to the Tennessee Valley Authority. For purposes of pay (other than pay of members of MACPAC) and employment benefits, rights, and privileges, all personnel of MACPAC shall be treated as if they were employees of the United States Senate.

"(5) Chairman; vice chairman.—The Comptroller General of the United States shall designate a member of MACPAC, at the time of appointment of the member as Chairman and a member as Vice Chairman for that term of appointment, except that in the case of vacancy of the Chairmanship or Vice Chairmanship, the Comptroller General of the United States may designate another member for the remainder of that member's term.

"(6) Meetings.—MACPAC shall meet at the call of the Chairman.

"(d) Director and Staff; Experts and Consultants.—Subject to such review as the Comptroller General of the United States deems necessary to assure the efficient administration of MACPAC, MACPAC may—

"(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General of the United States) and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

"(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

"(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of MACPAC (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

"(4) make advance, progress, and other payments which relate to the work of MACPAC;

"(5) provide transportation and subsistence for persons serving without compensation; and

"(6) prescribe such rules and regulations as it deems necessary with respect to the internal organization and operation of MACPAC.

"(e) Powers.—

"(1) Obtaining official data.—MACPAC may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of that department or agency shall furnish that information to MACPAC on an agreed upon schedule.

"(2) Data collection.—In order to carry out its functions, MACPAC shall—

"(A) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section;

"(B) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate; and

"(C) adopt procedures allowing any interested party to submit information for MACPAC's use in making reports and recommendations.

"(3) Access of GAO to information.—The Comptroller General of the United States shall have unrestricted access to all deliberations, records, and nonproprietary data of MACPAC, immediately upon request.

"(4) Periodic audit.—MACPAC shall be subject to periodic audit by the Comptroller General of the United States.

"(f) Authorization of Appropriations.—

"(1) Request for appropriations.—MACPAC shall submit requests for appropriations in the same manner as the Comptroller General of the United States submits requests for appropriations, but amounts appropriated for MACPAC shall be separate from amounts appropriated for the Comptroller General of the United States.

"(2) Authorization.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

(b) Deadline for Initial Appointments.—Not later than January 1, 2008, the Comptroller General of the United States shall appoint the initial members of the Medicaid and CHIP Payment and Access Commission established under section 1900 of the Social Security Act (as added by subsection (a)).

SEC. 502. INSTITUTE OF MEDICINE STUDY AND REPORT ON CHILDREN'S ACCESS TO HEALTH CARE.

(a) Study.—

(1) In general.—The Secretary shall enter into a contract with the Institute of Medicine of the National Academy of Sciences (in this section referred to as the "Institute"), to update the data and analyses of the June 1998 report of the Institute entitled, "America's Children: Health Insurance and Access to Care". Specifically, the Institute shall—

(A) examine the extent of health insurance coverage for children in the United States; and

(B) analyze the extent to which there is evidence of the relationship between health insurance coverage and children's access to health care.

(2) Requirement.—In carrying out the study required under paragraph (1), the Institute shall focus on a broad range of providers that offer health care services to children, including (but not limited to) providers of oral health care services and mental health care services.

(3) Support.—The Secretary shall provide to the Institute any relevant data available to the Secretary during the period in which the study required under paragraph (1) is conducted.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Secretary and the Institute shall submit a report to Congress on the results of the study conducted under subsection (a).

(c) Appropriations.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2008 such sums as may be necessary for the purpose of carrying out this section, not to exceed $1,000,000. Funds appropriated under this subsection shall remain available until expended.

TITLE VI—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES OF CHILDREN

SEC. 601. STRENGTHENING CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES.

(a) Updating and Enhancement of Quality of Care Measures for Children.—

(1) In general.—Not later than January 1, 2009, the Secretary shall do the following:

(A) Update and enhance quality measures.—In consultation with States, providers, and child health experts, update and enhance the HEDIS measures and other measures that the Secretary recommends States use to annually report on the quality of health care for children enrolled in Medicaid or CHIP to include additional and more comprehensive information with respect to health care delivered to children in both ambulatory and inpatient care settings, that can be used to develop national quality measures and perform comparative analyses.

(B) Encourage voluntary reporting.—In consultation with States, develop procedures to encourage States to voluntarily report the same set of measures with respect to the quality of health care for children under Medicaid and CHIP.

(C) Adoption of best practices.—Develop programs to identify best practices with respect to the quality of health care for children and facilitate the adoption of such best practices, including in areas such as provider reporting compliance, successful quality improvement strategies, and improved efficiency in data collection using health information technology.

(D) Technical assistance.—Provide technical assistance to States to help them comply with the measures updated in accordance with subparagraph (A) and adopt the best practices identified in accordance with subparagraph (C).

(b) Dissemination of Health Quality Information.—

(1) State-specific report on child health quality measures.—Not later than January 1, 2008, and annually thereafter, the Secretary shall collect, analyze, and make publicly available State-specific data on child health quality measures, including State-specific data collected on external quality review activities related to managed care organizations under Medicaid and CHIP.

(2) Reports to congress.—Not later than January 1, 2008, and every 3 years thereafter, the Secretary shall report to Congress on—

(A) the status of the Secretary's efforts to improve—

(i) children's health care, including children's needs with respect to preventive, acute, and chronic health care; and

(ii) all domains of quality, including safety, family experience of care, and elimination of disparities; and

(B) the quality of care furnished to ameliorate at least 1 type of physical, mental, or developmental condition recognized as having an effect on growth and development in children and adolescents.

(c) DEVELOPMENT, ENDORSEMENT, AND UPDATING OF CHILD-SPECIFIC HEALTH QUALITY MEASURES.—

(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall establish a program to support the development of quality measures for children's health care services.

(2) AUTHORITY TO AWARD GRANTS AND CONTRACTS.—As part of such program, the Secretary shall award grants and contracts for the—

(A) development of new child health quality measures to supplement or replace, as appropriate, the HEDIS measures updated and enhanced in accordance with subsection (a)(1)(A);

(B) advancement (through validation and consensus among the entities described in paragraph (3)) of such new measures and of child health quality measures used as of the date of enactment of this Act; and

(C) updating of such measures as necessary.

(3) CONSULTATION REQUIRED.—In carrying out the program required under this subsection, the Secretary shall consult with the following:

(A) ESTABLISHMENT OF AREAS OF NEED AND PRIORITIES.—For purposes of identifying gaps in child health quality measures used as of the date of enactment of this Act and establishing priorities for development:

(i) States.

(ii) National pediatric organizations.

(iii) Consumers.

(iv) Other entities with expertise in pediatric quality measures, such as quality improvement organizations.

(B) ESTABLISHMENT OF PORTFOLIO OF MEASURES.—For purposes of developing a portfolio of child health quality measures for use by States, other purchasers, and providers, an organization involved in the advancement of consensus on evidence-based measures of health care, such as the National Quality Forum.

(C) ESTABLISHMENT OF MEDICAID AND CHIP CORE PEDIATRIC QUALITY MEASURES.—For purposes of identifying a core pediatric data set that includes specific quality measures for Medicaid and CHIP, States, health care providers, consumers, purchasers, child health experts, and public and private organizations with experience and expertise in the outreach and enrollment of children in public and private health insurance programs.

(4) SPECIFIC REQUIREMENTS FOR MEDICAID AND CHIP PEDIATRIC QUALITY MEASURES.—

(A) CORE PEDIATRIC DATA SET.—The core pediatric data set identified under paragraph (3)(C) shall include specific quality measures for Medicaid and CHIP, including with respect to at least the following:

(i) State-specific quality measures for Medicaid and CHIP (including State-specific data on enrollment and retention of eligible children; coordination of Medicaid and CHIP children's coverage; measures of children's access to preventive, acute and chronic care, including the availability of providers and adequacy of provider payments relative to private coverage).

(ii) Quality measures and data for health plans and providers at the State, plan, and provider levels of care.

(B) QUALITY MEASURES.—In identifying quality measures for Medicaid and CHIP, the Secretary shall—

(i) identify measures specific to managed care plans and providers of primary care case management services;

(ii) build on the core set of quality measures reported by States as of the date of enactment of this Act, including the HEDIS measures and evidence-based measures (to the extent such measures are available);

(iii) assure that the measures identified are selected from measures that have been approved through an independent process that includes a broad consensus determined by a voluntary, standard setting organization, with broad participation by providers, patient advocates, health plans, and purchasers;

(iv) assure that the measures place an emphasis on physical and mental conditions for which amelioration is necessary to promote growth and development;

(v) assure that the measures are evidence-based and risk adjusted;

(vi) assure that the measures are designed to identify and eliminate racial and ethnic disparities in the provision of care;

(vii) assure that the data required for such measures is collected and reported in a standard format that permits comparison of quality and data at a State, plan, and provider level; and

(viii) periodically update such measures.

(d) DEMONSTRATION PROJECTS FOR IMPROVING THE QUALITY OF CHILDREN'S HEALTH CARE AND THE USE OF HEALTH INFORMATION TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall award grants to States and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children's health care, including projects to—

(A) experiment with, and evaluate the use of, new measures of the quality of children's health care (including testing the validity and suitability for reporting of such measures);

(B) promote the use of health information technology in care delivery for children; or

(C) evaluate value-based purchasing of health care services for children.

(2) AUTHORITY FOR MULTI-STATE PROJECTS.—A demonstration project conducted with a grant awarded under this subsection may be conducted on a multi-State basis, as needed.

(e) INCREASED MATCHING RATE FOR COLLECTING AND REPORTING ON CHILD HEALTH MEASURES.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)), as amended by section 302, is amended—

(1) by striking "and" at the end of clause (ii); and

(2) by adding at the end the following new clause:

"(iv) an amount equal to 75 percent of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such developments or modifications of systems of the type described in clause (i) as are necessary for the efficient collection and reporting on child health measures; and".

(f) DEVELOPMENT OF MODEL ELECTRONIC HEALTH RECORD FOR CHILDREN.—Not later than January 1, 2009, the Secretary shall establish a program to encourage the development and dissemination of a model electronic health record for children. Such model electronic health record should be—

(1) subject to State laws, accessible to parents and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, such as appropriate immunizations or physicals; and

(2) designed to allow interoperable exchanges that conform with Federal and State privacy and security requirements.

(g) DEFINITION OF HEDIS MEASURES.—In this section, the term "HEDIS measures" means the Health Plan Employer Data and Information Set (HEDIS) measures established by the National Committee for Quality Assurance (NCQA).

(h) APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2008 through 2012, $20,000,000 for the purpose of carrying out this section. Funds appropriated under this subsection shall remain available until expended.

SEC. 602. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.

Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by sections 301(b), 302(b)(2), and 403(b), is amended by redesignating subparagraph (G) as subparagraph (H), and by inserting after subparagraph (F) the following new subparagraph:

"(G) Subsections (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care).".

TITLE VII—OTHER IMPROVEMENTS

SEC. 701. STRENGTHENING PREMIUM ASSISTANCE PROGRAMS.

(a) IMPROVING THE COST-EFFECTIVENESS STANDARD.—Section 2105(c)(3) (42 U.S.C. 1397ee(c)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting appropriately;

(2) by striking "Payment may be made" and inserting the following:

"(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, payment may be made"; and

(3) by adding at the end the following new subparagraph:

"(B) IMPROVEMENTS IN COST-EFFECTIVENESS MEASURE.—

"(i) APPLICATION OF FAMILY-BASED TEST.—Coverage described in subparagraph (A) shall be deemed cost-effective if the State establishes to the satisfaction of the Secretary that the cost of such coverage is less than the expenditures that the State would have made to enroll the family in the State child health plan.

"(ii) AGGREGATE PROGRAM OPERATIONAL COSTS DO NOT EXCEED THE COST OF PROVIDING COVERAGE UNDER THE STATE CHILD HEALTH PLAN.—In the case of a State that does not establish cost-effectiveness under clause (i), payment may not be made under subsection (a)(1) for the purchase of any coverage described in subparagraph (A) for a family unless the State establishes to the satisfaction of the Secretary that the aggregate amount of expenditures by the State for the purchase of all such coverage (including administrative expenditures) does not exceed the aggregate amount of expenditures that the State would have made for providing coverage under the State child health plan for all such families.".

(b) DISCLOSURE OF GROUP HEALTH PLAN BENEFITS.—Section 2105(c)(3) (42 U.S.C. 1397ee(c)(3)), as amended by subsections (a) and (b), is amended by adding at the end the following new subparagraph:

"(D) DISCLOSURE OF GROUP HEALTH PLAN BENEFITS.—Notwithstanding any other provision of law, the plan administrator of a group health plan in which participants or beneficiaries are covered under a State plan under title XIX or this title, shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity so that the State may determine—

"(i) whether purchasing coverage for the participant or beneficiary under the group health plan meets the cost-effectiveness standard applied under subparagraph (B); and

"(ii) what additional benefits and cost-sharing assistance must be provided to ensure that the participant or beneficiary receives through the provision of additional benefits by the State, benefits that are equivalent to the coverage that would be provided to such participant or beneficiary under such State plan.".

(c) APPROVAL OF SECTION 1115 WAIVERS FOR PREMIUM ASSISTANCE.—Section 1115 (42 U.S.C. 1315) is amended by inserting after subsection (c), the following new subsection:

"(d) In approving a request by a State for an experimental, pilot, or demonstration project under this section with respect to the purchase of private insurance for individuals eligible for assistance under title XIX or XXI, the Secretary shall not waive compliance with requirements of such titles or treat expenditures under the project as expenditures under the State plans approved under such titles unless the State demonstrates both of the following:

"(1) The fact that an individual is enrolled in a group health plan or an insurance plan purchased on the individual market shall not change the individual's eligibility for assistance under the such State plans.

"(2) The cost to the Federal Government and State of purchasing private insurance for the individual (including administrative costs), as well as any additional costs incurred in providing items and services covered under such State plans but not through the private insurance for such individual, does not exceed, on an average per individual basis, the cost of providing coverage to the individual directly under such State plans.".

(d) GAO STUDY AND REPORT.—Not later than January 1, 2009, the Comptroller General of the United States shall study cost and coverage issues relating to State premium assistance programs for which Federal matching payments are made under title XIX or XXI of the Social Security Act and submit a report to Congress on the results of such study.

SEC. 702. PERMITTING COVERAGE OF CHILDREN OF EMPLOYEES OF A PUBLIC AGENCY IN THE STATE.

Section 2110(b) (42 U.S.C. 1397jj(b)) is amended—

(1) in paragraph (2)(B), by inserting "except as provided in paragraph (5)," before "a child"; and

(2) by adding at the end the following new paragraph:

"(5) EXCEPTIONS TO EXCLUSION OF CHILDREN OF EMPLOYEES OF A PUBLIC AGENCY IN THE STATE.—

"(A) IN GENERAL.—A child shall not be considered to be described in paragraph (2)(B) if—

"(i) the public agency that employs a member of the child's family to which such paragraph applies satisfies subparagraph (B); or

"(ii) subparagraph (C) applies to such child.

"(B) MAINTENANCE OF EFFORT WITH RESPECT TO PER PERSON AGENCY CONTRIBUTION FOR FAMILY COVERAGE.—For purposes of subparagraph (A)(i), a public agency satisfies this subparagraph if the amount of annual agency expenditures made on behalf of each employee enrolled in health coverage paid for by the agency that includes dependent coverage for the most recent State fiscal year is not less than the amount of such expenditures made by the agency for the 1997 State fiscal year, increased by the percentage increase in the medical care expenditure category of the Consumer Price Index for All-Urban Consumers (all items: U.S. City Average) for such preceding fiscal year.

"(C) HARDSHIP EXCEPTION.—For purposes of subparagraph (A)(ii), this subparagraph applies to a child if the State determines, on a case-by-case basis, that the annual aggregate amount of premiums and cost-sharing imposed for coverage of the family of the child would exceed 5 percent of such family's income for the year involved.".

SEC. 703. IMPROVING DATA COLLECTION.

(a) INCREASED APPROPRIATION.—Section 2109(b)(2) (42 U.S.C. 1397ii(b)(2)) is amended by striking "$10,000,000 for fiscal year 2000" and inserting "$20,000,000 for fiscal year 2008".

(b) USE OF ADDITIONAL FUNDS.—Section 2109(b) (42 U.S.C. 1397ii(b)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1), the following new paragraph:

"(2) ADDITIONAL REQUIREMENTS.—In addition to making the adjustments required to produce the data described in paragraph (1), with respect to data collection occurring for fiscal years beginning with fiscal year 2008, in appropriate consultation with the Secretary of Health and Human Services, the Secretary of Commerce shall do the following:

"(A) Make appropriate adjustments to the Current Population Survey to develop more accurate State-specific estimates of the number of children enrolled in health coverage under title XIX or this title.

"(B) Make appropriate adjustments to the Current Population Survey to improve the survey estimates used to compile the State-specific and national number of low-income children without health insurance for purposes of sections 1905(y)(2)(A)(i), 2106(b)(3)(B)(iii)(I), and 2104(i)(3)(D)(i).

"(C) Assist in the incorporation of health insurance survey information in the American Community Survey related to children.

"(D) Assess whether American Community Survey estimates, once such survey data are first available, produce more reliable estimates than the Current Population Survey for purposes of section 2104(i)(3)(D)(i).

"(E) Recommend to the Secretary of Health and Human Services whether American Community Survey estimates should be used for purposes of 2104(i)(3)(D)(i).

"(F) Continue making the adjustments described in the last sentence of paragraph (1) with respect to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.".

SEC. 704. MORATORIUM ON APPLICATION OF PERM REQUIREMENTS RELATED TO ELIGIBILITY REVIEWS DURING PERIOD OF INDEPENDENT STUDY AND REPORT.

(a) MORATORIUM.—Notwithstanding parts 431 and 457 of title 42, Code of Federal Regulations, or any other provision of law, except as provided in paragraph (2), during the period that begins on the date of enactment of this Act and ends on the final effective date for the regulations required under subsection (c), the Secretary shall not apply the payment error rate measurement (PERM) requirements related to eligibility reviews imposed under such parts with respect to Medicaid or CHIP.

(b) STUDY AND REPORT.—

(1) INSTITUTE OF MEDICINE STUDY.—The Secretary shall enter into a contract with the Institute of Medicine of the National Academy of Sciences (in this section referred to as the "Institute") to conduct an independent study of the payment error rate measurement (PERM) requirements related to eligibility reviews imposed under parts 431 and 457 of title 42, Code of Federal Regulations with respect to Medicaid and CHIP and established in accordance with the Improper Payments Information Act of 2002 (Public Law 107–300). Such study shall examine and develop recommendations for modifying such requirements in order to—

(A) minimize the administrative cost burden on States under Medicaid and CHIP;

(B) avoid inadvertent error findings with respect to such programs despite compliance with Federal and State policies and procedures in effect as of the date of the submission of the claim or action that led to such finding;

(C) maintain State flexibility to manage such programs; and

(D) ensure that such requirements do not interfere with State efforts to simplify application and renewal procedures that increase enrollment in Medicaid and CHIP and do not reduce beneficiary participation in such programs.

(2) SUPPORT.—The Secretary shall provide the Institute with any relevant data available to the Secretary during the period in which the study required under paragraph (1) is conducted.

(3) REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Institute shall submit to the Secretary and Congress a report on the results of the study conducted under this subsection.

(c) REGULATIONS.—Not later than 6 months after the date on which the report required under subsection (b)(3) has been submitted to the Secretary, the Secretary, after taking into consideration the recommendations contained in the report, shall promulgate such regulations revising the PERM requirements as the Secretary determines are appropriate.

(d) APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2008 such sums as may be necessary for the purpose of carrying out this section, not to exceed $1,000,000. Funds appropriated under this subsection shall remain available until expended.

SEC. 705. ELIMINATION OF CONFUSING PROGRAM REFERENCES.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106–113 (113 Stat. 1501A–402) is repealed.

TITLE VIII—EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

(a) IN GENERAL.—Unless otherwise provided, subject to subsection (b), the amendments made by this Act shall take effect on October 1, 2007, and shall apply to child health assistance and medical assistance provided on or after that date without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or XXI of the Social Security Act, which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by an amendment made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 1228. A bill to amend section 485(f) of the Higher Education Act of 1965 regarding law enforcement emergencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Campus Law Enforcement Emergency Response Act of 2007".

SEC. 2. LAW ENFORCEMENT EMERGENCIES.

Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended—

(1) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively;

(2) by inserting after paragraph (8) the following:

"(9)(A) Each institution of higher education participating in any program under this title shall develop and distribute as part of the report described in paragraph (1)—

"(i) a statement of policy regarding the institution's law enforcement emergency response program; and

"(ii) statistics concerning the occurrence of law enforcement emergencies on the campus of the institution.

"(B) In this paragraph:

"(i) The term 'campus' has the meaning given the term in paragraph 6(A)(i), except that the term includes—

"(I) a noncampus building or property, as defined in paragraph (6)(A)(ii), of an institution of higher education; and

"(II) any public property, as defined in paragraph (6)(A)(iii), of an institution of higher education.

"(ii) The term 'law enforcement emergency' means a shooting, the presence of an armed and dangerous person, a bomb threat, the presence of an unauthorized hazardous or toxic material that poses a threat to health and safety, a lock-down, a reverse evacuation, or any other comparable type of incident, on the campus of an institution of higher education, that involves the participation of one or more law enforcement agencies.

"(C) The policy described in subparagraph (A) shall address the following:

"(i) Procedures students, employees, and others on the campus of the institution will be directed to follow if a law enforcement emergency occurs.

"(ii) Procedures the institution and law enforcement agencies will follow to inform students, employees, and others on the campus of the institution about a law enforcement emergency on the campus and will follow to direct the actions of the students, employees, and others. Such procedures may include e-mail alerts, telephone alerts, text-message alerts, radio announcements, television alerts, audible alert signals, and public address announcements.

"(D) Each institution participating in any program under this title shall test the institution's law enforcement emergency response policy and procedures on at least an annual basis.

"(E) Each institution participating in any program under this title shall make reports to the students, employees, and others on the campus of the institution, not later than 30 minutes after the discovery of a law enforcement emergency on the campus, through the procedures described in subparagraph (C)(ii).

"(F) The Secretary and the Attorney General shall jointly have the authority—

"(i) to review, monitor, and ensure compliance with this paragraph;

"(ii) to advise institutions of higher education on model law enforcement emergency response policies, procedures, and practices; and

"(iii) to disseminate information concerning those policies, procedures, and practices.

"(G) CAMPUS LAW ENFORCEMENT EMERGENCY RESPONSE GRANTS.—

"(i) PROGRAM AUTHORITY.—The Secretary may make grants to institutions of higher education or consortia of such institutions, or enter into contracts with such institutions, consortia, and other organizations, to develop, implement, operate, improve, test, or disseminate campus law enforcement emergency response policies, procedures, or programs.

"(ii) AWARDS.—Grants and contracts under this subparagraph shall be awarded—

"(I) on a competitive basis; and

"(II) for a period not to exceed 1 year.

"(iii) APPLICATIONS.—An institution of higher education, a consortium, or an organization that desires to receive a grant or enter into a contract under this subparagraph shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require by regulation.

"(iv) PARTICIPATION.—In awarding grants and contracts under this subparagraph, the Secretary shall make every effort to ensure—

"(I) the equitable participation of institutions of higher education that are eligible to participate in programs under this title;

"(II) the equitable geographic participation of such institutions; and

"(III) the equitable participation of such institutions with large and small enrollments.

"(v) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $5,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

Mr. DURBIN. Mr. President, I rise today to introduce the Campus Law Enforcement Emergency Response Act of 2007. This legislation takes several important steps to enhance the security of college and university campuses, including ensuring that schools have created and tested emergency response procedures and notification systems.

We will never forget the tragic events at Virginia Tech on April 16, 2007, when a mentally ill gunman brutally murdered 32 men and women over a period of several hours. This horrible incident demonstrated the need for colleges and universities to develop and test procedures for responding to emergency situations that pose a large-scale threat to public safety. In the era we live in today, college campuses may be viewed as inviting targets for those who seek to terrorize or kill. We have to be prepared for the possibility of mass-casualty attacks on our college campuses, and we have to be ready to respond to them if they occur.

Many schools in my home State of Illinois and elsewhere have taken measures, both before and after the Virginia Tech shootings, to safeguard against such emergency incidents. However, there are nearly 4,300 colleges and universities in the country, serving over 17 million students and millions more faculty, staff and campus visitors each year. We need to ensure that all of these institutions have effective law enforcement emergency response procedures in place, and we need to provide guidance and assistance for schools that need it.

The Campus Law Enforcement Emergency Response Act would ensure that institutions of higher education meet baseline preparedness and testing requirements for law enforcement emergencies. The bill would expand the focus of the Clery Act, an existing law that requires colleges and universities to issue annual reports on campus crime and crime security measures, to cover "law enforcement emergency" situations. The term "law enforcement emergency" as defined in the bill would include situations that occur on a college campus that involve a law enforcement response and that pose a potential threat of continuing danger. Such situations would include "a shooting, the presence of an armed and dangerous person, a bomb threat, the presence of an unauthorized hazardous or toxic material that poses a threat to health and safety, a lock-down, a reverse evacuation, or any other comparable type of incident on the campus . . . that involves the participation of one or more law enforcement agencies." Because of the threat of large-scale dangers that these types of emergency incidents pose to the campus community, additional preparations should be made for them.

First, the bill would require higher education institutions to develop and distribute policies regarding the institution's law enforcement emergency response program. These policies would have to specify the procedures students and employees should follow if a law enforcement emergency occurs and the procedures that the school and its partner law enforcement agencies would follow to inform and guide students and employees in case of such an emergency. Under this bill, schools are encouraged to establish notification procedures such as e-mail alerts, telephone alerts, text-message alerts, radio announcements, television alerts, audible alert signals, and public address announcements.

The bill would also require institutions to test their law enforcement emergency response procedures at least annually. Such testing is crucial for ensuring the efficient and effective coordination of law enforcement response activities with the actions of those on campus.

In addition, this legislation would require institutions to provide notice to the campus community through its notification procedures no later than 30 minutes after the discovery of a law enforcement emergency. Many have pointed out that over 2 hours passed between the discovery of the first shootings on the Virginia Tech campus and the initial threat notification to the Virginia Tech community. In the interim period, the Virginia Tech gunman moved across campus and shot many more victims. A 30-minute notification requirement provides enough time for law enforcement agencies to assess an emergency situation and to issue, at minimum, an alert notifying the campus community about the possibility of further danger.

The bill would give the Departments of Education and Justice joint authority to review, monitor, and ensure compliance with the bill's requirements. Given the Department of Justices experience in dealing with law enforcement emergencies, joint authority and coordination with the Department of Education will provide a significant benefit to schools. Additionally, the bill would authorize the Education and Justice Departments to advise schools on model law enforcement emergency response procedures and to disseminate information about these procedures. The bill would further require schools to report statistics on the actual occurrence of law enforcement emergencies at each school.

Finally, the bill would create a competitive grant program, to be administered by the Department of Education, to help institutions develop, implement, operate, improve, test, and disseminate campus law enforcement emergency response programs. The program would be authorized for 5 years, at $5 million for the first year and for such sums as may be necessary thereafter.

The tragedy at Virginia Tech should cause us to reassess numerous laws in an effort to prevent such tragedies from happening in the future. We need to reevaluate the State and Federal laws that allowed a man to purchase guns and ammunition despite a prior determination of mental illness by a court. We need to take a hard look at mental health in this country and to craft policies that identify and provide support for those with signs of mental illness. We must also work to strengthen the security of our primary and secondary schools in order to safeguard against shootings and other dangerous incidents on those school grounds. These issues will be the subject of discussions in the days to come, and enhancing the preparedness of our college campuses for law enforcement emergencies must be a part of those discussions as well.

Sadly, we cannot guarantee that a mass tragedy will never occur again on an American campus. But it is imperative that the Government, law enforcement agencies, and school administrations work together to guard against mass-casualty threats as best we can and to be ready to respond if they occur. The Campus Law Enforcement Emergency Response Act will help ensure that those who live, work, and study at our colleges and universities can do so more safely. I urge the Congress to pass this important and critical legislation.

By Mr. DODD:

S. 1230. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for contributions to qualified tuition programs; to the Committee on Finance.

Mr. DODD. Mr. President, I rise to introduce the College Saver's Credit Act, a bill designed to open the dream of higher education to many more Americans.

Few choices in life have the economic consequence as the decision to enter college. Compare college-educated workers to their high-school-educated peers: those with a college diploma will earn $1 million more over the course of a lifetime than their peers without one. That million-dollar difference lays bare the power in college access.

And yet there are literally hundreds of thousands of young men and women who want to choose a college education, and cannot. These young men and women are prepared to enter into our college-educated middle class—prepared in intellect, prepared in maturity, prepared in ambition—and are shut out by the cost of tuition.

This year, 400,000 high school seniors whose families have low or moderate incomes will be priced out of college. Of those, nearly 200,000 will never attend college at all. They will lose their chance at higher education, and as a consequence, they will face almost twice the odds of unemployment.

And unless we take action, the number of excluded Americans is only likely to increase. Over the past 10 years, the cost of attending a 4-year public college has increased by more than $2,800, or 96 percent, and the cost of attending a four-year private college has increased by more than $9,000, or 71 percent. These costs continue to rise today.

We must take steps to break down these barriers to access, starting by making it easier for families to save for higher education. The refundable College Saver's Credit created by this act would do just that—even as it boosts personal and national savings, at a time when these rates are setting new lows. It would provide a powerful complement to the other forms of financial aid available to students, which, I might add, we should also continue to work to strengthen.

The College Saver's Credit would be available to low- and moderate-income taxpayers who save in Section 529 college savings plans: specifically, to joint filers making up to $60,000, heads of households making up to $45,000, and all other taxpayers making up to $30,000, with all numbers indexed for inflation. In other words, the credit is designed to provide the greatest benefit to those who have the greatest difficulty affording college.

Taxpayers could claim a 50 percent credit for Section 529 plan contributions, up to a maximum credit of $2,000. The College Saver's Credit would be fully refundable—meaning that even taxpayers who do not make enough money to have a high tax liability would be eligible to claim the credit's full value—provided that the refunded amount is put towards qualified higher educational expenses. Any refund would be deposited directly and automatically into the taxpayer's or taxpayer's beneficiary's designated 529 college savings plan, taking advantage of the IRS's new "split refund" option. Funds attributable to refunds from the College Saver's Credit could accumulate earnings tax-free (like the rest of the taxpayer's savings in a 529 plan), but may only be distributed to pay college costs—otherwise, they must be returned to the Treasury.

In his budget this year, President Bush proposed expanding the Saver's Credit for retirement savings to section 529 college savings plans. Establishing the refundable College Saver's Credit would accomplish this goal in a way that provides the greatest value to those Americans who need it most.

And in doing that, this bill accomplishes two worthy, and linked, goals: It encourages Americans to plan and prepare for the future; and it truly widens the doors to college.

Savings and education: They are pillars of our prosperity—prosperity that will grow even as it is shared more widely.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Saver's Credit Act of 2007".

SEC. 2. COLLEGE SAVER'S CREDIT.

(a) ALLOWANCE OF REFUNDABLE CREDIT.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. COLLEGE SAVER'S CREDIT.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 50 percent of so much of the qualified college savings contributions made during the taxable year as do not exceed $2,000.

"(b) LIMITATIONS.—

"(1) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be taken into account under subsection (a) for the taxable year shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph is the amount which bears the same ratio to the amount which would be so taken into account as—

"(i) the excess of—

"(I) the taxpayer's modified adjusted gross income for the taxable year, over

"(II) the applicable amount, bears to

"(ii) the phaseout amount.

"(C) APPLICABLE AMOUNT; PHASEOUT AMOUNT.—For purposes of subparagraph (B), the applicable amount and the phaseout amount shall be determined as follows:

	The applicable amount is:	The phase out amount is:
In the case of a joint return	$60,000	$10,000
In the case of a head of household	$45,000	$7,500
In any other case	$30,000	$5,000

"(D) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

"(E) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, each of the applicable amounts in the second column of the table in subparagraph (C) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $500.

"(2) EARNED INCOME LIMITATION.—The amount of the credit allowable under subsection (a) to any taxpayer for any taxable year shall not exceed the earned income (as defined by section 32(c)(2)) of such taxpayer for such taxable year.

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible individual' means any individual if such individual has attained the age of 18 as of the close of the taxable year.

"(2) DEPENDENTS NOT ELIGIBLE.—The term 'eligible individual' shall not include any individual with respect to whom a deduction under section 151 is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(d) QUALIFIED COLLEGE SAVINGS CONTRIBUTIONS.—The term 'qualified college savings contributions' means, with respect to any taxable year, the aggregate contributions made by the taxpayer to any account which—

"(1) is described in section 529(b)(1)(A)(ii),

"(2) is part of a qualified tuition program, and

"(3) is established for the benefit of—

"(A) the taxpayer,

"(B) the taxpayer's spouse, or

"(C) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151.

"(e) TREATMENT OF CONTRIBUTIONS BY DEPENDENT.—If a deduction under section 151 with respect to an individual is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins—

"(1) no credit shall be allowed under subsection (a) to such individual for such individual's taxable year, and

"(2) any qualified college savings contributions made by such individual during such taxable year shall be treated for purposes of this section as made by such other taxpayer.".

(b) REFUNDABLE AMOUNT CREDITED TO QUALIFIED TUITION PLAN.—

(1) TRANSFER OF REFUND TO QUALIFIED TUITION PLANS.—Section 6402 of the Internal Revenue Code of 1986 (relating to authority to make credits or refunds) is amended by adding at the end the following new subsection:

"(l) SPECIAL RULE FOR OVERPAYMENTS ATTRIBUTABLE TO COLLEGE SAVER'S CREDIT.—

"(1) IN GENERAL.—In the case of any overpayment attributable to the credit allowed under section 36, the Secretary shall transfer such amount to the qualified tuition program to which the taxpayer made a qualified college savings contribution.

"(2) TRANSFERS TO MORE THAN 1 QUALIFIED TUITION PROGRAM.—If the taxpayer made qualified college savings contributions to more than 1 qualified tuition program, the Secretary shall transfer the overpayment described in paragraph (1) to each such qualified tuition program in an amount that bears the same ratio to the amount of such overpayment as—

"(A) the amount of qualified college savings contributions made by such taxpayer to such qualified tuition program, bears to

"(B) the amount of qualified college savings contribution made by such taxpayer to all qualified tuition programs.

"(3) QUALIFIED COLLEGE SAVINGS CONTRIBUTION.—For purposes of this subsection, the term 'qualified college savings contribution' has the meaning given such term by section 36(d).".

(2) SEPARATE ACCOUNTING FOR REFUNDABLE AMOUNTS.—Section 529 of such Code is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) SPECIAL RULES FOR CONTRIBUTIONS ATTRIBUTABLE TO COLLEGE SAVER'S CREDIT.—

"(1) IN GENERAL.—A program shall not be treated as a qualified tuition program unless it provides separate accounting for contributions transferred by the Secretary under section 6402(l) to an account in the program.

"(2) SPECIAL RULES FOR DISTRIBUTION.—In the case of a distribution under a qualified tuition program which includes any amount transferred by the Secretary under section 6402(l) (including any earnings attributable to such amount) and which is includible in gross income, the tax imposed by this chapter on the person receiving such distribution shall be increased by 100 percent of the amount so includible.

"(3) ORDERING RULES.—For purposes of applying this subsection to any distribution from a qualified tuition program—

"(A) IN GENERAL.—Except as provided in subparagraph (B), such distribution shall be treated as made—

"(i) first from amounts contributed under the program, and

"(ii) second from amounts transferred by the Secretary under section 6402(l).

"(B) EXCEPTION FOR DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—In the case of a distribution described in subsection (c)(3), such distribution shall be treated as made—

"(i) first from amounts transferred by the Secretary under section 6402(l), and

"(ii) second from other amounts contributed under the program.".

(c) CONFORMING AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period at the end ", or enacted by the College Saver's Credit Act of 2007".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following:

"Sec. 36. College saver's credit.
"Sec. 37. Overpayments of tax.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 3. DISTRIBUTION OF FINANCIAL EDUCATION MATERIALS TO INDIVIDUALS INVESTING IN QUALIFIED TUITION PROGRAMS.

(a) IN GENERAL.—Subsection (b) of section 529 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(7) FINANCIAL EDUCATION MATERIALS.—A program shall not be treated as a qualified tuition program unless it requires that financial education materials are distributed to individuals participating in the program.".

(b) GUIDANCE.—Subsection (g) of section 529 of such Code, as redesignated by this Act, is amended by inserting "and regulations providing guidance on the types of financial education material required to be provided under subsection (b)(7)" before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 4. STUDY ON PARTICIPATION IN QUALIFIED TUITION PROGRAMS.

(a) IN GENERAL.—The Secretary of the Treasury shall conduct a study on the participation of individuals in qualified tuition programs under section 529 of the Internal Revenue Code of 1986.

(b) MATTER STUDIED.—The study conducted under subsection (a) shall consider—

(1) the income and age of individuals participating in qualified tuition programs, and

(2) the amount of fees charged under each qualified tuition program established or maintained by a State (or agency or instrumentality thereof).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the study conducted under subsection (a).

By Mr. REED:

S. 1231. A bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing the Preparing, Recruiting, and Retaining Education Professionals (PRREP) Act to improve education and student achievement through high-quality preparation, induction, and professional development for teachers, early childhood education providers, principals, and administrators.

Improving teacher quality is the single most effective measure we can take to increase student achievement. As Congress turns to the reauthorization of the Higher Education Act, we must ensure that educators receive the training and support necessary to thrive in our nation's early childhood programs, elementary schools, and secondary schools. We have an opportunity to support the development of educators so they not only have the credentials to be considered a "highly qualified teacher" under the No Child Left Behind Act, but also the skills and training to be truly effective in the classroom. By strengthening the teacher preparation grants in Title II of the Higher Education Act, my legislation will accomplish both of these important goals.

Teacher attrition undermines teacher quality and creates teacher shortages. According to the National Commission on Teaching and America's Future, one-third of beginning teachers leave the profession within three years, and nearly one-half leave within five years. In high poverty schools turnover rates are even worse—approximately one-third higher than the rate for all teachers. The PRREP Act would create a year-long clinical learning experience for prospective teachers, and establish a comprehensive induction program, including high quality mentoring, for new teachers in at least their first two years of teaching. Research consistently shows that induction programs reduce the number of teachers who leave their schools or the profession. Comprehensive induction programs can cut that number by half or more.

Additionally, my legislation strengthens teacher preparation programs so that teachers will reach their maximum potential to positively affect student achievement. A focus on scientific knowledge of effective teaching skills and methods of student learning will equip teachers to understand and respond to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or special learning needs. The legislation also seeks to ensure that teachers have the ability to integrate technology into the classroom, use assessments to improve instructional practices and curriculum, and communicate with and involve parents in their children's education.

My legislation further focuses on teaching skills and learning strategies by including in the partnership grants academic departments such as psychology, human development, or one with comparable expertise in the disciplines of teaching, learning, and child and adolescent development. The PRREP Act also would include early childhood educators for the first time in teacher preparation programs.

Teacher preparation grants under Title II of the Higher Education Act are currently funded at only $60 million a year—far too small of an investment for this critical enterprise. The stakes are too high, not just in terms of meeting the highly qualified requirements of the No Child Left Behind Act, but also for real students in real classrooms. My bill significantly boosts this funding, authorizing $500 million for these vital programs.

I urge my colleagues to cosponsor this legislation and work for its inclusion in the reauthorization of the Higher Education Act.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preparing, Recruiting, and Retaining Education Professionals Act of 2007".

SEC. 2. PURPOSES; DEFINITIONS.

Section 201 of the Higher Education Act of 1965 (20 U.S.C. 1021) is amended to read as follows:

"SEC. 201. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this part are to—

"(1) improve student achievement;

"(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing ongoing professional development activities;

"(3) encourage partnerships among institutions of higher education, early childhood education programs, elementary schools or secondary schools, local educational agencies, State educational agencies, teacher organizations, and nonprofit educational organizations;

"(4) hold institutions of higher education and all other teacher preparation programs (including programs that provide alternative routes to teacher preparation) accountable in an equivalent manner for preparing—

"(A) teachers who have strong teaching skills, are highly qualified, and are trained in the effective uses of technology in the classroom; and

"(B) early childhood education providers who are highly competent;

"(5) recruit and retain qualified individuals, including individuals from other occupations, into the teaching force for early childhood education programs or in elementary schools or secondary schools;

"(6) improve the recruitment, retention, and capacities of principals to provide instructional leadership and to support teachers in maintaining safe and effective learning environments;

"(7) expand the use of research to improve teaching and learning by teachers, early childhood education providers, principals, and faculty; and

"(8) enhance the ability of teachers, early childhood education providers, principals, administrators, and faculty to communicate with, work with, and involve parents in ways that improve student achievement.

"(b) DEFINITIONS.—In this part:

"(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

"(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

"(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

"(2) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means a family child care program, center-based child care program, prekindergarten program, school program, or other out-of-home child care program that is licensed or regulated by the State serving 2 or more unrelated children from birth until school entry, or a Head Start program carried out under the Head Start Act or an Early Head Start program carried out under section 645A of that Act.

"(3) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(4) FACULTY.—

"(A) IN GENERAL.—The term 'faculty' means individuals in institutions of higher education who are responsible for preparing teachers.

"(B) INCLUSIONS.—The term 'faculty' includes professors of education and professors in academic disciplines such as the arts and sciences, psychology, and human development.

"(5) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency that serves an early childhood education program, elementary school, or secondary school located in an area in which—

"(A)(i) 15 percent or more of the students served by the agency are from families with incomes below the poverty line;

"(ii) there are more than 5,000 students served by the agency from families with incomes below the poverty line; or

"(iii) there are less than 600 students in average daily attendance in all the schools that are served by the agency and all of whose schools are designated with a school locale code of 7 or 8, as determined by the Secretary; and

"(B)(i) there is a high percentage of teachers who are not highly qualified; or

"(ii) there is a chronic shortage, or annual turnover rate of 20 percent or more, of highly qualified teachers.

"(6) HIGH-NEED SCHOOL.—The term 'high-need school' means an early childhood education program, public elementary school, or public secondary school—

"(A)(i) in which there is a high concentration of students from families with incomes below the poverty line; or

"(ii) that, in the case of a public elementary school or public secondary school, is identified as in need of school improvement or corrective action pursuant to section 1116 of the Elementary and Secondary Education Act of 1965; and

"(B) in which there exists—

"(i) in the case of a public elementary school or public secondary school, a persistent and chronic shortage, or annual turnover rate of 20 percent or more, of highly qualified teachers; and

"(ii) in the case of an early childhood education program, a persistent and chronic shortage of early childhood education providers who are highly competent.

"(7) HIGHLY COMPETENT.—The term 'highly competent' when used with respect to an early childhood education provider means a provider—

"(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

"(B) with—

"(i) a baccalaureate degree in an academic major in the arts and sciences; or

"(ii) an associate's degree in a related educational area; and

"(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

"(8) HIGHLY QUALIFIED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'highly qualified' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(B) SPECIAL EDUCATION TEACHERS.—When used with respect to a special education teacher, the term 'highly qualified' has the meaning given the term in section 602 of the Individuals with Disabilities Education Act.

"(9) INDUCTION.—The term 'induction' means a formalized program designed to provide support for, improve the professional performance of, and promote the retention in the teaching field of, beginning teachers, and that—

"(A) shall include—

"(i) mentoring;

"(ii) structured collaboration time with teachers in the same department or field;

"(iii) structured meeting time with administrators; and

"(iv) professional development activities; and

"(B) may include—

"(i) reduced teaching loads;

"(ii) support of a teaching aide;

"(iii) orientation seminars; and

"(iv) regular evaluation of the teacher inductee, the mentors, and the overall formalized program.

"(10) MENTORING.—The term 'mentoring' means a process by which a teacher mentor who is an exemplary teacher, either alone or in a team with faculty, provides active support for prospective teachers and new teachers through a system for integrating evidence-based practice, including rigorous, supervised training in high-quality teaching settings. Such support includes activities specifically designed to promote—

"(A) knowledge of the scientific research on, and assessment of, teaching and learning;

"(B) development of teaching skills and skills in evidence-based educational interventions;

"(C) development of classroom management skills;

"(D) a positive role model relationship where academic assistance and exposure to new experiences is provided; and

"(E) ongoing supervision and communication regarding the prospective teacher's development of teaching skills and continued support for the new teacher by the mentor, other teachers, principals, and administrators.

"(11) PARENT.—The term 'parent' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(12) PARENTAL INVOLVEMENT.—The term 'parental involvement' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(13) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(14) PROFESSIONAL DEVELOPMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(B) EARLY CHILDHOOD EDUCATION PROVIDERS.—The term 'professional development' when used with respect to an early childhood education provider means knowledge and skills in all domains of child development (including cognitive, social, emotional, physical, and approaches to learning) and pedagogy of children from birth until entry into kindergarten.

"(15) TEACHING SKILLS.—The term 'teaching skills' means skills—

"(A) grounded in the disciplines of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

"(B) that require an understanding of the learning process itself, including an understanding of—

"(i) the use of teaching strategies specific to the subject matter;

"(ii) the application of ongoing assessment of student learning, particularly for evaluating instructional practices and curriculum;

"(iii) ensuring successful learning for students with individual differences in ability and instructional needs;

"(iv) effective classroom management; and

"(v) effective ways to communicate with, work with, and involve parents in their children's education.".

SEC. 3. STATE GRANTS.

Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022) is amended to read as follows:

"SEC. 202. STATE GRANTS.

"(a) IN GENERAL.—From amounts made available under section 211(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

"(b) ELIGIBLE STATE.—

"(1) DEFINITION.—In this part, the term 'eligible State' means—

"(A) a State educational agency; or

"(B) an entity or agency in the State responsible for teacher certification and preparation activities.

"(2) CONSULTATION.—The eligible State shall consult with the Governor, State board of education, State educational agency, State agency for higher education, State agency with responsibility for child care, prekindergarten, or other early childhood education programs, and other State entities that provide professional development and teacher preparation for teachers, as appropriate, with respect to the activities assisted under this section.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

"(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

"(1) meets the requirements of this section and other relevant requirements for States under this title;

"(2) describes how the eligible State intends to use funds provided under this section in accordance with State-identified needs;

"(3) describes the eligible State's plan for continuing the activities carried out with the grant once Federal funding ceases;

"(4) describes how the eligible State will coordinate activities authorized under this section with other Federal, State, and local personnel preparation and professional development programs; and

"(5) contains such other information and assurances as the Secretary may require.

"(d) USES OF FUNDS.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, and to ensure that current and future teachers are highly qualified and possess strong teaching skills and knowledge to assess student academic achievement, by carrying out 1 or more of the following activities:

"(1) REFORMS.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for, and assist such programs in, preparing teachers who have strong teaching skills and are highly qualified or early childhood education providers who are highly competent. Such reforms shall include—

"(A) State program approval requirements regarding curriculum changes by teacher preparation programs that improve teaching skills based on scientific knowledge—

“(i) about the disciplines of teaching and learning, including effective ways to communicate with, work with, and involve parents in their children's education; and

“(ii) about understanding and responding effectively to students with special needs, including students with disabilities, limited-English proficient students, students with low literacy levels, and students with different learning styles or other special learning needs;

“(B) State program approval requirements for teacher preparation programs to have in place mechanisms to measure and assess the effectiveness and impact of teacher preparation programs, including on student achievement;

“(C) assurances from institutions that such institutions have a program in place that provides a year-long clinical experience for prospective teachers;

“(D) collecting and using data, in collaboration with institutions of higher education, schools, and local educational agencies, on teacher retention rates, by school, to evaluate and strengthen the effectiveness of the State's teacher support system; and

“(E) developing methods and building capacity for teacher preparation programs to assess the retention rates of the programs' graduates and to use such information for continuous program improvement.

“(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Ensuring the State's teacher certification or licensure requirements are rigorous so that teachers have strong teaching skills and are highly qualified.

“(3) ALTERNATIVE ROUTES TO STATE CERTIFICATION.—Carrying out programs that provide prospective teachers with high-quality alternative routes to traditional preparation for teaching and to State certification for well-prepared and qualified prospective teachers, including—

“(A) programs at schools or departments of arts and sciences, schools or departments of education within institutions of higher education, or at nonprofit educational organizations with expertise in producing highly qualified teachers that include instruction in teaching skills;

“(B) a selective means for admitting individuals into such programs;

“(C) providing intensive support, including induction, during the initial teaching experience;

“(D) establishing, expanding, or improving alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, paraprofessionals, former military personnel and recent college graduates with records of academic distinction, that have a proven record of effectiveness and that ensure that current and future teachers possess strong teaching skills and are highly qualified; and

“(E) providing support in the disciplines of teaching and learning to ensure that prospective teachers—

“(i) have an understanding of evidence-based effective teaching practices;

“(ii) have knowledge of student learning methods; and

“(iii) possess strong teaching skills, including effective ways to communicate with, work with, and involve parents in their children's education.

“(4) STATE CERTIFICATION RECIPROCITY.—Establishing and promoting reciprocity of certification or licensing between or among States for general and special education teachers and principals, except that no reciprocity agreement developed pursuant to this paragraph or developed using funds provided under this part may lead to the weakening of any State certification or licensing requirement that is shown through evidence-based research to ensure teacher and principal quality and student achievement.

“(5) RECRUITMENT AND RETENTION.—Developing and implementing effective mechanisms to ensure that local educational agencies, schools, and early childhood program providers are able to effectively recruit and retain highly qualified teachers, highly competent early childhood education providers, and principals, and provide access to ongoing professional development opportunities for teachers, early childhood education providers, and principals, including activities described in subsections (d) and (e) of section 204.

“(6) SOCIAL PROMOTION.—Development and implementation of efforts to address the problem of social promotion and to prepare teachers, principals, administrators, and parents to effectively address the issues raised by ending the practice of social promotion.”.

SEC. 4. PARTNERSHIP GRANTS.

Section 203 of the Higher Education Act of 1965 (20 U.S.C. 1023) is amended to read as follows:

“SEC. 203. PARTNERSHIP GRANTS.

“(a) GRANTS.—From amounts made available under section 211(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

“(b) DEFINITIONS.—

“(1) ELIGIBLE PARTNERSHIP.—In this part, the term ‘eligible partnership’ means an entity that—

“(A) shall include—

“(i) a partner institution;

“(ii) a school or department of arts and sciences within the partner institution under clause (i);

“(iii) a school or department of education within the partner institution under clause (i);

“(iv)(I) a department of psychology within the partner institution under clause (i);

“(II) a department of human development within the partner institution under clause (i); or

“(III) a department with comparable expertise in the disciplines of teaching, learning, and child and adolescent development within the partner institution under clause (i);

“(v) a high-need local educational agency; and

“(vi)(I) a high-need school served by the high-need local educational agency under clause (v); or

“(II) a consortium of schools of the high-need local educational agency under clause (v); and

“(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A) (including a community college), a public charter school, other public elementary school or secondary school, a combination or network of urban, suburban, or rural schools, a public or private nonprofit educational organization, a business, a teacher organization, or an early childhood education program.

“(2) PARTNER INSTITUTION.—In this section, the term ‘partner institution’ means a private independent or State-supported public institution of higher education, or a consortium of such institutions, that has not been designated under section 208(a) and the teacher preparation program of which demonstrates that—

“(A) graduates from the teacher preparation program who intend to enter the field of teaching exhibit strong performance on State-determined qualifying assessments and are highly qualified; or

“(B) the teacher preparation program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, to possess strong teaching skills, and—

“(i) in the case of prospective elementary school and secondary school teachers, to become highly qualified; and

“(ii) in the case of prospective early childhood education providers, to become highly competent.

“(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

“(1) contain a needs assessment of all the partners with respect to the preparation, ongoing training, and professional development of early childhood education providers, general and special education teachers, and principals, the extent to which the program prepares new teachers with strong teaching skills, a description of how the partnership will coordinate strategies and activities with other teacher preparation or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement and parental involvement;

“(2) contain a resource assessment that describes the resources available to the partnership, including the integration of funds from other related sources, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends;

“(3) contain a description of—

“(A) how the partnership will meet the purposes of this part, in accordance with the needs assessment required under paragraph (1);

“(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e) based on the needs identified in paragraph (1) with the goal of improving student achievement;

“(C) the partnership's evaluation plan pursuant to section 206(b);

“(D) how faculty at the partner institution will work with, over the term of the grant, principals and teachers in the classrooms of the high-need local educational agency included in the partnership;

“(E) how the partnership will enhance the instructional leadership and management skills of principals and provide effective support for principals, including new principals;

“(F) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching preservice clinical program component;

“(G) the in-service professional development strategies and activities to be supported; and

“(H) how the partnership will collect, analyze, and use data on the retention of all teachers, early childhood education providers, or principals in schools located in the geographic areas served by the partnership to evaluate the effectiveness of its educator support system;

"(4) contain a certification from the partnership that it has reviewed the application and determined that the grant proposed will comply with subsection (f);

"(5) include, for the residency program described in subsection (d)(3)—

"(A) a demonstration that the schools and departments within the institution of higher education that are part of the residency program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in the science of teaching and learning;

"(B) a demonstration of capability and commitment to evidence-based teaching and accessibility to, and involvement of, faculty documented by professional development offered to staff and documented experience with university collaborations;

"(C) a description of how the residency program will design and implement an induction period to support all new teachers through not less than the first 2 years of teaching in the further development of their teaching skills, including use of mentors who are trained and compensated by such program for their work with new teachers; and

"(D) a description of how faculty involved in the residency program will be able to substantially participate in an early childhood education program or an elementary or secondary classroom setting, including release time and receiving workload credit for their participation; and

"(6) include an assurance that the partnership has mechanisms in place to measure and assess the effectiveness and impact of the activities to be undertaken, including on student achievement.

"(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out the following activities, as applicable to teachers, early childhood education providers, or principals, in accordance with the needs assessment required under subsection (c)(1):

"(1) REFORMS.—Implementing reforms within teacher preparation programs, where needed, to hold the programs accountable for preparing teachers who are highly qualified or early childhood education providers who are highly competent and for promoting strong teaching skills, including integrating reliable evidence-based teaching methods into the curriculum, which curriculum shall include parental involvement training and programs designed to successfully integrate technology into teaching and learning. Such reforms shall include—

"(A) teacher preparation program curriculum changes that improve, and assess how well all new teachers develop, teaching skills;

"(B) use of scientific knowledge about the disciplines of teaching and learning so that all prospective teachers—

"(i) understand evidence-based teaching practices;

"(ii) have knowledge of student learning methods; and

"(iii) possess teaching skills that enable them to meet the learning needs of all students;

"(C) assurances that all teachers have a sufficient base of scientific knowledge to understand and respond effectively to students with special needs, such as providing instruction to diverse student populations, including students with disabilities, limited-English proficient students, students with low literacy levels, and students with different learning styles or other special learning needs;

"(D) assurances that the most recent scientifically based research, including research relevant to particular fields of teaching, is incorporated into professional development activities used by faculty; and

"(E) working with and involving parents in their children's education to improve the academic achievement of their children and in the teacher preparation program reform process.

"(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and providing sustained and high-quality preservice clinical education programs to further develop the teaching skills of all general education teachers and special education teachers, at schools within the partnership, at the school or department of education within the partner institution, or at evidence-based practice school settings. Such programs shall—

"(A) incorporate a year-long, rigorous, and enriching activity or combination of activities, including—

"(i) clinical learning opportunities;

"(ii) field experiences; and

"(iii) supervised practice; and

"(B) be offered over the course of a program of preparation and coursework (that may be developed as a 5th year of a teacher preparation program) for prospective general and special education teachers, including mentoring in instructional skills, classroom management skills, collaboration skills, and strategies to effectively assess student progress and achievement, and substantially increasing closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs, elementary schools, or secondary schools, and providing support, including preparation time and release time, for such interaction.

"(3) RESIDENCY PROGRAMS FOR NEW TEACHERS.—Creating a residency program that provides an induction period for all new general education and special education teachers for not less than such teachers' first 2 years. Such program shall promote the integration of the science of teaching and learning in the classroom, provide high-quality induction opportunities (including mentoring), provide opportunities for the dissemination of evidence-based research on educational practices, and provide for opportunities to engage in professional development activities offered through professional associations of educators. Such program shall draw directly upon the expertise of teacher mentors, faculty, and researchers that involves their active support in providing a setting for integrating evidence-based practice for prospective teachers, including rigorous, supervised training in high-quality teaching settings that promotes the following:

"(A) Knowledge of the scientific research on teaching and learning.

"(B) Development of skills in evidence-based educational interventions.

"(C) Faculty who model the integration of research and practice in the classroom, and the effective use and integration of technology.

"(D) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

"(E) A forum for information sharing among prospective teachers, teachers, principals, administrators, and participating faculty in the partner institution.

"(F) Application of scientifically based research on teaching and learning generated by entities such as the Institute of Education Sciences and by the National Research Council.

"(4) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development for experienced general education and special education teachers, early childhood education providers, principals, administrators, and faculty that—

"(A) improves the academic content knowledge, as well as knowledge to assess student academic achievement and how to use the results of such assessments to improve instruction, of teachers in the subject matter or academic content areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach;

"(B) promotes strong teaching skills and an understanding of how to apply scientific knowledge about teaching and learning to their teaching practice and to their ongoing classroom assessment of students;

"(C) provides mentoring, team teaching, reduced class schedules, and intensive professional development;

"(D) encourages and supports training of teachers, principals, and administrators to effectively use and integrate technology—

"(i) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability; and

"(ii) to enhance learning by children, including students with disabilities, limited-English proficient students, students with low literacy levels, and students with different learning styles or other special learning needs;

"(E) offers teachers, principals, and administrators training on how to effectively communicate with, work with, and involve parents in their children's education;

"(F) creates an ongoing retraining loop for experienced teachers, principals, and administrators, whereby the residency program activities and practices—

"(i) inform the research of faculty and other researchers; and

"(ii) translate evidence-based research findings into improved practice techniques and improved teacher preparation programs; and

"(G) includes the rotation, for varying periods of time, of experienced teachers—

"(i) who are associated with the partnership to early childhood education programs, elementary schools, or secondary schools not associated with the partnership in order to enable such experienced teachers to act as a resource for all teachers in the local educational agency or State; and

"(ii) who are not associated with the partnership to early childhood education programs, elementary schools, or secondary schools associated with the partnership in order to enable such experienced teachers to observe how teaching and professional development occurs in the partnership.

"(5) SUPPORT AND TRAINING FOR PARTICIPANTS.—Providing support and training for those individuals participating in the required activities under paragraphs (1) through (4) who serve as role models or mentors for prospective, new, and experienced teachers, based on such individuals' experience. Such support—

"(A) also may be provided to the preservice clinical experience participants, as appropriate; and

"(B) may include—

"(i) release time for such individual's participation;

"(ii) receiving course workload credit and compensation for time teaching in the partnership activities; and

"(iii) stipends.

"(6) LEADERSHIP AND MANAGERIAL SKILLS.—

"(A) IN GENERAL.—Developing and implementing proven mechanisms to provide principals, superintendents, early childhood education program directors, and administrators (and mentor teachers, as practicable) with—

"(i) an understanding of the skills and behaviors that contribute to effective instructional leadership and the maintenance of a safe and effective learning environment;

"(ii) teaching and assessment skills needed to support successful classroom teaching;

"(iii) an understanding of how students learn and develop in order to increase achievement for all students; and

"(iv) the skills to effectively involve parents.

"(B) MECHANISMS.—The mechanisms developed and implemented pursuant to subparagraph (A) may include any of the following:

"(i) Mentoring of new principals.

"(ii) Field-based experiences, supervised practica, or internship opportunities.

"(iii) Other activities to expand the knowledge base and practical skills of principals, superintendents, early childhood education program directors, and administrators (and mentor teachers, as practicable).

"(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

"(1) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, including teaching strategies and interactive materials for developing skills in classroom management and assessment and how to respond to individual student needs, abilities, and backgrounds, to early childhood education providers and teachers in elementary schools or secondary schools that are not associated with the partnership. Coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

"(2) CURRICULUM PREPARATION.—Supporting preparation time for early childhood education providers, teachers in elementary schools or secondary schools, and faculty to jointly design and implement teacher preparation curricula, classroom experiences, and ongoing professional development opportunities that promote the acquisition and continued growth of teaching skills.

"(3) COMMUNICATION SKILLS.—Developing strategies and curriculum-based professional development activities to enhance prospective teachers' communication skills with students, parents, colleagues, and other education professionals.

"(4) COORDINATION WITH OTHER INSTITUTIONS OF HIGHER EDUCATION.—Coordinating with other institutions of higher education, including community colleges, to implement teacher preparation programs that support prospective teachers in obtaining baccalaureate degrees and State certification or licensure.

"(5) TEACHER RECRUITMENT.—Activities described in subsections (d) and (e) of section 204.

"(6) PROGRAM IMPROVEMENT.—Developing, for teacher preparation program improvement purposes, methods and infrastructure to assess retention rates in the teaching field of teacher preparation program graduates and the achievement outcomes of such graduates' students.

"(f) SPECIAL RULE.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

"(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than 1 Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.".

SEC. 5. RECRUITMENT GRANTS.

Section 204 of the Higher Education Act of 1965 (20 U.S.C. 1024) is amended to read as follows:

"SEC. 204. RECRUITMENT GRANTS.

"(a) PROGRAM AUTHORIZED.—From amounts made available under section 211(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsections (d) and (e).

"(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term 'eligible applicant' means—

"(1) an eligible State described in section 202(b) that has—

"(A) high teacher shortages or annual turnover rates; or

"(B) high teacher shortages or annual turnover rates of 20 percent or more in high-need local educational agencies; or

"(2) an eligible partnership described in section 203(b) that—

"(A) serves not less than 1 high-need local educational agency with high teacher shortages or annual turnover rates of 20 percent or more;

"(B) serves schools that demonstrate great difficulty meeting State challenging academic content standards; or

"(C) demonstrates great difficulty meeting the requirement that teachers be highly qualified.

"(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

"(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

"(2) a description of how the eligible applicant will recruit and retain highly qualified teachers or other qualified individuals, including principals and early childhood education providers, or both, who are enrolled in, accepted to, or plan to participate in teacher preparation programs or professional development activities, as described under section 203, in geographic areas of greatest need, including data on the retention rate, by school, of all teachers in schools located within the geographic areas served by the eligible applicant;

"(3) a description of the activities the eligible applicant will carry out with the grant; and

"(4) a description of the eligible applicant's plan for continuing the activities carried out with the grant once Federal funding ceases.

"(d) REQUIRED USES OF FUNDS.—An eligible applicant receiving a grant under this section shall use the grant funds—

"(1)(A) to award scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

"(B) to provide support services, if needed, to enable scholarship recipients to complete postsecondary education programs;

"(C) for followup services (including induction opportunities, mentoring, and professional development activities) provided to former scholarship recipients during not less than the recipients' first 2 years of teaching; and

"(D) in the case where the eligible applicant also receives a grant under section 203, for support and training for mentor teachers who participate in the residency program; or

"(2) to develop and implement effective mechanisms, including a professional development system and career ladders, to ensure that high-need local educational agencies, high-need schools, and early childhood education programs are able to effectively recruit and retain highly competent early childhood education providers, highly qualified teachers, and principals.

"(e) ALLOWABLE USE OF FUNDS.—An eligible applicant receiving a grant under this section may use the grant funds to carry out the following:

"(1) OUTREACH.—Conducting outreach and coordinating with urban and rural secondary schools to encourage students to pursue teaching as a career.

"(2) EARLY CHILDHOOD EDUCATION COMPENSATION.—For eligible applicants focusing on early childhood education, implementing initiatives that increase compensation of early childhood education providers who attain degrees in early childhood education.

"(3) PROGRAM IMPROVEMENT.—Developing, for teacher preparation program improvement purposes, methods and infrastructure to assess retention rates in the teaching field of teacher preparation program graduates and the achievement outcomes of such graduates' students.

"(f) SERVICE REQUIREMENTS.—The Secretary shall establish such requirements as the Secretary finds necessary to ensure that recipients of scholarships under this section who complete teacher education programs subsequently teach in a high-need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary shall use any such repayments to carry out additional activities under this section.".

SEC. 6. ADMINISTRATIVE PROVISIONS.

Section 205 of the Higher Education Act of 1965 (20 U.S.C. 1025) is amended—

(1) in subsection (a)—

(A) in the heading, by striking "**ONE-TIME AWARDS;**";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(2) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (4);

(B) by striking paragraph (2) and inserting the following:

"(2) COMPOSITION OF PANEL.—The peer review panel shall be composed of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications for grants under this part. A majority of the panel shall be composed of individuals who are not employees of the Federal Government.";

(C) by inserting after paragraph (2) the following:

"(3) EVALUATION AND PRIORITY.—The peer review panel shall evaluate the applicants' proposals to improve the current and future teaching force through program and certification reforms, teacher preparation program activities (including implementation and assessment strategies), and professional development activities described in sections 202, 203, and 204, as appropriate. In recommending applications to the Secretary for funding under this part, the peer review panel shall—

"(A) with respect to grants under section 202, give priority to eligible States that—

"(i) have initiatives to reform State program approval requirements for teacher preparation programs that are designed to ensure that current and future teachers are highly qualified and possess strong teaching skills, knowledge to assess student academic achievement, and the ability to use this information in such teachers' classroom instruction;

"(ii) include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified and have strong teaching skills; or

"(iii) involve the development of innovative efforts aimed at reducing the shortage of—

"(I) highly qualified teachers in high-poverty urban and rural areas; and

"(II) highly qualified teachers in fields with persistently high teacher shortages, including special education;

"(B) with respect to grants under section 203—

"(i) give priority to applications from eligible partnerships that involve broad participation within the community, including businesses; and

"(ii) take into consideration—

"(I) providing an equitable geographic distribution of the grants throughout the United States; and

"(II) the potential of the proposed activities for creating improvement and positive change; and

"(C) with respect to grants under section 204, give priority to eligible applicants that have in place, or in progress, articulation agreements between 2- and 4-year public and private institutions of higher education and nonprofit providers of professional development with demonstrated experience in professional development activities."; and

(D) by adding at the end the following:

"(5) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary may use available funds appropriated to carry out this part to pay the expenses and fees of peer review panel members who are not employees of the Federal Government."; and

(3) by striking subsection (e) and inserting the following:

"(e) TECHNICAL ASSISTANCE.—For each fiscal year, the Secretary may expend not more than $500,000 or 0.75 percent of the funds appropriated to carry out this title for such fiscal year, whichever amount is greater, to provide technical assistance to States and partnerships receiving grants under this part.".

SEC. 7. ACCOUNTABILITY AND EVALUATION.

Section 206 of the Higher Education Act of 1965 (20 U.S.C. 1026) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions"; and

(ii) by striking "Committee on Education and the Workforce" and inserting "Committee on Education and Labor";

(B) in paragraph (2), by striking ", including," and all that follows through the period and inserting "as a highly qualified teacher.";

(C) in paragraph (3)—

(i) by striking "highly"; and

(ii) by striking the period at the end and inserting "that meet the same standards and criteria of State certification or licensure programs.";

(D) by striking paragraph (4) and inserting the following:

"(4) TEACHER AND PROVIDER QUALIFICATIONS.—

"(A) ELEMENTARY AND SECONDARY SCHOOL CLASSES.—Increasing the percentage of elementary school and secondary school classes taught by teachers—

"(i) who have strong teaching skills and are highly qualified;

"(ii) who have completed preparation programs that provide such teachers with the scientific knowledge about the disciplines of teaching, learning, and child and adolescent development so the teachers understand and use evidence-based teaching skills to meet the learning needs of all students; or

"(iii) who have completed a residency program through not less than their first 2 years of teaching that includes mentoring by faculty who are trained and compensated for their work with new teachers.

"(B) EARLY CHILDHOOD EDUCATION PROGRAMS.—Increasing the percentage of classrooms in early childhood education programs taught by providers who are highly competent.";

(E) by striking paragraph (5) and inserting the following:

"(5) DECREASING SHORTAGES.—Decreasing shortages of—

"(A) qualified teachers and principals in poor urban and rural areas; and

"(B) qualified teachers in fields with persistently high teacher shortages, including special education."; and

(F) by striking paragraph (6) and inserting the following:

"(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

"(A) improves—

"(i) the knowledge and skills of early childhood education providers;

"(ii) the knowledge of teachers in special education;

"(iii) the knowledge of general education teachers, principals, and administrators about special education content and instructional practices;

"(iv) the knowledge and skills to assess student academic achievement and use the results of such assessments to improve instruction;

"(v) the knowledge of subject matter or academic content areas—

"(I) in which the teachers are certified or licensed to teach; or

"(II) in which the teachers are working toward certification or licensure to teach; or

"(vi) the knowledge and skills to effectively communicate with, work with, and involve parents in their children's education;

"(B) promotes strong teaching skills and an understanding of how to apply scientific knowledge about teaching and learning to teachers' teaching practice and to teachers' ongoing classroom assessment of students; and

"(C) provides enhanced instructional leadership and management skills for principals.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "for" and inserting "for teachers, early childhood education providers, or principals, as appropriate, according to the needs assessment required under section 203(c)(1), for"; and

(B) by striking paragraphs (1) through (6) and inserting the following:

"(1) increased demonstration by program graduates of teaching skills grounded in scientific knowledge about the disciplines of teaching and learning;

"(2) increased student achievement for all students as measured by the partnership, including mechanisms to measure student achievement due to the specific activities conducted by the partnership;

"(3) increased teacher retention in the first 3 years of a teacher's career based, in part, on teacher retention data collected as described in section 203(c)(3)(H);

"(4) increased success in the pass rate for initial State certification or licensure of teachers;

"(5) increased percentage of elementary school and secondary school classes taught by teachers who are highly qualified;

"(6) increased percentage of early childhood education program classes taught by providers who are highly competent;

"(7) increased percentage of early childhood education programs and elementary school and secondary school classes taught by providers and teachers who demonstrate clinical judgment, communication, and problem-solving skills resulting from participation in a residency program;

"(8) increased percentage of highly qualified special education teachers;

"(9) increased number of general education teachers trained in working with students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs;

"(10) increased number of teachers trained in technology; and

"(11) increased number of teachers, early childhood education providers, or principals prepared to work effectively with parents."; and

(3) in subsection (d)—

(A) by inserting ", with particular attention to the reports and evaluations provided by the eligible States and eligible partnerships pursuant to this section," after "funded under this part";

(B) by striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions"; and

(C) by striking "Committee on Education and the Workforce" and inserting "Committee on Education and Labor".

SEC. 8. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

Section 207 of the Higher Education Act of 1965 (20 U.S.C. 1027) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively;

(3) in subsection (a), as redesignated by paragraph (2)—

(A) in the matter preceding paragraph (1), by striking ", within 2 years" and all that follows through "the following" and inserting ", on an annual basis and in a uniform and comprehensible manner that conforms with the definitions and reporting methods previously developed for teacher preparation programs by the Commissioner for Education Statistics, a State report card on the quality of teacher preparation in the State, which shall include not less than the following";

(B) in paragraph (4)—

(i) by striking "teaching candidates" and inserting "prospective teachers"; and

(ii) by striking "candidate" and inserting "prospective teacher";

(C) in paragraph (5)—

(i) by striking "teaching candidates" and inserting "prospective teachers";

(ii) by striking "teacher candidate" and inserting "prospective teacher"; and

(iii) by striking "candidate's" and inserting "teacher's";

(D) in paragraph (7), by inserting "how the State has ensured that the alternative certification routes meet the same State standards and criteria for teacher certification or licensure," after "if any,"; and

(E) in paragraph (8)—

(i) by striking "teacher candidate" and inserting "prospective teacher"; and

(ii) by inserting "(including the ability to provide instruction to diverse student populations (including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs) and the ability to effectively communicate with, work with, and involve parents in their children's education)" after "skills";

(F) by adding at the end the following:

"(10) Information on the extent to which teachers or prospective teachers in each State are prepared to work in partnership with parents and involve parents in their children's education.";

(4) in subsection (b)(1), as redesignated by paragraph (2)—

(A) by striking "not later than 6 months of the date of enactment of the Higher Education Amendments of 1998 and";

(B) by striking "subsection (b)" and inserting "subsection (a)";

(C) by striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions";

(D) by striking "Committee on Education and the Workforce" and inserting "Committee on Education and Labor"; and

(E) by striking "not later than 9 months after the date of enactment of the Higher Education Amendments of 1998";

(5) in subsection (c)(1), as redesignated by paragraph (2)—

(A) by striking "(9) of subsection (b)" and inserting "(10) of subsection (a)"; and

(B) by striking "and made available not later than 2 years 6 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter" and inserting ", and made available annually"; and

(6) in subsection (e)(1), as redesignated by paragraph (2)—

(A) by striking "not later than 18 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter, shall report" and inserting "shall report annually"; and

(B) by striking "methods established under subsection (a)" and inserting "reporting methods developed for teacher preparation programs".

SEC. 9. STATE FUNCTIONS.

Section 208 of the Higher Education Act of 1965 (20 U.S.C. 1028) is amended—

(1) in subsection (a)—

(A) by striking ", not later than 2 years after the date of enactment of the Higher Education Amendments of 1998,";

(B) by inserting "and within entities providing alternative routes to teacher preparation" after "institutions of higher education";

(C) by inserting "and entities" after "low-performing institutions";

(D) by inserting "and entities" after "those institutions"; and

(E) by striking "207(b)" and inserting "207(a)";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

"(b) TEACHER QUALITY PLAN.—In order to receive funds under this Act, a State shall submit a State teacher quality plan that—

"(1) details how such funds will ensure that all teachers are highly qualified; and

"(2) indicates whether each teacher preparation program in the State that has not been designated as low-performing under subsection (a) is of sufficient quality to meet all State standards and produce highly qualified teachers with the teaching skills needed to teach effectively in the schools of the State.";

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking "of Education"; and

(B) in paragraph (2), by striking "of this Act"; and

(5) in subsection (d), as redesignated by paragraph (2), by striking "subsection (b)(2)" and inserting "subsection (c)(2)".

SEC. 10. ACADEMIES FOR FACULTY EXCELLENCE.

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended—

(1) by redesignating section 210 as section 211; and

(2) by inserting after section 209 the following:

"SEC. 210. ACADEMIES FOR FACULTY EXCELLENCE.

"(a) PROGRAM AUTHORIZED.—From amounts made available under subsection (e), the Secretary is authorized to award grants to eligible entities to enable such entities to create Academies for Faculty Excellence.

"(b) ELIGIBLE ENTITY.—In this section:

"(1) IN GENERAL.—The term 'eligible entity' means a consortium composed of institutions of higher education that—

"(A) award doctoral degrees in education; and

"(B) are partner institutions (as such term is defined in section 203).

"(2) INCLUSIONS.—The term 'eligible entity' may include the following:

"(A) Institutions of higher education that—

"(i) do not award doctoral degrees in education; and

"(ii) are partner institutions (as such term is defined in section 203).

"(B) Nonprofit entities with expertise in preparing highly qualified teachers.

"(c) APPLICATION.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of how the eligible entity will provide professional development that is grounded in scientifically based research to faculty;

"(2) evidence that the eligible entity is well versed in current scientifically based research related to teaching and learning across content areas and fields;

"(3) a description of the assessment that the eligible entity will undertake to determine the most critical needs of the faculty who will be served by the Academies for Faculty Excellence; and

"(4) a description of the activities the eligible entity will carry out with grant funds received under this section, how the entity will include faculty in the activities, and how the entity will conduct these activities in collaboration with programs and projects that receive Federal funds from the Institute of Education Sciences.

"(d) REQUIRED USE OF FUNDS.—Each eligible entity that receives a grant under this section shall use the grant funds to enhance the caliber of teaching undertaken in preparation programs for teachers, early childhood education providers, and principals and other administrators through the establishment and maintenance of a postdoctoral system of professional development by carrying out the following:

"(1) RECRUITMENT.—Recruit a faculty of experts who are knowledgeable about scientifically based research related to teaching and learning, who have direct experience working with teachers and students in school settings, who are capable of implementing scientifically based research to improve teaching practice and student achievement in school settings, and who are capable of providing professional development to faculty and others responsible for preparing teachers, early childhood education providers, principals, and administrators.

"(2) PROFESSIONAL DEVELOPMENT CURRICULA.—Develop a series of professional development curricula to be used by the Academies for Faculty Excellence and disseminated broadly to teacher preparation programs nationwide.

"(3) PROFESSIONAL DEVELOPMENT EXPERIENCES.—Support the development of a range of ongoing professional development experiences (including the use of the Internet) for faculty to ensure that such faculty are knowledgeable about effective evidence-based practice in teaching and learning. Such experiences shall promote joint faculty activities that link content and pedagogy.

"(4) DEVELOPMENT PROGRAMS.—Provide fellowships, scholarships, and stipends for teacher educators to participate in various faculty development programs offered by the Academies for Faculty Excellence.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 211 of the Higher Education Act of 1965 (20 U.S.C. 1030), as redesignated by section 10, is amended—

(1) by striking "part $300,000,000 for fiscal year 1999" and inserting "part, other than section 210, $500,000,000 for fiscal year 2008";

(2) by striking "4 succeeding" and inserting "5 succeeding";

(3) in paragraph (1), by striking "45" and inserting "20";

(4) in paragraph (2), by striking "45" and inserting "60"; and

(5) in paragraph (3), by striking "10" and inserting "20".

By Mr. DODD:

S. 1232. A bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Food Allergy and Anaphylaxis Management Act of 2007. Food allergies are an increasing food safety and public health concern in this country, especially among young children. I know firsthand just how frightening food allergies can be in a young person's life. My own family has been personally touched by this troubling condition and we continue to struggle with it each and every day. Sadly, there is no cure for food allergies.

In the past 5 years, the number of Americans with food allergies has nearly doubled from 6 million to almost 12 million. While food allergies were at one time considered relatively infrequent, today they rank 3rd among common chronic diseases in children under 18 years of age. Peanuts are among several allergenic foods that can produce life threatening allergic reactions in susceptible children. Peanut allergies have doubled among school age children from 1997–2002.

Clearly, food allergies are of great concern for school age children nationwide, and yet, there are no federal guidelines concerning the management of life threatening food allergies in our Nation's schools.

I have heard from parents, teachers and school administrators that students with severe food allergies often face inconsistent food allergy management approaches when they change schools. Too often, families are not aware of the food allergy policy at their children's school, or the policy is vastly different from the one they knew at their previous school, and they are left wondering whether their child is safe.

Recently, Connecticut became the first State to enact school-based guidelines concerning food allergies and the prevention of life threatening incidents in schools. I am very proud of these efforts, and I know that the parents of children who suffer from food allergies in Connecticut have confidence that their children are safe throughout the school day. States such as Massachusetts and Tennessee have enacted similar guidelines and Vermont, New Jersey, Arizona, Michigan and New York have either passed or have pending legislation to enact statewide guidelines. But too many States across the country have food allergy management guidelines that are inconsistent from one school district to the next. The result is a patchwork of guidelines that not only may vary from state to state, but also from school district to school district.

In my view, this lack of consistency underscores the need for enactment of uniform Federal policies that school districts can choose to adopt and implement. For this reason, I am introducing the Food Allergy and Anaphylaxis Management Act of 2007 today to address the growing need for uniform and consistent school-based food allergy management policy. The bill I am introducing today closely mirrors legislation I introduced last Congress with former Senator Frist. I thank him for his past leadership and commitment to this important legislation.

The legislation does two things. First, it directs the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop and make available voluntary food allergy management guidelines for preventing exposure to food allergens and assuring a prompt response when a student suffers a potentially fatal anaphylactic reaction. The guidelines developed by the Secretary are voluntary, not mandatory. Under the legislation, each school district across the country can voluntarily choose to implement these guidelines. The intent of the legislation is not to mandate individual school policy, but rather to provide for consistency of policies relating to school-based food allergy management by providing schools with consistent guidelines at the Federal level.

Second, the bill provides for incentive grants to school districts to assist them with adoption and implementation of the federal government's allergy management guidelines in all K–12 public schools.

I would like to recognize the leadership of Congresswoman NITA LOWEY who is introducing companion legislation today in the House of Representatives. She has been a longstanding champion for children and for awareness of the devastating impact of food allergies. I also wish to acknowledge and offer my sincere appreciation to the members of the Food Allergy and Anaphylaxis Network for their commitment to this legislation and for raising public awareness, providing advocacy, and advancing research on behalf of all individuals who suffer from food allergies.

This legislation is supported by the Food Allergy and Anaphylaxis Network and the American Academy of Allergy, Asthma, and Immunology. I ask unanimous consent that letters of support from these organizations be printed in the RECORD.

I hope that my colleagues in the Senate and in the House will consider and pass this important legislation before the end of the year so that the Department of Health and Human Services can begin work on developing national guidelines as soon as possible. Schoolchildren across the country deserve nothing less than a safe and healthy learning environment.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the material was ordered to be printed in the RECORD, as follows:

AMERICAN ACADEMY OF ALLERGY,
ASTHMA & IMMUNOLOGY,
Washington, DC, April 26, 2007.

Hon. CHRIS DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: I am writing on behalf of the American Academy of Allergy, Asthma and Immunology (AAAAI) to express our strong support for your legislation, the Food Allergy and Anaphylaxis Management Act of 2007, which would make available to schools appropriate guidelines for the management of students with food allergy who are at risk of anaphylactic shock. The AAAAI is the largest professional medical specialty organization in the United States representing allergists, asthma specialists, clinical immunologists, allied health professionals and others dedicated to improving the treatment of allergic diseases through research and education.

The number of schoolchildren with food allergies has increased dramatically in recent years. The policy developed under your bill would assist schools in preventing exposure to food allergens and assuring a prompt response when a child suffers a potentially fatal anaphylactic reaction.

Strict avoidance of the offending food is the only way to prevent an allergic reaction as there is no cure for food allergy. Fatalities from anaphylaxis often result from delayed administration of epinephrine. The importance of managing life-threatening food allergies in the school setting has been recognized by our own organization as well as the American Medical Association, the American Academy of Pediatrics, and the National Association of School Nurses.

The American Academy of Allergy, Asthma and Immunology applauds your efforts to address the need to assist schools with the policies and information needed to improve the management of children with food allergy and avoid life-threatening reactions. We are pleased to endorse your legislation.

Sincerely,

THOMAS B. CASALE, *President.*

THE FOOD ALLERGY
& ANAPHYLAXIS NETWORK,
Washington, DC, April 26, 2007.

Senator CHRISTOPHER DODD,
Washington, DC.

DEAR SENATOR DODD: On behalf of the Food Allergy and Anaphylaxis Network (FAAN), I write to express strong support for the Food Allergy and Anaphylaxis Management Act of 2007. This important piece of legislation directs the Department of Health and Human Services to develop guidelines for schools to prevent exposure to food allergens and assure a prompt response when a child suffers a potentially fatal anaphylactic reaction.

FAAN was established in 1991 to raise public awareness, provide advocacy and education, and advance research on behalf of the more than 12 million Americans affected by food allergies and anaphylaxis. FAAN has nearly 30,000 members worldwide, including families, dietitians, nurses, physicians, and school staff as well as representatives of government agencies and the food and pharmaceutical industries.

An estimated 2 million school age children suffer from food allergies, for which there is no cure. Avoiding any and all products with allergy-causing ingredients is the only way to prevent potentially life-threatening reactions for our children. Reactions often occur at school including severe anaphylaxis, which can kill within minutes unless epinephrine (adrenaline) is administered. Deaths from anaphylaxis are usually a result of delayed administration of epinephrine. Nevertheless, there are no current, standardized guidelines to help schools safely manage students with the disease.

The Food Allergy and Anaphylaxis Network applauds your effort to address the seriousness of food allergies and create a safe learning environment for those children who deal with these issues on a daily basis. We are pleased to endorse your legislation.

Sincerely,

ANNE MUNOZ FURLONG,
Founder and CEO.

S. 1232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Allergy and Anaphylaxis Management Act of 2007".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Food allergy is an increasing food safety and public health concern in the United States, especially among students.

(2) Peanut allergy doubled among children from 1997 to 2002.

(3) In a 2004 survey of 400 elementary school nurses, 37 percent reported having at least 10 students with severe food allergies and 62 percent reported having at least 5.

(4) Forty-four percent of the elementary school nurses surveyed reported that the number of students in their school with food allergy had increased over the past 5 years, while only 2 percent reported a decrease.

(5) In a 2001 study of 32 fatal food-allergy induced anaphylactic reactions (the largest study of its kind to date), more than half (53 percent) of the individuals were aged 18 or younger.

(6) Eight foods account for 90 percent of all food-allergic reactions: milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soy.

(7) Currently, there is no cure for food allergies; strict avoidance of the offending food is the only way to prevent a reaction.

(8) Anaphylaxis is a systemic allergic reaction that can kill within minutes.

(9) Food-allergic reactions are the leading cause of anaphylaxis outside the hospital setting, accounting for an estimated 30,000 emergency room visits, 2,000 hospitalizations, and 150 to 200 deaths each year in the United States.

(10) Fatalities from anaphylaxis are associated with a delay in the administration of epinephrine (adrenaline), or when epinephrine was not administered at all. In a study of 13 food allergy-induced anaphylactic reactions in school-age children (6 fatal and 7 near fatal), only 2 of the children who died received epinephrine within 1 hour of ingesting the allergen, and all but 1 of the children who survived received epinephrine within 30 minutes.

(11) The importance of managing life-threatening food allergies in the school setting has been recognized by the American Medical Association, the American Academy of Pediatrics, the American Academy of Allergy, Asthma and Immunology, the American College of Allergy, Asthma and Immunology, and the National Association of School Nurses.

(12) There are no Federal guidelines concerning the management of life-threatening food allergies in the school setting.

(13) Three-quarters of the elementary school nurses surveyed reported developing their own training guidelines.

(14) Relatively few schools actually employ a full-time school nurse. Many are forced to cover more than 1 school, and are often in charge of hundreds if not thousands of students.

(15) Parents of students with severe food allergies often face entirely different food allergy management approaches when their students change schools or school districts.

(16) In a study of food allergy reactions in schools and day-care settings, delays in treatment were attributed to a failure to follow emergency plans, calling parents instead of administering emergency medications, and an inability to administer epinephrine.

SEC. 3. DEFINITIONS.

In this Act:

(1) ESEA DEFINITIONS.—The terms "local educational agency", "secondary school", and "elementary school" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) SCHOOL.—The term "school" includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services, in consultation with the Secretary of Education.

SEC. 4. ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT POLICY.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) develop a policy to be used on a voluntary basis to manage the risk of food allergy and anaphylaxis in schools; and

(2) make such policy available to local educational agencies and other interested individuals and entities to be implemented on a voluntary basis only.

(b) CONTENTS.—The voluntary policy developed by the Secretary under subsection (a) shall contain guidelines that address each of the following:

(1) Parental obligation to provide the school, prior to the start of every school year, with—

(A) documentation from the student's physician or nurse—

(i) supporting a diagnosis of food allergy and the risk of anaphylaxis;

(ii) identifying any food to which the student is allergic;

(iii) describing, if appropriate, any prior history of anaphylaxis;

(iv) listing any medication prescribed for the student for the treatment of anaphylaxis;

(v) detailing emergency treatment procedures in the event of a reaction;

(vi) listing the signs and symptoms of a reaction; and

(vii) assessing the student's readiness for self-administration of prescription medication; and

(B) a list of substitute meals that may be offered to the student by school food service personnel.

(2) The creation and maintenance of an individual health care plan tailored to the needs of each student with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such students in instances where—

(A) the students are capable of self-administering medication; and

(B) such administration is not prohibited by State law.

(3) Communication strategies between individual schools and local providers of emergency medical services, including appropriate instructions for emergency medical response.

(4) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school areas such as cafeterias.

(5) The dissemination of information on life-threatening food allergies to school staff, parents, and students, if appropriate by law.

(6) Food allergy management training of school personnel who regularly come into contact with students with life-threatening food allergies.

(7) The authorization and training of school personnel to administer epinephrine when the school nurse is not immediately available.

(8) The timely accessibility of epinephrine by school personnel when the nurse is not immediately available.

(9) Extracurricular programs such as non-academic outings and field trips, before- and after-school programs, and school-sponsored programs held on weekends that are addressed in the individual health care plan.

(10) The collection and publication of data for each administration of epinephrine to a student at risk for anaphylaxis.

(c) RELATION TO STATE LAW.—Nothing in this Act or the policy developed by the Secretary under subsection (a) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

SEC. 5. SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.

(a) IN GENERAL.—The Secretary may award grants of not more than $50,000 to local educational agencies to assist such agencies with implementing voluntary food allergy management guidelines described in section 4.

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) a certification that the food allergy management guidelines described in section 4 have been adopted by the local educational agency;

(B) a description of the activities to be funded by the grant in carrying out the food allergy management guidelines, including—

(i) how the guidelines will be carried out at individual schools served by the local educational agency;

(ii) how the local educational agency will inform parents and students of the food allergy management guidelines in place;

(iii) how school nurses, teachers, administrators, and other school-based staff will be made aware of, and given training on, when applicable, the food allergy management guidelines in place; and

(iv) any other activities that the Secretary determines appropriate;

(C) an itemization of how grant funds received under this section will be expended;

(D) a description of how adoption of the guidelines and implementation of grant activities will be monitored; and

(E) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this section.

(c) USE OF FUNDS.—Each local educational agency that receives a grant under this section may use the grant funds for the following:

(1) Creation of systems and databases related to creation, storage, and maintenance of student records.

(2) Purchase of equipment or services, or both, related to the creation, storage, and maintenance of student records.

(3) In partnership with local health departments, school nurse, teacher, and personnel training for food allergy management.

(4) Purchase and storage of limited medical supplies, including epinephrine and disposable wet wipes.

(5) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.

(6) Outreach to parents.

(7) Any other activities consistent with the guidelines described in section 4.

(d) DURATION OF AWARDS.—The Secretary may award grants under this section for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this section, funding in the second year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

(e) MAXIMUM AMOUNT OF ANNUAL AWARDS.—A grant awarded under this section may not be made in an amount that is more than $50,000 annually.

(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that receive Federal funding under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(g) ADMINISTRATIVE FUNDS.—A local educational agency that receives a grant under this section may use not more than 2 percent of the grant amount for administrative costs related to carrying out this section.

(h) PROGRESS AND EVALUATIONS.—At the completion of the grant period referred to in subsection (d), a local educational agency shall provide the Secretary with information on the status of implementation of the food allergy management guidelines described in section 4.

(i) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this section shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.

SEC. 6. VOLUNTARY NATURE OF POLICY AND GUIDELINES.

(a) IN GENERAL.—The policy developed by the Secretary under section 4(a) and the food allergy management guidelines contained in such policy are voluntary. Nothing in this Act or the policy developed by the Secretary under section 4(a) shall be construed to require a local educational agency or school to implement such policy or guidelines.

(b) EXCEPTION.—Notwithstanding subsection (a), the Secretary may enforce an agreement by a local educational agency to implement food allergy management guidelines as a condition on the receipt of a grant under section 5.

By Mr. AKAKA (for himself and Mr. CRAIG):

S. 1233. A bill to provide and enhance intervention, rehabilitive treatment, and services to veterans with traumatic brain injury, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I, along with my good friend and ranking member, Senator CRAIG, introduce comprehensive legislation to improve the capacity of the Department of Veterans Affairs to care for veterans with traumatic brain injuries, otherwise referred to as TBI.

TBI has become the signature wound of the Iraq war. Blast injuries account for over 60 percent of all combat wounds suffered by U.S. forces in Iraq. The brain can be harmed by the shock of an explosion, or by rattling or striking of the head as a consequence of the explosion. The high incidence of powerful explosive attacks means that potentially thousands of OIF/OEF veterans have incurred some form of brain damage or impairment. Many servicemembers who would have perished from their wounds in earlier conflicts are now saved by modern body armor and rapid medical evacuation. Although these individuals survive, many of them suffer brain damage in addition to other injuries. There must be new approaches to best meet the health care needs of these veterans.

On March 27, 2007, I chaired a Committee on Veterans' Affairs hearing on VA's ability to deal with war injuries, including TBI. The provisions of this bill are a direct outgrowth of that hearing and the testimony given by those who suffer with TBI.

This bill addresses the immediate needs of veterans with TBI for high-quality rehabilitation in their communities, and provides VA clinicians with increased resources to develop the expertise and capacity to meet the lifelong needs of these veterans. The bill has seven core provisions, and authorizes a total of $63 million over 6 years to support new TBI-related initiatives. While this amounts to significant new funding, every dollar was included in our Committee's Views and Estimates Letter to the Budget Committee, and was subsequently included in the Senate-passed Budget Resolution.

I will highlight a few of the provisions of this legislation:

First, VA health care providers would be required to develop a comprehensive rehabilitation and community reintegration plan for each veteran with TBI. A diverse team of VA health care providers would be required to review and refine the plan to adapt to the needs of the veteran. Giving an injured veteran or their caregiver an opportunity to request a review of the rehabilitation plan would ensure VA's responsiveness to the needs of these individuals. This provision stems directly from the hearing testimony of Denise Mettie, whose severely injured son Evan went for months without a coherent, well-thought-out rehabilitation plan.

Second, as we heard from the story by ABC news anchor Bob Woodruff, who himself suffered a TBI, VA's four lead polytrauma centers have developed significant expertise in rehabilitative care, but most other VA facilities lack capacity for specialized TBI services. The bill would require VA to implement the individualized plan through outside providers in cases where VA is unable to provide the required intensity of care or the veteran lives too far away to make VA treatment feasible. This provision is inspired by the hearing testimony of Dr. Bruce Gans, who called for greater private sector involvement in veterans' rehabilitation in those cases where VA lacks capacity or geographic reach. Our goal is to ensure that VA care is the finest in the country. When VA cannot adequately serve veterans with TBI, community providers need to be utilized.

Third, care for veterans with severe TBI often leads to nursing home care. This legislation would give VA providers, in collaboration with the Defense and Veterans Brain Injury Center, the ability to conduct innovative research and treatment to "re-awaken" veterans with severe TBI, by making $15 million available for research and care over 5 years.

Finally, the legislation makes available $48 million over 6 years for VA to maximize the independence, quality of life, and community reintegration of veterans with TBI who are unable to manage routine activities of daily living. These funds would be available for an assisted living pilot program for those with TBI, so that veterans who might otherwise be forced into institutional long-term care will instead have an opportunity to live in group homes or under other arrangements. The bill also requires special consideration for rural veteran participation in this pilot program.

I urge all of my colleagues to support this innovative and comprehensive legislation, which will bring hope and progress to many brain injured veterans and their families.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Traumatic Brain Injury Rehabilitation Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Sense of Congress on Department of Veterans Affairs efforts in the rehabilitation and reintegration of veterans with traumatic brain injury.
Sec. 3. Individual rehabilitation and community reintegration plans for veterans and others with traumatic brain injury.
Sec. 4. Use of non-Department of Veterans Affairs facilities for implementation of rehabilitation and community reintegration plans for traumatic brain injury.
Sec. 5. Research, education, and clinical care program on severe traumatic brain injury.
Sec. 6. Pilot program on assisted living services for veterans with traumatic brain injury.
Sec. 7. Age-appropriate nursing home care.
Sec. 8. Research on traumatic brain injury.

SEC. 2. SENSE OF CONGRESS ON DEPARTMENT OF VETERANS AFFAIRS EFFORTS IN THE REHABILITATION AND REINTEGRATION OF VETERANS WITH TRAUMATIC BRAIN INJURY.

It is the sense of Congress that—

(1) the Department of Veterans Affairs should have the capacity and expertise to provide veterans who have a traumatic brain injury with patient-centered health care, rehabilitation, and community integration services that are comparable to or exceed similar care and services available to persons with such injuries in the academic and private sector;

(2) rehabilitation for veterans who have a traumatic brain injury should be individualized, comprehensive, and multidisciplinary with the goals of optimizing the independence of such veterans and reintegrating them into their communities;

(3) family support is integral to the rehabilitation and community reintegration of veterans who have sustained a traumatic brain injury, and the Department should provide the families of such veterans with education and support;

(4) the Department of Defense and Department of Veterans Affairs have made efforts to provide a smooth transition of medical care and rehabilitative services to individuals as they transition from the health care system of the Department of Defense to that of the Department of Veterans Affairs, but more can be done to assist veterans and their families in the continuum of the rehabilitation, recovery, and reintegration of wounded or injured veterans into their communities; and

(5) in planning for rehabilitation and community reintegration of veterans who have a traumatic brain injury, it is necessary for the Department of Veterans Affairs to provide a system for life-long case management for such veterans.

SEC. 3. INDIVIDUAL REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR VETERANS AND OTHERS WITH TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710B the following new section:

"§ 1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community

"(a) PLAN REQUIRED.—The Secretary shall, for each veteran or member of the Armed Forces who receives inpatient rehabilitation care from the Department for a traumatic brain injury—

"(1) develop an individualized plan for the rehabilitation and reintegration of such individual into the community; and

"(2) provide such plan to such individual before such individual is discharged from inpatient care.

"(b) CONTENTS OF PLAN.—Each plan developed under subsection (a) shall include, for the individual covered by such plan, the following:

"(1) Rehabilitation objectives for improving the physical, cognitive, vocational, and psychosocial functioning of such individual with the goal of maximizing the independence and reintegration of such individual into the community.

"(2) A description of specific interventions, rehabilitative treatments, and other services to achieve the objectives described in paragraph (2), which description shall set forth the type, frequency, duration, and location of such interventions, treatments, and services.

"(3) The name of the case manager designated in accordance with subsection (d) to be responsible for the implementation of such plan.

"(4) Dates on which the effectiveness of the plan will be reviewed in accordance with subsection (f).

"(c) COMPREHENSIVE ASSESSMENT.—

"(1) IN GENERAL.—Each plan developed under subsection (a) shall be based upon a comprehensive assessment, developed in accordance with paragraph (2), of—

"(A) the physical, cognitive, vocational, and psychosocial impairments of such individual; and

"(B) the family education and family support needs of such individual after discharge from inpatient care.

"(2) FORMATION.—The comprehensive assessment required under paragraph (1) with respect to an individual is a comprehensive assessment of the matters set forth in that paragraph by a team, composed by the Secretary for purposes of the assessment, from among individuals with expertise in traumatic brain injury as follows:

"(A) A neurologist.

"(B) A rehabilitation physician.

"(C) A social worker.

"(D) A neuropsychologist or neuropsychiatrist.

"(E) A physical therapist.

"(F) A vocational rehabilitation specialist.

"(G) An occupational therapist.

"(H) A rehabilitation nurse.

"(I) Such other health care professionals as the Secretary considers appropriate, including—

"(i) an audiologist;

"(ii) a blind rehabilitation specialist;

"(iii) a recreational therapist;

"(iv) a speech language pathologist; and

"(v) a low vision optometrist.

"(d) CASE MANAGER.—The Secretary shall designate a case manager for each individual described in subsection (a) to be responsible for the implementation of the plan required by such subsection for such individual.

"(e) PARTICIPATION AND COLLABORATION IN DEVELOPMENT OF PLANS.—(1) The Secretary shall involve each individual described in subsection (a), and the family of such individual, in the development of the plan for such individual under that subsection to the maximum extent practicable.

"(2) The Secretary shall collaborate in the development of a plan for an individual under subsection (a) with an individual with expertise in the protection of, and advocacy for, individuals with traumatic brain injury if—

"(A) the individual covered by such plan requests such collaboration; or

"(B) if such individual is incapacitated, the family or guardian of such individual requests such collaboration.

"(3) In the case of a plan required by subsection (a) for a member of the Armed Forces who is on active duty, the Secretary shall collaborate with the Secretary of Defense in the development of such plan.

"(4) In developing vocational rehabilitation objectives required under subsection (b)(2) and in conducting the assessment required under subsection (c), the Secretary shall act through the Under Secretary for Health in coordination with the Vocational Rehabilitation and Employment Service of the Department of Veterans Affairs.

"(f) EVALUATION.—

"(1) PERIODIC REVIEW BY SECRETARY.—The Secretary shall periodically review the effectiveness of each plan developed under subsection (a). The Secretary shall refine each such plan as the Secretary considers appropriate in light of such review.

"(2) REQUEST FOR REVIEW BY VETERANS.—In addition to the periodic review required by paragraph (1), the Secretary shall conduct a review of the plan of a veteran under paragraph (1) at the request of such veteran, or in the case that such veteran is incapacitated, at the request of the guardian or the designee of such veteran.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710B the following new item:

"1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community.".

SEC. 4. USE OF NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR IMPLEMENTATION OF REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710C, as added by section 3 of this Act, the following new section:

"§ 1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation

"(a) IN GENERAL.—Subject to section 1710(a)(4) of this title and subsection (b) of this section, the Secretary shall provide intervention, rehabilitative treatment, or services to implement a plan developed under section 1710C of this title at a non-Department facility with which the Secretary has entered into an agreement for such purpose, to an individual—

"(1) who is described in subsection (a) of such section; and

"(2)(A) to whom the Secretary is unable to provide such intervention, treatment, or services at the frequency or for the duration prescribed in such plan; or

"(B) who resides at such distance, as determined by the Secretary, from a Department medical facility as to make the implementation of such plan through a Department facility infeasible or impracticable.

"(b) STANDARDS.—The Secretary may not provide intervention, treatment, or services as described in subsection (a) at a non-Department facility under such subsection unless such facility maintains standards for the provision of such intervention, treatment, or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710C, as added by section 3 of this Act, the following new item:

"1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation.".

SEC. 5. RESEARCH, EDUCATION, AND CLINICAL CARE PROGRAM ON SEVERE TRAUMATIC BRAIN INJURY.

(a) PROGRAM REQUIRED.—Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7330 the following new section:

"§ 7330A. Severe traumatic brain injury research, education, and clinical care program

"(a) PROGRAM REQUIRED.—The Secretary shall establish a program on research, education, and clinical care to provide intensive neuro-rehabilitation to veterans with a severe traumatic brain injury, including veterans in a minimally conscious state who would otherwise receive nursing home care.

"(b) COLLABORATION REQUIRED.—The Secretary shall establish the program required by subsection (a) in collaboration with the Defense and Veterans Brain Injury Center of the Department of Defense and academic institutions selected by the Secretary from among institutions having an expertise in research in neuro-rehabilitation.

"(c) EDUCATION REQUIRED.—As part of the program required by subsection (a), the Secretary shall conduct educational programs on recognizing and diagnosing mild and moderate cases of traumatic brain injury.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012, $3,000,000 to carry out the program required by subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7330 the following new item:

"7330A. Severe traumatic brain injury research, education, and clinical care program.".

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the research to be conducted under the program required by section 7330A of title 38, United States Code, as added by subsection (a).

SEC. 6. PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to assess the effectiveness of providing assisted living services to eligible veterans to enhance the rehabilitation, quality of life, and community integration of such veterans.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the five-year period beginning on the date of the commencement of the pilot program.

(c) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at locations selected by the Secretary for purposes of the pilot program. Of the locations so selected—

(A) at least one shall be in each health care region of the Veterans Health Administration that contains a polytrauma center of the Department of Veterans Affairs; and

(B) any other locations shall be in areas that contain high concentrations of veterans with traumatic brain injury, as determined by the Secretary.

(2) SPECIAL CONSIDERATION FOR VETERANS IN RURAL AREAS.—Special consideration shall be given to provide veterans in rural areas with an opportunity to participate in the pilot program.

(d) PROVISION OF ASSISTED LIVING SERVICES.—

(1) AGREEMENTS.—In carrying out the pilot program, the Secretary may enter into agreements for the provision of assisted living services on behalf of eligible veterans with either of the following:

(A) A provider of services that has entered into a provider agreement under section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a)).

(B) A provider participating under a State plan under title XIX of such Act (42 U.S.C. 1396 et seq.).

(2) STANDARDS.—The Secretary may not place, transfer, or admit a veteran to any facility for assisted living services under this program unless the Secretary determines that the facility meets such standards as the Secretary may prescribe for purposes of the pilot program. Such standards shall, to the extent practicable, be consistent with the standards of Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such facilities.

(e) CONTINUATION OF CASE MANAGEMENT AND REHABILITATION SERVICES.—In carrying the pilot program under subsection (a), the Secretary shall continue to provide each veteran who is receiving assisted living services under the pilot program with rehabilitative services and shall designate Department health-care employees to furnish case management services for veterans participating in the pilot program.

(f) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the completion of the pilot program, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the pilot program.

(B) An assessment of the utility of the activities under the pilot program in enhancing the rehabilitation, quality of life, and community reintegration of veterans with traumatic brain injury.

(C) Such recommendations as the Secretary considers appropriate regarding the extension or expansion of the pilot program.

(g) DEFINITIONS.—In this section:

(1) The term "assisted living services" means services of a facility in providing room, board, and personal care for and supervision of residents for their health, safety, and welfare.

(2) The term "case management services" includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

(3) The term "congressional veterans affairs committees" means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(4) The term "eligible veteran" means a veteran who—

(A) is enrolled in the Department of Veterans Affairs health care system;

(B) has received treatment for traumatic brain injury from the Department of Veterans Affairs;

(C) is unable to manage routine activities of daily living without supervision and assistance; and

(D) could reasonably be expected to receive ongoing services after the end of the pilot program under this section under another government program or through other means.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out this section, $8,000,000 for each of fiscal years 2008 through 2013.

SEC. 7. AGE-APPROPRIATE NURSING HOME CARE.

(a) FINDING.—Congress finds that young veterans who are injured or disabled through military service and require long-term care should have access to age-appropriate nursing home care.

(b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE NURSING HOME CARE.—Section 1710A of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) The Secretary shall ensure that nursing home care provided under subsection (a) is provided in an age-appropriate manner.".

SEC. 8. RESEARCH ON TRAUMATIC BRAIN INJURY.

(a) INCLUSION OF RESEARCH ON TRAUMATIC BRAIN INJURY UNDER ONGOING RESEARCH PROGRAMS.—The Secretary of Veterans Affairs shall, in carrying out research programs and activities under the provisions of law referred to in subsection (b), ensure that such programs and activities include research on the sequelae of traumatic brain injury, including—

(1) research on visually-related neurological conditions;

(2) research on seizure disorders; and

(3) research on means of improving the diagnosis, treatment, and prevention of such sequelae.

(b) RESEARCH AUTHORITIES.—The provisions of law referred to in this subsection are the following:

(1) Section 3119 of title 38, United States Code, relating to rehabilitation research and special projects.

(2) Section 7303 of title 38, United States Code, relating to research programs of the Veterans Health Administration.

(3) Section 7327 of title 38, United States Code, relating to research, education, and clinical activities on complex multi-trauma associated with combat injuries.

(c) COLLABORATION.—In carrying out the research required by subsection (a), the Secretary shall collaborate with facilities that—

(1) conduct research on rehabilitation for individuals with traumatic brain injury; and

(2) receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report describing in comprehensive detail the research to be carried out in order to fulfill the requirement in subsection (a).

Mr. CRAIG. Mr. President, I rise today as the Ranking Member of the Senate Committee on Veterans' Affairs to join my distinguished colleague, Senator AKAKA, who serves as the Chairman of the Committee, in introducing this important legislation to assist veterans who suffer from a traumatic brain injury.

Every so often an issue of incredible importance confronts this institution and government as whole. And when it does, it is critical that we here in Congress cut through the politics of this institution and the red tape of government and do what is right and necessary for Americans in need. The bill Senator AKAKA and I are introducing today is one of those times and veterans with traumatic brain injury is one of those issues.

Sadly, hundreds and perhaps even thousands of our dedicated servicemen and women are returning from Iraq and Afghanistan with mild, moderate, and even severe head trauma. Improvised Explosive Devices detonating regularly throughout Iraq have exposed our soldiers, sailors, airmen and Marines to countless instances in which a TBI can occur. The long-term consequences of these injuries are, in many ways, unknown to us. There's so much modern medicine doesn't know about how the brain functions, let alone how little we know about the consequences of small changes in its functioning.

Still, it is incumbent on us to do everything in our power to provide the best care and services to those servicemembers and veterans in need of TBI care and rehabilitation. To that end, Senator AKAKA and I believe that quality TBI care must include certain elements, which this legislation would impose on VA.

Most important among these new requirements is the directive for VA to provide every veteran who has an inpatient stay for a TBI with an individual plan for rehabilitation and reintegration. This may sound to many of my colleagues like a very simple, and thus unimportant, requirement. But, I believe it is a critical component of recovery.

It is a requirement that patients, families, doctors, nurses, social workers, etc., sit down and develop a detailed plan to maximize the chances of recovery and independent living at some point in the future for an injured servicemember or veteran. In short, it is the start of the road to recovery.

In addition to the requirement for individual plans, VA must be given some flexibility to seek out private care services when the situation or the severity of the traumatic brain injury calls for it. This legislation would establish the parameters for receipt of that care and I believe send an important message to VA and our wounded veterans that we want the best care possible regardless of whether it is obtained through a door with the letters V-A over them or through a door with a different name.

Also, this bill would establish a research, clinical care, and education program for traumatic brain injury. The program would be modeled on VA's very successful Mental Illness Research, Education and Clinical Care program as well as the special programs for Parkinson's disease and geriatric medicine. The nation must invest in learning more about the debilitating conditions that accompany a traumatic brain injury so that one day we might look forward to better treatment and, most importantly, a better quality of life for these heroes.

Finally, the legislation would create a pilot program for assisted living for veterans with severe traumatic brain injury. I recognize that generally assisted living is not a program that VA has embraced in the past. But, the sheer number of those suffering with TBI and the severity of those conditions demand that we once again consider assisted living as a viable means of providing some quality of life to veterans and their families. And I am proud that assisted living will once again be a component of care provided by VA.

I urge all of my colleagues to cosponsor this legislation. The Chairman and I are very proud of the work we've done together in this legislation. I see a lot of progress in VA with respect to the care they are providing all of our wounded soldiers and veterans. But, more can be done.

I think this bill will move VA further in the direction they are heading and provide veterans with traumatic brain injuries an opportunity to achieve a full and productive life.

With that, again, I want to again thank Chairman AKAKA for his work.

By Mr. LAUTENBERG (for himself and Mrs. CLINTON):

S. 1234. A bill to strengthen the liability of parent companies for violations of sanctions by foreign entities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LAUTENBERG. Mr. President, I am pleased to introduce the Stop Business With Terrorists Act of 2007. Senator CLINTON is joining me as an original cosponsor of this important bill. This bill will shut down a source of revenue that flows to terrorists and rogue regimes that threaten our nation's security.

President Bush has made the statement that money is the lifeblood of terrorist operations. He could not be more right. Amazingly, some of our corporations are providing revenue to terrorists by doing business with these rogue regimes. My bill is simple. It closes a loophole in the law that allows American companies to do business with our enemies.

Our current sanctions laws prohibit United States companies from doing business directly with Iran, but the law contains a loophole. It enables an American company to create a foreign-based subsidiary that can do business with that prohibited country. As long as this loophole is in place, our sanctions laws have no teeth.

My bill will close this loophole once and for all and will cut off a major source of revenue for terrorists. It will require foreign subsidiaries that are majority controlled by a U.S. parent company to follow U.S. sanctions laws. For those companies that would need to divest from such a situation, they would have 90 days to do so. This is a simple concept with significant impact.

It is critical that we starve these rogue regimes and the terrorists they support at the source. Of the companies that are taking advantage of this loophole, the country that has benefited the most has been Iran. And as we know, Iran funds Hamas, Hezbollah, the Palestinian Islamic Jihad, and other terrorist organizations. We should not allow American-controlled companies to provide cash to Iran so that they can convert these funds into bullets and bombs to be used against us and our allies.

It is inexcusable for American companies to engage in any business practice that provides revenues to terrorists, and we have to stop it. I urge my colleagues to support this bill and to close the terror funding loophole.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Business with Terrorists Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) ENTITY.—The term "entity" means a partnership, association, trust, joint venture, corporation, or other organization.

(2) PARENT COMPANY.—The term "parent company" means an entity that is a United States person and—

(A) the entity owns, directly or indirectly, more than 50 percent of the equity interest by vote or value in another entity;

(B) board members or employees of the entity hold a majority of board seats of another entity; or

(C) the entity otherwise controls or is able to control the actions, policies, or personnel decisions of another entity.

(3) UNITED STATES PERSON.—The term "United States person" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such entity.

SEC. 3. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.

(a) IN GENERAL.—In any case in which an entity engages in an act outside the United States that, if committed in the United States or by a United States person, would violate the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the parent company of the entity shall be subject to the penalties for the act to the same extent as if the parent company had engaged in the act.

(b) APPLICABILITY.—Subsection (a) shall not apply to a parent company of an entity on which the President imposed a penalty for a violation described in subsection (a) that was in effect on the date of the enactment of this Act if the parent company divests or terminates its business with such entity not later than 90 days after such date of enactment.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1236. A bill to amend the Elementary and Secondary Education Act of 1965 regarding highly qualified teachers, growth models, adequate yearly progress, Native American language programs, and parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise to speak about legislation I am introducing entitled the School Accountability Improvements Act. We all know about No Child Left Behind, the Federal legislation that was introduced in 2001. We recognize that NCLB made significant changes to Federal requirements for school districts in our States. Many of these changes have been very positive and truly quite necessary. Because of No Child Left Behind, there is clearly more national attention being paid to ensure that school districts and the States are held accountable for the achievement of students with disabilities and for those who are economically disadvantaged and for minority students.

In Alaska, this has meant, for example, that more of our urban school districts are paying closer attention than ever to the needs of our Alaska Native students. People across the Nation are also more aware that a teacher's knowledge of the subject matter and his or her ability to teach that subject are perhaps the most important factors in a child's achievement in school. Teachers, parents, administrators, and communities have more data now than they have ever had, more data about the achievement of the individual students and the subgroups of students and about our schools. With that data, we are making changes to school policies and procedures, and more students are now getting the help they need to succeed.

While these are just a few of the positive effects of No Child Left Behind, we recognize there have been problems. This is not surprising, as it is quite difficult to write one law that will work for a large urban city such as New York City in the East and have that be made generally applicable to a small remote rural community such as Nuiqsuit, AK.

My bill, the School Accountability Improvements Act, is meant to address five issues that we have identified in Alaska that are of particular concern to our State and of equal concern to other States. The first area we are focusing on would give flexibility to States regarding NCLB's highly qualified teacher requirements. In very small rural schools, particularly in my State, we will see a school where you have one teacher who is tasked with teaching multiple course subjects in the middle and in the high school grades.

Under NCLB, the requirement is that the teacher must be highly qualified in each of these subject matter areas. But I have been listening to some of the teachers out in my remote communities. They may be hired to be the English teacher, but in a remote community with a small school, something may happen during the year. Say, the science teacher or the math teacher has left in the middle of the school year—not an uncommon situation—they are not able to get anyone into that school to help. So now the English teacher is tasked to teach another subject.

Under NCLB, he or she would then be required to be highly qualified in every subject they teach. So what my legislation would allow is for middle and high school teachers who work in schools with fewer than 200 students and that have difficulty hiring and retaining qualified teachers in these areas to be deemed to be "highly qualified" if they have a degree or they pass a rigorous subject matter test in one of the core subjects they teach, as long as they can demonstrate they are highly effective at delivering instruction on a State-developed performance assessment.

We are doing this in the State of Alaska now, where essentially a teacher can demonstrate, through the use of a video, their teaching methodology. But we must recognize we will have situations in our smaller schools, in our rural schools, where in order to be highly qualified in every core subject area they are teaching, we simply are not able to meet that. So we are asking for a level of flexibility for the States.

We recognize it is vital that the teachers know the subjects they teach. This is critical. But it is also unreasonable to expect teachers in these very tiny schools to meet the current requirements in every single subject they may end up teaching. It is almost impossible for school districts to find and then hire such teachers. So this provision is offered as a compromise in these limited situations.

The second area the legislation focuses on is how we determine or how we calculate Adequate Yearly Progress. My legislation would require the U.S. Department of Education to approve a State's use of a growth model for calculating Adequate Yearly Progress if that model meets the core requirements of No Child Left Behind.

Now, we know it can be useful for teachers, certainly for the administrators, to know how one group of third grade students, how one class compares to, say, the next year's class. But it is much more useful for educators, students, and parents to know how well each individual child has mastered each year's State standards.

As a parent, yes, I want to know how my son's class is advancing as a whole. But as a parent, I want to know how he is doing from year to year, not just how his third grade class did and how the next class coming up behind him is going to do. I want to know what it means for me and my child as an individual.

Schools should be held accountable for how well they are addressing each child's needs. Is the child proficient? Is he or she on track to be proficient? Or is he or she falling behind? These are things parents want to know. Are the schools making great progress in bringing all children to great proficiency, or are they maybe just missing the mark, or are they having very systemic difficulties? We know so many of the States now have very robust data systems that will allow them to track this information. NCLB should allow them to use the statistical model that is going to be most useful. It will actually be the best indicator of how each child is doing.

Another area the legislation addresses is the issue of school choice and tutoring. As you know, No Child Left Behind gives parents an opportunity to move their children out of a dysfunctional school. If the school fails to meet AYP 2 years running, then the next choice that is offered the parent is your child can go to another school. In some parts of my State, that is geographically, physically impossible, and we have made accommodations around that. In the more urban school districts in Alaska, what we have found is parents are not choosing, as a general rule, to exercise that option. They are looking for something else. The law requires school districts to offer the school choice and to set aside funds to pay for the transportation in year 2 of improvement status. Then, in year 3, schools are required to offer tutoring if they reach that needs improvement status then.

What I am suggesting in my legislation as to school choice is that moving children in year 2, if we fail to meet Adequate Yearly Progress, is too early in the process. Schools should be given the opportunity to address their deficiencies first, addressing them first within the school before they transport the students all over town. I think most parents agree with this. This is why, at least in Alaska, we are seeing fewer than 2 percent of parents choosing to transfer their children to another school. They would rather have those supplemental services offered in the school to see if they can't help address the needs of the child. Then if it still does not work, let's look to the next option.

So my bill would flip the school choice and the tutoring. It would also limit the requirement for schools to offer these options to students who are not proficient rather than to all the children, including those who are being well served by the school. It would also allow the school districts to provide tutoring to students even if they are in improvement status. It is recognizing, again, we should look at the individual child and see if we can't tailor this to make it more responsive.

As you know, assessing whether a child is proficient on State standards in a reliable and valid way is difficult. It is even more difficult when the child has a disability or has limited English proficiency. Research has not caught up with assessments for these subgroups, and no one is completely sure whether the tests they are giving these students are measuring what they know. Yet, NCLB requires that if a school does not make AYP for any subgroup for 6 years, the school district has the option to completely restructure that school. Similarly, a State has the option to restructure an entire school district.

For those truly dysfunctional schools and districts, that may be appropriate as determined by the individual district or State. But if we do not even know if the assessment scores are valid and reliable, how do we justify taking over a school, firing its teachers, turning its governance over to another entity, or other such drastic measures? We cannot. But we recognize that each child with a disability, and each child who is limited English proficient deserves the best possible education.

So that is why my bill would not allow a school or a school district to be restructured if: No. 1, the school missed AYP for one or both of those subgroups alone; and, No. 2, the school can show through a growth model that the students in those two subgroups are on track to be proficient.

Another area in the legislation we focus on is our Native heritage languages. In Alaska, Hawaii, and several other States, Native Americans are working hard to keep their heritage languages and their cultures alive. Teachers will tell you, and the research backs them up, that Alaskan Native, Native Hawaiian, and American Indian students learn better when their heritage is a respected and vibrant part of their education. This is true of any child, but I think particularly true for these groups of Americans.

Many schools around the country that serve these students have incorporated native language programs into their early curriculums—the curriculums in grades K–3. The problem is that in many instances, there is no valid and reliable way to assess whether the students have learned their State standards in that language. Neither is it valid to test what a student knows in a language they do not speak well.

The example I will give you is that in the Lower Kuskokwim School District, in many of the schools, in an effort to get the children to connect with their education and to connect with their Yupik heritage, Yupik is taught in grades K–3. It is an immersion level program. If you go out there, the children are reading in Yupik. They are doing their math in Yupik. They are doing science experiments in Yupik. But then, in grade 3, they are required to test, under NCLB, in English.

Now, not surprisingly, the children are not doing well on these tests. We need to anticipate the results. If you have not taught a child in a language in which they are going to be tested, perhaps, initially, they are not going to be performing at the level we want.

I want to impress upon my colleagues the importance I believe we should place on allowing for those heritage languages to be preserved, to encourage our students in languages. Our research tells us—and I can tell you from a very personal experience with my two boys, who were part of a Spanish immersion program from the time they were in kindergarten through 8th grade in the public schools in Anchorage, they learned their sciences and math and geography and all their subjects in Spanish as well as English. Initially, you are a little anxious because: Are the test scores going to measure up? But what we can tell you is that by the time the children are being tested, certainly up in middle school, they are not only testing strong—very strong in both languages—but they know a second language very well.

What my legislation will do in this area is allow schools with Native American language programs in States where there is no assessment in that heritage language to count the third graders—the first time they take the standardized tests—to count the students for participation rate only. It would then allow the school to make AYP if those students are proficient or on track to be proficient in grades 4 through 7.

Then, the final area of my legislation is what I am calling the parent piece. As a parent, we know—you know; my colleague from the State of Washington was very involved with education before she came to the Senate as well—we all know as parents how important it is to be involved in our children's education.

At the end of the day, not only did my husband and I check on our boys' homework, we asked them: What happened today? What is going on? I was PTA president at my kids' elementary school.

NCLB recognizes that in many ways it is very important that parents are part of a child's education. But we also recognize we can be doing more. My bill would amend title II of NCLB, which authorizes subgrants for preparing, training, and recruiting teachers and principals, to allow—but not mandate—these funds to be used to develop parental engagement strategies, to train educators to communicate more effectively with parents, and better involve parents in their schools.

We all know how great our Nation's teachers are. But our reality is, very few of them graduate from college having had a course on how to effectively communicate with parents. They know how important it is, but they are taught no techniques. Teachers are busy people. When a parent shows up at a classroom door and says: Hey, I am here to help, teachers often do not know how to react, how to allow them to help. Many teachers have difficulty communicating with parents, who may be working two jobs or have a different cultural background or language. This section of the bill would allow schools to spend some of their teacher training funds on these sorts of issues if they feel it would benefit their students.

I know these five issues are not the only ones my colleagues and Americans may have with the No Child Left Behind Act. I have been talking with Alaskans all over the State about NCLB since I first came to the Senate. I look forward to working very hard on the reauthorization of the law this year with my colleagues. These, though, are the five issues that educators and parents in Alaska have told me are the most urgent for them, and I look forward to working to include them in the reauthorization as we move forward.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Accountability Improvements Act".

SEC. 2. HIGHLY QUALIFIED TEACHERS IN SMALL SCHOOLS.

(a) PURPOSE.—The purpose of this section is to ensure that teachers in public elementary and secondary schools know the subject matter and curriculum that they are teaching and can convey the subject matter to students.

(b) HIGHLY QUALIFIED TEACHERS OF MULTIPLE ACADEMIC SUBJECTS IN SMALL SCHOOLS.—Section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)) is amended by adding at the end the following:

"(4) EXCEPTION FOR MULTI-SUBJECT TEACHERS IN SMALL SCHOOLS.—

"(A) IN GENERAL.—Notwithstanding section 9101(23) or any other provision of this Act, a middle or secondary school teacher who is employed to teach multiple core academic subjects in a school designated as a small school under subparagraph (B) but who is not highly qualified as the term is defined in such section, shall be deemed to be highly qualified for purposes of this Act if the teacher—

"(i) meets the requirements of subparagraph (A) of such section;

"(ii) meets the requirements of subclause (I) or (II) of subparagraph (B)(ii) of such section for 1 or more of the core academic subjects that the teacher teaches; and

"(iii) demonstrates highly effective delivery of instruction on a performance assessment, developed or adopted by the State within which the small school is located, that assesses skills that are widely accepted as necessary for the effective delivery of instruction.

"(B) SMALL SCHOOL.—A State educational agency shall designate a school as a small school for a school year if the State educational agency determines, based on evidence provided by the local educational agency serving the school, that the school—

"(i) has unique staffing or hiring challenges that require 1 or more teachers at the school to teach multiple core academic subjects for such year;

"(ii) has made a reasonable effort to recruit and retain for such year middle or secondary school teachers who meet the requirements of subparagraph (A) and either subparagraph (B) or (C) of section 9101(23), to teach all students attending the school; and

"(iii) had an average daily student membership of less than 200 students for the previous full school year.".

SEC. 3. GROWTH MODELS.

Section 1111(b)(2) of the Elementary and Secondary Education Act (20 U.S.C. 6311(b)(2)) is amended by adding at the end the following:

"(L) GROWTH MODELS.—

"(i) IN GENERAL.—In the case of a State that desires to satisfy the requirements of a single, statewide State accountability system under subparagraph (A) through the use of a growth model, the Secretary shall approve such State's use of the growth model if—

"(I) the State plan ensures that 100 percent of students in each group described in subparagraph (C)(v)—

"(aa) meet or exceed the State's proficient level of academic achievement on the State assessments under paragraph (3) by the 2013–2014 school year; or

"(bb) are making sufficient progress to enable each student to meet or exceed the State's proficient level on such assessments for the student's corresponding grade level not later than the student's final year in secondary school;

"(II) the State plan complies with all of the requirements of this paragraph, except as provided in clause (ii);

"(III) the growth model is based on a fully approved assessment system;

"(IV) the growth model calculates growth in student proficiency for the purposes of determining adequate yearly progress either by individual students or by cohorts of students, and may use methodologies, such as confidence intervals and the State-approved minimum designations, that will yield statistically reliable data;

"(V) the growth model includes all students; and

"(VI) in the case of a growth model that tracks individual students, the State has the capacity to track and manage the data efficiently and effectively.

"(ii) SPECIAL RULE.—Notwithstanding any other provision of law, for purposes of any provision that requires the calculation of a number or percentage of students who must meet or exceed the proficient level of academic achievement on a State assessment under paragraph (3), a State using a growth model approved under clause (i) shall calculate such number or percentage by counting—

"(I) the students who meet or exceed the proficient level of academic achievement on the State assessment; and

"(II) the students who, as demonstrated through the growth model, are making sufficient progress to enable each student to meet or exceed the proficient level on the assessment for the student's corresponding grade level not later than the student's final year in secondary school.".

SEC. 4. SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES.

(a) SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES.—Section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (E) and inserting the following:

"(E) SUPPLEMENTAL EDUCATIONAL SERVICES.—In the case of a school identified for school improvement under this paragraph, the local educational agency shall, not later than the first day of the school year following such identification, make supplemental educational services available consistent with subsection (e)(1)."; and

(B) by striking subparagraph (F);

(2) by striking paragraph (5) and inserting the following:

"(5) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS AFTER IDENTIFICATION.—

"(A) IN GENERAL.—In the case of any school served under this part that fails to make adequate yearly progress, as set out in the State's plan under section 1111(b)(2), by the end of the first full school year after identification under paragraph (1), the local educational agency serving such school shall—

"(i) provide students in grades 3 through 12 who are enrolled in the school and who did not meet or exceed the proficient level on the most recent State assessment in mathematics or in reading or language arts with the option to transfer to another public school served by the local educational agency in accordance with subparagraph (B);

"(ii) continue to make supplemental educational services available consistent with subsection (e)(1); and

"(iii) continue to provide technical assistance.

"(B) PUBLIC SCHOOL CHOICE.—

"(i) IN GENERAL.—In carrying out subparagraph (A)(i) with respect to a school, the local educational agency serving such school shall, not later than the first day of the school year following such identification, provide all students described in subparagraph (A)(i) with the option to transfer to another public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement under this paragraph, unless such an option is prohibited by State law.

"(ii) RULE.—In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1).

"(C) TRANSFER.—Students who use the option to transfer under subparagraph (A)(i), paragraph (7)(C)(i) or (8)(A)(i), or subsection (c)(10)(C)(vii) shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school."; and

(3) in paragraph (8)(A)(i), by striking "all".

(b) SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS.—Section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is amended—

(1) by redesignating paragraph (12) as paragraph (13);

(2) by inserting after paragraph (11) the following:

"(12) RULE REGARDING PROVIDERS.—Notwithstanding paragraph (13)(B), a local educational agency identified under subsection (c) that is required to arrange for the provision of supplemental educational services under this subsection may serve as a provider of such services in accordance with this subsection."; and

(3) in paragraph (13)(A) (as redesignated by paragraph (1)), by inserting ", who is in any of grades 3 through 12 and who did not meet or exceed the proficient level on the most recent State assessment in mathematics or in reading or language arts" before the semicolon.

SEC. 5. CALCULATING ADEQUATE YEARLY PROGRESS FOR STUDENTS WITH DISABILITIES AND STUDENTS WITH LIMITED ENGLISH PROFICIENCY.

Section 1116 of the Elementary and Secondary Education Act of 1965 (as amended by section 4) (20 U.S.C. 6316) is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h) PARTIAL SATISFACTION OF AYP.—

"(1) SCHOOLS.—Notwithstanding this section or any other provision of law, in the case of a school that failed to make adequate yearly progress under section 1111(b)(2) solely because the school did not meet or exceed 1 or more annual measurable objectives set by the State under section 1111(b)(2)(G) for the subgroup of students with disabilities or students with limited English proficiency, or both such subgroups—

"(A) if such school is identified for school improvement under subsection (b)(1), such school shall only be required to develop or revise and implement a school plan under subsection (b)(3) with respect to each such subgroup that did not meet or exceed each annual measurable objective; and

"(B) if such school is identified for restructuring under subsection (b)(8), the local educational agency serving such school shall not be required to implement subsection (b)(8)(B) if the local educational agency demonstrates to the State educational agency that the school would have made adequate yearly progress for each assessment and for each such subgroup for the most recent school year if the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment was calculated by counting—

"(i) the students who met or exceeded such proficient level; and

"(ii) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the assessment for the student's corresponding grade level not later than the student's final year in secondary school, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of section 1111(b)(2)(L)(i).

"(2) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding this section or any other provision of law, in the case of a local educational agency that is identified for corrective action under subsection (c)(10) solely because the local educational agency did not meet or exceed 1 or more annual measurable objectives set by the State under section 1111(b)(2)(G) for the subgroup of students with disabilities or students with limited English proficiency, or both such subgroups, the State educational agency shall not be required to implement subsection (c)(10) if the State educational agency demonstrates to the Secretary that the school would have made adequate yearly progress for each assessment and for each such subgroup if the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment was calculated by counting—

"(A) the students who meet or exceed such proficient level; and

"(B) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the assessment for the student's corresponding grade level not later than the student's final year in secondary school, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of section 1111(b)(2)(L)(i).".

SEC. 6. NATIVE AMERICAN LANGUAGE PROGRAMS.

Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (as amended by section 3) (20 U.S.C. 6316(b)(2)) is further amended by adding at the end the following:

"(M) NATIVE AMERICAN LANGUAGE PROGRAMS.—Notwithstanding subparagraph (I) or any other provision of law—

"(i) a school serving students who receive not less than a half day of daily Native language instruction in an American Indian language, an Alaska Native language, or Native Hawaiian in at least grades kindergarten through grade 2 for a school year that does not have State assessments under paragraph (3) available in the Native American language taught at the school as provided for in paragraph (3)(C)(ix)(III)—

"(I) shall assess students in grade 3 as required under paragraph (3), and such students shall be included in determining if the school met the participation requirements for all groups of students as required under subparagraph (I)(ii) for such school year; and

"(II) shall not include such assessment results for students in grade 3 in determining if the school met or exceeded the annual measurable objectives for all groups of students as required under subparagraph (I)(i) for such school year; and

"(ii) in the case of a school serving students in any of grades 4 through 8 who received such Native American language instruction, such school shall count for purposes of calculating the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment—

"(I) the students who met or exceeded such proficient level; and

"(II) the students who are making sufficient progress to enable each such student to meet or exceed such proficient level on the assessment for the student's corresponding grade level by the time the student enters grade 7, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of paragraph (L)(i).".

SEC. 7. IMPROVING EFFECTIVE PARENTAL INVOLVEMENT.

Section 2134 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6634) is amended—

(1) in subsection (a)(2)(C), by inserting "one or more parent teacher associations or organizations," after "such local educational agencies,";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) OPTIONAL USE OF FUNDS.—An eligible partnership that receives a subgrant under this section may use subgrant funds remaining after carrying out all of the activities described in subsection (a) for—

"(1) developing parental engagement strategies, with accountability goals, as a key part of the ongoing school improvement plan under section 1116(b)(3)(A) for a school identified for improvement under section 1116(b)(1); or

"(2) providing training to teachers, principals, and parents in skills that will enhance effective communication, which training shall—

"(A) include the research-based standards and methodologies of effective parent or family involvement programs; and

"(B) to the greatest extent possible, involve the members of the local and State parent teacher association or organization in such training activities and in the implementation of school improvement plans under section 1116(b)(3)(A).".

SEC. 8. CONFORMING AMENDMENTS.

Section 1116 of the Elementary and Secondary Education Act of 1965 (as amended by sections 4 and 5) (20 U.S.C. 6316) is further amended—

(1) in subsection (b)—

(A) in paragraph (6)(F), by striking "(1)(E),";

(B) in paragraph (7)(C)(i), by striking "paragraph (1)(E) and (F)" and inserting "subparagraphs (B) and (C) of paragraph (5)";

(C) in paragraph (8)(A)(i), by striking "paragraph (1)(E) and (F)" and inserting "subparagraphs (B) and (C) of paragraph (5)";

(D) in paragraph (9)—

(i) by striking "paragraph (1)(E)" and inserting "paragraph (5)(B)"; and

(ii) by striking "(1)(A), (5)," and inserting "(5)(A),"; and

(E) in paragraph (11), by striking "(1)(A),";

(2) in subsection (c)(10)(C)(vii), by striking "subsections (b)(1)(E) and (F)," and inserting "subparagraphs (B) and (C) of subsection (b)(5)";

(3) in subsection (e)(1), by inserting "(1)," after "described in paragraph";

(4) in subsection (f)(1)(A)(ii), by inserting "(A)" after "(b)(5)"; and

(5) in subsection (g)(3)(A), by striking "subsection (b)(1)(E)" and inserting "subsection (b)(5)(B)".

By Mrs. CLINTON (for herself, Mr. MENENDEZ, Mrs. BOXER, Ms. CANTWELL, Mr. KERRY, Mrs. MURRAY, and Mr. LAUTENBERG):

S. 1240. A bill to provide for the provision by hospitals receiving Federal funds through the Medicare program or Medicaid program of emergency contraceptives to women who are survivors of sexual assault; to the Committee on Finance.

Mrs. CLINTON. Mr. President, in recognition of National Crime Victim's Week, I am proud to reintroduce the "Compassionate Assistance for Rape Emergencies Act," a bill that will help rape and incest survivors across the country get the medical care they need and deserve.

Women deserve access to emergency contraception. For millions of women, it represents peace of mind. For survivors of rape and incest, it allows them to avoid the additional trauma of facing an unintended pregnancy. This bill makes emergency contraception available for survivors of rape and incest at any hospital receiving public funds.

Every 2 minutes a woman is sexually assaulted in the U.S. and each year, 25 to 32,000 women become pregnant as a result of rape or incest. According to a study published in the American Journal of Obstetrics and Gynecology, 50 percent of those pregnancies end in abortion.

By providing access to emergency contraception, up to 95 percent of those unintended pregnancies could be prevented if emergency contraception is administered within the first 24 to 72 hours.

I am proud that for 4 years, this has already been law in New York State. Survivors of rape and incest receive information and access to emergency contraception at every hospital in the State. In New York City, women are benefiting from Mayor Bloomberg's significant initiative to expand access to emergency contraception and family planning services and improve maternal and infant outcomes. I applaud this focus on increasing awareness about emergency contraception—to all women—so that we can work together at decreasing the rate of unintended pregnancy in this country.

Last year, the FDA made emergency contraception available over the counter for women 18 years of age and older. Despite the ideologically driven agenda against Plan B, research shows that emergency contraception is safe and effective for preventing pregnancy. More than 70 major medical organizations, including the American Academy of Pediatrics, recommended that Plan B be made available over the counter. This bill will make sure hospitals provide women in crisis with the necessary information to evaluate this option for themselves. In addition, the bill ensures that patients can receive post-exposure treatment for sexually transmitted infections for which the deferral of treatment either would significantly reduce treatment efficacy or would pose substantial risk to the individual's health.

Public health employees at the Centers for Disease Control and Prevention include access to emergency contraception as a protocol and viable option for these victims. The U.S. Department of Justice guidelines, however, make no reference to emergency contraception as a potential option for rape and incest victims. This is why I'm introducing this legislation today.

It is my sincere hope that my colleagues join me in the fight to better protect and serve our Nation's rape and incest survivors.

By Mr. GRASSLEY:

S. 1241. A bill to amend the Internal Revenue Code of 1986 to clarify student housing eligible for the low-income housing credit, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that a bill introduced by me today to amend the Internal Revenue Code of 1986 to clarify student housing eligible for the low-income housing credit, and for other purposes, be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF STUDENT HOUSING ELIGIBLE FOR LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Subclause (I) of section 42(i)(3)(D)(ii) of the Internal Revenue Code of 1986 (relating to certain students not to disqualify unit) is amended to read as follows:

"(I) single parents and their children and such parents are not dependents (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of another individual and such children are not dependents (as so defined) of another individual other than a parent of such children, or."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to—

(1) housing credit amounts allocated before, on, or after the date of the enactment of this Act, and

(2) buildings placed in service before, on, or after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof.

By Mr. TESTER:

S. 1242. A bill to amend the Federal Crop Insurance Act and Farm Security and Rural Investment Act of 2002 to establish a biofuel pilot program to offer crop insurance to producers of experimental biofuel crops and a program to make loans and loan guarantees to producers of experimental biofuel crops; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. TESTER. Mr. President, I rise here today to introduce the Biofuel Crop Insurance Act to provide a safety net to innovative American farmers.

America's addiction to foreign oil is one of the greatest threats to our national security and our economy. At the same time climate change is threatening the world as we know it. We are experiencing wildly shifting weather patterns, prolonged drought, intense hurricanes and melting glaciers and icecaps. We need to do something to change our energy sources to clean and domestic options, and our farmers and rural communities are leading the way.

Unfortunately, some of the best potential crops for biofuel production lack the same government safety nets like crop insurance and loans that our commodity crops have. This legislation is designed to change that by allowing the USDA to expedite the process for approving insurance to dedicated biofuel crops.

In the last few years the ethanol industry has experienced explosive growth. Ethanol is good for farmers, rural communities and our consumers. I for one would rather buy my fuel from farmers in the Midwest than dictators in the Mideast.

Corn will continue to be king of ethanol for some time. But we need to start using other crops for ethanol and biodiesel production, because if there is one thing that our recent energy crisis has taught us it is that diversity is critical. We need to expand the use of crops that don't compete with our food system that can be grown in different parts of the country, are more affordable, and require fewer inputs than corn.

In Montana, farmers are planting an oil seed crop called camelina because it can be grown on marginal lands, with few inputs, and high profits. Its oil can be crushed and made into biodiesel on farms and small communities' rural landscapes. Camelina can be used in rotation with other crops such as wheat and barley and bring new money and new development to rural States like Montana, Washington, Idaho, and the Dakotas. Montana State University is one of several academic institutions that have done extensive research into the crop in regards to what it needs to grow, where to grow it, and what farmers can expect it to produce. All their tests are positive and this year we expect that up to 20,000 acres of camelina will be planted in Montana alone. Unfortunately, farmers are hesitant to seize this opportunity because they lack an insurance safety net, and their banks won't loan them money to plant crops that aren't insured.

Being a farmer myself, I know how agriculture is beholden to Mother Nature. A dry year, a bad hail storm or a late frost can destroy a year's worth of work. Farmers need safety nets, not handouts. Crop insurance is a market mechanism that can mitigate risk for farmers. The legislation I'm introducing today will be directly responsible for extensive growth of camelina, and the emergence of a biodiesel industry for States like Montana.

If I wasn't here right now, I would be sitting on my tractor in Big Sandy, MT, planting oil seed crops on my farm and learning how to process and crush oil seeds to make biodiesel. I use 3,000 gallons of diesel fuel a year on my farm, and anxiously await the day when I can use fuel grown on my land or bought from my neighbors instead of imported from overseas.

This bill sets up a pilot insurance program for dedicated biofuel crops that displace petroleum products, and provides loans for stabilization of farm income and marketing assistance. It also creates grants for research into planting and harvesting techniques and grants to study the use of biofuel meal used as animal feeds.

I believe this bill will spark a biodiesel industry across the Northern Great Plains and I encourage my colleagues to support this legislation as it moves forward.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. INOUYE, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. FEINGOLD, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CASEY, and Mrs. MCCASKILL):

S. 1244. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am pleased to introduce the Protecting America's Workers Act.

This week, on Workers' Memorial Day, we remember those who have been killed or injured on the job, and we reaffirm our commitment to workers and their families to do all we can to end these senseless tragedies.

We've made progress in protecting worker safety since we passed the Occupational Safety and Health Act in 1970.

But too many workers still are not safe. In 2005 alone, over 5,700 workers were killed on the job. Over 4 million became ill or were injured. That's nearly 16 deaths and 12,000 workplace injuries or illnesses each and every day.

Last year, the tragic deaths of miners at Sago and Alma mines showed us the gaps and shortcomings in mine safety. Across the country, America saw the senseless deaths of workers and the suffering of their families and friends. Every day, workers in other industries are facing equally dangerous conditions. Those dangers may not make headlines, but they continue to threaten workers' health, their lives, and their families' security.

One of the most obvious problems is that literally millions of employees today are not covered by our safety laws. Too many other firms blatantly ignore the law and refuse to do what is necessary to keep their employees safe.

Too often, as well, we find that those responsible for administering our safety laws aren't doing their job—not issuing new safety standards, not vigorously enforcing the law, and not even going after the worst offenders.

Many companies are doing too little to deal with this challenge. Some employers blatantly ignore the law, but are rarely held accountable, even when their actions or neglect kill a loyal employee who works for them. Criminal penalties are so low that prosecutors don't pursue these cases. And employers who repeatedly violate the law—time and time again—pay only minimal fines, which they treat as just another cost of doing business.

American workers and their families are paying the price. This includes people like Mike Morrison, who was killed while installing pipes at a construction site in Florida, when the nine-foot-deep trench he was working in collapsed. An OSHA investigation found that the trench had not been secured properly before workers were sent into it. The employer whose failures had killed Mike was fined a mere $21,000, a slap on the wrist. Two years earlier, the company had been cited and fined for other safety violations. As Mike's stepdaughter Michelle says, "If the penalties had been more substantial two years ago, maybe Mike's company would have complied with the law and protected him properly, and maybe he'd still be with us today."

Or Eleazar Torres-Gomez, who was killed working at a laundry facility in Tulsa, OK, where he had been employed for seven years. Eleazar was dragged into an industrial dryer, where the temperatures were near 300 degrees. The company he worked for had been previously fined for not installing protective guards on a similar dryer and belt at one of its other plants. Eleazar's eldest son Emanuel said, "If the company had added the guards, which it knew were required by OSHA, my father would be alive today. The sorrow we feel is overwhelming."

And they include workers like Tracee Binion, a science teacher in Pinson, AL. Tracee became ill after renovations on her school exposed her to chemicals in unventilated classrooms. She developed chemical pneumonitis and chemically-induced asthma, lost weeks of school and to this day must manage her asthma with medication. In Alabama, Tracee and thousands of teachers like her are not covered by our safety laws. They have no one to call when they need protection from workplace hazards.

We need to do everything we can to see that other workers and their families don't have to suffer the same grief.

Congress can take concrete steps to address many of these failures. That's why today we are reintroducing the Protecting America's Workers Act. This legislation will do several key things:

It expands the coverage of our safety laws to protect 8.6 million public employees and transportation workers.

It requires OSHA to investigate every case where a worker is killed or seriously injured. And it gives family members greater rights to be part of accident investigations.

It also protects workers who speak up about unsafe conditions on the job, by bringing OSHA whistleblower laws in line with protections in other areas.

It puts real teeth in our safety laws by increasing penalties. These penalties have not been raised since 1990. This bill sets a minimum penalty of $50,000 for a worker's death caused by a willful safety violation. And it increases the maximum criminal penalty for killing or seriously injuring a worker to ten years of prison, instead of six months.

Beyond this legislation, we must also find new and smarter ways of keeping workers safe. We must shine a light on OSHA to ensure that our safety laws are implemented the way they were intended—to protect workers by preventing hazards on the job. The administration needs to put workers first and get the job done.

It's time to send a message to those who put their employees in harm's way that life and health must be valued above profit and greed. It's time to redouble our efforts and make our commitment a reality. It's time for Congress to act, so that the hardworking men and women of our country get what they deserve at last—the security of a safe and healthy workplace.

I urge my colleagues to join me in fighting for safe workplaces for all of America's workers. The best way for Congress to honor the Nation's hardworking men and women on this Worker's Memorial Day is to end our complacency and see that the full promise of OSHA becomes a genuine reality for every working family in every community in America.

By Mr. CARDIN (for himself, Ms. MIKULSKI, and Mr. WARNER):

S. 1245. A bill to reform mutual aid agreements for the National Capitol Region; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARDIN. Mr. President, today I am introducing legislation that will improve mutual aid agreements for the National Capitol Region. Senators MIKULSKI and WARNER are original cosponsors of my bill.

The Intelligence Reform and Terrorism Prevention Act of 2004 contains provisions for cooperation among the National Capital Region's jurisdictions in the event of a regional or national emergency. Since that time, a model mutual aid agreement has been approved by 20 of the 21 jurisdictions in the Washington Council of Governments, the State of Maryland, the Commonwealth of Virginia, the Metropolitan Washington Airports Authority, and the Washington Metropolitan Area Transit Authority. The model mutual aid agreement is designed to append operational plans across the spectrum of public safety disciplines, including police, fire and rescue, public health, water supply, and debris removal, among others. This has opened the way for the region's governments to begin hammering out the details of how emergency responses will actually be executed.

As the jurisdictions began working on the mutual aid agreements, concern arose that drinking water and wastewater utilities were not included in the original language. The Metropolitan Washington Council of Governments brought this issue to my attention. Today's legislation will remedy the situation by providing a commonsense solution that will allow our drinking water and wastewater facilities' staffs to participate as appropriate in the mutual aid agreements.

Current law allows the jurisdictions in the Washington metropolitan area to share their personnel freely in the event of a national emergency. Firefighters in Fairfax County, for example, could be enlisted to support their counterparts in the District of Columbia or in Maryland in the event of a national or regional emergency. Similarly, emergency responders in Montgomery and Prince George's counties could support their counterparts in Alexandria or Arlington.

This legislation simply extends that same commonsense approach to drinking water and wastewater treatment authorities. If a drinking water plant were to become disabled because of a natural disaster or terrorist attack, this bill would allow licensed engineers to cross jurisdictional boundaries to come to the aid of the disabled system and the thousands of regional residents who depend on these vital systems for safe drinking water.

This legislation has the support of the Metropolitan Washington Council of Governments and the National Capital Region Water Security Workgroup, chaired by the Fairfax County Water Authority.

One section of the legislation requires some explanation. That section relates to the terms "agent" and "volunteer." It is anticipated that the region's localities will rely on a variety of authorized agents and volunteers to assist in fulfilling their mutual aid response obligations. The act currently includes agents and volunteers in the definition of "employee" and requires that all agents and volunteers be "committed in a mutual aid agreement" to prepare for or respond to an emergency. It has become apparent in developing operational plans, however, that it is not likely that a complete list of agents and volunteers will be identified and become parties to a mutual aid agreement with one or more of the region's localities. Instead, it is more likely that agents and volunteers will be associated with a locality through a mechanism other than an actual mutual aid agreement. Moreover, it is probable that the association with an agent or volunteer will arise only in direct response to a particular emergency. For example, a locality may find it necessary to call upon volunteer fire companies to respond to a particular fire-related event that threatens to overwhelm the localities' resources. In such an instance, the agent and volunteers, as well as the locality that has called upon them, should be accorded the liability protections of the act. Perhaps more importantly, it is preferred by the region's localities that a list of agents and volunteers not be brought within the scope of the act prospectively and on a continuous basis, but only as the need arises on a case-by-case basis.

The legislation I am introducing today simply strikes "agents and volunteers" from the definition of "employee" and expressly extends the liability protections of the act to agents. This term, consistent with common dictionary usage, would encompass authorized volunteers. The proposed language was drafted and approved by members of the Council of Governments' Attorneys Committee, consisting of the lead counsel of all 21 COG jurisdictions, with participation by the two State's Attorneys General offices.

In short, this legislation will give local jurisdictions the ability to respond fully and appropriately to the full range of emergencies that they may face. I urge the Senate to pass this bill as expeditiously as possible so that we can give these local and State governments the tools they need to meet the challenges that the future may present.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD following my remarks.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFORM OF MUTUAL AID AGREEMENTS FOR THE NATIONAL CAPITAL REGION.

Section 7302 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 5196 note) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking ", including its agents or authorized volunteers,"; and

(B) in paragraph (5), by striking "or town" and all that follows and inserting "town, or other governmental agency, governmental authority, or governmental institution with the power to sue or be sued in its own name, within the National Capital Region.";

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ", the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental agency or authority"; and

(3) in subsection (d), by striking "or employees" each place that term appears and inserting ", employees, or agents".

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, and Mr. AKAKA):

S. 1246. A bill to establish and maintain a wildlife global animal information network for surveillance internationally to combat the growing threat of emerging diseases that involve wild animals, such as bird flu, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, today, Senator BROWNBACK, Senator AKAKA, and I are introducing legislation that establishes a wildlife global animal information network for surveillance to enhance preparedness and awareness of emerging infectious diseases.

More than 60 percent of the approximately 1,400 currently known infectious diseases are shared between wildlife and humans. Over the past 30 years we have had many emerging infectious disease outbreaks, including hantavirus, plague, ebola, HIV/AIDS, SARS, and H5N1 influenza. In fact, more than 35 new infectious diseases have emerged in humans since 1980, which means that approximately one new infectious disease in humans has appeared every 8 months. These diseases have resulted in many deaths and billions of dollars in costs.

Millions of wild animals are traded globally and come into contact with humans and dozens of other species, contributing to the introduction of new diseases in humans. There are numerous examples of these spreading viruses that pose significant threats across the globe. For instance, the spreading H5N1 virus, a highly pathogenic avian influenza (HPAI) strain, is a significant threat to global human health, the global poultry industry, and the global economy more generally. The emerging infectious disease HIV/AIDS, whose origin has been traced back to the human consumption of African nonhuman primates, has had a devastating impact in the developing world, with over 40 million people worldwide living with HIV/AIDS and 3 million AIDS deaths globally in 2006. Despite the threats that these and future diseases pose, we lack a comprehensive and coordinated approach to monitoring these emerging infectious diseases and the nexus between wildlife, people, and domestic animals.

Our legislation would establish a Wildlife Global Animal Information Network for Surveillance (GAINS). This Wildlife GAINS system would include Federal and State agency partners, multilateral agency partners, conservation organizations with expertise in wildlife monitoring and surveillance, veterinary and medical schools, and other national and international partners. The legislation encourages the establishment of critical public-private partnerships because of the unique strengths and capabilities that NGOs have in developing countries. They will play a key role in assisting developing countries develop much needed surveillance mechanisms and in facilitating the dissemination of critical data to all partners.

USAID has taken a leadership role and already committed $192 million for avian influenza preparedness and response activities in developing countries affected by the H5N1 virus. Congress must support these efforts establishing a comprehensive worldwide wildlife health surveillance system to detect and track emerging infectious diseases.

Wildlife GAINS would be a comprehensive tool to prevent the outbreak and spread of new diseases that have no treatments or cures. We must prevent and detect the next generation of infectious diseases to prevent the pain and suffering that diseases such as HIV/AIDS and H5N1 have caused millions all over the world.

Mr. AKAKA. President, I rise to join my colleagues, Senators LIEBERMAN and BROWNBACK in introducing legislation establishing a wildlife global animal information network for detection of emerging, highly contagious diseases in non-agricultural animals. This bill is an important part of efforts to prevent and respond to natural or intentional pandemic disease outbreaks in the U.S.

Our legislation focuses on the source of nearly all pandemic disease outbreaks over the last 30 years—zoonotic diseases, or diseases that originate in animals, either agricultural or non-agricultural, and, through mutation, are passed to humans. Avian influenza, West Nile Virus and severe acute respiratory syndrome (SARS) are all zoonotic diseases originating in animals and subsequently transmitted to humans. The prevalence of such diseases underscores the need to link veterinary health and public health arenas. America's infrastructure for pandemic flu preparedness and response should therefore include the ability to monitor zoonotic diseases, creating an early warning and response system which will alert public health officials and animal health experts at the emergence of highly contagious diseases before they are passed to humans.

The global animal information network for surveillance proposed in this bill has its roots in the activities of the U.S. Agency for International Development (USAID) to assist countries dealing with the most recent outbreak of the H5N1 strain of avian influenza. In close cooperation with the Centers for Disease Control and Prevention (CDC), the Departments of State, Defense, Agriculture, Homeland Security and the Wildlife Conservation Society, USAID is providing assistance to those countries most hard hit by avian influenza. To date, animal outbreaks have been reported in 55 countries, and 12 countries have had confirmed human cases. A total of 291 humans have been infected, resulting in 172 deaths. This translates into a case fatality rate of roughly 60 percent.

To date, USAID has committed a total of $192 million for avian influenza assistance activities in these countries for preparedness and response. The goal of its activities is to lower the amount of circulating virus and limiting the opportunity for people to become infected with avian flu.

Despite these efforts, many of which have demonstrated the effectiveness of interventions being used to control the spread of avian flu, this zoonotic disease continues to mutate and as such, persist as a threat, both to animals and to people. The animal surveillance network being proposed in this bill is one critical tool to detect other wildlife-based emergent contagious diseases before they impact humans and agricultural animals.

While detecting and preventing these highly contagious diseases is critical for human health and economic stability, I would like to emphasize that, as the Government Accountability Office (GAO) observed in a 2000 report entitled "West Nile Virus Outbreak: Lessons for Public Health Preparedness", on the West Nile Virus outbreak in New York City, "Because a bioterrorist event could look like a natural outbreak, bioterrorism preparedness rests in large part on public health preparedness." Creating early warning tools such as this one can aid efforts to protect the U.S. from natural outbreaks and deliberate bioterrorist attacks. While the network alone does not protect us, it does contribute to the mosaic of homeland security activities designed to protect Americans, and those in other countries most vulnerable to bioterrorist attacks.

It is for this reason that I am pleased to join Senators LIEBERMAN and BROWNBACK in introducing this bill and urge its support.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 173—DESIGNATING AUGUST 11, 2007, AS "NATIONAL MARINA DAY"

Ms. STABENOW submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 173

Whereas the citizens of the United States highly value recreation time and their ability to access 1 of the greatest natural resources of the United States, its waterways;

Whereas, in 1928, the word "marina" was used for the first time by the National Association of Engine and Boat Manufacturers to define a recreational boating facility;

Whereas the United States is home to over 12,000 recreational boating facilities that contribute substantially to their local communities by providing safe, reliable gateways to boating for members of their communities and welcomed guests;

Whereas marinas of the United States also serve as stewards of the environment, actively seeking to protect their surrounding waterways not only for the enjoyment of the current generation, but for generations to come; and

Whereas marinas of the United States also provide their communities and visitors a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the marinas of the United States for providing environmentally friendly gateways to boating for the citizens of, and the visitors to the United States; and

(2) designates August 11, 2007, as the sixth annual "National Marina Day" in order—

(A) to honor the marinas of the United States for their many contributions to their local communities; and

(B) to make citizens, policy makers, elected officials, and employees more aware of the overall contributions marinas make to their well-being.

SENATE RESOLUTION 174—HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESS CONCERNS IN THE UNITED STATES DURING NATIONAL SMALL BUSINESS WEEK BEGINNING APRIL 22, 2007

Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, Ms. CANTWELL, Mr. LIEBERMAN, Mr. BAYH, Mr. VITTER, Mr. COLEMAN, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 174

Whereas the 25,800,000 small business concerns in the United States are the driving force behind the Nation's economy, creating more than ⅔ of all net new jobs and generating more than 50 percent of the Nation's nonfarm gross domestic product;

Whereas small business concerns are the Nation's innovators, advancing technology and productivity;

Whereas small business concerns represent 97 percent of all exporters and produce 28.6 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953, to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free competitive enterprise, to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Federal Government be placed with small business concerns, to ensure that a fair proportion of the total sales of Government property be made to such small business concerns, and to maintain and strengthen the overall economy of the Nation;

Whereas the Small Business Administration has helped small business concerns access critical lending opportunities, protected small business concerns from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for Government contracts, and improved the economic environment in which small business concerns compete;

Whereas for over 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business concern, and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning April 22, 2007 as "National Small Business Week": Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, beginning April 22, 2007;

(2) applauds the efforts and achievements of the owners of small business concerns and their employees, whose hard work and commitment to excellence have made them a key part of the Nation's economic vitality;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns;

(4) strongly urges the President to take steps to ensure that—

(A) the applicable procurement goals for small business concerns, including the goals for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, HUBZone small business concerns, and small business concerns owned and controlled by socially and economically disadvantaged individuals, are reached by all Federal agencies;

(B) guaranteed loans, including microloans and microloan technical assistance, for start-up and growing small business concerns and venture capital are made available to all qualified small business concerns;

(C) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as small business development centers, women's business centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to do their jobs; and

(D) reforms to the disaster loan program of the Small Business Administration are implemented as quickly as possible; and

(5) urges that, as was the case in the President's budget for fiscal year 2008, the Small Business Administration continue to be designated as a major agency in the President's budget submitted pursuant to section 1105 of title 31, United States Code, and that the Administrator of the Small Business Administration have an active role as a member of the President's Cabinet.

SENATE RESOLUTION 175—RECOGNIZING THE 59TH ANNIVERSARY OF THE INDEPENDENCE OF THE STATE OF ISRAEL

Mr. BROWNBACK (for himself, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. COLEMAN, Mr. LOTT, Mr. CHAMBLISS, Mr. CRAIG, Mr. VITTER, Mr. KYL, Mrs. FEINSTEIN, Mrs. DOLE, Mr. ISAKSON, Mr. BUNNING, Ms. MURKOWSKI, Ms. CANTELL, Mrs. BOXER, Mr. CASEY, Mr. BAYH, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. HATCH, Mr. SMITH, Mr. CARDIN, Mr. MARTINEZ, Mr. DURBIN, Mr. SPECTER, Mr. BIDEN, and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 175

Whereas, on May 14, 1948, the State of Israel was established as a sovereign and independent country;

Whereas the United States was one of the first countries to recognize the State of Israel, only 11 minutes after the creation of the State;

Whereas Israel has provided Jews from all over the world with an opportunity to reestablish their ancient homeland;

Whereas Israel is home to many religious sites that are sacred to Judaism, Christianity, and Islam;

Whereas Israel provided a refuge to Jews who survived the horrors of the Holocaust, which were unprecedented in human history;

Whereas Israel has also provided a refuge to, and has successfully absorbed, more than 800,000 Jewish refugees who fled persecution in neighboring states in the Middle East;

Whereas the people of Israel have established a pluralistic democracy that incorporates the freedoms cherished by the people of the United States, including—

(1) the freedom of speech;

(2) the freedom of religion;

(3) the freedom of association;

(4) the freedom of the press; and

(5) government by the consent of the governed;

Whereas Israel continues to serve as a shining model of democratic values by—

(1) regularly holding free and fair elections;

(2) promoting the free exchange of ideas; and

(3) vigorously exercising in its parliament, the Knesset, a democratic government that is fully representative of its citizens;

Whereas Israel has bravely defended itself from terrorist and military attacks repeatedly since Israel declared its independence;

Whereas the Government of Israel has successfully worked with the neighboring governments of Egypt and Jordan to establish peaceful bilateral relations;

Whereas, despite the deaths of over 1,000 innocent citizens of Israel at the hands of murderous suicide bombers and other terrorists since 2002, the people of Israel continue to seek peace with their Palestinian neighbors;

Whereas several Israeli soldiers remain hostages of terrorist groups, and were unable to celebrate the Independence Day of Israel with their families and friends;

Whereas successive leaders of Israel have sought peace in the Middle East;

Whereas the United States and Israel enjoy a strategic partnership based on shared democratic values, friendship, and respect;

Whereas the people of the United States share an affinity with the people of Israel and view Israel as a strong and trusted ally;

Whereas Israel has made significant global contributions in the fields of science, medicine, and technology;

Whereas the Independence Day of Israel on the Jewish calendar coincides this year with April 24, 2007; and

Whereas recognition of the numerous achievements of the people and the State of Israel is especially important in 2007 given the grave threats issued by, and the clear intentions of, the Government of Iran: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the independence of the State of Israel as a significant event for providing refuge and a national homeland for the Jewish people;

(2) strongly supports efforts to bring peace to the Middle East;

(3) commends the bipartisan commitment of all Presidents and Congresses of the United States since 1948 that supported Israel and worked for the security and well-being of Israel;

(4) congratulates the United States and Israel for strengthening their bilateral relations during 2006 in the fields of defense, diplomacy, and homeland security, and encourages both countries to continue their cooperation in resolving mutual challenges; and

(5) extends the best wishes of the Senate to the people of Israel as they celebrate the 59th anniversary of the independence of the State of Israel.

SENATE CONCURRENT RESOLUTION 29—ENCOURAGING THE RECOGNITION OF THE NEGRO BASEBALL LEAGUES AND THEIR PLAYERS ON MAY 20TH OF EACH YEAR

Mr. NELSON of Florida (for himself, Mr. REID, Mr. LEAHY, Mr. SPECTER, Mr. OBAMA, Mrs. CLINTON, Mr. BROWNBACK, and Mr. MARTINEZ) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 29

Whereas even though African-Americans were excluded from playing in the Major Leagues of their time with their white counterparts, the desire of many African-Americans to play baseball could not be repressed;

Whereas Major League Baseball did not fully integrate its leagues until July 1959;

Whereas African-Americans began organizing their own professional baseball teams in 1885;

Whereas the skills and abilities of Negro League players eventually made Major League Baseball realize the need to integrate the sport;

Whereas 7 separate baseball leagues, known collectively as the "Negro Baseball Leagues", were organized by African-Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players who played the game at its highest level;

Whereas on May 20, 1920, the Negro National League, the first successful Negro League, played its first game;

Whereas Andrew "Rube" Foster founded the Negro National League on February 13, 1920, at the Paseo YMCA in Kansas City, Missouri, and also managed and played for the Chicago American Giants, and was later inducted into the Baseball Hall of Fame;

Whereas Leroy "Satchel" Paige, who began his long career in the Negro Leagues and did not make his Major League debut until the age of 42, is considered one of the greatest pitchers the game has ever seen, and during his long career thrilled millions of baseball fans with his skill and legendary showboating, helping the Cleveland Indians win the pennant in his first big league victory beginning with his first game on July 15, 1948, and was later inducted into the Baseball Hall of Fame;

Whereas Josh Gibson, who was the greatest slugger of the Negro Leagues, tragically died months before the integration of baseball, and was later inducted into the Baseball Hall of Fame;

Whereas Jackie Robinson, whose career began with the Negro League Kansas City Monarchs, became the first African-American to play in the Major Leagues in April 1947, was named Major League Baseball Rookie of the Year in 1947, subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship, and was later inducted into the Baseball Hall of Fame;

Whereas Larry Doby, whose career began with the Negro League Newark Eagles, became the first African-American to play in the American League in July 1947, was an All-Star 9 times in Negro League and Major League Baseball, and was later inducted into the Baseball Hall of Fame;

Whereas John Jordan "Buck" O'Neil was a player and manager of the Negro League Kansas City Monarchs, became the first African-American coach in the Major Leagues with the Chicago Cubs in 1962, served on the Veterans Committee of the National Baseball Hall of Fame, chaired the Negro Leagues Baseball Museum Board of Directors, and worked tirelessly to promote the history of the Negro Leagues;

Whereas James "Cool Papa" Bell played, coached, and managed in the Negro Leagues from 1922 to 1950, discovered, trained, and assisted numerous Negro League players into the Major Leagues, and was later inducted into the Baseball Hall of Fame;

Whereas Minnie Minoso played in the Negro Leagues for several years before being allowed to play in the Major Leagues and was denied admission to the Hall of Fame, because during his prime years, he was a victim of racial discrimination;

Whereas the talents of such players as Josh Gibson, James "Cool Papa" Bell, and Oscar Charleston earned them recognition in the Baseball Hall of Fame as well as the Sporting News List of Baseball Greatest Players, but they were denied admission to the Major Leagues due to the color of their skin;

Whereas Autozone Park in Memphis, Tennessee, hosted the inaugural Civil Rights Game between the defending World Champion St. Louis Cardinals and the Cleveland Indians in commemoration of the civil rights movement, on March 31, 2007; and

Whereas by achieving success on the baseball field, African-American baseball players helped break down color barriers and integrate African-Americans into all aspects of society in the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation; and

(2) encourages the observation of Negro Leaguers Recognition Day on May 20 of each year.

Mr. NELSON of Florida. Mr. President, I, along with Senators REID, LEAHY, SPECTER, OBAMA, CLINTON, BROWNBACK, and MARTINEZ, have proudly submitted a concurrent resolution honoring the Negro Baseball Leagues and their players by encouraging the recognition of Negro Leaguers Recognition Day May 20 of each year. My relationship with the Negro Leagues players began when I successfully worked to persuade Major League Baseball to give pension benefits to former players. In 2004, Major League Baseball agreed to put up $1 million for monthly payments to 27 former Negro Leaguers. Last year, I worked with the families of several of the most notable Negro Leaguers to pass a Senate resolution designating May 20, 2006—the date on which the Negro National League played its first game—as Negro Leaguers Recognition Day.

I am submitting a resolution honoring the Negro Leaguers again this year—in cooperation with Representative COHEN in the House—to demonstrate the support in both Chambers for recognizing Negro Leaguers Recognition Day on May 20 of each year. I hope that this will be a day when Negro Leaguers and their families will return to the ballpark to be honored for their historic contributions to the game of baseball and to bridging racial divisions in our country.

Since 1885, long before Major League Baseball was integrated in 1947, African-Americans organized their own professional leagues. These leagues did not succeed because of racial prejudice and lack of adequate financial backing. However, this changed dramatically with the inception of the first successful Negro league—the Negro National League. Its creation was the result of the efforts of an African-American player and manager named Andrew "Rube" Foster. Mr. Foster's success inspired the formation of other leagues.

As a result, on October 3, 1924, the first Negro League World Series game was played between the Kansas City Monarchs of the Negro National League and Hilldale of Philadelphia of the Eastern Colored League. This historic and exhaustive first series lasted 10 games, covered a span of almost 3 weeks, and was played in four different cities. In the end, Kansas City claimed the championship.

Some of the names we know and some we don't. Among them are Jackie Robinson, the first African-American to break the baseball color barrier; Satchel Paige, who was considered one of the greatest pitchers of all time; Josh Gibson, who was a prolific homerun hitter; Larry Doby, the first African-American to play in the American League in July 1947; Buck O'Neil, who was the first African-American coach in the Major Leagues and who went on to head the Negro Leagues Baseball Museum; Cool Papa Bell, who was known as the fastest man in baseball; and Minnie Minoso; the "Cuban Comet," who played on the New York Cubans when they won the Negro League World Series, and broke the color barrier on the Chicago White Sox when he joined the team in 1951.

It is important that we remember and honor these players and their teammates in the Negro Leagues. In breaking down baseball's color barrier, these pioneers dealt a blow to hatred and prejudice across America. Today, we can honor them by recognizing May 20 each year as Negro Leaguers Recognition Day.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 26, 2007, at 9:30 a.m., in open session to receive testimony on legal issues regarding individuals detained by the Department of Defense as unlawful enemy combatants.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, April 26, 2007, at 10 a.m. in Room 253 of the Russell Senate Office Building. The purpose of this hearing is to discuss clean coal technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Finance which will meet on Thursday, April 26, 2007, at 1 p.m., in 215 Dirksen Senate Office Building, to hear testimony on "Coal: A Clean Future".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, April 26, 2007, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 462, Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 26, 2007 at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on Thursday, April 26, 2007, at 3 p.m., in open session to receive testimony on Air Force and Navy Aviation in review of the defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT AND WORKPLACE SAFETY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Workplace Safety, be authorized to hold a hearing on OSHA during the session of the Senate on Thursday, April 26, 2007 at 10 a.m. in SD-628.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to hold a hearing during the session of the Senate on Thursday, April 26th, 2007 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 169, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System; S. 312/H.R. 497, to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion; S. 580, to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails; S. 686, to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail; S. 722, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; S. 783, to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana; S. 890, to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission; and H.R. 1047, to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, MO, as a unit of the National Park System.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA COMPETES ACT

On Wednesday, April 25, 2007, the Senate passed S. 761 as follows:

S. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "America COMPETES Act" or the "America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 5 divisions as follows:

(1) DIVISION A.—Commerce and Science.
(2) DIVISION B.—Department of Energy.
(3) DIVISION B.—Education.
(4) DIVISION D.—National Science Foundation.
(5) DIVISION E.—General Provisions.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—COMMERCE AND SCIENCE

Sec. 1001. Short title.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

Sec. 1101. National Science and Technology Summit.
Sec. 1102. Study on barriers to innovation.
Sec. 1103. National Innovation Medal.
Sec. 1104. Release of scientific research results.
Sec. 1105. Semiannual Science, Technology, Engineering, and Mathematics Days.
Sec. 1106. Study of service science.

TITLE II—INNOVATION PROMOTION

Sec. 1201. President's Council on Innovation and Competitiveness.
Sec. 1202. Innovation acceleration research.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec. 1301. NASA's contribution to innovation.
Sec. 1302. Aeronautics Institute for Research.
Sec. 1303. Basic research enhancement.
Sec. 1304. Aging workforce issues program.
Sec. 1305. Conforming amendments.
Sec. 1306. Fiscal year 2008 basic science and research funding.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Sec. 1401. Authorization of appropriations.
Sec. 1402. Amendments to the Stevenson-Wydler Technology Innovation Act of 1980.
Sec. 1403. Innovation acceleration.
Sec. 1404. Manufacturing extension.
Sec. 1405. Experimental Program to Stimulate Competitive Technology.
Sec. 1406. Technical amendments to the National Institute of Standards and Technology Act and other technical amendments.
Sec. 1407. Clarification of eligible contributions in connection with regional Centers responsible for implementing the objectives of the hollings manufacturing partnership program.

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

Sec. 1501. Ocean and atmospheric research and development program.
Sec. 1502. NOAA ocean and atmospheric science education programs.
Sec. 1503. NOAA's contribution to innovation.
Sec. 1504. NOAA accountability and transparency.

DIVISION B—DEPARTMENT OF ENERGY

Sec. 2001. Short title.
Sec. 2002. Definitions.
Sec. 2003. Mathematics, science, and engineering education at the Department of Energy.
Sec. 2004. Department of Energy early-career research grants.
Sec. 2005. Advanced Research Projects Authority-Energy.
Sec. 2006. Authorization of appropriations for the Department of Energy for basic research.
Sec. 2007. Discovery science and engineering innovation institutes.
Sec. 2008. Protecting America's Competitive Edge (PACE) graduate fellowship program.
Sec. 2009. Title IX compliance.
Sec. 2010. High-risk, high-reward research.
Sec. 2011. Distinguished scientist program.

DIVISION C—EDUCATION

Sec. 3001. Findings.
Sec. 3002. Definitions.

TITLE I—TEACHER ASSISTANCE

Subtitle A—Teachers for a Competitive Tomorrow

Sec. 3111. Purpose.
Sec. 3112. Definitions.
Sec. 3113. Programs for baccalaureate degrees in mathematics, science, engineering, or critical foreign languages, with concurrent teacher certification.
Sec. 3114. Programs for master's degrees in mathematics, science, technology, or critical foreign languages education.
Sec. 3115. General provisions.
Sec. 3116. Authorization of appropriations.

Subtitle B—Advanced Placement and International Baccalaureate Programs

Sec. 3121. Purpose.
Sec. 3122. Definitions.
Sec. 3123. Advanced Placement and International Baccalaureate programs.

Subtitle C—Promising Practices in Mathematics, Science, Technology, and Engineering Teaching

Sec. 3131. Promising practices.

TITLE II—MATHEMATICS

Sec. 3201. Math Now for elementary school and middle school students program.
Sec. 3202. Summer term education programs.
Sec. 3203. Math skills for secondary school students.

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

Sec. 3301. Findings and purpose.
Sec. 3302. Definitions.
Sec. 3303. Program authorized.
Sec. 3304. Authorization of appropriations.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

Sec. 3401. Alignment of secondary school graduation requirements with the demands of 21st century postsecondary endeavors and support for P–16 education data systems.

TITLE V—MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS

Sec. 3501. Mathematics and science partnership bonus grants.
Sec. 3502. Authorization of appropriations.

DIVISION D—NATIONAL SCIENCE FOUNDATION

Sec. 4001. Authorization of appropriations.
Sec. 4002. Strengthening of education and human resources directorate through equitable distribution of new funds.
Sec. 4003. Graduate fellowships and graduate traineeships.
Sec. 4004. Professional science master's degree programs.
Sec. 4005. Increased support for science education through the National Science Foundation.
Sec. 4006. Meeting critical national science needs.
Sec. 4007. Reaffirmation of the merit-review process of the National Science Foundation.
Sec. 4008. Experimental Program to Stimulate Competitive Research.
Sec. 4009. Encouraging participation.
Sec. 4010. Cyberinfrastructure.
Sec. 4011. Federal information and communications technology research.
Sec. 4012. Robert Noyce Teacher Program.
Sec. 4013. Sense of the Senate regarding the mathematics and science partnership programs of the Department of Education and the National Science Foundation.
Sec. 4014. National Science Foundation teacher institutes for the 21st century.
Sec. 4015. Partnerships for access to laboratory science.

DIVISION E—GENERAL PROVISIONS

Sec. 5001. Collection of data relating to trade in services.
Sec. 5002. Sense of the Senate regarding small business growth and capital markets.
Sec. 5003. Government Accountability Office Review of Activities, Grants, and Programs.
Sec. 5004. Prohibition against funding anticompetitiveness.
Sec. 5005. Feasibility study on free online college degree program.
Sec. 5006. Sense of the Senate regarding deemed exports.
Sec. 5007. Sense of the Senate regarding capital markets.

DIVISION A—COMMERCE AND SCIENCE

SEC. 1001. SHORT TITLE.

This division may be cited as the "American Innovation and Competitiveness Act".

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

SEC. 1101. NATIONAL SCIENCE AND TECHNOLOGY SUMMIT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall convene a National Science and Technology Summit to examine the health and direction of the United States' science, technology, engineering, and mathematics enterprises. The Summit shall include representatives of industry, small business, labor, academia, State government, Federal research and development agencies, non-profit environmental and energy policy groups concerned with science and technology issues, and other nongovernmental organizations, including representatives of science, technology, and engineering organizations and associations that represent individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(b) REPORT.—Not later than 90 days after the date of the conclusion of the Summit, the President shall issue a report on the results of the Summit. The report shall identify key research and technology challenges and recommendations, including recommendations to increase the representation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, engineering, and technology enterprises, for areas of investment for Federal research and technology programs to be carried out during the 5-year period beginning on the date the report is issued.

(c) ANNUAL EVALUATION.—Beginning in 2008, the Director of the Office of Science and Technology Policy shall publish and submit to Congress an annual report that contains recommendations for areas of investment for Federal research and technology programs, including a justification for each area identified in the report. Each report submitted during the 5-year period beginning on the date of the conclusion of the Summit shall take into account any recommendations made by the Summit.

SEC. 1102. STUDY ON BARRIERS TO INNOVATION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall enter into a contract with the National Academy of Sciences to conduct and complete a study to identify, and to review methods to mitigate, new forms of risk for businesses beyond conventional operational and financial risk that affect the ability to innovate, including studying and reviewing—

(1) incentive and compensation structures that could effectively encourage long-term value creation and innovation;

(2) methods of voluntary and supplemental disclosure by industry of intellectual capital, innovation performance, and indicators of future valuation;

(3) means by which government could work with industry to enhance the legal and regulatory framework to encourage the disclosures described in paragraph (2);

(4) practices that may be significant deterrents to United States businesses engaging in innovation risk-taking compared to foreign competitors;

(5) costs faced by United States businesses engaging in innovation compared to foreign competitors, including the burden placed on businesses by .high and rising health care costs;

(6) means by which industry, trade associations, and universities could collaborate to support research on management practices and methodologies for assessing the value and risks of longer term innovation strategies;

(7) means to encourage new, open, and collaborative dialogue between industry associations, regulatory authorities, management, shareholders, labor, and other concerned interests to encourage appropriate approaches to innovation risk-taking;

(8) incentives to encourage participation among institutions of higher education, especially those in rural and underserved areas, to engage in innovation;

(9) relevant Federal regulations that may discourage or encourage innovation;

(10) all provisions of the Internal Revenue Code of 1986, including tax provisions, compliance costs, and reporting requirements, that discourage innovation;

(11) the extent to which Federal funding promotes or hinders innovation;

(12) the extent to which individuals are being equipped with the knowledge and skills necessary for success in the 21st century workforce, as measured by—

(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 (b)(3)), especially in mathematics, science, and reading, identified by ethnicity, race, and gender;

(B) the rate of student entrance into institutions of higher education, identified by ethnicity, race, and gender, by type of institution, and barriers to access to institutions of higher education;

(C) the rates of—

(i) students successfully completing postsecondary education programs, identified by ethnicity, race, and gender; and

(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics, identified by ethnicity, race, and gender; and

(D) access to, and availability of, high quality job training programs;

(13) the projected outcomes of increasing the number of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields; and

(14) the identification of strategies to increase the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields.

(b) REPORT REQUIRED.—Not later than 1 year after entering into the contract required by subsection (a) and 4 years after entering into such contract, the National Academy of Sciences shall submit to Congress a report on the study conducted under such subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Academy of Sciences $1,000,000 for fiscal year 2008 for the purpose of carrying out the study required under this section.

SEC. 1103. NATIONAL INNOVATION MEDAL.

Section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711) is amended—

(1) by striking the section heading and inserting "**SEC. 16. NATIONAL TECHNOLOGY AND INNOVATION MEDAL.**"; and

(2) in subsection (a), by striking "Technology Medal" and inserting "Technology and Innovation Medal".

SEC. 1104. RELEASE OF SCIENTIFIC RESEARCH RESULTS.

(a) PRINCIPLES.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Director of the Office of Management and Budget and the heads of all Federal civilian agencies that conduct scientific research, shall develop and issue an overarching set of principles to ensure the communication and open exchange of data and results to other agencies, policymakers, and the public of research conducted by a scientist employed by a Federal civilian agency and to prevent the intentional or unintentional suppression or distortion of such research findings. The principles shall encourage the open exchange of data and results of research undertaken by a scientist employed by such an agency and shall be consistent with existing Federal laws, including chapter 18 of title 35, United States Code (commonly known as the "Bayh-Dole Act").

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall ensure that all civilian Federal agencies that conduct scientific research develop specific policies and procedures regarding the public release of data and results of research conducted by a scientist employed by such an agency consistent with the principles established under subsection (a). Such polices and procedures shall—

(1) specifically address what is and what is not permitted or recommended under such policies and procedures;

(2) be specifically designed for each such agency;

(3) be applied uniformly throughout each such agency; and

(4) be widely communicated and readily accessible to all employees of each such agency and the public.

SEC. 1105. SEMIANNUAL SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS DAYS.

It is the sense of Congress that the Director of the Office of Science and Technology Policy should—

(1) encourage all elementary and middle schools to observe a Science, Technology, Engineering, and Mathematics Day twice in every school year for the purpose of bringing in science, technology, engineering, and mathematics mentors to provide hands-on lessons to excite and inspire students to pursue the science, technology, engineering, and mathematics fields (including continuing education and career paths);

(2) initiate a program, in consultation with Federal agencies and departments, to provide support systems, tools (from existing outreach offices), and mechanisms to allow and encourage Federal employees with scientific, technological, engineering, or mathematical responsibilities to reach out to local classrooms on such Science, Technology, Engineering, and Mathematics Days to instruct and inspire school children, focusing on real life science, technology, engineering, and mathematics-related applicable experiences along with hands-on demonstrations in order to demonstrate the advantages and direct applications of studying the science, technology, engineering, and mathematics fields; and

(3) promote Science, Technology, Engineering, and Mathematics Days involvement by private sector and institutions of higher education employees, including partnerships with scientific, engineering, and mathematical professional organizations representing individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b), in a manner similar to the Federal employee involvement described in paragraph (2).

SEC. 1106. STUDY OF SERVICE SCIENCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in order to strengthen the competitiveness of United States enterprises and institutions and to prepare the people of the United States for high-wage, high-skill employment, the Federal Government should better understand and respond strategically to the emerging management and learning discipline known as service science.

(b) Study.—Not later than 270 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, through the National Academy of Sciences, shall conduct a study and report to Congress regarding how the Federal Government should support, through research, education, and training, the emerging management and learning discipline known as service science.

(c) Outside Resources.—In conducting the study under subsection (b), the National Academy of Sciences shall consult with leaders from 2- and 4-year institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), leaders from corporations, and other relevant parties.

(d) Service Science Defined.—In this section, the term "service science" means curricula, training, and research programs that are designed to teach individuals to apply scientific, engineering, and management disciplines that integrate elements of computer science, operations research, industrial engineering, business strategy, management sciences, and social and legal sciences, in order to encourage innovation in how organizations create value for customers and shareholders that could not be achieved through such disciplines working in isolation.

TITLE II—INNOVATION PROMOTION

SEC. 1201. PRESIDENT'S COUNCIL ON INNOVATION AND COMPETITIVENESS.

(a) In General.—The President shall establish a President's Council on Innovation and Competitiveness.

(b) Duties.—The Council's duties shall include—

(1) monitoring implementation of public laws and initiatives for promoting innovation, including policies related to research funding, taxation, immigration, trade, and education that are proposed in this Act or in any other Act;

(2) providing advice to the President with respect to global trends in competitiveness and innovation and allocation of Federal resources in education, job training, and technology research and development considering such global trends in competitiveness and innovation;

(3) in consultation with the Director of the Office of Management and Budget, developing a process for using metrics to assess the impact of existing and proposed policies and rules that affect innovation capabilities in the United States;

(4) identifying opportunities and making recommendations for the heads of executive agencies to improve innovation, monitoring, and reporting on the implementation of such recommendations;

(5) developing metrics for measuring the progress of the Federal Government with respect to improving conditions for innovation, including through talent development, investment, and infrastructure improvements; and

(6) submitting to the President and Congress an annual report on such progress.

(c) Membership and Coordination.—

(1) Membership.—The Council shall be composed of the Secretary or head of each of the following:

(A) The Department of Commerce.

(B) The Department of Defense.

(C) The Department of Education.

(D) The Department of Energy.

(E) The Department of Health and Human Services.

(F) The Department of Homeland Security.

(G) The Department of Labor.

(H) The Department of the Treasury.

(I) The National Aeronautics and Space Administration.

(J) The Securities and Exchange Commission.

(K) The National Science Foundation.

(L) The Office of the United States Trade Representative.

(M) The Office of Management and Budget.

(N) The Office of Science and Technology Policy.

(O) The Environmental Protection Agency.

(P) The Small Business Administration.

(Q) Any other department or agency designated by the President.

(2) Chairperson.—The Secretary of Commerce shall serve as Chairperson of the Council.

(3) Coordination.—The Chairperson of the Council shall ensure appropriate coordination between the Council and the National Economic Council, the National Security Council, and the National Science and Technology Council.

(4) Meetings.—The Council shall meet on a semi-annual basis at the call of the Chairperson and the initial meeting of the Council shall occur not later than 6 months after the date of enactment of this Act.

(d) Development of Innovation Agenda.—

(1) In general.—The Council shall develop a comprehensive agenda for strengthening the innovation and competitiveness capabilities of the Federal Government, State governments, academia, and the private sector in the United States.

(2) Contents.—The comprehensive agenda required by paragraph (1) shall include the following:

(A) An assessment of current strengths and weaknesses of the United States investment in research and development.

(B) Recommendations for addressing weaknesses and maintaining the United States as a world leader in research and development and technological innovation, including strategies for increasing the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields.

(C) Recommendations for strengthening the innovation and competitiveness capabilities of the Federal government, State governments, academia, and the private sector in the United States.

(3) Advisors.—

(A) Recommendation.—Not later than 30 days after the date of enactment of this Act, the National Academy of Sciences, in consultation with the National Academy of Engineering, the Institute of Medicine, and the National Research Council, shall develop and submit to the President a list of 50 individuals that are recommended to serve as advisors to the Council during the development of the comprehensive agenda required by paragraph (1). The list of advisors shall include appropriate representatives from the following:

(i) The private sector of the economy.

(ii) Labor.

(iii) Various fields including information technology, energy, engineering, high-technology manufacturing, health care, and education.

(iv) Scientific organizations.

(v) Academic organizations and other nongovernmental organizations working in the area of science or technology.

(vi) Nongovernmental organizations, such as professional organizations, that represent individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in the areas of science, engineering, technology, and mathematics.

(B) Designation.—Not later than 30 days after the date that the National Academy of Sciences submits the list of recommended individuals to serve as advisors, the President shall designate 50 individuals to serve as advisors to the Council.

(C) Requirement to consult.—The Council shall develop the comprehensive agenda required by paragraph (1) in consultation with the advisors.

(4) Initial submission and updates.—

(A) Initial submission.—Not later than 1 year after the date of enactment of this Act, the Council shall submit to Congress and the President the comprehensive agenda required by paragraph (1).

(B) Updates.—At least once every 2 years, the Council shall update the comprehensive agenda required by paragraph (1) and submit each such update to Congress and the President.

(e) Technical Amendment.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended by striking "an" in the first sentence and inserting "a distinct".

(f) Optional Assignment.—Notwithstanding subsection (a) and paragraphs (1) and (2) of subsection (c), the President may designate an existing council to carry out the requirements of this section.

SEC. 1202. INNOVATION ACCELERATION RESEARCH.

(a) Program Established.—The President, through the head of each Federal research agency, shall establish a program, to be known as the Innovation Acceleration Research Program, to support and promote innovation in the United States through research projects that can yield results with far-ranging or wide-ranging implications but are considered too novel or span too diverse a range of disciplines to fare well in the traditional peer review process. Priority in the awarding of grants under this program shall be given to research projects that—

(1) meet fundamental technology or scientific challenges;

(2) involve multidisciplinary work; and

(3) involve a high degree of novelty.

(b) Departments and Agencies.—

(1) Funding goals.—The President shall ensure that it is the goal of each Executive agency (as defined in section 105 of title 5, United States Code) that finances research in science, mathematics, engineering, and technology to allocate approximately 8 percent of the agency's total annual research and development budget to funding research, including grants, under the Innovation Acceleration Research Program.

(2) Administration.—

(A) In general.—Not later than 90 days after the date of enactment of this Act, the head of each Executive agency participating in the Innovation Acceleration Research Program under paragraph (1) shall submit to the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget a plan for implementing the research program within such Executive agency. An implementation plan may incorporate existing initiatives of the Executive agencies that promote research in innovation as described in subsection (a).

(B) Required metrics.—

(i) In general.—The head of each Executive agency submitting an implementation plan pursuant to subparagraph (A) shall include metrics upon which grant funding decisions will be made and metrics for assessing the success of the grants awarded.

(ii) METRICS FOR BASIC RESEARCH.—The metrics developed under clause (i) to assess basic research programs shall assess management of the programs and shall not assess specific scientific outcomes of the research conducted by the programs.

(C) GRANT DURATION AND RENEWALS.—

(i) IN GENERAL.—Any grants issued by an Executive agency under this section shall be for a period not to exceed 3 years.

(ii) EVALUATION.—Not later than 90 days prior to the expiration of a grant issued under this section, the Executive agency that approved the grant shall complete an evaluation of the effectiveness of the grant based on the metrics established pursuant to subparagraph (B). In its evaluation, the Executive agency shall consider the extent to which the program funded by the grant met the goals of quality improvement and job creation.

(iii) PUBLICATION OF REVIEW.—The Executive agency shall publish and make available to the public the review of each grant approved pursuant to this section.

(iv) FAILURE TO MEET METRICS.—Any grant that the Executive agency awarding the grant determines has failed to satisfy any of the metrics developed pursuant to subparagraph (B), shall not be eligible for a renewal.

(v) RENEWAL.—A grant issued under this section that satisfies all of the metrics developed pursuant to subparagraph (B), may be renewed once for a period of not more than 3 years. Additional renewals may be considered only if the head of the Executive agency makes a specific finding that the program being funded involves a significant technology or scientific advance that requires a longer time frame to complete critical research, and the research satisfies all the metrics developed pursuant to subparagraph (B).

(vi) WAIVER.—The head of the Executive agency may authorize a waiver of the requirement of clauses (iv) and (v) related to satisfying metric requirements if he or she determines that the grant failed to meet a small number of metrics and the failure was not significant for the overall performance of the grant.

(c) DEFINITIONS.—In this section:

(1) FEDERAL RESEARCH AGENCY.—The term "Federal research agency" means a major organizational component of a department or agency of the Federal Government, or other establishment of the Federal Government operating with appropriated funds, that has as its primary purpose the performance of scientific research.

(2) MAJOR ORGANIZATIONAL COMPONENT.—The term "major organizational component", with respect to a department, agency, or other establishment of the Federal Government, means a component of the department, agency, or other establishment that is administered by an individual whose rate of basic pay is not less than the rate of basic pay payable under level V of the Executive Schedule under section 5316 of title 5, United States Code.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 1301. NASA'S CONTRIBUTION TO INNOVATION.

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The National Aeronautics and Space Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the agency mission, including authorized activities.

(b) HISTORIC FOUNDATION.—In order to carry out the participation described in subsection (a), the Administrator of the National Aeronautics and Space Administration shall build on the historic role of the National Aeronautics and Space Administration in stimulating excellence in the advancement of physical science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

(c) BALANCED SCIENCE PROGRAM AND ROBUST AUTHORIZATION LEVELS.—The balanced science program authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611) shall be an element of the contribution by the National Aeronautics and Space Administration to such interagency programs. It is the sense of Congress that a robust National Aeronautics and Space Administration, funded at the levels authorized for fiscal years 2007 and 2008 under sections 202 and 203 of such Act (42 U.S.C. 16631 and 16632) and at appropriate levels in subsequent fiscal years would enable a fair balance among science, aeronautics, education, exploration, and human space flight programs and allow full participation in any interagency efforts to promote innovation and economic competitiveness.

(d) ANNUAL REPORT.—

(1) REQUIREMENT.—The Administrator shall submit to Congress and the President an annual report describing the activities conducted pursuant to this section, including a description of the goals and the objective metrics upon which funding decisions were made.

(2) CONTENT.—Each report submitted pursuant to paragraph (1) shall include, with regard to science, technology, engineering, and mathematics education programs, at a minimum, the following:

(A) A description of each program.

(B) The amount spent on each program.

(C) The number of students or teachers served by each program.

(D) Measurement of how each program improved student achievement, including with regard to challenging State achievement standards.

SEC. 1302. AERONAUTICS INSTITUTE FOR RESEARCH.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration shall establish within the Administration an Aeronautics Institute for Research for the purpose of managing the aeronautics research carried out by the Administration.

(2) DIRECTOR.—The Institute shall be headed by a Director with appropriate experience in aeronautics research and development.

(b) DUTIES.—The Institute shall implement the programs authorized under title IV of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16701 et seq.).

(c) COOPERATION WITH OTHER AGENCIES.—

(1) IN GENERAL.—The Institute shall operate in conjunction with relevant programs in the Department of Transportation, the Department of Defense, the Department of Commerce, and the Department of Homeland Security, including the activities of the Joint Planning and Development Office established under the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 117 Stat. 2490).

(2) RESOURCES.—The Director of the Institute may accept assistance, staff, and funding from those Departments and other Federal agencies. Any such funding shall be in addition to funds authorized for aeronautics under the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155).

(3) OTHER COORDINATION.—The Director of the Institute may utilize the Next Generation Air Transportation Senior Policy Committee established under section 710 of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 40101 note) to coordinate its programs with other Departments and agencies.

(d) PARTNERSHIPS.—In developing and carrying out its plans, the Institute shall consult with the public and ensure the participation of experts from the private sector including representatives of commercial aviation, general aviation, aviation labor groups, aviation research and development entities, aircraft and air traffic control suppliers, and the space industry.

SEC. 1303. BASIC RESEARCH ENHANCEMENT.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Secretary of Energy, the Secretary of Defense, and Secretary of Commerce shall, to the extent practicable, coordinate basic and fundamental research activities related to physical sciences, technology, engineering and mathematics.

(b) ESTABLISHMENT OF BASIC RESEARCH EXECUTIVE COUNCIL.—In order to ensure effective application of resources to basic science activity and to facilitate cooperative basic and fundamental research activities with other governmental organizations, the Administrator of the National Aeronautics and Space Administration shall establish within the Administration a Basic Research Executive Council to oversee the distribution and management of programs and resources engaged in support of basic research activity.

(c) MEMBERSHIP.—The membership of the Basic Research Executive Council shall consist of the most senior agency official representing each of the following areas of research:

(1) Space Science.

(2) Earth Science.

(3) Life and Microgravity Sciences.

(4) Aeronautical Research.

(d) LEADERSHIP.—The Basic Research Executive Council shall be chaired by an individual appointed for that purpose who shall have, as a minimum, a appropriate graduate degree in a recognizable discipline in the physical sciences, and appropriate experience in the conduct and management of basic research activity. The Chairman of the Council shall report directly to the Administrator of the National Aeronautics and Space Administration.

(e) SUPPORTING RESOURCES AND PERSONNEL.—The Chairman of the Basic Research Executive Council shall be provided with adequate administrative staff support to conduct the activity and functions of the Council.

(f) DUTIES.—The Basic Research Executive Council shall have, at minimum, the following duties:

(1) To establish criteria for the identification of research activity as basic in nature.

(2) To establish, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the National

Academy of Sciences, the National Institutes of Health, and other appropriate external organizations, a prioritization of fundamental research activity to be conducted by the National Aeronautics and Space Administration, to be reviewed and updated on an annual basis, taking into consideration evolving national research priorities.

(3) To monitor, review, and evaluate all basic research activity of the National Aeronautics and Space Administration for compliance with basic research priorities established under paragraph (2).

(4) To make recommendations to the Administrator of the National Aeronautics and Space Administration regarding adjustments in the basic research activities of the Administration to ensure consistency with the research priorities established under this section.

(5) To provide an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives outlining the activities of the Council during the preceding year and the status of basic research activity within the Administration. The initial such report, to serve as a baseline document, shall be provided within 90 days after the establishment and initial operations of the Council.

SEC. 1304. AGING WORKFORCE ISSUES PROGRAM.

It is the sense of Congress that the Administrator of the National Aeronautics and Space Administration should implement a program to address aging work force issues in aerospace that—

(1) documents technical and management experiences before senior people leave the Administration, including—

(A) documenting lessons learned;

(B) briefing organizations;

(C) providing opportunities for archiving lessons in a database; and

(D) providing opportunities for near-term retirees to transition out early from their primary assignment in order to document their career lessons learned and brief new employees prior to their separation from the Administration;

(2) provides incentives for retirees to return and teach new employees about their career lessons and experiences; and

(3) provides for the development of an award to recognize and reward outstanding senior employees for their contributions to knowledge sharing.

SEC. 1305. CONFORMING AMENDMENTS.

Section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611(d)) is amended—

(1) by striking "and" after the semicolon in paragraph (2)(B);

(2) by striking "Act." in paragraph (2)(C) and inserting "Act; and";

(3) by adding at the end of paragraph (2) the following:

"(D) the number and content of science activities which are undertaken in support of science missions described in subparagraph (A), and the number and content of science activities which may be considered as fundamental, or basic research, whether incorporated within specific missions or conducted independently of any specific mission."; and

(4) by adding at the end of paragraph (3) the following:

"(H) How NASA science activities can best be structured to ensure that basic and fundamental research can be effectively maintained and coordinated in response to national goals in competitiveness and innovation, and in contributing to national scientific, technology, engineering and mathematics leadership.".

SEC. 1306. FISCAL YEAR 2008 BASIC SCIENCE AND RESEARCH FUNDING.

Notwithstanding any other provision of law, the Administrator of the National Aeronautics and Space Administration shall increase funding for basic science and research, including for the Explorer Program, for fiscal year 2008 by $160,000,000 by transferring such amount for such purpose from accounts of the National Aeronautics and Space Administration. The transfer shall be contingent upon the availability of unobligated balances to the National Aeronautics and Space Administration.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 1401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for the use of the National Institute of Standards and Technology—

(1) for fiscal year 2008, $703,611,000, of which $115,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(2) for fiscal year 2009, $773,972,000, of which $122,005,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(3) for fiscal year 2010, $851,369,000, of which $131,766,000 shall be used for the Hollings Manufacturing Extension Partnership Program; and

(4) for fiscal year 2011, $936,506,000, of which $142,300,000 shall be used for the Hollings Manufacturing Extension Partnership Program.

SEC. 1402. AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

(a) In General.—Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is repealed.

(b) Conforming Amendments.—

(1) Title 5, united states code.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Commerce for Technology.".

(2) Definitions.—Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended—

(A) by striking paragraphs (1) and (3); and

(B) by redesignating paragraphs (2) through (13) as paragraphs (1) through (11), respectively.

(3) Repeal of authorization.—Section 21(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3713(a)) is amended—

(A) in paragraph (1), by striking "sections 5, 11(g), and 16" and inserting "sections 11(g) and 16"; and

(B) in paragraph (2), by striking "$500,000 is authorized only for the purpose of carrying out the requirements of the Japanese technical literature program established under section 5(d) of this Act;".

(4) High-performance computing act of 1991.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(5) Assistive technology act of 1998.—Section 6(b)(4)(B)(v) of the Assistive Technology Act of 1998 (29 U.S.C. 3005(b)(4)(B)(v)) is amended by striking "the Technology Administration of the Department of Commerce," and inserting "the National Institute of Standards and Technology,".

SEC. 1403. INNOVATION ACCELERATION.

(a) Program.—In order to implement section 1202 of this Act, the Director of the National Institute of Standards and Technology shall—

(1) establish a program linked to the goals and objectives of the measurement laboratories, to be known as the "Standards and Technology Acceleration Research Program", to support and promote innovation in the United States through high-risk, high-reward research; and

(2) set aside, from funds available to the measurement laboratories, an amount equal to not less than 8 percent of the funds available to the Institute each fiscal year for such Program.

(b) External Funding.—The Director shall ensure that at least 80 percent of the funds available for such Program shall be used to award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including businesses and universities. In selecting entities to receive such assistance, the Director shall ensure that the project proposed by an entity has scientific and technical merit and that any resulting intellectual property shall vest in a United States entity that can commercialize the technology in a timely manner. Each external project shall involve at least one small or medium-sized business and the Director shall give priority to joint ventures between small or medium-sized businesses and educational institutions. Any grant shall be for a period not to exceed 3 years.

(c) Competitions.—The Director shall solicit proposals annually to address areas of national need for high-risk, high-reward research, as identified by the Director.

(d) Annual Report.—Each year the Director shall issue an annual report describing the program's activities, including include a description of the metrics upon which grant funding decisions were made in the previous fiscal year, any proposed changes to those metrics, metrics for evaluating the success of ongoing and completed grants, and an evaluation of ongoing and completed grants. The first annual report shall include best practices for management of programs to stimulate high-risk, high-reward research.

(e) Administrative Expenses.—No more than 5 percent of the finding available to the program may be used for administrative expenses.

(f) High-Risk, High-Reward Research Defined.—In this section, the term "high-risk, high-reward research" means research that—

(1) has the potential for yielding results with far-ranging or wide-ranging implications;

(2) addresses critical national needs related to measurement standards and technology; and

(3) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

SEC. 1404. MANUFACTURING EXTENSION.

(a) Manufacturing Center Evaluation.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting "A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and shall be placed on probation for one year, after which time the panel shall reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director shall conduct a new competition to select an operator for the Center or may close the Center." after "at declining levels.".

(b) Federal Share.—Section 25 of the National Institute of Standards and Technology

Act (15 U.S.C. 278k) is amended by striking subsection (d) and inserting the following:

"(d) Acceptance of Funds.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds from the private sector, if allocated to a Center or Centers, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).".

SEC. 1405. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.

(a) In General.—The Director of the National Institutes of Standards and Technology shall re-establish the Experimental Program to Stimulate Competitive Technology. The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than a majority of the States have received.

(b) Arrangements.—In carrying out the program, the Director shall cooperate with State, regional, or local science and technology-based economic development organization and with representatives of small business firms and other appropriate technology-based businesses.

(c) Grants and Cooperative Agreements.—In carrying out the program, the Director may make grants or enter into cooperative agreements to provide for—

(1) technology research and development;

(2) technology transfer from university research;

(3) technology deployment and diffusion; and

(4) the strengthening of technological and innovation capabilities through consortia comprised of—

(A) technology-based small business firms;

(B) industries and emerging companies;

(C) institutions of higher education including community colleges; and

(D) State and local development agencies and entities.

(d) Requirements for Making Awards.—

(1) In general.—In making awards under this section, the Director shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award, giving special emphasis to those projects which will increase the participation of women, Native Americans (including Native Hawaiians and Alaska Natives), and underrepresented groups in science and technology.

(2) Matching requirement.—The non-Federal share of the activities (other than planning activities) carried out under an award under this subsection shall be not less than 50 percent of the cost of those activities.

(e) Criteria for States.—The Director shall establish criteria for achievement by each State that participates in the program. Upon the achievement of all such criteria, a State shall cease to be eligible to participate in the program.

(f) Coordination.—To the extent practicable, in carrying out this subsection, the Director shall coordinate the program with other programs of the Department of Commerce.

(g) Report.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Director shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report that meets the requirements of this subsection.

(2) Requirements for report.—The report required by this subsection shall contain—

(A) a description of the structure and procedures of the program;

(B) a management plan for the program;

(C) a description of the merit-based review process to be used in the program;

(D) milestones for the evaluation of activities to be assisted under the program in fiscal year 2008;

(E) an assessment of the eligibility of each State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation to participate in the program under this subsection; and

(F) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated.

SEC. 1406. TECHNICAL AMENDMENTS TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AND OTHER TECHNICAL AMENDMENTS.

(a) Research Fellowships.—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended by striking "up to 1 per centum of the" in the first sentence.

(b) Financial Agreements.—

(1) Clarification.—Section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)) is amended by inserting "and grants and cooperative agreements," after "arrangements,".

(2) Memberships.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(A) by striking "and" after the semicolon in paragraph (21);

(B) by redesignating paragraph (22) as paragraph (23); and

(C) by inserting after paragraph (21) the following:

"(22) notwithstanding subsection (b)(4) of this section, sections 6301 through 6308 of title 31, United States Code (commonly known as the 'Grants and Cooperative Agreements Act'), sections 3551 through 3556 of such title (commonly known as the 'Competition in Contracting Act'), and the Federal Acquisition Regulations set forth in title 48, Code of Federal Regulations, to expend appropriated funds for National Institute of Standards and Technology memberships in scientific organizations, registration fees for attendance at conferences, and sponsorship of conferences in furtherance of technology transfer; and".

(c) Outdated Specifications.—

(1) Redefinition of metric system.—Section 2 of the Act of July 28, 1866, entitled "An Act to authorize the Use of the Metric System of Weights and Measures" (15 U.S.C. 205; 14 Stat. 339) is amended to read as follows:

"SEC. 2. METRIC SYSTEM DEFINED.

"The metric system of measurement shall be defined as the International System of Units as established in 1960, and subsequently maintained, by the General Conference of Weights and Measures, and as interpreted or modified for the United States by the Secretary of Commerce.".

(2) Repeal of redundant and obsolete authority.—The Act of July 21, 1950, entitled, "An Act To redefine the units and establish the standards of electrical and photometric measurements of 1950" (15 U.S.C. 223) is hereby repealed.

(3) Idaho time zone.—Section 3 of the Act of March 19, 1918, (commonly known as the "Calder Act") (15 U.S.C. 264) is amended—

(A) in the section heading, by striking "**third zone**" and inserting "**fourth zone**"; and

(B) by striking "third zone" and inserting "fourth zone".

(4) Standard time.—Section 1 of the Act of March 19, 1918, (commonly known as the "Calder Act") (15 U.S.C. 261) is amended—

(A) by inserting "(a) In General.—" before "For the purpose";

(B) by striking the second sentence and the extra period after it and inserting "Except as provided in section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a), the standard time of the first zone shall be Coordinated Universal Time retarded by 4 hours; that of the second zone retarded by 5 hours; that of the third zone retarded by 6 hours; that of the fourth zone retarded by 7 hours; that of the fifth zone retarded 8 hours; that of the sixth zone retarded by 9 hours; that of the seventh zone retarded by 10 hours; that of the eighth zone retarded by 11 hours; and that of the ninth zone shall be Coordinated Universal Time advanced by 10 hours."; and

(C) by adding at the end the following:

"(b) Coordinated Universal Time Defined.—In this section, the term 'Coordinated Universal Time' means the time scale maintained through the General Conference of Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce in coordination with the Secretary of the Navy.".

(d) Non-Energy Inventions Program.—Section 27 of the National Institute of Standards and Technology Act (15 U.S.C. 278m) is repealed.

SEC. 1407. CLARIFICATION OF ELIGIBLE CONTRIBUTIONS IN CONNECTION WITH REGIONAL CENTERS RESPONSIBLE FOR IMPLEMENTING THE OBJECTIVES OF THE HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.

Paragraph (3) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(3)) is amended to read as follows:

"(3) Financial support.—

"(A) In general.—Any nonprofit institution, or group thereof, or consortia of nonprofit institutions, including entities existing on August 23, 1988, may submit to the Secretary an application for financial support under this subsection, in accordance with the procedures established by the Secretary and published in the Federal Register under paragraph (2).

"(B) Center contributions.—In order to receive assistance under this section, an applicant for financial assistance under subparagraph (A) shall provide adequate assurances that non-Federal assets obtained from the applicant and the applicant's partnering organizations will be used as a funding source to meet not less than 50 percent of the costs incurred for the first 3 years and an increasing share for each of the last 3 years. For purposes of the preceding sentence, the costs incurred means the costs incurred in connection with the activities undertaken to improve the management, productivity, and technological performance of small- and medium-sized manufacturing companies.

"(C) Agreements with other entities.—In meeting the 50 percent requirement, it is anticipated that a Center will enter into agreements with other entities such as private industry, universities, and State governments to accomplish programmatic objectives and access new and existing resources that will further the impact of the Federal investment made on behalf of small- and medium-sized manufacturing companies. All non-Federal costs, contributed by such entities and determined by a Center as programmatically reasonable and allocable are includable as a portion of the Center's contribution.

"(D) Allocation of legal rights.—Each applicant under subparagraph (A) shall also submit a proposal for the allocation of any legal right associated with any invention that may result from an activity of a Center for which such applicant receives financial assistance under this section.".

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

SEC. 1501. OCEAN AND ATMOSPHERIC RESEARCH AND DEVELOPMENT PROGRAM.

The Administrator of the National Oceanic and Atmospheric Administration,. in consultation with the Director of the National Science Foundation and the Administrator of the National Aeronautics and Space Administration, shall establish a coordinated program of ocean, coastal, Great Lakes, and atmospheric research and development, in collaboration with academic institutions and other nongovernmental entities, that shall focus on the development of advanced technologies and analytical methods that will promote United States leadership in ocean and atmospheric science and competitiveness in the applied uses of such knowledge.

SEC. 1502. NOAA OCEAN AND ATMOSPHERIC SCIENCE EDUCATION PROGRAMS.

(a) In General.—The Administrator of the National Oceanic and Atmospheric Administration shall conduct, develop, support, promote, and coordinate formal and informal educational activities at all levels to enhance public awareness and understanding of ocean, coastal, Great Lakes, and atmospheric science and stewardship by the general public and other coastal stakeholders, including underrepresented groups in ocean and atmospheric science and policy careers. In conducting those activities, the Administrator shall build upon the educational programs and activities of the agency.

(b) NOAA Science Education Plan.—The Administrator, appropriate National Oceanic and Atmospheric Administration programs, ocean atmospheric science and education experts, and interested members of the public shall develop a science education plan setting forth education goals and strategies for the Administration, as well as programmatic actions to carry out such goals and priorities over the next 20 years, and evaluate and update such plan every 5 years.

(c) Construction.—Nothing in this section may be construed to affect the application of section 438 of the General Education Provisions Act (20 U.S.C. 1232a) or sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794 and 794d).

SEC. 1503. NOAA'S CONTRIBUTION TO INNOVATION.

(a) Participation in Interagency Activities.—The National Oceanic and Atmospheric Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the agency mission, including authorized activities.

(b) Historic Foundation.—In order to carry out the participation described in subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall build on the historic role of the National Oceanic and Atmospheric Administration in stimulating excellence in the advancement of ocean and atmospheric science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

SEC. 1504. NOAA ACCOUNTABILITY AND TRANSPARENCY.

(a) Review of Activities Carried Out With NOAA Funds.—

(1) Requirement for review.—The Inspector General of the Department of Commerce shall conduct routine, independent reviews of the activities carried out with grants or other financial assistance made available by the Administrator of the National Oceanic and Atmospheric Administration. Such reviews shall include cost-benefit analysis of such activities and reviews to determine if the goals of such activities are being accomplished.

(2) Availability to the public.—The Administrator shall make each review conducted pursuant to paragraph (1) available to the public through the website of the Administration not later than 60 days after the date such review is completed.

(b) Prohibition on Use of NOAA Funds for Meetings.—No funds made available by the Administrator through a grant or contract may be used by the person who received such grant or contract, including any subcontractor to such person, for a banquet or conference, other than a conference related to training or a routine meeting with officers or employees of the Administration to discuss an ongoing project or training.

(c) Prohibition on Conflicts of Interest.—Each person who receives funds from the Administrator through a grant or contract shall submit to the Administrator a certification stating that none of such funds will be made available through a subcontract or in any other manner to another person who has a financial interest or other conflict of interest with the person who received such funds from the Administrator.

DIVISION B—DEPARTMENT OF ENERGY

SEC. 2001. SHORT TITLE.

This division may be cited as the "Protecting America's Competitive Edge Through Energy Act" or the "PACE–Energy Act".

SEC. 2002. DEFINITIONS.

In this division:

(1) Department.—The term "Department" means the Department of Energy.

(2) Institution of higher education.—The term "institution of higher education" has the meaning given in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) National laboratory.—The term "National Laboratory" has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) Secretary.—The term "Secretary" means the Secretary of Energy, acting through the Under Secretary for Science appointed under section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)).

SEC. 2003. MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION AT THE DEPARTMENT OF ENERGY.

(a) Science Education Programs.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(2) by inserting after subsection (a) the following:

"(b) Organization of Mathematics, Science, and Engineering Education Programs.—

"(1) Director of mathematics, science and engineering education.—Notwithstanding any other provision of law, the Secretary, acting through the Under Secretary for Science (referred to in this subsection as the 'Under Secretary'), shall appoint a Director of Mathematics, Science, and Engineering Education (referred to in this subsection as the 'Director') with the principal responsibility for administering mathematics, science, and engineering education programs across all functions of the Department.

"(2) Qualifications.—The Director shall be an individual, who by reason of professional background and experience, is specially qualified to advise the Under Secretary on all matters pertaining to mathematics, science, and engineering education at the Department.

"(3) Duties.—The Director shall—

"(A) oversee all mathematics, science, and engineering education programs of the Department;

"(B) represent the Department as the principal interagency liaison for all mathematics, science, and engineering education programs, unless otherwise represented by the Secretary or the Under Secretary;

"(C) prepare the annual budget and advise the Under Secretary on all budgetary issues for mathematics, science, and engineering education programs of the Department;

"(D) increase, to the maximum extent practicable, the participation and advancement of women and underrepresented minorities at every level of science, technology, engineering, and mathematics education; and

"(E) perform other such matters related to mathematics, science, and engineering education as are required by the Secretary or the Under Secretary.

"(4) Staff and other resources.—The Secretary shall assign to the Director such personnel and other resources as the Secretary considers necessary to permit the Director to carry out the duties of the Director.

"(5) Assessment.—

"(A) In general.—The Secretary shall offer to enter into a contract with the National Academy of Sciences under which the National Academy, not later than 5 years after, and not later than 10 years after, the date of enactment of this paragraph, shall assess the performance of the mathematics, science, and engineering education programs of the Department.

"(B) Considerations.—An assessment under this paragraph shall be conducted taking into consideration, where applicable, the effect of mathematics, science, and engineering education programs of the Department on student academic achievement in math and science.

"(6) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this subsection."; and

(3) by striking subsection (d) (as redesignated by paragraph (1)) and inserting the following:

"(d) Mathematics, Science, and Engineering Education Fund.—The Secretary shall establish a Mathematics, Science, and Engineering Education Fund, using not less than 0.3 percent of the amount made available to the Department for research, development, demonstration, and commercial application for each fiscal year, to carry out sections 3165, 3166, and 3167.".

(b) Consultation.—The Secretary shall—

(1) consult with the Secretary of Education regarding activities authorized under subpart B of the Department of Energy Science Education Enhancement Act (as added by subsection (d)(3)) to improve mathematics and science education; and

(2) otherwise make available to the Secretary of Education reports associated with programs authorized under that section.

(c) Definition.—Section 3168 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381d) is amended by adding at the end the following:

"(5) National laboratory.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).".

(d) Mathematics, Science, and Engineering Education Programs.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by inserting after section 3162 the following:

"Subpart A—Science Education Enhancement";

(2) in section 3169, by striking "part" and inserting "subpart"; and

(3) by adding at the end the following:

"Subpart B—Mathematics, Science, and Engineering Education Programs

"SEC. 3170. DEFINITIONS.

"In this subpart:

"(1) Director.—The term 'Director' means the Director of Mathematics, Science, and Engineering Education.

"(2) National laboratory.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

"CHAPTER 1—ASSISTANCE FOR SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE

"SEC. 3171. SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE.

"(a) Purpose.—The purpose of this section is to provide assistance to States to establish or expand public, statewide specialty secondary schools that provide comprehensive mathematics and science (including engineering and technology) education to improve the academic achievement of students in mathematics and science.

"(b) Definition of Specialty School for Mathematics and Science.—In this chapter, the term 'specialty school for mathematics and science' means a public secondary school (including a school that provides residential services to students) that—

"(1) serves students residing in the State in which the school is located; and

"(2) offers to those students a high-quality, comprehensive mathematics and science (including engineering and technology) curriculum designed to improve the academic achievement of students in mathematics and science.

"(c) Grants Authorized.—

"(1) In general.—From the amounts authorized under subsection (i), the Secretary, acting through the Director, shall award grants, on a competitive basis, to States in order to provide assistance to the States for the costs of establishing or expanding public, statewide specialty schools for mathematics and science.

"(2) Resources.—The Director shall ensure that appropriate resources of the Department, including the National Laboratories, are available to schools funded under this section in order to—

"(A) increase experiential, hands-on learning opportunities in mathematics, science, engineering, and technology for students attending such schools; and

"(B) provide ongoing professional development opportunities for teachers employed at such schools.

"(3) Assistance.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

"(A) assists teachers in teaching courses at the schools funded under this section;

"(B) uses National Laboratory scientific equipment in teaching the courses; and

"(C) uses distance education and other technologies to provide assistance described in subparagraphs (A) and (B) to schools funded under this section that are not located near the National Laboratories.

"(4) Restriction.—No State shall receive funding for more than 1 specialty school for mathematics and science for a fiscal year.

"(d) Federal and Non-Federal Shares.—

"(1) Federal share.—The Federal share of the costs described in subsection (c)(1) shall not exceed 50 percent.

"(2) Non-federal share.—The non-Federal share of the costs described in subsection (c)(1) shall be—

"(A) not less than 50 percent; and

"(B) provided from non-Federal sources, in cash or in kind, fairly evaluated, including services.

"(e) Application.—Each State desiring a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require that describes—

"(1) the process by which and selection criteria with which the State will select and designate a school as a specialty school for mathematics and science in accordance with this section;

"(2) how the State will ensure that funds made available under this section are used to establish or expand a specialty school for mathematics and science—

"(A) in accordance with the activities described in subsection (g); and

"(B) that has the capacity to improve the academic achievement of all students in all core academic subjects, and particularly in mathematics and science;

"(3) how the State will measure the extent to which the school increases student academic achievement on State academic achievement standards in mathematics, science, and, to the extent applicable, technology and engineering;

"(4) the curricula and materials to be used in the school;

"(5) the availability of funds from non-Federal sources for the non-Federal share of the costs of the activities authorized under this section; and

"(6) how the State will use technical assistance and support from the Department, including the National Laboratories, and other entities with experience and expertise in mathematics, science, technology, and engineering education, including institutions of higher education.

"(f) Distribution.—In awarding grants under this section, the Director shall—

"(1) ensure a wide, equitable distribution among States that propose to serve students from urban and rural areas; and

"(2) provide equal consideration to States without National Laboratories.

"(g) Uses of Funds.—

"(1) In general.—A State that receives a grant under this section shall use the funds made available through the grant to—

"(A) employ proven strategies and methods for improving student learning and teaching in mathematics, science, technology, and engineering;

"(B) integrate into the curriculum of the school comprehensive mathematics and science education, including instruction and assessments in mathematics, science, and to the extent applicable, technology and engineering that are aligned with the State's academic content and student academic achievement standards (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)), classroom management, professional development, parental involvement, and school management; and

"(C) provide high-quality and continuous teacher and staff professional development.

"(2) Special rule.—Grant funds under this section may be used for activities described in paragraph (1) only if the activities are directly related to improving student academic achievement in mathematics, science, and to the extent applicable, technology and engineering.

"(h) Evaluation and Report.—

"(1) State evaluation and report.—

"(A) Evaluation.—Each State that receives a grant under this section shall develop and carry out an evaluation and accountability plan for the activities funded through the grant that measures the impact of the activities, including measurable objectives for improved student academic achievement on State mathematics, science, and, to the extent applicable, technology and engineering assessments.

"(B) Report.—The State shall submit to the Director a report containing the results of the evaluation and accountability plan.

"(2) Report to congress.—Not later than 2 years after the date of enactment of the PACE–Energy Act, the Director shall submit a report to the appropriate committees of Congress detailing the impact of the activities assisted with funds made available under this section.

"(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

"(1) $20,000,000 for fiscal year 2008;

"(2) $30,000,000 for fiscal year 2009;

"(3) $40,000,000 for fiscal year 2010; and

"(4) $50,000,000 for fiscal year 2011.

"CHAPTER 2—EXPERIENTIAL-BASED LEARNING OPPORTUNITIES

"SEC. 3175. EXPERIENTIAL-BASED LEARNING OPPORTUNITIES.

"(a) Internships Authorized.—

"(1) In general.—From the amounts authorized under subsection (f), the Secretary, acting through the Director, shall establish a summer internship program for middle school and secondary school students that shall—

"(A) provide the students with internships at the National Laboratories;

"(B) promote experiential, hands-on learning in mathematics, science, technology, or engineering; and

"(C) be of at least 2 weeks in duration.

"(2) Residential services.—The Director may provide residential services to students participating in the Internship authorized under this chapter.

"(b) Selection Criteria.—

"(1) In general.—The Director shall establish criteria to determine the sufficient level of academic preparedness necessary for a student to be eligible for an internship under this section.

"(2) Participation.—The Director shall ensure the participation of students from a wide distribution of States, including States without National Laboratories.

"(3) STUDENT ACHIEVEMENT.—The Director may consider the academic achievement of middle and secondary school students in determining eligibility under this section, in accordance with subsection (1) and (2).

"(c) PRIORITY.—

"(1) IN GENERAL.—The Director shall give priority for an internship under this section to a student who meets the eligibility criteria described in subsection (b) and who attends a school—

"(A)(i) in which not less than 30 percent of the children enrolled in the school are from low-income families; or

"(ii) that is designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

"(B) for which there is—

"(i) a high percentage of teachers who are not teaching in the academic subject areas or grade levels in which the teachers were trained to teach;

"(ii) a high teacher turnover rate; or

"(iii) a high percentage of teachers with emergency, provisional, or temporary certification or licenses.

"(2) COORDINATION.—The Director shall consult with the Secretary of Education in order to determine whether a student meets the priority requirements of this subsection.

"(d) OUTREACH AND EXPERIENTIAL-BASED PROGRAMS FOR MINORITY STUDENTS.—

"(1) IN GENERAL.—The Secretary, acting through the Director, in cooperation with Hispanic-serving institutions, historically Black colleges and universities, tribally controlled colleges and universities, Alaska Native- and Native Hawaiian-serving institutions, and other minority-serving institutions and nonprofit entities with substantial experience relating to outreach and experiential-based learning projects, shall establish outreach and experiential-based learning programs that will encourage underrepresented minority students in kindergarten through grade 12 to pursue careers in math, science, and engineering.

"(2) COMMUNITY INVOLVEMENT.—The Secretary shall ensure that the programs established under paragraph (1) involve, to the maximum extent practicable—

"(A) participation by parents and educators; and

"(B) the establishment of partnerships with business organizations and appropriate Federal, State, and local agencies.

"(3) DISTRIBUTION.—The Secretary shall ensure that the programs established under paragraph (1) are located in diverse geographic regions of the United States, to the maximum extent practicable.

"(e) EVALUATION AND ACCOUNTABILITY PLAN.—The Director shall develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.

"CHAPTER 3—NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING EDUCATION

"SEC. 3181. NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING EDUCATION.

"(a) DEFINITION OF HIGH-NEED PUBLIC SECONDARY SCHOOL.—In this chapter, the term 'high-need public secondary school' means a secondary school—

"(1) with a high concentration of low-income individuals (as defined in section 1707 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537)); or

"(2) designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education.

"(b) ESTABLISHMENT.—The Secretary shall establish at each of the National Laboratories a program to support a Center of Excellence in Mathematics, Science, Technology, and Engineering at 1 high-need public secondary school located in the region of the National Laboratory to provide assistance in accordance with subsection (f).

"(c) PARTNERSHIP.—Each high-need public secondary school selected as a Center of Excellence shall form a partnership with a department that provides training for teachers and principals at an institution of higher education for purposes of compliance with subsection (g).

"(d) SELECTION.—

"(1) IN GENERAL.—The Secretary, acting through the Director, shall establish criteria to guide the National Laboratories in selecting the sites of the Centers of Excellence.

"(2) PROCESS.—The National Laboratories shall select the sites of the Centers of Excellence through an open, widely publicized, and competitive process.

"(e) GOALS.—The Secretary shall establish goals and performance assessments for each Center of Excellence authorized under subsection (b).

"(f) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

"(1) assists teachers in teaching courses at the Centers of Excellence in Mathematics, Science, Technology, and Engineering; and

"(2) uses National Laboratory scientific equipment in the teaching of the courses.

"(g) SPECIAL RULE.—Each Center of Excellence shall ensure—

"(1) provision of clinical practicum, student teaching, or internship experiences for mathematics, science, and technology teacher candidates as part of its teacher preparation program;

"(2) provision of supervision and mentoring for teacher candidates in the teacher preparation program; and

"(3) to the maximum extent practicable, provision of professional development for veteran teachers in the public secondary schools in the region.

"(h) EVALUATION.—The Secretary shall consider the results of performance assessments required under subsection (e) in determining the contract award fee of a National Laboratory management and operations contractor.

"(i) PLAN.—The Director shall—

"(1) develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities; and

"(2) disseminate information obtained from those measurements.

"(j) NO EFFECT ON SIMILAR PROGRAMS.—Nothing in this section displaces or otherwise affects any similar program being carried out as of the date of enactment of this subpart at any National Laboratory under any other provision of law.

"CHAPTER 4—SUMMER INSTITUTES

"SEC. 3185. SUMMER INSTITUTES.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE PARTNER.—The term 'eligible partner' means—

"(A) the mathematics, science, or engineering department at an institution of higher education, acting in coordination with a department at an institution of higher education that provides training for teachers and principals; or

"(B) a nonprofit entity with expertise in providing professional development for mathematics, science, or technology teachers.

"(2) SUMMER INSTITUTE.—The term 'summer institute' means an institute, conducted during the summer, that—

"(A) is conducted for a period of not less than 2 weeks;

"(B) includes, as a component, a program that provides direct interaction between students and faculty, including personnel of 1 or more National Laboratories who have scientific expertise; and

"(C) provides for follow-up training, during the academic year, that is conducted in the classroom.

"(b) SUMMER INSTITUTE PROGRAMS AUTHORIZED.—

"(1) PROGRAMS AT THE NATIONAL LABORATORIES.—The Secretary, acting through the Director, shall establish or expand programs of summer institutes at each of the National Laboratories to provide additional training to strengthen the mathematics, science, technology, and engineering teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).

"(2) PROGRAMS WITH ELIGIBLE PARTNERS.—

"(A) IN GENERAL.—The Secretary, acting through the Director, shall identify and provide assistance to eligible partners to establish or expand programs of summer institutes that provide additional training to strengthen the mathematics, science, technology, and engineering teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).

"(B) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

"(i) assists in providing training to teachers at summer institutes; and

"(ii) uses National Laboratory scientific equipment in the training.

"(C) LIMITATION OF AMOUNT.—To carry out this paragraph, the Director may use not more than 50 percent of the amounts authorized under subsection (h) for a fiscal year.

"(c) REQUIRED ACTIVITIES.—Each program authorized under subsection (b) shall—

"(1) create opportunities for enhanced and ongoing professional development for teachers that improves the mathematics, science, technology, and engineering content knowledge of such teachers;

"(2) include material pertaining to recent developments in mathematics, science, technology, and engineering pedagogy;

"(3) provide training on the use and integration of technology in the classroom;

"(4) directly relate to the curriculum and academic areas in which the teachers provide instruction;

"(5) enhance the ability of the teachers to understand and use the challenging State academic content standards for mathematics, science, and, to the extent applicable, technology and engineering and to select appropriate curricula;

"(6) train teachers to use curricula that are—

"(A) based on scientific research;

"(B) aligned with challenging State academic content standards; and

"(C) object-centered, experiment-oriented, and concept- and content-based;

"(7) provide professional development activities, including supplemental and follow-up activities; and

"(8) allow for the exchange of best practices among the participants.

"(d) PERMISSIBLE ACTIVITIES.—A program authorized under subsection (b) may include—

"(1) a program that provides teachers with opportunities to work under the guidance of experienced teachers and college faculty;

"(2) instruction in the use and integration of data and assessments to inform and instruct classroom practice; and

"(3) extended master teacher programs.

"(e) PRIORITY.—To the maximum extent practicable, the Director shall ensure that each summer institute program authorized under subsection (b) provides training to—

"(1) teachers from a wide range of school districts;

"(2) teachers from disadvantaged school districts; and

"(3) teachers from groups underrepresented in the fields of mathematics, science, technology, and engineering teaching, including women and members of minority groups.

"(f) COORDINATION AND CONSULTATION.—The Director shall consult and coordinate with the Secretary of Education and the Director of the National Science Foundation regarding the implementation of the programs authorized under subsection (b).

"(g) EVALUATION AND ACCOUNTABILITY PLAN.—

"(1) IN GENERAL.—The Director shall develop an evaluation and accountability plan for the activities funded under this section that measures the impact of the activities.

"(2) CONTENTS.—The evaluation and accountability plan shall include—

"(A) measurable objectives to increase the number of mathematics, science, and technology teachers who participate in the summer institutes involved; and

"(B) measurable objectives for improved student academic achievement on State mathematics, science, and to the extent applicable, technology and engineering assessments.

"(3) REPORT TO CONGRESS.—The Secretary shall submit to Congress with the annual budget submission of the Secretary a report on how the activities assisted under this section improve the mathematics, science, technology, and engineering teaching skills of participating teachers.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $25,000,000 for fiscal year 2008;

"(2) $40,000,000 for fiscal year 2009;

"(3) $50,000,000 for fiscal year 2010; and

"(4) $75,000,000 for fiscal year 2011.

"CHAPTER 5—NUCLEAR SCIENCE EDUCATION

"SEC. 3191. NUCLEAR SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.

"(a) PURPOSES.—The purposes of this section are—

"(1) to address the decline in the number of and resources available to nuclear science programs of institutions of higher education; and

"(2) to increase the number of graduates with degrees in nuclear science, an area of strategic importance to the economic competitiveness and energy security of the United States.

"(b) DEFINITION OF NUCLEAR SCIENCE.—In this section, the term 'nuclear science' includes—

"(1) nuclear science;

"(2) nuclear engineering;

"(3) nuclear chemistry;

"(4) radio chemistry; and

"(5) health physics.

"(c) ESTABLISHMENT.—The Secretary, acting through the Director, shall establish in accordance with this section a program to expand and enhance institution of higher education nuclear science educational capabilities.

"(d) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

"(1) IN GENERAL.—The Secretary, acting through the Director, shall award up to 3 competitive grants for each fiscal year to institutions of higher education that establish new academic degree programs in nuclear science.

"(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an applicant shall partner with a National Laboratory or other eligible nuclear-related entity, as determined by the Secretary.

"(3) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on—

"(A) the potential to attract new students to the program;

"(B) academic rigor; and

"(C) the ability to offer hands-on learning opportunities.

"(4) DURATION AND AMOUNT.—

"(A) DURATION.—A grant under this subsection shall be 5 years in duration.

"(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to $1,000,000 for each year of the grant period.

"(5) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

"(A) recruit and retain new faculty;

"(B) develop core and specialized course content;

"(C) encourage collaboration between faculty and researchers in the nuclear science field; or

"(D) support outreach efforts to recruit students.

"(e) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

"(1) IN GENERAL.—The Secretary, acting through the Director shall award up to 10 competitive grants for each fiscal year to institutions of higher education with existing academic degree programs that produce graduates in nuclear science.

"(2) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on the potential for increasing the number and academic quality of graduates in the nuclear sciences who enter into careers in nuclear-related fields.

"(3) DURATION AND AMOUNT.—

"(A) DURATION.—A grant under this subsection shall be 5 years in duration.

"(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to $500,000 for each year of the grant period.

"(4) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

"(A) increase the number of graduates in nuclear science that enter into careers in the nuclear science field;

"(B) enhance the teaching of advanced nuclear technologies;

"(C) aggressively pursue collaboration opportunities with industry and National Laboratories;

"(D) bolster or sustain nuclear infrastructure and research facilities of the institution of higher education, such as research and training reactors or laboratories; and

"(E) provide tuition assistance and stipends to undergraduate and graduate students.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (d)—

"(A) $9,000,000 for fiscal year 2008;

"(B) $13,000,000 for fiscal year 2009;

"(C) $18,000,000 for fiscal year 2010; and

"(D) $22,500,000 for fiscal year 2011.

"(2) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (e)—

"(A) $11,000,000 for fiscal year 2008;

"(B) $16,500,000 for fiscal year 2009;

"(C) $22,000,000 for fiscal year 2010; and

"(D) $27,500,000 for fiscal year 2011.

"CHAPTER 6—ADMINISTRATION

"SEC. 3195. MENTORING PROGRAM.

"(a) IN GENERAL.—As part of the programs established under chapters 1, 3, and 4, the Director shall establish a program to recruit and provide mentors for women and underrepresented minorities who are interested in careers in mathematics, science, and engineering. The program shall pair mentors with women and minorities who are in programs of study at specialty schools for mathematics and science, Centers of Excellence, and summer institutes established under chapters 1, 3, and 4, respectively.

"(b) PROGRAM EVALUATION.—The Secretary shall annually—

"(1) use metrics to evaluate the success of the programs established under subsection (a); and

"(2) submit to Congress a report that describes the results of each evaluation.".

"CHAPTER 7—NATIONAL ENERGY EDUCATION DEVELOPMENT

"SEC. 3196. NATIONAL ENERGY EDUCATION DEVELOPMENT.

"(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to enhance the knowledge of the students of the science of energy, the sources of energy, the uses of energy in society, and the environmental consequences and benefits of all energy sources and uses by—

"(1) improving instruction in science related to energy for students in kindergarten through grade 9 through the implementation of energy education programs and with the support of comprehensive science education initiatives that are based on the best available evidence of effectiveness; and

"(2) providing professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

"(A) to improve the understanding of students of the scientific, economic, and environmental impacts of energy;

"(B) to improve the knowledge of teachers, administrators, and other school staff related to the scientific content of energy;

"(C) to increase the use of effective instructional practices; and

"(D) to reflect science content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

"(b) PROGRAM.—The Secretary (acting through the Director) (referred to in this section as the 'Secretary') shall provide grants to States to assist the States in establishing or expanding programs to enhance the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses.

"(c) COORDINATION.—In carrying out this section, the Secretary shall use and coordinate with existing State and national programs that have a similar mission.

"(d) GRANTS.—The Secretary shall award grants, on a competitive basis, under this section to States to pay the Federal share of the costs of establishing or expanding high-quality energy education curricula and programs.

"(e) PROGRAMS.—In carrying out this section, the Secretary shall award grants to establish or expand programs that enhance—

"(1) the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses; and

"(2) the understanding of students of the science, economics, and environmental impacts of energy production and consumption.

"(f) FEDERAL AND NON-FEDERAL SHARES.—

"(1) FEDERAL SHARE.—The Federal share of the costs of carrying out a program under this section shall be 50 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out a program under this section may be provided in the form of cash or in-kind contributions, fairly evaluated, including services.

"(g) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—

"(1) ensure a wide, equitable distribution of grants among States that propose to serve students from urban and rural areas; and

"(2) provide equal consideration to States without National Laboratories.

"(h) USES OF FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), States, or other entities through States, that receive grants under this section shall use the grant funds to—

"(A) employ proven strategies and methods for improving student learning and teaching regarding energy;

"(B) integrate into the curriculum of schools comprehensive, science-based, energy education, including instruction and assessments that are aligned with—

"(i) the academic content and student academic achievement standards of the State (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311));

"(ii) classroom management;

"(iii) professional development;

"(iv) parental involvement; and

"(v) school management; and

"(C) provide high-quality and continuous teacher and staff professional development.

"(2) REQUIREMENTS.—Grant funds under this section may be used for activities described in paragraph (1) only if the activities are directly related to improving student academic achievement related to—

"(A) the science of energy;

"(B) the sources of energy;

"(C) the uses of energy in society; and

"(D) the environmental consequences and benefits of all energy sources and uses.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $1,000,000 for each of fiscal years 2008 and 2009; and

"(2) $2,000,000 for each of fiscal years 2010 and 2011.".

SEC. 2004. DEPARTMENT OF ENERGY EARLY-CAREER RESEARCH GRANTS.

(a) PURPOSE.—It is the purpose of this section to authorize research grants in the Department for early-career scientists and engineers for purposes of pursuing independent research.

(b) DEFINITION OF ELIGIBLE EARLY-CAREER RESEARCHER.—In this section, the term "eligible early-career researcher" means an individual who—

(1) completed a doctorate or other terminal degree not more than 10 years before the date of application for a grant authorized under this section, except as provided in subsection (c)(3); and

(2) has demonstrated promise in the field of science, technology, engineering, mathematics, computer science, or computational science.

(c) GRANT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall award not less than 65 grants per year to outstanding eligible early-career researchers to support the work of such researchers in the Department, particularly at the National Laboratories, or other federally-funded research and development centers.

(2) APPLICATION.—An eligible early-career researcher who desires to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(3) WAIVER.—The Secretary may find eligible a candidate who has completed a doctorate more than 10 years prior to the date of application if the candidate was unable to conduct research for a period of time because of extenuating circumstances, including military service or family responsibilities.

(4) DURATION AND AMOUNT.—

(A) DURATION.—A grant under this section shall be 5 years in duration.

(B) AMOUNT.—An eligible early career-researcher who receives a grant under this section shall receive up to $100,000 for each year of the grant period.

(5) USE OF FUNDS.—An eligible early career-researcher who receives a grant under this section shall use the grant funds for basic research in natural sciences, engineering, mathematics, or computer sciences at the Department, particularly the National Laboratories, or other federally-funded research and development center.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) $13,000,000 for fiscal year 2008;

(B) $19,500,000 for fiscal year 2009;

(C) $26,000,000 for fiscal year 2010; and

(D) $32,500,000 for fiscal year 2011.

SEC. 2005. ADVANCED RESEARCH PROJECTS AUTHORITY-ENERGY.

(a) DEFINITIONS.—In this section:

(1) ADVISORY BOARD.—The term "Advisory Board" means the Advisory Board established under subsection (d).

(2) AUTHORITY.—The term "Authority" means the Advanced Research Projects Authority—Energy established under subsection (b).

(3) DIRECTOR.—The term "Director" means the Director of the Authority appointed under subsection (c)(1).

(4) ENERGY TECHNOLOGY.—The term "energy technology" means technology, including carbon-neutral technology, used for—

(A) fossil energy;

(B) carbon sequestration;

(C) nuclear energy;

(D) renewable energy;

(E) energy distribution; or

(F) energy efficiency technology.

(b) ESTABLISHMENT.—The Secretary shall establish an Advanced Research Projects Authority-Energy to overcome the long-term and high-risk technological barriers in the development of energy technologies.

(c) DIRECTOR.—

(1) APPOINTMENT.—The Secretary shall appoint a Director of the Authority.

(2) QUALIFICATIONS.—The Director shall be an individual who, by reason of professional background and experience, is especially qualified to advise the Secretary on matters pertaining to long-term, high-risk programs to overcome long-term and high-risk technological barriers to the development of energy technologies.

(3) DUTIES.—The Director shall—

(A) employ such qualified technical staff as are necessary to carry out the duties of the Authority, including providing staff for the Advisory Committee;

(B) serve as the selection official for proposals relating to energy technologies that are solicited within the Department;

(C) develop metrics to assist in developing funding criteria and for assessing the success of existing programs;

(D) terminate programs carried out under this section that are not achieving the goals of the programs; and

(E) perform such duties relating to long-term and high-risk technological barriers in the development of energy technologies as are determined to be appropriate by the Secretary.

(d) ADVISORY BOARD.—

(1) APPOINTMENT.—The Secretary shall, consistent with the Federal Advisory Committee Act (5 U.S.C. App.), establish, and appoint members to, an Advisory Board to make recommendations to the Secretary and the Director on actions necessary to carry out this section.

(2) QUALIFICATIONS.—The Advisory Board shall consist of individuals who, by reason of professional background and experience, are especially qualified to advise the Secretary and the Director on matters pertaining to long-term and high-risk technological barriers in the development of energy technologies.

(3) TERM.—A member of the Advisory Board shall be appointed for a term of 5 years.

(4) INFORMATION.—Each fiscal year, individuals who carry out energy technology programs of the Department and staff of the Authority shall provide to the Advisory Board written proposals and oral briefings on long-term and high-risk technological barriers that are critical to overcome for the successful development of energy technologies.

(5) DUTIES.—Each fiscal year, the Advisory Board shall—

(A) recommend to the Secretary and the Director—

(i) in order of priority, proposals of energy programs of the Department that are critical to overcoming long-term and high-risk technological barriers to enable the successful development of energy technologies; and

(ii) additional programs not covered in the proposals that are critical to overcoming the barriers described in clause (i); and

(B) based on the metrics described in subsection (c)(3)(C), make recommendations to the Secretary and the Directory concerning whether programs funded under this section are achieving the goals of the programs.

(e) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall—

(1) conduct reviews during each of calendar years 2010 and 2012 to determine the success of the activities carried out under this section; and

(2) submit to Congress, the Secretary, and the Director a report describing the results of each review.

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2011.

SEC. 2006. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY FOR BASIC RESEARCH.

Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3)—

(A) by striking "$5,200,000,000" and inserting "$4,800,000,000"; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(4) $4,945,000,000 for fiscal year 2010; and

"(5) $5,265,000,000 for fiscal year 2011.".

SEC. 2007. DISCOVERY SCIENCE AND ENGINEERING INNOVATION INSTITUTES.

(a) In General.—The Secretary shall establish distributed, multidisciplinary institutes (referred to in this section as "Institutes") centered at National Laboratories to apply fundamental science and engineering discoveries to technological innovations related to the missions of the Department and the global competitiveness of the United States.

(b) Topical Areas.—The Institutes shall support scientific and engineering research and education activities on critical emerging technologies determined by the Secretary to be essential to global competitiveness, including activities related to—

(1) sustainable energy technologies;

(2) multi-scale materials and processes;

(3) micro- and nano-engineering;

(4) computational and information engineering; and

(5) genomics and proteomics.

(c) Partnerships.—In carrying out this section, the Secretary shall establish partnerships between the Institutes and—

(1) institutions of higher education to—

(A) train undergraduate and graduate engineering and science students;

(B) develop innovative educational curricula; and

(C) conduct research within the topical areas described in subsection (b);

(2) private industry to develop innovative technologies within the topical areas described in subsection (b);

(3) State and local governments to promote regionally-based commercialization and entrepreneurship; and

(4) financing entities to guide successful technology commercialization.

(d) Merit-Based Selection.—The selection of Institutes under this section shall be merit-based and made through an open, competitive selection process.

(e) Restriction.—Not more than 3 Institutes shall receive grants for a fiscal year.

(f) Review.—The Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall, not later than 3 and 6 years after the date of enactment of this Act—

(1) review the performance of the Institutes under this section; and

(2) submit to Congress and the Secretary a report describing the results of the review.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out the activities of each Institute selected under this section $10,000,000 for each of fiscal years 2008 through 2011.

SEC. 2008. PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.

(a) Definition of Eligible Student.—In this section, the term "eligible student" means a student who attends an institution of higher education that offers a doctoral degree in a field relevant to a mission area of the Department.

(b) Establishment.—The Secretary shall establish a graduate fellowship program for eligible students pursuing a doctoral degree in a mission area of the Department.

(c) Selection.—

(1) In general.—The Secretary shall award fellowships to eligible students under this section through a competitive merit review process (involving written and oral interviews) that will result in a wide distribution of awards throughout the United States.

(2) Criteria.—The Secretary shall establish selection criteria for awarding fellowships under this section that require an eligible student to—

(A) pursue a field of science or engineering of importance to the mission area of the Department;

(B) rank in the upper 10 percent of the class of the eligible student;

(C) demonstrate to the Secretary—

(i) the capacity to understand technical topics related to the fellowship that can be derived from the first principles of the technical topics;

(ii) imagination and creativity;

(iii) leadership skills in organizations or intellectual endeavors, demonstrated through awards and past experience; and

(iv) excellent verbal and communication skills to explain, defend, and demonstrate an understanding of technical subjects related to the fellowship; and

(D) be a citizen or legal permanent resident of the United States.

(d) Awards.—

(1) Amount.—A fellowship awarded under this section shall—

(A) provide an annual living stipend; and

(B) cover—

(i) graduate tuition at an institution of higher education; and

(ii) incidental expenses associated with curricula and research at the institution of higher education (including books, computers and software).

(2) Duration.—A fellowship awarded under this section shall be for a period of not greater than 5 years.

(3) Portability.—A fellowship awarded under this section shall be portable with the fellow.

(e) Administration.—The Secretary (acting through the Director of Mathematics, Science, and Engineering Education)—

(1) shall administer the program established under this section; and,

(2) may enter into a contract with a nonprofit entity to administer the program, including the selection and award of fellowships.

(f) Authorization of Appropriations.—

(1) Fellowships.—There are authorized to be appropriated to award fellowships under this section—

(A) $9,300,000 for 200 fellowships for fiscal year 2008;

(B) $14,500,000 for 300 fellowships for fiscal year 2009 (including non-expiring fellowships for prior fiscal years);

(C) $25,000,000 for 500 fellowships for fiscal year 2010 (including non-expiring fellowships for prior fiscal years); and

(D) $35,500,000 for 700 fellowships for fiscal year 2011 (including non-expiring fellowships for prior fiscal years).

(2) Administration.—There are authorized to be appropriated for administrative expenses incurred in carrying out this section—

(A) $1,000,000 for fiscal year 2008;

(B) $1,500,000 for fiscal year 2009;

(C) $2,500,000 for fiscal year 2010; and

(D) $3,500,000 for fiscal year 2011.

SEC. 2009. TITLE IX COMPLIANCE.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes actions taken by the Department of Energy to implement the recommendations in the report of the Government Accountability Office numbered 04-639.

(b) Compliance.—To comply with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Secretary of Energy shall annually conduct compliance reviews of at least 2 recipients of Department of Energy grants.

SEC. 2010. HIGH-RISK, HIGH-REWARD RESEARCH.

(a) Definition of High-Risk, High-Reward Research.—In this section, the term "high-risk, high reward research" means research that—

(1) has the potential for yielding results with far-ranging implications;

(2) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process; and

(3) is supportive of the missions of the sponsoring agency.

(b) Establishment of Grant Programs.—

(1) Energy grant program.—The Secretary shall establish a grant program to encourage the conduct of high-risk, high-reward research at the Department.

(2) Geological grant program.—The Director of the United States Geological Survey shall establish a grant program to encourage the conduct of high-risk, high-reward research at the United States Geological Survey.

SEC. 2011. DISTINGUISHED SCIENTIST PROGRAM.

(a) Purpose.—The purpose of this section is to promote scientific and academic excellence through collaborations between institutions of higher education and the National Laboratories.

(b) Establishment.—The Secretary shall establish a program to support the joint appointment of distinguished scientists by institutions of higher education and National Laboratories.

(c) Qualifications.—Successful candidates under this section shall be persons who, by reason of professional background and experience, are able to bring international recognition to the appointing institution of higher education and National Laboratory in their field of scientific endeavor.

(d) Selection.—A distinguished scientist appointed under this section shall be selected through an open, competitive process.

(e) Appointment.—

(1) Institution of higher education.—An appointment by an institution of higher education under this section shall be filled within the tenure allotment of the institution of higher education at a minimum rank of professor.

(2) National laboratory.—An appointment by a National Laboratory under this section shall be at the rank of the highest grade of distinguished scientist or technical staff of the National Laboratory.

(f) Duration.—An appointment under this section shall be for 6 years, consisting of 2 3-year funding allotments.

(g) USE OF FUNDS.—Funds made available under this section may be used for—

(1) the salary of the distinguished scientist and support staff;

(2) undergraduate, graduate, and post-doctoral appointments;

(3) research-related equipment;

(4) professional travel; and

(5) such other requirements as the Director determines are necessary to carry out the purpose of the program.

(h) REVIEW.—

(1) IN GENERAL.—The appointment of a distinguished scientist under this section shall be reviewed at the end of the first 3-year allotment for the distinguished scientist through an open peer-review process to determine whether the appointment is meeting the purpose of this section under subsection (a).

(2) FUNDING.—Funding of the appointment of the distinguished scientist for the second 3-year allotment shall be determined based on the review conducted under paragraph (1).

(i) COST SHARING.—To be eligible for assistance under this section, an appointing institution of higher education shall pay at least 50 percent of the total costs of the appointment.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $30,000,000 for fiscal year 2008 (to support up to 30 appointments under this section);

(2) $60,000,000 for fiscal year 2009 (to support up to 60 such appointments); and

(3) $100,000,000 for each of fiscal years 2010 and 2011 (to support up to 100 such appointments).

DIVISION C—EDUCATION

SEC. 3001. FINDINGS.

Congress makes the following findings:

(1) A well-educated population is essential to retaining America's competitiveness in the global economy.

(2) The United States needs to build on and expand the impact of existing programs by taking additional, well-coordinated steps to ensure that all students are able to obtain the knowledge the students need to obtain postsecondary education and participate successfully in the workforce or the Armed Forces.

(3) The next steps must be informed by independent information on the effectiveness of current programs in science, technology, engineering, and mathematics education, and by identification of best practices that can be replicated.

(4) Teacher preparation and elementary school and secondary school programs and activities must be aligned with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the requirements of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(5) The ever increasing knowledge and skill demands of the 21st century require that secondary school preparation and requirements be better aligned with the knowledge and skills needed to succeed in postsecondary education and the workforce, and States need better data systems to track educational achievement from prekindergarten through baccalaureate degrees.

SEC. 3002. DEFINITIONS.

(a) ESEA DEFINITIONS.—Unless otherwise specified in this division, the terms used in this division have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) OTHER DEFINITIONS.—In this division:

(1) CRITICAL FOREIGN LANGUAGE.—The term "critical foreign language" means a foreign language that the Secretary determines, in consultation with the heads of such Federal departments and agencies as the Secretary determines appropriate, is critical to the national security and economic competitiveness of the United States.

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

TITLE I—TEACHER ASSISTANCE

Subtitle A—Teachers for a Competitive Tomorrow

SEC. 3111. PURPOSE.

The purpose of this subtitle is—

(1) to develop and implement programs to provide integrated courses of study in mathematics, science, engineering, or critical foreign languages, and teacher education, that lead to a baccalaureate degree with concurrent teacher certification;

(2) to develop and implement 2- or 3-year part-time master's degree programs in mathematics, science, technology, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and pedagogical skills; and

(3) to develop programs for professionals in mathematics, science, or critical foreign language education that lead to a master's degree in teaching that results in teacher certification.

SEC. 3112. DEFINITIONS.

In this subtitle:

(1) CHILDREN FROM LOW-INCOME FAMILIES.—The term "children from low-income families" means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)).

(2) ELIGIBLE RECIPIENT.—The term "eligible recipient" means an institution of higher education that receives grant funds under this subtitle on behalf of a department of mathematics, engineering, science, or a critical foreign language, or on behalf of a department or school with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification, for use in carrying out activities assisted under this subtitle.

(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" means a local educational agency or educational service agency—

(A)(i) that serves not fewer than 10,000 children from low-income families;

(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary; and

(B)(i) for which there is a high percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

(4) HIGHLY QUALIFIED.—The term "highly qualified" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(5) PARTNERSHIP.—The term "partnership" means a partnership that—

(A) shall include—

(i) an eligible recipient;

(ii)(I)(aa) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or a critical foreign language; and

(bb) a school or department within the eligible recipient that provides a teacher preparation program, or a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; or

(II) a department or school within the eligible recipient with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification; and

(iii) not less than 1 high-need local educational agency and a public school or a consortium of public schools served by the agency; and

(B) may include a nonprofit organization that has the capacity to provide expertise or support to meet the purposes of this subtitle.

(6) TEACHING SKILLS.—The term "teaching skills" means the ability to—

(A) increase student achievement;

(B) effectively convey and explain academic subject matter;

(C) employ strategies that—

(i) are based on scientifically based research;

(ii) are specific to academic subject matter; and

(iii) focus on the identification of, and tailoring of academic instruction to, students' specific learning needs, particularly children with disabilities, students who are limited English proficient, and students who are gifted and talented;

(D) conduct ongoing assessment of student learning;

(E) effectively manage a classroom; and

(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education.

SEC. 3113. PROGRAMS FOR BACCALAUREATE DEGREES IN MATHEMATICS, SCIENCE, ENGINEERING, OR CRITICAL FOREIGN LANGUAGES, WITH CONCURRENT TEACHER CERTIFICATION.

(a) PROGRAM AUTHORIZED.—From the amounts made available to carry out this section under section 3116(1) and not reserved under section 3115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable partnerships served by the eligible recipients to develop and implement programs to provide courses of study in mathematics, science, engineering, or critical foreign languages that—

(1) are integrated with teacher education; and

(2) lead to a baccalaureate degree with concurrent teacher certification.

(b) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall—

(1) describe the program for which assistance is sought;

(2) describe how a department of mathematics, science, engineering, or a critical foreign language participating in the partnership will ensure significant collaboration with a teacher preparation program in the development of undergraduate degrees in mathematics, science, engineering, or a critical foreign language, with concurrent teacher certification, including providing student teaching and other clinical classroom experiences or how a department or school participating in the partnership with a competency-based degree program has ensured,

in the development of a baccalaureate degree program in mathematics, science, engineering, or a critical foreign language, the provision of concurrent teacher certification, including providing student teaching and other clinical classroom experiences;

(3) describe the high-quality research, laboratory, or internship experiences, integrated with coursework, that will be provided under the program;

(4) describe how members of groups that are underrepresented in the teaching of mathematics, science, technology, engineering, or critical foreign languages will be encouraged to participate in the program;

(5) describe how program participants will be encouraged to teach in schools determined by the partnership to be most in need, and what assistance in finding employment in such schools will be provided;

(6) describe the ongoing activities and services that will be provided to graduates of the program;

(7) describe how the activities of the partnership will be coordinated with any activities funded through other Federal grants, and how the partnership will continue the activities assisted under the program when the grant period ends;

(8) describe how the partnership will assess the content knowledge and teaching skills of the program participants; and

(9) provide any other information the Secretary may reasonably require.

(c) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible recipient receiving a grant under this section shall use the grant funds to enable a partnership to develop and implement a program to provide courses of study in mathematics, science, engineering, or a critical foreign language that—

(A) are integrated with teacher education programs that promote effective teaching skills; and

(B) lead to a baccalaureate degree in mathematics, science, engineering, or a critical foreign language with concurrent teacher certification.

(2) PROGRAM REQUIREMENTS.—The program shall—

(A) provide high-quality research, laboratory, or internship experiences for program participants;

(B) provide student teaching or other clinical classroom experiences that—

(i) are integrated with coursework; and

(ii) lead to the participants' ability to demonstrate effective teaching skills;

(C) if implementing a program in which program participants are prepared to teach mathematics, science, technology, or engineering courses, include strategies for improving student literacy;

(D) encourage the participation of individuals who are members of groups that are underrepresented in the teaching of mathematics, science, technology, engineering, or critical foreign languages;

(E) encourage participants to teach in schools determined by the partnership to be most in need, and actively assist the participants in finding employment in such schools;

(F) offer training in the use of and integration of educational technology;

(G) collect data regarding and evaluate, using measurable objectives and benchmarks, the extent to which the program succeeded in—

(i) increasing the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in those schools determined by the partnership to be most in need;

(ii) improving student academic achievement in mathematics, science, and where applicable, technology and engineering;

(iii) increasing the number of students in secondary schools enrolled in upper level mathematics, science, and, where available, technology and engineering courses; and

(iv) increasing the numbers of elementary school, middle school, and secondary school students enrolled in and continuing in critical foreign language courses;

(H) collect data on the employment placement of all graduates of the program, including information on how many graduates are teaching and in what kinds of schools;

(I) provide ongoing activities and services to graduates of the program who teach elementary school, middle school, or secondary school, by—

(i) keeping the graduates informed of the latest developments in their respective academic fields; and

(ii) supporting the graduates of the program who are employed in schools in the local educational agency participating in the partnership during the initial years of teaching through—

(I) induction programs;

(II) promotion of effective teaching skills; and

(III) providing opportunities for regular professional development; and

(J) develop recommendations to improve the teacher preparation program participating in the partnership.

(d) ANNUAL REPORT.—Each eligible recipient receiving a grant under this section shall collect and report to the Secretary annually such information as the Secretary may reasonably require, including—

(1) the number of participants in the program;

(2) information on the academic majors of participating students;

(3) the race, gender, income, and disability status of program participants;

(4) the employment placement of program participants as teachers in schools determined by the partnership to be most in need;

(5) the extent to which the program succeeded in meeting the objectives and benchmarks described in subsection (c)(2)(G); and

(6) the data collected under subparagraphs (G) and (H) of subsection (c)(2).

(e) TECHNICAL ASSISTANCE.—From the funds made available under section 3116(1), the Secretary may provide technical assistance to an eligible recipient developing a baccalaureate degree program with concurrent teacher certification, including technical assistance provided through a grant or contract awarded on a competitive basis to an institution of higher education or a technical assistance center.

SEC. 3114. PROGRAMS FOR MASTER'S DEGREES IN MATHEMATICS, SCIENCE, TECHNOLOGY, OR CRITICAL FOREIGN LANGUAGES EDUCATION.

(a) PROGRAM AUTHORIZED.—From the amounts made available to carry out this section under section 3116(2) and not reserved under section 3115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable the partnerships served by the eligible recipients to develop and implement—

(1) 2- or 3-year part-time master's degree programs in mathematics, science, technology, or critical foreign language education for teachers in order to enhance the teacher's content knowledge and teaching skills; or

(2) programs for professionals in mathematics, science, engineering, or critical foreign language that lead to a 1 year master's degree in teaching that results in teacher certification.

(b) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall describe—

(1) how a department of mathematics, science, engineering, technology, or a critical foreign language will ensure significant collaboration with a teacher preparation program in the development of the master's degree programs authorized under subsection (a), or how a department or school with a competency-based degree program has ensured, in the development of a master's degree program, the provision of rigorous studies in mathematics, science, or a critical foreign language that enhance the teachers' content knowledge and teaching skills;

(2) the role of the local educational agency in the partnership in developing and administering the program and how feedback from the local educational agency, school, and participants will be used to improve the program;

(3) how the program will help increase the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in schools determined by the partnership to be most in need;

(4) how the program will—

(A) improve student academic achievement in mathematics, science, and, where applicable, technology and engineering and increase the number of students taking upper-level courses in such subjects; or

(B) increase the numbers of elementary school, middle school, and secondary school students enrolled and continuing in critical foreign language courses;

(5) how the program will prepare participants to become more effective mathematics, science, or critical foreign language teachers;

(6) how the program will prepare participants to assume leadership roles in their schools;

(7) how teachers (or mathematics, science, or critical language professionals) who are members of groups that are underrepresented in the teaching of mathematics, science, engineering, technology, or critical foreign languages and teachers from schools determined by the partnership to be most in need will be encouraged to apply for and participate in the program;

(8) the ongoing activities and services that will be provided to graduates of the program;

(9) how the partnership will continue the activities assisted under the grant when the grant period ends;

(10) how the partnership will assess, during the program, the content knowledge and teaching skills of the program participants; and

(11) methods to ensure applicants to the master's degree program for professionals in mathematics, science, or critical foreign language demonstrate advanced knowledge in the relevant subject.

(c) AUTHORIZED ACTIVITIES.—Each eligible recipient receiving a grant under this section shall use the grant funds to develop and implement a 2- or 3-year part-time master's degree program in mathematics, science, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and teaching skills, or programs for professionals in mathematics, science, or critical foreign language that lead to a 1-year master's degree in teaching that results in teacher certification. The program shall—

(1) promote effective teaching skills so that program participants become more effective mathematics, science, or critical foreign language teachers;

(2) prepare teachers to assume leadership roles in their schools by participating in activities such as teacher mentoring, development of curricula that integrate state of the art applications of mathematics, science, technology, and engineering into the classroom, working with school administrators in establishing in-service professional development of teachers, and assisting in evaluating data and assessments to improve student academic achievement;

(3) use high-quality research, laboratory, or internship experiences for program participants that are integrated with coursework;

(4) provide student teaching or clinical classroom experience;

(5) if implementing a program in which participants are prepared to teach mathematics or science courses, provide strategies for improving student literacy;

(6) align the content knowledge in the master's degree program with challenging student academic achievement standards and challenging academic content standards established by the State in which the program is conducted;

(7) encourage the participation of—

(A) individuals who are members of groups that are underrepresented in the teaching of mathematics, science, engineering, technology, or critical foreign languages;

(B) members of the Armed Forces who are transitioning to civilian life; and

(C) teachers teaching in schools determined by the partnership to be most in need;

(8) offer tuition assistance, based on need, as appropriate;

(9) create opportunities for enhanced and ongoing professional development for teachers that improves the mathematics and science content knowledge and teaching skills of such teachers; and

(10) evaluate and report on the impact of the program, in accordance with subsection (d).

(d) Evaluation and Report.—Each eligible recipient receiving a grant under this section shall evaluate, using measurable objectives and benchmarks, and provide an annual report to the Secretary regarding, the extent to which the program assisted under this section succeeded in the following:

(1) Increasing the number and percentage of mathematics, science, engineering, technology, or critical foreign language teachers who have a master's degree and meet 1 or more of the following requirements:

(A) Are teaching in schools determined by the partnership to be most in need, and taught in such schools prior to participation in the program.

(B) Are teaching in schools determined by the partnership to be most in need, and did not teach in such schools prior to participation in the program.

(C) Are members of a group underrepresented in the teaching of mathematics, science, or a critical foreign language.

(2) Bringing professionals in mathematics, science, engineering, or critical foreign language into the field of teaching.

(3) Retaining teachers who participate in the program.

SEC. 3115. GENERAL PROVISIONS.

(a) Duration of Grants.—The Secretary shall award each grant under this subtitle for a period of not more than 5 years.

(b) Matching Requirement.—Each eligible recipient that receives a grant under this subtitle shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant.

(c) Supplement, Not Supplant.—Grant funds provided under this subtitle shall be used to supplement, and not supplant, other Federal or State funds.

(d) Evaluation.—From amounts made available for any fiscal year under section 3116, the Secretary shall reserve such sums as may be necessary—

(1) to provide for the conduct of an annual independent evaluation, by grant or by contract, of the activities assisted under this subtitle, which shall include an assessment of the impact of the activities on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 3116. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $210,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years, of which—

(1) 57.1 percent shall be available to carry out section 3113 for fiscal year 2008 and each succeeding fiscal year; and

(2) 42.9 percent shall be available to carry out section 3114 for fiscal year 2008 and each succeeding fiscal year.

Subtitle B—Advanced Placement and International Baccalaureate Programs

SEC. 3121. PURPOSE.

It is the purpose of this subtitle—

(1) to raise academic achievement through Advanced Placement and International Baccalaureate programs by increasing, by 70,000, over a 4-year period beginning in 2008, the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(2) to increase, to 700,000 per year, the number of students attending high-need schools who—

(A) take and score a 3, 4, or 5 on an Advanced Placement examination in mathematics, science, or a critical foreign language administered by the College Board; or

(B) achieve a passing score on an examination administered by the International Baccalaureate Organization in such a subject;

(3) to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(4) to support statewide efforts to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools.

SEC. 3122. DEFINITIONS.

In this subtitle:

(1) Advanced Placement or International Baccalaureate Course.—The term "Advanced Placement or International Baccalaureate course" means a course of college-level instruction provided to middle or secondary school students, terminating in an examination administered by the College Board or the International Baccalaureate Organization, or another such examination approved by the Secretary, or another highly rigorous, evidence-based, postsecondary preparatory program terminating in an examination administered by a nationally recognized educational association.

(2) Eligible Entity.—The term "eligible entity" means—

(A) a State educational agency;

(B) a local educational agency; or

(C) a partnership consisting of—

(i) a national, regional, or statewide nonprofit organization, with expertise and experience in providing Advanced Placement or International Baccalaureate services; and

(ii) a State educational agency or local educational agency.

(3) Low-income Student.—The term "low-income student" has the meaning given the term "low-income individual" in section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)).

(4) High Concentration of Low-income Students.—The term "high concentration of low-income students" has the meaning given the term in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(2)).

(5) High-need Local Educational Agency.—The term "high-need local educational agency" means a local educational agency or educational service agency described in 3112(3)(A).

(6) High-need School.—The term "high-need school" means a middle school or secondary school—

(A) with a pervasive need for Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages, or for additional Advanced Placement or International Baccalaureate courses in such a subject; and

(B)(i) with a high concentration of low-income students; or

(ii) designated with a school locale code of 6, 7 or 8, as determined by the Secretary.

SEC. 3123. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS.

(a) Program Authorized.—From the amounts appropriated under subsection (l), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (g).

(b) Duration of Grants.—The Secretary may award grants under this section for a period of not more than 5 years.

(c) Coordination.—The Secretary shall coordinate the activities carried out under this section with the activities carried out under section 1705 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6535).

(d) Priority.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(1) are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(2) make Advanced Placement math, science, and critical foreign language courses available to students who are prepared for such work in earlier grades than traditionally made available.

(e) EQUITABLE DISTRIBUTION.—The Secretary, to the extent practicable, shall—

(1) ensure an equitable geographic distribution of grants under this section among the States; and

(2) promote an increase in participation in Advanced Placement or International Baccalaureate mathematics, science, and critical foreign language courses and examinations in all States.

(f) APPLICATION.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) CONTENTS.—The application shall, at a minimum, include a description of—

(A) the goals and objectives for the project, including—

(i) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(ii) increasing the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in the high-need schools;

(iii) increasing the number of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages that are available to students attending high-need schools; and

(iv) increasing the number of students attending a high-need school, particularly low-income students, who enroll in and pass—

(I) Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(II) pre-Advanced Placement or pre-International Baccalaureate courses in such a subject (where provided in accordance with subparagraph (B));

(B) how the eligible entity will ensure that students have access to courses, including pre-Advanced Placement and pre-International Baccalaureate courses, that will prepare the students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(C) how the eligible entity will provide professional development for teachers assisted under this section;

(D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in the activities to be assisted; and

(F) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of its project.

(g) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out activities designed to increase—

(A) the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(B) the number of students attending high-need schools who enroll in, and pass, the examinations for such Advanced Placement or International Baccalaureate courses.

(2) PERMISSIVE ACTIVITIES.—The activities described in paragraph (1) may include—

(A) teacher professional development, in order to expand the pool of teachers in the participating State, local educational agency, or high-need school who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(B) pre-Advanced Placement or pre-International Baccalaureate course development and professional development;

(C) coordination and articulation between grade levels to prepare students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(D) purchase of instructional materials;

(E) activities to increase the availability of, and participation in, online Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(F) reimbursing low-income students attending high-need schools for part or all of the cost of Advanced Placement or International Baccalaureate examination fees;

(G) carrying out subsection (j), relating to collecting and reporting data;

(H) in the case of a State educational agency that receives a grant under this section, awarding subgrants to local educational agencies to enable the local educational agencies to carry out authorized activities described in subparagraphs (A) through (G); and

(I) providing salary increments or bonuses to teachers serving high-need schools who—

(i) become qualified to teach, and teach, Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; or

(ii) increase the number of low-income students, who take Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language with the goal of successfully passing such examinations.

(h) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 200 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency shall provide an amount equal to not more than 100 percent of the amount of the grant.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity described in subparagraph (A) or (B) of section 3122(2), if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (g).

(i) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (g).

(j) COLLECTING AND REPORTING REQUIREMENTS.—

(1) REPORT.—Each eligible entity receiving a grant under this section shall collect and report to the Secretary annually such data on the results of the grant as the Secretary may reasonably require, including data regarding—

(A) the number of students enrolling in Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language, and pre-Advanced Placement or pre-International Baccalaureate courses in such a subject, by the grade the student is enrolled in, and the distribution of grades those students receive;

(B) the number of students taking Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language, and the distribution of scores on those examinations by the grade the student is enrolled in at the time of the examination;

(C) the number of teachers receiving training in teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language who will be teaching such courses in the next school year;

(D) the number of teachers becoming qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; and

(E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in a high-need school.

(2) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report data required under paragraph (1)—

(A) disaggregated by subject area;

(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)); and

(C) to the extent feasible, in a manner that allows comparison of conditions before, during, and after the project.

(k) EVALUATION AND REPORT.—From the amount made available for any fiscal year under subsection (l), the Secretary shall reserve such sums as may be necessary—

(1) to conduct an annual independent evaluation, by grant or by contract, of the program carried out under this section, which shall include an assessment of the impact of the program on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $58,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

Subtitle C—Promising Practices in Mathematics, Science, Technology, and Engineering Teaching

SEC. 3131. PROMISING PRACTICES.

(a) PURPOSE.—The purpose of this section is to strengthen the skills of mathematics, science, technology, and engineering teachers by identifying promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education.

(b) NATIONAL PANEL ON PROMISING PRACTICES IN TEACHING MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING.—The Secretary is authorized to contract with the National Academy of Sciences to convene, not later than 1 year after the date of enactment of this Act, a national panel to identify existing promising practices in the teaching of mathematics, science, technology, and engineering in kindergarten through grade 12.

(c) COMPOSITION OF NATIONAL PANEL.—

(1) CONSULTATION.—The Secretary shall enter into a contract with the National Academy of Sciences to establish a panel to identify existing promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education with demonstrated evidence of increasing student academic achievement.

(2) SELECTION.—The National Academy of Sciences shall ensure that the panel established under paragraph (1) broadly represents scientists, practitioners, teachers, principals, and representatives from entities with expertise in education, mathematics, and science. The National Academy of Sciences shall ensure that the panel includes the following:

(A) A majority representation of teachers and principals directly involved in teaching mathematics, science, technology, or engineering in kindergarten through grade 12.

(B) Representation of teachers and principals from all demographic areas, including urban, suburban, and rural schools.

(C) Representation of teachers from public and private schools.

(3) QUALIFICATIONS OF MEMBERS.—The members of the panel established under paragraph (1) shall be individuals who have substantial knowledge or experience relating to—

(A) mathematics, science, technology, or engineering education programs; or

(B) mathematics, science, technology, or engineering curricula content development.

(d) AUTHORIZED ACTIVITIES OF NATIONAL PANEL.—The panel shall—

(1) identify promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education;

(2) identify techniques proven to help teachers increase their skills and expertise in improving student achievement in mathematics, science, technology, and engineering; and

(3) identify areas of need for promising practices in mathematics, science, technology, and engineering.

(e) DISSEMINATION.—The Secretary shall disseminate information collected pursuant to this section to the public, State educational agencies, and local educational agencies, and shall publish appropriate and relevant information on the promising practices on the website of the Department in an easy to understand format.

(f) MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING "PROMISING PRACTICES".—

(1) RELIABILITY AND MEASUREMENT.—The promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education collected under this section shall be—

(A) reliable, valid, and grounded in scientific theory and research;

(B) reviewed regularly to assess effectiveness; and

(C) reviewed in the context of State academic assessments and student academic achievement standards.

(2) STUDENTS WITH DIVERSE LEARNING NEEDS.—In identifying promising practices under this section, the panel established under subsection (c) shall take into account the needs of students with diverse learning needs, particularly for students with disabilities and students who are limited English proficient.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008.

TITLE II—MATHEMATICS

SEC. 3201. MATH NOW FOR ELEMENTARY SCHOOL AND MIDDLE SCHOOL STUDENTS PROGRAM.

(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to prepare the students to enroll in and pass algebra courses by—

(1) improving instruction in mathematics for students in kindergarten through grade 9 through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are research-based and reflect a demonstrated record of effectiveness; and

(2) providing targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level.

(b) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term "eligible local educational agency" means a high-need local educational agency (as defined in section 3112(3)) serving 1 or more schools—

(1) with significant numbers or percentages of students whose mathematics skills are below grade level;

(2) that are not making adequate yearly progress in mathematics under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); or

(3) in which students are receiving instruction in mathematics from teachers who do not have mathematical content knowledge or expertise in the teaching of mathematics.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From the amounts appropriated under subsection (k) for any fiscal year, the Secretary is authorized to award grants, on a competitive basis, for not more than 5 years, to State educational agencies to enable the State educational agencies to award grants to eligible local educational agencies to carry out the activities described in subsection (e).

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications for projects that will implement statewide strategies for improving mathematics instruction and raising the mathematics achievement of students, particularly students in grades 4 through 8.

(d) STATE USES OF FUNDS.—

(1) IN GENERAL.—Each State educational agency that receives a grant under this section for a fiscal year—

(A) shall expend not more than a total of 10 percent of the grant funds to carry out the activities described in paragraphs (2) or (3) for the fiscal year; and

(B) shall use not less than 90 percent of the grant funds to award grants, on a competitive basis, to eligible local educational agencies to enable the eligible local educational agencies to carry out the activities described in subsection (e) for the fiscal year.

(2) MANDATORY USES OF FUNDS.—A State educational agency shall use the grant funds made available under paragraph (1)(A) to carry out each of the following activities:

(A) PLANNING AND ADMINISTRATION.—Planning and administration, including—

(i) evaluating applications from eligible local educational agencies using peer review teams described in subsection (f)(1)(D);

(ii) administering the distribution of grants to eligible local educational agencies; and

(iii) assessing and evaluating, on a regular basis, eligible local educational agency activities assisted under this section, with respect to whether the activities have been effective in increasing the number of children—

(I) making progress toward meeting grade-level mathematics achievement; and

(II) meeting or exceeding grade-level mathematics achievement.

(B) REPORTING.—Annually providing the Secretary with a report on the implementation of this section as described in subsection (i).

(3) PERMISSIVE USE OF FUNDS; TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—A State educational agency may use the grant funds made available under paragraph (1)(A) for 1 or more of the following technical assistance activities that assist an eligible local educational agency, upon request by the eligible local educational agency, in accomplishing the tasks required to design and implement a project under this section, including assistance in—

(i) implementing mathematics programs or comprehensive mathematics initiatives that are research-based and reflect a demonstrated record of effectiveness;

(ii) evaluating and selecting diagnostic and classroom based instructional mathematics assessments; and

(iii) identifying eligible professional development providers to conduct the professional development activities described in subsection (e)(1)(B).

(B) GUIDANCE.—The technical assistance described in subparagraph (A) shall be guided by researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools and eligible local educational agencies.

(e) LOCAL USES OF FUNDS.—

(1) MANDATORY USES OF FUNDS.—Each eligible local educational agency receiving a grant under this section shall use the grant funds to carry out each of the following activities:

(A) To implement mathematics programs or comprehensive mathematics initiatives—

(i) for students in the grades of a participating school as identified in the application submitted under subsection (f)(2)(A); and

(ii) that are research-based and reflect a demonstrated record of effectiveness.

(B) To provide professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

(i) to improve the achievement of students performing significantly below grade level;

(ii) to improve the mathematical content knowledge of the teachers, administrators, and other school staff;

(iii) to increase the use of effective instructional practices; and

(iv) to monitor student progress.

(C) To conduct continuous progress monitoring, which may include the adoption and use of assessments that—

(i) measure student progress and identify areas in which students need help in learning mathematics; and

(ii) reflect mathematics content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

(2) PERMISSIVE USES OF FUNDS.—An eligible local educational agency may use grant funds under this section to—

(A) adopt and use mathematics instructional materials and assessments;

(B) implement classroom-based assessments, including diagnostic or formative assessments;

(C) provide remedial coursework and interventions for students, which may be provided before or after school;

(D) provide small groups with individualized instruction in mathematics;

(E) conduct activities designed to improve the content knowledge and expertise of teachers, such as the use of a mathematics coach, enrichment activities, and interdisciplinary methods of mathematics instruction; and

(F) collect and report performance data.

(f) APPLICATIONS.—

(1) STATE EDUCATIONAL AGENCY.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(A) an assurance that the core mathematics instructional program, supplemental instructional materials, and intervention programs used by the eligible local educational agencies for the project, are research-based and reflect a demonstrated record of effectiveness and are aligned with State academic achievement standards;

(B) an assurance that eligible local educational agencies will meet the requirements described in paragraph (2);

(C) an assurance that local applications will be evaluated using a peer review process;

(D) a description of the qualifications of the peer review teams, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies; and

(E) an assurance that the State will establish a process to safeguard against conflicts of interest, consistent with subsection (g)(2), for individuals providing technical assistance on behalf of the State educational agency or participating in the State peer review process under this title.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring a grant under this section shall submit an application to the State educational agency at such time and in such manner as the State educational agency may require. Each application shall include—

(A) an assurance that the eligible local educational agency will provide assistance to 1 or more schools that are—

(i) served by the eligible local educational agency; and

(ii) described in section 3201(b);

(B) a description of the grades kindergarten through grade 9, and of the schools, that will be served;

(C) information, on an aggregate basis, on each school to be served by the project, including such demographic, socioeconomic, and mathematics achievement data as the State educational agency may request;

(D) a description of the core mathematics instructional program, supplemental instructional materials, and intervention programs or strategies that will be used for the project, including an assurance that the programs or strategies are research-based and reflect a demonstrated record of effectiveness and are aligned with State academic achievement standards;

(E) a description of the activities that will be carried out under the grant, including a description of the professional development that will be provided to teachers, and, if appropriate, administrators and other school staff, and a description of how the activities will support achievement of the purpose of this section;

(F) an assurance that the eligible local educational agency will report to the State educational agency all data on student academic achievement that is necessary for the State educational agency's report under subsection (i);

(G) a description of the eligible entity's plans for evaluating the impact of professional development and leadership activities in mathematics on the content knowledge and expertise of teachers, administrators, or other school staff; and

(H) any other information the State educational agency may reasonably require.

(g) PROHIBITIONS.—

(1) IN GENERAL.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) CONFLICT OF INTEREST.—Any Federal employee, contractor, or subcontractor involved in the administration, implementation, or provision of oversight or technical assistance duties or activities under this section shall—

(A) disclose to the Secretary any financial ties to publishers, entities, private individuals, or organizations that will benefit from funds provided under this section; and

(B) be prohibited from maintaining significant financial interests in areas directly related to duties or activities under this section, unless granted a waiver by the Secretary.

(3) REPORTING.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and Labor of the House of Representatives on any of the special allowances or waivers granted under paragraph (2)(B).

(4) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize or permit the Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(h) MATCHING REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) WAIVER.—The Secretary may waive all of or a portion of the matching requirement described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(i) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

(1) INFORMATION.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school district wide, or classroom-based, assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at grade level or above in mathematics;

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving at grade level or above in mathematics;

(III) significantly increased the number of students making significant progress toward meeting grade-level mathematics achievement standards; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in algebra courses and the percentage of such students who pass algebra courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) REPORTING AND DISAGGREGATION.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

(3) PRIVACY PROTECTION.—The data in the report shall be reported in a manner that—

(A) protects the privacy of individuals; and

(B) complies with the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(j) EVALUATION AND TECHNICAL ASSISTANCE.—

(1) EVALUATION.—

(A) IN GENERAL.—The Secretary shall conduct an annual independent evaluation, by grant or by contract, of the program assisted under this section, which shall include an assessment of the impact of the program on student academic achievement and teacher performance, and may use funds available to carry out this section to conduct the evaluation.

(B) REPORT.—The Secretary shall annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report on the results of the evaluation.

(2) TECHNICAL ASSISTANCE.—The Secretary may use funds made available under paragraph (3) to provide technical assistance to prospective applicants and to eligible local educational agencies receiving a grant under this section.

(3) RESERVATION OF FUNDS.—The Secretary may reserve not more than 2.5 percent of funds appropriated under subsection (k) for a fiscal year to carry out this subsection.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $146,700,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

SEC. 3202. SUMMER TERM EDUCATION PROGRAMS.

(a) PURPOSE.—The purpose of this section is to create opportunities for summer learning by providing students with access to summer learning in mathematics, technology, and problem-solving to ensure that students do not experience learning losses over the summer and to remedy, reinforce, and accelerate the learning of mathematics and problem-solving.

(b) DEFINITIONS.—In this section:

(1) EDUCATIONAL SERVICE AGENCY.—The term "educational service agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that—

(A) desires to participate in a summer learning grant program under this section by providing summer learning opportunities described in subsection (d)(4)(A)(ii) to eligible students; and

(B) is—

(i) a high-need local educational agency; or

(ii) a consortium consisting of a high-need local educational agency and 1 or more of the following entities:

(I) Another local educational agency;

(II) A community-based youth development organization with a demonstrated record of effectiveness in helping students learn;

(III) An institution of higher education;

(IV) An educational service agency; or

(V) A for-profit educational provider, nonprofit organization, science center, museum, or summer enrichment camp, that has been approved by the State educational agency to provide the summer learning opportunity described in subsection (d)(4)(A)(ii).

(3) ELIGIBLE STUDENT.—The term "eligible student" means a student who—

(A) is eligible for a free lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(B) is served by a local educational agency identified by the State educational agency in the application described in subsection (c)(2).

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term high-need local educational agency means a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

(A) that serves not less than 10,000 children from low-income families;

(B) for which not less than 20 percent of the children served by the agency are children from low-income families; or

(C) with a total of not less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8 as determined by the Secretary of Education.

(7) SECRETARY.—The term "Secretary" means the Secretary of Education.

(8) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(9) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(c) DEMONSTRATION GRANT PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—From the funds appropriated under subsection (f) for a fiscal year, the Secretary shall carry out a demonstration grant program in which the Secretary awards grants, on a competitive basis, to State educational agencies to enable the State educational agencies to pay the Federal share of summer learning grants for eligible students.

(B) NUMBER OF GRANTS.—For each fiscal year, the Secretary shall award not more than 5 grants under this section.

(2) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall identify the areas in the State where the summer learning grant program will be offered and the local educational agencies that serve such areas.

(3) AWARD BASIS.—

(A) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to a State educational agency that agrees, to the extent possible, to enter into agreements with eligible entities that are consortia described in subsection (b)(2)(B)(iii) and that proposes to target services to children in grades K–8.

(B) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall take into consideration an equitable geographic distribution of the grants.

(d) SUMMER LEARNING GRANTS.—

(1) USE OF GRANTS FOR SUMMER LEARNING GRANTS.—

(A) IN GENERAL.—Each State educational agency that receives a grant under subsection (c) for a fiscal year shall use the grant funds to provide summer learning grants for the fiscal year to eligible students in the State who desire to attend a summer learning opportunity offered by an eligible entity that enters into an agreement with the State educational agency under paragraph (4)(A).

(B) AMOUNT; FEDERAL AND NON-FEDERAL SHARES.—

(i) AMOUNT.—The amount of a summer learning grant provided under this section shall be—

(I) for each of the fiscal years 2008 through 2011, $1,600; and

(II) for fiscal year 2012, $1,800.

(ii) FEDERAL SHARE.—The Federal share of each summer learning grant shall be not more than 50 percent of the amount of the summer learning grant determined under clause (i).

(iii) NON-FEDERAL SHARE.—The non-Federal share of each summer learning grant shall be not less than 50 percent of the amount of the summer learning grant determined under clause (i), and shall be provided from non-Federal sources.

(2) DESIGNATION OF SUMMER SCHOLARS.—Eligible students who receive summer learning grants under this section shall be known as "summer scholars".

(3) SELECTION OF SUMMER LEARNING OPPORTUNITY.—

(A) DISSEMINATION OF INFORMATION.—A State educational agency that receives a grant under subsection (c) shall disseminate information about summer learning opportunities and summer learning grants to the families of eligible students in the State.

(B) APPLICATION.—The parents of an eligible student who are interested in having their child participate in a summer learning opportunity and receive a summer learning grant shall submit an application to the State educational agency that includes a ranked list of preferred summer learning opportunities.

(C) PROCESS.—A State educational agency that receives an application under subparagraph (B) shall—

(i) process such application;

(ii) determine whether the eligible student shall receive a summer learning grant;

(iii) coordinate the assignment of eligible students receiving summer learning grants with summer learning opportunities; and

(iv) if demand for a summer learning opportunity exceeds capacity, the State educational agency shall prioritize applications to low-achieving eligible students.

(D) FLEXIBILITY.—A State educational agency may assign a summer scholar to a summer learning opportunity program that is offered in an area served by a local educational agency that is not the local educational agency serving the area where such scholar resides.

(E) REQUIREMENT OF ACCEPTANCE.—An eligible entity shall accept, enroll, and provide the summer learning opportunity of such entity to, any summer scholar assigned to such summer learning opportunity by a State educational agency pursuant to this subsection.

(4) AGREEMENT WITH ELIGIBLE ENTITY.—

(A) IN GENERAL.—A State educational agency shall enter into an agreement with one or more eligible entities offering a summer learning opportunity, under which—

(i) the State educational agency shall agree to make payments to the eligible entity, in accordance with subparagraph (B), for a summer scholar; and

(ii) the eligible entity shall agree to provide the summer scholar with a summer learning opportunity that—

(I) provides a total of not less than the equivalent of 30 full days of instruction (or not less than the equivalent of 25 full days of instruction, if the equivalent of an additional 5 days is devoted to field trips or other enrichment opportunities) to the summer scholar;

(II) employs small-group, research-based educational programs, materials, curricula, and practices;

(III) provides a curriculum that—

(aa) emphasizes mathematics, technology, engineering, and problem-solving through experiential learning opportunities;

(bb) is primarily designed to increase the numeracy and problem-solving skills of the summer scholar; and

(cc) is aligned with State academic content standards and goals of the local educational agency serving the summer scholar;

(IV) measures student progress to determine the gains made by summer scholars in the summer learning opportunity, and disaggregates the results of such progress for summer scholars by race and ethnicity, economic status, limited English proficiency status, and disability status, in order to determine the opportunity's impact on each subgroup of summer scholars;

(V) collects daily attendance data on each summer scholar;

(VI) provides professional development opportunities for teachers to improve their practice in teaching numeracy, and in integrating problem-solving techniques into the curriculum; and

(VII) meets all applicable Federal, State, and local civil rights laws.

(B) AMOUNT OF PAYMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), a State educational agency shall make a payment to an eligible entity for a summer scholar in the amount determined under paragraph (1)(B)(i).

(ii) ADJUSTMENT.—In the case in which a summer scholar does not attend the full summer learning opportunity, the State educational agency shall reduce the amount provided to the eligible entity pursuant to clause (i) by a percentage that is equal to the percentage of the summer learning opportunity not attended by such scholar.

(5) ADMINISTRATIVE COSTS.—A State educational agency or eligible entity receiving funding under this section may use not more than 5 percent of such funding for administrative costs associated with carrying out this section.

(e) EVALUATIONS; REPORT; WEBSITE.—

(1) EVALUATION AND ASSESSMENT.—For each year that an eligible entity enters into an agreement under subsection (d)(4), the eligible entity shall prepare and submit to the Secretary a report on the activities and outcomes of each summer learning opportunity that enrolled a summer scholar, including—

(A) information on the design of the summer learning opportunity;

(B) the alignment of the summer learning opportunity with State standards; and

(C) data from assessments of student mathematics and problem-solving skills for the summer scholars and on the attendance of the scholars, disaggregated by the subgroups described in subsection (d)(4)(A)(ii)(IV).

(2) REPORT.—For each year funds are appropriated under subsection (f) for this section, the Secretary shall prepare and submit a report to the HELP Committee of the Senate and the Education and Labor Committee of the House on the summer learning grant programs, including the effectiveness of the summer learning opportunities in improving student achievement and learning.

(3) SUMMER LEARNING GRANTS WEBSITE.—The Secretary shall make accessible, on the Department of Education website, information for parents and school personnel on successful programs and curricula, and best practices, for summer learning opportunities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 through fiscal year 2012.

SEC. 3203. MATH SKILLS FOR SECONDARY SCHOOL STUDENTS.

(a) The purposes of this section are—

(1) to provide assistance to State educational agencies and local educational agencies in implementing effective research-based mathematics programs for students in secondary schools, including students with disabilities and students with limited English proficiency;

(2) to improve instruction in mathematics for students in secondary school through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness;

(3) to provide targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level; and

(4) to provide in-service training for mathematics coaches who can assist secondary school teachers to utilize research-based mathematics instruction to develop and improve students' mathematical abilities and knowledge, and assist teachers in assessing and improving student academic achievement.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency that is eligible to receive funds, and that is receiving funds, under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(2) MATHEMATICS COACH.—The term "mathematics coach" means a certified or licensed teacher, with a demonstrated effectiveness in teaching mathematics to students with specialized needs in mathematics and improving student academic achievement in mathematics, a command of mathematical content knowledge, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support mathematics improvement, who works on site at a school—

(A) to train teachers to better assess student learning in mathematics;

(B) to train teachers to assess students' mathematics skills and identify students who need remediation; and

(C) to provide or assess remedial mathematics instruction, including for—

(i) students in after-school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(3) SECONDARY SCHOOL.—The term "secondary school" means a school that provides secondary education, as determined under State law.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as be necessary for fiscal year 2008 and each of the 3 succeeding fiscal years.

(d) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under subsection (c) for a fiscal year, the Secretary shall establish a program, in accordance with the requirements of this section, that will provide grants on a competitive basis to State educational agencies to award grants and subgrants to eligible local educational agencies for the purpose of establishing mathematics programs to improve the overall mathematics performance of secondary school students in the State.

(2) LENGTH OF GRANT.—A grant to a State educational agency under this section shall be awarded for a period of 4 years.

(e) RESERVATION OF FUNDS BY THE SECRETARY.—From amounts appropriated under subsection (c) for a fiscal year, the Secretary may reserve—

(1) not more than 3 percent of such amounts to fund national activities in support of the programs assisted under this section, such as research and dissemination of best practices, except that the Secretary may not use the reserved funds to award grants directly to local educational agencies; and

(2) not more than ½ of 1 percent of such amounts for the Bureau of Indian Education of the Department of the Interior to carry out the services and activities described in subsection (1)(3) for Indian children.

(f) GRANT FORMULAS.—

(1) COMPETITIVE GRANTS TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under subsection (c) and not reserved under subsection (e), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish mathematics programs for the purpose of improving overall mathematics performance among students in secondary school in the State.

(2) MINIMUM GRANT.—The Secretary shall ensure that the minimum grant made to any state educational agency under this section shall be not less than **$500,000**.

(g) APPLICATIONS.—

(1) IN GENERAL.—In order to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall meet the following conditions:

(A) A State educational agency shall not include the application for assistance under this section in a consolidated application submitted under section 9302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7842).

(B) The State educational agency's application shall include assurances that such application and any technical assistance provided by the State will be guided by a peer review team, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(C) The State educational agency will participate, if requested, in any evaluation of the State educational agency's program under this section.

(D) The State educational agency's application shall include a program plan that contains a description of the following:

(i) How the State educational agency will assist eligible local educational agencies in implementing subgrants, including providing ongoing professional development for mathematics coaches, teachers, paraprofessionals, and administrators.

(ii) How the State educational agency will help eligible local educational agencies identify high-quality screening, diagnostic, and classroom-based instructional mathematics assessments.

(iii) How the State educational agency will help eligible local educational agencies identify high-quality research-based mathematics materials and programs.

(iv) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(v) How the State educational agency will ensure that professional development funded under this section—

(I) is based on mathematics research;

(II) will effectively improve instructional practices for mathematics for secondary school students;

(III) will improve student academic achievement in mathematics; and

(IV) is coordinated with professional development activities funded through other programs, including section 2113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613).

(vi) How funded activities will help teachers and other instructional staff to implement research-based components of mathematics instruction and improve student academic achievement.

(vii) The subgrant process the State educational agency will use to ensure that eligible local educational agencies receiving subgrants implement programs and practices based on mathematics research.

(viii) How the State educational agency will build on and promote coordination among mathematics programs in the State to increase overall effectiveness in improving mathematics instruction and student academic achievement, including for students with disabilities and students with limited English proficiency.

(ix) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this section.

(h) State Use of Funds.—Each State educational agency receiving a grant under this section shall—

(1) establish a peer review team comprised of researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools, to provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based mathematics programs for secondary school students;

(2) use 80 percent of the grant funds received under this section for a fiscal year to fund high-quality applications for subgrants to eligible local educational agencies having applications approved under subsection (l); and

(3) use 20 percent of the grant funds received under this section—

(A) to carry out State-level activities described in the application submitted under subsection (g);

(B) to provide—

(i) technical assistance to eligible local educational agencies; and

(ii) high-quality professional development to teachers and mathematics coaches in the State;

(C) to oversee and evaluate subgrant services and activities undertaken by the eligible local educational agencies as described in subsection (l)(3); and

(D) for administrative costs, of which not more than 5 percent of the grant funds may be used for planning, administration, and reporting.

(i) Notice to Eligible Local Educational Agencies.—Each State educational agency receiving a grant under this section shall provide notice to all eligible local educational agencies in the State about the availability of subgrants under this section.

(j) Prohibitions.—

(1) In general.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) Conflict of interest.—Any federal employee, contractor, or subcontractor involved in the administration, implementation, or provision of oversight or technical assistance duties or activities under this section shall—

(A) disclose to the Secretary any financial ties to publishers, entities, private individuals, or organizations that will benefit from funds provided under this section; and

(B) be prohibited from maintaining significant financial interests in areas directly related to duties or activities under this section, unless granted a waiver by the Secretary.

(3) Reporting.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives, on each of the waivers granted under paragraph (2)(B).

(4) Rule of construction.—Nothing in this section shall be construed to authorize or permit the Secretary, Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(k) Supplement Not Supplant.—Each State educational agency receiving a grant under this section shall use the grant funds to supplement, not supplant, State funding for activities authorized under this section or for other educational activities.

(l) Subgrants to Eligible Local Educational Agencies.—

(1) Application.—

(A) In general.—Each eligible local educational agency desiring a subgrant under this subsection shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency.

(B) Contents.—In addition to any information required by the State educational agency, each application under paragraph (1) shall demonstrate how the eligible local educational agency will carry out the following required activities:

(i) Development or selection and implementation of research-based mathematics assessments.

(ii) Development or selection and implementation of research-based mathematics programs, including programs for students with disabilities and students with limited English proficiency.

(iii) Selection of instructional materials based on mathematics research.

(iv) High-quality professional development for mathematics coaches and teachers based on mathematics research.

(v) Evaluation and assessment strategies.

(vi) Reporting.

(vii) Providing access to research-based mathematics materials.

(C) Consortia.—Consistent with State law, an eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium of local educational agencies if each member of the consortium is an eligible local educational agency.

(2) Award basis.—

(A) Priority.—A State educational agency awarding subgrants under this subsection shall give priority to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(B) Amount of grants.—Subgrants under this subsection shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this subsection.

(3) Local use of funds.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to carry out, at the secondary school level, the following services and activities:

(A) Hiring mathematics coaches and providing professional development for mathematics coaches—

(i) at a level to provide effective coaching to classroom teachers;

(ii) to work with classroom teachers to better assess student academic achievement in mathematics;

(iii) to work with classroom teachers to identify students with mathematics problems and, where appropriate, refer students to available programs for remediation and additional services;

(iv) to work with classroom teachers to diagnose and remediate mathematics difficulties of the lowest-performing students, so that those teachers can provide intensive, research-based instruction, including during after-school and summer sessions, geared toward ensuring that those students can access and be successful in rigorous academic coursework; and

(v) to assess and organize student data on mathematics and communicate that data to school administrators to inform school reform efforts.

(B) Reviewing, analyzing, developing, and, where possible, adapting curricula to make sure mathematics skills are taught within other core academic subjects.

(C) Providing mathematics professional development for all relevant teachers in secondary school, as necessary, that addresses both remedial and higher level mathematics skills for students in the applicable curriculum.

(D) Providing professional development for teachers, administrators, and paraprofessionals serving secondary schools to help the teachers, administrators, and paraprofessionals improve student academic achievement in mathematics.

(E) Procuring and implementing programs and instructional materials based on mathematics research, including software and other education technology related to mathematics instruction with demonstrated effectiveness in improving mathematics instruction and student academic achievement.

(F) Building on and promoting coordination among mathematics programs in the eligible local educational agency to increase overall effectiveness in—

(i) improving mathematics instruction; and

(ii) increasing student academic achievement, including for students with disabilities and students with limited English proficiency.

(G) Evaluating the effectiveness of the instructional strategies, teacher professional development programs, and other interventions that are implemented under the subgrant; and

(H) Measuring improvement in student academic achievement, including through progress monitoring or other assessments.

(4) Supplement not supplant.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to supplement, not supplant, the eligible local educational agency's funding for activities authorized under this section or for other educational activities.

(5) New services and activities.—Subgrant funds provided under this subsection may be used only to provide services and activities authorized under this section that were not provided on the day before the date of enactment of this Act.

(6) Evaluations.—Each eligible local educational agency receiving a grant under this subsection shall participate, as requested by the State educational agency or the Secretary, in reviews and evaluations of the programs of the eligible local educational agency and the effectiveness of such programs, and shall provide such reports as are requested by the State educational agency and the Secretary.

(m) Matching Requirements.—

(1) State educational agency requirements.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in-kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) Waiver.—The Secretary may waive all or a portion of the matching requirements described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(n) Program Performance and Accountability.—

(1) Information.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school districtwide, or classroom-based monitoring reports or assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at the proficient or advanced level on the State student academic achievement standards in mathematics under section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii));

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving proficiency or advanced levels on such State academic content standards in mathematics;

(III) significantly increased the number of students making significant progress toward meeting such State academic content and achievement standards in mathematics; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in advanced mathematics courses in grades 9 through 12, including the percentage of such students who pass such courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) Reporting and disaggregation.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

SEC. 3301. FINDINGS AND PURPOSE.

(a) Findings.—Congress makes the following findings:

(1) The United States faces a shortage of skilled professionals with higher levels of proficiency in foreign languages and area knowledge critical to the Nation's security.

(2) Given the Nation's economic competitiveness interests, it is crucial that our Nation expand the number of Americans who are able to function effectively in the environments in which critical foreign languages are spoken.

(3) Students' ability to become proficient in foreign languages can be addressed by starting language learning at a younger age and expanding opportunities for continuous foreign language education from elementary school through postsecondary education.

(b) Purpose.—The purpose of this title is to significantly increase—

(1) the opportunities to study critical foreign languages and the context in which the critical foreign languages are spoken; and

(2) the number of American students who achieve the highest level of proficiency in critical foreign languages.

SEC. 3302. DEFINITIONS.

In this title:

(1) Eligible recipient.—The term "eligible recipient" means an institution of higher education that receives grant funds under this title on behalf of a partnership for use in carrying out the activities assisted under this title.

(2) Partnership.—The term "partnership" means a partnership that—

(A) shall include—

(i) an institution of higher education; and

(ii) 1 or more local educational agencies; and

(B) may include 1 or more entities that support the purposes of this title.

(3) Superior level of proficiency.—The term "superior level of proficiency" means level 3, the professional working level, as measured by the Federal Interagency Language Roundtable (ILR) or by other generally recognized measures of superior standards.

SEC. 3303. PROGRAM AUTHORIZED.

(a) Program Authorized.—

(1) In general.—The Secretary is authorized to award grants to eligible recipients to enable partnerships served by the eligible recipients to establish articulated programs of study in critical foreign languages that will enable students to advance successfully from elementary school through postsecondary education and achieve higher levels of proficiency in a critical foreign language.

(2) Duration.—A grant awarded under paragraph (1) shall be for a period of not more than 5 years. A grant may be renewed for not more than 2 additional 5-year periods, if the Secretary determines that the partnership's program is effective and the renewal will best serve the purposes of this title.

(b) Applications.—

(1) In general.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) Contents.—Each application shall—

(A) identify each local educational agency partner, including contact information and letters of commitment, and describe the responsibilities of each member of the partnership, including—

(i) how each of the partners will be involved in planning, developing, and implementing—

(I) program curriculum and materials; and

(II) teacher professional development;

(ii) what resources each of the partners will provide; and

(iii) how the partners will contribute to ensuring the continuity of student progress from elementary school through the postsecondary level;

(B) describe how an articulated curriculum for students will be developed and implemented, which may include the use and integration of technology into such curriculum;

(C) identify target proficiency levels for students at critical benchmarks (such as grades 4, 8, and 12), and describe how progress toward those proficiency levels will be assessed at the benchmarks, and how the program will use the results of the assessments to ensure continuous progress toward achieving a superior level of proficiency at the postsecondary level;

(D) describe how the partnership will—

(i) ensure that students from a program assisted under this title who are beginning postsecondary education will be assessed and enabled to progress to a superior level of proficiency;

(ii) address the needs of students already at, or near, the superior level of proficiency, which may include diagnostic assessments for placement purposes, customized and individualized language learning opportunities, and experimental and interdisciplinary language learning; and

(iii) identify and describe how the partnership will work with institutions of higher education outside the partnership to provide participating students with multiple options for postsecondary education consistent with the purposes of this title;

(E) describe how the partnership will support and continue the program after the grant has expired, including how the partnership will seek support from other sources, such as State and local governments, foundations, and the private sector; and

(F) describe what assessments will be used or, if assessments not available, how assessments will be developed.

(c) Uses of Funds.—Grant funds awarded under this title—

(1) shall be used to develop and implement programs at the elementary school level through postsecondary education, consistent with the purpose of this title, including—

(A) the development of curriculum and instructional materials; and

(B) recruitment of students; and

(2) may be used for—

(A) teacher recruitment (including recruitment from other professions and recruitment of native-language speakers in the community) and professional development directly related to the purposes of this title at the elementary school through secondary school levels;

(B) development of appropriate assessments;

(C) opportunities for maximum language exposure for students in the program, such as the creation of immersion environments (such as language houses, language tables, immersion classrooms, and weekend and summer experiences) and special tutoring and academic support;

(D) dual language immersion programs;

(E) scholarships and study-abroad opportunities, related to the program, for postsecondary students and newly recruited teachers who have advanced levels of proficiency in a critical foreign language, except that not more than 20 percent of the grant funds provided to an eligible recipient under this section for a fiscal year may be used to carry out this subparagraph;

(F) activities to encourage community involvement to assist in meeting the purposes of this title;

(G) summer institutes for students and teachers;

(H) bridge programs that allow dual enrollment for secondary school students in institutions of higher education;

(I) programs that expand the understanding and knowledge of historic, geographic, and contextual factors within countries with populations who speak critical foreign languages, if such programs are carried out in conjunction with language instruction;

(J) research on, and evaluation of, the teaching of critical foreign languages;

(K) data collection and analysis regarding the results of—

(i) various student recruitment strategies;

(ii) program design; and

(iii) curricular approaches;

(L) the impact of the strategies, program design, and curricular approaches described in subparagraph (K) on increasing—

(i) the number of students studying critical foreign languages; and

(ii) the proficiency of the students in the critical foreign languages; and

(M) distance learning projects for critical foreign language learning.

(d) Matching Requirement.—

(1) In general.—An eligible recipient that receives a grant under this title shall provide, toward the cost of carrying out the activities supported by the grant, from non-Federal sources, an amount equal to—

(A) 20 percent of the amount of the grant payment for the first fiscal year for which a grant payment is made;

(B) 30 percent of the amount of the grant payment for the second such fiscal year;

(C) 40 percent of the amount of the grant payment for the third such fiscal year; and

(D) 50 percent of the amount of the grant payment for each of the fourth and fifth such fiscal years.

(2) Non-federal share.—The non-Federal share required under paragraph (1) may be provided in cash or in-kind.

(3) Waiver.—The Secretary may waive all or part of the matching requirement of paragraph (1), for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the partnership; or

(B) the waiver will best serve the purposes of this title.

(e) Supplement Not Supplant.—Grant funds provided under this title shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (c).

(f) Technical Assistance.—The Secretary shall enter into a contract to establish a technical assistance center to provide technical assistance to partnerships developing critical foreign language programs assisted under this section. The center shall—

(1) assist the partnerships in the development of critical foreign language instructional materials and assessments; and

(2) disseminate promising foreign language instructional practices.

(g) Program Evaluation.—

(1) In general.—The Secretary may reserve not more than 5 percent of the total amount appropriated for this title for any fiscal year to annually evaluate the programs under this title.

(2) Report.—The Secretary shall prepare and annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report on the results of any program evaluation conducted under this subsection.

SEC. 3304. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title, there are authorized to be appropriated $22,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

SEC. 3401. ALIGNMENT OF SECONDARY SCHOOL GRADUATION REQUIREMENTS WITH THE DEMANDS OF 21ST CENTURY POSTSECONDARY ENDEAVORS AND SUPPORT FOR P-16 EDUCATION DATA SYSTEMS.

(a) Purpose.—It is the purpose of this section—

(1) to promote more accountability with respect to preparation for higher education, the 21st century workforce, and the Armed Forces, by aligning—

(A) student knowledge, student skills, State academic content standards and assessments, and curricula, in elementary and secondary education, especially with respect to mathematics, science, reading, and, where applicable, engineering and technology; with

(B) the demands of higher education, the 21st century workforce, and the Armed Forces;

(2) to support the establishment or improvement of statewide P-16 education data systems that—

(A) assist States in improving the rigor and quality of State academic content standards and assessments;

(B) ensure students are prepared to succeed in—

(i) academic credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; or

(iii) the Armed Forces; and

(3) enable States to have valid and reliable information to inform education policy and practice.

(b) Definitions.—In this section:

(1) Institution of higher education.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(2) P-16 education.—The term "P-16 education" means the educational system from preschool through the conferring of a baccalaureate degree.

(3) Statewide partnership.—The term "statewide partnership" means a partnership that—

(A) shall include—

(i) the Governor of the State or the designee of the Governor;

(ii) the heads of the State systems for public higher education, or, if such a position does not exist, not less than 1 representative of a public degree-granting institution of higher education;

(iii) a representative of the agencies in the State that administer Federal or State-funded early childhood education programs;

(iv) not less than 1 representative of a public community college;

(v) not less than 1 representative of a technical school;

(vi) not less than 1 representative of a public secondary school;

(vii) the chief State school officer;

(viii) the chief executive officer of the State higher education coordinating board;

(ix) not less than 1 public elementary school teacher employed in the State;

(x) not less than 1 early childhood educator in the State;

(xi) not less than 1 public secondary school teacher employed in the State;

(xii) not less than 1 representative of the business community in the State; and

(xiii) not less than 1 member of the Armed Forces; and

(B) may include other individuals or representatives of other organizations, such as a school administrator, a faculty member at an institution of higher education, a member of a civic or community organization, a representative from a private institution of higher education, a dean or similar representative of a school of education at an institution of higher education or a similar teacher certification or licensure program, or the State official responsible for economic development.

(c) Grants Authorized.—The Secretary is authorized to award grants, on a competitive basis, to States to enable each such State to work with a statewide partnership—

(1) to promote better alignment of content knowledge requirements for secondary school graduation with the knowledge and skills needed to succeed in postsecondary education, the 21st century workforce, or the Armed Forces; or

(2) to establish or improve a statewide P-16 education data system.

(d) Period of Grants; Non-Renewability.—

(1) Grant period.—The Secretary shall award a grant under this section for a period of not more than 3 years.

(2) Non-renewability.—The Secretary shall not award a State more than 1 grant under this section.

(e) Authorized Activities.—

(1) GRANTS FOR P–16 ALIGNMENT.—Each State receiving a grant under subsection (c)(1)—

(A) shall use the grant funds for—

(i) identifying and describing the content knowledge and skills students who enter institutions of higher education, the workforce, and the Armed Forces need to have in order to succeed without any remediation based on detailed requirements obtained from institutions of higher education, employers, and the Armed Forces;

(ii) identifying and making changes that need to be made to a State's secondary school graduation requirements, academic content standards, academic achievement standards, and assessments preceding graduation from secondary school in order to align the requirements, standards, and assessments with the knowledge and skills necessary for success in academic credit-bearing coursework in postsecondary education, in the 21st century workforce, and in the Armed Forces without the need for remediation;

(iii) convening stakeholders within the State and creating a forum for identifying and deliberating on education issues that—

(I) involve preschool through grade 12 education, postsecondary education, the 21st century workforce, and the Armed Forces; and

(II) transcend any single system of education's ability to address; and

(iv) implementing activities designed to ensure the enrollment of all elementary school and secondary school students in rigorous coursework, which may include—

(I) specifying the courses and performance levels necessary for acceptance into institutions of higher education; and

(II) developing or providing guidance to local educational agencies within the State on the adoption of curricula and assessments aligned with State academic content standards, which assessments may be used as measures of student academic achievement in secondary school as well as for entrance or placement at institutions of higher education, including through collaboration with institutions of higher education in, or State educational agencies serving, other States; and

(B) may use the grant funds for—

(i) developing and making available specific opportunities for extensive professional development for teachers, paraprofessionals, principals, and school administrators, including collection and dissemination of effective teaching practices to improve instruction and instructional support mechanisms;

(ii) identifying changes in State academic content standards, academic achievement standards, and assessments for students in grades preceding secondary school in order to ensure such standards and assessments are appropriately aligned and adequately reflect the content needed to prepare students to enter secondary school;

(iii) developing a plan to provide remediation and additional learning opportunities for students who are performing below grade level to ensure that all students will have the opportunity to meet secondary school graduation requirements;

(iv) identifying and addressing teacher certification needs; or

(v) incorporating 21st century learning skills into the State plan, which skills shall include critical thinking, problem solving, communication, collaboration, global awareness, and business and financial literacy.

(2) GRANTS FOR STATEWIDE P–16 EDUCATION DATA SYSTEMS.—

(A) ESTABLISHMENT OF SYSTEM.—Each State that receives a grant under subsection (c)(2) shall establish a statewide P–16 education longitudinal data system that—

(i) provides each student, upon enrollment in a public elementary school or secondary school in the State, with a unique identifier, such as a bar code, that—

(I) does not permit a student to be individually identified by users of the system; and

(II) is retained throughout the student's enrollment in P–16 education in the State; and

(ii) meets the requirements of subparagraphs (B) through (E).

(B) IMPROVEMENT OF EXISTING SYSTEM.—Each State that receives a grant under subsection (c)(2) for the improvement of a statewide P–16 education data system may employ, coordinate, or revise an existing statewide data system to establish a statewide longitudinal P–16 education data system that meets the requirements of subparagraph (A), if the statewide longitudinal P–16 education data system produces valid and reliable data.

(C) PRIVACY AND ACCESS TO DATA.—

(i) IN GENERAL.—Each State that receives a grant under subsection (c)(2) shall implement measures to—

(I) limit the State's use of information in the statewide P–16 education data system to the purposes and functions for use of such information set forth in Federal or State law regarding education and allow access to the information in the statewide data system only to those State employees, and only on such terms, as may be necessary to fulfill those purposes and functions;

(II) prohibit the disclosure of information in the statewide P–16 education data system to any other person, agency, institution, or entity, except to the extent necessary to assist the State in fulfilling the purposes and functions for use of such information set forth in Federal or State law regarding education, and only if such party has signed a data use agreement that—

(aa) prohibits the party from further disclosing the information;

(bb) prohibits the party from using the information for any purpose other than the purpose specified in the agreement, which purpose must relate to assisting the State in carrying out the purposes and functions for use of such information set forth in Federal or State law regarding education; and

(cc) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(III) keep an accurate accounting of the date, nature, and purpose of each disclosure of information in the statewide P–16 education data system, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(IV) maintain adequate security measures to ensure the confidentiality and integrity of the data system;

(V) ensure that the statewide P–16 education data system meets any further requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);

(VI) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(VII) ensure adequate enforcement of the requirements of this clause.

(ii) USE OF UNIQUE IDENTIFIERS.—

(I) GOVERNMENTAL USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to use the unique identifiers employed in the statewide P–16 education data systems for any purpose other than as authorized by Federal or State law regarding education, or to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

(II) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall promulgate regulations governing the use by governmental and non-governmental entities of the unique identifiers employed in statewide P–16 education data systems, including, where necessary, regulations requiring States desiring grants for statewide P–16 education data systems under this section to implement specified measures, with the goal of safeguarding individual privacy to the maximum extent practicable consistent with the uses of the information authorized in this Act or other Federal or State law regarding education.

(D) REQUIRED ELEMENTS OF A STATEWIDE P–16 EDUCATION DATA SYSTEM.—The State shall ensure that the statewide P–16 education data system includes the following elements:

(i) PRESCHOOL THROUGH GRADE 12 EDUCATION AND POSTSECONDARY EDUCATION.—With respect to preschool through grade 12 education and postsecondary education—

(I) a unique statewide student identifier that does not permit a student to be individually identified by users of the system;

(II) student-level enrollment, demographic, and program participation information;

(III) student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete P–16 education programs;

(IV) the capacity to communicate with higher education data systems; and

(V) a State data audit system assessing data quality, validity, and reliability.

(ii) PRESCHOOL THROUGH GRADE 12 EDUCATION.—With respect to preschool through grade 12 education—

(I) yearly test records of individual students with respect to assessments under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));

(II) information on students not tested by grade and subject;

(III) a teacher identifier system with the ability to match teachers to students;

(IV) student-level transcript information, including information on courses completed and grades earned; and

(V) student-level college readiness test scores.

(iii) POSTSECONDARY EDUCATION.—With respect to postsecondary education, data that provide—

(I) information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework; and

(II) other information determined necessary to address alignment and adequate preparation for success in postsecondary education.

(E) FUNCTIONS OF THE STATEWIDE P–16 EDUCATION DATA SYSTEM.—In implementing the statewide P–16 education data system, the State shall—

(i) identify factors that correlate to students' ability to successfully engage in and complete postsecondary-level general education coursework without the need for prior developmental coursework;

(ii) identify factors to increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework; and

(iii) use the data in the system to otherwise inform education policy and practice in order to better align State academic content standards, and curricula, with the demands of postsecondary education, the 21st century workforce, and the Armed Forces.

(f) APPLICATION.—

(1) IN GENERAL.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) APPLICATION CONTENTS.—Each application submitted under this section shall specify whether the State application is for the conduct P–16 education alignment activities, or the establishment or improvement of a statewide P–16 education data system. The application shall include, at a minimum, the following:

(A) A description of the activities and programs to be carried out with the grant funds and a comprehensive plan for carrying out the activities.

(B) A description of how the concerns and interests of the larger education community, including parents, students, teachers, teacher educators, principals, and preschool administrators will be represented in carrying out the authorized activities described in subsection (e).

(C) In the case of a State applying for funding for P–16 education alignment, a description of how the State will provide assistance to local educational agencies in implementing rigorous State academic content standards, substantive curricula, remediation, and acceleration opportunities for students, as well as other changes determined necessary by the State.

(D) In the case of a State applying for funding to establish or improve a statewide P–16 education data system—

(i) a description of the privacy protection and enforcement measures that the State has implemented or will implement pursuant to subparagraph (C), and assurances that these measures will be in place prior to the establishment or improvement of the statewide P–16 education data system; and

(ii) an assurance that the State will continue to fund the statewide P–16 education data system after the end of the grant period.

(g) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal, State, and local funds available to carry out the authorized activities described in subsection (e).

(h) MATCHING REQUIREMENT.—Each State that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant.

(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require States to provide raw data to the Secretary.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal year 2009.

TITLE V—MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

SEC. 3501. MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

(a) IN GENERAL.—From amounts appropriated under subsection (d), the Secretary of Education shall award a grant—

(1) for each of the school years 2007–2008 through 2010-2011, to each of the 3 elementary schools and each of the 3 secondary schools each of which has a high concentration of low income students as defined in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)), in each State whose students demonstrate the most improvement in mathematics, as measured by the improvement in the students' average score on the State's assessments in mathematics for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded; and

(2) for each of the school years 2008-2009 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools each of which has a high concentration of low income students as defined in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)), in each State whose students demonstrate the most improvement in science, as measured by the improvement in the students' average score on the State's assessments in science for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded.

(b) GRANT AMOUNT.—The amount of each grant awarded under this section shall be $50,000.

SEC. 3502. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section such sums for fiscal years 2008 through 2011.

DIVISION D—NATIONAL SCIENCE FOUNDATION

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the National Science Foundation—

(1) $6,729,000,000 for fiscal year 2008;

(2) $7,738,000,000 for fiscal year 2009;

(3) $8,899,000,000 for fiscal year 2010; and

(4) $10,234,000,000 for fiscal year 2011.

(b) PLAN FOR INCREASED RESEARCH.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Science Foundation, in consultation with the National Science Board, shall submit a comprehensive, multiyear plan that describes how the funds authorized in subsection (a) would be used, if appropriated, to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Science of the House of Representatives.

(2) PLAN REQUIREMENTS.—The Director shall—

(A) develop the plan with a focus on strengthening the Nation's lead in physical science and technology, increasing overall workforce skills in physical science, technology, engineering, and mathematics at all levels, and strengthening innovation by expanding the focus of competitiveness and innovation policy at the regional and local level; and

(B) emphasize spending increased research funds appropriated pursuant to subsection (a) in areas of investment for Federal research and technology programs identified under section 1101(c) of this Act.

SEC. 4002. STRENGTHENING OF EDUCATION AND HUMAN RESOURCES DIRECTORATE THROUGH EQUITABLE DISTRIBUTION OF NEW FUNDS.

(a) PURPOSE.—The purpose of this section is to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering, and mathematics education at the elementary, secondary, and postsecondary school levels by providing annual funding increases for the education and human resources programs of the National Science Foundation that are proportional to the funding increases provided to the Foundation overall.

(b) EQUITABLE DISTRIBUTION OF NEW FUNDS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated for the education and human resources programs of the National Science Foundation, for fiscal year 2008, $1,050,000,000, and, for each of the fiscal years 2009 through 2011, an amount equal to $1,050,000,000 increased for each such fiscal year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the amount appropriated to the National Science Foundation for fiscal year 2008.

SEC. 4003. GRADUATE FELLOWSHIPS AND GRADUATE TRAINEESHIPS.

(a) GRADUATE RESEARCH FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—During the 4-year period beginning on the date of the enactment of this Act, the Director of the National Science Foundation shall expand the Graduate Research Fellowship Program of the National Science Foundation so that an additional 1,250 fellowships are awarded to citizens or nationals of the United States or eligible lawful permanent residents under the Program during that period.

(2) EXTENSION OF FELLOWSHIP PERIOD.—The Director is authorized to award fellowships under the Graduate Research Fellowship Program for a period of up to 5 years.

(3) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated, to provide additional fellowships under the Graduate Research Fellowship Program during each of the fiscal years 2008 through 2011, the following:

(A) $24,000,000 for fiscal year 2008.

(B) $36,000,000 for fiscal year 2009.

(C) $48,000,000 for fiscal year 2010.

(D) $60,000,000 for fiscal year 2011.

(b) INTEGRATIVE GRADUATE EDUCATION AND RESEARCH TRAINEESHIP PROGRAM.—

(1) IN GENERAL.—During the 4-year period beginning on the date of the enactment of this Act, the Director shall expand the Integrative Graduate Education and Research Traineeship program of the National Science Foundation so that an additional 1,250 individuals who are citizens or nationals of the United States or eligible lawful permanent residents are awarded grants under the program during that period.

(2) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated, to provide grants to additional individuals under the Integrative Graduate Education and Research Traineeship program during each of the fiscal years 2008 through 2011, the following:

(A) $22,000,000 for fiscal year 2008.

(B) $33,000,000 for fiscal year 2009.

(C) $44,000,000 for fiscal year 2010.

(D) $55,000,000 for fiscal year 2011.

(c) DEFINITION OF ELIGIBLE LAWFUL PERMANENT RESIDENT.—In this section, the term "eligible lawful permanent resident" means a lawful permanent resident of the United States who declares an intent—

(1) to apply for United States citizenship; or

(2) to reside in the United States for not less than 5 years after the completion of a graduate fellowship or traineeship awarded under this section.

SEC. 4004. PROFESSIONAL SCIENCE MASTER'S DEGREE PROGRAMS.

(a) CLEARINGHOUSE.—

(1) DEVELOPMENT.—The Director of the National Science Foundation shall establish a clearinghouse, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, to share program elements used in successful professional science master's degree programs and other advanced degree programs related to science, mathematics, technology, and engineering.

(2) AVAILABILITY.—The Director shall make the clearinghouse of program elements developed under paragraph (1) available to institutions of higher education that are developing professional science master's degree programs.

(b) PROGRAMS.—

(1) PROGRAMS AUTHORIZED.—The Director shall award grants to 4-year institutions of higher education to facilitate the institutions' creation or improvement of professional science master's degree programs.

(2) APPLICATION.—A 4-year institution of higher education desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director may require. The application shall include—

(A) a description of the professional science master's degree program that the institution of higher education will implement;

(B) the amount of funding from non-Federal sources, including from private industries, that the institution of higher education shall use to support the professional science master's degree program; and

(C) an assurance that the institution of higher education shall encourage students in the professional science master's degree program to apply for all forms of Federal assistance available to such students, including applicable graduate fellowships and student financial assistance under titles IV and VII of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq., 1133 et seq.).

(3) PREFERENCES.—The Director shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to create or improve professional science master's degree programs, to those applicants—

(A) located in States with low percentages of citizens with graduate or professional degrees, as determined by the Bureau of the Census, that demonstrate success in meeting the unique needs of the corporate, non-profit, and government communities in the State, as evidenced by providing internships for professional science master's degree students or similar partnership arrangements; or

(B) that secure more than ⅔ of the funding for such professional science master's degree programs from sources other than the Federal Government.

(4) NUMBER OF GRANTS; TIME PERIOD OF GRANTS.—

(A) NUMBER OF GRANTS.—Subject to the availability of appropriated funds, the Director shall award grants under paragraph (1) to a maximum of 200 4-year institutions of higher education.

(B) TIME PERIOD OF GRANTS.—Grants awarded under this section shall be for one 3-year term. Grants may be renewed only once for a maximum of 2 additional years.

(5) EVALUATION AND REPORTS.—

(A) DEVELOPMENT OF PERFORMANCE BENCHMARKS.—Prior to the start of the grant program, the Director of the National Science Foundation, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall develop performance benchmarks to evaluate the pilot programs assisted by grants under this section.

(B) EVALUATION.—For each year of the grant period, the Director, in consultation with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall complete an evaluation of each program assisted by grants under this section. Any program that fails to satisfy the performance benchmarks developed under subparagraph (A) shall not be eligible for further funding.

(C) REPORT.—Not later than 180 days after the completion of an evaluation described in subparagraph (B), the Director shall submit a report to Congress that includes—

(i) the results of the evaluation described in subparagraph (B); and

(ii) recommendations for administrative and legislative action that could optimize the effectiveness of the pilot programs, as the Director determines to be appropriate.

(c) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(d) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2008;

(2) $18,000,000 for fiscal year 2009; and

(3) $20,000,000 for each of the fiscal years 2010 and 2011.

SEC. 4005. INCREASED SUPPORT FOR SCIENCE EDUCATION THROUGH THE NATIONAL SCIENCE FOUNDATION.

(a) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the science, mathematics, engineering, and technology talent expansion program under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042)—

(1) $40,000,000 for fiscal year 2008;

(2) $45,000,000 for fiscal year 2009;

(3) $50,000,000 for fiscal year 2010; and

(4) $55,000,000 for fiscal year 2011.

(b) PROMOTING OUTREACH AND HIGH QUALITY.—Section 8(7)(C) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042) is amended—

(1) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively, and indenting appropriately;

(2) by striking "include those that promote high quality—" and inserting "include programs that—

"(i) promote high-quality—";

(3) in clause (i) (as inserted by paragraph (2))—

(A) in subclause (III) (as redesignated by paragraph (1)), by striking "for students;" and inserting "for students, especially underrepresented minority and female mathematics, science, engineering, and technology students;";

(B) in subclause (V) (as redesignated by paragraph (1)), by striking "and" after the semicolon;

(C) in subclause (VI) (as redesignated by paragraph (1)), by striking "students." and inserting "students; and"; and

(D) by adding at the end the following:

"(VII) outreach programs that provide middle and secondary school students and their science, technology, and math teachers opportunities to increase the students' and teachers' exposure to engineering and technology;"; and

(4) by adding at the end the following:

"(ii) finance summer internships for mathematics, science, engineering, and technology undergraduate students;

"(iii) facilitate the hiring of additional mathematics, science, engineering, and technology faculty; and

"(iv) serve as bridges to enable underrepresented minority and female secondary school students to obtain extra mathematics, science, engineering, and technology training prior to entering an institution of higher education.".

SEC. 4006. MEETING CRITICAL NATIONAL SCIENCE NEEDS.

(a) IN GENERAL.—In addition to any other criteria, the Director of the National Science Foundation shall include consideration of the degree to which awards and research activities that otherwise qualify for support by the National Science Foundation may assist in meeting critical national needs in innovation, competitiveness, the physical and natural sciences, technology, engineering, and mathematics.

(b) PRIORITY TREATMENT.—The Director shall give priority in the selection of awards and the allocation of National Science Foundation resources to proposed research activities, and grants funded under the National Science Foundation's Research and Related Activities Account, that can be expected to make contributions in physical or natural science, technology, engineering, or mathematics, or that enhance competitiveness or innovation in the United States.

(c) LIMITATION.—Nothing in this section shall be construed to inhibit the grant selection process for funding other areas of research deemed by the National Science Foundation to be consistent with its mandate nor to change the core mission of the National Science Foundation.

SEC. 4007. REAFFIRMATION OF THE MERIT-REVIEW PROCESS OF THE NATIONAL SCIENCE FOUNDATION.

Nothing in this division or division A, or the amendments made by this division or division A, shall be interpreted to require or recommend that the National Science Foundation—

(1) alter or modify its merit-review system or peer-review process; or

(2) exclude the awarding of any proposal by means of the merit-review or peer-review process.

SEC. 4008. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to the National Science Foundation for the Experimental Program to Stimulate Competitive Research authorized under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g), for fiscal year 2008, $125,000,000, and, for each of fiscal years 2009 through 2011, an amount equal to $125,000,000 increased for each such year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the total amount appropriated to the National Science Foundation for fiscal year 2008.

SEC. 4009. ENCOURAGING PARTICIPATION.

(a) Mentoring Program.—The Director of the National Science Foundation shall establish a program to recruit and provide mentors for women who are interested in careers in science, technology, engineering, and mathematics by pairing such women who are in science, technology, engineering, or mathematics programs of study in secondary school, community college, undergraduate or graduate school with mentors who are working in industry.

(b) Additional Learning Program.—The Director shall also establish a program to provide grants to community colleges to provide additional learning and other appropriate training to allow women to enter higher-paying technical jobs in fields related to science, technology, engineering, or mathematics.

(c) Applications.—An institution of higher education, including a community college, desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director may require.

(d) Program Evaluation.—The Director shall establish metrics to evaluate the success of the programs established under subsections (a) and (b) annually and report the findings and conclusions of the evaluations annually to Congress.

SEC. 4010. CYBERINFRASTRUCTURE.

In order to continue and expand efforts to ensure that research institutions throughout the Nation can fully participate in research programs of the National Science Foundation and collaborate with colleagues throughout the nation, the Director of the National Science Foundation, within 180 days after the date of enactment of this Act, shall develop and publish a plan that describes the current status of broadband access for scientific research purposes in States located in EPSCoR-eligible jurisdictions and outlines actions which can be taken to ensure that such connections are available to enable participation in those National Science Foundation programs which rely heavily on high-speed networking and collaborations across institutions and regions.

SEC. 4011. FEDERAL INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.

(a) Advanced Information and Communications Technology Research.—

(1) National Science Foundation Information and Communications Technology Research.—The Director of the National Science Foundation shall establish a program of basic research in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States. In developing and carrying out the program, the Director shall consult with the Board established under paragraph (2).

(2) Federal Advanced Information and Communications Technology Research Board.—There is established within the National Science Foundation a Federal Advanced Information and Communications Technology Research Board (referred to in this subsection as "the Board") which shall advise the Director of the National Science Foundation in carrying out the program authorized under paragraph (1). The Board shall be composed of individuals with expertise in information and communications technologies, including representatives from the National Telecommunications and Information Administration, the Federal Communications Commission, the National Institute of Standards and Technology, and the Department of Defense, and representatives from industry and educational institutions.

(3) Grant Program.—The Director of the National Science Foundation, in consultation with the Board, shall award grants for basic research into advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States. Areas of research to be supported through the grants include—

(A) affordable broadband access, including wireless technologies;

(B) network security and reliability;

(C) communications interoperability;

(D) networking protocols and architectures, including resilience to outages or attacks;

(E) trusted software;

(F) privacy;

(G) nanoelectronics for communications applications;

(H) low-power communications electronics;

(I) implementation of equitable access to national advanced fiber optic research and educational networks in noncontiguous States; and

(J) such other related areas as the Director, in consultation with the Board, finds appropriate.

(4) Centers.—The Director shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), nonprofit research institutions affiliated with institutions of higher education, or consortia thereof to establish multidisciplinary Centers for Communications Research. The purpose of the Centers shall be to generate innovative approaches to problems in communications and information technology research, including the research areas described in paragraph (3). Institutions of higher education, nonprofit research institutions affiliated with institutions of higher education, or consortia receiving such grants may partner with 1 or more government laboratories or for-profit entities, or other institutions of higher education or nonprofit research institutions.

(5) Applications.—The Director of the National Science Foundation, in consultation with the Board, shall establish criteria for the award of grants under paragraphs (3) and (4). Such grants shall be awarded under the programs on a merit-reviewed competitive basis. The Director shall give priority to grants that offer the potential for revolutionary rather than evolutionary breakthroughs.

(6) Authorization of Appropriations.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $45,000,000 for fiscal year 2008;

(B) $50,000,000 for fiscal year 2009;

(C) $55,000,000 for fiscal year 2010; and

(D) $60,000,000 for fiscal year 2011.

(b) National Institute of Standards and Technology Responsibilities.—The Director of the National Institute of Standards and Technology shall continue to support research and support standards development in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States, in order to implement the Institute's responsibilities under section 2(c)(12) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(12)). The Director shall support intramural research and cooperative research with institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) and industry.

SEC. 4012. ROBERT NOYCE TEACHER PROGRAM.

(a) In General.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) is amended—

(1) in the section heading, by striking "**SCHOLARSHIP**" and inserting "**TEACHER**";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "(or consortia of such institutions)" and inserting ", consortia of such institutions, or partnerships";

(ii) by striking "to provide scholarships, stipends, and programming designed";

(iii) by inserting "and to provide scholarships, stipends, or fellowships to individuals participating in the program" after "science teachers"; and

(iv) by striking "Scholarship" and inserting "Teacher";

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "or consortia" and inserting "consortia, or partnerships";

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking "encourage top college juniors and seniors majoring in" and inserting "recruit and prepare undergraduate students to pursue degrees in"; and

(bb) by striking "to become" and inserting "and become qualified as";

(II) in clause (ii)—

(aa) by striking "programs to help scholarship recipients" and inserting "academic courses and clinical teaching experiences designed to prepare students participating in the program";

(bb) by striking "programs that will result in" and inserting "such preparation as is necessary to meet requirements for"; and

(cc) by striking "licensing; and" and inserting "licensing;";

(III) in clause (iii)—

(aa) by striking "scholarship recipients" and inserting "students participating in the program";

(bb) by striking "enable the recipients" and inserting "enable the students"; and

(cc) by striking "; or" and inserting "; and"; and

(IV) by adding at the end the following:

"(iv) providing summer internships for freshman and sophomore students participating in the program;";

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking "encourage" and inserting "recruit and prepare"; and

(bb) by inserting "qualified as" after "to become";

(II) by striking clause (ii) and inserting the following:

"(ii) offering academic courses and clinical teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such preparation as is necessary to meet requirements for teacher certification or licensing; and"; and

(III) in clause (iii), by striking the period at the end and inserting "; or"; and

(iv) by adding at the end the following:

"(C) to develop and implement a program to recruit and prepare mathematics, science, or engineering professionals to become NSF Teaching Fellows, and to recruit existing teachers to become NSF Master Teaching Fellows, through—

"(i) administering fellowships in accordance with subsection (e);

"(ii) offering academic courses and clinical teaching experiences that are designed to prepare students participating in the program to teach in secondary schools and that, in the case of NSF Teaching Fellows, result in a master's degree in teaching and teacher certification or licensing; and

"(iii) offering programs to participants to assist in the fulfillment of the participants' responsibilities under this section, including mentoring, training, mentoring training, and induction and professional development programs."; and

(C) by adding at the end the following:

"(4) ELIGIBILITY REQUIREMENT.—To be eligible for an award under this section, an institution of higher education, a consortium of such institutions, or a partnership shall ensure that specific faculty members and staff from the mathematics, science, or engineering department of the institution (or a participating institution of the consortium or partnership) and specific education faculty members of the institution (or such participating institution) are designated to carry out the development and implementation of the program. An institution of higher education and consortium may also include teachers to participate in developing the pedagogical content of the program and to supervise students participating in the program in the students' field teaching experiences. No institution of higher education, consortium, or partnership shall be eligible for an award unless faculty from the mathematics, science, or engineering department of the institution (or such participating institution) are active participants in the program.

"(5) MATCHING REQUIREMENT.—An institution of higher education, consortium of institutions of higher education, or partnership receiving a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

"(6) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, and not supplant, other Federal or State funds available for the type of activities supported by the grant.";

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "or consortium" and inserting "consortium, or partnership";

(ii) by striking subparagraph (A) and inserting the following:

"(A) a description of the program that the applicant intends to operate, including—

"(i) the number of scholarships and summer internships or the size and number of stipends or fellowships the applicant intends to award;

"(ii) the type of activities proposed for the recruitment of students to the program; and

"(iii) the selection process that will be used in awarding the scholarships, stipends, or fellowships;";

(iii) in subparagraph (B)—

(I) by striking "scholarship or stipend"; and

(II) by striking "; and" and inserting ", which may include a description of any existing programs at the applicant's institution that are targeted to the education of mathematics and science teachers and the number of teachers graduated annually from such programs;"; and

(iv) by striking subparagraph (C) and inserting the following:

"(C) a description of the academic courses and clinical teaching experiences required under subparagraph (A)(ii), (B)(ii), or (C)(ii) of subsection (a)(3), as applicable, including—

"(i)(I) a description of the undergraduate program under subsection (a)(3)(A)(ii) that will enable a student to graduate in 4 years with a major in mathematics, science, or engineering and to obtain teacher certification or licensing; or

"(II) a description of the master's degree programs offered under subsection (a)(3)(C)(ii);

"(ii) a description of clinical teaching experiences proposed; and

"(iii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which clinical teaching experiences will occur;

"(D) a description of the programs required under subparagraph (A)(iii), (B)(iii), or (C)(iii) of subsection (a)(3), as applicable, including activities to assist new teachers in fulfilling their service requirements under this section; and

"(E) an identification of the applicant's mathematics, science, or engineering faculty and its education faculty who will carry out the development and implementation of the program as required under subsection (a)(4)."; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively;

(ii) by inserting after subparagraph (A) the following:

"(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognize the specialized pedagogy required to teach mathematics and science effectively in elementary schools and secondary schools;"; and

(iii) in subparagraph (D) (as redesignated by clause (i)), by striking "or stipend" and inserting ", stipend, or fellowship";

(4) in subsection (c)—

(A) in paragraph (3)—

(i) by striking "$7,500" and inserting "$10,000"; and

(ii) by striking "of scholarship support" and inserting "of scholarship support, unless the Director establishes a policy by which part-time students may receive additional years of support"; and

(B) in paragraph (4), by inserting "with a maximum service requirement of 4 years" after "scholarship was received";

(5) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Stipends under this section shall be available only to—

"(A) teachers enrolled in a master's degree program in science, technology, engineering, or mathematics; and

"(B) mathematics, science, or engineering professionals who, while receiving the stipend, are enrolled in a program to receive certification or licensing to teach.";

(B) in paragraph (3), by inserting ", except that if an individual is enrolled in a part-time program, such stipend shall be prorated according to the length of the program" after "stipend support"; and

(C) in paragraph (4), by striking "for each year a stipend was received";

(6) by redesignating subsections (e) through (h) and subsection (i) as subsections (f) through (i) and subsection (l), respectively;

(7) by inserting after subsection (d) the following:

"(e) NATIONAL SCIENCE FOUNDATION TEACHING FELLOWSHIPS.—

"(1) PURPOSE.—The purpose of the fellowships under this subsection is to promote and recognize high-level achievement in advanced mathematics and science teaching.

"(2) PARTNERSHIP REQUIREMENTS.—In order to receive a grant under this section to carry out this subsection, the recipient of such grant shall be a partnership and the only local educational agencies that shall be members of the partnership shall be local educational agencies that agree not to reduce the base salary normally paid to an individual solely because such individual receives a salary supplement under this subsection.

"(3) GENERAL CRITERIA.—A partnership receiving a grant to carry out a fellowship program under this subsection shall award such fellowships only to—

"(A) mathematics, science, or engineering professionals who enroll in 1-year master's degree programs in teaching that result in teacher certification or licensing and who shall be referred to as 'NSF Teaching Fellows'; and

"(B) mathematics and science teachers who possess a master's degree in their field and who shall be referred to as 'NSF Master Teaching Fellows'.

"(4) SELECTION.—Individuals shall be selected to receive fellowships under this section primarily on the basis of—

"(A) professional achievement;

"(B) academic merit;

"(C) demonstrated advanced content knowledge; and

"(D) in the case of NSF Master Teaching Fellows, demonstrated success in improving student academic achievement in mathematics, science, technology, or engineering.

"(5) USE OF FUNDS.—Each partnership receiving a grant under this section to award fellowships under this subsection shall—

"(A) provide a stipend to each NSF Teaching Fellow for the duration of the Fellow's enrollment in the master's degree program, to be used to offset the cost of tuition, fees, and living expenses; and

"(B) provide salary supplements to each NSF Teaching Fellow and NSF Master Teaching Fellow during the period of the Fellow's service obligation under paragraph (4).

"(6) SERVICE OBLIGATION.—If an individual is awarded a fellowship under this subsection, that individual shall be required to serve in a high-need local educational agency for—

"(A) in the case of a NSF Teaching Fellow, 4 years; and

"(B) in the case of a NSF Master Teaching Fellow, 5 years.

"(7) DUTIES.—A recipient of a fellowship under this section, during the service obligation required under paragraph (6) and in addition to regular classroom activities, shall take on a leadership role within the school or local educational agency in which the recipient is employed, as defined by the partnership according to the recipient's expertise, including serving as a mentor or master teacher, developing curricula, and assisting in the development and implementation of professional development activities.";

(8) in subsection (f) (as redesignated by paragraph (6))—

(A) by striking paragraph (1) and inserting the following:

"(1) accepting—

"(A) the terms of the scholarship pursuant to subsection (c), the stipend pursuant to subsection (d), or the fellowship pursuant to subsection (e); and

"(B) the terms regarding the failure to complete a service obligation required for the scholarship, stipend, or fellowship pursuant to subsection (h);"; and

(B) in paragraph (3)—

(i) by striking "scholarship" and inserting "scholarship, stipend, or fellowship"; and

(ii) by striking "subsection (g)" and inserting "subsection (h)";

(9) in subsection (g)(1) (as redesignated by paragraph (6))—

(A) by striking "(or consortium thereof)" and inserting ", consortium, or partnership"; and

(B) by striking "scholarship and stipend" and inserting "scholarship, stipend, and fellowship";

(10) in subsection (h) (as redesignated by paragraph (6))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ", stipend, or fellowship" after "scholarship"; and

(ii) in subparagraph (C), by striking "baccalaureate degree"; and

(B) by striking paragraph (2) and inserting the following:

"(2) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—

"(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.

"(B) 1 YEAR OR MORE OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, an amount equal to ½ of the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.";

(11) in subsection (i) (as redesignated by paragraph (6))—

(A) by striking "or consortia" and inserting ", consortia, or partnerships";

(B) by striking "scholarship recipients and stipend recipients" and inserting "scholarship, stipend, and fellowship recipients"; and

(C) by striking "subsection (e)" and inserting "subsection (f)";

(12) by inserting after subsection (i) (as redesignated by paragraph (6)) the following:

"(j) SCIENCE AND MATHEMATICS SCHOLARSHIP GIFT FUND.—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to supplement, but not supplant, scholarships, stipends, internships, or fellowships associated with the programs under this section.

"(k) ASSESSMENT OF TEACHER RETENTION.—Not later than 4 years after the date of enactment of the America COMPETES Act, the Director shall transmit to Congress a report on the effectiveness of the program carried out under this section regarding the retention of participants in the teaching profession beyond the service obligation required under this section.";

(13) in subsection (l) (as redesignated by paragraph (6))—

(A) by redesignating paragraphs (1), (2), (3), (4), and (5) as paragraphs (2), (5), (7), (9), and (10), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

"(1) the term 'advanced content knowledge' means demonstrated mathematics or science content knowledge as measured by a rigorous, valid assessment tool that has been approved by the Director;";

(C) by inserting after paragraph (2) (as redesignated by subparagraph (A)) the following:

"(3) the term 'fellowship' means an award under subsection (e);

"(4) the term 'high-need local educational agency' means a local educational agency or educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

"(A)(i) that serves not less than 10,000 children from low-income families;

"(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

"(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

"(B)(i) for which there is a higher percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

"(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure;";

(D) in paragraph (5) (as redesignated by subparagraph (A)), by inserting "engineering," after "mathematics, science,";

(E) by inserting after paragraph (5) (as redesignated by subparagraph (A)) the following:

"(6) the term 'mathematics and science teaching' means mathematics, science, engineering, or technology teaching at the elementary or secondary school level;";

(F) in paragraph (7) (as redesignated by subparagraph (A)) by inserting "or had a career" after "is working"; and

(G) by inserting after paragraph (7) (as redesignated by subparagraph (A)) the following:

"(8) the term 'partnership' means a partnership that shall include—

"(A) an institution of higher education or a consortium of such institutions;

"(B) a department within an institution of higher education participating in the partnership that provides an advanced program of study in mathematics and science;

"(C)(i) a school or department within an institution of higher education participating in the partnership that provides a master teacher's preparation program; or

"(ii) a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with an institution of higher education participating in the partnership;

"(D) not less than 1 high-need local educational agency and a public school or a consortium of public schools served by the agency; and

"(E) 1 or more nonprofit organizations that have the capacity to provide expertise or support to meet the purposes of this section;"; and

(14) by adding at the end the following:

"(m) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001 of the America COMPETES Act and except as provided in paragraph (2), there are authorized to be appropriated to the Director for the Robert Noyce Teacher Program under this section—

"(A) $117,000,000 for fiscal year 2008, of which at least $18,000,000 shall be used for capacity building activities described in clauses (ii) and (iii) of subsection (a)(3)(A), clauses (ii) and (iii) of subsection (a)(3)(B), and clauses (ii) and (iii) of subsection (a)(3)(C);

"(B) $130,000,000 for fiscal year 2009, of which at least $21,000,000 shall be used for such capacity building activities;

"(C) $148,000,000 for fiscal year 2010, of which at least $24,000,000 shall be used for such capacity building activities; and

"(D) $200,000,000 for fiscal year 2011, of which at least $27,000,000 shall be used for such capacity building activities.

"(2) EXCEPTION.—For any fiscal year for which the funding allocated for activities under this section is less than $105,000,000, the amount of funding available for capacity building activities described in subparagraphs (A) through (D) of paragraph (1) shall not exceed 15 percent of the allocated funds.".

(b) CONFORMING AMENDMENTS.—

(1) SECTION 4.—Section 4 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended in the matter preceding paragraph (1) by striking "In this Act:" and inserting "Except as otherwise provided, in this Act:".

(2) SECTION 8.—Section 8(6) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(A) in the paragraph heading, by striking "SCHOLARSHIP" and inserting "TEACHER"; and

(B) by striking "Scholarship" and inserting "Teacher".

SEC. 4013. SENSE OF THE SENATE REGARDING THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAMS OF THE DEPARTMENT OF EDUCATION AND THE NATIONAL SCIENCE FOUNDATION.

It is the sense of the Senate that—

(1) although the mathematics and science education partnership program at the National Science Foundation and the mathematics and science partnership program at the Department of Education practically share the same name, the 2 programs are intended to be complementary, not duplicative;

(2) the National Science Foundation partnership programs are innovative, model reform initiatives that move promising ideas in education from research into practice to improve teacher quality, develop challenging curricula, and increase student achievement in mathematics and science, and Congress intends that the National Science Foundation peer-reviewed partnership programs

found to be effective should be put into wider practice by dissemination through the Department of Education partnership programs; and

(3) the Director of the National Science Foundation and the Secretary of Education should have ongoing collaboration to ensure that the 2 components of this priority effort for mathematics and science education continue to work in concert for the benefit of States and local practitioners nationwide.

SEC. 4014. NATIONAL SCIENCE FOUNDATION TEACHER INSTITUTES FOR THE 21ST CENTURY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the teacher institutes for the 21st century under paragraphs (3) and (7) of section 9(a) of the National Science Foundation Authorization Act of 2002 (as amended by subsection (b)) (42 U.S.C. 1862n(a))—

(1) $84,000,000 for fiscal year 2008;

(2) $94,000,000 for fiscal year 2009;

(3) $106,000,000 for fiscal year 2010; and

(4) $140,000,000 for fiscal year 2011.

(b) TEACHER INSTITUTES FOR THE 21ST CENTURY.—Section 9(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)) is amended—

(1) in paragraph (3)(B), by striking "summer or" and inserting "teacher institutes for the 21st century, as described in paragraph (7),";

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

"(7) TEACHER INSTITUTES FOR THE 21ST CENTURY.—

"(A) IN GENERAL.—Teacher institutes for the 21st century carried out in accordance with paragraph (3)(B) shall—

"(i) be carried out in conjunction with a school served by the local educational agency in the partnership;

"(ii) be science, technology, engineering, and mathematics focused institutes that provide professional development to elementary school and secondary school teachers;

"(iii) serve teachers who are considered highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965), teach high-need subjects, and teach in high-need schools (as described in section 1114(a)(1) of the Elementary and Secondary Education Act of 1965);

"(iv) focus on the theme and structure developed by the Director under subparagraph (C);

"(v) be content-based and build on school year curricula that are experiment-oriented, content-based, and grounded in current research;

"(vi) ensure that the pedagogy component is designed around specific strategies that are relevant to teaching the subject and content on which teachers are being trained, which may include training teachers in the essential components of reading instruction for adolescents in order to improve student reading skills within the subject areas of science, technology, engineering, and mathematics;

"(vii) be a multiyear program that is conducted for a period of not less than 2 weeks per year;

"(viii) provide for direct interaction between participants in and faculty of the teacher institute;

"(ix) have a component that includes the use of the Internet;

"(x) provide for followup training in the classroom during the academic year for a period of not less than 3 days, which may or may not be consecutive, for participants in the teacher institute, except that for teachers in rural local educational agencies, the followup training may be provided through the Internet;

"(xi) provide teachers participating in the teacher institute with travel expense reimbursement and classroom materials related to the teacher institute, and may include providing stipends as necessary; and

"(xii) establish a mechanism to provide supplemental support during the academic year for teacher institute participants to apply the knowledge and skills gained at the teacher institute.

"(B) OPTIONAL MEMBERS OF THE PARTNERSHIP.—In addition to the partnership requirement under paragraph (2), an institution of higher education or eligible nonprofit organization (or consortium) desiring a grant for a teacher institute for the 21st century may also partner with a teacher organization, museum, or educational partnership organization.

"(C) THEME AND STRUCTURE.—Each year, not later than 180 days before the application deadline for a grant under this section, the Director shall, in consultation with a broad group of relevant education organizations, develop a theme and structure for the teacher institutes of the 21st century supported under paragraph (3)(B).".

SEC. 4015. PARTNERSHIPS FOR ACCESS TO LABORATORY SCIENCE.

(a) GRANT PROGRAM.—Section 8(8) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and indenting appropriately;

(2) by moving the flush language at the end 2 ems to the right;

(3) in the flush language at the end, by striking "paragraph" and inserting "subparagraph";

(4) by striking "INITIATIVE.—A program of" and inserting "INITIATIVE.—

"(A) IN GENERAL.—A program of"; and

(5) by inserting at the end the following:

"(B) PILOT PROGRAM.—

"(i) IN GENERAL.—In accordance with subparagraph (A)(v), the Director shall establish a pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to pay the Federal share of the costs of improving laboratories and providing instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

"(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

"(II) acquire appropriate nanotechnology equipment and software designed for teaching students about nanotechnology in the classroom;

"(III) professional development and training for teachers aligned with activities supported under section 2123 of the ESEA of 1965;

"(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science, and to the extent applicable, technology and engineering, academic achievement standards;

"(V) training in laboratory safety for relevant school personnel;

"(VI) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

"(VII) assessment of the activities funded under this subparagraph.

"(ii) PARTNERSHIP.—Grants awarded under clause (i) shall be to a partnership that—

"(I) includes an institution of higher education or a community college;

"(II) includes a high-need local educational agency;

"(III) includes a business or eligible nonprofit organization; and

"(IV) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

"(iii) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts from a grant under clause (i) shall not exceed 30 percent.".

(b) REPORT.—The Director of the National Science Foundation shall evaluate the effectiveness of activities carried out under the pilot projects funded by the grant program established pursuant to the amendment made by subsection (b) in improving student performance in mathematics, science, engineering, and technology and recommend whether such activities should continue. A report documenting the results of that evaluation shall be submitted to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Science and Technology of the House of Representatives not later than 3 years after the date of enactment of this Act. The report shall identify best practices and materials for the classroom developed and demonstrated by grant awardees.

(c) SUNSET.—The provisions of this section shall cease to have force or effect at the beginning of fiscal year 2012.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section and the amendments made by this section such sums for fiscal year 2008 and each of the 3 succeeding fiscal years.

DIVISION E—GENERAL PROVISIONS

SEC. 5001. COLLECTION OF DATA RELATING TO TRADE IN SERVICES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall establish a program within the Bureau of Economic Analysis to collect and study data relating to export and import of services. As part of the program, the Secretary shall annually—

(1) provide data collection and analysis relating to export and import of services;

(2) collect and analyze data for service imports and exports in not less than 40 service industry categories, on a state-by-state basis;

(3) include data collection and analysis of the employment effects of exports and imports on the service industry; and

(4) integrate ongoing and planned data collection and analysis initiatives in research and development and innovation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce such sums for each of the fiscal years 2008, 2009, 2010, 2011, 2012, to carry out the provisions of this section.

SEC. 5002. SENSE OF THE SENATE REGARDING SMALL BUSINESS GROWTH AND CAPITAL MARKETS.

(a) FINDINGS.—The Congress finds that—

(1) the United States has the most fair, most transparent, and most efficient capital markets in the world, in part due to its strong securities statutory and regulatory scheme;

(2) it is of paramount importance for the continued growth of our Nation's economy, that our capital markets retain their leading position in the world;

(3) small businesses are vital participants in United States capital markets, and play a critical role in future economic growth and high-wage job creation;

(4) section 404 of the Sarbanes-Oxley Act of 2002, has greatly enhanced the quality of corporate governance and financial reporting for public companies and increased investor confidence;

(5) the Securities and Exchange Commission (in this section referred to as the "Commission") and the Public Company Accounting Oversight Board (in this section referred to as the "PCAOB") have both determined that the current auditing standard implementing section 404 of the Sarbanes-Oxley Act of 2002 has imposed unnecessary and unintended cost burdens on small and mid-sized public companies;

(6) the Commission and PCAOB are now near completion of a 2-year process intended to revise the standard in order to provide more efficient and effective regulation; and

(7) the chairman of the Commission recently has said, with respect to section 404 of the Sarbanes-Oxley Act of 2002, that, "We don't need to change the law, we need to change the way the law is implemented. It is the implementation of the law that has caused the excessive burden, not the law itself. That's an important distinction. I don't believe these important investor protections, which are even now only a few years old, should be opened up for amendment, or that they need to be.".

(b) Sense of the Senate.—It is the sense of the Senate that the Commission and the PCAOB should complete promulgation of the final rules implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262).

SEC. 5003. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines each annual and interim report required to be submitted to Congress under this Act (including any amendment made by this Act);

(2) assesses or evaluates assessments of the effectiveness of the new or expended activities, grants, and programs carried out under this Act (including any amendment made by this Act); and

(3) includes any recommendations as the Comptroller General determines are appropriate to improve the effectiveness of such activities, grants, and programs.

SEC. 5004. PROHIBITION AGAINST FUNDING ANTI-COMPETITIVENESS.

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

Provided, however, that advocating for effective tax information exchange, advocating for effective transfer pricing, and advocating for income tax treaties is not considered to be advocating against tax competition of United States tax competitiveness.

SEC. 5005. FEASIBILITY STUDY ON FREE ONLINE COLLEGE DEGREE PROGRAM.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct and complete a feasibility study on creating a national, free online college degree program that would be available to all individuals described under section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5)) who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand, such as mathematics, sciences, and foreign languages. The study shall look at the need for a free college degree program as well as the feasibility of—

(1) developing online course content;

(2) developing sufficiently rigorous tests to determine mastery of a field of study; and

(3) sustaining the program through private funding.

(b) Study.—The study described in subsection (a) shall also include a review of existing online education programs to determine the extent to which these programs offer a rigorous curriculum in areas like mathematics and science and the National Academy of Sciences shall make recommendations for how online degree programs can be assessed and accredited.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008.

SEC. 5006. SENSE OF THE SENATE REGARDING DEEMED EXPORTS.

It is the sense of Senate that—

(1) United States government policies related to deemed exports should safeguard United States national security and protect fundamental research.

(2) The Department of Commerce has established the Deemed Export Advisory Committee to develop recommendations for improving current controls on deemed exports.

(3) The Administration and Congress should consider the recommendations of the Deemed Export Advisory Committee in its development and implementation of export control policies.

SEC. 5007. SENSE OF THE SENATE REGARDING CAPITAL MARKETS.

(a) Findings.—The Senate finds that—

(1) United States capital markets are losing their competitive edge in the face of intensifying global competition, posing a risk to economic growth, a problem that is well-documented in initial public offerings (IPO), over-the-counter (OTC) derivatives, securitization, and traditional lending;

(2) according to the Senator Charles E. Schumer and Mayor Michael R. Bloomberg report, entitled "Sustaining New York's and the US's Global Financial Services Leadership", "In looking at several of the critical contested investment banking and sales and trading markets—initial public offerings (IPOs), over-the-counter (OTC) derivatives, and debt—it is clear that the declining position of the US goes beyond this natural market evolution to more controllable, intrinsic issues of US competitiveness. As market effectiveness, liquidity and safety become more prevalent in the world's financial markets, the competitive arena for financial services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the US is moving in the wrong direction.";

(3) further, the report referred to in paragraph (2) stated that—

(A) "The IPO market also offers the most dramatic illustration of the changé in capital-raising needs around the world, and US exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place globally in 2006, the share of IPO volume attracted by US exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega-IPOs—those over $1 billion—US exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006."; and

(B) "London already enjoys clear leadership in the fast-growing and innovative over-the-counter (OTC) derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasingly see derivatives and cash markets as interchangeable and are therefore combining trading operations for both products. Indeed, the derivatives markets can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America's competitiveness in both cash and derivatives flow trading is at risk, as is its position as a center for financial innovation.";

(4) on March 13, 2007, the Department of the Treasury convened a conference on United States capital markets competitiveness, where—

(A) key policymakers, consumer advocates, members of the international community, business representatives, and academic experts, each with different perspectives, discussed ways to keep United States capital markets the strongest and most innovative in the world; and

(B) conference delegates examined the impact of the United States regulatory structure and philosophy, the legal and corporate governance environment, and the auditing profession and financial reporting on United States capital markets competitiveness;

(5) the foundation of any competitive capital market is investor confidence, and since1930, the United States has required some of the most extensive financial disclosures, supported by one of the most robust enforcement regimes in the world;

(6) a balanced regulatory system is essential to protecting investors and the efficient functioning of capital markets; and

(7) too much regulation stifles entrepreneurship, competition, and innovation, and too little regulation creates excessive risk to industry, investors, and the overall system.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United

States capital markets continues to promote and protect the interests of investors in those markets; and

(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 86 through 102 and all nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

John Roberts Hackman, of Virginia, to be United States Marshall for the Eastern District of Virginia for the term of four years.

Robert Gideon Howard, Jr., of Arkansas, to be United States Marshal for the Eastern District of Arkansas for the term of four years.

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Colonel Travis D. Balch, 3742

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Stephen L. Jones, 5583

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Thomas J. Masiello, 8449

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Thaddeus J. Martin, 2444

IN THE ARMY

The following named office for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William C. Kirkland, 4541

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Gregory E. Couch, 8914

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Jeffrey L. Fowler, 7245

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Martin E. Dempsey, 8511

The following named officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be major general

Brigadier General Mari K. Eder, 2706
Brigadier General William H. Gerety, 3610
Brigadier General Paul F. Hamm, 4818
Brigadier General George R. Harris, 6056
Brigadier General Steven J. Hashem, 9921
Brigadier General Adolph McQueen, Jr., 8120
Brigadier General David A. Morris, 3823
Brigadier General Maynard J. Sanders, 3264
Brigadier General Gregory A. Schumacher,
Brigadier General Michael J. Schweiger, 1172
Brigadier General Richard J. Sherlock, Jr.,
Brigadier General Dean G. Sienko, 8565

To be brigadier general

Colonel Marcia M. Anderson, 6629
Colonel Douglas P. Anson, 7118
Colonel William G. Beard, 8900
Colonel William M. Buckler, 6605
Colonel Alfred B. Carlton, 8241
Colonel Robert G. Catalanotti, 4208
Colonel Michele G. Compton, 5758
Colonel John C. Hanley, 5258
Colonel Katherine P. Kasun, 4482
Colonel Robert W. Kenyon, 3810
Colonel Karen E. Ledoux, 0087
Colonel Peter S. Lennon, 5799
Colonel Charles D. Martin, 0988
Colonel Gary A. Medvigy, 3114
Colonel Samuel T. Nichols, Jr., 8581
Colonel James D. Owens, Jr., 5143
Colonel Jeffrey E. Phillips, 7408
Colonel Leslie A. Purser, 4750
Colonel David W. Puster, 7473
Colonel Daniel I. Schultz, 4371
Colonel Michael R. Smith, 4276
Colonel Jeffrey W. Talley, 1997
Colonel Megan P. Tatu, 7799
Colonel Nickolas P. Tooliatos, 8879
Colonel James T. Walton, 6639

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. George J. Trautman, III, 0849

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Harold D. Starling, II, 4248

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William G. Webster, Jr., 9468

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Mark J. MacCarley, 2185

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Daniel J. Nelan, 2853

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Michael A. Giorgione, 3106

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN369 AIR FORCE nominations (12) beginning THOMAS M. ANGELO, and ending DANIEL S. ZULLI, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN400 AIR FORCE nominations (84) beginning Thomas I. Anderson, and ending MUSSARET A. ZUBERI, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2007.

PN406 AIR FORCE nomination of David J. Carrell, which was received by the Senate and appeared in the Congressional Record of March 29, 2007.

PN407 AIR FORCE nomination of James G. Wolf, which was received by the Senate and appeared in the Congressional Record of March 29, 2007.

PN408 AIR FORCE nomination of Craig L. Allen, which was received by the Senate and appeared in the Congressional Record of March 29, 2007.

PN409 AIR FORCE nominations (5) beginning BRIAN L. EVANS, and ending DUNCAN D. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of March 29, 2007.

PN410 AIR FORCE nominations (6) beginning ROBERT W. BEADLE, and ending BRENT S. MILLER, which nominations were received by the Senate and appeared in the Congressional Record of March 29, 2007.

PN437 AIR FORCE nomination of Noana Issargrill, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

IN THE ARMY

PN389 ARMY nomination of Melissa W. Jones, which was received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN390 ARMY nomination of Barbara J. King, which was received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN391 ARMY nominations (2) beginning JAMES F. BECK, and ending KEVIN S. MCKIERNAN, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN392 ARMY nominations (9) beginning DANIEL L. HURST, and ending GEORGE T.

TALBOT, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN438 ARMY nominations (2) beginning FRANKLIN M. CRANE, and ending GARY T. KIRCHOFF, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN439 ARMY nominations (11) beginning MARK W. CRUMPTON, and ending D060629, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN440 ARMY nominations (7) beginning THOMAS BROOKS, and ending DEBORAH C. WARREN, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN441 ARMY nominations (7) beginning DAMON T. ARNOLD, and ending GIJSBERTUS F. VANSTAVEREN, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 20017.

PN442 ARMY nomination of D060461, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN443 ARMY nomination of Bernadine F. Peletzfox, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN444 ARMY nomination of D060470, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN445 ARMY nomination of Josef Rivero, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN446 ARMY nomination of Stephen J. Velez, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN451 ARMY nominations (3) beginning KIRK O. AUSTIN, and ending LEE W. SMITHSON, which were received by the Senate and appeared in the Congressional Record of April 16, 2007.

PN452 ARMY nominations (4) beginning CRAIG E. BENNETT, and ending DARLENE M. SHEALY, which were received by the Senate and appeared in the Congressional Record of April 16, 2007.

IN THE COAST GUARD

PN386 COAST GUARD nominations (3) beginning KIRSTEN R. MARTIN, and ending RICHARD V. TIMME, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN423 COAST GUARD nominations (3) beginning BROOKE E. GRANT, and ending MARIA A. RUTTIG, which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2007.

IN THE MARINE CORPS

PN260 MARINE CORPS nomination of Charles E. Parham Jr., which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN393-1 MARINE CORPS nominations (359) beginning EDUARDO A. ABISELLAN, and ending JOSEPH J. ZARBA JR., which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN394 MARINE CORPS nominations (665) beginning AARON D. ABDULLAH, and ending SCOTT W. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN447 MARINE CORPS nomination of Jason K. Fettig, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN448 MARINE CORPS nomination of Michael J. Colburn, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

IN THE NAVY

PN269 NAVY nomination of Brian D. Petersen, which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN411 NAVY nomination of Stanley R. Richardson, which was received by the Senate and appeared in the Congressional Record of March 29, 2007.

PN449 NAVY nominations (60) beginning BENJAMIN AMDUR, and ending DAVID M. ZIELINSKI, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

JOINT REFERRAL OF NOMINATION

Mr. REID. Mr. President, I ask unanimous consent that the nomination of R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife, sent to the Senate by the President on March 26, 2007, be referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESS CONCERNS IN THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 174.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 174) honoring the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, beginning April 22, 2007.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KERRY. Mr. President, I am pleased to support during National Small Business Week a bipartisan Senate resolution honoring the entrepreneurial spirit of small business owners throughout the United States. I am privileged to work every day with ranking member, Senator SNOWE and other members of my committee on behalf of small businesses and I am gratified to introduce this legislation with them here today.

Twenty-six million small businesses are currently operating in the United States. They represent 99.7 percent of all employers and account for two-thirds of all new jobs created each year. In addition, they contribute over 50 percent of the Nation's nonfarm gross domestic product. Small businesses are the Nation's innovators, producing 13 to 14 more patents per employee than large businesses, and they account for 97 percent of all exporters.

It is clear that small businesses are a powerful force in the economic vitality that makes America strong, and small businesses would not have this success were it not for government programs which support them. The Small Business Administration was created to support and protect small business concerns, and they have worked hard to do so. Millions of entrepreneurs have received loans or business counseling, allowing them to start or expand small businesses. Staples, Intel, Nike, and America Online are just a few of the most well-known businesses who received assistance through at least one of the SBA's programs.

Craig A. Bovaird from Princeton, MA, who I met this week when he was honored in Washington as the Massachusetts Small Business Person of the Year, is president of the Built-Rite Tool and Die, Inc. based in Lancaster which specializes in developing and manufacturing thermoplastics for the aerospace, medical, defense and high-tech industries. He is a pillar of his community—proud father of three daughters, involved in his town's finance committee, renovating the public library, and a leader of his church. He had an idea and he had the technical expertise and knowledge about the industry. Craig is passionate about his business. As Craig said, "I enjoy watching an idea go from mind to paper through construction to a finished masterpiece."

But it was John Rainey, a counselor at Clark University's Small Business Development Center in Worcester, who guided Craig through the development of a solid business plan. Craig's business is a success today—against the odds—because his manufacturing business grew and prospered at a time when other plastics companies were on the decline. This is thanks to Craig's hard work, and also thanks to a key SBA program that got him the business counseling he needed.

However, despite these national and local successes, there are a number of issues which continue to be a problem for small businesses, and, in order to encourage continuing economic growth, it is important that Congress take steps to address them. Unfortunately, this administration has repeatedly reduced efforts to support small businesses. A report from the House Small Business Committee notes that the fiscal year 2008 budget would cut or terminate funding for 90 of the 110 Federal programs that were designed to support entrepreneurship. In addition, since 2001, the administration has cut the SBA budget by more than 30 percent. When disaster loan funding is included, the President's fiscal year 2008 budget request is a cut of 45 percent since taking office. The SBA needs adequate funding in order to meet the needs of small businesses.

The administration has also repeatedly called for the reduction or elimination of important loan programs, such as the Microloan program. The Microloan program is a small, efficient, cost-effective program, which provides very small loans and counseling to small businesses. Supporters in Congress and advocacy groups are requesting very little to fund this program—$3.2 million for the Microloan program and $20 million for technical assistance. That is minuscule when compared with U.S. funding for small businesses in other countries. In 2005, the United States spent more than $200 million on microloan programs in other countries. In 2006, the United States spent more than $54 million on microloans in Iraq, according to U.S. Ambassador Khalilzad. And, in the President's fiscal year 2007 emergency funding request for the war in Iraq, the administration as requested about $160 million in microcredit initiatives.

The management assistance programs, such as the Small Business Development Centers, the Women's Business Centers, and the SCORE program, have also suffered under continuing flat or reduced funding. For instance, when taking account into inflation, SBDCs have experienced a 19 percent cut since 2001, despite the fact that this program returns $2.82 dollars to the Federal Government for every Federal dollar spent. Counseling hours and the number of clients counseled began declining in 2003 and 2004 and have continued to do so. Adequate funding for these programs is essential to prevent further loss of assistance to small businesses.

I also continue to be concerned about the Federal Government's inability to meet the procurement goals set forth in law. The Federal Government has simply done an abysmal job of ensuring that small businesses get their fair share of Federal contracts. For instance, the Department of Defense's 0.5 percent procurement with service-disabled veteran owned firms is significantly below the 3 percent stated goal and is unacceptable. These shortcomings are harming small businesses, and I will continue to push to make sure small businesses get a fair chance at selling to the Federal Government.

Nearly 2 years after Hurricane Katrina, small business owners and homeowners are struggling just to keep their doors open. Many of them were turned down or simply gave up on the SBA when they needed government assistance the most. The Senate Committee on Small Business and Entrepreneurship recently reported a bill that would comprehensively reform the disaster loan program, and I urge my colleagues to support passage of this important legislation. This critical legislation will help all small businesses who are faced with a catastrophe through no fault of their own.

Patrick Turley, president of Turley Publications, Inc., in Palmer, MA, is the face of why we need an efficient disaster loan program that is a handup, not a handout. Patrick was also honored this week in Washington with the Phoenix Award for Small Business Disaster Recovery. When his business faced massive flooding in October 2005, which caused $993,000 in property losses, Patrick rallied his employees and still printed two university newspapers on time. With the help of an SBA disaster loan, Patrick was able to resume running his plant at full capacity just 5 months after the storms.

Patrick's perseverance, leadership and courage in the wake of a disaster are commendable. By keeping his plant running, he kept people working and showed the people of Palmer that they too could overcome adversity.

I am proud of the many hardworking Americans like Craig and Patrick and the millions of others who face the risk and uncertainties inherent in opening and running a small business each day, and I applaud the achievements of the owners and their employees. Their hard work and dedication contribute tremendously to the economic well-being of this great Nation and deserve to be supported by the Federal Government.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 174) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 174

Whereas the 25,800,000 small business concerns in the United States are the driving force behind the Nation's economy, creating more than ⅔ of all net new jobs and generating more than 50 percent of the Nation's nonfarm gross domestic product;

Whereas small business concerns are the Nation's innovators, advancing technology and productivity;

Whereas small business concerns represent 97 percent of all exporters and produce 28.6 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953, to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free competitive enterprise, to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Federal Government be placed with small business concerns, to ensure that a fair proportion of the total sales of Government property be made to such small business concerns, and to maintain and strengthen the overall economy of the Nation;

Whereas the Small Business Administration has helped small business concerns access critical lending opportunities, protected small business concerns from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for Government contracts, and improved the economic environment in which small business concerns compete;

Whereas for over 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business concern, and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning April 22, 2007 as "National Small Business Week": Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, beginning April 22, 2007;

(2) applauds the efforts and achievements of the owners of small business concerns and their employees, whose hard work and commitment to excellence have made them a key part of the Nation's economic vitality;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns;

(4) strongly urges the President to take steps to ensure that—

(A) the applicable procurement goals for small business concerns, including the goals for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, HUBZone small business concerns, and small business concerns owned and controlled by socially and economically disadvantaged individuals, are reached by all Federal agencies;

(B) guaranteed loans, including microloans and microloan technical assistance, for start-up and growing small business concerns and venture capital are made available to all qualified small business concerns;

(C) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as small business development centers, women's business centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to do their jobs; and

(D) reforms to the disaster loan program of the Small Business Administration are implemented as quickly as possible; and

(5) urges that, as was the case in the President's budget for fiscal year 2008, the Small Business Administration continue to be designated as a major agency in the President's budget submitted pursuant to section 1105 of title 31, United States Code, and that the Administrator of the Small Business Administration have an active role as a member of the President's Cabinet.

RECOGNIZING THE 59TH ANNIVERSARY OF THE INDEPENDENCE OF THE STATE OF ISRAEL

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 175.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 175) recognizing the 59th anniversary of the independence of the State of Israel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 175) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 175

Whereas, on May 14, 1948, the State of Israel was established as a sovereign and independent country;

Whereas the United States was one of the first countries to recognize the State of Israel, only 11 minutes after the creation of the State;

Whereas Israel has provided Jews from all over the world with an opportunity to reestablish their ancient homeland;

Whereas Israel is home to many religious sites that are sacred to Judaism, Christianity, and Islam;

Whereas Israel provided a refuge to Jews who survived the horrors of the Holocaust, which were unprecedented in human history;

Whereas Israel has also provided a refuge to, and has successfully absorbed, more than 800,000 Jewish refugees who fled persecution in neighboring states in the Middle East;

Whereas the people of Israel have established a pluralistic democracy that incorporates the freedoms cherished by the people of the United States, including—

(1) the freedom of speech;

(2) the freedom of religion;

(3) the freedom of association;

(4) the freedom of the press; and

(5) government by the consent of the governed;

Whereas Israel continues to serve as a shining model of democratic values by—

(1) regularly holding free and fair elections;

(2) promoting the free exchange of ideas; and

(3) vigorously exercising in its parliament, the Knesset, a democratic government that is fully representative of its citizens;

Whereas Israel has bravely defended itself from terrorist and military attacks repeatedly since Israel declared its independence;

Whereas the Government of Israel has successfully worked with the neighboring governments of Egypt and Jordan to establish peaceful bilateral relations;

Whereas, despite the deaths of over 1,000 innocent citizens of Israel at the hands of murderous suicide bombers and other terrorists since 2002, the people of Israel continue to seek peace with their Palestinian neighbors;

Whereas several Israeli soldiers remain hostages of terrorist groups, and were unable to celebrate the Independence Day of Israel with their families and friends;

Whereas successive leaders of Israel have sought peace in the Middle East;

Whereas the United States and Israel enjoy a strategic partnership based on shared democratic values, friendship, and respect;

Whereas the people of the United States share an affinity with the people of Israel and view Israel as a strong and trusted ally;

Whereas Israel has made significant global contributions in the fields of science, medicine, and technology;

Whereas the Independence Day of Israel on the Jewish calendar coincides this year with April 24, 2007; and

Whereas recognition of the numerous achievements of the people and the State of Israel is especially important in 2007 given the grave threats issued by, and the clear intentions of, the Government of Iran: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the independence of the State of Israel as a significant event for providing refuge and a national homeland for the Jewish people;

(2) strongly supports efforts to bring peace to the Middle East;

(3) commends the bipartisan commitment of all Presidents and Congresses of the United States since 1948 that supported Israel and worked for the security and well-being of Israel;

(4) congratulates the United States and Israel for strengthening their bilateral relations during 2006 in the fields of defense, diplomacy, and homeland security, and encourages both countries to continue their cooperation in resolving mutual challenges; and

(5) extends the best wishes of the Senate to the people of Israel as they celebrate the 59th anniversary of the independence of the State of Israel.

MEASURE READ THE FIRST TIME—H.R. 493

Mr. REID. Mr. President, H.R. 493 has been received from the House and is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

Mr. REID. Mr. President, I ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR MONDAY, APRIL 30, 2007

Mr. REID. Mr. President, I ask consent that when the Senate completes its business today, it adjourn until 2:45 p.m. on Monday, April 30; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 4:15 p.m., with Senators permitted to speak therein for up to 10 minutes each; that at 4:15, the Senate proceed to the consideration of Calendar No. 120, S. 1082, the FDA authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as I just indicated in the consent approved, we will begin consideration of the FDA bill on Monday. In view of the consent being granted, I announce to both sides of the aisle that there will be no rollcall votes on Monday. We will vote Tuesday prior to the conference recess. So there will be votes Tuesday morning, and everybody should plan accordingly.

ADJOURNMENT UNTIL MONDAY, APRIL 30, 2007, AT 2:45 P.M.

Mr. REID. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6 p.m., adjourned until Monday, April 30, 2007, at 2:45 p.m.

NOMINATIONS

Executive nominations received by the Senate April 26, 2007:

BROADCASTING BOARD OF GOVERNORS

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS, VICE KENNETH Y. TOMLINSON.

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007, VICE KENNETH Y. TOMLINSON, TERM EXPIRED.

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2010. (REAPPOINTMENT)

DEPARTMENT OF STATE

JAMES R. KEITH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

STEPHEN A. SECHE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEPAL.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL D. DEVINE, 6922

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN G. CASTELLAW, 2524

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD C. ZILMER, 9990

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH F. WEBER, 1316

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be colonel

TIMOTHY E. TRAINOR, 5890

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, April 26, 2007:

DEPARTMENT OF JUSTICE

JOHN ROBERTS HACKMAN, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

ROBERT GIDEON HOWARD, JR., OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL TRAVIS D. BALCH, 3742

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. STEPHEN L. JONES, 5583

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THOMAS J. MASIELLO, 8449

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. THADDEUS J. MARTIN, 2444

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM C. KIRKLAND, 4541

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GREGORY E. COUCH, 8914

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JEFFREY L. FOWLER, 7245

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MARTIN E. DEMPSEY, 8511

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL MARI K. EDER, 2706
BRIGADIER GENERAL WILLIAM H. GERETY, 3610
BRIGADIER GENERAL PAUL F. HAMM, 4818
BRIGADIER GENERAL GEORGE R. HARRIS, 6056
BRIGADIER GENERAL STEVEN J. HASHEM, 9921
BRIGADIER GENERAL ADOLPH MCQUEEN, JR., 8120
BRIGADIER GENERAL DAVID A. MORRIS, 3823
BRIGADIER GENERAL MAYNARD J. SANDERS, 3264
BRIGADIER GENERAL GREGORY A. SCHUMACHER, 9676
BRIGADIER GENERAL MICHAEL J. SCHWEIGER, 1172
BRIGADIER GENERAL RICHARD J. SHERLOCK, JR., 9856
BRIGADIER GENERAL DEAN G. SIENKO, 8565

To be brigadier general

COLONEL MARCIA M. ANDERSON, 6629
COLONEL DOUGLAS P. ANSON, 7118
COLONEL WILLIAM G. BEARD, 8900
COLONEL WILLIAM M. BUCKLER, 6605
COLONEL ALFRED B. CARLTON, 8241
COLONEL ROBERT G. CATALANOTTI, 4208
COLONEL MICHELE G. COMPTON, 5758
COLONEL JOHN C. HANLEY, 5258
COLONEL KATHERINE P. KASUN, 4482
COLONEL ROBERT W. KENYON, 3810
COLONEL KAREN E. LEDOUX, 0087
COLONEL PETER S. LENNON, 5799
COLONEL CHARLES D. MARTIN, 0988
COLONEL GARY A. MEDVIGY, 3114
COLONEL SAMUEL T. NICHOLS, JR., 8581
COLONEL JAMES D. OWENS, JR., 5143
COLONEL JEFFREY E. PHILLIPS, 7408
COLONEL LESLIE A. PURSER, 4750
COLONEL DAVID W. PUSTER, 7473
COLONEL DANIEL I. SCHULTZ, 4371
COLONEL MICHAEL R. SMITH, 4276
COLONEL JEFFREY W. TALLEY, 1997
COLONEL MEGAN P. TATU, 7799
COLONEL NICKOLAS P. TOOLIATOS, 8879
COLONEL JAMES T. WALTON, 6639

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GEORGE J. TRAUTMAN III, 0849

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. HAROLD D. STARLING II, 4248

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM G. WEBSTER, JR., 9468

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MARK J. MACCARLEY, 2185

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL J. NELAN, 2853

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MICHAEL A. GIORGIONE, 3106

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS M. ANGELO AND ENDING WITH DANIEL S. ZULLI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS I. ANDERSON AND ENDING WITH MUSSARET A. ZUBERI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 26, 2007.

AIR FORCE NOMINATION OF DAVID J. CARRELL, 8142, TO BE COLONEL.

AIR FORCE NOMINATION OF JAMES G. WOLF, 6912, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF CRAIG L. ALLEN, 9804, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN L. EVANS AND ENDING WITH DUNCAN D. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 29, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT W. BEADLE AND ENDING WITH BRENT S. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 29, 2007.

AIR FORCE NOMINATION OF NOANA ISSARGRILL, 4686, TO BE MAJOR.

IN THE ARMY

ARMY NOMINATION OF MELISSA W. JONES, 9625, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF BARBARA J. KING, 3425, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH JAMES F. BECK AND ENDING WITH KEVIN S. MCKIERNAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2007.

ARMY NOMINATIONS BEGINNING WITH DANIEL L. HURST AND ENDING WITH GEORGE T. TALBOT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2007.

ARMY NOMINATIONS BEGINNING WITH FRANKLIN M. CRANE AND ENDING WITH GARY T. KIRCHOFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2007.

ARMY NOMINATIONS BEGINNING WITH MARK W. CRUMPTON AND ENDING WITH D060629, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2007.

ARMY NOMINATIONS BEGINNING WITH THOMAS BROOKS AND ENDING WITH DEBORAH C. WARREN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2007.

ARMY NOMINATIONS BEGINNING WITH DAMON T. ARNOLD AND ENDING WITH GIJSBERTUS F. VANSTAVEREN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2007.

ARMY NOMINATION OF D060461, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF BERNADINE F. PELETZFOX, 0166, TO BE MAJOR.

ARMY NOMINATION OF D060470, TO BE MAJOR.

ARMY NOMINATION OF JOSEF RIVERO, 5036, TO BE MAJOR.

ARMY NOMINATION OF STEPHEN J. VELEZ, 5317, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH KIRK O. AUSTIN AND ENDING WITH LEE W. SMITHSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 16, 2007.

ARMY NOMINATIONS BEGINNING WITH CRAIG E. BENNETT AND ENDING WITH DARLENE M. SHEALY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 16, 2007.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH KIRSTEN R. MARTIN AND ENDING WITH RICHARD V. TIMME, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2007.

COAST GUARD NOMINATIONS BEGINNING WITH BROOKE E. GRANT AND ENDING WITH MARIA A. RUTTIG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF CHARLES E. PARHAM, JR., 7703, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH EDUARDO A. ABISELLAN AND ENDING WITH JOSEPH J. ZARBA, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH AARON D. ABDULLAH AND ENDING WITH SCOTT W. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2007.

MARINE CORPS NOMINATION OF JASON K. FETTIG, 7799, TO BE MAJOR.

MARINE CORPS NOMINATION OF MICHAEL J. COLBURN, 2511, TO BE COLONEL.

IN THE NAVY

NAVY NOMINATION OF BRIAN D. PETERSEN, 1675, TO BE CAPTAIN.

NAVY NOMINATION OF STANLEY R. RICHARDSON, 8043, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH BENJAMIN AMDUR AND ENDING WITH DAVID M. ZIELINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2007.

EXTENSIONS OF REMARKS

IN HONOR OF THE ARMY RESERVE'S 100TH ANNIVERSARY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Ms. PELOSI. Madam Speaker, I want to acknowledge the beginning of a year-long centennial celebration for the United States Army Reserve and to pay homage to all Army Reserve soldiers who, in the past 100 years, have answered the call to defend our Nation and to protect the freedoms and liberties we cherish.

The legacy of volunteer "Warrior Citizens" is rooted in colonial America with the soldiers of the revolutionary militia who fought for our freedom. At the birth of our Nation, President George Washington relied on the militia to build up his Continental forces for major campaigns. Later, Washington and Alexander Hamilton proposed a contingency force to support the Army that would be centrally controlled by the Federal Government.

On April 23, 1908, Congress established the Medical Reserve Corps to provide a reservoir of trained officers in time of war. The Secretary of War could order these officers to active duty during time of emergency. Four years later, a provision of the Army Appropriations Act of 1912 created the regular Army Reserve, a Federal Reserve force outside the Medical Reserve Corps. This new component of the United States Army, the first Federal Reserve force was expanded into a Federal operational force in 1916 and again in 1920.

Army Reserve soldiers have trained and served with excellence—through World War I, World War II, Korea, Vietnam, the cold war, Panama, the Persian Gulf, Somalia, Haiti, Bosnia, Kosovo, and in support of the global war on terror during Operation Iraqi Freedom and Operation Enduring Freedom.

Today, this reserve force has grown from its beginning strength of approximately 360 medical professionals in 1908—to a community based, Federal operational force with an end-strength of 205,000 Warrior Citizens providing complementary capabilities for joint expeditionary and domestic operations in support of the United States Army.

As we begin this year-long celebration of the Army Reserve's 100th anniversary, the men and women who serve with the Army Reserve continue to play a vital role in our county's homeland security and our national security affairs abroad.

Since 1990, Army Reserve soldiers have been deployed to support every American military operation, as well as peacekeeping and humanitarian missions. In 1997, when the Red River crested 26 feet above flood stage, and more than 60,000 residents of Grand Forks, North Dakota, and East Grand Forks, Minnesota, had to be evacuated, Army Reserve water purification units responded with purified water for flood victims. Army Reserve soldiers answered the call for recovery efforts after Hurricane Katrina slammed into Louisiana and other gulf coast States in 2005, by providing vehicles to supply fuel, Chinook helicopters for lift operations and cargo trailers for hauling debris.

Army Reserve units and individual soldiers immediately responded to the attacks of September 11 and carried out a host of missions to support rescue and recovery operations and to secure Federal facilities nationwide.

The Army Reserve has mobilized more than 166,000 troops in support of the global war on terror. These brave men and women are providing key support for combat operations in Afghanistan, Iraq and 18 other nations.

The centennial observance began on April 23, and it began appropriately with a reenlistment ceremony on the west front steps of the United States Capitol for 38 Army Reserve Soldiers from across the country.

Beginning with this inspiring ceremony, Army Reservists in thousands of communities throughout our Nation will join their neighbors in celebrating the contributions of this exceptional Federal force, an American institution.

Let us express our appreciation to the United States Army Reserve and the Warrior Citizens who serve with dedication and distinction as they begin their year-long centennial celebration.

COMMENDING SARAH H. DREW

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. BURGESS. Madam Speaker, I rise today to commend Sarah H. Drew for being selected as a 2007 National Merit Scholarship Awards winner. Sarah is a student at Flower Mound High School in Flower Mound, Texas.

The National Merit Scholarship Program is an academic competition held annually. Students are initially evaluated by their performance on the Preliminary SAT/National Merit Scholarship Qualifying Test. Of the approximately 1.4 million entrants, only about 8,200 students are selected as finalists.

In this first announcement of 2007 winners, about 1,000 high school seniors are awarded scholarships from various companies, foundations, and businesses. These organizations fund the scholarships to help some of our Nation's most capable students reach their potential.

I wish to offer my congratulations to Sarah. I would also like to recognize her parents and the faculty of Flower Mound High School for their outstanding commitment to Sarah's education. I wish her even greater success as she continues her education, and I am proud to represent her in the 26th District of Texas.

A TRIBUTE TO MS. MINNIE MOORE-JOHNSON

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to honor the actions of Minnie Moore-Johnson. Minnie has spent her life in the service of others and has dedicated herself to those who are in need of her help as the Founder and CEO of Concerned Parents, Inc. Over the course of her distinguished career of over 40 years, Minnie Moore-Johnson has received hundreds of awards recognizing her life achievements and therefore, I ask the United States Congress to do the same for this great woman.

Ms. Minnie Moore-Johnson has truly been a guardian over those in need within the city and surrounding areas. No matter what the need or want, it seems that Ms. Moore-Johnson is willing to do whatever necessary to help those around her. Her Thanksgiving Dinners for seniors became legendary in 1968 and in 1988 was recognized by the Smithsonian Institute for serving over 25,000 seniors. She has welcomed her home to anyone looking to benefit from her wisdom and generosity which she gladly gives to all.

For 10 years, the Pennsylvania Prison Society used the services of her organization, Concerned Parents, Inc., to provide community service opportunities to the Prison Society's clients. This prompted Minnie to return to school to better understand the criminal justice system and the struggles of the people she was helping. Once at Temple, she became a Life Skills Educator and eventually a Job Developer at the Pennsylvania Prison Society to help find employment and other benefits for ex-offenders. Her knowledge and ingenuity has truly benefited all in the Philadelphia community. Her work on the Pennsylvania Prison Society's Re-Entry Service Project created the only certified Job Development course at Temple University offering training in a variety of ex-offender programs. In addition to this program, Minnie provides services to troubled youth ages 15–24 through the Philadelphia Safe and Sound Youth Violence Reduction. All of this accomplishment has amounted to a life well spent in the service of others and gives people a true role model to look up to.

Minnie believes her journey has come full circle, in that it has afforded her the experience of expanding her knowledge to better understand the criminal justice system and those re-entering the work force and has given her the skills she needs to return to her first love, that of servicing the people of the SouthWest Philadelphia community—as Executive Director/CEO of Concerned Parents, Inc. I ask you, Madam Speaker, and my distinguished colleagues to join me in congratulating Minnie

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Moore-Johnson in her lifetime of achievement in the service of others.

COMMENDING PATRICIA M. ANDERSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. BURGESS. Madam Speaker, I rise today to commend Patricia M. Anderson for being selected as a 2007 National Merit Scholarship Awards winner. Patricia is a student at Liberty Christian School in Argyle, Texas.

The National Merit Scholarship Program is an academic competition held annually. Students are initially evaluated by their performance on the Preliminary SAT/National Merit Scholarship Qualifying Test. Of the approximately 1.4 million entrants, only about 8200 students are selected as finalists.

In this first announcement of 2007 winners, about 1,000 high school seniors are awarded scholarships from various companies, foundations, and businesses. These organizations fund the scholarships to help some of our Nation's most capable students reach their potential.

I wish to offer my congratulations to Patricia. I would also like to recognize her parents and the faculty of Liberty Christian for their outstanding commitment to Patricia's education. I wish her even greater success as she continues her education, and I am proud to represent her in the 26th District of Texas.

CONGRATULATING BIRMINGHAM NEWS REPORTER BRETT BLACKLEDGE FOR WINNING THE PULITZER PRIZE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. BONNER. Madam Speaker, it is with both pride and pleasure that I rise this week to honor Brett Blackledge, a Birmingham News reporter, for receiving the Pulitzer Prize, the highest honor in American journalism.

A native of Baton Rouge, Brett earned a journalism degree from Louisiana State University in 1986. Brett's prestigious career began in New Orleans with the Associated Press. From there, he went to work for the AP bureaus in Jackson, MS, and Tulsa, OK. He also wrote for the The Journal Newspapers and Education Daily.

In 1993, Brett moved to Mobile, AL, and for the next 5 years, he was a reporter at the Press-Register, where he covered local schools, government, and politics. Since 1998, he has been a general assignment and special projects reporter with the Birmingham News. Brett's 14-month series into Alabama's 2-year college system won him the 2007 Pulitzer Prize for investigative reporting.

Madam Speaker, Brett Blackledge's career has already been filled with much achievement, and I rise today to honor yet another of these achievements—the 2007 Pulitzer Prize. May he continue to inform and inspire the people of Alabama. I know his colleagues, his family, and his many friends join with me in praising his significant accomplishments and a job well done.

TRIBUTE TO TRIAD MIDDLE SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor Triad Middle School in St. Jacob, Illinois, upon being selected as one of the Illinois Horizon Schools: Schools to Watch by the Association of Middle-Level School.

For recognition in the Horizon Schools program, schools must meet or exceed 37 different criteria developed by the National Forum to Accelerate Middle-Grades Reform. Triad Middle School had to complete both an application process and host on-site visits.

This award speaks to the dedication of the students and teachers at Triad Middle School. As a former teacher, I know how hard each educator works to help the students in their classroom succeed. This is a testament to not only the teachers' work, but also the students desire to learn and succeed.

I am pleased to congratulate Triad Middle School on this outstanding accomplishment. I extend my best wishes for continued success to the students and faculty at Triad Middle School.

COMMENDING NATHAN S. ABELL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. BURGESS. Madam Speaker, I rise today to commend Nathan S. Abell for being selected as a 2007 National Merit Scholarship Awards winner. Nathan is a student at Marcus High School in Flower Mound, TX.

The National Merit Scholarship Program is an academic competition held annually. Students are initially evaluated by their performance on the Preliminary SAT/National Merit Scholarship Qualifying Test. Of the approximately 1.4 million entrants, only about 8,200 students are selected as finalists.

In this first announcement of 2007 winners, about 1,000 high school seniors are awarded scholarships from various companies, foundations, and businesses. These organizations fund the scholarships to help some of our Nation's most capable students reach their potential.

I wish to offer my congratulations to Nathan. I would also like to recognize his parents and the faculty of Marcus High School for their outstanding commitment to Nathan's education. I wish him even greater success as he continues his education, and I am proud to represent him in the 26th District of Texas.

TRIBUTE TO LAUREL HIGHLANDS HIGH SCHOOL CHEERLEADERS IN HONOR OF THEIR MANY ACCOMPLISHMENTS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to honor the young women of Laurel Highlands High School Cheerleading Squad and their coach Liz Dunham. The young ladies of this squad have accomplished so much not just over the squad school year but over the proceeding years. These accomplished young women have done more for the community of Uniontown, Pennsylvania than they may realize.

While not only cheering at 98 games over the past year, the cheerleaders of Laurel Highlands have accomplished so much more. These young ladies have participated and volunteered their time in numerous community activities. They have raised funds and awareness for organizations and charities that include the Leukemia and Lymphoma Society and the Bosom Buddies. The cheerleaders of Laurel Highlands High School have also collected for food banks and helped with the benefit dance for Interfaith Caregivers of Fayette, Inc.

Along with their community involvement, the cheerleaders of Laurel Highlands High School have participated and won many titles and the respect of many within the sport. Including, back to back Bituminous Coal Show "Varsity Over All High Point" titles, along with JV winning their division, and the 2007 WPXI "Cheer of the Year" Contest. The involvement and dedication of these young women could end today and I still would not have enough time to stress the accomplishments of this squad both past and present.

I ask that you and my distinguished colleagues join me in commending the athletes of the Laurel Highlands High School Cheerleading Squad in Uniontown, Pennsylvania. Their presence has been felt not only throughout the school but throughout the community as well. Best wishes to all of these young ladies in their future endeavors and may the memories this illustrious year last them a lifetime.

COMMENDING KRISTOFER K. BJERGA

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. BURGESS. Madam Speaker, I rise today to commend Kristofer K. Bjerga for being selected as a 2007 National Merit Scholarship Awards winner. Kristofer is a student at Keller High School in Keller, Texas.

The National Merit Scholarship Program is an academic competition held annually. Students are initially evaluated by their performance on the Preliminary SAT/National Merit Scholarship Qualifying Test. Of the approximately 1.4 million entrants, only about 8,200 students are selected as finalists.

In this first announcement of 2007 winners, about 1,000 high school seniors are awarded scholarships from various companies, foundations, and businesses. These organizations fund the scholarships to help some of our nation's most capable students reach their potential.

I wish to offer my congratulations to Kristofer. I would also like to recognize his parents and the faculty of Keller High School for their outstanding commitment to Kristofer's education. I wish him even greater success as he continues his education, and I am proud to represent him in the 26th District of Texas.

CONGRATULATING MONROEVILLE, ALABAMA NATIVE CYNTHIA TUCKER FOR WINNING THE PULITZER PRIZE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. BONNER. Madam Speaker, it is with both pride and pleasure that I rise this week to honor Cynthia Tucker, a beloved native of Monroeville, Alabama, for receiving the highest honor in American journalism, the Pulitzer Prize.

Raised in Monroeville, where her father was a school principal, Cynthia went to Auburn University, graduating in 1976 with a degree in journalism. She joined the Atlanta Journal-Constitution staff in 1976 and also worked a short while at The Philadelphia Inquirer. As a reporter, she covered local government, national politics, crime and education, in addition to filing dispatches from Africa, Central America, and Cuba.

Over 30 years have passed since Cynthia first joined the Journal-Constitution. She has risen to editorial page editor, and her syndicated column now appears in more than 70 newspapers throughout the United States.

The third time proved to be the charm for Cynthia, who was also a Pulitzer finalist in 2004 and 2006. This year the journalism department at the University of Alabama, my alma mater, also recognized her long, distinguished writing career by awarding her the 2007 Clarence Cason Writing Award. Last year, Cynthia was named the National Association of Black Journalists' Journalist of the Year. In 2000, the American Society of Newspaper Editors honored her with the Distinguished Writing Award for commentary, and she has won the Cox Newspaper award for column writing four times.

Nelle Harper Lee, Truman Capote, and Mark Childress firmly established Monroeville as the "Literary Capital of Alabama." Cynthia Tucker's name is now very much a part of this prestigious list.

Madam Speaker, Cynthia Tucker has been an inspiration to countless young women—and men—from Alabama and across the country for her distinguished career. I know her colleagues, her family, and her many friends join with me in praising her significant accomplishments and a job well done.

TRIBUTE TO THE LATE KENNETH MICHAEL KAYS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor the late Kenneth Michael Kays. Mr. Kays, a native of Fairfield, Illinois was a recipient of the Congressional Medal of Honor. A monument in his memory is being dedicated on May 5, 2007 in Fairfield, Illinois.

Mr. Kays, a Private First Class in the United States Army, was cited for his heroic action in Thua Thien province, Republic of Vietnam, on May 7, 1970. His rank at that time was Private and he was serving as a medical airman with Company D, 1st Battalion, 101st Airborne Division near the Fire Support Base Maureen.

When enemy forces assaulted Company D's night defensive position, Private Kays began assisting his fallen and injured comrades. In assisting his fellow soldiers, he became a target and enemy fire and explosive charges severed the lower portion of his left leg. Private Kays applied a tourniquet to his leg and continued to search the perimeter and help his fellow soldiers who were injured. Private Kays did not allow himself to be treated until his fellow soldiers had been treated for their own wounds. He was cited with the Congressional Medal of Honor for his heroism.

My thoughts and prayers will be with the family and friends of Private First Class Kays as the monument is dedicated in his honor. May God bless his memory and may He continue to bless America.

COMMENDING GABRIEL J. DIAZ

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. BURGESS. Madam Speaker, I rise today to commend Gabriel J. Diaz for being selected as a 2007 National Merit Scholarship Awards winner. Gabriel is a student at Ryan High School in Denton, TX.

The National Merit Scholarship Program is an academic competition held annually. Students are initially evaluated by their performance on the Preliminary SAT/National Merit Scholarship Qualifying Test. Of the approximately 1.4 million entrants, only about 8,200 students are selected as finalists.

In this first announcement of 2007 winners, about 1,000 high school seniors are awarded scholarships from various companies, foundations, and businesses. These organizations fund the scholarships to help some of our Nation's most capable students reach their potential.

I wish to offer my congratulations to Gabriel. I would also like to recognize his parents and the faculty of Ryan High School for their outstanding commitment to Gabriel's education. I wish him even greater success as he continues his education, and I am proud to represent him in the 26th District of Texas.

TRIBUTE TO SENIOR MASTER SERGEANT MARSHA A. ROWE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. WALSH of New York. Madam Speaker, I rise today to honor the career of Senior Master Sergeant Marsha A. Rowe, who retired March 9, 2007 from the 174th Fighter Wing, New York Air National Guard in Syracuse, New York after having served over 31 years of dedicated service in the United States Armed Forces. Her last duty position was Noncommissioned Officer in Charge of Plans, Scheduling, and Documentation in the 174th Fighter Wing Maintenance Operations Flight.

A native of Central New York, Sergeant Rowe's long and distinguished career in the United States Armed Forces began in January of 1976 when she enlisted in the New York Air National Guard. As a recent graduate of Indiana University, Sergeant Rowe was recruited for officer training but chose to join the enlisted ranks so she could work on the aircraft. All maintenance fields were combat positions and at that time not open to females, but Sergeant Rowe persisted and a waiver from National Guard Bureau allowed her to become a member of the 174th Maintenance Squadron Armament Section, working on gun and release systems and loading weapons on the A-37B Fighter Aircraft. Sergeant Rowe was named to the Load Standardization Crew, responsible for training all load crews, and earned the Maintenance Person of the Quarter Award. Soon after, Sergeant Rowe became the first female Recruiter in the 174th Fighter Wing. After her recruiting tour, Sergeant Rowe held numerous positions in the 174th Fighter Wing including Missile Shop Chief, Avionics Technician, Precision Measurement Equipment Lab Chief, Engine Manager, and Production Controller. In addition to the A-37B Dragonfly, she has worked on the A-10 Thunderbolt and the F-16 Falcon. Sergeant Rowe served in Operation Desert Shield and Operation Desert Storm, where she maintained the Electronics Counter Measure system on the F-16 Aircraft. Upon her return, she was chosen to carry the NY State Flag in both the Washington, DC and New York City Victory Celebration Parades.

In addition to her full-time position, Sergeant Rowe has served as the Program Manager for the Base Security Augmentee Program for the past 13 years. She was a member of the Base Honor/Color Guard from 1976–1998, a member of the Base Pistol Team, served on the Board of Directors for the All Services Club, and was instrumental in organizing the trip to Washington, DC for the dedication of the Women's Memorial in Arlington National Cemetery. An animal advocate, Sergeant Rowe is involved in several organizations, and will be dedicating her retirement years to their causes.

Sergeant Rowe's military decorations include the Meritorious Service Medal; the Air Force Commendation Medal with 3 oak leaf clusters; and the Air Force Achievement Medal with one oak leaf cluster. Her military unit awards include the Air Force OutStanding

Unit Award with Combat 'V' device and four oak leaf clusters and the Air Force Organizational Excellence Award. She also holds the Air Reserve Forces Meritorious Service Medal with nine oak leaf clusters; the National Defense Service Medal with one bronze service star, the Southwest Asia Service Medal with three campaign stars; and the Global War on Terrorism Service Medal. Other service awards include the Air Force Longevity Service Award with six oak leaf clusters; the Armed Forces Reserve Medal with silver hourglass device, Mobilization "M" device, and Numeral 2; the USAF NCO Professional Military Education Graduate Ribbon; Small Arms Expert Marksmanship Ribbon; and the Air Force Training Ribbon. Her Foreign Service awards include the Kuwait Liberation Medal from Kingdom of Saudi Arabia and the Kuwait Liberation Medal from the Government of Kuwait. She is also the recipient of the N.Y. State Commendation Medal.

Sergeant Rowe is a very special person. She willingly served her Nation in time of war, and in time of peace, exuding integrity, loyalty and pride. For her unrelenting service to her country, Sergeant Rowe can retire knowing she has earned such a status. I wish her well in retirement and thank her for her years of hard work and dedication.

AWARDING OF CONGRESSIONAL GOLD MEDAL TO THE TUSKEGEE AIRMEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the awarding of the Congressional Gold Medal to the Tuskegee Airmen on March 29, 2007.

The Tuskegee Airmen were welcomed into the Capitol Rotunda to an excited and proud crowd of more than 700 people including family members, friends, press organizations, members of Congress, Colin Powell, and President Bush. As they came in walking and some being escorted in wheelchairs, I could clearly see the happiness on their faces. This was a day they had been anxiously waiting and living for. Finally, they received the honor and recognition that was so long over due. I was overwhelmed with joy and excited to see those in attendance.

Never in the history of Congress has such a large group been awarded a Congressional Gold Medal and I'm extremely proud to have been a part of this historical ceremony. I was overwhelmed with joy to see the excitement of the Tuskegee Airmen and their guests. The Rotunda was absolutely filled to capacity. This clearly demonstrates the value and appreciation people have for the contribution and sacrifice of the Tuskegee Airmen.

Their outstanding service during World War II was legendary. They fought the enemy abroad and racism at home. Despite being discriminated against, they rose to the challenge and broke down racial barriers in the United States Armed Forces. I'm forever grateful for their courage, bravery, and leadership.

I extend special thanks to Senator LEVIN for his leadership. I also extend thanks to you, Speaker PELOSI, Colin Powell, the United States Mint, and the Smithsonian Institution. My heart was warmed by the salute to the Tuskegee Airmen by President Bush. The entire ceremony was a memorable event and I will never forget it.

COMMENDING VATSALA GOYAL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. BURGESS. Madam Speaker, I rise today to commend Vatsala Goyal for being selected as a 2007 National Merit Scholarship Awards winner. Vatsala is a student at Dunbar High School in Fort Worth, Texas.

The National Merit Scholarship Program is an academic competition held annually. Students are initially evaluated by their performance on the Preliminary SAT/National Merit Scholarship Qualifying Test. Of the approximately 1.4 million entrants, only about 8200 students are selected as finalists.

In this first announcement of 2007 winners, about 1000 high school seniors are awarded scholarships from various companies, foundations, and businesses. These organizations fund the scholarships to help some of our Nation's most capable students reach their potential.

I wish to offer my congratulations to Vatsala. I would also like to recognize her parents and the faculty of Dunbar High School for their outstanding commitment to Vatsala's education. I wish her even greater success as she continues her education, and I am proud to represent her in the 26th District of Texas.

SUBPRIME LENDING

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. BACA. Madam Speaker, I ask for unanimous consent to revise and extend my remarks. As the Chair of the Congressional Hispanic Caucus and as a member of the House Financial Services Committee, I consider helping ensure equal access to homeownership for all Americans a high priority of mine.

Therefore, I've grown increasingly concerned over the past several years about the disproportionate amount of higher priced subprime lending that is concentrated in the minority population and in minority neighborhoods. According to the 2005 HMDA data, 52% of African Americans and 40% Latino are in high-cost, subprime loans as compared to 19% of white families. I wonder whether some or most of these families could have qualified for a better, more affordable loan but were instead steered into a subprime loan by a lender or broker eager to make a profit.

To be fair, not all brokers and lenders are bad and even subprime lending has value for some borrowers. The House Financial Services Committee has held two hearings this year on the issue of predatory lending and we are currently assessing legislative solutions.

The research shows that while hybrid adjustable rate mortgages and other subprime loans may be appropriate for some families, they are not suitable for others. We're concerned that the lending abuse in the market has become a very serious problem.

The subprime market has seen significantly higher levels of foreclosure and default than the prime market, and the rates of foreclosure and default are rising. For Hispanics, almost 20 percent who received high-interest, subprime loans are likely to go into foreclosure. Specifically, 73,000 out of 375,000 subprime loans made to Hispanics in 2005 are likely to foreclose. And the Center for Responsible Lending predicts subprime mortgages originated from 1998 through third quarter of 2006 will wipe out $164 billion in homeownership wealth for 2.2 million American families.

In my district in California, the Neighborhood Housing Services of the Inland Empire reports that the foreclosure rate is now 3 times higher than it was just 1 year ago. Now 1 of every 315 homes in the Inland Empire is currently in default and has started the foreclosure process.

By no means am I advocating that we get rid of subprime lending. Subprime lending has empowered a number of borrowers to get into their first home, including roughly 85% of Latino families. So we can't let perfection be the enemy of the good.

But we need better safeguards to protect subprime borrowers so they are not taken advantage of and receive loans they can afford, even after the teaser rates go up. We also need to put an end to abusive practices and overly relaxed lending standards. Lenders and brokers must price borrowers into homes according to the final, fully indexed rate and fully amortized repayment schedule; not just the teaser rate. And they need to explain the terms of these loans in plain English so that borrowers understand how much they are paying each month even after the rates adjust. Lenders should also explain the risks involved with payment shock and prepayment penalties. It's time we put unscrupulous lenders who are steering minority families into unsuitable loans out of business.

Over the past 10 years, minority homeownership rates have improved, and in some cases for Hispanics, the homeownership has grown at a rate three times higher than that of other nonHispanic groups. The growth of the supbrime lending has contributed greatly to this achievement.

But no one gains when people are thrown out of their homes. The housing market falls and entire neighborhoods are affected. This in turn impacts local economies and will ultimately impact our national housing market.

We all know that homeownership is the key to the American dream and the means to household wealth and savings. Let's work to protect these hard-working families who are facing foreclosures and keep them in their homes.

INTRODUCTION OF THE RURAL BROADBAND IMPROVEMENT ACT

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Ms. HERSETH SANDLIN. Madam Speaker, today I am pleased to introduce the Rural Broadband Improvement Act. This bill would refocus the Rural Utility Service (RUS) Broadband Loan Program to bring high speed internet access to rural Americans.

Access to broadband service is critical to the quality of life in rural America. It has the potential to be an unprecedented catalyst for economic growth and improvements in education and health care. However, I am concerned that instead of benefiting the rural Americans who need it, RUS is too often being used to subsidize Internet access to suburban and affluent communities that already have multiple high speed internet providers.

According to a USDA Office of Inspector General September 2005 Audit Report on the Rural Utility Service Broadband Grant and Loan Program, "RUS has not exclusively served those rural communities most requiring federal assistance to obtain access to broadband technologies. Because RUS's definition of 'rural area' is too broad to distinguish usefully between suburban and rural communities, the agency has issued over $103.4 million in grants and loans (nearly 12 percent of $895 million in total program funds) to communities near metropolitan areas." The audit report also found that RUS needs stronger controls to prioritize communities without broadband access.

I have introduced the "Rural Broadband Improvement Act" to refocus and improve this important program. My legislation would make three simple reforms:

1. It would ensure that RUS loans and guarantees go to truly rural communities;

2. In rural communities that already have some high speed internet service, my bill would ensure that Federal dollars benefit those residents who have no broadband;

3. It would ensure that projects that were intended to be built with federal dollars, but were not built within three years of being granted the loan, are paid back to the U.S. Treasury.

The Inspector General of the Department of Agriculture issued a report criticizing this program. In the President's Budget, the Administration recognized that the program needs to be retargeted to rural Americans who need it. But after five years since this program's inception, precious dollars that could be used to bring high speed internet access to rural homes and schoolhouses across America continue to be misspent.

Now it is time for Congress to act. Please join me to help enable rural Americans to enjoy the same high speed access to the internet that urban and suburban America enjoys.

TRIBUTE TO KEITH PETERS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. DINGELL. Madam Speaker, I rise today to pay tribute to Keith Peters, who is retiring from his position as president and CEO of the Ypsilanti Area Chamber of Commerce. Keith has dedicated himself to bettering the Ypsilanti community for over 40 years.

Keith Peters was born in Grabill, Indiana, in 1941 and moved to Michigan for college in 1960. In 1964, he graduated from Great Lakes Christian College in Lansing and married Betty Jackson, his wife of 43 years. Keith honorably served the citizens of Ypsilanti from 1963 to 1983 as senior minister at First Christian Church in Ypsilanti.

After 20 years at First Christian, Keith changed directions and held a variety of positions within Ypsilanti's business community. In 1983, he served as production controller at Barfield Manufacturing in Ypsilanti. In 1989, Keith became sales manager at WAAM Radio in Ann Arbor.

Keith began his career at the Ypsilanti Area Chamber of Commerce in 1995 as membership director and small business advisor. After just 2 short years of hard work, a strong record of success, and proven dedication to the Ypsilanti business community, Keith became president and CEO of the Ypsilanti Area Chamber of Commerce. Keith's leadership at the Ypsilanti Chamber has yielded great results, such as the doubling of both its membership and budget, as well as the creation of the Ypsilanti Area Chamber Education Foundation in 2000.

Keith has also given of himself to the broader Ypsilanti community, serving on such boards as the Workforce Development Board; the Washtenaw Development Council Board; the Board of Elders of the Memorial Church of Christ; the Advisory Board of the Eastern Michigan University College of Education; the Michigan Chamber of Commerce Executives Board, to name a few.

Keith Peters has done tremendous work for his community. I am sure that his wife Betty, his two children, and his eight grandchildren are all very proud of him. Keith has provided spiritual, economic and educational wisdom and much of his time to the Ypsilanti area and I am proud to call him a friend: I wish him an adventurous and healthful retirement and am certain he will have great success in all of his future endeavors, both personal and professional.

TRIBUTE ON THE PASSING OF ERNEST GALLO

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. HOYER. Madam Speaker, I rise today with a heavy heart as we mark the passing of a man that meant a great deal to the State of California and our Nation as a whole. Armed with nothing more than a $5,900 investment and a winemaking pamphlet from the public library, Ernest Gallo—along with his brother, Julio—created one of the world's largest wineries out of a small family-owned business, employed thousands of hard-working Americans over the years, and revolutionized the way the wine industry operates in the United States.

And while his role as co-founder of the Gallo Winery may be his claim to fame, Ernest Gallo was also a generous philanthropist who willingly answered the call when his community needed him most. Ernest created an endowment at the Gallo Center for the Arts in Modesto, CA. He established the Ernest Gallo Clinic and Research Center at the University of California at San Francisco. And those are just two examples of his strong support for educational and health-related endeavors the world over.

Ernest Gallo was the personification of the American Dream—a self-made man who transformed his personal business successes into tangible public benefits that enhanced the lives of countless Americans. And I would like to extend my most heartfelt condolences to the family and friends of Ernest Gallo as we mourn his loss.

RECOGNITION OF LEADERSHIP BY COLUMBIA GORGE COMMUNITY COLLEGE AND THE DALLES-WASCO COUNTY COMMUNITY OUTREACH TEAM

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. WALDEN of Oregon. Madam Speaker, I rise today to draw your and my fellow colleagues' attention to a tremendous and especially unique educational effort underway at Columbia Gorge Community College in Wasco and Hood River counties, Oregon and to single out the highly effective leadership of The Dalles-Wasco County Community Outreach Team.

This gorgeous area of Oregon benefits from some of the most dedicated and determined local leaders in the country. The Dalles-Wasco County Community Outreach Team provides an outstanding model of local government cooperation and their efforts, in conjunction with Columbia Gorge Community College, have had a very positive impact on the Columbia River Gorge economy. The Community Outreach Team's members band together at all levels of city and county leadership and work in synchronized fashion to both tout the benefits provided in their region and echo with one clear voice the ways government at all levels can better work together and deliver favorable results to local residents and employers and the large number of visitors who flock to this picturesque area.

The rural nursing program at Columbia Gorge Community College is hailed as a state and national model of instruction delivery in a rural region and has added to the College's clout as a premier center of learning and training in the West. Another feather in the cap of

Columbia Gorge Community College is their renewable energy training program. The Pacific Northwest is witnessing unprecedented, rapid growth of renewable energy and Columbia Gorge Community College, in cooperation with its renewable energy industry and workforce partners, has initiated and deployed the first renewable energy program on the West Coast that offers wind energy technician training. As the co-chair of the bipartisan House Renewable Energy Caucus, I'm very proud of the College's national leadership on this front.

The renewable energy program at Columbia Gorge Community College will be sustained through the same highly successful industry partnership model as developed by the College's nursing program. The development of renewable energy contributes to our Nation's security by lessening reliance on imported fossil fuels, and its development substantially reduces the impact of fossil fuels on the important issue of climate change. Workforce training is an essential element of renewable energy expansion, and Columbia Gorge Community College is blazing trails on this exciting new front.

My colleagues, I ask you to join me in commending Columbia Gorge Community College and its industry and workforce partners for establishing the first program on the West Coast for renewable energy that offers wind energy technician training. They're providing outstanding results, and it's my honor to represent in the United States House of Representatives such dedicated local leaders.

HONORING NED BAUDAT FOR HIS CONTRIBUTIONS TO THE P.E. MARION SCIENCE/MATH SCHOLARSHIP

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to commend Mr. Ned Baudat for his contributions to the P.E. Marion Science/Math Scholarship that is offered to students at Aldine High School in our district. With Mr. Baudat's support, students from Aldine High School have the opportunity to further their collegiate studies in math and science. I know P.E. Marion and his excellent teaching ability, and it is an additional honor to have this scholarship in his name.

Our Nation is currently facing criticism relating to a decreased interest of American students in the study of math and science. For this reason, we are unable to keep up with the international community whose students often excel in their math and science studies. By encouraging advance study in these subjects, American students are able to better compete with students from all over the world, and we have persons like Ned Baudat to thank for this.

Mr. Baudat graduated at the top of his class from Aldine High School and went on to Rice University. During his career in the oil industry, he developed a patent regarding an improved method to convert liquid natural gas back into its original gaseous state. A portion of the proceeds from Mr. Baudat's patent were used to develop this scholarship.

I am very proud of his outstanding accomplishments as well as his continued support of the P.E. Marion Science/Math Scholarship. For his service to my constituents as well as the country, I offer Mr. Baudat my most sincere congratulations in his well deserved recognition.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Ms. MOORE of Wisconsin. Madam Speaker, on Tuesday, April 24, I missed the vote on rollcall No. 252. Had I been present, I would have voted "yes."

TRIBUTE TO FIRST ROBOTICS TEAM FROM MASSACHUSETTS ACADEMY OF MATHEMATICS AND SCIENCES AND WORCESTER POLYTECHNIC INSTITUTE (WPI)

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. MCGOVERN. Madam Speaker, I rise today to recognize the FIRST Robotics team from the Massachusetts Academy of Mathematics and Sciences at WPI for their recent championship victory at the FIRST Championship at the Georgia Dome in Atlanta. The team earned an invitation to this competition after months of demonstrated excellence in competitive play, sportsmanship, and development of partnerships among schools, businesses, and communities.

The diligent efforts of these students over the course of 6 weeks enabled them to channel their energy and creativity into the construction of robots while adhering to competition guidelines and design specifications. This final effort was the culmination of months of competitive innovation among over 1,300 teams from across the United States and six other countries. The team was recognized earlier this year with the prestigious Regional Chairman's Award at the FIRST BAE Systems/Granite State Regional in Manchester, New Hampshire, making it the first team in the competition's history to win the award for the second consecutive year. The team has also been recognized with the Tournament Champion's Award and the Motorola Quality Award at the Silicon Valley Regional Robotics Tournament in San Jose, California.

FIRST is a not-for-profit whose acronym means "For Inspiration and Recognition of Science and Technology," that was founded by Dean Kamen, a WPI alumnus. The organization provides programs to motivate youth to pursue opportunities in math, science, technology, and engineering, while also building practical life skills.

The FIRST Robotics Team from Massachusetts Academy of Math and Sciences at WPI works diligently in the pursuit of knowledge and innovation as they apply it to technology. The team's accomplishments this year illustrate their tremendous hard work, determination, and creativity. These achievements make them role models to their fellow youth and assets to the community at large. I encourage my colleagues to join me in congratulating the team on their extraordinary achievement.

TRIBUTE TO 2007 INDUCTEES TO THE MEDFORD SPORTS HALL OF FAME

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. WALDEN of Oregon. Madam Speaker, I rise today to pay tribute to the 10 talented men and women being inducted into the Medford Sports Hall of Fame on April 28, 2007, at the Skyline Plaza in Medford, OR. The Medford Sports Hall of Fame was established to ensure that local athletes, coaches, and contributors would be rightfully recognized for their significant support of athletics in southern Oregon both on and off the field. Today, I would like to share some of the stories that depict the inductees' illustrious athletic achievements.

Larry Binney has spent over 40 years coaching and teaching students the fundamentals of softball, the importance of good sportsmanship, and the values of teamwork. In his last 20 seasons as the head coach of the North Medford Black Tornado, he produced 16 conference championships and 4 State championships. In 1998, he was named the "National High School Coach of the Year." Mr. Binney concluded his distinguished coaching career at Southern Oregon University in 2006.

Dick Entinger's appreciation for sports began at an early age and his enthusiasm for promoting athletics continued as he moved to the community of Medford in 1976. As a two-time president of the Medford Linebackers, Mr. Entinger played a key role in raising money to support numerous community athletic programs and projects. Perhaps two of his most recognizable contributions include his role in raising $700,000 to install FeildTurf and a new track at the Spiegelberg Stadium and another $800,000 to open the stadium to local soccer, band, and Pop Warner football teams. Today, many are able to participate in sports and utilize the fields, tracks, and stadiums that stand as a result of Mr. Entinger's hard work and commitment to the sporting community.

BG Gould has served as the team statistician for Medford area high school baseball, basketball, football, and softball teams since 1967. The 1970 Medford High School graduate spent 13 years as an official scorer for the Oakland A's minor league team, the Southern Oregon Timberjacks. BG also worked as an umpire in the Rogue Valley for over 35 years. Today, he continues to put his statistical and historical knowledge to work as the sports information director for School District 549–C in Medford.

Whitney Grant, a Klamath Falls native, started 4 years as a point guard on the University of Portland women's basketball team. By the time her collegiate career with the Pilots ended, Whitney ranked second in three-point baskets, seventh in assists, and twelfth in points scored on the team's all-time leaders list. Whitney was also a tremendous all-seasons athlete at South Medford High School, where she excelled in track, soccer, and volleyball. Whitney is currently working in Portland, OR, for Adidas.

Angie Jacobs, a Medford native and a graduate of Medford Senior High School, led Medford to their first State softball championship in 1984 as an all-state catcher. On scholarship at the University of California, Berkeley, she helped lead the softball team to a third-place finish in the 1986 NCAA tournament. As a senior, Angie was selected to the All Pac-10 team, a remarkable feat considering 6 months prior she had her right thumb reattached following an accident. Jacobs is a two-time Amateur Softball Association All-American and currently is finishing her first season as the head softball coach at the University of Utah.

Dr. Robert McIntyre is well known in Medford for his contributions to the medical community, where he has practiced medicine for 28 years. Others in the region know him for his flashing speed, State titles, and the track scholarship that led him to Stanford University. Among his many accomplishments, Dr. McIntyre was the State titleholder in the 440-yard dash with a time of 49.2 seconds. At Stanford, he ran a leg on Stanford's world record breaking 4 100 yard relay team, and his 1965 AAU All-American Team still holds the all-time Stanford relay record. Dr. McIntyre rounded out his athletic career participating in decathlons and twice finished as a national runner-up in his age group.

Dennis J. Murphy is one of the most successful coaches in South Medford High School history. He spent 19 years coaching the South Medford High School boys' basketball team, where he compiled 11 conference championships, four semifinal appearances, one state runner-up finish, and a state title. He has over 500 career victories since he started coaching in 1975. Dennis' ability to teach and coach spans further than just the hardwood. Prior to his time at South Medford High School, Dennis coached at St. Mary's as the offensive and defensive line coach where he guided St. Mary's to three state championships, and also won a title on the baseball diamond as the head coach in 1982.

Kevin Towers, a 1979 Medford High School graduate, became the Executive Vice President/General Manager of the San Diego Padres in 1995. His 27-year professional baseball career began when Towers was selected in the first round of the 1982 draft by the San Diego Padres. He pitched for the Padres' minor league teams until arm operations forced him to retire. Upon retirement, Kevin moved to the front office where he is the longest-tenured general manager in Padres history. Under his guidance, the Padres won the National League West titles in 1996, 1998, 2005, and 2006, and won the National League pennant in 1998.

Dr. Steven J. Wisely spent 18 years as the superintendent of the Medford School District. He also represented the region as the school district's athletic director from 1990 to 2003. Whether he was working with the local YMCA to ensure elementary sports were available to students or assisting in the development of soccer fields at North Medford High School, Dr. Wisely played a significant role in providing athletic opportunities for all youth in the community.

Robert "Bob" Wolcott, a North Medford High School graduate, made the jump from high school to pro baseball in 1992. Selected by the Seattle Mariners in the second round, he spent three years in the minors before advancing to the big leagues in 1995. Bob may be most notable for his winning decision in Game 1 of the 1995 American League Championship Series, where he led his Mariners to a 3–2 victory over the Cleveland Indians. He finished the 1995 season with a victory over Roger Clemens and twice as many victories as losses. He currently works as a contract engineer for Intel.

These highlights are just a few of the remarkable accomplishments made by these ten outstanding athletes and sports enthusiasts. However, they help illustrate the impact each has contributed to the community and the younger athletes that will follow in their footsteps.

My colleagues, please join me in congratulating the newest inductees into the Medford Sports Hall of Fame.

HONORING INTERFAITH LEADERSHIP AWARD WINNERS MARILYN PINSKY AND KATHRYN RUSCITTO

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to Marilyn Pinsky and Kathryn Ruscitto, recipients of the 2007 Interfaith Leadership Award from Interfaith Works, for their devotion to religion, distinction in career, and dedication to community.

Marilyn L. Pinsky served in Onondaga County government for 35 years, retiring in 2006 from the position of Commissioner of the Onondaga County Department of Aging and Youth. She is a graduate of Syracuse University, earning her Masters of Public Administration from the Maxwell School. She has been a prominent member of multiple community organizations, including the Community Foundation of Central New York, the Success by Six Policy Council, and the United Way. Her work in the community has benefited many and has distinguished her as a leader and an example for all of us.

Kathryn H. Ruscitto has served as Senior Vice President for Strategic Planning and Organization Development at St. Joseph's Hospital since 2001. She earned her Bachelor's in Political Science and Education at LeMoyne College, and her Masters in Public Administration from the Maxwell School of Syracuse University. She has been involved with many community organizations and activities, including serving as a trustee for the Health Care Foundation of Western and Central New York, serving on the LeMoyne College Board of Regents, and as an Advisory Board member for Key Bank. Through her efforts on behalf of others, Mrs. Ruscitto has become a notable member of our community.

I am proud to use this opportunity to publicly recognize Mrs. Pinsky and Mrs. Ruscitto for their outstanding dedication and service, and for earning this much deserved award.

TRIBUTE TO VALERIAN HUVAR

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. PAUL. Madam Speaker, 2007 marks Valerian Huvar's 52nd year of service as the county clerk for Victoria, Texas, making him the longest serving county clerk in Texas history. I am pleased to join the residents of Victoria in extending my thanks and congratulations to Mr. Huvar.

Mr. Huvar, the son of Fred and Stella Huvar, was born in El Campo, Texas on October 19, 1919. Mr. Huvar has resided in Victoria since he was 4 months old. A 1937 graduate of St. Joseph High School, Mr. Huvar worked for the local Goodyear Tire Store until December 30, 1941, when he entered the military. Mr. Huvar spent 5 years in the Army Air Corps Ordnance Department, earning the rank of Master Sergeant.

After his discharge from active duty, Mr. Huvar returned to the local Goodyear Tire Store, this time as the store's manager. Soon thereafter he went to work at the local Montgomery Ward where he set up their business office. In 1950, he went to work as a teller in the First Victoria National Bank.

In 1954, Mr. Huvar successfully ran for Victoria County Clerk. He was officially sworn in on January 1, 1955, and has held the position ever since.

Mr. Huvar married Luella Edwards of Blanco, Texas, on May 4, 1947. She passed away on January 7, 1984. Valerian and Luella have four children—Charlotte, Carolyn, Dennis, and Michael, 10 grandchildren, and five great-grandchildren.

Madam Speaker, for over 5 decades the people of Victoria County have benefited from Mr. Valerian Huvar's dedication and professionalism. I am pleased to join my constituents and friends in Victoria in paying tribute to the accomplishments of this remarkable Texan.

HONORING DR. CHARLES DARLAND

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to congratulate Dr. Charles Darland, an exemplary individual and friend from my Congressional District, on the occasion of his 20 year anniversary as pastor of the Immanuel Baptist Church in Elizabethtown, KY.

Raised in West Palm Beach, FL, Dr. Darland first came to Kentucky in the mid 1970s to complete a Masters Degree of Divinity at the Southern Baptist Theological Seminary in Louisville. He later earned a Doctorate in Philosophy from the same institution. Dr. Darland's Christian mission first brought him to Grace Baptist Church in Independence, KY. In 1987, he was called to the Immanuel Baptist Church in Elizabethtown.

Dr. Darland's wife, Suzanne, continues to play an important role in his ministry, sharing his passion for the Lord and dedication to his congregation. The couple has also been blessed with three fine sons: Jesse, Daniel, and Joel.

It is my great privilege to honor Dr. Charles Darland today before the entire House of Representatives for his dedicated service to the spiritual needs of members of the Baptist faith and the community at large. He is an outstanding citizen worthy of our collective honor and appreciation.

HONORING THE GUAM WOMEN'S CLUB ON THE OCCASION OF ITS 55TH ANNIVERSARY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate the Guam Women's Club (GWC) on the occasion of its 55th anniversary. The GWC was founded during a time of transition for Guam. In 1952, just 7 years after the end of World War II and 8 years after Guam's liberation, the people of Guam were emerging from the ravages of war and occupation. The women who founded the GWC that year were determined to contribute to the reconstruction of Guam and the promotion of the Chamorro culture. The GWC, since 1952, has established a successful record of helping to improve the health, welfare and education of the people of Guam.

Guam was attacked and occupied by the Imperial Japanese Army on December 7, 1941. The occupation lasted for 3 years and devastated our island. The battle to liberate Guam from Imperial Japanese Army occupation was a fierce but successful one. After the war, Guam was free again but the task of rebuilding was formidable. The vibrancy of our island's community today is a direct result of the commitment and hard work on the part of individuals and organizations dedicated to the reconstruction of Guam following the war. The GWC played an integral and commendable role in that effort.

In 1954, the GWC launched the effort to establish the Guam Museum of Culture, Art and History. The Guam Museum has thrived over the years, contributing greatly to the growth of understanding of Guam's history and appreciation of our island's diverse culture. I am confident that the GWC members who helped begin the Guam Museum some many years ago would share in our pride in that fact that, today, the Guam Museum is preparing for undergo a multi-million dollar construction and expansion project.

The GWC also has always made supporting education a high priority. Since its inception, the GWC has awarded high school, college, and university scholarships to deserving students. The GWC has also honored the teaching profession with annual "Teacher Appreciation" social events.

GWC members further have long been hospital volunteers and actively contribute their time, effort and money to support other local service organizations, such as the Alee Shelter, Erica's House, Child Care Co-op, the Guam Lytico and Bodig Association, St. Dominic's Nursing Facility and Rainbows for all Children, as well as national organizations, such as Crime Stoppers, the Salvation Army and the Guam chapters of the American Red Cross and the American Cancer Society. The GWC also remains a loyal supporter and contributor to the Sugar Plum Tree, which provides holiday presents to needy children and senior citizens, and to the Air Force's annual Christmas Drop tradition, collecting, soliciting and preparing practical items, candy and toys to distribute by parachute to the sparsely populated outlying islands in Micronesia. Additionally, the Guam Women's Club is a long-time benefactor of the Guam Symphony Society and contributor to KGTF, Guam's public television station, and KPRG, the local public radio station.

Moreover, the commitment of the GWC to island beautification has resulted in the development of Government House's grounds and the establishment of Padre Palomo Park in Hagatna. Also notable is the effort on the part of the GWC to establish the Memorias Para I Lalahita Park, which was completed in 1972 and is probably the first memorial in our Nation to be dedicated to our men and women who fought and died in the Vietnam Conflict.

Madam Speaker, the Guam Women's Club is Guam's oldest women's organization. After 55 years, I am proud to say that it remains a vibrant part of our island's community. It has received numerous national and international awards and recognition for its many successful projects and its sustained allegiance to serving the Guam community. I am proud to have been a long-time member and I am honored to recognize the current membership's adherence to GWC's goals and objectives. The Guam Women's Club has made substantial contributions toward the transformation of Guam from war-torn island to 21st century community—the social, political and economic leader in the Western Pacific.

PAYING TRIBUTE TO BOB AND CAROLE DONALD

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my good friends Bob and Carole Donald for their commitment to serving the community.

Bob and Carole are two individuals who truly exemplify community service and civic involvement. Since moving to Las Vegas, Bob and Carole have donated their time and energy to a variety of causes in our community. Whether it is helping a neighbor or volunteering in the community, Bob and Carole are always willing to lend a hand. Their commitment and service to others have had a positive impact on our community.

Bob has dedicated both his professional life and his personal life to serving others. He served his country in the U.S. Army before becoming a police officer with the Newark Police Department in New Jersey. During his 25 years with the Newark Police Department, Bob served on the foot patrol, the motorcycle unit, as a detective, the head of Narcotics, and as the head of the Tactical Force. As an officer, Bob always placed the safety of others before his own and protected the citizens of Newark with both honor and pride. The Newark Police Department honored Bob on a number of occasions for the leadership, commitment, and sacrifice he demonstrated as a police officer.

Bob retired as a Lieutenant from the Newark Police Department and later moved to Las Vegas. Throughout his years in Las Vegas, Bob has been incredibly active in the community. When he is not volunteering, he spends his time either hunting or skeet shooting. He is co-founder of the Nellis Skeet Club and has won the Senior Skeet Shooting Championship of Nevada many times in the past several years.

Carole was a professional Flamenco dancer and traveled the world performing with legendary Flamenco dancer, Jose Greco. After retiring from dancing, she opened a hair salon in New Jersey and later opened another salon in Las Vegas. Carole has used her talents to help others. She has volunteered for a number of years at local hospitals, providing haircuts to patients who are too sick to leave the hospital. She is a very warm-hearted person who is not only willing to donate her time and her talents to help others, but actively seeks opportunities to do so.

Bob and Carole have been happily married for over 20 years. Bob has three children Bobby, Stephen, and Diane.

Bob and Carole Donald are outstanding examples of what it means to be community-minded. They are genuine, giving, and kind. They constantly look for ways to contribute to the world around them. Their optimism and enthusiasm for life has made a difference for all who have the privilege of knowing them.

Madam Speaker, I am proud to honor Bob and Carole Donald for their tremendous commitment to the Las Vegas community and to the United States. I wish the Donald's the very best as they continue to set an example of service and civic involvement.

SUPPORTING NIH FUNDING FOR DYSTONIA RESEARCH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. STARK. Madam Speaker, I rise today in strong support of NIH funding for research to better understand the causes and treatments for dystonia.

My longtime friend Howard Thiel visited last week to tell me more about the problem of dystonia; Howard experienced severe pain and disability from this condition for nine years.

Although he is now benefiting from effective treatment, he helped me better understand the problems of the many Americans who suffer from conditions of abnormal muscle tone. In compelling terms, he described the pain, disability and suffering they experience. From spasmodic dystonia of the neck, to spasmodic dysphonia of the vocal cords, and generalized whole body dystonia, these various conditions all involve distressing, often exquisitely painful difficulties with muscle tone.

As Robert F. Kennedy Jr. has noted, "Dystonia is the third most common neurological movement disorder behind Parkinson's and Tremors." Hundreds of thousands of Americans suffer with this little known disorder. As we consider the difficult budget priorities confronting us in 2007, I ask you to give serious consideration to increased NIH support for research on neurological conditions like dystonia.

HONORING HARRY HAFT'S PLACE IN THE NATIONAL JEWISH SPORTS HALL OF FAME

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. ISRAEL. Madam Speaker, I rise today to honor Harry Haft, a Holocaust survivor and inductee into the National Jewish Sports Hall of Fame.

Born Hertzka Haft on July 28, 1925 in Poland, Harry Haft was only 16 when he was sent to the infamous concentration camp, Auschwitz. Here, the brave teenager was forced to fight other prisoners for the amusement of German SS guards. These perverse, bare-knuckled bouts were held while Mr. Haft routinely faced starvation, torture, and a culture of death.

However, Mr. Haft's determination and instincts kept him alive long enough to escape from the camp. After World War II ended, Mr. Haft married Miriam and traveled to America determined to find freedom, Here, he became a professional boxer, one who would battle elements of corruption and organized crime as he worked to establish himself as a professional athlete. His winning career would culminate in a bout against the future undefeated heavyweight champion of the world, Rocky Marciano. After his retirement from the ring, Mr. Haft had three children, Alan, Marty, and Helene, and today is a proud grandfather of six: Hartley, Jamie, Stephanie, Ethan, Melodie, and Jonathan,

This Sunday, April 29, 2007, Mr. Haft will take his place as a deserving member of the National Jewish Sports Hall of Fame in Commack, New York. His story is one of perseverance and survival—of a man who escaped from unimaginable horror to find a new life and success at the top of his profession. I am proud to honor him today.

PAYING TRIBUTE TO FRANK MARTIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my good friend Frank Martin and congratulate him on 30 years of exceptional success as the President and C.E.O. of Martin-Harris Construction.

Frank founded Martin-Harris Construction in 1976 with five associates and a vision. Over 30 years his vision has been realized many times over. Since its inception, Martin-Harris has been granted general contracting licenses in Arizona, California, New Mexico and Utah and currently has over 400 associates generating over $340 million in 2006. Martin-Harris Construction has been recognzed as an industry leader; their accolades include the Ernst & Young Entrepreneur of the Year for the Inland Empire Region and the Las Vegas Chamber of Commerce Community Achievement Award in Business. They have also been recognized by the National Association of Industrial and Office Properties as the Top Contracting firm in 2001, 2003, 2004, 2006 and 2007.

In addition to Frank's exceptional business success he has made a profound impact on the community through his involvement with numerous community organizations. Frank presently serves on the board of directors of U.S. Bank and Opportunity Village. He is a Life Time Board Member of the AGC, UNLV Foundation, and the CCSN Foundation Board. Frank and his wife, Bonnie, have also hosted the annual Miss Kitty's Jeans to Jewels fundraiser for Opportunity Village since 2001 at their Bitter Root Ranch.

Madam Speaker, I am proud to honor my friend Frank Martin. His successes in business and philanthropic pursuits are truly commendable and his dedication to community should serve as an example to us all. I wish him the best in his future endeavors.

INTRODUCTION OF THE "MEDICARE FOR ALL ACT"

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. DINGELL. Madam Speaker, our Nation's healthcare system boasts many triumphs—and many failures. As a nation we spend more than $1.9 trillion on health care, yet the number of those without insurance continues to grow. At last count, more than 46 million Americans under age 65 had no health insurance. This is an increase of 1.3 million people from the previous year, and continues this upward trend that began in 2000.

Those individuals who lack health insurance often forgo vital treatment and are left to depend upon a thinning safety net of healthcare providers. No health insurance often means filing medical bankruptcies or, worse yet, becoming one of the 18,000 premature American deaths each year that are attributable to lacking health insurance.

It is time to act. Today I am introducing "Medicare for All." It will make the tried, true, and trusted Medicare program available to everyone under age 65. Citizens will also have the option of selecting from any of the health benefit plans available to Members of Congress, the President, and Federal employees. People with lower incomes will continue to receive extra help with cost-sharing and premiums in order to access Medicare services.

According to the Institute of Medicine, insuring all Americans would actually save the country $380 billion a year, partly because we already pay for the health care of the uninsured, who wait until they are in crisis and often receive their care in emergency rooms. If comprehensive healthcare coverage is available to all Americans, better preventative services and earlier treatments will be received, lowering healthcare costs. All Americans will reap the economic benefits of a healthier nation, from a stronger economy to lower health insurance expenses.

This plan will save not only lives, but also American jobs. American companies are competing in the international marketplace against businesses that do not directly bear the costs of providing their employees and retirees with health care.

As a result of a slowing economy earlier in the decade and healthcare premiums increasing faster than wages and incomes, the number of people with employer-based health insurance coverage continues to decline. Approximately 12.4 million people lost their employer-based insurance between 2000 and 2005. Premiums for family coverage have increased by 87 percent since 2000. American companies are trying to do the right thing, but it is getting more difficult.

I urge my colleagues—both Democrats and Republicans—to support this bill, and join me in addressing the healthcare crisis faced by millions of Americans today.

JAMES L. WOOD—SOCIOLOGIST, POLITICAL ACTIVIST

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. FILNER. Madam Speaker, my friend and colleague, James L. Wood, died on Wednesday, April 18, following a brief bout with an aggressive cancer. Since his retirement from San Diego State University in May 2005, Jim and his wife Patsy lived in Berkeley. Jim was an inspirational teacher and reform activist. These passions animated him throughout his life, both in his family relations and in his engagement with the larger world.

Jim was born in Oakland, CA, in 1941. After graduating from the Oakland public schools, he enrolled in the University of California, Berkeley, where he earned his Bachelor's degree and Ph.D. in sociology. As a student at Berkeley, Jim met his future wife Patsy. They studied at Berkeley in extraordinary times, when national and world affairs and their academic aspirations converged. Jim's first day of graduate school, October 1, 1964, marked the beginning of the Free Speech movement. Additionally, the Civil Rights movement and the anti-war movement's mobilization of students and broad segments of the general public against the U.S. involvement in war in Southeast Asia influenced Jim to study collective behavior and mass movements.

Upon completion of his doctoral studies at Berkeley, Jim moved to San Diego and joined the Sociology Department at San Diego State University (SDSU) in 1975. His scholarship and teaching focused on social movements and political sociology. He also taught courses on statistics and methodology. Jim assumed the duties of Department Chair, from 1991 to 2000. During these years at SDSU, Jim authored and co-authored many articles and books addressing civil rights, collective behavior and student activism, social movements, and sociological traditions.

When State budget allocations for the California State University system (CSU) declined, in the early 1990s, efforts of the SDSU leadership to restructure departments on that campus, including elimination of the Sociology Department, prompted Jim to focus intensively on the politics of higher education. As an activist and leader in the SDSU Chapter of the California Faculty Association, Jim was part of a faculty-student coalition that prompted the restoration of nine academic departments that had been slated for dismantling, and the withdrawal of termination notices for the numerous tenured faculty who would have been dismissed. For the CFA Chapter, Jim chaired the legislative committee. He also actively participated in other organizations, including the American Sociological Association. He was a member and elected officer of the American Association of University Professors. In 1996, he was a founding member and later became president of the San Diego-based Faculty Coalition for Public Higher Education, which supports funding stabilization for the State's public colleges and universities, the protection of tenure in the face of the expansion and exploitation of contingent faculty ranks, faculty control of technology in the classroom, and the exposure of corporate influence in higher education.

Following retirement, Jim and Patsy resettled in Berkeley. Jim continued to be active in sharing information and supporting the reforms for the community colleges and universities to which he had devoted so much energy over the years.

For colleagues and friends, the memory of Jim as a committed professor and activist will continue as an inspiration.

Jim is survived by his wife Patsy and daughter Ann, both of Berkeley, and son Jeff of Los Angeles.

A memorial service will be held on Saturday, April 28, at 2 p.m. at the Unity Church, 2075 Eunice Street, Berkeley, CA.

HONORING ROBERT D. FITZER

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. RYAN of Ohio. Madam Speaker, I rise today to honor Robert D. Fitzer, a longtime clarinetist, music educator, and community activist in the Mahoning Valley.

Robert Fitzer was born in Youngstown, Ohio to former YSU Dana School of Music faculty members James Fitzer and Dolores Severino. By the time he was in 8th grade he was a member of the Youngstown Symphony Youth Orchestra. He studied clarinet at Northwestern University, where he was a member of their Symphony Orchestra and their Symphonic Wind Ensemble. Robert studied at the American Institute of Musical Studies in Graz, Austria and in the International Festival Institute in Round Top, Texas. He has also received coaching in chamber music by Grammy-award winning cellist Yo-Yo Ma.

As a musician, Bob Fitzer has performed at Carnegie Hall, recorded Grammy Award winning music, and collaborated with the Pittsburgh Symphony Orchestra. He has performed on motion picture soundtracks, Broadway shows on tour, and with rock bands such as Yes and Styx. He has performed with the United States Navy Band and the Blossom Festival Concert Band. Bob also served as soloist in 2004 with the Youngstown State University Symphonic Wind Ensemble.

Bob Fitzer has been a faculty member at YSU's Dana School of Music for 11 years. He teaches a studio of 24 clarinet majors and has formed clarinet choirs, trios and quartets. He has also served on the faculties of Trinity University in San Antonio and Allegheny College in Meadville, Pennsylvania. In addition, he also conducts classes at his private clarinet studio in Youngstown.

Bob Fitzer has also been involved in the community life of Youngstown and Mahoning Valley. He has served as president of the Citizens League of Greater Youngstown and as a volunteer counselor at the Help Hotline Crisis Center. From 1995 to 2001 Bob Fitzer was co-host of WYSU's Commentary Café radio show. During that time I was granted the honor of being one of his guests.

Bob Fitzer spent a lifetime contributing to the art that this world so desperately needs. Currently, Bob Fitzer needs the comfort of that art and the friendship of his friends as he fights cancer. Bob, we wish you well and we pray for you and we hope you find the comfort and friendship that you have so freely provided for others throughout your life.

IN MEMORY OF MURRAY TOLER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my friend Mr. Murray Toler of Malvern, Arkansas, who passed away April 14, 2007.

Murray Toler was a World War II veteran, devoted family man and a civic leader whose optimistic and determined outlook on life impacted all who knew him and called him a friend.

Murray Toler was born and raised in Leola and Sheridan, Arkansas, and upon graduating high school, he joined the United States Navy, where he served through World War II. Murray Toler spent a lifetime in the forestry and lumber business as the longtime partner and executive manager at the H.G. Toler and Sons Lumber Company in Leola. He was a devout member of the First United Methodist Church of Malvern, where he actively served on numerous committees and boards throughout the years. Murray Toler also served on the board of directors of the Malvern National Bank for more than 40 years, an accomplishment that demonstrated his dedication and commitment to his community.

I send my deepest condolences to his wife, Ruby, of Malvern; his two daughters Nancy Toler Grigsby and Cindy Toler Hale; his son David Toler; and to his five grandchildren and six great-grandchildren.

Murray Toler will be sorely missed by his family, his church and his community. I will continue to keep his family in my thoughts and prayers.

HONORING THE CAREER OF RETIRING CALVIN COLLEGE CHAPLAIN DALE COOPER

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. EHLERS. Madam Speaker, I rise today to honor Dale Cooper, chaplain of Calvin College in Grand Rapids, Michigan, who will retire after 30 years of service at Calvin.

Chaplain Dale Cooper began his work at Calvin College in 1976. Three years later, he became chaplain, and has over the past three decades provided students, faculty, and staff at Calvin College with remarkable guidance. Chaplain Cooper's devotion to God and love for all people led him to become chaplain, and by all accounts, his career at Calvin can be regarded as wholly successful. In his time there, he has provided invaluable spiritual guidance to students, whether they had suffered a loss in the family or were struggling to cope with a rigorous class schedule. Through his counseling, preaching and other interactions with students and faculty, Chaplain Cooper embodied the creed of the Christian Reformed Church to incorporate faith and to honor God in every aspect of life, including work and study. Chaplain Cooper has helped see the Calvin College community through both good times and bad, and has left a lasting impact on everyone he has come into contact with.

One of Chaplain Cooper's most remarkable endeavors occurred when he drove his 1941 John Deere "B" tractor across the Midwest, from Calvin College all the way to Alton, Iowa. It was a spiritual journey for Chaplain Cooper; his father was a farmer and John Deere tractor enthusiast. He had to give up farming after his wife, Dale's mother, was paralyzed from the neck down by polio. The illness confined Dale Cooper's mother to an iron lung for 40 years of her life. Incredible spiritual journeys such as this are not uncommon for Chaplain Cooper.

Chaplain Cooper's effectiveness as a spiritual guide to students at Calvin College is validated by their affection for him. Known simply as "Coop" to most students, Cooper has a gift of immediately connecting with people. His friendliness, open door policy, and love for Calvin College and its students, faculty and staff have earned him a sterling reputation around campus, and in the greater community.

In addition to providing guidance, Chaplain Dale Cooper will leave behind a number of programs at Calvin College that reflect his dedication to the institution. Cooper worked to constantly reform the college to welcome people of all backgrounds and faith traditions.

For these and other acts of caring, compassion and dedication to Calvin College and the community it serves, we honor Dale Cooper in his retirement. The impact he has had on people at Calvin cannot be measured by any tangible means. But ask anyone who has gotten to know him there, and it is evident that the mark he leaves behind at the institution is immeasurably large. I hope Dale Cooper's life continues to be as fulfilling for him in retirement as it has been in his years at Calvin College.

TRIBUTE TO RUDY OKRUHLIK

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. PAUL. Madam Speaker, on April 26 the Brazoria Roundtable will honor Mr. Rudy Okruhlik for his over 30 years of work in Texas schools, the last 6 years of which were spent as superintendent of Brazosport Independent School District (ISD). Brazospsort ISD consists of 11 elementary schools, 2 middle schools, 3 intermediate schools, 2 high schools, and an alternative placement center. Under Superintendent Okruhlik's leadership, Brazosport ISD combined challenging academic programs with a passionate commitment to excellence in order to produce an environment conducive to high student achievement.

The results of Superintendent Okruhlik's efforts are shown in Brazosport ISD's rating as Academically Acceptable for the last 2 years on the Texas Assessment of Knowledge and Skills (TAKS) test, with 9 of the 18 regular education campuses rated exemplary or recognized in 2005. Additionally, Brazosport ISD has scored well above the minimum Federal Adequate Yearly Progress requirements for the last 2 years.

Prior to coming to Brazosport ISD, Rudy Okruhlik served as superintendent of Palacios Independent School District from 1992 through 1997 and of Huntsville Independent School District from 1997 through 2000. In recognition of his lifetime commitment to, and achievement in, education, Okruhlik has been named an honorary life member of the Texas Association of School Boards.

In conclusion, Madam Speaker, I once again express my pleasure in joining the Brazoria Roundtable in saluting Mr. Rudy Okruhlik for his work on behalf of Texas children.

IN LASTING MEMORY OF JUDGE GEORGE HOWARD, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Judge George Howard Jr., a true treasure to the community of Pine Bluff, Arkansas, and to the entire State of Arkansas. Judge Howard passed away April 21, 2007, in Pine Bluff, Arkansas, at the age of 82.

Judge Howard spent a lifetime breaking down barriers, and began his service to our nation at the age of 18 in the U.S. Navy during World War II. During his service, the Navy was segregated at the time. However, it was this personal experience that led him to become an attorney to ensure equal treatment for all under the law of the land.

When he retuned from the war, Judge Howard completed his high school education in Pine Bluff and went on to graduate with honors from the pre-law program at Lincoln University in Missouri. Howard then became the first African American student to live on campus at the University of Arkansas at Fayetteville, where he earned his doctor of jurisprudence degree.

Throughout his life and career, Judge George Howard believed deeply in the fundamental idea of justice for all. Judge Howard's distinguished service on the Arkansas State Claims Commission, the Arkansas Supreme Court, the Arkansas Court of Appeals and as a U.S. Federal Judge paved the way for African Americans in Arkansas to pursue careers in public service and the judiciary. He was admired for his fairness and will be forever remembered as a dedicated public servant who cared deeply about his family, his work, his state and his country.

Judge Howard will be missed by his family, his community and all those who knew him and called him a friend. I will continue to keep his family in my thoughts and prayers.

HONORING REV. BILL MILLER OF HAYS, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. MORAN of Kansas. Madam Speaker, today I rise to express my respect and admiration for a man who has devoted his life to serving God and the lives of others—Reverend Bill Miller of Hays, Kansas. The time has come to recognize this man who has touched the lives of countless Kansans and only recently retired from his post as Hospital Chaplain at Hays Medical Center.

Reverend Miller began his position at Hays Medical Center at the age of 73. With his wife Carolyn so often at his side, he remained there for 11 years. It was only this past December that he decided to retire due to health concerns.

During his tenure at Hays Medical Center, Rev. Miller delivered daily devotionals entitled "A Moment with God" to patients and associates both personally and through a telephone prayer line. In order to share these with others, the publication rights for these messages were given to the Hays Medical Center Foundation. They were then compiled into the book, "The World My Father Made."

It came as a surprise to no one when Rev. Miller's book sold out within a few months. According to the Hays Medical Center Foundation, this prompted a reprint to meet the "overwhelming call for his book." One can only imagine how many lives he has touched through print.

According to Hays Medical Center Foundation Executive Director Bob Lowen, Rev. Miller "is the Rock of Gibraltar." "He's known now to second and third generations of families. He baptized kids and did whatever. Now many of those kids are parents and grandparents."

While Rev. Miller has truly been "The Rock" for so many folks, it is his wife Carolyn who has provided solidity and inspiration in his own life. Not only has Carolyn been his soul mate, but she has given of her own time as a Hays Medical Center volunteer.

Rev. Miller's history of service to others extends back several decades. He attended both Garrett Theological Seminar and Asbury Theological Seminar and was ordained in 1950. He truly made a difference in several Kansas communities as he served churches in Wichita, Hays, and Hutchinson.

Although I can express how special Rev. Miller is, no one does a better job of doing so as close friend and aforementioned Bob Lowen. As Bob said, "Rev. Miller is a tall, lean, kind and gentle man much like Abraham Lincoln. I have no doubt but that God gave Rev. Miller to us to truly be 'Our Shepherd.'"

I cannot think of better words to describe this man. Madam Speaker, our community owes a debt of gratitude to someone who has quite simply been a "Shepherd" to individuals in their time of need. Rev. Bill Miller has provided comfort to so many patients and families that I can only say "thank you." Thank you Rev. Miller for answering the call to make a difference.

INTRODUCTION OF PLAY EVERY DAY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise to introduce legislation to help address the critical issue of childhood obesity which is caused by physical inactivity and sedentary lifestyles.

Nearly 15 percent of American children and teenagers are obese. One quarter of the children between the ages of 5 and 10 already show the early warning signs of heart disease. Cases of adult-onset diabetes in children—which used to be almost unheard of—have exploded tenfold in the last two decades.

This is occurring as recess and physical education classes are being phased out of too many schools across the country. And too many communities lack adequate access to safe places and facilities for kids to play so the United States is being forced to confront an epidemic of childhood obesity.

This is unacceptable and action needs to be taken. Congress, the Bush administration, and private enterprise along with the philanthropic groups and health organizations need to reinvest to ensure that our children are living healthy lives.

Last Congress I wrote to the Government Accountability Office (GAO) to request a study about the relationship between areas such as public lands and public health. GAO was unable to provide such a study in part because there were no consistent or adequate data from which to draw a conclusion.

To help better identify this relationship I am introducing companion legislation to S. 651 authored by Senator HARKIN. I am pleased to be introducing this legislation with the support of Congresswoman GRANGER, Congressman BOSWELL, Congressman MCINTYRE and Congressman CUMMINGS. The bill "The PLAY Every Day Act," will help to advance national physical-activity benchmarks for children and adults alike. The legislation will specifically do two things.

First, it will mandate the creation of a well-validated evaluation tool called the "community play index." This index would be used to identify barriers which prevent people from being physically active in particular communities.

Second, it will assist local coalitions to use this index as they craft plans to promote physical activity and wellness in their communities.

While this bill is far from a comprehensive solution to the rise in childhood obesity it is an important step in the process. I urge the swift consideration of this legislation.

CONGRATULATING THE MONTGOMERY COUNTY COMMUNITY COLLEGE ON ITS 10TH ANNIVERSARY OF PROVIDING HIGHER EDUCATION OPPORTUNITIES AT ITS WEST CAMPUS IN POTTSTOWN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. GERLACH. Madam Speaker, I rise today to congratulate the Montgomery County Community College on its 10th anniversary of providing higher education opportunities at its West Campus in Pottstown.

Since opening its doors, the West Campus has become the hub of higher education in the greater Pottstown area. It has brought new and innovative programs and learning opportunities to the community, including degrees in chef apprenticeship, fine arts radiography and surgical technology; an art gallery to showcase local and regional works of art; and the University Center, which expands access to bachelor's and master's degree programs in Pottstown by working in partnership with area universities and colleges.

In the 10 years it has called Pottstown, PA home, the West Campus has undergone a significant transformation. Last January, the college opened a new addition that enabled it to expand its service to students, businesses and the community. During the 10th anniversary ceremony, the college will finally open the pedestrian bridge connecting the two facilities to form one, unified campus.

So I ask, Madam Speaker, that my colleagues join me in congratulating the Montgomery County College for 10 successful years of providing quality higher education options at its West Campus in Pottstown, PA.

RECOGNIZING WORKERS MEMORIAL DAY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Ms. HOOLEY. Madam Speaker, rise today to honor and recognize the 70 Oregonian workers who died on the job in 2006. In addition, I would also like to pay tribute to the 19 brave Oregonians who died last year while wearing the uniform and defending our freedoms.

On this 19th anniversary of Workers Memorial Day, let us acknowledge the steps that have been taken to address workplace safety but let us never overlook the obstacles and challenges that remain.

We have an obligation in this Chamber to do everything in our power to ensure that hardworking Americans are protected from unsafe workplaces. These men and women have worked to make our Nation great and now we must recommit ourselves to ensuring their safety.

Andrew Acevedo, Kenneth Babcock, Leslie Bealer, Terry Berkey, PVI Joseph R. Blake, Dwight Boris, Carlos Bravo, PFC Dean R. Bright, Donald Brown, Debra Chapman, Abel Cinto, James Clark, Roland Couch, Iven Cox, Scott Cox, SPC Douglas C. Desjardins, Randall Dillon, Burl Eastman, James Edson, Ronald Engelsman, SSG Jason M. Evey, CPL Billy B. Farris, Kevin Fink, Carol Forest, Sgt. Brennan C. Gibson, Kenneth Graves, Trona Griffin, Floyd Grisham, CPL Chase A. Haag, Kenneth Harper, Lori Hayes-Kotter, SFC Richard J. Henkes II, Terry Hughes, Daryl Jepson, LCpl Derek W. Jones, SPC Robert L. Jones, Pedro Juarez de la Cruz, Michael Kallis, Jeffrey King, Aaron Lambert, Craig Larsen, PO2 Marc A. Lee, James Lester, Kenneth Lewis, Howard Lichtig, SSG Nathaniel B. (Brad) Lindsey, Michael Lilburn, Louis Lobo, SPC Jeremy M. Loveless, Kyle Lowe, David Mac Donald, Devin Malmore, P03 Marques J. Nettles, LCpl. Randy L. Newman, Sean Mc Quillan, Eric Metzler, Pablo Montecinos, Douglas Mullen, Donald Mustoe, James Naillon, Brad Niemeyer, Ezequiel Osoria-Oliver, Captain Christopher T. Pate, SSG Robert J. Paul, Gary Percell, Henry Ploeg, Franklin, Pugh, Lewis Purcell, Leta Ramerman, Jose Ramirez, Anthony Rizzo, Douglas Sauter, Dale Seiders, Peter Simpson, Leland Smith, Quin Stone, Robert Thomas, Eddie Tol, PFC Thomas L. Tucker, Mark Wagner, SPC Ryan Doran Walker, Shane Watson, Lynn Webb, Jeffery Wilson, Louis Wofford, Robert Wolfe, Richard Woodworth, Howard Workman, and Ston Yackamouih.

COMMENDING BRENDAN A. JONES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. BURGESS. Madam Speaker, I rise today to commend Brendan A. Jones for being selected as a 2007 National Merit Scholarship Awards winner. Brendan is a student at the Texas Academy of Math and Science in Denton, TX.

The National Merit Scholarship Program is an academic competition held annually. Students are initially evaluated by their performance on the Preliminary SAT/National Merit Scholarship Qualifying Test. Of the approximately 1.4 million entrants, only about 8,200 students are selected as finalists.

In this first announcement of 2007 winners, about 1,000 high school seniors are awarded scholarships from various companies, foundations, and businesses. These organizations fund the scholarships to help some of our Nation's most capable students reach their potential.

I wish to offer my congratulations to Brendan. I would also like to recognize his parents and the faculty of TAMS for their outstanding commitment to Brendan's education. I wish him even greater success as he continues his education, and I am proud to represent him in the 26th District of Texas.

INTERNET RADIO EQUITY ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. INSLEE. Madam Speaker, on March 2, 2007, the Copyright Royalty Board (CRB), a three member panel affiliated with the Library of Congress, issued a decision that changed royalty expenses for commercial and noncommercial webcasters and will likely end Internet radio as we know it today. According to the decision, which is retroactive beginning January 1, 2006 and commences through December 31, 2010, commercial and noncommercial webcasters would be subject to an increase in royalty rates from $.08 in 2006 per performance to $.19 per performance in 2010. The new royalty rates amount to a 300 percent increase for the biggest webcasters and up to 1200 percent for small webcasters. For most web casters the royalties will exceed their gross revenues and bankrupt them. The CRB has refused to reconsider its decision so the higher royalties—including retroactive royalties back to January 2006—are due May 15, 2007. My fear is that these new rates will decimate Internet radio and 70 million Americans that listen to Internet radio every month will no longer have access to this music service.

For these reasons, I have introduced the Internet Radio Equality Act which provides royalty parity for Internet radio providers. The bill vacates the CRB's March 2nd decision and changes the royalty rate-setting standard that applies to commercial Internet radio royalty arbitrations so that it is the same standard that applies to satellite radio, cable radio, jukeboxes, and record companies (when they are licensees of songwriters). The bill also sets a transition rate through 2010 that is the same royalty rate that satellite radio services pay (7.5 percent of revenue). Finally, the bill expands the Copyright Act's Section 118 musical work license for noncommercial broadcasters like National Public Radio to enable those broadcasters to also perform sound recordings over Internet radio at royalty rates designed for noncommercial entities.

I believe strongly that it is the responsibility of Congress to promote media diversity in all areas including web-based broadcasting and to ensure affordable consumer access to Internet media.

CONGRATULATING THE GOODWILL FIRE CO. NO. 1 HYDE PARK IN MUHLENBERG TOWNSHIP, PENNSYLVANIA, ON ITS 100TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. GERLACH. Madam Speaker, I rise today to congratulate the Goodwill Fire Co. No. 1 Hyde Park in Muhlenberg Township, Pennsylvania on its 100th anniversary.

From 1907 to today, the Fire Company has devoted itself to keeping the community safe. The Company's volunteers have been familiar faces in the Muhlenberg area, participating in every holiday parade, working with schools on fire prevention education and seeking to make Berks County a great place to live.

Without the dedication of its members, the Fire Company would never have been this successful. For 100 years, the Goodwill Fire Co. No. 1 Hyde Park has had tremendous volunteers. These brave men and women have been providing a service to the community every hour of the day for the last century. This service is provided regardless of the weather, the time of day, and many times their own family commitments.

So I ask, Madam Speaker, that my colleagues join me in congratulating the Goodwill Fire Co. No. 1 Hyde Park, its current crew and the many men and women who have worn the uniform over the years for serving the community and helping to keep Berks County safe for the last 100 years.

HONORING TOLEDO MAYOR SHARON BRANSTITER

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Ms. HOOLEY. Madam Speaker, I rise today to recognize and honor Mayor Sharon Branstiter of Toledo, Oregon. A dedicated public servant and one who committed her entire life to enriching the Toledo community, Mayor Branstiter lost her life this past Sunday at her home due to complications associated with a double bypass surgery.

Sharon moved to Toledo from Nebraska when she was 7 years old. She attended Toledo High School and earned a degree in education from Oregon State University. Before serving as Mayor, she earned her master's degree and worked as a guidance counselor.

What is most remarkable is the passion Sharon had for serving her community. From a young age, she was active in city government and served on a multitude of committees and clubs. Her friends and family will attest that she never forwent an opportunity to voice her concerns or stand up for what she saw as just.

Sharon worked hard to increase the aesthetic landscape of Toledo. As her colleagues recall, Sharon always included flowers and trees in city projects and spent countless hours gardening and weeding public places. The streets of Toledo are lined with beautiful hanging flower baskets that Sharon secured with donations from the community. As a memory to Sharon, let us always think of her contributions to Toledo when we see and enjoy the flower baskets.

I was reminded of the closeness of communities like Toledo when I recently attended the funeral for one of our young men who lost his life in Iraq. The young Marine grew up in Toledo. At the service, Sharon shared her heartfelt memories of this young man and emotionally explained that the entire community of Toledo was losing a son. I have no doubt that the community is now grieving the loss of a woman who was not only their mayor, but was their sister, their mother, their daughter and their friend.

I join Oregonians from across the state in mourning the passing of Mayor Sharon Branstiter.

COMMENDING ALYSSA N. NABORS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. BURGESS. Madam Speaker, I rise today to commend Alyssa N. Nabors for being selected as a 2007 National Merit Scholarship Awards winner. Alyssa is a student at L.D. Bell High School in Hurst, Texas.

The National Merit Scholarship Program is an academic competition held annually. Students are initially evaluated by their performance on the Preliminary SAT/National Merit Scholarship Qualifying Test. Of the approximately 1.4 million entrants, only about 8200 students are selected as finalists.

In this first announcement of 2007 winners, about 1000 high school seniors are awarded scholarships from various companies, foundations, and businesses. These organizations fund the scholarships to help some of our nation's most capable students reach their potential.

I wish to offer my congratulations to Alyssa. I would also like to recognize her parents and the faculty of L.D. Bell High School for their outstanding commitment to Alyssa's education. I wish her even greater success as she continues her education, and I am proud to represent her in the 26th District of Texas.

DEFENDING THE HUMAN RIGHTS OF COMFORT WOMEN SURVIVORS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. TOWNS. Madam Speaker, today, Washington welcomes Prime Minister Shinzo Abe of Japan, a country that has been our good and trusted ally in Asia. The Prime Minister's visit promises to further cement this important and expanding U.S.-Japan relationship.

Our strong ties depend upon our shared values of democracy and human rights or as his Foreign Minister notes, a "values oriented diplomacy." Unfortunately, the rhetoric does not consistently match Tokyo's actions towards its neighbors and allies. This is dramatically true in regard to the Comfort Women tragedy where possibly as many as 200,000 women and girls were pressed into sexual servitude for the Imperial Armed Forces of Japan.

My colleague, Mr. HONDA, is the leader on this issue and introduced on January 31, 2007, H. Res. 121, legislation that calls upon Japan to "acknowledge, apologize, and accept historical responsibility in a clear and unequivocal statement for Imperial Japan's Armed Force's maintenance of a system of sexual slavery, presently known to the world as 'Comfort Women,' during its colonial and wartime occupation of Asia and the Pacific Islands."

On February 15, 2007, Mr. FALEOMAVAEGA, chairman of the House Committee on Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment, held a moving hearing with three survivors of this abusive Imperial Japanese government sanctioned and maintained system. It was clear from their testimony that these women needed, but had not received an adequate apology for their suffering and humiliation from the Government of Japan.

Clearly their experience is neither new nor has this sort of violence against women stopped. The topic of sex slavery is not merely a historical footnote, but has relevance to today's world where human trafficking is exploding and rape is a feature of ethnic conflict. Thus, it should come as no surprise that H. Res. 121 has substantial bipartisan support, with nearly 100 cosponsors.

To date, a careful analysis of the Japanese political process shows that Japan has never provided an official governmental apology to the Comfort Women. This is incredible. Do the Japanese think we do not understand their political system, nor care to?

It is also a concern of Congress that Tokyo's apparent insensitivity, it's surprising and insistent focus on narrow definitions and self-seeking legalisms convincing to no one but a few, even in Japan, is harming U.S. relationships in Asia and adding instability to an already volatile region.

An unequivocal admission of past wrongdoing toward the Comfort Women would remove an outstanding moral issue weakening the ties between Japan and major U.S. allies in the region. But more important, it would demonstrate Japan's commitment to human rights, women's rights, and underscore its very new efforts to combat human trafficking. Officially apologizing to the surviving Comfort Women is "value oriented diplomacy."

Getting history right and taking formal responsibility for historical misdeeds are the marks of a great nation. An apology from Japan with respect to the Comfort Women would enhance Japan's over 60-year history of constructive and responsible membership in the today's world community and our alliance.

Madam Speaker, for all these reasons, I hope that my colleagues will join in co-sponsoring H. Res. 121 to signal that the U.S. is very concerned about this important request for social justice and human dignity from Japan.

RECOGNIZING EAST VINCENT TOWNSHIP, CHESTER COUNTY, ON ITS 175TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. GERLACH. Madam Speaker, I rise today to congratulate the people of East Vincent Township, Chester County, for celebrating its 175th anniversary on May 4th, 2007.

East Vincent Township is a rural community situated on the banks of the Schuylkill River in Chester County. During the Revolutionary War, GEN George Washington and the Continental Army traversed and lived in the area during their Valley Forge encampment. Today, more than 6,500 people call East Vincent home. As the Township grows and develops, significant efforts are being made to preserve its beautiful open spaces for future generations.

On Saturday, May 5, 2007, the East Vincent Township community will gather and celebrate this auspicious occasion with a parade, ceremony and evening concert.

So I ask, Madam Speaker, that my colleagues join me in congratulating the people of East Vincent Township for celebrating their 175th anniversary and for contributing to the wonderful quality of life of Chester County, PA.

RECOGNIZING KEVIN LOVE OF LAKE OSWEGO, OREGON

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Ms. HOOLEY. Madam Speaker, I rise today to recognize a remarkable student athlete from Lake Oswego, Oregon. Kevin Love was recently named the 2006–07 Gatorade National Boys Basketball Player of the Year.

Often perceived as the most prestigious high school athletic award, Kevin was selected from among a group of more than 547,000 student boy basketball players. Kevin averaged 33.6 points, 17 rebounds, four assists, and three blocks per game as center for the Lake Oswego Lakers.

In addition to his distinguished record on the court, Kevin received this honor for the many contributions he has made in the classroom and in our community. As an active volunteer, Kevin has mentored countless youth and is an inspiration to all.

It is truly an honor and privilege to extend my sincere congratulations to Kevin Love. I wish Kevin continued success as a future UCLA Bruin.

COMMENDING KIM TRAN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. BURGESS. Madam Speaker, I rise today to commend Kim Tran for being selected as a 2007 National Merit Scholarship Awards winner. Kim is a student at Birdville High School in North Richland Hills, TX.

The National Merit Scholarship Program is an academic competition held annually. Students are initially evaluated by their performance on the Preliminary SAT/National Merit Scholarship Qualifying Test. Of the approximately 1.4 million entrants, only about 8,200 students are selected as finalists.

In this first announcement of 2007 winners, about 1,000 high school seniors are awarded scholarships from various companies, foundations, and businesses. These organizations fund the scholarships to help some of our Nation's most capable students reach their potential.

Kim is ranked first in her class at Birdville High School. Aside from academics, Kim holds leadership positions in numerous clubs and organizations. She has led the school's math and science teams to victory while attaining some personal awards. Recently, Kim was accepted to Stanford University.

I wish to offer my congratulations to Kim. I would also like to recognize her parents and the faculty of Birdville High School for their outstanding commitment to Kim's education. I wish her even greater success as she continues her education, and I am proud to represent her in the 26th District of Texas.

RECOGNIZING CARRIE BAGNELL AS SANTA ROSA COUNTY, FL 2007 ROOKIE TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize Carrie Bagnell as Santa Rosa County's Rookie Teacher of the Year.

Carrie Bagnell joined the Santa Rosa School District in 2006, with a background in Elementary Education from Indiana University. Ms. Bagnell is currently in her first year of teaching, where she teaches kindergarten at West Navarre Primary School in Navarre, FL.

Throughout her inaugural year of teaching, Carrie Bagnell has gained experience and training in phonics, literacy block, classroom organization and management, grants, and education of students with exceptionalities, ESE. Above all, she has earned the heart and respect of her students and the school community. Out of her passion for teaching and her love for children, Carrie Bagnell is the positive force behind each student's growth of mind, by giving them the confidence, knowledge, and inspiration needed to succeed.

The Rookie Teacher of the Year recognizes one teacher in his or her third year or less of teaching, and to be honored as Rookie of the Year places Carrie Bagnell among the great teachers in northwest Florida. Santa Rosa County is honored to have her as one of its own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Carrie Bagnell on this outstanding achievement and her exemplary service in the Santa Rosa County School District.

IN HONOR OF RICHARD GRESKO AND EXPRESSING THAT HE SHOULD RECEIVE THE MEDAL OF HONOR FOR HIS COURAGEOUS ACTIONS ON MARCH 11, 1970 IN VIETNAM

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to pay tribute Richard Gresko, one of America's true heroes. The reason for my statement today, however, is to correct a grave injustice done to him by our country.

In March of 1970 Richard Gresko was in Vietnam serving as a lance corporal in the United States Marine Corps. On the night of March 11, 1970 Gresko was leading three of his fellow marines in an ambush to protect a village from the Viet Cong. Around midnight Gresko's team was surprised from behind by the enemy. A firefight ensued and one of the enemy threw a grenade in between Gresko and his men.

As the citation on his military award reads, "With complete disregard for his own personal safety and fully aware of the dangers involved, he unhesitatingly threw himself on top of the grenade, absorbing most of the blast fragments with his own body in order to protect his men from certain injury and possible death." Despite being painfully wounded, Gresko continued to direct his men in combat. When he was helicoptered out to receive medical treatment, he continued to give information about the enemy despite bleeding profusely with hundreds of pieces of shrapnel in his face, arms and chest. Madam Speaker, it is a miracle that he survived.

Madam Speaker, I wish I could be here today to say that Richard Gresko, a man who unhesitatingly risked his own life to save his fellow marines, received the recognition that he deserves, but sadly I cannot. Mr. Gresko's bravery, sacrifice, and valor are beyond question, yet he has not been honored as he should. To truly honor this brave American, he should be awarded the Medal of Honor. Despite the fact that Gresko's commanding officer immediately put him in for the Medal of Honor, 6 years would pass before any recognition of Mr. Gresko's heroism was made by our Nation when he was awarded the Navy Cross.

Madam Speaker, as a former soldier I appreciate the amount of courage and bravery it takes to do what Mr. Gresko did for his men. There is no room for subjectivity in this matter. Richard Gresko risked his life to save men under his command. That is the highest form of sacrifice a serviceman can make and it deserves the highest honor that our Nation can bestow.

For over 30 years Mr. Gresko has patiently waited for the recognition that he deserves. His case has undergone countless reviews but each time is caught in a web of bureaucracy and dead ends. It is high time that we honor this hero and pay tribute to him for what he did for us. For that reason, Madam Speaker, I am introducing a bill to authorize and request that the President of the United States award Richard Gresko the Medal of Honor for his acts of valor on March 11, 1970, in Vietnam.

As if his gallantry on the battlefield was not enough, Mr. Gresko is also a pillar of his community in Newtown, PA, in my district. He is a father, a grandfather, and a husband of more than 38 years. Even today, despite the fact that he lives in constant pain from the injuries he sustained that night, Mr. Gresko is adamant that he would do it all over again. His instincts told him to run from that grenade, but Mr. Gresko says, "You have to overcome that. You know you're gonna die, but you have to protect your men. Sometimes the whole is more important than the one."

Madam Speaker, Richard Gresko is truly among the finest that America has to offer. It is my hope that with the introduction of this bill we will move one small step closer toward correcting an injustice that has gone unrecognized for almost 4 decades. Our Nation must do right by this hero whose actions define the phrase "above and beyond the call of duty."

REMEMBERING RUSSIAN PRESIDENT BORIS YELTSIN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. WILSON of South Carolina. Madam Speaker, with the passing of former Russian President Boris Yeltsin, the world lost a truly heroic leader. President Yeltsin was instrumental in placing Soviet Communism on the ash heap of history, fulfilling the vision of Ronald Reagan for victory in the Cold War by liberating Russia for its citizens to benefit from freedom and democracy.

The words of Vladimir Simonov, political commentator for the Russian News and Information Agency Novosti, in the article He Did It His Way memorialize President Yeltsin well.

BORIS YELTSIN: HE DID IT HIS WAY

MOSCOW.—President Bush sees Boris Yeltsin as a historic figure who served his country at a time of great change.

Prime Minister Tony Blair recalls the Russian leader as an outstanding statesman who realized how much Russia needed democratic and economic reforms.

Javier Solana, a European Union official and former secretary-general of NATO, thinks that Yeltsin displayed incredible foresight and courage when he decided to sign a hitherto unthinkable agreement on Russian cooperation with the North Atlantic alliance in the early 1990s.

These statements could be summed up in the following words, which the West could write on a wreath to lay at the grave of Russia's first elected president: "We are grateful to you for creating a Russia that no longer scares us." In other words, Yeltsin made Russia look normal in the eyes of the civilized world.

He gave his people three simple, fundamental rights that citizens of civilized countries have enjoyed for a long time. Under Yeltsin, Russians received the opportunity to say what they thought, elect who they liked to major posts, and own private property, be it a house in the Moscow suburbs or a villa in Nice, although the majority could buy the latter only in theory.

Having embarked on the path of democracy and the market economy, no matter how awful it seemed to some initially, the mysterious and dangerous communist controlled Russia turned into a sensible and understandable country. Russians became more like Westerners. Perhaps at that moment, when differences were swept away, the Cold War came to an end. Credit for this historic accomplishment largely goes to Yeltsin as well.

By the end of his eight-year-long rule, Boris Yeltsin had lost the admiration of his compatriots. His popularity in Russia, but not in the West, had gone down. Well-to-do analysts watching events in Russia from afar thought that nothing tragic was happening. To be more precise, they believed that Russia had to go through its ordeals like any country undergoing a great change.

The West shares our grief because it also understands the greatness of the late Russian president. After all, it was Yeltsin who buried communism and made Russia part of the free world. In history textbooks he will always be remembered as a giant Russian standing on a tank, the man who prevented his country's return to the gloomy era of totalitarianism.

Frank Sinatra once sang "I did it my way." The same words can be applied to Yeltsin. He did it his way, and both Russia and the West are grateful to him for choosing freedom.

HONORING MARIO GALLEGOS. JR.. FOR BEING NAMED "GOVERNOR FOR A DAY"

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to commend Mr. Mario V. Gallegos, Jr., on being named "Governor for a Day" in the State of Texas. Senator Gallegos, a long time Houstonian, has served his community first as a Houston firefighter, then as a Texas State Representative, and now as a Texas State Senator. He was the first Hispanic Senator elected to represent Harris County.

Senator Gallegos, like myself, is a graduate of the University of Houston. In Austin, he continually serves as a strong voice for the university, to ensure levels of funding increase with the growing population of his district.

Having served 22 years as a firefighter, where he retired as Senior Captain, Senator Gallegos has fought for growth and increased funding for firefighters and law enforcement, alike. He was recently recognized for his work in the 77th Legislative Session by the Texas State Association of Fire Fighters and the Combined Law Enforcement Association of Texas. Senator Gallegos has also received such accolades as the Texas Municipal League's "Distinguished Legislative Service Award," Legislator of the Year by the Mexican American Bar Association of Texas, and the Fiestas Patrias Distinguished Hispanic of the Year Award.

And so it is with great pleasure that I recognize my good friend in his continued work to serve Texas, Mario Gallegos. His distinguished legacy of service speaks volumes and I congratulate him on being named "Governor for a Day."

CONGRESSIONAL ART COMPETITION WINNER KRISTEN HRIZO

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. DOYLE. Madam Speaker, I rise today to recognize the artistic ability of a young woman from my Congressional District, Kristen Hrizo of West Mifflin High School.

Kristen is the winner in the 2007 14th Congressional District of Pennsylvania's High School Art Competition, "An Artistic Discovery." Kristen's work, a piece utilizing pencil, ink, watercolors, color pencil, and marker, is entitled "A Walk in the Jungle."

Kristen's artwork was selected from a number of outstanding entries to this year's competition. I am certain that her family is proud of her artistic talents as well as this accomplishment.

It gives me great pride and pleasure that Kristen's painting will be representing the 14th Congressional District of Pennsylvania in the national exhibit of high school students' artwork that will be set up in the United States Capitol in the coming weeks. The winners of the Congressional Art Competitions held in each Congressional District will be displayed in that exhibit.

I encourage my colleagues as well as any visitor to Capitol Hill to view Kristen's artwork, along with all of the other winning artwork that will be on display throughout the next year. It is amazing to walk through this corridor and see the interpretation of life through the eyes of these young artists from all across our country.

I would also like to recognize all the other participants in this year's 14th Congressional District High School Art Competition, "An Artistic Discovery." I would like to thank these impressive young artists for allowing us to share and celebrate their talents, imagination, and creativity. The efforts of these students in expressing themselves in a powerful and positive manner are no less than spectacular. I hope that all of these individuals continue to utilize their artistic talents, and I wish them all the best of luck in their future endeavors.

I want to congratulate all of the participants in this year's 14th Congressional District Art Competition and thank them for sharing their gifts with us.

IN SUPPORT OF TAIWAN'S BID FOR MEMBERSHIP IN THE WORLD HEALTH ORGANIZATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. SESSIONS. Madam Speaker, for years now, Taiwan has had no representation in the World Health Organization (WHO). The health rights of Taiwan's 23 million people have been grossly neglected. As a democracy, the Government of Taiwan is compelled to respect the wishes of its people and apply for membership into the WHO. Also, Taiwan would like to be invited to send observers to sessions of the World Health Assembly this May.

I support Taiwan's bid to be a member of the WHO. Taiwan's bid is closely related to its campaign for World Health Assembly observer status and meaningful participation in World Health Organization activities. The health rights of the 23 million Taiwanese people must be respected. Moreover, Taiwan is willing and able to contribute to the world health network. As of December 2006, Taiwan had 32 technical missions stationed in 29 partner countries and dispatched 16 mobile medical missions to 12 countries. It is conceivable that with a membership in the WHO, Taiwan will be able to contribute even more of its resources to the global health network.

Several years ago, Taiwan was gripped in crisis with the outbreak of SARS. Since Taiwan was not a member of the WHO, Taiwan encountered a significant amount of red-tape in getting WHO assistance to the affected areas during its urgent time of need during the SARS crisis. Should there ever be a new medical crisis in Taiwan, the WHO should be free of all barriers in assisting people in urgent need of immediate medical attention.

Madam Speaker, Taiwan's application for WHO membership in the name of Taiwan does not represent any change of Taiwan's status quo. Taiwan is most commonly known as "Taiwan" internationally and the Government of Taiwan has made it absolutely clear that it has no intention of changing its national name. Taiwan's Constitution has not been changed.

I hope that the administration will once again enthusiastically support Taiwan's application and that no government will dispute Taiwan's membership request. All nations, especially the United States, Japan, and major European countries, should request the WHO to make appropriate arrangements for Taiwan to participate in WHO's mechanisms or at the very least grant Taiwan WHA observer status this May.

TRIBUTE TO THE AU SABLE ANGLERS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. STUPAK. Madam Speaker, I rise today to recognize one of the most effective, well organized and long standing conservation groups in the State of Michigan, the Au Sable Anglers. This organization, which has done so much to preserve the Au Sable River, celebrates its twentieth anniversary on Saturday.

The Au Sable River is located in northern Michigan's Lower Peninsula. The river winds from Lake Huron inland running approximately 140 miles to the center of the peninsula. This picturesque river and its surrounding wetlands are a favorite fishing spot for Michigan residents seeking brown trout as well as for fishing enthusiasts who travel from across the country each year for some of the best fishing in the nation. The river has faced many threats, but the Au Sable Anglers have remained stalwart champions of the river, helping to preserve this wondrous natural resource for future generations of trout anglers and outdoorsmen.

The Anglers of the Au Sable was born out of efforts to prevent a Michigan Department of Natural Resources (DNR) policy from being rescinded. The State's 1986 Catch and Release fishing policy was at the time being challenged. To thwart efforts to rescind this policy, a local businessman named Rusty Gates, whose fishing lodge and tackle shop abuts the banks of the Au Sable River, rallied supporters.

In May of 1986, Mr. Gates began culling a mailing list from his lodge guests and patrons of his fly shop to organize allies and protect the catch and release policy. In September of 1986, six anglers—Rusty Gates, Dan Drislane, Ed McGlinn, Dennis Potter, Vic Prislipski and Gene Ballou—met in the Gates Au Sable Lodge. This organizational meeting was the genesis of the Au Sable Anglers. In August of that year, the Au Sable Anglers held their first annual members meeting with 75 conservationists in attendance.

While the Au Sable Anglers were originally formed to address the issue of the Department of Natural Resources' Catch and Release policy, they rapidly expanded their areas of interest to face down an array of threats to the Au Sable River.

When the Federal Energy Regulatory Commission initiated its re-licensing process for scores of hydroelectric dams in Michigan, including six on the Au Sable River, the Anglers helped ensure that Au Sable River would be protected. In the early 1990s, the Anglers discovered illegal water regulation at a dam on the Au Sable that was causing extremely low water conditions. After pressure from the Anglers, the owner of the dam abandoned this environmentally damaging practice. The Au Sable Anglers were also involved on issues surrounding gas exploration near the river.

Although the Au Sable Anglers are active on public policy and environmental issues affecting the Au Sable River and its ecosystem, they are not afraid to roll up their sleeves to help remediate pollution and keep the river clean. Over the years they have helped restore scores of soil erosion sites and funded the repair and restoration of hundreds of fish habitat sites. Every year since September of 1996, they have held an annual river clean up, in which hundreds of volunteers walk more than 100 miles of river, filling trash bags with waste and debris. Since its inception, the annual river clean up has evolved into an event that rallies the entire Au Sable River community together. Not only do volunteers from the Anglers pitch in, but local property owners along the river open their land to the trash collection teams and help guide the teams from point to point.

The organization has also lent its financial resources towards engaging young people in conservation studies. Over the years, the Anglers have underwritten several graduate biology students to investigate soil erosion and other problems impacting the Au Sable River and its habitat.

Today, after twenty years of hard work to preserve the Au Sable River for future generations, the Au Sable River Anglers remains a vibrant and effective organization. The group boasts over 600 conservationists as dues paying members and remains involved in local environmental issues and in river remediation efforts. Rusty Gates continues to serve as the organization's President. Like the organization's founders and board members, he should be commended for dedicating so much of his personal time to building the organization and protecting the Au Sable River.

Madam Speaker, the Au Sable Anglers provide an inspiring example of how ordinary citizens can band together to protect and improve their local environment. While the Au Sable Anglers have not won every battle they have fought, their collective, tireless efforts have done much to preserve one of northern Michigan's great locations for fishing, canoeing and outdoors life.

Twenty years ago, six outdoorsmen gathered to discuss how they could protect and improve a northern Michigan river that they cared for greatly. Today, twenty years later, thanks to that initial meeting, the Au Sable Anglers remains a vigilant defender of the Au Sable River.

Madam Speaker, as this local, grassroots organization observes its twentieth anniversary, I would ask that you and the entire U.S. House of Representatives join me in thanking the Au Sable Anglers for their work and in saluting them for their stalwart advocacy on behalf of the Au Sable River.

THE 40TH ANNIVERSARY OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. ROYCE. Madam Speaker, it is with great pleasure that I rise today to recognize the 40th Anniversary of the National Association of Federal Credit Unions (NAFCU). Founded in my home state of California on

April 26, 1967, NAFCU's current member credit unions stretch from coast-to-coast and are more than 1,000 in number. These credit unions in turn represent more than 30 million individual credit union members.

From 1967 until today, NAFCU has been a strong voice in Washington on behalf of Federal credit unions. The NAFCU members in my district tell me that this association does an excellent job providing them with representation, information, education, and assistance to meet the challenges that cooperative financial institutions face in today's economic environment.

It is with this in mind, I rise today to congratulate the National Association of Federal Credit Unions on their 40th Anniversary. I have worked with NAFCU on issues that are important to the credit unions in my congressional district, and I look forward to doing so in the future. Congratulations NAFCU on your 40th Anniversary.

ON PROTECTING AMERICA'S WORKERS ACT OF 2007

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Ms. WOOLSEY. Madam Speaker, the Occupational Safety and Health Administration Act (OSHA), passed in 1970, promised America's workers safe and healthy workplaces.

However, OSHA has gaps in coverage and approximately 8.6 million State, county and municipal employees are not covered by the law. Public employees have the same health and safety problems as do private-sector workers but have no protection in more than 20 States and the District of Columbia.

In addition, millions of airline and railroad employees, as well as Department of Energy contractors, are inadequately covered.

Another sad reality is that many employees already covered by OSHA are afraid to report health and safety violations for fear of retribution. When an investigation does occur, however, workers and families are often left in the dark about the progress of the investigation, and too often, even when an employer commits multiple violations, penalties are weak and ineffective.

The Protecting America's Workers Act improves upon OSHA in a number of ways: It raises civil penalties on employees and makes felony charges available against employers who commit willful violations. It also expands coverage to include public employees and millions of other workers who are inadequately covered by other laws. In addition, the Act improves upon current whistleblower protections, specifically giving workers the right to refuse to do hazardous work and protecting against employer retribution. Finally, it requires OSHA to investigate all cases of death and serious injuries and gives workers and families the right to meet with investigators.

Since the passage of OSHA in 1970, much progress has been made. It has been reported that over 349,000 lives have been saved. Nonetheless, too many workers are still dying—5,764 in 2005—and millions of others are injured or become ill by working in unsafe and unhealthy conditions. The provisions of the Protecting America's Workers Act strengthen OSHA so that it can meet its promise to ensure safe and healthy workplaces for all Americans.

INTRODUCTION OF THE COMPREHENSIVE LEARNING ASSESSMENT FOR STUDENTS AND SCHOOLS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. UDALL of Colorado. Madam Speaker, today I introduced the Comprehensive Learning Assessment for Students and Schools Act or "CLASS Act of 2007." This legislation makes practical and meaningful reforms to the No Child Left Behind Act.

The importance of ensuring that each child in America is given the opportunity to reach his or her full potential cannot be overstated. Having an educated workforce is a matter of economic competitiveness and it is a matter of national security. I voted for the No Child Left Behind Act, NCLB, in 2001 because it placed much needed focus on accountability and on closing the socalled "achievement gap" in this country by targeting the achievement of low-income and minority students. These remain laudable and important goals.

Since the law was enacted 5 years ago, I have met with students, parents, teachers, principals, superintendents, and others to discuss the real-world effects of this Federal mandate. What I have learned is that there is broad consensus in favor of establishing high standards and accountability, but there is also an emerging consensus that the law has had some unintended consequences.

In 2005, several stakeholders in Colorado's education community, including representatives from the Colorado Association of School Executives, the Colorado Association of School Boards, the Colorado Education Association, and the Colorado Board of Cooperative Educational Services Association, produced a policy paper suggesting meaningful reforms to the NCLB. The policy paper's prescriptions mirror what I have heard first hand from constituents in my district and other Coloradans. My legislation addresses many of these suggested reforms.

First, the way that the Department of Education currently measures Adequate Yearly Progress, AYP, does not yield an accurate metric for actual student progress in our Nation's schools. For example, in Colorado in 2004, the Boulder Valley School District met 140 of 142 required performance targets, Littleton Schools met 124 of 128, and Durango met 91 of 94. Yet under the "all or nothing" rules of NCLB each of these districts were labeled as failing.

The CLASS Act would allow schools to use longitudinal growth to measure student proficiency to calculate AYP more accurately. Longitudinal growth measures a student's progress from previous years as opposed to comparing the scores of one cohort of students one year to an entirely different cohort the following year. By focusing directly on individual students, we can develop a much better understanding of ways to improve the grade-level learning process.

In addition, the CLASS Act would require that multiple measures be used to assess AYP. These would include: the proportion of State report card indicators met, a performance index score, student drop-out rate, and a measure based on individual student achievement gains over time by disaggregated groups. When a school is required to offer transfer choices and supplemental services to a school because that school has failed to meet all of its AYP targets, transfer choice and supplemental services will only be available to students who fall under the one of the subgroups that failed to meet an AYP target. For example, if the students with disabilities subgroup is the only one within a school to not achieve AYP, then only those special education students would be offered transfer options and supplemental services. This common-sense measure allows schools and districts to target resources where they are needed most.

Second, two federal mandates of the Individuals with Disabilities Act (IDEA) and NCLB are conflicting. Whereas NCLB requires that students progress at similar rates, IDEA expressly states that students with disabilities progress at different rates. NCLB requires that students progress be measured by a "proficient score" on a standardized test; IDEA is based on an Individual Education Program (IEP) team decision with a test score as just one factor. The CLASS act would allow a student's IEP to be taken into consideration when determining the assessment level under which a student would be tested for the purposes of NCLB.

Third, the CLASS Act would acknowledge the fact that becoming fluent in a new language is a complex process that occurs over time. It is unfair and unproductive to require students, while they are learning English, to be tested in both the acquisition of a new language and in the subject content. The CLASS Act would exclude the performance of students with limited English proficiency who have resided in the United States for less than three years, so as to avoid any distortion in measurement resulting from the new arrivals of such students.

NCLB has provided critical tools for parents, teachers, and administrators to understand how children are learning and what schools and families can do to improve education. But in order for accountability assessments to be meaningful, they need to be transparent and fair.

Madam Speaker, the CLASS Act goes a long way toward achieving the goal of transparent and fair assessments of student progress without compromising the critical goal of demanding excellence in our public education system. I encourage my colleagues to support this legislation.

IN SUPPORT OF THE GLEN ROCK COMMUNITY'S EFFORTS TO CURB UNDERAGE DRINKING

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise to commend the community of Glen Rock for joining together to fight underage drinking, which, according to the National Institutes of Health, results in the deaths of approximately 5,000 people under the age of 21 each year.

Many Glen Rock high school students face a destructive rite of passage called the Keg Race. The Class of 2007 is expected to consume 107 kegs of beer before graduation day in June. While no one has yet died as a result of this under-culture of house parties and drinking, the community has come together to try to put an end to this practice before some irreversible damage is done.

Regrettably, this is not a problem isolated to the community of Glen Rock. A 2003 study by the National Institute on Alcohol Abuse and Alcoholism noted that by the time they have reached the eighth grade, nearly half of all adolescents have had at least one drink and more than one in five reports having been "drunk." About a third of all high school seniors report engaging in binge drinking—that is, having at least five or more drinks in a single occasion—within two weeks of being asked as part of the report.

Elected leaders, spiritual leaders, and parents are joining together to form a web of support for each other and for community young people to help break this cycle of underage drinking in Glen Rock. And, I commend their efforts and hope other communities will follow their lead.

TRIBUTE TO KOUICHI R. TANAKA, M.D., M.A.C.P.

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Ms. HARMAN. Madam Speaker, today I rise to recognize Dr. Kouichi R. Tanaka for his important contributions to the field of medicine and medical education.

Dr. Tanaka was born in Fresno, California where he lived on a grape farm with his parents and three siblings. In July, 1942, he and his family were placed in an internment camp in Poston, Arizona. Despite the lack of books and appropriate educational facilities, Dr. Tanaka pursued his dream of becoming a physician.

He would go on to earn a Bachelor of Science and Doctor of Medicine degree with high distinction from Wayne State University, serve in the United States Army, and become a resident in medicine and fellow in pathology and hematology.

Dr. Tanaka began his academic career at the UCLA School of Medicine in 1957 and joined the faculty at Harbor-UCLA Medical Center in 1961 as chief of the Division of Hematology. He would also serve as associate chair of the Department of Medicine, acting chair of the Department of Medicine, director of the Hematology Research Laboratory, program director, Professor of Medicine, and playa key role in training over 450 internal medicine physicians during the past 46 years. In addition, Dr. Tanaka has written nearly 300 research publications, leading to important contributions in the study of erythrocyte metabolism and to the understanding of hemolytic disorders.

Dr. Tanaka has received many awards and held many positions of distinction. He was President of the Alpha Omega Alpha Honor Medical Society at Wayne State University School of Medicine and founding associate editor of the American Journal of Hematology. He was awarded the Distinguished Alumni Award from Wayne State University School of Medicine; the Sherman M. Mellinkoff Faculty Award at the David Geffen School of Medicine at UCLA; and the Laureate Award of the American College of Physicians Southern California Region 1. He is the first Japanese American elected to the American Society for Clinical Investigation and the Association of American Physicians. He was ACP Governor for Southern California Region I, was awarded Mastership in the American College of Physicians, and was presented with the 1999 UCLA Medical Alumni Association Distinguished Service Award. In 2004, he was selected to the inaugural class of "LA BioMed Legends".

Madam Speaker, I appreciate this opportunity to share how proud I am to have Dr. Tanaka working in my district's most important biomedical research institute, the Los Angeles Biomedical Research Institute at Harbor-UCLA Medical Center.

TRIBUTE TO COLONEL JOHN R. SMITH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. SKELTON. Madam Speaker, let me take this means to pay tribute to COL John R. Smith, Chief of the Air Force Programs and Legislation Division, for his 25 years of service to the U.S. Air Force and our country. A command pilot with over 3,600 flight hours, Colonel Smith has supported combat operations around the world to include Operations Desert Storm, Restore Hope, Allied Force, Northern and Southern Watch, and Desert Fox. He has also flown numerous presidential support missions as well as humanitarian missions in relief of the devastation from hurricanes George and Mitch, flood relief in Mozambique, and earthquake relief in Turkey.

COL John R. Smith was born into the Air Force, the son of a World War II pilot and former prisoner of war COL Darrell Smith (ret.) and his wife Helen. Following his father into the Air Force, after high school he earned an appointment to the Air Force Academy and graduated in 1982 as a distinguished graduate. Upon completion of pilot training, he returned as a T–37 instructor pilot to teach and mentor future aviators first at Vance Air Force Base, Oklahoma, and then at Randolph Air Force Base, Texas, home of the Pilot Instructor Training School. In 1987, he was selected as Randolph's Instructor Pilot of the Year. Following his tour in Air Training Command, Colonel Smith was selected to represent the United States Air Force as an exchange officer with the United Kingdom's Royal Air Force. In 1992, Colonel Smith was selected to fly the C–5 at Travis Air Force Base, California: From the C–5, Colonel Smith was assigned to the Pentagon in the Air and Space Operations directorate where he served as the C–5 and C–141 Program Element Monitor directing over $1.5 billion in funding for these two fleets. He was then reassigned as a Joint Warfighting Capabilities Analyst where he prepared recommendations on Department of Defense budgets, programs, and force structure alternatives for the Chairman of the Joint Chiefs of Staff.

Colonel Smith was selected to command the Third Airlift Squadron, flying C–5s out of Dover Air Force Base, Delaware. Under his leadership, the Third overcame low aircraft maintenance reliability rates to support 17 major contingencies, exercises, and relief operations including critical taskings in support of operations in Iraq, Bosnia, and the Far East. The squadron was twice selected as the best operations squadron of the year at Dover, garnered 18 higher headquarter aircrew awards, and earned the year 2000 nomination for the best airlift squadron in Air Mobility Command. Following command, Colonel Smith attended Air War College and was then selected for a tour in the Secretary of the Air Force's Office of Legislative Liaison where he served as the Deputy Chief of the Weapons Systems Division. For the last 2 years Colonel Smith has served as the Chief of the Programs and Legislation Division. There he is responsible for Air Force legislative engagement with the Senate and House Armed Services Committees.

Madam Speaker, I know the members of the House will join me in offering our sincere thanks to Colonel Smith, his wife Jana, their four daughters, Renae, Elayne, Claire, and Pamela, and four sons Benjamin, Zane, Chad, and Kyle, for their service to our Nation. I would like to especially remember Zane, their second son, who died from leukemia at the age of 2. We wish the Smith family the best of luck in all future endeavors and congratulate Colonel Smith on the completion of an outstanding and successful active-duty career.

CONGRATULATING SAM BIANCO UPON BEING AWARDED THE UNITED WAY OF AMERICA'S "JOSEPH A. BEIRNE COMMUNITY SERVICE AWARD"

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Sam Bianco, of Vandling, Lackawanna County, Pennsylvania, who was chosen by the

United Way of America to receive its prestigious "Joseph A. Beirne Community Services Award."

Established in 1974 by the United Way of America, the award annually recognizes a union member or labor leader who has rendered outstanding service to a local United Way community.

The award is named in honor of the late Joseph A. Beirne, co-founder of the Communications Workers of America International Union and the first union member to ever serve as board president of United Way of America.

Mr. Bianco has been a staunch volunteer and supporter of the United Way of Wyoming Valley since 1955. At that time he served as a campaign solicitor at International Ladies Garment Workers Union shops. He also served as business agent for the Pittston ILGWU and, later, as district manager for the Wilkes-Barre ILGWU. He currently serves on the United Way of Wyoming Valley's board of directors, finance committee, campaign cabinet and he has chaired the labor participation committee for the past 27 years.

Under Mr. Bianco's volunteer leadership, the Greater Wilkes-Barre Labor Council and United Way of Wyoming Valley were named the 1998 recipient of the "National AFL–CIO Model Cities in Community Services Award" for the outstanding partnership created between the local labor movement and United Way in jointly addressing and meeting human service needs.

Mr. Bianco, as president of the Greater Wilkes-Barre Labor Council, has partnered with the United Way of Wyoming Valley on numerous community service projects including the National Association of Letter Carriers Food Drive; creating the "Unions in the Community Girl Scout Patch" and being a co-sponsor of the annual United Way Labor Christmas Project.

Madam Speaker, please join me in congratulating Mr. Bianco for giving his community so many years of devoted service. His contributions to the quality of life in northeastern Pennsylvania are legendary as is his love of helping people in need.

THE 500TH ANNIVERSARY OF THE NAME "AMERICA"

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. HOYER. Madam Speaker, I rise today to commemorate the fifth centenary of the word "America"—a name that has become synonymous with opportunity, equality, freedom and hope.

On April 25, 1507, German cartographer Martin Waldseemueller and Vautran Ludd, Chaplain to the Duke of Lorraine, created a map that gave the name "America" to the new world discovered by Christopher Columbus 15 years earlier. According to historical accounts, the name was a tribute to Amerigo Vespucci, a Florentine navigator who made 4 voyages to the new world between 1497 and 1504.

Waldseemueller and Ludd published 1,000 copies of the map that first coined the term "America," and I am proud to say that the only surviving copy—a priceless relic of our shared heritage—now resides in the Library of Congress, after being purchased in 2003 from the German Prince Waldburg-Wolfegg for $10 million.

In the 500 years that have passed since the word "America" was first used, the term has become more of an idea than a name—a concept that celebrates what is best about humanity; a principle that defines what liberty, justice and unity are really all about; and a goal for the people of the world to strive towards.

We have come a long way over the last half-millennium—from a name on a piece of paper to a moral, political and economic leader among nations. And it gives me great pride to mark this momentous occasion on the House Floor and to join people all over the world in celebrating the fifth centenary of the word "America"—a notion that now means so much to so many people from all walks of life.

HONORING THE 90TH ANNIVERSARY OF THE HUMBOLDT COUNTY CHAPTER OF THE RED CROSS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today in recognition of the 90th Anniversary of the Humboldt County Chapter of the American Red Cross. Since President Woodrow Wilson signed its charter on May 17, 1917, the organization has trained thousands of volunteers that have responded to numerous disasters in Humboldt County, California.

The lives of the citizens of Humboldt County have been greatly improved by the presence and benevolence of this organization. Whether disaster struck a single family or the entire community, the Red Cross has provided disaster relief focused on meeting basic human needs of shelter, food, and health services.

In its 90-year history, the Humboldt County Chapter of the American Red Cross has responded to hundreds of disasters; playing a critical role after the earthquake, tsunami, and flooding of 1964, four earthquakes that struck during the early 1990s and the New Years Eve storm of 2006. They provided assistance and sent volunteers to help after the attacks of September 11, the Indonesian tsunami of 2004 and Hurricane Katrina.

Leaders of the Humboldt County Chapter of the American Red Cross have trained thousands of community volunteers in first-aid, health and safety services and disaster preparedness. They are committed to strengthening the ability of Humboldt County and its communities to prevent, respond and recover from unexpected emergencies and disasters and have led the local effort of a broader campaign of national preparedness.

Madam Speaker, it is appropriate at this time that we recognize the commitment, dedication and inspiration of the many individuals who make up the Humboldt County Chapter of the American Red Cross and extend our hearty congratulations on the celebration of its 90th anniversary.

INTRODUCING THE SAVE OUR CLIMATE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. STARK. Madam Speaker, I rise today to introduce a simple solution to the global warming problem, a carbon tax.

This past Sunday, we celebrated Earth Day. Today, in Earth Day's honor, I propose the Save Our Climate Act. The first Earth Day in 1970 led to new laws to improve air and water quality, and was an important impetus for the creation of the Environmental Protection Agency. On Earth Day 2007, climate change is the preeminent environmental concern. I hope 2007 will be remembered as the year we addressed global warming by passing the Save Our Climate Act.

Climate change is a worldwide problem requiring each nation to do its part. The International Panel on Climate Change—600 of the world's leading scientists—suggests that temperatures may increase three to seven degrees Fahrenheit in the next century. Al Gore's "Inconvenient Truth" may have seemed like a scare tactic, but if we don't wake up to the realities presented in his documentary, we will soon wake up to flooded coastlines, unfarmable plains, and species extinction.

To date, the United States has failed to take necessary steps to reduce greenhouse gas emissions. Though the U.S. emits approximately six billion metric tons of carbon dioxide (CO2) each year—comprising nearly 24 percent of the world's total emissions—we have failed to ratify the Kyoto Protocol. If we continue our refusal to act, we cannot expect other countries to do their part.

The vast majority of environmentalists and climate change experts agree that we need to reduce CO2 emissions by 80 percent by the year 2050 in order to stop the current pace of climate change. Every year we delay enacting legislation to slow climate change makes it that much more difficult to stop global warming.

Economists widely agree that a carbon tax is the best way to reduce carbon dioxide emissions and save our planet from catastrophic climate change. The Save Our Climate Act is just that, a simple tax on fossil fuels that will decrease emissions and create immediate incentives for green energy. Under this legislation, carbon based fuels—coal, petroleum and natural gas—will be taxed at a rate of $10 per ton of carbon content. That means coal, which has higher carbon content than natural gas, will be taxed at a higher rate. This tax structure promotes the use of less carbon intensive fossil fuels and creates an incentive to use other non-carbon-based fuels.

The tax will increase by $10 per ton of carbon every year, making it less affordable to burn fossil fuels as time goes on. When the U.S. reduces its CO_2 emissions by 80 percent, the tax will be frozen at that level. The Save Our Climate Act will generate a small energy price increase each year, equal to about 2 cents per gallon of gas annually. As the tax rate increases, fossil fuel prices will increase, producers will have an incentive to invest in cleaner alternative energies, and those alternative energy sources will become more competitive.

While economists agree that a carbon tax is the best way to reduce CO_2 emissions, few agree on what to do with the revenues raised from the tax. The Save Our Climate Act does not prescribe how we should spend carbon tax revenue, but recognizes the many competing interests for this revenue. Low and middle-income consumers who may face modestly higher energy prices under this system could receive some of the revenue in the form of reduced income taxes or increased tax deductions or credits. We could also spend the money on alternative energy sources, health care, education, or a myriad other domestic environmental and social priorities.

The Save Our Climate Act is a simple solution to a very difficult problem. Some have suggested a system of CO_2 emission caps and a market to buy and sell emissions credits, often referred to as "cap and trade." I worry that industry will thwart any attempt to set a real emissions cap. I also worry about the bureaucratic costs of effectively enforcing such a system. In contrast, a carbon tax is easy to administer and reduces CO_2 emissions by raising the price of fossil fuels, thereby reducing demand for those fuels. It's Economics 101, but unlike most school lectures, this econ lesson could save our planet.

Global climate change is too important for us to continue our inaction because of industry stakeholders or the worry over political consequences of raising taxes. A carbon tax is the best way to address the problem of global warming. I urge all my colleagues to do what's right for our country and the world by supporting the Save Our Climate Act.

INTRODUCTION OF THE MEDICARE ANESTHESIOLOGY TEACHING FUNDING RESTORATION ACT OF 2007

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. BECERRA. Madam Speaker, I rise today to introduce the bipartisan Medicare Anesthesiology Teaching Funding Restoration Act of 2007. This legislation is cosponsored by Representatives Jim Ramstad (R–MN), Darlene Hooley (D–OR) and Pete Sessions (R–TX).

This bill would restore 100 percent payment of the Medicare physician fee schedule (PFS) for teaching anesthesiologists involved in training physician residents in two concurrent anesthesia cases. The American Society of Anesthesiologists (ASA) has endorsed this important legislation.

Paying teaching anesthesiologists 100 percent of the PFS for two concurrent anesthesia cases was the policy of Medicare until 1994. In that year, the Health Care Financing Agency (now called the Centers for Medicare and Medicaid Services) issued a rule reducing the Medicare payment to teaching anesthesiologists involved in training physician residents in two concurrent anesthesia cases to 50 percent for the second case. This rule has reduced the financial viability of medical schools and hospitals which have teaching anesthesiology programs.

Since the 1994 rule change, 31 anesthesiology residency programs have closed. An ASA survey of anesthesiology residency programs found that the average program was losing $400,000 per year partially as a result of the payment reduction. Some programs serving larger Medicare populations report losses in excess of $1 million per year. The UCLA program reported annual losses in excess of $600,000.

Many programs receive subsidies from their medical schools or universities to offset these losses. However, some programs are experiencing additional losses as local commercial health care providers, including United and Blue Cross/Blue Shield in selected areas, drop full payments for overlapping cases and adopt the Medicare 50 percent policy for their commercial beneficiaries.

By passing this legislation, Congress would increase the flow of Medicare funds into these important teaching programs while also providing the programs an opportunity to dispute pay reductions by health care commercial providers. By increasing access to well-trained anesthesiologists, the ultimate result will be healthier patients.

I urge my colleagues to support this bill and ensure that Americans have access to the highest quality anesthesiology services.

TRIBUTE TO STAFF SERGEANT BRANDON GREENWAY AND COMMAND SERGEANT MAJOR DOUGLAS GREENWAY

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to two Americans who achieved greatness in April 2007 at Fort Benning, Georgia. SSG Brandon Greenway and his father, CSM Douglas Greenway, became the first father-son team to compete in the U.S Army David E. Grange Best Ranger Competition.

The U.S. Army David E. Grange Best Ranger Competition started in 1981 to determine the best two-man Ranger team in the country. The strenuous 3-day competition is designed to test the teams' physical, mental, and technical abilities as Rangers with less than 50 percent of the teams completing the competition. Every year, the event brings a great spotlight to Fort Benning, as the best and brightest Rangers in the U.S. Army display their incredible capabilities.

This event is designed to challenge the most tactically skilled and athletically gifted members of the U.S. Army. This is why so many took note when CSM Douglas Greenway entered this year's competition with his 23 year old son, SSG Brandon Greenway. At 47 years old, Sergeant Major Greenway was also the oldest Soldier ever to enter the competition. This father-son team met the challenges of this grueling competition and finished in the top half of the field.

This competition is a great way to cap the career of CSM Douglas Greenway, who is retiring in May 2007 after a distinguished 28-year Army career. Fort Benning will miss Command Sergeant Major Greenway, and I commend him as well as his spouse and family for their service to the country. For this reason, and for becoming the first father-son team to compete in the U.S. Army Best Ranger Competition, I am pleased to honor the Greenways in the United States House of Representatives.

RECOGNIZING LENAPE MIDDLE SCHOOL

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize Lenape Middle School of Doylestown, Pennsylvania. This school has consistently stretched beyond its own expectations, and was recently distinguished as a Don Eichhorn School to Watch.

This honor is bestowed upon Lenape by a coalition comprised of the Pennsylvania Middle School Association, the Pennsylvania Department of Education, Lehigh University, Gettysburg College, and Duquesne University. It is one of only three Pennsylvania schools credited with this achievement, and should serve as inspiration for other schools around the country. It is through the dedicated efforts of teachers, administrators and students that America will keep its place at the pinnacle of success in education.

Lenape Middle School is a prime example of the success for which we strive each and every day. Through hard work, Lenape reaches new heights every school year. It meets and exceeds expectations, and celebrates learning.

Beyond academics, however, Lenape creates a flexible learning environment conducive to the struggles and pressures of early adolescence. Students are provided with the best teachers and resources available, and have the opportunity to excel in the areas they most enjoy. The performance of Lenape Middle School has once again raised the bar throughout the country, and they are to be applauded for their accomplishments.

Madam Speaker, strong public education sets the United States apart from the rest of the world. Lenape has been recognized as a Don Eichhorn School to Watch because it is a leader in public education; it is blazing a new trail in middle school education that other schools will do well to follow.

CELEBRATING THE 50TH ANNIVERSARY OF PRIESTHOOD OF BISHOP JOSEPH MADERA, M.SP.S.

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. COSTA. Madam Speaker, I rise today to commemorate the service and devotion Bishop Joseph J. Madera has bestowed to the community on the event of his 50th anniversary of priesthood.

Bishop Madera was born in San Francisco on November 27, 1927. He was raised in Mexico and received his priesthood at the Holy Spirit Missionaries House of Studies in Coyoacan, Mexico City, on June 15, 1957. Upon his ordination, Madera assisted in the minor seminary of the Holy Spirit Missionaries. After his work at the seminary, he was assigned to parish work in Mexico and soon after he was sent to the United States to serve in California.

His service in the Diocese of Fresno has made Bishop Madera a legacy in the community. On March 4, 1980, Bishop Hugh Donohue retired and Madera, who was serving as an appointed coadjutor bishop, was consecrated a bishop and was named Bishop of Fresno. During his tenure with the Diocese of Fresno, Bishop Madera founded the KNXT television station. He had his Sunday Mass in English, which was broadcast throughout the entire country and to Latin America.

Bishop Madera has an extensive résumé, having served in the Archdiocese of Los Angeles, the Diocese of Fresno serving the communities of Fowler and Del Rey, Our Lady of Guadalupe Parish in Oxnard, and as an assistant pastor at Christ the King Parish. In addition to his responsibilities to the church, Bishop Madera actively oversaw the pastoral care of 24 labor camps in Ventura County, lectured at the Camarillo Seminary of the Los Angeles Archdiocese, and hosted radio broadcast programs both at the local and international levels. He was also instrumental in the construction of the second part Our Lady of Guadalupe School in Oxnard, CA, as well as the rectory and the church.

In recognition of his years of commitment to the Catholic Church, Bishop Madera had the distinctive honor of receiving his ordination as auxiliary bishop for the Roman Catholic Archdiocese for the Military Services by the late Pope John Paul II in 1991. In this post, Bishop Madera was responsible for the pastoral care of 2 million Catholic men and women serving in the U.S. military and their families, the residents of the Department of Veterans Affairs hospitals, and the civilian employees of the U.S. Government living abroad.

Bishop Madera's work and outreach efforts are highly commendable. He has left the communities in which he has served a better place because of the sincerity and generosity of his services and faith. Through his post on the Archdiocese for Military Services, he reached out to provide comfort and guidance to Americans domestically and overseas. Even though he is now retired, his advocacy and commitment to service carries on as he currently volunteers to assist the Bishop serving the Sacramento area in California. For all these reasons, it is without doubt an honor to recognize him today as Bishop Joseph Madera continues to touch the lives of many people, leaving his mark of good will across the world.

TRIBUTE TO MS. NATALIE HIATT

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor Ms. Natalie Hiatt for having served in my office as a congressional intern in the winter of 2006 and the spring of 2007. She has performed her duties with utmost distinction, and I am proud to have this opportunity to recognize the tremendous work she has done on my behalf.

Ms. Hiatt is currently studying at the University of Oklahoma in Norman, OK, as a transfer student from the University of the Incarnate Word in San Antonio, TX. She will graduate in May 2007 with a bachelor of arts in public affairs and administration. Due to her exemplary academic record, Ms. Hiatt has received scholarships such as the Academic Scholarship Award through her participation in the honors program at the University of the Incarnate Word.

Ms. Hiatt has consistently gone above the call of duty in ensuring the efficient operation of my office and maintaining ties with constituents in my district as a part of the press team. She also provided valuable insight on various legislative bills, and her ability to work with others, as shown by her extensive involvement in the college community at the University of Oklahoma, was of great benefit to my legislative team. She has a bright future ahead of her, and I am proud to support her as she moves on to the next phase of her life.

Madam Speaker, I am honored to have had the opportunity to recognize the benefit Ms. Natalie Hiatt brought to my congressional office and ask you to join me in honoring her. I thank you for your time.

HONORING VICKI CODY DURING THE MONTH OF THE MILITARY CHILD

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. REYES. Madam Speaker, as we celebrate the Month of the Military Child I rise today to honor the mother of two military children, Vicki Cody. Army members and military families throughout the world know her as the wife of Army Vice Chief of Staff General Richard Cody, but today I want to recognize her contributions to our nation as the mother of Tyler and Clint Cody, two outstanding young men who grew up at military posts throughout the world and followed in the footsteps of their father serving as Army helicopter pilots.

Standing behind her three Soldiers, Vicki Cody is the glue that holds her family together. For over thirty years, she has been so much more than a wife and mother. Her many roles include nurse, cook, teacher, driver, volunteer, moving crew, painter, dog walker, bill payer, and fixer of all things broken. On top of all that, Vicki has added one more title: author.

In her years as a military spouse and the mother of two Soldiers, Vicki Cody saw the need to help other families facing the challenges of supporting their sons and daughters in uniform. Working with the Association of the United States Army (AUSA), her book, "Your Soldier, Your Army: A Parents" Guide," has reached thousands of families. At a time when every Soldier can expect to serve multiple combat tours, supporting the families they leave behind is critical.

I'd like to read a short excerpt from Mrs. Cody's book: "I have an advantage of having been part of this system for the past 30 years. I have a deep understanding of the military in general, and I have access to all kinds of information, resources, and support systems. Still, I know how scary it's been for me having both sons in a combat zone, and I think about all the parents out there who don't have that background. This must be very confusing and frightening for them.

"So, I want to use my knowledge, experiences, candor, insight—whatever I have I want to share with other families. I'm a little old-fashioned in that I still believe in the power of the human touch or connection. I also believe each of us can make a difference. Sometimes it's something as simple as reassuring a frightened mom or dad and letting them know there's a toll-free number they can call to get in touch with the rear detachment of their Soldier's unit, or maybe there are terms they don't understand, or why the mail takes so long, or why their Soldier hasn't been able to call for weeks. Sometimes they just need a little knowledge of a very complex and vast organization. I wish I could wrap my arms around all the parents out there."

From there, the book goes on to explain in simple but powerful terms how important family is to every Soldier. As a military mother and wife, Vicki describes how families can best support their loved ones in uniform throughout the stressful deployment process as they make preparations, execute their combat mission, and readjust when they return home.

At a time when we are calling up our troops to bear an enormous burden, our military families need all the help and support we can give them, and Vicki Cody has stepped up to the plate again and again to offer her wisdom and the warmth of her heart as she speaks to the families of military members both in person and through her inspirational written words.

I am working with the AUSA to send copies of Mrs. Cody's book to every Member of Congress, and I urge each of you to read it and share the supportive and helpful guidance with the military families who live in your districts. While there is not an Army post or other military installation in every Congressional district, our soldiers, sailors, airmen, and marines come from every corner of our Nation—from the smallest towns and biggest cities. These troops are the ambassadors of their hometowns as they serve in defense of our Nation throughout the world, and we must support them and the families they leave behind.

Vicki Cody and her fellow military spouses and parents are unsung American heroes. Without the support of their families, our military could not accomplish their mission, and we owe every mother and father, sister and brother, husband and wife, son and daughter, a great debt of gratitude.

RECOGNIZING THE SERVICE OF PASTOR PAUL HIRAM WELCH

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the U.S. Congress, it is with great honor that I rise today to recognize Pastor Paul Hiram Welch for his lifelong service and dedication to the First Pentecostal Church in Pensacola, FL.

Pastor Welch discovered his calling at the early age of three when he was introduced to the ministry by his father, D.L. Welch, upon his establishment of First Pentecostal Church of Pensacola. Pastor Welch's love for the ministry only continued to strengthen. He followed in his father's footsteps and chose to lead the spiritual growth of the community. At the age of 16, Pastor Welch preached his first revival and began his own evangelical ministry upon graduating from high school.

He returned to Pensacola in 1956 to serve as Associate Pastor and 3 years later, he married Shirley Ann Lane of Montgomery, AL. Members of the congregation came to know them as Brother Paul and Sister Shirley. In the mid-70s, Brother Paul was named Pastor of First Pentecostal Church in Pensacola. The impact Pastor Welch has had on the community is immeasurable; so many have come to know and love the Lord through his service to God.

The selfless contributions of this man are not limited to just one church. Pastor Welch has served as a member of the Florida District Board of the United Pentecostal Church International for more than 32 years and now serves as an honorary board member. He also serves on the board of Lighthouse Ranch for Boys in Hammond, LA.

Through his leadership and dedication, Pastor Paul Welch has honorably and spiritually served the church and the northwest Florida community. But he is also a loving husband and father, and Pensacola is truly blessed to have him as one of her own.

Madam Speaker, on behalf of the U.S. Congress, I would like to offer my sincere gratitude to a man who has served as an inspiration to us all. A deep sense of personal service to his faith for so many years is something to truly be admired and honored.

HONORING THE ACHIEVEMENT OF COPPELL HIGH SCHOOL BAND

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. MARCHANT. Madam Speaker, I rise today to recognize the Coppell High School Band for their accomplishments and commitment to the City of Coppell. The Coppell High School Band represents one of the finest organizations in Texas and in the City of Coppell. The band, which is composed of over 350 members, represents the school with pride and dedication that is shown through their hard work, perseverance, and achievements. The Coppell Band has received a variety of National and local awards and honors such as the Tournament of Roses Parade and has been a 7-year consecutive winner of the Texas State Solo and Ensemble Championship. I commend the Coppell Band of past and present for their dedication during challenging periods of growth and laud their accomplishments of becoming a premier north Texas organization for families and students to become involved in. I honor the Coppell High School Band on this milestone and look forward to the future as the city and this organization continues to be a shining example in north Texas. It is with pride that I serve such a distinguished city in my congressional district and give my sincere congratulations to the Coppell High School Band.

FREEDOM FOR OSCAR SÁNCHEZ MADAN

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Oscar Sánchez Madan, a political prisoner in totalitarian Cuba.

Mr. Sánchez Madan is an independent journalist who has been a contributor to the independent press agency Cubanet since 2005. His straightforward articles as an independent journalist in totalitarian Cuba have helped interested observers of the Cuban tragedy throughout the world to learn the truth about the nightmare that is the Castro regime. Because of his commitment to accurate reporting, he persistently chronicled the brutal violence and rampant corruption of the Cuban tyranny. Mr. Sánchez reported the truth in totalitarian Cuba, with the knowledge that any freedom of the press, any effort to shed light on the regime's atrocities, is met with brutal repression.

According to a Cubanet report, Mr. Sánchez Madan was arrested and detained by state security thugs on February 25, 2007 because of articles he had written describing problems confronted by the oppressed people of Cuba on a daily basis. He also reported on corruption by a government official in the town of Pedro Betancourt. After being detained, several state security agents questioned Mr. Sánchez Madan, demanding to know whether he was an independent journalist or had studied journalism. All the documents he carried on him pertaining to a story he was working on were confiscated.

Despite being forced to endure incessant repression, beatings and several unwarranted detentions in the last year alone, he remained committed to the people of Cuba and to exposing the truth concerning the tyranny. According to reports, on April 13, 2007, state security thugs confronted Mr. Sánchez Madan with trumped-up charges that he posed a "pre-criminal social danger". In little over one day, he was arrested, tried and "sentenced" to 4 years of torture in a totalitarian dungeon without even so much as the presence of a relative or a defense lawyer.

Mr. Sánchez Madan finds himself in an infernal cell in the totalitarian gulag whose depraved conditions are described by the U.S. State Department as "harsh and life threatening." The State Department also reports that police and prison officials beat, neglect, isolate, and deny medical treatment to detainees and prisoners. It is a crime against humanity that people who work for freedom, who expose the truth and who work for the restoration of human rights to the Cuban people, are locked up in these condemnable conditions.

Madam Speaker, Mr. Sánchez Madan is one of the many heroes of the Cuban democratic movement locked in the dungeons of a maniacal tyrant for exposing the truth about the realities of totalitarian Cuba. No matter how horrifically brutal the consequences of a dignified struggle for liberty, these men and women represent the best of the Cuban nation. My colleagues, we must demand the immediate release of Oscar Sánchez Madan and every political prisoner in totalitarian Cuba.

HONORING THE MESQUITE INDEPENDENT SCHOOL DISTRICT EDUCATION FOUNDATION

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. HENSARLING. Madam Speaker, today I would like to honor the Mesquite Independent School District Education Foundation for their dedication to the Mesquite community where they enrich the education and development of the city's 35,000 children. The Foundation promotes community awareness and student development, provides educational funding and encourages creativity. Their work has supplied valuable funds through grants for programs to supplement school budgets. Their efforts help students in Mesquite have access to the best educational experience possible.

The Foundation has been instrumental in financing many programs that kids enjoy today. Such funds have been used to purchase "hands-on consumable science lab materials" to provide students with interactive laboratory equipment. Other grants have secured reading materials for pre-school children to increase pre-kindergarten reading readiness levels.

To date, the Foundation has raised over $800,000 and has awarded more than $200,000 in grants to campuses and individuals. Soon, the Foundation will be formally announcing their next round of grants totaling an additional $200,000.

As the Congressional representative of Mesquite, Texas, it is my distinct pleasure to honor the Mesquite Independent School District Education Foundation today in the United States House of Representatives.

PERSONAL EXPLANATION

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. WALZ of Minnesota. Madam Speaker, I was unavoidably absent from the chamber yesterday, April 25, 2007. Had I been present, I would have voted "yea" on rollcall vote 259.

THE VIRGINIA TECH TRAGEDY

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. INSLEE. Madam Speaker, in the aftermath of the terrible tragedy at Virginia Tech, as people try to make sense of this senseless act, we must remember to find strength in community. Last week, I spoke to Korean-American leaders in my district who expressed their deepest sympathies to all those affected by this tragedy—the same sense of sorrow shared by all Americans. I expressed my hope that the Korean-American community would not be targeted in any way, in the aftermath of this situation.

I am proud that so far this fear hasn't materialized, but I rise today to remind Americans not to place blame on this or any other group. Korean Americans should feel no communal sense of guilt or responsibility for this act. Their own pride in their achievements and contributions to American society should remain undiminished.

Rather, we all should keep the victims, their families and the Virginia Tech community in our thoughts and prayers at this difficult time. We can do this by supporting efforts like that of Washington State Senator Paull Shin, who has been working with local Korean Americans to start a fund for the victims' families. We also should work together to make sure that college campuses across our Nation retain their openness and continue to be bastions of hope and opportunity.

TRIBUTE TO CPL TYLER S. TROVILLION, UNITED STATES MARINE CORPS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. SAM JOHNSON of Texas. Madam Speaker, it is with a heavy heart that I pay tribute to Cpl Tyler Seth Trovillion, USMC. Corporal Trovillion, a 23-year-old resident of Richardson, Texas, answered his country's call and paid the ultimate price.

He belonged to the 1st Battalion, 5th Marine Regiment, Alpha Company, 2nd Platoon of Camp Pendleton, California. He died on June 15, 2005, when his vehicle hit an improvised explosive device while conducting combat operations near Ar Ramadi, Iraq.

We Texans are so proud of the men and women we have serving in Iraq and appreciate their dedication to defending freedom and promoting democracy.

To his family, our prayers are with you, and we are grateful for Tyler's courage and service to the United States of America.

As President Ronald Reagan once said, "Some people spend an entire lifetime wondering if they made a difference in the world. But, the Marines don't have that problem."

Tyler, God bless you and God bless America. Semper Fidelis.

HONORING PENNSYLVANIA TEACHER OF THE YEAR LOIS REBICH

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to pay tribute to Lois Rebich, the 2007 Pennsylvania Teacher of the Year. Mrs. Rebich is an Instructional Support teacher at Ross Elementary School in the North Hills School District in Pennsylvania. She began her teaching career seventeen years ago in the Pittsburgh City School District, but has been teaching in the North Hills School District for the past fifteen years.

Through individual assistance and one-on-one tutoring, she provides support to students who have academic, behavioral or organization issues. Mrs. Rebich has excelled by coordinating her efforts with parents, teachers, administrators and other students. As one parent said, "Mrs. Rebich does whatever it takes for the student and teacher to orchestrate a successful learning experience."

Pennsylvania has participated in the "Teacher of the Year" program since 1965. The program is co-sponsored by the Pennsylvania State Department of Education and the Pennsylvania chapter of the National State Teacher of the Year. Each year one teacher is recognized for excellence in education.

I am honored to have the chance to recognize Mrs. Rebich's extraordinary accomplishment of becoming the 2007 Pennsylvania Teacher of the Year. She is representative of all the great teachers in the state of Pennsylvania. These selfless men and women spend every day educating our children and helping them to become happy and productive citizens of this great country.